

SECTION 6

APPENDICES

Preface

The Appendices listed below and included in Section 6 include primary documents received and considered by the Committee during the course of its meetings and deliberations. This list is not all inclusive, but will give the reader an understanding of the written documents considered by the Committee. Further, all Committee meetings were recorded and recordings are available upon request.

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APPENDIX A

Florida Panther Protection Program Summary June 30, 2008

Overview

- A collaborative effort between leading conservation organizations and Eastern Collier landowners to better protect and manage the Florida Panther in Southwest Florida and assist recovery of this endangered species.
- An environmentally and economically balanced program.
- Includes both suggested adjustments to the innovative Collier RLSA Program and additional components.
- Through an incentive-based land use program, the Florida Panther Protection Program would secure a contiguous range of panther habitat connecting the Florida Panther National Wildlife Refuge and Big Cypress National Preserve through Camp Keais Strand and the Okaloocoochee Slough with Corkscrew Marsh and adjacent lands in the region.
- The program involves approximately 195,000 acres of private land in Collier County.
- The participants acknowledge that they individually or collectively do not have the authority to amend the Collier County RLSA nor do they have the authority to effect policies, agreements, or regulations concerning how protection and management of the Florida Panther will be implemented. The authority to amend the Collier County RLSA and Florida Panther protection and management measures lies solely within the local government and various State and Federal agencies.
- The program can be complementary to, but does not take the place of, non-panther planning and permitting programs.

Participants

- Conservation Organizations: Audubon of Florida, Collier County Audubon Society, Defenders of Wildlife, Florida Wildlife Federation.
- Landowners: Alico Land Development Corporation, Barron Collier Partnership, Collier Enterprises, Consolidated Citrus LP, English Brothers, Half Circle L Ranch Partnership, Pacific Tomato Growers Ltd., Sunniland Family Limited Partnership.

Scientific Technical Review

- Area under review: the Rural Land Stewardship Area within Collier County.
- Committee: comprised of 6 respected biologists and scientists with expertise in the Florida panther.
- Purpose: to evaluate whether the Panther Protection Program contributes to the overall protection, management and recovery of the Florida Panther.
- Expected completion: less than 6 months, but additional time may be requested if deemed necessary.
- Landowners and conservation organizations to cooperatively and collaboratively facilitate and support the work of the Scientific Technical Review Committee.

Next Steps

- At end of the Scientific Technical Review, if consensus is reached to move forward, rural landowners and conservation organizations will enter into a binding agreement
- Landowners will undergo a federal consultation process with the United States Department of the Interior Fish and Wildlife Service to develop a Conservation Agreement or its equivalent.

- RLSA 5 Year Review Committee, EAC, Planning Commission, Board of County Commissioners and FWC will review and consider adoption of portions of the Florida Panther Protection Program into the RLSA GMP and LDC.
- The public will have opportunities to review and comment through all entities and procedures listed above.

Proposed Program Components:

1. *Funding*

- Creation of the Paul J. Marinelli Florida Panther Protection Fund.
- Rural landowners will contribute to the Fund according to a pre-agreed formula that is generally tied to the generation and utilization of "Panther Habitat Units" (PHUs) from a Stewardship Sending Area (SSA) within the Rural Land Stewardship Area.
- Fund expected to generate in excess of \$150 million in contributions through 2050.
- Fund to be administered by an independent nonprofit tax exempt entity, the Wildlife Foundation of Florida, and governed by a Board of Directors comprised of representatives of Audubon of Florida, Collier County Audubon Society, Defenders of Wildlife, Florida Wildlife Federation, U.S. Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, and a representative of the rural landowners.
- Fund Board to utilize the Fund for protective measures such as panther habitat restoration, buffering against human-panther interaction, locating and construction of panther crossings, and acquisition of habitat demonstrated to be important to panther protection and management.

Additional Mitigation

- Requirement for additional mitigation and appropriate restoration for development impacts to primary panther habitat within the Rural Land Stewardship Area.

North and South Panther Corridors

- Proposed creation of a North Corridor and the proposed maintenance and enhancement of the South Corridor for the panther through the Rural Lands Stewardship Area.
- Rural Landowners to be incentivized through the generation of restoration credits to create, enhance and restore such corridors.

Agricultural Preservation

- Proposed creation of an agriculture preservation credit within the Rural Land Stewardship Area, consistent with direction of the Rural Land Stewardship review Committee.
- Goals: to assure agricultural lands can be protected for future generations and to reduce development pressures within the Big Cypress Area of Critical State Concern (ACSC).
- A landowner shall be eligible to receive 2.0 Stewardship Credits for each acre of Open Land that is designated as a SSA outside the ACSC, and 2.6 Stewardship Credits for each acre of Open Land that is designated as a SSA within the ACSC, where all non agricultural uses are removed and the remaining uses are limited to agriculture and uses that support agriculture, including farm worker housing. There shall be no intensification from Ag2 to Ag1 after SSA designation.
- The agricultural preservation component reduces the potential build out footprint within the RLSA because it creates an incentive to discourage the one unit per five acre development pattern allowed under the baseline zoning and promotes compact, sustainable communities surrounded by viable agriculture.

Other Proposed RLSA Components

- Hamlets will be eliminated as a form of SRA.
- Towns shall not exceed 5,000 acres.
- Outside the Area of Critical State Concern, Villages shall not exceed 1,500 acres. Within the Area of Critical State Concern, the current Collier RLSA Overlay Program standards shall apply to Villages.

- Compact Rural Development ("CRD") shall include as a permitted use eco tourism lodging, recreational hunting and fishing enterprises, and family homesteads for the Rural Landowners.
- A concept is being discussed that would create a mechanism to ensure that when a landowner within the Collier RLSA establishes a SSA, a "conditional easement" is placed on the subject property until such time as all permits are in hand for the SRA to which the credits from the SSA will be applied and providing no action is taken prior to permitting that diminishes the resource values on the SSA; at which point the easement becomes permanent.

RLSA Buildout

It is the group's preliminary estimate that the changes proposed to the current RLSA credit system as a result of the new panther corridors and the agriculture preservation components will enable a maximum SRA development foot print of 45,000 acres within the 195,000 acre RLSA. This estimate will be refined in conjunction with any other proposed changes to the credit system through the RLSA Committee's work

APPENDIX B



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July 1, 2008

Paul Souza
South Florida Ecological Services Office
US Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960

RE: Proposed Florida Panther Protection Plan

Dear Mr. Souza:

The Conservancy of Southwest Florida would like to offer the following comments on the proposed “panther protection plan”. Our organization supports the concept of an incentive-based plan to provide greater protection for the Florida panther, maintaining agriculture and allowing sustainable development to occur in appropriate locations. That said, we believe the following issues should be addressed prior to any US Fish and Wildlife Service (USFWS) policy changes with regard the Florida panther. In particular, we ask that the Service ensure that any policy changes will provide a net benefit to the protection and recovery of the endangered Florida panther.

The plan allows a 50% increase in the amount of potential development in Eastern Collier (which includes within the primary zone, the core critical habitat area for the endangered Florida panther) without specifying how many acres of the critical habitat area will be impacted - nor how many acres of wetlands or what other natural resources will be impacted as a result.

It is not possible for the USFWS, the Scientific Review team, or any other entity or stakeholder, to accurately assess whether this plan will provide a net benefit to the protection of the Florida panther, as well as whether this plan will adequately protect other exceptional natural resources (ex. wetlands, other listed species populations and habitats, wellfields / groundwater recharge areas, etc.) and promote sustainable development, without knowing where the development is occurring and what will be impacted as a result. Indeed, the plan potentially allows thousands of acres of primary panther habitat for the Florida panther to be developed, and without provisions assuring appropriate avoidance and minimization of wetlands and other essential natural resource areas.

Apparently, protection of the Area of Critical State Concern and the existing main panther movement corridors are not assured in the proposal. While it aims to provide additional incentives to prevent further land use intensification within the path of critical panther corridors in Eastern Collier, there does not appear to be assurances that the corridor preservation boundaries will be designed such as to maintain their functionality, and appropriately avoid and minimize impacts from the additional development that this plan would allow, within these existing corridor. Nor does there seem to be assurances that the incentives will be used to result in the actual preservation of these corridors in perpetuity.

Current best practices for growth management and natural resource protection require identifying and quantifying impacts as well as assessing necessary avoidance, minimization, and mitigation necessary to offset those impacts. Without knowing the exact location, extent, and level of development proposed, the Service is unable to make a determination as to whether impacts will be appropriately avoided and mitigated. Additionally, the added impact needs to be carefully assessed and the extent of collective development quantitatively analyzed against proposed mitigation (including only mitigation that is assured to be protected in perpetuity) in order to determine whether this proposal will provide a net benefit to the protection of the Florida panther and its habitat as well as aid in its recovery according to the requirements of the Endangered Species Act.

Maximum avoidance and minimization should be assured prior to mitigation and the proposed Panther Protection Fund should not be used in lieu of ensuring proper avoidance through proper siting of development and transportation projects.

The proposal apparently does not ensure that the additional development and transportation projects that it will result in, will be sited such as to avoid and minimize impacts to the Florida panther's habitat as well as other critical natural resources such as wetlands.

While the proposed additional funds would allow for additional panther mitigation, such mitigation is not a suitable substitute for avoiding and minimizing impact to the Florida panther's essential habitat. Indeed, the additional funds, and additional mitigation that will be provided as a result of those funds, cannot be assured to provide a net benefit if they pay for mitigation measures that would have been unnecessary if there was proper siting such as to not produce such impacts.

The Conservancy conducted a GIS mapping and analysis exercise (see Attachment 2) to determine if there was enough land currently designated outside the ACSC and the primary panther zone to accommodate the currently allowed projected development of 30,000. The results were that there are approximately 34,382 acres available that are currently designated Open (meaning that Receiving Areas of development are allowed within these areas) which are outside both the ACSC and the primary panther zone. Therefore, it is possible to avoid all impacts to the ACSC and primary panther zone under the current program limits. However, with the additional 15,000 acres of development that would result from this proposal, for a total of 45,000 acres of development, it would result into impacting at the very minimum, approximately 10,618 acres of either the ACSC and/or primary panther habitat. Because there is no defined footprint and no requirements limiting the level of impact to primary panther habitat in this proposal, the final result of impacts could be even higher.

The Conservancy supports maximum avoidance and minimization of impacts through appropriate siting of development and transportation outside of essential natural resource areas such as primary panther habitat, which would be within the yellow Open areas on the Attachment 2 map with no other crosshatching or shading. These are the areas of least natural resource value and therefore, the most suitable for development.

The north, south Summerland Swamp, and Camp Keais corridors must be preserved and protected, with corridor preservation criteria set based on best available science in order to ensure that the functionality of these corridors is maintained.

This proposal does not appear to provide adequate assurances that these three corridors will be protected. It instead only apparently offers the potential to create additional incentives, which may or may not ultimately be used to preserve these existing panther corridors. Additionally, the proposal does not seem to specify corridor criteria (such as widths, etc.), which is necessary to ensure that the corridor preservation areas will protect the functionality of these current corridors. The designation of the corridor boundaries should be assured as well as be based on science and what is needed in order to ensure functionality of these existing corridors is preserved. Scientific analysis and recommendations should be the basis of the plan, rather than for verification after the fact.

Scientific / Technical Review team (1) should focus on reviewing the proposal to ascertain if it would achieve greater protection of panther than status quo if they get the necessary information to do such,

(2) should not reexamine points previously agreed upon and for which there is scientific consensus (ex. what is primary panther habitat), and (3) should include representatives from the National Park Service and the Florida Panther National Wildlife as well as other affected and instrumental stakeholders in panther protection.

Issues such as whether primary panther habitat is essential and warrants additional mitigation should not be under the purview and contingent upon the scientific technical review committee, as these are already established by science. The primary zone has been identified by the scientific and agency communities as lands essential to maintaining the existing panther population - essentially the minimum critical habitat. Therefore, it is undoubtedly warranted to incentivize its preservation. However, rather than the proposal providing the assurance to do so by it requiring additional mitigation for impacting primary habitat, it apparently leaves it to the review team to consider whether additional mitigation is justified. Though we believe that the scientific technical team most likely would agree with the best available science currently available, these protection provisions (ex. development in primary habitat should be avoided, additional mitigation should be required for development in the primary panther habitat) should not be contingent upon the findings of this review team, as those issues are not in scientific dispute and having them revisited prevents us from attaining those provisions as commitments within the context of the agreement and plan.

Additionally, in order to ensure appropriate representation on the Review Committee, representatives from the Florida Panther National Wildlife Refuge and the National Parks Service, as well as other critical stakeholders in panther protection and recovery, should be included and allowed to provide substantive input into the formulation of this plan, not just review it after the fact.

Implementation of this proposal should be through a Habitat Conservation Plan or other appropriate mechanism or instrument as approved by the USFWS, not through a Conservation Agreement.

The assurances for no further mitigation requirements that are enumerated in this agreement are consistent with the No Surprises Clause in Habitat Conservation Planning (HCP) under Section 10 of the ESA. What is apparently being proposed as the vehicle to implement this plan is not an HCP but rather a Conservation Agreement, an instrument reserved for non-listed species. A review of this issue and associated case law by two separate legal counsel has resulted in a determination that there is no legal basis or precedent for a "Conservation Agreement" that applies to an already-listed species. The USFWS has three different types of agreements: Candidate Conservation Agreements (for candidate species not yet listed); Habitat Conservation Plans (HCP); and Safe Harbor Agreements.

The proper mechanism for such an agreement and plan as this should be an HCP, which is a process which guarantees more public involvement and assurances. To support pursuing a Conservation Agreement would be inconsistent with existing federal regulatory requirements and would set a negative precedent that would weaken the federal regulatory process in ensuring protection of endangered species. Therefore, we would request that if this proposal proceeds to implementation, it be through an HCP for the Florida panther that would result in the maximum avoidance, minimization and appropriate level of mitigation to achieve sufficient protection of habitat in Eastern Collier to assist in the recovery of the Florida panther species.

Acceptance of generating PHUs off SSA lands should be contingent on assurance that there will be an added net benefit provided through restoration and/or on-going management commitment and the process of awarding PHUs in such instances should be well defined.

The Conservancy commends and supports the USFWS's policies to prevent awarding panther mitigation credit on lands already going under easement for other purposes unless there is an added net benefit through restoration and/or on-going management commitments over what would occur otherwise (such as SSA lands that go under easement after their development rights have been stripped off and which will actively be used for continued agriculture without any additional restoration or management to increase value as panther habitat).

This proposal would apparently undermine the intent of the USFWS's current policy relating to the awarding of PHU's. It appears to support changing the USFWS policy to allow PHUs to come off SSA lands regardless of whether there is an assurance of a net benefit resulting from it. The Conservancy would instead propose that if any PHUs are to be awarded to lands going under easement anyhow, they should be contingent on providing a net benefit above and beyond what would be otherwise provided and awarded only if the PHU credits and SSA credits are removed entirely simultaneously, the PHU credits are then banked, and released only upon success criteria for restoration or on-going management commitment being met. To do otherwise would undermine the USFWS's protective policy to ensure the appropriate degree of habitat preservation and would weaken the regulatory framework for panther habitat mitigation.

Proposed Panther Buffer at the Town of Big Cypress needs to be scrutinized and reassessed.

This proposal appears to support the diminishment of the value and function of the lands within the proposed Town of Big Cypress area through its apparent support for the building of a water "buffer". The "buffer", which entails the digging of a moat or ditch as a water feature to provide a barrier between future residents and the panther, will diminish the value and function of these lands that are currently being actively used as the home ranges of several panther individuals and which are almost entirely designated primary panther habitat (see Attachment 1). We do not support this proposed action of building a moat "buffer" adjacent to the Camp Keais Slough. If this activity is allowed to occur prior to development, it must be assessed and accounted for, such that the full appropriate amount of impact is required. This proposed water moat will also likely cause detrimental effects to the adjacent natural wetland slough area and to groundwater levels; therefore, is not appropriate to pursue until extensive surface and groundwater modeling and analysis has been conducted as well. Finally, additional impacts from the Town of Big Cypress development such as deliberately sizing of crossings such as to exclude large mammals (including the panther) and actively reducing panther prey within their internal preserves should also be scrutinized and evaluated concurrent with the proposed plan.

No Stewardship Receiving Areas should be allowed within the Area of Critical State Concern (ACSC), which is in the immediate vicinity of the Okaloacoochee Slough panther corridor and habitat area. Also, villages should not be enlarged in the RLSA program over their current 1,000 acre threshold.

The proposal would apparently allow stewardship receiving areas within the ACSC, therefore, not entirely preserving it in its current land uses. This area has been identified for its importance for the host of exceptional natural resource values it offers, not the least of which its function as primary critical habit and essential movement corridors for the endangered Florida panther. The Conservancy believes based on the exceptional natural resource value of the ACSC, that stewardship receiving areas are not appropriate within it.

Additionally, the size of villages in the RLSA program area should not be increased to 1,500 acres (a 50% increase over the current allowable limit of 1,000 acres), but instead remain at or below the current 1,000 acre threshold. Developments over 1,000 acre should continue to be handled as towns, which have additional requirements for infrastructure and amenities. Villages do not provide the same extent of infrastructure and services that are required of a town – in other words, they are not as self-sufficient as a town so will result in additional transportation impacts, which in turn would have an adverse impact on panthers who are routinely being killed on Collier roads by cars. Therefore, the Conservancy believes that developments over 1,000 acres should continue to be classified as towns, with all of the associated infrastructure, goods and services and other amenity requirements, until such time as a thorough assessment of all forms of SRAs and proposed changes to the SRA acreages are substantiated by data.

Additional agricultural preservation credit outside of the ACSC should be awarded only to high natural resource areas such as designated panther habitat (primary, secondary and dispersal) based on natural resource value in order to further incentive the protection of panther primary habitat areas that are currently vulnerable to development, not with no tie to natural resource values as this plan proposes.

Not only would the additional stewardship credits that would be generated as a result of this increase the overall allowable development footprint by approximately 15,000 additional acres over what is currently allowed, but it would not incentivize focusing development such that it would be outside of the high natural resource lands and habitat that are currently designated Open. Any additional incentives must ensure that the additional development that would result would be outside of Open areas which are sensitive and/or include designated panther habitat.

The proposal would allow for 2.6 credits to be given in the ACSC for lands placed into SSAs under the proposed Agricultural Preservation designation. However, outside the ACSC on all Open Lands, 2.0 credits are proposed to be given for lands placed into SSA designation *regardless of their natural resource value*. This is internally inconsistent within the proposal because the additional 0.6 credit being given to the ag. preserve in the ACSC is due to its natural resource value. It is also inconsistent with the current RLSA program which gives credits for maintaining ag. in areas based on their natural resource values. The Conservancy would support additional development rights for maintaining agriculture only if those credits were contingent on them being tied to natural resource value such as primary panther habitat designation, so that there would be incentives to protect areas currently designated Open which should not be developed due to their underlying natural resource value. This would not translate necessarily to 15,000 acres of development. It depends on how much new stewardship credits are going to be awarded per acre, and the density which they are used in the receiving area. The 2.0 and 2.6 proposed in this plan are arbitrary and exceed current RLSA scale. Because they are not tied at all to natural resource value, they provide no incentive – in fact, they lessen the incentive for the current program credits which are tied to natural resource value because they now allow the landowner to get credits without having to put those original RLSA stewardship areas under easement.

Additional preservation credits should be tied to the underlying natural resource value of such agricultural lands, in order to further incentivize protection of primary panther habitat and other lands with higher natural resource value and it would not be advantageous to panther habitat protection to change the RLSA program such as to decouple the stewardship credits from natural resource value of the land. Therefore, the credit generation from ag. preserve areas proposed both inside and outside the ACSC should be revised using a graduated scale based on their commensurate natural resource value.

This plan apparently includes an expectation that new roads and transportation infrastructure will be built, including within extremely environmentally sensitive areas, to serve these additional new developments. As secondary impacts of the development proposed in this plan, the transportation impacts need to be quantitatively assessed and accounted for as well.

This plan apparently includes an expectation that new roads and transportation projects such as the proposed Interstate 75 interchange and a SR29 bypass which are proposed to be in extremely environmentally sensitive areas, will be needed to serve the additional development in the area. New roads should be aligned to avoid impacting environmentally sensitive areas, including areas determined to be important panther corridors or habitat areas. In order to assess the appropriate amount of avoidance and mitigation that should be required, and to determine whether this proposal will provide a net benefit in the protection of panthers and other listed species, these impacts from these additional roads and road improvement need to be assessed and accounted for *concurrently* with this proposed plan as well as any subsequent regulatory instrument such as an HCP that is developed from it.

Conclusion

In order for the USFWS to fulfill its responsibility to ensure this plan complies with federal laws and guidelines relating to the protection and recovery of the Florida panther as well as the other listed species that may be impacted as a result, we would request the USFWS:

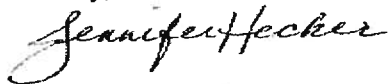
1. Require a development footprint identifying where the 40,000 acres of additional development will occur, the associated roads and road improvements that would be necessitated as a result, as well as the exact configuration of any preserved corridor or habitat areas to be submitted for evaluation. This information is absolutely necessary to quantitatively assess the degree of impact from the added

development and roads and determine the appropriate level of avoidance, minimization and mitigation needed to offset that. It is also necessary to determine the value of the mitigation that would result, which should only be included in the analysis if there is an absolute assurance that it ultimately will be provided.

2. Use the "Joe Clark tool" in conducting an assessment of this proposal, and provide an analysis based on it, as well as other current best available scientific information to determine whether the plan would result in the maximum avoidance and minimization of impact as well as aid and assist in the recovery of the Florida panther as a species. Additionally, assess whether the proposal would result in the maximum avoidance and minimization of impact to other federally listed species and their habitat within the area encompassed by this proposal.
3. Conduct a substantive assessment of the proposed water "buffer" and other associated impacts with the Town of Big Cypress development to determine the total cumulative direct and secondary impact to the Florida panther from the diminishment of the functionality and use of the affected habitat area and determine whether there should be avoidance of such impacts through alternative actions. Additionally, conduct a comprehensive assessment of the impacts to other federally listed species.

We appreciate the USFWS's consideration of our comments and requests, and would like to offer that we would be available to personally meet to discuss this further. Please feel free to contact me at (239) 262-0304 x250 if you would like to schedule such a meeting or have any questions regarding this. Thank you for your time and attention to this matter.

