

**Review of Eastern Collier Multiple Species Habitat Conservation Plan:  
A Report to the Conservancy of Southwest Florida**

Reed F. Noss, Ph.D.  
Conservation Science, Inc.  
1255 E Peppertree Dr., Apt. 407  
Sarasota, FL 34242

November 2018

**Introduction and summary**

This report constitutes my review of the August 2018 draft of the Eastern Collier County Multiple Species Conservation Plan (hereafter, “the HCP” or “the Plan”). By way of introduction, I have been involved in conservation planning in Florida and elsewhere since the early 1980s. I designed the first statewide wildlife corridor network for Florida (Noss 1987, Noss and Cooperrider 1994), which was the forerunner of the Florida Ecological Greenways Network (Hector et al. 2000). I have been involved in developing and reviewing HCPs (and, in California, the companion state-level Natural Community Conservation Plans, NCCPs) since the early 1990s. From 1991 through 1994 I was a member of the Scientific Review Panel for California’s NCCP program, appointed by Governor Pete Wilson. Our Scientific Review Panel developed the scientific guidelines for California’s HCPs/NCCPs. I subsequently served as a scientific advisor and peer reviewer for multiple HCPs/NCCPs in California as well as the Pima County HCP (Sonoran Desert Conservation Plan) in Arizona. In these cases, I worked in an advisory capacity with the consultants who were developing the HCPs to assure scientific integrity and conservation adequacy of the plans. I was also an official peer reviewer of the draft plans (i.e., in California, HCPs/NCCPs are required to undergo independent scientific review).

One of my eight books specifically focused on HCPs: Noss et al. (1997), *The Science of Conservation Planning: Habitat Conservation under the Endangered Species Act*, Island Press. After returning to Florida I became a member of the Board of Trustees of the Florida Chapter of The Nature Conservancy (TNC), in which capacity I frequently worked with TNC staff to identify priority conservation lands in Florida. I had to resign from the TNC board when I was appointed by Governor Jeb Bush to the Acquisition and Restoration Council (ARC), the advisory body that recommends land acquisition priorities and reviews management plans for conservation areas in Florida, in which capacity I served in 2006 and 2007. I have conducted road ecology research in Florida and elsewhere for the last decade and a half. With Dan Smith and Marty Main, I coauthored the East Collier County Wildlife Movement Study (Smith et al. 2006), which is cited in the Plan. I was also a member (2008-2016) of the Technical Advisory Group for the statewide Critical Lands and Waters Identification Project (CLIP). Therefore, I am well qualified to review HCPs, especially with respect to their adequacy for protecting Florida’s wildlife and ecosystems.

Given my experience in the field of conservation planning, I agree with the authors of the Plan that, from the standpoint of maintaining biodiversity and ecosystem function, coordinated

planning on a landscape to regional scale is superior to uncoordinated species-by-species, site-by-site, or project-by-project planning. HCPs make sense for other reasons. In particular, they address habitat, which is critical because the loss, fragmentation, and degradation of habitat remains the greatest proximate threat to biodiversity (Rands et al. 2010, Haddad et al. 2015). HCPs are intended to minimize and mitigate the effects of a permitted action, specifically incidental take, through the protection, restoration, and management of habitat for the species covered by the plan. Moreover, they address habitat conservation on private lands, which is important because more than half of species listed under the U.S. Endangered Species Act have 81% or more of their habitat on private or other non-Federal lands (U.S. General Accounting Office 1994). If done right, HCPs constitute the non-Federal land component of species recovery plans (Noss et al. 1997), with the additional benefit of proactively conserving species that are not (yet) federally listed. A scientifically defensible HCP that considers multiple species, natural communities, and ecological processes, is consistent with the first stated goal of the ESA: “to provide a means whereby the ecosystems upon which endangered species and threatened depend may be conserved” (ESA Section 2(b)).

Thus, the basic ecological theory and experience supporting regional, multi-species HCPs, as opposed to piecemeal planning, is sound. HCPs, however, vary widely in their scientific quality and conservation benefits. Scientific reviews suggest that many multi-species HCPs are of poor quality, often worse than single-species HCPs (Rahn et al. 2006). Encouragingly, I found the Eastern Collier HCP of higher quality than probably most HCPs. It is generally ecologically literate, fairly detailed in its discussion of covered species and potential impacts of the Plan on them, and well-written. Nevertheless, the Plan has several serious and arguably fatal flaws, which should be remedied before the Plan is formally approved. There are four particularly dangerous inadequacies of the Plan:

1. The Plan fails to account for increased traffic volume, which will inevitably occur as a result of the proposed development. Furthermore, the Plan does not adequately address the effects of this increased traffic on wildlife, through increased road mortality, barrier effects (fragmentation), and other impacts. Finally, the proposed mitigation measures (e.g., wildlife crossing structures and fencing) are likely inadequate, due to insufficient funding and inappropriate timing (i.e., such mitigation should be completed before construction begins).
2. The Marinelli Fund will almost certainly be inadequate to accomplish the plethora of conservation activities proposed to be covered by this Fund. In particular, it is expected to produce approximately \$150 million over 50 years, but this is far too slow an accumulation, and probably too little in aggregate, to accomplish necessary mitigation such as wildlife crossings and land acquisition for key movement corridors. Funding must be front-loaded to mitigate development impacts.
3. The theoretical basis, operational structure, and description of adaptive management and monitoring in relation to the Plan are unacceptable. There is not nearly enough detail provided to determine the experimental design or monitoring program or to

discern precisely how results from monitoring will be used to learn more about the system and to change elements of the Plan in an adaptive fashion. The Plan lacks a true adaptive management framework.

4. The justification for selecting the Preferred Alternative (the Plan) over the PRT Configuration Alternative is not at all compelling. The PRT Configuration should be revisited as a superior alternative to the current Plan.

After an initial section on the biological significance of the Plan Area, I discuss each of these four major flaws below. I then follow with brief comments regarding the five specific topics that the Conservancy asked me to consider.

### **Biological significance of Plan area**

The HCP does a marginally adequate job of documenting the ecological features and biological significance of the Plan area (e.g., Chapter 3, Environmental Setting; Chapter 4, Florida Panther; Chapter 5, Other Covered Species). However, I suggest it could be greatly improved by placing the Plan area explicitly within the context of statewide conservation priorities. The most recent statewide ecological prioritization for Florida is version 4 of the Critical Lands and Waters Identification Project (CLIP). Many of the data layers for CLIP were developed to inform the Florida Forever statewide land acquisition program. The CLIP clearly shows that the Plan Area is one of the most ecologically and biologically significant regions within the entire state of Florida (see [http://www.fnai.org/pdf/CLIP\\_v4\\_technical\\_report.pdf](http://www.fnai.org/pdf/CLIP_v4_technical_report.pdf)). Therefore, as for any region with extremely high conservation value, it must be treated with extra caution and the most prudent application of the precautionary principle (Noss et al. 1997). An HCP that might be acceptable for a region of low biodiversity and conservation value would not be acceptable for this area.

I was a member of the Technical Advisory Group for CLIP, which included review of all versions, including version 4. At my request for this review, the Florida Natural Areas Inventory (FNAI) prepared maps from CLIP version 4 for Biodiversity, Landscapes, Surface Water, and Aggregated Priorities, with the Eastern Collier MSHCP boundaries overlaid. Brief descriptions of the core data layers for each category are in the legends for Figures 1-4 below. It is informative to compare these maps to the proposed HCP (Fig. 2-1 and 10-2 in the Plan) and to its most relevant alternative, the Panther Review Team (PRT) Configuration (Fig. 10-1 in the Plan). A visual comparison shows that several important (Priority levels 1 through 3) areas are missing from the Plan, especially south of Oil Well Road but also in the eastern and western portions of the Plan area, but are better captured by the PRT Alternative (see legends to individual figures).

Therefore, abundant statements in the Plan to the effect that the areas selected for Covered Activities have much lower conservation value than areas selected for Preservation (e.g., page i, "...the plan will provide permanent preservation and enhancement of approximately 107,000 acres of land that is substantially more valuable to listed species and other wildlife than the 45,000 acres that will be available for development...") are not entirely accurate.

