

Meeting Minutes
Florida Beaches Habitat Conservation Plan
Steering Committee
Quarterly Meeting

Thursday, December 2, 2010
9:00am
Florida Fish and Wildlife Conservation Commission
Bryant Building, Room 272

Chair: Tim Breault, FWC
Co- Chair: Mike Barnett, DEP

Steering Committee members present: Mike Barnett (Acting Chair), Brett Moore, Gary Appelson, Tamara Pigott, Julie Wraithmell, Barbara Lenczewski, Blair Witherington (via WebEx)

Other participants: Kat Diersen, Jackie Larson, Gene Chalecki, Bob Ernest, Robbin Trindell, Tom Ostertag, Kelly Samek, Jimmy Sellers (via WebEx), Kim Colstad (via WebEx), Sally Davenport (via WebEx), Trish Adams (via WebEx)

Minutes

MB Tim could not make it today, so I will be serving as chair.
KD Our first order of business is to review and approve the minutes from September.
Questions comments concerns?

September meeting minutes approved.

KD Next we need to review and approve today's agenda.
MB In our discussion of the next meeting, let's discuss what items may be on the next agenda.

Agenda approved.

Staff Reports

KC The first drafts of the piping plover and red knot species accounts are complete. The first drafts of the five beach mice species accounts are scheduled to be complete in December.
KD There are two species accounts that have already been drafted and sent out for peer review through the Scientific Committee. Robbin is overseeing that process, and we expect those back shortly. They are the green turtle and piping plover.
BE Just as a refresher, there will be a total of 12 species accounts. EAI is working on the other sea turtle accounts right now. They should all be in draft form by the end of the year.
MB Who's doing the peer review?
RT FWRI, FWS and people in academia who have expertise in these species.
GA Are these reviews specific to the HCP plan area? Does it cater to the HCP?
BE These are just general characterizations relative to their occurrence within the plan area.
GA So are the threat assessments specific to FL?

BE Well, no. We talk generally about what are their threats globally, and then there's a separate section that addresses their threats on Florida beaches and in relation to CCCL activities.

Legislative Primer

BE This will be in the 8-10 page range. It covers what we're doing, why we're doing it, and it's intended for a broad audience. Part of our outreach is to let everyone know that this is ongoing. A draft has been completed and will go out for review within the working group; then we'll take it to the Steering Committee.

KD The internal review will take a few weeks, after which the Steering Committee will have a couple of months to review.

BE The focus of this talks generally for potential needs for legislative action, but not specifics.

MB Is the intent that it will be ready for the 2011 session?

BE Yeah, it'll be ready by then.

JW In what year are we likely to want the legislative changes?

KD Year 5 of the grant, which starts January 2012.

MB My question is not a push, just a question.

BE This first one is going to easily be to your liking. It's very generalized, and I don't think you'll have any problem with it.

JW Well maybe we can at least cue a few people in legislature this next session to prepare them for what may come in 2012.

MB May I suggest that if it's in appropriate draft, it should be up for discussion at the February meeting.

KD Done.

BW I'm wondering if Bob has the ability to reach out to expertise in putting this together. There may be an art to putting a legislative primer together.

BE I don't know, and I don't view this first document as a legislative primer. I view it for a much broader audience.

MB I think we have enough expertise within the Steering Committee regarding that.

KD I could run it by our own legislative folks within FWC.

MB As could the Department.

Threats Matrix

BE We have general descriptions of threats in the species accounts, but this is a separate chapter that goes to estimating take. We're in the very early stages. You could really get down in the weeds with this stuff. Our initial approach was to identify different species groupings. The impacts to nesting turtles are going to be different than those to incubating eggs, etc. For each of these groups we're going to look at CCCL activities and see how they impact each of those. We've got 17 categories of activities. The 17th are ones that aren't regulated by DEP, but they may present opportunities for mitigation. We also look at different zones on the beach, to show in which zone a particular CCCL activity will have an impact, and then if we know that a species occurs within that zone, we can tie an activity to a species. We break these down into direct and indirect impacts. Once we get this matrix populated, in conjunction with the web viewer that URS is

working on, we should be able to estimate take that is liable to occur over the life of the ITP. In most cases we may not have definitive estimates, so it may be amount of habitat that may be affected, then correlate that to take of species.

