

Date: May 6, 2024

Agenda Item No. 2(B)(7)
June 4, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor



Subject: Update on Federal Agency Actions Related to Endangered Species Act, Five Caribbean Coral Species - Directive No. 150351

Executive Summary

On April 21, 2015, the Board of County Commissioners (Board) adopted Resolution No. R-332-15, directing the County Mayor or County Mayor's designee to monitor federal agency actions related to the Endangered Species Act (ESA) that could substantially impact Miami-Dade County or properties within the County, and to prepare a report to be placed on an agenda of the Board within 60 days of learning of any such federal agency action.

The National Marine Fisheries Service (NMFS) is designating approximately 6,500 square miles as critical habitat, a small portion of which is in Miami-Dade County, for five species of Caribbean corals. These species have been listed as threatened since October 2014.

This final rule takes effect 30 days from publication in the Federal Register. The NMFS listed these five species of Caribbean corals as a threatened species under the ESA in October 2014 and published the proposed rule to designate critical habitat in November 2020. The final designation, published on August 9, 2023, was developed from the additional comments and information from the comment period. Below is a summary of this action.

Report

Twenty coral species were listed as threatened under the ESA by the National Marine Fisheries Service (NMFS) effective October 10, 2014. Five of these species occur in the Caribbean and within Miami-Dade County, which are: pillar coral (*Dendrogyra cylindrus*), lobed star coral (*Orbicella annularis*), mountainous star coral (*Orbicella faveolata*), boulder star coral (*Orbicella franksi*), and rough cactus coral (*Mycetophyllia ferox*). The final determinations of threatened listing status were based on the best available information on a suite of demographic, spatial, and susceptibility components that influence the species' vulnerability to extinction in the face of continuing threats over the foreseeable future. All of the species have undergone some level of population declines and are susceptible to multiple threats including but not limited to ocean warming, disease, ocean acidification, trophic effects of reef fishing, nutrient enrichment, and sedimentation.

When a species is listed under the Endangered Species Act, the NMFS must identify areas essential to its conservation, known as critical habitat. This designation requires federal agencies to ensure that actions they plan to undertake, fund, or authorize do not destroy or adversely modify that habitat. It does not establish a wildlife refuge, allow the government or public to access private lands, or require non-federal landowners to restore habitat or recover species.

In the 2014 final rule listing the five Caribbean corals as threatened under the ESA, the NMFS did not concurrently propose critical habitat but stated that they would continue to gather information and perform the required analyses of the impacts of critical habitat designation for the listed species. On November 27, 2020, the NMFS proposed critical habitat for the five listed Caribbean coral species.

Critical habitat is defined in Section 3 of the ESA as: (1) the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the ESA, on which are found those physical or biological features (a) essential to the conservation of the species and (b) that may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by a species at the time it is listed upon a determination that such areas are essential for the conservation of the species.

Twenty-eight mostly overlapping specific occupied areas containing physical features essential to the conservation of these coral species have been designated as critical habitat. These areas contain approximately 6,500 square miles of marine habitat including areas in Florida, the Caribbean, and the Gulf of Mexico. The portions of this critical habitat in Miami-Dade County largely overlap with areas previously designated as critical habitat for staghorn and elkhorn coral in 2008. These areas are located waterward of our beaches in the Atlantic Ocean. Miami-Dade County's Department of Regulatory & Economic Resources (RER) supports the designation of critical habitat for these five coral species. Maps of the designated critical habitat are attached for reference.

More information about these species and the proposed federal action is available at the following link: <https://www.federalregister.gov/documents/2023/08/09/2023-16556/endangered-and-threatened-species-critical-habitat-for-the-threatened-caribbean-corals>

In accordance with Ordinance No. 14-65, this report will be placed on the next available Board meeting agenda. If you have any questions or require additional information, please contact Lisa Spadafina, Assistant Director, Division of Environmental Resources Management in the Department of Regulatory and Economic Resources, at Lisa.Spadafina@miamidade.gov.

