

Florida Beaches Habitat Conservation Plan Steering Committee Quarterly Meeting

FBHCP Steering Committee Meeting-20161206 1400-1
Tuesday, December 6, 2016
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Meeting Minutes FBHCP Steering Committee meeting 6 December 2016 Tallahassee

Steering Committee members present: Thomas Eason (Chair), Justin Green (Co-Chair), Gary Appelson, Brett Moore, Jeff Gore, Kipp Frohlich, Julie Wraithmell
Steering Committee members by phone: Jeff Gore, Julie Wraithmell, Rebecca O'Hara

Others present: Jennifer McGee, Tom Ostertag, Robbin Trindell, Jimmy Sellers, Niki Desjardin, Brian Powell, Amy Knight, Mike Flaxman, Rebecca Pfaller, Gene Chalecki, Carol Knox, Stuart Cumberbatch, Melissa Hill, Jen Lomberk, Kent Wimmer, Ashleigh Blackford, Jamie Clift

Others by phone: Bob Ernest, David Dell, Dave Mills

Thomas: This meeting is being recorded as per Florida Sunshine Law.

Welcome and Introductions

Justin recently took over at DEP, gave a brief introduction and background. This is his first steering committee meeting.

Welcome, Justin.

A vote will be held at 11:00

Approval of Minutes from June and September:

Notes from Jennifer on minutes

- The format of these minutes has been changed
- Recordings are available for at least another month
- These will be archived
- Notes this time will be general, rather than full verbatim transcripts

Brett: On the September minutes, the first section, you should put the presentation in parenthesis rather than a full transcript. We should comb through and correct errors, including page 8 typo, “applications that don’t fall into the majority,” and page 9 “no big issues” rather than “two big issues.”

Thomas: Approval of September minutes is postponed until the next meeting to allow time for changes suggested by Brett.

Brett: Who are the stakeholders discussed? We should include a list. On page 3, Mike’s presentation discussed need to support section 7, not only section 10. Explanation needed.

Thomas: Section 7 is from federal entities, while section 10 is for private entities.

David Dell: There is the same standard of take analysis for 7 and 10. Seven is an issue because for 10, we still need to do an intra service biological opinion.

Thomas: Take is the same under either section, but the bar for approval is different. There are different scenarios for what that might mean.

Brett: The discussion on the main body of Page 5 regarding coastal armoring. We continue to touch on this, but we have not seen any documents. This in on everyone’s mind. Where are we going with that?

Gary: In the same section, there are contradictory statements. We will need to decide what is direct and what is indirect. Clearly this is a confusing issue.

Thomas: Is there an answer?

Jennifer: We recently targeted this. We wanted this to have its own stand-alone attention. We will send it out soon into the new year.

Brett: This is a significant issue and we have vetted it through a lot of consultants and reviews. We need to bless this. Hurricane and Fort Walton was disastrous, Matthew has the same potential in St. Johns. We need to deal with this soon.

Jennifer: At the Spring meeting, we will have a discussion of this coastal armoring on the agenda.

Thomas: Send this out over the holidays so we can have it as soon as possible.

Robbin: This fell apart because it is an applicant driven process. We have to get at that to resolve coastal armoring issues.

Thomas: We are on meeting approval. We will discuss coastal armoring at the spring meeting.

Gary: There are improvements in how the state is dealing with these issues in St. Johns compared to Walton County. We should compare these incidences and take note. The department's work should be highlighted. We should make note of that and see if we can improve the process based on this.

Brett will send Jennifer an email with his further corrections to the minutes.

Thomas: June minutes are good, but September needs further review.

Motion to Pass June minutes.

June Passes

Motion to approve today's Agenda

Agenda Passes

We will circle back to September if we have time.

Jennifer: We are wrapping up our Phase 8 grant, which expires in March 2017. We are routing the contract for 9th and final year. March 2018 is our internal final deadline for submission to FWS. The contract has been moving through our internal process quickly and should be at DEP next week. We are hoping to have the Phase 9 contract executed by mid-January.

Gary: If the grant ends at the end of 2018, who pays for the interim phase before we go to the legislature in 2019?

Jennifer: Since the 2018 session starts in January, we will have to submit in 2019.

Gary: Are we absolutely ruling out moving forward in 2018? This could take until 2020?

Jennifer: There are differences in opinion regarding when to move forward. Our legislative team is working on this. Staff changes have led to delays. 2018 is 'pie in the sky.' We will prepare a legislative strategy in advance. We could potentially have materials ready for 2018, but that may not happen.