- KD The web viewer is in development, but we have struggled to understand the data needs for the tool. We want to develop a GIS tool that allows us to calculate take. URS is in the process of conducting data discovery meetings. The idea is to take this threat matrix, then decide what sorts of information do we need to plug into this system to calculate take for us. The actual data is in so many forms right now so URS is in the process of figuring out which data we need in this in order to give us the estimates we need.
- BE The Scientific Committee will play a big role in this.
- BW This matrix seems really important, and the loggerhead team put together a similar matrix. Each entry into the matrix was annotated with comments that justified the decisions and included citations. The trouble is we didn't have enough data, but we still had to justify the decision made in each cell. So when we didn't have data, we put together some justification, it was a Delphic analysis. This is difficult to do. It's always going to be open to criticism, but having the justifications helped a lot.
- BE Was this in the review?
- BW You can view it online.
- BE We have to look at the end uses for these too. For the loggerhead, was the purpose to develop recovery actions or ...
- BW Yes, all those things. The importance of recovery actions hinged on that matrix.
- KD Blair, we'll want to get with you on that.
- JW With this process, there's probably going to be turnover of some kind, so if we can keep a trail of breadcrumbs, it will be useful.
- BW So even in the absence of data, if you can at least explain the thought process, it will be helpful.
- GA Is it just Bob working on this?
- KD We exposed the Scientific Committee to this a couple weeks ago. They were very participatory and are as engaged as they possibly can be. So we began go into the rationale for why we created it, and they grappled with it and gave suggestions, and we began going through the exercise of looking at the matrix. At this point we're in the process of making some revisions that they gave us, and then we'll turn it around to Scientific Committee and have them start filling it in. I think as time goes on, we'll have to broaden it out and distribute to a wider universe of expertise. That won't happen until next year.
- BE Once we estimate how much impact is occurring, then we get into minimization and mitigation measures. A lot of these things, as far as minimization and mitigation, are things that DEP is already doing.
- KD Right now I'm in the process of getting a second tier of expertise involved. We have this document which represents an important stage in our thinking, and this will bring us to an estimation of take, and the missing piece is data sets, and that's what URS is bringing in with the web viewer.

- MB I concur that this is a very valuable undertaking. I have a little concern early on about those activities that we don't regulate. I think those activities are important, but somehow we have to draw that distinction.
- BE I don't know that that will get into the plan. This is kind of a working tool. I don't know that it will be included in the matrix in the plan; however it could be used as mitigation.
- KD Rest assured it won't be included in any calculation of take. We're looking at it from the potential back door benefit to addressing it through mitigation.
- BW Couldn't it be part of a BMP?
- BE Exactly.

Coastal Tech Studies

- JS We're conducting studies of CCCL activities including armoring, dune walkovers, beach cleaning and upland development. We're collecting parcel files from the counties and DEP permits, and any information these local municipalities may have, and then we're going through and finding where we have existing armoring. We have finished all aerial interpretations for 14 counties, and now we're working on analyzing that data. Here are some results: first 3 counties, Volusia, Palm Beach and Lee. We have total armoring, then we calculated potential future armoring by looking at existing structures, vacant parcel data and erosion lines and rates. This will come out in a summary report, and all 14 counties will be done in March. We will do the other 11 counties during next grant cycle.
- GA You're projecting out and you said one parameter would be a pending or existing renourishment project. I'm assuming that it's a part of the State's managed beaches. Do you just assume that if a beach is currently managed, that there will always be renourishment?
- JS Yes, we're looking at the 2008 beach management plan. We are assuming that these projects will go forth at least for 25 years.
- GA So if you have an area of beach that had a renourishment project 5 years ago, and it's highly eroded back to former conditions, do you assume that that beach won't need re-armoring because it's in the management plan?
- JS Yes, that's what we're assuming. I realize there will be cases like that, but it's very time consuming and costly to go through the state property by property.
- MB I think for the purposes for the long planning horizon, that's a very reasonable approach.
- JW Jimmy, will there be a statement in the narrative that these estimates are conservative or minimum? I would just want to be clear that this is probably a minimum that you're arriving at. Similarly, there may be some opportunities for enforcement or monitoring of permits to be a response in the HCP. I know of armoring that extends further than the permit allows, or is built with an expired permit so...
- JS The data presented will be qualified ad nauseam.
- KD We had this sort of discussion with the Scientific Committee regarding sea level rise. There are different projections for sea level rise and the different erosion rates associated with those.
- BM Also the likelihood of a storm impact and sea level rise over 25 years. I agree with Mike that this is a very reasonable approach.