Sincerely,



Jennifer Hecker
Natural Resource Policy Manager

c.c. Lynn Scarlett, Deputy Secretary, US Department of Interior
Layne Hamilton, Refuge Manager, Florida Panther National Wildlife Refuge

APPENDIX C



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www.conservancy.org

July 1, 2008

Mr. Ron Hamel
Chair, Collier County Rural Lands Stewardship Area Review Committee
C/O Tom Greenwood
Comprehensive Planning
2800 N. Horseshoe Drive
Suite 400
Naples, FL 34104

Dear Chairman Hamel and RLSA Review Committee Members:

The Conservancy of Southwest Florida appreciates the ongoing efforts of the Collier County Rural Lands Stewardship Area (RLSA) review committee to comprehensively assess the current RLSA program. We also appreciate your effort to work with all interested stakeholders to propose modifications and improve the program in the future.

At your July 1 meeting, you will be presented with a proposal to increase protection for the Florida panther. Part of the implementation of this proposal will include significant modifications to the RLSA. This proposal would be implemented by both inclusion in the Comprehensive Plan and through a formalized agreement with the U.S. Fish and Wildlife Service. The Conservancy looks forward to working with the RLSA committee and all interested stakeholders to evaluate how these new recommendations, along with recommendations already submitted by other parties, would further the intent of the RLSA.

Changes to the RLSA program must ensure the balance between protection of natural resources, retention of agriculture and the ability to develop in appropriate areas. The Conservancy has previously submitted our 20-point memo in November, to be included in your review of the program.

The Crist Administration, through the Department of Community Affairs (DCA) has expressed concern regarding any increased development over what is currently allowed. They also raised questions about the location of additional development and the impact on infrastructure. As DCA must find any amendment to the RLSA portion of the Comprehensive Plan in compliance, we believe it is essential for Collier County to be cognizant of these concerns. In their June 16, 2008 letter, Charles Gauthier states,

You indicated that an independent biological review of the concepts will be conducted to better understand the impact on wildlife including the Florida Panther. The biological review should take into account the type, location and extent of development that is available through the Collier County Rural Lands Stewardship Program and the impact of public facilities necessary to serve the development. The transportation network is of particular concern.

The Conservancy shares DCA's perspective.

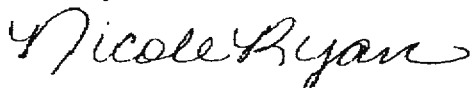
As the RLSA review committee assesses the merits of this new proposal, the Conservancy believes that the following should be part of your review process:

1. The recommendations from this proposal pertaining to policy changes in the Comprehensive Plan should be considered along with those policy changes already submitted and all need to be reviewed on individual merit.
2. Any proposal for an increase in the potential Stewardship Receiving Area (SRA) development footprint should be thoroughly assessed as to compatibility with transportation and infrastructure needs and that assurances for natural resources protection are written into the Comprehensive Plan, along with the mechanisms to provide implementation of these policies.
3. Any proposed change that is subject to the review of the proposal's scientific review committee not be finalized until its analysis and review has been presented for a full assessment as to the consistency between the science and policy recommendations.
4. Developments over 1,000 acres should continue to be classified as towns, with all associated infrastructure, goods and services and other amenity requirements, until such time as a thorough assessment of all forms of SRAs can be completed.
5. Any recommended changes to the RLSA crediting system must tie additional credits on agricultural lands to the underlying natural resource values of the property.
6. As part of the RLSA five-year review, the review committee should recommend additional specificity as to where future SRAs will be located and provide some of the assurance needed to determine how much additional development would be appropriate for the RLSA.
7. Any proposed roadways must be based upon the principle that good land use planning must guide transportation planning, to avoid an undue burden on the taxpayers.

Attached is a detailed technical document supporting our issues and concerns.

We appreciate your consideration of our comments and we look forward to working with the RLSA review committee and all interested stakeholders in creating mechanisms that will provide positive benefits to the Collier RLSA. If you have any questions, or would like to meet with the Conservancy to learn more about our position on the RLSA, please do not hesitate to contact me at (239) 402-4220.

Sincerely,



Nicole Ryan
Governmental Relations Manager

CC: Secretary Thomas Pelham, Florida Department of Community Affairs
Charles Gauthier, Florida Department of Community Affairs

Attachment [found directly below]

Conservancy of Southwest Florida
Technical Document for Collier County Rural Lands Stewardship Area Review Committee
July 1, 2008

An open, public process is extremely important. How will this new proposal be publicly vetted and become part of the overall review of the RLSA?

It is unclear at this time how this new proposal will be incorporated into the RLSA review. The recommendations from this proposal requiring specific policy changes to the Comprehensive Plan should be

considered alongside the policy changes already submitted and all must be reviewed on each policy's individual merit.

Achieving an equitable balance between environmental protection, agricultural uses and development is a hallmark of the RLSA and any proposal must provide specific assurances that it does so. While this plan proposes to give landowners an entitlement for a 50% increase in the potential development footprint in the RLSA, the specific mechanisms for protection of resources need to be defined, along with a thorough assessment of how much additional development could be appropriate.

Balancing the needs of conservation, agriculture and sustainable development has been, and should be, the intent of any proposal or recommendation to modify the RLSA. The crux of this proposal will allow for an increased amount of development in return for potential further incentives to protect the Florida panther. Under this proposal an additional 15,000 acres would be added to the maximum development footprint within the RLSA. Collier County staff has determined that under the existing RLSA program, there is the potential for approximately 30,000 acres of development in the form of SRAs, based on the existing system of 8 credits required for one acre of SRA development. This new proposal would increase the maximum footprint by 50%, according to the proposal's authors, by allowing for a new maximum footprint of 45,000 acres of SRAs.

While the mechanism for allowing this increase in development would be incorporated into the Comprehensive Plan, there needs to also be specific assurances of additional protection for panther habitat in exchange for an increased envelope of development. Without specific mechanisms for assuring the further protection of the panther and its habitat, as well as other critical natural resources such as wetlands, and water quantity, an equitable balance that protects natural resources has not been achieved. In addition, the increase in an already substantial development footprint by any amount will have impacts on transportation, water resources and other infrastructure and must be thoroughly assessed.

The panther habitat assessment methodology that the current indexing system is predicated upon has been substantially revised by the U.S. Fish and Wildlife Service since adoption of the RLSA. The update is based upon more recent scientific literature on the value of certain land cover types as Florida panther habitat. One of the issues that the Conservancy believes should be addressed during this review is updating and revising the RLSA indexing system to incorporate updated best available Florida panther science. Since this would expand the RLSA lands now deemed necessary for the survival of the Florida panther, additional areas would be recognized for their natural resource value and would generate higher base credits. Such increase in base credits would allow for additional acres to be converted from Open Lands to SRAs. However, as this increase in potential development would be directly tied to the protection of Florida panther habitat, such increases could be acceptable.

The Conservancy requests that any increase in the potential SRA development footprint be thoroughly assessed for compatibility with transportation and infrastructure needs. In addition, solid assurances for natural resources protection should be written into the RLSA and Comprehensive Plan, along with the mechanisms to provide a framework for implementation of these policies.

The proposal supports the creation of an Agricultural Preservation category, where currently designated Open Lands within the ACSC would be given 2.6 base credits and Open Lands outside the ACSC would be given 2.0 base credits.

In order to create sufficient credits to allow for 15,000 acres of additional development, the baseline stewardship credits attached to Open Lands would need to be increased. The basis for the current RLSA program is to strip land uses off of those lands with high natural resource value, leaving only agricultural uses on these lands. To date, this has been extremely successful, with 24,126 acres already in approved Stewardship Sending Area (SSA) easements, and another 31,830 acres in pending SSAs. It is also important to note that while these lands are within SSAs, they are also still being utilized for continued agricultural activities. Out of the approved SSAs, 5,260 acres are being utilized for Ag 1 uses, and 19,034 remain in Ag 2 use. The remaining SSA acreage has 651 acres in conservation and 50 acres in earth mining. Thus, the

RLSA and the SSA system have supported the RLSA intent to preserve and protect agriculture from premature conversion to other uses.

While this plan does recognize the importance of the ACSC by elevating the base credits within these lands to 2.6, the areas outside the ACSC are treated the same at 2.0 credits, with no distinction between those lands with higher natural resource value and those without. The Conservancy asks that any recommended changes to the RLSA crediting system tie additional credits on agricultural lands to the underlying natural resource values of the property.

Any RLSA modifications relating to the protection of the Florida panther and other natural resources should not be recommended as policy changes until the proposed scientific review is complete.

While the proposal provides for a Scientific Technical Review Committee to review and provide recommendations on a variety of issues, it does so after the fact and without additional key stakeholders and technical experts, such as the National Parks Service and the Florida Panther National Wildlife Refuge. The Conservancy believes that scientific recommendations should come first and from a team that includes key stakeholders.

The Conservancy is also concerned about the timing of the Scientific Technical Review Committee's completion of their review of the proposal. This Committee is tasked with determining if the policies within this proposal are feasible for the protection of the Florida panther. The committee will be required to support specific policy recommendations prior to the completion of the scientific review. This scientific review will occur over the next three months, with the potential to extend the timeframe if the parties agree. However, the RLSA review committee must proceed with specific policy changes to the RLSA during this same timeframe. A complete package of recommended changes in the form of Comprehensive Plan amendments will begin the review by other committees starting with the Environmental Advisory Council in November (unless the RLSA review committee deems that more time is necessary and all or a portion of the six month extension is utilized).

It is unclear how the RLSA committee will be able to evaluate the merits of the proposed changes in advance of the outcome of the scientific committee's assessment. The Conservancy requests that any proposed change that is subject to the review of this scientific committee not be finalized until the scientific committee has completed their review and it has been presented to all stakeholders and government agencies for a full assessment. Such a position would be consistent with the current RLSA Policy 1.2, which is to create, "techniques and strategies that are not dependent on a regulatory approach, but will complement existing local, regional, state and federal regulatory programs." Any changes to the RLSA must be compatible with state and federal regulations.

The Conservancy believes that no changes in the maximum or minimum acreages of SRAs should be allowed prior to an assessment of all components of SRAs.

As the premise of the RLSA is to create self-sustaining communities, it is important to ensure that sufficient infrastructure and services are required for SRAs. Towns (1,000 to 4,000 acres) are meant to have a full range of housing types, urban level services and infrastructure, including a balance of land uses that reduce automobile trips – the essence of sustainability. Villages (100 to 1,000 acres) are primarily residential communities, with a mixed-use village center and services for the various internal neighborhoods. However, villages do not provide the same extent of infrastructure and services that are required of a town – in other words, they are not as self-sufficient as a town.

We believe that developments over 1,000 acres should continue to be classified as towns, with all of the associated infrastructure, goods and services and other amenity requirements, until such time as a thorough assessment of all forms of SRAs can be completed.

Any proposed change to the SRA acreages should be substantiated by data. We ask that you require such data prior to recommending any changes, and include as part of the assessment:

- Removal of hamlets as a form of SRA,
- The exploration of increasing the allowable size of towns to 5,000 acres, providing that modifications be justified based on sound planning, transportation considerations, infrastructure and sustainability.

Greater specificity is needed regarding the location of future SRAs, including those proposed as part of the 50% increase in the development footprint.

The proposed numbers assigned to the base credits within the proposed new Agricultural Preservation category will be sufficient to entitle 15,000 acres of additional development. What is unclear is whether this amount of additional development is consistent with the desired build-out of the RLSA. Consideration of transportation, essential services, and other infrastructure must be factored into any assessment of increased entitlement for development

The Conservancy recommends that additional specificity be provided as to where future SRAs will be located. Such specificity would provide some of the assurance needed to determine how much additional development would be appropriate for the RLSA, keeping in mind the need to balance uses and ensure future sustainability.

By increasing the development footprint of the RLSA, the proposal apparently includes an expectation that new roads and transportation infrastructure will be built in environmentally sensitive lands to serve the anticipated additional new development. As secondary impacts of the development proposed in this plan, they need to be assessed and accounted for.

New roads should be aligned to avoid impacting environmentally sensitive areas, including areas determined to be important panther corridors or habitat areas. In order to assess the appropriate amount of avoidance and mitigation that will be required, and to determine whether this proposal will provide a net benefit in the protection of panthers and other listed species, these impacts from additional roads and road improvements need to be assessed and accounted for concurrently with this proposed plan.

The Conservancy believes that any proposed transportation plan should be based upon the principle that good land use planning must guide transportation planning. Road networks that are created simply to accommodate new development should not be part of the RLSA. Instead, development must be sited in the most compatible locations, taking into account existing roads, distance to goods, services, employment and other destinations. Such planning will not only be beneficial to protection of natural resources, but cost County taxpayers less money in the future.

APPENDIX D

[1000 FRIENDS OF FLORIDA]

June 29, 2008

Mr. Ron Hamel, Chairman
Rural Lands Stewardship Review Committee
c/o Collier County Government
3301 E. Tamiami Trail
Naples, FL 34112

RE: July 1 Meeting

Dear Chairman Hamel:

We understand that the Committee will hear on Tuesday about a nonprofit/private document that seeks Collier County's approval to expand the development rights and protected corridor areas associated with the existing RLSA. While such consideration is particularly appropriate given your charge in carrying out the required five year review of this program, we believe several issues need to be considered in evaluating such a document. As this program has served as the prototype for RLSAs in Florida, 1000 Friends of Florida is especially interested in following and understanding how it can serve as a successful model for other communities. Please share this correspondence with your Committee members.

As the details of this proposal become public, we will gladly follow up our general comments with more specifics. Based on our discussion with representatives of the Florida Wildlife Federation and Defenders of Wildlife, there appears to be significant potential for improving and preserving panther habitat corridors in this area in exchange for additional development rights. However, we would suggest that the following questions and issues be addressed before any consideration of the transmittal or adoption of the necessary plan amendment(s):

1. How will additional corridor easements (by acreage and location) be linked to development approvals? While we understand that such corridors may not be set aside before development begins, it is clearly necessary that critical pathways be identified and directly tied to the amount of development. What we should be avoided at all costs is a "floating" corridor area that is vaguely identified or determined without limit.
2. Who will determine the level of funding necessary to effectively monitor the resulting easements so that necessary conditions are enforced? Who will hold and administer such funds? Given what we understand will be many thousands of acres placed under easement, funds should be sufficient to retain at least one full-time, dedicated staff person.
3. Development approvals, on an individual unit basis, should be assessed an appropriate fee to both ensure the monitoring of conservation easements and/or the purchase of the most sensitive areas where neither agriculture nor development are appropriate.
4. Has an evaluation and agreement been reached on appropriate and allowable agricultural uses that are consistent with panther movements? We understand a scientific panel for this purpose is being discussed, but it would seem to us that such a committee is critical in the determination of not only appropriate corridors but uses within those corridors BEFORE any judgment can be made as to the suitability of development, conservation or agricultural areas.

Ron Hamel
June 29, 2008
Page 2

5. What capital facilities will be needed to service the additional development anticipated? Are financial feasibility assessments available to ensure no additional costs to existing taxpayers?
6. Have roadway design standards been set (especially if state roads are being impacted) so that appropriate panther crossings are incorporated? What role will FDOT play in such deliberations?
7. What considerations have been made for affordable housing? For the new development to be truly sustainable, it will need to have a range of housing types in order to service retail and commercial employees in particular.
8. We have also read the June 16, 2008, letter from DCA to Mr. Thomas Reese. The observations made in that correspondence raised several important planning issues with which we also concur.

Our recommendation at this point is that the above issues be fully explored as part of your consideration, and especially before any comprehensive plan amendment is submitted. Clearly, answers to these issues will and should directly affect how your award winning RLSA program proceeds. As state previously, we will be happy to provide additional comments once the details of the proposed nonprofit/private document are available. I will mail an original of this correspondence but will have an email copy sent to your staff for distribution. Thanking you for considering our comments, I am

Sincerely,



Charles G. Pattison, FAICP
President and Executive Director

Cc: Randy Cohen, Collier County
Thomas Greenwood, Collier County
Charles Gauthier, DCA



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARUE CRIST
Governor

THOMAS G. PELHAM
Secretary

June 16, 2008

Mr. Thomas Reese
2951 61st Avenue S
St. Petersburg, Florida 33712

Re: Collier County Rural Land Stewardship Area

Dear Mr. Reese:

First let me thank you and the other participants for meeting with Secretary Pelham and Department staff on June 10th to discuss the Collier County Rural Land Stewardship Program. We understand that there have been ongoing discussions between property owners and environmental interests on potential revisions to the program. It is commendable that the parties have worked together on this issue.

During our meeting you introduced several concepts including identification of additional wildlife linkages, an increase in development rights available for transfer through the stewardship credit methodology, modification of controls regarding the form of development, and establishment of a revenue source to support habitat management. It is our understanding that incorporation of some or all of these concepts would require a comprehensive plan amendment.

While the Department is not able to provide formal comment outside of the comprehensive plan amendment process we would like to share several initial observations.

1. We encourage you to work closely with Collier County and its Rural Lands Stewardship Review Committee which is conducting a comprehensive review of the program pursuant to Policy I.22 of the County's Growth Management Plan.
2. An increase in development rights available for transfer raises questions about the adequacy of current development potential, justification for additional land use allocation, consequences on the footprint of development and urban sprawl, and public facility impacts. We recommend that you work within the extent of development rights currently available for transfer.

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850-498-0406 (p) • 850-691-0701 (f) • Website: www.dca.state.fl.us
• COMMUNITY PLANNING 850-498-3100 850-498-3200 (f) •
• HOUSING AND COMMUNITY DEVELOPMENT 850-498-7500 850-498-3622 (f) •

Mr. Thomas Reese
June 16, 2008
Page 2

3. You indicated that an independent biological review of the concepts will be conducted to better understand the impact on wildlife including the Florida Panther. The biological review should take into account the type, location and extent of development that is available through the Collier County Rural Land Stewardship Program and the impact of public facilities necessary to serve the development. The transportation network is of particular concern.

Thank you again for our meeting.

Sincerely,


Charles Gauthier, AICP
Director, Division of Community Planning

cc:

Mr. James Mudd
Collier County Manager
3301 East Tamiami Trail
Naples, Florida 34112

✓ Mr. Randal Cohen
Comprehensive Planning Director
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Mr. Tom Joaca
Burrin Collier Companies
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Naples, Florida 34105

APPENDIX F

CONSERVANCY OF SOUTHWEST FLORIDA SEEKS SUSTAINABLE GROWTH AND NATURAL RESOURCES PROTECTION IN RURAL LANDS

- The Conservancy of Southwest Florida supports effort to promote smart growth, improve protection of natural resources, including the protection and recovery of the endangered Florida panther.
- In November, the Conservancy proposed 20 points of improvement for the RLSA, which should be included in the five-year review process. Most of these points do not appear to be addressed in the proposed panther protection program.
- We note that over the last several days the Crist Administration's Department of Community Affairs and 1,000 Friends of Florida have made important recommendations regarding the RLSA and the proposed plan. We urge the review committee to fully address their points before recommending changes to the Comprehensive Plan.
- Of particular concern for both DCA and the Conservancy, the plan apparently increases development in eastern Collier County by 15,000 acres, from the current Stewardship Receiving Area total of 30,000 to 45,000 acres. This is the equivalent of allowing three additional developments, each potentially with a population of 15,000 to 20,000 people.

The 15,000 additional acres are above what is currently allowed by the existing RLSA program and can be located in most Open areas - regardless of impacts on natural resources such as groundwater recharge, water quality protection, stormwater management and wetland preservation.

- Based on what is known about the proposed plan, it also contains additional mitigation for development in panther habitat, but does not identify the lands to be developed to ensure appropriate avoidance and minimization steps have been taken to reduce impacts to critical natural resources. Additionally, without knowing the location of the development, it is not possible to quantify the degree of impact, or the mitigation that would be necessary to offset those impacts.
- Villages will continue to be allowed within the Area of Critical State Concern (ACSC) and those villages outside the ACSC could increase in size by 50%. The Conservancy supports eliminating Stewardship Receiving Areas in the ACSC, and believes that the Village threshold outside the ACSC should remain at current level to ensure new development in Eastern Collier County is self-sufficient and sustainable.
- New roads and transportation infrastructure will be required to serve the needs of the additional development, and should be required to be sited such as to appropriately avoid and minimize impacts to environmentally sensitive areas. This additional infrastructure needs to be fully addressed so that this does not create an undue burden on the taxpayers.
- In summary, the proposal should provide where development will take place and which natural resource areas will be protected – as well as result in a plan which will ensure that sustainable growth, natural resources conservation and panther protection will be achieved. We look forward to participating in the public processes, including the RLSA review, as this proposal is evaluated to ensure that our unique natural environment and quality of life is preserved.

