



United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960



March 12, 2007

Bruce D. Loucks
County Administrator
Charlotte County
18500 Murdock Circle
Port Charlotte, Florida 33948

Dear Mr. Loucks:

On October 2, 2006, and March 6, 2007, the Fish and Wildlife Service (Service) met with you and your staff to discuss a revised strategy for expediting the review of single family lot development proposals in areas of Charlotte County where the threatened Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) could be adversely affected. The Service has been working on this important effort to develop a streamlined process that is consistent with the Endangered Species Act of 1973, as amended (87 Stat. 884; 16 U.S.C. 1531 *et seq.*) (Act).

As a result of these efforts, we are providing you with a revised procedure (enclosure) for your consideration. The revised procedure is specific to parcels for development that are 1 acre or less in size and fall within 850 feet of a verified scrub-jay observation. The buffer of 850 feet around confirmed observations was selected because scrub-jays have territories ranging from 6 to 25 acres in the urban landscape, and this distance provides a reasonable estimate of the area in which their territory would likely be found.

The revised approach will allow us to focus our efforts on those areas that are known to be occupied by scrub-jays using the best scientific and commercial data available. This should be a substantial improvement over the color-coded zones which were used previously as the review area. In fact, based upon our preliminary calculations, this revised approach should result in a 24 percent decrease in the number of parcels that will be reviewed.

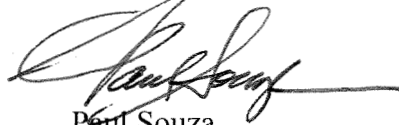
The revised procedure does identify new areas in Charlotte County that will need to be reviewed because scrub-jays have been observed in these areas recently. In addition, we anticipate that other properties will be identified that will need to undergo review as new scrub-jay observations are made outside of areas where they have previously been documented; however, based upon past experience, we expect this to be infrequent. The Service and County should continue to routinely exchange information on new scrub-jay observations and negative scrub-jay surveys. To ensure the continued quality of the data in the observation database, we propose that the Service and County meet regularly, at least once per year, to review the scrub-jay database and make adjustments as necessary (*e.g.*, remove areas where birds are no longer found).



If the revised strategy is acceptable to the County please notify us at your earliest convenience. We believe by following this revised review procedure the County will be in compliance with the Act in regards to scrub-jays.

If you have any questions about the revised strategy or other matters, please contact me or George Dennis at 772-562-3909, extension 309.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Paul Souza", with a long horizontal flourish extending to the right.

Paul Souza
Field Supervisor
South Florida Ecological Services Office

Enclosure

cc: w/enclosure

Charlotte County, Environmental and Extension Services, Port Charlotte, Florida (Jim Thomson)
Charlotte County, Natural Resources, Port Charlotte, Florida (Andy Stevens)
Florida Fish and Wildlife Conservation Commission, Ocala, Florida (Robin Boughton)
Service, Vero Beach, Florida (Allen Webb)
Service, Jacksonville, Florida (Mike Jennings)

Charlotte County Scrub-jay Review Procedure

- A 259-m (850-ft) buffer around reliable scrub-jay observations will be used to identify a Scrub-jay Review Area (Review Area). Parcels to be developed that are 1 acre, or less, in size and occur within the Review Area would be required to undergo review. Parcels 1 acre, or less, in size that are outside the Review Area, regardless of habitat type, would not need a scrub-jay review unless scrub-jays were observed or verified on the property by County, State, or Federal biologists.
- The Review Area represents the general area in which the territory of the observed scrub-jay would likely be found based on an average urban territory size of 13 acres. Development within an occupied territory is likely to be harmful to the scrub-jay and, therefore, careful review of development within the Review Area should be conducted.
- Not all parcels within the Review Area will fall in the occupied territory of a scrub-jay family. However, to confirm this, a survey should be conducted in accordance with the Fish and Wildlife Service's (Service) protocol, *Scrub-Jay Survey Guidelines – Small Lots in Urban Areas*.
- When a parcel 1 acre, or less, in size is proposed for development within the Review Area, the property owner has two choices: 1) the owner can assume his or her property is occupied by the scrub-jay and obtain a Federal incidental take permit by submitting a habitat conservation plan to the Service or 2) the owner can have a scrub-jay survey performed.
- If the survey is positive, then the survey and development proposal would be sent to the Service for review. A positive survey is defined as a survey that follows the survey guidelines referenced above and reports scrub-jays in the survey area.
- If the survey is negative, and is not judged a false-negative survey by the County staff, then the survey can be submitted with the building permit application to Charlotte County as evidence of scrub-jay survey compliance. The results of a survey are valid for 1 year from the date of the survey.
- To reduce the risk of false-negative surveys, a periodic quality check will be made by the Service. The County will track and log all negative surveys in a GIS-compatible format (spreadsheet or shapefile). The list of negative surveys would be sent to the Service on a quarterly basis. The Service will overlay the data on existing presence data to identify areas where negative surveys are inconsistent with known presence data. These areas would be checked by site visit for the presence of scrub-jays by County, State, or Federal personnel.
- In the rare instance that a parcel is found to be occupied during a site visit, the County biologist should notify the Service by email and the landowner should be made aware by certified letter that scrub-jays are protected by state and Federal law. In addition the landowner should be advised to contact the Service's South Florida Ecological Services

Office, in Vero Beach, Florida, at 722-562-3909 to discuss available options. Once this occurs, then the County's obligation is fulfilled.

- In the rare instance that a scrub-jay is observed outside of the Review Area, County staff will forward the information on the sighting and the permit that might be affected to the Service for review.
- The Service and County will meet at least once per year to update the Review Area. Where survey data shows that scrub-jays are no longer found, the Review Area will be reduced accordingly. Conversely, the Review Area will be expanded where new scrub-jay observations are made.
- Parcels greater than 1 acre should continue to be reviewed using the Service's Scrub-jay Survey Guidelines as they currently are.