

## **CHAPTER 20: COMPLIANCE MONITORING AND REPORTING**

Walton County will monitor the performance of the HCP in minimizing impacts to listed species causally related to activities covered under the ITP. HCP program evaluations will be provided to the USFWS through Annual Reports, formal reviews, and periodic communications, as described below.

### **Data Compilation and Annual Reporting**

At the end of each calendar year, the HCP Coordinator will be responsible for compiling and analyzing protected species data and ancillary information collected under this HCP. This data will be summarized in a manner that allows an assessment of natural and anthropogenic impacts to protected species on County beaches. Direct, indirect, and cumulative impacts to protected species causally related to emergency shoreline protection and other coastal activities regulated and/or managed by the County will be documented. Known deficiencies with HCP programs will be identified and potential remedial actions proposed. The above information will be incorporated into an Annual Report that will be submitted to the USFWS by March 31 following the first full calendar year that the ITP is in effect and then March 31 each year thereafter.

### **Adaptive Management**

During the first three (3) complete calendar years following ITP issuance, the County will meet annually with the USFWS and FWC to review HCP performance. Deficiencies in HCP implementation strategies, schedules, and/or results will be discussed and adjustments made, as appropriate. If after three years of annual reviews, the USFWS feels that the County is satisfactorily meeting its obligations under the HCP and ITP, the USFWS and County will schedule less frequent formal HCP performance reviews, as mutually agreed upon. The USFWS will continue to receive Annual Reports over the life of the ITP, and either party may request a meeting to discuss unusual or changed circumstances (e.g., changes in organizational structure, beach conditions, sea turtle nesting trends, and/or the level of take occurring on County beaches) that may necessitate adjustments to HCP policies and procedures.

A maximum of 46,320 ft (14,188 m) of permanent armoring will be allowed under the County's ITP. Upon reaching 90 percent (41,688 ft; 12,707 m) of that threshold, the County will begin consultations with the USFWS. Based on the actual amount of take of covered species documented over the period that the ITP has been in effect, the USFWS will determine whether additional armoring can be authorized under an administrative amendment to the ITP or whether the County must request a formal amendment through the ITP process. If the threshold is reached prior to the time that additional armoring has been authorized and the County is in or within two months of the official hurricane season (June 1 through November 30), an additional five percent or 2,316 ft (706 m) of

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beach armoring may be authorized by the USFWS to provide the County sufficient time to initiate a formal request to amend the ITP to allow for additional take.

**HCP Program Documentation**

Data will be collected and maintained by the HCP Coordinator to demonstrate that minimization and mitigation measures required under this HCP are being implemented in accordance with the terms and conditions of the ITP. This information will include, but is not limited to, the following:

- Records of protected species monitoring and resultant data;
- Records of all emergency shoreline protection projects authorized by the County, as described in Chapter 11 of this HCP;
- All sand measurements and sand replacement or remedial activities completed in a given year as required for sand-filled geotextile containers (see Sand-filled Geotextile Containers or Similar Structures in Chapter 11 of this HCP).
- Records of agency correspondence related to implementation of the HCP and/or administration of the ITP;
- Dates, number of individuals, affiliation, and content of training classes and other relevant meetings with HCP participants;
- Documentation of any enforcement activities undertaken germane to implementation of the HCP;
- Copies of any public education/awareness materials developed by the County pursuant to this HCP; and
- A summary of activities related to implementation of the Light Management Plan.

The above information will be provided to the USFWS upon request and will be summarized each year in narrative, graphic, or tabular form, as appropriate, for inclusion in the Annual Report. The Annual report shall provide sufficient detail as to allow the USFWS to effectively assess the County's performance in implementing the HCP.

***Records of Shoreline Protection Activities***

The County shall develop a system for tracking all shoreline protection activities within the Plan Area. This database will provide the basis for documenting compliance with the ITP and monitoring changes in shoreline conditions over time. The database will include:

- All emergency measures permitted by the County;
- Temporary shoreline protection structures installed under the County's emergency authorization;
- Permanent armoring structures that replace temporary structures permitted by the County;
- Permanent armoring structures permitted through FDEP's standard CCCL program;

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- Dune restoration projects; and
- Beach nourishment projects.

**Emergency Permit Records**

Following a declared emergency, the County will maintain records of all pertinent information, including but not limited to:

- A description (e.g., Hurricane Dennis) and date of the event that resulted in a Declaration of Emergency;
- The date of receipt of an emergency permit application;
- Name and address of permit applicant;
- Physical address of property for which the emergency action is being requested;
- Type of action requested and linear feet of beach affected;
- Record of whether the emergency permit was issued or denied;
- emergency permit number and date of issuance;
- Type of emergency action authorized;
- Date emergency action completed;
- Date applicant applied to the FDEP for retention of temporary structure as permanent structure or sought alternative protection; and
- FDEP CCCL Permit number.

