

NOTES
Florida Panther Recovery Implementation Team Meeting
South Florida Ecological Services Field Office
Vero Beach, FL
April 11, 2017

WELCOME

Attendance:

PRIT Core Team: Larry Williams (USFWS), David Shindle (USFWS), Kevin Godsea (USFWS), Robin Boughton (FWC), Elizabeth Fleming (Defenders of Wildlife), Todd Hallman (Florida Sportsmen's Conservation Association), Tom Jones (Barron Collier Companies), Ron Clark (National Park Service), and Kipp Frohlich (FWC, via phone).

Invited Guests: Rafael Gonzalez (USFWS, Chief of Staff for Larry Williams), Roxanna Hinzman (USFWS, Field Supervisor for South Florida Ecological Services Field Office), and Shana DiPalma (USFWS, Cartographer)

Larry Williams welcomed attendees to meeting and acknowledged some recent news/achievements: female panthers and kittens north of the Caloosahatchee River; release of joint agency Panther Population Statement that received good traction and overall positive comments from media outlets; and Kevin Godsea receiving the Refuge Manager of the Year award from the National Wildlife Refuge Association.

TRANSPORTATION SUB-TEAM UPDATE

Elizabeth Fleming provided update on Transportation Sub-Team. Discussed assignment given to sub-team at the last Core Team meeting in January in response to questions raised by Larry and Kipp regarding the hot spots map. Assignment was for the sub-team to provide a more detailed update at the next scheduled Core Team meeting. At the sub-team's January 26, 2017 meeting, a conclusion was reached that a conference call with Kipp and Larry would be prudent prior to scheduling update for next Core Team meeting. A conference call was held on February 29, 2017 with Kipp, David Shindle (representing Larry), Darrell Land, Katasha Cornwell, Nancy Payton, and Elizabeth. This call resolved the questions raised by Larry and Kipp regarding the hot spots map and it was determined that a more detailed update at the next Core Team meeting would not be necessary.

The next Transportation Sub-Team meeting is scheduled for April 26, 2017. Elizabeth mentioned that the fencing and crossing enhancements on I-75 between the Miller Canal and Toll Booth were almost completed and she will have an update at the next sub-team meeting on the scheduled completion date.

Larry Williams posed the question if the Service was asked about the infrastructure jobs bill comments from Interior Secretary Zinke related to the infrastructure maintenance backlog for refuges and parks, whether road projects for panthers could also be included in that list. Larry asked if it would be appropriate for the sub-team to identify and recommend five projects that could be pulled from the hot spots report. The team discussed the pros and cons of providing such a list given previously expressed sensitivities regarding advocating for specific projects and/or providing recommendations for prioritizing projects. Some projects may also be in consultation with the Service or FDOT for mitigation. Roxanna Hinzman suggested categorizing the five projects in different cost zones in order to provide flexibility. This issue will be a topic for discussion for the meeting on April 13, 2017. The final hot spots product is scheduled to be completed soon.

ACTION ITEM: Elizabeth Fleming will work with Transportation Sub-Team to determine if it would be feasible to develop a list of the 5 highest priority hot spots that could benefit from a Federal infrastructure jobs bill.

INVENTORY AND MONITORING SUB-TEAM UPDATE

Robin Boughton summarized the timeline of the development and release of the recent panther population document “Determining the Size of the Florida Panther Population”. The initial direction provided to the Inventory and Monitoring Sub-Team was to develop two documents: one describing the technical components of the population statement and the scientific limitations of the various population estimation techniques for pumas; and a second, one-page outreach document. After discussions between FWC and USFWS leadership (Nick Wiley and Larry Williams), it was decided to combine the two documents and draft a joint FWC and USFWS statement on the panther population. This document would no longer be considered a product of the sub-team. No Inventory and Monitoring Sub-Team meetings have been held in 2017.

FWC staff continuing to work on refining the technique for establishing panther density estimates from remote camera grids. FWC will begin deployment of cameras on the Immokalee Ranch to begin the first private lands estimate based on spatial-mark-resight (SMR) models. FWC Panther Team focused their recent capture season efforts on Immokalee Ranch with the goal of capturing and radiocollaring a sufficient sample size suitable to generate these model estimates.

A draft report from USGS (Dr. Robert Dorazio) on SMR analyses of camera trap data collected on two public land study sites (Big Cypress National Preserve Addition Lands and Florida Panther NWR, Picayune Strand State Forest and Fakahatchee Strand Preserve State Park) has been submitted to FWC. FWC statisticians are reviewing report and associated code so that future grids can be run independently with FWC Staff. FWC staff will have follow-up discussions with statisticians regarding next steps for camera surveys.

