

FLORIDA BEACON

From the President's Desk Ryan Goldman



Hello FAEP Members,

We have exciting news regarding the National Association of Environmental Professionals, NAEP, conference that was originally scheduled for May, 2020 in Fort Lauderdale. Due to the current COVID environment, that conference has been rescheduled for May 14-20, 2022 in the originally scheduled Fort Lauderdale Diplomat Beach Resort. It is an important function of the FAEP organization to promote connectivity among the environmental sciences including the sharing of ideas, products, and services that only an in person conference can provide. We look forward to seeing you all in attendance in 2022. Please mark your calendars!

In the continued efforts of NAEP and FAEP to provide services and connectivity to its members, a considerable amount of effort has been spent to reconfigure and reshape the NAEP 2020 conference into a virtual format to be offered within this calendar year. We are proud to offer the redesigned NAEP Virtual Conference 2020 scheduled for Monday August 24 to Friday, August 28. Registration is OPEN, please consider attending the NAEP Virtual Conference 2020. In order to cater to attendance in different time zones, the program begins late morning and ends in the early afternoon each day. The format is a shortened daily schedule over five consecutive weekdays. The program provides a considerable amount of the similar content offered in the May conference program in a virtual format for your convenience. The different presentation track topics include Women in STEM, Cultural Resources, Climate Change, Transportation, NEPA, Public Involvement, Ethics, Career Development, Wildlife, Planning, Permitting, Ecological Restoration and Remediation, so there is something for every interest. Providing services and opportunities to our sponsors and vendors is an integral part of the conference experience. In order to accommodate these needs in a remote environment, sponsors and vendors will have the ability to advertise and connect with attendees in the Virtual Exhibit Hall. This venue will provide the connection between sponsors and attendees through chats, Q & A's, advertisements, website links, recognitions and introductions, and more. Please be sure to visit the Virtual Exhibit Hall during your attendance and break times. Thank you to all of our NAEP 2020 Virtual Conference sponsors, as seen on the NAEP website here: [NAEP 2020 Conference](#).

Next FAEP Board Meeting!!

**The next FAEP Board of Directors Meeting
is August 16, 2020 at 12:00
dial: 605-475-4000 (code 607028#)**

Florida Association of Environmental Professionals Summer 2020



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President's Message Continued

Registration is now open for the NAEP Virtual Conference. [Register here!](#)

Continuing on the theme of providing connectivity to our members, the FAEP has provided the Go-To-Meeting platform to all of the state Chapters. This means that Chapters offerings monthly events can now be accessed statewide by any FAEP member. This opens up individual chapter events to the almost 800 FAEP members statewide using the virtual format. Statewide membership to the FAEP Go-To-Meeting platform has been provided by FAEP to each of the chapters in order to more easily connect and share information. Advertisement of these events will continue to be distributed through member email and on the FAEP website.

Thank you for your support as we continue to navigate these challenging times; please do not hesitate to reach out to me with any questions or concerns. Thank you for your patience as we transition to our virtual conference interface and we hope you can join us!

Thank you,
Ryan Goldman
FAEP President

2020 NAEP
Virtual Conference
Monday, August 24 - Friday, August 28



National
Association of
Environmental
Professionals
Be Connected

Registration for the NAEP Virtual Conference is Open!

Join us as we bring the 2020 NAEP Virtual Conference
to your office or living room!

From Monday, August 24 – Friday, August 28, you can stay up to date with crucial information, earn educational credits, and continue to excel in your field by attending NAEP's Virtual Conference. You'll also be able to hear from many speakers, interact with sponsors and exhibitors, and mingle with your peers in collaborative, but casual meetings.

Register today at: <https://naep.memberclicks.net/2020-naep-virtual-conference>.

Florida Beacon

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Florida 2020 Legislative Update

According to information from [1000 Friends of Florida](#) and the Tampa Bay Times, more than 100 new laws went into effect on July 1st. A listing all bills with full text, amendments, and history is found at [2020 Bills](#).

SB 1042/HB 1061 creates the Nature Coast Aquatic Preserve, the first such designation in more than 30 years. The 800 square mile preserve will protect 400,000 acres of **seagrass beds** in Pasco, Hernando, and Citrus counties.

Gov. DeSantis VETOED SB 410 which would have opened **rural lands** to development. As 1000 Friends reported, more than 13,000 people contacted the Governor opposing this legislation.

