



Meeting Minutes  
FBHCP Steering Committee meeting  
13 September 2016  
Naples

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**Steering Committee members present:** Kipp Frohlich (Chair), John Coates (Co-Chair), Gary Appelson, Brett Moore, Tamara Pigott

**Steering Committee members by phone:** Jeff Gore, Julie Wraithmell, Rebecca O'Hara

**Others present:** Jennifer McGee, Robbin Trindell, Carol Knox, Jimmy Sellers, Niki Desjardin, Brian Powell

**Others by phone:** Elizabeth Fleming, Dave Mills, Amy Knight, Bob Ernest, Rebecca Pfaller, Mike Flaxman, Kim Colstad, Kent Wimmer

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PLAY RECORDING (5 hr 29 min)

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Time stamps are listed in parentheses through this document for audio reference.

### **Welcome and Introductions**

The meeting was held at the Kapnick Center in Naples to coincide with the FSBPA annual meeting. Kipp Frohlich (FWC) acting as Steering Committee chair (alternate to Thomas Eason, FWC).

### **Review and Approve Minutes (6:30)**

#### **Review and Approve Agenda**

No adjustments to the agenda from the Steering Committee. Jennifer made one slight change, that only the March meeting minutes would be reviewed and approved for this meeting and we would hold off on the June meeting minutes until the December Steering Committee meeting. No comments or edits on the March minutes. Motion made (Julie?-inaudible) and seconded (Brett) to approve. March meeting minutes approved.

## **Contract/Grant Updates (7:45)**

### **Review of Gantt Chart**

Summary: *Jennifer:* No current delays. The FBHCP is currently operating under the Phase 8 Grant. Work is just beginning on the Phase 9 Contract/SOW. We are still working with March 2018 at the deadline for submission of the FBHCP to the FWS. *Jimmy* displayed and reviewed the Gantt chart and the work that Coastal Tech had picked up since 2010 starting with the Covered Species then moving into the Plan Area and Covered Activities and then got into estimating the impacts (Take) which has probably been the biggest effort to date and has taken the most time. This section is very close to being wrapped up. Mike Flaxman will present more on that later. This section was thought to be wrapped up earlier in the year, but the Service was requesting a little more detail on how some of the take was parsed out. Much of the summer was spent working on this and it is just being finished now. The Steering Committee should see that by the end of 2016 and this will be reviewed later in this meeting. Hand in hand with the take estimates in the mapping support, largely by FNAI/Amy Knight. This task supports the Estimated Take, Minimization, and Mitigation. Minimization Measures will likely go into next year but there are good drafts already completed and vetted on many fronts. This will also be discussed later in this meeting. Great strides have also been made on the Mitigation Measures. Started earlier in 2016, it began with reaching out to stakeholders and land managers to get ideas for mitigation projects. Jimmy will review the results and the remaining steps, after lunch. Mitigation will likely go into the 1<sup>st</sup> quarter of 2017 as well, with a solid draft by the end of 2016. If it comes down to any task where we are a little behind on or have to compress our efforts, it's the Adaptive Management and Implementation Strategy Chapters. Because of delays encountered over the past 2 years, we won't be able to spend as much on these chapters as originally planned, but we are aiming to begin those at the start of 2017 and finish by the end of 2017. A revision that was discussed a few meetings ago: we anticipate having the Steering Committee review these draft chapter throughout 2017 in prep for submission by March 2018 to FWS. Planned concurrent statute and rule change at the same time FWS in reviewing the FBHCP with the hopes of full implementation by 2020.

Questions/Comments (14:00): *Brett:* When will Secretarial review of the Plan occur and where does it fall in the Gantt chart? Past discussion have indicate that the Plan would be pretty much complete before this level of review. *Jimmy:* The task falls under the 'Plan Approval & Submittal' section and would begin next year/summer. *Brett:* Will it be concurrent Steering Committee and Secretarial Review? *Jimmy/Jennifer:* Essentially this would be the case, but the Steering Committee has been reviewing and approving these chapters all along and this would just be a chance for them to see them in the completed packet. *Jennifer:* The draft chapters are on the FBHCP website and though some were completed a while ago and may not have been looked at by the Steering Committee in a while, they are accessible for review now. *Brett:* Where does the EA/EIS falls into the Gantt chart. *Jimmy:* Work has already been started on the draft EA which is a Service document, but is being taken on by the Work Group to hand over to the Service. The EA would be submitted with the ITP application. *Kipp:* It would be good for everyone to start thinking about how all of the agencies are going to come together to review this document and make sure that leadership gets fully briefed...what's the process. I don't think that it is realistic that the top leadership at FWC with read through all of the materials/every chapter. They are going to want thorough briefings from staff, bullet points of the key points,

and highlights of where the potential issues might be that would cause any concern. *John:* Agreed and I think that once some of the current chapters in progress come together, it will be time to start further engaging upper management. *Jennifer:* Some of these discussions and thoughts overlap with our legislative discussions. Currently the plan is to aim for the 2019 Session (2018 potentially, but not likely). FWC and FDEP's legislative teams have begun talking and this process alone, will inevitably get upper management more aware of where we are in the process, but there are plans to brief them on a more regular basis throughout 2017. *Elizabeth:* Are there any plans to apply for future funding or are we all set. *Jennifer:* The Phase 9 grant is the last grant for the development of the FBHCP and there are no plans to apply for additional funding at this time.

