

## Conversation Contents

**FW: ECPO HCP/EIS**

**Attachments:**

/21. FW: ECPO HCP/EIS/1.1 Draft\_NOI\_for\_ECMSHCP\_20150420-c.doc  
/21. FW: ECPO HCP/EIS/2.1 Draft\_NOI\_for\_ECMSHCP\_20150420-c.doc

**Tom Jones <TJones@barroncollier.com>**

---

**From:** Tom Jones <TJones@barroncollier.com>  
**Sent:** Fri Jun 19 2015 10:17:14 GMT-0600 (MDT)  
**To:** "Williams, Larry" <larry\_williams@fws.gov>, "Cassler, Constance" <constance\_cassler@fws.gov>  
CSpilker <cspilker@collierenterprises.com>, Garrett Wallace <gwallace@alicoinc.com>, "Mitch Hutchcraft" (mhutchcraft@cclpcitrus.com) <mhutchcraft@cclpcitrus.com>,  
**CC:** "Johnson, Bruce (Bruce.Johnson@stantec.com)" <Bruce.Johnson@stantec.com>, "Clements, E. Carter Chandler" <eclements@hunton.com>  
**Subject:** FW: ECPO HCP/EIS  
**Attachments:** Draft\_NOI\_for\_ECMSHCP\_20150420-c.doc

Larry attached is the NOI for the Eastern Collier Property Owners (ECPO) proposed EIS. Although the review process for the previously submitted HCP by ECPO has not yet been formalized we would like to proceed with the scoping for the EIS. We are prepared to execute a contract with the third party contractor selected by your office. A critical path in this process is the initiation of the public scoping which we would like to begin but must be initiated through the federal process. As you are aware ECPO was awarded a grant by USFWS through the Florida Wildlife Commission to support the development of the EIS as well as revisions to the HCP for 2015. This grant will need to be extended through 2016 and we will require support from your office in this effort as well. At your earliest convenience we would like to schedule a call with your staff and the ECPO group to discuss the path forward. Hope all is well and we look forward to kicking this process off. Thanks

**"Williams, Larry" <larry\_williams@fws.gov>**

---

**From:** "Williams, Larry" <larry\_williams@fws.gov>  
**Sent:** Fri Jun 19 2015 12:47:22 GMT-0600 (MDT)  
**To:** Tom Jones <TJones@barroncollier.com>  
"Cassler, Constance" <constance\_cassler@fws.gov>, CSpilker <cspilker@collierenterprises.com>, Garrett Wallace <gwallace@alicoinc.com>, "Mitch Hutchcraft" (mhutchcraft@cclpcitrus.com) <mhutchcraft@cclpcitrus.com>,  
**CC:** "Johnson, Bruce (Bruce.Johnson@stantec.com)" <Bruce.Johnson@stantec.com>, "Clements, E. Carter Chandler" <eclements@hunton.com>, Roxanna Hinzman

<Roxanna\_Hinzman@fws.gov>, Victoria Foster  
<Victoria\_Foster@fws.gov>

**Subject:**

Re: FW: ECPO HCP/EIS

**Attachments:**

Draft\_NOI\_for\_ECMSHCP\_20150420-c.doc

Tom,

Thank you for submitting the draft NOI. Roxanna Hinzman is our new Field Supervisor (replacing Craig Aubrey) who will be working with you on this project. I've copied Roxanna here. She will contact you next week to discuss next steps with both the HCP and EIS. She can also help extend the grant agreement.

Best regards,

Larry

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Fax: 772-778-0683  
[larry\\_williams@fws.gov](mailto:larry_williams@fws.gov)

**Tom Jones <[TJones@barroncollier.com](mailto:TJones@barroncollier.com)>**

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**From:**

Tom Jones <[TJones@barroncollier.com](mailto:TJones@barroncollier.com)>

**Sent:**

Fri Jun 19 2015 14:09:08 GMT-0600 (MDT)

**To:**

"[larry\\_williams@fws.gov](mailto:larry_williams@fws.gov)" <[larry\\_williams@fws.gov](mailto:larry_williams@fws.gov)>,  
"constance\_cassler@fws.gov" <[constance\\_cassler@fws.gov](mailto:constance_cassler@fws.gov)>,  
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"mhutchcraft@cclpcitrus.com" <[mhutchcraft@cclpcitrus.com](mailto:mhutchcraft@cclpcitrus.com)>,  
"Bruce.Johnson@stantec.com" <[Bruce.Johnson@stantec.com](mailto:Bruce.Johnson@stantec.com)>,  
"eclements@hunton.com" <[eclements@hunton.com](mailto:eclements@hunton.com)>,  
"Roxanna\_Hinzman@fws.gov" <[Roxanna\\_Hinzman@fws.gov](mailto:Roxanna_Hinzman@fws.gov)>,  
"Victoria\_Foster@fws.gov" <[Victoria\\_Foster@fws.gov](mailto:Victoria_Foster@fws.gov)>

**CC:**

**Subject:**

Re: FW: ECPO HCP/EIS

Thanks Larry.  
Tom Jones  
Barron Collier Companies

---

**From:** Williams, Larry [mailto:larry\_williams@fws.gov]  
**Sent:** Friday, June 19, 2015 02:47 PM Eastern Standard Time  
**To:** Tom Jones  
**Cc:** Cassler, Constance <constance\_cassler@fws.gov>; CSpilker; Garrett Wallace <gwallace@alicoinc.com>; 'Mitch Hutchcraft' (mhutchcraft@cclpcitrus.com) <mhutchcraft@cclpcitrus.com>; Johnson, Bruce (Bruce.Johnson@stantec.com) <Bruce.Johnson@stantec.com>; Clements, E. Carter Chandler <eclements@hunton.com>; Roxanna Hinzman <Roxanna\_Hinzman@fws.gov>; Victoria Foster <Victoria\_Foster@fws.gov>  
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**"Hinzman, Roxanna" <roxanna\_hinzman@fws.gov>**

**From:** "Hinzman, Roxanna" <roxanna\_hinzman@fws.gov>  
**Sent:** Mon Jun 22 2015 11:40:13 GMT-0600 (MDT)  
**To:** "Williams, Larry" <larry\_williams@fws.gov>  
Tom Jones <TJones@barroncollier.com>, "Cassler, Constance"

**CC:**

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I'd be delighted to speak with you on the Collier County NOI and HCP. Just FYI, Connie is on vacation this week, and I'm still getting up to speed on things here. Please send me your phone number, and give me a couple of options for a good time to call you. For this week as of right now Wed. or Thur. mornings or anytime Friday are my best times.

Looking forward to working with you.

Regards,

Rox

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Roxanna Hinzman  
U.S. Fish and Wildlife Service  
South Florida Ecological Services Field Office  
Field Supervisor  
1339 20th Street  
Vero Beach, FL 32960  
772-562-3909 x 309  
Cell 772-532-1247  
Fax 772-562-4288

[roxanna\\_hinzman@fws.gov](mailto:roxanna_hinzman@fws.gov)

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On Fri, Jun 19, 2015 at 2:47 PM, Williams, Larry <[larry\\_williams@fws.gov](mailto:larry_williams@fws.gov)> wrote:

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---

**"Hinzman, Roxanna" <roxanna\_hinzman@fws.gov>**

---

**From:** "Hinzman, Roxanna" <roxanna\_hinzman@fws.gov>  
**Sent:** Tue Jun 23 2015 07:45:42 GMT-0600 (MDT)  
**To:** Tom Jones <TJones@barroncollier.com>, John Wrublik  
<John\_Wrublik@fws.gov>  
"Williams, Larry" <larry\_williams@fws.gov>, "Cassler, Constance"  
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**Sent:** Monday, June 22, 2015 1:40 PM  
**To:** Williams, Larry  
**Cc:** Tom Jones; Cassler, Constance; CSpilker; Garrett Wallace; 'Mitch Hutchcraft' ([mhutchcraft@cclpcitrus.com](mailto:mhutchcraft@cclpcitrus.com)); Johnson, Bruce ([Bruce.Johnson@stantec.com](mailto:Bruce.Johnson@stantec.com)); Clements, E. Carter Chandler; Victoria Foster  
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**Sent:** Tue Jun 23 2015 08:13:40 GMT-0600 (MDT)  
**To:** "Hinzman, Roxanna" <[roxanna\\_hinzman@fws.gov](mailto:roxanna_hinzman@fws.gov)>, John Wrublik <[John\\_Wrublik@fws.gov](mailto:John_Wrublik@fws.gov)>  
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**CC:**  
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Christian is available and I'm going to ask Bruce Johnson to join if he is available . Bruce is our tech consultant and was the primary author of the HCP.

