



## 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



May 7, 2007

David S. Hobbie  
Chief, Regulatory Division  
U.S. Army Corps of Engineers  
1520 Royal Palm Square Boulevard, Suite 310  
Fort Myers, Florida 33919

Attention: Harry (Skip) Bergmann

Service Federal Activity Code: 41420-2007-FA-0732  
Service Consultation Code: 41420-2007-I-0581  
Corps Application No: SAJ-1999-4313 (hwb)  
Date Received: March 28, 2007  
Applicant: Lennar Homes LLC  
Project: Savanna Lakes  
County: Lee

Dear Mr. Hobbie,

The U.S. Fish and Wildlife Service (Service) has reviewed the U.S. Army Corps of Engineers (Corps) notification dated March 28, 2007, for the permit extension and modification application referenced above. This letter is submitted 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.) and the provisions of the Fish and Wildlife Coordination Act of 1958, as amended (48 Stat. 401; 16 U.S.C. 661 et seq.).

### PROJECT DESCRIPTION

Lennar Homes LLC proposes to extend and modify the existing permit to construct a mixed use commercial development on a 1,137.4-acre site. The original permit was issued to Florida Landmark Communities in 2001. The Corps issued a modification to the permit in 2002. The project was not completed and later sold to Lennar Homes. Lennar Homes is now requesting a 5-year extension to complete construction of the originally permitted project and to replace the originally permitted golf course with single-family residences. The project is located in Sections 16-20, Township 45 South, Range 27 East; Lee County, Florida.

The 1,137.4-acre site contains a 285 acre conservation area managed by the East County Water Control District. The applicant's proposed project area contains 852 acres, of which 62.3 acres are jurisdictional wetlands and 108.6 acres are open waters. The 285-acre conservation area consists mainly of native wetland habitats. The applicant is also proposing an additional

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preservation of 60 acres of wetlands and 13 acres of uplands, which will border the existing preserved habitats. The proposed permit modification reduces the wetlands to be impacted from the currently permitted 11 acres to 9.2 acres, and reduces the impacts to open water from the currently permitted 32.4 acres to 31 acres. Impacted wetlands include 0.2 acre of hydric melaleuca (*Melaleuca quinquenervia*), 0.1 acre of disturbed cypress (*Taxodium distichum*), 0.15 acre of disturbed freshwater marsh, 0.71 acre of disturbed wet prairie, and 5.14 acres of disturbed hydric land. Impacted waters include 1.17 acre of manmade ditches dug for water control, and 29.80 acres of manmade lakes and canals. Existing development on the site includes the constructed retention ponds, partial development of residential roads and infrastructure, removal of native vegetation from all but 124 acres, and the construction of Milwaukee Boulevard through the northern portion of the project site (Figure 1).

The Project extends from State Road 82 along its southwest corner to Homestead Road along its eastern boundary. Parkdale Boulevard runs along the southern boundary. Milwaukee Boulevard crosses the northern third of the project. The site is surrounded by urban development with existing high-density residential communities to the west, south, and east. The property is border to the north by Lehigh Acres, although of lower residential density than the other surrounding communities.

## THREATENED AND ENDANGERED SPECIES

### Wood stork

The project site is located within the feeding radius of endangered wood storks (*Mycteria Americana*) nesting in Corkscrew Swamp. The Service believes the loss of wetlands within a feeding area may reduce foraging opportunities for wood storks. To minimize adverse effects to the wood stork, the Service's *Draft Supplemental habitat management Guidelines for the Wood Stork in the South Florida Ecological Services Consultation Area* (Service 2002) (Guidelines) recommends the applicant replace wetlands lost due to the action. This proposed modification decrease the currently permitted wetlands loss by 1.81± acres and decreases the currently permitted loss of open waters by 1.43± acres. The Corps determined the project "may affect, but is not likely to adversely affect" the endangered wood stork. In consideration of existing and proposed conditions, and the reduction of impacts resultant from this requested action, the Service concurs with the Corps' determination.

