



Florida Department of Environmental Protection Regulatory and Programmatic Updates from FDEP Beaches Programs

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Topics of Discussion

- **Organizational Changes and Updates**
- **Rule Development and News**
- **BMA Update**
- **HCP Update**



RCP Merger with Beaches Programs

The Office of Resilience and Coastal Protection, created with Executive Order 19-12, oversees 4.9 million acres of submerged and coastal lands, and other distinct programs protecting Florida's coastline.

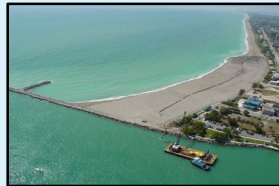
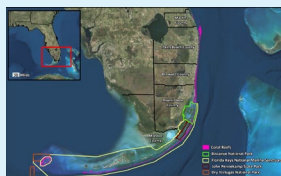
- In November 2019, DEP Secretary Noah Valenstein announced the merger of RCP with the Beaches programs – previously housed in the Division of Water Resource Management.
- The merger focused on aligning critical personnel, programs and resources to address resiliency. To foster continuity in reaching resiliency goals, this transfer enables a larger array of researchers, field staff, technical experts and policymakers to collaborate more effectively.



RCP Overview

In addition to overseeing Florida's Aquatic Preserves, National Estuarine Research Reserves, St. Joe Buffer Preserve and the Florida Keys National Marine Sanctuary, RCP also manages the following programs:

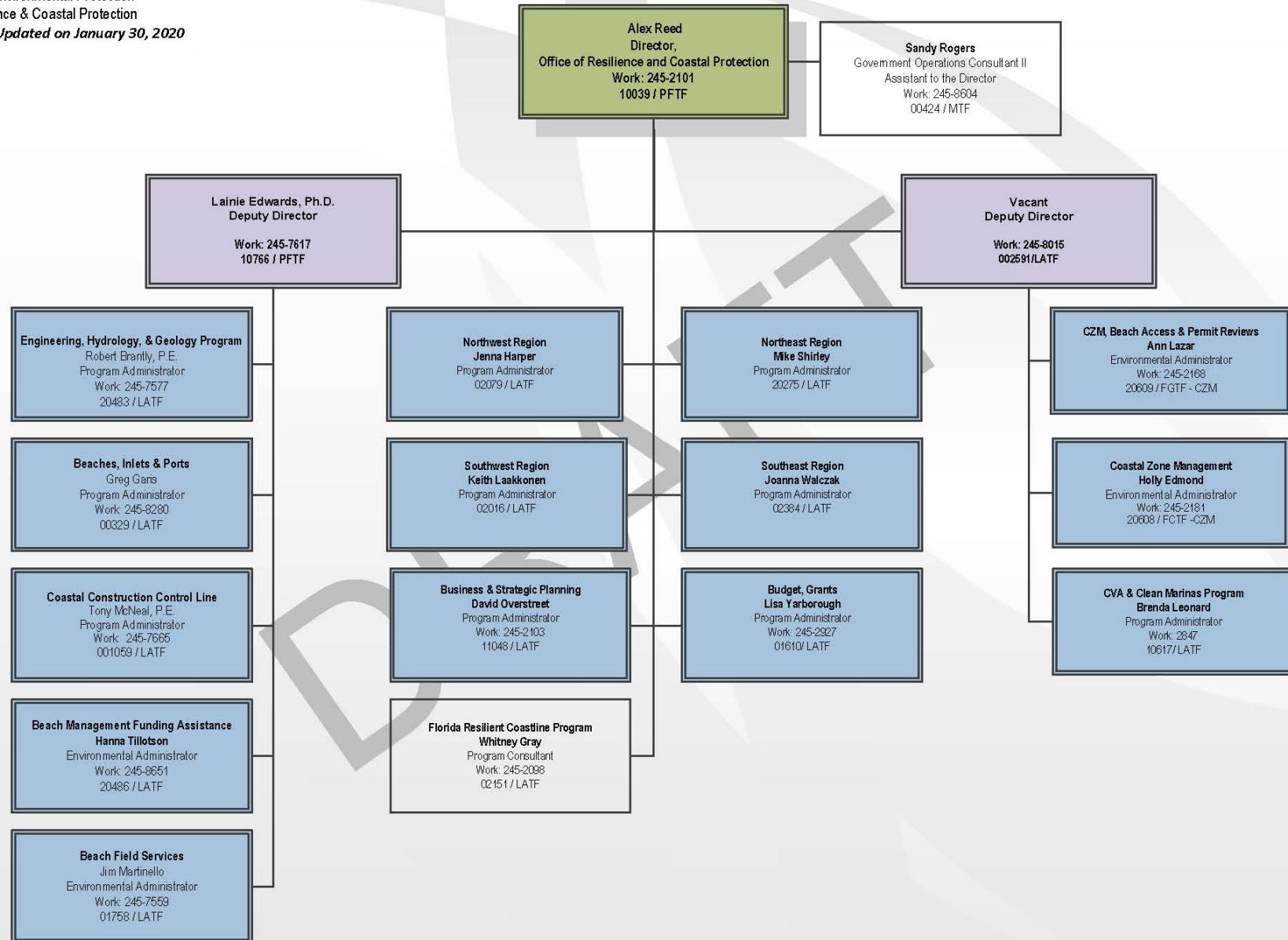
- Florida Coastal Management
- Florida Resilient Coastlines
- Florida Coral Reef Conservation
- Clean Boating and Clean Vessel Act
- Statewide Ecosystem Assessment of Coastal and Aquatic Resources (SEACAR)
- Offshore/Outer Continental Shelf
- Coastal Construction Control Line
- Beaches, Inlets and Ports
- Beach Field Services
- Coastal Engineering and Geology
- Beach Management Funding Assistance