**From:** Hinzman, Roxanna [mailto:[roxanna\\_hinzman@fws.gov](mailto:roxanna_hinzman@fws.gov)]  
**Sent:** Tuesday, June 23, 2015 9:46 AM  
**To:** Tom Jones; John Wrublik  
**Cc:** Williams, Larry; Cassler, Constance; CSpilker; Garrett Wallace; 'Mitch Hutchcraft' ([mhutchcraft@cclpcitrus.com](mailto:mhutchcraft@cclpcitrus.com)); Johnson, Bruce ([Bruce.Johnson@stantec.com](mailto:Bruce.Johnson@stantec.com)); Clements, E. Carter Chandler; Victoria Foster  
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## "Johnson, Bruce" <Bruce.Johnson@stantec.com>

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**CC:**  
**Subject:** RE: FW: ECPO HCP/EIS

I am available at 10am Friday.

Thanks,

**Bruce Johnson, Ph.D.**

Senior Ecologist

Stantec

615 Crescent Executive Court Suite 248 Lake Mary FL 32746-2129

Phone: (407) 710-3379

Cell: (386) 527-8333

[Bruce.Johnson@stantec.com](mailto:Bruce.Johnson@stantec.com)



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**Cc:** Williams, Larry; Cassler, Constance; CSpilker; Garrett Wallace; 'Mitch Hutchcraft' (mhutchcraft@cclpcitrus.com); Johnson, Bruce; Clements, E. Carter Chandler; Victoria Foster  
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**Cc:** Williams, Larry; Cassler, Constance; CSpilker; Garrett Wallace; 'Mitch Hutchcraft' ([mhutchcraft@cclpcitrus.com](mailto:mhutchcraft@cclpcitrus.com)); Johnson, Bruce ([Bruce.Johnson@stantec.com](mailto:Bruce.Johnson@stantec.com)); Clements, E. Carter Chandler; Victoria Foster  
**Subject:** Re: FW: ECPO HCP/EIS

Thanks Tom. Friday at 10 is fine with me. Connie will still be on leave. John Wrublik, who is acting for Connie on Friday will join us. I do want to confirm with you that it is OK if I'm on "listen only" mode until I can get briefed from folks on

this end. If you prefer to schedule something for when Connie is back, I'm happy to do that instead. Just let me know what works best from your end. If you send me a phone number, we'll be happy to give you a call.  
Thanks! Looking forward to speaking with you.  
Rox

---

Roxanna Hinzman  
U.S. Fish and Wildlife Service  
South Florida Ecological Services Field Office  
Field Supervisor  
1339 20th Street  
Vero Beach, FL 32960  
772-562-3909 x 309  
Cell 772-532-1247  
Fax 772-562-4288  
[roxanna\\_hinzman@fws.gov](mailto:roxanna_hinzman@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 disclosed to third parties.

---

On Tue, Jun 23, 2015 at 9:32 AM, Tom Jones <[TJones@barroncollier.com](mailto:TJones@barroncollier.com)> wrote:  
Good luck getting up to speed on the new position. How does Friday at 10:00 am work? I am also going to try and have Christian Spilker join as he will be the ECPO point of contact going forward. Let me know.Thanks

**From:** Hinzman, Roxanna [mailto:[roxanna\\_hinzman@fws.gov](mailto:roxanna_hinzman@fws.gov)]  
**Sent:** Monday, June 22, 2015 1:40 PM  
**To:** Williams, Larry  
**Cc:** Tom Jones; Cassler, Constance; CSpilker; Garrett Wallace; 'Mitch Hutchcraft' ([mhutchcraft@cclpcitrus.com](mailto:mhutchcraft@cclpcitrus.com)); Johnson, Bruce ([Bruce.Johnson@stantec.com](mailto:Bruce.Johnson@stantec.com)); Clements, E. Carter Chandler; Victoria Foster  
**Subject:** Re: FW: ECPO HCP/EIS

Hi Tom,

I'd be delighted to speak with you on the Collier County NOI and HCP. Just FYI, Connie is on vacation this week, and I'm still getting up to speed on things here. Please send me your phone number, and give me a couple of options for a good time to call you. For this week as of right now Wed. or Thur. mornings or anytime Friday are my best times.

Looking forward to working with you.  
Regards,  
Rox

---

Roxanna Hinzman  
U.S. Fish and Wildlife Service  
South Florida Ecological Services Field Office  
Field Supervisor  
1339 20th Street  
Vero Beach, FL 32960  
772-562-3909 x 309

Cell 772-532-1247  
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[roxanna\\_hinzman@fws.gov](mailto:roxanna_hinzman@fws.gov)

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---

On Fri, Jun 19, 2015 at 2:47 PM, Williams, Larry <[larry\\_williams@fws.gov](mailto:larry_williams@fws.gov)> wrote:  
Tom,

Thank you for submitting the draft NOI. Roxanna Hinzman is our new Field Supervisor (replacing Craig Aubrey) who will be working with you on this project. I've copied Roxanna here. She will contact you next week to discuss next steps with both the HCP and EIS. She can also help extend the grant agreement.

Best regards,

Larry

On Fri, Jun 19, 2015 at 12:17 PM, Tom Jones <[TJones@barroncollier.com](mailto:TJones@barroncollier.com)> wrote:

Larry attached is the NOI for the Eastern Collier Property Owners (ECPO) proposed EIS. Although the review process for the previously submitted HCP by ECPO has not yet been formalized we would like to proceed with the scoping for the EIS. We are prepared to execute a contract with the third party contractor selected by your office. A critical path in this process is the initiation of the public scoping which we would like to begin but must be initiated through the federal process. As you are aware ECPO was awarded a grant by USFWS through the Florida Wildlife Commission to support the development of the EIS as well as revisions to the HCP for 2015. This grant will need to be extended through 2016 and we will require support from your office in this effort as well. At your earliest convenience we would like to schedule a call with your staff and the ECPO group to discuss the path forward. Hope all is well and we look forward to kicking this process off. Thanks

--

Larry Williams  
State Supervisor for Ecological Services  
U.S. Fish and Wildlife Service  
1339 20th Street  
Vero Beach, FL 32960-3559  
Ph: 772-469-4285  
Fax: 772-778-0683  
[larry\\_williams@fws.gov](mailto:larry_williams@fws.gov)

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R4-ES-XXXX-XXXX]**

**[XXXXXX-XXXX-XXXX-XX]**

**Draft Environmental Impact Statement; Eastern Collier Multi-species Habitat  
Conservation Plan; Collier County, Florida**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of intent; announcement of public meetings.

**SUMMARY:** Under the National Environmental Policy Act (NEPA), we, the Fish and Wildlife Service (Service), advise the public that we intend to gather information necessary to prepare a draft environmental impact statement (dEIS) related to a permit application from nine Collier County, Florida landowners for the incidental take of listed species. The permit application is associated with the draft Eastern Collier Multiple Species Habitat Conservation Plan (ECMSHCP) the applicants are preparing under the Endangered Species Act of 1973, as amended (Act). We provide this notice to (1) describe the proposed action; (2) advise other Federal and State agencies, affected Tribes, and the public of our intent to prepare an EIS; (3) announce the initiation of a public scoping period; and (4) obtain suggestions and information on the scope of issues and

alternatives to be included in the EIS, as well as any other written data, views or arguments with respect to the permit application.

**DATES:** *Comments:* We must receive any written comments at our Field Office (see ADDRESSES) on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

*Public Meetings:* One public scoping meeting will be held on [Month day], 2015: From [time].

**ADDRESSES:** *Public Meetings:* [Address of meeting location].

*Document Availability:* Documents will be available for public inspection by appointment during normal business hours at the South Florida Ecological Services Office, 1339 20<sup>th</sup> Street, Vero Beach, FL 32960.

*Comments:* For how and where to submit comments, see Public Comments below.

**FOR FURTHER INFORMATION CONTACT:** Dr. Constance Cassler, Project Manager, at the South Florida Ecological Services Office (see ADDRESSES), telephone: 772/469-4243.

#### **SUPPLEMENTARY INFORMATION:**

Under NEPA (42 U.S.C. 4321 et seq.), we announce that we intend to gather information necessary to prepare a dEIS on the draft ECMSHCP under the Act (16 U.S.C.

1531 et seq.). The Department of the Army, Corps of Engineers is a cooperating agency in the development of the dEIS.

