



It has been a while since we last discussed our Critical Wildlife Area (CWAs) program. This presentation will re-familiarize you with the CWA program and seek your approval for some changes designed to update CWAs and improve that program.

CWAs are specific sites designated by the Florida Fish and Wildlife Conservation Commission (FWC) to protect places where wildlife congregates to nest, roost, and feed. The areas are designated through an establishment order where these important wildlife areas can be impacted by human-related activities.

Photo credit: All photos by Carol Rizkalla, unless otherwise specified.

Criteria for CWAs

- Landowner concurrence
- Significant concentration of wildlife
- Distinct, manageable area
- Subject to disturbance



Most CWAs occur where wildlife and significant human recreation interests overlap. CWAs are used by FWC to protect important congregations of one or more species from human disturbance during critical life stages. Many species of wildlife are subject to disturbance caused by people and their pets. Such disturbance can cause wildlife to abandon high quality habitat critical for their survival.

For a site to be considered for establishment, the landowner must support designation of the site as a CWA and it must host a significant concentration of wildlife. In most cases, the species being protected will be state listed or otherwise believed to be imperiled or in decline. The site also must be a distinct area that is accessible and manageable, and subject to disturbance. The restrictions on people within a CWA are designated in the establishment order as seasonal or year-round.

Informational and Regulatory Approaches

- Informational approach at proposed CWAs
- Informative brochures and signage aim to prevent disturbance
- Regulatory and informational at existing CWAs



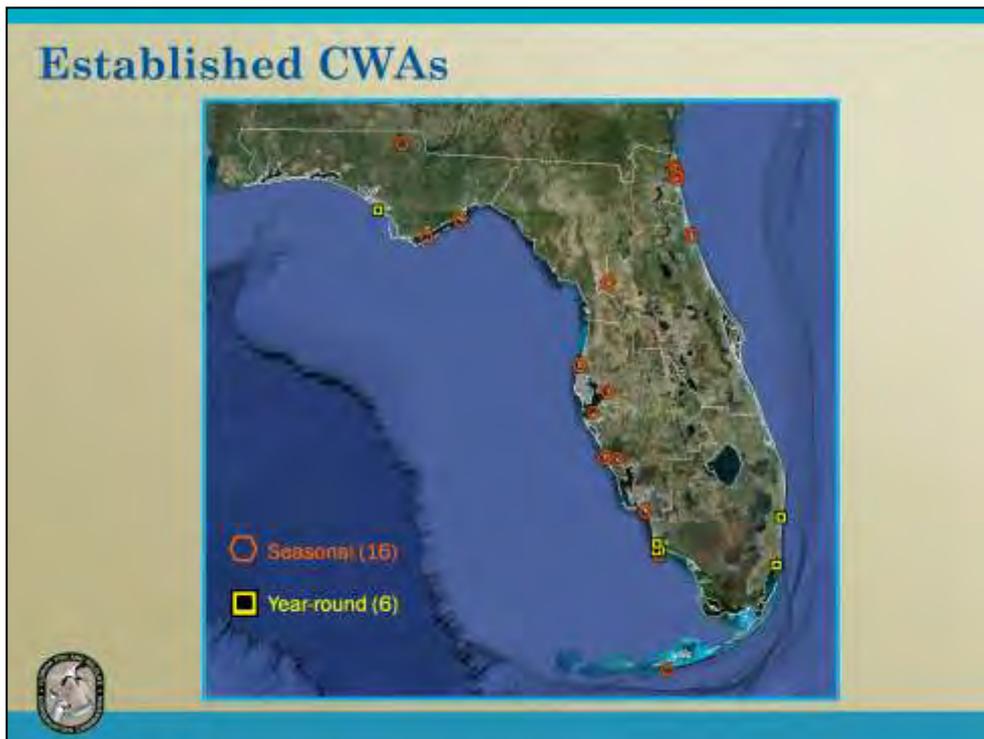
Before CWAs are established through an order, informational approaches to management are attempted. Educational signs provide information about what happens when wildlife are disturbed but do not include enforceable restrictions. If a site is posted with educational signs, and disturbance continues, a partner may request to designate the site as a CWA. CWAs still use educational signs, but also may include regulatory signs that prohibit entry to certain areas of the CWA.

