



United States Department of the Interior

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



May 3, 2007

Colonel Paul L. Grosskruger
District Engineer
U.S. Army Corps of Engineers
701 San Marco Boulevard, Room 372
Jacksonville, Florida 32207-8175

Service Federal Activity Code: 41420-2007-FA-0714
Service Consultation Code: 41420-2007-I-0
Corps Application No.: SAJ-2004-118 (IP-JPF)
Project: Tanglewood Development
Date of Original Biological Opinion: July 7, 2005
Date of Reinitiation of Formal Consultation: April 19, 2007
Applicant: Colony Communities
County: Polk and Osceola

Dear Colonel Grosskruger:

This letter serves to amend the mitigation plan associated with the Biological Opinion for the Tanglewood Development project. This biological opinion addresses potential effects of this project on the threatened bluetail mole skink (*Eumeces egregius lividus*) and the threatened sand skink (*Neoseps reynoldsi*). The Service has reviewed the information available and provides its views in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*). The Tanglewood Development Project is located in Section 1, Township 26 South, Range 27 East, Polk County, Florida and Section 36, Township 25 South, Range 27 East, Osceola County,

Consultation History

On October 30, 2006, the environmental consultant on behalf of the applicant submitted the Service a letter proposing an amendment to the mitigation plan associated with the Biological Opinion for the Tanglewood Development Project. This letter was followed up by telephone conversations and exchanges of electronic correspondence.

On April 19, 2007, the Service received electronic correspondence clarifying and finalizing the proposed amendments.



BIOLOGICAL OPINION

PROJECT DESCRIPTION AND PROPOSED AMENDMENTS

The applicant proposes to construct a residential short-term rental community consisting of 89 homes on separate lots and associated infrastructure. The 45.4-acre project site is comprised of 18.0 acres of mixed-forested wetlands and 27.4 acres of uplands. The uplands on the site consist of 5.2 acres of pine-mesic oak, 2.5 acres of live oak hammock, and 19.7 acres of xeric oak scrub. The applicant proposes to place fill material into 1.2 acres of mixed cypress and hardwood wetlands. To compensate for impacts to wetlands, the applicant has proposed to preserve approximately 95.9 acres of wetlands (18.0 acres of wetlands within the project site and 77.9 acres immediately adjacent to the project site). These wetlands will be placed in a conservation easement granted to the Southwest Florida Water Management District.

The project will impact 7.9 acres of occupied sand skink habitat. To minimize impacts to the sand skink and the blue tailed mole skink, the applicant proposed to preserve, enhance, and manage in perpetuity 15.8 acres of occupied skink habitat located offsite. As part of the 15.8 acres needed for compensation, the applicant secured 2.84 acres of occupied skink habitat at the Nature Conservancy's Tiger Creek Preserve located in Section 25, Township 30 South, Range 28 East, Polk County, Florida. The remainder, 12.96 acres would be secured at the 57-acre Sessler Parcel located north of Old Bombing Range Road and east of North Bonnet Creek Road in Sections 4 and 9, Township 33 South, Range 29 East, Highlands County.

The original condition in the Biological Opinion was that the remainder, 12.96 acres still due as compensation, would be secured at the Sessler Parcel and placed under a conservation easement. Title of the Sessler Parcel would be held by the applicant, Colony Communities. A condition for accepting this compensation plan was the commitment of an entity willing to accept the long term management plan responsibilities for the 57-acre Sessler Parcel. The lack thereof prompted the applicant to now place the entire 57-acre Sessler Parcel under a deed restricted transfer to the Florida Department of Environmental Protection, State Land Acquisition Program with management of the property by the Florida Division of Forestry (FDOF). Under these conditions FDOF accepts and assumes the long term management of the Sessler Parcel. It is important to note that the Sessler compensation parcel still has 28.34 acres of sand skink or scrub jay (*Aphelocoma coerulescens*) habitat available for the applicant to use as habitat compensation for future approved development projects.

Additional information available for this project:

Colony Communities, the applicant for this project, is now able to fulfill the Service and the Florida Fish and Wildlife Commission's requirement of having a long term management plan and an entity assuming the management responsibilities in perpetuity for the compensation area. Of the total 57 acres of the Sessler Parcel, 28.34 acres of sand skink or scrub jay habitat are available for the applicant to use as habitat compensation for future approved development projects.

AMENDMENT TO THE BIOLOGICAL OPINION

The terms and conditions in the July 7, 2007, Biological Opinion for this project read:

1. Place a conservation easement on the Sessler Property in order to preserve skink habitat.
2. Implement the Sand Skink Habitat Management Plan discussed above at the Sessler Property.

The amended terms and conditions should read as follows:

1. Place the 75-acre Sessler Parcel under a deed restricted transfer in perpetuity to the Florida Department of Environmental Protection, State Land Acquisition Program with management of the property by Florida Division of Forestry.
2. The Florida Division of Forestry will assume the long term management responsibilities of the Sessler Parcel under the understanding that 28.34 acres of sand skink or scrub jay habitat are available for the applicant to use as habitat compensation for future approved development projects.

REINITIATION - CLOSING STATEMENT

This concludes reinitiation of formal consultation on the action outlined in the request. As provided in 50 CFR Section 402.16, reinitiation of formal consultation is required when discretionary Federal agency involvement or control over the action has been retained and if: (1) the amount or extent of incidental take is exceeded, (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this biological opinion, (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this biological opinion, or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

This concludes consultation under section 7 of the Act with the Service for the subject project. Should you have any additional questions or require clarification, please contact Al Begazo at 772-562-3909, extension 234.

Sincerely yours,



Paul Souza
Field Supervisor
South Florida Ecological Services Office

cc:

Austin Environmental Consultants, Kissimmee, Florida

Corps, Tampa, Florida (John Fellows)

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