

Meeting Minutes
FBHCP Steering Committee

30 August 2011
Bryant Building, Tallahassee

Steering Committee members present: Mike Barnett, Brett Moore, Julie Wraithmell, Gary Appelson, Blair Witherington (via phone)

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

Recorder: Rebecca Frick

Minutes

MB Good morning. We do not have a quorum today. Introductions. Review of minutes from February meeting.

KD As Mike mentioned, we don't have a quorum, so we can't formally approve the minutes, but we can certainly review them. Any questions? Concerns? Suggestions?

BM There's a lot of reference about following up and preparing a presentation for the Deputy Secretary at DEP. What's the progress on that?

KD I'll be discussing that in the staff report. If there are no other comments on the minutes, I'll move on to today's agenda. The vast majority is updates. As mentioned at our last meeting, we're not at a point where we're dealing with things that are of great concern with the public. We've also built in time for Tom Ostertag to conduct a discussion on management plans for state listed species. There were some questions in the past about potential overlap with the HCP. We've also got time to go over the .052 beaches issues analysis. Then finally we'll spend time discussing our progress on coming up with a method for determining take. Questions or suggestions for amendments to the agenda? (none)

Staff Report

KD The Working Group has had a busy 3 months. Most of our work has been related to gathering data. Before I get to that, I'd like to remind you that we have one remaining meeting—for this year, December 14. At that meeting we will try to plan out our schedule for 2012. Be thinking about quarterly meetings, is our current format good, etc? Grants—we just found out that year 5 has been funded. That will start January 1.

HCP primer—will pass the mock-up around for you to look at. We're very happy with it. I'm thankful to the Steering Committee members who provided feedback. This mock-up is not final, but very close. We will have copies for distribution by the December meeting. Next item is species accounts. We've been sending them out to you for review—green turtle, 5 beach mice, and piping plover have been through complete peer review. Those are now in their final form. Loggerhead and red knot have also been through peer review, and I sent those to you for your optional review. These have been thoroughly vetted through the Scientific Committee. Leatherback and Kemp's ridley are in final edits. We expect to have them to you in the next few weeks. Work is also underway on the additional non-federal species. Drafts have been prepared for the Santa Rosa beach mouse and gopher tortoise, and will soon go out for peer review. Still working on drafts for additional 5 shorebirds. Current studies under way—armoring, dune crossovers, upland development, and beach cleaning. Last meeting we had a sort of final report. We decided to skip an update on those this meeting because we're continuing on with those studies. We anticipate being done with those by December.

JS We'll be done by December, with the exception of the beach cleaning study. Field reps are collecting data from permittees as they issues permits. Beach cleaning study will be done by June 2012.

KD Finally, quick update on status of rotating Steering Committee members. Replacements will require an amendment to the charter. Jackie or Gene noted that the new Secretary and Deputy Secretary haven't been briefed on the HCP yet. The Steering Committee gave us guidance to give a presentation to DEP, after vetting it through senior leadership at FWC. Internal vetting resulted in a complete redraft from more of an informative presentation to more of a sales pitch. The team has decided to sort of put this on hold until senior leadership at DEP and FWC was settled and in place. HSC has a new division director, Eric Sutton, who will start tomorrow. It was tentatively suggested that Thomas Eason would take Tim's seat on the Steering Committee, but we need to run that through the new Division Director. So we will take that to him in the next couple of weeks. Association of Counties—Stephen James may be filling in for Diana. I have had conversations with Scott Dudley with the League of Cities, and it looks like he won't be able to step into Diana's role, so it looks like Stephen or one of his partners from a representative county may be the one to fill in. For DCA chair, the team is thinking that we will ask the Committee to not fill this position. This decision was reached after long conversations with Barbara, and she doesn't feel her new agency is appropriate for the Steering Committee. Finally, Mike...

MB My seat will also need to be filled. My last day with DEP is this Friday. My understanding of the charter is my fill-in will have to be approved by the Secretary. Not knowing the restructuring of DCA, I think going to 8 members would probably not be a bad idea. It would get closer to a quorum for future votes.

JW Kat, what was the original intent of DCA having a role in the Steering Committee? Was it a regulatory nexus, or broader land use patterns and smart growth?

