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SUMMARY

Efforts to address the development impacts on the habitat of the Key Deer, Lower Keys Marsh Rabbit and the Eastern Indigo Snake on Big Pine Key and No Name Key started in the mid-1980s. In 1998, Monroe County, the Florida Department of Transportation (FDOT) and the Florida Department of Community Affairs (DCA), (permittees) signed a Memorandum of Agreement in which they committed to develop a Habitat Conservation Plan (HCP) for these two Keys.

The Habitat Conservation Plan (HCP) regulates development on Big Pine Key and No Name Key. It satisfies the functional and recreational needs of a rural community, while maintaining the long-term viability of covered species and their habitat. The HCP provides for minimization and mitigation of incidental take by regulating development and acquisition activities. The goals of the HCP ensure that future development activity does not have a negative impact on the Key Deer, Lower Keys Marsh Rabbit and the Eastern Indigo Snake. According to the Endangered Species Act of 1973, “take of endangered species” is defined as: “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such activity.” The Federal Incidental Take Permit, TE083411-0 (ITP) is the accompanying document to the HCP. The ITP has a twenty (20) year lifespan running from June 9, 2003 through June 30, 2023. It supports the Applicants’ request to the U. S. Fish and Wildlife Service for the incidental take of Key Deer, Lower Keys Marsh Rabbit and Eastern Indigo Snake. The goal of the ITP is that acquisition will exceed development at a 3:1 ratio and habitat of the Key Deer, Lower Keys Marsh Rabbit and the Indigo Snake are kept above quasi-extinction population levels.

This is the 4th Annual Big Pine Key / No Name Key Mitigation Report. Each year Monroe County develops an annual report and presents it to the U.S. Fish and Wildlife Service. This report fulfills the requirements of the ITP, gives a full accounting of development and acquisition activities from March 13, 1995 through December 31, 2009 and it reports on the bank balance of the “H” value debited by development activities and credited by acquisition and conservation activities.

Due to discrepancies in “H” impact calculations and land acquisition there remains some uncertainty in the total values reported for both impacts and mitigation. Monroe County is making every effort to reconcile these errors in a timely manner.

I. 2009 KEY DEER CENSUS

For January 1, 2009 to December 31, 2009

Average count for full year = 63.9

The Key deer road-count index (referred to as the Key deer “census”) value is the average count from multiple road count surveys throughout the year on Big Pine Key and No Name Key. Key deer census, road count, and count index are hereafter used interchangeably. The road counts are conducted on the USFWS Survey Route, approximately monthly. As in 2008, the 2009 road-count value was derived from 11 standardized count surveys. *For the period January through December, 2008, the census value was 63.9.* The 13-year average was 43.2 as of 2000, and was 57.5 as of 2009. Since 1975, the record high index value for any year, 71.5, occurred in 2006.

II. KEY DEER MORTALITY SUMMARY

The other index of Key deer abundance is the mortality index (total deer deaths documented on Big Pine and No Name Keys). In 2009, the total mortality count on Big Pine Key and No Name Key was 155, *including 126 human-caused* (mortality index). This represents an all-time high since 1966. The previous high total count (132) occurred in 2003. The previous high mortality index (105) occurred in 2005.

Over the long-term, the Big Pine Key-No Name Key mortality index (count of deaths documented on over the year) and the road count index have illustrated a moderately strong direct correlation, with an overall positive trend in each. However, in 2009, the count index was roughly average whereas the mortality index was very high. The increase in the mortality index was due to road-kills, with increases of more than 30 road-kills over the preceding two years (Table, below).

