

**Florida Beaches Habitat Conservation Plan  
Steering Committee Meeting  
Larson Building, Tallahassee, FL  
December 16, 2009  
9:00am-4:00pm**

**In attendance**

*Steering Committee members:* Tim Breault (FWC), Gary Appleson (CCC), Brett Moore (Humiston and Moore), Julie Wraithmell (Audubon), Barbara Lenczewski (DCA), Diana Ferguson (FL Assoc. of Counties), Gail Carmody (USFWS), Tamara Pigott (Lee Co. Visitor and Convention Bureau), Blair Witherington (FWC)

*Others in attendance:* Jackie Larson (FDEP), Trish Adams (USFWS), Bob Ernest (EAI), Gene Chalecki (FDEP), Ann Marie Lauritsen (USFWS), Kipp Frolich (FWC), Erik Martin (EAI), Tom Ostertag (FWC), Robbin Trindell (FWC), George Dennis (USFWS), Ben Frater (USFWS), Don Imm (USFWS), Patty Kelly (USFWS), Vicki Sharpe (FDOT), West Gregory (FDEP)

*Via conference-call:* Thomas Ruppert (UF), Sally Davenport (Coastal Tech), Lyle Hatchett (URS), Tara Dodson (St. Johns Co.), Mike Barnett (FDEP)

*Meeting leader/facilitator:* Kat Diersen (FWC) and Perran Ross (FWC)

*Recorder:* Rebecca Frick (FWC)

**Minutes**

TB Welcome everyone. The beaches define Florida and they are very important to many People, and because they are so prominent, they are equally important to wildlife. The foundation that we're operating under in developing the HCP is describing how people and wildlife can co-exist in Florida. The HCP will move conservation from a reactive mode to a more strategic, proactive mode. This may be the largest HCP attempted in the United States. I think Florida is unique compared to other states. I think we're poised to do this. We have the tools, intellectual capacity, the will. With that, I'll turn it over to Kat Diersen.

KD Thanks for coming everyone. We decided to have this meeting face-to-face so everyone has a chance to meet each other. We weren't planning on having external communications, but several people indicated that they would like to call-in, including Mike Barnett, who could not make it today. I'd like to go around and start with introductions.

The agenda is a little flip-flopped from what you typically see and there's a reason for that. Our facilitator has a conflict this morning, so he will be here this afternoon for the discussion portion. The presentations are intended to get everyone up to speed. Please make notes of your questions and hold them until the end of the presentation. All presentations today have basis in documents the Working Group has developed. These

are resource documents intended to inform and educate the Steering Committee, who will be making the big decisions related to this project. We have a large body of literature that we've drafted over the last couple of years. Does anybody have any questions or concerns?

With that, we'll get on with our first presentation.

**Presentation: The ESA, Incidental Take Permitting and the FL Beaches HCP  
(Trish Adams)**

Q (JW): What will be the consideration for candidate or State listed species?

A (TA): We intend to roll that in here. We can include those species and we encourage you to do that.

Q (BM): Will this apply to the JCP program as well?

A (TA): Only the CCCL. We address those JCP impacts under Section 7, but we will be dovetailing that into the HCP so that we're consistent. If one program has standards that are more stringent than the CCCLs, we'll make sure that's consistent.

Q (JW): What is the difference between storm recovery and storm remediation?

A (TA): It's more or less the same thing. Many things go into recovery, from putting lights back on to rebuilding dunes and roads.

Q (JW): There has been concern with storm water outflows causing destruction. Will that be addressed in this HCP?

A (TA): We encourage DEP to include any of those problems or issues that they foresee in this plan. Right now, it's focused on the CCCL program.

Q (BM): With the development of HCPs, won't that help with Section 7 coordination?

A (TA): Absolutely.

Q (BM): Will there be any input from NOAA or NMF in this process?

