



TROPICAL AUDUBON SOCIETY



**Miami-Dade County Board of County Commissioners  
Stephen P. Clark Center  
111 NW 1st Street, Suite 220  
Miami, FL 33128**

**October 6<sup>th</sup>, 2020**

**Dear Commissioners,**

**Miami Wilds Vote is Premature and a Full Evaluation of  
Environmental Impacts is Needed**

On behalf of the following organizations we would like to thank the Miami-Dade Board of County Commissioners for postponing the scheduled October 6<sup>th</sup>, 2020 vote on a final Miami Wilds lease. However, we are extremely concerned that the rescheduled date of October 20<sup>th</sup> is still premature as it will not provide enough time for the County to fully evaluate the risk to endangered species at the Zoo Miami site. We urge the Commission to pause further action on Miami Wilds until the County completes a feasibility assessment that includes assessment of any restrictions requisite with mitigating environmental impacts, and until an evaluation of alternate locations for Miami Wilds on lands that are not environmentally sensitive is completed.

The preliminary results from an acoustic monitoring study of Florida bonneted bats (see attached) further supports previous findings that this area is critical for this endangered species and more time is needed to assess the impact of development on additional endangered species (e.g. Miami tiger beetle, Bartram's scrub-hairstreak butterfly) that use or depend on the open space.

Ongoing research by Bat Conservation International (BCI) supports a 2012 study by the County and confirms that the proposed Miami Wilds development area is an important foraging area for Florida bonneted bats, a federally endangered species. Data collected by BCI also highlights the importance of the Miami Wilds site at a County scale and shows that this is one of the most important areas for conservation of the species across its entire range. Characteristics at this site contributing to its importance include the large open space, little to no artificial lighting, the low physical profile of the area, and its proximity to the biologically rich pine rocklands. Together, these characteristics make the project site one of the most important areas for conservation of the species. These key characteristics of the site would be impacted by this development.

The Miami Wilds site is surrounded by large tracts of the endemic pine rocklands habitat and designated Critical Habitat for Bartram's scrub hairstreak and Florida leafwing butterflies. Pine rocklands are fire-dependent and frequent prescribed fires are recommended to remove dead vegetation build-up and stimulate new growth. In the current location Miami Wilds will be closely surrounded by pine rocklands, imposing severe constraints on prescribed fires in the neighboring rocklands. This will degrade and shrink the habitat for rare and listed species as dead vegetation accumulates, suffocating habitat and host plants.

Because of the critical importance of this area to multiple listed species, **development of this site is likely to result in take of listed species.** Under the Endangered Species Act<sup>1</sup> “[t]he term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”

The term “harm” has been further defined<sup>2</sup> as “... an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.”

Under this definition Miami Wilds will likely result in incidental (i.e. non-intentional) take of listed species (e.g. Miami tiger beetle and Florida bonneted bat) as the project may cause significant degradation of the adjacent pine rocklands (by preventing prescribed burns), which may significantly impair the species’ essential behavioral patterns (e.g. foraging or larval development) and result in injury or death. Consequently, we recommend that the County and Developer seek an incidental take permit, which requires applicants to first “design, implement, and secure funding<sup>3</sup>” for a Habitat Conservation Plan (HCP) in line with the requirements of the Endangered Species Act.

The need for HCP is even acknowledged<sup>4</sup> in the resolution that accompanied agenda item 3E at the Miami-Dade Parks, Recreation and Cultural Affairs Committee on September 11, 2020. This resolution states “[s]hould the baseline audit result in the identification of endangered species, Miami Wilds would be prohibited from moving forward with the development until Miami Wilds develops and obtains approval for the Habitat Management Plan from the U.S. Fish and Wildlife Service, which plan shall be subject to County’s consent.” **Under these circumstances, we urge the County to first obtain appropriate permits and fully evaluate its options before advancing or approving a Miami Wilds lease.**

In addition, approving this project could also be in direct violation of the 2006 Citizen’s Referendum approving an Entertainment Zone for Zoo Miami. The text of the 2006 referendum is as follows (emphasis added):

Provided that revenues will be used to expand Metrozoo facilities and educational and conservation programs, shall the County be allowed to contract to develop and operate an entertainment district, to include commercial uses and structures such as water park rides and attractions, related retail concessions, food and beverage establishments, a hotel, and a family entertainment center, on Metrozoo property **on land that is not environmentally sensitive** and is outside the animal attractions?

As stated, the referendum authorizes development “... on land that is not environmentally sensitive”. Given that the proposed project location is currently used by multiple listed species, the location is “environmentally sensitive” land, and therefore it does not meet the referendum criteria.

Other commonly used definitions<sup>5</sup> of “environmentally sensitive land” include lands containing native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat and a diversity of species. The proposed project site meets all these criteria:

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<sup>1</sup> 16 U.S.C. § 1532(19).

<sup>2</sup> 50 CFR § 17.3.

<sup>3</sup> <https://www.fws.gov/midwest/endangered/permits/hcp/index.html>.

<sup>4</sup> 3E substitute; <https://www.miamidade.gov/govaction/legistarfiles/Matters/Y2020/201818.pdf>

<sup>5</sup> <https://www.lawinsider.com/documents/dTqSWlg2Gru#environmentally-sensitive>

1. Presence of rare and endangered species (Florida bonneted bat, Miami tiger beetle, Bartram's scrub hairstreak butterfly, etc.),
2. Endemic (native and restricted to a certain place): Florida bonneted bat is endemic to Florida, Miami tiger beetle is found only in two locations in Miami-Dade County, the butterflies are endemic to Miami-Dade and Monroe County,
3. All these endangered species use or depend on the open space, and
4. Development of the site will impact multiple species.

Also, the project area is surrounded by critical habitat for the two listed endangered butterflies, as shown in the County's own maps. **Given listed species presence and use of the site, approval of a Miami Wilds lease fails to meet the requirements of the voter-approved 2006 referendum.**

Based on this information we ask that the final vote to approve the Miami Wilds lease be paused and postponed until these serious issues are fully investigated and answered. Specifically, we urge the County to obtain all appropriate federal permits, conduct a feasibility assessment that includes assessment of any restrictions requisite with mitigating environmental impacts, and complete an evaluation of alternate locations for Miami Wilds on lands that are not environmentally sensitive. Rushing into the lease now risks initiating a project on environmentally sensitive land that may fail to meet the requirements of the 2006 referendum and will most likely violate the Endangered Species Act.

Sincerely,

Bat Conservation International  
Center for Biological Diversity  
International Dark-Sky Association, Florida Chapter  
Miami Pine Rockland Coalition  
National Parks Conservation Association  
Tropical Audubon Society