	Cmbt	Diseas	Dog	Drown	Entan	Poach	Road	Misc	Unk	Total
2007	1	7	0	4	1	1	83	1	15	113
2008	0	2	0	4	1	1	86	2	24	120
2009	0	4	0	4	2	2	117	1	25	155

Human-caused shown in **bold**

*Miscellaneous, known human causes

The proportion of all known deaths that were due to road-kills (75 percent) was similar to 2007 and 2008 (73 and 72 percent, respectively). In 2009, 81% of mortalities were attributed to all human causes. The long-term average proportion (encompassing 1966-2009) is approximately 83%. The 13-year average attributed to human causes (78% in 2009) has risen gradually but consistently since 2001 (73%). Some of the deaths for which the cause was “undetermined”, and likely even some disease deaths, undoubtedly include a substantial number of cases that may actually be attributable to human causes, particularly road-kills. Of the road mortalities in which sex was determined, approximately 42% were males (58% females) in 2009. The 13-year average as of 2009 was similar, about 40 and 60 percent females and males, respectively. The proportion of all Big Pine Key mortalities that were attributed to road-kills on U.S. 1, approximately 38 percent, is roughly similar to those values since 2002 (approximate range, 36-44 percent). The proportion of all Big Pine Key road-kills that were attributed to on U.S. 1, approximately 50 percent, is roughly similar to those values since 2002 (approximate range, 46-56 percent). The proportion of road-kills that were attributed to No Name Key, approximately 3 percent, is roughly similar to those values since 2002 (approximate range, 1-6 percent; approximately 94-99 percent occurred on Big Pine Key). As of 2009, the 13-year average for road-kills attributed to Big Pine Key was approximately 96 percent.

The long-term proportion of deaths attributed to disease (13-year average as of 2009, approximately 5%) appears higher in the recent decade compared to earlier decades (approximately 1%, 1966-2006). However, the 2009 value (approximately 3%) was not high. It also appeared relatively low in 2008 (approximately 2%).

III. KEY DEER MORTALITY DATA

In 2009, the mortality index was significantly higher than other years on record. However, based available information, including both indices and ancillary data (summarized above), little can be surmised about the cause of the high value in 2009. Road mortalities increased, either commensurate with recent population levels or at a higher proportion than in previous years.

In the context of the long term record of population indices, the overall data from recent years may suggest a partial reduction of the population growth rate as of the late-1990s. Key deer have attained or exceeded carrying capacity within the HCP area, which is the core of the Key deer’s range. Accordingly, in the absence of new and substantial threats or major changes in habitat that result in major changes in food availability and or survival, the Key deer population within the core may fluctuate around carrying capacity (the actual value of which cannot be directly calculated). Numerical fluctuations will result from source-driven and random variation in factors including mortality rates, environmental influences, annual productivity of the landscape, and annual variation in female deer productivity.

Road-kills remain the greatest source of mortality to key deer. Roadside feeding may exacerbate threats to a subset of Key deer associated with vehicle collisions. However, we believe that roadside feeding in recent years is somewhat less than in earlier periods, and that roadside feeding only increases the probability of risk within a subset of the overall population. The overall impacts of feeding itself, which may directly or indirectly influence road kills to some degree, likely affects more profound changes in of Key deer social behavior, movement, dispersion, nutrition, and possibly genetic patterns.

IV. SUMMARY OF HABITAT MANAGEMENT ACTIVITIES

The Monroe County Land Steward is responsible for managing all of the County’s conservation lands, including the County’s mitigation properties on Big Pine and No Name Keys. Over the past year, the Land Steward has conducted numerous invasive exotic plant removal projects, site cleanups and one native planting on County mitigation properties within the Big Pine Key planning area. Work sites included lots within Koehns and Sands Subdivisions. Site work was done by independent contractors and/or Monroe County Public Works. Details related to the habitat management activities are provided in Appendix I – Land Steward Report.

V. KEY DEER MORTALITY RATIO

For January 2009 through December 2009

$$\text{Ratio} = \frac{\text{human-related deaths}}{\text{average deer seen}} = \frac{126}{63.9} = 1.97$$

The ratio of human-related deaths (mortality index) to average number of deer seen (count index), 1.97, was well above the upper boundary of the 95% confidence interval (1.53) defined in the HCP. The 13-year average as of 2000 was 1.42 (95% CI=0.15). The 13-year average as of 2009 was 1.62 (95% CI=0.17).

