

Florida Endangered and Threatened Species List Amendments



February 4, 2015

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



We are proposing to amend Florida's Endangered and Threatened Species List to maintain consistency with recent updates to the Federal list of endangered and threatened species. This item is part of the consent agenda.

Photo credit: Ralph Arwood

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.

Proposed Amendments to the State List

Based on Changes to the Federal List

- Seven mussels added (*Choctaw bean, round ebonyshell, southern kidneyshell, fuzzy pigtoe, narrow pigtoe, tapered pigtoe, southern sandshell*)
- One mammal added (*Florida bonneted bat*)
- Two insects added (*Bartram's scrub-hairstreak, Florida leafwing*)
- Five corals added (*rough cactus, mountainous star, boulder star, lobed, pillar*)
- One bird added (*rufa red knot*)
- One bird reclassified from E to T (*wood stork*)



Federal listing changes:

Choctaw bean	listed	11/09/12	77 Fed. Reg. 61664-61719	add to 27.003(1)(j)
Round ebonyshell	listed	11/09/12	77 Fed. Reg. 61664-61719	add to 27.003(1)(j)
Southern kidneyshell	listed	11/09/12	77 Fed. Reg. 61664-61719	add to 27.003(1)(j)
Fuzzy pigtoe	listed	11/09/12	77 Fed. Reg. 61664-61719	add to 27.003(1)(j)
Narrow pigtoe	listed	11/09/12	77 Fed. Reg. 61664-61719	add to 27.003(1)(j)
Tapered pigtoe	listed	11/09/12	77 Fed. Reg. 61664-61719	add to 27.003(1)(j)
Southern sandshell	listed	11/09/12	77 Fed. Reg. 61664-61719	add to 27.003(1)(j)
Florida bonneted bat	listed	11/01/13	78 Fed. Reg. 61004-61043	add to 27.003(1)(g)
Bartram's scrub-hairstreak	listed	09/11/14	79 Fed. Reg. 47222-47244	add to 27.003(1)(i)
Florida leafwing	listed	09/11/14	79 Fed. Reg. 47222-47244	add to 27.003(1)(i)
Rough cactus coral	listed	11/10/14	79 Fed. Reg. 53852-54123	add to 27.003(1)(k)
Mountainous star coral	listed	11/10/14	79 Fed. Reg. 53852-54123	add to 27.003(1)(k)
Boulder star coral	listed	11/10/14	79 Fed. Reg. 53852-54123	add to 27.003(1)(k)
Lobed star coral	listed	11/10/14	79 Fed. Reg. 53852-54123	add to 27.003(1)(k)
Pillar coral	listed	11/10/14	79 Fed. Reg. 53852-54123	move from 27.003(2)(g) to 27.003(1)(k)
Rufa red knot	listed	01/12/15	79 Fed. Reg. 73706-73748	add to 27.003(1)(f)
Wood stork	reclass	06/30/14	79 Fed. Reg. 37078-37103	change E to T in 27.003(1)(f)(14)

Photo credit: Florida Fish and Wildlife Conservation Commission

Proposed Amendments to the State List

Corrections

Species mistakenly added to Rule 68A-27.0031
when it was created that need to be moved to Rule
68A-27.003

- One fish (*smalltooth sawfish*)
- Two corals (*elkhorn, staghorn*)



Photo credit: Lorenzo Blangiardi

Staff Recommendations

- 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 and 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.