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APPENDIX G

RURAL LANDS STEWARDSHIP AREA "MATURITY"
[EXISTING RURAL LANDS STEWARDSHIP AREA OVERLAY]

Directed by: Thomas O'Brien, AICP, Principal Planner
Culter County Comprehensive Planning Department
September 8, 2008

- 1. SBA 1-4 & 14 approved potential credits as of 8/14/2008
- 2. RLBA SBA stewardship credits generated as of 8/14/2008 (Town of Ave Maria SBA #1)
- 3. Stewardship approved Credits Pending 2-4 Restrictions, SBA 1-4 & 11
- 4. Stewardship Approved Credit Balance (SBA 1-4 & 11)

EXISTING STEWARDSHIP CREDIT, ADOPTED AND POTENTIAL AREAS (Under
EXISTING RLBA OVERLAY AS OF 8/14/2008)

S. CREDIT	ADDED CREDIT
73,000	(Approved credits)
39,000	(Credits used to purchase SBA #1...Town of Ave Maria)
14,300	(Credits not yet earned due to lack of maturity)
44,800	(Note: 14,300 credits of these credits are not earned as of 8/14/2008)

POTENTIAL STEWARDSHIP CREDIT AREAS (Under
EXISTING RLBA OVERLAY)

E. CREDIT

- 7. Potential Stewardship Credits from FSA, NFA, and SBA identified acreages
(includes 100% property owner participation)
FSA balance as of 10/20/08... 21,004 acres
NFA balance as of 7/20/08... 20,042 acres
SBA balance as of 7/20/08... 17,300 acres
Total... 58,346 acres x 3.30 credit/acre
* 1.00 credit/acre was determined by SBA 1-4;
4.00 credit/acre is projected for currently pending SBA;
1.30 credit/acre is projected for future SBA;
1.30 credit/acre is the average and is used in this calculation.
- 8. Potential Potential Stewardship Credits from 25.25 acres of "Open", identified
acres not in SBA or SBA
(Approx 80% of open land will be placed in SBA... 20,215 acres x
20% x 3.3 credit/acre (3.3 credit/acre is based upon average RW value of 0.000 14400)
- 9. Total Potential Potential Stewardship Credits from all various lands
(Total of lines 7 and 8)
- 10. Total Potential Potential Credit balance and potential future Credits
(Total of lines 4 and 9)

210,870

1,412

212,282

281,918

EXISTING AND NEW POTENTIAL STEWARDSHIP CREDIT AREAS
(Under EXISTING RLBA OVERLAY)

CREDIT CONSUMER	ADDED DEVELOPER	P. Credits Units	Population
20,000	5,027	11,000	23,325
200,100			
	10,013		
		90,000	
			101,000
100,701	45,040	101,000	213,325

- 11. Approved SBA... Town of Ave Maria SBA (in addition
based upon 8/14/2008 revision)

10. Potential New Stewardship Credit Areas
considered to be:

- a. 10% of SBA open acreage will be used for "public benefit uses" with
this acreage is not required to contribute 64000 per the LDC;
- b. SBA will require 8 stewardship credits to 10000 (20 development of one acre of land;
- c. average dwelling unit size of 1.5 persons/dwelling unit with 60% occupancy (same as SBA #1);
- d. average density of 3.3 dwelling units/acre (2.10 for Ave Maria and 2.42 for Big Cypress)
- a. Stewardship Credit equivalent based upon 301,010 credits available (existing balance + potential)
(20,000 credits x 1.1 (to account for "public benefit uses")
which do not receive 64000)
- b. Stewardship Resolving Areas (SBA, 101 credit/acre credits per acre for SBA credit/acre)
- c. Number of Dwelling Units (2.5 dwelling units per gross acre in SBA based
upon that used for the Town of Ave Maria and proposed Town of Big Cypress)
- d. Projected Population of new SBA at buildout (assuming 2.0 persons
per dwelling unit) will be 60% average occupancy)

- 11. Total Potential for Town of Ave Maria SBA and Future SBA areas, the existing RLBA Overlay (RLBA OVERLAY MATURITY)

11. SUMMARY

Under the existing RLBA Overlay, over 1000 open 0 years' experience, the following is projected when
the Rural Lands Stewardship Area has matured:

- A. SBA, 41,000 acres or 22.0% of the original 182,304 acres of privately owned lands in the RLBA would
be in Stewardship Resolving Areas and developed as compact urban developments.
- B. SBA, 14,300 acres of 25.25 (170,701 credits/2.25 ac./ac.) of the original 182,304 acres of privately owned
lands would be permanently protected from development by SBA, FSA, NFA, and Open lands.
- C. Privately Owned Lands Outside SBA and SBA 40,700 acres or 22.3% of the original 182,304 acres of
privately owned lands in the RLBA would not be within either SBA or SBA. If this 40,700 acres developed
under the underlying Agricultural Zoning of 1 dwelling unit 5 acres, the following could be expected:
No credits 40,700 1,340 19,000
- D. Public Lands: The total amount of lands in public ownership established at 10,000 acres or
the amount of the RLBA, is unknown. However, public ownership increased by 200 acres to 10,200 acres
between 2002 and 2007 and more public land acquisitions are planned by the Lake Wales Board.
It is assumed that public land acreage will increase significantly prior to RLBA Overlay maturity, both
within and outside of the SBA and SBA.

**RURAL LANDS STEWARDSHIP AREA "MATURITY"
[PROPOSED RURAL LANDS STEWARDSHIP AREA OVERLAY]**



TO: Tom Greenwood
FROM: WilsonMiller
DATE: September 18, 2008
SUBJECT: Estimates of Stewardship Credits under the current and revised RLSA Program and recommendation for Credit calibration

As requested, we have reviewed the RLSA Credit System to estimate and compare the potential credits that can be generated under the current RLSA Program and under the RLSA as it may be revised in accordance with the Collier County Rural Lands Stewardship Area Review Committee's (CCRLSARC) discussions.

EXECUTIVE SUMMARY:

- A. The currently adopted RLSA Program is estimated to produce a total of 315,000 Stewardship Credits assuming 100% property owner participation. These Credits would entitle a maximum of 43,312 SRA acres, including allowance for public benefit uses. Approximately 43,700 acres of Open designated land would remain with baseline rights, and some or all of this land could potentially be converted from Agriculture to development at 1 unit per 5 acres (or other permitted baseline uses).
- B. Three proposed modifications to the RLSA Program have been conceptually approved by the CCRLSARC, including Agriculture Credits, Panther Corridor Credits, and Tiered Restoration. Should the three modifications described above be adopted without further changes, and again assuming 100% property owner participation, including all Open designated land outside of SRAs being placed into Agriculture SSAs, the program is estimated to produce 421,000 Credits and 57,888 SRA acres.
- C. With certain recommended adjustments to the RLSA Credit system further detailed in this report under Section 3, including a change from 8 Credits per SRA acre to 10 Credits per SRA acre, the RLSA Program would produce a total of 404,000 Credits. All remaining Open designated land is assumed to be within Agriculture SSAs. This number of Credits would fall within an appropriate range to comply with the proposed cap of 45,000 SRA acres, as further detailed below.
- D. Conclusion: The proposed modifications to the RLSA Program, coupled with recommended adjustments set forth herein, will meet the Goal and Objective of the RLSA and will reduce the potential total development footprint by nearly 50%.

METHODOLOGY AND RESULTS OF ANALYSIS

The methodology and results for this analysis are described below and all Credit estimates have been rounded to the nearest 1,000. Please note that we have used a different methodology (described in detail below) than the County to arrive at an estimate of potential Credits and development acres at maturity under the current program, but the results are comparable (315,000 Credits compared to 316,761 Credits).

1. CURRENTLY ADOPTED RLSA PROGRAM

Base Credits

Base Credits are the Credits generated by use of the Natural Resource Index and Land Use Layer System. They are created from FSAs, HSAs, WRAs and Open lands that are designated as SSAs by the property owners. To estimate the total potential Base Credits, we performed a model run of the NRI values and current mapping of AG1 and AG 2 land uses as recently adjusted during the Stage 1 process. We have assumed that all FSAs, HSAs and WRAs become SSAs with land use layers removed down to current AG1 or AG2 use. We have applied this model to all of the FSAs, HSAs and WRAs lands regardless of whether they are in approved SSAs or not. We then compared the modeled credits to actual SSA Base Credits generated from SSAs 1-13, and this analysis shows that actual Base Credits in these approved SSAs are approximately 15% greater than the model due to the inclusion of more site specific data, such as listed species surveys which have enabled a greater level of accuracy in calculating NRI values. However, we expect this variance will be less going forward based on the composition of future SSAs being more heavily weighted toward WRAs. Therefore we applied an adjustment factor of 10% to the model derived Base Credits (116,329). The rounded total estimate is 128,000 Base Credits.

Restoration Credits

Restoration Credits are generated by application of Policy 3.11. Because these Credits are dependent on site specific conditions that require detailed evaluations and restoration planning and permitting by each property owner, as well as successful implementation, it was not possible to estimate these Credits at the inception of the RLSA Program. We now have 5 years of actual data from 13 SSAs that we can use to estimate the use of the restoration program.

Notwithstanding, the same variables of site specific conditions, owner decisions, and permitting requirements will still apply to future restoration. For this estimate, the following approach has been used:

Total acres of FSA, HSA, and Restoration Zone within RLSA:	73,000
Acres of planned restoration, SSAs 1-13:	12,000
Acres deemed not suitable for restoration, SSAs 1-13	21,000
Maximum eligible acreage for future restoration:	40,000

For SSAs 1-13, approximately 29% of the total acreage is proposed for restoration. Assuming that the same percentage applies to the 40,000 acres that are eligible for future restoration, 11,600 additional acres would be restored ($40,000 \times 0.29 = 11,600$). The projected additional restoration credits generated under the current system would be approximately 78,000 credits, as shown in the table below:

System	Potential Restoration (Acres)	Estimated Restoration (Potential acres x 29%)	Restoration Credits (credits/acre)	Estimated Credits
Camp Keels	13,000	4,350	8	34,800
OK Slough	25,000	7,250	8	43,500
TOTAL	40,000	11,600	N/A	78,300

The total estimate for restoration credits under the current system is:
 Approved restoration credits (SSAs 1-9, 11): 28,000
 Pending restoration credits (SSAs 10, 12, 13): 54,000
 Estimated future restoration credits (rounded): 78,000
Total restoration credit estimate for current system: 160,000

Early Entry Bonus Credits

RLSA Policy 1.21 provides for a maximum of 27,000 Early Entry Bonus Credits. These Credits are available until January 2009, at which time they are no longer available.

Potential Credits and SRA acres under currently adopted RLSA Program

Base Credits:	128,000
Restoration Credits:	160,000
Early Entry Bonus Credits:	27,000
Total Credits:	315,000 Credits

SRA Acres at 8 Credits per acre:	39,375 Acres
Public Benefit Acres estimated at 10%:	3,937 Acres
Total SRA Acres:	43,312 Acres

Remaining Baseline development potential

Open Land not included in SRAs or SSAs	
ACSC Open Land	15,000 Acres
Non ACSC Open Land	28,700 Acres
Total remaining Open Land	43,700 Acres

2. PROPOSED RLSA MODIFICATIONS

Three proposed changes to the RLSA Program have been conceptually approved by the CCRLSARC that would change the Credit estimates described previously. Two are new credit categories that resulted from the Florida Panther Protection Program, and the third is a proposed modification to the Restoration Credit system.

Agriculture Credits

These Credits result from a property owner agreeing to eliminate non-agricultural uses from Open designated land and are an alternative to development under baseline zoning rights. Our estimates are calculated based on the acreage of privately owned Open designated land in the ACSC not already included in approved SSAs (approximately 15,000 acres) at 2.6 Credits per acre yielding 39,000 Credits, and privately owned Open designated land outside of the ACSC (approximately 72,000 acres), less the amount of potential SRA acres proposed under the Florida Panther Protection Program (45,000) and less the acreage of a potential Panther Corridors on such Open Lands (approximately 1,300 acres) and miscellaneous land (700 acres). This results in an estimated 25,000 acres of Agriculture outside of the ACSC at 2.0, or 50,000 Credits. Therefore, the rounded total estimate is 89,000 total Agriculture Credits.

Panther Corridor Credits

Panther Corridor Credits result from a property owners agreeing to designate land and construct improvements to implement the north and south Panther Corridors referenced in the Florida Panther Protection Program. These corridors will require the use of both Open Lands and WRAs. We currently estimate approximately 1,300 acres of Open land and 1000 acres of WRA land in the north and south corridors would be required for a total of 2,300 acres at 10 Credits per acre, or 23,000 Panther Corridor Credits. It is possible for these acreages to be more or less, and the viability of these corridors is currently under review by the Florida Panther Protection Program Scientific Technical Review Committee.

Tiered Restoration Credit Estimates

The proposed tiered restoration system is a modification to the current program to better define the type and relative value of different restoration types. For this estimate, we assume that 11,600 acres within future SSAs are 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). For this analysis, we also assume that approved and pending SSAs will be considered as vested under the current program, and that future SSAs will use the tiered system. The calculations are as follows:

Restoration Type	Acres	Credits per Acre	Restoration Credits
Panther Habitat	600	10	6,000
Caracara	2,750	4	11,000
Exotic Control/Burning	2,750	6	16,500
Flow Way	2,750	6	16,500
Native Habitat Rest.	2,750	8	22,000
Total	11,600	N/A	72,000

The total estimated restoration credits with implementation of the tiered system for future SSAs are shown below:

Approved restoration credits (SSAs 1-9, 11):	23,000
Pending restoration credits (SSAs 10, 12, 13):	54,000
<u>Estimated future restoration credits:</u>	<u>72,000</u>
Tiered Restoration Credits:	154,000

These restoration estimates are subject to variation based on site specific analysis for restoration suitability, decisions made by the property owner, approval by the County and permitting agencies and successful restoration implementation.

Potential Credits and SRA acres under a revised RLSA Program

Should the three modifications described above be adopted without further changes, there would be the following resulting Credits and SRA acres:

Base Credits:	128,000
Restoration Credits:	154,000
Early Entry Bonus Credits:	27,000
Agriculture Credits:	89,000
<u>Panther Corridor Credits:</u>	<u>23,000</u>
Total Credits:	421,000 Credits

SRA Acres at 8 Credits per acre:	52,625 Acres
<u>Public Benefit Acres at 10%:</u>	<u>5,263 Acres</u>
Total SRA Acres:	57,888 Acres

Remaining Baseline development potential

Open Land not included in SRAs or SSAs 0 Acres

3. ADJUSTMENTS TO ACHIEVE 45,000 ACRE SRA CAP

The Florida Panther Protection Program has called for a cap of 45,000 SRA acres in the RLSA, and should this cap be reflected in the revised RLSA Program, certain adjustments will be necessary so that the RLSA Credit System will produce sufficient Credits to entitle a potential 45,000 acre SRA scenario, without leaving a substantial number of excess Credits. The following items are recommended:

1. The cap of 45,000 SRA acres will include public benefit acres.
2. The proposed Tiered Restoration System will be used for all future SSAs.
3. No extension of the Early Entry Bonus Program beyond January 2009. Approximately 7,000 EEBs not included in approved or pending SSAs will be eliminated.
4. A change in the SRA Credit Ratio from 8 Credits per SRA acre to 10 Credits per SRA acre for Credits generated from any future, non-vested SSAs.
5. SSA vesting will be applied as follows:
 - a. All approved SSAs (1 -9, 11) would be vested at the 8 Credit per SRA acre ratio and in accordance with the restoration programs set forth therein. This represents a total of 73,488 credits. Any SRA acres entitled with these Credits will be computed at the current 8 Credit per acre ratio. This includes Credits and SRA acres already approved for and applied to the Town of Ave Maria.
 - b. Proposed SSAs 14, 15, and 16 would be vested at the current 8 Credit per SRA acre ratio to the extent required to entitle the proposed Town of Big Cypress DRI/SRA. These SSAs will include restoration designation credits at the current rate of 4 per acre in the Camp Keais Strand. Total restoration credits per acre will not exceed the level provided under the new tiered system as approved. This represents an estimated total of 24,000 Credits and 3,000 SRA acres.
 - c. Proposed SSAs 10, 12, and 13 will continue to be processed and approved under current adopted standards (8 Credits per SRA acre and non-tiered restoration). Should all of the proposed modifications be approved, the owners of these SSAs will agree to subsequently amend these SSAs to adjust to the 10 Credit per SRA acre ratio and tiered restoration system following approval and adoption of these new standards. This would reduce the estimated restoration credits by 10,000. Should the proposed modifications not be adopted, these SSAs will not be amended.
6. All new SSAs will conform to the new adopted standards.

With these adjustments, the following table shows the resulting number of Credits and potential SRA acres:

Estimated Credits (assuming full property owner participation):

Base Credits from all NRI based SSAs	128,000
Early Entry Bonus Credits (upon phase out)	20,000
Restoration Credits	144,000
Agriculture Credits (40,000 acres)	89,000
Panther Corridors (assumes 2,300 acres)	23,000
Total Estimated Credits	404,000

Projected SSA supply of Credits

SSAs 1-9, 11 Vested Credits (approved)	73,488 credits
<u>SSAs 14-16 Vested Credits (estimated)</u>	<u>24,000 credits</u>
SSA Credits vested at 8 Credits per SRA acre	97,488 credits
Remaining SSAs at 10 Credits per SRA acre	306,512 credits

Projected SRA acres assuming all Credits are used:

SRA acres entitled at 8 Credits per acre	12,186 acres
<u>SRA acres entitled at 10 Credits per acre</u>	<u>30,651 acres</u>
Subtotal of Credit entitled SRAs	42,837 acres
<u>Public benefit acres estimated at 10%</u>	<u>4,283 acres</u>
Total potential SRA acres	47,120 acres

Remaining Baseline development potential

Open Land not included in SRAs or SSAs	0 acres
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Credit estimates and excess Credits

The total supply of Credits entitles less than 45,000 acres of SRAs, but estimated public benefit acres must also be considered. Because the RLSA is a voluntary, market based system and these estimates assume 100% property owner participation in the RLSA Program, and each category of estimate has a range of assumptions built in to the estimated number, it is advisable to allow for some variance. The above estimates result in sufficient Credits that, together with public benefit acres, provides for an approximate 5% variance in total potential SRA acres. There are a number of factors that could offset this potential "excess" including but not limited to: less than 100% participation by all property owners in the RLSA, less than 10% public benefit acres, purchase of land and/or Credits by a publicly funded conservation program, less than 100% success rate in restoration implementation, and lack of market demand for all of the potential Credits.

4. COMPARISON OF ALTERNATIVES

The following three tables illustrate the land use summaries at full utilization using the current and revised and recalibrated programs. With the proposed revisions, the acreage of potential SRAs increases nominally from 43,300 acres (Tables 4.1 and 4.2) to 45,000 acres (Table 4.3). However the potential development footprint of Open Land converted to baseline development could be reduced dramatically, depending on the use of the new Agriculture Credit. Table 4.1 shows 100% of Open Lands converted to baseline uses under the current program and Table 4.3 shows 100% of Open Lands placed in Agriculture SSAs under the revised program.

We do not expect that all of the Open land outside of SRAs would be converted to baseline development under the current program. Market incentives that favor well planned, compact, mixed use communities with a wide range of housing options served by high quality infrastructure and services would satisfy most of the demand for new homes in the RLSA. In addition, Golden Gate Estates already offers a significant supply of 2.25 to 5 acre lots without such services for those that prefer this alternative.

Table 4.2 shows a more realistic scenario for comparison, where 10% of ACSC Open lands are converted (based on ACSC regulations limiting site alterations to 10% of any site) and 25% of non ACSC Open Lands are converted. Comparing Table 4.2 and Table 4.3 still demonstrates that the potential development footprint is reduced by approximately 7,000 acres using the revised RLSA system.

Table 4.1: Current RLSA Land Use Summary at full utilization with 100% baseline conversion		
	Acres	% of Total
NRI based SSAs	92,000	
SSA Subtotal	92,000	47.0%
Open Land conversion to baseline rights SRAs	43,700	
Potential Development Footprint	87,000	44.4%
Public Land and Miscellaneous	16,846	8.6%
Total RLSA	195,846	100.0%

Table 4.2: Current RLSA Land Use Summary with partial baseline conversion		
	Acres	% of Total
NRI based SSAs	92,000	
SSA Subtotal	92,000	47.0%
ACSC Open Land conversion at 10%	1,500	
Non ACSC Open Land conversion at 25%	7,175	
SRAs	43,300	
Potential Development Footprint	51,975	26.5%
Open Land remaining in Agriculture	35,025	17.9%
Public Land and Miscellaneous	16,846	8.6%
Total RLSA	195,846	100.0%

Table 4.3: Revised and recalibrated RLSA Land Use Summary at full utilization		
	Acres	% of Total
NRI based SSAs	92,000	47.0%
Agriculture SSAs	40,000	20.4%
Panther Corridors	2,300	1.1%
SSA Subtotal	134,300	68.5%
Potential Development (SRAs)	45,000	23.0%
Public Land and Miscellaneous	16,546	8.5%
Total RLSA	195,846	100.0%

Under the revised and recalibrated RLSA, in addition to agricultural uses retained on the majority of 92,000 acres of NRI based SSAs, 40,000 additional acres of agricultural land are protected as Agriculture SSAs. Two important Panther corridors are also incentivised.

It should also be noted that current RLSA Policy 4.10 requires a minimum of 35% of each SRA to be open space. As a result, a minimum of 15,750 acres of the total 45,000 acres of SRA will be open space, and a maximum of 29,250 acres will be developed land. This results in a net developed footprint equal to 15% of the total RLSA acreage.

APPENDIX I

RECENT NEWSPAPER ARTICLES CONCERNING THE RURAL LANDS STEWARDSHIP AREA

By ERIC STAATS ([Contact](#))

Originally published 4:30 p.m., Saturday, December 6, 2008

Updated 4:30 p.m., Saturday, December 6, 2008

NAPLES — A glimpse of what build-out might look like in eastern Collier County is revving up the debate over changes to the county's rural growth plan.

Critics of the plan have seized on a map _ labeled "conceptual build-out roadway network" _ as proof of a future of overdevelopment, but landowners allied with some environmental groups say the map shows the way to unprecedented preservation.

The map is gaining public attention just as a citizens committee is wrapping up a year's worth of work on revisions to the 2002 landmark growth plan.

The plan is set to go through the first of two rounds of review by the county's Environmental Advisory Council (EAC) and Collier County Planning Commission in January.

EAC member Judith Hushon referred to the build-out map last week in urging county commissioners to not skimp on review time.

"This is scary," Hushon told commissioners. "We have to do it right."

Landowner consultant WilsonMiller submitted the map last month to the county's transportation planning department.

It shows a grid of two- to six-lane roads crossing farm fields and natural areas, most of which scientists have designated as habitat for endangered Florida panthers.

The network of roads connects 22 dots, each representing the "theoretical location of a quantity of development," WilsonMiller senior project manager Jeff Perry said.

The map also plots locations for nine panther crossings beneath new roads and shows splotches of land for panthers to use to travel between preserves.

County road planners asked for the map to help the county complete its own countywide build-out analysis, but it has taken on a life of its own outside the arcane world of traffic modelers.

The map had gotten enough attention to prompt Perry to write a Dec. 2 memo to Collier County Transportation Planning Director Nick Casalanguida in an attempt to correct what he said are misconceptions about the map.

For example, the original version of the map called each of the 22 dots "Town Nodes," which Perry said don't necessarily equate to new towns.

Instead, each dot represents an amount of traffic that is plugged into the transportation model at that spot in the road network, Perry said.

Every dot doesn't equate to a new town, which could be up to 5,000 acres under the new plan; in fact, at least one of the dots marks the potential spot for a 100-acre new development.

Map makers issued a second version of the map last week that changes the map legend to refer to the dots as "TAZ Centroids" instead of "Town Nodes." TAZ stands for traffic analysis zone.

