



July 23, 2021

Florida Department of Environmental Protection  
South District Office  
Attention: Mr. Toby Schwetje  
2295 Victoria Avenue, Suite 364  
Fort Myers, Florida 33902

RE: FDEP Application No. 396364-001  
Bellmar  
Project No. 18CEM3016

Dear Toby:

This letter and attached documents have been prepared to address the comments outlined in the Florida Department of Environmental Protection's (FDEP) request for additional information (RAI) letter dated January 27, 2021 for Bellmar (Project).

Attached are the following documents to assist in your review of this application:

1. Section I: Supplemental Information for State 404 Program Permits
2. Adjacent Property Owners Information (with pre-addressed stamped envelopes)
3. Information Required for a WOTUS Determination in State-Assumed Waters Form
4. FDEP 404 Environmental Plans
5. FDEP Wetland Data Sheets and Aerial with Data Point Locations
6. Compensatory Wetland Mitigation/Maintenance/Monitoring Plan
7. Uniform Mitigation Assessment Methodology (UMAM) Analysis
8. Mitigation Under the Watershed Approach Summary
9. Responses to Florida Fish and Wildlife Conservation Commission (FWCC)
10. e-mail dated January 28, 2021
11. Biological Assessment
12. Long-Term Planning Document
13. Cumulative Impact Analysis

The FDEP's January 27, 2021 comments are provided below in italics and the applicant's responses follow.

1. *Please complete Section I of Form 62-330.060(1), attached, including all requested supporting documentation. [62-331.051(1), F.A.C.]*

**Response**

Please find attached a completed Section I: Supplemental Information for State 404 Program Permits and the requested supporting documentation.

2. *Please provide pre-addressed, stamped envelopes and/or email addresses for each adjoining property owner. These will be used by the Department to send the public notice. Do not include a return address; it will be added by the Department. Envelopes should be #10 size and stamped with one, US Postal Service first-class forever stamp. [62-331.060(1)(c), F.A.C.]*

**Response**

Pre-addressed, stamped envelopes for each adjoining property owner will be mailed to the FDEP Fort Myers office following submittal of this response package.

3. *The drawings submitted with the application show some delineated wetlands or surface waters labeled "non-WOTUS". Pursuant to the 404 Handbook, section 1.1, the Department will consider that any wetlands or other surface waters delineated in accordance with Chapter 62-340, F.A.C., that are regulated under Part IV of Chapter 373, F.S. are Waters of the United States, unless the applicant clearly demonstrates otherwise. If you would like the Department to perform the WOTUS determination, please submit information clearly demonstrating that water(s) delineated pursuant to 62-340, F.A.C. is not a WOTUS before the Department performs the determination. In order to provide all necessary information, please complete and submit the attached form "Information Required for a WOTUS Determination in State-assumed Waters", including listed maps and attachments, as applicable.*

**Response**

A total of 5.77± acres of isolated (non-WOTUS) wetlands are located within the Project boundary. Of these 5.77± acres of isolated wetlands, none are proposed to be dredged or filled. Attached is the Information Required for WOTUS Determination in State-Assumed Waters form along with supporting information. The locations of the isolated wetlands are depicted on the attached FDEP 404 Environmental Plans.

4. *The Department must conduct a site visit to verify the delineation of wetlands and other surface waters onsite in accordance with Chapter 62-340, F.A.C. Please contact your processor to schedule a site visit. Please have the wetland boundary flagged for verification by staff in advance of the scheduled site inspection.*

*Note: Providing completed data forms or supporting information that clearly describes the project location and work areas as a non-wetland community, will expedite the review of your project. The Data forms are available here: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/documents/ch-62-340-fac-data-form>*

**Response**

Attached are completed state wetland data forms along with a map showing the location of the data points. A site visit was conducted with FDEP staff on May 3, 2021 to review the delineated wetland boundaries and wetland data forms. FDEP staff concurred with the wetland lines as shown in the application and completed additional data sheets in the field during this site visit.

5. *The US Army Corps of Engineers transferred your application to the Department for processing because the project is within state-assumed waters. Please review the content of your transferred file at <https://prodenv.dep.state.fl.us/DepNexus/public/facilitysearch> and submit any necessary documentation that was previously provided to the Corps for the project but is not present in the Departments copy of the transferred file. If all submitted documents were transferred, please indicate that in your response.*

**Response**

The transferred application documents posted to the FDEP's Oculus site are inclusive of the documents provided to the Corps in support of the Bellmar application.

6. *Please provide a compensatory mitigation plan that satisfies the requirements of Rule 62-331.130, F.A.C. Please note that if mitigation bank credits are proposed, federal credits are required to offset impacts under the State 404 Program. Contact your Department processor if you have questions or need guidance. See also, State 404 Program Handbook, section 8.5 and A.H. Volume I, section 10.3.*

**Response**

Attached is a Compensatory Wetland Mitigation/Maintenance/Monitoring Plan and Uniform Mitigation Assessment Methodology (UMAM) Analysis for the Project. The applicant is proposing on-site mitigation under the watershed approach due to the ecological significance of the proposed wetland mitigation areas which are located within and adjacent to a regional flow-way and wildlife corridor. Documentation to support mitigation under the watershed approach under Section 8.5 of the State 404 Applicant's Handbook is provided in the attached Mitigation Under the Watershed Approach Summary.

7. *The proposed project has been sent to commenting entities for review and we are awaiting responses from the Florida Fish and Wildlife Conservation Commission (FWCC), State Historic Preservation Office, Tribal Historic Preservation Office(s), US Fish and Wildlife Service). The Department will forward any requests for additional information from these entities upon receipt. Such requests will become part of this request for additional information. [404 Handbook, section 5.2 and 62-331.051(4), F.A.C.]*

**Response**

The applicant is in receipt of the FWCC's request for further information email, dated January 28, 2021 for the Project. Attached are responses to the FWCC request for information. These responses include a Biological Assessment for the Project that addresses the potential effect of the proposed action on species listed as threatened or endangered.

8. *The proposed project appears to contain more work than can be completed within 5 years. State 404 Program permits are limited in duration to 5 years and may contain no more than 5 years-worth of work. If your project is expected to take more than 5 years to complete, please divide the project into 5-year phases and submit information as described in section 5.3.2 of the 404 Handbook – "Long-Term Conceptual Planning for Projects that will Take More Than One Phase to Complete". If your project will not take more than 5 years to complete, please submit an estimated project schedule and information demonstrating that the project can be completed within 5 years.*

**Response**

The Project will be constructed in three phases associated with the three proposed surface water management basins. As such, please see the attached Long-Term Planning Document provided in accordance with Section 5.3.2 of the State 404 Applicant's Handbook that addresses the phasing of the Project.

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

PASSARELLA & ASSOCIATES, INC.



Kenneth C. Passarella  
President

KCP/lj

Enclosures

cc: Christian Spilker, w/enclosures





# COLLIER COUNTY 2020 STEWARDSHIP CREDIT ANALYSIS

August 2020

Collier County Growth Management Department

# Rural Lands Stewardship Area Overlay 2020 Credit Analysis

## I. Introduction

The Rural Land Stewardship Area Overlay (RLSA) was adopted in 2002. One of the primary objectives of the RLSA is to protect natural resources. An innovative planning tool was created through a “hallmark” public process guided by a Rural Lands Study Committee (Committee) appointed by the Board of County Commissioners. The development of the RLSA was based on underlying natural resource data, vetted through 32 Committee meetings between 1999 and 2001. The RLSA data was organized in the adopted Stewardship Natural Resource Index (NRI) model. This NRI model reflects Collier County’s first integrated GIS land use and environmental database. The data and associated natural resource values were agreed to through the RLSA Committee process and adoption by the Board. The NRI model values are illustrated in Map 1. The darker the blue, the higher the natural resource value. The NRI scores, along with the RLSA policies, reflect the value of protecting these lands. The RLSA provides a plan to incentivize the desired outcomes of natural resource protection, agriculture land retention, and sustainable development.

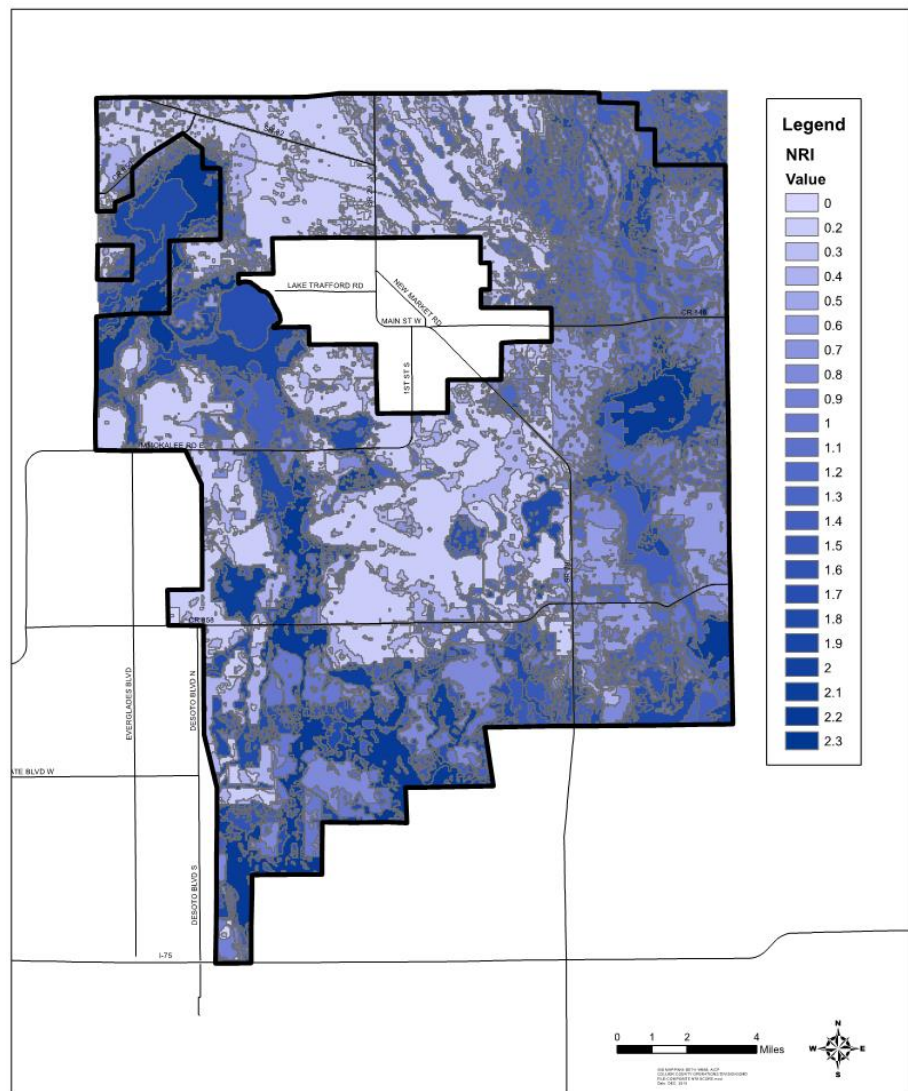
Map 1

### RLSA COMPOSITE NRI SCORE

Natural resource protection and agriculture protection are incentivized through the Stewardship Credit system. Property owners who agree to protect lands by designation of Stewardship Sending Area easements are rewarded with Stewardship Credits that can be used for development.

This analysis evaluates how the RLSA Stewardship Credits have performed in the first twenty years under current policy and projects how they may perform through full implementation. The adopted plan is then compared to the proposed policy changes.

The RLSA 5-Year Review Committee Report, 2007, and the RLSA White Paper, 2019 include substantive analysis of the RLSA program. The findings of these reports are utilized in this analysis for comparison.



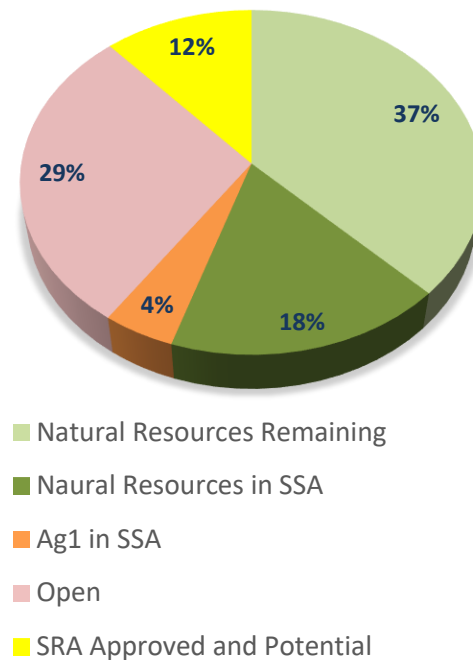
Consistent with the framework of the RLSA to incentivize what is valued using the Stewardship Credit system, the RLSA 5-Year Review Committee’s Report and the White Paper focused on recommended policy amendments to strengthen the incentives for:

- agriculture land retention,
- additional panther corridors, and
- a tiered restoration system.

The recommended amendments require a reanalysis of the Stewardship Credit system and rebalancing of the Stewardship Credits to align with the recommended maximum 45,000-acre development footprint.

Collier County’s staff analysis provides an updated analysis based on the RLSA implementation to date. **Figure 1** provides a simple illustration of the implementation of the RLSA. The majority of lands within the RLSA are valued natural resources and agriculture lands. To date, the RLSA has protected approximately 56% of the lands incentivized for preservation. A small percentage of land shown in orange are SSAs that maintains active agriculture uses. The Stewardship Credits generated from these SSAs total 197,287. These Credits may entitle SRAs of up to 27,127 acres. The approved and potential SRA acreage shown in yellow includes over 6,000 acres attributed to the Town of Ave Maria, and Rivergrass Village. A large percentage of the RLSA remains in the “Open” designation. The Open designation is where the RLSA directs SRA development. Recommended policy amendments incentivize this “Open” land to be retained in Agriculture SSAs as an alternative to future development.

**Figure 1: RLSA Overlay in 2020**

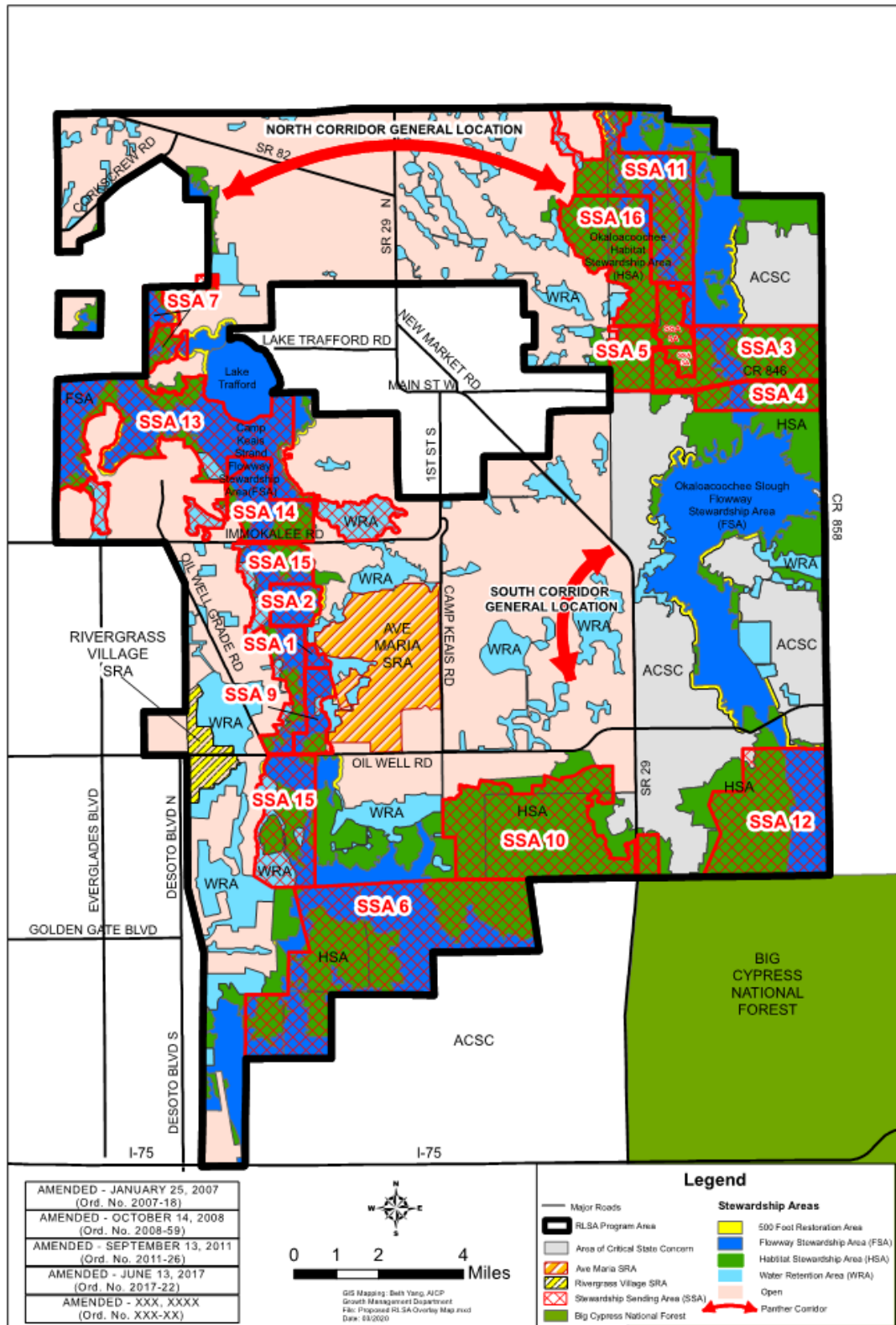


## II. Stewardship Credit System Analysis

To date, the RLSA has been implemented with the approval of SSAs 1-16, Ave Maria SRA and Rivergrass Village SRA. Others SSAs and SRAs are under review and pending. Map 2: Proposed RLSA Overlay Map shows the location of SSAs 1-16. These SSAs total approximately 50,425 acres and have generated 197,287 Stewardship Credits which can be used for approved and potential development of 27,127 SRA acres, including 10% public benefit uses that do not require consumption of Credits. This SRA potential equals 60% of the proposed 45,000-acre SRA cap.

Map 2:

## PROPOSED RLSA OVERLAY MAP



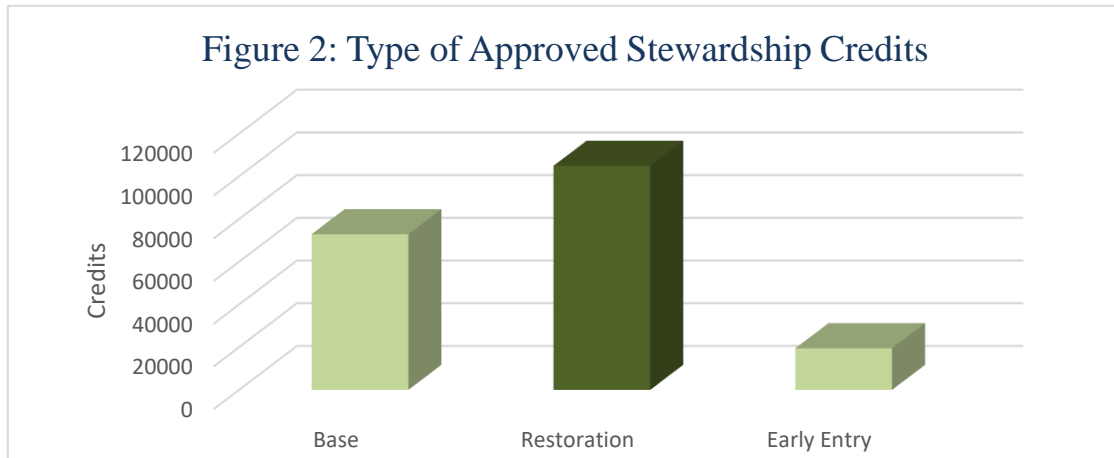
Note: The official designated titles of SSAs can be found within SSA Credit Agreements.

## 1. Credits Generated Under the Adopted RLSA Credit System

The Stewardship Credit System analysis considers the generation of Credits under the currently adopted RLSA Overlay. The adopted RLSA policies allow SSA Credit generation through three types of Credits:

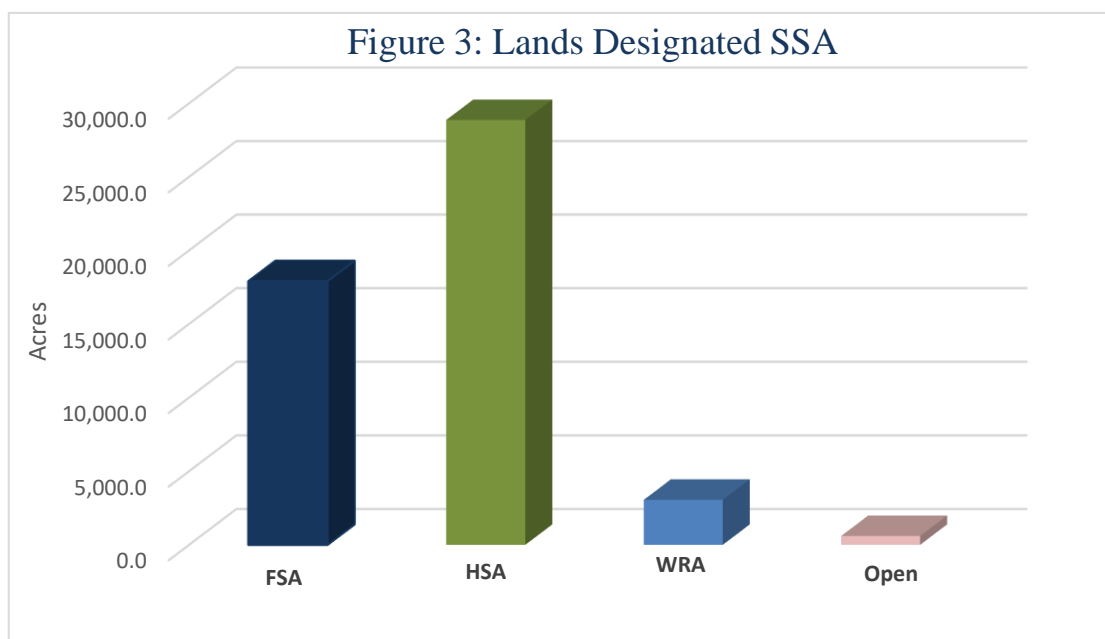
- A. Base Credits
- B. Restoration Credits
- C. Early Entry Bonus Credits

Stewardship Credits have been generated through all three available types. As shown in **Figure 2**, the greatest number have been generated by Restoration Credits.



### A. Adopted Base Credits

Base Credits are the Credits generated by use of Policy 1.8. They are created from lands designated on the Overlay Map as Flowway Stewardship Areas (FSA), Habitat Stewardship Areas (HSA), Water Retention Areas (WRA) and Open. Base Credits are determined through the NRI model values and the land use layers property owners voluntarily remove. The NRI model data is updated at the time an SSA is submitted for review and approval. SSAs 1-16 generated approximately 72,902 Base Credits, mostly from lands designated HSAs and FSAs as shown on **Figure 3**.







**Table 1: Adopted RLSA Base Credit Estimates**

<b>Base Credits</b>	<b>5-Year Review Report Estimates</b>	<b>2020 Analysis Estimates</b>
Approved in SSAs 1-13	60,319	
Approved in SSAs 1-16		72,903
Estimated Future Base Credits	67,681	71,900
<b>Total</b>	<b>128,000</b>	<b>144,803</b>

Based on the findings of both the 5-Year Committee Report and staff analysis, a reasonable average estimate to use for the purpose is this analysis is **136,000** future Base Credits.