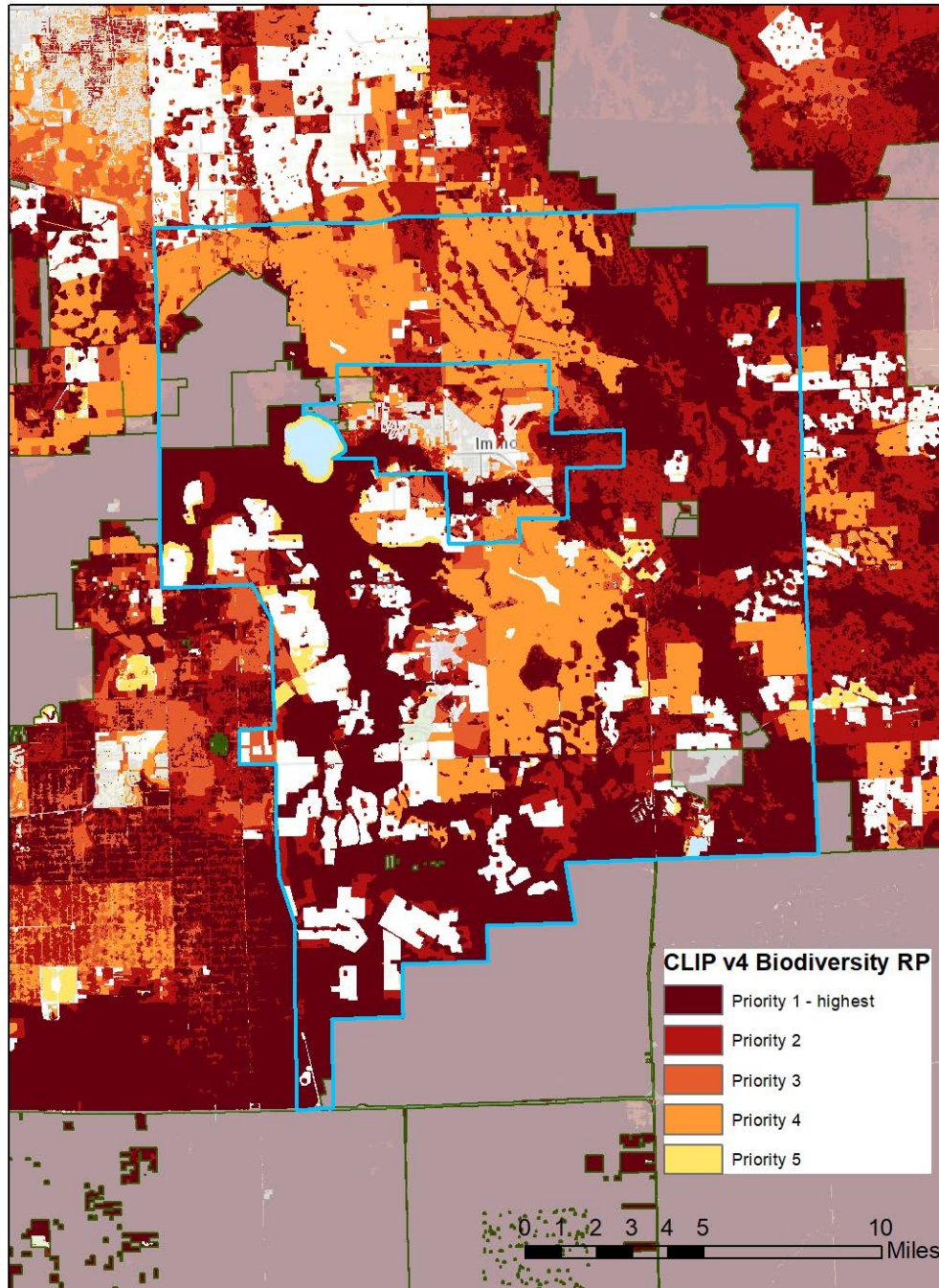


Figure 1. Biodiversity Resource Priorities from CLIP v.4 prioritization. Core data layers for development of this map are Strategic Habitat Conservation Areas (identifying gaps in the existing conservation area network for focal terrestrial vertebrates), Vertebrate Potential Habitat Richness (species richness hotspots), Rare Species Habitat Conservation Priorities (including plants and invertebrates as well as vertebrates, and Priority Natural Communities (14 natural community types that are under-represented on existing conservation lands). See [http://www.fnai.org/pdf/CLIP\\_v4\\_technical\\_report.pdf](http://www.fnai.org/pdf/CLIP_v4_technical_report.pdf) for description of these data layers. In gray on map are existing conservation areas. Several areas of Covered Activities (development) in the Eastern Collier MSHCP, especially south of Oil Well Road and along the east side of SR 29, overlap with Priority 1-3 polygons. The PRT Configuration better captures these high-priority areas.

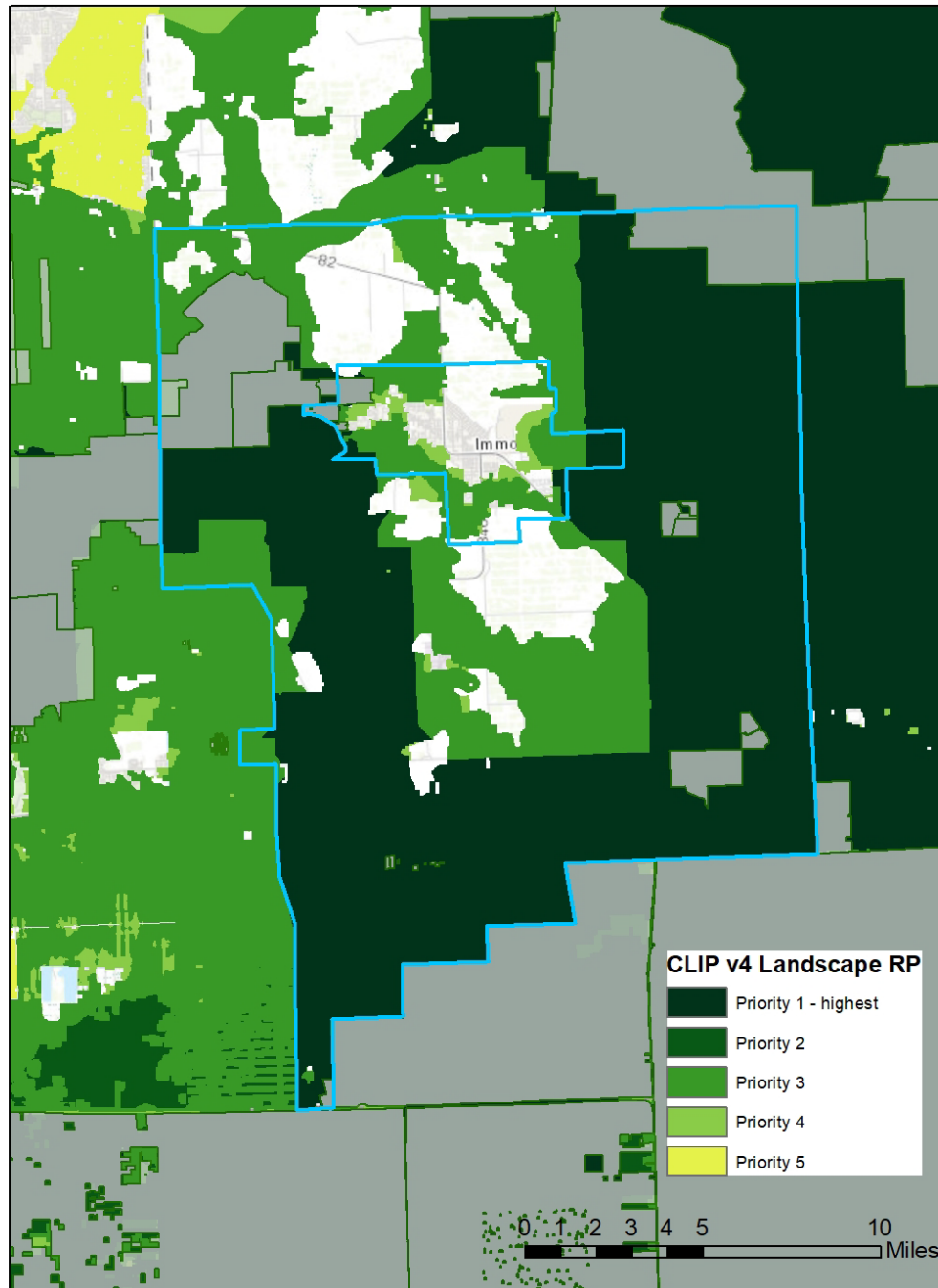


Figure 2. Landscape Resource Priorities from CLIP v.4 prioritization. Core data layers for development of this map are the Florida Ecological Greenways Network and a Landscape Integrity Index based on land-use intensity and patch size of natural communities and semi-natural land uses. See [http://www.fnai.org/pdf/CLIP\\_v4\\_technical\\_report.pdf](http://www.fnai.org/pdf/CLIP_v4_technical_report.pdf) for description of these data layers. In gray on map are existing conservation areas. Several areas of Covered Activities (development) in the Eastern Collier MSHCP, especially south of Oil Well Road and in extensive portions of the eastern (e.g., east of SR 29) and western Plan area, overlap with Priority 1-3 polygons. The PRT Configuration better captures these high-priority areas.