## **Background**

Section 9 of the Act and Federal regulations prohibit the “take” of wildlife species listed as endangered or threatened (16 U.S.C. 1538). The Act defines the term “take” as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or to attempt to engage in such conduct (16 U.S.C. 1532(19)). Harm includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering [50 C.F.R. 17.3]. Under section 10(a)(1)(B) of the Act, the Service may issue permits to authorize “incidental take” of listed species. “Incidental Take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for threatened species and endangered species, respectively, are in the Code of Federal Regulations (C.F.R.) at 50 C.F.R. 17.32 and 50 C.F.R. 17.22. All species included on an incidental take permit would receive assurances under the Service’s “No Surprises” regulations [50 C.F.R. 17.22(b)(5) and 17.32(b)(5)].

## **Proposed ECMSHCP**

The proposed incidental take permit associated with the ECMSHCP would authorize take that may incidentally result from certain otherwise lawful actions, such as



private development, within the ECMSHCP area, provided that the permit holders implement the ECMSHCP and comply with incidental take permit (ITP) terms and conditions, including those related to the assembly and management of coordinated ECMSHCP mitigation areas. Specifically, the activities for which incidental take would be authorized (“covered activities”) would include residential and commercial development and earth mining. The ECMSHCP would develop a program of take avoidance, minimization, and mitigation, with an emphasis on preservation of remaining natural lands that will aid in supporting viable populations and the continued existence of federally listed threatened or endangered species, as well as several species that are not currently federally listed (described below). The ECMSHCP creates a plan for protecting federally listed threatened or endangered species, and other species, while accommodating the productive use and development of private land in the ECMSHCP area. The ECMSHCP also includes a funding mechanism for additional conservation actions, such as land acquisition, habitat mitigation, establishment of wildlife crossings, ecological restoration, land management, and actions to assist in the conservation of species through research.

The proposed term of the ITP associated with the ECMSHCP, as requested by the applicants, is 50 years. The ITP would authorize the incidental take of threatened and endangered species that would occur as a result of the covered activities.

Species proposed for coverage in the ECMSHCP and ITP include species that are currently listed as federally threatened or endangered, or have the potential to become listed during the life of the ITP, and have some likelihood to occur within the project

area. Should any of the federally unlisted covered wildlife species become listed under the Act during the term of the permit, take authorization for those species would become effective upon listing. The following federally listed species are known to occur or may occur within the ECMSHCP area and would be included as covered species under the ECMSHCP and ITP: Florida scrub-jay (*Aphelocoma coerulescens*), Audubon's crested caracara (*Polyborus plancus*) (alternatively identified as the northern crested caracara, *Caracara cheriway*), wood stork (*Mycteria americana*), red-cockaded woodpecker (*Picoides borealis*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*), eastern indigo snake (*Drymarchon corais couperi*), Florida bonneted bat (*Eumops floridanus*), and Florida panther (*Puma concolor coryi*). The gopher tortoise (*Gopherus polyphemus*), a candidate species, would also be included as a covered species. The ECMSHCP would also include the following State listed and unlisted species: Burrowing owl (*Athene cunicularia*); eastern diamondback rattlesnake (*Crotalus adamanteus*); Florida sandhill crane (*Grus canadensis pratensis*); Little blue heron (*Egretta caerulea*); Southeastern American kestrel (*Falco sparverius paulus*); Tricolored heron (*Egretta tricolor*); and the Big Cypress fox squirrel (*Sciurus niger avicennia*).

The proposed ECMSHCP employs a conservation strategy that would provide for preservation of a large portion of otherwise developable, privately owned lands within the ECMSHCP coverage area as habitat for the covered species, while allowing economically productive land uses in smaller, clustered parts of the ECMSHCP area. The ECMSHCP coverage area encompasses approximately 152,124 acres in northeastern Collier County, Florida, surrounding the Town of Immokalee. The area is bordered to the south by the

Florida Panther National Wildlife Refuge and Big Cypress National Preserve, to the north and east by the Okaloacoochee Slough State Forest, and to the northwest by Audubon Corkscrew Swamp Sanctuary. Biologically, the ECMSHCP focuses on the limited amount of future residential and commercial development and earth mining that could occur in the ECMSHCP coverage area (45,000 acres) away from the areas of higher value to the covered species. The coverage area is based on current scientific information on species occurrence and dispersal, and on information concerning where future development could and is otherwise likely to occur within these areas. Maintaining suitable habitat within these areas is important to ensuring the availability of corridors for species dispersal.

### **Environmental Impact Statement**

The dEIS will consider a reasonable range of alternatives, including the proposed action (i.e., the issuance of a section 10(a)(1)(B) permit under the Act), no action (no section 10 permit), variations in the scope of covered species; and variations in the location within the ECMSHCP coverage area where future residential and commercial development and earth mining could occur, or a combination of these elements. A detailed description of the proposed action and alternatives will be included in the dEIS. The dEIS will also identify potentially significant impacts on biological resources, land use, air quality, water quality, water resources, economics, and other environmental resource issues that could occur directly or indirectly with implementation of the

proposed action and alternatives. Different strategies for avoiding, minimizing, and mitigating the impacts of incidental take may also be considered.

The primary purpose of the scoping process is to identify important issues raised by the public related to the proposed action.

### **Public Comments**

While we will provide a limited amount of time for oral comments at the public meeting, comments must also be submitted in written form in order to ensure they are considered. Written comments will be accepted at the public meeting, and materials for submitting written comments will be available at the public meeting. Outside of the public meeting, we will accept comments in written form only. To ensure that we identify the full range of issues related to the permit application, we invite written comments from interested parties. Please reference the ECMSHCP in such comments.

If you wish to comment, you may submit comments by any one of the following methods:

*U.S. mail:* South Florida Ecological Services Office (see ADDRESSES).

*E-mail:* [constance\\_cassler@fws.gov](mailto:constance_cassler@fws.gov). Please include your name and return mailing address in your e-mail message. If you do not receive a confirmation from us that we have received your email, contact us directly at either telephone number listed (see FOR FURTHER INFORMATION CONTACT).

*Hand delivery:* Hand-deliver comments to the South Florida Ecological Services Office ADDRESSES.

### **Availability of Public Comments**

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

### **Reasonable Accommodation**

Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact Vickie Scott at 813/675-6546 as soon as possible. In order to allow sufficient time to process requests, please call no later than 1 week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

**Authority**

We provide this notice under section 10 of the Act (16 U.S.C. 1531 et seq.) and NEPA regulations (40 C.F.R. 1506.6).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Cindy Dohner  
Regional Director, Southeast Region

# Conversation Contents

**MSHCP**

**Attachments:**

/14. MSHCP/2.1 20140502\_draftNOI\_E Collier Co HCP\_EIS dell\_clean.doc

**Christian Spilker <CSpilker@collierenterprises.com>**

---

**From:** Christian Spilker <CSpilker@collierenterprises.com>  
**Sent:** Fri Sep 25 2015 13:59:23 GMT-0600 (MDT)  
**To:** Roxanna Hinzman <roxanna\_hinzman@fws.gov>  
**CC:** Constance Cassler <Constance\_Cassler@fws.gov>  
**Subject:** MSHCP

Roxanna,

This is to follow-up on our discussions about the draft NOI. It is important that we speak before the NOI is submitted to the Federal Register for publication. The HCP was substantially updated since the NOI was first drafted in 2014, and we want to ensure consistency with the current draft of the HCP. Please let me know when we could speak, so that we can confirm that the NOI is consistent with the current draft of the HCP.

Thanks, and have a good weekend.  
Regards,

Christian Spilker  
Vice President of Land Management  
Collier Enterprises

---

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**"Cassler, Constance" <constance\_cassler@fws.gov>**

---

**From:** "Cassler, Constance" <constance\_cassler@fws.gov>  
**Sent:** Fri Sep 25 2015 14:08:00 GMT-0600 (MDT)



**To:** Christian Spilker <CSpilker@collierenterprises.com>  
**CC:** Roxanna Hinzman <roxanna\_hinzman@fws.gov>  
**Subject:** Re: MSHCP  
**Attachments:** 20140502\_draftNOI\_E Collier Co HCP\_EIS dell\_clean.doc

Hi Christian,

I know you have left me a couple of messages and I haven't gotten back to you yet. The NOI was pretty generic because we wanted to make sure we got a broad range of comments based on the HCP and not just what the NOI said. I am attaching the draft NOI. Can we talk on Monday? Any time between 9 and 12 or 1:30 and 4:30 works for me.

