

Meeting Minutes

Florida Beaches Habitat Conservation Plan Steering Committee

Wednesday, June 1, 2011

Chair: Tim Breault, FWC

9:00am-12:00pm

Co-Chair: Mike Barnett, DEP

Florida Fish and Wildlife Conservation Commission

Bryant Building, Room 272

Steering Committee members present: Tim Breault, Mike Barnett, Gary Appelson, Tamara Pigott, Brett Moore, Blair Witherington (via phone)

Other participants: Kat Diersen, Bob Ernest, Gene Chalecki, Kipp Frohlich, Tom Ostertag, Robbin Trindell, Kim Colstad, Jimmy Sellers, Thomas Eason, Jackie Larson, Trish Adams (phone), Sally Davenport (phone)

Recorder: Rebecca Frick

Minutes

- KD First off, let's review and approve minutes from February. If you have any questions...
- MB We don't have a quorum, can we approve?
- BE Can you defer that until later, when Barbara comes?
- KD Actually that's a good question.
- TB If it's an official action of the Steering Committee then you need a quorum.

Staff report

- KD The remaining meeting dates for this year are August 30 and December 14. Those should already be in your calendar. We will probably at the December meeting schedule the 2012 meetings. Grants and contracts—not too much here. The amendment we submitted to the Service several months ago was finally approved, so we're now officially spending money out of the year 4 grant. Started spending beginning of April. We've submitted an application for the year 5 grant. We still believe we will be awarded that, but the official awards haven't been announced yet. The HCP primer is on its way to completion. We sent several drafts to you for review and comment. Thanks for your comments. We've incorporated them, and it's now on its way to being turned into an attractive outreach document. We will send out for one final review to you. Species accounts—green and loggerhead turtles, 5 beach mice and piping plover have been through the complete peer review process. We're nearly done incorporating those comments, and once that's done we will send to you if you want to provide input. That should

be done in the next couple of weeks. Red knot, leatherback and Kemp's ridley will be wrapping up in the next few weeks. Again, you'll see those come out once that's done. Finally, the only species account that has not gone out yet is the hawksbill, which will go out in the next two weeks. So we're very close to wrapping up the species accounts. 052 beaches—just started on that, and we're approaching it from 3 angles: who owns the beaches, how they've changed over time and use of those beaches by all the species. We should have that research completed for presentation at the Fall meeting. Current studies underway—year end reports have been completed and they were sent out to you a few weeks ago. Jimmy will give a quick review of them.

- BM Primer—has a lot of good info. Down in Naples I have some environmental contacts I'd like to fill in. They could be a good stakeholder resource for the process. Is it too early to share a draft with them? Do I need to wait until this document is polished? The sooner they're aware and on board, the better.
- KD I'd rather wait until it's a polished document. Bob, what do you think?
- BE I think it's the Steering Committee's call.
- BM How long until it will be in a state when you're comfortable distributing it?
- BE The language is there, just need photos, and layout.
- KD Timeline wise, that has a lot to do with when we can get URS back under contract. They're doing the graphic content for that. As far as material goes, I suppose I'd be okay with the text being circulated internally with Audubon.
- BM I'm not suggesting sending it out en masse. Just the sooner you have networking with local environmental groups...I can always hand it to my partner who is a member of Audubon. I can give you (Kat) as a contact in case they want to get involved.
- GA Can you send us a copy with a watermark draft on it?
- KD Sure. We'll send you a clean one with draft watermark on it. Other comments?
- BM If I give it to anybody I'll let you know.

Coastal Tech studies

- JS Just to reiterate, during year 3, we got through 14 of 24 CCCL counties. Reports that you saw outline methods and results of first 14 counties. Beach cleaning study we've taken a different approach, working with Bureau staff and conducting interviews with DEP field reps about issues they deal with on the ground. Starting this year, field reps will start filling them out with DEP permittees. Questions or comments after reviewing reports?
- BM One of the ones I'm most curious about is the upland development study. What is the purpose of this study?
- JS To identify vacant parcels or habitat still available within CCCL jurisdiction to get an idea of future land use and potential future impact.
- BM But you're not identifying habitat at this point.
- JS Correct
- BM It's confusing to me because we're using vacant parcels as an indicator of development pressures. It could be vacant because it's not a good development property. Demolition of existing homes is not taken into account, either. I'm wondering if that approach is not complete enough. Every parcel along the beach is up for sale and redevelopment.
- BE How could we get a handle on that? Is there some sort of method we could utilize to do that?
- BM Parcels less likely to be redeveloped are ones that are conforming. Ones that have already been permitted.

