Re: Panther data needed

Wrublik, John <john_wrublik@fws.gov>

Wed 4/18/2018 8:57 AM

To: Glass, Steven <steven_glass@fws.gov>; DiPalma, Shana M <Shana_DiPalma@fws.gov>

correction, for the panther telemetry, the date should be August 3, 2015

John M. Wrublik
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On Wed, Apr 18, 2018 at 8:38 AM, Wrublik, John <john_wrublik@fws.gov> wrote:

> I am preparing a biological opinion for a project that is affecting the panther and I need any data that
> we have on panther deaths due to vehicle collisions that occurred after July 3, 2017, and
> any panther telemetry locations for live or unknown panthers after July 25, 2016.
>
> thanks for any information you can provide
>
> **John M. Wrublik**
> **U.S. Fish and Wildlife Service**
> **1339 20th Street**
> **Vero Beach, Florida 32960**
> **Office: (772) 469-4282**
> **Fax: (772) 562-4288**
> **email: John_Wrublik@fws.gov**
>
> ***NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.***

Re: Panther Sighting Map

Wrublik, John <john_wrublik@fws.gov>

Thu 4/26/2018 1:52 PM

To: Shindle, David B <david_shindle@fws.gov>

you've done more than enough dave. Thanks much for the help

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On Thu, Apr 26, 2018 at 1:49 PM, Shindle, David <david_shindle@fws.gov> wrote:

> John-
>
> See below for some context. I recently worked with Shana on making certain she had the latest and greatest available panther data (VHF telemetry, GPS telemetry, mortalities, and verified sightings) for a map she was working on. From what I can tell, these datasets should all be together on the Vero server, but I get completely lost when I try to search in those folders.
>
> Would hate for you to do more work than you have to do for shapefiles that may have already been compiled by Shana and/or Steve.
>
> I've attached the Panther Mortality and Injury List through 13JAN2018. I prefer to have FWC manage the master list for obvious reasons. If we need to, I can request the most updated list from Darrell.
>
> Let me know or give me a call if you want to chat. Hopefully Shana will come to the rescue soon and provide the GIS server location for these data.
>
> David

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
12085 State Road 29 S
Immokalee, FL 34142
Desk 239-657-8013
Cell 772-532-7293
david_shindle@fws.gov

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Visit our Web Site https://www.fws.gov/verobeach/

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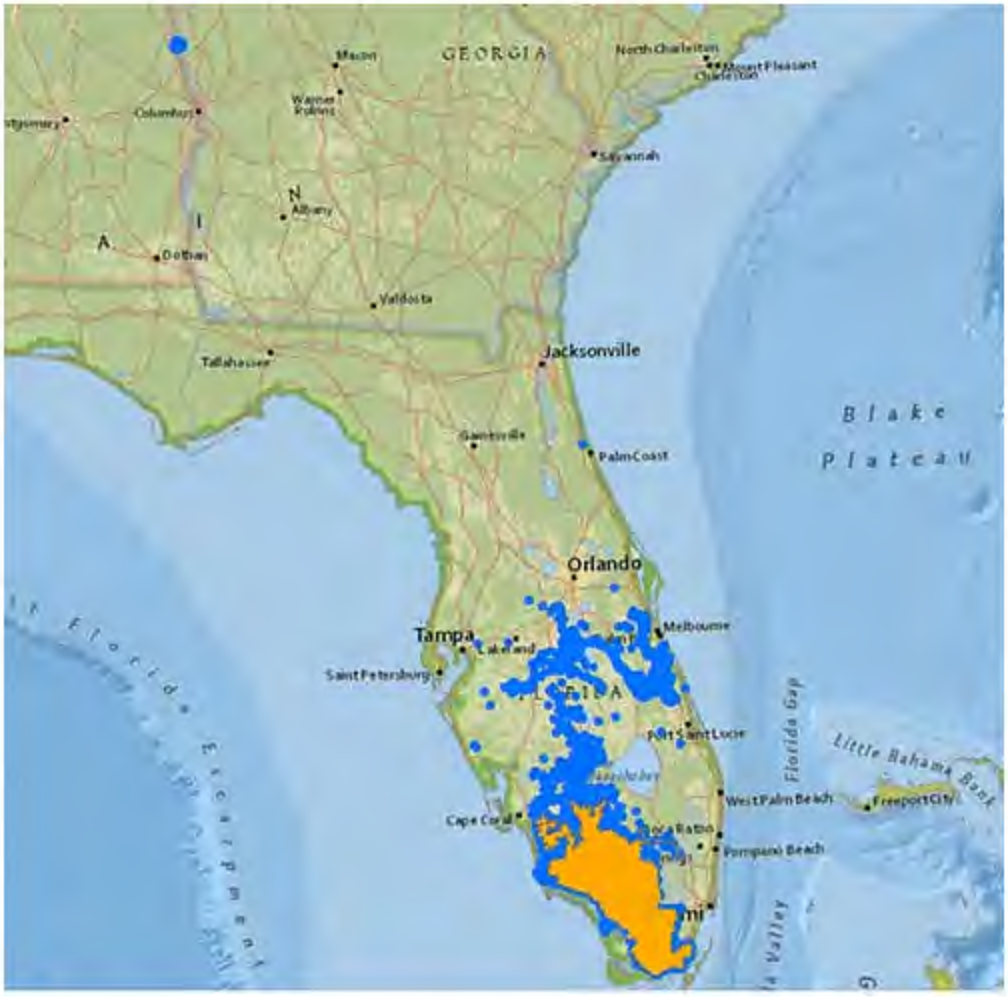
---------- Forwarded message ----------
From: **DiPalma, Shana** <shana_dipalma@fws.gov>
Date: Wed, Jan 31, 2018 at 12:03 PM
Subject: Re: Panther Sighting Map
To: "Shindle, David" <david_shindle@fws.gov>

Here's what I have been working on....

The data points include VHF telemetry, GPS telemetry, mortalities, and FWC verified sightings. The yellow points are any points that fell within the primary zone. I cross hatched the counties that contain the female and kittens and added stars in the general locations.

On Mon, Jan 29, 2018 at 11:50 AM, Shindle, David <david_shindle@fws.gov> wrote:

> Shana-
>
> A couple things...I just realized that the FWC master telemetry file does not have a Sex field. So it would probably take some work to layer those telemetry points as we discussed. Another option is creating a map, similar to the one attached..the blue dots represent Panther Occurrence Data (VHF telemetry, GPS telemetry, mortalities, and verified sightings).
>
> I'll send you the verified sighting database from FWC in a couple minutes.
>
> David



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--

Shana DiPalma
Cartographer, Everglades South Team
U.S. Fish and Wildlife Service
South Florida Ecological Services Office
Vero Beach, FL

772-469-4277 - USFWS Office Vero Beach
772-562-3909 - USFWS Office Fax

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panther vehicle road mortality and telemetry data

Wrublik, John <john_wrublik@fws.gov>

Thu 4/26/2018 1:04 PM

To: Shindle, David B <david_shindle@fws.gov>

Dave,

I am writing a biological opinion and trying to find data on panther vehicle injuries and mortalities (all that occurred after July 3, 2017),

and panther telemetry (all telemetry points recorded for panthers whose status is alive or unknown from july 26, 2016 to the present)

Unfortunately, our GIS staff here are never around to help me, so I was hoping that maybe you have this information. If possible, can you provide me with this data? Sorry to bother you, but I'm getting no assistance from our gis folks here.

thanks John

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Re: Verified Panther Sightings

Wrublik, John <john_wrublik@fws.gov>
Thu 4/26/2018 1:19 PM
To: Shindle, David B <david_shindle@fws.gov>

thanks Dave, your faster than "The Flash," much appreciated 👏

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On Thu, Apr 26, 2018 at 1:11 PM, Shindle, David <david_shindle@fws.gov> wrote:

> Hi John-
>
> Got your email. Standby for additional data/emails.
>
> Here's the FWC Verified Panther Sightings (through 1/26/2018).
>
> David

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
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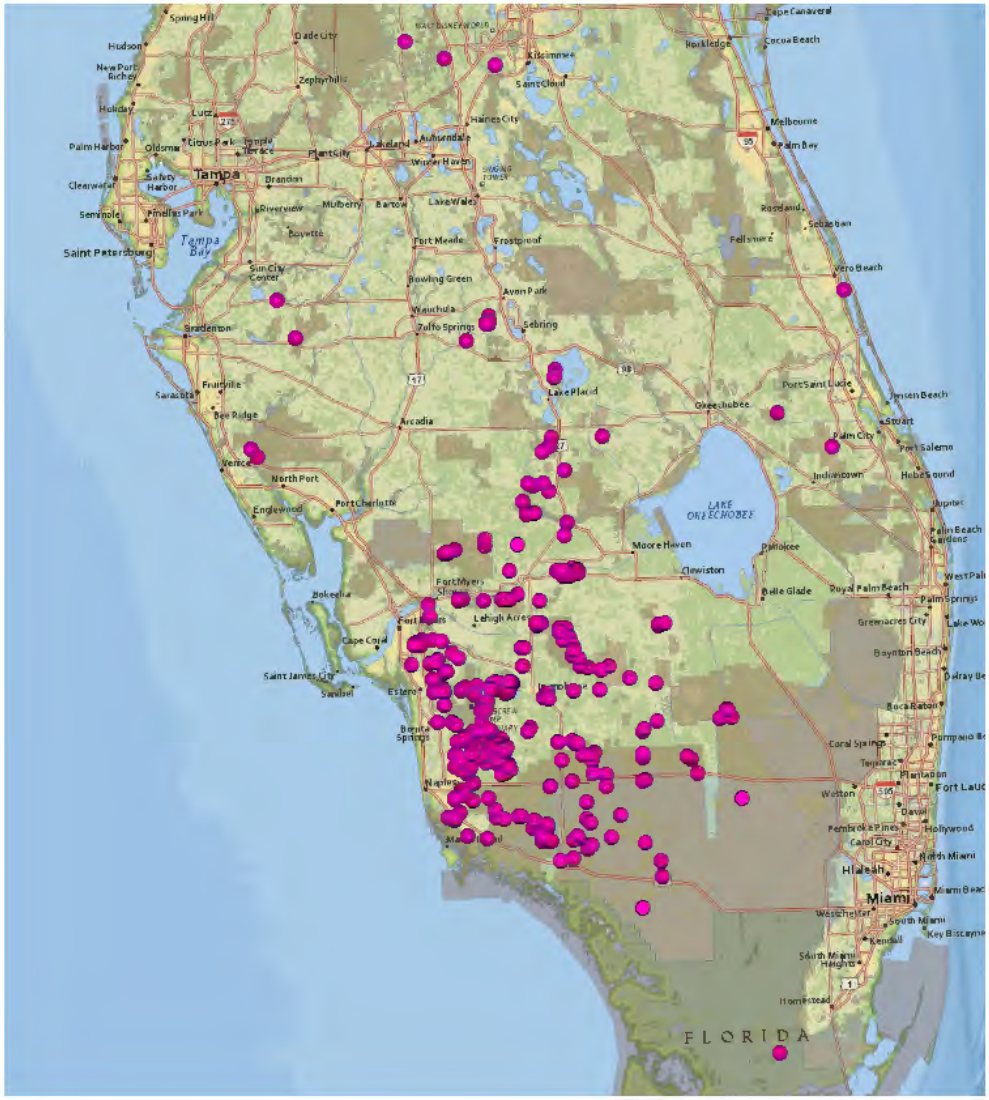
---------- Forwarded message ----------
From: **Shindle, David** <david_shindle@fws.gov>
Date: Mon, Jan 29, 2018 at 11:59 AM
Subject: Verified Panther Sightings
To: Shana DiPalma <shana_dipalma@fws.gov>

Shana-

Spatial data files are attached.

David



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---

recommendations for new speed zones

Wrublik, John <john_wrublik@fws.gov>

Wed 5/2/2018 2:43 PM

To: Nancy Payton <nancypayton@fwfonline.org>; Shindle, David B <david_shindle@fws.gov>; Daniel Smith <Daniel.Smith@ucf.edu>; Darrell Land <darrell.land@myfwc.com>; Setchell, Brent <Brent.Setchell@dot.state.fl.us>; Elizabeth Fleming <EFleming@defenders.org>; amber crooks <amberc@conservancy.org>

Good afternoon all,

Larry Williams asked me today about areas where new speed zones might be established for panthers. Apparently, Andrew Aloise from the Service's law enforcement contacted him and asked this, and expressed their willingness to enforce these areas (at least to some extent). As I recall, the only road that currently has panther speed zones established is SR 29 south of the alley. Is that correct? It appears that the Hot Spot report recommends speed zones at US Highway 41 at Turner River (in association with the RADS project), and Keri Road (County road 832) through OK Slough conservation lands. I suppose that other area that might be most worthy would the "red" segments in the hot spot report. Anyway, if you could provide me with your thoughts, and any recommendations on this topic I would appreciate it

Thank you for your assistance.

John

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Re: Updating panther speed zones

Wrublik, John <john_wrublik@fws.gov>

Thu 5/3/2018 10:52 AM

To: Aloise, Andrew <andrew_aloise@fws.gov>
Cc: Williams, Larry O <larry_williams@fws.gov>; Riley, Jason <jason_riley@fws.gov>; Gonzalez, Rafael <rafael_gonzalez@fws.gov>; Hinzman, Roxanna <roxanna_hinzman@fws.gov>; Shindle, David B <david_shindle@fws.gov>; Cassler, Constance <constance_cassler@fws.gov>

Andrew, thanks for the information, I appreciate it.

John

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On Thu, May 3, 2018 at 10:37 AM, Andrew Aloise <andrew_aloise@fws.gov> wrote:

> Hi John - In reference to your enforcement comments in "other factors to consider" ; I had proposed a plan to establish federal authority in the CFR for us to enforce these zones a couple of years ago. FWC / LE refused to support a proposal to list the zones under FS 372 instead of FS 316, which would have given us authority to enforce under 50 CFR 17.104. Ecological Services did not support my proposal to establish the zones via the CFR after a federal register notice so that we could make the zones federal, which would allow my CLEO's as well as Federal Wildlife Officers to enforce the Panther Speed Zones.
>
> **From:** Wrublik, John <john_wrublik@fws.gov>
> **Sent:** Thursday, May 3, 2018 10:21 AM
> **To:** Andrew Aloise <andrew_aloise@fws.gov>
> **Cc:** Williams, Larry <larry_williams@fws.gov>; Jason Riley <Jason_Riley@fws.gov>; Gonzalez, Rafael <rafael_gonzalez@fws.gov>; Roxanna Hinzman <Roxanna_Hinzman@fws.gov>; David Shindle <david_shindle@fws.gov>; Constance Cassler <Constance_Cassler@fws.gov>
> **Subject:** Re: Updating panther speed zones
>
> Larry,
>
> Per your request regarding potential new locations for panther speed zones, I have discussed the issue with some members of the Panther Recovery Implementation Team's (PRIT) Transportation Sub-team (Sub-team), and offer the following

Additional sites worthy for establishing motor vehicle speed zones to benefit panthers and other wildlife can be found in the Sub-team's report to the PRIT entitled "Southwest Florida Road Hot Spots" (see attached). The untitled figure in the report provides a location map of the "Hot Spots." The "Hot Spots" indicated in red (i.e., segments with 9 or more documented vehicle-related panther mortalities) should be considered first. All segments within the red category are equally worthy of designation. If additional sites are needed, the "Hot Spots" indicated in Orange (i.e., segments with 6-8 documented vehicle-related panther mortalities) can then be considered.

Other factors to consider

1)A significant problem associated with speed zones is the lack of sufficient enforcement. Without sufficient speed zone enforcement conducted by State, County, and Local law enforcement officers (i.e., the issuance of speeding tickets), there is no incentive for motorists to slow down and the speed zones provide virtually no benefit to panthers in reducing the likelihood of collisions with motor vehicles. Therefore, in order for speed zones to be efficacious, it is important that they receive sufficient enforcement. Unfortunately, due to other responsibilities and changing priorities, law enforcement agencies often don't always have sufficient staff to monitor vehicle speeds in these areas. I received a comment suggesting that instead of establishing new speed zones, we should concentrate on making sure that existing areas receive sufficient law enforcement. Also, the commenter requested information on which speed zones the Service currently enforces.

2) Flashing signs that display the driver's vehicle speed seem to cause drivers to slow down to some extent, especially in areas where new construction is occurring. The efficacy of panther speed zones may be increased if these signs are installed in the zone in association with sufficient enforcement of the site.

3) To increase the efficacy of speed zones, additional signs in advance of the reduced speed zones should be added to inform motorists of the intent of the speed zone and the hazard present.

4) Results of the studies of the efficacy of speed zones in reducing collisions with wildlife in other states are mostly inconclusive. Studies on speed zones in Florida have not been conducted.

5) The ability to designate speed zones depends on who owns the roadway (e.g., state, county, city), as well as the legislation and guidelines governing those agencies. The Florida Department of Transportation only has authority over state roads. Counties are in charge of designating speed limits of many of the roads listed in the Hot Spots report.

If you have any questions, please let me know.

John

John M. Wrublik

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On Wed, May 2, 2018 at 2:25 PM, Andrew Aloise <andrew_aloise@fws.gov> wrote:

> Thanks Larry. I think it's an important next step. Appreciate the assist John!
>
> Andrew P Aloise
>
> Resident Agent in Charge - FLORIDA
>
> USFWS Office of Law Enforcement
>
> 20501 Independence Blvd
>
> Groveland, FL 34736
>
> 352-429-1037 X 305
>
> On May 2, 2018, at 14:10, Williams, Larry <larry_williams@fws.gov> wrote:
>
> > Andrew,
> >
> > Following our conversation, I just spoke with John Wrublik and asked him to look for places where panther speed zones need to be updated (i.e. shifted in location or created anew). He'll first look in the most recent hotspot report created by the Transportation Sub-team. If John identifies some, we can discuss with FDOT how to shift or establish them and how to enforce them. I appreciate John undertaking this work.
> >
> > Larry
> >
> > --
> >
> > Larry Williams
> >
> > State Supervisor for Ecological Services
> >
> > U.S. Fish and Wildlife Service
> >
> > 1339 20th Street
> >
> > Vero Beach, FL 32960-3559

Ph: 772-469-4285

Fax: 772-778-0683

larry_williams@fws.gov

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Re: [EXTERNAL] RE: recommendations for new speed zones

Wrublik, John <john_wrublik@fws.gov>

Thu 5/3/2018 3:03 PM

To: Daniel Smith <Daniel.Smith@ucf.edu>
Cc: Nancy Payton <nancypayton@fwfonline.org>; Shindle, David B <david_shindle@fws.gov>; Darrell Land <darrell.land@myfwc.com>; Setchell, Brent <Brent.Setchell@dot.state.fl.us>; Elizabeth Fleming <EFleming@defenders.org>; amber crooks <amberc@conservancy.org>

I agree

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On Thu, May 3, 2018 at 2:52 PM, Daniel Smith <Daniel.Smith@ucf.edu> wrote:

> Thanks John.
>
> That explains general trends, but certainly there are exceptions.
>
> The Turner River site on US 41 should be re-evaluated for what it's "design" speed should be. There are two park visitor sites where tourists stop and routinely walk into the road and onto narrow bridges to look over the water at alligators and other wildlife. In addition, there is the entrance to the campground. With these hazards/safety issues present, a 60 mph speed seems unsafe for people as well as endangered panthers that cross the road at this location. The passing zone through this 1.3 mile section should also be eliminated to improve safety.
>
> Dan
>
> **From:** Wrublik, John [mailto:john_wrublik@fws.gov]
> **Sent:** Thursday, May 3, 2018 9:46 AM
> **To:** Daniel Smith <Daniel.Smith@ucf.edu>
> **Cc:** Nancy Payton <nancypayton@fwfonline.org>; Shindle, David <david_shindle@fws.gov>; Darrell Land <darrell.land@myfwc.com>; Setchell, Brent <Brent.Setchell@dot.state.fl.us>; Elizabeth Fleming

<EFleming@defenders.org>; amber crooks <amberc@conservancy.org>
Subject: Re: [EXTERNAL] RE: recommendations for new speed zones

Dan, per your comment on lowering speed limits in speed zones, the FHWA report link that Nancy provides an

argument against lower the speed limit in the speed zone too much. Perhaps lowering the speed limit too much would

cause some drivers to speed up as indicated below and increase the risk of collisions with panthers.

Undesirable Effects

Extreme caution should be taken in reducing the posted speed limit excessively below the operating speed. Such a reduction can set up a situation where motorists are encouraged to break the law and leads to speed dispersion (the spread of vehicle speeds). Instead of a tight distribution of speeds for vehicles on the road, there tends to be two speed groups: one group of vehicles will travel at the posted speed limit and another will travel at the operating speed. It has been shown that speed dispersion increases crash rates even if average speeds decrease. Solomon and Cerrelli found that vehicles traveling close to the average speed had the lowest crash involvement rates.(240,241) Crash involvement rate not only increased for faster vehicles, but also for slower vehicles. Garber and Gadiraju found a similar U-shaped relationship, where the further the posted speed was from the design speed, the higher the crash rate for the roadway.(242) Speed dispersion is particularly an issue on two-lane rural roads (where WVCs occur most often), because it increases the number of vehicles passing in unsafe situations.

John

John M. Wrublik

U.S. Fish and Wildlife Service

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email: John_Wrublik@fws.gov

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On Wed, May 2, 2018 at 2:54 PM, Daniel Smith <Daniel.Smith@ucf.edu> wrote:

> John,
>
> US 41 (turner river) currently has restrictive speed zones at night. I believe it is 60 day and 45 night. An outstanding question I have is how are the posted speed levels decided. For instance, I'd like to know why US 41 (turner river) is 60/45 while US 1 on Big Pine Key (for key deer) is 50/35? The speeding is so bad on US 41 it really should be 50/35.
>
> Certainly many of these other roads should have speed restrictions in the absence of having the funding to build crossing structures. I agree that probably all the red sites should be considered for these measures.
>
> Dan
>
> _____
>
> Daniel J. Smith, Ph.D., A.I.C.P.
>
> Research Associate/Graduate Research Faculty
>
> Department of Biology
>
> University of Central Florida
>
> 4110 Libra Dr.
>
> Orlando, FL 32816-2368
>
> daniel.smith@ucf.edu
>
> office (386)785-1565
>
> mobile (352)213-3833
>
> Chair, Committee on Ecology and Transportation (ADC30) of the Transportation Research Board of the National Academies of Sciences, Engineering and Mathematics

From: Wrublik, John [mailto:john_wrublik@fws.gov]
Sent: Wednesday, May 2, 2018 2:44 PM
To: Nancy Payton <nancypayton@fwfonline.org>; Shindle, David <david_shindle@fws.gov>; Daniel Smith <Daniel.Smith@ucf.edu>; Darrell Land <darrell.land@myfwc.com>; Setchell, Brent <Brent.Setchell@dot.state.fl.us>; Elizabeth Fleming <EFleming@defenders.org>; amber crooks <amberc@conservancy.org>
Subject: recommendations for new speed zones

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Thank you for your assistance.

John

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Re: [EXTERNAL] RE: recommendations for new speed zones

Wrublik, John <john_wrublik@fws.gov>

Thu 5/3/2018 9:45 AM

To: Daniel Smith <Daniel.Smith@ucf.edu>
Cc: Nancy Payton <nancypayton@fwfonline.org>; Shindle, David B <david_shindle@fws.gov>; Darrell Land <darrell.land@myfwc.com>; Setchell, Brent <Brent.Setchell@dot.state.fl.us>; Elizabeth Fleming <EFleming@defenders.org>; amber crooks <amberc@conservancy.org>

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Certainly many of these other roads should have speed restrictions in the absence of having the funding to build crossing structures. I agree that probably all the red sites should be considered for these measures.

Dan

_____

Daniel J. Smith, Ph.D., A.I.C.P.

Research Associate/Graduate Research Faculty

Department of Biology

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mobile (352)213-3833

Chair, Committee on Ecology and Transportation (ADC30) of the Transportation Research Board of the National Academies of Sciences, Engineering and Mathematics

From: Wrublik, John [mailto:john_wrublik@fws.gov]
Sent: Wednesday, May 2, 2018 2:44 PM
To: Nancy Payton <nancypayton@fwfonline.org>; Shindle, David <david_shindle@fws.gov>; Daniel Smith <Daniel.Smith@ucf.edu>; Darrell Land <darrell.land@myfwc.com>; Setchell, Brent <Brent.Setchell@dot.state.fl.us>; Elizabeth Fleming <EFleming@defenders.org>; amber crooks <amberc@conservancy.org>
Subject: recommendations for new speed zones

Good afternoon all,

Larry Williams asked me today about areas where new speed zones might be established for panthers. Apparently, Andrew Aloise from the Service's law enforcement contacted him and asked this, and expressed their willingness to enforce these areas (at least to some extent). As I recall, the only road that currently has panther speed zones established is SR 29 south of the alley. Is that correct? It appears that the Hot Spot report recommends speed zones at US Highway 41 at Turner River (in association with the RADS project), and Keri Road (County road 832) through OK Slough conservation lands. I suppose that other area that might be most worthy would the "red" segments in the hot spot report. Anyway, if you could provide me with your thoughts, and any recommendations on this topic I would appreciate it

Thank you for your assistance.

John

John M. Wrublik

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

Office: (772) 469-4282

Fax: (772) 562-4288

email: John_Wrublik@fws.gov

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Wrublik, John <john_wrublik@fws.gov>

[EXTERNAL] RE: SWFIA ATCT (USFWS Resp) - 07DMJ1710

1 message

Vanessa Velez <vanessav@passarella.net> Tue, Jul 10, 2018 at 4:49 PM
To: "John Wrublik (John_Wrublik@fws.gov)" <John_Wrublik@fws.gov>
Cc: "Alicia Dixon (addixon@flylcpa.com)" <addixon@flylcpa.com>, "Ellen Lindblad (ellindblad@flylcpa.com)" <ellindblad@flylcpa.com>, "Emily Underhill (emunderhill@flylcpa.com)" <emunderhill@flylcpa.com>, "Mark Fisher (mrfisher@flylcpa.com)" <mrfisher@flylcpa.com>, "PE Joseph R. Glowacki (joe.glowacki@aecom.com)" <joe.glowacki@aecom.com>, "Michael.Springer@aecom.com" <Michael.Springer@aecom.com>, Kenneth Passarella <kenp@passarella.net>, Bethany Brosious <bethanyb@passarella.net>

Hi John,

The response letter to the USFWS comments for the Southwest Florida International Airport – Air Traffic Control Tower project have been submitted through the Corps' SAFE AMRDEC site, for your use and record. Attached is confirmation of submittal. Please contact us with any questions or concerns.

Thanks,

Vanessa Vélez

Passarella & Associates, Inc.

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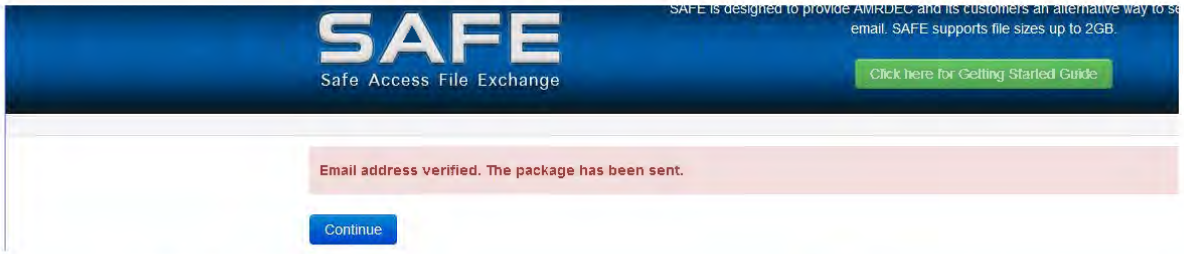

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PASSARELLA & ASSOCIATES, INC
Consulting Ecologists

July 10, 2018

Mr. Robert Tewis
U.S. Army Corps of Engineers
1520 Royal Palm Square Boulevard, Suite 310
Fort Myers, Florida 33919

RE: U.S. Army Corps of Engineers Application No. SAJ-2009-01552
Southwest Florida International Airport – Air Traffic Control Tower
Project No. 07DMJ1710

Dear Robert:

The following information is provided in response to comments received from the U.S. Fish and Wildlife Service (USFWS) in an e-mail dated November 8, 2017 for the Air Traffic Control Tower (ATCT) at the Southwest Florida International Airport.

The USFWS requested the items in italics and the Applicant's response follows:

1. *The results of a habitat assessment for the Florida panther using the Service's Florida panther habitat methodology to determine the number of panther habitat units provided by the Project site and the number needed to compensate for the loss of panther habitat resulting from the Project.*

Response

As requested, a Panther Habitat Unit (PHU) Analysis was prepared for the ATCT using the USFWS's Panther Compensation Calculator.

A large portion of the ATCT review area is comprised of the Airport Rescue and Firefighting Facility which was previously reviewed and approved in 2009 under U.S. Army Corps of Engineers (COE) Permit No. SAJ-2009-01552. A PHU analysis was conducted for the remaining previously undisturbed habitat that will be impacted by the construction of the ATCT. Per the PHU Analysis, 124 PHUs will be required to compensate for construction related impacts to panther habitat for the ATCT (Attachment A).

Additionally, there is an operational area of concern that was identified within the northern portion of the ATCT review area (Attachment B). This area is comprised of forested habitat that currently, or in the future, will have trees that could block the line of sight from the ATCT to the existing airfield. Therefore, potential tree obstructions located within this area will require removal to maintain the line of site from the ATCT to the existing runway and airfield.

A USFWS Panther Compensation Calculator was also prepared for the tree removal area (Attachment C). A Pre/Post PHU Analysis was prepared for areas that would be affected by tree removal activities. In general, forested habitats that fall within the proposed tree removal area were converted to shrub habitats in the post-condition for the analysis. The results of the PHU Analysis indicate that 20 PHUs are required to compensate for alteration of panther habitat associated with the proposed tree removal activities.

In total, 144 PHUs will be required to compensate for the panther habitat impacts related to the ATCT. As compensation for wetland impacts associated with the ATCT, the applicant has purchased 0.99 credit from the Corkscrew Regional Mitigation Bank (CRMB). The credit has an equivalent value of 14.06 PHUs; therefore, an additional 130 PHUs will be required for the ATCT. The applicant is currently in the process of procuring bids for the remaining PHUs from a USFWS panther compensation bank and/or wetland mitigation bank. Details of the finalized PHU credit purchase will be provided once the bid process is complete.

2. *A panther habitat compensation plan that provides at least the number of PHUs required to compensate for the loss of panther habitat due to the Project (as determined by the habitat assessment described above). Based on the information provided it appears that the Project site was not included in the Services' biological opinion for Runway 6R-24L dated February 28, 2017. If this is not correct, please provide me with documentation that panther habitat compensation has already been provided for the Project site.*

Response

In total, 144 PHUs will be required for the ATCT. This total accounts for direct impacts to panther habitat associated with project construction and habitat alteration associated with tree removal activities. Panther compensation will be provided through a combination of 0.99 credit purchased from the CRMB, which provide 14.06 PHUs and the purchase of an additional 130 PHUs from a USFWS approved panther compensation bank or wetland mitigation bank.

3. *The results of a survey of the Project site for the Florida bonneted bat based on the latest survey guidance provided by the Service.*

Response

A cavity/roost survey of suitable Florida bonneted bat habitat was conducted in May 2016. No Florida bonneted bats were documented within the project construction limits or adjacent tree removal area. A report documenting the survey methodology and results is attached as Attachment D.

4. *If the applicant's consultant has conducted a listed species assessment for the Project site, please provide me with a copy of the assessment.*

Response

A listed species survey was condueted in May, June, and October 2016. During the survey, no federally listed species were documented utilizing the ATCT project area. As requested, a copy of the listed species survey is attached as Attachment E.

Should you have any questions regarding this information, please do not hesitate to contact me.

Sincerely,

PASSARELLA & ASSOCIATES, INC.

Kenneth C. Passarella
President

KCP/vv

Enclosures

cc: John Wrublik, w/enclosures
Ellen Lindblad, w/enclosures
Joe Glowacki, w/enclosures

ATTACHMENT A

USFWS PANTHER COMPENSATION CALCULATOR FOR CONSTRUCTION LIMITS

PROJECT WORKSHEET

Habitat Type	*Assigned value*	Habitat types of land to be developed (acres) Primary/d Zone	Secondary Zone	Other Zone	Habitat Units	Habitat types of land after development (acres) Primary/d Zone	Secondary Zone	Other Zone	Habitat Units
Pine forest	9.5	4.31			41				0
Hardwood-Pine	9.3				0				0
Cypress swamp	9.2				0		CONTINUE		0
Hardwood swamp	9.2				0				0
Hardwood Forest	9				0				0
Dry prairie	6.3				0		CLEAR		0
Unimproved pasture	5.7	5.8			33				0
Shrub swamp/brush	5.5				0				0
Improved pasture	5.2				0				0
Cropland	4.8				0				0
Orchards/groves	4.7				0				0
Marsh/ wet prairie	4.7				0				0
Xeric scrub	4.5				0				0
Exotic/Nuisance plants	3	1.65			5				0
Coastal wetlands	3				0				0
Barren/Disturbed lands	3	1.17			4	11			33
Water	0	0.54			0	0.5			0
Urban	0				0	1.99			0
Reservoirs*					0				0
STA*					0				0
TOTAL		13	0	0	82	13	0	0	33

COMPENSATION REQUIRED
124
Habitat Units

***NOTE: The assigned value for Reservoirs and STAs varies by size, proposed future management, and their position in the landscape. See the associated methodology document for guidance on starting values and considerations.**

PANTHER COMPENSATION CALCULATOR

About

Development size	(acres)	
primary/d	secondary	other
13.47	0	0

Compensation	(acres)	
primary/d	secondary	other
0	0	0

(PHUs)	Comp. Required	Comp. Proposed
primary/d	123.8	0.0
secondary	0.0	0.0
other	0.0	0.0

Acreage Comp. Ratio	0.00
Primary Equiv. Comp Ratio	0.00

Primary/d impacts fully compensated?	NO
Secondary impacts fully compensated?	
"Other" impacts fully compensated?	

No. of Panthers:	90
Base Ratio:	2.50

Relative values	
primary/d	1.000
secondary	0.690
other	0.333

DEVELOPMENT	
Habitat Value before Project	82
Habitat Value after Project	33
Habitat Value Lost	50
Base Ratio	2.50
Compensation Required	124

Select Units
- (•) Acres
- ( ) Hectares

New Project

Clear All

COMPENSATION	
Habitat Value of Compensation	0
Habitat Value after Restoration	0
Restoration Lift Factor*	0.5
Final Value of Compensation	0
Additional Compensation Needed	124

***When converting Ag lands to non-forested native systems applicant gets full credit of lift**

PROJECT PLANNING INFO FOR PANTHER TABLE

Habitat Impact Acreage and Panther Units						Compensation Acreage and Panther Units.					
primary/d		secondary		other		primary/d		secondary		other	
Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU
13.5	49.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

COMPENSATION

Habitat Type	Assigned value	Habitat types of land being offered as compensation (acres) Primary/d Zone	Secondary Zone	Other Zone	Habitat Units
Pine forest	9.5				0
Hardwood-Pine	9.3				0
Cypress swamp	9.2				0
Hardwood swamp	9.2				0
Hardwood Forest	9				0
Dry prairie	6.3				0
Unimproved pasture	5.7				0
Shrub swamp/brush	5.5				0
Improved pasture	5.2				0
Cropland	4.8				0
Orchards/groves	4.7				0
Marsh/ wet prairie	4.7				0
Xeric scrub	4.5				0
Exotic/Nuisance plants	3				0
Coastal wetlands	3				0
Barren/Disturbed lands	3				0
Water	0				0
Urban	0				0
Reservoirs*					0
STA*					0
SubTotal		0	0	0	0

CONTINUE

CLEAR

COMPENSATION PROPOSED

0

Habitat Units

0 Subtotal PHU with impr. ag factor

USE SECTION BELOW ONLY IF A NATIVE HABITAT IS BEING CREATED FROM AG LANDS

Unimproved pasture	5.7				0
Improved pasture	5.2				0
Cropland	4.8				0
Orchards/groves	4.7				0
Shrub swamp/brush	7				
Marsh/ wet prairie	7				
Xeric scrub	7				
Coastal wetlands	7				
SubTotal		0	0	0	0

Values in green are only used when ag lands are restored to non-forested native habitat. Full restoration value is immediate in this instance only

0 Subtotal PHU from Ag Restoration

***NOTE: The assigned value for Reservoirs and STAs varies by size, proposed future management, and their position in the landscape. See the associated methodology document for guidance on starting values and considerations.**

ATTACHMENT B

AERIAL WITH TREE REMOVAL ASSESSMENT AREA

REVISIONS	DATE
Removed line of sight; updated aerials	7/2/18

DRAWN BY	D.B.	DATE	10/19/16
DESIGNED BY	B.B.	DATE	10/19/16
REVIEWED BY	B.B.	DATE	10/19/16

13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069

PASSARELLA & ASSOCIATES

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT
AIR TRAFFIC CONTROL TOWER
AERIAL WITH CONSTRUCTION LIMITS AND TREE REMOVAL AREA

DRAWING No. 07DMJ1710

SHEET No. ATTACHMENT B

ATTACHMENT C

USFWS PANTHER COMPENSATION CALCULATOR FOR TREE REMOVAL AREA

PANTHER COMPENSATION CALCULATOR

About

Development size (acres)		
primary/d	secondary	other
2.43	0	0

Compensation (acres)		
primary/d	secondary	other
0	0	0

(PHUs)	Comp. Required	Comp. Proposed
primary/d	20.1	0.0
secondary	0.0	0.0
other	0.0	0.0

Acreage Comp. Ratio	0.00
Primary Equiv. Comp. ratio	0.00

Primary/d impacts fully compensated?	NO
Secondary impacts fully compensated?	
"Other" impacts fully compensated?	

No. of Panthers:	90
Base Ratio:	2.50

Relative values	
primary/d	1.000
secondary	0.690
other	0.333

DEVELOPMENT	
Habitat Value before Project	20
Habitat Value after Project	12
Habitat Value Lost	8
Base Ratio	2.50
Compensation Required	20

Select Units
- (•) Acres
- ( ) Hectares

New Project

Clear All

COMPENSATION	
Habitat Value of Compensation	0
Habitat Value after Restoration	0
Restoration Lift Factor*	0.5
Final Value of Compensation	0
Additional Compensation Needed	20

***When converting Ag lands to non-forested native systems applicant gets full credit of lift**

PROJECT PLANNING INFO FOR PANTHER TABLE

Habitat Impact Acreage and Panther Units						Compensation Acreage and Panther Units.					
primary/d		secondary		other		primary/d		secondary		other	
Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU
2.4	8.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

PROJECT WORKSHEET

Habitat Type	Assigned value	Habitat types of land to be developed (acres) Primary/d Zone	Secondary Zone	Other Zone	Habitat Units	Habitat types of land after development (acres) Primary/d Zone	Secondary Zone	Other Zone	Habitat Units
Pine forest	9.5	2.01			19				0
Hardwood-Pine	9.3				0				0
Cypress swamp	9.2				0				0
Hardwood swamp	9.2				0				0
Hardwood Forest	9				0				0
Dry prairie	6.3				0				0
Unimproved pasture	5.7				0				0
Shrub swamp/brush	5.5				0	2.01			11
Improved pasture	5.2				0				0
Cropland	4.8				0				0
Orchards/groves	4.7				0				0
Marsh/ wet prairie	4.7				0				0
Xeric scrub	4.5				0				0
Exotic/Nuisance plants	3	0.42			1	0.42			1
Coastal wetlands	3				0				0
Barren/Disturbed lands	3				0				0
Water	0				0				0
Urban	0				0				0
Reservoirs*					0				0
STA*					0				0
TOTAL		2	0	0	20	2	0	0	12

CONTINUE

CLEAR

COMPENSATION REQUIRED

20

Habitat Units

***NOTE: The assigned value for Reservoirs and STAs varies by size, proposed future management, and their position in the landscape. See the associated methodology document for guidance on starting values and considerations.**

COMPENSATION

Habitat Type	Assigned value	Habitat types of land being offered as compensation (acres) Primary/d Zone	Secondary Zone	Other Zone	Habitat Units
Pine forest	9.5				0
Hardwood-Pine	9.3				0
Cypress swamp	9.2				0
Hardwood swamp	9.2				0
Hardwood Forest	9				0
Dry prairie	6.3				0
Unimproved pasture	5.7				0
Shrub swamp/brush	5.5				0
Improved pasture	5.2				0
Cropland	4.8				0
Orchards/groves	4.7				0
Marsh/ wet prairie	4.7				0
Xeric scrub	4.5				0
Exotic/Nuisance plants	3				0
Coastal wetlands	3				0
Barren/Disturbed lands	3				0
Water	0				0
Urban	0				0
Reservoirs*					0
STA*					0
SubTotal		0	0	0	0

CONTINUE

CLEAR

COMPENSATION PROPOSED

0

Habitat Units

0 Subtotal PHU with time lag factor

USE SECTION BELOW ONLY IF A NATIVE HABITAT IS BEING CREATED FROM AG LANDS

Unimproved pasture	5.7				0
Improved pasture	5.2				0
Cropland	4.8				0
Orchards/groves	4.7				0
Shrub swamp/brush	7				
Marsh/ wet prairie	7				
Xeric scrub	7				
Coastal wetlands	7				
SubTotal		0	0	0	0

Values in green are only used when ag lands are restored to non-forested native habitat. Full restoration value is immediate in this instance only.

0 Subtotal PHU from Ag Restoration

***NOTE: The assigned value for Reservoirs and STAs varies by size, proposed future management, and their position in the landscape. See the associated methodology document for guidance on starting values and considerations.**

ATTACHMENT D

FLORIDA BONNETED BAT CAVITY TREE SURVEY

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT
AIR TRAFFIC CONTROL TOWER
FLORIDA BONNETED BAT CAVITY TREE SURVEY
AND CAVITY INSPECTION REPORT

July 2018

Prepared For:

AECOM
9240 Market Place Road, Suite 2
Fort Myers, Florida 33912
(239) 561-0007

Prepared By:

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Fort Myers, Florida 33912
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Project No. 07DMJ1710

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1.0 INTRODUCTION

This report documents the results of the Florida bonneted bat (*Eumops floridanus*) cavity tree survey and cavity inspection for the Air Traffic Control Tower (Project) at the Southwest Florida International Airport (SWFIA). The Project is located within the boundary of the SWFIA in Section 30, Township 45 South, Range 26 East; Lee County (Exhibit 1).

A cavity tree survey and inspection was conducted within the Project Review Area to identify potential cavity trees that may be utilized for roosting by the Florida bonneted bat. The Florida bonneted bat is listed as federally endangered by the Florida Fish and Wildlife Conservation Commission the U.S Fish and Wildlife Service (USFWS). The Project site is located within the USFWS consultation area for the Florida bonneted bat. However, there are no known records of Florida bonneted bats occurring on-site.

2.0 SITE DESCRIPTION

The Project is located within the SWFIA property. In order to aid in the Project design, a larger review boundary was established and is referred to as the Project Review Area. The Review Area totals 75.70± acres and includes the Project construction limits and the forested areas. The Review Area contains the existing Aircraft Rescue and Firefighting Facility. The remaining habitat types are predominantly a mix of undeveloped, forested, and herbaceous lands with abandoned agricultural fields, ditches, and a Florida Power & Light (FPL) easement located near the southwest boundary. The Review Area is surrounded by the existing runway at the SWFIA to the north; the Midfield Terminal Complex and other airport improvements to the west; and undeveloped, forested land to the south and east.

The Review Area is comprised of 73.08± acres of uplands, 2.0± acres of U.S. Army Corps of Engineers (COE) wetlands and 0.62± acre of COE Waters of the U.S. (Waters) (Exhibit 2). The dominant habitat types and land uses within the Review Area are Pine Flatwoods, Disturbed (Florida Land Use, Cover and Forms Classification System (FLUCFCS) Code 4119); Governmental, Fire Stations (FLUCFCS Code 1754); and Disturbed Land (FLUCFCS Code 740).

The Project will be constructed in the western portion of the Review Area. Federal Aviation Administration (FAA) guidelines dictate that unobstructed lines of sight from the Project, to the existing airfield, must be provided. As such, trees that either currently or may in the future obstruct the line of sight from the Project to the existing airfield will require removal per the FAA clearing criteria. The proposed tree removal area is identified on Exhibit 3.

3.0 BIOLOGY OF THE FLORIDA BONNETED BAT

3.1 Description

With an average wingspan of 490 to 530 millimeters (19.3 to 20.9 inches) and an average length of 130 to 165 millimeters (5.1 to 6.5 inches), the Florida bonneted bat is the largest

species of bat found in Florida. They are members of the Molossidae family, commonly referred to as free-tailed bats. As the name suggests, Molossids, including Florida bonneted bats, have tails that extend well beyond their short tail membrane. Also similar to other free-tailed bats, the Florida bonneted bat has small eyes; large upper lips; and long, narrow wings (Marks and Marks 2006). Their fur is short and glossy with sharply bicolored hairs with a white base (Timm and Genoways 2004). Their fur ranges from dark gray to brownish gray or cinnamon brown on its dorsal side, with lighter, grayish fur underneath. The Florida bonneted bat is characterized by its large size and its large, broad ears that slant forward over the eyes and join together along the midline of the head. Their big ears protrude over their head like a bonnet, giving them their name (Marks and Marks 2006).

3.2 Range

The current range of the Florida bonneted bat is known to include both the east and the west coast of Southern Florida (excluding the Keys), and includes Charlotte, Collier, Lee, Miami-Dade, Okeechobee, and Polk Counties. In addition, bonneted bat calls were recorded in two locations in the Kissimmee River area, which may effectively move the range of this species northward by approximately 50 miles (Marks and Marks 2008a and USFWS 2014). They have historically been found in only a few areas, including the Miami area in 1936; Coral Gables, Coconut Grove, and Miami in the 1950s; Punta Gorda in 1979; Fakahatchee Strand in 2000; and North Fort Myers in 2003 (Marks and Marks 2006). Recent locations where bonneted bats have been recorded include 12 locations documented during acoustic surveys conducted between 2006 and 2008: Coral Gables (Granada Golf Course) and Homestead in Miami-Dade County; North Fort Myers in Lee County; Babcock Ranch in Charlotte and Lee Counties; Babcock/Webb in Charlotte and Lee Counties; Kicco Wildlife Management Area in Polk County; Kissimmee River Public Use Area in Okeechobee County; Naples in Collier County; Everglades City in Collier County; Fakahatchee Preserve in Collier County; Big Cypress National Preserve in Collier County; and Picayune Strand State Forest in Collier County (Marks and Marks 2008b and USFWS 2014). Additional surveys conducted in 2010 through 2012 identified additional bonneted bat locations within the Miami area and areas of Everglades National Park and Big Cypress National Preserve (USFWS 2014).

3.3 Habitat

Habitat for the Florida bonneted bat consists mainly of foraging areas and roosting sites, including some artificial structures in both urban and forested areas (USFWS 2014). They are known to roost in rock crevices, tree cavities, buildings, and bat boxes (Marks and Marks 2008b). South Florida bonneted bats roost primarily in trees and in manmade artificial structures, with roost availability indicated as an important limiting factor (USFWS 2014). Foraging habitat includes areas over open fresh water such as ponds, streams, and wetlands; and they will drink when flying over open water (USFWS 2014). They will also forage over treetops and other open areas such as golf courses (Marks and Marks 2006). During the dry season, the bonneted bat becomes more dependent upon the

remaining open water habitats such as ponds, streams, and wetland areas for foraging activities (USFWS 2014).

3.4 Life History and Ecology

Molossids are found primarily in the tropical and subtropical regions of the world, but some species also occur in warmer portions of temperate regions. At one time the Florida bonneted bat was known as Wagner's mastiff bat (*Eumops glaucinus*) and was considered a single species with an extensive range (Marks and Marks 2006). In 1971, the Florida population was recognized as a separate subspecies, *Eumops glaucinus floridanus* (Koopman 1971). Evidence published in 2004 demonstrated that in fact the Florida population is a distinct species and it was subsequently reclassified as *Eumops floridanus* (Timm and Genoways 2004).

Very little information is known about the ecology of the Florida bonneted bat. They are colonial and appear to roost in groups of approximately 8 to 12 individuals. Findings from two colonies suggest that Florida bonneted bats may roost in a harem consisting of one male and a group of females. Females give birth to a single pup, but are believed to have two birthing seasons per year. It has been speculated that one birthing period may occur in June and July, and a second in late summer. It is unknown whether or not females produce an offspring during both birthing periods. Pregnant females have been found between June and September. Mating behavior, gestation period, and information about weaning of the young is also unknown (Marks and Marks 2006).

All molossids are insectivorous, and the guano from one Florida bonneted bat roost included the remains of insects from several orders including beetles, flies, and true bugs. The Florida bonneted bat emerges from its roost approximately 40 minutes after sunset, which is later in the evening than most other Florida bat species. They are high, fast flyers and have been observed flying at 30 feet or higher, foraging above treetops and over open areas as noted above (Marks and Marks 2006).

The Florida bonneted bat uses echolocation to navigate, as well as to locate and capture prey. Echolocation is used by bats to determine how far away an object is, its size, shape, texture, whether it is approaching or receding, and how fast it is moving. There are five main types of bat calls: commute calls, social calls, search calls, approach calls, and feeding buzzes. Search calls are given when a bat is looking for prey and are the type of call typically used for species identification. The Florida bonneted bat is the only bat in Florida that issues search calls in the 10 to 16 kilohertz (kHz) range (with an occasional extended call range from 16 to 25 kHz), making them easy to distinguish from the other Florida bat species (personal communication with George and Cynthia Marks).

4.0 METHODOLOGY

4.1 Cavity Tree Survey

The cavity tree survey was conducted by qualified ecologists walking meandering transects through the survey area to ensure that sufficient visual coverage of potential cavity trees was obtained. Surveys were conducted with the aid of binoculars. Specific habitats on the Project site inspected for cavity trees included Palmetto Prairie, Disturbed (FLUCFCS Code 3219); Pine Flatwoods, Disturbed (FLUCFCS Code 4119); Pine, Hydric, Disturbed (FLUCFCS Code 6259); and Disturbed Land (FLUCFCS Code 740).

Identified cavity trees were flagged in the field and their locations recorded with a Global Positioning System.

4.2 Cavity Inspections

Cavities identified during the cavity tree survey were inspected with the use of a "TreeTop Peeper Video Inspection System" manufactured by Sandpiper Technologies, Inc. (www.sandpipertech.com). The inspection system consists of a wireless color video cavity camera with a light source and a video monitor. The camera is mounted on top of a 50-foot telescopic fiberglass pole with the video monitor mounted to the base of the pole. During the cavity inspection, video of the inside of the cavity is sent wirelessly to the monitor. This system was developed for inspecting red-cockaded woodpecker (*Picoides borealis*) cavities and is suitable for inspecting cavities for Florida bonneted bats and other cavity dwelling animals.

5.0 SURVEY RESULTS

5.1 Cavity Tree Survey

The cavity tree survey was conducted on May 17 and 25, 2016. The survey area and transects walked are shown on Exhibit 2. Weather conditions during the cavity tree survey and inspections are depicted in Table 1.

Table 1. Summary of Weather Conditions for the Cavity Tree Survey and Inspections

Day	Temperature (Fahrenheit)	Wind	Cloud Cover (Percent)
May 17, 2016	High 80s	10 to 25 mph	0 to 80
May 25, 2016	Low 80s	5 to 15 mph	0 to 5

A total of three cavity trees (CT) were identified during the survey, with a total of three cavities. The trees were located within the Project construction limits. The cavity trees included three slash pine snags. The approximate locations of the identified cavity trees are

depicted on Exhibit 4. No Florida bonneted bats were documented during the cavity tree survey.

5.2 Cavity Inspections

Inspections of the three cavities identified during the cavity tree survey were conducted on May 17, 2016. Weather conditions during the cavity tree inspections are depicted in Table 1.

Each cavity was inspected during daytime hours with the use of a TreeTop Peeper Video Inspection System. Photographs of the cavity trees are attached as Exhibit 6. No Florida bonneted bats were documented during the cavity inspections.

6.0 SUMMARY

A cavity tree survey and inspection were conducted on May 17 and 25, 2016 to identify potential cavity trees on the Project site that may be utilized for roosting by the Florida bonneted bat. A total of three cavity trees identified within the Project construction limits and proposed tree topping area. The cavities were inspected for the presence of roosting Florida bonneted bats with the use of a TreeTop Peeper Video Inspection System. No Florida bonneted bats were documented during the cavity tree survey or the cavity inspections.

7.0 REFERENCES

Koopman, K.F. 1971. The systematic and historical status of the Florida *Eumops* (Chiroptera: Molossidae). The American Novitates. 2478: 1-6.

Marks, C.S. and G.E. Marks. 2006. Bats of Florida. University Press of Florida, Gainesville, Florida.

Marks, G.E. and C.S. Marks. 2008a. Status of the Florida bonneted bat (*Eumops floridanus*). Supplemental report. Submitted by the Florida Bat Conservancy under grant agreement number 401815G 192. Florida Bat Conservancy. Bay Pines, Florida.

Marks, G.E. and C.S. Marks. 2008b. Status of the Florida bonneted bat (*Eumops floridanus*). Final report. Submitted by the Florida Bat Conservancy under grant agreement number 401815G 192. Florida Bat Conservancy. Bay Pines, Florida.

Timm, R.M., and H.H. Genoways. 2004. The Florida bonneted bat, *Eumops floridanus* (Chiroptera: Molossidae): distribution, morphometrics, systematics, and ecology. Journal of Mammalogy. 85: 852-865.

U.S. Fish and Wildlife Service. 2014. Biological Opinion for Golf Club of the Everglades. Service CPA Code 2014-CPA-0037. South Florida Ecological Services Office, Vero Beach, Florida.

EXHIBIT 1

PROJECT LOCATION MAP

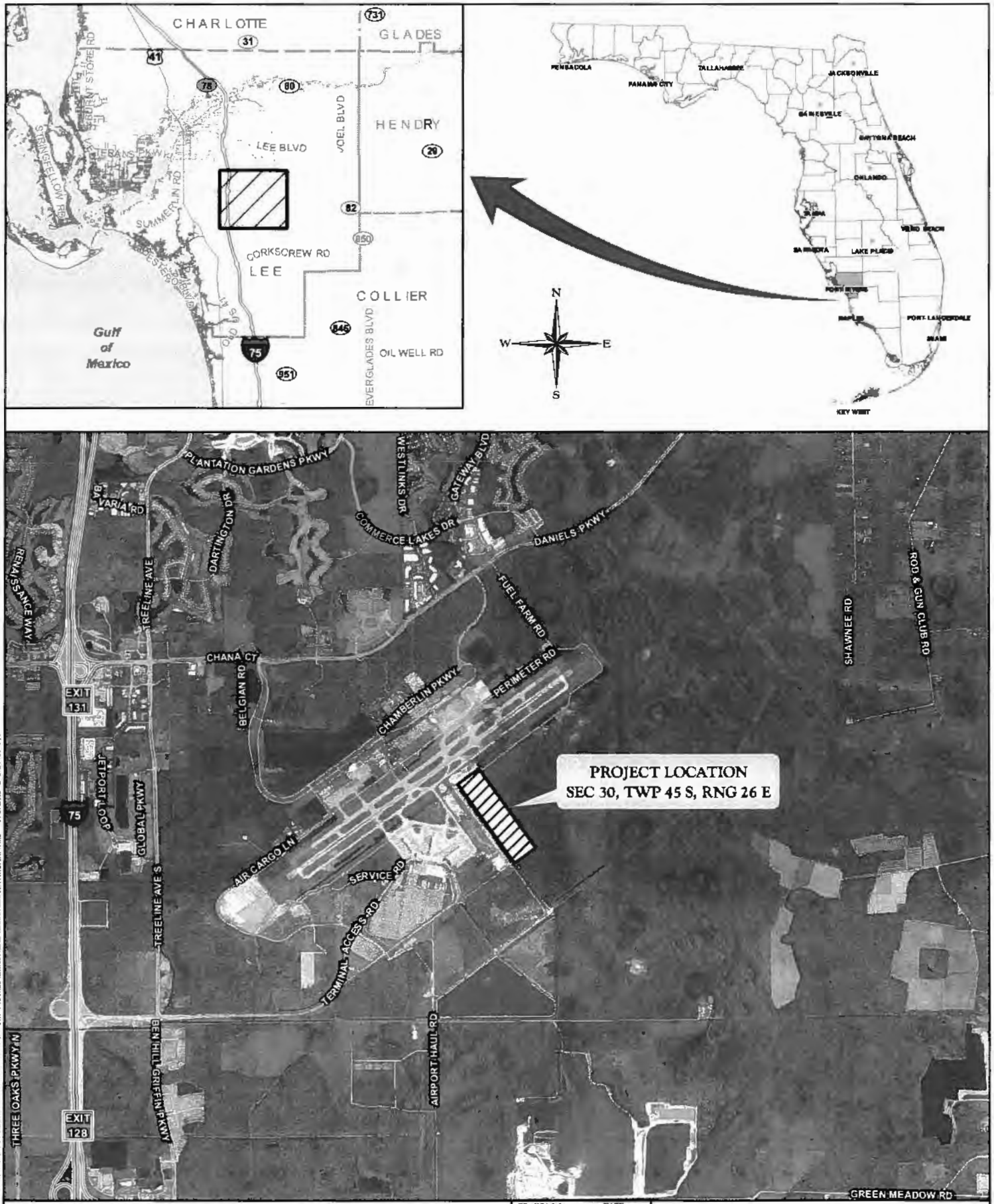

EXHIBIT 1. PROJECT LOCATION MAP

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AIR TRAFFIC CONTROL TOWER

DRAWN BY	DATE
T.S.	10/6/16
REVIEWED BY	DATE
B.B.	10/6/16
REVISED	DATE

PASSARELLA & ASSOCIATES

J:\2016\16-0744\710\GIS\16-ATCT2016_FLBB_CAVITY_TREE_SURVEY_REPORT\FIGURES\EXHIBIT 1_PROJECT_LOCATION_MAP.MXD - 7/5/2016 @ 3:37:07 PM

EXHIBIT 2

AERIAL WITH COE FLUCFCS AND WETLANDS MAP

LEGEND:

COE WETLANDS (2.00 Ac ±)

COE "WATERS OF THE U.S." (0.62 Ac.±)

SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
1754	GOVERNMENTAL, FIRE STATIONS	14.35 Ac.±	19.0%
261	FALLOW CROP LAND	6.56 Ac.±	8.7%
3219 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	1.19 Ac.±	1.6%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	21.72 Ac.±	28.7%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	12.08 Ac.±	16.0%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	2.48 Ac.±	3.3%
514	DITCH	0.62 Ac.±	0.8%
6259 E3	PINE, HYDRIC, DISTURBED (50-75% EXOTICS)	1.81 Ac.±	2.4%
740	DISTURBED LAND	9.81 Ac.±	13.0%
747	BERM	0.15 Ac.±	0.2%
814	ROAD	1.22 Ac.±	1.6%
8140	PRIMITIVE/TRAIL	2.20 Ac.±	2.9%
832	ELECTRICAL POWER TRANSMISSION LINES	1.32 Ac.±	1.7%
8321	ELECTRICAL POWER TRANSMISSION LINES, HYDRIC	0.19 Ac.±	0.3%
	TOTAL	75.70 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2018.

SURVEY WETLAND LINES PER E.F. GAINES SURVEYING SERVICES, INC. DRAWING NO. 0357-001 BLK 040609 DWG DATED APRIL 6, 2009

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS WERE REVIEWED AND APPROVED BY SFWMD STAFF ON APRIL 22, 2009 AND COE STAFF ON JUNE 24, 2016

REVISIONS	DATE
Updated aerials	7/2/18

		DATE
DRAWN BY	T.S.	10/11/16
DESIGNED BY	K.N.	10/11/16
REVIEWED BY	B.B.	10/11/16

13620 Metropolis Avenue
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Phone (239) 274-0067
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PASSARELLA & ASSOCIATES

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT
AIR TRAFFIC CONTROL TOWER
AERIAL WITH COE FLUCFCS AND WETLANDS MAP

DRAWING No. 07DMJ1710

SHEET No. EXHIBIT 2

EXHIBIT 3

AERIAL WITH CONSTRUCTION LIMITS AND TREE REMOVAL AREA

REVISIONS	DATE
Removed line of sight; updated aerials	7/2/18

DRAWN BY: D.B.	DATE: 10/19/16
DESIGNED BY: B.B.	DATE: 10/19/16
REVIEWED BY: B.B.	DATE: 10/19/16

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PASSARELLA & ASSOCIATES

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT
AIR TRAFFIC CONTROL TOWER
AERIAL WITH CONSTRUCTION LIMITS
AND TREE REMOVAL AREA

DRAWING No.: 07DMJ1710

SHEET No.: EXHIBIT 3

EXHIBIT 4

AERIAL WITH SURVEY TRANSECTS AND CAVITY TREE LOCATIONS

REVISIONS	DATE
Added additional survey area	6/22/18
Added tree removal area	7/2/18

DRAWN BY	DATE
T.S.	10/10/16
DESIGNED BY	DATE
K.N.	10/10/16
REVIEWED BY	DATE
B.B.	10/10/16

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PASSARELLA & ASSOCIATES

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT
AIR TRAFFIC CONTROL TOWER
AERIAL WITH SURVEY TRANSECTS AND CAVITY TREE LOCATIONS

DRAWING No. 07DMJ1710

SHEET No. EXHIBIT 4

EXHIBIT 5

TREE CAVITY INSPECTION FIELD OBSERVATION FORMS

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT
AIR TRAFFIC CONTROL TOWER
FLORIDA BONNETED BAT
TREE CAVITY INSPECTION FIELD OBSERVATIONS

Date: May 17, 2016

Start Time of Survey: 1300 **Weather Conditions:** Temperatures in the high 80s, 80% cloud cover, and 10-15 mph W winds

End Time of Survey: 1500 **Weather Conditions:** Temperatures in the low 90s, 0% cloud cover, and 20-25 mph SW winds

Observer(s): Sabrina Lartz, Kristina Shope

Station	Tree Species	Direction (Degrees)	Height	Notes
CT-1	*Pinus elliottii*	300	22 feet 6 inches	Empty – Up and Down
CT-2	*Pinus elliottii*	10	17 feet 2 inches	Partial Cavity – Empty
CT-3	*Pinus elliottii*	100	25 feet 11 inches	Empty – Up and Down

Note: All trees surveyed were dead.

EXHIBIT 6

CAVITY TREE PHOTOGRAPHS

CT-1, May 17, 2016

CT-2, May 17, 2016

CT-3, May 17, 2016

ATTACHMENT E

LEE COUNTY PROTECTED SPECIES SURVEY

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AIR TRAFFIC CONTROL TOWER LEE COUNTY PROTECTED SPECIES SURVEY REPORT

November 2016

Prepared For:

AECOM
9240 Market Place Road, Suite 2
Fort Myers, Florida 33912
(239) 561-0007

Prepared By:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

Project No. 07DMJ1710

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INTRODUCTION

This report documents the results of the Lee County Protected Species Survey (PSS) for the 75.70± acre Air Traffic Control Tower (ATCT) (Project) located on the Southwest Florida International Airport (SWFIA). The purpose of the survey was to review the site for Lee County protected species as outlined in Lee County's Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat) Standards.

The Project is located in Section 30, Township 45 South, Range 26 East, Lee County (Figure 1) and consists of undeveloped, forested land, a power line easement, and land that was previously cleared for the construction of the Airport Rescue and Firefighting Facility (ARFF). The Project site is surrounded by existing development on SWFIA including the runway to the north, the Midfield Terminal Complex (MTC) to the west, forested land to the east, and a surface water conveyance canal to the south.

A PSS was previously conducted on the Project site in June 2009 as part of the permitting for the ARFF. An updated PSS was conducted by Passarella & Associates, Inc. (PAI) on May 31, June 15, and October 4, 2016.

LAND USES AND VEGETATION ASSOCIATIONS

The vegetation associations for the property were delineated using Lee County rectified color aerials. Groundtruthing to map the vegetative communities was originally conducted in February 2009 and was updated in December 2015. The vegetation associations and land uses were mapped utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation 1999). Mapping was based on Level III FLUCFCS with Level IV used to denote hydrologic conditions and disturbance. "E" codes were used to identify levels of exotic species invasion (i.e., melaleuca (*Melaleuca quinquenervia*), downy rose-myrtle (*Rhodomyrtus tomentosa*), and Brazilian pepper (*Schinus terebinthifolius*)). AutoCAD Map 3D 2015 software was used to determine the acreage of each mapping area, produce summaries, and generate the final FLUCFCS map (Figure 2). Per the FLUCFCS map, a total of 14 vegetative associations and land uses (i.e., FLUCFCS codes) are found on the property. Table 1 provides the breakdown of the FLUCFCS codes by acreage, and a description of each classification follows.

Table I. Existing Land Use and Cover Summary

FLUCFCS Code	Habitat	Acreage	Percent of Total
1754	Governmental, Fire Stations	14.35	19.0
261	Fallow Crop Land	6.56	8.7
3219 E1	Palmetto Prairie, Disturbed (0-24% Exotics)	1.19	1.6
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	21.72	28.7
4119 E2	Pine Flatwoods, Disturbed (25-49% Exotics)	12.08	16.0

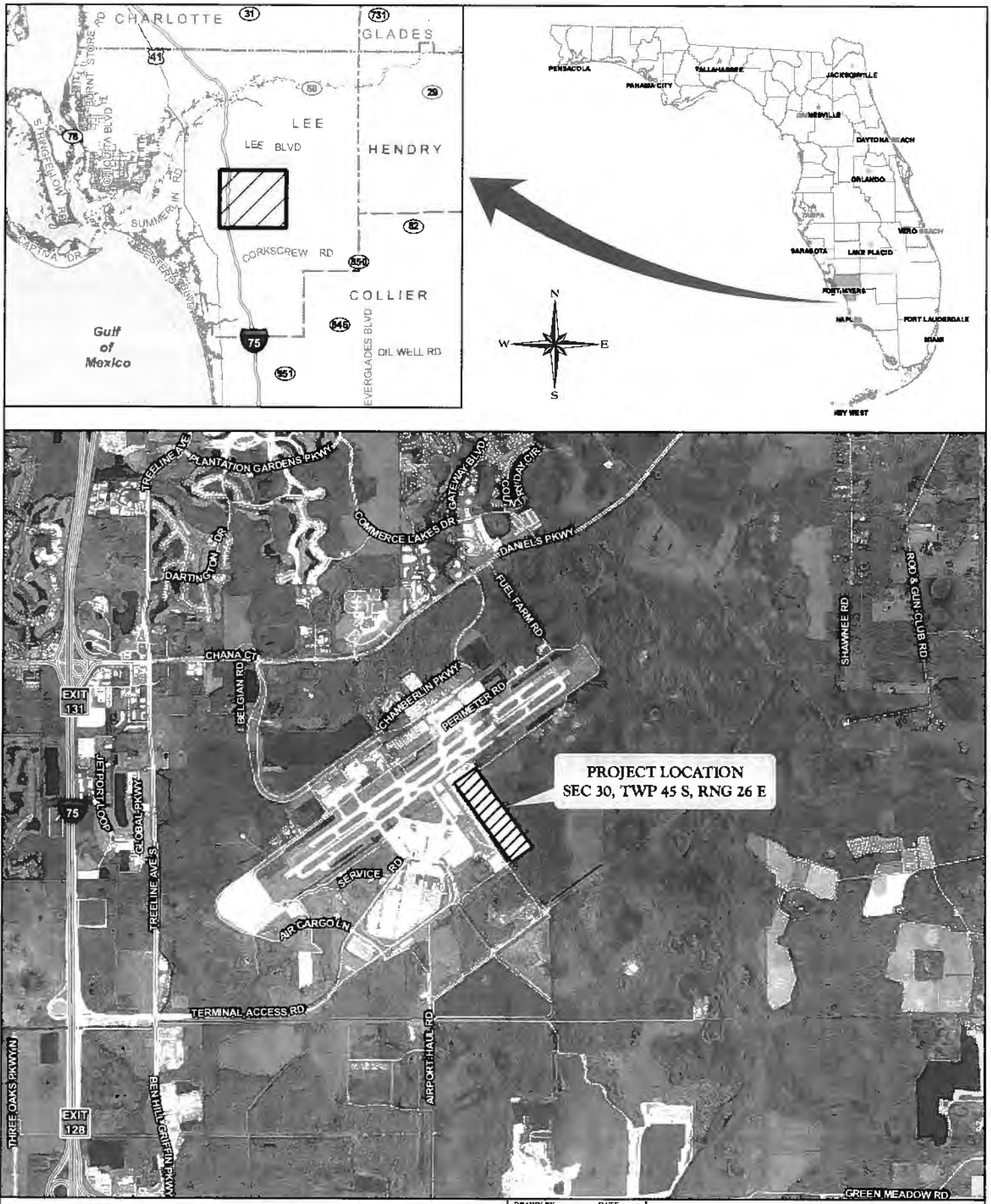

FIGURE 1. PROJECT LOCATION MAP

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AIR TRAFFIC CONTROL TOWER

DRAWN BY	DATE
T.S.	10/6/16
REVIEWED BY	DATE
B.B.	10/6/16
REVISED	DATE

PASSARELLA & ASSOCIATES

LEGEND

SFWMD WETLANDS (2.00 Ac ±)

SFWMD "OTHER SURFACE WATERS" (0.62 Ac.±)

SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
1754	GOVERNMENTAL, FIRE STATIONS	14.35 Ac.±	19.0%
261	FALLOW CROP LAND	6.56 Ac.±	8.7%
5219 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	1.19 Ac.±	1.6%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	21.72 Ac.±	28.7%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	12.08 Ac.±	16.0%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	2.46 Ac.±	3.3%
514	DITCH	0.62 Ac.±	0.8%
6259 E3	PINE, HYDRIC, DISTURBED (50-75% EXOTICS)	1.81 Ac.±	2.4%
740	DISTURBED LAND	9.81 Ac.±	13.0%
747	BERM	0.15 Ac.±	0.2%
514	ROAD	1.22 Ac.±	1.6%
8146	PRIMITIVE/TRAIL	2.20 Ac.±	2.9%
832	ELECTRICAL POWER TRANSMISSION LINES	1.32 Ac.±	1.7%
8321	ELECTRICAL POWER TRANSMISSION LINES, HYDRIC	0.19 Ac.±	0.3%
	TOTAL	75.70 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2016

SURVEY WETLAND LINES PER E.F. GAINES SURVEYING SERVICES, INC. DRAWING NO. 0357-001 BLK 040609.DWG DATED APRIL 6, 2009

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS WERE REVIEWED AND APPROVED BY SFWMD STAFF ON APRIL 22, 2009

REVISIONS	DATE	DRAWN BY	DATE
		T.S.	10/11/16
		DESIGNED BY	DATE
		K.N.	10/11/16
		REVIEWED BY	DATE
		B.B.	10/11/16

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SOUTHWEST FLORIDA INTERNATIONAL AIRPORT
AIR TRAFFIC CONTROL TOWER
AERIAL WITH FLUCFCS AND WETLANDS MAP

DRAWING No.: 07DMJ1710

SHEET No.: FIGURE 2

Table 1. (Continued)

FLUCFCS Code	Habitat	Acreage	Percent of Total
4119 E3	Pine Flatwoods, Disturbed (50-75% Exotics)	2.48	3.3
514	Ditch	0.62	0.8
6259 E3	Pine, Hydric, Disturbed (50-75% Exotics)	1.81	2.4
740	Disturbed Land	9.81	13.0
747	Berm	0.15	0.2
814	Road	1.22	1.6
8146	Primitive/Trail	2.20	2.9
832	Electrical Power Transmission Lines	1.32	1.7
8321	Electrical Power Transmission Lines, Hydric	0.19	0.3
Total		**75.70**	**100.0**

Governmental, Fire Stations (FLUCFCS Code 1754)
This urban code occupies 14.35± acres or 19.0 percent of the Review Area and consists of the previously permitted and constructed Aircraft Rescue and Firefighting Facility, associated infrastructure and stormwater management areas.

Fallow Crop Land (FLUCFCS Code 261)
This upland area occupies 6.56± acres or 8.7 percent of the property. The canopy is mostly open with scattered melaleuca and cabbage palm (*Sabal palmetto*). The sub-canopy is mostly open with scattered cabbage palm, wax myrtle (*Myrica cerifera*), laurel oak (*Quercus laurifolia*), and melaleuca. The ground cover includes bahiagrass (*Paspalum notatum*), broomsedge (*Andropogon virginicus*), dogfennel (*Eupatorium capillifolium*), melaleuca, yellow-eyed grass (*Xyris* sp.), saw palmetto (*Serenoa repens*), and carpetgrass (*Axonopus* sp.).

Palmetto Prairie, Disturbed (0-24% Exotics) (FLUCFCS Code 3219 E1)
This upland community type occupies 1.19± acres or 1.6 percent of the property. The canopy is open with scattered slash pine (*Pinus elliottii*), melaleuca, and dahoon holly (*Ilex cassine*). The sub-canopy contains scattered slash pine, melaleuca, rusty lyonia (*Lyonia ferruginea*), dahoon holly, and wax myrtle. The ground cover includes saw palmetto, muscadine grape (*Vitis rotundifolia*), and three-awn grass (*Aristida* sp.).

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)
This upland community type occupies 21.72± acres or 28.7 percent of the property. The canopy is dominated by slash pine and contains scattered melaleuca and cabbage palm. The sub-canopy consists of slash pine, cabbage palm, wax myrtle, saw palmetto, dahoon holly, Brazilian pepper, and melaleuca. The ground cover includes saw palmetto, muscadine grape, spermacoce (*Spermacoce verticillata*), bahiagrass, little blue maidencane (*Amphicarpum muhlenbergianum*), blackberry (*Rubus* sp.), and caesarweed (*Urena lobata*).

Re: FDOT red flag template?

Wrublik, John <john_wrublik@fws.gov>

Wed 7/11/2018 1:01 PM

To: Ackley, Jeffrey W <jeffrey_ackley@fws.gov>

Jeff, I don't have a template. I recommend that you just explain how the project impacts fish and wildlife resources and/or endangered species and based on those impacts, state that we have decided to dispute the project. Here is some sample language I wrote for a project I disputed a few years back that might help:

The project occurs with the Service's Focus Area and the "Primary Zone" (as defined by Kautz et al., 2006 for the endangered Florida panther (Puma concolor coryi). The Service believes that development projects in the Focus area have the potential to adversely affect the Florida panther. Telemetry data provided by the Florida Fish and Wildlife Conservation Commission (FWC) indicate that the panther has been documented to occur immediately west of the project site with the area known as Belle Meade in during several occasions in 2007 and 2008.

The Service finds that the construction of the proposed interchange will result in significant adverse impacts to the Florida panther. Direct impacts from construction will include loss of panther habitat within the existing I-75 right-of-way, and the within the footprint of any stormwater treatment ponds constructed for the project. We acknowledge that the direct impacts to the panther resulting from the construction of the project are likely to be relatively small and will only result in a minor to moderate loss of panther habitat. However, we believe that the indirect impacts to the panther resulting from the project to panther habitat and the panther will be substantial. The Service believes that motor vehicle access to Interstate 75 from Everglades Boulevard provided by the project will significantly increase the likelihood that existing panther habitat adjacent to and near the project site will be converted to residential and commercial development. As such, the proposed interchange will indirectly result in the fragmentation, degradation, and loss of panther habitat in the project area. Specifically, we note that lands within the plotted residential development known as North Golden Gate Estates still contain much suitable habitat that currently provides a travel corridor for panther movement from existing panther habitat located east of North Golden Gate Estates to panther habitat in the Belle Meade area located to the west and north of Interstate 75. Conversion of the undeveloped lands within North Golden Gate Estates adjacent to the project site will result in the loss of this travel corridor for the panther and effectively block panther movements through this area. The Service also notes that high quality panther habitat currently exists in lands located west of the Miller Canal in the Belle Meade area. The Service believes that the development induced from the proposed interchange will almost certainly result in the loss of the remaining high-quality panther habitat in the Belle Meade area. Additional indirect effects from the proposed interchange include: 1) the continued degradation of existing panther habitat in the project area from the noise, lighting, and other human activities as future development occurs, and 2) the increased likelihood of panther mortalities resulting from collisions with vehicles due to the increase in traffic on Everglades Boulevard.

As described above, the Service believes that the proposed I-75 interchange at Everglades Boulevard will indirectly result in significant adverse impacts to the Florida panther including the substantial loss of panther habitat. Southwest Florida contains the only remaining habitat for Florida panther. Accordingly, habitat protection within lands in the Service's Focus Area are critical if efforts to save this species are to be successful. Due to the substantial impacts to the Florida panther, we cannot support the installation of an interchange at I-75 and Everglades Boulevard, and have disputed the project through the FDOT's Dispute Resolution Process on the FDOT's Environmental Screening Tool. The reasons for the dispute are as follows: 1) The project is contrary to a resource agency's program, plan, or initiative (i.e., the survival and recovery of the endangered Florida panther), and 2) the project has significant environmental cost (i.e., the significant loss of habitat for the Florida panther due to the indirect effects

of the project). We respectfully recommend that other means be investigated to resolve the transportation problem defined in the purpose and need for the interchange, such as improvement of other sections of the transportation network (especially in developed areas west of the project area). We look forward to working with the FDOT in solving this transportation need while protecting the endangered Florida panther, as well as fish and wildlife in the project area.

You may want to check with your supervisor to let them know you would like to dispute the project and see if they are on board with it. Hope this helps.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

On Wed, Jul 11, 2018 at 12:31 PM Ackley, Jeffrey <jeffrey_ackley@fws.gov> wrote:

John,

FDOT is proposing to expand one of their most environmentally sensitive highways in one of the least developed parts of the panhandle (the 85 through the middle of Eglin AFB). I just got notice that the ETDM planning screen is open on it, and was thinking about classifying it as a red potential dispute flag.

Do have a template for comments on a project like that?

thanks
jeff

Dr. Jeffrey W. Ackley, Ecologist
U.S. Fish & Wildlife Service
1601 Balboa Avenue, Panama City, FL 32405
office phone: 850-769-0552 #226

Wrublik, John <john_wrublik@fws.gov>

SWFIA ATCT

1 message

John Wrublik <john_wrublik@fws.gov> Thu, Jul 19, 2018 at 2:52 PM
To: vanessav@passarella.net

Vanessa,

I don't have enough information to complete my review of the project referenced above. Could you please provide me with a detailed description of what is proposed for the project reference above. Include:

1) what the applicant proposes to do (i.e, construct new control tower, tree clearing and its purpose, stormwater management, any other ancillary construction etc.)

2) The acreage of the project footprint to be impacted and the acreage of each habitat type in the project footprint to be impacted (the current information provided is confusing as the public notice lists the construction area as 36.74 acres, and your most recent email provides a panther habitat assessment that only lists about 15 acres, and your protected species survey lists the project site as 75.70 acres. Please clarify.).

Thanks John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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Wrublik, John <john_wrublik@fws.gov>

Fwd: SWFIA ATCT

1 message

John Wrublik <john_wrublik@fws.gov> Thu, Jul 19, 2018 at 3:15 PM
To: vanessav@passarella.net

Vanessa,

I'm also asking that the applicant agree to not commence construction of the Project until: (a) they provide the Service with a receipt (in the form of a letter or email) from one or more Service approved conservation banks stating the appropriate number of PHUs have been reserved or acquired by the applicant and (b) the applicant or the applicant's consultant receives an email or letter from the Service indicating that we have received the receipt from the approved conservation bank(s).

This is something we typically ask for to ensure that the habitat compensation is provided.

thanks John

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---------- Forwarded message ---------
From: **John Wrublik** <john_wrublik@fws.gov>
Date: Thu, Jul 19, 2018 at 2:52 PM
Subject: SWFIA ATCT
To: <vanessav@passarella.net>

Vanessa,

I don't have enough information to complete my review of the project referenced above.
Could you please provide me with a detailed description of what is proposed
for the project reference above. Include:

1) what the applicant proposes to do (i.e, construct new control tower, tree clearing and its purpose, stormwater management, any other ancillary construction etc.)

2) The acreage of the project footprint to be impacted and the acreage of each habitat type in the project footprint to be impacted (the current information provided is confusing as the public notice lists the construction area as 36.74 acres, and your most recent email provides a panther habitat assessment that only lists about 15 acres, and your protected species survey lists the project site as 75.70 acres. Please clarify.).

Thanks John

John M. Wrublik
U.S. Fish and Wildlife Service

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email: John_Wrublik@fws.gov

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Wrublik, John <john_wrublik@fws.gov>

Re: [EXTERNAL] RE: SWFIA ATCT (USFWS Resp) - 07DMJ1710

1 message

John Wrublik <john_wrublik@fws.gov> Mon, Jul 23, 2018 at 3:32 PM
To: Bethany Brosious <bethanyb@passarella.net>

Then that area should have no value to the panther following completion of construction. Did you do that in your panther habitat assessment?

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Mon, Jul 23, 2018 at 3:29 PM Bethany Brosious <bethanyb@passarella.net> wrote:

> Yes, it will be sodded and/or seeded and maintained.
>
> **From:** John Wrublik <john_wrublik@fws.gov>
> **Sent:** Monday, July 23, 2018 3:12 PM
> **To:** Bethany Brosious <bethanyb@passarella.net>
> **Subject:** Re: [EXTERNAL] RE: SWFIA ATCT (USFWS Resp) - 07DMJ1710
>
> When you say grasses, do you mean maintained sod?
>
> **John M. Wrublik**
>
> **U.S. Fish and Wildlife Service**
>
> **1339 20th Street**
>
> **Vero Beach, Florida 32960**
>
> **Office: (772) 469-4282**
>
> **Fax: (772) 562-4288**
>
> **email: John_Wrublik@fws.gov**
>
> ***NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.***

On Mon, Jul 23, 2018 at 2:29 PM Bethany Brosious <bethanyb@passarella.net> wrote:

> John,
>
> That area will be cleared to maintain the line of sight from the tower to the runway and to reduce wildlife habitat directly adjacent to the new tower.
>
> That area consists mainly of an old farm field and some forested pine habitat. Once cleared, it will be maintained as disturbed land, free of trees and shrubs, and will be revegetated with grasses.
>
> Let me know if you have any other questions.
>
> Bethany
>
> **From:** John Wrublik <john_wrublik@fws.gov>
> **Sent:** Monday, July 23, 2018 1:29 PM
> **To:** Bethany Brosious <bethanyb@passarella.net>
> **Subject:** Re: [EXTERNAL] RE: SWFIA ATCT (USFWS Resp) - 07DMJ1710
>
> Betheny,
>
> What is the purpose of clearing the 11.48 acres of habitat that will not be developed?
>
> What habitat type will this parcel be maintained as?
>
> John
>
> **John M. Wrublik**
>
> **U.S. Fish and Wildlife Service**
>
> **1339 20th Street**
>
> **Vero Beach, Florida 32960**
>
> **Office: (772) 469-4282**
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> **Fax: (772) 562-4288**
>
> **email: John_Wrublik@fws.gov**
>
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On Fri, Jul 20, 2018 at 3:46 PM Bethany Brosious <bethanyb@passarella.net> wrote:

> Hi John,
>
> Per our conversation this morning, I've summarized our discussion below and provided responses to the 2 questions you had. Please don't hesitate to call or email if you'd like additional information or have any other questions. If you think it would be helpful to discuss the items below via a Go-To meeting, I'd be happy to set that up.
>
> Thanks,
>
> Bethany
>
> **Bethany Brosious**
>
> Senior Ecologist
>
> Passarella & Associates, Inc.
>
> *Offices in Florida and South Carolina*
>
> 13620 Metropolis Avenue, Suite 200
>
> Fort Myers, Florida 33912
>
> Phone (239) 274-0067 . Fax (239) 274-0069
>
> www.passarella.net
>
> **USFWS Clarification Items:**
>
> *1) what the applicant proposes to do (i.e, construct new control tower, tree clearing and its purpose, stormwater management, any other ancillary construction etc.)*
>
> **Response:**
>
> **The applicant proposes to construct a new air traffic control tower (ATCT) at SWFIA. The project will also include the construction of associated storm water management (SWM) facilities, and will include a limited amount of vegetation clearing and tree topping north of the future ATCT. Tree topping activities are required to maintain the line of sight from the future ATCT to the existing runway.**
>
> *2) The acreage of the project footprint to be impacted and the acreage of each habitat*

type in the project footprint to be impacted (the current information provided is confusing as the public notice lists the construction area as 36.74 acres, and your most recent email provides a panther habitat assessment that only lists about 15 acres, and your protected species survey lists the project site as 75.70 acres. Please clarify.).

Response:

Similar to the Parallel Runway project, the ATCT project designated a larger Review Area than will actually be affected by the construction of the project (see attached PDF); the PSS included a survey of the entire 75.50 acre Review Area.

During the development of the site plan, Project impacts became better defined and were limited to the northern portion of the Review Area. All project related impacts are contained within a 36.74 acre "Construction Limits" area, which was identified during the SFWMD ERP review process. The Construction Limits area is representative of the SWM basin boundaries for the ATCT, the existing ARFF and also includes habitat that will be affected by the ATCT construction and associated vegetation clearing and tree topping activities. However, the majority of the 36.74 acre "Construction Limits" area is comprised of the existing ARFF facility, SWM system and ancillary uses. The ATCT construction footprint is identified in blue on the attached PDF and the Tree Topping Area is shaded in grey. Vegetation clearing will occur within the forested area NW of the tower.

Construction of the ATCT will include a new dry detention area and will also result in the alteration of the permitted SWM facility for the ARFF. Additionally a limited amount of habitat (approximately 16 acres) that was not previously impacted by the ARFF, will be impacted by construction of the ATCT and associated activities. Therefore, the 16 acres of new habitat disturbance was evaluated in the PHU assessment submitted on July 10, 2018. The new impacts include areas that will be directly impacted by the ATCT construction, vegetation clearing and tree topping areas (See attached PDF). A breakdown of impacts by habitat type for each Project related activity, is included below.

Approximately 1.99 acres of habitat will be directly impacted by ATCT and SWM system footprint. Habitat types to be impacted include:

- **1.09 acres of Pine Flatwoods, Disturbed, 0-24% Exotics (FLUCFCS Code 4119 E1);**
- **0.86 acres of Hydric Pine, Disturbed, 50-75 % Exotics (FLUCFCS Code 6259 E3) and**
- **0.04 acres of Ditch (FLUCFCS Code 514).**

Approximately 11.48 acres of habitat will be impacted by vegetation clearing activities, however there is no construction proposed for the veg. clearing area. Habitat types to be impacted include:

- **5.80 acres of Fallow Cropland (FLUCFCS Code 261);**
- **3.06 acres of Pine Flatwoods, Disturbed, 0-24 % Exotics (FLUCFCS Code 4119 E1);**
- **0.5 acres of Ditch (FLUCFCS Code 514);**
- **0.95 acres of Hydric Pine, Disturbed, 50-75 % Exotics, (FLUCFCS Code 6259 E3);**
- **1.02 acres of Disturbed Land (FLUCFCS Code 740) and;**
- **0.15 acres of Berm (FLUCFCS Code 0.15)**

Approximately 2.41 acres of habitat will be affected by tree topping activities. Habitat types to be impacted include:

- **1.96 acres of Pine Flatwoods, Disturbed, 0-24 % Exotics, (FLUCFCS Code 4119 E1) and;**
- **0.45 acres of Pine Flatwoods, Disturbed, 25-49 % Exotics, (FLUCFCS Code 4119 E2)**

From: John Wrublik <john_wrublik@fws.gov>
Sent: Thursday, July 19, 2018 3:16 PM
To: Vanessa Velez <vanessav@passarella.net>
Subject: Fwd: SWFIA ATCT

Vanessa,

I'm also asking that the applicant agree to not commence construction of the Project until: (a) they provide the Service with a receipt (in the form of a letter or email) from one or more Service approved conservation banks stating the appropriate number of PHUs have been reserved or acquired by the applicant and (b) the applicant or the applicant's consultant receives an email or letter from the Service indicating that we have received the receipt from the approved conservation bank(s).

This is something we typically ask for to ensure that the habitat compensation is provided.

thanks John

John M. Wrublik

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

Office: (772) 469-4282

Fax: (772) 562-4288

email: John_Wrublik@fws.gov

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---------- Forwarded message ---------
From: **John Wrublik** <john_wrublik@fws.gov>
Date: Thu, Jul 19, 2018 at 2:52 PM
Subject: SWFIA ATCT
To: <vanessav@passarella.net>

Vanessa,

I don't have enough information to complete my review of the project referenced above.

Could you please provide me with a detailed description of what is proposed

for the project reference above. Include:

1) what the applicant proposes to do (i.e, construct new control tower, tree clearing and its

purpose, stormwater management, any other ancillary construction etc.)

2) The acreage of the project footprint to be impacted and the acreage of each habitat

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the public notice lists the construction area as 36.74 acres, and your most recent email provides a panther habitat assessment that only lists about 15 acres, and your protected species survey lists the project site as 75.70 acres. Please clarify.).

Thanks John

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Re: roadways and panthers

Wrublik, John <john_wrublik@fws.gov>
Thu 7/26/2018 3:55 PM
To: Shindle, David B <david_shindle@fws.gov>

its ok to share them

John M. Wrublik
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On Thu, Jul 26, 2018 at 3:54 PM David Shindle <david_shindle@fws.gov> wrote:

> Great, John. Really appreciate the quick and thorough response. Can I share the comments document with Deb, or should I just summarize Service position?
>
> ---
>
> David Shindle, Florida Panther Coordinator
> U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
> 12085 State Road 29 S
> Immokalee, FL 34142
> Desk 239-657-8013
> Cell 772-532-7293
> david_shindle@fws.gov
>
> *Southeast Region Vision:* Together, we will connect lands and waters to sustain fish, wildlife and plants by being visionary leaders, bold innovators and trusted partners, working with and for people.
>
> *NOTE:* All email correspondence and attachments received from or sent to me are subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.
>
> ---
>
> On Thu, Jul 26, 2018 at 3:50 PM John Wrublik <john_wrublik@fws.gov> wrote:
>
> > Dave,
> >
> > I have attached FDOT's Natural Resource Evaluation document for the SR 29 project from SR 82 to Oil Well Road. They have narrowed their alternatives to two routes that are located North and close to New Market Road in Immokalee (see attached google drive link). The FDOT has agreed to install a wildlife crossing at the curve at Owl Hammock.

As far as the SR 29 from Oil Well Road to Interstate 75 proposed widening, this project is still in the early phases of development. The Service has submitted comments and disputed the project through the FDOT's Efficient Transportation Decsion Making process. I have attached the comments for your information.

John

2018-07-20 SR 29 Immokalee NRE July 2018 w…

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
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Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Thu, Jul 26, 2018 at 1:28 PM David Shindle <david_shindle@fws.gov> wrote:

> From what I gather, she is considering them one of the same.
>
> ---
>
> David Shindle, Florida Panther Coordinator
> U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
> 12085 State Road 29 S
> Immokalee, FL 34142
> Desk 239-657-8013
> Cell 772-532-7293
> david_shindle@fws.gov
>
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>
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>
> ---
>
> On Thu, Jul 26, 2018 at 1:26 PM John Wrublik <john_wrublik@fws.gov> wrote:
>
> > Dave,
> >
> > Is she taking about the SR 29 from SR 82 to Oil Well Road Project or SR 29 from Oil Well Road to U.S. 41?
> > **John M. Wrublik**
> > **U.S. Fish and Wildlife Service**
> > **1339 20th Street**
> > **Vero Beach, Florida 32960**

Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Thu, Jul 26, 2018 at 1:07 PM David Shindle <david_shindle@fws.gov> wrote:

> Hi John-
>
> See Deb Jansen's inquiry below regarding the 4-laning of SR29 within the Rural Lands Stewardship Area/Eastern Collier HCP area. Can you provide me any brief info regarding FDOT's coordination with the Service to date for this road project? And in my reply to Deb, I'll provide her correct link to the Transportation Sub-Team's web page.
>
> Thanks!
>
> David
>
> ---
>
> David Shindle, Florida Panther Coordinator
> U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
> 12085 State Road 29 S
> Immokalee, FL 34142
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>
> ---
>
> ---------- Forwarded message ---------
> From: **Jansen, Deborah** <deborah_jansen@nps.gov>
> Date: Mon, Jul 23, 2018 at 2:45 PM
> Subject: roadways and panthers
> To: Shindle, David <david_shindle@fws.gov>
>
> Hi Dave,
>
> Can you give me any background on the plans for protecting the panthers/bears/etc. from increased mortality as a result of the 4-laning of the roads such as SR29 in the vicinity of

> > > > the planned RLS development? I checked the FWS website for the roads/panthers subteam and haven't found their reports.
> > > >
> > > > Also, do you know if FWC had their meeting on future panther work and if the results are available?
> > > >
> > > > Thanks and hope all is well.
> > > > Deb

FLORIDA DEPARTMENT OF TRANSPORTATION'S (FDOT) EFFICIENT TRANSPORTATION DECISION MAKING PROCESS

Date Comments Submitted: January 12, 2016
ETDM Number: 14212
Project Name: SR 29 from Oil Well Road to I-75, Collier County, Florida
Service Consultation Code: 41420-2016-TA-0116
Date Received: December 23, 2015
Comments Due: February 6, 2016

Project Description

This roadway improvement project entails widening SR 29 from I-75 to Oil Well Road from a two-lane undivided facility to a four-lane divided facility. The project is located in northern, central unincorporated Collier County. SR 29 is classified as a rural principal arterial and is designated as part of Florida's emerging Strategic Intermodal System (SIS) network. SR 29 serves as one of the primary north-south highways of Collier County providing access to county-designated target growth areas (including the Immokalee area and the Collier County Rural Land Stewardship Area) and I-75. It also traverses two nationally-recognized preserves (the Florida Panther National Wildlife Refuge and Big Cypress National Preserve). Specific communities near the project corridor include Corkscrew to the north and Golden Gate Estates East to the west.

The project is approximately 10.0 miles in length with an existing right-of-way width of approximately 180 feet. Additional right-of-way may be necessary to accommodate the widening. Specific right-of-way requirements will be determined during the Project Development and Environment (PD&E) Study.

TRANSPORTATION PLAN CONSISTENCY

The project is included in the Collier Metropolitan Planning Organization (MPO) 2040 Long Range Transportation Plan, which indicates funding for the Preliminary Engineering and Right-of-Way Acquisition phases. The project is also included in the Collier MPO FY 2014/15 - FY 2018/19 Transportation Improvement Program as a regional project, the Florida Department of Transportation FY 2016 - FY 2020 Work Program with $2,015,000 programmed for the PD&E Study in FY 2016, the State Transportation Improvement Program, and the 2024 - 2040 SIS Long Range Cost Feasible Plan [including the First Five-Year Plan (FY 2014/2015 - FY 2018/2019)]. In addition, the project is reflected on Map TR-1: Collier County 2025 Long Range Financially Feasible Plan Map of the adopted Collier County Growth Management Plan. Furthermore, the widening of SR 29 from I-75 to Oil Well Road is classified as a high priority investment in the Florida Freight Mobility and Trade Plan: Investment Element - Project List.

Purpose & Need

The purpose of this project is to improve traffic operational conditions along the SR 29 corridor from I-75 to Oil Well Road to accommodate projected travel demand, specifically increased freight and commuter traffic. Traffic flow within the corridor is of particular concern given the high percentage of heavy trucks and their unique acceleration and deceleration characteristics which cause vehicular travel delay and, ultimately, impact the movement of freight and commuter traffic on the two-lane undivided roadway. The need for the project is based on the following primary and secondary criteria:

PRIMARY CRITERIA

OPERATIONAL CONDITIONS: Preserve Operational Capacity

This widening project is anticipated to improve traffic operations and preserve operational capacity along SR 29 as a result of increased travel demand due to future population and employment growth and higher volumes of heavy trucks on the corridor due to increased industrial and agricultural activities in the area.

Significant growth is anticipated to take place north and west of the project (immediately north of Oil Well Road and within the greater Immokalee area as indicated by the Town of Ave Maria Development of Regional Impact and number of Planned Unit Developments), as well as to the west (most notably within the Golden Gate Estates area). The Immokalee area is additionally a designated Rural Area of Opportunity, a legislative land use designation applied to encourage and facilitate the location and expansion of major economic development projects of significant scale in such rural communities. Further, based on 2010 U.S. Census Bureau data and projections developed for Collier County as part of the Collier Metropolitan Planning Organization's (MPO) 2040 Long Range Transportation Plan (LRTP), population within Collier County is projected to grow from 316,739 in 2010 to 497,702 in 2040 (57.1% increase). Likewise, Collier County employment is projected to grow from 170,862 in 2010 to 241,111 in 2040 (41.1% increase).

According to the Collier MPO's 2040 LRTP, two areas near the project corridor have been designated as target growth areas by the county including the Immokalee area (north of the project corridor) and the Collier County Rural Land Stewardship Area (west of the project corridor). These two areas have also been identified by Collier County as Freight Activity Centers as they support the most abundant industrial and freight logistics activities within the county. The area surrounding Immokalee Airport specifically supports industrial and agricultural activities and is defined as a Primary Freight Activity Center (FAC). The Immokalee Airport FAC also serves agricultural packing and processing functions. Furthermore, a 60-acre portion of the area is a designated Foreign Trade Zone, which is used to encourage activity and to add value at facilities in competition with foreign alternatives by allowing delayed or reduced duty payments on foreign merchandise, as well as other savings. The Immokalee Airport FAC additionally has the potential to support future intermodal air-cargo/trucking activities due to its convenient access to Strategic Intermodal System (SIS) highway facilities [SR 29 and I-75].

Given the fact that SR 29 provides regional access to agriculture and ranching operations, industrial/commercial areas, and freight distribution facilities through southwest Florida, particularly with its connections to US 41, I-75, and US 27, it has been designated as part of Florida's emerging SIS network. The SIS network includes the state's most significant transportation facilities as these facilities carry the highest volumes of freight and commuter traffic. Accordingly, the project segment of SR 29 currently carries significant truck traffic (22.9% of 2014 traffic volumes are composed of trucks).

The widening is anticipated to serve the mobility demands of the area by:
-Improving traffic operations and preserving operational capacity to accommodate projected travel demand spurred by increased growth as well as freight and commuter traffic, and
-Supporting Collier County and Rural Area of Opportunity growth initiatives.

SECONDARY CRITERIA

SAFETY: Enhance Safety Conditions

The poor operating conditions on SR 29 have also contributed to safety concerns in the corridor.

The five-year average crash rate (i.e., crashes per million vehicle miles traveled) for this project corridor was obtained from the Florida Department of Transportation Safety Office. During the five-year period from 2010 to 2014, 34 crashes occurred on the corridor with two fatalities and 35 injuries. This data indicates that the SR 29 project corridor experiences a higher average crash rate (0.622) than the statewide five-year average crash rate for similar facilities (0.576).

According to the Florida Signal 4 Analytics database, off-road and rear-end crashes were the most common crash types recorded along the project segment. The high percentage of heavy trucks on the corridor and their unique acceleration and deceleration characteristics may have contributed to the reported crash types. It should be noted that as the volume of traffic increases along the corridor, the opportunity for vehicle movement conflict is expected to increase. The proposed project is anticipated to improve safety characteristics of the facility, which are particularly exacerbated by the high truck percentages, by enhancing overall traffic operations.

AREA WIDE NETWORK/SYSTEM LINKAGE: Improve Regional Mobility and Transportation Network Access

SR 29 serves as a principal north-south facility as it primarily runs parallel to other major transportation facilities through the southwest portion of the state, including I-75 and US 27, as well as connects to US 41, I-75, and US 27. The proposed widening is intended to complement improvements planned to the north including the widening of SR 29 from two to four lanes between Oil Well Road and US 27 (currently three separate widening projects; also includes the evaluation of corridors that bypass the unincorporated community of Immokalee). Overall, the widening is anticipated to:
-Provide a continuous four-lane connection and enhance north-south regional access between I-75 and areas targeted for growth to the north (including the communities of Immokalee and LaBelle) and west,
-Alleviate a traffic bottleneck (for southbound traffic) that would otherwise occur once improvements to the north are completed, and
-Improve the viability of SR 29 as a parallel north-south alternative to US 27 and I-75 by reducing travel delay.

MODAL INTERRELATIONSHIPS: Enhance Freight Mobility and Economic Competitiveness

SR 29 is classified as a Regional Freight Mobility Corridor from I-75 to the Hendry County Line serving regional through movements for long-haul truck volumes, as well as providing freight access to agriculture and ranching operations, industrial/commercial areas, and other intensive freight activity centers (including Immokalee Airport FAC) within southwest Florida. Due to the fact that SR 29 has been designated as part of Florida's emerging SIS network and serves as one of the only major north-south roads traversing all of Collier County and connecting to other recognized regional freight facilities, it is critical to sustaining Collier County's economy. As travel demand along the corridor is expected to continue to increase, improvements to traffic operational conditions along the corridor will enhance overall access to local and regional FACs and the circulation of goods.

Service Comments, Endangered Species and Fish and Wildlife Resources (Degree of Effect-Dispute Resolution):

Federally-listed species

The Service has reviewed our Geographic Information Systems (GIS) database for recorded locations of federally listed threatened and endangered species on or adjacent to the project study area. The GIS database is a compilation of data received from several sources.

Wood Stork

The project corridor is located in the Core Foraging Areas (CFA)(within 18.6 miles) of four active nesting colonies of the endangered wood stork (*Mycteria americana*). The Service believes that the loss of wetlands within a CFA due to an action could result in the loss of foraging habitat for the wood stork. To minimize adverse effects to the wood stork, we recommend that any lost foraging habitat resulting from the project be replaced within the CFA of the affected nesting colony. Moreover, wetlands provided as mitigation should adequately replace the wetland functions lost as a result of the action. The Service does not consider the preservation of wetlands, by itself, as adequate compensation for impacts to wood stork foraging habitat, because the habitat lost is not replaced. Accordingly, any wetland mitigation plan proposed should include a restoration, enhancement, or creation component. In some cases, the Service accepts wetlands compensation located outside the CFA of the affected wood stork nesting colony. Specifically, wetland credits purchased from a "Service Approved" mitigation bank located outside of the CFA would be acceptable to the Service, provided that the impacted wetlands occur within the permitted service area of the bank.

For projects that impact 5 or more acres of wood stork foraging habitat, the Service requires a functional assessment be conducted using our "Wood Stork Foraging Analysis Methodology"(Methodology) on the foraging habitat to be impacted and the foraging habitat provided as mitigation. The Methodology can found in the Service's May 18, 2010, wood stork determination key (Service Federal Activity Code Number 41420-2007-FA-1494) provided to the Corps.

Florida panther

The project occurs with the Service's Focus Area and the "Primary Zone" (as defined by Kautz et al., 2006 for the endangered Florida panther (*Puma concolor coryi*). The Service finds that development projects in the Focus area have the potential to adversely affect the Florida panther. Telemetry data provided by the Florida Fish and Wildlife Conservation Commission indicate that the project site is surrounded by lands used by panthers and is located in the heart of the panther's range in southwest Florida.

Road widening projects directly result in land clearing and loss of habitat for wildlife species, including the Florida panther. This loss can be significantly exacerbated depending on the project design employed. For example, Florida Department of Transportation (FDOT) widening projects normally include large center medians ($\geq$ 40 feet in width) typically employed to address safety needs of motorists using high speed roadways. Moreover, the Service is aware that many recent FDOT road widening projects include paved pedestrian and bicycle paths (10-12 foot wide) constructed outside of and adjacent to the paved roadway lanes.

Indirectly, road widening projects increase the likelihood that panthers will be hit by motor vehicles. This occurs due to the increase in the width of roadway panthers must cross.

Collisions with motor vehicles are a significant cause of deaths and injuries to panthers. A record number of 29 panthers were killed by vehicle collisions in 2015

The Service is concerned that the proposed widening project will result in excessive land clearing and loss of vegetation that provides important habitat for panthers and their prey. The Service is also concerned that the project will increase the likelihood that panthers will be injured or killed due to collisions with motor vehicles.

Based on the adverse effects to the endangered Florida panther resulting from the project, we cannot support construction of the road widening project as currently proposed. We have disputed the project through the FDOT's Dispute Resolution Process on the FDOT's Environmental Screening Tool. The reasons for the dispute are as follows: 1) The project is contrary to a resource agency's program, plan, or initiative (*i.e.*, the survival and recovery of the endangered Florida panther), and 2) the project has significant environmental cost (i.e., the significant loss of habitat and the increased potential for panther injuries and deaths due to motor vehicle collisions for the Florida panther due to the indirect effects of the project). We are available to work with the FDOT to see if a project design can be produced that solves this transportation need while protecting the endangered Florida panther, as well as fish and wildlife

The Service believes that the following federally listed species have the potential to occur in or near the project site: Florida panther, wood stork, and the eastern indigo snake (*Drymarchon corais couperi*) and Federally listed plants in Collier County. Accordingly, the Service recommends that the Florida Department of Transportation (FDOT) prepare a Biological Assessment for the project (as required by 50 CFR 402.12) during the FDOT's Project Development and Environment process.

