



January 20, 2015

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Mr. Paul Wieczorek
Hernando County Planning Department
20 North Main Street, Room 262
Brooksville, FL 34601
paulw@co.hernando.fl.us

RE: Comprehensive Plan Amendment (CPAM 11-02), Hernando County 15-1 CPA-ESR,
Hernando County

Dear Mr. Wieczorek:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. While we do not have any objections to the proposed amendment, we are providing the following information as technical assistance for the applicant when planning for any additional future development that may occur on the subject property.

Project Description

The proposed plan amendment would change the Future Land Use (FLU) for a 730-acre tract from Residential and Regional Commercial Overlay (RCO) to Mining and Regional Overlay within the Hernando County Comprehensive Plan. The mining portion of the amendment is adjacent to lands already designated for Mining on the FLU map. The RCO portion of the amendment represents a shift in the size and shape of the currently approved RCO adjacent to State Road 50 to the east replacing a portion of the current Residential designation. The area of mining is approximately 574 acres and the area of regional overlay is approximately 156 acres. The proposed site affected by this amendment is located north of State Road 50, west of Cobb Road, south of CEMEX's existing limerock mine, and east of Fort Dade Avenue. The dominant land cover on the site consists of mixed hardwoods, pasture, rural lands, pine plantation, freshwater marsh, and ponds. The applicant is proposing to extract limerock, phased over 20 years, along with construction of a mixed-use activity center along the north side of State Road 50.

Policy 6.08A(6) of Hernando County's Comprehensive Plan Conservation Element requires coordination with the FWC to protect habitat important to species of special concern or endangered species through the development review process. The County, along with the applicant, has initiated coordination with the FWC for the purpose of identifying habitat resources important to listed species. FWC is providing the following information regarding potentially affected resources and measures to offset impacts to assist the County and the applicant in evaluating and meeting the Comprehensive Plan requirements.

Potentially Affected Resources

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

- Three wood stork (*Mycteria americana*, Federally Threatened [FT]) nesting colony core foraging areas (CFA). The CFA consists of a 15-mile radius around the nesting colony.
 - 611305

- Croom
- Weeki Wachee
- U.S. Fish and Wildlife Service (USFWS) Consultation Area for:
 - Red-cockaded woodpecker (*Picoides borealis*, Federally Endangered [FE])
 - Florida scrub jay (*Amphilecoma caerulescens*, FT)
- Potential habitat for state- and federally listed species:
 - Eastern indigo snake (*Drymarchon corais couperi*, FT)
 - Gopher tortoise (*Gopherus polyphemus*, State Threatened [ST])
 - Florida mouse (*Podymus floridanus*, State Species of Special Concern [SSC])
 - Gopher frog (*Lithobates capito*, SSC)
 - Sherman's fox squirrel (*Sciurus niger shermani*, SSC)
 - Little blue heron (*Egretta caerulea*, SSC)
 - Southeastern American kestrel (*Falco sparverius paulus*, ST)
- Potential habitat for the Florida black bear (*Ursus americanus floridanus*)
- Bald eagle (*Haliaeetus leucocephalus*) nest HN013 located approximately 2900 feet north of the project site which was last active in 2011

According to the Listed Species (August 2014) report by Flatwoods Consulting Group submitted in support of the application, listed species surveys were conducted in February and March of 2011, May 2014, and July 2014. Based on the results of these surveys, gopher tortoises and little blue heron have been documented on the site.

Comments and Recommendations

In the event that planning for mining or development of the site moves forward, FWC staff recommends additional listed species-specific surveys should be completed prior to any clearing or development activities to better identify the potential for impacts. Species-specific wildlife surveys are time sensitive, and FWC staff recommends that all wildlife surveys follow established survey protocols approved by the USFWS and the FWC. Surveys should also be conducted by qualified biologists with recent documented experience for each potential species. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide (<http://myfwc.com/conservation/value/fwcg/>).

Due to the previously documented presence of gopher tortoise on site, we recommend that the applicant refer to the FWC's Gopher Tortoise Permitting Guidelines (Revised April 2013) (<http://myfwc.com/license/wildlife/gopher-tortoise-permits/>) 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 F 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.

Since the project area is within three wood stork CFAs, we suggest the applicant review the USFWS's Wood Stork Effect Determination Key at

http://www.fws.gov/northflorida/WoodStorks/Documents/20080900_JAXESO_WOST_Key.pdf to determine the potential for impacts. The key addresses suitable foraging habitat for wood storks and other wetland-dependent species. If impacts to suitable wood stork foraging habitat are anticipated, we recommend the applicant coordinate with the USFWS North Florida Ecological Services Office (ESO) at (904) 731-3336. This site is also located within the consultation area for the red-cockaded woodpecker, Florida scrub jay, and may contain habitat suitable for other federally listed species identified above. We recommend the applicant coordinate with the USFWS North Florida ESO as necessary for information regarding potential impacts to these species.

Based on the GIS analysis, bald eagle nest HN013 has been documented within 2900 feet northeast of the project site which was last documented as active by the FWC in 2011. The bald eagle has been removed from state and federal listing but is still governed by the state bald eagle rule and the federal Bald and Golden Eagle Protection Act. The FWC has developed a bald eagle management plan to further guide eagle conservation in Florida. Eagle permits are not required for activities that occur more than 660 feet from any active or alternate bald eagle nests. Not all eagle nests in Florida have been documented by the FWC, and non-documented nests receive the same level of protection as FWC documented nests. Please keep in mind that eagle nests may become reactivated at any time or eagles may establish a new nest, at which point the FWC Bald Eagle Management Plan (http://myfwc.com/media/427567/Eagle_Plan_April_2008.pdf) guidelines found in the section entitled Permitting Framework April 2008 would apply.

Finally, FWC has received 4 reports of nuisance black bears within a 9-mile radius of the project site since 1998 and the Florida black bear has the potential to occur within and around the project area. The black bear was delisted by the FWC in June 2012; however, a conservation plan for the black bear has been developed and approved by the FWC as guidance for further improvement of the conservation status of the bear. There are measures that can be taken to reduce conflicts with bears both during and after mining or development activities, including preservation of buffer areas with adequate parameters around natural features, best management practices to follow during construction, roadway hazard reduction measures, and public education measures. Guides to living with bears are available online at <http://myfwc.com/wildlifehabitats/managed/bear/>. These may be useful for mining and construction personnel, and contain information on proactive deterrence of potential negative human-bear interactions, such as using bear-resistant garbage containers and keeping the site free of food waste.

The comments provided above are intended to assist the County and the applicant in fulfilling the requirements of Policy 6.08(A) of Hernando County's Comprehensive Plan Conservation Element. We appreciate the opportunity to work with the applicant throughout this process and we look forward to further coordination with both the applicant and Hernando County. Our staff remain available to provide technical assistance to the County and the applicant on measures to avoid and minimize potential impacts to fish and wildlife species and their habitats. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or 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 2-3-3
Hernando County 15-1 CPA-ESR_20402_012015

cc: Ray Eubanks, DEO, DCPexternalagencycomments@.deo.myflorida.com
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