- BE Time and budget all play in to how detailed and comprehensive we can make our studies.
- BM I just think what's important is that you don't just present the vacant parcels as the indicator of where we'll see development pressures. You should include some caveat in there about redevelopment.
- TP I think your absolutely right. Some of our vacant parcels will never be developed and some existing will be torn down and redeveloped.
- BM I'm just not sure that at this point the vacant parcels are an indicator of where there will be development pressures. Just add the caveat of redevelopment pressures.
- KD When you consider the overall objective is to get a picture and make assumptions of future pressures on the coast, certainly the upland development study was an attempt to get a handle on that from one angle. I would be very interested in your feedback on what are other things we need to look at.
- BE Ultimately these studies will be used for estimating take. We're having a meeting next week to hone this a little better. There are a lot of assumptions that will need to be made. We don't think our methods are perfect by any means. I think those caveats will be captured in the document. These studies are not meant to be stand alone studies.
- TA Wanted to add from Service's point of view. This information will be helpful in the effects analysis. Don't think we've ever discounted redevelopment pressures, but certainly I think we're going with this study looking at new impacts to species. When we look at a shoreline and see it's already developed, we consider the impact has already occurred. Looking at this from very coarse angle. We're also looking at where there may be potential mitigation habitat.
- KD I don't know if we have time or money to do it, but I would be interested in trying to conduct a reasonable study of what's likely to be redeveloped.
- TP I don't know that you could in this particular climate. Looking at real estate prices...
- RT 10 years ago there was legislation passed on blighted coastal areas. That's where local government can identify areas where infrastructure could support higher density. Is that still around?
- GC I think that ran from Ponce inlet to St. Johns river.
- GA If the area is already developed, it has potential for redevelopment, so impact is not going to change. But doesn't this upland development study dovetail with the armoring study? It just seems like armoring is critical...
- JL We didn't look at non-conforming structures.
- BE 2 aspects of redevelopment. One is construction impacts from redevelopment. So are there ways of pulling that data out of your database (Gene)?
- GC My gut feeling is no.
- BM If I have any ideas, I'll certainly share them. Also a question about walkovers. Is there ever a thought about not having walkovers and just having footpaths?
- JS I think something like that would come into minimization measures.
- KD Beach raking study. As he mentioned we're working with DEP field agents who are permitting this beach raking. I'd just like to point out that this is ground breaking and will contribute to a whole body of knowledge that we haven't had up to this point. The survey we developed will become a part of annual permit renewals. It will tell us really important things about the impact of beach raking that we've never been able to quantify before. Jimmy, anything else?
- GA Armoring study, page 5, "note that no future armoring was identified 'where a beach nourishment, beach restoration, sand transfer or other project...would provide protection.'" What does that mean? You didn't look at those areas?

- JS By DEP rules, there's a provision that makes it unpermissible to get beach permit if there's a beach project in front of it.
- KD Gary, is your concern for areas where projects have been approved and they're not moving forward because of lack of funding?
- GA Armoring is driven more by storm events than by long term slow erosion. Funding for restoration plays big impact into that. Some assumptions we're making may be proven to be very inaccurate. I also wonder about when we look at development pressure, which will eventually result in armoring, development pressure is defined as development that's landward of the 30 yr erosion line, but there's a lot of development pressure that's increased...
- BM Areas that don't have plan nourishment, are likely to have armoring. Other areas that move forward with projects, they will likely come up with some funding over the 25 years. I think that was a good way for them to go in their report.
- GA Would eligible v non eligible play into that?
- BE One thing you have to keep in mind is big picture stuff. Look at the tail end of this; we need to mitigate for take by CCCL activities. Over the next 25 years, there will be a lot of variables. We have to have a reasonable approach and state what our assumptions are and that we recognize our deficiencies. I think it will be acceptable to the Service. I think these things are good to discuss, but it kind of gets to a point where it's an esoteric discussion.
- RT I think these are important issues to discuss. If you put it in the bigger framework, if take is underestimated or there's a change that compromises estimated take, how do you address that over the life of permit?
- BE Adaptive management.
- GA one more question: is it possible to look at some subset of a county to see how much of an area has eligible v non eligible and extrapolate? Can we look at a partial area to get a handle on that?
- GC We got a map viewer and you can lay out the number of buildings where we've issued permits for development. And even if those locations are not correct in all instances, you'd still, in terms of percentages, be in the ballpark. That may be possible.
- GA Is that worth doing?
- KD We can look into whether that's a reasonable metric.
- BE If you could email a list of those concerns for us to look over.
- KD Final questions or comments on studies?