The name change doesn't change the mind of Conservancy of Southwest Florida government relations manager Nicole Ryan.

"Call them what you want, that's a lot of development scattered across the rural area," Ryan said last week.

Florida Wildlife Federation field representative Nancy Payton said critics are focusing on the wrong part of the map.

She said a map of eastern Collier County is bound to include growth; what is noteworthy is the preservation that will come with it under the plan.

"This represents an effort to get growth further under control in the eastern Collier area," Payton said.

A "worst-case blood map" _ a reference to the size of red areas depicting development potential _ once told the story of eastern Collier County's future, Payton said.

Then, in 1997, the state Department of Community Affairs, backed by the Florida Wildlife Federation and the Collier County Audubon Society, filed a legal challenge saying the county wasn't doing enough to protect wetlands and wildlife.

An administrative law judge agreed and, in 1999, then-Gov. Jeb Bush and the Cabinet ordered a rural building moratorium and interim environmental rules while the county undertook a three-year rewrite of its growth plan.

The result was the Rural Land Stewardship Area, a voluntary program created by landowners to comply with the Cabinet order.

Under the program, landowners can agree to preserve natural areas in return for getting credits to build new towns and villages on less environmentally sensitive areas.

The program, which applies to almost 200,000 acres around Immokalee, envisioned a potential future that held development to 94,000 acres.

So far, landowners have preserved or proposed to preserve about 54,000 acres under the program, creating credits to build the new town of Ave Maria and lay the groundwork for a second new town called Big Cypress along a realigned stretch of Oil Well Road and an extension of Randall Boulevard.

The citizens review committee is proposing to give landowners a chance to get more credits under a new system that would preserve agriculture, create travel corridors for panthers and set up a new tier of credits for environmental restoration.

At the same time, landowners have agreed to cap the development area in eastern Collier County at 45,000 acres.

The Conservancy, though, runs the numbers differently.

The 2002 program created enough credits for 16,800 acres of development, Ryan said, citing documents circulated at the time.

So the 45,000-acre cap actually is nearly a three-fold increase in development potential _ not a cutting in half from 94,000 acres, she said.

Payton said the Conservancy doesn't account for potential development by landowners who don't participate under the 2002 plan.

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Payton said the Conservancy doesn't account for potential development by landowners who don't participate under the 2002 plan.

The new system of development credits, she said, increases the incentive to landowners to participate in the program and hold development to 45,000 acres.

Payton acknowledged that the panther corridors shown on the build-out map are "kind of skinny and awkward."

"At least it's a starting point for discussion," she said.

A panel of scientists is reviewing the county's plans for preservation in eastern Collier County, including the panther travel paths.

One of the two corridors juts north from Oil Well Road, about four miles east of the entrance to Ave Maria and two miles east of where a vehicle hit and killed a female panther Nov. 29.

So far this year, 10 panthers have died in vehicle collisions compared to 14 collision-related deaths in 2007.

About 100 panthers survive today in the wild, up from an estimated 30 animals 20 years ago, according to state figures.

An increase in deaths is partly due to increased numbers of panthers, Florida Fish and Wildlife Conservation Commission biologist and panther team leader Darrell Land said in a statement last week about the panther deaths.

Land and Conservancy panther expert David Shindle are on the science review panel.

"In spite of the modest increase in numbers, every cat remains important to the survival of the species in the wild," Land said in the statement.

On The Mark: Faster process means more mistakes

By **MARK STRAIN** ([Contact](#))

4:49 p.m., Wednesday, November 19, 2008

For a long time, Collier County has been a hot real estate market, and during the continuous spiral upward to build everything as fast as we possibly could, the cry was constant to make sure growth paid for growth as much as was legally permissible. At the same time, numerous restrictions were added to our development codes, in an attempt to provide some level of control when even the highest impact fees did not deter the staggering growth within the real estate market. While the market has changed quite a bit, we still should not lose sight of what our concerns were during the rapid period of growth and what caused those concerns. Since the market has slowed significantly and is predicted to remain slow for quite a while, now is a perfect time to review issues and provide clarity where it may be missing in our long-term planning.

With so much of Collier County built out, especially within our urban areas, it is difficult to adjust land regulation on existing improvements that would alter the existing rights of property owners. But not all of Collier County is developed and, in some areas, we have the ability to assure we do not end up with a haphazard plan that lacks clarity and the ability to definitively plan where new towns, projects and facilities of all kinds may go. How many times have we wished that our planning had adequately addressed necessities like road corridors, town centers, utilities, mass transit, schools and numerous other elements that were not shown on any master countywide plan, but merely added as words in a paragraph that were later subject to obscure legal interpretation purposely driven by the special interests that added the language in the first place.

In the late 1980s, during the compilation of our current countywide comprehensive plan, the public meetings were usually attended by attorneys, making sure the proposed and adopted language adequately protected their clients. We have lived with that document for nearly 20 years although, ever-so-slowly, some changes have been made. We are again at a moment in time when a segment of the plan is undergoing changes; this time specifically addressing approximately 200,000 acres of rural land in the eastern areas of our county.

This is a huge area that includes productive agricultural lands and tremendous natural areas that are some of the most environmentally sensitive to be found in our county. The owners who are farming and ranching on their properties are generally known for being good stewards of their lands, not only for the agricultural activities that put food on the table, but also for maintaining diversity of the wildlife and vegetative areas. Farming does not always mean bulldozing down the natural vegetation, draining the land and turning everything into a sterile monoculture.

Five years ago, Collier County adopted changes to our growth planning for this rural area. The changes were experimental, so a mandatory five-year reassessment was built into the process. That review is currently being undertaken by a committee appointed by the Board of County Commissioners. As was evident when our comprehensive plan was written in the 1980s, this rural review is also having to deal with special interests. A recent request was made that the committee modify their previous commitment to the public review process in a manner that would most certainly reduce the public's ability to have input into the development of this land planning process.

Instead of providing an analysis and public discussion of the rural lands stewardship area as initially established, the committee was convinced to go directly into rewriting the growth management plan language from five years ago. This was done after the committee had previously and specifically committed to a public discussion of many pages of questions presented to it that reflected concerns over the impacts of the existing stewardship program.

The reason given for doing this was for faster processing of changes the committee will be recommending.

We are in a recession. Locally, we have thousands of unsold and foreclosed units. Numerous major projects, including some in the rural area, have been put on indefinite hold. There is simply no need to rush on anything, especially when it reduces the public review process. Rushing through something as important as our future growth planning cannot possibly provide us with the best possible results. The development standards for 200,000 acres are being considered and the process dramatically affects the future of Collier County. If the proposed changes are best for agriculture, the environment and the county as a whole, they will withstand public scrutiny. By reducing the public's interaction, any changes made will be forever suspect.

By ERIC STAATS (Contact)

Originally published 9:18 p.m., Tuesday, October 28, 2008

Updated 9:18 p.m., Tuesday, October 28, 2008

NAPLES — A proposal to speed up a review of Collier County's landmark rural growth plan moved forward Tuesday over the objections of an environmental group. The new schedule, which rural landowners proposed, would consolidate two rounds of reviews by the Environmental Advisory Council and the Collier County Planning Commission into one review with an eye toward sending proposed growth plan changes to state regulators in spring 2009. The changes could be adopted by fall 2009 under the new schedule. Under an old schedule, the Environmental Advisory Council and the Planning Commission would have reviewed a so-called Phase II report and then, in a second round of reviews, vote on growth plan changes. That could have pushed adoption of the changes until 2011, under one scenario. A citizens committee appointed by Collier commissioners to review the 2002 plan approved the new schedule Tuesday.

The Conservancy of Southwest Florida objected to the new schedule on the grounds that it would short-circuit public review. "What's the hurry?" Conservancy government relations manager Nicole Ryan asked the citizens review committee Tuesday. "We want to do this right." Ryan said her group had been promised during a first phase of the review that "fundamental questions" about the 2002 plan would be answered during a Phase II report. The new plan inappropriately jumps ahead to reviewing a host of individual growth plan amendments, Ryan said.

The new schedule is not intended to avoid a full review of the 2002 plan; it is meant to save time and avoid duplicative advisory board meetings, said Alan Reynolds, CEO of land planning and engineering firm WilsonMiller and a consultant to the Eastern Collier Property Owners. Under the old schedule, it would take four years to complete a review triggered by the five-year anniversary of the 2002 plan. "I just don't think that makes any sense," Reynolds said. Under the new schedule, the next step is to go to county commissioners in January to initiate a special growth plan review cycle instead of waiting until the end of a first round of advisory committee reviews in April. In an Oct. 22 memo outlining the new schedule, Reynolds writes that WilsonMiller needs assurances that the county intends to move forward with growth plan changes because

"county staff intends to rely upon WilsonMiller to help complete the data and analysis" to convince state regulators to approve the changes. Going directly to commissioners first also will "give clearer direction and context" to the advisory board reviews, Reynolds wrote in his memo.

The citizens committee already has met two dozen times since November 2007 and is wrapping up its review of the 2002 plan. The plan, the product of a legal challenge filed by the state Department of Community Affairs and backed by the Florida Wildlife Federation and Collier County Audubon Society, applies to almost 200,000 acres around Immokalee dubbed the Rural Land Stewardship Area, or RLSA. Landowners have preserved more than 24,000 acres and have proposed another 30,000 acres for preservation in the RLSA, according to county figures. Credits have been used to build the new town of Ave Maria, and a second new town, Big Cypress, is on the drawing board.

The citizens committee is recommending giving landowners additional development credits for preserving agriculture and travel corridors for endangered Florida panthers and is recommending a new range of credits for other environmental restoration. The committee is recommending capping new towns to more than 45,000 acres around Immokalee.

Environmental Advisory Council members at Tuesday's meeting objected to the new schedule. EAC Chairman William Hughes and committee members Judith Hushon and Noah Standridge attended that meeting. The state's open meetings law, known as the Sunshine Law, prohibits two or more members of the same board from meeting to discuss matters that could come before their board unless the meeting is publicly noticed, held in a public place and minutes are taken. Hughes and Hushon spoke in opposition to the new schedule Tuesday while Standridge was in the room. Whispering to Hughes before he spoke, Assistant County Attorney Jeff Wright reminded Hughes of the Sunshine Law, but Hughes spoke anyway. He acknowledged Hushon's presence, but otherwise the three EAC members did not talk to each other during the meeting. A May 2008 opinion from former County Attorney David Weigel, as general counsel to the attorneys' office, states that one-way communication from one board member to another would not violate the Sunshine Law.

By ERIC STAATS (Contact)

7:37 p.m., Tuesday, September 23, 2008

New towns would take up no more than 45,000 acres around Immokalee under a proposal that won approval from a citizens review committee Tuesday. Large landowners had committed this summer to the cap to quell criticism that revisions to the county's 2002 rural growth plan were setting the stage for growth to overrun the environment, including habitat for endangered species such as the Florida panther.

Collier County adopted the 2002 plan, which applies to almost 200,000 acres known as the Rural Land Stewardship Area, in response to a slow-growth order from then-Gov. Jeb Bush and the Cabinet in 1999. Under the voluntary plan, landowners get development credits for setting aside land for the environment. Landowners can sell or use the credits to build new towns. The plan laid the groundwork for the new town of Ave Maria and Ave Maria University, and a second new town of Big Cypress is on the drawing board.

The citizens committee has recommended giving landowners additional development credits for preserving agriculture and panther travel corridors and has recommended a new range of credits for other environmental restoration. Landowners, though, are proposing to rein in the credit system by requiring more credits per acre of development than under the 2002 plan.

The cap was not an easy sell at Tuesday's citizens review committee meeting. Committee member Bill McDaniel, a mining contractor, said he is wary of the cap. "It tends to lead folks down the rosy path to nowhere," McDaniel said. He eventually voted in favor of the cap after other committee members argued the cap was necessary to strike a balance between preservation and growth. Without the cap, the new system of development credits would allow up to 58,000 acres of new towns, according to a landowner analysis. "I don't know how palatable that is in a lot of quarters," Barron Collier Cos. vice president Tom Jones, a review committee member, said.

The sole vote against the cap came from Collier County Audubon Society policy advocate Brad Cornell. He objected to the 45,000-acre cap not including growth that might occur outside of new towns by landowners who do not participate in the

credit system. Supporters of the cap said the plan has enough incentives to ensure that most landowners will use the credit system and so be counted in the cap.

By ERIC STAATS (Contact) NAPLES DAILY NEWS

7:34 p.m., Tuesday, September 2, 2008

NAPLES — Large landowners who preserve agriculture in eastern Collier County would get development credits to build new towns, according to a proposal that cleared an advisory committee hurdle Tuesday. The proposal is the most significant change so far to the county's landmark 2002 rural growth plan that applies to almost 200,000 acres around Immokalee known as the Rural Land Stewardship Area or RLSA. The plan is undergoing a word-by-word review by a citizens advisory committee appointed by Collier County commissioners. The committee plans to present its recommendations to commissioners as early as January. The state Department of Community Affairs also must sign off on any changes. Debate over giving credits for agriculture preservation amounted to an exercise in arithmetic as critics and proponents sparred over how many acres would be developed amid the farms, forests and flowways around Immokalee. The bottom line: 45,000 acres, according to materials that have been distributed by a coalition of landowners and environmental groups pushing the agriculture preserve credits as part of a plan to protect habitat for the endangered Florida panther. "We intend to stand by that in terms of that being the maximum amount of development in the RLSA," Barron Collier Cos. real estate vice president Brian Goguen said after Tuesday's meeting. A leading critic of the proposal, though, called that number "speculation." "There is no number," Conservancy of Southwest Florida President Andrew McElwaine said. "That's a concern to us." The Conservancy, which decided not to sign onto the panther protection plan coalition, urged the review committee to set a development cap and then create a program to supply the credits. Instead, the committee is moving forward with various votes on a new credit system, putting off a decision that will determine how much land could be developed with the credits. "I think the committee is moving in the right direction," Florida Wildlife Federation field representative Nancy Payton said. County figures show the existing 2002 plan would create enough credits to build across 36,000 acres around Immokalee, including the new town of Ave Maria and the proposed new town of Big Cypress. That doesn't include land, though, that could be developed outside of the credit system, bringing the total amount of development to 90,000 acres under the existing 2002 plan. The panther protection coalition points to the 90,000-acre figure to show that their plan will cut development potential around Immokalee in half, to 45,000 acres. Under the proposal that cleared the review committee Tuesday, landowners would get two credits for every acre of agriculture preserve. Landowners would get 2.6 credits per acre of agriculture preserve created in a strip of land east of State Road 29 that Florida designates as an Area of Critical State Concern because of its environmental sensitivity. In a separate vote, the review committee recommended that earthmining continue to be allowed in areas designated for environmental preservation. Last month, the committee had discussed new rules to require that landowners give up the mining option before they can get development credits.

State Road 29 widening meeting planned for Thursday

By LESLIE WILLIAMS (Contact)

7:32 p.m., Wednesday, August 6, 2008 NAPLES DAILY NEWS

It's hard to envision life five, even 10 years down the road, but the state's transportation department is planning now for expansion of a key road in the eastern part of Collier County. State Road 29, from State Road 82 in the north to Oil Well Road to the south of Immokalee, will be on the table at a workshop Thursday. The expansion from two to four lanes would likely not take place anytime in the next five years, and could be decades away, but Florida Department of Transportation officials are receiving public input now for planning purposes. Collier County Commissioner Jim Coletta said the project is so important he has been pushing for it the past six or seven years. He formed a task force at the start of the decade to advocate the expansion of State Roads 29 and 82. "It's absolutely important to the nth degree that (S.R. 29) be completed to make Immokalee the industrial hub that it wants to be," Coletta said. The workshop, scheduled for 5 to 7 p.m., at the Immokalee One-Stop Career Center, 750 South Fifth St., will be an informal open house. Attendees are invited to review project maps, make comments to department officials and give feedback on four alternate corridors being considered for the widened road. Three of those four corridors would bypass the town of Immokalee. "I know there's some concerns on peoples' minds that a bypass will kill our Main Street," Immokalee resident Fred Thomas said. "But right now our Main Street serves as a truck route through downtown." Thomas, chairman of the Immokalee Master Plan & Visioning, said a bypass could help relieve some of the pressure on the downtown streets and make the area "more walkable," particularly for the visitors the area wants to attract. "We need to take that industrial traffic away from tourists," Thomas said. But environmental advocates have expressed concern about possible negative effects from building a four-lane highway to the east, where two bypass

routes are proposed. "Does it open up some areas to development?" asked Nancy Payton, the Southwest Florida Field representative for the Florida Wildlife Federation. "Some of these lands are targeted under the Rural Lands Stewardship Program," she said. "The Wildlife Commission wrote a rather detailed letter raising concerns about the bypass, especially with panther protection and road kills." But Coletta said development would instead be a benefit unlocked by the road's expansion and potential bypass. "That's another nice thing about roads themselves," Coletta said. "You have to have the infrastructure in place for the growth to be possible. It would take pressure off the coastal region of the county." A final public hearing in the S.R. 29 Project Development & Environment Study is expected in fall 2009. To learn more about the project, visit SR29Collier.com.

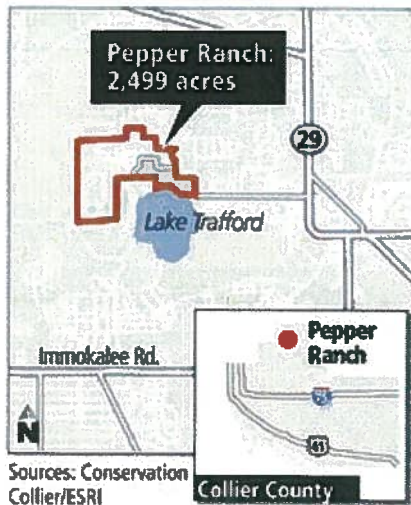
Mining may still be OK on environmental lands

By ERIC STAATS (Contact) NAPLES DAILY NEWS
8:59 p.m., Tuesday, August 5, 2008

A proposal to change earthmining's place in a rural Collier County growth plan got traction Tuesday. A citizen review board voted to ask a technical advisory group to look more closely at a proposal to require landowners to give up the mining option before they can get development credits under the plan. The review board is in the midst of a review of the county's landmark 2002 rural growth plan that awards development credits in exchange for landowners setting aside environmentally sensitive lands or restoring wetlands or wildlife habitat. The plan allows landowners to get development credits first and then dig earthmines, sparking debate Tuesday about whether mining complements the program's environmental preservation goal or hurts it. Allowing mining on land where owners have gotten development credits for preservation is "schizophrenic," Florida Wildlife Federation field representative Nancy Payton said. Supporters of the current system argued that earthmining creates new wildlife habitat and that allowing landowners to keep the mining option open encourages more participation in the credit program. "I think we ought to leave it alone," said review committee member Bill McDaniel, owner of Big Island Excavating. McDaniel, who operates nine mines around Southwest Florida including a 225-acre mine south of Immokalee Road, cast the sole vote against referring Tuesday's proposal to the technical advisory group. "Mining has consequences but it's not necessarily a detriment," McDaniel said. For example, lakes created by mining attract prey for endangered Florida panthers. The lakes' edges, if designed properly, can serve as foraging habitat for wading birds, he said. Besides that, earthmines serve a critical function of providing dirt and rock for road and home construction, supporters said. Payton, though, said an analysis by a Lee County consultant showed existing mines in southeastern Lee County could meet 80 percent of the demand for limerock in Southwest Florida's seven-county area for the next 19 years. "We do not need to mine Collier's environmentally sensitive lands," Payton wrote in an e-mail. "The need argument is bogus." New mines already are scheduled to either boost production or start digging in rural Collier County, she said. And mining still would be allowed in less environmentally sensitive parts of the county covered by the 2002 plan, Payton said. Those areas might not have enough rock underground to justify the expense of mining it, McDaniel said. So far, large landowners who have lifted development credits from their land under the 2002 plan have given up earthmining, too. The plan, the product of a legal challenge by the state Department of Community Affairs and backed by environmental groups, applies to almost 200,000 acres around Immokalee dubbed the Rural Land Stewardship Area, or RLSA. Landowners have preserved more than 24,000 acres and have proposed another 30,000 acres for preservation, according to county figures. Credits have been used to build the new town of Ave Maria, and a second new town, Big Cypress, is on the drawing board.

Conservation Collier will offer \$33.2 million for Pepper Ranch

By SHANNON EPPS (Contact) NAPLES DAILY NEWS
9:58 p.m., Tuesday, July 22, 2008



Conservation Collier will make an offer to buy Pepper Ranch in Immokalee for environmental preservation. County commissioners gave unanimous approval for the program to offer \$33.2 million to buy the 2,500-acre tract, which would be the program's biggest purchase. Commissioners also gave the program the go-ahead to seek money to pay for the purchase, which would cost significantly more than the \$6 million available in the fiscal 2008 budget after subtracting the cost of other possible acquisitions. Taxes are levied yearly on Collier County property owners to support the preservation fund. Money to buy Pepper Ranch would be borrowed or bonded. After the offer is made, a formal agreement between Conservation Collier and the current owners will be made and presented to county commissioners in September for final approval. During discussion, board members sought clarity regarding stewardship credits awarded to the current owners under the county's rural land stewardship program as well as panther habitat mitigation credits that will be included in the purchase. Commissioners made approvals with the condition that the final agreement clarifies those issues. "I think that things went very well and we will now move towards the details and we'll get an agreement together that identifies all of these things and move forward towards the board in September with the contract," said Alexandra Sulecki, Conservation Collier coordinator. Lake Trafford Ranch LLP has owned the ranch since 2005 and includes engineering firm Hole Montes President Tom Taylor and Allen Concrete owner Chris Allen. Gene Hearn, grandson of the ranch's namesake, and Hearn's mother, Joyce, are also part of the partnership. Under conditions of the sale, the current owners would be responsible for cleanup of the property including clearing certain structures, handling septic tanks and mediating soil and groundwater contamination. Oil, gas and mineral rights would be included in the sale. The Corkscrew Regional Ecosystem Watershed (CREW) Land & Water Trust, which coordinates acquisition, land management and public use of the watershed, plans to contribute \$350,000 to the purchase of Pepper Ranch. "I cannot emphasize enough the importance of developing these natural systems," said CREW Trust executive director Brenda Brooks. Sulecki said CREW Trust would empty out its bank account by making the contribution. The purchase of Pepper Ranch would give the county the opportunity to preserve an area that is a natural habitat for panthers, black bears and other threatened species. Sulecki and board members stressed the importance of protecting the panthers that call Pepper Ranch home. "It's significant panther habitat," Sulecki said. "If we buy it, put it in preservation and don't develop it, that habitat can be used to offset impacts to panther habitat elsewhere." The land also has the potential of being used as a mitigation bank to meet environmental permitting requirements for road and utility projects. Sulecki said that, after gaining final approval from county commissioners, those involved hope to close on the deal in late fall or winter.

