

USFWS Alternative Options for Florida Panther Recovery North of the Caloosahatchee River

Objectives:

- Prepare for a breeding panther population north of the Caloosahatchee River through natural or assisted movement
- Make panther recovery compatible with private land ownership

Alternative	Program Details	Ecological/Social Considerations	Legal Considerations
No Action		<ul style="list-style-type: none"> • The population of Florida panthers will naturally expand its range north of the Caloosahatchee River. • Education and outreach efforts will be increased to inform the public about living with panthers. • Intolerance for establishing and expanding populations may be high resulting in threats to panthers and landowner rejection of proactive habitat management. 	<ul style="list-style-type: none"> • All individuals within the expanded population will be classified as endangered. • ESA consultations and incidental take permits (sections 7 and 10) will be needed for projects that may affect the panther throughout its expanded range.

Alternative	Program Details	Ecological/Social Considerations	Legal Considerations
<p>Safe Harbor Agreements</p>	<ul style="list-style-type: none"> • Safe Harbor Agreements are voluntary agreements between the U.S. Fish and Wildlife Service and cooperating non-Federal landowners. • Are designed to benefit federally endangered and threatened species by giving landowners assurances that at no future time would the U.S. Fish and Wildlife Service impose restrictions on their land as a result of conservation actions on their part. • These agreements relieve landowners of liability under the Endangered Species Act if conservation practices on their land attract and/or perpetuate federally listed species. 	<ul style="list-style-type: none"> • May increase panther habitat north of Caloosahatchee River (at least temporarily). • Could provide dispersal corridors. • Buys time to increase population numbers. • Publicizing, educating, signing up individual landowners would require major effort. • Could implement as Programmatic Statewide or Regionwide SHA to facilitate enrollment. • Could be combined with efforts to move individual panthers north of the river. 	<ul style="list-style-type: none"> • Must show a net conservation benefit; this could take many years for panther. • Provides assurances that additional restrictions will not be imposed as a result of the voluntary conservation actions to benefit covered species • As long as participant complies with the terms of the SHA, incidental take will be authorized such that the property could be returned to the agreed-upon baseline. • Landowner can terminate the agreement before the expiration date and return property to baseline. • SHA landowners may choose (but are not required) to accept any future translocation of panthers on property. • SHA can also provide some degree of regulatory assurances to neighbors of enrolling landowner to reduce any opposition to enrollment (they would be included in the agreement).

Alternative	Program Details	Ecological/Social Considerations	Legal Considerations
<p>Section 10(j) Experimental Population</p>	<ul style="list-style-type: none"> • Congress added section 10(j) to the Endangered Species Act in 1982. • 10(j) allows FWS to designate reintroduced animal populations as “nonessential” and “experimental.” • reintroduced "nonessential experimental populations" of endangered species are managed as if they were only threatened • Designation is done by rule. 	<ul style="list-style-type: none"> • Involves translocation of panthers into portions of their former range to establish the experimental population. • Experimental population must be geographically separate from the main population; this could be a challenge in areas immediately north of the river. • Provides greater discretion in managing the experimental population (landowner could possibly control depredating animals). • Provides an opportunity to learn for reintroductions elsewhere. • Does not preclude other conservation programs like Safe Harbor or Partners for Wildlife agreements. • Although a lot of work up front, would not require landowner-by-landowner contact. • Panthers already present north of river could become part of an experimental population. • If females cross river naturally, they could become part of an experimental population. 	<ul style="list-style-type: none"> • Federal rulemaking process takes time. • Population would be considered as “threatened” under the ESA for “take” purposes (section 9). • Nonessential experimental populations are treated as proposed for listing under section 7, therefore no consultation is necessary (except if species occurs on a National Park or National Wildlife Refuge). • Critical habitat cannot be designated for a nonessential experimental population. • A separate rulemaking would be necessary if FWS wanted to change the NEP status at some point in the future.

Alternative	Program Details	Ecological/Social Considerations	Legal Considerations
<p>Partners for Fish and Wildlife Agreements</p>	<ul style="list-style-type: none"> • The Partners program provides expert technical assistance and cost-share incentives directly to private landowners. • A cooperative agreement with a minimum duration of 10 years is signed. • The landowner is reimbursed after project completion, based on the cost-sharing formula in the agreement. 	<ul style="list-style-type: none"> • Voluntary habitat restoration would improve/increase panther habitat. • Does not necessarily provide long-term conservation. This is not an easement program and agreement length is a minimum of 10 years (although there are ways for landowners to terminate the agreement, especially if no funds provided by FWS). • Provides landowners with technical or financial assistance. • Assists landowners with their management objectives. • Interactions with landowners will strengthen partnerships. • Can be combined with natural dispersal or human-assisted translocation of panthers. 	<ul style="list-style-type: none"> • Federal Register Notice is not required. • Does not eliminate FWS regulatory authority, but does provide some coverage for “take” associated with activities in the agreement. • Section 7 outlines minimization measures, if there is take within these guidelines, then landowner is covered (i.e. regulatory relief without a full BO/BA). • Landowners can apply for a Safe Harbor Agreement while enrolled in a Partners agreement.