Service Comments, Fish and Wildlife Resources (Degree of Effect- Dispute Resolution): Based on the adverse effects of the project to the Florida black bear and other species of wildlife resulting from the project, we cannot support construction of the road widening project as currently proposed. We have disputed the project through the FDOT's Dispute Resolution Process on the FDOT's Environmental Screening Tool. The reasons for the dispute are as follows: 1) The project is contrary to a resource agency's program, plan, or initiative (*i.e.*, the survival of Florida black bear, an important wildlife species), and 2) the project has significant environmental cost (i.e., the significant loss of habitat for a variety of fish and wildlife species, and the increased potential for Florida black bear injuries and deaths due to motor vehicle collisions with the Florida black bear and other wildlife species). We are available to work with the FDOT to see if a project design can be produced that solves this transportation need while protecting the endangered Florida black bear, as well as fish and wildlife .

Service Comments, Special Designation-Public Conservation Lands (Degree of Effect-Dispute Resolution):

A large section of the project footprint bisects valuable public conservation lands and proposed public conservation lands. These lands include the Big Cypress National Preserve, the Florida Panther National Wildlife Reserve, and the Southwest Coast Ecosystem Management Area Florida Forever Project. These lands provide important habitat for the Federally-listed Florida panther, the Florida black bear, and a variety of other fish and wildlife species. Based on the adverse effects of the project to the public conservation lands and fish and wildlife habitat, we cannot support construction of the road widening project as currently proposed. We have disputed the project through the FDOT's Dispute Resolution Process on the FDOT's Environmental Screening Tool. The reasons for the dispute are as follows: 1) The project is contrary to a resource agency's program, plan, or initiative (*i.e.*, the survival of Florida panther and the Florida black bear), and 2) the project has significant environmental cost (i.e., the significant loss of public conservation lands that provide valuable habitat for a variety of fish and wildlife). We are available to work with the FDOT to see if a project design can be produced that solves this transportation need while protecting the endangered Florida panther, the Florida black bear, as well as fish and wildlife.

Service Comments, Wetlands and Surface Waters (Degree of Effect- Dispute Resolution): Wetlands provide important habitat for fish and wildlife, and are known to occur within the project area. We recommend that these valuable resources be avoided to the greatest extent practicable. If impacts to these wetlands are unavoidable, we recommend the FDOT provide mitigation that fully compensates for the loss of important resources.

Wrublik, John <john_wrublik@fws.gov>

RE: [EXTERNAL] RE: SWFIA ATCT (USFWS Resp) - 07DMJ1710

1 message

Bethany Brosious <bethanyb@passarella.net> Fri, Jul 27, 2018 at 10:27 AM
To: "John Wrublik (John_Wrublik@fws.gov)" <John_Wrublik@fws.gov>
Cc: Kenneth Passarella <kenp@passarella.net>, Heather Samborski <HeatherP@passarella.net>, "Glowacki, Joe" <Joe.Glowacki@aecom.com>, "Emily Underhill (emunderhill@flylcpa.com)" <emunderhill@flylcpa.com>, "Alicia Dixon (addixon@flylcpa.com)" <addixon@flylcpa.com>, "Ellen Lindblad (ellindblad@flylcpa.com)" <ellindblad@flylcpa.com>

John,

As a follow up to our conversation on Tuesday and as requested in your email below, the PHU analysis for the clearing area was revised. Per your email, the area will have no value to the panther after the construction of the tower, therefore the analysis has been revised to reflect this.

A PDF copy of the revised USFWS panther compensation calculator for the clearing area is attached. Per the revised analysis, 199 PHUs are required as compensation for impacts associated with vegetation clearing and construction of the tower. In addition, for your reference, a copy of the USFWS panther compensation calculator for the Tree Topping Area is also attached, although no revisions were made. Per the analysis for the Tree Topping Area, 20 PHUs are required as compensation for tree topping activities. Therefore, the total PHU requirement for the ATCT project is 219 PHUs.

The LCPA is currently trying to finalize the PHU bids and secure the PHUs necessary to compensate for project impacts. Please confirm that you are in agreement with the revised PHU analysis, so LCPA can finalize the contract for the PHU purchase.

Please don’t hesitate to call if you have any questions.

Bethany

Bethany Brosious

Senior Ecologist

Passarella & Associates, Inc.

Offices in Florida and South Carolina

13620 Metropolis Avenue, Suite 200

Fort Myers, Florida 33912

Phone (239) 274-0067 . Fax (239) 274-0069

www.passarella.net

From: John Wrublik <john_wrublik@fws.gov>
Sent: Monday, July 23, 2018 3:32 PM
To: Bethany Brosious <bethanyb@passarella.net>
Subject: Re: [EXTERNAL] RE: SWFIA ATCT (USFWS Resp) - 07DMJ1710

Then that area should have no value to the panther following completion of construction. Did you do that in your panther habitat assessment?

John M. Wrublik

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

Office: (772) 469-4282

Fax: (772) 562-4288

email: John_Wrublik@fws.gov

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On Mon, Jul 23, 2018 at 3:29 PM Bethany Brosious <bethanyb@passarella.net> wrote:

> Yes, it will be sodded and/or seeded and maintained.
>
> **From:** John Wrublik <john_wrublik@fws.gov>
> **Sent:** Monday, July 23, 2018 3:12 PM
> **To:** Bethany Brosious <bethanyb@passarella.net>
> **Subject:** Re: [EXTERNAL] RE: SWFIA ATCT (USFWS Resp) - 07DMJ1710
>
> When you say grasses, do you mean maintained sod?
>
> **John M. Wrublik**
>
> **U.S. Fish and Wildlife Service**
>
> **1339 20th Street**
>
> **Vero Beach, Florida 32960**
>
> **Office: (772) 469-4282**
>
> **Fax: (772) 562-4288**
>
> **email: John_Wrublik@fws.gov**

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On Mon, Jul 23, 2018 at 2:29 PM Bethany Brosious <bethanyb@passarella.net> wrote:

> John,
>
> That area will be cleared to maintain the line of sight from the tower to the runway and to reduce wildlife habitat directly adjacent to the new tower.
>
> That area consists mainly of an old farm field and some forested pine habitat. Once cleared, it will be maintained as disturbed land, free of trees and shrubs, and will be revegetated with grasses.
>
> Let me know if you have any other questions.
>
> Bethany
>
> **From:** John Wrublik <john_wrublik@fws.gov>
> **Sent:** Monday, July 23, 2018 1:29 PM
> **To:** Bethany Brosious <bethanyb@passarella.net>
> **Subject:** Re: [EXTERNAL] RE: SWFIA ATCT (USFWS Resp) - 07DMJ1710
>
> Betheny,
>
> What is the purpose of clearing the 11.48 acres of habitat that will not be developed?
>
> What habitat type will this parcel be maintained as?
>
> John
>
> **John M. Wrublik**
>
> **U.S. Fish and Wildlife Service**
>
> **1339 20th Street**
>
> **Vero Beach, Florida 32960**
>
> **Office: (772) 469-4282**
>
> **Fax: (772) 562-4288**
>
> **email: John_Wrublik@fws.gov**

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On Fri, Jul 20, 2018 at 3:46 PM Bethany Brosious <bethanyb@passarella.net> wrote:

> Hi John,
>
> Per our conversation this morning, I've summarized our discussion below and provided responses to the 2 questions you had. Please don't hesitate to call or email if you'd like additional information or have any other questions. If you think it would be helpful to discuss the items below via a Go-To meeting, I'd be happy to set that up.
>
> Thanks,
>
> Bethany
>
> **Bethany Brosious**
>
> Senior Ecologist
>
> Passarella & Associates, Inc.
>
> *Offices in Florida and South Carolina*
>
> 13620 Metropolis Avenue, Suite 200
>
> Fort Myers, Florida 33912
>
> Phone (239) 274-0067 . Fax (239) 274-0069
>
> www.passarella.net
>
> **USFWS Clarification Items:**
>
> *1) what the applicant proposes to do (i.e, construct new control tower, tree clearing and its purpose, stormwater management, any other ancillary construction etc.)*
>
> **Response:**
>
> **The applicant proposes to construct a new air traffic control tower (ATCT) at SWFIA. The project will also include the construction of associated storm water management (SWM) facilities, and will include a limited amount of vegetation clearing and tree**

topping north of the future ATCT. Tree topping activities are required to maintain the line of sight from the future ATCT to the existing runway.

2) The acreage of the project footprint to be impacted and the acreage of each habitat type in the project footprint to be impacted (the current information provided is confusing as the public notice lists the construction area as 36.74 acres, and your most recent email provides a panther habitat assessment that only lists about 15 acres, and your protected species survey lists the project site as 75.70 acres. Please clarify.).

Response:

Similar to the Parallel Runway project, the ATCT project designated a larger Review Area than will actually be affected by the construction of the project (see attached PDF); the PSS included a survey of the entire 75.50 acre Review Area.

During the development of the site plan, Project impacts became better defined and were limited to the northern portion of the Review Area. All project related impacts are contained within a 36.74 acre "Construction Limits" area, which was identified during the SFWMD ERP review process. The Construction Limits area is representative of the SWM basin boundaries for the ATCT, the existing ARFF and also includes habitat that will be affected by the ATCT construction and associated vegetation clearing and tree topping activities. However, the majority of the 36.74 acre "Construction Limits" area is comprised of the existing ARFF facility, SWM system and ancillary uses. The ATCT construction footprint is identified in blue on the attached PDF and the Tree Topping Area is shaded in grey. Vegetation clearing will occur within the forested area NW of the tower.

Construction of the ATCT will include a new dry detention area and will also result in the alteration of the permitted SWM facility for the ARFF. Additionally a limited amount of habitat (approximately 16 acres) that was not previously impacted by the ARFF, will be impacted by construction of the ATCT and associated activities. Therefore, the 16 acres of new habitat disturbance was evaluated in the PHU assessment submitted on July 10, 2018. The new impacts include areas that will be directly impacted by the ATCT construction, vegetation clearing and tree topping areas (See attached PDF). A breakdown of impacts by habitat type for each Project related activity, is included below.

Approximately 1.99 acres of habitat will be directly impacted by ATCT and SWM system footprint. Habitat types to be impacted include:

- **1.09 acres of Pine Flatwoods, Disturbed, 0-24% Exotics (FLUCFCS Code 4119 E1);**

- **0.86 acres of Hydric Pine, Disturbed, 50-75 % Exotics (FLUCFCS Code 6259 E3) and**
- **0.04 acres of Ditch (FLUCFCS Code 514).**

Approximately 11.48 acres of habitat will be impacted by vegetation clearing activities, however there is no construction proposed for the veg. clearing area. Habitat types to be impacted include:

- **5.80 acres of Fallow Cropland (FLUCFCS Code 261);**
- **3.06 acres of Pine Flatwoods, Disturbed, 0-24 % Exotics (FLUCFCS Code 4119 E1);**
- **0.5 acres of Ditch (FLUCFCS Code 514);**
- **0.95 acres of Hydric Pine, Disturbed, 50-75 % Exotics, (FLUCFCS Code 6259 E3);**
- **1.02 acres of Disturbed Land (FLUCFCS Code 740) and;**
- **0.15 acres of Berm (FLUCFCS Code 0.15)**

Approximately 2.41 acres of habitat will be affected by tree topping activities. Habitat types to be impacted include:

- **1.96 acres of Pine Flatwoods, Disturbed, 0-24 % Exotics, (FLUCFCS Code 4119 E1) and;**
- **0.45 acres of Pine Flatwoods, Disturbed, 25-49 % Exotics, (FLUCFCS Code 4119 E2)**

From: John Wrublik <john_wrublik@fws.gov>
Sent: Thursday, July 19, 2018 3:16 PM
To: Vanessa Velez <vanessav@passarella.net>
Subject: Fwd: SWFIA ATCT

Vanessa,

I'm also asking that the applicant agree to not commence construction of the Project until: (a) they provide the Service with a receipt (in the form of a letter or email) from one or more Service approved conservation banks stating the appropriate number of PHUs have been reserved or acquired by the applicant and (b) the applicant or the applicant's consultant receives an email or letter from the Service indicating that we have received the receipt from the approved conservation bank(s).

This is something we typically ask for to ensure that the habitat compensation is provided.

thanks John

John M. Wrublik

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

Office: (772) 469-4282

Fax: (772) 562-4288

email: John_Wrublik@fws.gov

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---------- Forwarded message ---------
From: **John Wrublik** <john_wrublik@fws.gov>
Date: Thu, Jul 19, 2018 at 2:52 PM
Subject: SWFIA ATCT
To: <vanessav@passarella.net>

Vanessa,

I don't have enough information to complete my review of the project referenced above.

Could you please provide me with a detailed description of what is proposed

for the project reference above. Include:

1) what the applicant proposes to do (i.e, construct new control tower, tree clearing and its

purpose, stormwater management, any other ancillary construction etc.)

2) The acreage of the project footprint to be impacted and the acreage of each habitat

type in the project footprint to be impacted (the current information provided is confusing as

the public notice lists the construction area as 36.74 acres, and your most recent email provides a panther habitat assessment that only lists about 15 acres, and your protected species survey lists the project site as 75.70 acres. Please clarify.).

Thanks John

John M. Wrublik

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email: John_Wrublik@fws.gov

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2 attachments

Att C-USFWS Panther Comp Calc - Tree Rmvl 0703.pdf
61K

USFWS Panther Compensation Calculator_clearing area_revised 072718.pdf
61K

PANTHER COMPENSATION CALCULATOR

About

Development size (acres)		
primary/d	secondary	other
2.43	0	0

Compensation (acres)		
primary/d	secondary	other
0	0	0

(PHUs)	Comp. Required	Comp. Proposed
primary/d	20.1	0.0
secondary	0.0	0.0
other	0.0	0.0

Acreage Comp. Ratio	0.0
Primary Equiv. Comp Ratio	0.0

Primary/d impacts fully compensated?	NO
Secondary impacts fully compensated?	
"Other" impacts fully compensated?	

No. of Panthers: 90

Base Ratio: 2.50

Relative values	
primary/d	1.000
secondary	0.690
other	0.333

DEVELOPMENT	
Habitat Value before Project	20
Habitat Value after Project	12
Habitat Value Lost	8
Base Ratio	2.50
Compensation Required	20

Select Units
- (•) Acres
- ( ) Hectares

New Project

Clear All

COMPENSATION	
Habitat Value of Compensation	0
Habitat Value after Restoration	0
Restoration Lift Factor*	0.5
Final Value of Compensation	0
Additional Compensation Needed	20

***When converting Ag lands to non-forested native systems applicant gets full credit of lift**

PROJECT PLANNING INFO FOR PANTHER TABLE

Habitat Impact Acreage and Panther Units						Compensation Acreage and Panther Units.					
primary/d		secondary		other		primary/d		secondary		other	
Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU
2.4	8.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

PROJECT WORKSHEET

Habitat Type	*Assigned value*	Habitat types of land to be developed (acres) Primary/d Zone	Secondary Zone	Other Zone	Habitat Units	Habitat types of land after development (acres) Primary/d Zone	Secondary Zone	Other Zone	Habitat Units
Pine forest	9.5	2.01			19				0
Hardwood-Pine	9.3				0				0
Cypress swamp	9.2				0		CONTINUE		0
Hardwood swamp	9.2				0				0
Hardwood Forest	9				0				0
Dry prairie	6.3				0		CLEAR		0
Unimproved pasture	5.7				0				0
Shrub swamp/brush	5.5				0	2.01			11
Improved pasture	5.2				0				0
Cropland	4.8				0				0
Orchards/groves	4.7				0				0
Marsh/ wet prairie	4.7				0				0
Xeric scrub	4.5				0				0
Exotic/Nuisance plants	3	0.42			1	0.42			1
Coastal wetlands	3				0				0
Barren/Disturbed lands	3				0				0
Water	0				0				0
Urban	0				0				0
Reservoirs*					0				0
STA*					0				0
TOTAL		2	0	0	20	2	0	0	12

COMPENSATION REQUIRED
20
Habitat Units

***NOTE: The assigned value for Reservoirs and STAs varies by size, proposed future management, and their position in the landscape. See the associated methodology document for guidance on starting values and considerations.**

COMPENSATION

Habitat Type	*Assigned value*	Habitat types of land being offered as compensation (acres) Primary/d Zone	Secondary Zone	Other Zone	Habitat Units	Habitat types of compensation land after enhancement (acres) Primary/d Zone	Secondary Zone	Other Zone	Habitat Units
Pine forest	9.5				0				
Hardwood-Pine	9.3				0				
Cypress swamp	9.2				0				
Hardwood swamp	9.2				0				
Hardwood Forest	9				0				
Dry prairie	6.3				0				
Unimproved pasture	5.7				0				
Shrub swamp/brush	5.5				0				
Improved pasture	5.2				0				
Cropland	4.8				0				
Orchards/groves	4.7				0				
Marsh/ wet prairie	4.7				0				
Xeric scrub	4.5				0				
Exotic/Nuisance plants	3				0				
Coastal wetlands	3				0				
Barren/Disturbed lands	3				0				
Water	0				0				
Urban	0				0				
Reservoirs*					0				
STA*					0				
SubTotal		0	0	0	0				

CONTINUE

CLEAR

COMPENSATION PROPOSED

0

Habitat Units

0 Subtotal PHU with time lag factor

USE SECTION BELOW ONLY IF A NATIVE HABITAT IS BEING CREATED FROM AG LANDS

Unimproved pasture	5.7				0				
Improved pasture	5.2				0				
Cropland	4.8				0				
Orchards/groves	4.7				0				
Shrub swamp/brush	7								
Marsh/ wet prairie	7								
Xeric scrub	7								
Coastal wetlands	7								
SubTotal		0	0	0	0				

Values in green are only used when ag lands are restored to non-forested native habitat. Full restoration value is immediate in this instance only.

0 Subtotal PHU from Ag Restoration

***NOTE: The assigned value for Reservoirs and STAs varies by size, proposed future management, and their position in the landscape. See the associated methodology document for guidance on starting values and considerations.**

PANTHER COMPENSATION CALCULATOR

About

Development size (acres)		
primary/d	secondary	other
13.48	0	0

Compensation (acres)		
primary/d	secondary	other
0	0	0

(PHUs)	Comp. Required	Comp. Proposed
primary/d	198.5	0.0
secondary	0.0	0.0
other	0.0	0.0

Acreage Comp. Ratio	0.0
Primary Equiv. Comp Ratio	0.0

Primary/d impacts fully compensated?	NO
Secondary impacts fully compensated?	
"Other" impacts fully compensated?	

No. of Panthers: 90

Base Ratio: 2.50

Relative values	
primary/d	1.000
secondary	0.690
other	0.333

Select Units
- (•) Acres
- ( ) Hectares

New Project

Clear All

DEVELOPMENT	
Habitat Value before Project	79
Habitat Value after Project	0
Habitat Value Lost	79
Base Ratio	2.50
Compensation Required	199

COMPENSATION	
Habitat Value of Compensation	0
Habitat Value after Restoration	0
Restoration Lift Factor*	0.5
Final Value of Compensation	0
Additional Compensation Needed	199

***When converting Ag lands to non-forested native systems applicant gets full credit of lift**

PROJECT PLANNING INFO FOR PANTHER TABLE

Habitat Impact Acreage and Panther Units						Compensation Acreage and Panther Units.					
primary/d		secondary		other		primary/d		secondary		other	
Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU
13.5	79.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

PROJECT WORKSHEET

Habitat Type	*Assigned value*	Habitat types of land to be developed (acres)				Habitat types of land after development (acres)			
		Primary/d Zone	Secondary Zone	Other Zone	Habitat Units	Primary/d Zone	Secondary Zone	Other Zone	Habitat Units
Pine forest	9.5	4.31			41				0
Hardwood-Pine	9.3				0				0
Cypress swamp	9.2				0				0
Hardwood swamp	9.2				0				0
Hardwood Forest	9				0				0
Dry prairie	6.3				0				0
Unimproved pasture	5.7	5.8			33				0
Shrub swamp/brush	5.5				0				0
Improved pasture	5.2				0				0
Cropland	4.8				0				0
Orchards/groves	4.7				0				0
Marsh/ wet prairie	4.7				0				0
Xeric scrub	4.5				0				0
Exotic/Nuisance plants	3	1.65			5				0
Coastal wetlands	3				0				0
Barren/Disturbed lands	3	0.15			0				0
Water	0	0.54			0				0
Urban	0	1.03			0	13			0
Reservoirs*					0				0
STA*					0				0
TOTAL		13	0	0	79	13	0	0	0

CONTINUE

CLEAR

COMPENSATION REQUIRED

199

Habitat Units

***NOTE: The assigned value for Reservoirs and STAs varies by size, proposed future management, and their position in the landscape. See the associated methodology document for guidance on starting values and considerations.**

COMPENSATION

Habitat Type	*Assigned value*	Habitat types of land being offered as compensation (acres) Primary/d Zone	Secondary Zone	Other Zone	Habitat Units	Habitat types of compensation land after enhancement (acres) Primary/d Zone	Secondary Zone	Other Zone	Habitat Units
Pine forest	9.5				0				
Hardwood-Pine	9.3				0				
Cypress swamp	9.2				0				
Hardwood swamp	9.2				0				
Hardwood Forest	9				0				
Dry prairie	6.3				0				
Unimproved pasture	5.7				0				
Shrub swamp/brush	5.5				0				
Improved pasture	5.2				0				
Cropland	4.8				0				
Orchards/groves	4.7				0				
Marsh/ wet prairie	4.7				0				
Xeric scrub	4.5				0				
Exotic/Nuisance plants	3				0				
Coastal wetlands	3				0				
Barren/Disturbed lands	3				0				
Water	0				0				
Urban	0				0				
Reservoirs*					0				
STA*					0				
SubTotal		0	0	0	0				

CONTINUE

CLEAR

COMPENSATION PROPOSED

0

Habitat Units

0 Subtotal PHU with time lag factor

USE SECTION BELOW ONLY IF A NATIVE HABITAT IS BEING CREATED FROM AG LANDS

Unimproved pasture	5.7				0				
Improved pasture	5.2				0				
Cropland	4.8				0				
Orchards/groves	4.7				0				
Shrub swamp/brush	7								
Marsh/ wet prairie	7								
Xeric scrub	7								
Coastal wetlands	7								
SubTotal		0	0	0	0				

Values in green are only used when ag lands are restored to non-forested native habitat. Full restoration value is immediate in this instance only.

0 Subtotal PHU from Ag Restoration

***NOTE: The assigned value for Reservoirs and STAs varies by size, proposed future management, and their position in the landscape. See the associated methodology document for guidance on starting values and considerations.**

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Victoria Foster

Willie, Christine

Re: [EXTERNAL] RE: SWFIA ATCT (USFWS R
07DMJ1710

John Wrublik <john_wrublik@fws.gov> 11:06
to Bethany, Kenneth, Heather, Joe, Emily, Alicia, Ellen

Bethany, I agree that the panther habitat assessment is correct. The only
biological opinion is the information I requested for the cumulative effects

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

***NOTE: This email correspondence and any attachments to and from t
of Information Act (FOIA) and may be disclosed to third parties.***

On Fri, Jul 27, 2018 at 10:29 AM Bethany Brosious <bethanyb@passarel

> John,
>
> As a follow up to our conversation on Tuesday and as requested in you
> clearing area was revised. Per your email, the area will have no value t
> the tower, therefore the analysis has been revised to reflect this.
>
> A PDF copy of the revised USFWS panther compensation calculator fo
> revised analysis, 199 PHUs are required as compensation for impacts a
> construction of the tower. In addition, for your reference, a copy of the
> calculator for the Tree Topping Area is also attached, although no revis
> the Tree Topping Area, 20 PHUs are required as compensation for tree
> PHU requirement for the ATCT project is 219 PHUs.

Re: Panther Questions

Wrublik, John <john_wrublik@fws.gov>

Thu 10/4/2018 10:38 AM

To: Williams, Zakia <zakia_williams@fws.gov>; Shindle, David B <david_shindle@fws.gov>

Zakia, I don't have enough knowledge of our panther data base so I will defer to Dave to answer your question.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
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email: John_Wrublik@fws.gov

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On Wed, Oct 3, 2018 at 3:38 PM Williams, Zakia <zakia_williams@fws.gov> wrote:

> Hello,
>
> During the pre-brief meeting Elizabeth brought to my attention a project in Hillsborough County that we may need to take a look at in regards to panthers. The project is the I-4 from east of 50th Street to Polk Parkway (the project was formerly known as the 1-4 TBX Section 8). The project is in the PD&E phase and was consulted on back in 2015. I have been in contact with the District 7 office and they are awaiting input from FWS on how to proceed further. I took at look at some of the panther information that is on the website to help get acquainted with panthers. I checked out the Panther Hotspots Chart which only contained information for SW Florida. I also noticed that there was a map in one of the presentations that showed the locations of panther collisions and some of them were in north Florida.
>
> My question is, is there a place were I can go and look at the data that was on the map? Also, have there been any conversations regarding some potential hotpot areas in north Florida that we need to be focusing on. DOT District 7 is willing to put out a couple of cameras and do a small study at some identified areas were we could potentially have panthers, they just need a little guidance on where these areas are, and have asked me for suggestions. So, I am asking you all to help me guide them in the right direction.
>
> Please let me know your thoughts.
>
> Thank you,
> Zakia
> --

Zakia Williams

Fish and Wildlife Biologist

US Fish and Wildlife Service

7915 Baymeadows Way Ste. 200

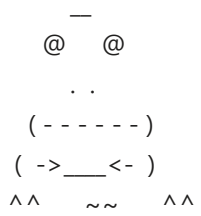
Jacksonville, FL 32256

(o) 904-731-3119

(c)904-200-2678

(F) 904-731-3045

>>>>>>>>>>>>>>>>>>



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Wrublik, John <john_wrublik@fws.gov>

RE: [EXTERNAL] RE: PHUs control tower at SWFIA (07DMJ1710)

1 message

Bethany Brosious <bethanyb@passarella.net> Tue, Dec 4, 2018 at 4:11 PM
To: "John Wrublik (John_Wrublik@fws.gov)" <John_Wrublik@fws.gov>
Cc: "Alicia Dixon (addixon@flylcpa.com)" <addixon@flylcpa.com>, "Emily Underhill (emunderhill@flylcpa.com)" <emunderhill@flylcpa.com>, "Glowacki, Joe" <Joe.Glowacki@aecom.com>, "Springer, Michael" <Michael.Springer@aecom.com>, Kenneth Passarella <kenp@passarella.net>, Heather Samborski <HeatherP@passarella.net>

John – we have recalculated the PHU requirement for the Project using the 1.98 base ratio discussed below; revised PHU tables are attached. Per the revised analysis, the Project will require a total of 173 PHUs as compensation for impacts to panther habitat.

To provide the required PHUs, the applicant has reserved 0.99 credits from Corkscrew Regional Wetland Mitigation Bank and those credits provide 14.06 PHUs. The applicant will also reserve 159 PHUs from a panther conservation bank to provide the additional required PHUs. The combination of the wetland mitigation bank credits and PHUs from a panther conservation bank provide 173 PHUs and will satisfy the requirement for the Project.

Could you please review the revised numbers and provide confirmation if you are in agreement ?

We will provide you a revised Letter of Reservation from Florida Panther Conservation Bank once the analysis has been finalized.

Please don't hesitate to contact me with any questions.

Bethany

Bethany Brosious

Senior Ecologist

Passarella & Associates, Inc.

Offices in Florida and South Carolina

13620 Metropolis Avenue, Suite 200

Fort Myers, Florida 33912

Phone (239) 274-0067 . Fax (239) 274-0069

www.passarella.net

From: Bethany Brosious
Sent: Thursday, November 15, 2018 10:46 AM
To: 'Wrublik, John' <john_wrublik@fws.gov>
Cc: Kenneth Passarella <kenp@passarella.net>; Heather Samborski <HeatherP@passarella.net>; Alicia Dixon (addixon@flylcpa.com) <addixon@flylcpa.com>; Glowacki, Joe <Joe.Glowacki@aecom.com>
Subject: RE: [EXTERNAL] RE: PHUs control tower at SWFIA (07DMJ1710)

Thanks John, appreciate the information. I'll let you know ASAP how we'd like to proceed.

Bethany

From: Wrublik, John <john_wrublik@fws.gov>
Sent: Thursday, November 15, 2018 10:43 AM
To: Bethany Brosious <bethanyb@passarella.net>
Cc: Kenneth Passarella <kenp@passarella.net>; Heather Samborski <HeatherP@passarella.net>; Alicia Dixon (addixon@flylcpa.com) <addixon@flylcpa.com>; Glowacki, Joe <Joe.Glowacki@aecom.com>
Subject: Re: [EXTERNAL] RE: PHUs control tower at SWFIA (07DMJ1710)

Yes that is correct

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On Thu, Nov 15, 2018 at 10:42 AM Bethany Brosious <bethanyb@passarella.net> wrote:

> John – thank you for the email, I appreciate you giving us the option to pursue this. Just to clarify, is the base ratio the only change to the methodology at this point ?
>
> If so, I will re-run the numbers and discuss with the LCPA and let you know how we'd like to proceed.
>
> Thanks,

Bethany

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To: Bethany Brosious <bethanyb@passarella.net>
Subject: PHUs control tower at SWFIA

Bethany,

Management has decided to adopt a 1.98 base ratio to replace the 2.5 base ratio (in association with the Service's panther habitat methodology) that you orignally used to calculate the number of PHUs needed to compensate for the PHUs lost due to the project. You have the option of recalculating the number of PHUs that the applicant will need to provide to compensate for the PHUs lost due to the project with the 1.98 Base Ratio. Or you can go forward the current calculations made with the 2.5 base ratio and the current number of PHUs needed to compensate for PHUs lost. Please let me know what you would like to do. If you choose the former, please provide me we the new calculations for PHUs needed. If you have any questions or need any further clarification ,please let me know.

Thanks John

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Draft Panther Compensation Calculator (ATCT PHU)Rvsd 120418.pdf
32K

SWFIA AIR TRAFFIC CONTROL TOWER
USFWS PANTHER COMPENSATION CALCULATOR

December 2018

DRAFT

Table 1. Florida Panther Compensation Calculation for the ATCT Construction Area

Habitat Type	Assigned Value	Habitat Types of Land To Be Developed (acres)				Habitat Types of Land After Development (acres)			
		Primary/d Zone	Secondary Zone	Other Zone	Habitat Units	Primary/d Zone	Secondary Zone	Other Zone	Habitat Units
Pine forest	9.5	4.31			41				0
Hardwood-Pine	9.3				0				0
Cypress swamp	9.2				0				0
Hardwood swamp	9.2				0				0
Hardwood Forest	9				0				0
Dry prairie	6.3				0				0
Unimproved pasture	5.7	5.8			33				0
Shrub swamp/brush	5.5				0				0
Improved pasture	5.2				0				0
Cropland	4.8				0				0
Orchards/groves	4.7				0				0
Marsh/ wet prairie	4.7				0				0
Xeric scrub	4.5				0				0
Exotic/Nuisance plants	3	1.65			5				0
Coastal wetlands	3				0				0
Barren/Disturbed lands	3	0.15			0				0
Water	0	0.54			0				0
Urban	0	1.03			0	13			0
Reservoirs*					0				0
STA*					0				0
TOTAL		**13**			**79**	**0**			**0**

COMPENSATION REQUIRED**

157

Habitat Units

*NOTE: The assigned value for Reservoirs and STAs varies by size, proposed future management, and their position in the landscape. See the associated methodology document for guidance on starting values and considerations.

**1.98 Base Ratio utilized

Table 2. Florida Panther Compensation Calculation for the ATCT Tree Topping Area

Habitat Type	Assigned Value	Habitat Types of Land To Be Developed (acres)				Habitat Types of Land After Development (acres)			
		Primary/d Zone	Secondary Zone	Other Zone	Habitat Units	Primary/d Zone	Secondary Zone	Other Zone	Habitat Units
Pine forest	9.5	2.01			19				0
Hardwood-Pine	9.3				0				0
Cypress swamp	9.2				0				0
Hardwood swamp	9.2				0				0
Hardwood Forest	9				0				0
Dry prairie	6.3				0				0
Unimproved pasture	5.7				0				0
Shrub swamp/brush	5.5				0	2.01			11
Improved pasture	5.2				0				0
Cropland	4.8				0				0
Orchards/groves	4.7				0				0
Marsh/ wet prairie	4.7				0				0
Xeric scrub	4.5				0				0
Exotic/Nuisance plants	3	0.42			1	0.42			1
Coastal wetlands	3				0				0
Barren/Disturbed lands	3				0				0
Water	0				0				0
Urban	0				0				0
Reservoirs*					0				0
STA*					0				0
TOTAL		**2**			**20**	**0**			**12**

COMPENSATION REQUIRED**

16

Habitat Units

*NOTE: The assigned value for Reservoirs and STAs varies by size, proposed future management, and their position in the landscape. See the associated methodology document for guidance on starting values and considerations.

**1.98 Base Ratio utilized

Wrublik, John <john_wrublik@fws.gov>

RE: [EXTERNAL] RE: PHUs control tower at SWFIA (07DMJ1710)

1 message

Bethany Brosious <bethanyb@passarella.net> Fri, Dec 7, 2018 at 8:54 AM
To: "Wrublik, John" <john_wrublik@fws.gov>
Cc: "Alicia Dixon (addixon@flylcpa.com)" <addixon@flylcpa.com>, "Emily Underhill (emunderhill@flylcpa.com)" <emunderhill@flylcpa.com>, "Glowacki, Joe" <Joe.Glowacki@aecom.com>, "Michael.Springer@aecom.com" <Michael.Springer@aecom.com>, Kenneth Passarella <kenp@passarella.net>, Heather Samborski <HeatherP@passarella.net>

Thanks John, we'll start working to get a revised Letter of Reservation for the PHUs and will send you a copy when we have it.

Bethany

From: Wrublik, John <john_wrublik@fws.gov>
Sent: Friday, December 07, 2018 7:38 AM
To: Bethany Brosious <bethanyb@passarella.net>
Cc: Alicia Dixon (addixon@flylcpa.com) <addixon@flylcpa.com>; Emily Underhill (emunderhill@flylcpa.com) <emunderhill@flylcpa.com>; Glowacki, Joe <Joe.Glowacki@aecom.com>; Michael.Springer@aecom.com; Kenneth Passarella <kenp@passarella.net>; Heather Samborski <HeatherP@passarella.net>
Subject: Re: [EXTERNAL] RE: PHUs control tower at SWFIA (07DMJ1710)

Bethany, I have reviewed your PHU calculations, and they seem correct. If I need

anything else to finish the BO, I will let you know.

John

John M. Wrublik

U.S. Fish and Wildlife Service

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Yes that is correct

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Re: Panther Deaths in 2018

Wrublik, John <john_wrublik@fws.gov>

Thu 12/13/2018 12:42 PM

To: Shindle, David B <david_shindle@fws.gov>

Thanks!

John M. Wrublik
U.S. Fish and Wildlife Service
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Vero Beach, Florida 32960
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On Thu, Dec 13, 2018 at 12:41 PM Shindle, David <david_shindle@fws.gov> wrote:

> Hi John. Here's the list through August. I have FWC keep and distribute the master list given that causes of mortality may be later updated based on necropsy results or closed law enforcement investigations. Would rather have one master list than multiple versions floating around. Darrell is out for vacation, so I can't request a more updated list. But I will request one once the new year rolls around and we will have 2018 closed.
>
> And there is also an updated list here, but without coordinates:
>
> http://myfwc.com/wildlifehabitats/managed/panther/pulse/
>
> If you see any on the Panther Pulse list since Aug 2018 that you need coordinates for, we can always pull them from our notification letters that I upload here:
> L:\Endangered Species\Species Files\Mammals\Florida panther\Mortalities\2018
>
> David

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
12085 State Road 29 S
Immokalee, FL 34142
Desk 239-657-8013
Cell 772-532-7293
david_shindle@fws.gov

Southeast Region Vision: Together, we will connect lands and waters to sustain fish, wildlife and plants by being visionary leaders, bold innovators and trusted partners, working with and for people.

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On Thu, Dec 13, 2018 at 12:04 PM Wrublik, John <john_wrublik@fws.gov> wrote:

> Dave,
>
> Do you have a list of panther deaths (vehicle related, intraspecific agression etc) that occured in 2018? I have data up to April 2018, but haven't been able to find anything more current. This is for a biological opinion, but If you're too busy, dont worry about it, and I can get bye without it.
>
> thanks
>
> John
>
> **John M. Wrublik**
> **U.S. Fish and Wildlife Service**
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Wrublik, John <john_wrublik@fws.gov>

FW: [EXTERNAL] RE: PHUs control tower at SWFIA (07DMJ1710)

1 message

Bethany Brosious <bethanyb@passarella.net> Fri, Jan 4, 2019 at 8:36 AM
To: "John Wrublik (John_Wrublik@fws.gov)" <John_Wrublik@fws.gov>
Cc: "Glowacki, Joe" <Joe.Glowacki@aecom.com>, Kenneth Passarella <kenp@passarella.net>, Heather Samborski <HeatherP@passarella.net>, "Alicia Dixon (addixon@flylcpa.com)" <addixon@flylcpa.com>

Hi John - please find attached, the revised PHU reservation letter from Florida Panther Conservation Bank for the ATCT at SWFIA. Please let us know if there is anything else you need at this time.

Thanks,

Bethany

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Cc: Kenneth Passarella <kenp@passarella.net>; Heather Samborski <HeatherP@passarella.net>; Alicia Dixon (addixon@flylcpa.com) <addixon@flylcpa.com>; Glowacki, Joe <Joe.Glowacki@aecom.com>
Subject: Re: [EXTERNAL] RE: PHUs control tower at SWFIA (07DMJ1710)

Yes that is correct

John M. Wrublik

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

Office: (772) 469-4282

Fax: (772) 562-4288

email: John_Wrublik@fws.gov

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

On Thu, Nov 15, 2018 at 10:42 AM Bethany Brosious <bethanyb@passarella.net> wrote:

> John – thank you for the email, I appreciate you giving us the option to pursue this. Just to clarify, is the base ratio the only change to the methodology at this point ?
>
> If so, I will re-run the numbers and discuss with the LCPA and let you know how we'd like to proceed.
>
> Thanks,
>
> Bethany
>
> **Bethany Brosious**
>
> Senior Ecologist
>
> Passarella & Associates, Inc.
>
> *Offices in Florida and South Carolina*
>
> 13620 Metropolis Avenue, Suite 200
>
> Fort Myers, Florida 33912
>
> Phone (239) 274-0067 . Fax (239) 274-0069
>
> www.passarella.net
>
> **From:** Wrublik, John <john_wrublik@fws.gov>
> **Sent:** Thursday, November 15, 2018 10:31 AM
> **To:** Bethany Brosious <bethanyb@passarella.net>
> **Subject:** PHUs control tower at SWFIA
>
> Bethany,
>
> Management has decided to adopt a 1.98 base ratio to replace the 2.5 base ratio (in association with the Service's panther habitat methodology) that you orignally used to calculate the number of PHUs needed to compensate for the PHUs lost due to the project. You have the option of recalculating the number of PHUs that the applicant will

need to provide to compensate for the PHUs lost due to the project with the 1.98 Base Ratio. Or you can go forward the current calculations made with the 2.5 base ratio and the current number of PHUs needed to compensate for PHUs lost. Please let me know what you would like to do. If you choose the former, please provide me we the new calculations for PHUs needed. If you have any questions or need any further clarification ,please let me know.

Thanks John

John M. Wrublik

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

Office: (772) 469-4282

Fax: (772) 562-4288

email: John_Wrublik@fws.gov

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Reservation Letter.pdf
44K

FLORIDA PANTHER
CONSERVATION

P.O. Box 740631
Boynton Beach, FL 33474
tel. 239.633.8375
fax. 561.369.2804
www.pantherconservation.com

December 21, 2018

Reference: Our August 3 and November 8, 2018 Reservation Letters

Larry Williams
State Supervisor
US Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960-3559

Dear Mr. Williams:

Subject: Second Revised Reservation Letter
Air Traffic Control Tower at RSW
USACE Permit Application No. SAJ-2009-01552
USFWS Log No. 4-1-00-F-585

This is to inform you that the Lee County Port Authority, after consultation with Service Staff, has revised the number of Panther Habitat Units (PHU) to be purchased from Florida Panther Conservation, II, LLC (FPC, II). As additional PHU will be obtained from other sources and the Panther Tool Multiplier has changed, the Port Authority now requires 159 PHU rather than the previously estimated 219 PHU from FPC, II. The PHU purchased by the Port Authority will be used to mitigate the impact to the habitat of the Florida panther caused by construction of the new Air Traffic Control Tower at Southwest Florida International Airport.

We are proud to be a small part of this important Safety upgrade, so important to all who live and work in Southwest Florida.

Please do not hesitate to contact me if you have any questions.

Respectfully,

Leslie D. Alderman, Jr.
Founder and Managing Member

Wrublik, John <john_wrublik@fws.gov>

Re: FW: [EXTERNAL] RE: PHUs control tower at SWFIA (07DMJ1710)

1 message

Wrublik, John <john_wrublik@fws.gov> Mon, Jan 28, 2019 at 9:57 AM
To: Bethany Brosious <bethanyb@passarella.net>
Cc: "Glowacki, Joe" <Joe.Glowacki@aecom.com>, Kenneth Passarella <kenp@passarella.net>, Heather Samborski <HeatherP@passarella.net>, "Alicia Dixon (addixon@flylcpa.com)" <addixon@flylcpa.com>

Thanks,

As stated below in the email chain, the project will require 173 phus as compensation for impacts to the panther. The reservation letter from Florida panther conservation bank will cover 159 phus. I assume that the difference will be made up by other sources as indicated in the letter.

Also FYI, I was able to finish a draft of the BO prior to the shutdown and give it to my supervisor just prior to the begining of the shutdown. Due to the workload she accumulated during the shutdown period, I assume that she will get to it when able.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Fri, Jan 4, 2019 at 8:37 AM Bethany Brosious <bethanyb@passarella.net> wrote:

> Hi John - please find attached, the revised PHU reservation letter from Florida Panther Conservation Bank for the ATCT at SWFIA. Please let us know if there is anything else you need at this time.
>
> Thanks,
>
> Bethany
>
> **Bethany Brosious**
>
> Senior Ecologist
>
> Passarella & Associates, Inc.
>
> *Offices in Florida and South Carolina*
>
> 13620 Metropolis Avenue, Suite 200
>
> Fort Myers, Florida 33912

Phone (239) 274-0067 . Fax (239) 274-0069

www.passarella.net

From: Bethany Brosious
Sent: Friday, December 07, 2018 8:55 AM
To: 'Wrublik, John' <john_wrublik@fws.gov>
Cc: Alicia Dixon (addixon@flylcpa.com) <addixon@flylcpa.com>; Emily Underhill (emunderhill@flylcpa.com) <emunderhill@flylcpa.com>; Glowacki, Joe <Joe.Glowacki@aecom.com>; Michael.Springer@aecom.com; Kenneth Passarella <kenp@passarella.net>; Heather Samborski <HeatherP@passarella.net>
Subject: RE: [EXTERNAL] RE: PHUs control tower at SWFIA (07DMJ1710)

Thanks John, we'll start working to get a revised Letter of Reservation for the PHUs and will send you a copy when we have it.

Bethany

From: Wrublik, John <john_wrublik@fws.gov>
Sent: Friday, December 07, 2018 7:38 AM
To: Bethany Brosious <bethanyb@passarella.net>
Cc: Alicia Dixon (addixon@flylcpa.com) <addixon@flylcpa.com>; Emily Underhill (emunderhill@flylcpa.com) <emunderhill@flylcpa.com>; Glowacki, Joe <Joe.Glowacki@aecom.com>; Michael.Springer@aecom.com; Kenneth Passarella <kenp@passarella.net>; Heather Samborski <HeatherP@passarella.net>
Subject: Re: [EXTERNAL] RE: PHUs control tower at SWFIA (07DMJ1710)

Bethany, I have reviewed your PHU calculations, and they seem correct. If I need

anything else to finish the BO, I will let you know.

John

John M. Wrublik

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

Office: (772) 469-4282

Fax: (772) 562-4288

email: John_Wrublik@fws.gov

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On Tue, Dec 4, 2018 at 4:12 PM Bethany Brosious <bethanyb@passarella.net> wrote:

> John – we have recalculated the PHU requirement for the Project using the 1.98 base ratio discussed below; revised PHU tables are attached. Per the revised analysis, the Project will require a total of 173 PHUs as compensation for impacts to panther habitat.
>
> To provide the required PHUs, the applicant has reserved 0.99 credits from Corkscrew Regional Wetland Mitigation Bank and those credits provide 14.06 PHUs. The applicant will also reserve 159 PHUs from a panther conservation bank to provide the additional required PHUs. The combination of the wetland mitigation bank credits and PHUs from a panther conservation bank provide 173 PHUs and will satisfy the requirement for the Project.
>
> Could you please review the revised numbers and provide confirmation if you are in agreement ?
>
> We will provide you a revised Letter of Reservation from Florida Panther Conservation Bank once the analysis has been finalized.
>
> Please don't hesitate to contact me with any questions.
>
> Bethany
>
> **Bethany Brosious**
>
> Senior Ecologist
>
> Passarella & Associates, Inc.
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>
> www.passarella.net
>
> ---
>
> **From:** Bethany Brosious
> **Sent:** Thursday, November 15, 2018 10:46 AM
> **To:** 'Wrublik, John' <john_wrublik@fws.gov>
> **Cc:** Kenneth Passarella <kenp@passarella.net>; Heather Samborski <HeatherP@passarella.net>; Alicia Dixon (addixon@flylcpa.com) <addixon@flylcpa.com>; Glowacki, Joe <Joe.Glowacki@aecom.com>
> **Subject:** RE: [EXTERNAL] RE: PHUs control tower at SWFIA (07DMJ1710)
>
> Thanks John, appreciate the information. I'll let you know ASAP how we'd like to proceed.

Bethany

From: Wrublik, John <john_wrublik@fws.gov>
Sent: Thursday, November 15, 2018 10:43 AM
To: Bethany Brosious <bethanyb@passarella.net>
Cc: Kenneth Passarella <kenp@passarella.net>; Heather Samborski <HeatherP@passarella.net>; Alicia Dixon (addixon@flylcpa.com) <addixon@flylcpa.com>; Glowacki, Joe <Joe.Glowacki@aecom.com>
Subject: Re: [EXTERNAL] RE: PHUs control tower at SWFIA (07DMJ1710)

Yes that is correct

John M. Wrublik

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

Office: (772) 469-4282

Fax: (772) 562-4288

email: John_Wrublik@fws.gov

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On Thu, Nov 15, 2018 at 10:42 AM Bethany Brosious <bethanyb@passarella.net> wrote:

> John – thank you for the email, I appreciate you giving us the option to pursue this. Just to clarify, is the base ratio the only change to the methodology at this point ?
>
> If so, I will re-run the numbers and discuss with the LCPA and let you know how we'd like to proceed.
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> Thanks,
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> Bethany
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Phone (239) 274-0067 . Fax (239) 274-0069

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From: Wrublik, John <john_wrublik@fws.gov>
Sent: Thursday, November 15, 2018 10:31 AM
To: Bethany Brosious <bethanyb@passarella.net>
Subject: PHUs control tower at SWFIA

Bethany,

Management has decided to adopt a 1.98 base ratio to replace the 2.5 base ratio (in association with the Service's panther habitat methodology) that you orignally used to calculate the number of PHUs needed to compensate for the PHUs lost due to the project. You have the option of recalculating the number of PHUs that the applicant will need to provide to compensate for the PHUs lost due to the project with the 1.98 Base Ratio. Or you can go forward the current calculations made with the 2.5 base ratio and the current number of PHUs needed to compensate for PHUs lost. Please let me know what you would like to do. If you choose the former, please provide me we the new calculations for PHUs needed. If you have any questions or need any further clarification ,please let me know.

Thanks John

John M. Wrublik

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email: John_Wrublik@fws.gov

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Wrublik, John
Tue 2/12/2019 1:18 PM

- Daniel Smith <Daniel.Smith@ucf.edu>

Dan, please see email below, I forgot to forward it to you.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
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Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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---------- Forwarded message ---------
From: **Wrublik, John** <john_wrublik@fws.gov>
Date: Tue, Feb 12, 2019 at 1:02 PM
Subject: Fwd: [EXTERNAL] RE: Florida Panther Info
To: Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Cc: Shindle, David <david_shindle@fws.gov>

Chuck, As far as fencing goes, Dan Smith from UCF may have some of fencing data but not all of it (see email chain). Dan, it appears that Chuck Kelso of our office is looking for shape files on fencing associated with the Panther crossings, would you be able to send
Chuck the shape files on fencing that you have to Chuck.

Thanks for anything you can do,

regards John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960

Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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---------- Forwarded message ---------
From: **Daniel Smith** <Daniel.Smith@ucf.edu>
Date: Tue, Feb 12, 2019 at 8:37 AM
Subject: RE: [EXTERNAL] RE: Florida Panther Info
To: Setchell, Brent <Brent.Setchell@dot.state.fl.us>, john_wrublik@fws.gov <john_wrublik@fws.gov>, Onorato, Dave <Dave.Onorato@myfwc.com>

I only created it for our LCP focus area between alligator alley and I-4 within District 1. It doesn't include the new fencing on alligator alley because we were only looking at movement northward from the panther refuge/big cypress and also doesn't include the new bridge being built at the second canal on SR 80.

I can send you that if you want it. Also, it only includes the 10 ft high fences, not any standard fencing.

Dan

_____

Daniel J. Smith, Ph.D., A.I.C.P.

Research Associate/Graduate Research Faculty

Department of Biology

University of Central Florida

4110 Libra Dr.

Orlando, FL 32816-2368

daniel.smith@ucf.edu

office (386)785-1565

mobile (352)213-3833

Chair, Committee on Ecology and Transportation (ADC30) of the Transportation Research Board of the National Academies of Sciences, Engineering and Mathematics

From: Setchell, Brent <Brent.Setchell@dot.state.fl.us>
Sent: Tuesday, February 12, 2019 8:13 AM
To: Daniel Smith <Daniel.Smith@ucf.edu>
Subject: FW: [EXTERNAL] RE: Florida Panther Info

Dan,

Didn't you create this data for the fencing?

From: Wrublik, John [mailto:john_wrublik@fws.gov]
Sent: Tuesday, February 12, 2019 8:07 AM
To: Shindle, David <david_shindle@fws.gov>; Setchell, Brent <Brent.Setchell@dot.state.fl.us>; amber crooks <amberc@conservancy.org>
Cc: Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject: Fwd: [EXTERNAL] RE: Florida Panther Info

EXTERNAL SENDER: Use caution with links and attachments.

Does anyone have the spatial data for wildlife crossings and fencing requested below?

John M. Wrublik

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

Office: (772) 469-4282

Fax: (772) 562-4288

email: John_Wrublik@fws.gov

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---------- Forwarded message ---------
From: **Mcdonald, Kenneth** <kenneth_mcdonald@fws.gov>
Date: Mon, Feb 11, 2019 at 3:53 PM
Subject: Fwd: [EXTERNAL] RE: Florida Panther Info
To: Shana DiPalma <shana_dipalma@fws.gov>, Kelso, Charles <charles_kelso@fws.gov>, John Wrublik <John_Wrublik@fws.gov>

Hey guys,

Do we have spatial data for wildlife crossings and spatial extent of fencing along roadways meant to prevent panther/wildlife/vehicle collisions?

Ken

---------- Forwarded message ---------
From: **Onorato, Dave** <Dave.Onorato@myfwc.com>
Date: Mon, Feb 11, 2019 at 3:25 PM
Subject: [EXTERNAL] RE: Florida Panther Info
To: Mcdonald, Kenneth <kenneth_mcdonald@fws.gov>

Hey Ken:

Now it's my turn. Quid pro quo.

Do you guys have a shapefile for wildlife underpasses south of the River that includes data on fencing associated with said structures. I'm interested in knowing how far the fences extend beyond the structures themselves. I've gone in the field to get these data before, but there have been some new underpasses constructed in the last few years and I thought before going on a field trip, I'd see if the FWS had such info. I've already contacted DOT (Brent) as well.

Thanks!

Dave

Dave Onorato- Research Scientist

Florida Panther Project

Fish and Wildlife Research Institute

Florida Fish and Wildlife Conservation Commission

298 Sabal Palm Road, Naples, FL 34114 USA

239-417-6352 (voice)

239-417-6361 (fax)

Florida Panther Net

Support Florida Panther Research

From: Mcdonald, Kenneth <kenneth_mcdonald@fws.gov>
Sent: Friday, February 08, 2019 11:35 AM
To: Onorato, Dave <Dave.Onorato@MyFWC.com>
Subject: Florida Panther Info

CAUTION: This email originated from outside of FWC. Whether you know the sender or not, do not click links or open attachments you were not expecting.

Hey,

I hope this finds you all well. They have me working on the Florida Panther of the Biological Opinion for the Eastern Collier HCP, and I wanted to make sure I have all my i's dotted and t's crossed before I dive into the home stretch.

We have shapefiles and data in our server, but I'm not sure if it's the most recent available. Is there more up-to-date telemetry data that goes beyond 2017? Also, does the data indicate which panthers are still alive, dead, or unknown? Also, I'm aware necropsies are regularly performed on panthers that are found dead. Do any of them screen for Anticoagulant rodenticides? Lastly, is there a database of removals/rescues and dispositions you guys have had to perform? If so can I obtain these from you?

Thank you,

Ken

--

Kenneth McDonald

Fish & Wildlife Biologist

South Florida Ecological Services Field Office

1339 20th Street
Vero Beach, Florida 32960-3559

Office: 772.469.4284

Fax: 772.562.4288
kenneth_mcdonald@fws.gov

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Energy and persistence will conquer all things

- Benjamin Franklin

--

Kenneth McDonald

Fish & Wildlife Biologist

South Florida Ecological Services Field Office

1339 20th Street
Vero Beach, Florida 32960-3559

Office: 772.469.4284

Fax: 772.562.4288
kenneth_mcdonald@fws.gov

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Energy and persistence will conquer all things

- Benjamin Franklin

Re: Question about Major Roads

Wrublik, John <john_wrublik@fws.gov>

Wed 7/10/2019 9:33 AM

To: Mcdonald, Kenneth <kenneth_mcdonald@fws.gov>
Cc: DiPalma, Shana M <Shana_DiPalma@fws.gov>

I'm not really sure, but major roads probably include FDOT's state roads (e.g., State 60 in indian river county etc), Federal roads (e.g., U.S Highway 1, U.S. Highway 27 etc.) and major county roads.

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Wed, Jul 10, 2019 at 8:55 AM Mcdonald, Kenneth <kenneth_mcdonald@fws.gov> wrote:

> Hey,
>
> In the GIS DATA file I found a few shapefiles listed as "Major Roads". These seem to correspond very strongly with panther mortality. Do either of you know what criteria is used to identify a road as a "Major Road"?
>
> Ken
>
> --
> Kenneth McDonald
> Fish & Wildlife Biologist
> South Florida Ecological Services Field Office
> 1339 20th Street
> Vero Beach, Florida 32960-3559
> Office: 772.469.4284
> Fax: 772.562.4288
> **kenneth_mcdonald@fws.gov**
>
> ***NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.***
>
> *Energy and persistence will conquer all things*
>
> *- Benjamin Franklin*

Re: [EXTERNAL] FW: MPOAC Legislative News - SB 7068 transportation bill filed

Wrublik, John <john_wrublik@fws.gov>

Tue 3/12/2019 1:51 PM

To: Cantrell, Mark A <mark_a_cantrell@fws.gov>
Cc: Hinzman, Roxanna <roxanna_hinzman@fws.gov>; Williams, Larry O <larry_williams@fws.gov>

Mark, sounds like a good plan and it looks like you are doing all you can do. I cced Lary and Rox so they are kept in the loop. Larry and Rox this is in response to the rebirth of the Heartland expressway issue that is trying to make a comeback in the legislature.

thanks John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Tue, Mar 12, 2019 at 1:36 PM Cantrell, Mark <mark_a_cantrell@fws.gov> wrote:

> John
>
> I have drafted a "we don't like it" letter. But it is on hold right now, just trying to figure out who to send it to.
> I talked with FDOT folks in Tallahassee. Their advice is that they may never see the new program in their division, if it ever happens.
> The action now seems to just be in the state legislature, but there is some pretty good NGO opposition already forming.
>
> So, I am planning to:
>
> 1. watch the legislative process of the proposed bill,
> 2. stay in contact with FDOT and keep them aware of our concerns abort the habitat and fragmentation issues and how much study and mitigation we foresee,
> 3. start to look closely at the resources in the 3 corridors
> 4. stay in touch with our panther and bear folks, working on some landscape-scale wildlife corridor plans.
>
> With with these sorts of huge new location toll roads and development in mind, we urgently need more conservation lands, and better safe wildlife crossings.
>
> Let me know what else you hear about these transportation corridors. Or if you have any ideas about how to ensure these large scale projects can be dealt with.

thanks,
Mark A. Cantrell
U.S. Fish & Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405
850/769-0552, ext 250
mobile: 828/215-1739 - This is usually the best number to reach me.

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On Fri, Mar 1, 2019 at 1:12 PM Wrublik, John <john_wrublik@fws.gov> wrote:

> Mark, please see email chain and attachment below. It refers to a bill that is being put forward by the president of the Florida Senate that would include at least three new highways. The one that would affect South Florida is new corridor from Polk County through Collier County. This was known previously as the Heartland Expressway. I had seen this proposal several years ago but it went away. It is now, possibly, rearing its head again. This project would have very serious impacts on the Florida panther (basically a disaster for the panther as it goes through, and would open up for more development, some of the best and last remaining habitat for the panther) as well as other fish and wildife resources and the environment. Larry and Roxanna asked me to contact you so we can be proactive with FDOT and let them know that the Service has serious, serious concerns about the hearland expressway and likely the other two corridors should this this legistative proposal go forward. They requested you discuss our concerns with the FDOT and facilitate a formal letter on the on this proposal. You may have similar concerns for the other two projects (I belief one of them would provide for a new expressway from Central Florida through North Florida to Georgia, not sure of the exact footprints) and could pass on those concerns to the FDOT and include any concerns about those projects in the letter as well. I've been asked to work with you to figure out what would be appropriate for the Heartland proposal. From my point of view that would be fairly straight forward:
>
> 1) project would direcelty result in the loss of a signigicant amount of habitat types that provide some of the last remaining habitat for the endangered Florida panther and other species of listed and non-listed fish and wildlife.
>
> 2) project would indirectly result in the loss of significant amount of habitat for panther and other species by inducing new residential and commercial development by providing new access to a large acreage of undeveloped lands that currently doesn't have a road infrastructure
>
> 3) project would signifnicantly increase the potential for vehicle-realted injuries and mortalities of panthers and other wildife species. This is currently an serious threat to the remaining panther population and would get much worse.
>
> 4) these impacts collectively would further imperil the panther and could potentially jeopardize the species.

5) Project would have serious detrimental impacts to a vairety of fish and wildlife species and their habitat..

Perhaps you should talk to Larry to see what he would like to include in the letter. I'm here to help in anyway I can, and we can get more info if needed from the David Shindle, the lead for the panther.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
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email: John_Wrublik@fws.gov

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---------- Forwarded message ---------
From: **Hinzman, Roxanna** <roxanna_hinzman@fws.gov>
Date: Fri, Mar 1, 2019 at 11:55 AM
Subject: Re: [EXTERNAL] FW: MPOAC Legislative News - SB 7068 transportation bill filed
To: Shindle, David <david_shindle@fws.gov>
Cc: Wrublik, John <john_wrublik@fws.gov>, Larry Williams <larry_williams@fws.gov>, Constance Cassler <constance_cassler@fws.gov>

Thanks! Larry suggested that Mark Cantrell facilitate any time of letter as the FL DOT liaison. John W. will work with him to figure out what's appropriate. Thanks for the info tho! Good to know.
Rox

Roxanna Hinzman, Field Supervisor
U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960
Desk 772-469-4309
Cell 772-532-1247
Fax 772-562-4288
roxanna_hinzman@fws.gov

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On Fri, Mar 1, 2019 at 11:29 AM Shindle, David <david_shindle@fws.gov> wrote:

> Should NOT come!!! Sorry about that typo.
>
> ---
>
> David Shindle, Florida Panther Coordinator
> U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
> 12085 State Road 29 S
> Immokalee, FL 34142
> Desk 239-657-8013
> Cell 772-532-7293
> david_shindle@fws.gov
>
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>
> ---
>
> On Fri, Mar 1, 2019 at 11:28 AM Shindle, David <david_shindle@fws.gov> wrote:
>
> > Just adding the following for the discussion. It's my understanding that this type of correspondence should come directly from PRIT (Core Team or Sub-Team). See Terms of Reference excerpt below (ST=sub-team):
> >
> > Correspondence:
> > In the event that a ST elects to draft correspondence in furtherance of recovery and implementation activities, the following guidance should be used when preparing and processing letters:
> > • Letters drafted by the CT should be prepared as a request to the Service's RD for approval of certain actions based on the recommendations outlined in the correspondence from the Team. Team member organization names must not be included on the correspondence.
> >
> > • Letters drafted by STs should be sent by the respective Chair to the CT liaison, accompanied by any pertinent information (background, timelines, etc.). Correspondence must be

submitted no later than one week prior to the next scheduled meeting of the CT. Inform the CT if the correspondence has an urgent time frame associated with it. Upon concurrence, the CT will forward the letter with their recommendation to the Service's RD.

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On Fri, Mar 1, 2019 at 11:01 AM Hinzman, Roxanna <roxanna_hinzman@fws.gov> wrote:

> Can we get proactive and reach out to FDOT and reiterate that looking at panther mortality and the need for wildlife crossings should be an important component of design and scoping? It wouldn't have to be long - just a letter pointing it out and attaching the PRIT transportation report?
>
> Larry should a letter like this come from us or PRIT? Or both?
>
> Thanks,
> Rox

Roxanna Hinzman, Field Supervisor
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On Fri, Mar 1, 2019 at 10:54 AM Wrublik, John <john_wrublik@fws.gov> wrote:

> FYI, this email from was sent to me and Dave Shindle by Don Scott from Collier County. He is a member of PRIT transportation subteam. It refers to a bill that will be filled in the state senate that includes one of three new transportation corridors that was formerly known as the Heartland Expressway, a new highway from Polk County through Collier County (i.e., big panther impacts)(see attached newspaper article). This road was proposed several years ago, but never went anywhere. It appears that Florida Senate president Galvano is raising it again. We will have to wait and see what happens.
>
> **John M. Wrublik**
> **U.S. Fish and Wildlife Service**
> **1339 20th Street**
> **Vero Beach, Florida 32960**
> **Office: (772) 469-4282**
> **Fax: (772) 562-4288**
> **email: John_Wrublik@fws.gov**
>
> ***NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.***
>
> ---------- Forwarded message ---------
> From: **Don Scott** <dscott@leempo.com>
> Date: Fri, Mar 1, 2019 at 9:13 AM
> Subject: [EXTERNAL] FW: MPOAC Legislative News - SB 7068 transportation bill filed
> To: amber crooks (amberc@conservancy.org) <amberc@conservancy.org>, Cornwell, Katasha <Katasha.Cornwell@dot.state.fl.us>, Daniel Smith (Daniel.Smith@ucf.edu) <Daniel.Smith@ucf.edu>, Darrell Land (Darrell.Land@MyFWC.com) <Darrell.Land@myfwc.com>, David Shindle (david_shindle@fws.gov) (david_shindle@fws.gov) <david_shindle@fws.gov>, Elizabeth Fleming (EFleming@defenders.org) <EFleming@defenders.org>, John Wrublik (john_wrublik@fws.gov) <john_wrublik@fws.gov>, Meredith Barnard (meredithb@fwfonline.org) <meredithb@fwfonline.org>, Pipkin, Gwen G <Gwen.Pipkin@dot.state.fl.us>, Setchell, Brent <Brent.Setchell@dot.state.fl.us>, Terry (Terry.Gilbert@MyFWC.com) (Terry.Gilbert@MyFWC.com) ' 'Gilbert (Terry.Gilbert@MyFWC.com) <Terry.Gilbert@myfwc.com>

See the e-mail below regarding additional information on the new road corridors that we were discussing yesterday. Thanks.

From: Mikyska, Carl [mailto:Carl.Mikyska@dot.state.fl.us]
Sent: Thursday, February 28, 2019 7:59 PM
Subject: MPOAC Legislative News - SB 7068 transportation bill filed

Dear MPOAC Governing Board, Staff Directors and Friends,

Just a quick note to let you know that today Senate Bill 7068 was filed as a committee bill. It will be heard in the Infrastructure and Security Committee this coming Tuesday. This bill does a number of things, it directs the Florida Department of Transportation to look at three new transportation corridors which are to be tolled facilities and considered as SIS facilities. These are the same corridors as identified in Senate President Galvano's memo of January 30th. There seems to be a trend of big announcements in the Senate at the end of the month, let's see what March 31st brings us……

The bill also develops within FDOT a Multi-use Corridors of Regional Economic Significance Program which is aimed at rural communities. Specifically called out is hurricane evacuation considerations and later in the bill is a provision that allows hurricane impacted counties to have local matching funds waived at the Florida DOT's discretion. The bill does seem to target funding to small counties. The bill takes vehicle registration funds and directs all of those monies to the transportation trust fund (currently some of the vehicle registration funds go to Florida General Revenue), directs certain amounts of funds to be used to fund access to toll facilities, currently there is a similar program and this bill more narrowly specifies how the funds are to be used.

The bill also establishes a road and bridge workforce development program that is to be implemented by the Florida DOT in conjunction with affected stakeholders. The Florida DOT will also have to develop reporting metrics and then submit an annual report to the Legislature and Governor.

This will be a bill to watch during the 2019 session.

Thanks all,

Carl Mikyska, Executive Director

MPOAC

605 Suwannee Street, MS 28B

Tallahassee, FL 32399-0450

carl.mikyska@mpoac.org

850/414-4062

Re: Panther Fencing Works

Wrublik, John <john_wrublik@fws.gov>

Fri 3/29/2019 1:52 PM

To: Shindle, David B <david_shindle@fws.gov>
Cc: Hinzman, Roxanna <roxanna_hinzman@fws.gov>; Cantrell, Mark A <mark_a_cantrell@fws.gov>

Dave and Rox, I haven't heard anything more regarding fence repairs

John

John M. Wrublik
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Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Fri, Mar 29, 2019 at 1:11 PM Shindle, David <david_shindle@fws.gov> wrote:

> Thanks, Rox.
>
> Unless John has heard otherwise from Brent Setchell (FDOT) during recent Transportation Sub-Team meetings, it's my understanding that they are making as much progress as possible given the delay in receiving the funding and establishing the necessary contracts for repairs post-Imra. So I'm fine letting the process run its course. I have no doubt that FDOT has received no shortage of calls from concerned citizens, panther advocates, and public lands managers reminding them that the sections are down. And I have no doubt that Brent understands the urgency as it relates to the increased risks posed to wildlife (and motorists) with these sections compromised.
>
> And there has been one documented panther mortality along the Alley (just west of MM78, ~2 miles west of SR29) that could be attributed to the downed fencing. However, we can't rule out that the panther entered the roadway at another compromised locations unrelated to the storm damage or from SR29 to the south. And I have also investigated a report of a panther inside the fence along the same stretch of the Alley (panther was actually reported at the rest area at MM68). I never found evidence of the panther (including surveying the down section of fence east of SR29), even though it sounded like a credible report.
>
> All that said, I'm sure Brent would be more than willing to provide us an update on the status of the repairs.
>
> David

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
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On Fri, Mar 29, 2019 at 11:29 AM Hinzman, Roxanna <roxanna_hinzman@fws.gov> wrote:

> David,
> I don't recall seeing recent panther mortality down there, but those data don't always reach me. If there are any particular areas that you are concerned about, we should bring those to FDOTs attention. If you are OK just letting the process run its course, that is fine too. I've looped Mark Cantrell and John Wrublik in just in case they need to follow up (or not ;o).
> Thanks,
> Rox
>
> ---
>
> Roxanna Hinzman, Field Supervisor
> U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
> 1339 20th Street
> Vero Beach, FL 32960
> Desk 772-469-4309
> Cell 772-532-1247
> Fax 772-562-4288
> roxanna_hinzman@fws.gov
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>
> ---

On Fri, Mar 29, 2019 at 11:05 AM Shindle, David <david_shindle@fws.gov> wrote:

> Yes, the downed sections of fencing you observed on the Alley were damaged during Irma.
>
> FDOT was notified of the damage immediately after storm, but unfortunately it took a while before funding for the repairs and contracts were squared away. FDOT notified us that the contractors were finally able to start on the repairs on October 22, 2018. Not sure how much progress has been made as their was significant damage and some of the damage occurred along stretches where portions of the fencing are partially submerged during the wet season, which not only weakens the posts and increases their susceptibility to wind damage, but delays repair work until water levels subside.

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On Fri, Mar 29, 2019 at 10:52 AM Hinzman, Roxanna <roxanna_hinzman@fws.gov> wrote:

> Thanks David! Glad this cat had a good outcome.
>
> Because this is the topic, I meant to ask you about the fencing along I-75. We drove back that way when we were at the refuge last week and I noticed a lot of downed fencing. Not sure if the fence was associated with wildlife crossings or not. I'm guessing FDOT is aware of the downed fence. But is this a topic we need to be discussing with them? We are still waiting on final fixes to fencing for Key deer from Irma, and I'm wondering if this is a similar issue? If not, let me know and I won't worry about it.
>
> Rox

Roxanna Hinzman, Field Supervisor
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On Fri, Mar 29, 2019 at 10:45 AM Shindle, David <david_shindle@fws.gov> wrote:

> Given the hot topic of wildlife crossings and fencing for the Eastern Collier HCP, I thought you would appreciate this video of a panther that was found yesterday morning, trapped inside the SR29 fencing along the Florida Panther NWR. A good outcome in the end. Unfortunately I didn't include the stopped traffic (including both semi-trailer trucks and tourists) on either side of me.
>
> So fencing does work! But panthers (and other wildlife) will find the holes. And I'm fairly certain that I found the hole where this panther was able to enter the roadway.
>
> David

David Shindle, Florida Panther Coordinator
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Fwd: [EXTERNAL] VERY Exciting News from Bluefield Ranch Mitigation Bank

Wrublik, John <john_wrublik@fws.gov>

Fri 4/5/2019 6:15 AM

To: Shindle, David B <david_shindle@fws.gov>

2 attachments (4 MB)

Bluefield Panther - Snowball Prairie .jpg; BRMB Panther - Martin Co 33119.jpg;

fyi, panther siting in Blue Field Ranch Mitigation Bank, St. Lucie County

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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---------- Forwarded message ---------
From: **Chuck Olson** <chuck@ecoenvironmentalbanking.com>
Date: Thu, Apr 4, 2019 at 10:21 PM
Subject: [EXTERNAL] VERY Exciting News from Bluefield Ranch Mitigation Bank
To: Griffin, Jon M CIV USARMY CESAJ (US) <Jon.M.Griffin@usace.army.mil>, <kalani_cairns@fws.gov>, <kate.grosmaire@dep.state.fl.us>, <kcranfor@sfwmd.gov>, <Krista.D.Cooper@usace.army.mil>, <lcolon@sfwmd.gov>, <Leah.A.Oberlin@usace.army.mil>, <lgardner@sfwmd.gov>, Jim Omernik <Omernik.James@epa.gov>, <paul_souza@fws.gov>, John Renfranz <John.Renfranz@dep.state.fl.us>, <rbond@sfwmd.gov>, <rhopper@sfwmd.gov>, Myrna I SAJ Lopez <Myrna.I.Lopez@saj02.usace.army.mil>, <todd_hopkins@fws.gov>, Teresa M SAJ Frame <Teresa.M.Frame@usace.army.mil>, Thomas S CIV USARMY Cesaj Mings <Thomas.S.Mings@usace.army.mil>, Tom Mings <tom_mings@hotmail.com>, Thomas S CIV USARMY Cesaj Mings <thomas.s.mings@usace.army.mil>, Payne, Lyal C CIV USARMY CESAJ (USA) <Lyal.C.Payne@usace.army.mil>, <victoria_foster@fws.gov>, Marc Weber <Weber.Marc@epa.gov>, Yvette Alger <AlgerY@stlucieco.gov>, Ashworth, Jerilyn CIV USARMY CESAJ (USA) <Jerilyn.Ashworth@usace.army.mil>, larry_williams@fws.gov <larry_williams@fws.gov>, rafael_gonzalez@fws.gov <rafael_gonzalez@fws.gov>, leeann_kelso@fws.gov <leeann_kelso@fws.gov>, <constance_cassler@fws.gov>, nikki_lamp@fws.gov <nikki_lamp@fws.gov>, jose_rivera@fws.gov <jose_rivera@fws.gov>, emily_bauer@fws.gov <emily_bauer@fws.gov>, david_bender@fws.gov <david_bender@fws.gov>, layne_bolen@fws.gov <layne_bolen@fws.gov>, <charles_kelso@fws.gov>, mark_salvato@fws.gov <mark_salvato@fws.gov>, <john_wrublik@fws.gov>, David Shindle <david_shindle@fws.gov>, erin_myers@fws.gov <erin_myers@fws.gov>, <South.Florida.AO@usace.army.mil>, South.Florida.Restoration.Ops@usace.army.mil <South.Florida.Restoration.Ops@usace.army.mil>,

RonCMiedema@gmail.com <RonCMiedema@gmail.com>
Cc: David McIntosh <Dave@dmcwpb.com>

Dear Bluefield Colleagues,

While I wish I could have reached out to you in a more personal manner, time and sheer logistics made that all-but-impossible. As with any successful venture, Bluefield has relied on a very large number of agency supporters and colleagues - like you - who have helped us accomplish a great many ecological gains over the past twenty years.

So please excuse this somewhat impersonal email and please know that we *really* value the relationship we have with you and your agency - and more to the point of this email, I hope that you feel the same pride that we do in this latest accomplishment.

It is as much your triumph as it is ours!

As you know, BRMB was designed, restored and is being managed at the ecosystem level, where instead of focusing on just building some wetlands, we've focused on restoring all of the historic ecological structures, functions and processes in our entire 2,700-acre ecosystem. This comprehensive, holistic approach has produced tremendous results, including the establishment of twenty different mature native plant communities along with countless ecotones, unique niches and myriad habitats.

As such, we have experienced first-hand (and proven the theory) that if you re-establish and nurture these basic, core ecosystem components, the occupants of that ecosystem will flourish. So in looking at BRMB from a wildlife and wildlife habitat perspective, you could say that we've employed a Field-of-Dreams approach: *"Build it and they will come"*.

And come they have!

All of the wildlife populations that were present at BRMB when we began our work have dramatically increased as they have filled these countless niches, while numerous species that were never before recorded at BRMB are now present…including state and federally-listed species.

While *all* of these species (and their success stories) are very important to us, we naturally feel strongest about our Florida's endangered species, and further, I know that you will understand it when I say that I - personally and professionally - have a "favorite" species, which just so happens to be the topic of this email. So while I've been very, very proud of all of our ecological accomplishments, the one that has been most important to me personally and professionally had gone unaccomplished…

…until this past week.

At the risk of sounding (even further) overdramatic, please bear with me for a couple minutes more as I put this particular accomplishment in context. Ever since BRMB was permitted in 2001, our restoration and management staff have been onsite (at BRMB), an average of approximately 350-355 days each year. Further, we have collected volumes of statistical and visual data at our 21 primary monitoring stations, and at our 15 remote "game cameras", which alone have taken approximately 500,000 photographs.

The bottom line is this: *it is safe to say that very few things have escaped our attention.*

All of this changed dramatically this week when one of the game cameras we maintain along the Van Swearingen Creek Riparian Corridor produced this photograph:

(*WOW*, right?!)

While in the past twenty years there have been occasional sightings of Panther in the greater Bluefield area, and we have on two previous occasions found Panther tracks on the bank - we have never before had documented or validated Panthers (our policy has been to not count a species as "confirmed present on the bank" unless the incident was supported by irrefutable evidence…)

…and it doesn't get any more irrefutable than this.

One of the main reasons why we have dedicated significant attention to the restoration and management of the 500-acre Van Swearingen Creek Riparian Corridor is because it is one of the region's few fully intact and fully mature mosaics of Blackwater Stream Swamp Forests - and as such, it represents optimal Panther core habitat. Further, with the three-mile Corridor surrounded by an equally diverse one-thousand-plus-acre mosaic of forested and herbaceous wetlands (and one-hundred-ten acres of Dry Prairie, Florida Scrub and Mesic Pine Flatwoods), those communities provide additionally-valuable Panther *foraging habitat*.

Therefore, the location where the photo was taken came as no surprise to us: this cat was walking along a two-year-old firebreak that separates the Corridor's Swamp Forest and the Wet Prairie we call

"Snowball Prairie". And being taken just before 9:00 p.m., the photo obviously captured the Panther as it was leaving the heavy daytime cover of the Swamp Forest and moving out into its open foraging habitat (further reinforced by the fact that this particular evening there was a slight breeze out of the west, which was the direction the cat was moving).

So it is great pride that after seventeen years of tireless dedication to restoring the now-spectacular Bluefield Ecosystem, we've finally documented on March 31st, 2019 that this Ecosystem now includes one of Florida's premier marquis species, the Florida Panther!

But our exciting news doesn't end there!

While Charley Olson (BRMB's onsite manager) and I were still basking in the glow of *"it can't get any better than this" - IT DID!*

This photograph was taken two-and-a-half days later by one of our game cameras on the 191-acres of the bank that stretches into Martin County (it's about two miles as the crow flies from the site the first photo was taken at).

While not as clear as the other photo, you can still easily see that this is a Panther - and it most likely is the same cat, which too does not come as a big surprise (speaking of which, we would appreciate any information you could provide on any additional interpretations of what these photos might support, along with whatever other Panther and Panther habitat information you think might be relevant to our work).

As I mentioned above, I sincerely hope that you feel the same pride as we do in attaining this very distinctive ecological accomplishment. Some of you have worked alongside of us since the very

beginning, others in more recent years, but individually and collectively your assistance - and that of your agency - has been not just invaluable, it's been essential.

At every stage you all have encouraged, motivated and yes, *challenged us* in ways that have been crucial to our success. In return, we successfully completed all the requisite work, repeatedly met all success criteria (and now have all of our credits released), we delivered on all our assurances that the focus and intensity of our long-term management of the bank will perpetually continue, and above all, we have never once requested anything that wasn't backed by sound science, copious factual data and a perpetual commitment to always "do what's right", even if it requires us to go above and beyond our permit requirements.

So on behalf of myself, Dave McIntosh and our fellow owners, and Charley Olson and Doug Sweeney and others on our long-term management team, thank you for all your invaluable assistance and continuous support. Our partnership has produced incredible ecological gains not just on the bank's acreage but throughout South Florida - and at least for now, there's one Florida Panther in particular that is very happy for it.

Please feel free to contact me and come out to see Bluefield, and if we're really, really lucky, we may get a glimpse of our newest Bluefield resident!

Chuck

Chuck Olson, Ph.D.

ECO Environmental Banking LLC

(772) 708-1776

chuck@eco-eb.com

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Re: [EXTERNAL] RE: panther crossing question

Wrublik, John <john_wrublik@fws.gov>

Mon 4/29/2019 10:19 AM

To: Setchell, Brent <Brent.Setchell@dot.state.fl.us>

thanks

John M. Wrublik
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On Mon, Apr 29, 2019 at 10:16 AM Setchell, Brent <Brent.Setchell@dot.state.fl.us> wrote:

> I'm circulating a draft response to some other Depts to make sure they don't see any issues.
>
> Thanks,
>
> Brent Setchell, P.E.
>
> Interim Traffic Operations Engineer
>
> Florida Department of Transportation
>
> 801 N. Broadway Avenue
>
> Bartow, Florida 33830
>
> 863-519-2494
>
> **From:** Wrublik, John [mailto:john_wrublik@fws.gov]
> **Sent:** Monday, April 29, 2019 10:05 AM

To: Setchell, Brent <Brent.Setchell@dot.state.fl.us>
Subject: panther crossing question

EXTERNAL SENDER: Use caution with links and attachments.

Brent,

I have a hypothetical question about a panther crossing on a state road posed to me by my supervisor. Suppose that money is donated to FDOT, by a private entity through the Service, to pay for a panther crossing and fencing on a state roadway (sufficient funds would be provided to cover all aspects of installation of the crossing). About how long would it take for the FDOT to go through your process and build the crossing?

thanks for the info.

John

John M. Wrublik

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

Office: (772) 469-4282

Fax: (772) 562-4288

email: John_Wrublik@fws.gov

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Re: [EXTERNAL] RE: panther crossing question

Wrublik, John <john_wrublik@fws.gov>
Tue 5/7/2019 9:00 AM
To:

- Cassler, Constance <constance_cassler@fws.gov>

1 attachments (13 KB)
image002.jpg;

Connie, here is the link to the Collier County Transportation Engineering Division. Mr. Jay Ahmad is the director.
https://www.colliercountyfl.gov/your-government/divisions-s-z/transportation-engineering-division/contact-us

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Tue, May 7, 2019 at 8:22 AM Cassler, Constance <constance_cassler@fws.gov> wrote:
Do you know anyone in Collier County we could ask the same question?

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
office: 772-469-4243
fax: 772-562-4288
email: constance_cassler@fws.gov

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On Tue, May 7, 2019 at 6:48 AM Wrublik, John <john_wrublik@fws.gov> wrote:
Connie, here is the response from Brent Setchell of the FDOT regarding your question regarding how long it would take for FDOT to construct a wildlife crossing.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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---------- Forwarded message ---------
From: **Setchell, Brent** <Brent.Setchell@dot.state.fl.us>
Date: Thu, May 2, 2019 at 5:32 PM
Subject: [EXTERNAL] RE: panther crossing question
To: Wrublik, John <john_wrublik@fws.gov>

John,

Below is my response to the hypothetical question:

Assuming no ROW is required (Type 1 CE):

9 months for consultant acquisition (depending on scale we might be able to do this with an existing contract, which could reduce this to 2 months)

12-18 months for survey and Design (includes permitting, utility coordination)

18-24 months for construction

39-51 months Total

While FDOT could perform this work, I would offer that it would likely be significantly cheaper and faster for an entity to apply for a FDOT General Use permit to construct the wildlife crossing within our ROW. No funds would have to transfer to us under this scenario and FDOT just reviews the proposed improvements to make sure they are meeting our criteria.

Thanks

Brent Setchell, P.E.

Interim Traffic Operations Engineer

Florida Department of Transportation

801 N. Broadway Avenue

Bartow, Florida 33830

863-519-2494

From: Wrublik, John [mailto:john_wrublik@fws.gov]
Sent: Monday, April 29, 2019 10:05 AM
To: Setchell, Brent <Brent.Setchell@dot.state.fl.us>
Subject: panther crossing question

EXTERNAL SENDER: Use caution with links and attachments.

Brent,

I have a hypothetical question about a panther crossing on a state road posed to me by my supervisor. Suppose that money is donated to FDOT, by a private entity through the Service, to pay for a panther crossing and fencing on a state roadway (sufficient funds would be provided to cover all aspects of installation of the crossing). About how long would it take for the FDOT to go through your process and build the crossing?

thanks for the info.

John

John M. Wrublik

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

Office: (772) 469-4282

Fax: (772) 562-4288

email: John_Wrublik@fws.gov

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Re: [EXTERNAL] 434490 SR 29 EAG

Wrublik, John <john_wrublik@fws.gov>

Wed 5/8/2019 2:21 PM

To: Godsea, Kevin <kevin_godsea@fws.gov>; Shindle, David B <david_shindle@fws.gov>; Nottingham, Ben <ben_nottingham@fws.gov>

Kevin, Dave, and Ben,

Just wanted to let you know that I will not be able to call into the meeting tomorrow. FDOT had previously stated that they wold have a call-in (webinar) option to this meeting, and they actually sent me a call in number and a link to the Go to Meeting presentation. Just got a call a few minutes ago telling me that now that won't be available. I'm not sure why this happened, as FDOT has been pretty good offering call in/webinar options for their meetings in the past. Anyway, I won't be able to attend the meeting (I made other plans based on the expectation of calling into the meeting). FDOT indicated that would provide me with a copy of the presentation. I was thinking if they asked for our comments, my intention was to insure that they knew we wanted the road widening to fit within the existing developed roadway corridor. Most, if not all of, the entire corridor should be fenced to protect the panther and other wildlife (we can flesh out exactly where, later). And additional wildlife crossings should be added if needed. Sorry I won't be able to make it, but they gave me less than 24 hours notice before they changed their plans.

John

John M. Wrublik
U.S. Fish and Wildlife Service
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On Wed, May 1, 2019 at 1:55 PM Kevin Godsea <kevin_godsea@fws.gov> wrote:

> Yes, I was planning on attending
>
> Sent from my iPhone
>
> On May 1, 2019, at 1:51 PM, Shindle, David <david_shindle@fws.gov> wrote:
>
> > Hi Ben-
> >
> > I will not be attending. I will be on leave on that day.

Also, I had responded to earlier invitations for participating on the EAG that John Wrublik had already agreed to serve on the EAG and it was not necessary for both of us to be on. Not sure if John will be attending or calling into this one.

David

David

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
12085 State Road 29 S
Immokalee, FL 34142
Desk 239-657-8013
Cell 772-532-7293
david_shindle@fws.gov

Southeast Region Vision: Together, we will connect lands and waters to sustain fish, wildlife and plants by being visionary leaders, bold innovators and trusted partners, working with and for people.

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On Wed, May 1, 2019 at 1:41 PM Nottingham, Ben <ben_nottingham@fws.gov> wrote:

> Cohorts::
>
> Were any of you planning to attend ? I plan to attend. And Bob Sobzak, perhaps Tony P. & Jed Redwine of NPS I believe are attending.
>
> There was a good discussion in yesterday's conf. call with the PD& E contractor team that had read, as did other FDOT officials- Gwen P. & Brent S., the Draft Report for Integrating Hydrological concerns into the Transportation purpose of the SR 29 widening (ie., Bob's report). The general feedback from FDOT was favorable and they pointed out that this upcoming meeting would be another venue to further the discussion.
> .
> **Ben Nottingham**
> **Deputy Refuge Manager**
> **FL Panther & 10,000 Islands NWRs**
> **(239) 657-8010**
> **cell 239-253-7009**
>
> ---------- Forwarded message ---------
> From: **Sobczak, Robert** <robert_sobczak@nps.gov>
> Date: Wed, May 1, 2019 at 1:18 PM
> Subject: Fwd: [EXTERNAL] 434490 SR 29 EAG
> To: Ben Nottingham <ben_nottingham@fws.gov>
>
> Here it is -- last attempt was from my phone ...

---------- Forwarded message ---------
From: **Gabriela Garcia** <Gabriela.Garcia@metriceng.com>
Date: Wed, May 1, 2019 at 10:45 AM
Subject: [EXTERNAL] 434490 SR 29 EAG
To: Alicia Gonzalez <agonzalez@mrgmiami.com>, Paul Carballo <Paul.Carballo@metriceng.com>, William Sloup <william.sloup@metriceng.com>, Bateman, Patrick <Patrick.Bateman@dot.state.fl.us>, Pipkin, Gwen G <Gwen.Pipkin@dot.state.fl.us>, Brent.Setchell@dot.state.fl.us <Brent.Setchell@dot.state.fl.us>, Sergio.Figueroa2@dot.state.fl.us <Sergio.Figueroa2@dot.state.fl.us>, Vivianne.Cross@dot.state.fl.us <Vivianne.Cross@dot.state.fl.us>, Lauren.Peters@dot.state.fl.us <Lauren.Peters@dot.state.fl.us>, Rob Myers <Rob.Myers@metriceng.com>, Caitlin Hill <Caitlin.Hill@metriceng.com>, Michael Holt <Michael.Holt@metriceng.com>, Valerie Tutor <vtutor@mrgmiami.com>, Jonathon.Bennett@dot.state.fl.us <Jonathon.Bennett@dot.state.fl.us>, Tom.trotta@floridapanther.org <Tom.trotta@floridapanther.org>, info@evergladesfoundation.org <info@evergladesfoundation.org>, efleming@defenders.org <efleming@defenders.org>, jlopez@biologicaldiversity.org <jlopez@biologicaldiversity.org>, l <lkoehler@sfwmd.gov>, tony_pernas@nps.gov <tony_pernas@nps.gov>, robert_sobczak@nps.gov <robert_sobczak@nps.gov>, John_Wrublik@fws.gov <John_Wrublik@fws.gov>, David_shindle@fws.gov <David_shindle@fws.gov>, amypatterson@colliergov.net <amypatterson@colliergov.net>, gerald.kurtz@colliercountyfl.gov <gerald.kurtz@colliercountyfl.gov>, thomas.reinert@myfwc.com <thomas.reinert@myfwc.com>, meredithb@fwfonline.org <meredithb@fwfonline.org>, bcornell@audubon.org <bcornell@audubon.org>, AprilO@conservancy.org <AprilO@conservancy.org>, Tamblyn, Mark M CIV (USA) <Mark.M.Tamblyn@usace.army.mil>, jed_redwine@nps.gov <jed_redwine@nps.gov>
Cc: Barnett, Brian <Brian.Barnett@myfwc.com>, Paulette Summers <psummers@mrgmiami.com>, Kizlauskas, Andrew A CIV USARMY CESAJ (US) <Andrew.A.Kizlauskas@usace.army.mil>

Hello All

Your attendance at the SR 29 Environmental Advisory Group (EAG) meeting is appreciated. Your input on this study is very important. For those of you who are unable to attend in person, or would like additional staff to participate via teleconference, a GotoMeeting has been set up.

SR 29 Environmental Advisory Group (EAG)
Thu, May 9, 2019 10:00 AM - 12:00 PM EDT

Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/791666605

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--
Robert V. Sobczak, Hydrologist
Big Cypress National Preserve
33100 Tamiami Trail East
Ochopee, FL 34141
239-695-1151

dot contact and bo info

Wrublik, John <john_wrublik@fws.gov>

Wed 5/22/2019 9:39 AM

To: Kelso, Charles <charles_kelso@fws.gov>

2 attachments (3 MB)

20160610_Letter_Service to FHWA_CPA0507 SR29 from SR82 to CR80a BO Ammendment.pdf; 20160128_let_ser to FHWA_CPA 0507_ State Rd 29 sr 82 to cr 80a_biological opinion.pdf;

Chuck, per your email, the contact person for the FDOT is Brent Setchell (Brent.Setchell@dot.state.fl.us).. I have attached the biological opinion that has a proposed wildlife underpasses associated with them on SR 29. As I recall (and you can check with Brent on this) we are working with the FDOT on getting an underpass on a section of SR 82 west of SR 29, but I don't believe I have written a biological opinion on this section of the road yet, so its still in the planning stages. Also, we are working with the FDOT on planning a new crossing in the vicinity of Owl Hammock for the widening of SR 29 from SR 82 to oil well road, and that BO and consultation has not been completed as well.

John

John M. Wrublik
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United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

January 22, 2016

James Christian
Division Administrator
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Service CPA Code:	04EF2000-2007-CPA-0507
Service Consultation Code:	04EF2000-2007-F-1185
Date Received:	July 10, 2015
Consultation Initiation Date:	July 10, 2015
Project:	State Road 29 from State Road 82 to County Road 80A
Counties:	Hendry and Collier

Dear Mr. Christian:

The U.S. Fish and Wildlife Service (Service) has received the Federal Highway Administration's (FHWA) letter dated July 9, 2015, requesting initiation of formal consultation for the authorization of the Florida Departments of Transportation's (FDOT) widening of State Road (SR) 29 from SR 82 to County Road 80A (SR 29 Project). This document transmits the Service's biological opinion based on our review of the SR 29 Project located in Hendry and Collier Counties, Florida, and its effects on the endangered Florida panther (*Puma concolor coryi*; panther). It also includes and summarizes our concurrences for the FHWA's determinations for the endangered Florida bonneted bat (*Eumops floridanus*; FBB); and the threatened eastern indigo snake (*Drymarchon corais couperi*), Audubon's crested caracara (*Caracara cheriway* = *Polyborus plancus audubonii*), and wood stork (*Mycteria americana*). This document is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended in 1998 (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

This biological opinion is based on information provided in the FHWA's July 9, 2015, Biological Assessment, correspondence, telephone conversations, emails, and other sources of information. As of July 10, 2015, the Service has received all the information necessary for initiation of formal consultation on the panther for this project as required in the regulations governing interagency consultations (50 CFR § 402.14). A complete record of this consultation is on file at the South Florida Ecological Services Office in Vero Beach, Florida

Consultation History

In a letter to the Service dated February 5, 2009, the FDOT (a designated representative of the FHWA) determined the SR 29 Project would not affect the threatened Florida scrub-jay (*Aphelocomacoerulescens*); may affect, but is not likely to adversely affect the Eastern indigo snake and Audubon's crested caracara; and may affect wood stork (*Mycteria americana*) and panther. The FDOT indicated they intended to reinitiate consultation with the Service for the wood stork and panther (pursuant to section 7 of the Act, as described in 50 CFR 402.14) during the design phase of the SR 29 Project prior to permitting.

In a letter to the FDOT dated March 6, 2009, the Service supported the FDOT's determination for the Florida scrub-jay and concurred with their determinations for the Eastern indigo snake and Audubon's crested caracara.

In a letter to the Service dated December 19, 2013, the FDOT reiterated its determination that the SR 29 Project may affect, but is not likely to adversely affect the wood stork, and changed its determination for the panther from "may affect' to "may affect, likely to adversely affect." The FDOT also determined that the project would not affect the FBB.

In a letter to the FDOT dated February 21, 2014, the Service concurred with the FDOT's determination for the wood stork, and stated that it did not have enough information to provide concurrence or non-concurrence for the FDOT's determination for the FBB at that time. The Service noted that the FDOT has committed to reinitiate consultation with the Service on the SR 29 Project's effects to the FBB prior to advancing the SR 29 Project to permitting and construction.

In a letter to the Service dated August 4, 2014, the FDOT provided the results of a roosting survey for the FBB on the SR 29 Project site. The FDOT changed their determination for the FBB from "no effect" to "may affect, not likely to adversely affect," and requested concurrence for this determination.

In a correspondence to the FDOT dated August 15, 2014, the Service provided concurrence for the FDOT's "may affect, not likely to adversely affect," determination.

In a letter to the Service dated July 9, 2015, the FHWA provided a biological assessment for the SR 29 Project and requested that the Service initiate Formal Consultation under Section 7 of the Act for the project's adverse effects to the panther.

BIOLOGICAL OPINION

The purpose of this section is to determine whether the SR 29 Project will: (1) likely jeopardize the continued existence of the panther (also referred to in this document by the term "jeopardy") and (2) result in the destruction or adverse modification of designated critical habitat for this species. Jeopardy is defined as an action that, directly or indirectly, reduces the numbers, reproduction, or distribution of a species so that the likelihood of survival and recovery of the species in the wild is appreciably reduced. To assess jeopardy, the current status of the species

or "baseline" is reviewed. Next, the various direct, indirect, interrelated, and interdependent effects of the proposed Federal action on the species are examined. Finally, the cumulative effects of other non-Federal actions that may occur in the action area, including state, tribal, local, or private activities that are reasonably certain to occur in the project area are considered. Critical habitat is defined as: (1) specific geographic areas within the occupied range of a species containing physical or biological features essential for the conservation of the species (these areas may also require special management and protection) and (2) specific areas outside the occupied geographic range of the species that are essential for the conservation of the species. Destruction or adverse modification of critical habitat is defined as a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a species. Such alterations include, but are not limited to, those that modify any physical or biological feature or features that were the basis of the designation of the critical habitat for the species.

DESCRIPTION OF PROPOSED ACTION

The FDOT is proposing to widen an 18-mile segment of SR 29 from County Road 80A to SR 82. The existing two-lane roadway will be enlarged to four lanes. The SR 29 Project will also include the construction of 20 stormwater ponds. The SR 29 Project will result in the loss of 16.0 acres (ac) (6.5 hectares [ha]) of wetlands and 24.91 ac (10.1 ha) of roadside ditches, shallow canals, and swales. The purpose of the SR 29 Project is to reduce traffic congestion associated with ongoing human population growth and development. The FDOT has determined the existing two-lane roadway would need to be expanded to four lanes for SR 29 to operate at or above their minimum acceptable level of service. The time needed to complete the SR 29 Project is not precisely known. However, it is likely all works associated with the SR 29 Project will be completed in 2 to 3 years. The SR 29 Project site is located in Sections 4, 5, 8, and 9, Township 46 South, Range 29 East; Sections 9, 16, 17, 28, 29, and 33, Township 43 South, Range 29 East; Sections 4, 9, 16, 21, 28, and 33, Township 44 South, Range 29 East; and Sections 4, 9, 16, 17, 20, 29, 32, and 33,Township 45 South, Range 29 East, in Hendry and Collier Counties, Florida (Figure 1).

Adverse effect to the panther and proposed compensation

The 390.41 ac (157.99 ha) SR 29 Project site includes 210.38 ac (85.14 ha) of land within the Primary Zone and 180.03 ac (85.14 ha) within the Secondary Zone (Kautz et al. 2006) of the Service's Panther Focus Area (Focus Area) (Figures 2 and 3) for the endangered panther. The SR 29 Project footprint within the Primary and Secondary Zones is comprised of 16.19 ac (6.55 ha) of pine forest, 0.27 ac (0.11 ha) of hardwood swamp, 22.22 ac (8.99 ha) of hardwood forest, 3.0 ac (1.21 ha) of dry prairie, 7.63 ac (3.09 ha) of unimproved pasture, 11.52 ac (4.66 ha) of shrub swamp, 44.05 ac (17.83 ha) of improved pasture, 22.40 ac (9.06 ha) of crop lands, 10.3 ac (4.2 ha) of citrus grove, 7.51 ac (ha) of wet prairie, 5.95 ac (2.41 ha) of exotic plants, 18.00 ac (7.28 ha) of disturbed lands, 14.73 ac (5.96 ha) of surface waters, and 206.64 ac (83.62 ha) of existing roadway and urbanized lands. The SR 29 Project site provides 169.04 ac (68.41 ha) of habitat types suitable for panther denning, feeding and dispersal. Therefore, the SR 29 Project will result in the loss of about 169.04 ac (68.41 ha) of panther habitat. The Service has

determined the 169.04 ac (68.41 ha) of panther habitat that will be impacted provides 974.157 Panther Habitat Units (PHUs) (Table 1).

The FDOT has proposed to minimize the adverse effects of the loss of panther habitat resulting from the SR 29 Project by acquiring 2,060 PHUs from a Service-approved conservation bank or wetland mitigation bank. The proposed compensation plan provides habitat preservation and restoration near the SR 29 Project area, and is consistent with goal 1.1.1.2.3 in the Panther Recovery Plan (Service 2008) which states that preservation and restoration be provided, especially within the Primary Zone, in situations where land use intensification cannot be avoided. The FDOT will provide equivalent habitat protection and restoration, to compensate for both the function and value of the lost habitat.

In order to minimize the potential for vehicle related panther mortality and injury, the FDOT will install wildlife underpasses and associated barrier fencing in at least two locations in the SR 29 Project corridor. The exact locations and type of crossing structures have not been determined. Construction of the project will not commence until the FDOT has provided the Service with a detailed plan regarding the location and design of the two wildlife underpasses within the SR 29 Project footprint, and the FDOT and FHWA receive an email or letter from the Service indicating that we have reviewed the plan and find it acceptable. Currently, the Service recommends that underpass structures be located at the Sears Road Drainage Canal and the Twelve Mile Slough, and that underpass structures contain openings of at least 6 feet tall by 10 feet wide.

Action area

The action area is defined as all areas to be directly or indirectly affected by the Federal action and not just the immediate area involved in the action. The Service considers the action area for this project as all lands within the footprint of the SR 29 Project, and all lands located in the Focus Area within 25 mi (40.2 kiometers [km]) of the project footprint (Figure 1). The 25-mi (40.2 km) distance around the SR 29 Project footprint is based on the mean dispersal distances reported for subadult male panthers of 23.2 mi (37.3 km) (Maehr et al. 2002), and 24.9 mi (40.1 km) (Comiskey et al. 2002), and encompasses the dispersal distance of both male and female panthers because male panther dispersal distances are known to exceed those reported for female panthers (Maehr et al. 2002; Comiskey et al. 2002). The size of the action area for this consultation is consistent with action areas defined in our recent biological opinions for the panther, and it encompasses the wide ranging movements of subadult panthers and the large home territories of adult panthers.

The Focus Area denotes areas in Florida where development projects could potentially affect the panther (Figure 2) and is based on the scientific information on panther habitat usage provided in Kautz et al. (2006) and Thatcher et al. (2006). The Focus Area includes lands in Charlotte, Glades, Hendry, Lee, Collier, Palm Beach, Broward, Miami-Dade, and Monroe Counties, as well as the southern portion of Highlands County (Figure 2). Developed urban coastal areas in eastern Palm Beach, Broward, and Miami-Dade Counties, and in western Charlotte, Lee, and Collier Counties were excluded because they contain little or no panther habitat, and it is unlikely panthers

would use such areas. Additional details regarding the Panther Focus Area zones (*e.g.*, Primary, Secondary, etc.) can be found in the *STATUS OF THE SPECIES – Florida panther (Puma concolor coryi)* (Enclosure). Areas outside of the Panther Focus Area, but within the original Consultation Area (Figure 2), are collectively known as the "Other Zone." The SR 29 Project will result in the widening of an existing highway, and not provide new access to undeveloped lands. Therefore, the Service finds it unlikely the SR 29 Project will induce new development in the project area.

The Service finds the action area sufficiently large to incorporate all lands where activities of the panther could potentially be affected due to short-term construction activities associated with the road widening, and the ongoing motor vehicle traffic using the highway upon completion of the SR 29 Project.

SPECIES NOT LIKELY TO BE ADVERSELY AFFECTED BY THE PROPOSED ACTION

Eastern indigo snake

The project occurs in the geographic range of threatened eastern indigo snake. To avoid adverse effects to the eastern indigo snake during construction, the FDOT has agreed to follow the Service's *Standard Protection Measures for the Eastern Indigo Snake* (Service 2013) during construction of the project. Based on the protective measures proposed, the Service concurred with the FDOT's determination that the project may affect, but is not likely to adversely affect the eastern indigo snake in a letter to the FDOT dated March 6, 2009.

Audubon's crested caracara

The project occurs in the geographic range of the threatened Audubon's crested caracara. Nests of the Audubon's crested caracara were not observed during surveys of the SR 29 Project footprint conducted by the FDOT's consultant. The Service concurred with the FDOT that the SR 29 Project may affect, but is not likely to adversely affect the Audubon's crested caracara in a letter to the FDOT dated March 6, 2009.

Wood stork

The project occurs in the geographic range of the threatened wood stork. The FDOT has determined the SR 29 Project may affect the wood stork. The SR 29 Project will result in the loss of 16.0 ac [6.5 ha] of wetlands and 24.91 ac (10.1 ha) of roadside ditches, shallow canals, and swales that may provide potential foraging habitat for the wood stork. Based on the minor loss of potential foraging habitat resulting from the SR 29 Project, the Service finds that the project is not likely to adversely affect the wood stork. We recommend that the FDOT change its determination for the wood stork from "may affect" to "may affect, but is not likely to adversely affect." This letter provides concurrence of that finding. As a conservation measure, the FDOT has agreed to provide wetland compensation that provides wood stork foraging habitat. The FDOT will acquire sufficient wetland credits from a Service approved wetland mitigation bank to provide at least 18.35 kilograms (kg) [49.2 pounds (lb)] of wood stork forage biomass from short hydroperiod wetlands (inundated $\leq$ 180 days) and 29.02 kg (64.0 lb) of wood

stork forage biomass from long hydroperiod wetlands prior to the construction of for the SR 29 Project. These amounts of wood stork forage biomass, as determined with the Wood Stork Foraging Assessment Methodology (Service 2012), represent an estimate of the quantity of wood stork forage biomass lost due to the SR 29 Project.

Florida bonneted bat

The project occurs in the geographic range of the FBB. The FBB was not observed during roosting surveys of suitable habitat within the SR 20 Project site. Because the FBB was not observed to occur on the project site, the Service provided concurrence for the FDOT's determination for the FBB through a concurrence sticker dated August 15, 2014.

For the species listed above, this letter fulfills the requirements of section 7 of the Act and further action is not required. If modifications are made to the SR 29 Project, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

STATUS OF THE SPECIES/CRITICAL HABITAT RANGEWIDE

Florida Panther

Please see Enclosure for the Status of the Species for the panther. Critical habitat has not been designated for the panther; therefore, critical habitat will not be affected by the SR 29 Project.