- BW We tried to go through this for sea turtle nesting, and we found out that our snapshot was not as accurate as we thought. We really got the feeling that if we're going to get a handle on how much armoring is in the state, it's going to have to be a continual process, like the census. Our approach was to sample the state. Do you have a feel for how well a sample might work to accomplish the goal of what we might need?
- JS We haven't looked at that yet, but it might come to light when the Scientific Committee looks at that. It might come out in monitoring requirements.
- BW The census could be extremely valuable how well we can sample this. You could do a Monte Carlo type draw from all these potential samples and see how good an estimate you get.
- BE This seems like something we'd want to do as far as monitoring and implementation.
- SD We can talk more about this is our next working group meeting.
- JS Dune walkovers, we've got total acreage and how that breaks up into walkover area in the dune and on the beach. Beach cleaning data is not complete, but we got information on how they're raking, when, what time of year. Vacant parcel data shows future land use for vacant parcels.

Re-voting

- KS Chapter 120 of the Administrative Procedures Act gives state agencies the requirement to notice a meeting 7 days in advance. For the last meeting we fell a little short of the 7 days. It's complicated with the way the FAW works and getting your notice in. In the Sunshine Law, it says that reasonable notice must be given, but for state agencies, they are presumed to be in compliance if they follow Chapter 120. Unfortunately, the complaining party was the joint administrative procedures committee, staff to the legislature. Their staff attorney's conclusion is that the short notice invalidated the last meeting, so essentially the votes from the last meeting are void. In order to get straight for the record, we have to not only re take the vote but also provide the discussion that led to the vote and to allow the public to express its issues.
- JW Are there members of the public or JAPC on the phone? (No) How will today's minutes be incorporated into the September minutes?
- KS Minutes are still part of the record.
- MB This meeting was noticed. We approved last minutes. Once we get further along in process there will be public opinion, but what we voted on last time is critically important to this process. My recollection was that Diana was a participant in the last meeting, and Tim, but does that matter since we have a quorum now?
- KS That doesn't matter.

Term of ITP

- JS To describe the issue, the term is requested by the applicant. The Service does play a role in evaluating if it's appropriate, and it might be fair to say that largely that has to do with the scale of the HCP. We essentially have 4 options—short; moderate; long; and combatorial period, with renewal. We pulled out a few of the highlights. The number of years in parentheses is meant as an example. The specific year we end up going with could be completely arbitrary. So for short term, the main pros, keeping in mind that we have to identify take and mitigation, are that it reduces mitigation requirements and reduces the

risk of having to amend for additional species. The main con is that renewal will come sooner and FWS does not offer grants for renewals. We haven't been able to figure out what renewal costs might be.

The second option is a moderate term, and the main pros are that it moderates the risks and meets FWS guidance of 20-35 years. The main con is it has more uncertainty than a short term, as far as additional species to include in permit, and renewal costs will come sooner than with a longer term.

The third option is a long term, and the main pro is that renewal costs are delayed. The main cons are uncertainty and maximized mitigation. Also, the Service doesn't really recommend going out this far.

