



United States Department of the Interior

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



April 30, 2008

Colonel Paul L. Grosskruger
District Commander, Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, Florida 32207-8175

Service Log No.: 4-1-05-PL-10309
Corps Application No.: SAJ-1997-1924 (IP-TWM)
Date Received: January 18, 2008
Biological Opinion Date: May 16, 2006
Applicant: WCI Communities, Incorporated
Project: Sabal Bay
County: Collier

Dear Colonel Grosskruger:

This letter is in response to the correspondence received on January 18, 2008, from Passarella and Associates, Inc., requesting authorization for use of an alternative mitigation site to compensate for impacts to panthers arising from the Sabal Bay project.

In our May 16, 2006, Biological Opinion for the proposed Sabal Bay project we stated that an "alternative site with similar quality habitat within the Primary Zone may also be used for compensation" provided that if "an alternative site is chosen, any restoration component will be factored into compensation to determine appropriate acres needed for the equivalent of 223 acres of high quality habitat." Alternative off-site compensation parcels could be considered so long as they provided "at least 2,011 panther habitat units (PHUs)." These requirements were further included as a special condition to the permit document as shown below:

1. The Corps will include, as special conditions to the permit instrument, the affirmative obligations imposed upon the applicant reflected in the description of the proposed action that commits the applicant to purchase, preserve, and manage high quality panther habitat, which is necessary and appropriate to minimize incidental take of panthers by the proposed action. Specifically, to compensate for impacts to 1,017.62 acres of undeveloped land within the panther consultation area, the applicant proposes to preserve the equivalent of 5,765 PHUs of panther habitat, which equates to 1,313.43 acres of land adjacent to the Rookery Bay National Estuarine Research Reserve, and is required by the Service to preserve off-site the equivalent of 2011 PHUs of panther habitat, which equates to approximately 223 acres of land in the vicinity of a proposed endangered species conservation bank in Hendry County. If an alternative site of similar habitat quality is used off-site, the applicant agrees to purchase and preserve the equivalent of 2011 PHUs of panther habitat as determined by the Service methodology noted above. If restoration of wetlands or uplands on the off-site preservation



site is needed, it will be completed as part of the compensation and factored into the compensation calculations to determine the acreage needed to provide a recommended compensation of 2011 PHUs. Location and acreage of any alternative site must be approved by the Service. All habitats to be purchased and preserved are in the panther Primary Zone. The preservation site will be managed in perpetuity for the control of invasive exotic vegetation as defined by the Florida Exotic Pest Plant Council's 2001 List of Invasive Species (Category 1) (2005);

As required by the above special condition, the applicant has requested approval to use an alternative 276-acre mitigation parcel in Collier County (Figure 1) in lieu of the originally proposed 223-acre mitigation parcel in Hendry County. Information submitted by the applicant includes maps, aerials, and a PHU analysis for the proposed site, referred to as the Everglades City property. The Everglades City property consists of high-quality cypress, cabbage palm, and freshwater marsh habitats, with minimal exotics overall, and is adjacent to the southern boundary of the Fakahatchee Strand Preserve State Park. The applicant proposes to preserve the property and enhance it through the removal of exotic vegetation. We have verified the PHU analysis (Table 1), and determined that, after enhancement, the Everglades City site will provide 2,011 PHUs.

Based on the above considerations, the Service believes that the use of the 276-acre Everglades City property meets the criteria to be an acceptable alternate mitigation site for panther compensation as required by the conditions in the Biological Opinion, and we approve of the use of the Everglades City property for off-site panther compensation as required by the Biological Opinion.

Thank you for your cooperation and effort in protecting federally listed species and their habitat. If you have any questions regarding this project, please contact Victoria Foster at 772-562-3909, extension 269.

Sincerely yours,



Paul Souza
Field Supervisor
South Florida Ecological Services Office

cc:

Corps, Fort Myers, Florida (Skip Bergman)
EPA, West Palm Beach, Florida (Richard Harvey)
FWC, Tallahassee, Florida (Mary Ann Poole) electronic copy only
FWC, Naples, Florida (Darrell Land) electronic copy only
FWC, Tallahassee, Florida (Kipp Frohlich)
Service, Atlanta, Georgia (David Flemming) (electronic copy only)
Service, Florida Panther NWR, Naples, Florida (Layne Hamilton)
Passarella & Associates, Inc., Fort Myers, Florida (Kenneth C. Passarella)

