

# Draft Bear Management Plan and Proposed Rule



February 9, 2012

Florida Fish and Wildlife Conservation Commission

Division of Habitat and Species Conservation



Updated January 30, 2012 to include information about the bear management units and advisory groups. Minor adjustments were also made to several slides.

## **Background: Bears and the FWC listing rule**

Sep. 2010 – New State Threatened and Endangered Species rule approved

Jan. 2011 – Biological Status Review indicates bears not at high risk of extinction

Jun. 2011 – Commission approved staff recommendation to remove 16 species from the Threatened List, including the bear

Feb. 2012 – First presentation of the Draft Bear Management Plan and proposed bear rule to the Commission



In September 2010 the FWC adopted a new Threatened Species Management System to conserve species at high risk of extinction. The first implementation item was to conduct biological status reviews of all existing state listed species under the new system to determine if they should be on Florida's Threatened Species list. A biological status review for the bear was conducted in late 2010 and completed in early 2011. This review was lead by FWC's lead bear research scientist, Walter McCown. The biological review team concluded that the best available scientific information indicates that the bear is not at a high risk of extinction in Florida and does not meet any state criteria for listing as a threatened species. The biological status review was then provided to five non-FWC peer reviewers considered experts in their fields who concluded that the team had correctly applied the FWC listing criteria and supported the conclusions that the bear is not at a high risk of extinction in Florida. As required by our rules, the bear will remain on the Threatened Species List until a management plan is approved. The purpose of this presentation is to provide FWC Commissioners an overview of the draft plan and a summary of public comments received thus far. In addition, staff will ask for Commission direction to publish a proposed bear rule.

## Plan Goal

***“Maintain sustainable black bear populations in suitable habitats throughout Florida for the benefit of the species and people”***

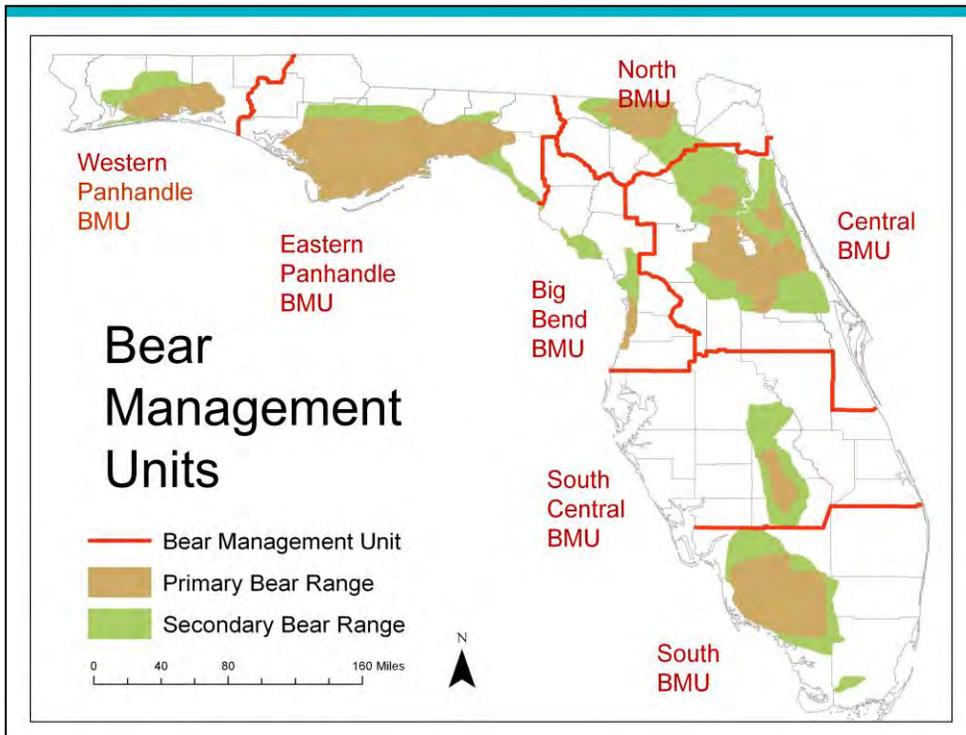
The plan...

- Is intended to make sure bears will not again meet the criteria of a threatened species
- Will be the foundation for FWC policies, rules, and actions
- Allows for flexibility and local input under statewide framework



In order for the bear to be removed from the Threatened Species list a management plan must be approved. The goal of the draft plan is to maintain sustainable black bear populations in suitable habitats throughout Florida for the benefit of the species and people. A sustainable population would be a population with a low risk of extinction, therefore not considered threatened under the state system. Suitable habitats means areas that have natural food sources and sufficient space and cover to support the population.

