Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:50 AM

Conversation Contents

East Collier HCP: Acknowledgement Letter to Seminoles

Attachments:

/1. East Collier HCP: Acknowledgement Letter to Seminoles/1.1 20190823_Response to Chairman Osceola.docx

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Mon Aug 26 2019 08:03:55 GMT-0600 (MDT)
To:	Timothy Binzen <timothy_binzen@fws.gov>
CC:	Kevin Palmer <kevin_palmer@fws.gov>, Michael Crowley <michael_crowley@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>
Subject:	East Collier HCP: Acknowledgement Letter to Seminoles
Attachments:	20190823_Response to Chairman Osceola.docx

Tim: At our update meeting last Friday, we decided it would be appropriate to send the Seminoles a short acknowledgement letter similar to the one we sent the Miccosukee. I am putting this on surname today for RD signature. Leo will likely want to see your concurrence with this. Please let us know your thoughts and any recommended edits. Thanks.

David Dell
US Fish and Wildlife Service
Southeast 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 disclosed to third parties.

"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Tue Aug 27 2019 10:54:46 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	Kevin Palmer <kevin_palmer@fws.gov>, Michael Crowley <michael_crowley@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, Robert Tawes

<Robert_Tawes@fws.gov>

Subject: Re: East Collier HCP: Acknowledgement Letter to Seminoles

Hi David,

The letter looks fine to me. Thank you for sharing.

Best,
--Tim

On Mon, Aug 26, 2019 at 10:04 AM Dell, David <david_dell@fws.gov> wrote:

> Tim: At our update meeting last Friday, we decided it would be appropriate to send the Seminoles a short acknowledgement letter similar to the one we sent the Miccosukee. I am putting this on surname today for RD signature. Leo will likely want to see your concurrence with this. Please let us know your thoughts and any recommended edits. Thanks.
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>
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--
Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

The Honorable Marcellus W. Osceola, Jr.
Chairman
Seminole Tribe of Florida
6300 Stirling Road
Hollywood, Florida 33024

Dear Chairman Osceola:

The Seminole Tribe of Florida is a consulting party for the proposed Eastern Collier County Multiple-Species Habitat Conservation Plan ECMSHCP), in accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy.

On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft Environmental Impact Statement (dEIS) and a habitat conservation plan (HCP) associated with the incidental take permit (ITP) applications of eleven Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day Tribal and public comment period from October 18, 2018, through December 3, 2018. On March 29, 2019, the Service provided the Tribe with a consultation meeting to provide an update on the status of the dEIS, HCP, and NEPA process.

The Service has received your letters of May 30, and August 12, 2019, in which you have enumerated the concerns of the Tribe regarding the dEIS, HCP, and ITP applications. We acknowledge the Tribe's concerns as described in your detailed comments. The Service is currently preparing responses to the concerns that were raised in your letter. This effort is being coordinated through our South Florida Ecological Services Field Office. If you have questions or need additional information, please contact Roxanna Hinzman, Field Supervisor (772-469-4309 or Roxanna_hinzman@fws.gov).

The Service respects the sovereign rights of the Seminole Tribe of Florida. We look forward to continued communication and consultation related to the ECMSHCP.

Sincerely,

Leopoldo Miranda

Regional Director

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:51 AM

Conversation Contents

[EXTERNAL] final draft EA for ECCMSHCP

Victoria Menchaca <VictoriaMenchaca@semtribe.com>

From:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Sent:	Thu Jul 18 2019 06:32:14 GMT-0600 (MDT)
To:	"kevin_palmer@fws.gov" <kevin_palmer@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>
Subject:	[EXTERNAL] final draft EA for ECCMSHCP

Good Moring Kevin and Connie,

I was wondering when the FWS anticipates publishing the final draft EA for the ECCMSHCP?

Thanks,

Victoria Menchaca, M.A.
Compliance Review Specialist
Seminole Tribe of Florida
Tribal Historic Preservation Office
30290 Josie Billie Hwy, PMB 1004
Clewiston, FL 33440
Tel: 863-983-6549 Ext: 12216
Email: victoriamenchaca@semtribe.com

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Thu Jul 18 2019 08:01:45 GMT-0600 (MDT)
To:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
CC:	"kevin_palmer@fws.gov" <kevin_palmer@fws.gov>
Subject:	Re: [EXTERNAL] final draft EA for ECCMSHCP

Hi Victoria,

We are currently on hold because we are waiting for some updated project information from the applicants. Once we have the information we should be able to establish a new timeline for publishing the final EIS. If it works for you, I suggest sending me an email once per week asking about the timeline and I can let you know if we have created one or are still waiting for information.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service

1339 20th Street
Vero Beach, Florida 32960
office: 772-469-4243
fax: 772-562-4288
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On Thu, Jul 18, 2019 at 8:32 AM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:

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From:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Sent:	Thu Jul 18 2019 08:54:12 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	"kevin_palmer@fws.gov" <kevin_palmer@fws.gov>
Subject:	RE: [EXTERNAL] final draft EA for ECCMSHCP

Hi Connie,

Ok, thank you for the information. I will try and remember to email you each week!

Sincerely,
Victoria

From: Cassler, Constance [mailto:constance_cassler@fws.gov]
Sent: Thursday, July 18, 2019 10:02 AM
To: Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Cc: kevin_palmer@fws.gov
Subject: Re: [EXTERNAL] final draft EA for ECCMSHCP

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> Email: victoriamenchaca@semtribe.com

Victoria Menchaca <VictoriaMenchaca@semtribe.com>

From:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Sent:	Mon Aug 05 2019 11:35:03 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	"kevin_palmer@fws.gov" <kevin_palmer@fws.gov>

Subject: RE: [EXTERNAL] final draft EA for ECCMSHCP

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I am just checking up on the status of the ECCMSHCP final EIS? Do you guys have a date of when it would be ready?

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Sent: Thursday, July 18, 2019 10:54 AM
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Subject: RE: [EXTERNAL] final draft EA for ECCMSHCP

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Aug 05 2019 12:28:58 GMT-0600 (MDT)
To:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
CC:	"kevin_palmer@fws.gov" <kevin_palmer@fws.gov>
Subject:	Re: [EXTERNAL] final draft EA for ECCMSHCP

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From:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Sent:	Mon Aug 05 2019 12:52:14 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	RE: [EXTERNAL] final draft EA for ECCMSHCP

Ok, thanks! I will keep checking back.

Victoria

From: Cassler, Constance [mailto:constance_cassler@fws.gov]
Sent: Monday, August 5, 2019 2:29 PM
To: Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Cc: kevin_palmer@fws.gov
Subject: Re: [EXTERNAL] final draft EA for ECCMSHCP

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CC:	"kevin_palmer@fws.gov" <kevin_palmer@fws.gov>
Subject:	RE: [EXTERNAL] final draft EA for ECCMSHCP

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office: 772-469-4243
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email: constance_cassler@fws.gov

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On Thu, Jul 18, 2019 at 8:32 AM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:

> Good Moring Kevin and Connie,
>
> I was wondering when the FWS anticipates publishing the final draft EA for the ECCMSHCP?
>
> Thanks,
>
> Victoria Menchaca, M.A.
> Compliance Review Specialist
> Seminole Tribe of Florida
> Tribal Historic Preservation Office
> 30290 Josie Billie Hwy, PMB 1004
> Clewiston, FL 33440
> Tel: 863-983-6549 Ext: 12216
> Email: victoriamenchaca@semtribe.com

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Mon Aug 26 2019 13:19:36 GMT-0600 (MDT)
To:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: [EXTERNAL] final draft EA for ECCMSHCP

Hi Victoria,

The last I heard, we are still waiting for additional project information. We did, however, just recently receive a comment letter from the ERMD of the Seminole Tribe. Our regional office folks are working on a response letter to both your original letter and this most recent addition.

Thank you!

Kevin

On Mon, Aug 26, 2019 at 1:47 PM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:

> Hi Kevin and Connie,
>
> I am just checking in to see if the final draft EA for the ECCMSHCP has been completed?

Thanks,

Victoria Menchaca, M.A.
Compliance Review Specialist
Seminole Tribe of Florida
Tribal Historic Preservation Office
30290 Josie Billie Hwy, PMB 1004
Clewiston, FL 33440
Tel: 863-983-6549 Ext: 12216
Email: victoriamenchaca@semtribe.com

From: Victoria Menchaca
Sent: Monday, August 5, 2019 2:52 PM
To: Cassler, Constance <constance_cassler@fws.gov>
Subject: RE: [EXTERNAL] final draft EA for ECCMSHCP

Ok, thanks! I will keep checking back.

Victoria

From: Cassler, Constance [mailto:constance_cassler@fws.gov]
Sent: Monday, August 5, 2019 2:29 PM
To: Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Cc: kevin_palmer@fws.gov
Subject: Re: [EXTERNAL] final draft EA for ECCMSHCP

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Hi Victoria,

No, we don't have a date yet. We are still waiting on information from the applicants.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
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Clewiston, FL 33440
Tel: 863-983-6549 Ext: 12216
Email: victoriamenchaca@semtribe.com

From: Victoria Menchaca
Sent: Thursday, July 18, 2019 10:54 AM
To: Cassler, Constance <constance_cassler@fws.gov>
Cc: kevin_palmer@fws.gov
Subject: RE: [EXTERNAL] final draft EA for ECCMSHCP

Hi Connie,

Ok, thank you for the information. I will try and remember to email you each week!

Sincerely,
Victoria

From: Cassler, Constance [mailto:constance_cassler@fws.gov]
Sent: Thursday, July 18, 2019 10:02 AM
To: Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Cc: kevin_palmer@fws.gov
Subject: Re: [EXTERNAL] final draft EA for ECCMSHCP

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Kevin Palmer
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Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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Victoria Menchaca <VictoriaMenchaca@semtribe.com>

From:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Sent:	Mon Aug 26 2019 13:30:54 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, David Echeverry <davidecheverry@semtribe.com>, Juan Cancel <JuanCancel@semtribe.com>
Subject:	RE: [EXTERNAL] final draft EA for ECCMSHCP

Ok, sounds good! Thanks!

Victoria

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Monday, August 26, 2019 3:20 PM
To: Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Cc: Cassler, Constance <constance_cassler@fws.gov>
Subject: Re: [EXTERNAL] final draft EA for ECCMSHCP

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Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
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Kevin Palmer
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1339 20th Street

Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:51 AM

Conversation Contents

Seminole Consultation: Acknowledgement Letter

Attachments:

/3. Seminole Consultation: Acknowledgement Letter/1.1 20190418 Response to Chairman Cypress.docx
/3. Seminole Consultation: Acknowledgement Letter/2.1 20190823_Response to Chairman Osceola.docx

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Fri Aug 23 2019 12:06:15 GMT-0600 (MDT)
To:	Constance Cassler <Constance_Cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Michael Crowley <michael_crowley@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>
Subject:	Seminole Consultation: Acknowledgement Letter
Attachments:	20190418 Response to Chairman Cypress.docx

Everyone: As discussed this morning, we intend to send the Tribe a short acknowledgement of their formal comments and let them know we intend to follow up with a formal reply. Attached is the letter sent to the Miccosukee. We should be able to adapt this very easily.

Please suggest appropriate changes, and I'll try to get this on surname on Monday -- before the project leader's meeting. If not then, then Friday, Thanks.

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>

Sent:	Fri Aug 23 2019 13:04:21 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	Kevin Palmer <kevin_palmer@fws.gov>, Michael Crowley <michael_crowley@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>
Subject:	Re: Seminole Consultation: Acknowledgement Letter
Attachments:	20190823_Response to Chairman Osceola.docx

David,

I'm attaching my suggested edits.

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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On Fri, Aug 23, 2019 at 2:06 PM Dell, David <david_dell@fws.gov> wrote:

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> 404/679-7313
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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Fri Aug 23 2019 13:44:03 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	"Dell, David" <david_dell@fws.gov>, Michael Crowley <michael_crowley@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>
Subject:	Re: Seminole Consultation: Acknowledgement Letter

Thanks for putting this together David.

I concur with Connie's comments. I would also add their previous letter from THPO to the following sentence: The Service has received your letters of May 30 and August 12, 2019, in which you have expressed the concerns of the Tribe regarding the dEIS, HCP, and ITP applications.

I would also electronic copy Stacy Myers, Acting ERMD Director, and Whitney Sapienza, the Acting Assistant Director.

StacyMyers@semtribe.com
WhitneySapienza@semtribe.com

Thanks again and have a good weekend all!

Kevin

On Fri, Aug 23, 2019 at 3:04 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

> David,
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> I'm attaching my suggested edits.
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>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
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Email: Kevin_Palmer@fws.gov

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"Tawes, Robert" <robert_tawes@fws.gov>

From:	"Tawes, Robert" <robert_tawes@fws.gov>
Sent:	Sun Aug 25 2019 05:55:24 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, "Dell, David" <david_dell@fws.gov>, Michael Crowley <michael_crowley@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>
Subject:	Re: Seminole Consultation: Acknowledgement Letter

Looks good with Kevin and Connie's edits. We can make those changes and corresponding changes to the previous note to reviewers and start the surname process Monday. R

On Fri, Aug 23, 2019 at 3:44 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Thanks for putting this together David.

I concur with Connie's comments. I would also add their previous letter from THPO to the following sentence: The Service has received your letters of May 30 and August 12, 2019, in which you have expressed the concerns of the Tribe regarding the dEIS, HCP, and ITP applications.

I would also electronic copy Stacy Myers, Acting ERMD Director, and Whitney Sapienza, the Acting Assistant Director.

StacyMyers@semtribe.com
WhitneySapienza@semtribe.com

Thanks again and have a good weekend all!

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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

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The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians
Tamiami Station
P.O. Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

The Miccosukee Tribe is a consulting party for the proposed Eastern Collier County Multiple-Species Habitat Conservation Plan ECMSHCP), in accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy.

On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft Environmental Impact Statement (dEIS) and a habitat conservation plan (HCP) associated with the incidental take permit (ITP) applications of eleven Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day Tribal and public comment period from October 18, 2018, through December 3, 2018. On March 27, 2019, the Service provided the Tribe with a consultation meeting to provide an update on the status of the dEIS, HCP, and NEPA process.

The Service has received your letter of April 2, 2019, in which you have enumerated the concerns of the Tribe regarding the dEIS, HCP, and ITP applications. We acknowledge the Tribe's formal rejection of these items, and we appreciate your detailed questions and comments. The Service is currently preparing responses to the concerns that were raised in your letter. This effort is being coordinated through our South Florida Ecological Services Field Office. If you have questions or need additional information, please contact Roxanna Hinzman, Field Supervisor (772-469-4309 or Roxanna_hinzman@fws.gov).

The Service respects the sovereign rights of the Miccosukee Tribe. We look forward to continued communication and consultation related to the ECMSHCP.

Sincerely,

Leopoldo Miranda

Regional Director

The Honorable Marcellus W. Osceola, Jr.
Chairman
Seminole Tribe of Florida
6300 Stirling Road
Hollywood, Florida 33024~~The Honorable Billy Cypress, Chairman~~
~~Miccosukee Tribe of Indians~~
~~Tamiami Station~~
~~P.O. Box 440021~~
~~Miami, Florida 33144~~

Dear Chairman Osceola ~~Cypress~~:

The ~~Miccosukee~~ Seminole Tribe of Florida is a consulting party for the proposed Eastern Collier County Multiple-Species Habitat Conservation Plan ECMSHCP), in accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy.

On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft Environmental Impact Statement (dEIS) and a habitat conservation plan (HCP) associated with the incidental take permit (ITP) applications of eleven Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day Tribal and public comment period from October 18, 2018, through December 3, 2018. On March 2~~9~~7, 2019, the Service provided the Tribe with a consultation meeting to provide an update on the status of the dEIS, HCP, and NEPA process.

The Service has received your letter of Augustpril 12, 2019, in which you have enumerated the concerns of the Tribe regarding the dEIS, HCP, and ITP applications. We acknowledge the Tribe's concerns~~formal rejection of these items, and we appreciate your detailed questions and~~ as described in your detailed comments. The Service is currently preparing responses to the concerns that were raised in your letter. This effort is being coordinated through our South Florida Ecological Services Field Office. If you have questions or need additional information, please contact Roxanna Hinzman, Field Supervisor (772-469-4309 or Roxanna_hinzman@fws.gov).

The Service respects the sovereign rights of the Seminole~~Miccosukee~~ Tribe of Florida. We look forward to continued communication and consultation related to the ECMSHCP.

Sincerely,

Leopoldo Miranda

Regional Director

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:51 AM

Conversation Contents

East Collier Update Call, August 16, 2019: Draft Agenda

Attachments:

/4. East Collier Update Call, August 16, 2019: Draft Agenda/1.1 20190816 ECMSHCP Update Call Draft Agenda.docx
/4. East Collier Update Call, August 16, 2019: Draft Agenda/2.1 20190816 ECMSHCP Update Call Draft Agenda.docx

"Tawes, Robert" <robert_tawes@fws.gov>

From:	"Tawes, Robert" <robert_tawes@fws.gov>
Sent:	Thu Aug 15 2019 07:29:11 GMT-0600 (MDT)
To:	Constance Cassler <constance_cassler@fws.gov>, Larry Williams <larry_williams@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, "Ziewitz, Jerry" <jerry_ziewitz@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, dksutton@alicoinc.com, "Christian Spilker (CSpilker@collierenterprises.com)" <cspilker@collierenterprises.com>, "Johnson, Bruce" <Bruce.Johnson@stantec.com>, "Clements, E. Carter Chandler" <eclements@hunton.com>, tjones@barroncollier.com, "Turner, Andrew" <aturner@hunton.com>, "Mitch Hutchcraft (mhutchcraft@cclpcitrus.com)" <mhutchcraft@cclpcitrus.com>, "Tewis, Robert M CIV USARMY CESAJ (US)" <robert.m.tewis@usace.army.mil>, "Holmes, Joshua R CIV USARMY CESAJ (USA)" <Joshua.R.Holmes@usace.army.mil>, Kristen Peters <Kristen_Peters@fws.gov>, Vicki Mott <vicki.mott@sol.doi.gov>
CC:	Jack Arnold <jack_arnold@fws.gov>, "Phillips, Catherine" <catherine_phillips@fws.gov>
Subject:	East Collier Update Call, August 16, 2019: Draft Agenda
Attachments:	20190816 ECMSHCP Update Call Draft Agenda.docx

Hey everyone. Please see the draft agenda for tomorrow's call. I will be running the call as David is up at our training center in West Virginia this week. Please let me know if you have any additions and I hope to hear you tomorrow. Rob

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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
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(f) 404/679-7081
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"Tawes, Robert" <robert_tawes@fws.gov>

From:	"Tawes, Robert" <robert_tawes@fws.gov>
Sent:	Thu Aug 15 2019 07:31:38 GMT-0600 (MDT)
To:	Kevin Palmer <kevin_palmer@fws.gov>
CC:	"Dell, David" <david_dell@fws.gov>, Constance Cassler <constance_cassler@fws.gov>
Subject:	Fwd: East Collier Update Call, August 16, 2019: Draft Agenda
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Sent:	Thu Aug 15 2019 07:55:27 GMT-0600 (MDT)
To:	"Tawes, Robert" <robert_tawes@fws.gov>
CC:	"Dell, David" <david_dell@fws.gov>, Constance Cassler <constance_cassler@fws.gov>, "Binzen, Timothy" <timothy_binzen@fws.gov>, "Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
Subject:	Re: East Collier Update Call, August 16, 2019: Draft Agenda

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I hope this will work for you.

Thanks,

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Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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Sent:	Thu Aug 15 2019 08:00:11 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	"Tawes, Robert" <robert_tawes@fws.gov>, "Dell, David" <david_dell@fws.gov>, Constance Cassler <constance_cassler@fws.gov>, "Binzen, Timothy" <timothy_binzen@fws.gov>
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To:	"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
CC:	"Palmer, Kevin" <kevin_palmer@fws.gov>, "Dell, David" <david_dell@fws.gov>, Constance Cassler <constance_cassler@fws.gov>, "Binzen, Timothy" <timothy_binzen@fws.gov>
Subject:	Re: East Collier Update Call, August 16, 2019: Draft Agenda

Correct. However we did release the letter to them when FOIAed by ECPO, as we determined there was no way to withhold (no exemption applied).

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Sent:	Thu Aug 15 2019 08:13:52 GMT-0600 (MDT)
To:	"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
CC:	"Tawes, Robert" <robert_tawes@fws.gov>, "Dell, David" <david_dell@fws.gov>, Constance Cassler <constance_cassler@fws.gov>, "Binzen, Timothy" <timothy_binzen@fws.gov>, "Meyer, Miles" <miles_meyer@fws.gov>
Subject:	Re: East Collier Update Call, August 16, 2019: Draft Agenda

Thanks Roxanna.

If you want the overview of the comments... the main issue that I got from my 'quick read' of the Seminole letter, was one we've heard many times recently. They are concerned about the large scale change in land use type and the potential for T&E species dispersal onto their property increasing their regulatory burden. Many of their other comments mirror the Miccosukee... amount of panther habitat in the primary zone converted, pushing panthers into closer proximity to people on the reservations, traffic and vehicle strikes, etc..

I think you could generally say it is similar to the Miccosukee letter.

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> On Thu, Aug 15, 2019 at 9:32 AM Tawes, Robert <robert_tawes@fws.gov> wrote:
>
> > Hi Kevin. On tomorrow's update call I'm almost positive that the applicants will ask us for a copy of the Seminole letter on East Collier. Do you know if they are fine with us sharing the letter? If not would you mind reaching out to them informally? Thanks for your help on this project. Rob
> >
> > ---------- Forwarded message ---------
> > From: **Tawes, Robert** <robert_tawes@fws.gov>
> > Date: Thu, Aug 15, 2019 at 9:29 AM
> > Subject: East Collier Update Call, August 16, 2019: Draft Agenda
> > To: Constance Cassler <constance_cassler@fws.gov>, Larry Williams <larry_williams@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Ziewitz, Jerry <jerry_ziewitz@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, <dksutton@alicoinc.com>, Christian Spilker (CSpilker@collierenterprises.com) <cspilker@collierenterprises.com>, Johnson, Bruce <Bruce.Johnson@stantec.com>, Clements, E. Carter Chandler <eclements@hunton.com>, <tjones@barroncollier.com>, Turner, Andrew <aturner@hunton.com>, Mitch Hutchcraft (mhutchcraft@cclpcitrus.com) <mhutchcraft@cclpcitrus.com>, Tewis, Robert M CIV USARMY CESAJ (US) <robert.m.tewis@usace.army.mil>, Holmes, Joshua R CIV USARMY CESAJ (USA)

<Joshua.R.Holmes@usace.army.mil>, Kristen Peters <Kristen_Peters@fws.gov>, Vicki Mott <vicki.mott@sol.doi.gov>
Cc: Jack Arnold <jack_arnold@fws.gov>, Phillips, Catherine <catherine_phillips@fws.gov>

Hey everyone. Please see the draft agenda for tomorrow's call. I will be running the call as David is up at our training center in West Virginia this week. Please let me know if you have any additions and I hope to hear you tomorrow. Rob

--
Rob W. Tawes
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****
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Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Thu Aug 15 2019 12:37:12 GMT-0600 (MDT)
To:	"Tawes, Robert" <robert_tawes@fws.gov>
CC:	"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>, "Palmer, Kevin" <kevin_palmer@fws.gov>, "Dell, David" <david_dell@fws.gov>, Constance Cassler <constance_cassler@fws.gov>
Subject:	Re: East Collier Update Call, August 16, 2019: Draft Agenda

Hello All,

In the Service's June 25, 2019 letter to the Miccosukee/Chairman Cypress, we included a paragraph near the end saying that the Service had received a FOIA request, that the Service was "currently determining which documentation is responsive", and that the Miccosukee Tribe's April 2, 2019 letter may not be exempt from the FOIA request. And it is not exempt, (I checked) because it does not involve privileged information related to historic properties.

The Seminole comments would similarly not be exempt from FOIA, unless they refer to such information as the locations of archaeological sites.

Please let me know if you need additional information about FOIA and Tribes.

A "lesson learned" from this (for me, anyway) is that it will be beneficial in the future, when inviting Tribes to comment/consult, that the Service inform the Tribes that their written correspondences may be subject to FOIA (unless they are related to the locations of historic properties/cultural resources).

--Tim

On Thu, Aug 15, 2019 at 10:07 AM Tawes, Robert <robert_tawes@fws.gov> wrote:

> Correct. However we did release the letter to them when FOIAed by ECPO, as we determined there was no way to withhold (no exemption applied).
>
> On Thu, Aug 15, 2019 at 10:00 AM Hinzman, Roxanna <roxanna_hinzman@fws.gov> wrote:
>
> > We did not release the Miccosukee letter - the expressly said not to. I believe

we provided a big picture overview of the comments to the applicants.

Roxanna Hinzman | Field Supervisor
U.S. Fish and Wildlife Service | South Florida Ecological Services Office
1339 20th Street | Vero Beach, Florida 32960
Direct line: 772-469-4309 | Office: 772-562-3909 ext. 309
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 leaders, bold innovators and trusted partners, working with and for people.

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

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On Thu, Aug 15, 2019 at 9:55 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Hi Rob,
>
> How did we handle the release of the Miccosukee comment letter? As I recall, at least initially, they did not want their letter released to the property owners... David or Tim may know more on how that was resolved. I would expect that the Seminole would have a similar response as the Miccosukee. I could try to call the Seminole this afternoon but they are usually hard to reach and not responsive quickly enough for a resolution by meeting time tomorrow. I would suggest we tell ECPO that we have just received the comments and are reviewing and working on making them more widely available.
>
> I hope this will work for you.
>
> Thanks,
>
> Kevin
>
> On Thu, Aug 15, 2019 at 9:32 AM Tawes, Robert <robert_tawes@fws.gov> wrote:
>
> > Hi Kevin. On tomorrow's update call I'm almost positive that the applicants will ask us for a copy of the Seminole letter on East Collier. Do you know if they are fine with us sharing the letter? If not would you mind reaching out to them informally? Thanks for your help on this project. Rob
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Johnson, Bruce <Bruce.Johnson@stantec.com>, Clements, E. Carter Chandler <eclements@hunton.com>, <tjones@barroncollier.com>, Turner, Andrew <aturner@hunton.com>, Mitch Hutchcraft (mhutchcraft@cclpcitrus.com) <mhutchcraft@cclpcitrus.com>, Tewis, Robert M CIV USARMY CESAJ (US) <robert.m.tewis@usace.army.mil>, Holmes, Joshua R CIV USARMY CESAJ (USA) <Joshua.R.Holmes@usace.army.mil>, Kristen Peters <Kristen_Peters@fws.gov>, Vicki Mott <vicki.mott@sol.doi.gov>
Cc: Jack Arnold <jack_arnold@fws.gov>, Phillips, Catherine <catherine_phillips@fws.gov>

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--
Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
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External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

August 16, 2019

866-763-5944, code# 7667212

East Collier County MSHCP Update Call

Present: FWS:
ECPO:
ECPO Consultants and Counsel:
Corps of Engineers:
DOI SOL:

Topics:

- Section 7/404 MOU
    - Service received Corps edits August 2
    - Jerry and David have provided Solicitor suggested edits in response

- Tribal consultations
    - Comments received from Seminoles August 12, still have these under review
        - We will develop a formal reply
    - Formal reply to Miccosukee mailed June 25 -- follow-up e-mail copy to staff a week later.
        - Regional Tribal Liaison, Tim Binzen, followed up again informally to Tribe staff, this past week.
        - We may be at the point of simply documenting our consultation efforts in order demonstrate we made a reasonable effort.
- EIS
    - Public comments (mostly on the HCP) grouped by topic, we have begun responses.
    - Connie provided her draft comment responses to Field and Regional Office for input early this week.

- Status of BO
    - We have complete drafts for all chapters except for the panther.
    - Jerry continues a chapter by chapter review for consistency of analyses.

- FOIA

August 16, 2019

866-763-5944, code# 7667212

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:51 AM

Conversation Contents

Fwd: [EXTERNAL] Easter Collier Multiple Species Habitat Conservation Plan

Attachments:

/5. Fwd: [EXTERNAL] Easter Collier Multiple Species Habitat Conservation Plan/1.1 Scanned from a Xerox Multifunction Device (00000008).pdf

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Tue Aug 13 2019 09:04:43 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>, David Dell <david_dell@fws.gov>
CC:	"Binzen, Timothy" <timothy_binzen@fws.gov>, "Hinzman, Roxanna" <roxanna_hinzman@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, "Mcdonald, Kenneth" <kenneth_mcdonald@fws.gov>
Subject:	Fwd: [EXTERNAL] Easter Collier Multiple Species Habitat Conservation Plan
Attachments:	Scanned from a Xerox Multifunction Device (00000008).pdf

Hot off the press.

---------- Forwarded message ---------
From: **June Moncada** <junemoncada@semtribe.com>
Date: Tue, Aug 13, 2019 at 10:52 AM
Subject: [EXTERNAL] Easter Collier Multiple Species Habitat Conservation Plan
To: larry_williams@fws.gov <larry_williams@fws.gov>
Cc: Stacy Myers <StacyMyers@semtribe.com>, Whitney Sapienza <WhitneySapienza@semtribe.com>, Andrew Bowers <AndrewJBowers@semtribe.com>, kevin_palmer@fws.gov <kevin_palmer@fws.gov>

Please see attached letter for your review.

Upon review, should there be any questions, please contact Stacy Myers at (954) 965-4380 ext.10624

Thank you,

June Moncada | ERMD Administrative Assistant

Environmental Resource Management Department

Seminole Tribe of Florida

6363 Taft Street, Suite 309, Hollywood, FL 33024

Ph. 954-966-6300 ext. 10620 | email: junemoncada@semtribe.com | Website: www.semtribe.com

--
****
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MARCELLUS W. OSCEOLA, JR., Chairman
MITCHELL CYPRESS, Vice Chairman
ANDREW J. BOWERS, JR., Brighton Councilman
CHRISTOPHER OSCEOLA, Hollywood Councilman
MANUEL M. TIGER, Big Cypress Councilman
LAVONNE ROSE, Secretary
PETER A. HAHN, Treasurer

August 12, 2019

Larry Williams, State Supervisor
U.S. Fish and Wildlife Service
South Florida Field Office
1339 20th Street
Vero Beach, FL 32960

Service Federal Docket No.: FWS-R4-ES-2018-0079
Applicant: Eastern Collier Property Owners, LLC
Project: Eastern Collier Multiple Species Habitat Conservation Plan
County: Collier

Dear Mr. Williams:

The Seminole Tribe of Florida requested formal consultation with the United States Fish and Wildlife Service regarding the Eastern Collier Multiple Species Incidental Take Permit Applications and Habitat Conservation Plan Draft Environmental Impact Statement on December 3, 2018, as the Seminole Tribe did not have the opportunity to submit comments through the initial permitting process of the ITP applications. Formal consultation with the Service was conducted on March 29, 2019. After review of the information presented, the Environmental Resource Management Department of the Seminole Tribe of Florida emphasizes concerns in the following areas of the ECMSHCP.

Cumulative Impacts

Large scale land use change is implemented as a component of the approval of the HCP. The draft EIS identifies projects to include within a cumulative impacts analysis, however, lacks the analytical data to support the alternative analyses. This is further compounded in the Appendix A of the Eastern Collier Multiple Species Habitat Conservation Plan (ECMSHCP): *Deconstructed Activities for the Covered Species* which documents a singular impact (or project) effect on the spatial distribution of affected species but is absent of the cumulative effects of the proposed large scale land use change occurring in concert. Large scale land use change can consequently affect the surrounding habitat quality through both

immediate and chronic impacts resulting in habitat fragmentation and degradation. It is widely accepted that habitat loss and degradation are the primary factors in consideration of designating federally threatened and endangered species and will not contribute to conservation efforts or the continued survival of these species. The initial habitat destruction will likely displace diverse wildlife communities, including the potential for several federally designated threatened and endangered species, to the surrounding areas; while the surrounding areas overtime may become incapable of supporting the existing ecological communities let alone in combination with the displaced communities. Both the Immokalee and Big Cypress Seminole Indian Reservations are within close proximity and offer suitable habitat for a variety of protected species where in areas will be managed for many federally listed species in perpetuity. The Seminole Tribe of Florida practices conservation measures for all federally protected species with the potential to occur within Tribal lands through the guidance of the Seminole Tribe's Wildlife Conservation Plan (Consultation Code: 2013-CPA-0222) and the Immokalee Master Plan (Consultation Code: 41 420-2007-F- 1 144). As the Seminole Tribe continues to implement these conservation measures on the Reservations to evaluate and mitigate for potential impacts to protected species, the likelihood of displacement of protected species may increase and potentially result in additional actions required to satisfy the conditions of the plans as a result of the immediate and long term impacts from the proposed ECMSHCP in terms of habitat quality. This would result in a disproportionate burden to be placed on the Seminole Tribe, where habitat quality in large areas of the Reservations are monitored and managed through conservation guidelines for threatened and endangered species.

The addition of new and expanded roadways as a result of the proposed ECMSHCP may impact the surrounding existing conservation lands, mitigation banks, and the Immokalee and Big Cypress Seminole Indian Reservations in the form of altered hydrology and decreased water quality as well. There is no reference to a comprehensive stormwater management plan as part of the proposed project. The proposed planning should analyze the extent to which stormwater discharges may occur from the developed areas to the surrounding conservation lands, communities, and Seminole Reservations and their potential effects to jurisdictional and non-jurisdictional surface waters. With such close proximity to the proposed ECMSHCP, the Seminole Tribe has concerns with the potential impact of the construction and maintenance of these roads in terms of maintaining flood protection and ensuring that inflows to the Immokalee and Big Cypress Seminole Indian Reservations meet applicable water quality standards. Responsibility of maintenance for the roadways and subsequent installation and maintenance of culverts and other associated stormwater control features should be addressed. A decrease in water quality standards surrounding the IMSIR and BCSIR may result in additional Clean Water Standards to be imposed upon the Seminole Tribe, as well as affecting the Seminole Communities' ability to hunt, fish, or otherwise utilize Tribal Resources as seen fit.

HCP Preserved Lands

The proposed ECMSHCP does not provide the context for analysis of how Preserved Lands were definitively selected and determined in relation to threatened and endangered species conservation over the lands designated for Covered and Low Density Activities, where the Preserved Lands were deemed "substantially more valuable" only. With consideration of the best available science, it can be inferred that revisions to these selected lands could be made to further benefit and support the conservation of listed species, such as the Florida panther, with the potential for substantially less overall impact to the species occurring with more thoughtful planning.

Preserved Land needs to be further defined not only in terms of definition but in terms of permitted activities as well. The proposed Preserved Lands are vaguely defined to maintain the current land use or to enhance the habitat. While habitat enhancement activities are generally beneficial for wildlife, project specific conservation management practices need to be ensured and employed for each of the practices to potentially be conducted to minimize impacts to threatened and endangered species as a result of the activities. Additionally, enhancement of one habitat type may be favorable to one listed species while proving to be unfavorable to another. Future uses of the proposed Preserved Lands are stated within the draft EIS to be "restricted to uses no more intensive than historical uses of these lands", however does not elaborate what would constitute the extent of these circumstances. For example, historical land use may be designated as "agricultural", which can be very broad in terms of differences in impacts dependent on the agricultural operation. This may result in potentially less valuable agricultural habitat to be put into operation for threatened and endangered species and subsequent displacement of the species and/or its resources. These considerations should be accounted for within the analysis and designations of the ECMSHCP Preserved Lands so that there is not a disproportionate burden to be placed upon the Seminole Tribe in the event that federally listed species displacement occurs onto Tribal lands, which are managed for many listed species in perpetuity.

Florida panther *(Puma concolor coryi)*

The Florida panther is federally listed as an endangered species under the ESA. The ECMSHCP is not consistent with the best available science. The proposed HCP would allow the destruction of about 20,000 acres of Primary Zone habitat an area that has been determined essential for the species continued survival. As cited within section 3.10.5 of the draft EIS, the proposed ECMSHCP consists of approximately 80,600 acres of adult breeding range habitat which comprises 53% of the total ECMSHCP area designated as primary panther habitat. Additionally, cited within this section, panther vehicle strike records along SR 29, CR 846, and CR 858 within the proposed ECMSHCP are transect areas of highest use by panthers. Vehicle strikes are the number one cause of panther injuries and mortalities, and to disregard planning in relation to this is also disregarding the best available science to contribute to the continued survival of the Florida panther. The proposed HCP configuration will sever and fragment the Camp Keais Strand and Summerlin Swamp corridors, increasing the likelihood of displacement. Additionally, the proposed wildlife corridors to be implemented within the ECMSHCP seem far too narrow to be beneficial to the panther and other wildlife. The loss of habitat will likely result in displacement of panther prey species as well, thus further compounding the displacement of the panther. Habitat loss and displacement may result in increased stress placed on prey populations of the surrounding wildlife management areas, decreasing resource availability for panthers and may potentially lead to increased utilization of the Seminole Immokalee and Big Cypress Reservations.

The potential for the proposed projects to affect endangered species, particularly, the Florida panther and its habitats resulting in a displacement of the species is an on-going concern to the Seminole Tribe. The ECMSHCP may result in increased panther presence within the Immokalee and Big Cypress Seminole Indian Reservations, where panthers are already known to be present through monitoring of species distribution. This may result in impacts to the Seminole Cattle Operations in the form of increased cattle loss. Cattle loss due to panther depredation is a hurdle that the Seminole Cattle Program currently houses concern with. Not all suspected panther depredations are reported to officials or meet the designated reporting timelines. However, most recently there have been two confirmed panther depredations of cattle recorded within the BCSIR in November of 2018 and January of 2019. In both incidents observations were consistent with panther presence where upon discovery of the calf as part of the

November incident, the panther was directly observed within 10 yards of the cache and was staring directly at the observer. In addition to concerns related to the Cattle Operations, increased panther presence within the IMSIR and BCSIR may lead to increased human-panther interactions, posing a safety concern to the Tribal Community. In 2016, the BCSIR community was involved with several sightings, encounters, and depredations relating to the previous relocation of a young panther to the Big Cypress National Wildlife Preserve which in turn, occupied areas of the BCSIR community for a period of time until its subsequent capture from the Seminole Reservation and permanent removal from the wild occurred. The panther's location, relayed via telemetry, revealed an alarmingly close proximity to the Tribal community where several reports were made by Tribal Members detailing encounters to be considered later by the Panther Response Team meeting the "threat" category. Details of the incident can be found within Appendix II of the 2015 – 2016 Interagency Florida Panther Response Team Annual Report. Concern remains that as panther habitat is degraded and/or lost in such close proximity to the IMSIR and BCSIR due to the proposed planning of the ECMSHCP; this may increase panther presence within Seminole Tribal lands and may subsequently lead to an increase in panther incidents as referenced above.

Although no panther dens are currently known to occur within the IMSIR or BCSIR at this time, concern remains that the potential displacement of the species as a result of the ECMSHCP may increase panther presence on the reservations, as notably the BCSIR contains large amounts of suitable habitat to be maintained or enhanced by the Seminole Tribe in perpetuity. The Seminole Tribe practices conservation measures for the Florida panther and mitigates potential habitat loss as dictated through the guidance of the Seminole Tribe's Wildlife Conservation Plan (Consultation Code: 2013-CPA-0222). As the Seminole Tribe continues to implement the WCP and monitor panthers on the Reservations to evaluate and mitigate for potential impacts to the species, the likelihood of increased panther presence may increase and potentially result in additional actions required to satisfy the conditions of the WCP as a result of the impacts from the proposed ECMSHCP. This would result in a disproportionate burden to be placed on the Seminole Tribe and hinder the Tribe's ability to utilize its resources as the Tribe sees fit.

Audubon's crested caracara *(Polyborus plancus audubonii)*

The Audubon's crested caracara (ACC) is federally listed as a threatened species under the ESA. As cited within section 3.10.2 and 4.10.2 of the ECMSHCP draft EIS, a caracara communal roost, or "gathering area", has been identified in the north-central portion of the ECMSHCP as well as three nest locations within the ECMSHCP boundary. Additionally, it is stated that the communal roost area is located within a Preservation Area; however, the north-central portion of the proposed ECMSHCP is largely designated as a Covered Activities area with only small pockets of Preservation area. Future uses of the proposed Preserved and Low Density Use Lands are stated within the draft EIS to be "restricted to uses no more intensive than historical uses of these lands", however does not elaborate what would constitute the extent of these circumstances, as the proposed ECMSHCP does not provide the context for analysis of how these lands were definitively selected and determined in relation to ACC conservation over the lands designated for Covered and Low Density Activities, where the Preserved Lands were deemed "substantially more valuable" only. In consideration of this, the Seminole Tribe has concerns regarding the potential displacement of ACC from the communal roost as well as the nest indicated within the draft EIS that is likely to be impacted to Seminole Tribal lands. The Big Cypress Seminole Indian Reservation (BCSIR) is located only 10 miles away from the proposed ECMSHCP boundary; and 20 miles away from the

north-central location of the proposed Covered Activities area. ACC dispersal has been recorded up to 25 miles away from fledged locations[1].

The BCSIR is comprised largely of suitable ACC habitat, in the form of unimproved and improved pastures to support the Seminole Tribe of Florida Cattle Operations. Annual caracara surveys within BCSIR have been conducted by ERMD Staff for nearly 20 years and results of these surveys have yielded the documentation of consistent populations of ACC, where overlapping of ACC secondary zones have been observed. ACC surveys are required as a component of the Seminole Tribe's Wildlife Conservation Plan (Consultation Code: 2013-CPA-0222), which additionally requires subsequent conservation measures to be employed relative to the results of the annual surveys. As the Seminole Tribe continues to implement the WCP and perform annual ACC surveys to employ conservation measures for documented nests, the likelihood of recording additional nests or intraspecies aggression as a result of the potential displacement of ACC due to the proposed ECMSHCP, may result in additional actions required to satisfy the conditions of the WCP. This would result in a disproportionate burden to be placed on the Seminole Tribe and hinder the Tribe's ability to utilize its resources as the Tribe sees fit.

Florida bonneted bat (*Eumops floridanus*)

The Florida bonneted bat (FBB) was federally listed as an endangered species under the ESA in 2013. As cited within section 3.10.1 of the ECMSHCP draft EIS, the maximum distance an individual bat has been detected from its capture site is 24.2 miles. The Big Cypress Seminole Indian Reservation (BCSIR) is located 10 miles from the proposed HCP boundary; where 33,154.47 acres of the 49,275.65 acres designated for Covered Activities under the HCP are within 24.2 miles of the BCSIR. As per the conditions of the Seminole Tribe's Wildlife Conservation Plan (Consultation Code: 2013-CPA-0222), ultrasonic acoustical surveys are performed prior to any land management, developmental, or otherwise potentially impactful projects to the FBB in areas located within the Service's FBB Consultation Area containing potentially suitable roosting and/or foraging habitat. Results of the limited acoustic survey data collected for these purposes illustrates a positive presence for the FBB within areas of the BCSIR falling within the Consultation Area.

Although no FBB roosts have been documented within the BCSIR at this time, concern remains that the potential displacement of the species as a result of the ECMSHCP may encourage the FBB to increase its utilization of the BCSIR, as the Reservation contains large amounts of suitable habitat to be maintained or enhanced by the Seminole Tribe in perpetuity. As the Seminole Tribe continues to implement the WCP and perform acoustic surveys to evaluate and mitigate for potential impacts to the species, the likelihood of detecting a FBB roost may increase and potentially result in additional actions required to satisfy the conditions of the WCP. This would result in a disproportionate burden to be placed on the Seminole Tribe and hinder the Tribe's ability to utilize its resources as the Tribe sees fit.

Wood Stork (*Mycteria Americana*)

The wood stork (WS) is federally listed as a threatened species under the ESA. It is stated within section 4.10.3 of the draft EIS that the proposed ECMSHCP area is located within the CFA of at least six active WS colonies, three of which are located within the ECMSHCP area. The section further describes that

[1] Nemeth N., Morrison J. 2002 Natal Dispersal of the Crested Caracara in Florida. Journal of Raptor Research 36(3):203-206.

take in the form of harassment has the potential to occur as a result of human activity and noise associated with the proposed construction and mining activities. The Seminole Tribe has concerns with potential displacement of WS to either the IMSIR or BCSIR as a result of the proposed project, as Seminole Tribal lands contain large amounts of suitable habitat to be maintained or enhanced by the Seminole Tribe in perpetuity. Additionally, with no reference to a comprehensive stormwater management plan as part of the proposed project, potential impacts to the WS as a result of potential discharges to surrounding suitable habitat are not considered within the impact analysis for the WS. The proposed planning should analyze the extent to which stormwater discharges may occur from the developed areas to the surrounding suitable habitat contained within the HCP, surrounding conservation lands, and Seminole Reservations.

As further detailed within section 4.10.3.2 of the draft EIS, the three nesting colonies found within the proposed ECMSHCP area are located in areas designated for preservation and low density use. Future uses of the proposed Preserved and Low Density Use Lands are stated within the draft EIS to be "restricted to uses no more intensive than historical uses of these lands", however does not elaborate what would constitute the extent of these circumstances, as the proposed ECMSHCP does not provide the context for analysis of how these lands were definitively selected and determined in relation to WS conservation over the lands designated for Covered and Low Density Activities, where the Preserved Lands were deemed "substantially more valuable" only. The proposed project includes hydrologic enhancement to the Camp Keais Strand flow way; which is used by foraging WS, however is not described in detail to evaluate its potential measurable overall benefit to the WS to include in the impact analysis. A comparable analysis of the hydroperiod classes and WS foraging biomass between the suitable habitat to be impacted and subsequently enhanced habitat should be performed to adequately assess the potential impacts to the WS.

Although no WS colonies have been documented within the BCSIR at this time, concern remains that the potential displacement of the species as a result of the ECMSHCP may encourage the WS to increase its utilization of the Reservations due to take in the form of harassment. The Seminole Tribe of Florida practices conservation measures for the WS as dictated through the Tribe's Wildlife Conservation Plan (Consultation Code: 2013-CPA-0222). As the Seminole Tribe continues to implement the WCP and monitor WS on the Reservations to evaluate and mitigate for potential impacts to the species, the likelihood of establishment of a WS colony may increase and potentially result in additional actions required to satisfy the conditions of the WCP as a result of the impacts from the proposed ECMSHCP. This would result in a disproportionate burden to be placed on the Seminole Tribe and hinder the Tribe's ability to utilize its resources as the Tribe sees fit.

Eastern indigo snake *(Drymarchon corais couperi)*

The eastern indigo snake (EIS) is federally listed as a threatened species under the ESA. Although the proposed ECMSHCP provides general background history and effects of threats to the EIS, specific potential impacts as a result of the proposed project are not provided or discussed within the alternatives. Specific guidance in recommendations on how to avoid, minimize, or mitigate potential impacts to the EIS as a result of the proposed project should be addressed as the project activities are likely to affect the EIS, which is acknowledged to occur throughout the ECMSHCP area. As the EIS is frequently associated with gopher tortoise (GT) burrows, the draft EIS states that any GT present within the Covered Activities area will be moved prior to land disturbance. However, the draft EIS does not dictate measures to be taken should an EIS be encountered throughout this process or provide proposition or evaluation for potential recipient sites for the GT, whether to occur within or outside of the HCP area. The Seminole

Tribe is concerned not only with the potential displacement of EIS to Seminole Reservations as a result of the proposed project, but also with the lack of evaluation in consideration for the potential scale of GT relocation to recipient sites; as the GT is a notably significant species to the Seminoles and its continued conservation is of cultural importance.

In conclusion, the Seminole Tribe remains concerned that land use changes as included in the proposed ECMSHCP (and other similar projects) will result in habitat degradation and loss of threatened and endangered species habitats surrounding the Big Cypress and Immokalee Indian

Reservations. The impacts to threatened and endangered species distribution must be addressed to ensure a disproportionate burden is not placed on the Seminole Tribe, in addition to acknowledging the safety, cultural, and economical concerns that the proposed ECMSHCP may incite to the Seminole Tribal Communities. Again, a disproportionate burden to the Seminole Tribe would include, but is not limited to actions of the following:

i. Requiring the Seminole Tribe to take additional actions to protect these displaced species;

ii. Requiring the Seminole Tribe to take additional actions to protect existing caracara located on tribal lands;

iii. Requiring the Seminole Tribe to perform additional mitigation for any future impacts to the displaced species;

iv. Requiring the Seminole Tribe to conserve additional areas to accommodate the displaced species;

v. Requiring the Seminole Tribe to make changes in land use practices or maintaining current land use practices to accommodate the displaced species; and/or;

vi. Requiring the Seminole Tribe to avoid or take additional actions to avoid increased human/panther interactions as a result of land use changes outside the Immokalee and Big Cypress Seminole Indian Reservations

vii. Potential increase of Florida Panther predation of livestock and domestic animals within the Big Cypress Seminole Indian Reservation.

Any disproportionate burden placed on the Seminole Tribe could limit the Seminole Tribe's ability to utilize its resources as the Tribe sees fit. Thank you for your consideration of the Seminole Tribe of Florida's pronounced concerns as they relate to the Eastern Collier Multiple Species Habitat Conservation Plan. Please do not hesitate to contact me with any questions.

Sincerely,

Stacy Myers, Interim Director

Environmental Resource Management Department

Seminole Tribe of Florida

cc: Andrew Bowers, Executive Director of Operations, Seminole Tribe of Florida

Jim Shore, Legal Counsel, Seminole Tribe of Florida

Whitney Sapienza, Acting Assistant Director, Seminole Tribe of Florida

Kevin Palmer, Tribal Liaison, United States Fish and Wildlife Service

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:51 AM

Conversation Contents

Seminole Tribe consultation for ECMSHCP

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Aug 12 2019 13:01:32 GMT-0600 (MDT)
To:	Timothy Binzen <timothy_binzen@fws.gov>
CC:	David Dell <david_dell@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>
Subject:	Seminole Tribe consultation for ECMSHCP

Hi Tim,

Roxanna and I called both Stacy Myers and Whitney Sapienza today to see if the Seminole Tribe still plans on providing comments on the ECMSHCP. We were not able to speak to either person, but Roxanna left detailed messages and asked them to please respond one way or another.

Connie

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

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"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Mon Aug 12 2019 13:36:56 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	David Dell <david_dell@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>

Subject: Re: Seminole Tribe consultation for ECMSHCP

Hi Connie, Thank you for the update. Please maintain a log of all consultation-related phone calls, even when you can only leave a voicemail.
Thanks, --Tim

On Mon, Aug 12, 2019 at 3:02 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Tim,
>
> Roxanna and I called both Stacy Myers and Whitney Sapienza today to see if the Seminole Tribe still plans on providing comments on the ECMSHCP. We were not able to speak to either person, but Roxanna left detailed messages and asked them to please respond one way or another.
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
> email: constance_cassler@fws.gov
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--
Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

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Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:51 AM

Conversation Contents

follow-up for ECMSHCP consultation with Seminole Tribe

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Aug 12 2019 09:32:21 GMT-0600 (MDT)
To:	Roxanna Hinzman <roxanna_hinzman@fws.gov>
Subject:	follow-up for ECMSHCP consultation with Seminole Tribe

Hi Roxanna,

During last Friday's internal call about the ECMSHCP, Tim Binzen suggested we follow up on the deadline we gave to the Seminole Tribe with a phone call. He suggested you make the call sinc the email came from you. If you aren't comfortable with that, then Tim will call. Tim said leaving a message is fine as long as we document it.

Stacey's number is: (954) 966-6300 ext 10624

Or you could talk with Whitney Sapienza, who is the acting Assistan Director: (954) 965-4380 ext 10627, cell: (954) 605-5253

Thank you,

Connie

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

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"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>

From:	"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
Sent:	Mon Aug 12 2019 09:36:13 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: follow-up for ECMSHCP consultation with Seminole Tribe

I can do it. Just give me the talking points. Might be good if you are on in case there are questions I can't answer.
Thanks,
Rox

Roxanna Hinzman | Field Supervisor
U.S. Fish and Wildlife Service | South Florida Ecological Services Office
1339 20th Street | Vero Beach, Florida 32960
Direct line: 772-469-4309 | Office: 772-562-3909 ext. 309
Cell 772-532-1247 | Fax 772-562-4288 | roxanna_hinzman@fws.gov

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On Mon, Aug 12, 2019 at 11:32 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Roxanna,
>
> During last Friday's internal call about the ECMSHCP, Tim Binzen suggested we follow up on the deadline we gave to the Seminole Tribe with a phone call. He suggested you make the call sinc the email came from you. If you aren't comfortable with that, then Tim will call. Tim said leaving a message is fine as long as we document it.
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> Stacey's number is: (954) 966-6300 ext 10624
>
> Or you could talk with Whitney Sapienza, who is the acting Assistan Director: (954) 965-4380 ext 10627, cell: (954) 605-5253
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> Thank you,
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> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
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Created: 10-25-2019 at 06:51 AM

Conversation Contents

Chat with Kevin Palmer

Kevin Palmer <kevin_palmer@fws.gov>

From:	Kevin Palmer <kevin_palmer@fws.gov>
Sent:	Mon Aug 12 2019 08:46:36 GMT-0600 (MDT)
To:	constance_cassler@fws.gov
Subject:	Chat with Kevin Palmer

Kevin Palmer <kevin_palmer@fws.gov>

From:	Kevin Palmer <kevin_palmer@fws.gov>
Sent:	Mon Aug 12 2019 09:07:00 GMT-0600 (MDT)
To:	constance_cassler@fws.gov
Subject:	Chat with Kevin Palmer

Kevin Palmer <kevin_palmer@fws.gov>

From:	Kevin Palmer <kevin_palmer@fws.gov>
Sent:	Mon Aug 12 2019 09:23:34 GMT-0600 (MDT)
To:	constance_cassler@fws.gov
Subject:	Chat with Kevin Palmer

Kevin Palmer <kevin_palmer@fws.gov>

From:	Kevin Palmer <kevin_palmer@fws.gov>
Sent:	Mon Aug 12 2019 09:24:39 GMT-0600 (MDT)
To:	constance_cassler@fws.gov
Subject:	Chat with Kevin Palmer

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:52 AM

Conversation Contents

Requesting Tribe's comments on the Eastern Collier HCP

"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>

From:	"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
Sent:	Fri Jul 26 2019 12:51:03 GMT-0600 (MDT)
To:	Stacy Myers <stacymyers@semtribe.com>
CC:	Whitney Sapienza <WhitneySapienza@semtribe.com>, karieckel@semtribe.com, Timothy Binzen <timothy_binzen@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, David Dell <David_Dell@fws.gov>, Constance Cassler <constance_cassler@fws.gov>
Subject:	Requesting Tribe's comments on the Eastern Collier HCP

Greetings Stacey,

I hope your summer is going well. I am writing in regard to the Seminole Tribe of Florida's comments on the Eastern Collier Multi-species Habitat Conservation Plan. The Service has previously received the Tribe's comments related to Cultural Resources, and we understand that the comments from the Environmental Resource Management Department are still in the process of internal review.

We very much look forward to receiving any comments; however, to ensure they receive due consideration, it would be best to receive them as soon as possible. We respectfully request that they be submitted before August 7th 2019. If there are circumstances or considerations that would require time beyond August 7th, please let us know as soon as possible so we can work to ensure all comments receive due consideration.

Thank you.

Sincerely,
Roxanna

Roxanna Hinzman | Field Supervisor
U.S. Fish and Wildlife Service | South Florida Ecological Services Office
1339 20th Street | Vero Beach, Florida 32960
Direct line: 772-469-4309 | Office: 772-562-3909 ext. 309
Cell 772-532-1247 | Fax 772-562-4288 | roxanna_hinzman@fws.gov

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Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:52 AM

Conversation Contents

Call this morning

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Fri Jul 26 2019 06:06:06 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	David Dell <david_dell@fws.gov>, "Binzen, Timothy" <timothy_binzen@fws.gov>
Subject:	Call this morning

Hi Connie,

I cannot participate on the ECHCP call this morning, but you all know what I know regarding the Seminole Tribe's comment letter. 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. Just let me know.

Thanks,

Kevin

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri Jul 26 2019 06:07:04 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	David Dell <david_dell@fws.gov>, "Binzen, Timothy" <timothy_binzen@fws.gov>
Subject:	Re: Call this morning

OK, thanks for letting me know.

Connie

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

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On Fri, Jul 26, 2019 at 8:06 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Hi Connie,
>
> I cannot participate on the ECHCP call this morning, but you all know what I know regarding the Seminole Tribe's comment letter. 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. Just let me know.
>
> Thanks,
>
> Kevin
>
> --
> **********
> Kevin Palmer
> U.S. Fish and Wildlife Service
> South Florida Ecological Services Field Office
> 1339 20th Street
> Vero Beach, Florida 32960-3559
> Phone: 772-469-4280
> Fax: 772-562-4288 & 564-7393
> Email: Kevin_Palmer@fws.gov
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Created: 10-25-2019 at 06:52 AM

Conversation Contents

ECMSHCP comment response letter

Attachments:

/11. ECMSHCP comment response letter/1.1 20190625 Miccosukee Services Response.pdf

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Tue Jul 02 2019 06:40:20 GMT-0600 (MDT)
To:	Craig van der Heiden <craigv@miccosukeetribe.com>, "Donaldson, Kevin" <kevind@miccosukeetribe.com>, Gene Duncan <GeneD@miccosukeetribe.com>, Jeanine Bennett <jeanineb@miccosukeetribe.com>
CC:	"Binzen, Timothy" <timothy_binzen@fws.gov>, David Dell <david_dell@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>
Subject:	ECMSHCP comment response letter
Attachments:	20190625 Miccosukee Services Response.pdf

Hi All,

Just wanted to make sure you received this letter. The hard copy was mailed to Chairman Cypress on June 25th.

Have a great day!

Kevin

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/ES

JUN 25 2019

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians
Tamiami Station
Post Office Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

Thank you for the Miccosukee Tribe's April 2, 2019, response to our December 2018, request for formal consultation on the proposed Eastern Collier County Multi-Species Habitat Conservation Plan (HCP). In accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy, the Service provides this reply and proposal to address the Tribe's concerns.

In the enclosure, we provide detailed responses to the issues identified and expand here on the major points.

As previously communicated, the HCP was prepared by eleven landowners of the Eastern Collier Property Owners LLC (Landowners) as part of their application for 50-year incidental take permits. We believe that most of your concerns will be addressed as we work with the Landowners so the HCP might be approved. The Service's decision is controlled by the Endangered Species Act issuance criteria at section 10(a)(2)(B) and by implementing regulations 50 CFR 17.22(b) and 17.32(b). Specifically, the Service must determine whether:

- the taking will be incidental;
- the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;
- the applicant will ensure that adequate funding for the plan will be provided;
- the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

- the measures, if any, required [as being necessary or appropriate for purposes of the plan] will be met; and [the Service deciding official] has received such other assurances as he may require that the plan will be implemented.

If the Service finds the Landowners satisfy these criteria, we must issue the permits. However, our evaluation of the HCP continues. We have not yet determined whether the Landowners would meet issuance criteria. If the Service finds that we would issue permits to Landowners, it would be because of the following factors:

- The proposed activities would directly affect only the lands owned by Landowners within the plan area;
- All covered activities would comply with other applicable Federal, State, and County laws or ordinances. These would include the Clean Water Act administered by the Jacksonville District, Corps of Engineers, and cultural resource protections administered by the Florida State Historic Preservation Office;
- Effects to wildlife would be minimized and mitigated;
- The panther and other species would not face a jeopardy situation: i.e., an appreciable reduction of the likelihood of the survival and recovery of the species in the wild;
- Contingencies would be in place, by regulation and in any permit conditions, to address and correct unexpected or unforeseen circumstances -- including jeopardy situations;
- The Service's statutory and regulatory authority provides us the oversight and enforcement tools to ensure adequate implementation of the HCP;
- Provisions of the HCP address adaptive measures to respond to changed circumstances, specify the assurances made by the Landowners to implement conservation and reporting measures; and
- We would condition any permits to facilitate our oversight of the Landowners as they implement the HCP.

These issuance criteria do not consider cultural resources; however, the Service is required to consider, and consult with Tribes concerning the potential effects of its actions on historic, cultural and Tribal resources in accordance with the National Historic Preservation Act, section 106. We take your concerns over cultural resource sites most seriously. We propose the following approach to ensure your cultural resource concerns will be addressed.

Our approach will be programmatic rather than project-specific because the HCP would establish a programmatic incidental take authorization throughout the delineated, 45,000-acre development area. Within this delineated zone, the Landowners would propose individual development or earth mining projects. At this time, we do not know the exact locations or site plans for individual projects. We will be able to consider cultural resources specific to a project only when a project is proposed. Specific, individual project proposals would be limited to the 45,000-acre development area, and any projects will be reviewed by the Service before they can proceed. As a result of this early review,

is consistent with and covered by the HCP. At the time the Landowners propose an individual project, they would also have to coordinate with the Florida State Historic Preservation Office in accordance with State law.

In order to respond to your concerns for important cultural resources, we propose to use the information provided by the Landowners during our early review of their projects to continue our consultation with the Miccosukee Tribe.

- As we conduct our early reviews, we will provide the Miccosukee copies of the project proposals we receive from the Landowners.
- We will consult with the Miccosukee to learn whether the Tribe has any cultural resource concerns within the section 106 Area of Potential Effects (APE) of each proposed project, and will ensure that any such concerns are taken into consideration by the Landowners during their coordination with Florida State Historic Preservation Office.
- We will include copies of the Landowners' section 106 correspondences with the Florida State Historic Preservation Office as these are made available to us.
- Individual projects may also fall within the jurisdiction of the U.S. Army Corps of Engineers for any wetland fill. The Service will coordinate with the Corps when appropriate.

On May 17, 2019, the Service received a Freedom of Information Act (FOIA) request from the law firm of Hunton Andrews Kurth, LLP, on behalf of the Landowners, requesting copies of all documentation related to the ITP applications and the HCP. The Service is currently determining which documentation is responsive to this request. We respectfully wish to inform you that the Miccosukee Tribe's April 2, 2019, letter responding to the request for formal consultation may not be exempt from this FOIA request.

The Service respects the sovereign rights of the Miccosukee Tribe. We look forward to continued communication and consultation related to the HCP. We welcome your feedback to our proposal to continue consultations in the event the HCP is approved and implemented.

This effort is being coordinated through our South Florida Ecological Services Field Office. If you have questions or need additional information, please contact Roxanna Hinzman, Field Supervisor, at (772) 469-4309 or Roxanna_hinzman@fws.gov.

Sincerely,

Leopoldo Miranda
Regional Director

Issues Parsed out of the Miccosukee's April 2, 2019 letter	**Service responses**
Service Responsibilities	
The Tribe vehemently urges the Service to deny the HCP and applications accordingly.	The ESA entitles landowners to seek ITPs in order to use their lands for lawful purposes. If ECPO's applications meet issuance criteria, we are obligated to issue them ITPs.
The proposed project violates the Miccosukee Tribe of Indians of Florida ("Tribe") rights under existing Federal law that protects the Tribe's sovereignty, culture and ceremonial practices.	We can only deny ECPO's applications if they fail to meet issuance criteria. If we issue the ITPs, we will, in accordance with NHPA section 106, ensure that cultural and historic properties of interest to the Tribe are protected or mitigated. See proposal in body of our response.
It is very concerning to the Tribe that mandated consultation with the Miccosukee people was not even contemplated by the Service until after the Miccosukee received notice from other parties and contacted the Service to engage in government-to-government consultation. Section 106 of the National Historic Preservation Act requires federal agencies to consult with federally recognized Native American Tribes to identify cultural resources of concern. The Miccosukee Tribe of Indians of Florida is a federally-recognized and federally-protected Indian Tribe within the meaning of that federal law.	The Service initiated communication with the Miccosukee Tribe concerning the ITP in early 2016. The Service entered into formal consultation with the Tribe in 2018. On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft environmental impact statement (dEIS) and the Eastern Collier Multi-Species Habitat Conservation Plan (ECMSHCP) associated with the ITP applications of eleven Collier County landowners under the ESA. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day public comment period from October 19, 2018, through December 3, 2018.

In addition, the Service must comply with NEPA when making decision whether to issue a permit. NEPA compliance cannot be achieved without consultation with the Tribe.	We agree. We are engaged in this consultation and will work with the Tribe to ensure cultural resources are protected or mitigated. In our transmittal letter, we propose a process to consult on individual ECPO projects.
Cultural Resources	
The entire proposed area is rich in Miccosukee cultural, historical and archeological resources. The cultural resources of the Tribe are of the utmost importance and are sacred to the Miccosukee people.	We have documented the previously inventoried historic and cultural resource sites located in the ECMSHCP plan area, in the EIS. There may be cultural resources of concern to the Tribe within the plan area that have not yet been identified. We propose to consult with the Tribe as ECPO proposes individual projects, and as the section 106 Areas of Potential Effects (APEs) are defined for individual projects.
The cultural resources are not adequately addressed in the HCP and EIS and the requirement for consultation is not addressed at all.	In accordance with the ESA, ECPO is responsible for preparing the ECMSHCP. The ESA, however, does not require ECPO to consider cultural resources in their HCP. We believe that cultural resources are addressed adequately in the EIS, and that Tribal concerns related to cultural resources have now been taken into account.
The Miccosukee find it troublesome that not enough emphasis of importance has been placed on cultural considerations due to the amount of historical and anthropological sites within the footprint of the HCP. The identification and preservation of cultural sites is of great import to the Miccosukee people. The HCP must place a high priority on locating and preserving these sites.	The ECMSHCP is prepared by the applicants as part of their application for an ITP. Their obligation to Tribal and other cultural resources is defined by State laws. The ECMSHCP addresses only ESA requirements, and thus it is not intended to address cultural resources. Compliance with NHPA, section 106 is the Service's responsibility. We will continue to consult with the Tribe and the State Historic Preservation Office (SHPO) to avoid or mitigate effects to cultural resources.
The Miccosukee note that on page 47, of the 32 listed archeological sites in table 3.5.2, 46% of them have yet to be	See above. Individual projects will be reviewed in accordance with State law

evaluated, and 28% have little to no information with which to make a proper assessment as to their designation. It is by this assessment of the available record that the Miccosukee feel a determination cannot be made in order to proceed with the HCP/ITP as it pertains to the anthropological sensitivity of the land.	by the SHPO. The Service will consult with the Tribe as proposed. The landowners will have the responsibility to consult with SHPO in accordance with State law.
Everglades	
In addition, the proposed housing development and infrastructure will only add an additional roadblock and exacerbate the ongoing impediments related to the greater Everglades Restoration.	Surface water impacts are regulated by the Corps and the South Florida Water Management Distric. Everglades Restoration has shaped many of the conservation recommendations the Service has provided ECPO, but such issues are not directly tied to the issuance criteria.
Regional Wildlife Effects	
Not only will this affect the panther and other listed species but all animals will have less suitable habitat, connectivity between populations, and human-animal conflict will dramatically increase.	The ECMSHCP provides for wildlife habitat corridors. Best management practices, described in the ECMSHCP, are planned to buffer the wildland/developed interface.
The addition of housing developments and related infrastructure only exacerbates the problem of less suitable habitat, connectivity between populations, and the potential for human-animal conflict.	The ECMSHCP would concentrate development on previously impacted areas and maintain and strengthen corridors. Effects at the habitat/urban interface would be ameliorated by best management practices.
Biologically speaking, the HCP projects in the Covered Activities area an increased strain between the human-animal interface. The potential for man to interact with a wild cat in their backyard greatly increases, and further adds to the	The arrangement of the development zone, and the project design and best management practices are intended to minimize wildlife/human interactions.

possibility of panther termination (reported or non-reported), as well as injury or possible death to people in these transitional ecological zones.	
There are already two major options for panthers in these areas: urban sprawl putting pressure on panthers to move further out and away from these urban centers, or in the cases of habitat degradation and food scarcity, panthers may have the potential to start roaming urban areas looking for food or a eating a family pet or more devastating, attack a small human.	Provision of corridors that would serve as habitat while connecting population centers should minimize the attraction for wildlife to disperse into human-populated areas.
Listed Species	
The HCP will also reduce the likelihood of the survival and recovery of listed species within the proposed area.	We are conducting an intra-Service section 7 consultation on the effects of any ITPs to listed species. We can issue ITPs only if we find non-jeopardy.
As Florida panthers are pushed further out of the proposed HCP area, populations have nowhere to move but further inland toward the Miccosukee and Big Cypress Reservations.	We agree that panthers affected by the ECMSHCP may leave the ECMSHCP area and move to nearby areas. Whether this movement is further inland toward the Miccosukee and Big Cypress Reservations or toward the north and the Caloosahatchee River or to nearby conservation areas is uncertain.
Sufficiency of HCP	
Designation of "best management practices" and other forms of conservation such as exotic plant abatement have yet to be determined with this HCP/ITP and remains undefined.	The best management practices described in the ECMSHCP can only be considered possibilities until we review specific project proposals. Since the Tribe reviewed the ECMSHCP, the Applicants have specified a number of best management practices that all projects would comply with. While they are non-construction measures, they will be part of any ITP issued. The other best management practices will be required on a project-by-project basis.

Sales of properties like Half Circle L Ranch within the HCP area do not entirely address the conditions of sale for various properties.	The Half Circle property is retained in the covered lands of the ECMSHCP and if it remains unsold by the time any ITPs are issued, it would then be treated as any other permittee's property. We will not speculate on appropriate responses to the ranch's ultimate sale until that occurs.
Nothing in the proposed ITP provides that any subsequent land purchaser/holder or grantee will be subject to the conditions of the HCP/ITP.	Service regulations provide for partial or full transfer of issued ITPs. This concern could be about sale of land by an ECPO member before any development occurs, or it could be about sales of individual units from within a development. Sale before development: buyer may choose to accept HCP responsibilities. We would then consider a transfer or partial transfer. If buyer does not accept the ECMSHCP, then they would have no incidental take authority, and would be responsible for providing their own conservation plan (section 7 or 10). This would have implications for remaining ECPO lands that would be determined at the time of any land sale. Sale after development: We have been clarifying that with ECPO. Recent ECMSHCP revisions provide more detail. Unit buyers would be subject to covenants that would be designed to maintain and implement best management practices for covered species. As a development is assumed by its homeowners association (HOA), the HOA would assume responsibility for the covenants, we would consider a partial transfer of the ITP to the HOA so that Service enforcement authority would remain.
Continuing with the document's vague proposals, the HCP claims that "some habitat loss will occur in connection with the Covered Activities, but under the Plan, habitat loss will be minimized..." The Miccosukee propose that the HCP/ITP first establish a maximum amount of habitat loss before these projects commence, and provide further that if they exceed a	The ECMSHCP establishes a maximum level of development of 45,000 acres. The ECMSHCP delineates the boundaries of this 45,000-acre development cap. The ECMSHCP specifies allowable land uses in the Preserve areas, and delineates their boundaries.

certain threshold through intentional, unintentional, or by accidental destruction, work must immediately halt, further consultation take place on the matter and mitigation occur to minimize the damage from the loss of habitat.	These are observable, quantifiable, and enforceable measures. Required best management measures for individual projects will be determined at the time they are designed and proposed. As these are settled, they too will become enforceable measures.
Additionally, there is no guarantee of any ability to levy taxes on land owners within the HCP.	This seems to relate to the Marinelli Fund. No taxes are contemplated. Individual permittees would fund their respective projects and any mitigation. Individual permittees would be responsible for initial Marinelli contributions. We will ensure that ECPO clarifies how the subsequent transaction fees would be deposited into the Marinelli Fund.
The Florida panther recovery plan calls for increased habitat and populations, not substantial decrease in habitat as outlined in the HCP. It is untenable if the Service finds that the HCP, which proposes to destroy 45,000 acres, will not result in the jeopardy for panthers. The loss of habitat coupled with the already scarce breeding habitat will prove impossible to maintain a viable panther population in southern Florida. It is clear that the proposal to "offset" the impact of destroying a substantial amount of panther breeding habitat cannot be achieved by merely refraining from destroying other habitat.	Private landowners, like ECPO, are entitled to apply for ITPs. If an application meets issuance criteria, the Service is obliged to issue a permit. To meet issuance criteria, the ITP application must not jeopardize the continued existence of the covered species, and it must minimize and mitigate, to the maximum extent practicable, the effects of the takings. The ECMSHCP would help establish wildlife movement corridors through private land. We are currently reviewing the ECMSHCP and evaluating its effects on the Florida panther and other covered species. We will not issue any ITP that fails to meet the criteria described above. Also see ESA section 10(a)(2)(B), and 50 CFR 17.22(a)(2) and 17.32(a)(2).
Mitigation projects such as habitat restoration, habitat connectivity, and road projects like animal by-passes over or under roads are untenable solutions in this HCP. Existing habitat in corridors on the west side of the HCP south of Oil	The example provided of the west side of the ECMSHCP south of Oil Well Road is an example of an area in which the applicants have plans to restore the farm fields to native wetland habitats more favorable to panthers. These plans were not included in the

Well Rd—for example—lack the space and habitat complexity for ease of travel for panthers to the north from the reserve to the south. Much of this land is plowed farm fields, and levy roads flanking strips of cypress swamp and other habitat types that are detrimental to panther habitat complexity and access. These strips of habitat are further bisected by roads such as Oil Well Rd with minimal access to the other side.	ECMSHCP, but were described in the ECPO's application for a wetland fill permit. We have also been discussing the need for wildlife underpasses to facilitate panther movement across roads. We have found underpasses to be effective in allowing panther movement between areas separated by roads.
Enforceability of Plan	
The HCP and its adjoining Incidental Take Permit (ITP) are fraught with loopholes and latitude for corruption of data creating potential for less than optimal land management practices and decisions made on personal gain, and not for the betterment of the critical habitat or for the panther and other protected species. The HCP/ITP applications are filled with loopholes, and abilities for contractors. land owners, and stakeholders to be dishonest about their land practices and data gathering. Scientific monitoring, and government oversight have the potential for corruption which leads to mismanagement and manipulation of data for a desired outcome.	The "maximum extent practicable" standard results in a negotiated conservation plan that would be manageable for an applicant while complying with ESA: there will be compromises by both the Service and ECPO. No ITPs have been issued, and any that would, will establish oversight measures to monitor implementation, review data submitted, and establish adaptive measures to make corrections. In our public comments we received several challenges to statements in the ECMSHCP. The Applicants have responded to these. The ECMSHCP, according to Service issuance criteria, must provide assurances that the applicants will fulfill the defined conservation obligations.
The document provides that the HCP will require land owners to hire their own research scientists or form their own research departments to do all the monitoring before, during, and after projects. "Each permittee will be responsible for ensuring that compliance monitoring is conducted and reported in accordance with the permittee 's ITP." This proposed self- compliance leaves room for corruption and mismanagement of data. Each permittee should be monitored by an independent contractor	The quote is a statement of a permittee's legal commitment. Yes, a permittee must be "self-complian[t]," but the legal obligation carries our enforcement oversight in the event of deficient permit implementation. The Service monitors permittees and therefore has indirect oversight over their contractors and employees.

who will not be influenced by the permittee.	
The HCP also claims that ". . .the interest of the applicants avoiding native habitat impacts..." is justification to move forward with the project, and should be considered "good faith" of the land owners and stakeholders to comply with the requirements of the HCP. Any good faith placed on a land owner is not a guarantee that the average land owner is going to comply with anything that the HCP sets forth as a requirement.	The Service's permit regulations at 50 CFR 13.21 establish "disqualifying factors" that we consider in making our decision. So far in our negotiations with ECPO, and in reviewing their ECMSHCP, we have not identified a lack of responsibility or any other factor that would disqualify ECPO from receiving the permits they request.
It is evident in the proposed projects in the HCP do not consider nor coincide with the Florida Department of Transportation. Road projects. Due to the critical nature of this project and the HCP, all affected departments and stakeholders must integrate their plans to guard against hundreds of panthers dying annually on roads like State Route 29. A comprehensive resolution must be identified to insure safe passage at the locations where the animals already cross these roadways, and a proper warning sensor systems and animal over or under passes are in place.	The ECMSHCP provides for collaborative planning as promoted by the Tribe. The Marinelli Fund would be available to contribute to planning and construction of appropriate wildlife crossings.
ADDITIONAL QUESTIONS:	
1. Does incidental take account for resident take? Residents killing endangered species either knowingly or unknowingly?	Any ITPs issued to ECPO would authorize activities related to land clearing, grading and construction of developments, or site preparation and excavations at an earth mine. Dispersed, rural land uses would also be authorized. Once constructed and occupied, these activities would not be expected to result in mortality of wildlife. Direct lethal take would not be authorized under any circumstances.
2. Is there a threshold of measurable "take," and can the ITP be	Yes, the cumulative area of lands that could be disturbed by

revoked?	development and earth mining is 45,000 acres. Acres of habitat will serve as a surrogate for numbers of wildlife. A permit can be suspended or revoked for any of the several reasons listed at 50 CFR 13.27(a), 13.28(a), 17.22(b)(8), or 17.32(b)(8). Primarily, the Service may suspend or revoke a permit when the permittee is not in compliance with its terms and conditions.
3. "Maintenance of lands designated as preservation and very low density use, to preserve ecological value of those lands for covered species, through land management practices such as control of invasive species." Who's responsibility will this be?	The individual Permittee who manages the subject property.
4. Pg 31. "Construction and maintenance of surface water management structures for preservation or enhancement of existing or natural hydrologic function." What does this construction entail? Who will be monitoring and decision making on flow regulation?	Details of such measures cannot be known until an individual project proposal has been submitted to the Service and the Corps. The Corps and the South Florida Water Management District would have jurisdiction over surface water flows. Service would have oversight of measures for species mitigation.
5. "Construction of fenced wildlife crossings to ensure safe passage of panthers..." If underpasses or overpasses are not feasible, funneling fence lines with Large Animal Warning and Detection Systems (LAWDS), would be recommended. These motion sensors at crossings alert vehicles to slow or even stop when red/yellow lights flash at the crossing.	We agree that these would be appropriate measures. While ECPO may have occasion to construct wildlife highway crossings within specific projects, crossings of public highways are under the control of the appropriate state or County agency.
6. Who's keeping the landowners accountable?	Implementation oversight and enforcement of any ITPs is the Service's responsibility.
7. The document reflects very little about actual habitat restoration. Are there key sites identified and if not, and are you taking recommendations?	The conservation measures for the covered species include habitat restoration commitments for certain species and situations. These efforts would be targeted for within the designated Preserves.