RCP Structure

Department of Environmental Protection
 Office of Resilience & Coastal Protection
 DRAFT – Last Updated on January 30, 2020





Rule Updates – CCCL and JCP

62B-41 and 62B-49 – Rulemaking complete

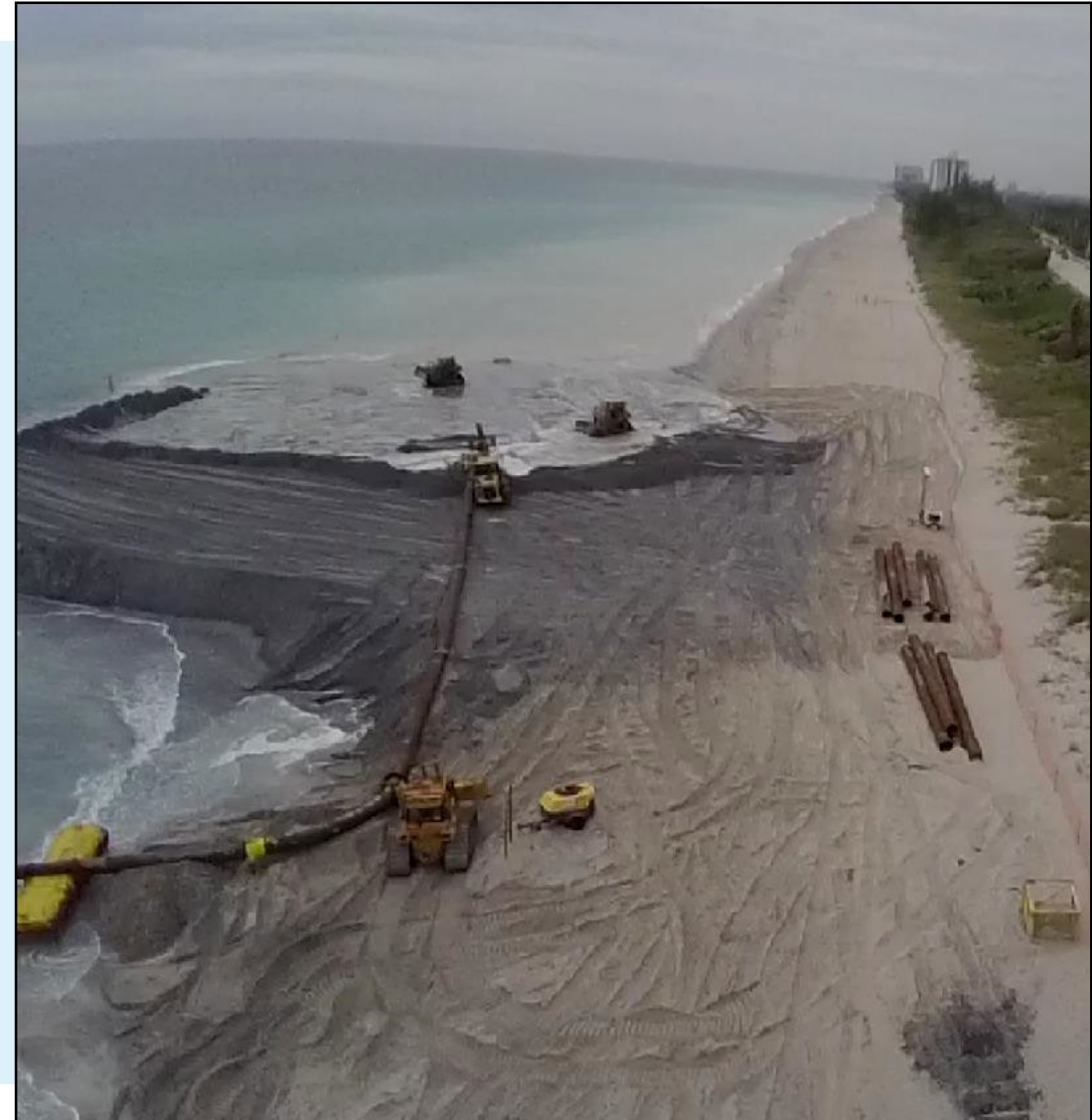
- Removes IMP consistency review from criteria
- IMP components and inlet criterion remain

62B-33, F.A.C. – Rule Development

- Redefines eligible private structures as being located seaward of the CCCL - 62B-33.002(12) .
- Establishes “vulnerability” through use of dune erosion model or SBEACH model - 62B-33.002(59)

62B-55 – Potential Rule Development

- Updates the lighting ordinance rule to current standards





Rule Development – 62B-36

Legislative changes in 2019 revised criteria for funding priorities for beach and inlet projects