There are no recommended policy amendments that affect the Base Credits. The Base Credit analysis is important in considering the potential total Stewardship Credits.

**B. Adopted Restoration Credits**

Restoration Credits are generated by application of Policy 3.11. Restoration Credits are dependent on site specific conditions, detailed evaluations and restoration planning and permitting by each property owner, as well as successful implementation. For these reasons many different assumptions can be made to estimate the total number of Restorations Credits. This analysis utilizes restoration data within SSAs to date, and a reasonable assumption for potential future Restoration Credits.

The 5-Year Committee Report assumed for SSAs 1-13, approximately 29% of the total SSA acreage was proposed for restoration. The Report assumed the same percentage applies to the 40,000 acres that may initiate future restoration and found that 11,600 additional acres may be restored. The projected additional restoration credits generated under the current system would be approximately 78,000 credits

Staff's review of the restoration approved for SSAs 1-16 found consistency with the 5-Year Review Committee. Approximately 29% of the total SSA acreage is proposed for restoration. Restoration Credits per Policy 3.11 prioritize the restoration of Camp Keais Strand providing for a total of 8 potential Restoration Credits per acre. Areas outside of Camp Keais Strand are eligible for a total of 6 potential Restoration Credits.

For the purpose of this analysis, it is assumed that 29% of the remaining HSA and FSA may utilize restoration activities. To date, WRAs have not been proposed for restoration activities and are assumed to continue the use of water management for agriculture activities. With this assumption, staff rounds the estimate of future restoration to 13,570 acres. Under the current program these restoration acres could generate a rounded estimate of 48,700 future Restoration Credits. **Table 2** provides a comparison of the 5-Year Review Report analysis and staff's 2020 analysis.

**Table 2: Adopted RLSA Restoration Credit Estimates**

	<b>5-Year Review Restoration Acres</b>	<b>5-Year Review Restoration Credits</b>	<b>2020 Analysis Restoration Acres</b>	<b>2020 Analysis Restoration Credits</b>
Restoration in SSAs 1-13	12,000	82,000		
Restoration in SSAs 1-16			14,439	104,510
Future restoration	40,000	78,000	13,570	48,700
<b>Total</b>	<b>62,000</b>	<b>160,000</b>	<b>27,400</b>	<b>153,210</b>

Based on the findings of both the 5-Year Committee Report and staff analysis **156,600 future Restoration Credits** is a reasonable average estimate.

**C. Adopted Early Entry Bonus Credits**

RLSA Policy 1.21 provides for a maximum of 27,000 Early Entry Bonus Credits. These Credits were available until January 31, 2009. Prior to the expiration of these Credits, the RLSA produced a total of 19,472 Early Entry Bonus Credits.

**Adopted RLSA Total Potential Credits**

The RLSA Stewardship Credits generated from Base Credits, Restoration Credits and Early Entry Bonus Credits were estimated by both the 5-Year Review Committee Report and through staff analysis of the proposed policy amendments. Each analysis found very slightly different totals based on the data that was provided within the implementation of the program. **Table 3** shows the total Credits estimated from both analyses.

**Table 3: Adopted RLSA Potential Total Credits**

	<b>5-Year Review Estimates</b>	<b>2020 Analysis Estimates</b>
Base Credits	128,000	136,000
Restoration Credits	160,000	156,000
Early Entry Bonus Credits	27,000	19,472
<b>Total</b>	<b>315,000</b>	<b>311,472</b>

Based on the adopted RLSA Stewardship Credit system, the 5-Year Committee Report, and staff analysis, an average estimate of **313,000 total potential Stewardship Credits** is used for the purposes of this analysis.

**2. Recommended Policy Amendments to the Credit System**

The Committee's recommended amendments include three significant changes to the Stewardship Credit system. These changes are viewed as adjustments to further balance the goal of the RLSA. The application and calculation methodology of the Base Credits described in the adopted program do not change. The Early Entry Bonus Credits have expired and no longer apply. The proposed amendments to the Stewardship Credit System incentivize the outcomes with the following types of Credits:

- A. Base Credits
- B. Agriculture Credits
- C. Panther Corridor Credits
- D. Tiered Restoration Credits

**A. Base Credits** There are no recommended policy amendments that affect the Base Credits. Table 3 above shows the total estimated Base Credits.

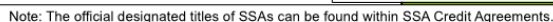


Agriculture Credits are proposed to incentivize the retention of agriculture lands within the RLSA “Open” designation shown on the Proposed RLSA Overlay Map. The Open designation is generally in agriculture uses and where future development may occur.

Staff's analysis considers the Open area remaining after discounting the areas of approved SSAs, the proposed panther corridors, and public lands within Open, and assumes a 45,000 SRA cap. The results of staff's analysis are consistent with the 5-Year Review Report and found approximately 15,000 acres of Open within the ACSC and approximately 25,000 acres of Open outside of the ACSC may be utilized as Ag SSA. With these assumptions a total is found of approximately 89,000 Agriculture Credits.

Incentivizing the protection of agriculture land, both outside the ACSC and within the ACSC, can be viewed as equally important. Offering Agriculture Stewardship Credits at the same rate of 2.0 Credits per acre would both incentivize the protection of the land and reduce the overall total Credits within the RLSA. Using the assumption of 2.0 Credits for 40,000 acres of agriculture land, the total potential is **80,000 Agriculture Credits**.

	5-Year Review Credit Estimates	2020 Analysis Credit Estimates
Ag SSA in ACSC	39,000	30,000
Ag SSA not in ACSC	50,000	50,000
<b>Total</b>	<b>89,000</b>	<b>80,000</b>



### C. Panther Corridor Credits (Policy 3.10)

Panther Corridor Credits are intended to further incentivize the protection of lands for panther. These Credits could be achieved by property owners agreeing to designate land and construct improvements to implement a north and south Panther Corridor as shown with red arrows on the Proposed Overlay Map. These corridors are assumed to require the use of both Open Lands and WRAs. The Committee Report estimated approximately 1,300 acres of Open land and 1,000 acres of WRA land in the north and south corridors for a total of 2,300 acres. These proposed Credit System offers 10 Credits per acre, or a total of 23,000 Panther Corridor Credits.

Staff notes that proposed Policy 3.10, paragraph 2, as drafted in the Committee Report, includes a requirement for these Corridors to be federally approved and issuance of Credits would coincide with a phased implementation in accordance with a federal permit. For these reasons, for the purpose of estimating Credits, staff is using the assumptions found in the Committee's report and estimates a total of **23,000 Panther Corridor Credits**.

### D. Tiered Restoration Credit Estimates (Recommended Amendment Policy 3.10)

The proposed tiered restoration system is a substantial modification to the adopted restoration credit system. The purpose of the amendment is to better define the type and relative value of restoration. For this estimate, the Committee Report assumed that 11,600 acres within future SSAs would be suitable for restoration activities as previously described, with 600 acres dedicated for panther habitat restoration, and the remaining 11,000 acres split equally between the four other restoration types (caracara, exotic removal / burning, flow way, and native habitat restoration). The Committee Report estimates 11,600 acres for potential restoration activities resulting in 72,000 Stewardship Credits.

The staff analysis included a reviewed the restoration activities within the first twenty years of the program presented in SSAs 1-16. As described under the adopted RLSA analysis, approximately 29% of the total SSA lands have been found suitable for restoration. The restoration plans show 41% were for flow way restoration, while others were nearly equally represented between the other restoration activities, from 14%-18%. The staff analysis used the total acreages of approved restoration and assumed the same percentages for the remaining HSA and FSA acres organized under the new tiered restoration activities. **Table 5** shows the comparison of the 5-Year Report Estimates and the 2020.

**Table 5: Recommended RLSA Tiered Restoration Estimated Credits**

Restoration Type	Credits per Acre	5-Year Report Estimated Acres	5-Year Tiered Restoration Credits	Credits per Acre	2020 Analysis Estimated Acres	2020 Analysis Tiered Restoration Credits
Panther Habitat	10	600	6,000	10	600	6,000
Native Habitat Rest.	8	2,750	22,000	8	2,440	19,520
Exotic Control/Burning	6	2,750	16,500	6	1,765	10,590
Flow Way	6	2,750	16,500	6	5,565	33,390
Caracara	4	2,750	11,000	3	1,900	5,700
Seasonal wetland	3	Not included	Not included	4	1,900	7,600
<b>Total</b>		<b>11,600</b>	<b>72,000</b>		<b>13,570</b>	<b>82,800</b>

The White Paper included an additional change to the restoration credit system by recommending 1 Restoration Credit (rather than the adopted 4 Credits or the 5-Year Report proposed 2 Credits) be given at the time of restoration dedication. All remaining credits would be awarded following successful restoration

implementation. This recommendation affects the RLSA process, but not the total estimated Restoration Credits.

The total estimated Restoration Credits with implementation of the proposed tiered system for future SSAs are shown in **Table 6**.

**Table 6: Recommended RLSA Estimated Restoration Credits**

<b>Restoration</b>	<b>5-Year Restoration Credits</b>	<b>2020 Analysis Restoration Credits</b>
Awarded Restoration Credits (R1)	28,000	53,333
Restoration Credits Pending Implementation (R2)	54,000	53,476
Estimated Future Restoration Credits	72,000	82,800
<b>Total</b>	<b>154,000</b>	<b>189,609</b>

Restoration estimates are subject to substantial variation based on site specific analysis for restoration suitability, decisions made by the property owner as to appropriate restoration, approval by the County and permitting agencies and successful restoration implementation. For the purpose of this analysis, a rounded total estimate is **170,000 Restoration Credits**

#### **Potential Total Credits**

Upon evaluation and analysis of the three recommended policy amendments affecting the Stewardship Credit system staff found a reasonable comparison to the 5-Year Committee Report. **Table 7** shows the estimated total potential Stewardship Credits under the recommended policy amendments.

**Table 7: Recommended RLSA Estimated Potential Stewardship Credits**

<b>Credit Type</b>	<b>5-Year Report Credit Estimate</b>	<b>2020 Analysis Rounded Credit Estimate</b>
Base Credits	128,000	136,000
Restoration Credits	154,000	170,000
Early Entry Bonus Credits	27,000	19,472
Agriculture Credits	89,000	80,000
Panther Corridor Credits	23,000	23,000
<b>Total</b>	<b>421,000</b>	<b>428,472</b>

If the three recommended policy amendments are adopted without further substantive changes, the RLSA Overlay, with 100% landowner participation with similar assumptions, a reasonable average estimate is **425,000 Stewardship Credits**.

### **3. Adjustments to Meet the 45,000-Acre SRA Cap**

The 5-Year Review Committee Report recommended a cap of 45,000 SRA acres in the RLSA. When the Report was presented the Board, the Board concurred with the cap and directed staff to bring back GMP amendments with the 45,000-acre SRA cap, and a cap on Stewardship Credits of 404,000, providing backup data is developed to determine actual cap values. To achieve this objective, adjustments are necessary so that the RLSA Overlay Credit System will produce sufficient Credits to achieve the objectives of natural resource protection, agriculture land retention and 45,000 SRA acres. The Board directed staff to balance the RLSA without leaving a substantial number of excess Credits. This can be achieved by changing the

SRA Credit Ratio found in Policy 4.19. The current SRA Credit Ratio requires 8 Stewardship Credits for each acre of SRA development, with exception for public benefit and excess open space acres which are not required to consume Credits under the adopted RLSA.

The adopted RLSA Overlay is estimated to produce approximately 313,000 Stewardship Credits. With the adopted SRA Credit Ratio of 8 Credits per acre and assuming 10% of development as public benefit use and not consuming Credits, it is estimated that approximately 43,450 SRA acres may be developed and the remaining 46,931 acres would continue in agriculture and be subject to potential future development.

**Table 8. Adopted RLSA Estimated Credits and SRA Acres**

Stewardship Credit Total SSA approved and in escrow	197,288
SRA Acre potential @ 8 Credits per acre including 10% public benefit acres	27,127
Projected Remaining Future Credits	118,712
Potential Future SRA Acres @ 8 Credits per acre including 10% public benefit acres	16,323
<b>Total Potential SRA Acres</b>	<b>43,450</b>
<b>Remaining agriculture acres subject to potential future development</b>	<b>46,931</b>

With the recommended amendments, Stewardship Credits were added to incentivize the objectives of the RLSA program. Adjustments were made to further incentivize agriculture land retention and additional panther corridors. These Credit adjustments increase the potential total Stewardship Credits from approximately 316,000 to approximately 425,000.

As previously discussed, 197,288 Stewardship Credits have been approved and may entitle up to 27,127 acres of SRA including 10% public benefit uses. To balance the projected additional Stewardship Credits (227,712) and remaining 17,873 SRA acres to achieve a total of 45,000 SRA acres, without excess Credits, the SRA Credit Ratio would change from 8 Credits per acre to 13 Credits per acre. **Table 9** shows the potential Stewardship Credits and SRA acreage based on these assumptions achieving no excess Credits.

**Table 9. Proposed RLSA Estimated Credits and SRA Acres**

Stewardship Credit Total SSA approved and in escrow	197,288
SRA Acre potential @ 8 Credits per acre including 10% public benefit acres	27,127
Recommended Policy Amendments Future Credits	227,712
Remaining SRA to equal 45,000 acres includes 10% public benefit acres	17,873
SRA Credit Ratio (Remaining Credits/Remaining SRA, less 10% public benefit acres)	13
<b>Total Potential SRA</b>	<b>45,000</b>
<b>Remaining agriculture land subject to potential future development</b>	<b>0</b>

### **Conclusions**

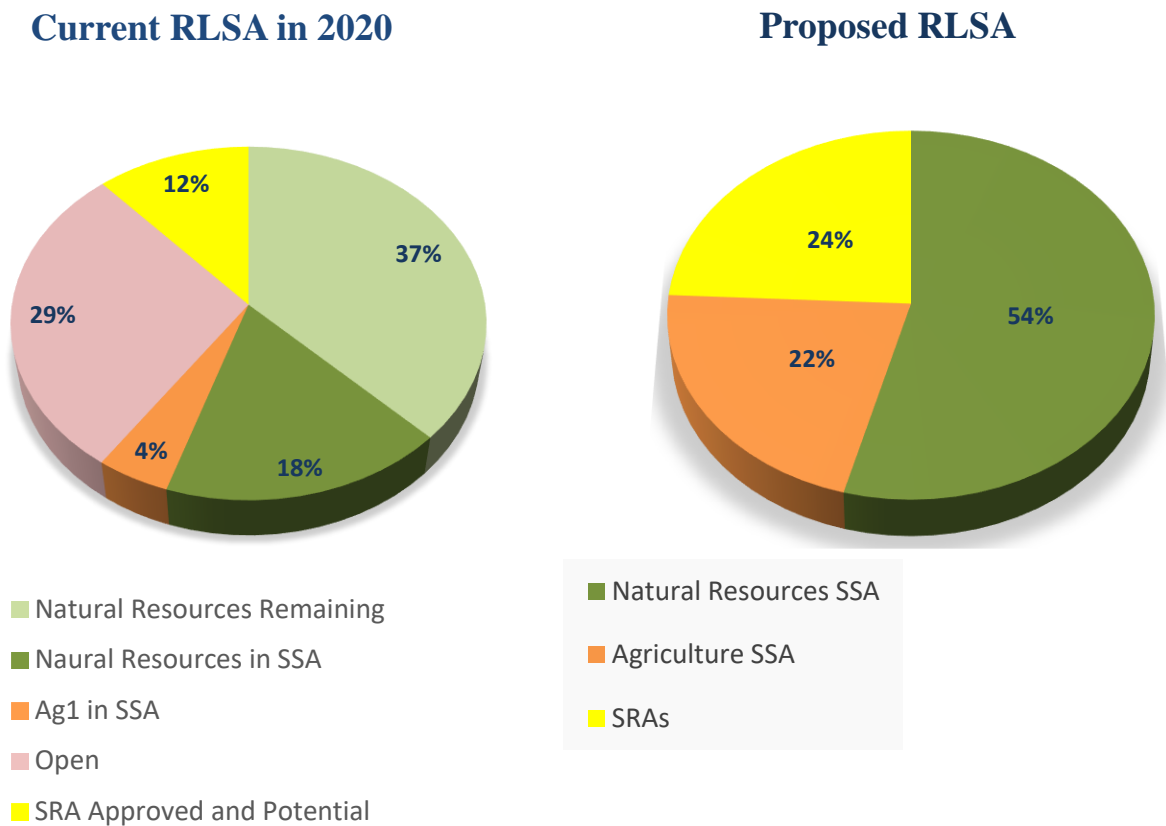
The RLSA program is successfully meeting the objective to protect natural resources. In the first twenty years of the program, 50,425 acres have been protected within SSA agreements. That is 56% of the overall goal of protecting HSA, FSA and WRA lands. These SSAs have generated Stewardship Credits to entitle approximately 27,127 acres, including public benefit uses.

The Board directed staff to evaluate the Stewardship Credit system with the recommended policy amendments and to balance the potential Credits with a total of 45,000 SRA acres. Staff's analysis finds that the additional Agriculture Stewardship Credits and the Panther Corridor Stewardship Credits further the overall goal of the RLSA. The Agriculture Stewardship Credits will address the need to incentivize the retention of agriculture in the Open designation and provides an alternative to future development.

The recommended policy amendments result in larger total projected Stewardship Credits, from approximately 316,000 estimated under the adopted RLSA, to approximately 425,000 estimated in the recommended RLSA policies. The proposed Board direction to cap the Stewardship Credits at 404,000 and 45,000 SRA acres, with an SRA Credit Ratio of 10 Stewardship Credits per SRA acres, would result in the potential for approximately 20,000 excess Credits, which is about .04% of the total. Therefore, the Credit system does not create an unreasonable amount of excess Credits with a cap of 404,000 Credits.

As illustrated in Figure 4, the recommended RLSA policies are intended to incentivize a greater amount of protection of agriculture lands and natural resources while limiting future development.

**Figure 4**



**COLLIER COUNTY**  
**Board of County Commissioners**  
**Community Redevelopment Agency Board (CRAB)**  
**Airport Authority**



**AGENDA**

Board of County Commission Chambers  
Collier County Government Center  
3299 Tamiami Trail East, 3rd Floor  
Naples, FL 34112

**March 09, 2021**

**9:00 AM**

**Commissioner Penny Taylor, District 4 – Chair – CRAB Co-Chair**  
**Commissioner William L. McDaniel, Jr., District 5; - Vice Chair - CRAB Co-Chair**  
**Commissioner Rick LoCastro, District 1**  
**Commissioner Andy Solis, District 2**  
**Commissioner Burt Saunders, District 3**

**NOTICE:** All persons wishing to speak on Agenda items must register prior to presentation of the Agenda item to be addressed. All registered speakers will receive up to three (3) minutes unless the time is adjusted by the chairman.

Requests to petition the Board on subjects which are not on this agenda must be submitted in writing with explanation to the County Manager at least 13 days prior to the date of the meeting and will be heard under "Public Petitions." Public petitions are limited to the presenter, with a maximum time of ten minutes.

Any person who decides to appeal a decision of this Board will need a record of the proceeding pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Collier County Ordinance No. 2003-53 as amended by ordinance 2004-05 and 2007-24, requires that all lobbyists shall, before engaging in any lobbying activities (including but not limited to, addressing the Board of County Commissioners), register with the Clerk to the Board at the Board Minutes and Records Department.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, the provision of certain assistance. Please contact the Collier County Facilities Management Division located at 3335 East Tamiami Trail, Suite 1, Naples, Florida, 34112-5356, (239) 252-8380; assisted listening devices for the hearing impaired are available in the Facilities Management Division.

*Lunch Recess scheduled for 12:00 Noon to 1:00 P.M*

- 1. INVOCATION AND PLEDGE OF ALLEGIANCE**
  - 1.A. Reverend Sheila Zellers of Motivated by Love Ministries**
- 2. AGENDA AND MINUTES**
  - 2.A. APPROVAL OF TODAY'S REGULAR, CONSENT AND SUMMARY AGENDA AS AMENDED (EX PARTE DISCLOSURE PROVIDED BY COMMISSION MEMBERS FOR CONSENT AGENDA.)**
  - 2.B. February 9, 2021 - BCC Meeting Minutes**
- 3. AWARDS AND RECOGNITIONS**
  - 3.A. EMPLOYEE**
  - 3.B. ADVISORY BOARD MEMBERS**
  - 3.C. RETIREES**
  - 3.D. EMPLOYEE OF THE MONTH**
- 4. PROCLAMATIONS**
- 5. PRESENTATIONS**
  - 5.A. Presentation of the Collier County Business of the Month for March 2021 to the Children's Advocacy Center of Collier County.**
  - 5.B. Presentation recognizing the heroic efforts of everyone who stepped up to help overcome the unprecedented effects of the COVID-19 Pandemic.**
  - 5.C. Recommendation to receive an update on Corkscrew Swamp Sanctuary's declining dry season water levels and completion of a recent regional investigation on causes and solutions. (Commissioner Taylor) (All Districts)**
- 6. PUBLIC PETITIONS**
- 7. PUBLIC COMMENTS ON GENERAL TOPICS NOT ON THE CURRENT OR FUTURE AGENDA**
- 8. BOARD OF ZONING APPEALS**
- 9. ADVERTISED PUBLIC HEARINGS**



- 9.A. \*\*\* This item is the second of two hearings.\*\*\* Recommendation to approve an Ordinance amending Ordinance Number 04-41, as amended, the Collier County Land Development Code and Zoning Atlas, which includes the comprehensive land regulations for the unincorporated area of Collier County, Florida, to create the Golden Gate Parkway Overlay District (GGPOD) and eliminate the Golden Gate Parkway Professional Office Commercial Overlay (GGPPOCO) and the Golden Gate Downtown Center Commercial Overlay District (GGDCCO), and establish uses, boundaries and design standards, by providing for: Section One, Recitals; Section Two, Findings of Fact; Section Three, Adoption of Amendments to the Land Development Code, more specifically amending the following: Chapter One - General Provisions; Chapter Two - Zoning Districts and Uses; Chapter 4 - Site Design and Development Standards; Chapter Five - Supplemental Standards; and Chapter 10 - Application, Review, and Decision-Making Procedures; Section Four, Conflict and Severability; Section Five, inclusion in the Collier County Land Development Code; and Section Six, Effective Date. (This is a companion to agenda item 16.A.1). (District 3)**

**10. BOARD OF COUNTY COMMISSIONERS**

- 10.A. Recommendation that the Board adjusts its current schedule and foregoes the summer break in 2021 to better accommodate the needs of the community. (Commissioner McDaniel) (All Districts)**
- 10.B. Recommendation to appoint the initial membership of the County Government Productivity Committee. (All Districts)**
- 10.C. \*\*\*This item to be heard at 10:30 a.m.\*\*\* Recommendation to provide additional staff direction regarding the County Manager recruitment process. (All Districts)**

**11. COUNTY MANAGER'S REPORT**

- 11.A. Recommendation to approve the award of Invitation to Bid No. 21-7848, "Golden Gate Wastewater Treatment Plant High Level Disinfection Improvements," to Florida Design Contractors, Inc., in the amount of \$2,671,000, authorize the Chair to sign the attached construction services agreement and approve the necessary budget amendment [Project Number 70243]. (Tom Chmelik, Public Utilities Engineering and Project Management Division Director) (District 3)**
- 11.B. Recommendation to approve an Agreement for Sale and Purchase to acquire 1,046.19 +/- acres located on the Southeast corner of the intersection of Oil Well Road (SR 858) and Camp Keais Road owned by Barron Collier Partnership, LLLP and authorize necessary budget amendments. The total cost for this transaction is \$13,634,670. (Roosevelt Leonard, Real Property Management, Facilities Management Division) (District 5)**

**12. COUNTY ATTORNEY'S REPORT**

**13. OTHER CONSTITUTIONAL OFFICERS**

**14. AIRPORT AUTHORITY AND/OR COMMUNITY REDEVELOPMENT AGENCY**

**14.A. AIRPORT**



**14.B. COMMUNITY REDEVELOPMENT AGENCY**

**15. STAFF AND COMMISSION GENERAL COMMUNICATIONS**

**15.A. Proposed Future Workshop Schedule (All Districts)**

**16. CONSENT AGENDA**

All matters listed under this item are considered to be routine and action will be taken by one motion without separate discussion of each item. If discussion is desired by a member of the Board, that item(s) will be removed from the Consent Agenda and considered separately.

