



## United States Department of the Interior

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



July 23, 2007

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

Service Federal Activity Code: 41420-2006-FA-0417  
Service Consultation Code: 41420-2006-F-0872  
Corps Application No.: SAJ-2002-1683 (IP-TWM))  
Date Received: February 6, 2004  
Biological Opinion Date: February 9, 2007  
Project: Alico Airpark Center  
Applicant: Haul Ventures, LLC  
County: Lee

Dear Colonel Grosskruger:

This document transmits the Fish and Wildlife Service's (Service) revised biological opinion for the above referenced project and its effects on the endangered Florida panther (*Puma concolor coryi*) in accordance with section 7 of the Endangered Species Act of 1973, as amended (ESA) (87 Stat. 884; 16 U.S.C. 1531 *et. seq.*). The original biological opinion was issued on February 9, 2007.

Our biological opinion states that the applicant is proposing as compensation for adverse effects to habitat loss in the Primary Zone of lands important to the Florida panther, through the restoration and preservation of 414.12 acres of lands in the Primary Zone and through perpetual conservation easements granted to the Service on the preservation parcel. The compensation parcel is located in Section 28, Township 46 South, Range 30 East, Collier County, Florida.

As discussed in our biological opinion, based on our habitat assessment methodology for calculating panther habitat units (PHUs) required to offset development impacts (Figure 2), we recommended that the applicant provide 2,778.1 PHUs (Table 9). The 414.12 acres of land proposed for compensation provides 2,857.49 PHUs. The applicant has requested the Service's review and approval of an alternative panther impact compensation plan in the form of the restoration and preservation of 297 acres of lands south of I-75 and west of SR-29 (SR-29 Parcel) (Figure 6) and the purchase of wetland credits from Panther Island Mitigation Bank (PIMB) (Figure 6a). The purchase of wetland credits from PIMB, located in Sections 5, 6, 7, 18, and 19 of Township 47 South, Range 27 east will yield 153.6 PHUs and represents 17.6 acres of Primary Zone habitat. The restoration and preservation of the 297 acres in the SR-29 Parcel,



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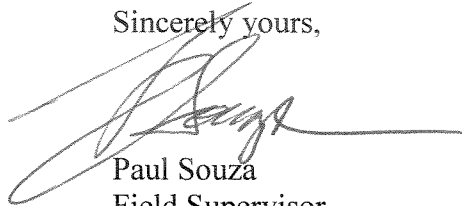
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located in Sections 18 and 19, Township 50 South, Range 30 East will yield 2,636.1. Total compensation is 2,789.1 PHUs, which correlates to 314.6 acres of Primary Zone lands. The Service has evaluated the relative merits of the offered alternative compensation lands and has determined the alternative will adequately compensate for the species impacts as considered in the original biological opinion. By action of this letter, the Service modifies the original biological opinion to accept the applicants offer to provide the PIMB and SR-29 Parcel PHUs as compensation in place of the 414.12-acre preservation parcel. The attached revised Table 9 and Figures 6a and 6b replaces Table 9 and Figure 6 in the original biological opinion.

All other information and biological conclusions in the biological opinion remain as originally stated. As provided in 50 CPR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; (3) 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 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.

Thank you for your cooperation and effort in protecting fish and wildlife resources. If you have any questions regarding this project, please contact Allen Webb at 772-562-3909, extension 246.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Paul Souza', with a long horizontal flourish extending to the right.

Paul Souza  
Field Supervisor  
South Florida Ecological Services Office

cc:

Corps, Fort Myers, Florida (Skip Bergman)  
EPA, West Palm Beach, Florida (Richard Harvey)  
FWC, Naples, Florida (Darrell Land)  
FWC, Tallahassee, Florida (Kipp Frohlich)  
Service, Atlanta, Georgia (Noreen Walsh) (electronic copy only)  
Service, Florida Panther NWR, Naples, Florida (Layne Hamilton)  
Service, Vero Beach, Florida (Chris Belden) (electronic copy only)

**Table 9. Panther Habitat Units.**

Land Cover Types	Habitat	Project Development 188.75 acres				SR-29 Off-Site Preserve 297.0 acres			
	Values	Functional Units Needed				Functional Units Provided*			
Land Cover Type	Score	Pre-		Post-		Pre-		Post	
		Acres	PHU	Acres	PHU	Acres	PHU	Acres	PHU
Urban	0	2.3	0	165.5	0				
Water	0	0.3	0						
<u>Exotic Plants</u>	3	59.4	178			12.3	36.9	0	0
<u>Cropland</u>	4								
Shrub Swamp	5	5.7	28	5.7	28.5				
Grassland/Pasture	7								
Freshwater marsh	9	33.9	305	53.2	478.5	24.5	220.5	32.7	294.3
Cypress Swamp	9	6.7	60	6.3	56.7	260.2	2,341.8	264.3	2,378.7
Hardwood Swamp	7	6.4	45	6	42		2		
Hardwood-pine Forest	9	2.9	26	2.8	25.2				
Pine Forest	9	123.7	1,113	1.5	13.5				
Subtotal		240.9	1,755.6*	240.9	644.4	297.0	2,599.2	297	2,673.0**

\* PHUs needed - 1,755.6 times base multiplier of 2.5 equals 2,778.1 PHUs. Project is in the Primary Zone with compensation in the Primary Zone.