The focus of the draft bear management plan therefore is to create a management framework to ensure that the bear will never again require listing as a state designated Threatened Species. The plan will be a useful document serving as the foundation for FWC policies, rules, and actions, and will help FWC develop annual work plans and assess progress. The plan is considered a statewide framework that will facilitate managing bears with increased local input and participation.



While bears once ranged over all of Florida except the Keys, currently they are found in seven areas, or subpopulations. Occupied range is defined as areas where bears frequently occur, and includes primary range (brown) or areas with evidence of breeding, and secondary range (green) which are areas with bears but infrequent documented breeding. While FWC documents primary and secondary range, we acknowledge that male bears have much larger home ranges and wander great distances, and so can be found virtually anywhere in Florida, not just within the occupied range. In addition, staff believe that both primary and secondary range has continued to expand over the past ten years (since the time the surveys were done), meaning the “current” bear range map above is likely an underestimate

A key component of our draft management plan is to establish seven Bear Management Units, of BMUs based on the subpopulations.

# Statewide Bear Management Plan

*provides framework for*

## 7 Bear Management Units

*managed with input from*

## 7 Black Bear Advisory Groups



The plan can be thought of as a statewide framework that, through the establishment of Bear management Units, will bring bear management to the local level. We recognize that each bear population has different characteristics and interacts differently with the local community. We want to form local advisory groups to help us understand the community and to develop specific approaches that will work best in those areas of the state. Participants could include interested citizens, nonprofits, land owners, and county and municipal governments.

## How do we achieve plan objectives?



The plan is organized into 4 primary objectives in order to reach the goal. These objective focus on population, habitat, conflict management, and education.

For each objective there are a number of proposed actions listed.

## Population Objective

Maintain a sustainable statewide population of Florida black bears.

- Maintain at least one subpopulation with  $\geq 1,000$  bears
- Increase small subpopulations to  $\geq 200$  bears
- Ensure other subpopulations do not decrease in size
- Increase genetic exchange among subpopulations



The population objective of the plan is to manage for the statewide population. It should be noted that it is not the intent of this plan to maintain seven distinct subpopulations. There is some mixing now between some of the subpopulations and the plan goal is to establish corridors to enhance genetic mixing of these subpopulations. The Biological Status Review was assessed on a statewide basis and it is our goal to manage and maintain them on a statewide basis.

The objectives are designed to ensure bears will not meet the State Threatened Species criteria, and population objectives in particular are related to the State listing rule. For example one criteria in the State listing rule evaluates if any subpopulation is above 1,000 animals. Having no subpopulations that are over 1,000 individuals, in combination with other factors may result in a species qualifying for threatened status. Therefore, the bear plan states as an objective to maintain at least one subpopulation above 1,000 (currently the Ocala/St. Johns) so that the bear would not trigger that listing criteria. For the smallest bear subpopulations (Chassahowitzka, Glades/Highlands, and Eglin) the objective is to increase the numbers so that there are at least 200 bears in each subpopulation. This number is suggested in the scientific literature as being the smallest a subpopulation should be without risking genetic problems. It is the objective of the plan to ensure that bear numbers in the remaining three areas (Osceola, Apalachicola, and Big Cypress) are stable or increasing and do not decline.

## Habitat Objective

Maintain habitat of sufficient quality, quantity, and connectivity to support the statewide population of Florida black bears



The plan's habitat objective relates directly to the population objective. The plan proposes to maintain sufficient acres of habitat necessary to support the proposed bear population numbers.

- Maintain habitat to sustain stable or increasing statewide population
- Maintain habitat in at least one subpopulation to sustain  $\geq 1,000$  bears
- Habitat supports subpopulation objectives
- Improve habitat connectivity for genetic exchange

## Conflict Management Objective

Reduce human-bear conflicts as measured by bear-related calls to below average level from 2008 to 2010



The plan's conflict management objective is to reduce human-bear conflicts.

Conflict reduction will be measured by looking at “core” complaints. Core complaints represent only a portion of the overall bear-related calls received each year. Core complaints are those of a serious nature – such as property damage or threats to livestock; not simply calls to report seeing a bear in the yard. The plan addresses conflict reduction by empowering local officials to employ conflict reduction methods, by updating and revising FWC policies to create a comprehensive approach to conflict management, by revising FWC internal protocols to improve effectiveness, and by creating partnerships with local, state, and federal government representatives.

## Education Objective

Increase public understanding of bears, support for bear conservation, and a willingness to coexist with bears



The plan emphasizes the importance of informing residents and visitors and partnering with stakeholders. Recent analysis show that approximately 75% of citizens followed FWC advice they received on how to minimize conflicts with bears. The majority of those citizens who follow FWC advice report their conflicts were resolved successfully. The plan proposes to maintain or increase this percentage as it is a valid measure of success.

