

Memorandum



Date: March 15, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

April 5, 2016
Agenda Item No. 2B6

Subject: Update on Federal Agency Actions Related to Endangered Species Act - Directive No. 150052

This report is provided to the Board of County Commissioners (Board) pursuant to Resolution No. R-332-15 on the monitoring of federal agency actions related to the Endangered Species Act by the Department of Regulatory and Economic Resources' Division of Environmental Resources Management that could substantially impact Miami-Dade County or properties within the County.

The U.S. Fish and Wildlife Service recently announced two (2) proposed changes to the Endangered Species Act and one (1) addition to the list of endangered plants.

The U.S. Fish and Wildlife Service proposed that the West Indian manatee be down listed from endangered to threatened status under the Endangered Species Act. According to the U.S. Fish and Wildlife Service, the proposal to down list the manatee to threatened is a result of improvements in its population and habitat conditions, and reductions in direct threats. It is important to note that the down listing will not affect federal protections currently afforded by the Endangered Species Act. The U.S. Fish and Wildlife Service said in a related statement that it remains committed to conservation actions to fully recover manatee populations. Public information and comment on this proposal can be made until April 7, 2016.

The Endangered Species Act defines an endangered species as one currently in danger of extinction throughout all or a significant portion of its range, and a threatened species as one that is likely to become endangered within the foreseeable future. Given its review of the best scientific and commercial information available, including analyses of threats and populations, the U.S. Fish and Wildlife Service proposes that the West Indian manatee no longer fall within the Endangered Species Act's definition of endangered and should be reclassified as threatened. The U.S. Fish and Wildlife Service published its proposal in the Federal Register January 8, 2016, beginning a 90-day comment period in which the public is invited to submit scientific or technical information that will aid the agency in reaching its final decision. A public hearing was held by the U.S. Fish and Wildlife Service on February 20, 2016 in Orlando, Florida. According to the U.S. Fish and Wildlife Service, the manatee protection measures pursuant to federal law that currently are in place would remain in force if the species is down listed from endangered to threatened.

The finding and additional information is available online at the Federal eRulemaking Portal: <http://www.regulations.gov/>. In the Keyword box, enter Docket Number FWS-R4-ES-2015-0178.

Background information on the Florida and Antillean sub-species is available at: <http://www.fws.gov/southeast/wildlife/mammal/manatee/>.

The U.S. Fish and Wildlife Service also announced its proposal to list the Miami tiger beetle (*Cicindelidia floridana*) as "endangered" under the Endangered Species Act after review of the best available information. The U.S. Fish and Wildlife Service sought public comment on this proposal with a 60 day comment period ending February 22, 2016. The Miami tiger beetle is currently found exclusively in pine rockland habitat on the Miami Rock Ridge in Miami-Dade County. Habitat loss,

degradation, and fragmentation have destroyed an estimated 98 percent of the historical pine rockland habitat in Miami-Dade County, with only two (2) known Miami tiger beetle populations remaining according to the U.S. Fish and Wildlife Service.

For more specific information on the proposed listing of this species, please access the following link:
<http://www.regulations.gov#!documentDetail;D=FWS-R4-ES-2015-0164-0001>.

Lastly, the U.S. Fish and Wildlife Service announced an addition to the list of endangered plants protected by the Endangered Species Act, the Florida bristle fern (*Trichomanes punctatum* ssp *floridanum*) [a species found only in Miami-Dade and Sumter Counties]. The plant was listed as endangered under the Endangered Species Act on November 5, 2015. This plant species had been a candidate for federal listing since 2009. The U.S. Fish and Wildlife issued a statement in conjunction with this listing that Critical Habitat is planned to be proposed in 2016. Habitat modification and destruction are the main threats to this fern. The changes to its habitat are mainly caused by urban development, agricultural conversion, regional drainage, and canal installation.

The listing of this plant with critical habitat and the associated economic analysis are part of the U.S. Fish and Wildlife Service's efforts to implement a court-approved work plan aimed at addressing a series of lawsuits concerning the agency's Endangered Species Act listing program. More information about the U.S. Fish and Wildlife Service's work plan may be found at:
<http://www.fws.gov/southeast/candidateconservation/>.

For more specific information on the designation of this plant species, please access the following link:
<http://www.regulations.gov#!documentDetail;D=FWS-R4-ES-2014-0044-0022>.

In the event of a critical habitat designation, any project on a federal property or non-federal property with activities authorized, funded or carried out by a federal agency require an evaluation for potential adverse impacts on the plants' critical habitat by the federal government as part of the Section 7 consultation. Additionally, if any federal funds are involved, the government agency will need to consult with the U.S. Fish and Wildlife Service to avoid, reduce, or mitigate potential impacts to protected species or to ensure actions do not negatively affect protected species or modify their critical habitat. Property owners with questions on this or any other critical habitat designation or endangered species issue are encouraged to contact the U.S. Fish and Wildlife Service directly.

In accordance with Ordinance 14-65, this report will be placed on the next available Board meeting agenda.

If you have any questions or concerns, please contact Lee N. Hefty, Assistant Director, Division of Environmental Resources Management, Department of Regulatory and Economic Resources.

c: Abigail Price-Williams, County Attorney
Office of the Mayor Senior Staff
Lourdes M. Gomez, Deputy Director, Department of Regulatory and Economic Resources
Lee N. Hefty, Assistant Director, Environmental Resources Management, Department of
Regulatory and Economic Resources
Charles Anderson, Commission Auditor
Eugene Love, Agenda Coordinator