

Public Webinar for the Coral Reef Commons draft Habitat Conservation Plan



Call Schedule

6:30 pm – Welcome and Overview

6:45 pm – Overview of Habitat Conservation Plan Process

7:00 pm – Overview of Coral Reef Commons draft Habitat Conservation Plan

7:10 pm – Public Comments

8:30 pm – Adjourn



Bartram's scrub hairstreak photo: H. Salvato

Welcome to the Public Webinar for the Coral Reef Commons draft Habitat Conservation Plan



April 27, 2017



Purpose of Call

Explain the Endangered Species Act permit review process & provide additional opportunity for public comments on the Coral Reef Commons draft Habitat Conservation Plan

Agenda

1. Overview of regulations and process
 - Endangered Species Act (ESA), section 10 process
 - National Environmental Policy Act (NEPA) process
 - Decision currently under consideration by the U.S. Fish and Wildlife Service
2. Overview of the proposed Coral Reef Commons project
3. Accept public comments for the record on the Habitat Conservation Plan and Environmental Assessment



Endangered Species Act (ESA)

Purpose - to “provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved [and] to provide a program for the conservation of such ... species...”

Section 9 of the ESA establishes that it is illegal to “take” endangered and threatened species without a permit.

Key Definition

Take - to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct

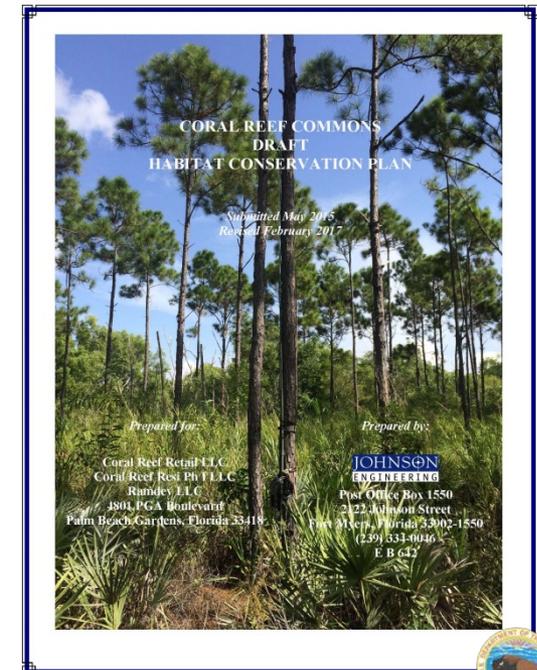


Endangered Species Act cont.

- The Service may issue permits for “incidental take” to non-federal parties through processes described in section 10(a) of the ESA.
 - The process includes development of a Habitat Conservation Plan by the applicant as part of an Incidental Take Permit application.
- "Incidental take" is the unintended take that may occur as a consequence of engaging in an otherwise lawful activity.

What is a Habitat Conservation Plan (HCP)?

- It's written by the applicant.
- It describes the applicant's proposed action and how it may result in incidental take of federally listed species.
- It describes how potentially adverse effects from the proposed action will be avoided, minimized, or mitigated by the applicant.
- HCPs can apply to both listed and non-listed species, including those that are candidates or have been proposed for listing. Collectively considered - "Covered species."



National Environmental Policy Act (NEPA)

- It's the federal agencies' document.
- It assesses the effects of a federal action on the human environment.
- Issuing a permit is a federal action that triggers NEPA.
- An EA is a document prepared to comply with the requirements of the NEPA.



What is an Environmental Assessment (EA)?

- An EA discloses and analyzes the effects of proposed activities on the human and natural environment.
- The EA considers short-term, long-term, direct, indirect, and cumulative effects of the proposed action and its reasonable alternatives.
- An EA concludes with either a finding of no significant impact or decision to prepare an Environmental Impact Statement.



Proposed Action for U.S. Fish and Wildlife Service

- We're considering issuing an Incidental Take Permit (ITP) for the Coral Reef Commons project and its associated Habitat Conservation Plan.
- Applicants include:
 - Coral Reef Retail LLC;
 - Coral Reef Resi Ph I LLC;
 - Ramdev LLC; and
 - The University of Miami.
- The proposed duration of the ITP is 30 years.