How CWAs work

- There are no restrictions where signage is not posted
- Only the portions of each CWA that are critical for a wildlife population are posted
- Posted areas restrict public access to minimize disturbance to wildlife



A CWA boundary, as defined in the establishment order, may be larger than the area that is actually used by wildlife in any one year. Restrictions exist only within that part of the area which is posted, and the posted areas can be shifted around within the CWA. This allows us to account for shifts in landmass, habitat quality or shifts in how wildlife are using the available habitat, and provide protection where it is needed while minimizing public access restrictions.



Currently we have 22 CWAs, occurring on private, state, and federal lands. Our partners range from the National Park Service to city and county governments to Florida Audubon. CWAs are the preferred approach by partners because they provide clear guidance to the public. Our partners also believe that the CWA designation of an area makes it easier to enforce site restrictions, when necessary, than other rules potentially applied by other agencies.

Established CWAs

- Primary species protected
 - 2 inland sites
 - Southeastern bat
 - 20 coastal sites
 - 7 : wading birds
 - 12 : seabirds and shorebirds
 - 1 : gopher tortoise



Most existing CWAs are coastal, where it is more likely that important wildlife areas will overlap with areas where there also is a high demand for human recreation. These coastal sites include mangrove islands, spoil islands, beaches, and lagoons. They range in size from 1 acre to 700 acres and protect a variety of nesting, wintering, and foraging birds. We also have 2 CWAs for bat caves, and one for gopher tortoises that hosts one of the last significant populations of gopher tortoises in Broward county.

CWA Coordinator

A Florida Coastal Management Program grant has allowed a CWA Coordinator to:

- Identify current active CWAs;
- Identify CWAs needing technical revisions to their establishment orders;
- Conduct outreach on the importance of CWAs;
- Identify sources of human wildlife conflict and implement management strategies;
- Implement management strategies at CWAs to reduce human wildlife conflict and improve habitat for wildlife;
- Develop an online map of the CWAs that includes species present, best practices, and closure dates.



We recently undertook a comprehensive assessment of our CWA program to ascertain the relevance of existing CWAs, determine if technical revisions were necessary to the establishment orders, and other possible CWA issues to be addressed. A Florida Coastal Management Program grant from the Department of Environmental Protection (DEP) provided initial funding to hire a CWA Coordinator to oversee this assessment, including the following tasks, in conjunction with other FWC programs and our partners:

Identify current CWAs and the level of management for each.

Identify CWAs needing technical revisions to their establishment orders.

Conduct outreach to partners and stakeholders on the importance of CWAs and the role they play in coastal conservation.

In coordination with partners and stakeholders, identify sources of human wildlife conflict and implement management strategies to reduce conflict and improve habitat.

Develop an online map of the CWA system that includes species present, best practices to reduce conflicts, and closure dates.

CWA System Changes

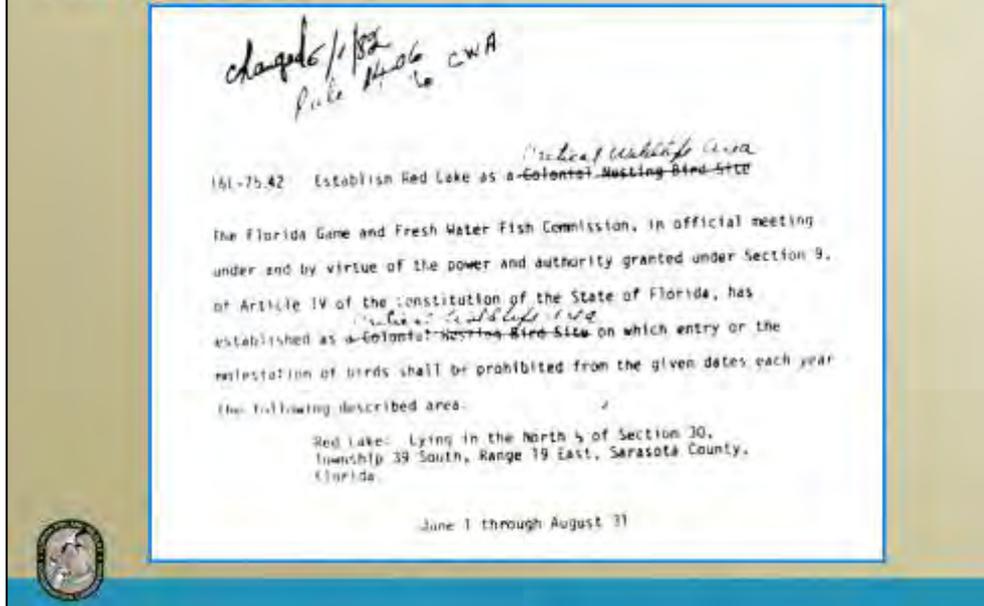
- Re-establishments – minor changes
- Re-establishments – major changes
- Dis-establishments
- New establishments



Our assessment found that a number of changes should be made to correct or improve the current CWA establishment orders. Generally these changes can be categorized as re-establishments with minor changes, re-establishments with major changes, and dis-establishments. Additionally, there will likely be new establishments in the future. I have an example of each.

