20181106 dEIS public comment management discussion:

- Mechanisms for public comment transmission to Service
    a. Regualtions.gov public comment list download/export
    b. Weekly FDMS EXTRACT app from Marcia Cash. Parsed weekly, ask if we can get the pdf convert rather than convert myself.

- Public comment assembly apps
    a. Pdf
    b. Discover Text app
        i. Currently in update. Marcia predicted ready this week
        ii. Maybe better for giant batches
        iii. how to activate?
        iv. how does it work?
        v. Does this app have any comment collation/assembly capability?
    c. FDMS EXTRACT?
        i. Does this app have any comment collaition/assembly capability?
        ii. Downloading
            1. Weekly download?
            2. Can we download ourselves?
        iii. Attached pdf comments not included in HTML, need to pull those separately from Regulations.gov

- Segregating public comments
    a. Substantive vs non-substantive
    b. Bin's
        i. Actual data will kick out
    c. Form letter signature
    d. Grouping public comments
        i. Binning functionally similar comments
            1. Panther
            2. Stop the project
        ii. one-offs
        iii. Form letters
        iv. Discover Text has grouping analytics. If and when do we run this.

- Collecting USFWS staff responses to comments.
    a. Google Sheet
        i. We may have duplicate sheets or docs and need to make sure all staff responses go into on place.
        ii. Only responses that require direct species specific responses
        iii. Take a solid look at the Coral Reef Commons public response process.

1. Ashleigh and Shawn ran this.

b. Once we begin grouping functionally similar comments, we should summarize this group and append staff comments to the functional group.

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November 16, 2018

East Collier HCP

In-Service Update

Present: Chuck Kelso, Connie Cassler, Jerry Ziewitz, Rob Tawes, David Dell

HCP correction: *The missing page 297 was inserted into the HCP and uploaded to regs.gov on November 14. A stand-alone copy of page 297 was provided to FWS staff. Public requestors can be provided the single page or referred back to the correct HCP on the web.*

Status of comments incoming: *64 public comments as of this morning. Specific comments on the documents are appearing, at least one person is reading them. Phil Rodger's thesis on panther-human interactions was attached to one comment.*

Tabulation of comments? *Comment spreadsheet available. Chuck to add topic parsing option identical to CRC comment table and flag the staff biologists. This should be made available to staff recovery biologists to provide input as comments appear. Connie had started her own table, this can be merged into Chuck's version. [Chuck's comment response table should stay separate from Dell's project folder to better manage access]*

Sharing with staff biologists? *David Shindle is all over the panther comments,*

Status of BO? *Jerry is working on it, Adam Knutson, Heather Hitt and Lindsay Nester have volunteered to assist with State species and other less-controversial species if time allows. Chuck to work on traffic risk analysis.*

Ken McDonald will likely begin easing back into the FO routine by mid-December. He will be available to help with the BO once he's back up to speed.

Jerry is balancing priorities, Rob advised that ECPO follows the FL 404 assumption and precedes the red wolf. He is trying to complete "proposed action" section to start off the species chapters. Connie and Chuck were able to provide background information and samples. The panther analysis area will need to extend beyond the Plan area. The FO uses a 25-mile radius from Plan area boundary

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November 30, 2018

East Collier HCP

In-Service Update

Present: David Dell, Connie Cassler, Lindsay Nester, Adam Knutson, Heather Hitt, Chuck Kelso, Jerry Zeiwitz, Kristen Peters, Nikki Price, Rob Tawes

Topics:

- Revised SO 3355 timeline (shared on Wednesday), need to finalize and share with ECPO before the December 7 update. It incorporates more details concerning the findings, BO, and public comments. (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP
    - *ECPO wanted to look at Draft BO, Dell will add and offer ECPO a two-week review period*

- Status of Tribal consultation? Miccosukee Tribe has contacted Tim Binzen [invite Tim, and Kevin Palmer (he's writing the letter) to our in-house updates?], is also asking for a comment period extension.
    - *We will need to contact Tim Binzen. Rob offered to call Tim and discuss this with them.*

- Mitigation? Is the easement holder still undecided? (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP
    - Raise with ECPO again

- Status of BO?
    - *Jerry would like to coordinate with BO writing team to standardize/add conventions regarding the BO.*
        - *Jerry wanted a BO team discussion. That was scheduled for this afternoon.*
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- Do we want to pull in other Service staff to participate in these in-Service updates? At some point we should consider drawing in David Shindle, Erin Meyers, other key species leads, and whoever is helping on the the BO. (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP If nothing else, they need to be kept aware of the project schedule and the global issues. *Dell will invite Shindle and Meyers.*
    - Heather, Lindsay, and Adam were invited. They are working on parts of the BO.
    - *Highlight about intensity of effort over holidays.*

- December 14 In-Service Update: Dell will be away, who to preside?
    - *Connie agreed, and Rob will assist. Dell will draft agenda beforehand.*

December 14, 2018

East Collier HCP

In-Service Update

Present: Rob Tawes, Connie Cassler, Chuck Kelso, David Shindle, Erin Myers, Jerry Ziewitz, Heather Hitt, Lindsay Nester, Adam Knutson

Topics:

- Suggestions for HCP revisions -- promised for ECPO by December 21 Update, Ideas welcome We should probably group proposed revisions into classes of those that are required or more important versus just suggestions.

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- Status of comment responses:
  - Sharing with Corps?
  - What is AECOM working on?
    - 3 simple comments until we can tell them what else to do.

- Tabulation of comments?
  - We have a volunteer taking the PDFs of the comments and manually going through them to place the PDFs into groups (form letter, don't kill listed species, don't approve permit, specific changes needed to EIS, other). The volunteer received first 500 comments 11/28. Connie tried to reach the volunteer to see how it it going and have not heard back. Connie sorted comments # 501 to 937 and looked through #1705 to #1831 to pull out substantive comments.
  - Sharing with staff biologists?
  - Are we gathering input on comment responses?

- December 28 In-Service Update? Will likely cancel

January 11, 2019 [CANCELLED DUE TO FURLOUGH]

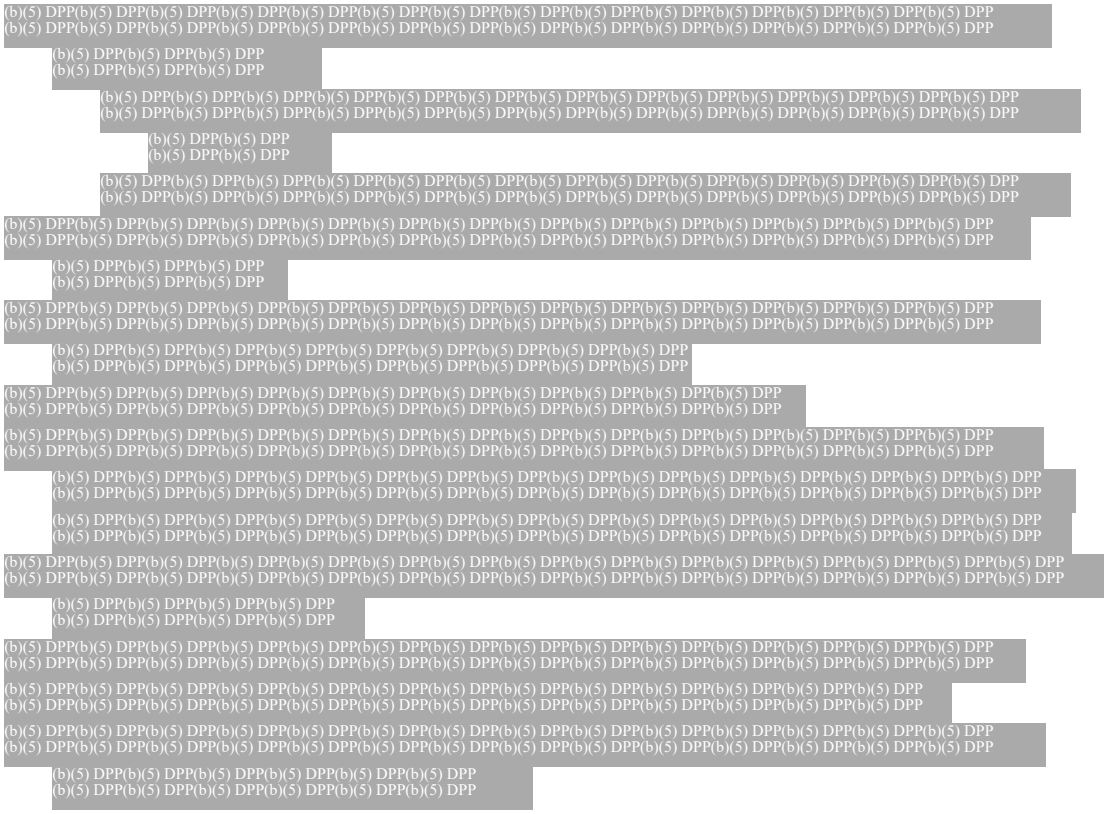
East Collier HCP

In-Service Update

Present:

Topics:

- Suggestions for HCP revisions -- promised for ECPO by December 21 Update, Ideas welcome We should probably group proposed revisions into classes of those that are required or more important versus just suggestions.



- Status of Tribal consultation?
    - Miccosukee
    - Seminole



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- Tabulation of comments?
    - We have a volunteer taking the PDFs of the comments and manually going through them to place the PDFs into groups (form letter, don't kill listed species, don't approve permit, specific changes needed to EIS, other). The volunteer received first 500 comments 11/28. Connie tried to reach the volunteer to see how it it going and have not heard back. Connie sorted comments # 501 to 937 and looked through #1705 to #1831 to pull out substantive comments.
    - Sharing with staff biologists?
    - Are we gathering input on comment responses?

- December 28 In-Service Update? Will likely cancel

January 29, 2019

East Collier HCP

In-Service Update [after the furlough, to prep for February 1 ECPO Update]

Present: Vicki Mott, David Dell, Connie Cassler, Trish Adams, Ken McDonald, Rob Tawes, Jack Arnold, Kristen Peters, Chuck Kelso, Jerry Ziewitz

Topics -- What are we ready to talk about in our ECPO update this week.
What to say if ECPO asks:

- Our status

- SO 3355 Schedule revision due to furlough?
  - No guidance from HQ yet.
  - Need to carry on under existing schedule, may have to propose revisions on our own.
  - Cleaned up draft amended timeline and forwarded to Trish.

- Status of Tribal consultation?
  - Miccosukee
    - Meeting / discussion in future to be planned by Kevin Palmer
    - They responded to our formal consultation letter.
  - Seminole
    - Need to draft consultation letter to STOF same as was done with Miccosukee.

- Suggestions for HCP revisions -- provided to ECPO December 21, 2018
  - Let's hear what they may have



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- Comment eval needs staffing assistance due to volume

ACTION ITEMS:

Dell sent Trish and Jack cleaned up SO3355 timeline reflecting potential revision post-furlough.

Dell sent Jack the BO staff assignment table.

Dell followed up with Connie on how best to help the FO.

She most definitely would benefit from assistance with tabulating and starting to respond to comments. We discussed having her work with that person(s) so that they could minimize time spent getting oriented, and to maintain their direction. She believes that such assistance could be provided remotely - no need to travel down to Vero.

If we assigned staff to help with the BO, Connie suggests that it would be helpful for that person to travel for access to Vero's files.

Trish asked Gina Schultz about our options.

I reached out to Gina and she scheduled a HQ NEPA team meeting for tomorrow at 1:00. I will share with you what I learn as soon as possible.

February 6-8, 2019

East Collier HCP

In-Service Staff Meeting in Vero Beach FO, February 7, and
In-Service Update Call, February 8

Present: David Dell, Connie Cassler, Ken McDonald, Rob Tawes, Chuck Kelso, Jerry Ziewitz, Liz Landrum, Heather Hitt, Sandra Sneckenberger, Steve Schubert, Jeff Howe, Marla Hamilton, Adam Knutson, Andrew Eastwick, Michelle Wilcox, Tim Breen, Roxanna Hinzman

Topics --

February 7
Morning, 9:00 am

Introduction to Meeting Purpose/objectives (Connie and Rob lead)

Introduction to HCPs, what they are, what ECPO might be if issued, relation to the BO (David)

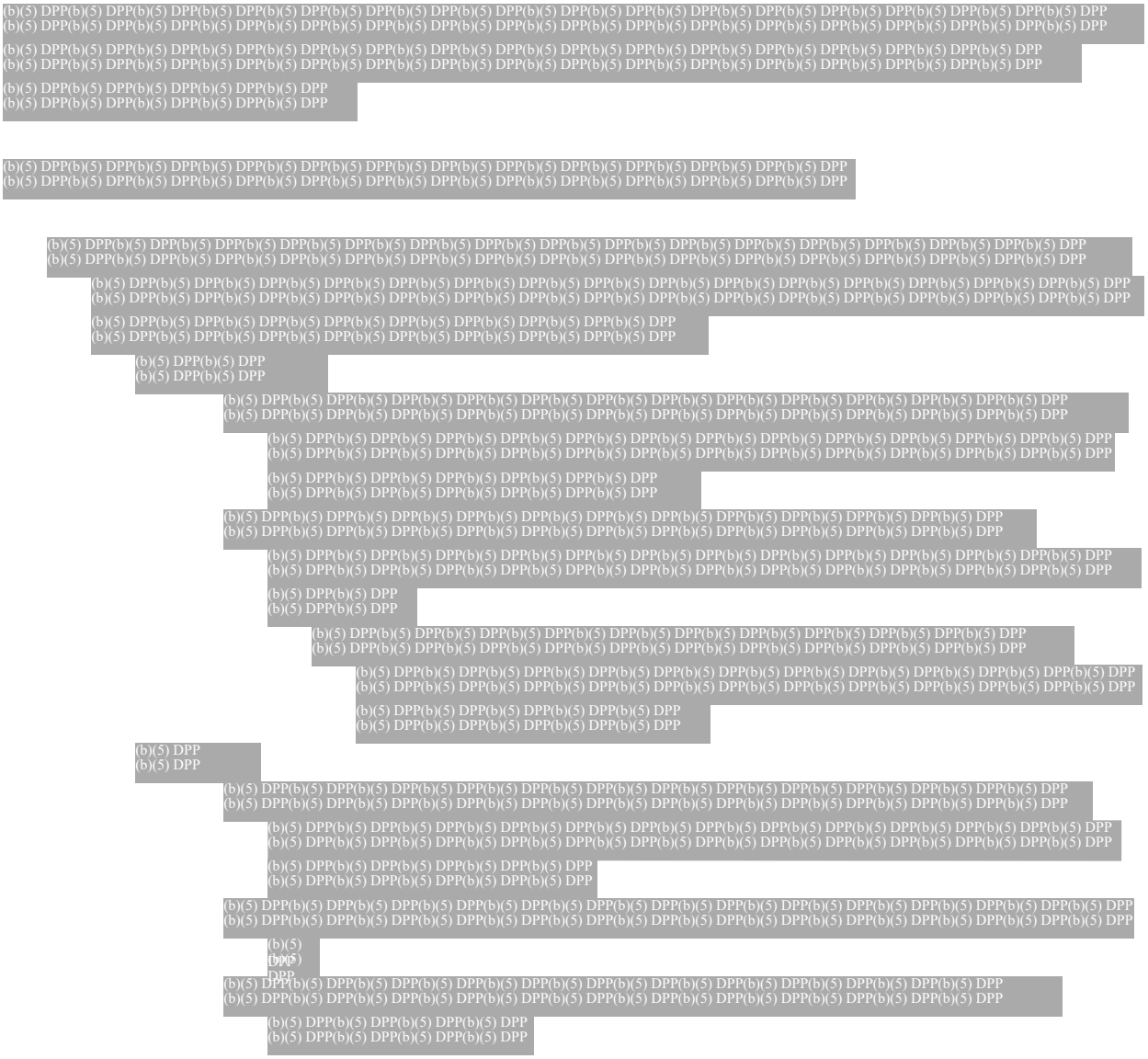
The BO for ECPO (Jerry)

Staff species lead discussions, questions and answers, etc.

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Rox: Asked for input on potential fatal flaws from spp leads, we need to provide for HCP revision before next ECPO update (Feb 15).
Q: effects, cell towers built for new population?

Jerry: Effects need to be reasonably foreseeable to include in analyses.


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Common Name	Scientific Name	Status	Staff assigned
Mammals			
Florida bonneted bat	*Eumops floridanus*	F-E	Sandra
Everglades mink	*Neovison vison Evergladensis*	S-T	Heather
Florida panther	*Puma concolor coryi*	F-E	Ken/Chuck
Big Cypress fox squirrel	*Sciurus niger avicennia*	S-T	Heather
Birds			
Florida sandhill crane	*Antigone canadensis pratensis*	S-T	Heather
Florida scrub jay	*Aphelocoma coerulescens*	F-T	Liz
Burrowing owl	*Athene cunicularia*	S-T	Heather
Little blue heron	*Egretta caerulea*	S-T	Adam
Tricolored heron	*Egretta tricolor*	S-T	Adam
Southeastern American kestrel	*Falco sparverius paulus*	S-T	Heather
Wood stork	*Mycteria americana*	F-T	Marla
Water supply? Where water is withdrawn may affect storks?			
Red-cockaded woodpecker	*Picoides borealis*	F-E	Chuck
Roseate spoonbill	*Platalea ajaja*	S-T	Adam

Audubon's crested caracara	*Polyborus plancus*	F-T	Steve S.
Juv congregation area is significant throughout this region. Would be taken - there are no congregation areas analyzed before. Need to confirm whether HCP text avoids effects to the congregation site. See p 215 of HCP			
Everglade snail kite	*Rostrhamus sociabilis plumbeus*	F-E	Marla
Red knot	*Calidris canutus rufa*	F-T	Jeff Howe
Reptiles			
Eastern diamondback rattlesnake	*Crotalus adamanteus*	F-Under Review	Lindsay
Eastern indigo snake	*Drymarchon corais couperi*	F-T	Connie
Gopher tortoise	*Gopherus polyphemus*	F-C	Heather
Gopher frog	*Lithobates capito*	F-Under review	Lindsay

Suggestion to begin weekly BO check-ins (Thursdays?) among BO biologists. Check-in on progress.

February 7 Afternoon

Public comment compilation, tabulation and collating responses.

February 8, In-Service Update

Present: Rob Tawes, Jerry Ziewitz, David Dell, Heather Hitt, Ken McDonald, Connie Cassler, Nikki Price, Trish Adams, David Shindle, Roxanna Hinzman, Chuck Kelso

Recap accomplishments, action items, and decisions from Feb 7 meetings.

Major Tasks:

- Establish weekly BO status updates.
    - Day and Time: Connie will check staff calendars Thursdays 8:30 - 9:30
    - lead: Connie
- BO spp leads identify potential fatal flaws that may need addressed in HCP, need for Feb 15 ECPO update. (Connie to be FO contact to funnel to RO)

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February 22, 2019

East Collier HCP

In-Service Update

Present: Connie Cassler, David Dell, David Shindle, Jerry Ziewitz, Ken McDonald, Rob Tawes, Chuck Kelso

Topics --

- SO 3355 Schedule
    - Proposed 50-day extension provided to HQ February 13.
    - According to HQ Coordinator, Trish Adams, status of Department review and decision on timeline revision requests, as of this morning: No idea. We didn't have our NEPA team meeting this week. But my guess is that we might hear something on Tuesday when HQ meets the the Dept.
    - Briefing materials being prepared for RD (Rob)

- Status of Tribal consultation
    - Miccosukee - We proposed dates for a meeting and have not gotten a response on those yet. They did indicate they were sending us a letter.
    - Seminole - We haven't heard back from them on proposed dates yet.
    - We offered a joint meeting if that works better for both Tribes.

- Suggestions for HCP revisions -- provided to ECPO December 21, 2018
    - Their target to us is today, Feb, 22
    - We have allowed through Feb 28 for follow-on discussion over the HCP revisions
    - Discussion on our suggested revisions, February 20, 2019, 1-3pm
        - Attendees: Carter Clements, Rob Tawes, Bruce Johnson, Christian Spilker, Chuck Kelso, Andrew Turner, Jerry Ziewitz, David Dell, Connie Cassler, Ken McDonald
        - Purpose was to help focus their revisions planned for Feb, 22 delivery, and to smooth/minimize follow-up discussion time alloted through Feb 28.
        - Most discussion centered around project-specific BMPs and ECPO's perception that we were pushing to "stack buffers on top of buffers" adjacent to the preserve corridors. r
        - According to Christian, it would not be practicable for ECPO to have a range of BMPs available that we would have to negotiate at every Project consistency check in the future. This would negate the Project

streamlining they seek, and would make Projects unattractive to prospective developers.

- Christian suggested that ECPO provide us a list of "universally acceptable" BMPs that ECPO would commit to in every Project. Service agreed that such an approach should answer concerns identified as highest priority in our December 21 suggested revisions.
- Christian explained that BMPs that don't constrain construction site design will be more readily and universally accepted and committed to by ECPO members.
- ECPO was amenable to the idea of HOAs assuming responsibility for BMPs within respective Projects into the future. We discussed how that might work through partial permit transfers to the HOAs.
- Dell followed up afterward in response to Bruce's request for example ITPs where HOA transfer was used.
- Christian explained why they resist placing more buffers -- the buffers are already built into the proposed preserve lands. They use local programs and terms ("WRAs," "floways", etc.) to define these. More buffers eat into their development plans.
- In ECPO's perception, they could literally pave the entire 45,000 acres using the 107,000 acres of preserves as mitigation. We suggested that might be difficult, and that BMPs will be necessary to meet issuance criteria. Bruce Johnson interjected a helpful discussion on "softening" projects with BMPs to isolate Preserves from Project effects and thereby ease the boundary transition from development to Preserve.
- Christian committed to poll ECPO members and develop a list of universally acceptable BMPs that would be required for every Project proposal.
- Christian also committed to ensure HCP better describes the measures used, and the benefits of, the buffers already built into the Preserve boundaries.
- Carter outlined their revisions to HCP ch 9 where they clarify funding sources and responsibilities.

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assumed by the HOAs. ECPO agreed that such follow-on costs could be borne by the HOAs.

- We discussed the red knot and data needs. It will not be practicable to estimate acres of potential red knot habitat in the Plan area: agricultural field management is subject to yearly changes as crops are selected or as farm lessees change.
- Connie agreed that we would use the available data.
- Dell suggested it would be helpful to briefly explain in the HCP why coverage for red knot was not requested.
- Ken raised issues with anti-coagulant pesticides. He sent information on 2/21 and follow up with Bruce.

Commented [1]: What is the future state of the preserve areas at the end of he HCP?

- Status of BO
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- One task that should be considered for the EIS is checking each species section as the BO sections are completed and editing the EIS to match.
  - Possibly use same staff that drafted the BO sections.
  - This was identified as a concern, especially considering the Coral reef Commons plaintiffs exploited discrepancies between the EA and BO.

- Status of Tabulation of comments
  - Ask staff to review comments and start populating the "Response" column.
  - Need rules about sorting or manipulating the spreadsheet? Accidents could happen with many hands involved.

ACTION ITEMS:

- Jerry needs help with his new BO chapter 3. (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP
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  - Chuck Kelso was assigned by acclamation.

- The BO and EIS have sections on species effects that need to be rectified, per concern listed above in "Status of comment responses." Rather than have BO species leads do the cross-check, we settled on an RO staff person being assigned.
  - Rob followed up and discussed it with Christine Willis.

March 8, 2019

East Collier HCP

In-Service Update

Present: Chuck Kelso, Constance Cassler, David Dell, Rob Tawes, Vicki Mott, Kristen Peters, Trish Adams, Jerry Ziewitz, Dave Shindle, Rachel London,

Topics --

- SO 3355 Schedule
    - Proposed 50-day extension provided to HQ February 13.
    - We learned March 6, that all extension requests over 30 days will require a waiver request. Rob and David have begun prepping, but HCP revisions from ECPO are not in yet.
    - Due to events out of our control,
        - *Revised HCP not in yet*
        - *Trish recommended itemizing/documenting all the remaining tasks that are occurring to meet the current deadline to demonstrate that we are not just waiting on the applicant.*
        - *Department has impression that we are not prioritizing actions affected by 3355.*
        - *Rachel indicated that the Department may encourage applicants to move on their component, and has done so on at least one ocaission.*
        - *Jerry emphasized the importance of the applicant providing the information we need to complete our analysis. The information needed for the BO is basic and vital to the analyses.*
        - *We asked for information on Dec 20. Applicants focused on public comment responses first, and in February began revising the HCP.*
        - *Earlier this week Leo had indicated that we should stick with the 50-day request.*

- Status of Tribal consultation
    - Miccosukee - They are writing a comment letter. They have not yet responded to dates proposed for a webinar. *Rob suggested a follow-up reminder to the Tribe. Connie will see to this through the FO Tribal Liaison*
    - Seminole - Webinar scheduled for March 29, 1-4pm
    - We offered a joint meeting if that works better for both Tribes.

- Suggestions for HCP revisions -- provided to ECPO December 21, 2018
  - Their target to us is now, March 7
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  - *No revised HCP as of Friday morning.*

- Status of BO
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        - Possibly use same staff that drafted the BO sections.
        - This was identified as a concern, especially considering the Coral reef Commons plaintiffs exploited discrepancies between the EA and BO.
        - *A reminder*

- Status of Tabulation of comments
    - Ask staff to review comments and start populating the "Response" column.
    - Need rules about sorting or manipulating the spreadsheet? Accidents could happen with many hands involved.

ACTION ITEMS:

    -

March 22, 2019

East Collier HCP

In-Service Update

Present: Chuck Kelso, Chris Guy, David Shindle, David Dell, Jerry Ziewitz, Angela Romito, Rob Tawes,

Topics --

- SO 3355 Schedule
    - Proposed 60-day extension waiver request on its way to RD
    - Will brief Leo Monday, March 25, to discuss timeline and draft BO findings

- Status of Tribal consultation
    - Miccosukee - meeting or webinar, March 27
    - Seminole - Webinar scheduled for March 29, 1-4pm
    - *Chuck and Connie will check with Kevin and Tim regarding any info these meetings might need from us.*

- Suggestions for HCP revisions -- provided to ECPO December 21, 2018
    - No fully revised HCP so far -- last item is listing of universal BMPs

- Status of BO
    - Finalizing IM for RD briefing on March 25
    - IM will need to be finalized by COB today.
    - Number 1 priority for today.
    - *Rob, Chris, David Shindle, and others continued drafting on IM. Handed off to Chris and Jack by 2:15*

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- Status of EIS and comment responses:
    - AECOM' provided revised EIS and comment responses March 15

    - One task that should be considered for the EIS is checking each species section as the BO sections are completed and editing the EIS to match.
        - Possibly use same staff that drafted the BO sections.
        - This was identified as a concern, especially considering the Coral reef Commons plaintiffs exploited discrepancies between the EA and BO.
        - *A reminder*

- Status of Tabulation of comments
    - Ask staff to review comments and start populating the "Response" column.
    - Need rules about sorting or manipulating the spreadsheet? Accidents could happen with many hands involved.

