

chris stephens

To: Wrublik, John
Cc: Constance Cassler
Subject: RE: [EXTERNAL] Reflection Lakes of Naples BO review needed

From: Wrublik, John <john_wrublik@fws.gov>
Sent: Thursday, July 11, 2019 9:41 AM
To: chris stephens <chris@corkscrewnatives.com>
Cc: Constance Cassler <constance_cassler@fws.gov>
Subject: Re: [EXTERNAL] Reflection Lakes of Naples BO review needed

Chris,

As I understand it, the parcel you are referring to is the 145-acre tract of on land within Sections 10 and 11, Township 44 South, Range 29 East in Hendry County. And, as indicated in the Service's Biological Opinion to the Corps for the Walnut Lakes development project dated June 10, 2003, the applicant has agreed to provide this parcel to: 1) compensate for impacts to Florida panther habitat (and benefit the recovery and survival of the species) and 2) compensate for impacts to wetlands resulting from the project. As far as I know, this parcel has not been authorized as a "Conservation Bank" by the Service. I think that they may be some confusion about the proposed compensation parcel and the term conservation bank. For projects that result in adverse impacts to listed species such as the Florida panther, the Service commonly requests that currently unprotected habitat for the species be acquired and protected as a conservation measure to benefit the species. The Service defines a Conservation banks as a tract of currently unprotected land, usually large in size, that: 1) contains habitat for a Federally listed species such as the Florida panther, 2) is enhanced, restored, protected and managed in perpetuity to benefit the species, and 3) allows the land owner to sell credits from the bank to other parties that are pursuing development projects that impact a listed species, in order to compensate for impacts to the species from their development projects. Credits from approved conservation banks are acceptable to the Service as a means to compensate for impacts to a listed species resulting from a development project. The benefit of conservation banks to those pursuing development projects is that they provide a easy means to provide compensation for impacts of their development project to the Service. The incentive to the landowner to establish the conservation bank, is the profit made by selling the credits. As I indicated in my last email, the Service has established some basic requirements for Conservation Banks that must be met before they can authorized by the Service and allowed to sell credits.

The Service also allows those proposing development projects that would impact the Florida panther (or other listed species), the option of acquiring, enhancing or restoring, protecting, and managing habitat for the species in perpetuity. This was the case for Walnut Lakes project. The applicant is proposing to acquire, enhance, and restore the 145-acre parcel in Hendry County, not to establish it as a conservation bank per se, but to provide the parcel as compensation for impacts to the panther resulting from the project. In order for this form of compensation to be acceptable to the Service, we ask that applicant follow the same procedures for the donated parcel that we would require for a person that wishes to establish a Conservation Bank for the purpose of selling credits. That is, as discussed in my last email, in addition to the proposed enhancement and restoration works proposed: the proposed compensation site must be placed under conservation easement that protects the site in perpetuity; a management plan for site must be prepared and submitted to the Service for our approval; and a non-wasting management endowment must be established to provide for management of the site in perpetuity. Once these procedures are completed, the applicant can transfer the parcel to state of Florida or other entity that is acceptable to the Service for long-term protection and management, provided they are willing to accept it and the management endowment. Otherwise, the applicant would be responsible for the long term management and protection of the site. I hope this explains and clears up any confusion about what the Service needs for the compensation parcel.

Do you need to provide some form of verification to the Corps that the proposed works to benefit the panther are proceeding? Unfortunately, due to work load and budget constraints, normally the Service does not have the staff and time available to conduct follow up visits on these sites. We could provide concurrence that you are living up to your agreement to enhance and restore the site as habitat for the panther if you provide us sufficient documentation that the work is being conducted or has been completed. This could include photographs of the site.

You indicated in your last email that you are looking to remove some components of the management plan for this project that are specific to meeting wetland criteria. I am not sure what you mean by that, could you please explain. For the compensation parcel to be acceptable to the Service, you would need to meet the criteria I provided for conservation banks in my last email. Relaxing that criteria would probably not be negotiable.

