

LAGUNA MOUNTAINS SKIPPER BUTTERFLY

Minimum Qualifications Guidelines to be Permitted to Conduct Surveys for Adult Butterflies

Carlsbad Fish and Wildlife Office
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A. Background

Certain actions otherwise prohibited under section 9 of the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*) may be permitted for scientific purposes under section 10(a)(1)(A). Section 9 prohibits “take” of listed species. Take is defined by section 3(18) of the ESA as: harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or attempt to engage in any such conduct. Conducting surveys for the federally endangered Laguna Mountains skipper (*Pyrgus ruralis lagunae*; skipper) could result in take. Therefore, all skipper surveys require a 10(a)(1)(A) recovery permit.

We (the U.S. Fish and Wildlife Service; Service) must determine whether the expertise of the permit applicant is adequate (50 CFR 17.22(a)(2)(vi)). To obtain a permit for the skipper, we recommend that applicants provide all information that will help us determine the adequacy of their expertise with this species. To be consistent in our evaluations, we have established guidelines intended to ensure that applicants have adequate expertise.

B. Surveyor Classifications

An individual may be authorized to conduct activities under a section 10(a)(1)(A) recovery permit in two ways: (1) independent investigator — individual authorized to independently conduct activities pursuant to a permit for the specified species; and (2) supervised individual — individual authorized to conduct activities pursuant to a permit only under the direct, on-site supervision of an individual listed as independent for that species and activity. “On-site supervision” is defined as a person listed as supervised conducting activities within approximately 3 meters (9.8 feet) of an individual authorized to conduct the activity independently. Each individual listed on a permit is responsible for understanding and complying with the Special Terms and Conditions of the permit. Supervised individuals must be listed on the same permit as their independent investigator.

C. Introduction

These guidelines cover qualifications for conducting surveys for *adult* skippers, and do not apply to other life stages. They are effective for applications for all new permits, renewals, and amendments processed for the 2004 skipper flight season and beyond. Qualifications for surveys for other life stages and specific research proposals will be addressed on a case-by-case basis.

The guidelines are intended to ensure that an investigator has a broad range of experience that includes: (1) conducting focused surveys for adult skippers in accordance with the Service's current survey guidelines; (2) field identification of the adult skipper and experience with its behaviors; (3) field identification of similar sympatric species and experience with their behaviors; and (4) the knowledge to minimize impacts to the skipper and its habitat while conducting focused surveys.

D. Minimum Qualifications to be permitted as an *independent investigator*

1. Applicants should pass a Service-approved skipper practical examination prior to being permitted as an independent investigator, or prior to being added as an independent investigator to a permittee's List of Authorized Individuals (List). An applicant may only take the exam twice prior to any adult skipper flight season, and upon failing the exam twice, must wait until the end of the flight season before taking the exam again. Because the skipper is similar to other co-occurring species, it is essential for applicants to demonstrate their expertise by passing the examination.
2. Applicants should provide verifiable documentation that they have independently identified a skipper in the wild under the direct supervision of an independent investigator, and while on a permittee's List as a supervised investigator. Documentation should include:
 - a. The name, permit number, and telephone number of each supervising independent investigator;
 - b. The project name (as indicated on the survey report);
 - c. The locations, dates, and times of survey experience;
 - d. The number and species of all butterflies seen, including all skippers; and
 - e. Copies of the supervised individual's field notes.
3. Under the direct supervision of an independent investigator, and while on a permittee's List as a supervised investigator, the applicant should independently identify a western checkered skipper (*Pyrgus albescens*) or a common checkered skipper (*Pyrgus communis*), both of which are similar in behavior and appearance to the skipper. The field time acquired while meeting this requirement may contribute toward hours stipulated under conditions 4(a) and (b) below. Documentation should include:
 - a. The name, permit number, and telephone number of each supervising independent investigator; and
 - b. The independent investigator's written, signed, and dated confirmation of the field identifications, including:

- i. The project name (as indicated on the survey report);
 - ii. The location, date, and time of each observation; and
 - iii. The specific amount of time spent observing either the western or common checkered skippers.
4. Applicants should complete condition **a** or **b** below:
 - a. While conducting surveys under the direct supervision of an independent investigator, and while on a permittee's List as a supervised investigator, the applicant should acquire 20 hours experience directly observing skippers in the wild. Documentation should include:
 - i. The name, permit number, and telephone number of each supervising independent investigator;
 - ii. Project names (as indicated on survey reports);
 - iii. The locations, dates, and times of survey experience;
 - iv. The number and species of all butterflies seen; and
 - v. The specific amount of time spent observing skippers.
 - b. While conducting surveys under the direct supervision of an independent investigator, and while on a permittee's List as a supervised investigator, the applicant should acquire 40 hours experience identifying co-occurring butterflies in skipper habitat. Documentation should include:
 - i. The name, permit number, and telephone number of each supervising independent investigator;
 - ii. Project names (as indicated on survey reports);
 - iii. The locations, dates, and times of survey experience;
 - iv. The number and species of all butterflies seen.
5. Potential substitute qualifications for species identification experience described in condition number 4(a) or (b) above (evaluated on a case-by-case basis):
 - a. Verifiable field experience with similar butterfly species or the nominate species, the two-banded checkered skipper (*Pyrgus ruralis ruralis*).

- b. Other verifiable field experience or butterfly classes that provide knowledge of skipper biology and life history.

Verification may include: field notes, photographs, letters of reference, and publications.

E. Minimum Qualifications to *maintain* independent investigator status

A skipper permit may be valid for up to 4 years. However, all independent investigators who do not observe a skipper while conducting surveys over a period of two flight seasons must pass a Service-approved skipper practical examination in order to demonstrate their continued expertise to continue surveying during the following year. Observations of skippers should be documented in survey reports and annual reports as specified in the Special Terms and Conditions attached to the permit.

Independent investigators who fail to pass the skipper practical examination twice prior to a given skipper flight season will be subject to one of the following actions:

- a. An independent investigator who is not the permittee, will be removed from the applicable List(s) as an independent investigator for skippers, but may request to be listed as a supervised investigator;
- b. An independent investigator who is the permittee, and the permit is only for the skipper, will have their permit suspended unless other independent investigators on their List have met the qualification requirements; or
- c. An independent investigator who is the permittee, and the permit includes authorization for other listed species, will have skipper authorization suspended unless other independent investigators on their List have met the qualification requirements.

In order to regain status as an independent investigator, individuals may then follow the guidelines in condition number D(1) above.

It is the responsibility of the *permittee* to ensure that all independent investigators on their List continue to demonstrate that they have adequate experience to maintain their independent investigator status for authorized skipper activities. Individuals who fail to pass the skipper practical examination (or otherwise demonstrate that they have adequate expertise (e.g., through identification and documentation of skipper during protocol surveys) prior to the start of the skipper flight season will not be authorized to conduct skipper surveys. Conducting surveys without proper authorization could result in violation of section 9 of the ESA, and could result in the suspension or revocation of a permittee's *entire* permit.

F. Minimum Qualifications to be added to the List as a *supervised individual*

1. Permittees must submit written requests to the Carlsbad Fish and Wildlife Office to request adding supervised individuals to their List. Requests should be submitted at least 30 days prior to the intended effective date. Due to seasonal workload issues, earlier notification would be appreciated. The request should be signed and dated by the permittee.
2. Requests should include a resume or other statement of qualifications for each person to be added to the List, and these documents should detail any current experience with the skipper.
3. Each supervised individual should pass a Service-approved skipper practical examination prior to being added as a supervised individual to a permittee's List. An individual may only take the exam twice prior to any adult skipper flight season, and upon failing the exam twice, must wait until the end of the flight season before taking the exam again. Upon passing the skipper practical examination, the supervised individual will not need to retake the exam until applying for independent investigator status.
4. Supervised individuals are authorized to conduct activities pursuant to a permit only under the direct, on-site supervision of those listed as independent investigators on the same List, and must be within approximately 3 meters (9.8 feet) of an independent investigator while in the field.
5. A maximum of two individuals may accompany an independent investigator in the field while conducting protocol skipper surveys. The overseeing independent investigator must make sure that all accompanying individuals minimize impacts to the skipper and its habitat to the maximum extent practicable.