ACTION ITEMS:

    -

April 5, 2019

East Collier HCP

In-Service Update

Present: Jerry Ziewitz, Rob Tawes, Connie Cassler, David Dell, Chuck Kelso, Vicki Mott, David Shindle

Topics --

- SO 3355 Schedule
    - Waiver approval signed by Department April 1
    - Revised timeline distributed April 4 to Service

- Status of Tribal consultation
    - Miccosukee - March 27
    - Seminole - March 29
    - Waiting on written comments
    - Major concerns of both
        - Wildlife movement
        - Cultural resources
        - *We can use the cultural resource information from the dEIS provided by AECOM -- the version before it was scrubbed for publication.*

- Revised HCP
    - Received March 25

- Status of BO
    - Finalized acreage numbers for BO
    - GIS staff will produce 2 maps that can be used in the BO: 1 is HCP without eligible lands and 1 is HCP with eligible lands
    - Panther, caracara, wood stork, and snail kite draft sections are in progress. Other species have been drafted and are awaiting final acreages and internal review.
        - Cumulative effects chapter will need revision.

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- Status of EIS and comment responses:
    - AECOM provided revised EIS and comment responses March 15
    - One task that should be considered for the EIS is checking each species section as the BO sections are completed and editing the EIS to match.
        - Possibly use same staff that drafted the BO sections.
        - This was identified as a concern, especially considering the Coral reef Commons plaintiffs exploited discrepancies between the EA and BO.
        - *A reminder*
    - Dell did a quick review of the revised EIS April 2

- Status of Tabulation of comments
    - Ask staff to review comments and start populating the “Response” column.
    - Need rules about sorting or manipulating the spreadsheet? Accidents could happen with many hands involved.

ACTION ITEMS:

-

April 19, 2019

East Collier HCP

In-Service Update

Present: Chuck Kelso, Connie Cassler, David Dell, David Shindle, Jerry Ziewitz, Rob Tawes

Topics --

- SO 3355 Schedule
    -

- Status of Tribal consultation
    - Miccosukee's received
        - Follow-up items from the April 11, in-Service meeting
        - Acknowledgement letter to Tribe on surname at RO

- Status of BO
    - All species have a draft (panther draft needs more info)
    - 3 of the 20 species sections are complete
    - 11 of the 20 species sections have had at least 1 internal review
    - Roxanna has offered to review complete document for consistency when we are ready. Set aside time on her calendar when we are close.
    - Angela Romito will be in Vero next week to do a sensitivity analysis of the panther PVA
    - Jerry working with Ken, panther chapter will include a PVA, unlike other chapters, precedent with ABM (Gulf Highlands/Beach Club West)
    - Connie set up Wed meeting on underpasses

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- Status of EIS and comment responses:
    - EIS cleaned up, needs input, about 3 pages over
    - Dell starting on the Appendices, just made a "Final EIS" folder on Connie's drive

- Status of Tabulation of comments

- Ask staff to review comments and start populating the “Response” column.
- Need rules about sorting or manipulating the spreadsheet? Accidents could happen with many hands involved.

ACTION ITEMS:

-

May 3, 2019

East Collier HCP

In-Service Update

Present: Rob Tawes, David Dell, Connie Cassler, Ken McDonald, Chuck Kelso, Angela Romito, Jerry Ziewitz

Topics --

- SO 3355 Schedule
    - Status of waiver
    - *We proceed assuming it is in effect. Will need to coordinate with ECPO.*
- FOIA
    - June 2017 from ECPO, FWS-2017-00934
    - Recent, ongoing batch from Jimmy Tobias
        - As expressed by ECPO at our last Update, they would want copies of our responses
        - ECPO should FOIA us for these, we can't reach back to the 2017 request
        - Issues fulfilling these recent FOIAs?
            - *Connie related that they are not doing much until Tobias and the FOIA officers settle on a more focused request. Rox has/will provide locations of many documents already online.*
            - *Rob will confirm with FOIA staff if they have clarified with the requestor.*
    - Delays in our responses: 2017-00934 is still unfulfilled -- do we owe anything to FOIA staff?
        - *Connie will double-check. This was LeeAnn's responsibility. Connie will confirm if everything has been uploaded.*

- Status of Tribal consultation
    - No reply from the Seminoles, but from this week's e-mail string, it's apparent that they have not neglected it.
    - Miccosukee
        - Acknowledgement letter to Tribe signed April 29, mailed on April 30
        - Now that a few days have passed, may be worth e-mailing the acknowledgement to a Tribe representative
            - *We asked the FO to send the RO-signed acknowledgement letter.*
        - Draft formal response on the drive

        - *Dell will broadcast later today for input.*
    - (b)(5) ACP(b)(5) ACP(b)(5) ACP(

May 17, 2019

East Collier HCP

In-Service Update

Present: David Dell, David Shindle, Vicki Mott, Chuck Kelso, Connie Cassler, Jerry Ziewitz, Ken McDonald, Kevin Palmer, Larry Williams, Rob Tawes, Tim Binzen, Mike Crowley

Topics --

- Status of Tribal consultation
    - No reply from the Seminoles
        - Do we have to wait?
        - *Tim says that there is no set period as there is for a SHPO, but that we must give them a reasonable amount of time. Given that the tribe has been reminded at least twice since the kick-off webinar, and the fact that they indicate they will provide comments, we should wait.*
        - *Dell says there is no hurry at this point, but we should try to keep it moving.*
        - Can we assume concurrence/no-objection after a certain period?
        - *Kevin got confirmation Thursday from Seminoles they are still working on a response to us.*
        - *Kevin told us they expect to provide us comments by Wednesday.*
        - *Tim and Kevin discussed the staff transitions the Tribe is going through. We may expect timely response on cultural resources, but their wildlife section may be delayed.*
    - Miccosukee
        - Acknowledgement letter to Tribe signed April 29, mailed on April 30
        - Draft formal response on the drive for a couple weeks now
        - *Connie will be filling in responses*
        - *Tim expects to review today.*
        - *Rob mentioned ECPO's intent, expressed at the May 10 update, to FOIA us for Miccosukee consultation documents.*
    - (b)(5) ACP(b)(5) ACP(b)(5) ACP(

        - *Dell has the complaint if anyone wants to see it. It appears that the Service did not consult with the affected Tribe, but it also appears that the Tribe is not Federally recognized. According to Tim, a non-recognized tribe is treated as any other interested member of the public -- they do not have "nation to nation" status.*

- SO 3355 Schedule
    - ECPO's call to the Department
        - *Occurred between end of May 10 Update and our May 14, 1:30 meeting.*
        - (b)(5) DPP(b)(5) DPP(b)(5) DPP(

- Status of BO
    - As our draft BO matures, when can we share with ECPO?
        - *Jerry and Connie spent through noon yesterday reviewing Rox's comments on the BO. Jerry also sees systemic issues to correct.*
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    - Status?
        - *Even considering the above concerns, Jerry thinks it may be possible to have a draft BO, without the panther section, later next week.*
        - *If we have something to share with ECPO next week, we could offer it. Otherwise, we can see if they ask, and offer the partial BO in the following days.*
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    - As BO work winds down, should I trim the invitee list to this call?

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- Status of EIS and comment responses:
    - EIS and Appendices cleaned up, needs input, about 3 pages over
    - Need to estimate Service and Applicant costs to prepare final EIS
    -

- Status of Tabulation of comments
    - Ask staff to review comments and start populating the "Response" column.
    - Need rules about sorting or manipulating the spreadsheet? Accidents could happen with many hands involved.

ACTION ITEMS:

Dell, David <david_dell@fws.gov>

action area for East Collier

4 me age

Ziewitz, Jerry <jerry_ziewitz@fws.gov> Fri, May 31, 2019 at 8:47 AM
To: Constance Cassler <constance_cassler@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, David Dell david dell@fw gov , Ro anna Hinzman ro anna hinzman@fw gov
Cc: Kenneth Mcdonald <kenneth_mcdonald@fws.gov>

(b)(5) DPP(b)(5) DPP(b)(5) DPP

see if Tori is willing to get on the phone with us - since she might have some history here. Want to make sure we have a robust discussion with all involved before we make this kind of change.
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

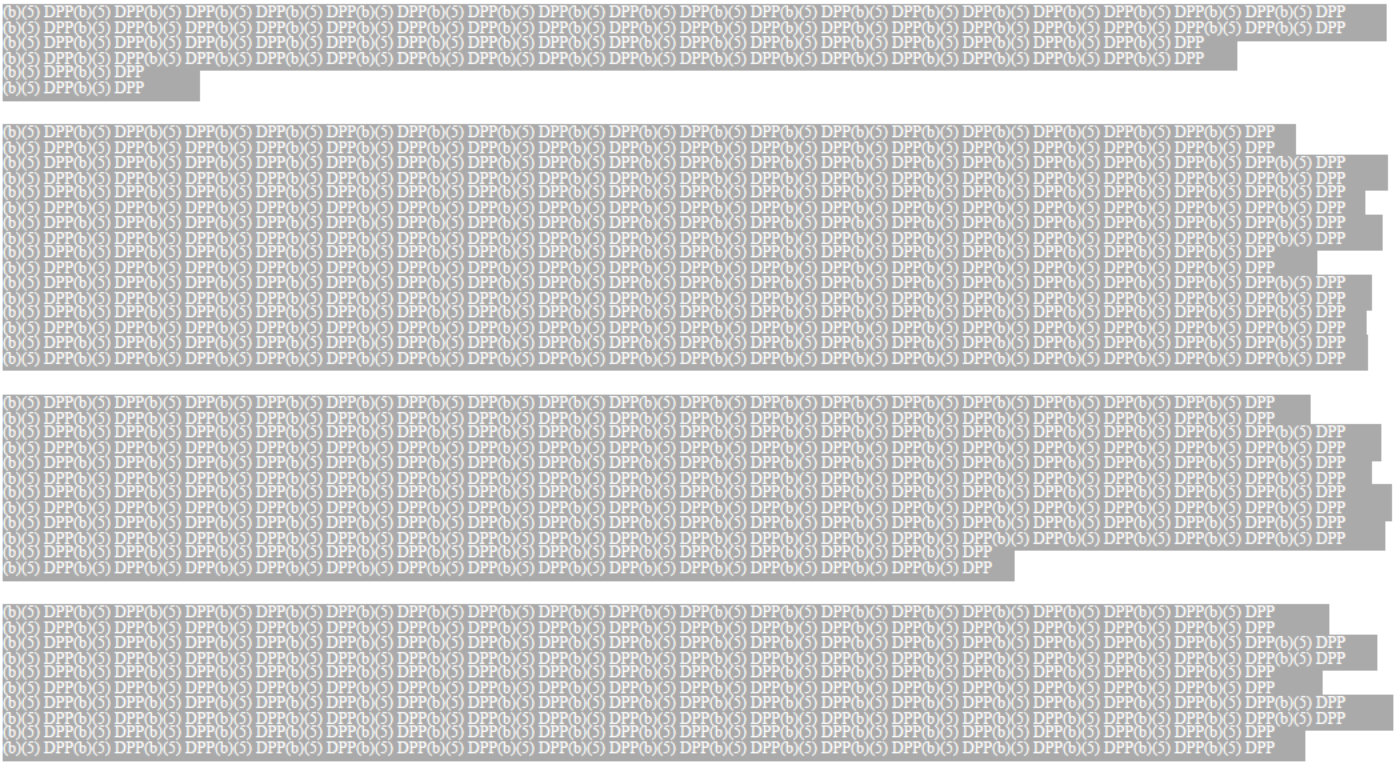
Southeast Region Vision: Together, we will connect lands and waters to sustain fish, wildlife and plants by being visionary leader bold innovator and tru ted partner working with and for people

Follow us on Twitter @USFWSVERO
Follow us on Facebook @USFWSSouthFlorida
Vi it our Web Site http //www fw gov/verobeach/

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.

[Quoted text hidden]

Mcdonald, Kenneth <kenneth_mcdonald@fws.gov> Fri, May 31, 2019 at 10:13 AM
To: "Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
Cc "Ziewitz, Jerry" jerry ziewitz@fw gov , Con tance Ca ler con tance ca ler@fw gov , Robert Tawe <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>



(b)(5) DPP

Ken

[Quoted text hidden]

--
Kenneth McDonald
Fish & Wildlife Biologist
South Florida Ecological Services Field Office
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Vero Beach, Florida 32960-3559
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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

Ziewitz, Jerry jerry ziewitz@fw gov Fri, May 31, 2019 at 11 12 AM
To: "Mcdonald, Kenneth" <kenneth_mcdonald@fws.gov>
Cc: "Hinzman, Roxanna" <roxanna_hinzman@fws.gov>, Constance Cassler <constance_cassler@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>

Ken,

(b)(5) DPP Please read Doug's Topic Sheet. It does a pretty good job of explaining this distinction.

(b)(5) DPP

"Good judgment comes from experience. Experience comes from bad judgment."
SecondFortune.com
Lucky Numbers: 10, 28, 20, 12, 1, 29

Jerry Ziewitz
Endangered Species Act Consultation Coordinator
Southea t Region, USFWS
10210 Miccosukee Road
Tallahassee, FL 32309
850-877-6513
jerry ziewitz@fw gov

[Quoted text hidden]

SECTION 7 TOPIC SHEET – Action Area

Defining the action area for use in a biological assessment and biological opinion is an important early step in the species list and consultation process, because it informs and constrains several aspects of the consultation. However, there can be some confusion over how to describe it. Confusion usually surfaces when the definition of effects of the action (extent of the action's effects to listed species or critical habitat) is used (inappropriately) to influence the description of the action area (area affected by the action). Here we examine the logical and appropriate relationship between the two definitions and their place in consultation.

Origination of Action Area Term

The first reference to the concept of action area is found in 7(a)(4)(c) of the Act.

> *(c) BIOLOGICAL ASSESSMENT.- (1) To facilitate compliance with the requirements of subsection (a)(2) each Federal agency shall, with respect to any agency action of such agency for which no contract for construction has been entered into and for which no construction has begun on the date of enactment of the Endangered Species Act Amendments of 1978, request of the Secretary information whether any species which is listed or proposed to be listed may be present in the **area** of such proposed action."* [Emphasis added.]

A process to comply with the Act's requirement was described and codified in the regulations at 402.12(2)(c).

> "R*equest for information. The Federal agency or the designated non-Federal representative shall convey to the Director either (1) a written request for a list of any listed or proposed species or designated or proposed critical habitat that may be present in the action area; or (2) a written notification of the species and critical habitat that are being included in the biological assessment.*" [Emphasis added.]

To accomplish this, the action agency needs to provide a description of the action area, so that the Services can produce a species list for the action agency to consider for its BA. [Note: Non-regulatory terms such as recovery units, management units, project area, area of interest, analysis area, planning area, etc. are not substitutes for defining the action area.] Action area is defined as

> *"…all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action [Emphasis added]."* 50 CFR 402.02

What is the nature of an agency's "action" that they would use to describe the area impacted? Action is defined in the regulations as

> "*…all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas. Examples include, but are not limited to: (a) actions intended to conserve listed species or their habitat; (b) the promulgation of regulations;(c) the granting of licenses, contracts, leases, easements, rights-of-way, permits, or grants-in-aid; or (d) actions directly or indirectly causing modifications to the land, water, or air."* [Emphasis added.] 50 CFR 402.02

Combining these two concepts, this means that we are looking to describe the area where the action has modified the land, water or air. This emphasis in describing the spatial extent of the impacts of the action, "…directly or indirectly causing modifications to land, water, or air", (with no mention of effects to fish or wildlife) is logical in relationship with the preceding language from the

statue and regulations regarding species lists, because we need the action area defined before we develop a species list.

The definition of action area however, does contain the phrase "…affected directly or indirectly…". What is that referencing? In the preamble to the 1986 regulations the Service noted this about the action area definition: "*Several commenters criticized the vagueness or apparent expansiveness caused by the reference to indirect effects in this definition. The definitions of "cumulative effects" and "effects of the action" further clarify the scope of "indirect effects*." Following that direction in the preamble, and turning to the definition of effects of the action (which contains several other definitions) we find a definition for indirect effects. *"…Indirect effects are those that are caused by the proposed action and are later in time, but still are reasonably certain to occur*." The regulations do not offer a definition of direct effects.

Armed with this final definition, an alternate (but accurate) definition of action area could be arranged this way.

> The area (area) where land, water, or air will be modified (action) directly, or by effects caused by the Federal action, but that occur later in time (indirectly) and not merely the immediate area involved in the action.

Now we have delineated the area affected by the action, and have a list of species that may be present in that area. The action agency can start the examination of whether listed species are present in the action area and are therefore likely to be exposed to the modifications to the land, water, or air. This exposure examination is consistent with the regulations for suggested contents for a BA. There we find the following point.

> "…*the results of an on-site inspection of the area affected by the action to determine if listed or proposed species are present or occur seasonally*,…"[Emphasis added.] CFR 402.12(f)

After a determination of likely exposure, the species' response to that exposure is the subject of the next step.

Effects of the action to the species

The concept of effects of the action to species and designated critical habitat is found in the definition of effects of the action. This definition covers a lot of ground and holds many different definitions (including one for indirect effects which we used in helping delineate the action area). For clarity, the definition, broken into its four sentences, is reproduced below.

> "*Effects of the action refers to the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action that will be added to the environmental baseline.*
>
> *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 which are contemporaneous with the consultation in process.*
>
> *Indirect effects are those that are caused by the proposed action and are later in time, but still are reasonably certain to occur.*
>
> *Interrelated actions are those that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration"* [Emphasis added.] 50 CFR 402.02

From the wording it's clear that for "effects of the action" we are turning our focus to how the proposed action (interacting with the action area's baseline) will affect exposed listed species or critical habitat. Here, action area is used twice, both times as a means of indicating the spatial extent of the environmental baseline (which is established before we examine the effects to the species). Putting all of these concepts together, a logical, analytical progression could be represented this way.

Identify the action (Proposed Action) → Describe areas affected by the action (Action Area) → Determine species (or critical habitat) that may be present in the action area (Species List) → Determine the status of the listed species or critical habitat within the action area (Baseline) → Analyze the effects of the action on listed species and critical habitat by examining their response from exposure to the environmental changes in the action area caused by the action (Effects of the Action).

Not surprisingly, that is the stepwise organization the handbook (p. 4-13) uses to portray the format of a biological opinion.

Summary Points

- Since the action area represents the area containing all the modifications to land, water or air, it will contain all points of the species exposure to changes in the action area. But the action area does not always contain the full and final expression of the biological response and effects resulting from that exposure. The action area boundary does not grow or shrink based on the total biological effects to listed species. [1]

- The words "direct and indirect" are used to inform both definitions of action area and effects of the action, but within those definition's independent contexts. It is meant to insure that effects "later in time, but still reasonably certain to occur" are not overlooked.

- If during consultation additional areas are found that will be subject to land, water, or air modifications (from the action - usually from forgotten indirect effects), it is appropriate to adjust the action area boundary and examine any new exposure of the listed species to those environmental modifications and the species response and effects from that exposure.

- Conflating or blending the separate definitions of "action area" and "effects of the action" will lead to a confusing and inconsistent description of the action area, and result in incorrectly establishing the baseline and assessing cumulative effects.

- Recovery units, management units, population segments, etc., may be useful and appropriate for analysis of Jeopardy, or Destruction or Adverse Modification, but are not substitutes for thoughtfully defining the action area consistent with the Act and regulations.

[1] Though caused by the action, biological effects of the action on the species may in some cases be realized/expressed far beyond the action area (reduction in breeding success in remote breeding grounds, reduction in survival on wintering areas, migration corridors, etc.). And though we would adequately describe all those biological ramifications in our analysis, the action area does not expand to encircle those areas.

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May 31, 2019

East Collier HCP

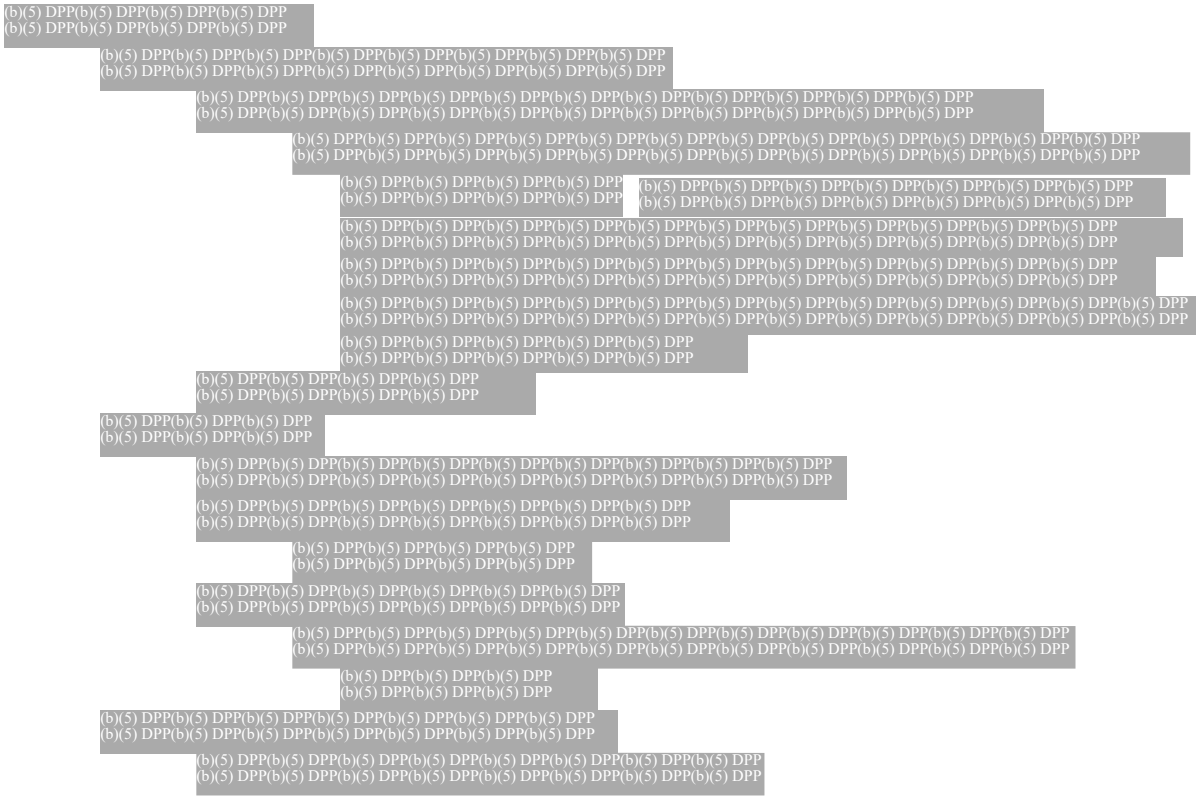
In-Service Update

Present: Chuck Kelso, Connie Cassler, David Dell, David Shindle, Jerry Ziewitz, Ken McDonald, Larry Williams, Rob Tawes, Tim Binzen, Angela Romito, Kevin Palmer, Mike Crowley

Topics --

- Status of Tribal consultation
    - Seminoles
        - *What to make of the May 30 e-mail?*
        - *Tim: this addresses section 106 only, do we expect natural resource comments?*
        - *Kevin: This is all he expects from them on section 106. He meets with the Seminoles next week -- he will clarify if the e-mail constitutes their response to formal consultation, and also whether they intend to provide natural resource comments.*
        - *We will prepare a formal reply if Kevin confirms the above.*
    - Miccosukee
        - *Response being finalized for surname*
        - *Need input on South Florida Water Management District and their authorities over surface waters (questions for Progulske in the attachment).*
            - *Larry suggests reaching out to Kim Dryden for clarification. SFWMD does issue permits in conjunction with Corps 404 permits.*
            - *Dell will send request to Dryden, copying Connie, Larry, and Bob Progulske.*
        - *When/How do we inform the Miccosukee that we have received a FOIA request from ECPO, and will have to release their April 2, letter?*
            - *Tim described this as a learning experience -- from now, formal consultation initiations will include a FOIA release disclaimer to the tribe.*
            - *Tim will review the tribe letter and provide input today. He will also provide suggested FOIA language to our formal reply.*

- *As we review individual ECPO projects in the future, do we consider that a renewed consultation or a continuance of the consultation already opened? We do not want to have these signed at a high level for every future ECPO project.*
  - *Tim: technically, the future projects would be new consultations. The idea of "continuing" a consultation would need to be based in an MOU.*
  - *Dell will not dwell on the concept in our response to Miccosukee. We will continue as we are and let them propose an MOU.*


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- *Dell will finalize the IM and share with FO ASAP -- after the meeting, Jack Arnold asked for it to review and possibly discuss with Leo late today. Draft IM sent to Jack, Larry, and Rox by mid-afternoon, May 31.*

- FOIA
  - Any updates?
  - *Connie still tracking down items with LeeAnn*
  - *Given that we in the RO are also confused on the status of responses by Dell and Tawes, Rob suggests a meeting among FO, RO, and FOIA staff to clarify. Rob will schedule.*

- Status of BO
  - Are we at a point that we can share with ECPO? -- *No.*
  - Status?
    - *Just prior to our meeting, Jerry distributed his latest thinking on the action area (pulls back from 25-mile radius), and a synopsis of concluding the panther analysis (time-step scenario).*
    - *These are significant items to consider -- need a separate meeting.*
    - *Larry suggests a timeline defining deliverables along the way.*
    - *We settled on the next in-Service update for June 14, to conclude the action area and time-step items.*
  - Action area
    - Discussion with SFESFO pending
    - *Jerry will lead discussion on action area in the coming days.*
  - Time step analysis
    - Parameters/steps to be decided
    - *The blanks in the time-step analysis are the parameters coming from the decision tools.*
  - *We discussed the decision tools prepared by Angela. She suggests a webinar to step through the SDM process she proposes. Jerry suggests focusing Angela's tools on the blanks in the panther analysis synopsis.*
  - *Angela began turning attention toward use of SDM tools in evaluating section 10 issuance criteria besides the jeopardy criterion.*

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- Comment responses
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ACTION ITEMS:

Meeting with Larry regarding timeline/list of looming actions around regular meeting June 14.