Team discussed issues regarding messaging of the population statement, in spite of concerted effort and time spent to draft language specific language to minimize these issues.

David Shindle and Kipp Frohlich led discussion on the need for the IM Sub-Team to begin providing technical guidance on the implantation of future panther population monitoring techniques. The only scientific, range-wide population estimate is the roadkill technique published by McClintock et al. (2015). The current work on the SMR camera modeling will be helpful for some applications and will likely demonstrate how panther densities can vary over landscapes based on various habitat parameters. However, the potential application of the camera technique still results in density estimates that have the same fatal flaw of extrapolation of site-specific densities across the landscape and this has proven to be imprecise and results in making human choices on what part of the range we apply densities to. The roadkill technique removes this bias from the estimate.

Larry Williams stated that the monitoring question can be discussed in more detail during the north of the river framework discussion, but it is obvious that the agencies will have to shift to a different monitoring arrangement, especially given the recent documentation of breeding females north of the river.

Todd Hallman asked about the locations of camera grid and densities across study sites. David Shindle will provide Todd a copy of the draft report discussed at August 2015 PRIT Meeting. Tom Jones mentioned his observation of a herd of 23 deer on the southern portion Barron Collier Companies’ ranch holdings, the largest herd he has seen on the ranch in at least 5-10 years.

RECOVERY CRITERIA SUB-TEAM UPDATE

Kipp Frohlich provided update on the Recovery Criteria Sub-Team. Sub-Team has been unable to meet since last meeting due to schedules of team members. The next meeting is scheduled for May 19, 2017 and will be a conference call with the ability to show Power Point presentations. Team members have assignments to share specific criteria they have been assigned to work on. Kipp will share the call-in info with Shindle.

The timeline for completion of the draft criteria was discussed at the last sub-team meeting and it is anticipated that a draft report could be completed towards the end of summer 2017. Larry Williams requested that the sub-team provide a definitive date for the product.

ACTION ITEM: Kipp Frohlich will provide a draft of the sub-teams report at the next Core team meeting.

PANTHER RECOVERY AND MANAGEMENT UPDATE

Female Panthers and Kittens North of the River

David Shindle provided an update on the recent documentation of female panthers and kittens north of the Caloosahatchee River. Remote camera images from Babcock Ranch, Platt Branch Wildlife and Environmental Area, and Avon Park Air Force Range were presented (see <https://www.fws.gov/verobeach/FloridaPantherRIT.html>).

RCPP and LIP Update

David Shindle provided update from Erin Myers on the Regional Conservation Partnership Program (RCPP) and Livestock Indemnity Program (LIP). Five ranchers have applied for the RCPP project, but one applicant had to withdrawal due to lease issues. Erin assisted the 4 ranchers with completing all the paperwork for full application and ranking in early March. Erin also worked with Barron Collier Companies to get expedited copies of updated 5-year leases. Erin submitted completed paperwork to Jim Sutter (USDA-NRCS LaBelle) on March 15th, and asked what next steps were. Mr. Sutter was unsure, as he had not received any direction from the State Office. Mr. Sutter did mention that he needed a waiver from the State Office for the leases on Barron Collier Companies land, so an email was sent to Nathan Fikkert (USDA-NRCS State Office) at NRCS March 24th, letting him know all the leases had been updated and attached copies of leases to email. Copies of updated lease were also provided to Mr. Sutter on March 27th. Last week, Erin heard from the 5th applicant that he would like to apply for another lease area. Erin has also heard from Barron Collier that they have another lease holder interested in applying. Erin will follow up with them after she speaks with NRCS.

Larry Williams moved topic of discussion to the development of talking points for Improving Federal Programs that Benefit Panther Conservation (last topic of this agenda item). Larry stated that one of the main talking points will need to be how to make these programs more streamlined and simpler in order to encourage more participation. Kevin stated that he will get feedback from Erin, especially given her frustration with the program. As it stands now, it's really a question of whether the investment of Erin's and the applicant's time is worth it. Elizabeth Fleming asked about talking to head of NRCS, who offered his help at the most recent Partners Meeting. Tom Jones stated that PRIT's original PES concept was what would work and we should work on putting PES back under the Department of Interior as originally envisioned. Larry suggested building Partners program into it to make it better. PRIT and the Service will prepare talking points to discuss Farm Bill issues, efficiency options (e.g. using FWS Partners Program); however, the Service is waiting for new Interior appointees and new FWS leadership to fall into place before discussions can be had with appropriators.