Thomas: I'm not ruling out anything. DEP is lead, but I will leave it to our legislative team to decide when we move forward. Most likely, based on current discussions, 2019 is when we move forward. Keep the thought alive to cover the interim period.

Jennifer: We have not made any final decisions regarding the interim period or when to bring the proposed changes to Session.

Gary: The default seems to be 2019, and that means staff will work towards that. We need leeway to work towards 2018.

Jennifer: 2017 is the only thing we've conclusively ruled out.

Thomas: For the update on grants and contracts, I would encourage considering funding for the interim period. A small grant would help.

Jennifer: We have not put in any proposals for a phase 10 grant.

Kipp: Could there be a locally sponsored bill from St. Johns regarding coastal armoring or process? Our staff wants to come collectively, but could a bill gain momentum because of the storms? Could we make interim progress?

Thomas: Hold that thought and we'll circle back around to it after we discuss the tasks and Gantt chart.

Jimmy: The Gantt chart and 2017 tasks.

- Regarding mitigation, we have a huge project list that needs to be paired down to ensure that it matches the projected take. Do we have the right amount of mitigation for take?
- Implementation- we need to focus on integration.
- Last year's IT proposal to start developing the online/self certification system was not accepted by FDEP.

Gene: A more detailed discussion regarding the IT proposal is needed. At the time the proposal was submitted there was a change in directors.

Jimmy:

- Implementation- Under the mitigation plan, there is funding for identifying fees for individual applicants. The legislative and rule change plan is also part of implementation that we're working on.
- Adaptive management chapter-How it will adjust if mitigation and take aren't matching up and how we could adjust that down the road if we're not meeting certain milestones.
- Third effort- document compilation/cleanup. We need to scan the older document and clean that up.
- We made a good first effort at drafting an environmental assessment. That document needs to be updated again.
- Finalizing some of the chapters like take and minimization.
- That's all on the docket.

Brett: For the EA, didn't we have some discussions on getting some early feedback from the Service.

Jimmy: FWS gave us a format and some guidance, but we have not sent it to them for feedback. The mitigation plan is not included, so they may not be able to provide meaningful feedback.

(39:39)

David Dell: We'd be happy to look at anything you'd want to share with us.

Thomas: Even if there is not much content, review could speed up final approval. I have not been at the last two meetings. Please give executive summary of work groups.

Jimmy: The leader of the working group is Jennifer. She prepares agendas and makes sure we stay on track. Robbin, Gene, Tom, Rebecca, etc. work with contractors. FDEP had a lot of work to do early on, their role now is largely administrative.

Subcontractors:

EAI

FNAI/Amy did all of the mapping for habitat for all the species groups.

Geodesign Technologies/Mike has the main engine of our take model. It is innovative and looks at alternative futures.

ABT Assoc./Dave Mills are economists and are working on the mitigation fees and related schedule

FWS/Brian- participant in all WG meetings and familiar with all of the day to day workings and everything we do.

Brett: Technical advisory committee?

Robbin: We had a scientific advisory committee. We had trouble with engagement. We are using species expert groups. We have also gone back to a permitting advisory approach. We have stepped back to smaller ad hoc groups. The scientific group kept getting lost in the details. It has not been disbanded.

Jeff: On the mitigation measures: How does that come together? What is that process like? Where does that come from?

Jimmy: We will address that question right before lunch.

Rebecca: I think he means minimization.

Minimization measures (47:15)

Jennifer: Some minimization measures were taken from existing measures. These were built upon from there. We worked with SMEs, the CCCL staff and FWC's ISM staff.

Robbin: Minimization measures were based on 1996 measures to avoid take of sea turtles. We have relied more on our agency taxa experts. Existing models from HCP program. This is a mish mosh.

Jennifer: Fresh eyes on this are important.

Jeff: In reading them, I get a massive list of knit picky little things. How does this relate to the bigger picture?

Jennifer: There is an introduction section to the minimization measures chapter that may give greater clarification.

Bob: We describe all of the species and all of the activities permitted through the CCCL program. Our minimization chapter gets into how to reduce or avoid impacts. These are not just some things that we have made up.

Robbin: The goal is that the specific impacts for the area would come up in an online application.

Jeff: Is the Service being included at this point in the minimization measures?

Robbin: We have Service people on the species group and Brian participating in all meetings.

Thomas: The sooner we can send this in for review, the sooner we can know. It would be helpful to ensure that there is a succinct summary of what we are trying to achieve with minimization.