- KD A little of both. County comp plans were looked at as a vehicle for implementation of the HCP. So I think we saw Barbara being more involved down the road. But also we wanted her growth management perspective all along, to look at it through that county regulatory lens.
- JW So we may see Stephen's role becoming more important.
- KD If Stephen decides to fill that role.
- JW I'm jus thinking about someone with a planning perspective, but I can't put my finger on who it might be, or if it's more important that the expediency of having a smaller quorum...
- KD We're just going to have to wait and see. All I can do is say stay tuned.
- MB I would just like to say it has been a pleasure to serve on this committee.
- TE Both chair and vice-chair will be vacant, how do we move forward?
- KD Obviously, the Working Group has concerns about the lack of a quorum and finding replacements. But basically, I'm looking at it as another obstacle we're going to have to work around. We'll take a careful look at the Gantt chart and move forward with items we think we can move forward on that don't require a high degree of Steering Committee guidance.
- MB Consideration for revised charter—with various people in the room representing various entities, we could have a quorum if names weren't associated with positions in the charter.
- GA I was going to kind of say the same thing. All this needs to happen sooner than later. Can't we resolve these issues a little quicker? I also want to second what Mike said. We had the discussion of alternates long ago. Maybe we need to renew that. I think the decisional process moving forward will be very important. I will express a desire that we fill this need ASAP.
- KD I will do everything I can.
- JL What are we going to do for the December 14 meeting? Also, we do have grants with clear concise work plans, so we'll continue down the path of fulfilling those, but for the December 14...
- TE Who's filling the spot at the Bureau?
- JL We don't know yet.

- TE We need to have a point of contact at DEP.
- JL We'll be there.
- MB Jackie and Gene will certainly be there. If I get a chance to briefly brief my boss before Friday I will do that, but he's still coming up to speed with the Beaches program. If I could recommend, it might be a good idea to do a bounce off the Division Director before it goes to the Secretary. I see no reason to wait to bring it up the chain at DEP.
- GC I'm certain an interim will be identified in the next few days and then we can talk about scheduling something with the Division Director.
- TE I think we should, by the December 14 meeting, have a revised charter and have tentative replacements. The pressure needs to be on resolving leadership in the Steering Committee. I would rather put the pressure on now, going into legislative session.
- KD Thomas, I'm hearing what you're saying, and I would turn that right around and say there's a lot of things that are out of my hands, but aren't out of your hands as a member of senior leadership. I'm pleased to know that you're willing to take an active role in pushing this forward, and I intend to move forward aggressively.
- JW We understand that the bulk of work on this project is done by the Working Group. Is there anything you foresee us making decisions on in December? Maybe we don't need to meet.
- MB Because of charter, there can't be a quorum after Friday, because there are specific names listed with affiliation.
- KD I don't anticipate that there needs to be a vote in December. I think in December we'll have nice pretty reports to present to you, but this year is really all about data.
- GA I think a December meeting is a good idea for continuity and for the Steering Committee members to be apprised in what's taking place with changes to the charter, etc.
- JL We can call a public meeting without calling it a Steering Committee meeting.
- MB Under members alternates and chair of charter it says the DEP Secretary may add to or alter the Steering Committee to move mission of the HCP.
- GA Is it in the realm of consideration to have Mike and Tim send some sort of farewell letter of recommendation for replacements?
- BW I agree with Gary. The presentation might be key, but getting an audience is the first step. So perhaps before the presentation is on the radar screen, there should be a letter or

briefing document with the message that this issue is important and somewhat time sensitive.