David Shindle presented update on LIP. Erin assisted with 2 LIP applications for 2016 losses, but has not heard the results of those applications. Mr. Jerry Flint submitted an application for 2 verified losses in 2016, but FSA

denied his application due to the 3% minimum mortality requirement. Mr. Flint is fighting against the decision. Tom Jones had a discussion with a congressman on LIP and how the AGI income cap wipes out the big ranchers ability to participate and that this concept needs to be reassessed. Third-party verification of loss based on percentage is one way to make the ESA work. The AGI exemption should be on the talking point list. Kipp raised the question that in the past, Barron Collier Companies stated that they would not be interested in a compensation program for livestock losses. Tom Jones has advocated for programs despite ineligibility; however, recent loss rates have caused the company to reconsider seeking compensation under existing programs.

Livestock Compensation Fund

Larry Williams led discussion on a proposed concept to use the panther mitigation policy as source for livestock compensation funds and also to provide capacity for FWC panther team. For example, the current Base Ratio used by the Service to offset development in panther habitat is 2.5. One option would be to change that base ratio from 2.5 to 2.0 and use the remaining PHUs (from the 0.5) for payments to support this fund. Larry provided an example of PHU calculations that demonstrated there would be a sufficient numbers of PHUs generated over a calendar year to accomplish this, even with the assumed year-to-year fluctuations in the amount of PHUs. The next question to address would be how to hold and make payments from this fund. The Service cannot be both the regulator and the one that makes payments, so a third party would be necessary to administer the fund. David Shindle has reached out to Jim Handley, Executive Vice President of the Florida Cattlemen's Association (FCA), to gauge FCA's interest in holding such a fund. The concept was received well and Mr. Handley asked for a more detailed proposal that he could provide FCA leadership for discussion. The step will take place once the Service reviews this concept with the Solicitors office.

Elizabeth Fleming expressed some concerns over the concept of using PHUs generated from development for this type of fund as this would be taking away from habitat that would be set aside and preserved as mitigation for that development. Larry stated that the tolerance of ranchers is going in the wrong direction and therefore we have to make reversing that trend a priority. Tom Jones said the concept was interesting, especially given breeding population north of the River and also that landowners like Barron Collier Companies, because of the size of their holdings, can self-mitigate. Elizabeth reminded team that the 0.5 of PHUs used in the example is mitigating Golden Gate Estates development now and that the Panther Key was set up based on a population of 90 panthers. Tom suggested running through the habitat loss scenario with the 2.5 Base Ratio versus the 2.0 Base Ratio. Roxanna also clarified that the Service has other options to consider also (e.g., service area) and provided a mitigation bank example and also northern long-eared bat example. Larry emphasized that we continue to work with this and that the numbers provided for the example was just a rough look at a potential solution.

Eastern Cougar Delisting and Taxonomic Review

No new updates on the expected publication date of the Final Delisting Rule for the Eastern Cougar. David Shindle and Larry Williams provided background on the proposed comprehensive taxonomic review for the Florida panther/North American puma and the contracting process (IDIQ, Indefinite Deliverable, Indefinite Quantity) the Service determined was most appropriate for this effort. However, over the past few weeks as the Service was moving forward with drafting the scope of work for the taxonomic review, it became obvious that the 2017-2018 budgets would not provide the necessary funding for this contract, as initially anticipated. The most appropriate use of existing Service funds and staff time will be to move forward with a Species Status Assessment (SSA) and a Five-Year Review for the Florida panther and address the taxonomic question, where appropriate, in this process. Larry provided background on the SSA (https://www.fws.gov/endangered/improving_ESA/pdf/SSA_Fact_Sheet-August_2016.pdf). The Service will request assistance from FWC on drafting the SSA. The Service is requesting \$75,000 in Section 6 funds be

made available to FWC for panther-related tasks (e.g., capacity north of the river, panther management response, and technical assistance provided for SSA).

The Cat Classification Task Force of the IUCN Cat Specialist Group has published their final report, "A Revised Taxonomy of the Felidae". This report is not yet available to the public, but a short overview of their findings was published on their website: <http://www.catsg.org/index.php?id=635>

The Cat Classification Task Force recognized only two subspecies of *Puma concolor*: *P. c. concolor* (Linnaeus, 1771) and *P. c. cougar* (Kerr, 1792). No further details regarding their review process are available, but David Shindle is a new member of the Cat Specialist Group and will be receiving a hard copy of the full report.