As you will soon see, we are proposing that you delegate the authority to approve re-establishments with minor changes and dis-establishments to the Executive Director, while re-establishments with major changes and new establishments will continue to come to you for approval

Re-establishments with no or minor changes



Re-establishments with minor changes include those done simply to bring establishment orders up-to-date by modernizing the language, correcting typographical errors in the original orders, or making minor boundary changes. By modernizing the language, I mean changing the agency name to the current name, making sure any rule reference is still accurate, and ensuring the order is compatible with Rule 68A-19.005, F.A.C., the general regulations for CWAs rule that was revised in 2010.

Example: ABC Islands CWA

- 3 mangrove islands in Collier County ~ 75 acres
- Important site for nesting and roosting wading birds
- Minor changes in boundary needed when re-established



For example, ABC Islands CWA was established in 1993. The 3 mangrove islands provide nesting and roosting habitat for a variety of herons and egrets. The needed changes to the establishment order are to modernize the language and make a minor shift in the boundary (by 50 ft) to match current sign locations. We see this as a re-establishment with minor changes.

Re-establishments with major revisions

Establishment Order No.: OMA 88-2

Establishment of the
Matanzas Inlet Critical
Wildlife Area in St. Johns
County

The Game and Fresh Water Fish Commission of the State of Florida, under and by virtue of the power and authority granted under Article IV, Section 9, of the Florida Constitution, and rules and regulations of the Commission hereby establishes the Matanzas Inlet Critical Wildlife Area by the following legal description:

A spit of land above mean high tide line, approximately 28 acres, on the south tip of Anastasia Island, west of the Matanzas Inlet Bridge. Its coordinates are latitude 29, 42.5' north; longitude 81, 13.75' west, all located in St. Johns County, Florida.

In accordance herewith, this area is closed to entry from April 1 through August 15 to protect a significant established nesting area of least terns.



Re-establishments with major changes include those where the required changes are more significant or may be controversial. Such changes require working with stakeholders and partners before making recommendations to the Commission. We are not currently seeking any re-establishments with major changes, but will be doing so at future Commission meetings.

Example: Little Estero Island CWA

- CWA was established in 1992 for the protection of shorebirds and seabirds
- Closure dates: April 1 – August 31
- Unable to protect species which nesting earlier
- Public meetings required to ensure support for date change in re-establishment



An example is Little Estero Island CWA in Lee County. It was established in 1992 for the protection of nesting shorebirds and is posted closed to entry from April 1 to August 31. However, the some species using the area can begin nesting earlier than April 1 (as early as February), and can be subject to disturbance. We believe the closure dates may need to be changed for this area, and that would be done in the re-establishment order. However, because this beach is heavily used by residents and tourists, we intend to hold public meetings and work with the stakeholders to ensure support for the change. This makes this a re-establishment with major revisions.

Dis-establishments



Dis-establishments remove the CWA designation and any associated restrictions from a previous established area. Typically, this would be done if the wildlife the area was designated to protect have stopped using the area.

Example: Jennings' Cave CWA

- CWA was established in 1992 for the protection of Southeastern myotis bats
- Maternity roost no longer present
- Cave has transferred ownership



An example is Jennings Cave in Marion County. It was established as a CWA in 1992 for the protection of a maternity roost of southeastern myotis bats. But these bats have not been present at this cave in significant numbers in at least a decade. Additionally, the cave has also changed ownership. Staff would propose this as a CWA to be dis-established.

New Establishments



New CWAs may be proposed if informational approaches have failed to control disturbance issues at significant wildlife sites where we have the concurrence of the landowner. Our intent in establishing new CWAs is to have partners, stakeholders, and volunteers manage and enforce the CWA wherever possible. We currently have several proposed CWAs throughout the state that are in variable stages of proposal development and stakeholder involvement.