### Florida panther

The Florida panther (*Puma concolor coryi*) was federally listed as endangered in 1967 (32 FR 4001). The present occupied range of the panther in south Florida represents about 1 percent of its historic range in the southeastern United States. Panther home ranges average from 60 to 187 square-miles. They frequent large areas of undeveloped forested habitats, especially oak hammocks and longleaf pine flatwoods, but use areas comprised of other vegetative cover as well. Cover, water, and adequate prey are required to sustain panthers.

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No telemetry points from Florida panthers have been documented on, or within 2 miles from the Project Site. A total of 14 telemetry points have been documented within five miles of the Project, with the closest point being approximately 2.75 miles from the Project. These points are from a total of four male Florida panthers and date from 1989 to 2002. Of these, FP 28 was killed in a territorial dispute with another male panther in September 1992; FP 64 died in March 1999 from intraspecific aggression; FP 92 died of unknown causes in September 2001; and FP 99 was killed as a result of vehicular collision on County Road 846 near the Collier County fairgrounds in November 2002. Telemetry locations only apply to panthers that historically had collars on them; they are not a comprehensive database of suitable habitat for panthers. The activity of any uncolored panthers that might have used the area is unknown. The project is in an area surrounded by existing developments and the on-site habitats have undergone extensive land clearing, grading, and other development related construction. Based on the location of the project and the level of existing disturbance, we believe panther use of the site is not likely to occur and the proposed action is not likely to increase adverse risk to the Florida panther.

Portions of the project site (540.38± acres) occur within the Service (2007) Panther Focus Area and are located in the panther secondary zone as defined by Kautz et al. (2006). The project site is primarily disturbed land with some areas of wetlands and pine forest. The majority of the project site has been repeatedly cleared and filled under previous permits and development attempts, and includes significant water control lakes and canals. The project does not contain known dispersal or connection corridors (Kautz et al. 2006) for panthers to access significant tracts of panther habitat or publicly owned managed lands and is surrounded by high-density urban development. Therefore, fragmentation of panther habitat or of panther prey habitat is not expected from the project.

The nearest panther-vehicle collision occurred over 7 miles to the south of the project site in 2006. There are no records of panther-vehicle collisions on roadways expected to be impacted by this project. A Traffic Impact Statement prepared by Metro Transportation Group, Inc. shows existing Average Daily Traffic on S.R. 82 to the east of the Project where the panther consultation area crosses S.R. 82 is about 27,000 vehicles per day. This project will increase this by 820 vehicles per day. The existing Average Daily Traffic on S.R. 82 to the west of the project site is 22,900 vehicles per day. This project is expected to increase this number by 4,900 vehicles per day. The existing Average Daily Traffic on Joel Boulevard north of the Project where this road crosses the panther consultation area is 8,600 vehicles per day and is not expected to increase as a result of this project. The local roads within the project site are urban residential streets providing access to numerous residences in the project area. Although local traffic is expected to increase within the project area as discussed above, no records of traffic related mortalities have been recorded within the project vicinity and the project increase in traffic from the proposed project modification is not expected to increase adverse risk to the Florida panther in rural lands east of the project area.

The Service, in coordination with the applicant's consultants used our panther habitat functional assessment to determine the current habitat value of the native habitats remaining on the project site to the panther and the amount of habitat recommended to off-set the habitat lost due to the completion of the previously permitted project and the proposed project modification. The

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assessment is based on the amount of habitat that we believe is necessary to support a population of 90 panthers in south Florida, which is the mid-point (90 panthers) in Kautz et al.'s (2006) management guidelines that a population of 80 to 100 panthers is likely to be stable through 100 years. The Service's panther habitat assessment considers the contribution that project lands provide to the Florida panther, recognizing not all habitats provide the same functional value, and quantifies the value of habitat at the project site in functional units known as Panther Habitat Units (PHUs). Based on the existing habitat types found at the project site (Figure 1), we estimate that about 124 acres of native habitats remain on-site, consisting of 69 acres of pine flatwoods, 34 acres of palmetto prairie, 11 acres of cabbage palm forest, and 10 acres of exotics intermixed with other habitat types. Following our habitat assessment approach, these lands provide an existing PHU value of 658 PHUs. Using a base multiplier of 2.5 and a landscape adjustment of 0.69, for effects in secondary zone lands with compensation proposed in primary zone land results in a PHU calculation of 1,135 primary zone equivalent PHUs, or about 140 acres (with an average PHU value of 8).

