

INTERGOVERNMENTAL AGREEMENT

COME NOW, the U.S. Fish and Wildlife Service ("Service"), the Florida Fish and Wildlife Conservation Commission ("Commission"), the Florida Department of Environmental Protection ("Department") and the Board of County Commissioners of Walton County, Florida ("County"), which enter into this Intergovernmental Agreement (Agreement).

WHEREAS, the Service in accordance with the Endangered Species Act of 1973, as amended (ESA) has the responsibility to protect nesting sea turtles, beach mice, and piping plover and issue incidental take (ITP) permits under Section 10 of the ESA for non-federal activities that may result in take and occur incidental to otherwise legal activities; and

WHEREAS, the Florida Legislature has provided guidance concerning the matter of coastal emergency protection through Section 161.085(3), Florida Statutes (F.S.), which statute provides, in part, that local governments "may install or authorize installation of rigid coastal armoring structures for the protection of private structures or public infrastructures, or take other measures ..." under certain circumstances; and

WHEREAS, the Department has exclusive jurisdiction under Chapter 161.085 of the F.S. to issue coastal construction control line (CCCL) permits to authorize permanent armoring structures seaward of the CCCL in Walton County; and

WHEREAS, the Florida Legislature has also provided guidance to the Department concerning the matter of protection of nesting marine turtles and their habitat through Sections 161.053(5)(c) and 370.12(1), F.S., which statutes require, in part, that the Department shall condition permits to protect marine turtles and that no harm or injury that could be classified as a "take" be allowed by the Department unless authorized under the ESA; and

WHEREAS, the Florida Legislature has also provided guidance to the Commission on their permit commenting authority through Section 20.331 (9), F.S., which statute requires, in part, that the Commission shall provide comments to a permitting agency regarding applications for permits, licenses, or authorizations affecting the Commission's jurisdiction; and

WHEREAS, the County, began to issue permits on July 15, 2005, to allow temporary emergency shoreline protection structures to be installed along the Gulf of Mexico beachfront between July 15, 2005 and April 30, 2006, and may invoke the emergency shoreline protection structure provision in the future to allow additional emergency shoreline protection structures which are otherwise in compliance with the County's Ordinances, Comprehensive Plan, and/or Land Development Code and;

WHEREAS, the Commission, received a Habitat Conservation Plan (HCP) planning assistance grant E-27-HP, November 2, 2006, from the Service to assist Walton County in preparing an HCP; and the County has contracted with the Commission for that grant funding in FWC Contract No. 06185 entitled "Walton County Shoreline Protection Habitat Conservation Plan Expenditure Contract" for development and implementation of a HCP in conjunction with a "Section 10" ITP application to the Service submitted by the County June 28, 2006, for temporary emergency shoreline protection structures.

WHEREAS, the Service, the Department, the Commission, and the County wish to proceed in a manner that is consistent with the requirements of all applicable Federal Code Requirements and Florida Statutes and that affords timely and appropriate remedies to the citizens living along the Gulf of Mexico coastline in Walton County;

NOW THEREFORE, the parties hereto commit to formalize the permitting relationship between the County, the Service, the Commission, and the Department, and to expedite the completion of a county-wide HCP through this Agreement and agree to abide by the following conditions:

1. Habitat Conservation Plan by the County for Temporary Emergency Shoreline Protection Structure Permits.
 - a. The County shall develop an HCP for nesting loggerhead, green, leatherback, and Kemp's ridley sea turtles, Choctawhatchee beach mice, and non-breeding piping plover concerning temporary emergency shoreline protection structure permits issued by the County pursuant to Section 161.085, Florida Statutes. This HCP may be used for the County's Section 10 ITP application to the Service for temporary emergency shoreline protection structure permits issued by the County pursuant to Section 161.085, Florida Statutes. The goal of the HCP shall be to improve the overall conservation of sea turtles and their nesting habitat, Choctawhatchee beach mice, and non-breeding piping plover in Walton County so as to offset the potential take of the above cited species caused by temporary emergency shoreline protection structures permitted by the County pursuant to Section 161.085, Florida Statutes and undertaken to protect beachfront property from erosion and sand loss in Walton County.
 - b. The County and the Commission shall work to complete FWC Contract No. 06185 expeditiously and in accordance with all grant requirements.
 - c. The County agrees to employ its best efforts to complete its HCP, apply for a Section 10 ITP, and work with the Service, the Department, and the Commission as needed to assure the HCP and Section 10 ITP processes are completed expeditiously.
2. "Umbrella" HCP by the Service for Permanent Shoreline Protection Structures that were constructed as a result of emergency shoreline protection.
 - a. The Service shall develop an umbrella HCP for nesting loggerhead, green, leatherback, and Kemp's ridley sea turtles, Choctawhatchee beach mice, and non-breeding piping plover to cover private property owner applications for permanent shoreline protection structures in Walton County. This HCP may be used by qualifying private landowners for Section 10 ITP applications to the Service for permanent shoreline protection structures constructed as a result of temporary emergency shoreline protection structure permits issued by the County pursuant to Section 161.085, Florida Statutes which are otherwise in compliance with the County's Ordinances, Comprehensive Plan and/or Land Development Code. The goal of the HCP shall be to improve the overall conservation of sea turtles and their nesting habitat, Choctawhatchee beach mice, and non-breeding piping plover in Walton County so as to offset the potential take of the above cited species caused by the installation and maintenance of permanent shoreline protection structures undertaken by qualifying private landowners on their property as a