VI. ANNUAL IMPACTS TO 500-METER WETLAND BUFFERS

January 1, 2009 – December 31, 2009

For Reporting Year 4, fourteen (14) development permits were issued resulting in 4.19 acres of land impacting the Marsh Rabbits’ 500-meter wetland buffer. No development permits were issued outside the Lower Keys Marsh Rabbit green zone.

Three (3) commercial development permits were issued causing 2.65 acres of land to be impacted. The permits included development of 2,500 ft² of light industrial floor area and 2,500 ft² of commercial floor area. The TIB Bank expansion was the third commercial development permit to be issued.

Seven (7) residential unit development permits were issued impacting .92 acres of land impacting the 500-meter wetland buffer areas. In 2008, three (3) fence development permits were issued impacting 0.62 acres.

**2009 ANNUAL DEVELOPMENT IMPACT TO THE
500-METER WETLAND MARSH RABBIT BUFFER AREAS**

REAL ESTATE	PERMIT NUMBER	ISSUE DATE	PERMIT TYPE	PARCELS IMPACTED (BY ACREAGE)
00315970-000000	08100012	1/4/2008	FENCE	0.170
00111420-000100	05105317	2/1/2008	COMMERCIAL -	1.02
00111420-000500	05105321	2/1/2008		1.02
00316670-000000	08100610	2/19/2008	FENCE	0.310
00315960-000000	07105122	3/4/2008	FENCE	0.140
00289710-000000	03102303	4/29/2008	SFR	0.12
00249660-000000	06106296	5/13/2008	SFR	0.17
00249900-000000	07100309	6/5/2008	SFR	0.17
00245880-000000	07100308	6/5/2008	SFR	0.15
00249040-000000	07104806	9/16/2008	SFR	0.17
00275620-000000	07105046	11/21/2008	COMMERCIAL - TIB BANK EXPANSION	0.61
00312572-003400	04100574	12/8/2008	SFR	0.14
			TOTAL PARCELS IMPACTED (BY ACREAGE)	4.19

VII. CUMULATIVE IMPACTS TO MARSH RABBIT BUFFERS

Since permit issuance, the cumulative impact of all development projects affecting buffers for the Lower Keys marsh rabbit is 40.34 acres.

VIII LOWER KEYS MARSH RABBIT ROAD MORTALITY

In both 2006 and 2007, the occurrence of at least one road kill on Big Pine Key was verbally reported by local naturalists, but not otherwise substantiated. In 2008, at least two mortalities were detected and the carcasses retrieved. One was killed by a vehicle on

Wilder Road, along a stretch where a rabbit had previously been seen by USFWS personnel fleeing from a cat. Another was taken from Big Pine Key to a veterinarian, where it died. It reportedly involved a vehicle strike, but no other details were conveyed. In 2009, a necropsy conducted on the first mortality suggested that a predation attempt was likely, but that subsequently, a vehicle strike may have occurred as well. These observations indicate, as per the literature on Lower Keys marsh rabbits, that cats continue to suppress rabbit populations and that vehicle strikes remain a substantial threat.

IX CUMULATIVE IMPACTS TO PROJECT AREA

REAL ESTATE NUMBER	PERMIT NUMBER	ISSUE DATE	PERMIT TYPE	ACRES
00245720-000000	03103814	1/2/2007	SFR	0.15
00249130-000000	04104077	1/10/2007	SFR	0.17
00248460-000000	4102831	1/17/2007	SFR	0.17
00248980-000000	04101652	1/18/2007	SFR	0.17
00289710-000000	3102303	1/19/2007	SFR	0.12
00249660-000000	6106296	1/19/2007	SFR	0.17
00245880-000000	7100308	1/19/2007	SFR	0.15
00249900-000000	7100309	1/19/2007	SFR	0.17
00249150-000000	03104466	1/24/2007	SFR	0.17
00285290-000000	03102339	1/25/2007	SFR	0.19
00285300-000000	04100750	1/25/2007	SFR	0.12
00248390-000000	05101386	1/25/2007	SFR	0.18
00245860-000000	05106290	1/25/2007	SFR	0.33
00247780-000000	04104936	2/23/2007	SFR	0.17
00248290-000000	05104382	2/23/2007	SFR	0.17
00312571-000200	97101893	3/12/2007	SFR	0.37
00248700-000000	05101709	3/26/2007	SFR	0.17
00249380-000000	05102876	3/26/2007	SFR	0.17
00248320-000000	05103466	3/30/2007	SFR	0.17
00248310-000000	05103866	3/30/2007	SFR	0.17
00312572-003300	02100058	4/23/2007	SFR	0.14
00309761-000101	97101413	5/3/2007	SFR	0.47
00286360-000000	7101477	7/31/2007	Commercial	10.17
00248960-000000	2105130	8/16/2007	SFR	0.17
00247930-000000	5104608	8/24/2007	SFR	0.18
00245900-000000	5106221	8/30/2007	SFR	0.15
00245600-000000	6100466	9/20/2007	SFR	0.14