### **Assessment of Anticipated Take (20:00)**

#### **Work In Progress**

#### **Direct vs. Indirect Impacts**

*Brian:* Provided some background to this discussion to address why the Service requested some additional detail/work on this section. The work group asked for some guidance on how the take would be calculated and presented. Brian talked with David Dell and they coordinated with the FWS species recovery leads. It was agreed that they wanted to see the impacts to the species divided into direct and indirect effects from the covered activities. Direct being those being things like seawalls or homes, indirect being the effects of those covered activities being permitted, such as lighting impacts or predation. Mike had not separated those two categories of impacts and that lead to some additional work to parse those two out.

*Jennifer:* We had brought this up at a previous meeting as well. When we started looking at mitigation, how to assign mitigation, where to assign it, mitigation fees, etc. the issue of being able to identify and track indirect vs. direct impacts came up.

**(24:50) Mike:** Direct/Permanent impacts vs. Indirect/Transitory impacts.

- We worked to better define this and have an operational definition to work with. Computed and refined incidental take as a result. Underlying concerns: need to support Section 7, not only Section 10 and ensure that direct/permanent impacts are being appropriately mitigated. This will facilitate review and inform mitigation. This task changed/went beyond the initial scope/methods for incidental take analysis. Under Sect. 10, all take is identical, regardless of cause and indirect and cumulative effects are required to be included.
- There were data and method challenges to 'unbundling' the impacts. Location: CCCL permit data does not identify precise activity location or footprint. Prior simulations were not designed to precisely estimate likely structure and landscape locations. Footprints: No GIS data for buildings. No physical data whatsoever on pool, decks, outbuildings, non-native vegetative landscaping. Data on beach cleaning very incomplete (50% samples).
- Computational Issues **(28:45):** Scaling not possible with conventional desktop software
- Very good aerial imagery exists for Florida, but needed infrared. NAIP was available for use, but huge.

- New methods: Used a new Google platform currently in development called Earth Engine. Mike got an IBM startup grant covering 250K of cloud computing time and moved ISAIS there. Uploaded county assessor's parcels data to cloud. Used Normalized Vegetation Difference Index (NVDI) to detect impervious cover directly. Summarized impervious cover per parcel, method details **(32:10)**. Methods were derived from peer reviewed literature.
- Index visual examples **(33:00)**. NVDI combined with parcel data and a Normalized Water Difference Index (NWDI) and extracted impervious cover to gave the clearest picture. The system labeled beaches as impervious cover so this was combined with FNAI's mapping data for beaches to define these areas.
- Results: Date of construction was significant. Impervious cover increased with decade. Impervious cover also correlates with parcel size, small parcels, larger percentage, but the totals overall were relatively level ranging from 48%-66%. Data was then summarized by species impacts and allowed for separation of direct and indirect impacts **(38:05)**.
- Caveats: Because original permit simulations are not spatially precise, we are still assuming "uniform" conditions across parcels. We know this is not true, but high-res mapping can measure this. Simulations have not been locationally adjusted. If direct/indirect distinction is "high-consequence", additional work will be required to redo simulations to make locational estimates more precise. Some improvement possible, but we still don't have a statewide scale empirically-validated lighting impact model available.
- Summary: Mechanistic accounting for all impact types not feasible due to technical and scientific knowledge limits. This requires high res data and significant cloud computing resources. Results can be statistically summarized "per parcel" with 1m precision. Results can be summarized and vary by species and region. Measurable direct impacts ~10% of total. This data should facilitate Service review, including Section 7 and can, and likely will, influence mitigation planning.

**(42:16) Questions/Discussion:** *John:* Mike, could you explain conceptually how you take the data and relate it to the break out by species. *Mike:* We projecting in the simulation, future development (including new development on empty parcels and redevelopment) to that we can project how much impervious development (direct take) would occur. We're using current data/conditions to predict take. *Kipp:* So the proxy for direct take is imperviousness. *Mike:* Yes. *Kipp:* How does that relate to the direct take of a species/animal, for example, if a sea turtle is run over on the beach? *Mike:* Something like beach cleaning, which can have a direct take of the species, is not covered in this model because it is not permanent and therefore gets kicked into the indirect impacts, but the discussed assessment of direct vs indirect impacts is defensible. Beach cleaning is a very large component of the indirect impacts as well as lighting. We went back and forth on the definitions and this was one technical proxy that could be measured and remeasured as the Plan progressed, but because of that, there are some limitations in what can be included in the direct category. *Julie:* Will we be able to use this same model to track the effectiveness of the minimization and mitigation? *Mike:* Short answer, Yes, we will be able to use this and tweak it as needed by the FBHCP. Details **(48:20)**. *Julie to Jennifer:* As we start to ramp up outreach, we need to find a way to distill this technical process into something little more digestible. We should put some time into that elevator speech now so it is ready when we need it. *Jennifer:* Agreed! We are working on that.