Jennifer: Minimization measure wise, coastal armoring will be addressed at the next meeting. We had trouble with sending out the last batch due to the hurricanes and everyone being very busy with hurricane response efforts, so we had delays on the first draft of edits, second draft- we still have a few coming in. What we are aiming to do is to wrap up any steering committee edits and edits from our front. Expect a lot of emails so we can address and incorporate comments. We will vote to finalize measures in the spring. For our spring meeting, which we still haven't scheduled- it will be later, we can at least tentatively plan to vote to approve them.

Gary: It's good to give us more time for this because the minimization measures are based on on-the-ground impacts. It is difficult to provide input to make without being in the trenches, so I've had to reach out to people who are on the ground. And some of that feedback is just now being reported back. So, it would be good to extend our review period because we have no knowledge on some of those activities and it will take some time to get feedback from the right people.

Jeff: Who has seen these and who developed these, exactly? I feel uncomfortable scrutinizing these without knowing who has reviewed them already.

Bob: These are not things developed by a single individual. All have basis- drawn from a variety of sources. I go back and edit this based on feedback from many people. Drawn from biological opinion, CCCL conditions, JCP conditions, whatever the sources are, we will put that.

Kipp: To Jeff's point, could it be possible that you have a cover that says who worked on it? Just to give an idea of the technical experts who work on it.

Rebecca: That's what I was going to say, let's provide a list.

Julie: Jeff, if it doesn't make sense to you, you should raise that concern. When I was looking at them, I found myself wondering who the ultimate audience was for these. Is this the final form or will they be further refined for general public consumption?

Jennifer: We will work with our commenting staff. We should look at tone to see how they are worded or perceived.

Julie: Does the average applicant have a consultant working on their behalf, or will these be more single family applicants.

Carol: Most will have consultants.

Gene: On CCCL, you have more of a mix than JCP. The two sides are very different. CCCL is not operating under section 7 and only protects marine turtles. When we talk about conditions, we are also talking about subject matter experts. CCCL is looking directly to FWC.

Julie: So there are mom & pop applicants.

Gene: "Thou shalt not..." should minimization measures be like this or more "If... then."

Brett: These are minimization measures, not "Thou shalt."

Gene: I assume you are trying to create a system that the vast majority of property owners can navigate, then more should be "thou shalt"

Thomas: Let economics drive people into doing the minimization measures. "you should and if you do, it'll save you some money."

Gene: Will measures be in DEP rule?

Bob: The Service is going to want assurances that we're doing everything possible to minimize impacts. Don't get too liberal with what applicants can or can't do.

Gary: Will this be a DEP rule or does the HCP stand alone? There is no DEP rule that tells Indian River County what they can and can't do under their HCP.

Thomas: That will be up to DEP. No one has to opt in. The hope is that 90% of people opt in.

Gary: The rule can't be the same as the HCP for people who opt out of the HCP.

Mike: There is also a technology implication- the fully individualized system that Gene is suggesting is more refined.

Thomas: Minimization measures is a "thou shall not." This is a framework that everyone can look at and know what is going to be minimized.

Brett: When we review the next round of the minimization measures, it is very important that we know how they are intended to be used. There could be things that are very arbitrary. There are many things that we will have to defend.

Justin: This is intended to streamline permitting process and reduce the need for individual ITPs from the Service. There will have to be a reasonable level of certainty for the Service. Rules are there to clarify legislative grants of authority.

Thomas: We've gotten into a higher order discussion.

Jennifer: Minimization measures were written with the intent that they would be required. Section with more site specific requirements- conservation recommendations. How to finesse the details for site specific projects- we're still working out those details. We are discussing the possibility of opting in.

David Dell: The criterion applies to DEP as the applicant and eventually the permittee. Some of these measures are going to be shall and some are going to be should. There are two levels and the more you put into your landowner part- there is flexibility.

Thomas: We are going to go to the legislature to get target changes to accommodate the HCP, not to approve the HCP. I don't think a lot of rulemaking is needed. The HCP should be a supercharged super effective way to move forward. You can't fully meet minimization as described. We need to think about minimization and then mitigation. There is clearly a fault line. We need to keep circling back to ensure that we are all in sync.

Jennifer: Conservation recommendation was brought up at the December meeting last year. Hybrid measures might replace ones that can't be met. Possible take reduction. Optional recommendations could be adopted as a requirement.

Kipp: Is there a bright line of whether you meet it or not? Regarding lighting, is the intent more specific? Is it designed to be so tight that there is no question?

