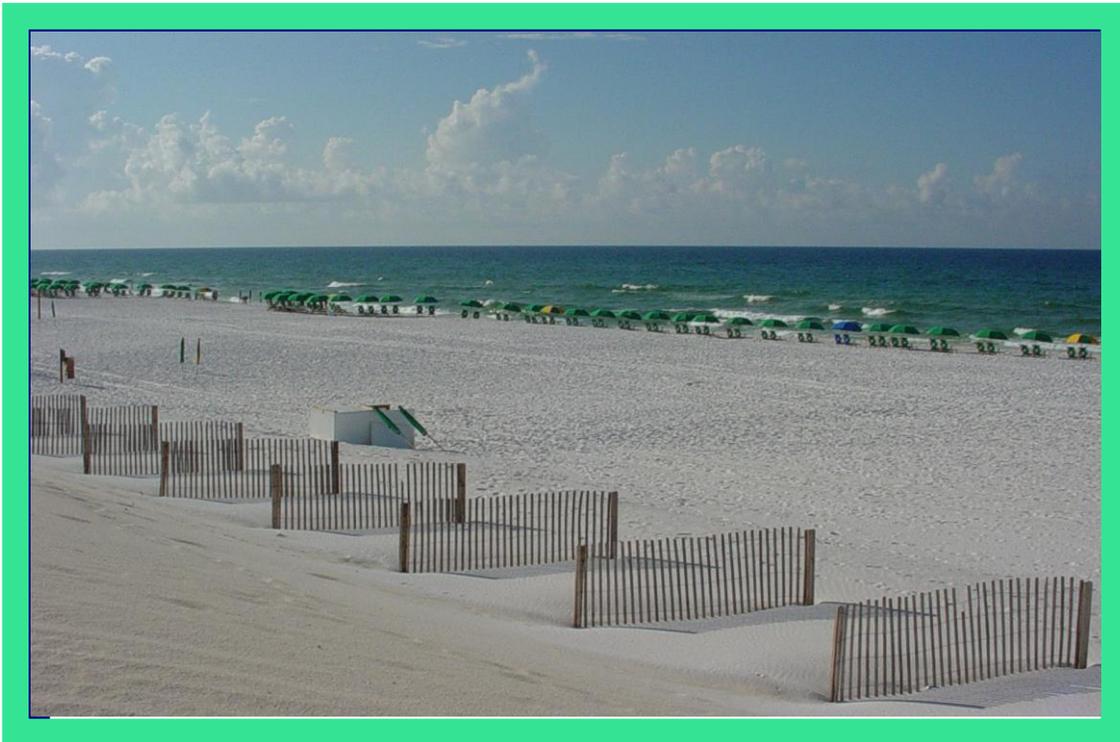


WALTON COUNTY, FLORIDA HABITAT CONSERVATION PLAN



prepared for
Walton County
Board of County Commissioners
76 North 6th Street
DeFuniak Springs, Florida 32433



by
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WALTON COUNTY BEACHES HABITAT CONSERVATION PLAN

**Programs, Policies and Guidelines for the Protection of
Sea Turtles, Beach Mice, and Piping Plovers on the Beaches of
Walton County, Florida**

**Prepared in Support of Application for an Endangered Species Act
Section 10(a)(1)(B) Incidental Take Permit for Federally Listed Species
Potentially Affected by Emergency Shoreline Protection and Other
Coastal Activities Regulated and/or Managed by Walton County**

**Prepared for:
WALTON COUNTY BOARD OF COUNTY COMMISSIONERS
76 North 6th Street
DeFuniak Springs, Florida 32433**

**For submittal to:
U.S. FISH AND WILDLIFE SERVICE
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**Under Florida Fish and Wildlife Conservation Commission
Grant No. 06185**

**Date of Last Revision: January 18, 2011
Previous Drafts: July 24, 2009, March 25, 2010 and January 5, 2011**

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LIST OF ABBREVIATIONS

ADA	Americans with Disabilities Act
BCS	FDEP Bureau of Beaches and Coastal Systems
BLMP	Beachfront Light Management Plan
BMP	Best Management Practices
CBM	Choctawhatchee Beach Mouse
CCCL	Coastal Construction Control Line
CFR	Code of Federal Regulations
CPZ	Coastal Protection Zone
EAI	Ecological Associates, Inc.
ESA	U.S. Endangered Species Act
FAC	Florida Administrative Code
FDEP	Florida Department of Environmental Protection
FPS	Florida Park Service
FS	Florida Statutes
FWC	Florida Fish and Wildlife Conservation Commission
GCP	General Conservation Plan
GIS	Geographic Information System
GPS	Global Positioning System
HCP	Habitat Conservation Plan
HCPCC	HCP Coordinating Committee
ITP	Incidental Take Permit
LDC	Land Development Code
MHWL	Mean High Water Line
MLWL	Mean Low Water Line
NMFS	National Marine Fisheries Service
PPH	Principal Permit Holder
SWTW	South Walton Turtle Watch
TDC	Walton County Tourist Development Council
USACOE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service