Also signed into law, **SB 712/HB 1343** dubbed the **“Clean Waterways Act”** takes steps to improve Florida's **water quality**, including provisions related to septic tanks, stormwater treatment, a wastewater grant program, and imposed requirements on agricultural fertilizers.

SB 172/HB 113 blocked, among other things, Key West and other local governments from imposing bans on certain types of **sunscreens** that contain chemicals that are thought to damage coral reefs. 1000 Friends of Florida views this as undermining the authority of local governments to regulate activities within their borders, known as home rule.

The combined **Senate/House Bill 659** allows non-law enforcement employees of FWC to operate **drones** for eradication efforts of invasive plants and animals on public lands and to allow the Florida Forest Service to use drones to mitigate the threat of wildfires on public lands.

SB 178/HB 579 requires certain state-financed projects at first undergo a **sea level** impact projection study.

SB 326/HB 73 was signed into law pertaining to **recycling contractors** and the procedures for managing and rejecting residential recycling containers. The bill was amended in January to include definitions and procedures for contaminated, recyclable material.

In true legislative fashion, the law also amended section 403.813, F.S.; “prohibiting local governments from requiring further verification from the Department of Environmental Protection for certain projects; revising the types of **dock and pier** replacements and repairs that are exempt from such verification and certain permitting requirements”.

SB 580/HB 349, the Uniform Partition of Heirs Property Act, will help protect **property** heirs from real estate speculators and was spearheaded by Defenders of Wildlife.

HB 1091/SB 1450 makes numerous and often significant increases to the penalties for violating Florida's environmental laws. Significant provisions from SB 1450, also supported by 1000 Friends and relating to sanitary sewer lateral inspections and disclosures, were amended to HB 1091. The Bill revised **administrative penalties** for violations of certain provisions relating to beach and shore construction and activities; revised civil penalties for violations of certain provisions relating to water resources, artesian wells, terminal facilities, discharge contingency plans for vessels, the Pollutant Discharge Prevention and Control Act, regulation of oil and gas resources, the Phosphate Land Reclamation Act, sewage disposal facilities, dumping litter, small quantity generators, and coral reef protection.

HB 519/SB 1766 was withdrawn during the session which would have further curtailed the ability of local governments to **manage growth** under the Bert Harris Act and limited the ability of public interest groups like 1000 Friends to intervene in the resolution of these cases.

Gov. DeSantis made some tough decisions as he vetoed more than \$1 billion dollars in the signed budget. The good news is that **Florida Forever funding remained intact**, with \$100 million for land conservation. Vetoes affected STEM education bills as well as restoration, water quality, and flood protection projects. For a full list go to [2020 Veto List](#).

Numerous other bills were withdrawn or failed to make it through the committee process. For more detailed information, visit [1000 Friends of Florida's Legislative Wrap Up Webpage](#).

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Florida 2020-2021 FY Environmental Budget Highlights

Statewide Overview and Taxes

While our state's fiscal landscape has changed since the COVID-19 pandemic hit the U.S. earlier this year, Florida's future remains bright. This fiscally responsible budget safeguards taxpayer dollars while being mindful that we are still realizing the impacts of COVID-19. This budget ensures we maintain significant funding in reserves, including General Revenue, while making historic investments in our K-12 education system and teachers, and continuing our commitment to preserving and protecting Florida's environmental resources.

The total for the Fiscal Year 2020-2021 budget is \$92.2 billion. The General Revenue portion is \$34.7 billion. Florida's total reserves are \$6.3 billion, more than 6 percent of the total budget for Fiscal Year 2020-2021.

Environment

Governor DeSantis has implemented major reforms to achieve more now for Florida's environment. Under the Governor's leadership, record funding for Everglades restoration and the protection of water resources was appropriated for the current year, and the Fiscal Year 2020-2021 budget builds upon these significant investments. Even in the midst of the COVID-19 global pandemic, the environment remains a key focus of the budget, with significant investments made for Fiscal Year 2020-2021. As part of more than \$4.4 billion in funding to protect our environment, agriculture and natural resources, the budget includes over \$2.2 billion specifically for the Department of Environmental Protection (DEP).

