DRAFT INFORMATION MEMORANDUM

DATE: March 22, 2019

FROM: Roxanna Hinzman, Field Supervisor, Ecological Services, South Florida FO

THROUGH: Rob Tawes, Chief, Division of Environmental Review, Atlanta RO

SUBJECT: Draft Biological Opinion for the Eastern Collier Multiple Species Habitat Conservation Plan (ECMSHCP)

STATEMENT OF PURPOSE: (b)(5)DPP (b)(5)DPP (b)(5)DPP (b)(5)DPP (b)(5)DPP (b)(5)DPP (b)(5)DPP (b)(5)DPP (b)(5)DPP .

BACKGROUND

The Plan Area for the ECMSHCP is a 170,000-acre corner of mostly rural northeast Collier County, Florida. The East Collier Property Owners (ECPO; a group of 11 landowners) have prepared a private programmatic HCP that proposes commercial/residential development (and some mining activity) on 45,000 acres of this area. They seek authorization for take of Florida panthers and seven other listed species that would occur incidental to this development over the next 50 years. They seek Endangered Species Act (ESA) regulatory assurances for another 11 non-listed species (collectively, the Covered Species).

The ECPO members own about 150,000 acres of the Plan Area. They identify another 20,000 acres they do not own as lands eligible for inclusion, subject to the same 45,000-acre development cap and conservation commitments of the HCP. These totals include the previously permitted development (about 5,000 acres) and mitigation lands (about 6,800 acres) associated with the Town of Ave Maria. Excluding Ave Maria, the primary commitment of the HCP is to forgo development on about 90,000 acres of the Plan Area through easements that would perpetuate current uses on these "Preservation" lands, which include some agricultural uses.
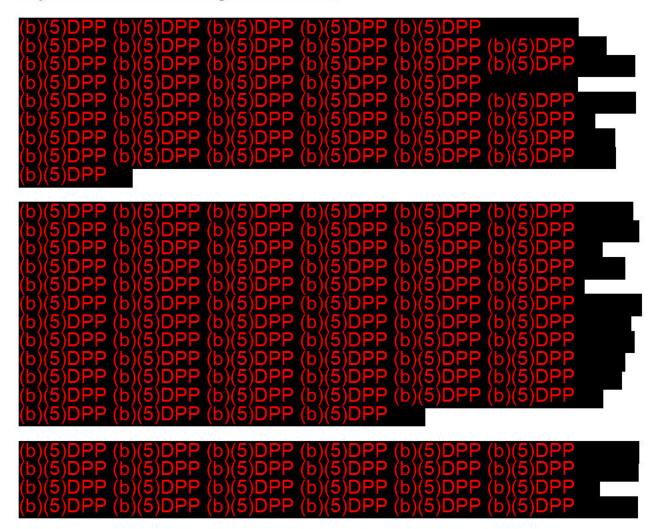
Native wetland and upland habitats cover about 73,000 acres of the Plan Area, of which about 60,000 acres are within the designated Preservation lands. About a quarter of the Preservation lands are in active agricultural uses. ECPO does not propose specific objectives for enhancing the conservation value of the Preservation lands for the Covered Species, which are distributed throughout the Plan Area. However, as ECPO members propose development activities covered by the HCP, they would be required to implement species-specific conservation measures and wetlands mitigation, commensurate with the effects of a project, that would result in habitat enhancement and restoration within the Preservation lands. Some parcels slated for Preservation are isolated, but most are contiguous. Precluding further land use changes on about 60 percent of the ECPO lands is intended to maintain the functionality of existing panther habitat and provide critical landscape linkages for regional wildlife movement, especially panthers. Expanding the panther population north of the Caloosahatchee River, which is north of the Plan Area, is a key recovery objective and will improve the probability of maintaining a viable population of panthers in the future. Currently the only viable population of panthers is south of the

Caloosahatchee River. While there are panthers north of the river, they are primarily dispersing males from the core breeding population in South Florida. Two adult females, one with kittens, were documented north of the River in 2017, but to date we do not have confirmation of successful recruitment from these females.

The Plan Area lies entirely within the boundaries of Collier County's "Rural Land Stewardship Area" (RLSA), which is zoned for development at densities less than 1 residential unit per 5 acres. Higher-density development may occur when accompanied by preservation of rural land uses on other lands within the RLSA. Jurisdictional wetlands cover about 40 percent of Plan Area. Proposed development, including the necessary transportation and utilities infrastructure, on many small projects and almost all large projects require permits from the Corps under section 404 of the Clean Water Act. Therefore, most future development in the Plan Area would occur with a Federal nexus and associated compliance with ESA section 7(a)(2). The HCP is ECPO's strategy for both higher-density development under the RLSA framework and for streamlined ESA compliance on section 404 applications.

DISCUSSION

Key Conservation and ESA Legal Considerations

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Highway Mortality Estimates

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PVA Results

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ADDITIONAL CONSIDERATIONS

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NEXT STEPS

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