

Meeting Minutes  
Florida Beaches Habitat Conservation Plan  
Steering Committee  
Quarterly Meeting

Wednesday, December 14  
9:00am-12:00pm

Chair: Vacant, FWC  
Co- Chair: Vacant, DEP

Florida Department of Environmental Protection  
Bureau of Beaches and Coastal Systems Office

4708 Capital Circle Northwest  
Tallahassee, FL 32303

**Steering Committee members present:** Thomas Eason (FWC), Gene Chalecki (DEP), Brett Moore (Humiston & Moore), Tamara Pigott (Lee County), Gary Appelson (STC), Julie Wraithmell (Audubon), Blair Witherington (via phone; FWRI), Ryan Matthews (via phone; Assoc. of Counties), Stephen James (via phone; League of Cities)

**Work Group members present:** Kat Diersen, Jimmy Sellers, Kim Colstad, Bob Ernest, Trish Adams (via phone), Sally Davenport (via phone), Tom Ostertag, Gary Knight, Jackie Larson,

**Others present:** Cindy Fury (via phone; FWS), Keith Rizzardi (via phone; St. Thomas University), AnnMarie Lauritsen (via phone; FWS), Kipp Frohlich (FWC)

**Recorder:** Rebecca Pfaller

### Welcome and Intros

### Staff Reports

KD Minutes from September...questions or comments?

TE Main question, we said we anticipate being done with the Coastal Tech (CT) studies. Will we get an update on those today?

KD Yes.

TE Other than a few typos, notes look good.

KD (Review of agenda)

TE Can you briefly explain the new changes to the charter?

KD The history of this is that early in 2011 we were confronted with a number of changes and resignations from the Steering Committee. Our original representative from the Association of Counties, Diana Ferguson, left Counties. Scott Dudley from League of Cities was promoted. Barbara was assigned to new a division. And Tim Breault retired.

At that time we realized we didn't have a quorum and our charter specifically named members of the committee, and we realized this didn't allow us flexibility with changing members. So we proposed changes to the charter that would eliminate names and would change the authority of approval of charter from the DEP Secretary to the Deputy Secretary. We thought those two changes would make changes to charter and Steering Committee flow more smoothly in the future. We set up a series of internal meetings at DEP and ultimately it made it to Secretary Vineyard and he approved. I believe other than changing committee members to simply designation rather than name, and the authority change, the only other change was that the Steering Committee went from 9 to 8 slots due to DCA being dissolved, so a quorum now is 6 instead of 7.

TE There is the ability to have a delegate fill in now, too.

KD One thing the charter doesn't really go into is the spirit of delegating. I think we still want to strive for continuity, and there's still a high level of expectation for participation.

GC It's important to note that the delegate comes from within the same organization.

TE I would second what Kat said. This isn't meant to open the flood gates and have 20 new people come through. My hope is we will continue to move forward with the same group engaged.

GA Is the intent to have a quorum?

TE Correct. Thanks, Kat.

#### Status update on grants

KD We have not yet set meeting dates for 2012. We'll do our best to work around legislative session. Expect to see doodle poll from me or Rebecca in the near future. Additionally, if you brought your workbook with you, please leave it. We're going to take them and update them and give back to you at the next meeting. If you don't have it, I'll get with you offline to get it from you. Moving on. Grants and contracts. We were awarded a 5<sup>th</sup> year of funding, which will activate on January 1. We are in the process of putting together a contract between FWC and DEP. We should have it done before the holidays. In addition, we are on target for most deliverables for the yr 4 grant. There was one major IT project we wanted to undertake this year that we didn't. So this resulted in us needing to get an extension for the yr 4 grant. We have gotten that approved by FWS and are now routing the contract between FWC and DEP. So next year we will have yr 4 and yr 5 grants running simultaneously.

TE What's the thinking on your 6 plus? Is it needed?

KD Year 6 was always planned to be needed. And I'll just stop there.

TO That cycle is due on the 28<sup>th</sup> of January.

KD The HCP primer is available for distribution, we have tons of copies with us today.