*Kipp:* Does this assume nothing ever gets unpaved? *Mike:* It should show up as unpaved in the future unless the ground is very compacted, which may still show up as impervious, which is completely inconsistent with the hydrology of it. *Bob:* Direct impacts are permanent loss of habitat. At one point we talked about separating the impacts out by activity type. For example, with a seawall, you are going to lose all habitat landward of the seawall even if it isn't impervious (green sod lawn for example). *Mike:* The use of a proxy like impervious cover limits the detail we can get into when attributing permits. With this technology, we can't distinguish things like roofs from driveways and these are permitted separately, so we can't assign it to permit type in that regard. Coastal Tech did a separate study with its own quantification of the beach armoring and that is used here, as is, without modification. It included manual and photo justification along with permit data. The footprint of the armoring is included here, the rest is treated as indirect impacts, and only the footprint is direct. *Kipp:* Does this satisfy the Service's request? *Brian:* Absolutely! I went back to Trish Adams to get clarification of the questions of how to measure and track take and apply it to mitigation. This provided some of the background for where this is all coming from. This will better assist the Service is reviewing and assessing the proposed mitigation plan. *Jeff:* Could you clarify the indirect impacts, I'm not clear of what indirect impacts are, if 50% of the lot is direct, is the remaining 50% indirect? *Mike:* The indirect estimations include a multitude of factors that can go beyond the parcel line. *Jeff:* So the indirect impacts are related to the species and the activity, not just the parcel or project size. *Mike:* Yes, indirect is species and activity specific. Indirect impact assessment has remained unchanged and was peer reviewed, a lot. *Gary:* Is it correct that beach raking has no direct impact, just indirect? *Mike:* Correct. *Gary:* So something like coastal armoring would have a small direct impact, but a very large indirect impact? *Mike:* Correct. *Gary:* Does the type of impact effect minimization and mitigation? *Mike:* This is under current discussion among the Work Group, but the Service is going to require a higher standard of mitigation for direct impacts which will require stronger measures and monitoring whereas indirect impacts will likely be more flexible in terms of mitigation. *Gary:* If most of the impacts from seawalls are indirect, are we shortchanging the mitigation for seawalls? *Mike:* I hope not. This is still all in discussion and we are working uncertainty into the mitigation planning to adjust the mitigation as needed. *Brian:* The indirect effects from a seawall could be more permanent in nature than other typical indirect impacts. Maybe we need to look at develop another type of mitigation standard for armoring structures. *Jennifer:* Maybe two categories of indirect or an indirect/direct hybrid category. *Kipp:* We need to spend more time on this and make sure the definitions and terms are clear and understandable. The words are going to be very important in explaining this all and especially for outreach.

### **Face to Face Updates: Climate Change (01:14:20)**

*Brian:* Provided updates from our work group face to face meetings and the discussion surrounding how we are going to incorporate the effects of climate change into the FBHCP. This is becoming a larger issue with the USFWS (Service). The Service has been directed to incorporate this at a higher level than had previously been considered. Much of this was the result of a seminar/course I had attended that demonstrates how to include climate change into conservation plans. The goal is to ensure long term viability into conservation plans. This will

help to frame and inform our mitigation plan. It will also be helpful for our Adaptive Management chapter. At our face to face meeting, we first reviewed our biological goals and objectives to make sure that they are still applicable at this point in the process. The work group decided, Yes. The work group then looked back at the objectives and agreed that all but one, were fine as is. Objective #6 needed slight revision...crossed out "...sea level rise" and replaced it with "...environmental changes such as those associated with climate change, for example, sea level rise". We also discussed tools/models available to look at climate change and how to incorporate this into mitigation planning and how to evaluate mitigation projects and locations. We also determined that mitigation projects will be determined by geographic sub-region. Another outcome, we recognize that the mitigation plan may incorporate mitigation that is outside the plan area. This opens up new opportunities for mitigation projects. The work group also identified vulnerabilities that might affect the plan area, areas that might be more vulnerable to climate change. We didn't get as far as identifying on the ground projects, but did discuss and add project types. Once we have a more complete, we can reassess the projects and also evaluate them based on their effectiveness to offset the identified vulnerabilities. We anticipate having a draft mitigation plan complete and ready for review by December.

Questions/Discussion: Were there any specific examples given of mitigation projects that would account for/reduce the effects of climate change? *Brian:* Yes, sea level rise is the most obvious one. We talked about looking at properties that may provide for an upland retreat, a facilitated or assisted migration as sea level rise occurs. Properties that are not bounded on the landward side. *Brett:* In other words, we'd be looking at the vulnerabilities of a particular site and their viability of effective mitigation in the long run. *Kipp:* What projections did you use for estimating climate change within the 25 year term of the ITP? *Brian:* Mike had a lot of input on that. Well established models were also used. One of the questions we got, is why should we account for effects that we may not see until 50-100yrs from now? Even though this is a 25yr ITP, the Service doesn't view this as a finite permit. As long as FDEP has the intent to continue permitting these types of projects, the need for take coverage will still exist. The Service views the FBHCP as more of a living breathing document that will continue on. *Gary:* I don't see climate change having an impact on this permit. *Bob:* Even though the term of the permit is 25yrs, the effects of the mitigation will continue in perpetuity as will the direct effects from certain permitted activities. Yes, we likely will not see significantly measurable effects of climate change within the 25yr term of the ITP, but the direct impacts have no finite timeframe and therefore neither should the mitigation. *Mike:* I concur with Gary. For strategic purposes, our models allow us to look at impacts beyond 25yrs. I am currently pulling together the available data to present back to the work group for discussion. *John:* This is an important consideration for looking at various mitigation options.

### **Minimization Measures (MM) Review (01:45:45) Conservation Recommendations Proposal**

These two agenda items were combined with the note that if we don't get to the conservation recommendations, that this agenda item could be delayed until the December meeting.