Species Status Assessment and Five-Year Review

Larry announced that the Service has proposed setting in motion the 5-Year Status Review process. The SSA discussed earlier could be one of the first steps and the informing document for this review, but is not a requirement to undertake the Five-Year Review. A Five-Year Review does not automatically change a species' protected status, but it can provide the basis for such recommendations. A Five-Year Review utilizes the best available scientific and commercial data on a species to determine whether its status has changed since the time of its listing or its last status review. See <https://www.fws.gov/southeast/endangered-species-act/five-year-reviews/>

Elizabeth asked about the timing and sequencing of these actions, especially if a petition to delist is filed during that time period. If a petition was filed, the Service would have a statutory timeline to follow. The Service must make an initial finding within 90 days of receiving the petition as to whether or not the petitioned action may be warranted. If the petition is determined to be warranted, a 12-month status review is initiated. See <https://www.fws.gov/endangered/what-we-do/listing-petition-process.html>

Larry mentioned that the work of the Recovery Criteria Sub-Team could be incorporated into the SSA and 5-Year Review, not as specific criteria per se, but when addressing the required "3 Rs" (Resiliency, Redundancy, and Representation). A federal register notice announcing the 5-Year review should be published soon. However, this notice is currently in Headquarters for approval, so it's not a done deal until that approval takes place.

Talking Points for Improving Federal Programs that Benefit Panther Conservation

Kevin Godsea will work with Erin Myers to draft initial talking points for NRCS, FSA, and USFWS Partners Programs and forward to Core Team for review. Tom Jones offered to facilitate soliciting additional input from lessees.

ACTION ITEM: Kevin Godsea will work with Erin Myers to draft initial talking points for NRCS, FSA, and USFWS Partners Programs and forward to Core Team for review. Target date for completion of draft talking points is the end of April 2017.

HUNTING AND PANTHER RECOVERY

Discussion of Concept: Panthers can help save hunting lands, and hunters can help save panthers. Larry led the discussion with an overview of FWC's Private Lands Deer Management Program (<http://myfwc.com/hunting/by-species/deer/private-lands/>) and what options would be available to modify the program to be more "panther friendly". The way State Private Lands Deer Management program works, if you are large landowner, you can apply to enroll in program and if you manage and monitor deer herd and harvest data along with conservation practices not related to deer, you can be approved for program and have greater flexibility in hunting regulations, seasons, bag limits, etc. Lykes Ranch was one of initial

advocates for program. Conservation practices for program that includes a panther component could include sharing photos from game cameras. This concept would create a norm of being a good wildlife manager, including for white-tailed deer, and also managing land for the benefit of panthers. Kipp Frohlich and Diane Eggeman were going to explore what options were available. There is concern that when the State implemented this program 4 years ago, Law Enforcement officers said it was difficult to enforce (e.g., accountability, sharing tags, etc).

Larry emphasized that we need to be pushing harder on this concept and need to more proactive. Kevin Godsea raised the issue that most hunters use public lands, so the previous measures don't apply to those sportsmen. What else can public land managers do to ensure compatibility of both hunting and panther recovery? Some sportsmen have issues with land management in south Florida, and as panthers move north, the perception is that they will lose access to public lands.

Todd Hallman gave examples of issues some hunters had with FWC's Private Lands Deer Management Program because deer are a public resource and not owned by landowner. One example given was public land hunters restricted to archery, but hunters on the other side of the fence on private lease could be using guns. Lowering acreage threshold may actually increase that animosity.

Team discussed the overall topic of PRIT not making enough progress on this issue. The question was raised about how much the Florida panther as an Endangered Species is actually impacting these issues with sportsmen. There needs to be an effort to establish what the foundation for these sentiments is and what specific language in existing public lands management plans demonstrates this perceived incompatibility. If there was specific language in these documents that limited access or hunting opportunities because of potential impacts panthers, the original assumptions may no longer be valid and these plans should be revisited (e.g., 1991 General Management Plan for Big Cypress National Preserve). Sportsmen are still losing access but a lot of that is litigation driven. It's unfortunate that the panther gets the blame for these lawsuits and closures as it is usually a larger issue of violation of Endangered Species Act, Administrative Procedures Act, NEPA, etc.

ACTION: Identify and review key language of management plans and Biological Opinions that may have restricted hunting access relative to panthers. Todd Hallman will work with sportsmen to get specific issues/examples. Bring back to next PRIT Core Team Meeting and get agreement on what to share with other land managers.

LUNCH

NORTH OF THE RIVER FRAMEWORK

Larry introduced Shana DiPalma (USFWS Cartographer with the South Florida Ecological Services Office) who distributed draft maps (still considered "deliberative") illustrating current panther habitat (as determined by probability of panther presence models developed by Frakes et al.) along with current and future development scenarios based on the Florida 2070 technical report, and 1-meter sea level rise scenarios . Shana explained how the overlays for each map were generated and sources of data. Kipp stated how 100-year scenario for sea level and development match up with 100 year outlook for Recovery Criteria (Probability of persistence for 100years)

Agency Panther Monitoring

Larry stated that it is time for the agencies to move to a new monitoring framework. The female panther population north of the river makes the current population estimate outdated. It is fair to say that the

population north of the river could expand rapidly, but that habitat fragmented with secondary roads will result in a “wait and see” for how rapidly range expansion north of the river would proceed. We need to put in place a plan to transition to a new monitoring framework and be able to answer the question of “how many?” in a clear and sound way.

