



June 12, 2015

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Jewelene Harris
South Florida Water Management District
2301 McGregor Boulevard
Fort Myers, FL 33901
jsharris@sfwmd.gov

RE: Babcock Ranch Phase 1A, South Florida Water Management District (SFWMD)
Environmental Resource Permit (ERP) Application #150220-10, Charlotte
County

Dear Ms. Harris:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the above-referenced permit application. We provide the following comments and recommendations as technical assistance during your review of the ERP application under Chapter 373, Florida Statutes (F.S.), and in accordance with FWC's authorities under Chapter 379, F.S.

Project Description

The applicant seeks a permit modification to ERP 08-0004-S-05 to construct Phase 1A consisting of 219 single-family homes, a 30-acre commercial retail center, and associated infrastructure on approximately 359 acres in Charlotte County. The subject property is located in the northwestern corner of the Babcock Ranch Community and lies immediately east of SR 31. The Babcock Community received conceptual approval from the SFWMD on April 15, 2010 (ERP #08-00004-S-05). The conceptual approval established 10,000 acres of development and 6,000 acres of on-site wetland mitigation. The current land covers on the project site include borrow pits, pine flatwoods, brushland, pasture, freshwater marsh, shrub wetland, and wet prairie.

Based on the proposed site plan, the applicant intends to permanently impact 15.81 acres of shrub wetlands, 44.29 acres of freshwater marsh and 7.23 acres of wet prairie; and temporarily impact 0.04 acres of shrub wetland, 2.18 acres of freshwater marsh, and 0.81 acres of wet prairie. The applicant is proposing the withdrawal of 3.74 herbaceous credits from on-site Mitigation Area C Phase 1, 16.03 herbaceous credits from Mitigation Area C Phase 2, and 23.0 herbaceous credits from Mitigation Area C Phase 3 as compensatory mitigation.

Potentially Affected Resources

FWC staff conducted a geographic information system (GIS) analysis of the project area. Based on this analysis, the project area is located near, within, or adjacent to:

- Two wood stork (*Mycteria americana*, Federally Threatened [FT]) nesting colony core foraging areas (CFA). The CFA constitutes an 18.6-mile radius around the nesting colony.
- U.S. Fish and Wildlife Service (USFWS) Consultation Area for the following federally listed species:
 - Florida panther (*Puma concolor coryi*, Federally Endangered [FE]) - Primary Dispersal/Expansion Area
 - Red-cockaded woodpecker (*Picoides borealis*, FE)
 - Audubon's crested caracara (*Polyborus plancus audubonii*, FT)
 - Florida scrub jay (*Aphelocoma coerulescens*, FT)
 - Florida bonneted bat (*Eumops floridanus*, FE)
- Potential habitat for state- and federally listed species:
 - Eastern indigo snake (*Drymarchon corais couperi*, FT)
 - Sherman's fox squirrel (*Sciurus niger avicennia*, State Threatened [ST])
 - Gopher tortoise (*Gopherus polyphemus*, ST)
 - Florida sandhill crane (*Grus canadensis pratensis*, ST)
 - Little blue heron (*Egretta caerulea*, State Species of Special Concern [SSC])
- Habitat for the Florida black bear (*Ursus americanus floridanus*)
- Babcock/Webb WMA managed by the FWC within 0.5 miles

According to the *Environmental Supplement* (Rev. April 2015) by Johnson Engineering, submitted in support of the permit application, listed species surveys were conducted on the proposed project site in 2006, 2007, and February 2015. Based on these survey efforts, wood stork, Florida sandhill crane, gopher tortoise, snowy egret (*Egretta thula*, SSC), white ibis (*Eudocimus albus*, SSC), tricolored heron (*Egretta tricolor*, SSC), and little blue heron have been observed on site.

