



Internal review and thoughts by staff of  
FWC's imperiled species listing system

June 2008



FWC adopted an imperiled species listing process in 1999 using listing criteria modeled on those developed by the World Conservation Union (IUCN). In late 2002, due to controversy surrounding some listing process actions, including the red-cockaded woodpecker and manatee, the FWC subsequently placed a moratorium on listing actions and, with stakeholder input, re-evaluated the listing process. In April 2005, the Commission modified the listing process based on stakeholder consensus of some items; however, the stakeholders could not reach consensus on several key issues including the nomenclature (what you call a species) and alignment of listing categories with IUCN listing categories. As a result, these two issues were not modified in the 2005 revised process. Since 2002, controversy has continued to surround the listing process: most stakeholder groups place high importance on the symbolic meaning of the word “endangered” and this has been a confounding factor in FWC’s ability to garner public acceptance of the listing process. While staff realize that there will always be controversy surrounding the listing process we do believe that a solution can be found through collaboration with stakeholders and the public.

**This presentation summarizes staff review and thoughts to date and should be considered a work in progress. As staff learns more from interactions with Commissioners, stakeholders, partners, and the general public, the ideas presented here are expected to expand and change. There are no details for implementation of any of the concepts discussed and what is provided in this document is primarily for the Commissioners to develop general directions for the next steps in improving the imperiled species management system.**

## Direction

- Conduct an internal review of the listing system and provide a status review with positives and negatives and include staff thoughts on any given part of the system.



At the December 2007 Commission meeting, Commissioners directed staff to conduct an internal review of imperiled species management and the listing process, and provide staff thoughts for improving any part of the system. Specific guidance from Commissioners included the following:

- continue species protection linked to science;
- continue use of management plans;
- continue use of a balanced approach to imperiled species management through collaboration and partnerships;
- minimize or eliminate the debate over nomenclature;
- evaluate the imperiled species management system and the role of the listing process.

This analysis was to be conducted internally while seeking input from stakeholders as appropriate.

Staff identified opportunities for improving the imperiled species management system based on this Commission direction as follows.

# Evaluate the imperiled species management system and the role of the listing process

## Goal

- With broad public and partner support, conserve or improve the status of imperiled species to effectively reduce the risk of extinction.



Staff felt it important to describe a goal for imperiled species management to help frame the discussions. The goal identifies the purpose for managing imperiled species.

In addition to defining a goal, we identified the components of our management system to help us understand how the listing process fits within FWC and imperiled species management.

## Evaluate the imperiled species management system and the role of the listing process

- Consider all components of imperiled species management system, not just listing
- Improve priority setting in deciding how to allocate resources for managing imperiled species
- Systematic evaluation of currently listed species
- Non-native, exotic, introduced, or occasional visitors would not be listed



Opportunities within the imperiled species management system include:

- Consider the entire imperiled species management system and how all of the components interact rather than just the listing process itself. The components of the imperiled species management system are inter-related and impact each other in some way in the imperiled species management system. We realized that none of the components should be taken out of context without considering how the other components are affected. The listing process is only one component of our imperiled species management system. Staff believe that if the listing process is revised in the future, it should be with consideration of the roles and impacts within the imperiled species management system and its components and how this system relates to other management systems within FWC.
- Improve priority setting and staff/resource allocation for imperiled species management;
- Each species currently on the state imperiled species lists should be evaluated to determine if it meets the proposed criteria for the list. Appropriate actions should be recommended for any species that do not meet the proposed criteria. Species presently on the lists could be initially grandfathered but not in perpetuity. Species on imperiled lists should be evaluated at regular intervals to determine if they still meet the criteria for the list;
- Species that are non-native, introduced or found only occasionally in Florida would not be listed.

## Continue use of management plans

- Management plans – can be simple
- Management required – being on a “list” is not enough



The management planning process of our current listing system has general acceptance and should continue. Opportunities that staff identified for management planning include:

- Management plans do not have to be lengthy, complex documents. Simple plans covering a set of standard protections can suffice for many species;
- All species placed on the imperiled species list(s) must receive some form of management attention. Being on a “list” is not enough.