Elizabeth stated that a new monitoring framework would be tied to the agency capacity to do this north of the river, and that an outreach strategy also needs to be considered. Kipp stated that we have been focused on a population estimate, a focus that is primarily a social response (i.e., the public wants to know) to “how well is the species doing?” And in respect to the focus on a panther population estimate, the “number” was also written into the Recovery Plan. Population numbers would help measure recovery success and provide downlisting/delisting criteria. The Recovery Criteria Sub-Team may not change that entirely, but these revised criteria will provide other measures of success (e.g., trend data, distribution, size of range, survivorship, etc.). We should refine/revisit the roadkill technique (McClintock 2015) with data collected since last analysis (2012). However, not sure if any of the techniques (e.g, camera and roadkill models) could be applied to northern range of expansion zone (e.g., Avon Park, etc). We could implement a 5-year monitoring interval in the core range south of river. Monitoring north of the river should be focused on documenting distribution of breeding population. Maintaining camera grids on both sides of the river will be important.

Robin clarified that the key components for the reasons why the agencies need to monitor the population are captured in recent population statement and that the refinement of rigorous population estimation techniques is in flux. Kipp reiterated that we should be thinking about the frequency/interval of the population estimate and used FWC’s black bear monitoring interval as an example. There is no biological sense to do intensive monitoring every year. Statisticians can offer a power analysis to determine how many animals we need to uniquely identify (as a percentage of the population) to improve the method described in McClintock et al. (2015), which was a technique paper on a novel concept.

Larry stated that we need to identify the most important questions to answer, identify what options are available for answering those techniques, and then conduct a structured decision making process on the best options. This should be put on the timeline for the next meeting.

Kipp mentioned that the question from the public will be “how are the agencies going to monitor panthers north of the river?” The impact of more panthers in this area is going to stress FWC’s capacity to respond to panthers north of the river. FWC staff is present in Naples and will stay focused in this area. Todd Hallman suggested that we should use sportsmen to provide camera data.

ACTION ITEM: Agencies will have a new monitoring framework in place by January 2019.

ACTION ITEM: Robin Boughton will meet with FWC staff to determine timeline for updating the population estimate based on roadkill data from 2012-2017.

ACTION ITEM: Core Team should prepare list of questions that need to be answered for revised monitoring framework.

ACTION ITEM: Robin Boughton will provide an update on the status of the USGS-FWC report on feasibility and future applications of camera modeling technique.

Regulatory Framework

Larry stated that the Service has established January 2019 as the targeted completion date for a new panther regulatory framework. Roxanna emphasized that the goal is to be more efficient with the entire regulatory program, not just

panthers. And there needs to be a mechanism to offer Incidental Take Permits. Larry also discussed option of moving some components of panther recovery to the State. For example, Service could stay in regulatory role, but funds generated from panther habitat mitigation could be managed by a State fund. Larry requested that a full-spectrum of options need to be considered, including what we can back off on in terms of instituting change.

ACTION ITEM: Invite Dr. Elizabeth Pienaar for presentation at next PRIT Meeting.

ACTION ITEM: At August 2017 Core Team meeting, Roxanna will bring list to tools to vet by stakeholders. The team will schedule engagement for different stakeholder groups at that time (e.g., sportsmen, environmental NGO, private landowners, etc.). If team members have suggestions, please send to Roxanna.

WRAP-UP AND ACTION ITEMS/NEXT STEPS

Elizabeth Fleming stated that engagement with everyone north of River will be important. Some people are excited. Some people will be distraught. That said, Defenders of Wildlife would like to do more outreach to assist in these efforts. Larry Williams will ask Ken Warren (USFWS) to provide assistance on outreach efforts.

Todd Hallman suggested that USFWS develop an outreach document regarding incidental take permits under the ESA (specifically related to the Eastern Collier Habitat Conservation Plan). Elizabeth Fleming noted that she received an inquiry from her organization about adding a tribal representative to the PRIT Core Team. This inquiry/request did not come from a tribal member.

ACTION ITEM: David Shindle will send invite for next PRIT Core Team Meeting tentatively scheduled for the week of August 7, 2017.

MEETING ADJOURNED