

HABITAT CONSERVATION PLAN
for the
SAND SKINK & BLUE-TAILED MOLE SKINK

ROBBINS INVESTMENT COMPANY, LLC
25.76-ACRE PARCELS
HAINES CITY, POLK COUNTY, FLORIDA

Prepared for the
U.S. Fish & Wildlife Service

April 20, 2022
(revised)

LAND RESOURCE CONSULTANTS, LLC

213 East Park Avenue, Lake Wales, Florida 33853

Telephone 863.978.3856 **Email** OrangeGroveKid@gmail.com

EXECUTIVE SUMMARY

Land Resource Consultants, LLC (Land Resource) presents this Habitat Conservation Plan (HCP) on behalf of Robbins Investment Company, LLC (Applicant) to fulfill partial requirements of section 10(a)(1)(B) of the Endangered Species Act. The Applicant is proposing a commercial development on 25.76 acres in Haines City, Polk County, Florida (Appendix 1, Sheets 1 & 2). The project site contains sand skink (*Neoseps reynoldsi*) and blue-tailed mole skink (*Eumeces egregius lividus*) habitat as defined by the U.S. Fish and Wildlife Service (USFWS). Following the results of a cover board survey for skinks, the Applicant identified skink presence on 4.47 acres (Sheet 4).

The Applicant submits this HCP in support of an incidental take permit (Permit) application for the sand skink and blue-tailed mole skink.

1.0 INTRODUCTION AND BACKGROUND

1.1 Purpose

The Applicant proposes to clear, grade, and develop the project site in accordance with the site plan shown on Sheet 5 of 5. The design is anchored by a proposed Assisted Living Facility in the southeast corner, supported by a master stormwater pond, interior roads, parking, several commercial out-parcels, and associated infrastructure. The development will result in permanent soil disturbance and removal of vegetation. Construction activities will permanently alter 4.47 acres of skink habitat (Sheets 4 and 5). The anticipated taking will occur as a result of harm to, and possible mortality of, sand skinks and blue-tailed mole skinks. The proposed actions are otherwise legal and consistent with local, county, and state laws.

1.2 Plan Area

The 25.76-acre project site is a commercially zoned property located in Haines City, Polk County, Florida. It is comprised of four adjoining legal parcels lying immediately east of U.S. Highway 27. The north boundary is Florida Development Road. The south boundary is Holly Hill Fruit Road. The project site lies in Section 32, Township 26S, Range 27E. Polk County parcel identification numbers include the following:

272632709500030010
272632709500030030
272632709500030150
272632709500030140.

A review of the Florida Master Site File for cultural resources was requested from the Department of State. A copy of their response is attached as Appendix 3. No cultural resources were detected. Our letter requesting further review from the Division of Historical Resources (DHR) is included and any response from DHR will be forwarded to USFWS when available.

1.3 Surrounding Land Uses

Adjacent land uses include a citrus grove and new residential development to the north, beyond

Land Resource

Florida Development Road; a small patch of native woods and residential parcels to the east; cleared and fallow former citrus groves and a residential parcel to the south, beyond Holly Hill Fruit Road; and U.S. Highway 27 to the west, beyond which is commercial development.

1.4 Timing of Permitted Activity

The Applicant would like to begin land clearing for construction in early Fall, 2022. Construction will proceed in multiple phases. To allow for any unforeseen circumstances, we request an Incidental Take Permit (ITP) duration of 5 years.

2.0 ENVIRONMENTAL SETTING / BIOLOGICAL RESOURCES

2.1 Existing Vegetative Conditions

The subject property was an active citrus grove for more than 75 years. Citrus production was abandoned and the remaining trees cleared. Presently, the limited vegetative cover consists almost exclusively of herbaceous species. Many are non-native. Push piles of woody debris are scattered around the property. Species observed on site include:

Brazilian pepper (*Schinus terebinthifolia*)

cabbage palm (*Sabal palmetto*)

citrus (*Citrus* sp.)

winged sumac (*Rhus copallinum*)

prickly pear (*Opuntia* sp.)

broomsedge (*Andropogon* sp.)