PVA Discussion :

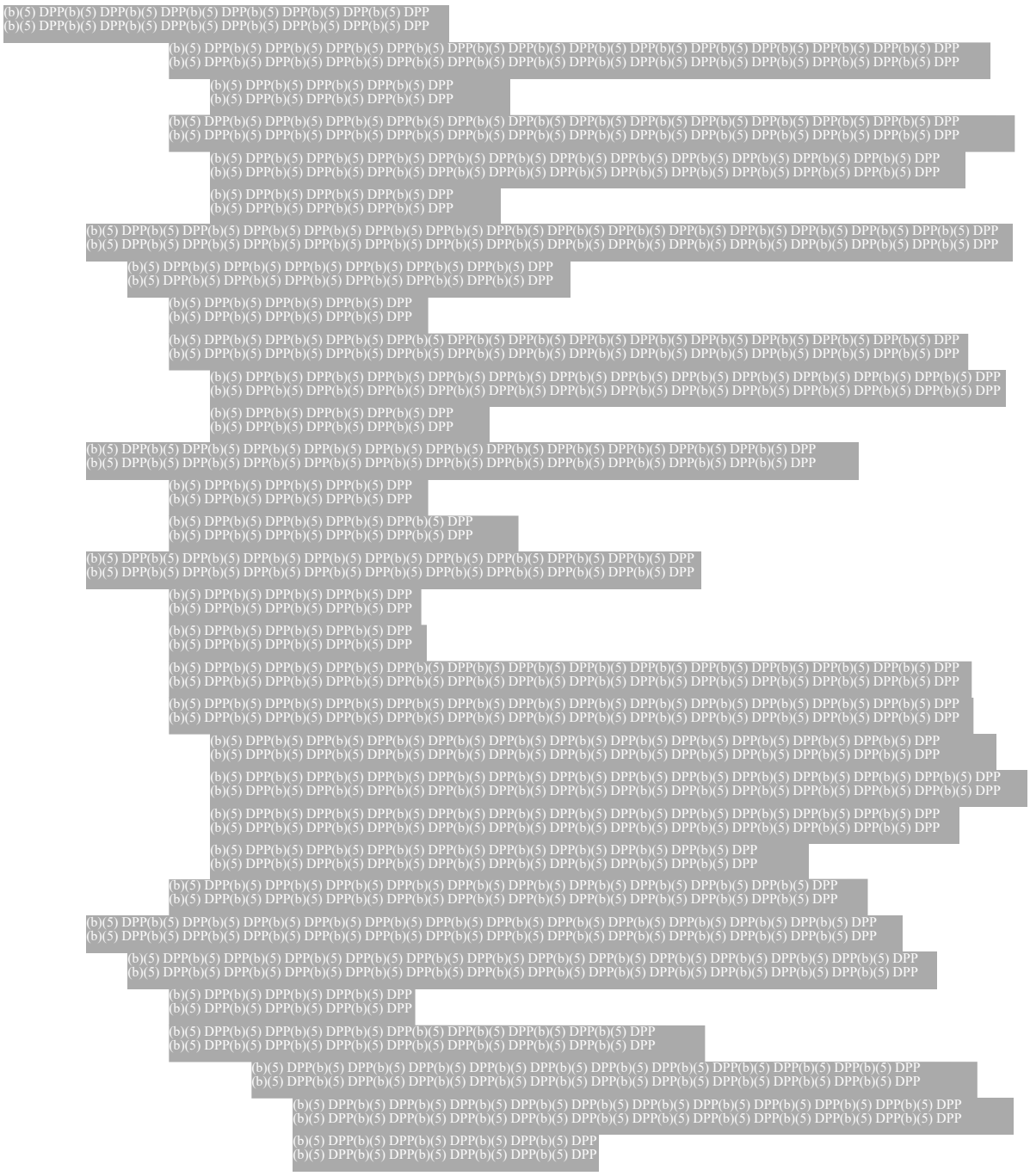
Sensitivity analysis

Decision tree (re risk tolerance)

June 14, 2019

East Collier HCP, In-Service Update: Milestones Excerpt

Present: Chuck Kelso, Connie Cassler, David Dell, David Shindle, Jerry Ziewitz, Ken McDonald, Larry Williams, Tim Binzen, Angela Romito, Kevin Palmer, Rob Tawes


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June 14, 2019

East Collier HCP

In-Service Update

Present: Chuck Kelso, Connie Cassler, David Dell, David Shindle, Jerry Ziewitz, Ken McDonald, Larry Williams, Tim Binzen, Angela Romito, Kevin Palmer, Rob Tawes, Roxanna Hinzman

Topics --

- Use new telephone number next time
- Status of Tribal consultation
    - Seminoles
        - According to Kevin's meeting on June 5, we will receive more comprehensive comments than their May 30 e-mail.
            - *Kevin expects their final comments end of this week.*
            - *Tim suggests providing them a gentle reminder if we receive nothing by middle of next week.*
        - Do we need to do anything else to answer their question about the Sierra Club letter?
            - *Kevin asked for some background explanation to use in his discussion with the Tribe. Dell explained that the comment letter was not a serious issue, but will circle back with more to Kevin.*
    - Miccosukee
        - Response letter on surname, delivered to RD's office June 12.


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- Status of BO
    - Are we at a point that we can share non-panther portions with ECPO?
    - Status?
        - *Jerry still needs revised chapters for eastern indigo (Adam Knutson), RCW (Chuck Kelso), and snail kite (Marla/Connie). Waiting on chapter leads.*
        - *Action area revisions may need to be made across all species.*
        - *Bonneted bat chapter needs help also.*
    - Action area -- anything new, updates?
        - *Discussion scheduled for this afternoon with HQ section 7 coordinator.*

- Status of EIS and comment responses:
    - EIS and Appendices cleaned up, needs input, about 3 pages over
    - Need to estimate Service and Applicant costs to prepare final EIS
    - *This only needs a little work in order to provide to ECPO for their review.*
    - **LINK to EIS:** https://drive.google.com/open?id=1-JeXaMvaO29yXvMm_L8AIZph5aHz4VI9
    - *Dell emphasized this is low-hanging fruit to get accomplished. Rox asked for clarification of what's needed. Dell needs to supplement his edits of AECOM's draft with FO's knowledge/input.*

- SO 3355 Schedule
    - Information Memorandum pertaining to SO 3355 pause status transmitted to Director's Office 6/5/19. Pause implemented in Department database 6/6/19.

- FOIA
    - Unmet expectation from May 31: Given that we in the RO are also confused on the status of responses by Dell and Tawes, Rob suggests a meeting among FO, RO, and FOIA staff to clarify. Rob will schedule.

    - *Rob still needs to schedule that meeting.*
    - *A couple of the RO FOIAs completed*
    - *Question about AECOM's contract with ECPO -- competitive business exemption?*
    - *Rob will ask Christian and relay answer to Connie, this affects some of her responsive documents related to AECOM's contract.*

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- Comment responses
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    - *Need to look ahead -- can BO species leads be assigned some of this?*
    - *Dell and Cassler need to catch up on organizing comments*
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ACTION ITEMS:

June 28, 2019

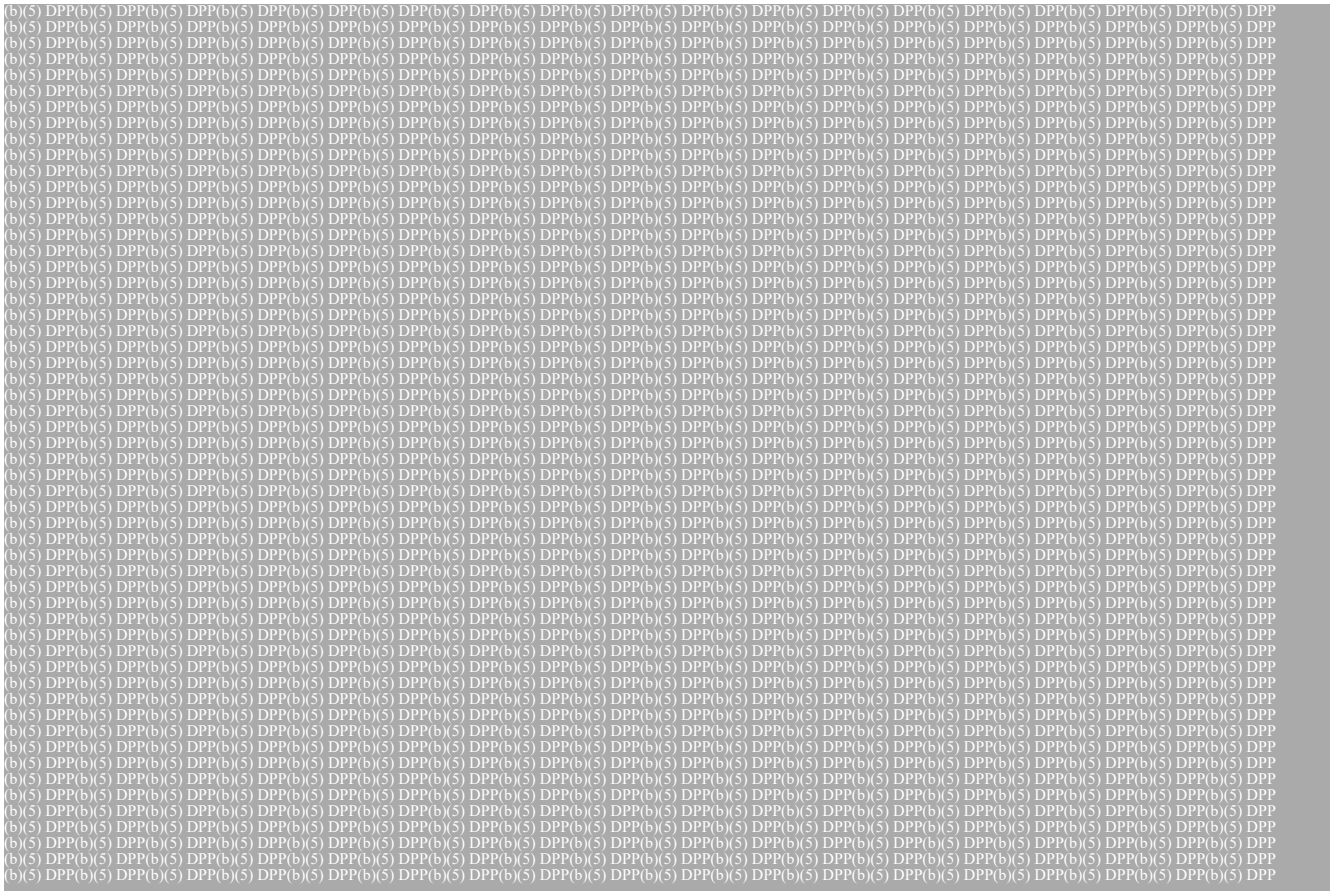
East Collier HCP

In-Service Update
866/763-5944, code# 7667212

Present: Chuck Kelso, Connie Cassler, David Dell, Jerry Ziewitz, Ken McDonald, Larry Williams, Roxanna Hinzman

Topics --

- Status of Tribal consultation
    - Seminoles
        - According to the tribe's June 21 e-mail to Kevin, they expect to let him know soon
    - Miccosukee
        - Response letter mailed June 25.



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    - *Connie has started to sort our table of compiled comments. Dell encouraged her, as that will facilitate our making responses.*
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ACTION ITEMS:

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- Meeting with ECPO to discuss timelines
    - This coming week?
    - Hold July 5 meeting?
    - *Dell will visit with Bruce in the coming days -- probably will consult with Rob.*

July 12, 2019

East Collier HCP

In-Service Update
866/763-5944, code# 7667212

Present: David Dell, Roxanna Hinzman, Kevin Palmer, Chuck Kelso Jerry Ziewitz, David Shindle, Connie Cassler, Ken McDonald, Angela Romito,

Topics --

- Status of Tribal consultation
    - Seminoles
        - According to the tribe's June 21 e-mail to Kevin, they expect to let him know soon
            - *Kevin Palmer met with the Seminoles this past Wednesday. They still intend to provide a formal response. Kevin does not expect anything as negative as the Miccosukee's objections.*
            - *We do have an informal e-mail comment from the cultural resource staff. This could form the basis of eventually offering the same kind of cultural resource coordination as for the Miccosukee.*
        - What if we have to conclude our decision without complete input from the Seminoles?
            - Make them same offer as we made to the Miccosukee?
            - *We are not at a crunch period, but we would need to consider options if we don't hear anything within the next 4-6 weeks.*
    - Miccosukee
        - Response letter mailed June 25.
        - *Kevin e-mailed a copy of our letter to staff at the tribe in first week of July.*

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- If we can start the milestones, then we are in a position to propose a new timeline to Department
- *Dell will update Department database explaining the extended pause. Will use Bruce's e-mail to document.*

- FOIA
  - *Connie responded to the FOIA Officer's question about the source of AECOM's contract.*
  - *We believe that FOIA staff have what they need.*

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July 26, 2019

East Collier HCP

In-Service Update
866/763-5944, code# 7667212

Present: David Dell, David Shindle, Connie Cassler, Ken McDonald, Chuck Kelso, Tim Binzen, Jerry Ziewitz, Rob Tawes

Topics --

- Status of Tribal consultation
    - Seminoles
        - According to the tribe's June 21 e-mail to Kevin, they expect to let him know soon
        - Time to consider giving the Tribe a deadline?
            - *Kevin Palmer's e-mail this morning -- not available for today's Update: If the team decides on a due date, either I can let Whitney and Karli know with an email or Tim Binzen may want to send a more formal notice... either way is fine with me.*
            - *Tim Binzen suggests it would be appropriate to give the Tribe a respectful deadline. We know that they have comments, but we need them for our meaningful consideration in order to conclude this consultation.*
            - *Tim will coordinate with Kevin to prepare a message. He spoke in terms of an e-mail. We suggested that Rox send the message in order to elevate the importance. Kevin has already e-mailed Seminole staff with reminders a few times.*

    - Miccosukee
        - Response letter mailed June 25.
        - Any response?
        - *Tim offered to contact the Tribe (his contact: Craig ____) informally to see what might be pending.*
        - *Rob reminded us that the Miccosukee's April 2, 2019, comment letter has been released to ECPO in partial response to recent FOIA requests.*

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    - We continue in pause status
    - *Connie works to supply anything ECPO needs to keep the ball in their court.*

- FOIA
    - *Rob needs final responses sent to requestors. Will follow up with Larry and Tiffany.*

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- Outline of Operations
    - *Dell mentioned this project which will be made available for everyone's review and for SOL review. This is to reach common understanding with ECPO as we approach our permit decision.*

- Field Office project web page
    - Status of migrating to FO web page?
    - *Connie reminded Dell of her request last week to review the text. Dell will follow up.*

August 9, 2019

East Collier HCP

In-Service Update
866/763-5944, code# 7667212

Present: Chuck Kelso, Connie Cassler, David Dell, David Shindle, Ken McDonald, Larry Williams, Tim Binzen, Kevin Palmer, Mike Crowley

Topics --

- Status of Tribal consultation
    - Seminoles
        - Something, Anything?
            - *Still no response. Kevin receives other routine coordination matters from the Seminoles, but nothing on East Collier*
        - Rox's August 7 deadline…..
            - *No response.*
            - *Binzen suggests that Rox should telephone the Tribe to re-iterate her e-mail message.*
            - *Connie will ask Rox about making such a call*
            - *Also, Connie will double-check their e-mail inboxes to ensure a reply isn't sitting unopened.*
        - *It appears that Tim Binzen wants us to continue -- at least through the suggested telephone call -- to demonstrate due diligence in reaching out to the Seminoles.*
    - Miccosukee
        - Tim's July 26 reminder…..
            - *Binzen e-mailed Craig Vanderhayden at the Tribe, and has no response yet.*
            - *He volunteered to check with Craig again.*
            - *According to Tim Binzen, we may be at an effective end to consultation with the Miccosukee*
    - *Assuming we get no further responses from the Tribes, Dell suggests that we would still follow through, to both Tribes, on the Project-level coordination we offered to the Miccosukee. Tim agreed.*

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- Outline of Operations
    - *Prepared to help understand the HCP and think through the processes*
        - *Transfers to HOAs*
        - *Enrolled landowners*
        - (b)(5) DPP(b)(5) DPP(b)(5) DPP(

August 23, 2019

East Collier HCP

In-Service Update
866/763-5944, code# 7667212

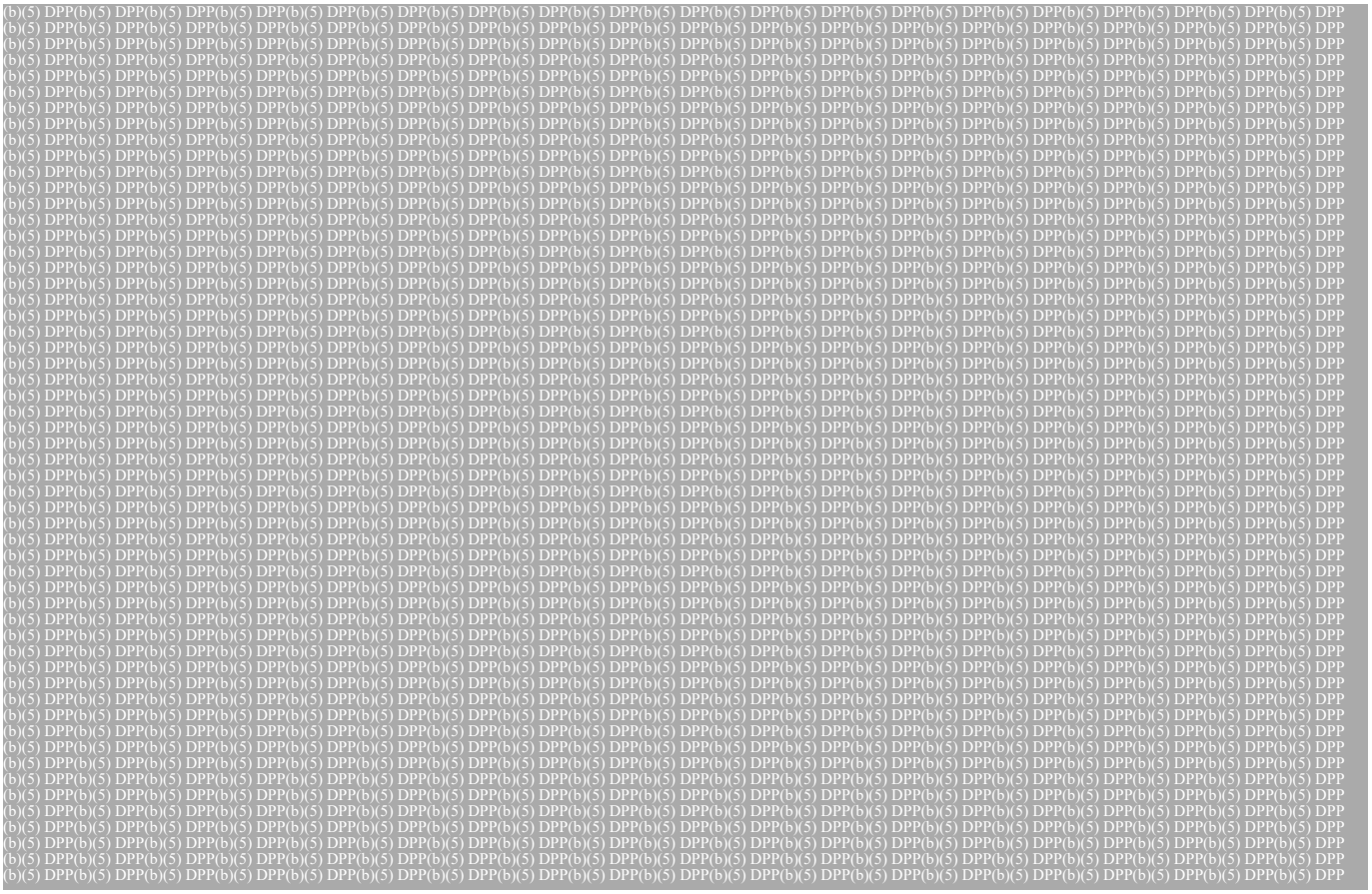
Present: Chuck Kelso, Connie Cassler, David Dell, Ken McDonald, Rob Tawes, Kevin Palmer, Mike Crowley, Jack Arnold

Topics --

- Status of Tribal consultation
    - Seminoles
        - Comment letter received August 12
            - Should we also examine the intermediate communications from their section leaders? *Kevin suggested that we do, as the earlier letter addressed cultural resources.*
        - Send them an acknowledgement?
            - *Although the Seminoles did not object like the Miccosukee, we agreed to follow the same protocol, and provide the Seminoles a short acknowledgement while we prepare our formal reply.*
            - *Dell will circulate the Miccosukee letter as a template. (done Friday afternoon)*
        - Issue and response table started (Seminole issues and responses)
            - *Kevin characterizes their comments as calling for more analysis of cumulative effects. Probably everything they want exceeds our NEPA requirements.*
        - Their issues look relatively generic -- do we make them the same offer as for the Miccosukee?
            - Restrictions on land use or management
            - Additional management responsibility
            - Cattle depredation
            - Human-panther hazards
            - The panther displacement effects they describe might be indistinguishable from rangewide panther recovery
        - They did not mention cultural resource sites, but did express concern over cultural significance of gopher tortoise
    -
    - Miccosukee

        - As recently discussed, this consultation may be substantially complete

- Congressional letter and communications plans
    - *Suggest to bring Ken Warren into the loop with this action.*
    - *Agreed, Ken has been added to the invite list for these updates.*
    - *Kristen Peters intended to join us today. She will assist with the Congressional letter and communication plan when we prepare our stage 5 briefing for the Department.*



- Status of BO
    - *Jerry returns Wednesday -- he is nearly done with his chapter review*
    - *Connie is wrapping up the last RCW questions*

- Status of EIS and comment responses:
    - Connie's recent work
    - *David acknowledged this work, still needs to look at it.*
    - *Connie needs input on her responses to HCP comments.*

- SO 3355 Schedule

- If we can start the milestones, then we are in a position to propose a new timeline to Department.
- We continue in pause status

- FOIA
  - *We are mostly caught up*
  - *Rob checked with Larry Lee concerning FWS2017-00934*
  - *the final response has not been sent yet but is very close. Larry will copy us on the response letter when it is sent.*



- Outline of Operations
  - Provided for Vicki's review
  - (b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP
  - Sharing with ECPO?

- Field Office project web page
  - Migrated -- any follow-up?
  - Chuck's status in updating ServeCat 2018 documents
    - *Chuck is catching up on this project that goes back a few years. We pre-emptively release documents in order to avoid repeated FOIAs from the local conservation groups. Documents from 2018 should start populating there soon.*
    - *This is reached from the FO's web site.*
-

September 6, 2019

East Collier HCP

In-Service Update
866/763-5944, code# 7667212

Present: Chuck Kelso, Connie Cassler, David Dell, Jerry Ziewitz, Ken Warren, Ken McDonald, Kristen Peters, Mike Crowley, Kevin Palmer, Larry Williams

Topics --

- Status of Tribal consultation
    - Seminoles
        - Status of acknowledgement letter
        - Issue and response table started (Seminole issues and responses)
            -
        - Their issues look relatively generic -- do we make them the same offer as for the Miccosukee?
            - Restrictions on land use or management
            - Additional management responsibility
            - Cattle depredation
            - Human-panther hazards
            - The panther displacement effects they describe might be indistinguishable from rangewide panther recovery
        - They did not mention cultural resource sites, but did express concern over cultural significance of gopher tortoise
        - From Tim Binzen's September 5, e-mail:
            - *Regarding the Seminole consultation – that is good that the issue and response table is started. Thank you. To the extent feasible, we should have the FWS response be parallel or equivalent to the way we responded to the Miccosukee. In the agenda for tomorrow's call, it says the Seminole Tribe "did not mention cultural resource sites," which is accurate regarding their August 12, 2019 comments, but please refer to a May 30, 2019 email from Victoria Menchaca (Tribe) to Kevin and Connie with two "cultural resource-related" comments (shown below). I suggest that these comments be incorporated into the issue and response table, as appropriate.* [Done] *I think they are seeking reassurance that any Covered Activities with potential for effect on historic properties*

will be subject to SHPO review, and that the Tribe will be invited to consult (per Sec. 106) if their interests may be affected.

-
- Miccosukee
  - As recently discussed, this consultation may be substantially complete
  - From Tim Binzen's September 5, e-mail:
    - *I still have not heard anything back from the Miccosukee, indicating that they wish for any further FWS follow-up. So, I agree that the consultation with them is "substantially complete," but we will not formally close it at this time. (I consider it advisable for a Tribal consultation to be officially closed at some point – with mutual acknowledgment between FWS and the Tribe.)*

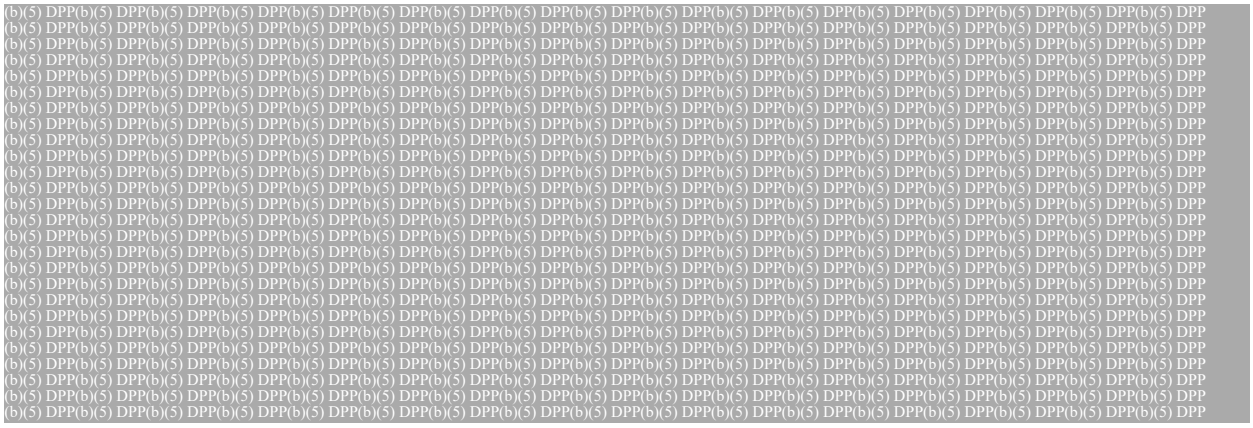
- Congressional letter and communications plans
  - *Kristen Peters reminded us of the requirement to prepare a Congressional notice letter and public outreach plan when going up for Department briefings on the EIS (per one of the April 27, 2018 instruction memos). One of the other Regions had their briefing stall when they were caught without.*
  - *We identified needs and issues:*
    - *Congressional letters need their own Department approval, Dell will add this requirement to project timelines*
    - *Will need to coordinate public outreach with ECPO and their 4 NGO partners*
    - *Our next briefing will be for publishing the ROD and final EIS (stage 5), which is some weeks and months away*

- ECPO changes in ownership
  - *We began to learn late yesterday of the sale of a large portion of Collier Enterprises holdings on the western end of the HCP area.*
  - *Ken McDonald found the sale was for about 5,000 acres of agricultural and natural areas. The buyer had been leasing the property.*
  - *ECPO's consultant, Bruce Johnson, tells us that the new owner intends to join the HCP.*
  - *Dell suggested relabeling the sold lands as eligible. Jerry figures that would not change the BO analyses.*
  - *This discussion was made moot per a telecon between Dell and Johnson later in the day:*
    - *Everyone: Just spoke to ECPO's consultant, Bruce Johnson. They have decided, at the advice of their counsel, to proceed with submitting a new application by the new owner of lands formerly owned by Collier*

Enterprises (Christian Spilker). They understand the complications this imposes, but also see it as the cleanest, strongest way to proceed. They are willing to carry their message to the Department as necessary. [Background, Collier Enterprises just recently sold 5-6,000 acres of land previously leased to the buyer. This is mostly on the west side of the HCP plan area.]