Robbin: I think it really does need to be a system. It's based on what we do now. The success of this depends on permittees meeting the requirements so they have no take.

Carol: With lighting, what is particularly difficult is that there is innovation. Constantly evolving market. There are so many different little types of bulbs.

Jeff: Shall or should? How do we prioritize these?

Jennifer: We are still struggling with that – how to rank them. We haven't reached any consensus yet on that.

Thomas: Let's shoot for making this a bright crisp line. We will have to develop a framework- there is still going to be staff work. We can have a better discussion after we have a final project.

Justin: What do existing HCPs look like?

Thomas: Our review could be a sort of phony approval. We should engage with other staff. We need to workshop this to reach balance. Let the people who have to implement this have input so that it is actually implementable.

Jennifer: You can see why this has taken so long. Please send me the names of any reviewers you have sent these to or you would like to add.

Gary: My circulation was not wide. Question about one measure: for emergency operations on the beach. How DEP handles these operations is critical to what people do and whether or not they do it properly. There is no onus on DEP, only on the applicant. Where is DEP's responsibility, aside from what is normally done, after a storm, etc.

Gene: Indian River laid out in the documents what they would do in particular situations.

Gary: Where do we see some kind of review of permits that have been granted to ensure compliance?

Jennifer: There are two chapters we are still working on, including compliance monitoring.

Gene: There will be a significant rewrite.

Bob: Addressing implementation and monitoring, it is considered separate but feeds back into the adaptive management plan.

Thomas: There will be specific clauses addressing DEP's responsibility.

Gary: Missing component: how do we ensure that there is no post storm chaos? There needs to be references in the documents to this. We need to be clearer regarding emergency situations.

Jennifer: This is specifically for post storm applicants. These are details specifically for the permit applicant. These are all chapters that we are still working on. All of that is going to be coming out in 2017. There are fifteen chapters, and information in one is vital in another. Background cover pages could be helpful.

Thomas: The feedback is that having some sort of intro with the minimization measures chapter would be helpful. A short preamble for minimization.

Jeff: We need some record of who has participated in the review process.

Bob: There are going to be two types of monitoring: compliance and evaluating effectiveness. A permittee could be doing exactly what they are supposed to and not necessarily helping the species on a state-wide scale- this could be used for adaptive management. I want to disavow the notion that if you comply with the minimization, you don't have to mitigate. Although there will be some avoidance measures, the minimization is doing just that – minimizing impacts. So, some mitigation will be required for every project, unless you can completely avoid impacts, and those projects are going to be few and far between.

Brett: I agree with David's suggestion that shall should be used as much as possible, but should is also important. When I looked at emergency operations, I wasn't thinking of post storm more oil spill. When you put these together, you will be doing that individually? (yes) Dune: bag structures? Excluded? The control line brings that into jurisdiction. That should be considered for impacts.

Gene: I haven't read that particular measure in several months. You would think that the minimizations for that particular activity would be in rule because that rule is very specific.

10 minute break (1:50:39)

Jennifer: Covered Species Edits- We have been writing the HCP with the inclusion of 19 species. Models include take for all 19 species with the thought that implementing the mitigation and minimization for no federally listed species would come into play only once they become federally listed. If we have the species in from the beginning- we HAVE to implement it from the beginning. The biggest benefits of including them all are that they will have the comprehensive full scale benefit of the mitigation. If they were removed and added on the later date, mitigation would have to be added on top of previous measures. If they are added later, there could be a hold on permits and changes to the HCP could take up to two years. The only area within the Plan where there is no other federally listed species habitat overlap with a non-federally listed species might be for the Santa Rosa beach mouse. Even in this case, the habitat range is small and mostly in Federal land.

Tom: There is no funding to open up this issue later.

Julie: Applicants could be responsible for securing a state permit? Doesn't the HCP provide better customer service to applicants?

Jennifer: Including all of them is largely beneficial and has huge benefits. 13/19 are already federally listed. The difference is not that big. Most, if not all of the measures have multiple species benefits.

Thomas: What are we voting for? Protecting all 19 species.

Jennifer: The disconnect is that if we put them all in in the beginning, we also have to implement the minimization and mitigation for ALL species from the beginning. Right now the already drafted chapters talk about the minimization and mitigation being implemented if/when they become listed. In most chapters, this would require very minimal changes but would have a huge benefit to all 19 species.

Bob: Species not federally listed were ones we felt will likely be federally listed within the 25 year period of the HCP. It was our intent that we would include minimization, but not mitigation. Trish Adams clarified that you have to do both from the beginning of implementation.