- MB I'm not going to commit to anything at this point. I can assure you that the Division Director will have no time to give to this in the next couple of days. I could do it as informally as an email.
- TE All of this came about prior to the Steering Committee. It's time to get the people who move this forward reengaged. This shouldn't all fall on Mike or Tim. Let's all make this a stated goal and work toward it. I'm willing to help with that, and we'll get Eric's attention on this.
- BM I agree with Thomas. There's a lot of money being spent on this and it's to protect DEP from their actions, so we should bring in DEP leaders on this soon.
- KD The Working Group has heard you. We'll do everything we can.
- GA And if there's anything you think the Steering Committee can do, let us know. Maybe a few members of the Steering Committee can have some meetings.
- KD I think within FWC things will go smoothly. It's just been a question of waiting for a new Division Director to start.
- TO Elsa and Kipp know about this. All pieces are in place, we just need Eric to start. 2-3 weeks tops.
- TE Before we leave this, the current charter says the chair may determine that the charter needs amending. I think with the chair here, the chair should direct the team to move forward with changing the charter.
- MB I would suggest that as chair it's clearly identified in two publicly noticed meetings, I hereby direct the Committee and staff to move forward with preparing amendments to the charter to move up to the Secretary.
- JL Last time we talked about it not needing to go all the way to the Secretary.
- MB Amend to prepare revisions to charter for presentation to DEP senior management.
- GA I would support that.
- BM I support that, too.
- JW I support it.
- BW I support that.

- MB Okay, so those members, or others assigned all support revisions to charter being considered.
- GA The revisions are to facilitate the process here. To have a quorum easier, to have positions not delegated by name.

Gantt chart

- JS Black lines indicate completion. For the most part, on the first page, we've completed much of work on the first page of the chart. We've got FNAI on the group now and have had several meeting to discuss take. Second page, we've completed a lot of this work. Last page, minimization and mitigation measures, still a lot of that to be done. We keep this updated on a monthly basis.
- KD The one I sent out two weeks ago is the most current.
- GA Armoring information is kind of difficult to gather, I assume. Is there a way to make that easier down the road?
- JS Right now the information is being collected county by county. We combined all that into one database. At the end of this year we'll do that again, and the county info will be all in one file. We haven't outlined how DEP will track or update it in the future, but that will be part of the ongoing monitoring component.
- GA When you present to the Steering Committee on formulas for minimization/mitigation, will there be one option, or many?
- JS We're on take now, then we'll go on to minimization and mitigation.
- KD I have a presentation on that later on in the agenda.
- JW If you have those amalgamations of where armoring has occurred complete now, but the HCP process will still take a few years, how will you incorporate armoring that occurs from now until then?
- KD This is an ongoing problem. At some point you have to have a baseline. We've chosen a period in time from which to do a permitting history. 3 or 4 years from now, is that data going to be exact? It'll be slightly less than accurate, but it will be vastly more accurate than any other data out there. As part of adaptive management we will go back and add that additional data.
- BE We're characterizing existing conditions with the ability to predict future conditions. There's text that will accompany all of these analyses. The second part of this will be the environmental impact statement, and that will give us the opportunity to update newer data, at the time the HCP is presented to the Service. Complete record keeping will be in

the implementation phase. Right now all we're trying to do is characterize conditions in the plan area in order to estimate take.

JW I just worry with regulatory climate, with the sense we'd be basing our minimization and mitigation on the 2010-2011 state of Florida, there could be incentive for people to rush to do whatever raking/armoring permit issuance between now and the future knowing that their impacts won't be characterized in the HCP and they won't be subject to minimization and mitigation required in the HCP.

KD I would say that regarding the data, that's exactly what the adaptive management plan sets out to do. The monitoring should show that in those intervening years, a major shift happened and adaptive management should prescribe appropriate actions.

BW If we have enough data to project until the HCP starts, then we could assume that.

TA DEP is already starting to implement changes to how you collect your data. Because we can't go back in the HCP and continually update, we're going to address those changes in the EIS, biological opinion. In our documents, that updated information will be captured.

RT For something like coastal armoring, you can't just go get a permit because you want it. A lot of this is storm driven. So if you are going to predict, you're going into an unknown.

MB I was thinking just that.

State management plans – presentation by Tom Ostertag

TO Over the last several years, FWC has been adapting how we provide protection for endangered species. Timeline...new rule was passed at the September Commission meeting. Management plans will be developed for 61 state listed species. We will have one single category for list species (threatened). This is the first time species on the state list will be scientifically evaluated. Since the rule has passed, we completed biological status reviews for 61 species. We had subject matter experts, both internal and external. Listing recommendations-remove 16 species. Additional 5 species are data deficient, and they will remain Species of Special Concern, and we will collect more data on them. That leaves 40 listed species. Oystercatcher, black skimmer, least tern, snowy plover will all have management plans written. The experts that will be writing these plans have all been subject matter experts on the HCP Scientific Committee.