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EXECUTIVE SUMMARY

Part I, Chapter 161, Florida Statutes, and Chapter 62B-33, Florida Administrative Code (FAC), set forth the rules and regulations governing the issuance of permits for shoreline protection activities along Florida’s coastline. Under these rules, Walton County has the authority to authorize emergency shoreline protection measures to protect eligible and vulnerable private property and public infrastructure from erosion caused by storms that have been declared an emergency.

Following the passage of Hurricane Dennis in 2005, Walton County issued emergency permits for the installation of “temporary” shoreline protection structures on over 200 properties collectively encompassing approximately 3.5 miles (5.7 km) of shoreline. Although the County had legal authority to issue those emergency permits, there were numerous cases where the measures undertaken by coastal property owners did not conform to State law. Furthermore, Chapter 62B-33, FAC, advises local governments who anticipate authorizing installation of emergency shoreline protection structures to obtain a Federal Incidental Take Permit (ITP) that authorizes impacts (take) to threatened and endangered species, such as sea turtles, resulting from emergency permitting activities. Because Walton County did not anticipate authorizing installation of emergency armoring, it had not sought the Federal protection afforded under the U.S. Endangered Species Act (ESA). Consequently, both the County and affected property owners were vulnerable to prosecution under the ESA and were exposed to third-party lawsuits alleging unauthorized take of federally listed species. The regulatory dialogue that ensued culminated in an Intergovernmental Agreement (IGA) between Walton County, the Florida Department of Environmental Protection (FDEP), Florida Fish and Wildlife Conservation Commission (FWC), and U.S. Fish and Wildlife Service (USFWS) wherein the County agreed to seek Federal funds to develop a Habitat Conservation Plan (HCP) and apply for a Section 10 ITP for future emergency permitting activities. As the HCP developed, other types of shoreline armoring, as well as other County managed/regulated beachfront activities, were included in the list of actions for which the County is seeking incidental take coverage. Preparation of this HCP was funded through a USFWS HCP Planning Assistance Grant administered by the FWC (Grant No. 06185) under the Cooperative Endangered Species Conservation Fund Grants Program.

Take, as defined by the ESA, involves both direct injury or harm to listed species, as well as indirect impacts, such as modification of habitat that could affect an animal’s breeding or feeding behavior or eliminate requisite shelter. Walton County is applying to the USFWS for a Section 10 ITP that will authorize the take of five species of sea turtles, the Choctawhatchee beach mouse, and non-breeding piping plovers (shorebird), any of which could be impacted by actions for which the County is seeking incidental take coverage. The County is applying for an ITP that would be in effect for a period of 25 years.

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This HCP is a mandatory element of the County's ITP application. It: (a) describes the geographical boundaries of the Plan Area; (b) characterizes the social, economic and environmental conditions along the County's coastline; (c) identifies natural and human factors potentially affecting federally listed species on County Beaches; (d) assesses the potential for take resulting from County-authorized/managed activities, such as emergency shoreline protection; (e) describes measures that will be undertaken to avoid or minimize impacts resulting from those activities; and (f) proposes mitigative measures to offset unavoidable take.

Activities for which Walton County is seeking take authorization include:

1. All future shoreline protection measures initiated under the County's emergency permitting authority following issuance of the ITP.
2. Permanent shoreline protection structures permitted under FDEP's Coastal Construction Control Line (CCCL) program, when such structures replace temporary shoreline protection measures initiated under the County's future emergency authorization following issuance of the ITP.
3. Permanent shoreline protection structures permitted under FDEP's CCCL program, when such structures replace temporary structures installed under the County's prior (post-Hurricane Dennis) emergency permitting authority.
4. Permanent shoreline protection structures permitted under FDEP's standard (non-emergency) CCCL permitting process following issuance of the ITP.
5. Construction of Americans with Disabilities Act compliant beach crossovers at public access points.
6. Beach driving and vehicular beach access-related activities (e.g., beach maintenance and sanitation activities conducted by the Tourist Development Council, public beach driving at limited access areas, etc.).
7. Sale or rental of merchandise, services, goods, or property by beach vendors permitted by Walton County.
8. Placement of temporary vending equipment storage boxes on the beach.

All property owners receiving incidental take coverage for the installation of either temporary or permanent armoring under the County's ITP must formally agree to participate in the HCP and abide by the terms and conditions of the ITP.