The applicant, in consideration of the above unique and mitigating factors of the proposed permit extension and modification, proposes to provide habitat compensation to minimize any possible impacts of the project to the panther. Compensation consists of either the purchase of 1,135 primary equivalent PHUs from a Service approved panther conservation bank, or the placement of a conservation easement on a parcel of land, deemed acceptable by the Service, in the panther primary habitat zone that would provide 1,135 PHUs of panther habitat, equating to about 140 acres (applicants confirming correspondence included).

The Corps, using the Panther Effects Determination Key (USFWS 2003) determined that the project "may effect" the Florida panther. Based on the previous discussions of location and size of the project area; lack of recent telemetry documentation of living panthers in the area, the unique and mitigating factors of the project site, and the habitat compensation proposed to minimize impacts of the completion of this project on the Florida panther, the Service recommends the Corps change their determination to "may effect, but is not likely to adversely effect" for the Florida panther. This letter may be used as concurrence of that determination. The Service request the Corps include as a condition of the permit that the applicant provide to the Corps and Service the location of and concluding documents for the conservation of sufficient habitat to provide 1,135 PHUs of primary equivalent lands within the Florida panther primary zone.

This letter fulfills the requirements of Section 7 of the Act and no further action is required. If modifications are made to the project, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

#### FISH AND WILDLIFE RESOURCES

The project will impact 9.24± acres of wetlands and 30.97± acres of open waters. The current permit (with modification 1) provides for on-site mitigation to offset wetland impacts to include the already completed restoration of 1.60± acres of wetlands, and preservation and enhancement

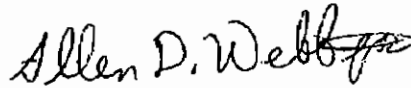
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of 47.3+ acres of wetlands. This applicant proposes in this modification request to increase the preservation and enhancement of wetlands to 50.99+ acres of wetlands and preservation and enhancement of a minimum of 12.80+ of uplands. Exotics have been previously removed from the preserve areas and are being maintained as required by the current COE permit. Mitigation areas will be placed under conservation easement or other equivalent deed restriction with inspection, enforcement, and approval rights granted to the South Florida Water Management District and Corps. The Service believes that the proposed mitigation and the reduction in wetlands impacts of this proposed modification is adequate to compensate for the loss of wetlands resulting from the project.

Thank you for your cooperation in protecting federally listed species and wetland resources. If you have any questions, please contact Allen Webb at 772-562-3903, extension 246.

Sincerely yours,



Paul Souza  
Field Supervisor  
South Florida Ecological Services Office

cc:

DEP, Fort Myers, Florida  
FWC, Punta Gorda, Florida

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**LITERATURE CITED**

- U.S. Fish and Wildlife Service. 2002. Draft Supplemental Habitat management Guidelines for the Wood Stork in the South Florida Ecological Services Consultation Area. Fish and Wildlife Service, South Florida ecological Services Office; Vero Beach, Florida.
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- Kautz, R., R. Kawula, T. Hctor, J. Comiskey, D. Jansen, D. Jennings, J. Kasbohm, F. Mazzotti, R. McBride, L. Richardson, and k. Root. 2006 How Much Is Enough? Landscape-scale Conservation for the Florida Panther. *Biological Conservation*.
- U.S. Fish and Wildlife Service. 2000. Florida panther final interim standard local operating procedures (SLOPES) for endangered species. Fish and Wildlife Service; Vero Beach, Florida.
- U.S. Fish and Wildlife Service. 2007. Recertification of the Army Corps of Engineers' 2003 Panther Effects Determination Key. Fish and Wildlife service, South Florida Ecological Services Office; Vero Beach Florida.