Summary: *Jennifer:* I distributed 5 sets of minimization measures to the Steering Committee and Work Group for review but will start with a background of how we got to these before diving into the specific measures. The basic intent: the minimization measures have to minimize the impacts to our covered species to the maximum extent practicable. Chapters 4, 5, 6, and 7 set the basic criteria for the minimization measures (MM). Initially, the MM were not activity based, they were impact based. How to address minimization has evolved throughout the Plan development process. We decided that these needed to be required permit conditions with an additional section for conservation recommendation which would be optional measures that could further reduce impacts and potentially mitigation fees. In the current MM, we tried to build in some flexibility as to when the activities can occur, for example, low impact activities could now occur in early or late portions of the sea turtle nesting season. The MM now include: Design and Siting, Exterior Lighting, Construction-Related Activities, Vehicle Operations, Beach Access, Sand Fencing, Dune Restoration/Enhancement, Planting and Trimming, Mechanical Beach Cleaning, Special Events, Emergency Response, and Temporary Facilities (under review and currently exempted by FDEP). We are looking for written comments/review from the Steering Committee.

Questions/Discussion (01:58:20): *Kipp:* Can you clarify exactly how the MM will be used, are they required. *Jennifer:* Yes, they are required. Because these are required, this is what led to the consideration of a conservation recommendations chapter. These are the recommendations that are too onerous or not applicable to all of those project types in all locations, but are still wise to consider, just not practical to be required as a permit condition. *Robbin:* These become terms and conditions under the ITP authorization. They will be special conditions of the CCCL permits. Opting out or refusal of these MM would go through a different process and may or may not result in a CCCL permit. *Jennifer:* This will help streamline the online permitting system. If there is a project that can't meet the minimization, they can appeal to FDEP, the application will be pulled out of the online system and will be assessed separately. *Brett:* These are very similar to a programmatic BO. These minimization measures are very specific. Something is going to be missed somewhere or not be able to be applied to all projects. *Jennifer:* Yes, then it would get pulled out of the online system and undergo the same application process it does now, but the intent of these MM is that they apply to a broad and significant portion of the projects in that category and will help streamline the majority of the application. *Robbin:* This is just the type of review we are looking for and these are still draft MM. *Brett:* The effort and intent are good, they just can't capture everything. You don't want the applicant to be penalized for that. *Robbin:* We also don't want a lot of kickouts, we want the majority of the projects to fit these MM. *Jennifer:* Yes, this is why we took a step back and did an internal FWC review and reviewed them with the CCCL staff. What we're looking for from the SC is things we may have included that maybe don't fit the majority of the situations you all are familiar with or is rarely an issue, these kind of things we would likely then pull out and put in the conservation recommendation section.

*Brett:* With regards to dune walkovers, if you build the walkover high enough, the vegetation can grow under it. With these, there are limits on the height, and when you look at the dune profile, these may be hard to achieve and could turn a very simple project into something very complicated and the intent is lost. I will provide comments. *Jennifer:* Yes, and this is one MM we have gone back and forth on a lot. *Gary:* With regards to beach access it says, must be

aligned perpendicular to the shoreline. This is something that FDEP currently does not do. So is FDEP going to change their policy? FWC does not currently call take if shore parallel. I think it should be shore perpendicular, not shore parallel, but it's hard to find one size fit all. Also, under beach access, it say that it shall not exceed more than 10ft past the toe of the frontal dune, how can you have a shore perpendicular requirement if the dune is 30ft high, it would have to go more than 10ft out. I think this section needs a lot of work and should be done in consultation with FDEP's engineering staff.

**(02:07:56)** *Jennifer*: For continued commenting/review, we'll start with beach access since we're already on that one. To address the comment that these MM are different from what is currently required under the CCCL program, that's true and is the case with a lot of the MM in general, a happy medium will have to be reached and things will change on both sides (both agencies). That's just the nature of doing the FBHCP. In terms of what is currently being done, we are looking for ways to improve that. Just because it is currently being done, doesn't mean it can't change. *Gary*: I suggest that the goal for beach access should be shore perpendicular, but that won't be possible in all cases, so there should be detailed guidelines for what to do if this can't be done. *Jennifer*: Agreed, it is possible to include that. *Robbin*: Remember these are intended to streamline the majority of the projects/permits. Many of these are existing FDEP guidelines that have been in place for many, many years. *Gary*: So they don't follow their own guidelines? *Robbin*: My understanding is that they look at specific situations and site conditions. They accommodate whatever conditions they are looking at and there will still be that ability to do that. This is intended to streamline the process and if the application doesn't fit, it will get kicked out and undergo that same process as it does now.

**(02:10:31)** *John*: Is there are way that if you don't/can't meet these MM exactly, you could still be covered under the FBHCP and not get kicked out entirely. *Jennifer*: Yes. *John*: What is that process? This would help determine how much flexibility is built into the process. *Jennifer*: If they can't meet them for any reason, it would get kicked out of the online permitting system and essentially got through the same process as it does now and could still be covered under the FBHCP if review determines that the reasons for not meeting all of the set MM are viable (i.e. location specific conditions) and alternative MM are proposed and approved. Site specific conditions could be put into a Conservation Recommendations section and could act as alternate MM for those applications that don't fall into the majority of the applications for that activity type and the criteria that determined the required MM. *Kipp*: Will this process be laid out more clearly? How is it determined how many kickouts are allowed? Similar to a variance? *John*: A balance needs to be determined and options and criteria laid out. *Jennifer*: Agreed, and this would be the exact intent of a Conservation Recommendations section in the Minimization Measures Chapter. We are still putting this together and the criteria and specifics are still being sorted. *Bob*: There are many things still being reviewed and discussed and this is exactly the kind of feedback we are looking for and continue to look for from the Steering Committee. *Brett*: There needs to be more specificity in the field permitting so that the general permits have stricter and clear guidelines to follow (i.e. Dune Crossover position and elevation requirements). *Robbin*: Just a note, we used the framework of existing conditions that largely focused on avoidance. But keep in mind that this is part of an ITP. **(02:25:30)** *Jeff*: Can you review the process of how these MM were pulled together? *Jennifer and Robbin* gave a background of the long review and development process. To summarize: Started with species expert discussion,



then initial drafts reviewed by Steering Committee, brought back for internal agency review at FWC then FDEP, now brought back to the Steering Committee, and will go out to species experts one final time to make sure the big issues were missed.

