

Questions and Answers: Availability of Draft Coral Reef Commons HCP/EA

1. What is a Habitat Conservation Plan or HCP?

HCPs are planning documents required as part of an application for an incidental take permit, when a development is proposed on non-federal lands and without any federal funding. HCPs can include both listed and non-listed species as well as those that are candidates or have been proposed for listing. The incidental take permit can be issued for all the species, but does not include protected plant species. In developing HCPs, permit applicants describe measures designed to avoid, minimize and mitigate the effects of their actions—for the purposes of ensuring that species affected will be conserved and the conservation plan will contribute to their recovery.

2. What is an environmental assessment or EA?

An environmental assessment (EA) is a concise public document, prepared in compliance with the National Environmental Policy Act, that discusses the purpose and need for an action, alternatives to such action, and provides sufficient evidence and analysis of impacts to determine whether to prepare an Environmental Impact Statement or Finding of No Significant Impact.

3. What needs to be in an HCP?

The contents of an HCP include:

- An assessment of impacts likely to result from the proposed taking of one or more federally listed species.
- Measures the permit applicant will undertake to monitor, minimize, and mitigate for such impacts; the funding that will be made available to implement such measures; and the procedures to deal with unforeseen or extraordinary circumstances.
- Alternative actions to the taking that the applicant analyzed, and the reasons why the applicant did not adopt such alternatives.
- Additional measures that the Service may require as necessary or appropriate.

4. Who approves an HCP?

A Service Regional Director decides whether to issue an HCP permit based on findings that:

- The taking will be incidental to an otherwise lawful activity;
- The impacts will be minimized and mitigated to the maximum extent practicable;
- Adequate funding will be provided;
- The taking will not appreciably reduce the likelihood of the survival and recovery of the species; and
- Any other necessary measures are met.

5. Where is the Service in the HCP process on Coral Reef Commons?

The applicants have submitted a complete application package, including the incidental take permit application, the draft HCP and an application fee. The Service reviewed the draft documents (including the NEPA paperwork) and determined they are statutorily complete. The permit package (all documents) was sent to the regional office in Atlanta

for review and was approved for publication in the Federal Register for public comment on the draft HCP/EA. The public comment period is 60 days.

6. What happens next?

At the end of the 60-day period the Service will evaluate the public comments it received and consider whether any of the comments warrant changes in the proposed action. Once the HCP is considered final, the Service will use the best available information to prepare a biological opinion that will outline our decision on whether or not we should issue an ITP to the applicant on the Coral Reef Commons project. There is no timetable for when this process might be completed.

7. Could the Service deny the applicant an ITP for this project? If so, does that mean they can't proceed with it?

If they don't meet the prescribed criteria (see question 4), the Service could deny the ITP. That would not mean applicants can't proceed with their construction plans as they are currently described in the HCP. The applicants then have the option to modify and resubmit their HCP application or they could choose to just proceed without an ITP. If they choose to move forward without an ITP and approved HCP, they could be subject to prosecution under the ESA if they "take" a listed species.

8. Why is the Service even considering the applicant's proposal?

The Service is legally required to do so. The applicants have invested a lot of time and money into the voluntary process of developing an HCP. The ESA is not designed to stop development or hinder business interests. Under the ESA, the Service has a responsibility to work with developers to find reasonable avenues that allow for development, and at the same time minimize impacts to protected species and the habitats they depend on; with the ultimate goal of working together to prevent the extinction of imperiled species.

9. Why have HCP applications consistently been approved?The ESA was never intended to be a substitute for local planning decisions. The Service sees this as a positive tool aimed at finding balance between our conservation goals and local economic development activities where possible. It also is the result of collaboration between the Service and the applicant.

10. How much pine rockland habitat is left in South Florida?

Fewer than 4,000 acres of pine rockland habitat remains outside of Everglades National Park, according to the book "Everglades National Park and the Surrounding Area" by Roger Hammer. This is estimated as less than five percent of the original pine rockland habitat in Florida.

11. Which species would be considered under the Coral Reef Commons HCP?

The ITP would cover Bartram's scrub-hairstreak butterfly, Florida leafwing butterfly, Florida bonneted bat, eastern indigo snake, rim rock crowned snake, gopher tortoise, Miami tiger beetle, and white-crowned pigeon. Listed plants are included in the conservation plan; however, an ITP is not required for plants under the ESA.

12. Is the Service satisfied that the mitigation and protective measures listed in the draft HCP will be enough to prevent the extinction or even the degradation of protected species in those pine rocklands?

The applicants developed a model, which evaluates the function and quality of the pine rockland habitat following development and with long-term management. This model indicates there will be a net gain in the overall function and quality of the pine rockland habitat, despite the incremental loss. Following the public comment period, the Service will evaluate the HCP to determine whether the overall project, including the mitigation and protective measures meet permit issuance criteria.

13. What about cumulative effects?

The Service has considered the cumulative effects of this action on remaining pine rockland habitat and the listed species and determined there will be a net gain in the overall function and quality of the pine rockland habitat in the action area, despite the incremental loss. This improvement in habitat quality is expected to have a positive effect on the survival and recovery of the pine rockland species in the Richmond pine rockland.