- *Primarily, they want to avoid making significant changes to the HCP. From their point of view, to label the sold lands as "eligible" would effectively remove them from the covered area. Also, as we discussed, the sold property includes proposed conservation lands. ECPO is willing to accept the resultant complication and delay. I agree, this would be the cleanest approach.*
- *They will provide the new application as soon as possible. We would need to advertise it in the Federal Register. That entails all the normal NOA review and clearance.*

- *New villages in the old Rural Lands West footprint*
  - *Three new applications are before the County*
  - *These are the sort of projects contemplated by the HCP*
  - *The BO's discussion of Rural Lands West will need revised.*
  - *Ken seeks more information from the applicants*



- Status of BO
  - *Jerry says that he will need to adddress the Rural Lands West changes*
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  - *Jerry is still doing chapter by chapter reviews*
    - *Sent the wood stork to Connie*
    - *Working on the RCW*
    - *Done with the spoonbill*
    - *Mostly done with caracara*
    - *Pending on snail kite and eastern indigo snake*

- *Jerry mentioned the discussion we had last week with ECPO concerning the new regulations*

- Status of EIS and comment responses:
  -

- SO 3355 Schedule
  - If we can start the milestones, then we are in a position to propose a new timeline to Department.
  - We continue in pause status

- FOIA
  - New FOIA from ECPO, in response to Seminole comment letter
  - *Connie has this FOIA, she asked if the intermediate e-mails between us and the Seminoles should be included. Mike Crowley suggests that we should, so that we demonstrate the efforts made to elicit and consider the tribe's input*

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- Field Office project web page (https://www.fws.gov/verobeach/EasternCollierHCP.html) -- any updates?
  -
  -

September 11, 2019

East Collier HCP

In-Service Update
866/763-5944, code# 7667212

Present:

Topics --

- Extent of BO action area
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- Resolution with ECPO on modeling disparities?
- Outcome of Chuck's FDOT discussions?
- Accommodating the new applicant and next steps
    - Application received and entered into SPITS
    - Informal HQ coordination -- want to discuss with solicitors
    - Current intention to do 30-day NOA, make the original documents (from last October's NOA) available.
- Addendum with commitments (bullet list)?

September 20, 2019

East Collier HCP

In-Service Update
866/763-5944, code# 4528045

Present: Jack Arnold, Tim Binzen, Mike Crowley, Chuck Kelso, Connie Cassler, Ken McDonald, Rob Tawes, David Shindle, Roy Hewitt, David Dell

Topics --

- Status of Tribal consultation
    - Seminoles
        - Acknowledgement letter sent September 10
        - Issue and response table started (Seminole issues and responses)
        - Need some input on responses
            - *Dell asked for help with this, as he has to devote effort to the 12th applicant NOA.*
            - *Tim and Mike are able to help with tribal matters, but not so much the biological issues*
            - *Connie says that the Tribe often raises the wildlife displacement complaint, the Everglades Restoration section has dealt with this before. She will pull some material together.*
    - Miccosukee
        - No news *as of this meeting, but*
        - *Regional Director asks for background information later in the morning, due COB. An IM due Tuesday. The Miccosukee apparently complained about the East Collier HCP to the Department.*

- Google/Microsoft Transition --- Special Guest: Roy Hewitt, External Affairs
    - Plans, what to expect
        - *Roy gave a basic description of the new Microsoft-based system.*
        - *We should refer to Bison Connect information page for the latest.*
    - How to prepare
        - *IT staff will be converting google folders over to OneDrive (Microsoft equivalent to Google Drive)*
        - *Google mail is supposed to be converted -- including archives*
        - *BUT, Archiving mail and google folders individually to a network drive won't hurt.*

        - *Google folders can be downloaded and they will convert to zipfiles maintaining their internal file structure and converting to an appropriate Microsoft software type.*
    - Deadline to complete transition
        - *Sometime after January 1*

- The twelfth applicant
    - New applicant received September 9
    - NOA drafted, to PPM for review and edits on September 18
        - *NOA will go through all normal surname and clearance processes.*
    - Starting IM

- Addendum Received *September 17, 2019*
    - *Ken suggests more process in the addendum*
        - *Can be in any ITP conditions*
    - *Shindle pointed out there is no discussion of work he is pursuing on Alico property to enhance a crossing corridor. He has been negotiating a revision to their RLSP receiving area.*
    - *Connie expressed concern over their claim of limited control over lessees and developers. Shindle had spoken with Bruce about rodenticide use by farm lessees. ECPO's issues are potential legal vulnerability from trying to ban their use by lessees*
    - *In section 3 of the addendum, our efforts to have them incorporate adaptive management measures for internal development management did not survive ECPO's discussion. This can be re-visited when we consider HOA covenants and partial transfers.*
    - *We discussed the bulleted list in section 4. These are the points to negotiate in any consistency check*
    - Next steps

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- Status of BO
    - *No news with Jerry at NCTC this week.*

- Status of EIS and comment responses:
    - *No news.*

- SO 3355 Schedule
    - Preparing IM for new NOA

- FOIA
    - New FOIA from ECPO, in response to Seminole comment letter
    - *Connie is compiling ECPO responses.*

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- Field Office project web page (https://www.fws.gov/verobeach/EasternCollierHCP.html)
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    -

September 24, 2019

East Collier HCP

In-Service Ad-Hoc Discussion of ECPO's HCP Addendum
866/763-5944, code# 4528045

Present: Chuck Kelso, Connie Cassler, Ken McDonald, Rob Tawes, David Shindle, David Dell, Larry Williams, Jerry Ziewitz

Topics --

- Contents of Addendum
    - We discussed assurances for the actions proposed by ECPO
        - Dell needs to reorganize the Outline of Operations to clarify
        - Ken will work on translating bullet list from section 4 into defined goals for the consistency check
    - We need better understanding of issues around agricultural rodenticides
        - May ask ECPO about their farm operators and how they use rodenticides
        - As we got into our discussions, it did not appear that rodenticides are commonly used in citrus or row-crop agriculture
- Status of Ken, Chuck, and Bruce's discussions
    - These are nearly concluded (?)
- Next steps of analyses
    - Larry promoted we develop an outline of the J-analysis next week
    - Ken took this on, and Jerry reminded of his synopsis from some months ago.
    - Larry will visit with Ken and Connie on this
    - We need to be formulating recommendations for RD by end of next week

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Shindle's May meeting with Tom and Christian

- $12.5 million of the initial funds generated through the Marinelli Fund would be dedicated to the construction of wildlife crossings on County Road segments identified as panther roadkill hot spots.
- Approximately 4 - 6 crossing locations would be identified in consultation with USFWS and FWC panther leads. The initial number of crossings identified would be based on crossing and roadway costs for the installation of a City Gate - equivalent wildlife crossing structure (e.g., 24' x 7' steel arch or box culvert) and associated fencing. Shindle will provide proposed crossing locations by 5/31.
- The proposed preservation areas in the HCP will ensure that lands on either side of future wildlife crossings will remain viable in perpetuity.
- The construction of the aforementioned crossings using the initial $12.5 million generated from the Marinelli Fund would provide the opportunity to have panther crossings in place prior (possibly decades prior) to when the projected traffic volume would normally trigger a roadway expansion project that would normally provide the mechanism or wildlife crossings to be installed. For example, a crossing could be installed on a road segment that has reached only 5% of it's projected traffic capacity.
- In addition to providing specific crossing locations, the applicants may proactively designate Stewardship Sending Areas and/or Conservation Easements along these targeted road segments, thereby providing additional certainty for providing the mechanism necessary for reducing future mortality risk on these road segments than would otherwise be required under baseline conditions.
- These crossings (and associated preservation areas) and their proposed timing would offset traffic impacts to panthers projected to occur within the HCP area independent of the HCP project.
- The above approach will be described in detail in a revised HCP so that the proposed timing, location, and mechanism for reducing future mortality risks to panthers in the HCP area can be better quantified by USFWS for their project assessments (in combination with the revised traffic analyses that factor in projected traffic capture rates for the covered activities areas).

June 14, 2019

East Collier HCP, In-Service Update: Milestones Excerpt

Present: Chuck Kelso, Connie Cassler, David Dell, David Shindle, Jerry Ziewitz, Ken McDonald, Larry Williams, Tim Binzen, Angela Romito, Kevin Palmer, Rob Tawes

- Panthers and Traffic: BO Resolution
    - *Larry suggested, and it was agreed, to set tentative target dates for the first four milestones below.*
    - *Larry had tasked LeeAnn Kelso with preparing gantt charts. Those have been drafted, and will incorporate what we decide today. Larry will distribute early next week.*
  - **Milestone 1:** Identify best available inputs for PVA (traffic, roadway mortality, habitat patterns, crossing locations, etc).
    - **Deadline: June 19**
    - *Ken and Chuck agree that we have identified appropriate inputs, but suggest a few days in case their meeting with Bruce Johnson later today identifies something new.*
  - **Milestone 2:** Set deadline to end collection of best available data.
    - **Deadline: June 25**
    - *Ken and Chuck's consensus*
  - **Milestone 3:** Set deadline for completion of PVAs;
    - **Deadline: June 28**
    - *Per Ken's estimate.*
    - *Would Leo be comfortable with the assumptions going into the PVA?*
    - *The group concluded that an early briefing of ARD and RD would be needed to explain use of the PVA and help direct PVA assumptions and approaches. We want to avoid pre-fixing assumptions or pre-determining decision rules such as statistical significance levels. A minute, non-appreciable difference may be statistically significant.*
    - *Rob took lead to schedule:* **Early Brief RD, ARD June 19**
  - **Milestone 4:** Assess how the decision might change across a range of uncertainties (e.g., parametric uncertainty in the PVA) and risk tolerance;
    - **Deadline: July 10**
    - *Per Angela's estimate, starting from June 28*
      - *Angela will begin her preliminary work now with the deciders (homework for Larry). This will accomplish everything that does not depend on the PVA run.*
      - *Who are decision makers → Jeopardy decision is @ RD level; alternately decision makers for BO (Larry Williams) with ITP (Recommendation by ARD & Decision by Deputy RD)*
    - **Milestone 4.5:** *3 hour Decision Session to be week of July 15 to apply Angela's product from July 10:*
      - **Decision Session: July 16**
      - *Per Larry's calendar invite*

- **Milestone 5:** Brief RO management
- **Milestone 6:** Finish BO for SOL and ECPO review
- Last week's ECPO meeting *in conjunction with today's meeting (Bruce Johnson, Ken, and Chuck)*
    - Factors to consider in traffic analysis
    - *Technical talks continue today with Bruce Johnson's visit to FO.*
    - *Last week and today, ECPO beginning fleshing out adaptive management measures tied to internal capture rates: keep rates around current observed 53%*
    - *New suggestions for minimizing internal (to development) highway crossing effects.*
    - *Ken suggests that adaptive measures may require HCP revision.*
- Next steps once past BO resolution (dates are obsolete): https://drive.google.com/open?id=1-NOH6AFjGt7egXES6LTdjrxfzCHadm18Gm4VWuVSuZE
    - *Look at draft gantt charts to plan ahead from the pause into any waivers or new schedules.*

October 4, 2019

East Collier HCP

In-Service Update
866/763-5944, code# 4528045

Present: Connie Cassler, David Dell, Jerry Ziewitz, Ken Warren, Ken McDonald, Mark Cantrell, Kevin Palmer, Larry Williams, Tim Binzen

Topics --

- Status of Tribal consultation
    - Seminoles
        - Acknowledgement letter sent September 10
        - Issue and response table started (Seminole issues and responses)
        - Need some input on responses
            - Any news?
            - *Connie has started on some responses to issues.*
        - *Tim mentioned the Tribe's new Environmental Resources Officer (recent e-mail)*
    - Miccosukee
        - No news -- not gotten any follow-up from RD
        - *Tim had spoken with one of the Miccosukee staff, and they had no knowledge of any Tribal communication to the Department.*
        - *Larry will ask Leo about this.*
        - *Tim described our consultation as open and ongoing, but the Tribe has not made any new response or request.*
- The twelfth applicant
    - NOA and IM surname package to RD's office as of 3 October

- BO analysis outline
    - Jerry's synopsis
    - Larry's milestones, e-mail text and June 14 in-Service Update notes
    - Angela's decision chart
        - (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP
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    - Next steps
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- *Pesticide labeling may include general restrictions against application in listed species habitat, or there may be information on EPA's website. If there are sufficient notices on the labels or in EPA's public instructions, we may be able to rely upon, or reinforce, such restrictions in permit conditions. Application of pesticides contrary to EPA labeling would not be "otherwise lawful."*

- Status of EIS and comment responses:
  - *No news.*

- SO 3355 Schedule
  - IM for new NOA on surname -- to RD's office
  - *As of this morning, Mike Oetker has seen this.*

- FOIA
  - *Connie has some responsive documents she needs to ask the FOIA Officer about.*

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October 18, 2019

East Collier HCP

In-Service Update

Present:

Topics --

- Status of Tribal consultation
    - Seminoles
        - Acknowledgement letter sent September 10
        - Issue and response table started
        - Working on responses
            -
    - Miccosukee
        - Concerning recent issues, Larry asked the RD the results of his communications. Apparently, Leo did not hear back from the Tribe.
        - We are taking no further action on this.
- The twelfth applicant
    - NOA at Solicitors Office

- BO analysis status
    - (b)(5) DPP(b)(5) DPP(b)(5) DPP
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- Status of BO
    - Document status?
    - Follow-up on pesticide labeling/old BO?
    - Hyde Park?
        -

- Status of EIS and comment responses:

- SO 3355 Schedule
    - Sending weekly updates to the Department
    - IM for new NOA on surname -- transmitted?
- FOIA
- (b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII (b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII(b)(6) PII, looking at our last draft
- Field Office project web page (https://www.fws.gov/verobeach/EasternCollierHCP.html)
    -
    -

BISON CONNECT

Dell, David <david_dell@fws.gov>

Collier County RLSA Credits

8 me age

Shindle, David <david_shindle@fws.gov> Fri, Oct 18, 2019 at 10:38 AM
To: "Mcdonald, Kenneth" <kenneth_mcdonald@fws.gov>, Jerry Ziewitz <Jerry_Ziewitz@fws.gov>, Larry Williams Larry William @fw gov , Con tance Ca ler Con tance Ca ler@fw gov , "Kel o, Charle " <charles_kelso@fws.gov>, "Tawes, Robert" <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Mark Cantrell <mark_a_cantrell@fws.gov>

The Rural Lands Stewardship Area Restudy White Paper below will be presented to the Board of County Commissioners October 22, 2019 See page77 for di cu ion on propo ed 45,000 acre development cap If I mi ed omeone that wa on the call for this discussion, please forward.

https://www.colliercountyfl.gov/home/showdocument?id=87491

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

Southeast Region Vision Together, we will connect land and water to u tain fi h, wildlife and plant by being vi ionary 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.

Ziewitz, Jerry <jerry_ziewitz@fws.gov> Fri, Oct 18, 2019 at 12:04 PM
To: "Shindle, David" <david_shindle@fws.gov>
Cc: "Mcdonald, Kenneth" <kenneth_mcdonald@fws.gov>, Larry Williams <Larry_Williams@fws.gov>, Constance Cassler Con tance Ca ler@fw gov , "Kel o, Charle " charle kel o@fw gov , "Tawe , Robert" robert tawe @fw gov , David Dell <david_dell@fws.gov>, Mark Cantrell <mark_a_cantrell@fws.gov>

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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

Shindle, David <david_shindle@fws.gov> Fri, Oct 18, 2019 at 1:02 PM
To "Mcdonald, Kenneth" kenneth mcdonald@fw gov
Cc: Jerry Ziewitz <Jerry_Ziewitz@fws.gov>, Larry Williams <Larry_Williams@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, "Kelso, Charles" <charles_kelso@fws.gov>, "Tawes, Robert" <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Mark Cantrell <mark_a_cantrell@fws.gov>

Ken

Here's the October 22nd agenda item that provides some context for the next steps for adapting the proposed changes to the RLSA Overlay:

This item to be heard no sooner than 1:00 p.m. Recommendation to direct staff to initiate the Growth Management Plan amendment process for proposed changes to the Rural Lands Stewardship Area Overlay, develop a regional water partnership, and draft Land Development Code amendments. (Thaddeus Cohen, Department Head, GMD) (District 5).

Full Agenda Here:
http://colliercountyfl.iqm2.com/Citizens/FileOpen.aspx?Type=14&ID=1616&Inline=True

Thaddeu Cohen' contact info

https://www.colliercountyfl.gov/your-government/departments/growth-management-department/department-head-s-corner
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Dell, David <david_dell@fws.gov> Fri, Oct 18, 2019 at 2:02 PM
To: "Ziewitz, Jerry" <jerry_ziewitz@fws.gov>
Cc "Shindle, David" david hindle@fw gov , "Mcdonald, Kenneth" kenneth mcdonald@fw gov , Larry William <Larry_Williams@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, "Kelso, Charles" <charles_kelso@fws.gov>, "Tawes, Robert" <robert_tawes@fws.gov>, Mark Cantrell <mark_a_cantrell@fws.gov>, "Mott, Vicki" <Vicki.Mott@sol.doi.gov>

A propo ed in the HCP, the eligible land would become ubject to an ITP if
A) an ECPO permittee purchases eligible lands
B) an eligible landowner enrolls in the HCP.

If A nothing need to happen other than the permittee reporting the purcha e of eligible land
If B: The enrolled landowner would need to apply using the existing HCP and decision analyses (augmented for the specific situation), and we would need to advertise.

If we remove part or all of the eligible land , we would have to tart a new permit action on removed land under either scenario A or B.

The enrollment plan presented in the HCP serves as part of ECPO's changed circumstances provisions. It provides ECPO with ome degree of management certainty a all (ECPO and non ECPO) landowner in the plan area e change property and change land uses. If we want to deny this aspect of their HCP, we would need to base our justification in the issuance criteria.

While ECPO doe not have management authority over the eligible land today, there i a rea onable chance that thi might change, per scenario A or B, over the permit term.

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Ziewitz, Jerry <jerry_ziewitz@fws.gov> Fri, Oct 18, 2019 at 6:11 PM
To: "Dell, David" <david_dell@fws.gov>
Cc: "Shindle, David" <david_shindle@fws.gov>, "Mcdonald, Kenneth" <kenneth_mcdonald@fws.gov>, Larry Williams <Larry_Williams@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, "Kelso, Charles" <charles_kelso@fws.gov>, "Tawes, Robert" <robert_tawes@fws.gov>, Mark Cantrell <mark_a_cantrell@fws.gov>, "Mott, Vicki" <Vicki.Mott@sol.doi.gov>

That was helpful, David. Thanks for investing the time in putting your thoughts in writing. (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(

October 18, 2019

East Collier HCP

In-Service Update
866/763-5944, code# 4528045

Present: Chuck Kelso, Connie Cassler, David Dell, David Shindle, Jerry Ziewitz, Ken McDonald, Larry Williams, Mark Cantrell, Rob Tawes

Topics --

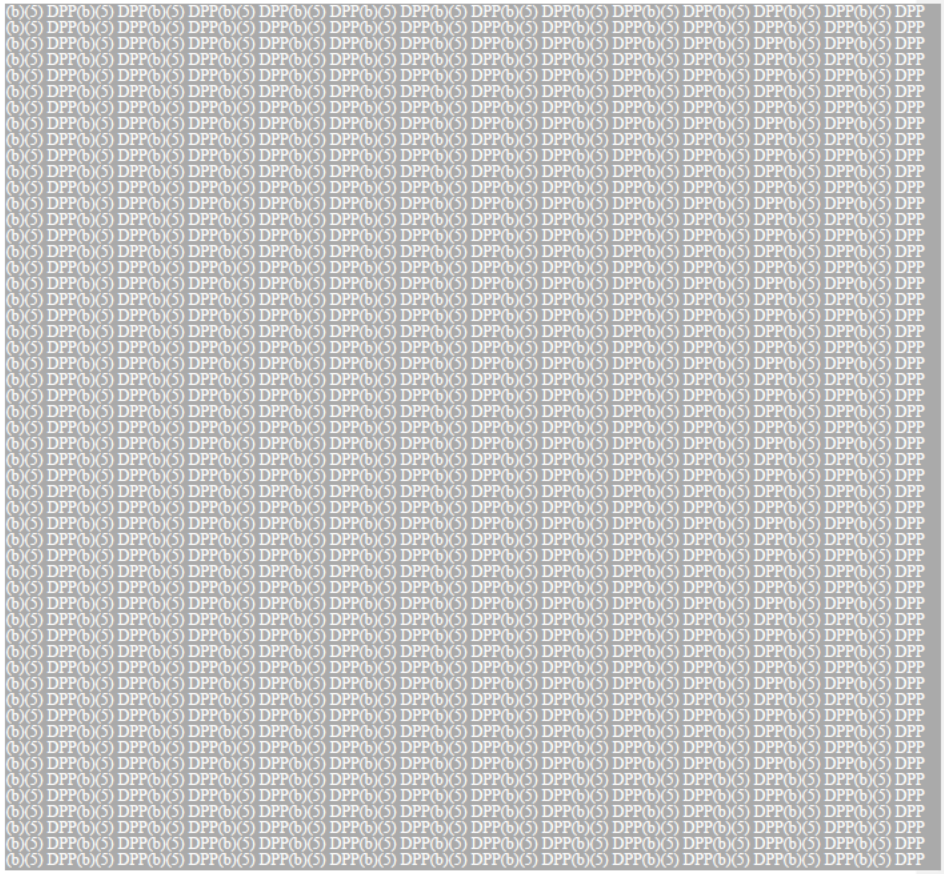
- Status of Tribal consultation
  - *No updates from Timothy and Kevin*
  - Seminoles
    - Acknowledgement letter sent September 10
    - Issue and response table started (Seminole issues and responses)
    - Working on responses
      - *Connie has been working on this, has been making species-specific responses.*
      - *David Shindle is also involved. His suggestion for the displacement issue considers the fact that activities would occur over a 50-year term, so there would not likely be a discernable pulse of wildlife moving outward onto tribal lands.*
  - Miccosukee
    - Concerning recent issues, Larry asked the RD the results of his communications. Apparently, Leo did not hear back from the Tribe.
    - We are taking no further action on this.
- The twelfth applicant
  - NOA at Solicitors Office
  - *Vicki had it by October 10, about to put in front of Regional Solicitor*

- BO analysis status
  - (b)(5) DPP(b)(5) DPP
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two chapters (besides the panther) for the first time: eastern indigo snake and snail kite. Four others are in his queue for final edits: bonneted bat, caracara, rattlesnake, and gopher tortoise. All other species chapters are complete, but not yet pasted into a full (minus panther) draft. He wants to paste all species chapters he considers completed into the next iteration of a full draft (minus panther) by 10/25.

- Follow-up on pesticide labeling/old BO?
  - *Dell asked for a copy of the old BO. Ken agreed to forward.*
  - *Ken has been researching literature on effects of rodenticides on pumas in California.*
  - *Larry has sent up a "week-ahead" report on the recent pesticide issues with Florida panthers. He may want to elevate up on EPA's side. Ken agreed to provide Larry his EPA communications.*


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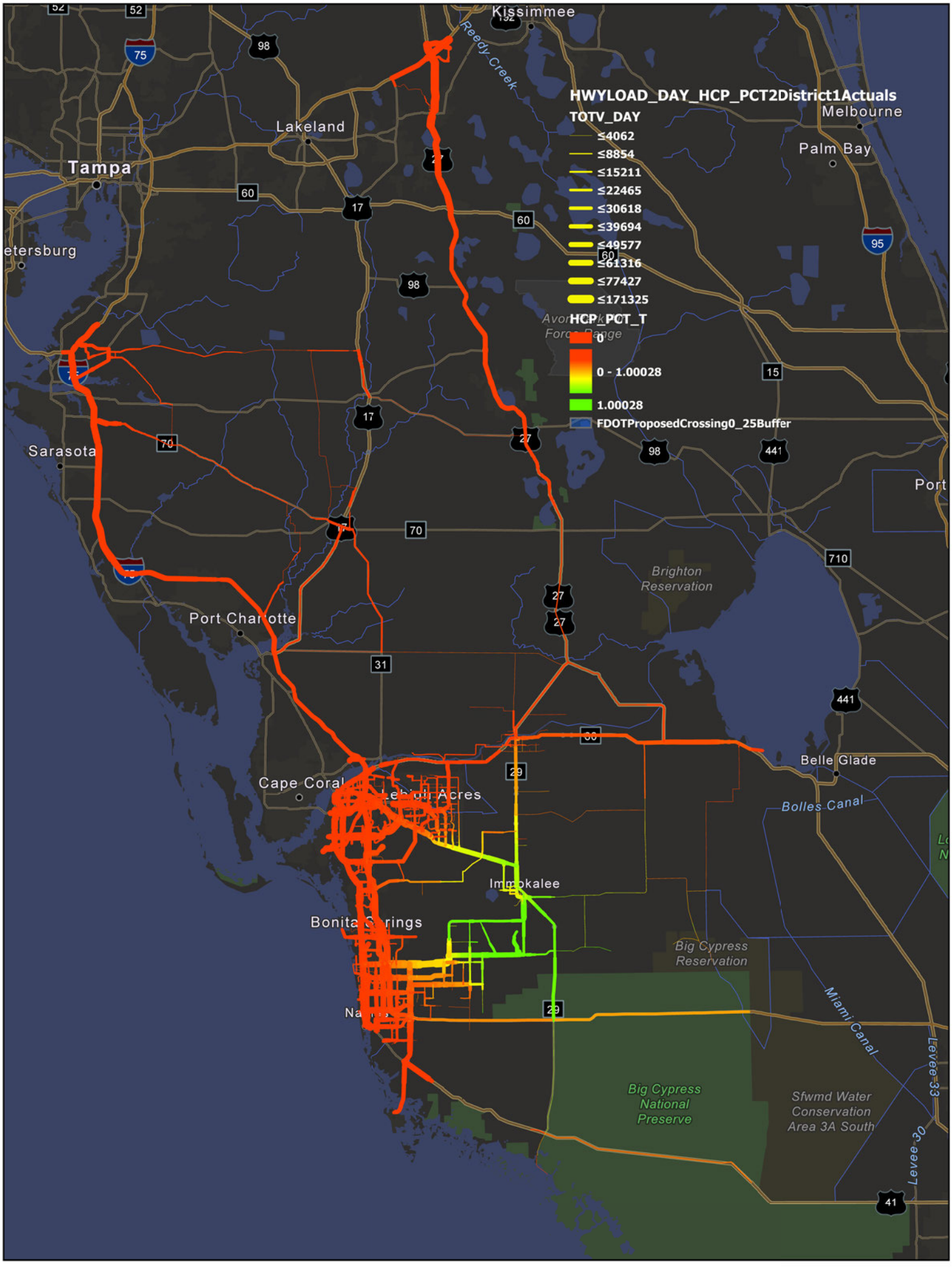
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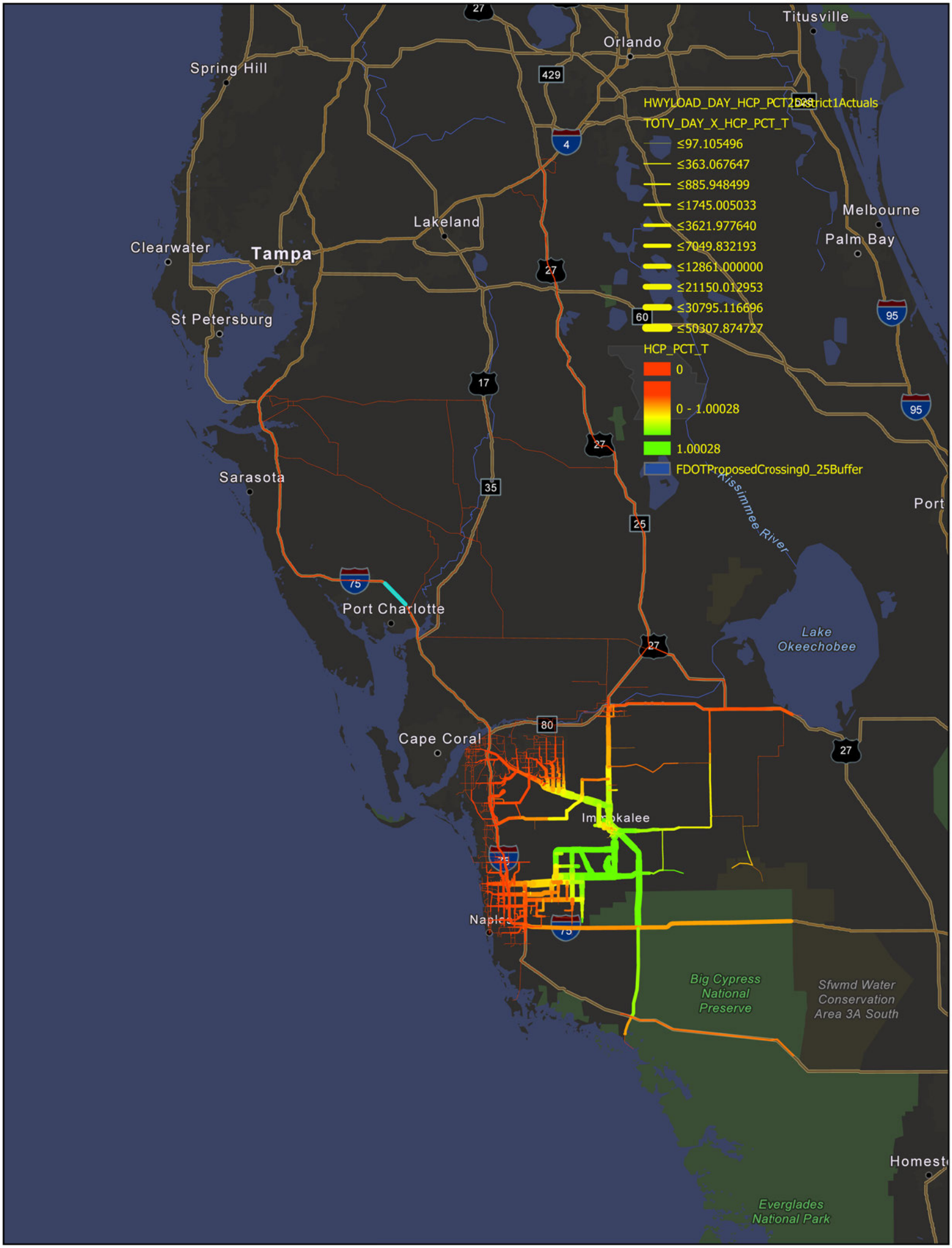
- Status of EIS and comment responses:
  - *No news.*

