

# *Miami Blue Chapter*

North American Butterfly Association

August 1, 2008

## **VIA EMAIL AND US MAIL**

Ms. Mary Morris  
Natural Resources Planner  
3276 Whitney Drive East  
Tallahassee, FL 32309

### **Re: Comprehensive Conservation Plan and Environmental Assessment for Lower Florida Keys Wildlife Refuges (the "Plan")**

Dear Ms. Morris:

I am writing to you as the president of the Miami Blue Chapter of NABA. I apologize for the delay in forwarding our comments on the Plan. If for some reason these comments are not going to be considered by the Service, please advise me immediately and we will seek an alternative forum to express our views. References to page numbers are to those of the Plan.

Generally, we find the Plan to be satisfactory and we favor the recommended alternative. However, in our opinion, it is not muscular enough to protect various endangered species (both listed and candidate species). Neither the Plan nor any of the proposed alternatives sufficiently address "imperiled" invertebrates, particularly butterflies, on the subject refuges. Finally, we encourage the Service to engage in ongoing planning throughout the 15 year period the Plan is in effect.

1. Background. We note that the first page of the Plan states its "overriding consideration" to be that "fish and wildlife conservation has first priority in refuge management." While in light of past performance we question whether this statement is more platitudinous than genuine, we agree whole-heartedly. We encourage you to compare the discussion that follows in the Plan against this touchstone because we believe that this "overriding consideration" is not followed throughout.
2. Historically, the focus of national and international conservation programs has been limited to bird priorities (pp. 6-7). However, recent changes in the conservation landscape merit attention and reconsideration of the exclusive focus set forth in the Plan. Particularly, we would encourage you to embrace the "Imperiled Butterflies of South Florida Workgroup," which was recently formed by the Florida Fish and Wildlife Conservation Commission to address

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the declines in a number of South Florida's butterflies. This group deserves the Service's attention and should be addressed in the Plan.

3. We are particularly interested in the management of the National Key Deer Refuge ("NKDR"). We note that the description of NKDR (p. 10) does not mention its importance as a geographic site for numerous imperiled butterfly species, three of which are "candidate species." We would encourage the Service to examine NKDR's crucial role (and to a lesser extent that of Key West NWR) in sustaining imperiled butterfly species populations and consider that role when making management decisions.
4. Refuge Overview. With respect to the overview of "Biological Resources" section pertaining to invertebrates (pp. 26-27), the statement that the chemical adulticide "Naled" and the drift there from "warrants concern" belies the seriousness of its acknowledged threat to butterflies, particularly candidate species. The Plan does not mention any actions being taken to determine the magnitude of the threat of Naled and Permethrin to the invertebrate wildlife of NKDR. Furthermore, no reference is made in this section or elsewhere in the Plan, to Permethrin, which is being sprayed from trucks on an unregulated basis in and proximate to NKDR. We believe these are serious oversights.
5. With respect to the use of adulticides, it concerns us that the Plan neither mentions nor addresses the "Interim Mosquito Guidance" (2005 FWS Memorandum) or the "Draft Mosquito and Mosquito-Borne Disease Management Policy Pursuant to the National Wildlife Refuge System Improvement Act of 1997" (72 Fed. Reg. 58321 (Oct. 15, 2007)). These policies "describe the process FWS will follow to determine if and how to manage mosquito populations on lands administered within the Refuge System." *Id.* Moreover, FWS intends to "allow populations of native mosquito species to function unimpeded unless they cause a human and/or wildlife health threat." *Id.* This standard potentially presents a significant departure from the current "nuisance" spraying practices of FKMCD. Especially since the National Mosquito Management Coordinator for FWS has indicated that the final version of this policy should be published this fall (telephone communication), the Plan should address it and anticipate necessary changes to current mosquito spraying practices.
6. With respect to "Exotic Animal Species" (pp. 27), we would encourage you to devote resources to control fire ants. See item 8 (p. 42).