A (TA): We considered that, but jurisdiction for swimming turtles lies with NOAA. I think this will become more clear through Gene and Bob's presentations. We have jurisdiction for turtles on the beach. Because this HCP is for projects about mean high water, then they don't have jurisdiction with that.

*Break from 10:05 to 10:25*

**Presentation: The CCCL Program and the FL Beaches HCP (Gene Chalecki)**

Q (JW): The species list only includes federally listed species. What's the outlook for state listed species?

A (GCh): We're looking to the Steering Committee for guidance.

Q: Is the intent to use the CCCL program as a vehicle to implement the HCP?

A (GCh): The HCP is all about addressing activities that we authorize under the CCCL program.

Q: The JCP program overlaps with the CCCL program. You didn't mention anything about the 50 ft. set back.

A (GCh): The 50 ft. set back is not really captured by this. At this point, it's not in the package. In the Big Bend area and the Keys, there's a small list of pocket beaches that the agency has regulated under 161.052 F.S. That statute came to be in 1970 and was intended as a temporary fix for a single type of incident. After the CCCL set back program was established, 052 remained on the books for those areas where you don't have county-wide beaches. If those areas contain suitable habitat, they could be utilized in mitigation efforts.

Q (BW): What are the possibilities for the HCP to work within that program and address some of those issues there?

A (GCh): One of the things we'll have to look at are statutory changes. The other thing is I don't see this being the success it needs to be unless we have cooperation of local governments. When you get to things like lighting ordinances, it has to happen at the local level. There has to be buy-in for that to succeed.

BE: The primary objective is to ensure that what DEP is engaged in under CCCL is covered.

GCh: This is a program that in early years was driven by the Governor and Cabinet policy. However, it was very weak on rule and on statute, but it didn't matter because it was the Governor and Cabinet. When they lost that power, it lost the ability to do the job it should do.

Q: On places that are eroding and the control line has been moved back, what happens after a storm when a condo has been ripped out? What's your authority?

A (GCh): Up until now we really haven't had to cross that bridge. We had storm events, the beach recovered, people rebuilt. There was a big focus on construction standards. Florida was way ahead of the national insurance program as far as standards that need to be enforced. I think we're now seeing a transition because the issues we're dealing with at Jetty East and Destin Point are new issues.

Q: Do you see the program moving toward denying building seaward of the CCCL?

A (GCh): The statute speaks explicitly to the rebuilding issue. The agency will authorize rebuilding and DEP, up to now, has been authorizing that. Redevelopment under Florida law is different than rebuilding.

Q: How is that treated under the law?

A (GCh): Redevelopment is treated as new construction.

Q: So you're missing authority as it relates to the dune itself?

A (GCh): That's correct. That's why it's important for the agency to address when you pass the ball between CCCL and JCP.

## **Presentation: FL Beaches HCP Requisite Components and Development Essentials (Bob Ernest)**

*Lunch break*

Q (TB): What happens to county HCPs with a statewide one?

A (BE): We'll have to address them and incorporate them in to be sure there are no conflicts. That will be a thorny issue, but we haven't gotten into that so far.

Q (AL): I need some clarification on the dune restoration. What part of that relates to the JCP?

A (GCh): I can't give you a precise threshold. If it's pure dune restoration it's under the CCCL program. If it's back beach berm restoration, then it's probably CCCL. Once you go seaward of that, you get into JCP. That's why staff goes through these issues to decide which way to go.

### **Presentation: Steering Committee Charter (Jackie Larson)**

PR: It's crucially important to hear from West about the Sunshine Law. I would suggest calling on the Chair of the Committee and then having some discussion on this charter. We'll start exclusively with the Steering Committee members.

TB: Is it 75% or 7 votes? What if only 7 people show up?

PR: So a quorum will be 7 out of 9. Votes needed will be 6 out of 7, 7 out of 8 and 7 out of 9.

\*Voted on and agreed to by the Steering Committee. The recommendation will be taken to Secretary Sole.

Q (JW): Do you anticipate themes for each meeting? It would be easier if we had a heads up of what issues will be discussed and when.