TP Do you have an e-copy?

JS It's on the website.

### Species accounts

KD Another big focus of our work has been the species accounts. Kim?

KC Our 12 core species have been through the peer review process. Most have been sent to you (Steering Committee). The other 7 species we're investigating are in various stages of review. I suspect in the next few months we should have peer reviewed drafts of those as well.

KD Just as a reminder, you're always welcome to send feedback, but don't feel like it's mandatory. Questions?

### Meeting with DEP Secretary

GA Do you want to give a review of your meeting with the Secretary of DEP on their acceptance and approval of this process? Was there a realization that it's avoidance of take and minimization and mitigation of potential take? Was that part of the discussion?

KD No. The meat of the discussion surrounded law and statute and what DEP is legally responsible for.

GA Do these people understand that this next phase is determination of take and minimization and mitigation?

KD It's not that he doesn't understand what's at stake. He does realize that under the ESA you're required to minimize and mitigate for take.

KF Were you able to adequately answer those questions that aren't really HCP, or do we need to spend more time engaging that?

JL I think he's engaged with the Office of General Council, and I got the impression he was reaching out to the Commission.

KD I think the more communication between the Commission and DEP, the better.

JW Centered around statute...are you saying that he thinks the way DEP approaches this is only thorough what they have to abide by in statute?

- KD I think he understands he's also subject to federal law. I think he understands the law very well.
- TE My read of this is very positive. We got approval, and it came relatively quickly and easily. I would encourage us to keep moving forward. I think we need to be aware of the nuances you guys are talking about, but let's create this thing in a way that protects the resource and wildlife and habitat and make sure it all meshes.
- JL We just want to make sure the commitment today is as strong as it was two years ago.
- TE Eric Sutton, our new Division Director, has spoken with Mark Thomasson, so we're right there with you all.
- TA I was also at the meeting. I think the meeting went very well, too. It was clear to me that Jeff Littlejohn had come in well prepared, and he had already made a decision prior to the meeting. He was asking questions that were sort of off topic, but I think they were very timely to what was going on to some of the issues at hand. I was very much encouraged. I took away that he wanted to see flexibility in the plan.

### **Review, Refresh, Orient New Members**

- KD The overall objective of the HCP program is to obtain an ITP that will allow DEP to fulfill its regulatory requirements...some of the documents we've developed in order to assist with informing folks about this are the primer and brochure, and the idea here was to give different levels of information to different types of stakeholders. The website is also an additional resource. In addition to making a concerted effort to be as inclusive as possible, one thing we feel is very important is to be transparent. The biggest way we've done that is through this Steering Committee and it operating under the Sunshine Law. The biological goal statement...the reason I think this is important is because this really represents the jumping off point for everything we've done over the last several years. Biological objectives...these are the core objectives that drive not only our decision making but research and document development. These are loosely reflective of the Federal HCP development process, but are also specific to the needs of DEP in undertaking this HCP. The documents and presentations put together during the first year of the HCP program were intended as a library of documents that would provide the foundation for the project and inform the process. Critical Issue Analyses...this document was developed to address issues that require direction from the Steering Committee. As you know, the 3 we've done so far are the term of the ITP, the inclusion of .052 beaches and inclusion of non-listed species. Critical Issues Analyses we anticipate for the future include minimization measures, mitigation measures, adaptive management, legislative changes, and funding.
- BE HCP Table of Contents...the HCP, although it will provide a lot of direction to DEP, from the Service's perspective, this sets out the conservation strategy for those species.

We came up with this outline. Items in red have already been drafted. Green almost complete. Blue in progress. Chapter 1: Intro...This chapter talks about the uniqueness of Florida, ESA, CCCL program, potential conflicts between CCCL and ESA, mission of FBHCP and funding. Chapter 2: Biological goals and objectives. Chapter 3 won't be drafted until the very end. Chapter 4: Covered Activities talks about the CCCL program and various activities permitted under that. Chapter 5: Covered species...12 federal and others that are at-risk. Chapter 6: Plan area. Chapter 7: CCCL threats to covered species. The genesis for this chapter is the threats matrix, which we've shown you before.

