



**TO:** Honorable Mayor & Members of the Fort Lauderdale City Commission

**FROM:** Chris Lagerbloom, ICMA-CM, City Manager

**DATE:** February 15, 2022

**TITLE:** Resolution Authorizing the City Manager to Submit an Incidental Take Permit Application along with a Habitat Conservation Plan and an Environmental Assessment to the United States Fish and Wildlife Service for Formal Review and Approval - **(Commission District 1, 2, and 4)**

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### **Recommendation**

Staff recommends the City Commission adopt a resolution authorizing the City Manager to submit an Incidental Take Permit (“ITP”) application along with a Habitat Conservation Plan (“HCP”) and an Environmental Assessment (“EA”) to the United States Fish and Wildlife Service (“USFWS”) for formal review and approval.

### **Background**

Since 2016, the USFWS has expressed concerns to the City regarding the impact of special events to nesting sea turtles on the beach. In response to USFWS concerns, City staff alongside the Florida Fish and Wildlife Conservation Commission (“FWC”), the Florida Department of Environmental Protection (“FDEP”), and Ecological Associates Inc. (“EAI”) worked together to develop a comprehensive HCP. On July 9, 2019, the City accepted a subgrant from FWC for the development of the HCP. In collaboration with federal, state, and local stakeholders City staff has developed a customized HCP with two primary goals: 1) Align the City’s special event process with FWC requirements to avoid impacts to sea turtles and their habitat, and 2) Obtain an ITP for incidental take.

If approved the HCP will provide the City with an initial term of twenty-five (25) years ITP coverage. The ITP will protect special event coordinators and the City from incidental take. As proposed the HCP will provide the following benefits:

- Coverage under an issued USFWS Incidental Take Permit relating to the Endangered Species Act of 1973.
- Alignment of City special event processes with FWC requirements to avoid impacts to sea turtles and their habitat.
- Protect the natural habitat for endangered species.
- Finance habitat rehabilitation and educational programs which will allow the City to measure minimization and mitigation performance.

The proposed HCP has the flexibility to improve processes, provide liability coverages, and simultaneously improve a safe habitat for local endangered species (Exhibit 2). The City is responsible for providing an ongoing annual report. After the first five years, FWC, USFWS, and the City will assess for HCP effectiveness, compliance, and adjust the plan as need it. It is ultimately the USFWS decision to issue or deny the ITP predicated on a determination of whether the City's proposed implementation of its HCP meets the requirements of the Endangered Species Act and other regulations.

### **Resource Impact**

There is no fiscal impact associated with this item.

### **Strategic Connections**

This item is a *Press Play Fort Lauderdale Strategic Plan 2024* initiative, specifically advancing:

- The Public Places Focus Area
- Goal 3: Build a healthy and engaging community
- Objective: Improve access to and enjoyment of our beach, waterways, parks, and open spaces for everyone

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We are Here*

This item supports the Advance Fort Lauderdale 2040 Comprehensive Plan specifically advancing:

- The Neighborhood Enhancement Focus Area
- The Conservation Element
- Goal 4: Conserve, protect, and manage the City's plants and wildlife

### **Attachment**

Exhibit 1 – HCP Development Timeline and Notes

Exhibit 2 – Proposed Habitat Conservation Plan

Exhibit 3 – Proposed Environmental Assessment

Exhibit 4 – ITP Application

Exhibit 5 – Resolution

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