A (JL): Absolutely. And we'll post each meeting in the FAW at least 7 days in advance.

KD: There are certain items that need to be completed in a certain order, but we also need to realize that some items will influence others, and there's no reason we can't work on them concurrently.

GA: As for alternates, why can't we have non-voting alternates if we need?

KD: There was a lot of discussion about this. Ultimately, we resolved not to do alternates because this committee meets so infrequently that we wanted to emphasize how important it is for members to be able to show up.

GA: I understand the need to be here. The need goes for unforeseen situations.

JL: The other thing is that you may have an alternate in CCC, but someone else may not have an alternate.

PR: These meetings are under the Sunshine Law, so the public is allowed to attend. So, if you can't make a meeting, you could certainly send someone to go and listen in.

GA: Also, it would be nice to get a report on what the working group has been doing.

JL: We have been posting documents and notices to the website.

KD: I did send out an email to all HCP contacts outlining what we've been doing.

GA: That was topical. More detail would be appreciated/useful.

PR: Are there any other questions from the Steering Committee?

TB: Does anybody from the public want to speak?

PR: Then we'll move on to West's presentation.

### **Presentation: Florida's Sunshine Law (West Gregory)**

TB: Here are two examples of inadvertent violations of sunshine: I cannot ask anyone on the working group what another member of the Steering Committee is thinking. That's "polling members." Another is during a break during a meeting, if a member of the public comes up and engages two of you, that is also a technical violation.

JW: It's a restrictive law and a broad HCP. I want to be clear about what's in and what's out. My understanding is that if I have a problem with a specific raking violation, I can go to Mike Barnett about it. Am I clear?

WG: As long as it doesn't have to do with this HCP.

DF: That's an important question because that happened last year. The policy and substance is very related, so can I talk to Julie or others about it?

WG: Yes.

TB: I think the issue is whether or not it's something we'll be voting on.

GA: I don't necessarily agree with that. I think the issue is that we can't take certain information and turn it around and talk about how it will apply to the HCP.

DF: I'm most concerned about if we're talking about something local governments should or shouldn't be doing. Those are issues that will probably come before Legislature.

GA: The way I look at it, it would not prohibit us from talking about it. The way you phrase it: if an issue comes up in legislature, and it's something that could be applied to this, you're saying we can't talk about it.

JW: It's when we talk about that and cross the line by saying how that particular issue relates to this HCP. You can't do that.

GA: It's the intent that's just as important as the topic.

TB: The intent is the decision making process. That's what it says in one of the slides. There are gray areas in this.

BE: If you want to ask someone on the working group a question, as long as its fact driven, that's fine, but you shouldn't be soliciting our opinion, is that right?

TB: Right.

GA: Wait, I thought we were free to talk to the working group.

WG: Yes, my impression of the working group is that it's the fact finding group. Feel free to call me or email me with specific questions.

KD: If this committee votes and a decision is made, then can these guys go lobby on it?

WG: Right.

PR: This is obviously a tricky issue and most of you have worked under this before. So you understand you need to be cautious. You may need to check occasionally before you do something.

\*When an issue requires a vote from the Steering Committee, a recommendation may be made by the working group to the Steering Committee **only** when all options have been presented.

## **Calibrating Expectations: Group Norms and Protocols, Member Expectations, HCP Program Logistics, Public Participation Plan**

PR: In terms of expectations, I think you all understand that a courteous way of dealing with each other is the way to proceed. I would like to ask the group: how do you think you ought to operate as a committee in terms of style and substance of what you want to do?

TB: I think because we're operating in the Sunshine, we'll have to operate the way the Commissioners do. As chairman, I want to make sure every issue is heard. I will work with members to see if I can get an emerging consensus on an issue. I think before we take a vote, we should provide for public comment before we do. I also think we need to think about the working groups and whether we want to put them in the Sunshine or not. We need to talk about our expectations for these groups. If we want them to bring back recommendations, then they need to be in the Sunshine.