Connie

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

On Fri, Sep 25, 2015 at 3:59 PM, Christian Spilker <[CSpilker@collierenterprises.com](mailto:CSpilker@collierenterprises.com)> wrote:

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**Christian Spilker <[CSpilker@collierenterprises.com](mailto:CSpilker@collierenterprises.com)>**

**From:** Christian Spilker <CSpilker@collierenterprises.com>  
**Sent:** Fri Sep 25 2015 14:13:49 GMT-0600 (MDT)  
**To:** "Cassler, Constance" <constance\_cassler@fws.gov>  
**CC:** Roxanna Hinzman <roxanna\_hinzman@fws.gov>  
**Subject:** Re: MSHCP

Thanks Connie. How about 3:00 on Monday?

Regards,

Christian Spilker  
Vice President of Land Management  
Collier Enterprises

On Sep 25, 2015, at 4:10 PM, Cassler, Constance <[constance\\_cassler@fws.gov](mailto:constance_cassler@fws.gov)> wrote:

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<20140502\_draftNOI\_E Collier Co HCP\_EIS dell\_clean.doc>

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---

**"Cassler, Constance" <constance\_cassler@fws.gov>**

**From:** "Cassler, Constance" <constance\_cassler@fws.gov>  
**Sent:** Mon Sep 28 2015 06:20:03 GMT-0600 (MDT)  
**To:** Christian Spilker <CSpilker@collierenterprises.com>  
**Subject:** Re: MSHCP

Sounds good.

Connie

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

On Fri, Sep 25, 2015 at 4:13 PM, Christian Spilker <[CSpilker@collierenterprises.com](mailto:CSpilker@collierenterprises.com)> wrote:  
Thanks Connie. How about 3:00 on Monday?

Regards,

Christian Spilker

Vice President of Land Management  
Collier Enterprises

On Sep 25, 2015, at 4:10 PM, Cassler, Constance <[constance\\_cassler@fws.gov](mailto:constance_cassler@fws.gov)> wrote:

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U.S. Fish and Wildlife Service  
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Vero Beach, Florida 32960  
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---

**Christian Spilker <CSpilker@collierenterprises.com>**

**From:** Christian Spilker <CSpilker@collierenterprises.com>  
**Sent:** Mon Sep 28 2015 09:23:17 GMT-0600 (MDT)  
**To:** "'Cassler, Constance'" <constance\_cassler@fws.gov>  
**Subject:** RE: MSHCP

It would probably be easiest if you were to call my cell phone (239)340-0600.

Regards,

Christian Spilker

Vice President of Land Management  
Collier Enterprises  
2550 Goodlette Rd North, #100  
Naples, FL 34103

(239)261-4455

**From:** Cassler, Constance [mailto:constance\_cassler@fws.gov]  
**Sent:** Monday, September 28, 2015 8:22 AM  
**To:** Christian Spilker  
**Subject:** Re: MSHCP

Sounds good.

Connie

Constance L. Cassler, Ph.D.  
Supervisory Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
1339 20th Street  
Vero Beach, Florida 32960  
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<20140502\_draftNOI\_E Collier Co HCP\_EIS dell\_clean.doc>

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**Billing Code 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R4-ES-2014-XXXX] -- [40120-1112-0000-F2]**

**Draft Environmental Impact Statement; Eastern Collier Multi-species Habitat  
Conservation Plan; Collier County, Florida**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of intent; announcement of public meetings.

**SUMMARY:** Under the National Environmental Policy Act (NEPA), we, the Fish and Wildlife Service (Service), advise the public that we intend to gather information necessary to prepare a draft environmental impact statement (DEIS) related to a permit application from nine Collier County, Florida landowners for the incidental take of listed species. The permit application is associated with the draft Eastern Collier Multi-species Habitat Conservation Plan (ECMSHCP) the applicants are preparing under the Endangered Species Act of 1973, as amended (Act). We provide this notice to (1)

describe the proposed action; (2) advise other Federal and State agencies, affected Tribes, and the public of our intent to prepare an EIS; (3) announce the initiation of a public scoping period; and (4) obtain suggestions and information on the scope of issues and alternatives to be included in the EIS.

**DATES:** *Comments:* We must receive any written comments at our Field Office (see ADDRESSES) on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

*Public Meetings:* One public scoping meeting will be held on [Month day], 2015: From [time].

**ADDRESSES:** *Public Meetings:* [Address of meeting location].

*Document Availability:* Documents will be available for public inspection by appointment during normal business hours at the South Florida Ecological Services Office, 1339 20<sup>th</sup> Street, Vero Beach, FL 32960.

*Comments:* For how and where to submit comments, see Public Comments below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Constance Cassler, Project Manager, at the South Florida Ecological Services Office (see ADDRESSES), telephone: 772/469-4243.

## **SUPPLEMENTARY INFORMATION:**

Under NEPA (42 U.S.C. 4321 et seq.), we announce that we intend to gather information necessary to prepare a DEIS on the draft ECMSHCP under the Act (16 U.S.C. 1531 et seq.).

### **Background**

Section 9 of the Act and Federal regulations prohibit the “take” of wildlife species listed as endangered or threatened (16 U.S.C. 1538). The Act defines the term “take” as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or to attempt to engage in such conduct (16 U.S.C. 1532). Harm includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering [50 CFR 17.3(c)]. Under section 10(a)(1)(B) of the Act, the Service may issue permits to authorize “incidental take” of listed species. “Incidental Take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for threatened species and endangered species, respectively, are in the Code of Federal Regulations (CFR) at 50 CFR 17.32 and 50 CFR 17.22. All species included on an incidental take permit would receive assurances under the Service’s “No Surprises” regulations [50 CFR 17.22(b)(5) and 17.32(b)(5)].

### **Proposed ECMSHCP**

The ECMSHCP would result in take authorization for otherwise lawful actions, such as private development, that may incidentally take or harm animal species or their habitats within the ECMSHCP area, in exchange for the assembly and management of a coordinated ECMSHCP mitigation area. Specifically, the covered activities would include crop production, ranching and grazing, earth mining, infrastructure repair and maintenance, oil and gas exploration and production, active and passive recreation, residential and commercial development, and transportation. The ECMSHCP would develop a program of take avoidance, minimization, and mitigation, with an emphasis on preservation of remaining natural lands that will support viable populations and the continued existence of federally listed threatened or endangered species. The ECMSHCP creates a plan for complying with federally listed threatened or endangered species regulations for specified species while accommodating future growth in the ECMSHCP area. The ECMSHCP will also include land acquisition, habitat mitigation, wildlife crossings, ecological restoration, land management, and assist in the conservation of species through research.

The proposed term of the Incidental Take Permit (ITP) associated with the ECMSHCP and requested from the Service is 50 years. The ITP is needed to authorize the incidental take of threatened and endangered species that would occur as a result of the covered activities.

The following federally listed species are known to occur within the ECMSHCP area and are intended for inclusion as covered species under the ECMSHCP: Florida scrub-jay (*Aphelocoma coerulescens*), Audubon's crested caracara (*Polyborus plancus*), wood stork (*Mycteria americana*), red-cockaded woodpecker (*Picoides borealis*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*), eastern indigo snake (*Drymarchon corais couperi*), Florida bonneted bat (*Eumops floridanus*), and Florida panther (*Puma concolor coryi*). The gopher tortoise (*Gopherus polyphemus*), a candidate, will also be included as a covered species.

The proposed ECMSHCP utilizes a conservation strategy that would provide for preservation of a large portion of the developable habitat for the covered species while still allowing economic growth to occur in the area. The ECMSHCP coverage area encompasses approximately 177,000 acres in northeastern Collier County, Florida, surrounding the Town of Immokalee. The area is bordered to the south by the Florida Panther National Wildlife Refuge and Big Cypress National Preserve, to the north and east by the Okaloacoochee Slough State Forest, and to the northwest by Audubon Corkscrew Swamp Sanctuary. The area is defined biologically as that area where the covered species could be affected by the proposed actions. The coverage area is based on what is currently known about movement and dispersal, and where future development could occur within these areas. It is important that suitable habitat be maintained within these areas so that barriers to dispersal do not develop.

## **Environmental Impact Statement**

The DEIS will consider a range of alternatives to the preferred alternative in the draft ECMSHCP. These alternatives may include, but are not limited to: Variations in the scope of covered activities; variations in the location, amount, and type of conservation activities; variations in permit duration; or a combination of these elements.

A detailed description of the proposed action and alternatives in the draft ECMSHCP will be included in the DEIS. The DEIS will also identify potentially significant impacts on biological resources, land use, air quality, water quality, water resources, economics, and other environmental resource issues that could occur directly or indirectly with implementation of the proposed action and alternatives. Different strategies for avoiding, minimizing, and mitigating the impacts of incidental take may also be considered.

The primary purpose of the scoping process is to identify important issues raised by the public related to the proposed action.