Analysis of the species likely to be affected

The panther is a wide-ranging species that requires large areas of diverse landscape to survive. Dispersing subadult males wander widely through unforested and disturbed habitat. Human population in South Florida has dramatically increased, from 1 million in 1950 to 6.6 million in 2010, resulting in secondary disturbances such as increased human presence and noise, light, air, and water pollution. In southwest Florida (Charlotte, Collier, and Lee Counties), where the reproducing panther population is primarily located, human population has increased from 833,892 in 2000 to an estimate of 1,231,100 in 2010, representing an increase of 47.6 percent over the 10-year period (University of Florida 2009). Increasing human population has resulted in increasing impacts on native habitat and flora and fauna. Resulting threats to panthers include direct effects, such as human disturbance from project construction, and habitat loss and fragmentation; and indirect effects from road mortality, human disturbance following construction, and intra-specific aggression. Table 2 provides a yearly tabulation of the population counts with the annual mortalities also shown.

From 1944 to the present, approximately 3,164,105 ac of public lands in south Florida have been acquired, which benefit the panther (Table 3). Lands of the Seminole Tribe of Florida and Miccosukee Tribe of Indians of Florida encompass over 350,079 ac in south Florida. Of these tribal lands, 187,526 ac are used by panthers, and comprise 5 percent of the Primary Zone (Kautz et al. 2006). In general, these lands are not specifically managed for the panther and are largely in cultivation. However, in 2007, the Seminole Tribe of Florida reserved about 4,144 ac within

the 14,724 ac Big Cypress Seminole Indian Reservation Native Area, specifically for the benefit of the panther. The remaining native area, about 10,580 ac, although not specifically managed for the panther, provides high quality value habitat for the panther and panther prey species.

A variety of Federal, State, and private incentive programs are available to assist private landowners and other individuals with the protection and management of wildlife habitat. Voluntary agreements, estate planning, conservation easements, land exchanges, and conservation/mitigation banks are all methods that have the potential to conserve private lands. In 1954, the National Audubon Society established the nearly 10,880-ac (4,403-ha) Corkscrew Swamp Sanctuary. However, little additional private land has been protected south of the Caloosahatchee River for panther conservation. A number of properties identified by the State Acquisition and Restoration Council for purchase by the Florida Forever Program are used by panthers (*e.g.*, Devil's Garden, Half Circle F Ranch, Pal Mal, and Panther Glades). North of the Caloosahatchee River, the Fisheating Creek Conservation Easement consists of 41,600 ac (16,835 ha) in Glades County, and is a private holding used by dispersing male panthers.

The FDOT determined the project may affect the panther. The Service concurs with the FDOT's determination and finds the project will result in adverse effects to the panther and its habitat. The SR 29 Project's adverse effects to the panther will be discussed in the remainder of this BO.

The Service developed a Panther Habitat Assessment Methodology and refugia design in 2003 to help guide the agency in evaluating permit applications for projects that could affect panther habitat. This methodology provided a way to assess the level of impacts to panthers expected from a given project, and to evaluate the effect of any proposed compensation offered by the project's applicant. The Habitat Assessment Methodology was updated in 2009. A full description of our Habitat Assessment Methodology can be found at: http://www.fws.gov/verobeach/MammalsPDFs/20120924_Panther%20Habitat%20Assessment%20Method_Appendix.pdf .

ENVIRONMENTAL BASELINE

As defined in Service's regulations, "the environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions that are contemporaneous with the consultation in process." The environmental baseline does not include the effects of the action under review in this Biological Opinion.

In addition, under the Act's regulatory approach, future Federal actions are not included in either the environmental baseline or the cumulative effects analysis of a biological opinion, because they will be subjected to consultation when they occur. See 51 Fed. Reg. 19,926, 19,933 (June 3, 1986) (preamble to FWS consultation regulations).

Status of the species within the action area

As stated previously, for the purposes of this consultation, the action area includes the project footprint plus all lands located in the Panther Focus Area within 25 mi (40.2 km) of the project footprint (Figure 1). The proposed action may have direct and indirect effects on the ability of panthers to breed, feed, and shelter, and to disperse within the population. The Service used current and historical radio-telemetry data, information on habitat quality, prey base, and evidence of uncollared panthers to evaluate panther use in the action area. Panther telemetry data are collected 3 days per week from fixed-wing aircraft, usually in early to midmorning. Studies indicate panthers are most active between dusk and dawn (Maehr et al. 1990, Beier 1995) and are typically at rest in dense ground cover during daytime monitoring flights (Land 1994). Therefore, telemetry locations may present an incomplete picture of panther activity patterns and habitat use (Comiskey et al. 2002). However, this potential bias was not detected in a recent analysis by Land et al. (2008) using GPS location data collected throughout a 24 hour day. This study revealed panther habitat selection patterns are similar when using either aerial telemetry data or GPS location data, and upland and wetland forests were the habitats most selected by panthers. There was an indication grassland-dry prairie habitats were used more at night than during daytime hours.

Only a subset of the panther population has been radio-collared. However, the large database of telemetry locations taken from radio-collared panthers south of the Caloosahatchee can be used to estimate the size and number of home ranges and travel corridors south of the Caloosahatchee River. The Florida Fish and Wildlife Conservation Commission (FWC) also uses observational data collected during telemetry flights to assess the yearly breeding activity of radio-collared panthers. Female panthers accompanied by kittens or male panthers within proximity of an adult female are assumed to have engaged in breeding activity during that year.

As of July 2015, 8,769 telemetry observations from 35 known radio-collared panthers (current status is alive or unknown) have been documented within the action area (Table 4). Panthers greater than 12 years of age are not likely to still be alive based on the known longevity of panthers in the wild of 10 to 12 years (FWC 2013). Fourteen of the 35 known radio-collared panthers were recorded in the action area during 2014 (Table 4). Uncollared panthers are also presumed to occur in the action area.

Motor vehicles have affected panthers in the action area. There have been 110 documented panther deaths and 1 injury resulting from vehicle collisions within the action area (Table 5). The most recent vehicle-related panther mortality occurred July 13, 2015, on SR 80 approximately 5 mi (8.0 km) southwest of LaBelle and 4.5 mi (7.2 km) west of the project footprint.

Factors affecting species environment within the action area

Factors that affect the species environment within the action area include, but are not limited to Federal, State, or private actions and other human activities in the action area, such as: construction of highways and urban development, agriculture operations, resource extraction, public lands management (prescribed fire, public use, exotic eradication, *etc.*), hydrological restoration projects, and public and private land protection efforts.

Past and ongoing Federal and State actions that could affect panther habitat in the Action Area include the issuance of Corps' permits and State of Florida Environmental Resource Permits authorizing the filling of wetlands for development projects and other purposes. Since 1982, the Corps and the State have had a joint wetland permit application process, where all permit applications submitted are distributed to both agencies. Upon review of our records, the Service finds we have consulted on 12 projects, affecting approximately 9,969 ac (4,034 ha) of panther habitat, in the action area. In addition, a total of 9,747 ac (3,944 ha) of habitat was restored or preserved in association with these projects. The Service determined these Federal actions, individually and cumulatively, did not jeopardize the survival and recovery of the panther.

Other activities within the action area have benefited panthers. The land acquisition programs of Federal, State and County resource agencies have preserved high quality panther habitat. Moreover, the management of public lands, including prescribed fire and eradication of exotic vegetation in conservation areas improves habitat for panther prey species and benefits panthers within these areas.

Climate change

Our analyses under the Act include consideration of observed or likely environmental effects related to ongoing and projected changes in climate. As defined by the Intergovernmental Panel on Climate Change (IPCC), "climate" refers to average weather, typically measured in terms of the mean and variability of temperature, precipitation, or other relevant properties over time; thus "climate change" refers to a change in such a measure which persists for an extended period, typically decades or longer, due to natural conditions (*e.g.,* solar cycles) or human-caused changes in the composition of the atmosphere or in land use (IPCC 2013, p. 1450). Detailed explanations of global climate change and examples of various observed and projected changes and associated effects and risks at the global level are provided in reports issued by the IPCC (2014 and citations therein). Information for the United States at national and regional levels is summarized in the National Climate Assessment (Melillo et al. 2014 entire and citations therein; see Melillo et al. 2014, pp.28-45 for an overview). Because observed and projected changes in climate at regional and local levels vary from global average conditions, rather than using global scale projections, we use "downscaled" projections when they are available and have been developed through appropriate scientific procedures, because such projections provide higher resolution information that is more relevant to spatial scales used for analyses of a given species and the conditions influencing it (See Melillo et al. 2014, Appendix 3, pp. 760-763 for a discussion of climate modeling, including downscaling). In our analysis, we use our expert judgment to weigh the best scientific and commercial data available in our consideration of relevant aspects of climate change and related effects.

Climate change may result in an increase in the intensity or frequency of tropical storms and hurricanes in Florida. The Atlantic Multi-decadal Oscillation (AMO) influences rain patterns in Florida. We are currently in an AMO wet phase that is predicted to persist through 2020 (Miller 2010). The increased rainfall associated with both of these factors could reduce our ability to effectively use prescribed burning to manage habitat in optimal conditions for panthers and their

prey. Increased rainfall could also reduce the amount of area suitable for panther denning by increasing the area covered with standing water or the duration of inundation of seasonally wet areas.

It is difficult to estimate, with any degree of precision, which species will be affected by climate change or exactly how they will be affected. The Service will use Strategic Habitat Conservation planning, an adaptive science-driven process that begins with explicit trust resource population objectives, as the framework for adjusting our management strategies in response to climate change (Service 2006).

EFFECTS OF THE ACTION

This section analyzes the direct and indirect effects of the proposed action, and interrelated and independent actions on the panther and panther habitat.

Factors to be considered

Development projects may have a number of direct and indirect effects on the panther and panther habitat. Direct effects are primarily habitat based, occurring at the time of construction, include: (1) the permanent loss and fragmentation of habitat for panthers and their prey; (2) a reduction in the geographic distribution of habitat for the species; (3) harassment of panthers due to construction activities. Indirect effects occur following the completion of the project and include: (1) increased potential for panther mortality due to motor vehicle collisions; (2) increased disturbance to panthers and their prey due to human activities; and (3) an increase in the potential for intraspecific aggression among panthers due to reduction of the geographic distribution of habitat of the panther.

This project site contains panther habitat and is located within the geographic range of the panther. The timing of construction for this project, relative to sensitive periods of the panther's lifecycle, is unknown. Panthers may be found on and adjacent to the proposed construction footprint year-round. The project will be constructed in a single, disruptive event, and result in permanent loss and alteration of a portion of the existing ground cover on the project site. The time required to complete construction of the project is not exactly known, but it is likely to be completed in 2 to 3 years. The disturbance associated with the project will be permanent and result in a loss of habitat currently available to the panther.

Analyses for effects of the action

The land to be affected by the SR 29 Project currently provides about 169.04 ac (68.41 ha) of habitat for the panther. The acreage to be impacted consists of a mixture of native habitat types and agricultural lands. The lands proposed for development are located within the northern portion of the panther's range and within the Primary and Secondary Zones (Kautz et al. 2006) of the Service's Panther Focus Area.

Surveys of the project footprint were conducted by the FDOT's consultant. The following potential panther prey species were documented to occur on or near the project footprint based on tracks, diggings, or direct observations: white-tailed deer (*Odocoileus virginianus*), feral hog (*Sus scrofa*), raccoon (*Procyon lotor*), alligator (*Alligator mississippiensis*), and nine-banded armadillo (*Dasypus novemcinctus*).

Habitat assessment: The Service used our panther Habitat Assessment Methodology to evaluate the panther habitat lost due to the SR 29 Project (Table 1). The 169.04 ac (68.39 ha) of panther habitat at the project site currently provides 488.616 PHUs in the Primary Zone and 485.541 PHUs in the Secondary Zone. To calculate the number of PHUs needed to compensate for the PHUs lost in in the Primary Zone due to the project, 488.616 PHUs are multiplied by the 2.5 Base Ratio and the landscape multiplier for the Primary Zone (1.0) for a product of 1,221.54 PHUs (rounded to 1,222 PHUs). To calculate the number of PHUs needed to compensate for the PHUs lost in in the Secondary Zone due to the SR 29 Project, 485.541 PHUs are multiplied by the 2.5 Base Ratio and the landscape multiplier for the Secondary Zone (0.69) for a product of 837.558 (rounded to 838). Adding 1,222 PHUs to 838 PHUs produces a sum of 2,060 PHUs. Therefore, a total of 2,060 PHUs is needed to compensate for the loss of panther habitat lost due to the SR 29 Project. To meet this compensation need, the FDOT will acquire 2,060 PHUs from a Service-approved conservation or mitigation bank. The habitat compensation provided by the FDOT is consistent with the Service's panther goal to strategically locate, preserve, and restore lands containing sufficient area and appropriate land cover types to ensure the long-term survival of the panther population south of the Caloosahatchee River.

Beneficial effects

Beneficial effects are those effects of the proposed action that are completely positive, without any adverse effects to the listed species or its critical habitat. The proposed action will not result in beneficial effects to the panther.

Direct effects

Direct effects are those effects that are caused by the proposed action, at the time of construction, are primarily habitat based, are reasonably certain to occur and include: (1) the permanent loss and fragmentation of habitat that supports panthers and their prey; (2) a reduction in the geographic distribution of habitat for the panther; and (3) harassment by construction activities.

Permanent loss and fragmentation of habitat for panthers and their prey

The SR 29 Project will result in the loss of 77.03 ac (31.2 ha) of panther habitat located within the Primary Zone and 92.01 ac (37.2 ha) in the Secondary Zone for a total of 169.04 ac (68.4ha). The SR 29 Project site also provides habitat for panther prey species (*e.g.*, feral hog, white-tailed deer, small mammals *etc.*). Habitat within the project sites includes agricultural lands and higher quality uplands and wetlands. Panthers may use these habitats for feeding and dispersal. The land will be converted to paved roadway, sodded median, and stormwater treatment swales which aren't expected to be used by panthers or their prey. The habitat lost due to the SR 29 Project may adversely affect the panther by decreasing the spatial extent of lands available to the panther and their prey. The project will also further fragment habitat that occurs adjacent to the project site.

Reduction in the geographic distribution of habitat for the species

The project will result in the loss of about 169.04 ac (68.4 ha) of undeveloped land within the Panther Focus Area. This loss represents 0.01 percent of the 1,962,294 ac (794,000 ha) of available non-urban private lands available to the panther. The habitat value lost due to the SR 29 Project will be offset by the habitat compensation proposed by the FDOT. The lands proposed for preservation are consistent with the Service's panther conservation strategy to locate, preserve, and restore lands containing sufficient area, access, and appropriate cover types to ensure the long-term survival of the panther south of the Caloosahatchee River.

Harassment by construction activities

The timing of construction for the SR 29 Project, relative to sensitive periods of the panther's lifecycle, is unknown. However, land clearing associated with the road widening project will be completed in a single phase at the start of development activities. There are no known den sites within the SR 29 Project boundaries. Therefore, we find it is unlikely Project construction will result in direct panther mortality, but it may result in temporary disturbance to resident or dispersing panthers.

Interrelated and interdependent actions

An interrelated activity is an activity that is part of the proposed action and depends on the proposed action for its justification. An interdependent activity is an activity that has no independent utility apart from the action under consultation. Interrelated or interdependent actions are not expected to result from the SR 29 Project.

Indirect effects

Indirect effects are those effects that result from the proposed action, happen later in time, and are reasonably certain to occur. The indirect effects the SR 29 Project will have on the panther within the action area are discussed below and in the assessment of functional habitat values previously discussed. They include: (1) risk of injury or mortality to panthers traversing the area from motor vehicle collisions due to vehicular traffic using the roadway; (2) increased disturbance to panthers and panther prey in the project vicinity from motor vehicle traffic using the roadway; and (3) increased potential for intraspecific aggression among panthers due to the reduction in panther habitat in the action area.

Risk of panther injury and mortality from motor vehicle collisions

In evaluating a project's potential to increase injuries and mortalities to panthers resulting from motor vehicle collisions, we consider the location of the project in relation to surrounding native habitats, preserved lands, and wildlife corridors that are frequently used by the panther. We also consider the current configuration and traffic patterns of surrounding roadways and the projected increase and traffic patterns expected to result from the proposed action. We evaluate the habitats present on-site, their importance in providing feeding needs for the panther and panther prey species, and if the site development would further restrict access to surrounding lands important to the panther and panther prey species.

The widening of SR 29, by itself, is not expected to increase motor vehicle traffic in the SR 29 Project area. Any increase in motor vehicle traffic is more likely to be related to future development that may occur in the region, and the Service will likely consult on such projects. However, we do expect the project to increase the potential for panther mortality and injury resulting from collisions with motor vehicles because panthers attempting to cross the roadway will have to traverse a wider corridor (*i.e.,* four paved travel lanes with a center median as opposed to the current two-lane road) and will be exposed to two additional lanes of motor vehicle traffic.

As discussed previously, wildlife underpasses, or crossings, with associated barrier fencing are constructed within highway corridors to provide safe passage under the roadway and reduce the potential for panther injuries and mortalities resulting from vehicle collisions. As such, the FDOT will install wildlife underpasses and associated barrier fencing at least two locations in the SR 29 Project corridor. The exact locations and type of crossing structures have not been determined. Construction of the project will not commence until the FDOT has provided the Service a detailed plan regarding the location and design of the two wildlife underpasses within the SR 29 Project footprint, and the FDOT and FHWA receive an email or letter from the Service indicating that we have reviewed the plan and find it acceptable. Currently, the Service recommends that underpass structures be located at the Sears Road Drainage Canal and the Twelve Mile Slough, and that underpass structures contain openings of at least 6 feet tall by 10 feet wide.

The Service has worked with the FDOT to install underpasses with barrier fencing in other parts of the action area. Specifically, a wildlife underpass containing shelves and barrier fencing has been installed northwest of the project corridor at the Cl Canal in association with the widening of SR 80 from Birchwood Parkway to Dalton Road. In addition, four wildlife underpass structures and barrier fencing have been installed on SR 29 south of Immokalee and north of Interstate 75. The Service finds that these structures help reduce the potential for injuries and deaths of panthers due to collisions with motor vehicles in the action area.

Disturbance to panthers and panther prey from motor vehicle traffic using the roadway

Panthers and panther prey species are already exposed to significant disturbance in the SR 29 Project corridor from motor vehicles using the existing two-lane roadway (*e.g.*, the presence and noise of motor vehicles, vehicle lights, *etc.*). However, the addition of two new paved lanes and a center grassy median will increase the spatial extent of disturbance from motor vehicle use. The magnitude of the disturbance from motor vehicles in the SR 29 Project corridor could also increase if other factors unrelated to the SR 29 Project (*e.g.*, commercial or residential development, *etc.*) increase the number of motor vehicles using the roadway.

The disturbance resulting from motor vehicle use of the SR 29 Project corridor could affect the movements of panthers and panther prey species. Consequently, panthers and panther prey species may be less likely to cross the roadway, or they may choose to avoid the SR 29 Project corridor altogether. Based on our knowledge of the panther's behavior, we believe the SR 29 Project as proposed will not significantly change panther use patterns in the project area. The Service also

believes it is likely panther prey species will acclimate to the disturbance and occupy remaining areas of suitable habitat adjacent to the SR 29 Project site.

Increased potential for intraspecific aggression

As discussed in the Status of the Species, panther mortalities resulting from attacks of con-specifics are known to occur in the panther population (*e.g.*, males may kill other rival males when defending a territory). Habitat loss may increase the potential for intraspecific aggression among panthers in the action area. A total of 26 panther deaths due to intraspecific aggression have occurred within the action area. The most recent death occurred in March 2015. The Service notes the SR 29 Project will result in the loss of 169.04 ac (68.4 ha) of panther habitat. According to the most current home range estimates of the Florida panther (Lotz et al. 2005), this loss represents 0.59 percent of a female panther's average home range (29,059 ac) and 0.27 percent of a male panther's average home range (62,542 ac). As discussed above, widening of the roadway will increase the spatial extent of disturbance from motor vehicle use in the SR 29 Project corridor. However, panthers are currently subject to considerable disturbance from motor vehicles using the existing two-lane roadway. Based on their previous exposure to motor vehicle traffic disturbance it is likely panthers will acclimate to the increase in disturbance resulting from the SR 29 Project, and the road widening should not significantly affect panther movements. The Service finds the amount of panther habitat lost (169.04 [68.4 ha]) and the disturbance resulting from motor vehicle use should not significantly increase the potential for intraspecific aggression in the action area.

Species response to the proposed action

The SR 29 Project will result in the loss of 169.04 ac (68.4 ha) of panther habitat. The SR 29 Project area provides habitat for panther prey and panthers are known to use the SR 29 Project area. The proposed action will result in increased disturbance to panthers from human activity and noise at the SR 29 Project site. This disturbance will occur during construction of the SR 29 Project and be ongoing following completion of the project due to operation of motor vehicles on the road. Panthers will respond to the disturbance by avoiding the SR 29 Project area or habituating to the disturbance. We anticipate any resident panthers with home ranges overlapping or in the vicinity of the SR 29 Project area will adjust the size and location of their ranges to account for this loss and that adjustment is anticipated to occur in concert with project construction.

CUMULATIVE EFFECTS

The Service defines "cumulative effects" considered in this Biological Opinion as the effects of future State, Tribal, local, or private actions (*i.e.*, non-Federal actions) reasonably certain to occur in the action area. Our definition of cumulative effects does not include future Federal actions unrelated to the proposed action because these actions require separate consultation pursuant to section 7 of the Act. Within the Action Area, past and ongoing State and County actions (non-Federal) affecting panther habitat include: (1) State of Florida Development of Regional Impact (DRI) Orders; (2) Collier County Comprehensive Plan Amendments; (3) Collier County Zoning Amendments; (4) Collier County Planned Unit Developments (PUDs);

and (5) South Florida Water Management District's Environmental Resource Permits (ERPs). To estimate future non-Federal actions, the Service chose to identify and tabulate recent non-Federal actions and project this level of development as representative of future non-Federal actions.

Our projection of non-Federal actions (*i.e.*, cumulative effects) in the action area incorporates Florida Land Use Cover and Forms Classification System (FLUCCS) mapping to determine if a property may be exempt from Federal Clean Water Act, section 404 wetland regulatory review by the Corps. To determine if a development project would likely be exempt from regulatory review, we identified the percentage of the project site that was classified as wetland habitat based on FLUCCS 600 series (wetland), and the 411 and 419 (hydric pine flatwood) mapping unit classifications. Projects on properties with less than 5 percent wetlands were considered to be exempt from the Corps' regulatory review because impacts to wetlands could likely be avoided by project design.

Based on this approach, information provided by the FDOT's consultant indicates over the period from January 1, 2012, through January 1, 2015, 13 projects in the action area affecting 3,488 ac (1,412 ha) of lands were exempt from regulatory review. Therefore, the Service estimates approximately 1,162.7 ac (470.6 ha) per year (3,488 ac [1,412 ha] / 3 years = 1,162.7 ac [470.6 ha]) would be exempt from regulatory review in the action area. We find this value representative of future yearly development likely to occur in the action area. The Service notes many unforeseen factors can affect development in the action area. Therefore, we acknowledge it is difficult to forecast development related to non-Federal actions in the action area with great certainly. However, the Service believes this estimate provides the best approximation available of future, non-Federal actions reasonably certain to occur and meets our definition of a cumulative effect. This level of development represents 4.0 percent of a female panther's average home range (29,059 ac [11,760 ha]), 1.9 percent of a male panther's average home range (62,542 ac [25,310 ha]), and 0.06 percent of the non-urban private lands at risk in the Service's panther core area (1,962,294 ac [794,000 ha]). Based on the above analysis, we believe the loss of the habitat associated with these lands is insignificant in the short term, but may adversely impact the panther as development continues to occur in the future in the action area. The Service has accounted for some habitat loss and changes in habitat quality through its habitat assessment methodology and is encouraging State and County environmental staff to develop Habitat Conservation Plans and seek Incidental Take Permits (Section 10 of the Act) to receive take coverage and to compensate for adverse effects to the panther resulting from non-Federal actions.

CONCLUSION

The SR 29 Project will result in a variety of adverse effects to the panther. Approximately 169.04 ac (68.41 ha) of habitat currently used by panthers and panther prey will be lost, and a permanent reduction in the geographic range of the species will occur. Construction activities associated with the SR 29 Project will disturb panther and their prey during construction and may cause them to avoid the project site during construction. Moreover, motor vehicle traffic occurring on this section of SR 29 will increase the potential for panther mortality and injuries resulting from collisions because panthers attempting to cross the roadway will have to traverse a wider road corridor. Human activity and motor vehicle traffic following the completion of construction will result in ongoing disturbance to panthers and their prey, and may cause

avoidance of the site. Finally, while the loss of habitat described above could increase the potential for interspecific aggression among panthers, the amount of habitat lost (169.04 ac [68.41 ha]) is not expected to significantly increase the potential for intraspecific aggression. The loss of habitat resulting form the project will be moderated by the acquisition of 2.060 PHUs of panther habitat froma Service approved conservation or mitigation bank. The compensation site will be preserved and managed as panther habitat in perpetuity. This habitat compensation is consistent with the Service's goal to locate and preserve lands containing sufficient area and appropriate cover types to ensure the long-term survival of the Florida panther south of the Caloosahatchee River.

After reviewing the current status of the panther, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is the Service's biological opinion the SR 29 Project as proposed is not likely to jeopardize the continued existence of the panther. Critical habitat has not been designated for the panther.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. "Take" is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct." "Harm" is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. "Harass" is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking, that is incidental to and not intended as part of the agency action, is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

The terms and conditions described below are nondiscretionary and must be undertaken by the FHWA so they become binding conditions of any grant, authorization, or permit issued to the FDOT, as appropriate, for the exemption in section 7(o)(2) to apply. The FHWA has a continuing duty to regulate the activity covered by this incidental take statement. If the FHWA(1) fails to assume and implement the terms and conditions or (2) fails to require the FDOT to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, the protection coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, the FHWA or the FDOT must report the progress of the action and its impact on the species to the Service as specified in the incidental take statement [50 CFR § 402.14(i)(3)].

AMOUNT OR EXTENT OF TAKE

The Service has reviewed the biological information for the panther, information presented by the FDOT and their consultant, and other available information relevant to this action.

Incidental take of the panther in the form of harm (*i.e.*, the loss of 169.04 ac (68.41 ha) of habitat in the 390.41 ac (157.99 ha) SR 29 Project footprint, and the increased potential for panther mortality and injury resulting from collisions with motor vehicles) and harassment (*i.e.*, disturbance to panthers resulting from human activity) is expected from the action. The Service has chosen not to quantify the level of incidental take in terms of a specific number of animals because it is difficult to: (1) predict the number of panther injuries and mortalities resulting from vehicle collisions that may occur within a section of roadway, and (2) document the adverse effects of habitat loss and disturbance from the project on survival and reproduction of panthers. Instead, we have quantified take as the amount of panther habitat lost due to the SR 29 Project. The SR 29 Project will result in the loss of 169.04 ac (68.41 ha) of habitat within the Primary and Secondary Zones of the Focus Area. We find the level of incidental take is moderated by the acquisition of 2,060 PHUs acquired from a Service-approved conservation or mitigation bank. This habitat will be enhanced and preserved in perpetuity to benefit the panther and its prey.

EFFECT OF THE TAKE

In the accompanying Biological Opinion, the Service determined this level of anticipated take is not likely to result in jeopardy to the panther. Critical habitat has not been designated for the panther and will not be affected.

REASONABLE AND PRUDENT MEASURES

When providing an incidental take statement, the Service is required to give reasonable and prudent measures it considers necessary or appropriate to minimize the take along with terms and conditions, that must be complied with, to implement the reasonable and prudent measures. Furthermore, the Service must also specify procedures to be used to handle or dispose of any individuals taken. The Service finds the following additional reasonable and prudent measures are necessary and appropriate to reduce take and to minimize the direct and indirect effects of the proposed SR 29 Project on the panther:

1. Implementation of the Project as proposed and outlined in the "Description of the Proposed Action" section of this biological opinion.

TERMS AND CONDITIONS

In order to be exempt from the prohibitions of section 9 of the Act, the FHWA and the FDOT must comply with the following terms and conditions. These terms and conditions implement the reasonable and prudent measures described above, outline reporting and monitoring requirements, and are non-discretionary.

1. Require that FDOT purchases 2,060 PHUs from a Service-approved conservation bank where panther habitat will be enhanced and preserved in perpetuity for the benefit of the panther and its prey.

2. Require that FDOT provides the Service with a receipt (in the form of a letter or email) from a Service-approved conservation bank stating that at least 2,060 PHUs have been acquired by the FDOT, and that FHWA receives an email or letter from the Service indicating that we have received the receipt from the Service-approved conservation bank prior to SR 29 Project commencement.

3. Require FDOT to provide the Service a detailed plan regarding the location and design of at least two wildlife underpasses within the SR 29 Project footprint, and that FHWA receives an email or letter from the Service indicating that we have reviewed the plan and find it acceptable prior to SR 29 Project commencement. Currently, the Service recommends that underpass structures with associated barrier fencing be located at the Sears Road Drainage Canal and the Twelve Mile Slough, and that underpass structures contain openings of at least 6 feet tall by 10 feet wide.

REPORTING REQUIREMENTS

Upon locating a dead, injured, or sick threatened or endangered species, initial notification must be made to the nearest Service Law Enforcement Office; Fish and Wildlife Service; 9549 Koger Boulevard, Suite 111; St. Petersburg, Florida 33702; 727-570-5398. Secondary notification should be made to the FWC; South Region; 3900 Drane Field Road; Lakeland, Florida; 33811-1299; 1-800-282-8002. Care should be taken in handling sick or injured specimens to ensure effective treatment and care or in the handling of dead specimens to preserve biological material in the best possible state for later analysis as to the cause of death. In conjunction with the care of sick or injured panthers or caracaras, or preservation of biological materials from a dead animal, the finder has the responsibility to carry out instructions provided by Law Enforcement to ensure evidence intrinsic to the specimen is not unnecessarily disturbed.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. The Service is not proposing any conservation recommendations at this time.

REINITIATION NOTICE

This concludes formal consultation on the SR 29 Project. As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded (see below); (2) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; (3) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. The amount of incidental

take authorized by this consultation may be exceeded should impacts from the proposed project increase beyond 169.04 ac (68.4 ha) of panther habitat as reported in this biological opinion. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Thank you for your cooperation in the effort to protect fish and wildlife resources. If you have any questions regarding this project, please contact John Wrublik at 772-469-4282.

Sincerely yours,

Roxanna Hinzman
Field Supervisor
South Florida Ecological Services Office

cc: electronic only
Corps, Cocoa, Florida (Andrew Phillips)
FDOT, Bartow, Florida (Gwen Pipkin)
FWC, Naples, Florida (Darrell Land)
FWC, Tallahassee, Florida (FWC-CPS)
NOAA Fisheries, West Palm Beach, Florida (David Rydene)
Service, Florida Panther NWR, Naples, Florida (Kevin Godsea)
Service, Naples, Florida (David Shindle)

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Table 1. Panther habitat units (PHU) provided from the SR 29 Project Site, and PHUs needed to compensate for the panther habitat lost due to the project. *

Land Cover Type	Habitat Score	Ac in Primary Zone	PHUs Provided (Habitat Score X Acreage of Land Cover Type)	Ac in Secondary Zone	PHUs Provided (Habitat Score X Acreage of Land Cover Type)
Pine Forest	9.5	9.22	87.59	6.97	66.215
Hardwood Swamp	9.2	0.00	0.000	0.27	2.484
Hardwood Forest	9.0	21.86	196.740	0.36	3.240
Dry Prairie	6.3	0.00	0.000	3.00	18.900
Unimproved Pasture	5.7	7.63	43.491	0.00	0.000
Shrub Swamp/Brush	5.5	0.23	1.265	11.29	62.095
Improved Pasture	5.2	13.76	71.552	30.29	157.508
Cropland	4.8	6.40	30.720	16.00	76.800
Orchard/Groves	4.7	2.02	9.494	8.28	38.916
Marsh/Wet Prairie	4.7	0.02	0.094	7.49	35.203
Exotic/Nuisance Plants	3.0	5.37	16.110	0.58	1.740
Barren/Disturbed Lands	3.0	10.52	31.560	7.48	22.440
Water	0.0	9.41	0.000	5.32	0.000
Urban lands	0.0	123.94	0.000	82.70	0.000
TOTAL - All Land Cover Types Providing PHUs	-	77.03	488.616	92.01	485.541
TOTAL - All Land Cover Types Providing PHUs + All Land Cover Types Not Providing PHUs	-	210.38	488.616	180.30	485.541

*PHUs needed to compensate for impacts in the Primary Zone and the Secondary Zone from SR 29 Project are calculated as follows:
PHUs x Base Ratio x Landscape Multiplier for Primary Zone (488.616 PHUs x 2.5 x 0.69 = 1,221.540 PHUs [rounded to 1,222 PHUs]) + PHUs in Project Footprint x Base Ratio x Landscape Multiplier for Secondary Zone (485.541 PHUs x 2.5 x 0.69 = 837.558 PHUs [rounded to 838 PHUs**])

Total PHUs needed to compensate for impacts 1,222 + 838 = 2,060

To compensate for the loss of panther habitat from the project, the FDOT will provide 2,060 PHUs from a Service-approved conservation bank or mitigation bank.

Table 2. Reported minimum panther population counts for south Florida (2000 – 2015).

Year	Total	Mortality	Net
2000	62	13	49
2001	78	11	67
2002	80	14	66
2003	87	24	63
2004	78	20	58
2005	82	12	70
2006	97	19	78
2007	117	25	92
2008	104	23	81
2009	113	24	89
2010	115	24	91
2011	111	24	87
2012	123	29	94
2013	133	29	104
2014	138	31	107
2015	*	41	*

*Data not yet available

Table 3. Targeted and acquired acreage totals of Federal and state conservation lands, and Indian Reservation lands in South Florida directly affecting the panther within the Service's panther consultation area.*

Name	Targeted[1] Acreage	Acquired Acreage	Indian Reservation
Federal Conservation Lands			
Everglades National Park	1,508,537	1,508,537	--
Big Cypress National Preserve	720,000	720,000	--
Florida Panther National Wildlife Refuge	26,400	26,400	--
Subtotal	**2,254,937**	**2,254,937**	--
State of Florida: Florida Forever Program			
Belle Meade	28,505	19,107	--
Corkscrew Regional Ecosystem Watershed	69,500	24,028	--
Twelvemile Slough	15,653	7,530	--
Panther Glades	57,604	22,536	--
Devil's Garden	82,508	0	--
Caloosahatchee Ecoscape	18,497	2,994	--
Babcock Ranch	91,361	0	--
Fisheating Creek	176,760	59,910	--
Subtotal	**540,388**	**136,105**	--
State of Florida: Other State Acquisitions			
Water Conservation Area Number 3	491,506	491,506	--
Holey Land Wildlife Management Area	33,350	33,350	--
Rotenberger Wildlife Management Area	25,019	20,659	--
Fakahatchee Strand State Preserve	74,374	58,373	--
Picayune Strand State Forest	55,200	55,200	--
Okaloacoochee Slough State Forest and WMA	34,962	34,962	--
Babcock-Webb Wildlife Management Area	79,013	79,013	--
Subtotal	**793,424**	**773,063**	--
Indian Reservations[2]			
Miccosukee Indian Reservation	--	--	81,874
Big Cypress Seminole Indian Reservation	--	--	68,205
Brighton Seminole Indian Reservation	--	--	37,447
Subtotal	--	--	**187,526**
GRAND TOTALS	**3,588,749**	**3,164,105**	**187,526**

[1] Targeted acres not available for all lands. In Such cases, targeted equals acquired acreage.
[2] Indian lands are included due to their mention in the MSRP. Acreages taken from GIS data.
* The lands shown as acquired in this Table may include some private in-holdings and may include lands currently under sales negotiations or condemnation actions.

Table 4. Telemetry points of alive or status unknown radio-collared panthers recorded within the action area.

Panther	Number of Telemetry Points	Sex	Year that last telemetry location was taken
FP65	1,462	Male	2013
FP110	1,340	Female	2014
FP113	1,304	Female	2012
FP119	631	Male	2011
FP137	388	Male	2009
FP143	199	Male	2007
FP145	2	Female	2009
FP146	2	Male	2006
FP147	19	Male	2006
FP149	3	Female	2007
FP153	13	Female	2008
FP154	156	Male	2008
FP159	337	Male	2013
FP160	104	Female	2008
FP165	80	Male	2009
FP167	79	Male	2009
FP171	306	Male	2011
FP178	590	Female	2014
FP180	76	Female	2013
FP185	118	Female	2011
FP187	9	Male	2011
FP193	1	Male	2013
FP195	289	Female	2014
FP198	303	Female	2014
FP199	16	Female	2014
FP215	303	Female	2014
FP216	73	Male	2014
FP217	187	Female	2014
FP218	33	Female	2014
FP219	71	Female	2013
FP222	187	Female	2014
FP224	35	Female	2014
FP225	4	Male	2014
FP227	24	Male	2014
FP231	25	Male	2014

Total Telemetry Points = 8,769

Table 5. Panther-vehicle collisions within action area as of July 2015.

ID	Location	Year	Sex	Result
UCFP04-(G80-4)	SR 29 north of I-75	1979	1979	Death
UCFP05-(G80-15)	SR 29 near Sunniland	1980	Male	Death
FP01	SR 84	1983	Male	Death
UCFP12-(G84-26)	SR 84	1984	Female	Death
UCFP13-(G85-BNZ)	SR 84	1985	Female	Death
FP04	SR84	1985	Male	Death
UCFP15	SR84	1986	Female	Death
FP20	CR 858 east of SR 29	1987	Male	Injury
UCFP18-(RK-850)	CR 850 south of SR 80	1989	Male	Death
FP37	SR 29 north of I-75	1990	Male	Death
FP50	CR 846 east of Immokalee	1993	Male	Death
UCFP-20-(FP11S)	SR 29 at Pistol Pond	1991	Female	Death
UCFP21-(FP19S)	SR 29 at Sunniland	1992	Female	Death
UCFP23-(FP52S)	County Line Road	1994	Male	Death
FP 52	CR 846 near Dupree Road	1995	Female	Death
UCFP29	County Line Road	1994	Male	Death
FP31	SR 29 near Sunniland	1994	Female	Death
FP52	CR 846 near Dupree Road	1995	Female	Death
UCFP31	CR 846 west of CR 858	1996	Male	Death
UCFP25	CR 846	1997	Unknown	Death
FP51	SR 29 at Bear Island Grade	1998	Male	Death
FP74	US 27 near Venus	1998	Female	Death
UCFP27	Farm Road Near Hendry Prison	1999	Female	Death
UCFP34	CR 846 east of county line	1999	Male	Death
K-76-(FP66)	CR 858 west of SR 29	2000	Male	Death
UCFP35	CR846 east of Immokalee	2000	Male	Death
FP63	SR 29 north of Pistol Pond	2000	Male	Death
UCFP36	CR846 east of Immokalee	2000	Male	Death
UCFP37	CR 846 east of SR 29	2000	Female	Death
UCFP41	SR 29 near Sunniland	2001	Male	Death
UCFP42	CR 846 east of Powerline	2000	Female	Death
UCFP43	CR 846 east of Powerline	2001	Female	Death
UCFP45	US 27 north of Palmdale	2001	Male	Death
UCFP48	CR 846 east of Immokalee	2002	Male	Death
UCFP49 (K98)	CR 846 east of Immokalee	2002	Female	Death
UCFP52	CR 833 south of CR 832	2002	Female	Death
FP 98	SR 29 north of Pistol Pond	2002	Male	Death
UCFP50	CR 846 east of Everglades Boulevard	2003	Male	Death
UCFP54	SR 29 north of CR 858	2003	Male	Death

Table 4. continued

ID	Location	Year	Sex	Result
UCFP59	CR 858 west of SR 29	2003	Female	Death
K128	CR 832 east of rail road grade	2003	Female	Death
UCFP65	SR at Bear Island Grade	2004	Male	Death
UCFP66	I-75 west of Everglades Boulevard	2004	Male	Death
UCFP69	SR 29 north of CR 858	2004	Female	Death
UCFP70	SR 29 at Owl Hammock	2004	Female	Death
UCFP75	SR 29 at Owl Hammock	2005	Male	Death
UCFP78	CR 846 west of CR 858	2004	Male	Death
UCFP85	CR 832	2006	Male	Death
UCFP90	CR 832	2006	Male	Death
UCFP91	CR 832	2007	Female	Death
UCFP99	SR 82 west of Sunshine Boulevard	2007	Male	Death
K199	CR 832	2007	Male	Death
UCFP100	SR 29	2007	Male	Death
UCFP102	I-75 east of SR 29	2007	Male	Death
UCFP106	Leonard Boulevard in LeHigh Acres	2008	Male	Death
UCFP112	SR 80 east of CR 833	2007	Female	Death
UCFP108	Imokalee road east of Oil Grade Road	2008	Female	Death
UCFP111	SR 29 north of Oil Well Road	2008	Female	Death
UCFP114	Oil Well Road east of Camp Keais Road	2008	Female	Death
UCFP115	CR 832	2008	Male	Death
UCFP116	SR29 3 miles south of Immokalee	2009	Female	Death
UCFP122	Immokalee Road	2009	Male	Death
UCFP124	I-75 at Mile Marker 90	2009	Female	Death
UCFP129	CR 846 east of Immokalee	2009	Male	Death
UCFP130	CR 846 east of Immokalee	2009	Male	Death
UCFP134	Corkscrew Road	2009	Male	Death
UCFP139	Corkscrew Road	2009	Female	Death
K253	I-75 at SR 29	2009	Male	Death
UCFP141	Church Road near landfill	2010	Female	Death
UCFP144	CR 833 north of CR 832	2010	Female	Death

Table 4. continued

ID	Location	Year	Sex	Result
UCFP146	SR 29 south of Owl Hammock	2010	Female	Death
FP174	I-75 at Mile Marker 95	2010	Male	Death
FP176	Keri Road	2010	Male	Death
UCFP150	CR 846 south of CR 833	2010	Male	Death
K284	SR 29 south of Sears Road	2011	Male	Death
UCFP162	SR 29 at Owl Hammock	2011	Male	Death
UCFP164	SR 29 at Owl Hammock	2011	Female	Death
UCFP165	SR 29 Collier/Hendry County Line	2011	Male	Death
UCFP166	SR 82 west of SR 29	2012	Male	Death
UCFP173	CR 846 East of Oil Well Road	2012	Female	Death
UCFP172	SR 82 east of Church Road	2012	Male	Death
UCFP178	SR 29 south of I-75	2012	Female	Death
UCFP179	SR 29 at Owl Hammock	2012	Male	Death
UCFP184	CR 833	2013	Female	Death
UCFP185	SR 29 south of Oil Well Road	2013	Male	Death
UCFP187	CR 835	2013	Male	Death
UCFP189	Everglades Boulevard	2013	Female	Death
UCFP191	SR 80 east of LaBelle	2013	Unknown	Death
UCFP192	CR 846, 2.3 miles west of County Line Road	2013	Male	Death
UCFP194	Orange River Road	2013	Male	Death
UCFP195	CR 846 east of County Line Road	2013	Male	Death
UCFP196	I-75 at Mile Marker 96.5	2013	Male	Death
UCFP198	I-75 at Miller Canal	2013	Female	Death
UCFP201	I-75 west of Faka Union Canal	2013	Male	Death
FP163	County Line Road	2014	Male	Death
UCFP204	SR 29 at Owl Hammock	2014	Male	Death
UCFP207	CR 833	2014	Male	Death
UCFP209	CR 833 south of CR 832	2014	Male	Death
UCFP210	CR 833 south of CR 832	2014	Male	Death
UCFP214	Oil Well Road	2014	Male	Death
UCFP217	CR 833	2014	Male	Death
UCFP223	County Line Road South of CR 846 CR 833	2014	Male	Death
UCFP225	Flaghole Road	2014	Male	Death

Table 4. continued

ID	Location	Year	Sex	Result
UCFP229	16th Street in Golden Gates Estates	2014	Female	Death
UCFP231	Immokalee Road	2015	Female	Death
UCFP233	I-95 at Mile Marker 95	2015	Male	Death
UCFP236	CR 846 ½ mile south of CR 833	2015	Male	Death
UCFP238	Immokalee Road	2015	Male	Death
UCFP240	SR 29 north of CR 858	2015	Female	Death
UCFP242	CR 833, ¼ mile south of CR 832	2015	Female	Death
UCFP245	Daniels Parkway	2015	Male	Death

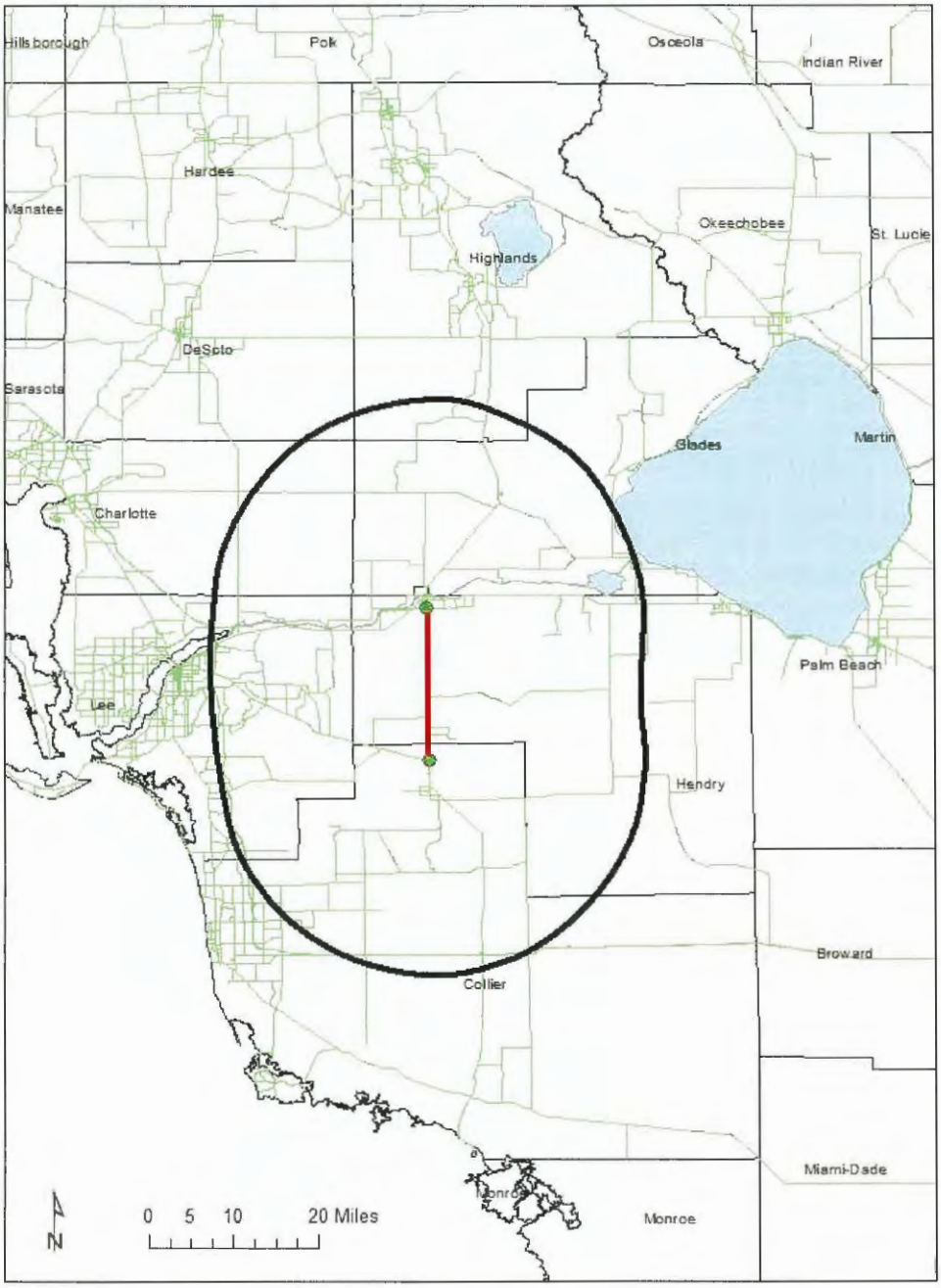

Figure 1. Location map of SR 29 Project with the project site indicated by the red line bounded by green circles and the action area indicated by the black oval).

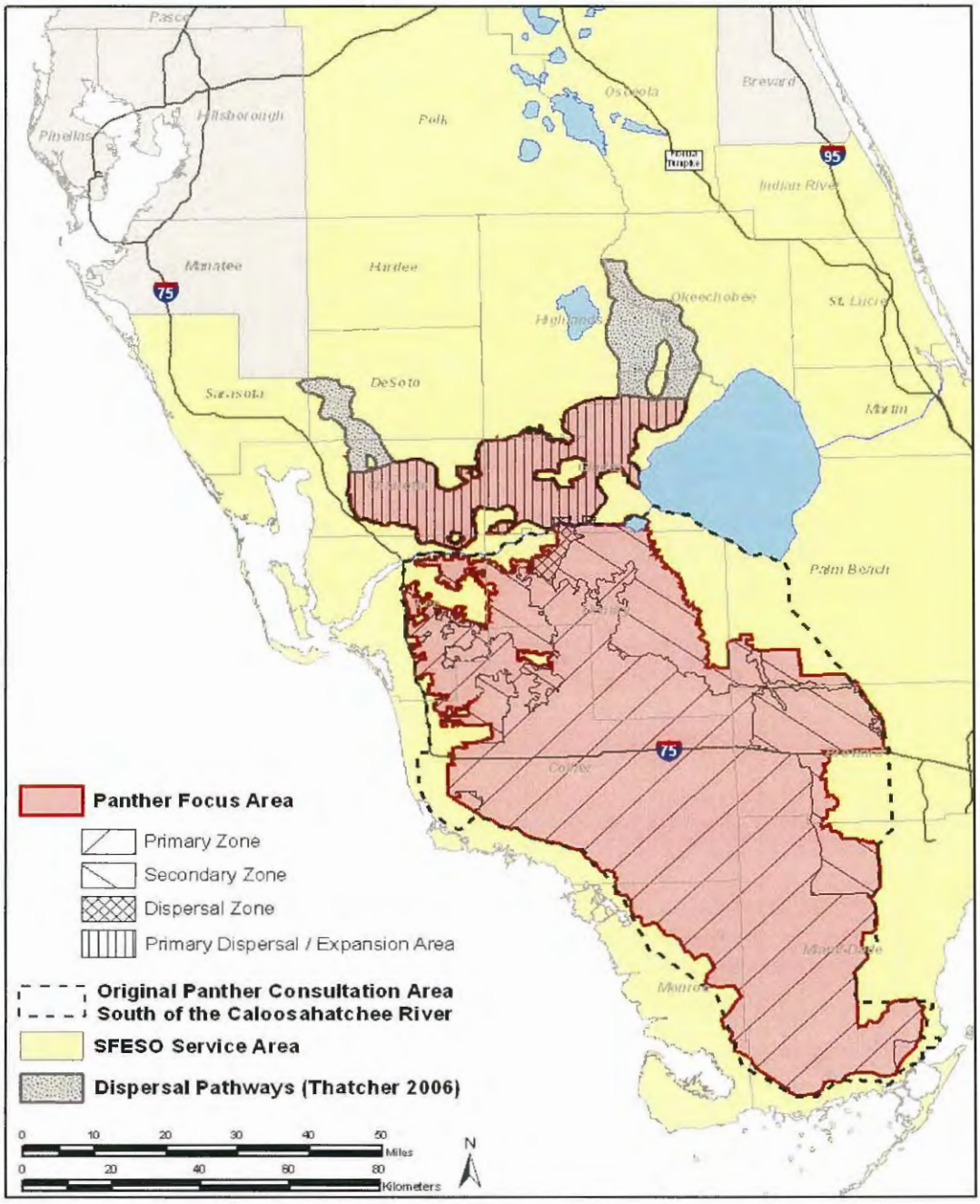

Figure 2. Florida panther focus area and original panther consultation area.

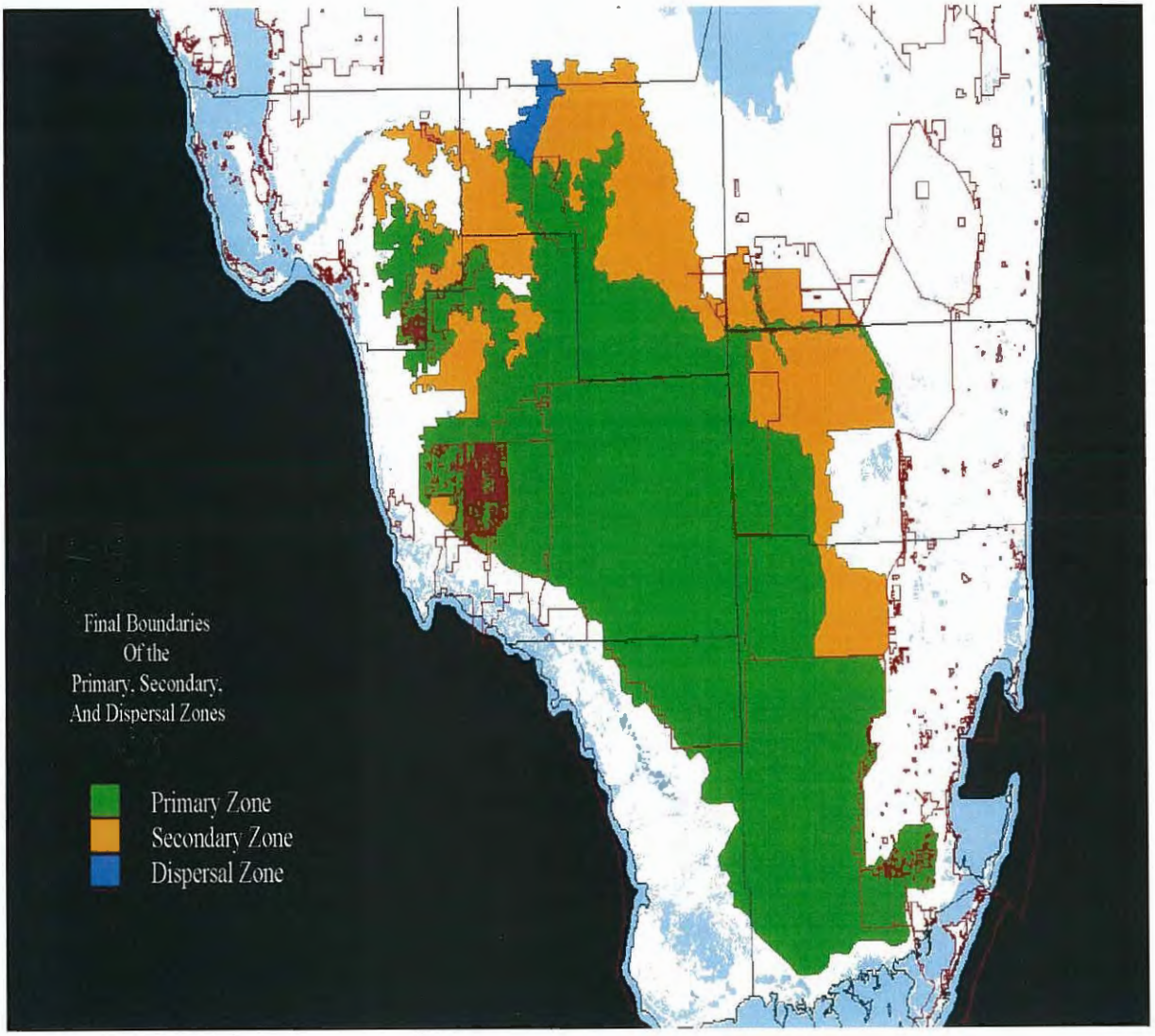

Figure 3. Primary, Secondary, and Dispersal Zones from Kautz et al. (2006).

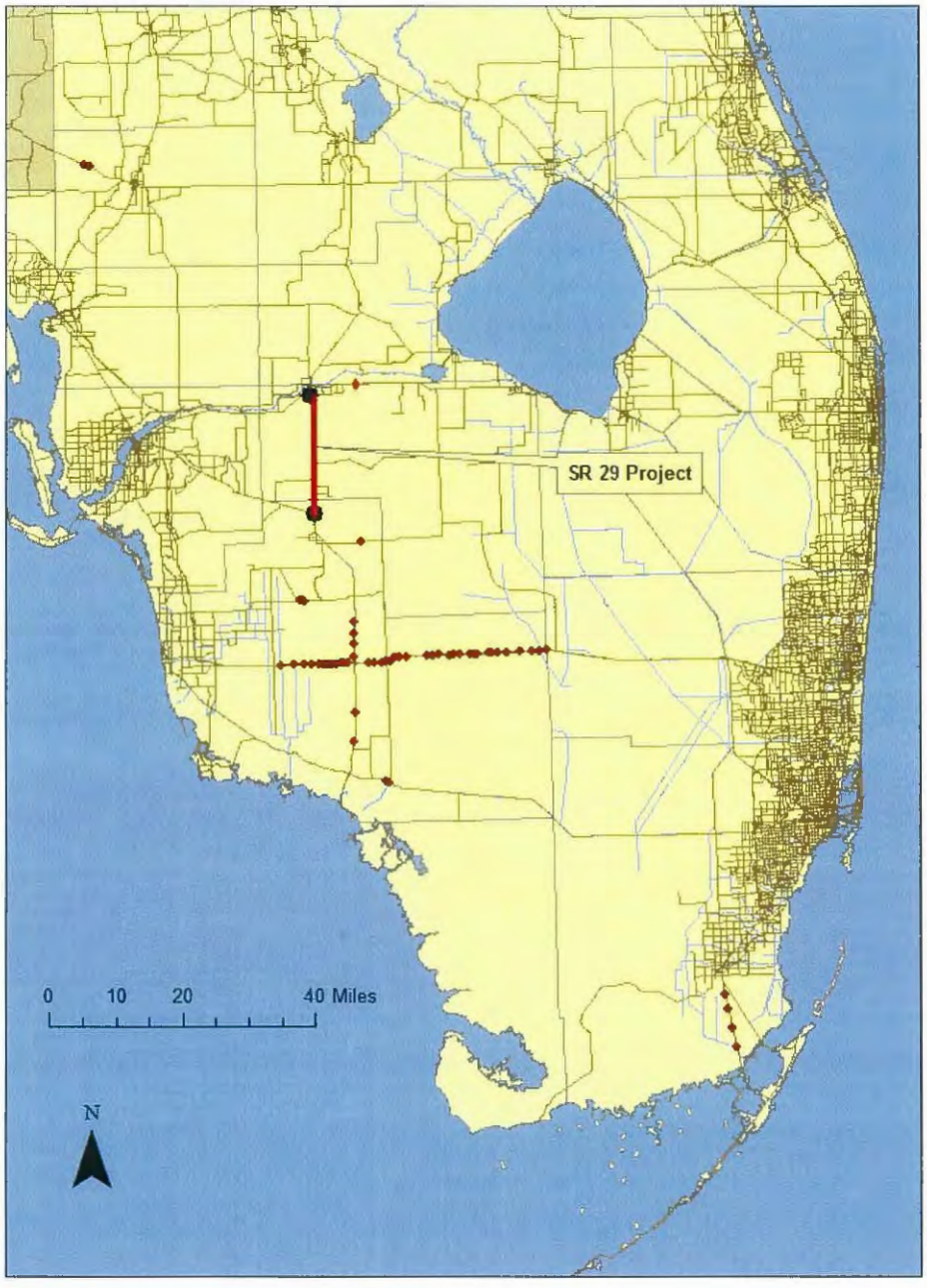

Figure 4. Locations of wildlife crossings in South Florida (indicated by red diamonds) in relation to State Road 29 Project (indicated by the red line with black circles at each end).

United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

June 10, 2016

James Christian
Division Administrator
Federal Highway Administration
3500 Financial Plaza, Suite 400
Tallahassee, Florida 32312

Service CPA Code: 04EF2000-2007-CPA-0507
Service Consultation Code: 04EF2000-2007-F-1185
Project: State Road 29 from State Road 82 to County Road 80A
Counties: Hendry and Collier

Dear Mr. Christian:

This letter serves as an amendment to U.S. Fish and Wildlife Service's (Service) letter and Biological Opinion to the Federal Highway Administration (FHWA) dated January 22, 2016, for their authorization of the of the Florida Departments of Transportation's (FDOT) widening of State Road (SR) 29 from SR 82 to County Road 80A (SR 29 Project) located in Hendry County and Collier County, Florida,. The Biological Opinion examined the effects of the SR 29 Project on the endangered Florida panther (*Puma concolor coryi*). In an email to the Service dated May 31, 2016, the FHWA requested that the language in term and condition number 3, regarding the planning and construction of two wildlife crossing features associated with the SR 29 Project, be changed to language recently agreed upon by the Service, FHWA, and the FDOT. This document is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended in 1998 (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

Term and condition number 3 on page 18 of the original January 22, 2016, document reads:

3) Require FDOT to provide the Service a detailed plan regarding the location and design of at least two wildlife underpasses within the SR 29 Project footprint, and that FHWA receives an email or letter from the Service indicating that we have reviewed the plan and find it acceptable prior to SR 29 Project commencement. Currently, the Service recommends that underpass structures with associated barrier fencing be located at the Sears Road Drainage Canal and the Twelve Mile Slough, and that underpass structures contain openings of at least 6 feet tall by 10 feet wide.

This section of January 22, 2016, document should be replaced with the following:

3) Require the FDOT to provide the Service prior to commencement of the SR 29 Project, a detailed plan regarding the location, design, and construction of at least two wildlife underpasses or other wildlife crossing features or structures, within the SR 29 Project footprint. The purpose of the wildlife underpasses, or other wildlife crossing features or structures, is to allow panthers and other wildlife to cross the roadway, while reducing the potential for injuries and mortalities of these animals due to collisions with motor vehicles. The design and location of the wildlife underpasses, or other wildlife crossing features or structures, will be based on the best scientific information available regarding the movements and needs of the Florida panther. Construction of the SR 29 Project will not commence until the FHWA receives an email or letter from the Service indicating that we have reviewed the plan and find it acceptable. Currently, the Service recommends that underpass structures, or other wildlife crossing features or structures with associated barrier fencing be located at the Sears Road Drainage Canal and the Twelve Mile Slough, and that underpass structures contain openings of at least 6 feet tall by 10 feet wide.

All other sections and findings of the January 22, 2016, letter and Biological Opinion for the SR 29 project remain unchanged.

Thank you for your cooperation in the effort to protect federally listed species and fish and wildlife resources. If you have any questions on this project, please contact John Wrublik at 772-469-4282.

Sincerely yours,

for Constance L Cassler

Roxanna Hinzman
Field Supervisor
South Florida Ecological Services Office

cc: electronic only
Corps, Cocoa, Florida (Andrew Phillips)
FDOT, Bartow, Florida (Gwen Pipkin)
FHWA, Tallahassee, Florida (Cathy Kendall)
FWC, Naples, Florida (Darrell Land)
FWC, Tallahassee, Florida (FWC-CPS)
NOAA Fisheries, West Palm Beach, Florida (David Rydene)
Service, Florida Panther NWR, Naples, Florida (Kevin Godsea)
Service, Naples, Florida (David Shindle)

Re: [EXTERNAL] PHU Credit for Wildlife Crossings

WJ

Wrublik, John
Tue 5/28/2019 6:53 AM

- Setchell, Brent <Brent.Setchell@dot.state.fl.us>;
- Baigas, Phillip <phillip.baigas@wsp.com>

+2 others

Brent, to summarize, the Service finds that wildlife crossings reduce the likelihood that panthers will be struck by vehicles. However, crossings do nothing to offset or compensate for habitat lost due to a road project. That is why, where appropriate, we ask that these two conservation measures be provided for road projects that adversely affect the panther. With respect to wetlands impacts, in most cases the Service supports impacts to wetlands being offset by appropriate wetland mitigation (e.g., credits from a approved wetland mitigation bank etc.). However, in rare cases, the Service may support the use of a wildlife crossing to offset impacts to wetlands.

Hope this helps clarify things.

John

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NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

On Fri, May 24, 2019 at 1:14 PM Setchell, Brent <Brent.Setchell@dot.state.fl.us> wrote:

John,

I know we've discussed this issue before, but didn't want to spend hours digging through old correspondence. Its my understanding that the Service won't consider allowing PHU credits for the

construction of wildlife crossings since PHUs offset habitat loss and the Service doesn't recognize wildlife crossings as improving habitat.

Katasha and I participated in phone interview today for a national study being conducted on mitigation credits for wildlife crossings. See info below:

Louis Berger US, Inc. and the Western Transportation Institute at Montana State University are conducting a survey for the National Cooperative Highway Research Program. We aim to summarize experiences and the current state of practice for methods used to determine the value of wildlife overpasses, underpasses, bridges, and culverts for habitat connectivity, and how the valuations are applied in calculating transportation project mitigation requirements, mitigation credits, or mitigation effectiveness. We are especially interested in methods and procedures that may be applicable to the development of valuation metrics for wildlife crossings for:

- *Advance mitigation*
- *Permittee-responsible mitigation*
- *Landscape-level mitigation*
- *Wildlife corridor planning*

The results of this project will provide guidance to DOTs and practitioners on potential methods that could be used to develop and secure mitigation credits for roadway enhancements for terrestrial wildlife connectivity. For more information about the project, visit:

http://apps.trb.org/cmsfeed/TRBNetProjectDisplay.asp?ProjectID=4487

While the Service doesn't support PHU mitigation, I understand that they do support wetland mitigation from wildlife crossings.

I just want to make sure I'm relaying FWS's position correctly.

Thanks,

Brent Setchell, P.E.

District Drainage Design Engineer

Florida Department of Transportation

801 N. Broadway Avenue

Bartow, Florida 33830

863-519-2557

Re: [EXTERNAL] 06/27 Transportation Subteam meeting to be rescheduled

Wrublik, John <john_wrublik@fws.gov>

Mon 6/10/2019 6:16 AM

To: amber crooks <amberc@conservancy.org>

Amber, I can make either date.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Fri, Jun 7, 2019 at 4:42 PM amber crooks <amberc@conservancy.org> wrote:

> Hello Subteam members,
>
> For multiple reasons, we are looking to reschedule the 06/27/19 PRIT Transportation Subteam meeting. Instead of an in-person meeting, the next meeting would be via webinar. Please let me know what your availability is on either:
>
> - **August 1, 2019**
> - **August 2, 2019**
>
> Once we decipher which day works for most, we will send out the meeting announcement and new date/webinar connection info.
>
> In the interim, you may also be interested in the following:
>
> – News story about Disney purchase of land near the Reedy Creek area (see attached)
>
> – SB 72 by Passidomo that dealt with Alligator Alley toll road fees – died this session
>
> – SB 7068 the transportation bill passed and was signed into law by Gov. DeSantis (see attached)
>
> – Email from Brent regarding the data set for the hotspots exercise (see attached)
>
> – Update by FDOT about Alligator Alley fencing repairs this summer (see attached)

– Email exchange about panther caught inside panther fencing on SR29 near the Florida Panther National Wildlife Refuge (see attached)

– Update by Lee County DOT about repair of panther fencing on Corkscrew Road (see attached) – I believe the repair began this week

– Slides from SR 29 project presentation to Collier MPO TAC (see attached)

– Table from Join SIS priority list (see attached)

In Kind Regards,

Amber Crooks, Environmental Policy Manager

Conservancy of Southwest Florida

1495 Smith Preserve Way

Naples, FL 34102

(239) 262-0304 ext. 286

amberc@conservancy.org

www.conservancy.org

Re: [EXTERNAL] Reflection Lakes of Naples BO review needed

Wrublik, John <john_wrublik@fws.gov>

Thu 7/11/2019 9:41 AM

To: chris stephens <chris@corkscrewnatives.com>
Cc: Cassler, Constance <constance_cassler@fws.gov>

Chris,

As I understand it, the parcel you are referring to is the 145-acre tract of on land within Sections 10 and 11, Township 44 South, Range 29 East in Hendry County. And, as indicated in the Service's Biological Opinion to the Corps for the Walnut Lakes development project dated June 10, 2003, the applicant has agreed to provide this parcel to: 1) compensate for impacts to Florida panther habitat (and benefit the recovery and survival of the species) and 2) compensate for impacts to wetlands resulting from the project. As far as I know, this parcel has not been authorized as a "Conservation Bank" by the Service. I think that they may be some confusion about the proposed compensation parcel and the term conservation bank. For projects that result in adverse impacts to listed species such as the Florida panther, the Service commonly requests that currently unprotected habitat for the species be acquired and protected as a conservation measure to benefit the species. The Service defines a Conservation banks as a tract of currently unprotected land, usually large in size, that: 1) contains habitat for a Federally listed species such as the Florida panther, 2) is enhanced, restored, protected and managed in perpetuity to benefit the species, and 3) allows the land owner to sell credits from the bank to other parties that are pursuing development projects that impact a listed species, in order to compensate for impacts to the species from their development projects. Credits from approved conservation banks are acceptable to the Service as a means to compensate for impacts to a listed species resulting from a development project. The benefit of conservation banks to those pursuing development projects is that they provide a easy means to provide compensation for impacts of their development project to the Service. The incentive to the landowner to establish the conservation bank, is the profit made by selling the credits. As I indicated in my last email, the Service has established some basic requirements for Conservation Banks that must be met before they can authorized by the Service and allowed to sell credits.

The Service also allows those proposing development projects that would impact the Florida panther (or other listed species), the option of acquiring, enhancing or restoring, protecting, and managing habitat for the species in perpetuity. This was the case for Walnut Lakes project. The applicant is proposing to acquire, enhance, and restore the 145-acre parcel in Hendry County, not to establish it as a conservation bank per se, but to provide the parcel as compensation for impacts to the panther resulting from the project. In order for this form of compensation to be acceptable to the Service, we ask that applicant follow the same procedures for the donated parcel that we would require for a person that wishes to establish a Conservation Bank for the purpose of selling credits. That is, as discussed in my last email, in addition to the proposed enhancement and restoration works proposed: the proposed compensation site must be placed under conservation easement that protects the site in perpetuity; a management plan for site must be prepared and submitted to the Service for our approval; and a non-wasting management endowment must be established to provide for management of the site in perpetuity. Once these procedures are completed, the applicant can transfer the parcel to state of Florida or other entity that is acceptable to the Service for long-term protection and management, provided they are willing to accept it and the management endowment. Otherwise, the applicant would be responsible for the long term management and protection of the

site. I hope this explains and clears up any confusion about what the Service needs for the compensation parcel.

Do you need to provided some form of verification to the Corps that the proposed works to benefit the panther are proceeding? Unfortunately, due to work load and budget constraints, normally the Service does not have the staff and time available to conduct follow up visits on the these sites. We could provide concurrence that you are living up to your agreement to enhance and restore the site as habitat for the panther if you provide us sufficient documentation that the work is being conducted or has been completed. This could include photographs of the site.

You indicated in your last email that you are looking to remove some components of the management plan for this project that are specific to meeting wetland criteria. I am not sure what you mean by that, could you please explain. For the compensation parcel to be acceptable to the Service, you would need to meet the criteria I provided for conservation banks in my last email. Relaxing that criteria would probably not be negotiable.

If you have any other questions or would like to discuss further, please let me know

Sincerely,

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Wed, Jul 10, 2019 at 3:21 PM chris stephens <chris@corkscrewnatives.com> wrote:

> Hi John,
>
> Its been a while since we talked last. As discussed, we are looking to remove some components of the management plan for this project that are specific to meeting wetland criteria. Do your records show that the Hendry County offsite area was established as a Conservation Bank with FWS for the Florida Panther? Once the Conservation Bank has been established do you have anymore follow on the site. We have conducted Brazilian pepper removal which is the primarily exotic at the property. We want to show some satisfaction to Corp of Engineer. In our past conversation you indicated that you could provide some satisfaction from site images and work completed. Is that still an option? The site is flooded likely at this point.

v/r,

Chris Stephens, Professional Wetland Scientist No. 2254

Natives of Corkscrew “nursery + environmental”
M: 239-849-9230

From: Wrublik, John <john_wrublik@fws.gov>
Sent: Monday, April 15, 2019 10:46 AM
To: chris stephens <chris@corkscrewnatives.com>
Subject: Fwd: [EXTERNAL] Reflection Lakes of Naples BO review needed

Chris, I just talked to Connie about requirements for Conservation Banks. She said we don't have anything in writing, but the basic requirements for establishing a conservation bank are as follows:

1) The site must be placed under conservation easement that protects it for conservation purposes in perpetuity.

2) A management plan for the site must be prepared for the site (this document would describe how the site is maintained exotic free, how the site is protected from illegal entry [e.g, dumping of trash, orv's tearing up the site etc], contain a prescribed burning or mechanical treatment of vegetation schedule; contain a discussion of any supplemental planting needed etc.).

3) A management endowment to pay for the complete management of the site in perpetuity must be established. The endowment should be non-wasting (i.e, the interest accrued on the established fund should be large enough to completely fund all management costs in perpetuity).

The ownership and perpetual management and protection of the site could be transferred to another entity (acceptable to the Service) such as a Water Management District, the Florida Fish and Wildlife Conservation Commission etc. provide the entity is willing to accept the parcel, and manage strictly to benefit the panther (in this case). The management endowment would be passed along to the accepting entity and use only to manage the site (and for no other purposes).

John

John M. Wrublik

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

Office: (772) 469-4282

Fax: (772) 562-4288

email: John_Wrublik@fws.gov

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---------- Forwarded message ---------
From: **Lori Vogt** <Lori@corkscrewnatives.com>
Date: Fri, Apr 12, 2019 at 5:20 PM
Subject: RE: [EXTERNAL] Reflection Lakes of Naples BO review needed
To: Cassler, Constance <constance_cassler@fws.gov>
Cc: John Wrublik <John_Wrublik@fws.gov>, chris stephens <chris@corkscrewnatives.com>

Good afternoon Connie and John,

Please find the attached permit. It is 93 pages with the attachments. The BO begins on page 55.

Thanks very much for your review. Please let us know when we can discuss the project.

Best regards,

Lori

From: Cassler, Constance <constance_cassler@fws.gov>
Sent: Friday, April 12, 2019 4:25 PM
To: chris stephens <chris@corkscrewnatives.com>
Cc: Shindle, David <david_shindle@fws.gov>; Lori Vogt <Lori@corkscrewnatives.com>; Constance Cassler <Constance_Cassler@fws.gov>; John Wrublik <John_Wrublik@fws.gov>
Subject: Re: [EXTERNAL] Reflection Lakes of Naples BO revision needed

Hi Chris and Lori,

My team can work with you on this. I may not be the one because I'm working on a high priority project, but if you can send materials to both me and John Wrublik, who is helping me and cc'ed on this email, we will figure out who can help you. The BO you sent David did not come through. Can you please send it to me and John, and then we will figure out when we can meet.

Thank you,

Connie

Constance L. Cassler, Ph.D.

Supervisory Fish and Wildlife Biologist

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

office: 772-469-4243

fax: 772-562-4288

email: constance_cassler@fws.gov

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On Fri, Apr 12, 2019 at 10:36 AM chris stephens <chris@corkscrewnatives.com> wrote:

> David,
>
> Just to clarify we are not looking to revise the BO, we are looking to have a site inspection to ensure compliance with the BO. We are looking to modify the USACE permit only. Im not sure if that changes anything. I would first like to meet with FWS to discuss the project prior to inspecting the site if that is our next direction after meeting.
>
> v/r,
>
> Chris Stephens, Professional Wetland Scientist No. 2254
>
> Natives of Corkscrew “nursery + environmental”
> M: 239-849-9230
>
> **From:** Shindle, David <david_shindle@fws.gov>
> **Sent:** Friday, April 12, 2019 10:27 AM
> **To:** Lori Vogt <Lori@corkscrewnatives.com>
> **Cc:** chris stephens <chris@corkscrewnatives.com>; Constance Cassler <Constance_Cassler@fws.gov>
> **Subject:** Re: [EXTERNAL] Reflection Lakes of Naples BO revision needed
>
> Hi Lori-
>
> I am the Panther Coordinator for the U.S. Fish and Wildlife Service. However, given your request involves permit compliance issues and the need to revise the 2003 Biological Opinion, I am copying Connie Cassler in our South Florida Ecological Services Field Office in Vero Beach. We will get you in touch with the appropriate biologist in our Planning and Resource Conservation section to assist you further.
>
> David

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
12085 State Road 29 S
Immokalee, FL 34142
Desk 239-657-8013
Cell 772-532-7293
david_shindle@fws.gov

Southeast Region Vision: Together, we will connect lands and waters to sustain fish, wildlife and plants by being visionary leaders, bold innovators and trusted partners, working with and for people.
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On Fri, Apr 12, 2019 at 10:02 AM Lori Vogt <Lori@corkscrewnatives.com> wrote:

> Good morning,
>
> I hope I have reached out to the appropriate person for panther issues in Collier County.
>
> Please see the attached 2003 ACOE permit with the FWS biological opinion (BO) located on page 55 of 93.
>
> We are out of compliance with this permit and need to revise the BO to gain compliance.
>
> Can we have an onsite meeting or office sit-down to go over this? We are doing our best to resolve the issues for this community. They are very anxious to find a resolution. Please let us know when we can meet to discuss this project.
>
> Thanks very much,
>
> Lori Vogt

Re: [EXTERNAL] PRIT Transportation Subteam call this Friday 08/02

Wrublik, John <john_wrublik@fws.gov>

Fri 8/2/2019 8:24 AM

To: amber crooks <amberc@conservancy.org>

Amber, I have a another issue I have to deal with this morning, so I will joining the call late, probably after 11:00am , just wanted to let you know.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Mon, Jul 29, 2019 at 12:47 PM amber crooks <amberc@conservancy.org> wrote:

> Hello,
>
> I am writing to inform you of an upcoming Panther Recovery Implementation Transportation Subteam meeting that is being held this Friday 08/02 10am-3pm via webinar. The agenda and call-in information are on the attached document.
>
> We plan to continue our recommendations on the pressing issue of securing permeability for the Florida panther and other wildlife at I-4. We will also receive a presentation from a FDOT staff person about M-CORES, as well as discuss other transportation issues.
>
> If you are not able to listen in to this session, I would be happy to provide you the notes afterwards if you are interested.
>
> Additionally, if you are interested in receiving email notifications when meetings are announced, etc., you can sign up by sending an email to pantherrecovery@fws.gov and you will be added to the Florida Panther RIT ListServe.

Thank you,

Amber Crooks, Environmental Policy Manager

Conservancy of Southwest Florida

1495 Smith Preserve Way

Naples, FL 34102

(239) 262-0304 ext. 286

amberc@conservancy.org

www.conservancy.org

BISON CONNECT

Wrublik, John <john_wrublik@fws.gov>

Re: [EXTERNAL] FW: Feedback Request - Corridor Map for NatGeo

1 message

Shindle, David <david_shindle@fws.gov> Mon, Aug 12, 2019 at 11:24 AM
To: John Wrublik <john_wrublik@fws.gov>

Hey John-

See message below as an FYI. I know Carlton well and I had already given him a heads-up that I would have limited comment on any plan specifics (especially since there are no specific plans). Obviously, this won't be the last of the inquiries I receive regarding the potential impacts of the MCOREs on panthers, but just wanted you to be aware. And if you have any guidance on how we should respond to inquiries regarding these projects, please let me know.

Thanks

David

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
12085 State Road 29 S
Immokalee, FL 34142
Desk 239-657-8013
Cell 772-532-7293
david_shindle@fws.gov

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On Mon, Aug 12, 2019 at 11:19 AM Shindle, David <david_shindle@fws.gov> wrote:

> Hi Carlton-
>
> Apologize for the delayed response and I appreciate the reminder that I neglected to respond initially.
>
> I can't speak for FWC, but in regards to the proposed M-COREs, I know that I need to allow the appropriate inter-agency consultation process to take place and at the appropriate time in the planning process. It's no secret that potential impacts and opportunities for the panther will need to be considered for the proposed Southwest-Central Florida Connector and I encourage folks to get involved in the process. And I have no doubt that I will be asked to weigh in on specific plans in the future.
>
> David
>
> ---
>
> David Shindle, Florida Panther Coordinator
> U.S. Fish and Wildlife Service
> South Florida Ecological Services Field Office
> 12085 State Road 29 S
> Immokalee, FL 34142
> Desk 239-657-8013
> Cell 772-532-7293
> david_shindle@fws.gov

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On Mon, Aug 12, 2019 at 11:04 AM Carlton Ward Jr <carltonward@gmail.com> wrote:

> I look forward to any feedback you can provide on this map (description below). Thanks!
>
> ---
>
> **From:** Carlton Ward <carltonward@gmail.com>
> **Date:** Wednesday, August 7, 2019 at 9:42 AM
> **To:** David Shindle <david_shindle@fws.gov>, Dave Onorato <dave.onorato@myfwc.com>
> **Subject:** FW: Corridor Map
>
> Gents,
>
> Please see the first draft of a map from a National Geographic cartographer to accompany a digital story about panther recovery and the proposed toll roads we are planning to publish August 26, the day before the first toll road task force meetings.
>
> Are there aspects you would like to change. All the text is just placeholder from them.
>
> I already suggested adding the Calossahatchee and a general reference to Northern Everglades. Please let me know what you would like to see changed or improved from text and graphics.
>
> Thanks!
>
> ---
>
> **From:** Soren Walljasper <Soren.Walljasper@natgeo.com>
> **Date:** Tuesday, August 6, 2019 at 6:05 PM
> **To:** Carlton Ward <carltonward@gmail.com>
> **Subject:** Corridor Map
>
> Hi Carlton,
>
> Hope things are going well. I just finished a preliminary draft of the map for the upcoming Hwy Corridor story. I was wondering if you could take a look at it and make sure that we are representing all of the data you gave me correctly. (Note: this has not been copy edited in anyway) We are showing priorities 1-3 and the entirety of the panther range.

Thanks,

Soren

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Re: [EXTERNAL] Fw: Collier County Bridge replacement

Wrublik, John <john_wrublik@fws.gov>

Wed 8/21/2019 3:17 PM

To: Meredith Budd <meredithb@fwfonline.org>
Cc: Daniel.Smith@ucf.edu <Daniel.Smith@ucf.edu>

3 attachments (14 KB)

image003.jpg; image001.jpg; Outlook-kuivi3rn.gif;

Meredith,

Sorry it took me a while to respond, I just got back from two weeks vacation. Yes, I discussed this project with the County. Because its extremely expensive, the Service was not able to get the county to agree to raise the approaches to the bridge structures to provide a higher crossing for panthers and other large wildlife (like those the FDOT put in on SR 29). The best we could do was to get the county to install wildlife shelves (with some fencing I believe), even though they have a rather low clearance for panthers. The thought was that the bridge structures could at least serve as a crossing structure for panthers and other large mammal such as deer during the dry season. And the shelves would serve as a crossing structure for moderate or small sized animals during the rainy season, with the outside chance that a panther might be able to squeeze through. I may be wrong, but I don't think we have completed consultation on this project. Our consultation would be with a Federal agency (the Corps), not the county. Regardless, it doesn't change the outcome of the type of crossing structures they will put in. Hope this helps.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Tue, Aug 13, 2019 at 1:56 PM Meredith Budd <meredithb@fwfonline.org> wrote:

> Hi John,
>
> Please see the below email re: 11 bridge replacements in collier. Brent spoke with the consultant and the clearance for the ledges being provided seems to be not that functional for larger mammals--perhaps some smaller mammals and reptiles. The County told me they consulted with USFWS and FWC regarding this and asked FWC to help with cost bc raising the bridges to a functional height for

wildlife would have been too costly. She said they were unwilling to help with cost and hence they decided on 2.5 ft.

She also noted that she got a recent july letter from USFWS but it was simply the consultations letter regarding threat to species for the project itself. Had you been involved in this at all?

The County has all their permits at this point-- (FWF submitted the attached letter in 2016 requesting ledges for wildlife) and the County is indicating that it would be too costly and would not be feasible to change at this point. Wanted to see what you thought. (I cc'd Dan Smith as he was the one that had suggested I reach out to you to see if you had been involved or aware of this design).

Thanks!

Meredith Budd
Southwest Florida Field Representative
Florida Wildlife Federation
meredithb@fwfonline.org | 239-643-4111

Please consider the environment before printing this email

From: Setchell, Brent [mailto:Brent.Setchell@dot.state.fl.us]
Sent: Friday, August 09, 2019 4:02 PM
To: amber crooks
Subject: RE: Collier County Bridge replacement

I think so. I spoke with Michelle and she indicated they are only providing 2.5' of vertical clearance 6" above the seasonal high which isn't great. I would like to see the County raise the bridges which will certainly cost more. Not sure if there are any funding sources from either the feds or the conservation group. I need to look at the design closer to see what they are proposing. She also indicated they are not providing any fencing.

Brent Setchell, P.E.
District Drainage Design Engineer
Florida Department of Transportation
801 N. Broadway Avenue
Bartow, Florida 33830
863-519-2557

From: amber crooks [mailto:amberc@conservancy.org]
Sent: Friday, August 9, 2019 3:28 PM
To: Setchell, Brent <Brent.Setchell@dot.state.fl.us>
Subject: RE: Collier County Bridge replacement

EXTERNAL SENDER: Use caution with links and attachments.

Hi Brent

Is it ok if I send this email to the subteam?

Thanks
Amber Crooks, Environmental Policy Manager
Conservancy of Southwest Florida
1495 Smith Preserve Way
Naples, FL 34102
(239) 262-0304 ext. 286
amberc@conservancy.org
www.conservancy.org

From: Michelle Rutishauser [mailto:mrutishauser@HNTB.com]
Sent: Friday, August 09, 2019 10:52 AM
To: Setchell, Brent; Sadie Dalton; Julian Gutierrez; MessamMarlene
Cc: amber crooks; Daniel Smith (Daniel.Smith@ucf.edu); Elizabeth Fleming (EFleming@defenders.org)
Subject: RE: Collier County Bridge replacement

Hi Brent: I wanted to follow-up from our phone call yesterday. As discussed, HNTB is the design consultant for the County to design the replacement of all 11 bridges. Wildlife shelves were designed on the six of the bridges within the study area:
Bridge No. 030137, 030139, 030141, 030153, 030156, and 030158. We coordinated with the USFWS prior to design and have since submitted permit packages to the SFWMD and USACE. The County has received their SFWMD permits and the USACE is in review currently.

Below is the contact information for the design PM as well as the County PM. Please do not hesitate to reach out if you need anything else.

Collier County:
Marlene Messam, P.E., CPM
Principal Project Manager
Roadway & Bridge Project Management
Transportation Engineering Division
2885 South Horseshoe Drive, Naples, Florida 34104
Phone: 239.252.5773 Cell: 239.465.9160
New email: Marlene.Messam@colliercountyfl.gov

HNTB:
Julian W. Gutierrez, PE
Structures Department Manager
Tel (813) 498-5127
Email jwgutierrez@hntb.com

Sadie Dalton, PE
Structural Engineer III
Tel (850) 629-3200
Email sadalton@hntb.com

Thank you!

Michelle M. Rutishauser
Senior Scientist
Planning and Environmental Department
Tel (813) 498-5133 **Cell** (813) 380-7121

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201 N. Franklin Street, Suite 1200 Tampa Florida 33602 | www.hntb.com

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From: Setchell, Brent <Brent.Setchell@dot.state.fl.us>
Sent: Friday, August 2, 2019 3:45 PM
To: Michelle Rutishauser <mrutishauser@HNTB.com>
Cc: amber crooks (amberc@conservancy.org) <amberc@conservancy.org>; Daniel Smith (Daniel.Smith@ucf.edu) <Daniel.Smith@ucf.edu>; Elizabeth Fleming (EFleming@defenders.org) <EFleming@defenders.org>
Subject: Collier County Bridge replacement

Michelle,
I understand that HNTB is working for Collier County on their bridge replacement project. Can you please put in touch with the PM.

We are interested in the following:

1. Scope- Are you designing all 11 bridges or less than that? Of those which ones are you proposing to provide wildlife shelves?
2. Vertical Clearance – What vertical clearance are you providing for the wildlife shelves? Are you raising the profile to provide a higher clearance than what exists today?
3. How wide are the proposed wildlife shelves?
4. If you would like assistance from FDOT or other members of the PRIT Transportation subteam, we could offer assistance or guidance on the wildlife crossing designs if you want to send them to us for review.

Thanks,

Brent Setchell, P.E.
District Drainage Design Engineer
Florida Department of Transportation
801 N. Broadway Avenue
Bartow, Florida 33830
863-519-2557

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Wrublik, John <john_wrublik@fws.gov>

Re: [EXTERNAL] FW: Feedback Request - Corridor Map for NatGeo

1 message

Wrublik, John <john_wrublik@fws.gov> Wed, Aug 21, 2019 at 10:10 AM
To: "Shindle, David" <david_shindle@fws.gov>

Hi Dave,

I was on vacation from Aug. 6 - 20 and just got back to the office today. Mark Cantrell at the Panama City Office is taking the lead on the MCORE projects including any new highway that would run from Polk to Collier County, so I think he should be advised of any inquires regarding the project. Mark was hired to oversee the Service's three other FDOT liaison biologist positions in Florida (Panama City, Jax, and me in Vero), and to directly coordinate projects with FDOT's Tallahassee office. I was involved in commenting on this project a few years back when it was known as the Heartland expressway, and I expressed the Service's opposition to the project, and it appeared to go away. Unfortunately, bad ideas always seem to hang around, so it is back as part of MCORES. Right now, I'm not sure if I'll be providing comments on this one or not, but I will let you know if I do.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Mon, Aug 12, 2019 at 11:25 AM Shindle, David <david_shindle@fws.gov> wrote:

> Hey John-
>
> See message below as an FYI. I know Carlton well and I had already given him a heads-up that I would have limited comment on any plan specifics (especially since there are no specific plans). Obviously, this won't be the last of the inquiries I receive regarding the potential impacts of the MCOREs on panthers, but just wanted you to be aware. And if you have any guidance on how we should respond to inquiries regarding these projects, please let me know.
>
> Thanks
>
> David
>
> ---
>
> David Shindle, Florida Panther Coordinator
> U.S. Fish and Wildlife Service
> South Florida Ecological Services Field Office
> 12085 State Road 29 S
> Immokalee, FL 34142
> Desk 239-657-8013
> Cell 772-532-7293
> david_shindle@fws.gov
>
> *Southeast Region Vision:* Together, we will connect lands and waters to sustain fish, wildlife and plants by being visionary leaders, bold innovators and trusted partners, working with and for people.

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On Mon, Aug 12, 2019 at 11:19 AM Shindle, David <david_shindle@fws.gov> wrote:

Hi Carlton-

Apologize for the delayed response and I appreciate the reminder that I neglected to respond initially.

I can't speak for FWC, but in regards to the proposed M-COREs, I know that I need to allow the appropriate inter-agency consultation process to take place and at the appropriate time in the planning process. It's no secret that potential impacts and opportunities for the panther will need to be considered for the proposed Southwest-Central Florida Connector and I encourage folks to get involved in the process. And I have no doubt that I will be asked to weigh in on specific plans in the future.

David

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
12085 State Road 29 S
Immokalee, FL 34142
Desk 239-657-8013
Cell 772-532-7293
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On Mon, Aug 12, 2019 at 11:04 AM Carlton Ward Jr <carltonward@gmail.com> wrote:

I look forward to any feedback you can provide on this map (description below). Thanks!

From: Carlton Ward <carltonward@gmail.com>
Date: Wednesday, August 7, 2019 at 9:42 AM
To: David Shindle <david_shindle@fws.gov>, Dave Onorato <dave.onorato@myfwc.com>
Subject: FW: Corridor Map

Gents,

Please see the first draft of a map from a National Geographic cartographer to accompany a digital story about panther recovery and the proposed toll roads we are planning to publish August 26, the day before the first toll road task force meetings.

Are there aspects you would like to change. All the text is just placeholder from them.

I already suggested adding the Calossahatchee and a general reference to Northern Everglades. Please let me know what you would like to see changed or improved from text and graphics.

Thanks!

From: Soren Walljasper <Soren.Walljasper@natgeo.com>
Date: Tuesday, August 6, 2019 at 6:05 PM
To: Carlton Ward <carltonward@gmail.com>
Subject: Corridor Map

Hi Carlton,

Hope things are going well. I just finished a preliminary draft of the map for the upcoming Hwy Corridor story. I was wondering if you could take a look at it and make sure that we are representing all of the data you gave me correctly. (Note: this has not been copy edited in anyway) We are showing priorities 1-3 and the entirety of the panther range.

Thanks,

Soren

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Wrublik, John <john_wrublik@fws.gov>

Re: Multi-use Corridors of Regional Economic Significance (M-CORES) program

1 message

Mark Cantrell <mark_a_cantrell@fws.gov> Tue, Aug 27, 2019 at 10:42 AM
To: "Warren, Ken" <ken_warren@fws.gov>
Cc: Larry Williams <larry_williams@fws.gov>, "Shindle, David" <david_shindle@fws.gov>, Roxanna Hinzman <Roxanna_Hinzman@fws.gov>, John Wrublik <john_wrublik@fws.gov>, Jay Herrington <jay_herrington@fws.gov>, Heath Rauschenberger <Heath_Rauschenberger@fws.gov>, North_Florida_ESO <zakia_williams@fws.gov>

Ken

No one from Fish and Wildlife Service is on the board. Since it was created by the state legislation, each task force does contain some state agency representation, and NGO.

Yes, I agree that we need some unified messaging. At this point, I think that we are 1) pleased that the planning process will include considerations for Florida Panthers, and 2) that we are anxious about what these corridors mean for the future landscape of Florida - How the roads themselves could affect wildlife, as well as what it means for the likely changes to habitat along the corridors.

thanks,
Mark A. Cantrell
U.S. Fish & Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405
850/769-0552, ext 250
mobile: 828/215-1739

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On Aug 27, 2019, at 9:33 AM, Warren, Ken <ken_warren@fws.gov> wrote:

> Thx Mark. Do you know if anyone from the Service is serving on any of these advisory boards/task forces? I'm thinking in terms of the Service needing to have some sort of messaging when/if we start getting asked about this project and what our position and/or involvement on it is.
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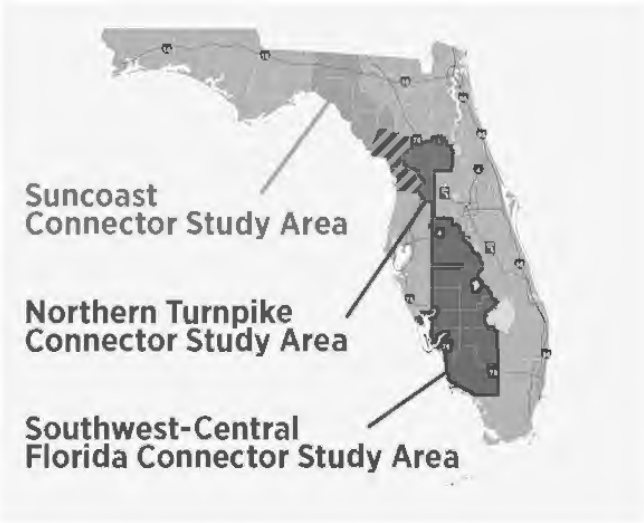
> >
> > Take a look at the web page, and sign up to email updates for your area of interest. They even have a Facebook.
> >
> > http://www.FloridaMCORES.com
> >
> > The

What is M-CORES?



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- Southwest-Central Florida Connector (Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Lee and Polk Counties)

potential for this program to mean big things for wildlife along the entire peninsula of Florida is really an understatement. I am hopeful that the process includes wildlife corridors as a primary purpose. It bears watching, and I am looking for ways that we can insert ourselves in the process as early as possible. Many of our partners are involved and we will need to ensure that we provide good science and planning from the beginning.

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> Can you give everyone here an update on where these stand and our involvement?
>
> I'm also copying our people in Jacksonville because I think these projects extend into their area.
>
> Larry

Sent from my iPhone

On Aug 27, 2019, at 8:56 AM, Warren, Ken <ken_warren@fws.gov> wrote:

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Wrublik, John <john_wrublik@fws.gov>

Re: Multi-use Corridors of Regional Economic Significance (M-CORES) program

1 message

Larry Williams <larry_williams@fws.gov> Tue, Aug 27, 2019 at 3:14 PM
To: "Warren, Ken" <ken_warren@fws.gov>
Cc: Mark Cantrell <mark_a_cantrell@fws.gov>, "Shindle, David" <david_shindle@fws.gov>, Roxanna Hinzman <Roxanna_Hinzman@fws.gov>, John Wrublik <john_wrublik@fws.gov>, Jay Herrington <jay_herrington@fws.gov>, Heath Rauschenberger <Heath_Rauschenberger@fws.gov>, North_Florida_ESO <zakia_williams@fws.gov>

Ken
I think our message here is we have a team of people who consult n transportation projects and they will be involved as this moves forward.

Sent from my iPhone

On Aug 27, 2019, at 12:39 PM, Warren, Ken <ken_warren@fws.gov> wrote:

> Ok, thanks. I just see this as an project/issue that could get increasingly controversial and we're probably going to be asked about regarding panthers and other species.
>
> On Tue, Aug 27, 2019 at 10:42 AM Mark Cantrell <mark_a_cantrell@fws.gov> wrote:
> > Ken
> >
> > No one from Fish and Wildlife Service is on the board. Since it was created by the state legislation, each task force does contain some state agency representation, and NGO.
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> > thanks,
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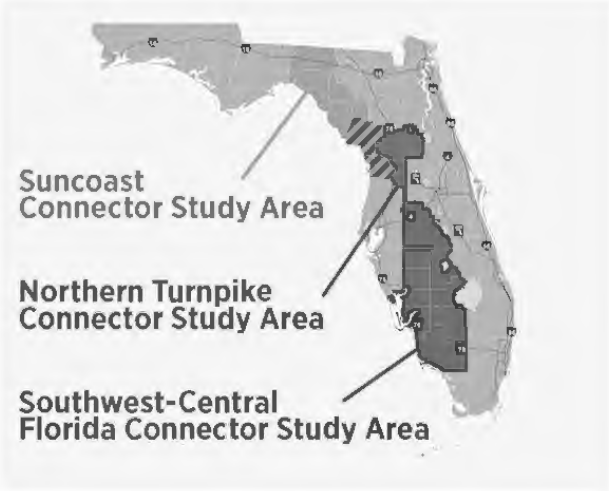

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Wrublik, John <john_wrublik@fws.gov>

Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

1 message

Cassler, Constance <constance_cassler@fws.gov> Mon, Sep 30, 2019 at 9:12 AM
To: "Wrublik, John" <john_wrublik@fws.gov>

OK. I hope he communicates with you about it. We have huge concerns, and I don't know if he understands all of them.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
office: 772-469-4243
fax: 772-562-4288
email: constance_cassler@fws.gov

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On Mon, Sep 30, 2019 at 9:11 AM Wrublik, John <john_wrublik@fws.gov> wrote:

> Connie, Larry has already directed Mark Cantrell to take the lead on this.
>
> John
>
> **John M. Wrublik**
> **U.S. Fish and Wildlife Service**
> **1339 20th Street**
> **Vero Beach, Florida 32960**
> **Office: (772) 469-4282**
> **Fax: (772) 562-4288**
> **email: John_Wrublik@fws.gov**
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> On Mon, Sep 30, 2019 at 9:07 AM Cassler, Constance <constance_cassler@fws.gov> wrote:
>
> > John,
> >
> > Are we involved in this yet? If not how can we get involved. Is it something you would do or Mark Cantrell?
> >
> > Connie
> >
> > Constance L. Cassler, Ph.D.
> > Supervisory Fish and Wildlife Biologist

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---------- Forwarded message ---------
From: **Warren, Ken** <ken_warren@fws.gov>
Date: Mon, Sep 30, 2019 at 8:51 AM
Subject: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups
To: FW4 Vero Beach SFFO <fw4_vero_beach_sffo@fws.gov>

Proposed toll road from Polk to Collier draws concerns from some environmental groups

By Patrick Riley, Naples Daily News, Sept. 30, 2019

Southwest Florida could be in line for a new toll road that would connect Polk County, south of Orlando, to Collier County. But an aggressive schedule, the potential for more sprawl and the possible fragmenting of Florida panther habitat has some environmental groups worried.

Although some see the ambitious plan as a potential driver for the local economy and a way to take pressure off existing north-south routes, others are wary of the damage they say the project could cause to wildlife and environmentally sensitive lands.

“The toll road itself is a disaster and it shouldn’t be funded,” said Julianne Thomas, a senior environmental planning specialist with the Conservancy of Southwest Florida.

The Multi-use Corridors of Regional Economic Significance, or M-CORES, program was born out of a bill passed during the past legislative session.

The proposed roads were a top priority of Senate President Bill Galvano, R-Bradenton, who has described the roads as a “new approach” in planning the state’s future, reducing congestion, providing new evacuation routes and offering a way to “revitalize” rural communities by expanding broadband, water and sewer infrastructure.

Aside from adding a new multi-use corridor, including a toll road, from Polk to Collier, the program would expand the Suncoast Parkway from the Tampa Bay area to the Georgia border and extend the Florida Turnpike west to connect with the Suncoast Parkway. The proposals mark the biggest expansion of the state's highway system since work on Florida's Turnpike began in the mid-1950s.

Three task forces, made up of elected officials, environmentalists and other stakeholders, have been formed, one for each proposed corridor. They have been asked to make recommendations and deliver a final report to the governor and Legislature by October 2020.

"This is really a defining moment for our state...," Florida Department of Transportation Secretary Kevin Thibault said during the first meeting in August, thanking the task force members for their willingness to serve "in these critical roles."

"And these roles are essential to be able to achieve what is in front of us, a Florida that is prepared for growth and population but still protects everything that makes the Sunshine State the best in the country."

What the task forces will be asked to do

Officials from Southwest Florida are well represented on the task force for the connector from Polk to Collier, but the agency that will ultimately draw up the alignment for the roads is FDOT. For some task force members — who attended their first meeting last month in Tampa — that came as a surprise.

"They were surprised that we weren't gonna actually put pen to paper, do different routes," said Margaret Wuerstle, executive director for the Southwest Florida Regional Planning Council. She attended the first meeting and is an alternate representative for the council on the Southwest-Central Florida Connector Task Force.

Other local representatives include Naples Councilman Reg Buxton who will represent the Collier Metropolitan Planning Organization on the task force and Commissioner Penny Taylor who will represent Collier County.

The corridor task forces are charged with a variety of responsibilities, including addressing issues such as hurricane evacuation; congestion mitigation; trade and logistics; broadband, water and sewer connectivity; "autonomos, connected, shared, and electric vehicle technology"; and other transportation modes, such as shared-use non-motorized trails, freight and passenger rail, and public transit.

For the Southwest-Central Florida Connector the task force will also be asked to address the impacts of construction on panther and other critical wildlife habitat. It will be tasked with evaluating the need for acquisition of lands for state conservation or as mitigation for construction, and assessing wildlife crossing design features to protect panther and other critical wildlife habitat corridor connections.

“As we move forward we are continuing that commitment to protect and enhance Florida’s wildlife corridors and all of those environmentally sensitive areas that are identified within these different corridors,” Thibault said. “We’re also committed to protecting and enhancing the primary springs protection zones and the farmland preservation areas.”

With some “pretty outspoken” members on the task force for Southwest and Central Florida, Wuerstle said she thinks FDOT will get “a lot of pushback,” if the agency makes many bad decisions.

The connector “has the potential to really change Florida” and the rural counties, and is going to have a “major impact” on Southwest Florida, Wuerstle said, in part because it would open up “new land for development.”

It will be up to the task force members to know the issues and stay on top of things, she said.

“We need to watch it every step of the way,” Wuerstle said.

'It's fast-tracked'

The brisk pace at which the task forces are expected to move and make their recommendations has not gone unnoticed. With the final report due in just over a year, construction would begin by the end of 2022 with the corridors open to traffic before the end of 2030.

“I will say this, it’s fast-tracked,” said Collier County Commission Chairman Bill McDaniel who sits on the task force as the representative for the regional planning council.

“They want their report out of the M-CORE committee by next October, within a year. So this is a take no prisoners, high impact agenda.”

To McDaniel the proposed road should follow the corridors that already exist “where it’s going to have the least amount of environmental impacts for habitats.” It could follow the US 27 and US 29 corridor, he said.

“To me that makes the most plausible sense,” he said.

McDaniel said he envisions it not being “an expressway from Orlando to (Interstate 75) down through the middle of the state on a new alignment,” but rather a “toll facility that goes through segments.” A perfect segment could be from LaBelle in Hendry County to Immokalee, he said.

“You put two lanes — two new lanes — that are funded by the toll and if you don’t want to travel on the Old 29 you travel on the New 29 and then you pay the toll,” McDaniel said.

McDaniel, whose district includes Immokalee, said his goal has long been to turn the rural farming community “into the economic epicenter of Collier County.” That is done via infrastructure, he said.

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everybody wins," McDaniel said. "And infrastructure is the key to that."

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Pendergrass, too, agrees that expanding along existing corridors would hopefully mitigate the impact on the environment.

"Those roads are already in place," he said.

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But for some environmental groups concerns remain.

The toll road, from what is known to date, looks to be "financially irresponsible as well as environmentally reckless," said Thomas, who attended the August meeting for the Conservancy but does not sit on the task force.

The group doesn't believe the road is necessary, she said.