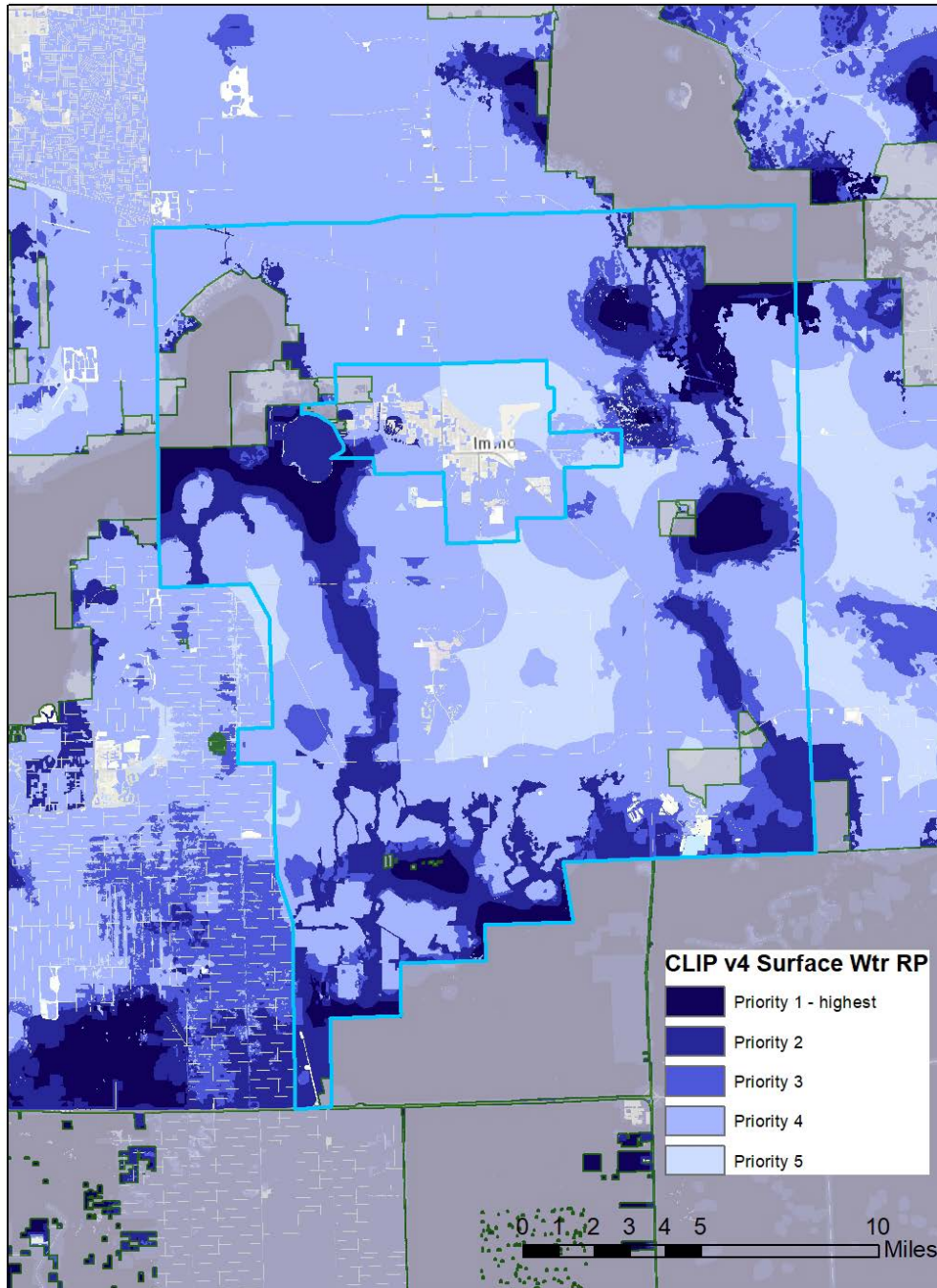


Figure 3. Surface Water Resource Priorities from CLIP v.4 prioritization. Core data layers for development of this map are Significant Surface Waters (derived from 7 water submodels), Natural Floodplain (FEMA 100-year floodplain), and Wetlands. See [http://www.fnai.org/pdf/CLIP\\_v4\\_technical\\_report.pdf](http://www.fnai.org/pdf/CLIP_v4_technical_report.pdf) for description of these data layers. In gray on map are existing conservation areas. Both the Eastern Collier MSHCP and the PRT Configuration do a good job of capturing Priority 1-3 polygons.

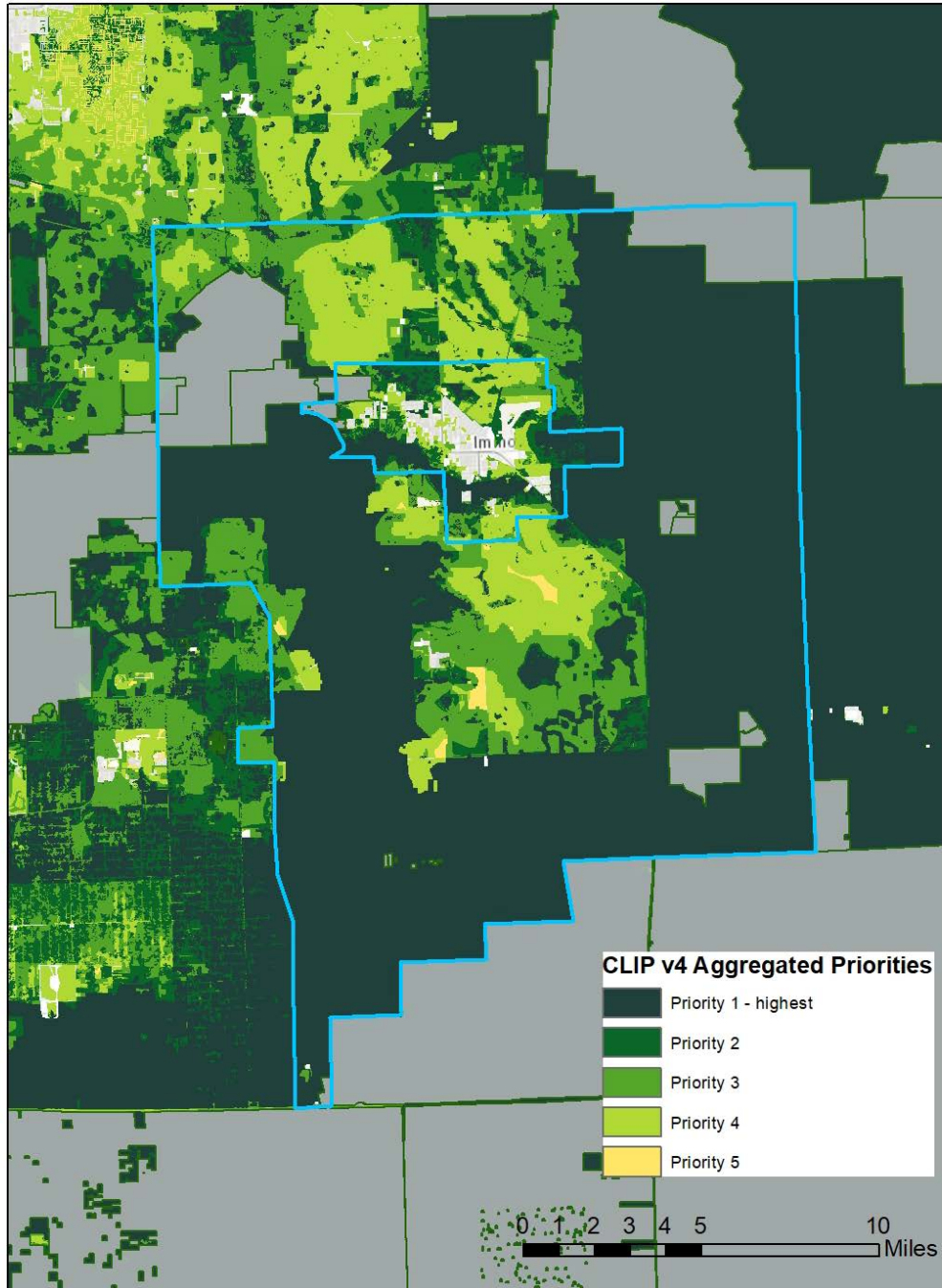


Figure 4. Aggregated Priorities from CLIP v.4 prioritization. This map represents an overlay of Biodiversity, Landscapes, and Surface Water Resource Priorities. See [http://www.fnai.org/pdf/CLIP\\_v4\\_technical\\_report.pdf](http://www.fnai.org/pdf/CLIP_v4_technical_report.pdf) for description of these data layers. In gray on map are existing conservation areas. Several areas of Covered Activities (development) in the Eastern Collier MSHCP, especially south of Oil Well Road and in extensive portions of the eastern (e.g., east of SR 29) and western Plan area, overlap with Priority 1-3 polygons. The PRT Configuration better captures these high-priority areas.

The Florida Natural Areas Inventory also provided me with an up-to-date (10/29/18) list of species of conservation concern, which are tracked by their program (Table 1). As shown in Table 1, there are 20 species of conservation concern that have documented occurrences

within the boundaries of the Eastern Collier HCP area or nearby and therefore “likely occurring” based on proximity and suitable habitats. Table 1 lists these species along with their global conservation status (GRank, with G1-G3 considered of high concern), Florida statewide conservation status (SRank, paralleling GRank in status categories), federal listing status, and state listing status.

Table 1. Species Documented or Likely Occurring within boundaries of the Eastern Collier MSHCP. Data from Florida Natural Areas Inventory, 10/29/18. For the alligator, “SA” refers to similarity of appearance; it is protected (partially) due to similarity of appearance with the endangered American Crocodile. “C” denotes a candidate for federal listing. “FT” and “FE” under State Listing refer to federally threatened and federally endangered, which take priority over a potentially different state listing status.