## **Public Comments**

While we will provide a limited amount of time for oral comments at the public meeting(s), comments must also be submitted in written form in order to ensure they are considered. Written comments will be accepted at the public meeting, and materials for submitting written comments will be available at the public meeting(s). Outside of the public meeting(s), we will accept comments in written form only. To ensure that we

identify the full range of issues related to the permit application, we invite written comments from interested parties. Please reference the ECMSHCP in such comments.

If you wish to comment, you may submit comments by any one of the following methods:

*U.S. mail:* South Florida Ecological Services Office (see ADDRESSES).

*E-mail:* [constance\\_cassler@fws.gov](mailto:constance_cassler@fws.gov). Please include your name and return mailing address in your e-mail message. If you do not receive a confirmation from us that we have received your email, contact us directly at either telephone number listed (see FOR FURTHER INFORMATION CONTACT).

*Hand delivery:* Hand-deliver comments to the South Florida Ecological Services Office ADDRESSES.

### **Availability of Public Comments**

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

### **Reasonable Accommodation**



Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact Vickie Scott at 813/675-6546 as soon as possible. In order to allow sufficient time to process requests, please call no later than 1 week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

## **Authority**

We provide this notice under section 10 of the Act (16 U.S.C. 1531 et seq.) and NEPA regulations (40 CFR 1506.6).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Cindy Dohner  
Regional Director, Southeast Region

# Conversation Contents

## Collier County MSHCP

### Attachments:

/13. Collier County MSHCP/1.1 NOI Redline.pdf  
/13. Collier County MSHCP/1.2 NOI with April 2015 Edits.docx  
/13. Collier County MSHCP/2.1 20150910\_USFWS General Comments on the draft ECMS HCP of April 2015.pdf

**Christian Spilker <CSpilker@collierenterprises.com>**

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**From:** Christian Spilker <CSpilker@collierenterprises.com>  
**Sent:** Wed Oct 07 2015 07:32:16 GMT-0600 (MDT)  
**To:** "Constance Cassler (Constance\_Cassler@fws.gov)" <Constance\_Cassler@fws.gov>  
**CC:** "Hinzman, Roxanna (roxanna\_hinzman@fws.gov)" <roxanna\_hinzman@fws.gov>  
**Subject:** Collier County MSHCP  
**Attachments:** NOI Redline.pdf NOI with April 2015 Edits.docx

Connie,

I have attached redline and clean edits we, the applicants, suggest be considered for the draft NOI. I believe these clarifications and corrections will better inform the public about the nature of this monumental HCP. Thank you for your consideration.

Regards,

**Christian Spilker**

Vice President of Land Management  
Collier Enterprises  
2550 Goodlette Rd North, #100  
Naples, FL 34103

(239)261-4455

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**"Cassler, Constance" <constance\_cassler@fws.gov>**

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**From:** "Cassler, Constance" <constance\_cassler@fws.gov>  
**Sent:** Wed Oct 07 2015 07:43:51 GMT-0600 (MDT)  
**To:** Christian Spilker <CSpilker@collierenterprises.com>  
**Subject:** Re: Collier County MSHCP  
**Attachments:** 20150910\_USFWS General Comments on the draft ECMS HCP of April 2015.pdf

Christian,

Thank you for the documents. That will speed the update of the NOI.

I am attaching an electronic version of the initial HCP comments that I gave you yesterday. When we get the NOI squared away we can have a kick-off meeting and discuss these.

Connie

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

On Wed, Oct 7, 2015 at 9:32 AM, Christian Spilker <[CSpilker@collierenterprises.com](mailto:CSpilker@collierenterprises.com)> wrote:  
Connie,

I have attached redline and clean edits we, the applicants, suggest be considered for the draft NOI. I believe these clarifications and corrections will better inform the public about the nature of this monumental HCP. Thank you for your consideration.

Regards,

**Christian Spilker**

Vice President of Land Management  
Collier Enterprises  
2550 Goodlette Rd North, #100  
Naples, FL 34103

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~~Billing Code 4310-55-P~~

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

~~[FWS-R4-ES 2014 XXXX] [40120 1112 0000 F2]~~ ES-XXXX-XXXX

XXXXX-XXXX-XXXX-XX

**Draft Environmental Impact Statement; Eastern Collier Multi-species Habitat  
Conservation Plan; Collier County, Florida**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of intent; announcement of public meetings.

**SUMMARY:** Under the National Environmental Policy Act (NEPA), we, the Fish and Wildlife Service (Service), advise the public that we intend to gather information necessary to prepare a draft environmental impact statement (~~DEIS~~dEIS) related to a permit application from nine Collier County, Florida landowners for the incidental take of listed species. The permit application is associated with the draft Eastern Collier ~~Multi-species~~Multiple Species Habitat Conservation Plan (ECMSHCP) the applicants are preparing under the Endangered Species Act of 1973, as amended (Act). We provide this notice to (1) describe the proposed action; (2) advise other Federal and State agencies, affected Tribes, and the public of our intent to prepare an

EIS; (3) announce the initiation of a public scoping period; and (4) obtain suggestions and information on the scope of issues and alternatives to be included in the EIS, as well as any other written data, views or arguments with respect to the permit application.

**DATES:** *Comments:* We must receive any written comments at our Field Office (see ADDRESSES) on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

*Public Meetings:* One public scoping meeting will be held on [Month day], 2015: From [time].

**ADDRESSES:** *Public Meetings:* [Address of meeting location].

*Document Availability:* Documents will be available for public inspection by appointment during normal business hours at the South Florida Ecological Services Office, 1339 20<sup>th</sup> Street, Vero Beach, FL 32960.

*Comments:* For how and where to submit comments, see Public Comments below.

**FOR FURTHER INFORMATION CONTACT:** ~~Ms~~Dr. Constance Cassler, Project Manager, at the South Florida Ecological Services Office (see ADDRESSES), telephone: 772/469-4243.

**SUPPLEMENTARY INFORMATION:**

Under NEPA (42 U.S.C. 4321 et seq.), we announce that we intend to gather information necessary to prepare a ~~DEIS~~[dEIS](#) on the draft ECMSHCP under the Act (16 U.S.C. 1531 et seq.). [The Department of the Army, Corps of Engineers is a cooperating agency in the development of the dEIS.](#)

## Background

Section 9 of the Act and Federal regulations prohibit the “take” of wildlife species listed as endangered or threatened (16 U.S.C. 1538). The Act defines the term “take” as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or to attempt to engage in such conduct (16 U.S.C. 1532~~(19)~~). Harm includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering [50 ~~CFRC.F.R.~~[CFR.C.F.R.](#) 17.3~~(e)~~]. Under section 10(a)(1)(B) of the Act, the Service may issue permits to authorize “incidental take” of listed species. “Incidental Take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for threatened species and endangered species, respectively, are in the Code of Federal Regulations (~~CFRC.F.R.~~[CFR.C.F.R.](#)) at 50 ~~CFRC.F.R.~~[CFR.C.F.R.](#) 17.32 and 50 ~~CFRC.F.R.~~[CFR.C.F.R.](#) 17.22. All species included on an incidental take permit would receive assurances under the Service’s “No Surprises” regulations [50 ~~CFRC.F.R.~~[CFR.C.F.R.](#) 17.22(b)(5) and 17.32(b)(5)].



## Proposed ECMSHCP

The proposed incidental take permit associated with the ECMSHCP would ~~result in~~authorize take ~~authorization for~~that may incidentally result from certain otherwise lawful actions, such as private development, ~~that may incidentally take or harm animal species or their habitats~~ within the ECMSHCP area, ~~in exchange for~~provided that the permit holders implement the ECMSHCP and comply with incidental take permit (ITP) terms and conditions, including those related to the assembly and management of ~~a~~-coordinated ECMSHCP mitigation ~~area~~areas. Specifically, the activities for which incidental take would be authorized (“covered activities”) would include ~~crop production, ranching and grazing, earth mining, infrastructure repair and maintenance, oil and gas exploration and production, active and passive recreation,~~ residential and commercial development, and ~~transportation~~earth mining. The ECMSHCP would develop a program of take avoidance, minimization, and mitigation, with an emphasis on preservation of remaining natural lands that will ~~support~~aid in supporting viable populations and the continued existence of federally listed threatened or endangered species, as well as several species that are not currently federally listed (described below). The ECMSHCP creates a plan for ~~complying with~~protecting federally listed threatened or endangered species ~~regulations for specified,~~ and other species, while accommodating ~~future growth~~the productive use and development of private land in the ECMSHCP area. The ECMSHCP ~~will~~ also ~~include~~includes a funding

mechanism for additional conservation actions, such as land acquisition, habitat mitigation, establishment of wildlife crossings, ecological restoration, land management, and actions to assist in the conservation of species through research.

