

## Endangered Species Act Mitigation

“The bottom line is that had we not brought Dawson & Associates aboard we would not be building the project. Instead, we would continue to be mired in unproductive discussions. Dawson put an end to that impasse in a most professional and effective way.”

– J.W. French  
Former Director of Public Works, Lee County

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### CLIENT

Lee County (FL) Department of Transportation

### BACKGROUND

The Lee County (FL) Department of Transportation required Federal and State permits to build a four-lane highway in Fort Myers, FL. Since the project would impact wetlands and endangered species, Lee County needed a permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. Lee County also needed an official opinion from the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act. After a year of analysis, the Fish & Wildlife Service issued a final Biological Opinion mandating a series of mitigation requirements as a condition for the permit. For Lee County, the requirements were not only unaffordable but would set a precedent that would impact future development.

### RESPONSE

Lee County engaged Dawson & Associates to work with officials at the Corps of Engineers and Fish & Wildlife Service to reconsider these requirements. Drawing on its extensive experience, the Dawson team began by setting up meetings between Lee County and officials with the Corps of Engineers and Fish & Wildlife Service at the field, state, regional and Federal levels. To compensate for the impacts to endangered species and wetlands, the Dawson team researched and produced multiple technical analyses identifying alternate mitigation measures — alternatives that would result in substantial savings to Lee County.

To help educate federal officials and to generate public support for Lee County's new proposal, the Dawson team organized meetings at Corps of Engineers headquarters, Federal field offices and 13 Congressional offices. As a result, the Field & Wildlife Service accepted Lee County's recommended mitigation measures and issued a revised Biological Opinion. Subsequently, the Dawson team worked with Corps officials to negotiate a revised Section 404 permit that contained provisions satisfactory to Lee County.

The Dawson effort helped Lee County save more than \$1.7 million in mitigation costs while creating a new model for evaluating construction impact projects on endangered Florida species. This process substantially improved Lee County's ongoing working relationship with Corps and Fish & Wildlife officials.