JW Are the species accounts for the HCP feeding back into those listing processes?

KD We haven't reached out to them, but there's no reason we couldn't share this with them. We're just now undertaking those birds, so we'd want to send those through our peer review process first. What they're doing is roadmaps to recovery and I see the HCP benefiting from taking that guidance from the state and incorporating that into minimization and mitigation.

RT This applies to those species under the agency's constitutional authority. Does not include those under statutory authority animals, like turtles. State will still handle permitting.

.052 Beaches

JS This has been brought before the Steering Committee before. .052 beaches have been increasing over the last 10 years. Higher public ownership than private. Monroe growing more than Big Bend. Species—Monroe has sea turtle nesting and shorebirds. Big Bend has shorebirds/seabirds. Permitting activity—100 out of 108 .052 permits in Monroe, and half of those were for beach cleaning. The Work Group recommendation is to include Monroe, but not Big Bend, in the plan area. Rationale for this option: Monroe County accounts for 93% of the permits issued under s.161.052, over the past 12 years. Monroe County accounts for 94% of the increase in length of *.052 Beaches* over the past 12 years. Including Monroe County and not including the Big Bend counties will capture a vast majority of the potential risk of impact to species listed under the ESA by activities permitted under s.161.052. Rationale against this option: Activities permitted under s.161.052 have potential, albeit minimal, to impact species in the Big Bend area. Including Monroe County and excluding the Big Bend counties does not eliminate all potential impacts to species listed under the ESA by activities permitted by the Department. Selecting this option will add to the scope of the FBHCP, including an additional species (roseate tern), and associated data collection, threat analysis, and development of minimization and mitigation measures.

KD One possible rationale against option 2 was it could potentially result in inclusion of one additional species (roseate tern). The other thing is the Steering Committee has already voted on this. They voted to give us leeway on this. Our plan is to proceed with this rationale, given the understanding that Steering Committee always has the option to pull the plug on this.

JW Did you find any evidence of ground nesting roseate terns in Monroe? I only know of rooftop nesting. I think the additional species affect on minimization and mitigation will be marginal due to that. I don't think that should be viewed as a barrier.

KD That's what we were led to believe by our Regional Biologist.

MB I think the attached spreadsheet speaks volumes. It just shows there's very little going on in the Big Bend as opposed to Monroe. It further speaks to the rationale for including only Monroe County.

BM I agree with that.

- GA So you've made a recommendation to expand the scope of the HCP to Monroe County. What happens when you make this presentation to your leadership? Do you include this in the presentation?
- GC It would be my recommendation that .052 not be part of the initial presentation. When we have a fully functional Steering Committee, perhaps we seek further guidance.
- KD We're not planning on bringing up additional non federally listed species, 25 year term, etc., yet. We have to be sure the program will continue to exist and function in its current form, buy in from leadership at DEP, governing Steering Committee body to support recommendations. After all that we could bring all this up to senior leadership in a well packaged way.
- GA I agree with that.
- MB I believe we might have had a bullet on one slide that we have this authority in the Big Bend and Monroe and I'd be certain he didn't retain that. I concur with Gene. This is a matter best brought up separate. I also think it's appropriate for the Working Group to move forward with this.
- KD And it won't result in significant additional staff time and dollars.
- GA I appreciate the way Jimmy has analyzed and presented this data.
- MB I would suggest when it comes time to bring this up to senior leadership, this presentation is good to go. Just add the spreadsheet in a slide.