Johnson grass (*Sorghum halepense*)

guinea grass (*Panicum maximum*)

smut grass (*Sporobolus indicus*)

lantana (*Lantana camara*)

natal grass (*Melinis repens*)

2.2 Soils

Soils are deep sands common to the Lake Wales Ridge. Sheet 3 of 5 illustrates Candler Sand and Tavares Sand mapped throughout by the USDA Natural Resource Conservation Service. All soils on site as mapped are defined as being suitable for skinks by USFWS. The site has a steady slope downward from U.S. Highway 27 and drops off more significantly near the east project boundary. Elevations range between 134 and 170 feet NGVD.

2.3 Wildlife

In addition to skinks, the site represents suitable habitat for gopher tortoises (*Gopherus polyphemus*), a species listed by the Florida Fish and Wildlife Conservation Commission (FWC) as Threatened. Tortoise burrows are present on project site. No other protected species were observed and none are anticipated to occur.

2.4 Covered Species

USFWS criteria for the assumed presence of skinks including the consultation area, mapped soil

Land Resource

type, and elevation, are met for the entire 25.76-acre project site. Environmental assessments were conducted in 2021-2022 by Land Resource. No skinks were observed, but skink tracks were identified under cover boards and in sandy areas within the project. The extent of skink-occupied areas in Sheet 4 are based on cover boards with positive skink sign and 80-foot radii around those locations.

No other endangered or threatened species have been observed on the site. No critical habitat has been designated for sand skinks or blue-tailed mole skinks. So none will be adversely modified. Sand skinks (*Neoseps reynoldsi*) and blue-tailed mole skinks (*Eumeces egregius lividus*) are the only covered species for this HCP.

3.0 PROJECT ACTIVITIES COVERED BY THE PERMIT & IMPACTS TO LISTED SPECIES

3.1 Direct Impacts

Construction of the project will result in permanent impacts to 4.47 acres of skink habitat. Within the proposed development area, operations may injure or kill individuals and/or destroy their eggs. Additionally, the development will result in the loss of existing vegetation and surface soils. Much of the post-development ground surface will be impervious. Any remaining pervious surfaces will be graded, landscaped, and unsuitable to sustain skinks, resulting in a complete and permanent loss of habitat.

3.2 Indirect Impacts

The project could stimulate further development in the region or adjacent vicinity, which may include occupied skink habitat. Additional impacts that result from such development risk the further fragmentation and isolation of skink populations. Any development resulting in disturbance to occupied habitat would have to be permitted and mitigated.

3.3 Cumulative Impacts

The development may contribute to cumulative impacts to skinks through future conversion of their habitat to commercial development in the project vicinity. These future impacts would be regulated by USFWS and would be appropriately permitted and mitigated. However, the contribution of this proposed development to any cumulative impact is expected to be minimal given its small size and the accompanying mitigation purchase.

4.0 MEASURES TO AVOID, MINIMIZE, AND MITIGATE FOR IMPACTS

As part of the proposed action, an HCP is proposed to minimize the potential take and to ensure that this action does not reduce the potential for survival and recovery of skinks as mandated by requirements of 50 CFR Part 17.22(b)(2).

4.1 Biological Goals

The biological goal of this HCP is to conserve a sustainable skink population. To meet this goal, the development footprint has been minimized to the greatest extent possible and mitigation is

Land Resource

offered through the purchase of credits at a USFWS-approved off-site conservation bank.

4.2 Avoidance and Minimization

In planning the project, the Applicant was deliberate in their negotiations to purchase and develop only the minimum footprint necessary. The Applicant has extensive experience developing similar sites. The choice of site location is critical to the success of the venture. Placing the development on this specific plot could not be avoided. Thus, impacts to skinks could not be avoided. Beyond minimizing the development footprint, there is no practical way to further minimize impacts to skinks.

4.3 Mitigation

To mitigate for unavoidable impacts to skinks, the Applicant is purchasing credits from a conservation bank. This mitigation option requires the purchase of two bank credits for each acre of impacted occupied skink habitat associated with the project site. Based upon this 2:1 ratio, for the 4.47-acre impact, the Applicant will purchase 9.2 credits from a skink conservation bank.

Backbone Conservation Bank is a USFWS-approved conservation bank located in Polk County, Florida providing credits for permitted impacts to occupied skink habitat. The project site falls within the service area for the bank. A Skink Conservation Credit Reservation Letter is included as Appendix 2. The credit purchase is expected to result in an overall benefit to the conservation/preservation of skinks. The Applicant will complete the credit purchase in concert with the USFWS Permit application review, and will provide a receipt for the completed purchase of the credits.

