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Florida Fish and Wildlife Conservation Commission  
Farris Bryant Building  
620 S. Meridian St.  
Tallahassee, FL 32399

Dear Commissioners:

South Florida Wildlands Association (SFWA) appreciates the opportunity to submit these comments on the de-listing of the Florida Black Bear and the proposed Bear Management Plan.

SFWA was founded in March of 2010 as a 501(c)3 non-profit organization to protect wilderness and wildlife habitat throughout the greater Everglades. We are deeply committed to the preservation of biodiversity in our region on both public and private lands for the benefit of wildlife and the enjoyment of residents and visitors.

As the Florida Fish and Wildlife Conservation Commission (FWC) has received numerous comments on the proposed de-listing of the Florida black bear (*Ursus americanus floridanus*) we will attempt to be as brief as possible in these comments and stick to what we believe to be the most salient points.

SFWA is opposed to any changes in the Florida black bear's current threatened status. We believe that FWC staff has incorrectly applied the IUCN criteria for listing and de-listing and has also not looked carefully enough at the whole of the Florida Administrative Code in terms of how the listing and de-listing process is expected to be carried out.

In the Draft Bear Management Plan, which will become the managing document for Florida black bears if the commission approves it (the bear will simply be "wildlife" and no longer covered by any of the protections given to other state listed "threatened" species), the document states the following: "The BSR assessed the Florida black bear population based on available data on abundance, trends, extent of range, and the results of quantitative analyses and indicated that the bear did not meet any of the listing criteria for threatened species status." We believe that finding to be somewhere between questionable and incorrect.

In criteria C of the Biological Status Review (BSR) submitted on November 3, 2010 and included in Appendix II of the draft plan, the listing criteria specifies that an animal can be listed as threatened based on "Population Size and Trend". See excerpt below:

(C) Population Size and Trend				
Population size estimate to number fewer than 10,000 mature individuals AND EITHER	2,212 – 3,433 bears	E	Yes	Simek et al. 2005
(c)1. An estimated continuing decline of at least 10% in 10 years or 3 generations, whichever is longer (up to a maximum of 100 years in the future) OR	Has increased for more than last 24 years. Expected to increase over next 24 years due to conservation efforts and suitable vacant habitat.	P	No	
(c)2. A continuing decline, observed, projected, or inferred in numbers of mature individuals AND at least one of the following:	Has increased. Expected to increase over next 24 years due to conservation efforts and suitable vacant habitat.	P	No	
a. Population structure in the form of EITHER				
(i) No subpopulation estimated to contain more than 1000 mature individuals; OR				
(ii) All mature individuals are in one subpopulation				
b. Extreme fluctuations in number of mature individuals				

Clearly the initial criteria is met - with a total estimated bear population in Florida of from 2,212 to 3,433 individuals, the bear population is well below 10,000 mature individuals. FWC acknowledges that with a "Yes" under the "Criteria Met" column. But we believe all evidence before the commission indicates that the criteria in (c)2 is also met:

A continuing decline, observed, projected, or inferred in numbers of mature individuals AND at least one of the following:

a. Population structure in the form of EITHER				
(i) No subpopulation estimated to contain more than 1000 mature individuals; OR				
(ii) All mature individuals are in one subpopulation				

Virtually all of the research produced by the FWC which attempts to predict the future status of the bear indicates that "a continuing decline" in bear habitat is going to occur given current and future human population trends. For example - this section from the FWC's "Wildlife 2060 - What's at Stake for Florida" where wildlife and habitat impacts are assessed from the projected rise in Florida's human population states:

"Statewide, the landscapes where black bears and wild turkey live may decrease by more than 2 million acres"

In discussing the total amount of natural and rural land expected to be impacted, the report also indicates:

"More than 2 million of the 7 million acres projected to be developed by 2060 lie within a mile of existing public conservation lands. So, even though we've protected several

million acres of wildlife management areas, parks, forests and preserves in Florida, these lands will become increasingly isolated from one another.

For wildlife, this means their remaining habitats will come to be islands within an urban sea. And these disconnected fragments of habitat will support reduced populations of animals and plants more vulnerable to extinction as their genetic viability declines.”