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7. The matrix containing federally-listed species (pp. 27-29) is noteworthy, but we do not believe Bartram's Scrub-hairstreak or the Florida Leafwing occur in Key West Natural Wildlife Refuge (Note: We hope we are mistaken in this regard).
8. Plan Development – Priority Resources Issues. See item 7 under “Fish and Wildlife Management” – “recovery of imperiled species.” We agree that more emphasis needs to be placed on the recovery of butterflies. To that end, the Plan should require that the use of Naled and Permethrin be more strictly regulated until they are proven harmless to butterflies and other insect pollinators. While continuing to study the effects of these pesticides is worthwhile, until conclusive proof vindicating the current protocols is obtained the Service needs to take a more active role in regulating pesticide use to control mosquito populations (current protocols include annual permit issuance with minimal oversight for the aerial-spraying of Naled and no regulation of the truck-spraying of Permethrin). Additionally, spraying for “nuisance” mosquitoes is antithetical to the “Refuges Purposes” (pp. 11-12) and the FWS mosquito policies discussed in comment 5, above (the “Interim Mosquito Guidance” and the “Draft Mosquito and Mosquito-Borne Disease Management Policy Pursuant to the National Wildlife Refuge System Improvement Act of 1997”).
9. Management Direction. Objective 11 (p. 56). This discussion is woefully deficient. It merely parrots the position of FKMCD. While there may have been a reduced rate of Naled application during the tenure of the integrated pest management program, we have seen no concrete evidence of this. We do not believe that the Service or FKMCD sufficiently monitors the effects of this “management program” in real-time. Further, and more importantly, no mention is made of the FKMCD's continued use of Permethrin in and around NKDR. This is a serious oversight. The use of Permethrin must be addressed in any long-term plan which is designed to protect invertebrates. We understand that certain research efforts are on-going in this regard; however, we have not been presented with their details. Within the restrictions that limit the premature discussion of scientific findings, we would encourage you to include a description of these efforts and their tentative findings. The results should be incorporated into the Plan. We would reiterate our previous concern that no mosquito control, whether by air (Naled), ground (Permethrin) or otherwise, should be tolerated without significant safeguards. We do not believe that the passing comment that the Service will “continue to monitor permit compliance” (p. 56) is a sufficiently robust response to the threats posed by these pesticides,

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nor do we believe it is responsive to the mosquito control policies described in comment 5, above.

10. Plan Implementation. - Lepidoptera (p. 70). We see nothing in the plan which actively protects the "candidate species." \$150,000 to conduct three surveys of lepidopteron species over 15 years without additional safeguards will provide essentially no protection for candidate butterfly species. We would recommend that: (i) mosquito control restrictions be rigorously enforced and a Full-time position be created to interface with and monitor the work of mosquito control; (ii) the propagation and distribution (where appropriate) of *Croton linnerais* be considered; and (iii) prescribed fires throughout the pinelands of NKDR be included in the budget (unless if appears elsewhere therein).
11. Step Down Management Plan. We encourage the Service to promptly develop and implement a far-reaching mosquito control management plan in compliance with the "Draft Mosquito and Mosquito-Borne Disease Management Policy Pursuant to the National Wildlife Refuge System Improvement Act of 1997" and with sufficient flexibility to adequately address any necessary changes based on the Final Policy. We believe a full time position should be created to accomplish this (including related monitoring and enforcement purposes) as discussed in comment 10, above. Additionally, the step down management plan should address all pesticides being used to control mosquitoes on Refuge lands (including Pemithrin).
12. Alternative B. Finally, we support the selection of Alternative B particularly as modified by comments 9, 10 and 11, above.

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### *Enironment Assessment and Appendices*

- *Appendix F – Compatibility Determination. For the reasons set forth above, we do not believe current and anticipated mosquito controls operations as described in the Plan (pp. 175-76) are consistent with existing and proposed federal law and regulations.*
- *We note that the Miami Blue colonies located at Boca Grande Key and the Marquesas referenced in Wilderness Use of Key West NWR (p. 177) are probably significantly overstated.*

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If you have any questions regarding the above, please feel free to contact the undersigned.

Sincerely



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President  
Miami Blue Chapter

cc: US Fish & Wildlife Services  
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Att: Sam D. Hamilton

Anne Morkill