**(02:27:27)** WebEx blip. Only participants calling in to WebEx remained on the line/recording.  
**(02:29:00)** WebEx Restored.

*Robbin:* Continued to review MM development and review process. *Jeff:* Questioned Dune Crossovers, page 6, e. *Jennifer and Bob:* There was supposed to be a note of this one to discuss this further because we couldn't recall the impetus for it and had questions about it ourselves. *Kipp:* Make sure the incentives to follow these MMs and to use the online permitting is high enough so that it works for applicants. **(02:43:30)** Discussion continued on the online permitting/self-cert process and conceptually, how it might work. *Kipp:* Where do pedestrian access ways fit in? This needs more discussion.

**(02:52:11)** Beginning of discussion on emergency permitting and emergency orders. This needs further discussion. It is similar to redevelopment, if it doesn't go beyond the footprint of the pre-emergency existing conditions, so the direct/permanent impacts would likely be minimal, but consideration is still needed for indirect/temporary impacts for redevelopment/restoring related activities such as vehicle operations, lighting, etc. to get back to those pre-storm conditions. *Kipp:* Redevelopment can be tricky as well if the profile of the beach, dune, coastal changes and is no longer suitable. *Jennifer:* Also to note, we are addressing temporary structures including those that are placed after storms to ensure that they are removed and/or a non-emergency related/non-temporary permit is obtained. This will help with compliance with MM, Mitigation, and reducing debris on the beaches. *Tamara:* I would suggest looking into how to consider/address different cities/communities views on mechanical beach cleaning. I anticipate pushback. *Brian:* Outreach in this regard, will be important, but if there is insistence on something like removing any and all materials from the beach via mechanical beach cleaning, a different/higher level of minimization and mitigation would likely be required.

### Discussion Summary

- There needs to be provision for site specific allowances.
- The process needs to be clearly laid out.
- The Conservation Recommendation Section needs to be comprehensive.
- Further detail on the construction phase of the permit and the operational phase
- The 'Kickout' criteria needs to be more specific and the alternative MM or Conservation Recommendations need to be comparable in protection to the required MM.
- Clearly define the role of the FBHCP Coordinator once the FBHCP is approved and active. Further discuss the potential for regional coordinators and coordinators in both agencies (FWC and FDEP).
- Make sure page numbers are on all.
- Consider including footnotes or citations to justify why some of the MMs are included, particularly those with specific numbers.
- ADA compliance needs to be further discussed/incorporated.

- Further discussion needed on pedestrian access ways.
- We are envisioning a very comprehensive online permitting/self-certification program.
- Steering Committee would like to see the flowchart example of the online permitting first discussed at the March meeting.
- There needs to be more discussions with regards to Emergency Permits vs Emergency Orders and consideration of indirect/temporary impacts.
- Make sure that the plan is sensitive to emergency situations and human health and safety, and makes it easier to conduct these activities rather than hold them up.
- Make sure that the projected take models include emergency situations, storm events, post storm activities, human safety events, etc.
- Switch meters vs. feet throughout MM.
- Look into mechanical beach cleaning MM related to succession.
- Look at how to and if we need to address things like development of islands, tidal lakes, sandbar situations, which would likely fall under the Adaptive Management chapter and not fall into general MMs.
- Look into different levels of permits for activities that fall outside of the recommendations, such as complete removal of all materials from the beach via mechanical beach cleaning. A different/higher level of minimization and mitigation would likely be required.

**(03:17:30)** Break for Lunch

**(03:17:35)** Resume

### **Species Expert Meeting Updates**

*Amy:* Progress of the habitat quality index maps and the continued species expert feedback.

- Approaching final review
- Recommendations to incorporate more recent data sources since the FBHCP has been a long process and previous data cutoff was 2010
- Amy can provide the review and comments from the species expert meeting if anyone is interested
- The habitat quality maps will provide the basis for the mitigation fees
  - Assess relative impacts of incidental take (i.e. quality adjusted take)
  - Credit system for mitigation activities
- Habitat quality maps for each species group and species expert determined biological criteria
- Scaling the index by FBHCP region
- Darker red on the maps mean higher quality, Index is on a 1-5 scale
- Survey beach nest density data is the primary source for sea turtles, species experts reached a consensus on approach which is the best biological representation of habitat

quality for sea turtles and is defensible. This is also updatable as the beach nest density is updated.