## Continue use of a balanced approach to imperiled species management through collaboration and partnerships

- Integrate with other regulatory agencies
- Convey realistic expectations about listed species management to the public



Further direction from the Commission included continued use of a balanced approach to imperiled species management through collaboration and partnerships.

The imperiled species management system must be integrated with rules and actions of other regulatory agencies. For example many local, county, and water management district governments have regulations that refer to protection of FWC's imperiled species and we need to work cooperatively with them.

We have not been effective at communicating what our imperiled species management system is and what it means to be imperiled in Florida. Public information programs should be developed to inform the public about how listed species are managed. In some cases listed species do not receive a high level of directed management.

## Eliminate or minimize the debate over nomenclature

- Reduce confusion between state and federal listing



Staff discussed areas that can be explored to eliminate or minimize the debate over nomenclature. One area is to reduce the confusion between state and federal listing processes and nomenclature.

## Federal and Florida lists of imperiled species

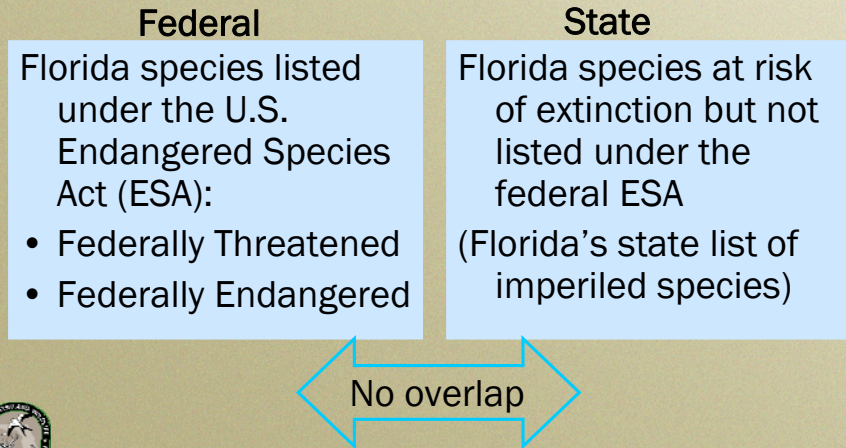
- The federal and state lists differ:
  - What species are called
    - Red cockaded woodpecker is federally endangered but Florida Species of Special Concern
  - Whether or not species are listed
    - 43 species listed both federally and by Florida
    - Sixteen species listed federally not on state list and 73 species listed only by Florida
- These differences likely contribute to confusion and controversy



Florida's existing imperiled species lists are different from the federal endangered and threatened species lists and this causes confusion about what species are called. A species placed on a certain list under the current State (Florida) listing process, may exist on a list with a different name under the federal Endangered Species Act (ESA) listing process. For example, Florida now lists the red-cockaded woodpecker as a species of special concern, while it is federally listed as endangered. In addition, 43 federally listed species occur on Florida's existing imperiled species lists but sixteen federally listed species that occur in Florida are not listed by Florida. Staff believes that reducing confusion between state and federal listing processes and nomenclature is an important step to improving the system.

# Addressing differences of federal and FWC imperiled species lists

- Establish two FWC lists for imperiled species in Florida:

