CHAPTER 18: CHANGED CIRCUMSTANCES

In preparing an HCP, an applicant for an ITP is required to consider circumstances that could foreseeably change over the life of the ITP and thereby increase the scope and/or extent of impacts to listed species within the Plan Area.

Underestimate of Take

Pursuant to this HCP, the principal issue of concern to the USFWS is whether the level of take estimated by the County is reasonably accurate. An underestimate of take could occur if:

- The frequency of storms and related rates of erosion exceed historical averages;
- The linear beach frontage of eligible and vulnerable structures applying for emergency permits exceeds the estimate developed by the County; and/or
- There is a significant change in the population status of a covered species over the period that the ITP is in effect.

The County believes that it has used very conservative assumptions in estimating take, and therefore even if the changed circumstances listed above are realized, actual take is not likely to exceed that estimated in Chapter 8 of this HCP. Furthermore, the USFWS has indicated its intent to limit the total amount of take authorized under the ITP (linear feet of shoreline armored) to that estimated in this HCP unless additional analyses are conducted to demonstrate that coastal conditions within the Plan Area (e.g., increase in length of beach designated as critically eroded) and/or the listing status and population trends of covered species support authorization of additional take.

The County will maintain a record of cumulative take occurring as the result of implementation of this HCP. To the extent permitted, the assumptions used to estimate take (nest displacement) will be replaced with actual data collected through monitoring programs contained in the Plan. For each emergency permit issued the following information will serve as the basis for calculating actual take:

- If beach-compatible sand is placed on the beach for emergency shoreline protection, it will be presumed that no nest displacement will occur;
- For temporary structures, the period of nest displacement will be calculated as the inclusive period between the installation and removal of the structure;
- If a permanent structure replaces a temporary structure installed under an emergency permit, the period of nest displacement will be calculated as the inclusive period between the installation of the temporary structure and the initial construction of a beach nourishment project at that site. If no beach nourishment project is planned for the site, take will be calculated as the period between the installation of the temporary structure and the expiration of the ITP;

- The length of shoreline affected by a temporary or permanent structure will be the actual shore-parallel length of the structure;
- Nest densities and nesting success shall be calculated from the most recent and reliable data available. If available, the 5-year average that encompasses the period of nest displacement shall be utilized; and
- Reduction in nesting success caused by the presence of a temporary or permanent structure shall be calculated using the most applicable and recent data available.

The County shall calculate take on the basis shown above for each emergency permit issued. The County will also calculate cumulative take for all emergency permits issued to date projected over the life of the ITP. This information, as well as all data upon which the calculations were based, will be tabulated for inclusion in the Annual Report (see Chapter 20, Data Compilation and Annual Reporting). At any point that the amount of take projected over the life of the ITP exceeds the amount of take authorized by the ITP, the USFWS shall be notified immediately. From that point forward, no additional emergency permits shall be issued by Walton County unless explicitly authorized by the USFWS.

Delisting and/or Listing of New Species

Should at any time during the life of the ITP, a species covered under the HCP be delisted or a currently non-listed species inhabiting or utilizing the Plan Area be proposed for listing or listed as a threatened or endangered species under the ESA, the County will consult with the USFWS to determine if modifications to the HCP are warranted.

HCP Implementation Responsibilities

Chapter 15 of this HCP describes the roles and responsibilities of the various County governmental units and external parties involved in HCP implementation. The County Administrator may from time to time reassign responsibilities and/or personnel among County government units to ensure that HCP program management is properly integrated into the County's overall organizational structure and that available fiscal and personnel resources are most effectively utilized. Similarly, non-County persons and/or agencies with implementation responsibilities may be periodically added, removed or replaced. Whenever changes to positions/functions specified in this HCP occur over the term of the ITP, the USFWS shall be notified in writing. This notification shall provide sufficient detail to allow the Service to determine if the change will materially affect the conservation programs prescribed by the HCP or the effectiveness of HCP implementation. Based on that evaluation, the USFWS will notify the County if administrative or formal changes to the ITP are required.

Climate Change

As noted in Chapter 7, climate change may impede the County's ability to achieve the biological goals set forth in this HCP. Consequently, if during the 25-yr term of the ITP, data or other information provide compelling evidence to indicate that sea level rise is

occurring to such an extent as to affect sea turtle nesting, piping plover habitat utilization, or beach mouse habitats within the Plan Area, the County will consult with the USFWS to determine appropriate actions needed to address the phenomenon.