JW: Can they present options without a recommendation outside of Sunshine?

WG: I'll get back to you on that one.

BW: Once the groups make suggestions to the Steering Committee, then that's in the Sunshine. So, I don't think every group needs to act under the Sunshine.

TB: I think we'll mostly be getting facts and information from the groups.

JL: How is USFWS going to provide input? I know they're on the working group, but I will be looking for guidance and I assume...

TA: We're here as a guiding force to make sure that you're on the right track to meet our issuance criteria. We're here to answer any questions. I'm on the working group, but I'm more ad hoc.

TB: They can be a technical resource.

TA: Yeah, and I think we've been doing that all along. We're not going to let you develop something that's doomed to fail. We want to stay engaged for that reason.

TB: We can also invite people to Steering Committee meetings if we need a presentation for clarification or input. Is the committee okay with subgroups being mostly fact-finding, and not advisory to the Steering Committee?

KD: I could see instances in which there may be a need to form an ad hoc subgroup to make recommendations.

TB: I'll make a motion to have fact-finding subgroups, not subject to Sunshine, but also have the ability to form an ad-hoc recommendation group as needed.

DF: Would we be participating in these subgroups?

TB: No, these are non Steering Committee members.

TB: All those in favor say aye.

All: Aye.

KF: I think you'd want to consider who you represent in this committee, because you do represent your own expertise, and not necessarily your agency. Think about when you're on this committee whether you're individuals or your agency. I would think that you would act as individuals.

PR: That's good clarification.

BL: I think we should be provided enough information before a vote to be able to take that to

our agency prior to voting. I do think of myself as a representative of DCA, rather than an individual.

TP: I agree that some heads up would be useful in making a decision or voting one way or another.

TB: I would direct the working group to start arranging agendas for the Steering Committee for the next year or two. So we know what sort of resources are needed.

GA: Going back to alternates. If I want to say something to Mike Barnett, and he can't be here, I'd like to be able to convey that to him. I don't know that it's necessary, but I think we should have the opportunity to have an alternative should we not be able to make one meeting. A non-voting, non-participatory alternate.

KD: Can you clarify?

GA: I just want to make sure that if I need to talk to Mike Barnett, I want to make sure that that will be conveyed to him and know who to direct that to.

BM: I believe the reason I've been asked to sit on this committee is not to represent any specific clients, but because I've been working with this stuff for over 20 years. If there's an item on the agenda where I think we could get input, I can't go to them due the Sunshine.

TB: I think you'd go to the working group and have them get that resource.

PR: What about protecting minority view?

TB: I think everything will be reflected in minutes, so it shouldn't be an issue. Have we resolved the issue of alternates?

GA: I'd like to see if anyone else thinks we ought to be able to have an alternate.

BL: Could you communicate to group why you would be sending this person in your place?

GA: My concern is that there are some people that are very critical to this process, and they need to be represented all the time.

Q: What is the opposition to having an alternate?

GA: The option of having an alternate.

JL: We just thought that it's a complex project and that if a voting member were brought it, it might not be fair. The thought was: how could we expect someone to step in on such a complex project and expect them to have a vote?

GA: If people don't want it, that's fine, but I'm not talking about voting.

TP: I think if we needed to send someone in our place, if we convey that to Kat beforehand and it's noted at the meeting, that's fine.

BW: And the extent of their participation could be left up to the chair. I agree with Gary.

TB: What I struggle with is if it's going to be non-voting, these are openly public meetings and anyone could be there. I don't see the distinction.

JW: In some ways it does guarantee a degree of consistency if it's just one person (alternate) every time.

BL: Will we be able to vote by telephone?

KD: Absolutely.

TB: I've heard four members say they would vote for having non-voting alternates. Does anyone want to make a motion?

GA: Sure. I move that we have the ability to send an alternate when we can't attend a meeting.

TB: I would amend that we make a recommendation to Secretary Sole that he consider that.