| Scientific Name                    | Common Name                         | GRank | SRank | Fed Listing | State Listing |
|------------------------------------|-------------------------------------|-------|-------|-------------|---------------|
| <i>Alligator mississippiensis</i>  | American Alligator                  | G5    | S4    | SAT         | FT(SA)        |
| <i>Aphelocoma coerulescens</i>     | Florida Scrub-jay                   | G2    | S2    | LT          | FT            |
| <i>Caracara cheriway</i>           | Crested Caracara                    | G5    | S2    | T           | FT            |
| <i>Crotalus adamanteus</i>         | Eastern Diamondback Rattlesnake     | G4    | S3    | N           | N             |
| <i>Dendrophylax lindenii</i>       | ghost orchid                        | G2G4  | S2    | N           | E             |
| <i>Drymarchon couperi</i>          | Eastern Indigo Snake                | G3    | S3    | LT          | FT            |
| <i>Egretta caerulea</i>            | Little Blue Heron                   | G5    | S4    | N           | ST            |
| <i>Egretta thula</i>               | Snowy Egret                         | G5    | S3    | N           | N             |
| <i>Egretta tricolor</i>            | Tricolored Heron                    | G5    | S4    | N           | ST            |
| <i>Elanoides forficatus</i>        | Swallow-tailed Kite                 | G5    | S2    | N           | N             |
| <i>Epidendrum nocturnum</i>        | night-scented orchid                | G4G5  | S2    | N           | E             |
| <i>Eudocimus albus</i>             | White Ibis                          | G5    | S4    | N           | N             |
| <i>Gopherus polyphemus</i>         | Gopher Tortoise                     | G3    | S3    | C           | ST            |
| <i>Haliaeetus leucocephalus</i>    | Bald Eagle                          | G5    | S3    | N           | N             |
| <i>Mycteria americana</i>          | Wood Stork                          | G4    | S2    | T           | FT            |
| <i>Plegadis falcinellus</i>        | Glossy Ibis                         | G5    | S3    | N           | N             |
| <i>Puma concolor coryi</i>         | Florida Panther                     | G5T1  | S1    | E           | FE            |
| <i>Rostrhamus sociabilis</i>       | Snail Kite                          | G4G5  | S2    | E           | FE            |
| <i>Sciurus niger avicennia</i>     | Big Cypress (Mangrove) Fox Squirrel | G5T2  | S2    | N           | ST            |
| <i>Ursus americanus floridanus</i> | Florida Black Bear                  | G5T4  | S4    | N           | N             |

It is worthwhile to compare the FNAI list of 20 species of conservation concern within the Plan area (Table 1, above) with the 19 species selected as Covered Species in the Plan (Tables 1-1, 1-2, 1-3, pp. 6-7 in Plan). Generally, the FNAI list (and natural heritage program/NatureServe lists in general) are considered more biologically defensible, as they are based on biological status and trend criteria alone and are not influenced by politics. On the other hand, local occurrences of species in the FNAI database are incomplete due to a number of reasons; for example, a



legitimate observation of a species at a particular site might not have been submitted to FNAI for inclusion in their database.

Although substantial overlap occurs between the two lists, there are notable differences. Eight species on the Covered Species list are absent from the FNAI list: Everglades mink, gopher frog, Florida sandhill crane, Florida burrowing owl, red-cockaded woodpecker, Florida bonneted bat, roseate spoonbill, and southeastern American kestrel. The Everglades mink, by that name, is absent from the FNAI tracking list, though they do track the same population (southern mink, southern Florida population), of questionable taxonomy (as indicated by the T2Q in the rank G5T2Q/S2) and with no occurrences confirmed within the Plan area. The recent sightings of mink within or near the Plan area, as reported in the Plan, have apparently not been submitted to FNAI. The gopher frog is tracked by FNAI as a G3/S3 species, but again no recent documented occurrences are in their database. The Plan includes it as a Covered Species “as a contingency due to its commensal relationship with the gopher tortoise” (p. 185), which is not unreasonable, although several authorities have warned against including species with no documented occurrences within the area covered by an HCP because data are insufficient to determine the effects of incidental take on the population (e.g., Harding et al. 2001).

Regarding the Florida sandhill crane, it is tracked by FNAI as a G5T2/S2 species, but with no occurrences in their database for the Plan area. This is acknowledged in the Plan, which states, however, that “extensive areas of potential suitable habitat” occur within the Plan area. A recent occurrence was documented in the Town of Rural West surveys (Amber Crooks, personal communication), but successful breeding status requires confirmation. Again, inclusion as a Covered Species may be imprudent due to insufficient data. For species such as the crane, it remains the responsibility of the landowners to assure impacts from development do not result in take; in the case of state-listed species such as the crane, state incidental take permitting may be the appropriate course of action.

The Florida burrowing owl is listed by FNAI as G4T3/S3, but again with no documented occurrences within the Plan area. Nevertheless, the Plan provides evidence of recent occurrences, apparently not submitted to FNAI. The red-cockaded woodpecker is listed by FNAI as G3/S2; although no occurrences are known within the Plan area, the Plan, perhaps legitimately, includes it “to account for any future stochastic dispersal events.”

The Florida bonneted bat is a federal endangered species listed as G1/S1 by FNAI, the highest priority ranking, but with no occurrences within the Plan area in their database. However, the Plan correctly reports several recent observations. Continued surveys and documentation of successful breeding status are needed. In addition, consultation with the USFWS for this listed species will be needed outside of the HCP process. FNAI tracks roseate spoonbill (G5/S2), but typically maps only nesting colonies of individuals. The Plan does not document nesting colonies of spoonbills; this species may be “routinely observed within the HCP Area” (p. 198) but isolated foraging individuals or small groups are routinely observed virtually statewide. Thus, this may not be an appropriate Covered Species. The same can be said for the

southeastern American kestrel (G5T4/S3), which has no breeding records in Collier County (Plan, p. 194), so it is not clear why the kestrel was selected as a Covered Species.

The nine species recorded as having occurrences within or close to the Plan area by FNAI, but not included in the Plan as Covered Species, are ghost orchid, night-scented orchid, American alligator, snowy egret, white ibis, glossy ibis, swallow-tailed kite, bald eagle, and Florida black bear. The two orchids are both listed as endangered by the state of Florida, as well as S2 by FNAI. Although the law does not require state-listed plants, or even federally-listed plants, to be included as Covered Species in HCPs, most high-quality HCPs make every attempt to include plants for which enough is known about their biology, distribution, and status to determine potential effects of incidental take. Although it is claimed (Plan, p. 274) that state-listed species are included as Covered Species, this is not true for these orchids. I recommend that surveys for these species be conducted within the Plan area, and that they tentatively be included as Covered Species. It is not unlikely that they could occur within some of the small hammocks and forested wetlands that may be destroyed by development within the Plan area unless specifically protected. Listed plants receive only 5% of the funding given to animals under federal and state T&E programs, so they deserve much more conservation attention.

The American alligator was formally de-listed under the U.S. Endangered Species Act, a conservation success story, but still occurs on the list as a precautionary measure due to similarity of appearance with the federally threatened American crocodile. Since crocodiles do not occur naturally within the Plan area, I concur with the Plan's omission of the alligator from the Covered Species list. The three wading birds – snowy egret, white ibis, and glossy ibis – recorded by FNAI as occurring within or near the Plan boundaries but not included as Covered Species, require reconsideration. Apparently, these species are not included because they are not state-listed. However, two wading birds included as Covered Species, little blue heron and tricolored heron, are both ranked by FNAI as G5/S4, a more secure status than the snowy egret, ranked as G5/S3. For an HCP to fulfill its conservation function, biological status should take priority over legal status. The white ibis is ranked G5/S4 by FNAI, the same as the little blue and tricolored herons, so for consistency should be included as a Covered Species. The glossy ibis is G5/S3, a less secure ranking, so it deserves inclusion, as does the bald eagle, also ranked as G5/S3. The swallow-tailed kite, ranked G5/S2, is even more deserving of inclusion in the Covered Species list. Finally, the black bear also warrants consideration as a Covered Species. Although it was recently delisted by the state, and downranked to G5T4/S4 by FNAI, the delisting is controversial among biologists, and bears are very sensitive to habitat fragmentation, roadkill, and conflicts with humans, all of which are certain to occur if the Plan is implemented.

**Major Flaw #1: Failure of Plan to account for increased traffic volume, which will occur as a result of the proposed development; the effects of this increased traffic on wildlife, through increased road mortality, barrier effects (fragmentation), and other impacts; and the inadequacy of proposed mitigation measures**

I was shocked to see the relative inattention paid to road impacts in the Eastern Collier MSHCP. This deficiency, in my professional opinion, is the most glaring and dangerous flaw of the Plan. The 45,000 acres to be developed within the Plan area will accommodate 91,480 dwelling units and approximately 174,000 residents according to the Plan (Plan, p. iii). This assumes a gross density of 2.03 units per acre and 1.9 persons per household. However, utilizing the Census Bureau estimation of 2.58 persons per household and the densities of approximately 2.5 dwelling units per gross acre as stated in the Plan (Plan, p. 33), the number of units may be closer to 112,500, accommodating approximately 290,250 residents. Traffic volume models typically assume an average of two vehicles per household, so using the Plan's estimates of 91,480 dwelling units translates into 182,960 vehicles on the roads of eastern Collier County, potentially on a daily basis. If the total units are closer to 112,500, this would equate to 225,000 vehicles. Whether one uses the applicants' population/vehicles numbers or these adjusted numbers, this growth will have enormous impacts on wildlife and ecosystems within the Plan area, impacts that are virtually ignored and definitely are not mitigated by the Plan.

The Plan recklessly pushes off the responsibility for addressing road impact to FDOT and Collier County (MPO), but it is very dangerous to assume that these agencies will be given the budgets to construct the necessary wildlife crossing structures, fencing, signing, and other mitigation that will be required to prevent increased wildlife-vehicle collisions. Moreover, and I discuss this below in the next section, the Marinelli Fund is insufficient to fully mitigate road impacts, especially because it will accrue gradually over 50 years, whereas road mitigation must take place before any construction begins.