The six species are: Gopher Tortoise, Santa Rosa Beach Mouse, Snowy Plover, Black Skimmer, American Oystercatcher, Wilson's Plover

Bob: All nesting shorebirds and solitary species. Only piping plover and red knot are listed.

Jeff: We are fairly comfortable with our list currently (all 19 species).

Jennifer: The species list has been the same since the beginning. We have been planning five year reviews of the HCP, and initially planning that if a species were to become federally listed, it would be added at the five year meeting.

Julie: This was already a narrowed list

Jennifer: There has been no discussion of changing (adding or removing) the 19 species.

Brett: Thinking about the applicant of property owner- when you look at the different species, is it likely that the applicant or permittee is going to have a greater burden because of one of these species. An example that comes to mind for me in JCP processes- piping plover then we have to wait six months longer because of red knot, only to implement the same mitigation measures for both birds.

Jennifer: the Santa Rosa Beach Mouse is the only one of the non-federally listed species that occurs in an area where no other HCP species occurs - this is only about a mile of beach.

Justin: What are requirements for state listed species?

Thomas: Application process- possible mitigation. There is nothing currently saying that you are covered at the state level. We need that language.

Kipp: I think that the way you stated it earlier- it's a service to the applicant in case something else happens.

Thomas: There is strong interest that we will move in that direction. I think that our decision is that we are giving a federal level insurance policy. Given that our avoidance minimization, mitigation, and take has looked at all of the species, I think we should go ahead. There may be a

very thin slice of Florida that will be affected, but if we take the species out, we have to add measures to bring them back in. Recommend approval.

Justin: Will there be property owners that will only be impacted by state listed species?

Julie: Federally listed turtles are everywhere. Turtles are co-located.

Jennifer: Every sandy beach is listed for turtles.

Kipp: It seems that there would be site specific actions for nesting birds. It seems like there should be a difference.

Julie: The applicant could be subject to additional measures. Measures are different for some species.

Kipp: Can you make someone do something for Black Skimmers under the HCP if it's not a federally listed species legally? Different legal staff tend to have different opinions.

David Dell: Solicitors around the country will stand up for HCP. As far as enforcement actions for non-listed species, we can link them to listed species.

Thomas: I was not heavily involved in the beginning- the intent all along was for minimization to be done for all of the species. The mitigation for these 6 species was where we were going to wait- I come out on yes because all of our modeling has been based on all of them. Saying no makes it harder. We are going to try to treat all sandy beaches around Florida similarly around what activities are going on, and it's really when you get into the mitigation aspect of what it may or may not mean.

Gary: Does anyone else from the Steering Committee remember if we were going to initiate minimization measures for those additional species?

Julie: My memory is clearly in error, because I remember mitigation and minimization, both.

Jennifer: I'm looking at Chapter 14 now, and the way it's worded is that the mitigation measures would be initiated. It doesn't mention anything about minimization being added later; it only talks about mitigation.

Gary: I don't ever remember us including the additional species in mitigation, only minimization.

Bob: That's one of the things that having been involved early and been involved in other county wide HCPs- they wanted minimization measures to preclude non-listed from becoming listed. But there is not official take until they are listed. The Service's position has clearly changed. There is not a big additional cost to including these species.

Jeff: Needs to be addressed at a legal level.

Julie: Could FWC explore what their role would be if these species were not included. Could there be some kind of mirror process?

Jennifer: There was simply a delayed start to the mitigation. The time delays and the lack of insurance would be compounded by the need to go above and beyond for the mitigation for the species specifically.

Brett: The reason that these state species are not being looked at is that it is not currently in their mandate legislatively. We need to make the necessary legislative changes.

Thomas: We need to take more time on this. We need to see where they are geographically. Mike will send maps. We should plan on making a decision in spring.

Jennifer: I don't think that it would hold anything up to vote in spring.

Julie: In the future, please include more details about what is being voted on. Background would have been beneficial.

Jennifer: If there are any more questions, feel free to contact me.

Mitigation Plan Update (2:30:30)

Jimmy: Dave, Mike, and I will discuss.

Dave: Presentation

- Hcp mitigation concepts
 - Location matters
 - Habitat quality is considered
 - Timing does not affect estimates
- HCP mitigation project selection
 - Prioritization criteria
 - Pass/Fail Criteria
- Hypothetical Example
 - Identify harm at species level
 - Get costs at species level
 - Mitigation cost per acre

Gary: How do you come up with money for predation control?

Dave: This is hypothetical- based on the project.