result of emergency erosional events for which the County had issued or issues in the future temporary emergency shoreline protection structure permits pursuant to Section 161.085, Florida Statutes and Florida Administrative Code rule 62B-33.051.

- b. The HCP described under paragraph 2a above will be prepared concurrently with and tiered from the County's HCP. The Service will process the Section 10 ITP for the permanent shoreline protection structures concurrently with the County's Section 10 ITP application for temporary emergency shoreline protection structures permitted by the County pursuant to Section 161.085, Florida Statutes, as described in paragraph 1 above.
3. Procedure for Temporary Emergency Shoreline Protection Structure Permits issued on or before October 28, 2005.
 - a. Temporary emergency shoreline structure protection permitted by the County between July 15, 2005 and October 28, 2005 and constructed pursuant to those temporary County permits on or before April 30, 2006 shall follow the below procedures:
 - b. The Department with assistance from the County shall take appropriate enforcement action where property owners have constructed emergency shoreline protection structures and have failed to submit a timely CCCL application to the Department for a permanent shoreline protection structure permit.
 - c. Where permit applications have been timely submitted to the Department for permanent shoreline protection structures the Department will issue CCCL permits for the permanent shoreline protection structures that conform to the requirements of Chapter 161, F.S. and Rule 62B-33, F.A.C. and where the Commission has determined that such structure are not reasonably certain to cause take of threatened and endangered marine turtles pursuant to s. 370.12 (1), F.S.
 - d. The Department will request that property owners waive their rights to have their CCCL application approved or denied by the Department within the 90-day time period prescribed by Florida law where:
 1. The Commission has determined that such structures are reasonably certain to cause take of marine turtles,
 2. The Section 10 ITP process has not been completed, and
 3. The Department has determined that the CCCL application otherwise complies with the requirements of Chapter 161, F.S.
4. Upon completion of the Section 10 ITP process, the Department will take final action on CCCL applications deemed consistent with any Service's ITP or as otherwise appropriate.
5. The County's good faith intent and performance of this Agreement shall be considered by the Service and the Commission when evaluating, respectively, potential enforcement of the ESA and State law for the effects of emergency shoreline protection structures

constructed in Walton County between July 15, 2005 and April 30, 2006 under permits issued by the County between July 15 and October 28, 2005."

6. Procedure for Temporary Emergency Shoreline Protection Structure Permits Issued after October 28, 2005. Any emergency shoreline protection structure permits issued by the County after October 28, 2005, shall be in accordance with the Department's "Interim Guidelines to Local Governments for Emergency Temporary Coastal Armoring Seaward of the Coastal Construction Control Line" dated June 2, 2006 ("Guidelines," Attachment A) or the Department's final Guidelines when issued. No provision of this Agreement shall be construed to conflict with the Department's Guidelines.
 - a. Shoreline emergencies shall be declared pursuant to criteria and conditions set forth in Chapter 161 F.S. and the Guidelines (Attachment A).
 - b. The County shall notify the Department in writing within 3 working days of installing or authorizing the installation of any armoring pursuant to the criteria and conditions set forth in Chapter 161 F.S. and the Guidelines (Attachment A). This notification shall contain a description of the structure, including a sketch and survey of the location; the name(s) and address(es) of the property owner(s); and the date (s) of installation or authorization.
 - c. Within 60 days from the date that a temporary shoreline protection structure is installed under an emergency permit from the County, the County shall inform the property owner (or legal agent) to comply with one of the following options:
 1. Submit a complete application to the Department for a State permit authorizing retention of the temporary structure, or
 2. Completely remove the temporary shoreline protection structure from the beach.
 - d. The County and the Department shall not authorize any repair or replacement of temporary shoreline protection structure prior to issuance of the ITP for those structures.
 - e. The Department shall provide the County with a standard application package for permanent shoreline protection measures that informs affected property owners (or their agents) in writing regarding the implications of paragraph 6.c above. This packet shall be made available directly to property owners and their agents by the County upon issuance of the emergency shoreline protection structure permit.
 - f. Upon receiving a CCCL permit application, the Department shall process the application and issue a permit for those permanent shoreline protection structures that meet the requirements of Chapter 161, F.S. and Rule 62B-33, F.A.C., including a determination of eligibility and vulnerability, and for which the Commission has determined that an incidental take of sea turtles will not occur.