New panther protection plan debated by citizens review panel

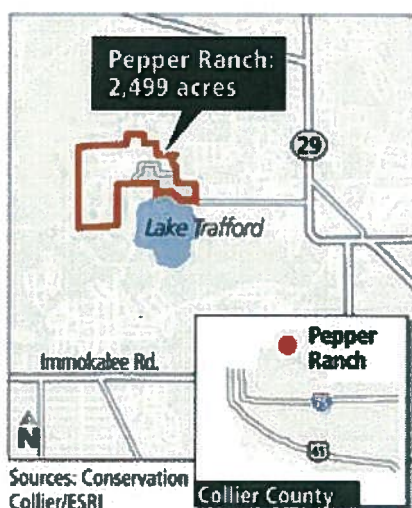
By ERIC STAATS (Contact) NAPLES DAILY NEWS
9:07 p.m., Tuesday, July 1, 2008

A citizens review committee found itself Tuesday at the forefront of a looming debate about protections for endangered Florida panthers roaming rural Collier County. The committee, appointed by county commissioners to review the county's rural growth plan, agreed its review should include a panther protection plan that large landowners and environmental groups unveiled amid much fanfare in June. In a nod to questions about whether the plan will crowd out the panther rather

than save it, a leader of the coalition proposing the plan told the committee the plan is a work in progress. "We don't have all the answers today," said Barron Collier Partnership vice president Tom Jones, also a member of the county review committee. The plan builds on the original rural growth plan by awarding new development credits to landowners who preserve agricultural land and allowing larger towns and villages to be built with the credits. The coalition figures that the plan will reduce the development potential around Immokalee from 94,000 acres to 40,000 acres while creating new routes for panthers to travel north of Immokalee and around the intersection of Oil Well Road and State Road 29. Beyond that, the plan envisions replacing a project-by-project federal review with an overarching federal permit for development in panther habitat with steeper mitigation requirements and new fees to create an estimated \$150 million fund to pay for wildlife underpasses and buffers. A panel of panther scientists chosen by the coalition would review the plan, which also needs county government, state and federal approvals before it would go into effect. Jones said the coalition backing the plan still is working on how many development credits the plan will generate and where new roads should go. In a letter distributed Tuesday to the county committee, the growth management advocacy group 1000 Friends of Florida raised new questions about affordable housing and what sort of agriculture would be allowed in proposed travel corridors for panthers. Two environmental groups stepped up their concerns about the proposed panther plan Tuesday. Conservancy of Southwest Florida President Andrew McElwaine, who usually does not attend the committee meetings, urged caution and analysis. The way the Conservancy counts up the acreage, the plan's agriculture preservation credits will increase the development potential for new towns and villages around Immokalee from 30,000 acres under the current growth plan. "It is not an evolutionary but a revolutionary change in the rural land stewardship plan," McElwaine said. Sierra Club senior regional representative Frank Jackalone called for the panther plan to undergo a more independent review by the National Academy of Sciences because of the plan's potential to set precedent for endangered species protection nationwide. The coalition has proposed a science review panel to include panther scientists at the U.S. Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission, a University of Central Florida professor, former Conservation Commission scientists who now work for a private consulting firm and a former Conservation Commission panther biologist who now works for the Conservancy. Jackalone told the committee the club has "grave concerns" about the roads needed to support more growth amid panther habitat in eastern Collier. "Please remember: Cars kill panthers," Jackalone said. "Houses don't kill panthers."

Collier a step closer to purchasing \$36.3 million Pepper Ranch

By **ERIC STAATS (Contact)** NAPLES DAILY NEWS
 Originally published 5:36 p.m., Wednesday, June 25, 2008
 Updated 8:56 p.m., Wednesday, June 25, 2008



Conservation Collier's biggest purchase came a step closer to a done deal Wednesday. The owners of the Pepper Ranch in Immokalee said they are willing to sell the 2,500-acre piece of Old Florida to Collier County's preservation program for what the county would offer: \$36.3 million. County policy requires the county to offer \$36.3 million for the ranch because that is the average of two appraisals that came back at \$36 million and \$36.5 million earlier this month. "I think everybody's getting a fair deal," said engineering firm Hole Montes President Tom Taylor, a general partner in the Lake Trafford Ranch LLLP that has owned the ranch since 2005. County commissioners could vote to make an offer for the ranch July 22 after getting a

recommendation from the Conservation Collier advisory committee July 14. Two Conservation Collier subcommittees met jointly Wednesday and voted to send the \$36.3 million deal, with conditions, to the full advisory committee. Ranch owners outlined the conditions in an attachment to a letter hand-delivered at the joint committee meeting. "We've tried to take the question marks we believe they might have off the table," Taylor said. As part of any sale, the ranch owners would pay to clear buildings from the land except for a lodge, caretaker's house and pole barn near Lake Trafford. The owners would pump out, crush and fill all known septic tanks on the property except the ones serving the structures that would remain standing. The owners would remediate any soil and groundwater contamination from an above-ground diesel storage tank and would hire a consultant to determine the level of cleanup needed from an abandoned cattle dipping vat and pay for the cleanup. Any sale wouldn't include oil, gas and mineral rights below 150 feet from the surface and would be subject to existing oil leases at the ranch. The ranch has one nonworking oil well and two working oil wells that produce about 60 gallons of oil per day, Taylor said. As part of the deal, owners would sell their mineral rights within 150 feet of the surface, a nod to concerns about leaving the ranch open to earthmining by the current ranch owners. The partnership that owns the ranch includes Allen Concrete owner Chris Allen, Gene Hearn, grandson of the ranch's namesake, and Hearn's mother, Joyce. The owners would retain development credits that the ranch owners have stripped from the ranch under the county's rural land stewardship program. By buying the ranch, the county would preserve a range of habitats, from upland hammocks and pastures to wet prairies and frontage on Lake Trafford, that is hard to find in Collier County. The ranch's inhabitants — endangered Florida panthers, wild turkeys, deer, bears, rattlesnakes, sandhill cranes and gopher tortoises — are as varied as its landscape. The ranch is more than just a pretty place; it could be a gold mine. A study by a county consultant found that the county could create a mitigation bank at the ranch to meet state and federal environmental permitting requirements for road and utility projects. The study concluded that the ranch could produce more than 320 wetland mitigation credits and more than 19,000 panther mitigation credits — which the county is buying from a private mitigation bank for \$1,600 each. The appraisals don't take the mitigation potential of the ranch into account, making the \$36.3 million price tag a "very good deal" for the county, Taylor said. Florida Wildlife Federation field representative Nancy Payton said mitigation plans for the ranch amount to mooching off Conservation Collier. If the county wants to use the ranch as a mitigation bank, county departments that need the credits should pay for them, she said. Voters intended for Conservation Collier to go beyond the county mitigation, not replace it, she said. "They don't piggyback," she said. "They're side-by-side."

New cutting-edge plan for panther protection to get unveiled Monday

By ERIC STAATS (Contact) NAPLES DAILY NEWS

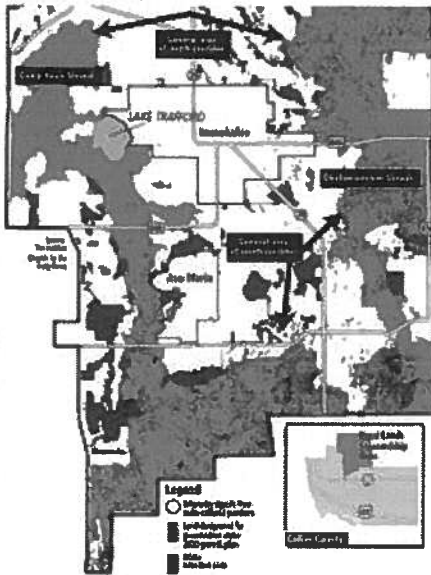
10:01 p.m., Saturday, June 21, 2008



Panthers

A plan to protect panthers

A coalition of environmental groups and local landowners is working with the state to create a plan to help the endangered Florida panther. Collier County could create a special preservation and wildlife development area to help panthers stay in the area.



The endangered Florida panther could have more room to roam eastern Collier County under a plan forged by landowners and environmental groups. Backers of the plan say it represents an unprecedented — even revolutionary — approach to rescuing one of the planet’s most imperiled species. Other environmental groups, though, are less enthusiastic, and Florida’s lead growth management agency signaled in a letter last week that it is worried the plan could lead to overdevelopment. The plan, set to be unveiled Monday, builds on a partnership that led to Collier County’s approval of a landmark rural growth plan in 2002 that has preserved swaths of swamp and forest around Immokalee and has paved the way for the new town of Ave Maria and a proposal to build a second new town, Big Cypress, on the eastern edge of Golden Gate Estates. A science review panel is being formed to analyze the new plan, which also needs a series of county, state and federal approvals before it takes effect. Members of the coalition proposing the plan are looking beyond the Collier County border with hopes that their ideas will spread and make it easier for panthers, increasingly squeezed for space, to expand their range. “There’s a lot of work to make our vision reality,” Florida Wildlife Federation field representative Nancy Payton said. “Collier County is the first step.” The new program would:

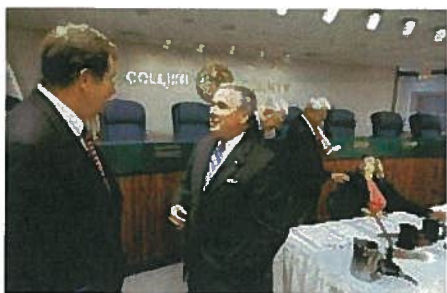
- Focus new attention on creating links north of Immokalee and northwest of Oil Well Road and State Road 29 to connect panther hot spots rather than cut off the cats’ travel routes.
- Set up a Florida Panther Protection Fund that the group estimates would receive more than \$150 million in the next 40 years from a new development fee tied to federal mitigation requirements. In addition, the plan would create a fee that would be charged on every real estate sale in the area in eastern Collier County, dubbed the Rural Land Stewardship Area, or RLSA, covered by the agreement. The panther fund would be administered by the Wildlife Foundation of Florida, a tax-exempt and nonprofit arm of the Florida Fish and Wildlife Conservation Commission, and would be governed by representatives of environmental groups, landowners, the U.S. Fish and Wildlife Service and the Conservation Commission. The money would be spent on projects to restore panther habitat, build wildlife crossings and create buffers between development and panther preserves throughout the panther’s range, not just in Collier County, the group said.
- Increase by 25 percent the number of mitigation units developers would have to provide under federal permitting requirements to compensate for effects on panthers in the RLSA.
- Create a new system under the county’s RLSA program by which landowners could get development credits by preserving agricultural land with an emphasis on high panther traffic areas east of State Road 29.

In a letter to coalition members last week, the state Department of Community Affairs recommended that the new plan “work within the extent of development rights currently available for transfer” and said roads to support the new development are of “particular concern” to the agency. The new scheme, paired with credits that landowners already can

receive under the program for preserving or restoring environmental land, could create enough credits to entitle development of 40,000 acres of the 195,000 acres in the RLSA. Under the 2002 plan, landowners have set aside almost 30,000 acres, mostly along panther routes in the Camp Keais Strand and in the northern and southern ends of the Okaloacoochee Slough, generating about 60,000 development credits. Another 14,500 credits would be awarded when landowners complete proposed restoration projects. The landowners and environmental groups who hatched the new plan include some names who stayed on the sidelines of the original partnership. English Brothers and the Half Circle L Ranch have joined Alico Land Development Corp., Pacific Tomato Growers Ltd., Collier Enterprises, Sunniland Family Limited Partnership, Barron Collier Partnership and Consolidated Citrus among the landowners who have signed a non-binding agreement to proceed. On the environmental side, Audubon of Florida, the Collier County Audubon Society, Defenders of Wildlife and the Florida Wildlife Federation have signed the deal. Defenders has been critical of the 2002 plan. Missing from the signature page is the Conservancy of Southwest Florida, which had questions about what Conservancy President Andrew McElwaine called the "very complicated legal document" that set up the partnership. McElwaine said the group's ideas are "very worthy of public debate and review." "We are one-fifth of their review panel," McElwaine said, referring to the inclusion of a Conservancy biologist on the science review panel. "We've not walked out on it." The panel comprises Chris Belden, with the U.S. Fish and Wildlife Service; Darrell Land, panther team leader for the Conservation Commission; Dan Smith, a University of Central Florida professor who co-authored a 2007 paper that identified places for wildlife crossings in eastern Collier County; former Conservation Commission scientists Tom Logan and Randy Kautz, who now work for consultant Breedlove, Dennis and Associates; and Conservancy of Southwest Florida biologist David Shindle, also a former Conservation Commission scientist. If the plan passes the science test, the partners will enter into a binding agreement and apply to the Fish and Wildlife Service for an overarching permit for development and preservation across almost 200,000 acres around Immokalee. That review is expected to take as long as two years. Scientists put the official estimate of the wild panther population at between 80 and 100 cats. Loss of habitat and road kill are among the top threats to their survival. The group was as stealthy as the wild cat it is hoping to protect as it worked behind the scenes to hammer out its proposal since April 2007. The secrecy has drawn criticism from one skeptical environmental advocate who said the plan is causing "all my alarm bells to go off." "I'm dismayed that there's some agreement in the works that hasn't gone through a more open process," Sierra Club senior regional representative Frank Jackalone said. The new plan has its roots in the controversy that followed approvals for Ave Maria. Environmental groups who bird-dogged the 2002 plan already were making lists of improvements they wanted to see addressed in the five-year review of the RLSA program when Defenders of Wildlife threatened in 2007 to sue over a U.S. Army Corps of Engineers permit for Ave Maria. The group charged that the federal review didn't use the best available science for panther protection and didn't require enough mitigation for effects on panthers. The letter got the attention of the late Barron Collier CEO Paul Marinelli, who saw an opportunity to forge a new approach to panther protection backed by scientists, landowners and environmental groups. Marinelli became the bedrock of the effort, keeping the partnership together as he battled the illness that eventually would take his life. He died in April. Marinelli called Defenders to discuss the concerns laid out in a February 2007 letter and, as the 60-day deadline for filing litigation neared, the group had its first meeting in April 2007. In June 2007, the group convened two dozen scientists in Tampa for a workshop of panther biologists and habitat mappers to lay the groundwork for the group's plan. "Everyone has a much better perspective of each other's needs than we did at the beginning," said Elizabeth Fleming, the Defenders Florida representative based in St. Petersburg. The result gives both sides what they want: more certainty about where land will be preserved and where it will be developed, she said. "I think this is a very sensible way to go about things," Fleming said. But don't call it a love fest, the once-feuding parties say. They prefer to label the program a pragmatic collaboration. "We have a lot of work to do here, and I don't know where this is going to end up, but I can't imagine going back to the way it was," Collier Enterprises CEO Tom Flood said.

Local and state lawmakers rehash legislative session

By I.M. STACKEL (Contact) NAPLES DAILY NEWS
9:28 p.m., Wednesday, June 11, 2008



GREG KAHN / Staff

Florida State Representative Garrett Richter, center, speaks with County Commissioner Jim Coletta, left, before the Collier County Legislative Delegation held a joint post 2008 legislative session workshop on Wednesday, June 11, 2008 in the Board of County Commissioners chambers.

Collier County commissioners and the local representatives who serve in Tallahassee had nothing but kisses and flowers for each other Wednesday, even though some of the commission's legislative desires weren't fulfilled, and Collier still has to severely reduce its budget. Some commissioners were eager for legislators to pass immigration reform, primarily to cut costs, but they didn't raise that subject at Wednesday's meeting. No such bill passed, even though a dozen or so were introduced, said county lobbyist Keith Arnold. "None of those bills in the House or Senate were given a hearing," Arnold said. "As (U.S.) Congress fails to act on immigration reform, I suspect local governments will pick up the slack." Commissioners and legislators did however discuss who has the power at Wednesday's meeting when they took up the issue of home rule. Commissioner Donna Fiala said she didn't understand why Tallahassee officials were trying to grab control from county commissioners, the people who understand the community. Rep. Matt Hudson, R-Naples, said that argument has gone on for a long time, in the same way that states have arguments with the federal government over issues, such as gas tax revenue. Hudson noted that, ironically, most members of the Legislature have "no real experience with their city or county government." Arnold said he was going to save home rule for last, which he called the "most contentious" of all the issues addressed. "But for Sen. Saunders, it would have passed. Without your strong support and leadership, it would have passed," said Rep. Garrett Richter, R-Naples, who is chairman of the Collier delegation, and plans to run for Burt Saunders' vacated position. Term limits will force Saunders out of office. "The fact is, you don't focus on what doesn't get done. You focus on what does get done," Richter said. Another ongoing fight between the county and state is over a desire by Florida's Department of Community Affairs to dictate Collier's rural land stewardship act. Mudd said it was established by a special act, but now the DCA has come up with a new boiler plate, and doesn't like the fact that Collier County is exempt, Mudd said. Mudd tried discussing the issue with officials in the Capital, but they "said our plan was incomprehensible (and) voodoo planning," Mudd said. "It's been working very well in Collier County," Commissioner Jim Coletta agreed. "I find it disconcerting that DCA is trying to redirect your act," Coletta said. Commissioner Frank Halas was disappointed that legislation expanding rail transportation was defeated, referring to a plan to build rails for a bullet train to Orlando. The so-called bullet trains that are used in Europe and Japan move at between 150 and 200 mph. "I don't think we've seen the end of the energy crunch," Halas said, speaking of cost of fuel, and frequent delays in air travel. Richter said the transportation bill, which included a variety of issues, attracted "lively contention." "What killed (bullet trains) was liability," Richter said. "There's a lot of support for rail transportation" but it involves partnerships. "Liability was the cog in the wheel, but I do not think the issue is over," Richter said. Hudson, who represents parts of Collier as well as portions of Broward County, said some of his constituents ride the TriRail between Broward, Miami-Dade and Palm Beach counties. "TriRail has experienced a 45 percent increase in business," Hudson said. All parties involved decided to give growth management a cooling-off period, Arnold said. One bill that did pass included extensions for developments of regional impact. Mudd pointed out the commission has already wrestled with that one with Ave Maria. "I expect to have additional efforts to pre-empt local governments," Arnold said. Halas thanked everyone for their efforts, but implored them not to send down anymore unfunded mandates.

On The Mark: Sliding back to special interests

**By MARK STRAIN (Contact) COLLIER COUNTY CITIZEN
11:09 a.m., Wednesday, June 11, 2008**

Slightly over 20 years ago, the political officials of the time were listening to a committee trying to figure out how to plan the future of Collier County by formulating our Growth Management Plan (GMP). That committee was made up of citizens, local influential land owners, experts for those land owners and their land use attorneys. The citizens unaffiliated with development interests were, of course, a minority. The result of all their meetings, debates and finally the GMP language is what has provided most of the development you see today.

Slightly over five years ago, a committee was formed to modify that original plan and to master plan the rural agricultural lands in the east that some thought were not adequately addressed by the original plan. The committee that invented the Rural Lands Stewardship area plan was again influenced and dominated by the land owners, their consultants and their attorneys. Rightfully so -- if you own land, you would be expected to be involved in the planning of your land and land owners should participate.

Observing the development to date in Collier County, it is obvious land owners have had a great influence on the outcome. From the very beginning pages of the GMP, it is obviously molded by legal vagueness purposely added to make sure the outcome would be the most profitable one possible. When a committee is dominated by professionals who are paid by special interests to make sure complex language comes out in a manner to best benefit their client, most likely it will. Having such folks on committees in order to thwart what is best for the public in favor of land owners only adds to the frustration of citizens, later on, as areas are built out. Witness exactly what we are experiencing today.

There is language within the GMP that requires a study of the various flood plains in Collier County in order to provide better water management. For many neighborhoods, water management is a continuing and bothersome issue. Many citizen challenges to additional development seem to always include a concern over flooding. As required by the GMP, study of Collier's flood plains has been underway by a citizen's committee to devise a Flood Plain Management Plan.

When the committee was formed in 2006, it was specifically stated that to "avoid any appearance of impropriety or conflict of interest, public members should not be involved in any way in the local building and development industry." The hope was to finally have a committee that was not led about by the nose by experts hired to influence the outcome, especially on an issue as vital as flooding. Any action taken by this committee would have to be aired by a cornucopia of additional committees, all of which would take a shot at the committee's attempts to control flooding long before anything is made into law. All of these additional reviews would happen in public meetings, with input from everyone willing to sit through the process. Additionally, engineers from county staff would oversee and monitor the entire process.

With all that protection, public review and multiple committee reviews, it seems the development industry is still scared that citizens may actually have an opportunity to express their concerns without the crafty influence of special interests directed by their professionals. Recently, the Developmental Services Advisory Committee has demanded that two outside engineers be added to the Citizens Flood Plain Committee.

Should this happen, another committee, formed to serve citizens and not special interests, will become mired in "professional" legalese and watered down to benefit a few at the expense of all.

DSAC provides ample opportunity to air concerns of the business community, we need not taint the process from beginning to end. After 20 years of our current growth plan, we still have not figured out how to avoid conflicts with special interests.

Expert: Collier growth plan does good job identifying panther habitat

**By ERIC STAATS (Contact) NAPLES DAILY NEWS
9:26 p.m., Tuesday, June 3, 2008**

Collier County's rural growth plan has gone a long way toward putting together the pieces of the protected habitat puzzle for the endangered Florida panther, a state panther biologist said Tuesday. Florida Fish and Wildlife Conservation Commission panther team leader Darrell Land told a committee reviewing the county's Rural Lands Stewardship Area plan that he was "95 percent happy" with the original 2002 plan but suggested two areas that still need protection. How the county plan should preserve panther habitat is one of the big questions facing the review committee, which county commissioners appointed to recommend changes to the plan.

The report is due in October.