It should be noted that with over 100,000 new residents added in 2011 and the trend expected to increase as retiring baby-boomers settle in Florida, that anticipated trend is already happening.

In a June, 2011 editorial in the St. Petersburg Times, Dr. Tom Hoctor, Director of the Center for Landscape Conservation Planning at the University of Florida, had this to say with regard to the de-listing of the Florida black bear and future habitat loss:

“In its 2009 report, ‘Habitat Conservation Needs in Florida,’ the FWC agrees that a trend of significant bear habitat loss and fragmentation is occurring and is projected to continue so that bear populations will become smaller and isolated from one another by urban areas. Therefore, if the Florida black bear is de-listed, it will be based on a refusal to address a legitimate listing criterion regarding the present or threatened destruction, modification or curtailment of its habitat or range... This trend in habitat loss will likely be significantly exacerbated by the recent deregulation of state growth management and Development of Regional Impacts process, by weakening environmental protection, and by defunding the Florida Forever conservation land acquisition program and the water management districts”.

Many other researchers likewise predict decreases in bear habitat acreage; increased habitat fragmentation due to road development and traffic (roadkill is already the most prevalent cause of death for Florida bears); and an increase in anatomical abnormalities due to inbreeding among genetically isolated bear populations of small size. None of these problems are expected to improve and the Draft Bear Management Plan provides virtually no guidance on how habitat conservation and protection of private lands would actually take place. Even the federally listed (and critically endangered) Florida panther’s habitat is continually developed and lost in spite of numerous FWC staff dedicated to the welfare of the species.

In terms of the second condition (at least one of the following), we believe the criteria “(i) No subpopulation estimated to contain more than 1000 mature individuals” is also met. In Table 5 from the draft plan (see below) clearly all sub-populations of Florida black bears other than “Ocala/St. Johns” are below the 1000 mature individual threshold. And while the 7 year old data presents a mean estimate of 1025 individuals for Ocala/St. Johns (or just about 2.5 percent above the threshold), the estimate also makes clear that the population could in fact be as low as 825 individuals - clearly satisfying all necessary criteria for C. The determination that criteria C has not been met is “sketchy” at best. Delisting the bear on the basis of this data would be the functional equivalent of de-listing on the toss of a coin.

**Table 5. Abundance estimates and minimum population objectives for each Bear Management Unit (BMU).**

Bear Management Unit (BMU)	Subpopulation Name	Abundance Estimate		Minimum BMU Objective <sup>c</sup>
		Range <sup>a</sup>	Mean <sup>b</sup>	
West Panhandle	Eglin	63–100	82	200
East Panhandle	Apalachicola	443–693	568	570
Big Bend	Chassahowitzka	12–28	20	200
North	Osceola	201–312	256	260
Central	Ocala/St. Johns	825–1,225	1,025	1,030
South Central	Glades/Highlands	150–200	175	200
South	Big Cypress	513–882	697	700
Statewide		2,207–3,440	2,823	3,160

- a. All subpopulations in BMUs were estimated in primary bear range by Simek et al. (2005), with the exception of subpopulations in Big Bend and South Central BMUs. The Big Bend BMU used two annual estimates as the population estimate range for the Chassahowitzka subpopulation in Hernando and Citrus counties (Brown 2004). The South Central BMU estimate for the Glades/Highlands subpopulation was based on field data from an ongoing bear research project in this area (Wade Ulrey, University of Kentucky, personnel communication, 2010).
- b. Mean estimates, calculated based on Simek et al. (2005), were not available for subpopulations in the Big Bend or South Central BMUs, so the average of low and high estimates were used.
- c. Minimum subpopulation levels are set at 200 or the subpopulation estimate mean (rounded to nearest 10), whichever is larger.

Criteria D - Population very small or restricted - looks at a different aspect of the problem.