The last option is a combination—what Volusia County did—and the main pro is having a trial period. The main con is that renewal costs will come sooner, with no assistance from FWS.

The working group recommends a moderate, 25 year term. That seems to be a common term for HCPs this size. There was some discussion about 30 years, because the DEP uses the 30 year erosion projection in this program, but we're sticking with 25.

JW Is there any obstacle to amending the HCP during its term?

BE No, as long as both parties are agreeable. And what you're doing is actually amending the ITP.

MB At the last meeting, we had a discussion about an adaptive management component. Do we need to have that discussion again?

BE It's adequate to say that the plan will have adaptive management that will allow us to deal with these uncertainties that come up.

KD Key components to this discussion last time: Cost of renewal, example was Volusia County. Expensive to do renewal. Estimated 50-75% of initial costs to do renewal. Another item of discussion was that renewals are due 30 days prior to expiration of permit, but there's an ongoing relationship with the Service, so that it can be addressed before that as well. The ITP remains in effect throughout the renewal process. Also, the working group recommended 25 years because the Service recommended it, and climate projections are fairly certain in 25-30 year range.

BM Also with the short term, a concern would be that you wouldn't gather that much information, when you look at how many permits will be issued in 5 years, and gathering data. The long term will have way too many uncertainties. 25 years seems most reasonable.

JW And 25 years will hopefully be enough time for local governments to see benefit in the program and may be willing to share renewal costs.

TP Motion to 25 year term with robust adaptive management component

BM Second.

Approved-25 year term with robust adaptive management component

161.052 Beaches

MB These decisions will need to be taken to the Secretary.

- JS When this HCP was initiated, it was initiated for the CCCL program. As we got further into the project it became clear, that CCCL activities are not the only activities that don't have a nexus with Federal law. This came up that there are some permits that perhaps should be included in the plan area. So we found that the majority of these permits are in Monroe County (45 of 50) for beach cleaning (45%). At this point, the question is should we amend the original plan to include only CCCL beaches or should we include these .052 beaches? So our 2 options here are to either continue investigation of .052 beaches, or not. The working group wants to continue investigating .052 beaches because it retains a path for DEP to get protection for an ITP. The con is that it adds to the scope. The second option is to discontinue investigating. The con for this is DEP won't be protected from potential take on these beaches. It was brought up that another option could be to only include Monroe County.
- JW Keys species of turtles...
- JS The hawksbill nests on some of the beaches in the Keys, and when we investigated the presence of the roseate tern, it was discounted by the experts we consulted because they nest on rooftops or not on the sandy beach. But if we do include this area, then we will include the tern.
- BW Hawksbills, greens and loggerheads nest down there.
- MB For clarification, continuing investigation does not mean that these areas will or will not be included in plan. It just means that we will continue looking into them as possible plan areas.
- KD We did have discussion on public consternation over these areas, and posing an undue burden on the overall HCP process. As I recall, it was determined that because this is not a final decision, but just a decision to continue investigating, that conversation was tabled. We also talked about the time and money involved in looking into this. The grant will cover the cost of looking into this and the Service agrees it is well worth the time and money.
- BM I think we were also talking about when the working group comes back with more data, then we could decide if we just want to include say, just the big bend or all.
- GC There's nothing that precludes regulating private beaches. As it turns out the majority of the beaches that are regulated under .052 are public. And they are deemed to be critically eroded.
- MB I recall executing a .052 authorization privately helped development in Monroe.
- BM So the reason for that is in regard to public consternation. So most of it would be public land.
- JW Motion to move forward with investigation of .052 beaches.

