

Question and Answer Session



ALTA Meeting
June 26, 2018

How will USFWS gather gopher tortoise information from agencies to assess a decision for listing?



- ❧ The USFWS has been gathering information for the listing decision through the CCA. We have data from 9 reports from the CCA .
- ❧ In addition, the Service will send out a letter to all state agencies, research and conservation partners, as well as, interested parties to inform them that we are beginning the Species Status Assessment for the species and that we are requesting information.

Who will be conducting the modeling and what data will be used to develop the models?



- ❧ We will evaluate, use and/or improve all existing models for the species
- ❧ We have not identified who will be conducting modeling for the species.
- ❧ All of the data available will be used to develop models for the species assessment.

Is there any preliminary data that might indicate what levels of populations are needed to preclude the need to list?



- ❧ At the moment there isn't a model that can be used to indicate the number of populations needed to preclude the need to list.
- ❧ There have been two meetings to discuss this topic but no recommendations have been developed from those meetings.

Will the USFWS consult with natural resources agencies, ngo's, forestry organizations, and others involved with the management of our natural resources prior to developing any type of proposed rule if the data indicates listing is needed?



- ❧ Yes
- ❧ We will include and request information from all agencies and organizations that are involved in gopher tortoise management and habitat management.
- ❧ We have been working with all these types of agencies to figure out exactly which habitat variables are most important to the species (and how to restore and manage for them).

If a ruling had to be made this year, what would be considered an MVP and a support population.



- ❧ The Service has adopted the definitions of MVP and support populations developed at the “Gopher Tortoise Minimum Viable Population and Minimum Reserve Size Workshops”. If new evaluations are conducted these definitions may or may not change.
- ❧ **Minimum viable population (MVP):** 250 adults with a density of no less than 0.4 tortoises/ha and that the minimum reserve size for a MVP to persist is 100 ha of superb habitat.
- ❧ **Primary Support Populations:** Populations with 50-250 adults which are candidates for population restoration by improving habitat to increase natural recruitment, or through population augmentation to attain MVP status. By definition, Primary Support Populations must occur on sites large enough to sustain a MVP.
- ❧ **Secondary Support Populations:** Populations of <50 adults, some of which are constrained from reaching primary support status because of limited habitat or management options.

If a ruling had to be made this year, how many MVP's and support populations does the USFWS believe are necessary to preclude the need to list?



❧ We are currently working with all the state wildlife agencies and gopher tortoise experts to come up with these estimates.

Will USFWS allow aggregate reporting of populations of Gophers? To get landowners to participate in monitoring they need assurances their data will be protected.



- ❧ Yes, the Service will use all data reported. We will use any data that landowners feel comfortable reporting.
- ❧ If aggregating the data and reporting by county helps maintain data from landowners protected the Service will accept this method of reporting.
- ❧ We could use estimates of populations or of how many MVPs are in a county (for example).

Is there anyway Alabama can keep from being listed if we do not have the no. of MVPs that FL and GA have?



- ❧ Alabama does not need to have the same number of MVPs that FL and GA have to keep Alabama from being listed.
- ❧ Alabama has a smaller range and suitable habitat area than FL and GA and we do not expect the species to be found in Alabama at the same scale as in the other two states.
- ❧ Although we are evaluating the entire range of the species, the primary decision the Service will be making is whether or not the Gopher Tortoise is warranted for listing in the candidate range.

What year does the USFWS anticipate beginning the SSA? Is the listing decision still on track to be made in 2022?

The Service does not have a formal date for beginning the SSA but we are discussing starting the process in our Fiscal Year 2019 (October 2018).



Who is expected to be the lead biologist for the USFWS efforts during the SSA and listing process?

- The lead biologists for the USFWS are Lourdes Mena (candidate range lead) and Matt Hinderliter (listed range lead).
- USFWS biologists will work together as part of a core team to gather the information for the species status assessment.

Who is involved in making the listing decision?



SSAs!!!



SSAs!!!



The Recommendation
Team



Expert Facilitator and
Decision Analyst

From the Field Office(s)

- ❖ All PLs from species' range invited
- ❖ Lead PL attendance mandatory

From the Regional Office

- ❖ All ES ARDs in species' range invited
- ❖ Lead ARD attendance mandatory

What does best science tell us about: 1) criteria for defining viable populations, 2) delineating populations and meta populations, 3) compatible forest management and agricultural practices, 4) optimal forest management practices, and 5) adequate burrow protection?



Numbers 1, 3, 4, and 5 have been defined and vetted through wildlife agencies and tortoise experts (most available on GTC or FWS website). Number 2 will be further defined through the SSA, where we characterize the components of a functioning population.

What specific steps does AL and GA need to take to assure FWS that listing is not necessary?



- ❧ At the moment we need to have data of the populations of gopher tortoises in AL and GA.
- ❧ The Service will need assistance in gathering the best and most recent habitat and population data for our status assessment. We will evaluate new information on population occurrences and if the threats described in previous status reviews are reduced, so that a listing determination is not warranted.

Are GA's and/or AL's goals for X number of MVPs realistic? (They seem high).

We have not set goals for numbers of viable populations needed for the species (and not require ESA protection).
Those “goals” will be part of the status assessment



Will the US F&W be conducting a survey of GT population across south Alabama?

We are providing support to the ALDCNR to complete surveys where needed.

How much more sampling does GA need to do? On public land?

On private land?

How much more sampling does AL need to do? On public land?

On private land?