Continued Improvements for Water Quality, Quantity and Supply

Upon taking office, Governor DeSantis called for a \$2.5 billion investment over four years for the protection of water resources, an increase of \$1 billion over the previous four years. The Fiscal Year 2019-2020 budget was the first step towards reaching that goal, appropriating more than \$625 million for this purpose. The Fiscal Year 2020-2021 budget continues this investment, dedicating more than \$625 million for Everglades restoration and the protection of water resources. The budget includes more than \$322 million for Everglades restoration projects, including \$32 million for Restoration Strategies, \$170 million for the Comprehensive Everglades Restoration Plan and \$47 million for the Northern Everglades and Estuaries Protection Program. This level of funding will put Florida on track to complete the C-44 Reservoir and stormwater treatment area, the C-43 Reservoir, and additional projects over the next four years. These projects will provide 672,000 acre-feet of storage and remove more than 200,000 pounds of total phosphorus annually, a major source of nutrient pollution. The budget includes \$64 million for the EAA Reservoir to continue this critical project to reduce harmful discharges and help send more clean water south of the Everglades.

The budget also includes \$160 million for targeted water quality improvements to achieve significant, meaningful and measurable nutrient reductions in key waterbodies across the state and to implement the initial recommendations of the Blue-Green Algae Task Force. This includes:

- \$25 million for cost-share grant funds for water quality improvements, including septic conversions and upgrades, other wastewater improvements, and rural and urban stormwater system upgrades.
- \$25 million for Indian River Lagoon water quality improvement projects.
- \$25 million for St. Johns, Suwannee and Apalachicola Rivers watershed and Springs Coast watershed water quality improvements.
- \$50 million for Everglades Restoration water quality improvements.
- \$25 million to accelerate projects to meet scientific nutrient reduction goals (called Total Maximum Daily Loads), which may include green infrastructure investments or land conservation to protect our water resources.
- \$10 million for Coral Reef Protection.

On top of the investment in targeted water quality improvements, the budget includes \$50 million to restore Florida's world-renowned springs. This funding may also be used for land acquisition to protect springsheds and is crucial to supporting homeowners and local communities as they work with the state to achieve the septic and nutrient

Continued on next page.....

reduction requirements of Senate Bill 552 (2016), also known as the Water Bill. The budget supports a more than \$25 million investment to improve water quality and combat the effects and impacts of harmful algal blooms, including blue-green algae and red tide. The budget includes the following:

- \$10 million for innovative technologies and short-term solutions to aid in the prevention, cleanup and mitigation of harmful algal blooms.
- \$10.8 million to increase water quality monitoring, support the Blue-Green Algae Task Force, and to improve and maintain the water quality public information portal. This portal is focused on accountability and transparency, providing monitoring data for all of Florida's outstanding springs and key waterbodies, as well as allowing the public to track the investment in projects and progress in attaining water quality goals.
- \$4.2 million and two dedicated positions to continue supporting the Center for Red Tide Research within the Fish and Wildlife Conservation Commission (FWC), and to support the Harmful Algal Bloom Task Force and partnerships for mitigation and technology development with a renewed focus on red tide.

The budget includes \$40 million for the alternative water supply grant program to help communities plan for and implement vital conservation, reuse and other alternative water supply projects. DEP will continue to engage local governments, industry leaders, universities and water management districts to identify and research all viable alternative water supply sources and is working to provide an assessment of funding needs critical to supporting Florida's growing economy.

Further Protection of our Valuable and Vulnerable Coastlines

Protecting Florida's 1,300 miles of coastline is critical to our growing economy and quality of life, as millions travel from around the world to visit our world-renowned beaches. The budget includes \$50 million in beach nourishment funding to continue addressing Florida's critically eroded shorelines.

The budget includes \$10 million for the Resilient Coastlines Program within the Office of Resilience and Coastal Protection within DEP. This program helps prepare Florida's communities and habitats for changes resulting from sea level rise by providing funding and technical assistance and continuing to promote and ensure a coordinated approach to planning among state, regional and local agencies. The funding for coastal resiliency grants will also help protect Florida's coral reefs and support emergency sand placement to help fortify coastal areas ahead of storms.