Limits on the Service action, or what it is not

- The Service does not assume the role of or second guess local planning authorities.
- The project needs to be otherwise lawful, but local authorities make those decisions.
- The Service's action is to determine if the applicants' HCP meets issuance criteria, and if so, authorize take **incidental** to the applicants' otherwise lawful development.
- The Service does not authorize the development, we would authorize incidental take.



Section 10

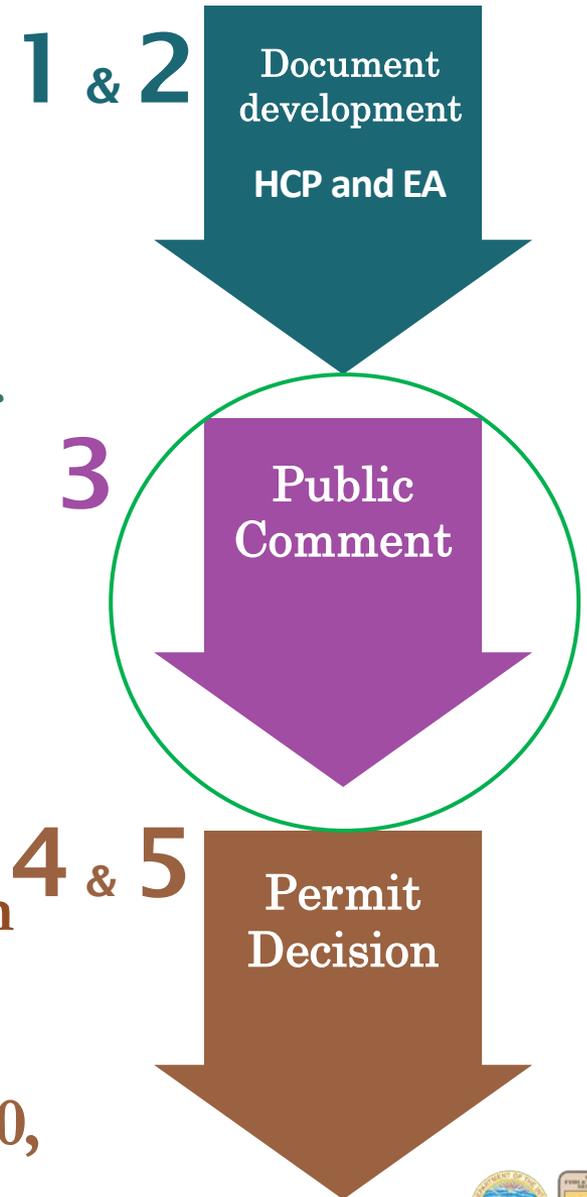
Section 10(a)(2)(B): Permit Issuance Criteria

1. The taking will be incidental.
2. The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking.
3. The applicant will develop a Habitat Conservation Plan and ensure that adequate funding for the plan will be provided.
4. The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild.
5. The applicant will carry out any other measures that the Secretary of the Interior may require as being necessary or appropriate for the purposes of permit.



Process Overview

1. The applicants developed a draft HCP to support an ITP application (ESA)
2. The Service prepared a EA for public review that evaluates potential impacts of implementing the project (NEPA)
3. Public Comment period and evaluation of comments received (ESA and NEPA)
4. Service conducts an intra-Service section 7 consultation (ESA)
5. Service determines if the final HCP meets the permit issuance criteria under section 10, and then denies or issues the ITP (ESA)



Next Steps

3

Public
Comment

- 60-day Public Comment Period, HCP and EA
- Evaluate and address public comments, as appropriate
- The Service identifies whether HCP or EA need revision in response to public comments



Next Steps

- Evaluate the final HCP for permit issuance criteria and develop decision documents
-