8. Riparian corridors should be stressed with the greatest importance, and restoration of crop land within these zones should be restored to increase pass ability through these corridors.	See above. The Preserves follow riparian zones, and implementation of various measures for covered species would result in improved native habitat cover in the Preserves.
9. Connectivity for panthers and width of corridors should be considered. Oil Well Rd (858) at the west edge of the HCP has suboptimal connectivity, mostly due to agriculture presence to the south of the road.	The best management practices would provide for connectivity, along with measures described above, plus Marinelli Fund spending on wildlife crossings.
10. Won't the taxes that will be levied on home and property sales have to be brought before the state of Florida legislature for a vote, and therefore is not a guarantee?	No. The Marinelli Fund contributions would be ECPO responsibility. Subsequent transfer fees are an open question, but would be done in accordance with County ordinances.
11. Page 228 — Can this area be used as a tortoise relocation place?	The Florida Fish and Wildlife Conservation Commission determines if an area is suitable to be a gopher tortoise recipient site. The Service would likely not object as long as management required for the recipient site is not contrary to management required for an ECMSHCP area.
Comments for EIS/ITP —	
1. Pg. 109 — Highway widening along the 29 corridor from Alligator Alley into Immokalee. Concern for increased traffic, increased panther-vehicle mortality, and very little collaboration between various departments at the state level (FDOT), and the entities involved in mitigation of the HCP.	We are currently discussing the increased risks to panthers from increased vehicle traffic predicted as a result of the ECMSHCP with ECPO. We are working with ECPO to find ways to reduce this risk. We are exploring ways to work with both FDOT and Collier County to implement potential solutions.
2. Pg 129 — The HCP document mentions that the Half Circle L Ranch is currently for sale with no mention of bidders. The EIS/ITP document mentions that Florida Forever—a state run property acquisition group—is trying to acquire the property. Since this project is ranked 8 out of about 130 projects, it has a high potential for purchase (according to verbal communication	Until any sale is concluded, we will treat the Half Circle property as we would any of the other ECPO applicants. Our permit regulations provide us the means to respond to any change in status of the property.

with Florida Forever), but the HCP doesn't mention this potential plan.	
CONCLUSION:	
We are most concerned about the lack of adequate archeological protection especially in regards our sacred places.	We propose a mechanism for Tribal consultation about these Tribal resources as individual projects are proposed by ECPO members so that Tribal concerns can be addressed.
Additionally, the HCP will also reduce the likelihood of the survival and recovery of listed species within the proposed area.	The Service is writing a biological opinion as part of its decision making process. The biological opinion will determine if the ECMSHCP is expected to reduce the likelihood of the survival and recovery of listed species within the proposed area. Should this be the case for any affected species, the Service will present an alternative plan for avoiding this outcome.
The Tribe vehemently opposes this HCP and any ITP requests and urges the Service to not authorize the take of any of these species (northern crested caracara, eastern indigo snake, and Florida panther Florida bonneted bat) as proposed in the HCP.	The Service will determine if the ECMSHCP meets the issuance criteria of section 10 of the Endangered Species Act, and must issue the permits if the ECMSHCP does meet these criteria.
This tribe, like all other tribes throughout the United States, remain the last defense of the environment. The Miccosukee hope that the US Fish and Wildlife Service will take up the defense to continue to protect all animals and their habitat for years to come and for future generations.	The Service works within the laws and regulations governing wildlife conservation with the goal of protecting animals and their habitats for future generations. We appreciate the Tribes commitment to wildlife conservation.
We have endeavored to meet with the US Fish & Wildlife Service but other than a brief teleconference where many of the individuals within the Service were either absent or not invited to attend, any meaningful consultation on this important matter has yet to take place.	The Service regrets that we were not able to set up an in-person meeting in a timely manner, and that we were unable to have as many Service staff as we would have liked. We opted for the webinar to give the Tribe as much time as possible to review documents and provide comments. Five senior Service Representatives were in attendance [Robert Tawes (Chief,

	Division of Environmental Review Southeast Regional Office), David Dell (Section 10 Coordinator Southeast Regional Office), Tim Binzen (Regional Tribal Liaison); Richard Kanaski (Southeast Region Archeologist) and Roxanna Hinzman (Project Leader, South Florida Ecological Services Field Office)]. We are open to trying to set up a follow-up meeting with those Service staff the Tribes identifies.

Miccosukee Tribe of Indians
of Florida

Business Council Members
Billy Cypress, Chairman
Roy Cypress Jr., Assistant Chairman
Jerry L. Cypress, Treasurer
Talbert Cypress, Secretary
Petties Osceola Jr., Lawmaker

Rcvd 4/5/19

April 2, 2019

Attention: Kenneth McDonald
Project Manager
US Fish & Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960

SUBJECT: Eastern Collier Multiple Species Habitat Conservation Plan – Environmental Impact Statement Scoping and Input on Draft Plan

Dear Mr. McDonald:

The Miccosukee Tribe of Indians of Florida is a federally-recognized and federally-protected Indian Tribe, whose members live and work within the Florida Everglades, whose land interests lie within the Florida Everglades, and whose cultural identity and way of life is dependent upon maintaining the natural Everglades. The Tribe exercises powers of self-governance under a Tribal constitution approved by the Secretary of Interior, pursuant to the Indian Reorganization Act of 1934, 25 U.S.C.§ 476. The term "Everglades" as used herein refers to the areas presently identified as the Florida Water Conservation Areas (WCA) and Everglades National Park (ENP), although the Everglades ecosystem historically included a much larger area. The entire Miccosukee way of life, including their cultural, religious, economic, and historical identity, is based upon the Everglades and upon the preservation of the Everglades in its natural state. The Tribe and its members rely upon the Everglades in its natural state to support both subsistence and commercial activities. Subsistence activities include gathering of materials, hunting, and fishing within the Everglades. Commercial activities include frogging, airboat and other guided tours, and recreational and tourism facilities within the Everglades.

The Miccosukee Tribe of Indians of Florida formally rejects the Eastern Collier County Multiple Species Habitat Conservation Plan (HCP), the associated incidental take permit applications, and the U.S. Fish and Wildlife Service's (Service) Draft Environmental Impact Statement (EIS) on

P.O. Box 440021, Tamiami Station, Miami, Florida 33144, (305) 223-8380, fax (305) 223-1011
Constitution Approved by the Secretary of the Interior, January 11, 1962

contractor who will not be influenced by the permittee. Sales of properties like Half Circle L Ranch within the HCP area do not entirely address the conditions of sale for various properties. Nothing in the proposed ITP provides that any subsequent land purchaser/holder or grantee will be subject to the conditions of the HCP/ITP.

Continuing with the document's vague proposals, the HCP claims that "some habitat loss will occur in connection with the Covered Activities, but under the Plan, habitat loss will be minimized..." The Miccosukee propose that the HCP/ITP first establish a maximum amount of habitat loss before these projects commence, and provide further that if they exceed a certain threshold through intentional, unintentional, or by accidental destruction, work must immediately halt, further consultation take place on the matter and mitigation occur to minimize the damage from the loss of habitat.

The HCP also claims that "...the interest of the applicants avoiding native habitat impacts..." is justification to move forward with the project, and should be considered "good faith" of the land owners and stakeholders to comply with the requirements of the HCP. Any good faith placed on a land owner is not a guarantee that the average land owner is going to comply with anything that the HCP sets forth as a requirement. Additionally, there is no guarantee of any ability to levy taxes on land owners within the HCP.

Biologically speaking, the HCP projects in the Covered Activities area an increased strain between the human-animal interface. The potential for man to interact with a wild cat in their backyard greatly increases, and further adds to the possibility of panther termination (reported or non-reported), as well as injury or possible death to people in these transitional ecological zones. There are already two major options for panthers in these areas: urban sprawl putting pressure on panthers to move further out and away from these urban centers, or in the cases of habitat degradation and food scarcity, panthers may have the potential to start roaming urban areas looking for food or a eating a family pet or more devastating, attack a small human.

The Florida panther recovery plan calls for increased habitat and populations, not substantial decrease in habitat as outlined in the HCP. It is untenable if the Service finds that the HCP, which proposes to destroy 45,000 acres, will not result in the jeopardy for panthers. The loss of habitat coupled with the already scarce breeding habitat will prove impossible to maintain a viable panther population in southern Florida. It is clear that the proposal to "offset" the impact of destroying a *substantial* amount of panther breeding habitat cannot be achieved by merely refraining from destroying other habitat.

Mitigation projects such as habitat restoration, habitat connectivity, and road projects like animal by-passes over or under roads are untenable solutions in this HCP. Existing habitat in corridors on the west side of the HCP south of Oil Well Rd—for example—lack the space and habitat complexity for ease of travel for panthers to the north from the reserve to the south. Much of this land is plowed farm fields, and levy roads flanking strips of cypress swamp and other habitat types that are detrimental to panther habitat complexity and access. These strips of habitat are further bisected by roads such as Oil Well Rd with minimal access to the other side. It is evident in the proposed projects in the HCP do not consider nor coincide with the Florida Department of Transportation. Road projects. Due to the critical nature of this project and the HCP, all affected

11. Page 228 – Can this area be used as a tortoise relocation place?

Comments for EIS/ITP –

1. Pg. 109 – Highway widening along the 29 corridor from Alligator Alley into Immokalee. Concern for increased traffic, increased panther-vehicle mortality, and very little collaboration between various departments at the state level (FDOT), and the entities involved in mitigation of the HCP.
2. Pg 129 – The HCP document mentions that the Half Circle L Ranch is currently for sale with no mention of bidders. The EIS/ITP document mentions that Florida Forever—a state run property acquisition group—is trying to acquire the property. Since this project is ranked 8 out of about 130 projects, it has a high potential for purchase (according to verbal communication with Florida Forever), but the HCP doesn't mention this potential plan.

CONCLUSION:

The Miccosukee Tribe of Indians of Florida offers these statements, comments and objections for your review. We are most concerned about the lack of adequate archeological protection especially in regards our sacred places. Additionally, the HCP will also reduce the likelihood of the survival and recovery of listed species within the proposed area. The Tribe vehemently opposes this HCP and any ITP requests and urges the Service to not authorize the take of any of these species (northern crested caracara, eastern indigo snake, and Florida panther Florida bonneted bat) as proposed in the HCP.

This tribe, like all other tribes throughout the United States, remain the last defense of the environment. This Miccosukee hope that the US Fish and Wildlife Service will take up the defense to continue to protect all animals and their habitat for years to come and for future generations. We have endeavored to meet with the US Fish & Wildlife Service but other than a brief teleconference where many of the individuals within the Service were either absent or not invited to attend, any meaningful consultation on this important matter has yet to take place.

Sincerely,

Billy Cypress
Chairman

cc: Business Council
Craig van der Heiden Ph.D., Fish and Wildlife Director
Kevin Donaldson, Real Estate Director
Jeanine Bennett, Esq., In-House General Counsel

NOTE TO REVIEWERS

ACTION: RD signature

STAFF ORIGINATOR: David Dell
SUPERVISOR: Rob Tawes

IS THE ACTION LITIGATION DRIVEN? No

ACTION REQUESTED:

SIGNATURE_X___
SURNAME___ FYI ONLY___

VERY BRIEF BACKGROUND ON ISSUE/ACTION:

This letter is our formal, detailed reply to the Miccosukee Tribe's response to our government to government Tribal Consultation concerning the Eastern Collier Multiple Species Habitat Conservation Plan. The Regional Tribal Liaison, Tim Binzen has participated in drafting it.

Major messages: We will make our HCP decision based in our statute and regulations. If issuance criteria are satisfied, we believe the Tribe's concerns for panthers and other wildlife will be addressed. Our implementing laws and regulations provide us sufficient enforcement oversight to ensure the HCP works as proposed.

We propose to continue our consultation with the Tribe so that we will make them aware of individual ECPO project proposals and provide the Tribe with the opportunity to comment on cultural resources.

Requested by: Ecological Services, Southeast Region
Who needs to review: ES ARD, RD signature
Who approved the briefing paper being submitted: Tawes

United States Departm

FISH AND WILDLIF

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/ES

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians
Tamiami Station
Post Office Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

Thank you for the Miccosukee Tribe's April 2, 2019, response to our December 2018, request for formal consultation on the proposed Eastern Collier County Multi-Species Habitat Conservation Plan (HCP). In accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy, the Service provides this reply and proposal to address the Tribe's concerns.

In the enclosure, we provide detailed responses to the issues identified and expand here on the major points.

As previously communicated, the HCP was prepared by eleven landowners of the Eastern Collier Property Owners LLC (Landowners) as part of their application for 50-year incidental take permits. We believe that most of your concerns will be addressed as we work with the Landowners so the HCP might be approved. The Service's decision is controlled by the Endangered Species Act issuance criteria at section 10(a)(2)(B) and by implementing regulations 50 CFR 17.22(b) and 17.32(b). Specifically, the Service must determine whether:

- the taking will be incidental;
- the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;
- the applicant will ensure that adequate funding for the plan will be provided;
- the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

- the measures, if any, required [as being necessary or appropriate for purposes of the plan] will be met; and [the Service deciding official] has received such other assurances as he may require that the plan will be implemented.

If the Service finds the Landowners satisfy these criteria, we must issue the permits. However, our evaluation of the HCP continues. We have not yet determined whether the Landowners would meet issuance criteria. If the Service finds that we would issue permits to Landowners, it would be because of the following factors:

- The proposed activities would directly affect only the lands owned by Landowners within the plan area;
- All covered activities would comply with other applicable Federal, State, and County laws or ordinances. These would include the Clean Water Act administered by the Jacksonville District, Corps of Engineers, and cultural resource protections administered by the Florida State Historic Preservation Office;
- Effects to wildlife would be minimized and mitigated;
- The panther and other species would not face a jeopardy situation: i.e., an appreciable reduction of the likelihood of the survival and recovery of the species in the wild;
- Contingencies would be in place, by regulation and in any permit conditions, to address and correct unexpected or unforeseen circumstances -- including jeopardy situations;
- The Service's statutory and regulatory authority provides us the oversight and enforcement tools to ensure adequate implementation of the HCP;
- Provisions of the HCP address adaptive measures to respond to changed circumstances, specify the assurances made by the Landowners to implement conservation and reporting measures;and
- We would condition any permits to facilitate our oversight of the Landowners as they implement the HCP.

These issuance criteria do not consider cultural resources; however, the Service is required to consider, and consult with Tribes concerning the potential effects of its actions on historic, cultural and Tribal resources in accordance with the National Historic Preservation Act, section 106. We take your concerns over cultural resource sites most seriously. We propose the following approach to ensure your cultural resource concerns will be addressed.

Our approach will be programmatic rather than project-specific because the HCP would establish a programmatic incidental take authorization throughout the delineated, 45,000-acre development area. Within this delineated zone, the Landowners would propose individual development or earth mining projects. At this time, we do not know the exact locations or site plans for individual projects. We will be able to consider cultural resources specific to a project only when a project is proposed. Specific, individual project proposals would be limited to the 45,000-acre development area, and any projects will be reviewed by the Service before they can proceed. As a result of this early review, which would be required as a permit condition by the Service, we will determine whether the project

is consistent with and covered by the HCP. At the time the Landowners propose an individual project, they would also have to coordinate with the Florida State Historic Preservation Office in accordance with State law.

In order to respond to your concerns for important cultural resources, we propose to use the information provided by the Landowners during our early review of their projects to continue our consultation with the Miccosukee Tribe.

- As we conduct our early reviews, we will provide the Miccosukee copies of the project proposals we receive from the Landowners.
- We will consult with the Miccosukee to learn whether the Tribe has any cultural resource concerns within the section 106 Area of Potential Effects (APE) of each proposed project, and will ensure that any such concerns are taken into consideration by the Landowners during their coordination with Florida State Historic Preservation Office.
- We will include copies of the Landowners' section 106 correspondences with the Florida State Historic Preservation Office as these are made available to us.
- Individual projects may also fall within the jurisdiction of the U.S. Army Corps of Engineers for any wetland fill. The Service will coordinate with the Corps when appropriate.

On May 17, 2019, the Service received a Freedom of Information Act (FOIA) request from the law firm of Hunton Andrews Kurth, LLP, on behalf of the Landowners, requesting copies of all documentation related to the ITP applications and the HCP. The Service is currently determining which documentation is responsive to this request. We respectfully wish to inform you that the Miccosukee Tribe's April 2, 2019, letter responding to the request for formal consultation may not be exempt from this FOIA request.

The Service respects the sovereign rights of the Miccosukee Tribe. We look forward to continued communication and consultation related to the HCP. We welcome your feedback to our proposal to continue consultations in the event the HCP is approved and implemented.

This effort is being coordinated through our South Florida Ecological Services Field Office. If you have questions or need additional information, please contact Roxanna Hinzman, Field Supervisor, at (772) 469-4309 or Roxanna_hinzman@fws.gov.

Sincerely,

Leopoldo Miranda
Regional Director

Southeast Region
U.S. Fish and Wildlife Service

GIONAL OFFICE ROUTING SLIP

Routing Order	Office
4 5	***Regional Director (RD)***
	Deputy Regional Director (DRD)
8 4	Chief of Staff
	ARD – Science Application (ARD-SA)
	Climate Change (ARD-SA/C)
	Regional Chief NWRS (RF)
	Deputy Chief NWRS (RF)
	Realty (RF/RE)
	Information Management (RF/IM)
	Resource & Planning Mgmt (RF/RPM)
	Visitor Services & Outreach (RF/VSO)
	Fire Management (R/FM)
	Refuge Law Enforcement (RF/LE)
	Area I Supervisor (RF/RS-I)
	Area II Supervisor (RF/RS-II)
	Area III Supervisor (RF/RS-III)
	ARD – External Affairs (AEA)
	Congressional/Legis. Affairs (EA/CLA)
3	Native American Liaison (EA/NAL)
	Public Affairs (EA/PA)
	Web/ Social Media (EA/SWM)
	Graphic Design & Pubs (EA/GDP)

Routing Order	Office
	Special Agent in Charge (OLE/R4/SAC)
	Assistant Special Agent in Charge (OLE/R4/ASAC)
	ARD – Budget & Administration
	Mailroom (BA/BPFS/MR)
	Safety and Security (BA/SA)
	Contracting & Grant Services (BA/CGS)
	Engineering (BA/EN)
	Budget, Planning, & Fin Svcs (BA/BPFS)
	Information Resources & Technology Management (BA/IRTM)
	Human Resources (BA/HR)
	Diversity & Civil Rights (BA/DCR)
	ARD – Fisheries (AF)
	Deputy ARD (F/D)
	Supervisor – FROs & Warm Springs
	Supervisor – Warm Water NFHs
	Supervisor – Cold Water NHFs
	Regional Chief – Migratory Birds (MB)
	Deputy Regional Chief
	Permits (MB/NP)
	Regional Chief – Wildlife and Sportfish
	Restoration Program
	Deepwater Horizon NRDAR
2	***ARD – Ecological Services (AES)***
	Deputy ARD (ES/D)
	ES Budget & Administration (ES/BA)
1	Environmental Review (ES/ER)
	Restoration and Recovery (ES/RR)
	Division of Conservation and Classification
	ES Program Supervisor

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REMARKS:
East Collier Multi-Species Habitat Conservation Plan:

Formal response to Miccosukee Tribe Chairman: their April 2, 2019 objections to East Collier Multi-Species HCP.

For RD signature.

FROM: Dell	EXT: 7313	DATE: 5/31/2019

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:52 AM

Conversation Contents

East Collier HCP: Miccosukee Response Letter Signed

Attachments:

/12. East Collier HCP: Miccosukee Response Letter Signed/1.1 20190625 Miccosukee Services Response.pdf
/12. East Collier HCP: Miccosukee Response Letter Signed/2.1 20190625 Miccosukee Services Response.pdf

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Wed Jun 26 2019 05:12:56 GMT-0600 (MDT)
To:	Constance Cassler <Constance_Cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>
Subject:	East Collier HCP: Miccosukee Response Letter Signed
Attachments:	20190625 Miccosukee Services Response.pdf

Mailed on June 25. Might be worthwhile following up with an e-mail of the scan after a few days.

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri Jun 28 2019 08:29:18 GMT-0600 (MDT)
To:	Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Fwd: East Collier HCP: Miccosukee Response Letter Signed
Attachments:	20190625 Miccosukee Services Response.pdf

Hi Kevin,

David Dell recommended emailing this letter to the Miccosukee staff you work with for cultural and natural resources. Were you planning on sending it or did you want me to do it?

Thanks,

Connie

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

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Visit our web site at www.fws.gov/verobeach/

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---------- Forwarded message ---------
From: **Dell, David** <david_dell@fws.gov>
Date: Wed, Jun 26, 2019 at 7:13 AM
Subject: East Collier HCP: Miccosukee Response Letter Signed
To: Constance Cassler <Constance_Cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Tue Jul 02 2019 05:55:12 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>

Subject: Re: East Collier HCP: Miccosukee Response Letter Signed

Hi Connie,

Sorry, I was out Friday and yesterday... did you go ahead and send this? Was it not cc'd to the folks at Miccosukee that we deal with? I usually send correspondence to Craig Van der Haiden, Gene Duncan and Kevin Donaldson. I see where Jeanine Bennett (in-house counsel for the Tribe) was copied on the original Micco comment letter.

I can do that today, if you'd like. Let me know.

Thanks!

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> 1339 20th Street
> Vero Beach, Florida 32960
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> fax: 772-562-4288
> email: constance_cassler@fws.gov
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--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@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.

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Tue Jul 02 2019 06:26:39 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Subject:	Re: East Collier HCP: Miccosukee Response Letter Signed

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Connie
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United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/ES

JUN 25 2019

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians
Tamiami Station
Post Office Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

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This effort is being coordinated through our South Florida Ecological Services Field Office. If you have questions or need additional information, please contact Roxanna Hinzman, Field Supervisor, at (772) 469-4309 or Roxanna_hinzman@fws.gov.

Sincerely,

Leopoldo Miranda
Regional Director

Issues Parsed out of the Miccosukee's April 2, 2019 letter	**Service responses**
Service Responsibilities	
The Tribe vehemently urges the Service to deny the HCP and applications accordingly.	The ESA entitles landowners to seek ITPs in order to use their lands for lawful purposes. If ECPO's applications meet issuance criteria, we are obligated to issue them ITPs.
The proposed project violates the Miccosukee Tribe of Indians of Florida ("Tribe") rights under existing Federal law that protects the Tribe's sovereignty, culture and ceremonial practices.	We can only deny ECPO's applications if they fail to meet issuance criteria. If we issue the ITPs, we will, in accordance with NHPA section 106, ensure that cultural and historic properties of interest to the Tribe are protected or mitigated. See proposal in body of our response.
It is very concerning to the Tribe that mandated consultation with the Miccosukee people was not even contemplated by the Service until after the Miccosukee received notice from other parties and contacted the Service to engage in government-to-government consultation. Section 106 of the National Historic Preservation Act requires federal agencies to consult with federally recognized Native American Tribes to identify cultural resources of concern. The Miccosukee Tribe of Indians of Florida is a federally-recognized and federally-protected Indian Tribe within the meaning of that federal law.	The Service initiated communication with the Miccosukee Tribe concerning the ITP in early 2016. The Service entered into formal consultation with the Tribe in 2018. On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft environmental impact statement (dEIS) and the Eastern Collier Multi-Species Habitat Conservation Plan (ECMSHCP) associated with the ITP applications of eleven Collier County landowners under the ESA. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day public comment period from October 19, 2018, through December 3, 2018.

In addition, the Service must comply with NEPA when making decision whether to issue a permit. NEPA compliance cannot be achieved without consultation with the Tribe.	We agree. We are engaged in this consultation and will work with the Tribe to ensure cultural resources are protected or mitigated. In our transmittal letter, we propose a process to consult on individual ECPO projects.
Cultural Resources	
The entire proposed area is rich in Miccosukee cultural, historical and archeological resources. The cultural resources of the Tribe are of the utmost importance and are sacred to the Miccosukee people.	We have documented the previously inventoried historic and cultural resource sites located in the ECMSHCP plan area, in the EIS. There may be cultural resources of concern to the Tribe within the plan area that have not yet been identified. We propose to consult with the Tribe as ECPO proposes individual projects, and as the section 106 Areas of Potential Effects (APEs) are defined for individual projects.
The cultural resources are not adequately addressed in the HCP and EIS and the requirement for consultation is not addressed at all.	In accordance with the ESA, ECPO is responsible for preparing the ECMSHCP. The ESA, however, does not require ECPO to consider cultural resources in their HCP. We believe that cultural resources are addressed adequately in the EIS, and that Tribal concerns related to cultural resources have now been taken into account.
The Miccosukee find it troublesome that not enough emphasis of importance has been placed on cultural considerations due to the amount of historical and anthropological sites within the footprint of the HCP. The identification and preservation of cultural sites is of great import to the Miccosukee people. The HCP must place a high priority on locating and preserving these sites.	The ECMSHCP is prepared by the applicants as part of their application for an ITP. Their obligation to Tribal and other cultural resources is defined by State laws. The ECMSHCP addresses only ESA requirements, and thus it is not intended to address cultural resources. Compliance with NHPA, section 106 is the Service's responsibility. We will continue to consult with the Tribe and the State Historic Preservation Office (SHPO) to avoid or mitigate effects to cultural resources.
The Miccosukee note that on page 47, of the 32 listed archeological sites in table 3.5.2, 46% of them have yet to be	See above. Individual projects will be reviewed in accordance with State law

evaluated, and 28% have little to no information with which to make a proper assessment as to their designation. It is by this assessment of the available record that the Miccosukee feel a determination cannot be made in order to proceed with the HCP/ITP as it pertains to the anthropological sensitivity of the land.	by the SHPO. The Service will consult with the Tribe as proposed. The landowners will have the responsibility to consult with SHPO in accordance with State law.
Everglades	
In addition, the proposed housing development and infrastructure will only add an additional roadblock and exacerbate the ongoing impediments related to the greater Everglades Restoration.	Surface water impacts are regulated by the Corps and the South Florida Water Management Distric. Everglades Restoration has shaped many of the conservation recommendations the Service has provided ECPO, but such issues are not directly tied to the issuance criteria.
Regional Wildlife Effects	
Not only will this affect the panther and other listed species but all animals will have less suitable habitat, connectivity between populations, and human-animal conflict will dramatically increase.	The ECMSHCP provides for wildlife habitat corridors. Best management practices, described in the ECMSHCP, are planned to buffer the wildland/developed interface.
The addition of housing developments and related infrastructure only exacerbates the problem of less suitable habitat, connectivity between populations, and the potential for human-animal conflict.	The ECMSHCP would concentrate development on previously impacted areas and maintain and strengthen corridors. Effects at the habitat/urban interface would be ameliorated by best management practices.
Biologically speaking, the HCP projects in the Covered Activities area an increased strain between the human-animal interface. The potential for man to interact with a wild cat in their backyard greatly increases, and further adds to the	The arrangement of the development zone, and the project design and best management practices are intended to minimize wildlife/human interactions.

possibility of panther termination (reported or non-reported), as well as injury or possible death to people in these transitional ecological zones.	
There are already two major options for panthers in these areas: urban sprawl putting pressure on panthers to move further out and away from these urban centers, or in the cases of habitat degradation and food scarcity, panthers may have the potential to start roaming urban areas looking for food or a eating a family pet or more devastating, attack a small human.	Provision of corridors that would serve as habitat while connecting population centers should minimize the attraction for wildlife to disperse into human-populated areas.
Listed Species	
The HCP will also reduce the likelihood of the survival and recovery of listed species within the proposed area.	We are conducting an intra-Service section 7 consultation on the effects of any ITPs to listed species. We can issue ITPs only if we find non-jeopardy.
As Florida panthers are pushed further out of the proposed HCP area, populations have nowhere to move but further inland toward the Miccosukee and Big Cypress Reservations.	We agree that panthers affected by the ECMSHCP may leave the ECMSHCP area and move to nearby areas. Whether this movement is further inland toward the Miccosukee and Big Cypress Reservations or toward the north and the Caloosahatchee River or to nearby conservation areas is uncertain.
Sufficiency of HCP	
Designation of "best management practices" and other forms of conservation such as exotic plant abatement have yet to be determined with this HCP/ITP and remains undefined.	The best management practices described in the ECMSHCP can only be considered possibilities until we review specific project proposals. Since the Tribe reviewed the ECMSHCP, the Applicants have specified a number of best management practices that all projects would comply with. While they are non-construction measures, they will be part of any ITP issued. The other best management practices will be required on a project-by-project basis.

Sales of properties like Half Circle L Ranch within the HCP area do not entirely address the conditions of sale for various properties.	The Half Circle property is retained in the covered lands of the ECMSHCP and if it remains unsold by the time any ITPs are issued, it would then be treated as any other permittee's property. We will not speculate on appropriate responses to the ranch's ultimate sale until that occurs.
Nothing in the proposed ITP provides that any subsequent land purchaser/holder or grantee will be subject to the conditions of the HCP/ITP.	Service regulations provide for partial or full transfer of issued ITPs. This concern could be about sale of land by an ECPO member before any development occurs, or it could be about sales of individual units from within a development. Sale before development: buyer may choose to accept HCP responsibilities. We would then consider a transfer or partial transfer. If buyer does not accept the ECMSHCP, then they would have no incidental take authority, and would be responsible for providing their own conservation plan (section 7 or 10). This would have implications for remaining ECPO lands that would be determined at the time of any land sale. Sale after development: We have been clarifying that with ECPO. Recent ECMSHCP revisions provide more detail. Unit buyers would be subject to covenants that would be designed to maintain and implement best management practices for covered species. As a development is assumed by its homeowners association (HOA), the HOA would assume responsibility for the covenants, we would consider a partial transfer of the ITP to the HOA so that Service enforcement authority would remain.
Continuing with the document's vague proposals, the HCP claims that "some habitat loss will occur in connection with the Covered Activities, but under the Plan, habitat loss will be minimized..." The Miccosukee propose that the HCP/ITP first establish a maximum amount of habitat loss before these projects commence, and provide further that if they exceed a	The ECMSHCP establishes a maximum level of development of 45,000 acres. The ECMSHCP delineates the boundaries of this 45,000-acre development cap. The ECMSHCP specifies allowable land uses in the Preserve areas, and delineates their boundaries.

certain threshold through intentional, unintentional, or by accidental destruction, work must immediately halt, further consultation take place on the matter and mitigation occur to minimize the damage from the loss of habitat.	These are observable, quantifiable, and enforceable measures. Required best management measures for individual projects will be determined at the time they are designed and proposed. As these are settled, they too will become enforceable measures.
Additionally, there is no guarantee of any ability to levy taxes on land owners within the HCP.	This seems to relate to the Marinelli Fund. No taxes are contemplated. Individual permittees would fund their respective projects and any mitigation. Individual permittees would be responsible for initial Marinelli contributions. We will ensure that ECPO clarifies how the subsequent transaction fees would be deposited into the Marinelli Fund.
The Florida panther recovery plan calls for increased habitat and populations, not substantial decrease in habitat as outlined in the HCP. It is untenable if the Service finds that the HCP, which proposes to destroy 45,000 acres, will not result in the jeopardy for panthers. The loss of habitat coupled with the already scarce breeding habitat will prove impossible to maintain a viable panther population in southern Florida. It is clear that the proposal to "offset" the impact of destroying a substantial amount of panther breeding habitat cannot be achieved by merely refraining from destroying other habitat.	Private landowners, like ECPO, are entitled to apply for ITPs. If an application meets issuance criteria, the Service is obliged to issue a permit. To meet issuance criteria, the ITP application must not jeopardize the continued existence of the covered species, and it must minimize and mitigate, to the maximum extent practicable, the effects of the takings. The ECMSHCP would help establish wildlife movement corridors through private land. We are currently reviewing the ECMSHCP and evaluating its effects on the Florida panther and other covered species. We will not issue any ITP that fails to meet the criteria described above. Also see ESA section 10(a)(2)(B), and 50 CFR 17.22(a)(2) and 17.32(a)(2).
Mitigation projects such as habitat restoration, habitat connectivity, and road projects like animal by-passes over or under roads are untenable solutions in this HCP. Existing habitat in corridors on the west side of the HCP south of Oil	The example provided of the west side of the ECMSHCP south of Oil Well Road is an example of an area in which the applicants have plans to restore the farm fields to native wetland habitats more favorable to panthers. These plans were not included in the

Well Rd—for example—lack the space and habitat complexity for ease of travel for panthers to the north from the reserve to the south. Much of this land is plowed farm fields, and levy roads flanking strips of cypress swamp and other habitat types that are detrimental to panther habitat complexity and access. These strips of habitat are further bisected by roads such as Oil Well Rd with minimal access to the other side.	ECMSHCP, but were described in the ECPO's application for a wetland fill permit. We have also been discussing the need for wildlife underpasses to facilitate panther movement across roads. We have found underpasses to be effective in allowing panther movement between areas separated by roads.
Enforceability of Plan	
The HCP and its adjoining Incidental Take Permit (ITP) are fraught with loopholes and latitude for corruption of data creating potential for less than optimal land management practices and decisions made on personal gain, and not for the betterment of the critical habitat or for the panther and other protected species. The HCP/ITP applications are filled with loopholes, and abilities for contractors. land owners, and stakeholders to be dishonest about their land practices and data gathering. Scientific monitoring, and government oversight have the potential for corruption which leads to mismanagement and manipulation of data for a desired outcome.	The "maximum extent practicable" standard results in a negotiated conservation plan that would be manageable for an applicant while complying with ESA: there will be compromises by both the Service and ECPO. No ITPs have been issued, and any that would, will establish oversight measures to monitor implementation, review data submitted, and establish adaptive measures to make corrections. In our public comments we received several challenges to statements in the ECMSHCP. The Applicants have responded to these. The ECMSHCP, according to Service issuance criteria, must provide assurances that the applicants will fulfill the defined conservation obligations.
The document provides that the HCP will require land owners to hire their own research scientists or form their own research departments to do all the monitoring before, during, and after projects. "Each permittee will be responsible for ensuring that compliance monitoring is conducted and reported in accordance with the permittee 's ITP." This proposed self- compliance leaves room for corruption and mismanagement of data. Each permittee should be monitored by an independent contractor	The quote is a statement of a permittee's legal commitment. Yes, a permittee must be "self-complian[t]," but the legal obligation carries our enforcement oversight in the event of deficient permit implementation. The Service monitors permittees and therefore has indirect oversight over their contractors and employees.

who will not be influenced by the permittee.	
The HCP also claims that ". . .the interest of the applicants avoiding native habitat impacts..." is justification to move forward with the project, and should be considered "good faith" of the land owners and stakeholders to comply with the requirements of the HCP. Any good faith placed on a land owner is not a guarantee that the average land owner is going to comply with anything that the HCP sets forth as a requirement.	The Service's permit regulations at 50 CFR 13.21 establish "disqualifying factors" that we consider in making our decision. So far in our negotiations with ECPO, and in reviewing their ECMSHCP, we have not identified a lack of responsibility or any other factor that would disqualify ECPO from receiving the permits they request.
It is evident in the proposed projects in the HCP do not consider nor coincide with the Florida Department of Transportation. Road projects. Due to the critical nature of this project and the HCP, all affected departments and stakeholders must integrate their plans to guard against hundreds of panthers dying annually on roads like State Route 29. A comprehensive resolution must be identified to insure safe passage at the locations where the animals already cross these roadways, and a proper warning sensor systems and animal over or under passes are in place.	The ECMSHCP provides for collaborative planning as promoted by the Tribe. The Marinelli Fund would be available to contribute to planning and construction of appropriate wildlife crossings.
ADDITIONAL QUESTIONS:	
1. Does incidental take account for resident take? Residents killing endangered species either knowingly or unknowingly?	Any ITPs issued to ECPO would authorize activities related to land clearing, grading and construction of developments, or site preparation and excavations at an earth mine. Dispersed, rural land uses would also be authorized. Once constructed and occupied, these activities would not be expected to result in mortality of wildlife. Direct lethal take would not be authorized under any circumstances.
2. Is there a threshold of measurable "take," and can the ITP be	Yes, the cumulative area of lands that could be disturbed by

revoked?	development and earth mining is 45,000 acres. Acres of habitat will serve as a surrogate for numbers of wildlife. A permit can be suspended or revoked for any of the several reasons listed at 50 CFR 13.27(a), 13.28(a), 17.22(b)(8), or 17.32(b)(8). Primarily, the Service may suspend or revoke a permit when the permittee is not in compliance with its terms and conditions.
3. "Maintenance of lands designated as preservation and very low density use, to preserve ecological value of those lands for covered species, through land management practices such as control of invasive species." Who's responsibility will this be?	The individual Permittee who manages the subject property.
4. Pg 31. "Construction and maintenance of surface water management structures for preservation or enhancement of existing or natural hydrologic function." What does this construction entail? Who will be monitoring and decision making on flow regulation?	Details of such measures cannot be known until an individual project proposal has been submitted to the Service and the Corps. The Corps and the South Florida Water Management District would have jurisdiction over surface water flows. Service would have oversight of measures for species mitigation.
5. "Construction of fenced wildlife crossings to ensure safe passage of panthers..." If underpasses or overpasses are not feasible, funneling fence lines with Large Animal Warning and Detection Systems (LAWDS), would be recommended. These motion sensors at crossings alert vehicles to slow or even stop when red/yellow lights flash at the crossing.	We agree that these would be appropriate measures. While ECPO may have occasion to construct wildlife highway crossings within specific projects, crossings of public highways are under the control of the appropriate state or County agency.
6. Who's keeping the landowners accountable?	Implementation oversight and enforcement of any ITPs is the Service's responsibility.
7. The document reflects very little about actual habitat restoration. Are there key sites identified and if not, and are you taking recommendations?	The conservation measures for the covered species include habitat restoration commitments for certain species and situations. These efforts would be targeted for within the designated Preserves.

8. Riparian corridors should be stressed with the greatest importance, and restoration of crop land within these zones should be restored to increase pass ability through these corridors.	See above. The Preserves follow riparian zones, and implementation of various measures for covered species would result in improved native habitat cover in the Preserves.
9. Connectivity for panthers and width of corridors should be considered. Oil Well Rd (858) at the west edge of the HCP has suboptimal connectivity, mostly due to agriculture presence to the south of the road.	The best management practices would provide for connectivity, along with measures described above, plus Marinelli Fund spending on wildlife crossings.
10. Won't the taxes that will be levied on home and property sales have to be brought before the state of Florida legislature for a vote, and therefore is not a guarantee?	No. The Marinelli Fund contributions would be ECPO responsibility. Subsequent transfer fees are an open question, but would be done in accordance with County ordinances.
11. Page 228 — Can this area be used as a tortoise relocation place?	The Florida Fish and Wildlife Conservation Commission determines if an area is suitable to be a gopher tortoise recipient site. The Service would likely not object as long as management required for the recipient site is not contrary to management required for an ECMSHCP area.
Comments for EIS/ITP —	
1. Pg. 109 — Highway widening along the 29 corridor from Alligator Alley into Immokalee. Concern for increased traffic, increased panther-vehicle mortality, and very little collaboration between various departments at the state level (FDOT), and the entities involved in mitigation of the HCP.	We are currently discussing the increased risks to panthers from increased vehicle traffic predicted as a result of the ECMSHCP with ECPO. We are working with ECPO to find ways to reduce this risk. We are exploring ways to work with both FDOT and Collier County to implement potential solutions.
2. Pg 129 — The HCP document mentions that the Half Circle L Ranch is currently for sale with no mention of bidders. The EIS/ITP document mentions that Florida Forever—a state run property acquisition group—is trying to acquire the property. Since this project is ranked 8 out of about 130 projects, it has a high potential for purchase (according to verbal communication	Until any sale is concluded, we will treat the Half Circle property as we would any of the other ECPO applicants. Our permit regulations provide us the means to respond to any change in status of the property.

with Florida Forever), but the HCP doesn't mention this potential plan.	
CONCLUSION:	
We are most concerned about the lack of adequate archeological protection especially in regards our sacred places.	We propose a mechanism for Tribal consultation about these Tribal resources as individual projects are proposed by ECPO members so that Tribal concerns can be addressed.
Additionally, the HCP will also reduce the likelihood of the survival and recovery of listed species within the proposed area.	The Service is writing a biological opinion as part of its decision making process. The biological opinion will determine if the ECMSHCP is expected to reduce the likelihood of the survival and recovery of listed species within the proposed area. Should this be the case for any affected species, the Service will present an alternative plan for avoiding this outcome.
The Tribe vehemently opposes this HCP and any ITP requests and urges the Service to not authorize the take of any of these species (northern crested caracara, eastern indigo snake, and Florida panther Florida bonneted bat) as proposed in the HCP.	The Service will determine if the ECMSHCP meets the issuance criteria of section 10 of the Endangered Species Act, and must issue the permits if the ECMSHCP does meet these criteria.
This tribe, like all other tribes throughout the United States, remain the last defense of the environment. The Miccosukee hope that the US Fish and Wildlife Service will take up the defense to continue to protect all animals and their habitat for years to come and for future generations.	The Service works within the laws and regulations governing wildlife conservation with the goal of protecting animals and their habitats for future generations. We appreciate the Tribes commitment to wildlife conservation.
We have endeavored to meet with the US Fish & Wildlife Service but other than a brief teleconference where many of the individuals within the Service were either absent or not invited to attend, any meaningful consultation on this important matter has yet to take place.	The Service regrets that we were not able to set up an in-person meeting in a timely manner, and that we were unable to have as many Service staff as we would have liked. We opted for the webinar to give the Tribe as much time as possible to review documents and provide comments. Five senior Service Representatives were in attendance [Robert Tawes (Chief,

	Division of Environmental Review Southeast Regional Office), David Dell (Section 10 Coordinator Southeast Regional Office), Tim Binzen (Regional Tribal Liaison); Richard Kanaski (Southeast Region Archeologist) and Roxanna Hinzman (Project Leader, South Florida Ecological Services Field Office)]. We are open to trying to set up a follow-up meeting with those Service staff the Tribes identifies.

Miccosukee Tribe of Indians
of Florida

Business Council Members
Billy Cypress, Chairman
Roy Cypress Jr., Assistant Chairman
Jerry L. Cypress, Treasurer
Talbert Cypress, Secretary
Petties Osceola Jr., Lawmaker

Rcvd 4/5/19

April 2, 2019

Attention: Kenneth McDonald
Project Manager
US Fish & Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960

SUBJECT: Eastern Collier Multiple Species Habitat Conservation Plan – Environmental Impact Statement Scoping and Input on Draft Plan

Dear Mr. McDonald:

The Miccosukee Tribe of Indians of Florida is a federally-recognized and federally-protected Indian Tribe, whose members live and work within the Florida Everglades, whose land interests lie within the Florida Everglades, and whose cultural identity and way of life is dependent upon maintaining the natural Everglades. The Tribe exercises powers of self-governance under a Tribal constitution approved by the Secretary of Interior, pursuant to the Indian Reorganization Act of 1934, 25 U.S.C.§ 476. The term "Everglades" as used herein refers to the areas presently identified as the Florida Water Conservation Areas (WCA) and Everglades National Park (ENP), although the Everglades ecosystem historically included a much larger area. The entire Miccosukee way of life, including their cultural, religious, economic, and historical identity, is based upon the Everglades and upon the preservation of the Everglades in its natural state. The Tribe and its members rely upon the Everglades in its natural state to support both subsistence and commercial activities. Subsistence activities include gathering of materials, hunting, and fishing within the Everglades. Commercial activities include frogging, airboat and other guided tours, and recreational and tourism facilities within the Everglades.

The Miccosukee Tribe of Indians of Florida formally rejects the Eastern Collier County Multiple Species Habitat Conservation Plan (HCP), the associated incidental take permit applications, and the U.S. Fish and Wildlife Service's (Service) Draft Environmental Impact Statement (EIS) on

P.O. Box 440021, Tamiami Station, Miami, Florida 33144, (305) 223-8380, fax (305) 223-1011
Constitution Approved by the Secretary of the Interior, January 11, 1962

contractor who will not be influenced by the permittee. Sales of properties like Half Circle L Ranch within the HCP area do not entirely address the conditions of sale for various properties. Nothing in the proposed ITP provides that any subsequent land purchaser/holder or grantee will be subject to the conditions of the HCP/ITP.

Continuing with the document's vague proposals, the HCP claims that "some habitat loss will occur in connection with the Covered Activities, but under the Plan, habitat loss will be minimized..." The Miccosukee propose that the HCP/ITP first establish a maximum amount of habitat loss before these projects commence, and provide further that if they exceed a certain threshold through intentional, unintentional, or by accidental destruction, work must immediately halt, further consultation take place on the matter and mitigation occur to minimize the damage from the loss of habitat.

The HCP also claims that "...the interest of the applicants avoiding native habitat impacts..." is justification to move forward with the project, and should be considered "good faith" of the land owners and stakeholders to comply with the requirements of the HCP. Any good faith placed on a land owner is not a guarantee that the average land owner is going to comply with anything that the HCP sets forth as a requirement. Additionally, there is no guarantee of any ability to levy taxes on land owners within the HCP.

Biologically speaking, the HCP projects in the Covered Activities area an increased strain between the human-animal interface. The potential for man to interact with a wild cat in their backyard greatly increases, and further adds to the possibility of panther termination (reported or non-reported), as well as injury or possible death to people in these transitional ecological zones. There are already two major options for panthers in these areas: urban sprawl putting pressure on panthers to move further out and away from these urban centers, or in the cases of habitat degradation and food scarcity, panthers may have the potential to start roaming urban areas looking for food or a eating a family pet or more devastating, attack a small human.

The Florida panther recovery plan calls for increased habitat and populations, not substantial decrease in habitat as outlined in the HCP. It is untenable if the Service finds that the HCP, which proposes to destroy 45,000 acres, will not result in the jeopardy for panthers. The loss of habitat coupled with the already scarce breeding habitat will prove impossible to maintain a viable panther population in southern Florida. It is clear that the proposal to "offset" the impact of destroying a *substantial* amount of panther breeding habitat cannot be achieved by merely refraining from destroying other habitat.

Mitigation projects such as habitat restoration, habitat connectivity, and road projects like animal by-passes over or under roads are untenable solutions in this HCP. Existing habitat in corridors on the west side of the HCP south of Oil Well Rd—for example—lack the space and habitat complexity for ease of travel for panthers to the north from the reserve to the south. Much of this land is plowed farm fields, and levy roads flanking strips of cypress swamp and other habitat types that are detrimental to panther habitat complexity and access. These strips of habitat are further bisected by roads such as Oil Well Rd with minimal access to the other side. It is evident in the proposed projects in the HCP do not consider nor coincide with the Florida Department of Transportation. Road projects. Due to the critical nature of this project and the HCP, all affected

11. Page 228 – Can this area be used as a tortoise relocation place?

Comments for EIS/ITP –

1. Pg. 109 – Highway widening along the 29 corridor from Alligator Alley into Immokalee. Concern for increased traffic, increased panther-vehicle mortality, and very little collaboration between various departments at the state level (FDOT), and the entities involved in mitigation of the HCP.
2. Pg 129 – The HCP document mentions that the Half Circle L Ranch is currently for sale with no mention of bidders. The EIS/ITP document mentions that Florida Forever—a state run property acquisition group—is trying to acquire the property. Since this project is ranked 8 out of about 130 projects, it has a high potential for purchase (according to verbal communication with Florida Forever), but the HCP doesn't mention this potential plan.

CONCLUSION:

The Miccosukee Tribe of Indians of Florida offers these statements, comments and objections for your review. We are most concerned about the lack of adequate archeological protection especially in regards our sacred places. Additionally, the HCP will also reduce the likelihood of the survival and recovery of listed species within the proposed area. The Tribe vehemently opposes this HCP and any ITP requests and urges the Service to not authorize the take of any of these species (northern crested caracara, eastern indigo snake, and Florida panther Florida bonneted bat) as proposed in the HCP.

This tribe, like all other tribes throughout the United States, remain the last defense of the environment. This Miccosukee hope that the US Fish and Wildlife Service will take up the defense to continue to protect all animals and their habitat for years to come and for future generations. We have endeavored to meet with the US Fish & Wildlife Service but other than a brief teleconference where many of the individuals within the Service were either absent or not invited to attend, any meaningful consultation on this important matter has yet to take place.

Sincerely,

Billy Cypress
Chairman

cc: Business Council
Craig van der Heiden Ph.D., Fish and Wildlife Director
Kevin Donaldson, Real Estate Director
Jeanine Bennett, Esq., In-House General Counsel

NOTE TO REVIEWERS

ACTION: RD signature

STAFF ORIGINATOR: David Dell
SUPERVISOR: Rob Tawes

IS THE ACTION LITIGATION DRIVEN? No

ACTION REQUESTED:

SIGNATURE_X___
SURNAME___ FYI ONLY___

VERY BRIEF BACKGROUND ON ISSUE/ACTION:

This letter is our formal, detailed reply to the Miccosukee Tribe's response to our government to government Tribal Consultation concerning the Eastern Collier Multiple Species Habitat Conservation Plan. The Regional Tribal Liaison, Tim Binzen has participated in drafting it.

Major messages: We will make our HCP decision based in our statute and regulations. If issuance criteria are satisfied, we believe the Tribe's concerns for panthers and other wildlife will be addressed. Our implementing laws and regulations provide us sufficient enforcement oversight to ensure the HCP works as proposed.

We propose to continue our consultation with the Tribe so that we will make them aware of individual ECPO project proposals and provide the Tribe with the opportunity to comment on cultural resources.

Requested by: Ecological Services, Southeast Region
Who needs to review: ES ARD, RD signature
Who approved the briefing paper being submitted: Tawes

United States Departm

FISH AND WILDLIF

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/ES

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians
Tamiami Station
Post Office Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

Thank you for the Miccosukee Tribe's April 2, 2019, response to our December 2018, request for formal consultation on the proposed Eastern Collier County Multi-Species Habitat Conservation Plan (HCP). In accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy, the Service provides this reply and proposal to address the Tribe's concerns.

In the enclosure, we provide detailed responses to the issues identified and expand here on the major points.

As previously communicated, the HCP was prepared by eleven landowners of the Eastern Collier Property Owners LLC (Landowners) as part of their application for 50-year incidental take permits. We believe that most of your concerns will be addressed as we work with the Landowners so the HCP might be approved. The Service's decision is controlled by the Endangered Species Act issuance criteria at section 10(a)(2)(B) and by implementing regulations 50 CFR 17.22(b) and 17.32(b). Specifically, the Service must determine whether:

- the taking will be incidental;
- the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;
- the applicant will ensure that adequate funding for the plan will be provided;
- the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

- the measures, if any, required [as being necessary or appropriate for purposes of the plan] will be met; and [the Service deciding official] has received such other assurances as he may require that the plan will be implemented.

If the Service finds the Landowners satisfy these criteria, we must issue the permits. However, our evaluation of the HCP continues. We have not yet determined whether the Landowners would meet issuance criteria. If the Service finds that we would issue permits to Landowners, it would be because of the following factors:

- The proposed activities would directly affect only the lands owned by Landowners within the plan area;
- All covered activities would comply with other applicable Federal, State, and County laws or ordinances. These would include the Clean Water Act administered by the Jacksonville District, Corps of Engineers, and cultural resource protections administered by the Florida State Historic Preservation Office;
- Effects to wildlife would be minimized and mitigated;
- The panther and other species would not face a jeopardy situation: i.e., an appreciable reduction of the likelihood of the survival and recovery of the species in the wild;
- Contingencies would be in place, by regulation and in any permit conditions, to address and correct unexpected or unforeseen circumstances -- including jeopardy situations;
- The Service's statutory and regulatory authority provides us the oversight and enforcement tools to ensure adequate implementation of the HCP;
- Provisions of the HCP address adaptive measures to respond to changed circumstances, specify the assurances made by the Landowners to implement conservation and reporting measures;and
- We would condition any permits to facilitate our oversight of the Landowners as they implement the HCP.

These issuance criteria do not consider cultural resources; however, the Service is required to consider, and consult with Tribes concerning the potential effects of its actions on historic, cultural and Tribal resources in accordance with the National Historic Preservation Act, section 106. We take your concerns over cultural resource sites most seriously. We propose the following approach to ensure your cultural resource concerns will be addressed.

Our approach will be programmatic rather than project-specific because the HCP would establish a programmatic incidental take authorization throughout the delineated, 45,000-acre development area. Within this delineated zone, the Landowners would propose individual development or earth mining projects. At this time, we do not know the exact locations or site plans for individual projects. We will be able to consider cultural resources specific to a project only when a project is proposed. Specific, individual project proposals would be limited to the 45,000-acre development area, and any projects will be reviewed by the Service before they can proceed. As a result of this early review, which would be required as a permit condition by the Service, we will determine whether the project

is consistent with and covered by the HCP. At the time the Landowners propose an individual project, they would also have to coordinate with the Florida State Historic Preservation Office in accordance with State law.

In order to respond to your concerns for important cultural resources, we propose to use the information provided by the Landowners during our early review of their projects to continue our consultation with the Miccosukee Tribe.

- As we conduct our early reviews, we will provide the Miccosukee copies of the project proposals we receive from the Landowners.
- We will consult with the Miccosukee to learn whether the Tribe has any cultural resource concerns within the section 106 Area of Potential Effects (APE) of each proposed project, and will ensure that any such concerns are taken into consideration by the Landowners during their coordination with Florida State Historic Preservation Office.
- We will include copies of the Landowners' section 106 correspondences with the Florida State Historic Preservation Office as these are made available to us.
- Individual projects may also fall within the jurisdiction of the U.S. Army Corps of Engineers for any wetland fill. The Service will coordinate with the Corps when appropriate.

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The Service respects the sovereign rights of the Miccosukee Tribe. We look forward to continued communication and consultation related to the HCP. We welcome your feedback to our proposal to continue consultations in the event the HCP is approved and implemented.

This effort is being coordinated through our South Florida Ecological Services Field Office. If you have questions or need additional information, please contact Roxanna Hinzman, Field Supervisor, at (772) 469-4309 or Roxanna_hinzman@fws.gov.

Sincerely,

Leopoldo Miranda
Regional Director

Southeast Region
U.S. Fish and Wildlife Service

GIONAL OFFICE ROUTING SLIP

Routing Order	Office
4 5	***Regional Director (RD)***
	Deputy Regional Director (DRD)
8 4	Chief of Staff
	ARD – Science Application (ARD-SA)
	Climate Change (ARD-SA/C)
	Regional Chief NWRS (RF)
	Deputy Chief NWRS (RF)
	Realty (RF/RE)
	Information Management (RF/IM)
	Resource & Planning Mgmt (RF/RPM)
	Visitor Services & Outreach (RF/VSO)
	Fire Management (R/FM)
	Refuge Law Enforcement (RF/LE)
	Area I Supervisor (RF/RS-I)
	Area II Supervisor (RF/RS-II)
	Area III Supervisor (RF/RS-III)
	ARD – External Affairs (AEA)
	Congressional/Legis. Affairs (EA/CLA)
3	Native American Liaison (EA/NAL)
	Public Affairs (EA/PA)
	Web/ Social Media (EA/SWM)
	Graphic Design & Pubs (EA/GDP)

Routing Order	Office
	Special Agent in Charge (OLE/R4/SAC)
	Assistant Special Agent in Charge (OLE/R4/ASAC)
	ARD – Budget & Administration
	Mailroom (BA/BPFS/MR)
	Safety and Security (BA/SA)
	Contracting & Grant Services (BA/CGS)
	Engineering (BA/EN)
	Budget, Planning, & Fin Svcs (BA/BPFS)
	Information Resources & Technology Management (BA/IRTM)
	Human Resources (BA/HR)
	Diversity & Civil Rights (BA/DCR)
	ARD – Fisheries (AF)
	Deputy ARD (F/D)
	Supervisor – FROs & Warm Springs
	Supervisor – Warm Water NFHs
	Supervisor – Cold Water NHFs
	Regional Chief – Migratory Birds (MB)
	Deputy Regional Chief
	Permits (MB/NP)
	Regional Chief – Wildlife and Sportfish
	Restoration Program
	Deepwater Horizon NRDAR
2	***ARD – Ecological Services (AES)***
	Deputy ARD (ES/D)
	ES Budget & Administration (ES/BA)
1	Environmental Review (ES/ER)
	Restoration and Recovery (ES/RR)
	Division of Conservation and Classification
	ES Program Supervisor

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REMARKS:
East Collier Multi-Species Habitat Conservation Plan:

Formal response to Miccosukee Tribe Chairman: their April 2, 2019 objections to East Collier Multi-Species HCP.

For RD signature.

FROM: Dell	EXT: 7313	DATE: 5/31/2019

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/ES

JUN 25 2019

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians
Tamiami Station
Post Office Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

Thank you for the Miccosukee Tribe's April 2, 2019, response to our December 2018, request for formal consultation on the proposed Eastern Collier County Multi-Species Habitat Conservation Plan (HCP). In accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy, the Service provides this reply and proposal to address the Tribe's concerns.

In the enclosure, we provide detailed responses to the issues identified and expand here on the major points.

As previously communicated, the HCP was prepared by eleven landowners of the Eastern Collier Property Owners LLC (Landowners) as part of their application for 50-year incidental take permits. We believe that most of your concerns will be addressed as we work with the Landowners so the HCP might be approved. The Service's decision is controlled by the Endangered Species Act issuance criteria at section 10(a)(2)(B) and by implementing regulations 50 CFR 17.22(b) and 17.32(b). Specifically, the Service must determine whether:

- the taking will be incidental;
- the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;
- the applicant will ensure that adequate funding for the plan will be provided;
- the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

- the measures, if any, required [as being necessary or appropriate for purposes of the plan] will be met; and [the Service deciding official] has received such other assurances as he may require that the plan will be implemented.

If the Service finds the Landowners satisfy these criteria, we must issue the permits. However, our evaluation of the HCP continues. We have not yet determined whether the Landowners would meet issuance criteria. If the Service finds that we would issue permits to Landowners, it would be because of the following factors:

- The proposed activities would directly affect only the lands owned by Landowners within the plan area;
- All covered activities would comply with other applicable Federal, State, and County laws or ordinances. These would include the Clean Water Act administered by the Jacksonville District, Corps of Engineers, and cultural resource protections administered by the Florida State Historic Preservation Office;
- Effects to wildlife would be minimized and mitigated;
- The panther and other species would not face a jeopardy situation: i.e., an appreciable reduction of the likelihood of the survival and recovery of the species in the wild;
- Contingencies would be in place, by regulation and in any permit conditions, to address and correct unexpected or unforeseen circumstances -- including jeopardy situations;
- The Service's statutory and regulatory authority provides us the oversight and enforcement tools to ensure adequate implementation of the HCP;
- Provisions of the HCP address adaptive measures to respond to changed circumstances, specify the assurances made by the Landowners to implement conservation and reporting measures; and
- We would condition any permits to facilitate our oversight of the Landowners as they implement the HCP.

These issuance criteria do not consider cultural resources; however, the Service is required to consider, and consult with Tribes concerning the potential effects of its actions on historic, cultural and Tribal resources in accordance with the National Historic Preservation Act, section 106. We take your concerns over cultural resource sites most seriously. We propose the following approach to ensure your cultural resource concerns will be addressed.

Our approach will be programmatic rather than project-specific because the HCP would establish a programmatic incidental take authorization throughout the delineated, 45,000-acre development area. Within this delineated zone, the Landowners would propose individual development or earth mining projects. At this time, we do not know the exact locations or site plans for individual projects. We will be able to consider cultural resources specific to a project only when a project is proposed. Specific, individual project proposals would be limited to the 45,000-acre development area, and any projects will be reviewed by the Service before they can proceed. As a result of this early review,

is consistent with and covered by the HCP. At the time the Landowners propose an individual project, they would also have to coordinate with the Florida State Historic Preservation Office in accordance with State law.

In order to respond to your concerns for important cultural resources, we propose to use the information provided by the Landowners during our early review of their projects to continue our consultation with the Miccosukee Tribe.

- As we conduct our early reviews, we will provide the Miccosukee copies of the project proposals we receive from the Landowners.
- We will consult with the Miccosukee to learn whether the Tribe has any cultural resource concerns within the section 106 Area of Potential Effects (APE) of each proposed project, and will ensure that any such concerns are taken into consideration by the Landowners during their coordination with Florida State Historic Preservation Office.
- We will include copies of the Landowners' section 106 correspondences with the Florida State Historic Preservation Office as these are made available to us.
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Sincerely,

Leopoldo Miranda
Regional Director

Issues Parsed out of the Miccosukee's April 2, 2019 letter	**Service responses**
Service Responsibilities	
The Tribe vehemently urges the Service to deny the HCP and applications accordingly.	The ESA entitles landowners to seek ITPs in order to use their lands for lawful purposes. If ECPO's applications meet issuance criteria, we are obligated to issue them ITPs.
The proposed project violates the Miccosukee Tribe of Indians of Florida ("Tribe") rights under existing Federal law that protects the Tribe's sovereignty, culture and ceremonial practices.	We can only deny ECPO's applications if they fail to meet issuance criteria. If we issue the ITPs, we will, in accordance with NHPA section 106, ensure that cultural and historic properties of interest to the Tribe are protected or mitigated. See proposal in body of our response.
It is very concerning to the Tribe that mandated consultation with the Miccosukee people was not even contemplated by the Service until after the Miccosukee received notice from other parties and contacted the Service to engage in government-to-government consultation. Section 106 of the National Historic Preservation Act requires federal agencies to consult with federally recognized Native American Tribes to identify cultural resources of concern. The Miccosukee Tribe of Indians of Florida is a federally-recognized and federally-protected Indian Tribe within the meaning of that federal law.	The Service initiated communication with the Miccosukee Tribe concerning the ITP in early 2016. The Service entered into formal consultation with the Tribe in 2018. On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft environmental impact statement (dEIS) and the Eastern Collier Multi-Species Habitat Conservation Plan (ECMSHCP) associated with the ITP applications of eleven Collier County landowners under the ESA. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day public comment period from October 19, 2018, through December 3, 2018.

In addition, the Service must comply with NEPA when making decision whether to issue a permit. NEPA compliance cannot be achieved without consultation with the Tribe.	We agree. We are engaged in this consultation and will work with the Tribe to ensure cultural resources are protected or mitigated. In our transmittal letter, we propose a process to consult on individual ECPO projects.
Cultural Resources	
The entire proposed area is rich in Miccosukee cultural, historical and archeological resources. The cultural resources of the Tribe are of the utmost importance and are sacred to the Miccosukee people.	We have documented the previously inventoried historic and cultural resource sites located in the ECMSHCP plan area, in the EIS. There may be cultural resources of concern to the Tribe within the plan area that have not yet been identified. We propose to consult with the Tribe as ECPO proposes individual projects, and as the section 106 Areas of Potential Effects (APEs) are defined for individual projects.
The cultural resources are not adequately addressed in the HCP and EIS and the requirement for consultation is not addressed at all.	In accordance with the ESA, ECPO is responsible for preparing the ECMSHCP. The ESA, however, does not require ECPO to consider cultural resources in their HCP. We believe that cultural resources are addressed adequately in the EIS, and that Tribal concerns related to cultural resources have now been taken into account.
The Miccosukee find it troublesome that not enough emphasis of importance has been placed on cultural considerations due to the amount of historical and anthropological sites within the footprint of the HCP. The identification and preservation of cultural sites is of great import to the Miccosukee people. The HCP must place a high priority on locating and preserving these sites.	The ECMSHCP is prepared by the applicants as part of their application for an ITP. Their obligation to Tribal and other cultural resources is defined by State laws. The ECMSHCP addresses only ESA requirements, and thus it is not intended to address cultural resources. Compliance with NHPA, section 106 is the Service's responsibility. We will continue to consult with the Tribe and the State Historic Preservation Office (SHPO) to avoid or mitigate effects to cultural resources.
The Miccosukee note that on page 47, of the 32 listed archeological sites in table 3.5.2, 46% of them have yet to be	See above. Individual projects will be reviewed in accordance with State law

evaluated, and 28% have little to no information with which to make a proper assessment as to their designation. It is by this assessment of the available record that the Miccosukee feel a determination cannot be made in order to proceed with the HCP/ITP as it pertains to the anthropological sensitivity of the land.	by the SHPO. The Service will consult with the Tribe as proposed. The landowners will have the responsibility to consult with SHPO in accordance with State law.
Everglades	
In addition, the proposed housing development and infrastructure will only add an additional roadblock and exacerbate the ongoing impediments related to the greater Everglades Restoration.	Surface water impacts are regulated by the Corps and the South Florida Water Management Distric. Everglades Restoration has shaped many of the conservation recommendations the Service has provided ECPO, but such issues are not directly tied to the issuance criteria.
Regional Wildlife Effects	
Not only will this affect the panther and other listed species but all animals will have less suitable habitat, connectivity between populations, and human-animal conflict will dramatically increase.	The ECMSHCP provides for wildlife habitat corridors. Best management practices, described in the ECMSHCP, are planned to buffer the wildland/developed interface.
The addition of housing developments and related infrastructure only exacerbates the problem of less suitable habitat, connectivity between populations, and the potential for human-animal conflict.	The ECMSHCP would concentrate development on previously impacted areas and maintain and strengthen corridors. Effects at the habitat/urban interface would be ameliorated by best management practices.
Biologically speaking, the HCP projects in the Covered Activities area an increased strain between the human-animal interface. The potential for man to interact with a wild cat in their backyard greatly increases, and further adds to the	The arrangement of the development zone, and the project design and best management practices are intended to minimize wildlife/human interactions.

possibility of panther termination (reported or non-reported), as well as injury or possible death to people in these transitional ecological zones.	
There are already two major options for panthers in these areas: urban sprawl putting pressure on panthers to move further out and away from these urban centers, or in the cases of habitat degradation and food scarcity, panthers may have the potential to start roaming urban areas looking for food or a eating a family pet or more devastating, attack a small human.	Provision of corridors that would serve as habitat while connecting population centers should minimize the attraction for wildlife to disperse into human-populated areas.
Listed Species	
The HCP will also reduce the likelihood of the survival and recovery of listed species within the proposed area.	We are conducting an intra-Service section 7 consultation on the effects of any ITPs to listed species. We can issue ITPs only if we find non-jeopardy.
As Florida panthers are pushed further out of the proposed HCP area, populations have nowhere to move but further inland toward the Miccosukee and Big Cypress Reservations.	We agree that panthers affected by the ECMSHCP may leave the ECMSHCP area and move to nearby areas. Whether this movement is further inland toward the Miccosukee and Big Cypress Reservations or toward the north and the Caloosahatchee River or to nearby conservation areas is uncertain.
Sufficiency of HCP	
Designation of "best management practices" and other forms of conservation such as exotic plant abatement have yet to be determined with this HCP/ITP and remains undefined.	The best management practices described in the ECMSHCP can only be considered possibilities until we review specific project proposals. Since the Tribe reviewed the ECMSHCP, the Applicants have specified a number of best management practices that all projects would comply with. While they are non-construction measures, they will be part of any ITP issued. The other best management practices will be required on a project-by-project basis.

Sales of properties like Half Circle L Ranch within the HCP area do not entirely address the conditions of sale for various properties.	The Half Circle property is retained in the covered lands of the ECMSHCP and if it remains unsold by the time any ITPs are issued, it would then be treated as any other permittee's property. We will not speculate on appropriate responses to the ranch's ultimate sale until that occurs.
Nothing in the proposed ITP provides that any subsequent land purchaser/holder or grantee will be subject to the conditions of the HCP/ITP.	Service regulations provide for partial or full transfer of issued ITPs. This concern could be about sale of land by an ECPO member before any development occurs, or it could be about sales of individual units from within a development. Sale before development: buyer may choose to accept HCP responsibilities. We would then consider a transfer or partial transfer. If buyer does not accept the ECMSHCP, then they would have no incidental take authority, and would be responsible for providing their own conservation plan (section 7 or 10). This would have implications for remaining ECPO lands that would be determined at the time of any land sale. Sale after development: We have been clarifying that with ECPO. Recent ECMSHCP revisions provide more detail. Unit buyers would be subject to covenants that would be designed to maintain and implement best management practices for covered species. As a development is assumed by its homeowners association (HOA), the HOA would assume responsibility for the covenants, we would consider a partial transfer of the ITP to the HOA so that Service enforcement authority would remain.
Continuing with the document's vague proposals, the HCP claims that "some habitat loss will occur in connection with the Covered Activities, but under the Plan, habitat loss will be minimized..." The Miccosukee propose that the HCP/ITP first establish a maximum amount of habitat loss before these projects commence, and provide further that if they exceed a	The ECMSHCP establishes a maximum level of development of 45,000 acres. The ECMSHCP delineates the boundaries of this 45,000-acre development cap. The ECMSHCP specifies allowable land uses in the Preserve areas, and delineates their boundaries.

certain threshold through intentional, unintentional, or by accidental destruction, work must immediately halt, further consultation take place on the matter and mitigation occur to minimize the damage from the loss of habitat.	These are observable, quantifiable, and enforceable measures. Required best management measures for individual projects will be determined at the time they are designed and proposed. As these are settled, they too will become enforceable measures.
Additionally, there is no guarantee of any ability to levy taxes on land owners within the HCP.	This seems to relate to the Marinelli Fund. No taxes are contemplated. Individual permittees would fund their respective projects and any mitigation. Individual permittees would be responsible for initial Marinelli contributions. We will ensure that ECPO clarifies how the subsequent transaction fees would be deposited into the Marinelli Fund.
The Florida panther recovery plan calls for increased habitat and populations, not substantial decrease in habitat as outlined in the HCP. It is untenable if the Service finds that the HCP, which proposes to destroy 45,000 acres, will not result in the jeopardy for panthers. The loss of habitat coupled with the already scarce breeding habitat will prove impossible to maintain a viable panther population in southern Florida. It is clear that the proposal to "offset" the impact of destroying a substantial amount of panther breeding habitat cannot be achieved by merely refraining from destroying other habitat.	Private landowners, like ECPO, are entitled to apply for ITPs. If an application meets issuance criteria, the Service is obliged to issue a permit. To meet issuance criteria, the ITP application must not jeopardize the continued existence of the covered species, and it must minimize and mitigate, to the maximum extent practicable, the effects of the takings. The ECMSHCP would help establish wildlife movement corridors through private land. We are currently reviewing the ECMSHCP and evaluating its effects on the Florida panther and other covered species. We will not issue any ITP that fails to meet the criteria described above. Also see ESA section 10(a)(2)(B), and 50 CFR 17.22(a)(2) and 17.32(a)(2).
Mitigation projects such as habitat restoration, habitat connectivity, and road projects like animal by-passes over or under roads are untenable solutions in this HCP. Existing habitat in corridors on the west side of the HCP south of Oil	The example provided of the west side of the ECMSHCP south of Oil Well Road is an example of an area in which the applicants have plans to restore the farm fields to native wetland habitats more favorable to panthers. These plans were not included in the

Well Rd—for example—lack the space and habitat complexity for ease of travel for panthers to the north from the reserve to the south. Much of this land is plowed farm fields, and levy roads flanking strips of cypress swamp and other habitat types that are detrimental to panther habitat complexity and access. These strips of habitat are further bisected by roads such as Oil Well Rd with minimal access to the other side.	ECMSHCP, but were described in the ECPO's application for a wetland fill permit. We have also been discussing the need for wildlife underpasses to facilitate panther movement across roads. We have found underpasses to be effective in allowing panther movement between areas separated by roads.
Enforceability of Plan	
The HCP and its adjoining Incidental Take Permit (ITP) are fraught with loopholes and latitude for corruption of data creating potential for less than optimal land management practices and decisions made on personal gain, and not for the betterment of the critical habitat or for the panther and other protected species. The HCP/ITP applications are filled with loopholes, and abilities for contractors. land owners, and stakeholders to be dishonest about their land practices and data gathering. Scientific monitoring, and government oversight have the potential for corruption which leads to mismanagement and manipulation of data for a desired outcome.	The "maximum extent practicable" standard results in a negotiated conservation plan that would be manageable for an applicant while complying with ESA: there will be compromises by both the Service and ECPO. No ITPs have been issued, and any that would, will establish oversight measures to monitor implementation, review data submitted, and establish adaptive measures to make corrections. In our public comments we received several challenges to statements in the ECMSHCP. The Applicants have responded to these. The ECMSHCP, according to Service issuance criteria, must provide assurances that the applicants will fulfill the defined conservation obligations.
The document provides that the HCP will require land owners to hire their own research scientists or form their own research departments to do all the monitoring before, during, and after projects. "Each permittee will be responsible for ensuring that compliance monitoring is conducted and reported in accordance with the permittee 's ITP." This proposed self- compliance leaves room for corruption and mismanagement of data. Each permittee should be monitored by an independent contractor	The quote is a statement of a permittee's legal commitment. Yes, a permittee must be "self-complian[t]," but the legal obligation carries our enforcement oversight in the event of deficient permit implementation. The Service monitors permittees and therefore has indirect oversight over their contractors and employees.

who will not be influenced by the permittee.	
The HCP also claims that ". . .the interest of the applicants avoiding native habitat impacts..." is justification to move forward with the project, and should be considered "good faith" of the land owners and stakeholders to comply with the requirements of the HCP. Any good faith placed on a land owner is not a guarantee that the average land owner is going to comply with anything that the HCP sets forth as a requirement.	The Service's permit regulations at 50 CFR 13.21 establish "disqualifying factors" that we consider in making our decision. So far in our negotiations with ECPO, and in reviewing their ECMSHCP, we have not identified a lack of responsibility or any other factor that would disqualify ECPO from receiving the permits they request.
It is evident in the proposed projects in the HCP do not consider nor coincide with the Florida Department of Transportation. Road projects. Due to the critical nature of this project and the HCP, all affected departments and stakeholders must integrate their plans to guard against hundreds of panthers dying annually on roads like State Route 29. A comprehensive resolution must be identified to insure safe passage at the locations where the animals already cross these roadways, and a proper warning sensor systems and animal over or under passes are in place.	The ECMSHCP provides for collaborative planning as promoted by the Tribe. The Marinelli Fund would be available to contribute to planning and construction of appropriate wildlife crossings.
ADDITIONAL QUESTIONS:	
1. Does incidental take account for resident take? Residents killing endangered species either knowingly or unknowingly?	Any ITPs issued to ECPO would authorize activities related to land clearing, grading and construction of developments, or site preparation and excavations at an earth mine. Dispersed, rural land uses would also be authorized. Once constructed and occupied, these activities would not be expected to result in mortality of wildlife. Direct lethal take would not be authorized under any circumstances.
2. Is there a threshold of measurable "take," and can the ITP be	Yes, the cumulative area of lands that could be disturbed by

revoked?	development and earth mining is 45,000 acres. Acres of habitat will serve as a surrogate for numbers of wildlife. A permit can be suspended or revoked for any of the several reasons listed at 50 CFR 13.27(a), 13.28(a), 17.22(b)(8), or 17.32(b)(8). Primarily, the Service may suspend or revoke a permit when the permittee is not in compliance with its terms and conditions.
3. "Maintenance of lands designated as preservation and very low density use, to preserve ecological value of those lands for covered species, through land management practices such as control of invasive species." Who's responsibility will this be?	The individual Permittee who manages the subject property.
4. Pg 31. "Construction and maintenance of surface water management structures for preservation or enhancement of existing or natural hydrologic function." What does this construction entail? Who will be monitoring and decision making on flow regulation?	Details of such measures cannot be known until an individual project proposal has been submitted to the Service and the Corps. The Corps and the South Florida Water Management District would have jurisdiction over surface water flows. Service would have oversight of measures for species mitigation.
5. "Construction of fenced wildlife crossings to ensure safe passage of panthers..." If underpasses or overpasses are not feasible, funneling fence lines with Large Animal Warning and Detection Systems (LAWDS), would be recommended. These motion sensors at crossings alert vehicles to slow or even stop when red/yellow lights flash at the crossing.	We agree that these would be appropriate measures. While ECPO may have occasion to construct wildlife highway crossings within specific projects, crossings of public highways are under the control of the appropriate state or County agency.
6. Who's keeping the landowners accountable?	Implementation oversight and enforcement of any ITPs is the Service's responsibility.
7. The document reflects very little about actual habitat restoration. Are there key sites identified and if not, and are you taking recommendations?	The conservation measures for the covered species include habitat restoration commitments for certain species and situations. These efforts would be targeted for within the designated Preserves.

8. Riparian corridors should be stressed with the greatest importance, and restoration of crop land within these zones should be restored to increase pass ability through these corridors.	See above. The Preserves follow riparian zones, and implementation of various measures for covered species would result in improved native habitat cover in the Preserves.
9. Connectivity for panthers and width of corridors should be considered. Oil Well Rd (858) at the west edge of the HCP has suboptimal connectivity, mostly due to agriculture presence to the south of the road.	The best management practices would provide for connectivity, along with measures described above, plus Marinelli Fund spending on wildlife crossings.
10. Won't the taxes that will be levied on home and property sales have to be brought before the state of Florida legislature for a vote, and therefore is not a guarantee?	No. The Marinelli Fund contributions would be ECPO responsibility. Subsequent transfer fees are an open question, but would be done in accordance with County ordinances.
11. Page 228 — Can this area be used as a tortoise relocation place?	The Florida Fish and Wildlife Conservation Commission determines if an area is suitable to be a gopher tortoise recipient site. The Service would likely not object as long as management required for the recipient site is not contrary to management required for an ECMSHCP area.
Comments for EIS/ITP —	
1. Pg. 109 — Highway widening along the 29 corridor from Alligator Alley into Immokalee. Concern for increased traffic, increased panther-vehicle mortality, and very little collaboration between various departments at the state level (FDOT), and the entities involved in mitigation of the HCP.	We are currently discussing the increased risks to panthers from increased vehicle traffic predicted as a result of the ECMSHCP with ECPO. We are working with ECPO to find ways to reduce this risk. We are exploring ways to work with both FDOT and Collier County to implement potential solutions.
2. Pg 129 — The HCP document mentions that the Half Circle L Ranch is currently for sale with no mention of bidders. The EIS/ITP document mentions that Florida Forever—a state run property acquisition group—is trying to acquire the property. Since this project is ranked 8 out of about 130 projects, it has a high potential for purchase (according to verbal communication	Until any sale is concluded, we will treat the Half Circle property as we would any of the other ECPO applicants. Our permit regulations provide us the means to respond to any change in status of the property.

with Florida Forever), but the HCP doesn't mention this potential plan.	
CONCLUSION:	
We are most concerned about the lack of adequate archeological protection especially in regards our sacred places.	We propose a mechanism for Tribal consultation about these Tribal resources as individual projects are proposed by ECPO members so that Tribal concerns can be addressed.
Additionally, the HCP will also reduce the likelihood of the survival and recovery of listed species within the proposed area.	The Service is writing a biological opinion as part of its decision making process. The biological opinion will determine if the ECMSHCP is expected to reduce the likelihood of the survival and recovery of listed species within the proposed area. Should this be the case for any affected species, the Service will present an alternative plan for avoiding this outcome.
The Tribe vehemently opposes this HCP and any ITP requests and urges the Service to not authorize the take of any of these species (northern crested caracara, eastern indigo snake, and Florida panther Florida bonneted bat) as proposed in the HCP.	The Service will determine if the ECMSHCP meets the issuance criteria of section 10 of the Endangered Species Act, and must issue the permits if the ECMSHCP does meet these criteria.
This tribe, like all other tribes throughout the United States, remain the last defense of the environment. The Miccosukee hope that the US Fish and Wildlife Service will take up the defense to continue to protect all animals and their habitat for years to come and for future generations.	The Service works within the laws and regulations governing wildlife conservation with the goal of protecting animals and their habitats for future generations. We appreciate the Tribes commitment to wildlife conservation.
We have endeavored to meet with the US Fish & Wildlife Service but other than a brief teleconference where many of the individuals within the Service were either absent or not invited to attend, any meaningful consultation on this important matter has yet to take place.	The Service regrets that we were not able to set up an in-person meeting in a timely manner, and that we were unable to have as many Service staff as we would have liked. We opted for the webinar to give the Tribe as much time as possible to review documents and provide comments. Five senior Service Representatives were in attendance [Robert Tawes (Chief,

	Division of Environmental Review Southeast Regional Office), David Dell (Section 10 Coordinator Southeast Regional Office), Tim Binzen (Regional Tribal Liaison); Richard Kanaski (Southeast Region Archeologist) and Roxanna Hinzman (Project Leader, South Florida Ecological Services Field Office)]. We are open to trying to set up a follow-up meeting with those Service staff the Tribes identifies.

Miccosukee Tribe of Indians
of Florida

Business Council Members
Billy Cypress, Chairman
Roy Cypress Jr., Assistant Chairman
Jerry L. Cypress, Treasurer
Talbert Cypress, Secretary
Petties Osceola Jr., Lawmaker

Rcvd 4/5/19

April 2, 2019

Attention: Kenneth McDonald
Project Manager
US Fish & Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960

SUBJECT: Eastern Collier Multiple Species Habitat Conservation Plan – Environmental Impact Statement Scoping and Input on Draft Plan

Dear Mr. McDonald:

The Miccosukee Tribe of Indians of Florida is a federally-recognized and federally-protected Indian Tribe, whose members live and work within the Florida Everglades, whose land interests lie within the Florida Everglades, and whose cultural identity and way of life is dependent upon maintaining the natural Everglades. The Tribe exercises powers of self-governance under a Tribal constitution approved by the Secretary of Interior, pursuant to the Indian Reorganization Act of 1934, 25 U.S.C.§ 476. The term "Everglades" as used herein refers to the areas presently identified as the Florida Water Conservation Areas (WCA) and Everglades National Park (ENP), although the Everglades ecosystem historically included a much larger area. The entire Miccosukee way of life, including their cultural, religious, economic, and historical identity, is based upon the Everglades and upon the preservation of the Everglades in its natural state. The Tribe and its members rely upon the Everglades in its natural state to support both subsistence and commercial activities. Subsistence activities include gathering of materials, hunting, and fishing within the Everglades. Commercial activities include frogging, airboat and other guided tours, and recreational and tourism facilities within the Everglades.