At the center of that big question is a debate over the science behind what types of habitats are favored by panthers. "I feel pretty comfortable we've got the big picture understood," Land said. A consultant for landowners wrote the Collier plan after then-Gov. Jeb Bush and the Cabinet ordered a review of the county's rural growth plan in light of an administrative law judge's finding that the county wasn't doing enough to protect the environment. Under the plan, which applies to almost 200,000 acres around Immokalee, landowners can earn credits to build new towns by agreeing to set aside land designated for protection. The new town of Ave Maria and Ave Maria University was built under the plan, and a second new town, called Big Cypress, is on the drawing board. Land praised the plan's preservation of 24,000 acres, particularly on both sides of Oil Well Road and Immokalee Road east of Immokalee that will anchor wildlife crossings to be built under the roads. A map of telemetry points from radio-collared panthers shows that other important travel corridors for panthers haven't been protected so far, Land said. He said the county plan should focus on preserving land along the west side of State Road 29, north of Oil Well Road, and land north of Immokalee, between Corkscrew Regional Ecosystem Watershed and the Okaloacoochee Slough. Some critics question the reliability of telemetry points to guide panther protection because the points aren't recorded at night, when panthers are most active, and only 20 panthers have radio collars. The panther population is estimated at between 80 and 100 cats. The county plan relies too heavily on telemetry points to designate land for protection and misses, for example, farm fields, Conservancy of Southwest Florida government relations manager Nicole Ryan said. The Conservancy has suggested that the county revamp its growth plan so that more than just forests and wetlands are designated for protection as panther habitat. "That's only part of the picture," she said. "We have to take a broader perspective on that." Land is the lead author on a study published this year in the Journal of Wildlife Management that backs earlier findings the county used to designate panther habitat in the 2002 growth plan. Former Conservation Commission biologist David Shindle, now a biologist at the Conservancy of Southwest Florida, is listed as a co-author. The study compared GPS tracking of panthers at night and during the day with daytime telemetry points and found what Land called only subtle differences between daytime and nighttime travel habits. The landowner consultants and county reviewers have found that land designated for protection in the 2002 plan included more than 90 percent of panther telemetry points. "When I was in school and getting 90 percent, I was knocking it out of the park," said Barron Collier Cos. Vice President Tom Jones, a member of the review committee. Florida Wildlife Federation field representative Nancy Payton said she is "comfortable with the science that supported the rural land stewardship program." "I don't think we have to go back and start at ground zero and redo the whole thing," Payton said.

Collier growth plan progress report sent to state for review

**By ERIC STAATS (Contact) NAPLES DAILY NEWS
8:01 p.m., Tuesday, May 27, 2008**

A report outlining the progress of Collier County's rural growth plan is on its way to the state Department of Community Affairs. Collier County commissioners voted unanimously Tuesday to forward the report, the first phase of a two-phase review of the landmark 2002 plan. The plan grew out of a 1999 order by then-Gov. Jeb Bush and the Cabinet after the DCA successfully challenged the county's original growth plan. In recent months, the DCA and the county have exchanged critiques of how well the new county plan, called a Rural Land Stewardship Area Overlay, is protecting the environment and controlling growth on almost 200,000 acres around Immokalee. The report commissioners approved Tuesday shows the amount and location of land that has been preserved under the plan, where development is planned and the fate of agricultural land. Commissioner Frank Halas told the chairman of the citizens committee reviewing the 2002 plan that he hoped the committee would come up with a way to protect agricultural land better and satisfy the DCA. "It looks like you have a challenge in Phase II," Halas said. In a memo to county commissioners Tuesday, county planner Tom Greenwood writes that the county has a "major concern" that the DCA will require a "major overhaul" of the county program. The memo cites "highly critical remarks" about the program in a 2007 report the DCA wrote to the state Legislature on rural land stewardship. The report concluded that the county plan wasn't living up to its goal of preserving agriculture and raised concerns about whether the plan would allow too much growth. County Manager Jim Mudd wrote to DCA Secretary Tom Pelham in March, accusing the DCA of having a "negative bias" to the county's plan and saying the 2007 report isn't based on facts. Pelham responded in a May 8 letter, calling the DCA report fair and objective and responding in detail to each of Mudd's allegations of factual errors. "Although the Collier program is a commendable effort to improve rural planning, it certainly can be improved," Pelham wrote. He wrote that he hopes the county review will be open and objective and not driven by large landowners and their consultants. "The Department will be following the County's evaluation very closely," Pelham wrote. Under the county's 2002 plan, written by a consultant for large landowners, landowners can earn development

credits by preserving and restoring land deemed environmentally sensitive. So far, credits are being used to build the new town of Ave Maria. A second new town, Big Cypress, is on the drawing board to be built under the new plan. Ave Maria and its centerpiece, Ave Maria University, is approved for almost 11,000 homes on 5,000 acres, and Big Cypress is proposed to have almost 9,000 homes on 3,600 acres. Landowners have preserved 24,000 acres and have proposed another 30,000 acres of preservation, according to county figures. Florida Wildlife Federation field representative Nancy Payton told commissioners Tuesday that the figures speak for themselves. "From an environmental perspective, I think the program is a big success," she said.

County growth plan complicates planned Pepper Ranch purchase

By ERIC STAATS (Contact) NAPLES DAILY NEWS
9:40 p.m., Thursday, March 6, 2008

Collier County's potential purchase of the Pepper Ranch in Immokalee could run up against a revived bid to change part of the ranch's status under the county's growth plan. The 2,500-acre natural gem got a spot on the Conservation Collier list of preservation priorities earlier this year. The next step is for the ranch to undergo appraisals. On Thursday, ranch owners got the backing of the county's Environmental Advisory Council to put a preservation designation over another 192 acres of the ranch, making it possible for the ranch owners to earn additional development credits from the land. The final decision is up to county commissioners. Under the county's Rural Lands Stewardship Area (RLSA) program, landowners can agree to give up development rights on their land in return for credits that can be used to build new towns, villages and hamlets in other parts of the RLSA, which covers almost 200,000 acres around Immokalee. Conservation Collier adviser Tony Pires, a Naples attorney, has questioned whether the new designation at the Pepper Ranch will inflate the price of the ranch — something ranch co-owner Tom Taylor said Thursday was a "non-issue." "We don't anticipate that to happen," Taylor told the Environmental Advisory Council. The Conservation Collier advisory board is expected to discuss the matter at its Monday meeting. Taylor acknowledged the designation had become controversial and said the timing of the review was unfortunate. The ranch owners filed for the designation in April 2006, months before the ranch was offered for sale to Conservation Collier. Taylor said he had forgotten the application was still pending. Taylor, president of engineering firm Hole Montes, owns the ranch in a partnership that includes Allen Concrete owner Chris Allen, Gene Hearn, grandson of the ranch's namesake, Frank Pepper, and Hearn's mother, Joyce. Taylor said the ranch owners would drop the petition to redesignate the 192 acres if it becomes a problem with appraisals. He said appraisals probably will be done before a final decision on the designation, which still must undergo review by the Collier County Planning and county commissioners. One environmental advocate said she is opposed to the redesignation at Pepper Ranch. Florida Wildlife Federation field representative Nancy Payton said the Pepper Ranch petition and a similar petition by the Half Circle L Ranch east of Immokalee should be folded into an ongoing review of the county's Rural Land Stewardship Area growth plan. On Thursday, EAC members also backed the Half Circle L Ranch's petition to put a preservation designation on more than 2,400 acres. The rest of the 5,300-acre ranch, owned by the Scofield family, already is designated for preservation. Taylor and Allen had a contract with an anticipated closing date of August 2006 to buy the development credits, but the deal expired. Collier County has looked at buying the ranch as environmental mitigation for road projects. The additional designation makes the ranch eligible for up to 7,300 development credits — enough to build on some 900 acres, county figures show. At the Pepper Ranch, the redesignation could mean up to 1,726 development credits, allowing development on 216 acres, according to county figures. Almost 1,000 acres of the ranch already are in preserve status.

New goal of growth plan is to keep farmland from being paved

By ERIC STAATS (Contact) NAPLES DAILY NEWS
9:06 p.m., Tuesday, March 4, 2008

A committee proposed changes Tuesday to one of the guiding goals of a landmark growth plan for rural Collier County. The changes would reword agriculture preservation policies that are part of the landmark 2002 plan, which applies to some 200,000 acres around Immokalee, and would boost landowner incentives to keep farmland from getting paved. The plan's track record on preserving agriculture has been a subject of debate. Agriculture is the first topic to be tackled by the 13-member Rural Lands Stewardship Area review committee, which county commissioners appointed last year to recommend changes to the growth plan. A final report is due this fall. On Tuesday, committee members proposed dropping the goal of preventing the "premature conversion of agriculture land" in favor of a more general goal of protecting agriculture. The exact new wording has yet to be worked out. The original wording in the 2002 plan is more of a feel-good phrase than a

meaningful one, said Tom Jones, Barron Collier Cos. vice president for governmental affairs, a member of the review committee. "I didn't know what it meant then and I don't know what it means now," Jones said. As for how to preserve agriculture, committee members talked Tuesday about creating a new system that would put a higher value on farmland and then award development credits to landowners who save it. Such a system already is in place to reward landowners for preserving environmentally sensitive land, and some farmland has been preserved as a by-product of that system. So far, landowners have preserved 24,000 acres and more than 30,000 acres are pending for preservation, generating credits to build the new towns of Ave Maria and Big Cypress. Ave Maria is approved for almost 11,000 homes on some 5,000 acres. Big Cypress is proposed to have almost 9,000 homes on some 3,600 acres. The plan guides development to farm fields, and county figures show the county's rural area is losing agricultural acreage. A January draft report showed almost 94,000 acres of agriculture in 2002 compared to some 85,600 acres in 2007. The loss could not be accounted for by development plans alone. The county's final report revised the 2007 agriculture figure to almost 89,400 acres after a closer look at the original estimate. Agriculture's fate in Collier County is not sealed, University of Florida agriculture economist Fritz Roka told the committee. Farming has a good track record of using technology and new products to overcome bad economics and disease, Roka said. "It's never a good prediction to bury agriculture," he said.

County's landmark rural growth plan needs some changes, group says

By ERIC STAATS (Contact) NAPLES DAILY NEWS
10:31 p.m., Tuesday, February 5, 2008

A growth plan that is changing the face of rural Collier County got good reviews Tuesday but could be in for some changes itself. Members of a county-appointed review committee wrapped up a technical report on the 2002 plan and moved to a second phase that will study whether the plan needs changes to balance agriculture, growth and the environment.

Committee members differed in the degree of praise for the plan, which applies to some 200,000 acres south of Immokalee known as the Rural Lands Stewardship Area. Under the plan, almost 56,000 acres have been preserved or are proposed to be preserved to build the new town of Ave Maria and Ave Maria University, where the committee plans to meet monthly until it wraps up its work in October. A second new town of Big Cypress also is in the works. "I think this program has exceeded its expectations," said Immokalee agriculture supply business owner Floyd Crews. Other committee members were more critical, outlining concerns about roads, development patterns and agriculture. Immokalee community activist Fred Thomas said the plan has been heavy on where to preserve land but light on what he called "human habitat." "We have not focused any attention on the sporadic way receiving areas can come up," Thomas said, referring to the plan's term for places where development is allowed. Both landowners and environmental groups are expected to push for changes to the program. Collier County Audubon Society and Audubon of Florida policy advocate Brad Cornell, a committee member, said the test should be whether the rural area is sustainable in 50 years. Committee member Tom Jones, a vice president at Barron Collier Cos., urged the committee not to lose track of the big picture as it delves into the minutiae of the county plan. "I see us tweaking policies," he said. The committee's policy review will start in March with agriculture. The technical report showed the county's rural area had almost 94,000 acres of agricultural land in 2002 compared to some 85,600 acres in 2007. Growth doesn't account for all of the loss, and committee members are asking for a more detailed accounting of the fate of the area's farmland. In a 2007 critique of the county program, the state Department of Community Affairs highlighted what it called a lack of incentives to protect the most heavily farmed areas, which are designated for development. The DCA, as the state's growth management review agency, will have a hand in any rewrite of the county's plan. The 2002 plan grew out of a legal challenge by the state Department of Community Affairs and environmental groups that alleged county government hadn't done enough to protect wetlands and wildlife in rural Collier County.

Collier rural growth plan meeting returns to roots

By ERIC STAATS (Contact) NAPLES DAILY NEWS
7:45 p.m., Sunday, February 3, 2008

A review of how Collier County's landmark rural growth plan is working has been looming since the plan was approved in 2002. Few could have envisioned, though, that the county-appointed review committee would be meeting Tuesday in an academic building at Ave Maria University. The university and its companion town, Ave Maria, rising out of farmland south of Immokalee, are the most dramatic signs of the 2002 plan's effect on the county's Rural Land Stewardship Area. Another new town, Big Cypress, is in the works. The fate of Collier County's citrus groves, vegetable farms and pasture has become a

question for the review committee, which has asked for more details about how the agricultural landscape has changed. A critique of Collier County's rural growth plan by the state Department of Community Affairs also raises questions about whether the plan is living up to one of its goals of preserving agricultural land and stopping its premature conversion to towns, villages and hamlets. A Jan. 18 draft report by Collier County government showed the Rural Land Stewardship Area had almost 94,000 acres of agricultural land in 2002 compared to some 85,600 acres in 2007 — an 8,400-acre reduction. Row crops posted the largest loss; the only category showing an increase was fallow land. Conversion of farmland to urban uses was expected with the 2002 plan. In fact, part of the plan's intent was to identify farmland most appropriate for development, said WilsonMiller CEO Alan Reynolds, whose firm large rural landowners hired to create the plan. "The data show the program is doing precisely what it is intended to do," Reynolds said. The 2002 plan assessed the environmental value of almost 200,000 acres around Immokalee. The most valuable land is designated for potential preservation. If landowners preserve the land, they get credits to develop on less environmentally valuable land. Agricultural land is included in both categories. Landowners have preserved more than 24,000 acres of agricultural land in exchange for development credits, according to the county review. Another 32,000 acres of preservation, much of it also agriculture, is pending approval. The DCA report takes issue with a lack of incentive to preserve more intensely farmed land, which is designated for development. "In this respect, the Collier program is not protecting and conserving agricultural lands," the report states. The DCA report counts more than 6,000 acres of farmland planned for conversion to urban uses at Ave Maria and at the proposed neighboring town of Big Cypress. Because the county has not approved Big Cypress, the county's preliminary tally of agricultural land between 2002 and 2007 reflects only the loss of some 5,000 acres of farmland at Ave Maria. That doesn't account for all of the 8,400 acres of lost agricultural land in the draft county report, and review committee members and environmental advocates have asked for a more detailed accounting. Florida Wildlife Federation field representative Nancy Payton said a closer look should reveal whether the county is losing farmland in parts of the rural area the plan is trying to save or whether the farm land is being lost in places where the plan envisioned development in the first place. Some of the lost agricultural land also might be attributable to landowners earning extra development credits by restoring farms and pastures to wetlands and habitat, she said. "I'm not convinced there's a problem," Payton said. Conservancy of Southwest Florida government relations manager Nicole Ryan said the plan should be more specific about directing growth away from "prime agricultural lands." "It's finding that balance," she said. Collier County Audubon Society advocate Brad Cornell said less agricultural land might be an outcome that "we'll just have to live with." "It may be the farmers don't want to farm, and we can't make them," he said.

Plans for town of Big Cypress submitted to reviewing agencies

By ERIC STAATS (Contact) NAPLES DAILY NEWS

9:29 p.m., Thursday, January 31, 2008

Plans for a new town in eastern Collier County landed on reviewers' desks Thursday in Collier County and at the Southwest Florida Regional Planning Council. Collier Enterprises submitted the plans for the town of Big Cypress, dubbed a Development of Regional Impact. The town also needs federal and state environmental permits. "This plan is a logical beginning," Collier Enterprises CEO Tom Flood said in a statement released Thursday afternoon. Plans submitted Thursday call for 9,000 homes in a 3,600-acre town, including 800 acres of open space. A town center would be built east of Golden Gate Estates between Oil Well Road and an extension of Randall Boulevard. Under the county's Rural Land Stewardship Program, the company will protect another 10,000 acres of wetlands and wildlife habitat to generate credits to build the town, plans show. Flood's statement says the company plans to create a sustainable community with jobs, shopping, health care, schools, civic and cultural activities and recreation. The plans outlined in the DRI application are expected to take between 12 and 15 years to build out. In 2006, Collier Enterprises unveiled plans to build 25,000 homes in a town and smaller villages scattered across 8,000 acres of farmland surrounded by 14,000 acres of preserve between Immokalee Road and Interstate 75 east of Golden Gate Estates. The plans since were scaled back. Big Cypress would be the second new town to rise in eastern Collier County, the first being Ave Maria and Ave Maria University. Work at Big Cypress is expected to begin in 2010.

Guest Commentary: Range of efforts necessary to protect Florida panther

PAUL SOUZA, Vero Beach, Field supervisor, South Florida Ecological Services Office, U.S. Fish and Wildlife Service NAPLES DAILY NEWS

6:34 p.m., Saturday, November 24, 2007

The Daily News' recent three-part series on the Florida panther brought much-needed attention to the plight of this endangered species. The series rightly underscored a fundamental theme: recovering the panther is one of the most significant conservation challenges in the United States today. Major threats include habitat loss, degradation and fragmentation; the reduced genetic diversity that regularly plagues small populations; the potential for disease outbreaks such as feline leukemia; and vehicular collisions on South Florida's road network.

While the challenges are daunting, we also have some success stories to share and reason for hope. By the early 1990s, the panther population was about 20 to 30, and it became clear that genetic problems were causing a downward spiral that would likely lead to extinction. In response, the state of Florida led a restoration effort that has tripled the population. Big Cypress National Preserve and the Florida Panther National Wildlife Refuge, created in the 1970s and 1980s, are strongholds of this population. Today, roughly 75 percent of the panther's primary habitat is protected, but there is clearly more work to be done.

One tool used to protect the remaining habitat is regulatory review under the Endangered Species Act. Actions that may affect endangered species are reviewed by the Fish and Wildlife Service. Because the panther is highly endangered, we have developed detailed methods to review impacts from proposed development. As required by federal regulations, we work closely with agencies and applicants to collect facts related to their proposals to understand the potential effects. We regularly request detailed information on proposals, which serves as a starting point for completing and finalizing the analysis. After we have reviewed the details of a specific proposal and compiled the best available science, we issue a complete biological review of the proposal that includes binding conservation measures for the benefit of the species.

The scientific understanding of the panther and its habitat continues to improve, and these advances are the foundation of successful conservation efforts. Last year, we made changes to a map used in the regulatory review process that defines panther habitat. These changes were based on recent scientific studies, including two published in 2006, that provided a detailed understanding of where panthers live and where they are most likely to be found in the future. This new information replaced an outdated map that did not have the biological precision found in the recent science, but instead followed roads, levees and county boundaries. Last year's advances in science have focused attention on the most important habitat and therefore represent a significant step forward in our collective efforts to conserve the panther.

We have demonstrated notable results with the regulatory review tool. In the last four years, we have helped conserve over 20,000 acres of primary panther habitat through regulatory review. We have also worked closely with partners to secure a number of panther crossings to provide safe passage across stretches of roads that pose a risk. For example, two crossings have recently been added to State Road 29; four crossings are planned for U.S. 1 in the southeast part of the panther's range; and other crossings are planned for Oil Well Road, U.S. 41 and Immokalee Road. We are committed to working with our partners to implement additional crossings in key locations in the future.

Regulatory programs have played and will continue to play a key role in panther conservation. By definition, however, they are reactionary in nature and a response to development proposals. We must therefore look at this need more broadly and work together to build proactive conservation strategies to conserve this endangered species. Local, state and federal efforts such as Collier County's Rural Land Stewardship Program and restoration of Picayune Strand through the Comprehensive Everglades Restoration Program have conserved many areas important for panthers. Efforts like these can be used to conserve important panther habitat in the future.

I firmly believe we need a broad palette of strategies to meet the significant panther conservation challenge before us. We can realize the greatest benefits by working in partnership, building strong relationships and finding new and creative ways to advance panther conservation. The Fish and Wildlife Service is committed to working with our partners to conserve the Florida panther and its habitat for future generations.

Yearlong review of Collier's landmark growth plan under way

**By ERIC STAATS (Contact) NAPLES DAILY NEWS
10:30 p.m., Tuesday, November 20, 2007**

Collier County's rural growth plan was hailed as a breakthrough when the county adopted it in 2002, but few envisioned what was in store. Tens of thousands of acres have been preserved or targeted for restoration, creating development credits that

have built the new town of Ave Maria and Ave Maria University and have laid the groundwork for a proposal to build a second new town called Big Cypress. On Tuesday, a 13-member committee appointed by county commissioners last month kicked off a yearlong review to measure whether the plan is living up to its promise of balancing agriculture, development and the environment. "I don't think anybody in their wildest dreams thought the plan would be put in place and implemented that quickly," WilsonMiller CEO Alan Reynolds, an architect of the rural growth plan, told the committee. The first part of the review, expected to be finished in February 2008, will analyze a technical review of the plan's track record. A second phase to be wrapped up by next fall, will consider whether the county should change parts of the plan. Committee members appointed Gulf Citrus Growers Association Executive Director Ron Hamel as the committee chairman and former county Planning Director and Golden Gate activist Neno Spagna as vice chairman. Hamel pledged an "open and detailed review" of the 2002 plan, he said. Hamel also was chairman of the original county committee that oversaw the creation of the 2002 plan, an outgrowth of a legal battle over whether the county was doing enough to protect its natural resources. The state Department of Community Affairs, backed by Florida Wildlife Federation and the Collier County Audubon Society, took the legal challenge to an administrative law judge. The judge sided against the county, sending the matter to then-Gov. Jeb Bush and the Cabinet. In 1999, Bush and the Cabinet ordered a three-year moratorium on rural growth in Collier County while the county worked to rewrite its rural growth plan. Six major landowners agreed to pay for a study of almost 200,000 acres around Immokalee that resulted in the Rural Lands Stewardship Area rules. The RLSA and the review that started Tuesday does not include areas around Golden Gate Estates that also were caught up in the 1999 order but are subject to different growth rules. In the RLSA, landowners have the option of preserving environmentally sensitive land to earn development credits to build new towns and villages mostly on agricultural land. So far, landowners have preserved 24,000 acres and more than 30,000 acres are pending for preservation. The town of Ave Maria is approved for 11,000 homes on more than 5,000 acres. The 2,800-acre town of Big Cypress is proposed to have almost 9,000 homes. The big question for environmental groups is whether the RLSA is on a sustainable track, said review committee member Brad Cornell, policy advocate for Collier County Audubon Society and Audubon of Florida. "So far, so good," Cornell said, referring to Ave Maria. He said he worries, though, that the RLSA might be generating too many development credits and endangering progress on the preservation front. "We think there are improvements to be made, said Laurie Macdonald, Florida director for Defenders of Wildlife, based in St. Petersburg. A representative of one half of the partnership that is building Ave Maria said the RLSA needs only "tweaks," if that. "Off the top of my head, I don't foresee any major changes," said Barron Collier Cos. Vice President Tom Jones, a member of the review committee. Other committee members are Immokalee agriculture irrigation supply business owner Floyd Crews, land planner and engineer David Farmer, Wachovia real estate financial services manager Jim Howard, Corkscrew Island Neighborhood Association president and mining contractor Bill McDaniel, agribusiness manager and Golden Gate Estates Area Civic Association President Tim Nance, Economic Development Council of Collier County President Tammy Nemecek, former Collier County Housing Authority Executive Director Fred Thomas, retired cable company manager and former Planning Commission member Dave Wolfley, and Gary Eidson, North Naples activist and chairman of the Citizens Transportation Coalition of Collier County. Talk of changes to the RLSA rules could test the good relations that large landowners and environmental groups forged to create the plan. "I think we realized that we could accomplish more together than apart," Jones said.