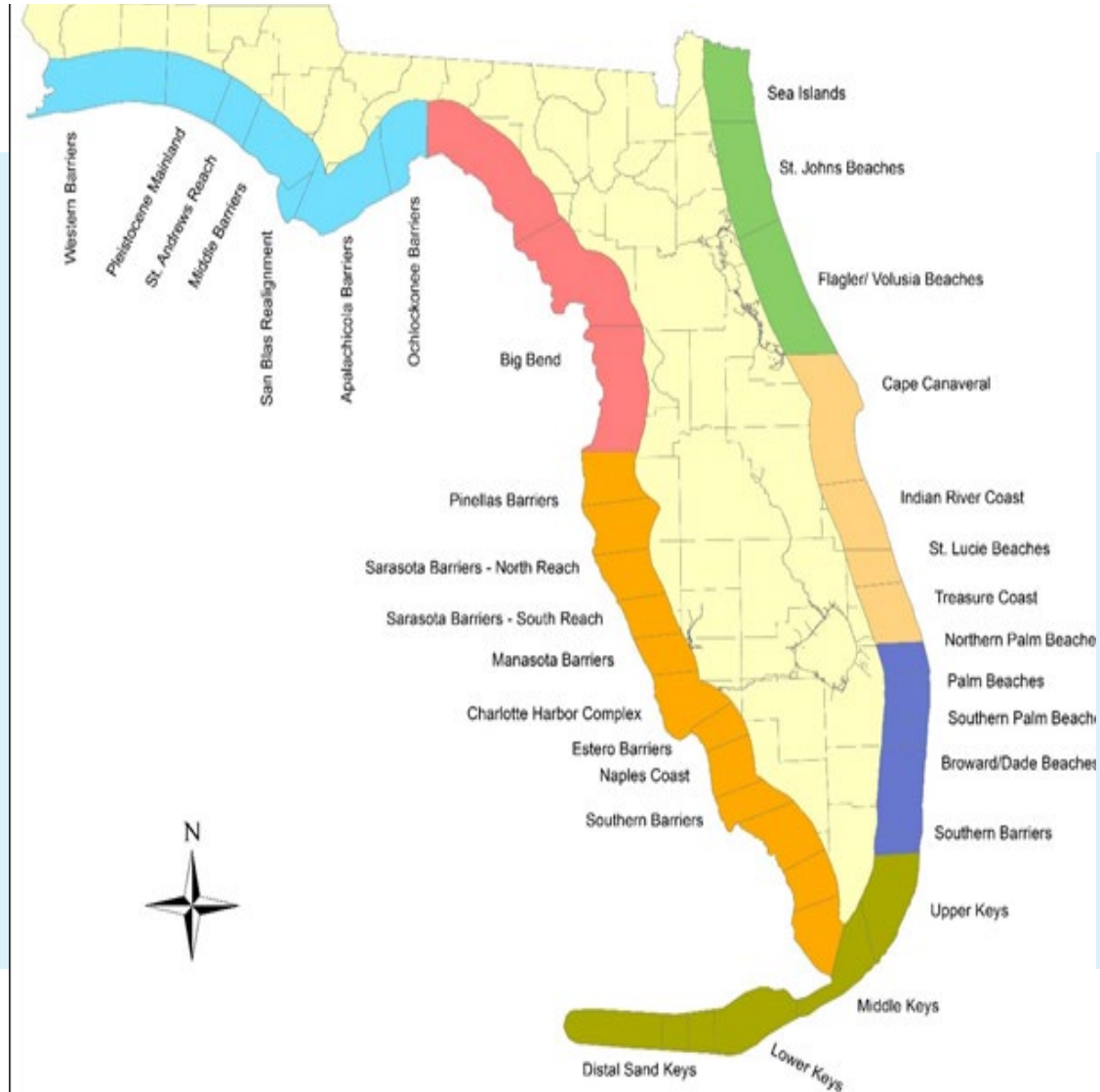
- Legislation prescribed detailed weighting of 11 beach and 8 inlet ranking criteria
- Challenging timeframe to have effective Rule by summer 2020, to be used for 2021/2022 project ranking
- Ongoing need for “test runs” of developed scoring system with geographically diverse projects
- Transparent and highly communicative process needed for success
- Goal – to adopt clear, fair rule that adheres to statute, was developed with coastal stakeholder input



Rule Development – 62B-36

Timeline of Rule Development

- First public workshop on Dec. 11, 2019
 - Presentation and webinar recording on BMFA webpage: <https://floridadep.gov/rcp/beaches-funding-program>
- Second workshop is Feb. 28, 2020; 10 am.
 - Draft Rule Language will be posted on website by Feb. 14
 - 7 Day comment period; Submit comments: Beaches_Funding@FloridaDEP.gov





Rule Development Update – Turbidity Criterion

Division of Environmental Assessment and Restoration is undergoing a Triennial Rule Review to periodically update Water Quality standards. One of standards being included in the update is the turbidity standard in 62-302, F.A.C.