Investing in Clean Lands and Air

The budget includes \$150 million for the cleanup of contaminated sites with a focus on promoting redevelopment of these areas once cleanup has been completed. Specific investments include:

- \$125 million for Petroleum Tanks Cleanup.
- \$8.5 million for Dry Cleaning Solvent Contaminated Site Cleanup.
- \$6.5 million for Hazardous Waste Contaminated Site Cleanup.
- \$10 million for Cleanup of State-Owned contaminated sites.

The budget also includes \$67.5 million for the implementation of the State Mitigation Plan for the \$166 million Volkswagen Clean Air Act settlement. The plan addresses diesel emission reduction, including funds for electric vehicle infrastructure and electric buses.

A Commitment to Florida's Prized Properties and Waterbodies

The budget includes \$141 million to protect our prized properties and waterbodies in Florida. This funding will ensure all Floridians have access to our pristine natural environment, while protecting these unique natural resources and investing in the management of our state-owned lands.

As land acquisition is vital to both our economic growth and environmental protection, the budget includes \$100 million for the **Florida Forever Program**, the state's premier conservation and recreation land acquisition program. This includes:

- \$67 million for the Division of State Lands to acquire land with a focus on protecting our water resources for Floridians and visitors.

- \$10 million for the Florida Communities Trust.
- \$12.3 million for the Florida Recreation Development Assistance Program.
- \$8.7 million for the Rural and Family Lands Protection Program.
- \$2 million for the Stan Mayfield Working Waterfronts Program.

Florida’s State Parks won the National Gold Medal a record four times for having the best park system nationally. The budget dedicates \$41 million to infrastructure improvements and resource management with the goal of maintaining this high standard, and ensuring all visitors and residents alike have access to these prized properties for generations to come.

Defending Florida’s Everglades from Invasive Species

Governor DeSantis has prioritized efforts to remove Burmese pythons from the Everglades. Pythons are an invasive species that disrupt the natural food chain balance and have no natural predators, causing them to multiply without impediment and further threaten endangered species. The budget includes \$1 million for FWC to remove pythons from the Everglades.

Investing in Florida’s Agriculture

The budget includes more than \$1.7 billion for Florida’s agricultural industry. In order to preserve Florida’s iconic citrus industry, the budget invests \$24.8 million for citrus research, the Citrus Health Response Program and for consumer awareness marketing efforts. Also, recognizing how important it is to effectively combat wildfires, the budget includes \$7.6 million for wildfire suppression equipment and \$4.9 million for road and bridge maintenance to allow for better access for land management and wildfire suppression activities.

From the Office of Governor Ron DeSantis



The Academy of Board Certified Professionals (ABCEP) is the certifying body for NAEP and the lead organization certifying environmental professionals; maintaining exemplary standards of ethics and technical practice; and supporting individuals, our profession, and the public relying upon our services. It is a board-certified recognition.

Beyond the acknowledgement by your peers, earning and maintaining the Certified Environmental Professional (CEP) designation is beneficial as a key differentiator when bidding on projects. It also opens new doors personally and professionally.

ABCEP would like to enhance the CEP (and CEP-IT) by growing our numbers and raising the awareness and value of the credential. If interested, you can find more details about the CEP and the application process on our website <https://www.abcep.org>. If you email the office (office@abcep.org), our Administrator will follow up to see if you have additional questions about the application process, and offer to assign a mentor to help guide you through it.

The initial CEP application fee is typically \$200. ABCEP is offering a 10% discount through the end of 2020 reducing the initial CEP application fee to \$180. This is a great time to submit your application! We also have a CEP-IT application for those that don’t quite meet the CEP requirements.

Making the decision to pursue a certification can feel like a daunting task, but in this climate, having the designation after your name can prove that crucial differentiator.

Florida Beacon

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The Navigable Waters Protection Rule Update

On June 22, 2020, President Donald Trump signed *The Navigable Waters Protection Rule* to re-define the “Waters of the United States” (WOTUS). The new rule repeals the 2015 Clean Water Rule and limits the extent of federal regulation. However, it is intended to provide a more consistent and clear definition of WOTUS. Throughout the U.S., Court challenges are already underway, and states have conflicting rulings. This new rule reverts regulations to the 1986 version of WOTUS.

Under the Clean Water Act (CWA), “protection” does not mean “prevention” of development, it means “permitting”, because landowners planning for projects that impact “navigable waters” **must** first get approval from The Army Corps of Engineers (ACOE) and/or a state agency. Landowners have to reduce impacts and then mitigate for wetland loss by restoring wetlands of equal or greater hydrologic value by purchasing mitigation credits, doing on-site or off-site mitigation.