GA: As long as that would be conveyed to Secretary Sole.

TB: We need a 2<sup>nd</sup> to recommend that to Secretary Sole.

KD: Are we sticking to one alternate, same every time?

GA: I don't really care.

TB: As stated, it's an alternate, not one alternate.

BM: This is a non-voting alternate. Is this person also participating in discussion?

TB: We'll have public comments.

BM: Why are we going through process of identifying an alternate if an alternate is always allowed to be here anyway?

GA: My concern is that if I can't be here, I could have someone to fill me in, and if someone needed to talk to me but I can't come, they have someone to direct that to.

JL: So the issue may be if you say non-participatory, then they can't convey your opinion to the group.

GA: That's a good point.

PR: As the charter is currently written, everything you've described is possible.

T B: It also says you need 7 members to have a vote. And if we can't vote, there's no reason to Meet.

KD: You could still meet to debate.

PR: So currently you have a 2<sup>nd</sup> motion on the floor.

GA: The only issue is that we have the freedom to have an alternate.

KD: You do under the Sunshine

Motion fails with one opposition.

PR: Do you feel any need to discuss outside behavior?

JW: People talk to the press. Sometimes you say things and they don't get conveyed in the press as you intended. I don't think there's anybody on the committee who isn't committed to the HCP.

BM: You could also designate one spokesperson. I get the sense that everyone is focused in the same direction.

BW: I would be happy to identify a trusted spokesperson. Maybe we don't have to make that decision now, but perhaps in the future.

BL: Our agency has a spokesperson, so I would not be speaking to the press.

KD: I'd like to bring a couple of questions to your attention. In the future, we will be offering WebEx and teleconferencing. The working group thought it may be good to offer a couple of WebEx tutorials—30 minutes or so—for those who need it. Also, I know session is upon us. In order to meet quarterly, I'd like to get your ideas on how these meetings should go, since we will be setting agendas. Let us know the best way for these meetings to be held, especially having to deal with session.

BM: Do you envision meetings starting at 9 in the morning?

KD: I tend to prefer this format. If we don't have a whole day's discussion, then we'll certainly shorten it. We'll give you tons of advance notice. Also, should I wait to schedule the next meeting until after session? We can't answer these things. You guys have to tell us.



JW: I would do anything to avoid another obligation during session, but I don't want to slow the process.

DF: The end of February, before session starts, would work.

GA: It's taken a while for us to get to this stage. I think we should keep moving it along.

TP: 3 months from now would be end of Feb anyway.

BW: Will our work be decided based on the progress of the working group? If not much progress has been made in the working group, will the Steering Committee meeting be postponed?

KD: I don't want to postpone Steering Committee meetings ever. We will bend over backwards to see that doesn't happen.

*Break from 2:20-2:30*

TB: We've sort of segued in to a more relaxed, brainstorming session here. I would ask Kat to take us through some of these key elements then we can have a discussion on them

KD: We've got 3 main things: define plan area, consider goals and objectives and consider CCAA. Let's start with the biological goals and objectives. Three things I'd like to accomplish at the next meeting is vote on these 3 items. Goals. These are draft goals that working group came up with. They look similar to biological goals in other HCPs. These are broad goals, and the 14 objectives attempt to refine those and get down to specific actions we'll take to achieve those goals.

TB: In my mind, goals can be aspirational, and you may never get there. Some of these objectives actually look like tasks or action items to me. I'd like to challenge working group to take another look at these objectives, and you may be able to boil that list down. We won't lose anything, but there's some level of specificity in there.

KD: Is anything not clear?

JW: State listed species, which we'll get there with CCAA. The State is doing great with management plans of listed species, so we should also mention state level recovery efforts in addition to federal recovery efforts.

DI: I agree with Tim that #1 is a task and #2 is an objective.

PR: Does everyone agree that #1 is a task?

All: Yes.

PR: #4 is an objective?

All: Yes.

PR: #5, connectivity?