Gantt chart

- JS We've added development of chapters. Aside from that, we've just been trying to get as many black lines through these bars as we can, indicating completed tasks.
- KD Were interim emails helpful?
- All Yes

At-risk species

- BE Recall from the last meeting we were looking for direction on how to proceed. September of last year you selected option 3 for these at risk species. What was decided is that we'd come back with basic information. 7 species are either listed at the state level or potential candidates for future listing. Santa Rosa beach mouse, 3 nesting shorebirds, 2 nesting sea birds, gopher tortoise.

(BE and KC give presentation on 7 species—natural history, potential threats, range and distribution)

- GA What is the cause of the decline of the black skimmer?
- KC It's multifaceted. Habitat loss, direct mortality
- GA So it could be many things that occur off of beaches.
- KC Right
- BE Potential effects of inclusion of these spp. Minimization—SR beach mouse, no new minimization measures. Same for gopher tortoise. The state already has a rigorous protection plan for that, so we'd just incorporate those. Nesting shorebirds—protections for wintering piping plover and red knot would apply. Sea birds tend to nest in colonies and chicks stay in place during fledging process. Shorebirds are solitary nesters and chicks are precocious, so those pose a little more challenging in terms of minimization impacts. But if you include one shorebird and one sea bird, minimization measures would benefit all 3, so you wouldn't have to come up with 5 separate minimization measures.
- Mitigation—more needed for nesting shore/seabirds and gopher tortoise. There's nothing that we see that would prompt us to suggest pulling the plug on any one of these 7 species at this time. Unless you have any objections, we intended to go forward with full blown threats analysis. We're already working on that for listed species, so this would be the perfect time to plug these in as well. You could still decide later whether or not to include these.
- KD There is both time and money to include them in threats analysis. It will not pose any constrictive burden on staff to conduct full blown species accounts on these.
- BW You mentioned one strategy would be to include one shorebird and one seabird, but that doesn't take into account the difference in distribution of species. I think that argues for including all these species.
- BE I agree. I think the point I was trying to make was that if you're going to include 2, you might as well include them all.
- BM Bob, can you give me brief outline of the threats analysis?
- BE We've got a general strategy for how we're going to do this. It will probably be some kind of scaling exercise and layer it within a GIS platform and come up with some kind of spatial analysis, but the intricacies of how that's going to work, I really don't know. We're having a meeting next week to discuss this.
- MB I don't know that we can vote on anything today—no quorum—about moving forward with full blown species accounts.
- BE I think at the September meeting the Steering Committee voted to allow us to go on with full blown accounts.
- KD We can pull those minutes, but our feeling on this was that the vote gave us clear enough permission to move forward all the way with these and we should do it step wise.
- BE Key points are that this will not affect timeline or budget. But if there's anything the committee sees that you say we shouldn't move forward with on these, we need to vote on that.
- TB I'm comfortable with moving this thing forward because it may reveal some additional insights for us when making the decision further on to include or not include these.
- MB My recollection from the last meeting is we had inquired where are you with these 7 species accounts. Are you looking at next quarter to finish species accounts?
- JS I'd say next quarter or half of it. For all species we could get them done in year 4. The last formal vote on this was to continue investigation.

- MB That's fine. I was just raising the point. I'm not trying to stop you from it. Was this meeting ever intended to have a vote?
- KD No.
- BW We could just record any objections and vote on it next time.
- BM I'm on board with continuing since you've budgeted time and money for it.
- KD Then our plan is to move forward with full blown accounts on these species. You'll see drafts as they come out. If no other comments or questions, break.