The Miccosukee Tribe of Indians of Florida formally rejects the Eastern Collier County Multiple Species Habitat Conservation Plan (HCP), the associated incidental take permit applications, and the U.S. Fish and Wildlife Service's (Service) Draft Environmental Impact Statement (EIS) on

P.O. Box 440021, Tamiami Station, Miami, Florida 33144, (305) 223-8380, fax (305) 223-1011
Constitution Approved by the Secretary of the Interior, January 11, 1962

contractor who will not be influenced by the permittee. Sales of properties like Half Circle L Ranch within the HCP area do not entirely address the conditions of sale for various properties. Nothing in the proposed ITP provides that any subsequent land purchaser/holder or grantee will be subject to the conditions of the HCP/ITP.

Continuing with the document's vague proposals, the HCP claims that "some habitat loss will occur in connection with the Covered Activities, but under the Plan, habitat loss will be minimized..." The Miccosukee propose that the HCP/ITP first establish a maximum amount of habitat loss before these projects commence, and provide further that if they exceed a certain threshold through intentional, unintentional, or by accidental destruction, work must immediately halt, further consultation take place on the matter and mitigation occur to minimize the damage from the loss of habitat.

The HCP also claims that "...the interest of the applicants avoiding native habitat impacts..." is justification to move forward with the project, and should be considered "good faith" of the land owners and stakeholders to comply with the requirements of the HCP. Any good faith placed on a land owner is not a guarantee that the average land owner is going to comply with anything that the HCP sets forth as a requirement. Additionally, there is no guarantee of any ability to levy taxes on land owners within the HCP.

Biologically speaking, the HCP projects in the Covered Activities area an increased strain between the human-animal interface. The potential for man to interact with a wild cat in their backyard greatly increases, and further adds to the possibility of panther termination (reported or non-reported), as well as injury or possible death to people in these transitional ecological zones. There are already two major options for panthers in these areas: urban sprawl putting pressure on panthers to move further out and away from these urban centers, or in the cases of habitat degradation and food scarcity, panthers may have the potential to start roaming urban areas looking for food or a eating a family pet or more devastating, attack a small human.

The Florida panther recovery plan calls for increased habitat and populations, not substantial decrease in habitat as outlined in the HCP. It is untenable if the Service finds that the HCP, which proposes to destroy 45,000 acres, will not result in the jeopardy for panthers. The loss of habitat coupled with the already scarce breeding habitat will prove impossible to maintain a viable panther population in southern Florida. It is clear that the proposal to "offset" the impact of destroying a *substantial* amount of panther breeding habitat cannot be achieved by merely refraining from destroying other habitat.

Mitigation projects such as habitat restoration, habitat connectivity, and road projects like animal by-passes over or under roads are untenable solutions in this HCP. Existing habitat in corridors on the west side of the HCP south of Oil Well Rd—for example—lack the space and habitat complexity for ease of travel for panthers to the north from the reserve to the south. Much of this land is plowed farm fields, and levy roads flanking strips of cypress swamp and other habitat types that are detrimental to panther habitat complexity and access. These strips of habitat are further bisected by roads such as Oil Well Rd with minimal access to the other side. It is evident in the proposed projects in the HCP do not consider nor coincide with the Florida Department of Transportation. Road projects. Due to the critical nature of this project and the HCP, all affected

11. Page 228 – Can this area be used as a tortoise relocation place?

Comments for EIS/ITP –

1. Pg. 109 – Highway widening along the 29 corridor from Alligator Alley into Immokalee. Concern for increased traffic, increased panther-vehicle mortality, and very little collaboration between various departments at the state level (FDOT), and the entities involved in mitigation of the HCP.
2. Pg 129 – The HCP document mentions that the Half Circle L Ranch is currently for sale with no mention of bidders. The EIS/ITP document mentions that Florida Forever—a state run property acquisition group—is trying to acquire the property. Since this project is ranked 8 out of about 130 projects, it has a high potential for purchase (according to verbal communication with Florida Forever), but the HCP doesn't mention this potential plan.

CONCLUSION:

The Miccosukee Tribe of Indians of Florida offers these statements, comments and objections for your review. We are most concerned about the lack of adequate archeological protection especially in regards our sacred places. Additionally, the HCP will also reduce the likelihood of the survival and recovery of listed species within the proposed area. The Tribe vehemently opposes this HCP and any ITP requests and urges the Service to not authorize the take of any of these species (northern crested caracara, eastern indigo snake, and Florida panther Florida bonneted bat) as proposed in the HCP.

This tribe, like all other tribes throughout the United States, remain the last defense of the environment. This Miccosukee hope that the US Fish and Wildlife Service will take up the defense to continue to protect all animals and their habitat for years to come and for future generations. We have endeavored to meet with the US Fish & Wildlife Service but other than a brief teleconference where many of the individuals within the Service were either absent or not invited to attend, any meaningful consultation on this important matter has yet to take place.

Sincerely,

Billy Cypress
Chairman

cc: Business Council
Craig van der Heiden Ph.D., Fish and Wildlife Director
Kevin Donaldson, Real Estate Director
Jeanine Bennett, Esq., In-House General Counsel

NOTE TO REVIEWERS

ACTION: RD signature

STAFF ORIGINATOR: David Dell
SUPERVISOR: Rob Tawes

IS THE ACTION LITIGATION DRIVEN? No

ACTION REQUESTED:

SIGNATURE_X___
SURNAME___ FYI ONLY___

VERY BRIEF BACKGROUND ON ISSUE/ACTION:

This letter is our formal, detailed reply to the Miccosukee Tribe's response to our government to government Tribal Consultation concerning the Eastern Collier Multiple Species Habitat Conservation Plan. The Regional Tribal Liaison, Tim Binzen has participated in drafting it.

Major messages: We will make our HCP decision based in our statute and regulations. If issuance criteria are satisfied, we believe the Tribe's concerns for panthers and other wildlife will be addressed. Our implementing laws and regulations provide us sufficient enforcement oversight to ensure the HCP works as proposed.

We propose to continue our consultation with the Tribe so that we will make them aware of individual ECPO project proposals and provide the Tribe with the opportunity to comment on cultural resources.

Requested by: Ecological Services, Southeast Region
Who needs to review: ES ARD, RD signature
Who approved the briefing paper being submitted: Tawes

United States Departm

FISH AND WILDLIF

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/ES

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians
Tamiami Station
Post Office Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

Thank you for the Miccosukee Tribe's April 2, 2019, response to our December 2018, request for formal consultation on the proposed Eastern Collier County Multi-Species Habitat Conservation Plan (HCP). In accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy, the Service provides this reply and proposal to address the Tribe's concerns.

In the enclosure, we provide detailed responses to the issues identified and expand here on the major points.

As previously communicated, the HCP was prepared by eleven landowners of the Eastern Collier Property Owners LLC (Landowners) as part of their application for 50-year incidental take permits. We believe that most of your concerns will be addressed as we work with the Landowners so the HCP might be approved. The Service's decision is controlled by the Endangered Species Act issuance criteria at section 10(a)(2)(B) and by implementing regulations 50 CFR 17.22(b) and 17.32(b). Specifically, the Service must determine whether:

- the taking will be incidental;
- the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;
- the applicant will ensure that adequate funding for the plan will be provided;
- the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

- the measures, if any, required [as being necessary or appropriate for purposes of the plan] will be met; and [the Service deciding official] has received such other assurances as he may require that the plan will be implemented.

If the Service finds the Landowners satisfy these criteria, we must issue the permits. However, our evaluation of the HCP continues. We have not yet determined whether the Landowners would meet issuance criteria. If the Service finds that we would issue permits to Landowners, it would be because of the following factors:

- The proposed activities would directly affect only the lands owned by Landowners within the plan area;
- All covered activities would comply with other applicable Federal, State, and County laws or ordinances. These would include the Clean Water Act administered by the Jacksonville District, Corps of Engineers, and cultural resource protections administered by the Florida State Historic Preservation Office;
- Effects to wildlife would be minimized and mitigated;
- The panther and other species would not face a jeopardy situation: i.e., an appreciable reduction of the likelihood of the survival and recovery of the species in the wild;
- Contingencies would be in place, by regulation and in any permit conditions, to address and correct unexpected or unforeseen circumstances -- including jeopardy situations;
- The Service's statutory and regulatory authority provides us the oversight and enforcement tools to ensure adequate implementation of the HCP;
- Provisions of the HCP address adaptive measures to respond to changed circumstances, specify the assurances made by the Landowners to implement conservation and reporting measures;and
- We would condition any permits to facilitate our oversight of the Landowners as they implement the HCP.

These issuance criteria do not consider cultural resources; however, the Service is required to consider, and consult with Tribes concerning the potential effects of its actions on historic, cultural and Tribal resources in accordance with the National Historic Preservation Act, section 106. We take your concerns over cultural resource sites most seriously. We propose the following approach to ensure your cultural resource concerns will be addressed.

Our approach will be programmatic rather than project-specific because the HCP would establish a programmatic incidental take authorization throughout the delineated, 45,000-acre development area. Within this delineated zone, the Landowners would propose individual development or earth mining projects. At this time, we do not know the exact locations or site plans for individual projects. We will be able to consider cultural resources specific to a project only when a project is proposed. Specific, individual project proposals would be limited to the 45,000-acre development area, and any projects will be reviewed by the Service before they can proceed. As a result of this early review, which would be required as a permit condition by the Service, we will determine whether the project

is consistent with and covered by the HCP. At the time the Landowners propose an individual project, they would also have to coordinate with the Florida State Historic Preservation Office in accordance with State law.

In order to respond to your concerns for important cultural resources, we propose to use the information provided by the Landowners during our early review of their projects to continue our consultation with the Miccosukee Tribe.

- As we conduct our early reviews, we will provide the Miccosukee copies of the project proposals we receive from the Landowners.
- We will consult with the Miccosukee to learn whether the Tribe has any cultural resource concerns within the section 106 Area of Potential Effects (APE) of each proposed project, and will ensure that any such concerns are taken into consideration by the Landowners during their coordination with Florida State Historic Preservation Office.
- We will include copies of the Landowners' section 106 correspondences with the Florida State Historic Preservation Office as these are made available to us.
- Individual projects may also fall within the jurisdiction of the U.S. Army Corps of Engineers for any wetland fill. The Service will coordinate with the Corps when appropriate.

On May 17, 2019, the Service received a Freedom of Information Act (FOIA) request from the law firm of Hunton Andrews Kurth, LLP, on behalf of the Landowners, requesting copies of all documentation related to the ITP applications and the HCP. The Service is currently determining which documentation is responsive to this request. We respectfully wish to inform you that the Miccosukee Tribe's April 2, 2019, letter responding to the request for formal consultation may not be exempt from this FOIA request.

The Service respects the sovereign rights of the Miccosukee Tribe. We look forward to continued communication and consultation related to the HCP. We welcome your feedback to our proposal to continue consultations in the event the HCP is approved and implemented.

This effort is being coordinated through our South Florida Ecological Services Field Office. If you have questions or need additional information, please contact Roxanna Hinzman, Field Supervisor, at (772) 469-4309 or Roxanna_hinzman@fws.gov.

Sincerely,

Leopoldo Miranda
Regional Director

Southeast Region
U.S. Fish and Wildlife Service

GIONAL OFFICE ROUTING SLIP

Routing Order	Office
4 5	***Regional Director (RD)***
	Deputy Regional Director (DRD)
8 4	Chief of Staff
	ARD – Science Application (ARD-SA)
	Climate Change (ARD-SA/C)
	Regional Chief NWRS (RF)
	Deputy Chief NWRS (RF)
	Realty (RF/RE)
	Information Management (RF/IM)
	Resource & Planning Mgmt (RF/RPM)
	Visitor Services & Outreach (RF/VSO)
	Fire Management (R/FM)
	Refuge Law Enforcement (RF/LE)
	Area I Supervisor (RF/RS-I)
	Area II Supervisor (RF/RS-II)
	Area III Supervisor (RF/RS-III)
	ARD – External Affairs (AEA)
	Congressional/Legis. Affairs (EA/CLA)
3	Native American Liaison (EA/NAL)
	Public Affairs (EA/PA)
	Web/ Social Media (EA/SWM)
	Graphic Design & Pubs (EA/GDP)

Routing Order	Office
	Special Agent in Charge (OLE/R4/SAC)
	Assistant Special Agent in Charge (OLE/R4/ASAC)
	ARD – Budget & Administration
	Mailroom (BA/BPFS/MR)
	Safety and Security (BA/SA)
	Contracting & Grant Services (BA/CGS)
	Engineering (BA/EN)
	Budget, Planning, & Fin Svcs (BA/BPFS)
	Information Resources & Technology Management (BA/IRTM)
	Human Resources (BA/HR)
	Diversity & Civil Rights (BA/DCR)
	ARD – Fisheries (AF)
	Deputy ARD (F/D)
	Supervisor – FROs & Warm Springs
	Supervisor – Warm Water NFHs
	Supervisor – Cold Water NHFs
	Regional Chief – Migratory Birds (MB)
	Deputy Regional Chief
	Permits (MB/NP)
	Regional Chief – Wildlife and Sportfish
	Restoration Program
	Deepwater Horizon NRDAR
2	***ARD – Ecological Services (AES)***
	Deputy ARD (ES/D)
	ES Budget & Administration (ES/BA)
1	Environmental Review (ES/ER)
	Restoration and Recovery (ES/RR)
	Division of Conservation and Classification
	ES Program Supervisor

___ Routing Slip Completed
___ Note to Reviewers
___ Location Path
___ Yellow Surname Sheet
___ Format in Letterhead
___ Check for CCs
___ Final Signature
___ Scan Original–S Drive
___ Scan Surname Sheet-S Drive
___ Mail/email out
___ Originator Recycle Folder

REMARKS:
East Collier Multi-Species Habitat Conservation Plan:

Formal response to Miccosukee Tribe Chairman: their April 2, 2019 objections to East Collier Multi-Species HCP.

For RD signature.

FROM: Dell	EXT: 7313	DATE: 5/31/2019

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:52 AM

Conversation Contents

East Collier HCP: Status of Seminole Response?

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Wed Jun 19 2019 05:43:21 GMT-0600 (MDT)
To:	Kevin Palmer <kevin_palmer@fws.gov>
CC:	Constance Cassler <Constance_Cassler@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>
Subject:	East Collier HCP: Status of Seminole Response?

Kevin: Have we heard anything from the Seminoles? If there is any news, please copy Rob, as he will lead the ECPO update this coming Friday. Thanks.

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Wed Jun 19 2019 06:18:10 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	Constance Cassler <Constance_Cassler@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>, "Binzen, Timothy" <timothy_binzen@fws.gov>
Subject:	Re: East Collier HCP: Status of Seminole Response?

Ok David, will do. I have not received anything from them yet. I sent an email yesterday inquiring on the comment letter's status.

Thanks,

Kevin

On Wed, Jun 19, 2019 at 7:43 AM Dell, David <david_dell@fws.gov> wrote:

> Kevin: Have we heard anything from the Seminoles? If there is any news, please copy Rob, as he will lead the ECPO update this coming Friday. Thanks.
>
> David Dell
> US Fish and Wildlife Service
> Southeast 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 disclosed to third parties.

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:52 AM

Conversation Contents

In-Service ECHCP meeting last Friday

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Tue Jun 18 2019 06:18:28 GMT-0600 (MDT)
To:	Kevin Palmer <kevin_palmer@fws.gov>
Subject:	In-Service ECHCP meeting last Friday

Hi Kevin,

Did David Dell circle back with you about the Sierra Club letter that the Seminole Tribe mentioned?

I can fill you in if you haven't spoken to David.

Connie

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

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Tue Jun 18 2019 06:33:02 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: In-Service ECHCP meeting last Friday

Hi Connie,

No, he hasn't gotten back with me yet. It might be good to get the Tribe a short response to the issue... so, yeah, if you wouldn't mind filling me in that would be great! I guess I need to tickle them for their comment letter too... it might be in my mailbox but I usually get an electronic copy.

Thanks,

Kevin

On Tue, Jun 18, 2019 at 8:19 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Kevin,
>
> Did David Dell circle back with you about the Sierra Club letter that the Seminole Tribe mentioned?
>
> I can fill you in if you haven't spoken to David.
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
> email: constance_cassler@fws.gov
>
> Follow us on Twitter @USFWSVERO
> Follow us on Facebook @USFWSSouthFlorida
> Follow us on InstaGram @usfws_south_florida
> Visit our web site at www.fws.gov/verobeach/
>
> NOTE: All email correspondence and attachments
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> Freedom of Information Act (FOIA) and may be
> disclosed to third parties

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:53 AM

Conversation Contents

Fwd: [EXTERNAL] ECMSHCP Comment Letter from Sierra Club

Attachments:

/15. Fwd: [EXTERNAL] ECMSHCP Comment Letter from Sierra Club/1.1 image001.png
/15. Fwd: [EXTERNAL] ECMSHCP Comment Letter from Sierra Club/1.2 Huber_EricSierraClub.pdf
/15. Fwd: [EXTERNAL] ECMSHCP Comment Letter from Sierra Club/2.1 image001.png

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Thu Jun 06 2019 06:47:54 GMT-0600 (MDT)
To:	David Dell <david_dell@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>
CC:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Subject:	Fwd: [EXTERNAL] ECMSHCP Comment Letter from Sierra Club
Attachments:	image001.png Huber_EricSierraClub.pdf

Hi David and Constance,

On our monthly coordination call yesterday, the Seminole Tribe brought up the attached letter from Sierra Club stating one of the EC land owners had withdrawn an application for development which would significantly change the scope of the overall project. I'm sure we received it since it was addressed to Leo and Roxanna but were adjustments made on our part? I guess the Tribe was wondering if this really went through and what its overall effect was.

Also, we will be receiving further comment on the project from ERMD at Seminole which has now combined with THPO under H.E.R.O.... Heritage and Environmental Resources Office. I believe next week was when they would be delivered.

Thanks,

Kevin

---------- Forwarded message ---------
From: **Karli Eckel** <KarliEckel@semtribe.com>
Date: Wed, Jun 5, 2019 at 3:43 PM
Subject: [EXTERNAL] ECMSHCP Comment Letter from Sierra Club
To: kevin_palmer@fws.gov <kevin_palmer@fws.gov>
Cc: Whitney Sapienza <WhitneySapienza@semtribe.com>, Stacy Myers <StacyMyers@semtribe.com>, timothy_binzen@fws.gov <timothy_binzen@fws.gov>, Mandy D'Andrea <MandyDAndrea@semtribe.com>, Victoria Menchaca <VictoriaMenchaca@semtribe.com>

Hello Kevin,

It was nice to speak with you today. Please see the attached comment letter that was mentioned regarding the ECMSHCP and the withdrawal and resubmission of an application, from applicant Collier Enterprises. If this is verified, it would represent modifications to the project activities covered within the draft EIS. Thank you for your help!

Kind Regards,

Karli Eckel | Acting Wildlife Biologist | Seminole Tribe of Florida

Environmental Resource Management Department

650 E. Harney Pond Road | Okeechobee, FL 34974

O (863) 763-4128 x15415

F (863) 763-1428

C (863) 801-1221

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Thu Jun 06 2019 06:57:08 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, "Binzen,

Timothy" <timothy_binzen@fws.gov>
Subject: Re: [EXTERNAL] ECMSHCP Comment Letter from Sierra Club
Attachments: image001.png

Kevin: Thanks for the update. Yes, we are aware of the Sierra Club letter. We can eventually explain this in our response to the Seminoles, but the withdrawal of Rural Lands West from County permitting does not fundamentally alter the East Collier HCP.

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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On Thu, Jun 6, 2019 at 8:48 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Hi David and Constance,
>
> On our monthly coordination call yesterday, the Seminole Tribe brought up the attached letter from Sierra Club stating one of the EC land owners had withdrawn an application for development which would significantly change the scope of the overall project. I'm sure we received it since it was addressed to Leo and Roxanna but were adjustments made on our part? I guess the Tribe was wondering if this really went through and what its overall effect was.
>
> Also, we will be receiving further comment on the project from ERMD at Seminole which has now combined with THPO under H.E.R.O.... Heritage and Environmental Resources Office. I believe next week was when they would be delivered.
>
> Thanks,
>
> Kevin
>
> ---------- Forwarded message ---------
> From: **Karli Eckel** <KarliEckel@semtribe.com>
> Date: Wed, Jun 5, 2019 at 3:43 PM
> Subject: [EXTERNAL] ECMSHCP Comment Letter from Sierra Club
> To: kevin_palmer@fws.gov <kevin_palmer@fws.gov>
> Cc: Whitney Sapienza <WhitneySapienza@semtribe.com>, Stacy Myers <StacyMyers@semtribe.com>, timothy_binzen@fws.gov <timothy_binzen@fws.gov>, Mandy D'Andrea <MandyDAndrea@semtribe.com>, Victoria Menchaca <VictoriaMenchaca@semtribe.com>
>
> Hello Kevin,
>
> It was nice to speak with you today. Please see the attached comment letter that was

mentioned regarding the ECMSHCP and the withdrawal and resubmission of an application, from applicant Collier Enterprises. If this is verified, it would represent modifications to the project activities covered within the draft EIS. Thank you for your help!

Kind Regards,

Karli Eckel | Acting Wildlife Biologist | Seminole Tribe of Florida

Environmental Resource Management Department

650 E. Harney Pond Road | Okeechobee, FL 34974

O (863) 763-4128 x15415

F (863) 763-1428

C (863) 801-1221

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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SIERRA CLUB
Environmental Law Program
1650 38th Street, Suite 102W
Boulder, CO 80301
Phone: (303) 449-5595
Fax: (303) 449-6520

SIERRA CLUB RECEIVED
MAR 14 2019
Div. of Policy, Perf. & MGMT. Programs

March 5, 2019

Public Comments Processing
Attn: FWS–R4–ES–2018–0079
U.S. Fish and Wildlife Service Headquarters, MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041–3803

Via U.S. Mail

Re: FWS–R4–ES–2018–0079 – Supplemental Public Comments on Draft Environmental Impact Statement for Eastern Collier County Multiple Species Habitat Conservation Plan

To Whom it Concerns:

This is to provide significant new information to the U.S. Fish and Wildlife Service regarding the Eastern Collier County Multiple Species Habitat Conservation Plan (HCP), the associated incidental take permit applications, and the U.S. Fish and Wildlife Service's ("FWS" or "Service") Draft Environmental Impact Statement (DEIS) on the HCP dated September 2018.

One of the 11 applicants for the HCP, Collier Enterprises (FWS incidental take permit application no. TE0443D-0), has withdrawn its application to Collier County for the Rural Lands West development.[1] As described in the HCP, this would have involved 4,000 acres of development and approximately 10,000 houses, impacting approximately 3,000 acres of primary Florida panther habitat. Collier Enterprises withdrew its county application at least in part over a conflict with the county over covering road expansion and increased traffic issues.[2]

In February, 2019, Collier Enterprises submitted a county application for Rivergrass Village SRA (PL20190000044), a smaller "village" of 1,000 acres, and reduced its commitment to preserving 12,500 acres to possibly 4,000 acres.[3] However, this new development would still be in primary panther habitat, which Sierra Club and others objected to in regards to the previously proposed development.

Collier Enterprises should withdraw its application for an incidental take permit for Rural Lands West and if it does not the Service should deny it. Collier Enterprises did not or could not obtain the necessary county permits for this development. See, the Service's ITP/HCP application

[1] https://www.naplesnews.com/story/news/local/2019/01/07/collier-enterprises-withdraws-application-long-planned-4-000-acre-development-rural-lands-west/2500181002/
[2] *Id.*
[3] https://www.naplesnews.com/story/news/local/2019/01/09/collier-enterprises-plans-smaller-village-instead-rural-lands-west/2524666002/

form 3-200-56, Section E, which asks whether the applicant has "obtained all required . . . county . . . approval to conduct the activity"; and requiring a statement of "reasons why the [county] permits have not been issued." Without county approval the development would not be an "otherwise lawful activity" as required by ESA section 10(a)(1)(B).

This new information constitutes significant changes in the project covered by the DEIS and HCP, requiring them to be withdrawn or denied. The Rural Lands West development was a key component of the HCP's "covered activities." *See* HCP at 4.2.1.1 *et. seq.*; and *see* the DEIS at 110 stating the Rural Lands West plan that would provide 2,716 stewardship acres had been submitted to the county and was "pending approval."

Withdrawing Rural Lands West changes the purpose and need for the FWS action (since it includes approval of the Collier County application for ITP and the other applications are interrelated); the ratio of preserved areas to developed areas; the extent of mitigation through preservation of acreage; the impacts of the proposed development; and the adequacy of mitigation funding, including the amount of contributions to the Marinelli Fund, since it was premised on contributions based on Rural Lands West. See 50 CFR §§17.22(b)(1)(iii) and 17.22 (b)(2)(i)(C) (an HCP must include adequate funding to implement the plan). In addition, if the DEIS and/or HCP are revised to address these changes, the FWS should give new public notice and opportunity for comment.

This letter will also serve as further objection to the issuance of permit no. TE04443D-o to Collier Enterprises, 83 FR 53078, for the reasons states herein. We request notification of the final action to be taken on the application pursuant to 50 CFR § 17.22(e).

Thank you for your attention to this matter, and if I can provide any further information, please do not hesitate to contact me at the email below.

Very truly yours,

Eric E. Huber
Managing Attorney
eric.huber@sierraclub.org

cc: Leo Miranda, Regional Director
U.S. Fish and Wildlife Services
1875 Century Boulevard, Suite 400
Atlanta, GA 30345-3319

Roxanna Hinzman, Field Supervisor
U. S. Fish & Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960-3559

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:53 AM

Conversation Contents

Miccosukee Consultation: Latest Draft

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Thu May 23 2019 12:29:03 GMT-0600 (MDT)
To:	Robert Tawes <Robert_Tawes@fws.gov>, Larry Williams <larry_williams@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Michael Crowley <michael_crowley@fws.gov>
Subject:	Miccosukee Consultation: Latest Draft

Everyone: This has been refined, especially the coordination proposal. Last call for suggestions as this is essentially ready to start on surname. I assume the RD would sign this?

https://drive.google.com/open?id=1_r7kIe_KJ58grWdJjtyLmYlscCE8ER9ecya3fo19rkQ

https://drive.google.com/open?id=1LKb4Uh92v9cmSqDKdsjSRjnUTf4DM6mF2GWt9Gkv2kw

David Dell
US Fish and Wildlife Service
Southeast 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 disclosed to third parties.

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri May 24 2019 09:20:21 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
Subject:	Re: Miccosukee Consultation: Latest Draft

I don't have anything else to add.

Connie

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

Follow us on Twitter @USFWSVERO
Follow us on Facebook @USFWSSouthFlorida
Follow us on InstaGram @usfws_south_florida
Visit our web site at www.fws.gov/verobeach/

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On Thu, May 23, 2019 at 2:29 PM Dell, David <david_dell@fws.gov> wrote:

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"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Fri May 31 2019 12:05:13 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	Robert Tawes <Robert_Tawes@fws.gov>, Larry Williams <larry_williams@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Michael Crowley <michael_crowley@fws.gov>

Subject: Re: Miccosukee Consultation: Latest Draft

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Thank you,
--Tim

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--
Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

"Kanaski, Richard" <richard_kanaski@fws.gov>

From:	"Kanaski, Richard" <richard_kanaski@fws.gov>
Sent:	Fri May 31 2019 12:55:40 GMT-0600 (MDT)
To:	"Binzen, Timothy" <timothy_binzen@fws.gov>
CC:	"Dell, David" <david_dell@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>, Larry Williams <larry_williams@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Michael Crowley

<michael_crowley@fws.gov>

Subject: Re: Miccosukee Consultation: Latest Draft

David - The draft letter and the formal reply attachment look fine. Tim addressed all of the concerns that I had & did so more eloquently than I would have. I have a suggestion regarding future projects of this size and scale - considering having the applicant(s) submit a separate written cultural resource overview covering the plan's footprint as part of either the application or NEPA process. Such overviews would not entail any fieldwork, but draw upon the existing state site files, historic maps, aerial photographs, and ecological, archaeological, and historic literature/reports. This stand-alone report would then be shared with the relevant SHPO and Tribes as part of the initial step in Section 106 consultation process. It becomes a tool that aids the participating parties in the of development of appropriate and targeted measures to avoid, minimize, or mitigate any potential adverse effects to historic properties.

Til later.

Rick

On Fri, May 31, 2019 at 2:05 PM Binzen, Timothy <timothy_binzen@fws.gov> wrote:

> Hi David,
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> Timothy Binzen
> Tribal Liaison (Northeast & Southeast Regions)
> U.S. Fish and Wildlife Service
> External Affairs
> 300 Westgate Center Drive

Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

--
Richard S. Kanaski, Regional Historic Preservation Officer &
Regional Archaeologist
U.S. Fish and Wildlife Service, Southeast Region
(843) 784-6310 [Office]
(912) 257-5434 [Cell]
richard_kanaski@fws.gov

"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Fri May 31 2019 13:25:56 GMT-0600 (MDT)
To:	"Kanaski, Richard" <richard_kanaski@fws.gov>
CC:	"Dell, David" <david_dell@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>, Larry Williams <larry_williams@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Michael Crowley <michael_crowley@fws.gov>
Subject:	Re: Miccosukee Consultation: Latest Draft

Hi Rick, That is a great suggestion for future projects of this scale. It would benefit all parties -- Tribes, FWS, SHPO, and the Applicant. Thanks -- Tim

On Fri, May 31, 2019 at 2:55 PM Kanaski, Richard <richard_kanaski@fws.gov> wrote:

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:53 AM

Conversation Contents

[EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)

Attachments:

/17. [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)/1.1
image001.png
/17. [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)/1.2
image002.jpg
/17. [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)/2.1
image001.png
/17. [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)/2.2
image002.jpg
/17. [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)/3.1
image001.png
/17. [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)/3.2
image002.jpg
/17. [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)/4.1
image001.png
/17. [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)/4.2
image002.jpg

Victoria Menchaca <VictoriaMenchaca@semtribe.com>

From:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Sent:	Thu May 30 2019 12:42:11 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>
CC:	Bradley Mueller <bradleymueller@semtribe.com>, Juan Cancel <JuanCancel@semtribe.com>, Anne Mullins <AnneMullins@semtribe.com>, Whitney Sapienza <WhitneySapienza@semtribe.com>
Subject:	[EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)
Attachments:	image001.png image002.jpg

May 30, 2019

Kevin Palmer
South Florida Ecological Services Field Office
U.S. Fish and Wildlife Service
Phone: 772-469-4280
Email: kevin_palmer@fws.org

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife
Phone: 772-469-4243
Email: constance_cassler@fws.gov

Subject: FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS), Collier County FL
THPO #: 0031420

Dear Ms. Cassler and Mr. Palmer,

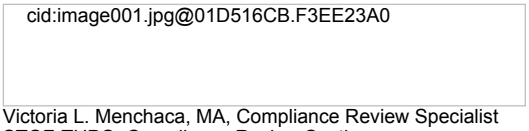
Thank you for contacting the Seminole Tribe of Florida – Tribal Historic Preservation Office (STOF-THPO) regarding the FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS), Collier County FL. The proposed undertaking does fall within the STOF Area of Interest. We have reviewed the documents provided and completed our assessment pursuant to Section 106 of the National Historic Preservation Act and its

implementing authority, 36 CFR 800. We would respectfully like to submit the following comments regarding the EIS.

1. As we read the EIS we noticed a lack of specific language about the requirement for Tribal consultation on all proposed projects with the potential to effect historic resources. Therefore, we would respectfully like to ask that the EIS specifically state there is a requirement for Tribal consultation on the proposed projects under this plan since it is a federal plan.

2. We also noted that the phrase “covered activities” is repeatedly used throughout the EIS, yet what those specific “covered activities” are is not listed (or at least we could not find that list in the document). As such, we would respectfully like to ask that the “covered activities” mentioned in the EIS be more clearly defined and that a list of those activities be included with the EIS.

Thank you very much for your time and please feel free to contact us with any questions.
Respectfully,



Victoria L. Menchaca, MA, Compliance Review Specialist
STOF-THPO, Compliance Review Section
30290 Josie Billie Hwy, PMB 1004
Clewiston, FL 33440
Office: 863-983-6549 ext 12216
Email: victoriamenchaca@semtribe.com
Web: www.stofthpo.com

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Fri May 31 2019 07:57:37 GMT-0600 (MDT)
To:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>, Whitney Sapienza <WhitneySapienza@semtribe.com>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, "Binzen, Timothy" <timothy_binzen@fws.gov>
Subject:	Re: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)
Attachments:	image001.png image002.jpg

Hi Victoria and Whitney,

Thank you for submitting your additional comments... the larger ECMSHCP team has them and will incorporate them where applicable and formally respond via letter in the near future.

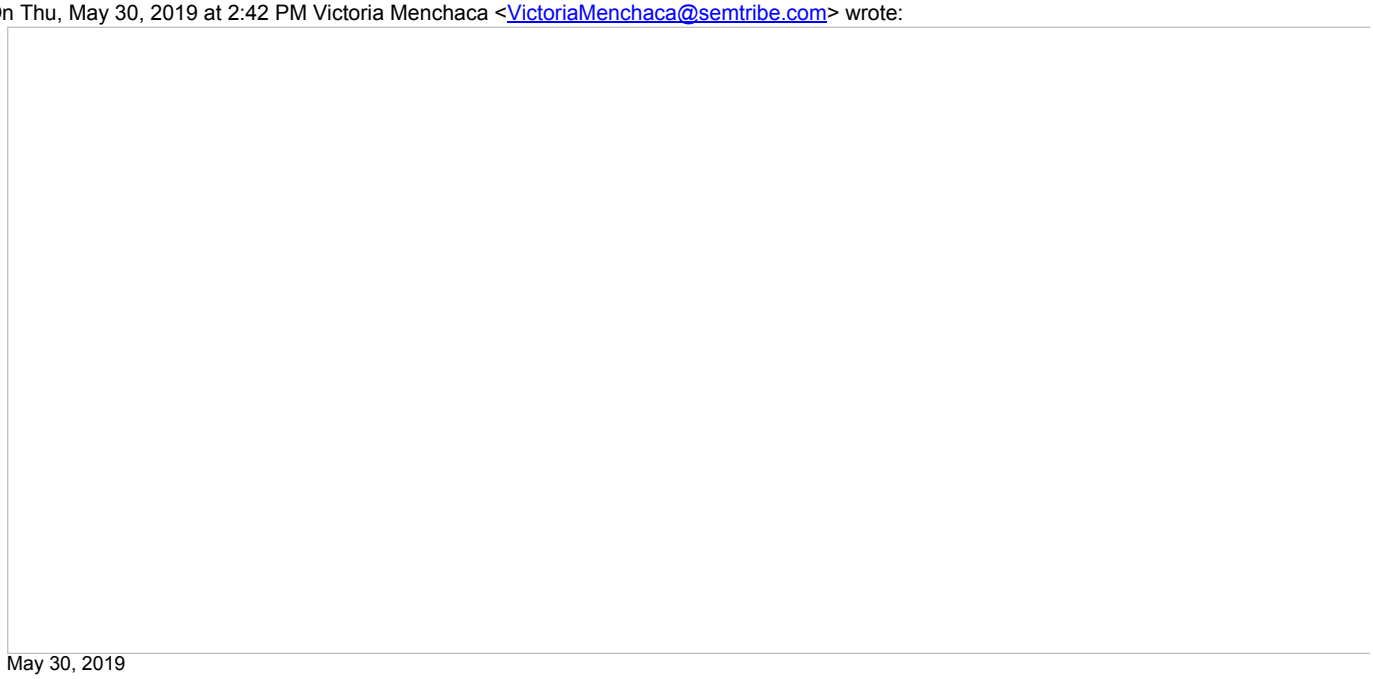
It was my understanding that ERMD was going to coordinate with THPO on combining comments in the letter. Will there be additional comments forthcoming or may we consider the Tribe's commentary complete?

Thanks again and I hope you both have a wonderful weekend.

Sincerely,

Kevin

On Thu, May 30, 2019 at 2:42 PM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:

> 
>
> May 30, 2019
>
> Kevin Palmer
> South Florida Ecological Services Field Office
> U.S. Fish and Wildlife Service
> Phone: 772-469-4280
> Email: kevin_palmer@fws.org

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife
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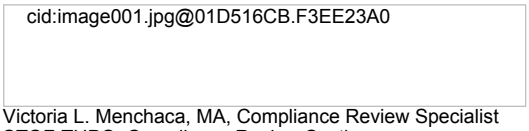

Victoria L. Menchaca, MA, Compliance Review Specialist
STOF-THPO, Compliance Review Section
30290 Josie Billie Hwy, PMB 1004
Clewiston, FL 33440
Office: 863-983-6549 ext 12216
Email: victoriamenchaca@semtribe.com
Web: www.stofthpo.com

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
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Victoria Menchaca <VictoriaMenchaca@semtribe.com>

From:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Sent:	Fri May 31 2019 09:42:52 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, "Binzen, Timothy" <timothy_binzen@fws.gov>
Subject:	RE: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)
Attachments:	image001.png image002.jpg

Hi Kevin,

This letter just addresses THPO’s comments for the purposes of NHPA Section 106 consultation.

Thanks,

Victoria Menchaca, M.A.
Compliance Review Specialist
Seminole Tribe of Florida
Tribal Historic Preservation Office
30290 Josie Billie Hwy, PMB 1004
Clewiston, FL 33440
Tel: 863-983-6549 Ext: 12216
Email: victoriamenchaca@semtribe.com

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Friday, May 31, 2019 9:58 AM

To: Victoria Menchaca; Whitney Sapienza
Cc: Cassler, Constance; Binzen, Timothy
Subject: Re: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Victoria and Whitney,

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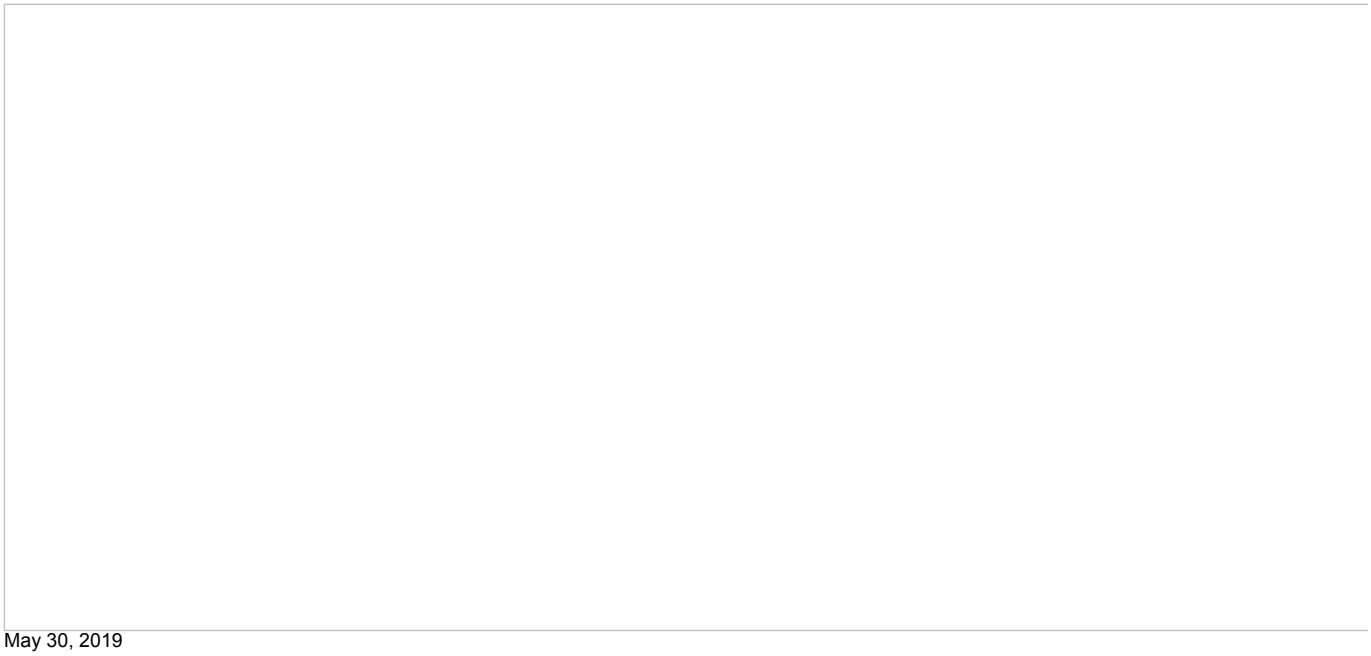
Kevin

On Thu, May 30, 2019 at 2:42 PM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:



May 30, 2019

Kevin Palmer
South Florida Ecological Services Field Office
U.S. Fish and Wildlife Service
Phone: 772-469-4280
Email: kevin_palmer@fws.org

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife
Phone: 772-469-4243
Email: constance_cassler@fws.gov

Subject: FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS), Collier County FL
THPO #: 0031420

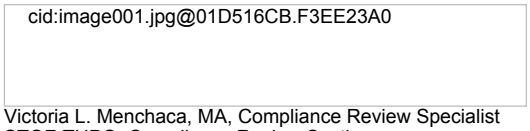
Dear Ms. Cassler and Mr. Palmer,

Thank you for contacting the Seminole Tribe of Florida – Tribal Historic Preservation Office (STOF-THPO) regarding the FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS), Collier County FL. The proposed undertaking does fall within the STOF Area of Interest. We have reviewed the documents provided and completed our assessment pursuant to Section 106 of the National Historic Preservation Act and its implementing authority, 36 CFR 800. We would respectfully like to submit the following comments regarding the EIS.

1. As we read the EIS we noticed a lack of specific language about the requirement for Tribal consultation on all proposed projects with the potential to effect historic resources. Therefore, we would respectfully like to ask that the EIS specifically state there is a requirement for Tribal consultation on the proposed projects under this plan since it is a federal plan.

2. We also noted that the phrase “covered activities” is repeatedly used throughout the EIS, yet what those specific “covered activities” are is not listed (or at least we could not find that list in the document). As such, we would respectfully like to ask that the “covered activities” mentioned in the EIS be more clearly defined and that a list of those activities be included with the EIS.

Thank you very much for your time and please feel free to contact us with any questions.
Respectfully,



Victoria L. Menchaca, MA, Compliance Review Specialist
STOF-THPO, Compliance Review Section
30290 Josie Billie Hwy, PMB 1004
Clewiston, FL 33440
Office: 863-983-6549 ext 12216
Email: victoriamenchaca@semtribe.com
Web: www.stofthpo.com

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Fri May 31 2019 10:11:21 GMT-0600 (MDT)
To:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, "Binzen, Timothy" <timothy_binzen@fws.gov>
Subject:	Re: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)
Attachments:	image001.png image002.jpg

Thank you for the clarification. We will await Whitney's response regarding further comment from ERMD!

Have a great day!

Kevin

On Fri, May 31, 2019 at 11:43 AM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:

> Hi Kevin,
>
> This letter just addresses THPO's comments for the purposes of NHPA Section 106 consultation.
>
> Thanks,
>
> Victoria Menchaca, M.A.
> Compliance Review Specialist
> Seminole Tribe of Florida
> Tribal Historic Preservation Office
> 30290 Josie Billie Hwy, PMB 1004
> Clewiston, FL 33440
> Tel: 863-983-6549 Ext: 12216
> Email: victoriamenchaca@semtribe.com
>
> ---
>
> **From:** Palmer, Kevin [mailto:kevin_palmer@fws.gov]
> **Sent:** Friday, May 31, 2019 9:58 AM
> **To:** Victoria Menchaca; Whitney Sapienza
> **Cc:** Cassler, Constance; Binzen, Timothy
> **Subject:** Re: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS)
>
> **CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>
> Hi Victoria and Whitney,
>
> Thank you for submitting your additional comments... the larger ECMSHCP team has them and will incorporate them where applicable and formally respond via letter in the near future.
>
> It was my understanding that ERMD was going to coordinate with THPO on combining comments in the letter. Will there be additional comments forthcoming or may we consider the Tribe's commentary complete?
>
> Thanks again and I hope you both have a wonderful weekend.
>
> Sincerely,
>
> Kevin

On Thu, May 30, 2019 at 2:42 PM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:

May 30, 2019

Kevin Palmer
South Florida Ecological Services Field Office
U.S. Fish and Wildlife Service
Phone: 772-469-4280
Email: kevin_palmer@fws.org

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife
Phone: 772-469-4243
Email: constance_cassler@fws.gov

Subject: FWS Eastern Collier County Multiple Species Habitat Conservation Plan Environmental Impact Statement (EIS), Collier County FL
THPO #: 0031420

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Thank you very much for your time and please feel free to contact us with any questions.
Respectfully,

cid:image001.jpg@01D516CB.F3EE23A0

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STOF-THPO, Compliance Review Section
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Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393

Email: Kevin_Palmer@fws.gov

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:53 AM

Conversation Contents

ECMSHCP

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Thu May 16 2019 11:47:19 GMT-0600 (MDT)
To:	Victoria Menchaca <victoriamenchaca@semtribe.com>
CC:	Whitney Sapienza <WhitneySapienza@semtribe.com>, "Cassler, Constance" <constance_cassler@fws.gov>, David Dell <david_dell@fws.gov>
Subject:	ECMSHCP

Hi Victoria,

I wanted to follow up on our last conversation about two weeks ago and see if there was additional comment forthcoming from the Tribe regarding the East Collier HCP? We are currently behind schedule and homing in on completion of our draft decision documents, as well as compiling responses to comments received thus far. It is still unclear whether any deadline extensions will be granted so it would be beneficial for us to have your additional input soon.

Kind regards,

Kevin

--
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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Thu May 16 2019 12:29:21 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>, David Dell <david_dell@fws.gov>
Subject:	Fwd: [EXTERNAL] RE: ECMSHCP

I'm assuming this will be ok?

---------- Forwarded message ---------
From: **Victoria Menchaca** <VictoriaMenchaca@semtribe.com>
Date: Thu, May 16, 2019 at 2:13 PM
Subject: [EXTERNAL] RE: ECMSHCP
To: Palmer, Kevin <kevin_palmer@fws.gov>
Cc: Bradley Mueller <bradleymueller@semtribe.com>

Hi Kevin,

Thank you for the heads up. Yes, we will have comments but the letter is not ready yet would sometime early next week by Weds. be ok?

Thanks,
Victoria

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Thursday, May 16, 2019 1:47 PM
To: Victoria Menchaca
Cc: Whitney Sapienza; Cassler, Constance; David Dell
Subject: ECMSHCP

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Kind regards,

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Thu May 16 2019 12:30:09 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Subject:	Re: [EXTERNAL] RE: ECMSHCP

Yes, I think so.

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

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Follow us on InstaGram @usfws_south_florida
Visit our web site at www.fws.gov/verobeach/

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On Thu, May 16, 2019 at 2:29 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> I'm assuming this will be ok?
>
> ---------- Forwarded message ---------
> From: **Victoria Menchaca** <VictoriaMenchaca@semtribe.com>
> Date: Thu, May 16, 2019 at 2:13 PM
> Subject: [EXTERNAL] RE: ECMSHCP
> To: Palmer, Kevin <kevin_palmer@fws.gov>
> Cc: Bradley Mueller <bradleymueller@semtribe.com>
>
> Hi Kevin,
>
> Thank you for the heads up. Yes, we will have comments but the letter is not ready yet would sometime early next week by Weds. be ok?
>
> Thanks,

Victoria

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Thursday, May 16, 2019 1:47 PM
To: Victoria Menchaca
Cc: Whitney Sapienza; Cassler, Constance; David Dell
Subject: ECMSHCP

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Hi Victoria,

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Kind regards,

Kevin

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From: "Palmer, Kevin" <kevin_palmer@fws.gov>

Sent:	Thu May 16 2019 12:33:24 GMT-0600 (MDT)
To:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
CC:	Bradley Mueller <bradleymueller@semtribe.com>, David Dell <david_dell@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: [EXTERNAL] RE: ECMSHCP

Yes, that would be great Victoria!

Thanks again,

Kevin

On Thu, May 16, 2019 at 2:13 PM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:

> Hi Kevin,
>
> Thank you for the heads up. Yes, we will have comments but the letter is not ready yet would sometime early next week by Weds. be ok?
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> Victoria
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> ---
>
> **From:** Palmer, Kevin [mailto:kevin_palmer@fws.gov]
> **Sent:** Thursday, May 16, 2019 1:47 PM
> **To:** Victoria Menchaca
> **Cc:** Whitney Sapienza; Cassler, Constance; David Dell
> **Subject:** ECMSHCP
>
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> Kind regards,
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> Kevin
>
> --
> **********
> Kevin Palmer
> U.S. Fish and Wildlife Service
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> 1339 20th Street
> Vero Beach, Florida 32960-3559
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"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Thu May 16 2019 12:53:31 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: [EXTERNAL] RE: ECMSHCP

Thanks Kevin. I'm guessing you responded to the agenda item for tomorrow. We won't rush the Tribe, but if we had to, we would draw a line at some point.

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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On Thu, May 16, 2019 at 2:29 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

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> To: Palmer, Kevin <kevin_palmer@fws.gov>
> Cc: Bradley Mueller <bradleymueller@semtribe.com>
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> Hi Kevin,

Thank you for the heads up. Yes, we will have comments but the letter is not ready yet would sometime early next week by Weds. be ok?

Thanks,
Victoria

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Thursday, May 16, 2019 1:47 PM
To: Victoria Menchaca
Cc: Whitney Sapienza; Cassler, Constance; David Dell
Subject: ECMSHCP

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Kevin

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Thu May 16 2019 13:25:16 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: [EXTERNAL] RE: ECMSHCP

Hi David,

Yes, and you had mentioned it in a previous email that you hadn't received anything from them. I feel bad that we can't give them a due date but I guess we don't yet know exactly when that is!

As far as your response letter to Miccosukee and comment matrix it looks good to me from what I've read.... I will look over the cover letter again. I will defer to Connie and her group regarding responses to the comments as they are more familiar with the project itself.

Thanks for all of your work on this project!

Kevin

On Thu, May 16, 2019 at 2:53 PM Dell, David <david_dell@fws.gov> wrote:

> Thanks Kevin. I'm guessing you responded to the agenda item for tomorrow. We won't rush the Tribe, but if we had to, we would draw a line at some point.
>
> David Dell
> US Fish and Wildlife Service
> Southeast Region
> HCP and Safe Harbors Coordinator
> 404/679-7313
> david_dell@fws.gov
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Victoria Menchaca <VictoriaMenchaca@semtribe.com>

From:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Sent:	Fri May 17 2019 14:19:51 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	Bradley Mueller <bradleymueller@semtribe.com>, David Dell <david_dell@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>
Subject:	RE: [EXTERNAL] RE: ECMSHCP

Hi Kevin,

I wanted to ask if we can extend that to Weds the week after next? I was able to speak with Whitney and she indicated that ERMD does have comments they want to submit as well.

Sincerely,
Victoria

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Thursday, May 16, 2019 2:33 PM
To: Victoria Menchaca
Cc: Bradley Mueller; David Dell; Cassler, Constance
Subject: Re: [EXTERNAL] RE: ECMSHCP

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Yes, that would be great Victoria!

Thanks again,

Kevin

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> **To:** Victoria Menchaca

Cc: Whitney Sapienza; Cassler, Constance; David Dell
Subject: ECMSHCP

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Kind regards,

Kevin

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@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.

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Mon May 20 2019 05:47:17 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>, David Dell <david_dell@fws.gov>

Subject: Fwd: [EXTERNAL] RE: ECMSHCP

I'm assuming this is fine, correct?

Any word on hitting the "pause". I'm assuming that wouldn't slow down our receiving and processing comments, draft BO, etc... just give us a little breathing room to finish things up?

Thanks.

Kevin

---------- Forwarded message ---------
From: **Victoria Menchaca** <VictoriaMenchaca@semtribe.com>
Date: Fri, May 17, 2019 at 4:20 PM
Subject: RE: [EXTERNAL] RE: ECMSHCP
To: Palmer, Kevin <kevin_palmer@fws.gov>
Cc: Bradley Mueller <bradleymueller@semtribe.com>, David Dell <david_dell@fws.gov>, Cassler, Constance <constance_cassler@fws.gov>

Hi Kevin,

I wanted to ask if we can extend that to Weds the week after next? I was able to speak with Whitney and she indicated that ERMD does have comments they want to submit as well.

Sincerely,
Victoria

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Thursday, May 16, 2019 2:33 PM
To: Victoria Menchaca
Cc: Bradley Mueller; David Dell; Cassler, Constance
Subject: Re: [EXTERNAL] RE: ECMSHCP

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes, that would be great Victoria!

Thanks again,

Kevin

On Thu, May 16, 2019 at 2:13 PM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:

> Hi Kevin,
>
> Thank you for the heads up. Yes, we will have comments but the letter is not ready yet would sometime early next week by Weds. be ok?
>
> Thanks,
> Victoria
>
> ---
>
> **From:** Palmer, Kevin [mailto:kevin_palmer@fws.gov]
> **Sent:** Thursday, May 16, 2019 1:47 PM
> **To:** Victoria Menchaca
> **Cc:** Whitney Sapienza; Cassler, Constance; David Dell
> **Subject:** ECMSHCP

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I wanted to follow up on our last conversation about two weeks ago and see if there was additional comment forthcoming from the Tribe regarding the East Collier HCP? We are currently behind schedule and homing in on completion of our draft decision documents, as well as compiling responses to comments received thus far. It is still unclear whether any deadline extensions will be granted so it would be beneficial for us to have your additional input soon.

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"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Mon May 20 2019 05:50:17 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: [EXTERNAL] RE: ECMSHCP

Yes, we will work with the Tribe as they are able. No word on Pause. You are correct, however, that we need to continue using our time productively.

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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On Mon, May 20, 2019 at 7:47 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> I'm assuming this is fine, correct?
>
> Any word on hitting the "pause". I'm assuming that wouldn't slow down our receiving and processing comments, draft BO, etc... just give us a little breathing room to finish things up?
>
> Thanks.
>
> Kevin
>
> ---------- Forwarded message ---------
> From: **Victoria Menchaca** <VictoriaMenchaca@semtribe.com>
> Date: Fri, May 17, 2019 at 4:20 PM
> Subject: RE: [EXTERNAL] RE: ECMSHCP
> To: Palmer, Kevin <kevin_palmer@fws.gov>
> Cc: Bradley Mueller <bradleymueller@semtribe.com>, David Dell <david_dell@fws.gov>, Cassler, Constance <constance_cassler@fws.gov>
>
> Hi Kevin,
>
> I wanted to ask if we can extend that to Weds the week after next? I was able to speak with Whitney and she indicated that ERMD does have comments they want to submit as well.
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> Sincerely,
> Victoria

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Thursday, May 16, 2019 2:33 PM
To: Victoria Menchaca
Cc: Bradley Mueller; David Dell; Cassler, Constance
Subject: Re: [EXTERNAL] RE: ECMSHCP

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Yes, that would be great Victoria!

Thanks again,

Kevin

On Thu, May 16, 2019 at 2:13 PM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:

> Hi Kevin,
>
> Thank you for the heads up. Yes, we will have comments but the letter is not ready yet would sometime early next week by Weds. be ok?
>
> Thanks,
> Victoria

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Thursday, May 16, 2019 1:47 PM
To: Victoria Menchaca
Cc: Whitney Sapienza; Cassler, Constance; David Dell
Subject: ECMSHCP

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Hi Victoria,

I wanted to follow up on our last conversation about two weeks ago and see if there was additional comment forthcoming from the Tribe regarding the East Collier HCP? We are currently behind schedule and homing in on completion of our draft decision documents, as well as compiling responses to comments received thus far. It is still unclear whether any deadline extensions will be granted so it would be beneficial for us to have your additional input soon.

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Mon May 20 2019 05:52:26 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: [EXTERNAL] RE: ECMSHCP

Thanks David... I will respond to Victoria!

Have a great monday!

On Mon, May 20, 2019 at 7:50 AM Dell, David <david_dell@fws.gov> wrote:

> Yes, we will work with the Tribe as they are able. No word on Pause. You are correct, however, that we need to continue using our time productively.
>
> David Dell
> US Fish and Wildlife Service
> Southeast Region
> HCP and Safe Harbors Coordinator
> 404/679-7313
> david_dell@fws.gov

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On Mon, May 20, 2019 at 7:47 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> I'm assuming this is fine, correct?
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>
> Thanks.
>
> Kevin
>
> ---------- Forwarded message ---------
> From: **Victoria Menchaca** <VictoriaMenchaca@semtribe.com>
> Date: Fri, May 17, 2019 at 4:20 PM
> Subject: RE: [EXTERNAL] RE: ECMSHCP
> To: Palmer, Kevin <kevin_palmer@fws.gov>
> Cc: Bradley Mueller <bradleymueller@semtribe.com>, David Dell <david_dell@fws.gov>, Cassler, Constance <constance_cassler@fws.gov>
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> Hi Kevin,
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> Sincerely,
> Victoria
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> ---
>
> **From:** Palmer, Kevin [mailto:kevin_palmer@fws.gov]
> **Sent:** Thursday, May 16, 2019 2:33 PM
> **To:** Victoria Menchaca
> **Cc:** Bradley Mueller; David Dell; Cassler, Constance
> **Subject:** Re: [EXTERNAL] RE: ECMSHCP
>
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> Yes, that would be great Victoria!
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> Thanks again,
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> > Victoria

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Thursday, May 16, 2019 1:47 PM
To: Victoria Menchaca
Cc: Whitney Sapienza; Cassler, Constance; David Dell
Subject: ECMSHCP

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Kind regards,

Kevin

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South Florida Ecological Services Field Office
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Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Mon May 20 2019 05:54:18 GMT-0600 (MDT)
To:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
CC:	Bradley Mueller <bradleymueller@semtribe.com>, David Dell <david_dell@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>, "Binzen, Timothy" <timothy_binzen@fws.gov>
Subject:	Re: [EXTERNAL] RE: ECMSHCP

That will be fine Victoria! Thanks for coordinating this!

Have a great day!

Kevin

On Fri, May 17, 2019 at 4:20 PM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:

> Hi Kevin,
>
> I wanted to ask if we can extend that to Weds the week after next? I was able to speak with Whitney and she indicated that ERMD does have comments they want to submit as well.
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> Sincerely,
> Victoria
>
> ---
> **From:** Palmer, Kevin [mailto:kevin_palmer@fws.gov]
> **Sent:** Thursday, May 16, 2019 2:33 PM
> **To:** Victoria Menchaca
> **Cc:** Bradley Mueller; David Dell; Cassler, Constance
> **Subject:** Re: [EXTERNAL] RE: ECMSHCP

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> Victoria
>
> ---
>
> **From:** Palmer, Kevin [mailto:kevin_palmer@fws.gov]
> **Sent:** Thursday, May 16, 2019 1:47 PM
> **To:** Victoria Menchaca
> **Cc:** Whitney Sapienza; Cassler, Constance; David Dell
> **Subject:** ECMSHCP
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> **CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
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> Kevin
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> --
> **********
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> U.S. Fish and Wildlife Service
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> Vero Beach, Florida 32960-3559
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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Thu May 30 2019 11:56:41 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>, David Dell <david_dell@fws.gov>
Subject:	Fwd: [EXTERNAL] RE: ECMSHCP

FYI...

---------- Forwarded message ---------
From: **Victoria Menchaca** <VictoriaMenchaca@semtribe.com>
Date: Thu, May 30, 2019 at 9:16 AM
Subject: RE: [EXTERNAL] RE: ECMSHCP
To: Palmer, Kevin <kevin_palmer@fws.gov>

Hi Kevin,

I just wanted to let you know that I was out sick yesterday so I wasn't able to get our (THPO's comment) letter out. Hopefully, I will be able to get it out by the end of today.

Thanks
Victoria

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Monday, May 20, 2019 7:54 AM
To: Victoria Menchaca

Cc: Bradley Mueller; David Dell; Cassler, Constance; Binzen, Timothy
Subject: Re: [EXTERNAL] RE: ECMSHCP

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That will be fine Victoria! Thanks for coordinating this!

Have a great day!

Kevin

On Fri, May 17, 2019 at 4:20 PM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:

> Hi Kevin,
>
> I wanted to ask if we can extend that to Weds the week after next? I was able to speak with Whitney and she indicated that ERMD does have comments they want to submit as well.
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> Sincerely,
> Victoria
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> ---
>
> **From:** Palmer, Kevin [mailto:kevin_palmer@fws.gov]
> **Sent:** Thursday, May 16, 2019 2:33 PM
> **To:** Victoria Menchaca
> **Cc:** Bradley Mueller; David Dell; Cassler, Constance
> **Subject:** Re: [EXTERNAL] RE: ECMSHCP
>
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> > **To:** Victoria Menchaca
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Kevin

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:54 AM

Conversation Contents

Re: Seminole Consultation Request?

Attachments:

/19. Re: Seminole Consultation Request?/1.1 20190201_letter_Service to Seminoles_formal consultation ECMSHCP.pdf

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Tue May 21 2019 10:40:23 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	Constance Cassler <Constance_Cassler@fws.gov>
Subject:	Re: Seminole Consultation Request?
Attachments:	20190201_letter_Service to Seminoles_formal consultation ECMSHCP.pdf

Sure! Didn't know which version you wanted...

On Tue, May 21, 2019 at 12:10 PM Dell, David <david_dell@fws.gov> wrote:

> Do you have the signed version? Thanks.
> David Dell
> US Fish and Wildlife Service
> Southeast 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
> disclosed to third parties.
>
> On Tue, May 21, 2019 at 11:26 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:
>
> > Did you ever find this? Here it is:
> >
> > On Tue, May 21, 2019 at 11:00 AM Dell, David <david_dell@fws.gov> wrote:
> >
> > > Connie or Kevin: I cannot find a copy of the formal consultation request letter. Can one of you send it please? Thanks.
> > >
> > > David Dell
> > > US Fish and Wildlife Service
> > > Southeast Region

> > HCP and Safe Harbors Coordinator
> > 404/679-7313
> > david_dell@fws.gov
> >
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Email: Kevin_Palmer@fws.gov

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United States Department of the Interior

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

February 1, 2019

The Honorable Marcellus W. Osceola, Jr.
Chairman
Seminole Tribe of Florida
6300 Stirling Road
Hollywood, Florida 33024

Dear Chairman Osceola:

In accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy, the Service respectfully requests formal consultation with the Seminole Tribe of Florida and seeks comments on potential tribal concerns related to the proposed Eastern Collier County Multiple-Species Habitat Conservation Plan (ECMSHCP).

Under this proposed plan, 11 Collier County landowners are applying for 50-year incidental take permits for the Florida panther and 18 other Federal and State-listed species, in expectation of proposed residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida. The project includes up to 45,000 acres of habitat loss within the 152,000-acre ECMSHCP area.

The Service has communicated previously with the Seminole Tribe of Florida (Tribe) on this topic, but not through formal consultation. On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft environmental impact statement (dEIS) and a habitat conservation plan (HCP) associated with the incidental take permit applications of 11 Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day public comment period from October 19, 2018, through December 3, 2018.

The Service presented a brief overview of the ECMSHCP to the Tribe during an informal meeting on October 3, 2018. We also received your December 3, 2018, comment letter on the dEIS which included a request for formal government-to-government consultation. We acknowledge this request and look forward to meeting with you and discussing the ECMSHCP in further detail. Please provide your preferred date and location for the meeting for our consideration.

We respectfully request this meeting at your earliest convenience. We also want to assure you that we will give full consideration to all Tribal comments received through this formal consultation.

Thank you for your continued partnership and your interest in fish and wildlife conservation. If you have any questions or need additional information about the ECMSHCP, please contact Chuck Kelso at 772-469-4241. Please work with Kevin Palmer, the South Florida Ecological Services Office's Tribal Liaison, to set a date and location for a formal consultation meeting. Mr. Palmer can be reached at 772-469-4280.

Sincerely,

Larry Williams

Larry Williams
State Supervisor, Ecological Services

cc:
Seminole Tribe of Florida, Clewiston, Florida (Dr. Paul Backhouse)
Seminole Tribe of Florida, Hollywood, Florida (Cherise Maples) electronic only

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:54 AM

Conversation Contents

East Collier HCP: Miccosukee Consultation

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Tue May 14 2019 07:56:53 GMT-0600 (MDT)
To:	Robert Tawes <Robert_Tawes@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Michael Crowley <michael_crowley@fws.gov>, Larry Williams <larry_williams@fws.gov>
Subject:	East Collier HCP: Miccosukee Consultation

Everyone: A gentle reminder to please contribute to the draft reply to the Miccosukee. I know the excitement centers on the traffic analyses right now, but we need to keep the Tribe's consultation moving along. Please make suggestions to the draft letter and attachment of detailed issue replies at the links below.

Tim and Kevin: I'm going to add you to the invitation list of our bi-weekly in-Service update calls (the next being this coming Friday, May 17 at 9am). You may not always get much from it, but it will keep you in touch with how this project is going. I'll move the consultation to first on the agenda so you can opt out after we update that. The tribal consultation is always an agenda item -- if only to mention its status.

Also, is there a way to prod the Seminoles? We still have not heard from them. Thanks.

https://drive.google.com/open?id=1n0OHA9a6_-nXCVUI_744xdiFFoLgmOiYfvPcgGIqvIg

https://drive.google.com/open?id=1LKb4Uh92v9cmSqDKdsjSRjnUTf4DM6mF2GWt9Gkv2kw

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:54 AM

Conversation Contents

East Collier HCP: Miccosukee Consultation, Input Needed

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Fri May 03 2019 11:03:57 GMT-0600 (MDT)
To:	Robert Tawes <Robert_Tawes@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, "Jeff Powell/R4/FWS/DOI" <jeff_powell@fws.gov>
Subject:	East Collier HCP: Miccosukee Consultation, Input Needed

Everyone: I've drafted a formal reply to the Miccosukee. You'll see that it needs some input, and the attachment of specific replies also needs input -- I didn't draft a reply to every Tribal concern. Please make suggestions in the linked google documents. One is the draft reply letter, and the other is an attachment of specific responses to their concerns. I plan to turn to public comments for now. Thank you.

https://drive.google.com/open?id=1n0OHA9a6_-nXCVUI_744xdiFFoLgmOiYfvPcgGlqvIg

https://drive.google.com/open?id=1LKb4Uh92v9cmSqDKdsjSRjnUTf4DM6mF2GWt9Gkv2kw

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
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Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:55 AM

Conversation Contents

Seminole ECHCP

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Wed May 01 2019 09:28:03 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Seminole ECHCP

Hi Connie,

Victoria just called with a few questions. I think she's going to follow up with an email summarizing but she wanted to know what exactly we wanted them to comment on... the plan in general or ITP or both. I mentioned the draft EIS... but there is also the draft HCP that they can review... is that the two main sources of information they have to review at this time (there isn't a draft BO and/or draft ITPs)? Also, she was questioning who would be enforcing the terms of agreement... it got boiled down to would the land owner still have to do Sect. 106 IF they did not need a 404 permit from the Corps. I said absolutely and that the Service would be responsible for the Sect. 106 process in that case. I told her there was an MOU that we were drafting regarding this and that they would get to comment on the draft.

I hope that was ok... I'll follow up with her to make sure her questions were answered.

Thank you.

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed May 01 2019 09:51:26 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Subject:	Re: Seminole ECHCP

That sound good to me. Yes, the EIS and HCP are the documents available right now. We can't share the BO yet

and I don't think the ITPs have been drafted yet because we haven't decided if we are issuing yet.

Connie

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

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On Wed, May 1, 2019 at 11:28 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Hi Connie,
>
> Victoria just called with a few questions. I think she's going to follow up with an email summarizing but she wanted to know what exactly we wanted them to comment on... the plan in general or ITP or both. I mentioned the draft EIS... but there is also the draft HCP that they can review... is that the two main sources of information they have to review at this time (there isn't a draft BO and/or draft ITPs)? Also, she was questioning who would be enforcing the terms of agreement... it got boiled down to would the land owner still have to do Sect. 106 IF they did not need a 404 permit from the Corps. I said absolutely and that the Service would be responsible for the Sect. 106 process in that case. I told her there was an MOU that we were drafting regarding this and that they would get to comment on the draft.
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> I hope that was ok... I'll follow up with her to make sure her questions were answered.
>
> Thank you.
> --
> **********
> Kevin Palmer
> U.S. Fish and Wildlife Service
> South Florida Ecological Services Field Office
> 1339 20th Street
> Vero Beach, Florida 32960-3559
> Phone: 772-469-4280
> Fax: 772-562-4288 & 564-7393
> Email: Kevin_Palmer@fws.gov
>
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"Palmer, Kevin" <kevin_palmer@fws.gov>

From: "Palmer, Kevin" <kevin_palmer@fws.gov>

Sent:	Wed May 01 2019 09:59:30 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: Seminole ECHCP

Cool. Sorry for all the email. I'm forwarding you one more with some clarification from the Seminole on the Mable T Frank project.

Also, are the docs for ECHCP on line? Would Victoria already have them?

Thanks.

On Wed, May 1, 2019 at 11:52 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> That sound good to me. Yes, the EIS and HCP are the documents available right now. We can't share the BO yet and I don't think the ITPs have been drafted yet because we haven't decided if we are issuing yet.
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
> email: constance_cassler@fws.gov
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> > **********
> > Kevin Palmer
> > U.S. Fish and Wildlife Service

South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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--
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Kevin Palmer
U.S. Fish and Wildlife Service
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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed May 01 2019 10:10:39 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Subject:	Re: Seminole ECHCP

The link in the upper right part of our website will get her to the FR where the documents are posted and can be downloaded if they don't already have them.

Connie

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

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> > Supervisory Fish and Wildlife Biologist
> > U.S. Fish and Wildlife Service
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> > On Wed, May 1, 2019 at 11:28 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:
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> > > Kevin Palmer
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Conversation Contents

Miccosukee Signed Acknowledgement Letter

Attachments:

/23. Miccosukee Signed Acknowledgement Letter/1.1 20190430 Miccosukee Acknldge.pdf
/23. Miccosukee Signed Acknowledgement Letter/3.1 20190430 Miccosukee Acknldge.pdf

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Tue Apr 30 2019 06:57:12 GMT-0600 (MDT)
To:	Constance Cassler <Constance_Cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>
Subject:	Miccosukee Signed Acknowledgement Letter
Attachments:	20190430 Miccosukee Acknldge.pdf

Mailing this out today.

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Tue Apr 30 2019 07:47:35 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	Kevin Palmer <kevin_palmer@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>
Subject:	Re: Miccosukee Signed Acknowledgement Letter

Thanks for taking care of this David.

Constance L. Cassler, Ph.D.

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

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On Tue, Apr 30, 2019 at 8:57 AM Dell, David <david_dell@fws.gov> wrote:

> Mailing this out today.
>
> David Dell
> US Fish and Wildlife Service
> Southeast 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 disclosed to third parties.

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Tue May 07 2019 11:23:05 GMT-0600 (MDT)
To:	Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Fwd: Miccosukee Signed Acknowledgement Letter
Attachments:	20190430 Miccosukee Acknldge.pdf

Hi Kevin,

David Dell asked me to ask you if you could forward the attached letter to your Miccosukee tribal contacts. It is going to the Chairman, but he wants to make sure your contacts are aware of it.

Thank you,

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960

office: 772-469-4243
fax: 772-562-4288
email: constance_cassler@fws.gov

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---------- Forwarded message ---------
From: **Dell, David** <david_dell@fws.gov>
Date: Tue, Apr 30, 2019 at 8:57 AM
Subject: Miccosukee Signed Acknowledgement Letter
To: Constance Cassler <Constance_Cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>

Mailing this out today.

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/ES

APR 2 9 2019

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians
Tamiami Station
Post Office Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

The Miccosukee Tribe is a consulting party for the proposed Eastern Collier County Multiple-Species Habitat Conservation Plan (ECMSHCP), in accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy.

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The Service has received your letter of April 2, 2019, in which you have enumerated the concerns of the Tribe regarding the dEIS, HCP, and ITP applications. We acknowledge the Tribe's formal rejection of these items, and we appreciate your detailed questions and comments. The Service is currently preparing responses to the concerns that were raised in your letter. This effort is being coordinated through our South Florida Ecological Services Field Office. If you have questions or need additional information, please contact Roxanna Hinzman, Field Supervisor (772-469-4309 or Roxanna_hinzman@fws.gov).

The Service respects the sovereign rights of the Miccosukee Tribe. We look forward to continued communication and consultation related to the ECMSHCP.

Sincerely,

Leopoldo Miranda
Regional Director

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/ES

APR 2 9 2019

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians
Tamiami Station
Post Office Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

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Sincerely,

Leopoldo Miranda
Regional Director

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East Collier HCP: Miccosukee Consultation

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Fri Apr 26 2019 12:26:55 GMT-0600 (MDT)
To:	Kevin Palmer <kevin_palmer@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>
CC:	Roxanna Hinzman <roxanna_hinzman@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>, Jack Arnold <jack_arnold@fws.gov>
Subject:	East Collier HCP: Miccosukee Consultation

Kevin: Do you have language you can suggest, or have examples, for our formal response to the Miccosukee? I've got a start on the issues and responses. From what Tim recommends, we could use that table as an attachment to the letter. I'm mostly looking for the boilerplate language, but welcome anything specific you would suggest. Thanks.

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Mon Apr 29 2019 06:14:41 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	Constance Cassler <Constance_Cassler@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>, Jack Arnold <jack_arnold@fws.gov>
Subject:	Re: East Collier HCP: Miccosukee Consultation

Thanks David. I have not yet had the opportunity to pen a formal response to the Tribes. The only canned language I've seen is what I used to draft the formal request for formal consultation that we sent to both Tribes... that was substantially revised too. We can draw from it to set up the general template. Tim and/or Rick may be better aware of any sensitive language we should include. I would just suggest that we put something along the lines of... In furtherance of

formal government to government formal consultation on the ECMSHCP, we have carefully considered your comments received by letter on XX, and offer the following responses (table attached). We hope that these responses further your understanding of the process and requirements of the Service in processing the ECMSHCP application.

We are still working on the draft memorandum of understanding related to carrying out our Section 106 duties of the National Historic Preservation Act. We will provide a draft of this document to you for review when completed. We would also like to continue coordination with the Tribe on identifying any sensitive cultural resource sites within the project area that have not already been identified or surveyed. Additionally, please let us know of any management measures or best management practices that the Tribe feels need to be incorporated into any permits granted to the applicants (e.g., culverts, animal crossings, etc).

We look forward to further consultation on this project.

Just some ideas for a jumping off spot. Hope it helps a little.

Thanks,

Kevin

On Fri, Apr 26, 2019 at 2:27 PM Dell, David <david_dell@fws.gov> wrote:

> Kevin: Do you have language you can suggest, or have examples, for our formal response to the Miccosukee? I've got a start on the issues and responses. From what Tim recommends, we could use that table as an attachment to the letter. I'm mostly looking for the boilerplate language, but welcome anything specific you would suggest. Thanks.
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> Southeast Region
> HCP and Safe Harbors Coordinator
> 404/679-7313
> david_dell@fws.gov
>
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--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:55 AM

Conversation Contents

East Collier HCP: Miccosukee Consultation Needs Input

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Tue Apr 23 2019 12:35:57 GMT-0600 (MDT)
To:	Timothy Binzen <timothy_binzen@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>
Subject:	East Collier HCP: Miccosukee Consultation Needs Input

Everyone: I've got a table of Miccosukee issues and draft responses at the document linked below. Input on all of the responses is welcome. There are a few that need specific input that I need help with. Those remain blank. Other responses are blank due to repetition of several issues.

Tim: Is there a sample or template we can go by as we meld this table into a response? I suspect that we would also propose the development of an MOU and list possible provisions.

https://drive.google.com/open?id=1VYw8vQiZhl_mYd6No_Zxym-SLcjx8IeRWGqAOCOmj9w

David Dell
US Fish and Wildlife Service
Southeast Region
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404/679-7313
david_dell@fws.gov

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"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Tue Apr 23 2019 14:17:50 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov> Richard Kanaski <richard_kanaski@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Constance Cassler

CC: <Constance_Cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>

Subject: Re: East Collier HCP: Miccosukee Consultation Needs Input

Hi David,

I will provide assistance as we meld the table into a response letter. We will continue to discuss the concept of a "Sec. 106 MOU" for the ECMSHCP.

Best,
--Tim

On Tue, Apr 23, 2019 at 2:36 PM Dell, David <david_dell@fws.gov> wrote:

> Everyone: I've got a table of Miccosukee issues and draft responses at the document linked below. Input on all of the responses is welcome. There are a few that need specific input that I need help with. Those remain blank. Other responses are blank due to repetition of several issues.
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> Tim: Is there a sample or template we can go by as we meld this table into a response? I suspect that we would also propose the development of an MOU and list possible provisions.
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> https://drive.google.com/open?id=1VYw8vQiZhI_mYd6No_Zxym-SLcjx8IeRWGqAOCOmj9w
>
> David Dell
> US Fish and Wildlife Service
> Southeast Region
> HCP and Safe Harbors Coordinator
> 404/679-7313
> david_dell@fws.gov
>
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--
Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

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Created: 10-25-2019 at 06:55 AM

Conversation Contents

East Collier HCP: Responding to the Miccosukee

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Mon Apr 22 2019 12:37:24 GMT-0600 (MDT)
To:	Timothy Binzen <timothy_binzen@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>
Subject:	East Collier HCP: Responding to the Miccosukee

While the short acknowledgement letter makes its way to the RD desk, I've set up a table where the Miccosukee letter is broken down by ideas. Practically the whole letter appears, and I've started to populate a column of responses to the issues identified.

https://drive.google.com/open?id=1VYw8vQiZhl_mYd6No_Zxym-SLcjx8IeRWGqAOCOmj9w

David Dell
US Fish and Wildlife Service
Southeast Region
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Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:55 AM

Conversation Contents

Tribal consultation for the Eastern Collier Multiple Species Habitat Conservation Plan

Attachments:

/27. Tribal consultation for the Eastern Collier Multiple Species Habitat Conservation Plan/2.1 image001.png
/27. Tribal consultation for the Eastern Collier Multiple Species Habitat Conservation Plan/2.2 image002.png
/27. Tribal consultation for the Eastern Collier Multiple Species Habitat Conservation Plan/3.1 image001.png
/27. Tribal consultation for the Eastern Collier Multiple Species Habitat Conservation Plan/3.2 image004.png
/27. Tribal consultation for the Eastern Collier Multiple Species Habitat Conservation Plan/4.1 image004.png

"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>

From:	"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
Sent:	Fri Apr 12 2019 11:31:34 GMT-0600 (MDT)
To:	jeanineb@miccosukeetribe.com
CC:	Constance Cassler <constance_cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, David Dell <David_Dell@fws.gov>
Subject:	Tribal consultation for the Eastern Collier Multiple Species Habitat Conservation Plan

Counsel Bennett: We have received the Miccosukee Tribe's April 2, 2019, comments in response to our December 11, 2018, request for consultation on the Eastern Collier Property Owners (ECPO) applications for incidental take permits. We are now preparing a formal reply to the Chairman.