- GA Is this in stone now? How specific does this need to be? For example, lighting isn't listed there.
- BE It falls under installation of permanent non-habitable structures.
- GA As you develop this huge document, when do we get to look at it and peruse it?
- KD I'll get to that towards the end of the presentation.
- BE Chapter 8 is Take, which we're still working on. Chapter 9: Alternatives Analysis...the preferred action is applying for an ITP and putting together an HCP, which is what we're doing. But DEP has to present alternatives, and we've listed those here: no action, take avoidance, elimination of CCCL program, delegation of CCCL responsibilities to local government, and coastal retreat.
- TE Did the Steering Committee engage on what those alternatives are? I would want to have some input on alternatives or alternatives we don't want to put up there.
- BE No, the Steering Committee hasn't viewed this. Clearly, it's at the pleasure of the Steering Committee if you want to review this. If it needs to be taken up for vote by the Committee, we are open to that.
- KD This is a bit of a form chapter. It's a template type thing you see in all HCPs. It isn't viewed to be terribly contentious.
- TE My initial reaction is do we really want to have elimination of CCCL program up there as an alternative? People who read this...it will cause all sorts of questions, like "oh, I hadn't thought of that."
- BE Nothing is set in stone, so all of these chapters are subject to change.
- GA That's what I was saying...I don't want this delivered to us as if it's set in stone.
- KD I promise we will talk about exactly this later in presentation.

JS Supporting studies Coastal Tech has been working on since beginning of 2010. We embarked on studying four major activities. I won't go in depth, but will show some summary tables. The armoring study is unique in that we not only looked at inventorying existing armoring, but we also looked at projecting into 25 years. We used the most recent aerials from DOT and DEP. We also had access to DEPs permitting data. We also contacted local governments. We went county by county, so we have per county inventory of expected vulnerable structures, which results in a bit of an overestimation, but we thought it better to be conservative in our estimation.

(Gary Appelson expressed concern with gap properties. The Working Group will take a look at gaps and will discuss with the Steering Committee at a later date.)

BW Jimmy, are you still fine tuning your definition of armoring?

JS No. The definitions we are using are the classic ones as far as vertical structures for seawalls and revetments. They are the descriptions used for permitting under the CCCL program.

BE What we're looking at is being able to estimate future take. So if we know where structures are now, then DEP may issue permits for improvements of those structures, but won't be building new structure there.

JS Next is the summary table, which divides the state up into four regions for armoring. Dune Walkover study...used most recent aerials, permitting data, and local records. About 100 acres of walkover structures. Upland development...used aerials, future land use/zoning maps, and parcel files.

JW I wonder if there's any ability for us to factor in correction factor for areas of storm damage where there's likely to be rebuilding.

(Kat took note of this and will explore further)

JS Beach cleaning studies. We mailed a survey to beach cleaning permittees to get more information on characterizing the activity. We are currently collaborating with DEP field inspectors who are filling out surveys with permittees as they issue permits. This study should be completed by August 2012.

KD Vetting process. We have supporting documents, critical issues analyses, core chapters of the HCP and studies that contribute to take and other things down the line. With the species accounts, they go an through internal review within the Working Group, then on to Robbin Trindell who is responsible for sending them out to the Science Committee and other appropriate experts for peer review, then they go on to the Steering Committee for optional review. Draft chapters are a slightly different process. They are drafted and vetted internally within the Working Group, then out to appropriate Science Committee members when appropriate, then eventually out to public, although we haven't done this

yet. The chapters we've drafted so far basically provide a framework for the HCP and they are just about at a point where we feel comfortable getting public review. We don't just want to dump everything on the public at once. We feel the chapters we have drafted now fit together well enough to put on the website and solicit comments from the public.

GA I would recommend you dump those chapters on us before you dump it on the public.