- Several workshops to date
- DRAFT Rule Concept:
 - Applies to all areas of coral reef or hardbottom
 - Similar to OFW provisions
 - 0 NTUs above background variability
 - Establishment of background variability methodology





Rule Development Update – Turbidity Criterion

Many Concerns and Comments Received

- Need for justified numeric criteria
- Need for more data to validate change
- Concern over project cost increases
 - Shutdowns
 - Delays
 - Increased costs of project bids
- Methods of obtaining natural background does not capture adequate open water conditions and variability





Rule Development Update – Turbidity Criterion

Next Steps in Rule Development

- Stakeholder meetings
- Discussion of current proposal / alternatives protective yet achievable
- Subsequent workshops to be held
- Continued opportunity to comment
- <https://floridadep.gov/dear/water-quality-standards/content/triennial-review-water-quality-standards>

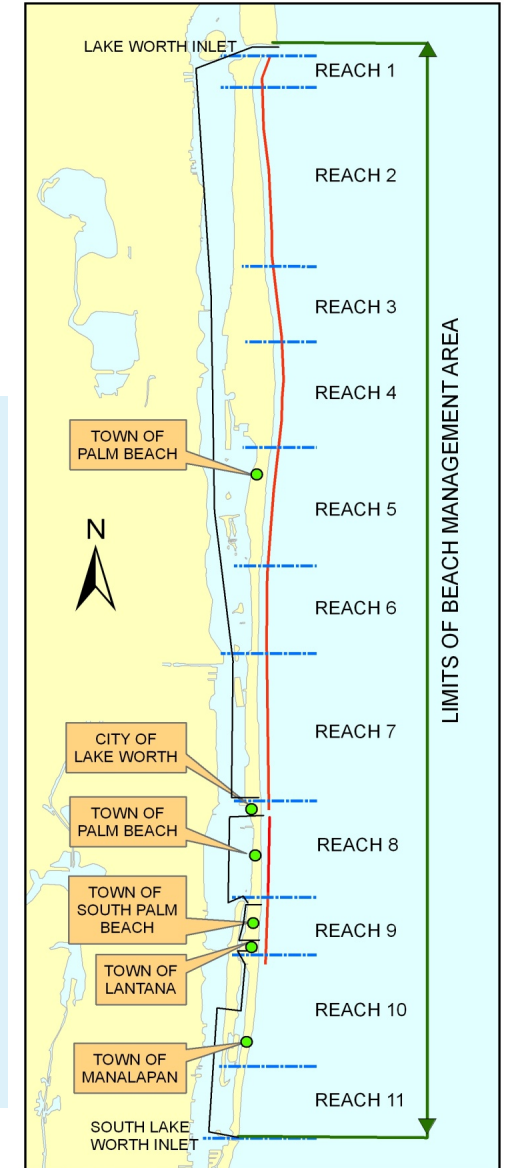




Palm Beach Island Beach Management Agreement

The BMA is a regional and perpetual management plan using Section 403.0752, F.S. to authorize repeat beach management projects throughout a coastal cell

- Regional approach
- 5 authorized BMA projects
- Regulatory requirements must be met
- Net Ecosystem benefits
- Streamlines review process
- Increased coordination and efficiency





BMA – Five-Year Review

Five-year review of monitoring data is required through the BMA, to ensure periodic review of the projects and management agreement, and to encourage transparency and stakeholder involvement.

- Comprehensive review of monitoring data
 - Physical Monitoring
 - Turtle and Shorebird Monitoring
 - Hardbottom Monitoring
- Review and identification of updates needed to agreement
- Tentatively set for June 25-26 in TPB

<https://floridadep.gov/rcp/beaches-inlets-ports/content/palm-beach-island-bma-pilot-project>





Habitat Conservation Plan

FDEP, FWCC and a steering committee, in a stakeholder-driven process, drafted a Florida Beaches Habitat Conservation Plan (HCP), which establishes wildlife protection standards for coastal construction and beach operations, and guides DEP and permit applicants in avoiding minimizing and mitigating threats to coastal wildlife through coastal construction permits.