Rural lands Stewardship Area committee meeting postponed

By ERIC STAATS (Contact) NAPLES DAILY NEWS

Originally published 12:51 p.m., Thursday, November 1, 2007

Updated 3:59 p.m., Thursday, November 1, 2007

Collier County has postponed until Nov. 20 a kick-off meeting for a committee reviewing the county's Rural Lands Stewardship Area program. The meeting had been set for Tuesday. The RLSA, which covers almost 200,000 acres around Immokalee, gives landowners the option of earning development credits by preserving environmentally sensitive land. Thousands of acres have been preserved since the county adopted the program in 2002, setting the stage for development of Ave Maria and the proposed new town of Big Cypress. County commissioners appointed a 13-person committee last month to oversee the review and determine whether to recommend changes. The committee's first meeting is set for 9 a.m. in Room 609 at the county's Community Development and Environmental Services building on Horseshoe Drive. Committee members are Collier County Audubon Society and Audubon of Florida policy advocate Brad Cornell, Immokalee irrigation system supply business owner Floyd Crews, land planner and engineer David Farmer, Gulf Citrus Growers Association Executive Director Ron Hamel, Wachovia real estate financial services manager Jim Howard, and Barron Collier Cos. Vice President Tom Jones. Others are Corkscrew Island Neighborhood Association president and mining contractor William McDaniel, agribusiness manager and Golden Gate Estates Area Civic Association President Tim Nance, Economic Development Council of Collier County President Tammy Nemecek, land planner and Golden Gate activist Nino Spagna, former Collier County Housing

Authority Executive Director Fred Thomas, retired cable company manager and former Planning Commission member Dave Wolfley, and Gary Eidson, North Naples activist and chairman of Citizens Transportation Coalition of Collier County

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July 1, 2008

Mr. Thomas Greenwood
Principal Planner
Comprehensive Planning Department
2800 North Horseshoe Drive
Naples, FL 34105

Re: Collier County RLSA I Phase II

Dear Mr. Greenwood:

Our firm, together with WilsonMiller, Inc., represents Alico, Inc., Pacific Tomato Growers, Barron Collier Company, Consolidated Citrus, Priddy Farm, Half Circle L Ranch, Ranch One Coop., English Properties, and Collier Enterprises, who collectively comprise the "Eastern Collier Property Owners" or ECPO in the ongoing review of the Collier County Rural Lands Stewardship Area ("RLSA"). In that capacity, we have been following the efforts of the Rural Land Stewardship Review Committee in its review of the Goal, Objectives and Policies of the RLSA. Our team is comprised of land use and environmental consultants, engineers, economists, ecologists, wildlife experts, transportation planners and other professionals, many of whom were instrumental in the formation of the RLSA program, and having considerable experience in the implementation of RLSA since its adoption.

The Eastern Collier Property Owners own approximately 160,000 of the 195,000 acres in the RLSA, and therefore have a vested interest in ensuring that any proposed changes resulting from the ongoing review of the program by the Committee retain its incentive based, voluntary orientation to achieve the goal and objectives of the RLSA. Pursuant to the established procedures for the 5-year review of the RLSA program, we offer the following comments and recommendations for consideration by the Committee during the Phase 2 process currently underway.

In this letter we will offer our comments and recommendations related to the Goal, Objective, and Policy Groups 1 and 2. In subsequent letters we will address Policy Groups 3, 4, and 5.

The RLSA Goal

The RLSA Goal is: *“to protect agricultural activities, to prevent the premature conversion of agricultural land to non-agricultural uses, to direct incompatible uses away from wetlands and upland habitat, to enable the conversion of rural land to other uses in appropriate locations, to discourage urban sprawl, and to encourage development that utilizes creative land use planning techniques.*

The Phase I Technical Report clearly demonstrates that the RLSA Program is achieving this goal. In its first five years, over 55,000 acres of agriculture and natural resources have been permanently protected or are in the process of being protected as SSAs; agriculture remains a viable and vibrant industry with nominal conversion to other uses; the sustainable new Town of Ave Maria has been approved and the first phase has been built, and there has been no development of land in a manner that could be construed as sprawl, nor have any new lots been created under the baseline zoning of 1 unit per 5 acres.

The Rural Land Review Committee has discussed that greater incentives may be beneficial to further incentivise the protection of agricultural land, and the Committee has proposed a revision to the Goal to more clearly define Collier County's intent to “retain land for agriculture activities.” ECPO fully supports this direction and the specific language change.

Some members of the public have offered an opinion that the RLSA Program might create an imbalance in land uses over time, as the current program includes stronger incentives to protect natural resources than for agriculture, and allows the conversion of agricultural land to accommodate new community development, thereby resulting in pressure to relocate agriculture to other natural areas. ECPO believes that the current RLSA program is well balanced, but does support enhanced incentives to retain agriculture. ECPO does not agree with the suggestion that development will push agriculture into pristine natural systems. Based on review of the data and the opinions of agricultural experts, most of the RLSA lands that can be productively and economically farmed have already been converted to agricultural use, and the combination of incentives and regulations make it unlikely that undisturbed land will be converted. In fact, the data and analysis is the initial study that led to the creation of the RLSA demonstrated that over the preceding two decades, there has been very little land converted from a natural condition to agriculture. What is likely is the specific types of agricultural activities will change over time in response to market demands, and new techniques in farming will continue to increase the productivity of the remaining agricultural lands.

ECPO agrees with the Committee's previous Goal revisions proposed April 1, 2008, and action taken to reconfirmed the proposed language and intent to strengthen the Goal during the meeting of June 17, 2008.

The RLSA Objective

Collier County's objective is to create an incentive based land use overlay system, herein referred to as the Collier County Rural Lands Stewardship Area Overlay, based on the principles of rural land stewardship as defined in Chapter 163.3177(1), F.S. The Policies that will implement this Goal and Objective are set forth below in groups relating to each aspect of the Goal. Group 1 policies describe the structure and organization of the Collier County Rural

Lands Stewardship Area Overlay. Group 2 policies relate to agriculture, Group 3 policies relate to natural resource protection, and Group 4 policies relate to conversion of land to other uses and economic diversification. Group 5 are regulatory policies that ensure that land that is not voluntarily included in the Overlay by its owners shall nonetheless meet the minimum requirements of the Final Order pertaining to natural resource protection.

ECPO supports the stated objective, and strongly believes that an incentive based land use overlay system is the appropriate means of implementing the RLSA program. ECPO further agrees that the principles of rural land stewardship as defined in Chapter 163.3177(11), F.S, provide clear and consistent guidance in the structure and methods embodied by the Collier County RLSA, and while the Collier County program is not considered by the State to be a statutory program, it nonetheless has demonstrated that these principles can and do in fact work when put into practice by local governments and landowners.

The Phase I Technical Report, together with the adopted RLSA Policies and the RLS Land Development Code, all demonstrate consistency with the Objective and have proven over the past five years to be a well utilized and clear set of guidelines that enable implementation of the RLSA Program. In the opinion of ECPO, and many other observers, no other Comprehensive Plan program in Collier County has been as well embraced and used during its initial years.

ECPO agrees with the Committee's decision to leave the Objective unchanged.

Group 1 Policies

Group 1 policies provide the general purpose and structure for establishing the RLSA as an overlay to the existing baseline rights. The provisions set forth the program mechanics property owners must follow if electing to utilize the RLSA. It is within the Group 1 policies that the RLSA methodology for generating Stewardship Credits is defined, and the process is established for designating a SSA or SRA.

ECPO supports the scientific methodology used to establish the Overlay designations of Habitat and Flow way Stewardship Districts, Water Resource Area, and Open and WRA Natural Resource Index Values. No data and analysis, or clear rationale has been provided to support the contention that the methodology is flawed.

Public comments have been reviewed and discussed with those offering comments. A continued collaborative process will resolve the differences and build on the points of agreement. Attachment A to this letter provides ECPO's thoughts related to each public comment. The intent of the attachment is to assist the Committee with background information, additional facts and analysis that may be needed to address the comments.

Through implementation of the program with Stewardship Sending Area applications and Stewardship Receiving Area applications, the process and procedures defined within Group 1 have been effective in meeting the objective. The policies have provided effective incentives, allowed the needed flexibility for property owners to manage their land and respond to agriculture and development market demands, and produced the expected results.

Considering the public comment received and the experience of implementing the program, the Eastern County Property Owners have the following comments and recommended revisions on the Group 1 and Group 2 Policies.

Policies 1.1 – 1.5

ECPO agrees with the Committee's recommendation of no changes to policies 1.1 – 1.5, during the meeting June 17, 2008.

Policy 1.6 – SSA procedures

This policy addresses the designation of SSAs. ECPO does not have recommended revisions at this time, however, this policy may need further review with additional discussion of SSAs.

Also per the policy, the RLSA Overlay Map should be updated to reflect SSAs and Ave Maria SRA.

Policy 1.7 – Credit value methodology

No change

Policy 1.8 – NRI Values

No change

Policy 1.9 – NRI Map Series

No change

Policy 1.10 – Credit methodology

No change

Policy 1.11 – Land Use Matrix, Attachment B

No change

Policy 1.12 – Credit transfer

No change

Policy 1.13 – LDR update

No change

Policy 1.14 – Credit exchange

No change

Policy 1.15 – SRA designation

No change

Policy 1.16 – SRAs to be creative and flexible

No change

Policy 1.17 – Clustering

This policy permits clustering only under the provisions of the RLSA. ECPO does not have recommended revisions at this time; however, this policy may need further review if the Committee considers clustering under Group 5 policies.

Policy 1.18 – Blend of revenues for SSAs

No change

Policy 1.19 – Voluntary basis
No change

Policy 1.20 – Stewardship Credit Trust
No change

Policy 1.21 – Early entry bonus Credit
No change

Policy 1.22 – RLSA Overlay Review Specifics
No change

Group 1 Policies may need further refinement as other policy revisions affect them. ECPO will provide additional comments on Group 1 Policies as further discussions and refinements necessitate.

Group 2 Policies

The Group 2 policies directly relate to agriculture. It is recognized that these policies should be strengthened for the benefit of retaining Collier County agriculture lands. ECPO supports the Committee's revisions to Group 2 Policies 2.1 – 2.6 made during the Committee meeting April 1, 2008. At this time, ECPO does not have any further comment or recommendations on Group 2. However, like Group 1 Policies, other policy refinements within the RLSA Overlay may require a look back at Group 2 policies. If that is the case, ECPO may provide comments at that time.

In closing, we appreciate the observations in an effort to make the RLS program as effective as possible, and while these comments are not intended to be exhaustive, we hope they will assist the Committee as they continue their work during stage two of the update. We look forward to the continued progress.

Sincerely,



George L. Yamadae

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As referenced in the letter dated July 1, 2014, the following is the public input related to Group 1 and Group 2 policies as shown in the Committee's "on-going draft." ECPO provides comments related to the public input with the intention of providing additional information and clarification for the consideration of the Committee through their review. Additional information related to public input related to Groups 3, 4, and 5 will be forthcoming as the Committee progresses in their review.

Policy 1.2

Public Input:

1. The intent of Policy 1.2 is to create "techniques and strategies that are not dependent on a regulatory approach, but will complement existing local, regional, state and federal regulatory programs." The compatibility of the RLSA to regulations such as the Clean Water Act and the Endangered Species Act, must be assessed during the five-year review and changes made where necessary to ensure compatibility. In addition, if new agency data is obtained or new regulations are enacted, the RLSA should be reassessed and amended at that time, not waiting for another five-year review process.

2. Clarify how RLS interacts with state and federal permitting agencies.

ECPO Comments: The RLSA will always need to comply with State and Federal regulatory programs such as the Clean Water and Endangered Species Acts. Those requirements need not be written directly into the RLSA. The regional approach used in the RLSA to secure permits ensures that all interests are party to the process.

Policy 1.4

Public Input:

1. What happens to baseline density - should disappear as in Rural Fringe TDR program?
Note: Also related to policy 1.5

ECPO Comments: The RLSA program is incentive-based; should a property owner elect not to participate in the program, the Group 5 policies provide for use of the property under the baseline provisions.

Policy 1.6

Public Input:

1. SSA's can be created in a non-contiguous and piecemeal fashion, thus assuring no functionality of wetland land mass. Even though to date that has not been the case, we should consider language that encourages contiguous SSA's.

2. No emphasis is put on trying to avoid fragmentation of natural areas and the maintenance of corridors.

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ECPO Comments: While it is true that individual SSAs can be non-contiguous, the ultimate implementation of the RLSA creates two large interconnected environmental systems. It is understood that this will take many years and the voluntary participation of many landowners to realize. Map "1E" of the RLSA Five-Year Review, Phase 1 Technical Report clearly demonstrates that the approved and pending SEAs are forming large contiguous blocks of protected lands that have been targeted for public acquisition since the 1970s. The RLSA program design has resulted in a predictable pattern of environmental protection, and eventually, all or nearly all of the FSA and HSA areas are likely to be designated SSA lands.

A review of the RLSA Overlay Map (Phase 1 – Technical Review, Map 1) clearly illustrates that the FSA, HSA, WRA, and Restoration Zone overlays collectively comprise a vast, interconnected system of flow ways and associated native habitats. These overlays were created for the expressed purpose of preventing wetland and habitat fragmentation, and maintaining existing wildlife corridors. Map 1E of the Phase 1 Technical Review reveals that the approved and pending SSAs form a contiguous block of protected lands that already incorporate a majority of FSA and HSA lands.

3. Maintain habitat connectivity/prevent habitat fragmentation with large linkages on a landscape scale and in association with land uses in the open area to maintain functioning systems and preserve the wetland to upland interface. Of particular note, are further protection of Camp Keais Strand and maintaining the habitat linkage in the vicinity of SR 29 and Oil Well Road.

ECPO Comments: The RLSA stewardship overlays (FSA, HSA, WRA, Restoration Zone, and Open) do not pre-determine sending and receiving area designations, but do influence the potential location of SSAs and SRAs. In 2002, the sum total of FSA, HSA, and WRA lands coincided with 91 percent of panther telemetry points collected between 1981 and 2000. A recent GIS analysis shows that these same overlays now contain 94 percent of all telemetry points recorded between 1981 and 2007. These data suggest that the overlays very effectively protect the habitat areas utilized by the Florida panther.

The FWC least cost path analyses suggest that the RLSA program may require refinements in selected areas to accommodate panther movements between large habitat blocks. These potential landscape connections are currently being reviewed as part of the RLSA five-year review.

4. SSA approval is not subject to EAC or CCPC review only BCC. SRA approval occurs via EAC, CCPC and BCC process, as should have been provided for SSA approval.

ECPO Comments: The designation of an SSA is a voluntary process, through which a property owner relinquishes private property rights, reduces the residual land use value of their property, and provides a public benefit by permanently protecting natural resources and agriculture, without requiring publicly funded compensation. The rules and requirements for establishing an SSA are clear, straightforward, and are not subject to the imposition of conditions and stipulations. RLSA incentives are designed to minimize obstacles to property owners in implementing the program. Multiple public hearings are costly and time consuming. Members of the public, including advisory board members, are not precluded from commenting on an SSA at the DCO hearing.

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The SRA approval process is more involved, as it deals with the establishment of design guidelines, assessment of infrastructure impacts, and other matters, that warrant the review and recommendations of the CCPC.

ECPO's experience in implementing the RLSA within the process that now exists has resulted in a successful program, and does not believe changes are needed to the process.

Policy 1.7

Public Input:

1. Indices are determined using a grid pattern that averages uses within each grid. This can have the effect of reducing the value of viable wetlands when the grid is split between activities. A proportional area of the land types within each grid could be applied to determine a more balanced index value.

ECPO Comments: The indices are not determined by a grid pattern, nor are attributes averaged. Rather, the natural resource data layers (e.g. FLUCCS) are mapped in a conventional manner and entered into a GIS. The individual polygons within a data layer are then scored according to the Natural Resource Index (NRI) values. After the scoring occurs, each data layer is then converted to a grid of one-acre grid cells. The gridding process was necessary to arithmetically add the data layer values in GIS.

The gridding process does create minor discrepancies along the boundaries between polygons with different NRI values. However, the individual errors are less than 0.5 acres and are essentially random errors that will generally cancel out across a given property. When the value in any specific grid cell is questionable, it is easily rectified by reviewing aerial imagery and individual data layers that are coincident with the grid cell. The grid system is used solely for the Credit calculation process and has no effect on how environmental regulations are applied to the land during the permitting process.

2. Clarification should be made in the GMP that while SSAs do remove land use layers from sensitive environmental lands, they are not conservation easements and should not be allowed to substitute or double as conservation easements by regulatory agencies during the agency permitting process. Separate conservation easements should still be entered into with the necessary agencies for state and federal permitting mitigation requirements.

ECPO Comments: No data and analysis, or clear rationale supports the contention that stewardship easements "should not be allowed to substitute or double as conservation easements by regulatory agencies during the agency permitting process." The relevant question is whether or not a given stewardship easement is consistent with the mitigation requirements for impacts to wetlands and/or wildlife, as determined by agency protocols. It is the purview of the regulatory agencies to determine, on a specific case-by-case basis, whether the stipulations contained within a stewardship easement are compatible with project-specific mitigation requirements.

3. SSA Credit Agreements reference specifically the policies within the GMP that remove land uses per the RLSA program. These agreements are the mechanism for removal of land

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uses. As such, the Conservancy believes these agreements should include the Department of Community Affairs (DCA), as the State's land planning oversight agency, as a signatory. Also, the idea of requiring a national, state or local environmental organization signatory should be assessed.

ECPO Comments: The Collier RLS program is specifically designed for implementation at the local level, and to our knowledge, the formation and official filing of SSA Credit Agreements has successfully been achieved without issue. The Department of Community Affairs is an advisory agency, not a regulatory agency, and as such, should not be required as a signatory. SSA Credit Agreements run with the land and the easements are in favor of Collier County, the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the South Florida Water Management District, or a statewide land trust.

4. No development south of Oil Well Road.

ECPO Comments: The RLSA stewardship overlays (FSA, HSA, WRA, Restoration Zone, and Open) do not pre-determine sending and receiving area designations, but do influence the potential location of SSAs and SRAs. In 2002, the sum total of FSA, HSA, and WRA lands coincided with 91 percent of panther telemetry points collected between 1991 and 2000. A recent GIS analysis shows that these same overlays now contain 94 percent of all telemetry points recorded between 1991 and 2007. These data suggest that the overlays very effectively protect the habitat areas utilized by the Florida panther.

The FWC least cost path analyses suggest that the RLSA program may require refinements in selected areas to accommodate panther movements between large habitat blocks. These potential landscape connections are currently being reviewed as part of the RLSA five-year review.

The references to the Eastern Collier Study and the Kautz paper should be considered in light of panther conservation planning at a regional scale and also site-specific analyses at the local scale. Both papers incorporate implicit and explicit assumptions regarding panther habitat utilization, corridor widths, impediments to panther movement, etc. that may or may not be valid. Neither paper provides definitive data and analyses to substantiate a change to the current overlays, beyond those potentially suggested by the FWC least cost path analyses.

The comment to preclude development south of Oil Well Road is not supported by any data and analysis. While large areas of panther habitat do exist south of Oil Well Road, there are also large areas of agricultural lands that lack evidence of panther utilization. These land use patterns are reflected by the current stewardship overlays.

5. No panther credits from sending lands that will be surrounded or significantly diminished in value by development.

ECPO Comments: The suggestion to preclude assignment of an "occupied panther habitat" score (per the Stewardship Credit Worksheet NRI scoring) is valid where SSA lands are entirely surrounded by development. Precluding the assignment of panther habitat scores is not

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applicable where connections to offsite panther habitat are maintained, because these areas may provide habitat support functions.

6. Review easement language and who holds the easements - possibly FWC should hold, but no stewardship easements to be held by private entities.
7. Signatory to easements should include the Florida Fish and Wildlife Conservation Commission.

ECPO Comments: The Collier RLS program is specifically designed for implementation at the local level, and to our knowledge, the formation and official filing of SSA Credit Agreements has successfully been achieved without issue. The Department of Community Affairs is an advisory agency, not a regulatory agency, and as such, should not be required as a signatory. SSA Credit Agreements run with the land and the easements are in favor of Collier County, the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the South Florida Water Management District, or a statewide land trust.

Policy 1.8

Public Input:

1. Indices are weighted heavier towards environmentally sensitive lands when in actuality these are the areas least likely to ever be used for development based on various agency regulations. The SSA credit system does not consider the jurisdictional aspects of SPWMD or the ACOE to assess developmental potential. Off-setting indices should have been considered for this.

ECPO Comments: The decision to assign a high priority to environmental protection was in direct response to the mandates of the Final Order and the result of a three-year collaborative effort among land owners, citizen stakeholders, staff, environmental organizations and the review committee that conducted the Study and created the RLSA framework.