Astoundingly, the Plan states (p. 66), "...although the permits and the Plan do not anticipate that the Covered Activities will cause, and therefore do not cover, panther-vehicle collisions, the Plan will provide a source of funding for land preservation and activities that will help address the risk of such collisions, such as construction of additional wildlife crossings under and fencing along roadways." It is absurd not to anticipate that between 182,960 and 225,000 additional vehicles on the road will increase the rate of panther roadkills. Indeed, just prior to this statement, also on p. 66, the Plan acknowledges that "...panther mortalities resulting from panther-vehicle collisions have increased as a function of panther population increases, as well as increased vehicular traffic within the panther's range," with the first paper cited being Smith et al. (2006), the eastern Collier County wildlife movement study, on which I was second author and principal investigator. As stated above, the Marinelli Fund is not sufficient to address this problem. Mitigation of road impacts must occur prior to any construction, not just before (or after!) the sale of homes. Anyone who has driven on the rural roads of eastern Collier County is all too aware of the numerous dump trucks, speeding recklessly between quarries, landfills, and construction sites. This construction traffic will increase immensely, followed by the increase in personal vehicles as homes are sold at some undetermined rate over the next few decades.

The increased traffic volume, which would result from implementation of this HCP, poses a grave risk not only to the panther, but to most of the other Covered Species as well, such as the indigo snake (Breininger et al. 2012), diamondback rattlesnake, and gopher tortoise, which are often killed crossing or basking on roads, and the caracara, which forages on roadkill and often

becomes roadkill itself – as do bald eagles. The Plan (p. 126) acknowledges this, especially for juvenile caracara, citing Morrison (2003). Wood storks are vulnerable, as they often forage in ditches along roads, as are sandhill cranes, which are commonly struck as they saunter slowly across roads. Even the Florida scrub-jay is highly vulnerable to roadkill, to the extent that roadside territories are demographic sinks (Mumme et al. 2000), as acknowledged in the Plan. Collisions with vehicles are mentioned as threats to several of the Covered Species (e.g., sandhill crane, p. 188; burrowing owl, p. 191), but inexplicably the increased collisions that will inevitably result from much higher traffic volume under the Plan are not acknowledged as take. For Other Covered Species as a group, the Plan (p. 211) states that “the two forms of unintentional ‘take’ that could potentially result from the Covered Activities are ‘harm’ and ‘harass’” and that, “for a number of species, take is unlikely,” completely ignoring the direct take resulting from road mortality.

There are multiple instances of major omissions and misleading statements with regard to road impacts in the Plan. In section 4.2, on potential impacts to Florida panther, why is there no discussion of traffic volume increasing under the Plan and its causative relationship to road mortality? This is a direct impact to the panther (see pp. 75-80), likely even more serious than the impacts of construction disturbance or the indirect impacts such as “reduction in the utilization of habitats adjacent to those development areas by panthers and/or panther prey base” (Plan, p. 80), although these impacts will also be substantial. On page 33, footnote #12, the Plan states that “the ITPs will not authorize or control incidental take (or any other form of take) resulting from activities of third parties (e.g., actions that are not conducted by or on behalf of the applicants), such as collisions between vehicles and panthers or other Covered Species on roadways external to development projects.” How can the Plan not take responsibility for the actions of those ostensible “third party” drivers of between 182,960 and 225,000 vehicles added to eastern Collier County’s roads as a direct consequence of implementing the Plan? The same footnote goes on to trivialize the impacts of roads internal to development areas and state that it will not take responsibility for any of those impacts either. Such an irresponsible position on road impacts is clearly inconsistent with Section 10 of the Endangered Species Act, and indeed with the entire purpose of the Act.

The Panther Habitat Assessment Methodology (see Plan, section 4.2.2, p. 82) confounds panther habitat requirements with road mortality risk, such that additional acres of habitat are assumed to compensate for panther deaths on roads. There is no scientific basis or justification for this assumption. Setting aside additional land does not substitute for meaningful measures, such as high-quality wildlife crossing structures, to reduce roadkill. It is not clear that the Plan factored road mortality into its Panther Habitat Unit (PHU) analysis, but even if they had, this approach is not scientifically valid.

After a very confusing and unhelpful section on Panther Habitat Unit (PHU) analysis, the Plan concludes (p. 93) that “the Plan provides more than sufficient mitigation to offset potential panther habitat impacts.” Whether or not this statement is accurate is of little consequence because the greater impacts of vastly increased traffic volume are not being mitigated or even acknowledged. Page 98 goes on to state that “the only form of potential take anticipated for



Florida panther and most other Covered Species within the 45,000 acres of Covered Activities – and the only form of take for which applicants seek take coverage for those species within that area – is harassment.” This misleading statement again ignores the high level of take – in the form of road mortality and movement barrier impacts – that will occur outside the “Covered Activities” area on federal, state, and county roads as a result of increased traffic volume attributable to the Plan.

On page 99, the Plan quotes a 2017 USFWS Biological Opinion stating that “the Service will use [acres] of panther habitat as a surrogate for the numbers of individuals taken,” which is clearly inappropriate when road mortality within the Plan area is likely the greatest risk for panthers. As noted above, acres of habitat do not substitute for specific mitigation to reduce the numbers of panthers killed on roads or stopped in their movements due to barrier effects of roads. To address road mortality, estimates of traffic volume increases on particular stretches of road are needed; such estimates are provided in the DEIS for the Plan (DEIS, Table 4.8-1, pp. 76-77). However, neither the Plan nor the DEIS take the necessary next steps of translating increased traffic volume into increases in the number of panthers killed annually on specific stretches of road, and then developing specific mitigation measures, in particular wildlife crossing structures and associated fencing.

Wildlife crossings are discussed in slightly more detail on pages 103-104 of the Plan. Amazingly the Plan states that “the HCP Area does not include the existing state and county roadway network.” Of course, it does – or should – as those roads run across the entire Plan area. Here (p. 103) it is also stated that “avoidance and minimization of environmental impacts resulting from improvements to the transportation network are the responsibility of Florida Department of Transportation (FDOT) and Collier County Metropolitan Planning Organization (MPO), together with State and Federal environmental regulatory agencies.” This is a blatant evasion of responsibility for impacts that are linked directly to implementation of the Plan, specifically adding between 182,960 and 225,000 vehicles to the roadways within eastern Collier County and beyond.

Proposed and ongoing FDOT road projects are listed on page 104, but these “improvements” will not be nearly enough to compensate for the increase in traffic volume attributable to the Plan. It is risky to assume that FDOT and MPO budgets will be increased sufficiently to address the impacts of development under the Plan. On page 110, the Plan again pushes off responsibility for mitigating traffic volume impacts to FDOT and MPO, explaining that “by providing the necessary land preservation (perpetual conservation easements) where wildlife crossings may be located, the Plan will facilitate minimization and mitigation of traffic impacts to panthers, even though the existing transportation network is not included as part of the Covered Activities.” This evasion of responsibility places the panther at high risk.

Other Covered Species are at risk of increased roadkill under the Plan. Chapter 7 (beginning on p. 240), the “Conservation Plan for Other Covered Species,” should include an extensive discussion of mitigation and avoidance measures for road mortality, including maps showing the locations of needed wildlife crossings for all species, fencing, elevated roadways, as well as

public transportation plans and other measures to reduce traffic volume. None of this is in the Plan. Road mortality avoidance and mitigation measures (Plan, p. 255) should be discussed in detail. Conserving Covered Species is not simply a matter of maintaining habitat quality in large, connected blocks if roads intersect those blocks and corridors.

At the top of page 257, there is a bullet on “designing internal roadway networks and roadway elements to minimize the potential for wildlife-vehicle collisions within the lands designated for Covered Activities,” but increases in traffic volume will occur on all roads across the Plan area and beyond, including those roads that cross Preservation areas. Similarly, in Chapter 9, it is stated that the Marinelli Fund (see below) will assign “priority for conservation activities that address roadway impacts to species (such as fencing along roadways and construction of wildlife underpasses) will go to local and private roadways before federal and state roadways...” (Plan, pp. 286-287). This is not acceptable because increased traffic volume will impact wildlife throughout the Plan area, not just on local and private roads within the 45,000 acres most directly affected by development. The discussion of specific “initiatives to reduce roadway impacts” (Plan pp. 287-288) actually contradicts previous statements about prioritizing local and private roadways by listing mitigation actions on county and state routes.

I could continue with other examples from the Plan of how traffic volume impacts are ignored, trivialized, or passed on to other agencies to address, but I think this huge deficiency of the Plan is clear. Simply put, the Plan does not develop a mechanism to minimize and mitigate the tremendous risks to panthers and other Covered Species imposed by adding between 182,960 and 225,000 vehicles to this rural (for now) area of Collier County. Adequate mitigation requires specific studies of where road mortality is likely to occur, along with a detailed description of mitigation measures, including specific, mapped wildlife crossing structures and associated fencing.

### **Major Flaw #2: Inadequate funding through the Marinelli Fund to accomplish the plethora of conservation activities proposed to be covered by this Fund**

The Marinelli Fund is another major weakness of the Plan, as mentioned above with respect to mitigation of increased road impacts. This Fund is expected to accumulate \$150 million over 50 years, which would be \$3 million annually if the money accrues at a constant rate. Compare that number to the \$300 million per year available for conservation land acquisition statewide for more than two decades under Preservation-2000 and Florida Forever. Of course, the money will not accrue at a steady rate over time, but the Plan offers no information or analysis on how rapidly this money will accrue. The HCP should include a detailed economic analysis of the accumulation of money in the Marinelli Fund over time (say, at annual intervals over 50 years, based on modeled rates of construction and sales of dwellings) under alternative growth and sales scenarios. Timing is everything. In order to mitigate impacts of increased traffic volume, in particular (see above), it is critical that wildlife crossings, fencing, signs, and other structures be installed up-front, prior to any construction. The Marinelli Fund is expected to be used, in part, “to construct wildlife crossings” (e.g., Plan, p. 100), but it seems impossible that funds will accumulate rapidly enough to accomplish this task.