Approved-move forward with investigation of 161.052 beaches

At-risk Species

- BE We basically partitioned 13 species into 2 tiers. First tier (6 species) species are listed at state level and four of them are on the federal radar. Second tier are defined as Species of Greatest Conservation Need under FWCs Legacy Initiative, and population data for a lot of these is very limited, so we really don't know a lot about their situation out there in the wild. None of these are state listed and do not appear to be on the federal radar. What

we want to do is look at decision factors that might allow you to make a decision as to whether or not we want to consider inclusion of these species. The main thing is you want to make sure you're covered for take should they become listed. On the other side of the spectrum, we want to try to prevent some of these species from going extinct, so by having them in the plan and having conservation measures for them, might preclude that. We need to consider, what's the likelihood that any of these will become listed over term of permit? What are the cost and time associated with collecting info that's needed to include these species in plan? Cost and time associated with having to make permit amendments should they become listed. Cost associated with additional minimization and mitigation measures. Likelihood of legislative authority. With those things considered, we have 4 options:

- 1) Only deal with those currently listed at the federal level.
- 2) Develop an adaptive management strategy to entrain new candidate species at the time they're petitioned for listing at the federal level. It takes time to pull that information together, so at the time of petitioning, all that data is presented to the Service. So then we could amend the State's permit to include that species and hopefully during that process, the permit amendment comes in before the species becomes listed.
- 3) Allow the working group to explore the inclusion of tier 1 species. Go out and get specific information we need, do threats analysis and bring that back to the Steering Committee.
- 4) Allow the working group to explore inclusion of tier 1 and tier 2 species. One of the things we will necessarily include in the plan is the MBTA. We've come up with some likely minimization measures that will be in the plan that will likely trickle down to these species.

The other thing is to look at the ecology of these shorebird species that only winter here. Some others are year round, others nest here. So just by protecting the piping plover and red knot, which only winter here, won't protect other species.

The working group recommends option 3 to continue to explore inclusion of tier 1 species. We feel that in monitoring those species, there will be trickle down effects for tier 2 species.

JW Does that 6 include Wilson's plover?

BE No, but I think at the last meeting we decided that it should be included.

MB Nancy had quite a bit of information at the last meeting. Is there any update to the discussion about the first tier list? I think Nancy said that the first tier wouldn't change but we'd have more information in November

KD FWC is revamping their listing process, and in an effort to do that a number of species that were on the prior state list are undergoing BSRs and some, their status may become clearer.

TO They've gone through all the BSRs but they're still out for peer review. It's still ongoing, and I don't think it'll be solidified until February.

JW Preliminary finding is that all of the sea birds and shorebirds here will remain on the list.

BE Are you looking at the state list aspect as further evidence to include those species?

MB Yes.

JW Hopefully the management plans will have some good mitigation options we can use for the HCP.
BE How quickly will that information be out?
TO Within 2 years of the list being approved.
BE We'll probably have to do some interacting with those groups.
MB I think even if we were considering short term, we'd want to continue investigating the 6, but especially with a 25 term.
GA Motion to continue investigating 6 tier 1 species plus Wilson's plover.
JW Second.

Approved. To continue investigating 6 tier one species, plus Wilsons plover

Future Meetings

MB Brett and I are not available the week of February 7-8.
KD We're neck deep in data right now. Very little of decision oriented nature will be coming up any time soon. We're looking at well into next year before we bring these issues back to you. Just be sure to let us know about any items you'd like to bring up at meetings. Next few meetings will likely be short and sweet. We can utilize WebEx, which you can use from your desk.
JW How far in advance do out of town people make travel plans, just so we know when to send agenda out? That way if it's a light agenda, you may not have to travel.
GA I think it's really important to keep us apprised of work that the working group is doing.
KD That has been our goal and will continue to be our goal.
MB Kelly, are the votes from remote participants okay?
KS I'll have to look into that.
GC We've used this before.
JW Climate change groups have used this, too.
GA Kudos on WebEx. The visual and audio very good.
MB One possibility we might want to consider. Barbara just mentioned we may want to consider a vote for the committee on the appropriateness of WebEx.

MB Trish, anything to add to today's discussion?
TA Every time I was going to chime in, Bob beat me to the punch. I think everything is a-ok.
KD I think that covers everything. There's no public to comment today. Look out for the doodle poll so we can schedule meetings for next year. Thank you so much for your participation, your patience.

MB If there's no other business, this meeting is adjourned.