The proposed term of the ~~Incidental Take Permit (ITP)~~ associated with the ECMSHCP ~~and, as~~ requested ~~from by~~ the ~~Service~~applicants, is 50 years. The ITP ~~is needed to~~would authorize the incidental take of threatened and endangered species that would occur as a result of the covered activities.

Species proposed for coverage in the ECMSHCP and ITP include species that are currently listed as federally threatened or endangered, or have the potential to become listed during the life of the ITP, and have some likelihood to occur within the project area. Should any of the federally unlisted covered wildlife species become listed under the Act during the term of the permit, take authorization for those species would become effective upon listing. The following federally listed species are known to occur or may occur within the ECMSHCP area and ~~are intended for inclusion~~would be included as covered species under the ECMSHCP and ITP: Florida scrub-jay (*Aphelocoma coerulescens*), Audubon's crested caracara (*Polyborus plancus*) (alternatively identified as the northern crested caracara, *Caracara cheriway*), wood stork (*Mycteria americana*), red-cockaded woodpecker (*Picoides borealis*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*), eastern indigo snake (*Drymarchon corais couperi*), Florida bonneted bat (*Eumops floridanus*), and Florida panther (*Puma concolor coryi*). The gopher tortoise (*Gopherus polyphemus*), a candidate species, ~~will~~would also be

included as a covered species. The ECMSHCP would also include the following State listed and unlisted species: Burrowing owl (*Athene cunicularia*); eastern diamondback rattlesnake (*Crotalus adamanteus*); Florida sandhill crane (*Grus canadensis pratensis*); Little blue heron (*Egretta caerulea*); Southeastern American kestrel (*Falco sparverius paulus*); Tricolored heron (*Egretta tricolor*); and the Big Cypress fox squirrel (*Sciurus niger avicennia*).

The proposed ECMSHCP ~~utilizes~~employs a conservation strategy that would provide for preservation of a large portion of ~~the~~otherwise developable, privately owned lands within the ECMSHCP coverage area as habitat for the covered species, while ~~still~~-allowing ~~economic growth to occur in the~~economically productive land uses in smaller, clustered parts of the ECMSHCP area. The ECMSHCP coverage area encompasses approximately ~~177,000~~152,124 acres in northeastern Collier County, Florida, surrounding the Town of Immokalee. The area is bordered to the south by the Florida Panther National Wildlife Refuge and Big Cypress National Preserve, to the north and east by the Okaloacoochee Slough State Forest, and to the northwest by Audubon Corkscrew Swamp Sanctuary. ~~The area is defined biologically as that area where~~Biologically, the ECMSHCP focuses on the limited amount of future residential and commercial development and earth mining that could occur in the ECMSHCP coverage area (45,000 acres) away from the areas of higher value to the covered species~~could be affected by the proposed actions~~. The coverage area is based on ~~what is currently known about movement~~current scientific information on species occurrence and dispersal, and

on information concerning where future development could and is otherwise likely  
to occur within these areas. ~~It is important that~~Maintaining suitable habitat ~~be~~  
~~maintained~~-within these areas ~~so that barriers to~~is important to ensuring the  
availability of corridors for species dispersal~~-do not develop.~~

## Environmental Impact Statement

The ~~DEIS~~dEIS will consider a reasonable range of alternatives~~-to the~~  
~~preferred alternative in the draft ECMSHCP. These alternatives may include,~~  
~~but are not limited to:~~ Variations, including the proposed action (i.e., the  
issuance of a section 10(a)(1)(B) permit under the Act), no action (no section 10  
permit), variations in the scope of covered ~~activities; species; and~~ variations in the  
location,~~amount, and type of conservation activities; variations in permit~~  
~~duration;~~ within the ECMSHCP coverage area where future residential and  
commercial development and earth mining could occur, or a combination of these  
elements. A detailed description of the proposed action and alternatives ~~in the draft~~  
~~ECMSHCP~~-will be included in the ~~DEIS~~dEIS. The ~~DEIS~~dEIS will also identify  
potentially significant impacts on biological resources, land use, air quality, water  
quality, water resources, economics, and other environmental resource issues that  
could occur directly or indirectly with implementation of the proposed action and  
alternatives. Different strategies for avoiding, minimizing, and mitigating the impacts  
of incidental take may also be considered.

The primary purpose of the scoping process is to identify important issues raised by the public related to the proposed action.

## Public Comments

While we will provide a limited amount of time for oral comments at the public ~~meeting(s)~~meeting, comments must also be submitted in written form in order to ensure they are considered. Written comments will be accepted at the public meeting, and materials for submitting written comments will be available at the public ~~meeting(s)~~meeting. Outside of the public ~~meeting(s)~~meeting, we will accept comments in written form only. To ensure that we identify the full range of issues related to the permit application, we invite written comments from interested parties. Please reference the ECMSHCP in such comments.

If you wish to comment, you may submit comments by any one of the following methods:

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### **Reasonable Accommodation**

Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact Vickie Scott at 813/675-6546 as soon as possible. In order to allow sufficient time to process requests, please call no later than 1 week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

## Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 et seq.) and NEPA regulations (40 ~~CFR~~C.F.R. 1506.6).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Cindy Dohner  
Regional Director, Southeast Region

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R4-ES-XXXX-XXXX]**

**[XXXXX-XXXX-XXXX-XX]**

**Draft Environmental Impact Statement; Eastern Collier Multi-species Habitat  
Conservation Plan; Collier County, Florida**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of intent; announcement of public meetings.

**SUMMARY:** Under the National Environmental Policy Act (NEPA), we, the Fish and Wildlife Service (Service), advise the public that we intend to gather information necessary to prepare a draft environmental impact statement (dEIS) related to a permit application from nine Collier County, Florida landowners for the incidental take of listed species. The permit application is associated with the draft Eastern Collier Multiple Species Habitat Conservation Plan (ECMSHCP) the applicants are preparing under the Endangered Species Act of 1973, as amended (Act). We provide this notice to (1) describe the proposed action; (2) advise other Federal and State agencies, affected Tribes, and the public of our intent to prepare an EIS; (3) announce the initiation of a public scoping period; and (4) obtain suggestions and information on the scope of issues and



alternatives to be included in the EIS, as well as any other written data, views or arguments with respect to the permit application.

**DATES:** *Comments:* We must receive any written comments at our Field Office (see ADDRESSES) on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

*Public Meetings:* One public scoping meeting will be held on [Month day], 2015: From [time].

**ADDRESSES:** *Public Meetings:* [Address of meeting location].

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*Comments:* For how and where to submit comments, see Public Comments below.

**FOR FURTHER INFORMATION CONTACT:** Dr. Constance Cassler, Project Manager, at the South Florida Ecological Services Office (see ADDRESSES), telephone: 772/469-4243.

#### **SUPPLEMENTARY INFORMATION:**

Under NEPA (42 U.S.C. 4321 et seq.), we announce that we intend to gather information necessary to prepare a dEIS on the draft ECMSHCP under the Act (16 U.S.C.

1531 et seq.). The Department of the Army, Corps of Engineers is a cooperating agency in the development of the dEIS.

## **Background**

Section 9 of the Act and Federal regulations prohibit the “take” of wildlife species listed as endangered or threatened (16 U.S.C. 1538). The Act defines the term “take” as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or to attempt to engage in such conduct (16 U.S.C. 1532(19)). Harm includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering [50 C.F.R. 17.3]. Under section 10(a)(1)(B) of the Act, the Service may issue permits to authorize “incidental take” of listed species. “Incidental Take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for threatened species and endangered species, respectively, are in the Code of Federal Regulations (C.F.R.) at 50 C.F.R. 17.32 and 50 C.F.R. 17.22. All species included on an incidental take permit would receive assurances under the Service’s “No Surprises” regulations [50 C.F.R. 17.22(b)(5) and 17.32(b)(5)].

## **Proposed ECMSHCP**

The proposed incidental take permit associated with the ECMSHCP would authorize take that may incidentally result from certain otherwise lawful actions, such as

private development, within the ECMSHCP area, provided that the permit holders implement the ECMSHCP and comply with incidental take permit (ITP) terms and conditions, including those related to the assembly and management of coordinated ECMSHCP mitigation areas. Specifically, the activities for which incidental take would be authorized (“covered activities”) would include residential and commercial development and earth mining. The ECMSHCP would develop a program of take avoidance, minimization, and mitigation, with an emphasis on preservation of remaining natural lands that will aid in supporting viable populations and the continued existence of federally listed threatened or endangered species, as well as several species that are not currently federally listed (described below). The ECMSHCP creates a plan for protecting federally listed threatened or endangered species, and other species, while accommodating the productive use and development of private land in the ECMSHCP area. The ECMSHCP also includes a funding mechanism for additional conservation actions, such as land acquisition, habitat mitigation, establishment of wildlife crossings, ecological restoration, land management, and actions to assist in the conservation of species through research.

