

## **QUINO CHECKERSPOT BUTTERFLY**

### **Minimum Qualifications to be permitted for Presence/Absence 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 (Act) (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 Act as: harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or attempt to engage in any such conduct. Conducting presence/absence surveys for the federally endangered Quino checkerspot butterfly (*Euphydryas editha quino*; Quino) could result in take. Therefore, all Quino 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 Quino, 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 minimum qualifications intended to ensure that applicants have adequate expertise.

#### **B. Surveyor Classifications**

An individual may be authorized to conduct activities under a 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 identified on a permit as independent for that species and activity. "On-site supervision" is defined as a person conducting activities within approximately 3 meters (9.8 feet) of an individual authorized to conduct the activity independently. All individuals conducting activities are responsible for understanding and complying with the Special Terms and Conditions of the permit.

## C. Introduction

This document identifies minimum qualifications for conducting surveys for *adult* Quino, and does not apply to other life stages. They are effective for applications for all new permits, renewals, and amendments processed for the 2019 Quino flight season and beyond.

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

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

1. Applicants must pass a Service-approved Quino practical examination within one year prior to applying for a permit as an independent investigator, or prior to a request to be 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 Quino flight season, and upon failing the exam twice, must wait until the end of the flight season before taking the exam again. Because the Quino is similar to several co-occurring species, it is essential for applicants to demonstrate their expertise by passing the examination.
2. Applicants must provide verifiable documentation that they have a minimum of 40 hours of field experience identifying adult Quino, or co-occurring butterfly species in Quino habitat, while conducting protocol surveys in accordance with the current survey guidelines (during the adult Quino flight season) under the direct supervision of an independent investigator. Only formal surveys authorized by recovery permits for which the Carlsbad Fish and Wildlife Office (CFWO) Recovery Permit Coordinator receives a pre-survey notification and a survey report counts towards this minimum. While other experience such as incidental observations, surveys authorized by biological opinions or other types of surveys is good experience and worthwhile to document for our review, it is considered *additional* experience and does not count towards the 40 hour minimum standard. Documentation should include:
  - a. The name, permit number, and contact information of each supervising independent investigator;
  - b. The project name (as identified on the survey report);
  - c. The locations, dates, and start/end times of survey experience;

- d. The number and species of all butterflies seen, including any Quino; and
  - e. Copies of the supervised individual's field notes.
3. Applicants should complete condition **a** or **b** below:
- a. While conducting protocol surveys (as described above under condition 2) under the direct supervision of an independent investigator, the applicant should independently identify a Quino and a female Gabb's checkerspot butterfly (*Chlosyne gabbii*) in the field. The field time acquired while meeting this requirement may contribute toward the 40 hours stipulated in condition 2 above. Documentation should include:
    - i. The name, permit number, and contact information of each supervising independent investigator; and
    - ii. The independent investigator's written, signed, and dated confirmation of the field identifications, including:
      - a) The project name (as identified on the survey report);
      - b) The location, date, and time of each observation; and
      - c) The specific amount of time spent observing the Quino and the female Gabb's checkerspot butterfly.
  - b. While conducting protocol surveys (as described above under condition 2) under the direct supervision of an independent investigator, the applicant should acquire 20 hours experience directly observing Quino in the wild. The field-time acquired while meeting this requirement may contribute toward the 40 hours in condition 2 above. Documentation should include:
    - i. The name, permit number, and contact information of each supervising independent investigator;
    - ii. Project names (as identified 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 each Quino.

**E. Minimum Qualifications to *maintain* independent investigator status**

A Quino permit may be valid for up to 5 years. To renew a permit, the permittee must retake and pass a Service-approved Quino practical examination within one year prior to submitting the renewal application to the Service. Additionally, all independent investigators who do not observe a Quino over a period of two flight seasons must pass the exam in order to continue surveying during the following year. The intent of this requirement is for individuals to maintain documentation of their identification skills for Quino and co-occurring species; hence, once the exam is passed, their skills are verified for the next flight season whether or not Quino is observed. Then, if the individual does not observe Quino over the next two subsequent flight seasons, they must pass the exam again. Example: an individual passed the exam in-between the 2018 and 2019 flight seasons and did not observe Quino during the 2019 flight season (i.e., flight season 0). If Quino is not observed during the 2020 and 2021 flight seasons, the individual must pass the exam again after the 2021 flight season.

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

1. An independent investigator who is not the permittee, will be removed from the applicable List(s) as an independent investigator for Quino, but may continue to conduct activities as a supervised investigator;
2. An independent investigator who is the permittee, and the permit is only for the Quino, will have their permit suspended unless other independent investigators on their List have met the qualification requirements; or
3. An independent investigator who is the permittee, and the permit includes authorization for other listed species, will have Quino 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 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 Quino activities. Individuals who fail to pass the Quino practical examination prior to the start of the Quino flight season will not be authorized to conduct Quino surveys. Conducting surveys without proper authorization could result in violation of section 9 of the Act, and could result in the suspension or revocation of a permittee's *entire* permit.

**F. Minimum Qualifications to accrue experience as a *supervised individual***

1. Each supervised individual must pass a Service-approved Quino practical examination prior to accruing experience. An individual may only take the exam twice prior to any adult Quino 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 Quino practical examination, the supervised individual will not need to retake the exam until applying for independent investigator status or their own permit.
2. Supervised individuals are authorized to conduct activities pursuant to a permit only under the direct, on-site supervision of permittees or those identified as independent investigators on a permit, and must be within approximately 3 meters of an independent investigator while in the field.
3. A maximum of two individuals may accompany an independent investigator in the field while conducting protocol Quino surveys. The overseeing independent investigator must make sure that all accompanying individuals minimize impacts to the Quino and its habitat to the maximum extent practicable.