This new rule is a reversal of the Obama Administration’s 2015 WOTUS Rule, which was based on the 2006 *Rapanos v. U.S* ruling. Rapanos was a Michigan real estate investor and in 1988 wanted to build a shopping mall. Instead of applying for approval, Rapanos filled the wetland. This caused an 18-year court battle that concluded in 2006. An infamous U.S. Supreme Court ruling produced different conceptions of WOTUS; which yielded two incompatible opinions on what constitutes the “Waters of the United States”, or waters that the federal government is obligated to protect under the CWA.

Justice Scalia offered an approach reducing regulation of isolated wetlands, whereas Justice Kennedy's opinion took a different approach where more waters would be subject to regulation. In 2015, the Obama Administration disseminated a WOTUS definition that took the Kennedy approach (increasing regulation of isolated wetlands and other bodies of water). Judicial challenges resulted in a lot of different outcomes around the country. One of Trump’s first order of business in 2017 was to have his administration rescind the 2015 rule and replace it with one that tracks Scalia's approach (less regulation).

The new definition eliminates the 2015 Rule, and provides clarity for landowners to understand which wetlands the ACOE will claim jurisdiction over. Since the Rapanos case in 2006, there has been a lot of ambiguity over which wetlands were claimed as ACOE jurisdictional, and projects were on a “case-by-case” evaluation.

The new rule, which is basically the old rule prior to the Obama Administration, **excludes the ACOE from providing jurisdiction for:**

- Isolated wetlands that are not navigable waterways
- Ephemeral features that contain water only in direct response to rainfall or snowmelt
- Groundwater
- Most farm and roadside ditches
- Prior converted cropland
- Artificially irrigated areas
- Farm and stock watering ponds
- Stormwater control features
- Waste treatment systems
- Isolated wetlands
- Ephemeral features which include streams and ditches

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The Navigable Waters Protection Rule Update

The new rule provides clarity on the waters that the ACOE **will continue to be federally regulated**, such as:

- Lakes and ponds from which water typically drains to downstream tributaries and other features
- The territorial seas and traditional navigable waters
- Perennial and intermittent tributaries to those waters
- Certain lakes, ponds, and impoundments
- Wetlands adjacent to jurisdictional waters

According to Bill Griffy, President of Ecological Consulting Solutions, Inc., *“The new rule eliminates the 2015 Rule’s “significant nexus” test which was used by the ACOE and basically allowed the Corps to claim isolated wetlands under this term. The removal of significant nexus will eliminate all isolated wetlands from ACOE jurisdiction, regardless of how many a site has.”*

It will be easier for landowners to know what wetlands will be jurisdictional with the ACOE, instead of remaining in an ambiguous state and waiting for months to find out if the ACOE will claim jurisdiction on isolated wetlands or not. Previously, landowners had to submit a jurisdictional request to the ACOE stating why they thought their wetlands should not be considered ACOE jurisdictional and then wait to see if the ACOE agreed or disagreed. With significant nexus removed, landowners will no longer have to do this. Randy Austin, President of Austin Environmental, Inc. says *“This could be a game-changer.”*

The new rule will significantly limit the extent of federal regulation under the Clean Water Act which of course has been challenged with no prevail by many environmental & conservation groups. This regulation roll back will result in less wetland restrictions and permitting by the ACOE. Danny Gough, Project Manager at Bio-Tech Consulting, Inc. says *“If a wetland or surface water is truly isolated and has no hydrologic connection, then the system will not be claimed by the Corps.”*

Congress, in the Clean Water Act, explicitly directed the Agencies to protect “navigable waters.” ***The Navigable Waters Protection Rule*** clearly delineates where federal regulations apply and gives state and local authorities more flexibility to determine how best to manage waters within their borders.

For states like Florida, the Florida Department of Environmental Protection and the five Water Management Districts will continue to claim jurisdiction over isolated wetlands and the landowner is still responsible to mitigate for these unavoidable wetland impacts.

With the Navigable Waters Protection Rule there is a clear distinction between federal waters and waters subject to the sole control of the states, their governmental subdivisions, and tribes.