The proposed term of the ITP associated with the ECMSHCP, as requested by the applicants, is 50 years. The ITP would authorize the incidental take of threatened and endangered species that would occur as a result of the covered activities.

Species proposed for coverage in the ECMSHCP and ITP include species that are currently listed as federally threatened or endangered, or have the potential to become listed during the life of the ITP, and have some likelihood to occur within the project

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The dEIS will consider a reasonable range of alternatives, including the proposed action (i.e., the issuance of a section 10(a)(1)(B) permit under the Act), no action (no section 10 permit), variations in the scope of covered species; and variations in the location within the ECMSHCP coverage area where future residential and commercial development and earth mining could occur, or a combination of these elements. A detailed description of the proposed action and alternatives will be included in the dEIS. The dEIS will also identify potentially significant impacts on biological resources, land use, air quality, water quality, water resources, economics, and other environmental resource issues that could occur directly or indirectly with implementation of the

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The primary purpose of the scoping process is to identify important issues raised by the public related to the proposed action.

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While we will provide a limited amount of time for oral comments at the public meeting, comments must also be submitted in written form in order to ensure they are considered. Written comments will be accepted at the public meeting, and materials for submitting written comments will be available at the public meeting. Outside of the public meeting, we will accept comments in written form only. To ensure that we identify the full range of issues related to the permit application, we invite written comments from interested parties. Please reference the ECMSHCP in such comments.

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**Authority**

We provide this notice under section 10 of the Act (16 U.S.C. 1531 et seq.) and NEPA regulations (40 C.F.R. 1506.6).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Cindy Dohner  
Regional Director, Southeast Region



## **USFWS General Comments on the draft East Collier Multiple Species HCP (9/10/2015)**

- The HCP does not include a discussion of roads needed to support the proposed development. We consider roads as interrelated/interdependent activities that have to be analyzed.
- This document mentions the existing Rural Lands Stewardship Program (RLSP) but does not indicate which lands have already been protected as part of this program. Generally, the Service can't consider lands that have already been used for mitigation as mitigation for a second project unless a conservation benefit beyond what the original project provided is demonstrated. We recommend a more detailed discussion of the RLSP and how it fits into the HCP.
- The eastern panther corridor is not well located and does not appear to be wide enough to be functional. Without a functional corridor, it appears the potential east-west development in that area could block movement of panthers north and south.
- The plan allows landowners to implement avoidance and minimization measures to reduce the PHUs required to mitigate their projects. While we generally prefer avoidance and minimization of impacts before mitigating for them, options available to each landowner will be specific to the landscape location of their project and existing development in the surrounding area. Avoidance and minimization may not be possible.
- The biological goals for panthers focus on habitat goals. There should be a goal focused on actual panther use of the plan area. Otherwise, due to the landscape scale of this plan and effects to panthers beyond habitat loss as indicated by the Panther Habitat Unit calculations, it is possible to meet habitat goals but reduce panther use of the habitat to a degree that it no longer functions as it is intended.
- The plan identifies Florida Fish and Wildlife Conservation Commission (FWC) as the entity responsible for panther monitoring and indicates that the applicants will help fund the monitoring, if necessary. Has FWC been contacted about this role? How likely is it that FWC will have the funding to continue its programs? Is there an alternative plan if FWC discontinues monitoring?
- There is no adaptive management proposed for panthers (or other species) in the plan. As the main species for the plan, there should be adaptive management for panthers. It should be tied to a biological goal for panther use of the area. There is enough uncertainty about the exact types and locations of impacts that an adaptive management plan is warranted.
- The plan indicates that no incidental take of caracara will occur despite the fact that five nests and a communal roost or "gathering area" occurs in or adjacent to covered activity areas. Additional discussion is needed about take of caracara.
- Restoration for one species may not necessarily benefit another species in the mitigation area. For example, wetland restoration for wood storks may not be beneficial for panthers. Impacts associated with restoration or enhancement need to be accounted for within the mitigation area.
- There are differences between the plan and recommendations from the Panther Review Team (PRT). The Service would like to discuss alternatives that are closer to PRT recommendations.

# Conversation Contents

**Re:** Eastern Collier HCP

**Attachments:**

/9. Re: Eastern Collier HCP/1.1 Draft NOI for ECMSHCP 20151119\_55361915\_3.doc

**"Hinzman, Roxanna" <roxanna\_hinzman@fws.gov>**

---

**From:** "Hinzman, Roxanna" <roxanna\_hinzman@fws.gov>  
**Sent:** Fri Nov 20 2015 08:05:33 GMT-0700 (MST)  
**To:** Tom Jones <TJones@barroncollier.com>, Constance Cassler <constance\_cassler@fws.gov>  
**CC:** "Williams, Larry" <larry\_williams@fws.gov>, CSpilker <cspilker@collierenterprises.com>, "Johnson, Bruce" <Bruce.Johnson@stantec.com>  
**Subject:** Re: Eastern Collier HCP  
**Attachments:** Draft NOI for ECMSHCP 20151119\_55361915\_3.doc

Looping Connie in.  
Rox

---

Roxanna Hinzman  
U.S. Fish and Wildlife Service  
South Florida Ecological Services Field Office  
Field Supervisor  
1339 20th Street  
Vero Beach, FL 32960  
772-562-3909 x 309  
Cell 772-532-1247  
Fax 772-562-4288  
[roxanna\\_hinzman@fws.gov](mailto:roxanna_hinzman@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 disclosed to third parties.

---

On Fri, Nov 20, 2015 at 9:12 AM, Tom Jones <[TJones@barroncollier.com](mailto:TJones@barroncollier.com)> wrote:

Larry,

We received a revised draft of the NOI for our HCP last Thursday. Overall, the Service's edits look fine to us. However, a few edits as to species that are covered by the HCP are either inaccurate or could cause confusion. The attached redline reflects text that should be corrected with respect to identification of covered species. Please let me know if you have any questions. Thanks

**Tom Jones <TJones@barroncollier.com>**

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**From:** Tom Jones <TJones@barroncollier.com>  
**Sent:** Fri Nov 20 2015 08:08:29 GMT-0700 (MST)  
**To:** "Hinzman, Roxanna" <roxanna\_hinzman@fws.gov>, Constance Cassler <constance\_cassler@fws.gov>  
**CC:** "Williams, Larry" <larry\_williams@fws.gov>, CSpilker <cspilker@collierenterprises.com>, "Johnson, Bruce" <Bruce.Johnson@stantec.com>  
**Subject:** RE: Eastern Collier HCP

My apologies. I thought I had included Connie. I must not have hit ok?

**From:** Hinzman, Roxanna [mailto:roxanna\_hinzman@fws.gov]  
**Sent:** Friday, November 20, 2015 10:06 AM  
**To:** Tom Jones; Constance Cassler  
**Cc:** Williams, Larry; CSpilker; Johnson, Bruce  
**Subject:** Re: Eastern Collier HCP

Looping Connie in.  
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**From:** "Hinzman, Roxanna" <roxanna\_hinzman@fws.gov>  
**Sent:** Fri Nov 20 2015 08:17:14 GMT-0700 (MST)  
**To:** Tom Jones <TJones@barroncollier.com>  
**CC:** Constance Cassler <constance\_cassler@fws.gov>, "Williams, Larry" <larry\_williams@fws.gov>, CSpilker <cspilker@collierenterprises.com>, "Johnson, Bruce" <Bruce.Johnson@stantec.com>  
**Subject:** Re: Eastern Collier HCP

No worries Tom! I do it all the time! Especially bad about setting up meetings and forgetting to invite the other person on their calendar. Then I wonder why I am sitting in a meeting alone. Sigh.....