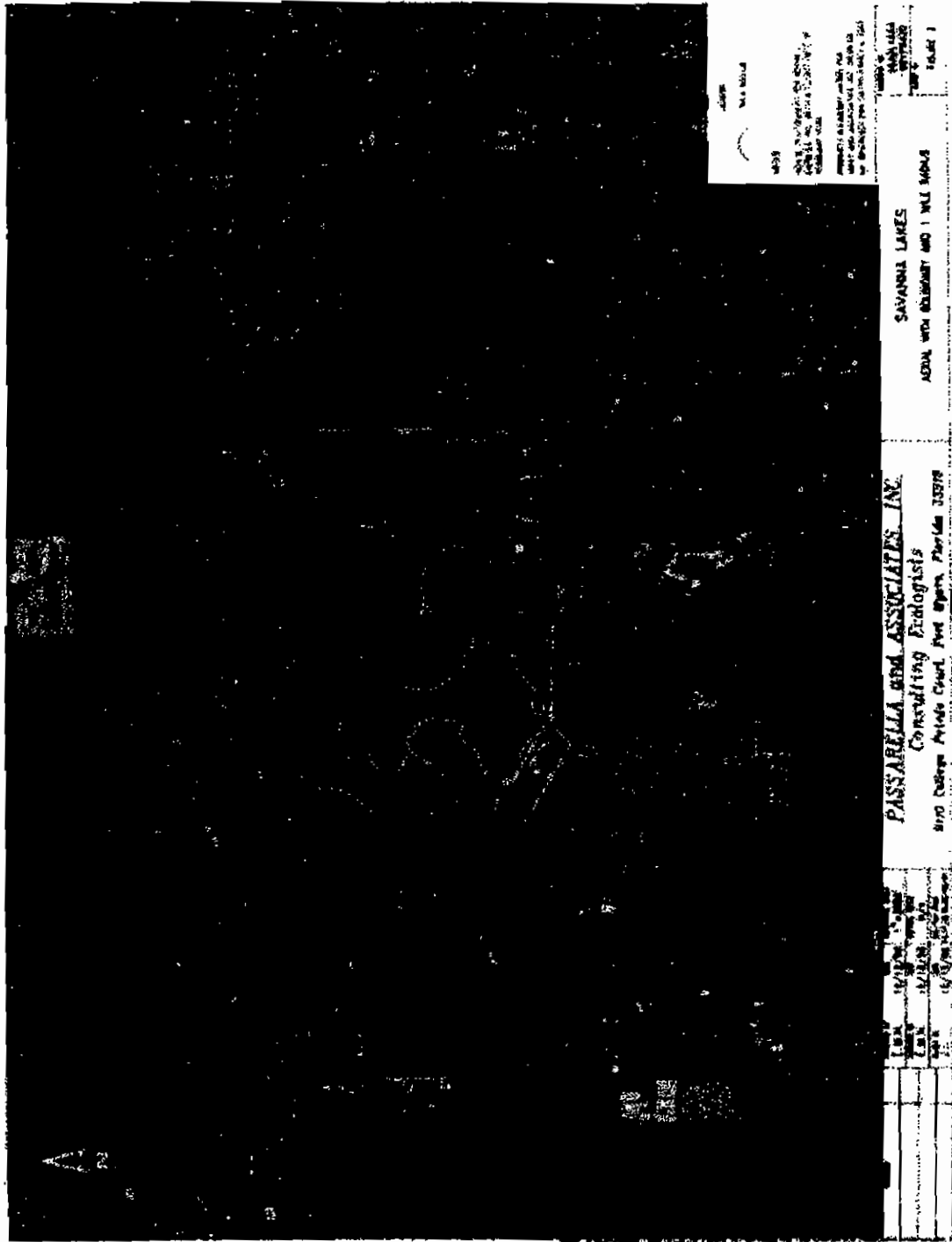


Figure 1. Project site.