## Regulations and Enforcement

### New rule 68A-4.009

- Protects bears from illegal killing
  - ✓ Intentionally killing or wounding a Threatened Species is a felony; violation of the proposed rule would be a misdemeanor
- Reaffirms the Commission's commitment to provide technical assistance to minimize impacts on bear habitat



Presently, killing or harming a bear is a violation of the State Threatened Species Rule (68A-27 F.A.C.). Once the bear is removed from this list, the plan proposes a new rule (68A-4.009) to ensure that the bear will continue to be protected from illegal killing, collecting, or trading in bear parts. This rule would allow for the Commission to continue to issue permits to take bears for scientific or conservation purposes. The Commission currently issues these permits only to natural resource agencies, local law enforcement, and military bases upon completing a training course.

Penalties for violation of wildlife laws are set by the Legislature. The violation of 68A-27, taking a threatened or endangered species is a felony and punishable up to a \$5,000 fine and up to 5 years in prison. Violations of 68A-4, general prohibitions are charged as a misdemeanor and may result in up to a \$500 fine and up to 60 days in jail. Staff do not anticipate that this change in fine structure will present a problem for our law enforcement capabilities or result in an increase in illegal take.

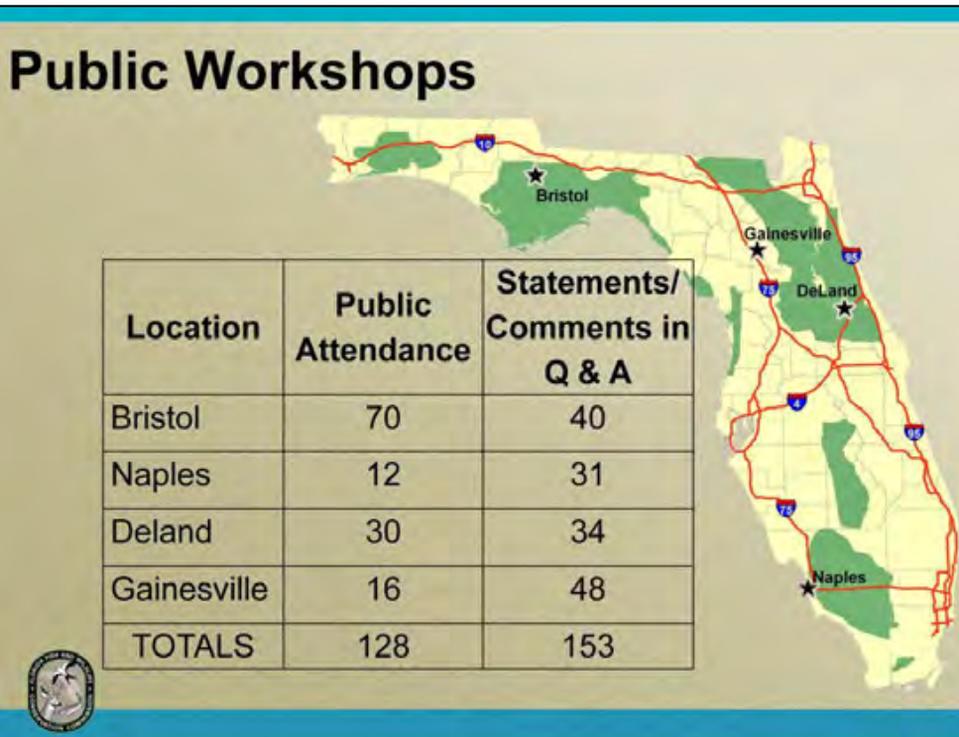
The rule also reaffirms the role that the Commission will play in the review of proposed land use changes. The Commission will continue to provide technical assistance to land owners and permit agencies in order to minimize and avoid potential negative human bear interactions or habitat impacts.

## Public Involvement in draft plan

- Technical Assistance Group of up to 20 interested stakeholders has worked on bear plan since 2007
- Released draft in 2010, held 3 workshops
- Released revised draft, Nov. 2011
- Held 4 public workshops
- Comment period was open until January 10, 2012



There has been extensive stakeholder and public involvement in the draft of this plan. A Technical Assistance Group (TAG) was formed in 2007 when FWC first developed conceptual aspects of the plan. Members include representatives from non-government conservation organizations, hunting groups, state and federal agencies and have ranged in number from 12 to 20 at different stages of the plan. FWC released its first draft in 2010 and held three workshops. This plan was withdrawn because of the determination that the bear no longer met the criteria a threatened species. Once the plan was revised to include the proposed change in listing as well as public comments, it was released for additional public input in November and four workshops were held.