00109340-000300	99103072	12/21/2007	SFR	0.14
00315970-000000	08100012	1/4/2008	FENCE	0.170
00111420-000100	05105317	2/1/2008	COMMERCIAL	1.02
00111420-000500	05105321	2/1/2008		1.02
00316670-000000	08100610	2/19/2008	FENCE	0.310
00315960-000000	07105122	3/4/2008	FENCE	0.140
00289710-000000	03102303	4/29/2008	SFR	0.12
00249660-000000	06106296	5/13/2008	SFR	0.17
00249900-000000	07100309	6/5/2008	SFR	0.17
00245880-000000	07100308	6/5/2008	SFR	0.15
00249040-000000	07104806	9/16/2008	SFR	0.17
00275620-000000	07105046	11/21/2008	COMMERCIAL - TIB BANK EXPANSION	0.61
00312572-003400	04100574	12/8/2008	SFR	0.14
00266770 & 780-000000	06104582	2/9/2009	SFR	0.35
00248690-000000	08102594	3/12/2009	SFR	0.17
00247820-000000	08103005	8/25/2009	SFR	0.17
00250410-000000	09101886	10/30/2009	SFR	0.17
00296820-000000	97101361	12/16/2009	SFR	0.17
			DEVELOPMENT IN ACRES	20.43

X DEVELOPMENT ACTIVITIES

a. March 13, 1995 – December 31 2008

The total “H” value of all development activities between March 13, 1995 and December 31, 2008 is 0.4464 "H" value. See Master List (Appendix)

b. January 1, 2009 – December 31, 2009

The total “H” value for Reporting Year 4 is 0.0049 “H”.

2009 DEVELOPMENT ACTIVITY

REAL ESTATE NUMBER	PERMIT NUMBER	ISSUE DATE / DATE LAND ACQUIRED	H VALUE OF PROPERTY	H IMPACT	Parcel Acreage	DEVELOPMENT / ACQUISITION
00266770 & 780-000000	06104582	2/9/2009	0.0010	0.0010	0.35	SFR
00248690-000000	08102594	3/12/2009	0.0008	0.0008	0.17	SFR

00247820-000000	08103005	8/25/2009	0.0008	0.0008	0.17	SFR
00250410-000000	09101886	10/30/2009	0.0012	0.0012	0.17	SFR
00296820-000000	97101361	12/16/2009	0.0011	0.0011	0.17	SFR
			H Impact		0.0049	

XI H VALUE ASSOCIATED WITH DEVELOPMENT JANUARY 1, 2009 THROUGH DECEMBER 31, 2009

	Period	Himpact ¹	Hmitigation ¹	No. of Residential ²	No. Tier 1 ³	Tier I H ³	Native Habitat (acres) ²	Rabbit Buffer (acres) ¹
Reporting Year 4	1/1/2009 - 12/31/2009	0.0049	0.02	5	1	0.001	0.00	0

XII CUMULATIVE H VALUE FOR ALL DEVELOPMENT

Total "H" impact for both time periods is 0.4464 "H". See Appendix 3 for master list of all activity.