A Biological Opinion (USFWS Consultation Code: 41420-2007-F-0900) was issued in August 2009 for the Babcock Ranch Community. The USFWS determined that the project "may affect but not likely adversely affect" the eastern indigo snake, Florida scrub jay, Audubon's crested caracara, and red-cockaded woodpecker. The USFWS also determined the project is "not likely to jeopardize" the continued existence of either the wood stork or Florida panther. These determinations were based on the applicant's proposed on-site and off-site preservation. For the Florida panther, the applicant intends to preserve and manage approximately 2,952 acres on-site and will preserve 5,479 acres and 2,549.11 acres of wetlands off-site. The applicant also intends to construct two crossing structures and associated fencing to allow passage of panthers on SR 31. For the wood stork, the applicant intends to preserve 2,460 acres of wetlands on-site and create 268 acres of new wetlands suitable for wood stork foraging.

Comments and Recommendations

A Listed Species Management Plan (Rev. February 2008) (LSMP) by Johnson Engineering was developed as a part of the Development of Regional Impact and approved conceptual ERP for the Babcock Ranch. The LSMP provides additional measures and specific land management criteria including the gopher tortoise, eastern indigo snake, Florida sandhill crane, wood stork, wading birds, Audubon's crested caracara, Florida scrub jay, red-cockaded woodpecker, Sherman's fox squirrel, Florida black bear, and Florida panther. Avoidance, minimization, and mitigation measures found in the LSMP generally follow accepted guidelines for these species. FWC staff offers the following recommendations to further enhance the intent of the LSMP.

Florida Sandhill Crane

Florida sandhill cranes have been documented on the project site and the freshwater emergent marshes onsite may provide potential nesting habitat for this species. FWC staff recommends that surveys for nesting sandhill cranes be conducted during the January through August breeding season prior to construction. If there is evidence of nesting during this period, we recommend that any Florida sandhill crane nest sites be buffered by 400 feet to avoid disturbance by human activities. If nesting is discovered after construction has begun or if maintaining the recommended buffer is not possible, we recommend that the applicant contact FWC staff identified below to discuss potential permitting needs. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide (FWCG) at <http://myfwc.com/conservation/value/fwcg/> and [FWC Nongame Technical Report No. 15](#) provides guidance on survey methods for sandhill cranes.

Gopher Tortoise

Gopher tortoises have been documented on the proposed project site. We recommend that the applicant refer to the FWC's Gopher Tortoise Permitting Guidelines (Revised February 2015) (<http://myfwc.com/media/2984206/GT-Permitting-Guidelines-FINAL-Feb2015.pdf>) for survey methodology and permitting guidance prior to construction. Survey methodologies require a burrow survey covering a minimum of 15 percent of potential gopher tortoise habitat to be impacted by development activities including staging areas (refer to Appendix 4 in the Gopher Tortoise Permitting Guidelines for additional information). Specifically, the permitting guidelines include methods for avoiding impacts (such as preservation of occupied habitat) as well as options and state requirements for minimizing, mitigating, and permitting potential impacts of the proposed activities. Any commensal species observed during burrow excavations should be handled in accordance to Appendix 9 of the Gopher Tortoise Permitting Guidelines.

Sherman's Fox Squirrel

The proposed measures and land management criteria for Sherman's fox squirrels found in the LSMP are consistent with FWC's minimum requirements. FWC staff is available to discuss additional measures that could be taken to benefit fox squirrels, both in the preserve and developed areas. In addition, the applicant proposes to distribute an educational brochure to all homeowners. FWC staff recommends that this brochure

should include information deterring homeowners from feeding fox squirrels. The feeding of fox squirrels may result in the squirrels losing their natural fear of humans and becoming a nuisance. If you need further technical assistance regarding human-wildlife interactions, please contact the FWC staff identified below.

Wading Birds

The potential exists for wading bird nesting activity to occur in the forested wetlands in the project area. We recommend that additional surveys for nesting wading birds be conducted during their breeding season, which typically extends from March 1st through August 1st in southern Florida. Basic guidance for conducting wildlife surveys may be found in the FWCG. If there is evidence of nesting during this period, we recommend that any wading bird sites be buffered by 100 meters (328 feet) to avoid disturbance by human activities. If nesting is discovered after construction has begun, or the removal or trimming of trees with active nests is unavoidable, or if maintaining the recommended buffer is not possible, we recommend that the applicant contact the FWC staff identified below to discuss potential permitting alternatives.