"It's difficult for us to conceive of a path that would be acceptable," Thomas said. "That wouldn't impact a huge amount of wetlands, that wouldn't fragment Florida panther habitat, that could in any way be acceptable to our organization."

The Conservancy is most concerned about the recovery and survival of the endangered panther and fragmenting the existing habitat "is not going to help" with that, Thomas said. The project is going to increase the possibility for vehicle-panther collisions and potentially open up areas of additional development for both commercial or residential uses, which would take even more much-needed habitat, she said.

Because the panther is considered an "umbrella species," protecting it also would help protect other habitats for other endangered species, Thomas said. And while wildlife crossings are important, "it's better to not build the road if it's not necessary," she said.

Instead of a toll road, Thomas said, the initiative should focus on hardening infrastructure, building safe hurricane shelters, creating programs to extend broadband to rural counties and connect more people to sewer — all things that are part of the goals of the M-CORES effort.

“Just because we don’t think that a toll road is good, it doesn’t mean that none of the goals of this program are good,” she said. “But what we hope is that the task force moving forward will focus on the areas of the program that do make sense for our part of the state.”

Thomas, too, noted the project’s “extremely aggressive” time frame, which she said doesn’t leave an appropriate amount of time to determine whether there is a need "and because of that we do sort of feel like they’re operating as if there’s going to be a toll road regardless of what the recommendations are."

“That is a concern that makes it feel like it’s a done deal even if it isn’t,” she said.

Roads present challenge to conservation efforts

Another concern for some environmentalists is how a proposed road could impact the region’s hydrology.

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The Federation was among the groups opposing the bill that created the toll road proposals.

Now that it has passed and the effort is moving ahead, having experts and stakeholders on the task forces, Budd said, presents an opportunity to make sure “that these projects don’t at least undermine all of the good conservation work that we’ve done and worked for and invested heavily in over the years.”

This isn’t the first time building a north-south connector from Polk to Collier has been considered.

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But whereas the Heartland Parkway was “basically a whole new road being dictated to us without any real planning or accommodation of good protection” of resources, water, wildlife, farms and ranches, Cornell said, in this case planning is being put first.

> "I'm concerned, but I'm reassured that planning has been required up front," he said. "And so that gives me some comfort."

--
Ken Warren
Public Affairs Officer
U.S. Fish & Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, FL 32960-3559
Office Phone: 772.469.4323
Mobile Phone: 772.643.4407

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Wrublik, John <john_wrublik@fws.gov>

Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

1 message

Cassler, Constance <constance_cassler@fws.gov> Mon, Sep 30, 2019 at 10:51 AM
To: "Wrublik, John" <john_wrublik@fws.gov>

Yes. I just sent him an email asking if he wants to participate. I see he is out until October 8, but I think we can wait until he is back. Tim said it's OK to invite Kim, and he will let her know she should participate.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
office: 772-469-4243
fax: 772-562-4288
email: constance_cassler@fws.gov

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On Mon, Sep 30, 2019 at 10:44 AM Wrublik, John <john_wrublik@fws.gov> wrote:

> also, would you like to invite Dave Shindle?
> **John M. Wrublik**
> **U.S. Fish and Wildlife Service**
> **1339 20th Street**
> **Vero Beach, Florida 32960**
> **Office: (772) 469-4282**
> **Fax: (772) 562-4288**
> **email: John_Wrublik@fws.gov**
>
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>
> On Mon, Sep 30, 2019 at 10:37 AM Cassler, Constance <constance_cassler@fws.gov> wrote:
>
> > Hi John,
> >
> > You can use our calendars to pick a date. I would like Ken McDonald and Chuck Kelso to attend. I'm checking with Tim Breen if he wants to attend and if he is OK with Kim attending. I will let you know as soon as I get in touch with him. Please wait until I let you know.
> >
> > Thanks for setting this up.
> >
> > Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
office: 772-469-4243
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From: **Cantrell, Mark** <mark_a_cantrell@fws.gov>
Date: Mon, Sep 30, 2019 at 10:27 AM
Subject: Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups
To: Wrublik, John <john_wrublik@fws.gov>
Cc: Constance Cassler <constance_cassler@fws.gov>

John

Yes, good idea.
We do need to (a) understand their process and instructions, and (b) articulate how trust resources will potentially be affected.
So we do need to be able to evaluate the route(s) and design. And to establish some evaluation criteria to guide their decisions.

This will complement my efforts to know how to be iNvolved in the MCORES. I have been working with FDOT in Tallahassee to figure out how to plug into each of the MCORES teams. As you know, the State legislation established the team composition, which of course only included state agencies, NGOs, etc., and not federal agencies. And they are on a pretty aggressive timeline. I sure hope that we can set up an add-on as Technical Advice to each of the teams, in a timely, interactive manner. if they will allow us...

I am available most days this week, with just a smattering of already scheduled conference calls.
Morning or afternoon? whatever works best for you all.

thanks,
Mark A. Cantrell
U.S. Fish & Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405
850/769-0552, ext 250
mobile: 828/215-1739 - This is usually the best number to reach me.

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On Mon, Sep 30, 2019 at 9:05 AM Wrublik, John <john_wrublik@fws.gov> wrote:

> Mark,
>
> My supervisor Connie Cassler, would like me to set up a conference call with you to discuss our office's concerns relating to FDOT's MCores and the potential new toll road between Polk County to Collier County. Specifically the effects of such

a road on the endangered Florida panther as well as other wildlife in the region. Could you please provide me with some dates and times that
would work for you, and I'll work with the folks here to set up a time that works for all.

Thanks John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
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email: John_Wrublik@fws.gov

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From: **Warren, Ken** <ken_warren@fws.gov>
Date: Mon, Sep 30, 2019 at 8:51 AM
Subject: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups
To: FW4 Vero Beach SFFO <fw4_vero_beach_sffo@fws.gov>

Proposed toll road from Polk to Collier draws concerns from some environmental groups

By Patrick Riley, Naples Daily News, Sept. 30, 2019

Southwest Florida could be in line for a new toll road that would connect Polk County, south of Orlando, to Collier County. But an aggressive schedule, the potential for more sprawl and the possible fragmenting of Florida panther habitat has some environmental groups worried.

Although some see the ambitious plan as a potential driver for the local economy and a way to take pressure off existing north-south routes, others are wary of the damage they say the project could cause to wildlife and environmentally sensitive lands.

“The toll road itself is a disaster and it shouldn’t be funded,” said Julianne Thomas, a senior environmental planning specialist with the Conservancy of Southwest Florida.

The Multi-use Corridors of Regional Economic Significance, or M-CORES, program was born out of a bill passed during the past legislative session.

The proposed roads were a top priority of Senate President Bill Galvano, R-Bradenton, who has described the roads as a “new approach” in planning the state’s future, reducing congestion, providing new evacuation routes and offering a way to “revitalize” rural communities by expanding broadband, water and sewer infrastructure.

Aside from adding a new multi-use corridor, including a toll road, from Polk to Collier, the program would expand the Suncoast Parkway from the Tampa Bay area to the Georgia border and extend the Florida Turnpike west to connect with the Suncoast Parkway. The proposals mark the biggest expansion of the state's highway system since work on Florida's Turnpike began in the mid-1950s.

Three task forces, made up of elected officials, environmentalists and other stakeholders, have been formed, one for each proposed corridor. They have been asked to make recommendations and deliver a final report to the governor and Legislature by October 2020.

"This is really a defining moment for our state...," Florida Department of Transportation Secretary Kevin Thibault said during the first meeting in August, thanking the task force members for their willingness to serve "in these critical roles."

"And these roles are essential to be able to achieve what is in front of us, a Florida that is prepared for growth and population but still protects everything that makes the Sunshine State the best in the country."

What the task forces will be asked to do

Officials from Southwest Florida are well represented on the task force for the connector from Polk to Collier, but the agency that will ultimately draw up the alignment for the roads is FDOT. For some task force members — who attended their first meeting last month in Tampa — that came as a surprise.

"They were surprised that we weren't gonna actually put pen to paper, do different routes," said Margaret Wuerstle, executive director for the Southwest Florida Regional Planning Council. She attended the first meeting and is an alternate representative for the council on the Southwest-Central Florida Connector Task Force.

Other local representatives include Naples Councilman Reg Buxton who will represent the Collier Metropolitan Planning Organization on the task force and Commissioner Penny Taylor who will represent Collier County.

The corridor task forces are charged with a variety of responsibilities, including addressing issues such as hurricane evacuation; congestion mitigation; trade and logistics; broadband, water and sewer connectivity; "autonomos, connected, shared, and electric vehicle technology"; and other transportation modes, such as shared-use non-motorized trails, freight and passenger rail, and public transit.

For the Southwest-Central Florida Connector the task force will also be asked to address the impacts of construction on panther and other critical wildlife habitat. It will be tasked with evaluating the need for acquisition of lands for state conservation or as mitigation for construction, and assessing wildlife crossing design features to protect panther and other critical wildlife habitat corridor connections.

“As we move forward we are continuing that commitment to protect and enhance Florida’s wildlife corridors and all of those environmentally sensitive areas that are identified within these different corridors,” Thibault said. “We’re also committed to protecting and enhancing the primary springs protection zones and the farmland preservation areas.”

With some “pretty outspoken” members on the task force for Southwest and Central Florida, Wuerstle said she thinks FDOT will get “a lot of pushback,” if the agency makes many bad decisions.

The connector “has the potential to really change Florida” and the rural counties, and is going to have a “major impact” on Southwest Florida, Wuerstle said, in part because it would open up “new land for development.”

It will be up to the task force members to know the issues and stay on top of things, she said.

“We need to watch it every step of the way,” Wuerstle said.

'It's fast-tracked'

The brisk pace at which the task forces are expected to move and make their recommendations has not gone unnoticed. With the final report due in just over a year, construction would begin by the end of 2022 with the corridors open to traffic before the end of 2030.

“I will say this, it’s fast-tracked,” said Collier County Commission Chairman Bill McDaniel who sits on the task force as the representative for the regional planning council.

“They want their report out of the M-CORE committee by next October, within a year. So this is a take no prisoners, high impact agenda.”

To McDaniel the proposed road should follow the corridors that already exist “where it’s going to have the least amount of environmental impacts for habitats.” It could follow the US 27 and US 29 corridor, he said.

“To me that makes the most plausible sense,” he said.

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Wrublik, John <john_wrublik@fws.gov>

Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

1 message

Wrublik, John <john_wrublik@fws.gov> Mon, Sep 30, 2019 at 9:23 AM
To: "Cassler, Constance" <constance_cassler@fws.gov>

might be a good idea to pass those concerns on to Mark so he is aware, or I can arrange a conference call with him to discuss if you prefer.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Mon, Sep 30, 2019 at 9:13 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> OK. I hope he communicates with you about it. We have huge concerns, and I don't know if he understands all of them.
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
> email: constance_cassler@fws.gov
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>
> On Mon, Sep 30, 2019 at 9:11 AM Wrublik, John <john_wrublik@fws.gov> wrote:
>
> > Connie, Larry has already directed Mark Cantrell to take the lead on this.
> >
> > John
> >
> > **John M. Wrublik**
> > **U.S. Fish and Wildlife Service**

1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Mon, Sep 30, 2019 at 9:07 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

John,

Are we involved in this yet? If not how can we get involved. Is it something you would do or Mark Cantrell?

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
office: 772-469-4243
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---------- Forwarded message ---------
From: **Warren, Ken** <ken_warren@fws.gov>
Date: Mon, Sep 30, 2019 at 8:51 AM
Subject: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups
To: FW4 Vero Beach SFFO <fw4_vero_beach_sffo@fws.gov>

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By Patrick Riley, Naples Daily News, Sept. 30, 2019

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Wrublik, John <john_wrublik@fws.gov>

Fwd: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

1 message

Cassler, Constance <constance_cassler@fws.gov> Mon, Sep 30, 2019 at 10:36 AM
To: John Wrublik <John_Wrublik@fws.gov>

Hi John,

You can use our calendars to pick a date. I would like Ken McDonald and Chuck Kelso to attend. I'm checking with Tim Breen if he wants to attend and if he is OK with Kim attending. I will let you know as soon as I get in touch with him. Please wait until I let you know.

Thanks for setting this up.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
office: 772-469-4243
fax: 772-562-4288
email: constance_cassler@fws.gov

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---------- Forwarded message ---------
From: **Cantrell, Mark** <mark_a_cantrell@fws.gov>
Date: Mon, Sep 30, 2019 at 10:27 AM
Subject: Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups
To: Wrublik, John <john_wrublik@fws.gov>
Cc: Constance Cassler <constance_cassler@fws.gov>

John

Yes, good idea.
We do need to (a) understand their process and instructions, and (b) articulate how trust resources will potentially be affected.
So we do need to be able to evaluate the route(s) and design. And to establish some evaluation criteria to guide their decisions.

This will complement my efforts to know how to be iNvolved in the MCORES. I have been working with FDOT in Tallahassee to figure out how to plug into each of the MCORES teams. As you know, the State legislation established the team composition, which of course only included state agencies, NGOs, etc., and not federal agencies. And they are on a

pretty aggressive timeline. I sure hope that we can set up an add-on as Technical Advice to each of the teams, in a timely, interactive manner. if they will allow us...

I am available most days this week, with just a smattering of already scheduled conference calls.
Morning or afternoon? whatever works best for you all.

thanks,
Mark A. Cantrell
U.S. Fish & Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405
850/769-0552, ext 250
mobile: 828/215-1739 - This is usually the best number to reach me.

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On Mon, Sep 30, 2019 at 9:05 AM Wrublik, John <john_wrublik@fws.gov> wrote:

> Mark,
>
> My supervisor Connie Cassler, would like me to set up a conference call with you to discuss our office's concerns relating to FDOT's MCores and the potential new toll road between Polk County to Collier County. Specifically the effects of such
> a road on the endangered Florida panther as well as other wildlife in the region. Could you please provide me with some dates and times that
> would work for you, and I'll work with the folks here to set up a time that works for all.
>
> Thanks John
>
> **John M. Wrublik**
> **U.S. Fish and Wildlife Service**
> **1339 20th Street**
> **Vero Beach, Florida 32960**
> **Office: (772) 469-4282**
> **Fax: (772) 562-4288**
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> Date: Mon, Sep 30, 2019 at 8:51 AM
> Subject: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups
> To: FW4 Vero Beach SFFO <fw4_vero_beach_sffo@fws.gov>
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> By Patrick Riley, Naples Daily News, Sept. 30, 2019

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Wrublik, John <john_wrublik@fws.gov>

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Wrublik, John <john_wrublik@fws.gov>

Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

1 message

Wrublik, John <john_wrublik@fws.gov> Mon, Sep 30, 2019 at 9:11 AM
To: "Cassler, Constance" <constance_cassler@fws.gov>

Connie, Larry has already directed Mark Cantrell to take the lead on this.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Mon, Sep 30, 2019 at 9:07 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> John,
>
> Are we involved in this yet? If not how can we get involved. Is it something you would do or Mark Cantrell?
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
> email: constance_cassler@fws.gov
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> ---------- Forwarded message ---------
> From: **Warren, Ken** <ken_warren@fws.gov>
> Date: Mon, Sep 30, 2019 at 8:51 AM
> Subject: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups
> To: FW4 Vero Beach SFFO <fw4_vero_beach_sffo@fws.gov>

Proposed toll road from Polk to Collier draws concerns from some environmental groups

By Patrick Riley, Naples Daily News, Sept. 30, 2019

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Wrublik, John <john_wrublik@fws.gov>

Fwd: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

1 message

Wrublik, John <john_wrublik@fws.gov> Mon, Sep 30, 2019 at 10:05 AM
To: Mark Cantrell <mark_a_cantrell@fws.gov>
Cc: Constance Cassler <constance_cassler@fws.gov>

Mark,

My supervisor Connie Cassler, would like me to set up a conference call with you to discuss our office's concerns relating to FDOT's MCores and the potential new toll road between Polk County to Collier County. Specifically the effects of such
a road on the endangered Florida panther as well as other wildlife in the region. Could you please provide me with some dates and times that
would work for you, and I'll work with the folks here to set up a time that works for all.

Thanks John

John M. Wrublik
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Date: Mon, Sep 30, 2019 at 8:51 AM
Subject: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups
To: FW4 Vero Beach SFFO <fw4_vero_beach_sffo@fws.gov>

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Wrublik, John <john_wrublik@fws.gov>

Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

1 message

Mark Cantrell <mark_a_cantrell@fws.gov> Mon, Sep 30, 2019 at 12:20 PM
To: "Wrublik, John" <john_wrublik@fws.gov>

Yes, October 9 is good.
9:00am ?

thanks,
Mark

On Sep 30, 2019, at 11:14 AM, Wrublik, John <john_wrublik@fws.gov> wrote:

> Mark, could you make it on Wednesday October 9th in the morning?
> **John M. Wrublik**
> **U.S. Fish and Wildlife Service**
> **1339 20th Street**
> **Vero Beach, Florida 32960**
> **Office: (772) 469-4282**
> **Fax: (772) 562-4288**
> **email: John_Wrublik@fws.gov**
>
> ***NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.***
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> ---------- Forwarded message ---------
> From: **Cantrell, Mark** <mark_a_cantrell@fws.gov>
> Date: Mon, Sep 30, 2019 at 10:27 AM
> Subject: Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups
> To: Wrublik, John <john_wrublik@fws.gov>
> Cc: Constance Cassler <constance_cassler@fws.gov>
>
> John
>
> Yes, good idea.
> We do need to (a) understand their process and instructions, and (b) articulate how trust resources will potentially be affected.
> So we do need to be able to evaluate the route(s) and design. And to establish some evaluation criteria to guide their decisions.
>
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>
> I am available most days this week, with just a smattering of already scheduled conference calls.
> Morning or afternoon? whatever works best for you all.

thanks,
Mark A. Cantrell
U.S. Fish & Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405
850/769-0552, ext 250
mobile: 828/215-1739 - This is usually the best number to reach me.

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Thanks John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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From: **Warren, Ken** <ken_warren@fws.gov>
Date: Mon, Sep 30, 2019 at 8:51 AM
Subject: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups
To: FW4 Vero Beach SFFO <fw4_vero_beach_sffo@fws.gov>

Proposed toll road from Polk to Collier draws concerns from some environmental groups

By Patrick Riley, Naples Daily News, Sept. 30, 2019

Southwest Florida could be in line for a new toll road that would connect Polk County, south of Orlando, to Collier County. But an aggressive schedule, the potential for more sprawl and the possible fragmenting of Florida panther habitat has some environmental groups worried.

Although some see the ambitious plan as a potential driver for the local economy and a way to take pressure off existing north-south routes, others are wary of the damage they say the project could cause to wildlife and environmentally sensitive lands.

“The toll road itself is a disaster and it shouldn’t be funded,” said Julianne Thomas, a senior environmental planning specialist with the Conservancy of Southwest Florida.

The Multi-use Corridors of Regional Economic Significance, or M-CORES, program was born out of a bill passed during the past legislative session.

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Aside from adding a new multi-use corridor, including a toll road, from Polk to Collier, the program would expand the Suncoast Parkway from the Tampa Bay area to the Georgia border and extend the Florida Turnpike west to connect with the Suncoast Parkway. The proposals mark the biggest expansion of the state’s highway system since work on Florida’s Turnpike began in the mid-1950s.

Three task forces, made up of elected officials, environmentalists and other stakeholders, have been formed, one for each proposed corridor. They have been asked to make recommendations and deliver a final report to the governor and Legislature by October 2020.

“This is really a defining moment for our state...,” Florida Department of Transportation Secretary Kevin Thibault said during the first meeting in August, thanking the task force members for their willingness to serve “in these critical roles.”

“And these roles are essential to be able to achieve what is in front of us, a Florida that is prepared for growth and population but still protects everything that makes the Sunshine State the best in the country.”

What the task forces will be asked to do

Officials from Southwest Florida are well represented on the task force for the connector from Polk to Collier, but the agency that will ultimately draw up the alignment for the roads is FDOT. For some task force members — who attended their first meeting last month in Tampa — that came as a surprise.

“They were surprised that we weren’t gonna actually put pen to paper, do different routes,” said Margaret Wuerstle, executive director for the Southwest Florida Regional Planning Council. She attended the first meeting and is an alternate representative for the council on the Southwest-Central Florida Connector Task Force.

Other local representatives include Naples Councilman Reg Buxton who will represent the Collier Metropolitan Planning Organization on the task force and Commissioner Penny Taylor who will represent Collier County.

The corridor task forces are charged with a variety of responsibilities, including addressing issues such as hurricane evacuation; congestion mitigation; trade and logistics; broadband, water and sewer connectivity; “autonomos, connected, shared, and electric vehicle technology"; and other transportation modes, such as shared-use non-motorized trails, freight and passenger rail, and public transit.

For the Southwest-Central Florida Connector the task force will also be asked to address the impacts of construction on panther and other critical wildlife habitat. It will be tasked with evaluating the need for acquisition of lands for state conservation or as mitigation for construction, and assessing wildlife crossing design features to protect panther and other critical wildlife habitat corridor connections.

“As we move forward we are continuing that commitment to protect and enhance Florida’s wildlife corridors and all of those environmentally sensitive areas that are identified within these different corridors,” Thibault said. “We’re also committed to protecting and enhancing the primary springs protection zones and the farmland preservation areas.”

With some “pretty outspoken” members on the task force for Southwest and Central Florida, Wuerstle said she thinks FDOT will get “a lot of pushback,” if the agency makes many bad decisions.

The connector “has the potential to really change Florida” and the rural counties, and is going to have a “major impact” on Southwest Florida, Wuerstle said, in part because it would open up “new land for development.”

It will be up to the task force members to know the issues and stay on top of things, she said.

“We need to watch it every step of the way,” Wuerstle said.

'It's fast-tracked'

The brisk pace at which the task forces are expected to move and make their recommendations has not gone unnoticed. With the final report due in just over a year, construction would begin by the end of 2022 with the corridors open to traffic before the end of 2030.

“I will say this, it’s fast-tracked,” said Collier County Commission Chairman Bill McDaniel who sits on the task force as the representative for the regional planning council.

“They want their report out of the M-CORE committee by next October, within a year. So this is a take no prisoners, high impact agenda.”

To McDaniel the proposed road should follow the corridors that already exist “where it’s going to have the least amount of environmental impacts for habitats.” It could follow the US 27 and US 29 corridor, he said.

“To me that makes the most plausible sense,” he said.

McDaniel said he envisions it not being “an expressway from Orlando to (Interstate 75) down through the middle of the state on a new alignment,” but rather a “toll facility that goes through segments.” A perfect segment could be from LaBelle in Hendry County to Immokalee, he said.

“You put two lanes — two new lanes — that are funded by the toll and if you don’t want to travel on the Old 29 you travel on the New 29 and then you pay the toll,” McDaniel said.

McDaniel, whose district includes Immokalee, said his goal has long been to turn the rural farming community “into the economic epicenter of Collier County.” That is done via infrastructure, he said.

“If I give manufacturers the ability to come here, import raw materials, hire my people, produce finished goods and services and then ship those finished goods and services out by road or by air, everybody wins,” McDaniel said. “And infrastructure is the key to that.”

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The proposed road could help bring a big-box store like Walmart to Immokalee and would also benefit the town's airport, Gonzalez said.

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Pendergrass, too, agrees that expanding along existing corridors would hopefully mitigate the impact on the environment.

“Those roads are already in place,” he said.

Conservancy: toll road is 'environmentally reckless'

But for some environmental groups concerns remain.

The toll road, from what is known to date, looks to be “financially irresponsible as well as environmentally reckless,” said Thomas, who attended the August meeting for the Conservancy but does not sit on the task force.

The group doesn’t believe the road is necessary, she said.

“It’s difficult for us to conceive of a path that would be acceptable,” Thomas said. “That wouldn’t impact a huge amount of wetlands, that wouldn’t fragment Florida panther habitat, that could in any way be acceptable to our organization.”

The Conservancy is most concerned about the recovery and survival of the endangered panther and fragmenting the existing habitat “is not going to help” with that, Thomas said. The project is going to increase the possibility for vehicle-panther collisions and potentially open up areas of additional development for both commercial or residential uses, which would take even more much-needed habitat, she said.

Because the panther is considered an “umbrella species,” protecting it also would help protect other habitats for other endangered species, Thomas said. And while wildlife crossings are important, “it’s better to not build the road if it’s not necessary,” she said.

Instead of a toll road, Thomas said, the initiative should focus on hardening infrastructure, building safe hurricane shelters, creating programs to extend broadband to rural counties and connect more people to sewer — all things that are part of the goals of the M-CORES effort.

“Just because we don’t think that a toll road is good, it doesn’t mean that none of the goals of this program are good,” she said. “But what we hope is that the task force moving forward will focus on the areas of the program that do make sense for our part of the state.”

Thomas, too, noted the project’s “extremely aggressive” time frame, which she said doesn’t leave an appropriate amount of time to determine whether there is a need "and because of that we do sort of feel like they’re operating as if there’s going to be a toll road regardless of what the recommendations are."

“That is a concern that makes it feel like it’s a done deal even if it isn’t,” she said.

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Another concern for some environmentalists is how a proposed road could impact the region’s hydrology.

Roads transform landscapes and are “one of the greatest challenges that we face in conservation efforts,” said Meredith Budd, Southwest Florida field representative for the Florida Wildlife Federation.

Budd, who also attended the first meeting in August, pointed to the Picayune Strand State Forest where roads are being removed as part of an effort to help restore the forest.

“If you’re thinking about roadways, they act almost as dams,” she said. “They alter hydrology, they end up conveying, you know, polluted runoff into our water, and as a state we’ve been spending billions of dollars to help to restore the Everglades.”

The Federation was among the groups opposing the bill that created the toll road proposals.

Now that it has passed and the effort is moving ahead, having experts and stakeholders on the task forces, Budd said, presents an opportunity to make sure “that these projects don’t at least undermine all of the good conservation work that we’ve done and worked for and invested heavily in over the years.”

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The newest proposal is sort of a successor to what was called the Heartland Parkway about a decade ago, said Brad Cornell, Southwest Florida policy associate for Audubon of the Western Everglades and Audubon Florida, which has a representative on the task force.

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“I’m concerned, but I’m reassured that planning has been required up front,” he said. “And so that gives me some comfort.”

--
Ken Warren
Public Affairs Officer
U.S. Fish & Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, FL 32960-3559
Office Phone: 772.469.4323
Mobile Phone: 772.643.4407

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Wrublik, John <john_wrublik@fws.gov>

Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

1 message

Cantrell, Mark <mark_a_cantrell@fws.gov> Mon, Sep 30, 2019 at 10:26 AM
To: "Wrublik, John" <john_wrublik@fws.gov>
Cc: Constance Cassler <constance_cassler@fws.gov>

John

Yes, good idea.
We do need to (a) understand their process and instructions, and (b) articulate how trust resources will potentially be affected.
So we do need to be able to evaluate the route(s) and design. And to establish some evaluation criteria to guide their decisions.

This will complement my efforts to know how to be iNvolved in the MCORES. I have been working with FDOT in Tallahassee to figure out how to plug into each of the MCORES teams. As you know, the State legislation established the team composition, which of course only included state agencies, NGOs, etc., and not federal agencies. And they are on a pretty aggressive timeline. I sure hope that we can set up an add-on as Technical Advice to each of the teams, in a timely, interactive manner. if they will allow us...

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Ken Warren
Public Affairs Officer
U.S. Fish & Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, FL 32960-3559
Office Phone: 772.469.4323
Mobile Phone: 772.643.4407

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Wrublik, John <john_wrublik@fws.gov>

Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

1 message

Cassler, Constance <constance_cassler@fws.gov> Mon, Sep 30, 2019 at 11:18 AM
To: "Wrublik, John" <john_wrublik@fws.gov>

Looks good to me.

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
office: 772-469-4243
fax: 772-562-4288
email: constance_cassler@fws.gov

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On Mon, Sep 30, 2019 at 11:09 AM Wrublik, John <john_wrublik@fws.gov> wrote:

> Looks like you are available October 9th in the morning. If that works for you, I'll reach out to the others and see if it is doable.
>
> John
> **John M. Wrublik**
> **U.S. Fish and Wildlife Service**
> **1339 20th Street**
> **Vero Beach, Florida 32960**
> **Office: (772) 469-4282**
> **Fax: (772) 562-4288**
> **email: John_Wrublik@fws.gov**
>
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>
> On Mon, Sep 30, 2019 at 10:52 AM Cassler, Constance <constance_cassler@fws.gov> wrote:
>
> > Yes. I just sent him an email asking if he wants to participate. I see he is out until October 8, but I think we can wait until he is back. Tim said it's OK to invite Kim, and he will let her know she should participate.
> >
> > Connie
> >
> > Constance L. Cassler, Ph.D.
> > Supervisory Fish and Wildlife Biologist
> > U.S. Fish and Wildlife Service
> > 1339 20th Street
> > Vero Beach, Florida 32960

office: 772-469-4243
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On Mon, Sep 30, 2019 at 10:44 AM Wrublik, John <john_wrublik@fws.gov> wrote:

> also, would you like to invite Dave Shindle?
> **John M. Wrublik**
> **U.S. Fish and Wildlife Service**
> **1339 20th Street**
> **Vero Beach, Florida 32960**
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> > Hi John,
> >
> > You can use our calendars to pick a date. I would like Ken McDonald and Chuck Kelso to attend. I'm checking with Tim Breen if he wants to attend and if he is OK with Kim attending. I will let you know as soon as I get in touch with him. Please wait until I let you know.
> >
> > Thanks for setting this up.
> >
> > Connie
> >
> > Constance L. Cassler, Ph.D.
> > Supervisory Fish and Wildlife Biologist
> > U.S. Fish and Wildlife Service
> > 1339 20th Street
> > Vero Beach, Florida 32960
> > office: 772-469-4243
> > fax: 772-562-4288
> > email: constance_cassler@fws.gov
> >
> > Follow us on Twitter @USFWSVERO
> > Follow us on Facebook @USFWSSouthFlorida
> > Follow us on InstaGram @usfws_south_florida
> > Visit our web site at www.fws.gov/verobeach/
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> > ---------- Forwarded message ---------
> > From: **Cantrell, Mark** <mark_a_cantrell@fws.gov>
> > Date: Mon, Sep 30, 2019 at 10:27 AM
> > Subject: Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some

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To: Wrublik, John <john_wrublik@fws.gov>
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Wrublik, John <john_wrublik@fws.gov>

Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

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BISON CONNECT

Wrublik, John <john_wrublik@fws.gov>

Fwd: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

1 message

Wrublik, John <john_wrublik@fws.gov> Mon, Sep 30, 2019 at 12:14 PM
To: Mark Cantrell <mark_a_cantrell@fws.gov>

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U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
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The proposed roads were a top priority of Senate President Bill Galvano, R-Bradenton, who has described the roads as a “new approach” in planning the state’s future, reducing congestion, providing new evacuation routes and offering a way to “revitalize” rural communities by expanding broadband, water and sewer infrastructure.

Aside from adding a new multi-use corridor, including a toll road, from Polk to Collier, the program would expand the Suncoast Parkway from the Tampa Bay area to the Georgia border and extend the Florida Turnpike west to connect with the Suncoast Parkway. The proposals mark the biggest expansion of the state’s highway system since work on Florida’s Turnpike began in the mid-1950s.

Three task forces, made up of elected officials, environmentalists and other stakeholders, have been formed, one for each proposed corridor. They have been asked to make recommendations and deliver a final report to the governor and Legislature by October 2020.

“This is really a defining moment for our state...,” Florida Department of Transportation Secretary Kevin Thibault said during the first meeting in August, thanking the task force members for their willingness to serve “in these critical roles.”

“And these roles are essential to be able to achieve what is in front of us, a Florida that is prepared for growth and population but still protects everything that makes the Sunshine State the best in the country.”

What the task forces will be asked to do

Officials from Southwest Florida are well represented on the task force for the connector from Polk to Collier, but the agency that will ultimately draw up the alignment for the roads is FDOT. For some task force members — who attended their first meeting last month in Tampa — that came as a surprise.

“They were surprised that we weren’t gonna actually put pen to paper, do different routes,” said Margaret Wuerstle, executive director for the Southwest Florida Regional Planning Council. She attended the first meeting and is an alternate representative for the council on the Southwest-Central Florida Connector Task Force.

Other local representatives include Naples Councilman Reg Buxton who will represent the Collier Metropolitan Planning Organization on the task force and Commissioner Penny Taylor who will represent Collier County.

The corridor task forces are charged with a variety of responsibilities, including addressing issues such as hurricane evacuation; congestion mitigation; trade and logistics; broadband, water and sewer connectivity; “autonomos, connected, shared, and electric vehicle technology"; and other transportation modes, such as shared-use non-motorized trails, freight and passenger rail, and public transit.

For the Southwest-Central Florida Connector the task force will also be asked to address the impacts of construction on panther and other critical wildlife habitat. It will be tasked with evaluating the need

for acquisition of lands for state conservation or as mitigation for construction, and assessing wildlife crossing design features to protect panther and other critical wildlife habitat corridor connections.

“As we move forward we are continuing that commitment to protect and enhance Florida’s wildlife corridors and all of those environmentally sensitive areas that are identified within these different corridors,” Thibault said. “We’re also committed to protecting and enhancing the primary springs protection zones and the farmland preservation areas.”

With some “pretty outspoken” members on the task force for Southwest and Central Florida, Wuerstle said she thinks FDOT will get “a lot of pushback,” if the agency makes many bad decisions.

The connector “has the potential to really change Florida” and the rural counties, and is going to have a “major impact” on Southwest Florida, Wuerstle said, in part because it would open up “new land for development.”

It will be up to the task force members to know the issues and stay on top of things, she said.

“We need to watch it every step of the way,” Wuerstle said.

'It's fast-tracked'

The brisk pace at which the task forces are expected to move and make their recommendations has not gone unnoticed. With the final report due in just over a year, construction would begin by the end of 2022 with the corridors open to traffic before the end of 2030.

“I will say this, it’s fast-tracked,” said Collier County Commission Chairman Bill McDaniel who sits on the task force as the representative for the regional planning council.

“They want their report out of the M-CORE committee by next October, within a year. So this is a take no prisoners, high impact agenda.”

To McDaniel the proposed road should follow the corridors that already exist “where it’s going to have the least amount of environmental impacts for habitats.” It could follow the US 27 and US 29 corridor, he said.

“To me that makes the most plausible sense,” he said.

McDaniel said he envisions it not being “an expressway from Orlando to (Interstate 75) down through the middle of the state on a new alignment,” but rather a “toll facility that goes through segments.” A perfect segment could be from LaBelle in Hendry County to Immokalee, he said.

“You put two lanes — two new lanes — that are funded by the toll and if you don’t want to travel on the Old 29 you travel on the New 29 and then you pay the toll,” McDaniel said.

McDaniel, whose district includes Immokalee, said his goal has long been to turn the rural farming community “into the economic epicenter of Collier County.” That is done via infrastructure, he said.

“If I give manufacturers the ability to come here, import raw materials, hire my people, produce finished goods and services and then ship those finished goods and services out by road or by air, everybody wins,” McDaniel said. “And infrastructure is the key to that.”

For Immokalee, the proposed toll road could drive business to the rural but growing community and bring year-round jobs to an area that still largely depends on seasonal work, said Danny Gonzalez, president of the Immokalee Chamber of Commerce.

"It opens the door for economic development here," said Gonzalez, who is supportive of the project and also owns Lozano's Mini Mart and Lozano's Mexican Restaurant in Immokalee.

The proposed road could help bring a big-box store like Walmart to Immokalee and would also benefit the town's airport, Gonzalez said.

"It'll help Immokalee," he said.

To Lee County Commissioner Cecil Pendergrass, who also sits on the task force representing his county, the proposed north-south road could also give relief to I-75. The interstates were “clogged up” during Hurricane Irma two years ago and gasoline wasn’t able to get here, he said.

Pendergrass, too, agrees that expanding along existing corridors would hopefully mitigate the impact on the environment.

“Those roads are already in place,” he said.

Conservancy: toll road is 'environmentally reckless'

But for some environmental groups concerns remain.

The toll road, from what is known to date, looks to be “financially irresponsible as well as environmentally reckless,” said Thomas, who attended the August meeting for the Conservancy but does not sit on the task force.

The group doesn’t believe the road is necessary, she said.

“It’s difficult for us to conceive of a path that would be acceptable,” Thomas said. “That wouldn’t impact a huge amount of wetlands, that wouldn’t fragment Florida panther habitat, that could in any way be acceptable to our organization.”

The Conservancy is most concerned about the recovery and survival of the endangered panther and fragmenting the existing habitat “is not going to help” with that, Thomas said. The project is going to increase the possibility for vehicle-panther collisions and potentially open up areas of additional development for both commercial or residential uses, which would take even more much-needed habitat, she said.

Because the panther is considered an “umbrella species,” protecting it also would help protect other habitats for other endangered species, Thomas said. And while wildlife crossings are important, “it’s better to not build the road if it’s not necessary,” she said.

Instead of a toll road, Thomas said, the initiative should focus on hardening infrastructure, building safe hurricane shelters, creating programs to extend broadband to rural counties and connect more people to sewer — all things that are part of the goals of the M-CORES effort.

“Just because we don’t think that a toll road is good, it doesn’t mean that none of the goals of this program are good,” she said. “But what we hope is that the task force moving forward will focus on the areas of the program that do make sense for our part of the state.”

Thomas, too, noted the project’s “extremely aggressive” time frame, which she said doesn’t leave an appropriate amount of time to determine whether there is a need "and because of that we do sort of feel like they’re operating as if there’s going to be a toll road regardless of what the recommendations are."

“That is a concern that makes it feel like it’s a done deal even if it isn’t,” she said.

Roads present challenge to conservation efforts

Another concern for some environmentalists is how a proposed road could impact the region’s hydrology.

Roads transform landscapes and are “one of the greatest challenges that we face in conservation efforts,” said Meredith Budd, Southwest Florida field representative for the Florida Wildlife Federation.

Budd, who also attended the first meeting in August, pointed to the Picayune Strand State Forest where roads are being removed as part of an effort to help restore the forest.

“If you’re thinking about roadways, they act almost as dams,” she said. “They alter hydrology, they end up conveying, you know, polluted runoff into our water, and as a state we’ve been spending billions of dollars to help to restore the Everglades.”

The Federation was among the groups opposing the bill that created the toll road proposals.

Now that it has passed and the effort is moving ahead, having experts and stakeholders on the task forces, Budd said, presents an opportunity to make sure “that these projects don’t at least undermine all of the good conservation work that we’ve done and worked for and invested heavily in over the years.”

This isn’t the first time building a north-south connector from Polk to Collier has been considered.

The newest proposal is sort of a successor to what was called the Heartland Parkway about a decade ago, said Brad Cornell, Southwest Florida policy associate for Audubon of the Western Everglades and Audubon Florida, which has a representative on the task force.

But whereas the Heartland Parkway was “basically a whole new road being dictated to us without any real planning or accommodation of good protection” of resources, water, wildlife, farms and ranches, Cornell said, in this case planning is being put first.

> “I’m concerned, but I’m reassured that planning has been required up front,” he said. “And so that gives me some comfort.”

--
Ken Warren
Public Affairs Officer
U.S. Fish & Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, FL 32960-3559
Office Phone: 772.469.4323
Mobile Phone: 772.643.4407

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Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

Wrublik, John <john_wrublik@fws.gov>

Mon 9/30/2019 9:23 AM

To: Cassler, Constance <constance_cassler@fws.gov>

might be a good idea to pass those concerns on to Mark so he is aware, or I can arrange a conference call
with him to discuss if you prefer.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Mon, Sep 30, 2019 at 9:13 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> OK. I hope he communicates with you about it. We have huge concerns, and I don't know if he understands all of them.
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
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On Mon, Sep 30, 2019 at 9:11 AM Wrublik, John <john_wrublik@fws.gov> wrote:

Connie, Larry has already directed Mark Cantrell to take the lead on this.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Mon, Sep 30, 2019 at 9:07 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

John,

Are we involved in this yet? If not how can we get involved. Is it something you would do or Mark Cantrell?

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
office: 772-469-4243
fax: 772-562-4288
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---------- Forwarded message ---------
From: **Warren, Ken** <ken_warren@fws.gov>
Date: Mon, Sep 30, 2019 at 8:51 AM
Subject: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from

some environmental groups
To: FW4 Vero Beach SFFO <fw4_vero_beach_sffo@fws.gov>

Proposed toll road from Polk to Collier draws concerns from some environmental groups

By Patrick Riley, Naples Daily News, Sept. 30, 2019

Southwest Florida could be in line for a new toll road that would connect Polk County, south of Orlando, to Collier County. But an aggressive schedule, the potential for more sprawl and the possible fragmenting of Florida panther habitat has some environmental groups worried.

Although some see the ambitious plan as a potential driver for the local economy and a way to take pressure off existing north-south routes, others are wary of the damage they say the project could cause to wildlife and environmentally sensitive lands.

“The toll road itself is a disaster and it shouldn’t be funded,” said Julianne Thomas, a senior environmental planning specialist with the Conservancy of Southwest Florida.

The Multi-use Corridors of Regional Economic Significance, or M-CORES, program was born out of a bill passed during the past legislative session.

The proposed roads were a top priority of Senate President Bill Galvano, R-Bradenton, who has described the roads as a “new approach” in planning the state’s future, reducing congestion, providing new evacuation routes and offering a way to “revitalize” rural communities by expanding broadband, water and sewer infrastructure.

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“And these roles are essential to be able to achieve what is in front of us, a Florida that is prepared for growth and population but still protects everything that makes the Sunshine

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Officials from Southwest Florida are well represented on the task force for the connector from Polk to Collier, but the agency that will ultimately draw up the alignment for the roads is FDOT. For some task force members — who attended their first meeting last month in Tampa — that came as a surprise.

"They were surprised that we weren't gonna actually put pen to paper, do different routes," said Margaret Wuerstle, executive director for the Southwest Florida Regional Planning Council. She attended the first meeting and is an alternate representative for the council on the Southwest-Central Florida Connector Task Force.

Other local representatives include Naples Councilman Reg Buxton who will represent the Collier Metropolitan Planning Organization on the task force and Commissioner Penny Taylor who will represent Collier County.

The corridor task forces are charged with a variety of responsibilities, including addressing issues such as hurricane evacuation; congestion mitigation; trade and logistics; broadband, water and sewer connectivity; "autonomos, connected, shared, and electric vehicle technology"; and other transportation modes, such as shared-use non-motorized trails, freight and passenger rail, and public transit.

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“They want their report out of the M-CORE committee by next October, within a year. So this is a take no prisoners, high impact agenda.”

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Ken Warren
Public Affairs Officer
U.S. Fish & Wildlife Service
South Florida Ecological Services Office
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Vero Beach, FL 32960-3559
Office Phone: 772.469.4323
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Wrublik, John <john_wrublik@fws.gov>

Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

1 message

Wrublik, John <john_wrublik@fws.gov> Mon, Sep 30, 2019 at 11:08 AM
To: "Cassler, Constance" <constance_cassler@fws.gov>

Looks like you are available October 9th in the morning. If that works for you, I'll reach out to the others and see if it is doable.

John
John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Mon, Sep 30, 2019 at 10:52 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Yes. I just sent him an email asking if he wants to participate. I see he is out until October 8, but I think we can wait until he is back. Tim said it's OK to invite Kim, and he will let her know she should participate.
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
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>
> On Mon, Sep 30, 2019 at 10:44 AM Wrublik, John <john_wrublik@fws.gov> wrote:
>
> > also, would you like to invite Dave Shindle?
> > **John M. Wrublik**
> > **U.S. Fish and Wildlife Service**
> > **1339 20th Street**
> > **Vero Beach, Florida 32960**
> > **Office: (772) 469-4282**
> > **Fax: (772) 562-4288**

email: John_Wrublik@fws.gov

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On Mon, Sep 30, 2019 at 10:37 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

Hi John,

You can use our calendars to pick a date. I would like Ken McDonald and Chuck Kelso to attend. I'm checking with Tim Breen if he wants to attend and if he is OK with Kim attending. I will let you know as soon as I get in touch with him. Please wait until I let you know.

Thanks for setting this up.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
office: 772-469-4243
fax: 772-562-4288
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From: **Cantrell, Mark** <mark_a_cantrell@fws.gov>
Date: Mon, Sep 30, 2019 at 10:27 AM
Subject: Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups
To: Wrublik, John <john_wrublik@fws.gov>
Cc: Constance Cassler <constance_cassler@fws.gov>

John

Yes, good idea.
We do need to (a) understand their process and instructions, and (b) articulate how trust resources will potentially be affected.
So we do need to be able to evaluate the route(s) and design. And to establish some evaluation criteria to guide their decisions.

This will complement my efforts to know how to be iNvolved in the MCORES. I have been working with FDOT in Tallahassee to figure out how to plug into each of the MCORES teams. As you know, the State legislation established the team composition, which of course only included state agencies, NGOs, etc., and not federal agencies. And they are on a pretty aggressive timeline. I sure hope that we can set up an add-on as Technical Advice to each of the teams, in a timely, interactive manner. if they will allow us...

I am available most days this week, with just a smattering of already scheduled conference calls.
Morning or afternoon? whatever works best for you all.

thanks,
Mark A. Cantrell
U.S. Fish & Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405
850/769-0552, ext 250
mobile: 828/215-1739 - This is usually the best number to reach me.

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On Mon, Sep 30, 2019 at 9:05 AM Wrublik, John <john_wrublik@fws.gov> wrote:

Mark,

My supervisor Connie Cassler, would like me to set up a conference call with you to discuss our office's concerns
relating to FDOT's MCores and the potential new toll road between Polk County to Collier County. Specifically the effects of such
a road on the endangered Florida panther as well as other wildlife in the region. Could you please provide me with some dates and times that
would work for you, and I'll work with the folks here to set up a time that works for all.

Thanks John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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---------- Forwarded message ---------
From: **Warren, Ken** <ken_warren@fws.gov>
Date: Mon, Sep 30, 2019 at 8:51 AM
Subject: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups
To: FW4 Vero Beach SFFO <fw4_vero_beach_sffo@fws.gov>

Proposed toll road from Polk to Collier draws concerns from some environmental groups

By Patrick Riley, Naples Daily News, Sept. 30, 2019

Southwest Florida could be in line for a new toll road that would connect Polk County, south of Orlando, to Collier County. But an aggressive schedule, the potential for more sprawl and the possible fragmenting of Florida panther habitat has some environmental groups worried.

Although some see the ambitious plan as a potential driver for the local economy and a way to take pressure off existing north-south routes, others are wary of the damage they say the project could cause to wildlife and environmentally sensitive lands.

“The toll road itself is a disaster and it shouldn’t be funded,” said Julianne Thomas, a senior environmental planning specialist with the Conservancy of Southwest Florida.

The Multi-use Corridors of Regional Economic Significance, or M-CORES, program was born out of a bill passed during the past legislative session.

The proposed roads were a top priority of Senate President Bill Galvano, R-Bradenton, who has described the roads as a “new approach” in planning the state’s future, reducing congestion, providing new evacuation routes and offering a way to “revitalize” rural communities by expanding broadband, water and sewer infrastructure.

Aside from adding a new multi-use corridor, including a toll road, from Polk to Collier, the program would expand the Suncoast Parkway from the Tampa Bay area to the Georgia border and extend the Florida Turnpike west to connect with the Suncoast Parkway. The proposals mark the biggest expansion of the state’s highway system since work on Florida’s Turnpike began in the mid-1950s.

Three task forces, made up of elected officials, environmentalists and other stakeholders, have been formed, one for each proposed corridor. They have been asked to make recommendations and deliver a final report to the governor and Legislature by October 2020.

“This is really a defining moment for our state...,” Florida Department of Transportation Secretary Kevin Thibault said during the first meeting in August, thanking the task force members for their willingness to serve “in these critical roles.”

“And these roles are essential to be able to achieve what is in front of us, a Florida that is prepared for growth and population but still protects everything that makes the Sunshine State the best in the country.”

What the task forces will be asked to do

Officials from Southwest Florida are well represented on the task force for the connector from Polk to Collier, but the agency that will ultimately draw up the alignment for the roads is FDOT. For some task force members — who attended their first meeting last month in Tampa — that came as a surprise.

“They were surprised that we weren’t gonna actually put pen to paper, do different routes,” said Margaret Wuerstle, executive director for the Southwest Florida Regional Planning Council. She attended the first meeting and is an alternate representative for the council on the Southwest-Central Florida Connector Task Force.

Other local representatives include Naples Councilman Reg Buxton who will represent the Collier Metropolitan Planning Organization on the task force and Commissioner Penny Taylor

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The corridor task forces are charged with a variety of responsibilities, including addressing issues such as hurricane evacuation; congestion mitigation; trade and logistics; broadband, water and sewer connectivity; “autonomos, connected, shared, and electric vehicle technology"; and other transportation modes, such as shared-use non-motorized trails, freight and passenger rail, and public transit.

For the Southwest-Central Florida Connector the task force will also be asked to address the impacts of construction on panther and other critical wildlife habitat. It will be tasked with evaluating the need for acquisition of lands for state conservation or as mitigation for construction, and assessing wildlife crossing design features to protect panther and other critical wildlife habitat corridor connections.

“As we move forward we are continuing that commitment to protect and enhance Florida’s wildlife corridors and all of those environmentally sensitive areas that are identified within these different corridors,” Thibault said. “We’re also committed to protecting and enhancing the primary springs protection zones and the farmland preservation areas.”

With some “pretty outspoken” members on the task force for Southwest and Central Florida, Wuerstle said she thinks FDOT will get “a lot of pushback,” if the agency makes many bad decisions.

The connector “has the potential to really change Florida” and the rural counties, and is going to have a “major impact” on Southwest Florida, Wuerstle said, in part because it would open up “new land for development.”

It will be up to the task force members to know the issues and stay on top of things, she said.

“We need to watch it every step of the way,” Wuerstle said.

'It's fast-tracked'

The brisk pace at which the task forces are expected to move and make their recommendations has not gone unnoticed. With the final report due in just over a year, construction would begin by the end of 2022 with the corridors open to traffic before the end of 2030.

“I will say this, it’s fast-tracked,” said Collier County Commission Chairman Bill McDaniel who sits on the task force as the representative for the regional planning council.

“They want their report out of the M-CORE committee by next October, within a year. So this is a take no prisoners, high impact agenda.”

To McDaniel the proposed road should follow the corridors that already exist “where it’s going to have the least amount of environmental impacts for habitats.” It could follow the US 27 and US 29 corridor, he said.

“To me that makes the most plausible sense,” he said.

McDaniel said he envisions it not being “an expressway from Orlando to (Interstate 75) down through the middle of the state on a new alignment,” but rather a “toll facility that goes through segments.” A perfect segment could be from LaBelle in Hendry County to Immokalee, he said.

“You put two lanes — two new lanes — that are funded by the toll and if you don’t want to travel on the Old 29 you travel on the New 29 and then you pay the toll,” McDaniel said.

McDaniel, whose district includes Immokalee, said his goal has long been to turn the rural farming community “into the economic epicenter of Collier County.” That is done via infrastructure, he said.

“If I give manufacturers the ability to come here, import raw materials, hire my people, produce finished goods and services and then ship those finished goods and services out by road or by air, everybody wins,” McDaniel said. “And infrastructure is the key to that.”

For Immokalee, the proposed toll road could drive business to the rural but growing community and bring year-round jobs to an area that still largely depends on seasonal work, said Danny Gonzalez, president of the Immokalee Chamber of Commerce.

"It opens the door for economic development here," said Gonzalez, who is supportive of the project and also owns Lozano's Mini Mart and Lozano's Mexican Restaurant in Immokalee.

The proposed road could help bring a big-box store like Walmart to Immokalee and would also benefit the town's airport, Gonzalez said.

"It'll help Immokalee," he said.

To Lee County Commissioner Cecil Pendergrass, who also sits on the task force representing his county, the proposed north-south road could also give relief to I-75. The interstates were “clogged up” during Hurricane Irma two years ago and gasoline wasn’t able to get here, he said.

Pendergrass, too, agrees that expanding along existing corridors would hopefully mitigate the impact on the environment.

“Those roads are already in place,” he said.

Conservancy: toll road is 'environmentally reckless'

But for some environmental groups concerns remain.

The toll road, from what is known to date, looks to be “financially irresponsible as well as environmentally reckless,” said Thomas, who attended the August meeting for the Conservancy but does not sit on the task force.

The group doesn’t believe the road is necessary, she said.

“It’s difficult for us to conceive of a path that would be acceptable,” Thomas said. “That wouldn’t impact a huge amount of wetlands, that wouldn’t fragment Florida panther habitat, that could in any way be acceptable to our organization.”

The Conservancy is most concerned about the recovery and survival of the endangered panther and fragmenting the existing habitat “is not going to help” with that, Thomas said. The project is going to increase the possibility for vehicle-panther collisions and potentially open up areas of additional development for both commercial or residential uses, which would take even more much-needed habitat, she said.

Because the panther is considered an “umbrella species,” protecting it also would help protect other habitats for other endangered species, Thomas said. And while wildlife crossings are important, “it’s better to not build the road if it’s not necessary,” she said.

Instead of a toll road, Thomas said, the initiative should focus on hardening infrastructure, building safe hurricane shelters, creating programs to extend broadband to rural counties and connect more people to sewer — all things that are part of the goals of the M-CORES effort.

“Just because we don’t think that a toll road is good, it doesn’t mean that none of the goals of this program are good,” she said. “But what we hope is that the task force moving forward will focus on the areas of the program that do make sense for our part of the state.”

Thomas, too, noted the project’s “extremely aggressive” time frame, which she said doesn’t leave an appropriate amount of time to determine whether there is a need "and because of that we do sort of feel like they’re operating as if there’s going to be a toll road regardless of what the recommendations are."

“That is a concern that makes it feel like it’s a done deal even if it isn’t,” she said.

Roads present challenge to conservation efforts

Another concern for some environmentalists is how a proposed road could impact the region’s hydrology.

Roads transform landscapes and are “one of the greatest challenges that we face in conservation efforts,” said Meredith Budd, Southwest Florida field representative for the Florida Wildlife Federation.

Budd, who also attended the first meeting in August, pointed to the Picayune Strand State Forest where roads are being removed as part of an effort to help restore the forest.

“If you’re thinking about roadways, they act almost as dams,” she said. “They alter hydrology, they end up conveying, you know, polluted runoff into our water, and as a state we’ve been spending billions of dollars to help to restore the Everglades.”

The Federation was among the groups opposing the bill that created the toll road proposals.

Now that it has passed and the effort is moving ahead, having experts and stakeholders on the task forces, Budd said, presents an opportunity to make sure “that these projects don’t at least undermine all of the good conservation work that we’ve done and worked for and invested heavily in over the years.”

This isn’t the first time building a north-south connector from Polk to Collier has been considered.

The newest proposal is sort of a successor to what was called the Heartland Parkway about a decade ago, said Brad Cornell, Southwest Florida policy associate for Audubon of the Western Everglades and Audubon Florida, which has a representative on the task force.

But whereas the Heartland Parkway was “basically a whole new road being dictated to us without any real planning or accommodation of good protection” of resources, water, wildlife, farms and ranches, Cornell said, in this case planning is being put first.

“I’m concerned, but I’m reassured that planning has been required up front,” he said. “And so that gives me some comfort.”

--
Ken Warren
Public Affairs Officer
U.S. Fish & Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, FL 32960-3559
Office Phone: 772.469.4323
Mobile Phone: 772.643.4407

Follow us on Twitter @USFWSVERO
Follow us on Facebook @USFWSSouthFlorida
Follow us on InstaGram @usfws_south_florida
Visit our web site at www.fws.gov/verobeach/

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Re: Naples Daily News Report: Proposed toll road from Polk to Collier draws concerns from some environmental groups

Wrublik, John <john_wrublik@fws.gov>

Mon 9/30/2019 9:11 AM

To: Cassler, Constance <constance_cassler@fws.gov>

Connie, Larry has already directed Mark Cantrell to take the lead on this.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Mon, Sep 30, 2019 at 9:07 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> John,
>
> Are we involved in this yet? If not how can we get involved. Is it something you would do or Mark Cantrell?
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
> email: constance_cassler@fws.gov
>
> Follow us on Twitter @USFWSVERO
> Follow us on Facebook @USFWSSouthFlorida
> Follow us on InstaGram @usfws_south_florida
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--
Ken Warren
Public Affairs Officer
U.S. Fish & Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, FL 32960-3559
Office Phone: 772.469.4323
Mobile Phone: 772.643.4407

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Follow us on InstaGram @usfws_south_florida
Visit our web site at www.fws.gov/verobeach/

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Re: [EXTERNAL] RE: panther mortality along i-75 mm120

Wrublik, John <john_wrublik@fws.gov>

Tue 10/8/2019 11:59 AM

To: Setchell, Brent <Brent.Setchell@dot.state.fl.us>
Cc: Meredith Budd <meredithb@fwfonline.org>; Monies, Nicole <Nicole.Monies@dot.state.fl.us>; Darrell Land (Darrell.Land@MyFWC.com) <Darrell.Land@myfwc.com>; Shindle, David B <david_shindle@fws.gov>

2 attachments (2 MB)
image001.gif; image002.png;

Brent,

In this case, I don't object to fencing on the east side of the roadway only, since it is unlikely that panthers would occur in the highly developed area west of I-75. I have forwarded to message to Dave Shindle, our panther expert, to see if he agrees.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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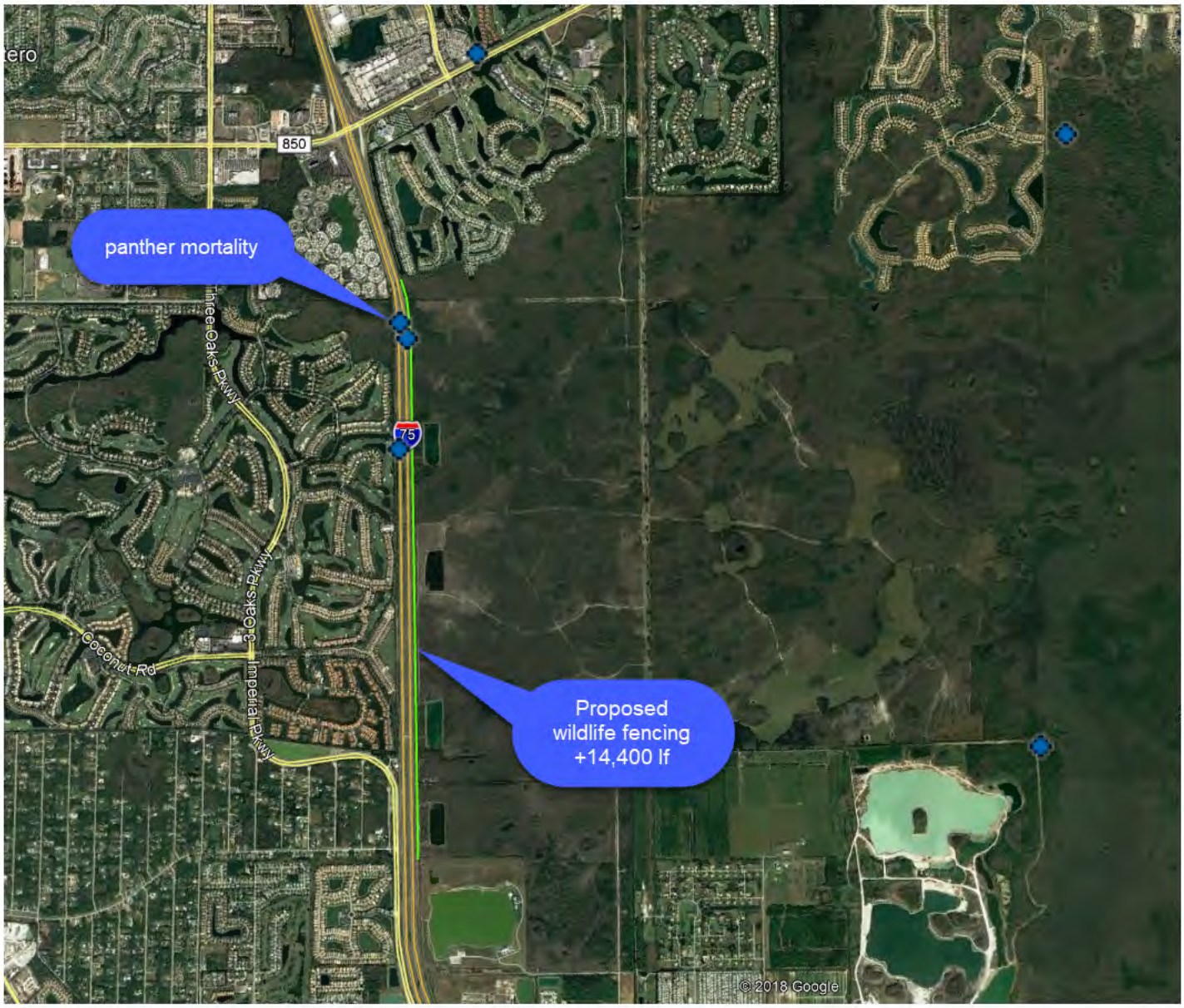
On Tue, Oct 8, 2019 at 8:01 AM Setchell, Brent <Brent.Setchell@dot.state.fl.us> wrote:

> Meredith,
>
> No I hadn't seen another panther hit along this stretch of I-75. I usually get the FWC notifications, but didn't see this one. This would make 4 in this stretch of I-75 since 3/2015. I'm not aware of any efforts to add wildlife fencing along this stretch of I-75.
>
> I know that FWC and FWS generally prefer to have wildlife fencing on both sides of the roadway. In this case would they be willing to make an exception to only have it on the east side?



From: Meredith Budd [mailto:meredithb@fwfonline.org]
Sent: Monday, October 7, 2019 3:29 PM
To: Setchell, Brent <Brent.Setchell@dot.state.fl.us>
Subject: panther mortality along i-75 mm120

EXTERNAL SENDER: Use caution with links and attachments.

Hi Brent,

Did you see that a panther was killed at mm120 on i-75 this weekend? That is right adjacent to where edison farms is located (this is 6 sections of land now in conservation through the Lee County 2020 land conservation program). I know there have been other deaths at this location previously too. There is no fencing along that stretch, but theres also no suitable habitat on the other side of the highway. Do you know if there was ever an initiative to get fencing along that conservation land to prevent cats from getting onto the road. Is there potential toll funding that may be able to get fencing to prevent such deaths at this location-- perhaps a partnership with the Lee County program?.Figured I'd reach out to you to see if you had any thoughts on this and if you know what avenue may be best to get fencing... let me know how I can be of best assistance.

Thanks!

Meredith Budd

Southwest Florida Field Representative

Florida Wildlife Federation

meredithb@fwfonline.org | 239-643-4111

Please consider the environment before printing this email

Re: I-75 Stuff

Wrublik, John <john_wrublik@fws.gov>

Wed 10/9/2019 6:46 AM

To: Shindle, David B <david_shindle@fws.gov>

Thanks Dave, I go with whatever you think is best in this situation.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
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On Tue, Oct 8, 2019 at 4:08 PM Shindle, David <david_shindle@fws.gov> wrote:

> Hey John-
>
> Haven't forgotten to follow up with the emails on the I-75 wildlife crossings/fencing discussion. First day back in office after more than a week, so playing catch up. Tomorrow I'll reply all to Darrell's email that he sent today and I can follow up with you one-on-one if necessary.
>
> Cheers
>
> David

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
12085 State Road 29 S
Immokalee, FL 34142
Desk 239-657-8013
Cell 772-532-7293
david_shindle@fws.gov

Southeast Region Vision: Together, we will connect lands and waters to sustain fish, wildlife and plants by being visionary leaders, bold innovators and trusted partners, working with and for people.

NOTE: All email correspondence and attachments received from or sent to me are subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

Re: UPDATE-Wildlife Crossings in ECHCP area

Wrublik, John <john_wrublik@fws.gov>

Thu 10/10/2019 2:36 PM

To: Kelso, Charles <charles_kelso@fws.gov>
Cc: Cassler, Constance <constance_cassler@fws.gov>; Shindle, David B <david_shindle@fws.gov>; Mcdonald, Kenneth <kenneth_mcdonald@fws.gov>

Chuck, Connie and I spoke with Dave this morning. Check with Connie for details or me tomorrow morning.

John

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>
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>
> > Thanks for updating us David. We will let Ken and Chuck know about the discussion when they come in.
> >
> > Connie
> >
> > Constance L. Cassler, Ph.D.
> > Supervisory Fish and Wildlife Biologist
> > U.S. Fish and Wildlife Service
> > 1339 20th Street
> > Vero Beach, Florida 32960
> > office: 772-469-4243
> > fax: 772-562-4288
> > email: constance_cassler@fws.gov
> >
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disclosed to third parties

On Thu, Oct 10, 2019 at 8:28 AM Shindle, David <david_shindle@fws.gov> wrote:

Hi Connie-

I don't need much time. I just want everyone to be in the loop, especially before ECPO/HCP call tomorrow. This is in regards to the CR858 and CR846 bridge replacements.

I could always just talk with you and John this morning and then you can brief Ken and Chuck.

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
12085 State Road 29 S
Immokalee, FL 34142
Desk 239-657-8013
Cell 772-532-7293
david_shindle@fws.gov

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On Thu, Oct 10, 2019 at 8:12 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

Hi David,

If we are able to have a call it will have to be this afternoon. Both Chuck and Ken are out this morning. I have a 1-2:30 meeting, but am free after that. We can try for 2:30 and Ken and Chuck can let us know if that works when they get in. I know they are supposed to talk to Bruce Johnson this afternoon, but I don't think they have a time set up yet. How much time do you need?

Connie

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--
Chuck Kelso
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960-3559
(772)469-4241
Charles_Kelso@fws.gov

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Re: UPDATE-Wildlife Crossings in ECHCP area

Wrublik, John <john_wrublik@fws.gov>

Thu 10/10/2019 6:37 AM

To: Shindle, David B <david_shindle@fws.gov>
Cc: Cassler, Constance <constance_cassler@fws.gov>; Kelso, Charles <charles_kelso@fws.gov>; Mcdonald, Kenneth <kenneth_mcdonald@fws.gov>

I'm available all day until 3:30 pm

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
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Fax: (772) 562-4288
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Wrublik, John <john_wrublik@fws.gov>

Re: M-CORES

1 message

Mark Cantrell <mark_a_cantrell@fws.gov> Fri, Oct 11, 2019 at 11:04 AM
To: "Wrublik, John" <john_wrublik@fws.gov>
Cc: "Shindle, David" <david_shindle@fws.gov>, Kim Dryden <kim_dryden@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Constance Cassler <constance_cassler@fws.gov>

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October 23, 10:30 am, Lecanto - Suncoast Connector Task Force
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Re: M-CORES

1 message

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To: Mark Cantrell <mark_a_cantrell@fws.gov>
Cc: "Wrublik, John" <john_wrublik@fws.gov>, "Shindle, David" <david_shindle@fws.gov>, Kim Dryden <kim_dryden@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>

Hi Everyone,

I created a file on the Vero Beach server to collect information as we go along. Here is the path: L:\PARC\Multi-County\M-CORES

So far it has Mark's draft letter, my edits, and the IPaC list Ken generated. I haven't gotten as far as PDFing emails. Just wanted you to know about it in case you want to add anything.

Connie

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Sounds good Mark

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thanks,
Mark A. Cantrell
U.S. Fish & Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405
850/769-0552, ext 250
mobile: 828/215-1739 - This is usually the best number to reach me.

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On Tue, Oct 8, 2019 at 2:02 PM Shindle, David <david_shindle@fws.gov> wrote:

> https://www.mympo.org/blog/fdot-announces-website-for-florida-multi-use-corridors-of-regional-economic-significance-m-cores
>
> ———————————————

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
12085 State Road 29 S
Immokalee, FL 34142
Desk 239-657-8013
Cell 772-532-7293
david_shindle@fws.gov

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Wrublik, John <john_wrublik@fws.gov>

Re: M-CORES

1 message

Shindle, David <david_shindle@fws.gov> Thu, Oct 17, 2019 at 10:56 AM
To: "Cassler, Constance" <constance_cassler@fws.gov>
Cc: Mark Cantrell <mark_a_cantrell@fws.gov>, "Wrublik, John" <john_wrublik@fws.gov>, Kim Dryden <kim_dryden@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>

https://www.theledger.com/news/20191016/routes-for-3-new-florida-toll-roads-including-polk-highway-to-be-unveiled-in-january

---

David Shindle, Florida Panther Coordinator
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On Fri, Oct 11, 2019 at 11:38 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Everyone,
>
> I created a file on the Vero Beach server to collect information as we go along. Here is the path: L:\PARC\Multi-County\M-CORES
>
> So far it has Mark's draft letter, my edits, and the IPaC list Ken generated. I haven't gotten as far as PDFing emails. Just wanted you to know about it in case you want to add anything.
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
> email: constance_cassler@fws.gov
>
> Follow us on Twitter @USFWSVERO
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> Visit our web site at www.fws.gov/verobeach/
>
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disclosed to third parties

On Fri, Oct 11, 2019 at 11:04 AM Mark Cantrell <mark_a_cantrell@fws.gov> wrote:

John

Good points.
I will revise accordingly.
I realized that I had missed that message after I sent the draft, since I had been working on enumerating the numbers of species, refuges, etc. in the 3 corridor areas.

thanks,
Mark A. Cantrell
U.S. Fish & Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405
850/769-0552, ext 250
mobile: 828/215-1739

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On Oct 11, 2019, at 10:00 AM, Wrublik, John <john_wrublik@fws.gov> wrote:

Mark,

As written, the letter is fine for advising the FDOT that we can offer technical assistance on Federally listed species and fish and wildlife resources in the study areas. However, it doesn't state that we have serious concerns regarding the project. Specifically, the construction of a new highway in any of the study areas has the potential to result in significant adverse impacts to the diverse assemblages of fish and wildlife resources and threatened and endangered species that currently occur in these areas. Accordingly, the proposed roadways have the potential to at least reduce the abundance and distribution and at worst threaten the survival of fish and wildlife species in Florida. I think that we should advise the FDOT of our concerns now and not wait until they have already chosen corridors that may or may not be put on the ETDM website for our review. If we don't, the FDOT may assume that the Service supports the project and has no concerns.

Points to bring up in the letter could be, but are not limited to:

- Much of the habitat for fish and wildlife that originally occurred in Florida has already been lost or altered due to development or other human activities. Consequently, lands within the study areas represent some of the last remaining habitat in Florida for fish and wildlife resources and a number of threatened and endangered species, including the Florida panther, the official state animal of Florida.
- Fish and wildlife resources represent valuable natural resources important to the citizens of Florida, these resources are disappearing at an alarming rate, and the construction of new roadways proposed by the project is likely to exacerbate the loss of these resources
- Due to a variety of factors, it is likely difficult and may not be possible to devise roadway corridors that do not result in significant impacts to fish and wildlife
- the proposed roadway from Polk County to Collier County had been previously proposed, but not built in large part due to environmental concerns

I hope this helps,

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288

email: John_Wrublik@fws.gov

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On Thu, Oct 10, 2019 at 1:20 PM Cantrell, Mark <mark_a_cantrell@fws.gov> wrote:

SW FL Team

Here is a draft letter as we discussed.
We will ask that the FDOT Chief Engineer share it with the Chair and Facilitator of each Task Force. Please review and comment before Oct 18, so that we can get other ES review, and finalize prior to the scheduled Task Force meetings.

In general, the mission of the 3 Task Forces is to evaluate the corridors, and to consider and recommend innovative ways to combine right-of-way acquisition with the acquisition of lands or easements to facilitate environmental mitigation or ecosystem, wildlife habitat or water quality protection or restoration. The task force will specifically study how project design and land acquisition can mitigate the impact of construction on the water quality and quantity of springs, rivers and aquifer recharge areas; agricultural land uses; and wildlife habitat. Each task force will summarize the results of its analysis in a final report by October 1, 2020.

So, I understand that the Task Forces will initially (first 2 meetings) identify areas/resources to avoid.

The FWS's transportation review team is planning to attend each of the Task Team meetings, in order to understand the team directions and to potentially provide important information about FWS trust resources. Anyone of you may also want to attend with us. The Task Team meetings are scheduled for later this month; each Team meeting also has a corresponding public Community Open House. We may be asked by the Teams' Chair persons to provide a presentation at some point. In that case, we can identify special resources in each corridor.

October 22, 10:00am, Lecanto - Northern Turnpike Connector Task Force
October 23, 10:30 am, Lecanto - Suncoast Connector Task Force
October 30, 10:00am, Lakeland - Southwest-Central Florida Connector Task Force

thanks,
Mark A. Cantrell
U.S. Fish & Wildlife Service
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850/769-0552, ext 250
mobile: 828/215-1739 - This is usually the best number to reach me.

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On Tue, Oct 8, 2019 at 2:02 PM Shindle, David <david_shindle@fws.gov> wrote:

https://www.mympo.org/blog/fdot-announces-website-for-florida-multi-use-corridors-of-regional-economic-significance-m-cores

---

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Re: Bridge replacements in Collier County

Wrublik, John <john_wrublik@fws.gov>

Thu 11/7/2019 2:36 PM

To: Kelso, Charles <charles_kelso@fws.gov>
Cc: Cassler, Constance <constance_cassler@fws.gov>; Shindle, David B <david_shindle@fws.gov>; Dell, David <david_dell@fws.gov>; Tawes, Robert <robert_tawes@fws.gov>; Ziewitz, Jerry <jerry_ziewitz@fws.gov>; Mcdonald, Kenneth <kenneth_mcdonald@fws.gov>; Cantrell, Mark A <mark_a_cantrell@fws.gov>; Hinzman, Roxanna <roxanna_hinzman@fws.gov>; Williams, Larry O <larry_williams@fws.gov>

thanks Chuck

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Mon, Nov 4, 2019 at 8:44 AM Kelso, Charles <charles_kelso@fws.gov> wrote:

> FYI,
> Meredith Budd of the Florida Wildlife Federation called and reported that the County is planning on elevating two of the bridges scheduled for replacement. She asked for six, but the County said that the other 4 bridges were so close to each other that raising them all would entail raising the entire roadway. As Meredith put it: "two is better than none" .
>
> On Tue, Oct 15, 2019 at 4:40 PM Cassler, Constance <constance_cassler@fws.gov> wrote:
>
> > Thanks David. The edits look good.
> >
> > Constance L. Cassler, Ph.D.
> > Supervisory Fish and Wildlife Biologist
> > U.S. Fish and Wildlife Service
> > 1339 20th Street
> > Vero Beach, Florida 32960
> > office: 772-469-4243
> > fax: 772-562-4288
> > email: constance_cassler@fws.gov
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> > Follow us on InstaGram @usfws_south_florida
> > Visit our web site at www.fws.gov/verobeach/
> >
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On Tue, Oct 15, 2019 at 3:27 PM Shindle, David <david_shindle@fws.gov> wrote:

Hi Connie-

Looks good. Some minor suggested edits are attached.

Thanks,

David

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
12085 State Road 29 S
Immokalee, FL 34142
Desk 239-657-8013
Cell 772-532-7293
david_shindle@fws.gov

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On Tue, Oct 15, 2019 at 2:45 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

Hi,

I'm attaching the draft email of support. Please let me know if I said anything I shouldn't and offer any suggestions. I have met with Mr. Casalanguida before about County projects and am willing to send the email or I can forward to Roxanna if that is the best way to proceed.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
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fax: 772-562-4288
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On Fri, Oct 11, 2019 at 1:03 PM Shindle, David <david_shindle@fws.gov> wrote:

Hello All-

I just got off the phone with Bruce Johnson and he suggested that the Service should send ASAP a brief correspondence to Collier County staff (i.e., Deputy County Manager Nick Casalanguida), stating our support for modifying the existing bridge replacement designs to create functional crossing structures for panthers and our willingness to work with County staff to provide technical expertise on these proposed improvements. Bruce thought that if there was a record of Collier County staff responding in the affirmative that they are considering this alternative, this may suffice to provide some degree of "reasonable certainty" to allow consideration for these potential improvements in our assessment of the plan.

Don't kill the messenger, but given our established timelines, Bruce thought it would probably be best to get this email to the County as early as this afternoon.

David

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
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Desk 239-657-8013
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On Fri, Oct 11, 2019 at 12:16 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

Hi Everyone,

Here is some information about the bridge replacements as originally planned. I understand they are at the 90% design phase and are checkin to see how much it would cost to raise the bridges to create functional underpasses.

I also understand that there are 2 opiond being considered at this time: 1) ECPO has discussed maybe fronting the money as part of the HCP and getting reimbursed by the Marinelli Fund. 2) Collier County might pay the extra cost if we consider giving them mitigation credit that they could use toward a future project.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
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office: 772-469-4243
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--

Chuck Kelso
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960-3559
(772)469-4241
Charles_Kelso@fws.gov

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Re: [EXTERNAL] PHU changes

Wrublik, John <john_wrublik@fws.gov>

Thu 11/14/2019 8:05 AM

To: Tom Pride <tpride@rkk.com>
Cc: Gordon Mullen <gmullen@rkk.com>; Brett Berube <bberube@rkk.com>

6 attachments (43 KB)

image001.png; image002.jpg; image003.jpg; image004.jpg; image005.png; image006.jpg;

Tom, I believe that the only change in the PHU methodology that has occurred within the last year or so is the Base
Ratio used in the calculations of PHUs needed to offset impacts to panther habitat has been reduced from 2.5 to 1.98.
I don't exactly recall the date when that change was made.

John

John M. Wrublik
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Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Thu, Nov 14, 2019 at 7:55 AM Tom Pride <tpride@rkk.com> wrote:

> Hi John,
>
> We heard a rumor that there were some recent changes to the PHU methodology – not sure what (land use values, calculations, or something else?). We're trying to stay up-to-date with it; have there been any changes to the PHU methodology over the past year or so? Thank you very much for your help.
>
> Regards,

TOM PRIDE

Senior Environmental Scientist

14055 Riveredge Dr., Suite 130

Tampa, FL 33637

813.523.0502 D | 813.523.0502 C

www.rkk.com

Responsive People | Creative Solutions

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Re: [EXTERNAL] 444185-1- CR 846 over drainage canal replacement- Collier County- Species Concurrence Request

Wrublik, John <john_wrublik@fws.gov>

Wed 12/11/2019 7:41 AM

To: Pipkin, Gwen G <Gwen.Pipkin@dot.state.fl.us>
Cc: Kristin Caruso <kcaruso@scalarinc.net>; Feagle, Autumn Brooke <Brooke.Feagle@dot.state.fl.us>

Gwen,

I have reviewed your email regarding the proposed bridge replacement project, and I request the following
information:

1) A figure illustrating the construction plans for the proposed bridge replacement.

2) The total acreage to be impacted within the construction footprint, and acreage of each habitat type, within the construction footprint.

3) Please indicate if the project will impact wetlands, and if so, the acreage of wetlands to be impacted.

4) Please indicate where equipment and materials will be stored during the construction of the project , and whether
this will result in additional impacts to Federally listed species.

5) Please indicate if a temporary access road will be constructed to allow motor vehicles to continue using the road during the removal and replacement of the existing bridge, or if the section of roadway will be closed to through traffic at this time.

6) As indicated in your email, the project will result in the loss of 8.53 Panther Habitat Units (PHUs). Please provide the results of a panther habitat assessment conducted for the project footprint based on the Service's Panther Habitat Methodology. This should include the number of PHUs provided by the project and the number of PHUs needed to compensate for panther habitat lost due to the project.

7) A figure illustrating the plans for the wildlife shelves proposed for the project. This should include the clearance in feet from the top of the shelves to the
bottom of the bridge.

8) Based on the information provided, the project will result in the loss of foraging habitat within the primary zone (i.e., all lands
within 985 feet) of an active nest of Audubon's crested caracara. As a conservation measure to benefit the recovery and survival of Audubon's
crested caracara, and to help the Federal Highway Administration/Florida Department of Transportation meet its obligations under Section7(a)(1) of the
Endangered Species Act, the Service requests that $10,000.00 be provided to the Service's Audubon crested caracara fund
administered by the Fish and Wildlife Foundation of Florida.

If you have any questions regarding this email, please let me know.

thanks,
John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Fri, Dec 6, 2019 at 4:23 PM Pipkin, Gwen G <Gwen.Pipkin@dot.state.fl.us> wrote:

> Hi John!
>
> A while back, Collier County began a project involving 11 bridge replacements along CR 846/Immokalee Road, CR 858/County Line Road, and CR 858/Oil Well Road. The bridge replacements were slated to use state funds, however, one bridge (#030138) along CR 846 changed to federal funding. As such, the FDOT is seeking concurrence for species involvement for the Audubon's crested caracara and the Florida panther. I understand that Collier County's consultant for this project, HNTB, has coordinated with you several times over the course of the permitting process and that you are familiar with this project.
>
> Audubon's crested caracara: Please see the attached bridge location and caracara observation map for your reference. During foraging and nesting surveys conducted from January 7 to May 3, 2019 by HNTB, it was confirmed that caracara are foraging and nesting within the proximity of this bridge location. A nest was discovered 430 meters south (within the secondary zone) of Bridge #030138 on January 7, 2019. As such, the staff ceased nesting surveys at this station and began productivity surveys. This nest was located 12 meters off the ground in a cabbage palm and successfully fledged three chicks between the period of January 21- February 4, 2019. As shown in the attached map, caracara activity is present in the area of the bridge. FDOT is requesting your concurrence that the finding of "may affect, not likely to adversely affect" is applicable for the Audubon's crested caracara.

Florida panther: The project is located within the Primary Zone for the Florida Panther and the total project area is over 1 acre. Based on the panther effects determination key, this results in a "may affect" with either formal or informal consultation required. We are requesting informal consultation with the USFWS with this email communication. Note that there is: (1) no additional right of way acquisition, (2) no increase capacity, and (3) no net increase in traffic is anticipated. Additionally, (4) there are wildlife shelves proposed on both sides of the new bridge. In the study completed by HNTB, it was concluded that the panther habitat unit analysis yielded a total of 8.53 PHUs. Mitigation within the dispersal zone, via credit purchase from Panther Passage Mitigation Bank, is proposed to offset impacts. FDOT is requesting your concurrence that, given the proposed purchase of PHUs as mitigation, the finding of "may affect, not likely to adversely affect" is sufficient for the Florida panther.

Thanks, John, and let me know if you have any questions!

Gwen G. Pipkin, CPM

District Environmental Manager

Office - 863.519.2375

Cell - 863-280-5850

gwen.pipkin@dot.state.fl.us

Re: FDOT SR80 Construction Project

WJ

Wrublik, John
Thu 12/12/2019 3:32 PM

- Shindle, David B

20150630_letter_Service to Corps_CPA0294 SR 80 from Dalton Lane to Indian Hills Drive BO.pdf
5 MB

attached is the complete bo

John M. Wrublik
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Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Thu, Dec 12, 2019 at 3:23 PM Shindle, David <david_shindle@fws.gov> wrote:
Thanks John!

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service
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On Thu, Dec 12, 2019 at 3:21 PM Wrublik, John <john_wrublik@fws.gov> wrote:
Dave, We actually wrote BOs on two segments of this section of SR 80, Dalton Lane to Indian Hills Drive, and Indian
Hills Drive to CR 833. See attached BOs.

John

John M. Wrublik
U.S. Fish and Wildlife Service
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On Thu, Dec 12, 2019 at 3:03 PM Shindle, David <david_shindle@fws.gov> wrote:
Hi John-

I'm assuming that there was a BO for this project? If so, could you please forward me a copy (or the location on the server)?

Much appreciated.

http://www.swflroads.com/sr80/daltonlntocr833.pdf

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
12085 State Road 29 S
Immokalee, FL 34142
Desk 239-657-8013
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United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

June 29, 2015

Alan M. Dodd
District Commander
U.S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

Service CPA Code:	04EF2000-2011-CPA-0294
Service Consultation Code:	04EF2000-2011-F-0275
Corps Application No.:	SAJ-2013-00705 (IP-GGL)
Date Received:	May 13, 2013
Consultation Initiation Date:	February 12, 2015
Applicant:	Florida Department of Transportation
Project:	State Road 80 from Dalton Lane to Indian Hills Drive
County:	Hendry

Dear Colonel Dodd:

The U.S. Fish and Wildlife Service (Service) has received your letter dated May 13, 2013, requesting we initiate formal consultation for the U.S. Army Corps of Engineers' (Corps) authorization of the Florida Departments of Transportation's (FDOT) widening of State Road (SR) 80 from Dalton Lane to Indian Hills Drive (SR 80 Project). Accordingly, this letter transmits the Service's Biological Opinion on the SR 80 Project and its effects on the on the endangered Florida panther (panther; *Puma concolor coryi*) and the threatened Audubon's crested caracara (*Caracara cheriway* = *Polyborus plancus audubonii*; caracara). This letter and Biological Opinion is written in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

Consultation History

In an email to the Service dated May 13, 2013, the Corps provided a Public Notice for the SR 80 project. In the Public Notice the Corps determined the project may affect, but is not likely to adversely affect the threatened Eastern indigo snake (*Drymarchon corais couperi*) and the endangered wood stork (*Mycteria americana*), and may affect and is likely to adversely affect the panther and caracara. The Corps also requested the Service initiate formal consultation on the project for the project's adverse effects to the panther and the caracara, pursuant to section 7 of the Act (as described in 50 CFR § 402.14).

On August 28, 2013, the Service received confirmation from the Wildlife Foundation of Florida (WFF) that the FDOT provided $25,000.00 to the WFF. The purpose of the contribution is to support monitoring of the caracara in the State of Florida.

In an email to the FDOT dated August 30, 2013, the Service requested additional information on how they intend to minimize the SR 80 Project's adverse effects to the panther.

In an email to the Service dated February 12, 2015, the FDOT's consultant provided the information requested in the August 30, 2013, email referenced above.

SPECIES NOT LIKELY TO BE ADVERSELY AFFECTED BY THE PROPOSED ACTION

Eastern indigo snake

The project occurs in the geographic range of threatened eastern indigo snake. The Corps has determined the SR 80 Project may affect, but is not likely to adversely affect the eastern indigo snake. To avoid adverse effects to the eastern indigo snake during construction, the FDOT has agreed to follow the Service's *Standard Protection Measures for the Eastern Indigo Snake* (Service 2013) during construction of the project. Based on the protective measures proposed, the Service concurs with the Corps' determination that the project will not adversely affect the eastern indigo snake.

Wood stork

The project occurs in the geographic range of threatened wood stork. The Corps has determined the SR 80 Project may affect, but is not likely to adversely affect the wood stork. The project will result in the loss of 9.54 acres (ac) [3.86 hectare (ha)] of wetlands and 29.7 ac (12.02 ha) of roadside ditches that may provide potential foraging habitat for the wood stork. Based on the minor loss of potential foraging habitat resulting from the project, the Service concurs with the Corps' determination that the project is not likely to adversely affect the wood stork. FDOT has agreed to incorporate wetland compensation that also provides wood stork foraging habitat into the project. The FDOT will use the Service's Wood Stork Foraging Assessment Methodology (Service 2012) to make sure the wood stork foraging habitat lost as a result of the project is replaced at the wetland mitigation site, and is acceptable to the Service, prior to the issuance of the Corps' permit for the project.

For the species listed above, this letter fulfills the requirements of section 7 of the Act and further action is not required. If modifications are made to the project, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

BIOLOGICAL OPINION

The purpose of this section is to document the Service's opinion as to whether the SR 80 Project is: (1) likely to jeopardize the continued existence of the panther and caracara (also referred to in this document by the term "jeopardy") and (2) result in the destruction or adverse modification of designated critical habitat for these species.

Jeopardy is defined as an action that is reasonably expected, directly or indirectly, to diminish the numbers, reproduction, or distribution of a species so that the likelihood of survival and recovery in the wild of the species is appreciably reduced. In determining if an action will result in jeopardy, the Service begins by looking at the current status of the species, or "baseline." Added to the baseline are the various direct, indirect, interrelated, and interdependent effects of the proposed Federal action. The Service also examines the cumulative effects of other non-Federal actions that may occur in the action area, including state, tribal, local, or private activities that are reasonably certain to occur in the project area.

Critical habitat is defined as: (1) specific geographic areas within the occupied range of a species containing physical or biological features essential for the conservation of the species (these areas may also require special management and protection) and (2) specific areas outside the occupied geographic range of the species that are essential for the conservation of the species.

Destruction or adverse modification of critical habitat is defined as a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a species. Such alterations include, but are not limited to, those that modify any physical or biological feature or features that were the basis of the designation of the critical habitat for the species.

This Biological Opinion is based on information provided in the FDOT's letter to the Service dated May 13, 2013; information on the project from the applicant's consultant; and meetings, telephone conversations, emails, and other sources of information. A complete record of this consultation is on file at the Service's South Florida Ecological Services Office, Vero Beach, Florida. As of February 12, 2015, the Service had received all the information necessary for initiation of formal consultation on the panther and caracara for this project as required in the regulations governing interagency consultations (50 CFR § 402.14). The Service is providing this Biological Opinion in conclusion of formal consultation for the SR 80 Project.

DESCRIPTION OF PROPOSED ACTION

The FDOT proposes to widen a 4.875-mile (mi)[7.8 kilometer (km)]) section of SR 80 from Dalton Lane to Indian Hills Drive. The existing two-lane paved road will be enlarged to four paved lanes with a sodded center median. Drainage swales and a sodded right-of-way will also be constructed in association with the project. The project will fill 39.24 ac [15.88 ha] of surface waters and 9.54 ac (3.9 ha) of wetlands. The purpose of the project is to reduce traffic congestion associated with ongoing human population growth and development. The FDOT has determined the existing two-lane roadway would need to be expanded to four lanes for SR 80 to operate at or above their minimum acceptable level of service. The time needed to complete the project is not precisely known. However, it is likely all works associated with the project will be completed in 2 to 3 years. The project is located in Sections 1 and 2, Township 43 South, Range 30 East; and Sections 4, 5, and 6, Township 43 South, Range 31 East in Hendry County, Florida (Figure 1).

Adverse effect to the panther and proposed compensation

The project will impact 180.11 ac (72.88 ha) of land within the "Secondary" zone (Kautz et al. 2006) of the Service's "Focus Area" (Figures 2 and 3) for the endangered Florida panther. The project footprint within the Secondary Zone is comprised of 0.38 ac (0.15 ha) of pine forest, 6.73 ac (2.7 ha) of hardwood swamp, 2.21 ac (0.9 ha) of dry prairie, 1.47 ac (0.6 ha) of unimproved pasture, 0.13 ac (0.05 ha) of shrub swamp, 52.89 ac (21.4 ha) of improved pasture, 11.13 ac (4.5 ha) of crop lands, 5.06 ac (2 ha) of citrus grove, 3.07 ac (1.2 ha) of wet prairie, 1.83 ac (0.7 ha) of exotic plants, 0.12 ac (0.05 ha) of disturbed lands, 15.42 ac (6.24 ha) of surface waters, and 79.67 ac of existing roadway and urbanized lands. The Service finds the project site provides 85.02 ac of habitat types suitable for panther feeding and dispersal. Therefore, the project will result in the loss of about 85.02 ac (34.10 ha) of panther habitat. The Service has determined the 85.02 ac (34.10 ha) of panther habitat to be impacted provide 458.472 Panther Habitat Units (PHUs) (Table 5).

The FDOT has proposed to minimize the adverse effects of the loss of panther habitat resulting from the project by acquiring 791 PHUs from a Service-approved conservation bank or wetland mitigation bank. The proposed compensation plan provides habitat preservation and restoration near the project area, and is consistent with goal 1.1.1.2.3 in the Panther Recovery Plan (Service 2008) recommending habitat preservation and restoration be provided, especially within the Primary Zone, in situations where land use intensification cannot be avoided. The applicant will provide equivalent habitat protection and restoration, to compensate for both the function and value of the lost habitat.

In order to minimize the potential for vehicle related panther mortality and injury, the bridges at the C-2 Canal (also known as the Goodno Canal) will include an 8-foot (ft) [2.4 m] wide shelf with at least 6 ft (1.8 m) of vertical clearance. This structure will be located underneath each bridge on the eastern side of the C-2 Canal between the canal and the bridge's concrete piles. The purpose of the shelves is to allow panthers and other wildlife to cross safely under the roadway. In addition, 8-ft (2.4 m) tall chain link fencing will be installed on both sides of the roadway from the bridge structure to approximately 375 ft (114.3 m) east of the bridges to funnel animals to the underpass structure. Fencing will also be installed within the center roadway median between the two bridge structures to ensure that animals using the shelf cannot access the center median while crossing under the roadway.

Adverse effect to the caracara and proposed compensation

Construction of the project is expected to adversely affect the caracara. Surveys conducted by the FDOT's consultant in early 2012 documented an active caracara nest within a cabbage palm (*Sabal palmetto*) tree located approximately 900 ft (274.3 m) south of the SR 80 right-of-way and 1,260 ft (384 m) east of Wellington Parkway (Figure 4). The project will increase disturbance near the nest site and result in the destruction of 0.94 ac (0.38 ha) of habitat types within the Primary zone (*i.e.*, all lands within 985 ft [300.2 m]) of an active caracara nest that provide foraging habitat for the caracara. The project will also result in a total loss of 85.02 ac (34.41 ha) of uplands and wetlands within the 180.11-ac (72.88 ha) project corridor that may provide foraging habitat for caracaras. To minimize the potential adverse effects of the action to

the caracara, the FDOT has provided $25,000.00 to the WFF to support monitoring of the caracara in Florida. The WFF monitoring effort will provide information on how development-related disturbances and changes in habitat availability affect caracara nesting and reproduction.

Action area

The action area is defined as all areas to be directly or indirectly affected by the Federal action and not just the immediate area involved in the action.

The Service considers the action area for this project as all lands within the footprint of the SR 80 from Dalton Lane to Indian Hills Drive project, and all lands located in the Service's panther Focus Area (Focus Area) within 25 mi (40.2 kiometers [km]) of the project footprint (Figure 5). The 25-mi (40.2 km) distance around the project footprint is based on the mean dispersal distances reported for subadult male panthers of 37.3 km (23.2 mi) (Maehr et al. 2002a), and 40.1 km (24.9 mi) (Comiskey et al. 2002), and encompasses the dispersal distance of both male and female panthers because male panther dispersal distances are known to exceed those reported for female panthers (Maehr et al. 2002a; Comiskey et al. 2002). The size of the action area for this consultation is consistent with action areas defined in our recent biological opinions for the panther, and it encompasses the wide ranging movements of subadult panthers and the large home territories of adult panthers.

The Focus Area denotes areas in Florida where development projects could potentially affect the panther (Figure 2) and is based on the scientific information on panther habitat usage provided in Kautz et al. (2006) and Thatcher et al. (2006). The Focus Area includes lands in Charlotte, Glades, Hendry, Lee, Collier, Palm Beach, Broward, Miami-Dade, and Monroe Counties, as well as the southern portion of Highlands County (Figure 2). Developed urban coastal areas in eastern Palm Beach, Broward, and Miami-Dade Counties, and in western Charlotte, Lee, and Collier Counties were excluded because they contain little or no panther habitat, and it is unlikely panthers would use such areas. Additional details regarding the Panther Focus Area zones (*e.g.*, Primary, Secondary, etc.) can be found in the *Habitat Characteristics/Ecosystem* and *South Florida Panther Population Goal* headings, below. Areas outside of the Panther Focus Area, but within the original Consultation Area (Figure 2), are collectively known as the "Other Zone." The project will result in the widening of an existing highway, and not provide new access to undeveloped lands. Therefore, the Service finds it unlikely the project will induce new development in the project area.

The Service finds the action area sufficiently large to incorporate all lands where nesting activities of the caracara could potentially be disturbed due to short-term construction activities associated with the road widening, and the ongoing motor vehicle traffic using the highway upon completion of the project.

STATUS OF THE SPECIES/CRITICAL HABITAT RANGEWIDE

Panther

Species/critical habitat description

An adult panther is unspotted and typically rusty reddish-brown on the back, tawny on the sides, and pale gray underneath. Adult males can reach a length of 7 ft (2.1 meters [m]) from their nose to the tip of their tail and may exceed 161 pounds (lbs) [73 kilograms (kg)] in weight; but, typically adult males average around 116 lbs (52.6 kg) and stand about 24 to 28 inches (in) [60 to 70 centimeters (cm)] at the shoulder (Roelke 1990). Female panthers are smaller with an average weight of 75 lbs (34 kg) and length of 6 ft (1.8 m) (Roelke 1990). Florida panther kittens are gray with dark brown or blackish spots and five bands around the tail. The spots gradually fade as the kittens grow older and are almost unnoticeable by the time they are 6 months old. At this age, their bright blue eyes slowly turn to the light-brown straw color of the adult (Belden 1988).

Three external characteristics: a right angle crook at the terminal end of the tail, a whorl of hair or cowlick in the middle of the back, and irregular, white flecking on the head, nape, and shoulders – not found in combination in other subspecies of *Puma* (Belden 1986), were commonly observed in panthers through the mid-1990s. The kinked tail and cowlicks were considered manifestations of inbreeding (Seal 1994); whereas the white flecking was thought to be a result of scarring from tick bites (Maehr 1992; Wilkins et al. 1997). Four other abnormalities prevalent in the panther population prior to the mid-1990s were cryptorchidism (one or two undescended testicles), low sperm quality, atrial septal defects (the opening between two atria in the heart fails to close normally during fetal development), and immune deficiencies; and these were suspected to be the result of low genetic variability (Roelke et al. 1993).

Taxonomy

The panther was first described by Charles B. Cory in 1896 as *Felis concolor floridana* (Cory 1896). The type specimen was collected in Sebastian, Florida. Bangs (1899), however, believed the Florida panther was restricted to peninsular Florida and could not intergrade with other *Felis* sp. Therefore, he assigned it full specific status and named it *Felis coryi* since *Felis floridana* had been used previously for a bobcat (*Lynx rufus*).

Culver et al. (2000) examined genetic diversity within and among the described subspecies of *Puma concolor* using three groups of genetic markers and proposed a revision of the genus to include only six subspecies, one of which encompassed all puma in North America including the Florida panther. They determined the Florida panther was one of several smaller populations that had unique features. Specifically, the number of polymorphic microsatellite loci and amount of variation were lower, and it was highly inbred. The degree to which the scientific community accepted the results of Culver et al. (2000) and the proposed change in taxonomy is not resolved (Service 2008). The Florida panther remains listed as a subspecies, and continues to receive protection pursuant to the Act.

Federal status

The panther is the last subspecies of *Puma* (also known as mountain lion, cougar, panther, or catamount) still surviving in the eastern United States. Historically occurring throughout the southeastern United States (Young and Goldman 1946), today the panther is restricted to less than 5 percent of its historic range located in south Florida.

When Europeans first came to this country, pumas roamed most all of North, Central, and South America. Early settlers attempted to eradicate pumas by every means possible. By 1899, it was believed Florida panthers had been restricted to peninsular Florida (Bangs 1899). By the late 1920s to mid-1930s, it was thought by many the Florida panther had been completely extirpated (Tinsley 1970). In 1935, Dave Newell, a Florida sportsman, hired Vince and Ernest Lee, Arizona houndsmen, to hunt for panthers in Florida. They killed eight in the Big Cypress Swamp (Newell 1935). Every survey conducted since then confirmed a breeding panther population in southern Florida south of the Caloosahatchee River, and no survey since then has been able to confirm a reproducing panther population outside of southern Florida.

Prior to 1949, panthers could be killed in Florida at any time of the year. In 1950, the Florida Game and Fresh Water Fish Commission (now FWC) declared the panther a regulated game species due to concerns over declining numbers. The FWC removed panthers from the game animal list in 1958 and gave them complete legal protection. On March 11, 1967, the Service listed the panther as endangered (32 FR 4001) throughout its historic range, and these animals received Federal protection under the passage of the Act in 1973. In addition, the Florida Panther Act (Florida Statute 372.671), a 1978 Florida State law, made killing a panther a felony. The Florida panther is listed as endangered by the States of Florida, Georgia, Louisiana, and Mississippi in addition to its Federal listing.

Since the panther was designated as an endangered species prior to enactment of the Act, there was no formal listing package identifying threats to the species as currently required by section 4(a)(1) of the Act. However, the Florida Panther Recovery Plan, third revision, addressed the five factor threats analysis (Service 2008). Critical habitat has not been designated for the panther.

Life history

Male panthers are polygynous, maintaining large, overlapping home ranges containing several adult females and their dependent offspring. Breeding activity peaks from December to March (Shindle et al. 2003). Litters (n = 82) are produced throughout the year, with 56 to 60 percent of births occurring between March and June (Jansen et al. 2005; Lotz et al. 2005). The greatest number of births occurs in May and June (Jansen et al. 2005; Lotz et al. 2005). Average litter size is 2.4 (± 0.91 standard deviations) kittens. Seventy percent of litters are comprised of either two or three kittens.

Panther dens are usually located closer to upland hardwoods, pinelands, and mixed wet forests and farther from freshwater marsh-wet prairie (Benson et al. 2008). Most den sites are located in dense saw palmetto (*Serenoa repens*), shrubs, or vines (Maehr 1990; Shindle et al. 2003,

Benson et al. 2008). Den sites are used for 6 to 8 weeks by female panthers and their litters from birth to weaning (Benson et al. 2008). Independence and dispersal of young typically occurs at 18 months, but may occur as early as 1 year (Maehr 1992).

Survivorship and causes of mortality

Benson et al. (2009) analyzed survival and cause-specific mortality of subadult and adult panthers. They found that sex and age influenced panther survival, as females survived better than males, and older adults (≥10 years) survived poorly compared with younger adults. Genetic ancestry strongly influenced annual survival of subadults and adults after introgression, as F_1 generation admixed panthers survived longer than pre-introgression panthers and non-F_1 admixed individuals (Benson et al. 2009).

Mortality records for uncollared panthers have been kept by the FWC for all panthers since February 13, 1972, and for radio-collared panthers since February 10, 1981 (FWC 2013, and FWC unpublished data). Through June 4, 2015, 422 mortalities have been documented. Of the 422 total mortalities, 181 were radio-collared. Intraspecific aggression was the leading cause of mortality for radio-collared panthers, and was more common for males than females. Older-adult males had significantly higher and subadult males had marginally higher mortality due to intraspecific aggression than adult males in their prime. Most intraspecific aggression occurs between male panthers; but, aggressive encounters between males and females have occurred, resulting in the death of the female. Defense of kittens or of kill is suspected in half (five of ten) of the known instances through 2003 (Shindle et al. 2003). Following intraspecific aggression, the greatest causes of mortality for radio-collared Florida panthers was from vehicles, and unknown causes (FWC 2013, and FWC unpublished data).

From February 13, 1972, through June 4, 2015, 238 panthers (radio-collared and uncollared) were hit by vehicles (FWC 2013, and FWC unpublished data). These collisions resulted in 229 panther fatalities and 9 non-fatal injuries. The number of panther/vehicle collisions per year is positively correlated with the annual panther count (McBride et al. 2008).

Female panthers are considered adult residents if they are older than 18 months, have established home ranges and have bred (Maehr et al. 1991). Land et al. (2004) reported 23 of 24 female panthers first captured as kittens survived to become residents and 18 (78.3 percent) produced litters; 1 female was too young to determine residency. Male panthers are considered adult residents if they are older than 3 years and have established a home range that overlaps with females. Thirty-one (31) male panthers were captured as kittens and 12 (38.7 percent) of these cats survived to become residents (Jansen et al. 2005). "Successful male recruitment may depend on the death or home range shift of a resident adult male" (Maehr et al. 1991). Turnover in the breeding population is low with documented mortality in radio-collared panthers being greatest in subadult and non-resident males (Maehr et al. 1991; Shindle et al. 2003).

Den sites of female panthers have been visited since 1992 and the kittens tagged with passive integrated transponder chips. Annual survival of these kittens has been determined to be 0.328 ± 0.072 Standard Error (Hostetler et al. 2009). There was no evidence survival rate differed between male and female kittens or was influenced by litter size. Hostetler et al. (2009)

found kitten survival generally increased with degree of admixture with introduced Texas pumas and decreased with panther abundance. Kitten survival is lowest during the first 3 months of their lives (Hostetler et al. 2009).

Dispersal

Panther dispersal begins after a juvenile becomes independent from its mother and continues until it establishes a home range. Dispersal distances are greater for males than females. The maximum dispersal distance recorded for a young male was 139.2 mi (224.1 km) over a 7-month period followed by a secondary dispersal of 145 mi (233 km). Comiskey et al. (2002) found males disperse an average distance of 25 mi (40 km) and females typically remain in or disperse short distances from their natal ranges. Female dispersers are considered philopatric because they usually establish home ranges less than one average home range width from their natal range (Maehr et al. 2002a). Maehr et al. (2002a) reported all female dispersers (n = 9) were successful at establishing a home range whereas only 63 percent of males (n = 18) were successful. Dispersing males usually go through a period as transient (non-resident) subadults, moving through the fringes of the resident population and often occupying suboptimal habitat until an established range becomes vacant (Maehr 1997). Most panther dispersal occurs south of the Caloosahatchee River. However, panthers have been documented north of the Caloosahatchee River many times since February 1972 through field signs (*e.g.*, tracks, urine markers, scats), camera-trap photographs, carcasses from vehicle-related mortalities, telemetry from radio-collared animals (Land and Taylor 1998; Land et al. 1999; Shindle et al. 2000; Maehr et al. 2002b; Belden and McBride 2005), captured animals (one of which was radio collared), and one skeleton.