From well before our March 2016, Notice of Intent to prepare an Environmental Impact Statement, we have regularly coordinated with ECPO to share information, respond to their concerns, and to ensure we have documents necessary for our review of their permit applications.

As the Service continues consultation with the Tribe, it will be helpful to us to incorporate the Tribal consultation into our ongoing coordination with ECPO. ECPO will likely be a party to any resolution of our consultation, and may need to take an active role during the consultation. To that end, the Service requests the Tribe's clearance to share your April 2, 2019, letter with ECPO.

Thank you for your consideration,

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

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Jeanine Bennett <JeanineB@miccosukeetribe.com>

From:	Jeanine Bennett <JeanineB@miccosukeetribe.com>
Sent:	Fri Apr 12 2019 12:04:39 GMT-0600 (MDT)
To:	"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
CC:	Constance Cassler <constance_cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, David Dell <David_Dell@fws.gov>
Subject:	[EXTERNAL] RE: Tribal consultation for the Eastern Collier Multiple Species Habitat Conservation Plan
Attachments:	image001.png image002.png

Ms. Hinzman,

I will present your request to the Miccosukee Business Council for their consideration. I will report back their final decision on the matter as soon as same is reached.

Kind Regards,

Jeanine

https://t
Miccos
Jeanine Bennett, Esq.
Miccosukee Tribe of Indians of Florida
General Counsel, In-House
jeanineb@miccosukeetribe.com

O: 305.223.8380 **Ext:** 5211 **F:** 305.894.5212

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From: constance_cassler@fws.gov <constance_cassler@fws.gov> **On Behalf Of** Hinzman, Roxanna
Sent: Friday, April 12, 2019 1:32 PM
To: Jeanine Bennett <JeanineB@miccosukeetribe.com>
Cc: Constance Cassler <constance_cassler@fws.gov>; Kevin Palmer <kevin_palmer@fws.gov>; David Dell <David_Dell@fws.gov>
Subject: Tribal consultation for the Eastern Collier Multiple Species Habitat Conservation Plan

Counsel Bennett: We have received the Miccosukee Tribe's April 2, 2019, comments in response to our December 11, 2018, request for consultation on the Eastern Collier Property Owners (ECPO) applications for incidental take permits. We are now preparing a formal reply to the Chairman.

From well before our March 2016, Notice of Intent to prepare an Environmental Impact Statement, we have regularly coordinated with ECPO to share information, respond to their concerns, and to ensure we have documents necessary for our review of their permit applications.

As the Service continues consultation with the Tribe, it will be helpful to us to incorporate the Tribal consultation into our ongoing coordination with ECPO. ECPO will likely be a party to any resolution of our consultation, and may need to take an active role during the consultation. To that end, the Service requests the Tribe's clearance to share your April 2, 2019, letter with ECPO.

Thank you for your consideration,

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

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Jeanine Bennett <JeanineB@miccosukeetribe.com>

From:	Jeanine Bennett <JeanineB@miccosukeetribe.com>
Sent:	Wed Apr 17 2019 14:04:46 GMT-0600 (MDT)
To:	"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
CC:	Constance Cassler <constance_cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, David Dell <David_Dell@fws.gov>, Craig van der Heiden <CraigV@miccosukeetribe.com>
Subject:	[EXTERNAL] RE: Tribal consultation for the Eastern Collier Multiple Species Habitat Conservation Plan
Attachments:	image001.png image004.png

Ms. Hinzman,

I met with the Business Council today and was able to present your request for their consideration. Respectfully, the Business Council does NOT agree to allow you to share their April 2, 2019 letter with the Eastern Collier Property Owners (ECPO). The Tribe anticipates that FWS will address the Tribe's individual concerns regarding the project directly with the Tribe in furtherance of the Government-to-Government consultation.

Please let me know if you have any questions.

Kind Regards,

Jeanine Bennett

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Miccosukee Tribe of Indians of Florida
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"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>

From:	"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
Sent:	Thu Apr 18 2019 07:47:00 GMT-0600 (MDT)
To:	Jeanine Bennett <JeanineB@miccosukeetribe.com>
CC:	Constance Cassler <constance_cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, David Dell <David_Dell@fws.gov>, Craig van der Heiden <CraigV@miccosukeetribe.com>, Timothy Binzen <timothy_binzen@fws.gov>
Subject:	Re: [EXTERNAL] RE: Tribal consultation for the Eastern Collier Multiple Species Habitat Conservation Plan
Attachments:	image004.png

Ms. Bennett,
Thank you very much for following up so quickly and providing clear direction. We have a general formal response to the Tribe's letter in surname in our regional office, and are working on a more detailed response here in our office.
Respectfully,
Roxanna

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
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> Ms. Hinzman,
>
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> Kind Regards,

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Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:56 AM

Conversation Contents

Letter for Miccosukee Tribe G2G ECMSHCP - ACTION required

Attachments:

/28. Letter for Miccosukee Tribe G2G ECMSHCP - ACTION required/1.1 ECMSHCPMiccosukeeTribeG2GNTR.docx
/28. Letter for Miccosukee Tribe G2G ECMSHCP - ACTION required/1.2 Draft Response Letter to Chairman Cypress ECMSHCP 4-17-2019.docx

"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>

From:	"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
Sent:	Thu Apr 18 2019 07:37:43 GMT-0600 (MDT)
To:	Robert Tawes <Robert_Tawes@fws.gov>
CC:	Timothy Binzen <timothy_binzen@fws.gov>, Constance Cassler <constance_cassler@fws.gov>, Larry Williams <larry_williams@fws.gov>
Subject:	Letter for Miccosukee Tribe G2G ECMSHCP - ACTION required
Attachments:	ECMSHCPMiccosukeeTribeG2GNTR.docx Draft Response Letter to Chairman Cypress ECMSHCP 4-17-2019.docx

Rob,
Per our conversation, here is a draft response to the Miccosukee Tribe's G2G on the ECMSHCP for Leo's signature and NTR. Tim Binzen prepared the bulk of the letter, so I think it is good. I have me as POC but if you prefer it to be you, feel free to do that. Please let me know if you need anything else.
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
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NOTE TO REVIEWERS

ACTION: RD signature

STAFF ORIGINATOR: Roxanna Hinzman
SUPERVISOR: Larry Williams

IS THE ACTION LITIGATION DRIVEN?

ACTION REQUESTED:

SIGNATURE_X___
SURNAME___ FYI ONLY___

VERY BRIEF BACKGROUND ON ISSUE/ACTION:

This letter is for G2G Tribal Consultation with the Miccosukee Tribe for the Eastern Collier Multiple Species Habitat Conservation Plan. We are working on a detailed response to the Miccosukee Tribe's concerns, but want to send a formal acknowledgement of receipt of the consultation. This project is under a hyper accelerated time line due to SO3355. Prompt attention would most appreciated.

Requested by: Ecological Services, Southeast Region
Who needs to review: ES ARD, RD signature
Who approved the briefing paper being submitted: Hinzman

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians
Tamiami Station
P.O. Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

The Miccosukee Tribe is a consulting party for the proposed Eastern Collier County Multiple-Species Habitat Conservation Plan ECMSHCP), in accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy.

On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft Environmental Impact Statement (dEIS) and a habitat conservation plan (HCP) associated with the incidental take permit (ITP) applications of eleven Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day Tribal and public comment period from October 18, 2018, through December 3, 2018. On March 27, 2019, the Service provided the Tribe with a consultation meeting to provide an update on the status of the dEIS, HCP, and NEPA process.

The Service has received your letter of April 2, 2019, in which you have enumerated the concerns of the Tribe regarding the dEIS, HCP, and ITP applications. We acknowledge the Tribe's formal rejection of these items, and we appreciate your detailed questions and comments. The Service is currently preparing responses to the concerns that were raised in your letter. This effort is being coordinated through our South Florida Ecological Services Field Office. If you have questions or need additional information, please contact Roxanna Hinzman, Field Supervisor (772-469-4309 or Roxanna_hinzman@fws.gov).

The Service respects the sovereign rights of the Miccosukee Tribe. We look forward to continued communication and consultation related to the ECMSHCP.

Sincerely,

Leopoldo Miranda

Regional Director

NOTE TO REVIEWERS

ACTION: RD signature

STAFF ORIGINATOR: Roxanna Hinzman
SUPERVISOR: Larry Williams

IS THE ACTION LITIGATION DRIVEN?

ACTION REQUESTED:

SIGNATURE_X___
SURNAME___ FYI ONLY___

VERY BRIEF BACKGROUND ON ISSUE/ACTION:

This letter is for G2G Tribal Consultation with the Miccosukee Tribe for the Eastern Collier Multiple Species Habitat Conservation Plan. We are working on a detailed response to the Miccosukee Tribe's concerns, but want to send a formal acknowledgement of receipt of the consultation. This project is under a hyper accelerated time line due to SO3355. Prompt attention would most appreciated.

Requested by: Ecological Services, Southeast Region
Who needs to review: ES ARD, RD signature
Who approved the briefing paper being submitted: Hinzman

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians
Tamiami Station
P.O. Box 440021
Miami, Florida 33144

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Leopoldo Miranda

Regional Director

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:56 AM

Conversation Contents

Cultural resources in the ECMSHCP EIS

Attachments:

/29. Cultural resources in the ECMSHCP EIS/4.1 Figure 2 Prev Rec Resources.jpg
/29. Cultural resources in the ECMSHCP EIS/4.2 Figure 2 Prev Surveys_no labels.jpg
/29. Cultural resources in the ECMSHCP EIS/6.1 Figure 2 Prev Rec Resources.jpg
/29. Cultural resources in the ECMSHCP EIS/6.2 Figure 2 Prev Surveys_no labels.jpg

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Thu Apr 11 2019 10:03:54 GMT-0600 (MDT)
To:	"Cherney, Laura" <laura.cherney@aecom.com>
CC:	Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>
Subject:	Cultural resources in the ECMSHCP EIS

Hi Laura,

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Connie

Constance L. Cassler, Ph.D.
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"Cherney, Laura" <Laura.Cherney@aecom.com>

From:	"Cherney, Laura" <Laura.Cherney@aecom.com>
Sent:	Fri Apr 12 2019 05:59:02 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, "Purcell, Adam" <adam.purcell@aecom.com>
Subject:	[EXTERNAL] RE: Cultural resources in the ECMSHCP EIS

Good morning Connie,
I've reached out to Janus who prepared the Cultural Resources section on the EIS and will let you know.
Thanks,
Laura

From: Cassler, Constance <constance_cassler@fws.gov>
Sent: Thursday, April 11, 2019 12:04 PM
To: Cherney, Laura <Laura.Cherney@aecom.com>
Cc: Kenneth Mcdonald <kenneth_mcdonald@fws.gov>; Charles Kelso <charles_kelso@fws.gov>
Subject: Cultural resources in the ECMSHCP EIS

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri Apr 12 2019 06:12:01 GMT-0600 (MDT)
To:	"Cherney, Laura" <Laura.Cherney@aecom.com>
Subject:	Re: [EXTERNAL] RE: Cultural resources in the ECMSHCP EIS

Thank you!

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
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On Fri, Apr 12, 2019 at 7:59 AM Cherney, Laura <Laura.Cherney@aecom.com> wrote:

> Good morning Connie,
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> Laura
>
> **From:** Cassler, Constance <constance_cassler@fws.gov>
> **Sent:** Thursday, April 11, 2019 12:04 PM
> **To:** Cherney, Laura <Laura.Cherney@aecom.com>
> **Cc:** Kenneth Mcdonald <kenneth_mcdonald@fws.gov>; Charles Kelso <charles_kelso@fws.gov>
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"Cherney, Laura" <Laura.Cherney@aecom.com>

From:	"Cherney, Laura" <Laura.Cherney@aecom.com>
Sent:	Mon Apr 15 2019 09:53:45 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	"Mcdonald, Kenneth (kenneth_mcdonald@fws.gov)" <kenneth_mcdonald@fws.gov>, "Kelso, Charles" <charles_kelso@fws.gov>, "Purcell, Adam" <adam.purcell@aecom.com>
Subject:	[EXTERNAL] FW: Cultural resources in the ECMSHCP EIS
Attachments:	Figure 2 Prev Rec Resources.jpg Figure 2 Prev Surveys_no labels.jpg

Hi Connie – please see the attached maps that Janus prepared for the EIS. Please feel free to give me a call if you need anything in addition. Thanks.

From: Kate Hoffman <kate_hoffman@janus-research.com>
Sent: Friday, April 12, 2019 10:27 AM
To: Cherney, Laura <Laura.Cherney@aecom.com>
Cc: Purcell, Adam <adam.purcell@aecom.com>
Subject: RE: Cultural resources in the ECMSHCP EIS

Hello Laura,
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Kate

Kathleen Hoffman, Ph.D.
Janus Research
1107 N Ward Street
Tampa, FL 33607
Office: 813-636-8200
Cell: 727-423-1937

From: Cherney, Laura <Laura.Cherney@aecom.com>
Sent: Thursday, April 11, 2019 6:27 PM
To: Kate Hoffman <kate_hoffman@janus-research.com>
Cc: Purcell, Adam <adam.purcell@aecom.com>
Subject: FW: Cultural resources in the ECMSHCP EIS

Hi Kate,

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Laura J. Cherney
Senior Ecologist, Environment
Direct (305) 514-2426
Mobile (305) 546-8283
Laura.Cherney@aecom.com

AECOM
7650 NW 19 Street, Suite 400
Miami, FL 33126-1220
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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Apr 15 2019 12:39:24 GMT-0600 (MDT)
To:	"Cherney, Laura" <Laura.Cherney@aecom.com>
Subject:	Re: [EXTERNAL] FW: Cultural resources in the ECMSHCP EIS

Thanks Laura. If this is all they produced, then this is all I need.

Connie

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Apr 15 2019 12:44:10 GMT-0600 (MDT)
To:	Timothy Binzen <timothy_binzen@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, David Dell <david_dell@fws.gov>
CC:	Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>
Subject:	Fwd: [EXTERNAL] FW: Cultural resources in the ECMSHCP EIS
Attachments:	Figure 2 Prev Rec Resources.jpg Figure 2 Prev Surveys_no labels.jpg

Hi,

I received a message back from AECOM about cultural resources. They contracted Janus to produce the maps that we sent to the Tribes. They did not create a cultural resources overview document for AECOM, so this is not available for us to share with the Tribes. We only have what came to us in the draft EIS.

Connie

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---------- Forwarded message ---------
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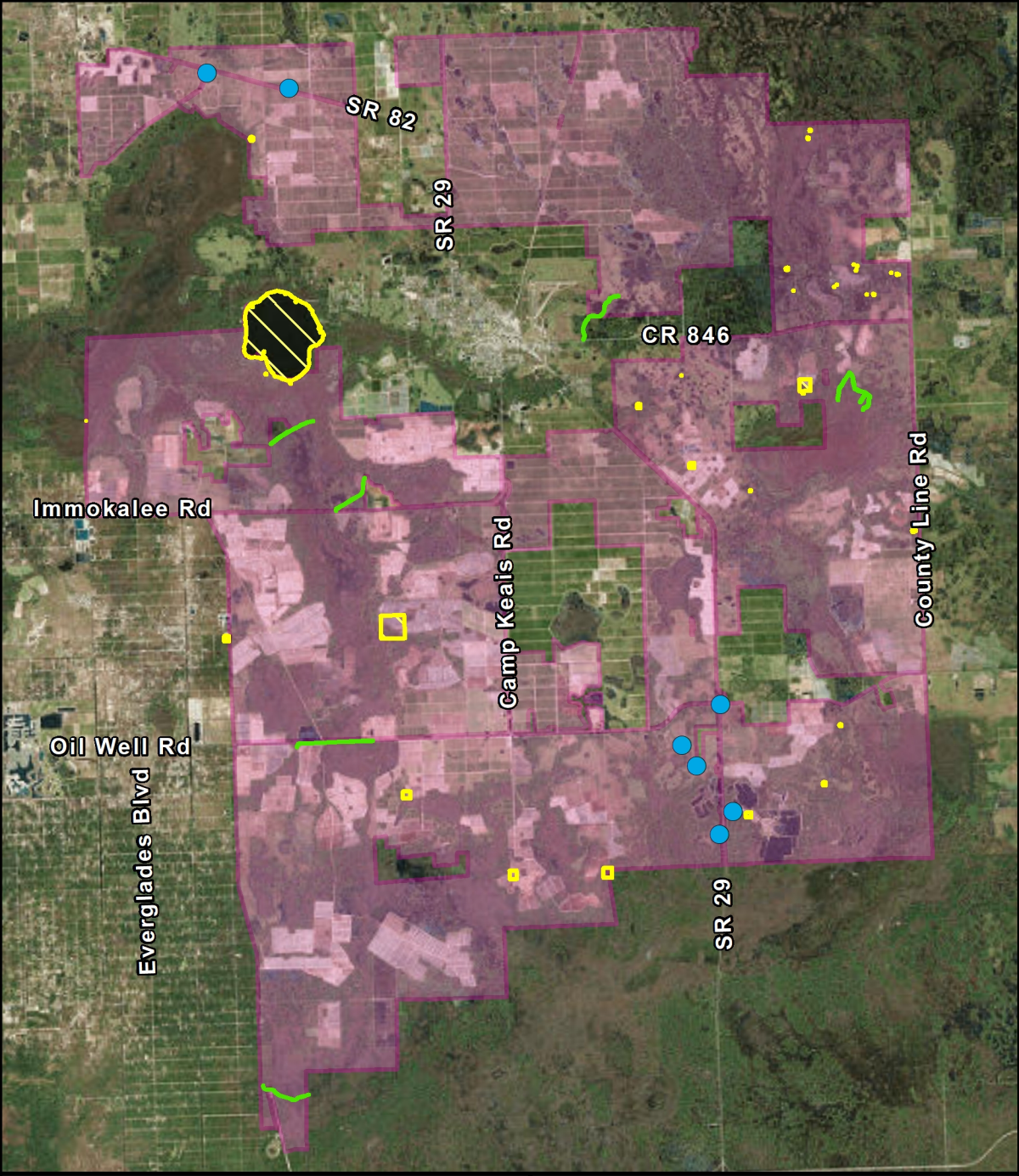

Figure 2: Previously Recorded Cultural Resources

Environmental Impact Statement
Eastern Collier Multiple Species
Habitat Conservation Plan

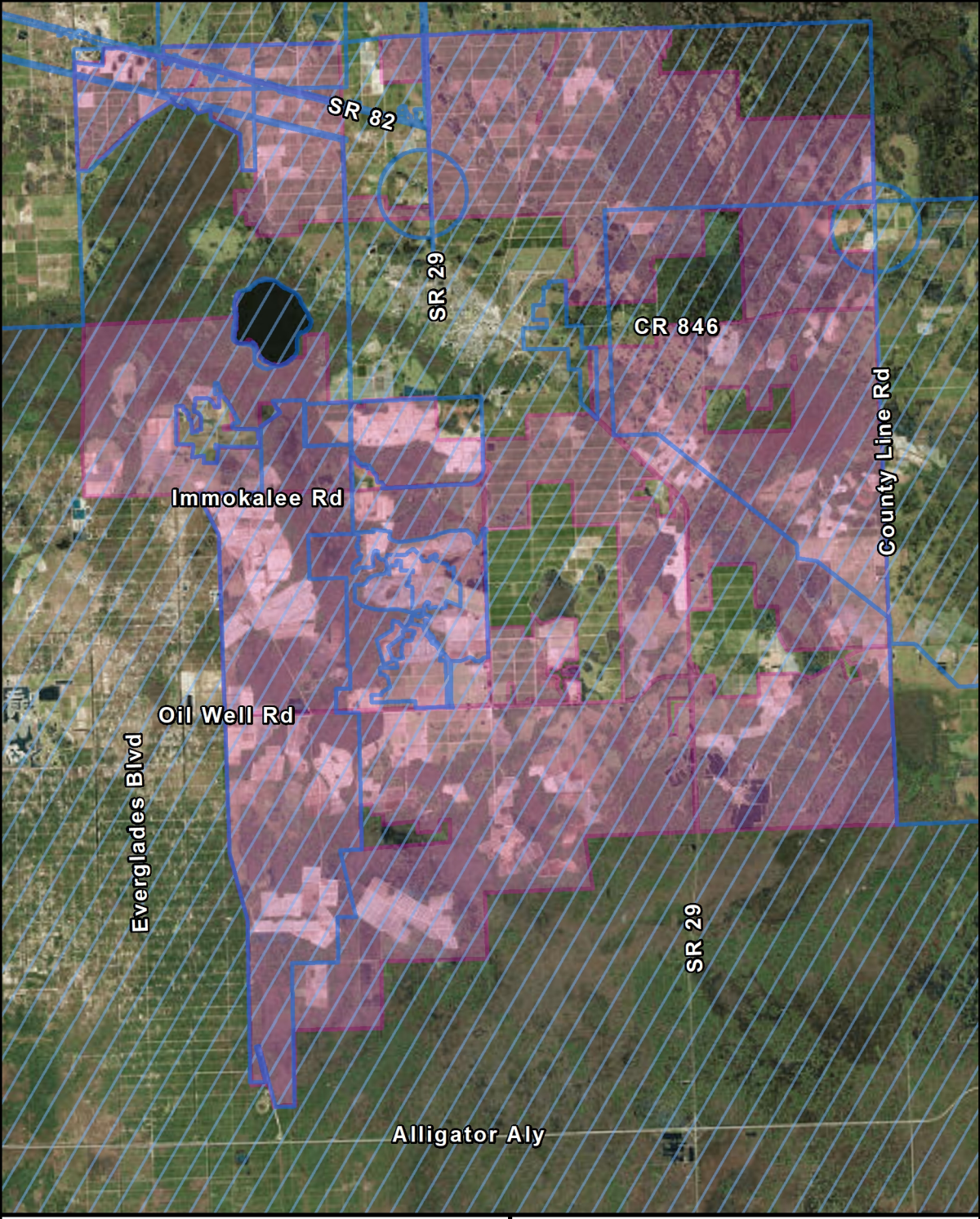

Figure 1: Previously Conducted Surveys

Environmental Impact Statement
Eastern Collier Multiple Species
Habitat Conservation Plan (ECMSHCP)

HCP Boundary

Previously Conducted Survey

N

0 5 Miles

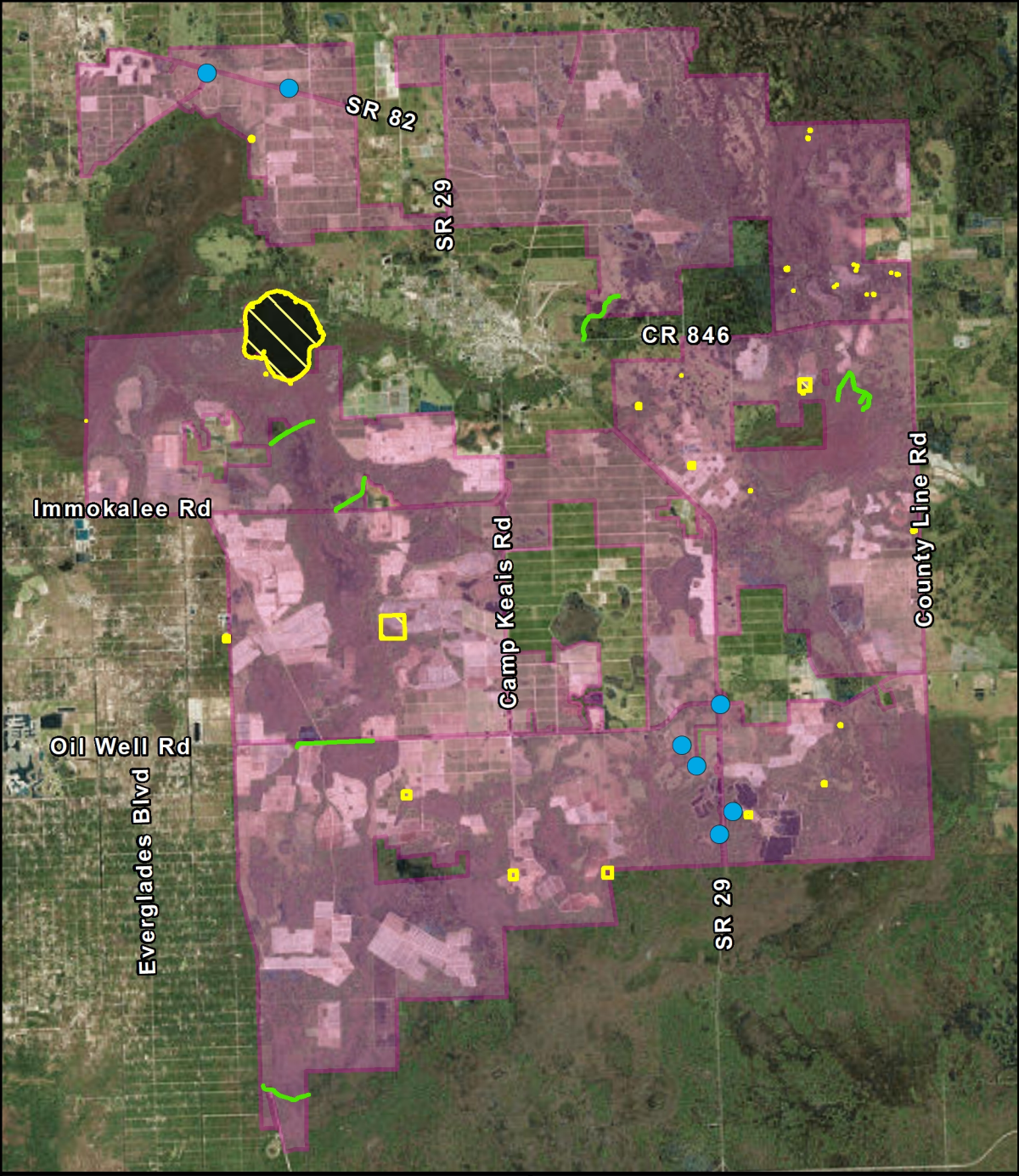

Figure 2: Previously Recorded Cultural Resources

Environmental Impact Statement
Eastern Collier Multiple Species
Habitat Conservation Plan

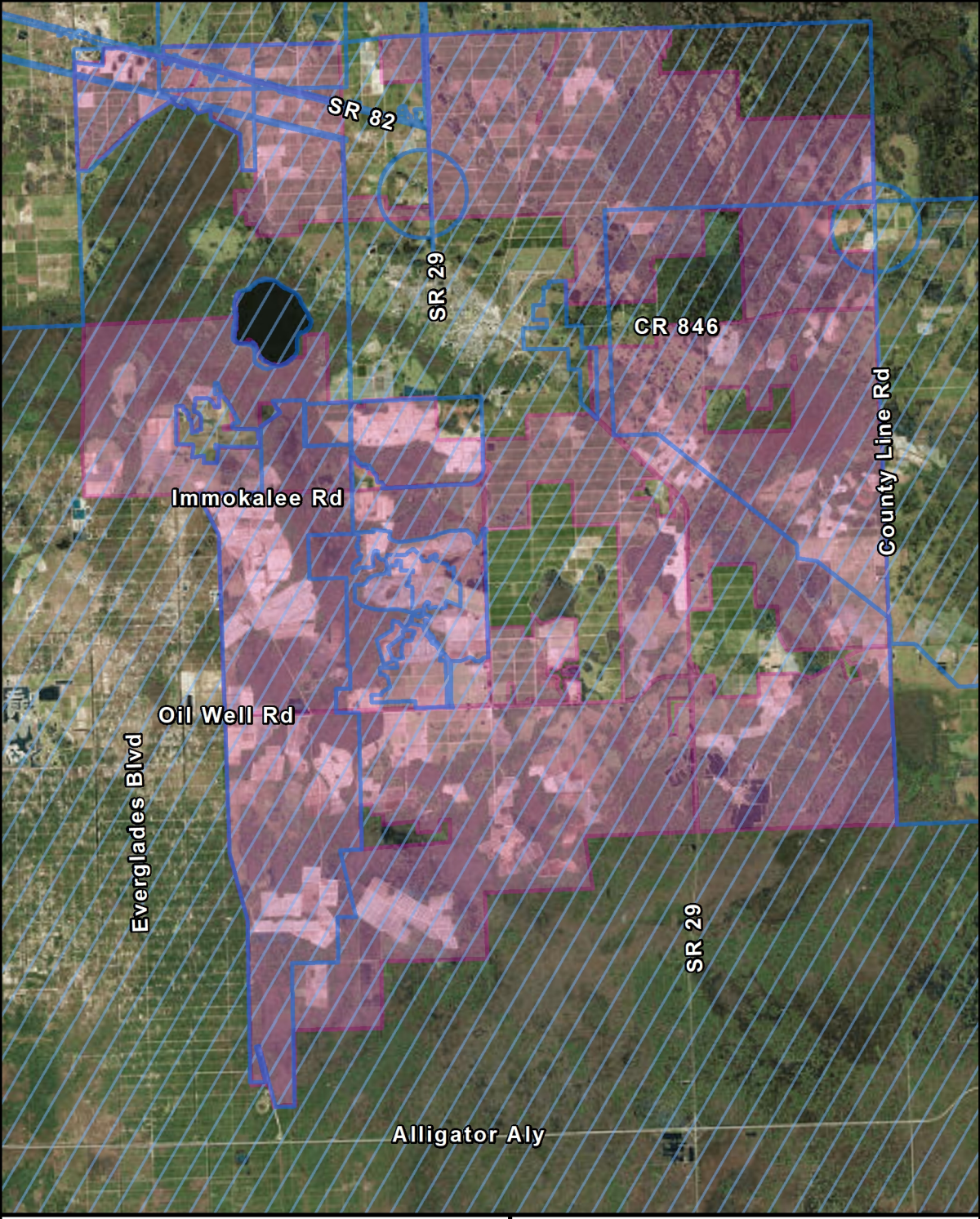

Figure 1: Previously Conducted Surveys

Environmental Impact Statement
Eastern Collier Multiple Species
Habitat Conservation Plan (ECMSHCP)

HCP Boundary

Previously Conducted Survey

N

0 5 Miles

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:56 AM

Conversation Contents

East Collier HCP: Draft Request to Miccosukee to Share Their Comments

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Fri Apr 12 2019 10:48:16 GMT-0600 (MDT)
To:	Constance Cassler <Constance_Cassler@fws.gov>
CC:	Robert Tawes <Robert_Tawes@fws.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>
Subject:	East Collier HCP: Draft Request to Miccosukee to Share Their Comments

Connie: Following up on Tim Binzen's suggestion, here's a draft message that I suggest goes from the FO to the Tribe's General Counsel.

Counsel Bennett: We have received the Miccosukee Tribe's April 2, 2019, comments in response to our [date] request for consultation on the Eastern Collier Property Owners (ECPO) applications for incidental take permits. We are now preparing a formal reply to the Chairman.

From well before our March 2016, Notice of Intent to prepare an Environemtnal Impact Statement, we have regularly coordinated with ECPO to share information, respond to their concerns, and to ensure we have documents necessary for our review of their permit applications.

As the Service continues consultation with the Tribe, it will be helpful to us to incorporate the Tribal consultation into our ongoing coordination with ECPO. ECPO will likely be a party to any resolution of our consultation, and may need to take an active role during the consultation. To that end, the Service requests the Tribe's clearance to share your April 2, 2019, letter with ECPO.

We will not expect the Tribe to consult with ECPO -- the Service will coordinate with ECPO as needed for the purposes of the Tribal consultation.

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri Apr 12 2019 11:07:44 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	Robert Tawes <Robert_Tawes@fws.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>
Subject:	Re: East Collier HCP: Draft Request to Miccosukee to Share Their Comments

David,

This gets sent in a letter, not an email, right?

Connie

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

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Visit our web site at www.fws.gov/verobeach/

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On Fri, Apr 12, 2019 at 12:48 PM Dell, David <david_dell@fws.gov> wrote:

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"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Fri Apr 12 2019 11:11:23 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Robert Tawes <Robert_Tawes@fws.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>
Subject:	Re: East Collier HCP: Draft Request to Miccosukee to Share Their Comments

Just an e-mail to the Counsel. Thanks.

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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On Fri, Apr 12, 2019 at 1:08 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

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> Connie
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> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
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> Vero Beach, Florida 32960
> office: 772-469-4243

fax: 772-562-4288
email: constance_cassler@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri Apr 12 2019 11:22:34 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>

CC: Robert Tawes <Robert_Tawes@fws.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>

Subject: Re: East Collier HCP: Draft Request to Miccosukee to Share Their Comments

It will go our from Roxanna's email today.

Connie

Constance L. Cassler, Ph.D.
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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:56 AM

Conversation Contents

Eastern Collier HCP - Letter from Tribe

"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Thu Apr 11 2019 11:47:43 GMT-0600 (MDT)
To:	David Dell <david_dell@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>
Subject:	Eastern Collier HCP - Letter from Tribe

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As we discussed on the call, you may inform the applicant group that you received the letter, and describe the essence of it, but not share the actual letter itself.

Thank you for asking for clarification.

Best,
--Tim
--
Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Thu Apr 11 2019 11:54:29 GMT-0600 (MDT)

To:	"Binzen, Timothy" <timothy_binzen@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, Vicki Mott <vicki.mott@sol.doi.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>
Subject:	Re: Eastern Collier HCP - Letter from Tribe

Thanks Tim. Good to know going into our meeting tomorrow. Would it be appropriate for the Field Office to ask the tribe informally (e-mail, etc.)?

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Thu Apr 11 2019 12:16:54 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, Vicki Mott <vicki.mott@sol.doi.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>
Subject:	Re: Eastern Collier HCP - Letter from Tribe

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Jeanine Bennett, Esq.
jeanineb@miccosukeetribe.com
(305) 223-8380 Ext. 5211

She may not be able to provide an immediate answer. (I expect she would need to check with the Chairman and Business Council.)

Just wondering, what would be the rationale for providing the letter to the applicant group at this time?

It may be instructive to think of the letter as an opening position in a form of government-to-government negotiation. That's why I suggest sharing only an abstract of the letter at this time.

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"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Thu Apr 11 2019 12:21:42 GMT-0600 (MDT)
To:	"Binzen, Timothy" <timothy_binzen@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, Vicki Mott <vicki.mott@sol.doi.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>
Subject:	Re: Eastern Collier HCP - Letter from Tribe

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404/679-7313
david_dell@fws.gov

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"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Thu Apr 11 2019 13:09:07 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, Vicki Mott <vicki.mott@sol.doi.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>
Subject:	Re: Eastern Collier HCP - Letter from Tribe

I don't think triggering a FOIA request over this would be preferable, if it can be avoided. As Tribal Liaison, I am offering to contact Atty. Jeanine Bennett to ask for permission to share the letter outside FWS. With your approval, I will call her. --Tim

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From:	"Dell, David" <david_dell@fws.gov>
Sent:	Thu Apr 11 2019 13:10:07 GMT-0600 (MDT)
To:	"Binzen, Timothy" <timothy_binzen@fws.gov>
	"Cassler, Constance" <constance_cassler@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kenneth Mcdonald

CC: <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, Vicki Mott <vicki.mott@sol.doi.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>

Subject: Re: Eastern Collier HCP - Letter from Tribe

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Sent:	Fri Apr 12 2019 04:53:50 GMT-0600 (MDT)
To:	"Binzen, Timothy" <timothy_binzen@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, Vicki Mott <vicki.mott@sol.doi.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>
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To my knowledge, there is not a FOIA withholding exemption for Tribal consultation matters, but I will check on that. There are various categories of information related to Tribal consultations involving Sec. 106 that are not subject to FOIA, such as the locations of archaeological sites, information about ceremonial sites, and other privileged information.

With any FOIA request, much depends on the topic of the FOIA request. In my experience, the FWS subject staff have to gather any documentation that could possibly be "responsive" to the request. Then, SOL reviews and omits documents that are determined not responsive, and redacts documents as necessary to withhold legally privileged or sensitive information that cannot be released to the public. This could include documentation resulting from Tribal consultation.

I think it is OK that you shared the letter with USACE. As long as it is kept internal to the federal agencies that are involved, I suppose the Tribe would not object to a broader federal awareness of their comments on the dEIS. I recommend that you ask your USACE contact not to forward the letter. It should be handled on a "need to know" basis.

Will the Tribal comments eventually be included as an appendix in the EIS? Please keep in mind that under NEPA the Tribal comment process is distinct from the public comment process, although they may be parallel in time frame.

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>
> On Thu, Apr 11, 2019 at 1:47 PM Binzen, Timothy <timothy_binzen@fws.gov> wrote:
>
> > Hello David,
> >
> > This morning you asked whether it would be OK to share the April 2 letter from Chairman Cypress with the applicant group. I suggest that it is not advisable to share the actual letter. While the letter would be subject to a FOIA request, at this point it is a government-to-government correspondence that should be held in confidence. If the Tribe had wanted to cc: the applicant group, they could have done so. (FWS could ask the Tribe whether the letter may be shared.)
> >
> > As we discussed on the call, you may inform the applicant group that you received the letter, and describe the essence of it, but not share the actual letter itself.
> >
> > Thank you for asking for clarification.
> >
> > Best,
> > --Tim

--
Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

--
Timothy Binzen
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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:57 AM

Conversation Contents

East Collier HCP: Heads Up on Tribal Consultation

Attachments:

/32. East Collier HCP: Heads Up on Tribal Consultation/1.1
20190402_Letter_Miccosukee Tribe to Service_Eastern Collier BO.pdf

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Thu Apr 11 2019 11:32:33 GMT-0600 (MDT)
To:	"Tewis, Robert M CIV USARMY CESAJ (US)" <robert.m.tewis@usace.army.mil>, "Holmes, Joshua R CIV USARMY CESAJ (USA)" <Joshua.R.Holmes@usace.army.mil>
CC:	Constance Cassler <Constance_Cassler@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>, "Mott, Vicki" <Vicki.Mott@sol.doi.gov>, Kraig McPeek <kraig_mcpeek@fws.gov>
Subject:	East Collier HCP: Heads Up on Tribal Consultation
Attachments:	20190402_Letter_Miccosukee Tribe to Service_Eastern Collier BO.pdf

Robert and Josh: The Service just met in-house this morning with our Regional Historic Preservation Officer and our Tribal Liaison to consider our response to the attached letter from the Miccosukee. We have begun to formulate appropriate responses, but we are not at a point of opening substantive discussions with Corps of Engineers concerning our respective obligations under NHPA section 106.

I mention this so that you are not caught off-guard at our ECPO Update tomorrow morning. We have discussed tribal concerns over cultural resources with ECPO previously, but that was before we received the Miccosukee letter. I have not shared the April 2nd letter with the applicants yet, and am waiting to hear confirmation from our tribal Liaison before releasing it.

I intend to mention the letter and its general contents, and will offer to share it with ECPO once I can. As much as possible, I will stick to boilerplate federal agency roles and responsibilities in Tribal 106 consultations, but I will probably have to mention the ramifications; i.e., an MOU among the Service, Corps, SHPO, and ECPO, with the Tribes as concurring parties, that would define agency roles and responsibilities.

Please let me know if you have questions or objections to this approach. Thank you.

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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Miccosukee Tribe of Indians
of Florida

Business Council Members
Billy Cypress, Chairman

Roy Cypress Jr., Assistant Chairman
Jerry L. Cypress, Treasurer
Talbert Cypress, Secretary
Petties Osceola Jr., Lawmaker

Rcvd 4/6/19

April 2, 2019

Attention: Kenneth McDonald
Project Manager
US Fish & Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960

SUBJECT: Eastern Collier Multiple Species Habitat Conservation Plan – Environmental Impact Statement Scoping and Input on Draft Plan

Dear Mr. McDonald:

The Miccosukee Tribe of Indians of Florida is a federally-recognized and federally-protected Indian Tribe, whose members live and work within the Florida Everglades, whose land interests lie within the Florida Everglades, and whose cultural identity and way of life is dependent upon maintaining the natural Everglades. The Tribe exercises powers of self-governance under a Tribal constitution approved by the Secretary of Interior, pursuant to the Indian Reorganization Act of 1934, 25 U.S.C.§ 476. The term "Everglades" as used herein refers to the areas presently identified as the Florida Water Conservation Areas (WCA) and Everglades National Park (ENP), although the Everglades ecosystem historically included a much larger area. The entire Miccosukee way of life, including their cultural, religious, economic, and historical identity, is based upon the Everglades and upon the preservation of the Everglades in its natural state. The Tribe and its members rely upon the Everglades in its natural state to support both subsistence and commercial activities. Subsistence activities include gathering of materials, hunting, and fishing within the Everglades. Commercial activities include frogging, airboat and other guided tours, and recreational and tourism facilities within the Everglades.

The Miccosukee Tribe of Indians of Florida formally rejects the Eastern Collier County Multiple Species Habitat Conservation Plan (HCP), the associated incidental take permit applications, and the U.S. Fish and Wildlife Service's (Service) Draft Environmental Impact Statement (EIS) on

P.O. Box 440021, Tamiami Station, Miami, Florida 33144, (305) 223-8380, fax (305) 223-1011
Constitution Approved by the Secretary of the Interior, January 11, 1962

the HCP dated September, 2018. The Tribe vehemently urges the Service to deny the HCP and applications accordingly. The proposed project violates the Miccosukee Tribe of Indians of Florida ("Tribe") rights under existing federal law that protects the Tribe's sovereignty, culture and ceremonial practices. The entire proposed area is rich in Miccosukee cultural, historical and archeological resources. In addition, the proposed housing development and infrastructure will only add an additional roadblock and exacerbate the ongoing impediments related to the greater Everglades Restoration. Not only will this affect the panther and other listed species but all animals will have less suitable habitat, connectivity between populations, and human-animal conflict will dramatically increase. The HCP will also reduce the likelihood of the survival and recovery of listed species within the proposed area.

OBJECTIONS:

The Miccosukee Tribe of Indians of Florida rejects the HCP and the application for incidental take of endangered species. The addition of housing developments and related infrastructure only exacerbates the problem of less suitable habitat, connectivity between populations, and the potential for human-animal conflict. As Florida panthers are pushed further out of the proposed HCP area, populations have nowhere to move but further inland toward the Miccosukee and Big Cypress Reservations. The HCP and its adjoining Incidental Take Permit (ITP) are fraught with loopholes and latitude for corruption of data creating potential for less than optimal land management practices and decisions made on personal gain, and not for the betterment of the critical habitat or for the panther and other protected species.

Cultural Resources: The cultural resources are not adequately addressed in the HCP and EIS and the requirement for consultation is not addressed at all. The cultural resources of the Tribe are of the utmost importance and are sacred to the Miccosukee people. It is very concerning to the Tribe that mandated consultation with the Miccosukee people was not even contemplated by the Service until after the Miccosukee received notice from other parties and contacted the Service to engage in government-to-government consultation. Section 106 of the National Historic Preservation Act requires federal agencies to consult with federally recognized Native American Tribes to identify cultural resources of concern. The Miccosukee Tribe of Indians of Florida is a federally-recognized and federally-protected Indian Tribe within the meaning of that federal law. In addition, the Service must comply with NEPA when making decision whether to issue a permit. NEPA compliance cannot be achieved without consultation with the Tribe.

Comment on the HCP/ITP: The HCP/ITP applications are filled with loopholes, and abilities for contractors, land owners, and stakeholders to be dishonest about their land practices and data gathering. Scientific monitoring, and government oversight have the potential for corruption which leads to mismanagement and manipulation of data for a desired outcome. Designation of "best management practices" and other forms of conservation such as exotic plant abatement have yet to be determined with this HCP/ITP and remains undefined. The document provides that the HCP will require land owners to hire their own research scientists or form their own research departments to do all the monitoring before, during, and after projects. ***"Each permittee will be responsible for ensuring that compliance monitoring is conducted and reported in accordance with the permittee's ITP."*** This proposed self- compliance leaves room for corruption and mismanagement of data. Each permittee should be monitored by an independent

contractor who will not be influenced by the permittee. Sales of properties like Half Circle L Ranch within the HCP area do not entirely address the conditions of sale for various properties. Nothing in the proposed ITP provides that any subsequent land purchaser/holder or grantee will be subject to the conditions of the HCP/ITP.

Continuing with the document's vague proposals, the HCP claims that "some habitat loss will occur in connection with the Covered Activities, but under the Plan, habitat loss will be minimized..." The Miccosukee propose that the HCP/ITP first establish a maximum amount of habitat loss before these projects commence, and provide further that if they exceed a certain threshold through intentional, unintentional, or by accidental destruction, work must immediately halt, further consultation take place on the matter and mitigation occur to minimize the damage from the loss of habitat.

The HCP also claims that "...the interest of the applicants avoiding native habitat impacts..." is justification to move forward with the project, and should be considered "good faith" of the land owners and stakeholders to comply with the requirements of the HCP. Any good faith placed on a land owner is not a guarantee that the average land owner is going to comply with anything that the HCP sets forth as a requirement. Additionally, there is no guarantee of any ability to levy taxes on land owners within the HCP.

Biologically speaking, the HCP projects in the Covered Activities area an increased strain between the human-animal interface. The potential for man to interact with a wild cat in their backyard greatly increases, and further adds to the possibility of panther termination (reported or non-reported), as well as injury or possible death to people in these transitional ecological zones. There are already two major options for panthers in these areas: urban sprawl putting pressure on panthers to move further out and away from these urban centers, or in the cases of habitat degradation and food scarcity, panthers may have the potential to start roaming urban areas looking for food or a eating a family pet or more devastating, attack a small human.

The Florida panther recovery plan calls for increased habitat and populations, not substantial decrease in habitat as outlined in the HCP. It is untenable if the Service finds that the HCP, which proposes to destroy 45,000 acres, will not result in the jeopardy for panthers. The loss of habitat coupled with the already scarce breeding habitat will prove impossible to maintain a viable panther population in southern Florida. It is clear that the proposal to "offset" the impact of destroying a *substantial* amount of panther breeding habitat cannot be achieved by merely refraining from destroying other habitat.

Mitigation projects such as habitat restoration, habitat connectivity, and road projects like animal by-passes over or under roads are untenable solutions in this HCP. Existing habitat in corridors on the west side of the HCP south of Oil Well Rd—for example—lack the space and habitat complexity for ease of travel for panthers to the north from the reserve to the south. Much of this land is plowed farm fields, and levy roads flanking strips of cypress swamp and other habitat types that are detrimental to panther habitat complexity and access. These strips of habitat are further bisected by roads such as Oil Well Rd with minimal access to the other side. It is evident in the proposed projects in the HCP do not consider nor coincide with the Florida Department of Transportation. Road projects. Due to the critical nature of this project and the HCP, all affected

departments and stakeholders must integrate their plans to guard against hundreds of panthers dying annually on roads like State Route 29. A comprehensive resolution must be identified to insure safe passage at the locations where the animals already cross these roadways, and a proper warning sensor systems and animal over or under passes are in place.

The Miccosukee find it troublesome that not enough emphasis of importance has been placed on cultural considerations due to the amount of historical and anthropological sites within the footprint of the HCP. The identification and preservation of cultural sites is of great import to the Miccosukee people. The HCP must place a high priority on locating and preserving these sites. The Miccosukee note that on page 47, of the 32 listed archeological sites in table 3.5.2, 46% of them have yet to be evaluated, and 28% have little to no information with which to make a proper assessment as to their designation. It is by this assessment of the available record that the Miccosukee feel a determination cannot be made in order to proceed with the HCP/ITP as it pertains to the anthropological sensitivity of the land.

ADDITIONAL QUESTIONS:

The Miccosukee have several unanswered questions. Those questions are as follows:

1. Does incidental take account for resident take? Residents killing endangered species either knowingly or unknowingly?
2. Is there a threshold of measurable "take," and can the ITP be revoked?
3. "Maintenance of lands designated as preservation and very low density use, to preserve ecological value of those lands for covered species, through land management practices such as control of invasive species." Who's responsibility will this be?
4. Pg 31. "Construction and maintenance of surface water management structures for preservation or enhancement of existing or natural hydrologic function." What does this construction entail? Who will be monitoring and decision making on flow regulation?
5. "Construction of fenced wildlife crossings to ensure safe passage of panthers…" If underpasses or overpasses are not feasible, funneling fence lines with Large Animal Warning and Detection Systems (LAWDS), would be recommended. These motion sensors at crossings alert vehicles to slow or even stop when red/yellow lights flash at the crossing.
6. Who's keeping the landowners accountable?
7. The document reflects very little about actual habitat restoration. Are there key sites identified and if not, and are you taking recommendations?
8. Riparian corridors should be stressed with the greatest importance, and restoration of crop land within these zones should be restored to increase pass ability through these corridors.
9. Connectivity for panthers and width of corridors should be considered. Oil Well Rd (858) at the west edge of the HCP has suboptimal connectivity, mostly due to agriculture presence to the south of the road.
10. Won't the taxes that will be levied on home and property sales have to be brought before the state of Florida legislature for a vote, and therefore is not a guarantee?

11. Page 228 – Can this area be used as a tortoise relocation place?

Comments for EIS/ITP –

1. Pg. 109 – Highway widening along the 29 corridor from Alligator Alley into Immokalee. Concern for increased traffic, increased panther-vehicle mortality, and very little collaboration between various departments at the state level (FDOT), and the entities involved in mitigation of the HCP.
2. Pg 129 – The HCP document mentions that the Half Circle L Ranch is currently for sale with no mention of bidders. The EIS/ITP document mentions that Florida Forever—a state run property acquisition group—is trying to acquire the property. Since this project is ranked 8 out of about 130 projects, it has a high potential for purchase (according to verbal communication with Florida Forever), but the HCP doesn't mention this potential plan.

CONCLUSION:

The Miccosukee Tribe of Indians of Florida offers these statements, comments and objections for your review. We are most concerned about the lack of adequate archeological protection especially in regards our sacred places. Additionally, the HCP will also reduce the likelihood of the survival and recovery of listed species within the proposed area. The Tribe vehemently opposes this HCP and any ITP requests and urges the Service to not authorize the take of any of these species (northern crested caracara, eastern indigo snake, and Florida panther Florida bonneted bat) as proposed in the HCP.

This tribe, like all other tribes throughout the United States, remain the last defense of the environment. This Miccosukee hope that the US Fish and Wildlife Service will take up the defense to continue to protect all animals and their habitat for years to come and for future generations. We have endeavored to meet with the US Fish & Wildlife Service but other than a brief teleconference where many of the individuals within the Service were either absent or not invited to attend, any meaningful consultation on this important matter has yet to take place.

Sincerely,

Billy Cypress
Chairman

cc: Business Council
Craig van der Heiden Ph.D., Fish and Wildlife Director
Kevin Donaldson, Real Estate Director
Jeanine Bennett, Esq., In-House General Counsel

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:57 AM

Conversation Contents

Letter from Miccosukee Tribe of Indians of Florida

Attachments:

/33. Letter from Miccosukee Tribe of Indians of Florida/1.1
20190502_Letter_Miccosukee Tribe to Service_Eastern Collier BO.pdf

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Apr 08 2019 13:22:14 GMT-0600 (MDT)
To:	David Dell <david_dell@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	Letter from Miccosukee Tribe of Indians of Florida
Attachments:	20190502_Letter_Miccosukee Tribe to Service_Eastern Collier BO.pdf

Hi Everyone,

Attached is a letter from the Miccosukee Tribe that was in my mailbox today. I haven't read it yet, but wanted to pass it along before I forgot.

Connie

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

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"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Tue Apr 09 2019 07:55:56 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Timothy Binzen <timothy_binzen@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	Re: Letter from Miccosukee Tribe of Indians of Florida

What are our next steps? Do their objections elevate this consultation?

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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On Mon, Apr 8, 2019 at 3:22 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

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"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Tue Apr 09 2019 08:24:59 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	Re: Letter from Miccosukee Tribe of Indians of Florida

David,

After reading the Miccosukee letter, I believe we need to prepare a brief for senior leadership and the RD.

Please note that the letter was signed by Chairman Cypress. Also, the Tribe's In-House General Counsel is now involved in the Tribal review and consultation process.

Everyone please be aware that FWS email correspondences related to this HCP and consultation may be subject to a future FOIA request.

I suggest that our FWS group here should have a one-hour conference call as soon as possible. I can make myself available anytime this week, as this is a high priority. I can provide an invitation, call-in number and passcode.

May I suggest:
April 10, 9:00 AM or 2:00 PM
April 11, 9:00 AM or 2:00 PM
April 12, 9:00 AM or 2:00 PM

If everyone would reply-all by COB today with your availability, it would be appreciated.

Thank you,
--Tim

On Tue, Apr 9, 2019 at 9:56 AM Dell, David <david_dell@fws.gov> wrote:

> What are our next steps? Do their objections elevate this consultation?
>
> David Dell
> US Fish and Wildlife Service
> Southeast Region
> HCP and Safe Harbors Coordinator
> 404/679-7313
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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Tue Apr 09 2019 10:13:50 GMT-0600 (MDT)
To:	"Binzen, Timothy" <timothy_binzen@fws.gov>
CC:	"Dell, David" <david_dell@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	Re: Letter from Miccosukee Tribe of Indians of Florida

Tim,

The only time I'm not available is April 12 at 9:00. That's our every other week call with the HCP applicants.

Connie

Constance L. Cassler, Ph.D.

Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
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Miccosukee Tribe of Indians
of Florida

Business Council Members
Billy Cypress, Chairman

Roy Cypress Jr., Assistant Chairman
Jerry L. Cypress, Treasurer
Talbert Cypress, Secretary
Petties Osceola Jr., Lawmaker

Rcvd 4/6/19

April 2, 2019

Attention: Kenneth McDonald
Project Manager
US Fish & Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960

SUBJECT: Eastern Collier Multiple Species Habitat Conservation Plan – Environmental Impact Statement Scoping and Input on Draft Plan

Dear Mr. McDonald:

The Miccosukee Tribe of Indians of Florida is a federally-recognized and federally-protected Indian Tribe, whose members live and work within the Florida Everglades, whose land interests lie within the Florida Everglades, and whose cultural identity and way of life is dependent upon maintaining the natural Everglades. The Tribe exercises powers of self-governance under a Tribal constitution approved by the Secretary of Interior, pursuant to the Indian Reorganization Act of 1934, 25 U.S.C.§ 476. The term "Everglades" as used herein refers to the areas presently identified as the Florida Water Conservation Areas (WCA) and Everglades National Park (ENP), although the Everglades ecosystem historically included a much larger area. The entire Miccosukee way of life, including their cultural, religious, economic, and historical identity, is based upon the Everglades and upon the preservation of the Everglades in its natural state. The Tribe and its members rely upon the Everglades in its natural state to support both subsistence and commercial activities. Subsistence activities include gathering of materials, hunting, and fishing within the Everglades. Commercial activities include frogging, airboat and other guided tours, and recreational and tourism facilities within the Everglades.

The Miccosukee Tribe of Indians of Florida formally rejects the Eastern Collier County Multiple Species Habitat Conservation Plan (HCP), the associated incidental take permit applications, and the U.S. Fish and Wildlife Service's (Service) Draft Environmental Impact Statement (EIS) on

P.O. Box 440021, Tamiami Station, Miami, Florida 33144, (305) 223-8380, fax (305) 223-1011
Constitution Approved by the Secretary of the Interior, January 11, 1962

the HCP dated September, 2018. The Tribe vehemently urges the Service to deny the HCP and applications accordingly. The proposed project violates the Miccosukee Tribe of Indians of Florida ("Tribe") rights under existing federal law that protects the Tribe's sovereignty, culture and ceremonial practices. The entire proposed area is rich in Miccosukee cultural, historical and archeological resources. In addition, the proposed housing development and infrastructure will only add an additional roadblock and exacerbate the ongoing impediments related to the greater Everglades Restoration. Not only will this affect the panther and other listed species but all animals will have less suitable habitat, connectivity between populations, and human-animal conflict will dramatically increase. The HCP will also reduce the likelihood of the survival and recovery of listed species within the proposed area.

OBJECTIONS:

The Miccosukee Tribe of Indians of Florida rejects the HCP and the application for incidental take of endangered species. The addition of housing developments and related infrastructure only exacerbates the problem of less suitable habitat, connectivity between populations, and the potential for human-animal conflict. As Florida panthers are pushed further out of the proposed HCP area, populations have nowhere to move but further inland toward the Miccosukee and Big Cypress Reservations. The HCP and its adjoining Incidental Take Permit (ITP) are fraught with loopholes and latitude for corruption of data creating potential for less than optimal land management practices and decisions made on personal gain, and not for the betterment of the critical habitat or for the panther and other protected species.

Cultural Resources: The cultural resources are not adequately addressed in the HCP and EIS and the requirement for consultation is not addressed at all. The cultural resources of the Tribe are of the utmost importance and are sacred to the Miccosukee people. It is very concerning to the Tribe that mandated consultation with the Miccosukee people was not even contemplated by the Service until after the Miccosukee received notice from other parties and contacted the Service to engage in government-to-government consultation. Section 106 of the National Historic Preservation Act requires federal agencies to consult with federally recognized Native American Tribes to identify cultural resources of concern. The Miccosukee Tribe of Indians of Florida is a federally-recognized and federally-protected Indian Tribe within the meaning of that federal law. In addition, the Service must comply with NEPA when making decision whether to issue a permit. NEPA compliance cannot be achieved without consultation with the Tribe.

Comment on the HCP/ITP: The HCP/ITP applications are filled with loopholes, and abilities for contractors, land owners, and stakeholders to be dishonest about their land practices and data gathering. Scientific monitoring, and government oversight have the potential for corruption which leads to mismanagement and manipulation of data for a desired outcome. Designation of "best management practices" and other forms of conservation such as exotic plant abatement have yet to be determined with this HCP/ITP and remains undefined. The document provides that the HCP will require land owners to hire their own research scientists or form their own research departments to do all the monitoring before, during, and after projects. ***"Each permittee will be responsible for ensuring that compliance monitoring is conducted and reported in accordance with the permittee's ITP."*** This proposed self- compliance leaves room for corruption and mismanagement of data. Each permittee should be monitored by an independent

contractor who will not be influenced by the permittee. Sales of properties like Half Circle L Ranch within the HCP area do not entirely address the conditions of sale for various properties. Nothing in the proposed ITP provides that any subsequent land purchaser/holder or grantee will be subject to the conditions of the HCP/ITP.

Continuing with the document's vague proposals, the HCP claims that "some habitat loss will occur in connection with the Covered Activities, but under the Plan, habitat loss will be minimized..." The Miccosukee propose that the HCP/ITP first establish a maximum amount of habitat loss before these projects commence, and provide further that if they exceed a certain threshold through intentional, unintentional, or by accidental destruction, work must immediately halt, further consultation take place on the matter and mitigation occur to minimize the damage from the loss of habitat.

The HCP also claims that "...the interest of the applicants avoiding native habitat impacts..." is justification to move forward with the project, and should be considered "good faith" of the land owners and stakeholders to comply with the requirements of the HCP. Any good faith placed on a land owner is not a guarantee that the average land owner is going to comply with anything that the HCP sets forth as a requirement. Additionally, there is no guarantee of any ability to levy taxes on land owners within the HCP.

Biologically speaking, the HCP projects in the Covered Activities area an increased strain between the human-animal interface. The potential for man to interact with a wild cat in their backyard greatly increases, and further adds to the possibility of panther termination (reported or non-reported), as well as injury or possible death to people in these transitional ecological zones. There are already two major options for panthers in these areas: urban sprawl putting pressure on panthers to move further out and away from these urban centers, or in the cases of habitat degradation and food scarcity, panthers may have the potential to start roaming urban areas looking for food or a eating a family pet or more devastating, attack a small human.

The Florida panther recovery plan calls for increased habitat and populations, not substantial decrease in habitat as outlined in the HCP. It is untenable if the Service finds that the HCP, which proposes to destroy 45,000 acres, will not result in the jeopardy for panthers. The loss of habitat coupled with the already scarce breeding habitat will prove impossible to maintain a viable panther population in southern Florida. It is clear that the proposal to "offset" the impact of destroying a *substantial* amount of panther breeding habitat cannot be achieved by merely refraining from destroying other habitat.

Mitigation projects such as habitat restoration, habitat connectivity, and road projects like animal by-passes over or under roads are untenable solutions in this HCP. Existing habitat in corridors on the west side of the HCP south of Oil Well Rd—for example—lack the space and habitat complexity for ease of travel for panthers to the north from the reserve to the south. Much of this land is plowed farm fields, and levy roads flanking strips of cypress swamp and other habitat types that are detrimental to panther habitat complexity and access. These strips of habitat are further bisected by roads such as Oil Well Rd with minimal access to the other side. It is evident in the proposed projects in the HCP do not consider nor coincide with the Florida Department of Transportation. Road projects. Due to the critical nature of this project and the HCP, all affected

departments and stakeholders must integrate their plans to guard against hundreds of panthers dying annually on roads like State Route 29. A comprehensive resolution must be identified to insure safe passage at the locations where the animals already cross these roadways, and a proper warning sensor systems and animal over or under passes are in place.

The Miccosukee find it troublesome that not enough emphasis of importance has been placed on cultural considerations due to the amount of historical and anthropological sites within the footprint of the HCP. The identification and preservation of cultural sites is of great import to the Miccosukee people. The HCP must place a high priority on locating and preserving these sites. The Miccosukee note that on page 47, of the 32 listed archeological sites in table 3.5.2, 46% of them have yet to be evaluated, and 28% have little to no information with which to make a proper assessment as to their designation. It is by this assessment of the available record that the Miccosukee feel a determination cannot be made in order to proceed with the HCP/ITP as it pertains to the anthropological sensitivity of the land.

ADDITIONAL QUESTIONS:

The Miccosukee have several unanswered questions. Those questions are as follows:

1. Does incidental take account for resident take? Residents killing endangered species either knowingly or unknowingly?
2. Is there a threshold of measurable "take," and can the ITP be revoked?
3. "Maintenance of lands designated as preservation and very low density use, to preserve ecological value of those lands for covered species, through land management practices such as control of invasive species." Who's responsibility will this be?
4. Pg 31. "Construction and maintenance of surface water management structures for preservation or enhancement of existing or natural hydrologic function." What does this construction entail? Who will be monitoring and decision making on flow regulation?
5. "Construction of fenced wildlife crossings to ensure safe passage of panthers…" If underpasses or overpasses are not feasible, funneling fence lines with Large Animal Warning and Detection Systems (LAWDS), would be recommended. These motion sensors at crossings alert vehicles to slow or even stop when red/yellow lights flash at the crossing.
6. Who's keeping the landowners accountable?
7. The document reflects very little about actual habitat restoration. Are there key sites identified and if not, and are you taking recommendations?
8. Riparian corridors should be stressed with the greatest importance, and restoration of crop land within these zones should be restored to increase pass ability through these corridors.
9. Connectivity for panthers and width of corridors should be considered. Oil Well Rd (858) at the west edge of the HCP has suboptimal connectivity, mostly due to agriculture presence to the south of the road.
10. Won't the taxes that will be levied on home and property sales have to be brought before the state of Florida legislature for a vote, and therefore is not a guarantee?

11. Page 228 – Can this area be used as a tortoise relocation place?

Comments for EIS/ITP –

1. Pg. 109 – Highway widening along the 29 corridor from Alligator Alley into Immokalee. Concern for increased traffic, increased panther-vehicle mortality, and very little collaboration between various departments at the state level (FDOT), and the entities involved in mitigation of the HCP.
2. Pg 129 – The HCP document mentions that the Half Circle L Ranch is currently for sale with no mention of bidders. The EIS/ITP document mentions that Florida Forever—a state run property acquisition group—is trying to acquire the property. Since this project is ranked 8 out of about 130 projects, it has a high potential for purchase (according to verbal communication with Florida Forever), but the HCP doesn't mention this potential plan.

CONCLUSION:

The Miccosukee Tribe of Indians of Florida offers these statements, comments and objections for your review. We are most concerned about the lack of adequate archeological protection especially in regards our sacred places. Additionally, the HCP will also reduce the likelihood of the survival and recovery of listed species within the proposed area. The Tribe vehemently opposes this HCP and any ITP requests and urges the Service to not authorize the take of any of these species (northern crested caracara, eastern indigo snake, and Florida panther Florida bonneted bat) as proposed in the HCP.

This tribe, like all other tribes throughout the United States, remain the last defense of the environment. This Miccosukee hope that the US Fish and Wildlife Service will take up the defense to continue to protect all animals and their habitat for years to come and for future generations. We have endeavored to meet with the US Fish & Wildlife Service but other than a brief teleconference where many of the individuals within the Service were either absent or not invited to attend, any meaningful consultation on this important matter has yet to take place.

Sincerely,

Billy Cypress
Chairman

cc: Business Council
Craig van der Heiden Ph.D., Fish and Wildlife Director
Kevin Donaldson, Real Estate Director
Jeanine Bennett, Esq., In-House General Counsel

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:59 AM

Conversation Contents

2016 communications with the Miccosukee Tribe of Indians of Florida

Attachments:

/34. 2016 communications with the Miccosukee Tribe of Indians of Florida/1.1 Tribal contacts from ECPMSHCP_EIS_Draft Scoping Report_061016.pdf
/34. 2016 communications with the Miccosukee Tribe of Indians of Florida/1.2 Agency_Invitation_Letter (1).docx
/34. 2016 communications with the Miccosukee Tribe of Indians of Florida/1.3 20160728_Letter_Service to Miccosukee Tribe_ECMSHCP dEIS Coordination.PDF

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Thu Mar 28 2019 10:24:06 GMT-0600 (MDT)
To:	kevind@miccosukeetribe.com
CC:	Timothy Binzen <timothy_binzen@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, David Dell <david_dell@fws.gov>
Subject:	2016 communications with the Miccosukee Tribe of Indians of Florida
Attachments:	Tribal contacts from ECPMSHCP_EIS_Draft Scoping Report_061016.pdf Agency_Invitation_Letter (1).docx 20160728_Letter_Service to Miccosukee Tribe_ECMSHCP dEIS Coordination.PDF

Hi Kevin,

It was a pleasure to talk to you yesterday during our formal consultation webinar. I am following up because I was asked to provide you with information about who we contacted in the Miccosukee Tribe of Indians of Florida to request consultation when we started the Scoping process for the E. Collier Multi-species HCP in 2016. I'm attaching the tribal mailing list we used; the template letter we sent to agencies, tribes, and interested parties; and the letter we sent specifically to the Miccosukee Tribe of Indians of Florida.

Please let me know if you have questions about these.

Thank you,

Connie

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

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"Donaldson, Kevin" <KevinD@miccosukeetribe.com>

From:	"Donaldson, Kevin" <KevinD@miccosukeetribe.com>
Sent:	Wed Apr 03 2019 09:09:47 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Timothy Binzen <timothy_binzen@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, David Dell <david_dell@fws.gov>, "richard_kanaski@fws.gov" <richard_kanaski@fws.gov>, Craig van der Heiden <CraigV@miccosukeetribe.com>
Subject:	[EXTERNAL] RE: 2016 communications with the Miccosukee Tribe of Indians of Florida

Connie,

Thank you for providing the subject information as requested. Please update the Tribal contact list to show that Mr. Billy Cypress is the Tribal Chairman, and myself as the Section 106, NAGPRA Coordinator, and TPHO. We very recently sent the notice of changes to Mr. Kanaski (cc'd on this email). The Tribe's comments on the subject are being drafted via letter as discussed.

Best Regards,
Kevin Donaldson

From: Cassler, Constance [mailto:constance_cassler@fws.gov]
Sent: Thursday, March 28, 2019 12:24 PM
To: Donaldson, Kevin <KevinD@miccosukeetribe.com>
Cc: Timothy Binzen <timothy_binzen@fws.gov>; Kevin Palmer <kevin_palmer@fws.gov>; Charles Kelso <charles_kelso@fws.gov>; Kenneth Mcdonald <kenneth_mcdonald@fws.gov>; Roxanna Hinzman <roxanna_hinzman@fws.gov>; David Dell <david_dell@fws.gov>
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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Apr 03 2019 09:35:00 GMT-0600 (MDT)
To:	"Donaldson, Kevin" <KevinD@miccosukeetribe.com>
Subject:	Re: [EXTERNAL] RE: 2016 communications with the Miccosukee Tribe of Indians of Florida

Thank you Kevin.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
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On Wed, Apr 3, 2019 at 11:10 AM Donaldson, Kevin <KevinD@miccosukeetribe.com> wrote:

> Connie,

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Sent: Thursday, March 28, 2019 12:24 PM
To: Donaldson, Kevin <KevinD@miccosukeetribe.com>
Cc: Timothy Binzen <timothy_binzen@fws.gov>; Kevin Palmer <kevin_palmer@fws.gov>; Charles Kelso <charles_kelso@fws.gov>; Kenneth Mcdonald <kenneth_mcdonald@fws.gov>; Roxanna Hinzman <roxanna_hinzman@fws.gov>; David Dell <david_dell@fws.gov>
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NATIVE AMERICAN TRIBES

Sal.	First	Last	Title	Organization	Address 1	Address 2	City	St	Zip
Mr.	Colley	Billie	Chairman	Miccosukee Tribe of Indians of Florida		Tamiami Station P.O. Bosx 440021	Miami	FL	33144
Mr.	Fred	Dayhoff	Section 106 and NAGPRA Coordinator	Miccosukee Tribe of Indians of Florida		HC 61 SR Box 68 Old Loop Road	Ochopee	FL	34141
Mr.	George	Tiger	Principle Chief	Muscogee (Creek) Nation	Office of Administration	P.O. Box 580	Okmulgee	OK	74447
Mr.	Emman	Spain	Tribal Historic Preservation Officer	Muscogee (Creek) Nation	Cultural Preservation	P.O. Box 580	Okmulgee	OK	74447
Ms.	Stephanie A.	Bryan	Tribal Chair	Poarch Band of Creek Indians		5811 Jack Spring Road	Almore	AL	36502
Mr.	Robert	Thrower	Acting Tribal Historic Preservation Officer	Poarch Band of Creek Indians		5811 Jack Spring Road	Almore	AL	36502
Mr.	James E.	Billie	Chairman	Seminole Tribes of Florida		6300 Stirling Road	Hollywood	FL	33024
Dr.	Paul	Backhouse, Ph.D.	Acting Tribal Historic Preservation Officer	Seminole Tribes of Florida	Tribal Historic Presrvation Office	30290 Josie Billie Highway, PMB 1004	Clewiston	FL	33440
Ms.	Anne H.	Mullins, MCRP	Compliance Review Supervisor	Seminole Tribes of Florida	Tribal Historic Presrvation Office	30290 Josie Billie Highway, PMB 1004	Clewiston	FL	33440
Mr.	Leonard M.	Harjo	Principle Chief	Seminole Nation of Oklahoma		P.O. Box 1498	Wewoka	OK	74884
Ms.	Natalie	Harjo	Tribal Historic Preservation Officer	Seminole Nation of Oklahoma		P.O. Box 1498	Wewoka	OK	74884

On USFWS Letterhead…

Date

Name/Title
Agency
Address

Dear Mr/Ms Agency Person:

The purpose of this letter is to provide notice that the U.S. Fish and Wildlife Service (Service) intends to prepare a draft Environmental Impact Statement (dEIS) related to an anticipated permit application from nine Collier County, Florida landowners for the incidental take of listed species. The Department of the Army, through its bureau the U.S. Army Corps of Engineers, will be a cooperating agency in the development of the dEIS.

The dEIS will be prepared in accordance with the National Environmental Policy Act (NEPA). The permit application would include an "Eastern Collier Multiple Species Habitat Conservation Plan" (ECMSHCP) prepared in accordance with the Endangered Species Act of 1973, as amended (ESA). The ECMSHCP covers approximately 152,124 acres of land in northeastern Collier County and borders Lee and Hendry counties. The enclosed information sheet provides additional details regarding the landowners, proposed action, and the NEPA and ESA processes. A copy of the ECMSHCP is available at the project website at www.easterncollierHCPEIS.com.

The Service invites you to attend an online inter-agency scoping meeting from 10:00 am – 12:00 pm, Tuesday, April 19, 2016 to provide input on the EIS scoping process. During the meeting we will discuss project component details, obtain input to understand any issues that your agency believes are important to the EIS analysis, and review the project schedule. Elected/appointed and Tribal officials and other interested parties are also welcome to attend the online inter-agency scoping meeting. Instructions for accessing the online interagency scoping meeting are provided below.

Online Inter-Agency Scoping Meeting
Tuesday, April 19, 2016 | 10:00 am – 12:00 pm
Meeting number: 593 525 539
Audio connection: 1-866-203-6896 Call-in toll-free number
Conference Code: 968 574 2310
Meeting link:
https://intercall.webex.com/intercall/j.php?MTID=m9633eb376ab1993b2926dc365fff223e

In addition to the online interagency meeting, an open-house public scoping meeting will be held at 5:00 pm, Tuesday, April 12, 2016 at the University of Florida/Institute of Food and Agricultural Sciences Collier County Extension Building, 14700 Immokalee Road, Naples, Florida. Information presented at the online inter-agency scoping meeting will be similar to that presented at the open-house public scoping meeting. You may attend the online inter-agency scoping meeting or the open-house public scoping meeting (or both if you choose).

The Service invites written comments on the scope of issues and alternatives to be included in the draft EIS as well as any other written data, views, or arguments with respect to the anticipated permit application. Please submit scoping comments to the Service via one of the following methods:

FAX: **512-490-0974**

E-mail: **comments-eastcollierhcp@fws.gov**

US Mail: **Comments–Eastern Collier HCP EIS**
US Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559

We must receive any written comments on or before April 24, 2016. For further information please contact:

Kenneth McDonald, Project Manager
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

We look forward to your participation in the EIS process.

Sincerely,

Kenneth McDonald

United States Department of the Interior

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

July 28, 2016

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians of Florida
Tamiami Station
P.O. Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

The U.S. Fish and Wildlife Service (Service) would like to initiate coordination with the Miccosukee Tribe of Indians of Florida (Miccosukee Tribe) regarding a draft Environmental Impact Statement (dEIS) the Service intends to prepare for an anticipated permit application from nine Collier County, Florida landowners (prospective applicants) for an Incidental Take Permit (ITP) under Section 10 of the Endangered Species Act of 1973, as amended. The Department of the Army, through its bureau the U.S. Army Corps of Engineers, will be a cooperating agency in the development of the dEIS.

The ITP would cover actions affecting ten federally and six state-listed species found on approximately 152,124 acres in northeastern Collier County (project area) that surround the town of Immokalee. The project area (Figure 1) 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 the Audubon Corkscrew Swamp Sanctuary.

In order to receive an ITP, an applicant must design, implement, and secure funding for a habitat conservation plan (HCP) that avoids, minimizes and mitigates harm to the listed species affected by their proposed activity. The prospective applicants have prepared an Eastern Collier Multiple Species Habitat Conservation Plan (ECMSHCP). Additional information regarding the ECMSHCP and associated NEPA Study is available at the project website at www.easterncollierHCPEIS.com.

The ECMSHCP proposes to preserve a large portion of the covered lands as habitat for the covered species while conducting activities such as residential/commercial development and earth mining on approximately 45,000 acres of smaller, clustered portions of the 152,124 acres. If approved by the Service, the ITP would authorize the incidental take of listed species resulting from residential and commercial development and earth mining activities as described in the ECMSHCP. The prospective applicant would also maintain suitable habitat within the impacted areas to ensure the availability of corridors for dispersal of the covered species.

Because issuance of the ITP is a federal action subject to review under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4327; 40 CFR 1500-1508), as amended, the dEIS is being prepared to analyze the potential effects of issuing the ITP and implementing the associated ECMSHCP. The dEIS will provide a detailed description of the proposed action and alternatives. It will also identify and analyze the potential significance of direct and indirect impacts from the proposed action and alternatives to biological resources, land use, air quality, water quality, water resources, economics, and cultural resources.

We look forward to further coordination with the Miccosukee Tribe regarding any issues or areas of concern, and welcome the opportunity to meet, at a time and location of your convenience, to provide additional information and address any questions you may have regarding this project. If you have any questions, please contact Kenneth McDonald by phone at 772-469-4284 or by email at *kenneth_mcdonald@fws.gov*.

Sincerely yours,

for Constance L Cassler

Roxanna Hinzman
Field Supervisor
South Florida Ecological Services Office

Enclosure

cc: electronic only
Miccosukee Tribe, Ochopee, Florida (Fred Dayhoff)

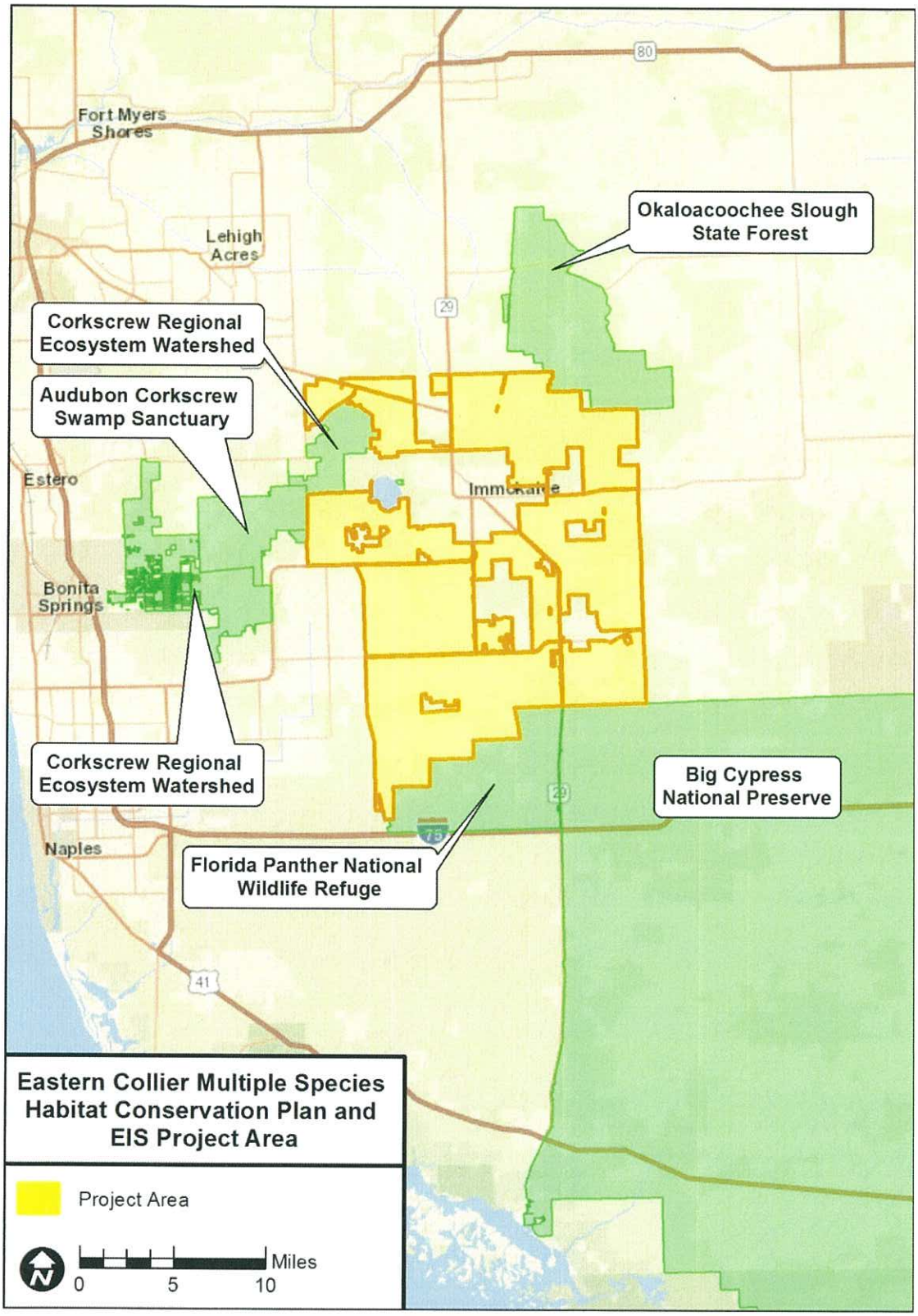

Figure 1. Eastern Collier Multiple Species Habitat Conservation Plan and EIS Project Area

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 06:59 AM

Conversation Contents

PowerPoint for the Seminole Tribe meeting tomorrow

Attachments:

/35. PowerPoint for the Seminole Tribe meeting tomorrow/1.1 20190329_ECMSHCP formal tribal consultation.pptx
/35. PowerPoint for the Seminole Tribe meeting tomorrow/5.1 20190329_ECMSHCP formal tribal consultation.pptx

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Thu Mar 28 2019 13:48:55 GMT-0600 (MDT)
To:	David Dell <david_dell@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>
CC:	Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	PowerPoint for the Seminole Tribe meeting tomorrow
Attachments:	20190329_ECMSHCP formal tribal consultation.pptx

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Thanks in advance,

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
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Vero Beach, Florida 32960
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fax: 772-562-4288
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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Fri Mar 29 2019 06:52:11 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: PowerPoint for the Seminole Tribe meeting tomorrow

Looks good to me Connie! Thanks.

