



Legislation Details (With Text)

File #: 18-0735

Type: Departmental **Status:** Passed

In control: Board of County Commissioners

On agenda: 9/11/2018 **Final action:** 9/11/2018

Title: PETITION TO U.S. FISH AND WILDLIFE SERVICE TO ADD SPECIES IN THE INDIAN RIVER LAGOON TO THE FEDERAL ENDANGERED LIST

Sponsors:

Indexes:

Code sections:

Attachments: 1. Scope of Services ESA

Date	Ver.	Action By	Action	Result
9/11/2018	1	Board of County Commissioners	approved	Pass

PLACEMENT: Departmental

TITLE:

PETITION TO U.S. FISH AND WILDLIFE SERVICE TO ADD SPECIES IN THE INDIAN RIVER LAGOON TO THE FEDERAL ENDANGERED LIST

EXECUTIVE SUMMARY:

On August 21, 2018, the Board requested that an agenda item be prepared to discuss the process submit a petition to the U.S. Fish and Wildlife Service (USFWS) to add species in the Indian River Lagoon to the federal endangered list.

DEPARTMENT: Administration

PREPARED BY: **Name:** Nicole Carey
Title: Purchasing Manager

REQUESTED BY: Board of County Commissioners

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

The U.S. Fish and Wildlife Service (USFWS) has a process to submit a petition for plants and animals to be placed on the federal endangered or threatened species list. The petition process is extremely intensive and lengthy. The review period once the petition is submitted to USFWS is a minimum of eighteen months.

There are currently two (2) animal species and four (4) plant species on the federal endangered list

that exist in the Indian River Lagoon (IRL).

It was suggested at the Board meeting on August 21st that a consultant be engaged to manage the process for the County to submit petitions for three species that are most endangered in the IRL. According to one expert, those species could be (1) Bigmouth Sleeper, *Gobiomorus dormitor*, (2) Opossum Pipefish, *Mycrophis brachyurus lineatus*, and (3) Swordspine Snook, *Centropomus enciferus*. These species exist only in fresh water and if the IRL is threatened, these species could cease to exist.

Staff spoke with two experts that believe if the intended outcome of this project is to stop the U.S. Army Corps of Engineers from discharging water from Lake Okeechobee, it likely will not work. Since there is no statute that speaks to protection of endangered species, human safety will always take precedent. However, if the petition were successful, it could be grounds for litigation.

At the Board meeting on August 21st, Grant Gilmore was mentioned as an expert on the IRL that could prepare the petitions for the County. Several experts agree that Dr. Gilmore is the leading expert on fish in the IRL and he has experience with the USFWS petition process. He is also in the process of writing a book about fish in the IRL. A published work is an important element in the petition process.

Martin County currently has a continuing services contract with several environmental consulting firms. None of them has experience with the USFWS petition process but all of them said they could manage the process.

If it is the Board's desire to move forward with the petition process, Staff recommends preparing a Request for Proposals (RFP).

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

n/a

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board accept the report and provide staff direction.

ALTERNATIVE RECOMMENDATIONS

Do not approve moving forward.

FISCAL IMPACT:

RECOMMENDATION

The exact cost for this project is unknown at this time.

Funding Source	County Funds	Non-County Funds
General Fund Reserves	\$30,000.00	
Project Total	\$30,000.00	

ALTERNATIVE RECOMMENDATIONS

None.

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☐ Resolution
☐ Other: