BOARD OF COUNTY COMMISSIONERS
Mayor Sylvia Murphy, District 5
Mayor Pro Tem Danny Kolhage, District 1
Michelle Coldiron, District 2
Heather Carruthers, District 3
David Rice, District 4

County Commission Meeting
August 21, 2019
Agenda Item Number: J.1
Agenda Item Summary #5756

AGENDA ITEM WORDING: Update to the Board on the 13th Annual Monitoring report that has been submitted to the U.S. Fish & Wildlife Service on the implementation of the Incidental Take Permit and associated Habitat Conservation Plan for Florida Key deer and other protected species on Big Pine Key and No Name Key.

ITEM BACKGROUND:
In 1998, Monroe County (County), the Florida Department of Transportation, and the Florida Department of Community Affairs signed a Memorandum of Agreement in which they committed to develop a Habitat Conservation Plan (HCP) in accordance with Section 10(2)(A) of the Endangered Species Act for Big Pine Key and No Name Key. The HCP addresses the incidental take of key deer, eastern indigo snake, and lower keys marsh rabbit that may result from development activities in these two keys over the 20 year period of 2003-2023.

In 2006, the U.S. Fish and Wildlife Service issued an Incidental Take Permit (ITP) to Monroe County, the Florida Department of Transportation, and the Florida Department of Community Affairs (now the Department of Economic Opportunity) which became effective on June 9, 2006 and expires on June 30, 2023.

The ITP contains specific conditions that detail land use limitations and protections for Big Pine Key and No Name Key. The primary conditions of the permit require:

- The total impact of commercial, institutional, and residential development over the 20 year life of the HCP shall not exceed \( H = 1.1 \); and,
- For each H value unit of development, three H units of conservation lands shall be acquired, restored, and protected in perpetuity. Over the term of this permit, lands with a cumulative \( H \) value of 3.3 shall be acquired.

Several of the specific conditions address residential development. The ITP requires that new residential development will be limited to a maximum of 200 dwelling units over the 20 year life of the HCP. Since the effective date of the ITP (June 2003), 131 single family permits have been
issued, with a cumulative H-Impact of 0.1776. Additionally, no new development other than single-family residential and accessory uses will be permitted in Tier I areas, and new residential development in Tier I areas will be limited to no more than 5% of all residential units permitted over the 20 year life of the HCP. In other words, the ITP allows development of ten dwelling units or 0.0220 H-Impact in Tier 1 on Big Pine Key and No Name keys, whichever results in a lower “H”. Four (4) building permits have been issued for residences in Tier I. An additional 13 ROGO allocations were issued, however these allocations expired with no building permit being issued.

Monroe County prepares an annual report as required by the ITP. The report details the annual and cumulative H-Impact and H-Mitigation credit. The attached document constitutes the 13th Annual Monitoring Report on the Habitat Conservation Plan for the Key Deer and Other Protected Species. The cumulative H-impacts of each development category reported in the 13th Annual Report include:

<table>
<thead>
<tr>
<th>Development Type</th>
<th>H-Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residences</td>
<td>0.1776</td>
</tr>
<tr>
<td>Fences</td>
<td>0.055</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.2916</td>
</tr>
<tr>
<td>Public</td>
<td>0.0385</td>
</tr>
<tr>
<td>Accessory</td>
<td>0.0002</td>
</tr>
<tr>
<td><strong>TOTAL Cumulative H-Impact</strong></td>
<td><strong>0.5629</strong></td>
</tr>
</tbody>
</table>

Appendix II of the report includes the details of the H-Impact and the H-Mitigation credit. The County is required to buy 3 times the H-Impact in H-Mitigation credits. The HCP will last until 2023.

<table>
<thead>
<tr>
<th>Totals Permitted and Required by the Incidental Take Permit</th>
<th>H-Impact = 1.1000</th>
<th>H-Mitigation = Three times H-impact (1.1000 x 3) = 3.3000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Status as of the end of 2018</td>
<td>Cumulative H-Impact = 0.5629</td>
<td>Amount of H-Mitigation required for Cumulative H-impact (0.5629 x 3) = 1.6887</td>
</tr>
<tr>
<td>Potential H-Impact</td>
<td>0.0301</td>
<td></td>
</tr>
</tbody>
</table>
of Permits Currently Competing in ROGO

| H-Impact remaining if all permits competing in ROGO are awarded an allocation | 0.507 |

As noted, the total impact has been 0.5629 (51.2% of \(H=1.1\)), while the mitigation acquired has been 3.2684 (99.0% of \(H=3.3\)).

**PREVIOUS RELEVANT BOCC ACTION:**

The BOCC adopted Resolution 562-2003 approving the Livable Communikeys Master Plan for Big Pine Key and No Name Key. This plan incorporates the development conditions of the HCP.

The BOCC adopted Resolution 119-2003 authorizing submittal of the HCP to the U.S. Fish & Wildlife Service.

On July 18, 2013, the BOCC directed staff to rely on U.S. Fish and Wildlife Service (USFWS) to update the biological opinion and the Species Assessment Guides where they would include the requirements from the HCP/ITP into that biological opinion.

**CONTRACT/AGREEMENT CHANGES:**

N/A

**STAFF RECOMMENDATION:** Accept the 13th Annual Monitoring Report which has been submitted to the U.S. Fish & Wildlife Service per the conditions of the Incidental Take Permit.

**DOCUMENTATION:**

FINAL 13TH ANNUAL HCP REPORT

**FINANCIAL IMPACT:**

<table>
<thead>
<tr>
<th>Effective Date:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Expiration Date:</td>
<td></td>
</tr>
<tr>
<td>Total Dollar Value of Contract:</td>
<td></td>
</tr>
<tr>
<td>Total Cost to County:</td>
<td></td>
</tr>
<tr>
<td>Current Year Portion:</td>
<td></td>
</tr>
</tbody>
</table>
Budgeted:  
Source of Funds:  
CPI:  
Indirect Costs:  
Estimated Ongoing Costs Not Included in above dollar amounts:  

Revenue Producing:  
If yes, amount:  
Grant:  
County Match:  
Insurance Required:  

Additional Details:  

REVIEWED BY:  
Michael Roberts  Completed  07/02/2019 10:48 AM  
Cheryl Cioffari  Completed  07/25/2019 4:46 PM  
Steve Williams  Completed  07/26/2019 11:41 AM  
Assistant County Administrator Christine Hurley  Completed  08/02/2019 2:19 PM  
Budget and Finance  Completed  08/02/2019 2:23 PM  
Maria Slavik  Completed  08/02/2019 3:57 PM  
Kathy Peters  Completed  08/02/2019 5:01 PM  
Board of County Commissioners  Pending  08/21/2019 9:00 AM  