On Thu, Mar 28, 2019 at 3:49 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

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****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Kanaski, Richard" <richard_kanaski@fws.gov>

From:	"Kanaski, Richard" <richard_kanaski@fws.gov>
Sent:	Fri Mar 29 2019 07:41:30 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	David Dell <david_dell@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
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[FMSF = Florida Master Site Files].

Call me if you have any questions or wish to discuss further.

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(843) 784-6310 [Office]
(912) 257-5434 [Cell]
richard_kanaski@fws.gov

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Fri Mar 29 2019 08:20:30 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Timothy Binzen <timothy_binzen@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
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David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri Mar 29 2019 08:38:58 GMT-0600 (MDT)
To:	"Kanaski, Richard" <richard_kanaski@fws.gov>
CC:	David Dell <david_dell@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
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Thank you. I think I understand. David Dell and I continue to discuss this and I talked more with Tim Binzen this morning.

I updated the slide based on what you sent. I will verbally add some details I didn't add to the slide. For example, I will explain that the Corps would be the lead Federal agency if there is a 404 nexus.

I'm attaching the updated PowerPoint. Tim and I were also trying to troubleshoot the problem he was having signing on to the webinar. One thing that worked for him was to click on the link in the meeting invite and join using Google Chrome. Others have said that if you use internet explorer to run the temporary application instead of trying to install the plug-in.

Talk to you this afternoon.

Connie

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri Mar 29 2019 08:40:47 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	Timothy Binzen <timothy_binzen@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	Re: PowerPoint for the Seminole Tribe meeting tomorrow

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"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Fri Mar 29 2019 08:42:04 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: PowerPoint for the Seminole Tribe meeting tomorrow

Depends if Rob volunteers his. We used Chris's this morning.

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"Kanaski, Richard" <richard_kanaski@fws.gov>

From:	"Kanaski, Richard" <richard_kanaski@fws.gov>
Sent:	Fri Mar 29 2019 08:50:56 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: PowerPoint for the Seminole Tribe meeting tomorrow

Connie - will the call-in number & password be the same one used for the Miccosukee call or a different one? Let me know either way. Thanks.

Rick

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Welcome
Seminole Tribe of Florida

Formal Consultation for the Eastern Collier Multiple Species Habitat Conservation Plan

March 29, 2019

2007 Tim Donovan / FWC

Meeting Schedule

- Introductions
- HCP Overview and Updates
- Tribal Input and Discussion

Purpose of Today's Meeting

- Explain the proposed action
- Discuss related regulation and process
  - Endangered Species Act (ESA)
  - National Environmental Policy Act (NEPA)
  - National Historic Preservation Act (Section 106) and Tribal Consultation
- Request your input

What is an HCP?

- HCPs are planning documents required as part of an application for an incidental take permit.
  - describe the anticipated effects of the proposed taking
  - how those impacts will be minimized, or mitigated
  - and how the HCP is to be funded.
- HCPs can apply to both listed and non-listed species, including those that are candidates or have been proposed for listing.

HCP

EASTERN COLLIER MULTIPLE SPECIES HABITAT CONSERVATION PLAN
Revised March 2019

Prepared for:
Eastern Collier Property Owners, LLC
2600 Golden Gate Parkway
Naples, Florida 34105

For submittal to:
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960

Prepared by:
Stantec Consulting Services Inc.
300 Primera Boulevard, Suite 300
Lake Mary, Florida 32746

Applicants

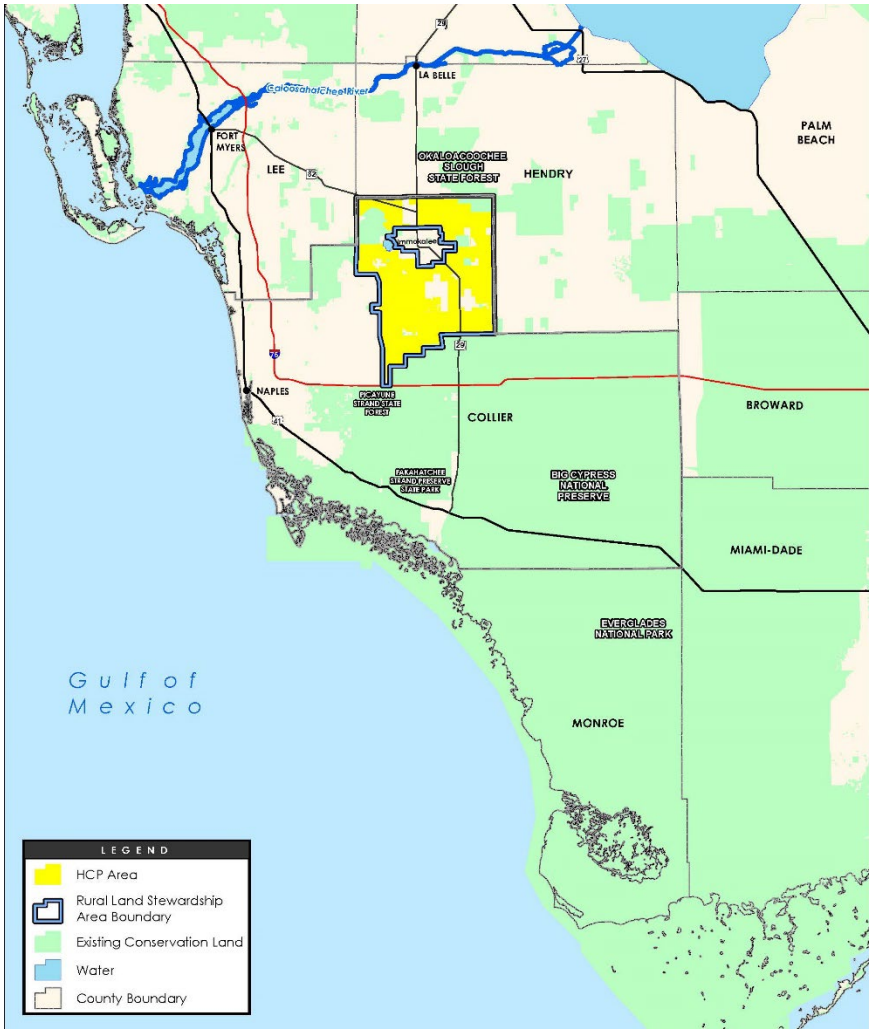
Eastern Collier Property Owners

- 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.
- JB Ranch
- Owl Hammock Immokalee, LLC
- Pacific Land, Ltd.
- Sunniland Family Limited Partnership

Proposed Action

- Issuance of Incidental Take Permits by the U.S. Fish and Wildlife Service (Service)
- Covers effects to:
  - 11 Federally Listed (and candidate) Species
  - 8 State Listed Species
- Covers approximately 151,442 acres of privately owned lands in Eastern Collier County, FL
- Duration of the ITP proposed to be 50 Years

Location:
NE Collier County



Covered Species

Federally Listed Species

Common Name	Scientific Name	Status
Florida Scrub Jay	*Aphelocoma coerulescens*	Threatened
Northern Crested Caracara	*Caracara cheriway*	Threatened
Wood Stork	*Mycteria americana*	Threatened
Red-Cockaded Woodpecker	*Picoides borealis*	Endangered
Everglade Snail Kite	*Rostrhamus sociabilis plumbeus*	Endangered
Eastern Indigo Snake	*Drymarchon corais couperi*	Threatened
Florida Bonneted Bat	*Eumops floridanus*	Endangered
Florida Panther	*Puma concolor coryi*	Endangered
Gopher Tortoise	*Gopherus polyphemus*	Candidate Species
Eastern Diamondback Rattlesnake	*Crotalus adamanteus*	Under Review
Gopher Frog	*Lithobates capito*	Under Review

Covered Species

State Listed Species

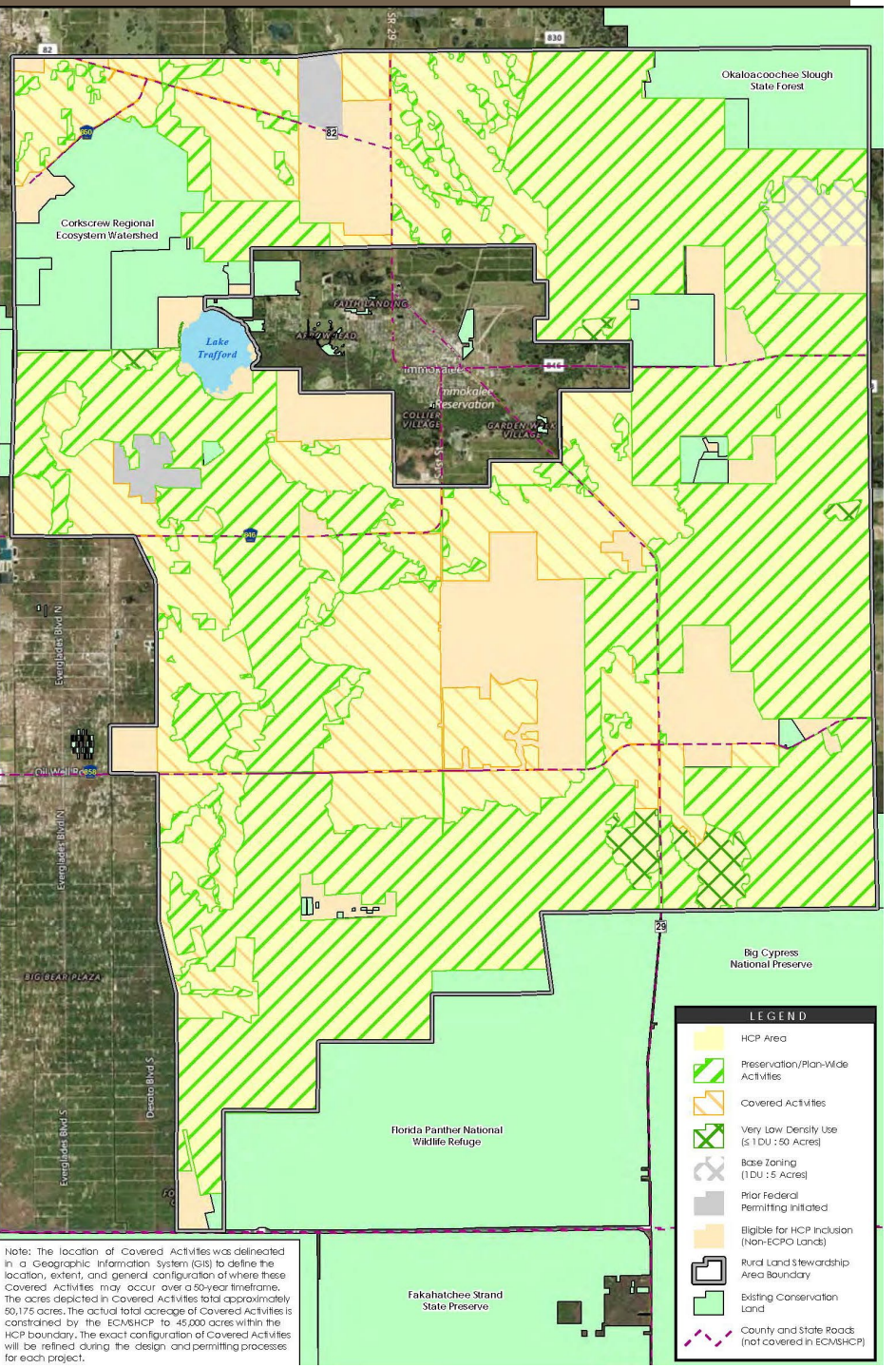
Common Name	Scientific Name	Status
Burrowing Owl	*Athene cunicularia*	Threatened
Everglades Mink	*Neovison vison evergladensis*	Threatened
Florida Sandhill Crane	*Grus canadensis prathensis*	Threatened
Little Blue Heron	*Egretta caerulea*	Threatened
Roseate Spoonbill	*Platalea ajaja*	Threatened
Southeastern American Kestrel	*Falco sparverius paulus*	Threatened
Tricolored Heron	*Egretta tricolor*	Threatened
Big Cypress Fox Squirrel	*Sciurus niger avicennia*	Threatened

Major Elements of HCP

- Preservation of approx. 104,011 acres of contiguous land
- Management of Preserved Lands
- Mitigation and Monitoring
- Preservation of existing Panther Movement Corridors
- Coordinate with Florida Panther Protection Program (FPPP)
  - Establishment of the Marinelli Fund

Panther Male in Refuge; 2012 Florida Fish and Wildlife

Covered Lands: NE Collier County



Actions Covered by ITP in the Covered Activities Areas

- Development
  - Single Family / Multi-Unit Housing
  - Public and Private Institutional Facilities
  - Commercial / Office Space
  - Retail Establishments
  - Surface Water Management
  - Internal Roadways
  - Parks / Landscaping
  - Other elements typical of Mixed Use Developments
- Earth Mining
  - Sand, soil, limestone and similar materials
- Oil and Gas Exploration and Production
- Total acres = 45,000

Actions Covered by ITP in the Preservation/Plan-wide Activities and Very Low Density Use Areas

- Crop Cultivation
- Ranching/Livestock Operations
- Forestry and Silviculture
- Recreation
- Exotic and Nuisance Species Control
- Oil and Gas Exploration and Production
- Preservation lands will have conservation easements

- Very Low Density Development (1 per 50 acres)
- Total acres of Preservation and VLD= 104,011

- Additional 2,431 acres as base zoning (1 per 5 acres)

Process Overview

1. The Eastern Collier Property Owners developed and submitted the HCP and ITP application to the U.S. Fish and Wildlife Service (May 2015)
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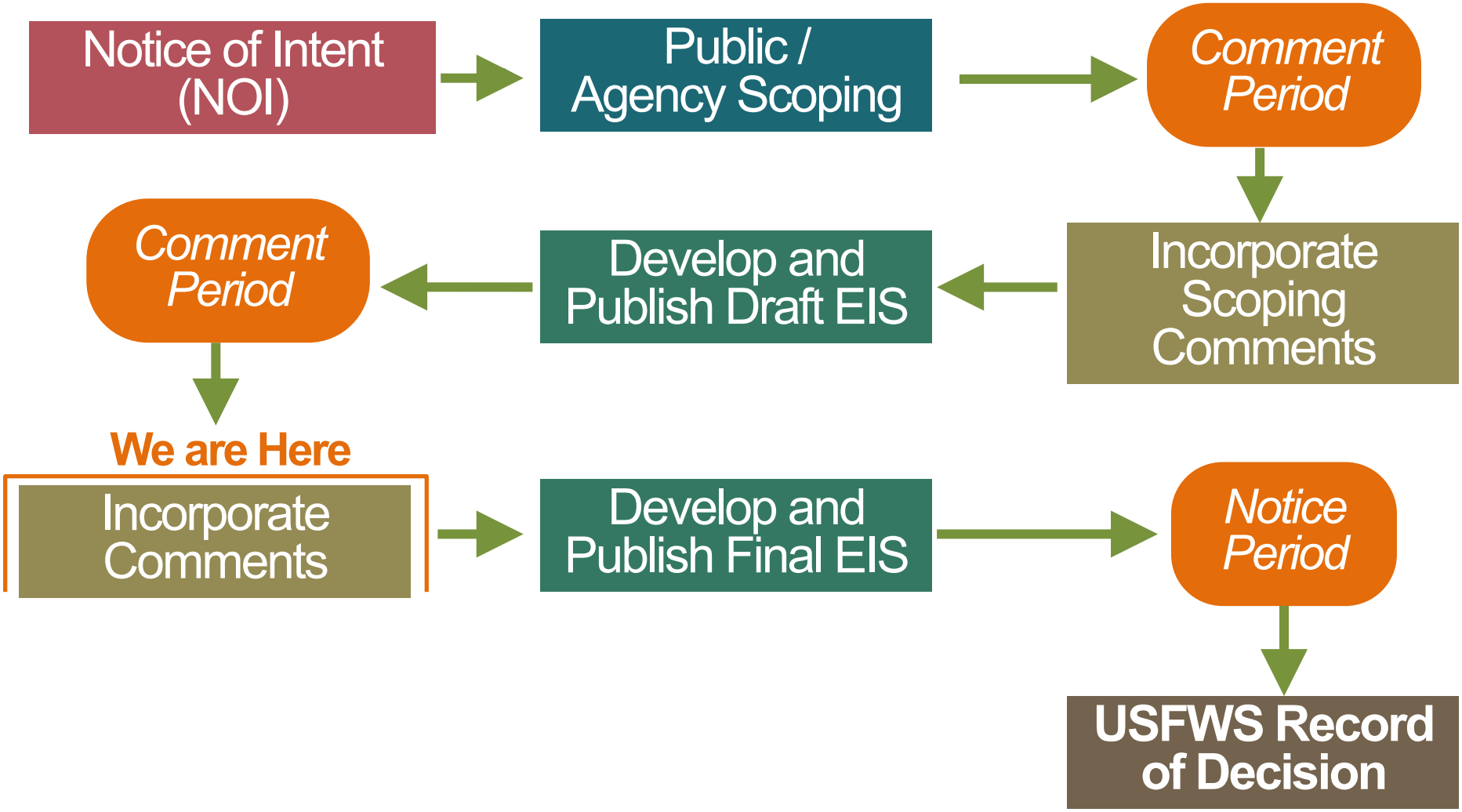
EIS Process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Notice Period
USFWS Record of Decision

Section 106 and Tribal Consultation

- Considered cultural resources early on in NEPA process by obtaining:
  - Known recorded historic properties
  - National Register eligibility status
  - Locations of past surveys
- Seeking input from Seminole Tribe of Florida on locations we don't know about
- Future Individual projects that are part of the HCP
  - Will have a Section 106 consultation as part of either the Corps 404 process or review by a State agency

We Welcome Your Input

- Your Input is very important to the development of the EIS
  - Please bring special attention to those issues that you see as having the greatest importance
  - Review map of HCP area and nearby Seminole Tribal Lands to facilitate discussion

Thank You

Endangered Species Act (ESA)

- Policy that protects Federally listed threatened and endangered species
- Section 9 of the ESA prohibits the “take” of a listed species
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Section 10 (a) Criteria

- The taking will be incidental;
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- The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and
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What is an EIS?

- The EIS is a document that describes and analyzes a proposed action which may have a significant impact on the environment.
- The EIS will consider potentially significant short, long-term, direct, indirect, and cumulative effects of the proposed action and its reasonable alternatives.
- The EIS incorporates public and agency comments regarding scope and alternatives

EIS

Environmental Impact Statement

The National Environmental Policy Act (NEPA) requires the Service prepare an EIS for any Federal action that significantly affects the quality of the human environment.

The issuance of an incidental take permit (ITP) by the Service is a major federal action

Next Steps

- Scoping Meeting
- Draft EIS / Public Hearing
- Final EIS
- Record of Decision

The U.S Fish and Wildlife Service may issue permits for the "incidental take" of endangered and threatened wildlife species. Once issued, permit holders can proceed with an activity that is legal in all other respects, but that results in the "incidental" taking of a listed species.

An ITP holder is authorized for incidental take and will be allowed to legally proceed with an activity for the duration of the permit as long as they are compliant with the terms of the HCP and ITP.

- Human and Natural Environment
- Geology and Soils
- Water Resources
- Air Quality
- Cultural Resources
- Visual Resources
- Socio-Economics and Environmental Justice
- Transportation
- Ecological Communities
- General Wildlife
- Wildlife Habitat Linkages and Corridors
- Listed Species / Candidate Species
- Climate Change

Welcome
Seminole Tribe of Florida

Formal Consultation for the Eastern Collier Multiple Species Habitat Conservation Plan

March 29, 2019

2007 Tim Donovan / FWC

Meeting Schedule

- Introductions
- HCP Overview and Updates
- Tribal Input and Discussion

Purpose of Today's Meeting

- Explain the proposed action
- Discuss related regulation and process
  - Endangered Species Act (ESA)
  - National Environmental Policy Act (NEPA)
  - National Historic Preservation Act (Section 106) and Tribal Consultation
- Request your input

What is an HCP?

- HCPs are planning documents required as part of an application for an incidental take permit.
  - describe the anticipated effects of the proposed taking
  - how those impacts will be minimized, or mitigated
  - and how the HCP is to be funded.
- HCPs can apply to both listed and non-listed species, including those that are candidates or have been proposed for listing.

HCP

EASTERN COLLIER MULTIPLE SPECIES HABITAT CONSERVATION PLAN
Revised March 2019

Prepared for:
Eastern Collier Property Owners, LLC
2600 Golden Gate Parkway
Naples, Florida 34105

For submittal to:
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960

Prepared by:
Stantec Consulting Services Inc.
300 Primera Boulevard, Suite 300
Lake Mary, Florida 32746

Applicants

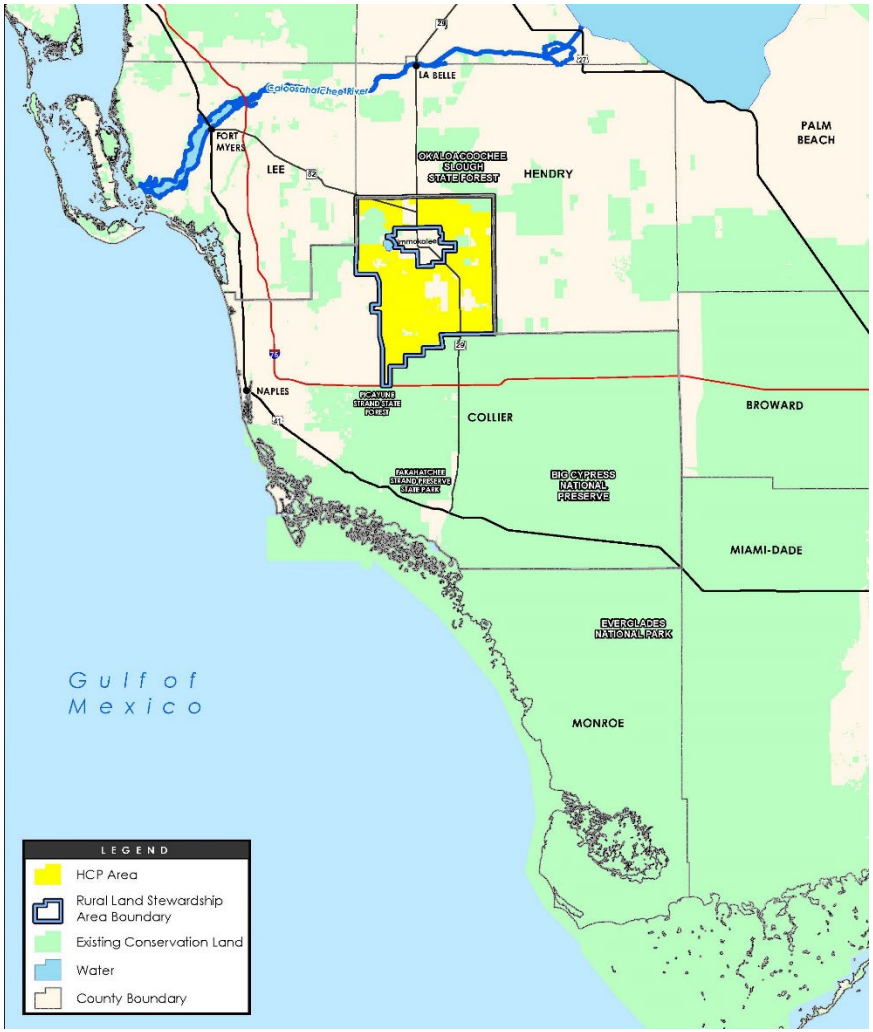
Eastern Collier Property Owners

- 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.
- JB Ranch
- Owl Hammock Immokalee, LLC
- Pacific Land, Ltd.
- Sunniland Family Limited Partnership

Proposed Action

- Issuance of Incidental Take Permits by the U.S. Fish and Wildlife Service (Service)
- Covers effects to:
  - 11 Federally Listed (and candidate) Species
  - 8 State Listed Species
- Covers approximately 151,442 acres of privately owned lands in Eastern Collier County, FL
- Duration of the ITP proposed to be 50 Years

Location:
NE Collier County



Covered Species

Federally Listed Species

Common Name	Scientific Name	Status
Florida Scrub Jay	*Aphelocoma coerulescens*	Threatened
Northern Crested Caracara	*Caracara cheriway*	Threatened
Wood Stork	*Mycteria americana*	Threatened
Red-Cockaded Woodpecker	*Picoides borealis*	Endangered
Everglade Snail Kite	*Rostrhamus sociabilis plumbeus*	Endangered
Eastern Indigo Snake	*Drymarchon corais couperi*	Threatened
Florida Bonneted Bat	*Eumops floridanus*	Endangered
Florida Panther	*Puma concolor coryi*	Endangered
Gopher Tortoise	*Gopherus polyphemus*	Candidate Species
Eastern Diamondback Rattlesnake	*Crotalus adamanteus*	Under Review
Gopher Frog	*Lithobates capito*	Under Review

Covered Species

State Listed Species

Common Name	Scientific Name	Status
Burrowing Owl	*Athene cunicularia*	Threatened
Everglades Mink	*Neovison vison evergladensis*	Threatened
Florida Sandhill Crane	*Grus canadensis prathensis*	Threatened
Little Blue Heron	*Egretta caerulea*	Threatened
Roseate Spoonbill	*Platalea ajaja*	Threatened
Southeastern American Kestrel	*Falco sparverius paulus*	Threatened
Tricolored Heron	*Egretta tricolor*	Threatened
Big Cypress Fox Squirrel	*Sciurus niger avicennia*	Threatened

Major Elements of HCP

- Preservation of approx. 104,011 acres of contiguous land
- Management of Preserved Lands
- Mitigation and Monitoring
- Preservation of existing Panther Movement Corridors
- Coordinate with Florida Panther Protection Program (FPPP)
  - Establishment of the Marinelli Fund

Panther Male in Refuge; 2012 Florida Fish and Wildlife

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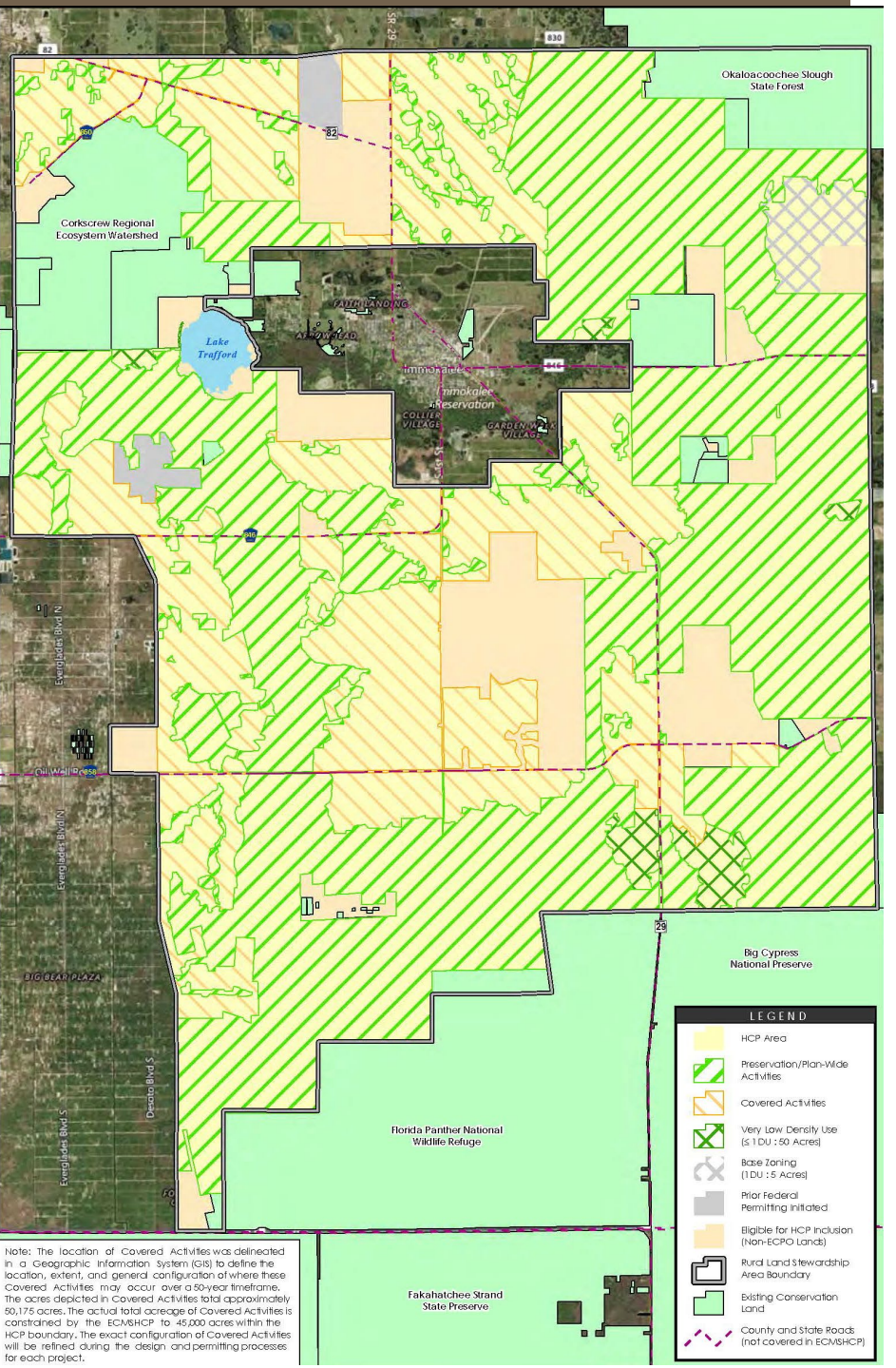

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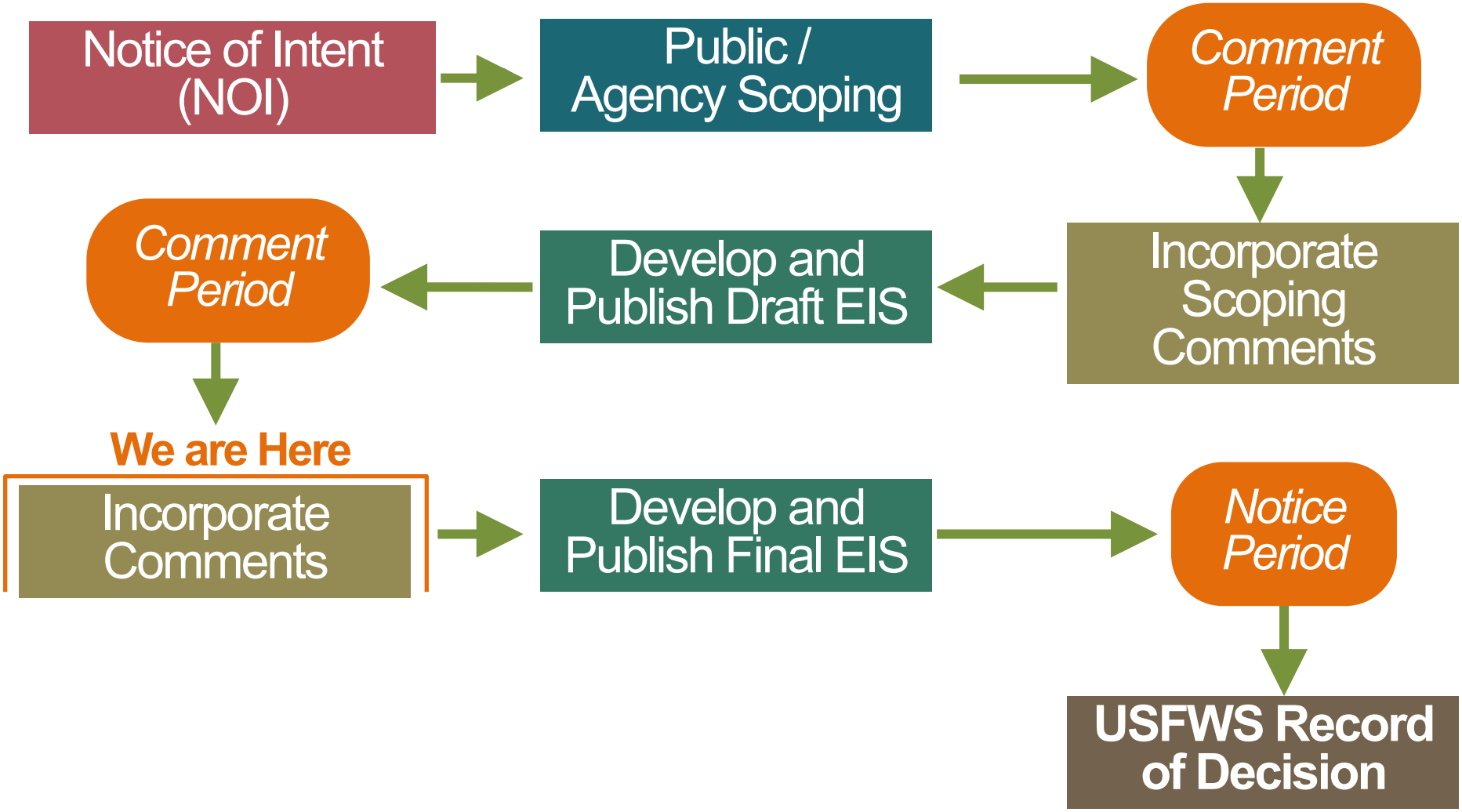
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- Considered cultural resources early on in NEPA process by obtaining:
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  - Locations of past surveys
- Seeking input from Seminole Tribe of Florida on significant locations, landscapes, and properties not captures in the FMSF
- ITP permittees seeking to develop portions of their property under the HCP will follow the Section 106 process. The lead Federal agency will be responsible.
- Non-HCP projects, such as DOT, will follow either the State's or Federal process depending upon the funding source.

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:04 AM

Conversation Contents

Poarch Band & Seminole Nation THPOs

"Kanaski, Richard" <richard_kanaski@fws.gov>

From:	"Kanaski, Richard" <richard_kanaski@fws.gov>
Sent:	Thu Mar 28 2019 12:48:06 GMT-0600 (MDT)
To:	Constance Cassler <constance_cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>
CC:	Timothy Binzen <timothy_binzen@fws.gov>
Subject:	Poarch Band & Seminole Nation THPOs

Connie & Kevin: here are the particulars for these THPOs.

Larry D. Haikey, Tribal Historic Preservation Officer
Poarch Band of Creek Indians
5811 Jack Springs Road, Building 500
Atmore, AL 36502
Haikey: (251) 368-9136, ext. 2072
(251) 359-1110 (cell)
Email: lkaikey@pci-nsn.gov

Theodore Isham, Tribal Historic Preservation Officer
Seminole Nation Oklahoma
Historic Preservation Office
12555 NS 3540
P.O. Box 1498
Wewoka, Oklahoma 74884
THPO: (405) 234-5218
Email: HPO@seminolenation.com & isham.t@sno-nsn.gov

Don't hesitate to contact me if you have any questions or if I can be of further assistance.

Til later.

Rick

--

Richard S. Kanaski, Regional Historic Preservation Officer &
Regional Archaeologist
U.S. Fish and Wildlife Service, Southeast Region
(843) 784-6310 [Office]
(912) 257-5434 [Cell]
richard_kanaski@fws.gov

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Created: 10-25-2019 at 07:04 AM

Conversation Contents

Re: Request for Cultural Resource-HCP discussion

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Wed Mar 27 2019 13:14:57 GMT-0600 (MDT)
To:	"Binzen, Timothy" <timothy_binzen@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: Request for Cultural Resource-HCP discussion

Hi Tim,

Thanks for joining when you could! Yes, they mentioned cultural resources and that there were several areas of significance within the HCP area. Connie mentioned that it was handled 'in very general terms' within the draft EIS since that document is public and some, if not all, of that info is sensitive. We discussed the possibility of sharing our list of sites with them to compare to see if any are missed. Also, and probably most importantly, it was discussed that the HCP is not the place where these resources will be discussed in the most detail, rather when the property owners go to the Corps for a Sect. 404 permit for each individual project (where I'm assuming the 'standard' historic preservation analyses would occur). We did ask the Tribe if their were specific areas or sites that they would like for us to consider up front and share with the Corps now. They may include more information in their comment letter which is in their legal department for review now.

You may or may not be aware of other obligations so it would be good to get on the phone tomorrow. Connie, our project lead for this HCP is more familiar with the overall process and can participate too from 1 - 2 pm tomorrow!

Can you provide a call-in number?

Thanks again,

Kevin

On Wed, Mar 27, 2019 at 2:50 PM Binzen, Timothy <timothy_binzen@fws.gov> wrote:

> Hi Kevin,
>
> I was able to join the Miccosukee meeting at 2:00 PM, for the last part of the discussion.
>
> Afterwards, I got a call from R4 RHPO, Rick Kanaski. He said the the Tribe brought up Cultural Resources.
>
> Looking ahead to Friday's meeting with the Seminole Tribe, we can anticipate that they will bring up Cultural Resources and the HCP, probably in a bigger way than the Miccosukee did.
>
> Would you be available for a call with me and Rick tomorrow (Thursday) for a review of FWS responsibilities for Cultural Resources in the HCP process?

> Suggested times: 10:00 - 11:00 AM
> 1:00 - 2:00 PM
>
> Thanks,
> --Tim
>
> --
> Timothy Binzen
> Tribal Liaison (Northeast & Southeast Regions)
> U.S. Fish and Wildlife Service
> External Affairs
> 300 Westgate Center Drive
> Hadley, MA 01035
> Office: (413) 253-8731
> Mobile: (413) 800-2071

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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Conversation Contents

Presentation for Miccosukee Tribe this afternoon

Attachments:

/39. Presentation for Miccosukee Tribe this afternoon/1.1 20190326_ECMSHCP formal tribal consultation.pptx

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Mar 27 2019 07:20:31 GMT-0600 (MDT)
To:	Kevin Palmer <kevin_palmer@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, David Dell <david_dell@fws.gov>
Subject:	Presentation for Miccosukee Tribe this afternoon
Attachments:	20190326_ECMSHCP formal tribal consultation.pptx

Hi Kevin,

I'm attaching the presentation I plan on using this afternoon. I have also created a GIS map showing the HCP area, lands designations, and the Miccosukee Tribal Lands to the east.. I plan to have the map open in GIS so we can zoom to anything they may have questions about.

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
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office: 772-469-4243
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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Mar 27 2019 07:25:29 GMT-0600 (MDT)
To:	Kevin Palmer <kevin_palmer@fws.gov>

CC:	Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, David Dell <david_dell@fws.gov>
Subject:	Re: Presentation for Miccosukee Tribe this afternoon

I forgot to finish the message before I sent it. The presentation and GIS are located:
\\IFW4FO-FLVEB620\Biologists\Trust Resources\HCP\County Collier\E Collier Multispecies HCP (2008FA0786)\Miccosukee Tribe Communications

Please let me know if there is something you would like me to change, delete, or add.

Connie

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On Wed, Mar 27, 2019 at 9:20 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

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"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Wed Mar 27 2019 07:33:20 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>
Subject:	Re: Presentation for Miccosukee Tribe this afternoon

Connie: It looks good. Only one change to suggest at slide #16. We did not hold public hearings after the NOA, so I suggest that box either be removed from the flow-chart, or it could be flagged as an optional step that we chose not to perform.

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Wed Mar 27 2019 07:35:08 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: Presentation for Miccosukee Tribe this afternoon

Oh, and what about the slides after the "Thank You" at # 18? Are those to be deleted?

David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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> I forgot to finish the message before I sent it. The presentation and GIS are located:
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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Mar 27 2019 07:49:46 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
Subject:	Re: Presentation for Miccosukee Tribe this afternoon

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Mar 27 2019 07:50:55 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
CC:	Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>
Subject:	Re: Presentation for Miccosukee Tribe this afternoon

Thanks for catching that. My inclination is to remove the box.

Connie

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Wed Mar 27 2019 07:57:28 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: Presentation for Miccosukee Tribe this afternoon

Looks really good Connie! Thanks.

I'm going to get in the room around 12:30 and pull everything up!

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--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Wed Mar 27 2019 07:57:44 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: Presentation for Miccosukee Tribe this afternoon

wouldn't hurt to keep them

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Mar 27 2019 07:58:07 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Subject:	Re: Presentation for Miccosukee Tribe this afternoon

Thank you.

Constance L. Cassler, Ph.D.
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Sent:	Wed Mar 27 2019 07:59:12 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
Subject:	Re: Presentation for Miccosukee Tribe this afternoon

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"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Wed Mar 27 2019 08:38:07 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: Presentation for Miccosukee Tribe this afternoon

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David Dell
US Fish and Wildlife Service
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
david_dell@fws.gov

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From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Mar 27 2019 08:39:17 GMT-0600 (MDT)
To:	"Dell, David" <david_dell@fws.gov>
Subject:	Re: Presentation for Miccosukee Tribe this afternoon

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Sent:	Wed Mar 27 2019 08:43:01 GMT-0600 (MDT)
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To:	"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
Subject:	Re: Presentation for Miccosukee Tribe this afternoon

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To:	"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
Subject:	Re: Presentation for Miccosukee Tribe this afternoon

Thank you. All fixed.

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Welcome
Miccosukee Tribe of Indians of Florida

Formal Consultation for the Eastern Collier Multiple Species Habitat Conservation Plan

March 27, 2019

2007 Tim Donovan / FWC

Meeting Schedule

- Introductions
- HCP Overview and Updates
- Tribal Input and Discussion

Purpose of Today's Meeting

- Explain the proposed action
- Discuss related regulation and process
  - Endangered Species Act (ESA)
  - National Environmental Policy Act (NEPA)
- Request your input

What is an HCP?

- HCPs are planning documents required as part of an application for an incidental take permit.
  - describe the anticipated effects of the proposed taking
  - how those impacts will be minimized, or mitigated
  - and how the HCP is to be funded.
- HCPs can apply to both listed and non-listed species, including those that are candidates or have been proposed for listing.

HCP

EASTERN COLLIER MULTIPLE SPECIES HABITAT CONSERVATION PLAN
Revised March 2019

Prepared for:
Eastern Collier Property Owners, LLC
2600 Golden Gate Parkway
Naples, Florida 34105

For submittal to:
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960

Prepared by:
Stantec Consulting Services Inc.
300 Primera Boulevard, Suite 300
Lake Mary, Florida 32746

Applicants

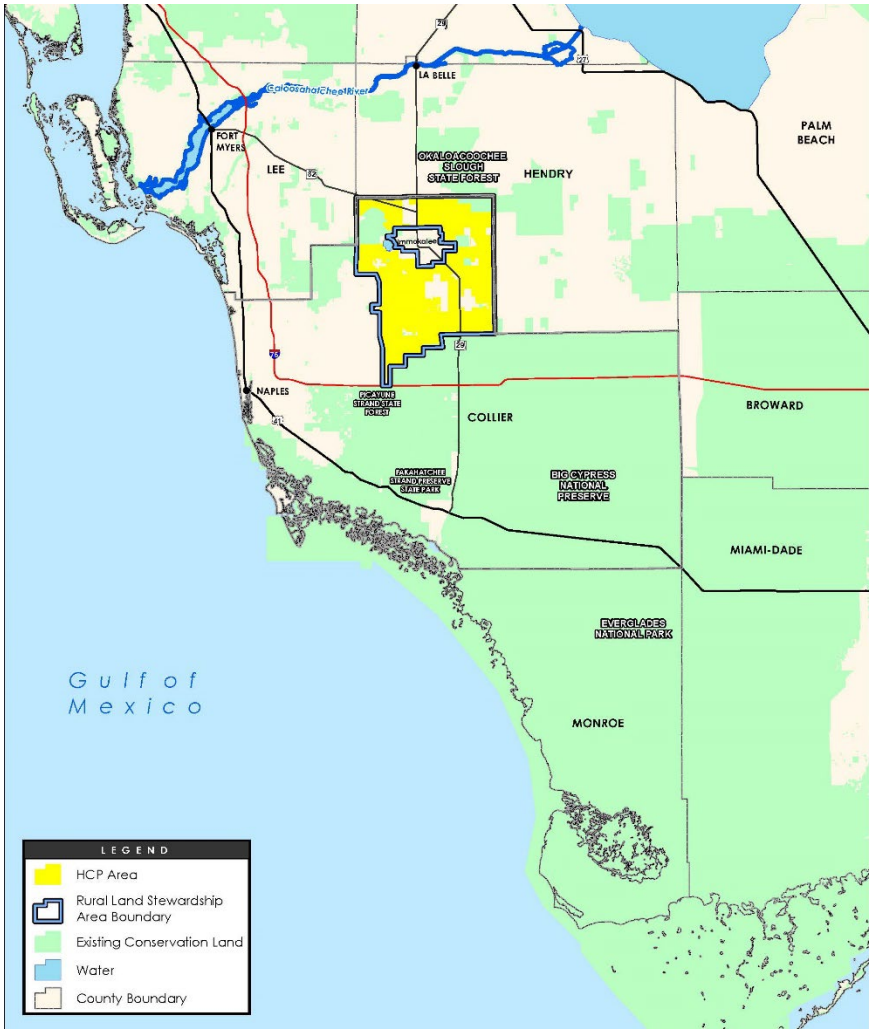
Eastern Collier Property Owners

- 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.
- JB Ranch
- Owl Hammock Immokalee, LLC
- Pacific Land, Ltd.
- Sunniland Family Limited Partnership

Proposed Action

- Issuance of Incidental Take Permits by the U.S. Fish and Wildlife Service (Service)
- Covers effects to:
  - 11 Federally Listed (and candidate) Species
  - 8 State Listed Species
- Covers approximately 151,442 acres of privately owned lands in Eastern Collier County, FL
- Duration of the ITP proposed to be 50 Years

Location:
NE Collier County



Covered Species

Federally Listed Species

Common Name	Scientific Name	Status
Florida Scrub Jay	*Aphelocoma coerulescens*	Threatened
Northern Crested Caracara	*Caracara cheriway*	Threatened
Wood Stork	*Mycteria americana*	Threatened
Red-Cockaded Woodpecker	*Picoides borealis*	Endangered
Everglade Snail Kite	*Rostrhamus sociabilis plumbeus*	Endangered
Eastern Indigo Snake	*Drymarchon corais couperi*	Threatened
Florida Bonneted Bat	*Eumops floridanus*	Endangered
Florida Panther	*Puma concolor coryi*	Endangered
Gopher Tortoise	*Gopherus polyphemus*	Candidate Species
Eastern Diamondback Rattlesnake	*Crotalus adamanteus*	Under Review
Gopher Frog	*Lithobates capito*	Under Review

Covered Species

State Listed Species

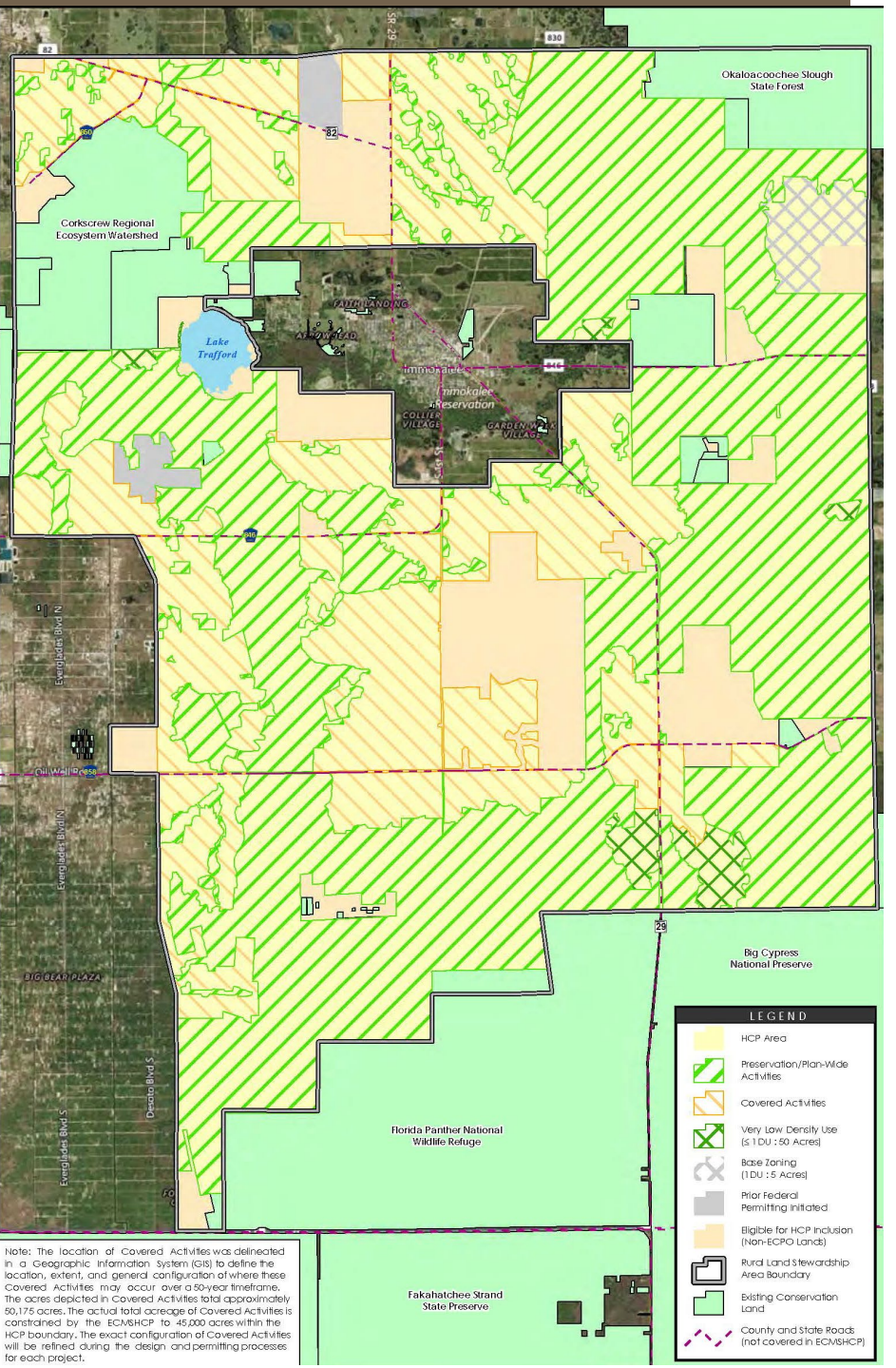
Common Name	Scientific Name	Status
Burrowing Owl	*Athene cunicularia*	Threatened
Everglades Mink	*Neovison vison evergladensis*	Threatened
Florida Sandhill Crane	*Grus canadensis prathensis*	Threatened
Little Blue Heron	*Egretta caerulea*	Threatened
Roseate Spoonbill	*Platalea ajaja*	Threatened
Southeastern American Kestrel	*Falco sparverius paulus*	Threatened
Tricolored Heron	*Egretta tricolor*	Threatened
Big Cypress Fox Squirrel	*Sciurus niger avicennia*	Threatened

Major Elements of HCP

- Preservation of approx. 104,011 acres of contiguous land
- Management of Preserved Lands
- Mitigation and Monitoring
- Preservation of existing Panther Movement Corridors
- Coordinate with Florida Panther Protection Program (FPPP)
  - Establishment of the Marinelli Fund

Panther Male in Refuge; 2012 Florida Fish and Wildlife

Covered Lands: NE Collier County



Actions Covered by ITP in the Covered Activities Areas

- Development
  - Single Family / Multi-Unit Housing
  - Public and Private Institutional Facilities
  - Commercial / Office Space
  - Retail Establishments
  - Surface Water Management
  - Internal Roadways
  - Parks / Landscaping
  - Other elements typical of Mixed Use Developments
- Earth Mining
  - Sand, soil, limestone and similar materials
- Oil and Gas Exploration and Production
- Total acres = 45,000

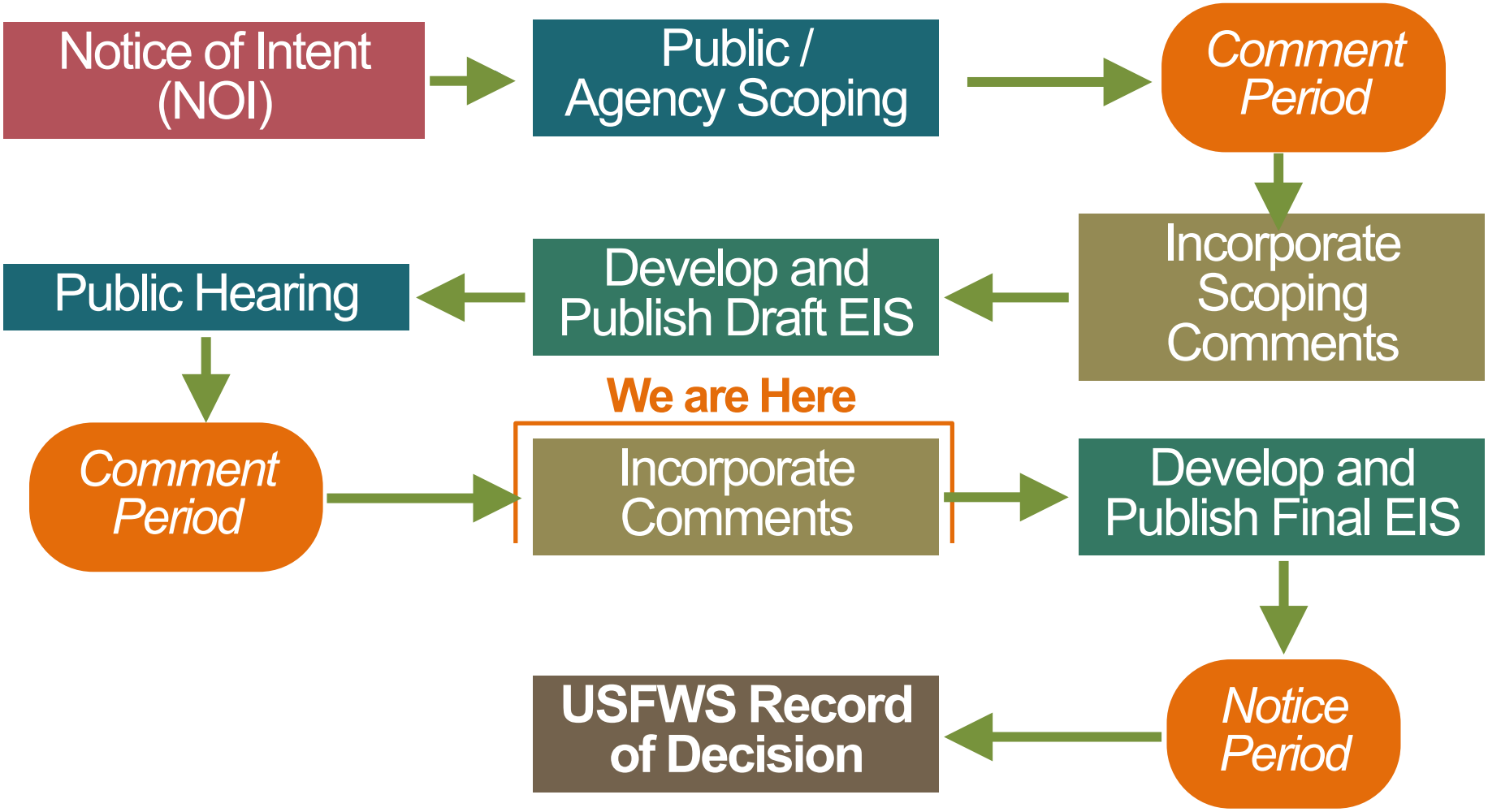
Actions Covered by ITP in the Preservation/Plan-wide Activities and Very Low Density Use Areas

- Crop Cultivation
- Ranching/Livestock Operations
- Forestry and Silviculture
- Recreation
- Exotic and Nuisance Species Control
- Oil and Gas Exploration and Production
- Very Low Density Development (1 per 50 acres)
- Total acres = 104,011
- Additional 2,431 acres as base zoning (1 per 5 acres)

Process Overview

1. The Eastern Collier Property Owners developed and submitted the HCP and ITP application to the U.S. Fish and Wildlife Service (May 2015)
2. The final HCP was submitted (March 2019)
3. The Service is working to prepare a Final EIS based on public comments
4. After public comment the Final EIS will be published, and the Service will prepare a Record of Decision (ROD)
5. If the Service determines that the HCP meets the ESA Section 10(a) criteria the Service will issue the ITP.

EIS Process


Notice of Intent (NOI)
Public / Agency Scoping
Comment Period
Incorporate Scoping Comments
Develop and Publish Draft EIS
Public Hearing
We are Here
Comment Period
Incorporate Comments
Develop and Publish Final EIS
Notice Period
USFWS Record of Decision

We Welcome Your Input

- Your Input is very important to the development of the EIS
  - Please bring special attention to those issues that you see as having the greatest importance
  - Review map of HCP area and nearby Miccosukee Tribal Lands to facilitate dfiscussion

Thank You

Endangered Species Act (ESA)

- Policy that protects Federally listed threatened and endangered species
- Section 9 of the ESA prohibits the “take” of a listed species
- The Service may issue permits to authorize an “incidental take” of a listed species under Section 10(a) of the ESA.
- “Incidental Takes” are regulated through the Section 10(a) of the ESA

Key Definitions

“Take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species.

“Harm” may include significant habitat modification where it actually kills or injures a listed species through impairment of essential behavior.

Section 10 (a) Criteria

- The taking will be incidental;
- The applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking;
- The applicant will develop an **HCP** and ensure that adequate funding for the plan will be provided;
- The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and
- The applicant will carry out any other measures that the Secretary of the Interior may require as being necessary or appropriate for the purposes of the HCP.

What is an EIS?

- The EIS is a document that describes and analyzes a proposed action which may have a significant impact on the environment.
- The EIS will consider potentially significant short, long-term, direct, indirect, and cumulative effects of the proposed action and its reasonable alternatives.
- The EIS incorporates public and agency comments regarding scope and alternatives

EIS

Environmental Impact Statement

The National Environmental Policy Act (NEPA) requires the Service prepare an EIS for any Federal action that significantly affects the quality of the human environment.

The issuance of an incidental take permit (ITP) by the Service is a major federal action

Next Steps

- Scoping Meeting
- Draft EIS / Public Hearing
- Final EIS
- Record of Decision

The U.S Fish and Wildlife Service may issue permits for the "incidental take" of endangered and threatened wildlife species. Once issued, permit holders can proceed with an activity that is legal in all other respects, but that results in the "incidental" taking of a listed species.

An ITP holder is authorized for incidental take and will be allowed to legally proceed with an activity for the duration of the permit as long as they are compliant with the terms of the HCP and ITP.

- Human and Natural Environment
- Geology and Soils
- Water Resources
- Air Quality
- Cultural Resources
- Visual Resources
- Socio-Economics and Environmental Justice
- Transportation
- Ecological Communities
- General Wildlife
- Wildlife Habitat Linkages and Corridors
- Listed Species / Candidate Species
- Climate Change

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:05 AM

Conversation Contents

Formal Consultation of East Collier County HCP

Attachments:

/40. Formal Consultation of East Collier County HCP/1.1 20181211_Letter_Service to Miccosukee Tribe_Formal Consultation of East Collier County HCP.pdf
/40. Formal Consultation of East Collier County HCP/2.1 20181211_Letter_Service to Miccosukee Tribe_Formal Consultation of East Collier County HCP.pdf
/40. Formal Consultation of East Collier County HCP/3.1 image001.png
/40. Formal Consultation of East Collier County HCP/3.2 image002.png
/40. Formal Consultation of East Collier County HCP/4.1 image002.png
/40. Formal Consultation of East Collier County HCP/5.1 image001.png
/40. Formal Consultation of East Collier County HCP/5.2 image002.png
/40. Formal Consultation of East Collier County HCP/5.3 image003.png
/40. Formal Consultation of East Collier County HCP/6.1 image002.png
/40. Formal Consultation of East Collier County HCP/6.2 image003.png
/40. Formal Consultation of East Collier County HCP/6.3 image001.png
/40. Formal Consultation of East Collier County HCP/7.1 image002.png
/40. Formal Consultation of East Collier County HCP/7.2 image003.png
/40. Formal Consultation of East Collier County HCP/8.1 image002.png
/40. Formal Consultation of East Collier County HCP/8.2 image003.png
/40. Formal Consultation of East Collier County HCP/8.3 image001.png
/40. Formal Consultation of East Collier County HCP/9.1 image002.png
/40. Formal Consultation of East Collier County HCP/9.2 image003.png
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/40. Formal Consultation of East Collier County HCP/29.2 image003.png
/40. Formal Consultation of East Collier County HCP/30.1 image002.png
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/40. Formal Consultation of East Collier County HCP/33.2 image002.png
/40. Formal Consultation of East Collier County HCP/34.1 image001.png
/40. Formal Consultation of East Collier County HCP/34.2 image002.png

"Vero Beach, FW4" <verobeach@fws.gov>

From:	"Vero Beach, FW4" <verobeach@fws.gov>
Sent:	Tue Dec 11 2018 09:16:33 GMT-0700 (MST)
To:	jeanineb@miccosukeetribe.com, craigv@miccosukeetribe.com
CC:	Constance Cassler <constance_cassler@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Formal Consultation of East Collier County HCP
Attachments:	20181211_Letter_Service to Miccosukee Tribe_Formal Consultation of East Collier County HCP.pdf

Have a nice day.

US Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960
772-562-3909

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Thu Jan 31 2019 08:18:43 GMT-0700 (MST)
To:	jeanineb@miccosukeetribe.com, craigv@miccosukeetribe.com
CC:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Fwd: Formal Consultation of East Collier County HCP
Attachments:	20181211_Letter_Service to Miccosukee Tribe_Formal Consultation of East Collier County HCP.pdf

Good morning Jeanine -

I would like to confirm if you were able to present the attached letter to the Miccosukee Business Council on Dec. 11 and whether you all have discussed potential dates? We've learned that we will most likely not be getting extensions on pending project deadlines as a result of the shutdown, so timing is critical.

Thanks and have a great day!

Kevin
---------- Forwarded message ---------
From: **Vero Beach, FW4** <verobeach@fws.gov>
Date: Tue, Dec 11, 2018 at 11:16 AM
Subject: Formal Consultation of East Collier County HCP
To: <jeanineb@miccosukeetribe.com>, <craigv@miccosukeetribe.com>
Cc: Constance Cassler <constance_cassler@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>

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--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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Jeanine Bennett <JeanineB@miccosukeetribe.com>

From:	Jeanine Bennett <JeanineB@miccosukeetribe.com>

Sent:	Thu Jan 31 2019 11:15:32 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>, Craig van der Heiden <CraigV@miccosukeetribe.com>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, Gene Duncan <GeneD@miccosukeetribe.com>
Subject:	[EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image001.png image002.png

Kevin,

I received approval on 12/11 to have this meeting with the Everglades Advisory Committee and I put out an email on 12/12 asking for dates but I haven't received any back. I am cc'ing Gene Duncan on this email as well to be in the loop in the hopes we can get some viable meeting dates soon.

We will be in touch,

Jeanine

https://t
Miccos

Jeanine Bennett, Esq.
Miccosukee Tribe of Indians of Florida
General Counsel, In-House
jeanineb@miccosukeetribe.com
O: 305.223.8380 **Ext:** 5211 **F:** 305.894.5212

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From: Palmer, Kevin <kevin_palmer@fws.gov>
Sent: Thursday, January 31, 2019 10:19 AM
To: Jeanine Bennett <JeanineB@miccosukeetribe.com>; Craig van der Heiden <CraigV@miccosukeetribe.com>
Cc: Cassler, Constance <constance_cassler@fws.gov>
Subject: Fwd: Formal Consultation of East Collier County HCP

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I would like to confirm if you were able to present the attached letter to the Miccosukee Business Council on Dec. 11 and whether you all have discussed potential dates? We've learned that we will most likely not be getting extensions on pending project deadlines as a result of the shutdown, so timing is critical.

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Kevin
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Subject: Formal Consultation of East Collier County HCP
To: <jeanineb@miccosukeetribe.com>, <craigv@miccosukeetribe.com>
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Have a nice day.

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U.S. Fish and Wildlife Service
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Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Thu Jan 31 2019 11:17:35 GMT-0700 (MST)
To:	Jeanine Bennett <JeanineB@miccosukeetribe.com>

CC:	Craig van der Heiden <CraigV@miccosukeetribe.com>, "Cassler, Constance" <constance_cassler@fws.gov>, Gene Duncan <GeneD@miccosukeetribe.com>
Subject:	Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image002.png

Thanks Jeanine.. and all!

On Thu, Jan 31, 2019 at 1:15 PM Jeanine Bennett <JeanineB@miccosukeetribe.com> wrote:

> Kevin,
>
> I received approval on 12/11 to have this meeting with the Everglades Advisory Committee and I put out an email on 12/12 asking for dates but I haven't received any back. I am cc'ing Gene Duncan on this email as well to be in the loop in the hopes we can get some viable meeting dates soon.
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> We will be in touch,
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> Jeanine
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> https://u Miccos
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> **Jeanine Bennett, Esq.**
> **Miccosukee Tribe of Indians of Florida**
> General Counsel, In-House
> jeanineb@miccosukeetribe.com
> **O:** 305.223.8380 **Ext:** 5211 **F:** 305.894.5212
>
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> **Sent:** Thursday, January 31, 2019 10:19 AM
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> **Cc:** Cassler, Constance <constance_cassler@fws.gov>
> **Subject:** Fwd: Formal Consultation of East Collier County HCP
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> Thanks and have a great day!
>
> Kevin
> ---------- Forwarded message ---------
> From: **Vero Beach, FW4** <verobeach@fws.gov>
> Date: Tue, Dec 11, 2018 at 11:16 AM
> Subject: Formal Consultation of East Collier County HCP
> To: <jeanineb@miccosukeetribe.com>, <craigv@miccosukeetribe.com>
> Cc: Constance Cassler <constance_cassler@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>
>
> Have a nice day.
>
> US Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, FL 32960
> 772-562-3909
>
> ***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.***
>
> --
> **********
> Kevin Palmer
> U.S. Fish and Wildlife Service
> South Florida Ecological Services Field Office
> 1339 20th Street
> Vero Beach, Florida 32960-3559
> Phone: 772-469-4280
> Fax: 772-562-4288 & 564-7393
> Email: Kevin_Palmer@fws.gov
>
> ***NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.***

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Kevin Palmer
U.S. Fish and Wildlife Service

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Jeanine Bennett <JeanineB@miccosukeetribe.com>

From:	Jeanine Bennett <JeanineB@miccosukeetribe.com>
Sent:	Fri Feb 01 2019 11:14:02 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	Craig van der Heiden <CraigV@miccosukeetribe.com>, "Cassler, Constance" <constance_cassler@fws.gov>, Gene Duncan <GeneD@miccosukeetribe.com>
Subject:	RE: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image001.png image002.png image003.png

Mr. Palmer,

A good day for this meeting will be Tuesday, February 19th in the morning around 10 am at the Tribal Administration. Please confirm this date.

Kind Regards,

Jeanine

https://t
Miccos
Jeanine Bennett, Esq.
Miccosukee Tribe of Indians of Florida
General Counsel, In-House
jeanineb@miccosukeetribe.com
O: 305.223.8380 **Ext:** 5211 **F:** 305.894.5212

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From: Palmer, Kevin <kevin_palmer@fws.gov>
Sent: Thursday, January 31, 2019 1:18 PM
To: Jeanine Bennett <JeanineB@miccosukeetribe.com>
Cc: Craig van der Heiden <CraigV@miccosukeetribe.com>; Cassler, Constance <constance_cassler@fws.gov>; Gene Duncan <GeneD@miccosukeetribe.com>
Subject: Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP

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> **Jeanine Bennett, Esq.**
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>
> **From:** Palmer, Kevin <kevin_palmer@fws.gov>
> **Sent:** Thursday, January 31, 2019 10:19 AM
> **To:** Jeanine Bennett <JeanineB@miccosukeetribe.com>; Craig van der Heiden <CraigV@miccosukeetribe.com>
> **Cc:** Cassler, Constance <constance_cassler@fws.gov>
> **Subject:** Fwd: Formal Consultation of East Collier County HCP
>
> Good morning Jeanine -
>
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critical.

Thanks and have a great day!

Kevin
---------- Forwarded message ---------
From: **Vero Beach, FW4** <verobeach@fws.gov>
Date: Tue, Dec 11, 2018 at 11:16 AM
Subject: Formal Consultation of East Collier County HCP
To: <jeanineb@miccosukeetribe.com>, <craigv@miccosukeetribe.com>
Cc: Constance Cassler <constance_cassler@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>

Have a nice day.

US Fish and Wildlife Service
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772-562-3909

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Kevin Palmer
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South Florida Ecological Services Field Office
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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Mon Feb 04 2019 06:36:32 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Fwd: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image002.png image003.png image001.png

Good morning Connie -

Making sure you saw this email from the Miccosukee Tribe. Will this date work for you and team?

Thanks!
---------- Forwarded message ---------
From: **Jeanine Bennett** <JeanineB@miccosukeetribe.com>
Date: Fri, Feb 1, 2019 at 1:14 PM
Subject: RE: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
To: Palmer, Kevin <kevin_palmer@fws.gov>
Cc: Craig van der Heiden <CraigV@miccosukeetribe.com>, Cassler, Constance <constance_cassler@fws.gov>, Gene Duncan <GeneD@miccosukeetribe.com>

Mr. Palmer,

A good day for this meeting will be Tuesday, February 19th in the morning around 10 am at the Tribal Administration. Please confirm this date.

Kind Regards,

Jeanine

https://t
Miccos

Jeanine Bennett, Esq.
Miccosukee Tribe of Indians of Florida
General Counsel, In-House
jeanineb@miccosukeetribe.com
O: 305.223.8380 **Ext:** 5211 **F:** 305.894.5212

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> Vero Beach, FL 32960
> 772-562-3909
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Sent:	Mon Feb 04 2019 06:52:25 GMT-0700 (MST)
To:	Charles Kelso <charles_kelso@fws.gov>
Subject:	Fwd: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image002.png image003.png image001.png

Good Morning,

I'm available on the 19th and am planning to go to this meeting. It would be great for one of you to attend to help answer detailed questions if they come up. I asked Kevin where the offices are and how long it would take to get there so I know when we would need to leave. I'l pass the info along as soon as I have it.

Thanks,

Connie

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Sent:	Mon Feb 04 2019 07:18:51 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	"Meyer, Miles" <miles_meyer@fws.gov>
Subject:	Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image002.png image003.png

Ok. The Tribal Administration offices are about halfway out Tamiami Trail... so... it will take some 2.5-3.0 hrs to get there. I'll have to check later on that but we may be able to make the departure time 7 a.m.... maybe a little earlier. We can ask the Tribe how they want it to go but I was thinking that either Chuck or Ken could present a brief overview/background/status update type of presentation and then we could entertain the Tribe's comments/questions/concerns. They may not want/need the presentation and we could just jump into their concerns but just in case. Also, it may be beneficial to get Rox or Bob if not Larry to go as well... they usually want a higher level decision maker there. I'll leave it up to you as to whom, if anyone, you want to invite. Also, I know they've mentioned panthers, so bringing someone with a strong panther background could be useful.

Anyhow, I'll wait to hear from you regarding some of these things before I nail the date down with Jeanine.

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Subject: Formal Consultation of East Collier County HCP
To: <jeanineb@miccosukeetribe.com>, <craigv@miccosukeetribe.com>
Cc: Constance Cassler <constance_cassler@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>

Have a nice day.

US Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960
772-562-3909

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--
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Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Feb 04 2019 07:55:00 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	"Meyer, Miles" <miles_meyer@fws.gov>
Subject:	Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image002.png image003.png

Thanks Kevin. I see Roxanna and Larry in a few minutes, so I can see what they would like to do and get back to you later today.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
office: 772-469-4243
fax: 772-562-4288
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Making sure you saw this email from the Miccosukee Tribe. Will this date work for you and team?

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To: Palmer, Kevin <kevin_palmer@fws.gov>
Cc: Craig van der Heiden <CraigV@miccosukeetribe.com>, Cassler, Constance <constance_cassler@fws.gov>, Gene Duncan <GeneD@miccosukeetribe.com>

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Kind Regards,

Jeanine

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Cc: Craig van der Heiden <CraigV@miccosukeetribe.com>; Cassler, Constance <constance_cassler@fws.gov>; Gene Duncan <GeneD@miccosukeetribe.com>
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From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Feb 04 2019 07:55:45 GMT-0700 (MST)
To:	Roxanna Hinzman <roxanna_hinzman@fws.gov>, Larry Williams <larry_williams@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	Fwd: [EXTERNAL] RE: Formal Consultation of East Collier County HCP

Attachments: image002.png image003.png

FYI on Tribal Consultation with Miccosukees.

Connie

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"Kelso, Charles" <charles_kelso@fws.gov>

From:	"Kelso, Charles" <charles_kelso@fws.gov>
Sent:	Mon Feb 04 2019 07:56:36 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image002.png image003.png

Hi Connie,
The 19th is looking open on my calendar.

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> Good Morning,
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> I'm available on the 19th and am planning to go to this meeting. It would be great for one of you to attend to help answer detailed questions if they come up. I asked Kevin where the offices are and how long it would take to get there so I know when we would need to leave. I'l pass the info along as soon as I have it.

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>
> **From:** Palmer, Kevin <kevin_palmer@fws.gov>
> **Sent:** Thursday, January 31, 2019 10:19 AM
> **To:** Jeanine Bennett <JeanineB@miccosukeetribe.com>; Craig van der Heiden <CraigV@miccosukeetribe.com>

Cc: Cassler, Constance <constance_cassler@fws.gov>
Subject: Fwd: Formal Consultation of East Collier County HCP

Good morning Jeanine -

I would like to confirm if you were able to present the attached letter to the Miccosukee Business Council on Dec. 11 and whether you all have discussed potential dates? We've learned that we will most likely not be getting extensions on pending project deadlines as a result of the shutdown, so timing is critical.

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Date: Tue, Dec 11, 2018 at 11:16 AM
Subject: Formal Consultation of East Collier County HCP
To: <jeanineb@miccosukeetribe.com>, <craigv@miccosukeetribe.com>
Cc: Constance Cassler <constance_cassler@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>

Have a nice day.

US Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960
772-562-3909

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Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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(772)469-4241
Charles_Kelso@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From: "Cassler, Constance" <constance_cassler@fws.gov>
Sent: Mon Feb 04 2019 11:52:56 GMT-0700 (MST)

To:	"Kelso, Charles" <charles_kelso@fws.gov>
CC:	Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image002.png image003.png

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Sent: Mon Feb 04 2019 12:37:20 GMT-0700 (MST)
To: "Cassler, Constance" <constance_cassler@fws.gov>
Subject: Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
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> **Miccosukee Tribe of Indians of Florida**
> General Counsel, In-House
> jeanineb@miccosukeetribe.com
> **O:** 305.223.8380 **Ext:** 5211 **F:** 305.894.5212
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> **From:** Palmer, Kevin <kevin_palmer@fws.gov>
> **Sent:** Thursday, January 31, 2019 10:19 AM
> **To:** Jeanine Bennett <JeanineB@miccosukeetribe.com>; Craig van der Heiden <CraigV@miccosukeetribe.com>
> **Cc:** Cassler, Constance <constance_cassler@fws.gov>
> **Subject:** Fwd: Formal Consultation of East Collier County HCP

Good morning Jeanine -

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Thanks and have a great day!

Kevin
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Date: Tue, Dec 11, 2018 at 11:16 AM
Subject: Formal Consultation of East Collier County HCP
To: <jeanineb@miccosukeetribe.com>, <craigv@miccosukeetribe.com>
Cc: Constance Cassler <constance_cassler@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>

Have a nice day.

US Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960
772-562-3909

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Kevin Palmer
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South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From: "Palmer, Kevin" <kevin_palmer@fws.gov>
Sent: Mon Feb 04 2019 13:23:54 GMT-0700 (MST)
To: "Cassler, Constance" <constance_cassler@fws.gov>
Subject: Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments: image002.png image003.png

Ok, sounds good... I will let the Tribe know that we're checking on manager availability.

Kevin

On Mon, Feb 4, 2019 at 3:05 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Kevin,
>
> Roxanna isn't available that day, so I'm asking Larry if he can attend, or can suggest someone else higher level to attend. I'll let you know when I hear back from him.
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
> email: constance_cassler@fws.gov
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> On Mon, Feb 4, 2019 at 2:37 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:
>
> > Hi Connie - Do you want me to respond to Jeanine and lock in that date?
> >
> > Thanks.
> >
> > On Mon, Feb 4, 2019 at 1:53 PM Cassler, Constance <constance_cassler@fws.gov> wrote:
> >
> > > Great. Kevin said the offices are on Tamiami Trail and we will probably leave around 7:00. He said we should have a general presentation ready and plan to show it unless they want to jump right in to sharing their concerns. Larry or Roxanna are discussing which of them will also attend to demonstrate participation of someone with decision making authority. I'll keep you posted.
> > >
> > > Connie
> > >
> > > Constance L. Cassler, Ph.D.
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> > > On Mon, Feb 4, 2019 at 9:57 AM Kelso, Charles <charles_kelso@fws.gov> wrote:
> > >
> > > > Hi Connie,
> > > > The 19th is looking open on my calendar.
> > > >
> > > > On Mon, Feb 4, 2019 at 8:53 AM Cassler, Constance <constance_cassler@fws.gov> wrote:
> > > >
> > > > > Good Morning,
> > > > >
> > > > > I'm available on the 19th and am planning to go to this meeting. It would be great for one of you to attend to help answer detailed questions if they come up. I asked Kevin where the offices are and how long it would take to get there so I know when we would need to leave. I'l pass the info along as soon as I have it.
> > > > >
> > > > > Thanks,

Connie

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To: Palmer, Kevin <kevin_palmer@fws.gov>
Cc: Craig van der Heiden <CraigV@miccosukeetribe.com>, Cassler, Constance <constance_cassler@fws.gov>, Gene Duncan <GeneD@miccosukeetribe.com>

Mr. Palmer,

A good day for this meeting will be Tuesday, February 19th in the morning around 10 am at the Tribal Administration. Please confirm this date.

Kind Regards,

Jeanine

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Kevin,

Roxanna can't make that day and she says it it unlikely Larry can either because his calendar says he is traveling back from a meeting. Do you have a feel for if they want someone from a higher level to attend of if they would be OK with technical folks? Also, do you have a feel for how difficult it would be for them to reschedule? Roxanna may be able to send someone in her place to her other meeting, or we may be able to ask someone from RO to attend if the 19th is the best date in the near future. Let me know if it is easier to talk this out with you, me, and Rox and I can set something up.