The Caloosahatchee River, a narrow (295-328 ft [90-100 m] wide), channelized river, is probably not a significant barrier to panther movements. Western subspecies of *Puma* are known to cross wide, swift-flowing rivers up to a mile in width (Seidensticker et al. 1973; Anderson 1983). However, the combination of the river, SR 80, and land uses along the river seems to have somewhat restricted panther dispersal northward (Maehr et al. 2002b). Documented physical evidence of at least 15 uncollared male panthers has been confirmed north of the river since 1972, but neither female panthers nor reproduction have been documented in this area since 1973 (Belden and McBride 2005).

Home range dynamics and movements

Panthers require large areas to meet their needs. Numerous factors influence panther home range size, including: habitat quality, prey density, and landscape configuration (Belden 1988; Comiskey et al. 2002). Home range sizes of six radio-collared panthers monitored between 1985 and 1990 averaged 128,000 ac (51,800 ha) for resident adult males and 48,000 ac (19,425 ha) for resident adult females; transient males had a home range of 153,599 ac (62,160 ha) (Maehr et al. 1991). Comiskey et al. (2002) examined the home range size for 50 adult panthers (residents greater than 1.5 years old) monitored in south Florida from 1981 to 2000 and found resident males had a mean home range of 160,639 ac (65,009 ha) and females had a mean home range of 97,920 ac (39,627 ha). Beier et al. (2003) found home range size estimates for panthers reported by Maehr et al. (1991) and Comiskey et al. (2002) to be reliable.

Annual minimum convex polygon home range sizes of 52 adult radio-collared panthers monitored between 1998 and 2002 ranged from 15,360 to 293,759 ac (6,216 to 118,880 ha), averaging 89,600 ac (36,260 ha) for 20 resident adult males and 44,160 ac (17,871 ha) for 32 resident adult females (Land et al. 1999, 2002; Shindle et al. 2000, 2001). The most current estimate of home-range sizes (minimum convex polygon method) for established, non-dispersing, adult, radio-collared panthers averaged 29,056 ac (11,759 ha) for females ($n = 11$) and 62,528 ac (25,304 ha) for males ($n = 11$) (Lotz et al. 2005). The average home range was 35,089 ac (14,200 ha) for resident females ($n = 6$) and 137,143 ac (55,500 ha) ($n = 5$) for males located at Big Cypress National Preserve (BICY) (Jansen et al. 2005). Home ranges of resident adults tend to be stable unless influenced by the death of other residents.

Activity levels for panthers are greatest at night with peaks around sunrise and after sunset (Maehr et al. 1990b). The lowest activity levels occur during the middle of the day. Female panthers at natal dens follow a similar pattern with less difference between high and low activity periods.

Telemetry data indicate panthers typically do not return to the same resting site day after day, with the exception of females with dens or panthers remaining near kill sites for several days. The presence of physical evidence such as tracks, scats, and urine markers, confirms panthers move extensively within home ranges, visiting all parts of the range regularly in the course of hunting, breeding, and other activities (Maehr 1997; Comiskey et al. 2002). Males travel widely throughout their home ranges to maintain exclusive breeding rights to females. Females without kittens also move extensively within their ranges (Maehr 1997). Panthers are capable of moving large distances in short periods of time. Nightly panther movements of 12 mi (20 km) are not uncommon (Maehr et al. 1990b).

Intraspecific interactions

Adult females and their kittens interact more frequently than any other group of panthers. Interactions between adult male and female panthers last from 1 to 7 days and usually result in pregnancy (Maehr et al. 1991). Aggressive interactions between males often result in serious injury or death. Independent subadult males have been known to associate with each other for several days and these interactions do not appear to be aggressive in nature. Aggression between males is the most common cause of male mortality and an important determinant of male spatial and recruitment patterns based on radio-collared panthers (Maehr et al. 1991; Shindle et al. 2003).

Food habits

Primary panther prey species are white-tailed deer and feral hog (*Sus scrofa*) (Maehr et al. 1990a; Dalrymple and Bass 1996). Generally, feral hogs constitute the greatest biomass consumed by panthers north of the Alligator Alley section of I-75, while white-tailed deer are the greatest biomass consumed to the south (Maehr et al. 1990a). Secondary prey species include raccoons (*Procyon lotor*), nine-banded armadillos (*Dasypus novemcinctus*), marsh rabbits (*Sylvilagus palustris*) (Maehr et al. 1990a) and American alligators (*Alligator mississippiensis*) (Dalrymple and Bass 1996). No seasonal variation in diet has been detected. Maehr et al. (1990a) rarely observed domestic livestock in scats or kills of the panther, although cattle were readily available in the study area.

Little information on the feeding frequency of the panther is available. However, the feeding frequency of the puma is likely similar to the feeding frequency of the panther. Ackerman et al. (1986) reported a resident adult male puma generally consumes one deer-sized prey every 8 to 11 days. Moreover, a female puma will consume one deer-sized prey item every 14 to 17 days for a resident female and one deer-sized prey item every 3.3 days for a female with three 13-month-old kittens.

Infectious diseases, parasites, and environmental contaminants

While infectious diseases and environmental contaminants are stressors for panthers, they are not likely to be affected, either positively or negatively by the proposed project. Therefore, they will not be discussed in this biological opinion. For information on this topic, please see the Service's latest recovery plan for the panther (Service 2008).

Status and distribution

Although generally considered unreliable, sightings of panthers regularly occur throughout the southeast. Nonetheless, a reproducing population of panthers has not been documented to occur outside of south Florida for at least 30 years despite an extensive search effort (Belden et al. 1991; McBride et al. 1993; Clark et al. 2002). Survey reports and more than 70,000 locations of radio-collared panthers recorded between 1981 and 2004 clearly define the panther's current breeding range. Reproduction is known only in the Big Cypress Swamp and Everglades physiographic region in Collier, Lee, Hendry, Miami-Dade, and Monroe Counties, south of the Caloosahatchee River (Belden et al. 1991). As discussed previously, panthers occasionally disperse north of the Caloosahatchee River. However, these animals are likely all males searching to establish new territories. There is no evidence of female panthers or successful panther reproduction currently occurring north of the Caloosahatchee River (Nowak and McBride 1974; Belden et al. 1991; Land and Taylor 1998; Land et al. 1999; Shindle et al. 2000; McBride 2002; Belden and McBride 2005). In 1973, McBride captured one female in Glades County (Nowak and McBride 1974). This was the last time a female panther was identified north of the Caloosahatchee River.

Minimum population counts

McBride et al. (2008,2009, 2010, 2011, 2012, 2013) reported minimum population counts (*i.e.*, number known alive) based on physical evidence (*e.g.*, tracks, urine markers, panther treed with hounds, trail-camera photos). They counted adult and subadult panthers, but not kittens at the den.Three rules were used to distinguish individuals: (1) gender was determined by track size or stride length; (2) time (freshness) was determined by known events within the past 24 hours, such as wind or rain; and (3) distance between individual track sets. These rules were used as an exclusionary tool to avoid over-counting (McBride et al. 2008). The number of panthers detected and verified by physical evidence from 1981 to 1994 fluctuated between a high of 30 and a low of 19 adult and juvenile panthers, with the lowest point occurring in 1991 following the removal of seven juveniles and three kittens to initiate a captive breeding program (McBride et al. 2008). In 1995, eight female pumas from Texas were released to address suspected deleterious effects of inbreeding. From 1996 to 2003, the panther population increased at a rate of 14 percent per year with 26.6 kittens being produced annually (Johnson et al. 2010). The effective population size (N_e) rose from 16.4 in 1995 to 32.1 in 2007, with corresponding census populations (N) of 26 and 102, respectively. The population tripled since 1995 (McBride et al. 2008, Johnson et al.

2010), reaching 117 by 2007 (mortalities not subtracted). Data reported in McBride (2000, 2001, 2002, 2003, 2004, 2006, 2007, 2008, and 2009), McBride et al. (2010, 2011, 2012 and 2013), and Johnson et al. (2010) noted minimum population counts of 62 panthers in 2000, 78 in 2001, 80 in 2002, 87 in 2003, 78 in 2004, 82 in 2005, 97 in 2006, 117 in 2007, 104 in 2008, 113 in 2009, 115 in 2010, 111 in 2011, 123 in 2012, and 133 in 2014. Table 1 provides a yearly tabulation of the population counts with the annual mortalities also shown.

Population density

Maehr et al. (1991) provide an estimate of population density of 1 panther per 27,520 ac (11,140 ha), based on 17 radio-collared and 4 uncollared panthers. They extrapolated this density to the area occupied by radio-collared panthers (1,245,435 ac [503,800 ha]) during the period 1985 to 1990 to achieve a population estimate of 46 adult panthers for southwest Florida (excluding Everglades National Park [ENP], eastern BICY, and Glades and Highlands Counties). Beier et al. (2003), however, argued this estimate of density, although "reasonably rigorous," could not be extrapolated to other areas because it was not known whether densities were comparable in those areas. Kautz et al. (2006) provided a density estimate of 1 panther per 31,923 ac (12,920 ha) by dividing the panther count at that time (67) by the area within the Primary Zone. This estimate does not take into account the variability in panther densities across the landscape. Using an average of the 2007 to 2009 panther counts in the eight survey units covered by McBride et al. (2008) and Kautz et al. (2006), the density estimates range from a low of one panther per 81,479 ac (32,970 ha) to a high of one panther per 7,850 ac (3,177 ha) for the Primary Zone lands within these survey units.

The FWC (2010) provided an upper bound population estimate of one panther per 13,929 ac (5,637 ha). Applying this density estimate to the Primary Zone (2,270,652 ac [919,000 ha]) yields an upper estimate of 163 adult panthers. The FWC's lower estimate is 100 panthers (1panther per 22,707 ac [9,190 ha]) and is based on annual verified panther sign data (McBride et al. 2008) and minimum number of panthers known to be alive (FWC 2010). Applying these densities to the Primary Zone would yield a population density estimate of 71 panthers (1 panther per 31,923 ac [12,920 ha]) (Kautz et al. 2006). Maehr et al.'s (1991) population estimate of 83 panthers (1 panther per 27,520 ac [9,190 ha]) and the FWC's (2010) estimate would yield a low of 100 panthers (1 panther per 22,707 ac [9,190 ha]) and a high of 163 panthers (1 panther per 13,929 ac [5,637 ha]). For our evaluations, the Service is continuing to use the average densities provided by Kautz et al. (2006) of one panther per 31,923 ac (12,919 ha).

Habitat use

Noss and Cooperrider (1994) considered the landscape implications of maintaining viable panther populations. Assuming a male home range size of 137,599 ac (55,685 ha) (Maehr 1990), an adult sex ratio of 50:50 (Anderson 1983), and some margin of safety, they determined a reserve network as large as 15,625 to 23,438 square miles (mi^2) (40,469 to 60,703 square kilometers [km^2]) would be needed to support an effective population size of 50 individuals (equating to an actual adult population of 100 to 200 panthers [Ballou et al. 1989]). However, to provide for long-term persistence based on an effective population size of 500 individuals (equating to 1,000 to 2,000 adult panthers [Ballou et al. 1989]), could require as much as 156,251 to 234,376 mi^2 (404,687 to 607,031 km^2). This latter acreage corresponds to roughly

60 to 70 percent of the Florida panther's historical range. Although it is uncertain whether this much land is needed for panther recovery, it does provide some qualitative insight into the importance of habitat conservation across large landscapes for achieving a viable panther population (Noss and Cooperrider 1994).

Radio-collar data and ground tracking indicate that panthers use the mosaic of habitats available to them as resting and denning sites, hunting grounds, and travel routes. The majority of telemetry locations (Belden 1986; Belden et al. 1988; Maehr 1990; Maehr et al. 1991; Maehr 1992; Smith and Bass 1994; Kerkhoff et al. 2000; Comiskey et al. 2002, Cox et al. 2006, Kautz et al. 2006, Land et al. 2008) and natal den sites (Benson et al. 2008) were within or close to forested cover types, particularly cypress swamp, pinelands, hardwood swamp, and upland hardwood forests. Global Positioning System data has shown panthers (n = 12) use all habitats contained within their home ranges by selecting for forested habitat types and using all others in proportion to availability (Land et al. 2008).

Kautz et al. (2006) found the smallest class of forest patches (*i.e.*, 9 to 26 ac [3.6 to 10.4 ha]) were the highest ranked forest patch sizes within panther home ranges. The diverse woody flora of forest edges probably provides cover suitable for stalking and ambushing prey (Belden et al. 1988; Cox et al. 2006). Also, dense understory vegetation comprised of saw palmetto provides some of the most important resting and denning cover for panthers (Maehr 1990; Benson et al. 2008). Shindle et al. (2003) estimated 73 percent of panther dens were in saw palmetto thickets.

Between 1981 and 2010, more than 90,000 locations were collected from more than 180 radio-collared panthers. Belden et al. (1988); Maehr et al. (1991); Maehr and Cox (1995); Maehr (1997); Kerkoff et al. (2000); Comiskey et al. (2002); Cox et al. (2006); and Kautz et al. (2006) provide information on habitat use based on various subsets of these data. Land et al. (2008), investigated habitat selection of 12 panthers in the northern portion of the breeding range using Global Positioning System (GPS) telemetry data collected during nocturnal and diurnal periods, as well as VHF telemetry data collected only during diurnal periods, and found analysis of both types of telemetry data yielded similar results.

Even though some suitable panther habitat remains in south-central Florida, it is widely scattered and fragmented (Belden and McBride 2005). Thatcher et al. (2006) used a statistical model in combination with a geographic information system (GIS) to develop a multivariate landscape-scale habitat model based on the Mahalanobis distance statistic (D^2) to evaluate habitats in south central Florida for potential expansion of the Florida panther population. They identified four potential habitat patches: the Avon Park Bombing Range area, Fisheating Creek/Babcock-Webb Wildlife Management Area (WMA), eastern Fisheating Creek, and the Duette Park/ Manatee County area. These habitat patches are smaller and more isolated compared with the current Florida panther range, and the landscape matrix where these habitat patches exist provides relatively poor habitat connectivity among the patches (Thatcher et al. 2006, 2009). Major highways and urban or agricultural development isolate these habitat patches, and they are rapidly being lost to the same development that threatens southern Florida (Belden and McBride 2005).

Travel and dispersal corridors

In the absence of direct field observations/measurements, Harrison (1992) suggested landscape corridors for wide-ranging predators should be half the width of an average home range size.

Following Harrison's (1992) suggestion, corridor widths for panthers would range from 6.1 to 10.9 mi (9.8 to 17.6 km) depending on whether the target animal was an adult female or a transient male. Beier (1995) suggested corridor widths for transient male puma in California could be as small as 30 percent of the average home range size of an adult panther, however; topography in California is dramatically different from that in Florida. Without supporting empirical evidence, Noss (1992) suggests regional corridors connecting larger hubs of habitat should be at least 1.0 mi (1.6 km) wide. Beier (1995) makes specific recommendations for very narrow corridor widths based on short corridor lengths in a California setting of wild lands completely surrounded by urban areas; he recommended that corridors with a length less than 0.5 mi (0.8 km) should be more than 328 ft (100 m) wide, and corridors extending 0.6 to 4 mi (1 to 7 km) should be more than 1,312 ft (400 m) wide. The Dispersal Zone encompasses 44 mi^2 (113 km^2) with a mean width of 3.4 mi (5.4 km). Although it is not adequate to support a single panther, the Dispersal Zone is strategically located and expected to function as an important landscape linkage to south-central Florida (Kautz et al. 2006). Transient male panthers currently use this zone as they disperse northward into south-central Florida.

Population viability

Population Viability Analysis (PVA) has emerged as a key component of endangered species conservation. This process is designed to incorporate demographic information into models that predict if a population is likely to persist in the future. PVAs incorporate deterministic and stochastic events including demographic and environmental variation, and natural catastrophes. PVAs have been criticized as being overly optimistic about future population levels (Brook et al. 1997) and should be viewed with caution; however, they are and have been shown to be surprisingly accurate for managing endangered taxa and evaluating different management practices (Brook 2000).

Shaffer (1981) originally defined a viable population as follows: "a minimum viable population for any given species in any given habitat is the smallest isolated population having a 99 percent chance of remaining extant for 1,000 years despite the foreseeable effects of demographic, environmental and genetic stochasticity, and natural catastrophes." However, the goal of 95 percent probability of persistence for 100 years is the standard recommended by population biologists and is used in management strategies and conservation planning, particularly for situations where it is difficult to accurately predict the future (Shaffer 1978, 1981, 1987; Sarkar 2004).

From 1981 through 2010, 182 panthers were radio-collared and monitored on public and private lands throughout south Florida (FWC 2010). Radio-collar data were used by researchers to estimate survival rates and fecundity and were incorporated into PVA models previously developed for the panther (Seal and Lacy 1989, 1992; Cox et al. 1994; Kautz and Cox 2001; Maehr et al. 2002b). These models incorporated a range of different model parameters such as sex ratios, kitten survival rates, age distributions, and various levels of habitat loss, density dependence, and intermittent catastrophes or epidemics. The outputs of these models predicted a variety of survival scenarios for the panther and predicted population levels needed to ensure the survival of the species.

Root (2004) developed an updated set of PVA models for the panther based on RAMAS GIS software (Akçakaya 2002). These models were used to perform a set of spatially explicit PVAs. Three single-sex (*i.e.*, females only) models were constructed using demographic variables from

Maehr et al. (2002b) and other sources. A conservative model was based on Seal and Lacy (1989), a moderate model was based on Seal and Lacy (1992), and an optimistic model was based on the 1999 consensus model of Maehr et al. (2002b). In each model, first-year kitten survival was set at 62 percent based on recent information from panther population monitoring (Shindle et al. 2001). All of the models assumed a 1:1 sex ratio, a stable age distribution, 50 percent of females breeding in any year, and an initial population of 41 females (82 individuals), which was the approximate population size in 2001 and 2002 (McBride 2001, 2002).

The basic versions of each model incorporated no catastrophes or epidemics, no change in habitat quality or amount, and a ceiling type of density dependence. The basic versions of the models incorporated a carrying capacity of 53 females (106 panthers with a 50:50 sex ratio). The models were run with differing values for density dependence, various levels of habitat loss, and intermittent catastrophes or epidemics. Each simulation was run with 10,000 replications for a 100-year period. The minimum number of panthers needed to ensure a 95 percent probability of persistence for 100 years was estimated in a series of simulations in which initial abundance was increased until probability of extinction at 100 years was no greater than 5 percent. More detailed information concerning the PVA model parameters appears in Root (2004).

The results of an earlier, conservative PVA model run done by Seal and Lacy (1989) predicted a probability of extinction of 78.5 percent in 100 years with a mean final total abundance of 3.5 females. Also, the probability of a large decline in abundance (50 percent) was 94.1 percent. Later work based on improved panther modeling and a larger sample of monitored panthers produced both a moderate and optimistic scenario (Root 2004). The moderate model resulted in a 5 percent probability of extinction and a mean final abundance of 42.3 females in 100 years. The probability of panther abundance declining by half the initial amount was 20 percent in 100 years under the moderate model. The optimistic model resulted in a 2 percent probability of extinction and mean final abundance of 51.2 females in 100 years. The probability of panther abundance declining by half the initial amount was only 9 percent in 100 years under the optimistic model. These models also provide a probability of persistence (100 percent minus probability of extinction) over a 100-year period of 95 percent for the moderate model and 98 percent for the optimistic model.

Model results were also provided by Root (2004) for probability of extinctions for 1 percent loss of habitat per year, within the first 25 years of the model run, based on both the moderate and optimistic scenarios. The 1 percent loss of habitat equates to essentially all remaining non-urban privately owned lands in the Primary Zone and corresponds to the estimated rate of habitat loss from 1986 to 1996 for the five southwest counties based on land use changes (Root 2004). For the moderate model, the model runs predict a probability of extinction increase of about 1 percent to 6 percent with 1.0 percent habitat loss per year for the first 25 years. For the optimistic model, probability of extinction increased from about 2 percent with no loss of habitat to 3 percent with 1.0 percent habitat loss per year, for the first 25 years. These models also predicted the mean final abundance of females would decrease from 41 to 31 females, a 24.3 percent reduction for the moderate model and from 41 to 38 females, a 7.3 percent reduction for the optimistic model.

The probability of persistence over a 100-year period with a 1 percent loss of habitat changed to approximately 94 percent for the moderate model and 97 percent for the optimistic model. The

model runs also predicted a mean final abundance of 62 individuals (31 females and 31 males) for the moderate model and 76 individuals (38 females and 38 males) for the optimistic model. The results of the PVA lead to the development of population guidelines for the Florida panther. Kautz et al. (2006) developed recommendations for panther population size as it relates to persistence following review of the output of Root's PVA models and those of other previous PVAs for the Florida panther. These recommendations are: (1) populations of less than 50 individuals are likely to become extinct in less than 100 years; (2) populations of 60 to 70 are barely viable and expected to decline by 25 percent over 100 years; (3) populations of 80 to 100 are likely stable but would still be subject to genetic problems (*i.e.*, heterozygosity would slowly decline); and (4) populations greater than 240 have a high probability of persistence for 100 years and are demographically stable and large enough to retain 90 percent of original genetic diversity.

Kautz et al.'s (2006) population recommendations, when applied to the populations predicted by Root's (2004) moderate models, describe the "with habitat loss" population (62 panthers) as barely viable and expected to decline by 25 percent over a 100-year period. The "without habitat loss" population (84 panthers) is likely stable but would still be subject to genetic problems.

The Service believes McBride's verified population of 97 panthers in 2006, 117 panthers in 2007, 104 in 2008, 113 in 2009, 115 in 2010, 111 in 2011, 123 in 2012, and 133 in 2013 is within Kautz et al.'s (2006) population recommendations representing a population that is likely stable but still may be subject to genetic problems.

The Service also believes the model runs show lands in the Primary Zone are important to the survival and recovery of the Florida panther, and sufficient lands need to be managed and protected in south Florida to provide for a population of at least 80 to 100 panthers, the population range defined as likely stable over 100 years, but subject to genetic problems. As indicated above, populations greater than 240 individuals have the highest probability of existence. However, the acreage of land within the Primary Zone is not large enough to support 240 or more panthers.

Recovery goals

The recovery objectives identified in the final third revision of the Florida Panther Recovery Plan (Service 2008) are to: (1) maintain, restore, and expand the Florida panther population and its habitat in south Florida and, if feasible, expand the known occurrence of Florida panthers north of the Caloosahatchee River to maximize the probability of the long-term persistence of this metapopulation; (2) identify, secure, maintain, and restore habitat in potential reintroduction areas within the panther's historic range, and to establish viable populations of the panther outside south and south-central Florida; and (3) facilitate panther conservation and recovery through public awareness and education.

The Service's goal for Florida panther conservation in south Florida is to locate, preserve, and restore lands containing sufficient area and appropriate land cover types to ensure the long-term survival of a population of 80 to 100 individuals (adults and subadults) south of the Caloosahatchee River. The Service proposes to achieve this goal through land management partnerships with private landowners, through coordination with private landowners during

review of development proposals, and through land management and acquisition programs with Federal, State, local, private, and Tribal partners. Based on an average density of 31,923 ac (12,920 ha) per panther as determined by Kautz et al. (2006), the acreages of lands necessary to achieve this goal are 2,553,840 ac (1,034,000) for 80 panthers and 3,192,300 ac (1,292000 ha)for 100 panthers.

Habitat conservation and protection

Panthers, because of their wide-ranging movements and extensive spatial requirements, are particularly sensitive to habitat fragmentation (Harris 1984). Mac et al. (1998) defines habitat fragmentation as: "The breaking up of a habitat into unconnected patches interspersed with other habitat which may not be inhabitable by species occupying the habitat that was broken up. The breaking up is usually by human action, as, for example, the clearing of forest or grassland for agriculture, residential development, or overland electrical lines." The reference to "unconnected patches" is a central underpinning of the definition. For panther conservation, this definition underscores the need to maintain contiguous habitat and protected habitat corridors in key locations in south Florida and throughout the panther's historic range. Habitat fragmentation can result from road construction, urban development, and agricultural land conversions.

Habitat protection has been identified as being one of the most important elements to achieving panther recovery. While efforts have been made to secure habitat, continued action is needed to obtain additions to and inholdings for public lands, assure linkages are maintained, restore degraded and fragmented habitat, and obtain the support of private landowners for maintaining property in a manner that is compatible with panther use. Conservation lands used by panthers are held and managed by a variety of entities including the Service, NPS, Seminole Tribe of Florida, Miccosukee Tribe of Indians of Florida, FWC, Florida Department of Environmental Protection (DEP), Florida Division of Forestry (FDOF), Water Management Districts, non-governmental organizations, counties, and private landowners From 1944 to 2015, approximately 3,164,1053, ac (1,280,000 ha) of Federal and State conservation lands in south Florida have been acquired that benefit the Florida panther (Table 2).

Lands of the Seminole Tribe of Florida and Miccosukee Tribe of Indians of Florida encompass over 187,526 ac (75,880 ha) in south Florida (Table 2). Of these, 115,840 ac (46,879 ha) are used by panthers, and comprise 5 percent of the Primary Zone (Kautz et al. 2006). In general, these lands are not specifically managed for the panther and are largely in cultivation. However, in 2007, the Seminole Tribe of Florida reserved about 4,144 ac (1,677 ha) within the Big Cypress Seminole Indian Reservation Native Area, an area encompassing about 14,724 ac (5,957 ha), specifically for the benefit of the Florida panther. The remaining native area, about 10,580 ac (4,282 ha), although not specifically managed for the panther, provides high quality value habitat for the Florida panther and panther prey species.

A variety of Federal, State, and private incentive programs are available to assist private landowners and other individuals with the protection and management of wildlife habitat. Voluntary agreements, estate planning, conservation easements, land exchanges, and conservation/mitigation banks are all methods that have the potential to conserve private lands. In 1954, the National Audubon Society established the nearly 10,880-ac (4,403-ha) Corkscrew Swamp Sanctuary. However, much of much of the land south of the Caloosahatchee River that

provides habitat for panthers is currently in private ownership. However, properties containing panther habitat have been either been acquired or identified for acquisition by the State Acquisition and Restoration Council's Florida Forever Program or other means as described above(*e.g.*, American Prime, Devil's Garden, Half Circle F Ranch, Pal Mal, and Panther Glades). North of the Caloosahatchee River, the Fisheating Creek Conservation Easement consists of 59,910 ac (24,240 ha) in Glades County, and is a private holding used by dispersing male panthers.

Response to management activities

Few studies have examined the response of panthers to various land/habitat management activities. Dees et al. (2001) investigated panther habitat use in response to prescribed fire and found that panther use of pine habitats was greatest for the first year after the area had been burned and declined thereafter. Prescribed burning is believed to be important to panthers because prey species (*e.g.*, deer and hogs) are attracted to burned habitats to take advantage of changes in vegetation structure and composition, including exploiting hard mast that is exposed and increased quality or quantity of forage (Dees et al. 2001). However, depending upon the frequency and effects upon upland habitat communities, prescribed fire may alter the vegetation structure and composition that are necessary for den sites (Maehr and Larkin 2004). Responses of puma to logging activities (Van Dyke et al. 1986) indicate they generally avoid areas within their home range with intensification of disturbance.

Roadways

Roads and highways facilitate the movement of people and goods by cars and trucks, and may adversely affect the Florida panther. The construction of new roads and the widening of existing roads can result in the direct loss of wildlife habitat (Forman et al. 2003). In addition, disturbance resulting from motorized vehicles may cause panthers to avoid busy roads. Maher (1990) reported female panthers are less likely to cross busy highways. Consequently, roads may act as barriers affecting panther movement and fragmenting panther habitat. Panthers can also be injured or killed due to collisions with motorized vehicles when attempting to cross highways, and the potential for collisions increases as traffic increases. Adverse effects resulting from roads and highways represent a potential threat to the existing panther population.

Collisions with motor vehicles on highways are a significant source of mortality for the panther. The FWC documented 229 vehicle-related panther mortalities and 9 vehicle-related panther injuries from 1972 to the present on highways in south Florida. In portions of the panther's range, the rate of panther vehicle-related mortalities may be increasing. Smith et al. (2006) found vehicle-related panther mortalities in Collier County increased by a factor of four from 2000 to 2005, compared to previous decades. This increase in panther mortality is likely related to the increase in traffic from Collier County's population growth. Unfortunately, the effect of vehicle-related mortality on the existing panther population is largely unknown.

Wildlife underpasses, or crossings, can be constructed within highway corridors to reduce the potential for panther injuries and mortalities resulting from vehicle collisions. Underpasses allow panthers and other wildlife to safely cross under busy roadways, and maintain connectivity and gene flow within the panther population. Underpasses usually consist of a bridge, prefabricated concrete box, or culvert (Forman et al. 2003). Effective crossing structures are

large enough to allow the passage of panthers and include adequate wing fencing to funnel panthers to the crossing site. Crossings should be designed so panthers have an unobstructed view of habitat on the opposite side of the underpass (Foster and Humphrey 1995). The status of lands adjacent to the crossing site should also be considered when determining the location of a crossing. Unprotected private lands adjacent to the crossing could be developed and render the crossing unviable. Accordingly, lands adjacent to crossings should be acquired or placed under a conservation easement or other protective covenant to ensure the crossing will function in perpetuity.

A number of wildlife crossings with associated fencing have already been constructed on major roadways in southwest Florida to benefit the panther and other wildlife species (Figure 6). In 1991, the FDOT finished the construction of 28 wildlife crossings within the I-75 corridor from U.S. Highway 27 to just west of Everglades Boulevard. The FDOT also constructed six wildlife crossings on SR 29 between Oil Well Road and US 41. Crossings A, B, C, and D are located north of I-75 and Crossings E and F are located south of I-75. Crossings A and B were constructed in 2007, Crossings C and D were constructed in 1995, Crossing E was constructed in 1997, and Crossing F was constructed in 1999. Prior to construction of the SR 29 Crossings, a total of 10 vehicle-related panther mortalities were recorded near the locations of Crossings A and B from 1980 through 2004, and 2 vehicle-related panther mortalities were recorded near the location of Crossings C and D from 1979 through 1990. Vehicle-related panther mortalities have not been recorded in the vicinity of Crossings A, B, C, or D following their installation. A total of two vehicle-related panther mortalities were documented within 3.5 mi (5.6 km) of the location of Crossing E prior to construction, and vehicle-related panther mortalities were not observed within 2.5 mi (4 km) of the location of Crossing F prior to construction. Following construction of Crossings E and F, a total of 6 vehicle-related panther mortalities have been reported within 3 mi (4.8 km) of Crossing E, and 2 vehicle-related panther mortalities have been documented within 1 mi (1.6 km) of Crossing F.

Lee County, Collier County, and other entities have been working with the Service to construct additional needed crossings for the panther. For example, the Collier County Road Department recently constructed two wildlife underpasses and barrier fencing within the Oil Well Road (CR 858) corridor at Camp Keais Strand, in association with the Oil Well Road widening project. Lee County constructed a wildlife underpass and barrier fencing on Corkscrew Road in 2004. Moreover, in 2011, a wildlife underpass and barrier fencing was installed east of Immokalee on County Road (CR) 846 in Collier County, as part of a Habitat Conservation Plan. A wildlife underpass has also been installed on Immokalee Road near CR 951.

Although these wildlife crossings have contributed to minimization of panther-vehicle interactions, more crossings are needed within the major roadways of south Florida to further reduce this threat to the panther and other wildlife species (Smith et al. 2006). Recent studies have been conducted to identify locations for wildlife crossings in south Florida. Swanson et al. (2005) used a Least Cost Pathways (LCP) modeling approach to identify the most likely travel routes for panthers among six major use areas in southwest Florida. LCP modeling takes into consideration elements in the landscape that permit or impede panther movement when traveling. Swanson et al. (2005) identified 20 key highway segments where LCPs intersected improved roadways. Smith et al. (2006) studied the movements of the Florida panther, the Florida black bear, and other wildlife species along SR 29, CR 846 and CR 858 in Collier County, Florida.

Data analyzed in the study were obtained from roadkill and track surveys, infra-red camera monitoring stations, existing data provided by the FWC (panther radio telemetry and vehicle mortality reports), and other studies. Smith et al. (2006) recommended new wildlife crossings be considered at various sites along these roadways to reduce vehicle-related mortality of panthers and other wildlife species, and to increase connectivity among wildlife populations. The Service continues to work with the FDOT, county road departments, and other entities to ensure wildlife crossings are installed as needed to promote safe passage of panthers and other wildlife across roadways.

Land preservation needs

To further refine the land preservation needs of the panther, and to specifically develop a landscape-level program for the conservation of the panther population in south Florida, the Service appointed a Florida Panther Subteam in February 2000. The Subteam was charged with developing a landscape-level strategy for the conservation of the panther population in south Florida. The results of this collaborative effort are partially presented in Kautz et al. (2006). One of the tasks for this subteam was to identify a strategically located set of lands containing sufficient area and appropriate land cover types to ensure the long-term survival of the south Florida population of the panther. Kautz et al. (2006) focused their efforts on the area south of the Caloosahatchee River, where the reproducing panther population currently exists.

Kautz et al. (2006) created an updated panther potential habitat model. The potential habitat map was reviewed in relation to telemetry data, recent satellite imagery (where available), and panther home range polygons. Boundaries were drawn around lands defined as the Primary Zone (Figure 2), the most important area needed to support a self-sustaining panther population. Kautz et al. (2006) referred to these lands as essential; however, as observed in the two previous plans (et al. 1993; Cox et al. 1994), lands within the boundaries of the Primary Zone included some urban areas and other lands not considered to be panther habitat (*i.e.*, active rock and sand mines). The landscape context of areas surrounding the Primary Zone was modeled and results were used to draw boundaries of the Secondary Zone (Figure 2), the area capable of supporting the panther population in the Primary Zone, but where habitat restoration may be needed (Kautz et al. 2006).

Kautz et al. (2006) also identified, through a LCP model, the route most likely to be used by panthers crossing the Caloosahatchee River and dispersing out of south Florida into south-central Florida. Kautz et al. (2006) used ArcView GIS© version 3.3 and ArcView Spatial Analyst© version 2 (Environmental Systems Research, Incorporated, Redlands, California) to construct the LCP models and identify optimum panther dispersal corridor(s). The LCP models operated on a cost surface that ranked suitability of the landscape for use by dispersing panthers with lower scores indicating higher likelihood of use by dispersing panthers. Those dispersal routes connecting lands between the Panther Focus Area south of the Caloosahatchee River and the Panther Focus Area north of the Caloosahatchee River were defined as the Dispersal Zone (Figure 2) (Kautz et al. 2006). The preservation of lands within this zone is important for the survival and recovery of the panther, as these lands are the dispersal pathways for expansion of the Florida panther population.

STATUS OF THE SPECIES/CRITICAL HABITAT RANGEWIDE

Caracara

The following discussion is based on the caracara account provided in the South Florida Multi-Species Recovery Plan (Service 1999), augmented with updates from Morrison (1999, 2001, 2003), Morrison and Humphrey (2001), and Nemeth and Morrison (2002).

Species description/Federal status and critical habitat

The caracara is a large raptor with a head crest, naked face, heavy bill, elongated neck, and unusually long legs. The total length of the caracara ranges from about 19.7 in (50.04 cm) to 25.2 in (64.01 cm), with a maximum wingspan of 47.2 in (119.9 cm). The adult is dark brownish black on the crown, wings, back, and lower abdomen. The lower part of the head, throat, upper abdomen, and under tail coverts are white, and the breast and upper back are white with thin black bars. The tail is white with narrow, dark crossbars and a broad, dark terminal band. Prominent white patches are visible near the tips of the wings in flight. The large, white patches on the primaries and the white tail, broadly tipped with black, are both very conspicuous in flight and can be recognized at a long distance (Bent 1961). The coloration of juvenile and sub-adult caracaras differs from adults in that the breast and upper back contain brownish or buffy streaks instead of bars. Adults have yellow-orange facial skin and yellow legs, and juveniles have pink facial skin and gray legs (Layne 1978). Full adult plumage is obtained sometime after 3 years of age (Morrison 1997). Both sexes are similar in color and size, and gender can be determined surgically or by genetic analysis (Morrison and Maltbie 1999).

A caracara's feet and its flight behavior are also noteworthy identification traits. The feet contain talons that are flatter than those of other raptor species, and this adaptation aids in foraging because it allows the caracara to walk or run on the ground more easily (Morrison and Humphrey 2001). Caracaras are strong fliers and may reach speeds of 40 mi (64.4 km) per hour. Bent (1938) noted the caracara's flight pattern resembles that of a northern harrier (*Circus cyaneus*), but caracaras fly faster and more gracefully. In flight, caracaras are commonly observed soaring in a circular pattern at high altitudes (Howell 1932).

The caracara is a member of the Class Aves, Order Falconiformes, and Family Falconidae. The species was originally discovered (Novemeber 21, 1883) and described by John James Audubon (Audubon 1834). Audubon's species account assigned the name *P. vulgaris*. John Cassin changed *P. vulgaris* to *P. audubonii* in 1865. Dove and Banks (1999) conducted a taxonomic analysis of museum specimens of new world caracaras based on plumage and morphological characteristics and concluded crested caracara can be divided into three biological species: the insular Guadalupe Caracara (*C. lutosus*); and two continental species, Northern (also known as Audubon's crested caracara in Florida)(*C. cheriway*) and Southern caracara (*C. plancus*). The taxonomic name *C. cheriway* was subsequently accepted by the American Ornithologists' Union. However, the list of threatened and endangered animals published in 50 CFR 17.11 continues to refer to the old scientific name *P. p. audubonii*.

The Florida population of the caracara was listed as threatened under the Act on July 6, 1987. Critical habitat has not been designated for the caracara.

Life history

Caracaras are diurnal, non-migratory, and territorial. Adult caracaras may be found in their territory year-round. Territories average approximately 3,000 ac (approximately 1,200 ha), corresponding to a radius of 1.2 to 1.5 mi (2.0 to 2.5 km) surrounding the nest site (Morrison and Humphrey 2001). Foraging typically occurs throughout the territory during both nesting and non-nesting seasons.

The caracara prefers habitats that contain largely short-stature vegetation with a low density of trees that can be used for nesting. Historically, caracaras inhabited native dry or wet prairies containing scattered cabbage palms, their preferred nesting tree. Scattered saw palmetto, low-growing oaks (*Quercus minima, Q. pumila*), and cypress (*Taxodium distichum*) also occur within these native communities. Over the last century, many of the native prairie vegetation communities in central and south Florida have been converted for cattle ranching, and have been replaced by improved and unimproved pasture dominated by non-native, sod-forming grasses. Caracaras are now known to occur primarily within pasture because the vegetation structure of this habitat type is similar to that of native prairies. In addition, the scattered cabbage palms that are often present within improved pastures to serve as shade for cattle provide nesting sites for caracaras. Morrison and Humphrey (2001) hypothesize that habitats with short-stature vegetation may be preferred by the caracara, due to its tendency to walk on the ground while foraging. The height and relatively simple structure of the vegetation may directly facilitate foraging by caracaras because it easier to walk through and provides less cover for predators. Consequently, caracaras likely benefit from management actions, such as regular mowing, burning, and high-density grazing in agricultural lands and prescribed burning in native habitat types that maintain vegetation in a low stature and structurally simple condition (Morrison and Humphrey 2001).

Morrison and Humphrey (2001) characterized caracara distribution, reproductive activity, and land use patterns within a 5,180,000-ac (2,096,000 ha) area in south-central Florida. Comparisons of caracara territories to randomly selected areas of available habitat within the study area indicated that caracara territories contained higher proportions of improved pasture and lower proportions of forest, woodland, oak scrub, and marsh. Territory size was inversely related to the amount of improved pasture within the territory. In addition, breeding-area occupancy rate, breeding rate, and nesting success were consistently higher on private ranch lands during the study.

Additional investigations into habitat suitability for caracara (Morrison et al. 2006) indicate maintaining heterogeneity, including specific land cover types as well as small (less than 2.47 ac [0.99 ha]) freshwater wetlands, is important in maintaining suitable habitat for the caracara in Florida. The proportion of six vegetation and land cover types (*i.e.*, cabbage palm-live oak hammock, grassland, improved pasture, unimproved pasture, hardwood hammocks and forest, and cypress/pine/cabbage palm) and two types of aquatic habitats (*i.e.*, lentic and lotic) were determined to be the most important criteria for predicting habitat suitability for caracara. Most known nest locations (72.9 percent) in the study were present on improved pasture although that habitat type only comprised 12.5 percent of the entire study area. Caracara appear to be using pastures, ditches, and impounded wetlands that have replaced the historic land cover as shown by the high occurrence of improved and unimproved pastures and wetlands in caracara home ranges (Morrison et al. 2006).

Caracaras are highly opportunistic in their feeding habits and will capture live prey and eat carrion. The diverse diet consists of insects and other invertebrates, fish, snakes, turtles, birds, and mammals (Layne 1978, Bent 1961; Layne et al. 1977; Morrison 2001). Information from Morrison (2005) indicates wetland-dependent prey species and mammals (primarily in the form of carrion) comprise about 64 percent and 31 of the total diet, respectively. Caracaras search for prey while flying, from perches, and when walking or running along the ground (Service 1999). Sections of roads are regularly patrolled for animals killed by collisions with motor vehicles (Palmer 1988), and caracaras are known to occasionally chase the larger black vulture (*Cathartes aura*) and turkey vulture (*Coragyps atratus*) away from a carcass (Howell 1932). Scavenging at land-fills has also been observed (Morrison 2001). Tractors plowing fields or mowing pastures and road right-of-ways are often closely followed in order to feed on prey that may be flushed or exposed. Agricultural drainage ditches, cattle ponds, roadside ditches, the margins of wetlands and other shallow water features, and recently burned lands also provide good foraging areas for the caracara (Morrison 2001).

As indicated above, adult caracaras are generally territorial and usually occur within their established territory. Oberholser (1974) attributes territoriality to the caracara's habit of feeding on carrion. Nonetheless, Morrison (2005) has observed sub-adult caracaras are nomadic. Caracaras are capable of moving long distances, and an individual may traverse a large portion of the species' range in Florida from the time it leaves it natal territory to the time it establishes a territory as a sub-adult. Adults will also occasionally leave their territory and travel great distances, usually outside of the breeding season. The caracara's vagility and nomadic behavior during its sub-adult years may be reason that caracaras are occasionally recorded far outside their breeding range. Caracaras have been observed in the Florida Keys and into the panhandle of Florida (Bay County) as well as in other states, although some of these individuals may have escaped from captivity (Layne 1996). Currently, there is no evidence to suggest breeding and genetic exchange occurs between the Florida population and other populations of the northern caracara.

Observations and radio-telemetry monitoring have documented aggregations of caracaras within several "gathering areas" in south-central Florida. Large groups of caracaras (up to 50) have been observed along the Kissimmee River north of SR 98; south of Old Eagle Island Road in northern Okeechobee County; south of SR 70 and west of Fort Pierce in St. Lucie County; and south of SR 70 on the Buck Island Ranch in Highlands County. These gathering areas are regularly, but not continually, used by sub-adult and non-breeding caracaras and generally consist of large expanses of improved pasture. Morrison (2001) suggests gathering areas may be important to caracaras before first breeding during the first 3 years after leaving their natal territory. However, the habitat values of these areas to caracaras have not yet been evaluated.

Breeding information on the caracara has been reported in the literature (Morrison 1997, 1999). Breeding pairs of caracaras are monogamous, highly territorial, and exhibit fidelity to both their mate and the site (Morrison 1999). First breeding occurs at 3 years of age (Nemeth and Morrison 2002). The initiation of breeding is marked by several behavioral changes, including the pair perching together near the nesting site, preening and allopreening, and sharing food. Caracaras are one of the first of Florida's raptors to begin nesting. Although breeding activity can occur from September through June, the primary breeding season is considered to be November through April. Nest initiation and egg-laying peak from December through February.

Caracaras construct new nests each nesting season, often in the same tree as the previous year. Both males and females participate in nest building. Nests are well concealed and most often found in the tops of cabbage palms (Morrison and Humphrey 2001), although nests have been found in live oaks (*Q. virginiana*), cypress (first record, Morrison et al. 1997), Australian pine (*Casuarina* spp.), saw palmetto, and black gum (*Nyssa sylvatica*). Caracaras usually construct their nests 13 to 59 ft (4 to 18 m) above the ground, and the nest structure primarily consist of stems from herbaceous and woody shrubs, vines, grasses or other plant materials woven together and trampled to form a depression (Bent 1938; Sprunt 1954; Humphrey and Morrison 1997; Smith and Scholer 2013). Caracaras vigorously defend their nesting territory during the breeding season (Morrison 2001). The clutch size is usually two eggs, although at times three eggs are laid. Incubation lasts for about 31 to 33 days (Morrison 1999) and is shared by both sexes. Ordinarily, only one brood is raised per season, but about 10 percent of the breeding pairs may raise a second brood. The young fledge at about 7 to 8 weeks of age, and post-fledgling dependency lasts approximately 8 weeks.

Distribution and population status

The caracara is a resident, non-migratory species that occurs in Florida as well as the southwestern United States and Central America. Florida's population of caracara is found in the prairie area of the south-central region of the State, from Polk County and Osceola County southward to Collier and Broward Counties. The caracara is most abundant in a five-county area that includes Glades, DeSoto, Highlands, Okeechobee, and Osceola Counties (Service 1999).

Monitoring the caracara population and determining territory occupancy and nesting effort and success is very difficult because most caracara breeding territories occur on private lands in Florida that are not accessible to researchers (Humphrey and Morrison 1997). Consequently, estimates of the caracara population have been based on counts of caracaras along roadsides (Heinzman 1970; Layne 1995). These roadside counts also have the potential be strongly affected by the presence of non-territorial juvenile and sub-adult birds during the period when they are nomadic. Because the occurrence and density of caracaras is not evenly distributed within the region they occupy (due to congregations and nomadic individuals), roadside surveys are probably unreliable for estimating the overall population.

Morrison and Humphrey (2001) noted the caracara is perceived to be in long-term decline, although adequate data are not available on historic patterns of abundance, or habitat used to accurately assess the status of the species. Past surveys of the caracara population in Florida have been conducted. Heinzman's (1970) 4-year road survey from 1967 to 1970 suggested fewer than 100 individual caracaras at 58 localities remained in Florida. Stevenson (1976) concurred with this estimate in 1974. Layne (1995) monitored caracara distribution and population status in Florida from 1972 to 1989. Layne (1995) estimated the adult portion of the population was stable with a minimum of about 300 birds in 150 territories. The immature portion of the population was estimated to be about 100 to 200 individuals, increasing the total statewide population estimate to 400 to 500 birds. However these population estimates are suspect because they were based on roadside counts of birds. Given the problems associated with conducting a reliable range-wide survey of the population, obtaining an accurate estimate of the caracara's current population size remains difficult.

The Florida population of caracaras is isolated and habitat-specific. Therefore, it may be susceptible to environmental catastrophes and potentially reduced reproductive rates because of demographic accidents such as skewed sex ratios or disproportionate age-related mortality. Low numbers may also reduce the genetic viability in the population through loss of heterozygosity, thereby increasing vulnerability to environmental stresses. The location of many of the occupied territories on private land, and the inaccessibility of these territories to surveyors, makes it difficult to census the caracara and detect changes in its population size and distribution. This difficulty increases the possibility of not detecting a population decline that could result in extinction.

Threats

The caracara's perceived decline, as described in historic literature, is attributed primarily to habitat loss (Layne 1996). Large areas of native prairie and pasture lands in south-central Florida have been converted to citrus operations, tree farms, other forms of agriculture, and real estate development and habitat loss has accelerated in the past few decades (Morrison and Humphrey 2001). The perceived population decline and the geographic isolation of the Florida population resulted in the listing of the caracara as threatened in 1987 (52 FR 25232). However, historical conversion of forested habitats to pasture has not been adequately documented as partially offsetting losses of caracara habitat, so a full accounting of historic habitat changes is lacking. The current threat of habitat loss persists as changes in land use and development of caracara habitat continue.

As discussed above, the caracara prefers open habitats with low-stature vegetation for foraging Morrison and Humphrey 2001). Accordingly, cattle ranching and the creation of extensive pastures appear to be compatible with caracara survival. The number of caracara territories occurring in improved or unimproved pasture can be expected to increase if sufficiently large overgrown pastures are reclaimed and/or new pastures or restored native prairies are created from lands subject to other agricultural land uses. The conversion of pasture to citrus (Cox et al. 1994), sugarcane, and residential/commercial development is cause for concern. Recognizing the habitat value of cattle ranches and enlisting landowner cooperation in the conservation and management of these lands are essential elements in recovery of the caracara.

Road mortalities may also be a significant cause of caracara decline. Florida's burgeoning human population has increased the number of motor vehicles and the need for roads. The increase in traffic as well as the caracara's predisposition for feeding on road-killed animals has probably increased the number of caracaras killed or injured as a result of vehicle strikes. Morrison (2003) identifies highway mortalities as a major cause of juvenile mortalities with young birds especially vulnerable within the first 6 months after fledging.

Other potential threats to caracaras include the lack of habitat management in some areas that can result in degradation or loss of caracara habitat. In particular, encroachment of woody shrubs and trees into open dry prairies, pastures and similar habitats will result in reduction in habitat suitability. Finally, the large-scale removal of cabbage palms from pastures to sell for commercial and residential landscaping may also reduce the availability of potential nesting sites.

ENVIRONMENTAL BASELINE

As defined in Service's regulations, "the environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions that are contemporaneous with the consultation in process." The environmental baseline does not include the effects of the action under review in this Biological Opinion.

In addition, under the Act's regulatory approach, future Federal actions are not included in either the environmental baseline or the cumulative effects analysis of a biological opinion, because they will be subjected to consultation when they occur. See 51 Fed. Reg. 19,926, 19,933 (June 3, 1986) (preamble to FWS consultation regulations).

Status of the species within the action area

Panther

As stated previously, for the purposes of this consultation, the action area includes the project footprint plus all lands located in the Panther Focus Area within 25 mi (40.2 km) of the project footprint (Figure 5). The proposed action may have direct and indirect effects on the ability of panthers to breed, feed, and shelter, and to disperse within the population. The Service used current and historical radio-telemetry data, information on habitat quality, prey base, and evidence of uncollared panthers to evaluate panther use in the action area. Panther telemetry data are collected 3 days per week from fixed-wing aircraft, usually in early to midmorning. However, studies indicate panthers are most active between dusk and dawn (Maehr et al. 1990a, Beier 1995) and are typically at rest in dense ground cover during daytime monitoring flights (Land 1994). Therefore, telemetry locations may present an incomplete picture of panther activity patterns and habitat use (Comiskey et al. 2002). However, this potential bias was not detected in a recent analysis by Land et al. (2008) using GPS location data collected throughout a 24 hour day. This study revealed panther habitat selection patterns are similar when using either aerial telemetry data or GPS location data, and upland and wetland forests were the habitats most selected by panthers. There was an indication grassland-dry prairie habitats were used more at night than during daytime hours.

Only a subset of the panther population has been radio-collared. However, the large database of telemetry locations taken from radio-collared panthers south of the Caloosahatchee can be used to estimate the size and number of home ranges and travel corridors south of the Caloosahatchee River. The FWC also uses observational data collected during telemetry flights to assess the yearly breeding activity of radio-collared panthers. Female panthers accompanied by kittens or male panthers within proximity of an adult female are assumed to have engaged in breeding activity during that year.

As of February 2015, 12 known radio-collared panthers (alive or status unknown) have been documented within the action area from 2,317 telemetry observations (Table 3). It is not known if all these animals are currently alive. Panthers greater than 12 years of age are not likely to still

be alive based on the known longevity of panthers in the wild of 10 to 12 years (FWC 2011b). The most recent telemetry point in the action area was recorded on June 29, 2013, for panther FP213. Uncollared panthers are also presumed to occur in the action area.

Motor vehicles have affected panthers in the action area. There have been 54 documented panther deaths resulting from vehicle collisions within the action area (Table 4). The most recent vehicle-related panther mortality occurred May 19, 2015, on CR 833 approximately 0.25 mi (0.4 km) south of County Road 832.

Caracara

Observations by the applicant's consultant and records in the Service's database indicate the caracara occurs and nests within the action area. As indicated above, nest surveys conducted by the FDOT's consultant in early 2012 documented an active caracara nest within a cabbage palm (*Sabal palmetto*) tree located approximately 900 ft (274.3 m) south of the SR 80 right-of-way and 1,260 ft (384 m) east of Wellington Parkway (Figure 4). The number of chicks produced by the nest was not determined. Additional active nests were not observed within the action area during the 2012 surveys. Caracaras were observed flying and foraging within the action area. However, the exact number of caracaras inhabiting the action area, and the size of their territories, are not known because repeated surveys conducted over at least an entire year would be needed to ascertain this information.

Factors affecting species environment within the action area

Panther

Factors that affect the species environment (positively and negatively) within the action area include, but are not limited to Federal, State, or private actions and other human activities in the action area, such as: construction of highways and urban development, agriculture operations, resource extraction, public lands management (prescribed fire, public use, exotic eradication, *etc.*), hydrological restoration projects, and public and private land protection efforts.

Past and ongoing Federal and State actions that could affect panther habitat in the Action Area include the issuance of Corps' permits and State of Florida Environmental Resource Permits authorizing the filling of wetlands for development projects and other purposes. Since 1982, the Corps and the State have had a joint wetland permit application process, where all permit applications submitted are distributed to both agencies. Upon review of our records, the Service finds we have consulted on two projects, affecting approximately 277 ac of panther habitat, in the action area. In addition, a total of 407 ac of habitat was restored or preserved in association with these projects. The Service determined these Federal actions, individually and cumulatively, did not jeopardize the survival and recovery of the panther.

Other activities within the action area have benefited panthers. The land acquisition programs of Federal, State and County resource agencies have preserved high quality panther habitat. Moreover, the management of public lands, including prescribed fire and eradication of exotic vegetation in conservation areas improves habitat for panther prey species and benefits panthers within these areas.

Caracara

Much of the action area is currently managed for agricultural purposes (*e.g.*, pasture for cattle ranching, citrus, sod farms *etc.*). Agricultural activities may result in adverse impacts to caracaras through the loss or degradation of caracara foraging habitat, loss of nesting trees (*i.e.*, cabbage palms), and harassment and disturbance. Conversely, agricultural practices may be beneficial to caracaras. For example, the creation or maintenance of cattle pastures can provide open areas and scattered clumps of cabbage palms preferred by caracaras for foraging and nesting.

Commercial and residential development threatens the caracara throughout its geographic range. Much of the action area still remains rural. However, human population growth and related development around the town of LaBelle has resulted in the loss of caracara habitat and development may continue in the future. In addition to habitat loss, development may result in fragmentation of caracara habitat and potential disturbance of caracaras from human activities.

Climate Change

Our analyses under the Act include consideration of observed or likely environmental effects related to ongoing and projected changes in climate. As defined by the Intergovernmental Panel on Climate Change (IPCC), "climate" refers to average weather, typically measured in terms of the mean and variability of temperature, precipitation, or other relevant properties over time; thus "climate change" refers to a change in such a measure which persists for an extended period, typically decades or longer, due to natural conditions (*e.g.*, solar cycles) or human-caused changes in the composition of the atmosphere or in land use (IPCC 2013, p. 1450). Detailed explanations of global climate change and examples of various observed and projected changes and associated effects and risks at the global level are provided in reports issued by the IPCC (2014 and citations therein). Information for the United States at national and regional levels is summarized in the National Climate Assessment (Melillo et al. 2014 entire and citations therein; see Melillo et al. 2014, pp.28-45 for an overview). Because observed and projected changes in climate at regional and local levels vary from global average conditions, rather than using global scale projections, we use "downscaled" projections when they are available and have been developed through appropriate scientific procedures, because such projections provide higher resolution information that is more relevant to spatial scales used for analyses of a given species and the conditions influencing it (See Melillo et al. 2014, Appendix 3, pp. 760-763 for a discussion of climate modeling, including downscaling). In our analysis, we use our expert judgment to weigh the best scientific and commercial data available in our consideration of relevant aspects of climate change and related effects.

Climate change may result in an increase in the intensity or frequency of tropical storms and hurricanes in Florida. The Atlantic Multi-decadal Oscillation (AMO) influences rain patterns in Florida. We are currently in an AMO wet phase that is predicted to persist through 2020 (Miller 2010). The increased rainfall associated with both of these factors could reduce our ability to effectively use prescribed burning to manage habitat in optimal conditions for panthers and their prey. Increased rainfall could also reduce the amount of area suitable for panther denning by increasing the area covered with standing water or the duration of inundation of seasonally wet areas.

Climate change may result in sea level rise and the inundation of habitat in parts of the south Florida. Although inundation of habitat is not anticipated to occur within the action area, altered weather patterns resulting from climate change could affect water levels in wetlands and canals and, in turn, decrease caracara prey densities. For example, more intense precipitation events could cause flooding or scouring, and a reduction in breeding success. Increased periods of drought could reduce wetland prey habitat or refugia. It is also possible an increase in the intensity or frequency of tropical storms may affect the caracara by direct impact with debris and loss of sheltering habitat.

It is difficult to estimate, with any degree of precision, which species will be affected by climate change or exactly how they will be affected. The Service will use Strategic Habitat Conservation planning, an adaptive science-driven process that begins with explicit trust resource population objectives, as the framework for adjusting our management strategies in response to climate change (Service 2006).

EFFECTS OF THE ACTION

This section analyzes the direct and indirect effects of the proposed action and interrelated and independent actions on the panther and caracara.

Panther

Factors to be considered

Development projects may have a number of direct and indirect effects on the panther and panther habitat. Direct effects are primarily habitat based, occurring at the time of construction, include: (1) the permanent loss and fragmentation of habitat for panthers and their prey; (2) a reduction in the geographic distribution of habitat for the species; (3) harassment of panthers due to construction activities. Indirect effects occur following the completion of the project and include: (1) increased potential for panther mortality due to motor vehicle collisions; (2) increased disturbance to panthers and their prey due to human activities; and (3) an increase in the potential for intraspecific aggression among panthers due to reduction of the geographic distribution of habitat of the panther.

This project site contains panther habitat and is located within the geographic range of the panther. The timing of construction for this project, relative to sensitive periods of the panther's lifecycle, is unknown. Panthers may be found on and adjacent to the proposed construction footprint year-round. The project will be constructed in a single, disruptive event, and result in permanent loss and alteration of a portion of the existing ground cover on the project site. The time required to complete construction of the project is not exactly known, but it is likely to be completed in 2 to 3 years. The disturbance associated with the project will be permanent and result in a loss of habitat currently available to the panther.

Analyses for effects of the action

The land to be affected by the SR 80 project currently provides about 85.02 ac (34.10 ha) of habitat for the panther. More than half of the acreage to be impacted currently is comprised of agricultural lands consisting of improved pasture and cropland. These lands provide somewhat

lower quality habitat for the panther than native forested habitats. The lands proposed for development are located within the northern portion of the panther's range and within the Secondary Zone (Kautz et al. 2006) of the Service's Panther Focus Area.

Surveys of the project footprint were conducted by the FDOT's consultant. The following potential panther prey species were documented to occur on or near the project footprint based on tracks, diggings, or direct observations: white-tailed deer, feral hog, raccoon (*Procyon lotor*), and nine-banded armadillo.

Habitat assessment

As discussed below, the project will result in the loss and fragmentation of panther habitat. To address the issues of habitat loss and fragmentation, a landscape-level strategy for the conservation of the panther population in south Florida was developed using a Florida panther potential habitat model based on the following criteria: (1) forest patches greater than 4.95 ac (2 ha); (2) non-urban cover types within 656 ft (200 m) of forest patches; and (3) exclusion of lands within 984 ft (300 m) of urban areas (Kautz et al. 2006). In developing the model, data from radio-collared panthers collected from 1981 through 2000 were used to evaluate the relative importance of various land cover types as panther habitat, thus identifying landscape components important for panther habitat conservation. Those components were then combined with a least cost path (LCP) analysis to delineate three panther habitat conservation zones for south Florida: (1) Primary Zone—lands important to the long-term viability and persistence of the panther in the wild; (2) Secondary Zone - a section of lands contiguous with the Primary Zone that currently contains lower quality habitat that is used by only a few dispersing panthers, and potentially could provide for an expansion of the panther population within lands south of the Caloosahatchee River if the habitat is adequately restored; and (3) Dispersal Zone - the area that may facilitate future expansion of the breeding panther population north of the Caloosahatchee River (Kautz et al. 2006) (Figure 2). The Primary Zone is currently occupied and supports the breeding population of the Florida panther. The Secondary Zone could support resident panthers with sufficient restoration and is currently used by dispersing subadult panthers. The Dispersal Zone is not currently occupied by resident panthers but provides an area for subadult panthers to disperse north of the Caloosahatchee River.

The panther habitat conservation zones vary in size, ownership, and land cover composition. Lands in the Primary Zone (2,270,711 ac [918,928 ha])) are 73 percent publicly owned, and include portions of the BICY, ENP, Fakahatchee Strand Preserve State Park, Florida Panther National Wildlife Refuge, Okaloacoochee Slough State Forest, and Picayune Strand State Forest. Vegetation and land types consist of 45 percent forest, 41 percent freshwater marsh, 7.6 percent agriculture lands, 2.6 percent prairie and shrub lands, and 0.52 percent urban lands (Kautz et al. 2006). The Secondary Zone (812,157 ac [328,670 ha]) contains 38 percent public lands and is comprised of 43 percent freshwater marsh, 36 percent agricultural lands, 11 percent forest, 6.1 percent prairie and shrub lands, and 2.3 percent low-density residential areas and open urban lands (Kautz et al. 2006). The Dispersal Zone (28,160 ac [11,396 ha]) contains only 12 percent protected lands and is comprised of 49 percent agricultural lands (primarily improved pasture and citrus groves), 29 percent forested wetlands and uplands, 8.8 percent prairie and shrub land, 7.5 percent freshwater marsh, and 5.1 percent barren and urban lands (Kautz et al. 2006).

Past studies have been used to estimate panther density for occupied panther habitat. Maehr et al. (1991) estimated an average panther density of one panther per 27,181 ac. Kautz et al. (2006) estimated an average panther density of one panther per 31,923 ac (12,919 ha) based on telemetry and available occurrence data. For the purpose of this Biological Opinion, when speaking of the number of panthers a particular zone may support, the lower number is based on the 31,923 ac (12,919 ha) value (Kautz et al. 2006) and the higher number is based on the 27,181 ac (11,000 ha) value (Maehr et al. 1991). Using these average densities, the Primary Zone could support 71 to 84 panthers; the Secondary Zone could support 8 to 10 panthers without habitat restoration and 25 to 30 panthers with habitat restoration (existing high quality panther habitat currently present in the Secondary Zone is estimated at 32 percent of the available Secondary Zone lands); and the Dispersal Zone could support 0 panthers. Cumulatively, the three zones in their current condition have the capacity to support about 79 to 94 panthers.

Kautz et al.'s (2006) assessment of available habitat south of the Caloosahatchee River determined non-urban lands in the Primary, Secondary, and Dispersal Zones were not sufficient to sustain a population of 240 individuals south of the Caloosahatchee River. However, Kautz et al. (2006) determined sufficient lands were available south of the Caloosahatchee River to support a population of 79 to 94 individuals, although not all lands in the area are managed and protected.

More information may be found in our Panther Habitat Assessment Methodology document, available at:

http://www.fws.gov/verobeach/MammalsPDFs/20120924_Panther%20Habitat%20Assessment%20Method_Appendix.pdf .

The Service used our panther Habitat Assessment Methodology to evaluate the panther habitat lost due to the SR 80 Project (Table 5). The 85.02 ac (34.10 ha) of panther habitat at the project site currently provides 458.472 PHUs in the Secondary Zone. To calculate the number of PHUs needed to compensate for the PHUs lost in in the Secondary Zone due to the project, 458.472 PHUs are multiplied by the 2.5 Base Ratio and the landscape multiplier for the Secondary Zone (0.69) for a product of 790.864 PHUs (rounded to 791 PHUs). Therefore, a total of 791 PHUs is needed to compensate for the loss of panther habitat lost due to the project. To meet this compensation need, the FDOT will acquire 791 PHUs from an approved conservation or mitigation bank. The habitat compensation provided by the FDOT is consistent with the Service's panther goal to strategically locate, preserve, and restore lands containing sufficient area and appropriate land cover types to ensure the long-term survival of the panther population south of the Caloosahatchee River.

Beneficial effects

Beneficial effects are those effects of the proposed action that are completely positive, without any adverse effects to the listed species or its critical habitat. The proposed action will not result in beneficial effects to the panther.

Direct effects

Direct effects are those effects that are caused by the proposed action, at the time of construction, are primarily habitat based, are reasonably certain to occur and include: (1) the permanent loss

of habitat that supports panthers and their prey; (2) a reduction in the geographic distribution of habitat for the panther; and (3) harassment by construction activities.

Permanent Loss and Fragmentation of Habitat for Panthers and their Prey: The project will result in the loss of 85.02 ac (34.10 ha) of panther habitat located within the Primary Zone. Panthers may use these habitats for feeding and dispersal. The land will be converted to paved roadway, sodded median, and stormwater treatment swales. The project site also provides habitat for panther prey species (*e.g.*, feral hog, white-tailed deer, small mammals *etc.*). Habitat within the project sites includes agricultural lands and higher quality uplands and wetlands. The habitat lost due to the project may adversely affect the panther by decreasing the spatial extent of lands available to the panther and their prey. The project will also further fragment habitat that occurs adjacent to the project site.

Reduction in the Geographic Distribution of Habitat for the Species: The project will result in the loss of about 85.02 ac (34.10 ha) of undeveloped land within the Panther Focus Area. This loss represents 0.004 percent of the 1,962,294 ac (794,000 ha) of available non-urban private lands in the panther's core lands (*i.e.*, Primary, Secondary, and Dispersal zones identified in Kautz et al. 2006). The Service finds the habitat value lost due to the project will be offset by the habitat compensation proposed by the applicant. The lands proposed for preservation are consistent with the Service's panther conservation strategy to locate, preserve, and restore lands containing sufficient area, access, and appropriate cover types to ensure the long-term survival of the Florida panther south of the Caloosahatchee River.

Harassment by Construction Activities: The timing of construction for this project, relative to sensitive periods of the panther's lifecycle, is unknown. However, land clearing associated with the road widening project will be completed in a single phase at the start of development activities. There are no known den sites within the project boundaries. Therefore, we find it is unlikely project construction will result in direct panther mortality, but it may result in temporary disturbance to resident or dispersing panthers.

Interrelated and interdependent actions

An interrelated activity is an activity that is part of the proposed action and depends on the proposed action for its justification. An interdependent activity is an activity that has no independent utility apart from the action under consultation. Interrelated or interdependent actions are not expected to result from the project.

Indirect effects

Indirect effects are those effects that result from the proposed action, happen later in time, and are reasonably certain to occur. The indirect effects this project will have on the panther within the action area are discussed below and in the assessment of functional habitat values previously discussed. They include: (1) risk of injury or mortality to panthers traversing the area from motor vehicle collisions due to vehicular traffic using the roadway; (2) increased disturbance to panthers and panther prey in the project vicinity from motor vehicle traffic using the roadway; and (3) increased potential for intraspecific aggression among panthers due to the reduction in panther habitat in the action area.

Risk of Panther Injury and Mortality from Motor Vehicle Collisions: In evaluating a project's potential to increase injuries and mortalities to panthers resulting from motor vehicle collisions, we consider the location of the project in relation to surrounding native habitats, preserved lands, and wildlife corridors that are frequently used by the panther. We also consider the current configuration and traffic patterns of surrounding roadways and the projected increase and traffic patterns expected to result from the proposed action. We evaluate the habitats present on-site, their importance in providing feeding needs for the panther and panther prey species, and if the site development would further restrict access to surrounding lands important to the panther and panther prey species.

The widening of SR 80 from Dalton Lane to Indian Hills Drive, by itself, is not expected to increase motor vehicle traffic in the project area. Any increase in motor vehicle traffic is more likely to be related to future development that may occur in the region, and the Service will likely consult on such projects. However, we do expect the project to increase the potential for panther mortality and injury resulting from collisions with motor vehicles because panthers attempting to cross the roadway will have to traverse a wider corridor (*i.e.,* four paved travel lanes with a center median as opposed to the current two-lane road) and will be exposed to two additional lanes of motor vehicle traffic.

As discussed previously, wildlife underpasses, or crossings, with associated barrier fencing are constructed within highway corridors to provide safe passage under the roadway and reduce the potential for panther injuries and mortalities resulting from vehicle collisions. As such, the FDOT will modify the design of the bridges at the C-2 Canal (also known as the Goodno Canal) to include an 8-foot (2.4 m) wide shelf with at least 6 ft (1.8 m) of vertical clearance. This structure will be located underneath each bridge on the eastern side of the C-2 Canal between the canal and the bridge's concrete piles. The purpose of the shelves is to allow panthers and other wildlife to cross safely under the roadway. In addition, 8-foot (2.4 m) tall chain link fencing will be installed on both sides of the roadway from the bridge structure to approximately 375 ft east of the bridges to funnel animals to the underpass structure. Fencing will also be installed within the center roadway median between the two bridge structures to ensure that animals using the shelf cannot access the center median while crossing under the roadway.

The Service has worked with the FDOT to install underpasses with barrier fencing in other parts of the action area. Specifically, a wildlife underpass containing shelves and barrier fencing has been installed west of the project corridor at the Cl Canal in association with the widening of SR 80 from Birchwood Parkway to Dalton Road The Service finds that these structures will help reduce the potential for injuries and deaths of panthers due to collisions with motor vehicles in the action area. During the construction of the underpass structure at C1 Canal, the landowner of the parcel north of SR 80 and east of the C-1Canal had not yet given permission to the FDOT to construct the fencing adjacent to his land. Therefore, barrier fencing east of the C-1 Canal was only installed to a point 250 ft east of the canal on both sides of the road. To increase the effectiveness of the underpass at the C-1 Canal, the FDOT has agreed to extend the fencing east of the C-1 Canal on both sides of the road during construction of the SR 80 Project. The fencing would be extended eastward from its existing terminus to a point approximately 0.13 mi (0.21 km) east of the abandoned railroad grade, provided the owners of the adjacent lands are agreeable to the fencing.

Disturbance to panthers and panther prey from motor vehicle traffic using the roadway): Panthers and panther prey species are already exposed to significant disturbance in the project corridor from motor vehicles using the existing two-lane roadway (*e.g.*, the presence and noise of motor vehicles, vehicle lights, *etc.*). However, the addition of two new paved lanes and a center grassy median will increase the spatial extent of disturbance from motor vehicle use. The magnitude of the disturbance from motor vehicles in the project corridor could also increase if other factors unrelated to the project (*e.g.*, commercial or residential development, *etc.*) increase the number of motor vehicles using the roadway.

The disturbance resulting from motor vehicle use of the project corridor could affect the movements of panthers and panther prey species. Consequently, panthers and panther prey species may be less likely to cross the roadway, or they may choose to avoid the project corridor altogether. Based on our knowledge of the panther's behavior, we believe the project as proposed will not significantly change panther use patterns in the project area. The Service also believes it is likely panther prey species will acclimate to the disturbance and occupy remaining areas of suitable habitat adjacent to the project site.

Increased potential for intraspecific aggression: As discussed in the Status of the Species, panther mortalities resulting from attacks of con-specifics are known to occur in the panther population (*e.g.*, males may kill other rival males when defending a territory). Habitat loss may increase the potential for intraspecific aggression among panthers in the action area. A total of 10 panther deaths due to intraspecific aggression have occurred within the action area. The most recent death occurred in August 2012. The Service notes the project will result in the loss of 85.02 ac (34.10 ha) of panther habitat. According to the most current home range estimates of the Florida panther (Lotz et al. 2005), this loss represents 0.29 percent of a female panther's average home range (29,059 ac) and 0.13 percent of a male panther's average home range (62,542 ac). As discussed above, widening of the roadway will increase the spatial extent of disturbance from motor vehicle use in the project corridor. However, panthers are currently subject to considerable disturbance from motor vehicles using the existing two-lane roadway. Based on their previous exposure to motor vehicle traffic disturbance it is likely panthers will acclimate to the increase in disturbance resulting from the project, and the widening project should not significantly affect panther movements. The Service finds the amount of panther habltat lost (85.02 ac [34.10 ha]) and the disturbance resulting from motor vehicle use should not significantly increase the potential for intraspecific aggression in the action area.

Species response to the proposed action

The proposed action will result in increased disturbance to panthers from human activity and noise at the project site. This disturbance will occur during construction of the project and be ongoing following completion of the project due to operation of motor vehicles on the road. Panthers will respond to the disturbance by avoiding the project area or habituating to the disturbance. The project will also result in the loss of 85.02 ac (34.10 ha) of panther habitat. The project area provides habitat for panther prey and panthers are known to use the project area. The loss of habitat may increase the potential for panther intraspecific aggression by decreasing the spatial extent of lands available to the panther. We anticipate any resident panthers with home ranges overlapping or in the vicinity of the project area will adjust the size and location of their ranges to account for this loss and that adjustment is anticipated to occur in concert with project construction.

Caracara

Factors to be considered

Caracaras are known to nest and forage in and around the SR 80 Project area. The proposed action will take place when this species is likely to be present in the area. The date the construction will commence is unknown. However, construction is expected to be concluded in two to three years. The disturbance associated with the project will be permanent. Therefore, the project will result in a permanent loss of habitat currently available to the caracara.

Analyses for effects of the action

Much of the SR 80 Project corridor currently provides habitat types suitable for caracara foraging. The project footprint also provides potential nesting habitat for the caracara (*i.e.,* cabbage palm or oak trees). The project footprint is not located between larger publicly owned lands. The project will result in the conversion of caracara foraging and potential nesting habitat into a larger paved roadway, stormwater treatment swales, and sodded center median and right-of-way.

Beneficial effects

Beneficial effects are those effects of the proposed action that are completely positive, without any adverse effects to the listed species or its critical habitat. The proposed action will not result in beneficial effects to the Audubon's crested caracara.

Direct effects

Direct effects are those effects that are caused by the proposed action, at the time of construction, and are reasonably certain to occur. The probability of direct incidental take of the caracara is dependent upon the number of caracaras in the area, their dispersal abilities, and the amount, distribution, and quality of available habitat. The direct effects that this project will have on the Audubon's crested caracara within the action area are discussed below.

The project will result in the direct loss of habitat suitable for caracara foraging and nesting. Construction activities associated with the SR 80 project will result in the direct conversion of approximately 85.02 ac (34.41 ha) of habitat types (estimate based on information provided by the FDOT) that provide potential foraging and nesting opportunities to the caracara to paved roadway and sodded right-of-way and surface water treatment areas. These impacts include the loss of foraging habitat within the portion of the project footprint located in the primary zone of the active caracara nest (*i.e.*, all lands within 985 ft [300.2 m] of the nest) found during the 2013 nest surveys (Figure 4). Construction of the project will impact 0.94 ac (0.38 ha) of currently undeveloped and suitable foraging habitat for the caracara (*i.e.*, improved pasture) within the 69.67 ac (28.32 ha) nest primary zone. The loss of caracara habitat resulting from the project will be permanent.

The construction activities associated with the SR 80 Project have the potential to directly kill adult and juvenile caracaras, and destroy caracara nests. However, the Service finds it unlikely that direct mortality of adult caracaras will result from construction activities related to the project. We note caracaras are highly vagile and intelligent, and likely to avoid construction activities that potentially could result in direct mortality. Moreover, to minimize the potential for the loss of a caracara nest (*i.e.*, eggs or nestlings), the FDOT will survey suitable nesting habitat with the construction footprint immediately prior to land clearing (if land clearing activities occur within the caracara nest season, December 1 through April 30). If an active caracara nest is discovered, the FDOT or their designated agents will establish and mark a 400-foot (121.9 m) no-entry zone around the nest tree. This marked area will be avoided during construction activities for the duration of the caracara nesting season, until fledging has occurred, or the nest has failed. Therefore, construction of the SR 80 Project is unlikely to result in the destruction of known active caracara nests. However, the project could result in the loss of other potential nest sites (*i.e.*, cabbage palm or oak trees) in the action area.

Caracaras are known to nest in the action area, and the construction activities associated with the project may disturb nesting caracaras. Surveys conducted by the FDOT's consultant in 2012 indicate that an active caracara nest occurs approximately 900 ft (274.3 m) south of the SR 80 right-of-way and 1,260 ft (384 m) east of Wellington Parkway in Hendry County, Florida (Figure 4). Nesting caracaras may react to construction activities by abandoning an existing nest (potentially resulting in the mortality of nestlings or egg hatching failure), avoiding establishing a nest near the project corridor and establishing a new nest site further away, or avoiding nesting altogether. To minimize the potential for disturbance to nesting caracaras, all work within the section of the project corridor located within the primary protection zone (*i.e.*, all lands within 985 ft [300.2 m]) of the caracara nest discussed above will be conducted outside the caracara nesting season - from May 1 through November 30.

The proposed action will directly result in the permanent loss and degradation of 85.02 ac (34.41 ha)) of uplands and wetlands within the 180.11-ac (72.88-ha) project site that may provide foraging habitat for the caracara. Therefore, the project is expected to result in a small reduction of the geographic range of the species.

Indirect effects

Indirect effects are those effects that result from the proposed action, are later in time, and are reasonably certain to occur. Indirect effects may occur outside the area directly affected by the action. Indirect effects may include other Federal actions that have not undergone section 7 consultation but will result from the action under consideration.

The SR 80 Project will increase the potential for injuries and deaths of caracaras resulting from collisions with motor vehicles using the completed roadway. The project will result in the construction of two additional paved traffic lanes within lands that provide foraging habitat for the caracara, and within the Primary zone (within 985 ft [300.2 m]) of a caracara nest site determined to be active in 2012 (Figure 4). Motor vehicles using the roadway pose a threat to nesting and foraging caracaras in the action area. The threat of mortality due to vehicle collisions

is exacerbated to some extent due to the caracara's habit of feeding on the carrion of road-killed animals. The Service has no records of caracaras being killed due to collisions with motor vehicles on this section of SR 80, but we acknowledge deaths due to motor vehicles are possible.

Motor vehicles using the new highway lanes also have the potential to disturb caracaras, resulting in avoidance of the roadway or adverse effects to nesting as described above. However, based on observations of caracaras in other portions of their range in Florida, it is likely caracaras will acclimate to the presence of motor vehicles on the roadway, and adverse effects related to vehicle-related disturbance are unlikely.

Species response to the proposed action

The SR 80 Project has the potential to disturb nesting caracaras. The Service cannot predict if the caracara pair currently nesting near the project corridor will be able to successfully reproduce in the same general area during or following construction. We must assume the worst-case scenario, that the nesting pair will either be forced to adjust their territory, potentially impacting neighboring caracara territories, or abandon their territory altogether. In both instances, we do not know if the reproductive potential of the nesting pair will be reduced or lost. However, again we must assume the worst case scenario that the reproductive potential of the nesting pair will be lost for the year. The Service is developing a range-wide monitoring study of caracaras that is partially funded by entities causing disturbance to caracaras. The monitoring study will use telemetry to assess the effects of disturbance and loss of habitat on the caracara nesting and reproduction. The FDOT has provided $25,000.00 towards this effort.

CUMULATIVE EFFECTS

Panther

The Service defines "cumulative effects" considered in this Biological Opinion as the effects of future State, Tribal, local, or private actions (*i.e.,* non-Federal actions) reasonably certain to occur in the action area. Our definition of cumulative effects does not include future Federal actions unrelated to the proposed action because these actions require separate consultation pursuant to section 7 of the Act. Within the Action Area, past and ongoing State and County actions (non-Federal) affecting panther habitat include: (1) State of Florida Development of Regional Impact (DRI) Orders; (2) Collier County Comprehensive Plan Amendments; (3) Collier County Zoning Amendments; (4) Collier County Planned Unit Developments (PUDs); and (5) South Florida Water Management District's Environmental Resource Permits (ERPs). To estimate future non-Federal actions, the Service chose to identify and tabulate recent non-Federal actions and project this level of development as representative of future non-Federal actions.

Our projection of non-Federal actions (*i.e.*, cumulative effects) in the action area incorporates Florida Land Use Cover and Forms Classification System (FLUCCS) mapping to determine if a property may be exempt from Federal Clean Water Act, section 404 wetland regulatory review by the Corps. To determine if a development project would likely be exempt from regulatory review, we identified the percentage of the project site that was classified as wetland habitat based on FLUCCS 600 series (wetland), and the 411 and 419 (hydric pine flatwood) mapping

unit classifications. Projects on properties with less than 5 percent wetlands were considered to be exempt from the Corps' regulatory review because impacts to wetlands could likely be avoided by project design.

Based on this approach, information provided by the FDOT's consultant indicates over the period from January 1, 2010, through December 31, 2012, 25 projects in the action area affecting 2,522 ac (1,021 ha) of lands were exempt from regulatory review. Therefore, the Service estimates approximately 840.67 ac (340.2 ha) per year (2,522 ac [1,021 ha] / 3 years = 840.67 ac [340.2 ha]) would be exempt from regulatory review in the action area. We find this value representative of future yearly development likely to occur in the action area. The Service notes many unforeseen factors can affect development in the action area. Therefore, we acknowledge it is difficult to forecast development related to non-Federal actions in the action area with great certainly. However, the Service believes this estimate provides the best approximation available of future, non-Federal actions reasonably certain to occur and meets our definition of a cumulative effect. This level of development represents 2.9 percent of a female panther's average home range (29,059 ac [11,760 ha]), 1.3 percent of a male panther's average home range (62,542 ac [25,310 ha]), and 0.04 percent of the non-urban private lands at risk in the Service's panther core area (1,962,294 ac [794,000 ha]). Based on the above analysis, we believe the loss of the habitat associated with these lands is insignificant in the short term, but may adversely impact the panther as development continues to occur in the future in the action area. The Service has accounted for some habitat loss and changes in habitat quality through its habitat assessment methodology and is encouraging State and County environmental staff to develop Habitat Conservation Plans (per section 10 of the Act) to compensate for adverse effects resulting from non-Federal actions to the panther.

Caracara

Cumulative effects include the effects of future State, County, Tribal, local, or private actions that are reasonably certain to occur in the action area considered in this Biological Opinion. Future Federal actions unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

Anticipated future County actions in the action area that will adversely affect the caracara's habitat include the issuance of County building permits. Permits to construct single-family homes and commercial buildings within the action area are required by Hendry County. Many of the construction projects impacting caracara habitat in the action area will require both a county building permit and a Corps permit, and will require consultation under section 7 of the Act. A small proportion of these construction projects will not have a Federal nexus requiring consultation with the Service under the Act. The applicants for these projects are not absolved of the responsibilities under the Act and should prepare a Habitat Conservation Plan in order to obtain an incidental take permit under section 10 of the Act if incidental take of a listed species is likely. The Service has considered cumulative effects within the action area for the caracara, and, based on the above discussion, we have not identified any additional cumulative effects beyond those already discussed in the Environmental Baseline.

CONCLUSION

The Service finds construction of the SR 80 Project is not likely to directly result in the injury or mortality of panthers. However, the project will result in the loss of 85.02 ac (34.41 ha) of habitat currently used by panthers and panther prey, and in a permanent reduction in the geographic range of the species. Therefore, the project could increase the potential for intraspecific aggression resulting in panther mortalities. However, this form of take is difficult to quantify due to the wide-ranging habit of the species and the challenge of linking habitat loss to increases in panther interactions (intraspecific aggression). According to the most current home range estimates of the panther (Lotz et al. 2005), the loss of 85.02 ac (34.41 ha) of panther habitat represents 0.29 percent of a female panther's average home range (29,059 ac [11,760 ha]), 0.14 percent of a male panther's average home range (62,542 ac [25,310 ha]), and 0.007 percent of the 1,202,699 ac (486,800 ha) of available non-urban private lands in the Service's panther core area. Based on the amount of panther habitat lost (85.02 ac 34.41 ha) due to the project, the Service finds that the project should not significantly affect the panther population or increase the potential for intraspecific aggression in the action area. Moreover, the loss of panther habitat due to the project will be offset by the 791 PHUs of panther habitat acquired by the FDOT from a Service approved conservation or mitigation bank. The compensation site will be preserved and managed as panther habitat in perpetuity. This habitat compensation is consistent with the Service's goal to locate and preserve lands containing sufficient area and appropriate cover types to ensure the long-term survival of the Florida panther south of the Caloosahatchee River.

Construction of the project will result in the loss and degradation of potential foraging habitat and nesting habitat (85.02 ac [34.41 ha]) for the caracara within the project footprint. The project will also result in potential disturbance to caracaras attempting to nest due to project related construction activities, and could result in the incidental mortality of eggs or nestlings. However, these adverse effects are not expected to appreciably affect the overall survival and recovery of the caracara.

After reviewing the current status of the panther and caracara, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is the Service's biological opinion the SR 80 Project as proposed is not likely to jeopardize the continued existence of the panther and caracara. Critical habitat has not been designated for either the panther or the caracara.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. "Take" is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct." "Harm" is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. "Harass" is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined

as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking, that is incidental to and not intended as part of the agency action, is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

The terms and conditions described below are nondiscretionary and must be undertaken by the Corps so they become binding conditions of any grant or permit issued to the FDOT, as appropriate, for the exemption in section 7(o)(2) to apply. The Corps has a continuing duty to regulate the activity covered by this incidental take statement. If the Corps (1) fails to assume and implement the terms and conditions or (2) fails to require the FDOT to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, the protection coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, the Corps or the FDOT must report the progress of the action and its impact on the species to the Service as specified in the incidental take statement [50 CFR § 402.14(i)(3)].

AMOUNT OR EXTENT OF TAKE

The Service has reviewed the biological information for the panther and caracara, information presented by the FDOT and their consultant, and other available information relevant to this action.

Incidental take of the panther in the form of harm (*i.e.*, the loss and degradation of 85.02 ac (34.41 ha) of habitat in the 180.11-ac (72.88 ha) project footprint, and the increased potential for panther mortality and injury resulting from collisions with motor vehicles) and harassment (*i.e.*, disturbance to panthers resulting from human activity) is expected from the action. The Service has chosen not to quantify the level of incidental take in terms of a specific number of animals because it is difficult to: (1) predict the number of panther injuries and mortalities resulting from vehicle collisions that may occur within a section of roadway, and (2) document the adverse effects of habitat loss and disturbance from the project on survival and reproduction of panthers. Instead, we have quantified take as the amount of panther habitat lost due to the project. The project will result in the loss of 85.02 ac (34.41 ha) of habitat within the Secondary Zone of the Service's Focus Area. We find the level of incidental take is moderated by the acquisition of 791 PHUs acquired from a Service approved conservation or mitigation bank. This habitat will be enhanced and preserved in perpetuity to benefit the panther and its prey.

Incidental take of the caracara in the form of harm (*i.e.*, the loss and degradation of foraging habitat in the portion of the 180.11-ac (72.88 ha) project footprint that occurs within the primary zone of an active caracara nest [Figure 4]) and harassment (*i.e.*, the potential disruption of breeding activity) is expected from the action. The level of incidental take is difficult to quantify because documenting the adverse effects of loss of foraging habitat and disturbance on survival and reproduction (*e.g.*, nest abandonment or failure) of caracaras from the project is problematic. Moreover, the possibility also exists that caracaras in the action area may still breed successfully by choosing a new nest location further away from the construction activities, or by adapting to the disturbance and proceeding with their usual nesting activities. As such, the Service assumes the worst case scenario and estimates the amount of incidental take resulting from the project as the loss of: (1) 180.11 ac (72.88 ha) of foraging habitat within the action area, and (2) one nest,

estimated to contain three nestlings, due to nest failure or abandonment. The Service bases the number of nestlings lost on the single nest documented to occur approximately 900 ft (274.3 m) south of the SR 80 right-of-way and 1,260 ft (384 m) east of Wellington Parkway in Hendry County, Florida (Figure 4), and the fact caracaras may reuse nest sites that were used during the previous nesting season, or nest in close proximity to a previous nest site (Layne, 1996). The quantity of three nestlings was calculated based on a typical clutch size for the caracara of two to three eggs.

The Service will not refer the incidental take of caracara for prosecution under the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C §~ 703-712), if such take is in compliance with terms and conditions (including amount and/or number) specified herein.

EFFECT OF THE TAKE

In the accompanying Biological Opinion, the Service determined this level of anticipated take is not likely to result in jeopardy to the panther and the caracara. Critical habitat has not been designated for the panther or the caracara and will not be affected.

REASONABLE AND PRUDENT MEASURES

When providing an incidental take statement, the Service is required to give reasonable and prudent measures it considers necessary or appropriate to minimize the take along with terms and conditions, that must be complied with, to implement the reasonable and prudent measures. Furthermore, the Service must also specify procedures to be used to handle or dispose of any individuals taken. The Service notes the applicant has already minimized take of the caracara by providing $25,000.00 to the WFF to support future monitoring of development effects on caracara survival and reproduction. As such, this measure will not be discussed further in this section or within the "Terms and Conditions" section of this Biological Opinion. The Service finds the following additional reasonable and prudent measures are necessary and appropriate to reduce take and to minimize the direct and indirect effects of the proposed project on the panther and caracara:

1. Minimize the adverse effects of habitat loss to the panther resulting from the project through the acquisition, protection, and long-term management of currently unprotected panther habitat.

2. Reduce the potential for vehicle-related injuries and mortalities to panthers in the action area through the installation of an underpass structure and barrier fencing.

3. Minimize the adverse effects of the action to the caracara through appropriate pre-construction monitoring of caracara nesting.

TERMS AND CONDITIONS

In order to be exempt from the prohibitions of section 9 of the Act, the Corps and the FDOT must comply with the following terms and conditions. These terms and conditions implement the reasonable and prudent measures described above, outline reporting and monitoring requirements, and are non-discretionary.

1. Construction of the SR 80 project will not commence until: (a) the FDOT provides the Service with a receipt (in the form of a letter or email) from one or more Service approved conservation banks stating at least 791 PHUs have been acquired by the FDOT and (b) the FDOT and Corps receive an email or letter from the Service indicating that we have received the receipt from the approved conservation bank(s).

2. The FDOT will construct an 8-foot wide, flat surfaced shelf with at least 6 ft (1.8 m) of vertical clearance along the eastern border of the C-2 (Goodno) Canal at the intersection of SR 80. The shelf structure will be located underneath the bridges constructed for the SR 80 widening project and will span the center median of the roadway. The top surface of the shelf will be located above the mean high water level of the C-2 Canal. Barrier fencing, consisting of 8-ft (2.4 m) tall chain link type fence, will be installed on both sides of the roadway from the bridge structure to a point approximately 375 ft (114.3 m) east of the bridges. Fencing will also be installed within the center roadway median between the two bridge structures to ensure that animals using the shelf cannot access the center median while crossing under the roadway. The purpose of the barrier fence is to funnel animal and wildlife movement to the underpass structure. The fence will include access gates as determined necessary by the FDOT.

   If acceptable to adjacent private land owners, the FDOT will extend the existing barrier fencing east of the C-1 Canal on both sides of the road from its existing terminus to a point approximately 0.13 mi (0.21 km) east of the abandoned railroad grade. The purpose of the extension is to increase the effectiveness of the underpass located at the C-1 Canal constructed by the FDOT during the widening of SR 80 from Birchwood Parkway to Dalton Lane, in Hendry County, Florida.

3. If land clearing associated with the project is proposed within suitable caracara nesting habitat during December 1 through April 30, the applicant or their designated agents will survey suitable nesting habitat sites (*e.g.*, cabbage palm and oak trees etc.) within the project corridor daily for signs of caracara nesting, until such a time where all native vegetation in the project footprint is cleared. Should caracaras initiate nesting within the project corridor, the applicant or their designated agents will establish a "no-work zone" of all lands within 400-feet (121.9 m) of the nest tree. This marked area will be avoided during construction activities for the duration of the caracara nesting season, until fledging has occurred, or the nest has failed.

Upon locating a dead, injured, or sick threatened or endangered species, initial notification must be made to the nearest Service Law Enforcement Office; Fish and Wildlife Service; 9549 Koger Boulevard, Suite 111; St. Petersburg, Florida 33702; 727-570-5398. Secondary notification should be made to the FWC; South Region; 3900 Drane Field Road; Lakeland, Florida; 33811-1299; 1-800-282-8002. Care should be taken in handling sick or injured specimens to ensure effective treatment and care or in the handling of dead specimens to preserve biological material in the best possible state for later analysis as to the cause of death. In conjunction with the care of sick or injured panthers or caracaras, or preservation of biological materials from a dead animal, the finder has the responsibility to carry out instructions provided by Law Enforcement to ensure evidence intrinsic to the specimen is not unnecessarily disturbed.

CONSERVATION RECOMMENDATIONS

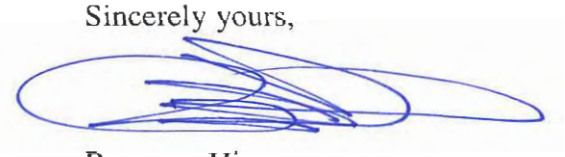
Section 7(a)(1) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. The Service is not proposing any conservation recommendations at this time.

REINITIATION NOTICE

This concludes formal consultation on the SR 80 Project. As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded (see below); (2) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; (3) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. The amount of incidental take authorized by this consultation may be exceeded should impacts from the proposed project increase or mitigation fail to provide habitat values proposed and analyzed within this biological opinion. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Thank you for your cooperation in the effort to protect fish and wildlife resources. If you have any questions regarding this project, please contact John Wrublik at 772-469-4282.

Sincerely yours,



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EPA, West Palm Beach, Florida (Ron Miedema)
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NOAA Fisheries, West Palm Beach, Florida (David Rydene)
Service, Florida Panther NWR, Naples, Florida (Kevin Godsea)
Service, Vero Beach, Florida (Heather Tipton, David Shindle)

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Table 1. Reported minimum panther population counts for south Florida (2000 – 2014).

Year	Total	Mortality	Net
2000	62	13	49
2001	78	11	67
2002	80	14	66
2003	87	24	63
2004	78	20	58
2005	82	12	70
2006	97	19	78
2007	117	25	92
2008	104	23	81
2009	113	24	89
2010	115	24	91
2011	111	24	87
2012	123	29	94
2013	133	29	104
2014	*	*	*

*Data not yet available

Table 2. Targeted and acquired acreage totals of Federal and state conservation lands and Indian Reservation lands in South Florida directly affecting the panther within the Service's panther consultation area.*

Name	Targeted[1] Acreage	Acquired Acreage	Indian Reservation
Federal Conservation Lands			
Everglades National Park	1,508,537	1,508,537	--
Big Cypress National Preserve	720,000	720,000	--
Florida Panther National Wildlife Refuge	26,400	26,400	--
Subtotal	**2,254,937**	**2,254,937**	--
State of Florida: Florida Forever Program			
Belle Meade	28,505	19,107	--
Corkscrew Regional Ecosystem Watershed	69,500	24,028	--
Twelvemile Slough	15,653	7,530	--
Panther Glades	57,604	22,536	--
Devil's Garden	82,508	0	--
Caloosahatchee Ecoscape	18,497	2,994	--
Babcock Ranch	91,361	0	--
Fisheating Creek	176,760	59,910	--
Subtotal	**540,388**	**136,105**	**--**
State of Florida: Other State Acquisitions			
Water Conservation Area Number 3	491,506	491,506	--
Holey Land Wildlife Management Area	33,350	33,350	--
Rotenberger Wildlife Management Area	25,019	20,659	--
Fakahatchee Strand State Preserve	74,374	58,373	--
Picayune Strand State Forest	55,200	55,200	--

Name	Targeted[1] Acreage	Acquired Acreage	Indian Reservation
Okaloacoochee Slough State Forest and WMA	34,962	34,962	--
Babcock-Webb Wildlife Management Area	79,013	79,013	--
Subtotal	**793,424**	**773,063**	**--**
Indian Reservations[2]			
Miccosukee Indian Reservation	--	--	81,874
Big Cypress Seminole Indian Reservation	--	--	68,205
Brighton Seminole Indian Reservation	--	--	37,447
Subtotal	**--**	**--**	**187,526**
GRAND TOTALS	**3,588,749**	**3,164,105**	**187,526**

[1] Targeted acres not available for all lands. In Such cases, targeted equals acquired acreage.

[2] Indian lands are included due to their mention in the MSRP. Acreages taken from GIS data.

* The lands shown as acquired in this Table may include some private in-holdings and may include lands currently under sales negotiations or condemnation actions.

Table 3. Telemetry points of alive or status unknown radio-collared panthers recorded within the action area.

Panther	Number of Telemetry Points	Sex	Year that last telemetry location was taken
FP62	42	Male	2000
FP65	401	Male	2010
FP66	4	Female	1998
FP81	21	Female	2002
FP110	1206	Female	2003
FP137	388	Female	2011
FP139	46	Male	2005
FP143	47	Male	2007
FP160	34	Female	2007
FP165	42	Male	2009
FP167	35	Male	2009
FP213	51	Female	2013

Total Telemetry Points = 2,317

Table 4. Panther-vehicle collisions within action area as of June 2015.

ID	Location	Year	Sex	Result
UCFP28	SR 25 South of Moore Haven	1972	Male	Death
UCFP09-(G83-22)	US Highway 27 in Palmdale	1983	Male	Death
UCFP18-(RK-850)	CR 850 south of SR 80	1989	Male	Death
FP50	CR 846 east of Immokalee	1993	Male	Death
FP 52	CR 846 near Dupree Road	1995	Female	Death
UCFP29	CR 832 east of SR 29	1996	Male	Death
UCFP31	CR 846 west of CR 858	1997	Unknown	Death
UCFP25	CR 846	1998	Female	Death
FP74	US 27 near Venus	1999	Male	Death
UCFP34	CR 846 east of county line	2000	Male	Death
UCFP35	CR846 east of Immokalee	2000	Male	Death
UCFP36	CR846 east of Immokalee	2000	Female	Death
UCFP37	CR 846 east of SR 29	2000	Female	Death
UCFP42	CR 846 east of Powerline	2001	Female	Death
UCFP43	CR 846 east of Powerline	2001	Male	Death
UCFP45	US 27 north of Palmdale	202	Male	Death
UCFP48	CR 846 east of Immokalee	2002	Female	Death
UCFP49 (K98)	CR 846 east of Immokalee	2002	Female	Death
UCFP52	CR 833 south of CR 832	2003	Male	Death
UCFP61	CR 833 north of CR 846	2003	Female	Death
K128	CR 832 east of rail road grade	2004	Male	Death
UCFP78	CR 846 west of CR 858	2006	Male	Death
UCFP85	CR 832	**2006**	Male	**Death**
UCFP90	CR 832	2007	Female	Death
UCFP91	CR 832	2007	Male	Death
K199	CR 832	2007	Female	Death
UCFP112	SR 80 east of CR 833	2008	Male	Death
UCFP115	CR 832	2009	Male	Death
UCFP129	CR 846 east of Immokalee	2009	Male	Death
UCFP130	CR 846 east of Immokalee	2009	Female	Death
UCFP139	Corkscrew Road	2010	Female	Death
UCFP141	Church Road near landfill	2010	Female	Death
UCFP144	CR 833 north of CR 832	2010	Male	Death
FP176	Keri Road	2010	Male	Death
UCFP148	US 27 east of SR 80	2010	Male	Death
UCFP150	CR 846 south of CR 833	2010	Male	Death
K284	SR 29 south of Sears Road	2011	Male	Death
UCFP165	SR 29 Collier/Hendry County Line	2011	Female	Death

Table 4. Panther-vehicle Collisions within action area as of February 2015 – continued

ID	Location	Year	Sex	Result
UCFP166	SR 82 west of SR 29	2012	Male	Death
UCFP171	SR 80 east of I-75	2012	Male	Death
UCFP172	SR 82 east of Church Road	2012	Male	Death
UCFP187	CR 835	2013	Male	Death
UCFP191	SR 80 east of LaBelle	2013	Unknown	Death
UCFP192	CR 846, 2.3 miles west of County Line Road	2013	Male	Death
UCFP195	CR 846 east of County Line Road	2013	Male	Death
UCFP206	SR 80 at Lee/Hendry County Line	2014	Male	Death
UCFP207	CR 833	2014	Male	Death
UCFP209	CR 833 south of CR 832	2014	Male	Death
UCFP210	CR 833 south of CR 832	2014	Male	Death
UCFP217	CR 833	2014	Male	Death
UCFP223	County Line Road South of CR 846 CR 833	2014	Male	Death
UCFP225	Flaghole Road	2014	Male	Death
UCFP236	CR 846 ½ mile south of CR 833	2015	Male	Death
UCFP242	CR 833, ¼ mile south of CR 832	2015	Female	Death

Table 5. Panther habitat units (PHU) provided from SR 80 Project Site, and PHUs needed to compensate for the panther habitat lost due to the project. *

Land Cover Type	Habitat Score	Ac in Panther Secondary Zone	PHUs Provided
Hardwood/Pine Forest)	9.3	0.38	3.534
Hardwood Swamp	9.2	6.73	61.916
Dry Prairie	6.3	2.21	13.923
Unimproved Pasture	5.7	1.47	5.871
Shrub swamp	5.5	0.13	0.715
Improved Pasture	5.2	52.89	275.028
Cropland	4.8	11.13	53.424
Orchards/Groves	4.7	5.06	23.782
Marsh/Wet Prairie	4.7	3.07	14.429
Exotic Plants	3	1.83	5.49
Barren/Disturbed Lands	3	0.12	0.36
Surface Waters	0	15.42	0
Roadway and Urban Lands	0	79.67	0
TOTAL - All Land Cover Types Providing PHUs	-	85.02	458.472
TOTAL - All Land Cover Types Providing PHUs + All Land Cover Types Not Providing PHUs	-	180.11	458.472

*PHUs needed to compensate for impacts in Secondary Zone from SR 80 Project calculated as follows: PHUs in Project Footprint x Base Ratio x Landscape Multiplier for Secondary Zone (458.472 PHUs x 2.5 x 0.69 = 790.864 PHUs [rounded to 791 PHUs**]).

**The FDOT will provide 791 PHUs from a Service-approved conservation bank or mitigation bank.

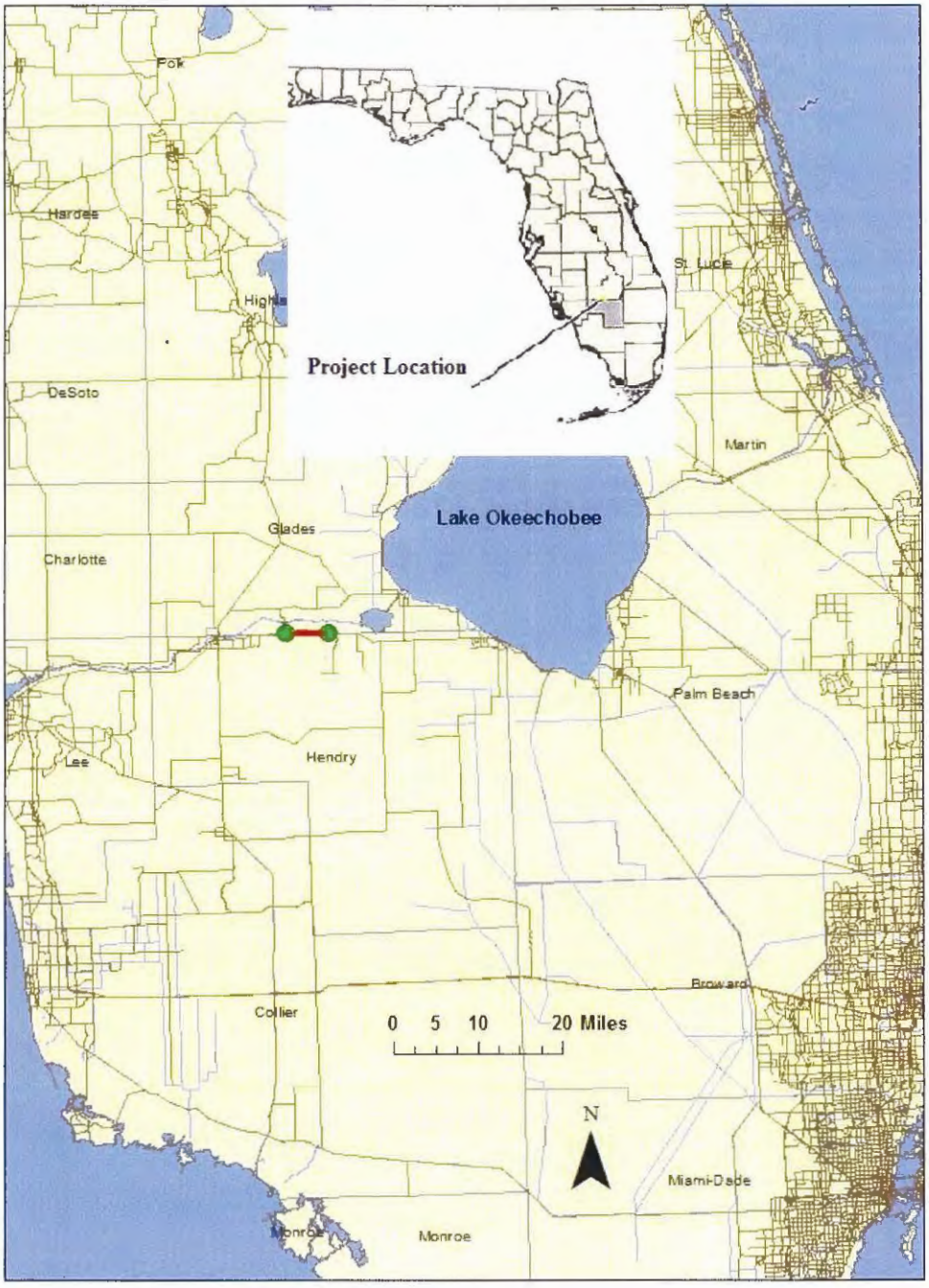

Figure 1. Location Map of SR 80 from Dalton Lane to Indian Hills Drive widening project (Project site indicated by red line bounded by yellow circles).