Have a lovely and safe Thanksgiving.  
Rox

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Roxanna Hinzman  
U.S. Fish and Wildlife Service  
South Florida Ecological Services Field Office  
Field Supervisor  
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**From:** "Cassler, Constance" <[constance\\_cassler@fws.gov](mailto:constance_cassler@fws.gov)>  
**Sent:** Mon Nov 23 2015 12:29:42 GMT-0700 (MST)  
**To:** Tom Jones <[TJones@barroncollier.com](mailto:TJones@barroncollier.com)>  
"Hinzman, Roxanna" <[roxanna\\_hinzman@fws.gov](mailto:roxanna_hinzman@fws.gov)>, "Williams, Larry" <[larry\\_williams@fws.gov](mailto:larry_williams@fws.gov)>, CSpilker <[cspilker@collierenterprises.com](mailto:cspilker@collierenterprises.com)>, "Johnson, Bruce" <[Bruce.Johnson@stantec.com](mailto:Bruce.Johnson@stantec.com)>  
**CC:**  
**Subject:** Re: Eastern Collier HCP

Hi Tom,

I received the copy and made the changes. The Regional Office had the revised version.

Connie

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

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**Billing Code 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R4-ES-2015-XXXX] -- [40120-1112-0000-F2]**

**Draft Environmental Impact Statement; Eastern Collier Multi-species Habitat  
Conservation Plan; Collier County, Florida**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of intent; announcement of public meetings.

**SUMMARY:** Under the National Environmental Policy Act (NEPA), we, the Fish and Wildlife Service (Service), advise the public that we intend to gather information necessary to prepare a draft environmental impact statement (dEIS) related to a permit application from nine Collier County, Florida landowners for the incidental take of listed species. The permit application is associated with the draft Eastern Collier Multiple Species Habitat Conservation Plan (ECMSHCP) the applicants are preparing under the Endangered Species Act of 1973, as amended (Act). We provide this notice to (1)

describe the proposed action; (2) advise other Federal and State agencies, affected Tribes, and the public of our intent to prepare an EIS; (3) announce the initiation of a public scoping period; and (4) obtain suggestions and information on the scope of issues and alternatives to be included in the EIS, as well as any other written data, views, or arguments with respect to the permit application.

**DATES:** *Comments:* We must receive any written comments at our Field Office (see ADDRESSES) on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

*Public Meetings:* One public scoping meeting will be held on January 26, 2016: From 5:00 to 7:00 pm.

**ADDRESSES:** *Public Meetings:* University of Florida/Institute of Food and Agricultural Sciences Collier County Extension, 14700 Immokalee Road, Naples, Florida.

*Document Availability:* Documents will be available for public inspection by appointment during normal business hours at the South Florida Ecological Services Office, 1339 20<sup>th</sup> Street, Vero Beach, FL 32960.

*Comments:* For how and where to submit comments, see Public Comments below.

**FOR FURTHER INFORMATION CONTACT:** Dr. Constance Cassler, Project Manager, at the South Florida Ecological Services Office (see ADDRESSES), telephone:



772/469-4243.

#### **SUPPLEMENTARY INFORMATION:**

Under NEPA (42 U.S.C. 4321 et seq.), we announce that we intend to gather information necessary to prepare a dEIS on the draft ECMSHCP under the Act (16 U.S.C. 1531 et seq.). The Department of the Army, U.S. Army Corps of Engineers is a cooperating agency in the development of the dEIS.

#### **Background**

Section 9 of the Act and the implementing regulations for the Act in the Code of Federal Regulations (CFR) at 50 CFR part 17 prohibit the “take” of wildlife species listed as endangered or threatened (16 U.S.C. 1538). The Act defines the term “take” as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or to attempt to engage in such conduct (16 U.S.C. 1532). Harm includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering [50 CFR 17.3(c)]. Under section 10(a)(1)(B) of the Act, the Service may issue permits to authorize “incidental take” of listed species. “Incidental Take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for threatened species and endangered species, respectively, are found in 50 CFR 17.32 and 50 CFR 17.22. All species included on an

incidental take permit would receive assurances under the Service's "No Surprises" regulations [50 CFR 17.22(b)(5) and 17.32(b)(5)].

### **Proposed ECMSHCP**

The proposed incidental take permit (ITP) associated with the ECMSHCP would, if issued, authorize take that may incidentally result from certain otherwise lawful actions, such as private development, within the ECMSHCP area, provided that the permit holders implement the ECMSHCP and comply with ITP terms and conditions, including those related to the assembly and management of coordinated ECMSHCP mitigation areas. Specifically, the covered activities for which incidental take would be authorized would include residential and commercial development, and earth mining. The ECMSHCP would develop a program of take avoidance, minimization, and mitigation, with an emphasis on preservation of remaining natural lands that will aid in supporting viable populations and the continued existence of federally listed threatened or endangered species, as well as several species that are not currently federally listed. The ECMSHCP creates a plan for avoiding, minimizing, and mitigating impacts to federally listed threatened or endangered species, and other species, while accommodating the productive use and development of private lands in the ECMSHCP area. The ECMSHCP also includes a funding mechanism for additional conservation actions, such as land

acquisition, habitat mitigation, establishment of wildlife crossings, ecological restoration, land management, and actions to assist in the conservation of species through research.

The proposed term for the ITP associated with the ECMSHCP is 50 years. The ITP would authorize the incidental take of threatened and endangered species that would occur as a result of the covered activities.

Species proposed for coverage in the ECMSHCP and ITP include species that are currently listed as federally threatened or endangered, or have the potential to become listed during the life of the ITP, and have some likelihood to occur within the project area. Should any of the covered wildlife species that are not federally listed become listed under the Act during the term of the permit, take authorization for those species would become effective upon listing. The following federally listed species are known to occur, or may occur, within the ECMSHCP area and would be included as covered species under the ECMSHCP and ITP: Florida scrub-jay (*Aphelocoma coerulescens*), Audubon's crested caracara (*Polyborus plancus*) (alternatively identified as the northern crested caracara, *Caracara cheriway*), wood stork (*Mycteria americana*), red-cockaded woodpecker (*Picoides borealis*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*), eastern indigo snake (*Drymarchon corais couperi*), Florida bonneted bat (*Eumops floridanus*), and Florida panther (*Puma concolor coryi*). The gopher tortoise (*Gopherus polyphemus*), a candidate species, would also be included as a covered species. The ECMSHCP would also include the following State listed and unlisted species: burrowing

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The dEIS will consider a range of alternatives, including the proposed action (i.e., the issuance of a section 10(a)(1)(B) permit under the Act), no action (no section 10 permit), variations in the scope of covered species, variations in the location of covered activities, or a combination of these elements. A detailed description of the proposed action and alternatives will be included in the dEIS. The dEIS will also identify potentially significant impacts on biological resources, land use, air quality, water quality, water resources, economics, and other environmental resource issues that could occur directly or indirectly with implementation of the proposed action and alternatives. Different strategies for avoiding, minimizing, and mitigating the impacts of incidental take may also be considered.

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**Authority**

We provide this notice under section 10 of the Act (16 U.S.C. 1531 et seq.) and NEPA regulations (40 CFR 1506.6).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Cindy Dohner  
Regional Director, Southeast Region



# Conversation Contents

## Meeting Today: Eastern Collier HCP Update

**"Tawes, Robert" <robert\_tawes@fws.gov>**

---

**From:** "Tawes, Robert" <robert\_tawes@fws.gov>  
**Sent:** Wed Jan 20 2016 05:42:06 GMT-0700 (MST)  
Leopoldo Miranda <leopoldo\_miranda@fws.gov>, "Turner, Andrew" <aturner@hunton.com>, Constance Cassler <constance\_cassler@fws.gov>, David Dell <david\_dell@fws.gov>, Jack Arnold <jack\_arnold@fws.gov>, Larry Williams <larry\_williams@fws.gov>, Roxanna Hinzman <roxanna\_hinzman@fws.gov>, Vicki Mott <vicki.mott@sol.doi.gov>, gwallace@alicoinc.com, CSpilker@collierenterprises.com  
**To:**  
**Subject:** Meeting Today: Eastern Collier HCP Update

Hello everyone, I am looking forward to our meeting this afternoon. For those of you calling in, we will be using the following conference line: (b) (5) participate code: (b) (5)

For visitors to the regional office, we are located at 1875 Century Boulevard. From the airport it is best to take I-85 north to the Clairmont Road exit. When you arrive at the building you will have to check in and get a visitor badge at our security office on the second floor (right across from the elevators). Please allow yourselves about 15 minutes to get everyone checked in. I can be reached at my desk phone (404/679-7142) or via cell (404/312-0874). Please let me know if you have any questions or need additional information.

Talk to you soon. R

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Rob W. Tawes  
Chief, Division of Environmental Review  
U.S. Fish and Wildlife Service  
Southeast Regional Office  
1875 Century Boulevard  
Atlanta, GA 30345  
(w) 404/679-7142  
(f) 404/679-7081  
<http://www.fws.gov/southeast/>  
[www.fws.gov](http://www.fws.gov)

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