- SO 3355 Schedule
  - Sending weekly updates to the Department
  - IM for new NOA on surname -- transmitted?
    - *This got transmitted before noon today.*
    - *Rob alerted us that the IM may precipitate further briefings with Directorate and DOI.*

- FOIA
  - *Connie has been working on marking documents and portions of documents for redacting.*

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- Field Office project web page (https://www fws.gov/verobeach/EasternCollierHCP.html)
  -
  -


HWYLOAD_DAY_HCP_PCT2District1Actuals
TOTV_DAY
≤4062
≤8854
≤15211
≤22465
≤30618
≤39694
≤49577
≤61316
≤77427
≤171325
HCP_PCT_T
0
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1.00028
FDOTProposedCrossing0_25Buffer
Kissimmee
Reedy Creek
Lakeland
Tampa
Melbourne
Palm Bay
Sarasota
Port Charlotte
Cape Coral
Immokalee
Bonita Springs
Belle Glade
Brighton Reservation
Big Cypress Reservation
Big Cypress National Preserve
Sfwmd Water Conservation Area 3A South
Bolles Canal
Miami Canal
Levee 33
Levee 30
Avon Park Air Force Range


HWYLOAD_DAY_HCP_PCT2_District1Actuals
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≤97.105496
≤363.067647
≤885.948499
≤1745.005033
≤3621.977640
≤7049.832193
≤12861.000000
≤21150.012953
≤30795.116696
≤50307.874727
HCP_PCT_T
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FDOTProposedCrossing0_25Buffer
Titusville
Orlando
Spring Hill
Melbourne
Palm Bay
Lakeland
Clearwater
Tampa
St Petersburg
Sarasota
Port Charlotte
Cape Coral
Naples
Immokalee
Port
Kissimmee River
Lake Okeechobee
Big Cypress National Preserve
Sfwmd Water Conservation Area 3A South
Everglades National Park
Homest
27
429
4
60
95
17
35
25
75
80

November 1, 2019

East Collier HCP

In-Service Update
866/763-5944, code# 4528045

Present: Chuck Kelso, Connie Cassler, David Dell, Jerry Ziewitz, Michelle Eversen, Rob Tawes, Kevin Palmer

Topics --

- Status of Tribal consultation
  - Seminoles
    - Acknowledgement letter sent September 10
    - Issue and response table started (Seminole issues and responses)
      - *Dell will start writing in earnest, Connie will take another pass through the issues table.*
  - Miccosukee
    - No news
- The twelfth applicant
  - NOA at Solicitors Office
  - *Vicki had it by October 10, about to put in front of Regional Solicitor*

- BO analysis status
  - (b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP
  - Resolve action area
    - *Connie reports that the FO has received answers to all their questions. Bruce has been quiet since receiving the AECOM information.*
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- Running the models and developing a FO conclusion recommendation (BO resolution)
  - (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP
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  - *Michelle suggested we brief the RD soon on the process we are using -- before we brief him on the BO conclusion. Our briefing would concentrate on:*
    - *the models used*
    - *the assumptions fed into the model, and*
    - *Our timeline/process to incorporate results into the decision*
  - *We plan to meet Wednesday, November 6 to discuss this and plan for our RD briefing. Dell sent the invite.*

- Release of panther SSA
  - *Need to be able to cite the SSA in the BO and our findings.*
  - *According to Matt Dekar, we only need to post it, we do not need to wait for a 5-year review or proposed rule. We have posted an SSA early for eastern indigo snake. Matt has alerted David Shindle of this possibility.*
  - *The FO is incorporating neurotoxin discussion into the document, it is not ready for immediate distribution.*

- *This would not happen right away, we work through Matt. He needs to upload to ServCat, and then we could post on the FO web site.*

- Causation as used in the BO (attorney-level discussion)
  -
- Status of BO
  - Document status?
    - *Other than the panther chapter; Jerry continues on the snail kite chapter, and will re-visit a couple of others.*
    - *Caracara has some version control issues, Steve Schubert had made revisions unknown to us.*
    - *Jerry will re-work front matter once species chapters are complete.*

  - Hyde Park
    - Solicitor's advice, how to implement?
    - *No news here.*

- Status of EIS and comment responses:
  - No news.

- SO 3355 Schedule
  - Sending weekly updates to the Department
  - IM for new NOA on surname -- transmitted by October 18
    - No response other than clarification questions from HQ staff.

- FOIA
  - *Connie transmitted releasable tribe consultation documents to FOIA officer in response to ECPO's FOIA.*
  - *Marking documents for redacting now.*

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Dell, David <david_dell@fws.gov>

East Collier HCP: Agenda for 8:30 Internal Call, Wednesday November 6

3 me age

Dell, David <david_dell@fws.gov> Tue, Nov 5, 2019 at 2:35 PM
To: Charles Kelso <charles_kelso@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, "Shindle, David" david hindle@fw gov , Jack Arnold jack arnold@fw gov , Jerry Ziewitz jerry ziewitz@fw gov , Larry William <larry_williams@fws.gov>, "Mcdonald, Kenneth" <kenneth_mcdonald@fws.gov>, Michelle Eversen <michelle_eversen@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, "Mott, Vicki" <Vicki.Mott@sol.doi.gov>

Everyone The agenda for tomorrow morning' call i here http //drive google com/open?id 17JNVrOvWkR skSEvfc8OJfD5PQpIyl_kOXaTikSr9nM

Talk to you then!

David Dell
US Fish and Wildlife Service
South Atlantic - Gulf and Mississippi Basin
Unified Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

NOTE: All email correspondence and attachments received from or sent to me are subject to the Freedom of Information Act (FOIA) and may be di clo ed to third partie .

Mcdonald, Kenneth <kenneth_mcdonald@fws.gov> Wed, Nov 6, 2019 at 7:57 AM
To: "Dell, David" <david_dell@fws.gov>
Cc Charle Kel o charle kel o@fw gov , Con tance Ca ler Con tance Ca ler@fw gov , "Shindle, David" <david_shindle@fws.gov>, Jack Arnold <jack_arnold@fws.gov>, Jerry Ziewitz <jerry_ziewitz@fws.gov>, Larry Williams <larry_williams@fws.gov>, Michelle Eversen <michelle_eversen@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, "Mott, Vicki" <Vicki.Mott@sol.doi.gov>

To help guide the di cu ion I've lapped together the attached

Ken
[Quoted text hidden]

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

2 attachments

Jeopardy Analysis Schema and Preliminary Results.docx
7046K

DecisionChart.docx
49K

Eversen, Michelle <michelle_eversen@fws.gov> Thu, Nov 7, 2019 at 4:15 PM
To "Dell, David" david dell@fw gov
Cc: Charles Kelso <charles_kelso@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, "Shindle, David" <david_shindle@fws.gov>, Jack Arnold <jack_arnold@fws.gov>, Jerry Ziewitz <jerry_ziewitz@fws.gov>, Larry Williams <larry_williams@fws.gov>, "Mcdonald, Kenneth" <kenneth_mcdonald@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>, Ro anna Hinzman ro anna hinzman@fw gov , "Mott, Vicki" Vicki Mott@ ol doi gov

DELIBERATIVE/PRE-DECISIONAL INFORMATION

Hello Everyone,

First, I want to thank all of you for your patience in getting me even semi-informed about this complex HCP so that I can be of any help in moving us towards a conclusion on this HCP.

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2 attachments

Panther BO ynop i (3) doc
36K

PVA Input Variable and A umption l
14K

November 6, 2019

East Collier HCP

Internal Discussion:
Effects Modeling
Brief for RD

866/763-5944, code# 4528045

Present: Chuck Kelso, Connie Cassler, David Dell, David Shindle, Jack Arnold, Jerry Ziewitz, Larry Williams, Ken Mcdonald, Michelle Eversen, Rob Tawes

Topics --

- Reminder to review last Friday's notes
- Model Runs
    - Results of models being run last Friday through Monday
        - *Ken presented his results. He also had e-mailed these just ahead of the meeting (appended in google folder).*
    - *Inputs*
        - *The apparent discrepancies among Stantec, AECOM, and the Service's traffic results were successfully identified. The differences depend on data selection and are not significant.*
        - *Ken also confirmed that we use the same internal capture rates as Stantec.*
        - *The greatest uncertainty Ken sees in the model is population R-max.*
        - *Model run 100 years beyond the requested permit term (50 years).*
        - *Contaminant issues incorporated into a net mortality rate adapted from Colorado research on development effects on puma. Estimated development impact of 3 female panthers per year in addition to current 2.5 loss per year observed throughout RLSA.*
        - *Connie clarified that the traffic data used 2040 projections, not 2060 as labeled.*
        - *Jerry asked about the inputs rather than the above results. These appear in the "Schema" transmitted this morning, and earlier, about a month ago.*
        - *Jerry suggests we need to see assumptions and justifications to explain and defend the input values.*

    - Conservation measures incorporated

- Adjustments for action area (road segments with at least 100 trips per day where volume increases at least 10%)
    - 10% relative to 2017 traffic levels, or relative to 2040 projected levels?

- Assumptions fed into the model
    - *This needs to be part of a briefing for the RD.*
    - *Michelle volunteered to draft a template table for the FO to populate. (By COB Thursday — e-mail string appended in google folder)*
    - Needed in table format to help interpret model results
        - I.e., action area, internal capture rates, ongoing crossing improvements, etc.

Incorporating results into decision

- Expectations
    - Assumptions
    - Scenarios
    - Use peer-reviewed model from SSA
        - Shindle comment: [Just to clarify. There is not a PVA model developed for the SSA. Weused the most recent peer-reviewed PVAs to inform our assessment. No SSA-specific model runs were generated using those models.]
    - Use only one set of conservation actions — common to all scenarios
    - Tabulation of scenarios, inputs, assumptions, and results
- Next steps
    - *Meet next Wednesday, November 13, 10-11*
        - *Give everyone time to digest model run presented today*
        - *Plan briefing for RD*
        - *Walk through inputs and assumptions*
        - *Collect questions ahead of meeting*
    - Brief RD on modeling
        - Present *inputs, assumptions, and ramifications.*

Commented [1]: Just to clarify. There is not a PVA model developed for the SSA. We used the most recent peer-reviewed PVAs to inform our assessment. No SSA-specific model runs were generated using those models.

- *Will need background on new conservation commitments*
- Describe how conservation measures are considered
- Propose path forward

- Implement direction from RD
  - Conclude modeling and analyses
  - Finalize panther chapter and conclusion in BO
    - Use of modeling results
    - Decision tools
    - RD's requested discussion (from June briefing)
  - Formulate conclusion of BO analysis
- Re-start SO 3355 timeline

November 13, 2019

East Collier HCP

Internal Discussion:
Effects Modeling
Brief for RD

866/763-5944, code# 4528045

Present:

Topics --

- Input table
- Conservation measures incorporated
- Action area
- BO synopsis
- RD briefing
    - Contents
    - Schedule

November 15, 2019

East Collier HCP

In-Service Update TO BE DETERMINED at Wednesday, November 13 meeting
866/763-5944, code# 4528045

Present:

Topics --

Follow up or continuation of Wednesday's discussion

December 6, 2019

East Collier HCP

In-Service Update
866-827-5449 Code: 8325726

Present: David Dell, Ken McDonald, David Shindle, Rob Tawes, Larry Williams, Chuck Kelso, Connie Cassler, Jerry Ziewitz

Preliminary Status Check ahead of December 18 RD Brief

- Preparing for RD briefing, December 18
    - Main topic will be the status of our PVA modeling and BO analyses
    - Need to identify outstanding issues or disagreements

- Update of latest modeling
    - Results of PVA alternative runs?
    - Latest work?

- Gut check

    - 

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January 10, 2020

East Collier HCP

In-Service Update
866-763-5944 Code: 4528045

Present: Connie Cassler, Chuck Kelso, Rob Tawes, Heath Rauschenberger, Kevin Palmer, David Dell, Mark Cantrell, Larry Williams, Tim Binzen, Mike Crowley

Topics:

Tribal Consultations

- *No news, Dell continues to work on issues table*
- *Question about ALICO corridor and effect on Seminoles issue*

AECOM contract

- Connie's note: AECOM's contracting folks are trying to tie up loose ends and were looking at the amended contract. The last call listed in the contract was January 2019. We should discuss how much more, if at all, we will need their help. Then we can let them know if the contract dates need to change. This would be a no-cost change.
- *We agreed that we are unlikely to need new work on the EIS by AECOM. Connie will wrap up the contract so that it can be closed out by us and by ECPO.*

ALICO, SR 82 crossing/preserve

- This and other HCP amendments
    - This affects the overall acreages in the draft BO.
    - *Connie points out that the ALICO corridor will exchange development for preserve lands and may change habitat (developed vs. preserve) numbers throughout the BO species chapters.*
    - *We are going to need a comprehensive collection of the addenda and clarifications from ECPO -- will need to eventually be in a revised HCP.*
- Relation to Seminole comments?
    - Camp Keais Strand and Summerlin Swamp corridors,
    - *Connie will review the maps to see if this affects our Seminole reponse,*

Status of Gargiulo NOA

- Entered into DTS for HQ and Department clearance, Jan 9

Connie reported that Ken was intent to finish the panther BO chapter write-up later today.

January 24, 2020

East Collier HCP

In-Service Update
866-763-5944 Code: 4528045

Present: David Dell, Rob Tawes, Connie Cassler, Ken McDonald, Chuck Kelso, Kevin Palmer, Tim Binzen, David Shindle, Mark Cantrell, Mike Crowley, Heath Rauschenberger

Topics:

Tribal Consultations

- *Kevin Palmer assured that both tribes have been informed of the Gargiulo NOA.*
- *The Seminoles asked Kevin about a response to their comments. Dell agreed to produce a draft in the coming days.*

AECOM contract

- Follow-up from closing this out?
    - *Connie has informed Laura Cherney at AECOM that no further work is expected under the existing contract. As we close this out, the contract will need to be updated to capture all of the work that was done. Connie will dive into that.*

Gargiulo NOA

- Published January 23
    - *We will watch the Docket for comments.*

Panther BO Chapter

- Status?
    - *Shindle is working on his review that he hopes to provide to Ken, Connie and Chuck on Monday.*

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February 7, 2020

East Collier HCP

In-Service Update
866-763-5944 Code: 4528045

Present: Connie Cassler, David Dell, David Shindle, Ken McDonald, Tim Binzen, Kevin Palmer, Rob Tawes

Topics:

Tribal Consultations

- *Dell promised to put the Seminole response out for review by the group, by COB.*
- *Kevin had a query this week from the Seminole THPO concerning the NEPA documentation. The FO referred them to the draft HCP and EIS posted to the Service's (FO) web page.*

Rob's Conversation with Christian Spilker

- *From Rob's notes e-mailed February 6:*
    - Wanted to let you know that Christian called me yesterday afternoon. He wanted to talk about two things:
    - 1) Proposed Field Visit to ECPO Lands for Leo and Cathy: Since Leo's recent planned field trip to the ECPO lands was cancelled he wanted to offer to reschedule (he said prior to when the rains get too bad to make some areas inaccessible). He extended the offer to Cathy as well.
    - 2) He was inquiring on the status of the biological opinion. He stated that he is receiving increasing questions from other members and leadership about the "pause" status, along with interest within the group to contact the Department. I reiterated what we sent out in our last ECPO update - that we were working on the BO, and that it was currently undergoing revisions in the field office. Larry he indicated he may give you a call.
    - Finally he mentioned that Andrew Turner and Vicki Mott met earlier in the week to continue the causation discussion.
- *Christian reminded Rob about the pressure he faces to hold the Department off our backs.*
- (b)(5) DPP(b)(5) DPP(b)(5) DPP(

- From Connie's e-mail of February 3
    - Please see the email from Laura Cherney that I'm forwarding. I have questions for you about her first and third questions. I took care of her second question by asking her to link from the EIS website to the VeroBeach FWS website for at least a couple of weeks before turning off the EIS website.
    - About the first question, AECOM was required to send us any correspondence related to the EIS which we were not copied on or sent directly. I can't think of anything else we are supposed to get from them, but I wanted to ask if you all know of anything else before I tell Laura we have everything else.
    - About the third question, I wanted to see how you all feel about closing the contract before the final EIS and permit decisions.
    - Please let me know what you think, or we can discuss on Friday. I'll hold off on responding to Laura until I hear back.
    - Cherney's Questions to Connie
        - 1. For the Administrative Record, We have compiled the references from the EIS and Adam will provide to you shortly. Do you need any additional information from AECOM to support?
        - 2. AECOM has been hosting the www.easterncollierhcpeis.net website and posting documents when requested by the Service, most recently in January 2018. However, I understood that the Service has since created another site to hosting the public notice, and NOI, etc. Do you have everything that you need from AECOM from the www.easterncollierhcpeis.net website? OK if we shut down the site?
        - 3. We looked in the contract to see if there was any language regarding the close out ….. Exhibit A – Statement of Responsibilities, Section 4, Termination and Modification appears to indicate that the contract is in effect until the FEIS is completed and "decisions are made on the ITP application…". I believe AECOM has completed our tasks as directed by the Service however want to be clean about closing this project in relation to coordination with ECPO. As you know, our current contract has expired. Does AECOM need to process a contract extension or can we consider this item closed?
- *We did not identify any additional needs per AECOM's item #1.*
- *Per item #2, AECOM intends to keep their page up for a few weeks and have it link to the FO web page. After that the AECOM page would be taken down.*
- *Per item #3, we discussed and agreed that it would be appropriate to keep the contract open and without any tasks until we finalize our section 10 decision.*
    - *Connie will work with AECOM to have them update the contract and expenses to reflect all of the latest traffic analyses*

Gargiulo NOA

- Closes February 21
- Slow comment rate, non-substantive objections

Panther BO Chapter

- *Ken finished a second draft on 2/6 for FO review. Rox, Connie, and David S. commented on first draft and will review the second.*

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February 7, 2020

East Collier HCP

In-Service Update
866-763-5944 Code: 4528045

Present: Connie Cassler, David Dell, David Shindle, Ken McDonald, Tim Binzen, Kevin Palmer, Rob Tawes

Topics:

Tribal Consultations

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    - *Connie will work with AECOM to have them update the contract and expenses to reflect all of the latest traffic analyses*

Gargiulo NOA

- Closes February 21
- Slow comment rate, non-substantive objections

Panther BO Chapter

- *Ken finished a second draft on 2/6 for FO review. Rox, Connie, and David S. commented on first draft and will review the second.*

(b)(5) DPP(b)(5) DPP(b)(5) DPP

February 21, 2020

East Collier HCP

In-Service Update
866-763-5944 Code: 4528045

Present: Ken McDonald, Connie Cassler, Tim Binzen, Maureen Walsh, Mark Cantrell, David Shindle, Rob Tawes, David Dell

Topics:

Tribal Consultations

- Draft response letter to Seminole Tribe is available for comment
  - *Tim will take another look*
- Discuss how NHPA (Sec. 106) process will work in practice for Covered Activities: Roles & Responsibilities of FWS, Permittee, and SHPO
- *Tim outlined his suggestion to specify roles and responsibilities among the Service, ECPO, the Tribes, and the SHPO.*
  - *The Tribes should be notified of project proposals before the SHPO clears them.*
  - *Avoid long term redundancies with other federal actions and SHPO consultations.*
  - *Service should ensure ECPO's compliance with SHPO consultation.*
  - *SHPO would confirm whether or not adverse effects might occur*
  - *Dispute resolution (THPO vs. SHPO) will need consideration. If needed, the Advisory Council would mediate*
- (b)(5) DPP(b)(5) DPP(b)(5) DPP(

- *Dell will draft as first priority, and distribute for review.*

AECOM contract

- AECOM needs to have a predicted end date to update the scope of work
  - *We will have to wait till we come off pause in order to estimate.*

Gargiulo NOA

- Closes February 21
- Jillian Eanett (HQ) contacted to arrange download of comments. We've requested that she make those available to Dell and Kelso.
- More than 130 objections received.
  - One objection to destroying the rural feel of Golden Gate Estates.
  - One questioning how we could consider such an action while the panther 5-year review is overdue.
  - Many/most think we are authorizing hunting, killing, or nuisance control.
- As of this morning substantive comments received from Sierra Club, Conservancy, and CBD, and separately from Conservancy, CBD, and Sierra Club.
  - Conservancy comments include August 2019 panther/roadway traffic study:
    - Assessing the Value of Current Movement Pathways of Florida Panthers that Intersect Keri and Corkscrew Roads: Identifying Location and Need for Safe Crossing Measures
    - *Dell will distribute the substantive comments*

Panther BO Chapter

- Roxanna and Connie reviewing second draft
- *They will coordinate edits with Ken, and are assuring consistency with the SSA.*
- *Larry will approve before releasing to RO.*

FOIA update from ECPO meeting (February 14 Update)

- Follow up on Carter Clements report on a still-pending response by us
- *Rob said he would follow up on FOIA matters with the staff.*

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Sierra Club Lawsuit on highway projects

- Initial meeting with Regional Solicitors Office, February 19, 2020 – Helen Speights assigned.
- *Rob and the FO received this material and are responding. Helen has asked primarily for fact-checking.*

Jimmy Tobias interview with DOI

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- *The interviews were* Postponed due to his recent FOIA for panther PVA information related to ECMSHCP. Staff don't have time for both.
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Google/Microsoft Transition

- *Ugh!*
- *We are starting to find issues with OneDrive – when we share a document link, the recipient can open and edit that document. If the recipient saves the document to their OneDrive, they may create a new version of the document.*

Commented [SB1]: Jimmy Tobias FOIA on Panther PVA

February 21, 2020

East Collier HCP

In-Service Update
866-763-5944 Code: 4528045

Present: Ken McDonald, Connie Cassler, Tim Binzen, Maureen Walsh, Mark Cantrell, David Shindle, Rob Tawes, David Dell

Topics:

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Commented [SB1]: Jimmy Tobias FOIA on Panther PVA

March 20, 2020

East Collier HCP

In-Service Update
866-763-5944 Code: 4528045

Present: Kristen Peters, Ken McDonald, Connie Cassler, Rob Tawes, Tim Binzen, Mark Cantrell, Chuck Kelso

Topics:

Tribal Consultations

- Draft response letter to Seminole Tribe onto surname this week
- Section 106 process
    - Provide Tim Binzen and Rick Kanaski stand-alone draft
    - *Dell committed to later next week*

Summit meeting: ECPO, RD, and SOL

- Items to do after meetings of March 5 and 6
    - Develop timeline to conclude decision for RD
    - *Connie reported on their FO discussions last week were they suggest 60 days. With the RTM and other matters coming this next week, its likely to be the following week before Rox and Connie get back on their review of the BO.*
    - *Rob replied that he has discussed with the ARD and they are concerned whether it should take that long.*
    - *Dell has drafted the remaining timeline from the point when a BO is completed. This is on the Teams channel.*
    - *Rob will work with the ARD early next week to reach a conclusion.*

AECOM contract

- We will have to wait till we come off pause in order to estimate.
- *Rox signed a place holder contract extension through December 31, 2020, so that we have a contingency in case we need to reactivate. They presented this to Christian Spilker at their field visit, and explained that no new costs are expected unless unforeseen circumstances intervene.*

Gargiulo NOA

- Any follow-up?
- *None identified*

Panther BO Chapter

- Roxanna and Connie reviewing second draft
- *see timeline discussion above*
- *We don't have sample BOs promised by ECPO, nor do we have the summary of ECPO's illustrative BO from the SOL.*

FOIAs

- Any news?
- *FO has provided everything to the RO staff, Carter has not received all requested material.*
- *Rob needs to work with the FOIA staff to ID releasable and withheld documents.*
- *There is a need to coordinate among the various requests.*
- *Rob suggests we approach Tiffany and Larry to identify all the East Collier-related FOIAs and review for consistency in releases and withholdings.*

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Sierra Club Lawsuit on highway projects

- *Nothing to discuss separate from the BO and field trip discussion.*

Erin Myers departure from Panther NWR

- Going to Ding Darling NWR March 30
- *Leaving Partners program, discussions in DRR.*

Visit with Southwest Florida Conservancy before East Collier Field tour

- *Conservancy asked about status of critical habitat designation for Florida bonneted bat.*
- *The CH will likely be advertised before we conclude ECPO decision, therefore, we would need to address it in the Conference portion of the BO.*
- *Connie and Chuck are reviewing proposed CH area compared to the HCP area. After a cursory look, it appears CH occurs mostly in the southern portions of the HCP area, and mostly in proposed Preserve lands. They will continue to develop firm numbers and/or mapping.*

East Collier Field visit by Leo Miranda, Roxanna Hinzman, and Connie Cassler on March 13, 2020.

