



September 10, 2009

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Ray Eubanks, Administrator  
Plan Review and Processing  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

RE: Pasco County 09-2, Proposed Future Land Use Map Amendment from Residential-6 (RES-6) to Residential-6 (RES-6), Residential-12 (RES-12), Residential-24 (RES-24), Commercial (COM), Industrial Light (IL), and Conservation (CON) in Southwest Pasco County for the Harvey/Madison Property

Dear Mr. Eubanks:

The Division of Habitat and Species Conservation, Habitat Conservation Scientific Services Section, of the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated our agency's review of the proposed Pasco County Comprehensive Plan Amendment (Department of Community Affairs' designation Pasco County 09-2) and provides the following comments in accordance with Chapter 163.3184(4), Florida Statutes.

**Proposal Description**

The proposed Pasco County Comprehensive Plan Amendment would affect approximately 205 acres of land in Pasco County. The Future Land Use Map (FLUM) amendment proposes changing the land use designation of the site from RES-6 to RES-6, RES-12, RES-24, COM, IL, and CON; therefore, land use designations and its potential effects on fish and wildlife resources, along with their associated habitats, will be the focus of our comments.

DCH Groves, LLC, is requesting approval to modify the existing FLUM at a site located adjacent to and south of State Road 54 between Madison Street to the west and Celtic Drive to the east. The site is located in the southwestern portion of the County, within a largely developed area, and its eastern boundary borders the Anclote River. The property contains pinelands, citrus, hardwood swamps, mixed pine-hardwood forest, and hardwood hammocks and forest.

The applicant is requesting the approval of a RES-12 and RES-24 designation in the FLUM adjacent to the proposed conservation area, which may cause on- and off-site impacts that are incompatible with the remaining natural communities and associated habitat for several listed species.

**Potentially Affected Resources**

We completed a Geographic Information System (GIS) analysis and according to our review, the proposed Harvey/Madison site contains or falls within:

- Priority wetlands for the American alligator, gopher frog, little blue heron, and wood stork;
- Florida Natural Areas Inventory Conservation Needs – Sustainable Forestry Areas;
- U.S. Fish and Wildlife Service Consultation Area for the Florida scrub-jay; and
- Ecological Greenways – Anclote River.

These habitats support a diverse array of wildlife species, including eight that are protected by state or federal law (Table 1).

Table 1: Occurring and Potentially Occurring Listed Wildlife Species

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status*</u>
American alligator	<i>Alligator mississippiensis</i>	SSC
Eastern indigo snake	<i>Drymarchon corais couperi</i>	ST; FT
Gopher frog	<i>Rana capito</i>	SSC
Gopher tortoise	<i>Gopherus polyphemus</i>	ST
Little blue heron	<i>Egretta caerulea</i>	SSC
Tricolored heron	<i>Egretta tricolor</i>	SSC
Snowy egret	<i>Egretta thula</i>	SSC
Wood stork	<i>Mycteria americana</i>	SE; FE

\* SSC - Species of Special Concern; ST - State Threatened; SE - State Endangered; FT - Federally Threatened; FE - Federally Endangered

Further, our review indicates that the area being proposed for development contains potential habitat for the listed wood stork, gopher frog, little blue heron, and eastern indigo snake (Enclosure 1). The property also serves as a greenways corridor connecting conservation lands to the North and South (Enclosure 2). Lastly, we compared our data against data supported by Google Maps ©, and believe that the parcel provides habitat value to the above-mentioned listed species.

Therefore, we checked for consistency between this proposal and the *Pasco County Comprehensive Plan*, specifically **Chapter 3 – Conservation Element**, and we believe that the Comprehensive Plan provides significant Goals, Objectives, and Policies toward the preservation of natural resources. These provisions can be found in the comprehensive plan and can be reviewed at the following web site: [http://portal.pascocountyfl.net/portal/server.pt/community/growth\\_management/242/comprehensive\\_plan](http://portal.pascocountyfl.net/portal/server.pt/community/growth_management/242/comprehensive_plan). We understand that these goals, objectives and policies are intended to protect listed species and their associated habitats from development or degradation. We believe that the associated Goal, Objective, and Policies cited below are particularly relevant to this issue:

*GOAL CON 1: REGIONAL CONSERVATION STRATEGY*

*Protect, conserve, enhance, and manage the natural land and water resources of Pasco County through a regional conservation strategy that protects the most significant natural resources of the County through a combination of standards for specified critical linkages, land acquisition, land use strategies, managing and preserving public lands, land use policies, wetlands, and water resources.*

*OBJECTIVE CON 1.1: NATURAL RESOURCES PROTECTION*

*Protect natural communities, including uplands and wetlands; connect natural linkages, conserve viable populations of native plants and animals; protect habitat for listed species; protect water resources and wetland systems; protect unique natural resources; enhance resource-based recreational opportunities, and expand environmental education opportunities.*