TB: Objective.

PR: #6, restore dune system...

TB: Task.

PR: #7, improve...

TB: Objective.

KD: This all comes down to wording.

PR: #8, education and outreach.

All: Task.

PR: #9?

All: Task.

PR: #11?

All: Task.  
PR: #12?  
JW: This should be an objective, but it's worded as a task.  
PR: #13?  
All: Task.  
PR: #14?  
All: Could be rewritten.  
KF: How's #14 different from the top goal?  
PR: So the objectives are #s 2,4,5,7,12 and 14?  
BE: We wrestled with this quite a bit. This list may not even be inclusive.  
JW: I don't think these are all the tasks either.  
BE: I don't think we need to get to the task level today.  
PR: You can't determine what your objectives are until you've got your goals.  
KF: It's very important that these are the biological goals, and not the overall goals for HCP.  
PR: With that, are these the right biological goals?  
BW: I don't see anything in the goals that speaks to sufficiency. How do we know how many animals we need without doing a population assessment? To what extent do we need to minimize?  
BE: We talked about getting into numbers, but there are going to be so many impacts that are out of our control.  
BW: But there are many things that the HCP will have control over.  
KD: Would an objective be to determine what that number is?  
BW: Yeah, and Bob's right that that number might not be useful in every circumstance. That number may end up being very high, but in some cases it may indicate that our minimization is not adequate.  
RT: I thought we were talking about how much habitat, not how many animals.  
BW: I think if we determine that our best efforts at minimization will only leave 20% of the nesting population, then that isn't good enough.  
KD: I think that's captured in goal # 2, 'sustain basic life histories.' That term, is that too ambiguous? Or is it sufficient to encapsulate that we need to determine those numbers?  
BW: I think it is too ambiguous. I think it should include not only life histories, but populations.  
TB: I think #2 is the overall biological goal.  
PR: So then goal #1 could be dropped down to an objective.  
JW: How do these mesh with biological goals of HCP program?  
TA: The issuance criteria are very broad, so the biological goals are up to the applicant of HCP. I envision that as long as it doesn't contribute to a decline or lack of recovery of a species, then we don't have a choice but to issue. Biological goals can be very broad and encompassing. Our test is jeopardy.  
DI: It's somewhat inversely related to how specific your incidental take description is.  
AL: And jeopardy is not only extinction.  
BW: And maintain range as well. That's related to habitat.  
BE: One thing to consider is that the applicant is obligated to use the best available data, so the extent to which population modeling is needed, we have to decide how we'd go about obtaining that with budget constraints, does that exist, etc. That's a data gap that we'd think the science committee would recognize.  
BW: And that's a data gap that will remain.

KF: By referencing recovery efforts or plans, you may not have to model that out independently.  
DI: Florida plays a different role in recovery of those federal species. Florida is a minimal player towards recovery.

GCa: What if you added “contributes to sustaining populations” in goal #2?

BW: Or “promotes the recovery of populations.”

PK: That’s a higher benchmark than an HCP requires.

KD: Is there a more neutral word than promotes?

BL: Do you want it to be quantitative, though?

GCa: When this is viewed in time by folks who might not like it, it will be important that in plain language, someone can read the plan and see that whatever impact is allowed, it’s been mitigated. I advise you to overshoot the target, so that nobody can question whether you were close the line or below it. That will help take care of the naysayers. How would you write that so you could have that as your goal—to not only come out even in the end?

KD: That’s ‘promotes.’

RT: Or ‘enhances.’

BW: Trish, is there a critical yard stick for take jeopardy?

TA: Not take. Take is harm and harass.

BW: But take limits. We don’t want a level of take that will hamper recovery.

TA: A plan that quantifies the extent of take and the minimization levels that will take that down.

GD: It’s not required that you support recovery, but like Gail said, you want to shoot a little higher. With such a broad HCP, I would hope that the State would shoot for improving the condition of the species.