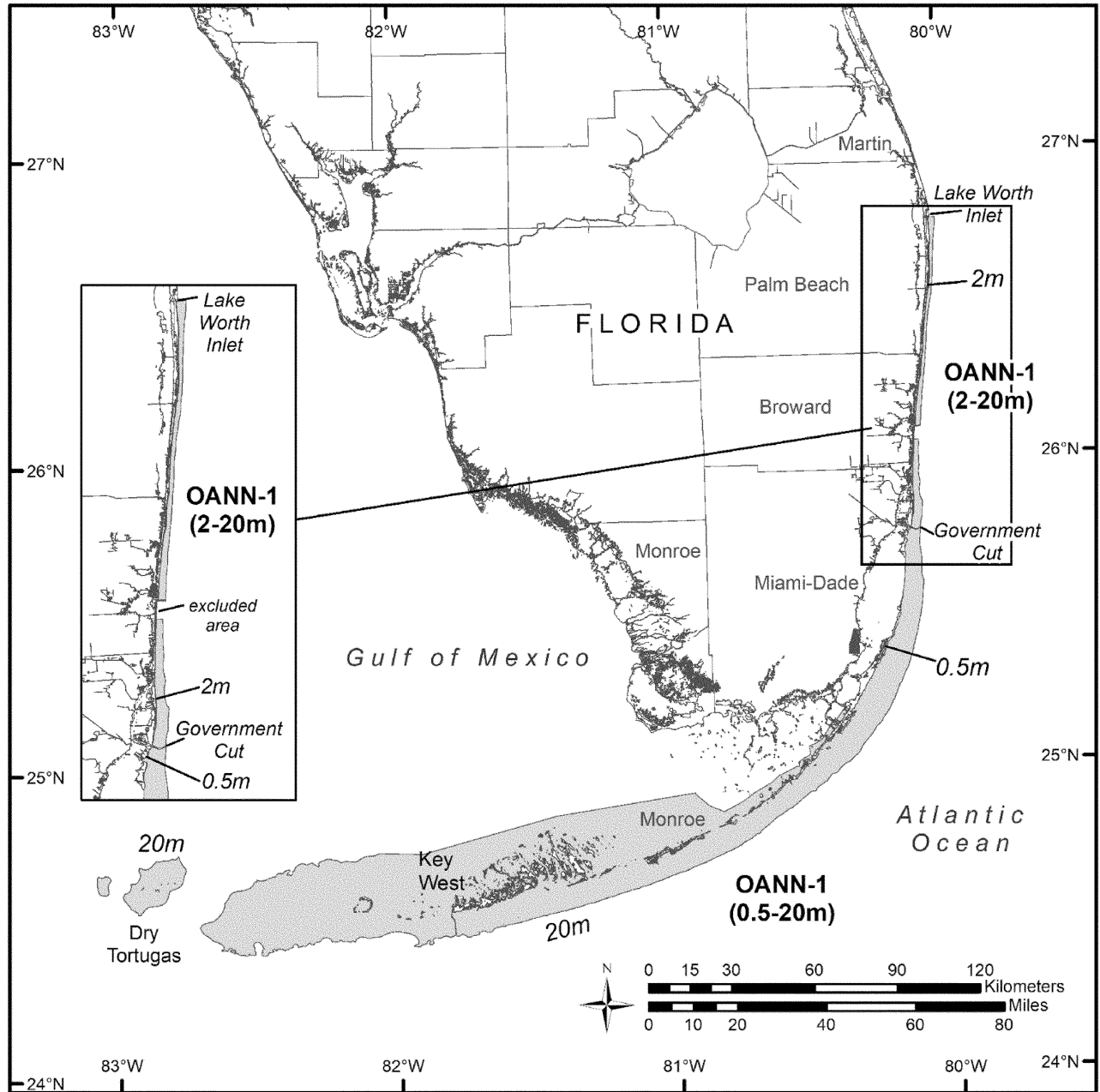
Attachment: Critical Habitat Maps

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Yinka Majekodunmi, Commission Auditor
Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
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Eugene Love, Agenda Coordinator