g. The Department will request that property owners waive their rights to have their CCCL application approved or denied by the Department within the 90-day time period prescribed by Florida law where:

1. The Commission is reasonably certain that an incidental take of sea turtles will occur,
2. The Section 10 ITP process has not been completed, and
3. The Department has determined that the CCCL application otherwise complies with the requirements of Chapter 161, F.S.

h. Upon the County's completion of the Section 10 ITP process, the Department will take final action on CCCL shoreline protection structure applications deemed consistent with any Service's ITP or as otherwise appropriate.

i. Pursuant to 62B-33.0051(b)(1) F.A.C., shoreline protection structure applications shall be denied by the Department if a beach nourishment, beach restoration, sand transfer or other similar project that would provide protection for the vulnerable structure is scheduled for construction within nine (9) months of receipt of the application and all permits and funding are available.

7. Sand placed on the beach by any entity or person for or as a result of emergency shoreline protection measures shall conform to the following requirements.

a. The Service, Department, and Commission recognize the County's expressed interest in maintaining a healthy and functional sand beach along its Gulf of Mexico shoreline for the use and enjoyment of its citizens, visitors, and native wildlife. Accordingly, the County may elect to require through its Ordinances, Comprehensive Plan, Land Development Code and as required by State and Federal permits, specific measures for all temporary emergency or permanent shoreline protection structures within its jurisdictional boundaries, including but not limited to placement and maintenance of sand cover over armoring structures, mitigative sand placement abutting and seaward of newly constructed armoring structures, the planting of native salt tolerant vegetation on restored dunes, and/or other measures. Such measures will be developed by all parties to this Agreement prior to their implementation.

b. Any cover or fill material placed on the beach shall be sand that is similar, in both coloration and grain-size, to that already existing at natural (i.e., never before nourished) beach sites in Walton County. All such fill material shall not contain greater than 5 percent, by weight, silt, clay, or colloids passing the #230 sieve; greater than 5 percent, by weight, fine gravel retained on the #4 sieve; coarse gravel, cobbles, or material retained on the 3/4 inch sieve in a percentage or size greater than found on the native beach, and construction debris, toxic material, or other foreign matter; and shall not result in cementation of the beach.

c. The height and width of sand must not interfere with sea turtle nesting or other protected plants or wildlife on the site.

- d. The sand shall be in accordance with the Walton County White Sand Protection Ordinance (Ord. No. 2005-24, §1, 6-28-05).
 - e. Sand not in compliance with paragraphs 7b, 7c or 7d above shall be removed by the person or entity that placed the sand.
- 8. If the Department denies a permit for the retention of a temporary emergency shoreline protection structure, the structure shall be removed pursuant to State laws and outside of the sea turtle nesting season. Should the person or entity responsible for the removal of the temporary structure fail to remove the structure within a reasonable time after written notice by the Department, then the Department, with the assistance of the County, will use its enforcement authority to enjoin the removal of the structure or to remove the structure.
 - 9. The County shall be granted in the application process for a Section 10 ITP mitigation credit for its past cooperative purchases of the Stallworth County Park and the Garfield tract.
 - 10. The HCPs completed by the County for temporary emergency shoreline protection structures and by the Service for permanent shoreline protection structures shall cover all sandy beaches fronting the Gulf of Mexico in Walton County, regardless of the ownership except for State of Florida Park Service and Board of Trustees lands, and federal Bureau of Land Management lands.
 - 11. Effective Date and Termination.
 - a. This Agreement shall be effective as of the date of the last signature executed below.
 - b. This Agreement shall terminate upon issuance of the ITP unless terminated by one of the parties pursuant to paragraph 11d. below.
 - c. No modifications to the terms of this Agreement shall be effective until reduced to writing and executed by the Service, the Commission, the Department, and the County.
 - d. This Agreement shall terminate within 90 days upon written notification by one or more parties to the other parties of the intent to withdraw from the Agreement.