On pages 99-100, the discussion of what the Marinelli Fund is expected to accomplish is naïve. Wildlife crossing structures (bridges and box culverts) alone cost ca. \$3.6 to 5 million each (2012 Panther Habitat Assessment Methodology, unpublished), and potentially dozens of new structures may be needed to mitigate the impacts of adding between 182,960 and 225,000 vehicles to the local and regional road network. Certainly, the statement (p. 100) that the Marinelli Fund will be “far in excess of what will be required to implement the Plan” is nonsense. On pages 106-107, Table 4-8, a number of Florida Panther Recovery Plan Actions are listed, which supposedly would be addressed by the Plan, but for many of these actions, “cost depends upon number of willing landowners and land prices” or “costs will be site specific.” How will there be enough money to accomplish all of these actions? A thorough accounting is needed.

More detailed discussion of the Marinelli Fund in the Plan begins on page 283. I do not agree with the assertion that “the remainder of the costs associated with implementing the Plan...will be minimal compared to the value of the preserved lands” (Plan, p. 283). Costs of land acquisition (e.g., for corridors to assist panther movement northward), road impact mitigation, and a proper adaptive management and monitoring program (see below) will be enormous, yet there is no accounting of the potential costs of these activities in the Plan. Again, most of these costs will be up-front, before construction begins, and there is no assurance that the slow accumulation rate of the Marinelli Fund can meet this challenge. Indeed, the Plan states that “the applicants will contribute \$350 per acre to the Fund as Covered Activities are initiated” (Plan, p. 284). This timing does not match the need for up-front funding. The second source of revenue, “a per-unit fee of \$200 (adjusted periodically to account for adjustments in the Consumer Price Index) each time a home within the HCP Area is sold (including both initial sales and re-sales)” would come in far too late for meaningful mitigation.

I am confused by the statement (Plan, p. 286) that the Marinelli Fund “is also expected to be used for conservation initiatives that go beyond the Plan, such as construction of wildlife crossings and fencing, habitat acquisition and restoration, corridor enhancement, public education and outreach focused on the importance of wildlife conservation, and scientific research relevant to species conservation...at the discretion of the Marinelli Foundation Board of Directors.” Why are these activities considered to go beyond the Plan? Most of these should be required activities to mitigate and compensate for the ecological damage caused by adding between 174,000 and 290,250 residents and between 182,960 and 225,000 vehicles to rural eastern Collier County. The rationale provided for the “beyond the Plan” language is that these activities “are not needed in order to fully offset the projected impacts of incidental take (because other elements of the Plan fully offset those impacts)” (Plan, p. 286). I strongly disagree with this assumption, and no detailed analysis is provided in the Plan to justify it.

### **Major Flaw #3: Inadequate theoretical basis, operational structure, and description of adaptive management and monitoring in relation to the Plan**

A notable development in the evolution of HCPs was the “Five Point Policy” issued by the U.S. Fish and Wildlife Service in 1999 (U.S. Fish and Wildlife Service 2000). This policy stipulated that HCPs must include:

- 1) adaptive management provisions
- 2) measurable biological goals
- 3) monitoring to ensure compliance and measure the effectiveness of HCPs
- 4) public participation in the HCP process
- 5) establishment of appropriate permit duration

New rules accompanying this policy also provided that the U.S. Fish and Wildlife Service may revoke an incidental take permit if, as a result of unforeseen consequences, the plan places a listed species in jeopardy (Liebesman and Petersen 2003). The Five Point Policy may have led to an overall improvement in the quality of HCPs, although, to my knowledge, no rigorous assessment of the effects of the policy has been produced. A more recent rule, which took effect in 2005 (Federal Register Vol. 69, No. 237, December 10, 2004), revised the permit revocation policy, but the new policy is confusingly stated. The current revocation policy is summarized in a 2011 fact sheet: “The FWS will use its authority to manage any unforeseen circumstances that may arise to ensure that species are not jeopardized as a result of approved HCPs. In the rare event that jeopardy to the species cannot be avoided, the FWS may be required to revoke the permit” (U.S. Fish and Wildlife Service 2011).

Since the Five Point Rule was promulgated in 1999/2000, adaptive management and associated monitoring are required components of every HCP, although in practice these components are often poorly developed (Harding et al. 2001, Wilhere 2002). According to the review by Wilhere (2002), “few HCPs incorporate genuine adaptive management.” A more recent review of regional HCPs similarly revealed “a considerable range of adaptive management approaches and a good number of plans without any adaptive management provisions at all” (Taylor and Doremus 2015). Moreover, abundant experience has shown that monitoring (an essential element of adaptive management) has a long history of poor implementation by agencies and is usually the first program to be cut when budgets are tight (Noss and Cooperrider 1994, Noss et al. 1997, Nichols and Williams 2006).

A simple definition of adaptive management was offered by Howes et al. (2010): “...an iterative process of gathering new knowledge regarding a system’s behavior and monitoring the ecological consequences of management actions to improve management decisions.” The rather long-winded description of adaptive management in the new HCP manual is consistent with this definition: “An adaptive approach involves exploring alternative ways to meet management objectives, predicting the outcomes of alternatives based on the current state of knowledge, implementing one or more of these alternatives, monitoring to learn about the impacts of management actions, and then using the results to update knowledge and adjust



management actions. Adaptive management focuses on learning and adapting, through partnerships of managers, scientists, and other stakeholders who learn together how to create and maintain sustainable resource systems” (USFWS and NMFS 2016: 10-28, 10-29).

Based on my review of many HCPs, the HCP handbook, and the technical literature of adaptive management since Noss et al. (1997), I suggest some basic requirements for implementation of adaptive management in HCPs:

- recognition that the system (e.g., natural community or species) being managed will never be understood completely, which is reflected in uncertainty about the ecological model chosen to represent the system
- acknowledgement of uncertainty about what policy or practice is "best" for the particular management problem, which is reflected in multiple competing hypotheses about the effects of management practices
- implementation of a plan of action designed to reveal critical knowledge about the system and its response to management that is currently lacking
- acknowledgment of the trade-off between gaining the most knowledge about the system vs. achieving the best short-term results, and attempting to balance these often competing objectives
- monitoring of carefully chosen response indicators to evaluate the outcome of alternative policies or management treatments
- analysis of management outcomes in consideration of the original objectives
- incorporation of the results of management experiments and other learning into decisions about new policies and management strategies and actions

The iterative and cyclic nature of adaptive management is captured in a graphical representation of the process (Fig. 5). The figure illustrates the progression from defining the problem to articulating management goals; developing an ecological model of the system (which can include socioeconomic variables); defining desired outcomes and performance metrics; selecting and evaluating conservation measures; conducting pilot and full-scale research on the problem (note: this is desirable but not always possible); designing and implementing conservation actions (these could also be policies or management/restoration actions); designing and implementing monitoring; collecting and managing data; analyzing and synthesizing the data, i.e., the results of management treatments; making recommendations; refining the knowledge base and the ecological models; refining management actions; revising objectives; and reassessing the problem...then begin the cycle anew.

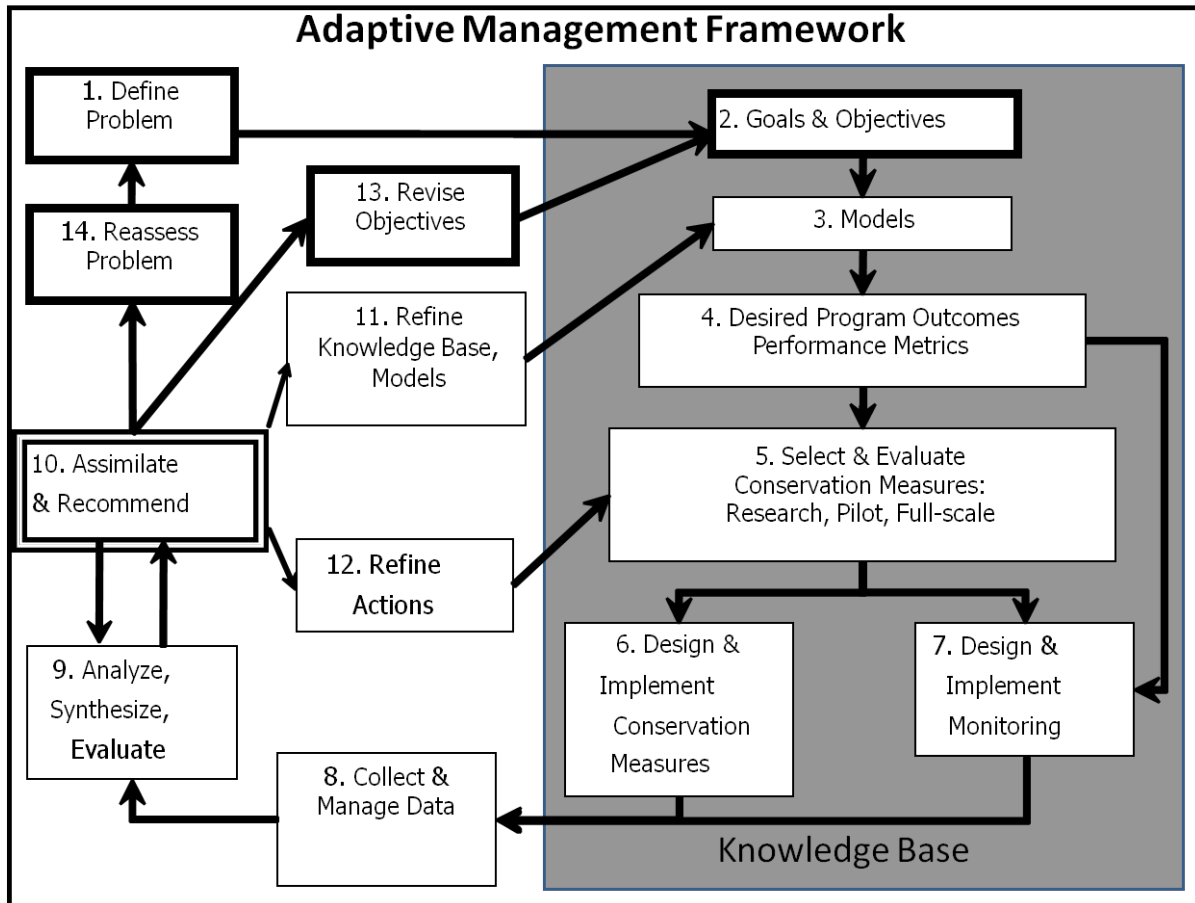


Figure 5. An adaptive management framework. From Dahm et al. (2009).