Summary of "H" Impact for Big Pine Key and No Name Key¹

	Baseline	Year 1A	Year 1B	Year 2	Year 3	Year 4	TOTAL
SFR	0.0513	0.0309	0.0049	0.0211	0.0058	0.0049	0.114
Fence	0.1118	0.0164	0.0008	0.0000	0.0018	0	0.1308
Commercial	0.0590	0.0053	0.1104	0.0000	0.0267	0	0.2014
Accessory	0.0002	0.0000	0.0000	0.0000	0.0000	0	0.0002
TOTAL	0.2223	0.0526	0.1161	0.0211	0.0343	0.0049	0.4513

XIII CONSTRUCTION OBSERVATIONS

The permittees made no observation of direct or incidental take of Key deer during construction monitoring of County facilities and road expansion activities.

XIV ACQUISITIONS THROUGH DECEMBER 31, 2008

There are a total of 913 parcels that comprise the mitigation lands under the Monroe County's Habitat Conservation Plan (HCP). These lands are managed by the Monroe County Land Steward and, in some instances, the US Fish and Wildlife Service Key Deer

¹ Values subject to revision upon full reconciliation of development permits and land acquisition activity

Refuge staff. A total of 113 parcels are located on No Name Key and the remaining 800 parcels are on Big Pine Key. Acquired parcels are summarized below:

March 13, 1995 – December 31, 2008

For the reporting period of March 13, 1995 through December 31, 2007, Monroe County acquired parcels with a total “H” value of 1.94 “H”.

XV ACQUISITIONS FOR 2009

January 1, 2009 – December 31, 2009

During Reporting Year 3, Monroe County acquired parcels with a total “H” of 0.02 “H”.

2008 ACQUISITIONS

REAL ESTATE NUMBER	ISSUE DATE / DATE LAND ACQUIRED	H VALUE OF PROPERTY	CREDITS TO H BANK	DEVELOPMENT / ACQUISITION
00277195-000000		12/17/2009	0.0068	ACQUISITION
00272040-000000		8/12/2009	0.0021	ACQUISITION
00275580-000000		8/12/2009	0.0011	ACQUISITION
00275590-000000		8/12/2009	0.0021	ACQUISITION
00275600-000000		8/12/2009	0.0011	ACQUISITION
00275610-000000		9/3/2009	0.0015	ACQUISITION
00250591-011300		6/18/2009	0.0008	ACQUISITION
00269750-000000		10/28/2009	0.0011	ACQUISITION
00269760-000000		10/28/2009	0.0011	ACQUISITION
00271830-000000		10/28/2009	0.0007	ACQUISITION
00316620-000000		10/29/2009	0.0007	ACQUISITION
	H acquired	0.02	0.02	

XVI CUMULATIVE “H” ACQUIRED

Total cumulative “H” acquired is 1.9608 “H”.

XVII MANAGEMENT ACTIVITIES CONDUCTED DURING JANUARY 1, 2009 – DECEMBER 31, 2009

The Monroe County Land Steward is responsible for managing all of the County’s conservation lands, including the County’s mitigation properties on Big Pine Key. Over the past year, the Land Steward has conducted numerous invasive exotic plant removal projects, site cleanups and native planting projects on County mitigation properties on Big Pine Key. Work sites included lots within Koehns and Sands Subdivisions. Site

work was done by independent contractors and/or Monroe County Public Works. Additionally, the Monroe County Invasive Exotic Plant Technicians continue to monitor these and other mitigation properties to ensure that the sites remain free of invasive exotic plant species.

XVIII ASSESSMENT OF ALL MITIGATION PARCELS

There are approximately 913 mitigation parcels on Big Pine and No Name Keys. Many of these parcels are individual lots within developed subdivisions. This situation creates a large amount of edge effect between developed parcels and the subject mitigation lands. These effects can include the constant threat of invasive exotic plant invasion and the potential for dumping and encroachment by the residents. The Monroe County Land Steward is working to address these management issues by conducting invasive exotic removal projects, noticing residents of encroachment issues and working with Monroe County Public Works to clean up any dumping. Additionally, the Land Steward has created an informational brochure for homeowners that provides information regarding invasive exotic plant species, native plants and the proper disposal of landscape debris.