TE I agree with that. I think with the update you gave today, you saw where you'll get a lot of interest. Another suggestion is webinars work well for initial public input. You can work through it to let them know what the thinking is, then you get feedback from them. We usually get better feedback from that rather than just putting it out there for people to read. Are there other thoughts on adding a Steering Committee review?

BM I'd like to be able to review those as well. So when any of these drafts are ready for us to review, please provide us with a timeline so we're not holding anything up.

KD This first set we'll send to you guys is several chapters, so you'll certainly have a few months to review them. I want to be clear we didn't hold these back for the sake of holding them back. We felt these were so related that we wanted to present them together.

GA I don't think we're interested in micro managing, we're interested in not being surprised.

KD Upcoming issues for 2012 and beyond. Our #1 priority is to continue working toward estimating take. What an in depth, complicated process it's been. We don't plan for it to slow down our next phases either. Minimization and mitigation...this is where we think stakeholders will really be coming into play. Implementation is a couple years down the road...continue stakeholder involvement, legislative proposal and strategy. Monitoring and adaptive management and funding...maybe year 6 but potential year 7.

BE We've talked about having a separate legislative primer and Coastal Tech has already begun identifying statutes and codes, so we're already working on that now.

(Brief Gantt Chart presentation by Jimmy)

### **Progress on Methodology for determining take**

KD This exercise is for estimating take for such a broad array of species, activities, time, etc. The threats matrix went through all potential impacts to species resulting from CCCL activities. Impacts to covered species are reduced through avoidance and minimization measures, many of which are in place. Mitigation is what you do to offset what's left after you've avoided and minimized to the greatest extent. The goal is to develop a model to produce a quantitative estimate of take. Some complexities are enormous geographical area, big species and activities lists and a long timeframe, and missing data. The FWS guidelines state we must use best available data and state assumptions. We've

decided at some places that best available isn't good enough, and so we've gone after more data, i.e. studies. Principle components we've looked at...what species, what activity, where, time of year (presence or absence of species), likelihood that activity will occur, amount of habitat impacted (linear feet or acres), and duration of impact on species. We've divided out our bird species based on their behavior—non breeding sea/shore birds, solitary nesting shorebirds, colonial nesting shorebirds. Activity groupings are based on whether or not we approximated they would have a similar degree of impact. There are two ways of looking at take—quantitative and qualitative. Quantitative is “how much” and qualitative is “how bad.” The first 7 factors are factored into the quantitative analysis and the last factors into qualitative.

JW Up in steps 1-4, should there be an insertion of the habitat alteration issue? There is potential for activity when a species is not present that would be detrimental when the species returns.

KD We have actually discussed this very issue.

BE This is going to be a gross estimate of take. It will be difficult to get into some of those nuances and those indirect effects. We're hoping to use such generalized assumptions that they will cover for those others.

JW I'm not sure that will work.

TA We're going to evaluate based on impact to habitat, whether it's there or not.

JW How can it be reflected in the flow chart, then?

KD Running the examples actually bubbles up those things you're talking about. The presence or absence of a species is not an eliminating factor.

KC As far as I can tell the only instances where species will be eliminated is where they don't occur.

JW I just don't think that flow chart process represents what you're saying.

(Working Group will work on flow chart refinement.)

TE I'm worried about time. I think take is a topic that will take multiple iterations. Let's hear where the Working Group is, write questions, and maybe we need a full meeting dedicated to take.

KD We can certainly schedule interim webinars and what not.

JW And we could go back to full day meetings.

**KD** Unresolved issues...in that little 8 step process, we did turn it into a more or less mathematical formula. Still unresolved are cumulative effects, appropriate scaling in addressing habitat suitability, how to factor habitat fragmentation, poor data on shorebird nesting sites, how to deal with non-nesting shorebird aggregations. Likelihood of occurrence...how do we predict what's really likely to happen over 25 years? Some of the issues we know we'll have to confront are sea level rise, changes in demographics, economic conditions. So we've been exploring options for a trends analysis. Right around the time we were starting to realize we were going to have to grapple with these issues, I was exposed to work by a group at MIT who is already doing similar work in Florida, partly for FWC. I contacted them, and they took an immediate interest in this project. Right now we're looking at a two phase project where they would a) do a spatial impact assessment ("how much" issues) that accounts for seasonality and b) a conservation prioritization model under different climactic and population scenarios. It would build upon similar work they've done in Florida, and they will be collaborating closely with FNAI. This project won't only be about take, but will hopefully ultimately reduce what the team will have to come up with for minimization and mitigation. This isn't a done deal yet, but it's in the works.