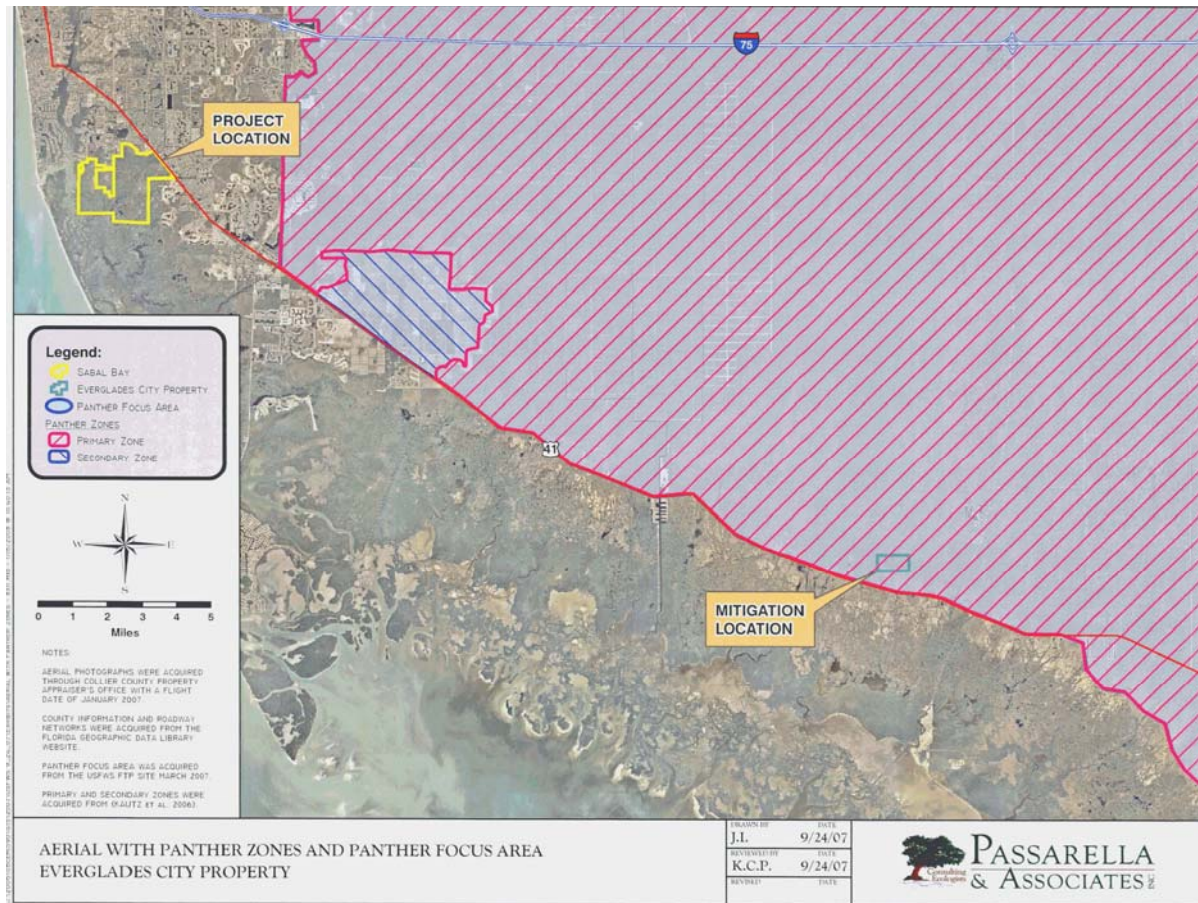


Figure 1. Map Showing the Everglades City property mitigation site.

Land Cover Type	Habitat Values	Project Development 1,017.62 acres				On-Site Preserve 1,313.43 acres				Off-Site Preserve Everglades City Property 276.16 acres			
		Functional Units Needed				Functional Units Provided*				Functional Units Provided**			
		Pre		Post		Pre		Post		Pre		Post	
	Score	Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU
Urban	0	63.19	0.00	1,017.62	0.00	1.43	0.00	1.43	0.00	0.00	0.00	0.00	0.00
Water	0	11.96	0.00			40.23	0.00	40.23	0.00	4.04	0.00	4.04	0.00
Mangrove Swamp	2	3.04	6.08			649.07	1,298.14	653.13	1,306.26	0.00	0.00	0.00	0.00
Salt Marsh	2	0.13	0.26			9.36	18.72	9.67	19.34	0.00	0.00	0.00	0.00
Exotic Plants	3	625.52	1,876.56			160.34	481.02	0.00	0.00	85.67	257.01	0.00	0.00
Shrub Swamp	5	9.30	46.50			138.97	694.85	164.01	820.05	39.88	199.40	49.34	246.70
Shrub and Brush	5	0.00	0.00			0.00	0.00	0.00	0.00	0.61	3.05	0.70	3.50
Freshwater marsh	9	2.08	18.72			66.77	600.93	75.89	683.01	114.39	1,029.51	186.00	1,674.00
Hardwood Swamp	9	11.70	105.30			21.34	192.06	32.56	293.04	22.31	200.79	25.50	229.50
Cypress Swamp	9	14.00	126.00			39.12	352.08	46.51	418.59	9.26	83.34	10.58	95.22
Hardwood-Pine Forest	9	55.61	500.49			11.66	104.94	21.31	191.79	0.00	0.00	0.00	0.00
Pine Forest	9	193.32	1,739.88			141.81	1,276.29	225.42	2,028.78	0.00	0.00	0.00	0.00
Xeric Oak Scrub	10	27.39	273.90			27.25	272.50	28.05	280.50	0.00	0.00	0.00	0.00
Hardwood Forest	10	0.38	3.80			6.08	60.80	6.24	62.40	0.00	0.00	0.00	0.00
Sub-Totals		1,017.62	4,697.49		0.00	1,313.43	5,352.33	1,313.43	6,178.70	276.16	1,773.10	276.16	2,248.92

*Functional Units Provided is one-half of the difference between the pre and post enhancement values for each category added to the pre value; i.e., 6,178.7 minus 5,352.33 equals 826.37; divide this value by 2 equals 413.18, which is added to 5,352.33 for a total of 5,765 PHUs.

**Functional Units Provided is one-half of the difference between the pre and post enhancement values for each category added to the pre value; i.e., 2,248.9 minus 1,773.1 equals 475.8; divide this value by 2 equals 237.9, which is added to 1,773.1 for a total of 2,011 PHUs.

Table 1. PHU analysis for the Everglades City property panther mitigation for Sabal Bay.