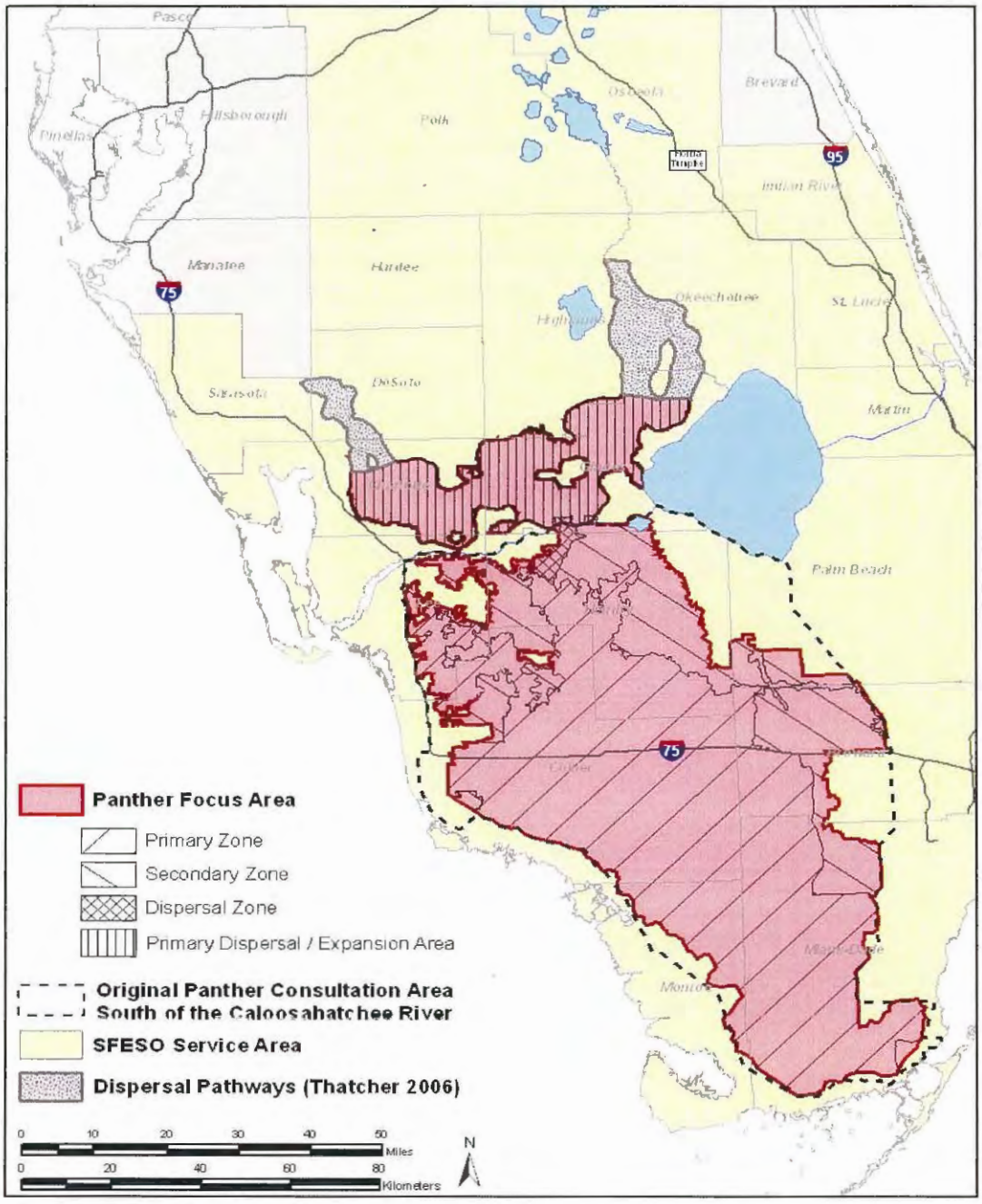

Figure 2. Florida panther focus area and original panther consultation area.

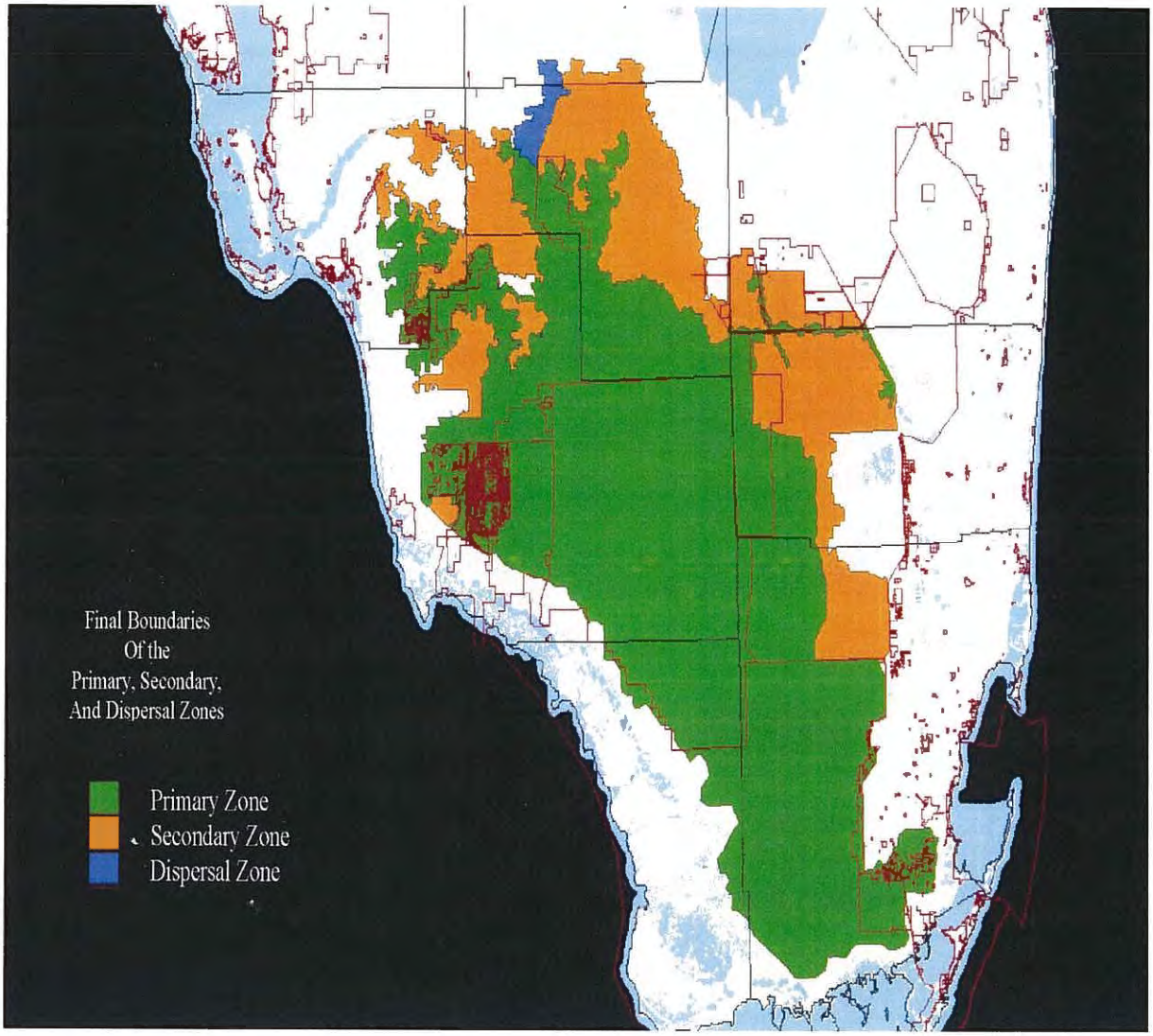

Figure 3. Primary, secondary, and dispersal zones from Kautz et al. (2006).

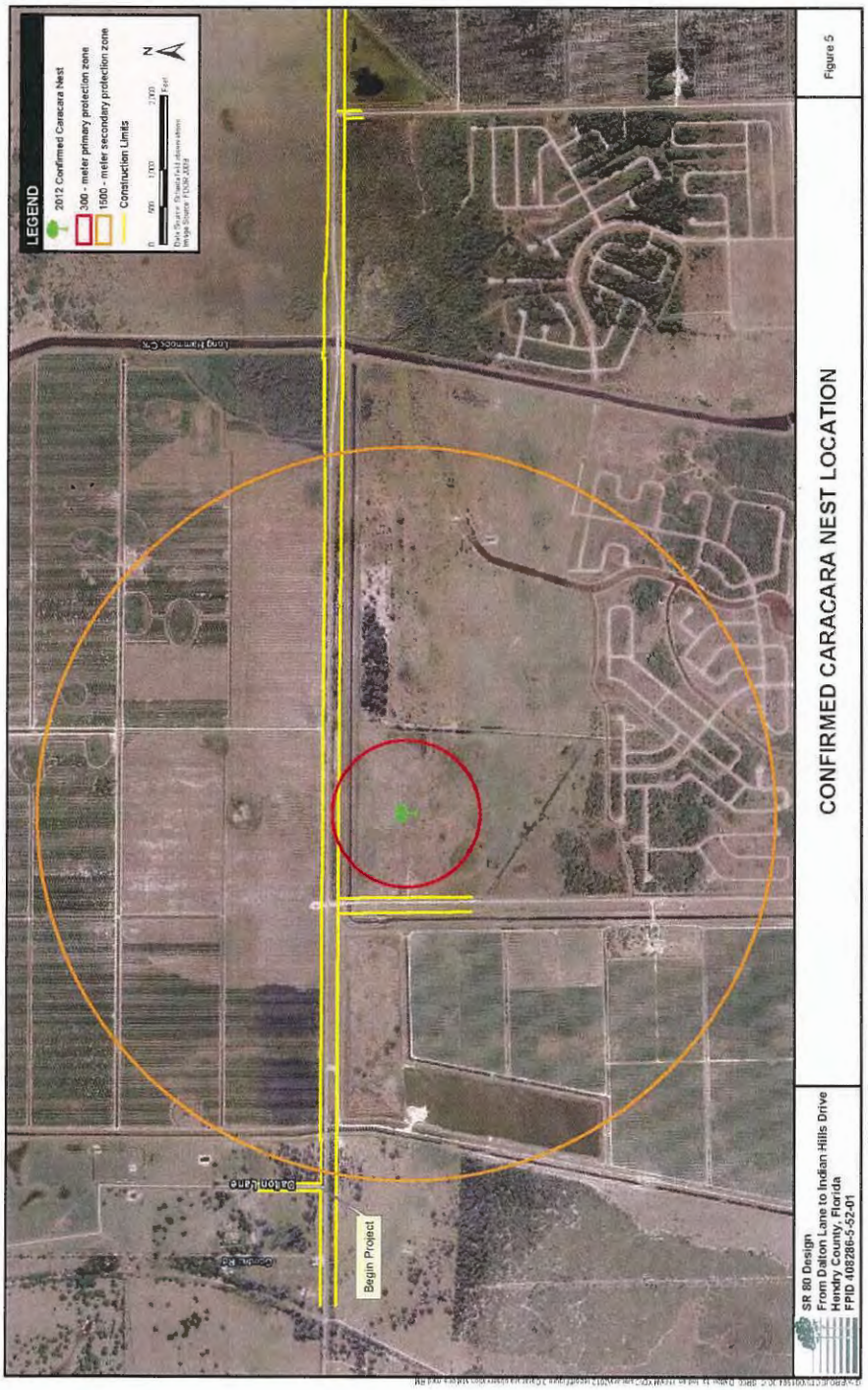

Figure 4. Location map of active caracara nest near SR 80 from Dalton Lane to Indian Hills Drive widening project site.

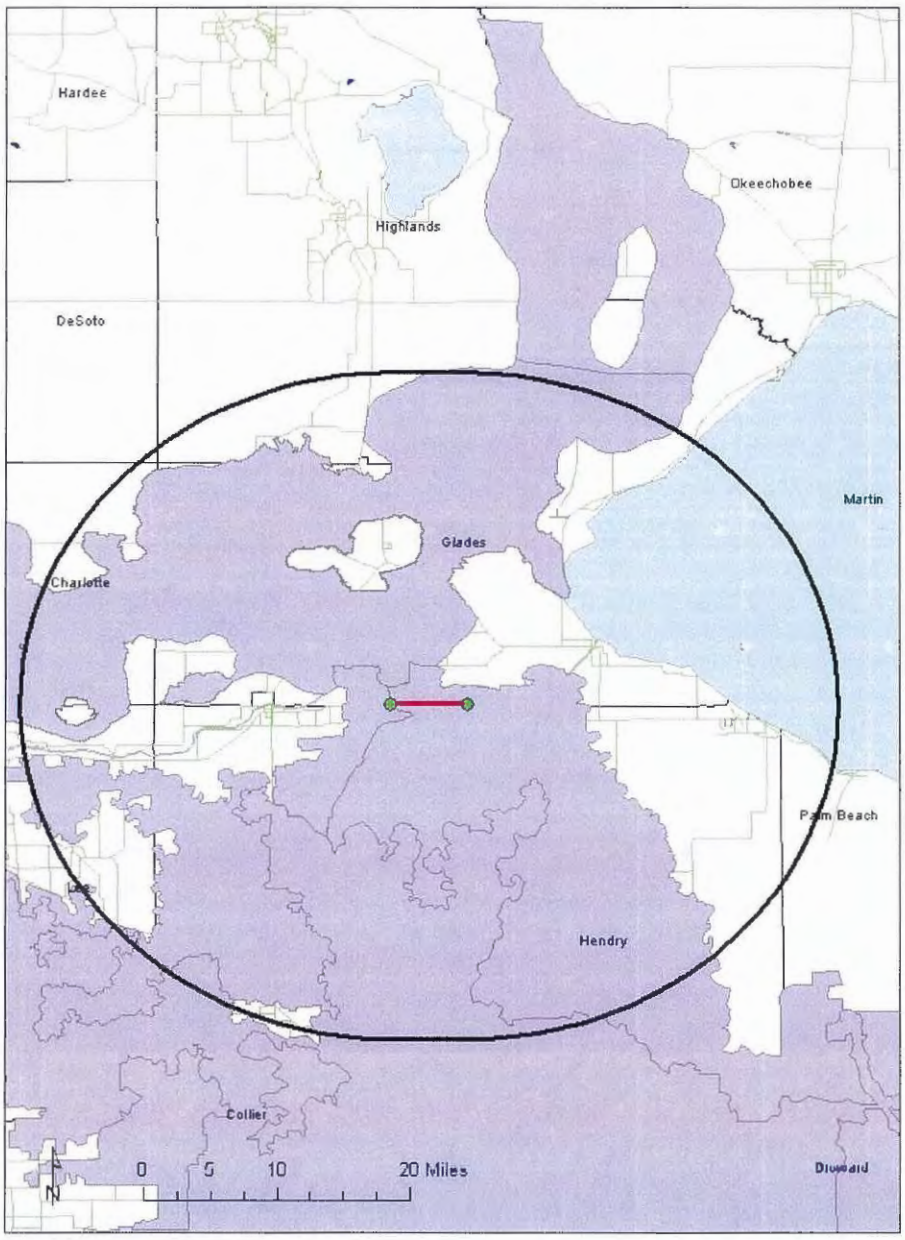

Figure 5. Map showing the action area for the proposed SR 80 Project (project site indicated by red line bounded by yellow circles). The black circle denotes all lands within 25 miles of project sites. Area in blue indicates the Service's Focus Area for the panther. The action area is defined as the project footprint and all lands in the Focus Area within 25 miles of the project site.

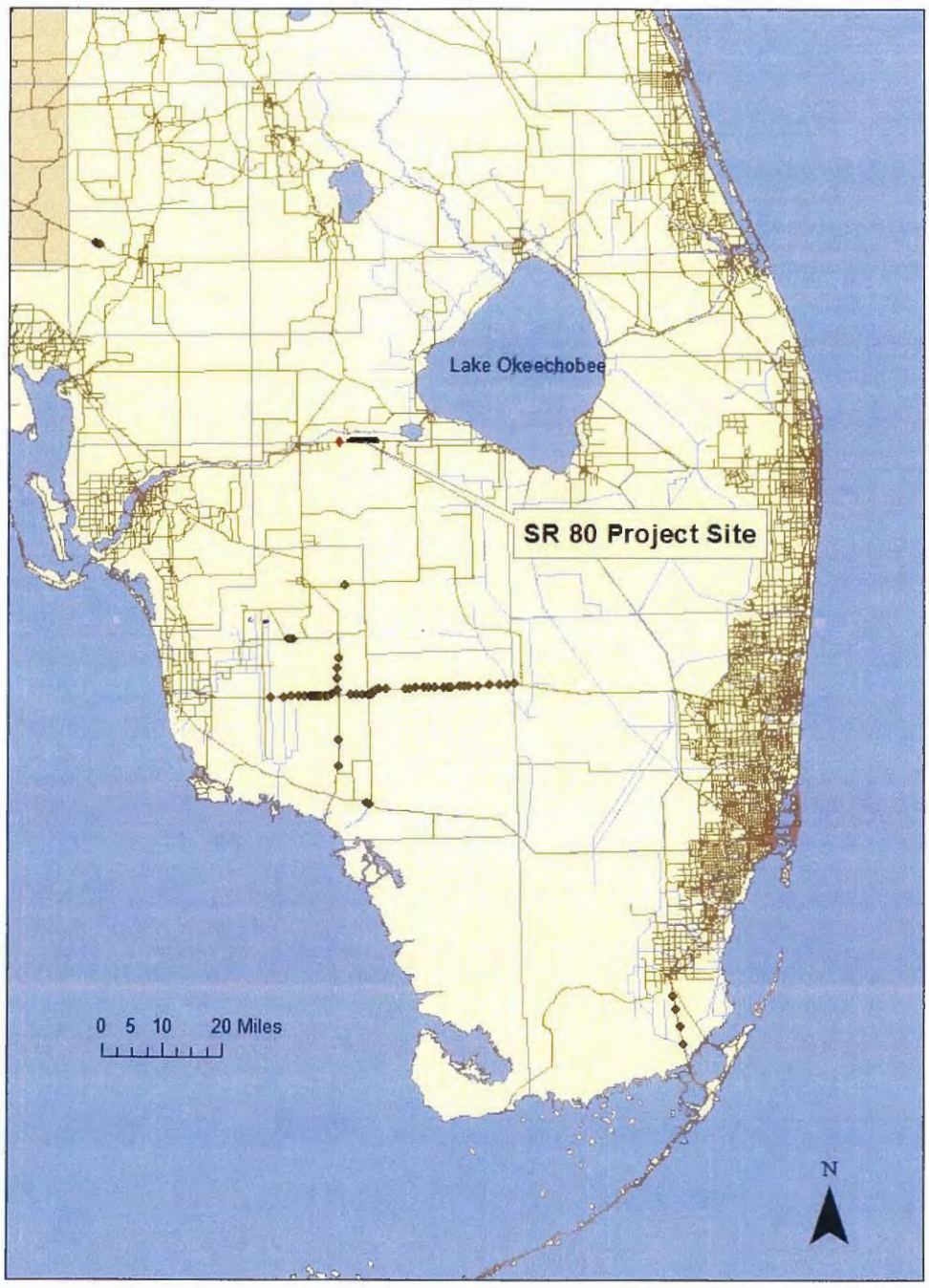

Figure 6. Locations of wildlife crossings in South Florida (indicated by red diamonds).

FDOT SR 80 Construction Project

From Dalton Lane to CR 833 in Hendry County
Financial Project IDs: 408286-5-52-01 & 408286-6-52-01

PROJECT DESCRIPTION

The Florida Department of Transportation (FDOT), District One, is making improvements to State Road (SR) 80 from Dalton Lane to CR 833 in Hendry County. The project includes widening 11 miles of roadway from an existing two-lane rural roadway into a four-lane divided rural roadway.

FDOT's contractor, Ajax Paving Industries of Florida, is constructing 12-foot wide travel lanes in each direction with a 64-foot grassed median. Additional work includes repaving the current lanes on SR 80 and constructing ten new bridges. Three bridges will require full demolition and removal of the existing bridges to construct the new ones.

Work will also include adding new turn lanes at the major intersections, installing lighting at three intersections, grassed borders along both sides of the roadway, and roadside ditches and off-site ponds to accommodate stormwater runoff. Construction began on May 1, 2017, and the project's estimated completion is summer of 2020.

For more information:

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FDOT solicits public participation without regard to race, color, national origin, age, sex, religion, disability, or family status.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

February 4, 2015

Alan M. Dodd
District Commander
U.S. Army Corps of Engineers
701 San Marco Boulevard, Room 372
Jacksonville, Florida 32207-8175

Service CPA Code:	04EF2000-2012-CPA-0225
Service Consultation Code:	04EF2000-2012-F-0248
Corps Application No.:	SAJ-2013-01100 (SP-GCL)
Date Received:	August 20, 2013
Formal Consultation Initiation Date:	December 23, 2014
Applicant:	Florida Department of Transportation
Project:	State Road 80 from Indian Hills Drive to County Road 833
Counties:	Glades and Hendry

Dear Colonel Dodd:

This document transmits the U.S. Fish and Wildlife Service's (Service) Biological Opinion to the U.S. Army Corps of Engineers (Corps) for the Florida Department of Transportation's (FDOT) widening of State Road (SR) 80 from Indian Hills Drive to County Road (CR) 833 in Glades and Hendry Counties, Florida. This Biological Opinion documents the effects of the project on the endangered Florida panther (*Puma concolor coryi*) in accordance with Section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

This Biological Opinion is based on: information provided in the FDOT letter to the Service dated July 23, 2012; information on the project from the applicant's consultant; and meetings, telephone conversations, emails; and other sources of information. A complete administrative record of this consultation is on file at the Service's South Florida Ecological Services Office (SFESO), Vero Beach, Florida.

Consultation History

In a letter to the Service dated August 20, 2013, the Corps determined the SR 80 from Indian Hills Drive to CR 833 project "may affect, but is not likely to adversely affect" the threatened wood stork (*Mycteria americana*), Audubon's crested caracara (*Caracara cheriway = Polyborus plancus audubonii*) and eastern indigo snake (*Drymarchon couperi = Drymarchon corais couperi*). The Corps also determined the project "may affect. and is likely to adversely affect" the endangered Florida panther, and requested initiation of formal consultation.

In a letter to the Corps dated October 22, 2013, the Service concurred with the Corps' determinations for the wood stork, Audubon's crested caracara, eastern indigo snake, and Florida panther. The Service also stated we do not have sufficient information to initiate formal consultation and requested additional information related to the Florida panther.

On February 19, 2014, the FDOT provided the information requested in the Service's October 22, 2013, letter to the Corps in the form of a biological assessment dated January 2014.

In a letter to the Service dated December 23, 2014, the FDOT provided information to amend their January 2014 biological assessment.

As of December 23, 2014, we received all the information necessary for initiation of formal consultation on the Florida panther for this project as required in the regulations governing interagency consultations (50 CFR § 402.14). The Service is providing this Biological Opinion in conclusion of formal consultation.

BIOLOGICAL OPINION

DESCRIPTION OF PROPOSED ACTION

The FDOT proposes to widen a 6.37-mile section of SR80 from Indian Hills Drive to CR 833. The existing two-lane road will be enlarged to a divided four-lane highway with center grassy median. The purpose of the project is to relieve traffic congestion associated with ongoing human population growth and development. The FDOT used an Average Annual Daily Traffic Standard Urban Transportation Model and Hendry County population projections to determine that the existing two-lane roadway would need to be expanded to a four lanes for SR 80 to operate at or above the minimum acceptable Level of Service established for the Florida Intrastate Highway System. The time needed to complete the project is not precisely known. However, it is likely all works associated with the project will be completed in 2 to 3 years. Construction activities will likely occur in daylight hours, and because the project is located in a rural area, it is not expected the contractor will ask for an exemption from Hendry County to work during nighttime hours to reduce traffic congestion. All staging of construction vehicles and materials will occur within the project footprint. The project is located in Sections 33, 34, 35, and 36, Township 42 South, Range 31 East in Glades County, Florida; and Sections 31, Township 42 South, Range 32 East; Sections 1, 2, 3, and 4, Township 43 South, Range 31 East; and Sections 6, 7, 8, and 9, Township 43 South, Range 32 East in Hendry County, Florida (Figure 1).

Adverse effect to the Florida panther and proposed compensation

The project sites will impact 156.23 acre (ac) of land within the Secondary Zone (Kautz et al. 2006) of the Service's Focus Area (as defined on page 4; Figure 2) for the endangered Florida panther. The project footprint within the Secondary Zone is comprised of 5.05 ac of unimproved pasture, 0.26 ac of shrub swamp, 0.27 ac of improved pasture, 20.68 ac of cropland, 15.16 ac of citrus grove, 0.07 ac of Marsh/Wet Prairie, 14.52 ac of exotic plants, 14.35 ac of disturbed lands,

21.09 ac of surface waters, and 64.77 ac of urban lands. The Service finds the 156.23-ac project site provides about 74.29 ac of habitat types suitable for panther feeding and dispersal. Therefore, the project will result in the loss of about 70.37 ac (rounded to 70 ac) of panther habitat. The Service has determined the 70 ac of panther habitat to be impacted provide a total of 156.23 Panther Habitat Units (PHUs) (see Table 4).

The FDOT has proposed to minimize the adverse effects of the loss of panther habitat resulting from the project by acquiring 499 PHUs from a Service-approved conservation bank or wetland mitigation bank. The proposed compensation plan provides habitat preservation and restoration near the project area, and is consistent with goal 1.1.1.2.3 in the Panther Recovery Plan (Service 2008) recommending that habitat preservation and restoration be provided, especially within the Primary Zone, in situations where land use intensification cannot be avoided. The applicant has proposed equivalent habitat protection and restoration, to compensate for both the function and value of the lost habitat.

Action area

The action area is defined as all areas to be directly or indirectly affected by the Federal action and not merely the immediate area involved in the action. Therefore, the Service considers the action area for this project as all lands within the footprint of the SR 80 from Dalton Lane to Indian Hills Drive project, and all lands located in the Service's panther Focus Area (Focus Area) within 25 miles of the project footprint (Figure 1). The 25-mile buffer around the project footprint is based on mean dispersal distances of 37.3 kilometers (km) (23.2 miles) (Maehr et al. 2002a), and 40.1 km (24.9 miles) (Comiskey et al. 2002) reported for subadult male panthers. The 25-mile buffer distance encompasses the dispersal distance of both male and female panthers because male panther dispersal distances are known to exceed those reported for female panthers (Maehr et al. 2002a; Comiskey et al. 2002). The size of the action area for this consultation is consistent with action areas defined in our recent biological opinions for the panther, and it encompasses the wide ranging movements of subadult panthers and the large home territories of adult panthers.

The Focus Area denotes areas in Florida where development projects could potentially affect the panther (Figure 1) and is based on the scientific information on panther habitat usage provided in Kautz et al. (2006) and Thatcher et al. (2006). The Focus Area includes lands in Charlotte, Glades, Hendry, Lee, Collier, Palm Beach, Broward, Miami-Dade, and Monroe Counties, as well as the southern portion of Highlands County (Figure 2). Developed urban coastal areas in eastern Palm Beach, Broward, and Miami-Dade Counties, and in western Charlotte, Lee, and Collier Counties were excluded because they contain little or no panther habitat, and it is unlikely panthers would use such areas. Additional details regarding the Panther Focus Area zones (*e.g.,* Primary, Secondary, etc.) can be found in the *Habitat Characteristics/Ecosystem* and *South Florida Panther Population Goal* headings, below. Areas outside of the Panther Focus Area, but within the original Consultation Area (Figure 2), are collectively known as the "Other Zone."

STATUS OF THE SPECIES/CRITICAL HABITAT RANGEWIDE

Species/critical habitat description

An adult Florida panther is unspotted and typically rusty reddish-brown on the back, tawny on the sides, and pale gray underneath. Adult males can reach a length of 7 feet (ft) (2.1 meters [m]) from their nose to the tip of their tail and may exceed 161 pounds (lbs) (73 kilograms [kg]) in weight. However, adult males usually average around 116 lbs (52.6 kg) and are about 24 to 28 inches (in) (60 to 70 centimeters [cm]) tall at shoulder height (Roelke 1990). Female panthers are smaller with an average weight of 75 lbs (34 kg) and length of 6 ft (1.8 m) (Roelke 1990). Florida panther kittens are gray with dark brown or blackish spots and five bands around the tail. The spots gradually fade as the kittens grow older and are almost unnoticeable by the time they are 6 months old. At this age, their bright blue eyes slowly turn to the light-brown straw color of the adult (Belden 1988).

Three external characteristics: a right angle crook at the terminal end of the tail, a whorl of hair or cowlick in the middle of the back, and irregular, white flecking on the head, nape, and shoulders – not found in combination in other subspecies of *Puma* (Belden 1986), were commonly observed in Florida panthers through the mid-1990s. The kinked tail and cowlicks were considered manifestations of inbreeding (Seal 1994); whereas the white flecking was thought to be a result of scarring from tick bites (Maehr 1992; Wilkins et al. 1997). Four other abnormalities prevalent in the panther population prior to the mid-1990s were cryptorchidism (one or two undescended testicles), low sperm quality, atrial septal defects (the opening between two atria in the heart fails to close normally during fetal development), and immune deficiencies; and these were suspected to be the result of low genetic variability (Roelke et al. 1993).

Critical habitat has not been designated for the Florida panther. Therefore, critical habitat will not be affected by the project.

Taxonomy

The Florida panther was first described by Charles B. Cory in 1896 as *Felis concolor floridana* (Cory 1896). The type specimen was collected in Sebastian, Florida. Bangs (1899), however, believed the Florida panther was restricted to peninsular Florida and could not intergrade with other *Felis* sp. Therefore, he assigned it full specific status and named it *Felis coryi* since *Felis floridana* had been used previously for a bobcat (*Lynx rufus*).

Culver et al. (2000) examined genetic diversity within and among the described subspecies of *Puma concolor* using three groups of genetic markers and proposed a revision of the genus to include only six subspecies, one of which encompassed all puma in North America including the Florida panther. They determined the Florida panther was one of several smaller populations that had unique features. Specifically, the number of polymorphic microsatellite loci and amount of variation were lower, and it was highly inbred. The degree to which the scientific community accepted the results of Culver et al. (2000) and the proposed change in taxonomy is not resolved (Service 2008). The Florida panther remains listed as a subspecies, and continues to receive protection pursuant to the Act.

Federal status

The Florida panther is the last subspecies of *Puma* (also known as mountain lion, cougar, panther, or catamount) still surviving in the eastern United States. Historically occurring throughout the southeastern United States (Young and Goldman 1946), today the panther is restricted to less than 5 percent of its historic range located in south Florida.

When Europeans first came to this country, pumas roamed most all of North, Central, and South America. Early settlers attempted to eradicate pumas by every means possible. By 1899, it was believed Florida panthers had been restricted to peninsular Florida (Bangs 1899). By the late 1920s to mid-1930s, it was thought by many the Florida panther had been completely extirpated (Tinsley 1970). In 1935, Dave Newell, a Florida sportsman, hired Vince and Ernest Lee, Arizona houndsmen, to hunt for panthers in Florida. They killed eight in the Big Cypress Swamp (Newell 1935). Every survey conducted since then confirmed a breeding panther population in southern Florida south of the Caloosahatchee River, and no survey since then has been able to confirm a reproducing panther population outside of southern Florida.

Prior to 1949, panthers could be killed in Florida at any time of the year. In 1950, the Florida Game and Fresh Water Fish Commission (now Florida Fish and Wildlife Conservation Commission [FWC]) declared the panther a regulated game species due to concerns over declining numbers. The FWC removed panthers from the game animal list in 1958 and gave them complete legal protection. On March 11, 1967, the Service listed the panther as endangered (32 FR 4001) throughout its historic range, and these animals received Federal protection under the passage of the Act in 1973. In addition, the Florida Panther Act (Florida Statute 372.671), a 1978 Florida State law, made killing a panther a felony. The Florida panther is listed as endangered by the States of Florida, Georgia, Louisiana, and Mississippi in addition to its Federal listing.

Since the panther was designated as an endangered species prior to enactment of the Act, there was no formal listing package identifying threats to the species as currently required by section 4(a)(1) of the Act. However, the Florida Panther Recovery Plan, third revision, addressed the five factor threats analysis (Service 2008). Critical habitat has not been designated for the panther.

Life history

Male Florida panthers are polygynous, maintaining large, overlapping home ranges containing several adult females and their dependent offspring. Breeding activity peaks from December to March (Shindle et al. 2003). Litters (n = 82) are produced throughout the year, with 56 to 60 percent of births occurring between March and June (Jansen et al. 2005; Lotz et al. 2005). The greatest number of births occurs in May and June (Jansen et al. 2005; Lotz et al. 2005). Seventy percent of litters are comprised of either two or three kittens and the mean litter size is 2.4 kittens.

Panther dens are usually located closer to upland hardwoods, pinelands, and mixed wet forests and farther from freshwater marsh-wet prairie (Benson et al. 2008). Most den sites are located in dense saw palmetto (*Serenoa repens*), shrubs, or vines (Maehr 1990; Shindle et al. 2003;

Benson et al. 2008). Den sites are used for 6 to 8 weeks by female panthers and their litters from birth to weaning (Benson et al. 2008). Independence and dispersal of young typically occurs at 18 months, but may occur as early as one year (Maehr 1992).

Survivorship and causes of mortality

Benson et al. (2009) analyzed survival and cause-specific mortality of subadult and adult Florida panthers. They found sex and age influenced panther survival, as females survived better than males, and older adults (≥10 years) survived poorly compared with younger adults. Genetic ancestry strongly influenced annual survival of subadults and adults after introgression, as F_1 generation admixed panthers survived longer than pre-introgression panthers and non-F_1 admixed individuals (Benson et al. 2009).

Female panthers are considered adult residents if they are older than 18 months, have established home ranges, and have bred (Maehr et al. 1991). Land et al. (2004) reported 23 of 24 female panthers first captured as kittens survived to become residents and 18 (78.3 percent) produced litters; 1 female was too young to determine residency. Male panthers are considered adult residents if they are older than 3 years and have established a home range that overlaps with females. Thirty-one (31) male panthers were captured as kittens and 12 (38.7 percent) of these cats survived to become residents (Jansen et al. 2005). "Successful male recruitment may depend on the death or home range shift of a resident adult male" (Maehr et al. 1991). Turnover in the breeding population is low with documented mortality in radio-collared panthers being greatest in subadult and non-resident males (Maehr et al. 1991; Shindle et al. 2003).

Den sites of female panthers have been visited since 1992 and the kittens tagged with passive integrated transponder chips. Annual survival of these kittens has been determined to be 0.328 ± 0.072 (standard error) (Hostetler et al. 2009). There was no evidence survival rate differed between male and female kittens or was influenced by litter size. Hostetler et al. (2009) found kitten survival generally increased with degree of admixture with introduced Texas pumas and decreased with panther abundance. Kitten survival is lowest during the first 3 months of their lives (Hostetler et al. 2009).

Mortality records have been kept by the FWC beginning on February 13, 1972, for uncollared panthers and February 10, 1981, for radio-collared panthers. Through January 16, 2015, 404 mortalities have been documented. Vehicle strikes are the leading cause of documented panther mortalities. A total of 225 Florida panthers have been hit by vehicles (FWC 2013). These collisions resulted in 216 panther fatalities and 9 non-fatal injuries. The number of panther/ vehicle collisions recorded per year is positively correlated with the annual panther count (McBride et al. 2008). Intraspecific aggression is also a significant cause of panther mortality for panthers (70 documented cases) and is more common for males than females (Benson et al. 2009). However, instances where a male kills a female have been documented (Benson et al. 2009). In most cases the defense of a territory is the most likely cause for the intraspecific aggression, although the defense of kittens or a kill is also a suspected cause (Shindle et al. 2003).

Dispersal

Panther dispersal begins after a juvenile becomes independent from its mother and continues until it establishes a home range. Dispersal distances are greater for males than females. The maximum dispersal distance recorded for a young male was 139.2 mi (224.1 km) over a 7-month period followed by a secondary dispersal of 145 mi (233 km). Comiskey et al. (2002) found males disperse an average distance of 25 mi (40 km) and females typically remain in or disperse short distances from their natal ranges. Female dispersers are considered philopatric because they usually establish home ranges less than one average home range width from their natal range (Maehr et al. 2002a). Maehr et al. (2002a) reported all female dispersers (n = 9) were successful at establishing a home range whereas only 63 percent of males (n = 18) were successful. Dispersing males usually go through a period as transient (non-resident) subadults, moving through the fringes of the resident population and often occupying suboptimal habitat until an established range becomes vacant (Maehr 1997).

Most panther dispersal occurs south of the Caloosahatchee River. However, panthers have been documented north of the Caloosahatchee River many times since February 1972 through field signs (*e.g.*, tracks, urine markers, scats), camera-trap photographs, carcasses from vehicle-related mortalities, telemetry from radio-collared animals (Land and Taylor 1998; Land et al. 1999; Shindle et al. 2000; Maehr et al. 2002b; Belden and McBride 2005), captured animals (one of which was radio collared), and one skeleton.

The Caloosahatchee River, a narrow (295-328 ft [90-100 m]), channelized river, is probably not a significant barrier to panther movements. Western subspecies of *Puma* are known to cross wide, swift-flowing rivers up to a mile in width (Seidensticker et al. 1973; Anderson 1983). However, the combination of the river, SR 80, and land uses along the river seems to have somewhat restricted panther dispersal northward (Maehr et al. 2002b). Documented physical evidence of at least 15 uncollared male panthers has been confirmed north of the river since 1972, but neither female panthers nor reproduction have been documented in this area since 1973 (Belden and McBride 2005).

Home range dynamics and movements

Panthers require large areas to meet their needs. Numerous factors influence panther home range size, including: habitat quality, prey density, and landscape configuration (Belden 1988; Comiskey et al. 2002). Home range sizes of six radio-collared panthers monitored between 1985 and 1990 averaged 128,000 ac (51,800 hectares [ha]) for resident adult males and 48,000 ac (19,425 ha) for resident adult females; transient males had a home range of 153,599 ac (62,160 ha) (Maehr et al. 1991). Comiskey et al. (2002) examined the home range size for 50 adult panthers (residents greater than 1.5 years old) monitored in south Florida from 1981 to 2000 and found resident males had a mean home range of 160,639 ac (65,009 ha) and females had a mean home range of 97,920 ac (39,627 ha). Beier et al. (2003) found home range size estimates for panthers reported by Maehr et al. (1991) and Comiskey et al. (2002) to be reliable.

Annual minimum convex polygon home range sizes of 52 adult radio-collared panthers monitored between 1998 and 2002 ranged from 15,360 to 293,759 ac (6,216 to 118,880 ha), averaging 89,600 ac (36,260 ha) for 20 resident adult males and 44,160 ac (17,871 ha) for 32 resident adult females (Land et al. 1999, 2002; Shindle et al. 2000, 2001). The most current

estimate of home-range sizes (minimum convex polygon method) for established, non-dispersing, adult, radio-collared panthers averaged 29,056 ac (11,759 ha) for females (n = 11) and 62,528 ac (25,304 ha) for males (n = 11) (Lotz et al. 2005). The average home range was 35,089 ac (14,200 ha) for resident females (n = 6) and 137,143 ac (55,500 ha) (n = 5) for males located at Big Cypress National Preserve (BICY) (Jansen et al. 2005). Home ranges of resident adults tend to be stable unless influenced by the death of other residents.

Activity levels for Florida panthers are greatest at night with peaks around sunrise and after sunset (Maehr et al. 1990b). The lowest activity levels occur during the middle of the day. Female panthers at natal dens follow a similar pattern with less difference between high and low activity periods.

Telemetry data indicate panthers typically do not return to the same resting site day after day, with the exception of females with dens or panthers remaining near kill sites for several days. The presence of physical evidence such as tracks, scats, and urine markers, confirms panthers move extensively within home ranges, visiting all parts of the range regularly in the course of hunting, breeding, and other activities (Maehr 1997; Comiskey et al. 2002). Males travel widely throughout their home ranges to maintain exclusive breeding rights to females. Females without kittens also move extensively within their ranges (Maehr 1997). Panthers are capable of moving large distances in short periods of time. Nightly panther movements of 12 mi (20 km) are not uncommon (Maehr et al. 1990b).

Intraspecific interactions

Adult females and their kittens interact more frequently than any other group of panthers. Interactions between adult male and female panthers last from 1 to 7 days and usually result in pregnancy (Maehr et al. 1991). Aggressive interactions between males often result in serious injury or death. Independent subadult males have been known to associate with each other for several days and these interactions do not appear to be aggressive in nature. Aggression between males is the most common cause of male mortality and an important determinant of male spatial and recruitment patterns based on radio-collared panthers (Maehr et al. 1991; Shindle et al. 2003).

Food habits

Primary panther prey species are white-tailed deer and feral hog (*Sus scrofa*) (Maehr et al. 1990a; Dalrymple and Bass 1996). Generally, feral hogs constitute the greatest biomass consumed by panthers north of the Alligator Alley section of I-75, while white-tailed deer are the greatest biomass consumed to the south (Maehr et al. 1990a). Secondary prey species include raccoons (*Procyon lotor*), nine-banded armadillos (*Dasypus novemcinctus*), marsh rabbits (*Sylvilagus palustris*) (Maehr et al. 1990a), and American alligators (*Alligator mississippiensis*) (Dalrymple and Bass 1996). No seasonal variation in diet has been detected. Maehr et al. (1990a) rarely observed domestic livestock in scats or kills of the Florida panther, although cattle were readily available in the study area.

Little information on the feeding frequency of the Florida panther is available. However, the feeding frequency of the Puma is likely similar to the feeding frequency of the Florida panther. Ackerman et al. (1986) reported a resident adult male puma generally consumes one deer-sized

prey every 8 to 11 days. Moreover, a female puma will consume one deer-sized prey item every 14 to 17 days for a resident female and one deer-sized prey item every 3.3 days for a female with three 13-month-old kittens.

Infectious diseases, parasites, and environmental contaminants

While infectious diseases and environmental contaminants are stressors for Florida panthers, they are not likely to be affected, either positively or negatively by the proposed project. Therefore, they will not be discussed in this biological opinion. For information on this topic, please see the Service's latest recovery plan for the Florida panther (Service 2008).

Status and distribution

Although generally considered unreliable, sightings of panthers regularly occur throughout the southeast. Nonetheless, a reproducing population of panthers has not been documented to occur outside of south Florida for at least 30 years despite an extensive search effort (Belden et al. 1991; McBride et al. 1993; Clark et al. 2002). Survey reports and more than 70,000 locations of radio-collared panthers recorded between 1981 and 2004 clearly define the panther's current breeding range. Reproduction is known only in the Big Cypress Swamp and Everglades physiographic region in Collier, Lee, Hendry, Miami-Dade, and Monroe Counties, south of the Caloosahatchee River (Belden et al. 1991). As discussed previously, panthers occasionally disperse north of the Caloosahatchee River. However, these animals are likely all males searching to establish new territories. There is no evidence of female panthers or successful panther reproduction currently occurring north of the Caloosahatchee River (Nowak and McBride 1974; Belden et al. 1991; Land and Taylor 1998; Land et al. 1999; Shindle et al. 2000; McBride 2002; Belden and McBride 2005). In 1973, McBride captured one female in Glades County (Nowak and McBride 1974). This was the last time a female panther was identified north of the Caloosahatchee River.

Minimum population counts

McBride et al. (2008) and McBride (2010) reported minimum population counts (*i.e.*, number known alive) based on physical evidence (*e.g.*, tracks, urine markers, panther treed with hounds, trail-camera photos). They counted adult and subadult panthers, but not kittens at the den. Three rules were used to distinguish individuals: (1) gender was determined by track size or stride length; (2) time (freshness) was determined by known events within the past 24 hours, such as wind or rain; and (3) distance between individual track sets. These rules were used as an exclusionary tool to avoid over-counting (McBride et al. 2008). The number of panthers detected and verified by physical evidence from 1981 to 1994 fluctuated between a high of 30 and a low of 19 adult and juvenile panthers, with the lowest point occurring in 1991 following the removal of 7 juveniles and 3 kittens to initiate a captive breeding program (McBride et al. 2008). In 1995, eight female pumas from Texas were released to address suspected deleterious effects of inbreeding. From 1996 to 2003, the panther population increased at a rate of 14 percent per year with 26.6 kittens being produced annually (Johnson et al. 2010). The effective population size (N_e) rose from 16.4 in 1995 to 32.1 in 2007, with corresponding census populations (N) of 26 and 102, respectively. The population tripled since 1995 (McBride et al. 2008; Johnson et al.

2010), reaching a high of 117 by 2007 (mortalities not subtracted). Data reported in McBride (2000, 2001, 2002, 2003, 2004, 2006, 2007, and 2008), McBride et al. (2008, 2012), and Johnson et al. (2010) noted minimum population counts of 62 panthers in 2000, 78 in 2001, 80 in 2002, 87 in 2003, 78 in 2004, 82 in 2005, 97 in 2006, 117 in 2007, 104 in 2008, 113 in 2009, 115 in 2010, 111 in 2011, 123 in 2012, and 133 in 2013. Panther count data for 2014 is not yet available. Table 1 provides a yearly tabulation of the population counts with the annual mortalities also shown.

Population density

Maehr et al. (1991) provide an estimate of population density of 1 panther per 27,520 ac, based on 17 radio-collared and 4 uncollared panthers. They extrapolated this density to the area occupied by radio-collared panthers (1,245,435 ac) during the period 1985 to 1990 to achieve a population estimate of 46 adult panthers for southwest Florida (excluding Everglades National Park (ENP), eastern BICY, and Glades and Highlands Counties). Beier et al. (2003), however, argued this estimate of density, although "reasonably rigorous," could not be extrapolated to other areas because it was not known whether densities were comparable in those areas. Kautz et al. (2006) provided a density estimate of 1 panther per 31,923 ac by dividing the panther count at that time (67) by the area within the Primary Zone. This estimate does not take into account the variability in panther densities across the landscape. Using an average of the 2007 to 2009 panther counts in the eight survey units covered by McBride et al. (2008) and Kautz et al. (2006), the density estimates range from a low of one panther per 81,479 ac to a high of one panther per 7,850 ac for the Primary Zone lands within these survey units.

The FWC (2010a) provided an upper bound population estimate of 0.0177 panthers per square-kilometer (km^2) or 1 panther per 13,929 ac. Applying this density estimate to the Primary Zone (9,189 km^2) (2,270,652 ac) yields an upper estimate of 163 adult panthers. The FWC's lower estimate is 100 panthers (1.09 panthers per 100 km^2 or 1 panther per 22,707 ac) and is based on annual verified panther sign data (McBride et al. 2008) and minimum number of panthers known to be alive (FWC 2010). Applying the four densities to the Primary Zone would yield a population based on Kautz et al.'s (2006) density estimate of 71 panthers (1 panther per 31,923 ac). Maehr et al.'s (1991) estimate would yield a population of 83 panthers (1 panther per 27,520 ac) and the FWC's (2010a) estimate would yield a low of 100 panthers (1 panther per 22,707 ac) and a high of 163 panthers (1 panther per 13,929 ac). For our evaluations however, the Service is continuing to use the average densities provided by Kautz et al. (2006) of one panther per 31,923 ac (12,919 ha) or one panther per 129 km^2.

Habitat use

Noss and Cooperrider (1994) considered the landscape implications of maintaining viable panther populations. Assuming a male home range size of 137,599 ac (55,685 ha) (Maehr 1990), an adult sex ratio of 50:50 (Anderson 1983), and some margin of safety, they determined a reserve network as large as 15,625 to 23,438 mi^2 (40,469 to 60,703 km^2) would be needed to support an effective population size of 50 individuals (equating to an actual adult population of 100 to 200 panthers [Ballou et al. 1989]). However, to provide for long-term persistence based on an effective population size of 500 individuals (equating to 1,000 to 2,000 adult panthers [Ballou et al. 1989]), could require as much as 156,251 to 234,376 mi^2 (404,687 to 607,031 km^2). This

latter acreage corresponds to roughly 60 to 70 percent of the Florida panther's historical range. Although it is uncertain whether this much land is needed for panther recovery, it does provide some qualitative insight into the importance of habitat conservation across large landscapes for achieving a viable panther population (Noss and Cooperrider 1994).

Radio-collar data and ground tracking indicate that panthers use the mosaic of habitats available to them as resting and denning sites, hunting grounds, and travel routes. The majority of telemetry locations (Belden 1986; Belden et al. 1988; Maehr 1990; Maehr et al. 1991; Maehr 1992; Smith and Bass 1994; Kerkhoff et al. 2000; Comiskey et al. 2002, Cox et al. 2006; Kautz et al. 2006; Land et al. 2008) and natal den sites (Benson et al. 2008) were within or close to forested cover types, particularly cypress swamp, pinelands, hardwood swamp, and upland hardwood forests. Global Positioning System data has shown panthers (n = 12) use all habitats contained within their home ranges by selecting for forested habitat types and using all others in proportion to availability (Land et al. 2008).

Kautz et al. (2006) found the smallest class of forest patches (*i.e.*, 9 to 26 ac [3.6 to 10.4 ha]) were the highest ranked forest patch sizes within panther home ranges. The diverse woody flora of forest edges probably provides cover suitable for stalking and ambushing prey (Belden et al. 1988; Cox et al. 2006). Also, dense understory vegetation comprised of saw palmetto provides some of the most important resting and denning cover for panthers (Maehr 1990; Benson et al. 2008). Shindle et al. (2003) estimated 73 percent of panther dens were in saw palmetto thickets.

Between 1981 and 2010, more than 90,000 locations were collected from more than 180 radio-collared panthers. Belden et al. (1988); Maehr et al. (1991); Maehr and Cox (1995); Maehr (1997); Kerkoff et al. (2000); Comiskey et al. (2002); Cox et al. (2006); and Kautz et al. (2006) provide information on habitat use based on various subsets of these data. Land et al. (2008) investigated habitat selection of 12 panthers in the northern portion of the breeding range using Global Positioning System (GPS) telemetry data collected during nocturnal and diurnal periods, as well as Very High Frequency (VHF) telemetry data collected only during diurnal periods, and found analysis of both types of telemetry data yielded similar results.

Even though some suitable panther habitat remains in south-central Florida, it is widely scattered and fragmented (Belden and McBride 2005). Thatcher et al. (2006) used a statistical model in combination with a geographic information system (GIS) to develop a multivariate landscape-scale habitat model based on the Mahalanobis distance statistic (D^2) to evaluate habitats in south central Florida for potential expansion of the Florida panther population. They identified four potential habitat patches: the Avon Park Bombing Range area, Fisheating Creek/Babcock-Webb Wildlife Management Area (WMA), eastern Fisheating Creek, and the Duette Park/ Manatee County area. These habitat patches are smaller and more isolated compared with the current Florida panther range, and the landscape matrix where these habitat patches exist provides

relatively poor habitat connectivity among the patches (Thatcher et al. 2006, 2009). Major highways and urban or agricultural development isolate these habitat patches, and they are rapidly being lost to the same development that threatens southern Florida (Belden and McBride 2005).

Travel and dispersal corridors

In the absence of direct field observations/measurements, Harrison (1992) suggested landscape corridors for wide-ranging predators should be half the width of an average home range size. Following Harrison's (1992) suggestion, corridor widths for Florida panthers would range from 6.1 to 10.9 mi (9.8 to17.6 km) depending on whether the target animal was an adult female or a transient male. Beier (1995) suggested that corridor widths for transient male puma in California could be as small as 30 percent of the average home range size of an adult Florida panther; however, topography in California is dramatically different from that in Florida. Without supporting empirical evidence, Noss (1992) suggests regional corridors connecting larger hubs of habitat should be at least 1.0 mi (1.6 km) wide. Beier (1995) makes specific recommendations for very narrow corridor widths based on short corridor lengths in a California setting of wild lands completely surrounded by urban areas; he recommended that corridors with a length less than 0.5 mi (0.8 km) should be more than 328 ft (100 m) wide, and corridors extending 0.6 to 4 mi (1 to 7 km) should be more than 1,312 ft (400 m) wide. The Dispersal Zone encompasses 44 mi^2 (113 km^2) with a mean width of 3.4 mi (5.4 km). Although it is not adequate to support a single panther, the Dispersal Zone is strategically located and expected to function as an important landscape linkage to south-central Florida (Kautz et al. 2006). Transient male panthers currently use this zone as they disperse northward into south-central Florida.

Population viability

Population Viability Analysis (PVA) has emerged as a key component of endangered species conservation. This process is designed to incorporate demographic information into models that predict if a population is likely to persist in the future. PVAs incorporate deterministic and stochastic events including demographic and environmental variation, and natural catastrophes. PVAs have been criticized as being overly optimistic about future population levels (Brook et al. 1997) and should be viewed with caution; however, they are and have been shown to be surprisingly accurate for managing endangered taxa and evaluating different management practices (Brook 2000).

Shaffer (1981) originally defined a viable population as follows: "a minimum viable population for any given species in any given habitat is the smallest isolated population having a 99 percent chance of remaining extant for 1,000 years despite the foreseeable effects of demographic, environmental and genetic stochasticity, and natural catastrophes." However, the goal of 95 percent probability of persistence for 100 years is the standard recommended by population biologists and is used in management strategies and conservation planning, particularly for situations where it is difficult to accurately predict the future (Shaffer 1978, 1981, 1987; Sarkar 2004).

From 1981 through 2010, 182 Florida panthers were been radio-collared and monitored on public and private lands throughout south Florida (FWC 2010). Radio-collar data were used by researchers to estimate survival rates and fecundity and were incorporated into PVA models previously developed for the Florida panther (Seal and Lacy 1989, 1992; Cox et al. 1994; Kautz

and Cox 2001; Maehr et al. 2002b). These models incorporated a range of different model parameters such as sex ratios, kitten survival rates, age distributions, and various levels of habitat loss, density dependence, and intermittent catastrophes or epidemics. The outputs of these models predicted a variety of survival scenarios for the Florida panther and predicted population levels needed to ensure the survival of the species.

Root (2004) developed an updated set of PVA models for the Florida panther based on RAMAS GIS software (Akçakaya 2002). These models were used to perform a set of spatially explicit PVAs. Three single-sex (*i.e.*, females only) models were constructed using demographic variables from Maehr et al. (2002b) and other sources. A conservative model was based on Seal and Lacy (1989), a moderate model was based on Seal and Lacy (1992), and an optimistic model was based on the 1999 consensus model of Maehr et al. (2002b). In each model, first-year kitten survival was set at 62 percent based on recent information from panther population monitoring (Shindle et al. 2001). All of the models assumed a 1:1 sex ratio, a stable age distribution, 50 percent of females breeding in any year, and an initial population of 41 females (82 individuals), which was the approximate population size in 2001 and 2002 (McBride 2001, 2002).

The basic versions of each model incorporated no catastrophes or epidemics, no change in habitat quality or amount, and a ceiling type of density dependence. The basic versions of the models incorporated a carrying capacity of 53 females (106 panthers with a 50:50 sex ratio). The models were run with differing values for density dependence, various levels of habitat loss, and intermittent catastrophes or epidemics. Each simulation was run with 10,000 replications for a 100-year period. The minimum number of panthers needed to ensure a 95 percent probability of persistence for 100 years was estimated in a series of simulations in which initial abundance was increased until probability of extinction at 100 years was no greater than 5 percent. More detailed information concerning the PVA model parameters appears in Root (2004).

The results of an earlier, conservative PVA model run done by Seal and Lacy (1989) predicted a probability of extinction of 78.5 percent in 100 years with a mean final total abundance of 3.5 females. Also, the probability of a large decline in abundance (50 percent) was 94.1 percent. Later work based on improved panther modeling and a larger sample of monitored panthers produced both a moderate and optimistic scenario (Root 2004). The moderate model resulted in a 5 percent probability of extinction and a mean final abundance of 42.3 females in 100 years. The probability of panther abundance declining by half the initial amount was 20 percent in 100 years under the moderate model. The optimistic model resulted in a 2 percent probability of extinction and mean final abundance of 51.2 females in 100 years. The probability of panther abundance declining by half the initial amount was only 9 percent in 100 years under the optimistic model. These models also provide a probability of persistence (100 percent minus probability of extinction) over a 100-year period of 95 percent for the moderate model and 98 percent for the optimistic model.

Model results were also provided by Root (2004) for probability of extinctions for 1 percent loss of habitat per year, within the first 25 years of the model run, based on both the moderate and optimistic scenarios. The 1 percent loss of habitat equates to essentially all remaining non-urban privately owned lands in the Primary Zone and corresponds to the estimated rate of habitat loss

from 1986 to 1996 for the five southwest counties based on land use changes (Root 2004). For the moderate model, the model runs predict a probability of extinction increase of about 1 percent to 6 percent with 1.0 percent habitat loss per year for the first 25 years. For the optimistic model, probability of extinction increased from about 2 percent with no loss of habitat to 3 percent with 1.0 percent habitat loss per year, for the first 25 years. These models also predicted the mean final abundance of females would decrease from 41 to 31 females, a 24.3 percent reduction for the moderate model and from 41 to 38 females, a 7.3 percent reduction for the optimistic model.

The probability of persistence over a 100-year period with a 1 percent loss of habitat changed to approximately 94 percent for the moderate model and 97 percent for the optimistic model. The model runs also predicted a mean final abundance of 62 individuals (31 females and 31 males) for the moderate model and 76 individuals (38 females and 38 males) for the optimistic model.

The results of the PVA lead to the development of population guidelines for the Florida panther. Kautz et al. (2006) developed recommendations for panther population size as it relates to persistence following review of the output of Root's PVA models and those of other previous PVAs for the Florida panther. These recommendations are: (1) populations of less than 50 individuals are likely to become extinct in less than 100 years; (2) populations of 60 to 70 are barely viable and expected to decline by 25 percent over 100 years; (3) populations of 80 to 100 are likely stable but would still be subject to genetic problems (*i.e.*, heterozygosity would slowly decline); and (4) populations greater than 240 have a high probability of persistence for 100 years and are demographically stable and large enough to retain 90 percent of original genetic diversity.

Kautz et al.'s (2006) population recommendations, when applied to the populations predicted by Root's (2004) moderate models, describe the "with habitat loss" population (62 panthers) as barely viable and expected to decline by 25 percent over a 100-year period. The "without habitat loss" population (84 panthers) is likely stable but would still be subject to genetic problems.

The Service believes McBride's verified population of 97 panthers in 2006, 117 panthers in 2007, 104 in 2008, 113 in 2009, 115 in 2010, and 111 in 2011 is within Kautz et al.'s (2006) population recommendations representing a population that is likely stable but still may be subject to genetic problems.

The Service also believes the model runs show lands in the Primary Zone are important to the survival and recovery of the Florida panther, and sufficient lands need to be managed and protected in south Florida to provide for a population of 80 to 100 panthers, the population range defined as likely stable over 100 years, but subject to genetic problems.

Recovery goals

The recovery objectives identified in the final third revision of the Florida Panther Recovery Plan (Service 2008) are to: (1) maintain, restore, and expand the Florida panther population and its habitat in south Florida and, if feasible, expand the known occurrence of Florida panthers north of the Caloosahatchee River to maximize the probability of the long-term persistence of this

metapopulation; (2) identify, secure, maintain, and restore habitat in potential reintroduction areas within the panther's historic range, and to establish viable populations of the panther outside south and south-central Florida; and (3) facilitate panther conservation and recovery through public awareness and education.

The Service's goal for Florida panther conservation in south Florida is to locate, preserve, and restore lands containing sufficient area and appropriate land cover types to ensure the long-term survival of a population of 80 to 100 individuals (adults and subadults) south of the Caloosahatchee River. The Service proposes to achieve this goal through land management partnerships with private landowners, through coordination with private landowners during review of development proposals, and through land management and acquisition programs with Federal, State, local, private, and Tribal partners. Based on an average density of 31,923 ac per panther as determined by Kautz et al. (2006), the acreages of lands necessary to achieve this goal are 2,553,840 ac for 80 panthers and 3,192,300 ac for 100 panthers.

Habitat conservation and protection

Panthers, because of their wide-ranging movements and extensive spatial requirements, are particularly sensitive to habitat fragmentation (Harris 1984). Mac et al. (1998) defines habitat fragmentation as: "The breaking up of a habitat into unconnected patches interspersed with other habitat which may not be inhabitable by species occupying the habitat that was broken up. The breaking up is usually by human action, as, for example, the clearing of forest or grassland for agriculture, residential development, or overland electrical lines." The reference to "unconnected patches" is a central underpinning of the definition. For panther conservation, this definition underscores the need to maintain contiguous habitat and protected habitat corridors in key locations in south Florida and throughout the panther's historic range. Habitat fragmentation can result from road construction, urban development, and agricultural land conversions.

Habitat protection has been identified as being one of the most important elements to achieving panther recovery. While efforts have been made to secure habitat, continued action is needed to obtain additions to and inholdings for public lands, assure linkages are maintained, restore degraded and fragmented habitat, and obtain the support of private landowners for maintaining property in a manner that is compatible with panther use. Conservation lands used by panthers are held and managed by a variety of entities including the Service, NPS, Seminole Tribe of Florida, Miccosukee Tribe of Indians of Florida, FWC, Florida Department of Environmental Protection (DEP), Florida Division of Forestry (FDOF), Water Management Districts, non-governmental organizations, counties, and private landowners.

From 1944 to the present, approximately 2,756,802 ac (1,115,638 ha) of public lands in south Florida have been acquired that benefit the Florida panther (Figure 3, Table 2).

Lands of the Seminole Tribe of Florida and Miccosukee Tribe of Indians of Florida encompass over 350,079 ac (141,673 ha) in south Florida. Of these, 115,840 ac (46,879 ha) are used by panthers, and comprise 5 percent of the Primary Zone (Kautz et al. 2006). In general, these lands are not specifically managed for the panther and are largely in cultivation. However, in 2007, the Seminole Tribe of Florida reserved about 4,144 ac within the Big Cypress Seminole Indian

Reservation Native Area, an area encompassing about 14,724 ac, specifically for the benefit of the Florida panther. The remaining native area, about 10,580 ac, although not specifically managed for the Florida panther, provides high quality value habitat for the Florida panther and panther prey species.

A variety of Federal, State, and private incentive programs are available to assist private landowners and other individuals with the protection and management of wildlife habitat. Voluntary agreements, estate planning, conservation easements, land exchanges, and conservation/mitigation banks are all methods that have the potential to conserve private lands. In 1954, the National Audubon Society established the nearly 10,880-ac (4,403-ha) Corkscrew Swamp Sanctuary. However, little additional private land has been protected south of the Caloosahatchee River for panther conservation. A number of properties identified by the State Acquisition and Restoration Council for purchase by the Florida Forever Program are used by panthers (*e.g.*, Devil's Garden, Half Circle F Ranch, Pal Mal, and Panther Glades). North of the Caloosahatchee River, the Fisheating Creek Conservation Easement consists of 41,600 ac (16,835 ha) in Glades County, and is a private holding used by dispersing male panthers.

Response to management activities

Few studies have examined the response of panthers to various land/habitat management activities. Dees et al. (2001) investigated panther habitat use in response to prescribed fire and found that panther use of pine habitats was greatest for the first year after the area had been burned and declined thereafter. Prescribed burning is believed to be important to panthers because prey species (*e.g.*, deer and hogs) are attracted to burned habitats to take advantage of changes in vegetation structure and composition, including exploiting hard mast that is exposed and increased quality or quantity of forage (Dees et al. 2001). However, depending upon the frequency and effects upon upland habitat communities, prescribed fire may alter the vegetation structure and composition that are necessary for den sites (Maehr and Larkin 2004). Responses of puma to logging activities (Van Dyke et al. 1986) indicate they generally avoid areas within their home range with intensification of disturbance.

Roadways

Roads and highways facilitate the movement of people and goods by cars and trucks, and may adversely affect the Florida panther. The construction of new roads and the widening of existing roads can result in the direct loss of wildlife habitat (Forman et al. 2003). In addition, disturbance resulting from motorized vehicles may cause panthers to avoid busy roads. Maher (1990) reported female panthers are less likely to cross busy highways. Consequently, roads may act as barriers affecting panther movement and fragmenting panther habitat. Panthers can also be injured or killed due to collisions with motorized vehicles when attempting to cross highways, and the potential for collisions increases as traffic increases. Adverse effects resulting from roads and highways represent a potential threat to the existing panther population.

Collisions with motor vehicles on highways are a significant source of mortality for the Florida panther. The FWC documented 165 vehicle-related panther mortalities and 8 vehicle-related

panther injuries from 1972 to the present on highways in south Florida. In portions of the panther's range, the rate of panther vehicle-related mortalities may be increasing. Smith et al. (2006) found vehicle-related panther mortalities in Collier County increased by a factor of four from 2000 to 2005, compared to previous decades. This increase in panther mortality is likely related to the increase in traffic from Collier County's population growth. Unfortunately, the effect of vehicle-related mortality on the existing panther population is largely unknown.

Wildlife underpasses, or crossings, can be constructed within highway corridors to reduce the potential for panther injuries and mortalities resulting from vehicle collisions. Underpasses allow panthers and other wildlife to safely cross under busy roadways, and maintain connectivity and gene flow within the panther population. Underpasses usually consist of a bridge, prefabricated concrete box, or culvert (Forman et al. 2003). Effective crossing structures are large enough to allow the passage of panthers and include adequate wing fencing to funnel panthers to the crossing site. Crossings should be designed so panthers have an unobstructed view of habitat on the opposite side of the underpass (Foster and Humphrey 1995). The status of lands adjacent to the crossing site should also be considered when determining the location of a crossing. Unprotected private lands adjacent to the crossing could be developed and render the crossing unviable. Accordingly, lands adjacent to crossings should be acquired or placed under a conservation easement or other protective covenant to ensure the crossing will function in perpetuity.

A number of wildlife crossings with associated fencing have already been constructed on major roadways in southwest Florida to benefit the panther and other wildlife species (Figure 4). In 1991, the FDOT finished the construction of 28 wildlife crossings within the I-75 corridor from U.S. Highway 27 to just west of Everglades Boulevard.

The FDOT also constructed six wildlife crossings on SR 29 between Oil Well Road and US 41. Crossings A, B, C, and D are located north of I-75 and Crossings E and F are located south of I-75. Crossings A and B were constructed in 2007, Crossings C and D were constructed in 1995, Crossing E was constructed in 1997, and Crossing F was constructed in 1999. Prior to construction of the SR 29 Crossings, a total of 10 vehicle-related panther mortalities were recorded near the locations of Crossings A and B from 1980 through 2004, and 2 vehicle-related panther mortalities were recorded near the location of Crossings C and D from 1979 through 1990. Vehicle-related panther mortalities have not been recorded in the vicinity of Crossings A, B, C, or D following their installation. A total of two vehicle-related panther mortalities were documented within 3.5 mi of the location of Crossing E prior to construction, and vehicle-related panther mortalities were not observed within 2.5 mi of the location of Crossing F prior to construction. Following construction of Crossings E and F, a total of four vehicle-related panther mortalities have been reported within 3 mi of Crossing E, and two vehicle-related panther mortalities have been documented within 1 mi of Crossing F.

Lee County, Collier County, and other entities have been working with the Service to construct additional needed crossings for the panther. For example, the Collier County Road Department recently constructed two wildlife underpasses and barrier fencing within the Oil Well Road (CR 858) corridor at Camp Keais Strand, in association with the Oil Well Road widening project. Lee County constructed a wildlife underpass and barrier fencing on Corkscrew Road in 2004.

Moreover, in 2011, a wildlife underpass and barrier fencing was installed east of Immokalee on County Road (CR) 846 in Collier County, as part of a Habitat Conservation Plan. A wildlife underpass has also been installed on Immokalee Road near CR 951.

Although these wildlife crossings have contributed to minimization of panther-vehicle interactions, more crossings are needed within the major roadways of south Florida to further reduce this threat to the panther and other wildlife species (Smith et al. 2006). Recent studies have been conducted to identify locations for wildlife crossings in south Florida. Swanson et al. (2005) used a LCP modeling approach to identify the most likely travel routes for panthers among six major use areas in southwest Florida. LCP modeling takes into consideration elements in the landscape that permit or impede panther movement when traveling. Swanson et al. (2005) identified 20 key highway segments where LCPs intersected improved roadways. Smith et al. (2006) studied the movements of the Florida panther, the Florida black bear, and other wildlife species along SR 29, CR 846 and CR 858 in Collier County, Florida. Data analyzed in the study were obtained from roadkill and track surveys, infra-red camera monitoring stations, existing data provided by the FWC (Florida panther radio telemetry and vehicle mortality reports), and other studies. Smith et al. (2006) recommended new wildlife crossings be considered at various sites along these roadways to reduce vehicle-related mortality of panthers and other wildlife species, and to increase connectivity among wildlife populations. The Service continues to work with the FDOT, county road departments, and other entities to ensure wildlife crossings are installed as needed to promote safe passage of panthers and other wildlife across roadways.

Land preservation needs

To further refine the land preservation needs of the Florida panther, and to specifically develop a landscape-level program for the conservation of the Florida panther population in south Florida, the Service appointed a Florida Panther Subteam in February 2000. The Subteam was charged with developing a landscape-level strategy for the conservation of the Florida panther population in south Florida. The results of this collaborative effort are partially presented in Kautz et al. (2006). One of the tasks for this subteam was to identify a strategically located set of lands containing sufficient area and appropriate land cover types to ensure the long-term survival of the south Florida population of the Florida panther. Kautz et al. (2006) focused their efforts on the area south of the Caloosahatchee River, where the reproducing panther population currently exists.

Kautz et al. (2006) created an updated Florida panther potential habitat model. The potential habitat map was reviewed in relation to telemetry data, recent satellite imagery (where available), and panther home range polygons. Boundaries were drawn around lands defined as the Primary Zone (Figure 2), the most important area needed to support a self-sustaining panther population. Kautz et al. (2006) referred to these lands as essential; however, as observed in the two previous plans (Logan et al. 1993; Cox et al. 1994), lands within the boundaries of the Primary Zone included some urban areas and other lands not considered to be panther habitat (*i.e.*, active rock and sand mines). The landscape context of areas surrounding the Primary Zone was modeled and results were used to draw boundaries of the Secondary Zone (Figure 2), the

area capable of supporting the panther population in the Primary Zone, but where habitat restoration may be needed (Kautz et al. 2006).

Kautz et al. (2006) also identified, through a LCP model, the route most likely to be used by panthers crossing the Caloosahatchee River and dispersing out of south Florida into south-central Florida. Kautz et al. (2006) used ArcView GIS© version 3.3 and ArcView Spatial Analyst© version 2 (Environmental Systems Research, Incorporated, Redlands, California) to construct the LCP models and identify optimum panther dispersal corridor(s). The LCP models operated on a cost surface that ranked suitability of the landscape for use by dispersing panthers with lower scores indicating higher likelihood of use by dispersing panthers. Those dispersal routes connecting lands between the Panther Focus Area south of the Caloosahatchee River and the Panther Focus Area north of the Caloosahatchee River were defined as the Dispersal Zone (Figure 2) (Kautz et al. 2006). The preservation of lands within this zone is important for the survival and recovery of the Florida panther, as these lands are the dispersal pathways for expansion of the Florida panther population.

Analysis of the species likely to be affected

In a letter to the Service dated August 20, 2013, the Corps identified the endangered Florida panther as likely to be affected by the construction of FDOT's proposed SR 80 from Indian Hills Drive to CR 833 widening project. The Service has reviewed additional information provided by the FDOT for the project, and provided concurrence with the Corps' determination that the project "may affect, and is likely to adversely affect" the Florida panther by letter to the Corps dated October 22, 2014. Critical habitat has not been designated for the Florida panther and will not be affected. A detailed discussion of information relevant to the Florida panther was provided in the previous section of this Biological Opinion entitled: "Status of the Species/ Critical Habitat Rangewide." The project's adverse effects to the Florida panther will be discussed in the remainder of this Biological Opinion.

Three additional federally-listed species were discussed in the Corps' correspondence to the Service on the SR 80 from Indian Hills Drive to CR 833 widening project: the threatened wood stork, Audubon's crested caracara, and eastern indigo snake. The Service notes the project site is not located within the core foraging area of an active breeding colony (defined as all land within 18.6 miles) of the wood stork. Moreover, active nests of the threatened Audubon's crested caracara were not observed within 1,000 feet of the project footprint during surveys conducted by the FDOT's consultant in 2013. Finally, the FDOT has agreed to follow the Service's *Standard Protection Measures for the Eastern Indigo Snake* (Service 2013) during construction of the project to minimize the potential for adverse effects to this species. The FDOT has determined the project "may affect, but is not likely to adversely affect" the wood stork, Audubon's crested caracara, and the eastern indigo snake. The Service concurred with the Corps' determinations for the wood stork, Audubon's crested caracara, and the eastern indigo snake in a letter to the Corps dated October 22, 2013. Critical habitat has not been designated for the wood stork, the Audubon's crested caracara, and eastern indigo snake, and will not be affected. These species will not be considered further in this Biological Opinion.

ENVIRONMENTAL BASELINE

As defined in Service's regulations, "the environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions that are contemporaneous with the consultation in process." In addition, under the Act's regulatory approach, future Federal actions are not included in either the environmental baseline or the cumulative effects analysis of a biological opinion, because they will be subjected to consultation when they occur (See 51 Fed. Reg. 19,926, 19,933, June 3, 1986 [preamble to Service consultation regulations]). Therefore, for our assessment, the environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions, that occur simultaneously with the consultation in progress.

Climate change

Climate change is evident from observations of increases in average global air and ocean temperatures, widespread melting of snow and ice, and rising sea level, according to the Intergovernmental Panel on Climate Change (IPCC) (IPCC 2007). The IPCC Report describes natural ecosystem changes with potential wide-spread effects on organisms from marine mammals to migratory birds. The potential for rapid climate change poses a significant challenge for fish and wildlife conservation. Species' abundance and distribution are dynamic, relative to a variety of factors, including climate. As climate changes, the abundance and distribution of fish and wildlife will also change. Highly specialized or endemic species are likely to be most susceptible to the stresses of changing climate. Based on these findings and other similar studies, the Department of the Interior requires agencies under its direction to consider potential climate change effects as part of their long-range planning activities (Service 2007).

Climate change at the global level drives changes in weather at the regional level, though weather is also strongly affected by season and by local factors, such as elevation, topography, latitude, proximity to the ocean. Temperatures are predicted to rise from 2°C to 5°C for North America by the end of this century (IPCC 2007). Other processes to be affected by this projected warming include rainfall (amount, seasonal timing and distribution), storms (frequency and intensity), and sea level rise. However, the exact magnitude, direction, and distribution of these changes at the regional level are not well understood or easy to predict. Seasonal change and local geography make prediction of the effects of climate change at any location variable. Current predictive models offer a wide range of predicted changes.

Prior to the 2007 IPCC Report, Titus and Narayanan (1995) modeled the probability of sea level rise based on global warming. They estimated that the increase in global temperatures could likely raise sea level 6 inches by 2050 and 13 inches by 2100. While these estimates are lower than the estimates described in the IPCC Report (2007), Titus and Narayanan's (1995) modeling efforts developed probability-based projections that can be added to local tide-gauge trends to estimate future sea level at specific locations.
Climatic changes in south Florida could exacerbate current land management challenges involving habitat fragmentation, urbanization, invasive species, disease, parasites, and water

management (Pearlstine 2008). The effects of global warming on endangered, threatened, and other "at risk" species will be a difficult to determine. The Service will use Strategic Habitat Conservation planning, an adaptive science-driven process that begins with explicit trust resource population objectives, as the framework for adjusting our management strategies in response to climate change (Service 2007).

Status of the species within the action area

The Service used current and historical radio-telemetry data, information on habitat quality, prey base, and evidence of uncollared panthers to evaluate panther use in the action area. Panther telemetry data are collected 3 days per week from fixed-wing aircraft, usually in early to midmorning. However, studies indicate panthers are most active between dusk and dawn (Maehr et al. 1990a; Beier 1995) and are typically at rest in dense ground cover during daytime monitoring flights (Land 1994). Therefore, telemetry locations may present an incomplete picture of panther activity patterns and habitat use (Comiskey et al. 2002). However, this potential bias was not detected in a recent analysis by Land et al. (2008) using GPS location data collected throughout a 24 hour day. This study revealed panther habitat selection patterns are similar when using either aerial telemetry data or GPS location data, and upland and wetland forests were the habitats most selected by panthers. There was also an indication grassland-dry prairie habitats were used more at night than during daytime hours.

Only a subset of the panther population has been radio-collared. However, the large database of telemetry locations taken from radio-collared panthers south of the Caloosahatchee can be used to estimate the size and number of home ranges and travel corridors south of the Caloosahatchee River. The FWC also uses observational data collected during telemetry flights to assess the yearly breeding activity of radio-collared panthers.

As of March 2014, 11 known radio-collared panthers (alive or status unknown) have been documented within the action area from 2,389 telemetry observations. It is not known if all these animals are currently alive. Panthers greater than 12 years of age are not likely to still be alive based on the known longevity of panthers in the wild of 10 to 12 years (FWC 2011b). The most recent telemetry point in the action area was recorded on June 29, 2011, for panther FP110. Uncollared panthers are also presumed to occur in the action area.

Motor vehicles have affected panthers in the action area. There have been 48 documented panther deaths resulting from vehicle collisions within the action area (see Table 3). The closest panther death due to a collision with a vehicle occurred on SR 80 approximately 0.37 miles east of the project corridor on November 4, 2008. The most recent vehicle-related panther mortality occurred August 6, 2014, on CR 833 approximately 5 miles south of the project.

Factors affecting species environment within the action area

Factors that affect the panther's environment within the action area include, but are not limited to, the presence and construction of highways, residential and commercial development, agricultural activities, resource extraction, public lands management (*e.g.,* prescribed fire, exotic eradication, etc.), and land acquisition efforts. Development activities may negatively affect the panther's environment through habitat loss, habitat fragmentation, and habitat degradation. Conversely, the management and acquisition of existing lands improves, maintains, and protects panther habitat.

Past and ongoing Federal and State actions that could affect panther habitat in the Action Area include the issuance of Corps' permits and State of Florida Environmental Resource Permits authorizing the filling of wetlands for development projects and other purposes. Since 1982, the Corps and the State have had a joint wetland permit application process, where all permit applications submitted are distributed to both agencies. Upon review of our records, the Service finds we have consulted on three projects, affecting approximately 72 ac of panther habitat, in the action area. In addition, a total of 49 ac of habitat was restored or preserved in association with these projects. The Service determined these Federal actions, individually and cumulatively, did not jeopardize the survival and recovery of the Florida panther.

The land acquisition programs of Federal, State, and County resource agencies within the action area have benefited panthers by preserving and maintaining habitat. Information provided by the FDOT's consultant indicate approximately 10,198 ac of lands that provide potential habitat for the panther have been acquired by the State of Florida, Glades County, and Hendry County from 2008 through 2013.

EFFECTS OF THE ACTION

This section analyzes the direct and indirect effects of the proposed action and interrelated and independent actions on the Florida panther and Florida panther habitat.

Factors to be considered

Development projects may have a number of direct and indirect effects on the Florida panther and panther habitat. Direct effects, primarily habitat based and occurring at the time of construction, include: (1) the permanent loss and fragmentation of habitat for panthers and their prey; (2) a reduction in the geographic distribution of habitat for the species; and (3) harassment of panthers due to construction activities.

Indirect effects occur following the completion of the project and include: (1) increased potential for panther mortality due to motor vehicle collisions; (2) increased disturbance to panthers and their prey due to human activities; and (3) an increase in the potential for intraspecific aggression among panthers due to reduction of the geographic distribution of habitat of the panther.

This project site contains panther habitat and is located within the geographic range of the Florida panther. The timing of construction for this project, relative to sensitive periods of the panther's lifecycle, is unknown. Panthers may be found on and adjacent to the proposed construction footprint year-round. The project will be constructed in a single, disruptive event, and result in permanent loss and alteration of a portion of the existing ground cover on the project site. The time required to complete construction of the project is not known, but it is likely land clearing associated with the development will be undertaken in a single phase at the start of development activities. The disturbance associated with the project will be permanent and result in a loss of habitat currently available to the panther.

Analyses for effects of the action

The land to be affected by the SR 80 from Indian Hills Drive to CR 833 project currently provides about 74 ac of habitat for the Florida panther. The project site is located in the SecondaryZone (Kautz et al. 2006) of the Service's Panther Focus Area, and within the northern portion of the panther's range. Almost all of the land to be impacted consists of disturbed agricultural lands (*e.g.*, row crops, sugar cane) that provides low quality habitat for the panther.

Many species of wildlife that provide potential prey for the panther are known to occur within the action area. Potential prey include: white-tailed deer, feral hog, wild turkey (*Meleagris gallopavo*), nine-banded armadillo, striped skunk (*Mephitis mephitis*), Eastern grey squirrel (*Sciurus carolinensis*), Eastern cottontail (*Sylivilagus floridanus*), and various species of small mammals, wading birds, amphibians, and reptiles.

Habitat assessment

As discussed below, the project will result in the loss and fragmentation of panther habitat. To address the issues of habitat loss and fragmentation, a landscape-level strategy for the conservation of the panther population in south Florida was developed using a Florida panther potential habitat model based on the following criteria: (1) forest patches greater than 4.95 ac (2 ha); (2) non-urban cover types within 656 ft (200 m) of forest patches; and (3) exclusion of lands within 984 ft (300 m) of urban areas (Kautz et al. 2006). In developing the model, data from radio-collared panthers collected from 1981 through 2000 were used to evaluate the relative importance of various land cover types as panther habitat, thus identifying landscape components important for panther habitat conservation. Those components were then combined with a least cost path (LCP) analysis to delineate three panther habitat conservation zones for south Florida: (1) Primary Zone – lands important to the long-term viability and persistence of the panther in the wild; (2) Secondary Zone – an section of lands contiguous with the Primary Zone that currently contains lower quality habitat that is used by only a few dispersing panthers, and potentially could provide for an expansion of the panther population within lands south of the Caloosahatchee River if the habitat is adequately restored; and (3) Dispersal Zone – the area that may facilitate future expansion of the breeding panther population north of the Caloosahatchee River (Kautz et al. 2006) (Figure 2). The Primary Zone is currently occupied and supports the breeding population of the Florida panther. The Secondary Zone could support resident panthers with sufficient restoration and is currently used by dispersing subadult panthers. The Dispersal Zone is not currently occupied by resident panthers but provides an area for subadult panthers to disperse north of the Caloosahatchee River.

The panther habitat conservation zones vary in size, ownership, and land cover composition. Lands in the Primary Zone (2,270,711 ac [918,928 ha])) are 73 percent publicly owned, and include portions of the BICY, ENP, Fakahatchee Strand Preserve State Park , Florida Panther National Wildlife Refuge, Okaloacoochee Slough State Forest, and Picayune Strand State Forest. Vegetation and land types consist of 45 percent forest, 41 percent freshwater marsh, 7.6 percent agriculture lands, 2.6 percent prairie and shrub lands, and 0.52 percent urban lands (Kautz et al. 2006). The Secondary Zone (812,157 ac [328,670 ha]) contains 38 percent public lands and is comprised of 43 percent freshwater marsh, 36 percent agricultural lands, 11 percent forest, 6.1 percent prairie and shrub lands, and 2.3 percent low-density residential areas and open urban lands (Kautz et al. 2006). The Dispersal Zone (28,160 ac [11,396 ha]) contains only 12 percent protected lands and is comprised of 49 percent agricultural lands (primarily improved pasture and citrus groves), 29 percent forested wetlands and uplands, 8.8 percent prairie and shrub land, 7.5 percent freshwater marsh, and 5.1 percent barren and urban lands (Kautz et al. 2006).

Past studies have been used to estimate panther density for occupied panther habitat. Maehr et al. (1991) estimated an average panther density of one panther per 27,181 ac. Kautz et al. (2006) estimated an average panther density of one panther per 31,923 ac (12,919 ha) based on telemetry and available occurrence data. For the purpose of this Biological Opinion, when speaking of the number of panthers a particular zone may support, the lower number is based on the 31,923 ac (12,919 ha) value (Kautz et al. 2006) and the higher number is based on the 27,181 ac (11,000 ha) value (Maehr et al. 1991).

Using these average densities, the Primary Zone could support 71 to 84 panthers; the Secondary Zone could support 8 to 10 panthers without habitat restoration and 25 to 30 panthers with habitat restoration (existing high quality panther habitat currently present in the Secondary Zone is estimated at 32 percent of the available Secondary Zone lands); and the Dispersal Zone could support 0 panthers. Taken together, the three zones in their current condition have the capacity to support about 79 to 94 Florida panthers.

Kautz et al.'s (2006) assessment of available habitat south of the Caloosahatchee River determined non-urban lands in the Primary, Secondary, and Dispersal Zones were not sufficient to sustain a population of 240 individuals south of the Caloosahatchee River. However, Kautz et al. (2006) determined sufficient lands were available south of the Caloosahatchee River to support a population of 79 to 94 individuals, although not all lands in the area are managed and protected.

More information may be found in our Panther Habitat Methodology document, available at:

http://www.fws.gov/verobeach/MammalsPDFs/20120924_Panther%20Habitat%20Assessment%20Method_Appendix.pdf.

The Service used our panther Habitat Assessment Methodology to evaluate the panther habitat lost due to the SR 80 from Indian Hills Drive to CR 833 widening project (Table 4) and the panther habitat provided as compensation at a Service approved conservation or mitigation bank. The 70 ac of panther habitat at the project site currently provides 156.23 PHUs in the Secondary

Zone. To calculate the number of PHUs needed to compensate for the PHUs lost in in the Primary Zone due to the project, 156.23 PHUs are multiplied by the 2.5 Base Ratio and the landscape multiplier for the Secondary Zone (0.69) for a product of 498.8079 PHUs (rounded to 499 PHUs). Therefore, a total of 499 PHUs is needed to compensate for the loss of panther habitat due to the project. To meet this compensation need, the FDOT will acquire 499 PHUs from a Service approved conservation or mitigation bank. The habitat compensation provided by the FDOT is consistent with the Service's panther goal to strategically locate, preserve, and restore lands containing sufficient area and appropriate land cover types to ensure the long-term survival of the Florida panther population south of the Caloosahatchee River.

Beneficial effects

Beneficial effects are those effects of the proposed action that are completely positive, without any adverse effects to the listed species or its critical habitat. The proposed action will not result in beneficial effects to the Florida panther.

Direct effects

Direct effects are those effects that are caused by the proposed action, at the time of construction, are primarily habitat based, are reasonably certain to occur and include: (1) the permanent loss of habitat that supports panthers and their prey; (2) a reduction in the geographic distribution of habitat for the panther; and (3) harassment by construction activities.

Permanent Loss and Fragmentation of Habitat for Panthers and their Prey: The project will result in the permanent loss of 70 ac of panther habitat located within the Secondary Zone. Panthers may use these habitats for feeding and dispersal. The land will be converted to paved roadway and stormwater treatment ponds. The project site also provides habitat for panther prey species (*e.g.*, feral hog, white-tailed deer, small mammals, *etc.*). Habitat within the project site includes largely agricultural lands with some higher quality uplands and wetlands. The habitat lost due to the project may adversely affect the panther by decreasing the spatial extent of lands available to the panther and their prey and further fragment habitat that occurs adjacent to the project site.

Reduction in the Geographic Distribution of Habitat for the Species: The project will result in the loss of about 70 ac of undeveloped land within the Panther Focus Area. This loss represents 0.006 percent of the 1,202,699 ac of available non-urban private lands in the panther's core lands (*i.e.*, the Primary, Secondary, and Dispersal Zones identified in Kautz et al. 2006). The Service finds the habitat value lost due to the project will be offset to some extent by the habitat compensation proposed by the applicant. The lands proposed for preservation are consistent with the Service's panther conservation strategy to locate, preserve, and restore lands containing sufficient area, access, and appropriate cover types to ensure the long-term survival of the Florida panther south of the Caloosahatchee River.

Harassment by Construction Activities: The timing of construction for this project, relative to sensitive periods of the panther's lifecycle, is unknown. However, land clearing associated with the road widening project will be completed in a single phase at the start of development activities. There are no known den sites within the project boundaries. Therefore, we find it is

unlikely project construction will result in direct panther mortality, but it may result in temporary disturbance to resident or dispersing panthers.

Interrelated and interdependent actions

An interrelated activity is an activity that is part of the proposed action and depends on the proposed action for its justification. An interdependent activity is an activity that has no independent utility apart from the action under consultation. Interrelated or interdependent actions are not expected to result from the project.

Indirect effects

Indirect effects are those effects that result from the proposed action, are later in time, and are reasonably certain to occur. The indirect effects this project will have on the Florida panther within the action area are discussed below and in the assessment of functional habitat values previously discussed. They include: (1) risk of injury or mortality to panthers traversing the area from motor vehicle collisions due to vehicular traffic using the roadway; (2) increased disturbance to panthers and panther prey in the project vicinity from motor vehicle traffic using the roadway; and (3) increased potential for intraspecific aggression among panthers due to the reduction in panther habitat in the action area.

Risk of Panther Injury and Mortality from Motor Vehicle Collisions: In evaluating a project's potential to increase injuries and mortalities to panthers resulting from motor vehicle collisions, we consider the location of the project in relation to surrounding native habitats, preserved lands, and wildlife corridors that are frequently used by the Florida panther. We also consider the current configuration and traffic patterns of surrounding roadways and the projected increase and traffic patterns expected to result from the proposed action. We evaluate the habitats present on-site, their importance in providing feeding needs for the Florida panther and panther prey species, and if the site development would further restrict access to surrounding lands important to the Florida panther and panther prey species.

The widening of SR 80 from Indian Hills Drive to CR 833, by itself, is not expected to increase motor vehicle traffic in the project area. Any increase in motor vehicle traffic is more likely to be related to future development that may occur in the region, and the Service will likely consult on such projects. However, we do expect the project to increase the potential for panther mortality and injury resulting from collisions with motor vehicles because panthers attempting to cross the roadway will have to traverse a wider corridor (*i.e.*, four paved travel lanes with a center median as opposed to the current two-lane road) and will be exposed to two additional lanes of motor vehicle traffic.

As discussed above, wildlife underpasses, or crossings, with associated barrier fencing can be constructed within highway corridors to reduce the potential for panther injuries and mortalities resulting from vehicle collisions. The Service has worked with the FDOT to install underpasses with barrier fencing in other parts of the action area. Specifically, wildlife underpasses with fencing have, or will be, installed in association with widening of other sections of SR 80 west of

the project site at the C1 Canal and the C2 Canal approximately 5 and 6 miles west of the project site, respectively. These locations were chosen because panthers are known to cross SR 80 in these areas. Based on the location of the existing crossings, the lack of panther vehicle-related mortalities documented in this section of SR 80, and the lower quality habitat located adjacent and near the project corridor, the Service has not requested that FDOT install a wildlife underpass in the project corridor.

Disturbance to panthers and panther prey from motor vehicle traffic using the roadway: Panthers and panther prey species are already exposed to significant disturbance in the project corridor from motor vehicles using the existing two-lane roadway (*e.g.*, the presence and noise of motor vehicles, vehicle lights, *etc.*). However, the addition of two new paved lanes and a center grassy median will increase the spatial extent of disturbance from motor vehicle use. The magnitude of the disturbance from motor vehicles in the project corridor could also increase if other factors unrelated to the project (*e.g.*, commercial or residential development, *etc.*) increase the number of motor vehicles using the roadway.

The disturbance resulting from motor vehicle use of the project corridor could affect the movements of panthers and panther prey species. Consequently, panthers and panther prey species may be less likely to cross the roadway, or they may choose to avoid the project corridor altogether. We believe the project as proposed will not significantly change panther use patterns in the project area. The Service also believes it is likely panther prey species will acclimate to the disturbance and occupy remaining areas of suitable habitat adjacent to the project site.

Increased potential for intraspecific aggression: As discussed in the Status of the Species, panther mortalities resulting from attacks of con-specifics are known to occur in the panther population (*e.g.*, males may kill other rival males when defending a territory). Habitat loss may increase the potential for intraspecific aggression among panthers in the action area. A total of 11 panther deaths due to intraspecific aggression have occurred within the action area. The most recent death occurred in August 2012. The Service notes the project will result in the loss of 70 ac of panther habitat. According to the most current home range estimates of the Florida panther (Lotz et al. 2005), this loss represents 0.24 percent of a female panther's average home range (29,059 ac) and 0.11 percent of a male panther's average home range (62,542 ac). As discussed above, widening of the roadway will increase the spatial extent of disturbance from motor vehicle use in the project corridor. However, panthers are already subject to considerable disturbance from motor vehicles using the current two-lane roadway. The Service finds it is likely panthers will acclimate to the increase in disturbance resulting from the project, and the widening project should not significantly affect panther movements. Based on the amount of panther habitat lost (70 ac) and the disturbance resulting from motor vehicle use, the Service finds the project should not significantly increase the potential for intraspecific aggression in the action area.

Species response to the proposed action

The proposed action will result in increased disturbance to panthers from human activity and noise at the project site. This disturbance will occur during construction of the project and be ongoing following completion of the project due to operation of motor vehicles on the road. Panthers will respond to the disturbance by avoiding the project area or habituating to the

disturbance. The project will also result in the loss of 70 ac of panther habitat. The project area provides habitat for panther prey and panthers are known to use the project area. The loss of habitat may increase the potential for panther intraspecific aggression by decreasing the spatial extent of lands available to the panther. We anticipate any resident panthers with home ranges overlapping or in the vicinity of the project area will adjust the size and location of their ranges to account for this loss and that adjustment is anticipated to occur in concert with project construction.

CUMULATIVE EFFECTS

The Service defines "cumulative effects" considered in this Biological Opinion as the effects of future State, Tribal, local, or private actions (*i.e.*, non-Federal actions) reasonably certain to occur in the action area. Our definition of cumulative effects does not include future Federal actions unrelated to the proposed action because these actions require separate consultation pursuant to section 7 of the Act. Within the Action Area, past and ongoing state and county actions (non-Federal) affecting panther habitat include: (1) State of Florida Development of Regional Impact (DRI) Orders; (2) County Comprehensive Plan Amendments; (3) County Zoning Amendments; (4) County Planned Unit Developments (PUDs); and (5) South Florida Water Management District's Environmental Resource Permits (ERPs). To estimate future non-Federal actions, the Service chose to identify and tabulate recent non-Federal actions and project this level of development as representative of future non-Federal actions.

Our projection of non-Federal actions (*i.e.*, cumulative effects) in the action area incorporates Florida Land Use Cover and Forms Classification System (FLUCCS) mapping to determine if a property may be exempt from Federal Clean Water Act, section 404 wetland regulatory review by the Corps. To determine if a development project would likely be exempt from regulatory review, we identified the percentage of the project site that was classified as wetland habitat based on FLUCCS 600 series (wetland), and the 411 and 419 (hydric pine flatwood) mapping unit classifications. Projects on properties with less than 5 percent wetlands were considered to be exempt from the Corps' regulatory review because impacts to wetlands could likely be avoided by project design.

The Service obtained information about recent development in the action area from the FDOT's consultant and used the approach described above to estimate the future loss of panther habitat in the action area. From 2010 through 2013, 37 projects in the action area affecting 8,402 ac of uplands and 5 ac of wetlands were exempt from regulatory review. Therefore, the Service estimates that approximately 2,801 ac per year (8,402 ac/3 years = 2,801 ac per year) in the action area would be exempt from regulatory review in the action area. We find this value is representative of future yearly development likely to occur in the action area. The Service notes many unforeseen factors, such as the recent economic downturn, can affect development in the action area. Therefore, we acknowledge it is difficult to forecast development related to non-Federal actions in the action area with great certainly. However, the Service believes this estimate provides the best approximation available of future, non-Federal actions reasonably certain to occur and meets our definition of a cumulative effect. This level of development represents 9.6 percent of a female panther's average home range (29,059 ac) and 4.5 percent of a male panther's average home range (62,542 ac). Based on the above analysis, we believe the

loss of 2,801 ac per year of panther habitat is insignificant in the short term, but may adversely impact the panther as development continues to occur in the future in the action area. The Service has accounted for some habitat loss and changes in habitat quality through its habitat assessment methodology and is encouraging State and county environmental staff to develop Habitat Conservation Plans (per section 10 of the Act) to compensate for adverse effects resulting from non-Federal actions to the Florida panther.

CONCLUSION

As discussed above, the Service finds construction of the SR 80 from Indian Hills Drive to CR 833 project is not likely to directly result in the injury or mortality of panthers. However, the motor vehicle traffic using the project corridor may increase the potential for panther mortalities in the project area due to collisions with motor vehicles. The project will also result in the loss of 70 ac of habitat currently used by panthers and panther prey, and in a permanent reduction in the geographic range of the species. Therefore, the project could increase the potential for intraspecific aggression resulting in panther mortalities. However, this form of take is difficult to quantify due to the wide-ranging habit of the species and the challenge of linking the death or injury of a single panther to increases in panther interactions (intraspecific aggression). According to the most current home range estimates of the Florida panther (Lotz et al. 2005), the loss of 70 ac of panther habitat represents 0.24 percent of a female panther's average home range (29,059 ac), 0.11 percent of a male panther's average home range (62,542 ac), and 0.006 percent of the 1,202,699 ac of available non-urban private lands in the Service's panther core area. Based on the amount of panther habitat lost (70 ac) due to the project, the Service finds the project should not significantly affect the panther population or increase the potential for intraspecific aggression in the action area. Moreover, the loss of panther habitat due to the project will be minimized by the 499 PHUs of panther habitat acquired by the FDOT from a Service approved conservation or mitigation bank. The compensation site will be preserved and managed as panther habitat in perpetuity. This habitat compensation is consistent with the Service's goal to locate and preserve lands containing sufficient area and appropriate cover types to ensure the long-term survival of the Florida panther south of the Caloosahatchee River.

After reviewing the current status of the Florida panther, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is the Service's biological opinion the project, as proposed, is not likely to jeopardize the continued existence of the Florida panther. Critical habitat has not been designated for this species and will not be affected.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. "Take" is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct." "Harm" is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. "Harass" is defined by the Service as intentional or negligent actions that create the likelihood of

injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking, that is incidental to and not intended as part of the agency action, is not considered to be prohibited taking under the Act provided such taking is in compliance with the terms and conditions of this Incidental Take Statement.

AMOUNT OR EXTENT OF TAKE

The Service has reviewed the biological information for the Florida panther, information presented by the FDOT and their consultant, and other available information relevant to this action.

Incidental take of the Florida panther in the form of harm (*i.e.*, the loss and degradation of 70 ac of habitat in the 156.23-ac project footprint, and the increased potential for panther mortality and injury resulting from collisions with motor vehicles) and harassment (*i.e.*, disturbance to panthers resulting from human activity) is expected from the action. The Service has chosen not to quantify the level of incidental take in terms of a specific number of animals because: (1) it is difficult to predict the number of panther injuries and mortalities resulting from vehicle collisions that may occur within a section of roadway, and (2) documenting the adverse effects of loss of habitat and disturbance on survival and reproduction of panthers from the project is difficult. Instead, we have quantified take as the amount of panther habitat lost due to the project. The project will result in the loss of 70 ac of habitat within the Secondary Zone of the Service's Focus Area. We find that the level of incidental take is moderated by the acquisition of 499 PHUs of panther habitat provided at a Service approved conservation or mitigation bank. This habitat will be enhanced and preserved in perpetuity to benefit the Florida panther and its prey.

The Service has determined the anticipated take is not likely to result in jeopardy to the Florida panther. If, during the course of this action, this level of take is exceeded, such take would represent new information requiring review of the reasonable and prudent measures provided. The Federal agency must immediately provide modification of the reasonable and prudent measures.

EFFECT OF THE TAKE

In the accompanying Biological Opinion, the Service determined this level of anticipated take is not likely to result in jeopardy to the Florida panther. Critical habitat has not been designated for the Florida panther and will not be affected.

REASONABLE AND PRUDENT MEASURES

When providing an incidental take statement, the Service is required to give reasonable and prudent measures it considers necessary or appropriate to minimize the take along with terms and conditions, that must be complied with, to implement the reasonable and prudent measures. Furthermore, the Service must also specify procedures to be used to handle or dispose of any individuals taken. The Service finds the following reasonable and prudent measures are

necessary and appropriate to reduce take and to minimize the direct and indirect effects of the proposed project on the Florida panther:

1. Minimize the adverse effects of harm and harassment to the Florida panther by implementing an appropriate habitat compensation plan.

2. Notify the Service of any unauthorized take of the Florida panther.

TERMS AND CONDITIONS

In order to be exempt from the prohibitions of section 9 of the Act, the Corps and the FDOT must comply with the following terms and conditions, implementing the reasonable and prudent measures described above and outlining reporting and monitoring requirements. These terms and conditions are non-discretionary.

1. Construction of the SR 80 from Indian Hills Drive to CR 833 project will not commence until: a) the FDOT provides the Service with a receipt (in the form of a letter or email) from a Service approved conservation or mitigation bank stating that 499 PHUs have been acquired by the FDOT; and b) the FDOT and the Corps receive an email or letter from the Service indicating that we have received the receipt from the Service approved conservation or mitigation bank.

2. Upon locating a dead, injured, or sick threatened or endangered species, initial notification must be made to the nearest Service Law Enforcement Office; Fish and Wildlife Service; 9549 Koger Boulevard, Suite 111; St. Petersburg, Florida 33702; 727-570-5398. Secondary notification should be made to the FWC; South Region; 3900 Drane Field Road; Lakeland, Florida; 33811-1299; 1-800-282-8002; and

3. Care should be taken in handling sick or injured specimens to ensure effective treatment and care or in the handling of dead specimens to preserve biological material in the best possible state for later analysis as to the cause of death. In conjunction with the care of sick or injured panthers or caracaras, or preservation of biological materials from a dead animal, the finder has the responsibility to carry out instructions provided by the Service's Law Enforcement to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. The Service is not proposing any conservation recommendations at this time.

REINITIATION NOTICE

This concludes formal consultation on the SR 80 from Indian Hills Drive to CR 833 widening project. As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded (see below); (2) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; (3) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. The amount of incidental take authorized by this consultation may be exceeded should impacts from the proposed project increase or mitigation fail to provide habitat values proposed and analyzed within this biological opinion. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Thank you for your cooperation in the effort to protect fish and wildlife resources. If you have any questions regarding this project, please contact John Wrublik at 772-469-4282.

Sincerely yours,

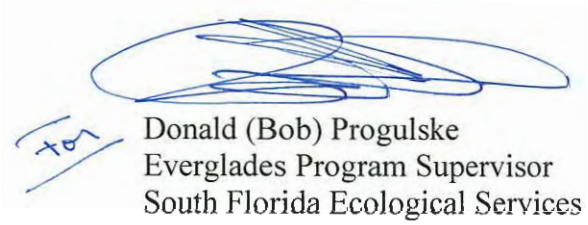

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Table 1. Reported minimum panther population counts

Year	Total	Mortality	Net
2000	62	13	49
2001	78	11	67
2002	80	14	66
2003	87	24	63
2004	78	20	58
2005	82	12	70
2006	97	19	78
2007	117	25	92
2008	104	23	81
2009	113	24	89
2010	115	24	91
2011	111	24	87
2012	123	29	94
2013	133	29	104
2014	*	*	*

*Data not yet available

Table 2*. Targeted and acquired acreage totals of conservation lands in South Florida directly affecting the panther within the consultation area

Name	Targeted[1] Acreage	Acquired Acreage	Indian Reservation
Federal Conservation Lands			
Everglades National Park	1,508,537	1,508,537	--
Big Cypress National Preserve	720,000	720,000	--
Florida Panther National Wildlife Refuge	26,400	26,400	--
Subtotal	**2,254,937**	**2,254,937**	--
State of Florida: Florida Forever Program			
Belle Meade	28,505	19,107	--
Corkscrew Regional Ecosystem Watershed	69,500	24,028	--
Twelvemile Slough	15,653	7,530	--
Panther Glades	57,604	22,536	--
Devil's Garden	82,508	0	--
Caloosahatchee Ecoscape	18,497	2,994	--
Babcock Ranch	91,361	0	--
Fisheating Creek	176,760	59,910	--
Subtotal	**540,388**	**136,105**	--
State of Florida: Other State Acquisitions			
Water Conservation Area Number 3	491,506	491,506	--
Holey Land Wildlife Management Area	33,350	33,350	--
Rotenberger Wildlife Management Area	25,019	20,659	--
Fakahatchee Strand State Preserve	74,374	58,373	--
Picayune Strand State Forest	55,200	55,200	--
Okaloacoochee Slough State Forest and WMA	34,962	34,962	--
Babcock-Webb Wildlife Management Area	79,013	79,013	--
Subtotal	**793,424**	**773,063**	--
Indian Reservations[2]			
Miccosukee Indian Reservation	--	--	81,874
Big Cypress Seminole Indian Reservation	--	--	68,205
Brighton Seminole Indian Reservation	--	--	37,447
Subtotal	**--**	**--**	**187,526**
GRAND TOTALS	**3,588,749**	**3,164,105**	**187,526**

[1] Targeted acres not available for all lands. In Such cases, targeted equals acquired acreage.