## **FNAI**

(Gary Knight provided a brief overview of the current status of habitat mapping for species included in the FBHCP. He reviewed data sources, the analytical approach for each species/species group, and initial results. Summary tabular information was presented for each species. He also described the need to adjust the plan area based on changing shorelines and showed results derived from digitization of 2010 aerial photography. Summary tabular information for the plan area adjusted to reflect the new shoreline information was presented.

## **Parking Lot**

**TE** I think we've just underestimated the amount of time to cover these things.

**KD** The reason we did this is to show you guys the degree of complexity we're up against that has resulted in an extended complicated process. I think that pretty much sums up what we wanted to say about take, at least for today. Comments?

**KR** I'm a law professor at St. Thomas University. I was one of the people who had the pleasure of defending HCPs throughout country. So I've got a lot of familiarity with the area, and I'd like to find some way to be more participatory in this process. I notice that you're not including plants in this process and I was curious why.

**TA** We are. It's just that we're working out some things on how best to handle them. We will be addressing plants in this HCP.

- KD I just want to add that I appreciate our conversations, Mr. Rizzardi. Some of the tricky work in figuring out how to implement this HCP and get necessary changes into statute are looming, and we look forward to your assistance in that.
- TE I'd like to give the Working Group more direction in these last few minutes. Armoring, take, exactly how and when we engage on certain reviews.
- GK We did take the data we developed for species and vetted it with FWC and FWS and in part UF, so we've gotten feedback from experts on some of that data. I should've mentioned that earlier.
- TE I think all of us (Steering Committee members) are in agreement that we don't want to micromanage.
- GA I would add that in the future, if there are any high level meetings (with legislators, etc), that we make sure there are pretty high up folks from FWC at those.
- JW I would echo that we agree that we do need to have some of this info up front. I think it's better if we make tweaks and course corrections rather than major u-turns. I will feel better at the end of this when I'm going out and representing this, I want to be able to reflect my organization's concerns in this.
- TE Specific webinars outside of Steering Committee meetings...feedback on that?
- JW How does the sunshine work with that?
- KD They'll need to be noticed. So while I'm happy to do them, please know it's hard enough to get you guys in the same room four times a year.
- TP The take issue seems huge, so maybe the next meeting could be two half days back to back.
- BE Should these be done in isolation? We've done take workshops separate from Working Group meetings. There's a possibility that it could become counterproductive.
- TE I think it needs to be done in concert, that's why I'm raising the issue. I'm hearing there's a stronger preference for longer meetings, and also workshops in the future maybe you could notice them, that way we could come. I do think the Working Group you can wrap your heads around it and come up with some ideas to make sure the Steering Committee is more aligned with the future progress of this project.
- GC The Florida Building Commission had to do this a decade ago. There's nothing unusual with having a Steering Committee meeting that deals with a specific subject that captures a large group of folks. It seems that may be due at our next meeting.

- GA We're just interested in being plugged in enough so we can really advocate for this project. We don't need a webinar on everything, but we're getting down to some really heavy issues, and maybe one or two webinars where we go through a chapter or two, so we don't get bogged down here.
- TE I agree, and I think there's a balance here. This meeting was set up well, we just needed double or triple time. I think we're just going to have to figure out what's the best way to do that. Any final comments Gene?
- GC I appreciate everyone attending.
- KD Don't forget that at the next meeting we will need to approve about a year's worth of minutes, so plan on a little extra time for business at the beginning of meeting.
- TE Thanks everyone. What you're hearing is that the Steering Committee is engaged.  
Happy Holidays!

Adjourned 12:15 pm