Critical Habitat Maps

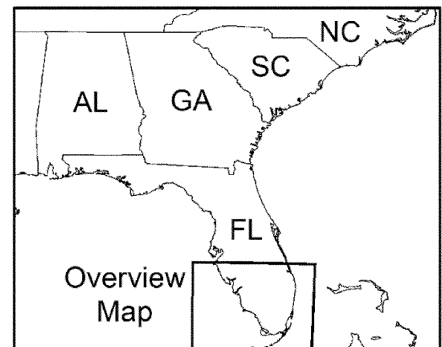
Orbicella annularis OANN-1 Unit

Map 1.1



Legend

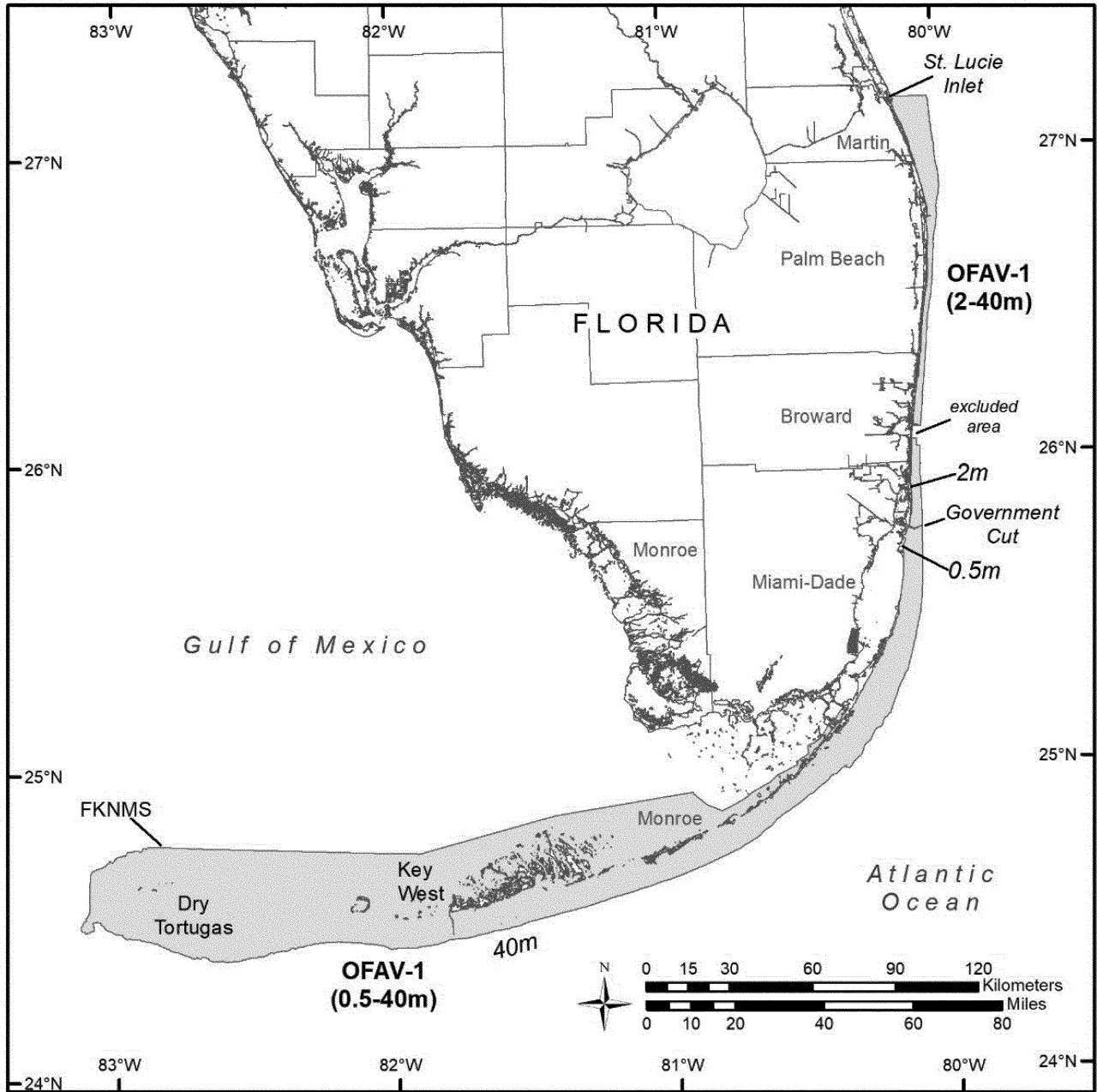
 *Orbicella annularis* Critical Habitat




This map illustrates *Orbicella annularis* critical habitat. For clarification of the critical habitat definition, please refer to the narrative description.
GMFMC - Gulf of Mexico Fishery Management Council, SAFMC - South Atlantic Fishery Management Council.