4 & 5

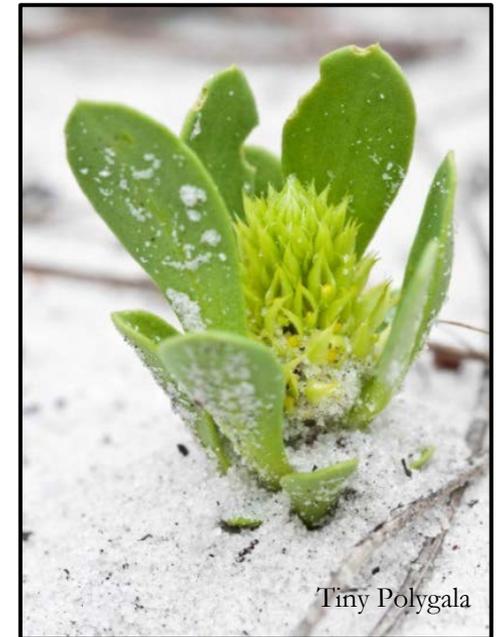
Permit
Decision

- If the HCP meets permit issuance criteria, the Service must issue an ITP.
- A permit holder is authorized for the incidental take as long as they are compliant with the HCP, the ITP, and all other federal, state, and local laws.



Decision Documents

- Section 7 Biological Opinion
 - Direct, indirect, and cumulative effects
 - Covered species, listed plants, and critical habitat
 - Jeopardy analysis
- Section 10 Findings
- NEPA Findings
- Permit Decision



The final decision on the permit request is made by the Regional Office in Atlanta.

Thank you



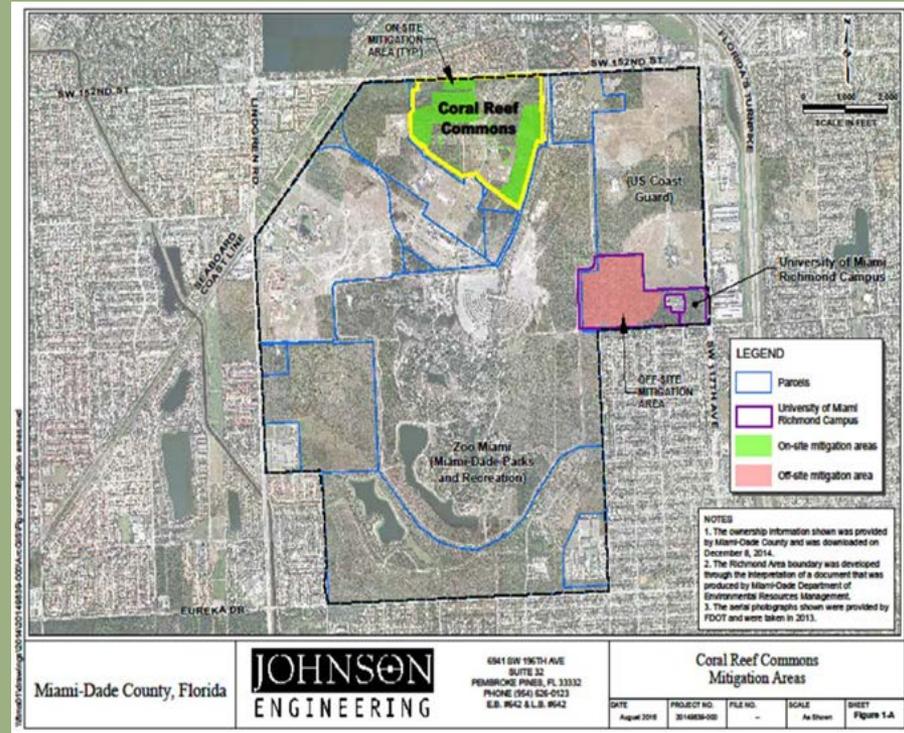
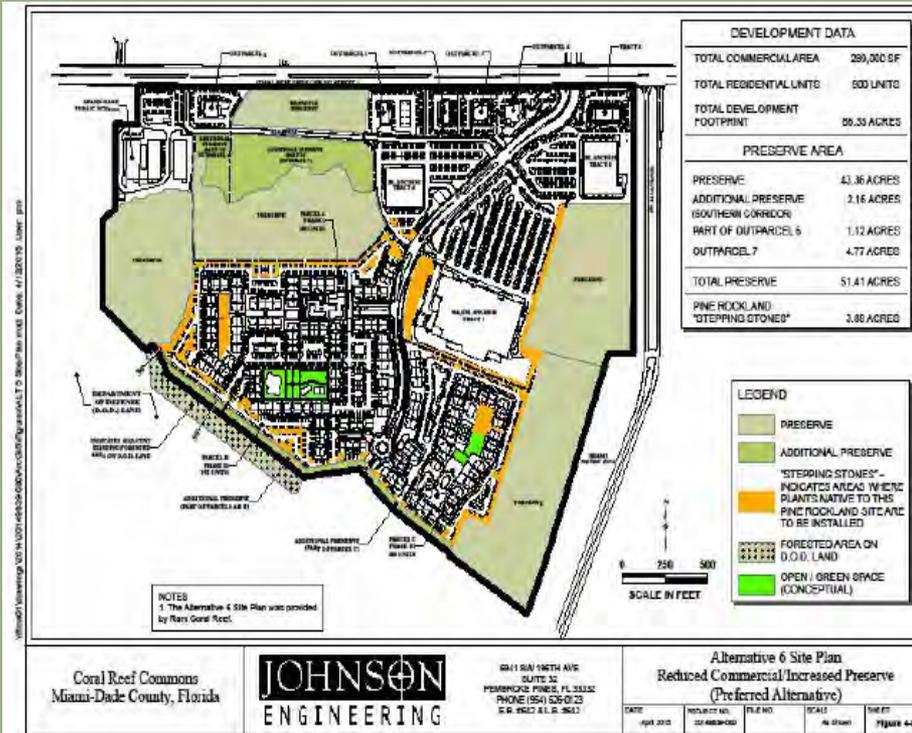
photo: A. V. Blackford