**16.A. GROWTH MANAGEMENT DEPARTMENT**

- 16.A.1. Recommendation to approve a resolution amending the administrative code for land development, which was created by Ordinance No. 2013-57, by amending Chapter Six, Waivers, Exemptions and Reductions, more specifically to add section M, Deviation Requests for Projects in the Golden Gate Parkway Overlay District (DR-GGPOD); and providing an effective date. (This is a companion to Accela Item 9.A). (District 3)**
- 16.A.2. Recommendation to approve final acceptance of the potable water and sewer utility facilities and accept the conveyance of a portion of the potable water utility facilities for the Neighborhood Shoppes at Orangetree, PL20200002447. (District 5)**
- 16.A.3. Recommendation to approve final acceptance and accept the conveyance of the potable water and sewer utility facilities for Anguilla at LaMorada, PL20190002084 and authorize the County Manager, or his designee, to release the Utilities Performance Security (UPS) and Final Obligation Bond in the total amount of \$41,303.10 to the Project Engineer or the Developer's designated agent. (District 5)**
- 16.A.4. Recommendation to approve final acceptance of the potable water and sewer utility facilities for Heritage Bay Golf & Country Club Phase 1 - Clubhouse Expansion, PL20200002647. (District 3)**
- 16.A.5. Recommendation to approve a Resolution for final acceptance of the private roadway and drainage improvements for the final plat of Ave Maria Unit 11, Del Webb Naples Parcels 106 & 112, Application Number PL20110000452, and authorize the release of the maintenance security. (District 5)**
- 16.A.6. Recommendation to approve a Resolution for final acceptance of the private roadway and drainage improvements for the final plat of Isola Bella, Application Number PL20180002267, and authorize the release of the maintenance security. (District 2)**
- 16.A.7. Recommendation to approve an amendment to the Interlocal Agreement with the City of Naples for Phase II of a joint stormwater, water, and sanitary sewer project between Goodlette-Frank Road and US-41. [Project Number 60142] (District 4)**

- 16.A.8. Recommendation to seek approval for electronic submission of a Small County Outreach Program for Rural Areas of Opportunities application with the Florida Department of Transportation to fund a paved shoulder project to improve safety on a segment of Immokalee Road - in the amount of \$998,719.31. (District 5)**
- 16.A.9. Recommendation to adopt a resolution awarding restoration (R-II) credits in Stewardship Sending Area 6 (“BCI / BCP SSA 6”) within the Rural Lands Stewardship Area Overlay District (RLSA) for restoration activities completed by Barron Collier Investments, Ltd., and Barron Collier Partnership in accordance with the approved restoration plan. (District 5)**
- 16.A.10. Recommendation to adopt a resolution awarding restoration (R-II) credits in Stewardship Sending Area 9 (“BCI / BCP SSA 9”) within the Rural Lands Stewardship Area Overlay District (RLSA) for restoration activities completed by Barron Collier Investments, Ltd., and Barron Collier Partnership in accordance with the approved restoration plan. (District 5)**
- 16.A.11. Recommendation to authorize the Chairman to sign Collier County Landscape Maintenance Agreements between Collier County and Creekside Hospitality LLC, and between Collier County and RES Florida 1284 Holdings, LLC and Named Tenant Arthrex, Inc., for landscape and irrigation improvements within the Goodlette-Frank Road public right-of-way. (District 2, All Districts)**

**16.B. COMMUNITY REDEVELOPMENT AGENCY**

- 16.B.1. Recommendation that the Board of County Commissioners, acting as the Community Redevelopment Agency Board, approve and authorize the Chairman to execute a Commercial Building Improvement Grant Agreement between the Community Redevelopment Agency (CRA) and MSK 2059, LLC, in the amount of \$46,094 for the property located within the Bayshore Gateway Triangle Community Redevelopment Area at 2059 Tamiami Trail East. (District 4)**
- 16.B.2. Recommendation that the Collier County Board of County Commissioners (BCC) acting as the Community Redevelopment Agency Board (CRAB) approve an After-the-Fact electronic grant application submittal in the amount of \$300,000 to the Collier County Community and Human Services FY 2021/2022 Housing and Urban Development (HUD) Community Development Block Grant (CDBG) for the Phase 4 Fire Suppression Project in the Bayshore Gateway Triangle Community Redevelopment Area. (District 4)**

**16.C. PUBLIC UTILITIES DEPARTMENT**

- 16.C.1. Recommendation to adopt a Resolution and approve a Lease Agreement with Florida State Representative Lauren Melo for use of County-owned office space. (District 5, All Districts)**

- 16.C.2. Recommendation to adopt a Resolution and to approve a Lease Agreement with State Representative David Borrero, District 105, for use of County-owned office space at the Golden Gate Customer Service Center in Golden Gate City. (All Districts)**

**16.D. PUBLIC SERVICES DEPARTMENT**

- 16.D.1. Recommendation to authorize the Chairperson to sign Amendment No. 1 to the FY2020/21 Transportation Disadvantaged Trust Fund Trip/Equipment Grant Agreement with the Florida Commission for the Transportation Disadvantaged (CTD) to correct a scrivener error by adding an additional line item to Exhibit B (Service Rates) to include the Group Trip Per Passenger rate of \$25.87. (All Districts)**
- 16.D.2. Recommendation to approve and authorize the Chairman to sign an eight-year Sovereignty Submerged Lands Easement Renewal and Modification with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida at Collier Boulevard Boating Park with an effective date of August 15, 2018. (District 5)**
- 16.D.3. Recommendation to award Request for Proposal No. 20-7707, “Tigertail Beach Concession Services,” to SSG Recreation, Inc., and approve the attached Revenue Generating Agreement. (District 1)**
- 16.D.4. Recommendation to approve an “After-the-Fact” amendment and an attestation statement with Area Agency on Aging for Southwest Florida, Inc., for the Emergency Home Energy Assistance Program to decrease funding in the amount of \$45,000 and authorize the supporting Budget Amendment. (All Districts)**
- 16.D.5. Recommendation to approve three (3) “After-the-Fact” contract Amendments, corresponding Attestation Statements with the Area Agency on Aging for Southwest Florida, Inc., for the Community Care for the Elderly, Alzheimer’s Disease Initiative and Home Care for the Elderly grant programs for Services for Seniors to increase the allocations and the supporting Budget Amendments. (All Districts)**

**16.E. ADMINISTRATIVE SERVICES DEPARTMENT**

- 16.E.1. Recommendation to recognize accrued interest from the period October 1, 2020 through December 31, 2020 earned by EMS County Grant and appropriate funds for a total amount of \$383.20. (All Districts)**
- 16.E.2. Recommendation to recognize accrued interest from the period April 17, 2020 through December 31, 2020 earned by EMS Cares Act Provider Relief Payment and appropriate funds for a total amount of \$2,276.67. (All Districts)**
- 16.E.3. Recommendation to renew the North Collier Fire Control and Rescue District’s Certificate of Public Convenience and Necessity for Advanced Life Support non-transport services for one year and authorize the Chairman to execute the Permit and Certificate. (All Districts)**

**16.E.4. Recommendation to approve the administrative reports prepared by the Procurement Services Division for change orders and other contractual modifications requiring Board approval. (All Districts)**

**16.E.5. Recommendation to approve the administrative report prepared by the Procurement Services Division for disposal of property and notification of revenue disbursement. (All Districts)**

**16.F. COUNTY MANAGER OPERATIONS**

**16.F.1. Recommendation to adopt a resolution approving amendments (appropriating grants, donations, contributions or insurance proceeds) to the FY20-21 Adopted Budget. (All Districts)**

**16.F.2. Recommendation to approve the use of Tourist Development Tax Promotion Funds to support the upcoming April 2021 Sports Tourism Event up to \$7,750 and make a finding that this expenditure promote tourism. (All Districts)**

**16.G. AIRPORT AUTHORITY**

**16.G.1. Recommendation to approve Owner-Directed Change Order No. 5 to Agreement No. 18-7240, "Marco Executive Airport New Terminal & Associated Improvements," with West Construction, Inc., in the amount of \$43,608.69. (District 1)**

**16.H. BOARD OF COUNTY COMMISSIONERS**

**16.H.1. Proclamation designating March 9, 2021 as Gentle'men Against Domestic Violence Day in Collier County. The proclamation will be mailed to Linda Oberhaus, Chief Executive Officer, Shelter for Abused Women & Children.**

**16.H.2. Proclamation designating March 15 - 21, 2021 as Sunshine Week in Collier County, a time to reaffirm our commitment to providing our residents with transparent, accessible, and honest government operations. A copy of this proclamation will be hand delivered to each Constitutional Officer and each County Commissioner.**

**16.H.3. Proclamation designating March 15 - 19, 2021 as Government Finance Professionals Week in Collier County, joining in a statewide recognition of government finance professionals. A copy of this proclamation will be hand delivered to the Clerk's Finance and Accounting Department.**

**16.I. MISCELLANEOUS CORRESPONDENCE**

**16.I.1. Miscellaneous Correspondence (All Districts)**

**16.J. OTHER CONSTITUTIONAL OFFICERS**

**16.J.1. To record in the minutes of the Board of County Commissioners, the check number (or other payment method), amount, payee, and purpose for which the referenced disbursements were drawn for the periods between February 11, 2021 and February 24, 2021 pursuant to Florida Statute 136.06. (All Districts)**

**16.J.2. Request that the Board approve and determine valid public purpose for invoices payable and purchasing card transactions as of March 3, 2021. (All Districts)**

**16.K. COUNTY ATTORNEY**

**16.K.1. Recommendation to reappoint a member to the Contractors Licensing Board. (All Districts)**

**16.K.2. Recommendation to appoint a member to the Water and Wastewater Authority. (All Districts)**

**16.K.3. Recommendation to approve and authorize the Chair to sign a First Amendment to Retention Agreement with the law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., to provide specialized FEMA legal services on an “as needed” basis by exercising the first renewal term and adjusting the current rates, which will remain in effect as revised without further change for the next three years. (All Districts)**

**16.K.4. Recommendation to approve and authorize the Chairman to sign a Settlement Agreement in the amount of \$5,000 to settle the lawsuit styled Michael Petraitis v. Collier County Board of County Commissioners now pending in the 20th Judicial Circuit in Collier County. (All Districts)**

**17. SUMMARY AGENDA**

**This section is for advertised public hearings and must meet the following criteria: 1) A recommendation for approval from staff; 2) Unanimous recommendation for approval by the Collier County Planning Commission or other authorizing agencies of all members present and voting; 3) No written or oral objections to the item received by staff, the Collier County Planning Commission, other authorizing agencies or the Board, prior to the commencement of the BCC meeting on which the items are scheduled to be heard; and 4) No individuals are registered to speak in opposition to the item. For those items which are quasi-judicial in nature, all participants must be sworn in.**

**17.A. Recommendation to amend Ordinance No. 2001-55, as amended (the Advisory Board Ordinance), to encourage appointments to advisory boards that better reflect the demographic and geographic population of the County. (All Districts)**

**17.B. Recommendation to consider adoption of an Ordinance establishing the Hyde Park Community Development District (CDD) pursuant to Section 190.005(2), Florida Statutes. (District 5)**

- 17.C. Recommendation to approve an Ordinance amending Ordinance No. 89-05, as amended, the Collier County Growth Management Plan specifically amending the Future Land Use Element to amend the Bayshore/Gateway Triangle Redevelopment Overlay to allow up to 127 multi-family residential dwelling units in the Camden Landing Residential Planned Unit Development (PL20190001387), and furthermore directing transmittal of the adoption amendment to the Florida Department of Economic Opportunity; and providing for severability and providing for an effective date. The subject property is located at the northeast corner of Bayshore Drive and Thomasson Road, in Section 14, Township 50 South, Range 25 East, Collier County, Florida, consisting of 9.93± acres; (Adoption Hearing) (This is a companion to agenda item 17.D). (District 4)**
- 17.D. This item requires ex parte disclosure be provided by the Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to approve an Ordinance of the Board of County Commissioners of Collier County, Florida amending Ordinance Number 2005-63, as amended, the Cirrus Pointe Residential Planned Unit Development (RPUD) to allow a maximum number of 127 residential dwelling units; by changing the name of the RPUD to Camden Landing RPUD; by adding an amenity area; by revising the master plan; by deleting Exhibit B, the water management/utility plan; by deleting Exhibit C, the location map; by removing statement of compliance and revising project development requirements; by adding a parking deviation for recreational amenities and a deviation to reduce the open space requirement; and by deleting and terminating the affordable housing density bonus agreement. The subject property is located within the residential subdistrict 2 of the Bayshore Mixed-Use Overlay zoning district and is located northeast of Bayshore Drive and Thomasson Drive in Section 14, Township 50 South, Range 25 East, Collier County, Florida consisting of 9.93+/- acres; and by providing an effective date. [This is a companion to Agenda Item 17.C] [Coordinator James Sabo, AICP Comprehensive Planning Manager] (District 1)**

**18. ADJOURN**

**Inquiries concerning changes to the Board's Agenda should be made to the County Manager's Office at 252-8383.**

In order to estimate the number of future panther road kills for each road segment, the Service uses the following equation:

$$\text{Future 5-year total roadkills} = (\text{Last 5-year total roadkills} / \text{Current AADT}) \times \text{Future AADT}$$

This future roadkill estimation method (FREM) incorporates several important assumptions. The method assumes that roadkills over the last 5 years and the current AADT represent a roadway segment's current (baseline) traffic and roadkill risk. This roadkill estimation method also assumes that changes in roadkill numbers are directly related to traffic volume. This method does not consider other important factors that contribute to panther roadkill risk such as number of panthers on the road, traffic speed, differences in traffic volume throughout the day, wildlife fencing, underpasses, surrounding habitat/land use and panther use of that habitat, *etc.*

The FREM has been used by the Service since January 2018 as a way to quantitatively estimate increases in risk to panthers from project-generated traffic. To evaluate the appropriateness of the FREM method for estimating risk to panthers from increasing traffic volumes, the Service compared actual roadkill data to roadkill estimates derived by the FREM using historic roadkill and traffic volume data. For example, the Service examined predicted traffic volumes from the traffic impact study for phase 1 of the Ave Maria University DRI in Collier County, Florida. This project's traffic impact study projected future traffic volume increases on affected road segments from 2013 to 2017. Using the FREM algorithm, the Service estimated that the 5-year roadkill rate on affected roadway segments would increase from 19 panthers (2009 thru 2013) to 29.85 panthers in the five years spanning 2013 thru 2017. The actual 5-year roadkill total from 2013-2017, for the evaluated road segments, was 29 panthers. The Service also evaluated the FREM's appropriateness throughout the Plan's Action Area. Within the Action Area, 22 road segments had sufficient traffic volume and roadkill data to inform the FREM algorithm. These necessary data were documented roadkills dating from 2009 thru 2017, and historic FDOT traffic volume data from 2013 thru 2017. To compare the FREM estimate of 5-year roadkill counts to actual roadkill counts, we used traffic volume data for 2013 on road segments with a 5-year history of roadkills (2009-2013), and 2017 traffic volumes as inputs to the FREM algorithm. The FREM's 5-year roadkill estimate for this time frame (2013-2017), on the evaluated road segments, was 72.4 panthers. The actual 5-year roadkill total (2013 thru 2017), for the evaluated road segments, was 71 panthers.

## [EXTERNAL] RE: East Collier HCP: Gargiulo Public Notice

Johnson, Bruce <Bruce.Johnson@stantec.com>

Thu 1/23/2020 8:41 AM

To: Dell, David <david\_dell@fws.gov>; Turner, Andrew <aturner@hunton.com>; Clements, E. Carter Chandler <eclements@hunton.com>

Cc: Tawes, Robert <robert\_tawes@fws.gov>; Cassler, Constance <constance\_cassler@fws.gov>

David,

Thank you for shepherding this through the process and keeping us informed throughout.

**Bruce Johnson, Ph.D.**

Senior Scientist, Environmental Services

Direct: (407) 710-3379

Mobile: (386) 527-8333

Stantec Consulting Services Inc.

300 Primera Blvd., Suite 300

Lake Mary, FL 32746-2145 US



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**From:** Dell, David <david\_dell@fws.gov>

**Sent:** Thursday, January 23, 2020 6:48 AM

**To:** Johnson, Bruce <Bruce.Johnson@stantec.com>; Turner, Andrew <aturner@hunton.com>; Clements, E. Carter Chandler <eclements@hunton.com>

**Cc:** Robert Tawes <Robert\_Tawes@fws.gov>; Constance Cassler <Constance\_Cassler@fws.gov>

**Subject:** East Collier HCP: Gargiulo Public Notice

FYI, the Gargiulo public notice publishes today.

David Dell

US Fish and Wildlife Service

South Atlantic - Gulf and Mississippi Basin

Unified Regions

HCP and Safe Harbors Coordinator



404/679-7313

[david\\_dell@fws.gov](mailto:david_dell@fws.gov)

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## [EXTERNAL] RE: East Collier HCP: Cancelling This Week's Update

Johnson, Bruce <Bruce.Johnson@stantec.com>

Thu 1/30/2020 3:59 PM

To: Dell, David <david\_dell@fws.gov>; aturner@hunton.com <aturner@hunton.com>; Cassler, Constance <constance\_cassler@fws.gov>; cspilker@collierenterprises.com <cspilker@collierenterprises.com>; Shindle, David B <david\_shindle@fws.gov>; dksutton@alicoinc.com <dksutton@alicoinc.com>; eclements@hunton.com <eclements@hunton.com>; Rauschenberger, Heath <heath\_rauschenberger@fws.gov>; Mcdonald, Kenneth <kenneth\_mcdonald@fws.gov>; Peters, Kristen E <kristen\_peters@fws.gov>; Hinzman, Roxanna <roxanna\_hinzman@fws.gov>; Kelso, Charles <charles\_kelso@fws.gov>; joshua.r.holmes@usace.army.mil <joshua.r.holmes@usace.army.mil>; Williams, Larry O <larry\_williams@fws.gov>; Cantrell, Mark A <mark\_a\_cantrell@fws.gov>; mhutchcraft@cclpcitrus.com <mhutchcraft@cclpcitrus.com>; robert.m.tewis@usace.army.mil <robert.m.tewis@usace.army.mil>; Tawes, Robert <robert\_tawes@fws.gov>; tjones@barroncollier.com <tjones@barroncollier.com>; Mott, Vicki V <Vicki.Mott@sol.doi.gov>

David,

Thank you for the updates, and we look forward to the next call on February 14<sup>th</sup>.

**Bruce Johnson, Ph.D.**

Senior Scientist, Environmental Services

Direct: (407) 710-3379

Mobile: (386) 527-8333

Stantec Consulting Services Inc.

300 Primera Blvd., Suite 300

Lake Mary, FL 32746-2145 US



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**From:** Dell, David <david\_dell@fws.gov>

**Sent:** Wednesday, January 29, 2020 10:07 AM

**To:** aturner@hunton.com; Johnson, Bruce <Bruce.Johnson@stantec.com>; Cassler, Constance <constance\_cassler@fws.gov>; cspilker@collierenterprises.com; Shindle, David B <david\_shindle@fws.gov>; dksutton@alicoinc.com; eclements@hunton.com; Rauschenberger, Heath <heath\_rauschenberger@fws.gov>; Mcdonald, Kenneth <kenneth\_mcdonald@fws.gov>; Peters, Kristen E <kristen\_peters@fws.gov>; Hinzman, Roxanna <roxanna\_hinzman@fws.gov>; Kelso, Charles <charles\_kelso@fws.gov>; joshua.r.holmes@usace.army.mil; Williams, Larry O <larry\_williams@fws.gov>; Cantrell, Mark A <mark\_a\_cantrell@fws.gov>; mhutchcraft@cclpcitrus.com; robert.m.tewis@usace.army.mil; Tawes, Robert <robert\_tawes@fws.gov>; tjones@barroncollier.com; Mott, Vicki V <Vicki.Mott@sol.doi.gov>

**Subject:** East Collier HCP: Cancelling This Week's Update

Everyone: Progress continues at the Field Office reviewing and finalizing the panther chapter of the biological opinion. Considering that we only have a couple items to update for you, and several of us are not available for the call on Friday, we will cancel this week's meeting, and plan to re-convene February 14.

As ECPO is probably aware, the Florida Wildlife Federation has gotten Collier County to consider a conservation agreement with the Service to encourage their construction of improved wildlife crossings and to formalize a mechanism to accept Marinelli Fund (and other private) monies. The Field Office will initiate discussions with the County. We intend that any agreement with the County would be negotiated independently of our review of the ECPO HCP, and that any such agreement would operate independently of the HCP.

The public notice for Gargiulo, Inc. published January 23. So far, we received one non-substantive objection. Any comments we receive on this notice will be compiled with those received previously. As a reminder, all comments are visible on Regulations.gov (<https://www.regulations.gov/document?D=FWS-R4-ES-2018-0079-1837>).

Tuesday evening, January 28, the Service transitioned to Microsoft from Google. You will likely see updated calendar invitations later this week or early next. Please let me know if there are problems with this message or questions about our progress.

David Dell  
US Fish and Wildlife Service  
South Atlantic - Gulf and Mississippi Basin  
Unified Regions  
HCP and Safe Harbors Coordinator  
404/679-7313  
[david\\_dell@fws.gov](mailto:david_dell@fws.gov)

NOTE: All email correspondence and attachments received from or sent to me are subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

## [EXTERNAL] Meeting to discuss HCP project

Christian Spilker <CSpilker@collierenterprises.com>

Mon 2/24/2020 6:11 AM

To: Dove, William T <william\_dove@ios.doi.gov>

Cc: Miranda, Leopoldo <Leopoldo\_Miranda@fws.gov>; Tawes, Robert <robert\_tawes@fws.gov>; Dell, David <david\_dell@fws.gov>; Williams, Larry O <larry\_williams@fws.gov>; Hinzman, Roxanna <roxanna\_hinzman@fws.gov>; Phillips, Catherine <catherine\_phillips@fws.gov>; Cassler, Constance <constance\_cassler@fws.gov>

Dear Mr. Dove,

I wanted to thank you for your offer to meet and to clarify the nature of our request. The purpose of the meeting is to discuss the legal standard governing the determination of “effects of the action” in the biological opinion, under 50 C.F.R. 402.02, with respect to future offsite third party vehicle collisions with panthers. We requested the meeting after our counsel and the Regional Solicitor’s office reached an impasse on the legal issue and agreed that resolution would likely require discussion with the Solicitor’s Office in Washington. After we provided notice to the Region that we would be requesting a meeting, our counsel contacted the Solicitor’s Office in Washington to ask for a meeting on the legal issue, and was asked to place the request in writing with brief background and include Director Skipwith in the request. All other aspects of the HCP review are pending with officials in the Southeast Region.