Steering Committee members

- KD Right before the last meeting, we found out that Diana was going to be leaving Association of Counties. It was not an immediately pressing concern because her seat is shared with Scott Dudley from League of Cities. Unfortunately, it looks like Scott's workload will prevent him from being a full participant, so I initiated contact with Diana's replacement and got a meeting with him. I let him know about the project, Diana's role and discussed his potential future participation. His name is Stephen Glenn. I want to have a meeting with him and Scott, to find out what their interest in participating is. At the end of legislative session, it was decided that DCA will in effect cease to exist as it has in the past. 40 members have been retained and will be absorbed into new agency...Barbara is one of them. She's interested in continuing participation in the Steering Committee but only if it's appropriate as a representative from the new agency, and she's not sure of that yet. So her slot is about to become moot. Finally, Tim is retiring and will be leaving us as well.
- TB I'll be starting my encore job. The position's with FWS as coordinator for peninsular Florida LCC. The Service started this 2-3 years ago based on drainage and bird conservation regions. Premise being a partnership—all wildlife, all fish, all habitat. It's basically a partnership operation that the Service provides a couple staff to help with operations. My job will be to continue a lot of things I've been doing. Moving there June 20. So I imagine I will still be working with this group in terms of science support.
- KD So at this point I'd like to bring your attention to the charter. Members, alternates and chair section. Basically it states that the Steering Committee will initially be composed of 9 members. You can see there's 9 appointments, and those supersede individuals in those slots. So as I said, the DCA slot will change or go away. The bottom of this section says the DEP Secretary may alter or add Steering Committee members as necessary. So that means we have the ability to nominate individuals to the Secretary, but ultimately it's up to the Secretary. As far as I know the DEP Secretary has probably heard of this project, but doesn't really have a good solid pulse on what we do, so the presenting of future nominees will coincide with our bringing this to his attention in the first place.
- MB The Secretary has not been briefed on this project.
- KD Operation, item 5. At least 7 for a quorum. That means we need a 9 member committee, which we may not have after this. Also, bottom of this page, other terms..."revisions to charter must be discussed at publicly noticed meeting and brought to the Secretary for approval." So I just thought we could have a very initial brainstorm on an approach to taking this to the secretary. I don't see a way to not bring it to him because while I don't foresee a quorum being required at the next 2 meetings, it will not extend beyond that. So we need new membership and we need a proposal for what the future Steering Committee will look like and a strong way of selling that to the Secretary. Tim and I have had conversations about who may replace him on the Steering Committee, and Thomas Eason is with us today, and we're hoping to suggest him as a

replacement. Stephen Glenn possible replacement for Diana. Are we comfortable with the current structure of the Steering Committee? Thoughts? Comments?

BW Does the quorum change if we lose a slot?

KD It will still be 75%, which makes a quorum of 6. We may not lose a slot, we may propose to change that slot to new agency.

TP Does the Chair have to be from FWC?

KD No.

MB Briefing the Secretary on this project is first. I just don't know when or how that will go.

GA Did you say the Secretary had not been briefed on the CCCL?

JL Right.

GA It seems it would be difficult for him to appreciate the HCP process before he fully appreciates CCCL program.

TP It seems very difficult to have this conversation with so many new people at DEP involved. I think we have to accept that we're going to be shortened in one way or another for a while.

JL Maybe we could recommend a different approval authority. Maybe it could be the deputy Secretary, Jeff Littlejohn. Why does it have to be the Secretary? Initially we thought because it would be his sig on ITP application.

MB Interesting suggestion, Jackie. Deputy Secretary for regulatory programs may be more appropriate.

TP Maybe that could be part of your presentation.

BE What kind of comfort level is there for continuing on? I don't think we'll need a quorum until early next year. Gives you time to strategize and I think we need to have some concrete talking points in terms of benefits of the HCP to the program you can present to him. Is everyone comfortable with just spending the next several months strategizing?

MB I see little opportunity to get something this structured before the Secretary between now and August. It needs to be very focused and targeted.

TP Would it be better to push back our next meeting?

KD The only substantive thing we may want to present to you is our take estimating mechanism. But the reality is that there won't be issues to vote on for a while, and we may be able to just forego the August meeting and I can just give you guys updates.

MB Since we're talking about scheduling. Legislative session convened early and the December meeting gives me concern. If there continues to be a local government member on the Steering Committee, they're likely not going to be available in December.

GA I think this whole discussion shows we need to not delay things. I like Jackie's idea of making decision authority further down the DEP bureaucracy. I think we need to push forward as quickly as possible with replacing members. I think we need to stick to the schedule of meetings. Session just happens. We need to deal with it as we can. I also think we need same number of members because in defense of the entire effort you need as much representation as you can have at all times.