Field Supervisor
U.S. Fish and Wildlife Service
1601 Balboa Avenue
Panama City, Florida 32405

L. A. Carmody
Date: *April 27, 2007*

Chairman of the Board
Walton County Board of County
Commissioners
P. O. Box 1355
DeFuniak Springs, Florida 32435

Kenneth (Ken) W.
Date: *5-2-07*

Secretary
Florida Dept. of Environmental
Protection
Bureau of Beaches and Coastal
Systems
3900 Commonwealth Blvd.
Mail Station 300
Tallahassee, Florida 32399-3000

Michelle W. Solé
Date: *May 29, 2007*

Executive Director
Florida Fish and Wildlife
Conservation Commission
620 South Meridian Street - 6A
Tallahassee, Florida 32399-1600

Keith D. Stoddard
Date: *6/5/07*

Attachment A



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

MEMORANDUM

TO: Local Governments of Florida Coastal Counties

FROM: Colleen M. Castille, Secretary *CMC*

DATE: June 2, 2006

SUBJECT: Interim Guidelines to Local Governments for Emergency Temporary Coastal Armoring Seaward of the Coastal Construction Control Line

When erosion from a storm event occurs, Section 161.085, Florida Statutes, empowers local governments to authorize the installation of emergency *temporary* rigid coastal armoring for the protection of private structures or public infrastructure. In an effort to provide guidance on this issue to local governments, the Department of Environmental Protection (DEP) has developed the enclosed "**Interim Guidelines to Local Governments for Emergency Temporary Coastal Armoring Seaward of the Coastal Construction Control Line.**"

The intent of the statute is that installations be constructed in a timely manner to quickly provide coastal protection, but also in accordance with proper siting and design criteria. Following the proper siting and design criteria minimizes impacts on adjacent properties, preserves beach access, and protects the beach-dune system, native coastal vegetation and nesting marine turtles and turtle hatchlings. The statute provides that these structures are temporary only, and must be removed unless an application is made to the DEP within 60 days of their installation to leave the structure in place permanently.

The enclosed document is intended to provide answers to important questions when a local government elects to issue emergency permits for temporary coastal armoring. This document is also located on the Bureau of Beaches and Coastal Systems web site at:
www.dep.state.fl.us/beaches/.

The DEP hopes to work closely with Florida's coastal governments in preparing for and responding to future storm events. If you have any additional questions related to post-storm activities, please contact Tony McNeal, P.E., Program Administrator, with the Bureau of Beaches and Coastal Systems, at (850) 921-7745.

"More Protection, Less Process"
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Attachment A



Bureau of Beaches and Coastal Systems
Division of Water Resource Management
Department of Environmental Protection

Interim Guidelines to Local Governments for Emergency Temporary Coastal Armoring Seaward of the Coastal Construction Control Line

Under what circumstances can a local government authorize temporary armoring?

If a coastal storm causes erosion of the beach-dune system, under the authority of Section 161.085, Florida Statutes and Chapter 62B-33, Florida Administrative Code (F.A.C.), a local government may take emergency measures for the protection of threatened private residences or public infrastructure.

Emergency relief measures may be taken as long as the following considerations are incorporated into such emergency measures:

- Protection of the beach-dune system
- Siting and design criteria for the protective structure
- Impacts on adjacent properties
- Preservation of public beach access
- Protection of native coastal vegetation and nesting marine turtles and their hatchlings

Emergency relief measures that result in the installation of temporary armoring are permissible provided a Department of Environmental Protection (DEP) permit has not been issued for coastal armoring to protect the threatened structure.

Structures constructed under this authority shall be temporary and the local government or the property owner shall remove the structure or submit a permit application to the DEP for a permanent structure within 60 days after the emergency installation of the structure.

What should a local Government do if they plan to use this authority?

Prior to authorizing, by emergency permit, any temporary measures for the protection of private structures or public infrastructure, an emergency declaration must be made either by the local government or the Department of Environmental Protection (DEP). If an emergency declaration is made, the local government shall provide a written notification to affected property owners and the DEP. Such notification shall include:

- Documentation from the local government authorizing the declaration
- The date and details of the storm event that created the emergency

Exception: If the State of Florida issues a declaration of emergency, a local declaration is not required.