Thanks,

Connie
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> **Subject:** Fwd: Formal Consultation of East Collier County HCP
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> Good morning Jeanine -
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> Thanks and have a great day!
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> From: **Vero Beach, FW4** <verobeach@fws.gov>
> Date: Tue, Dec 11, 2018 at 11:16 AM
> Subject: Formal Consultation of East Collier County HCP
> To: <jeanineb@miccosukeetribe.com>, <craigv@miccosukeetribe.com>
> Cc: Constance Cassler <constance_cassler@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>
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> Have a nice day.
>
> US Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, FL 32960
> 772-562-3909
>
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>
> --
> **********
> Kevin Palmer
> U.S. Fish and Wildlife Service
> South Florida Ecological Services Field Office
> 1339 20th Street
> Vero Beach, Florida 32960-3559
> Phone: 772-469-4280
> Fax: 772-562-4288 & 564-7393
> Email: Kevin_Palmer@fws.gov
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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Mon Feb 04 2019 15:26:14 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image002.png image003.png

Hi Connie - No, I don't really have a feel about their preferences. I'd suggest we tell them we can keep the 19th but no upper level management will be available. If they want management there we can suggest a reschedule at their earliest convenience (on the dates when our folks are available). They may not want/need it to be formal but from the training I've had, we should always have decision makers there. I'm out tomorrow morning... till around 1 and then I'll be teleworking again. I'll be back in the office on wed. and it's pretty open... thursday is fairly booked with meetings. If you want to go ahead and email Jeanine and the others at the tribe with the suggestion above then feel free to do so! Or I can take care of it tomorrow afternoon or Wed. I think we have time to discuss it more if need be.

Thanks!

On Mon, Feb 4, 2019 at 4:44 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

Kevin,

Roxanna can't make that day and she says it it unlikely Larry can either because his calendar says he is traveling back from a meeting. Do you have a feel for if they want someone from a higher level to attend of if they would be OK with technical folks? Also, do you have a feel for how difficult it would be for them to reschedule? Roxanna may be able to send someone in her place to her other meeting, or we may be able to ask someone from RO to attend if the 19th is the best date in the near future. Let me know if it is easier to talk this out with you, me, and Rox and I can set something up.

Thanks,

Connie
Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
office: 772-469-4243
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On Mon, Feb 4, 2019 at 3:27 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

Thanks Jeanine,

We are checking our leadership availability for that date. Several staff half indicated it is good for them.

I will be in touch soon.

Thanks,

Kevin

On Fri, Feb 1, 2019 at 1:14 PM Jeanine Bennett <JeanineB@miccosukeetribe.com> wrote:

Mr. Palmer,

A good day for this meeting will be Tuesday, February 19th in the morning around 10 am at the Tribal Administration. Please confirm this date.

Kind Regards,

Jeanine

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Tue Feb 05 2019 11:48:21 GMT-0700 (MST)
To:	"Kelso, Charles" <charles_kelso@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image002.png image003.png

Yes, I agree, it will not be a pleasant trip! We were considering asking to reschedule because Larry and Rox were not available. We could also suggest a webinar. I haven't heard anything today about what the plan is.

The Tribes administration offices area located about 40 miles west of Miami out Tamiami Trail (US 41):

Miccosukee Tribe of Indians of Florida
Tamiami Station
P.O. Box 440021
Miami, Florida 33144

On Tue, Feb 5, 2019 at 1:32 PM Kelso, Charles <charles_kelso@fws.gov> wrote:

> Connie, Kevin,

This departure puts us in peak rush hour thru PB/Broward/Miami. And we can't camp out nearby the night before because it's a holiday. I'd suggest we reschedule to accommodate the travel, or do a web meeting.

On Mon, Feb 4, 2019 at 1:53 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

Great. Kevin said the offices are on Tamiami Trail and we will probably leave around 7:00. He said we should have a general presentation ready and plan to show it unless they want to jump right in to sharing their concerns. Larry or Roxanna are discussing which of them will also attend to demonstrate participation of someone with decision making authority. I'll keep you posted.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
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1339 20th Street
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On Mon, Feb 4, 2019 at 9:57 AM Kelso, Charles <charles_kelso@fws.gov> wrote:

Hi Connie,
The 19th is looking open on my calendar.

On Mon, Feb 4, 2019 at 8:53 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

Good Morning,

I'm available on the 19th and am planning to go to this meeting. It would be great for one of you to attend to help answer detailed questions if they come up. I asked Kevin where the offices are and how long it would take to get there so I know when we would need to leave. I'l pass the info along as soon as I have it.

Thanks,

Connie

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Kind Regards,

Jeanine

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Chuck Kelso
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South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960-3559
(772)469-4241
Charles_Kelso@fws.gov

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Connie... modify this any way you see fit and send it back to me! Tnx
Hi Jeanine,

Sorry for the delay. Unfortunately, Larry Williams nor Roxanna Hinzman are available on the 19th. I know we usually like to have upper level folks along on these meetings but in the interest of time for all involved, would you all consider conveying your questions/concerns/issues to supervisors and staff currently working on the project? If not, are there any additional dates in the near future that we could reschedule the meeting? Another option that could be easier to schedule is a webinar. We will work to meet your needs so please, let us know.

Sincerely,

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US Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960
772-562-3909

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Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Tue Feb 05 2019 14:45:01 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Subject:	Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image002.png image003.png

How about:

Hi Jeanine,

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Constance L. Cassler, Ph.D.
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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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Visit our web site at www.fws.gov/verobeach/

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> From: **Jeanine Bennett** <JeanineB@miccosukeetribe.com>
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> Subject: RE: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
> To: Palmer, Kevin <kevin_palmer@fws.gov>
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> **Jeanine Bennett, Esq.**
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Date: Tue, Dec 11, 2018 at 11:16 AM
Subject: Formal Consultation of East Collier County HCP
To: <jeanineb@miccosukeetribe.com>, <craigv@miccosukeetribe.com>
Cc: Constance Cassler <constance_cassler@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>

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From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Feb 06 2019 06:20:23 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
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Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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Kevin Palmer
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1339 20th Street

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Wed Feb 06 2019 06:21:48 GMT-0700 (MST)
To:	Jeanine Bennett <JeanineB@miccosukeetribe.com>
CC:	Craig van der Heiden <CraigV@miccosukeetribe.com>, "Cassler, Constance" <constance_cassler@fws.gov>, Gene Duncan <GeneD@miccosukeetribe.com>
Subject:	Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image002.png image003.png

Good morning Jeanine,

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On Fri, Feb 1, 2019 at 1:14 PM Jeanine Bennett <JeanineB@miccosukeetribe.com> wrote:

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> A good day for this meeting will be Tuesday, February 19th in the morning around 10 am at the Tribal Administration. Please confirm this date.
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To: <jeanineb@miccosukeetribe.com>, <craigv@miccosukeetribe.com>
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Have a nice day.

US Fish and Wildlife Service
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From:	Jeanine Bennett <JeanineB@miccosukeetribe.com>
Sent:	Wed Feb 06 2019 11:02:29 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>

CC:	Craig van der Heiden <CraigV@miccosukeetribe.com>, "Cassler, Constance" <constance_cassler@fws.gov>, Gene Duncan <GeneD@miccosukeetribe.com>
Subject:	RE: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image001.png image002.png image003.png

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"Kelso, Charles" <charles_kelso@fws.gov>

From:	"Kelso, Charles" <charles_kelso@fws.gov>
Sent:	Wed Feb 06 2019 12:24:10 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	Constance Cassler <constance_cassler@fws.gov>
Subject:	Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image002.png image003.png

Thanks!

On Wed, Feb 6, 2019 at 2:18 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

FYI. You're welcome ;-)

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From: **Jeanine Bennett** <JeanineB@miccosukeetribe.com>
Date: Wed, Feb 6, 2019 at 1:03 PM
Subject: RE: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
To: Palmer, Kevin <kevin_palmer@fws.gov>
Cc: Craig van der Heiden <CraigV@miccosukeetribe.com>, Cassler, Constance <constance_cassler@fws.gov>, Gene Duncan <GeneD@miccosukeetribe.com>

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Chuck Kelso
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Sent: Wednesday, February 06, 2019 8:22 AM
To: Jeanine Bennett <JeanineB@miccosukeetribe.com>
Cc: Craig van der Heiden <CraigV@miccosukeetribe.com>; Cassler, Constance <constance_cassler@fws.gov>; Gene Duncan <GeneD@miccosukeetribe.com>
Subject: Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP

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Have a nice day.

US Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960
772-562-3909

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Phone: 772-469-4280
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Sent:	Thu Feb 14 2019 06:43:46 GMT-0700 (MST)
To:	Jeanine Bennett <JeanineB@miccosukeetribe.com>
CC:	Craig van der Heiden <CraigV@miccosukeetribe.com>, "Cassler, Constance" <constance_cassler@fws.gov>, Gene Duncan <GeneD@miccosukeetribe.com>
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Attachments:	image002.png image003.png

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Sent:	Fri Mar 08 2019 10:01:41 GMT-0700 (MST)
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Subject:	Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image002.png image003.png

Hi All,

We did not hear back from you regarding the last set of potential webinar dates for the ECHCP consultation so please see the following new set of dates/times. Please let us know which of these will work for you and your team. We also look forward to receiving your comment letter, regarding this project.

Sincerely,

Kevin

3/12 9-12
3/13 1-4
3/15 1-4
3/26 9-12, 1-4
3/27 1-4
3/28 9:30-12:30 or 1-4
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Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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--
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Kevin Palmer
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South Florida Ecological Services Field Office
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Gene Duncan <GeneD@miccosukeetribe.com>

From:	Gene Duncan <GeneD@miccosukeetribe.com>
Sent:	Wed Mar 13 2019 11:46:13 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>, Jeanine Bennett <JeanineB@miccosukeetribe.com>
CC:	Craig van der Heiden <CraigV@miccosukeetribe.com>, "Cassler, Constance" <constance_cassler@fws.gov>, Betty Osceola <boochopee@gmail.com>, "Donaldson, Kevin" <KevinD@miccosukeetribe.com>, Gene Duncan <GeneD@miccosukeetribe.com>
Subject:	RE: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image001.png image002.png

Mr. Palmer:

The afternoon of the March 27th works best for us here at the tribe. If you will send me an Outlook invitation with the phone number and video link, I will invite our Everglades Advisory Committee and host the web meeting here in my office. Thank you very much.

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Water Resources Director

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Friday, March 08, 2019 12:02 PM
To: Jeanine Bennett
Cc: Craig van der Heiden; Cassler, Constance; Gene Duncan
Subject: Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP

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Kevin

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3/13 1-4
3/15 1-4
3/26 9-12, 1-4
3/27 1-4
3/28 9:30-12:30 or 1-4
4/9 9-12 or 1-4
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4/11 1-4
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> **Sent:** Thursday, January 31, 2019 10:19 AM
> **To:** Jeanine Bennett <JeanineB@miccosukeetribe.com>; Craig van der Heiden <CraigV@miccosukeetribe.com>
> **Cc:** Cassler, Constance <constance_cassler@fws.gov>
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> Date: Tue, Dec 11, 2018 at 11:16 AM
> Subject: Formal Consultation of East Collier County HCP
> To: <jeanineb@miccosukeetribe.com>, <craigv@miccosukeetribe.com>
> Cc: Constance Cassler <constance_cassler@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>
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> Have a nice day.
>
> US Fish and Wildlife Service
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> Vero Beach, FL 32960
> 772-562-3909
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Sent:	Wed Mar 13 2019 12:43:52 GMT-0600 (MDT)
To:	Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, David Dell <david_dell@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>
Subject:	Fwd: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image001.png image002.png

Hi,

The Moccosukee Tribe responded that they would like to have a video conference on the afternoon of March 27 (Wed) to discuss the ECMSHCP. Calendars in Vero still look good, so I will send a hold the date invitation for 1-4. We will likely start at 1:00 and not use the entire time.

Connie

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

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Follow us on InstaGram @usfws_south_florida
Visit our web site at www.fws.gov/verobeach/

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Subject: RE: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
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Have a nice day.

US Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960
772-562-3909

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Subject:	Fwd: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image001.png image002.png

Kevin,

Looks like the 27th still works for us. I sent a hold the date invite to Ken, Chuck, Rox, David Dell, and Rob Tawes. David and Rob may only be able to be present for part of the meeting, if at all.

As far as the agenda goes, we need to do introductions and the HCP general presentation. We can offer time for the Tribe to talk or present about their nearby lands (location and uses) which would help us to understand their concerns. Then we can discuss the concerns. I don't know what else to add to that.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
office: 772-469-4243
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Date: Wed, Mar 13, 2019 at 1:46 PM
Subject: RE: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
To: Palmer, Kevin <kevin_palmer@fws.gov>, Jeanine Bennett <JeanineB@miccosukeetribe.com>
Cc: Craig van der Heiden <CraigV@miccosukeetribe.com>, Cassler, Constance <constance_cassler@fws.gov>, Betty Osceola <boochopee@gmail.com>, Donaldson, Kevin <KevinD@miccosukeetribe.com>, Gene Duncan <GeneD@miccosukeetribe.com>

Mr. Palmer:

The afternoon of the March 27th works best for us here at the tribe. If you will send me an Outlook invitation with the phone number and video link, I will invite our Everglades Advisory Committee and host the web meeting here in my office. Thank you very much.

Gene Duncan
Water Resources Director

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Friday, March 08, 2019 12:02 PM
To: Jeanine Bennett
Cc: Craig van der Heiden; Cassler, Constance; Gene Duncan
Subject: Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP

Hi All,

We did not hear back from you regarding the last set of potential webinar dates for the ECHCP consultation so please see the following new set of dates/times. Please let us know which of these will work for you and your team. We also look forward to receiving your comment letter, regarding this project.

Sincerely,

Kevin

3/12 9-12
3/13 1-4
3/15 1-4
3/26 9-12, 1-4
3/27 1-4
3/28 9:30-12:30 or 1-4
4/9 9-12 or 1-4
4/10 9-12 or 1-4
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4/12 9-12 or 1-4

On Thu, Feb 14, 2019 at 8:43 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

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>
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2/22 1-4
2/26 1:30-4:30
2/27 9-12 or 1-4
3/7 9:30-12:30
3/8 10-1 or 1-4

Please let us know which of these may work for you all and we will get it set up!

Thanks and have a great day!

Kevin

On Wed, Feb 6, 2019 at 1:03 PM Jeanine Bennett <JeanineB@miccosukeetribe.com> wrote:

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> **Jeanine Bennett, Esq.**
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> **O:** 305.223.8380 **Ext:** 5211 **F:** 305.894.5212
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We will be in touch,

Jeanine

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From: Palmer, Kevin <kevin_palmer@fws.gov>
Sent: Thursday, January 31, 2019 10:19 AM
To: Jeanine Bennett <JeanineB@miccosukeetribe.com>; Craig van der Heiden <CraigV@miccosukeetribe.com>
Cc: Cassler, Constance <constance_cassler@fws.gov>
Subject: Fwd: Formal Consultation of East Collier County HCP

Good morning Jeanine -

I would like to confirm if you were able to present the attached letter to the Miccosukee Business Council on Dec. 11 and whether you all have discussed potential dates? We've learned that we will most likely not be getting extensions on pending project deadlines as a result of the shutdown, so timing is critical.

Thanks and have a great day!

Kevin
---------- Forwarded message ---------
From: **Vero Beach, FW4** <verobeach@fws.gov>
Date: Tue, Dec 11, 2018 at 11:16 AM
Subject: Formal Consultation of East Collier County HCP
To: <jeanineb@miccosukeetribe.com>, <craigv@miccosukeetribe.com>
Cc: Constance Cassler <constance_cassler@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>

Have a nice day.

US Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960
772-562-3909

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--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Wed Mar 13 2019 13:06:17 GMT-0600 (MDT)
To:	Gene Duncan <GeneD@miccosukeetribe.com>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: [EXTERNAL] RE: Formal Consultation of East Collier County HCP
Attachments:	image001.png image002.png

Thanks Gene! That date still works for our staff so please put a hold on March 27th from 1-3pm. I am working on a brief agenda and getting the teleconference and webex information and I will send out an invite in the near future.

Thanks again and have a good evening.

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>
> Have a nice day.
>
> US Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, FL 32960
> 772-562-3909
>
> ***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.***
>
> --
> **********
> Kevin Palmer
> U.S. Fish and Wildlife Service
> South Florida Ecological Services Field Office
> 1339 20th Street
> Vero Beach, Florida 32960-3559
> Phone: 772-469-4280
> Fax: 772-562-4288 & 564-7393
> Email: Kevin_Palmer@fws.gov
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United States Department of the Interior

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

December 11, 2018

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians
Tamiami Station
P.O. Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

In accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy, the Service respectfully requests formal consultation with the Miccosukee Tribe and seeks comments on potential Tribal concerns related to the proposed Eastern Collier County Multiple-Species Habitat Conservation Plan (ECMSHCP).

Under this proposed plan, eleven Collier County landowners are applying for 50-year incidental take permits for the Florida panther and 18 other Federal and State-listed species, in expectation of proposed residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida. The project includes up to 45,000 acres of habitat loss within the 152,000 acre ECMSHCP area.

The Service has communicated previously with the Miccosukee Tribe on this topic, but not through formal consultation. On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft environmental impact statement (dEIS) and a habitat conservation plan (HCP) associated with the incidental take permit (ITP) applications of eleven Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day public comment period from October 19, 2018, through December 3, 2018.

The Service offered the Tribe an informational briefing on the status of the project in late November, 2018. However, we have been informed that the Tribe's review has progressed and that formal government-to-government consultation has been requested. We acknowledge this request and look forward to meeting with you and discussing the ECMSHCP in further detail. Please provide your preferred date and location for the meeting for our consideration.
We respectfully request this meeting at your earliest convenience. We also want to assure you

that we will give full consideration to all Tribal comments received through this formal consultation.

Thank you for your continued partnership and your interest in fish and wildlife conservation. If you have any questions or need additional information, please contact Chuck Kelso at 772-469-4241.

Sincerely,

Larry Williams

Larry Williams
State Supervisor
Florida Ecological Services

cc:
Miccosukee Tribe, Miami, Florida (Jeanine Bennett, Craig van der Heiden)

United States Department of the Interior

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

December 11, 2018

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians
Tamiami Station
P.O. Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

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Under this proposed plan, eleven Collier County landowners are applying for 50-year incidental take permits for the Florida panther and 18 other Federal and State-listed species, in expectation of proposed residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida. The project includes up to 45,000 acres of habitat loss within the 152,000 acre ECMSHCP area.

The Service has communicated previously with the Miccosukee Tribe on this topic, but not through formal consultation. On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft environmental impact statement (dEIS) and a habitat conservation plan (HCP) associated with the incidental take permit (ITP) applications of eleven Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day public comment period from October 19, 2018, through December 3, 2018.

The Service offered the Tribe an informational briefing on the status of the project in late November, 2018. However, we have been informed that the Tribe's review has progressed and that formal government-to-government consultation has been requested. We acknowledge this request and look forward to meeting with you and discussing the ECMSHCP in further detail. Please provide your preferred date and location for the meeting for our consideration.
We respectfully request this meeting at your earliest convenience. We also want to assure you

that we will give full consideration to all Tribal comments received through this formal consultation.

Thank you for your continued partnership and your interest in fish and wildlife conservation. If you have any questions or need additional information, please contact Chuck Kelso at 772-469-4241.

Sincerely,

Larry Williams

Larry Williams
State Supervisor
Florida Ecological Services

cc:
Miccosukee Tribe, Miami, Florida (Jeanine Bennett, Craig van der Heiden)

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:09 AM

Conversation Contents

Tribal lands kml

Attachments:

/41. Tribal lands kml/1.1 triballands_cb_2017_us_aiannh_500k.kmz
/41. Tribal lands kml/2.1 triballands_cb_2017_us_aiannh_500k.kmz
/41. Tribal lands kml/2.2 miccomap.pdf

"Kelso, Charles" <charles_kelso@fws.gov>

From:	"Kelso, Charles" <charles_kelso@fws.gov>
Sent:	Fri Dec 14 2018 07:33:00 GMT-0700 (MST)
To:	"Dell, David" <david_dell@fws.gov>, Adam Knutson <adam_knutson@fws.gov>, Jerry Ziewitz <jerry_ziewitz@fws.gov>, Constance Cassler <constance_cassler@fws.gov>, Lindsay Nester <lindsay_nester@fws.gov>, Heather Hitt <heather_hitt@fws.gov>, David Shindle <david_shindle@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Shana DiPalma <shana_dipalma@fws.gov>, Steven Glass <steven_Glass@fws.gov>
Subject:	Tribal lands kml
Attachments:	triballands_cb_2017_us_aiannh_500k.kmz

FYI:
Tribal lands kml

--
Chuck Kelso
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960-3559
(772)469-4241
Charles_Kelso@fws.gov

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"Kelso, Charles" <charles_kelso@fws.gov>

From:	"Kelso, Charles" <charles_kelso@fws.gov>
Sent:	Tue Mar 12 2019 11:06:50 GMT-0600 (MDT)

To:	Constance Cassler <constance_cassler@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Shana DiPalma <shana_dipalma@fws.gov>
Subject:	Fwd: Tribal lands kml
Attachments:	triballands_cb_2017_us_aiannh_500k.kmz miccomap.pdf

I was looking at this kml and it has a Miccosukee poly adjoining the NW corner of the Seminole's Big Cypress (see attached). Other tribal layers I encountered did not have this poly. Might be worth reconciling.

---------- Forwarded message ---------
From: **Kelso, Charles** <charles_kelso@fws.gov>
Date: Fri, Dec 14, 2018 at 9:33 AM
Subject: Tribal lands kml
To: Dell, David <david_dell@fws.gov>, Adam Knutson <adam_knutson@fws.gov>, Jerry Ziewitz <jerry_ziewitz@fws.gov>, Constance Cassler <constance_cassler@fws.gov>, Lindsay Nester <lindsay_nester@fws.gov>, Heather Hitt <heather_hitt@fws.gov>, David Shindle <david_shindle@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Shana DiPalma <shana_dipalma@fws.gov>, Steven Glass <steven_Glass@fws.gov>

FYI:
Tribal lands kml

--
Chuck Kelso
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Charles_Kelso@fws.gov

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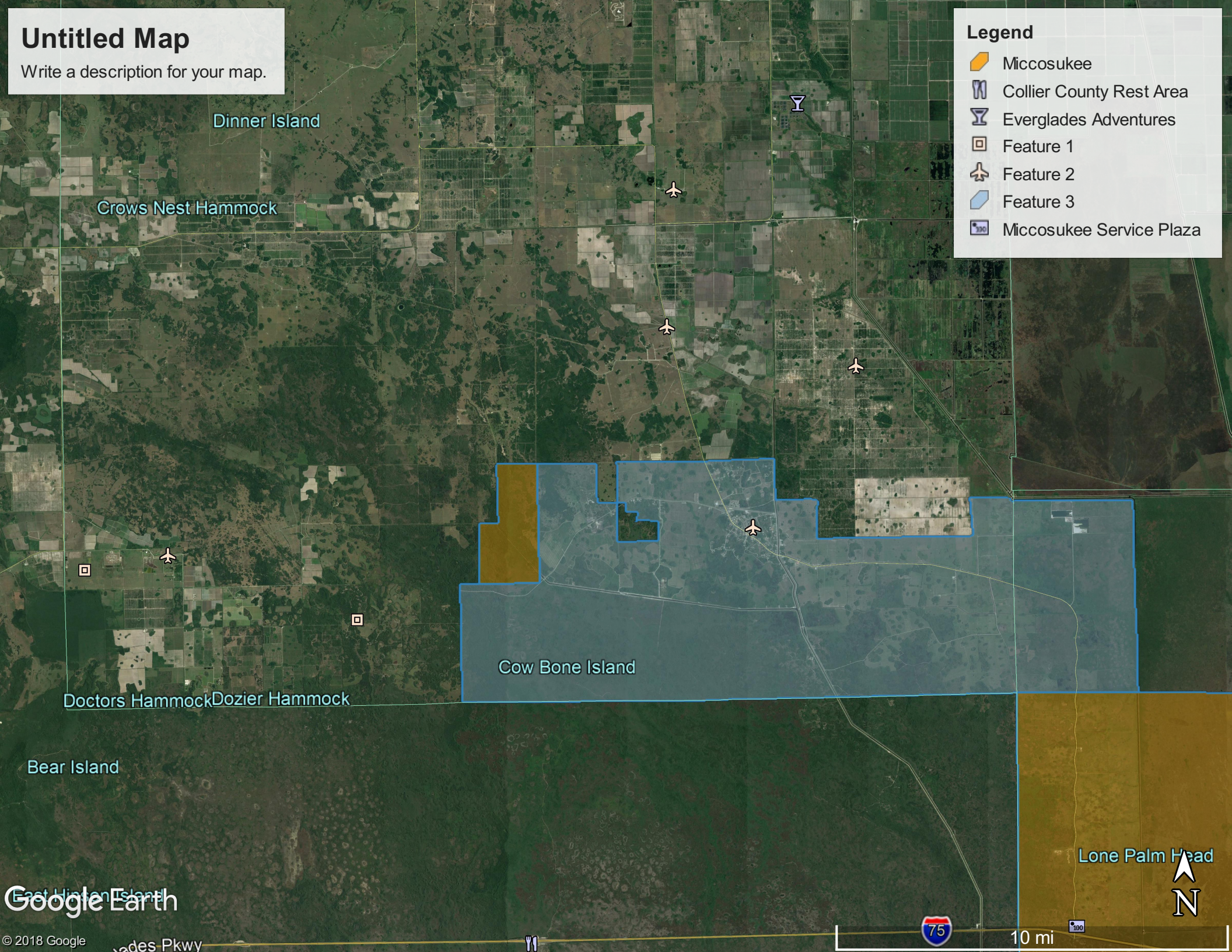
Untitled Map
Write a description for your map.
Legend
Miccosukee
Collier County Rest Area
Everglades Adventures
Feature 1
Feature 2
Feature 3
Miccosukee Service Plaza
Dinner Island
Crows Nest Hammock
Cow Bone Island
Doctors Hammock
Dozier Hammock
Bear Island
Lone Palm Head
East Hinson Island
Google Earth
© 2018 Google
75
10 mi
N

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:09 AM

Conversation Contents

draft map showing tribal lands in/near the ECMSHCP

Attachments:

/42. draft map showing tribal lands in/near the ECMSHCP/1.1 SF_Tribal_3_7_19_BigCypress (1).pdf

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Tue Mar 12 2019 08:33:28 GMT-0600 (MDT)
To:	David Dell <david_dell@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	draft map showing tribal lands in/near the ECMSHCP
Attachments:	SF_Tribal_3_7_19_BigCypress (1).pdf

Hi,

Kevin Palmer has been working with our GIS team (Shana DiPalma) to develop maps that show Tribal lands in S. Florida. I'm attaching a draft map that shows the area of the ECMSHCP. Kevin says Sana is cleaning it up a little before she calls it final. It is a helpful visualization for our discussions with the Tribes.

Connie

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

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"Tawes, Robert" <robert_tawes@fws.gov>

From:	"Tawes, Robert" <robert_tawes@fws.gov>

Sent:	Tue Mar 12 2019 09:35:57 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	Re: draft map showing tribal lands in/near the ECMSHCP

Very informative. Thanks for this. One question - what is the significance of the 10-mile buffer? Is that part of the Secretarial Order?

On Tue, Mar 12, 2019 at 10:34 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi,
>
> Kevin Palmer has been working with our GIS team (Shana DiPalma) to develop maps that show Tribal lands in S. Florida. I'm attaching a draft map that shows the area of the ECMSHCP. Kevin says Sana is cleaning it up a little before she calls it final. It is a helpful visualization for our discussions with the Tribes.
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
> email: constance_cassler@fws.gov
>
> Follow us on Twitter @USFWSVERO
> Follow us on Facebook @USFWSSouthFlorida
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> Visit our web site at www.fws.gov/verobeach/
>
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--
Rob W. Tawes
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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Tue Mar 12 2019 09:46:15 GMT-0600 (MDT)
To:	"Tawes, Robert" <robert_tawes@fws.gov>
CC:	David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	Re: draft map showing tribal lands in/near the ECMSHCP

No, Kevin said the Seminole Tribe listed 10 miles and the area in which they would like us to let them know if we are working on projects (Everglades restoration or consultations).

Connie

Constance L. Cassler, Ph.D.
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On Tue, Mar 12, 2019 at 11:36 AM Tawes, Robert <robert_tawes@fws.gov> wrote:

> Very informative. Thanks for this. One question - what is the significance of the 10-mile buffer? Is that part of the Secretarial Order?
>
> On Tue, Mar 12, 2019 at 10:34 AM Cassler, Constance <constance_cassler@fws.gov> wrote:
>
> > Hi,
> >
> > Kevin Palmer has been working with our GIS team (Shana DiPalma) to develop maps that show Tribal lands in S. Florida. I'm attaching a draft map that shows the area of the ECMSHCP. Kevin says Sana is cleaning it up a little before she calls it final. It is a helpful visualization for our discussions with the Tribes.
> >
> > Connie
> >
> > Constance L. Cassler, Ph.D.
> > Supervisory Fish and Wildlife Biologist
> > U.S. Fish and Wildlife Service
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> > Vero Beach, Florida 32960
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http://www.fws.gov/southeast/
www.fws.gov

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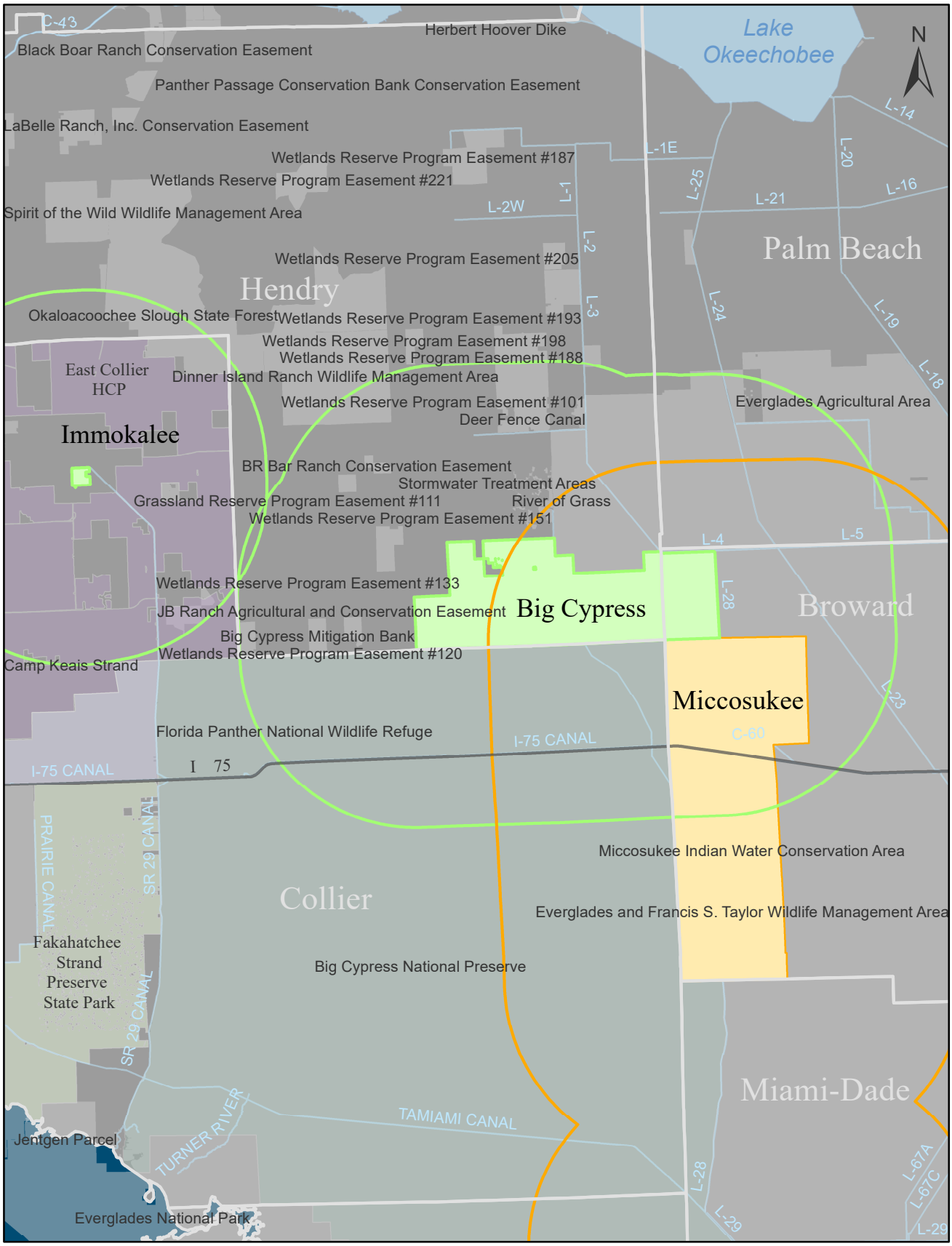

Legend

- Miccosukee 10-Mile Buffer
- Seminole 10-Mile Buffer
- Miccosukee Tribal Lands
- Seminole Tribal Lands

0 2.5 5 10 Miles

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:09 AM

Conversation Contents

Fwd: [EXTERNAL] STOF Boundaries/Buffers

Attachments:

/43. Fwd: [EXTERNAL] STOF Boundaries/Buffers/1.1 SF_Tribal_3_7_19_BrightonV2.pdf
/43. Fwd: [EXTERNAL] STOF Boundaries/Buffers/3.1 SF_Tribal_3_7_19_BigCypress.pdf

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Tue Mar 12 2019 07:30:30 GMT-0600 (MDT)
To:	Timothy Breen <timothy_breen@fws.gov>, "Meyer, Miles" <miles_meyer@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Fwd: [EXTERNAL] STOF Boundaries/Buffers
Attachments:	SF_Tribal_3_7_19_BrightonV2.pdf

Hello-

I've been working with Shana on some maps of tribal properties and surrounding land marks, projects, etc... Attached is closeup of Brighton Reservation area... take a look and let me know what you think... additions? The 10-mile buffers were provided by the Seminole Tribe. I'd like to eventually distribute these to all the supervisors so that they can identify projects that may be of interest to the Tribes.

Thanks.

---------- Forwarded message ---------
From: **DiPalma, Shana** <shana_dipalma@fws.gov>
Date: Fri, Mar 8, 2019 at 11:00 AM
Subject: Re: [EXTERNAL] STOF Boundaries/Buffers
To: Palmer, Kevin <kevin_palmer@fws.gov>

Brighton draft map...

Take a look at the bullets with lines to the labels on the Brighton map. I only included labels for the FLMAs that are located within the Brighton buffer...this kept it from getting too busy looking.

If you want, I can do the same thing for the Big Cypress map.

On Fri, Mar 8, 2019 at 8:09 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Heck yeah! These are really cool. I like having all the data on there but it's hard to identify which parcel goes with which project name label... maybe a light line from the text to the parcel... hmmm, I don't know, sounds like a lot of work!

The interactive map sounds like something really helpful we can work towards in the future. Let's pause here and let me figure out where this needs to go from here. I really have two purpose in mind... a quick reference map that the supervisors can look at to see if a project we are reviewing is in proximity to the Tribes' properties. Secondly, it would be helpful, once a project has been identified to project its shapefile on these maps and then be able to zoom in and out on surrounding lands for more detail.. and maybe species data!

Possibilities are endless! I'll cc Miles to keep him in the loop!

Thanks again,

Kevin

On Thu, Mar 7, 2019 at 2:59 PM DiPalma, Shana <shana_dipalma@fws.gov> wrote:

> Hi Kevin,
>
> Here are 3 draft maps. I added the FLMA layer to show ownership of the managed lands are near the tribal lands. This is a lot of data but we can pick and choose what you would like to have displayed in the maps. I will need to adjust the labeling for some of the managed areas.
>
> For the interactive map, we can discuss setting up a map(s) in ArcGIS Pro and making it interactive.
>
> On Wed, Mar 6, 2019 at 4:08 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:
>
> > That looks awesome! I just printed it. I think maybe we can add a couple more features... maybe major roads... and a few other landmarks and then maybe zoom down on the Brighton/Lake O and surrounding area and then separately on the Big Cypress area so that we can get a little closer view. It would be nice in the future if we could zoom to different places and add different projects to it... but that can be for later on! ;)
> >
> > Thank you!
> >
> > Kevin
> >
> > On Wed, Mar 6, 2019 at 4:01 PM DiPalma, Shana <shana_dipalma@fws.gov> wrote:
> >
> > > I added in the other layers. Let me know if you would like any changes.
> > >
> > > On Wed, Mar 6, 2019 at 10:24 AM DiPalma, Shana <shana_dipalma@fws.gov> wrote:
> > >
> > > > No problem.. I have the shapefiles. I'll work on this today.
> > > >
> > > > On Mon, Mar 4, 2019 at 4:26 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:
> > > >
> > > > > Awesome... I could probably get in there and play with the mxd a bit but it's been a looong time since I've done any map making.
> > > > >
> > > > > If we have the shapefile for the East Collier HCP project... could you add that? Let me know if we don't have it and I will try to get it from Connie. Maybe also we could put the outlines for Big Cypress, Panther National Wildlife Refuge and Fakahatchee Strand State Preserve for reference.
> > > > >
> > > > > Again, thank you very much.
> > > > >
> > > > > On Fri, Mar 1, 2019 at 8:05 AM DiPalma, Shana <shana_dipalma@fws.gov> wrote:
> > > > >
> > > > > > I made some changes and saved the map to the S drive.
> > > > > > The mxd is located on the J drive here:

J:\GIS_PROJECTS\19_02_Tribal_SF\SF_Tribal_2_28_19.mxd

On Thu, Feb 28, 2019 at 2:41 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Awesome! I'll take a closer look over next few days and see if there are some additions we can make! Could you maybe change the color of the Miccosukee properties to something different than the Seminole?
>
> Can you save a copy in S:Tribal Liaison ?
>
> Thank you very much!
>
> Kevin
>
> On Thu, Feb 28, 2019 at 1:50 PM DiPalma, Shana <shana_dipalma@fws.gov> wrote:
>
> > Here is the map...
> > I added in the S FL hydrology/canal layer. I can take this out if it's too much.
> >
> > On Wed, Feb 27, 2019 at 10:14 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:
> >
> > > Awesome.. thank you! Safe travels!
> > >
> > > Kevin
> > >
> > > On Wed, Feb 27, 2019 at 9:56 AM DiPalma, Shana <shana_dipalma@fws.gov> wrote:
> > >
> > > > Hi Kevin,
> > > > We have all the layers. I can start putting a map together tomorrow. I'll be in Orlando today.
> > > > Shana
> > > >
> > > > On Wed, Feb 27, 2019 at 9:16 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:
> > > >
> > > > > Hi Shana -
> > > > >
> > > > > The Seminole Tribe sent me the following .zip file of GIS shapefiles for the locations of their properties in S. Florida. I think a 10-mile buffer around each is also included. I was wondering if you could project these on a map of south Florida that has at least 'counties' marked and maybe we can add more features later.
> > > > >
> > > > > Miles and I can then distribute the map to all of the supervisors so that potential projects that the Tribe may be interested in commenting on can be identified.
> > > > >
> > > > > We should add the Miccosukee's reservations as well... are you aware if we have those layers?
> > > > >
> > > > > Thanks,
> > > > >
> > > > > Kevin
> > > > >
> > > > > ---------- Forwarded message ---------
> > > > > From: **Karli Eckel** <KarliEckel@semtribe.com>

Date: Wed, Dec 12, 2018 at 3:00 PM
Subject: [EXTERNAL] STOF Boundaries/Buffers
To: kevin_palmer@fws.gov <kevin_palmer@fws.gov>
Cc: Whitney Sapienza <WhitneySapienza@semtribe.com>, Stacy Myers <StacyMyers@semtribe.com>, Mandy D'Andrea <MandyDAndrea@semtribe.com>

Hello Kevin,

Please find attached shapefiles for all STOF Reservations and associated 10 mile Tribal interest buffers. Please let me know if there are any problems with the attachment. Thank you!

Kind Regards,

Karli Eckel | Acting Wildlife Biologist | Seminole Tribe of Florida

Environmental Resource Management Department

650 E. Harney Pond Road | Okeechobee, FL 34974

O (863) 763-4128 x15415

F (863) 763-1428

C (863) 801-1221

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
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Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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

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

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

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

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Kevin Palmer
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1339 20th Street
Vero Beach, Florida 32960-3559
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Email: Kevin_Palmer@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Tue Mar 12 2019 07:33:21 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	Timothy Breen <timothy_breen@fws.gov>, "Meyer, Miles" <miles_meyer@fws.gov>
Subject:	Re: [EXTERNAL] STOF Boundaries/Buffers

Hi Kevin,

I like the map. Are there maps for other areas?

Connie

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

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Follow us on InstaGram @usfws_south_florida
Visit our web site at www.fws.gov/verobeach/

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> ---------- Forwarded message ---------
> From: **Karli Eckel** <KarliEckel@semtribe.com>
> Date: Wed, Dec 12, 2018 at 3:00 PM
> Subject: [EXTERNAL] STOF Boundaries/Buffers
> To: kevin_palmer@fws.gov <kevin_palmer@fws.gov>
> Cc: Whitney Sapienza <WhitneySapienza@semtribe.com>, Stacy Myers <StacyMyers@semtribe.com>, Mandy D'Andrea <MandyDAndrea@semtribe.com>
>
> Hello Kevin,
>
> Please find attached shapefiles for all STOF Reservations and associated 10 mile Tribal interest buffers. Please let me know if there are any problems with the attachment. Thank you!
>
> Kind Regards,
>
> **Karli Eckel | Acting Wildlife Biologist | Seminole Tribe of Florida**
>
> **Environmental Resource Management Department**
>
> **650 E. Harney Pond Road | Okeechobee, FL 34974**
>
> **O** (863) 763-4128 x15415
>
> **F** (863) 763-1428
>
> **C** (863) 801-1221

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From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Tue Mar 12 2019 08:23:34 GMT-0600 (MDT)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: [EXTERNAL] STOF Boundaries/Buffers
Attachments:	SF_Tribal_3_7_19_BigCypress.pdf

Yes, here is the draft for Big Cypress area... Shana is cleaning it up a bit now.

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Environmental Resource Management Department

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Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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

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

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Tue Mar 12 2019 08:27:18 GMT-0600 (MDT)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Subject:	Re: [EXTERNAL] STOF Boundaries/Buffers

Thanks Kevin. That's great!

Connie

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

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disclosed to third parties

On Tue, Mar 12, 2019 at 10:23 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Yes, here is the draft for Big Cypress area... Shana is cleaning it up a bit now.
>
> On Tue, Mar 12, 2019 at 9:33 AM Cassler, Constance <constance_cassler@fws.gov> wrote:
>
> > Hi Kevin,
> >
> > I like the map. Are there maps for other areas?
> >
> > 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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> >
> > On Tue, Mar 12, 2019 at 9:30 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:
> >
> > > Hello-
> > >
> > > I've been working with Shana on some maps of tribal properties and surrounding land marks, projects, etc... Attached is closeup of Brighton Reservation area... take a look and let me know what you think... additions? The 10-mile buffers were provided by the Seminole Tribe. I'd like to eventually distribute these to all the supervisors so that they can identify projects that may be of interest to the Tribes.
> > >
> > > Thanks.
> > >
> > > ---------- Forwarded message ---------
> > > From: **DiPalma, Shana** <shana_dipalma@fws.gov>
> > > Date: Fri, Mar 8, 2019 at 11:00 AM
> > > Subject: Re: [EXTERNAL] STOF Boundaries/Buffers
> > > To: Palmer, Kevin <kevin_palmer@fws.gov>
> > >
> > > Brighton draft map...
> > >
> > > Take a look at the bullets with lines to the labels on the Brighton map. I only included labels for the FLMAs that are located within the Brighton buffer...this kept it from getting

too busy looking.

If you want, I can do the same thing for the Big Cypress map.

On Fri, Mar 8, 2019 at 8:09 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Heck yeah! These are really cool. I like having all the data on there but it's hard to identify which parcel goes with which project name label... maybe a light line from the text to the parcel... hmmm, I don't know, sounds like a lot of work!
>
> The interactive map sounds like something really helpful we can work towards in the future. Let's pause here and let me figure out where this needs to go from here. I really have two purpose in mind... a quick reference map that the supervisors can look at to see if a project we are reviewing is in proximity to the Tribes' properties. Secondly, it would be helpful, once a project has been identified to project its shapefile on these maps and then be able to zoom in and out on surrounding lands for more detail.. and maybe species data!
>
> Possibilities are endless! I'll cc Miles to keep him in the loop!
>
> Thanks again,
>
> Kevin
>
> On Thu, Mar 7, 2019 at 2:59 PM DiPalma, Shana <shana_dipalma@fws.gov> wrote:
>
> > Hi Kevin,
> >
> > Here are 3 draft maps. I added the FLMA layer to show ownership of the managed lands are near the tribal lands. This is a lot of data but we can pick and choose what you would like to have displayed in the maps. I will need to adjust the labeling for some of the managed areas.
> >
> > For the interactive map, we can discuss setting up a map(s) in ArcGIS Pro and making it interactive.
> >
> > On Wed, Mar 6, 2019 at 4:08 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:
> >
> > > That looks awesome! I just printed it. I think maybe we can add a couple more features... maybe major roads... and a few other landmarks and then maybe zoom down on the Brighton/Lake O and surrounding area and then separately on the Big Cypress area so that we can get a little closer view. It would be nice in the future if we could zoom to different places and add different projects to it... but that can be for later on! ;)
> > >
> > > Thank you!
> > >
> > > Kevin
> > >
> > > On Wed, Mar 6, 2019 at 4:01 PM DiPalma, Shana <shana_dipalma@fws.gov> wrote:
> > >
> > > > I added in the other layers. Let me know if you would like any changes.
> > > >
> > > > On Wed, Mar 6, 2019 at 10:24 AM DiPalma, Shana <shana_dipalma@fws.gov> wrote:
> > > >
> > > > > No problem.. I have the shapefiles. I'll work on this today.
> > > > >
> > > > > On Mon, Mar 4, 2019 at 4:26 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:
> > > > >
> > > > > > Awesome... I could probably get in there and play with the mxd a bit but it's

> > > >

Miles and I can then distribute the map to all of the supervisors so that potential projects that the Tribe may be interested in commenting on can be identified.

We should add the Miccosukee's reservations as well... are you aware if we have those layers?

Thanks,

Kevin

---------- Forwarded message ---------
From: **Karli Eckel** <KarliEckel@semtribe.com>
Date: Wed, Dec 12, 2018 at 3:00 PM
Subject: [EXTERNAL] STOF Boundaries/Buffers
To: kevin_palmer@fws.gov <kevin_palmer@fws.gov>
Cc: Whitney Sapienza <WhitneySapienza@semtribe.com>, Stacy Myers <StacyMyers@semtribe.com>, Mandy D'Andrea <MandyDAndrea@semtribe.com>

Hello Kevin,

Please find attached shapefiles for all STOF Reservations and associated 10 mile Tribal interest buffers. Please let me know if there are any problems with the attachment. Thank you!

Kind Regards,

Karli Eckel | Acting Wildlife Biologist | Seminole Tribe of Florida

Environmental Resource Management Department

650 E. Harney Pond Road | Okeechobee, FL 34974

O (863) 763-4128 x15415

F (863) 763-1428

C (863) 801-1221

--
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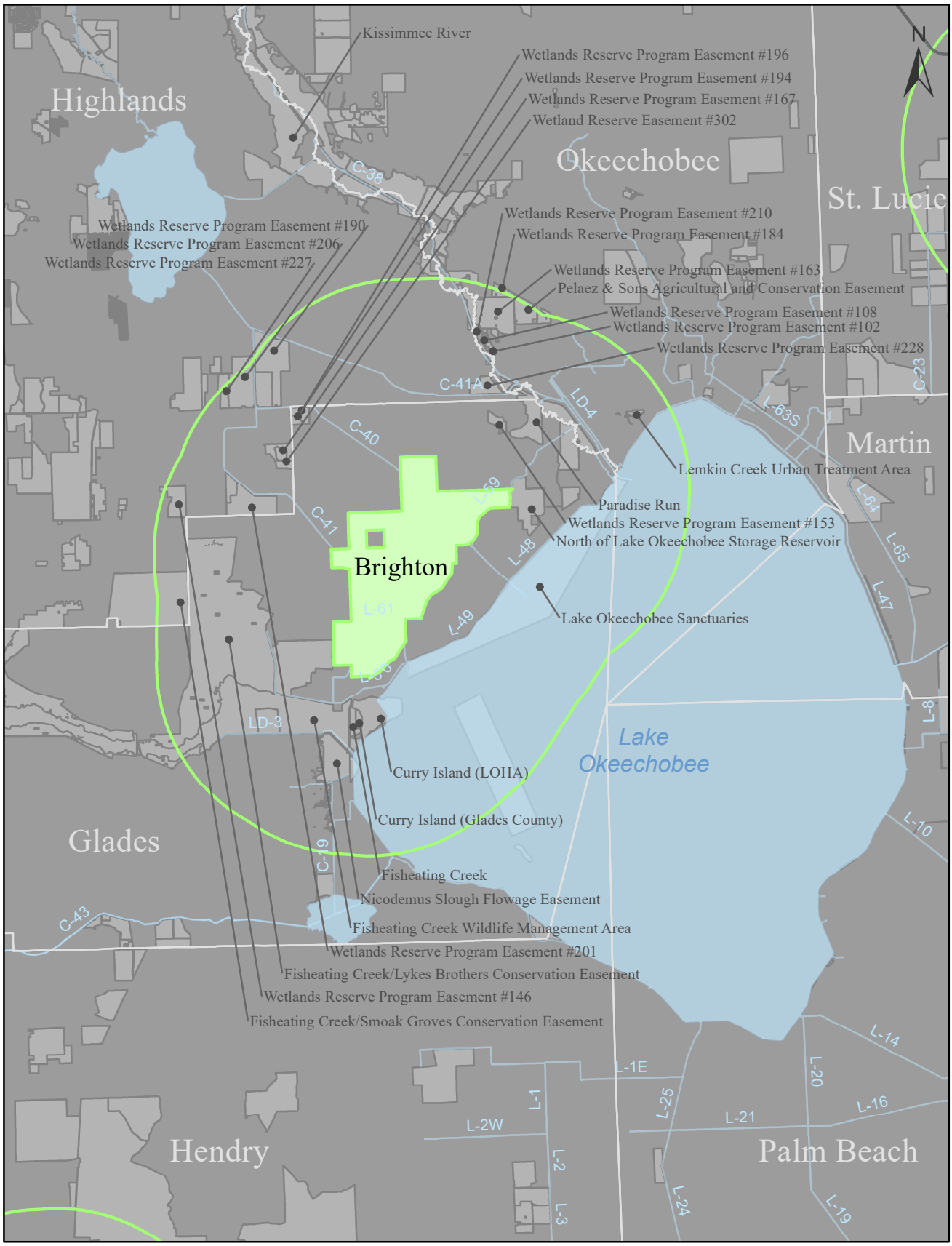
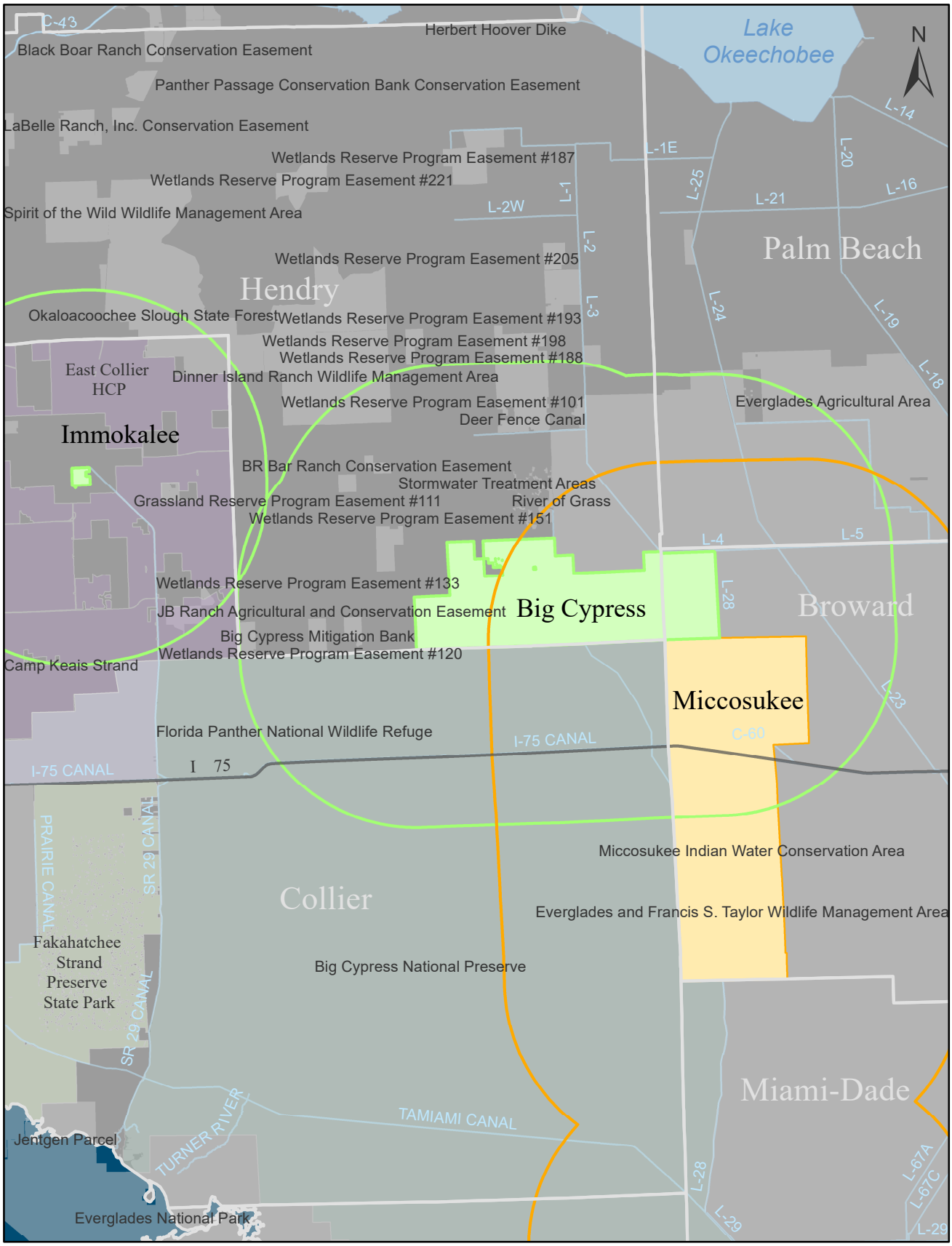


Legend

- Miccosukee 10-Mile Buffer
- Seminole 10-Mile Buffer
- Miccosukee Tribal Lands
- Seminole Tribal Lands

0 2.5 5 10 Miles



Legend

- Miccosukee 10-Mile Buffer
- Seminole 10-Mile Buffer
- Miccosukee Tribal Lands
- Seminole Tribal Lands

0 2.5 5 10 Miles

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:10 AM

Conversation Contents

Any response from the Miccosukee Tribe?

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri Mar 08 2019 08:23:27 GMT-0700 (MST)
To:	Kevin Palmer <kevin_palmer@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	Any response from the Miccosukee Tribe?

Hi Kevin,

Have you had any response back from the Miccosukee Tribe? I know they said they are writing a letter, but do they still want a webinar? We had a internal ECMSHCP call this morning. David Dell said we should prod them once a week so we show good effort to set up a meeting. Are you OK doing this?

Connie

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Fri Mar 08 2019 09:43:38 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	Re: Any response from the Miccosukee Tribe?

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Thanks.

On Fri, Mar 8, 2019 at 10:24 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

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From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri Mar 08 2019 09:52:56 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>

CC:	Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	Re: Any response from the Miccosukee Tribe?

Kevin,

I would say to start at 1:00 and give as much time as you think we will need. We can definitely give a presentation. It may need some updating between now and then, but we will have something. I sent David Dell and Rob Tawes and save the date type invitation and they are ready to be on the call too.

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From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Fri Mar 08 2019 09:58:49 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>
Subject:	Re: Any response from the Miccosukee Tribe?

Ok, great! Let's go from 1-3... I will send out an invite to everyone this afternoon and then follow with the webinar/call-in agenda later next week!

I'm sending the Miccosukee the new dates now... you're cc'd on it. The earliest date is now March 12th... hopefully this would still work for everyone, although it is likely they will not select that date. I am not sure how interested they are in actually formally consulting on this one with us. Our attempts to make contact are well documented.

Thanks again,

Kevin

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> **********
> Kevin Palmer

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Email: Kevin_Palmer@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.

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:10 AM

Conversation Contents

STOF webinar for ECHCP

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Thu Mar 07 2019 08:01:13 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>, Charles Kelso <charles_kelso@fws.gov>
CC:	"Meyer, Miles" <miles_meyer@fws.gov>
Subject:	STOF webinar for ECHCP

Hi Connie/Chuck -

So, we've set March 29 for a webinar with the Seminole tribe ERMD and THPO staff. I'm going to try to set it up using our webinar/teleconference line and send out an invite. They did ask what time frame within the 1-4p would we prefer? I mentioned that we would provide a brief overview of the project and update the schedule. They also mentioned maybe a breakdown of the land use change acreages and locations within the project area.

I'm not very familiar with the office webinar tech so we should probably plan to be in a conference room when we have the call.

Let me know how long and the preferred start time in the 1-4 pm slot. And any other ideas.

Thanks!

Kevin

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****

Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:10 AM

Conversation Contents

Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan

Attachments:

/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/1.1 image001.png
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/1.2 image002.jpg
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/2.1 image001.png
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/2.2 image002.jpg
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/3.1 image001.png
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/3.2 image002.jpg
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/4.1 image001.png
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/4.2 image002.png
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/4.3 image003.jpg
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/5.1 image001.png
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/5.2 image002.png
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/5.3 image003.jpg
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/6.1 image001.png
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/6.2 image002.png
/46. Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan/6.3 image003.jpg

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Mon Mar 04 2019 07:55:18 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Fwd: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan
Attachments:	image001.png image002.jpg

FYI...

---------- Forwarded message ---------
From: **Victoria Menchaca** <VictoriaMenchaca@semtribe.com>
Date: Mon, Mar 4, 2019 at 9:06 AM
Subject: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan
To: kevin_palmer@fws.gov <kevin_palmer@fws.gov>
Cc: charles_kelso@fws.gov <charles_kelso@fws.gov>

March 04, 2019

Kevin Palmer
South Florida Ecological Services Field Office
U.S. Fish and Wildlife Service
Phone: 772-469-4280
Email: kevin_palmer@fws.gov

Subject: FWS Eastern Collier County Multiple Species Habitat Conservation Plan, Collier County FL
THPO #: 0031420

Dear Mr. Palmer,

Thank you for contacting the Seminole Tribe of Florida – Tribal Historic Preservation Office (STOF-THPO) regarding the FWS Eastern Collier County Multiple Species Habitat Conservation Plan, Collier County FL. The proposed undertaking does fall within the STOF Area of Interest. The earliest that staff from the Tribal Historic Preservation Office (THPO) would be able to meet in-person is the week of May 6th and we would prefer to meet at the THPO on the Big Cypress Reservation. However, we can be available for a teleconference if U.S. FWS would like to discuss this at an earlier date.

Sincerely,

Victoria L. Menchaca, MA, Compliance Review Specialist
STOF-THPO, Compliance Review Section
30290 Josie Billie Hwy, PMB 1004
Clewiston, FL 33440
Office: 863-983-6549 ext 12216
Email: victoriamenchaca@semtribe.com
Web: www.stofthpo.com

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Mar 04 2019 08:24:04 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Subject:	Re: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan
Attachments:	image001.png image002.jpg

Hi Kevin,

We are supposed to have our draft ROD complete around that time. I recommend a webinar by April 12 if we want to have time to consider any adjustments to our documents based on Tribal concerns. The following are some dates where Roxanna and I are available, and Ken or Chuck are probably available:
3/7 10:30-12:30 or 1-4
3/8 10-1 or 1-4
3/12 9-12
3/13 1-4
3/15 1-4
3/26 9-12, 1-4
3/27 1-4
3/28 9:30-12:30 or 1-4
3/29 1-4
4/9 9-12 or 1-4
4/10 9-12 or 1-4
4/11 1-4
4/12 9-12 or 1-4

Please let me know if any of these work for the Seminole Tribe.

Thank you,

Connie

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

Follow us on Twitter @USFWSVERO
Follow us on Facebook @USFWSSouthFlorida
Follow us on InstaGram @usfws_south_florida
Visit our web site at www.fws.gov/verobeach/

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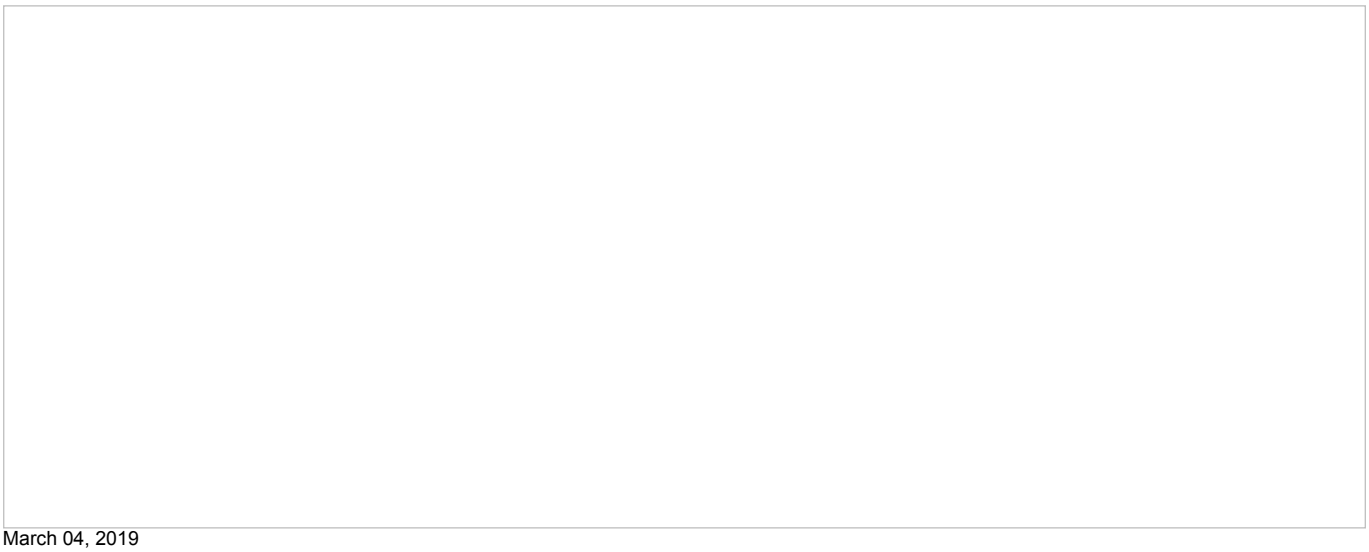
On Mon, Mar 4, 2019 at 9:55 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> FYI...
>
> ---------- Forwarded message ---------
> From: **Victoria Menchaca** <VictoriaMenchaca@semtribe.com>

Date: Mon, Mar 4, 2019 at 9:06 AM
Subject: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan
To: kevin_palmer@fws.gov <kevin_palmer@fws.gov>
Cc: charles_kelso@fws.gov <charles_kelso@fws.gov>



March 04, 2019

Kevin Palmer
South Florida Ecological Services Field Office
U.S. Fish and Wildlife Service
Phone: 772-469-4280
Email: kevin_palmer@fws.gov

Subject: FWS Eastern Collier County Multiple Species Habitat Conservation Plan, Collier County FL
THPO #: 0031420

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Sincerely,

Victoria L. Menchaca, MA, Compliance Review Specialist
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30290 Josie Billie Hwy, PMB 1004
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Email: victoriamenchaca@semtribe.com
Web: www.stofthpo.com

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1339 20th Street
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Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Tue Mar 05 2019 06:24:02 GMT-0700 (MST)
To:	Victoria Menchaca <VictoriaMenchaca@semtribe.com>
CC:	"charles_kelso@fws.gov" <charles_kelso@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>, Whitney Sapienza <WhitneySapienza@semtribe.com>, Stacy Myers <StacyMyers@semtribe.com>
Subject:	Re: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan

Attachments: image001.png image002.jpg

Hi Victoria,

Thank you for providing your availability for a meeting regarding the ECMSHCP project. Unfortunately, May is around the time when our Record of Decision is due for the project so in order to receive and process the Tribe's input we would like to have a webinar before mid April. Please let us know if any of the following dates and times for a webinar will work for you all. I am also cc'ing the Tribe's ERMD staff so that they may participate as well.

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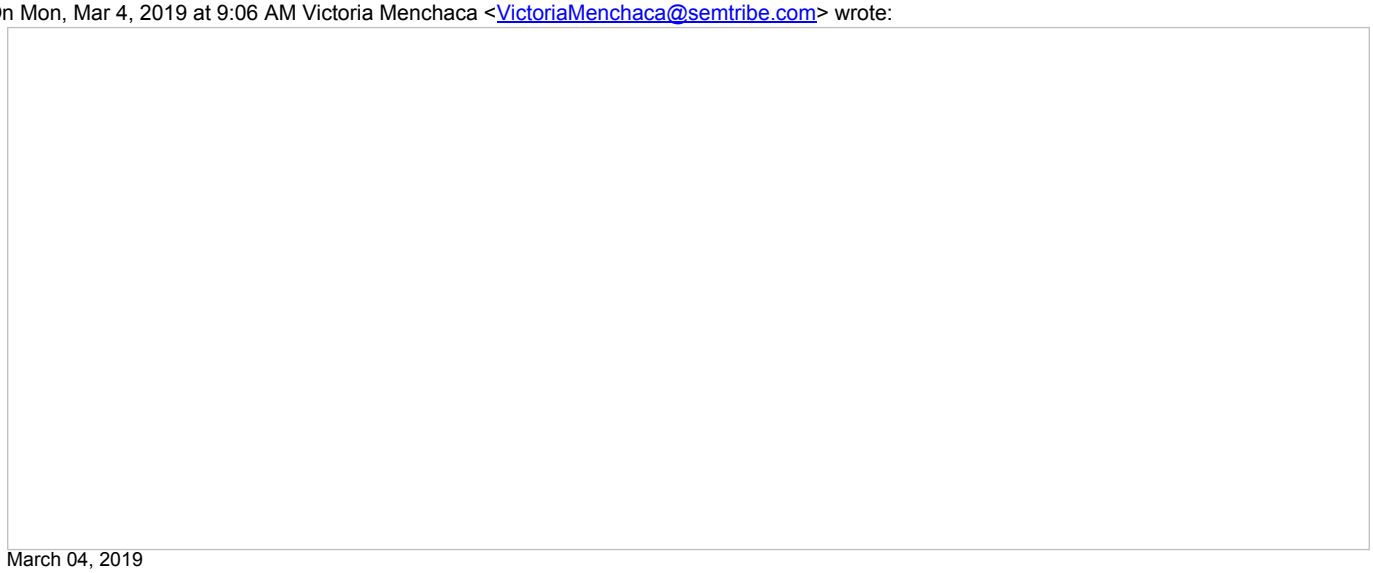
3/29 1-4
4/9 9-12 or 1-4
4/10 9-12 or 1-4
4/11 1-4
4/12 9-12 or 1-4

We look forward to hearing from you soon!

Sincerely,

Kevin

On Mon, Mar 4, 2019 at 9:06 AM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:



March 04, 2019

Kevin Palmer
South Florida Ecological Services Field Office
U.S. Fish and Wildlife Service
Phone: 772-469-4280
Email: kevin_palmer@fws.gov

Subject: FWS Eastern Collier County Multiple Species Habitat Conservation Plan, Collier County FL
THPO #: 0031420

Dear Mr. Palmer,

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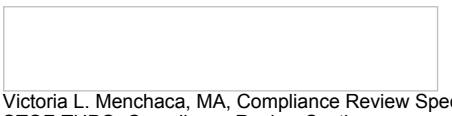

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1339 20th Street
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Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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Whitney Sapienza <WhitneySapienza@semtribe.com>

From:	Whitney Sapienza <WhitneySapienza@semtribe.com>
Sent:	Tue Mar 05 2019 15:22:06 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	"charles_kelso@fws.gov" <charles_kelso@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>, Stacy Myers <StacyMyers@semtribe.com>, Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Subject:	RE: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan
Attachments:	image001.png image002.png image003.jpg

Good Afternoon Kevin,

Thank you for coordinating with STOF on the USFWS' availability on this important discussion. We have coordinated internally between ERMD/THPO and we are all only available on March 29th between 1-4pm. Can you please send out a meeting invite?

Thank you in advance!

Whitney Sapienza | **Environmental Protection Specialist III** | **Seminole Tribe of Florida**
6363 Taft Street Suite 309 Hollywood, FL 33024 | **Ph: (954) 965-4380 Ext. 10627** | **Cell: (954) 605-5253**
* WhitneySapienza@semtribe.com

From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Tuesday, March 05, 2019 8:24 AM
To: Victoria Menchaca
Cc: charles_kelso@fws.gov; Cassler, Constance; Whitney Sapienza; Stacy Myers
Subject: Re: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan

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Hi Victoria,

Thank you for providing your availability for a meeting regarding the ECMSHCP project. Unfortunately, May is around the time when our Record of Decision is due for the project so in order to receive and process the Tribe's input we would like to have a webinar before mid April. Please let us know if any of the following dates and times for a webinar will work for you all. I am also cc'ing the Tribe's ERMD staff so that they may participate as well.

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3/29 1-4
4/9 9-12 or 1-4
4/10 9-12 or 1-4
4/11 1-4
4/12 9-12 or 1-4

We look forward to hearing from you soon!

Sincerely,

Kevin

On Mon, Mar 4, 2019 at 9:06 AM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:

March 04, 2019

Kevin Palmer
South Florida Ecological Services Field Office
U.S. Fish and Wildlife Service
Phone: 772-469-4280
Email: kevin_palmer@fws.gov

Subject: FWS Eastern Collier County Multiple Species Habitat Conservation Plan, Collier County FL
THPO #: 0031420

Dear Mr. Palmer,

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Wed Mar 06 2019 06:35:25 GMT-0700 (MST)
To:	Whitney Sapienza <WhitneySapienza@semtribe.com>
CC:	"charles_kelso@fws.gov" <charles_kelso@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>, Stacy Myers <StacyMyers@semtribe.com>, Victoria Menchaca <VictoriaMenchaca@semtribe.com>
Subject:	Re: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan
Attachments:	image001.png image002.png image003.jpg

Yes, thank you! We will get it on our calendars here, set it up and send out an invite in the near future!

On Tue, Mar 5, 2019 at 5:22 PM Whitney Sapienza <WhitneySapienza@semtribe.com> wrote:

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6363 Taft Street Suite 309 Hollywood, FL 33024 | **Ph: (954) 965-4380 Ext. 10627** | **Cell: (954) 605-5253**
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From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
Sent: Tuesday, March 05, 2019 8:24 AM
To: Victoria Menchaca
Cc: charles_kelso@fws.gov; Cassler, Constance; Whitney Sapienza; Stacy Myers
Subject: Re: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan

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We look forward to hearing from you soon!

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Kevin

On Mon, Mar 4, 2019 at 9:06 AM Victoria Menchaca <VictoriaMenchaca@semtribe.com> wrote:

> March 04, 2019
>
> Kevin Palmer
> South Florida Ecological Services Field Office
> U.S. Fish and Wildlife Service
> Phone: 772-469-4280
> Email: kevin_palmer@fws.gov
>
> **Subject:** FWS Eastern Collier County Multiple Species Habitat Conservation Plan, Collier County FL
> **THPO #**: 0031420
>
> Dear Mr. Palmer,

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Email: Kevin_Palmer@fws.gov

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"Kelso, Charles" <charles_kelso@fws.gov>

From:	"Kelso, Charles" <charles_kelso@fws.gov>
Sent:	Wed Mar 06 2019 11:06:20 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>, Constance Cassler <constance_cassler@fws.gov>
Subject:	Re: [EXTERNAL] FWS Eastern Collier County Multiple Species Habitat Conservation Plan
Attachments:	image001.png image002.png image003.jpg

Thanks Kevin,
March 29 is the current due date for our ECMSHCP draft BO.

On Wed, Mar 6, 2019 at 8:35 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:
Yes, thank you! We will get it on our calendars here, set it up and send out an invite in the near future!

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From: Palmer, Kevin [mailto:kevin_palmer@fws.gov]
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We look forward to hearing from you soon!

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March 04, 2019

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THPO #: 0031420

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Thank you for contacting the Seminole Tribe of Florida – Tribal Historic Preservation Office (STOF-THPO) regarding the FWS Eastern Collier County Multiple Species Habitat Conservation Plan, Collier County FL. The proposed undertaking does fall within the STOF Area of Interest. The earliest that staff from the Tribal Historic Preservation Office (THPO) would be able to meet in-person is the week of May 6th and we would prefer to meet at the THPO on the Big Cypress Reservation. However, we can be available for a teleconference if U.S. FWS would like to discuss this at an earlier date.

Sincerely,

Victoria L. Menchaca, MA, Compliance Review Specialist
STOF-THPO, Compliance Review Section
30290 Josie Billie Hwy, PMB 1004
Clewiston, FL 33440
Office: 863-983-6549 ext 12216

Email: victoriamenchaca@semtribe.com
Web: www.stofthpo.com

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
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Email: Kevin_Palmer@fws.gov

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--
Chuck Kelso
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960-3559
(772)469-4241
Charles_Kelso@fws.gov

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:11 AM

Conversation Contents

ECHCP meetings

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Wed Feb 13 2019 09:19:45 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	ECHCP meetings

Hi Connie -

I know you are sequestered away working on the HCP but I wanted to remind you that we were going to try to poll some folks for dates to get on a webinar with the Tribes. I'm going send a note to them today letting them know that we have not forgotten but that all staff have been directed to work on the draft BO.

Thank you and sorry to bother you.

Kevin

--
****
Kevin Palmer
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South Florida Ecological Services Field Office
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Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Feb 13 2019 09:33:57 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Subject:	Re: ECHCP meetings

Hi Kevin,

All of our calendars are up to date so we can use them to propose days for a teleconference. If yours is up to date, then I can look at yours, mine, Chuck's, Ken's and Roxanna's to propose some dates. Is this for 2 separate meetings? One with Miccosukee Tribe and one for Seminole Tribe?

Connie

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

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On Wed, Feb 13, 2019 at 11:19 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Hi Connie -
>
> I know you are sequestered away working on the HCP but I wanted to remind you that we were going to try to poll some folks for dates to get on a webinar with the Tribes. I'm going send a note to them today letting them know that we have not forgotten but that all staff have been directed to work on the draft BO.
>
> Thank you and sorry to bother you.
>
> Kevin
>
> --
> **********
> Kevin Palmer
> U.S. Fish and Wildlife Service
> South Florida Ecological Services Field Office
> 1339 20th Street
> Vero Beach, Florida 32960-3559
> Phone: 772-469-4280
> Fax: 772-562-4288 & 564-7393
> Email: Kevin_Palmer@fws.gov
>
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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Wed Feb 13 2019 10:24:00 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: ECHCP meetings

Thanks Connie - Yes, let's plan for two separate dates, however, once we hear back from Miccosukee, I will ask them if we can also extend the invite to the Seminole, if so, I will ask the Seminole if they can participate on the same day... if not we'll set up a second meeting.

Thanks!!

On Wed, Feb 13, 2019 at 11:34 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Kevin,
>
> All of our calendars are up to date so we can use them to propose days for a teleconference. If yours is up to date, then I can look at yours, mine, Chuck's, Ken's and Roxanna's to propose some dates. Is this for 2 separate meetings? One with Miccosukee Tribe and one for Seminole Tribe?
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
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> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
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>
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>
> On Wed, Feb 13, 2019 at 11:19 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:
>
> > Hi Connie -
> >
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> >
> > Thank you and sorry to bother you.
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> > Kevin
> >
> > --
> > **********
> > Kevin Palmer
> > U.S. Fish and Wildlife Service
> > South Florida Ecological Services Field Office
> > 1339 20th Street
> > Vero Beach, Florida 32960-3559
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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Feb 13 2019 11:22:45 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Subject:	Re: ECHCP meetings

OK. Here are some potential dates/times. I couldn't find time slots for more than 3 hours.
2/22 1-4
2/26 1:30-4:30
2/27 9-12 or 1-4
3/7 9:30-12:30
3/8 10-1 or 1-4

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On Wed, Feb 13, 2019 at 12:24 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Thanks Connie - Yes, let's plan for two separate dates, however, once we hear back from Miccosukee, I will ask them if we can also extend the invite to the Seminole, if so, I will ask the Seminole if they can participate on the same day... if not we'll set up a second meeting.
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> Thanks!!

On Wed, Feb 13, 2019 at 11:34 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Kevin,
>
> All of our calendars are up to date so we can use them to propose days for a teleconference. If yours is up to date, then I can look at yours, mine, Chuck's, Ken's and Roxanna's to propose some dates. Is this for 2 separate meetings? One with Miccosukee Tribe and one for Seminole Tribe?
>
> Connie

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On Wed, Feb 13, 2019 at 11:19 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Hi Connie -
>
> I know you are sequestered away working on the HCP but I wanted to remind you that we were going to try to poll some folks for dates to get on a webinar with the Tribes. I'm going send a note to them today letting them know that we have not forgotten but that all staff have been directed to work on the draft BO.
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>
> Kevin
>
> --
> **********

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:11 AM

Conversation Contents

February 19th meeting with Miccosukees re ECMSHCP

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Feb 04 2019 13:03:18 GMT-0700 (MST)
To:	Larry Williams <larry_williams@fws.gov>
Subject:	February 19th meeting with Miccosukees re ECMSHCP

Hi Larry,

Kevin Palmer is asking if we can lock in the Feb 19th date for our formal consultation meeting with the Miccosukees. I mentioned this morning that we would need either you, Roxanna, or a decision maker at that level to attend. Roxanna let me know she is supposed to be in Welaka for the discussion about FL grasshopper sparrows. Will you be able to attend? Or do we need to negotiate a different date? Or do you suggest someone else to attend?

Thank you for your help,

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
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"Williams, Larry" <larry_williams@fws.gov>

From:	"Williams, Larry" <larry_williams@fws.gov>
Sent:	Thu Feb 07 2019 09:09:00 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Roxanna Hinzman <Roxanna_Hinzman@fws.gov>, LeeAnn Kelso <LeeAnn_Kelso@fws.gov>
Subject:	Re: February 19th meeting with Miccosukees re ECMSHCP

Connie,
I'm not available that day because I'll be flying back from a meeting in Louisville, KY. Roxanna and I discussed this earlier this week, and we thought it best to ask the Tribe if they want this meeting to be:

1. a senior staff level meeting to discuss technical aspects of the HCP and their concerns
2. a leadership-level meeting that would include the Tribal Chair and/or Council members

If they are thinking 1, you don't need Rox or I. If they are thinking 2 either Roxanna can change her plans or we can reschedule. We suggest this meeting be more like 1, and if they desire we can follow it with a meeting more like 2.

Thanks!