**State Permitted Armoring**

The HCP Coordinator shall establish effective lines of communication with the FDEP regarding shoreline protection measures initiated under the County's emergency authorization. The County shall obtain copies of all CCCL Permits issued in Walton County by the FDEP Bureau of Beaches and Coastal Systems. This will allow tracking of structures for which take is authorized under the County's ITP, as well as cumulative take resulting from other structures constructed under the FDEP's standard CCCL permitting process.

**Dune Restoration and Beach Nourishment Projects**

The County will document all shoreline protection activities initiated over the life of the ITP that diminish the need for armoring, including dune restoration and beach nourishment projects. Data for each project will be maintained to indicate the location, type of project, and length of beach affected.

**Enforcement of Laws and Regulations**

The HCP Coordinator will be responsible for coordinating the activities of appropriate offices, departments, and divisions within Walton County government who are responsible for the enforcement of Federal, State, and County regulations pertaining to protected species on County Beaches. The HCP Coordinator will ensure that the

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Walton County Sheriff's Office and other County enforcement staff are properly oriented to effectively carry out their responsibilities under the HCP and that there are effective inter- and intra-departmental lines of communications. The HCP Coordinator will periodically review County regulations, codes, and directives to determine if they require change or stricter enforcement to achieve HCP objectives. Walton County will coordinate enforcement of State and Federal protected species laws with outside agencies, such as the FWC and USFWS, as necessary.

**Reporting Incidents of Take**

It shall be the responsibility of Walton County to report all incidents of take causally related to activities covered under its ITP. The HCP Coordinator shall report these incidents within 24 hours of their known occurrence to the USFWS or as otherwise conditioned by the ITP. The FWC shall also be notified of any take causally related to ITP authorized activities and this information will be summarized in the Annual Report.

**Changes to the HCP and ITP**

The HCP Coordinator may from time to time request changes to the HCP and/or ITP to improve HCP performance, streamline permit administration, reflect changes in implementation responsibilities, and/or eliminate unnecessary restrictions on emergency shoreline protection activities that are demonstrated to provide no conservation benefit. These requests must be submitted to the USFWS in writing with appropriate supporting data. If the USFWS determines that the proposed changes will not materially affect the conservation measures prescribed by the HCP, an administrative amendment can be made to the HCP and/or ITP. However, no changes in standard operating procedures may occur without the expressed written consent of USFWS.

Over the 25-year life of the ITP, administrative changes to the ITP may be requested at any time. However, formal revisions to the HCP to reflect the administrative changes will occur only once every five years after a joint review by the County and USFWS. Consequently, there may be occasions when the letter and/or intent of the ITP and HCP are in conflict. In those cases, the ITP shall prevail. Additionally, any changes to the ITP shall be construed as to affect a corresponding change to the HCP.

Proposed changes to policies or programs that materially affect the scope or effectiveness of the conservation measures prescribed by the HCP shall require a formal amendment to the ITP. The County shall consult with the USFWS to determine the scope and content of information needed to initiate a formal amendment to the ITP and discuss the amendment process.

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**Interpretation of the HCP and ITP**

Interpretation of the intent of the HCP and ITP is the responsibility of the Walton County Attorney's Office in consultation with the USFWS. As necessary, the HCP Coordinator may request clarification from the USFWS. It is understood that the USFWS is the legal guardian of the ITP and, therefore, has the final word in resolving differences of interpretation.

**Change of Authority**

50 CF Section 13.24(a)-(c) and Section 13.25 were amended in 1999 to provide for the right of succession by certain persons and transfer of permits and scope of permit authorization, respectively. Thus, if Walton County delegates regulatory authority over all or a portion of the County's beaches to another governmental entity, or if regulatory authority over the beaches is by any other means transferred or usurped by law or agreement, one of the following may occur:

- The ITP may be revoked by the USFWS; or
- The ITP may remain in force while a revised HCP is prepared, provided the new management entity agrees in writing to assume the responsibilities previously held by the County, on the applicable sections of beach.

The HCP Coordinator shall be responsible for ensuring that covered activities are conducted in accordance with this HCP and comply with the terms and conditions of the ITP. In consultation with the County Administrator's Office, the HCP Coordinator may delegate HCP-related data management activities and compliance monitoring to other County governmental units as necessary to craft the most efficient and cost effective administrative framework possible.

**Non-Compliance**

The USFWS may revoke Walton County's ITP at its discretion if actions, or the lack thereof, on the part of Walton County are deemed in substantial non-compliance with the HCP or ITP and appropriate remedial actions directed by the USFWS are not satisfactorily implemented.