4.4 Monitoring and Reporting

Due to the small scope of the proposed project and the short duration of the requested Permit, no monitoring or reporting is proposed or required. The biological goal of this HCP will be achieved when the Applicant has provided a receipt for the purchase of the conservation bank credits to USFWS.

5.0 FUNDING

5.1 Funding for Mitigation Measures

The Skink Conservation Credit Reservation Letter (Appendix 2) references the Mitigation Credit Purchase and Deposit Agreement, which details the terms of the conservation bank purchase.

6.0 ALTERNATIVES

6.1 Alternative 1 - Develop the Project as Proposed

Developing the project as proposed would result in a take of skinks by the permanent alteration of 4.47 acres of their respective habitat. However, 9.2 conservation credits will be purchased from Backbone Conservation Bank in Polk County, Florida to conserve and manage skink habitat in perpetuity. The proposed development will also fill an unmet commercial need in an

Land Resource

growing, yet under-served community and is expected to support many new jobs.

6.2 Alternative 2 - Do Not Develop the Project

If the project were abandoned, there would be no take of skink from clearing or construction activities. However, over time, skink habitat conditions would deteriorate with increased vegetative density resulting in the loss of open sandy areas. Furthermore, isolation by roads and increased adjacent development would diminish the viability of the habitat to support the species. Also, not developing the project site is economically undesirable for both the Applicant and the community.

7.0 Changed and Unforeseen Circumstances

Changed circumstances are defined as changes in circumstances affecting a species or geographic area covered by the HCP that can be reasonably anticipated and planned for by the Applicant and USFWS. Unforeseen circumstances are defined as changes in circumstance affecting a species or geographic area covered by the HCP that could not reasonably have been anticipated by the Applicant and USFWS at the time of the HCP's negotiation and development, and that result in a substantial adverse change in the status of the covered species.

Changed and unforeseen circumstances are not expected because of the small size of the project and the fact that surrounding land uses are not expected to vary from what is permitted under current zoning. However, should either changed or unforeseen circumstances arise, the Applicant will contact the South Florida Ecological Services Office of the USFWS within 10 business days to negotiate appropriate and reasonable measures for addressing such circumstances.