We look forward to discussing this matter in the hopes of reaching resolution and making progress toward implementation of the HCP.

Regards,

Christian Spilker  
Senior Vice President of Land  
Collier Enterprises

---

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## FW: [EXTERNAL] Status check

Johnson, Bruce <Bruce.Johnson@stantec.com>

Wed 3/25/2020 10:02 AM

To: Dell, David <david\_dell@fws.gov>

Cc: Tawes, Robert <robert\_tawes@fws.gov>

Good Morning David,

The applicants are asking for an update on the timeline, and when it might be available. Please advise. If we need to discuss anything, please use my mobile number.

I hope that you and everyone in the Atlanta office are doing OK and staying healthy.

Thanks,

**Bruce Johnson, Ph.D.**

Senior Scientist, Environmental Services


Direct: (407) 710-3379

Mobile: (386) 527-8333

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 <http://www.stantec.com/content/dam/stantec/images/esignature/stantec.png>

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---

**From:** Johnson, Bruce

**Sent:** Friday, March 20, 2020 10:35 AM

**To:** Dell, David <david\_dell@fws.gov>; Tawes, Robert <robert\_tawes@fws.gov>

**Subject:** RE: [EXTERNAL] Status check

Thank you both. I did receive the text also, and we appreciate your efforts to move things along. We look forward to learning about the estimated timeframes as soon as it can be worked out.

Have a nice weekend!

Bruce

---

**From:** Dell, David <[david\\_dell@fws.gov](mailto:david_dell@fws.gov)>  
**Sent:** Friday, March 20, 2020 10:26 AM  
**To:** Johnson, Bruce <[Bruce.Johnson@stantec.com](mailto:Bruce.Johnson@stantec.com)>; Tawes, Robert <[robert\\_tawes@fws.gov](mailto:robert_tawes@fws.gov)>  
**Subject:** Re: [EXTERNAL] Status check

Bruce: We were just discussing that in our internal call (ended at 10). As Rob mentioned in his text, we have a timeline fleshed out that starts with receipt of a BO from the FO. We will catch up with our management to discuss a timeline for the FO to produce the BO, on Monday.

---

**From:** Johnson, Bruce <[Bruce.Johnson@stantec.com](mailto:Bruce.Johnson@stantec.com)>  
**Sent:** Friday, March 20, 2020 9:42 AM  
**To:** Dell, David <[david\\_dell@fws.gov](mailto:david_dell@fws.gov)>; Tawes, Robert <[robert\\_tawes@fws.gov](mailto:robert_tawes@fws.gov)>  
**Subject:** [EXTERNAL] Status check

Good Morning,

I hope that you, your families, and FWS staff are doing OK with the COVID situation.

We are having an internal call at 10:00am today with ECPO, and Andrew and I would like to brief them on when we can expect to receive a timeline. The goal was last Friday, and we understand that this is an extraordinary time period, but we would like to have a sense of when to expect it.

Stay well, and many thanks,

**Bruce Johnson, Ph.D.**

Senior Scientist, Environmental Services

Direct: (407) 710-3379  
Mobile: (386) 527-8333

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## [EXTERNAL] RE: Voicemail

Johnson, Bruce <Bruce.Johnson@stantec.com>

Thu 4/2/2020 5:33 PM

To: Tawes, Robert <robert\_tawes@fws.gov>

Cc: Dell, David <david\_dell@fws.gov>

Hi Rob,

Sorry for the full voicemail (since corrected), and thanks for the information. I hope that you, your family, and all the folks at FWS Atlanta are safe and well.

Take Care,

**Bruce Johnson, Ph.D.**

Senior Scientist, Environmental Services

Direct: (407) 710-3379

Mobile: (386) 527-8333

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**From:** Tawes, Robert <robert\_tawes@fws.gov>

**Sent:** Thursday, April 2, 2020 4:49 PM

**To:** Johnson, Bruce <Bruce.Johnson@stantec.com>

**Cc:** Dell, David <david\_dell@fws.gov>

**Subject:** Voicemail

Hi Bruce, I received your voicemail and tried calling you back around 30 minutes ago, but your voicemail was full. Today we received the sample BOs from the Regional Solicitor's Office, and have started looking through them. We have not yet circled up with Vicki on the MOU but have reached out a few times and hope to speak with her soon. Rob

Rob W. Tawes

Chief, Division of Environmental Review  
U.S. Fish and Wildlife Service  
South Atlantic, Gulf & Mississippi Basin Regions  
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[www.fws.gov](http://www.fws.gov)

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**From:** [Johnson, Bruce](#)  
**To:** [Kenneth McDonald](#); [Charles Kelso](#)  
**Cc:** [Williams, Larry O](#); [Hinzman, Roxanna](#); [Constance L. Cassler Ph. D. \(constance\\_cassler@fws.gov\)](#); [David Shindle](#)  
**Subject:** Statistics related to PVM  
**Date:** Thursday, April 2, 2020 6:36:47 PM  
**Attachments:** [retrospective traffic data 20200401.xlsx](#)

---

Ken and Chuck,

Based on the importance of the data underlying the Service's analysis of projected panther-vehicle mortalities (PVM), we re-examined some of the data related to annual minimum panther counts (McBride counts), annual traffic volumes (annual average daily traffic, or AADT), and PVM. The latter two metrics were used in the Service's projections of future PVM at HCP buildout, with future AADT numbers supplied by AECOM and/or Traf-o-Data's transportation modeling.

The key assumption underlying Vero Beach's initial PVM projections was that there is a direct, proportional, and causal relationship between traffic volume (AADT) on a road segment and the PVM observed on that same road segment. This critical assumption was the basis for calculations that estimated future PVM by taking current PVM (2014-2019), current AADT, and future (modeled) AADT on specific roadways that serve the HCP area and projecting PVM at HCP buildout. If the assumptions underlying this mechanistic model are valid, then a retrospective analysis of AADT and PVM data should show a statistically valid relationship between those variables going back in time. Conversely, if the model cannot accurately model PVM retrospectively, then the model should not be used for projections of future PVM levels.

Our team identified four major variables that could logically determine PVM in the real world (aside from random chance): size of the panther population; traffic volumes (AADT); panther access to roadways (i.e., fencing); and vehicle speeds (actual versus posted speeds). There are other qualitative factors that could influence PVM (road curves; roadside vegetation; dispersal corridor locations; etc.), but in a modeling sense the size of the panther population and/or traffic volumes would logically be the two variables upon which to focus a statistical analysis of overall PVM relationships (since it is generally accepted that either effective fencing or sufficiently slow vehicle speeds can greatly if not entirely reduce the risk of PVM on associated road segments).

To test the relationship between panther population and PVM, we utilized the McBride minimum panther count data and PVM data (McBride 2015, Figure 8; HCP Figure 4-4). A linear regression model resulted in a highly significant positive relationship between total panther population and total PVM from 1995-2015:  $F(1,18) = 90.8$ ,  $p < 0.001$ ,  $R^2 = 0.83$  (data and plot can be found in tab 1 of the attached spreadsheet).

To test the relationship between AADT and PVM, we decided to test the roadways that contained the red "hot spots" as identified by the FPRIT Transportation Sub-team. The hot spots on SR-29 could not be used because of a lack of traffic count data between Oil Well Road and the Immokalee Farmworker Village, and due to differences in AADT data at I-75 and just south of Oil Well Road (not to mention fencing along the entire route between those stations). Therefore we selected CR-846 east of Immokalee to the Collier-Hendry line, and US 41 between Collier-Seminole State Park and the Collier-Dade line. The AADT and PVM data for these roadways are attached (tabs 2 and 3), and a logistic regression was used because the range in annual PVM data had a limited range (min = 0; max = 3). In short, the analyses showed that AADT was a poor predictor of PVM and failed to reach statistical significance for either of these hotspots ( $p=0.25$  for CR-846 and  $p=0.41$  for US-41). CR-846 showed a weak positive trend while US-41 actually showed a weak negative trend (meaning that PVM would be predicted to decrease when traffic volumes increase).

We recognize that statistically analyzing only two roadways, and panther counts versus PVM, does not establish the complete universe of statistical relationships between panther numbers, traffic volumes, and PVM on roadways serving the HCP area. However, we conclude that using the mechanistic model to

predict PVM (especially 50 years into the future) is not tenable, because the model appears unable to accurately predict PVM using retrospective data sets where we have hard numbers. Additionally, tab 4 of the attached spreadsheet reports AADT numbers and trends across Hendry County and Eastern Collier County that do not correlate with or predict the PVM data trends. Specifically, the results of our analyses show:

- Minimum panther count data (proxy for panther population) from 1995-2015 are a highly significant predictor of overall PVM, with a  $R^2 = 0.83$  at  $p < 0.001$
- No variable other than panther counts can be demonstrated to reliably predict PVM
- In each of the two test cases (hot spots), AADT was a poor predictor of PVM and failed to reach statistical significance
- While other selected road segments might reach statistical significance for AADT and PVM, we believe that would be statistical coincidence as illustrated by the data in tab 4 of the attached excel spreadsheet (which show that the AADT on most road segments serving the HCP area do not closely coincide with PVM increases over the same time periods), and that the examples we provided combined with the statistical relationship between panther counts and PVM demonstrate that AADT is not a statistically reliable predictor of PVM.

Based on these observations and analyses, we urge the Service to engage one or more of its statisticians/data specialists to review this information, and to run statistical tests of a larger data set to confirm or refute these findings. If these results are corroborated, the Service should abandon the model for future PVM projections and apply a rationale consistent with panther population effects.

In short, the statistics indicate the number of panthers killed by vehicles each year has a strong statistical correlation to the number of panthers in the population, and does not have a strong statistical correlation to traffic levels on key roadways serving the HCP area. The variables that actually could change the relationship between PVM and an increasing panther population are actual vehicle speeds and effective exclusion of panthers from roadways, especially along road segments identified as “hotspots” by the FPRIT Transportation Sub-Team.

Regards,

**Bruce Johnson, Ph.D.**

Senior Scientist, Environmental Services

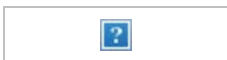
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## [EXTERNAL] Statistical analyses for panther-vehicle mortalities

Johnson, Bruce <Bruce.Johnson@stantec.com>

Fri 4/10/2020 4:12 PM

To: Dell, David <david\_dell@fws.gov>; Tawes, Robert <robert\_tawes@fws.gov>

Cc: Miranda, Leopoldo <Leopoldo\_Miranda@fws.gov>; Christian Spilker (CSpilker@collierenterprises.com) <CSpilker@collierenterprises.com>

 1 attachments (478 KB)

Statistics related to PVM;

David and Rob,

As we discussed on our biweekly status call this morning, I am forwarding an email and attached spreadsheet provided to the Vero Beach office last Thursday, 4/2/20, on the statistical analysis of panther-vehicle mortalities (PVM). The email and spreadsheet describe the strong and significant statistical relationship between actual panther counts (i.e., McBride minimum counts) and PVM, in contrast to non-significant relationships between traffic volumes and PVM for two important PVM “hotspot” roadways that serve the HCP area.

In order for the Service to rely on a mechanistic model that projects PVM over a 50-year timeframe, there would need to be a strong demonstrated relationship between traffic volumes and PVM sufficient to predict future PVM with a reasonable degree of accuracy and statistical confidence. If the Service believes that the mechanistic model is accurate enough to predict future PVM, then the same model should be able to accurately estimate PVM going backward in time in relation to associated traffic volume data. Our retrospective analysis and review of historic traffic volume data suggests that PVM for specific road segments cannot be predicted accurately by variations in traffic volumes even to a low level of significance (i.e., most road segments would have non-significant statistics), let alone with a degree of accuracy and statistical confidence necessary to produce valid PVM numbers for a population viability analysis (PVA).

Given the importance of these statistical relationships for the Biological Opinion analyses, the applicants request that a third-party Service or Department statistician (with no prior involvement in the HCP or potential outcome bias) review the raw GIS and tabular data to perform basic statistical analyses that confirm or refute the applicability of a mechanistic model based on traffic volumes and PVM. The analyses need not validate future projections. Rather, the third-party statistician would perform retrospective analyses to determine if past PVM (e.g., 1995-2015) can be accurately estimated from hard panther counts, fluctuations in traffic volumes, and/or interactions between counts and traffic volumes (to a high level of statistical significance). These analyses are not difficult or time-consuming for a professional statistician.

We recognize that for PVM to occur a panther must enter a roadway in front of a vehicle travelling at a high enough rate of speed to strike the panther. The state and county roadways serving the HCP area currently have traffic that travels at a high enough rate of speed to result in PVM, as demonstrated by the designations of PVM “hotspots” on the roadways we analyzed. The question is whether increases or decreases in existing baseline traffic volumes on roadways serving the HCP area have a statistically significant relationship to PVM levels on those roadways, and whether the model produces statistically reliable projections of future PVM. We chose two roads that serve the HCP area based on their significance as PVM “hot spots” and on the ability to isolate analyzed segments of those roads from other traffic nodes. Our analysis showed that variations in traffic volumes are a poor predictor of PVM. Instead, the statistics indicate the number of panthers killed by vehicles each year has a strong statistical correlation to the number of panthers in the population. The correlation between PVM and the panther population has been recognized in other contexts, including by the FFWCC. See <https://myfwc.com/wildlifehabitats/wildlife/panther/biology/> (“Concurrent with increasing panther population numbers, the number of Florida panthers killed by collisions with vehicles has been on the increase since 2000.”).

Thank you for your consideration, and please contact us if you have any questions.

**Bruce Johnson, Ph.D.**

Senior Scientist, Environmental Services

Direct: (407) 710-3379

Mobile: (386) 527-8333

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Re: [EXTERNAL] RE: Are you Available for a Check In Call Today?

Tawes, Robert <robert\_tawes@fws.gov>

Wed 6/3/2020 8:42 AM

To: Christian Spilker <CSpilker@collierenterprises.com>

Sounds good. The cell phone will be best. Talk soon. Rob

---

**From:** Christian Spilker <CSpilker@collierenterprises.com>

**Sent:** Wednesday, June 3, 2020 8:39 AM

**To:** Tawes, Robert <robert\_tawes@fws.gov>

**Subject:** [EXTERNAL] RE: Are you Available for a Check In Call Today?

Rob,

How about 11:00? I can call you from my landline. Should I call your office or cellular?

Regards,

*Christian Spilker*

Christian Spilker

Senior Vice President of Land

Collier Enterprises

2550 Goodlette Frank Rd North, #100

Naples, FL 34103

(239)261-4455

---

**From:** Tawes, Robert [mailto:robert\_tawes@fws.gov]

**Sent:** Wednesday, June 3, 2020 8:25 AM

**To:** Christian Spilker <CSpilker@collierenterprises.com>

**Subject:** Are you Available for a Check In Call Today?

Hi Christian. I would like to update you on the status of the biological opinion, and to briefly discuss monitoring and adaptive management. I was hoping you had 15-30 minutes today to chat. I'm open from around 9:00 to 2:00 today, and also have some availability tomorrow morning and afternoon so that could work too. Thanks, Rob

Rob W. Tawes

Chief, Division of Environmental Review

U.S. Fish and Wildlife Service

South Atlantic, Gulf & Mississippi Basin Regions

1875 Century Boulevard

Atlanta, GA 30345

404/679-7142

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## 6/29/20 Conversation with Christian Spilker

Tawes, Robert <robert\_tawes@fws.gov>

Tue 6/30/2020 9:51 AM

To: Dell, David <david\_dell@fws.gov>; Cassler, Constance <constance\_cassler@fws.gov>

Hi David and Connie. I spoke with Christian late yesterday afternoon and we discussed the pivot points and adaptive management document. I told him I would send it to him this morning, but have been tied up with my Dad's doctors appointment. David - can you send the latest version of the document to him, copying me and Connie?

I also told Christian that we were cancelling Friday's update call, but that I envisioned a small call between us and ECPO to discuss the document once they have had a chance to read. We talked about tomorrow or Thursday (Connie - I recognize you have a pretty packed schedule but would be great to have you participate if possible).

Rob W. Tawes  
Chief, Division of Environmental Review  
U.S. Fish and Wildlife Service  
South Atlantic, Gulf & Mississippi Basin Regions  
1875 Century Boulevard  
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## [EXTERNAL] RE: FWS write-up for Traffic analysis

Johnson, Bruce <Bruce.Johnson@stantec.com>

Wed 7/8/2020 2:25 PM

To: Cassler, Constance <constance\_cassler@fws.gov>

Cc: Tawes, Robert <robert\_tawes@fws.gov>; Dell, David <david\_dell@fws.gov>; Hinzman, Roxanna <roxanna\_hinzman@fws.gov>; McDonald, Kenneth <kenneth\_mcdonald@fws.gov>; Kelso, Charles <charles\_kelso@fws.gov>

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Hi Connie,

We appreciate the additional information, and we will provide feedback to the Service after our team has reviewed it. Our thanks to everyone for their continuing efforts to advance the processing of the HCP and ITPs.

**Bruce Johnson, Ph.D.**

Senior Scientist, Environmental Services

Direct: (407) 710-3379

Mobile: (386) 527-8333

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**From:** Cassler, Constance <constance\_cassler@fws.gov>

**Sent:** Wednesday, July 8, 2020 1:08 PM



**To:** Johnson, Bruce <Bruce.Johnson@stantec.com>

**Cc:** Tawes, Robert <robert\_tawes@fws.gov>; Dell, David <david\_dell@fws.gov>; Hinzman, Roxanna <roxanna\_hinzman@fws.gov>; Mcdonald, Kenneth <kenneth\_mcdonald@fws.gov>; Kelso, Charles <charles\_kelso@fws.gov>

**Subject:** FWS write-up for Traffic analysis

Hi Bruce,

Rob asked me to share this write-up with you. Please let me know if you have questions or wish to discuss the write-up.

Thank you,

Connie

Constance L. Cassler, Ph.D.

Supervisory Fish and Wildlife Biologist

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

office: 772-469-4243

Fax: 772-562-4288

email: [constance\\_cassler@fws.gov](mailto:constance_cassler@fws.gov)

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**Fw: [EXTERNAL] Eastern Collier MSHCP and Gopher Ridge ag development**

Cassler, Constance <constance\_cassler@fws.gov>

Thu 7/23/2020 3:40 PM

To: Dell, David <david\_dell@fws.gov>; Tawes, Robert <robert\_tawes@fws.gov>

Cc: Hinzman, Roxanna <roxanna\_hinzman@fws.gov>

 1 attachments (2 MB)

Conservancy of SWFL\_Gopher Ridge ECMSHCP\_07.20.pdf;

FYI, something else we can discuss internally tomorrow.

Connie

Constance L. Cassler, Ph.D.

Supervisory Fish and Wildlife Biologist

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960

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Fax: 772-562-4288

email: constance\_cassler@fws.gov

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**From:** Amber Crooks <amberc@conservancy.org>

**Sent:** Thursday, July 23, 2020 3:24 PM

**To:** Hinzman, Roxanna <roxanna\_hinzman@fws.gov>

**Cc:** Cassler, Constance <constance\_cassler@fws.gov>; Kelso, Charles <charles\_kelso@fws.gov>; Williams, Larry O <larry\_williams@fws.gov>

**Subject:** [EXTERNAL] Eastern Collier MSHCP and Gopher Ridge ag development

Dear Field Supervisor Hinzman,

Please see attached the Conservancy of Southwest Florida's letter regarding a proposed agricultural development within the Eastern Collier Multiple Species Habitat Conservation Plan area. The agricultural development, called Gopher Ridge South, is proposed by Collier Enterprises. It is proposed in the HCP's Preserve/Plan-wide Activities and Very Low Density use areas.

If you have any questions about our letter or would like to discuss in detail, do not hesitate to contact me at 239-776-5601. Thank you for considering our comments.

In Kind Regards,  
Amber Crooks  
Environmental Policy Manager  
Conservancy of Southwest Florida

## Phone Conversation with Christian Spilker, ECPO, 9/24/2020

Tawes, Robert <robert\_tawes@fws.gov>

Thu 9/24/2020 2:27 PM

To: Hinzman, Roxanna <roxanna\_hinzman@fws.gov>; Williams, Larry O <larry\_williams@fws.gov>; Cassler, Constance <constance\_cassler@fws.gov>; Dell, David <david\_dell@fws.gov>; Tirpak, John <John\_Tirpak@fws.gov>

Cc: Rauschenberger, Heath <heath\_rauschenberger@fws.gov>

Hey everyone,

I wanted to send a quick note to let everyone know I spoke with Christian briefly today, to let him know the status of the BO (we received Leo's comments), the status of discussions with FDEP on the assumption and how it relates to the HCP (working to set up meeting with FWC and FDEP) and inform him of our plans to cancel the update call tomorrow. He was fine with the cancellation and David will be sending that out momentarily. He only asked the timeline associated with addressing Leo's edits and I told him we did not know yet, but would keep them posted.

Please let me know if you have any questions or need additional information. Rob

Rob Tawes

Manager, Division of Environmental Review

U.S. Fish and Wildlife Service

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**Re: [EXTERNAL] Letter re: ECMSHCP to FWS from DOW, AWE, and FWF**

Dell, David <david\_dell@fws.gov>

Wed 10/14/2020 8:39 AM

**To:** Hinzman, Roxanna <roxanna\_hinzman@fws.gov>; Cassler, Constance <constance\_cassler@fws.gov>; McDonald, Kenneth <kenneth\_mcdonald@fws.gov>

**Cc:** Tawes, Robert <robert\_tawes@fws.gov>; Williams, Larry O <larry\_williams@fws.gov>

Everyone: I see a lot of good considerations to carry into our decision and any permit conditions. Although these NGOs are partnered with ECPO, we need to treat them as any other member of the public as we proceed with ECPO.

---

**From:** Hinzman, Roxanna <roxanna\_hinzman@fws.gov>

**Sent:** Tuesday, October 13, 2020 12:14 PM

**To:** Cassler, Constance <constance\_cassler@fws.gov>; McDonald, Kenneth <kenneth\_mcdonald@fws.gov>; Dell, David <david\_dell@fws.gov>

**Cc:** Tawes, Robert <robert\_tawes@fws.gov>; Williams, Larry O <larry\_williams@fws.gov>

**Subject:** Fw: [EXTERNAL] Letter re: ECMSHCP to FWS from DOW, AWE, and FWF

Please make sure to review, put in the record, address as appropriate, etc.

Thanks,

Rox

---

**Roxanna Hinzman** | Field Supervisor

U.S. Fish and Wildlife Service | South Florida Ecological Services Office

1339 20th Street | Vero Beach, Florida 32960

**Direct line: 772-469-4309** | Office: 772-562-3909 ext. 309

Cell 772-532-1247 | Fax 772-562-4288 | [roxanna\\_hinzman@fws.gov](mailto:roxanna_hinzman@fws.gov)

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**From:** Meredith Budd <meredithb@fwfonline.org>

**Sent:** Tuesday, October 13, 2020 10:54 AM

**To:** Hinzman, Roxanna <roxanna\_hinzman@fws.gov>

**Cc:** Kelso, Charles <charles\_kelso@fws.gov>; Elizabeth Fleming <efleming@defenders.org>; Brad Cornell (millercornell@mindspring.com) <millercornell@mindspring.com>

**Subject:** [EXTERNAL] Letter re: ECMSHCP to FWS from DOW, AWE, and FWF

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Good morning Roxanna,

I respectfully submit the attached letter on behalf of Defenders of Wildlife, Audubon of the Western Everglades, and Florida Wildlife Federation regarding the Eastern Collier Multiple Species Habitat Conservation Plan. Also attached is the map referenced in the letter. Thank you for considering our attached comments and for the opportunity to discuss further with you and other FWS staff on Oct 15 at 1:30PM.