\*\*Incorporating ½ credit for restoration, Primary Zone Compensation PHU generated by the SR-29 Preserve lands are calculated thus

$$[(2,673.0 - 2,599.2) \div 2] + 2,599.2 = 2,636.1 \text{ PHUs}$$

**Total allowable compensation PHUs:**

PHUs from Panther Island Mitigation Bank = 153.6

PHUs from SR-29 preserve lands = 2,636.1

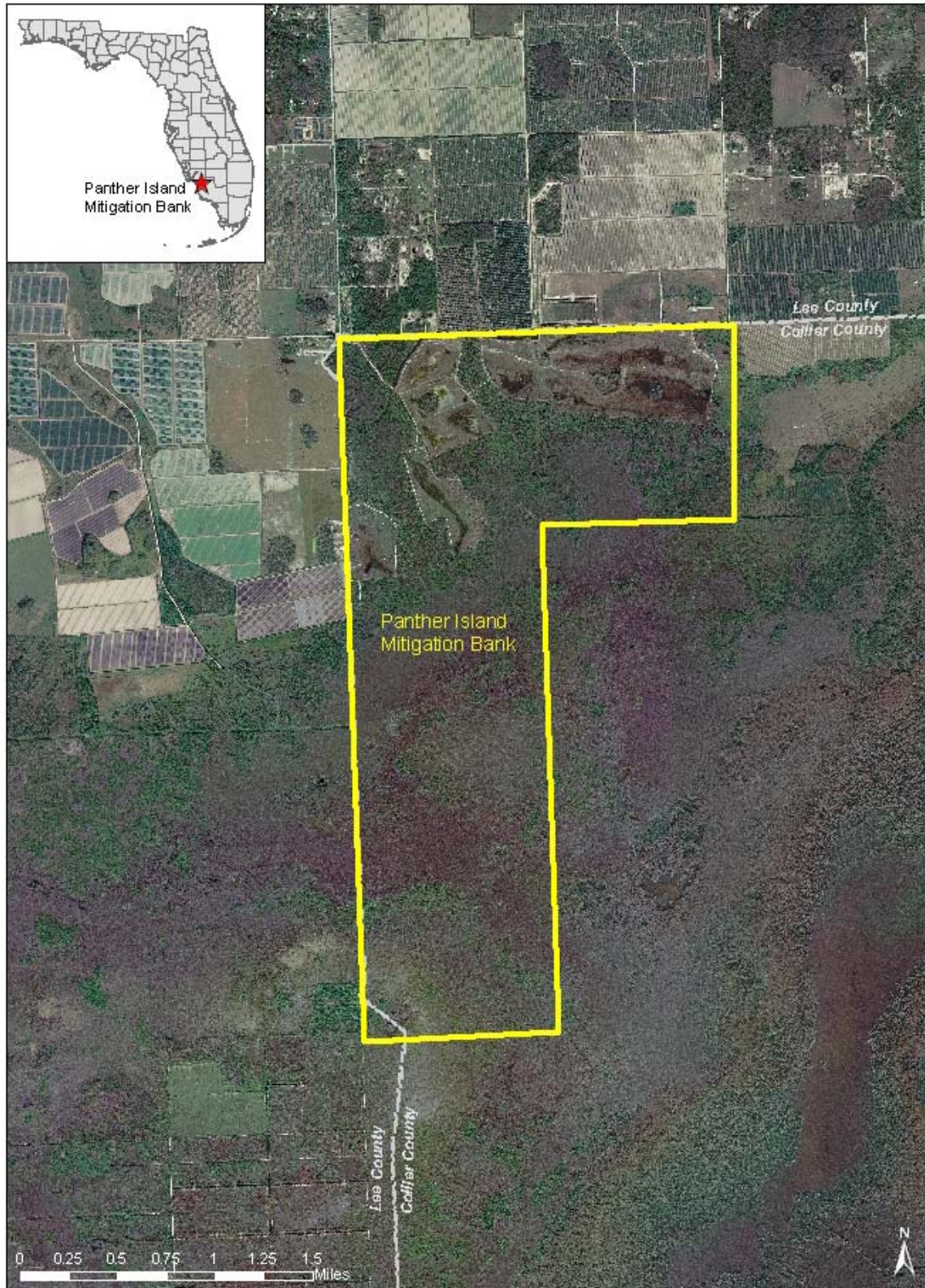
**TOTAL = 2,789.7 PHUs**











**Figure 6a.** Panther Island Mitigation Bank.