The Plan Area extends east from the Okaloosa/Walton County Line to the Walton/Bay County Line and north from the Mean High Water Line to the coastal highway system consisting of Scenic Gulf Drive, U.S. Highway 98, and County Road 30A. The HCP recognizes the importance of the Plan Area to the economic vitality of the County in terms of recreation, tourism, and local tax base. The County has developed a long-term beach restoration program to ensure the vitality of its sandy beaches. However, a good portion of the coastline that is managed by the County (all areas outside the State parks) has been designated by the State as critically eroded. Consequently, until such time as the beach restoration program has been fully implemented, property owners have a compelling interest in protecting their properties from erosion following storm events. Under its ITP, the County will be able to effectively and efficiently facilitate emergency

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shoreline protection activities in a manner that conforms to State law and complies with the United States ESA.

It is the intent of this HCP to support State and Federal recovery efforts for listed species within the Plan Area by: a) reducing impacts to nesting sea turtles; b) improving the production of hatchlings on County beaches; c) minimizing disturbances to resting and feeding piping plovers during their overwintering period; and e) preserving suitable coastal dune habitat for beach mice. This will be accomplished through the following programs, as described within this HCP:

- Providing an orderly process for the permitting and implementation of emergency measures initiated under the County's authorization;
- Developing and implementing guidelines to minimize disturbances to nesting, hatchling, and live stranded sea turtles; sea turtle nests; and shorebirds caused by the operation of official vehicles involved in public safety, beach maintenance, law enforcement, HCP implementation, and other official business on County beaches;
- Implementing new requirements to minimize impacts to nesting, hatchling, and live stranded sea turtles and sea turtle nests caused by the operation of private vehicles on County beaches;
- Developing and implementing guidelines for beach vendors regarding the transport, placement, and storage of merchandise, equipment, and supplies to reduce interference with sea turtle nest protection activities;
- Developing and implementing a multi-faceted public awareness program to educate residents and visitors of the importance of the County's beaches to the conservation and recovery of protected species;
- Adopting and enforcing a beachfront lighting ordinance to reduce nighttime disturbances to nesting and hatchling sea turtles, resting piping plovers, and foraging beach mice; and
- Implementing an effective monitoring program for all species covered under the ITP to identify and ameliorate factors impeding their recovery.

Following the passage of a storm event that has been officially declared an emergency, a property owner has 15 business days to make formal application to the County for an emergency permit. The County will inspect the property and recommend the most appropriate shoreline protection option(s) for site specific conditions. Bonding instruments will be required for applicants that install temporary armoring structures, to ensure there is adequate funding available to remove the structures, if necessary. Terms and conditions will be attached to each emergency permit regarding the type(s) of protection recommended, appropriate siting of temporary structures, location of construction access points, timing constraints, and other pertinent requirements. All measures initiated under the County's emergency authorization must be temporary and may only include the following options: (a) placing beach compatible sand from upland sources to restore the dune; (b) creating a temporary barrier seaward of the structure using sand bags (<100 lbs); (c) shoring up (reinforcing) foundations; and (d) installing temporary retaining walls, cantilever sheetpile walls (without concrete caps, tie backs, or

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other reinforcement), or similar structures seaward of the vulnerable structure. Sand-filled geotextile containers or similar structures proposed as the core of a restored dune feature cannot be authorized as temporary protection under the County's future emergency permitting authority, as per Chapter 161, FS. However, if these structures were installed under the County's previous emergency authorization or if they are permitted in the future through the State's standard, non-emergency permitting process, they can be covered for incidental take under the County's ITP.

Upon issuance of an emergency permit, the property owner then has a total of 60 days to complete authorized shoreline protection activities. Any structures erected through an emergency permit must be removed within 60 days of installation, unless the property owner has submitted a complete application to the FDEP for a CCCL permit to either retain the temporary structure as a permanent structure or install alternative protection. If an application is submitted to the FDEP within the allotted time frame, the temporary structure can remain in place until the FDEP makes a determination as to the disposition of the CCCL permit application. Any take resulting from the implementation of shoreline protection measures initiated under the County's emergency authorization will be covered under the ESA pursuant to the terms and conditions of the County's ITP.

Minimization of impacts resulting from emergency shoreline protection measures and other covered activities shall be achieved through the following:

- Development of a public awareness brochure describing the dynamic nature of the coastline, identifying areas of critical erosion, and providing information on beach management issues related to shoreline protection in Walton County that will be made available to residents within the Plan Area;
- Establishment of specific conditions under which emergency permits will be issued;
- Regulation of the type and siting of temporary structures;
- Requirements for sea turtle monitoring and nest protection during implementation of shoreline protection measures authorized by the ITP;
- Establishing guidelines for County staff operating vehicles on the beach;
- Restrictions on the time of day (8:00 AM, or after the morning nesting survey is completed, whichever is earlier, to sunset during the sea turtle nesting season) that the general public can operate vehicles within limited access areas;
- Implementation of a program to remove ruts seaward of sea turtle nests nearing hatching;
- Requiring County staff, beach vendors, protected species monitoring personnel, and others involved in implementation of the HCP to undergo regular training to orient them to HCP programs; and
- Restricting the set up of County-permitted vending operations until after the daily sea turtle nesting survey has been completed (during the sea turtle nesting season).