Best,

Meredith

--


Meredith Budd  
Regional Policy Director  
Florida Wildlife Federation  
Office: 239-302-1767  
[www.floridawildlifefederation.org](http://www.floridawildlifefederation.org)

## Fw: County leaders debate mega developments in eastern Collier

Tawes, Robert <robert\_tawes@fws.gov>

Fri 3/5/2021 12:05 PM

To: Dell, David <david\_dell@fws.gov>

 1 attachments (126 KB)

In the Know\_ Collier leaders debate mega developments on Naples' edge.pdf;

**From:** Koches, Jennifer <jennifer\_koches@fws.gov>

**Sent:** Friday, March 5, 2021 9:21 AM

**To:** Tawes, Robert <robert\_tawes@fws.gov>; Tirpak, John <John\_Tirpak@fws.gov>; Phillips, Catherine <catherine\_phillips@fws.gov>; Chapman, Daniel S <daniel\_chapman@fws.gov>; Davis, Mark R <mark\_r\_davis@fws.gov>

**Subject:** Re: County leaders debate mega developments in eastern Collier

Back at ya!!

Jennifer M. Koches, Public Affairs Specialist  
U.S. Fish and Wildlife Service - External Affairs  
Interior Region 2 - South Atlantic-Gulf  
Interior Region 4 - Mississippi Basin  
Mobile - (843) 670-7902  
jennifer\_koches@fws.gov

*"Let's end this!!"*

---

**From:** Tawes, Robert <robert\_tawes@fws.gov>

**Sent:** Friday, March 5, 2021 9:18 AM

**To:** Tirpak, John <John\_Tirpak@fws.gov>; Phillips, Catherine <catherine\_phillips@fws.gov>; Koches, Jennifer <jennifer\_koches@fws.gov>; Chapman, Daniel S <daniel\_chapman@fws.gov>; Davis, Mark R <mark\_r\_davis@fws.gov>

**Subject:** Fw: County leaders debate mega developments in eastern Collier

FYI

EA friends could I trouble y'all for another .pdf? Thanks! Rob

Rob Tawes  
Division Supervisor, Environmental Review  
U.S. Fish and Wildlife Service

South Atlantic, Gulf & Mississippi Basin Regions  
1875 Century Boulevard  
Atlanta, GA 30345  
404/679-7142  
<http://www.fws.gov/southeast/>  
[www.fws.gov](http://www.fws.gov)

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**From:** Shindle, David B <david\_shindle@fws.gov>

**Sent:** Friday, March 5, 2021 9:00 AM

**To:** Hinzman, Roxanna <roxanna\_hinzman@fws.gov>; Williams, Larry O <larry\_williams@fws.gov>; Cassler, Constance <constance\_cassler@fws.gov>; Kelso, Charles <charles\_kelso@fws.gov>; Mcdonald, Kenneth <kenneth\_mcdonald@fws.gov>; Dell, David <david\_dell@fws.gov>; Underwood, Chuck <chuck\_underwood@fws.gov>; Tawes, Robert <robert\_tawes@fws.gov>; Warren, Ken <ken\_warren@fws.gov>

**Subject:** County leaders debate mega developments in eastern Collier

<https://www.naplesnews.com/story/news/columnists/in-the-know/2021/03/04/collier-leaders-debate-mega-developments-naples-taxpayer-water-quality-panther-traffic-concerns/6912660002/>



## In the Know: Collier leaders debate mega developments on Naples' edge

A decision on a pair of 1,000-acre villages in east Collier has been delayed. After almost eight hours of testimony, the county Planning Commission adjourned late Thursday, with numerous speakers ...

[www.naplesnews.com](http://www.naplesnews.com)

---

**David Shindle** | Panther Coordinator

**U.S. Fish and Wildlife Service** | Florida Ecological Services Field Office

12085 SR 29 S, Immokalee, FL 34142

Desk 239-657-8013 | Cell 772-532-7293

[david\\_shindle@fws.gov](mailto:david_shindle@fws.gov)

*Southeast Region Vision:* Together, we will connect lands and waters to sustain fish, wildlife and plants by being visionary leaders, bold innovators and trusted partners, working with and for people.

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**Fw: [EXTERNAL] Conservancy of Southwest Florida letter regarding Eastern Collier HCP**

Cassler, Constance <constance\_cassler@fws.gov>

Mon 4/5/2021 8:43 AM

**To:** Dell, David <david\_dell@fws.gov>; Tawes, Robert <robert\_tawes@fws.gov>

 4 attachments (8 MB)

USDI Fish and Wildlife Concerns re Longwater and Bellmar.pdf; FPL solar maps.pdf; 2021-03-09 Board of County Commissioners - Public Agenda-1835.pdf; CSWFL letter re HCP additional changes\_USFWS\_04.21.pdf;

Good Morning,

This is and FYI about more comments on the ECMSHCP from the CSWFL.

Connie

Constance L. Cassler, Ph.D.  
Supervisory Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
1339 20th Street  
Vero Beach, Florida 32960  
office: 772-469-4243  
Fax: 772-562-4288  
email: constance\_cassler@fws.gov

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Follow us on Instagram @usfws\_south\_florida  
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---

**From:** Amber Crooks <amberc@conservancy.org>

**Sent:** Friday, April 2, 2021 5:34 PM

**To:** Hinzman, Roxanna <roxanna\_hinzman@fws.gov>

**Cc:** Cassler, Constance <constance\_cassler@fws.gov>; Rivera, Jose J <jose\_rivera@fws.gov>; McDonald, Kenneth <kenneth\_mcdonald@fws.gov>; Kelso, Charles <charles\_kelso@fws.gov>

**Subject:** [EXTERNAL] Conservancy of Southwest Florida letter regarding Eastern Collier HCP

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello Field Supervisor Hinzman and all,

Please see the attached letter and enclosures from the Conservancy of Southwest Florida regarding the Eastern Collier HCP. Please let us know if you have any questions.

Thank you and have a nice weekend,  
Amber Crooks  
Environmental Policy Manager  
Conservancy of Southwest Florida  
239-776-5601

## Fw: [EXTERNAL] Conservancy of Southwest Florida letter re Eastern Collier HCP & Bellmar application

Tawes, Robert <robert\_tawes@fws.gov>

Wed 8/18/2021 1:14 PM

To: Tirpak, John <John\_Tirpak@fws.gov>

 2 attachments (1 MB)

CSWFL letter re HCP additional changes\_USFWS\_08.21.pdf; 8-2020 Collier County revised Credit Analysis.pdf;

FYI

Rob Tawes

Division Supervisor, Environmental Review

U.S. Fish and Wildlife Service

South Atlantic, Gulf & Mississippi Basin Regions

1875 Century Boulevard

Atlanta, GA 30345

404/679-7142

<http://www.fws.gov/southeast/>

[www.fws.gov](http://www.fws.gov)

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**From:** Cassler, Constance <constance\_cassler@fws.gov>

**Sent:** Wednesday, August 18, 2021 11:55 AM

**To:** Williams, Larry O <larry\_williams@fws.gov>; Dell, David <david\_dell@fws.gov>; Tawes, Robert <robert\_tawes@fws.gov>

**Cc:** Hinzman, Roxanna <roxanna\_hinzman@fws.gov>; Basili, Gianfranco D <gianfranco\_basili@fws.gov>

**Subject:** Fw: [EXTERNAL] Conservancy of Southwest Florida letter re Eastern Collier HCP & Bellmar application

Hi Everyone,

Please see the Conservancy's comments on the ECMSHCP. One comment is directed toward what they see as a deficiency in the EIS and another is directed toward the 404 Application.

Connie

Constance L. Cassler, Ph.D.

Conservation Delivery Division Manager

Florida Ecological Services Field Office

U.S. Fish and Wildlife Service

1339 20th Street

Vero Beach, Florida 32960  
office: 772-469-4243  
cell: 772-532-8962  
Fax: 772-562-4288  
email: [constance\\_cassler@fws.gov](mailto:constance_cassler@fws.gov)

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---

**From:** Amber Crooks <[amberc@conservancy.org](mailto:amberc@conservancy.org)>

**Sent:** Tuesday, August 17, 2021 5:52 PM

**To:** Hinzman, Roxanna <[roxanna\\_hinzman@fws.gov](mailto:roxanna_hinzman@fws.gov)>

**Cc:** Cassler, Constance <[constance\\_cassler@fws.gov](mailto:constance_cassler@fws.gov)>; Rivera, Jose J <[jose\\_rivera@fws.gov](mailto:jose_rivera@fws.gov)>; McDonald, Kenneth <[kenneth\\_mcdonald@fws.gov](mailto:kenneth_mcdonald@fws.gov)>; Kelso, Charles <[charles\\_kelso@fws.gov](mailto:charles_kelso@fws.gov)>

**Subject:** [EXTERNAL] Conservancy of Southwest Florida letter re Eastern Collier HCP & Bellmar application

<b>This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.</b>
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Hello,

Please see the attached letter and enclosure from the Conservancy of Southwest Florida for your consideration. It provides some updates and details regarding the proposed Eastern Collier HCP, and associated projects, that we hope you will consider.

Let me know if you have any questions or would like to discuss further.

Thank you,  
Amber Crooks  
Environmental Policy Manager  
Conservancy of Southwest Florida  
239-776-5601



July 23, 2020

Roxanna Hinzman, Field Supervisor  
US Fish and Wildlife Service  
1339 20<sup>th</sup> Street  
Vero Beach, FL 32960

Re: Eastern Collier Multiple Species Habitat Conservation Plan and the Gopher Ridge South agricultural development proposal

Dear Field Supervisor Hinzman,

The Conservancy of Southwest Florida writes on behalf of our over 7,000 supporting families to make you aware of an application for alteration of land use within the Eastern Collier Multiple Species Habitat Conservation Plan (HCP) proposed Preserve/Plan-Wide Activities and Very Low Density Use area.

By way of letter dated March 30, 2020, we alerted you to the planned use of the proposed HCP Preserve to dig stormwater lakes for the Rivergrass, Longwater, and Bellmar developments proposed by applicant Collier Enterprise as part of their submittals to Collier County. In that letter we provided maps and excerpts from the Collier County submittal that shows the impacts to the proposed HCP Preserve. We estimate it to be about 350 acres.

With this letter we want to alert you to the proposed Gopher Ridge South agricultural development, proposed by Collier Enterprises. Their application was submitted on June 30, 2020 to the state South Florida Water Management District in order to construct a stormwater system for agricultural purposes (#200630-3781). Gopher Ridge South would convert current pasture and other land covers to active farming and appears to use wetlands for agricultural reservoirs. Per their application materials, the Gopher Ridge South project is a 914.5-acre agricultural project located on the north side of CR846, east of the Immokalee Airport. The project is proposed to discharge into the Okaloachoochee Slough system.<sup>1</sup>

When we review the Gopher Ridge South project boundary to the HCP designations, we see that the project contains large amounts of Preserve and Very Low Density Use areas as proposed by

---

<sup>1</sup> SFWMD Section E: Supplemental Information Required for Works or Other Activities Involving a Stormwater Management System.

the last publicly available draft of the HCP from August 2018<sup>2</sup> (see Exhibit A). Gopher Ridge South's plans for farming areas #3A, 3B, 3C, and accompanying Reserve 3 appear to fall within the Preserve and Very Low Density areas to an approximate total of 526.4 acres (see Exhibit B).<sup>3</sup>

According to the proposed HCP, Preserve lands will be placed under permanent conservation easement as development occurs.<sup>4</sup> The HCP applicants rely on several analyses in their HCP using 2016 land use/cover data which the Gopher Ridge South proposal, if approved, may render inaccurate.<sup>5</sup> The HCP also states that the areas within the Very Low Density Use area is intended to be for isolated rural residences and camps, not agriculture or intensified agricultural uses.<sup>6</sup>

For years, we have expressed concern that land uses in the Preserve area could be intensified despite these lands purportedly to act as offset for 45,000 acres of impacts to important panther habitat. These Preserve areas are intended to generate the Panther Habitat Units (PHUs) that the applicant is offering to offset impacts. Per the HCP, these areas are promised to preserve the value of these lands for the Covered Species.<sup>7</sup>

The SFWMD application lists the current land cover as natural/undeveloped and may also contain former fallow fields that are now categorized as pasture land cover.<sup>8</sup> In the Panther Habitat Assessment Methodology that the US Fish and Wildlife Service (USFWS) currently uses<sup>9</sup>, the value of a pasture (woodland, unimproved and improved pasture, etc.) compared to cropland is higher. If land use changes here, that can result in a dramatic difference in the PHU value of the Preserve.

Further, the applicant's materials to the SFWMD state that surveys of the project area documented use of the property by bald eagle, crested caracara, wood stork, Florida sandhill crane, and other proposed Covered Species. This project site also contains documented prior use by scrub jays, another proposed Covered Species under the HCP (see Exhibit C and D).

In short, the USFWS does not appear to be fully informed about or fully understand the proposed activities that the ITP applicants intend to undertake, and therefore may be underestimating the impacts of authorizing such activities, and overestimating the purported mitigation provided by the applicants.

---

<sup>2</sup> Eastern Collier Multiple Species Habitat Conservation Plan, August 2018. Prepared for Eastern Collier Property Owners.

<sup>3</sup> Farm 3A was 292.7 ac, 3B 55.3 ac, and 3C is 21.3 ac. Reservoir 3 is 157.1 ac.

<sup>4</sup> Eastern Collier Multiple Species Habitat Conservation Plan, August 2018. Prepared for Eastern Collier Property Owners. P. 24.

<sup>5</sup> *Ibid.* Table 3-1 "Land use/land cover within the HCP Area...", Table 4-1 "Florida Panther Habitat Matrix for Covered Activities....", Table 4-3 "Florida panther Habitat Matrix for Covered Activites..."

<sup>6</sup> *Ibid.* P. 25.

<sup>7</sup> *Ibid.* P. 24.

<sup>8</sup> South Florida Water Management District, 2018. SFWMD letter to Grandusky, Lamb, and Associates, LLC. April 13, 2018.

<sup>9</sup> US Fish and Wildlife Service, 2012. Panther Habitat Assessment Methodology. September 2012.

The HCP states that the lands within the Preserve/Plan-Wide Activities and Very Low Density Use will be maintained “in their current state”<sup>10</sup> in the document dated 2018. Even in our latest conversations with the USFWS in March 2020, it appears that the applicants have reiterated that the Preserve lands would not be intensified beyond the current land cover. However, this application and the applications we discussed in our March 2020 letter seem to contradict that very critical aspect of the HCP.

As such, the applicants do not appear to be operating in good faith to that commitment. Since the applicants state that these areas are proposed to be the compensatory areas for the HCP’s severe impacts<sup>11</sup>, the information from the Gopher Ridge South agricultural development proposal indicates that impacts will not actually be mitigated even to the extent promised in the HCP. In light of this information, USFWS must reassess any conclusions it has drawn about whether the HCP satisfies the requirements of the ESA, including but not limited to the requirement to minimize and mitigate to the maximum extent practicable.

Thank you for considering our comments, which add to our prior communications on the HCP. If you have any questions about our letter or would like to discuss further, please contact me at (239) 776-5601.

Sincerely,

/S/

Amber Crooks  
Environmental Policy Manager  
Conservancy of Southwest Florida

Cc:

Larry Williams USFWS  
Constance Cassler, USFWS  
Chuck Kelso, USFWS

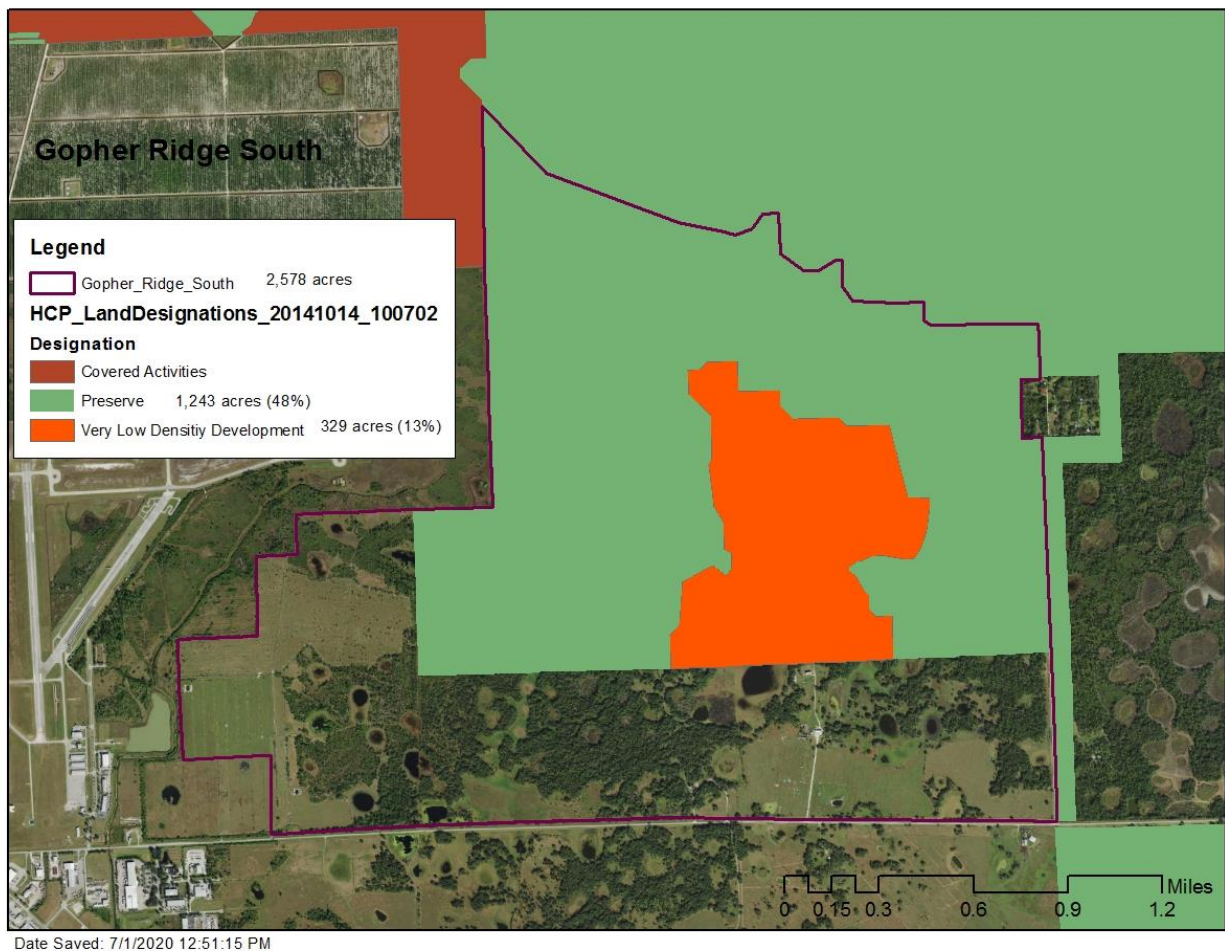
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<sup>10</sup> *Ibid.* P. 100.

<sup>11</sup> *Ibid.* P. 111.



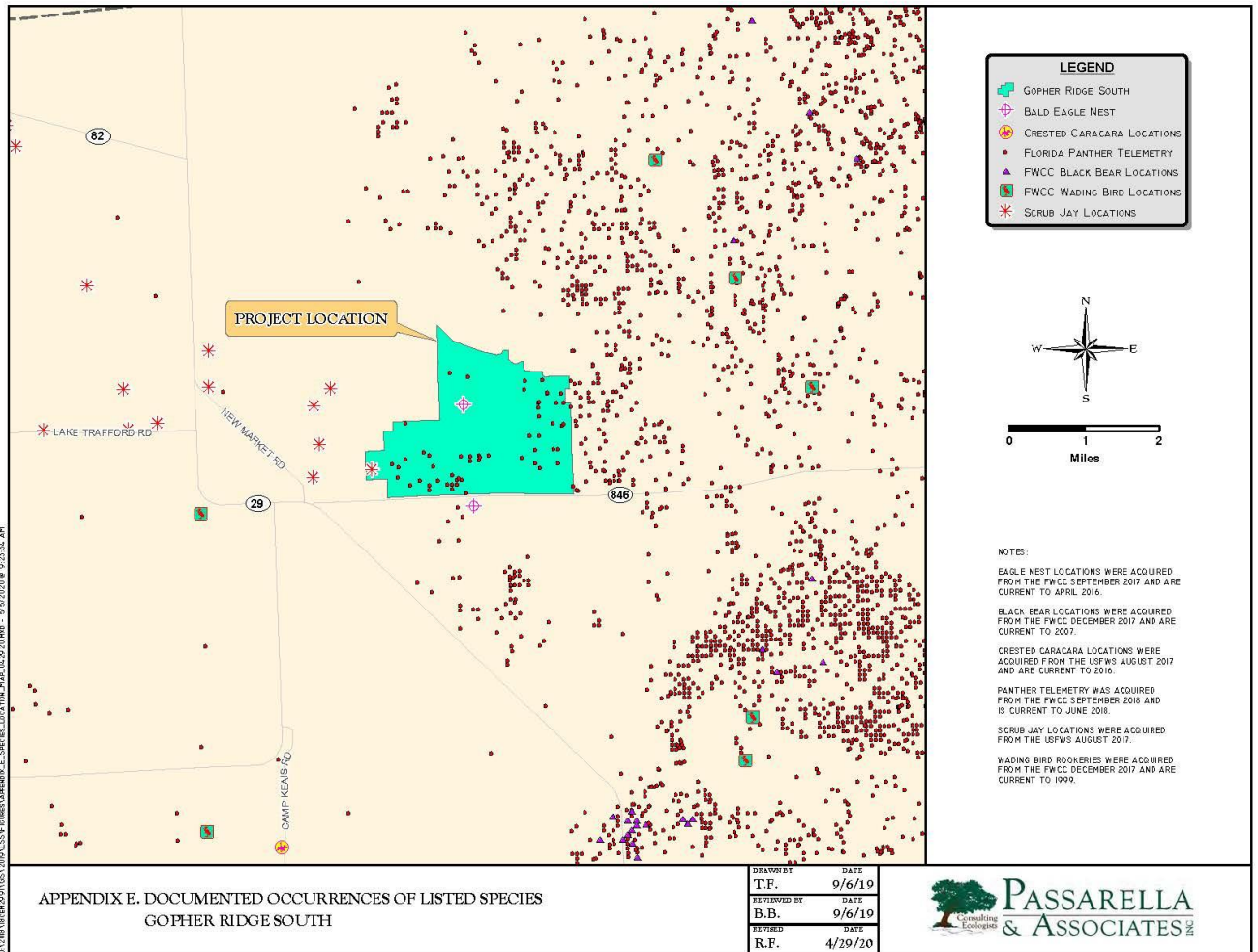
## Exhibit A<sup>12</sup>



<sup>12</sup> Map created using HCP boundaries provided by the USFWS.