- *Toured the East Collier project area with Christian Spilker*

- *Rox pushed Christian for the more defined adaptive management measures that we had expected in the latest addendum.*
- (b)(5) DPP(b)(5) DPP(b)(5) DPP(

April 17, 2020 CANCELLED

East Collier HCP

In-Service Update
866-763-5944 Code: 4528045

Present:

Topics:

Tribal Consultations

- Draft response letter to Seminole Tribe on surname
- Tim's review of the section 106 process?

NEPA Progress

- EIS and ROD
- EIS comment responses
-

Outline of Operations

- May try to discuss with Vicki Mott before the BO hits her desk.
- May be able to get this to ECPO relatively soon? Would inform future discussions of any ITP conditions.

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Panther BO Chapter

- Anything to discuss?

FOIAs

- Any news?
-

Sierra Club Lawsuit on highway projects

- *INCLUDE?*

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- Any news?

Google/Microsoft Transition

- Anything new?

May 1, 2020
April 17, 2020 CANCELLED

East Collier HCP

In-Service Update Cassler and Dell
866-763-5944 Code: 4528045

Present:

Topics:

Tribal Consultations

- Draft response letter to Seminole Tribe on surname

NEPA Progress

- EIS and ROD
- EIS comment responses make sure I'm in the right document
- Ken is working also, they
- Pause status

Outline of Operations

- Sent to Vicki this week

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Panther BO Chapter

- Anything to discuss?
- Connie and Rox have made a first run-thru
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- Consultation history – FO is augmenting
- Jerry's draft has some holes to fill
- Adjusting numbers in response to ALICO corridor
- They are on track for May 11
-
-

Sierra Club Lawsuit on highway projects

- *INCLUDE?*

June 12, 2020

East Collier HCP

In-Service Update
Via Teams

Present: Rob Tawes, Connie Cassler, Heath Rauschenberger, David Dell, Mark Cantrell, Ken McDonald, David Shindle, Roxanna Hinzman, Chuck Kelso, Larry Williams, Vicki Mott, Tim Binzen

Topics:

Tribal Consultations

- Seminole letter being finalized at RD's office
- *Tim asked for the DTS number, Rob will provide*
- *Tim asked for a pdf of the final signed hardcopy*
- *Tim will transmit final to appropriate Tribe contacts to ensure it gets seen*

Biological/Conference Opinion

- General status
  - *A few easily accomplished matters outstanding, Connie sees little issue with them*
  - *CH for bonneted bat*
    - *Can't put it off now that its been advertised*
    - *Connie catching up, working with staff*
- (b)(5) DPP (b)(5) DPP (b)(5) DPP (b)(5) DPP (b)(5) DPP (b)(5) DPP (b)(5) DPP (b)(5) DPP (b)(5) DPP

Panther BO Chapter

- Status? path forward?
  - *FO continues working with panther chapter comments*
  - *They expect to wrap this up with goal to turn over to Larry by end of next week*
- Monitoring, adaptive management, implementation checkpoints
  - *We had a wide-ranging discussion on proceeding with the BO analysis. There is consensus that some adaptive management process, including periodic evaluations of the HCP's effects, is needed.*
  - *Need to specify situations that might lead us to withhold project concurrences.*
  - *Create expectation that BMPs might need adjusted in response to conditions.*
  - *Need to remember that development associations will create a lower level, finer tuning of oversight and adaptive management as ECPO permittees partially transfer permits to the development associations. Associations will have*

covenants from ECPO permittees on which we place general requirements through the initial ECPO ITPs.

- *We will work collaboratively in the document Connie created in the BO teamsite.*
- *Discussed definitions of parameters to use as "triggers" for adaptive management*
  - *Use of panther corridors*
  - *Panther jeopardy*
  - *Panther reproduction in the HCP area*
  - *Etc.?*

- *Larry polled the attendees to make a "gut-check"*

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NEXT STEPS

- ***Action item:*** *Rox to review outline of operations ASAP*
  - *We will try to transmit to ECPO in the next couple of days*
- ***Action item:*** *By COB, Wednesday, we will have drafted the adaptive measures and checkpoint conceptual list, working in the document started by Connie*
  - *To complete BO analysis, we only need a conceptual list or planning document, the adaptive measures would ultimately be documented in any ITP.*
  - *Transmit to ECPO, possibly by next week's Update*
  - *Discussions/negotiations with ECPO can continue over the next several weeks as SOL reviews BO.*
- ***Action item:*** *Rob will initiate discussion with Bruce Johnson responding to ECPO's request for independent review.*
  - *Share Ken's response to ECPO's request*
  - *If possible, resolve*
  - *If ECPO maintains the need for independent review, we will follow through on that. Effect on timeline to be determined.*

EIS comments

- *Dell has been working on*
- *At the suggestion of HQ staff, we went off-pause a few weeks ago.*
  - *No apparent repercussions with the Department*

Sharing outline of operations with ECPO

- *Rox asked for a copy and the chance to look at it before we send*
    - *Dell e-mailed after the meeting*
- *Should be able to transmit to ECPO in the coming days*

Hyde Park approval by Collier County

- Eligible lands – not ECPO
- *No immediate effect on review*

FOIA updates?

- *No news*

AECOM contract (place holder/reminder)

- AECOM needs to have a predicted end date to update the scope of work
    - *We will have to wait till we come off pause in order to estimate.*
    - *Not discussed at this meeting: We are off pause now, but timeline is still unsettled. We should wait till we are committed to publish final EIS before wrapping this up.*

July 10, 2020

East Collier HCP

In-Service Update
Via Teams

Present: Connie Cassler, Mark Cantrell, Ken McDonald, Chuck Kelso, David Shindle, Roxanna Hinzman, David Dell, Tim Binzen

Topics:

Tribal Consultations

- Seminole letter transmitted June 17
- No response from Tribe, may be delayed with pandemic concerns
- No activity from Miccosukee recently

Biological/Conference Opinion

- Transmitted to Vicki Mott, June 26
  - Connie says that Vicki responded with access concerns and there have been indications of activity in folder
  - Connie scheduled meeting July 28 to allow time for staff review of Vicki's comments and to discuss appropriate revisions and sharing with ECPO
- Merging panther chapter into main text?
  - Connie seeking help from FO admin
- We discussed the "Conservation Recommendations" portion of the BO. The language there now is Jerry's placeholder.
  - Ken pointed out the recommendations made by BO species-chapter authors.
  - These are in a folder "BMPs for covered spp," in the older Teams BO folder: folder
  - Need to consider these in the BO and possibly in any permit instrument

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Adaptive Management discussions with ECPO

- Waiting to hear from ECPO
- Early interval more important than later, i.e., more room to compromise later in a 50-year term

Project Review timeline

- Overview, discussion, plan next steps
- Will need most help in responses to HCP public comments

    - Many changes since NOA, incorporated
- Rox reminded us to plan in time for Larry Williams review, Connie to coordinate with LeeAnn

EIS and ROD

- Try to transmit to Corps after next week
- Connie will review EIS and ROD
- Transmitting to ECPO?
    - Dell wants to send earlier in order to ease schedule ahead of the Department briefing (stage 5) -- no significant changes from the draft EIS.
    - Concerns over releasing it while its under SOL review? Privileged?
    - We should hold the ROD from ECPO review until shortly before publication – perhaps as we are about to schedule Department review

FOIA updates?

- FWS 2020-00779
    - (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP

Rox reminded to ask AECOM for their admin records

AECOM contract (place holder/reminder)

- AECOM needs to have a predicted end date to update the scope of work
    - *We will have to wait till we come off pause in order to estimate.*
    - *Not discussed at this meeting: We are off pause now, but timeline is still unsettled. We should wait till we are committed to publish final EIS before wrapping this up.*
    - *Laura Cherney (AECOM) sent an updated Scope to Christian in March with an end date of December 31, 2020. Not sure if it was signed.*

July 24, 2020

East Collier HCP

In-Service Update

Via Teams

Present: *Rob Tawes, Connie Cassler, Mark Cantrell, Ken McDonald, David Shindle, Chuck Kelso, David Dell*

Other Topics:

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- EIS status
  - *FO wrapping up*
  - *Expect to be done later today with bulk of it*
  - *Comparing RLSA to panther language*
- Vicki Mott's BO review status
  - *Transmittal to ECPO? need to consider loss of privilege*
  - *Don't provide conclusion in transmittal*
  - *Ensure we communicate necessary assumptions going into adaptive management Discussion with ECPO*
    - *in BO?*
- Vicki Mott's suggestion for deed restriction on transfers from ECPO to developers
- Tim Binzen has not heard from Seminoles as of this morning
- *FOIA ongoing Conservancy releases, backlog up to 2018 releases*

Plan going into Operations Workshop with ECPO, hopefully next Wednesday (Connie will check with Rox to see if next Wednesday can be made to work. Dell will give ECPO a tentative acceptance).

- *Opening/introduction*
  - *Presenting high-level requirements and transitioning down to specifics*
  - *Collaborative session*
  - *Want to clarify all parties expectations/planned implementation*
  - *What do we need from each other?*
- *Clarify transitions of responsibility*
  - *ECPO to developer*
  - *Developer to HOA*
  - *ECPO to enrolled landowner*

- *Clarify respective responsibilities/expectations*
- *Clarify adaptive measures appropriate for the high-level checkpoints*
- *Identify that there will be lower-level adaptive management responses*
- *With transitions clarified, we can designate where the adaptive management responsibilities lie*

ESSENTIALS

Service's Essentials

1) Address issuance criteria --- Criteria of most relevance to Operations:
    a) Plan will not jeopardize covered species
    b) Minimize and mitigate to the maximum extent practicable
    c) Assure conservation plan implementation
    d) Assure funding of conservation plan
2) Fulfill other, non-ESA, or non-section 10, requirements
    a) Tribal Consultations
    b) National Historic Preservation Act, section 106
    c) Corps of Engineers 404/state wetland permit consultations

To satisfy these essentials, the Service has these objectives:

3) Assumptions for J analysis
4) Maintain corridor functions
    a) Wildlife movement
    b) Habitat value
        i) Conservation easements to offset project site impacts
        ii) Conservation easement management to enhance and maintain habitat value
        iii) (b)(5) DPP(b)(5) DPP(b)(5) DPP(

ii) What ECPO controls, vs 3rd parties
iii) Developers and HOAs and enrolled landowners

f) Monitor to ensure BO assumptions are satisfied or revise BO modeling as needed

9) Seek involvement by County (Service-County, or Service-County-ECPO as parties are willing) *not so immediate need to dig deep with ECPO, but present as our longterm objectives*
   a) Highway planning, wildlife crossing planning
   b) A coordinating body would facilitate identification and implementation of adaptive measures
   c) County RLSA? The County is a vested party
   d) (b)(5) DPP(b)(5) DPP(b)(5) DPP(

        - Probably similar to a developer, but subject to individual situation
    - Maintain Preserve lands
        - Up-front "as-is" commitment
        - Conservation easements as lands are committed as sending units
            - Timing in relation to developer's permit transfer?
        - Manage preserves in accordance with HCP and conservation easements
            - Up to individual ECPO permittee who owns the sending unit?
    - (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP
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        - Universal BMPs
        - Appropriate BMPs to satisfy BMP goals
        - Covenants to ensure continued funding and implementation of BMPs by HOAs
    - Responsible for coordination with Service and others
        - Annual reporting
        - Project planning
        - (b)(5) DPP(b)(5) DPP(b)(5) DPP(

responsibility to the HOA. Write any permit in this sense so as to avoid Part 13.25 transfer.

- Covenants
- Funding and implementation of BMPs
- Annual reporting
- (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP
- Invited to checkpoint?

HOA/Property Managers

- Responsible for governing residential communities and commercial properties
- Responsible for managing communities and properties in accordance with HCP
- Responsibility terminates at expiration of ITP

- Enrolled landowner:
  - Negotiates enrollment with ECPO
  - Accepts obligations of HCP via individual permit application
  - *Responsibilities similar to those of a developer*
  - Produces project plan
    - Do this as part of individual permit application, Service should be involved with landowner/ECPO negotiation for early alert and input
    - Appropriate BMPs to satisfy BMP goals
    - Covenants to ensure continued funding and implementation of BMPs by HOAs
    - Layout of project should be consistent/compatible with delineation of HCP development and preserve lands.
  - Responsible for coordination with Service and others
    - Other than annual reporting, do this as part of individual permit application
    - Annual reporting
    - Project planning
    - (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP
    - SHPO review provided to Service
    - Consistency check with Service
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  - Need a hold-point to ensure enrolled landowner meets obligations of their permit before transfer to HOA

        - Service review and covenant approval can wait til some time after the permit transfer.
    - Invited to checkpoint?
- Service (need to firm up order and timing in relation to other review steps)
    - Coordination with ECPO and other permittees, review annual reports, communicate concerns and questions, suggest adaptations, implementation oversight as provided by ESA and regulations and stepped down in ITPs
    - Coordinate with ECPO, developer, or enrolled landowner as land transfer/enrollment is considered
    - Participate in project-level planning coordination
        - Input on project design and BMPs to assure consistency with HCP
        - Participates in Corps pre-project meeting
        - Per Rick Kanaski's suggestion, consider coordinate internally on cultural resource issues to inform Tribal consultation
    - Provides ECPO, developer, or enrolled landowner concurrence letter for them to submit with wetland permit application
    - Coordinates project plans with Tribes for their cultural resource review – must be early enough to allow Tribes to meaningfully influence SHPO review. Suggest having developer provide us SHPO consultation request simultaneously with their submittal to SHPO.
    - Provides Corps courtesy copies of all communications to Tribes
    - Participates in checkpoints
    - Maintains sight of covered species recovery "big picture" and how that may suggest adaptations to the HCP and non-ECPO permittees

ISSUES TO CLARIFY WITH ECPO

Who holds a permit -- and when?

- Transition from ECPO to developer
    - When to transfer?
    - Negotiation of project-specific BMPs and project plan before or after transfer?
    - SHPO and Corps coordination before or after transfer
    - Part 13.25 calls for a joint, written submittal by ECPO and developer
        - We could require this submittal to begin the BMP and project plan negotiation [W*e have a vital decision space here. The transfer depends upon our approval of the transfer request -- it is in fact a permit*

application by the developer. I could see ECPO resisting us withholding transfer approval til after a project plan and BMPs have been approved, but this is a potential pause-point to ensure a project meets HCP goals. Although we don't control their closing date, we do not have to issue a transferred permit until we are satisfied that it meets ESA and HCP requirements. Concerning ECPO resistance on this, could be serious given yesterday's comparison by Christian of the current section 7 approach versus the proposed section 10 approach. This could be one of the crucial discussions at our workshop. Pays to look in the HCP, see CH 7.7.1, ECPO allows for this, but we may be proposing more than they expect.]

        - Wait until we settle on project plan and BMPs before issuing a transferred permit, then begin SHPO, Corps coordination?
    - (b)(5) DPP(b)(5) DPP(b)(5) DPP(

Need to specify who makes Marinelli contributions, and when

Where do our adaptive measures fit?

Who does what and when?

What are the fundamental assumptions for the BO about preserve management/wildlife crossings/internal capture that might threaten HCP success that are controlled by third parties (not ECPO or any follow-on permittee)?

Anti-coagulant and neurotoxic rodenticides

Wildlife undepasses/fencing/ROWs managed by Fed/State/County DOTs

Panther recovery status

Internal capture rates?

Possible delineation of obligations

Possible entity for HCP Compliance Coordination and Permittee/FWC/FL-DEP/COE/Service Liaison -

Collier County Division of Engineering and Natural Resources, Environmental Services, Environmental Review Staff & Permits:

https://www.colliercountyfl.gov/your-government/divisions-a-e/environmental-services/environmental-permitting-project-review/environmental-review-staff

And

Collier County Division of Code Enforcement

*Note: the above doesn't include a mechanism for the adaptive management of traffic volume

July 31, 2020

East Collier HCP

In-Service Update
Via Teams

Present: *Ken McDonald, Chuck Kelso, David Shindle, Connie Cassler, Rob Tawes, David Dell, Vicki Mott*

Topics:

Biological/Conference Opinion

- SOL comments received
- Status of incorporation?
    - *Mostly complete, Connie wants to make a final read-through*
    - *Ken expects to wrap up later today*

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FOIA updates?

- *Rob and Connie continue to tread water reviewing responsive documents*

Rox reminded to ask AECOM for their admin records (from earlier notes)

AECOM contract (place holder/reminder)

- AECOM needs to have a predicted end date to update the scope of work
    - *We will have to wait till we come off pause in order to estimate.*
    - *Not discussed at this meeting: We are off pause now, but timeline is still unsettled. We should wait till we are committed to publish final EIS before wrapping this up.*
    - *Laura Cherney (AECOM) sent an updated Scope to Christian in March with an end date of December 31, 2020. Not sure if it was signed.*

August 7, 2020

East Collier HCP

In-Service Update
Via Teams

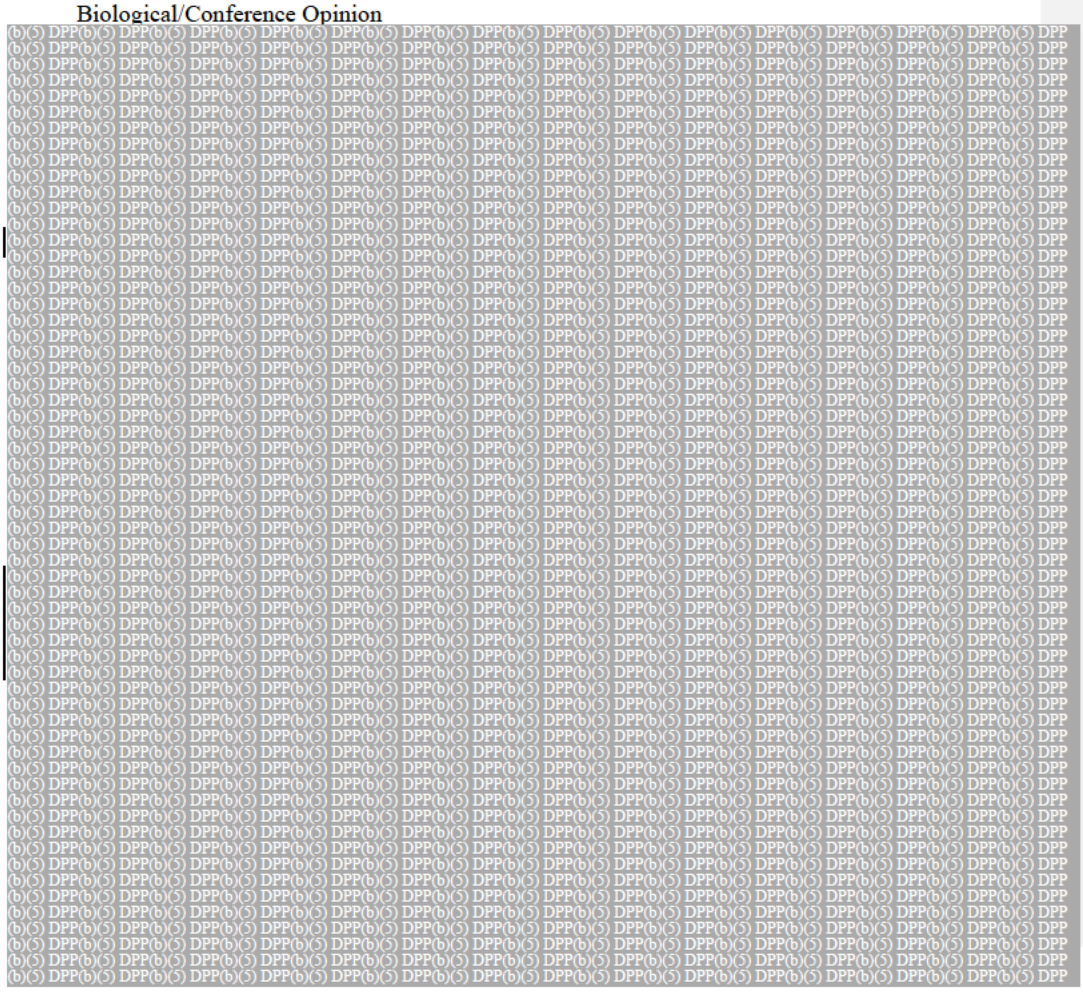
Present: *Connie Cassler, Ken McDonald, Chuck Kelso, David Shindle, Mark Cantrell, Ken Warren, Heath Rauschenberger, David Dell*

Topics:

Tribal Consultations

- Seminole letter transmitted June 17
- *No news*

Biological/Conference Opinion



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FOIA updates?

Connie has 7 to finish up
One on Larry Lee's list Connie hasn't seen (Villages)
She needs priorities from FOIA staff
Suggest to Rob that we have a global review with FOIA staff

Rox reminded to ask AECOM for their admin records (from July notes)

- Connie is checking to make sure we have everything from AECOM. Laura Cherney out until August 17th, so we won't hear from her until after that.

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AECOM contract (place holder/reminder)

- AECOM needs to have a predicted end date to update the scope of work
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  - *Laura Cherney (AECOM) sent an updated Scope to Christian in March with an end date of December 31, 2020. Not sure if it was signed.*
  - *Connie is checking to see if AECOM received a signed Scope of Work.* Laura Cherney out until August 17th, so we won't hear from her until after that.

August 21, 2020

East Collier HCP

In-Service Update
Via Teams

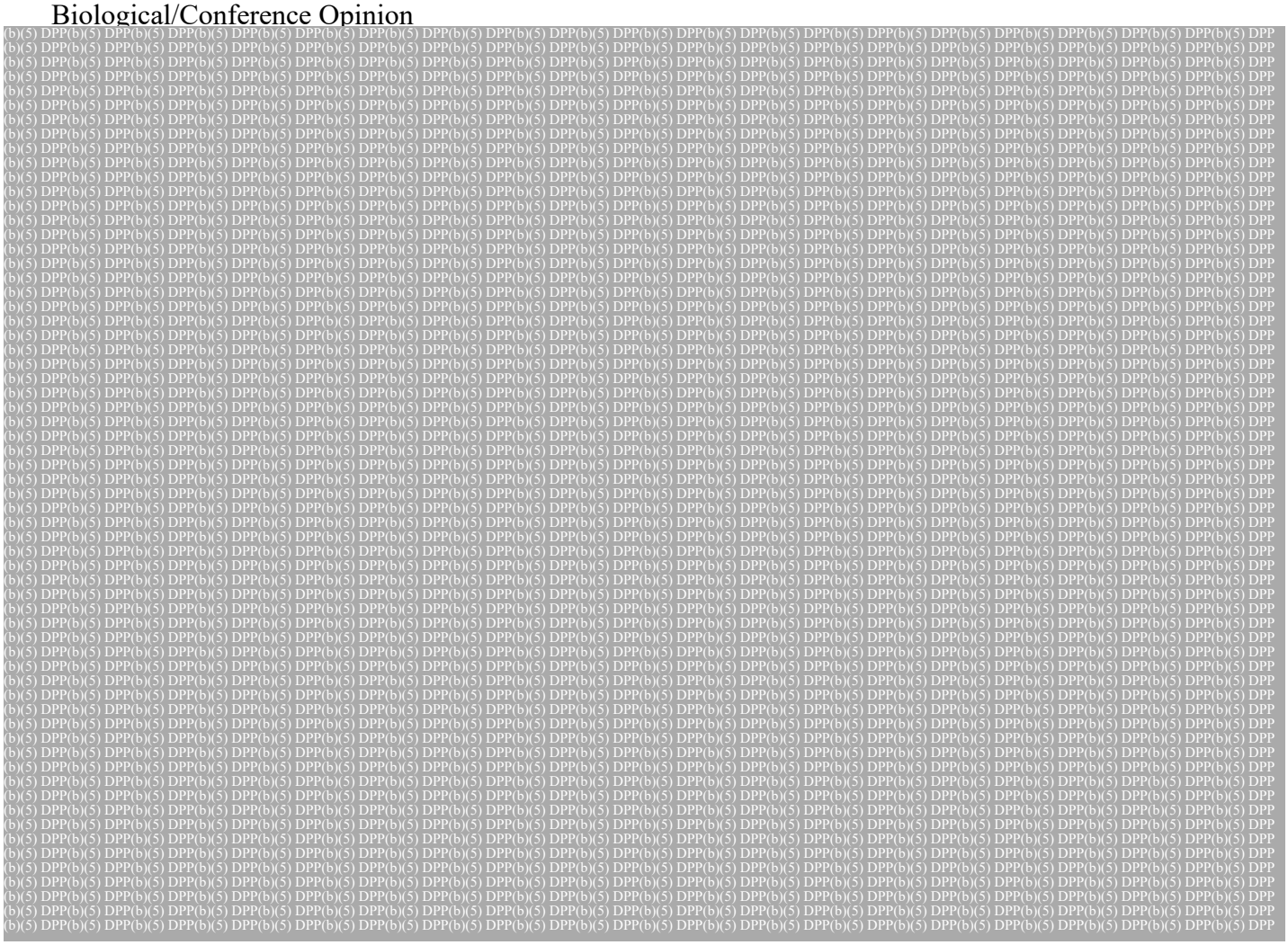
Present: Roxanna Hinzman, Connie Cassler, Chuck Kelso, David Shindle, Ken McDonald, Mark Cantrell, Rob Tawes, David Dell, Heath Rauschenberger

Topics:

Tribal Consultations

- Seminole letter transmitted June 17
- Any news?
- *Tim Binzen away through today, no one else heard either*

Biological/Conference Opinion


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Project Review timeline

- Uncertain, will need to revise

EIS and ROD

- Transmitted to Corps Monday August 3
- Transmitted to ECPO, without ROD, but with appendices, including draft comment responses, on August 14

- Comment responses in a new Appendix H
    - Input still welcome

- Update costs. SFESO sent costs to RO on 8/6/2020 (reminder from previous update)
    - *Connie provided all of the FO costs*
    - *RO needs to figure their end*

FOIA updates?

Rox reminded to ask AECOM for their admin records (from July notes)

- Connie is checking to make sure we have everything from AECOM. Laura Cherney out until August 17th, so we won't hear from her until after that.

AECOM contract (place holder/reminder)

- AECOM needs to have a predicted end date to update the scope of work
    - *We will have to wait till we come off pause in order to estimate.*
    - *Not discussed at this meeting: We are off pause now, but timeline is still unsettled. We should wait till we are committed to publish final EIS before wrapping this up.*
    - *Laura Cherney (AECOM) sent an updated Scope to Christian in March with an end date of December 31, 2020. Not sure if it was signed.*
    - *Connie is checking to see if AECOM received a signed Scope of Work.* Laura Cherney out until August 17th, so we won't hear from her until after that.

September 4, 2020

East Collier HCP

In-Service Update
Via Teams

Present: (Service) Rob Tawes, Connie Cassler, Mark Cantrell, Ken McDonald, David Dell, David Shindle, Chuck Kelso, Roxanna Hinzman
(Regional Solicitor) Vicki Mott

Topics:

Tribal Consultations

- Seminole letter transmitted June 17
- Any news?
- *Connie received a tribal update this past Wednesday. ECPO is still on their "to-do" table to be reviewed.*

Biological/Conference Opinion

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        - *Rox suggested we arrange LeeAnn's assistance at least a week ahead through Larry*
    - Dell needs to revisit filing processes and EPA contacts
    - Transmit NOA to SOL?
        - *Vicki is willing to look at the NOA when its available. Dell transmitted later in the morning.*

FOIA updates?