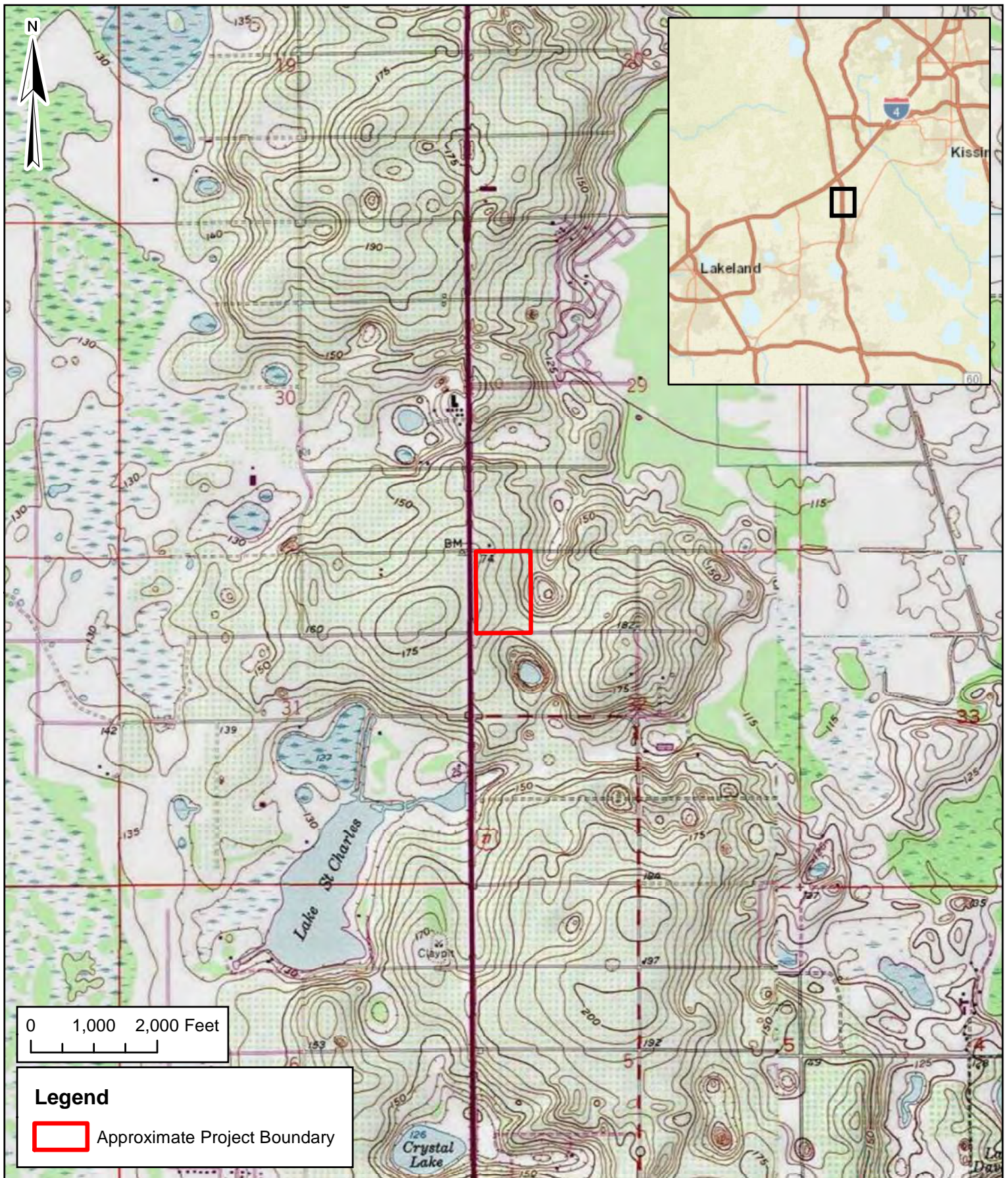
APPENDIX 1

PROJECT DRAWINGS

LAND RESOURCE CONSULTANTS, LLC

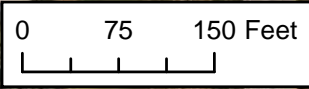
213 East Park Avenue, Lake Wales, Florida 33853

Telephone 863.978.3856 **Email** OrangeGroveKid@gmail.com



Client: Robbins Investment Company, LLC
Project: Carlisle Grand ALF US 27
Location: Polk County, Florida
Title: USGS Quad & Location Map
Sheet: 1

TRS: Twp: 26S Rng: 27E Sec: 032
Scale: 1" = 2000'
Date: 3/24/2022
Drawn By: KS
Source: ESRI World Street Map



Legend

- Approximate FLUCCS Habitat Lines
- Approximate Project Boundary

FLUCCS Code	Description	± Acreage
224	Abandoned Groves	25.76
Total Project Acreage		25.76