If you have any other questions or would like to discuss further, please let me know

Sincerely,

John M. Wrublik
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
Office: (772) 469-4282
Fax: (772) 562-4288
email: John.Wrublik@fws.gov

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On Wed, Jul 10, 2019 at 3:21 PM chris stephens <chris@corkscrewnatives.com> wrote:

Hi John,

It's been a while since we talked last. As discussed, we are looking to remove some components of the management plan for this project that are specific to meeting wetland criteria. Do your records show that the Hendry County offsite area was established as a Conservation Bank with FWS for the Florida Panther? In our past conversation you indicated that you could provide some satisfaction from site images and work completed. Is that still an option? The site is flooded likely at this point.

v/r,

Chris Stephens, Professional Wetland Scientist No. 2254

Natives of Corkscrew "nursery + environmental"
M: [239-849-9230](tel:239-849-9230)

From: Wrublik, John <john_wrublik@fws.gov>
Sent: Monday, April 15, 2019 10:46 AM
To: chris stephens <chris@corkscrewnatives.com>
Subject: Fwd: [EXTERNAL] Reflection Lakes of Naples BO review needed

Chris, I just talked to Connie about requirements for Conservation Banks. She said we don't have anything in writing, but the basic requirements for establishing a conservation bank are as follows:

- 1) The site must be placed under conservation easement that protects it for conservation purposes in perpetuity.

- 2) A management plan for the site must be prepared for the site (this document would describe how the site is maintained exotic free, how the site is protected from illegal entry [e.g, dumping of trash, orv's tearing up the site etc], contain a prescribed burning or mechanical treatment of vegetation schedule; contain a discussion of any supplemental planting needed etc.).

- 3) A management endowment to pay for the complete management of the site in perpetuity must be established. The endowment should be non-wasting (i.e, the interest accrued on the established fund should be large enough to completely fund all management costs in perpetuity).

The ownership and perpetual management and protection of the site could be transferred to another entity (acceptable to the Service) such as a Water Management District, the Florida Fish and Wildlife Conservation Commission etc. provide the entity is willing to accept the parcel, and manage strictly to benefit the panther (in this case). The management endowment would be passed along to the accepting entity and use only to manage the site (and for no other purposes).

John

John M. Wrublik

U.S. Fish and Wildlife Service

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----- Forwarded message -----

From: **Lori Vogt** <Lori@corkscrewnatives.com>
Date: Fri, Apr 12, 2019 at 5:20 PM
Subject: RE: [EXTERNAL] Reflection Lakes of Naples BO review needed
To: Cassler, Constance <constance_cassler@fws.gov>
Cc: John Wrublik <John_Wrublik@fws.gov>, chris stephens <chris@corkscrewnatives.com>

Good afternoon Connie and John,

Please find the attached permit. It is 93 pages with the attachments. The BO begins on page 55.

Thanks very much for your review. Please let us know when we can discuss the project.

Best regards,

Lori

From: Cassler, Constance <constance_cassler@fws.gov>
Sent: Friday, April 12, 2019 4:25 PM
To: chris stephens <chris@corkscrewnatives.com>
Cc: Shindle, David <david_shindle@fws.gov>; Lori Vogt <Lori@corkscrewnatives.com>; Constance Cassler <Constance_Cassler@fws.gov>; John Wrublik <John_Wrublik@fws.gov>
Subject: Re: [EXTERNAL] Reflection Lakes of Naples BO revision needed

Hi Chris and Lori,

My team can work with you on this. I may not be the one because I'm working on a high priority project, but if you can send materials to both me and John Wrublik, who is helping me and cc'ed on this email, we will figure out who can help you. The BO you sent David did not come through. Can you please send it to me and John, and then we will figure out when we can meet.

Thank you,

Connie

Constance L. Cassler, Ph.D.

Supervisory Fish and Wildlife Biologist

U.S. Fish and Wildlife Service

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On Fri, Apr 12, 2019 at 10:36 AM chris stephens <chris@corkscrewnatives.com> wrote:

David,

Just to clarify we are not looking to revise the BO, we are looking to have a site inspection to ensure compliance with the BO. We are looking to modify the USACE permit only. Im not sure if that changes anything. I would first like to meet with FWS to discuss the project prior to inspecting the site if that is our next direction after meeting.

v/r,

Chris Stephens, Professional Wetland Scientist No. 2254

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From: Shindle, David <david_shindle@fws.gov>

Sent: Friday, April 12, 2019 10:27 AM

To: Lori Vogt <Lori@corkscrewnatives.com>

Cc: chris stephens <chris@corkscrewnatives.com>; Constance Cassler <Constance_Cassler@fws.gov>

Subject: Re: [EXTERNAL] Reflection Lakes of Naples BO revision needed

Hi Lori-

I am the Panther Coordinator for the U.S. Fish and Wildlife Service. However, given your request involves permit compliance issues and the need to revise the 2003 Biological Opinion, I am copying Connie Cassler in our South Florida Ecological Services Field Office in Vero Beach. We will get you in touch with the appropriate biologist in our Planning and Resource Conservation section to assist you further.

David

David Shindle, Florida Panther Coordinator
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