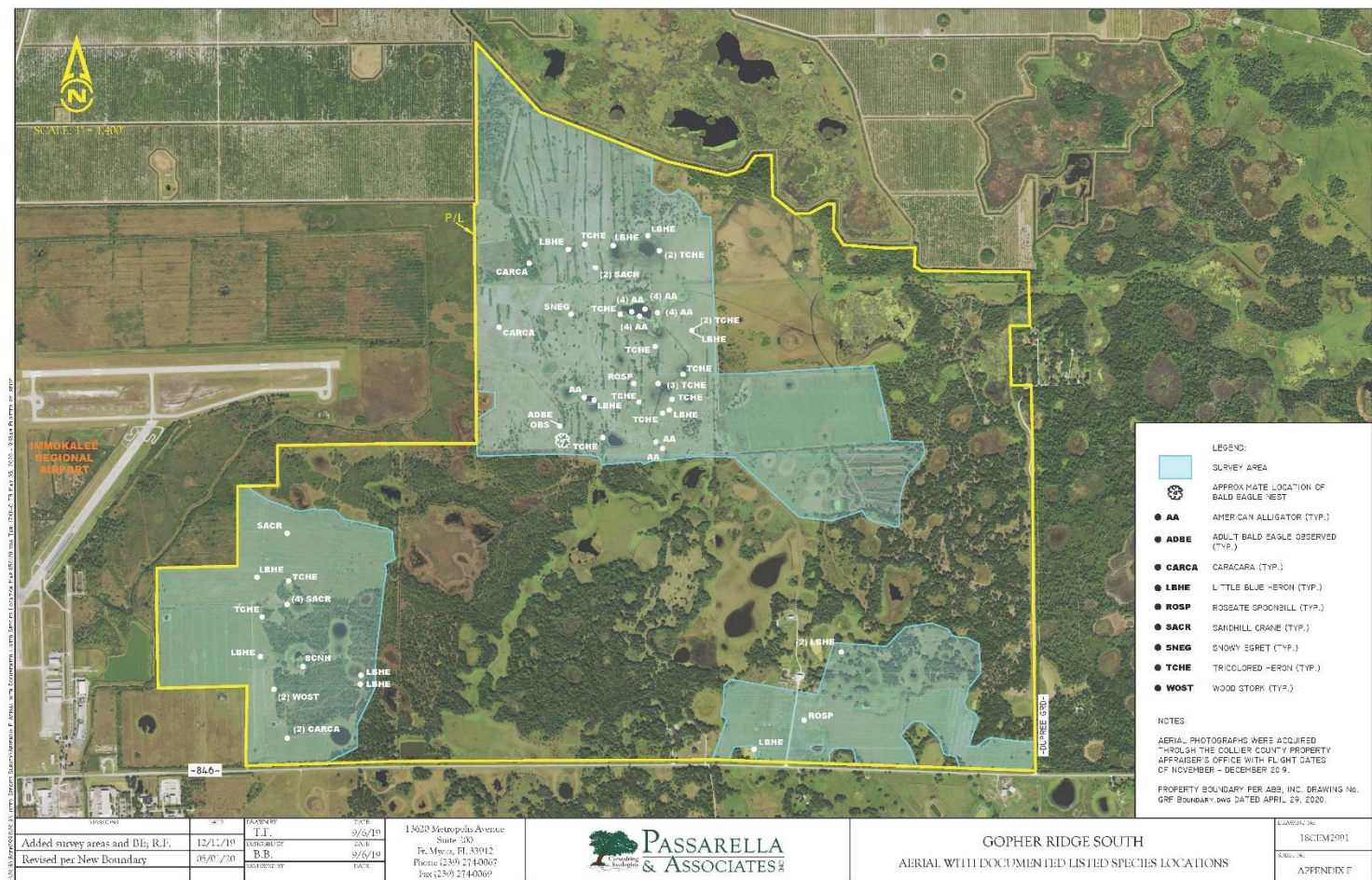
## Exhibit C<sup>14</sup>



<sup>14</sup> Collier Enterprises, 2020. Gopher Ridge South Environmental Supplement for South Florida Water Management District Environmental Resource Permit. May 2020.



Exhibit D<sup>15</sup>



<sup>15</sup> Collier Enterprises, 2020. Gopher Ridge South Environmental Supplement for South Florida Water Management District Environmental Resource Permit. May 2020.



*Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.*

April 2, 2021

Roxanna Hinzman, Field Supervisor  
US Fish and Wildlife Service  
Ecological Services Office  
1339 20th Street  
Vero Beach, FL 32960

RE: Proposed Changes to the Eastern Collier Multiple Species Habitat Conservation Plan and Other Updates

Dear Field Supervisor Hinzman:

The Conservancy of Southwest Florida writes on behalf of our over 6,400 supporting families in regards to the Eastern Collier Multiple Species Habitat Conservation Plan (HCP).

We write to inform the US Fish and Wildlife Service (Service) of further proposed changes to lands within the HCP that conflict with the last publically-available HCP, dated August 2018. Additionally, we wanted to inform the Service about other issues raised by the US Fish and Wildlife Service staff at Florida Panther National Wildlife Refuge that are of substantial concern.

Changes to the Proposed HCP That Should Be Re-Noticed for Public Comment

The August 2018 HCP was made available for public comment on January 23, 2020 and on October 19, 2018 under docket number FWS-R4-ES-2018-0079. The 2018 HCP provided figures showing the proposed areas for “Covered Activities” (residential/commercial development, earth mining activities), as well as proposed areas for “Preserve.” It was based on this information and other information in the 2018 HCP for which the public and stakeholders provided comment.

In our March 31, 2020 letter to you, we flagged for the Service that there were proposed infringements into the “Preserve” of about 350 acres due to planned stormwater lakes related to the Rivergrass, Longwater, and Bellmar projects by Collier Enterprises. Some of the stormwater lake features for these residential developments are sited in the “Preserve” and within native vegetation and wetlands.

In our July 23, 2020 letter to the Service, we flagged that Collier Enterprises’ agricultural development project called Gopher Ridge South also appeared inconsistent with the proposed

HCP, in that it would convert about 526 acres of current pasture and other land covers to active farming within the proposed “Preserve” and “Very Low Density Development” areas.

Since our last letters, we have become aware of additional ways in which the applicants are proposing or facilitating activities that are inconsistent with the HCP:

- An area of “Preserve” is proposed as a mitigation bank, apparently for wetland and listed species credits that could be utilized for projects outside of the HCP. The Conservancy does not necessarily oppose the mitigation bank proposal, but we have concerns about inconsistencies between the proposed HCP and this bank proposal, since these lands are intended to be offered as offset and as mitigation for the HCP impacts. Use of these lands as a mitigation bank separate from the HCP would reduce the acreage and calculations provided in the HCP for the “Preserve.”
- An area totaling approximately 1,046 acres of the “Covered Activities” area that is south of Oil Well Road is being purchased by Collier County from applicant Barron Collier Partnership. During a public meeting discussing this purchase, the Collier County Board of County Commissioners spoke to the potential future uses of this parcel as affordable housing, fairgrounds, and swamp buggy arena. It is unclear if Collier County intends to become a co-applicant for the HCP. The County voted to purchase this property on March 9, 2021. The total acreage sought for “Covered Activities” should be reduced.
- An area of approximately 578 acres of “Covered Activities” area is proposed for a Florida Power & Light solar facility project on Barron Collier properties near the corner of SR82 and SR29. Our understanding is that this land will be sold to FPL for their project. Again, the total acreage cap for “Covered Activities” should be reduced.

#### Florida Panther National Wildlife Refuge Concerns

We also wanted to bring your attention to the March 1, 2021 letter provided to Collier County by the Florida Panther National Wildlife Refuge (FPNWR) Service staff. The letter addresses Longwater and Bellmar Villages, which are part of the HCP “Covered Activities” area, both of which are in close proximity to the FPNWR (with Bellmar being only 1.25 miles away).

We note that the FPNWR letter states that the current proposals being considered by the County are contradictory to the mitigation requirements in the HCP. We are concerned that these differences are yet additional examples of the applicants pursuing activities that are inconsistent with the HCP, as demonstrated above.

The FPNWR letter also expresses deep concern about how the “Covered Activities” will encroach upon conservation lands established to assist in the recovery of the Florida panther and other species. The letter shares concern regarding continued use of prescribed burning, hydrologic flowways, water quality, and landscape connectivity for the panther and other wide-ranging wildlife species. FPNWR staff has expressed that the Service is depending on the local entities to secure smoke easements and indemnifications that they believe are needed to ensure continued use of prescribed fire to manage the 26,000+ acre public tract.

We object to the Service considering approving the HCP when there continue to be so many unanswered questions placing the FPNWR resources at risk, and where the Service has not obtained the necessary assurances through the HCP mechanism itself. Leaving such matters to other entities -particularly where these other entities may be able to change course in the future- outside of the HCP and ESA process, is deeply troubling. If the Service cannot be provided the necessary assurances through its own processes, it should not consider awarding the requested ITP.

#### Conclusion

Thank you for considering our comments. Please include this letter and its enclosures in the administrative record for the HCP. Feel free to reach out if you have any questions.

Sincerely,

/S/

Amber Crooks

Environmental Policy Manager

(239) 262-0304 ext. 286

cc: Connie Cassler, USFWS  
Jose Rivera, USFWS  
Kenneth McDonald, USFWS  
Chuck Kelso, USFWS

Enclosed:

FPL application maps

Collier County BCC agenda

March 1, 2021 letter by Florida Panther National Wildlife Refuge



*Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.*

August 17, 2021

Roxanna Hinzman, Field Supervisor  
US Fish and Wildlife Service  
Ecological Services Office  
1339 20th Street  
Vero Beach, FL 32960

RE: Eastern Collier Multiple Species Habitat Conservation Plan

Dear Field Supervisor Hinzman:

The Conservancy of Southwest Florida writes on behalf of our over 6,400 supporting families in regards to the Eastern Collier Multiple Species Habitat Conservation Plan (HCP). From time to time, we have written to update the US Fish and Wildlife Service (Service) on emerging issues and information that are relevant to your review of this proposal.

#### Additional Interrelated/Interdependent Impacts

In our past correspondences, we have raised concerns of ranchette-style development (1 residence per 5 acres) being incentivized in eastern Collier County as a result of the HCP. The Service does not acknowledge the impacts of ranchette style development in the draft Environmental Impact Statement (EIS) Alternative 2 (ITP issuance); the Service only appears to reference ranchette development as a factor for consideration in Alternative 1, prescribing negative impacts of this type of development to the No Action Alternative only.<sup>1</sup>

Intense development of over 45,000 acres as proposed in the HCP will attract adjacent and nearby ranchette-style development (particularly as commercial center anchors within the HCP covered activities are built), as well as additional applications for intensive development in the form of new towns and villages.

There are about 20,000 acres of non-applicant land in the HCP area, and at least one landowner outside the HCP already has an approved village (Hyde Park) under construction in the RLSA (Rural Land Stewardship Area). The Conservancy believes the threat of additional ranchette-

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<sup>1</sup> US Fish and Wildlife Service, 2018. Eastern Collier Multiple Species Incidental Take Permit Applications and Habitat Conservation Plan. Draft Environmental Impact Statement.



style development, in addition to the 45,000 acres of covered activities area, to be of significant concern.

At the July 13, 2021 Collier County Board of County Commissioners meeting, where the local land use program was being discussed and amended, this issue of how much potential land could be available for 1 unit per 5 acre development beyond the County’s proposed cap of 45,000 acres for new towns and villages was discussed. A Collier County Commissioner asked “is it possible that more than 45,000 acres of the RLSA will be developed....?” The Collier County Planning Director, Mike Bosi, stated that while the intention was to have a cap of 45,000 acres on compact urban development, “there can be some leftover development,”<sup>2</sup> namely in the form of ranchettes. Given the significant flaws in the Collier County program, we believe there will be substantial development beyond the 45,000 acres, with another approximately 40,000 acres of land being vulnerable to ranchette development.<sup>3</sup>

#### Banking of Panther Habitat Units Inconsistent with PRT Recommendations

The Conservancy has been tracking the HCP and individual projects within this area at local, state, and federal levels. We have provided comments and input on the proposed Bellmar project, whose development footprint is included in the HCP as covered activities area. HCP applicant, Collier Enterprises, currently has an active application with the South Florida Water Management District (SFWMD) for an Environmental Resource Permit and with Florida Department of Environmental Protection (FDEP) for a state 404 program permit.

Within the ERP application materials, we see that the applicant states that they anticipate the “net increase of 1,803.8 PHUs generated by the Project would be available for future use.”<sup>4</sup> The Service should clarify with the applicant how those ‘extra’ Panther Habitat Unit (PHU) credits will be tracked and used. The Panther Review Team (PRT) very expressly stated, in review of this very issue, that “unused PHUs generated from designated SSAs [Stewardship Sending Areas] to mitigate panther habitat loss out of the RLSA would be detrimental to panther conservation.”<sup>5</sup> Thus, the Service should take a close look at this assumption in the application materials and ensure that these ‘extra’ PHUs are not being inappropriately banked.

---

<sup>2</sup> Collier County Board of County Commissioners meeting draft transcription of July 13, 2021.

<sup>3</sup> See enclosures. Collier County, 2020. Collier County 2020 Stewardship Credit Analysis, p. 9. This document explains that are 15,000 acres of additional “Open” lands within Area of Critical State Concern (ACSC) and 25, 000 acres outside of ACSC, which totals 40,000 acres. Collier County, 2020.

<sup>4</sup> Passarella & Associates, 2021. Bellmar Florida Panther Summary. May, 2021.

<sup>5</sup> Florida Panther Protection Program Technical Review, 2009. Technical Review of the Florida Panther Protection Program Proposed for the Rural Lands Stewardship Area of Collier County, Florida. Final Report. P. 46.

Conclusion

Thank you for considering our comments. Please include this letter in the administrative record for the HCP. Feel free to reach out if you have any questions.

Sincerely,



Amber Crooks  
Environmental Policy Manager  
(239) 262-0304 ext. 286

cc: Connie Cassler, USFWS  
Jose Rivera, USFWS  
Kenneth McDonald, USFWS  
Chuck Kelso, USFWS


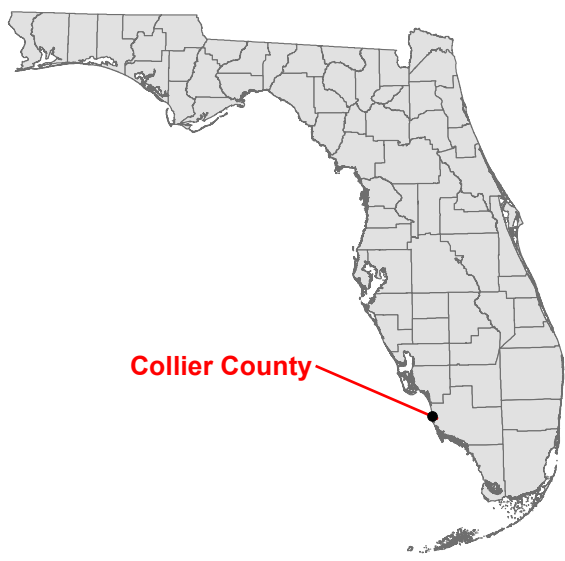
Enclosures:

Collier County, 2020. Collier County 2020 Stewardship Credit Analysis

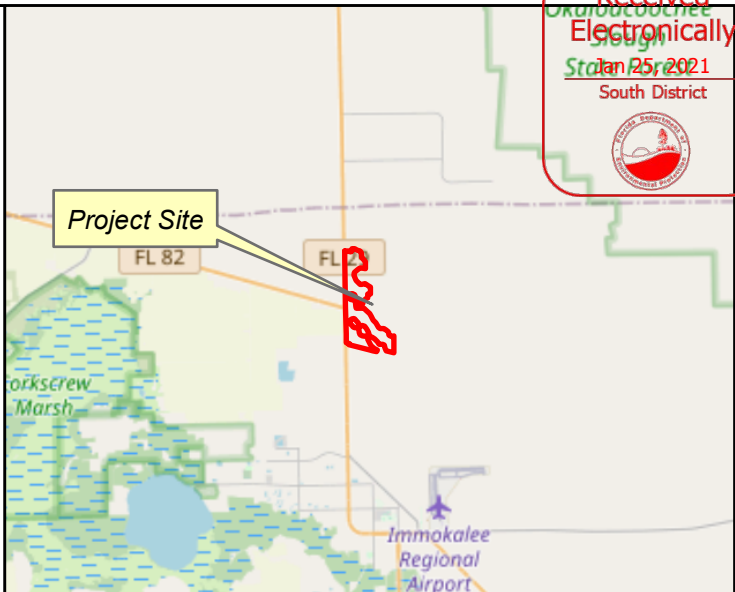
## **ATTACHMENT A**

### **PROJECT FIGURES**

Received  
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Jan 25, 2021  
South District

Collier County



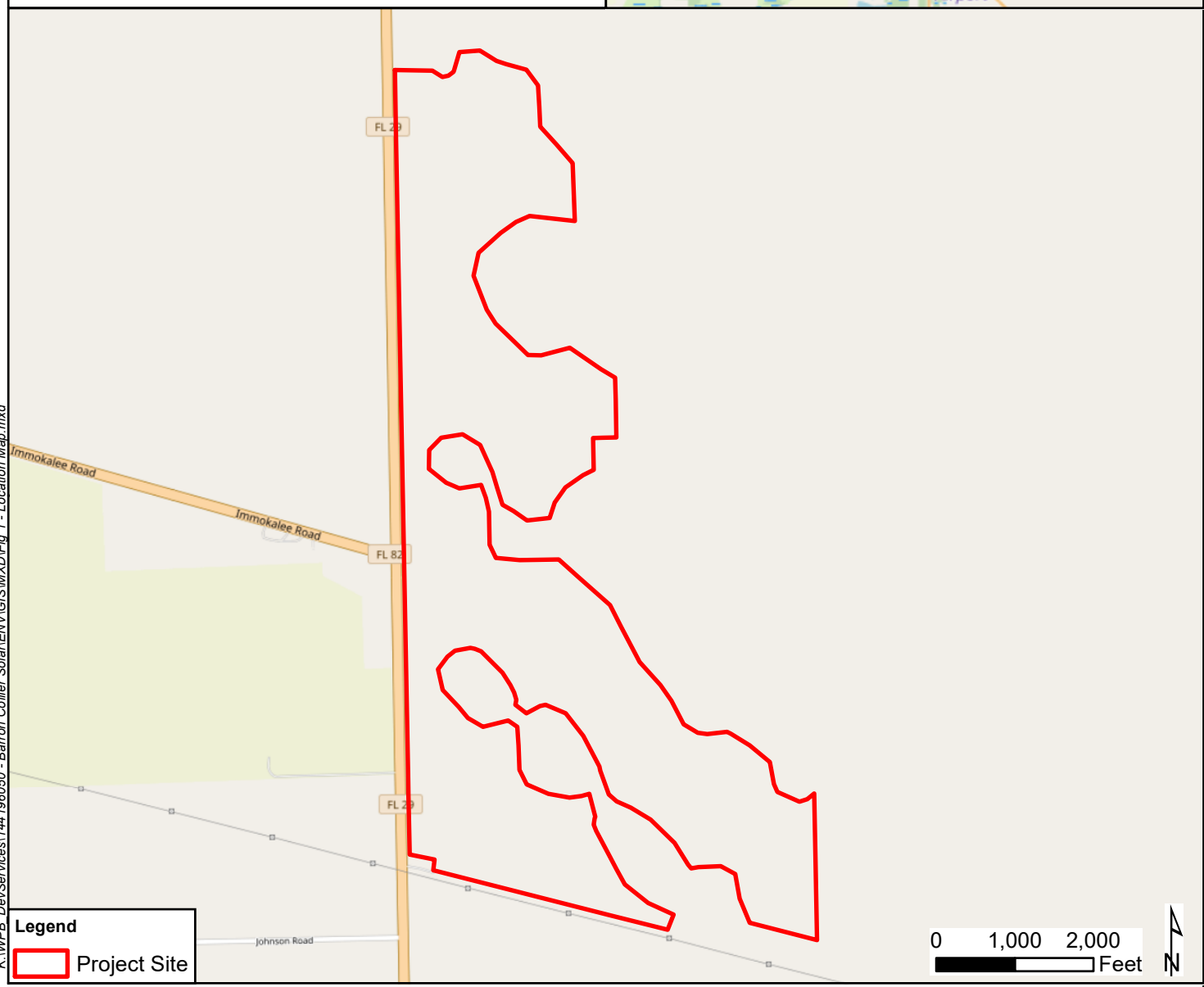
Project Site

FL 82

FL 29

Yorkscrew Marsh

Immokalee Regional Airport



Legend

 Project Site

0 1,000 2,000 Feet



K:\WPB\_DevServices\144196050 - Barron Collier Solar\ENV\GIS\MXD\Fig 1 - Location Map.mxd

**Kimley»Horn**

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1920 Wekiva Way, STE 200, West Palm Beach, FL 33411  
Phone (561) 845-0665  
www.kimley-horn.com

**Project Location Map**

**FPL Immokalee Solar Energy Center  
Collier County, FL**

1 inch = 2,000 feet

PROJECT NUMBER:144196050

JANUARY 2021

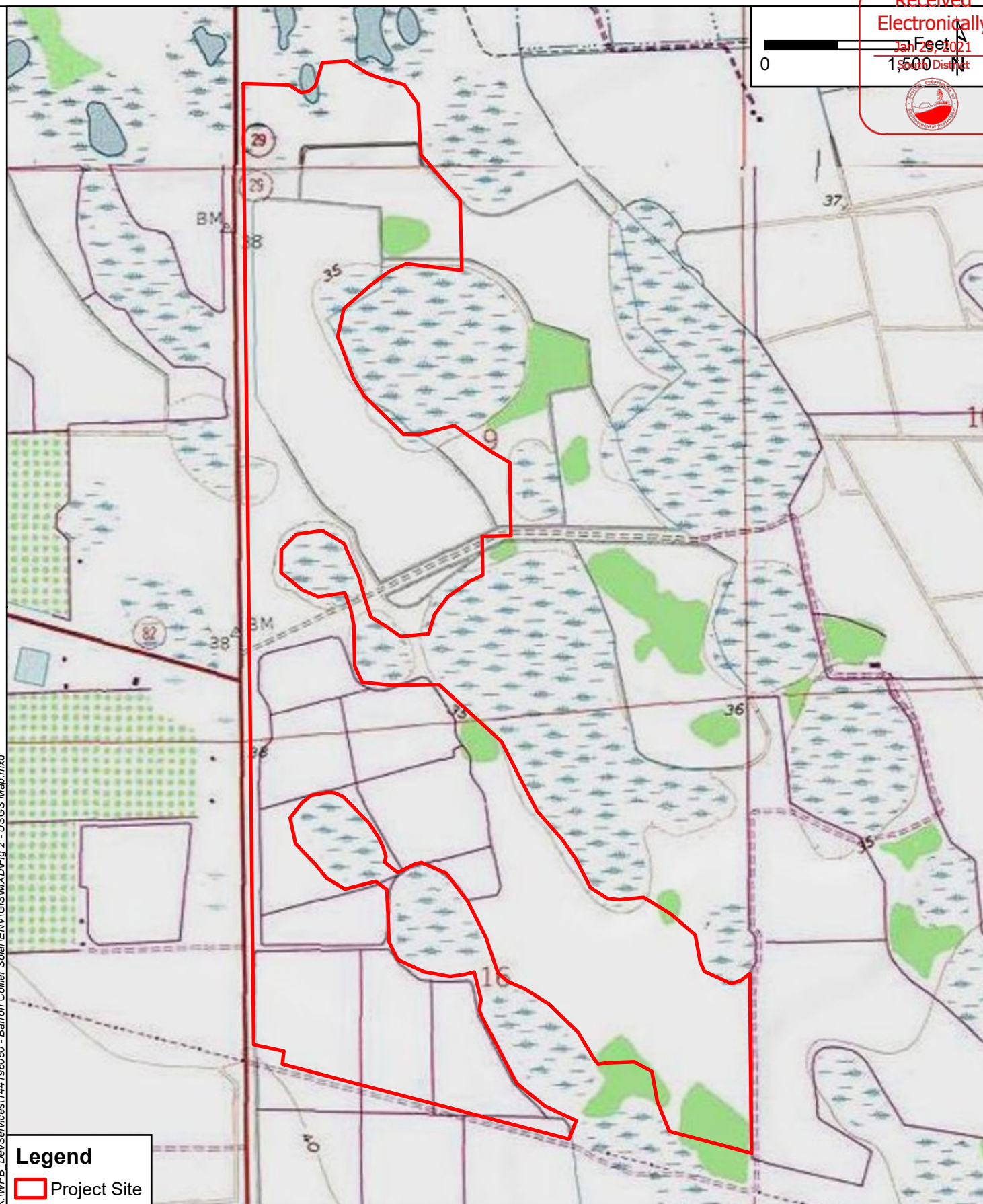
FIGURE 1

Received  
Electronically

Jan 26, 2021  
1:50 PM  
South District



0 1,500 Feet



### Legend

Project Site

Source: ESRI

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**USGS 7.5 Minute Quadrangle Map**