Gary: Is the cost over the entire project?

Dave: Project costs need to be comprehensive for implementation and lifetime. This should cover all costs.

- Next steps for mitigation credit work
 - Administrative cost is important because of maintaining project
 - Confirm legislative and administrative options

(2:47:15)

Jimmy: Dave covered most of what I wanted to say in terms of what our next steps are. We identified 66 projects- roughly 100 million dollars of work. We were unsure if that would cover all of the take. We scanned the Deepwater Horizon list for projects that would benefit our covered species. About 94 projects and lots of land acquisition. This is only a preliminary list, but now we have about 150 projects to choose from to match take. The dollar value is up to a billion dollars over 25 years.

Gary: Easements could lower cost as opposed to acquisition.

Julie: Gulf projects might not be appropriate since they go so far inland. We should think about what is needed for direct mitigation of those species.

Jimmy: When we discussed this in November we started talking about criteria, but another thing that we are conscious of is that we need to follow the take. We have estimates for each five year period.

Brett: I don't like land acquisition because no one thinks about the long-term costs of land management. Positions/staffing- I truly believe that the marine turtle permit holders is a place that we are in need of more staff.

Julie: I agree that staffing is important. We also need to make sure that we have a baseline for land manager obligations.

Thomas: Similar feedback from my perspective- individual projects are the trees and I want to see the forest. I think having the projects is a good way to data test whether we're going to have the ability for implementation. We need the whole cloth approach. I've always pictured this as thinking about what we want to achieve programmatically across the state. Then we would build a programmatic approach first and projects would come after that.

Mike: I have been working on that top down view.

Jimmy: Trying to take the programmatic approach, we needed to get an idea of how much money we're talking about.

Jeff: I like the top down approach and seeing a big picture. As long as we agree that a top down approach needs to happen, I like the process so far.

Mike: Presentation (3:00:00)

- Estimating Indirect Impacts
 - Impacts split categorically into direct and indirect
 - Structures couldn't be parsed this way-
 - Beach armoring TBD
- Quality adjustment of impacts
 - Habitat quality data from FNAI
 - Habitat score
- Non-breeding shorebirds are getting majority of impacts
- Large single family is most significant.
- 800 acres direct impact
- 5000 acres indirect impact
- State listed species account for about 144 acres
- Slight difference between total and quality adjusted acres- not triggering major change in strategy
- Use of quality adjusted impacts for mitigation
 - Direct impact areas, indirect impact areas, unimpacted areas.
 - Computed potential mitigation lift
- Developed a system to automate this
- In some areas, there is more take than we have mitigation for.

LUNCH

Mike: Continued presentation (3:17:00)

- Draft mitigation balance charts
- Update for Spring 2017
- New research regarding lighting

Carol: The lighting data that they used are not density data. There is a lot of manipulation.

Mike: We should continue using available categories- we should go from medium to high. If we have a nonlinear scale, we need strategies that work with a nonlinear scale.

Dave: Regarding top down vision, that will shape based on how we define preferences. Remember that we have to have the HCP approved by the Service and they want to see a definitive program.

Gary: New data for turtles is very exciting. Dave's presentation begins with the definition of direct impact. It is not scientifically defensible to say that the only direct impact of armoring is the footprint of armoring.

Jennifer: There are exceptions regarding armoring. It eliminates upland habitat. This could be a permanent loss of habitat even though it is not in the direct footprint.

Gary: When you stick a seawall at the edge of a 60 foot dune, it is questionable, but on a flat beach, it is clearly take of nesting habitat.

Thomas: Take and mitigation are going to be the two elements of this HCP that make or break it.

Jimmy: Conceptual Flowchart of CCCL/HCP Process and Example Project

- Application is received, if not complete ask for RAIs until it is.
- Then it would have to go through the HCP process
- For 1000 of those field permits, walkovers, beach cleaning, etc. we are not proposing to change the level of review for those
- For 500 standard CCCL permits, they would be entered into Mike's system where the footprint would be entered to calculate the take and the mitigation fee. Then the applicant can pay, do mitigation, or consult with FWC directly. They can also propose their own mitigation project.
- Should we require applicants to submit their plans in a digital format?

Thomas: For the field permits, is there a cost?

Gene: No cost. There is some mitigation cost for CCCL permits but not fees.

Gary: Is there follow-up compliance monitoring?

Gene: None is required. As of 2013, the inspectors were moved to the DEP districts. There is no agreement that specifies that a compliance inspection must be performed on a field permit. There is also no requirement for final inspection for general permits.