Larry

On Mon, Feb 4, 2019 at 3:03 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Larry,
>
> Kevin Palmer is asking if we can lock in the Feb 19th date for our formal consultation meeting with the Miccosukees. I mentioned this morning that we would need either you, Roxanna, or a decision maker at that level to attend. Roxanna let me know she is supposed to be in Welaka for the discussion about FL grasshopper sparrows. Will you be able to attend? Or do we need to negotiate a different date? Or do you suggest someone else to attend?
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> Thank you for your help,
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
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--
Larry Williams
State Supervisor for Ecological Services
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960-3559
Ph: 772-469-4285
Fax: 772-778-0683
larry_williams@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri Feb 08 2019 06:14:29 GMT-0700 (MST)
To:	"Williams, Larry" <larry_williams@fws.gov>
CC:	Roxanna Hinzman <Roxanna_Hinzman@fws.gov>, LeeAnn Kelso <LeeAnn_Kelso@fws.gov>
Subject:	Re: February 19th meeting with Miccosukees re ECMSHCP

Thanks Larry. We proceeded in the direction of finding out what the Miccosukee Tribe wanted to do. We offered a web meeting as a way to move forward, and they accepted, so we are searching for a date where we can do a web meeting and Roxanna is present. Someone from the RO may also participate.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
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On Thu, Feb 7, 2019 at 11:09 AM Williams, Larry <larry_williams@fws.gov> wrote:

> Connie,
> I'm not available that day because I'll be flying back from a meeting in Louisville, KY. Roxanna and I discussed this earlier this week, and we thought it best to ask the Tribe if they want this meeting to be:
>
> 1. a senior staff level meeting to discuss technical aspects of the HCP and their concerns
> 2. a leadership-level meeting that would include the Tribal Chair and/or Council members
>
> If they are thinking 1, you don't need Rox or I. If they are thinking 2 either Roxanna can change her plans or we can reschedule. We suggest this meeting be more like 1, and if they desire we can follow it with a meeting more like 2.
>
> Thanks!
>
> Larry
>
> On Mon, Feb 4, 2019 at 3:03 PM Cassler, Constance <constance_cassler@fws.gov> wrote:
>
> > Hi Larry,

Kevin Palmer is asking if we can lock in the Feb 19th date for our formal consultation meeting with the Miccosukees. I mentioned this morning that we would need either you, Roxanna, or a decision maker at that level to attend. Roxanna let me know she is supposed to be in Welaka for the discussion about FL grasshopper sparrows. Will you be able to attend? Or do we need to negotiate a different date? Or do you suggest someone else to attend?

Thank you for your help,

Connie

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

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:11 AM

Conversation Contents

Coordination Letter from US Fish and Wildlife Service

Attachments:

/49. Coordination Letter from US Fish and Wildlife Service/1.1 20190201_letter_Service to Seminoles_formal consultation ECMSHCP.pdf

"Kelso, LeeAnn" <leeann_kelso@fws.gov>

From:	"Kelso, LeeAnn" <leeann_kelso@fws.gov>
Sent:	Fri Feb 01 2019 08:57:35 GMT-0700 (MST)
To:	CheriseMaples@semtribe.com
CC:	Constance Cassler <constance_cassler@fws.gov>, "Palmer, Kevin" <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>
Subject:	Coordination Letter from US Fish and Wildlife Service
Attachments:	20190201_letter_Service to Seminoles_formal consultation ECMSHCP.pdf

Please find attached coordination letter.

Thank you,

LeeAnn Kelso
U.S. Fish and Wildlife Service
Executive Assistant to the State Supervisor
Florida Ecological Services
1339 20th Street
Vero Beach, FL 32960
1-772-469-4251 (phone)
1-772-778-0683 (fax)
LeeAnn_Kelso@fws.gov

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United States Department of the Interior

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

February 1, 2019

The Honorable Marcellus W. Osceola, Jr.
Chairman
Seminole Tribe of Florida
6300 Stirling Road
Hollywood, Florida 33024

Dear Chairman Osceola:

In accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy, the Service respectfully requests formal consultation with the Seminole Tribe of Florida and seeks comments on potential tribal concerns related to the proposed Eastern Collier County Multiple-Species Habitat Conservation Plan (ECMSHCP).

Under this proposed plan, 11 Collier County landowners are applying for 50-year incidental take permits for the Florida panther and 18 other Federal and State-listed species, in expectation of proposed residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida. The project includes up to 45,000 acres of habitat loss within the 152,000-acre ECMSHCP area.

The Service has communicated previously with the Seminole Tribe of Florida (Tribe) on this topic, but not through formal consultation. On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft environmental impact statement (dEIS) and a habitat conservation plan (HCP) associated with the incidental take permit applications of 11 Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day public comment period from October 19, 2018, through December 3, 2018.

The Service presented a brief overview of the ECMSHCP to the Tribe during an informal meeting on October 3, 2018. We also received your December 3, 2018, comment letter on the dEIS which included a request for formal government-to-government consultation. We acknowledge this request and look forward to meeting with you and discussing the ECMSHCP in further detail. Please provide your preferred date and location for the meeting for our consideration.

We respectfully request this meeting at your earliest convenience. We also want to assure you that we will give full consideration to all Tribal comments received through this formal consultation.

Thank you for your continued partnership and your interest in fish and wildlife conservation. If you have any questions or need additional information about the ECMSHCP, please contact Chuck Kelso at 772-469-4241. Please work with Kevin Palmer, the South Florida Ecological Services Office's Tribal Liaison, to set a date and location for a formal consultation meeting. Mr. Palmer can be reached at 772-469-4280.

Sincerely,

Larry Williams

Larry Williams
State Supervisor, Ecological Services

cc:
Seminole Tribe of Florida, Clewiston, Florida (Dr. Paul Backhouse)
Seminole Tribe of Florida, Hollywood, Florida (Cherise Maples) electronic only

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:11 AM

Conversation Contents

Formal consultation letter for Seminole Tribe of Florida

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Thu Jan 31 2019 08:45:44 GMT-0700 (MST)
To:	Larry Williams <larry_williams@fws.gov>
CC:	"Kelso, LeeAnn" <leeann_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Patricia Bowser <patricia_camp@fws.gov>
Subject:	Formal consultation letter for Seminole Tribe of Florida

Hi Larry,

Before Christmas, you signed a letter requesting formal consultation with the Miccosukee Tribe of Indians for the ECMSHCP. We have drafted a similar letter for the Seminole Tribe of Florida and I'm wondering if you are willing to sign that one too? This will save time because otherwise it would have to go through the RO review process. We still aren't sure if we are going to get any extension on our deadlines due to the furlough, so that faster we can get this letter out the better.

Thank you,

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
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fax: 772-562-4288
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"Williams, Larry" <larry_williams@fws.gov>

From:	"Williams, Larry" <larry_williams@fws.gov>

Sent:	Thu Jan 31 2019 09:46:53 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	"Kelso, LeeAnn" <leeann_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, Patricia Bowser <patricia_camp@fws.gov>
Subject:	Re: Formal consultation letter for Seminole Tribe of Florida

Connie,
I'm glad to sign the letter going to the Seminole Tribe. Just share it with LeeAnn, and I will sign it.

Thanks!

Larry

On Thu, Jan 31, 2019 at 10:46 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Larry,
>
> Before Christmas, you signed a letter requesting formal consultation with the Miccosukee Tribe of Indians for the ECMSHCP. We have drafted a similar letter for the Seminole Tribe of Florida and I'm wondering if you are willing to sign that one too? This will save time because otherwise it would have to go through the RO review process. We still aren't sure if we are going to get any extension on our deadlines due to the furlough, so that faster we can get this letter out the better.
>
> Thank you,
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
> email: constance_cassler@fws.gov
>
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> Visit our web site at www.fws.gov/verobeach/
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--
Larry Williams
State Supervisor for Ecological Services
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960-3559
Ph: 772-469-4285
Fax: 772-778-0683

larry_williams@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Thu Jan 31 2019 09:50:34 GMT-0700 (MST)
To:	"Williams, Larry" <larry_williams@fws.gov>
Subject:	Re: Formal consultation letter for Seminole Tribe of Florida

Thank you!

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
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Vero Beach, Florida 32960
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On Thu, Jan 31, 2019 at 11:47 AM Williams, Larry <larry_williams@fws.gov> wrote:

> Connie,
> I'm glad to sign the letter going to the Seminole Tribe. Just share it with LeeAnn, and I will sign it.
>
> Thanks!
>
> Larry
>
> On Thu, Jan 31, 2019 at 10:46 AM Cassler, Constance <constance_cassler@fws.gov> wrote:
>
> > Hi Larry,
> >
> > Before Christmas, you signed a letter requesting formal consultation with the Miccosukee Tribe of Indians for the ECMSHCP. We have drafted a similar letter for the Seminole Tribe of Florida and I'm wondering if you are willing to sign that one too? This will save time because otherwise it would have to go through the RO review process. We still aren't sure if we are going to get any extension on our deadlines due to the furlough, so that faster we can get this letter out the better.
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> >
> > Connie

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Thu Jan 31 2019 10:01:18 GMT-0700 (MST)
To:	"Camp, Patricia" <patricia_camp@fws.gov>
Subject:	Re: Formal consultation letter for Seminole Tribe of Florida

Thanks for the offer. Larry asked me to give it to LeeAnn, so she is planning on doing it.

Connie

Constance L. Cassler, Ph.D.
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On Thu, Jan 31, 2019 at 11:51 AM Camp, Patricia <patricia_camp@fws.gov> wrote:

> Hey Connie,
>
> Just email me the letter and I can put it on letterhead or ask Leeann to do that
>
> On Thu, Jan 31, 2019 at 10:46 AM Cassler, Constance <constance_cassler@fws.gov> wrote:
>
> > Hi Larry,
> >
> > Before Christmas, you signed a letter requesting formal consultation with the Miccosukee Tribe of Indians for the ECMSHCP. We have drafted a similar letter for the Seminole Tribe of Florida and I'm wondering if you are willing to sign that one too? This will save time because otherwise it would have to go through the RO review process. We still aren't sure if we are going to get any extension on our deadlines due to the furlough, so that faster we can get this letter out the better.
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--

Patti Camp
US Fish and Wildlife
1339 20th St
Vero Beach, FL 32960
(772) 469-4221

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:11 AM

Conversation Contents

draft letter for formal consultation on ECMSHCP with the Seminole Tribe

Attachments:

/51. draft letter for formal consultation on ECMSHCP with the Seminole Tribe/2.1 20190130_letter_Service to Seminoles_formal consultation ECMSHCP.docx

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Jan 30 2019 13:39:30 GMT-0700 (MST)
To:	Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, David Dell <david_dell@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>
Subject:	draft letter for formal consultation on ECMSHCP with the Seminole Tribe

Hi Everyone,

I'm following up on the Tribal consultations for the E. Collier Multiple-species HCP. In December we sent a letter to the Miccosukee Tribe of Indians and are waiting to hear back from them about dates for a meeting. Kevin, have you heard back from them about possible dates?

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The HCP team had a call with the RO today and so far we understand we may not get an extension to the timeline to make up for the delay caused by the furlough. So getting these meetings set up to take place as soon as possible is very important.

Thanks for your help,

Connie

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Jan 30 2019 13:40:07 GMT-0700 (MST)
To:	Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, David Dell <david_dell@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>
Subject:	Re: draft letter for formal consultation on ECMSHCP with the Seminole Tribe
Attachments:	20190130_letter_Service to Seminoles_formal consultation ECMSHCP.docx

Here is the draft letter.

Constance L. Cassler, Ph.D.
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U.S. Fish and Wildlife Service
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On Wed, Jan 30, 2019 at 3:39 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Everyone,
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> I'm following up on the Tribal consultations for the E. Collier Multiple-species HCP. In December we sent a letter to the Miccosukee Tribe of Indians and are waiting to hear back from them about dates for a meeting. Kevin, have you heard back from them about possible dates?
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"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Wed Jan 30 2019 13:56:28 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, David Dell <david_dell@fws.gov>
Subject:	Re: draft letter for formal consultation on ECMSHCP with the Seminole Tribe

Hi Connie,

Thank you for providing the draft letter, to be sent to the Seminole Tribe. I do not have any comments on the draft letter.

Best,
--Tim

On Wed, Jan 30, 2019 at 3:40 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Here is the draft letter.
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
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--

Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

"Palmer, Kevin" <kevin_palmer@fws.gov>

From: "Palmer, Kevin" <kevin_palmer@fws.gov>

Sent:	Thu Jan 31 2019 05:59:32 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, David Dell <david_dell@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>
Subject:	Re: draft letter for formal consultation on ECMSHCP with the Seminole Tribe

Hi Connie,

I have not heard back from the Miccosukee. I will try to contact Jeanine today.

The Seminole letter looks great. We have a coordination call with them next week on the 7th... there are some time conflicts but it looks like the 7th will work. Please let me know if there is something we need to relay to them. They also want to meet with us regarding the suite of dispersed water management projects so I'd like to have them come to Vero and maybe have a split meeting. Or perhaps we could go over to Brighton and do the same. Or have the two separately. Let me know what your team prefers.

Thanks,

Kevin

On Wed, Jan 30, 2019 at 3:40 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

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>
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> Supervisory Fish and Wildlife Biologist
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Thanks for your help,

Connie

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--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Thu Jan 31 2019 07:14:36 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	"Cassler, Constance" <constance_cassler@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, David Dell <david_dell@fws.gov>
Subject:	Re: draft letter for formal consultation on ECMSHCP with the Seminole Tribe

Hi Kevin,

I would like to participate in the Feb. 7 coordination call with the Seminole, please. Would you set it up as a teleconference and send me an invite when it is scheduled? Thanks.

Likewise for the Miccosukee call. Who is "Jeanine"? Is she with the Tribe? I don't see her on my contact list.

If a teleconference # and passcode are ever needed, please let me know and I will be happy to provide one.

Best,
--Tim

On Thu, Jan 31, 2019 at 7:59 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Hi Connie,
>
> I have not heard back from the Miccosukee. I will try to contact Jeanine today.
>
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Timothy Binzen
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External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

"Cassler, Constance" <constance_cassler@fws.gov>

From: "Cassler, Constance" <constance_cassler@fws.gov>

Sent:	Thu Jan 31 2019 08:53:45 GMT-0700 (MST)
To:	"Palmer, Kevin" <kevin_palmer@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, David Dell <david_dell@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>
Subject:	Re: draft letter for formal consultation on ECMSHCP with the Seminole Tribe

Hi Kevin,

Is the meeting on the 7th at the same time as our FL ES call (2-3)? Will the time shift so we can do both meetings? Our team can divide and conquer if the meetings are at the same time. Vero is an easier location for us, but I'm willing to go wherever we need to. This is one of those important items we must complete for the ECMSHCP EIS process. We will make it work.

Connie

Constance L. Cassler, Ph.D.
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> >
> > Constance L. Cassler, Ph.D.
> > Supervisory Fish and Wildlife Biologist

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

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On Wed, Jan 30, 2019 at 3:39 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Everyone,
>
> I'm following up on the Tribal consultations for the E. Collier Multiple-species HCP. In December we sent a letter to the Miccosukee Tribe of Indians and are waiting to hear back from them about dates for a meeting. Kevin, have you heard back from them about possible dates?
>
> We also need to send a letter to the Seminole Tribe of Florida. I drafted a letter and am attaching it for your comments. The Seminoles have already provided comments on the draft EIS, so we have an idea about their concerns. Please let me know if you need a copy of the letter.
>
> The HCP team had a call with the RO today and so far we understand we may not get an extension to the timeline to make up for the delay caused by the furlough. So getting these meetings set up to take place as soon as possible is very important.
>
> Thanks for your help,
>
> Connie
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Kevin Palmer
U.S. Fish and Wildlife Service

South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Thu Jan 31 2019 09:40:27 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, Kenneth Mcdonald <kenneth_mcdonald@fws.gov>, David Dell <david_dell@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>
Subject:	Re: draft letter for formal consultation on ECMSHCP with the Seminole Tribe

Um, yes, the monthly coordination call with Seminole, which was scheduled for the 6th needed to be rescheduled due to tribe conflicts. I said the 7th would work at times other than 10.30-12 and 2-3 for the meeting you mentioned. I'm waiting to hear back from Whitney with what works for them. ECHCP is not specifically on the agenda, I think, but we can talk with them about How/when/where we want the gov-to-gov. I'd like to have it all at once but I guess it depends on what they have/how much time they need to discuss both the ECHCP and the Dispersed Water Management projects.

Thanks!

On Thu, Jan 31, 2019 at 10:54 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Kevin,
>
> Is the meeting on the 7th at the same time as our FL ES call (2-3)? Will the time shift so we can do both meetings? Our team can divide and conquer if the meetings are at the same time. Vero is an easier location for us, but I'm willing to go wherever we need to. This is one of those important items we must complete for the ECMSHCP EIS process. We will make it work.
>
> Connie
>
> Constance L. Cassler, Ph.D.
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On Thu, Jan 31, 2019 at 7:59 AM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Hi Connie,
>
> I have not heard back from the Miccosukee. I will try to contact Jeanine today.
>
> The Seminole letter looks great. We have a coordination call with them next week on the 7th... there are some time conflicts but it looks like the 7th will work. Please let me know if there is something we need to relay to them. They also want to meet with us regarding the suite of dispersed water management projects so I'd like to have them come to Vero and maybe have a split meeting. Or perhaps we could go over to Brighton and do the same. Or have the two separately. Let me know what your team prefers.
>
> Thanks,
>
> Kevin
>
> On Wed, Jan 30, 2019 at 3:40 PM Cassler, Constance <constance_cassler@fws.gov> wrote:
>
> > Here is the draft letter.
> >
> > Constance L. Cassler, Ph.D.
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Thanks for your help,

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February 1, 2019

The Honorable Marcellus W. Osceola, Junior, Chairman
Seminole Tribe of Florida
6300 Stirling Road
Hollywood, Florida 33024

Dear Chairman Osceola:

In accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy, the Service respectfully requests formal consultation with the Seminole Tribe of Florida and seeks comments on potential Tribal concerns related to the proposed Eastern Collier County Multiple-Species Habitat Conservation Plan (ECMSHCP).

Under this proposed plan, eleven Collier County landowners are applying for 50-year incidental take permits for the Florida panther and 18 other Federal and State-listed species, in expectation of proposed residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida. The project includes up to 45,000 acres of habitat loss within the 152,000 acre ECMSHCP area.

The Service has communicated previously with the Seminole Tribe of Florida on this topic, but not through formal consultation. On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft environmental impact statement (dEIS) and a habitat conservation plan (HCP) associated with the incidental take permit (ITP) applications of eleven Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day public comment period from October 19, 2018, through December 3, 2018.

The Service presented a brief overview of the ECMSHCP to the Tribe during an informal meeting on October 3, 2018. We also received your December 3, 2018, comment letter on the dEIS which included a request for formal government-to-government consultation. We acknowledge this request and look forward to meeting with you and discussing the ECMSHCP in further detail. Please provide your preferred date and location for the meeting for our consideration.

We respectfully request this meeting at your earliest convenience. We also want to assure you that we will give full consideration to all Tribal comments received through this formal consultation.

Thank you for your continued partnership and your interest in fish and wildlife conservation. If you have any questions or need additional information about the ECMSHCP, please contact Chuck Kelso at 772-469-4241. Please work with Kevin Palmer, the South Florida Ecological Services Office's Tribal Liaison, to set a date and location for a formal consultation meeting. Kevin can be reached at 772-469-4280.

Sincerely,

Larry Williams
State Supervisor
Florida Ecological Services

cc:
Seminole Tribe of Florida, Hollywood, Florida (Cherise Maples), electronic only
Seminole Tribe of Florida, Clewiston, Florida (Paul Backhouse, Ph.D.)

Bcc:Reading

CKelso:pjc(L:ReadFile\2018\December\201801211_letter_Service to Miccosukee Tribe_Formal Consultation of East Collier County HCP.docx

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:11 AM

Conversation Contents

letter for Miccosukee

Attachments:

/52. letter for Miccosukee/1.1 20181206_letter_Service to Miccosukee_formal consultation ECMSHCP RWT Edits TB EDITS CC edits.docx

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Tue Dec 11 2018 06:13:39 GMT-0700 (MST)
To:	Kevin Palmer <kevin_palmer@fws.gov>
Subject:	letter for Miccosukee
Attachments:	20181206_letter_Service to Miccosukee_formal consultation ECMSHCP RWT Edits TB EDITS CC edits.docx

Hi Kevin,

The letter is attached.

Connie

Constance L. Cassler, Ph.D.
Supervisory Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
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Vero Beach, Florida 32960
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December 7~~6~~, 2018

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians ~~of Florida~~
Tamiami Station
P.O. Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

Greetings. In accordance with ~~the spirit of~~ Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy, the Service ~~would like to~~ respectfully requests formal consultation with the Miccosukee Tribe and seeks ~~input~~ comments on ~~possible~~ potential Tribal concerns ~~implications~~ ~~from~~ related to the proposed Eastern Collier County Multiple ~~-~~Species Habitat Conservation Plan (ECMSHCP)~~,~~.

Under ~~the~~ this proposed plan, eleven Collier County landowners are applying for 50-year incidental take permits for the Florida panther and 18 other Federal and State-listed species, ~~incidental to~~ in expectation of proposed residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida. The project includes up to 45,000 acres of habitat loss within the 152,000 acre ECMSHCP area~~encompasses approximately 150,000 acres, and portions of the plan area are adjacent to Tribal lands~~.

~~We have~~ The Service has communicated previously with ~~you~~ the Miccosukee Tribe on this topic, but not through formal consultation. On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an~~d~~ Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft environmental impact statement (dEIS) and a habitat conservation plan (HCP) associated with ~~an~~ the incidental take permit (ITP) applications of eleven Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day public

comment period from October 19, 2018, through December 3, 2018. ~~We value the input you have provided thus far.~~

The Service offered the Tribe an informational briefing on the status of the project in late November, 2018. ~~h~~However, ~~it is evident~~ we have been informed that the Tribe's review has progressed ~~beyond this point~~ and that formal government-to-government consultation ~~was~~ has been requested ~~by the Tribe on ENTER DAT.E.~~ We acknowledge this request and look forward to meeting with you and discussing the ECMSHCP in further detail. Please provide your preferred date~~s~~ and location~~s~~ for the meeting for our consideration. We respectfully request this meeting at your earliest convenience. We also want to assure you that we will give full consideration to all Tribal comments received through ~~the~~ this formal consultation.

Thank you for your continued partnership and your interest in fish and wildlife conservation. If you have any questions or need additional information, please contact Chuck Kelso~~XYZ~~ at 772-469-4241.

Commented [CC1]: Who should this be?

Sincerely,

Formatted: Indent: Left: 3"

Larry Williams
State Supervisor
Florida Ecological Services

Formatted: Indent: Left: 3"

c~~C~~c:
Miccosukee Tribe, Miami, Florida~~L Fl~~ (Jeanine Bennett, Esq.) jeanineb@miccosukeetribe.com

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:12 AM

Conversation Contents

draft letter to Miccosukee Tribe

Attachments:

/53. draft letter to Miccosukee Tribe/3.1 Signed Etna Letter for Seminole Tribe of Florida.pdf
/53. draft letter to Miccosukee Tribe/3.2 20181106_Letter_Service to Conservation Partners_ Response for letter received.pdf
/53. draft letter to Miccosukee Tribe/4.1 20181203_letter_Service to Miccosukee_formal consultation ECMSHCP.docx
/53. draft letter to Miccosukee Tribe/6.1 20181206_letter_Service to Miccosukee_formal consultation ECMSHCP.docx
/53. draft letter to Miccosukee Tribe/7.1 20181206_letter_Service to Miccosukee_formal consultation ECMSHCP.docx
/53. draft letter to Miccosukee Tribe/8.1 20181206_letter_Service to Miccosukee_formal consultation ECMSHCP RWT Edits.docx
/53. draft letter to Miccosukee Tribe/10.1 20181206_letter_Service to Miccosukee_formal consultation ECMSHCP RWT Edits TB EDITS.docx
/53. draft letter to Miccosukee Tribe/11.1 20181206_letter_Service to Miccosukee_formal consultation ECMSHCP RWT Edits TB EDITS CC edits.docx

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Dec 03 2018 07:09:10 GMT-0700 (MST)
To:	Kevin Palmer <kevin_palmer@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>
Subject:	draft letter to Miccosukee Tribe

Hi Kevin,

Checking to see how the draft letter is coming. David Dell has an example of a letter he used before if that is helpful. We also have an example of a letter we sent in response to a request for extending the comment period if you want some text from there.

David Dell mentioned we probably want to send a similar letter to the Seminole Tribe. What do you think?

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Mon Dec 03 2018 07:19:17 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, "Meyer, Miles" <miles_meyer@fws.gov>
Subject:	Re: draft letter to Miccosukee Tribe

Thanks for reaching out Connie - it's on the top of a very crowded list of things I have to do. Yes, please send the example letter that David is referring to. I should be able to get something to you later this afternoon and then it will need to go to Tim Binzen for his review (he's out today and tues.... and now probably wed. as well... I think he was planning on getting it to Tribe end of week).

It will probably be a good idea to offer it to the Seminole Tribe as well, although I do not have a measure of their interest in it at this time.

Thanks,

Kevin

On Mon, Dec 3, 2018 at 9:09 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Dec 03 2018 13:24:14 GMT-0700 (MST)
To:	Kevin Palmer <kevin_palmer@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, Miles Meyer <miles_meyer@fws.gov>
Subject:	Re: draft letter to Miccosukee Tribe
Attachments:	Signed Etna Letter for Seminole Tribe of Florida.pdf 20181106_Letter_Service to Conservation Partners_ Response for letter received.pdf

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Mon Dec 03 2018 13:45:57 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, "Meyer, Miles" <miles_meyer@fws.gov>
Subject:	Re: draft letter to Miccosukee Tribe
Attachments:	20181203_letter_Service to Miccosukee_formal consultation ECMSHCP.docx

Thanks Connie - I received the letter example from David earlier today.

I'm not aware of all of the opportunities and deadlines that you all have provided to the Tribe but I touched on some in the brief letter attached. Please modify this anyway you see fit to make sure our actions to date are accurately written. I'm assuming the Tribe and Service will meet to hear/discuss their comments/issues with the project. Also, Tim Binzen will review the letter to make sure we have the 'style' correct. I'm assuming that we can email this letter, in addition to mailing it to the chairman, to the Tribes counsel, Jeanine B. and she will provide it to the Business Council... per her email instructions. I can work on this more tomorrow if needed.

Also, the draft can be found loose in S:Tribal Liaison
Thanks,

Kevin

On Mon, Dec 3, 2018 at 3:24 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Kevin,
>
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Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Dec 03 2018 13:49:21 GMT-0700 (MST)
To:	Kevin Palmer <kevin_palmer@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, Miles Meyer <miles_meyer@fws.gov>
Subject:	Re: draft letter to Miccosukee Tribe

Kevin,

Thanks for drafting the letter. This is a big help. We are researching who can sign the letter. Roxanna remembers being told previously that a field supervisor can' sigh a tribal consultation letter. We think it will need to be signed at a higher lever. Once we locate the guidance we will discuss with Tim Binzen.

Connie

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Dec 05 2018 10:12:30 GMT-0700 (MST)
To:	Timothy Binzen <timothy_binzen@fws.gov>
CC:	Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>
Subject:	Fwd: draft letter to Miccosukee Tribe
Attachments:	20181206_letter_Service to Miccosukee_formal consultation ECMSHCP.docx

Hi Timothy,

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Thu Dec 06 2018 08:31:37 GMT-0700 (MST)
To:	Robert Tawes <Robert_Tawes@fws.gov>, David Dell <david_dell@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>
Subject:	Fwd: draft letter to Miccosukee Tribe
Attachments:	20181206_letter_Service to Miccosukee_formal consultation ECMSHCP.docx

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Date: Wed, Dec 5, 2018 at 12:12 PM
Subject: Fwd: draft letter to Miccosukee Tribe
To: Timothy Binzen <timothy_binzen@fws.gov>
Cc: Kevin Palmer <kevin_palmer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>

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Cc: Charles Kelso <charles_kelso@fws.gov>, Meyer, Miles <miles_meyer@fws.gov>

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"Tawes, Robert" <robert_tawes@fws.gov>

From:	"Tawes, Robert" <robert_tawes@fws.gov>
Sent:	Thu Dec 06 2018 09:33:15 GMT-0700 (MST)
To:	Constance Cassler <constance_cassler@fws.gov>
CC:	"Dell, David" <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Re: draft letter to Miccosukee Tribe
Attachments:	20181206_letter_Service to Miccosukee_formal consultation ECMSHCP RWT Edits.docx

Here are my edits, reflecting the discussion on the call. What do you think?

On Thu, Dec 6, 2018 at 10:32 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

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> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
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Southeast Regional Office
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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri Dec 07 2018 06:44:28 GMT-0700 (MST)
To:	Robert Tawes <robert_tawes@fws.gov>
CC:	David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Timothy Binzen <timothy_binzen@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Re: draft letter to Miccosukee Tribe

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From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Fri Dec 07 2018 07:42:33 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Re: draft letter to Miccosukee Tribe
Attachments:	20181206_letter_Service to Miccosukee_formal consultation ECMSHCP RWT Edits TB EDITS.docx

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Once we are agreed on the final Miccosukee letter, we can create a customized alternate version for the Seminole Tribe.

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--
Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

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From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri Dec 07 2018 13:02:10 GMT-0700 (MST)
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CC:	Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Re: draft letter to Miccosukee Tribe
Attachments:	20181206_letter_Service to Miccosukee_formal consultation ECMSHCP RWT Edits TB EDITS CC edits.docx

Hi Tim,

I edited to address your first comment, but am not sure how to address the second. I added a comment asking whose name we should give as a contact. Is it the project biologist, Chuck Kelso?

See attached.

Thank you,

Connie

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---------- Forwarded message ---------
From: **Palmer, Kevin** <kevin_palmer@fws.gov>
Date: Mon, Dec 3, 2018 at 3:46 PM
Subject: Re: draft letter to Miccosukee Tribe
To: Cassler, Constance <constance_cassler@fws.gov>
Cc: Charles Kelso <charles_kelso@fws.gov>, Meyer, Miles <miles_meyer@fws.gov>

Thanks Connie - I received the letter example from David earlier today.

I'm not aware of all of the opportunities and deadlines that you all have provided to the Tribe but I touched on some in the brief letter attached. Please modify this anyway you see fit to make sure our actions to date are accurately written. I'm assuming the Tribe and Service will meet to hear/discuss their comments/issues with the project. Also, Tim Binzen will review the letter to make sure we have the 'style' correct. I'm assuming that we can email this letter, in addition to mailing it to the chairman, to the Tribes counsel, Jeanine B. and she will provide it to the Business Council... per her email instructions. I can work on this more tomorrow if needed.

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> Supervisory Fish and Wildlife Biologist
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> 1339 20th Street
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> office: 772-469-4243
> fax: 772-562-4288
> email: constance_cassler@fws.gov
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Phone: 772-469-4280
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> > Southeast Regional Office
> > 1875 Century Boulevard
> > Atlanta, GA 30345
> > (w) 404/679-7142
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> External Affairs
> 300 Westgate Center Drive
> Hadley, MA 01035
> Office: (413) 253-8731
> Mobile: (413) 800-2071

"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Fri Dec 07 2018 13:13:12 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Re: draft letter to Miccosukee Tribe

Hi Connie,

With regard to my second comment, unless there actually has been input (in writing, dated) from the Miccosukee Tribe on the Eastern Collier HCP, I suggest simply omitting the sentence "We value the input you have provided thus far."

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<charles_kelso@fws.gov>

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Sent:	Fri Dec 07 2018 14:31:35 GMT-0700 (MST)
To:	Timothy Binzen <timothy_binzen@fws.gov>
CC:	Robert Tawes <robert_tawes@fws.gov>, David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Re: draft letter to Miccosukee Tribe

OK. I'll make the changes and send the final to Larry to sign.

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Connie

Constance L. Cassler, Ph.D.
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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

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Kevin Palmer
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1339 20th Street
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Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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--
Rob W. Tawes
Chief, Division of Environmental Review
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Southeast Regional Office
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Atlanta, GA 30345
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--
Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

--
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United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/DH NRDAR

June 2, 2016

Dr. Paul Backhouse
Tribal Historic Preservation Officer
30290 Josie Billie Hwy PMB 1004
Clewiston, Florida 33440

Attention: Compliance Review Section

Re: CRAS Re-Evaluation for the Etna No Impact Alternate Alignment and Section 106 Documentation and Determination of Effects Case Study
SR 589/Suncoast Parkway 2 from US 98 to SR 44
Citrus County, Florida
Financial Project ID: 405270-1-52-01, 405270-3-52-01, 405270-4-52-01

Dear Dr. Backhouse,

Please find enclosed a copy of the Cultural Resource Assessment Survey (CRAS) Re-Evaluation for the Etna No Impact Alternate Alignment and a Section 106 Documentation and Determination of Effects Case Study for the SR589/Suncoast Parkway 2 project (THPO#: 0028624) in the immediate vicinity of the Etna Turpentine Camp Archaeological Site (Etna - 8CI795). The Florida Department of Transportation, Florida's Turnpike Enterprise (FDOT/FTE) proposes to extend the Suncoast Parkway northward from US 98 to SR 44 through Hernando and Citrus Counties. Planned improvements include the construction of a four-lane, limited access toll facility, and multi-use trail. The project APE (Figures 1-3) consists of the proposed right of way (ROW) for each of the alignments which measure approximately 350 feet in width. The United States Fish and Wildlife Service (USFWS) is advising FDOT/FTE on their application for an Endangered Species Act, Incidental Take Permit Associated with a Habitat Conservation Plan with regard to federally protected species and candidate species including the eastern indigo snake and gopher tortoise. The USFWS will review this application, once it is submitted, in accordance with implementing regulations of the Endangered Species Act to determine whether we issue any Incidental Take Permit, thus making the project subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966 (Public Law 89-655, as amended).

An Avoidance/Minimization Alignment, originally referred to as the "No Impact" Alignment, and a Partial Impact Alignment were developed in order to provide alternatives to the originally proposed and previously tested project alignment. The Avoidance/Minimization Alignment was

designed after local residents and other interested parties at the July 22 and November 5, 2015 Section 106 Consultation/Cultural Resource Committee meetings expressed a strong and unanimous desire for the avoidance and preservation of the Etna Turpentine Camp. As a result, the Avoidance/Minimization Alignment was developed in an attempt to avoid the original National Register of Historic Places boundaries for the site. The Avoidance/Minimization Alignment is the subject of the referenced CRAS Re-Evaluation. A Partial Impact Alignment was also developed to minimize any adverse effects to Etna. The effects of the Current, Partial Impact, and Avoidance/Minimization Alignments on the Etna Turpentine Camp are the subject of the referenced Case Study.

The CRAS Re-Evaluation complies with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (Public Law 89-655, as amended) as implemented by 36 CFR 800 -- Protection of Historic Properties (incorporating amendments effective August 5, 2004); Chapter 267, Florida Statutes; Section 4(f) of the Department of Transportation Act of 1966; and the minimum field methods, data analysis, and reporting standards embodied in the Florida Division of Historical Resources (FDHR) Historic Compliance Review Program (November 1990, final draft). A Chapter 1A-32 Permit was obtained through the Florida Bureau of Archaeological Research (BAR) for the project area which is located within the Withlacoochee State Forest.

In 1993, the Etna Turpentine Camp (8CI795) was identified and documented by R. Christopher Goodwin & Associates, Inc. as part of the Phase I Cultural Resource Investigation of the West Leg Mainline Portion of the Proposed Florida Gas Transmission Company Phase III Expansion Project. Mitigative investigations of the Etna camp within the Florida Gas Transmission project corridor were conducted in 2002 and reported in Results of the Phase III Data Recovery Investigations at Site 8CI795, Etna Turpentine Camp, in the Florida Gas Transmission Company (FGT) Phase V, Loop G, Expansion Project Corridor Citrus County, Florida (Goodwin 2004). Additional investigations within the Suncoast Parkway 2 project corridor were conducted in 2004 during the Phase II Investigations at the Etna Turpentine Camp (8CI795) within the Suncoast 2 (SR 589) PD&E Re-evaluation from US 98 to US 19, Citrus County (Janus Research 2008).

In a letter dated February 28, 1994 the Etna Turpentine Camp Archaeological Site (8CI795) was determined by the State Historic Preservation Officer (SHPO) to be eligible for listing in the National Register of Historic Places (National Register) under Criterion D. In a letter dated March 27, 2009, the SHPO concurred that the unmitigated portion of the Etna camp remained eligible for listing in the National Register under Criterion D. The Etna Turpentine Camp Archaeological Site (8CI795) was listed in the National Register on December 10, 2009 under Criterion D for its potential to yield data relating to the naval stores and lumbering industry in late 19th to early 20th century Florida and to contribute to our understanding of commerce, agriculture, industry, and social history. The National Register boundary of the site was based on previous research by Goodwin and Associates (Markell et al 1994) and Janus Research (2008), although it was suggested that the site extended past the boundaries determined by this previous archaeological testing.

The CRAS Re-Evaluation by Janus Research confirmed that the Etna camp extends 40 to 100 m to the east of the original National Register boundary. The newly identified portion of the site

includes potential building scatter areas consisting of clusters of brick and/or chert that may be remains of chimneys or building piers and associated artifact scatters. The lack of any substantial building related debris or artifact scatters in the easternmost two-thirds of the project APE suggests that the eastern boundary of the Etna camp has been identified.

The Criteria of Effect, as defined by the Section 106 regulations, was applied to each of the three proposed alignments. The Current Alignment and the Partial Impact Alignment will have an adverse effect on the National Register-listed site. The Avoidance/Minimization Alignment will minimize adverse effects to the site. This alignment would only have a direct impact on a small portion of the total site area and would have a smaller impact on the National Register eligibility of the site as a whole. However, all three alignments appear to have an adverse effect on the Etna Turpentine Camp (8CI795), a National Register-listed resource.

Additionally, on February 19, 2016, Florida's Acquisition and Restoration Council (ARC) held a Public Hearing and Council to consider the Avoidance/Minimization Alignment. The ARC concluded that this alignment would cause unacceptable environmental impacts to the Withlacoochee State Forest. Because of this, the ARC would not approve a deviation from the original easement/alignment that passes through the Etna Turpentine Camp. Furthermore, USFWS biologists were not in favor of the Avoidance/Minimization Alignment due to the potential to cause additional impacts to federally listed species.

Therefore, FDOT/FTE and USFWS are considering minimization and mitigative options regarding the Etna Turpentine Camp. The FDOT/FTE has developed several preliminary mitigation concepts:

1). Extensive Phase III excavations at the site both within and outside original study areas. One of the goals of this research will be to determine the entire plan of the town using a combination of additional archaeological investigations outside the original FTE-sponsored testing limits as well as results from previous archaeological investigations conducted during natural gas pipeline and transmission line studies. Remote sensing techniques, including LIDAR, would be used to better identify, define and map obscured historic site features, such as railroad beds and roadways. The end product for this research would be a detailed excavation report that would provide the results of the Phase III research and synthesis of this work in relation to previous findings;

2). Salvage collecting, accessioning and preparation of artifacts from planned construction areas for storage/display;

3). Preservation of Etna still or well remains or other archaeological features within the area of the multi-use trail (if practical) and creating an interpretive kiosk or historic marker at the site;

4). Design and construction of a museum quality interpretive exhibit/collection record archive to be located at an existing Lecanto or Crystal River school, museum, or historical society grounds.

We kindly request your concurrence with the findings of this CRAS Re-Evaluation and Case Study and we look forward to continued consultation to address the effects of the project on the Etna Turpentine Camp. If you have any questions regarding the subject project, please contact me at: 404-679-7060.

Sincerely,

James "Kevin" Chapman
U.S. Fish and Wildlife Service

Figure 1: Showing Project Location in Citrus Count Florida.

Figure 3: Artifact scatter associated with the Etna Turpentine Camp including barrel hoops.

Figure 3: Artifact scatter associated with the Etna Turpentine Camp.

SEMINOLE TRIBE OF FLORIDA
TRIBAL HISTORIC PRESERVATION OFFICE
AH-TAH-THI-KI MUSEUM

TRIBAL HISTORIC
PRESERVATION OFFICE

SEMINOLE TRIBE OF FLORIDA
AH-TAH-THI-KI MUSEUM

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TRIBAL OFFICERS

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JAMES E. BILLIE

VICE CHAIRMAN
MITCHELL CYPRESS

SECRETARY
LAVONNE KIPPENBERGER

TREASURER
PETER HAHN

June 24, 2015

Mr. Tom Neyer, P.E.
Project Manager
Florida's Turnpike Enterprise
P.O. Box 613069
Ocoee, Florida 34761
Phone: (407)264-3424
Email: thomas.neyer@dot.state.fl.us

Subject: Suncoast Parkway 2 – US 98 to SR 44 (FPID# 405270-1, 3, & 4), Hernando and Citrus Counties
THPO#: 0028624

Dear Mr. Neyer,

Thank you for contacting the Seminole Tribe of Florida's Tribal Historic Preservation Office (STOF-THPO) regarding the proposed Suncoast Parkway 2 in Hernando and Citrus Counties. We have reviewed the documents regarding the above referenced project and, because the project lies within an area that is of historical importance to the Tribe, would like to ensure that adequate provisions are made to identify and assess any historic properties / cultural resources that may be present within the APE. We respectfully request that the STOF-THPO be notified of any developments regarding this project.

Respectfully,

Andrew J. Weidman, MA, RPA
STOF-THPO, Compliance Review Section
30290 Josie Billie Hwy, PMB 1004
Clewiston, FL 33440
Office: 863-983-6549 x12216
Email: andrewweidman@semtribe.com

United States Department of the Interior

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

November 6, 2018

Dear Conservation Partners (Center for Biological Diversity, Conservancy of Southwest Florida, and Sierra Club)

Thank you for your letter dated October 29, 2018, requesting a public hearing and an extension to the public comment period for the draft Environmental Impact Statement (dEIS) and Eastern Collier Multiple Species Habitat Conservation Plan (ECMSHCP). As you are aware, the U.S. Fish and Wildlife Service (Service) held a public scoping meeting April 12, 2016. The Service incorporated input from the scoping meeting into the dEIS, and the Applicants have addressed comments in their HCP. Your letter does not identify new issues that may have come to light since the scoping meeting, or that are not already addressed in the dEIS or HCP. Additional public meetings or an extended public comment period are unlikely to identify substantive new issues that are not now addressed.

In addition, the Service is required to comply with the Department of the Interior (DOI) Secretarial Order 3355 (SO 3355) and the Additional Direction for Implementing SO 3355. This Order sets strict time limits for the Service to complete its National Environmental Policy Act review and Endangered Species Act consultation. SO 3355 requires that the Service complete all necessary documents and issue a final signed decision no later than April 30, 2019. Any public meeting request and/or request for comment period extension that would delay this timeline requires approval from the DOI EIS review team.

We encourage all interested parties to provide substantive comments on the dEIS and ECMSHCP through the Federal Register under docket number: FWS-R4-ES-2018-0079. In order to ensure timely notice regarding the availability of these documents for comment, the Service alerted everyone who provided complete contact information at the 2016 scoping meeting (either by hard-copy or email). A link to the documents was also provided on the South Florida Ecological Services web site on October 19, 2018.

Thank you for your interest in conserving Florida's threatened and endangered species. We look forward to receiving your comments.

Best regards,

Roxanna Hinzman
Field Supervisor
South Florida Ecological Services Office

cc:
Conservancy of Southwest Florida (Amber Crooks)
Sierra Club (Eric Huber)
Center for Biological Diversity (Jacki Lopez)

Cc: electronic only
Service, Atlanta, Georgia (David Dell, Robert Tawes)
Service, Vero Beach, Florida (Connie Cassler)

December 3, 2018

The Honorable Billy Cypress, Chairman
Miccosukee Tribe of Indians of Florida
Tamiami Station
P.O. Box 440021
Miami, Florida 33144

Dear Chairman Cypress:

In the spirit of Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy, the Service would like to offer the opportunity for Tribes to consult with us and see input on the East Collier Multi Species Habitat Conservation Plan (ECMSHCP), that may have Tribal implication.

As indicated in previous correspondence regarding this project, October 18, 2018, the Service released a draft environmental impact statement (dEIS) and a habitat conservation plan (HCP) associated with an incidental take permit (ITP) applications of eleven Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the dEIS during the 45-day public comment period from October 19, 2018, through December 3, 2018. Each of the landowners, collectively known as the Eastern Collier Property Owners, LLC, requests a 50-year ITP for the Florida panther and 18 other Federal or State-listed species for take incidental to residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida.

The Service offered an informational briefing on the status of the project in late November, however, it is evident that the Tribe's review has progressed beyond this point and formal consultation is requested. We look forward to meeting with you and discussing the ECMSHCP in further detail. Please provide your preferred dates and locations for the meeting for our consideration.

Sincerely,

Roxanna Hinzman
Field Supervisor
South Florida Ecological Services Office

Cc:
Miccosukee Tribe, Miami, Fl (Jeanine Bennet, Esq.) jeanineb@miccosukeetribe.com

December 6~~3~~, 2018

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Sincerely,

Roxanna Hinzman
Field Supervisor

South Florida Ecological Services Office

Cc:
Miccosukee Tribe, Miami, Fl (Jeanine Bennet, Esq.) jeanineb@miccosukeetribe.com

Commented [CC1]: Tim, the FWS handbook says Director or Regional Director. Roxanna remembers somebody telling her she is not allowed to sign government to government letters. Please provide guidance on who should sign.

December 6~~3~~, 2018

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South Florida Ecological Services Office

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Under the plan eleven Collier County landowners are applying for 50-year incidental take permits for the Florida panther and 18 other Federal and State-listed species incidental to residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida. The project encompasses approximately 150,000 acres, and portions of the plan area are adjacent to Tribal lands.

We have communicated previously with you on this topic but not through formal consultation. ~~As indicated in previous correspondence regarding this project,~~ O~~o~~n March 25, 2016, the Service published a Notice of Intent (NOI) to prepare and Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft environmental impact statement (dEIS) and a habitat conservation plan (HCP) associated with an incidental take permit (ITP) applications of eleven Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day public comment period from October 19, 2018, through December 3, 2018. We value the input you have provided thus far. ~~Each of the landowners, collectively known as the Eastern Collier Property Owners, LLC, requests a 50-year ITP for the Florida panther and 18 other Federal or State-listed species for take incidental to residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida.~~

The Service offered an informational briefing on the status of the project in late November, however, it is evident that the Tribe's review has progressed beyond this point and formal

Commented [TR1]: Better to request consultation of them? In other words "

consultation was requested by the Tribe on ENTER DATE~~is requested.~~. We look forward to meeting with you and discussing the ECMSHCP in further detail. Please provide your preferred dates and locations for the meeting for our consideration. We also want to assure you that we will give full consideration to all Tribal comments received through the formal consultation.

Thank you for your continued partnership and your interest in fish and wildlife conservation. If you have any questions or need additional information, please contact XYZ.

Sincerely,

Larry Williams~~Roxanna Hinzman~~
State ~~Field~~ Supervisor
~~South~~ Florida Ecological Services ~~Office~~

Cc:
Miccosukee Tribe, Miami, Fl (Jeanine Bennet, Esq.) jeanineb@miccosukeetribe.com

Commented [TR2]: Based on 12/6/18 call regarding Tribal consultation

Commented [CC3]: Tim, the FWS handbook says Director or Regional Director. Roxanna remembers somebody telling her she is not allowed to sign government to government letters. Please provide guidance on who should sign.

December 6, 2018

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Under ~~the~~ this proposed plan, eleven Collier County landowners are applying for 50-year incidental take permits for the Florida panther and 18 other Federal and State-listed species, ~~incidental to~~ in expectation of proposed residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida. The project encompasses approximately 150,000 acres, and portions of the plan area are adjacent to Tribal lands.

Commented [BT1]: This makes it sound like 150,000 acres will be impacted/disturbed by development and other ground alteration. My understanding is that up to 45,000 acres may be disturbed (as authorized), while the remainder is preserved as habitat.

~~We have~~ The Service has communicated previously with ~~you~~ the Miccosukee Tribe on this topic, but not through formal consultation. On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an~~d~~ Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft environmental impact statement (dEIS) and a habitat conservation plan (HCP) associated with ~~an~~ the incidental take permit (ITP) applications of eleven Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day public comment period from October 19, 2018, through December 3, 2018. We value the input you have provided thus far.

Commented [BT2]: What has this input consisted of? It would be advisable to create a big PDF containing the sequence of Miccosukee Tribal notifications referenced in this paragraph, as well as any written responses from the Tribe to date.

The Service offered the Tribe an informational briefing on the status of the project in late November, 2018. ~~h~~However, ~~it is evident~~ we have been informed that the Tribe's review has progressed ~~beyond this point~~ and that formal government-to-government consultation ~~was~~ has been requested ~~by the Tribe on ENTER DATE~~. We acknowledge this request and look forward

to meeting with you and discussing the ECMSHCP in further detail. Please provide your preferred date~~s~~ and location~~s~~ for the meeting for our consideration. We respectfully request this meeting at your earliest convenience. We also want to assure you that we will give full consideration to all Tribal comments received through ~~the~~ this formal consultation.

Thank you for your continued partnership and your interest in fish and wildlife conservation. If you have any questions or need additional information, please contact XYZ.

Sincerely,

Larry Williams
State Supervisor
Florida Ecological Services

Cc:
Miccosukee Tribe, Miami, FL ~~Fl~~ (Jeanine Bennett, Esq.) jeanineb@miccosukeetribe.com

December 6, 2018

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Under ~~the~~ this proposed plan, eleven Collier County landowners are applying for 50-year incidental take permits for the Florida panther and 18 other Federal and State-listed species, ~~incidental to~~ in expectation of proposed residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida. The project includes up to 45,000 acres of habitat loss within the 152,000 acre ECMSHCP area~~encompasses approximately 150,000 acres~~ and portions of the plan area are adjacent to Tribal lands.

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Commented [CC2]: We don't have maps of the Miccosukee reservations, so I can't say if this is true. I couldn't find a map on their website.

Commented [BT3]: What has this input consisted of? It would be advisable to create a big PDF containing the sequence of Miccosukee Tribal notifications referenced in this paragraph, as well as any written responses from the Tribe to date.

Commented [CC4R3]: I don't think we have received any input in response to the NOI or public comment period for the dEIS. Maybe Kevin Palmer or Bob Progulske heard comments at the annual meeting with the Tribe?

been requested ~~by the Tribe~~ ~~on ENTER DATE~~. We acknowledge this request and look forward to meeting with you and discussing the ECMSHCP in further detail. Please provide your preferred date~~s~~ and location~~s~~ for the meeting for our consideration. We respectfully request this meeting at your earliest convenience. We also want to assure you that we will give full consideration to all Tribal comments received through ~~the~~ this formal consultation.

Thank you for your continued partnership and your interest in fish and wildlife conservation. If you have any questions or need additional information, please contact XYZ.

Commented [CC5]: Who should this be?

Sincerely,

Larry Williams
State Supervisor
Florida Ecological Services

Cc:
Miccosukee Tribe, Miami, FL ~~Fl~~ (Jeanine Bennett, Esq.) jeanineb@miccosukeetribe.com

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:14 AM

Conversation Contents

East Collier letter

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Thu Dec 06 2018 14:21:20 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
Subject:	East Collier letter

Hi Connie,

I never received anything back from Tim Binzen regarding our draft letter, but Robert's comments/wording was good! I'm off tomorrow.

I just talked with the Seminole Tribe and the letter should be addressed to the chairman MARCELLUS W. OSCEOLA, JR and we should copy Cherise Maples, Stacy Myers and Whitney Sapienza of their Environmental Resource Management Department.. those are the folks that sent in the comments. Their HPO may attend as well. I mentioned to them we had deadlines in March and would probably want to meet sometime in January.

Thanks and have a great weekend.

Kevin

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Thu Dec 06 2018 14:26:33 GMT-0700 (MST)
To:	Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Re: East Collier letter

Thanks Kevin. I never got anything from Tim today either. I guess he will send it tomorrow.

Connie

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

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On Thu, Dec 6, 2018 at 4:21 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

> Hi Connie,
>
> I never received anything back from Tim Binzen regarding our draft letter, but Robert's comments/wording was good! I'm off tomorrow.
>
> I just talked with the Seminole Tribe and the letter should be addressed to the chairman MARCELLUS W. OSCEOLA, JR and we should copy Cherise Maples, Stacy Myers and Whitney Sapienza of their Environmental Resource Management Department.. those are the folks that sent in the comments. Their HPO may attend as well. I mentioned to them we had deadlines in March and would probably want to meet sometime in January.
>
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>
> Kevin
>
> --
> **********
> Kevin Palmer
> U.S. Fish and Wildlife Service
> South Florida Ecological Services Field Office
> 1339 20th Street
> Vero Beach, Florida 32960-3559
> Phone: 772-469-4280
> Fax: 772-562-4288 & 564-7393
> Email: Kevin_Palmer@fws.gov
>
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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:14 AM

Conversation Contents

Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan

Attachments:

/55. Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan/1.1 image001.png
/55. Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan/1.2 STOFComments_EasternCollierHabitatConservationPlan_20181203.pdf
/55. Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan/2.1 image001.png
/55. Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan/2.2 image001.png
/55. Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan/3.1 image001.png
/55. Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan/3.2 STOFComments_EasternCollierHabitatConservationPlan_20181203.pdf
/55. Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan/4.1 image001.png
/55. Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan/5.1 image001.png
/55. Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan/5.2 image001.png
/55. Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan/6.1 image001.png

"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Tue Dec 04 2018 06:03:25 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>, Charles Kelso <charles_kelso@fws.gov>
CC:	"Hinzman, Roxanna" <roxanna_hinzman@fws.gov>, "Meyer, Miles" <miles_meyer@fws.gov>, "Binzen, Timothy" <timothy_binzen@fws.gov>, David Dell <david_dell@fws.gov>
Subject:	Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan
Attachments:	image001.png STOFComments_EasternCollierHabitatConservationPlan_20181203.pdf

FYI. Seminole Tribe's comment letter on ECMSHCP and request for formal consultation.

---------- Forwarded message ---------
From: **Whitney Sapienza** <WhitneySapienza@semtribe.com>
Date: Mon, Dec 3, 2018 at 5:12 PM
Subject: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan

To: Williams, Larry (larry_williams@fws.gov) <larry_williams@fws.gov>
Cc: Cherise Maples <CheriseMaples@semtribe.com>, Stacy Myers <StacyMyers@semtribe.com>, kevin_palmer@fws.gov <kevin_palmer@fws.gov>, Andrew Jordan Bowers <AndrewJBowers@semtribe.com>, Jim Shore <JimShore@semtribe.com>, Cristi Downs <CristiVanegasGarcia@semtribe.com>

Good Afternoon Mr. Williams,

Please see the attached comment letter for the East Collier County Habitat Conservation Plan and associated draft Environmental Impact Statement (EIS) (Service Federal Docket No. FWS-R4-ES-2018-0079). The Seminole Tribe of Florida looks forward to engaging in formal consultation with the USFWS on this project.

If you have any questions please don't hesitate to contact us at 954-965-4380.

Thank you!

Whitney Sapienza | **Environmental Protection Specialist III** | **Seminole Tribe of Florida**

6363 Taft Street Suite 309 Hollywood, FL 33024 | **Ph: (954) 965-4380 Ext. 10627** | **Cell: (954) 605-5253**

* **WhitneySapienza@semtribe.com**

--
****
Kevin Palmer

U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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"Williams, Larry" <larry_williams@fws.gov>

From:	"Williams, Larry" <larry_williams@fws.gov>
Sent:	Tue Dec 04 2018 12:29:34 GMT-0700 (MST)
To:	Whitney Sapienza <WhitneySapienza@semtribe.com>
CC:	Cherise Maples <CheriseMaples@semtribe.com>, Stacy Myers <StacyMyers@semtribe.com>, Kevin Palmer <kevin_palmer@fws.gov>, AndrewJBowers@semtribe.com, Jim Shore <JimShore@semtribe.com>, Cristi Vanegas Garcia <CristiVanegasGarcia@semtribe.com>, Constance Cassler <Constance_Cassler@fws.gov>, Roxanna Hinzman <Roxanna_Hinzman@fws.gov>, Donald Progulske <donald_progulske@fws.gov>, Ken Warren <Ken_Warren@fws.gov>
Subject:	Re: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan
Attachments:	image001.png image001.png

Hello Whitney,
We greatly appreciate the Tribe providing these comments, and yes, we will engage in formal consultation with the Tribe on this HCP and the associated permits and EIS. At the appropriate time we can schedule that consultation in-person.

Thank you,

Larry

On Mon, Dec 3, 2018 at 5:12 PM Whitney Sapienza <WhitneySapienza@semtribe.com> wrote:

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>
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Thank you!

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6363 Taft Street Suite 309 Hollywood, FL 33024 | **Ph: (954) 965-4380 Ext. 10627** | **Cell: (954) 605-5253**

* **WhitneySapienza@semtribe.com**

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

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"Williams, Larry" <larry_williams@fws.gov>

From:	"Williams, Larry" <larry_williams@fws.gov>
Sent:	Tue Dec 04 2018 12:30:07 GMT-0700 (MST)
To:	Roxanna Hinzman <Roxanna_Hinzman@fws.gov>, Donald Progulske <donald_progulske@fws.gov>, Ken Warren <Ken_Warren@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>
Subject:	Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan

Attachments: image001.png
STOFComments_EasternCollierHabitatConservationPlan_20181203.pdf

Wanted to be sure you all had the Tribe's comments.

Larry

---------- Forwarded message ---------
From: **Whitney Sapienza** <WhitneySapienza@semtribe.com>
Date: Mon, Dec 3, 2018 at 5:12 PM
Subject: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan
To: Williams, Larry (larry_williams@fws.gov) <larry_williams@fws.gov>
Cc: Cherise Maples <CheriseMaples@semtribe.com>, Stacy Myers <StacyMyers@semtribe.com>, kevin_palmer@fws.gov <kevin_palmer@fws.gov>, Andrew Jordan Bowers <AndrewJBowers@semtribe.com>, Jim Shore <JimShore@semtribe.com>, Cristi Downs <CristiVanegasGarcia@semtribe.com>

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* **WhitneySapienza@semtribe.com**

--
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State Supervisor for Ecological Services
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960-3559
Ph: 772-469-4285
Fax: 772-778-0683
larry_williams@fws.gov

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"Progulske, Donald" <donald_progulske@fws.gov>

From:	"Progulske, Donald" <donald_progulske@fws.gov>
Sent:	Tue Dec 04 2018 12:35:00 GMT-0700 (MST)
To:	Larry Williams <larry_williams@fws.gov>
CC:	Roxanna Hinzman <Roxanna_Hinzman@fws.gov>, Ken Warren <Ken_Warren@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>
Subject:	Re: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan
Attachments:	image001.png

Larry - my understanding from Miles is that Kevin will use the Miccosukee letter as a template to respond to the Seminole Tribe. I am not sure at what level the letter has to be signed, but I will leave that to Connie, Chuck, David D. etc. Thanks.

Bob

Bob Progulske
Everglades Program Supervisor
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960

Office: 772-469-4299
Cell: 772-559-7167
Fax: 772-562-4288
email: donald_progulske@fws.gov

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On Tue, Dec 4, 2018 at 2:30 PM Williams, Larry <larry_williams@fws.gov> wrote:

> Wanted to be sure you all had the Tribe's comments.
>
> Larry
>
> ---------- Forwarded message ---------
> From: **Whitney Sapienza** <WhitneySapienza@semtribe.com>
> Date: Mon, Dec 3, 2018 at 5:12 PM
> Subject: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan
> To: Williams, Larry (larry_williams@fws.gov) <larry_williams@fws.gov>
> Cc: Cherise Maples <CheriseMaples@semtribe.com>, Stacy Myers <StacyMyers@semtribe.com>, kevin_palmer@fws.gov <kevin_palmer@fws.gov>, Andrew Jordan Bowers <AndrewJBowers@semtribe.com>, Jim Shore <JimShore@semtribe.com>, Cristi Downs <CristiVanegasGarcia@semtribe.com>
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> If you have any questions please don't hesitate to contact us at 954-965-4380.
>
> Thank you!
>
> **Whitney Sapienza** | **Environmental Protection Specialist III** | **Seminole Tribe of Florida**
>
> **6363 Taft Street Suite 309 Hollywood, FL 33024** | **Ph: (954) 965-4380 Ext. 10627** | **Cell: (954) 605-5253**
>
> * **WhitneySapienza@semtribe.com**
>
>
>

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

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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Tue Dec 04 2018 12:39:52 GMT-0700 (MST)
To:	Charles Kelso <charles_kelso@fws.gov>, David Dell <david_dell@fws.gov>
Subject:	Fwd: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan
Attachments:	image001.png image001.png

FYI

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

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---------- Forwarded message ---------
From: **Williams, Larry** <larry_williams@fws.gov>
Date: Tue, Dec 4, 2018 at 2:29 PM
Subject: Re: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan
To: Whitney Sapienza <WhitneySapienza@semtribe.com>
Cc: Cherise Maples <CheriseMaples@semtribe.com>, Stacy Myers <StacyMyers@semtribe.com>, Kevin Palmer <kevin_palmer@fws.gov>, <AndrewJBowers@semtribe.com>, Jim Shore <JimShore@semtribe.com>, Cristi Vanegas Garcia <CristiVanegasGarcia@semtribe.com>, Constance Cassler <Constance_Cassler@fws.gov>, Roxanna Hinzman <Roxanna_Hinzman@fws.gov>, Donald Progulske <donald_progulske@fws.gov>, Ken Warren <Ken_Warren@fws.gov>

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> **Whitney Sapienza** | **Environmental Protection Specialist III** | **Seminole Tribe of Florida**
>
> **6363 Taft Street Suite 309 Hollywood, FL 33024** | **Ph: (954) 965-4380 Ext. 10627** | **Cell: (954) 605-5253**
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Larry Williams
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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Tue Dec 04 2018 12:48:37 GMT-0700 (MST)
To:	Larry Williams <larry_williams@fws.gov>
Subject:	Re: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan
Attachments:	image001.png

Thank you.

Connie

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

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> Date: Mon, Dec 3, 2018 at 5:12 PM
> Subject: [EXTERNAL] STOF Comment Letter East Collier County Habitat Conservation Plan
> To: Williams, Larry (larry_williams@fws.gov) <larry_williams@fws.gov>
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>
> **Whitney Sapienza** | **Environmental Protection Specialist III** | **Seminole Tribe of Florida**
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> **6363 Taft Street Suite 309 Hollywood, FL 33024** | **Ph: (954) 965-4380 Ext. 10627** | **Cell: (954) 605-5253**
>
> * **WhitneySapienza@semtribe.com**
>
>
>

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

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SEMINOLE TRIBE OF FLORIDA

EXECUTIVE OPERATIONS OFFICE
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Executive Director of Operations
T: 954-966-6300 Ext. 11428
andrewjbowers@semtribe.com

CHERISE MAPLES
Director
Environmental Resource Management
6363 Taft Street, Suite 309
Hollywood, Florida 33024
T: (954) 966-6300 Ext. 10632
F: (954) 962-8727

MARCELLUS W. OSCEOLA, JR., Chairman
MITCHELL CYPRESS, Vice Chairman
ANDREW J. BOWERS, JR., Brighton Councilman
CHRISTOPHER OSCEOLA, Hollywood Councilman
MANUEL M. TIGER, Big Cypress Councilman
LAVONNE ROSE, Secretary
PETER A. HAHN, Treasurer

December 3, 2018

Larry Williams, State Supervisor
U.S. Fish and Wildlife Service
South Florida Field Office
1339 20th Street
Vero Beach, FL 32960

Service Federal Docket No.:	FWS-R4-ES-2018-0079
Applicant:	Eastern Collier Property Owners, LLC
Project:	East Collier County Habitat Conservation Plan
County:	Collier

Dear Mr. Williams:

The Seminole Tribe of Florida received notice of the availability of the draft environmental impact statement (EIS) and habitat conservation plan (HCP) associated with the incidental take permit (ITP) applications of eleven Collier county landowners under the Endangered Species Act of 1973. The Seminole Tribe was not part of the permitting process of the ITP applications to date and did not have the opportunity to submit any comments through the permitting process. However, the Seminole Tribe has concerns pertaining to the proposed large scale land use change as a component of the approval of the HCP. The Seminole Tribe requests formal consultation with the United States Fish and Wildlife Service relative to the HCP and associated ITP applications.

The Seminole Tribe also remains concerned that land use changes as included in the proposed projects (and other similar projects) will result in habitat degradation and loss of threatened and endangered species habitats surrounding the Big Cypress and Immokalee Indian Reservations. Additionally, the draft EIS identifies projects to include within a cumulative impacts analysis, however, lacks the analytical data to support the alternative analyses. This is further compounded in the Appendix A of the Eastern Collier Multiple Species Habitat Conservation Plan (ECMSHCP): *Deconstructed Activities for the Covered Species* which documents a singular impact (or project) effect on the spatial distribution of affected species but

EXECUTIVE OPERATIONS OFFICE
ANDREW J. BOWERS
Executive Director of Operations
T: 954-966-6300 Ext. 11428
andrewjbowers@semtribe.com

CHERISE MAPLES
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Environmental Resource Management
6363 Taft Street, Suite 309
Hollywood, Florida 33024
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F: (954) 962-8727

MARCELLUS W. OSCEOLA, JR., Chairman
MITCHELL CYPRESS, Vice Chairman
ANDREW J. BOWERS, JR., Brighton Councilman
CHRISTOPHER OSCEOLA, Hollywood Councilman
MANUEL M. TIGER, Big Cypress Councilman
LAVONNE ROSE, Secretary
PETER A. HAHN, Treasurer

is absent of the cumulative effects of the proposed large scale land use change occurring in concert.

The potential for the proposed projects to affect endangered species, particularly, the Florida Panther and its habitats resulting in a displacement of the species is an on-going concern to the Seminole Tribe. As cited with the draft EIS for the ECMSHCP consist of approximately 80,600 acres of adult breeding range habitat which comprises 53% of the total ECMSHCP area as Primary Panther Habitat. The impacts to threatened and endangered species distribution must be addressed to ensure a disproportionate burden is not placed on the Seminole Tribe. A disproportionate burden on the Seminole Tribe would include, but is not limited to:

i. Requiring the Seminole Tribe to take additional actions to protect these displaced species;

ii. Requiring the Seminole Tribe to take additional actions to protect existing caracara located on tribal lands;

iii. Requiring the Seminole Tribe to perform additional mitigation for any future impacts to the displaced species;

iv. Requiring the Seminole Tribe to conserve additional areas to accommodate the displaced species;

v. Requiring the Seminole Tribe to make changes in land use practices or maintaining current land use practices to accommodate the displaced species; and/or

vi. Requiring the Seminole Tribe to avoid or take additional actions to avoid increased human/panther interactions as a result of land use changes outside the Immokalee and Big Cypress Seminole Indian Reservations

vii. Potential increase of Florida Panther predation of livestock and domestic animals within the Big Cypress Seminole Indian Reservation

SEMINOLE TRIBE OF FLORIDA

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Director
Environmental Resource Management
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MARCELLUS W. OSCEOLA, JR., Chairman
MITCHELL CYPRESS, Vice Chairman
ANDREW J. BOWERS, JR., Brighton Councilman
CHRISTOPHER OSCEOLA, Hollywood Councilman
MANUEL M. TIGER, Big Cypress Councilman
LAVONNE ROSE, Secretary
PETER A. HAHN, Treasurer

Any disproportionate burden placed on the Seminole Tribe could limit the Seminole Tribe's ability to utilize its tribal resources. The Seminole Tribe looks forward to the continued discussion on this topic in formal consultation.

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

Sincerely,

Cherise Maples, Director
Environmental Resource Management Department
Seminole Tribe of Florida

cc: Andrew Bowers, Executive Director of Operations, Seminole Tribe of Florida
Jim Shore, Legal Counsel, Seminole Tribe of Florida
Stacy Myers, Assistant Director, Seminole Tribe of Florida
Kevin Palmer, Tribal Liaison, United States Fish and Wildlife Service
Whitney Sapienza, EPS III, Seminole Tribe of Florida

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LAVONNE ROSE, Secretary
PETER A. HAHN, Treasurer

December 3, 2018

Larry Williams, State Supervisor
U.S. Fish and Wildlife Service
South Florida Field Office
1339 20th Street
Vero Beach, FL 32960

Service Federal Docket No.:	FWS-R4-ES-2018-0079
Applicant:	Eastern Collier Property Owners, LLC
Project:	East Collier County Habitat Conservation Plan
County:	Collier

Dear Mr. Williams:

The Seminole Tribe of Florida received notice of the availability of the draft environmental impact statement (EIS) and habitat conservation plan (HCP) associated with the incidental take permit (ITP) applications of eleven Collier county landowners under the Endangered Species Act of 1973. The Seminole Tribe was not part of the permitting process of the ITP applications to date and did not have the opportunity to submit any comments through the permitting process. However, the Seminole Tribe has concerns pertaining to the proposed large scale land use change as a component of the approval of the HCP. The Seminole Tribe requests formal consultation with the United States Fish and Wildlife Service relative to the HCP and associated ITP applications.

The Seminole Tribe also remains concerned that land use changes as included in the proposed projects (and other similar projects) will result in habitat degradation and loss of threatened and endangered species habitats surrounding the Big Cypress and Immokalee Indian Reservations. Additionally, the draft EIS identifies projects to include within a cumulative impacts analysis, however, lacks the analytical data to support the alternative analyses. This is further compounded in the Appendix A of the Eastern Collier Multiple Species Habitat Conservation Plan (ECMSHCP): *Deconstructed Activities for the Covered Species* which documents a singular impact (or project) effect on the spatial distribution of affected species but

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is absent of the cumulative effects of the proposed large scale land use change occurring in concert.

The potential for the proposed projects to affect endangered species, particularly, the Florida Panther and its habitats resulting in a displacement of the species is an on-going concern to the Seminole Tribe. As cited with the draft EIS for the ECMSHCP consist of approximately 80,600 acres of adult breeding range habitat which comprises 53% of the total ECMSHCP area as Primary Panther Habitat. The impacts to threatened and endangered species distribution must be addressed to ensure a disproportionate burden is not placed on the Seminole Tribe. A disproportionate burden on the Seminole Tribe would include, but is not limited to:

i. Requiring the Seminole Tribe to take additional actions to protect these displaced species;

ii. Requiring the Seminole Tribe to take additional actions to protect existing caracara located on tribal lands;

iii. Requiring the Seminole Tribe to perform additional mitigation for any future impacts to the displaced species;

iv. Requiring the Seminole Tribe to conserve additional areas to accommodate the displaced species;

v. Requiring the Seminole Tribe to make changes in land use practices or maintaining current land use practices to accommodate the displaced species; and/or

vi. Requiring the Seminole Tribe to avoid or take additional actions to avoid increased human/panther interactions as a result of land use changes outside the Immokalee and Big Cypress Seminole Indian Reservations

vii. Potential increase of Florida Panther predation of livestock and domestic animals within the Big Cypress Seminole Indian Reservation

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Any disproportionate burden placed on the Seminole Tribe could limit the Seminole Tribe's ability to utilize its tribal resources. The Seminole Tribe looks forward to the continued discussion on this topic in formal consultation.

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

Sincerely,

Cherise Maples, Director
Environmental Resource Management Department
Seminole Tribe of Florida

cc: Andrew Bowers, Executive Director of Operations, Seminole Tribe of Florida
Jim Shore, Legal Counsel, Seminole Tribe of Florida
Stacy Myers, Assistant Director, Seminole Tribe of Florida
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Whitney Sapienza, EPS III, Seminole Tribe of Florida

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:15 AM

Conversation Contents

Tribal Letter

Attachments:

/56. Tribal Letter/1.1 Signed Etna Letter for Seminole Tribe of Florida.pdf

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Fri Nov 30 2018 08:40:35 GMT-0700 (MST)
To:	Charles Kelso <charles_kelso@fws.gov>, Constance Cassler <Constance_Cassler@fws.gov>
Subject:	Tribal Letter
Attachments:	Signed Etna Letter for Seminole Tribe of Florida.pdf

Chuck and Connie: I read Tim Binzen's e-mail to the effect that he offered to help us with a draft letter that we would provide him. I think we can cobble together a passable draft ourselves and send to him for his input.

Attached is a sample letter for another project. Once I finish polishing up the notes from today, I can give you some more input later today.

David Dell
Southeast Region
HCP and Safe Harbors Coordinator
404/679-7313
fax: 7081
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 disclosed to third parties.

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Fri Nov 30 2018 08:49:26 GMT-0700 (MST)
To:	David Dell <david_dell@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>
Subject:	Re: Tribal Letter

Kevin Palmer offered to draft a letter in a follow-up email. Let me check on the timing and get back to you. I'm guessing we can send the same thing to the Seminole Tribe with a few tweaks.

Connie

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

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Follow us on InstaGram @usfws_south_florida
Visit our web site at www.fws.gov/verobeach/

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On Fri, Nov 30, 2018 at 10:40 AM Dell, David <david_dell@fws.gov> wrote:

> Chuck and Connie: I read Tim Binzen's e-mail to the effect that he offered to help us with a draft letter that we would provide him. I think we can cobble together a passable draft ourselves and send to him for his input.
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> Attached is a sample letter for another project. Once I finish polishing up the notes from today, I can give you some more input later today.
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> David Dell
> Southeast Region
> HCP and Safe Harbors Coordinator
> 404/679-7313
> fax: 7081
> 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 disclosed to third parties.

"Dell, David" <david_dell@fws.gov>

From:	"Dell, David" <david_dell@fws.gov>
Sent:	Fri Nov 30 2018 09:23:58 GMT-0700 (MST)
To:	Constance Cassler <constance_cassler@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>
Subject:	Re: Tribal Letter

Concerning the extension request, you could lift language from Rox's response to the NGOs.

David Dell
Southeast Region

HCP and Safe Harbors Coordinator
404/679-7313
fax: 7081
david_dell@fws.gov

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On Fri, Nov 30, 2018 at 10:50 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Kevin Palmer offered to draft a letter in a follow-up email. Let me check on the timing and get back to you. I'm guessing we can send the same thing to the Seminole Tribe with a few tweaks.
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
> email: constance_cassler@fws.gov
>
> Follow us on Twitter @USFWSVERO
> Follow us on Facebook @USFWSSouthFlorida
> Follow us on InstaGram @usfws_south_florida
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> On Fri, Nov 30, 2018 at 10:40 AM Dell, David <david_dell@fws.gov> wrote:
>
> > Chuck and Connie: I read Tim Binzen's e-mail to the effect that he offered to help us with a draft letter that we would provide him. I think we can cobble together a passable draft ourselves and send to him for his input.
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> > Attached is a sample letter for another project. Once I finish polishing up the notes from today, I can give you some more input later today.
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> > David Dell
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> > 404/679-7313
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> > Freedom of Information Act (FOIA) and may be
> > disclosed to third parties.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/DH NRDAR

June 2, 2016

Dr. Paul Backhouse
Tribal Historic Preservation Officer
30290 Josie Billie Hwy PMB 1004
Clewiston, Florida 33440

Attention: Compliance Review Section

Re: CRAS Re-Evaluation for the Etna No Impact Alternate Alignment and Section 106 Documentation and Determination of Effects Case Study
SR 589/Suncoast Parkway 2 from US 98 to SR 44
Citrus County, Florida
Financial Project ID: 405270-1-52-01, 405270-3-52-01, 405270-4-52-01

Dear Dr. Backhouse,

Please find enclosed a copy of the Cultural Resource Assessment Survey (CRAS) Re-Evaluation for the Etna No Impact Alternate Alignment and a Section 106 Documentation and Determination of Effects Case Study for the SR589/Suncoast Parkway 2 project (THPO#: 0028624) in the immediate vicinity of the Etna Turpentine Camp Archaeological Site (Etna - 8CI795). The Florida Department of Transportation, Florida's Turnpike Enterprise (FDOT/FTE) proposes to extend the Suncoast Parkway northward from US 98 to SR 44 through Hernando and Citrus Counties. Planned improvements include the construction of a four-lane, limited access toll facility, and multi-use trail. The project APE (Figures 1-3) consists of the proposed right of way (ROW) for each of the alignments which measure approximately 350 feet in width. The United States Fish and Wildlife Service (USFWS) is advising FDOT/FTE on their application for an Endangered Species Act, Incidental Take Permit Associated with a Habitat Conservation Plan with regard to federally protected species and candidate species including the eastern indigo snake and gopher tortoise. The USFWS will review this application, once it is submitted, in accordance with implementing regulations of the Endangered Species Act to determine whether we issue any Incidental Take Permit, thus making the project subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966 (Public Law 89-655, as amended).

An Avoidance/Minimization Alignment, originally referred to as the "No Impact" Alignment, and a Partial Impact Alignment were developed in order to provide alternatives to the originally proposed and previously tested project alignment. The Avoidance/Minimization Alignment was

designed after local residents and other interested parties at the July 22 and November 5, 2015 Section 106 Consultation/Cultural Resource Committee meetings expressed a strong and unanimous desire for the avoidance and preservation of the Etna Turpentine Camp. As a result, the Avoidance/Minimization Alignment was developed in an attempt to avoid the original National Register of Historic Places boundaries for the site. The Avoidance/Minimization Alignment is the subject of the referenced CRAS Re-Evaluation. A Partial Impact Alignment was also developed to minimize any adverse effects to Etna. The effects of the Current, Partial Impact, and Avoidance/Minimization Alignments on the Etna Turpentine Camp are the subject of the referenced Case Study.

The CRAS Re-Evaluation complies with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (Public Law 89-655, as amended) as implemented by 36 CFR 800 -- Protection of Historic Properties (incorporating amendments effective August 5, 2004); Chapter 267, Florida Statutes; Section 4(f) of the Department of Transportation Act of 1966; and the minimum field methods, data analysis, and reporting standards embodied in the Florida Division of Historical Resources (FDHR) Historic Compliance Review Program (November 1990, final draft). A Chapter 1A-32 Permit was obtained through the Florida Bureau of Archaeological Research (BAR) for the project area which is located within the Withlacoochee State Forest.

In 1993, the Etna Turpentine Camp (8CI795) was identified and documented by R. Christopher Goodwin & Associates, Inc. as part of the Phase I Cultural Resource Investigation of the West Leg Mainline Portion of the Proposed Florida Gas Transmission Company Phase III Expansion Project. Mitigative investigations of the Etna camp within the Florida Gas Transmission project corridor were conducted in 2002 and reported in Results of the Phase III Data Recovery Investigations at Site 8CI795, Etna Turpentine Camp, in the Florida Gas Transmission Company (FGT) Phase V, Loop G, Expansion Project Corridor Citrus County, Florida (Goodwin 2004). Additional investigations within the Suncoast Parkway 2 project corridor were conducted in 2004 during the Phase II Investigations at the Etna Turpentine Camp (8CI795) within the Suncoast 2 (SR 589) PD&E Re-evaluation from US 98 to US 19, Citrus County (Janus Research 2008).

In a letter dated February 28, 1994 the Etna Turpentine Camp Archaeological Site (8CI795) was determined by the State Historic Preservation Officer (SHPO) to be eligible for listing in the National Register of Historic Places (National Register) under Criterion D. In a letter dated March 27, 2009, the SHPO concurred that the unmitigated portion of the Etna camp remained eligible for listing in the National Register under Criterion D. The Etna Turpentine Camp Archaeological Site (8CI795) was listed in the National Register on December 10, 2009 under Criterion D for its potential to yield data relating to the naval stores and lumbering industry in late 19th to early 20th century Florida and to contribute to our understanding of commerce, agriculture, industry, and social history. The National Register boundary of the site was based on previous research by Goodwin and Associates (Markell et al 1994) and Janus Research (2008), although it was suggested that the site extended past the boundaries determined by this previous archaeological testing.

The CRAS Re-Evaluation by Janus Research confirmed that the Etna camp extends 40 to 100 m to the east of the original National Register boundary. The newly identified portion of the site

includes potential building scatter areas consisting of clusters of brick and/or chert that may be remains of chimneys or building piers and associated artifact scatters. The lack of any substantial building related debris or artifact scatters in the easternmost two-thirds of the project APE suggests that the eastern boundary of the Etna camp has been identified.

