



United States Department of the Interior

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



June 26, 2009

Gary A. Davis, Esq.
Rebecca C. Kaman, Esq.
Gary A. Davis & Associates
Post Office Box 649
61 North Andrews Avenue
Hot Springs, North Carolina 28743

Dear Mr. Davis and Ms. Kaman:

This letter is in response to your petition on behalf of the Conservancy of Southwest Florida, received in this office on January 21, 2009, requesting that the U.S. Fish and Wildlife Service (Service) designate critical habitat for the endangered Florida panther according to the Endangered Species Act of 1973, as amended (Act). The Service has discretion whether to designate critical habitat for species, such as the Florida panther, that were listed prior to the 1978 amendments to the Act (Pub. L. 93-205, 87 Stat. 884 (1973), codified at 16 U.S.C. 1536).

We continue to carefully weigh the merits of designating critical habitat, as requested in your petition, and if we ultimately determine designating critical habitat is in the best interest of the conservation of the Florida panther will proceed accordingly. We have worked with many partners to outline the high priorities for panther conservation, such as those identified in the Florida Panther Recovery Plan and other efforts as discussed below, and will continue to focus our time and energy on these actions in the foreseeable future.

Florida panther conservation is one of our highest priorities and we have outlined many actions to address this need in the near term. A high priority will be implementing the Florida Panther Recovery Plan that was finalized in December 2008, marking the culmination of many years of effort by the 42 member Florida Panther Recovery Team that was led by our office. The plan outlines the full suite of actions needed to conserve and recover the Florida panther and recognizes the importance of habitat in southwest Florida.

To address this need, we will continue working with partners to implement important efforts such as the Picayune Strand Restoration Project, an essential part of the Comprehensive Everglades Restoration Plan. This 55,000 acre restoration project falls within the Florida panther's Primary Zone and is near other important lands such as the Fakahatchee Strand State Park, Florida Panther National Wildlife Refuge, and Big Cypress National Preserve. Important early phases of the project including road removal and canal plugging have already begun, and



a Florida panther den has already been recorded in the project footprint. An important second phase of the project is expected to commence later this year, and we will play a key role in future monitoring and adaptive management efforts.

Another high priority is our continuing review of proposals that may affect panther habitat under section 7(a)(2) of the Act, which requires all Federal agencies to insure that the actions they authorize, fund, or carry out are not likely to “jeopardize the continued existence” of the species. It is important to note that our Panther Focus Area and related guidance associated with our current section 7(a)(2) consultation requirements include the Primary, Secondary, and Dispersal Zones outlined in Kautz et al. (2006) and referenced in the Conservancy’s critical habitat petition. In addition, our Panther Focus Area includes additional locations that were identified as important for the Florida panther by other recent science. Taken together, these documents outline the full spatial extent of the habitat that we currently review under section 7(a)(2), which is notably larger than the area referenced in the petition.

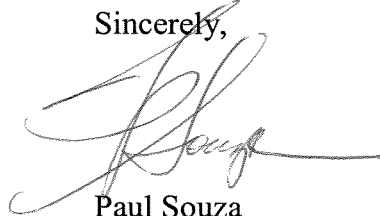
Another example of a high priority effort to protect important areas related to our section 7(a)(2) reviews is conservation banking, a promising approach to protect, restore, and manage in perpetuity strategically important Florida panther habitat. We have already finalized a 2,000 acre conservation bank in Hendry County and many other banks are now being considered. In addition, later this year we expect to receive and carefully review information related to the Florida Panther Protection Program, the proposal by a number of landowners and environmental organizations in eastern Collier County. Given the scope of this proposal, we have created a team of biologists to consider every aspect of the concept in detail. Another high priority for our office will be implementing Florida panther crossings across key segments of roads in south Florida. To address the threat to Florida panthers from vehicle collisions, two crossings are now planned for Oil Well Road, one is planned for County Road 846 east of Immokalee, four are planned for U.S. 1 in the southeastern part of the Florida panther’s range, and additional crossings will be considered in other locations as needed.

Improving the scientific understanding of Florida panthers and their habitats is also a high priority. For example, we are working on a model to better understand the functional value of Florida panther habitat, which is now being peer reviewed. We are also working through a grant with the Florida Fish and Wildlife Conservation Commission and the University of Florida to estimate Florida panther survival and reproductive rates and examine the effects of factors hypothesized to be relevant to Florida panther ecology and management. A population viability analysis model will be developed to model the dynamics and persistence of the Florida panther population and examine the effects of various management scenarios on these variables. This will be an additional tool for use in planning Florida panther management. We are also monitoring the trends in the Florida panther population by an annual population count of adult and subadult Florida panthers as determined from the total number confirmed by physical evidence.

We thank you for your interest in Florida panther conservation and look forward to working with the Conservancy of Southwest Florida to implement the Florida Panther Recovery Plan and develop creative approaches to conserve the Florida panther and its habitat.

If you have additional questions, do not hesitate to call me at 772-562-3909.

Sincerely,

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

cc:

Conservancy of Southwest Florida

Kenneth Haddad, Florida Fish and Wildlife Conservation Commission

Patrick Leonard, Ecological Services, Southeast Region, U.S. Fish and Wildlife Service

Michael Stevens, Office of the Regional Solicitor, U.S. Department of the Interior

Layne Hamilton, Florida Panther National Wildlife Refuge, U.S. Fish and Wildlife Service