- *All agreed our FOIAs are in chaos, too many extraneous, unresponsive documents are being dumped on us, there is no coherent structure to track FOIAs through the process*
- *Rob and David have items to follow through on.*
- *If we need access to Rox's e-mails for FOIA purposes, she has them arranged into topic folders. Connie can provide these.*

Administrative Record Housekeeping

- Lots of fragmentary documents in the EIS and public response folders

CBD News Release

- *With our input, External Affairs prepared a talking point for any queries regarding CBD's announcement of September 3.*
- *Dell agreed to provide Vicki a copy*

New Partners biologist at Panther NWR

- Wade Gurley starts September 13
- We need to loop him into project-level reviews to ensure HCP preserve lands do not receive Partners grant awards after they are committed to mitigation (conservation easement)
    - *Rox asked Connie to coordinate with Wade's supervisor, Jose Rivera, on what we expect.*
    - *Dell will add Wade to the ECPO invitation list after the 13th.*

Place holders/Reminders:

Rox reminded to ask AECOM for their admin records

- Connie is checking to make sure we have everything from AECOM. Laura Cherney out until August 17th, so we won't hear from her until after that.

AECOM contract

- AECOM needs to have a predicted end date to update the scope of work
    - *We will have to wait till we come off pause in order to estimate.*

- *Not discussed at this meeting: We are off pause now, but timeline is still unsettled. We should wait till we are committed to publish final EIS before wrapping this up.*
- *Laura Cherney (AECOM) sent an updated Scope to Christian in March with an end date of December 31, 2020. Not sure if it was signed.*
- *Connie is checking to see if AECOM received a signed Scope of Work.*
    - *Updating today (9/4/20), AECOM still has no response, a signed scope of work, from ECPO.*

September 18, 2020

East Collier HCP

In-Service Update
Via Teams

Present: (Service) Rob Tawes, Connie Cassler, Mark Cantrell, Ken McDonald, David Shindle, Chuck Kelso, Tim Binzen, David Dell
(Regional Solicitor) Vicki Mott

Topics:

Tribal Consultations

- Seminole letter transmitted June 17
  - *No word yet, but we expect to hear.*
  - *Tim offered to remind them informally*
- Next communication to Tribes?
  - Reminder late in process, how to approach?
    - *Timing: With luck, we might be able to brief Department later in October and publish ES NOA in November. Need to start looking ahead to drafting these Tribal communications.*
    - *Miccosukee are apparently satisfied, but we should proceed with a late-process, "closure" request*
      - *Tim agreed to check with them informally on what they might prefer*
      - *Not urgent, but we will revisit the question of when to draft at next internal update*
    - *Seminole is more urgent, we expect a substantive reply to our June proposal, and will likely need more time to respond*
      - *As noted above, Tim will check with them informally*

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(b)(5) DPP

- Heath, Rob, David, and Connie met with Mary Duncan (DEP) and Jennifer Goff (FWC) September 10, as an introduction for everyone. Explained some of the workings of the state assumption and ECPO, identified issues of concern, explored how we might coordinate.
- *Rob and Heath have their next assumption coordination session this afternoon. They will pursue scheduling a briefing with DEP on the ECPO HCP.*
- Need to follow through on open issues
  - (b)(5) DPP
  - (b)(5) DPP
  - (b)(5) DPP
  - Need to start ASAP

Project Review timeline

- Uncertain, will need to revise

EIS and ROD

- Transmitted to Corps Monday August 3
- Transmitted to ECPO, without ROD, but with appendices, including draft comment responses, on August 14

- Comment responses in a new Appendix H
    - Input still welcome
- Dell needs to revisit filing processes and EPA contacts
    - NOA transmitted to Vicki September 4

FOIA updates?

- *We all have work to do.*
- *Rob and David have reviews from HQ staff, Connie has about 7 open ones on her desk.....*

Next Steps

- RD review of BO
    - *Expect revisions, but will transmit for ECPO review as soon as possible*
- Finalize EIS and ROD
- Re-figure timeline for Department
- Prepare briefings for Department on public notice for EIS and ROD

September 25, 2020

East Collier HCP

In-Service Update
Via Teams

Present: (Service) Ken McDonald, Mark Cantrell, David Shindle, Rob Tawes, Connie Cassler, Roxanna Hinzman, Chuck Kelso, David Dell
(Regional Solicitor) Vicki Mott

Topics:

Biological/Conference Opinion

- Direction from Leo
  - Future without vs. future with HCP
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  - Does BO use new report on panthers N of the River?
- *Field Office had started spreadsheets of impacts under different scenarios, especially base zoning variants.*
- *Discussed with vs. Without.*
  - *We agree that likely future without would be the RLSP without the HCP, need to add the plan-related factors.*
- Next steps
  - *Agreed to jointly review the BO and to identify point by point comparisons.*
  -

October 2, 2020

East Collier HCP

In-Service Update
Via Teams

Present: (Service)
(Regional Solicitor)

Topics:

Tribal Consultations

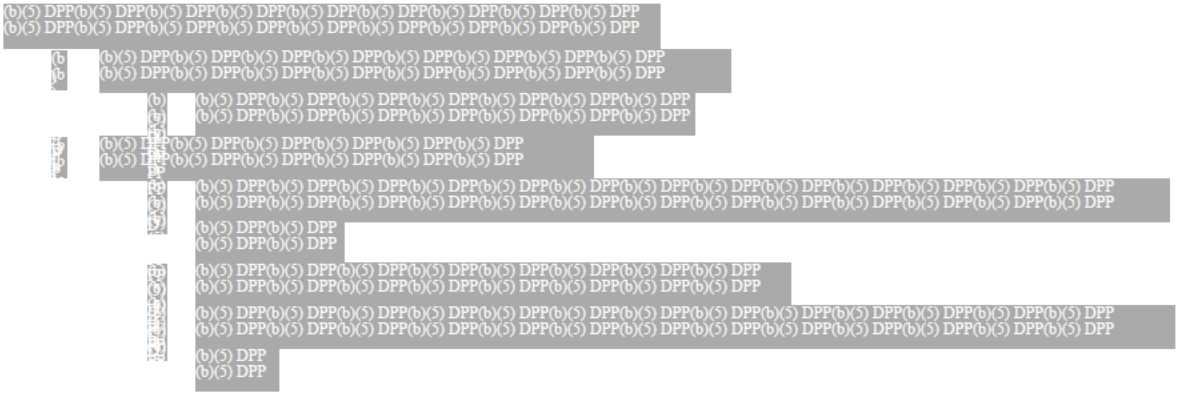
- Seminole letter transmitted June 17
  - Any news on potential response?
- Next communication to Tribes?
  - Reminder to them late in process, not urgent yet

Biological/Conference Opinion

- Catherine Phillips is reviewing the BO
- Responding to RD feedback

EIS and ROD

- Still with Corps (since August 3)
- Transmitted to ECPO, without ROD, but with appendices, including draft comment responses, on August 14
- Vicki Mott returned comments on NOA, September 30



  - Need to start ASAP

Project Review timeline

- Uncertain, will need to revise

FOIA updates?

- Dell reviewed material for withholding for several FOIAs this past week
    - FWS-2020-00661, for Tiffany McClurkin
    - And with Tawes: FWS-2020-506, 516, 633, for Stacey Cummins

Next Steps

- ∉ RD review of BO
    - ⊄ Need to conclude before sharing BO with ECPO
- ∉ Finalize EIS and ROD
- ∉ Re-figure timeline for Department
- ∉ Prepare briefings for Department on public notice for EIS and ROD

October 16, 2020

East Collier HCP

In-Service Update
Via Teams

Present: (Service) David Shindle, Chuck Kelso, Ken McDonald, Connie Cassler, Mark Cantrell, Roxanna Hinzman, Rob Tawes, David Dell
(Regional Solicitor) Vicki Mott

Topics:

- Tribal Consultations
  - Any news?
  - *Tim Binzen not on.*
  - *FO had no news, they see the Seminole's meeting schedules, and the HCP remains on their topic list to be addressed.*

Biological/Conference Opinion

- *We confirmed that the 20200925 folder is the latest version.*
  - *Last edits to BO are from around October 1*
  - *FO has concentrated on the future scenarios document*
- *Connie asked about expectations for the future w/ vs. w/o table in the findings excerpt*
  - *Dell said it was for information, and for everyone's input*
- *Rob let everyone know that RO staff had begun formulating thoughts on the BO*
- *Rox urged the RO staff to respond in the "future scenarios" document*
- *Rob committed RO will complete its input to the 20200925 folder by COB next Tuesday*

EIS and ROD

- No news

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- No news, reminders:
  - Need to follow through on open issues
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      - Need to start ASAP
  - *Heath has suggested inviting ECPO to a meeting with DEP to discuss.*

- *We discussed Collier's letter to the Conservancy. No issues there.*

- *We reviewed how we would see ECPO wetland permit applications.*
  - (b)(5) DPP(b)(5) DPP(b)(5) DPP(

January 8, 2021

East Collier HCP

In-Service Update
Via Teams

Present: (Service) *Ken McDonald, David Shindle, Rob Tawes, Connie Cassler, David Dell, Mark Cantrell, Tim Binzen, Heath Rauschenburger*
(Regional Solicitor)

Topics:

Tribal Consultations

- Any news?
    - *Tim reports he and Mark plan to initiate regular meetings, monthly or bimonthly, with the Miccosukee this coming year.*
    - *Mark attended their regular meeting with the Seminoles this week. Main take-aways were that the Tribe prefers to deal with Service rather than with applicants directly, and that the Service needs to notify them before permits are issued or projects authorized.*
    - *In discussion, Mark says their emphasis is on maintaining the government-to-government relationship.*
    - *There may also be a misunderstanding that has them waiting on comments from us. We confirmed for Mark that we sent a formal proposal to the Seminoles June 17, 2020, and that we are waiting for a response from them.*
    - *Needs/issues to address:*
        - *Clarify the status of our consultation with the Tribe (Mark and Tim will circle back to Seminoles on this).*
        - *Notify the Tribe ahead of our ECPO permit decision.*
        - *At project level, Service is to contact the Tribe directly.*
- New SO 3389, coordinating NHPA section 106 consultations with NEPA review
    - *The RHPOs met yesterday discussing with Eugene Marino. Tim sees it as under-estimating the complexity and time needed for 106 consultations.*

Biological/Conference Opinion

- Status
    - *Last week, Roxanna Hinzman, Rob, and Chuck Kelso tended to the BO. Vicki Mott has not returned her detailed review, but agreed it could be shared with ECPO. The RD concurred in transmitting it.*
    - *This week, some missing data and corrections were supplied to ECPO.*
    - *No timeline for ECPO's review established. Do we want to discuss with them?*
        - *Dell is in no rush, we will have a lot to consider when ECPO returns the BO and the EIS. In addition, we also do not have SOL comments yet.*

- *Rob suggested a call next week as a preliminary check-in and for any clarifications.*
- *Rob will contact ECPO informally to gauge their interest in meeting next week.*

EIS and ROD

- Next steps, ECPO will return comments alongside BO's
  - *As noted, this will come to us in a big slug.*
  - *Connie asked about responses to public comments. We have a complete draft in the last appendix, but it would be worthwhile going back through.*

DEP wetlands permit assumption

- News, status?
  - *The FO has gotten their first applications to review. As it turns out, the 20-day review clock begins when DEP begins its review, not when the Service receives its copy.*
  - (b)(5) DPP(b)(5) DPP(b)(5) DPP(

ECMSHCP – Tasks to be completed

Biological Opinion

- Benefits to be added to the BO.
  - Edit Table 5-13
  - Complete by March 26
- The process for moving the BO forward
  - Address comments or concerns of USGS
    - USGS response expected by April 15
    - FO/RO address USGS comments by ???
  - Determine if/how ECPO Comments are addressed
    - Plan a meeting with FO and RO 1 week after comments are received to determine which to address.
    - FO/RO - Plan 2 weeks to address comments together
    - Larry- resolve any discrepancies in FO/RO response ???
- Final review and edit
  - FO- 3 days
  - Larry- ???
  - RO- ???

Mitigation to the Maximum Extent Practicable

- David Dell has a write-up of his thoughts for species other than panther, but we have not discussed that as a team yet.
  - FO/RO discussion and edits if necessary – 2 days
- RO makes the final decision.

Financial Assurances

- RO will decide whether we need a detailed budget from ECPO or if ECPO has already provided enough information.

HCP

- When will we receive a final HCP from ECPO including the addendum items, as promised?

Tribal Consultation

- Awaiting Seminole Tribe response to our response to their comments.

NEPA

- RO is lead for this.

- EIS - Decide if some of the benefits in the Future with HCP and Future without HCP should be described in more detail in the EIS. RO/FO meet by end of March to discuss and make edits within 1 week.
    - dEIS sent to Corps and awaiting their response
    - dEIS sent to ECPO for review and comparison with BO and awaiting their comments
    - FO/RO address Corps' and ECPO's comments ???
- ROD – David Dell drafted.
    - Draft ROD sent to Corps and awaiting their comments
    - FO/RO meet to discuss comments and complete edits within 1week
- Solicitor's Office reviewing Public Notice for final EIS. ???
- Prepare a briefing for the Department on the Public Notice for the EIS and ROD. ???
- Need to re-figure timeline for Department. ???


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March 26, 2021

East Collier HCP

In-Service Update
Via Teams

Present: (Service) Ken McDonald, Connie Cassler, Roxanna Hinzman, David Shindle, Heath Rauschenberger, Rob Tawes, David Dell
(Regional Solicitor) Vicki Mott

Topics:

Overall Status

- *Panther 5-year review on old again*
- *Catherine briefed the Acting Director on the reimbursable agreement and received clearance to release our editorial*

Continued communication with ECPO

- *They have asked us to respond to the editorials about the reimbursable agreement*
- *At least one ECPO member approached the Florida Wildlife Commission, Commissioner Taylor asked the FO about the reimbursable agreement*
- *There has also apparently been ECPO communication with Regional Office about the NWR comment letter.*

Other items

- Corps position on mitigation bank in ECPO covered area
  - *Forgot to address*
- External Affairs, responses to negative editorials?
  - *An article is drafted, getting additional scrutiny at RD-level or above*
  - *We should follow through, but it is getting late*
- FOIA responses
  - *HQ staff is giving ECPO, and R4 in general, greater assistance. New staff are now involved.*
  - *Requested meeting to review materials and outstanding requests*
  - *Rob wil reach out to HQ staff to identify the best contacts for discussing FOIAs*

EIS and ROD: EIS ROD

- Review EIS contents
- Need to consider/add HCP benefits?

    - *Working in the version linked above, staff will make suggestions*
- ECPO comments
    - None received?
    - *Dell will confirm, but we believe they have not been transmitted, per ECPO's previously expressed intention to provide EIS and BO comments together*

Project Review timeline

- *Larry has tasked his staff with preparing a timeline, a segment is pasted below*
- *A white paper is in draft explaining the with vs. without and can be used to supplement both the EIS and BO.*

FO draft;

NEPA

- RO is lead for this.
- EIS - Decide if some of the benefits in the Future with HCP and Future without HCP should be described in more detail in the EIS. RO/FO meet by end of March to discuss and make edits within 1 week.
    - dEIS sent to Corps and awaiting their response
    - dEIS sent to ECPO for review and comparison with BO and awaiting their comments
    - FO/RO address Corps' and ECPO's comments ???
- ROD – David Dell drafted.
    - Draft ROD sent to Corps and awaiting their comments
    - FO/RO meet to discuss comments and complete edits within 1week
- Solicitor's Office reviewing Public Notice for final EIS. ???
- Prepare a briefing for the Department on the Public Notice for the EIS and ROD. ???
- Need to re-figure timeline for Department. ???

April 9, 2021

East Collier HCP

In-Service Update
Via Teams

Present: (Service) Ken McDonald, David Shindle, Connie Cassler, Roxanna Hinzman, David Dell, Rob Tawes
(Regional Solicitor) Vicki Mott

Topics:

Overall Status

- *Connie completed updates to the BO that were identified when it was transmitted to ECPO in December.*
- *Table 5-13 still needs everyone's input. Need is to simplify this table.*
- *EIS largely looks OK so far as capturing benefits of HCP.*
- *EIS needs revision to accommodate DEP Assumption.*
- *Findings, on back burner for now.*
- *IM to Department/HQ, due to Tirpak COB, Monday. Dell to draft by COB today.*
    - *Don't forget Tribal consultation.*
- *Vicki asked about the status of the Corps MOU*
    - *Dell will follow through with communication to Josh that we consider it mooted by DEP Assumption.*

Negotiating landowner work-starts since 2018
How to rectify with HCP's management plan

- *We need to look ahead to accommodating ECPO's activities during the HCP review (since 2018).*
- *The Conservancy and others are complaining about ongoing activities that may not be consistent with the HCP.*
- *They have already called for a second NOA for HCP "revisions."*
- *The more we have to adjust the HCP to fit recent land uses by ECPO members, the greater the need for a new HCP NOA.*
- *Rox mentioned that she and Christian touched on this in their recent conversation. Christian believes that their village planning is consistent with the HCP.*
- *This is an issue to remain cognizant of. We probably should not press ECPO on any HCP revisions until we have direction or resolution on the BO (post peer review).*

FOIAs

- *Connie met with Stacy Cummins and Barbara Beckett to review ECPO FOIAs. Stacy and Barbara are the newly-assigned Department leads for all ECPO FOIAs.*
- *FOIAs have new numbers now as they are entered into a new Dept database.*
- *Rob will follow through, he has been reviewing FOIAs as well.*

Biological/Conference Opinion

FO draft:
Biological Opinion

- Benefits to be added to the BO.
    - Edit Table 5-13
    - Complete by March 26
- The process for moving the BO forward
    - Address comments or concerns of USGS
        - USGS response expected by April 15
        - FO/RO address USGS comments by ???
    - Determine if/how ECPO Comments are addressed
        - Plan a meeting with FO and RO 1 week after comments are received to determine which to address.
        - FO/RO - Plan 2 weeks to address comments together
        - Larry- resolve any discrepancies in FO/RO response ???
- Final review and edit
    - FO- 3 days
    - Larry- ???
    - RO- ???

Project Review timeline

Draft EIS Development Briefing

June 2018

East Collier Property Owners
Multi-Species Habitat Conservation Plan

Notice of Intent Published March 25, 2016

Project website:
http://www.floridapantherprotection.com/

Summary of Comments on Texas Hornshell Regional Director's Briefing

Page: 1

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:10:34 AM

Background: Pasture on Collier Enterprises property, looking toward a cypress dome on the horizon. Occupied Florida panther habitat.

1

Planning Partners

- Applicants:
  - Alico, Inc.
  - Barron Collier Investment, Ltd.
  - Collier Enterprises Management, Inc.
  - Consolidated Citrus Limited Partnership
  - English Brothers Partnership
  - Half Circle L Ranch, LLP
  - Heller Bros. Packing Corp.
  - John E. Price, Jr. Trust
  - Pacific Land, Ltd.
  - Sunniland Family Limited Partnership.
- Cooperating Conservation Groups:
  - Defenders of Wildlife
  - Florida Wildlife Federation
  - Audubon of Florida
  - Audubon of the Greater Western Everglades.

Page: 2

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:10:35 AM

This Plan is the result of a collaborative effort by the landowner applicants for ESA section 10 ITPs and four leading conservation organizations. These parties, including the conservation groups, are signatory to the July 2008 Memorandum of Understanding among the East Collier Property Owners (ECPO) to join together in a Florida Panther Protection Program with the objective to develop the habitat conservation plan (HCP). Another objective of the Panther Protection Program was the creation of the Marinelli Fund to support conservation activities throughout the plan area.

The HCP would cluster and direct up to 45,000 acres of development toward areas of less habitat value, permanently preserving wildlife dispersal corridors that provide crucial linkages between existing public conservation lands.
Permanently preserve approximately 107,000 acres of privately held land worth an estimated $1.4 billion that could otherwise be developed, to provide valuable habitat for the Florida panther and eighteen other protected species in Southwest Florida.

1

Planning Partners

- Fish and Wildlife Service, lead NEPA agency
- Corps of Engineers, cooperating agency

- Florida Fish and Wildlife Commission

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:10:36 AM

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The State agency participates to ensure the HCP will meet their needs for review of individual ECPO projects. All of the ESA-listed and Federal candidate species are State-listed under their laws. In addition, the HCP covers 8 other State-listed species that are not ESA-listed, or Federal candidates: burrowing owl, Florida sandhill crane, little blue heron, roseate spoonbill, southeastern American kestrel, tricolored heron, Big Cypress fox squirrel, and Everglades mink.

1

Proposed Habitat Conservation Plan

- Ten Landowners, one HCP.
- Request Incidental Take for Florida panther and 18 other Federal and State-listed, and candidate species.
- This is an applicant-driven proposal. They organized themselves and partnered with conservation NGOs (2008 MOU) to cooperate on the East Collier plan, and to promote County land use ordinances to facilitate the plan (Florida Panther Protection Program).

Page: 4

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:10:38 AM

This is an unusual HCP. ECPO is crafting a regional programmatic HCP on lands that they own. They have influenced the County regulations, namely the creation of the Rural Lands Stewardship Program, in order to facilitate the HCP's working. They have entered an MOU among themselves and 4 conservation non-government organizations (NGOs) to develop this HCP. They have established the Marinelli Fund to serve conservation goals throughout the HCP area. Measures funded by the Marinelli account would supplement and support the success of the HCP's conservation measures. From the draft HCP:

"The FPPP [Florida Panther Protection Program] builds on Collier County's successful Rural Land Stewardship Program (RLSP) by ensuring coordinated landscape-scale planning for future development, avoiding piecemeal development under the RLSP that could fragment valuable habitat, and providing revenue that will create a multi-million dollar fund for species conservation activities. Implementation of the HCP will produce this revenue through dual funding mechanisms based on (i) contributions to be made on a per-acre basis as lands within the HCP Area are developed and (ii) transfer fees to be paid on a per-unit basis as homes within the HCP Area are sold and re-sold. These contributions will be deposited into the Paul J. Marinelli Fund, originally created by the FPPP to fund panther conservation activities. The Marinelli Fund will be administered by a board of directors comprised of representatives of each of the conservation organizations that are members of the FPPP, and two representatives of the landowner members of the FPPP. In 2016, the FPPP expanded the potential scope of the Fund's uses to include funding conservation activities to benefit other species covered by the ECMSHCP [HCP], in addition to panther. The RLSP is effective within the Rural Land Stewardship Area (RLSA), …."

Covered Species

- **Federal ESA-listed species:**
  - Florida scrub-jay, northern crested caracara, wood stork, red-cockaded woodpecker, Everglade snail kite
  - Eastern indigo snake
  - Florida bonneted bat, Florida panther
- **Federal ESA candidate or review species:**
  - Gopher tortoise, eastern diamondback rattlesnake, gopher frog
- **State-listed species:**
  - Burrowing owl, Florida sandhill crane, little blue heron, roseate spoonbill, Southeastern American kestrel, tricolored heron
  - Big cypress fox squirrel, Everglades mink

Page: 5

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:10:39 AM

The panther is the umbrella driving the conservation planning, but each species has specific management measures proposed. The panther, caracara, stork, snail kite, indigo snake, bonneted bat occur most extensively throughout plan area.

1

Purpose and Need

- **Federal Purpose and Need**
  - Fulfill ESA responsibility
  - Respond to section 10 applications
  - Facilitate future Corps of Engineers Clean Water Act permit review (while allowing for possible State assumption)
- **Applicant Purpose and Need**
  - Utilize their properties in accordance with their interests
  - Regulatory certainty and efficiency under ESA and Clean Water Act
  - Assurances against third-party challenges to their land uses

Page: 6

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:10:41 AM

Essentially all of the eastern side of Collier County is currently zoned for one residence per 5 acres.

Effects of this development pattern are readily visible between Naples and the HCP area: a landscape dissected by 5-acre blocks each surrounded by streets. This pattern creates barriers to panther movements and increases panther-human interactions. Continued development under this approach will piecemeal the remaining panther corridors and limit species recovery.

The applicants also anticipate the increasing probability of human migration inland to the eastern Collier area in response to increasing storm surges and sea level rise affecting the coasts.

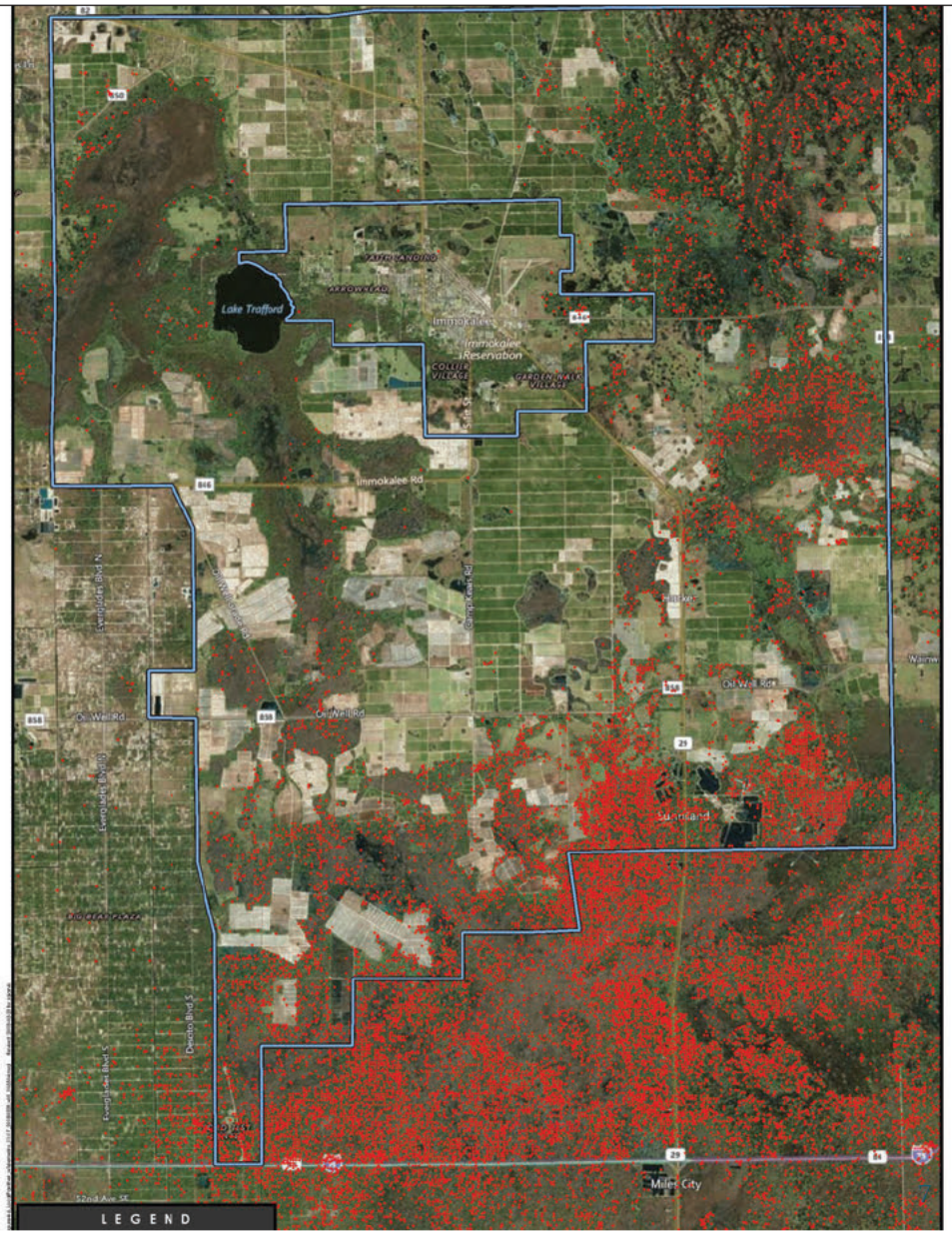
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Project Area

151,779 acres
Within Rural Lands Stewardship Area

Red dots: panther telemetry

Blue line encloses Plan Area



Page: 7

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:10:42 AM

Note pattern of 5-acre lots in lower left, outside of plan area. This is the Golden Gates Estates area – where human-panther interactions occur frequently (panthers in yards, predation of pets and livestock, etc.).
Red dots are panther telemetry locations recorded 1981 through 2016. Blue line encloses the Rural Land Stewardship Area (i.e., HCP area).