The Criteria of Effect, as defined by the Section 106 regulations, was applied to each of the three proposed alignments. The Current Alignment and the Partial Impact Alignment will have an adverse effect on the National Register-listed site. The Avoidance/Minimization Alignment will minimize adverse effects to the site. This alignment would only have a direct impact on a small portion of the total site area and would have a smaller impact on the National Register eligibility of the site as a whole. However, all three alignments appear to have an adverse effect on the Etna Turpentine Camp (8CI795), a National Register-listed resource.

Additionally, on February 19, 2016, Florida's Acquisition and Restoration Council (ARC) held a Public Hearing and Council to consider the Avoidance/Minimization Alignment. The ARC concluded that this alignment would cause unacceptable environmental impacts to the Withlacoochee State Forest. Because of this, the ARC would not approve a deviation from the original easement/alignment that passes through the Etna Turpentine Camp. Furthermore, USFWS biologists were not in favor of the Avoidance/Minimization Alignment due to the potential to cause additional impacts to federally listed species.

Therefore, FDOT/FTE and USFWS are considering minimization and mitigative options regarding the Etna Turpentine Camp. The FDOT/FTE has developed several preliminary mitigation concepts:

1). Extensive Phase III excavations at the site both within and outside original study areas. One of the goals of this research will be to determine the entire plan of the town using a combination of additional archaeological investigations outside the original FTE-sponsored testing limits as well as results from previous archaeological investigations conducted during natural gas pipeline and transmission line studies. Remote sensing techniques, including LIDAR, would be used to better identify, define and map obscured historic site features, such as railroad beds and roadways. The end product for this research would be a detailed excavation report that would provide the results of the Phase III research and synthesis of this work in relation to previous findings;

2). Salvage collecting, accessioning and preparation of artifacts from planned construction areas for storage/display;

3). Preservation of Etna still or well remains or other archaeological features within the area of the multi-use trail (if practical) and creating an interpretive kiosk or historic marker at the site;

4). Design and construction of a museum quality interpretive exhibit/collection record archive to be located at an existing Lecanto or Crystal River school, museum, or historical society grounds.

We kindly request your concurrence with the findings of this CRAS Re-Evaluation and Case Study and we look forward to continued consultation to address the effects of the project on the Etna Turpentine Camp. If you have any questions regarding the subject project, please contact me at: 404-679-7060.

Sincerely,

James "Kevin" Chapman
U.S. Fish and Wildlife Service

Figure 1: Showing Project Location in Citrus Count Florida.

Figure 3: Artifact scatter associated with the Etna Turpentine Camp including barrel hoops.

Figure 3: Artifact scatter associated with the Etna Turpentine Camp.

SEMINOLE TRIBE OF FLORIDA
TRIBAL HISTORIC PRESERVATION OFFICE
AH-TAH-THI-KI MUSEUM

TRIBAL HISTORIC
PRESERVATION OFFICE

SEMINOLE TRIBE OF FLORIDA
AH-TAH-THI-KI MUSEUM

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TRIBAL OFFICERS

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JAMES E. BILLIE

VICE CHAIRMAN
MITCHELL CYPRESS

SECRETARY
LAVONNE KIPPENBERGER

TREASURER
PETER HAHN

June 24, 2015

Mr. Tom Neyer, P.E.
Project Manager
Florida's Turnpike Enterprise
P.O. Box 613069
Ocoee, Florida 34761
Phone: (407)264-3424
Email: thomas.neyer@dot.state.fl.us

Subject: Suncoast Parkway 2 – US 98 to SR 44 (FPID# 405270-1, 3, & 4), Hernando and Citrus Counties
THPO#: 0028624

Dear Mr. Neyer,

Thank you for contacting the Seminole Tribe of Florida's Tribal Historic Preservation Office (STOF-THPO) regarding the proposed Suncoast Parkway 2 in Hernando and Citrus Counties. We have reviewed the documents regarding the above referenced project and, because the project lies within an area that is of historical importance to the Tribe, would like to ensure that adequate provisions are made to identify and assess any historic properties / cultural resources that may be present within the APE. We respectfully request that the STOF-THPO be notified of any developments regarding this project.

Respectfully,

Andrew J. Weidman, MA, RPA
STOF-THPO, Compliance Review Section
30290 Josie Billie Hwy, PMB 1004
Clewiston, FL 33440
Office: 863-983-6549 x12216
Email: andrewweidman@semtribe.com

Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:15 AM

Conversation Contents

Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)

Attachments:

/57. Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)/2.1 image001.png
/57. Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)/2.2 image002.png
/57. Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)/3.1 image002.png
/57. Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)/3.2 image001.png
/57. Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)/4.1 image002.png
/57. Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)/5.1 image002.png
/57. Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)/6.1 image002.png
/57. Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)/7.1 image002.png
/57. Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)/8.1 image002.png
/57. Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)/9.1 image002.png
/57. Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)/10.1 image002.png
/57. Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)/11.1 image002.png

"Kelso, Charles" <charles_kelso@fws.gov>

From:	"Kelso, Charles" <charles_kelso@fws.gov>
Sent:	Tue Nov 27 2018 12:25:25 GMT-0700 (MST)
To:	CraigV@miccosukeetribe.com, Timothy Binzen <timothy_binzen@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Constance Cassler <constance_cassler@fws.gov>
Subject:	Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)

Mr. van der Heiden,

Thanks for inquiring about the ECMSHCP. I'd like to web conference or teleconference with you sometime this week to discuss the U.S. Fish and Wildlife Service's work on this project. If you have a preferred day / time this week to meet, please email or call me.

All the best,
Chuck

--
Chuck Kelso
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960-3559
(772)469-4241
Charles_Kelso@fws.gov

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Jeanine Bennett <JeanineB@miccosukeetribe.com>

From:	Jeanine Bennett <JeanineB@miccosukeetribe.com>
Sent:	Wed Nov 28 2018 08:55:28 GMT-0700 (MST)
To:	"charles_kelso@fws.gov" <charles_kelso@fws.gov>, "tmothy_binzen@fws.gov" <tmothy_binzen@fws.gov>, "kevin_palmer@fws.gov" <kevin_palmer@fws.gov>, "constance_cassler@fws.gov" <constance_cassler@fws.gov>
CC:	Craig van der Heiden <CraigV@miccosukeetribe.com>, Betty Osceola <boochopee@gmail.com>
Subject:	[EXTERNAL] RE: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)
Attachments:	image001.png image002.png

Mr. Kelso,

I was forwarded the below email you sent to Craig van der Heiden, Miccosukee Wildlife Director, regarding the request to have a telephone and/or web conference regarding FWS' efforts in regard to development by Collier County in an area that is core habitat for the Florida Panther. Please be aware that the area in question is of cultural significance to the Miccosukee Tribe. Accordingly, formal consultation must be done with the Tribe. Please provide a formal letter to the Miccosukee Business Council requesting that formal consultation. You may email me the letter and I will provide it to the Business Council on your behalf. A time certain must be set on the calendars of the Business Council and any other department head they may wish to include. Your request for a telephone and or video conference does not meet the spirit nor the requirements set for all state and federal agencies for consultation with federally recognized tribes.

I await your response.

Kind Regards,

Jeanine Bennett

https://t
Miccos
Jeanine Bennett, Esq.
Miccosukee Tribe of Indians of Florida
General Counsel, In-House
jeanineb@miccosukeetribe.com
O: 305.223.8380 **Ext:** 5211 **F:** 305.894.5212

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From: Kelso, Charles <charles_kelso@fws.gov>
Sent: Tuesday, November 27, 2018 2:25 PM
To: Craig van der Heiden <CraigV@miccosukeetribe.com>; Timothy Binzen <timothy_binzen@fws.gov>; Kevin Palmer <kevin_palmer@fws.gov>; Constance Cassler <constance_cassler@fws.gov>
Subject: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)

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All the best,
Chuck

--
Chuck Kelso
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960-3559
(772)469-4241
Charles_Kelso@fws.gov

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"Kelso, Charles" <charles_kelso@fws.gov>

From:	"Kelso, Charles" <charles_kelso@fws.gov>
Sent:	Wed Nov 28 2018 08:58:37 GMT-0700 (MST)
To:	Timothy Binzen <timothy_binzen@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Donald Progulske <donald_progulske@fws.gov>, Constance Cassler <constance_cassler@fws.gov>
Subject:	Fwd: [EXTERNAL] RE: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)
Attachments:	image002.png image001.png

FYI

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Date: Wed, Nov 28, 2018 at 10:55 AM
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https://t
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"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Wed Nov 28 2018 12:49:20 GMT-0700 (MST)
To:	Charles Kelso <charles_kelso@fws.gov>
CC:	Kevin Palmer <kevin_palmer@fws.gov>, "Progulske, Donald" <donald_progulske@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>
Subject:	Re: [EXTERNAL] RE: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)
Attachments:	image002.png

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External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Wed Nov 28 2018 13:00:56 GMT-0700 (MST)
To:	Timothy Binzen <timothy_binzen@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Donald Progulske <donald_progulske@fws.gov>, David Dell <david_dell@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>
Subject:	Re: [EXTERNAL] RE: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)
Attachments:	image002.png

Hi Tim,

Thank you for your offer to draft the letter. That would be really helpful for us if you could. We are working on addressing public comments and drafting the BO for the project.

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

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Visit our web site at www.fws.gov/verobeach/

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"Palmer, Kevin" <kevin_palmer@fws.gov>

From:	"Palmer, Kevin" <kevin_palmer@fws.gov>
Sent:	Wed Nov 28 2018 13:10:05 GMT-0700 (MST)
To:	"Binzen, Timothy" <timothy_binzen@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>, "Hinzman, Roxanna" <roxanna_hinzman@fws.gov>
CC:	Bob Progulske <donald_progulske@fws.gov>, "Meyer, Miles" <miles_meyer@fws.gov>
Subject:	Re: [EXTERNAL] RE: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)
Attachments:	image002.png

Thanks Tim,

We will make sure Bob has some talking points in case the ECMSHCP comes up at tomorrow's meeting. I will begin drafting the letter, after I meet with our team here, and share it with you next week before sending it on to the tribe. It may be in our interest to let the Tribe know that Chuck's offer to brief their environmental staff, the same briefing he did for the Seminole Tribe, was not meant to take the place of a formal government-to-government meeting. It was just to share where we are in the process and upcoming milestones, etc. It seems that the Tribe is beyond that point at this time and would like to meet to discuss their issues and concerns with the project.

Thanks again for facilitating coordination with the Miccosukee Tribe.

Kevin

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Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@fws.gov

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From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Wed Nov 28 2018 13:18:31 GMT-0700 (MST)
To:	Kevin Palmer <kevin_palmer@fws.gov>
CC:	Charles Kelso <charles_kelso@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, "Progulske, Donald" <donald_progulske@fws.gov>, "Meyer, Miles" <miles_meyer@fws.gov>
Subject:	Re: [EXTERNAL] RE: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)
Attachments:	image002.png

Hi Kevin,

That sounds good, thanks. I will look forward to seeing the draft letter next week. I will be out of the office Monday and Tuesday, so if we could aim to finalize it on Wednesday or Thursday and email it to the Tribe by the end of next week, that would be great.

My sense is that the Tribe is increasing their requests for formal, early acknowledgement that they are entering into consultations with FWS.

Best,
--Tim

On Wed, Nov 28, 2018 at 3:10 PM Palmer, Kevin <kevin_palmer@fws.gov> wrote:

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> > > To: charles_kelso@fws.gov <charles_kelso@fws.gov>, tmothy_binzen@fws.gov <tmothy_binzen@fws.gov>, kevin_palmer@fws.gov <kevin_palmer@fws.gov>, constance_cassler@fws.gov <constance_cassler@fws.gov>
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Jeanine Bennett, Esq.
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General Counsel, In-House
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O: 305.223.8380 **Ext:** 5211 **F:** 305.894.5212

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To: Craig van der Heiden <CraigV@miccosukeetribe.com>; Timothy Binzen <timothy_binzen@fws.gov>; Kevin Palmer <kevin_palmer@fws.gov>; Constance Cassler <constance_cassler@fws.gov>
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All the best,
Chuck

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Chuck Kelso
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960-3559
(772)469-4241
Charles_Kelso@fws.gov

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U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

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Email: Kevin_Palmer@fws.gov

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"Kelso, Charles" <charles_kelso@fws.gov>

From:	"Kelso, Charles" <charles_kelso@fws.gov>
Sent:	Fri Nov 30 2018 08:50:00 GMT-0700 (MST)
To:	Constance Cassler <constance_cassler@fws.gov>
Subject:	Fwd: [EXTERNAL] RE: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)
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Cc: Bob Progulske <donald_progulske@fws.gov>, Meyer, Miles <miles_meyer@fws.gov>

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Sent:	Fri Nov 30 2018 09:02:36 GMT-0700 (MST)
To:	Charles Kelso <charles_kelso@fws.gov>
Subject:	Re: [EXTERNAL] RE: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)
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> As soon as possible, we need to respond to her request by providing the Tribe with a formal letter acknowledging that the Miccosukee Tribe is a consulting party for the ECMSHCP, and requesting a face-to-face, government-to-government meeting at the Tribe's convenience. The letter needs to be on SFESFO's letterhead, and addressed to the Miccosukee Business Council. I can assist you with drafting the letter., if you wish. I would like an opportunity to review the letter, at least. After it is finalized and signed, you should email the letter to Jeanine. per her request. The Tribe will be expecting that the letter will be signed by a senior administrator (someone with decision-making authority).
>
> As you may be aware, tomorrow (Nov. 29) the Miccosukee are hosting an annual natural resources meeting with presentations by state and federal agencies. FWS will be well-represented. The topic of ECMSHCP is not on the agenda. However, it may come up in conversation. Bob Progulske (copied on my reply here) will be attending the meeting. If ECMSHCP does come up, FWS should simply say that FWS is entering into formal consultation with the Tribe on this matter, and will be meeting with the Business Council in the near future.
>
> --Tim
>
> On Wed, Nov 28, 2018 at 10:59 AM Kelso, Charles <charles_kelso@fws.gov> wrote:
>
> > FYI
> >
> > ---------- Forwarded message ---------
> > From: **Jeanine Bennett** <JeanineB@miccosukeetribe.com>
> > Date: Wed, Nov 28, 2018 at 10:55 AM
> > Subject: [EXTERNAL] RE: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)
> > To: charles_kelso@fws.gov <charles_kelso@fws.gov>, tmothy_binzen@fws.gov <tmothy_binzen@fws.gov>, kevin_palmer@fws.gov <kevin_palmer@fws.gov>, constance_cassler@fws.gov <constance_cassler@fws.gov>
> > Cc: Craig van der Heiden <CraigV@miccosukeetribe.com>, Betty Osceola <boochopee@gmail.com>
> >
> > Mr. Kelso,
> >
> > I was forwarded the below email you sent to Craig van der Heiden, Miccosukee Wildlife Director, regarding the request to have a telephone and/or web conference regarding FWS' efforts in regard to development by Collier County in an area that is core habitat for the Florida Panther. Please be aware that the area in question is of cultural significance to the Miccosukee Tribe. Accordingly, formal consultation must be done with the Tribe. Please provide a formal letter to the Miccosukee Business Council requesting that formal consultation. You may email me the letter and I will provide it to the Business Council on your behalf. A time certain must be set on the calendars of the Business Council and any other department head they may wish to include. Your request for a telephone and or video conference does not meet the spirit nor the requirements set for all state and federal agencies for consultation with federally recognized tribes.
> >
> > I await your response.
> >
> > Kind Regards,
> >
> > Jeanine Bennett
> >
> > https://u
> > Miccos
> >
> > **Jeanine Bennett, Esq.**
> > **Miccosukee Tribe of Indians of Florida**
> > General Counsel, In-House
> > jeanineb@miccosukeetribe.com
> > **O:** 305.223.8380 **Ext:** 5211 **F:** 305.894.5212

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From: Kelso, Charles <charles_kelso@fws.gov>
Sent: Tuesday, November 27, 2018 2:25 PM
To: Craig van der Heiden <CraigV@miccosukeetribe.com>; Timothy Binzen <timothy_binzen@fws.gov>; Kevin Palmer <kevin_palmer@fws.gov>; Constance Cassler <constance_cassler@fws.gov>
Subject: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)

Mr. van der Heiden,

Thanks for inquiring about the ECMSHCP. I'd like to web conference or teleconference with you sometime this week to discuss the U.S. Fish and Wildlife Service's work on this project. If you have a preferred day / time this week to meet, please email or call me.

All the best,
Chuck

--
Chuck Kelso
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960-3559
(772)469-4241
Charles_Kelso@fws.gov

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--
Chuck Kelso
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
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--
Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

--
****
Kevin Palmer
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, Florida 32960-3559
Phone: 772-469-4280
Fax: 772-562-4288 & 564-7393
Email: Kevin_Palmer@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.

"Kelso, Charles" <charles_kelso@fws.gov>

From:	"Kelso, Charles" <charles_kelso@fws.gov>
Sent:	Fri Nov 30 2018 09:10:38 GMT-0700 (MST)
To:	Constance Cassler <constance_cassler@fws.gov>
CC:	"Dell, David" <david_dell@fws.gov>, Robert Tawes <Robert_Tawes@fws.gov>
	Re: [EXTERNAL] RE: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-

Subject: Species Habitat Conservation Plan (ECMSHCP)

Attachments: image002.png

Thanks for the update.

On Fri, Nov 30, 2018 at 11:08 AM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi David and Rob,
>
> I'm forwarding the email Kevin sent to Tim about the letter for the Miccosukee Tribe. It looks like Kevin is drafting it and will share with Tim next week.
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
> fax: 772-562-4288
> email: constance_cassler@fws.gov
>
> Follow us on Twitter @USFWSVERO
> Follow us on Facebook @USFWSSouthFlorida
> Follow us on InstaGram @usfws_south_florida
> Visit our web site at www.fws.gov/verobeach/
>
> 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
>
> ---------- Forwarded message ---------
> From: **Palmer, Kevin** <kevin_palmer@fws.gov>
> Date: Wed, Nov 28, 2018 at 3:10 PM
> Subject: Re: [EXTERNAL] RE: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)
> To: Binzen, Timothy <timothy_binzen@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Cassler, Constance <constance_cassler@fws.gov>, Hinzman, Roxanna <roxanna_hinzman@fws.gov>
> Cc: Bob Progulske <donald_progulske@fws.gov>, Meyer, Miles <miles_meyer@fws.gov>
>
> Thanks Tim,
>
> We will make sure Bob has some talking points in case the ECMSHCP comes up at tomorrow's meeting. I will begin drafting the letter, after I meet with our team here, and share it with you next week before sending it on to the tribe. It may be in our interest to let the Tribe know that Chuck's offer to brief their environmental staff, the same briefing he did for the Seminole Tribe, was not meant to take the place of a formal government-to-government meeting. It was just to share where we are in the process and upcoming milestones, etc. It seems that the Tribe is beyond that point at this time and would like to meet to discuss their issues and concerns with the project.
>
> Thanks again for facilitating coordination with the Miccosukee Tribe.
>
> Kevin
>
> On Wed, Nov 28, 2018 at 2:49 PM Binzen, Timothy <timothy_binzen@fws.gov> wrote:
>
> > Hello Chuck,
> >
> > Thank you for forwarding Jeanine Bennett's message to me. At first I didn't understand why I hadn't received it this morning, as I was copied on her message, but now I see that my email address was misspelled in her message.
> >
> > As soon as possible, we need to respond to her request by providing the Tribe with a formal letter acknowledging that the Miccosukee Tribe is a consulting party for the ECMSHCP, and requesting a face-to-face, government-to-government meeting at the Tribe's convenience. The letter needs to be on SFESFO's letterhead, and addressed to the Miccosukee Business Council. I can assist you with drafting the letter., if you wish. I would like an opportunity to review the letter, at least. After it is finalized and signed, you should email the letter to Jeanine. per her request. The Tribe will be expecting that the letter will be signed by a senior administrator (someone with decision-making authority).
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> > > Date: Wed, Nov 28, 2018 at 10:55 AM
> > > Subject: [EXTERNAL] RE: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)
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> > > Cc: Craig van der Heiden <CraigV@miccosukeetribe.com>, Betty Osceola <boochopee@gmail.com>

Mr. Kelso,

I was forwarded the below email you sent to Craig van der Heiden, Miccosukee Wildlife Director, regarding the request to have a telephone and/or web conference regarding FWS' efforts in regard to development by Collier County in an area that is core habitat for the Florida Panther. Please be aware that the area in question is of cultural significance to the Miccosukee Tribe. Accordingly, formal consultation must be done with the Tribe. Please provide a formal letter to the Miccosukee Business Council requesting that formal consultation. You may email me the letter and I will provide it to the Business Council on your behalf. A time certain must be set on the calendars of the Business Council and any other department head they may wish to include. Your request for a telephone and or video conference does not meet the spirit nor the requirements set for all state and federal agencies for consultation with federally recognized tribes.

I await your response.

Kind Regards,

Jeanine Bennett

https://u
Miccos
Jeanine Bennett, Esq.
Miccosukee Tribe of Indians of Florida
General Counsel, In-House
jeanineb@miccosukeetribe.com
O: 305.223.8380 **Ext:** 5211 **F:** 305.894.5212

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From: Kelso, Charles <charles_kelso@fws.gov>
Sent: Tuesday, November 27, 2018 2:25 PM
To: Craig van der Heiden <CraigV@miccosukeetribe.com>; Timothy Binzen <timothy_binzen@fws.gov>; Kevin Palmer <kevin_palmer@fws.gov>; Constance Cassler <constance_cassler@fws.gov>
Subject: Webinar/discussion to brief the Miccosukee Tribe on the Eastern Collier County Multi-Species Habitat Conservation Plan (ECMSHCP)

Mr. van der Heiden,

Thanks for inquiring about the ECMSHCP. I'd like to web conference or teleconference with you sometime this week to discuss the U.S. Fish and Wildlife Service's work on this project. If you have a preferred day / time this week to meet, please email or call me.

All the best,
Chuck

--
Chuck Kelso
U.S. Fish and Wildlife Service
South Florida Ecological Services Field Office
1339 20th Street
Vero Beach, FL 32960-3559
(772)469-4241
Charles_Kelso@fws.gov

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U.S. Fish and Wildlife Service
External Affairs
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Mobile: (413) 800-2071

--
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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:16 AM

Conversation Contents

Fwd: [EXTERNAL] Eastern Collier Multiple Species HCP

"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Mon Nov 19 2018 11:34:14 GMT-0700 (MST)
To:	David Dell <david_dell@fws.gov>, "Cassler, Constance" <constance_cassler@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Zintkala Eiring <zintkala_eiring@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Fwd: [EXTERNAL] Eastern Collier Multiple Species HCP

Hello David, and All,

Please note that the Miccosukee Tribe has requested government-to-government consultation for the Eastern Collier HCP (see message below from Craig Van der Heiden, Fish and Wildlife Director).

I have informed Craig that I would forward his request to the FWS lead contacts for the HCP.

Would you please promptly establish contact with Craig on this matter, and copy me on any email correspondences? His email is CraigV@miccosukeetribe.com and his phone # is 305.223.8380, ext # 2217.

Will FWS offer an informational webinar on this topic to the Miccosukee, as it was done with the Seminole?

Please let me know if I can facilitate the consultation.

Thank you for your attention to this,
--Tim
--
Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

---------- Forwarded message ---------
From: **Craig van der Heiden** <CraigV@miccosukeetribe.com>
Date: Mon, Nov 19, 2018 at 10:22 AM

Subject: [EXTERNAL] Eastern Collier Multiple Species HCP
To: Binzen, Timothy <timothy_binzen@fws.gov>

Morning Tim,

Hope you are doing well and will have a great Thanksgiving. We have been working on the proposed Eastern Collier Multiple Species Habitat Conservation Plan (HCP) and draft Environmental Impact Statement (EIS).

The question is; are the Miccosukee going to have any government to government consultation on the project. This has far reaching effects for the Florida Panther, Caracara, Bald Eagle, cultural resources etc.

Please advise.

Thanks Craig

Craig van der Heiden, Ph.D.

Fish and Wildlife Director

Miccosukee Tribe of Indians Florida

PO Box 440021

Miami, FL 33144

Ph: 305.223.8380, ext # 2217

Cell: 786.527.4703

Email: craigv@miccosukeetribe.com

--
Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
Hadley, MA 01035
Office: (413) 253-8731
Mobile: (413) 800-2071

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Nov 19 2018 14:18:58 GMT-0700 (MST)
To:	Timothy Binzen <timothy_binzen@fws.gov>
CC:	David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, zintkala_eiring@fws.gov, Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Re: [EXTERNAL] Eastern Collier Multiple Species HCP

Hi Tim,

I will ask Chuck Kelso, the biologist handling the HCP, to contact Craig to set up a time we can give a webinar.

Connie

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

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Follow us on InstaGram @usfws_south_florida
Visit our web site at www.fws.gov/verobeach/

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On Mon, Nov 19, 2018 at 1:34 PM Binzen, Timothy <timothy_binzen@fws.gov> wrote:

> Hello David, and All,
>
> Please note that the Miccosukee Tribe has requested government-to-government consultation for the Eastern Collier HCP (see message below from Craig Van der Heiden, Fish and Wildlife Director).
>
> I have informed Craig that I would forward his request to the FWS lead contacts for the HCP.
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From: **Craig van der Heiden** <CraigV@miccosukeetribe.com>
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To: Binzen, Timothy <timothy_binzen@fws.gov>

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The question is; are the Miccosukee going to have any government to government consultation on the project. This has far reaching effects for the Florida Panther, Caracara, Bald Eagle, cultural resources etc.

Please advise.

Thanks Craig

Craig van der Heiden, Ph.D.

Fish and Wildlife Director

Miccosukee Tribe of Indians Florida

PO Box 440021

Miami, FL 33144

Ph: 305.223.8380, ext # 2217

Cell: 786.527.4703

Email: craigv@miccosukeetribe.com

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300 Westgate Center Drive
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"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Nov 19 2018 14:20:16 GMT-0700 (MST)
To:	Charles Kelso <charles_kelso@fws.gov>
Subject:	Fwd: [EXTERNAL] Eastern Collier Multiple Species HCP

Hi Chuck,

Please contact Craig van der Heiden to set up a webinar about the ECMSHCP for the Miccosukee Tribe.

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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Date: Mon, Nov 19, 2018 at 1:34 PM
Subject: Fwd: [EXTERNAL] Eastern Collier Multiple Species HCP
To: David Dell <david_dell@fws.gov>, Cassler, Constance <constance_cassler@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Zintkala Eiring <zintkala_eiring@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>

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Please advise.

Thanks Craig

Craig van der Heiden, Ph.D.

Fish and Wildlife Director

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Mobile: (413) 800-2071

"Binzen, Timothy" <timothy_binzen@fws.gov>

From:	"Binzen, Timothy" <timothy_binzen@fws.gov>
Sent:	Mon Nov 19 2018 14:28:14 GMT-0700 (MST)
To:	"Cassler, Constance" <constance_cassler@fws.gov>
CC:	David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Zintkala Eiring <zintkala_eiring@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>
Subject:	Re: [EXTERNAL] Eastern Collier Multiple Species HCP

Hi Connie, Thank you for contacting Chuck. I will look forward to being copied on the email correspondence with the Tribe. FYI On November 29, the Miccosukee Tribe will host their annual meeting with federal and state agencies related to Natural Resources. The Eastern Collier HCP is not an agenda item during the FWS time slot, but I will notify the FWS group that the Tribe has asked to be a consulting party for the HCP, so that they will be aware if the topic comes up on Nov. 29. Best, --Tim

On Mon, Nov 19, 2018 at 4:19 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Tim,
>
> I will ask Chuck Kelso, the biologist handling the HCP, to contact Craig to set up a time we can give a webinar.
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> Connie

Constance L. Cassler, Ph.D.
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Vero Beach, Florida 32960
office: 772-469-4243
fax: 772-562-4288
email: constance_cassler@fws.gov

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On Mon, Nov 19, 2018 at 1:34 PM Binzen, Timothy <timothy_binzen@fws.gov> wrote:

> Hello David, and All,
>
> Please note that the Miccosukee Tribe has requested government-to-government consultation for the Eastern Collier HCP (see message below from Craig Van der Heiden, Fish and Wildlife Director).
>
> I have informed Craig that I would forward his request to the FWS lead contacts for the HCP.
>
> Would you please promptly establish contact with Craig on this matter, and copy me on any email correspondences? His email is CraigV@miccosukeetribe.com and his phone # is 305.223.8380, ext # 2217.
>
> Will FWS offer an informational webinar on this topic to the Miccosukee, as it was done with the Seminole?
>
> Please let me know if I can facilitate the consultation.
>
> Thank you for your attention to this,
> --Tim
> --
> Timothy Binzen
> Tribal Liaison (Northeast & Southeast Regions)
> U.S. Fish and Wildlife Service
> External Affairs
> 300 Westgate Center Drive
> Hadley, MA 01035
> Office: (413) 253-8731
> Mobile: (413) 800-2071
>
> ---------- Forwarded message ---------
> From: **Craig van der Heiden** <CraigV@miccosukeetribe.com>
> Date: Mon, Nov 19, 2018 at 10:22 AM
> Subject: [EXTERNAL] Eastern Collier Multiple Species HCP
> To: Binzen, Timothy <timothy_binzen@fws.gov>

Morning Tim,

Hope you are doing well and will have a great Thanksgiving. We have been working on the proposed Eastern Collier Multiple Species Habitat Conservation Plan (HCP) and draft Environmental Impact Statement (EIS).

The question is; are the Miccosukee going to have any government to government consultation on the project. This has far reaching effects for the Florida Panther, Caracara, Bald Eagle, cultural resources etc.

Please advise.

Thanks Craig

Craig van der Heiden, Ph.D.

Fish and Wildlife Director

Miccosukee Tribe of Indians Florida

PO Box 440021

Miami, FL 33144

Ph: 305.223.8380, ext # 2217

Cell: 786.527.4703

Email: craigv@miccosukeetribe.com

--
Timothy Binzen
Tribal Liaison (Northeast & Southeast Regions)
U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
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Timothy Binzen
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U.S. Fish and Wildlife Service

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Office: (413) 253-8731
Mobile: (413) 800-2071

"Cassler, Constance" <constance_cassler@fws.gov>

From:	"Cassler, Constance" <constance_cassler@fws.gov>
Sent:	Mon Nov 19 2018 14:31:36 GMT-0700 (MST)
To:	Donald Progulske <donald_progulske@fws.gov>
CC:	Kevin Palmer <kevin_palmer@fws.gov>, Miles Meyer <miles_meyer@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, David Dell <david_dell@fws.gov>
Subject:	Fwd: [EXTERNAL] Eastern Collier Multiple Species HCP

FYI...Chuck will set up a webinar on the ECMSHCP for the Miccosukee. Beyond that, I'm not sure what else they will want from a consultation. I guess we will find out.

Connie

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

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---------- Forwarded message ---------
From: **Binzen, Timothy** <timothy_binzen@fws.gov>
Date: Mon, Nov 19, 2018 at 4:28 PM
Subject: Re: [EXTERNAL] Eastern Collier Multiple Species HCP
To: Cassler, Constance <constance_cassler@fws.gov>
Cc: David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, Zintkala Eiring <zintkala_eiring@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>

Hi Connie, Thank you for contacting Chuck. I will look forward to being copied on the email correspondence with the Tribe. FYI On November 29, the Miccosukee Tribe will host their annual meeting with federal and state agencies related to Natural Resources. The Eastern

Collier HCP is not an agenda item during the FWS time slot, but I will notify the FWS group that the Tribe has asked to be a consulting party for the HCP, so that they will be aware if the topic comes up on Nov. 29. Best, --Tim

On Mon, Nov 19, 2018 at 4:19 PM Cassler, Constance <constance_cassler@fws.gov> wrote:

> Hi Tim,
>
> I will ask Chuck Kelso, the biologist handling the HCP, to contact Craig to set up a time we can give a webinar.
>
> Connie
>
> Constance L. Cassler, Ph.D.
> Supervisory Fish and Wildlife Biologist
> U.S. Fish and Wildlife Service
> 1339 20th Street
> Vero Beach, Florida 32960
> office: 772-469-4243
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> > 300 Westgate Center Drive
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Office: (413) 253-8731
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Subject: [EXTERNAL] Eastern Collier Multiple Species HCP
To: Binzen, Timothy <timothy_binzen@fws.gov>

Morning Tim,

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The question is; are the Miccosukee going to have any government to government consultation on the project. This has far reaching effects for the Florida Panther, Caracara, Bald Eagle, cultural resources etc.

Please advise.

Thanks Craig

Craig van der Heiden, Ph.D.

Fish and Wildlife Director

Miccosukee Tribe of Indians Florida

PO Box 440021

Miami, FL 33144

Ph: 305.223.8380, ext # 2217

Cell: 786.527.4703

Email: craigv@miccosukeetribe.com

--
Timothy Binzen
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Office: (413) 253-8731
Mobile: (413) 800-2071

Donald Progulske <donald_progulske@fws.gov>

From:	Donald Progulske <donald_progulske@fws.gov>
Sent:	Mon Nov 19 2018 14:59:25 GMT-0700 (MST)
To:	Constance Cassler <constance_cassler@fws.gov>
CC:	david_dell@fws.gov
Subject:	Fwd: [EXTERNAL] Eastern Collier Multiple Species HCP

Connie - FYI- I will be attending the annual Miccosukee meeting on November 29

Sent from my iPhone

Begin forwarded message:

> **From:** "Binzen, Timothy" <timothy_binzen@fws.gov>
> **Date:** November 19, 2018 at 4:42:26 PM EST
> **To:** Kathleen Burchett <kathleen_burchett@fws.gov>, "Progulske, Donald" <donald_progulske@fws.gov>, John Galvez <john_galvez@fws.gov>, Rolf Olson <rolf_olson@fws.gov>, Steven Henry <steven_s_henry@fws.gov>, Stephen Jackson <stephen_jackson@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, David Shindle <david_shindle@fws.gov>, "Fleming, Jeffrey" <jeffrey_m_fleming@fws.gov>, Zintkala Eiring <zintkala_eiring@fws.gov>, DJ Monette <dj_monette@fws.gov>
> **Subject: Fwd: [EXTERNAL] Eastern Collier Multiple Species HCP**
>
> Hello again FWS Colleagues,
>
> This message is to inform you that the Miccosukee Tribe have asked to be a consulting party on the Eastern Collier Multiple Species HCP. As you may be aware, this complex HCP has been formulated over several years, following the NEPA scoping process. A draft EIS is currently under review by the Tribe and others. I mention this for your awareness for the Nov. 29 Miccosukee meeting. Although the HCP is not on the agenda, it is possible that it may come up in conversation, so I wanted you all to be aware. Chuck Kelso of FWS will be addressing this HCP consultation and arranging a webinar for the Tribe. I assume that the Tribe will be preparing a detailed set of comments on the draft EIS. Any questions from Tribal members or representatives on Nov. 29 concerning the

Eastern Collier HCP should be respectfully referred to Chuck.

Thank you. Please let me know if you have any questions.
--Tim

---------- Forwarded message ---------
From: **Cassler, Constance** <constance_cassler@fws.gov>
Date: Mon, Nov 19, 2018 at 4:19 PM
Subject: Re: [EXTERNAL] Eastern Collier Multiple Species HCP
To: Timothy Binzen <timothy_binzen@fws.gov>
Cc: David Dell <david_dell@fws.gov>, Charles Kelso <charles_kelso@fws.gov>, Roxanna Hinzman <roxanna_hinzman@fws.gov>, Robert Tawes <robert_tawes@fws.gov>, Richard Kanaski <richard_kanaski@fws.gov>, <zintkala_eiring@fws.gov>, Kevin Palmer <kevin_palmer@fws.gov>

Hi Tim,

I will ask Chuck Kelso, the biologist handling the HCP, to contact Craig to set up a time we can give a webinar.

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Constance L. Cassler, Ph.D.
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U.S. Fish and Wildlife Service
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Vero Beach, Florida 32960
office: 772-469-4243
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Timothy Binzen
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U.S. Fish and Wildlife Service
External Affairs
300 Westgate Center Drive
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Office: (413) 253-8731
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Thanks Craig

Craig van der Heiden, Ph.D.

Fish and Wildlife Director

Miccosukee Tribe of Indians Florida

PO Box 440021

Miami, FL 33144

Ph: 305.223.8380, ext # 2217

Cell: 786.527.4703

Email: craigv@miccosukeetribe.com

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Label: "1 Supervisor/FOIA/FWS-2019-01086-release"

Created by:constance_cassler@fws.gov

Total Messages in label:292 (59 conversations)

Created: 10-25-2019 at 07:16 AM

Conversation Contents

Seminole Tribe THPO contact

Roxanna Hinzman <roxanna_hinzman@fws.gov>

From:	Roxanna Hinzman <roxanna_hinzman@fws.gov>
Sent:	Mon Jul 16 2018 13:01:38 GMT-0600 (MDT)
To:	Constance Cassler <constance_cassler@fws.gov>
Subject:	Seminole Tribe THPO contact

Bradley M. Mueller, MA, Compliance Supervisor
STOF-THPO, Compliance Review Section
30290 Josie Billie Hwy, PMB 1004
Clewiston, FL 33440
Office: 863-983-6549 ext 12245
Fax: 863-902-1117
Email: bradleymueller@semtribe.com
Web: www.stofthpo.com

Also Anne Mullins - but I don't have her address.

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

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United States Department of the Interior

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

July 28, 2016

The Honorable James E. Billie
Tribal Chairman
Seminole Tribe of Florida
6300 Stirling Road, Suite 420
Hollywood, Florida 33024

Dear Chairman Billie:

The U.S. Fish and Wildlife Service (Service) would like to initiate coordination with the Seminole Tribe of Florida (STOF) regarding a draft Environmental Impact Statement (dEIS) the Service intends to prepare for an anticipated permit application from nine Collier County, Florida landowners (prospective applicants) for an Incidental Take Permit (ITP) under Section 10 of the Endangered Species Act of 1973, as amended. The Department of the Army, through its bureau the U.S. Army Corps of Engineers, will be a cooperating agency in the development of the dEIS.

The ITP would cover actions affecting ten federally and six state-listed species found on approximately 152,124 acres in northeastern Collier County (project area) that surround the town of Immokalee. The project area (Figure 1) 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 the Audubon Corkscrew Swamp Sanctuary.

In order to receive an ITP, an applicant must design, implement, and secure funding for a habitat conservation plan (HCP) that avoids, minimizes and mitigates harm to the listed species affected by their proposed activity. The prospective applicants have prepared an Eastern Collier Multiple Species Habitat Conservation Plan (ECMSHCP). Additional information regarding the ECMSHCP and associated NEPA Study is available at the project website at www.easterncollierHCPEIS.com.

The ECMSHCP proposes to preserve a large portion of the covered lands as habitat for the covered species while conducting activities such as residential/commercial development and earth mining on approximately 45,000 acres of smaller, clustered portions of the 152,124 acres. If approved by the Service, the ITP would authorize the incidental take of listed species resulting from residential and commercial development and earth mining activities as described in the ECMSHCP. The prospective applicant would also maintain suitable habitat within the impacted areas to ensure the availability of corridors for dispersal of the covered species.

Because issuance of the ITP is a federal action subject to review under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4327; 40 CFR 1500-1508), as amended, the dEIS is being prepared to analyze the potential effects of issuing the ITP and implementing the associated ECMSHCP. The dEIS will provide a detailed description of the proposed action and alternatives. It will also identify and analyze the potential significance of direct and indirect impacts from the proposed action and alternatives to biological resources, land use, air quality, water quality, water resources, economics, and cultural resources.

We look forward to further coordination with the STOF regarding any issues or areas of concern, and welcome the opportunity to meet, at a time and location of your convenience, to provide additional information and address any questions you may have regarding this project. If you have any questions, please contact Kenneth McDonald by phone at 772-469-4284 or by email at *kenneth_mcdonald@fws.gov*.

Sincerely yours,

Constance L Cassler

for Roxanna Hinzman
Field Supervisor
South Florida Ecological Services Office

Enclosure

cc: electronic only
STOF, Clewiston, Florida (Paul N. Backhouse, Ph.D.)

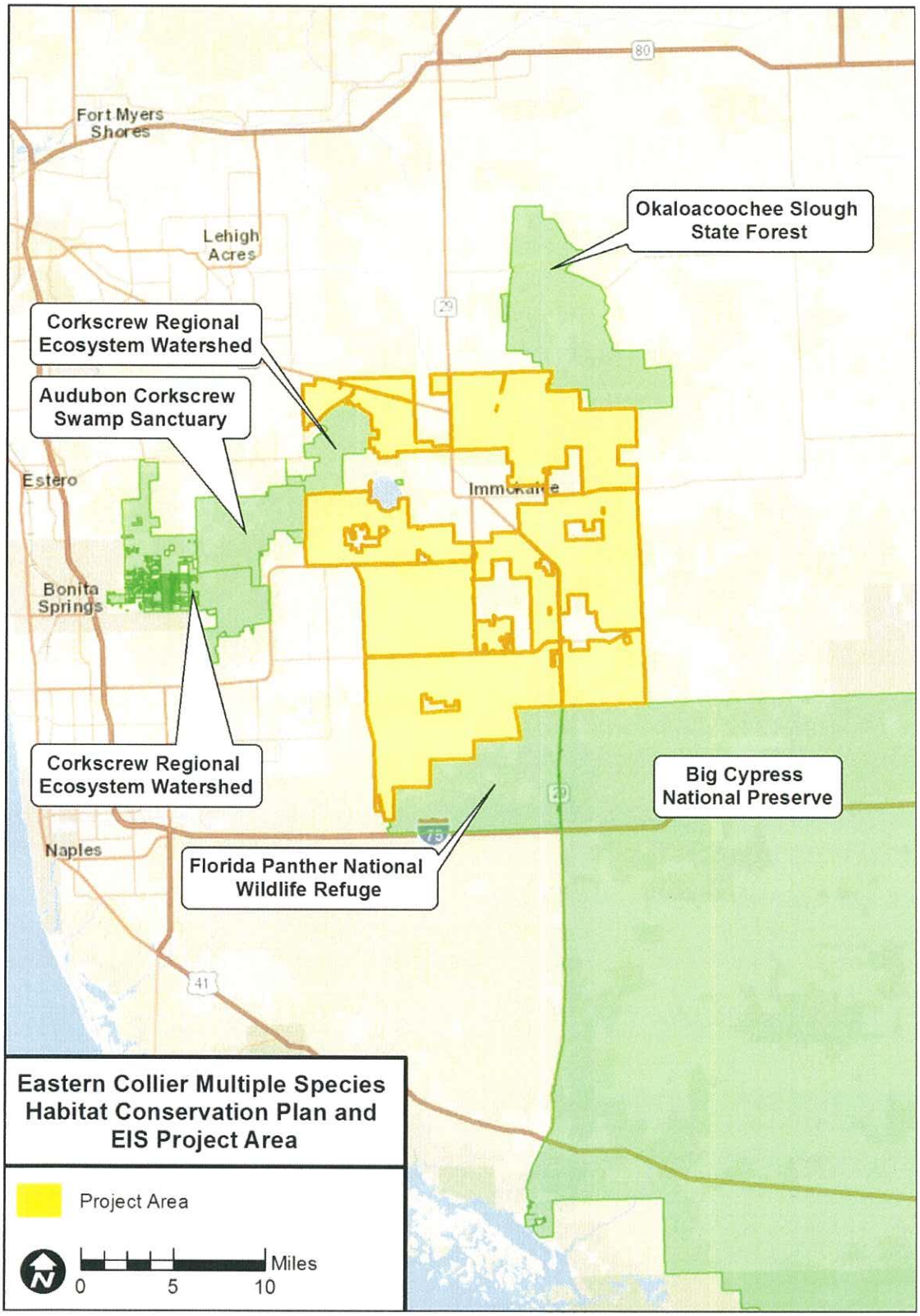

Figure 1. Eastern Collier Multiple Species Habitat Conservation Plan and EIS Project Area

Hinzman, Roxanna <roxanna_hinzman@fws.gov>

Eastern Collier Multi-Species HCP/dEIS in Federal Register 10/19/2018

1 message

Hinzman, Roxanna <roxanna_hinzman@fws.gov> Thu, Oct 18, 2018 at 10:57 AM
Cc: Ken Warren <ken_warren@fws.gov>, Constance Cassler <constance_cassler@fws.gov>, "Kelso, Charles" <charles_kelso@fws.gov>
Bcc: Cherise Maples <cherisemaples@semtribe.com>, Craig van der Heiden <CraigV@miccosukeetribe.com>

Dear Tribal Partner,

It's my pleasure to inform you that the Eastern Collier Multi-Species Habitat Conservation Plan and associated draft Environmental Impact Statement will be published in the Federal Register tomorrow and will be available for public review and comment for 45 days.

The documents will be available at regulations.gov, under this docket number: FWS–R4–ES–2018–0079.

The below news release (which goes out tomorrow) provides details of this "Notice of Availability," as well as some information on the Eastern Collier project.

Please feel free to contact me at 772-469-4309 or at roxanna_hinzman@fws.gov or Connie Cassler at 772-469-4246 or at constance_cassler@fws.gov if you'd like more information.

Thanks

Roxanna

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
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2 attachments

img-X18101557-0001.pdf
58K

20181015 ECHCP News Release (1).docx
17K

News Release
U.S. Fish and Wildlife Service
South Florida Ecological Services Office
1339 20th Street
Vero Beach, FL 32960-3559

Contact: Ken Warren, 772-643-4407 or ken_warren@fws.gov

Oct. 19, 2018

FOR IMMEDIATE RELEASE

Eastern Collier Multi-Species Habitat Conservation Plan and Draft Environmental Impact Statement Available for Public Review and Comment

VERO BEACH, Fla. – The U.S. Fish and Wildlife Service is seeking public comments on a group of landowners' plan to avoid, minimize, and mitigate impacts to Florida panthers and 18 other federally and state protected species in eastern Collier County, Florida in conjunction with their plans to build residential and commercial developments, and conduct earth mining there.

Public comments will be considered on the Habitat Conservation Plan (HCP) and associated draft Environmental Impact Statement (dEIS) for the proposed development over the next 45 days. A final decision whether to issue an incidental take permit (ITP) to the applicants will follow.

The HCP is a flexible conservation planning tool that is part of an application for an ITP from the Service available through the ESA. The duration requested for this permit is 50 years from the date of issuance.

The dEIS is required by the National Environmental Policy Act (NEPA) and discusses the purpose and need for this action, alternatives to the action, and provides evidence and analysis of impacts. The NEPA process concludes when the final EIS is completed and the Record of Decision is issued.

The public is invited to view the HCP and dEIS, and submit comments on them for up to 45 days. Written comments can be submitted by one of the following methods:

1. Internet: http://www.regulations.gov. Follow the instructions for submitting comments on Docket No. FWS–R4–ES–2018–0079.
2. Hard Copy: Via U.S. mail or hand-delivery to Public

Comments Processing, Attn: FWS–R4–ES–2018–0079; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Links to the HCP and dEIS can be also viewed on our webpage at: https://www.fws.gov/verobeach/

More information is available at: http://easterncollierhcpeis.com/

####

United States Department of the Interior

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

October 18, 2018

Dear Conservation Partner;

The U.S. Fish and Wildlife Service (Service) is announcing the availability of our draft environmental impact statement (dEIS) and a habitat conservation plan (HCP) associated with the incidental take permit (ITP) applications of eleven Collier County landowners under the Endangered Species Act of 1973, as amended. Each of the landowners, collectively known as the Eastern Collier Property Owners, LLC, requests a 50-year ITP for the Florida panther and 18 other Federal or State-listed species for take incidental to residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida.

The Service invites you to provide comments regarding the dEIS during the 45-day public comment period from October 19, 2018, through December 3, 2018. Your comments can be submitted electronically at http://www.regulations.gov and must be received by 11:59 p.m. Eastern Time on the closing date. Any comments received after the closing date may not be considered in the final decision on these actions.

A Notice of Availability for the dEIS will be published in the *Federal Register* under Docket Number FWS-R4-ES-2018-0079. You may obtain copies of the dEIS and HCP from the internet at the following location: http://www.regulations.gov (search for Docket Number FWS-R4-ES-2018-0079). You may submit written comments by one of the following methods:

- Internet: http://www.regulations.gov. Follow the instructions for submitting comments on Docket No. FWS-R4-ES-2018-0079; or
- Hard Copy: Via U.S. mail or hand-delivery to Public Comments Processing, Attn: FWS-R4-ES-2018-0079; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We look forward to your participation in the EIS process.

Sincerely,

Roxanna Hinzman
Field Supervisor
South Florida Ecological Services Office

United States Department of the Interior

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

February 1, 2019

The Honorable Marcellus W. Osceola, Jr.
Chairman
Seminole Tribe of Florida
6300 Stirling Road
Hollywood, Florida 33024

Dear Chairman Osceola:

In accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), Department of the Interior Policy on Consultation with Indian Tribes, Secretarial Order 3206 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), and the U.S. Fish and Wildlife Service's (Service) Native American Policy, the Service respectfully requests formal consultation with the Seminole Tribe of Florida and seeks comments on potential tribal concerns related to the proposed Eastern Collier County Multiple-Species Habitat Conservation Plan (ECMSHCP).

Under this proposed plan, 11 Collier County landowners are applying for 50-year incidental take permits for the Florida panther and 18 other Federal and State-listed species, in expectation of proposed residential and commercial development, earth mining, and low-intensity rural-land activities in a defined portion of Collier County, Florida. The project includes up to 45,000 acres of habitat loss within the 152,000-acre ECMSHCP area.

The Service has communicated previously with the Seminole Tribe of Florida (Tribe) on this topic, but not through formal consultation. On March 25, 2016, the Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement and conduct scoping meetings, and on October 18, 2018, the Service released a draft environmental impact statement (dEIS) and a habitat conservation plan (HCP) associated with the incidental take permit applications of 11 Collier County landowners under the Endangered Species Act of 1973, as amended. The Service invited the Tribe to provide comments regarding the NOI during the 30-day scoping period from March 25, 2016, through April 25, 2016, and on the dEIS during the 45-day public comment period from October 19, 2018, through December 3, 2018.

The Service presented a brief overview of the ECMSHCP to the Tribe during an informal meeting on October 3, 2018. We also received your December 3, 2018, comment letter on the dEIS which included a request for formal government-to-government consultation. We acknowledge this request and look forward to meeting with you and discussing the ECMSHCP in further detail. Please provide your preferred date and location for the meeting for our consideration.

We respectfully request this meeting at your earliest convenience. We also want to assure you that we will give full consideration to all Tribal comments received through this formal consultation.

Thank you for your continued partnership and your interest in fish and wildlife conservation. If you have any questions or need additional information about the ECMSHCP, please contact Chuck Kelso at 772-469-4241. Please work with Kevin Palmer, the South Florida Ecological Services Office's Tribal Liaison, to set a date and location for a formal consultation meeting. Mr. Palmer can be reached at 772-469-4280.

Sincerely,

Larry Williams

Larry Williams
State Supervisor, Ecological Services

cc:
Seminole Tribe of Florida, Clewiston, Florida (Dr. Paul Backhouse)
Seminole Tribe of Florida, Hollywood, Florida (Cherise Maples) electronic only

Welcome
Miccosukee Tribe of Indians of Florida

Formal Consultation for the Eastern Collier Multiple Species Habitat Conservation Plan

March 27, 2019

2007 Tim Donovan / FWC

Meeting Schedule

- Introductions
- HCP Overview and Updates
- Tribal Input and Discussion

Purpose of Today's Meeting

- Explain the proposed action
- Discuss related regulation and process
  - Endangered Species Act (ESA)
  - National Environmental Policy Act (NEPA)
- Request your input

What is an HCP?

- HCPs are planning documents required as part of an application for an incidental take permit.
  - describe the anticipated effects of the proposed taking
  - how those impacts will be minimized, or mitigated
  - and how the HCP is to be funded.
- HCPs can apply to both listed and non-listed species, including those that are candidates or have been proposed for listing.

HCP

EASTERN COLLIER MULTIPLE SPECIES HABITAT CONSERVATION PLAN
Revised March 2019

Prepared for:
Eastern Collier Property Owners, LLC
2600 Golden Gate Parkway
Naples, Florida 34105

For submittal to:
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960

Prepared by:
Stantec Consulting Services Inc.
300 Primera Boulevard, Suite 300
Lake Mary, Florida 32746

Applicants

Eastern Collier Property Owners

- 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.
- JB Ranch
- Owl Hammock Immokalee, LLC
- Pacific Land, Ltd.
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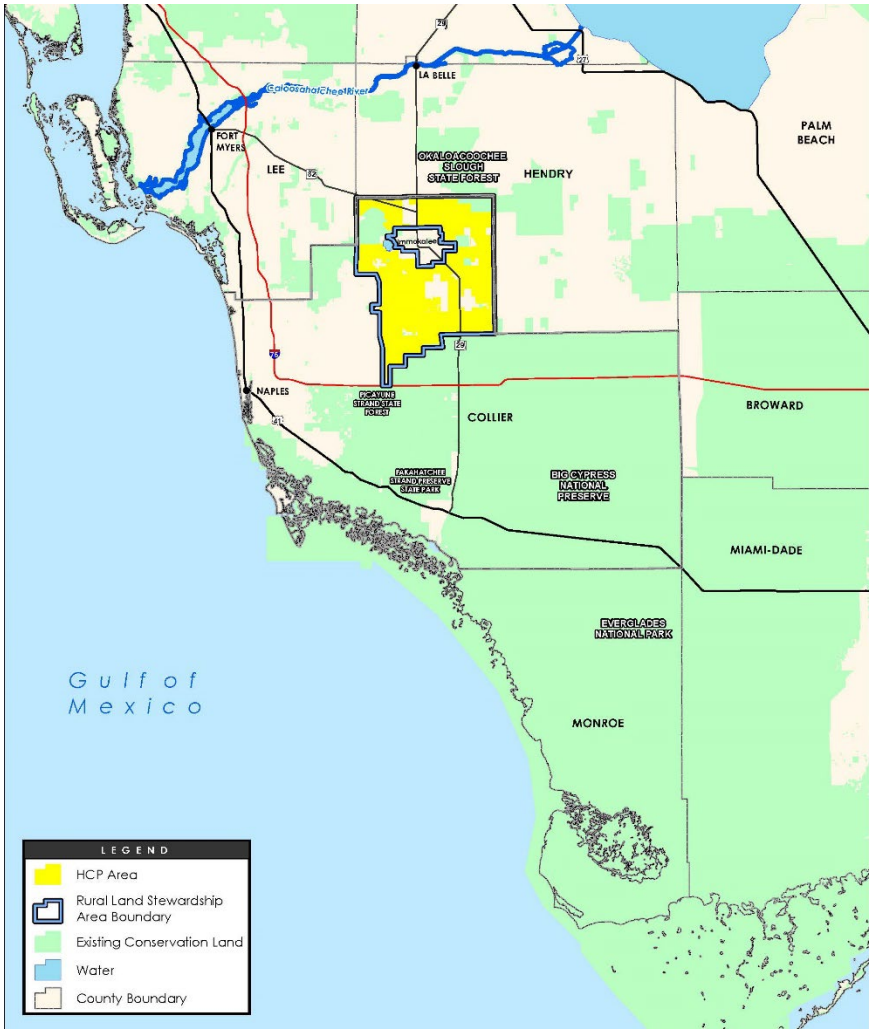
Proposed Action

- Issuance of Incidental Take Permits by the U.S. Fish and Wildlife Service (Service)
- Covers effects to:
  - 11 Federally Listed (and candidate) Species
  - 8 State Listed Species
- Covers approximately 151,442 acres of privately owned lands in Eastern Collier County, FL
- Duration of the ITP proposed to be 50 Years

Location:
NE Collier County



Covered Species

Federally Listed Species

Common Name	Scientific Name	Status
Florida Scrub Jay	*Aphelocoma coerulescens*	Threatened
Northern Crested Caracara	*Caracara cheriway*	Threatened
Wood Stork	*Mycteria americana*	Threatened
Red-Cockaded Woodpecker	*Picoides borealis*	Endangered
Everglade Snail Kite	*Rostrhamus sociabilis plumbeus*	Endangered
Eastern Indigo Snake	*Drymarchon corais couperi*	Threatened
Florida Bonneted Bat	*Eumops floridanus*	Endangered
Florida Panther	*Puma concolor coryi*	Endangered
Gopher Tortoise	*Gopherus polyphemus*	Candidate Species
Eastern Diamondback Rattlesnake	*Crotalus adamanteus*	Under Review
Gopher Frog	*Lithobates capito*	Under Review

Covered Species

State Listed Species

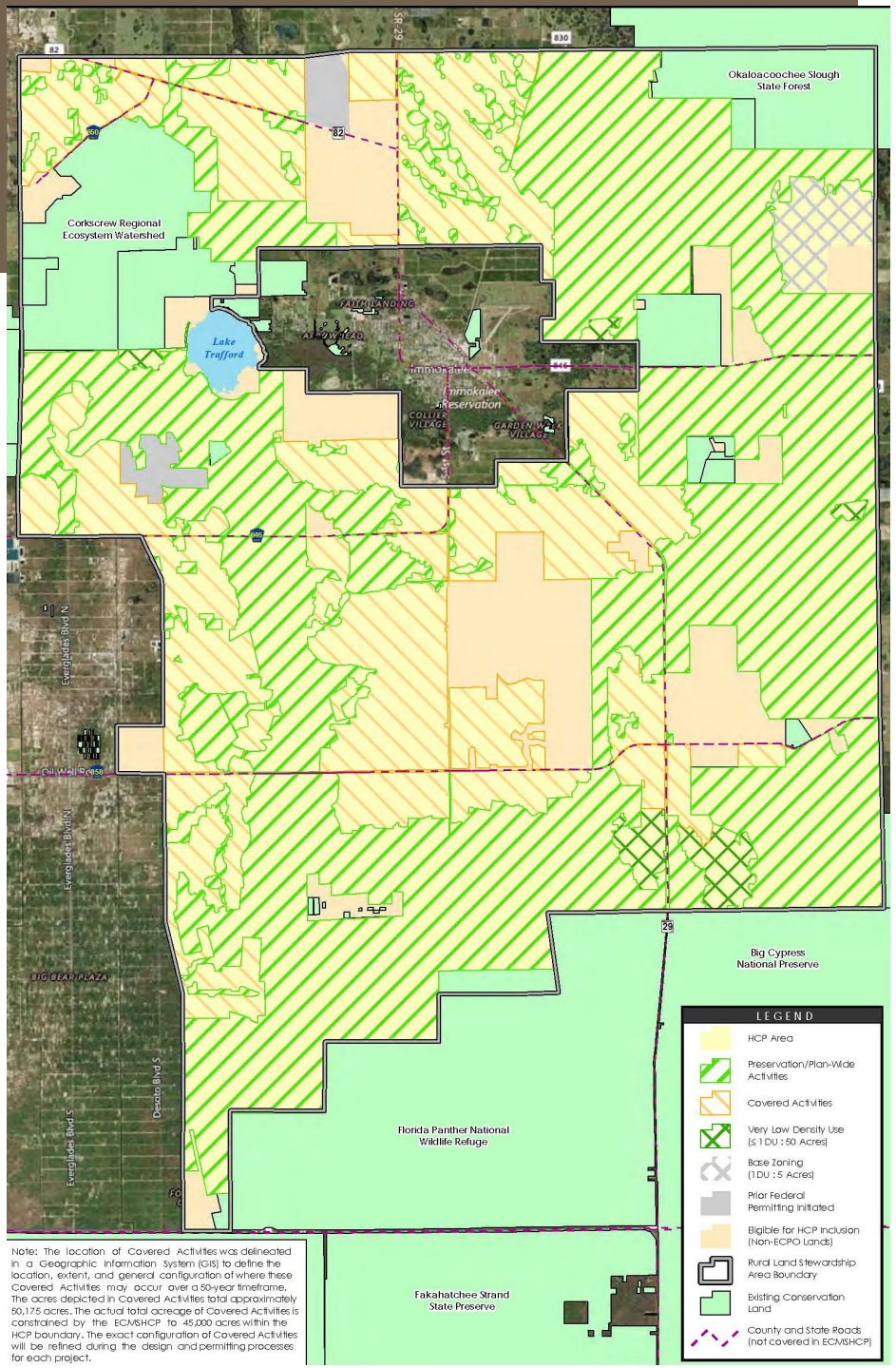
Common Name	Scientific Name	Status
Burrowing Owl	*Athene cunicularia*	Threatened
Everglades Mink	*Neovison vison evergladensis*	Threatened
Florida Sandhill Crane	*Grus canadensis prathensis*	Threatened
Little Blue Heron	*Egretta caerulea*	Threatened
Roseate Spoonbill	*Platalea ajaja*	Threatened
Southeastern American Kestrel	*Falco sparverius paulus*	Threatened
Tricolored Heron	*Egretta tricolor*	Threatened
Big Cypress Fox Squirrel	*Sciurus niger avicennia*	Threatened

Major Elements of HCP

- Preservation of approx. 104,011 acres of contiguous land
- Management of Preserved Lands
- Mitigation and Monitoring
- Preservation of existing Panther Movement Corridors
- Coordinate with Florida Panther Protection Program (FPPP)
  - Establishment of the Marinelli Fund

Panther Male in Refuge; 2012 Florida Fish and Wildlife

Covered Lands: NE Collier County



Note: The location of Covered Activities was delineated in a Geographic Information System (GIS) to define the location, extent, and general configuration of where these Covered Activities may occur over a 50-year timeframe. The acres depicted in Covered Activities total approximately 50,175 acres. The actual total acreage of Covered Activities is constrained by the ECMSHCP to 45,000 acres within the HCP boundary. The exact configuration of Covered Activities will be refined during the design and permitting processes for each project.

Actions Covered by ITP in the Covered Activities Areas

- Development
  - Single Family / Multi-Unit Housing
  - Public and Private Institutional Facilities
  - Commercial / Office Space
  - Retail Establishments
  - Surface Water Management
  - Internal Roadways
  - Parks / Landscaping
  - Other elements typical of Mixed Use Developments
- Earth Mining
  - Sand, soil, limestone and similar materials
- Oil and Gas Exploration and Production
- Total acres = 45,000

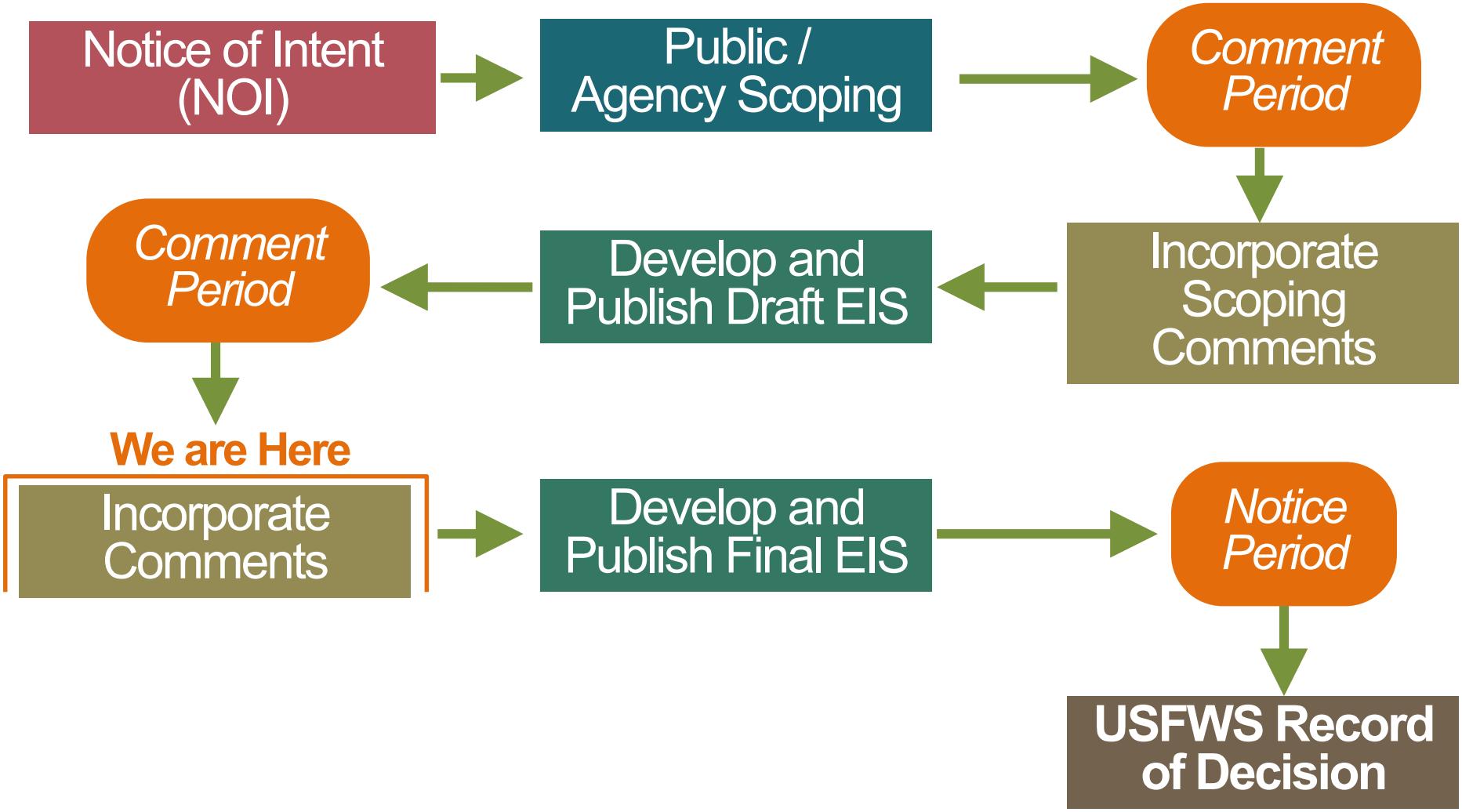
Actions Covered by ITP in the Preservation/Plan-wide Activities and Very Low Density Use Areas

- Crop Cultivation
- Ranching/Livestock Operations
- Forestry and Silviculture
- Recreation
- Exotic and Nuisance Species Control
- Oil and Gas Exploration and Production
- Very Low Density Development (1 per 50 acres)
- Total acres = 104,011
- Additional 2,431 acres as base zoning (1 per 5 acres)

Process Overview

1. The Eastern Collier Property Owners developed and submitted the HCP and ITP application to the U.S. Fish and Wildlife Service (May 2015)
2. The final HCP was submitted (March 2019)
3. The Service is working to prepare a Final EIS based on public comments
4. After public comment the Final EIS will be published, and the Service will prepare a Record of Decision (ROD)
5. If the Service determines that the HCP meets the ESA Section 10(a) criteria the Service will issue the ITP.

EIS Process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We Welcome Your Input

- Your Input is very important to the development of the EIS
  - Please bring special attention to those issues that you see as having the greatest importance
  - Review map of HCP area and nearby Miccosukee Tribal Lands to facilitate discussion

Thank You

Endangered Species Act (ESA)

- Policy that protects Federally listed threatened and endangered species
- Section 9 of the ESA prohibits the “take” of a listed species
- The Service may issue permits to authorize an “incidental take” of a listed species under Section 10(a) of the ESA.
- “Incidental Takes” are regulated through the Section 10(a) of the ESA

Key Definitions

“Take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species.

“Harm” may include significant habitat modification where it actually kills or injures a listed species through impairment of essential behavior.

Section 10 (a) Criteria

- The taking will be incidental;
- The applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking;
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- The applicant will carry out any other measures that the Secretary of the Interior may require as being necessary or appropriate for the purposes of the HCP.

What is an EIS?

- The EIS is a document that describes and analyzes a proposed action which may have a significant impact on the environment.
- The EIS will consider potentially significant short, long-term, direct, indirect, and cumulative effects of the proposed action and its reasonable alternatives.
- The EIS incorporates public and agency comments regarding scope and alternatives

EIS

Environmental Impact Statement

The National Environmental Policy Act (NEPA) requires the Service prepare an EIS for any Federal action that significantly affects the quality of the human environment.

The issuance of an incidental take permit (ITP) by the Service is a major federal action

Next Steps

EIS

Environmental Impact Statement

- Scoping Meeting
- Draft EIS / Public Hearing
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ITP

Incidental Take Permit

The U.S Fish and Wildlife Service may issue permits for the "incidental take" of endangered and threatened wildlife species. Once issued, permit holders can proceed with an activity that is legal in all other respects, but that results in the "incidental" taking of a listed species.

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- Human and Natural Environment
- Geology and Soils
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Welcome
Seminole Tribe of Florida

Formal Consultation for the Eastern Collier Multiple Species Habitat Conservation Plan

March 29, 2019

2007 Tim Donovan / FWC

Meeting Schedule

- Introductions
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Purpose of Today's Meeting

- Explain the proposed action
- Discuss related regulation and process
  - Endangered Species Act (ESA)
  - National Environmental Policy Act (NEPA)
  - National Historic Preservation Act (Section 106) and Tribal Consultation
- Request your input

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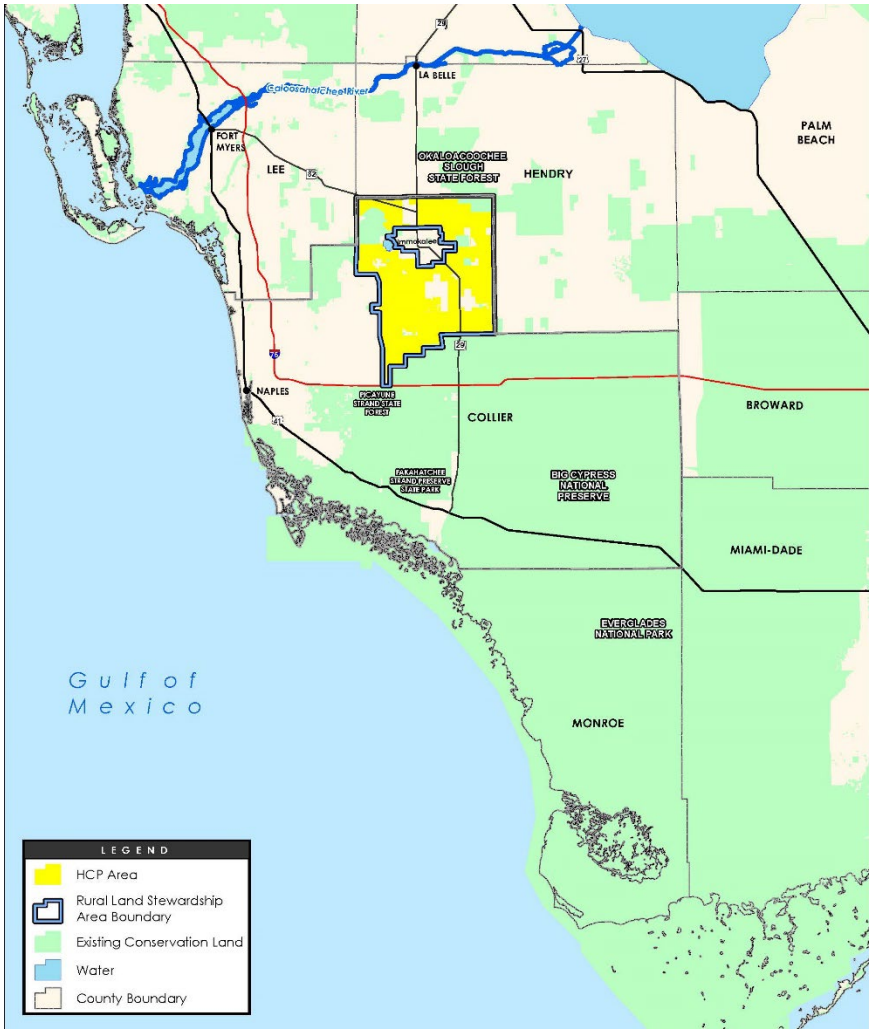

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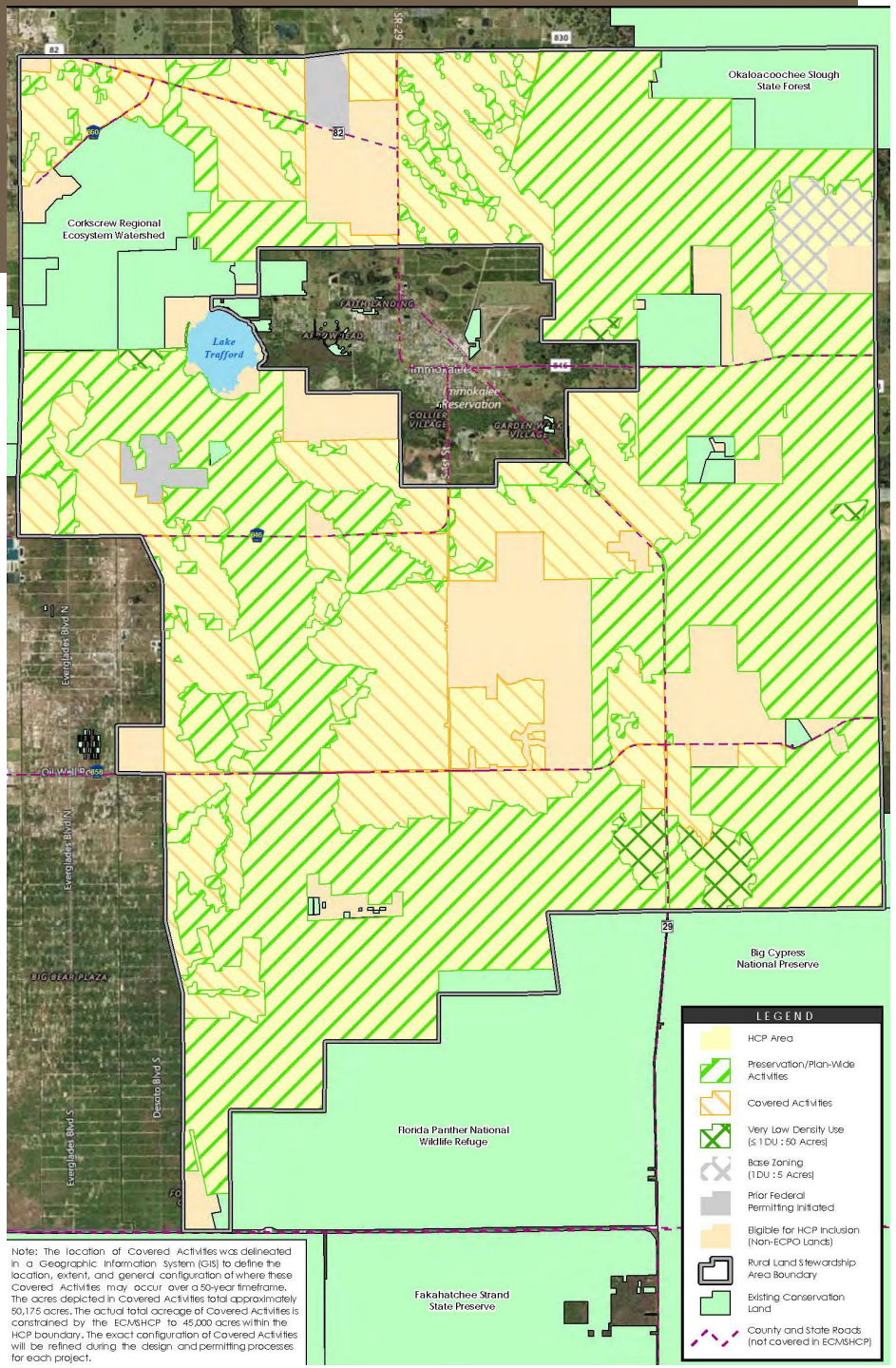

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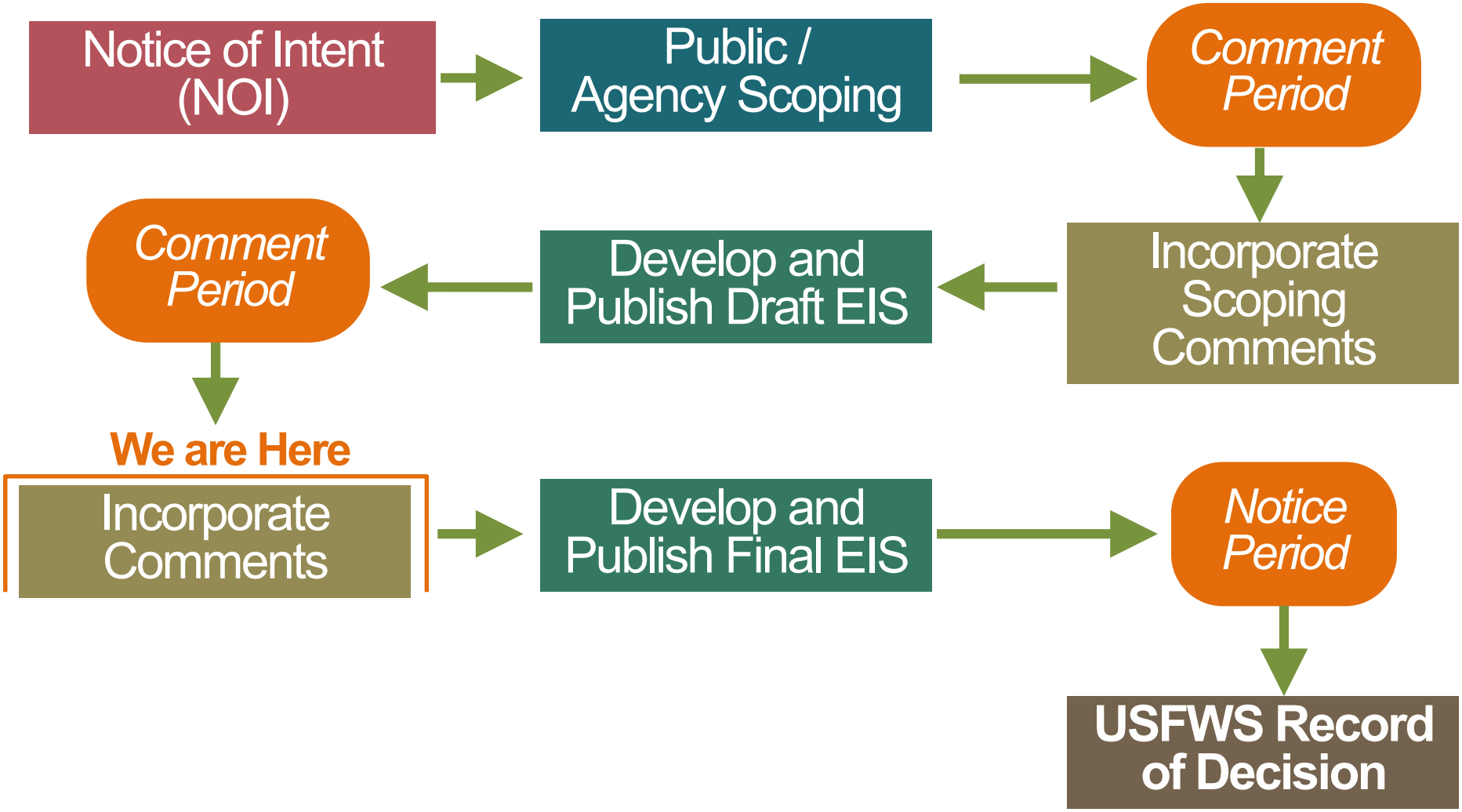
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Section 106 and Tribal Consultation

- Considered cultural resources early on in NEPA process by obtaining:
  - Known recorded historic properties
  - National Register eligibility status
  - Locations of past surveys
- Seeking input from Seminole Tribe of Florida on significant locations, landscapes, and properties not captures in the FMSF
- ITP permittees seeking to develop portions of their property under the HCP will follow the Section 106 process. The lead Federal agency will be responsible.
- Non-HCP projects, such as DOT, will follow either the State's or Federal process depending upon the funding source.

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