Florida Black Bear

FWC has received 10 reports of black bears within roughly a 6-mile radius of the project site since 2012 (compilation of FWC data 1976-2013) and the Florida black bear has the potential to occur within and around the project area. The site is located within the South Central Bear Management Unit as designated by the 2012 Bear Management Plan. While black bears that live in remote areas tend to shy away from people, they are adaptable and will take advantage of human-provided food sources. Once bears become accustomed to finding food around people, their natural wariness is reduced to the point that there can be an increased risk to public safety or private property. There are additional measures that can be taken to reduce conflicts with bears both during and after development activities, including:

- Preserving buffer areas with adequate distance around natural features.
- Following best management practices during construction:
 - Requiring clean construction sites with wildlife-resistant containers for workers to use for food-related and other wildlife attractant refuse.
 - Requiring frequent trash removal and the use of proper food storage and removal on work sites.
- Proactively deterring human-bear conflicts by providing residents and businesses with bear resistant garbage containers and outreach materials regarding bears and successful coexistence with them in potential habitat areas. This information should include deterrent measures, such as:
 - Using bear-resistant garbage containers, and
 - Using electric fencing.

Landscaping designs should focus on removing thick vegetation close to areas that people use such as parking lots. Fencing can also be a deterrent to wildlife movement into an area if there are no food sources or other attractants inside the fenced area. FWC staff is available to assist with residential planning to incorporate the above features. Additional

information about Florida black bears can be found on our website at <http://www.myfwc.com/wildlifehabitats/managed/bear>.

Florida Panther

The proposed project is also located within the Florida panther Primary Dispersal/Expansion Area as defined by the USFWS. The applicant has proposed to mitigate for the habitat impacts to the Florida panther. In order to further reduce the potential for human-wildlife interactions, we recommend that FWC's *Living with Panthers* informative brochure be provided to residents within Babcock Ranch Community. The *Living with Panthers* brochure can be downloaded from our panther website at: http://www.floridapanthernet.org/images/uploads/Living_with_Panthers_9-4-14.pdf. In addition, if any walking or exercise trails are planned, FWC recommends that the applicant consider posting informational signs regarding appropriate actions residents should take if they encounter wildlife such as Florida panthers, Florida black bears, and coyotes.

Florida Bonneted Bat

The project is located within the USFWS Consultation Area for the Florida bonneted bat and potential habitat may exist onsite. While specific guidance has not yet been approved for the Florida bonneted bat, the applicant may want to consider identifying any potential roost sites that could be used by any bat species within the project area. If potential roost sites are located, FWC staff recommends that the cavity should be scoped or the area around it should be searched for signs of bats. If bats are found roosting on near the project site, they should be identified to species to determine if they are the federally endangered bonneted bat. If Florida bonneted bats are identified, the applicant should immediately provide that occurrence information to the FWC and the USFWS South Florida Ecological Services Office (ESO). The USFWS South Florida ESO can be contacted at (772) 562-3909.

Prescribed Burning

According to the *Environmental Supplement*, prescribed burning will be used to maintain the native vegetative communities in the mitigation areas. FWC staff recommends that the applicant include provisions for a community covenant that would ensure the ability to perform prescribed burns on fire-dependent plant communities within the preserved areas. The applicant may also consider informing prospective home buyers that prescribed burning is an acceptable practice for land management and provide educational materials on what residents can expect during prescribed burns. Information regarding prescribed burning can be found at http://fwcg.myfwc.com/docs/LAP_Prescribed_Burning.pdf.

We appreciate the applicant's willingness to work with FWC staff regarding potential wildlife issues on the property. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical

questions regarding the content of this letter, please contact Mark Schulz at (863) 648-3820 or by email at Mark.Schulz@MyFWC.com.

Sincerely,



Jennifer D. Goff
Land Use Planning Program Administrator
Office of Conservation Planning Services

jdg/mas
ENV 1-12-2
Babcock Ranch Phase 1A_20712_061215

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