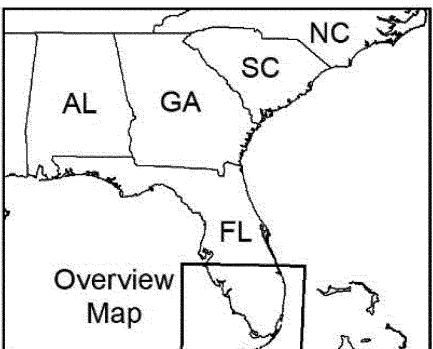
Orbicella faveolata OFAV-1 Unit

Map 2.1



Legend

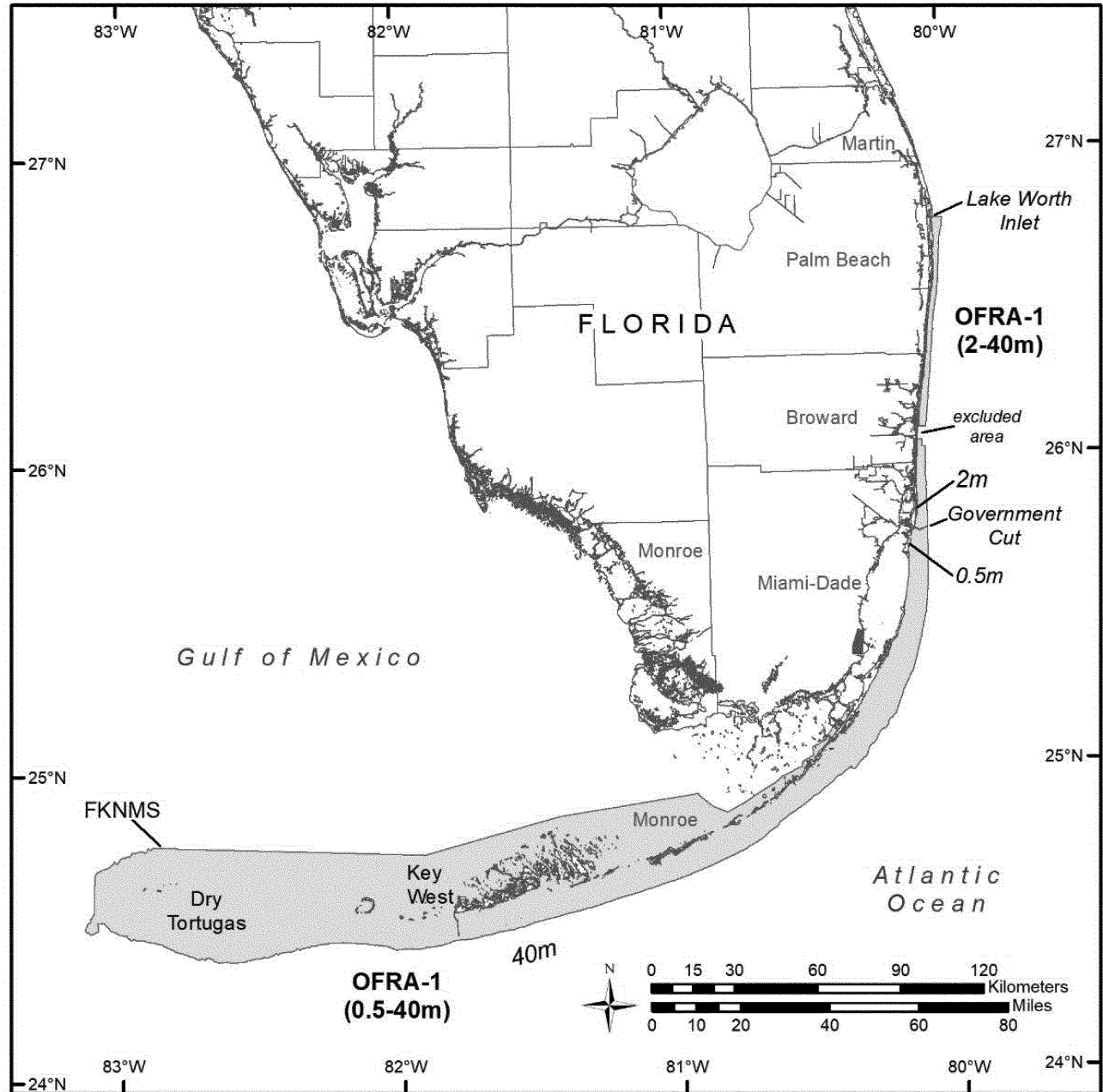
 *Orbicella faveolata* Critical Habitat




This map illustrates *Orbicella faveolata* critical habitat. For clarification of the critical habitat definition, please refer to the narrative description. FKNMS - Florida Keys National Marine Sanctuary, GMFMC - Gulf of Mexico Fishery Management Council, SAFMC - South Atlantic Fishery Management Council.