(D) Population Very Small or Restricted, EITHER				
(d)1. Population estimated to number fewer than 1,000 mature individuals; OR	2823 + 59 bears	E	No	Simek et al. 2005
(d)2. Population with a very restricted area of occupancy (typically less than 20 km <sup>2</sup> [8 mi <sup>2</sup> ]) or number of locations (typically 5 or fewer) such that it is prone to the effects of human activities or stochastic events within a short time period in an uncertain future	AOO > 8 mi <sup>2</sup> (10,077 mi <sup>2</sup> ) and locations > 5.	E	No	Simek et al. 2005

Criteria d1 provides as listing criteria “Population estimated to number fewer than 1,000 mature individuals”. The data/information claims that this criteria is not met - that the black bear population in Florida is approximately 2823 plus or minus 59. However, BSR peer reviewer Dr. Stephanie Simek points out that lumping all sub-populations together into a single population may not adequately address this criteria. Noting that the sub-

populations exist virtually independently, Simek observes, “the Florida black bear distribution is described as fragmented, with little landscape connectivity and little genetic exchange”. This is reiterated by Hoctor, Dixon, and others. Although Criteria d2 is clearly not met - the area of occupancy of the bear is far greater than 8 square miles - the criteria only calls for one of the conditions - either d1 or d2 - to be met. Again, with the exception of Ocala/St. Johns, all subpopulations are well below the threshold of “1000 mature individuals”. If any de-listing of the Florida black bear is to take place, at most only the Ocala/St. John’s bear population should be excluded on the basis of criteria D. The other isolated (and highly vulnerable) sub-populations easily meet the criteria and merit continued listing and protection. There is ample precedent for the FWC to apply the de-listing differentially just as it initially allowed certain counties to be excluded from the listing.

#### The Florida Administrative Code

In the beginning of these comments we noted that FWC staff had failed to look at the Florida Administrative Code (F.A.C.) with regard to listing and delisting of species in a comprehensive way. The Draft BMP states in numerous places that the de-listing of the bear is simply the result of a failure to meet the IUCN criteria. However, in 68A-27.0012 - Procedures for Listing, and Removing Species from Florida’s Endangered and Threatened Species List - the F.A.C. states that a “biologically justified” opinion which differs from the criteria is also acceptable.

“When assessing a species, this group shall follow the most recent versions of ‘Guidelines for Using the IUCN Red List Categories and Criteria’ and ‘Guidelines for Application of IUCN Red List Criteria at Regional Levels’ available at [www.iucnredlist.org](http://www.iucnredlist.org). The Commission staff shall present the group’s findings in a biological status report, and shall include a recommendation on whether or not the species status meets the criteria for listing as a State-designated Threatened species based on the IUCN guidelines and criteria in Rule 68A-27.001, F.A.C. **In addition, the Staff may provide within the report a biologically-justified opinion that differs from the criteria-based finding.** (Emphasis ours)

It would seem that IUCN criteria - which is borderline at best when applied to the Florida black bear - coupled with bear habitat which is certain to decrease and fragment in coming years on the basis of the FWC’s own projections and research (and a bear population subject to increased human contact and genetic abnormalities due to inbreeding) - would constitute a “biologically justified” opinion and the basis for continued listing of all Florida black bears in all sub-populations throughout the state.

Another section of the F.A.C., 68A-27.001 - Definitions, defines a “management plan.”

“(6) Management plan – a document approved by the Commission with the purpose of providing guidance for the management of the species. The intent of management plans is to provide guidance to conserve species so that their status improves and the species can

be removed from the Florida Endangered and Threatened Species list as well as to provide guidance to conserve the species so that they will not again need to be listed.”

If the Florida black bear is de-listed, the only question which will remain is when it will be re-listed. Based on all the factors noted above, FWC staff acknowledges this likely eventuality, but simply believes that bear population decrease will not happen soon enough to be relevant to the de-listing that it is requesting at this time. This is hardly within the spirit of the above section of the Florida Administrative Code. An iconic species like the Florida black bear, beloved by its residents and tourists and brought back from the brink of extinction by the valiant efforts of legislation and the work of this agency and its predecessor, should not be de-listed on the basis of loopholes. The Florida black bear is hardly “out of the woods” and deserves all the protection it can get.

We thank you again for the opportunity to submit these comments and look forward to the upcoming meeting in Palm Beach Gardens where this issue will be taken up in detail.

Best regards,

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