KD Is that a plug with continuing with August and December meetings?

GA I don't see any reason to change the meeting schedule.

BE The only argument about the next meeting is that to this point we've had a steady progression of information to present. Now we're at take estimates and that will take time. It's not as if we'll miss a beat by not having the August meeting. I just don't know we'll have a lot of substantive info to present.

KD It's premature to cancel meetings right now, but I understand there needs to be flexibility at the end of this year.

GA I think there's more pressure to cancel the December meeting. All the more reason to have the August meeting. But we need to push forward with finding new members.

KD With DCA, the reason Barbara participated was because of DCAs role with comp plans. The whole nature of comp plans is now changing.

TB To move this forward, we need the Working Group to put together a power point, 15-16 slides, maybe get Nick to meet with Jeff. Make sure Nick understands it, why we have it, why we have this structure of the Steering Committee. Then get Nick briefed up and Mike, talk to DEP director.

KD I will personally take that on.

TB Any comments on that approach? At that higher level, make those connections again.

MB I might further suggest that I be present at the briefing with Nick.

KD I would think that I'll put something together and we'll vet it internally and at DEP, and before it goes to Nick have you or Thomas look at it and say, yes this is the height of information someone at senior leadership would want, etc.

TA Do you need anyone at FWS to help in any of those briefings?

TB Yes.

TA Well, my field supervisor is leaving in the next couple of weeks and next in line is Spencer Simon, but we could get other field supervisors involved. Just let me know what you need.

TB Mike said Spencer would be excellent.

GA Trish, I'd recommend that you be part of that team.

TA Sure.

TB I think it's important with these briefings to have representation so that if specific questions come up....

KF I wonder if dialogue with Barbara is the best way to learn about new agency she's going to. I don't know how you guys as a team would want to learn about that so when you have briefings, you have clear answer about DCA.

KD Well, Barbara is one of those 40 remaining DCA members, so she's on the inside.

TE Just as an outside perspective: I don't think we need to be timid. If we can't sell this in Florida, shame on us. I think if we do this well, it probably won't take that much convincing other than just getting them comfortable with it. To me it's a no-brainer. I view it as an opportunity. We have a new set of people we can re-tune our message. I'm energized by this. This is more of an opportunity than an obstruction.

GA I would reiterate that. The key here is to not be timid.

BE Have the primer there or let them read it ahead of time.

KD So in general I've mentioned that FWC is considering Tim's spot with Thomas, replacing Diana with Scott or another Association of Counties person. Are you guys, in general, comfortable with that preliminary direction of movement?

TE We need to go in with clear changes in the charter when talking to the DEP Secretary or Deputy Secretary.

MB We could show the DEP Secretary the charter in track changes and cleaned up and I agree with Thomas that we should probably have those names. I still think a local government representative needs to continue to serve. I don't know that delegating the Deputy Secretary is going to be such a big deal.

JL Sounds like we're going down the path that Mike will make changes without benefit of talking with the Steering Committee first. Is everyone ok with that?

MB I didn't realize I suggested that.

JL Well, we won't talk again until August.

- KD The charter states that any proposed changes have to be discussed at a publicly noticed meeting.
- TB I see it as a tiered approach and whatever needs to come back to the Steering Committee can come back in August.
- KD Thank you for your comments and insights. Been very helpful.
- TB Kat and the Working group will put together a power point, get Mike and others involved on the look and sound. Send out primer. Schedule meeting. Set up meeting with Spencer, Trish, Nick, Mike, Deputy Secretary—talk about decisions needed to be made on members of committee and charter.
- BW Sounds like this briefing will take place before a thorough briefing of the CCCL program.
- JL The Deputy Secretary has been briefed on the CCCL program.
- GA Overall objective is to continue moving forward.
- BW It might not be we have to sell all the details of what's inside the sausage, just that it tastes really good and people like it.
- KD That's a good point, although the only hesitation is that I still remember when we took this to Secretary Sole and he asked many very pointed questions.
- TE Making sure we're following a process. I think we are. This is a publicly noticed meeting. We're talking about it. I don't think we have to hold to another discussion in August.
- KD Thank you all again for comments and discussion on this. Finally, is there any member of public who would like to comment on any item on the agenda at this time? (silence) Any other items to bring up? (No)

Meeting adjourned 12:00 pm.