BW: I would argue for that from a biological perspective. These are endangered species, so if nothing changes over time, then they’re still headed to extinction.

BL: Do you want to put levels, numbers, percentages in here?

BW: I think recovery is the term here. Recovery is greater than 0.

TP: Take v. recovery. This is where I’m struggling. How can we talk about recovery if we’re allowing take?

TA: But take happens. So we can only issue take for an unavoidable impact.

KD: Take will happen whether we approve it or not, so if we approve it, then we can make sure its minimized and mitigated.

PR: We’re getting into the weeds. Think of the first 5 lines. What would you like the biological outcome of this plan to be? We need to look at what the broad goal is.

KD: It gets back to recovery efforts and if we’re promoting them, sustaining them, etc.

BE: Recovery plans have step down measures to be taken, and they’re for specific areas. We’re trying to apply those to the plan areas. That’s what it says, ‘supports the recovery.’

TA: Kat, should we take it back to the working group?

KD: I suspect that the same thing will happen.

PR: Setting the goal is the most important and difficult process. Once you get that set in place, it gets so much easier to set the other parts in place. What is that big goal?

BW: I have a suggestion. Goal #2, if it reads ‘supports federal recovery of those species,’ that makes it stronger, rather than supporting recovery efforts. Adding populations makes it stronger, too.

PR: So, I’ve got **‘a statewide conservation strategy that sustains the populations and basic**

**life histories of covered species within the plan area and supports federal recovery and state management plans of those species.'**

- TB: The goals are the desired future conditions. Objectives are statements of conditions that have to exist to meet the goal.
- AL: The word 'sustains' means keeping a population as is, even though you have these impacts. Is that a correct assessment?
- KD: To me this is 2-part. First, it establishes a baseline, and then it shoots up from the baseline.
- PR: I think this should be thrown back to working group.
- RT: The working group was careful to stay away from population. Are we getting direction from the Steering Committee to put population in? DEP deals with habitat. Population brings up a broader arena, but if you're directing us to do that...
- BW: But habitat is conserved so that we have populations that don't go extinct. So, why would we stay away from populations? Population goes to definitions in recovery plans...
- GC: We regulate beaches, which is habitat.
- JW: We're not just talking about destruction of habitat though.
- BE: USFWS will not authorize direct take, they authorize direct effects. It's a nuance.
- KD: There will be things acting on populations that are utterly outside of this HCP. There's a lot about wildlife that we can't control and a lot about habitat that we can control.
- GCa: We are developing a *habitat* conservation plan.
- BE: Does that argue that a CCAA will be included as a component? State management plans deal with state listed species which would be incorporated into the CCAA portion if the Steering Committee decides to include that.
- KD: So the only questionable thing there is 'and state.'
- GD: Why can't they protect the state species without a CCAA? Will the State make a commitment to improve condition of state species within this permit?
- PR: It speaks to changes that are already under way with state listed species.
- PR: What do you want to do with your time folks? Are you comfortable throwing this goal statement back to the working group to revamp?
- TB: I'm trying to get my head around using population when this is a habitat plan. Can we change the wording to emphasize sustaining habitat which will, in effect, help populations?
- KD: I'm not sure where to leave this.
- TB: I think if we can go back and take the word population out and get back to a habitat focus. And as homework, we can all go home and think about that.
- PR: Tasks for working group: 1) Revise goal with advice given. 2) Pull out tasks from objective list. 3) Regroup objectives and don't lose any of it.
- BW: I think if the concept of habitat is defined using the concept of population, that will be fine.
- GCa: Take has to be quantified, and in the beach we've always quantified it as acres, as opposed to numbers.
- BE: It's much easier to try to estimate habitat loss than species numbers.
- DI: With using population, and 50 year goal, you have to deal with new listing and de-listing. Will you have to amend it each time?
- PR: I think we've offered a way forward on this. We just need to make sure that we have a goal that will allow for an objective under it that references populations.
- BW: I like that approach.