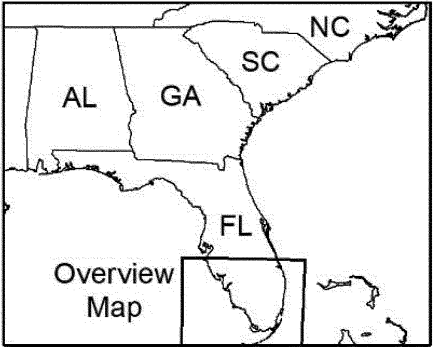
Orbicella franksi OFRA-1 Unit

Map 3.1



Legend

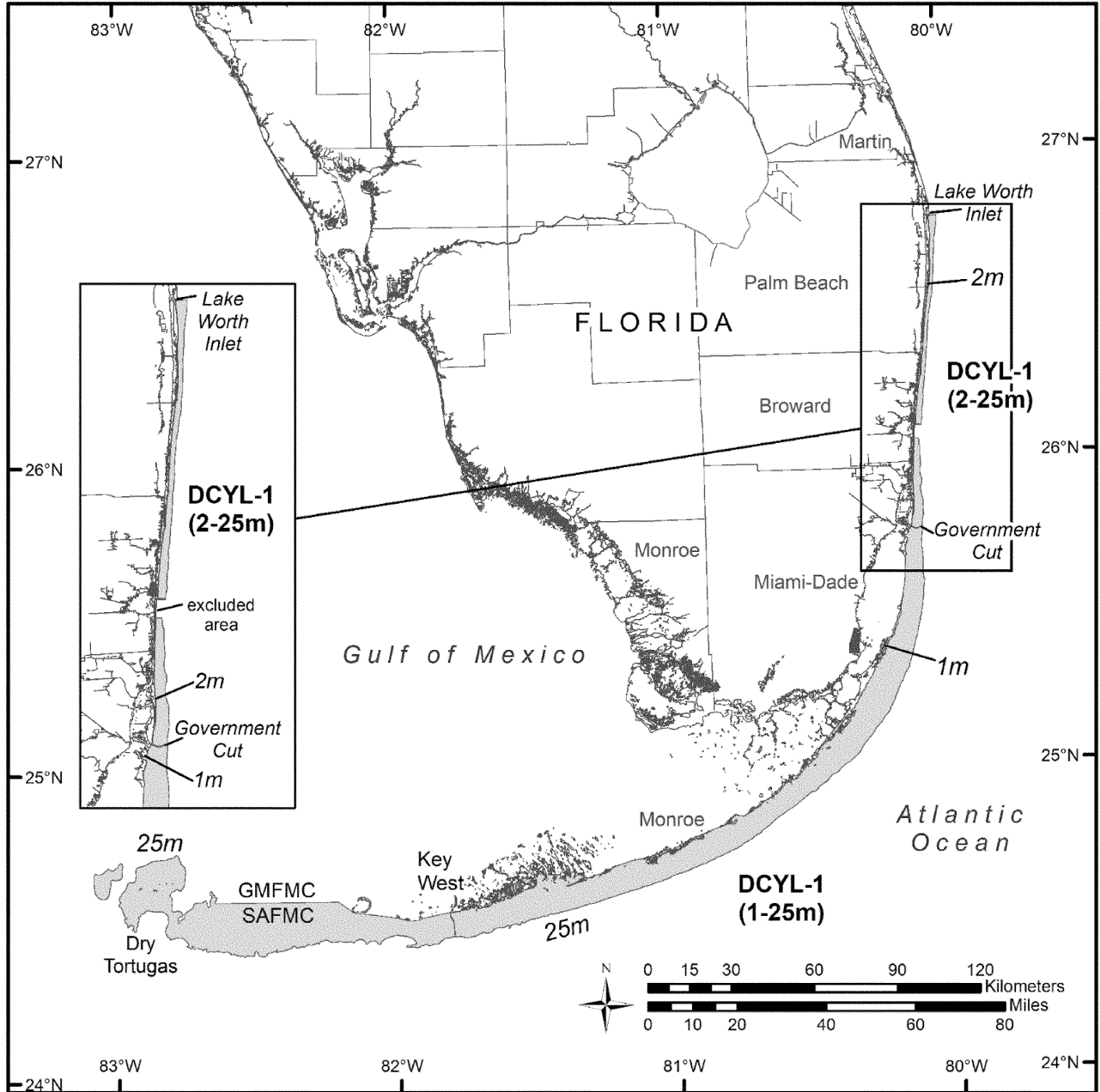
 *Orbicella franksi* Critical Habitat



This map illustrates *Orbicella franksi* critical habitat. For clarification of the critical habitat definition, please refer to the narrative description. FKNMS - Florida Keys National Marine Sanctuary, GMFMC - Gulf of Mexico Fishery Management Council, SAFMC - South Atlantic Fishery Management Council.