Example: Bird Island

Martin county spoil island #2

- Managed for conservation
- Provides habitat for 18 species
- Repeated disturbance continues to be a problem



For example, in Martin County there is a spoil island, locally known as Bird Island, that provides nesting habitat for 18 species of waterbirds and roosting habitat for more than 30 species. The county has managed the island since 1964 (it is leased from Florida Inland Navigation District), and informational signs posted in the waters surrounding the island have provided a buffer for protection of the birds. However, disturbance has become a problem. The county and neighboring town of Sewall's Point are pursuing CWA designation.

Additionally, we believe some new CWAs will likely be proposed as conservation actions for several species in the Imperiled Species Management Plan that is currently being developed.

Currently Proposed Changes to CWAs

Re-establish:

Bill Sadowski
Caxambas Pass
ABC Islands
Deerfield Island
Myakka River
St. George Causeway
Tyndall
Alligator Point
Gerome's Cave

Dis-establish:

Jennings Cave
McGill Island
Red Lake
Anclote River Islands



At this time, we would like to re-establish 9 CWAs with minor revisions and dis-establish 4 CWAs. To do this, and to facilitate similar actions in the future, we are asking you to delegate the authority to approve re-establishments with minor revisions and dis-establishments to the Executive Director. We will continue to bring to the Commission re-establishments with major revisions, new establishments, and other CWA actions that we think will be controversial.

Staff Recommendations

Amend Delegation of Authority:

Upon Commission approval of the establishment of an area of land for Commission management for conservation, hunting, fishing or other outdoor recreational activities, the Executive Director may execute leases or management agreements for lands to be so managed. The Executive Director is authorized to add or delete lands to such areas established by the Commission. For areas designated as Critical Wildlife Areas, the Executive Director is further authorized to dis-establish areas no longer needed and to re-establish areas with minor modifications to boundaries, dates, and other technical aspects of the areas.

Staff requests permission to advertise this as an amendment to Rule 68-1.009 and file for adoption unless a public hearing is requested..



F.A.C. Rule 68-1.009 is a procedural rule that adopts the Delegation of Authority to the Executive Director into the administrative code. There is a specific date that is named in the rule, representing the date the Delegation was adopted. If the Commission approves staff request, then the Delegation would be amended and the new date (February 14, 2013) would be amended as a part of the rule.

The following slides are considered back-up material
and are not anticipated to be part of the actual
presentation



68A-19.005 General Regulations

- (1) The general regulations for critical wildlife areas shall be as follows:
 - (a) Areas in which regulations are to be enforced shall be posted as a "Critical Wildlife Area" to provide due notice as to the identity and status of the area.
 - (b) The take of fish and wildlife is prohibited within any area posted as a critical wildlife area, except as authorized in the order establishing the critical wildlife area.
 - (c) Public access, including vehicles, vessels and dogs, is prohibited within areas posted as "Closed to Public Access."
 - (d) Dogs are prohibited within areas posted as "Dogs Prohibited."
 - (e) The Executive Director may issue permits authorizing access for scientific or conservation purposes to a critical wildlife area where public access is prohibited. Persons so authorized must possess a copy of the authorization when engaged in such activities.
- (2) Regulations for any specific critical wildlife area that differ from the general regulations set forth in this rule shall be established by the order establishing the critical wildlife area.



2010 revisions clarified the intent of the rule to restrict access to people, dogs, vehicles on land, and vessels landing. Revised language also aimed to reduce the need to install CWA signage in navigable waters, which is expensive, logistically challenging, and creates potential hazards to navigation.

Re-establishments

CWA	Revision
Bill Sadowski	Correct typo in geographic coordinate
ABC Islands	Boundary change to match sign location
Caxambas Pass	Creating larger polygon to account for future accretion or movement of island
Myakka River	Creating larger polygon for future accretion
Deerfield Island	Modernize order only
St. George Causeway	Modernize order only
Alligator Point	Modernize order only / Private land
Gerome's Cave	Modernize order only / Private land
Tyndall	Boundary change due to accretion/erosion DOD land - no public meeting required



Dis-establishments

CWA	Reason
Jennings Cave	No significant bat use in last 10 years.
McGill Island	No significant nesting in last 20 years.
Red Lake	No significant nesting in last 20 years.
Anclole River Islands	No significant nesting in last 10 years.