The four public workshops for the current draft were held in Bristol, Naples, Deland, and Gainesville. The workshops were facilitated by Dr. Perran Ross, University of Florida. They were attended by a number of FWC staff that included managers, biologists, research scientists, law enforcement officers and Regional Directors

In addition to comments received at work shops, we received comments online, by email, and by mail.

A total of 461 comments were received from 69 private citizens and 17 stakeholder group representatives

- 347 comments from 17 stakeholder group representatives
- 114 comments from 69 private citizens
- Around 2000 form letters via email

## Public Comment Themes

- Population and bear numbers
  - Population estimates are outdated, inaccurate, and too low
- Hunting
  - Plan should propose hunting season or describe what it would take to open a season
  - Mention of hunting as a management tool should be removed from the plan
- Conflict issues
  - Bears cause property damage, interfere with other activities, and are a public safety risk



### BEAR NUMBERS

We received many comments regarding bear population estimates. The majority indicated that they thought our numbers are inaccurate and significantly lower than the real numbers.

### HUNTING

Some workshop participants suggested that the plan include a proposed hunt, or describe what it would take to initiate a hunt. Other workshop participants asked that all mention of hunting as a management tool be removed from the plan. Around 2000 emails were sent indicating there should be no hunting.

### CONFLICTS

Many of the workshop participants shared a variety of complaints regarding bear conflicts. In general these comments did not address specific proposed changes to how the plan deals with conflicts. However, some individuals suggested that conflicts were a direct result of there being too many bears and that bear numbers should be decreased to reduce conflict.

## Public Comment Themes (cont.)

- Listing/Delisting concerns
  - Maintain threatened status for three smallest subpopulations
- Rule Concerns:
  - Rule should include incidental take
  - Concerned with effects of reducing penalties for 'taking' a bear
- Habitat concerns
  - Plan will result in reduced consideration of bear habitat in land use planning



### LISTING/DELISTING

Some individuals and groups do not think the bear should be delisted in Florida. A number of individuals and groups recommended that the FWC at least keep the three smallest subpopulations listed as Threatened. Advocates of this position maintained that bears and their habitat would be better protected under the Threatened Species designation in these most vulnerable areas.

### RULE/ENFORCEMENT CONCERNS

Some stakeholders recommended that the proposed rule include provisions for incidental take, similar to the Threatened Species rule, which in their opinion would provide better ability for continued habitat protection. One commenter suggested that the portion of the rule dealing with our intent to provide technical assistance on land use issues be dropped. A number of people expressed concern regarding the change in penalties for intentionally killing a bear. They are concerned that the change in penalty for harming a bear from Felony to misdemeanor will result in increased illegal take of bears.

### HABITAT CONCERNS

The highest single topic of concern in our comments dealt with habitat. Concerns were raised that once the bear is no longer listed, state agencies and local governments will no longer protect habitat. A number of people expressed concern regarding the uncertainty of how the new growth management regulations will work and if they will be sufficient to safeguard bear habitat. Others were concerned that we will not be able to protect sufficient quantities of habitat, particularly in light of the Florida 2060 report.

## Proposed Rule Changes

- Remove bear from 68A-27.003(2) list of state designated threatened species
- Create a new rule, 68A-4.009, Black Bear Conservation



Draft Proposed Rule

### **68A-4.009 Black Bear Conservation.**

(1) No person shall take (as that term is defined in 68A-1.004), possess, injure, shoot, wound, trap, collect, or sell Florida black bears (*Ursus americanus floridanus*) or their parts or to attempt to engage in such conduct except as authorized by Commission rule or by permit from the Commission.

(2) The Commission may issue permits authorizing intentional take of bears for scientific or conservation purposes which will benefit the survival potential of the species. For purposes of this rule, a scientific or conservation purpose shall mean activities that further the conservation or survival of the species, including:

1. Collection of scientific data needed for conservation or management of the species;
2. Removing bears from situations that constitute a human safety risk or a risk to the well being of the bear;

(3) The Commission will provide technical assistance to land owners and comments to permitting agencies in order minimize and avoid potential negative human bear interactions or impacts of land modifications on the conservation and management of black bears. The Commission will base its comments and recommendations on the goals and objectives of the approved bear management plan.

## Commission Action Requested

- Direct staff to continue to work on refining the Bear Management Plan and return at a future Commission meeting for final approval
- Direct Staff to publish proposed rule amendments to 68A-4.009 and 68A-27.003 as presented today and take additional public input.