**FPL Immokalee Solar Energy Center  
Collier County, FL**

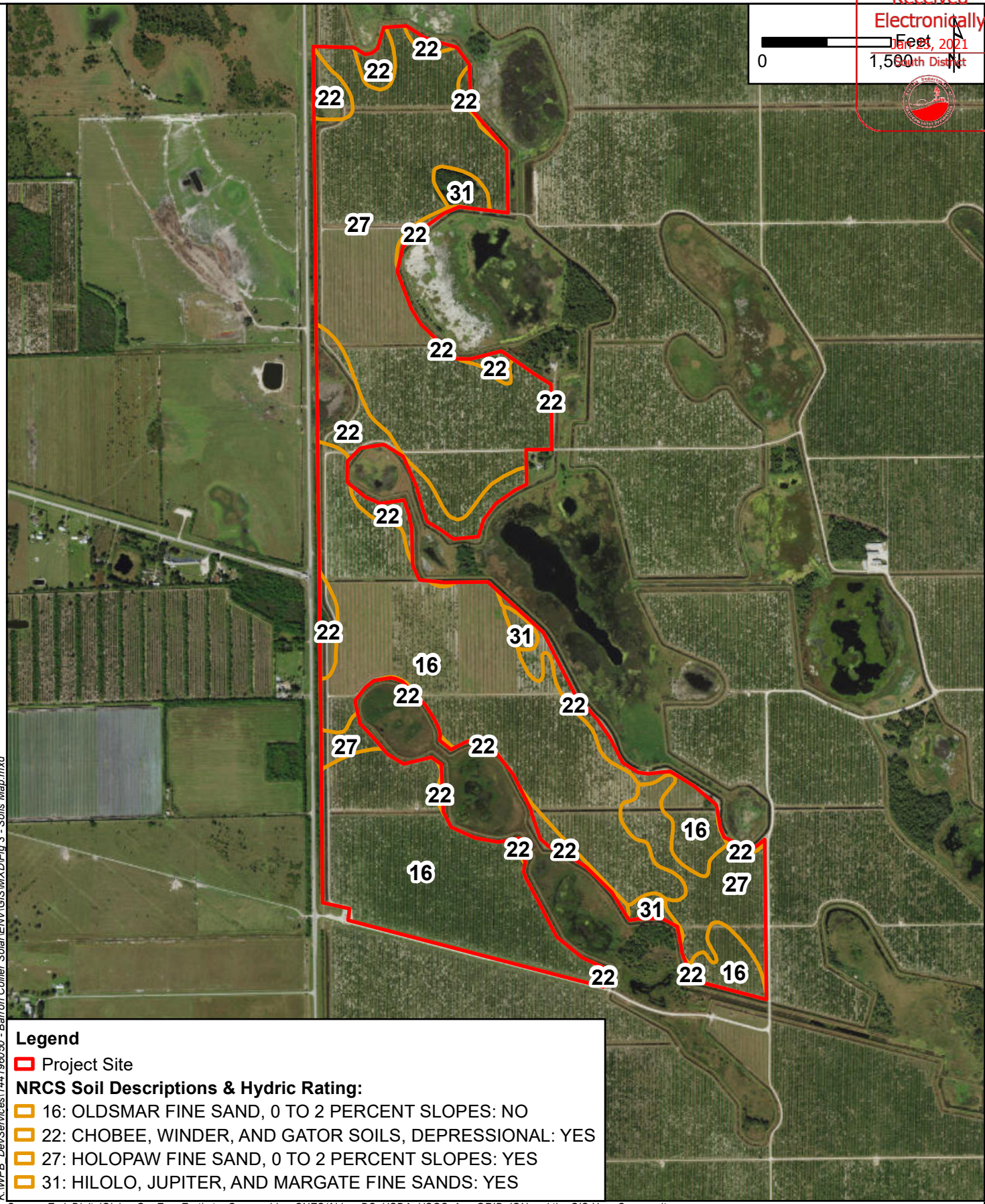
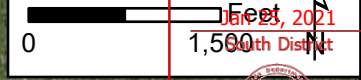
1 inch = 1,341 feet

PROJECT NUMBER:144196050

JANUARY 2021

FIGURE 2





**Legend**

  Project Site

**NRCS Soil Descriptions & Hydric Rating:**

- 16: OLDSMAR FINE SAND, 0 TO 2 PERCENT SLOPES: NO
- 22: CHOBEE, WINDER, AND GATOR SOILS, DEPRESSIONAL: YES
- 27: HOLOPAW FINE SAND, 0 TO 2 PERCENT SLOPES: YES
- 31: HILOLO, JUPITER, AND MARGATE FINE SANDS: YES

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN and the GIS User Community

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**NRCS Soils Map**

**FPL Immokalee Solar Energy Center  
Collier County, FL**

1 inch = 1,500 feet

PROJECT NUMBER:144196050

JANUARY 2021

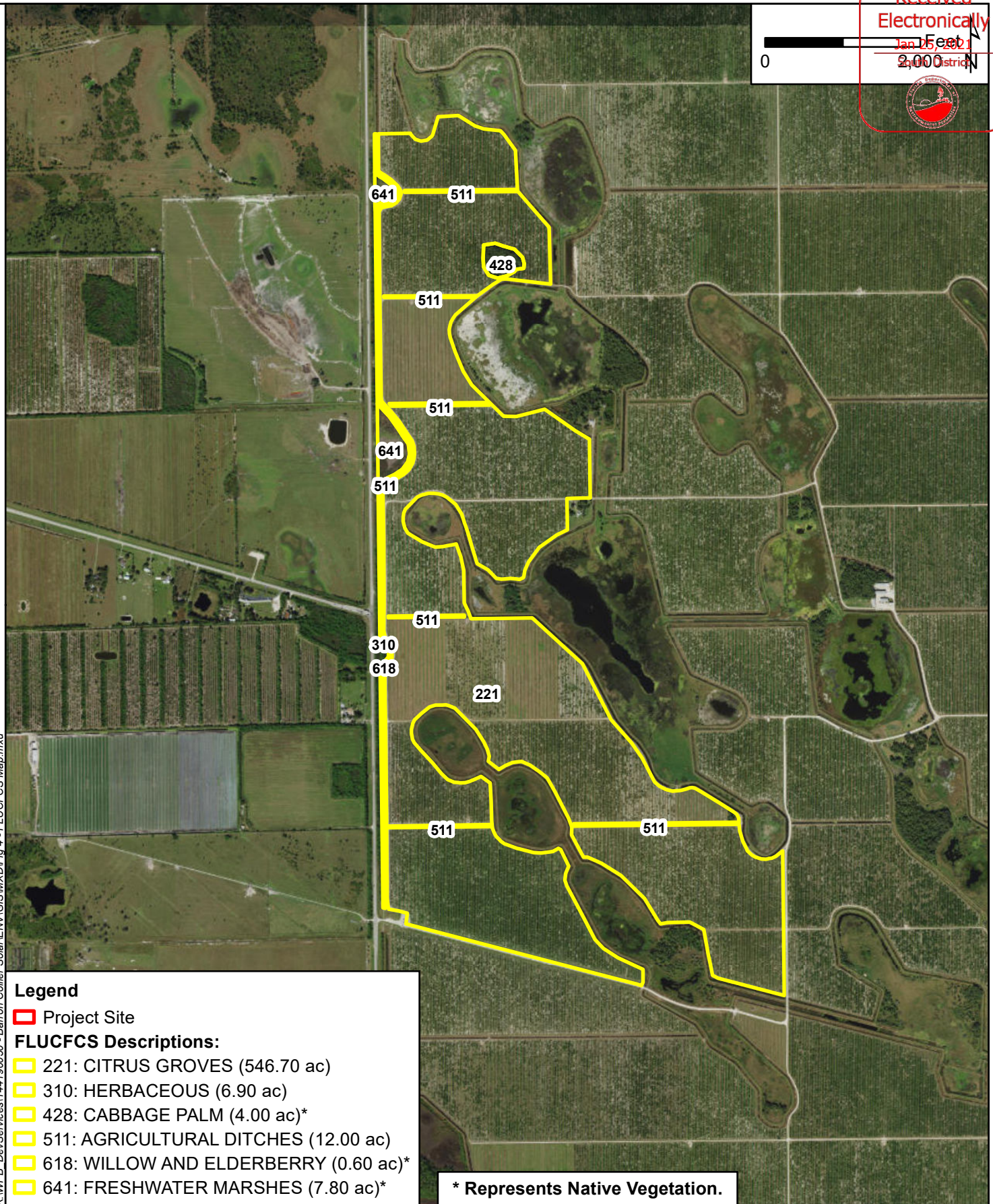
FIGURE 3

K:\WPB\_DevServices\144196050 - Barron Collier Solar\ENV\GIS\MXD\Fig 3 - Soils Map.mxd





0 2,000 Feet



### Legend

■ Project Site

### FLUCFCS Descriptions:

- 221: CITRUS GROVES (546.70 ac)
- 310: HERBACEOUS (6.90 ac)
- 428: CABBAGE PALM (4.00 ac)\*
- 511: AGRICULTURAL DITCHES (12.00 ac)
- 618: WILLOW AND ELDERBERRY (0.60 ac)\*
- 641: FRESHWATER MARSHES (7.80 ac)\*

\* Represents Native Vegetation.

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN and the GIS User Community

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## Florida Land Use, Cover, and Forms Classification System Map

**FPL Immokalee Solar Energy Center  
Collier County, FL**

1 inch = 1,667 feet

PROJECT NUMBER:144196050

JANUARY 2021

FIGURE 4

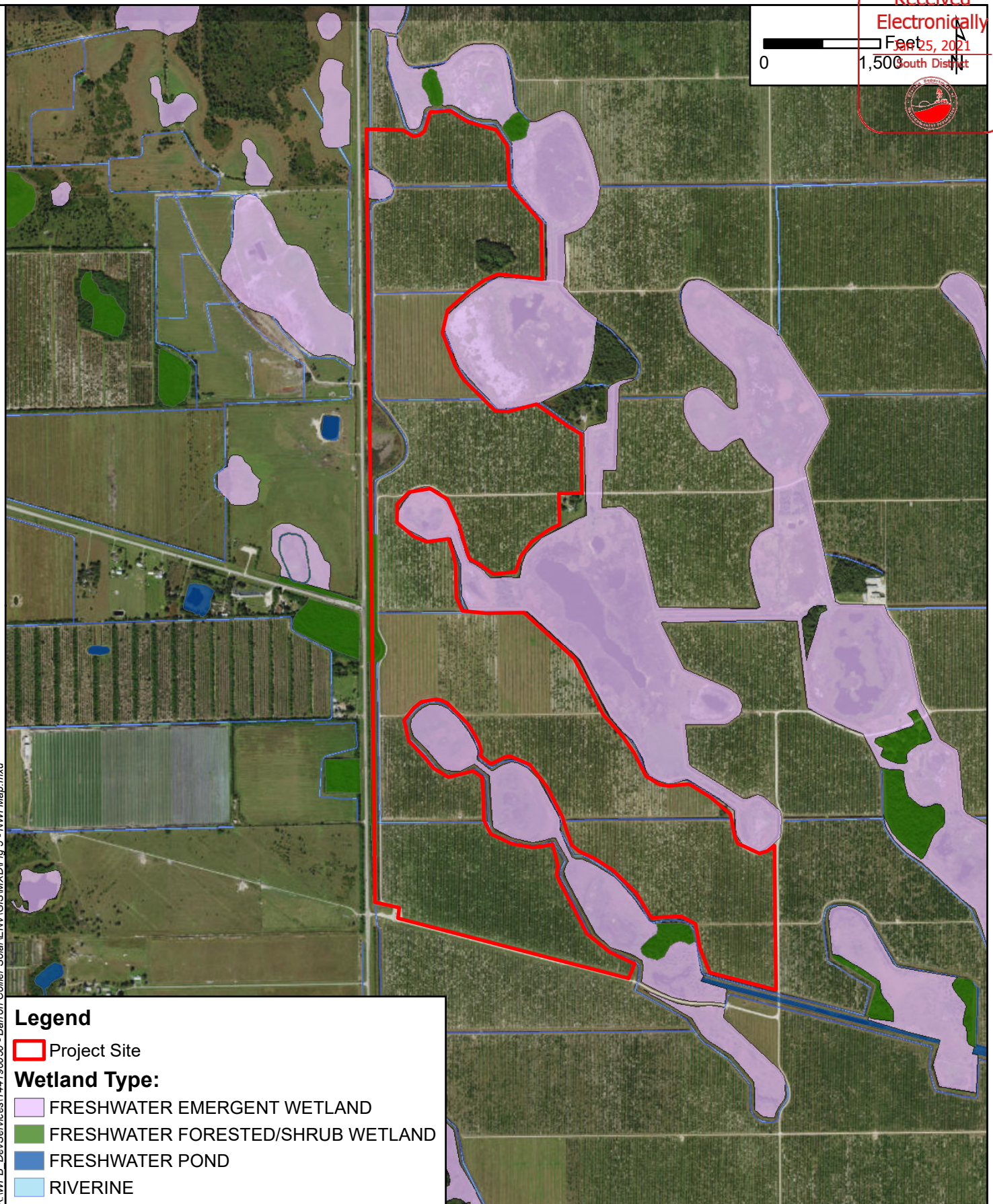


Received  
Electronically

Jan 25, 2021  
South District



0 1,500 Feet



### Legend

  Project Site

### Wetland Type:

FRESHWATER EMERGENT WETLAND

FRESHWATER FORESTED/SHRUB WETLAND

FRESHWATER POND

RIVERINE

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN and the GIS User Community

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### National Wetlands Inventory (NWI) Map

**FPL Immokalee Solar Energy Center  
Collier County, FL**

1 inch = 1,667 feet

PROJECT NUMBER:144196050

JANUARY 2021

FIGURE 5



Received  
Electronically

1,500 Feet  
January 2021  
South District



0 1,500

K:\WPB\_DevServices\144196050 - Barron Collier Solar\ENV\GISMXD\Fig 6 - Wetland Map.mxd

## Legend

- Project Site
- Ditch Features (12.06 ac.)
- Wetlands (8.40 ac.)

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN and the GIS User Community

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## Wetland and Surface Waters Map

**FPL Immokalee Solar Energy Center  
Collier County, FL**

1 inch = 1,250 feet

PROJECT NUMBER:144196050

JANUARY 2021

FIGURE 6





0 1500 Feet

1-1-53

**Legend**  
Project Site

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN and the GIS User Community

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**Historic Aerial Map (1953)**

**FPL Immokalee Solar Energy Center  
Collier County, FL**

1 inch = 1,333 feet

PROJECT NUMBER:144196050

JANUARY 2021

FIGURE 7





12-5 -63

### Legend

Project Site

K:\WPB\_DevServices\144196050 - Barron Collier Solar\ENV\GISMXD\Fig X - Hist Aerial.mxd

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN and the GIS User Community

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## Historic Aerial Map (1963)

**FPL Immokalee Solar Energy Center  
Collier County, FL**

1 inch = 1,333 feet

PROJECT NUMBER:144196050

JANUARY 2021

FIGURE 8



Received  
Electronically

Jan 29, 2021  
1500 District



0 1500 Feet

K:\WPB\_DevServices\144196050 - Barron Collier Solar\ENV\GISMXD\Fig X - Hist Aerial.mxd

## Legend

 Project Site

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN and the GIS User Community

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## Historic Aerial Map (1980)

**FPL Immokalee Solar Energy Center  
Collier County, FL**

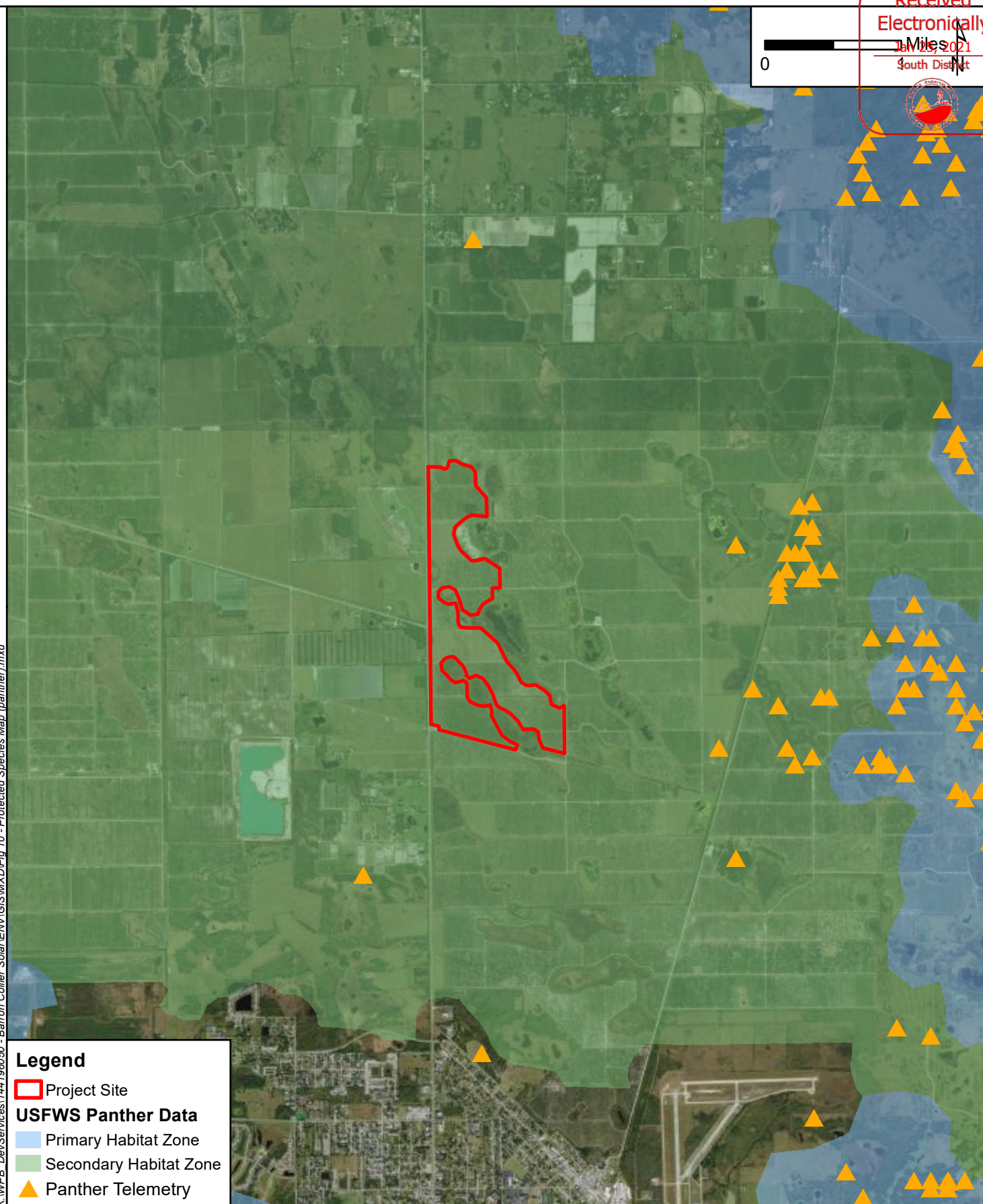
1 inch = 1,333 feet

PROJECT NUMBER:144196050

JANUARY 2021

FIGURE 9





### Legend

  Project Site

### USFWS Panther Data

Primary Habitat Zone

Secondary Habitat Zone

▲ Panther Telemetry

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN and the GIS User Community

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## USFWS Protected Species Map

**FPL Immokalee Solar Energy Center  
Collier County, FL**

1 in = 1 miles

PROJECT NUMBER:144196050

JANUARY 2021

FIGURE 10

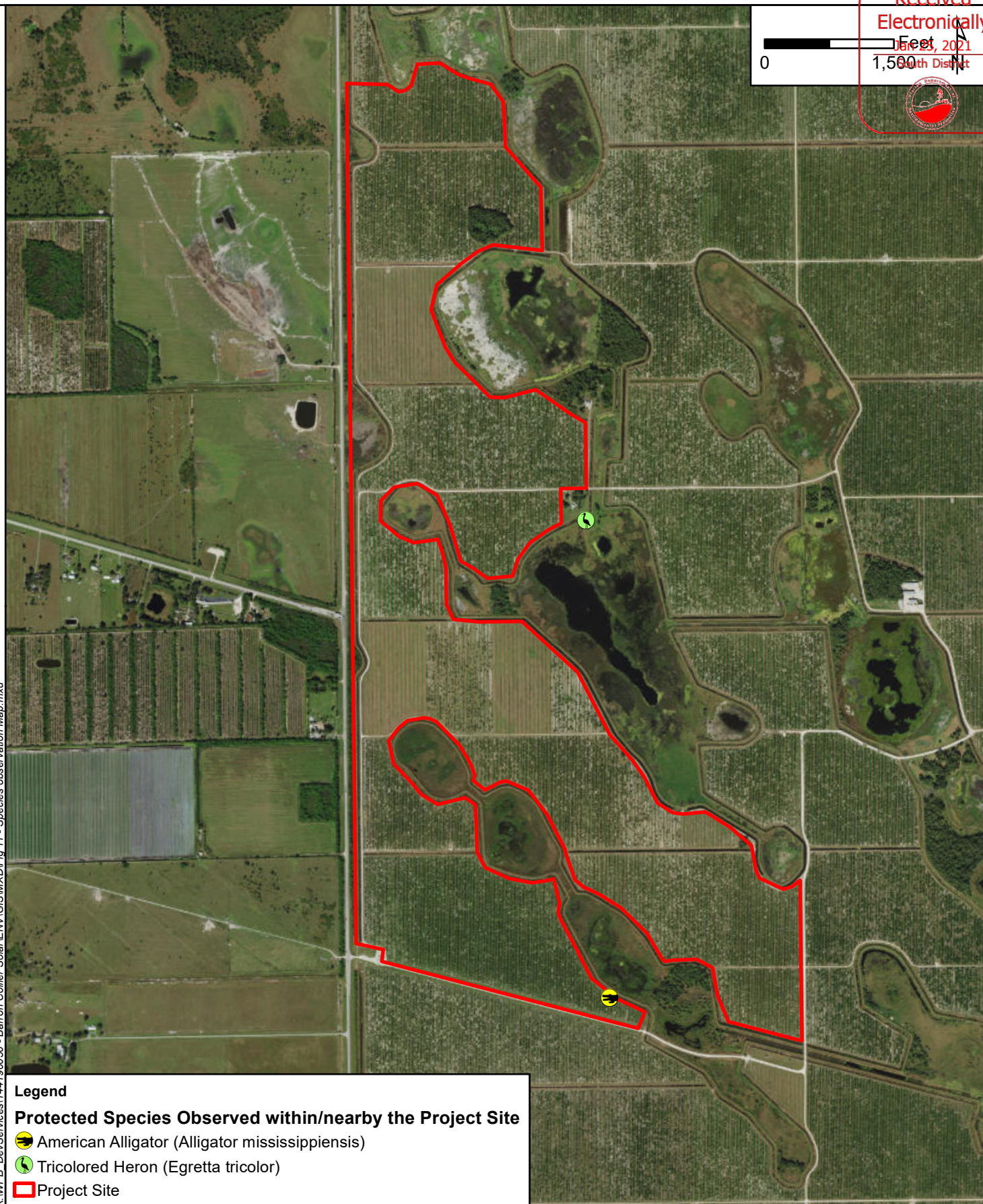


Received  
Electronically

June 23, 2021  
South District





0 1,500 Feet



#### Legend

#### Protected Species Observed within/nearby the Project Site

 American Alligator (*Alligator mississippiensis*)