- Detailed methodology will be written up and sent out for review
- For beach mice, habitat quality index criteria include elevation, habitat area, vegetation, connectivity, and occupancy. Special difficulties/discussions for southeastern beach mice. Species experts meetings focused on this and reached consensus
- Potential habitat was also a point of discussion
- For shorebirds, the biggest challenge has been the mapping for non-nesting/breeding shorebirds, attempting to address occurrence data limitations. Additional revisions recommended and in progress.
- Also currently seeking more technical review of the methods, to be completed by the end of 2016
- Discussing updates that may occur more frequent than the planned 5yr updates, i.e. after big storm occurrences and at the beginning of the implementation of the plan
- Continuing to work with species experts and making sure that the data is comprehensive, transparent, and defensible

Questions/Discussion: *Kipp:* Did the groups talk about the differences in habitat quality criteria between the species groups. *Jennifer:* For beach mice, it wasn't so much the beach mice finding the now unoccupied habitat unsuitable, but other factors came into play such as habitat fragmentation and predators. *Amy:* For sea turtles, all sandy beaches in Florida were considered habitat. The species experts reached consensus on how the quality habitat was determined. For beach mice, the occurrence data is also not as robust as it is for other species groups. *Robbin:* There are also differences in survey efforts and data between the species groups. Other than sea turtles, the survey data is very fragmented. This is why we are using the experts to fill in the data gaps. *Amy:* The ultimate use will be to help set the basis for the mitigation fees with Mike and Dave and the Working Group developing a credit system where on one side you have quality adjusted take and we're going to try and balance that with mitigation projects or activities that are occurring in habitat that has an index assigned where we might be able to show lift gained by those mitigation activities. We'll be able to demonstrate that at a future steering committee meeting. Mike will show the draft. We've also been talking with the species experts about developing another index that is more management context related for impacts such as predators and lighting.

**(03:39:23)** Lost power in Naples, call-in participants are still on the line/recording

**(03:42:51)** Power restored

Questions/Discussions Continued: *Kipp:* What is the practical use of the habitat quality indices in the Plan. *Robbin:* Take is take, but mitigation can take into account the habitat quality and mitigation fees will be scaled to loss of habitat quality. *Mike:* It will drive the mitigation fees and the mitigation strategy.

## Mitigation Measures Updates (03:46:13)

Summary: *Jimmy:* Following up from the mitigation discussions at the March Steering Committee meeting where a general framework was laid out. We talked about how an applicant would come in and have essentially three options: 1.) Opt out of the FBHCP, 2.) opt for individual mitigation project, or 3.) opt into FBHCP mitigation program. The 3<sup>rd</sup> option is preferred. EAI has put some work into identifying which projects may result in no take. This will be discussed at a later date. Much of the work since March has been on Option 3. In late 2015/early 2016, we began compiling a list of potential mitigation projects by reaching out to land managers all around the state; federal, state, wildlife refuges, parks, and local. Most were very conceptual in nature. Some of the highlights included:

- Spoil island restoration and floating island creation for breeding birds
- Predator control was a nearly ubiquitous need
- Archie Carr Working Group provided a prioritized list of parcels for acquisition
- Specific lighting retrofit projects were identified in local jurisdictions
- Beach stewardship/public outreach needs were commonly requested

Since the March meeting, we have quantified the projects and have numbers for the projected area of benefit per species group, region, and mitigation type and the estimated cost associated with it. Some assumptions had to be made for quantification. Some caveats include the conceptual nature of the projects, the locations of the projects and specific project costs if not specified, and the overall benefitted areas and costs which are likely overestimated. A total of 66 projects were proposed. These were divided by FBHCP region, county, specific habitat benefitted, mitigation type, area, cost, and project description. Total acreage equaled 67,000 acres, total cost over the 25-yr ITP: \$111,000,000 (\$50,000,000 proposed for one project). When looking at all proposed projects:

- There is a relatively equal total acreage per region
- Cost is a bit skewed to the East coast
- Mitigation project type is skewed heavily to enhancement and study. Enhancement includes predator control, public outreach/education, exotic removal, lighting surveys/compliance, and nesting protection. Study includes research and monitoring. More projects are needed for preservation and restoration.
- Not a lot of mitigation projects proposed for beach mice and none for the SEBM

Next Steps:

- Screen project list with USFWS for policy consistency
- Assess habitat quality improvements for remaining projects
- Compare habitat quality improvement with take
- Identify/fill gaps where additional mitigation is needed
- Refine cost/area estimates
- “Program level” mitigation measures
- Funding Mechanism Development
- Individual mitigation projects process

Questions/Comments: (04:03:31) *Kipp*: Does this list get updated throughout the 25yr term of the ITP? *Jimmy*: For the issuance criteria, we need to have a hard list of projects that the Service will approve. We're identifying projects that we think will fit and re-evaluate at the 5yr marks. *Brian*: On other HCPs, we'll have a pretty well defined list of projects that will be implemented as needed. It will be implemented incrementally as the take occurs. *Jimmy*: This is a preliminary list and has not yet been shared with the Steering Committee or Work Group, but it can be shared. *Julie*: Would you anticipate breaking up some of the larger projects to be implemented in stages or banked until the funds are available for the big project. *Jimmy*: We don't have an answer yet, we are still discussing. *Kipp*: what is the role of the Steering Committee with these mitigation projects? *Jimmy*: We, as the work group, would work with the Service first, then bring it to the Steering Committee. *John*: How would you go about switching out projects or identifying new ones? *Brian*: Discussed some examples in Big Pine Key regarding identification of a pool of parcels for acquisition/easement, but they are finding it hard now to identify willing sellers. Under the Adaptive Management Plan, we would lay out how we would address those types of situations. *John*: It may be helpful to identify the type or framework of projects that need to be identified and some specific projects that could be relied upon. It seems like a constant challenge. Does there need to be a conceptual discussion had and further direction from the Service. *Kipp*: There are some big categories that Jimmy identified, but no specifics yet for accomplishing them. Some of the projects talk about staff, but I'm not sure if we're there yet. The scales of the projects listed right now seems a bit off. *Brain*: There are other projects, mainly in California, that have a similar scale, that we may have to reach out to. I will reach out to my colleagues in the Service and some of the contractors to see how this works and what options we may have. *Dave*: To relate back to mitigation fees and to make sure it offsets take, we'd need the specifics. *Kipp*: It would be great if you could reach out to the others, Brain. We have a scale issue. We need to address how to approach individual projects coming in. Adaptive management will be important and we will need some aspect of flexibility. *John*: That makes a world of sense. A concern would be, is the cost of mitigation so high that the process doesn't work. We have to make sure that it all works together and maybe there needs to be a process for vetting the projects as we move forward, a real world implementation process.

