

EXECUTIVE SUMMARY

Item IV.D

Collier Soil and Water Conservation District letter to BCC

Presenter(s): Alexandra Sulecki, Coordinator, Conservation Collier

Objective: For the Conservation Collier Land Acquisition Advisory Committee (CCLAAC) members to be aware of, consider implications of, and potentially formulate a recommendation to the board of County Commissioners regarding recommendations made by the Collier Soil and Water Conservation District (CSWCD) in a letter addressed to the Chair of the Board of Collier County Commissioners, dated March 15, 2007 (copy attached).

Considerations: In its letter dated March 15, 2007, the CSWCD states that it is no longer objecting to purchase of lands by Conservation Collier for conservation purposes, where Conservation Collier has willing sellers. The reference is presumably regarding the Winchester Head multi-parcel project, properties within the Horsepen Strand area and other local wetlands, though not explicitly stated, as these are the areas referenced in a letter dated January 19, 2007, from then Chairman of the CSWCD Michael R. Ramsey to BCC Chairman James Coletta, requesting that the BCC **permanently prohibit** Conservation Collier from purchasing properties in the North Golden Gate area “that could be utilized for stormwater management solutions.”

The March 15 CSWCD letter changes the earlier request, stating that they “do not interpose a continued objection,” but additionally recommends that “conservation areas should have multiple uses and be managed under a general plan that derives the greatest possible economic benefit for the taxpayer while maintaining the letter and spirit of our conservation purposes.” The last sentence in the CSWCD letter refers to “water management enhancements” as an example of a type of use that should be considered on conservation lands in order to serve the public good.

The Conservation Collier Ordinance (2002-63), in Section 2 (Objectives) and in Section 4 (Purpose and Intent), sets forth the goals of the Conservation Collier Program (see Exhibit A). These statements appear to require preservation and maintenance of the natural attributes of acquired lands.

Section 8.6.b., Ord. 2002-63, in defining a portion of the duties and responsibilities of the CCLAAC, states that the “Land Acquisition Advisory Committee may, from time to time, recommend to the Board of County Commissioners... additional selection or acquisition policies procedures and programs; and other such matters as may be necessary to fulfill the purposes of Conservation Collier,” but that the “goals and primary criteria of Conservation Collier may not be modified except by countywide referendum vote” (see Exhibit B).

Staff is in the process of requesting a formal legal opinion from the Collier County Attorneys office as to whether what the CSWCD appears to be proposing would require changes to the ordinance necessitating a referendum vote.

Staff Recommendations: That the CCLAAC discuss the implications of the CSWCD letter and potentially formulate a recommendation to the Board of County Commissioners for an upcoming (to be scheduled) workshop where this issue will be discussed.

Staff's recommendation is that the goals and criteria identified in the Conservation Collier Ordinance, and approved twice by County voters (by 62% of voters in 2002 and again by 82% of voters in 2006) not be modified in any way that would require a countywide voter referendum.

Exhibit A.

ORD. 2002-63, SECTION 2: Objectives:

Conservation Collier is therefore hereby established to acquire, preserve, restore, and maintain vital and significant threatened natural lands, forest, upland and wetland communities located in Collier County, for the benefit of present and future generations.

ORD. 2002-63, SECTION 4: Purpose and Intent:

1. To acquire, protect and manage environmentally sensitive lands that contain natural upland or wetland communities, native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat, a diversity of species, significant water resources, or outstanding aesthetic or other natural features, maximizing protection of Collier County's rarest, most unique and endangered habitats;
2. To acquire, protect and manage environmentally sensitive lands that offer the best human social value, including equitable geographic distribution, natural resource based recreation, and protection of water resources, local ecological awareness, and enhancement of the aesthetic setting of Collier County;
3. To acquire, protect and manage environmentally sensitive lands that serve to recharge the County's aquifers and protect its wetlands and surface water resources to ensure the delivery of clean and plentiful water supplies and provide flood control;
4. To acquire, protect and manage environmentally sensitive lands containing the most biological value, including biodiversity, listed species habitat, connectivity, restoration potential, and ecological quality;
5. To protect present conservation lands by acquiring, protecting and managing adjacent properties which, if not acquired, would threaten the environmental integrity of the existing resource, or which, if acquired, would enhance and buffer the environmental integrity of the resource, and add to resource connectivity;
6. To restore the natural functions, as necessary, to any impacted and vulnerable habitats which would then contribute significantly to fulfilling this program's goals;
7. To help implement the objectives and policies of the Collier County Growth Management Plan which have been promulgated to preserve and protect environmental protection areas designated in the Plan and other natural forest resources, wetlands, endangered species habitat, and vulnerable rare habitats;
8. To identify Collier County's best and most endangered environmental lands for acquisition, protection and management by evaluating the biological and hydrological characteristics and viability of the resource, the vulnerability of the resource to degradation or destruction, and the feasibility of managing the resource to maintain its natural attributes;
9. To manage acquired environmentally sensitive lands with the primary objectives of maintaining and preserving their natural resource values, and providing appropriate natural resource-based recreational and educational opportunities, by employing management techniques that are most appropriate for each native community so that our natural heritage may be preserved and appreciated by and for present and future generations;
10. To have the acquired sites available, with minimal risk to the environmental integrity of the site, to educate Collier County's school-age population and the general public about the uniqueness and importance of Collier County's subtropical ecosystems and natural communities;

11. To protect natural resources which lie within the boundaries of other conservation land acquisition programs, where Conservation Collier funds would leverage significant other matching sources of funding for other agency acquisition projects that would not be available without such a local match, or which would result in considerably higher funding rank in another program, however, Collier County shall exclude Municipalities within the County from any requirement to provide matching funds; and,

12. To cooperate actively with other acquisition, conservation, and resource management programs, including, but not limited to, such programs as the State of Florida Conservation and Recreation Lands program, the Land Acquisition Trust Fund, Florida Forever, and Save Our Rivers program, where the purposes of such programs are consistent with the purposes of Conservation Collier as stated hereinabove.

Exhibit B.

ORD. 2002-63, SECTION 8: Land Acquisition Advisory Committee:

6. Functions, Powers and Duties of the Land Acquisition Advisory Committee: The Land Acquisition Advisory Committee shall have the following duties and responsibilities:

b. The Land Acquisition Advisory Committee may, from time to time, recommend to the Board of County Commissioners proposed expenditures from the Conservation Collier Trust Funds; additional selection or acquisition policies, procedures, and programs; and other such matters as may be necessary to fulfill the purposes of Conservation Collier. However, the goals and primary criteria of Conservation Collier may not be modified except by countywide referendum vote.