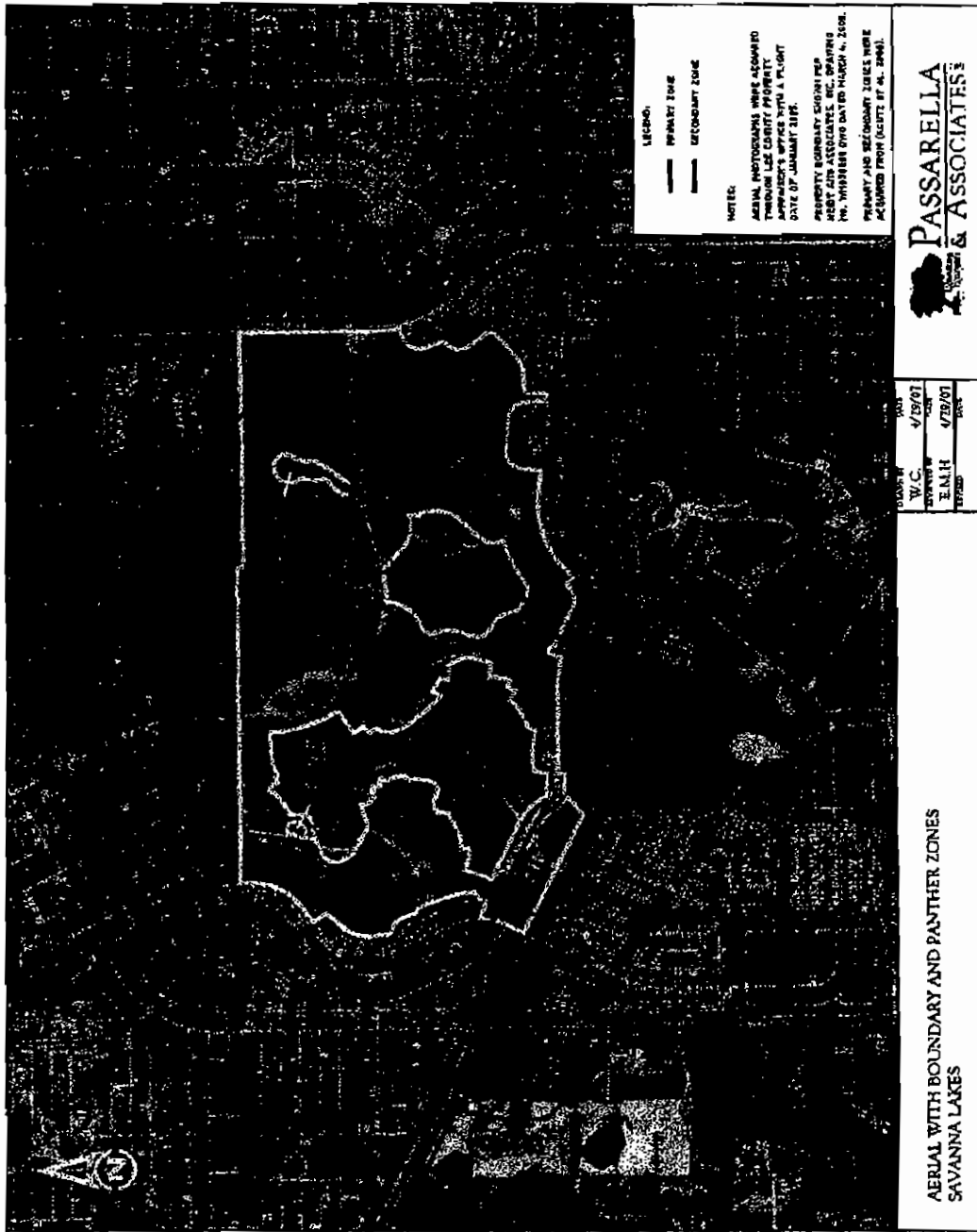


Figure 2. Project site showing Panther Primary and Secondary Zones.

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Rodney.E.Benson@lennar.co  
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04/30/2007 04:59 PM

To: Allen\_Webb@fws.gov  
cc:  
bcc:  
Subject: Savanna Lakes

Allen,

Please accept this email as the applicant's commitment to provide 1135 Panther Habitat Units for the extension and modification of the Savanna Lakes Federal permit (SAJ-1999-4313 (hwb)). We understand that given this commitment, you are prepared to return a "not likely to adversely affect" determination for the Florida Panther and complete Section 7 consultation on the above permit extension. Thank you for your efforts in this matter.

Rod Benson  
Division President  
Southwest Florida Land  
Lennar Homes  
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**bcc:Reading**

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