Local governments must notify the Department's Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, within three working days of installing or authorizing the installation of any armoring. Notification should, as a minimum, include:

- The description of the structure, including a sketch and location;
- the name and address of the property owner; and
- the date of installation.

How long does the local government have for authorizing such emergency measures?

Protective measures authorized under emergency permits shall take place within 30 days after the initial erosion event and any temporary structures constructed under the emergency authorization shall be removed within 60 days of installation.

What are the options for protection?

First and foremost, the types of temporary protective measures must be the minimum required to protect residences and public infrastructure from imminent collapse. Construction debris is not to be used as part of installation, nor is any debris resulting from the storm event to be buried.

The engineer will use their best professional judgment when deciding the most appropriate shoreline protection measure for a specific site. This assessment will be based upon careful consideration of factors such as:

- Potential for physical damage to a residence or public infrastructure because of erosion
- Extent of storm damage to the beach-dune system
- Distance of the residence or public infrastructure from the dune escarpment
- Pre-storm conditions at the site (i.e., critically eroded, eroding, stable, accreting, etc.)
- Potential adverse impacts to adjacent properties resulting from different shoreline protection options
- Where the selected protection option is a temporary structure, the ability to facilitate its removal once the declared emergency has expired
- Time of year when the emergency occurs (e.g., during or outside of the turtle nesting season, likelihood for additional storm activity, etc.)
- Presence/absence of marine turtle nesting habitat and/or marked nests
- Construction schedules for permitted beach restoration or nourishment projects, emergency Federal Emergency Management Agency berms, or locally sponsored dune restoration activities at the site

Based on the criteria listed above, one or a combination of the following protective measures may be authorized by the local government. As indicated below, armoring is one of several options available to provide protection:

- Placing beach compatible sand from upland sources to construct protective sand berms or for dune restoration activities. This activity is not considered rigid coastal armoring, and therefore the sand may be left in place without a subsequent permit from the DEP.

- Placing sandbags or geotextile containers to create a temporary barrier seaward of threatened residence or public infrastructure. This is considered coastal armoring, therefore it would require a permit from the DEP to remain permanently in place.
- Shoring and reinforcing the foundations of threatened buildings. Although not coastal armoring, this activity would require a permit from the DEP, unless specifically allowed by an Emergency Final Order issued by the DEP after a major storm event.
- Installing temporary armoring, such as, wooden retaining walls, cantilever sheet pile walls (without concrete caps, tie backs, or other reinforcement), or similar structures seaward of the threatened building. This is coastal armoring and would require a permit from the DEP to remain permanently in place.

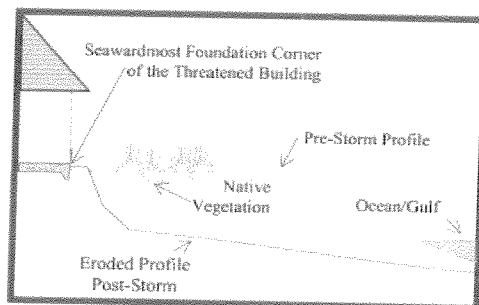
Note: Any excavation of the beach face requires a Coastal Construction Control Line permit from DEP. Any excavation that occurs below mean high water on sovereignty lands requires a Joint Coastal Permit from the DEP.

What criteria must the armoring meet?

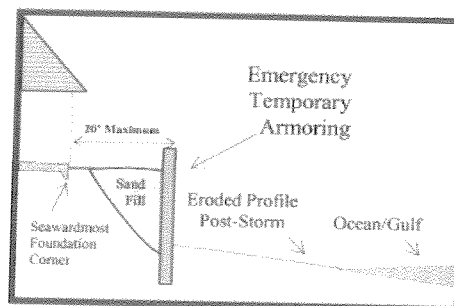
All temporary protective measures shall be installed in a manner that minimizes adverse impacts to the coastal system, native vegetation, and adjacent properties. The temporary protective measures shall be sited at, or landward of the dune escarpment and, as close to a threatened residence or public infrastructure as practicable. In addition to the above, other factors that will influence the location include:

- The type of protective material(s) to be used
- Construction methods
- Site topography
- Severity of erosion threat
- Distance to and height of the post-storm dune escarpment
- Proximity of structures on adjacent properties to the proposed protective measure
- Presence/absence of sea turtle nesting habitat and/or marked nests
- Other site-specific conditions

Generally the temporary armoring should be sited no farther than 20 feet from the seawardmost foundation corner of a threatened building (See figures 1 and 2).