 Tricolored Heron (*Egretta tricolor*)

 Project Site

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN and the GIS User Community

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#### Protected Species Survey Observation Map

**FPL Immokalee Solar Energy Center  
Collier County, FL**

1 inch = 1,500 feet

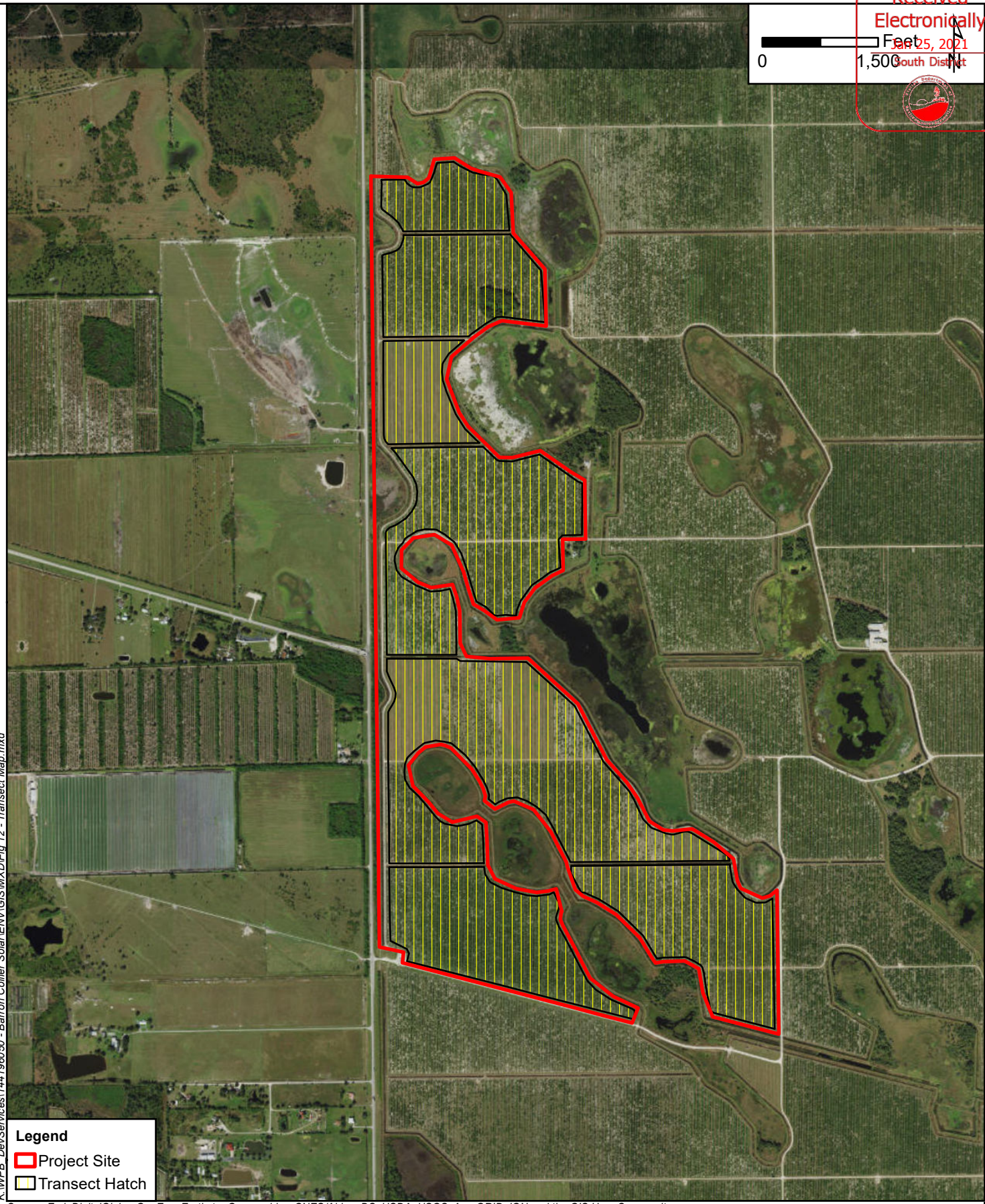
PROJECT NUMBER:144196050

JANUARY 2021

FIGURE 11



Received  
Electronically  
Jan 25, 2021  
South District



- Legend**
- Project Site
  - Transect Hatch

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN and the GIS User Community

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**Protected Species Survey Transect Map**

**FPL Immokalee Solar Energy Center  
Collier County, FL**

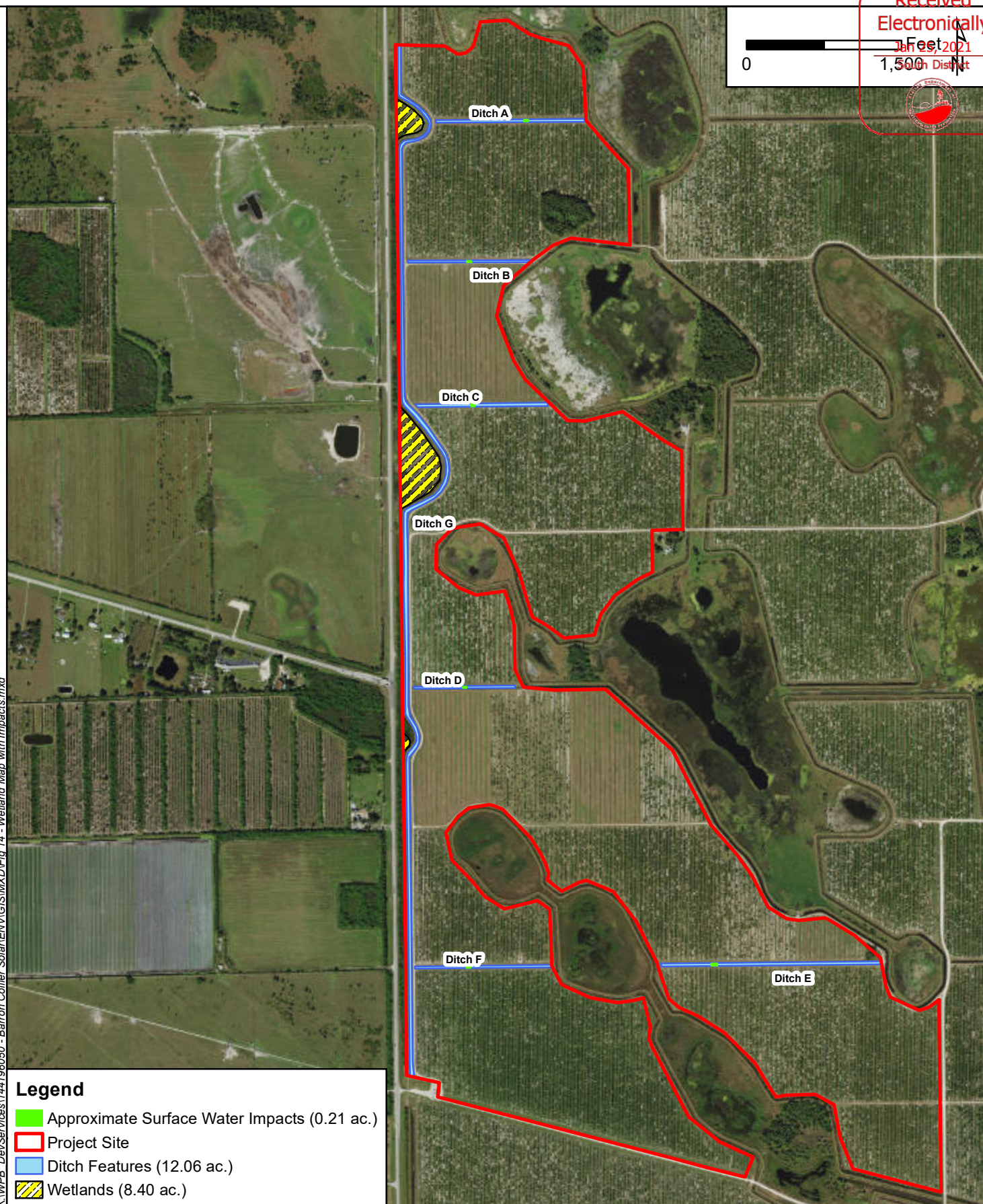


Received  
Electronically

January 2021  
1,500 Feet  
South District



0 1,500 Feet



### Legend

- Approximate Surface Water Impacts (0.21 ac.)
- Project Site
- Ditch Features (12.06 ac.)
- Wetlands (8.40 ac.)

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN and the GIS User Community

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### Wetland and Surface Waters Impacts Map

**FPL Immokalee Solar Energy Center  
Collier County, FL**

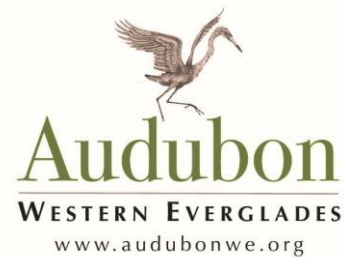
1 inch = 1,250 feet

PROJECT NUMBER:144196050

JANUARY 2021

FIGURE 13





October 13, 2020

Roxanna Hinzman, Field Supervisor  
U.S. Fish and Wildlife Service  
South Florida Ecological Services Office  
1339 20th Street  
Vero Beach, Florida 32960

RE: Eastern Collier Multiple Species Habitat Conservation Plan

Dear Roxanna:

We write to express our concerns that the long-term and landscape-scale planning goals of the proposed Eastern Collier Multiple Species Habitat Conservation Plan (HCP) are not being fully reflected nor applied during Collier County's current review of applications for village communities that will be covered by the HCP. We want to make sure these individual projects conform to the tenets of the HCP through responsible, long-term planning that seeks to avoid loss and fragmentation of functional habitat. Since these projects are merely in the conceptual phase, Collier County and the Service have an opportunity to prevent communities from being designed and sited on the landscape in ways that will fragment wildlife habitat and invite human-wildlife conflict.

Disconnect between the HCP and Site-Level Requirements in Collier County

The HCP includes techniques that can be undertaken during project-level (site-specific) planning "...to minimize impacts of the Covered Activities to panthers, panther prey base, and their habitats within the HCP boundary."<sup>1</sup> It also promotes these techniques to minimize impacts to other covered species as well as Best Management Practices (BMPs) that should be employed to prevent human-wildlife conflict with both listed and non-listed species. We have concerns that new village communities that have been approved or are being reviewed under the Collier Rural Land Stewardship Area Program (RLSP) will place people and development centers in very close proximity to the Florida Panther National Wildlife Refuge and other significant wildlife habitat areas, cause loss and fragmentation of wildlife habitat connecting the panther refuge to Corkscrew Regional Ecosystem Watershed (CREW), set the stage for human-wildlife conflicts -- especially with Florida panthers and Florida black bears, and create additional challenges for refuge management.

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<sup>1</sup> Eastern Collier Multiple Species Habitat Conservation Plan, August 2018. Prepared for Eastern Collier Property Owners. Page 107-110

While the HCP recognizes the importance of project-level (site-specific) measures to avoid and minimize human-wildlife conflict, there is no requirement within the HCP that would hold an applicant accountable for ensuring these measures are actually implemented. This has become evident while the HCP is still under review with applicants moving forward with county permitting for a number of development projects in the HCP area. Specifically, Collier Enterprises is seeking approval for three villages that are in various stages of county permitting: Rivergrass Village, Longwater Village, and Bellmar Village. These villages will be covered under the proposed HCP, but the county permitting process is revealing that the project-level (site-specific) techniques outlined in the HCP may not end up being employed on the ground. Therefore, it is evident that there is a disconnect between the goals of the HCP and the standards being applied and enforced through the county permitting process. It is paramount to ensure there is a transparent process for the Service to review and provide feedback for these individual projects. We understand that the Service is preparing permit conditions for the Incidental Take Permits (ITP) being granted to each individual applicant to ensure that the landscape-level goals of the HCP will actually be represented on the landscape. Will each ITP specify what individual landowners will be required to do with the covered landholdings regarding the recommended site-specific measures? Will the Service have the opportunity to review the projects after they've gone through county and Corps permitting processes? What will the Service be able to do over the life of the HCP/ITP to ensure consistent application of planning principles to avoid fragmentation and loss of habitat across the landscape in incremental bits? As a condition of ITP approval, we request the Service employ an adaptive review process of individual projects as they come forward to ensure the intent of the HCP is maintained across the landscape and throughout the life of the permit. ITP issuance should be contingent on the applicant employing the HCP's Project-level (site-specific) techniques to avoid and minimize impacts to both listed and non-listed species and implementation of the suggested BMPs to prevent and minimize wildlife conflict.

In addition, a fourth village, Hyde Park, which is physically located within the HCP project boundary but the landowner is not an applicant for this HCP, is also moving forward with county permitting. How will the Service be reviewing the impacts of the Hyde Park project, and other potential non-HCP applicant projects, on the Florida panther and the other covered species? Also, how will the Service address the overall, cumulative impacts of all development projects that fall within the HCP project boundary, even if they are not an applicant for this HCP? How will development of the acreage for Hyde Park affect the 45,000 acres of allowable development in the HCP? How is the Service planning to keep track of and analyze cumulative impacts on the covered lands and species throughout the life of the HCP?

#### Mitigation Land is Constituting a Loss of Functional Habitat

Additionally, as the above mentioned individual village applications move forward at the county level, it has also become evident that, despite lands being dedicated for preservation as mitigation, the site-level designs for these villages will effectively fragment habitat and create negative edge effects for wildlife. Hence, even though significant land is being preserved as mitigation for the proposed village developments, some of these preservation areas are being designed and sited in ways that will result in a loss of functional habitat for much of that mitigation land. For example, some of the preservation land that will/would be set aside by Collier Enterprises' three current

village applications in process with Collier County will actually undermine the landscape-level and long-term goals of the HCP, particularly land being set aside as part of Stewardship Sending Area #17. Therefore, there is a need for the Service to address the cumulative effects of similar projects that set aside mitigation land that ends up becoming non-functional habitat.

#### Need for Wildlife Crossings to Retain Regional Connectivity

The above-mentioned villages that are currently being reviewed by Collier County also reveal wildlife crossing needs on both Oil Well Road and on roads within the proposed villages. At least one additional wildlife crossing structure is needed on Oil Well Road, and the ideal remedy would be a multi-purpose overpass just east of Oil Well Grade Road. This wildlife crossing would function for both wildlife movement as well as provide a corridor for large farm vehicles to travel between active farm fields. The overpass design may be less expensive and quicker to build and would avoid problematic utility lines that have presented roadblocks for an underpass at this location. Understanding that the residential and commercial development proposed for Longwater Village will impact the ecological value of the Shaggy Cypress Swamp, an alternative to the above mentioned overpass is a wildlife crossing structure on Oil Well Road (that is large enough to accommodate panthers) that could provide for safe passage of wildlife through the Shaggy Cypress Swamp. To ensure connectivity with this approach, two additional crossing structures would be needed on the internal roads of Longwater Village that would also fragment this corridor. Additionally, to make this habitat corridor functional, the pinch-points in the proposed Longwater community plan should be widened to a minimum width of 750 feet. Both recommendations for wildlife crossing structures are displayed in the attached map.

#### Conclusion

The individual village projects moving forward at the county level do not envision and employ all the necessary techniques to minimize impacts to both listed and non-listed species as envisioned in the HCP. Also, despite being proposed at the interface of wildland habitat, there are no county requirements to follow the BMPs recommended in the HCP in order to prevent or reduce human-wildlife conflict that is inevitable given these projects' locations on the landscape and the way they are designed (e.g. community features jutting into preserve areas). The lack of site design principles will result in a loss of functional habitat as these particular villages, and other similar proposals, get approved. We respectfully request the Service require the following:

- ITP issuance should be contingent on the applicant addressing and including the HCP's Project-level (site-specific) strategies to minimize impacts to both listed and non-listed species and implementation of the suggested BMPs to prevent and minimize human-wildlife conflict.
- Address the cumulative effects of individual projects that set aside mitigation land that is actually non-functional habitat for wide-ranging mammals.
- Address the need for additional wildlife crossings on Oil Well Road and other roads, specifically for the western half of Camp Keais Strand and Shaggy Cypress Swamp. The two existing wildlife crossings are located at the eastern border and near the center of the Camp Keais Strand (constructed as part of the Oil Well Road widening project near Ave Maria). The eastern border wildlife crossing effectively provides habitat connectivity and safe

passage, however the one constructed near the center is flooded throughout much of the year, and as a result is rarely accessible to panthers and other terrestrial species for safe passage. This centrally located crossing has failed to serve its purpose as mitigation for transportation impacts to the panther. Therefore, a functional and accessible wildlife crossing on Oil Well Road is still needed to ensure regional connectivity along the western side of the Camp Keais Strand and/or Shaggy Cypress Swamp where panthers currently cross Oil Well Road when traveling between the Florida Panther National Wildlife Refuge and Corkscrew Regional Ecosystem Watershed (CREW) lands.

Our organizations remain committed to ensuring that the HCP will be a solid, effective and resilient plan that conserves interconnected habitat for the Florida panther and the other 18 covered species within a compatible mix of natural, agricultural and developed areas. Long-term, landscape-level planning is essential for species conservation, but projects moving through the Collier County permitting process are revealing and underscoring a disconnect between what is written in the HCP and what is proposed for the landscape. Collier Enterprises putting these individual developments forward has highlighted shortcomings that need to be addressed. We are in ongoing discussions with Collier Enterprises to find ways to address these issues. We also urge the Service to ensure that all individual projects within the HCP boundary will be consistent with the goals of the HCP to preserve interconnected habitat for the Florida panther and the other covered species by preventing fragmentation on the landscape.

We look forward to meeting with you and other staff who are reviewing the HCP on October 15 to discuss our ongoing concerns.

Sincerely,

Brad Cornell, Southwest Florida Policy Associate, Audubon Florida and Audubon of the Western Everglades

Elizabeth Fleming, Senior Florida Representative, Defenders of Wildlife

Meredith Budd, Regional Policy Director, Florida Wildlife Federation

Cc: Chuck Kelso

# Naples Daily News

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## IN THE KNOW

# In the Know: County leaders debate mega developments in eastern Collier as taxpayer, traffic, water, panther concerns are raised

**Phil Fernandez** Naples Daily News

Published 4:11 p.m. ET Mar. 4, 2021 | Updated 5:47 p.m. ET Mar. 4, 2021

A decision on a pair of 1,000-acre villages in east Collier has been delayed.

After almost eight hours of testimony, the county Planning Commission adjourned late Thursday, with numerous speakers now slated to address the panel at its March 18 meeting.

The County Commission will also eventually gets its shot later this year to consider the villages: Collier Enterprises' Longwater and Bellmar and their slated 5,350 homes east of Golden Gate Estates.

"Based on the current market absorption, we estimate 10- to 12-year buildout" of Longwater, which is about four miles west of Ave Maria near Oil Well Road and DeSoto Boulevard, said Hole Montes President Robert Mulhere, a consultant for Collier Enterprises, on Thursday.

The goal of the mega landowner is to link the pair with its similar 2,500-unit Rivergrass, which already has the backing of county commissioners, to create a town. April has been targeted as to when county commissioners were expected to consider what's been dubbed as a framework agreement for the town.

**More:** Collier planning commission delays vote on town concept near Golden Gate Estates

**And:** Breaking Ground newsletter: County Commission approves luxury project with little public review of last-minute changes

The League of Women Voters of Collier County and the Conservancy of Southwest Florida are among those vehemently opposed to the projects, due to a long list of concerns including

that they are inconsistent with the Collier growth management plan and will cause traffic problems.

The Conservancy has already sued over Rivergrass, which has no exact timeline for the start of construction as the case works its way through the courts.

Rob Moher, the conservancy's president and CEO, has said their analysis shows the developments will cost taxpayers millions of dollars.

"There will be an economic shortfall," the conservancy's April Olson said Thursday.

Naples land use attorney Rich Yovanovich, who represents Collier Enterprises, said Thursday there are no such issues. Company representatives described the projects as at least "fiscally neutral" for taxpayers, partly through the use of the government's impact fees.

**More:** In the Know: Department of Interior says take a pause on some eastern Collier development

**And:** Breaking Ground newsletter: One Realtor, 2 weeks, 3 houses, \$127M including biggest sale ever

But some planning commissioners debated Thursday whether the best methodology was used to reach that conclusion.

"It is very complicated," Chairman Edwin Fryer said. "It's controversial."

Earlier this week, the U.S. Department of Interior asked the planning commission to take a pause in approving the developments within the 185,000 acres of the largely untouched Rural Lands Stewardship Area or RLSA.

Some of the main concerns include impacts on water quality, wetlands, flow-ways and habitats for wildlife, such as the Florida panther and the black bear, according to the U.S. Fish and Wildlife Service, which falls under the Department of Interior.

But upon advice by the county attorney that the federal government plea was outside of the panel's purview, the planning commission did not act on that request when the meeting began Thursday.

**More:** In the Know: Final closing date set for venerable Naples resort with roots back to Great Depression. Plus, new Mercato, Waterside stores.

**And:** In the Know: After another torrid month of home sales, will higher insurance douse SWFL market's fire?

Some residents, civic groups and environmentalists also complained Thursday about the projects on various levels.

"Collier Enterprises must be required to update these sprawling development" proposals, said Karen Dwyer, founder of the Stone Crab Alliance, adding that the wealthy Collier family has been given unfair advantages over other residents. "The Colliers have the resources to make this right."

Whatever the commission decides on Longwater and Bellmar, that won't mean the County Commission will follow its recommendation.

In a historically rare override, the County Commission approved Rivergrass last year after the planning board, in a 4-1 vote, had recommended rejection.

Look for future coverage of this topic in the Naples Daily News and In the Know.

*Based at the Naples Daily News, Columnist Phil Fernandez (pfernandez@gannett.com) writes In the Know as part of the USA TODAY NETWORK. Support Democracy and subscribe to a newspaper.*



