

# United States Department of the Interior

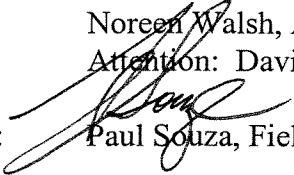
FISH AND WILDLIFE SERVICE  
South Florida Ecological Services Office  
1339 20<sup>th</sup> Street  
Vero Beach, Florida 32960



January 16, 2007

## Memorandum

To: Noreen Walsh, Assistant Regional Director, Ecological Services, Southeast Region  
Attention: David Dell

From:  Paul Souza, Field Supervisor, South Florida Ecological Services Office

Subject: Biological Opinion for Issuance of a Section 10(a)(1)(B) incidental take permit to Mr. and Mrs. Nicholas Tamburri for Incidental Take of the Florida scrub-jay

This document is the Fish and Wildlife Service (Service) biological opinion based on our review of the issuance of a section 10(a)(1)(B) incidental take permit (Permit) to Mr. and Mrs. Nicholas Tamburri (Applicants) for the construction of a single-family home at 4950 Cypress Grove Circle, Prairie Creek Park subdivision, Punta Gorda, Charlotte County, Florida, and its effects on the threatened Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) per section 7 of the Endangered Species Act of 1973, as amended (Act) (16 United States Code [U.S.C.] 1531 *et seq.*). The Applicants propose to develop 1.2 acres of the 5.0 acres occupied by scrub-jays. The request for formal consultation was received on October 3, 2003.

This biological opinion is based on based on information provided in the Applicants' Habitat Conservation Plan (HCP) and the Service's South Florida Multi-species recovery plan (Service 1999), letters, email correspondence, and site visits. The biological opinion does not address requirements of other environmental statutes, such as the National Environmental Policy Act or the Fish and Wildlife Coordination Act. A complete record of this consultation is maintained and available for review at the Service's South Florida Ecological Services Office; Vero Beach, Florida.

## Consultation History

On October 29, 2002, AMS Engineering and Environmental, Incorporated (Consultant), the Applicants' consultant, submitted a listed species survey to the Service for Prairie Creek Park, Lot 12, Block 17, Section 13, Township 40 south, Range 24 east, Charlotte County, dated October 18, 2002.

On December 19, 2002, the Service corresponded with the Consultant to recommend all activities be avoided until a suitable scrub-jay management plan or HCP could be approved by the Service.



































