How well does the Eastern Collier MSHCP conform to these various descriptions, requirements, and principles of adaptive management? Very poorly, in my professional opinion. The discussion of adaptive management in the Plan is brief and vague. It lacks any real substance. The description of monitoring concentrates on compliance monitoring, which is a necessary but not sufficient component of a monitoring program for adaptive management. There is no detailed discussion of what response indicators will actually be measured, or at what intervals and within what statistical design, to evaluate the outcome of alternative policies or management treatments. I must conclude that this HCP exhibits the same basic flaw of the lowest-quality HCPs reviewed by Taylor and Doremus (2015), exhibiting "...monitoring solely to demonstrate compliance with the provisions of the HCP, with no monitoring designed to evaluate the extent to which the plan is achieving its ecological objectives."

The discussion of effectiveness monitoring for panthers is found on pages 116-118. Monitoring is essentially limited to "occurrence data...; habitat selection; movement data; and disease status." All of this monitoring is assigned to FWC: "Based on FWC's experience and existing infrastructure, the applicants propose that FWC be responsible for monitoring panthers within the HCP Area" (Plan, p. 117). This is ostensibly reasonable, but monitoring for adaptive management requires far more than population and habitat surveys – it requires statistically

valid and repeated measurement of the responses of panthers (and other Covered Species) to alternative landscape designs and management treatments (Nichols and Williams 2006). It needs carefully identified “decision-making triggers” to inform adaptive management (Nie and Schultz 2012). Reynolds et al. (2016) pointed out that monitoring programs “risk failure if they lack a clear motivating problem or question, explicit objectives linked to this problem or question, and a comprehensive conceptual model of the system under study.” None of these essential elements of adaptive management is present in the Plan. Basically, the Plan lacks a true adaptive management program, a fatal flaw for an HCP, which is legally required to have a rigorous adaptive management component.

Description of monitoring programs for Other Covered Species in the Plan is especially weak. Development of monitoring procedures is mostly deferred to later, for example, “more specific monitoring and reporting requirements will be included in the terms and conditions to the ITPs issued by the USFWS” (Plan, p. 113). This deferral is not acceptable. The adequacy of the monitoring program needs to be evaluated by reviewers now, before the HCP is potentially approved and implemented. A major weakness is that “the periodic accounting of incidental take for other Covered Species will be based on the acreage of other Covered Species habitat(s) impacted by the Covered Activities, as well as the acreage of the in-kind habitat(s) preserved, enhanced, and/or created within the areas designated for Preservation/Plan-Wide Activities and Very Low Density Use under the Plan” (Plan, p. 264). This purely habitat-based monitoring is not sufficient, as populations can fluctuate due to factors not directly related to habitat quality – for example, road mortality. Research has determined that, whereas habitat surrogates are useful for some aspects of monitoring, they are uninformative about population trends of target species over time (Pierson et al. 2015). The applicants need to rigorously monitor population status and trends for the Covered Species. The Plan (p. 264) does state that “biological surveys to determine species status will be conducted as appropriate for the other Covered Species,” but not enough detail is provided to determine if the population monitoring program will have a design and statistical power sufficient to determine trends.

As with the panther monitoring approach, the monitoring program for other Covered Species should be formulated and discussed within the theoretical and empirical framework of adaptive management. Why monitor if you’re not going to learn and change? Regarding changed and unforeseen circumstances (Chapter 8, beginning p. 268), it would be appropriate to monitor species and ecosystem response to some of the changed circumstances, for instance hurricanes, flooding, fire, and invasive species, pests, and diseases. Although monitoring is mentioned briefly for some of these (invasives), no details are provided. I conclude that the adaptive management and monitoring components of the Eastern Collier MSHCP are entirely unacceptable.

#### **Major Flaw #4: Inadequate justification for selecting the Preferred Alternative (the Plan) over the PRT Configuration Alternative**

Among the various Plan alternatives discussed in Chapter 10, the No-Action Alternative is dismissed because it is argued it would allow development to impact a potentially greater area

than what is proposed under the Plan, including “development at greater densities [than the base zoning of one unit per five acres] within the 71,275 acres of [Rural Lands Stewardship Area Program] RLSP ‘Open’ lands located within the HCP area” (Plan, p. 291). According to the Plan, under the proposed HCP, 45,000 acres out of 71,275 acres of “open” lands can be developed, which is apparently 26,000 or more acres less development than would be allowed under the voluntary RLSP (Plan, p. 290).

This statement is potentially misleading, however, because it implies there are sufficient development credits existing in the RLSP to translate into 71,275 acres of intensification. Yet, according to WilsonMiller (now Stantec) in a 2008 memo to Collier County on behalf of the Eastern Collier Property Owners, they determined the existing credits available for intensification in the form of Stewardship Receiving Areas (SRA) “would entitle a maximum of 43,312 acres of SRA development” (WilsonMiller 2008). Any Open Lands over this amount would be limited to the base zoning of one unit per five acres and further protected through the Group 5 Policies in the RLSP, the goal of which is, “Policies that protect water quality and quantity and the maintaining of the natural water regime and protect listed animal and plant species and their habitats on land that is not voluntarily included in the Rural Lands Stewardship Area program” (Collier County 1997-2018). Therefore, policies are in place at the local level for development that is not intensified through participation in the program.

The fact that the current RLSP has capacity for only 43,312 acres of intensification, and has further policies governing development outside of SRA intensification, means that the Plan’s proposed 45,000 acres of intensification within the Covered Activities area will result in more new towns or dwellings than could currently be built. While the Plan later acknowledges (Plan, p. 291-292, footnote #52) that “proposed amendments to the Collier County comprehensive plan would place a 45,000-acre cap on development within the RLSA,” thus increasing the amount of potential intensification from what it is today, this modification has yet to be made and may not be adopted by the Collier County Commission.

In looking at the current RLSP and the intensification proposed by the Plan, there appears to be little added conservation benefit provided by the HCP beyond the No-Action Alternative, at the cost of authorizing take associated with adding an estimated 91,480 to 112,500 dwelling units, between 174,000 and 290,250 residents, and between 182,960 and 225,000 vehicles to eastern Collier County. This much development might come close to occurring in the absence of a regional HCP, of course, but there is no certainty of this outcome, as each landowner would still have to develop an HCP, or consult under Section 7, to mitigate any incidental take of federally listed species. That said, I still accept the premise that coordinated regional planning – especially if it involves conservation of species of concern that are not federally listed, as well as listed species – is usually superior to piecemeal project-by-project planning. For example, regional conservation planning should reduce habitat fragmentation by clustering development. The important caveat is that development impacts within a regional HCP area must be entirely mitigated, and that the Plan contributes to species recovery (an essential component of a high-quality HCP; Noss et al. 1997). Given road impacts (see above), in particular, I do not believe development impacts are fully mitigated in the current Plan.



The Plan (p. 293) states that “the HCP reflects and furthers the goals of the Florida Panther Protection Plan (‘FPPP’).” This is certainly not true if increased roadkill resulting from higher traffic volume results in increased mortality of panthers. Moreover, another rejected alternative plan, the Panther Review Team (PRT) Configuration, appears to provide greater benefits to the panther. The Plan (p. 294) states that “the main difference between the PRT Configuration Alternative and the Proposed Alternative is the location of areas designated for Covered Activities.” In fact, there is also substantially less protected area in the Plan than within the PRT Configuration.

The reasons given for preferring the HCP over the PRT Configuration are: (1) the PRT “configured the 45,000 acres of potential future development within the RLSP ‘Open’ areas...However 13,000 acres mapped by the PRT for potential future development are not owned or controlled by the applicants;” (2) “some of the PRT’s recommendations are not economically feasible based on land ownership configurations. Some applicants maintain holdings only in areas that the PRT recommended for preservation, yet those applicants possess property and zoning rights that allow for development whether or not the Proposed HCP is implemented;” and (3) “the PRT’s recommendations are outdated...Some of the recommendations are no longer available due to planning and permitting activities that have occurred during the years since the PRT recommendation was made. Therefore, the PRT Configuration Alternative would eliminate the interests of some applicants, and is not practicable or viable” (Plan, presumably p. 297, although this page is missing from the Plan, so I had to consult the equivalent page, 291, from the April 2018 draft).