Pre and Post-Storm Profiles
(Figure 1)



Temporary Armoring Location
(Figure 2)

What kinds of structures can be built?

Sandbags, geotextile containers, wooden retaining walls, cantilever sheet pile walls (without concrete caps, tie backs, or other reinforcement), or similar structures installed seaward of the threatened residence or public infrastructure.

Can the structures stay in place permanently?

For an emergency temporary structure to be permitted by the DEP as a permanent rigid coastal armoring structure, it must meet all eligibility, siting and design criteria for permanent armoring specified in Chapter 62B-33.0051, F.A.C., and all other applicable provisions of the rule. In order to receive a DEP permit for armoring, in addition to other criteria, a structure must be considered both "eligible" and "vulnerable." Therefore, local governments should make a determination as to a development's eligibility and vulnerability before issuing an emergency permit to a property owner for the installation of temporary armoring where the property owner intends to submit a permit application to the DEP to allow the armoring to remain. Records obtained from the affected property owner(s) and/or Property Appraiser's Office may assist in this determination. *Eligible* structures include:

- Public infrastructure (e.g., public evacuation routes, public emergency facilities, bridges, power facilities, water or wastewater facilities, other utilities, hospitals, or structures of local governmental, state, or national significance.)
- Non-conforming habitable structures (businesses and houses not constructed under a permit issued by DEP after March 17, 1985)
- Non-habitable structures (e.g., garages, swimming pools, etc.) structurally attached to non-conforming habitable structures whose failure would cause the adjoining habitable structure to become vulnerable

An eligible structure will be determined to be *vulnerable* if:

- The structural foundation of the building (not including ancillary decks or stairs) is exposed or undermined
- The seaward-most foundation corner of the threatened building is within 20 feet of the dune escarpment, as measured perpendicular to the shoreline
- For residences sited on coastal bluffs, a geotechnical analysis which demonstrates that the building is in danger of imminent collapse due to slope instabilities; or
- Another site specific circumstance exists as specified in Chapter 62B-33.0051(1)(a)2, F.A.C.

Temporary armoring that is installed at properties that are not both eligible and vulnerable will not qualify for a DEP permit and in most instances will have to be removed.

Property owners that seek DEP authorization to allow a temporary structure to remain in place as a permanent coastal armoring structure must submit a complete application to the Bureau at the address referenced above. The permit application form is entitled "Application for a Permit for Construction Seaward of the Coastal Construction Control Line or Fifty-Foot Setback" – DEP Form 73-100 (Revised 1/04). Copies of the form can be obtained by writing to the Bureau at the

referenced address or by telephoning (850) 488-7708. A copy of the application form can also be obtained from the Bureau's web site. The address of the web site is:

<http://www.dep.state.fl.us/beaches/data/pdf/ccclapfm.pdf>.

The application must contain the information requirements specified in Chapter 62B-33.008, F.A.C.

What can a local government do to plan ahead for this emergency situation?

In order to be prepared for coastal emergencies, local governments that anticipate installing or authorizing temporary emergency coastal armoring that may incidentally harm marine turtles or their nesting habitat must first obtain a federal Endangered Species Act, Section 10 Incidental Take Permit from the U.S. Fish and Wildlife Service.

To obtain a permit, the applicant must develop a Habitat Conservation Plan (HCP) that will specify the minimization measures that must be implemented to allow armoring to be installed during sea turtle nesting season (March 1 through October 31 in Brevard through Broward Counties; May 1 in all other coastal counties). The HCP will also specify measures to offset any harmful effects temporary coastal armoring may have on marine turtles or nesting habitat after construction. The HCP process allows coastal armoring while promoting listed species conservation.

The programs and policies contained in the HCP will improve protected species management on Florida's beaches and provide local governments with an action plan for post storm shoreline protection activities initiated under their emergency authorization. Coastal property owners will benefit because they will be able to pursue temporary shoreline protective initiatives, in conformance with established HCP criteria with full protection for any take that might occur during and after construction. Property owners that subsequently make application to the DEP for permanent rigid coastal armoring may also be protected for any take that may occur.

Local governments can contact their local Fish and Wildlife Service office to determine whether a contemplated activity is likely to require an incidental take permit and to begin the HCP application process.