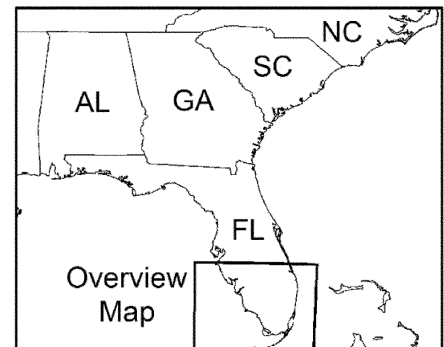
Dendrogyra cylindrus DCYL-1 Unit

Map 4.1



Legend

 *Dendrogyra cylindrus* Critical Habitat

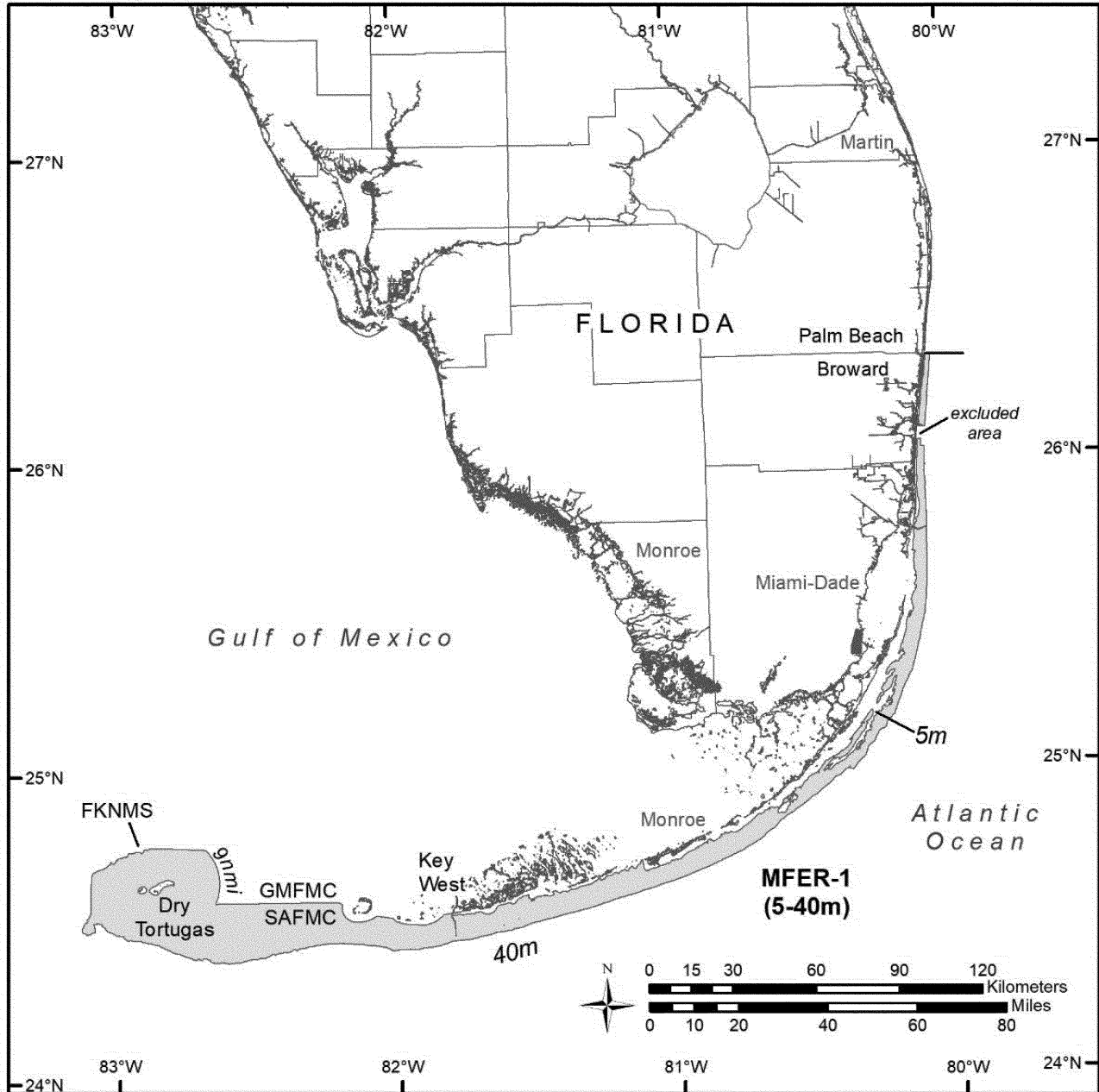


This map illustrates *Dendrogyra cylindrus* critical habitat. For clarification of the critical habitat definition, please refer to the narrative description.


GMFMC - Gulf of Mexico Fishery Management Council, SAFMC - South Atlantic Fishery Management Council.

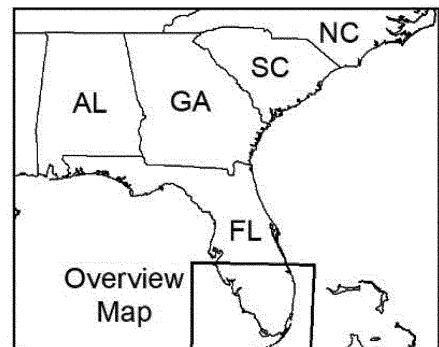
Mycetophyllia ferox MFER-1 Unit

Map 5.1



Legend

 *Mycetophyllia ferox* Critical Habitat



This map illustrates *Mycetophyllia ferox* critical habitat. For clarification of the critical habitat definition, please refer to the narrative description. FKNMS - Florida Keys National Marine Sanctuary, GMFMC - Gulf of Mexico Fishery Management Council, SAFMC - South Atlantic Fishery Management Council.