CORAL REEF COMMONS DRAFT HCP

Preferred Alternative

On-site and Off-site Mitigation



Coral Reef Commons
Miami-Dade County, Florida

JOHNSON ENGINEERING

6841 SW 196TH AVE
SUITE 32
PEMBROKE PINES, FL 33332
PHONE (561) 526-0123
E.B. 9542 & L.R. 9542

DATE: April 2014
PROJECT NO.: 20140603-00
FILE NO.:
SCALE: As Shown
SHEET: Figure 4-4

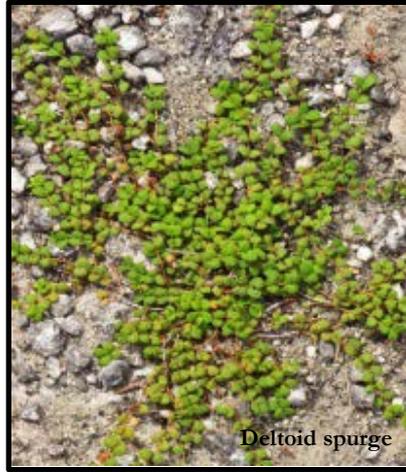
Miami-Dade County, Florida

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6841 SW 196TH AVE
SUITE 32
PEMBROKE PINES, FL 33332
PHONE (561) 526-0123
E.B. 9542 & L.R. 9542

Coral Reef Commons Mitigation Areas

DATE: August 2014
PROJECT NO.: 20140603-00
FILE NO.:
SCALE: As Shown
SHEET: Figure 1-A



Deltoid spurge



Carter's small-flowered flax

Public Comments



Useful Comments

The Service is looking for sound science and reasoning in the comments we receive.

When possible, support your comment with substantive data, facts, and/or expert opinions. You may also provide personal experience in your comment, as may be appropriate. By supporting your arguments well, you are more likely to influence the decision making.

Base your comment and justification on sound reasoning, scientific evidence, and/or how you will be specifically impacted.

The comment process is not a vote. One well supported comment can be more influential than a thousand form letters.

Tips For Submitting Effective Comments

https://www.regulations.gov/docs/Tips_For_Submitting_Effective_Comments.pdf



Comment Submittal

Options

- You can provide a verbal recorded statement during tonight's comment period.
- E-mail comments to crc_hcp@fws.gov.
- Fax comments to: (772) 562-4288.
- Mail written comments to:
Comments – Coral Reef Commons HCP
U.S. Fish and Wildlife Service
South Florida Ecological Services
Office 1339 20th Street
Vero Beach, FL 32960



Comments must be submitted by May 22, 2017