- ❧ This is a complex question because more data will better inform our assessment of the species' condition.
- ❧ For the most part, surveys on public lands in GA are completed and could be re-surveyed if funding is available.
- ❧ Private lands surveys are still needed in GA and especially in AL.
- ❧ Further sampling in potentially occupied habitat in AL is also needed.

If AL and GA had as aggressive a program for the GT as FL has, would the GT Still be considered for listing?



☞ It would still be considered because it is a candidate species and the Service made a warranted decision, but the assessment would take the state conservation programs in consideration as will be the case with the Florida program.

What specific questions need to be answered to avoid a federal listing?



- ❧ The listing decision will be based on the species status assessment.
- ❧ The assessment focuses on the evaluation of resiliency, redundancy and representation of the species across its range.
- ❧ Some questions include:
 - ❧ What are the species needs?
 - ❧ What is the current status of the species and known populations?
 - ❧ How many viable populations do we have and is there sufficient recruitment?
 - ❧ What are the major threats to the persistence of the species, and are those threats getting worse or getting better?

Please explain the research you have conducted in which it has been concluded that the gopher tortoise needs federal protection.



- ❧ The best scientifically available information that was considered for the July 27, 2011 decision for the gopher tortoise showed declines in habitat quality, fragmentation and modification (which are the primary threats to the species). Population assessments in some areas reflected that tortoises are not persisting as they should with these and other identified threats.
- ❧ New survey information has identified additional populations and re-surveys of those areas are providing additional information to determine status of those populations
- ❧ Current research is also providing new information that will be used to inform the species assessment

What are the specific restrictions that you are wanting to impose on private landowners?



- ❧ If the species was warranted for listing under the ESA, take of the species would be prohibited except under Federal permit. Such permits generally are available for conservation and scientific purposes. The ESA makes it unlawful for a person to take a listed animal without a permit. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect.”

Is this listing politically motivated or is it based on repeatable research?

All FWS listings are based on detailed scientific assessments that go through full scrutiny of internal review, expert analyses, and public review.



What is the population threshold to not be listed?

- At this time we have not identified the thresholds needed.
- We will consider what the species needs are to maintain viability by characterizing the status of the species in terms of its redundancy, representation, and resiliency.
- Viable populations represented across the range of the species, with varying degrees of resiliency to withstand stochastic events and persist into the foreseeable future.

How do you know the population is in decline? What is the current population? What was it 50 years ago?

We will be able to answer these questions once the SSA is completed



Where are the proposed critical habitat areas?

- We have not gone through any critical habitat assessment for the gopher tortoise

How will landowners be notified if they have critical habitat areas and what must they do to satisfy USFWS management guidelines?

If the gopher tortoise is warranted for listing, critical habitat will be published in the federal register in 2013 when the final rule for the gopher tortoise is published. Unless an activity with a federal nexus is taking place the Service does not provide any recommendations or guidelines to private landowners.



If the GT is listed as threatened, do you anticipate use of the 4d rule to...?

- This has not been discussed at the moment.
- Any species listed as Threatened is open to having certain activities exempted from take provisions under Section 4(d) of the ESA.

If efforts in other states are sufficient to ensure conservation of the GT, would/could the GT still be listed in AL?

The status assessment entails the entire range of the gopher tortoise. We will most likely be evaluating various analysis units but there will be one decision for the candidate range.



How does FWS view the adequacy of voluntary conservation practices on working/private forests - e.g., "best management practices" for GT?

- The Service embraces working with partners in implementing best management practices for the gopher tortoise. We recognize all of the voluntary conservation practices that are ongoing and will evaluate them to include them in our overall species assessment.

Would there be any incentives (i.e. \$\$) for landowners who enter into voluntary agreements to manage for GT conservation?

There are many cost-sharing incentives for landowners to do voluntary conservation through NRCS, PFW, etc.



Will the three counties that are currently listed as federally threatened be considered for reclassification?

- The initial decision will be to respond to the candidate status of the species but we will be assessing the status of the gopher tortoise across the entire range from LA to SC.

If a state has shown progress toward gathering information that could be used to inform a listing decision but could still provide additional relevant information with additional time, would a continued status of candidate species be considered at the June 2023 listing decision date so that more data could be gathered?

No, the Service is making a final rule to be published in 2023. The species will not stay in the candidate status.



What is the status of GT populations in the already-listed western range? Are survey and research efforts in place here as well? Would we ever see a de-listing here?

Are listing decisions in the eastern (not currently listed) range to be made in totality, or will it be subdivided by state or geographic lines?

The Service is making one decision for the candidate range



If you had to make the decision for listing the eastern range today, what would your decision be?

- We still have to evaluate the data we've gathered since the candidate status was decided

How can landowners help inform your decision-making process?

Landowners can provide data or assistance to the state agency staff to identify existing gopher tortoise populations



Would significant adoption of voluntary state wildlife BMPs help provide the FWS assurances leading to precluding the need to list (along with additional population information, of course)?

- Yes, State wildlife BMPs are beneficial to the species and successful adoption of these BMPs will be considered by the Service.

What criteria will be used to assess viability of various populations, locations, and states? Is that important aspect of the decision process is not yet decided how can assessment go forward?



What population size and/or configuration will be the cut-off point for listing?

- We have not identified the number of populations needed or the configuration.
- We need populations represented across the range of the species

Should we provide documentation of GT when observed in the field? What data? Sent to Who?



- ☞ You can provide documentation of GT observed in the field to either the state wildlife agency as well as the USFWS.

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Is there anything to be learned from the listing of the desert tortoise that could be used for the gopher tortoise?



- ❧ There are multiple things we can learn from the dessert tortoise SSA efforts
 - ❧ Example of modeling effort
 - ❧ How they analyzed their data