HCP Includes:

- Activities and species for incidental take authorization
- Description of the plan area
- Identification of potential impacts
- List of alternatives
- Duration of the Permit
- Minimization and mitigation measures
- Funding and implementation of the Plan





Habitat Conservation Plan

The draft HCP was approved by the Steering Committee and shared with the U.S. Fish and Wildlife Service in the spring of 2019. Prior to implementation of the Plan and requirements of an associated federal Incidental Take Permit, the Florida Legislature must authorize changes to coastal construction policies in state law, Chapter 161, Florida Statutes.

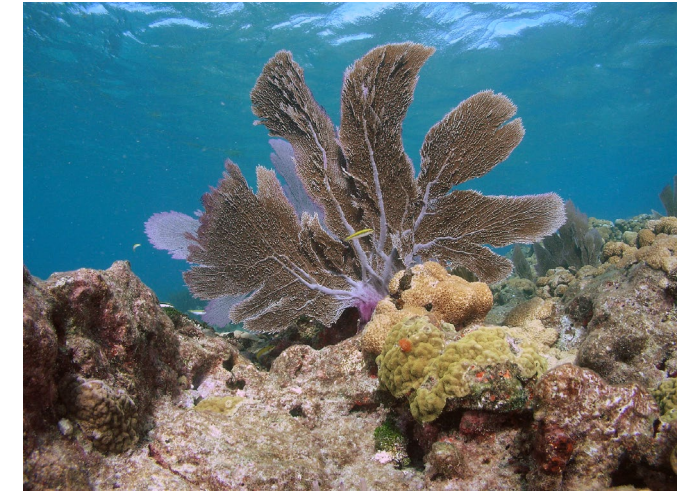
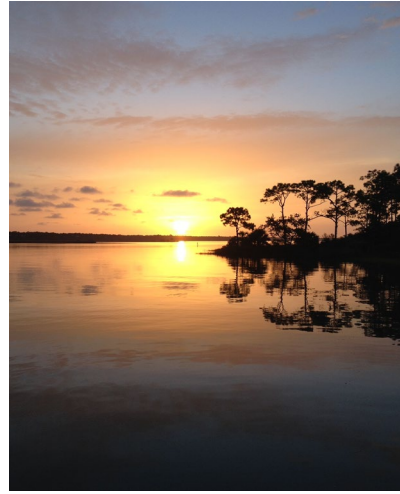
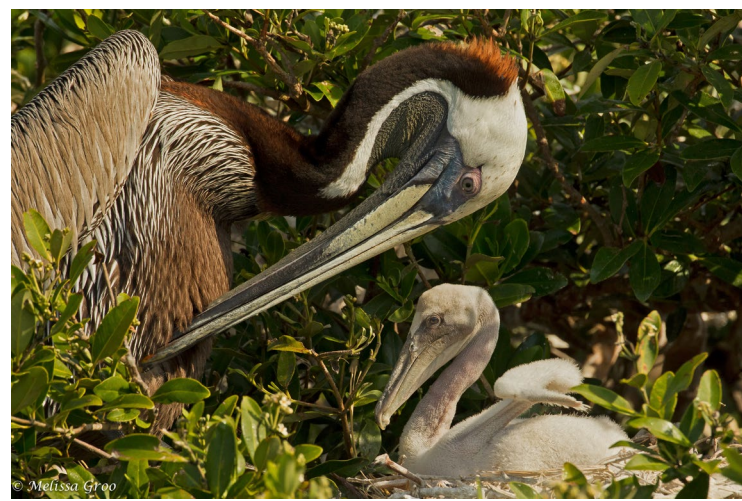
Path Forward Options:

- Follow Implementation Plan
- Modify Mitigation and Implementation Plan Chapters
- Promote HCP's minimization measures within CCCL as voluntary BMPs
- <https://floridadep.gov/rcp/coastal-construction-control-line/content/florida-beaches-habitat-conservation-plan>



Resiliency and Coastal Protection

The Office of Resilience and Coastal Protection, along with the new beach regulation and management components, strives to achieve a more synergized and unified goal of protecting and managing our coastal resources by ensuring optimal quality, longevity and health of these resources over time.





Thank you!