John Lesman, Director of Bio-Tech Consulting, Inc. says *“How this is going to work-out, we can only wait and see. It has been typical with these rule changes that occur every few years... that jurisdictional determination usually stays the same or the Corps expands (i.e., increases) the extent of jurisdictional determination. So, this should be kept in mind.”* We will wait and see how ***The Navigable Waters Protection Rule*** is implemented.

From Victoria Colangelo, CEO of The Mitigation Banking Group, LLC

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On June 17th, 2020 the U.S Fish and Wildlife Service (USFWS) hosted a webinar regarding the proposed critical habitat for the Florida Bonneted Bat (*Eumops floridanus*) which was published in the Federal Register on June 10th, 2020. The webinar provided an overview of how the proposed critical habitat area was delineated, location of the proposed critical habitat units, and a brief overview of how Federal projects may be affected.

The USFWS staff explained that critical habitat delineations are not meant to establish a refuge or sanctuary for a species. These areas are identified through as they contain the physical or biological features (PBFs) that have been determined to be essential to the conservation of the species. They noted that exemptions and exclusions can be made to areas, that were otherwise be considered critical habitat, on economic and national security basis or it could be demonstrated that the benefits to exclude were greater than the benefits to include a specific area.

In the cases of the Florida bonneted bat, PBFs that were considered included representative forest types with a range of age classes to support roosting and foraging habitat within its core areas. These core areas were further defined to include Polk, Charlotte, Lee, Collier, Monroe, and Miami-Dade Counties. Habitat that can provide for roosting and rearing of offspring, foraging habitat (which may be separate and distant from roosting habitat), a dynamic disturbance regime (natural or artificial), and a subtropical climate were all also considered as important PBFs for the species. The most clearly defined PBF discussed during the webinar was patch size. Contiguous areas of over 100,000 ac of forest and associated natural or semi-natural habitat types were considered a PBF as they allow for buffering from human disturbance and habitat loss.

In delineating the proposed critical habitat, USFWS staff compiled all available data from confirmed observations, considered home ranges sizes and flight distances through a habitat analyses, and evaluated “occupied areas” for suitability and presence of PBFs. Areas owned or controlled by the U.S. Department of Defense were excluded from the delineation and USFWS staff added that tribal land may be considered for exemption as well.

In total four critical habitat units were delineated and are described below.

- Unit 1: Peace River & Surrounding Areas (48,310 ac): determined to be an important corridor for bats between Babcock Webb WMA and APAFR areas; and presumably foraging along the open water and adjacent habitat.
- Unit 2: Babcock-Webb WMA, Babcock Ranch & Surrounding Areas (240,941 ac): the area supports the largest known abundance of Florida bonneted bats, and most known roosts.
- Unit 3: Big Cypress & Surrounding Areas (906,462 ac): Florida bonneted bats have been documented through this unit with 3 natural roosts discovered.
- Unit 4: Miami-Dade Natural Areas (282,620 ac): This area may include the bulk of the predominately natural “occupied habitat” remaining within the species former strongholds on the east coast.

Under the Federal consultation requirements of Section 7 of the Endangered Species Act. Federal agencies will be required to initiate formal consultation with USFWS on Projects that are located within the proposed critical habitat. There were no USFWS regulatory staff available to comment on how proposed critical habitat may affect Federal projects that have already been reviewed by the USFWS.

The USFWS accepted comments on the proposed critical habitat for the Florida Bonneted Bat through August 10th, 2020. It is anticipated that publishing of the final rule will occur in approximately one year if the proposed rule is found to be supported by best available science and there are no other extenuating circumstances. More information on the proposed critical habitat for the Florida bonneted bat, including maps and shapefiles can be found at <http://fws.gov/verobeach/>.

South Florida Sun Sentinel

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Did you know that FAEP provides a discount on our membership to employers who have 5 or more members? If your company or organization qualifies for the Group Membership you save \$5 on each FAEP new member or renewing member, lowering the FAEP membership fee from \$40 to \$35 for everyone from your company or organization. If your company or organization is on this list, you are eligible to join or renew at the discounted Group rate. Some of our member organizations renew all of their employee-members at the same time with a single payment. The FAEP Board would like to extend a thank you to the following employers for supporting their employee's professional development and the FAEP mission:

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If you would like to submit an article to the Beacon contact the editor at info@faep-fl.org.

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