PR: Everyone should look at the objectives list and see if there's anything missing. We need to think about objectives and tasks.

JW: But we may not need to put our energy into the tasks, because there will be so many.

PR: Right.

BE: We've also got that year 2 implementation document which includes much more detail.

KD: The working group can work out a goal to prepare for a vote at the next meeting.

TB: Plan area. Is there anybody that wants to make it less than what's proposed?

KD: Well that's not concrete. There's the option to expand the area in hopes of capturing minimization and mitigation areas and indirect effects. There's fruitful discussion to be had about the size of the plan area.

TA: Yeah, even though we have this tight CCCL area, there may be areas outside of that that we may want to include.

KD: That's one of the documents we've prepared, so I'd propose to the Steering Committee that before the next meeting you read that. There are some of these documents that we'd really love for you to read because we feel it will help your decision making. Also, the CCAA document lays out advantages and disadvantages of including a CCAA component.

TB: Does the CCAA have to be imbedded in the HCP or could it run concurrently?

KD: It could go either way.

TA: We encourage you to include state species in the HCP. So with species like the red knot, a CCAA would mean you wouldn't have to amend the plan. A disadvantage is that it adds complexity.

PK: You can imbed them into an HCP.

KD: In the CCAA document we made, it lists species we would consider including.

GCa: DEP will have to apply for 2 ITPs—one for a CCAA and one for the HCP.

TB: I wouldn't want to present or recommend an HCP with a CCAA to Secretary Sole, and he says no and we have to rewrite it.

GCa: He needs to choose which species, and you can make it one plan, but I think there has to be 2 applications. I'd recommend that that decision come now, as opposed to later down the road. You can include any species you want in an HCP. It doesn't have to be just listed species. But in terms of permit action, it will be for listed species and there will be a mechanism in a CCAA that will be a placeholder for candidate species.

JW: Impacts and strategies for state species are different because they are resident species.

TB: Is there a mechanism to check back with Secretary Sole to see if he's okay with things we propose?

JL: We would draft an issues briefing and meet with him about it.

GCa: I would expect that the Steering Committee would vote up or down on an issue, and then its only at that point that we would take it to the Secretary.

PR: Sounds like you've got a mechanism in place. The working group has a document for the Steering Committee to review and discuss further.

KD: This is a high priority. I'd like to see a simple yea or nay and if we vote yea, what's included. So be prepared to at the very least discuss it at the next meeting.

GCa: DEP needs to also decide on CCA or CCAA. You need to decide whether you want those assurances, whether state process is sufficient enough to not worry about second A.

BW: Are plants on the list?

GD: You can include plants and include measures to protect them, and we would encourage that.

BL: I have a lot of homework to do.

KD: The implementation documents are very exhaustive and they look at county comp plans and compare and contrast varying degrees of protection.

PR: Do you want to extend the meeting?

TB: Many folks have other commitments.

PR: Then we'll wrap up. The working group will revise the goals and objectives, which will be the primary topic on the next agenda.

TB: I'd like to get a notebook for these documents. Would you like the staff to put together a series of notebooks with these documents?

KD: Do we have budget for that?

JL: Yeah, we can do that.

PR: Any other tasks? This was obviously a set up meeting. It seems you've implicitly accepted your charter.

TA: What about setting the next meeting? Are you going to set dates for next year?

TB: The sooner we can set arrangements for the whole year, the better chance we can all make it.

KD: The end of Feb is only 2 months out but if it's okay with you its fine with me. We'll set up a WebEx.

JL: WebEx is not videoconferencing. You can get away with not having videoconference. You just need a phone.

TB: Where will be the location? I'm just thinking about travel.

JW: We've got people from all over.

KD: There's video equipment all over. Try to keep that last week of February open, and I'll go ahead and schedule a year out.

TB: I'll be in Arizona the last week of February.

KD: Okay. I'll be sending out an email very shortly to nail down a date for the next meeting. Thank you all for coming.

*Meeting adjourned at 4:00pm*