[2] Indian lands are included due to their mention in the Service's Multi-species Recovery Plan (U.S Fish and Wildlife Service. 1999. South Florida Multi-Species Recovery Plan. Southeast Region; Atlanta, Georgia). Acreages are taken from Geographic Information System data.

* The above table was excerpted from the Brief of Amicus (2003). However, the lands shown as acquired may include some private in-holdings and lands currently under sales negotiations or condemnation actions.

-- Not applicable

Table 3. Panther-Vehicle Collisions within Action Area as of March 2014

Panther ID	Location	Year	Sex	Result
UCFP28	SR 25 South of Moore Haven	1972	Male	Death
UCFP09-(G83-22)	US Highway 27 in Palmdale	1983	Male	Death
UCFP18-(RK-850)	CR 850 south of SR 80	1989	Male	Death
FP50	CR 846 east of Immokalee	1993	Male	Death
FP52	CR 846 near Dupree Road	1995	Female	Death
UCFP29	CR 832 east of SR 29	1996	Male	Death
UCFP31	CR 846 west of CR 858	1997	Unknown	Death
UCFP25	CR 846	1998	Female	Death
UCFP183	CR 835	1198	Unknown	
FP74	US 27 near Venus	1999	Male	Death
UCFP34	CR 846 east of county line	2000	Male	Death
UCFP35	CR846 east of Immokalee	2000	Male	Death
UCFP36	CR846 east of Immokalee	2000	Female	Death
UCFP37	CR 846 east of SR 29	2000	Female	Death
UCFP42	CR 846 east of Powerline	2001	Female	Death
UCFP43	CR 846 east of Powerline	2001	Male	Death
UCFP45	US 27 north of Palmdale	2002	Male	Death
UCFP48	CR 846 east of Immokalee	2002	Female	Death
UCFP49 (K-98)	CR 846 east of Immokalee	2002	Female	Death
UCFP52	CR 833 south of CR 832	2003	Male	Death
UCFP61	CR 833 north of CR 846	2003	Female	Death
K128	CR 832 east of rail road grade	2004	Male	Death
UCFP78	CR 846 west of CR 858	2006	Male	Death
UCFP85	CR 832	2006	Male	Death
UCFP90	CR 832	2007	Female	Death
UCFP91	CR 832	2007	Male	Death
K199	CR 832	2007	Female	Death
UCFP112	SR 80 east of CR 833	2008	Male	Death
UCFP115	CR 832	2009	Male	Death
UCFP129	CR 846 east of Immokalee	2009	Male	Death
UCFP130	CR 846 east of Immokalee	2009	Female	Death
UCFP141	Church Road near landfill	2010	Female	Death
UCFP144	CR 833 north of CR 832	2010	Male	Death
FP176	Keri Road	2010	Male	Death
UCFP148	US 27 east of SR 80	2010	Male	Death
UCFP150	CR 846 south of CR 833	2010	Male	Death
K284	SR 29 south of Sears Road	2011	Male	Death
UCFP183	CR 835	2012	Unknown	Death
UCFP192	CR 846 west of County Line Road	2013	Female	Death

Table 3. continued

Panther ID	Location	Year	Sex	Result
UCFP 187	CR 835	2013	Unknown	Death
UCFP 192	CR 846 west of County Line Road	2013	Female	Death
UCFP 195	CR 846	2013	Female	Death
UCFP 206	SR 80 at Lee County Line	2014	Male	Death
UCFP 207	CR 833	2014	Male	Death
UCFP 91	SR 80 east of LaBelle	2014	Male	Death
UCFP 209	CR 833 south of CR 832	2014	Male	Death
UCFP 210	CR 846 6 miles east of Immokalee	2014	Female	Death
UCFP 217	CR 833 5 miles south of SR 80	2014	Female	Death

CR=county road
SR=state road

Table 4. Panther Habitat Units (PHUs) – State Road 80 from Indian Hills Drive to County Road 833 project

Land Cover Type	Habitat Score	Acres in Panther Secondary Zone	PHUs Provided
Unimproved Pasture	5.7	5.05	28.875
Shrub Swamp/Brush	5.5	0.26	1.430
Improved Pasture	5.2	0.27	1.404
Cropland	4.8	20.68	99.264
Orchard/Groves	4.7	15.16	71.252
Marsh/Wet Prairies	4.7	0.07	0.329
Exotics	3.0	14.52	43.56
Barren/Distrurbed Lands	3.0	14.35	43.05
Water	0.0	21.09	0.00
Urban	0.0	64.77	0.00
	Total	156.23	289.164

PHUs needed to compensate for impacts in Secondary Zone: 289.164 PHUs x 2.5 (Base Ratio) x 0.69 (Landscape Multiplier for Secondary Zone) = 498.8079 PHUs (rounded to 499 PHUs)

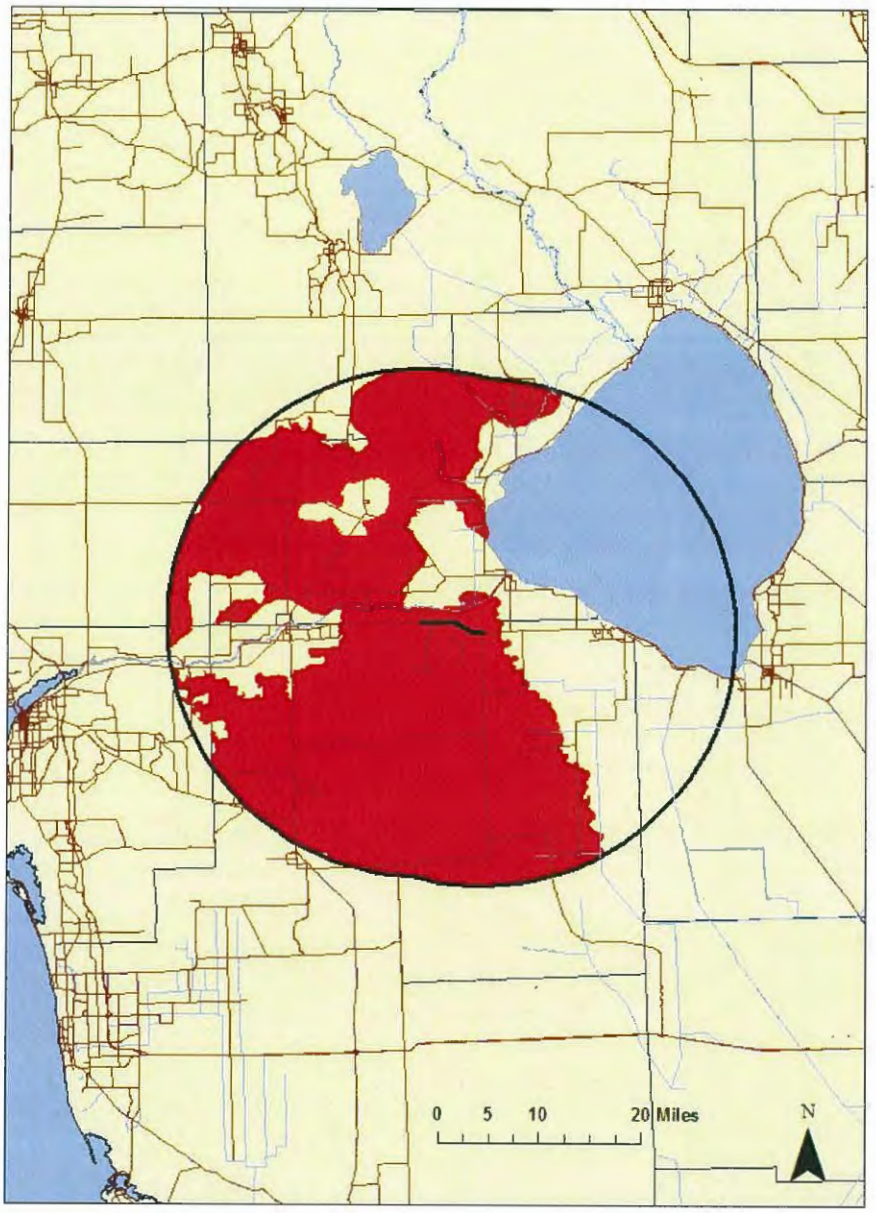

Figure 1. Map of State Road 80 from Indian Hills Drive to County Road 833 project site and the action area for the project (the project corridor is denoted by black line and the action defined as all lands within 25 miles of the project corridor (denoted by black oval) that are located with the Service's Florida Panther Focus Area (denoted by red shading)

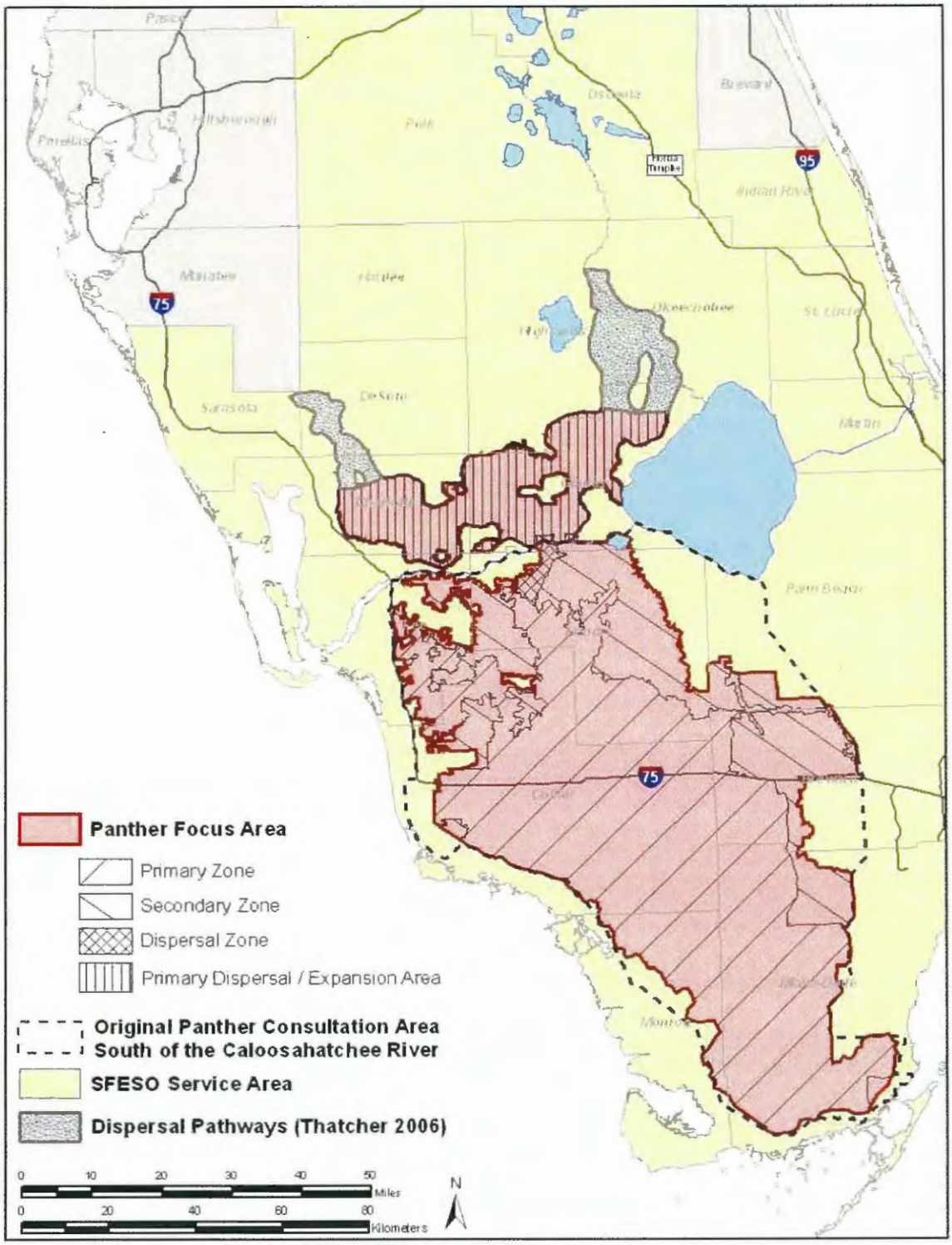

Figure 2. Florida Panther Focus Area and Original Panther Consultation Area

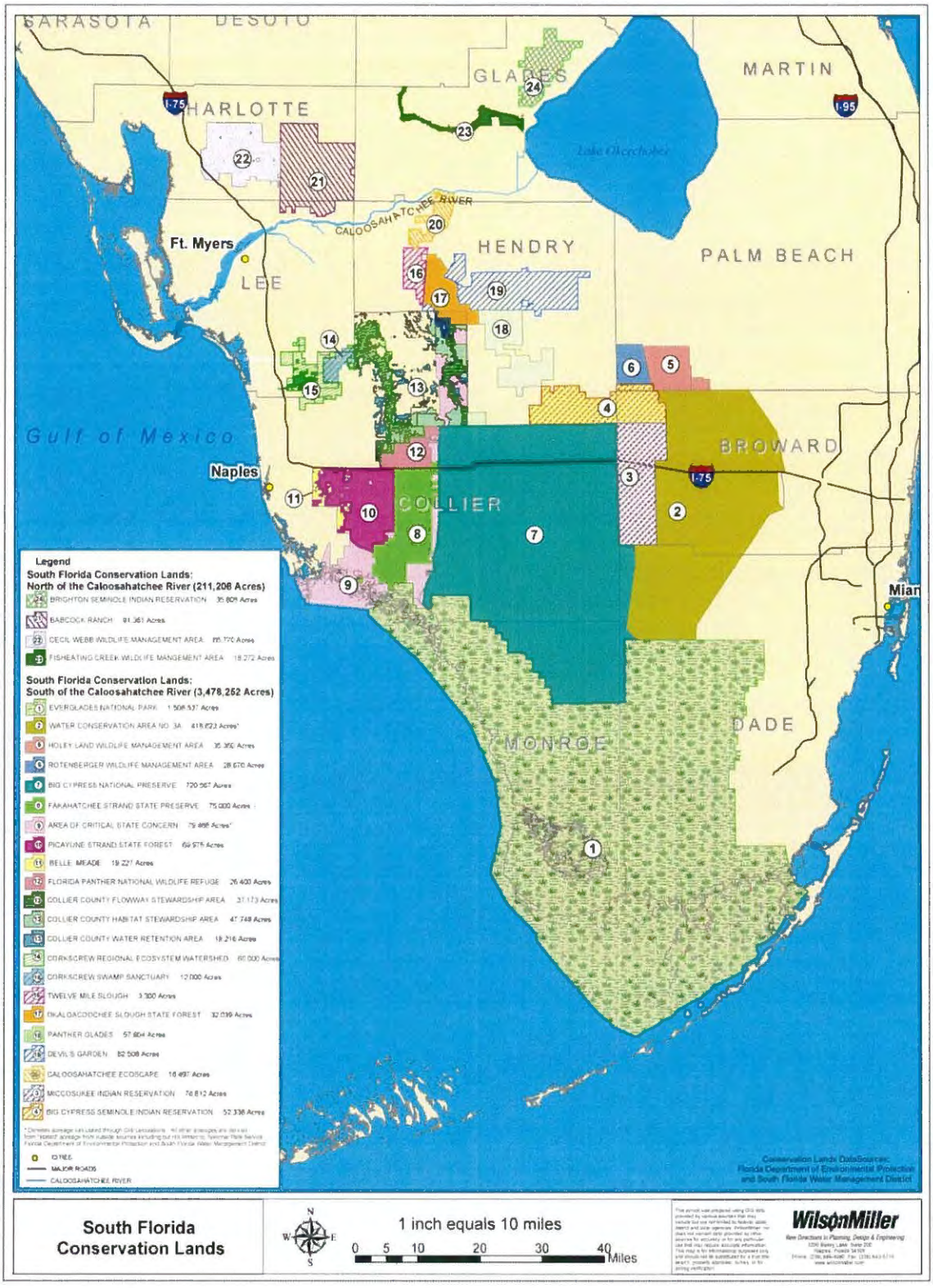

Figure 3. South Florida conservation lands

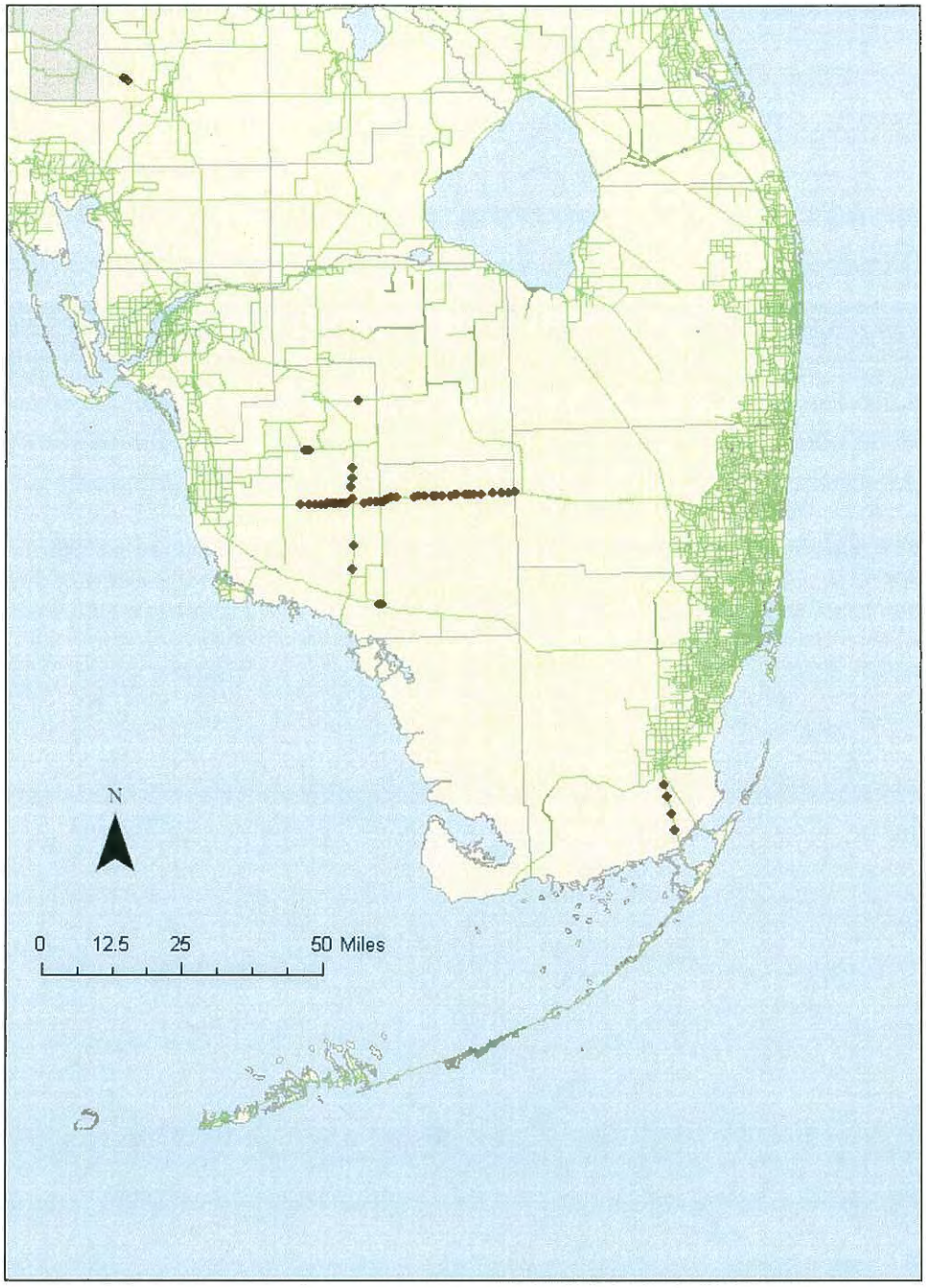

Figure 4. Locations of wildlife crossings in Southwest Florida (indicated by red diamonds)

Wrublik, John <john_wrublik@fws.gov>

Re: [EXTERNAL] WFTS Media Inquiry

1 message

Cantrell, Mark <mark_a_cantrell@fws.gov> Fri, Dec 13, 2019 at 9:17 AM
To: "Warren, Ken" <ken_warren@fws.gov>
Cc: Philip Kloer <Philip_Kloer@fws.gov>, Brian Hires <brian_hires@fws.gov>, Larry Williams <larry_williams@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, John Wrublik <john_wrublik@fws.gov>

Ken

According to Matthew Schwartz, the South FL Wildlands Association director, the FOIA requester, he has posted the FOIA response on their webpage, and they did a press release earlier this week too, so the information is widely available.

The context of the Wrublik quote in the email, and today's article should be clarified - it was in a March 1, 2019 email discussion about news coverage of an early version of the bill that was not finalized or passed into law until May 1, 2019.

thanks,
Mark A. Cantrell
U.S. Fish & Wildlife Service
1601 Balboa Avenue
Panama City, FL 32405
850/769-0552, ext 250
mobile: 828/215-1739 - This is usually the best number to reach me.

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

On Fri, Dec 13, 2019 at 7:33 AM Warren, Ken <ken_warren@fws.gov> wrote:

> TV station WFTS is asking for a copy of the email from our biologist stating his opinion about M-CORES. We should've anticipated that once the Tampa Bay Times story about M-CORES was published, which it was about 3 hours ago, others would want copies of the emails cited in the Times story we provided a statement for. I can't get the entire story online because we don't subscribe to the Times, but I'll ask the reporter if he'll send it to me.
>
> How do you propose handling her request for the email? I'm okay with giving it to her and others who ask, along with our statement. Please let me know.
>
> Anyway, here's the headline and a portion of the first sentence...
>
> https://www.tampabay.com/florida-politics/buzz/2019/12/13/the-florida-panther-could-go-extinct-if-this-toll-road-is-built-federal-biologist-says/
>
> ## The Florida panther could go extinct if this toll road is built, emails say
> It would “basically be a disaster for the panther,” the biologist wrote in assessment.
>
> By Lawrence Mower, Tampa Bay Times
>
> Published 3 hours ago
>
> Updated 6 minutes ago
>
> One of the controversial toll roads approved by the Legislature and Gov. Ron DeSantis this year would be a “disaster”
>
> for the Floridapanther and potentially render the species extinct, a U.S. Fish...

Please advise. Thanks.

Ken Warren
---------- Forwarded message ---------
From: **WFTS Assignment Desk** <WF-HOTSEAT1@wfts.com>
Date: Fri, Dec 13, 2019 at 7:52 AM
Subject: [EXTERNAL] WFTS Media Inquiry
To: ken_warren@fws.gov <ken_warren@fws.gov>

Good morning Ken,

My name is Bianca and I am an Assignment Editor at ABC Action News in Tampa.

We are seeing that biologist, John Wrublik has composed an e-mail stating that if the proposed Heartland Parkway is created, it will basically extinct the Florida Panther.

Can you confirm this?

Could you send us a copy of his e-mail?

Thanks,

Bianca Lopez

ABC Action News Assignment Desk

4045 N. Himes Ave.

Tampa, Fla., 33607

813-354-2800

Email: Newstips@wfts.com

Twitter: @ABCActionnews

Facebook: https://www.facebook.com/tampabaynews

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--
Ken Warren
Public Affairs Officer
U.S. Fish & Wildlife Service
South Florida Ecological Services Office
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Vero Beach, FL 32960-3559
Office Phone: 772.469.4323
Mobile Phone: 772.643.4407

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Cantrell, Mark <mark_a_cantrell@fws.gov>

Re: [EXTERNAL] FW: MPOAC Legislative News - SB 7068 transportation bill filed

1 message

Wrublik, John <john_wrublik@fws.gov> Tue, Mar 12, 2019 at 12:51 PM
To: "Cantrell, Mark" <mark_a_cantrell@fws.gov>
Cc: Roxanna Hinzman <roxanna_hinzman@fws.gov>, Larry Williams <larry_williams@fws.gov>

Mark, sounds like a good plan and it looks like you are doing all you can do. I cced Lary and Rox so they are kept in the loop. Larry and Rox this is in response to the rebirth of the Heartland expressway issue that is trying to make a comeback in the legislature.

thanks John
John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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On Tue, Mar 12, 2019 at 1:36 PM Cantrell, Mark <mark_a_cantrell@fws.gov> wrote:

> John
>
> I have drafted a "we don't like it" letter. But it is on hold right now, just trying to figure out who to send it to.
> I talked with FDOT folks in Tallahassee. Their advice is that they may never see the new program in their division, if it ever happens.
> The action now seems to just be in the state legislature, but there is some pretty good NGO opposition already forming.
>
> So, I am planning to:
>
> 1. watch the legislative process of the proposed bill,
> 2. stay in contact with FDOT and keep them aware of our concerns abort the habitat and fragmentation issues and how much study and mitigation we foresee,
> 3. start to look closely at the resources in the 3 corridors
> 4. stay in touch with our panther and bear folks, working on some landscape-scale wildlife corridor plans.
>
> With with these sorts of huge new location toll roads and development in mind, we urgently need more conservation lands, and better safe wildlife crossings.
>
> Let me know what else you hear about these transportation corridors. Or if you have any ideas about how to ensure these large scale projects can be dealt with.
>
> thanks,
> Mark A. Cantrell
> U.S. Fish & Wildlife Service
> 1601 Balboa Avenue
> Panama City, FL 32405
> 850/769-0552, ext 250
> mobile: 828/215-1739 - This is usually the best number to reach me.
>
> NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.
>
> On Fri, Mar 1, 2019 at 1:12 PM Wrublik, John <john_wrublik@fws.gov> wrote:
>
> > Mark, please see email chain and attachment below. It refers to a bill that is being put forward by the president of the Florida Senate that would include at least three new highways. The one that would affect South Florida is new corridor from Polk County through Collier County. This was known previously as the Heartland Expressway. I had seen this proposal several years ago but it went away. It is now, possibly, rearing its head again. This project would have very serious impacts on the Florida panther (basically a disaster for the panther as it goes through, and would open up for more development, some of the best and last remaining habitat for the panther) as well as other fish and wildife resources and the environment. Larry and Roxanna asked me to contact you so we can be proactive with FDOT and let them know that the Service has serious, serious concerns about the hearland expressway and likely the other two corridors should this this legistative proposal go forward. They requested you discuss our concerns with the FDOT and facilitate a formal letter on the on this proposal. You may have similar concerns for the other two projects (I belief one of them would

provide for a new expressway from Central Florida through North Florida to Georgia, not sure of the exact footprints) and could pass on those concerns to the FDOT and include any concerns about those projects in the letter as well. I've been asked to work with you to figure out what would be appropriate for the Heartland proposal. From my point of view that would be fairly straight forward:

1) project would direcelty result in the loss of a signigicant amount of habitat types that provide some of the last remaining habitat for the endangered Florida panther and other species of listed and non-listed fish and wildlife.

2) project would indirectly result in the loss of significant amount of habitat for panther and other species by inducing new residential and commercial development by providing new access to a large acreage of undeveloped lands that currently doesn't have a road infrastructure

3) project would signifnicantly increase the potential for vehicle-realted injuries and mortalities of panthers and other wildife species. This is currently an serious threat to the remaining panther population and would get much worse.

4) these impacts collectively would further imperil the panther and could potentially jeopardize the species.

5) Project would have serious detrimental impacts to a vairety of fish and wildlife species and their habitat..

Perhaps you should talk to Larry to see what he would like to include in the letter. I'm here to help in anyway I can, and we can get more info if needed from the David Shindle, the lead for the panther.

John

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John_Wrublik@fws.gov

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---------- Forwarded message ---------
From: **Hinzman, Roxanna** <roxanna_hinzman@fws.gov>
Date: Fri, Mar 1, 2019 at 11:55 AM
Subject: Re: [EXTERNAL] FW: MPOAC Legislative News - SB 7068 transportation bill filed
To: Shindle, David <david_shindle@fws.gov>
Cc: Wrublik, John <john_wrublik@fws.gov>, Larry Williams <larry_williams@fws.gov>, Constance Cassler <constance_cassler@fws.gov>

Thanks! Larry suggested that Mark Cantrell facilitate any time of letter as the FL DOT liaison. John W. will work with him to figure out what's appropriate. Thanks for the info tho! Good to know.
Rox

Roxanna Hinzman, Field Supervisor
U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960
Desk 772-469-4309
Cell 772-532-1247
Fax 772-562-4288
roxanna_hinzman@fws.gov

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Visit our Web Site https://www.fws.gov/verobeach/

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On Fri, Mar 1, 2019 at 11:29 AM Shindle, David <david_shindle@fws.gov> wrote:

Should NOT come!!! Sorry about that typo.

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
12085 State Road 29 S
Immokalee, FL 34142
Desk 239-657-8013
Cell 772-532-7293
david_shindle@fws.gov

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On Fri, Mar 1, 2019 at 11:28 AM Shindle, David <david_shindle@fws.gov> wrote:

Just adding the following for the discussion. It's my understanding that this type of correspondence should come directly from PRIT (Core Team or Sub-Team). See Terms of Reference excerpt below (ST=sub-team):

Correspondence:
In the event that a ST elects to draft correspondence in furtherance of recovery and implementation activities, the following guidance should be used when preparing and processing letters:

- Letters drafted by the CT should be prepared as a request to the Service's RD for approval of certain actions based on the recommendations outlined in the correspondence from the Team. Team member organization names must not be included on the correspondence.

- Letters drafted by STs should be sent by the respective Chair to the CT liaison, accompanied by any pertinent information (background, timelines, etc.). Correspondence must be submitted no later than one week prior to the next scheduled meeting of the CT. Inform the CT if the correspondence has an urgent time frame associated with it. Upon concurrence, the CT will forward the letter with their recommendation to the Service's RD.

David Shindle, Florida Panther Coordinator
U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
12085 State Road 29 S
Immokalee, FL 34142
Desk 239-657-8013
Cell 772-532-7293
david_shindle@fws.gov

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On Fri, Mar 1, 2019 at 11:01 AM Hinzman, Roxanna <roxanna_hinzman@fws.gov> wrote:

Can we get proactive and reach out to FDOT and reiterate that looking at panther mortality and the need for wildlife crossings should be an important component of design and scoping? It wouldn't have to be long - just a letter pointing it out and attaching the PRIT transportation report?

Larry should a letter like this come from us or PRIT? Or both?

Thanks,
Rox

Roxanna Hinzman, Field Supervisor
U.S. Fish and Wildlife Service South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960
Desk 772-469-4309
Cell 772-532-1247
Fax 772-562-4288
roxanna_hinzman@fws.gov

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On Fri, Mar 1, 2019 at 10:54 AM Wrublik, John <john_wrublik@fws.gov> wrote:

> FYI, this email from was sent to me and Dave Shindle by Don Scott from Collier County. He is a member of PRIT transportation subteam. It refers to a bill that will be filled in the state senate that includes one of three new transportation corridors that was formerly known as the Heartland Expressway, a new highway from Polk County through Collier County (i.e., big panther impacts)(see attached newspaper article). This road was proposed several years ago, but never went anywhere. It appears that Florida Senate president Galvano is raising it again. We will have to wait and see what happens.
>
> **John M. Wrublik**
> **U.S. Fish and Wildlife Service**
> **1339 20th Street**
> **Vero Beach, Florida 32960**
> **Office: (772) 469-4282**
> **Fax: (772) 562-4288**
> **email: John_Wrublik@fws.gov**
>
> ***NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.***
>
> ---------- Forwarded message ---------
> From: **Don Scott** <dscott@leempo.com>
> Date: Fri, Mar 1, 2019 at 9:13 AM
> Subject: [EXTERNAL] FW: MPOAC Legislative News - SB 7068 transportation bill filed
> To: amber crooks (amberc@conservancy.org) <amberc@conservancy.org>, Cornwell, Katasha <Katasha.Cornwell@dot.state.fl.us>, Daniel Smith (Daniel.Smith@ucf.edu) <Daniel.Smith@ucf.edu>, Darrell Land (Darrell.Land@MyFWC.com) <Darrell.Land@myfwc.com>, David Shindle (david_shindle@fws.gov) (david_shindle@fws.gov) <david_shindle@fws.gov>, Elizabeth Fleming (EFleming@defenders.org) <EFleming@defenders.org>, John Wrublik (john_wrublik@fws.gov) <john_wrublik@fws.gov>, Meredith Barnard (meredithb@fwfonline.org) <meredithb@fwfonline.org>, Pipkin, Gwen G <Gwen.Pipkin@dot.state.fl.us>, Setchell, Brent <Brent.Setchell@dot.state.fl.us>, Terry (Terry.Gilbert@MyFWC.com) (Terry.Gilbert@MyFWC.com) ' 'Gilbert (Terry.Gilbert@MyFWC.com) <Terry.Gilbert@myfwc.com>
>
> See the e-mail below regarding additional information on the new road corridors that we were discussing yesterday. Thanks.
>
> ---
>
> **From:** Mikyska, Carl [mailto:Carl.Mikyska@dot.state.fl.us]
> **Sent:** Thursday, February 28, 2019 7:59 PM
> **Subject:** MPOAC Legislative News - SB 7068 transportation bill filed

Dear MPOAC Governing Board, Staff Directors and Friends,

Just a quick note to let you know that today Senate Bill 7068 was filed as a committee bill. It will be heard in the Infrastructure and Security Committee this coming Tuesday. This bill does a number of things, it directs the Florida Department of Transportation to look at three new transportation corridors which are to be tolled facilities and considered as SIS facilities. These are the same corridors as identified in Senate President Galvano's memo of January 30th. There seems to be a trend of big announcements in the Senate at the end of the month, let's see what March 31st brings us……

The bill also develops within FDOT a Multi-use Corridors of Regional Economic Significance Program which is aimed at rural communities. Specifically called out is hurricane evacuation considerations and later in the bill is a provision that allows hurricane impacted counties to have local matching funds waived at the Florida DOT's discretion. The bill does seem to target funding to small counties. The bill takes vehicle registration funds and directs all of those monies to the transportation trust fund (currently some of the vehicle registration funds go to Florida General Revenue), directs certain amounts of funds to be used to fund access to toll facilities, currently there is a similar program and this bill more narrowly specifies how the funds are to be used.

The bill also establishes a road and bridge workforce development program that is to be implemented by the Florida DOT in conjunction with affected stakeholders. The Florida DOT will also have to develop reporting metrics and then submit an annual report to the Legislature and Governor.

This will be a bill to watch during the 2019 session.

Thanks all,

CARL MIKYSKA, EXECUTIVE DIRECTOR

MPOAC

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850/414-4062

Cantrell, Mark <mark_a_cantrell@fws.gov>

Re: update on SB 7068 transportation bill - Heartland Parkway

1 message

Cantrell, Mark <mark_a_cantrell@fws.gov> Tue, Mar 26, 2019 at 12:10 PM
To: "Wrublik, John" <john_wrublik@fws.gov>, Larry Williams <larry_williams@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>

See the attached update.

The SB 7068 is still in Appropriations Committee, but they have made some significant changes - I highlighted a couple in the attached PDF from the Committee.

A. Committee Substitute – Statement of Substantial Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)
Recommended PCS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on March 19, 2019:

The proposed committee substitute:
- Specifies that protecting the environment and natural resources is an additional consideration of the M-CORES program.
- Specifies additional intended benefits that the M-CORES program could address:
    - Public transit as an example of other transportation modes.
    - Protection or enhancement of wildlife corridors or environmentally sensitive areas.
- Removes the requirement of the FDOT to consult the state agencies and stakeholders when developing the corridors and requires a task force for each corridor.

thanks,
Mark

2019s07068.atd.pdf
603K

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL:	PCS/SB 7068 (901688)
INTRODUCER:	Appropriations Subcommittee on Transportation, Tourism, and Economic Development and Infrastructure and Security Committee
SUBJECT:	Transportation
DATE:	March 21, 2019
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Price	Miller		**IS Submitted as Committee Bill**
1.	McAuliffe	Hrdlicka	ATD	**Recommend: Fav/CS**
2.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 7068 creates the Multi-use Corridors of Regional Economic Significance Program within the Florida Department of Transportation (FDOT). The program is designed to advance construction of regional corridors that will accommodate multiple modes of transportation and multiple types of infrastructure. The specific purpose of the program is to revitalize rural communities, encourage job creation in those communities, and provide regional connectivity while leveraging technology, enhancing quality of life and public safety, and protecting the environment and natural resources.

The bill sets out the intended benefits of the program and identifies three corridors comprising the program. Projects will be subject to requirements relating to economic and environmental feasibility and specified environmental and other evaluation requirements. Decisions on matters such as corridor configuration, project alignment, and interchange locations must be determined in accordance with the FDOT's rules, policies, and procedures.

During project development, the FDOT must convene a task force for each corridor comprised of representatives from state agencies and other stakeholders to evaluate and coordinate corridor analysis, environmental and land use impacts, and other pertinent impacts of the corridors. The task force must issue a written report by June 30, 2020. To the maximum extent feasible, construction of the projects must begin no later than December 31, 2022, and be open to traffic no later than December 31, 2030.

The bill authorizes funding for projects in the corridors. Part of this funding includes increased revenues derived from redirecting to the State Transportation Trust Fund, on a phased-in schedule, portions of motor vehicle license taxes currently deposited into the General Revenue Fund. The bill also specifies how and when the increased revenues are to be distributed and allocated.

Projects undertaken in the corridors must be tolled facilities, are approved turnpike projects that are part of the turnpike system, and are considered as Strategic Intermodal System facilities.

In addition, from the redirected motor vehicle license tax proceeds, the bill authorizes additional funding for the Small County Road Assistance Program, the Small County Outreach Program, and the Transportation Disadvantaged Trust Fund. The bill also creates and provides funding for a construction workforce development program within the FDOT. Building on the FDOT's current workforce development services, the program is intended to serve as a tool for addressing the existing construction labor shortage by training individuals in skills necessary to deliver projects in the FDOT five-year work program, including multi-use corridor projects, on time and within budget.

The bill takes effect July 1, 2019.

The bill will have offsetting fiscal impacts to both the General Revenue Fund and the State Transportation Trust Fund. The fiscal impact of a number of provisions in the bill is indeterminate, as project details and finance plans for new projects have not been developed. See Section V.

II. Present Situation:

The focus of much of Florida's past infrastructure funding has primarily been on the state's urban areas, in order to improve safety, relieve congestion, create mobility, and promote commerce and tourism. This funding structure has improved access and created economic growth for our urban areas along the state's coasts and in central Florida, but large portions of rural Florida have not always received the same focus.

Rural portions of the state compare less favorably to more urban regions in other ways. Research offers many indicators of difficulties faced particularly by the state's rural communities. For example:

- Factors such as relatively low population, labor workforce availability, access to education and healthcare, high unemployment rates, and low wages in rural areas are prevalent throughout available research.
- Rural counties in particular are losing population, commerce and trade, opportunities for employment, and ultimately the local tax base,[1] thereby restricting a rural county's ability to provide for necessities such as roads, but also clean water, sewer, and energy-distribution infrastructure.

[1] Florida Chamber of Commerce, *The Future of Florida's Rural Communities*, November 13, 2017, available at https://www.flchamber.com/the-future-of-floridas-rural-communities-2/ (last visited March 13, 2019).

- Agriculture is often dominant in rural areas, and the loss of supporting businesses due to the last economic recession leaves some rural counties searching for other types of opportunities for business, employment, and economic growth.[2]
- With respect to accessing a broad range of services such as transportation, education, employment, and health care, some 700,000 individuals, largely in rural areas of the state, do not have available local Internet access. A 2016 study determined that 16 Florida counties are underserved by fixed broadband access. Another 13 counties, with relatively low populations and per capita income, range from 41 to 99 percent of individuals without broadband access.[3]
- Broadband access is also critical to businesses. "Corporate site selectors expect broadband. It is not a perk or special benefit."[4] Communities without broadband access have difficulty attracting new capital investment.

Past infrastructure funding from a transportation perspective has generally been of the "traditional" type, for example construction of roads, bridges, seaports, and airports tends to address traditional matters such as hurricane evacuation, congestion mitigation, and statewide economic development

Current law sets out a variety of programs for construction of Florida's highway system. However, no program currently authorizes highway construction that, in addition to the provision of traditional transportation infrastructure, is specifically aimed at providing highway corridors containing uses not necessarily associated with the movement of people and goods.

The Florida Department of Transportation (FDOT) is generally charged with assuming "responsibility for coordinating the planning of a safe, viable, and balanced state transportation system serving all regions of the state, and [assuring] the compatibility of all components, including multimodal facilities."[5] Funds in the State Transportation Trust Fund (STTF)[6] support the projects contained in the FDOT's work program, developed pursuant to s. 339.135, F.S. Current law identifies specific funding from moneys in the STTF for certain transportation systems and projects, as well as specific funding programs aimed at transportation projects in rural communities.

The Florida Strategic Intermodal System

The Strategic Intermodal System (the SIS) is composed of transportation facilities and services of statewide and interregional significance. The FDOT describes the SIS as representing "an

[2] *See* U.S. News and World Report, *Rural Hendry County Mixes Economic Woes, Hope for New Jobs*, October 13, 2018, available at https://www.usnews.com/news/best-states/florida/articles/2018-10-13/rural-hendry-county-mixes-economic-woes-hope-for-new-jobs (last visited March 13, 2019).
[3] *Expanding Residential Access to the Internet Infrastructure & Locally Customized Distance Learning in Schools to Advance Educational Attainment, Economic Development, Health Care & County Growth*, Moore, Dr. Ed H., Independent Colleges & Universities of Florida. (On file in the Senate Infrastructure and Security Committee.)
[4] Site Selection Magazine (September 2011), *The Important of Broadband to Economic Development*, McQuade, M., available at https://siteselection.com/issues/2011/sep/sas-optical-infrastructure.cfm (last visited March 13, 2019).
[5] FDOT, *About FDOT*, available at https://www.fdot.gov/agencyresources/aboutfdot.shtm (last visited March 13, 2019).
[6] Established in s. 206.46, F.S.

effort to link Florida's transportation policies and investments to the state's economic development strategy."[7]

The SIS consists of:

- Highway corridors established under s. 339.65, F.S. (discussed below);
- The National Highway System;
- Airport, seaport, and spaceport facilities;
- Rail lines and rail facilities;
- Selected intermodal facilities; passenger and freight terminals; and appropriate components of the State Highway System, county road system, city street system, inland waterways, and local public transit systems that serve as connectors between the above components; and
- Other corridors that serve a statewide or interregional purpose.[8]

The SIS and emerging SIS[9] include multiple types of facilities intended to establish an interconnected transportation system:[10]

- Hubs – ports and terminals that move goods or people between Florida regions or between Florida and other markets in the United States and the rest of the world;
- Corridors – highways, rail lines, inter-county urban fixed guideway transit, and waterways that connect major markets within Florida or between Florida and other states or nations;
- Connectors – highways, rail lines, or waterways that connect hubs and corridors;
- Military Access Facilities – strategic highway network and strategic railway network facilities serving the main entrances of US Department of Defense military installations; and,
- Intermodal Logistic Centers (ILC) – facilities that serve as points of intermodal transfer of freight separate from a seaport where transport, distribution, or similar activities occur in support of or be supported by conveyance or shipping through one or more seaports.[11]

Section 339.61, F.S., requires the FDOT to allocate from the STTF a minimum of $60 million annually for projects in the SIS. Section 339.135, F.S., requires the allocation of at least 50 percent of any new discretionary highway capacity funds[12] to the SIS. The SIS also statutorily receives a portion of documentary stamp tax proceeds distributed to the STTF;[13] a portion of

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[7] FDOT, *Work Program Instructions FY 19/20 – 23/24*, September 12, 2018, at p. 326, available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/workprogram/development/pdfinstructions/workprogramінstructions.pdf?sfvrsn=c585db0d_23 (last visited March 13, 2019). Section 339.61, F.S.

[8] Section 339.62, F.S.

[9] SIS and emerging SIS hubs and corridors were initially designated based on criteria and thresholds established by a steering committee in 2002 and adopted by the Legislature in 2003. Section 339.63, F.S., authorizes the FDOT secretary to periodically add facilities to, or delete facilities from, the SIS or emerging SIS based on adopted criteria. These additions and deletions reflect new data showing that particular hubs or corridors meet the adopted criteria and thresholds.

[10] Section 339.63, F.S.

[11] Section 339.63(5), F.S., authorizes designation of a planned ILC as part of the SIS upon the request of the facility if it meets certain criteria and thresholds.

[12] "New discretionary highway capacity funds" means any funds available to the FDOT above the prior year funding level for capacity improvements, which the FDOT has the discretion to allocate to highway projects. Section 339.135(4)(a)2., F.S.

[13] Section 201.15(4)(a)3., F.S.

motor vehicle tag and title fees generated by initial applications for registration;[14] and the remaining proceeds of "Mobility 2000" funding.[15]

The FDOT's established policy is to allocate 75 percent of all transportation capacity funds to the SIS, with the exception of funds allocated for the transit program and certain surface transportation program funds.[16]

Section 339.65, F.S., requires the FDOT to plan and develop SIS highway corridors, to include limited and controlled access facilities allowing for high-speed and high-volume traffic movements. The corridors include facilities from the following State Highway System components that meet the adopted SIS criteria:

- Interstate highways,
- The Florida Turnpike System,
- Interregional and intercity limited access facilities,
- Existing interregional and intercity arterial highways previously upgraded or upgraded in the future to limited or controlled access facility standards, and
- New limited access facilities necessary to complete a balanced statewide system.

For purposes of developing these SIS corridors, s. 339.65(6), F.S., requires the FDOT to allocate annually a minimum of $450 million, adjusted annually by the Consumer Price Index.

Florida's Turnpike System

The Florida Turnpike Enterprise (FTE) within the FDOT is empowered to plan, construct, maintain, repair, and operate the Florida Turnpike System. The FTE's powers are in addition to those of the FDOT.[17] The FTE is a single budget entity that develops its own budget, submitted to the Legislature along with the FDOT's.[18] For the 2018-2019 fiscal year, the FTE's total budget was $2,070,019,701.[19]

The turnpike system currently includes the mainline from Miami to Central Florida, as well as the Homestead Extension, Sawgrass Expressway, Seminole Expressway, Beachline Expressway, Southern Connector Extension, Veterans Expressway, Suncoast Parkway, Polk Parkway, Western Beltway, and the I-4 Connector.[20] A proposed project may not be added to the turnpike system unless the project is determined to be economically feasible, a statement of environmental feasibility is completed for the project, and such project is determined to be consistent with approved local comprehensive plans of the local governments in which the project is located, to the maximum extent feasible.[21]

[14] Section 320.072, F.S.
[15] Section 339.1371(2), F.S.
[16] *Supra* note 7 at p. 327.
[17] Section 338.2216(1)(a), F.S.
[18] Section 338.2216(3)(a), F.S.
[19] Chapter 2018-9, L.O.F., at p. 281.
[20] For a map of the system, *see* Florida's Turnpike, under the *About* heading, available at http://www.floridasturnpike.com/about.html (last visited March 13, 2019).
[21] Section 338.223(1)(a), F.S.

"Economically feasible" for a proposed turnpike project means that, as determined by the FDOT before issuance of revenue bonds for the project, the estimated net revenues of the project, excluding feeder roads[22] and turnpike improvements, will be sufficient to pay at least 50 percent of the annual debt service on the bonds by the end of the 12th year of operation and to pay at least 100 percent of the debt service on the bonds by the end of the 30th year of operation. Up to 50 percent of the adopted work program costs of the project may be funded from turnpike revenues.[23]

The required statement of environmental feasibility is a statement by the Department of Environmental Protection of the project's significant environmental impacts.[24]

If a proposed project is economically feasible, consistent to the maximum extent feasible with the applicable local comprehensive plans, and a favorable statement of environmental feasibility is completed, the FDOT is directed to construct, maintain, and operate the project.[25]

Legislative approval of the FDOT's tentative work program containing the turnpike project constitutes approval to issue bonds for such project as required by the Florida Constitution.[26] Section 338.227, F.S., authorizes the Division of Bond Finance to issue turnpike revenue bonds as provided in the State Bond Act to pay all or any part of the cost of legislatively approved turnpike projects. However, no more than $10 billion of bonds may be outstanding to fund approved turnpike projects.[27] As of June 30, 2018, the FTE had $2.6 billion of outstanding bonds related to financing the construction of expansion projects and system improvements.[28] The FTE's Five-Year Capital Plan includes issuance of $1.5 billion of additional bonds.[29]

The principal and interest on such bonds is payable solely from revenues pledged for their payment.[30] All revenues or bond proceeds are restricted to paying the cost of turnpike projects and improvements and for the administration, operation, maintenance, and financing of the turnpike system. No revenues or bond proceeds from the turnpike system may be spent for the operation, maintenance, construction, or financing of any project that is not part of the turnpike system.

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[22] A "feeder road" is defined as any road no more than five miles in length, connecting to the turnpike system which the FDOT determines is necessary to create or facilitate access to a turnpike project. Section 338.221(3), F.S.
[23] Section 338.223(1)(a) and s. 338.221(8)(a), F.S.
[24] Section 338.221(10), F.S. The FDOT may authorize engineering, traffic, environmental, and other expert studies of the location, costs, economic feasibility, and practicality of proposed projects but may not request legislative approval of such project until the design phase is at least 30 percent complete.
[25] *Supra* note 16.
[26] Section 338.2275(1)(a), F.S.
[27] *Id*.
[28] Florida's Turnpike System, *2018 Comprehensive Annual Financial Report, Fiscal Years Ended June 30, 2018 and 2017*, at p. 16, available at http://www.floridasturnpike.com/documents/reports/Comprehensive%20Annual%20Financial%20Report/CAFR_2018.pdf (last visited March 13, 2019).
[29] *Id.* at p. 3.
[30] The FTE's current debt service coverage ratio is 3.3. (The term describes a measure of ability to generate enough income in operations to cover the expense of a debt.) The FTE's 3.3 debt service coverage ratio exceeds the 1.2 minimum debt service coverage required by existing bond covenants. *Id.* at p. 16. Section 338.227, F.S.

The FDOT may use in the most efficient combination turnpike revenues,[31] STTF moneys allocated for turnpike projects as a component of the SIS, federal funds, and bond proceeds in developing a financial plan for funding turnpike projects,[32] and may use federal and state funds to pay the cost of the operation, maintenance, and capital costs of turnpike projects.[33]

Other Available Funding Mechanisms

In addition to issuance of turnpike revenue bonds for turnpike projects, funding mechanisms currently available to the FDOT for transportation-related projects also include, but are not limited to:

- Right-of-way acquisition or bridge construction bonds: These bonds may be issued to finance or refinance the cost of acquiring real property or rights thereto for state roads or to finance or refinance the cost of state bridge construction. The bonds are payable primarily from motor and diesel fuel taxes and are secured by the full faith and credit of the state. After debt service and other obligations, the proceeds are deposited into the STTF.[34]
- The FDOT Financing Corporation: The Legislature created the non-profit corporation for the purpose of financing or refinancing transportation projects on behalf of the FDOT. A board of directors consisting of the director of the Office of Policy and Budget within the Executive Office of the Governor, the director of the Division of Bond Finance, and the FDOT secretary governs the corporation. The FDOT may enter into service contracts with the corporation in connection with projects approved in the FDOT's work program. Each service contract may have a term of up to 35 years. The corporation may issue and incur notes, bonds, certificates of indebtedness, and other obligations or evidences of indebtedness to finance or refinance projects in the FDOT's work program, and the FDOT makes payments on the indebtedness under the service contract. The indebtedness does not constitute a debt or obligation of the state or a pledge of the full faith and credit or taxing power of the state. Payment of obligations by the FDOT to the corporation are payable solely from amounts available in the STTF, subject to annual appropriation.[35]
- Public-private transportation facilities: The FDOT is authorized to receive or solicit proposals and, with legislative approval as evidenced by approval of the project in the FDOT's work program, enter into agreements with private entities for the building, operation, ownership, or financing of transportation facilities. Under specified conditions, the FDOT may advance projects in the ten-year Strategic Intermodal Plan developed for the SIS that are programmed in the adopted five-year work program or that increase transportation capacity and are greater than $500 million. Advanced projects use funds provided by public-private partnerships or private entities, which are reimbursed by FDOT for the project as programmed in the work program.[36]

[31] Net cash to the FTE from operating activities in 2018 amounted to approximately $682 million. *Id*. at p. 19.
[32] Section 338.2275(2), F.S.
[33] Section 338.223(4), F.S.
[34] Section 215.605, F.S.
[35] Section 339.0809, F.S.
[36] Section 334.30, F.S.

Transportation Programs Benefiting Rural Areas

Small County Road Assistance Program (SCRAP)

The FDOT administers the SCRAP to assist small county governments in resurfacing or reconstructing county roads that were part of the county road system on June 10, 1995.[37] Counties eligible to compete for funding based on population include those with a population of 75,000 or less according to the 1990 federal census. Those counties include Baker, Bradford, Calhoun, Columbia, DeSoto, Dixie, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Nassau, Okeechobee, Putnam, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, and Washington.[38]

At a minimum, a small county is eligible only if the county has enacted the maximum rate of the local option fuel tax authorized by s. 336.025(1)(a), F.S.[39] All counties levy the maximum tax rate of 6 cents.[40] Therefore, the counties listed above are all eligible to compete for funding under the SCRAP.

In determining a county's eligibility, the FDOT is authorized to consider the extent to which the county has attempted to keep county roads in satisfactory condition and the extent to which the county has offered a match of local funds with SCRAP funds.

The primary consideration for prioritization of road projects under the SCRAP is the physical condition of the road as measured by the FDOT. Secondary criteria which the FDOT must consider include:

- Whether a road is used as an evacuation route;
- Whether a road has high levels of agricultural travel;
- Whether a road is considered a major arterial route;
- Whether a road is considered a feeder road;
- Whether a road is located in a fiscally constrained county; and
- Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the FDOT.[41]

[37] Section 339.2816, F.S. Capacity improvements on county roads are not eligible for SCRAP funding, except where the department determines that widening of existing lanes as part of a resurfacing or reconstruction project is necessary to address safety concerns. *Supra* note 6 at p. 298.
[38] Office of Economic and Demographic Research, *Population and Demographic Data – Florida Products, Population April 1, 2018*, available at http://edr.state.fl.us/Content/population-demographics/data/MediumProjections_2017.pdf (last visited March 13, 2019).
[39] That section authorizes local governments to levy a tax of one to six cents on every net gallon of motor and diesel fuel sold in a county and taxed under ch. 206, F.S.
[40] Office of Economic and Demographic Research, *Local Option Fuel Tax Levies on Motor Fuel in Florida's Counties, Local Fiscal Year Ending September 30, 2019,* available at http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm under the heading "Local Option Fuel Taxes," *Realized and Unrealized Revenues by County: LFY 2005-2019* (last visited March 13, 2019).
[41] Section 339.2816(4)(c), F.S.

The statute authorizes use of up to $25 million annually from the STTF to fund the program.[42] Available funds are allocated among the FDOT districts based on the number of eligible counties.

Small County Outreach Program (SCOP)

The SCOP program within the FDOT assists small counties in repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstructing county roads, or constructing capacity or safety improvements to county roads.[43] Eligible counties include those with a population of 170,000 or less as determined by the most recent official estimate of the Office of Economic and Demographic Research. Currently, counties qualified to compete for SCOP funding based on population include the same counties now eligible to compete for SCRAP funding listed above, plus Citrus, Indian River, Martin, and Monroe Counties.[44]

In determining eligibility, the FDOT may consider the county's attempt to keep county roads in satisfactory condition, which under the SCOP may be evidenced by an established pavement management plan; and the primary consideration for prioritization of road projects under the SCOP is the physical condition of the road as measured by the FDOT. Like the SCRAP, funds are allocated among the FDOT districts based on the number of eligible counties. Similarly to the SCRAP, secondary criteria which the FDOT may consider include:

- Whether a road is used as an evacuation route,
- Whether a road has high levels of agricultural travel,
- Whether a road is considered a major arterial route,
- Whether a road is considered a feeder road,
- Information as evidenced to the FDOT through an established pavement management plan, and
- Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the FDOT.[45]

The FDOT is required to fund 75 percent of the cost of projects on county roads selected for funding under the program[46] and the county must provide 25 percent of such costs. Rural counties qualifying under the Rural Economic Development Initiative[47] may apply for a waiver or reduction of the required 25 local match.[48]

Section 339.0801(4), F.S., allocates $10 million annually for projects in the SCOP. The SCOP also statutorily receives a portion of documentary stamp tax proceeds distributed to the STTF;[49] a

[42] Section 339.2816(3), F.S.
[43] Section 339.2818(1), F.S.
[44] *Supra* note 38.
[45] Section 339.2818(4), F.S.
[46] Section 339.2818(4)(a), F.S.
[47] *See* s. 288.0656, F.S., for a full description of the Rural Economic Development Initiative. Subsection (7) of that section authorizes waiver of criteria, requirements, or similar provisions of any economic development incentive, including but not limited to waivers of matching funds for transportation projects in the SCOP.
[48] *Supra* note 7 at p. 290.
[49] Section 2015.15(4)(a)2., F.S.

portion of revenues derived from the elimination of certain general revenue service charges;[50] and a portion of motor vehicle tag and title fees generated by initial applications for registration.[51] Additionally, a designated municipality within a rural area of opportunity[52] or a rural area of opportunity community[53] may compete for any specific appropriation made in addition to funds annually appropriated for the SCOP.[54]

Transportation Services for the Transportation Disadvantaged

The Transportation Disadvantaged (TD) Program coordinates a network of local and state programs providing transportation services for elderly, disabled, and low-income citizens.[55] The program assists the transportation disadvantaged, which includes a person who, because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities.[56] While not specifically aimed at rural communities, individuals residing in such areas do benefit from the TD program.

The Commission for the Transportation Disadvantaged (Commission) as an independent entity within the FDOT. The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged.[57] The goal of such coordination is to assure the cost-effective provision of transportation by qualified community transportation coordinators[58] or transportation operators.[59] Individual rides may be provided, or

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[50] Section 215.211(4), F.S.
[51] Section 320.072, F.S.
[52] A "rural area of opportunity" is defined in s. 288.0656(2)(d), F.S., and designated by the Governor. For a list of rural areas of opportunity, see the Department of Economic Opportunity's map, available at http://www.floridajobs.org/docs/default-source/community-planning-development-and-services/rural-community-programs/redi/raomap1.pdf?sfvrsn=2 (last visited March 13, 2019).
[53] Section 288.9656(2)(e), F.S., defines "rural community" as:
- A county with a population of 75,000 or fewer,
- A county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,00 or fewer,
- A municipality within a county described above, and
- An incorporated rural city with a population of 25,000 of fewer and an employment based on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more specified economic distress factors verified by the Department of Economic Opportunity.

[54] Section 339.2818(7), F.S. *See* the FDOT's Work Program Instructions, *supra* note 7 at p. 291. For the 2018-2019 fiscal year, the General Appropriations Act appropriated $72,800,454 for the SCOP, $15 million of which was appropriated for transportation projects within a rural area of economic opportunity. *See* ch. 2018-9, L.O.F., specific appropriation 1892.
[55] Part I, ch. 427, F.S.
[56] The program also assists children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S. Section 427.011(1), F.S.
[57] Section 427.013, F.S.
[58] A "community transportation coordinator" (CTC) is a transportation entity recommended by a metropolitan planning organization (MPO), or by the appropriate designated official planning agency in an area outside of an MPO, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. Section 427.011(5), F.S. The role of a CTC may be filled by a local transit agency, by a contracted provider, by a regional nonprofit organization serving multiple counties, or by the local board of county commissioners. *See* the commission website for a listing of CTCs by county, available at https://ctd.fdot.gov/ctcsbycounty.htm (last visited March 13, 2019).
[59] A "transportation operator" is one or more public, private for-profit, or private nonprofit entities engaged by the CTC to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan. Section 427.011(6), F.S.

individuals may use what is essentially a shared-ride service which, depending on location, may be provided using a fixed route transit or a paratransit (door-to-door) service.

Funds from the coordinated system[60] are used by many transportation disadvantaged individuals to subsidize the purchase of bus passes through various local transit authority programs. Of the 11.8 million trips in 2018, approximately 53 percent were funded in this fashion. According to the commission, bus passes are the most cost-effective transportation method for people who are able to ride a bus and are in close proximity to a fixed route.[61] However, the remaining 47 percent of trips were provided by paratransit services, the most expensive means of transportation for people served by the coordinated system, at an average cost of $24.14 per trip.[62] The commission advises that paratransit services[63] are the predominant service in Florida's rural areas.[64] In these rural areas, an individual's particular disadvantage in the transportation arena may be compounded by relatively sparse population (often resulting in an absence of fixed-route bus or taxi services) and longer distances to and from a doctor's office, a grocery store, or a job.

Section 427.0159, F.S., establishes the Transportation Disadvantaged Trust Fund (TDTF). Funds deposited into the TDTF must be used to fund the administrative expenses and carry out the responsibilities of the commission. The commission is authorized to use funds in the trust fund to subsidize a portion of a transportation disadvantaged person's non-sponsored (for example, not paid for by Medicaid) transportation costs.

The primary statutory revenue source for the TDTF is a fee of $1.50 for each initial and renewal registration of private autos and light trucks, which must be used as provided in the TD Program.[65] The trust fund also statutorily receives:

- A $5 portion of the $15 fee for a temporary disabled parking permit, which must be used for matching grants to counties to improve transportation of persons who have disabilities,;[66]
- Voluntary contributions, which must be used as provided in the TD Program;[67]
- An annual $10 million from the proceeds of fees for original and duplicate certificates of title transferred from the STTF, which must be used as provided in the TD Program; and[68]
- Additional amounts from the STTF, reflected in the chart below.

[60] The commission reports that in Fiscal Year 2017-2018, local government was the largest contributor of revenues to the coordinated system, providing revenues reaching $118 million. *See* Florida Commission for the Transportation Disadvantaged, *2018 Annual Performance Report*, January 1, 2019, at p. 7. (On file in the Senate Committee on Infrastructure and Security.)
[61] *Id.* at p. 8.
[62] *Id.*
[63] These are services between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and the service provider. Paratransit service may be provided by taxis, limousines, "dial-a-ride," buses, and other demand responsive operations characterized by their nonscheduled, non-fixed route. Section 427.011(9), F.S.
[64] *Id.* Fixed-route and paratransit are not the only available service.
[65] Section 320.03(9), F.S.
[66] Section 320.0848(4)(c)2., F.S.
[67] Section 320.02(15), F.S., requires the application form for motor vehicle registration to include language permitting a voluntary contribution of $1 per applicant, which must be deposited into the Transportation Disadvantaged Trust Fund and used as provided in the TD Program.
[68] Section 339.0801(3), F.S.

For the 2019-2020 fiscal year, the Commission reports the following projections for funds to be deposited in the TDTF from state sources identified above:[69]

Fiscal Year 2019-2020 Revenue Streams	
Source	Projection
Registration fees	$22,311,506
Parking permits	$361,213
Voluntary contributions	$7,683
Original and duplicate certificates of title	$10,000,000
STTF (Dedicated district revenue)	$3,000,000
STTF (Public Transit Office)	$3,000,000
STTF (Rural Capital Equipment)	$1,400,000
STTF (15% of FDOT Public Transit Block Grant)	$15,210,763
Interest	$500,000
TOTAL	$55,791,165

Workforce Development

The Department of Economic Opportunity (DEO) estimates that the highway, street, and bridge construction industry statewide will grow 8.75 percent over the next eight years. Industry and occupational projections for the highway, street, and bridge construction industry comparing 2018 and 2026 predict high potential gaps in the supply of available trained individuals in the following occupations:

- Carpenters.
- First-line supervisors of construction trades and extraction workers.
- First-line supervisors of transportation and material-moving machine and vehicle operators.
- Mobile heavy equipment mechanics, except engines.
- Operating engineers and other construction equipment operators.
- Plumbers, pipefitters, and steamfitters.
- Structural iron and steel workers.
- Surveyors.[70]

Less severe but still moderate potential gaps in the supply of available trained individuals are estimated to occur for crane and tower operators and for electricians.[71]

The FDOT currently engages in workforce development services. As an example, the FDOT's District 7 is currently conducting a pilot program in coordination with community partners to identify and connect qualified workers for projects such as the Gateway Expressway in Pinellas County, and to identify and recruit entry level workers in the Tampa Bay area, including on-the-job training. Candidates were recently selected for the 30 openings in the program, which

[69] *See* the Commission's email to committee staff dated February 6, 2019. (On file in the Senate Infrastructure and Security Committee.)
[70] Email from Matt Spritz, DEO Legislative Affairs Director, to Senate Infrastructure and Security Staff dated February 22, 2019. (On file in the Senate Infrastructure and Security Committee.)
[71] *Id*.

includes a week-long career training course.[72] Candidates with heavy construction experience were eligible for direct hire by the contractor performing construction on the Gateway Expressway and were not required to complete the course.[73]

Expansion of a more robust workforce development program within the FDOT, focused on training and recruiting workers to support construction of multiuse infrastructure and facilities accommodating emerging technologies, could facilitate creation of a better-trained workforce throughout the state, and particularly within communities in which the FDOT constructs projects.

Further Present Situation

For ease of organization and readability, additional information on related present situation is discussed below in conjunction with the effect of the proposed changes.

III. Effect of Proposed Changes:

Multi-use Corridors of Regional Economic Significance (M-CORES) Program (Section 1)

Section 1 of the bill creates s. 338.2278, F.S., establishing the M-CORES Program within the FDOT. The stated purpose of the program is to revitalize rural communities, encourage job creation, and provide regional connectivity, while leveraging technology, enhancing quality of life and public safety, and protecting the environment and natural resources. The objective of the program is to advance construction of regional corridors that are intended to accommodate multiple modes of transportation and multiple types of infrastructure.

The intended benefits of the program include addressing such issues as:
- Hurricane evacuation;
- Congestion mitigation;
- Trade and logistics;
- Broadband, water, and sewer connectivity;
- Energy distribution;
- Autonomous, connected, shared, and electric vehicle technology;
- Other transportation modes, such as shared-use non-motorized trails, freight and passenger rail, and public transit;
- Mobility as a service; and
- Availability of a trained workforce skilled in traditional and emerging technologies.
- Protection or enhancement of wildlife corridors or environmentally sensitive areas.

The bill identifies the following three corridors comprising the M-CORES Program:
- Southwest-Central Florida Connector (Collier County to Polk County);
- Suncoast Connector (Citrus County to Jefferson County); and

[72] Pinellas County Urban League, *Gateway Expressway Workforce Pilot Program*, available at https://www.pcul.org/news/gateway-expressway-construction (last visited March 13, 2019).
[73] *See Gateway Expressway Career Course Process for Community Partners*, available at https://drive.google.com/file/d/1ih3gGwjUSckGR49hZQZSvETaMRn3G1cy/view (last visited March 13, 2019).

- Northern Turnpike Connector (northern terminus of the Florida Turnpike northwest to the Suncoast Parkway).

The bill requires projects undertaken in the identified corridors to be tolled facilities, deems such projects as approved turnpike projects that are part of the turnpike system, and considers project facilities as SIS facilities. To the maximum extent feasible, the bill requires corridor project construction to begin no later than December 31, 2022, with the corridors open to traffic no later than December 31, 2030.

The bill requires the FDOT, during the project development phase, to identify opportunities to accommodate or collocate near the M-CORES multiple types of infrastructure that address the issues identified above. The FDOT must also convene a task force, appointed by the FDOT secretary by August 1, 2019, for each corridor composed of representatives of:

- The Department of Environmental Protection;
- The Department of Economic Opportunity;
- The Department of Education;
- The Department of Health;
- The Fish and Wildlife Conservation Commission;
- The Department of Agriculture and Consumer Services;
- The local water management district or districts;
- A local government official from each local government within a proposed corridor;
- Metropolitan planning organizations;
- Regional planning councils; and
- Other appropriate conservation or community not-for-profit organizations as determined by the FDOT.

Each corridor task force will coordinate with the FDOT on pertinent aspects of corridor analysis and evaluate the need and the economic and environmental, hurricane evacuation, and land use impacts of the corridors. The task force for each corridor may consider innovative concepts to combine right-of-way acquisition with the acquisition of lands or easements to facilitate mitigation of environmental, wildlife habitat, and water quality protection. In designing the corridors, the FDOT must adhere to the recommendations of the task to the maximum extent feasible.

Specifically, the task force for the Southwest-Central Florida Connector must address the impacts of project construction on panther and other critical wildlife habitats and evaluate wildlife crossing design features to protect such wildlife. The task force must also evaluate the need for acquisition of land for state conservation or as mitigation for construction.

The task force for the Suncoast Connector and for the Northern Turnpike Connector must evaluate designs and acquisition of land to mitigate construction impacts on water quality, agricultural land use, and wildlife habitats.

Each task force must hold public meetings in each local government jurisdiction in which a corridor project is being considered. Task forces are required to report their evaluations in a final report submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2020. Construction in a corridor may not be funded until the final report

is submitted and until 30 percent of the design phase is complete (except for project phases under construction or for which alignment has been determined).

Corridor projects are subject to the FDOT's responsibilities for environmental review applicable under the National Environmental Policy Act.[74] If such review is not required, the FDOT must otherwise perform a project evaluation that considers the following:

- Project purpose and need.
- An alternatives analysis.
- Existing conditions of the project area and potential impacts or enhancements the project may have on social, economic, cultural, natural, and connectivity issues and resources.
- Anticipated permits identified during the project development and environmental study.
- Opportunities for stakeholders and regulatory agency coordination.
- Public and agency comments and coordination.

At a minimum, the bill requires that project decisions on matters such as corridor configuration, project alignment, and interchange locations must be determined in accordance with applicable FDOT rules, policies, and procedures.

Projects in the M-CORES are generally subject to the same review and development requirements and related processes as are currently applicable to the FDOT's projects, regardless of whether federal funds are used.

Subject to the economic and environmental feasibility statement requirements for proposed turnpike projects,[75] the bill authorizes funding for M-CORES projects through turnpike revenue bonds, right-of-way and bridge construction bonds, the FDOT Financing Corporation, the use of public-private partnerships, or by any combination thereof. The FDOT is also authorized to accept donations of land for use as transportation rights-of-way or to secure or use transportation rights-of-way for such projects.

To the extent legally available, any toll revenues from the turnpike system not required for payment of principal, interest, reserves, and other required deposits for bonds; costs of operations and maintenance; other contractual obligations; or system improvement project costs must be used to repay to the STTF advances made from that fund.

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[74] The National Environmental Policy Act (NEPA) was enacted in 1969 "in response to public concern about the deteriorating quality of the "human" environment and the inadequate consideration of environmental impacts of major federal projects. The human environment encompasses the following areas: physical (geology, soils, air, water), biological (plants, animals), social (communities, economics), and cultural (archaeological and historic resources). The intent of NEPA is to ensure safe, healthful, productive, and esthetically and culturally pleasing surroundings. NEPA helps federal agencies incorporate these values into their programs by requiring them to give equal consideration to environmental factors, in addition to financial and technical factors, in their planning and decision-making processes. NEPA establishes a national policy for the protection and maintenance of the environment by providing a process which all federal agencies must follow." See Federal Emergency Management Agency, *National Environmental Policy Act*, Description and Intent, available at https://www.fema.gov/office-environmental-planning-and-historic-preservation/national-environmental-policy-act (last visited March 13, 2019). Responsibilities relating to the required reviews under NEPA are delegated to the FDOT under federal law. *See* s. 334.044(34), F.S.

[75] Section 338.223, F.S.

In accordance with existing authority, the Division of Bond Finance is authorized to issue right-of-way and bridge construction bonds, turnpike revenue bonds, and FDOT Financing Corporation bonds to finance projects in the M-CORES Program, as provided in the State Bond Act.

Projects constructed in the corridors will be tolled facilities and part of the turnpike system. If projects in the corridors are determined to be economically and environmentally feasible and are consistent to the maximum extent feasible with the appropriate approved local government comprehensive plans, the projects will be included in the FDOT's tentative work program. Upon legislative approval of the projects in the tentative work program, issuance of turnpike revenue bonds will be authorized to pay all or any part of the legislatively approved turnpike projects, subject to the restriction limiting the amount of bonds that may be outstanding for approved turnpike projects to $10 billion. The principal and interest on any turnpike revenue bonds issued for these projects will be payable solely from revenues pledged for their repayment.

Increased Revenues to the STTF – Motor Vehicle License Taxes (Sections 1 and 3)

Present Situation

Section 320.08, F.S., imposes annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles, tri-vehicles, and mobile homes. For certain vehicles, a portion of the tax is currently deposited into the General Revenue Fund. The table below shows the tax imposed for the specified vehicle type and the portions of the tax that are currently deposited into the General Revenue Fund.

Sources of Increased Revenues from Motor Vehicle License Taxes General Revenue Deposits		
Vehicle Type	Tax	GR Deposit
Ancient or antique motorcycle	$7.50	$2.50
Heavy trucks and truck tractors	$60.75 to $1,080 according to vehicle weight	$15.75 to $343
Semitrailers	$13.50 annual or $68 permanent	$3.50 or $18
Wreckers	$41 to $1,322 depending on use	$11 to $343
Hearse or ambulance	$40.50	$10.50
Motor vehicles for-hire	$17 plus $1.50 per cwt[76]	$5
Trailers for private use	$6.75 or $3.50 depending on weight	$1.75 or $.25
Trailers for hire	$3.50 or $13.50, depending on weight, plus $1.50 per cwt	$1.50 or $4
Travel trailer or fifth-wheel 35' max	$27	$7
Camping trailer	$13.50	$3.50
Motor home or private motor coach	$27 to $47.25 depending on weight	$7 or $12.25
Dealer & manufacturer license plates	$17	$4.50
Exempt of official license plate	$4	$1

[76] "Cwt" means the weight per hundred pounds, or major fraction thereof, of a motor vehicle. Section 320.20(8), F.S.

Locally operated motor vehicles for hire	$17 plus $2 per cwt	$5
Transporter license plate	$101.25	$26.25

Section 320.20, F.S., governs the current distribution of revenue derived from the registration of motor vehicles. All remaining funds are deposited into the STTF after state constitutionally required distributions to: education (the district Capital Outlay and Debt Service School Trust Fund); the STTF for priority completion of the interstate highway system and general transportation purposes; and the Florida Seaport Transportation and Economic Development Program and seaport intermodal access projects of statewide significance.[77]

Effect of Proposed Changes

Section 3 of the bill amends s. 320.08, F.S., removing the distribution to the General Revenue Fund of the specified portions of revenue derived from registration of the identified vehicles, resulting in increased deposits into the STTF. Deposits into the General Revenue Fund would decrease and end altogether, based upon a phased-in schedule of distribution in Section 1 of the bill. The increased revenues to the STTF and decreased revenues to the General Revenue Fund, are reflected in the table below:[78]

Phased-In Schedule of Distribution Revenues from Motor Vehicle License Taxes		
Fiscal Year	STTF	GR Fund
2019-2020	$45 million	$83.9 million
2020-2021	$90 million	$40.8 million
2021-2022 and thereafter	$132.5 million	$0

The bill requires allocation of the amounts retained in the STTF for use in the M-CORES Program, the SCRAP, the SCOP, the Transportation Disadvantaged Program, and for the newly-created workforce development program within FDOT (discussed below), as reflected in the table below:

Allocation of Amounts Retained in the State Transportation Trust Fund					
Fiscal Year	M-CORES	SCRAP	SCOP	TDTF	Workforce Development
2019-2020	$12.5 million	$10 million	$10 million	$10 million	$2.5 million
2020-2021	$57.5 million	$10 million	$10 million	$10 million	$2.5 million
2021-2022	Remainder of funds: estimated $101.7 million	$10 million	$10 million	$10 million	$2.5 million

[77] Section 320.20(5)(a), F.S.
[78] These amounts are estimates only. See Section V.

2022-2023 and thereafter	Remainder of funds: estimated $105.9 million	$10 million	$10 million	$10 million	$0

The allocated funds are in addition to any other statutory funding allocations provided by law.

The bill also requires that in each fiscal year in which funding provided for the SCRAP, the SCOP, the TD Trust Fund, or the workforce development program is not committed by the end of each fiscal year, the FDOT must use such uncommitted funds for M-CORES Program projects. The bill also authorizes amendment of the FDOT's adopted work program to implement this provision.[79]

The funds allocated for the SCRAP and SCOP are to be used with preference for projects in counties impacted by hurricanes. The FDOT is further authorized, in its discretion for hurricane impacted counties, to waive consideration of local matching funds under the SCRAP and may waive the match requirement under the SCOP for projects funded by the program allocations in the bill.

The funds allocated to the TD Trust Fund must be used to award competitive grants to community transportation coordinators and transportation network companies to provide cost-effective, door-to-door, on-demand, and scheduled transportation services. Transportation services are those that increase access to job training, employment, health care, and other life-sustaining services; that enhance regional connectivity and cross-county mobility; or reduce difficulty in connecting to transportation hubs and from hubs to final destinations.

Additional Revenues to the M-CORES Program (Sections 4 and 5)

Present Situation

In addition to the funding sources for the turnpike system discussed above, s. 339.0801(2), F.S., requires that $35 million be transferred from the STTF to the FTE, to be used in accordance with turnpike requirements and to the maximum extent feasible for feeder roads, structures, interchanges, and appurtenances to create or facilitate access to the existing turnpike system.[80]

Effect of Proposed Changes

Section 5 of the bill amends s. 339.0801(2), F.S., continuing the current $35 million in annual funding to the FTE for three fiscal years, 2019-2020, 2020-2021, and 2021-2022. Beginning in Fiscal Year 2022-2023, the bill annually transfers the same amount to the FTE, but requires it to be used in accordance with M-CORES Program requirements and with *preference* for feeder roads, structures, interchanges, and appurtenances to create or facilitate access to the existing turnpike system.

[79] *See* s. 339.175(7), F.S., for a description of the process for amending of the FDOT's adopted work program.
[80] These transfers began in the 2013-2014 fiscal year and are to be made annually for up to 30 years.

Section 4 of the bill creates s. 339.1373, F.S., to direct the FDOT to:

- Allocate sufficient funds to implement the M-CORES Program;
- Develop a plan to expend the revenues as specified in s. 338.2278, F.S. (Section 1);
- Amend the current tentative work program for the time period 2019-2020 through 2023-2024 prior to adoption to include projects funded in the M-CORES Program; and
- Submit a budget amendment pursuant to s. 339.135(7), F.S., requesting budget authority needed to implement the M-CORES Program.

This section of the bill also requires the FDOT to use the increased revenues to the STTF derived from the re-direction of distributions of revenue from motor vehicle registrations to fund the M-CORES, SCRAP, SCOP, Transportation Disadvantaged, and workforce development programs as specified in Section 1.

FDOT Workforce Development (Section 2)

Present Situation

As discussed above in the Present Situation, research reveals that ongoing and projected highway, street, and bridge construction workforce shortage in this state may be alleviated by creation of a statewide workforce development program within the FDOT that builds on its existing workforce services.

Effect of Proposed Changes

Section 2 of the bill amends s. 334.044, F.S., to authorize the FDOT to provide a road and bridge construction workforce development program for construction of projects designated in the FDOT's work program.[81] Section 1 of the bill allocates $2.5 million to the STTF to fund the program in Fiscal Years 2019-2020, 2020-2021, and 2021-2022. The program is not repealed when the dedicated funding ceases, but remains authorized in statute and may be administered by the FDOT to the extent that future funding resources are available.

The stated intent of the program is to provide direct economic benefits to communities in which the FDOT is constructing infrastructure projects and to promote employment opportunities, including within areas of low income and high unemployment. The program serves as a tool to address the construction labor shortage by recruiting and building a pipeline of skilled workers for multiuse infrastructure projects.

The FDOT is directed to merge any of its existing workforce services into the program to create a robust program. The FDOT is authorized to administer workforce development contracts with consultants and non-profit entities, such as local community partners, state colleges, and technical institutions. These entities, as specified in a contract with the FDOT, are deemed to have the primary purposes of providing:

- Workforce recruitment;
- Training curriculum for the FDOT's road and bridge construction and corridor projects; and
- Providing support services to remove barriers to work.

[81] The bill directs the FDOT to consult with affected stakeholders.

The FDOT must develop performance and outcome metrics to ensure accountability and measure the benefits and cost-effectiveness of the program. By June 30, 2020, and annually thereafter, the FDOT must provide a report to the Governor, President of the Senate, and Speaker of the House of Representatives detailing the results of its findings and providing recommendations relating to future program refinements.

Mitigation of the existing highway construction labor shortage may occur as a result of the FDOT implementing a more robust workforce development program, providing increased employment opportunities, and reducing costs for businesses and for the state and local governments.

Effective Date

The bill is effective on July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill will redirect the collections of motor vehicle license taxes under s. 320.08, F.S., from the General Revenue Fund to the STTF. The General Revenue Fund will be reduced by the amounts currently deposited into that fund from the motor vehicle license taxes

and the STTF would be increased by corresponding amounts. The change in distributions are estimated as follows:[82]

Phased-In Schedule of Distribution Revenues from Motor Vehicle License Taxes		
Fiscal Year	STTF	GR Fund
2019-2020	$45 million	$83.9 million
2020-2021	$90 million	$40.1 million
2020-2021 and thereafter	$132.5 million	$0

Beginning with the 2021-2022 fiscal year, the General Revenue Fund will no longer receive any portion of the motor vehicle license taxes. Thereafter, all of the proceeds from such taxes, after constitutionally required distributions, will be redirected to the STTF under existing s. 320.20(5)(a), F.S.

The bill allocates the proceeds of the taxes redirected into the STTF to the M-CORES Program, the SCRAP, the SCOP, the Transportation Disadvantaged Program, and the FDOT workforce development program. The bill specifies the uses as follows, based upon estimated impacts:

Allocation of Amounts Retained in the State Transportation Trust Fund					
Fiscal Year	M-CORES	SCRAP	SCOP	TDTF	Workforce Development
2019-2020	$12.5 million	$10 million	$10 million	$10 million	$2.5 million
2020-2021	$57.5 million	$10 million	$10 million	$10 million	$2.5 million
2021-2022 and thereafter	Remainder of funds – estimated $101.7 million	$10 million	$10 million	$10 million	$2.5 million
2022-2023 and thereafter[83]	Remainder of funds – estimated $105.9 million	$10 million	$10 million	$10 million	$0

B. Private Sector Impact:

The traveling public, including individuals residing in rural areas, may benefit from increased transportation options resulting from construction of projects in the identified corridors, as well as other traditional transportation functions such as improved hurricane evacuation, congestion mitigation, and energy distribution; and from opportunities for

[82] Office of Economic and Demographic Research, *Highway Safety Fees: SB 7068*, March 15, 2019, available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2019/_pdf/page170-173.pdf (last visited March 20, 2019).
[83] *Id.*

other transportation modes, such as passenger rail and shared-use trails. Preparation for emerging technologies such as autonomous, connected, shared, and electric vehicle technology, including the option to obtain transportation mobility services on-demand and online, may also benefit users of the new facilities as more such vehicles are deployed in the state. Transportation disadvantaged persons may benefit from increased opportunities for mobility services provided under the Transportation Disadvantaged Program.

Businesses may benefit from improved trade and logistics options, such as freight rail and potential connections to facilities such as intermodal logistic centers, as well as improved possibilities for business site selection due to availability of broadband access in the corridors. Construction businesses may experience improved employee recruitment as a result of the workforce development program. To the extent that the bill enables businesses to grow, this could increase economic activity in in both urban and rural areas of the state.

Individuals residing in rural areas may benefit from improvement to local roads as a result of increased funding to the SCRAP and the SCOP, particularly those impacted by hurricanes. Increased access to facilities that include services such as broadband access may provide improved opportunities for education, skills training, and host of other services available online. Such individuals may also benefit from improved water and sewer connectivity. Individuals statewide, as well as those residing in communities affected by such projects, may benefit from opportunities for workforce training. All of these benefits may generally enhance the quality of life for individuals residing in rural areas.

C. Government Sector Impact:

Project development for M-CORES is yet to occur and decisions related to necessary financing mechanisms for the projects are yet to be formulated. The bill requires the creation of task forces to evaluate the corridor projects prior to any construction occurring. Any impact to the FDOT to implement this requirement, hold the required public meetings, and issue the final reports can be absorbed within existing resources.

The bill authorizes funding for M-CORES projects through turnpike revenue bonds, right-of-way and bridge construction bonds, the FDOT Financing Corporation, the use of public-private partnerships, or by any combination thereof. As such, the fiscal impact is indeterminate but will be subject to appropriation when the M-CORES projects are included in the work program.

General improvement in operation and efficiency of the state's transportation system is expected to occur, particularly with respect to matters such as hurricane evacuation, congestion mitigation, and intermodal transportation options. Transportation infrastructure broadened to include other essential services such as broadband, water, and sewer connectivity may generally improve quality of life in the state and attract new, or facilitate growth of, business opportunities. An available pool of individuals trained with the skills necessary to construct facilities, both traditionally and in light of the broader

view of infrastructure, may reduce project costs by facilitating completion of construction projects.

The fiscal impact to local revenues and expenditures is indeterminate. However, increased funding to the SCRAP and the SCOP is expected to assist smaller local governments with improvements to local roads, particularly in those counties impacted by hurricanes. Local governments affected by projects in the corridors may benefit from improved transportation and related functions, including funding for facilities that improve connectivity with other highways and modes of transportation, and also from improved ability to provide essential services, such as water and sewer connectivity.

Local governments may also experience improved ability to attract business investment in their respective communities, facilitated by the presence of services critical to such businesses, such as broadband access and opportunities for increased trade. Increased business and employment opportunities may facilitate economic development, resulting in growth of local tax bases.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08, 334.044, and 339.0801.

This bill creates the following sections of the Florida Statutes: 338.2278 and 339.1373.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended PCS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on March 19, 2019:
The proposed committee substitute:

- Specifies that protecting the environment and natural resources is an additional consideration of the M-CORES program.
- Specifies additional intended benefits that the M-CORES program could address:
  - Public transit as an example of other transportation modes.
  - Protection or enhancement of wildlife corridors or environmentally sensitive areas.
- Removes the requirement of the FDOT to consult the state agencies and stakeholders when developing the corridors and requires a task force for each corridor.

- Revises the distribution of funds to the M-CORES program beginning in Fiscal Year 2021-2022 and each year thereafter to be the remainder of funds after all other allocations are made.
- Requires allocations made to the TD Trust Fund be used to award competitive grants to community transportation coordinators and transportation network companies.
- Corrects technical deficiencies and other scrivener's errors.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1 Wildlife Drive
Sanibel, Florida 33957

IN REPLY REFER TO:
FWS-2019-00664

August 22, 2019

Mara Shlackman
Law Offices of Mara Shlackman, P.L.
757 Southeast 17th Street, #309
Fort Lauderdale, Florida 33316

Dear Ms. Shlackman:

This completes our response to your Freedom of Information Act (FOIA), 5 U.S.C. § 552, request, dated April 16, 2019. In your request, you asked for:

- *All documents relating to proposed toll highways in Florida as set forth in Florida Senate Bill 7068 (SB 7068) ("An act relating to transportation ... creating the Multiuse Corridors of Regional Economic Significance Program within the Department of Transportation") and Florida House Bill 7113 (HB 7113) ("An act relating to transportation ... creating the Multi-use Corridors of Regional Economic Significance Program within the Department of Transportation"), introduced in the 2019 session of the Florida Legislature. This request includes documents generated and received by FWS.*

Response

After a thorough search of our files, U.S. Fish and Wildlife located three (3) documents containing thirty (30) pages. Enclosed is all pertinent information that we found in our files. We have withheld no information and any fee that may have been associated with your request has been waived.

Conclusion

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions, please contact me by phone at (404) 679-4104 or by email at foiar4@fws.gov. Thank you for contacting the U.S. Fish and Wildlife Service.

Sincerely,

8/22/2019

X Tiffany McClurkin

Tiffany McClurkin
Region 4 FOIA Coordinator
Signed by: TIFFANY MCCLURKIN

Enclosure

Wrublik, John <john_wrublik@fws.gov>

[EXTERNAL] M-Cores

1 message

Carolyn Dolcimascolo <carolyn.dolcimascolo@winknews.com> Fri, Dec 13, 2019 at 1:34 PM
To: "john_wrublik@fws.gov" <john_wrublik@fws.gov>

Good Afternoon Mr. Wrublik,

I came across your name in an article by the Tampa Bay Times.

https://www.tampabay.com/florida-politics/buzz/2019/12/13/the-florida-panther-could-go-extinct-if-this-toll-road-is-built-federal-biologist-says/

I was wondering if you could confirm that the information is accurate and would you be willing to do a Skype or Facetime interview with me?
If that's not possible, could we do a taped telephone interview?

Thank you in advance for your time and consideration,

Carolyn

Carolyn Dolcimascolo | Managing Editor | 813.784.5629 Cell
239.344.5000 - Newsroom | carolyn.dolcimascolo@winknews.com
@TV_Carolyn

Wrublik, John <john_wrublik@fws.gov>

Fwd: [EXTERNAL] WFTS Media Inquiry

1 message

Warren, Ken <ken_warren@fws.gov> Fri, Dec 13, 2019 at 8:32 AM
To: Philip Kloer <Philip_Kloer@fws.gov>, Brian Hires <brian_hires@fws.gov>
Cc: Larry Williams <larry_williams@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Mark Cantrell <mark_a_cantrell@fws.gov>, John Wrublik <john_wrublik@fws.gov>

TV station WFTS is asking for a copy of the email from our biologist stating his opinion about M-CORES. We should've anticipated that once the Tampa Bay Times story about M-CORES was published, which it was about 3 hours ago, others would want copies of the emails cited in the Times story we provided a statement for. I can't get the entire story online because we don't subscribe to the Times, but I'll ask the reporter if he'll send it to me.

How do you propose handling her request for the email? I'm okay with giving it to her and others who ask, along with our statement. Please let me know.

Anyway, here's the headline and a portion of the first sentence...

https://www.tampabay.com/florida-politics/buzz/2019/12/13/the-florida-panther-could-go-extinct-if-this-toll-road-is-built-federal-biologist-says/

The Florida panther could go extinct if this toll road is built, emails say

It would “basically be a disaster for the panther,” the biologist wrote in assessment.

By Lawrence Mower, Tampa Bay Times

Published 3 hours ago

Updated 6 minutes ago

One of the controversial toll roads approved by the Legislature and Gov. Ron DeSantis this year would be a “disaster” for the Floridapanther and potentially render the species extinct, a U.S. Fish...

Please advise. Thanks.

Ken Warren
---------- Forwarded message ---------
From: **WFTS Assignment Desk** <WF-HOTSEAT1@wfts.com>
Date: Fri, Dec 13, 2019 at 7:52 AM
Subject: [EXTERNAL] WFTS Media Inquiry
To: ken_warren@fws.gov <ken_warren@fws.gov>

Good morning Ken,

My name is Bianca and I am an Assignment Editor at ABC Action News in Tampa.

We are seeing that biologist, John Wrublik has composed an e-mail stating that if the proposed Heartland Parkway is created, it will basically extinct the Florida Panther.

Can you confirm this?

Could you send us a copy of his e-mail?

Thanks,

Bianca Lopez

ABC Action News Assignment Desk

4045 N. Himes Ave.

Tampa, Fla., 33607

813-354-2800

Email: Newstips@wfts.com

Twitter: @ABCActionnews

Facebook: https://www.facebook.com/tampabaynews

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Ken Warren
Public Affairs Officer
U.S. Fish & Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, FL 32960-3559
Office Phone: 772.469.4323
Mobile Phone: 772.643.4407

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2 attachments

image001.png
26K

image001.png
26K

Wrublik, John <john_wrublik@fws.gov>

Tampa Bay Times: The Florida panther could go extinct if this toll road is built, emails say

1 message

Warren, Ken <ken_warren@fws.gov> Fri, Dec 13, 2019 at 9:12 AM
To: Larry Williams <larry_williams@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Mark Cantrell <mark_a_cantrell@fws.gov>, John Wrublik <john_wrublik@fws.gov>, Philip Kloer <Philip_Kloer@fws.gov>, Brian Hires <brian_hires@fws.gov>, David Shindle <david_shindle@fws.gov>

Here's reformatted version that's easier to read...

The Florida panther could go extinct if this toll road is built, emails say
It would “basically be a disaster for the panther,” a federal biologist wrote in assessment.

By Lawrence Mower, Tampa Bay Times, Dec. 13, 2019

One of the controversial toll roads approved by the Legislature and Gov. Ron DeSantis this year would be a “disaster” for the Florida panther and potentially render the species extinct, a U.S. Fish and Wildlife Service biologist wrote this year in a candid email to his supervisor.

The road, which is proposed to run from Polk to Collier counties and has been referred to as the Heartland Parkway, would run through the heart of some of the last remaining panther habitat and cause more of the big cats to be killed by cars, the biologist wrote.

Compounding the disaster, he wrote, is that the project’s suburban sprawl would swallow even more of the panther’s dwindling habitat.

The U.S. Fish and Wildlife Service "has serious, serious concerns about the heartland expressway and likely the two other corridors should this legislative proposal go forward,” wrote John Wrublik, a biologist and transportation specialist in the agency’s Vero Beach office, in March. “This project would have very serious impacts on the Florida panther (basically a disaster for the panther).”

Wrublik also wrote that the road, which would run from Collier to Polk counties, would “potentially jeopardize the species.”

In environmental speak, “jeopardy” is a legal term that means one thing: extinction.

The stunning admission is the first publicly-known statement by a state or federal agency warning of the roads’ impact on endangered wildlife, a fear that has rallied environmental groups to oppose the roads.

Wrublik’s email was not necessarily the official position of the federal agency, which has a mission to preserve and protect endangered wildlife. The agency is expected to do a formal assessment of the project when more details about the proposed roads are known.

“Eventually you guys will get to see us reviewing and evaluating those plans,” Wrublik’s boss, Mark Cantrell, told the road’s task force members on Monday.

But if the agency determines the road poses an existential threat to the panther, it would create a potential legal fight that could doom the entire project, or at the least, dramatically change it, experts said.

Wrublik’s emails were obtained by the environmental nonprofit South Florida Wildlands Association through a Freedom of Information Act request. The association’s executive director, Matthew Schwartz, said Wrublik’s email was proof of the seriousness of the threat to one of Florida’s most iconic animals.

“It was a very honest appraisal,” Schwartz said. “It’s impossible for them to run a highway through that area and not have it be a disaster for the panther.”

A U.S. Fish and Wildlife Service spokesman declined to say whether the agency shared Wrublik's sentiment, and Cantrell did not tell task force members about the threat to the panther during Monday's meeting.

But in an October letter to the Florida Department of Transportation, a top U.S. Fish and Wildlife Service official said there were "significant concerns about the potential effects of these projects."

"A new highway in any of the study areas has the potential to result in significant adverse impacts to the diverse fish, wildlife and planet resources; including many threatened species," wrote Larry Williams, the agency's state supervisor for ecological services, without specifying any species, including the panther.

The Florida panther once roamed across the southeast United States. Over time, humans have driven it to just a small section of southwest Florida, mostly south of the Caloosahatchee River, which starts near Lake Okeechobee and ends near Fort Myers.

The big cat is a type of puma, like mountain lions and cougars, and the only type of puma in the eastern United States. Once considered extinct, scientists bred the Florida panther with cougars in the 1990s, when fewer than 30 panthers roamed the wild. The panther has since made significant strides, with more than 200 believed to be in the wild.

Vehicles remain its largest threat. Of the 26 panthers that have died this year, 22 were killed after being struck by vehicles, including multiple that were just weeks or months old, according to the Florida Fish and Wildlife Conservation Commission.

Building a new road, or significantly upgrading a new one, would be "a setback to decades of panther recovery," said Elizabeth Fleming, senior Florida representative for Defenders of Wildlife and its representative on the federal Florida Panther Recovery Implementation Team.

Recently, female panthers have been spotted north of the Caloosahatchee River, a sign the population has been healthy enough to cross that significant obstacle, she said.

"This highway, as we all believe it could be proposed, is going to run right entirely through that area," said Fleming, who is also on the Department of Transportation's task force for the proposed road.

The state's transportation department is still in the early stages of the roads. In addition to a toll road linking Polk and Collier counties, another road would extend the Suncoast Parkway to Georgia and another would extend Florida's Turnpike to meet the Suncoast.

Their routes, and how much they will cost, are unknown and will be decided by the Department of Transportation. Because she said it's so early, department spokeswoman Beth Frady downplayed the significance of the U.S. Fish and Wildlife biologist's warning.

"I would caution any statements that make sweeping habitat impact assumptions," Frady said in a statement. "The department has been very clear that protection of the Florida panther is paramount. Should a habitat need arise further in the process, the department has and can use design solutions to protect natural habitat."

Those solutions could include buying and conserving new land, shifting the road away from panther habitat or creating wildlife crossings, which are openings under the road that give animals an alternative to crossing in the path of vehicles. Often they are paired with fencing along the road that guides the animals to the crossings.

Fleming said those crossings actually helped the Florida panther when Interstate 75 was extended from Naples to Miami. But that stretch of I-75, known as "alligator alley," also has limited exits and virtually no development along the route.

In this case, development is the primary purpose of the toll roads.

The idea to create Florida's largest expansion of toll roads in 60 years was an idea that had been rejected by three previous governors. It was revived last year by Senate President Bill Galvano, R-Bradenton, and backed by the Chamber of Commerce and the Florida Transportation Builders Association. Both organizations represent companies that stand to make millions from the roads' construction.

Galvano said one of the primary reasons for the roads was to boost the economies of rural Florida.

"They're literally paving over and turning a rural natural part of Florida into suburbia," Schwartz said. "That's their goal."

The Legislature approved the roads this year and assigned an extremely aggressive timeline for their construction, which they said must start in 2022. DeSantis signed the bill into law in May.

That unusual process is one of the main reasons why the roads have been so controversial. Road projects typically start organically, with costly studies that examine needs and other projections carried out by local and state transportation officials. To date, the Department of Transportation still does not have evidence showing the roads are needed.

In his email, written while lawmakers were still debating the bill, Wrublik wrote that the introduction of new residential and commercial development in undeveloped land would “result in the loss of significant amount of habitat for panther and other species."

Fleming said it was hard to know for sure because there are so few details about the roads, which she called a “political stunt.” But she said the emails are “absolutely raising valid points."

“I hope people are paying attention.”

--
Ken Warren
Public Affairs Officer
U.S. Fish & Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, FL 32960-3559
Office Phone: 772.469.4323
Mobile Phone: 772.643.4407

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Follow us on InstaGram @usfws_south_florida
Visit our web site at www.fws.gov/verobeach/

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Wrublik, John <john_wrublik@fws.gov>

Re: [EXTERNAL] WFTS Media Inquiry

1 message

Williams, Larry <larry_williams@fws.gov> Fri, Dec 13, 2019 at 9:20 AM
To: "Warren, Ken" <ken_warren@fws.gov>
Cc: Philip Kloer <Philip_Kloer@fws.gov>, Brian Hires <brian_hires@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, John Wrublik <john_wrublik@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, Jose Rivera <jose_rivera@fws.gov>, "Cantrell, Mark" <mark_a_cantrell@fws.gov>

Ken,
Because John's email is now released through FOIA I'm in favor of us providing it to the TV station. I've copied Jose and Connie because they are also in the supervisory chain here. Jose is acting for Roxanna today, so please coordinate with him on this.

Thank you,

Larry

On Fri, Dec 13, 2019 at 9:17 AM Cantrell, Mark <mark_a_cantrell@fws.gov> wrote:

> Ken
>
> According to Matthew Schwartz, the South FL Wildlands Association director, the FOIA requester, he has posted the FOIA response on their webpage, and they did a press release earlier this week too, so the information is widely available.
>
> The context of the Wrublik quote in the email, and today's article should be clarified - it was in a March 1, 2019 email discussion about news coverage of an early version of the bill that was not finalized or passed into law until May 1, 2019.
>
> thanks,
> Mark A. Cantrell
> U.S. Fish & Wildlife Service
> 1601 Balboa Avenue
> Panama City, FL 32405
> 850/769-0552, ext 250
> mobile: 828/215-1739 - This is usually the best number to reach me.
>
> NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

On Fri, Dec 13, 2019 at 7:33 AM Warren, Ken <ken_warren@fws.gov> wrote:

> TV station WFTS is asking for a copy of the email from our biologist stating his opinion about M-CORES. We should've anticipated that once the Tampa Bay Times story about M-CORES was published, which it was about 3 hours ago, others would want copies of the emails cited in the Times story we provided a statement for. I can't get the entire story online because we don't subscribe to the Times, but I'll ask the reporter if he'll send it to me.
>
> How do you propose handling her request for the email? I'm okay with giving it to her and others who ask, along with our statement. Please let me know.
>
> Anyway, here's the headline and a portion of the first sentence...
>
> https://www.tampabay.com/florida-politics/buzz/2019/12/13/the-florida-panther-could-go-extinct-if-this-toll-road-is-built-federal-biologist-says/
>
> ## The Florida panther could go extinct if this toll road is built, emails say
> It would “basically be a disaster for the panther,” the biologist wrote in assessment.

By Lawrence Mower, Tampa Bay Times

Published 3 hours ago

Updated 6 minutes ago

One of the controversial toll roads approved by the Legislature and Gov. Ron DeSantis this year would be a

“disaster” for the Floridapanther and potentially render the species extinct, a U.S. Fish...

Please advise. Thanks.

Ken Warren
---------- Forwarded message ---------
From: **WFTS Assignment Desk** <WF-HOTSEAT1@wfts.com>
Date: Fri, Dec 13, 2019 at 7:52 AM
Subject: [EXTERNAL] WFTS Media Inquiry
To: ken_warren@fws.gov <ken_warren@fws.gov>

Good morning Ken,

My name is Bianca and I am an Assignment Editor at ABC Action News in Tampa.

We are seeing that biologist, John Wrublik has composed an e-mail stating that if the proposed Heartland Parkway is created, it will basically extinct the Florida Panther.

Can you confirm this?

Could you send us a copy of his e-mail?

Thanks,

Bianca Lopez

ABC Action News Assignment Desk

4045 N. Himes Ave.

Tampa, Fla., 33607

813-354-2800

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Facebook: https://www.facebook.com/tampabaynews

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Mobile Phone: 772.643.4407

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--
Larry Williams
State Supervisor for Ecological Services
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960-3559
Ph: 772-469-4285
Fax: 772-778-0683
larry_williams@fws.gov

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Wrublik, John <john_wrublik@fws.gov>

Miami Herald/Tampa Bay Times Report: Fears toll road could kill off Florida panthers are ‘overstated,’ top lawmaker says

1 message

Warren, Ken <ken_warren@fws.gov> Wed, Dec 18, 2019 at 8:40 AM
To: Larry Williams <larry_williams@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Bob Progulske <donald_progulske@fws.gov>, Mark Cantrell <mark_a_cantrell@fws.gov>, John Wrublik <john_wrublik@fws.gov>, Constance Cassler <constance_cassler@fws.gov>, Philip Kloer <Philip_Kloer@fws.gov>, Brian Hires <brian_hires@fws.gov>

Fears toll road could kill off Florida panthers are ‘overstated,’ top lawmaker says

BY ELIZABETH KOH HERALD/TIMES TALLAHASSEE BUREAU
DECEMBER 17, 2019

A federal biologist’s assessment that the Florida panther could be devastated by a controversial toll road project is “completely overstated,” Senate President Bill Galvano told reporters Tuesday — dismissing worries raised by environmentalists that his signature infrastructure proposal could pose a risk to endangered wildlife.

Galvano, a Bradenton Republican who successfully pushed the Legislature and Gov. Ron DeSantis to approve new toll road projects earlier this year, also insisted that the proposed roads are moving forward with the environmental impact in mind.

“We’re not going to destroy the environment for the sake of particular infrastructure,” he added. “But there are ways to accomplish what we need to do in order to sustain our state that takes all of these things into consideration.”

The road in question — which has been called the Heartland Parkway — would extend from Polk to Collier counties through some of the state’s last remaining panther habitats.

A biologist for the U.S. Fish and Wildlife Service, John Wrublik, had written in March to his supervisor that the route could put the big cats at more risk of being hit and killed by vehicles, which are their biggest threat. The suburban sprawl that would result from the roads, he added, could magnify that impact.