*Gary*: It is valid to take mitigation money to hire staff? Is that ok with the Service to hire state agency staff outside of the HCP staff requirements? *Brian*: It has been done with other HCPs. Usually it is related to the implementation of the HCP though. *Gary*: This needs to be flushed out before being proposed as a major item for mitigation. *Brian*: Thinks it could work if the staff details would be very well defined in how it would help the species included in the FBHCP. *Jennifer*: Mostly when we've talked about using mitigation for additional staff, it has been in relation to county staff since there are many county programs that are crucial for mitigation and those partnerships with counties are very important in the implementation of the plan. The one large shorebird project specifies 15 staff, with the list of current projects, for the county projects, does that cost include staff? *Jimmy*: I made assumptions that it would include staff. *Kipp*: So it seems that it is important in how the projects are labeled. Listing it as a staffing need, may work against us politically. It may not be great to lead with that, focus on what needs to get done and the staff is a detail of that. *Dave*: All of the projects need to tell a story of how it is offsetting take/improving the habitat. *Niki*: Tom and I attended a National HCP meeting and saw a lot of great presentations on what they are doing and we are attending another one soon and can get some ideas for how to approach this. Also, the no take scenarios/no mitigation fees have been

discussed and will be discussed further. *Kipp*: Did the work group talk about mitigation that doesn't occur on the coast. *Robbin*: We talked about mitigation that doesn't occur in the mitigation area, but it's still coastal. *Jennifer*: We did talk about mitigation outside of the CCCL area, particularly for beach mice. *Kipp*: Talked about mitigation location related to birds specifically. *Robbin*: We talked about the spoil islands but still coastal.

## **Funding Overview (04:39:02)**

Summary: *Dave*: This is mainly an introduction to the next steps and conversations to be had. The Service has come out with new HCP guidance, specifically to the funding requirements. Under the new guidance, the HCP funding must:

- Assure successful (mitigation) implementation
- Address costs over time, including perpetuity as appropriate
- Thoroughly document planned expenditures
- Provide mechanisms to revisit and adjust fees to ensure mitigation implementation

There is a lot of language regarding the assurances, both long-term and short-term. The general HCP expenditure categories include program administration, implementation, and long term management, operation, and maintenance, including habitat management in perpetuity. A note is that most proposed projects only include or are heavy on the implementation costs and don't adequately account for maintenance costs. Data needs for HCP funding include the projected HCP program costs and mitigation program elements. Pending decisions for HCP funding include:

- State agency options for receiving and managing fees
- Incremental funding and implementation?
- Clarify options for management in perpetuity
- Define state options for funding assurance
- Options to revisit and adjust HCP fees without legislative action

Next Steps:

- Review and select preliminary mitigation options
- Develop complete project cost estimates
- Review and establish state assurance options
- Identify options to revisit and adjust HCP fees without legislative action

Questions/Comments: (04:54:15) *Elizabeth*: Just to clarify, the FDEP is requesting the ITP from the Service, so does that mean that the Service is responsible for overseeing the work and compliance? *Jennifer*: The first part, yes, the second part, the Service will be monitoring and in some regard enforcing, but the majority of that will be FDEP's responsibility, but we are still sorting out the specifics. *Elizabeth*: That is a huge part of the work is defining everyone's responsibilities. *Brian*: Typically it is the applicant's responsibility to monitor the amount of take that has occurred and to ensure that the take does not exceed what has been authorized. The applicant is the one tracking the amount of mitigation implemented to offset the take that has

occurred and that is usually handled through submittal of annual reports to the Service. *Elizabeth*: So it's the applicant's responsibility, but the Service will have oversight? *Brian*: Correct. *Bob*: In the implementation chapter, this will all be addressed, and is still being developed. *Jennifer*: We will have a chapter that is specific for compliance, monitoring, and reporting.

## **Legislative Updates (05:00:00)**

Summary: *Jennifer*: We are getting the legislative documents together internally at FWC. We are not planning for the 2017 session and likely not even the 2018, but will aim for the 2019 session. We have been working with our legislative staff and they are planning to reach out to FDEPs legislative staff and have a report for our Steering Committee soon. We had hoped to have the report back for this meeting, but with Commission Meetings and some staff change over, that will be delayed and we will tentatively plan on a report for the December meeting. Regarding the staff changes, our legislative affairs Director, Jackie Fauls, is retiring later this year and Jessica Crawford will be the new Director. Jessica has been involved in several of our FBHCP meetings already and is up to speed on how it is developing and where our legislative discussion have been thus far.