Client: Robbins Investment Company, LLC

Project: Carlisle Grand ALF US 27

Location: Polk County, Florida

Title: FLUCCS Habitat Map

Sheet: 2

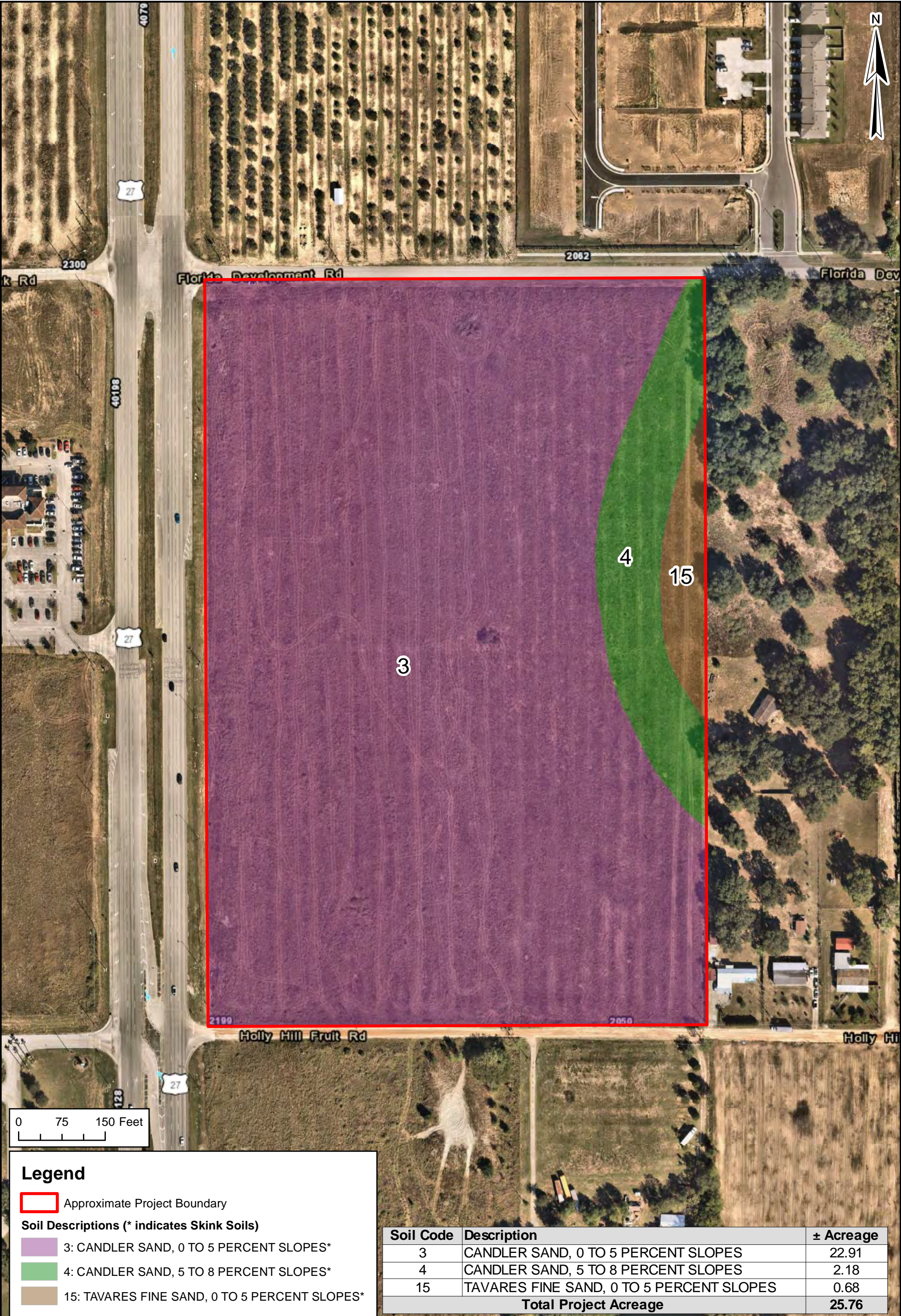
TRS: Twp: 26S Rng: 27E Sec: 032

Scale: 1" = 150'

Date: 3/24/2022

Drawn By: KS

Source: ESRI World Imagery



Legend

Approximate Project Boundary

Soil Descriptions (* indicates Skink Soils)

- 3: CANDLER SAND, 0 TO 5 PERCENT SLOPES*
- 4: CANDLER SAND, 5 TO 8 PERCENT SLOPES*
- 15: TAVARES FINE SAND, 0 TO 5 PERCENT SLOPES*

Soil Code	Description	± Acreage
3	CANDLER SAND, 0 TO 5 PERCENT SLOPES	22.91
4	CANDLER SAND, 5 TO 8 PERCENT SLOPES	2.18
15	TAVARES FINE SAND, 0 TO 5 PERCENT SLOPES	0.68
Total Project Acreage		25.76

Client:

Robbins Investment Company, LLC

Project:

Carlisle Grand ALF US 27

Location:

Polk County, Florida

Title:

NRCS Soils Map

Sheet:

3

TRS:

Twp: 26S Rng: 27E Sec: 032

Scale:

1" = 150'

Date:

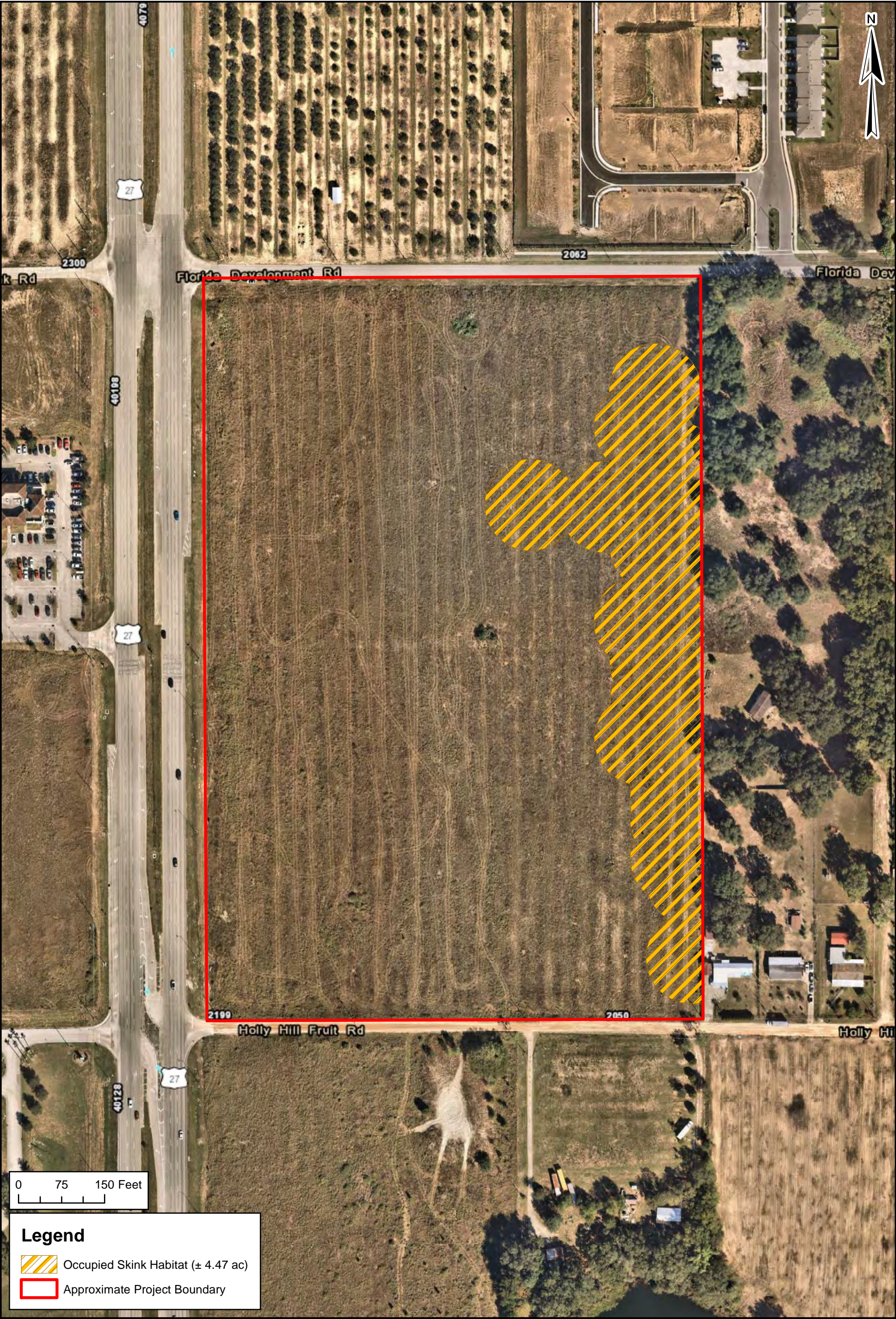
3/24/2022

Drawn By:

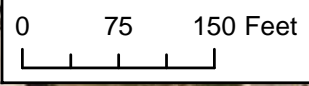
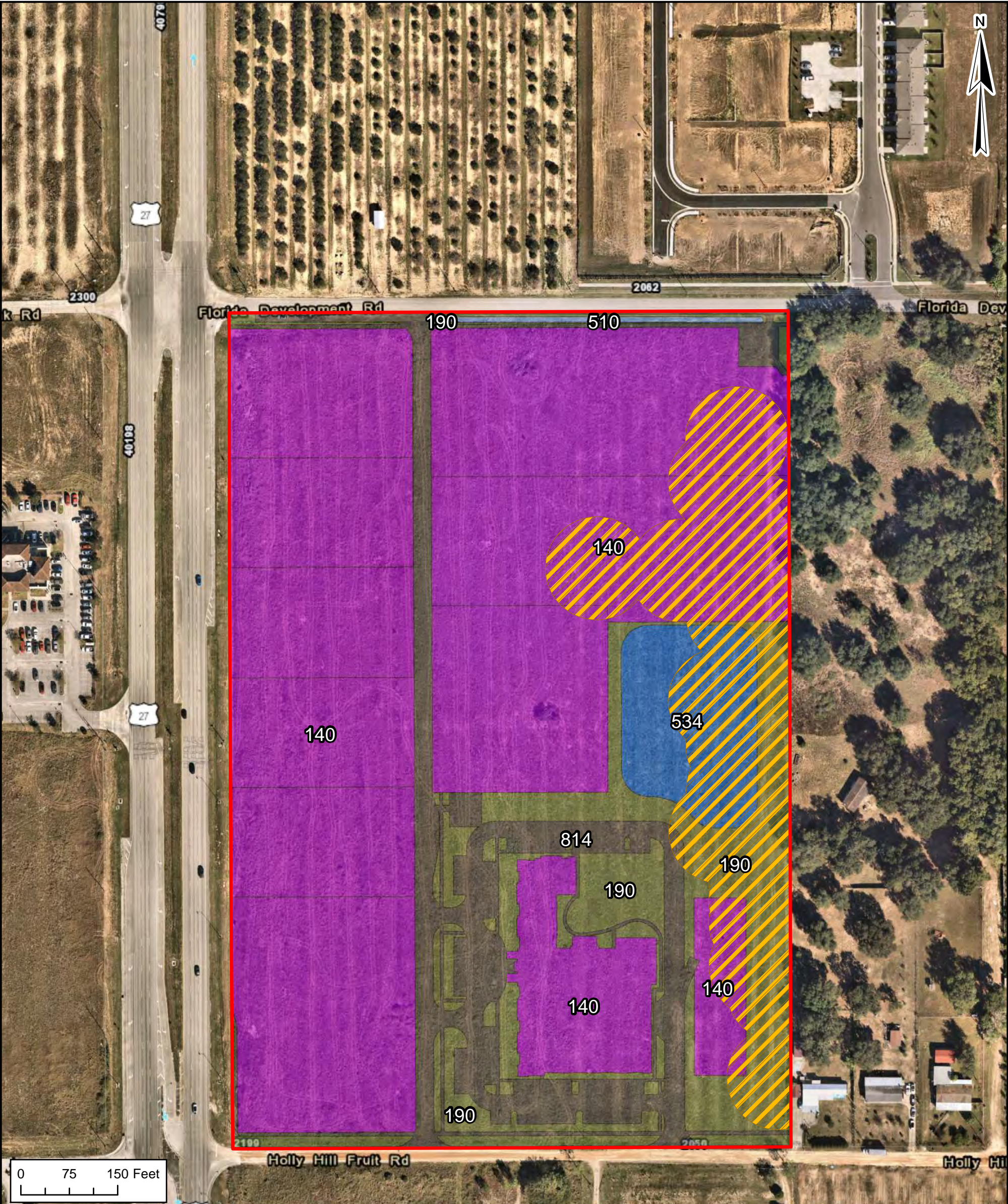
KS

Source:



ESRI World Imagery, NRCS








Client:	Robbins Investment Company, LLC	TRS:	Twp: 26S Rng: 27E Sec: 032
Project:	Carlisle Grand ALF US 27	Scale:	1" = 150'
Location:	Polk County, Florida	Date:	3/25/2022
Title:	Occupied Skink Habitat Map	Drawn By:	KS
Sheet:	4	Source:	ESRI World Imagery



Legend

-  Occupied Skink Habitat (± 4.47 ac)
-  Approximate Project Boundary

FLUCCS Descriptions

-  140: Commercial and Services
-  190: Open Land
-  510: Streams and Waterways
-  534: Reservoirs less than 10 Acres
-  814: Roads and Highways

FLUCCS Code	Descriptions	± Acreage
140	Commercial and Services	17.15
190	Open Land	3.85
510	Streams and Waterways	0.11
534	Reservoirs less than 10 Acres	1.37
814	Roads and Highways	3.28
Total Project Acreage		25.76

Client: Robbins Investment Company, LLC
Project: Carlisle Grand ALF US 27
Location: Polk County, Florida
Title: Post FLUCCS Habitat & Occupied Skink Habitat Map
Sheet: 5

TRS: Twp: 26S Rng: 27E Sec: 032
Scale: 1" = 150'
Date: 3/28/2022
Drawn By: KS
Source: ESRI World Imagery