Carol: At least the projects that we are looking at often don't have the lighting plan developed.

Gary: When there is a frenzy of post storm activity, do we know how much unpermitted activity occurs?

Gene: We actually do have a count of all activities that have taken place under county, DEP, and no permits. We are presently crafting outreach letters to different groups. Whatever is worked out as to the number of inspections will be spelled out in the Service level agreement.

Mike: Analogy to fire districts: delegating to local authority. Sharing resources?

Gene: With the transfer of inspectors to district offices, there is greater access for locals.

Tom: Should we inspect 5-10% every year to ensure compliance? Selection of what you're doing in the permitting system could help determine who needs to review.

Thomas: We should run all applications into an assessment box- if they meet the criteria they could move forward, if not, they go to the review process.

Tom: More user friendly.

Brett: Doesn't it already do that?

Thomas: Additional box.

Mike: Follow-up to Carol. The lighting plan- different parts of the process.

Carol: Lighting plan should be done at the same time as the rest of it.

Robbin: Comes down to complete vs. sufficient. There should be a certain 'gold standard' where if you meet it you're done.

Thomas: Having it all done at once is something we should shoot for.

Jimmy: Thinking about how the Department is going to have to keep track of all activities, we will have to track them spatially. Exempt activities as well. We must design an up-front system or box.

Mike: Preliminary screening based on the address.

General discussion here on being able to randomly sample and ensure compliance of a percentage of projects.

Gene: Some of those self serves would have been better drafted as exemptions. Some would rather have someone give them a field permit rather than going online.

Jimmy: The fee is then calculated and people can select conservation measures to reduce the fee. Then there is the potential for an FWC consultation and the fee is paid. How will we approve individual mitigation projects? We must come up with a set of criteria for this. A system to assess if the mitigation process will fully compensate for the impact.

Thomas: It would just be the same criteria for any project. Like for like.

Dave: We are not eliminating this option but it eliminates a lot of the advantages of the HCP

Ashleigh: If you want more flexibility, you run into the issue of still looking at things project by project.

Jimmy: Should we design for someone who doesn't want to be part of our process?

Carol: We've given them all our best ideas. All of those options are already in.

Mike: I'm suspicious of opening up these doors because it's not strategic. However, coastal property is hard to get.

Dave: if someone wants to donate any land, we have to manage it in perpetuity. No way to recover costs. If someone wants to come forward with a unique proposal, let them opt out.

Gary: Could carve out a narrow exemption for coastal land. We should not pass up the opportunity to expand coastal public land at this stage in our development. This is a rare resource.

Thomas: I agree- consensus is keep it simple. I would keep in play more than just easements and land. There is going to be a pretty complex implementation. We would not accept it without knowing we have the resources. We should leave some thought for whether we want to push people out or accommodate it. The easiest thing for the vast majority is going to be to pay us the money, but we should keep it open.

Jimmy: For opt out folks, do we need to immediately notify the Service or FWC?

Gene: An opt out is only a denial, unless they get their own federal ITP.

Jimmy: If DEP authorization will be denied if they opt out, no need to notify.

Thomas: We would likely figure out some other process to facilitate as best as we could.

Gene: All of this depends on the legislative changes.

Brett: The Department has a very positive relationship with applicants. You might have to deny a defensible application because it has an impact to habitat.

Gene: If the activity causes take of turtles, DEP has no jurisdiction.

Thomas: There is a big lift coming and there needs to be a consistent view in Florida. Opting out is no longer tenable.

Jimmy: Do we need more detailed boxes?

Thomas: We're still working on take and mitigation, more details on ISIAS (Mike's system)

Jimmy: If we could get digital data, it could be processed more quickly. Improve process, fewer workers.

Mike: Easy geolocator by address? It would be good if the diagram demonstrated putting in lighting plans early.

Brett: This is a function of the applicant and of the reviewer. A lot of individual characteristics can affect that.

Mike: What about people who purposely submit false information, etc.?

Bob: We need to make it very explicit what every project has to do.

LEGISLATIVE UPDATE (4:30:00)

Jennifer: We don't have a lot so far- just to recap, we have a transition in our staff. Jackie Fauls is retiring and Jessica is taking over. There was recently a change in DEP staff as well. Jessica is working to connect with the new DEP staff. We have not provided a great deal of feedback yet because the legislative staff should provide them directly.

Brett: How are we going to get what we need and ensure that everything is covered with the legislative staff?

Jennifer: They are being kept up to date and that should be part of the presentation that they are preparing for the spring meeting.