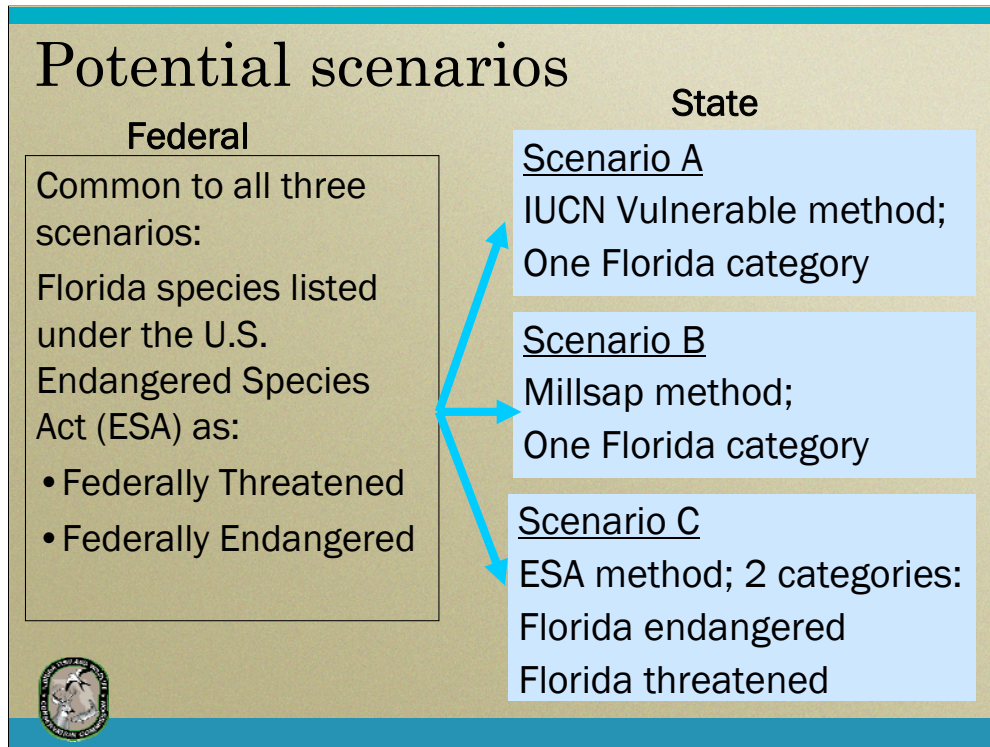


Following are staff ideas to reduce the confusion regarding the state and federal listing processes:

- Establish two lists for imperiled species in Florida: The first list would contain those species which occur in Florida that are listed as threatened or endangered under the federal ESA. The second list would be Florida species that are at risk of extinction, but are not listed under the federal ESA.
- Any species that occurs in Florida and is federally listed under the ESA would be considered listed in Florida and would not be evaluated further for listing by the State of Florida. However, federally listed species would still receive management attention by the State.
- As Florida species are added to, removed from or shifted among the federal ESA lists (threatened and endangered), they would also be added to, removed from or shifted among Florida's federal lists.
- A separate state list would be developed to identify species at risk of extinction in Florida that are not federally listed under ESA. Examples of these species include the gopher tortoise and the Miami blue butterfly. There would be no overlap of species on the federal and state lists.

This process would also eliminate the need to use state employee time and resources to categorize species that are federally listed and instead would allow resources to be directed towards management actions to conserve imperiled species.

Staff has not considered what the most appropriate name for the category (or categories) of the state (Florida) listing process would be and recommends it should be a topic for stakeholder discussions.



Staff discussed numerous options for listing processes specific for Florida, but narrowed the focus to three potential new scenarios. All three proposed scenarios would also include Florida species that are federally listed under the ESA and listed as either threatened or endangered. All proposed scenarios would have species protections linked to science, management plans, and collaboration and partnerships with stakeholders.

Scenario A: Species listed under this scenario would include the federal endangered and federal threatened species in Florida plus Florida species that are not federally listed but meet the **IUCN criteria for the Vulnerable** category. FWC currently uses the IUCN process for listing species in three imperilment categories. This scenario would use the lowest category of imperilment under the IUCN process (vulnerable) to list a species and/or remove a species from the list.

Scenario B: Species listed under this scenario would include the federal endangered and federal threatened species in Florida plus Florida species that are not federally listed under the ESA but which receive a biological score established in **Millsap et al. 1990** that exceeds a defined threshold. This publication entitled "Setting priorities for the conservation of fish and wildlife species in Florida" describes a species assessment system designed by FWC staff. It uses seven biological variables to assign a biological score ranging from 0-70, with a score of 70 being the most vulnerable to extinction. Florida species not listed under ESA would be placed on a state list after determining their biological score exceeded the listing threshold.