Similar grid pattern in center occupied by row crops, pasture, or citrus groves.

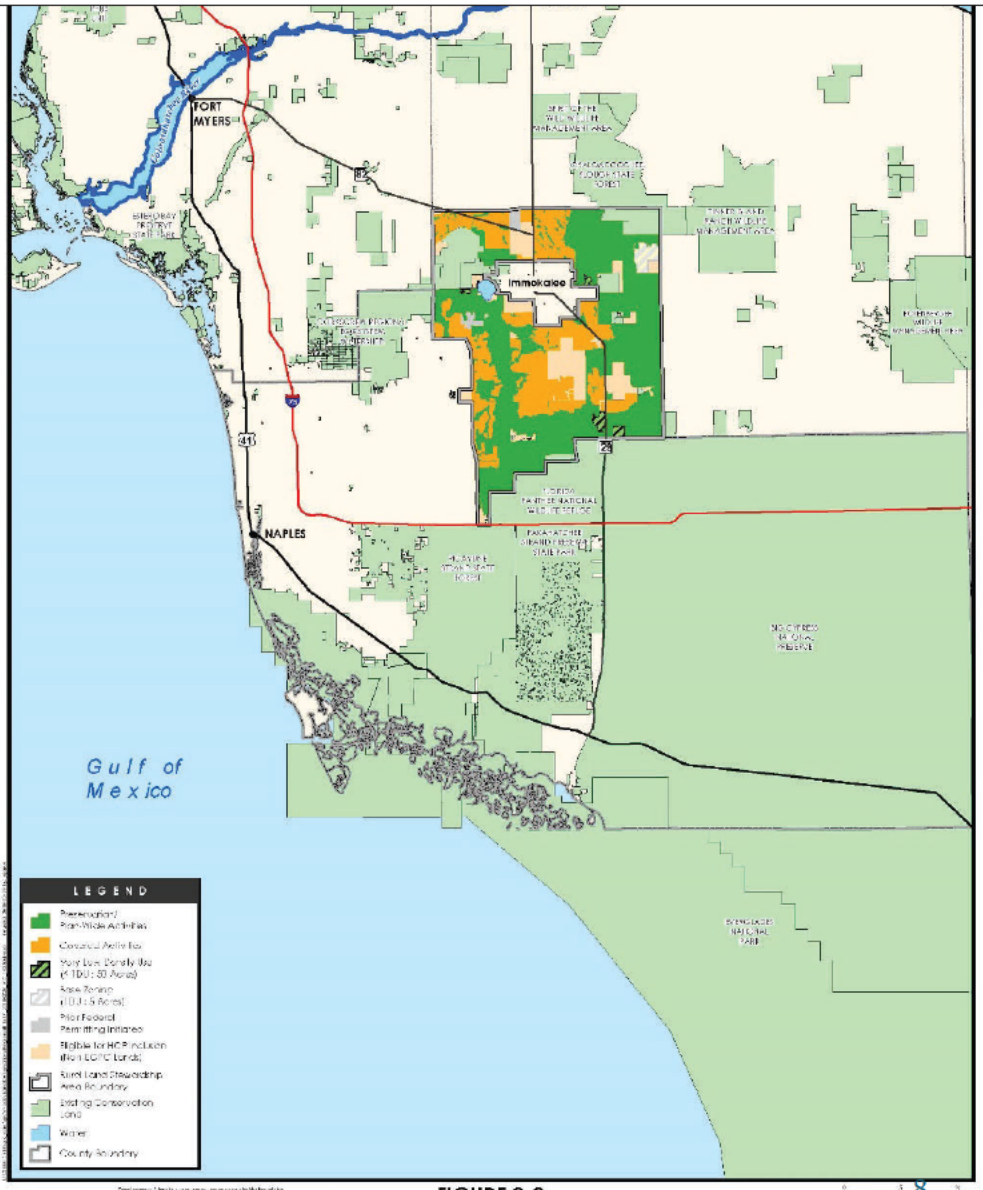
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Project Area and Regional conservation lands

Project adjoins Interior lands:

Big Cypress National Preserve (Park Service)

Florida Panther National Wildlife Refuge (FWS)



Stantec

FIGURE 2-2
HCP Land Designations - Regional View

Page: 8

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:10:44 AM

Proposed conservation lands in project area will link to existing State wildlife management areas, State Forests, Big Cypress National Preserve, and Florida Panther National Wildlife Refuge lands.

On this map, the dark green denotes proposed conservation (mitigation) areas – 107,000 acres, and the mustard color denotes proposed areas available for development – 45,000 acres. The pale pink areas denote lands not owned by ECPO members, but are included in HCP and EIS analyses so that they may elect to participate in the future – subject to ECPO member concurrence.

The 107,000-acre area of preservation lands include areas that function as regional wildlife corridors, allowing for wildlife movement between publicly owned conservation lands in Southwest Florida, such as the Florida Panther National Wildlife Refuge, Big Cypress National Preserve, Corkscrew Regional Ecosystem Watershed, and the Okaloacoochee Slough State Forest, among others.

Project Team

- Project Manager – Rob Tawes, Southeast Region NEPA Point of Contact, Chief, Division of Environmental Review
- Senior Executive Service – Mike Oetker, Acting Regional Director
- Assistant Regional Director, Ecological Services – Leo Miranda
- Solicitor – Vicki Mott, Attorney-Adviser
- Regional Office Lead – David Dell, Regional HCP Coordinator
- Field Office Lead – Roxanna Hinzman, South Florida Ecological Services Project Leader

Challenges to Completion

- Public Perceptions.
  - General opposition to development in panther habitat.
  - Concerns that we would authorize killing of panthers.
  - Objections to designation of large areas eligible for development without seeing specific project plans.
- We expect a large number of public comments.
  - While most will likely be statements of opinion, many will present substantive information concerning the HCP-covered species and other environmental factors.
- Critics will likely make substantive biological challenges.
  - Developments might adversely affect panthers more than expected.
  - Proposed conservation plan may not function as expected.
  - Covered species other than panther might be short-changed.
- Cooperation with Corps of Engineers.
  - While we expect to continue our smooth coordination, we have no direct influence over their review and approval.

Page: 10

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:10:46 AM
First three bullets describe public scoping input from March 2016.

Challenges to Completion

- Applicant Concerns
  - ECPO members have, over time, been repeatedly challenged and criticized for the effects of their land uses on panthers and other wildlife.

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Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:10:47 AM

ECPO recruited the conservation NGOs named above to participate in HCP development, but other conservation advocacy groups (including Southwest Florida Conservancy) declined the invitation. We received negative scoping comments from the Conservancy and from Center for Biological Diversity.

The draft HCP describes “harm” effects for eastern indigo snake and Florida bonneted bat.

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Applicability of DOI Priorities

- Conservation legacy:

(b)(5) DPP

- Major project:
  - Value of proposed and potential developments would wellexceed $100 million.
  - Property value of conservation lands (a mix of agriculture, pasture, and forested areas) is $1.4 billion.

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Page: 12

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:10:49 AM

Several ECPO members own property in adjoining counties. Landowner groups in Florida are watching this effort to evaluate it as an option for themselves. Conservation lands will retain uses compatible with the HCP, plus those landowners would benefit from selling mitigation opportunities to other ECPO members who propose development.

This project does not fit the definition of an infrastructure, energy, or border security project, but will have significant regional effects: residential and commercial, streets, and water supplies.

Applicability of DOI Priorities

- **High Regional Priority:**
  - Allow future developments while reducing human-wildlife conflict.
  - Potential to advance panther recovery by securing movement corridors among public lands, and potential range expansion northward.
  - Promotes the objectives of Everglades Restoration, and benefits hydrology to National Wildlife Refuge and Park Service units.
- **Not a major infrastructure, energy, or border security project, but:**
  - Will have significant regional effects resulting from residential and commercial development.
  - Planning ahead for human population movement away from increasing coastal inundation.

Page: 13

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:10:50 AM

Section 10 permit applicants do not have an obligation to recover species, but this proposal has the potential to serve panther recovery objectives.

Current Schedule

- NOI Pre-Dates SO 3355:
  - Published March 25, 2016
- NOA dEIS & HCP:
  - EIS Review Team brief August 20, 2018
  - Publish in Federal Register by October 20, 2018
- NOA fEIS, dROD, & HCP:
  - EIS Review Team brief January 4, 2019
  - Publish in Federal Register by March 18, 2019

Page: 14

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:10:51 AM

Briefing dates are approximate, estimated before procedures put in place.

Information Memorandum for the Secretary/Director

Date: June 3, 2019

From: Leopoldo Miranda, Regional Director, Southeast Region
Telephone #: 404-679-4000

Subject: Status of Fish and Wildlife Service (FWS) Review of Eastern Collier Property Owners (ECPO or Applicants), Collier County, Florida, Habitat Conservation Plan (HCP)

I. Introduction

This memorandum is to alert the Department of our placing the Project on pause in anticipation of making a subsequent waiver request to the S.O. 3355 timeline requirements. This Endangered Species Act, section 10 incidental take permit application by 11 landowners would authorize incidental take of Florida panther and 18 other species due to development and earth mining over a requested 50-year term.

The Draft EIS Notice of Availability closed December 3, 2018. From that time through the end of March, 2019, the Applicants and the Service exchanged information and recommendations to respond to public comment, revise the HCP in response to public comment, and collaborated on analyses of highway traffic effects.

II. Background

In the last week of March, we submitted a waiver request which was approved through the Assistant Secretary's level on April 1, 2019. That waiver request sought to adjust the Record of Decision (ROD) target date by 60 calendar days from May 29 to July 29, 2019. The purpose of this waiver was to:

a. Accommodate the Applicants' review and revisions to their HCP in response to public comment and our recommendations.
b. Allow the Service to review and finalize the latest revisions to the EIS supplied by the contractor.

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(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP We will be able to begin these final discussions by around June 7, and will be able to re-map a timeline for completing review of ECPO's HCP, including finalization of the EIS and publication of the ROD.

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III. POSITION of INTERESTED PARTIES

ECPO Applicants

The Applicants, as demonstrated by their outreach to the Department, want us to reach a fully defensible decision. ECPO is working with us to ensure we have what we need, and that we are consistent with our assumptions. (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP

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FWS

The Service is fully engaged in concluding our review of ECPO's application, while ensuring that we make a fully defensible decision. (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP Except for the furlough, we have, since April 2018, met continuously with ECPO every other week to review progress, settle issues, and exchange information to advance our review.

Corps of Engineers

The Corps of Engineers is a cooperating agency in preparing the EIS for this project. The Service is also negotiating a memorandum of understanding (MOU) to facilitate section 7 consultations, should we issue ITPs, on wetland fill applications made by ECPO landowners covered by the HCP. We have a draft MOU that we are now transmitting to the Corps for their review.

Other Entities

Multiple citizens and environmental groups have provided comments on the HCP and the draft EIS. We fully expect legal challenges against any ITP issuance in this matter.

IV. POTENTIAL ISSUES

We believe we have essentially all the information we need. (b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP (b)(5) DPP

V. COMMUNICATION AND OUTREACH

None planned at this time.

VI. TALKING POINTS

None suggested.

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Re: Jimmy Tobias Questions

Kloer, Philip B <philip_kloer@fws.gov>
Wed 4/22/2020 11:10 AM

To: Warren, Ken <ken_warren@fws.gov>; Dell, David <david_dell@fws.gov>
Cc: Tawes, Robert <robert_tawes@fws.gov>; Cassler, Constance <constance_cassler@fws.gov>; Hinzman, Roxanna <roxanna_hinzman@fws.gov>

Absolutely! This needs to be surnamed by FA ARD, FS ARD and RD. This is too controversial and we cant have Leo being surprised, and he will want FA and ES to review first.
If we think we are good I can start that surname

Phil Kloer
Public Affairs Specialist
U.S. Fish and Wildlife Service
Southeast Region
Atlanta, GA
404-679-7299 (office)
404-644-7193 (mobile)
"When wildlife wins, people win."

From: Warren, Ken <ken_warren@fws.gov>
Sent: Wednesday, April 22, 2020 11:03 AM
To: Dell, David <david_dell@fws.gov>; Kloer, Philip B <philip_kloer@fws.gov>
Cc: Tawes, Robert <robert_tawes@fws.gov>; Cassler, Constance <constance_cassler@fws.gov>; Hinzman, Roxanna <roxanna_hinzman@fws.gov>
Subject: Re: Jimmy Tobias Questions

Ok, I'll change the answer to #1 to: We're not aware of any former Service employees who might be working for the applicants.

Phil/David: Does anyone else at RO need to see this before I get it back to Laury, who will provide the answers to Jimmy Tobias?

From: Dell, David <david_dell@fws.gov>
Sent: Wednesday, April 22, 2020 10:53 AM
To: Warren, Ken <ken_warren@fws.gov>; Kloer, Philip B <philip_kloer@fws.gov>
Cc: Tawes, Robert <robert_tawes@fws.gov>; Cassler, Constance <constance_cassler@fws.gov>; Hinzman, Roxanna <roxanna_hinzman@fws.gov>
Subject: Re: Jimmy Tobias Questions

Looks good Ken, ditto what others have said about #1.

From: Warren, Ken <ken_warren@fws.gov>
Sent: Wednesday, April 22, 2020 10:09 AM

To: Dell, David <david_dell@fws.gov>; Kloer, Philip B <philip_kloer@fws.gov>
Cc: Tawes, Robert <robert_tawes@fws.gov>; Cassler, Constance <constance_cassler@fws.gov>; Hinzman, Roxanna <roxanna_hinzman@fws.gov>
Subject: Re: Jimmy Tobias Questions

Hi all,

Here are the questions HQ/FA (Laury Parramore) got from Jimmy Tobias and my proposed answers for review/comment:

1. Apparently, there was a retired Service employee who worked on the HCP with the applicants for a couple of years. Who was he? How did that arrangement come about? What was the purpose? Who paid him? Who did he report to?

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2. (JT has emails that suggest the Service was negotiating with the applicants on the draft FIS). I thought the negotiation process was part of developing an HCP, not the FIS. Is that an accurate depiction of what happened with the FIS? If so, wouldn't that be unusual and/or unethical?

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Thanks.

Ken Warren

From: Dell, David <david_dell@fws.gov>
Sent: Wednesday, April 22, 2020 9:29 AM
To: Kloer, Philip B <philip_kloer@fws.gov>; Warren, Ken <ken_warren@fws.gov>
Cc: Tawes, Robert <robert_tawes@fws.gov>; Cassler, Constance <constance_cassler@fws.gov>
Subject: Re: Jimmy Tobias Questions

Phil: Ken and I just spoke, I think we're good. We will have the chance to review Ken's draft message for HQ today or tomorrow.

From: Kloer, Philip B <philip_kloer@fws.gov>
Sent: Wednesday, April 22, 2020 9:25 AM
To: Dell, David <david_dell@fws.gov>; Warren, Ken <ken_warren@fws.gov>
Cc: Tawes, Robert <robert_tawes@fws.gov>; Cassler, Constance <constance_cassler@fws.gov>
Subject: Re: Jimmy Tobias Questions

So 1-2 maybe?

Phil Kloer
Public Affairs Specialist
U.S. Fish and Wildlife Service
Southeast Region
Atlanta, GA
404-679-7299 (office)
404-644-7193 (mobile)
"When wildlife wins, people win."

From: Dell, David <david_dell@fws.gov>
Sent: Wednesday, April 22, 2020 9:04 AM
To: Warren, Ken <ken_warren@fws.gov>
Cc: Kloer, Philip B <philip_kloer@fws.gov>; Tawes, Robert <robert_tawes@fws.gov>; Cassler, Constance <constance_cassler@fws.gov>
Subject: Re: Jimmy Tobias Questions

Ken and Phil: Be sure you keep Rox and us in the loop on these responses. We don't want to blindside the RD or ARD.

#1: Who was the retired Service staff?

#2: There was a significant amount of negotiation around an agreement for hiring a consultant to prepare the FIS. FCPO directly paid the contractor based on the agreement negotiated between FCPO and the FO. We have not negotiated the contents of the FIS; however, FCPO has had the opportunity to provide factual input on the parts of the FIS unrelated to the Service's position on the project.

I have a 10am staff meeting, probably for more than an hour, then have 12:30-1, and 2-3pm meetings.

From: Warren, Ken <ken_warren@fws.gov>
Sent: Wednesday, April 22, 2020 8:52 AM
To: Dell, David <david_dell@fws.gov>
Cc: Kloer, Philip B <philip_kloer@fws.gov>
Subject: Fw: Jimmy Tobias Questions

Hi David,

HQ/External Affairs asked me to help them track down a couple of questions from a reporter about the Eastern Collier Multi-Species HCP. I talked to Connie and she said I should also talk to you about question #2 (in below email). Pls let me know if you're available for a quick chat today.

Thanks.

Ken Warren

From: Cassler, Constance <constance_cassler@fws.gov>
Sent: Wednesday, April 22, 2020 8:34 AM
To: Warren, Ken <ken_warren@fws.gov>
Cc: Hinzman, Roxanna <roxanna_hinzman@fws.gov>
Subject: Re: Jimmy Tobias Questions

Ken,

I'll give you a call. I don't know anything about #1 and I have some information on #2.

Connie

Constance I. 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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From: Warren, Ken <ken_warren@fws.gov>
Sent: Tuesday, April 21, 2020 5:12 PM
To: Cassler, Constance <constance_cassler@fws.gov>
Cc: Hinzman, Roxanna <roxanna_hinzman@fws.gov>
Subject: Jimmy Tobias Questions

Hi Connie,

Apparently Jimmy Tobias is asking questions directly to HQ about Florida panthers and the Eastern Collier Multi-Species HCP.

Laury Parramore, my counterpart at HQ/FA, asked me to see if we can help her answer a couple of questions:

1. Apparently, there was a retired Service employee who worked on the HCP with the applicants for a couple of years. Who was he? How did that arrangement come about? What was the purpose? Who paid him? Who did he report to?
2. (JT has emails that suggest the Service was negotiating with the applicants on the draft FIS). I thought the negotiation process was part of developing an HCP, not the FIS. Is that an accurate depiction of what happened with the FIS? If so, wouldn't that be unusual and/or unethical?

We can talk about this as necessary.

Thanks.

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
Fax: 772.778.5498

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Follow us on Instagram usfws_south_florida

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East Collier County, FL, Multi-species HCP
Regional Director Update

December 18, 2019

Developments since June 19, 2019, RD briefing, and solicitation of feedback on analysis

1

General Status

- Secretarial Order 3355 schedule
- Receipt of application from twelfth Applicant
- Environmental Impact Statement
- Tribal consultations (Miccosukee and Seminole)
- (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP
- Intraservice Biological/Conference Opinion

Summary of Comments on East Collier December 2019 RD Brief WITHHOLD.pdf

Page: 2

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:47:06 AM

General Status

SO 3355 Schedule
On pause
Information Memoranda of June 5 and September 27

Biological/Conference Opinion
As of December 10, Jerry Ziewitz has completed review and revision of the BO/CO, except for the panther chapter.
Species chapter consistency
Incorporates new regulations

Twelfth Applicant
Solicitor review and surname of NOA received December 17

EIS
Draft EIS revised, essentially ready to finalize
Most of the revised EIS has been shared with ECPO at their request

Tribal Consultations
Miccosukee consultation considered to be complete
Formal response to Tribe's comments and objection sent June 25
No response from Tribe since -- we have reminded them informally (both the FO and Tim Binzen)
Tim Binzen agrees that we have essentially completed our consultation (August 9, in-Service Update)
Tim suggests a final communication/reminder before publishing the final EIS and ROD
Seminoles
Tribe provided their formal comments August 12
We have a reply in draft

(b)(5) DPP

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Section 10 Issuance Criteria

- Taking is incidental
- The applicant has minimized and mitigate to the maximum extent practicable
- Funding assurances for implementing HCP
- **The project will not result in "jeopardy"**
- Other measures implemented as required
- Conditions placed on any permit

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Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:47:06 AM

Jeopardy Criterion Focus of Today's Briefing

1

Jeopardy

- To engage 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 CFR §402.02]

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Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:47:07 AM

Jeopardy Criterion Focus of Today's Briefing

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(b)(5) DPP

We placed the project on “pause” with the Department on June 5, 2019, in order to work closely with the applicants to address this issue.

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Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:47:07 AM

We placed the project on “pause” with the Department in order to work closely with the applicants to address this issue.

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Results of (b)(5) DPP(b)(5) DPP Modeling and Collaboration with Applicants

HCP Improvement

September 2019 Addendum containing Clarifications and Commitments

Revised HCP draft of March 2019

Key Improvements

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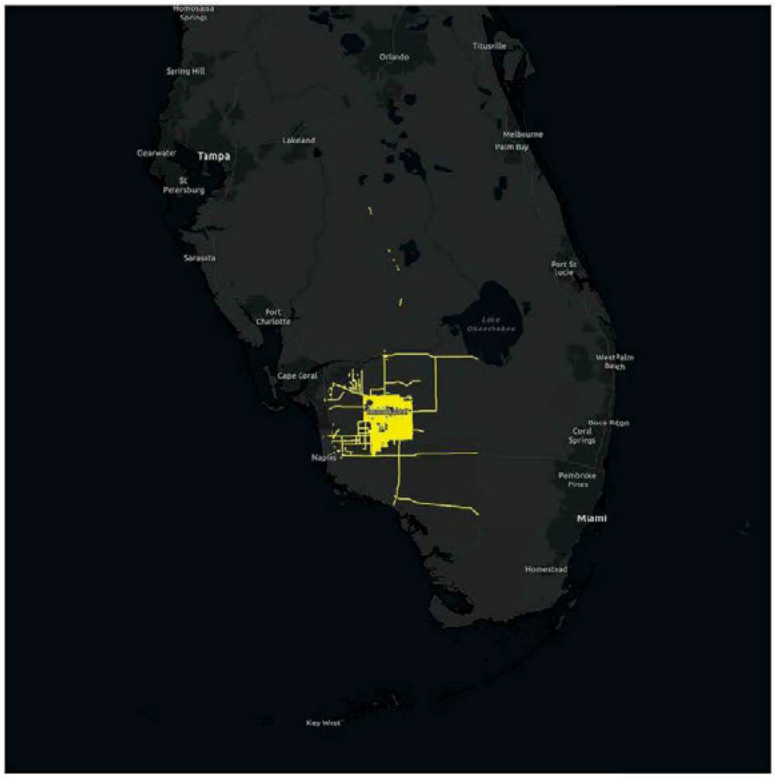
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Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:47:07 AM

Clarification of Best Management Practices (from September 2019 Addendum)
Designing master plans that
(i) concentrate more intensive land uses within the center of mixed-use residential/commercial developments
(ii) diminish land use intensities adjacent to habitat preservation areas
Minimizing impacts to native habitats within project boundaries that occur along the interface with habitat preservation areas external to the project
Utilizing a combination of design elements, including surface water management lakes, berms, structural buffers, fencing, and directional and/or low-level lighting along the periphery of Covered Activities to minimize the effects of light, noise, and human activity on areas outside the project boundaries, and to minimize human interactions with other Covered Species
Designing internal roadway networks and roadway elements to minimize the potential for wildlife-vehicle collisions within the lands designated for Covered Activities.
Providing a sustainable mix of residential, commercial, retail, office, civic, and recreational land uses where these non-residential components minimize the need for residents to leave the development for basic needs (maintaining a high internal capture rate).
In the case of earth mining, establishing perimeter berms to separate the mine areas from adjacent preservation areas (where present adjacent to the mine), and limiting offsite transport of mining products to daylight hours.

Action Area


Homosassa Springs
Orlando
Titusville
Spring Hill
Lakeland
Melbourne
Palm Bay
Clearwater
Tampa
St. Petersburg
Sarasota
Port St. Lucie
Port Charlotte
Lake Okeechobee
West Palm Beach
Cape Coral
Boca Raton
Coral Springs
Naples
Pembroke Pines
Miami
Homestead
Key West

Elements of The Proposed Action Relevant to Florida Panther

- Conversion of 39,973 acres of lands primarily used for agriculture to residential/commercial development
- 174,000 new residents to Collier County
- 91,480 new residence units
- 718,498 new daily trips on existing roads
- ~ 83 miles of new roads
- Widening of ~ 90 miles of existing roads

Effects of the Action

Baseline: An average of 29 Florida Panthers are killed annually in motor vehicle collisions

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HCP

(b)(5) DPP

Effects of the Action

Cumulative Effects

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Total Effects:

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Other Effects

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Mitigation



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Other Considerations

Future with/without project and section 7 analysis constraints

Conservation reasonably certain to occur within HCP designated preserves due to HCP implementation, (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP

Future fencing and underpasses by Florida Department of Transportation, county governments, and others.

Panther recovery goals (e.g., getting cats north of the Caloosahatchee River)

Preserves corridors and creates opportunities for HCP-Land Acquisition grants

Model for private landowner and municipal cooperation in other areas

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Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:47:08 AM

Panther recovery goals - maintain and enhance genetic diversity, expand range

Critical Next Steps and Solicitation of Regional Director Input

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- Jeopardy occurs when an action is reasonably expected, directly or indirectly, to **diminish a species' numbers, reproduction, or distribution** so that the likelihood of survival and recovery in the wild is appreciably reduced. Only Regional Director can sign a jeopardy biological opinion
- Field office will analyze existing information and State supervisor will make recommendation. If jeopardy recommendation then we would schedule recommendation team meeting with RD.

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Next Steps (Once Decision on Jeopardy Reached)

- Approach applicants with any additional requests (b)(5) DPP(b)(5) DPP (b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP(b)(5) DPP
- Complete draft BO/CO (with reasonable and prudent alternative if jeopardy finding) and secure solicitor and applicant review
- Conclude “Pause” status

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Additional Remaining Tasks

Advertise Twelfth Applicant in Federal Register

Make ESA Decision

- Draft Findings
- Allow for Applicant review of Findings
- Draft ITP conditions
  - Negotiate ITP conditions with Applicants

Number: 1 Author: Presenter Notes Subject: Presentation Notes Date: 8/25/2022 11:47:08 AM

Advertise Twelfth Applicant

Will need usual NOA clearance process

May need additional IM or briefing to explain to Department for SO 3355 purposes

Remaining Tasks

Complete EIS

- Comment responses
- Draft Record of Decision
- Department Clearance Briefings per instructional memoranda

Conclude Seminole Consultation (Miccosukee effectively completed)

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Questions and Discussion

Questions and Discussion



Questions and Discussion

(b)(5) DPP

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