IXX EXOTIC / NUISANCE PLANT CONTROL PROGRAM MONITORING REPORT

Site visits were conducted and aerial photo interpretation was used to determine the level of infestation of invasive exotic vegetation. For the purposes of this report, an “invasive exotic plant” is one that is listed on the Exotic Pest Plant Council’s list as either a Category I or a Category II species (list attached). A total of 69 parcels were found to have invasive exotic infestation level greater than 10 percent. These parcels comprise approximately 7.6 percent of the total number of parcels (913).

The greatest concentration of invasive exotics occurring on Monroe County Mitigation Lands was found in Sands Subdivision. However, Monroe County continues to make progress on the eradication of exotics in Sands. Within the past year, the County hired contractors to conduct invasive exotic removals on several lots within this subdivision. The invasive exotic removals were followed by site cleanup and native vegetation planting as needed. Additional invasive exotic removal projects are planned for the coming years, subject to available funding.

The Monroe County Land Steward and Invasive Exotic Technicians continue to monitor and treat invasive exotic plant species on Monroe County Mitigation Lands.

Please see Appendix I for the Invasive Exotic Vegetation Status Report.

XX MITIGATION CONFIRMATION STATEMENT

3H:1H mitigation to impact ratio

The cumulative H value of lands acquired as mitigation since March 13, 1995 through the end of the reporting period, December 31, 2009 is 1.9608 H.

The cumulative H value of parcels impacted by development activities, at the 3:1 ratio, since March 13, 1995 through the end of the reporting period, December 31, 2009 is 0.4464 H.

The ratio of mitigation H (acquired lands) to H impact (from development activities) is:
 $1.9608 \text{ H} / 0.4513 \text{ H} = 4.34:1\text{H}$.

5% lag in meeting mitigation requirements

H _{impact} :	= 0.4513
Mitigation required (H _{impact} X 3):	= 1.35
Mitigation Provided:	= 1.96
% of required mitigation provided:	= 145%

The permittees are not lagging behind in the 3H:1H mitigation requirement by more than 5%.

Statement of confirmation

The permittees confirm that mitigation has occurred as to maintain a 3H:1H ratio with respect to development activities and demonstrates by the calculations above that the cumulative H value of lands acquired as mitigation does not lag by more than 5 percent allowed to fully mitigate the cumulative H value of impacts authorized through the reporting period.

XXI OTHER PERTINENT INFORMATION

XXII UPDATED MASTER LIST OF ALL DEVELOPMENT PERMITTED ON BIG PINE KEY AND NO NAME KEY

The master list of all development has been added Appendix III. Florida has a very broad public records laws. Most written communications to or from the County regarding County business are public record, available to the public and media upon request. All reports and corresponding data will be published to the Monroe County web site: <http://monroecofl.virtualtownhall.net>.

The H balance reflected in this 3rd Annual Report covers all occurrences of impacts dated from March 13, 1995 to December 31, 2008. The H value remaining for impacts:

Total H value allowed for impacts	1.100 H
Running total of cumulative H value <u>for each permit approval since March 13, 1995</u> <u>through December 31, 2008</u>	<u>- (0.4513H)</u>
Remaining H value available for development impacts	0.6487 H

Development in 2009 resulted in a debit of 0.0049 “H” and a credit of 0.02 “H” to the “H” bank. For the reporting period of March 13, 1995 through December 31, 2009, development activity debited the “H” bank 0.4513 “H” and acquisition activity credited the “H” bank 1.9608 “H”. Monroe County is allowed 1.1 “H” for development and 3.3 “H” for acquisitions. The mitigation required for the current level of development is 1.35 “H” ($0.4513 \times 3 = 1.35$ “H”). Currently, there is 0.6487 “H” remaining for development and 1.9461 “H” remaining for acquisition.

Monroe County has demonstrated the cumulative "H" value of lands acquired as mitigation does not lag any more than five percent (5%) behind what is necessary to fully mitigate the cumulative "H" value of impacts authorized by the ITP through the reporting period.