Gary: Operation vs. construction CCCL permits. Will that be part of the legislative packet?

Jennifer: The three main things are still in place.

Thomas: For the legislative update we need

- Content changes
- Timeline

Julie: We should set up meetings as soon as possible to get Jackie's input. Move quickly.

Gene: Statute vs. rule on minimization measures?

Mike: The level of resources that the group has during the transition phase is something that should be addressed.

Thomas: We need to identify where resources are going to come from.

Tom: They are not going to give us money for that.

Jennifer: We're trying

Mike: There are implementation grants, but we're in the gap.

Jennifer: Updating the data and the maps?

Thomas: Yes, there is some ability to backfill. But can we maintain the critical mass? That is an open ended question.

PARKING LOT (4:40:44)

Jennifer: The one thing I wanted to start with was the 2017 steering committee schedule. Session starts in March, and February is too early. We will need to postpone the meeting. First meeting

immediately after session? This can ensure that legislative staff and others are free to attend. Late April/ Early May. Second meeting July/ August and two meetings in winter.

Gary: Is it possible that we could have a webinar instead of not having another meeting for six months.

Jennifer: As long as it's open to the public I think we can.

Gary: Even two shortened ones.

Jennifer: Three hours is appropriate.

Brett: We have some distance to go with the mitigation measures, that could be a good topic.

Jeff agrees.

Jennifer: That could be a good start for 2017

Gary: We would still have the full meetings?

Jennifer: Yes

Thomas: After session, everyone involved with session will likely take a vacation. Keep that in mind.

Jennifer: By the end of this week look for Doodle polls. Please fill them out quickly. September meeting I'll go over feedback from you all and make edits to any grammatical errors.

Brett: One of the topics that came up in September was climate change. Are we trying to do mitigation for that? Was that not the way to go? Too short duration?

Bob: The mitigation has to be in perpetuity. So you still need to address climate change beyond the 25 year window.

Niki: Wasn't the intent to have mitigation that takes it into account, not to mitigate climate change itself?

Dave Mills: Account for it, not mitigate it.

Brett: Sea level rise. Perpetuity. Focusing on other mitigation projects. Does Jimmy's list take this into account?

Jimmy: 'Climate smart,' the concept that the Service wants us to include in our plan is that we take into account potential climate change effects. Purchase land less likely to be inundated. We have not gotten to using that as a selection criteria yet, but that should be on the list.

Jennifer: One of the examples from the last meeting, if a property is not limited by landward retreat, With the 25 year ITP, you will not see that many significant changes. Service views this as a living document. The ITP coverage will continually be sought.

Mike: It's a timely reminder- we do have the data to do that in terms of screening the projects in terms of sea level rise. Okay with a reasonable representation of sea level rise.

Jennifer: This will be part of the criteria, not the primary factor. Putting together a contingency plan for the future.

Brett: Is there a section drafted on conservation measures?

Jennifer: Still putting it together.

Brett: Has the mitigation section been drafted? Just imagine you have everything set up and then a hurricane comes and destroys everything?

Mike: It's in a different chapter

Jennifer: Re-designation of the CCCL line.

Mike: We do have on the docks at the beginning of the plan to update the data layers. It is anticipated that one of our first activities will be to update all main data sources. We have a storm provision that there would be remapping at that point. Then there are scheduled five year updates.

Jennifer: We are talking the operational phase of the plan itself. We need subcontractors for that.

Brett: This needs to be contemplated.

Jennifer: The emergency permits from the storm is the real concern- this will happen too fast for us to necessarily deal with.

Jennifer: Meetings coming up prior to spring- national HCP meeting in Virginia. Jimmy and Niki and Rebecca are going. February meeting- marine turtle permit holder meeting round table, FSBPA, Geodesign conference. Gene will be retiring in April. Fritz should be involved.

Ashleigh: David Dell says there was a conversation about the covered non-listed species. This is addressed in Chapter 7 of the new HCP handbook. Responses about climate change sound consistent with expectations.

Tom: Next year taking it on the road- east coast and west coast. Meeting in Escambia County- field trip to Perdido Key. Then going to Walton County for contrast. This will probably be in about a year.

Thomas: End on a positive note- our Commission just passed the ISMP! This can be done. We are committed and will keep pushing. I appreciate all of the work that the work group does. Thank you Gene! If we all pull on this, we can reach the finish line.

Kent Wimmer: Will the slide presentations be available?

Jennifer: It's all public so we can send it out. The recording will be available as well. Kent will send an reminder/request email.

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