Scenario C: Species listed under this scenario would include the federal endangered and federal threatened species in Florida plus Florida species that are not listed under the ESA but which are evaluated by the **ESA five factor analysis** currently used by the US Fish and Wildlife Service and the National Marine Fisheries Service to determine federal ESA listing. Species under this scenario would be categorized (like under the ESA) as either Florida endangered or Florida threatened. The five ESA factors are 1) habitat destruction, 2) over-utilization, 3) disease or predation, 4) inadequacy of existing regulations, and 5) other natural or manmade factors. These five factors would be applied in a FWC process to Florida species thought to be at risk but not listed under the ESA.

Scenarios A and B would result in the federally listed endangered and threatened species that occur in Florida and a single category of Florida listed species that are not federally listed under the ESA. Scenario C would result in the federally listed endangered and threatened species that occur in Florida and two categories (Florida endangered and Florida threatened) of Florida listed species that are not federally listed under the ESA.

## Comparison of scenarios

|                         | A - IUCN         | B - Millsap      | C - ESA                          |
|-------------------------|------------------|------------------|----------------------------------|
| Minimize debate on name | Yes              | Yes              | No                               |
| Other government rules  | Requires changes | Requires changes | Uses terms endangered threatened |



We believe that a single state listing category as described in Scenarios A and B will minimize the debate about what species are called and instead focus attention on management actions for the species. Scenarios A and B may require more effort in terms of changing statutory and other regulatory language for other agencies to adopt the terminology for our imperiled list. The ESA method uses the terms endangered and threatened which are already used by other agencies.

## Continue species protection linked to science

|                       | A - IUCN     | B - Millsap                   | C - ESA        |
|-----------------------|--------------|-------------------------------|----------------|
| Scientifically based? | Yes          | Yes                           | Yes            |
| Scientific method     | Quantitative | Quantitative & Expert opinion | Expert opinion |
| Listing threshold     | Established  | Must be established           | Subjective     |



Commission direction also included maintaining the species protections linked to science. All three scenarios use science to classify species as imperiled. The IUCN method provides an objective, quantifiable process for listing species. The threshold for determining whether or not a species should be listed has been defined. Millsap uses a combination of data analysis and expert opinion to categorize species. We would need to decide what biological score we would establish as the trigger for being on or off the list. Finally, the ESA process uses expert opinion to evaluate existing analyses and to determine whether a species is at risk of extinction. The threshold for whether or not to list a species is dependent on the expertise of the scientists conducting the review.

## Summary

- Opportunities for improvement of system
  - Consider what the role of the listing process is in imperiled species management
  - Maintain separate federal list of endangered and threatened species
  - Develop a state list of imperiled species with no overlap with the federal list
    - Three new potential scenarios to begin discussions with stakeholders



In summary, the FWC team thought that any revisions to a listing process needs to be considered in the context of the entire imperiled species management system as each of the components of the imperiled species management system impact each other. The team identified several opportunities that can be considered for improving the imperiled species management system and listing process. We have had preliminary discussions on these topics with a limited number of stakeholders. There appears to be general support for pursuing the ideas of a separately maintained federal list of endangered and threatened species in Florida and of having a state list that identifies species at risk of extinction that aren't federally listed.

## Staff recommendation

- Provide direction to staff on how to proceed
  - Begin discussions with stakeholders on separate federal and state imperiled lists?
  - Begin discussions with stakeholders with focus on all three or selected scenarios?
  - Any additional guidance for us to begin discussions with stakeholders?
  - Other?



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This presentation summarized staff's current thinking on the topic and should be considered a work in progress. As staff learns more from interactions with Commissioners, stakeholders, partners, and the general public, the ideas presented here are expected to expand and change. At this point we are looking for Commission guidance to continue to work with the Commission, stakeholders and the public to develop effective options for imperiled species conservation in Florida.