As mitigation for unavoidable impacts to sea turtles resulting from emergency shoreline protection measures and other covered activities, the County will develop and implement

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a Beachfront Light Management Plan (BLMP). The key element of the BLMP will be the adoption and enforcement of a Wildlife Lighting Ordinance. The County will also initiate a public awareness and technical assistance program for affected property owners and will conduct pro-active nighttime lighting evaluations in support of the BLMP.

With the exception of the piping plover, most shorebirds occurring within the Plan Area are not protected under the ESA. However, they are protected under the U.S. Migratory Bird Treaty Act, and impacts resulting from County-regulated and/or managed activities must be addressed in the HCP. The County will conduct twice monthly shorebird surveys once every five years, will mark and protect reported bird beach nesting sites, and will post signage at one or two high occurrence bird resting areas in and around coastal dune lake outfalls on a 12-month trial basis. Under its HCP, Walton County has also committed to eliminating cat feeding stations at public dune crossovers, assessing the effectiveness of existing leash regulations for dogs on the beach, continuing efforts to manage recreational beach equipment/furniture (Leave No Trace), and will consider amending existing regulations regarding the permitting of organized pyrotechnic displays on or adjacent to the beach.

The HCP describes the organizational structure needed to effectively implement the minimization and mitigation measures described above. The key role will be that of an HCP Coordinator, a position that can be filled by a County staff person or through contractual agreement with an outside individual or firm. The HCP Coordinator will be responsible for ensuring that the HCP is implemented in accordance with the terms and conditions of the County's ITP. An HCP Coordinating Committee will be established to facilitate inter-departmental communication and coordination among the various County divisions, departments, and offices that have HCP implementation responsibilities. It will be comprised of representatives from the County Administrator's Office, the County Attorney, Public Works, Planning and Development, Building, Emergency Management, Sheriff's Office, Code Enforcement, and the Tourist Development Council (TDC). The HCP Coordinator will serve as chair of this committee which will meet at least annually.

It is estimated that over the 25-year life of the County's ITP, it will cost approximately \$10.3 million to fully implement the HCP. However, when staff salaries and costs for on-going programs, which are already budgeted, are removed from that turn-key estimate, the overall implementation cost is reduced to approximately \$3.1 million. As currently designed, the Plan will be funded primarily from fees paid by property owners who install permanent armoring and receive incidental take coverage under the County's ITP. The County may augment HCP implementation funding through a surcharge on beach activity fees or by other means, as it deems appropriate. Fees will be paid into a Conservation Fund administered by the County. The County will provide the USFWS with an annual budget showing estimated implementation costs and funds available each year. In the event of shortfalls in the Conservation Fund, the County will consult with the USFWS and FWC to prioritize conservation actions prescribed by the HCP.

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The County has established two primary methods for payment into the Conservation Fund. Property owners who are required to obtain incidental take coverage for the retention of temporary armoring installed under the County's previous emergency permitting authority can obtain coverage under the County's ITP by either making a minimum one-time payment of \$100 per linear foot of shoreline armored or by paying an annual assessment, as described below. Once they agree to abide by the terms and conditions of the HCP and ITP, they will receive a Certificate of Participation, which can be used as evidence of incidental take coverage. Property owners who install armoring under the County's future emergency permitting authority will be assessed an annual fee, which will appear each year on their property tax bills. This special assessment will be based on the projected HCP implementation cost for a given year divided by the cumulative linear feet of armoring among all plan participants. Property owners who utilize the County's ITP to obtain incidental take coverage for armoring permitted through the State's standard, non-emergency permitting process will also be required to help fund HCP implementation costs through the annual special assessment. After signing a formal agreement to abide by the terms and conditions of the HCP and ITP they will receive a Certificate of Participation, which can be used as evidence of incidental take coverage.

At the end of each calendar year that the ITP is in effect, the County will submit an Annual Report to the USFWS summarizing protected species data and assessing the performance of the HCP in achieving its biological goals. Records of emergency permitting activities and amount of permanent armoring installed over the term of the ITP will be summarized. The Annual Report will also document all HCP implementation activities undertaken to comply with the ITP. During the first three years following ITP issuance, the County will meet annually with the USFWS and FWC to review HCP performance and identify any needed adjustments to implementation strategies and/or schedules. Thereafter, formal meetings will be scheduled as needed.