Questions/Discussions: *Gary*: Legislative strategy has been discussed for many years over many meetings. Will there be an effort to look back over those past meetings and discuss/address the concerns and recommendations made? *Jennifer*: We have updated our staff on all of the discussion from previous meetings. *Gary*: There have been several possible strategies proposed. *Jennifer*: Yes, on our end, our legislative staff has been kept up to date with all conversations that have been had regarding legislative strategy, including those from all of our previous Steering Committee meetings. *Kipp*: We can always circle back with the legislative staff at the time they present to the Steering Committee to make sure that all concerns and recommendations have been addressed. *Jennifer*: It was our legislative staff that suggested that they present to the Steering Committee directly because I did express that there have been differing views on how to approach the legislative changes from our Steering Committee members and the legislative staff have recommendations based on their experience, how to most effectively approach the needed legislative changes. *Gary*: When do you anticipate having a complete list of legislative items? *Jennifer*: We will have it all done by March 2018, well before the 2019 session, but the majority of the materials will be completed earlier. *Gary*: When will the Steering Committee see what changes are going to be requested? *Jennifer*: I think we will have a better handle have the staff from the two agencies have had a chance to talk. By spring 2017, we should have a pretty set plan. We all know what the three main changes are that will be requested. *Gary*: Are you thinking a two-tiered approach or all at once? *Kipp*: Our legislative team is think all at once, but that is part of the reason why the legislative staff will be giving the updates and their rational for why they think that, that would be the most effective strategy. *Gary*: I would recommend that when it gets closer, that instead of Jennifer relaying their thoughts, that the legislative staff present it and tell us why they want to do it one way or another. *Jennifer*: Agreed, and that's exactly what I was saying that they will do (planning for the Dec meeting) and that's why we are

hesitant to convey their recommendations to you or discuss them today because we feel it would be best for them to present them directly to the Steering Committee.

### **Parking Lot and Wrap Up (05:08:35)**

*Brett:* I'm still looking through the MMs, but I think there should be some reference to the Emergency Orders in that specific MM. *Robbin:* You're right, I think the take under those activities should be addressed because the MM and Mitigation is only triggered when a CCCL permit is sought and the Emergency Orders would bypass this. *Jennifer:* Yes, and as we discussed earlier, the take would be covered by the ITP, but the MM would also help provide a roadmap for how to conduct Emergency Activities. *Brett:* I agree with all of that, but looking back at past storm events (04/05) where Walton County issued hundreds of emergency armoring permits, most of which were illegal even under the Emergency Armoring Rules, the legislature came back and implemented a new emergency armoring statute. If we are going to address emergency situations, we can at least pick up on what's out there and strict enforcement somehow of the emergency armoring law which could become part of the HCP MM for emergency armoring. *Jennifer:* Yes, there needs to be enforcement and follow through. *John:* It is very probable that if the agency issues emergency orders, and the HCP is in place, that the two can be done in concert. So I think it could be easily and appropriately addressed.

*Kipp:* Do we have dates for MM feedback/review. *Jennifer:* 1 month maximum and they should be sent to myself and Bob. *Kipp:* So the 13<sup>th</sup> of October. *Gary:* Suggest earlier. *Jennifer:* Let's aim for the end of the month, a reminder email on the 1<sup>st</sup>, and the 13<sup>th</sup> of Oct at the latest. *Bob:* When will the second batch of MM be sent out for review. *Jennifer:* Once we get back the first batch. *Brett:* What about the status of the MM for coastal armoring? *Jimmy:* We have some revisions to do and will be discussed with the work group. *Brett:* Can I assume we will get them before the next Steering Committee meeting? *Jimmy:* Yes, that should happen. *Brett:* Back in March, we talked about having an example project, beginning to end, what it would look like. *Jennifer:* That can tie into the flowchart example we were talking about earlier. *Kipp:* When will we have the specific applicant fees or project/activity mitigation fees? *Jennifer:* We are getting closer, but that is where reassessing the take and the other presentations from today tie in. We are closer, just not there yet. *Brett:* I don't understand how you set a dollar value on take and mitigation. We should probably have the opportunity to discuss that further sooner than late. *John:* What is the flowchart you were referring to? *Jennifer:* It is what we are envisioning for the online permitting system, a tool to assist us in planning and development. *Kipp:* Should we have a presentation on that for the December meeting. *Jennifer:* We can work on something for the December meeting, but I'm not sure it will be complete by then. *John:* So it is a visual way to walk through the steps on an online application? *Jennifer:* Yes. *Brett:* I would like to see a presentation in this as well. *Kipp:* So it sounds like we're flushing out the agenda for the December meeting. So far I've got:

- Legislative updates
- Additional MM for review and discussion
- Mitigation fees and how they tie into take costs (*Mike:* We'll have a draft mitigation plan by December, the first version for review should be December. The review would start



with Amy's final habitat quality, go to Mike for potential lift and the broad scale activities, and to Dave and Coastal Tech for the revised version of the project list)

*Gary:* I'm in favor of keeping the meeting in Tallahassee unless there is a strong need to go elsewhere. It seems more centralized. *Jennifer:* We held this one in Naples because it was the day before the FSBPA meeting which half of our Steering Committee member attend, including myself. We were thinking of having one or two of the Phase 9 meetings outside of Tallahassee to start engaging more stakeholders in different parts of the state and get more members from the public attending, but no decisions have been made yet. I was hoping we would have some participants from the FSBPA conference attend. If we do have a destination meeting in the future, I would like to plan a "field trip" to coincide with the meetings.

*Kipp:* Thank you and meeting adjourned at 3:15pm **(05:29:11)**

DRAFT