*POLICY CON 1.1.1: COMPREHENSIVE STRATEGY FOR CONSERVATION*

*Pasco County shall implement a regional strategy for the protection of environmentally sensitive lands that includes the following techniques:*

- a. Regulations that protect listed species, critical linkages, and wetlands.*
- b. Acquisition through the County's Environmental Lands Acquisition and Management Program and resource-based recreational opportunities and education programs in association therewith.*
- c. Coordination of mitigation opportunities with the appropriate State and Federal agencies.*
- d. Development Incentives for clustering and for preserving critical linkages and wetlands based on size, type/category, and quality.*
- e. Conservation land use designations.*

*POLICY CON 1.1.2: IMPACTS TO LISTED SPECIES*

*Pasco County shall require the evaluation and management and/or mitigation of impact to animals listed as endangered, threatened, or species of special concern by requiring that proposed development sites be examined for the presence of plant and animal species listed as threatened, endangered, or of special concern by the Florida Fish and Wildlife Conservation Commission or the United States Fish and Wildlife Service. Confirmation of an adequate review of potential habitat for listed species shall be provided during the development review process. Pasco County shall be copied on correspondence with these agencies and notified of the approval of management plans, if necessary, or permits for impacts to listed species or their habitats. A permit for any impacts to habitat occupied by animals listed as Threatened, Endangered, or Species of Special Concern by the Florida Fish and Wildlife Conservation Commission or the United States Fish and Wildlife Service must be obtained and submitted to the County prior to initiating construction.*

## **Recommendations**

The Comprehensive Plan and Land Development Code require a 50-foot setback from the annual floodline of the Anclote River, which is the area being proposed for a conservation designation. We are concerned that this proposed conservation area does not provide sufficient offset for the loss of habitat that would occur with the changes proposed. In addition, we generally recommend buffer widths based on the ecological values that are subject to be protected. In particular, with regards to fish and wildlife resources associated with wetlands and riparian forests, we endorse the recommendations of the U.S. Fish and Wildlife Service as presented by the attached guidelines (Enclosure 3). Given the habitat and connectivity value identified on the Harvey/Madison site, we recommend that a more compatible land use designation be incorporated adjacent to the conservation area or consider offsetting direct impacts to these habitat areas (Attachment 1). Acquisition of a conservation interest in lands adjacent to existing public conservation lands or mitigation banks would be one viable strategy.

According to the review document, the applicant has not conducted any wildlife surveys on the proposed site. If future development occurs within the property under discussion, we recommend that wildlife surveys be conducted. These surveys are time sensitive, and we recommend that all wildlife surveys follow established survey protocols by U.S. Fish and Wildlife Service and the FWC, and should be conducted by qualified wildlife biologists. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide (<http://myfwc.com/CONSERVATION/FWCG.htm>).

Our GIS analysis also identified over 100 acres of suitable gopher tortoise soils on site. A conservation permit from the FWC would need to be obtained if any proposed development on the property would impact gopher tortoises, their burrows, or their habitat. The FWC now requires that gopher tortoise work be conducted by "Authorized Agents." If gopher tortoises are encountered during wildlife surveys of the area, then we recommend that applicant look into the need for a gopher tortoise conservation permit. The applicant would need to adhere to the current (revised April 2009) FWC gopher tortoise permitting guidelines ([www.myfwc.com/gophertortoise](http://www.myfwc.com/gophertortoise)).

## **Summary**

Based on our review of the proposed FLUM changes and the site's wildlife and habitat resources, we believe that increased residential densities adjacent to the proposed conservation area could be detrimental to the above-mentioned listed species and their habitat. As proposed, we believe this element of the proposed FLUM amendment is inconsistent with the referenced Pasco County Comprehensive Plan Goal, Objective, and Policies. We recommend that the current designation of RES-6 remain adjacent to areas designated for conservation and that the higher density areas be concentrated in the western portion of the property. An alternative to the proposed 50-foot buffer along the Anclote River would be to adjust the wetland buffer distances according to the U.S. Fish and Wildlife Service's guidelines.

Mr. Ray Eubanks  
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We appreciate the opportunity to provide input on this comprehensive plan amendment. If you or your staff would like to coordinate further on the comments contained in this letter, please contact Dr. Joseph Walsh at (772) 778-6354 or by email at [joe.walsh@myfwc.com](mailto:joe.walsh@myfwc.com).

Sincerely,



Mary Ann Poole  
Commenting Program Administrator

map/lg  
Pasco County 09-2\_2376\_090909  
ENV 2-3-3

Enclosures (3)

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