I do not find these reasons for preferring the Plan over the PRT Configuration compelling. While I appreciate the wish to meet the economic needs and desires of the landowner applicants, and that land allocation is complicated by some landowners within the overall Plan area either electing not to be part of the regional HCP or never being invited to join, meeting landowner needs and desires must be done in a way that provides sufficient conservation benefits. The PRT Configuration provides much more land protection than the Plan in areas important to the Florida panther and some other Covered Species. This was noted in an earlier section of this review on the biological significance of the Plan area (see above), where for example, the legends to Figures 2 and 4 specifically noted: “Several areas of Covered Activities (development) in the Eastern Collier MSHCP, especially south of Oil Well Road and in extensive portions of the eastern (e.g., east of SR 29) and western Plan Area, overlap with Priority 1-3 polygons. The PRT Configuration better captures these high-priority areas.”

I find it ironic that the Plan states “the PRT’s recommendations are not economically feasible...” given the absence of detailed economic analysis in the Plan, for example related to the cost of required mitigation actions and the rate of accumulation of the Marinelli Fund (see above). If some of the landowners hold properties only in the areas recommended for preservation in the PRT Configuration, they have the ability be financially compensated through selling their stewardship credits for development to landowners outside the PRT preservation area. In any case, the PRT Configuration is significantly superior from a biological standpoint to the current

Plan and should be reconsidered as the Preferred Alternative. As for the PRT Configuration being several years out of date, this could be easily remedied by asking the PRT to update its map, given current data.

### **Comments on specific topics suggested by the Conservancy of Southwest Florida in relation to the HCP**

Below, I provide a few additional comments in response to specific topics suggested by the Conservancy to consider in my review. Note that most of these topics have been addressed extensively in the sections above.

#### Adequacy of adaptive management, monitoring, funding mechanisms, and procedures to deal with changed/unforeseen circumstances

I addressed this topic above in two sections. To summarize, the lack of a true adaptive management plan and a detailed monitoring program, as well as insufficient funding (especially in the short term) through the Marinelli Fund, preclude any meaningful response to changed or unforeseen circumstances. The Plan is not adaptive.

#### If the HCP allows for effective implementation given the lack of Implementing Agreement and number of applicants

I frankly don't know how the present lack of an Implementing Agreement might affect implementation of the Plan. This is not discussed at all in the Plan. Perhaps an Implementing Agreement is being developed? Regarding the number of applicants (11, as stated in the Plan, p. 7), this is not excessively large in comparison to some other HCPs. That said, it would be preferable to have the county act as the lead applicant on behalf of the landowner applicants, as is the case for most of the regional HCPs that I have advised or reviewed in the past.

#### Adequacy of minimization and mitigation measures for 19 proposed Covered Species

I noted earlier in this review that the Covered Species list includes some species that, given current knowledge, do not occur within the Plan area, or are otherwise inappropriate. Conversely, a number of other species within the Plan area (or documented very near the boundaries) are biologically more threatened than some of the Covered Species, and two of them (orchid species) are listed by the State of Florida as endangered. These should be added to the Covered Species list – and adequately protected.

As noted in the section above on plan alternatives, the PRT Configuration provides more protected land and, therefore, superior minimization and mitigation measures than the Preferred Alternative (the Plan). Moreover, as discussed extensively above, the Plan fails to provide adequate mitigation for the much higher traffic volume that would result from adding approximately 182,960 to 225,000 vehicles to the roads of eastern Collier County.

### Protection of the Florida panther, as well as ecosystem functions, corridors, and habitat important to the panther

The Plan considers habitat connectivity for the panther, but does not protect panther corridors as well as the PRT Configuration. The two main needs of the panther in this area, both of which are acknowledged as worthy objectives in the Plan, are (1) construction of wildlife crossings and associated fencing to reduce the likelihood of road mortality, and (2) land acquisition and other measures to protect movement corridors, including movement northward (ultimately across the Caloosahatchee River) to recolonize areas from which panthers have been extirpated. Not enough detail is provided in the Plan on protection of movement corridors. Regarding wildlife crossings, as discussed above, insufficient funds are provided to construct all the crossings that are needed; moreover, the Marinelli Fund will not accrue rapidly enough to construct crossings quickly – prior to development.

### Adequacy of description of take to Covered Species, particularly due to traffic and roadway infrastructure

This topic is discussed extensively above. It is my professional opinion that the failure to adequately address and mitigate the take of panthers and other Covered Species as a result of roadkill is the single biggest flaw of the Plan. The Plan fails to even recognize this mortality as take, which is inexcusable.

### **Conclusion**

Given the many flaws of the current Eastern Collier MSHCP, as discussed above, I recommend it not be approved. A revised PRT Configuration should be reconsidered, along with complete mitigation of roadkill resulting from increased traffic volume and development of a true adaptive management and monitoring program.

### **Literature Cited**

Breining, D.R., M.J. Mazerolle, M.R. Bolt, M.L. Legare, J.H. Drese, and J.E. Hines. 2012. Habitat fragmentation effects on annual survival of the federally protected eastern indigo snake. *Animal Conservation* 15:361-368.

Collier County (Planning and Zoning Department). 1997-2018. Collier County Growth Management Plan. Future Land Use Element.

<https://www.colliercountyfl.gov/home/showdocument?id=83242>.

Dahm, C., T. Dunne, W. Kimmerer, D. Reed, E. Soderstrom, W. Spencer, S. Ustin, J. Wiens, and I. Werner. 2009. Bay Delta Conservation Plan Independent Science Advisors' Report on Adaptive Management. Prepared for BDCP Steering Committee. February 2009.

Haddad, N.M., L.A. Brudvig, J. Clobert, K.F. Davies, et al. 2015. Habitat fragmentation and its lasting impact on Earth's ecosystems. *Science Advances* 2015;1:e1500052.

Harding, E.K., E.E. Crone, B.D. Elder, J.M. Hoekstra, A.J. McKerrow, J.D. Perrine, J. Regetz, L.J. Rissler, A.G. Stanley, E.L. Walters, and NCEAS Habitat Conservation Plan Working Group. 2001. The scientific foundations of Habitat Conservation Plans: a quantitative assessment. *Conservation Biology* 15:488-500.

Hector, T.S., M.H. Carr, and P.D. Zwick. 2000. Identifying a linked reserve system using a regional landscape approach: the Florida Ecological Network. *Conservation Biology* 14:984-1000.

Liebesman, L.R., and R. Petersen. 2003. *Endangered Species Deskbook*. Environmental Law Institute, Washington, D.C.

Morrison, J.L. 2003. Age-specific survival of Florida's crested caracaras. *Journal of Field Ornithology* 74:321-330.

Mumme, R.L., S.J. Schoech, G.W. Woolfenden, and J.W. Fitzpatrick. 2000. Life and death in the fast lane: demographic consequences of road mortality in the Florida scrub-jay. *Conservation Biology* 14:501-512.

Nichols, J.D., and B.K. Williams. 2006. Monitoring for conservation. *Trends in Ecology and Evolution* 21:668-673.

Nie, M.A., and C.A. Schultz. 2012. Decision-making triggers in adaptive management. *Conservation Biology* 6:1137-1144.

Noss, R.F. 1987. Protecting natural areas in fragmented landscapes. *The Natural Areas Journal* 7 (1):2-13.

Noss, R.F., and A. Cooperrider. 1994. *Saving Nature's Legacy: Protecting and Restoring Biodiversity*. Island Press, Washington, D.C.

Noss, R.F., M.A. O'Connell, and D.D. Murphy. 1997. *The Science of Conservation Planning: Habitat Conservation under the Endangered Species Act*. Island Press, Washington, D.C.

Pierson, J.C., P.S. Barton, P.W. Lane, and D.B. Lindenmayer. 2015. Can habitat surrogates predict the response of target species to landscape change? *Biological Conservation* 184:1-10.

Rahn, M.E., H. Doremus, and J. Diffendorfer. 2006. Species coverage in multispecies habitat conservation plans: where's the science? *BioScience* 56:613-619.

Rands, M.R.W., W.M. Adams, L. Bennun, S.H.M. Butchart, et al. 2010. Biodiversity conservation: challenges beyond 2010. *Science* 329:1298-1303.



Reynolds, J.H., M.G. Knutson, K.B. Newman, E.D. Silverman, and W.L. Thompson. 2016. A road map for designing and implementing a biological monitoring program. *Environmental Monitoring and Assessment* 188:399: doi 10.1007/s10661-016-5397-x.

Taylor, M., and H. Doremus. 2015. Habitat Conservation Plans and climate change: recommendations for policy. *Environmental Law Reporter* 45:10863-10874.

U.S. General Accounting Office. 1994. Endangered Species Act: Information on Species Protection on Nonfederal Lands. GAO/RCED-95-16.

U.S. Fish and Wildlife Service. 2000. The HCP Handbook Addendum or "Five Point Policy." <http://www.fws.gov/Midwest/Endangered/permits/documents/HCPAddendum.pdf>.

U.S. Fish and Wildlife Service. 2011. Habitat conservation plans under the Endangered Species Act. Fact Sheet: <http://www.fws.gov/endangered/esa-library/pdf/hcp.pdf>.

Wilhere, G.F. 2002. Adaptive management in Habitat Conservation Plans. *Conservation Biology* 16:20-29.

WilsonMiller. 2008 (September 18, 2008). Estimates of Stewardship Credits under the current and revised RLSA Program and recommendation for Credit calibration. Appendix H. <https://www.colliercountyfl.gov/home/showdocument?id=22276>.