

Section 21**Unforeseen Circumstances****Purpose**

Occasionally situations arise that pose a threat to protected species on St. Johns County beaches. These are considered as unforeseen circumstances that could not have been anticipated or addressed in the preparation of the HCP and must be independently and effectively evaluated in coordination with the USFWS.

Relevant ITP Condition –J.

- J. Unforeseen Circumstances.** “Unforeseen and/or changed circumstances may become apparent either to the Permittee, the Permittee’s authorized agents, or to personnel of the U.S. Fish and Wildlife Service. For purposes of implementation of this condition unforeseen circumstances are defined as changes in circumstances affecting a species or geographic area covered by the HCP that could not reasonably have been anticipated by the HCP developers and the U.S. Fish and Wildlife Service at the time of the HCP’s negotiation and development and that result in a substantial and adverse change in the status of the covered species. Changed circumstances are defined as changes in circumstances affecting a species or geographic area covered by the HCP that can reasonably be anticipated by HCP developers and the U.S. Fish and Wildlife Service and that can be planned for.

“The Permittee and the U.S. Fish and Wildlife Service acknowledge that even with the above detailed provisions for mitigating and/or minimizing impacts, circumstances could arise which were not fully anticipated by this Permit and which are considered unforeseen. Such circumstances may become apparent either to the Permittee or to personnel of the U.S. Fish and Wildlife Service. For purposes of implementation of this condition, unforeseen circumstances are defined as any significant unanticipated adverse change in the status of species, any significant, unanticipated adverse change in impacts of the activity or in other factors upon which the HCP and Permit are based, or any other significant new information relevant to the Permit and activity that was unforeseen by the Permittee and the U.S. Fish and Wildlife Service that could give rise to the need to review the Permittee’s conservation program.”

“If, during the implementation of the HCP and the Permittee’s adherence to this Permit, a significant unanticipated situation occurs that would have a serious effect on species covered by this Permit or the ability of the Permittee to continue the effective implementation of the HCP and/or adherence to this Permit, the Permittee shall undertake actions described in Chapter 10 (Unforeseen Circumstances) of the HCP.”

HCP Performance During 2008

Implementation: During 2008 St. Johns County experienced erosion due to a number of tropical storms and Nor'easters. The Florida Department of Environmental Protection (FDEP) Beaches and Coastal Management Systems is responsible for issuing permits for construction activity east of the Coastal Construction Control Line (CCCL). The County is responsible for ensuring that all construction activity is done so to comply with the HCP/ITP by requiring contractors to attend HCP and Protected Species Training. Nonetheless, when construction activity occurs on St. Johns County beaches significant impact can occur to protected species and their habitat. It is in the County's best interest to monitor such activity. More of this information can be found in Section 14 Coastal Construction.

No other unforeseen circumstances occurred in 2008.

Assessment: Through the course of the year a 104 permits were applied for through the FDEP for various erosion control and stabilization projects. Only one (1) application for Sandbag Structures was done so through an emergency submittal.

Program Improvements: No formal changes to the policies or procedures related to the reporting of unforeseen circumstances are anticipated.