Estimating take **send this presentation to SteerCom

- KD This has been one of the major focuses of project development in year 4. It's one of the most time consuming, challenging exercises we've engaged in. The goal is to develop a methodology to produce quantitative take. Our initial discussions were what are the factors you need to consider in coming up with take? The first four are more descriptive—species grouping, activity grouping, location, time. Last 3—likelihood an activity will occur, duration of impact on species, amount of habitat impacted. We decided it is impractical to calculate take based on nests or individual animals, so we decided to take a habitat approach. We grouped activities based on severity of impact. Last two categories—miscellaneous—won't be included in take estimate. Our plan is to be so conservative in addressing take in 1-8, that it will cover impacts 9 and 10.
- BE Even though we're not including activities in 9 and 10, doesn't mean we won't be addressing minimization measures for those activities.
- KD Location will be county by county. Take assessment based on 10 year permitting history within each county. We will use that to project over the next 25 years. 10 years was decided upon internally within the Working Group because it's a time period that

includes a boom and bust in the economy, and also if you go back much further, the history gets spottier. Likelihood—we want to get reasonable estimates of permits that will be issued for each activity in each county over next 25 years. The assumption is that permitting history is reflective of what will occur over the next 25 years. It's complicated by other factors, such as climate change, changes in demographics (baby boomer movement to FL), economics. Duration of impacts—includes direct impacts that occur at time of activity and indirect which occur after the activity. This also includes temporary v. permanent impacts. Repetitive activities. Return interval/frequency of activity. Still struggling with appropriate scale to place on this. Value of habitat, still working on getting at this. We've come up with these 7 criteria, and once we have related them, we're going to take that and add it to value of habitat.

- JW For a lot of those species, they're transient in where they choose to aggregate, and nest sites change from year to year. You may want to look at habitat characteristics.
- KD It may be that we handle that on the mitigation side, rather than the take side. Where we are now...how do we define a relationship between these factors that gives us a meaningful number? We do think we'll have some sort of model to begin running numbers through by the end of the year.
- GA I understand how complicated this is. Will there be just one formula? Because the formula you use will be critical and will be a little controversial, and people will be asking is there a better formula?
- BE I don't think our intent is to develop a suite of options to present to the Steering Committee. Our objective has been to come up with what the scientific community feels is the best for estimating this. We'd advise you as to what approach we're taking, but we had not anticipated presenting a suite of options.
- GA If the Working Group believes that there is one option that is more defensible and scientifically based than others, that will be fine.
- BW To me, this whole exercise screams the need for an ecological modeling expert. Normally the modelers don't just present one model. Normally more than one model is presented and tested. It requires continued attention from the modeling person. If we can't find a modeler in academia, there are plenty of guns for hire that do that sort of thing. Are there thoughts to seeking grant funds to get that done?
- MB That was going to be my question...is there enough flexibility in funding to engage that?
- KD We're looking into an opportunity to partner with modelers with MIT who are already down here in Florida looking at similar things. We would use funding that we've already received for year 5 for this. I'm having an exploratory meeting with these people in the coming weeks.

- TA Internally at FWS we put together a team that includes a person that is a liaison with LCC. We meet once a month and I update them on where we are. During our take meetings, Steve Traxler brought up MIT is working on something similar but with refugees. They gathered a lot of similar data that we need to tackle this issue. When Steve talked with MIT folks, they were extremely interested in our project. The thought was Kat would get in touch with MIT folks, explain where we're going and see how they could help.
- RT This will go through an EIS, which has to include an alternatives analysis. So that's where the comparison of different models comes in.
- KD As far as funding goes, we have a huge open dialogue with the Service regarding this. We've never had a problem amending grants. We're not concerned about that. Blair, if you have any personal relationships with those guns for hire, please do let me know.
- KC I've brought up Dr. John Weishampel before at UCF, who does a lot of modeling.
- BW Unfortunately, I don't have any personal relationships with ecological modelers. I guess what I'm talking about is a broader scale ecological modeler.
- GA This is a very exciting part of the process.
- BW I think there was discussion about climate change modeling and sea level rise. There's a lot of work going on with that elsewhere. I would hope we could turn to model results that are generated continually for climate change and sea level rise and plug those values into our model.
- KD Don't worry, we weren't planning on doing any of our own climate modeling.
- TA The great thing about the MIT work is that it's on a smaller scale than a lot of the other climate change models.
- BW But if getting sea level rise estimates is impeding us getting a model together, we may be able to cut some corners.
- MB Anyone other than Blair or Bob on the phone?
- JS No.
- MB Are there any public comments?
- (none)

Meeting adjourned at noon.