

Florida Endangered and Threatened Species List Amendments



June 27, 2012

Florida Fish and Wildlife Conservation Commission
Division of Habitat and Species Conservation



This presentation addresses some rule amendments we are proposing to Florida's Endangered and Threatened Species List to maintain consistency with recent updates to the Federal list of endangered and threatened species.

Photo credit:

Miami blue butterfly, Michelle Wisnieski

History

- The state rules on listing species were revised in September 2010 to:
 - Reduce duplication with federal government
 - Eliminate confusion
- Created a list with two components
 - Federally-designated Endangered and Threatened Species (F.A.C. Rule 68A-27.003(1))
 - State-designated Threatened Species (F.A.C. Rule 68A-27.003(2))



In September 2010, we changed the State's listing rule to address concerns that were making the listing process unworkable. Two of the major concerns were duplication between Federal and State listing efforts, and confusion between Federal and State categories for listing. These changes were approved by the Commission after a very extensive stakeholder engagement process and significant public input.

Prior to the revision, any one animal could have different designations – one at the federal level and one at the state level, which caused confusion and created controversy. Additional work load was also necessary to evaluate species at the state level even if they were already listed at the federal level.

The revised rules not only spell out the way in which species are evaluated, but also places them into a category of federally listed (68A-27.003(1)) or state designated Threatened species (68A-27.003(2)). A number of species were left in a category of Special Concern (68A-27.005) and have been the subject of staff evaluations to determine the correct listing status.

In 2011, a third section of rule was added to cover a subset of marine species that were listed by the federal government as endangered or threatened species at the time the Florida Constitution was amended (68A-27.0031).

Amending the List

- Changes to the Federally-designated Endangered and Threatened Species component
 - If species is native to Florida and is added or reclassified under the Endangered Species Act, then
 - It shall be listed in the Florida Endangered and Threatened Species List pursuant to the notice provisions of 120.54(6), F.S.



The Florida listing rule states that when changes are made to species occurring in Florida which are on the Federal list of endangered and threatened species under the U.S. Endangered Species Act, appropriate amendments shall be made to the appropriate state rule. This provision was included to ensure consistency between the two lists to avoid duplication of listing effort and to eliminate confusion on a species' status. The Florida listing rule also indicates the adoption of Federal standard process should be used. This was done to ensure such routine rule changes had minimal impact on Commissioners' and staff time.

Photo credit:

Miami blue, Michelle Wisniewski

Recent Federal Changes



- Atlantic sturgeon



- Okaloosa darter

- Miami blue butterfly



Cassius blue, ceraunus blue,
and nickerbean blue butterflies



Recently, several changes have been made to the Federal list of endangered and threatened species. These changes listed or reclassified the Atlantic sturgeon, the Okaloosa darter, the Miami blue, cassius blue, ceraunus blue and nickerbean blue butterflies.

Photo credits:

Atlantic sturgeon, Delaware State University

Okaloosa darter, www.bradspictures.com and USFWS

Miami blue, Michelle Wisnieski

Cassius blue, Michelle Wisnieski

Ceraunus blue, Mary Truglio

Nickerbean blue, Holly L. Salvato

Proposed Amendments to the State List Atlantic Sturgeon

- Federal – NMFS new listing as endangered
- State – Move the Atlantic sturgeon from Species of Special Concern list to Federally-designated Endangered and Threatened



In April 2012, the National Marine Fisheries Service (NMFS) listed the South Atlantic Distinct Population Segment of Atlantic sturgeon as endangered. This portion of the sturgeon's range includes northeast Florida. To stay consistent with this Federal action, we propose moving the Atlantic sturgeon from the Species of Special Concern list to the Federally-designated Endangered and Threatened Species list.

Photo credits:

Atlantic sturgeon, public domain

Atlantic sturgeon DPS, public domain

Proposed Amendments to the State List

Okaloosa Darter

- Federal - USFWS reclassified from endangered to threatened – an improvement in status
- State – Change Federally-designated Endangered and Threatened Species component of the Florida list from “E” to “T”



In May 2011, the U.S. Fish and Wildlife Service reclassified the Okaloosa darter from endangered to threatened. It is currently on the Federally-designated Endangered and Threatened Species component of our list, and we propose to stay consistent with the Federal listing by changing its designation within our list from endangered to threatened.

Photo credit:

Okaloosa darter, public domain

Proposed Amendments to the State List

Miami Blue Butterfly

- Federal - USFWS newly listed as endangered
- State – Move Miami blue butterfly from State-designated Threatened to Federally-designated Endangered and Threatened as “Miami blue butterfly (E)”



In August 2011, the USFWS emergency listed the Miami blue butterfly as endangered. We did not propose rule changes to our listed species rule at that time because the emergency listing was temporary, expiring in April 2012. However, the USFWS listed the Miami blue as endangered through their normal process with the listing becoming effective when the emergency listing expired. We now propose to maintain consistency with the Federal list by moving the Miami blue from the State-designated Threatened list to the Federally-designated Endangered and Threatened list.

Photo credit:

Miami blue butterfly, Jaret Daniels

Additional Amendment

Cassius Blue, Ceraunus Blue, and Nickerbean Blue Butterflies

- Federal - USFWS listed as threatened (due to similarity of appearance to the Miami blue)
- State – Add to Federally-designated Endangered and Threatened list



When the USFWS listed the Miami blue as endangered, it also listed the cassius blue, ceraunus blue, and nickerbean blue butterflies as threatened due to their similarity of appearance to the Miami blue. This listing only prohibits the collection of these butterflies in coastal south and central Florida where the Miami blue may also occur. We propose to stay consistent with the Federal listing by adding these butterflies to the Federally-designated Endangered and Threatened Species component of the Florida list, limited to those areas identified in the Federal listing.

The result of listing these butterflies creates a prohibition on their collection only, and does not result in any land use restrictions or subject anyone to penalties under the Endangered Species Act for incidental taking of these as a result of any lawful activities.

Photo credits:

Cassius blue, Michelle Wisnieski

Ceraunus blue butterfly, Mary Truglio

Nickerbean blue, Hank Poor

Staff Recommendations

Approve amendments to:

- Change Okaloosa darter from endangered to threatened in 68A-27.003(1)
- Move Atlantic sturgeon from 68A-27.005 to 68A-27.003(1)
- Move Miami blue butterfly from 68A-27.003(2) to 68A-27.003(1)
- Add cassius blue, ceraunus blue, and nickerbean blue butterflies to 68A-27.003(1)
- Direct staff to advertise these amendments under the Adoption of Federal Standards provisions of Chapter 120.54(6), F.S.

(no additional public hearings held)



Staff recommends you approve these amendments to the Florida Endangered and Threatened Species List that:

- (1) change the listing of the Okaloosa darter from endangered to threatened in the Federally-designated component of the list,
- (2) move the Atlantic sturgeon from the SSC list to the Federally-designated component of the list as endangered,
- (3) move the Miami blue butterfly from the State-designated to the Federally-designated component of the list as threatened, and
- (4) add the cassius blue, ceraunus blue, and nickerbean blue butterflies to the Federally-designated component of the list as threatened due to their similarity of appearance to the Miami blue.

Further, staff asks that you direct us to prepare and file a Notice of Intent to Adopt a Rule Pursuant to the Adoption of Federal Standards provision of Chapter 120.