“This project would have very serious impacts on the Florida panther (basically a disaster for the panther),” he wrote in an email obtained through a public records request by the environmental nonprofit South Florida Wildlands Association. He also wrote the road could “potentially jeopardize the species,” using a legal term for extinction.

The U.S. Fish and Wildlife Service “has serious, serious concerns about the Heartland Expressway and likely the two other corridors should this legislative proposal go forward,” he wrote.

Galvano said Tuesday that he had only recently heard concerns that the project could impact the Florida panther, appearing to reference a recent Herald/Times story about Wrublik’s emails.

“I think that that’s one perspective,” he said of the assessment. “We have people within our state agencies and others that are looking at it that will take all of these things into consideration.”

Galvano also suggested environmentalists that have rallied to oppose the roads were not “taking the time to understand the whole opportunity that exists with the corridors.”

“We cannot continue to plan infrastructure in reverse — we have to get ahead of it,” he said, adding later the roads could even have a “net benefit to the environment” by looking at mitigation and resilience opportunities.

He also rejected a suggestion the construction of the toll road could draw more traffic and growth, pointing to Florida’s ranking as “the 14th largest economy on the planet right now” and its continued population growth.

“I don’t believe that it’s driven because of infrastructure,” he said. “It’s driven because people wanting to be here … Infrastructure is a responsibility of government to make sure that, that we are being good stewards of our state and our environment and the people that come here.”

“If you don’t have opponents, then you probably haven’t done anything really bold, as my friend Gov. [Jeb] Bush used to say.”

Though Wrublik’s email was not necessarily his employer’s official stance, the federal agency is expected to do a fuller evaluation of the project’s impact when more details of the roads emerge. In an October letter to the Florida Department of Transportation, a top U.S. Fish and Wildlife Service official also said there were “significant concerns about the potential effects of these projects.”

“A new highway in any of the study areas has the potential to result in significant adverse impacts to the diverse fish, wildlife and planet resources; including many threatened species,” wrote Larry Williams, the agency’s state supervisor for ecological services, without specifying any species, including the panther.

Herald/Times Tallahassee bureau staff writer Lawrence Mower contributed to this report.
https://www.miamiherald.com/news/politics-government/state-politics/article238461998.html
--
Ken Warren
Public Affairs Officer
U.S. Fish & Wildlife Service
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[EXTERNAL] RE: PRIT Transportation Subteam - please fill out survey to determine our 2020 HotSpots methodology

Elizabeth Fleming <EFleming@defenders.org>

Mon 12/23/2019 1:04 PM

To: amber crooks <amberc@conservancy.org>; 'Gilbert, Terry (Terry.Gilbert@MyFWC.com)' <Terry.Gilbert@MyFWC.com>; 'Setchell, Brent' <Brent.Setchell@dot.state.fl.us>; 'gwen.pipkin@dot.state.fl.us' <gwen.pipkin@dot.state.fl.us>; 'dscott@leempo.com' <dscott@leempo.com>; 'Land, Darrell (Darrell.Land@MyFWC.com)' <Darrell.Land@MyFWC.com>; Wrublik, John <john_wrublik@fws.gov>; 'Daniel.Smith@ucf.edu' <Daniel.Smith@ucf.edu>; 'Cornwell, Katasha (Katasha.Cornwell@dot.state.fl.us)' <Katasha.Cornwell@dot.state.fl.us>; 'Nancy Payton (nancyannepayton@gmail.com)' <nancyannepayton@gmail.com>
Cc: Shindle, David B <david_shindle@fws.gov>; Meredith Budd <meredithb@fwfonline.org>

Done. I asked whether FDOT could run models for Alternatives 1 and 2 so we could review the results and make an informed decision.

Elizabeth

Elizabeth Fleming
Senior Florida Representative

DEFENDERS OF WILDLIFE
P.O. Box 7566, St. Petersburg, FL 33734
HQ: 1130 17th Street NW, Washington, DC 20036
DIRECT: 727.823.3888 FAX: 202.682.1331
Facebook | Twitter | Instagram | Medium

Visit https://defenders.org!

From: amber crooks <amberc@conservancy.org>
Sent: Thursday, December 12, 2019 4:17 PM
To: 'Gilbert, Terry (Terry.Gilbert@MyFWC.com)' <Terry.Gilbert@MyFWC.com>; Elizabeth Fleming <EFleming@defenders.org>; 'Setchell, Brent' <Brent.Setchell@dot.state.fl.us>; 'gwen.pipkin@dot.state.fl.us' <gwen.pipkin@dot.state.fl.us>; 'dscott@leempo.com' <dscott@leempo.com>; 'Land, Darrell (Darrell.Land@MyFWC.com)' <Darrell.Land@MyFWC.com>; 'John Wrublik (John_Wrublik@fws.gov)' <John_Wrublik@fws.gov>; 'Daniel.Smith@ucf.edu' <Daniel.Smith@ucf.edu>; 'Cornwell, Katasha (Katasha.Cornwell@dot.state.fl.us)' <Katasha.Cornwell@dot.state.fl.us>; 'Nancy Payton (nancyannepayton@gmail.com)' <nancyannepayton@gmail.com>
Cc: 'David Shindle (david_shindle@fws.gov)' <david_shindle@fws.gov>; Meredith Budd <meredithb@fwfonline.org>
Subject: PRIT Transportation Subteam - please fill out survey to determine our 2020 HotSpots methodology

Hello all,

Please take a moment to answer the HotSpots survey via this link https://www.surveymonkey.com/r/6PP6KSF. It contains only one question, but an important question! ☺

The Subteam needs to come to a consensus about what changes, if any, we would like to make to the HotSpots chart. Our goal is to have direction by the end of 2019, so that any changes can be made when we update the HotSpots document with 2019 data in early 2020.

The options have been discussed at several of our last meetings: We have discussed keeping the methodology the same, removing some portion of the data set (i.e. limiting to only last 20 years), change the buffering, or come up with a new methodology all together. If I've done the survey correctly, there is also an option to add another alternative idea in your response.

Please note that FDOT may be able to run the model for the Subteam for only certain options (they are noted in the survey). However, if we have consensus as a Subteam for an alternative that FDOT would not run, there may be other resources we can pull from to complete this project.

I've attached some correspondence for additional background if that helps you in answering the survey question.

Please complete the survey no later than COB Friday December 27, 2019.

Happy holidays,
Amber Crooks, Environmental Policy Manager
Conservancy of Southwest Florida
1495 Smith Preserve Way
Naples, FL 34102
(239) 262-0304 ext. 286
amberc@conservancy.org
www.conservancy.org

From: amber crooks
Sent: Tuesday, November 26, 2019 1:49 PM
To: 'Gilbert, Terry (Terry.Gilbert@MyFWC.com)' <Terry.Gilbert@MyFWC.com>; ''EFleming@defenders.org' (EFleming@defenders.org)' <EFleming@defenders.org>; 'Setchell, Brent' <Brent.Setchell@dot.state.fl.us>; 'gwen.pipkin@dot.state.fl.us' <gwen.pipkin@dot.state.fl.us>; 'dscott@leempo.com' <dscott@leempo.com>; 'Land, Darrell (Darrell.Land@MyFWC.com)' <Darrell.Land@MyFWC.com>; 'John Wrublik (John_Wrublik@fws.gov)' <John_Wrublik@fws.gov>; 'Daniel.Smith@ucf.edu' <Daniel.Smith@ucf.edu>; 'Cornwell, Katasha (Katasha.Cornwell@dot.state.fl.us)' <Katasha.Cornwell@dot.state.fl.us>; 'Nancy Payton (nancyannepayton@gmail.com)' <nancyannepayton@gmail.com>
Cc: 'David Shindle (david_shindle@fws.gov)' <david_shindle@fws.gov>; 'Meredith Barnard Work Cell (meredithb@fwfonline.org)' <meredithb@fwfonline.org>
Subject: PRIT Transportation Subteam - minutes & last call for I-4 report edits

Hello Transportation Subteam and Happy Thanksgiving,

Here are the draft minutes from our last meeting, attached. If there are edits, please provide via track changes by **COB December 23, 2019**.

Edits to the DRAFT I-4 report *were due November 15, 2019*. I received edits from Brent and will attempt to capture (as he did) the discussion from our last Subteam meeting. If there were other edits that you wish to be made, **please let me know ASAP** and make them in track changes to the attached document. I will then work on an updated draft early next week.

I have also attached articles and information that may be of interest to the group (some of which you may have seen already):

1. "Florida Wildlife Corridor Expedition Mini Trek" article https://wusfnews.wusf.usf.edu/post/florida-wildlife-corridor-expedition-starts-mini-trek-sunday
2. "Tesla Autopilot Stops for Bear" link https://electrek.co/2019/10/20/tesla-autopilot-stops-bear-cubs-video-dashcam/

3. "Colorado Wildlife Crossings Provides Safe Passage for Elk" link https://elknetwork.com/colorado-wildlife-crossings-provides-safe-passage-for-elk-other-wildlife/
4. "A Corridor Runs Through It" article https://bittersoutherner.com/a-corridor-runs-through-it-everglades
5. Attached article "Routes for 3 new Florida toll roads to be unveiled in January"

Our next Subteam meeting is scheduled for **January 28, 2020** in person at Bartow and via webinar.

I hope you have a restful holiday break!

Sincerely,
Amber Crooks, Environmental Policy Manager
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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

Ft. Myers Division

SIERRA CLUB and ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA, Plaintiffs, v. U.S. FISH AND WILDLIFE SERVICE; AURELIA SKIPWORTH, as Director of the U.S. Fish and Wildlife Service; FLORIDA DEPARTMENT OF TRANSPORTATION; KEVIN J. THIBAULT, as Secretary of the Florida Department of Transportation; and U.S. ARMY CORPS OF ENGINEERS; and TODD T. SEMONITE, as Chief Engineer and Commanding General of the U.S. Army Corps of Engineers, Defendants.	)	Case No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

This action arises out of decisions by the U.S. Fish and Wildlife Service (USFWS), the Florida Department of Transportation (FDOT), and the U.S. Army Corps of Engineers (Corps) that threaten the continued existence of the critically endangered Florida Panther. Plaintiffs Sierra Club and Environmental Confederation of Southwest Florida (ECOSWF) bring this suit to enforce federal environmental law, namely the Endangered Species Act (ESA), 16 U.S.C. §§ 1531 et seq., and the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq.

INTRODUCTION

1. The iconic Florida Panther is the official state animal and one of the most endangered species in the world. This magnificent species once enjoyed a range that extended deep into the United States, as far west as Arkansas and as far north as Tennessee. It was among the first species to be designated as endangered under federal law.

2. In 1973, the U.S. Congress passed the ESA, a statute the Supreme Court of the United States has described as "the most comprehensive legislation for the preservation of endangered species ever enacted by any nation." Tennessee Valley Authority v. Hill, 437 U.S. 153, 180 (1978). According to the Court, "The plain intent of Congress in enacting [the ESA] was to halt and reverse the trend toward species extinction, whatever the cost." Id. at 184.

3. Today, there are fewer than 200 adult Florida Panthers in existence, with some estimates as low as 120. The only existing breeding population resides in southern Florida. A primary threat to the species' continued existence are collisions caused by increased motor vehicle traffic in prime panther habitat. In other words, the Florida Panther is on the road to extinction.

4. It is in this context that FDOT plans to dramatically expand the size of Florida State Roads 29 and 82, doubling both from two to four lanes and eventually tripling SR 82 in parts. The segments of road designated for these expansions are located in prime panther habitat.

5. The USFWS has issued biological opinions for each project concluding that the road widening, taken individually, would have adverse impacts on the Florida Panther, but was not likely to jeopardize the panther's continued existence. The biological opinions are arbitrary and capricious, an abuse of discretion, and not in accordance with the law. They fail to meaningfully assess the harms to the Florida Panther, analyze the impacts of inevitable future development, and establish a threshold for panther road fatalities that would reinitiate consultation by the agencies to re-assess the impacts of the projects.

6. Pursuant to NEPA, an agency may authorize an activity only if it has fully analyzed the activity's direct, indirect, and cumulative environmental impacts and based its authorization on reliable information and accurate scientific analysis.

7. The Corps adopted USFWS's inadequate biological opinion for SR 82 in an Environmental Assessment prepared under NEPA in order to issue a Clean Water Act dredge and fill permit required for the road widening (Permit No. SAJ- 2017-01376).

8. FDOT has invoked a categorical exclusion to the applicability of NEPA for SR 29, opining that the proposed road expansion will have no significant effects on the environment despite the recognized adverse impacts to the panther and the project's capacity increasing objectives.

9. Plaintiffs challenge these agency actions as unlawful under the ESA, NEPA, and the Administrative Procedure Act (APA), 5 U.S.C. §§ 701-706. They seek declaratory and injunctive relief to prevent the extinction of the Florida Panther.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction over the claims for relief in this action pursuant to 5 U.S.C. §§ 701-706 (actions under the APA); 28 U.S.C. § 1331 (actions arising under the laws of the United States); 28 U.S.C. § 1361(actions to compel an officer of the United States to perform his or her duty); and 28 U.S.C. §§ 2201-02 (power to issue declaratory judgments and injunctive relief).

11. Venue lies in this judicial district by virtue of 28 U.S.C. § 1391(e) because this is a civil action in which officers or employees of the United States or an agency thereof are acting in their official capacity or under color of legal authority and Plaintiff ECOSWF resides here.

PARTIES

Plaintiffs

12. Plaintiff Sierra Club, Inc. (Sierra Club), is a national non-profit grassroots environmental organization committed to the preservation and protection of endangered species, diverse natural ecosystems, and native biodiversity. The Sierra Club has more than 775,000 members across the nation, including over 37,000 in Florida. The Sierra Club's members and staff have researched, studied, observed, and sought protection for federally-listed threatened and endangered species that inhabit southwest Florida, including the Florida Panther. These activities support Sierra Club's mission to explore, enjoy, and protect the wild places of the earth. Sierra Club brings this action on behalf of itself and its adversely affected members.

13. Plaintiff Environmental Confederation of Southwest Florida (ECOSWF) is a Florida non-profit conservation organization based in Englewood, Florida, with approximately 18 members consisting of organizations and individuals living in Southwest Florida. ECOSWF's mission is to protect the environment and natural resources of Southwest Florida, including in Collier, Lee, and Hendry Counties. ECOSWF accomplishes its goals through active stewardship of Southwest Florida's wildlife, water, soil and air, through citizen participation and education, through legal challenges aimed at preserving Florida's wildlife, and by its support of preservation and conservation. ECOSWF's members have researched, studied, observed, and sought protection for federally-listed threatened and endangered species that inhabit southwest Florida, including the Florida Panther. These activities support ECOSWF's mission to protect wildlife and their native habitat. ECOSWF brings this action on behalf of itself and its adversely affected members.

14. Plaintiffs' members use wildlife areas within the Florida Panther's habitat for recreational, aesthetic, scientific, and educational purposes. Plaintiffs' members have visited, observed, or sought to observe the Florida Panther within its habitat and intend to continue to do so in the near future. Plaintiffs' members derive recreational, conservation, scientific, and aesthetic benefits from these rare species' existence in the wild through observation, study, photography, and recreational activities within the Florida Panther's habitat.

15. The above-described aesthetic, conversation, recreational, and scientific interests of Plaintiffs and their respective members have been, are being, and—unless the

relief prayed for herein is granted—will continue to be adversely affected and irreparably injured by the Defendant Agencies' failure to comply with NEPA and the ESA as described below. Plaintiffs have no adequate remedy at law.

Defendants

16. Defendant U.S. Fish and Wildlife Service (USFWS) is an agency within the U.S. Department of the Interior and has the delegated responsibilities of administering and implementing the ESA. USFWS issued the biological opinions for SR 29 and SR 82 challenged here.

17. Defendant Aurelia Skipworth is the Director of USFWS and highest-ranking official responsible for actions taken by USFWS, including compliance with and implementation of the ESA. Defendant Skipworth is sued in her official capacity only. Defendant Skipworth and Defendant USFWS will collectively be referred to as USFWS.

18. Defendant Florida Department of Transportation (FDOT) is an agency created under Florida law responsible for the planning and development of the state's public transportation system. Pursuant to a Memorandum of Understanding between the FDOT and the Federal Highway Administration dated December 14, 2016, FDOT has assumed the U.S. Department of Transportation's responsibilities under NEPA to conduct environmental review and consultation for certain highway projects within the state, including the projects at issue in this case. FDOT issued the Categorical Exclusion for SR 29 challenged here.

19. Defendant Kevin J. Thibault is the Secretary of FDOT and highest-ranking official responsible for actions taken by FDOT, including compliance with NEPA.

Defendant Thibault is sued in his official capacity only. Defendant Thibault and Defendant FDOT will collectively be referred to as FDOT.

20. Defendant U.S. Army Corps of Engineers (Corps) is a federal agency organized under the U.S. Department of Defense. The Corps is charged with administering permits under section 404 of the CWA for the discharge of dredged or fill material into the waters of the United States and ensuring that the requirements of NEPA and the ESA are fulfilled in connection with all evaluation and decision-making concerning such permits. The Corps' regulatory district office in Jacksonville, Florida, oversees the regulatory program in Florida. The Corps issued the Environmental Assessment for SR 82 challenged here.

21. Defendant Todd T. Semonite is Chief of Engineers and Commanding General of the Corps and is designated to act for the Secretary of the Army. Defendant Semonite oversees and is responsible for the actions of the Corps and its district offices, including compliance with NEPA. Defendant Semonite is sued in his official capacity only. Defendant Semonite and Defendant Corps will collectively be referred to as the Corps.

FACTUAL BACKGROUND

22. The Florida Panther is Florida's official state animal and one of the most endangered species in the world. Florida panthers are now extinct throughout 95% of their original range, which extended across Arkansas, Mississippi, Louisiana, Alabama, Georgia, Florida, Tennessee, and South Carolina.

23. Today, the only breeding population is located in southern Florida. There are fewer than 200 adult Florida panthers still in existence.

24. Panthers require large areas of contiguous habitat for social, breeding, and hunting behaviors. To these ends, they can make use of a variety of habitat types, including cypress forests, thicket swamps, freshwater marshes, pine flatwoods, hardwood hammocks, saw palmetto woodlands, and even agricultural lands.

25. Habitat destruction and fragmentation, often caused by increased development, present the greatest threat to panther survival. Motor vehicle collisions are the leading cause of panther fatalities.

26. From 2016 to 2018, motor vehicles were responsible for over 80% of recorded panther deaths (84 out of 102), and motor vehicles proved to be just as deadly in 2019, with vehicle collisions still the cause for over 80% of recorded panther deaths (16 of 19). Only four days into 2020, a vehicle had already struck and killed a panther.

27. FDOT has recently approved plans to expand 18 miles of SR 29 and 3.2 miles of SR 82, which cross prime panther habitat in Collier, Lee, and Hendry Counties, placing the Florida Panther at even higher risk of extinction. Most of the panthers' identified habitat and currently reproducing populations are in these same three counties.

28. SR 29 runs north/south between Palmdale and Carnestown, Florida. This includes a segment of SR 29 that runs between SR 82 and County Road 80A known as "Cowboy Way." The proposed expansion would double the size of SR 29 from two lanes to four lanes. This would require an additional 32-100 feet of right-of-way, necessitating the relocation of four residences and four businesses. The planned expansion on SR 82 is

even larger. FDOT plans to transform SR 82 from a two-lane rural road into a six-lane suburban highway with a 30-foot median, and will require right-of-ways for stormwater retention ponds.

29. The road expansion segments at issue in this action are located within the USFWS's Panther Focus Area's primary and secondary habitat zones for the endangered Florida Panther. The primary zone is land currently used by the panthers and essential to their long-term viability, while the secondary zone is land used by panthers and land that would accommodate any future growth of the panther population should it increase.

30. More than a dozen panthers have been killed by motor vehicle collisions on or near the relevant segments, including two adults and a juvenile on the specific segments themselves. SR 29 has proven to be one of the deadliest roads for panthers due to vehicular collisions claiming over 56 lives since 1980.

31. These two road expansions are just a part of a long list of planned development in and near panther habitat. In the coming years, over 55 miles of SR 29's 75 miles through prime panther habitat are slotted to be expanded and over half of SR 82's 23 miles are already actively in construction for expansion.

32. On January 22, 2016, USFWS issued a biological opinion finding that the road widening on SR 29 would have adverse impacts on the Florida Panther but concluding that the project was not likely to jeopardize the panther's continued existence.

33. On June 10, 2016, USFWS amended its biological opinion's mitigation requirement for installation of two wildlife underpasses to require the installation of underpasses "or other wildlife crossing feature or structure" for the SR 29 project.

34. On April 11, 2017, FDOT invoked a categorical exclusion for the contested segment of SR 29, determining that the project would have no significant effects on the environment, and therefore did not warrant further review under NEPA.

35. On June 29, 2018, USFWS issued a biological opinion finding that the road widening on SR 82 would also have adverse impacts on the Florida Panther, but concluding that it was not likely to jeopardize the panther's continued existence.

36. On October 2, 2018, the Corps issued an Environmental Assessment and Statement of Findings under NEPA in conjunction with issuing a Clean Water Act dredge and fill permit for the road widening on SR 82 (Permit No. SAJ- 2017-01376). Relying on the USFWS's biological opinion, the Corps concluded that while the SR 82 project would likely adversely affect the panther it would not likely jeopardize the panther's continued existence.

LEGAL LANDSCAPE

Endangered Species Act

37. Congress enacted the Endangered Species Act of 1973 (ESA) because human activities had caused the extinction of many species, and other species "[had] been so depleted in numbers that they are in danger of or threatened with extinction." 16 U.S.C. § 1531(a)(1)-(2). All species listed as endangered or threatened by the Secretary of Interior are protected by the ESA, which the Supreme Court has called "the most comprehensive legislation for the preservation of endangered species ever enacted by any nation." Tennessee Valley Authority v. Hill, 437 U.S. 153, 180 (1978) (hereinafter TVA).

38. Recognizing the need to protect these species and to conserve their habitat, Congress mandated that all federal departments and agencies seek to conserve endangered and threatened species. 16 U.S.C. § 1531 (c)(1). "Lest there be any ambiguity as to the meaning of this statutory directive, the Act specifically defined 'conserve' as meaning 'to use and the use of all methods and procedures that are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary.'" TVA, 437 U.S. at 180 (quoting 16 U.S.C. § 1532(2); emphasis omitted)). "The plain intent of Congress in enacting [the ESA] was to halt and reverse the trend toward species extinction, whatever the cost." Id. at 184.

39. ESA Section 7(a)(2) places an affirmative duty on each federal agency, including USFWS and designees of the Federal Highway Administration such as FDOT, to ensure that its actions are "not likely to jeopardize the continued existence" of any endangered or threatened species or "result in the destruction or adverse modification of habitat" of those species. 16 U.S.C. § 1536(a)(2). "Jeopardize the continued existence of" is defined by regulation as engaging in an action that "reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species."). 50 C.F.R. § 402.02.

40. This duty is not limited to efforts that will not interfere with what the agency deems its primary mission. The "pointed omission of the type of qualifying language previously included in endangered species legislation reveals a conscious

decision by Congress to give endangered species priority over the 'primary missions' of federal agencies." TVA, 437 U.S. at 185.

41. If a federal agency determines that its actions may adversely affect any endangered or threatened species, the agency must formally consult with USFWS (for land-based species) to evaluate the current status of the species and the environmental baseline, as well as the proposed action and its direct, indirect, and cumulative effects. 50 C.F.R. §§ 402.02, 402.14(a), (g).

42. As part of the consultation process, USFWS must determine whether the action, when added to the environmental baseline and together with any cumulative effects, is likely to jeopardize the continued existence of a species. 16 U.S.C. § 1536(b)(3)-(4); 50 C.F.R. §§ 402.02, 402.14(g). This determination is set forth in a "biological opinion" and must be based on the "best scientific and commercial data available." 50 C.F.R. § 402.14(g)(8).

43. The biological opinion must include a summary of the information upon which the opinion is based and a detailed discussion of "the environmental baseline of the listed species" and the "effects of the action." *Id.* § 402.14(g)-(h).

44. If USFWS concludes that a federal agency's proposed action will not jeopardize any listed species (called a "no-jeopardy" opinion), USFWS is required to include in its biological opinion an "incidental take statement" that authorizes the taking of listed species incidental to the proposed action. 16 U.S.C. § 1536(b)(4). The incidental take statement must specify, among other things, "the impact, i.e., the amount or extent, of such incidental taking on the species." 50 C.F.R. § 402.14(i)(1)(i).

45. Under Section 9 of the ESA, it is illegal for any person, including a federal agency, to "take" any endangered or threatened animal except in compliance with an incidental take statement or other authorization. 16 U.S.C. §§ 1532(13), 1538(a)(1). The ESA defines the term "take" to mean "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." Id. § 1532(19).

46. Because each federal agency has the duty to ensure that its actions do not jeopardize the continued existence of a species, the action agency may not arbitrarily or capriciously rely on a "no-jeopardy" opinion. 5 U.S.C. §706(2)(A).

National Environmental Policy Act

47. The National Environmental Policy Act of 1969 (NEPA) is the "basic national charter for protection of the environment." 40 C.F.R. § 1500.1(a). "The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment." Id. § 1500.1(c). Agencies' evaluations must incorporate "[a]ccurate scientific analysis" and be based on "high quality" scientific information. *Id.* § 1500.1(b).

48. The Council on Environmental Quality (CEQ) has promulgated rules implementing NEPA. These rules apply to all federal agencies, including the Corps, the FHWA and the FWHA's state designees. *See* 40 C.F.R. pt. 1500.

49. NEPA requires federal agencies to prepare an environmental impact statement (EIS) for all "major federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C). "Major federal actions" include both

"new and continuing activities" with "effects that may be major and which are potentially subject to Federal control and responsibility." 40 C.F.R. § 1508.18. The "human environment" includes "the natural and physical environment and the relationship of people with that environment." Id. § 1508.14.

50. "Significan[ce]" depends on a number of factors, including the level of controversy surrounding the impact of the action, the presence of unique or uncertain risks, the potential for the action to establish precedent for future actions, whether the action has cumulatively significant impacts, and the possibility for adverse effects on an endangered or threatened species. 40 C.F.R. § 1508.27. The presence of any one of these factors is sufficient to require an EIS.

51. When an agency is uncertain whether an impact will be significant, it may prepare an environmental assessment (EA) to evaluate these criteria and determine whether a full EIS is required. Id. § 1508.9(a)(1). The agency must consider both the context and intensity of the proposed action including whether the project will take place in "ecologically critical areas" and whether the project will affect endangered species." Id. § 1508.27 (a), (b). In addition, the agency must consider "the degree to which the action is related to other actions with . . . cumulatively significant impacts . . ." Id. § 1508.27(b)(7).

52. If, through preparation of an EA, the agency concludes that an EIS is not necessary, it must issue a finding that adequately explains why the project will "not have a significant effect on the human environment." 40 C.F.R. § 1508.13. If an action may

have a significant effect on the environment, or if there are substantial questions about whether it may, an agency must prepare an EIS.

53. Certain actions that agencies have found do not have significant individual or cumulative effects on the quality of the human environment may be categorically excluded under agency regulations from the requirement to prepare an EA or EIS. 40 C.F.R. §§ 1501.4(a), 1508.4.

54. Relying on this authority to create exemptions, FHWA has identified actions that are always categorically excluded from NEPA (described as "c-list" or "type 1" exclusions) and actions that may be categorically excluded after administrative review to determine that the action will create no significant environmental impacts (described as "d-list" or "type 2" exclusions). 23 C.F.R. § 771.117(c), (d).

55. Actions that have been qualified for type 2 categorical exclusions include rehabilitating rail and bus facilities where there will not be a substantial increase in the number of users, highway traffic and safety improvements such as adding traffic lights, or building fringe parking facilities. Id. § 771.117(d). However, even some such actions do not qualify for a categorical exclusion if they require additional elements, including acquisition of a "more than minor" amount of right-of-way or an individual permit for dredging and filling under the Clean Water Act. Id. § 771.117(e).

56. Under the Surface Transportation Project Delivery Program, the Secretary of the U.S. Department of Transportation may assign the FHWA's responsibilities under NEPA to the States through a memorandum of understanding. 23 U.S.C § 327(a)(2)(A). When FHWA's NEPA responsibilities are assigned to a State entity, federal courts retain

jurisdiction over suits against the State entity to enforce those NEPA responsibilities. Id. § 327(c)(3)(B).

57. The FHWA has assigned its NEPA responsibilities to FDOT for road projects like the ones challenged in this action in a December 14, 2016 Memorandum of Understanding.

Administrative Procedure Act

58. The Administrative Procedure Act (APA) grants a right of judicial review of final agency actions to any person "suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action." 5 U.S.C. § 702.

59. Under the APA, a reviewing court must "hold unlawful and set aside agency action, findings, and conclusions" found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

60. The USFWS' biological opinions, the Corps' environmental assessment, and FDOT's categorical exclusion are "agency actions" subject to judicial review under the APA.

FIRST CLAIM FOR RELIEF

(USFWS' BIOLOGICAL OPINION FOR SR 29 VIOLATES THE ENDANGERED SPECIES ACT AND ADMINISTRATIVE PROCEDURE ACT)

61. Plaintiffs reallege and incorporate by reference allegations contained in paragraphs 1-5, 16-17, 22-33, 37-46, and 58-60 of this Complaint.

62. USFWS' biological opinion regarding the impacts on the Florida Panther of FDOT's proposed SR 29 expansion as described herein is arbitrary, capricious, an

abuse of discretion, not in accordance with law, and/or without observance of procedure required by law within the meaning of the APA, 5 U.S.C. § 706(2).

63. Among other things, the biological opinion draws unreasonable conclusions and impermissibly fails to make a "rational connection between the facts found and the choice made," Baltimore Gas and Elec. Co. v. Nat. Res. Defense Council, 462 U.S. 87, 88 (1983), particularly as regards the impacts of development and associated habitat loss on the Florida Panther.

64. The biological opinion impermissibly fails to analyze the baseline conditions and compare them with conditions anticipated after construction to assess whether the SR 29 project will result in any appreciable reduction in the likelihood of survival for the Florida Panther.

65. The biological opinion impermissibly fails to address the cumulative impacts of the development or the increased traffic that the SR 29 expansion would generate. The biological opinion acknowledges that some future state and private development would likely not involve major federal action, and therefore avoid ESA consultation, yet fails to analyze the impacts of this anticipated development now, shielding those impacts from any environmental review.

66. The biological opinion impermissibly fails to quantify the amount of anticipated take resulting from either vehicular collisions or habitat degradation. This effectively gives FDOT unlimited take from vehicular collisions, without any analysis from USFWS that this would not jeopardize the continued existence of the Florida panther.

67. The biological opinion impermissibly omits a trigger for re-initiation of consultation for excessive take from vehicle collisions.

SECOND CLAIM FOR RELIEF

(USFWS' BIOLOGICAL OPINION FOR SR 82 VIOLATES THE ENDANGERED SPECIES ACT AND ADMINISTRATIVE PROCEDURE ACT)

68. Plaintiffs reallege and incorporate by reference allegations contained in paragraphs 1-5, 16-17, 22-31, 35, 37-46, and 58-60 of this Complaint.

69. USFWS' biological opinion regarding the impacts on the Florida Panther of FDOT's proposed SR 82 expansion as described herein is arbitrary, capricious, an abuse of discretion, not in accordance with law, and/or without observance of procedure required by law within the meaning of the APA, 5 U.S.C. § 706(2).

70. Among other things, the biological opinion draws unreasonable conclusions and impermissibly fails to make a "rational connection between the facts found and the choice made," Baltimore Gas and Elec. Co. v. Nat. Res. Defense Council, 462 U.S. 87, 88 (1983), particularly as regards the impacts of development and associated habitat loss on the Florida Panther.

71. The biological opinion impermissibly fails to analyze the baseline conditions and compare them with conditions anticipated after construction to assess whether the SR 82 project will result in any appreciable reduction in the likelihood of survival for the Florida Panther.

72. The biological opinion impermissibly fails to address the cumulative impacts of the development or the increased traffic that the SR 82 expansion would

generate. The biological opinion acknowledges that some future state and private development would avoid ESA consultation, but fails to analyze these impacts now.

73. The biological opinion impermissibly fails to quantify the amount of anticipated take resulting from either vehicular collisions or habitat degradation. This effectively gives FDOT unlimited take from vehicular collisions, without any analysis from USFWS that this would not jeopardize the continued existence of the Florida panther.

74. The biological opinion impermissibly omits a trigger for re-initiation of consultation for excessive take from vehicle collisions.

THIRD CLAIM FOR RELIEF

(FDOT'S CATEGORICAL EXCLUSION FOR SR 29 VIOLATES THE NATIONAL ENVIRONMENTAL POLICY ACT AND ADMINISTRATIVE PROCEDURE ACT)

75. Plaintiffs reallege and incorporate by reference allegations contained in paragraphs 1-5, 18-19, 22-31, 34, and 47-60 of this Complaint.

76. The categorical exclusion defendant FDOT prepared to assess the environmental impacts of the SR 29 expansion as described herein is arbitrary, capricious, an abuse of discretion, not in accordance with law, and/or without observance of procedure required by law within the meaning of the APA, 5 U.S.C. § 706(2).

77. Among other things, the proposed expansion to SR 29 would have a significant effect on the quality of the human environment, and therefore requires further NEPA analysis. A categorical exclusion is inappropriate where a project will result in the

take of an endangered species, spur regional development, increase traffic, and require an increased right-of-way, all of which is the case here.

FOURTH CLAIM FOR RELIEF

(CORPS' ENVIRONMENTAL ASSESSMENT FOR SR 82 VIOLATES THE NATIONAL ENVIRONMENTAL POLICY ACT AND ADMINISTRATIVE PROCEDURE ACT)

78. Plaintiffs reallege and incorporate by reference allegations contained in paragraphs 1-5, 20-31, 35-36, 47- 60, and 69-74 of this Complaint.

79. The environmental assessment (EA) prepared by the Corps to assess the environmental impacts of a Clean Water Act dredge and fill permit application for the SR 82 expansion is arbitrary, capricious, an abuse of discretion, not in accordance with law, and/or without observance of procedure required by law within the meaning of the APA, 5 U.S.C. § 706(2).

80. By relying on USFWS' inadequate biological opinion for the SR 82 expansion in its EA, the Corps impermissibly failed to take a hard look at the cumulative impacts of its proposed action and articulate a rational connection between facts found and the finding of no significant impact.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

a. Enter a declaratory judgment that:

i. USFWS has violated and is violating the ESA and APA by failing to prepare a legally adequate biological opinion and incidental take statement for the actions challenged here;

ii. FDOT, acting under an MOU with FHWA, has violated and is violating NEPA and the APA by adopting and relying on a legally deficient Categorical Exclusion to avoid preparing an EA or EIS;

iii. The Corps has violated and is violating NEPA and the APA by adopting and relying on a legally deficient biological opinion in its environmental assessment;

b. Vacate and set aside USFWS' biological opinions for the challenged FDOT road expansion activities;

c. Vacate and set aside FDOT's categorical exclusion for the challenged FDOT road expansion activities;

d. Vacate and set aside the Corps' environmental assessment and finding of no significant impact for the challenged FDOT road expansion activities;

e. Issue any appropriate injunctive relief;

f. Allow the plaintiffs to recover the costs of this action, including attorneys' fees to the extent authorized by law; and

g. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 9th day of January, 2020,

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F: 850-681-0020

bmalloy@earthjustice.org

/s/ Tania Galloni
TANIA GALLONI
(Fla. Bar. No. 619221)
Earthjustice
4500 Biscayne Blvd., Ste 201
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Counsel for Plaintiffs

JS 44 (Rev. 09/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

SIERRA CLUB and ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Bonnie Malloy, Earthjustice, 111 S. MLK Jr. Blvd., Tallahassee, FL 32301, 850-681-0031; Tania Galloni, Earthjustice, 4500 Biscayne Blvd., Ste 201, Miami, FL 33137, 305-440-5434

DEFENDANTS

See attached sheet.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☒ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
See attached sheet.

Brief description of cause:
See attached sheet.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
01/09/2020

SIGNATURE OF ATTORNEY OF RECORD
/s/ Bonnie Malloy

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

I. Defendants –

Florida Department of Transportation; Kevin J. Thibault, As Secretary of The Florida Department Of Transportation; U.S. Fish And Wildlife Service; Aurelia Skipworth, as Director of The U.S. Fish And Wildlife Service; U.S. Army Corps Of Engineers; And Todd T. Semonite, as Chief Engineer And Commanding General of The U.S. Army Corps of Engineers

VI. Cause of Action – Cite the U.S. Civil Statue under which you are filing

Endangered Species Act (ESA), 16 U.S.C. §§ 1531 et seq.,

the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq.,

the Administrative Procedure Act (APA), 5 U.S.C. §§ 701-706 et seq..

VI. Cause of Action – Brief description of cause:

This cause is to enforce federal environmental law regarding the Florida Panther.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

SIERRA CLUB and ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA

Plaintiff(s)

v.

FLORIDA DEPARTMENT OF TRANSPORTATION
UNITED STATES FISH & WILDIFE SERVICE

Defendant(s)

Civil Action No. 2:20-CV-13

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Kevin J. Thibault, in his official capacity as,
Secretary of the Florida Department of Transportation
Department Of Transportation
605 Suwannee Street
Tallahassee, Florida 32399

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Bonnie Malloy
Tania Galloni
Earthjustice
111 S. MLK Jr. Blvd.,
Tallahasee, FL 32301
850-681-0031

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No. 2:20-CV-13

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

.

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____

Server's signature

_____

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

SIERRA CLUB and ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA

Plaintiff(s)

v.

FLORIDA DEPARTMENT OF TRANSPORTATION
UNITED STATES FISH & WILDIFE SERVICE

Defendant(s)

Civil Action No. 2:20-cv-13

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Kevin J. Thibault, Secretary of the Florida Department of Transportation,
on behalf of Florida Department Of Transportation
605 Suwannee Street
Tallahassee, Florida 32399

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Bonnie Malloy
Tania Galloni
Earthjustice
111 S. MLK Jr. Blvd.,
Tallahasee, FL 32301
850-681-0031

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No. 2:20-cv-13

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

.

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____

Server's signature

_____

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

SIERRA CLUB and ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA

Plaintiff(s)

v.

FLORIDA DEPARTMENT OF TRANSPORTATION
UNITED STATES FISH & WILDIFE SERVICE

Defendant(s)

Civil Action No. 2:20-cv-13

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Aurelia Skipwith, in her official capacity of,
Director of the U.S. Fish and Wildlife Service
United States Fish & Wildlife Service
1849 C Street NW
Washington, District Of Columbia 20240-0001

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Bonnie Malloy
Tania Galloni
Earthjustice
111 S. MLK Jr. Blvd.,
Tallahasee, FL 32301
850-681-0031

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No. 2:20-cv-13

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

.

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____

Server's signature

_____

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

SIERRA CLUB and ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA

Plaintiff(s)

v.

FLORIDA DEPARTMENT OF TRANSPORTATION
UNITED STATES FISH & WILDLIFE SERVICE

Defendant(s)

Civil Action No. 2:20-cv-13

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Aurelia Skipwith, Director of the U.S. Fish and Wildlife Service,
on behalf of United States Fish & Wildlife Service
1849 C Street NW
Washington, District Of Columbia 20240-0001

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Bonnie Malloy
Tania Galloni
Earthjustice
111 S. MLK Jr. Blvd.,
Tallahasee, FL 32301
850-681-0031

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No. 2:20-cv-13

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

.

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____

Server's signature

_____

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

SIERRA CLUB and ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA

Plaintiff(s)

v.

FLORIDA DEPARTMENT OF TRANSPORTATION
UNITED STATES FISH & WILDIFE SERVICE

Defendant(s)

Civil Action No. 2:20-cv-13

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Lieutenant General Todd T. Semonite,
in his official capacity as Chief of Engineers for,
U.S. Army Corps of Engineers
441 G Street N.W.
Washington, DC 20314

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Bonnie Malloy
Tania Galloni
Earthjustice
111 S. MLK Jr. Blvd.,
Tallahasee, FL 32301
850-681-0031

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No. 2:20-cv-13

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

.

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____

Server's signature

_____

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

SIERRA CLUB and ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA

Plaintiff(s)

v.

FLORIDA DEPARTMENT OF TRANSPORTATION
UNITED STATES FISH & WILDIFE SERVICE

Defendant(s)

Civil Action No. 2:20-cv-13

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Lieutenant General Todd T. Semonite on behalf of,
U.S. Army Corps of Engineers
441 G Street N.W.
Washington, DC 20314

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Bonnie Malloy
Tania Galloni
Earthjustice
111 S. MLK Jr. Blvd.,
Tallahasee, FL 32301
850-681-0031

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No. 2:20-cv-13

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

.

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____

Server's signature

_____

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Additional information regarding attempted service, etc:

[EXTERNAL] PRIT Transportation Subteam agenda - 01/28 meeting

amber crooks <amberc@conservancy.org>

Tue 1/21/2020 7:06 PM

To: 'Gilbert, Terry (Terry.Gilbert@MyFWC.com)' <Terry.Gilbert@MyFWC.com>; ''EFleming@defenders.org' (EFleming@defenders.org)' <EFleming@defenders.org>; 'Setchell, Brent' <Brent.Setchell@dot.state.fl.us>; 'gwen.pipkin@dot.state.fl.us' <gwen.pipkin@dot.state.fl.us>; 'dscott@leempo.com' <dscott@leempo.com>; 'Land, Darrell (Darrell.Land@MyFWC.com)' <Darrell.Land@MyFWC.com>; Wrublik, John <john_wrublik@fws.gov>; 'Daniel.Smith@ucf.edu' <Daniel.Smith@ucf.edu>; 'Cornwell, Katasha (Katasha.Cornwell@dot.state.fl.us)' <Katasha.Cornwell@dot.state.fl.us>; 'Nancy Payton (nancyannepayton@gmail.com)' <nancyannepayton@gmail.com>; 'Meredith Barnard Work Cell (meredithb@fwfonline.org)' <meredithb@fwfonline.org>
Cc: Shindle, David B <david_shindle@fws.gov>; Williams, Zakia <zakia_williams@fws.gov>; Cantrell, Mark A <mark_a_cantrell@fws.gov>; Williams, Larry O <larry_williams@fws.gov>

2 attachments (8 MB)

Panther Transportation SubTeam Agenda 01.20.pdf; I-4 Permeability report_DRAFT_01.20.docx;

Hello Subteam,

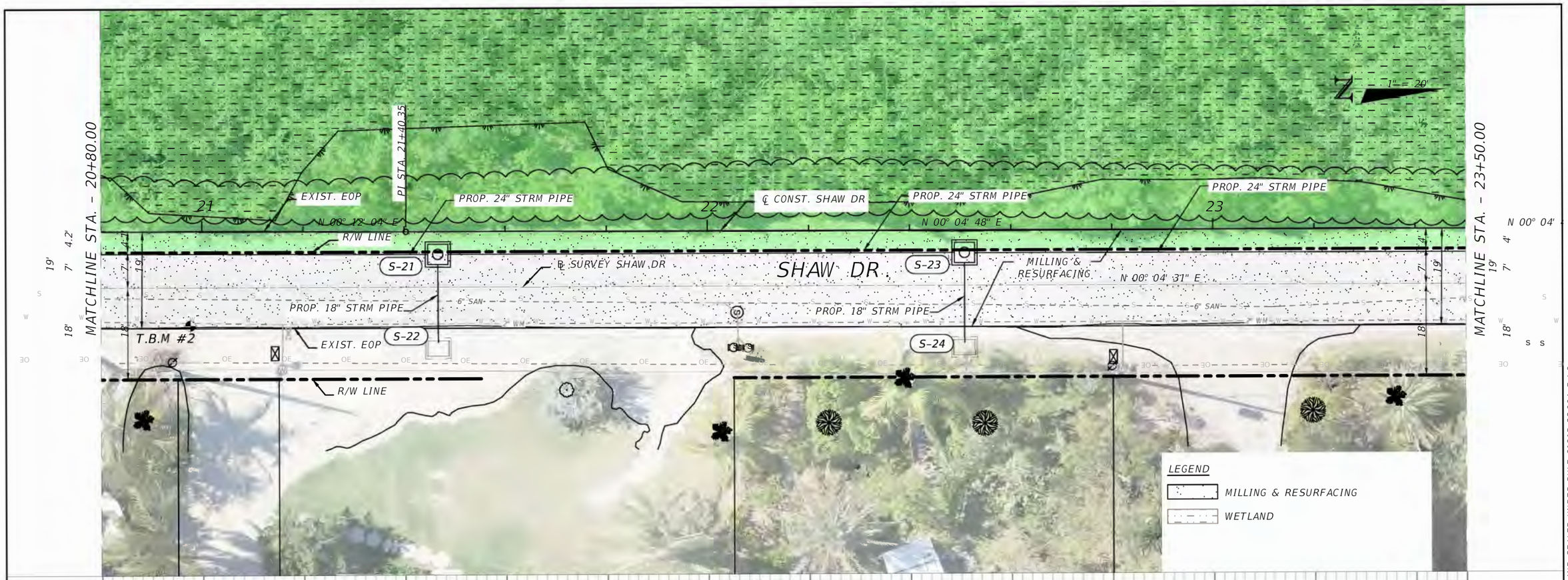
Please see the attached proposed agenda for our **Tuesday January 28, 2020 PRIT Transportation Subteam meeting**. This meeting will be held in person at FDOT Bartow offices and also via webinar (call in information is listed on the agenda).

I have also attached the latest draft of the I-4 report which shows additional potential locations in the Hilochee area and with some additional maps. It is still draft as I need a shapefile or location of the Reedy Creek location and the Plant City Hillsborough location to add to the maps (**if you have that GIS information, please send my way**). One of our goals of the meeting will be to finalize this (and the maps!) so that this can be send along to the USFWS/core team as a synthesis of our work thus far on I-4 permeability.

I will be sending an email shortly that contains additional information pertinent to our upcoming meeting and other information that may be of interest to the team.

If you have any questions, please let me know.

Thank you,
Amber Crooks, Environmental Policy Manager
Conservancy of Southwest Florida
1495 Smith Preserve Way
Naples, FL 34102
(239) 262-0304 ext. 286
amberc@conservancy.org
www.conservancy.org



SCALE
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SEA LEVEL RISE ROADWAY AND DRAINAGE PILOT PROJECT (KEY LARGO AND BIG PINE KEY)
MONROE COUNTY - DEPARTMENT OF ENGINEERING

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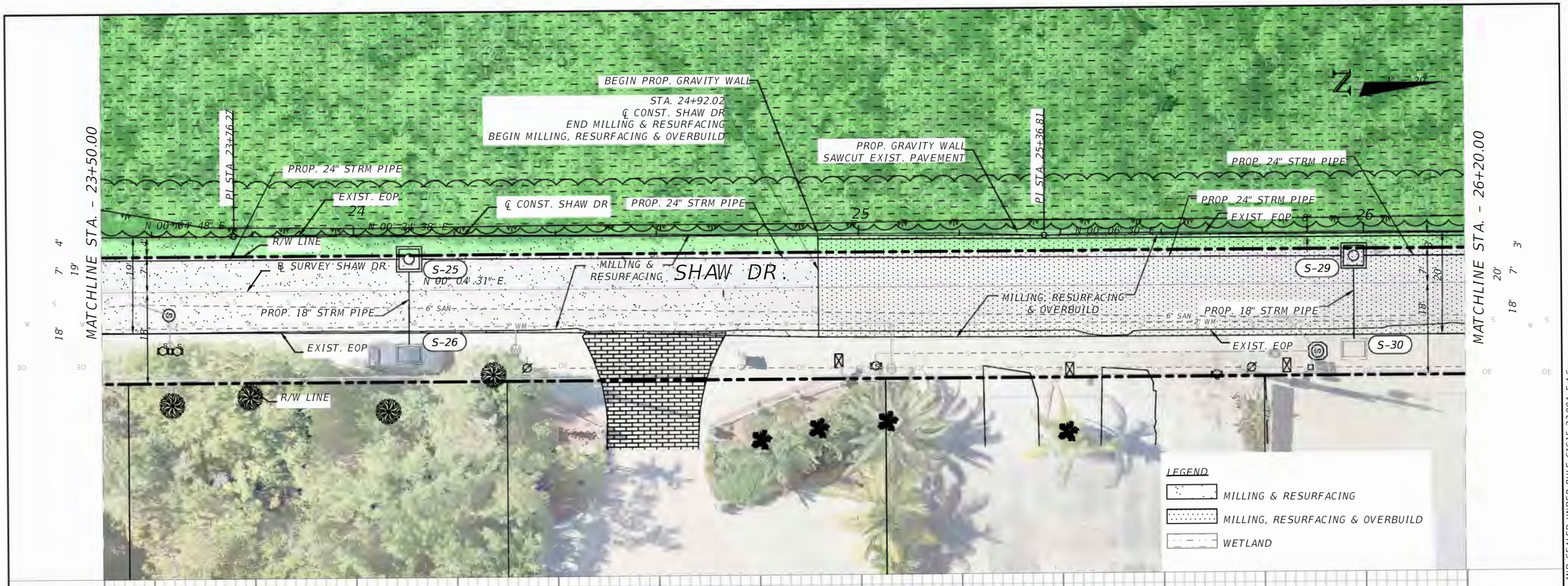

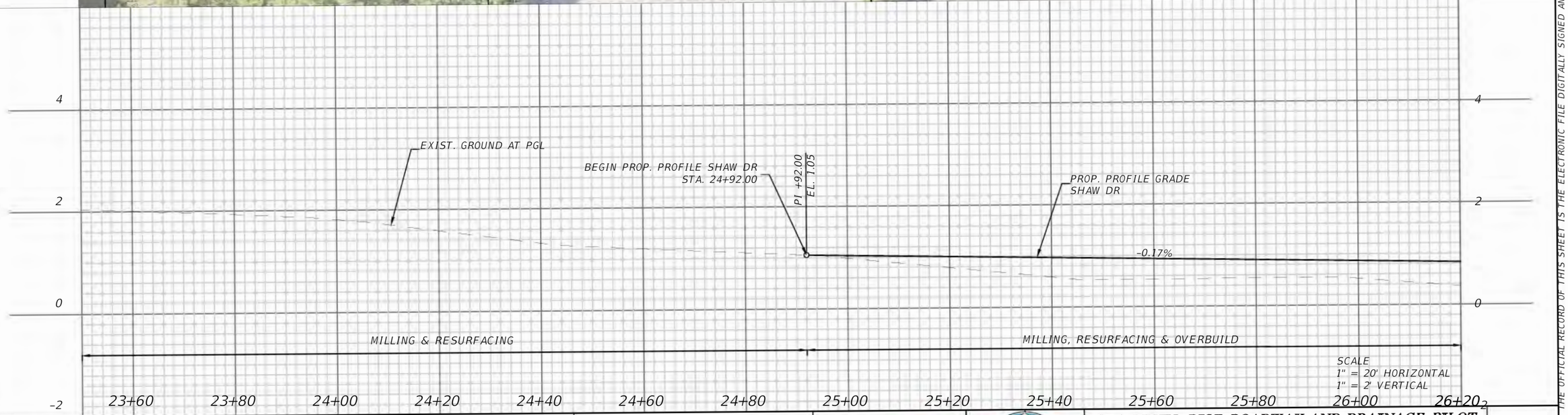

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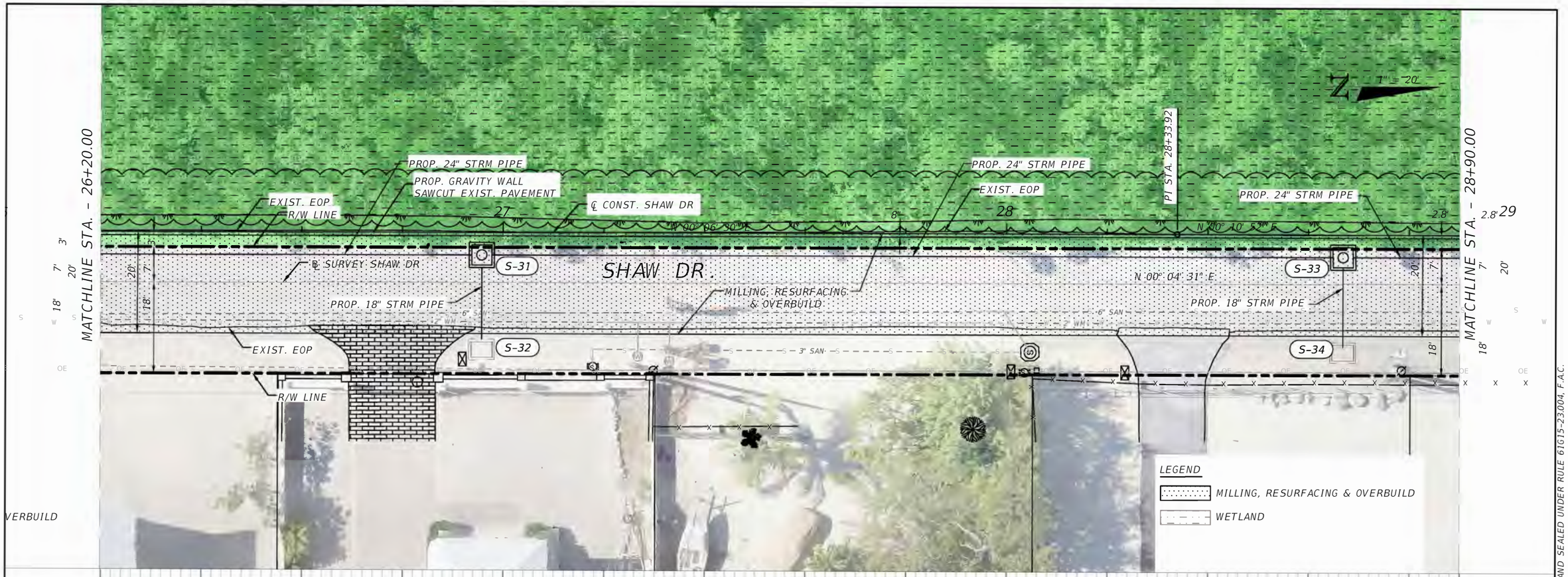

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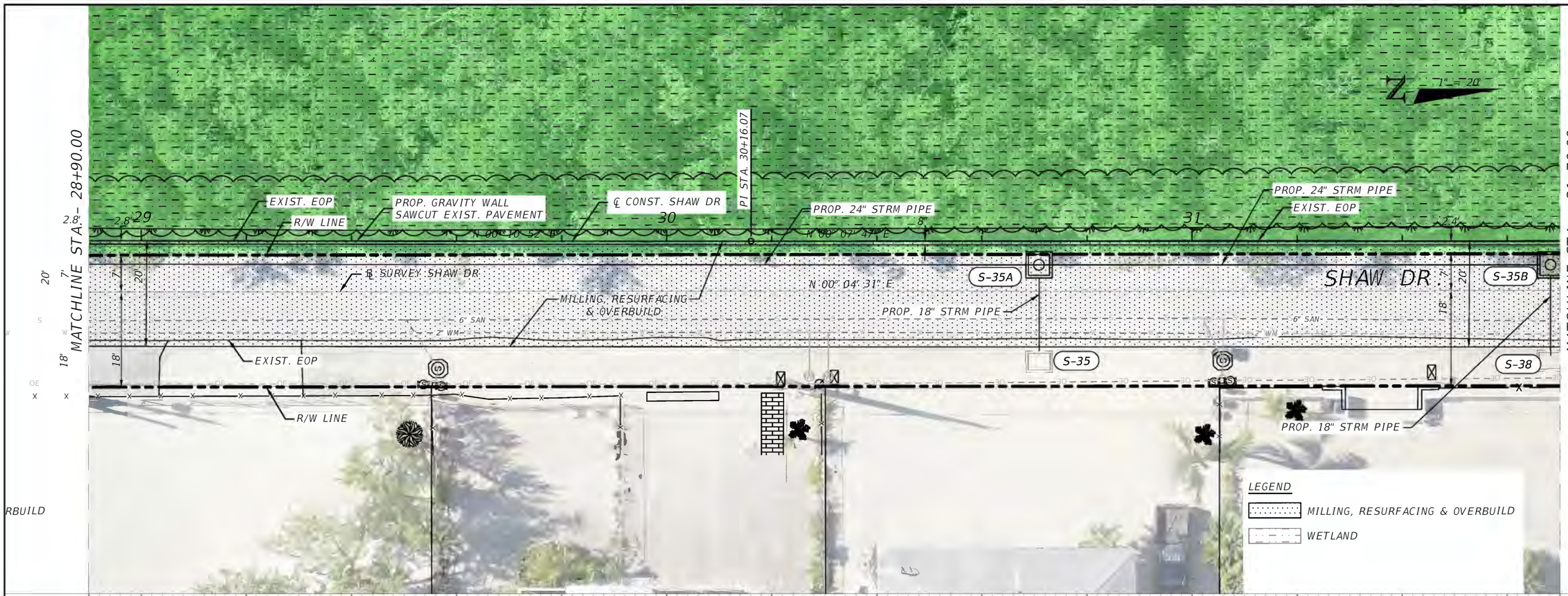

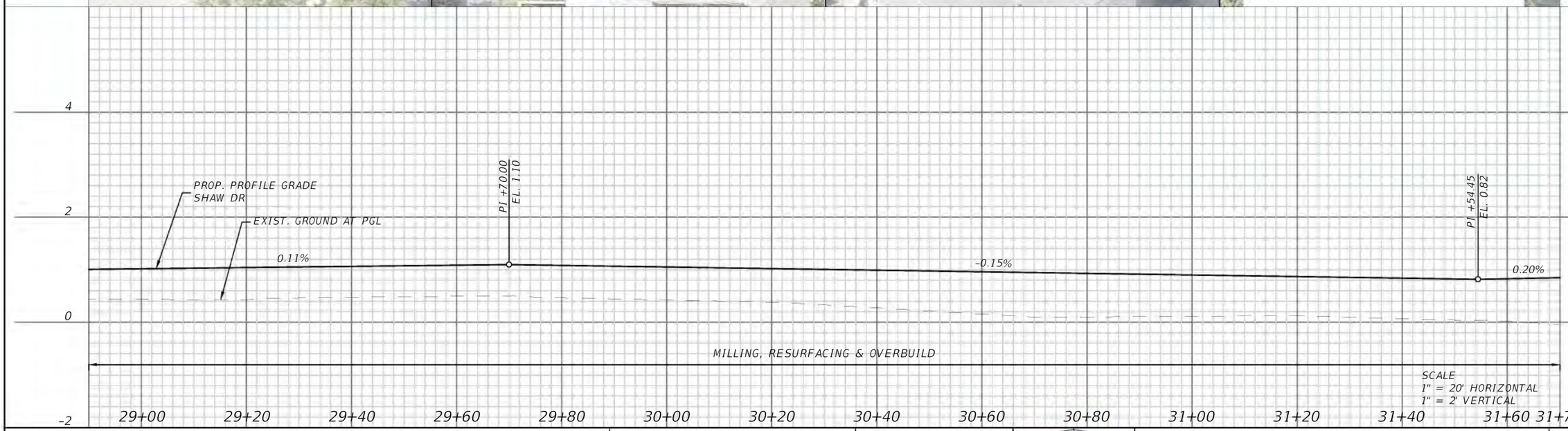

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MONROE COUNTY - DEPARTMENT OF ENGINEERING

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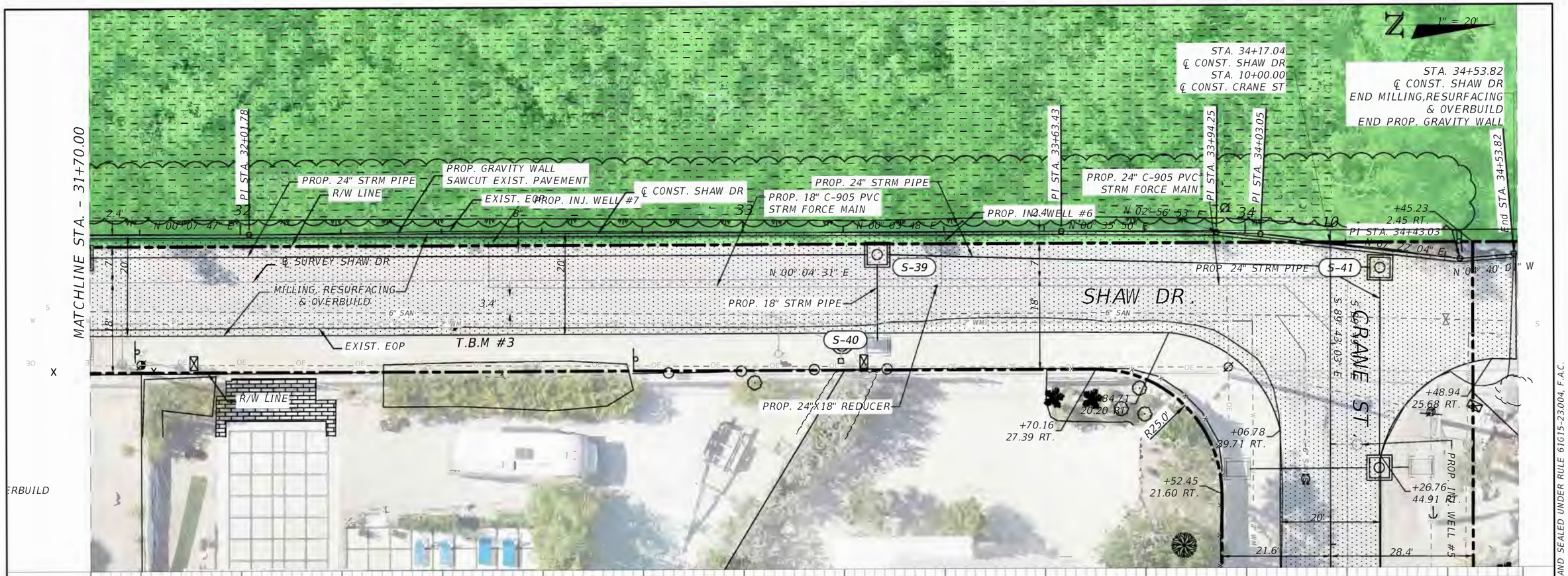

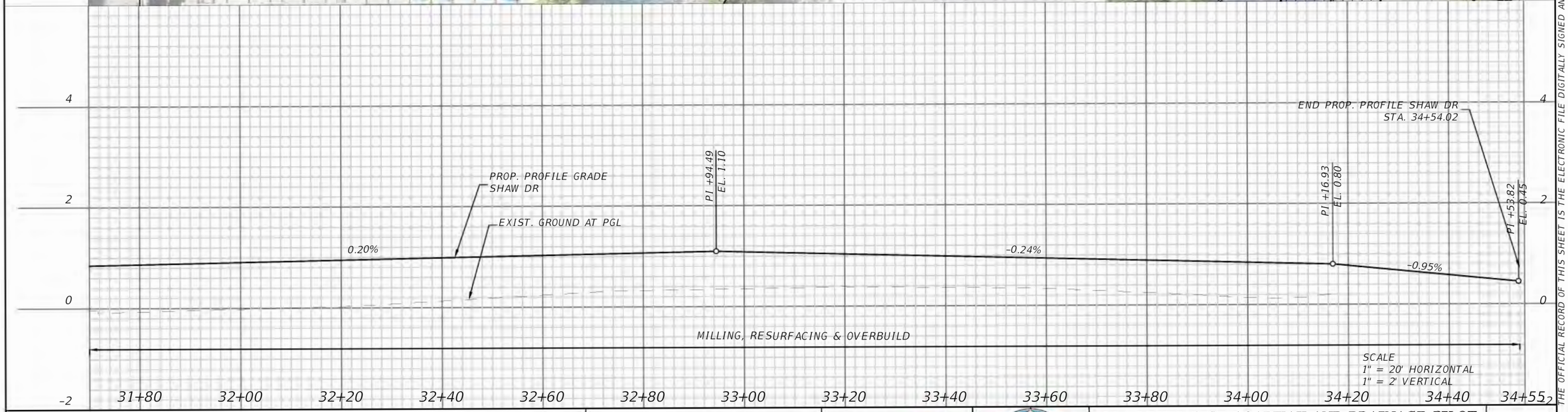

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Wildlife Permeability along Interstate 4

Transportation SubTeam Report

to

Florida Panther Recovery Implementation Core Team and

US Fish and Wildlife Service

January 2020

DRAFT

Transportation Subteam Members

Katasha Cornwell: Florida Department of Transportation
Amber Crooks, Conservancy of Southwest Florida, SubTeam Chair
Elizabeth Fleming, Defenders of Wildlife, Core Team Liaison
Terry Gilbert, Florida Fish and Wildlife Conservation Commission
Darrell Land, Florida Fish and Wildlife Conservation Commission
Nancy Payton, Florida Wildlife Federation
Gwen Pipkin, Florida Department of Transportation
Don Scott, Lee County Metropolitan Planning Organization
Brent Setchell, Florida Department of Transportation
Dan Smith, University of Central Florida
John Wrublik, US Fish and Wildlife Service

The Mission of the Panther Recovery Implementation Team Transportation Subteam is to identify and prioritize high panther-vehicle collision areas and recommend risk-reduction measures. One of three recovery objectives for the Florida panther is to re-establish at least two additional viable populations outside of south and south-central Florida.[1]

As Florida panthers have been hit on Interstate 4 (I-4), and the roadway constitutes a significant barrier to wildlife movement, the Subteam reviewed the remaining opportunities for large mammal permeability through I-4. This document explores the opportunities and constraints at each of these locations based on knowledge at the date of this report. It can be used by agencies and entities who are involved with planning roadways and other land modification projects in the area of I-4.

Subsequent study by the Subteam will include a similar review of corridors and connectivity between the existing breeding population in south Florida to central Florida and I-4, as well as identifying additional opportunities and constraints.

[1] US Fish and Wildlife Service, 2008. Florida Panther Recovery Plan, 3rd Revision. P. ix.

Remaining Opportunities at I-4[2] (from west to east)

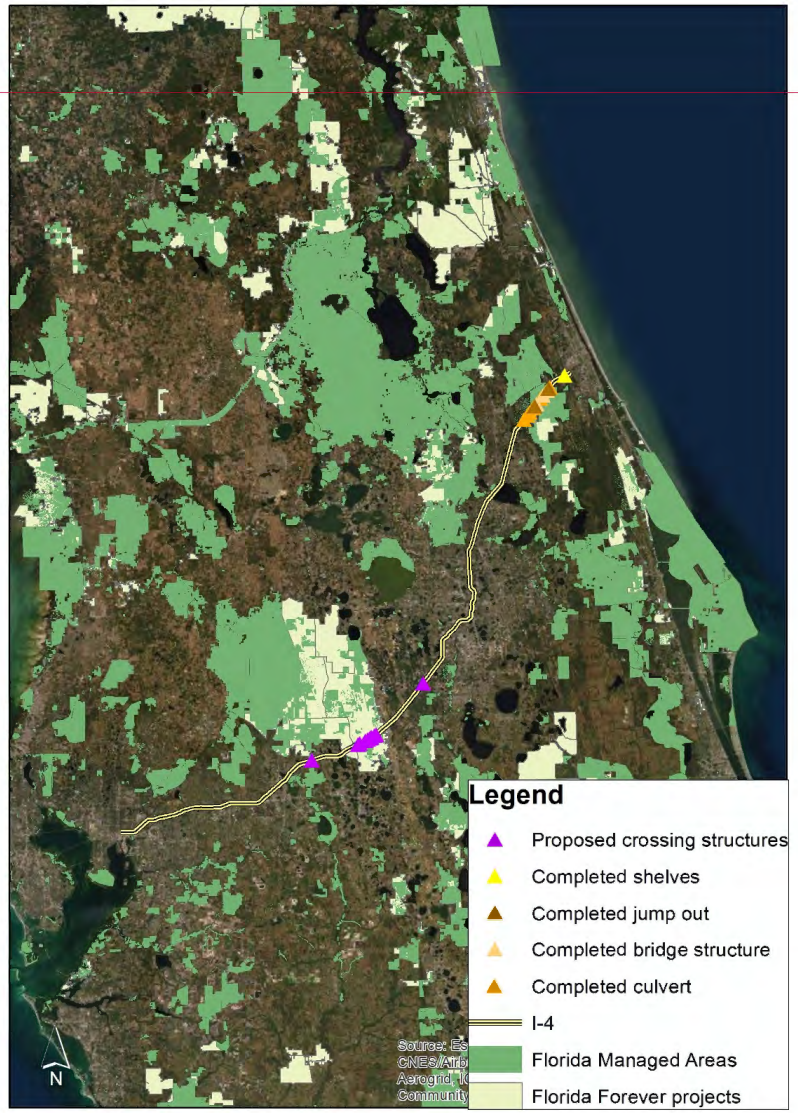
A. Hillsborough County Wildlife Crossing
B. Saddle Creek (aka Tenoroc)
C. Green Swamp/Hilochee WMA Osprey Tract Area
D. Reedy Creek
E. Bonnet Creek

Completed Projects

F. Volusia County between SR 44 and I-95[3]

DRAFT

[2] This list reflects the major opportunities that exist with current conditions. There may be additional opportunities in the future beyond those areas listed here.
[3] Three bridges and five culverts designed for large mammals (bear and deer) was completed in 2017.



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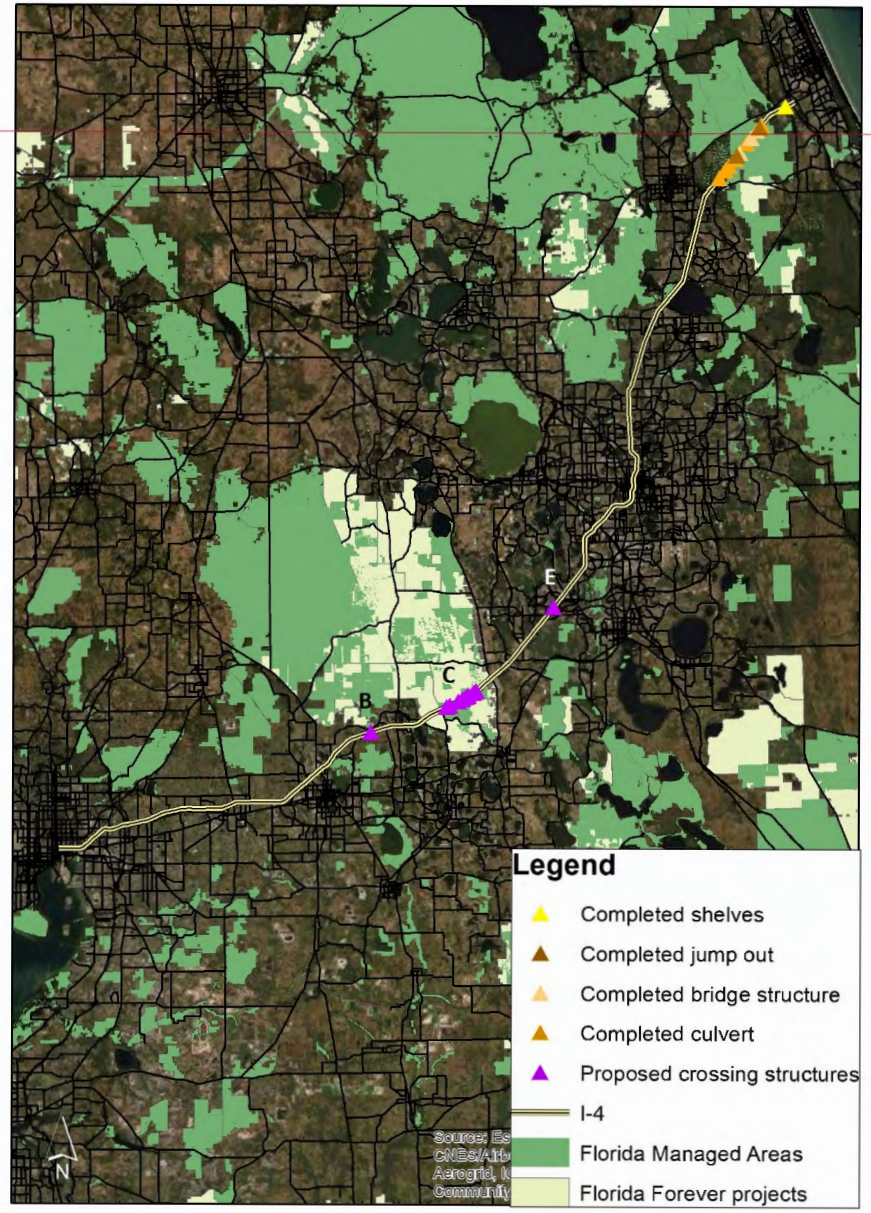

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Hillsborough County "A" Potential Crossing

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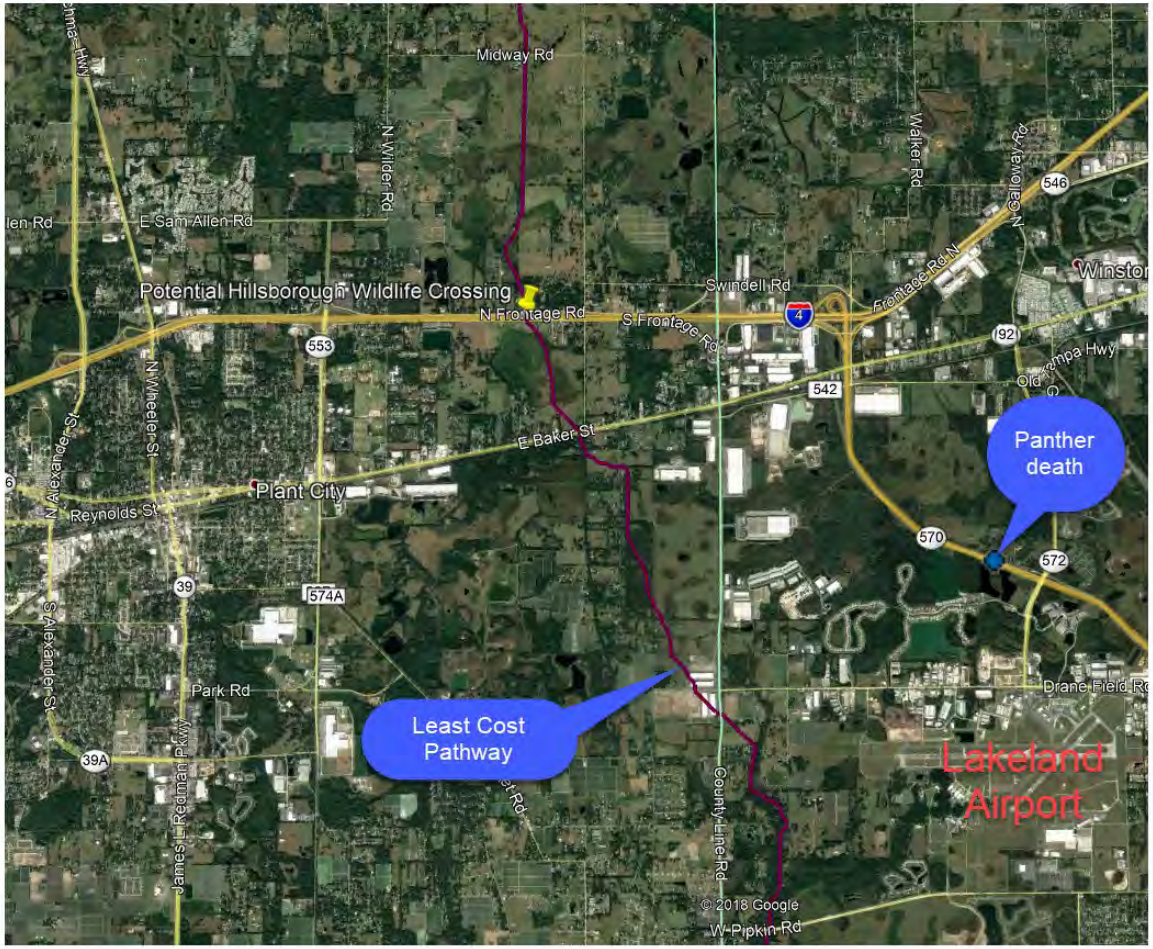
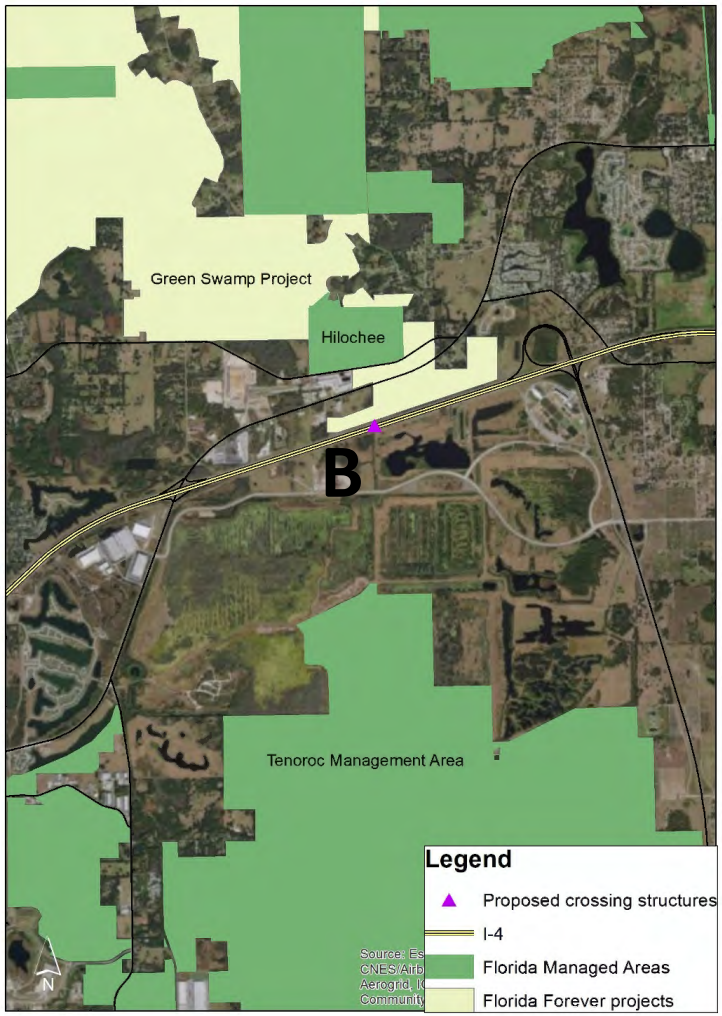
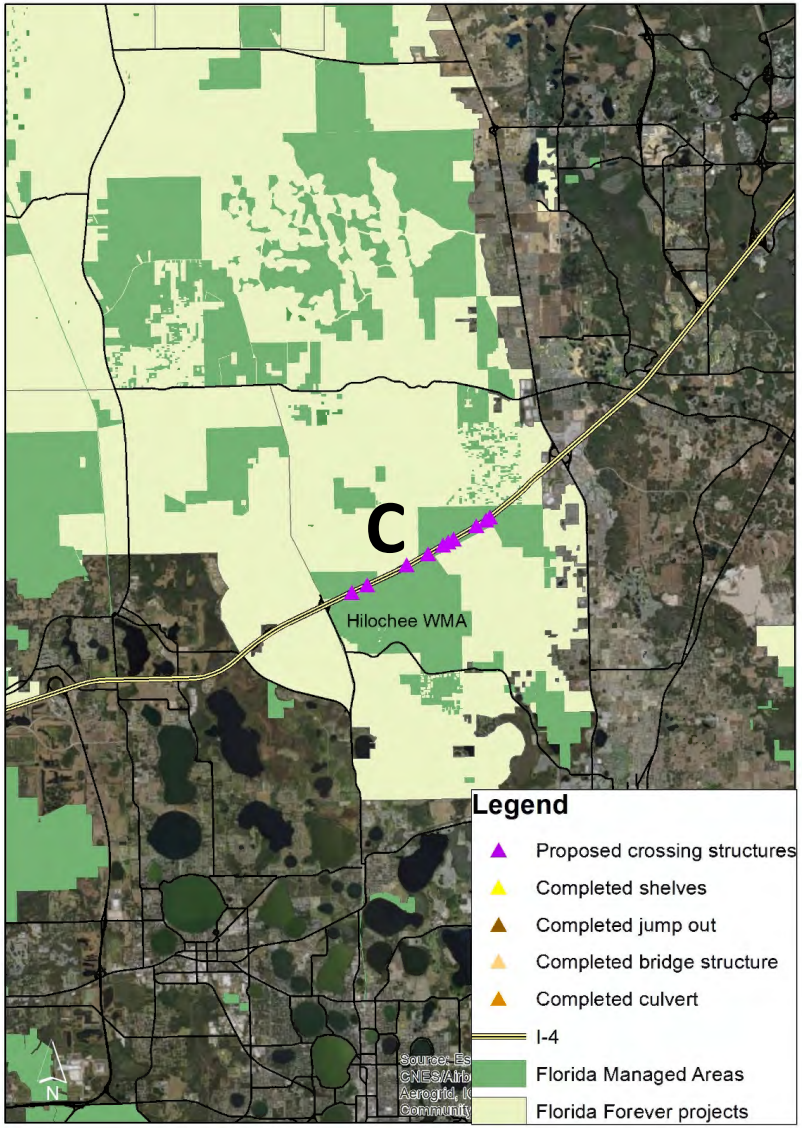
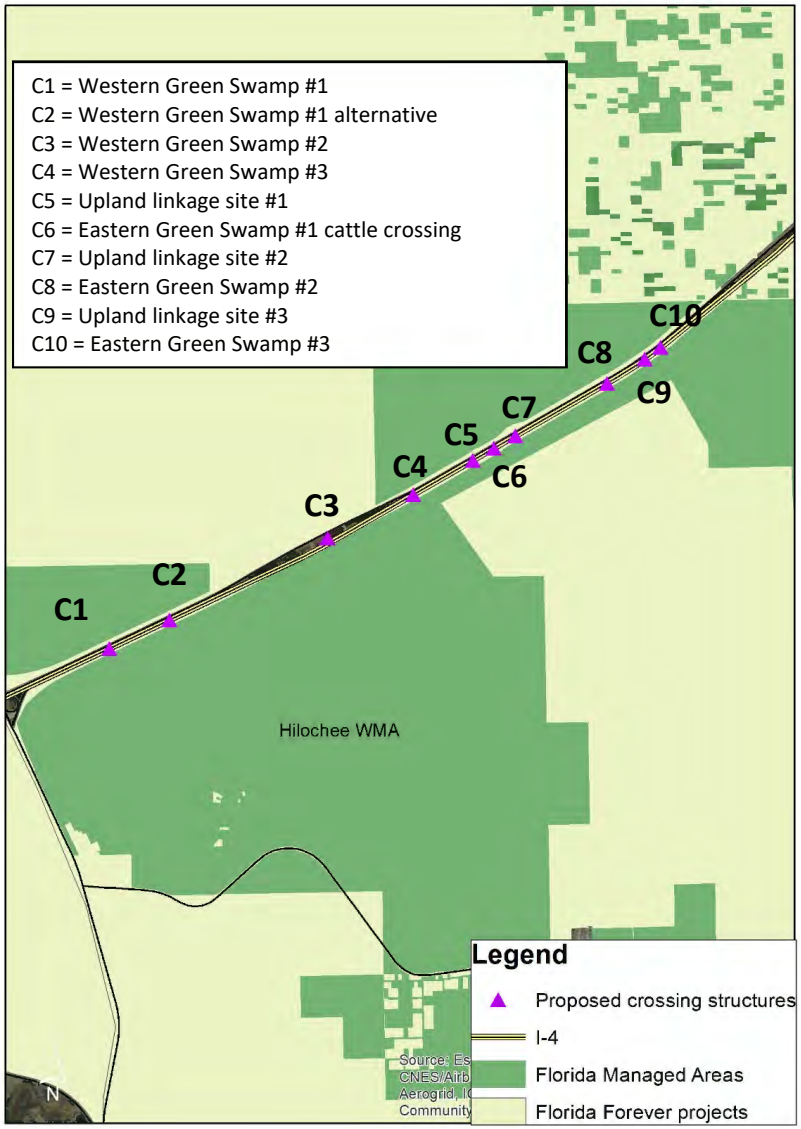


Polk County "B" and "C" potential crossings




C
Hilochee WMA
Legend
Proposed crossing structures
Completed shelves
Completed jump out
Completed bridge structure
Completed culvert
I-4
Florida Managed Areas
Florida Forever projects
N


C1 = Western Green Swamp #1
C2 = Western Green Swamp #1 alternative
C3 = Western Green Swamp #2
C4 = Western Green Swamp #3
C5 = Upland linkage site #1
C6 = Eastern Green Swamp #1 cattle crossing
C7 = Upland linkage site #2
C8 = Eastern Green Swamp #2
C9 = Upland linkage site #3
C10 = Eastern Green Swamp #3
C1
C2
C3
C4
C5
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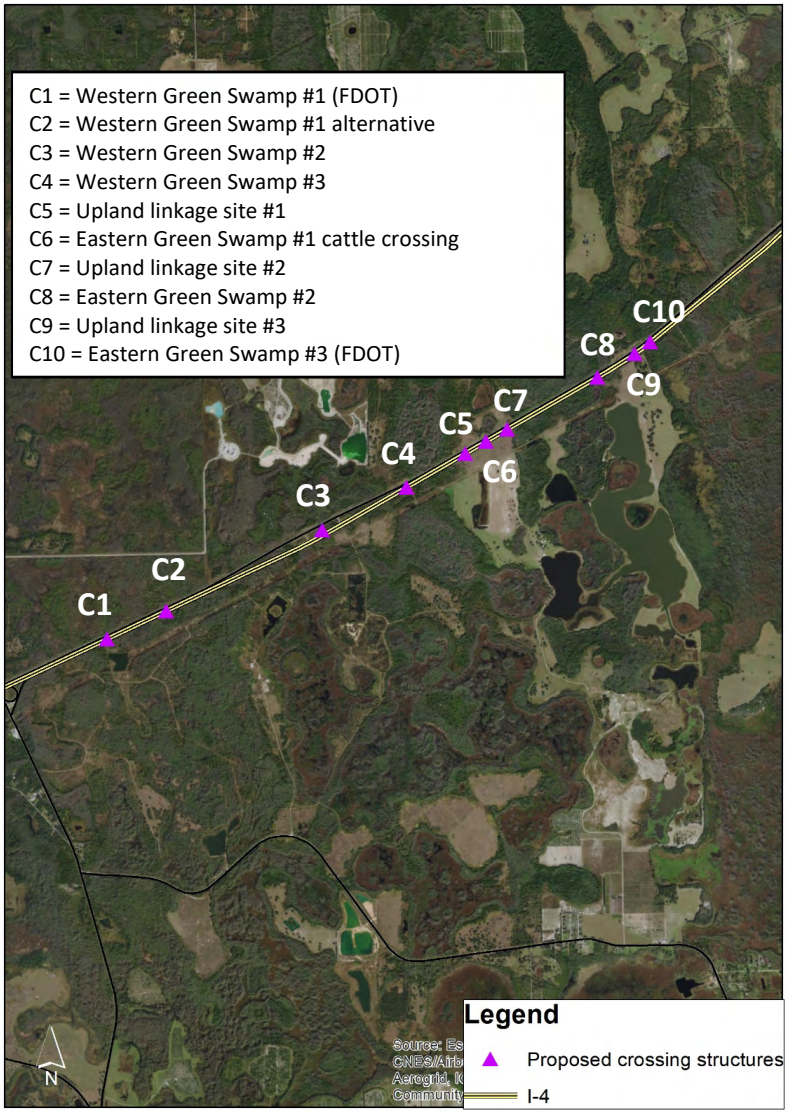
C10
Hilochee WMA
Legend
Proposed crossing structures
I-4
Florida Managed Areas
Florida Forever projects
N


C1 = Western Green Swamp #1 (FDOT)
C2 = Western Green Swamp #1 alternative
C3 = Western Green Swamp #2
C4 = Western Green Swamp #3
C5 = Upland linkage site #1
C6 = Eastern Green Swamp #1 cattle crossing
C7 = Upland linkage site #2
C8 = Eastern Green Swamp #2
C9 = Upland linkage site #3
C10 = Eastern Green Swamp #3 (FDOT)
C1
C2
C3
C4
C5
C6
C7
C8
C9
C10
N
Legend
Proposed crossing structures
I-4

Osceola County "D" potential crossing

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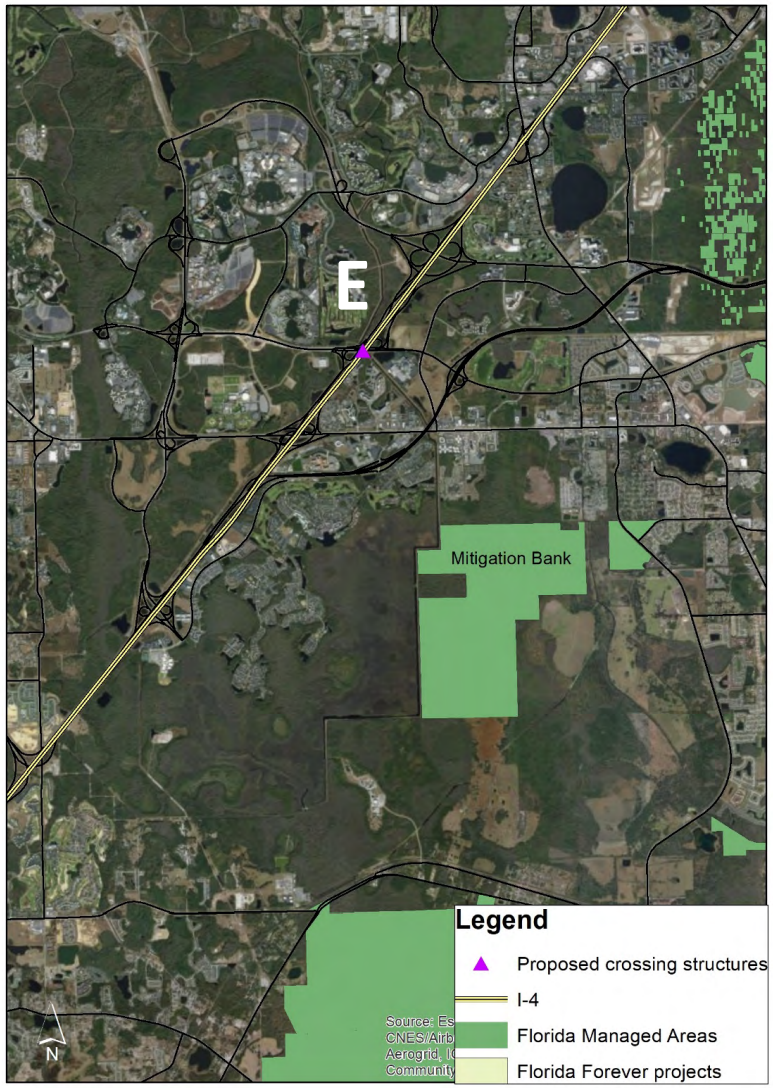
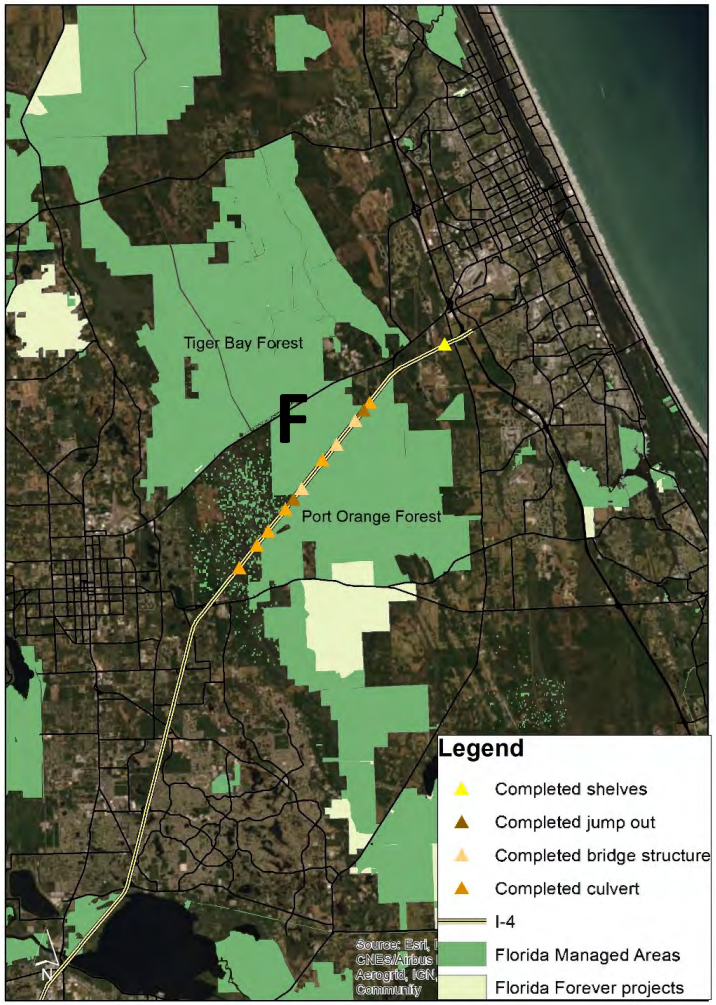
Orange County "E" potential crossing



Completed Volusia County structures



Location	Road Segment	Comments
A	I-4 Hillsborough Hillsborough County	Planning status: Not included in any plans or designs. Potential for opportunities both east and west of Plant City. FDOT wildlife camera study beginning. Supporting information: Location as mapped is consistent with FDOT identified Least Cost Pathway. Panther was killed on parallel Polk Parkway in 2016.
B	I-4 Saddle Creek Polk County	Planning status: Not currently funded in FDOT 5 Year Work Program. Supporting information: Crossing would be within the Peace River/Saddle Creek to Green Swamp Wildlife Corridor. Hilochee WMA parcel close to I-4 north of this location & Tenoroc Fish Management Area close to I-4 south of this location. Challenges: Future Hospital and other development will modify the land use in this area. University Blvd. to the south, State Road 33, and Old Polk City Road are parallel to I-4 may limit movement. Other improvements/considerations are needed to preserve/enhance this corridor (additional conservation lands at University Blvd. identified as a need).
C	I-4 Green Swamp Polk County	Multiple crossing opportunities have been identified. FDOT Western Green Swamp (C1) Planning status: To be constructed with I-4 at SR 557 improvements which lets to Design Build 5/2020.

		Supporting information: Hilochee WMA directly adjacent to this location both north and south. FDOT Eastern Green Swamp (C10) Planning status: Not currently in any proposed design projects.
D	Reedy Creek Orange County	Planning status: Ledges are included in the proposal. Challenges: Celebration Blvd, a parallel road, does not include any crossing structures.
E	Bonnet Creek Orange County	Challenges: Existing structures/roadways make this a very difficult corridor and was not favored by the Subteam compared to other identified opportunities.
F	I-4 Volusia Volusia County	Two bridges and five culverts designed for large mammals were completed.

Wrublik, John <john_wrublik@fws.gov>

Congressman Buchanan: State must preserve Florida panther as it paves Heartland Parkway (M-CORES)

1 message

Warren, Ken <ken_warren@fws.gov> Thu, Jan 23, 2020 at 9:31 AM
To: Larry Williams <larry_williams@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Bob Progulske <donald_progulske@fws.gov>, John Wrublik <john_wrublik@fws.gov>, Mark Cantrell <mark_a_cantrell@fws.gov>, David Shindle <david_shindle@fws.gov>
Cc: Kristen Peters <kristen_peters@fws.gov>, Philip Kloer <Philip_Kloer@fws.gov>

https://floridapolitics.com/archives/316717-vern-buchanan-state-must-preserve-florida-panther-as-it-paves-heartland-parkway

Vern Buchanan: State must preserve Florida panther as it paves Heartland Parkway;
Roadway remains a priority of Bill Galvano

By Jacob Ogleson, Florida Politics Blog, January 22, 2020

U.S. Rep. Vern Buchanan called for reassurance the Florida panther will be protected as the Heartland Parkway moves forward.

The Sarasota Republican sent a letter to Gov. Ron DeSantis raising concerns about the endangered animal species.

“Modernizing our infrastructure to deal with continued population growth is important, but so is ensuring the survival of an endangered species that also happens to be the Florida state animal,” Buchanan said, noting there are fewer than 250 of the panthers alive today.

“We don’t get a second chance once a species becomes extinct.”

Buchanan echoed concerns voiced by environmentalists. Thousands last year signed a petition calling on DeSantis to veto plans for the parkway.

Notably, the Parkway was part of a toll road expansion that served in 2019 as Florida Senate President Bill Galvano’s top Session priority. Galvano’s Senate district sits in Buchanan’s congressional district.

Construction for the Parkway, a 140-mile highway that will stretch from Polk to Collier counties, is set to begin in 2022.

Galvano has repeatedly said environmental concerns were exaggerated. He has even said the roadway could produce net positive environmental effects.

Buchanan said his main concern will be for keeping panthers safe from cars, noting four have already been killed in vehicle collisions this year. The Florida Fish and Wildlife Conservation Commission reports 23 of the 27 panther deaths last year were caused by vehicle collisions.

U.S. Fish and Wildlife Service biologist expressed fears to supervisors last year expressing fears the Heartland Parkway could “potentially jeopardize the species” in an email first reported by the Tampa Bay Times.

Buchanan references those concerns in his letter to DeSantis.

“I was very concerned to see a biologist with the U.S. Fish and Wildlife Service recently warn that ‘This project would have very serious impacts on the Florida panther,’” Buchanan wrote.

“That is why it is important that you take this into consideration and plan accordingly as you construct the state’s largest highway expansion in more than half a century.”

The Congressman doesn’t outright condemn the Parkway plan or call for its halt. But he said measures to protect the

creatures must be a priority in planning the roadway.

“One of the best ways to protect the animal would be to create overpasses or underpasses that provide a safe way for the animals to navigate a highway.”

--
Ken Warren
Public Affairs Officer
U.S. Fish & Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, FL 32960-3559
Office Phone: 772.469.4323
Mobile Phone: 772.643.4407

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BISON CONNECT

Wrublik, John <john_wrublik@fws.gov>

Re: Congressman Buchanan: State must preserve Florida panther as it paves Heartland Parkway (M-CORES)

1 message

Warren, Ken <ken_warren@fws.gov> Thu, Jan 23, 2020 at 9:33 AM
To: Larry Williams <larry_williams@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Bob Progulske <donald_progulske@fws.gov>, John Wrublik <john_wrublik@fws.gov>, Mark Cantrell <mark_a_cantrell@fws.gov>, David Shindle <david_shindle@fws.gov>
Cc: Kristen Peters <kristen_peters@fws.gov>, Philip Kloer <Philip_Kloer@fws.gov>

Here's Congressman Buchanan's press release on M-CORES/Florida panthers, at bottom is the letter he sent to Gov. DeSantis:

Jan 22, 2020 Press Release

WASHINGTON – Congressman Vern Buchanan today urged Gov. Ron DeSantis to consider protecting the endangered Florida Panther when drafting construction plans for the new Heartland Parkway.

In a letter to DeSantis, Buchanan said the 140-mile proposed highway from Polk to Collier Counties will run directly into the habitat of the panther. Construction is expected to begin by 2022.

The greatest threat to the endangered animal is being run over by cars. Four panthers already have been killed in collisions so far this year.

Buchanan urged DeSantis to instruct his state Department of Transportation to devise ways to avoid fatal disruptions to the panther's habitat. One of the best ways to protect the animal would be to create over-passes or under-passes, a type of wildlife corridor, that provide a safe way for the animals to navigate a highway.

"Modernizing our infrastructure to deal with continued population growth is important, but so is ensuring the survival of an endangered species that also happens to be the Florida state animal," Buchanan said, noting there are fewer than 250 of these magnificent creatures alive today. "We don't get a second chance once a species becomes extinct."

According to the Florida Fish and Wildlife Conservation Commission, 23 of the 27 panther deaths last year were caused by vehicle collisions.

Buchanan is a leading advocate in Congress for protecting endangered species. He introduced the *Wildlife Corridors Conservation Act* in 2019 to designate National Wildlife Corridors on federal lands and establish a grant program for states localities and private landowners to support wildlife. Buchanan's bill would protect many iconic species of Florida wildlife, including the manatee, alligator and Florida panther.

Read the full text of the letter below:

Dear Governor DeSantis,

As you work on drafting construction plans for the new Heartland Parkway, I ask that you consider safeguards to avoid disrupting the habitat of the endangered Florida panther. Specifically, the 140-

mile proposed highway is expected to run from Polk County to Collier County, through the heart of some of the last remaining panther habitat.

While Florida's official state animal once roamed the entire Southeast, there are currently fewer than 250 of these big cats alive today. Tragically, 23 of the 27 panther deaths last year were caused by vehicle collisions, according to the Florida Fish and Wildlife Conservation Commission. There have already been a staggering four deaths in just the first two weeks of the new year.

The panther was one of the original 14 mammals named to the federal endangered species list in 1967. Despite this classification, a critical habitat has never been established for the Florida panther even though one is required by the Endangered Species Act. "Without a sufficient protected habitat, there is no viable recovery," according to the executive director of Public Employees for Environmental Responsibility, a national non-profit alliance consisting of scientists, law enforcement officers and land managers.

And while several hurdles remain for the survival and full recovery of these beautiful creatures, it is clear that the greatest threats to their survival is the loss of habitat and vehicle collisions. According to the National Wildlife Federation, construction causes habitat loss and highways pose a significant threat to panthers attempting to cross. I was very disturbed to see a biologist with the U.S. Fish and Wildlife Service recently warn that "This project would have very serious impacts on the Florida panther." That is why it is important that you take this into consideration and plan accordingly as you construct the state's largest highway expansion in more than half a century.

Modernizing our infrastructure to deal with continued population growth is important, but so is ensuring the survival of an endangered species that also happens to be the Florida state animal. We don't get a second chance once a species becomes extinct. One of the best ways to protect the animal would be to create over-passes or under-passes that provide a safe way for the animals to navigate a highway.

That's why I introduced the *Wildlife Corridors Conservation Act* in Congress to designate National Wildlife Corridors on federal lands and establish a grant program for states, localities and private landowners to support wildlife. My bill would protect many iconic species of Florida wildlife, including the manatee, alligator and Florida panther.

While the panther population has grown since 1967, the species still has progress to make. The Fish and Wildlife Service's 2008 recovery plan states that removing protections for panthers would require two viable, self-sustaining populations of at least 240 individuals that have existed for at least twelve years.

Florida panthers have become our iconic symbol for the wilderness and beauty of Florida. We must do everything possible to protect this treasured species. That's why I'm asking you to instruct the Florida Department of Transportation to devise ways to avoid fatal disruptions to the panther's habitat.

# # #

On Thu, Jan 23, 2020 at 9:31 AM Warren, Ken <ken_warren@fws.gov> wrote:
https://floridapolitics.com/archives/316717-vern-buchanan-state-must-preserve-florida-panther-as-it-paves-heartland-parkway

Vern Buchanan: State must preserve Florida panther as it paves Heartland Parkway;

Roadway remains a priority of Bill Galvano

By Jacob Ogleson, Florida Politics Blog, January 22, 2020

U.S. Rep. Vern Buchanan called for reassurance the Florida panther will be protected as the Heartland Parkway moves forward.

The Sarasota Republican sent a letter to Gov. Ron DeSantis raising concerns about the endangered animal species.

“Modernizing our infrastructure to deal with continued population growth is important, but so is ensuring the survival of an endangered species that also happens to be the Florida state animal,” Buchanan said, noting there are fewer than 250 of the panthers alive today.

“We don’t get a second chance once a species becomes extinct.”

Buchanan echoed concerns voiced by environmentalists. Thousands last year signed a petition calling on DeSantis to veto plans for the parkway.

Notably, the Parkway was part of a toll road expansion that served in 2019 as Florida Senate President Bill Galvano’s top Session priority. Galvano’s Senate district sits in Buchanan’s congressional district.

Construction for the Parkway, a 140-mile highway that will stretch from Polk to Collier counties, is set to begin in 2022.

Galvano has repeatedly said environmental concerns were exaggerated. He has even said the roadway could produce net positive environmental effects.

Buchanan said his main concern will be for keeping panthers safe from cars, noting four have already been killed in vehicle collisions this year. The Florida Fish and Wildlife Conservation Commission reports 23 of the 27 panther deaths last year were caused by vehicle collisions.

U.S. Fish and Wildlife Service biologist expressed fears to supervisors last year expressing fears the Heartland Parkway could “potentially jeopardize the species” in an email first reported by the Tampa Bay Times.

Buchanan references those concerns in his letter to DeSantis.

“I was very concerned to see a biologist with the U.S. Fish and Wildlife Service recently warn that ‘This project would have very serious impacts on the Florida panther,’” Buchanan wrote.

“That is why it is important that you take this into consideration and plan accordingly as you construct the state’s largest highway expansion in more than half a century.”

The Congressman doesn’t outright condemn the Parkway plan or call for its halt. But he said measures to protect the creatures must be a priority in planning the roadway.

“One of the best ways to protect the animal would be to create overpasses or underpasses that provide a safe way for the animals to navigate a highway.”

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