Regulatory programs have limitations in encouraging integrated regional environmental planning and protection. In the incentive-based RLSA program, the weighting toward environmentally sensitive lands encourages large-scale protection of natural systems. The CREW lands, for example, have been targeted for protection since the mid-1970s. It was only after the RLSA was established that the CREW lands were effectively protected via multiple SSAs.

The recent state acquisition of Babcock Ranch, among others, illustrates two major points. First, environmental assets do have economic and public benefit value, and therefore deserve to be highly weighted. Second, funding for acquisition of sensitive lands is limited, and acquisition cannot protect more than a fraction of lands that should be protected. The cost of acquiring Babcock Ranch was equivalent to a full year's budget of Florida Forever.

These observations are also valid for Conservation Collier. In December, 2007, Conservation Collier purchased 367.7 acres within the RLSA boundary, adjacent to Centocrew Sanctuary. The total purchase price was \$5.3 million with a \$300,000 contribution from CREW Trust. If this relative cost of acquisition was applied to the 24,124 acres of land protected to date as SSA's at no cost to the public, it would have cost the taxpayers of Collier County more than \$325,000,000 to purchase these lands. This exceeds the total purchasing capacity of Conservation Collier.

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2. The Conservancy strongly supports the habitat stewardship crediting system be revised to use current best available science with regard to the preservation of Florida panther habitat. The panther habitat assessment methodology that the habitat stewardship crediting valuation system is predicated on has been substantially revised since by the U.S. Fish and Wildlife Service for application by the agency based on more recent scientific literature on the value of certain land cover types as Florida panther habitat. The Conservancy believes that in updating and revising the habitat stewardship crediting element of the RLSA program based on the best available Florida panther science will provide important incentives for preserving critical Florida panther habitat areas and more accurately guide receiving areas to areas that are less impetive to the subsistence and recovery of the Florida panther species.

ECPO Comments: The most current and accepted methodology should be used to evaluate the stewardship credit system. Habitat preservation and provision of buffered corridors in a Regional Plan and an all inclusive panther preservation strategy could also address this concern.

3. Revisit sending and receiving designations - telemetry & GPS, FWC's Least Cost Analysis, Eastern Collier Study (Smith, Ross & Main), FWC's SR 29 Dispute Resolution Letter, and Kautz, et al (all have been submitted to the county for data and analysis).

4. Corner of Oil Well Road and 29 - particularly the northwest corner - change to sending to protect important panther travel corridors - panther 131 found dead 04/16/081.

ECPO Comments: The RLSA stewardship overlays (FSA, HSA, WRA, Restoration Zone, and Open) do not pre-determine sending and receiving area designations, but do influence the potential location of SSAs and SRAs. In 2002, the sum total of FSA, HSA, and WRA lands coincided with 91 percent of panther telemetry points collected between 1981 and 2000. A recent GIS analysis shows that these same overlays now contain 94 percent of all telemetry points recorded between 1981 and 2007. These data suggest that the overlays very effectively protect the habitat areas utilized by the Florida panther.

The FWC least cost path analyses suggest that the RLSA program may require refinements in selected areas to accommodate panther movements between large habitat blocks. These potential landscape connections are currently being reviewed as part of the RLSA five-year review.

The references to the Eastern Collier Study and the Kautz paper should be considered in light of panther conservation planning at a regional scale, and also site-specific analyses at the local scale. Both papers incorporate implicit and explicit assumptions regarding panther habitat utilization, corridor widths, impediments to panther movement, etc. that may or may not be valid. Neither paper provides definitive data and analyses to substantiate a change to the current overlays, beyond those potentially suggested by the FWC least cost path analyses.

5. Revisit wildlife values on farm fields - caracara, sand hill crane, burrowing owl, gopher tortoise.

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ECPO Comments: The wildlife value of agricultural land is highly dependent upon cropping systems, tillage, water management, fallow periods, surrounding land uses, and many other variables. The dynamic nature of agriculture precludes a general statement about habitat value within these areas. For example, a slight change in vegetation structure (e.g., maturing row crops, unmowed pastures) or water management can easily render agricultural fields unusable for all of the species mentioned above. For these reasons, agricultural areas were not necessarily assigned wildlife values.

However, the potential habitat value of RLSA agricultural fields is already recognized in two important ways. One, agricultural fields that occurred within a landscape matrix of natural vegetation communities were incorporated into HSA overlays. Of the 40,000 acres of HSA overlay, approximately 13,000 acres are existing or former agricultural fields. Many of these areas have already been designated as SSAs. Secondly, over 3,000 acres of these farm fields and pastures have been designated for habitat restoration, serving all of the species mentioned.

In summary, due to the dynamic nature of agriculture and landscape context, the most appropriate means for recognizing wildlife value of farm fields is through incentives for restoration within existing FSA and HSA overlays.

6. I don't believe that the NRI, as originally developed, can be taken as gospel—it needs to be tested and re-evaluated as part of this process. Policy 1.9 states that the score will be based on...“the Natural Resource Index values in effect at the time of designation,” implying a need to update it regularly. The NRI was developed five years ago by Wilson Miller, but since that time new data have become available that could well lead to different answers. Nowhere is the NRI actually explained—it is presented as a black box with fixed weightings. At least it should be handled in detail in another companion document or as an appendix. There is no explanatory document posted on the RLSA website. There is also the need to re-examine the data upon which the NRI scores are based—for example, there are new panther data and new primary and secondary panther maps. There is also new scrub jay management guidance from FWS. Additionally, it might be a good idea to include a panther map overlay with your maps that appear at the end of the Phase 1 report.

ECPO Comments: The Natural Resource Index (NRI) factors were developed as part of a public process from 2000-2002, with repeated input from Collier County staff and the general public. The intent of the NRI scoring was essentially to discriminate between areas of high environmental value and low environmental value. The NRI scores also provide a rational basis for determining how many acres of SSA lands are required to entitle a SRA. The NRI model was calibrated with input from Collier County staff and the general public, and the NRI maps closely correlated with lands that were deemed as environmentally sensitive.

While listed species occurrence data, panther telemetry, land cover, and other data may change over time, the basis for the NRI scoring remains sound. The NRI scoring system and the stewardship overlays are consistent with the new data for panther telemetry and panther habitat selection. The primary and secondary panther maps are not primary data; they are derivative map products that are specifically designed to assist the USFWS with the panther regulatory program in south Florida. They are not designed to discriminate between lands that panthers occupy or avoid.

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Similarly, the scrub jay management guidelines may be useful if scrub areas can be restored, but there are few (if any) viable scrub jay areas within the RLSA (known scrub jay areas do occur within the Immokalee Urban Boundary).

7. Why are credits awarded in the ACSC, when there are already restrictions to development?

ECPO Comments: The underlying philosophy of the RLS program is that environmentally sensitive areas are valuable, and this value should be reflected in incentives for protection. The state of Florida recently paid \$350 million for Babcock Ranch, which one could also argue was also under significant development restrictions. Within the RLSA, this protection comes at no cost to Collier County, and the property remains on the local tax rolls.

Restrictions on development within the ACSC do not eliminate all development. As one example, the Florida panther utilizes many areas within the ACSC. Highly dispersed, low density development that is allowable under existing ACSC regulations can adversely affect panther movement within the ACSC. By providing incentives for protecting large blocks of interconnected panther habitat, and by eliminating development rights in those areas, the ACSC remains viable as an area for panther utilization and movement.

8. Incorporate wording in each policy group that reflects best available science will be used in conducting and analyzing the program (e.g., Group 1 Policy 1.22). The SSAs and SRAs should be reassessed in light of current scientific findings.

ECPO Comments: There is often disagreement about what constitutes "best available science" for any given environmental issue, even among experts. A more workable approach may be to document the scientific references that were used for policy development in a data and analysis report that accompanies each review of the RLSA program.

Policy 1.11

Public Input:

1. What is fate of remaining uses on designated sending lands and suggestion of removing these remaining uses to meet mitigation obligations?
2. Remove all layers at one time - concern that several layers are contrary to conservation and/or agriculture preservation goals.
3. Clarify what is included in Ag 2 and Ag 1 - concerns about aquaculture.

ECPO Comments: When lands are designated as a SSA, the land owner voluntarily relinquishes specified land use rights, and retains other specified property rights. Depending upon which land use rights are retained, it may be appropriate to relinquish these "remaining uses" to meet mitigation obligations. For example, a land owner who retained Ag-1 land use rights to a farm field could relinquish their agricultural land use rights and restore the farm field as a native wetland to address mitigation obligations. The specific characteristics of the SSA will

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determine if removing additional land uses can potentially satisfy specific mitigation requirements, and is ultimately under the purview of regulatory agencies.

The ability to remove individual land use rights in layers motivates property owners to put larger areas into SSAs because they can manage operations and unique resources that may be a smaller portion of the whole. Changing the policy to force removal of all layers at one time will likely have a negative effect on protection goals by creating uncertainty among the landowners and slowing the process of creating SSAs.

The uses included in Ag 2 and Ag 1 are set forth on the Land Use Matrix, Attachment B, of the GOPs. The uses are the landowners' existing rights as permitted under the Rural Agricultural Zoning District.

ECPO supports the land use matrix as it currently exists.

Policy 1.18

Public Input:

1. Indices are weighted heavier towards environmentally sensitive lands when in actuality those are the areas least likely to ever be used for development based on various agency regulations. The SSA credit system does not consider the jurisdictional aspects of SFWMD or the ACOE to assess developmental potential. Off-setting Indices should have been considered for this.

ECPO Comments: The decision to assign a high priority to environmental protection was in direct response to the mandates of the Final Order and the result of a three-year collaborative effort among land owners, citizen stakeholders, staff, environmental organizations and the review committee that conducted the Study and created the RLSA framework.

Regulatory programs have limitations in encouraging integrated regional environmental planning and protection. In the incentive-based RLSA program, the weighting toward environmentally sensitive lands encourages large-scale protection of natural systems. The CREW lands, for example, have been targeted for protection since the mid-1970s. It was only after the RLSA was established that the CREW lands were effectively protected via multiple SSAs.

The recent state acquisition of Babcock Ranch, among others, illustrates two major points. First, environmental assets do have economic and public benefit value, and therefore deserve to be highly weighted. Second, funding for acquisition of sensitive lands is limited, and acquisition cannot protect more than a fraction of lands that should be protected. The cost of acquiring Babcock Ranch was equivalent to a full year's budget of Florida Forever.

These observations are also valid for Conservation Collier. In December, 2007, Conservation Collier purchased 367.7 acres within the RLSA boundary, adjacent to Corkscrew Sanctuary. The total purchase price was \$5.3 million with a \$300,000 contribution from CREW Trust. If this relative cost of acquisition was applied to the 24,124 acres of land protected to date as SSA's at no cost to the public, it would have cost the taxpayers of Collier County more than \$325,000,000 to purchase these lands. This exceeds the total purchasing capacity of Conservation Collier.

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Policy 1.21

Public Input:

1. The incentive program to jump start the RLSA program was too generous and only increased the magnitude of development and the speed in which it will occur in the rural areas. Because of this, a need to look at longer range studies in lieu of the typical 5-years associated with concurrency issues should be considered.

ECPO Comment: The Early Entry Bonus Credit was specifically designed to jump start the protection of natural resources, not the speed of development. Policy 1.21 states that:

"The early designation of SSAs, and resulting protection of flowways, habitats, and water retention areas does not require the establishment of SRAs or otherwise require the early use of Credits".

During the review process of the RLSA, the Department of Community Affairs supported the EEB program as a way to jump start the program through designation of SSAs in advance of market demand for Credits. This objective has been realized, as approximately 55,000 acres of SSAs are approved or pending compared to approximately 8,000 acres of approved and pending SRAs. At full utilization, 27,000 Early Entry Bonus (EEB) Credits are allowed, which translates into 3,375 acres of Receiving Areas. To date, approximately 7,719 EEB Credits have been approved and approximately 9,195 EEB Credits have been applied for in pending SSA applications. By any measure, the EEB program has been a success, and has not resulted in an increase in either the magnitude or speed of development in the rural areas.

Policy 1.22

Public Input:

1. The Conservancy believes the five year review for the Collier RLSA should be each five years, not just at the first five year anniversary.
2. Review should recur at least every five years. Establish interim process for modifications if new, sound and defensible information becomes available.
3. **Monitoring:** The program should include presentation of a written annual report to the Board of County Commissioners at a BOCC meeting, with adequate public notice of the item and notice to interested parties. At a minimum the report should include the number of acres in SSAs and SRAs, proposed SSAs and SRAs, available credits that could entitle development, infrastructure (roads, utilities) constructed and proposed, a status assessment of listed species and their habitat, and acres and activities involved in restoration.

ECPO Comments: Policy 1.22 requires a comprehensive review of the RLSA upon the five-year anniversary of the adoption of the Stewardship District in the LDC. The initial 5-year review period was put in place because RLS was adopted as an innovative, break-through program that incorporated many interests. Specific criteria are to be addressed, and this task is currently being conducted by the Review Committee. The County currently has procedures for review and appraisal of the entire GMP (the EAR process) and the RLS program should not be subject to a more rigorous schedule than already in place. Consideration should also be given to the staffing of County personnel to perform evaluation of specific GMP policies as opposed to

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review of the entire GMP. If it is determined that review is on a 5-year cycle, it will be important to restrict this review to local agencies that are responsible for implementation and oversight of the program.

Providing for a requirement to provide annual reports is onerous and unnecessary. Since approval of the RLS program, one new town has been approved and is under construction. All documentation relative to this approved SRA and all approved SSA's is public record and available for review by any interested party. County staff already has numerous monitoring and reporting requirements for various local and state initiatives and directives, and the costs associated with such a requirement (staff time, legal advertisement, etc.) would be an unnecessary burden on County taxpayers.

ECPO supports 5-7 year reviews.

Comments received that are not clearly associated with existing policies so therefore would require drafting new Group 1 policies.

1. Collier County should re-evaluate how other Growth Management Plan (GMP) policies may be appropriate for applicability to the RLSA. For example, the Conservation and Coastal Management Element (CCME) now has additional provision for stormwater treatment that require 150% treatment. Certain GMP policies may be appropriate for application to the RLSA and should be considered for inclusion in the RLSA. At a minimum, exempting the RLSA from other provisions within the GMP should be re-evaluated.

ECPO Comments: The adopted GMP goals and policies and associated LDC provisions for the RLSA are extensive and clearly detailed, and were a result of approximately three years of meetings and public input. Keeping these provisions together in one place in both the FLUE and LDC provide for a comprehensive, single source guide. We are not aware of any data that supports the need to require other provisions of the Growth Management Plan be incorporated into the provisions of the RLSA. Existing permitting procedures address specific and detailed requirements. Adding permitting related regulations to the Growth Management Plan is not necessary and could also be a disincentive to potential participants.

2. Because there are only a few large landowners in eastern Collier County, they are generally using their own agricultural land to offset development on other land that they own (i.e., using their own credits). There is essentially no market for the credits accrued by several small landowners. (Create a County Credit Bank)

ECPO Comments: Further discussion with Mrs. Hushon related this item to the establishment of a Credit Bank to track the availability of Credits. A "Stewardship Credit Trust is currently provided for in Policy 1.20

Policy 2.1

Public Input:

1. Policy 2.1 states that, "Analysis has shown that [Stewardship Receiving Areas] SRAs will allow the projected population from the RLSA in the Horizon year of 2025 to be accommodated on approximately 10% of the acreage otherwise required if such compact rural development were not allowed due to the flexibility afforded to such development." How this policy will be met

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needs to be assessed during the five-year review. Based on the figures from Policy 1.3, there are 182,334 acres of privately-owned land. These lands, prior to the RLSA, were allowed a density of one unit per five acres. Thus, 36,467 units would have been allowed. Assuming development would have occurred in the worst-case scenario of the allowed one unit per five acres, all 182,334 acres could have been impacted by development (though this is highly unlikely, as permits could not likely be obtained for development within the sloughs and other extremely sensitive areas). Thus, to comply with the policy goal of the future population being contained on 10% of this land, development should be contained to 18,233 acres of the RLSA. This would be a ratio of development to non-development of 9: 1. Currently, the SRA to SSA ratio for Ave Maria, the only approved RLSA town to date, is approximately 3: 1. Collier County must assess now the ultimate 9: 1 ratio, or development on 10% of the land, will be achievable in the future, if all new SRAs come in at Stewardship Sending Areas (SSAs) to SRA ratios of less than 9: 1. The Conservancy believes the manner in which this policy will be met should be further clarified.

ECPO Comment: ECPO agrees with the April 1, 2008 minutes of the Review Committee where Alan Reynolds clarified the relevance and purpose of the 10% figure.

Policy 2.2

Public Input:

1. More lands east of 29 into sending or protective status – this is ACSC land.

ECPO Comment: The RLSA Review Committee is already considering new agricultural policies that will incentivize the protection of agricultural landuses. The Agriculture Preservation program, if adopted, will result in the designation of many 'Open' agricultural lands as SSAs. The proposed program provides extra incentives for protection of agricultural lands within the ACSC. The proposed program may work in concert with other regional conservation programs to provide vast areas of agricultural and native landscapes.

2. Agriculture preservation in receiving areas - incentives? What is left after towns/villages are built?

ECPO Comment: The agriculture incentives within the Group 2 policies proposed by the Committee provide greater opportunity for landowners to continue agriculture operations while removing land rights on lands designated as "Open." This incentive is directly related to the desire for agriculture preservation. Provided landowners maintain the ability to create new towns and villages, with the addition of the new agriculture incentive full implementation of the RLSA should result in three land categories – natural resource SSAs, agriculture SSAs and towns and villages.

3. If the Committee genuinely wishes to adopt policies to encourage the preservation of meaningful Agricultural Lands for the future, these policies and incentives must reward the preservation of lands with substantive Agricultural value. The preservation of higher quality lands with the potential to produce citrus, row crops, or other high value horticultural crops in the future obviously should carry a higher incentive in development credits than minimally valuable grazing lands or pasture. Agricultural value alone should be the criteria. The location of many

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of these lands in Collier County is well established. In response to Mr. Jones' proposal, I do not believe that any credits should be granted for the preservation of Agricultural lands in the Area of Critical State Concern. These lands are in environmentally sensitive areas and are under little development pressure. Most should never be intensively used and hold limited Agricultural value for the future.

In my opinion, a separate category of Agricultural Stewardship Sensitive Lands (ASSA) should be created. This could identify the difference between the Ag preservation effort and current SSA's which in practice are strictly environmental. Criteria for credits and goals should be separate. This need not be excessively complex, but should give the most reward to landowners who preserve the land with the most current and potential value to Agricultural uses, not natural resource value or conservation. This should be very acceptable and desirable to landowners as this rewards them the most for keeping the lands currently generating the most revenue.

Agriculture is currently very well defined and highly regulated by a myriad of state and federal agencies. Any RLSA Agricultural policies should not be crippled by additional environmental restrictions. In any RLSA Ag. program there should be no additional restrictions of any kind to any legitimate agricultural uses. Landowners should be able to capitalize on future technology. Intensity of use should not be restricted or frozen at current levels. Any RLSA must function within laws including best management practices. Regulation and restriction should be left to the law makers and regulatory agencies, not the environmental advocacy interests. The committee has serious work to do in the details of a viable Ag preservation incentive policy. I hope that all committee members will read, in detail the 2007 RLSA Program Annual Report to the legislature from DCA. This review outlines their concerns with the Collier County RLSA program and policies and defines issues and shortcomings that the committee surely must address. To develop an Ag policy that will be acceptable to DCA will no doubt be challenging simply because it will generate an additional inventory of development credits. It is most likely that DCA will be reluctant to endorse any policy that exacerbates their current stated concerns include the following:

- + The maximum number of stewardship credits in the RLSA is not known and therefore the maximum development footprint cannot be determined.
- + The Collier RLSA Plan has not established how many new towns and villages can be created.
- + Spatial arrangement and extent of various land uses has not been addressed. Fragmentation of both Environmental and Agricultural lands could make both unsustainable. The distribution pattern of Development as well as necessary buffers, greenbelts, or other provisions to preserve rural character have not been adequately addressed, putting it at risk.

The committee will ultimately have to address these issues, and most will have to be addressed en route to any functional and DCA-acceptable Agricultural incentive policy. All of this must be accomplished in light of the elephant in the middle of the room, and that is the underlying land use in Collier County of 1 dwelling unit for five acres of land. This density, although low, is the reason why only agricultural land with a high natural resource value has been preserved to date. All RLSA credits to date have been structured in a highly rewarded environmental context. A separate and well defined Ag policy, with similar incentives, is needed. To be acceptable, I am afraid this will require that the entire RLSA, at build out, be considered and better defined.

Is the committee willing and prepared to do this?

I look forward to discussing Group 2,3, and 5 Policies, however, in my opinion, the present Collier RLSA shortcomings and criticisms must be addressed before additional or

Attachment A

new Agriculture policy (or for that matter, any other new policy) can be created. I therefore propose to the Committee that a structured review and discussion of DCA stated concerns be undertaken at this time. This should be done before any complex new policy is considered, or any new specific policy language is adopted.

4. Will there be a continuation of loss of agricultural acreage in the RLSA in the future? Agricultural Productive areas need to be preserved.

5. Establish new category of agriculture preserves; however, assure that the process does not set up a competition between conservation and agriculture preservation that would result in failure to protect natural resources. [We note that while conservation benefits have certainly accrued from the acres currently designated as Ag 1 and Ag 2, very few (~650 acres) have actually been categorized as Conservation.]

ECPO Comment: The Review Committee has proposed new policies to provide incentives for landowners to preserve agriculture land within the Open designation.

APPENDIX K

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August 26, 2008

Mr. Thomas Greenwood
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Re: Collier County RLSA Phase II

Dear Mr. Greenwood:

Our firm, together with WilsonMiller, Inc., represents Alco, Inc., Pacific Tomato Growers, Barron Collier Company, Consolidated Citrus, Priddy Farm, Half Circle L Ranch, Ranch One Coop., English Properties, and Collier Enterprises, who collectively comprise the "Eastern Collier Property Owners" or ECPO in the ongoing review of the Collier County Rural Lands Stewardship Area ("RLSA"). In that capacity, we have been following the efforts of the Rural Land Stewardship Review Committee in its review of the Goal, Objectives and Policies of the RLSA. Our team is comprised of land use and environmental consultants, engineers, economists, ecologists, wildlife experts, transportation planners and other professionals, many of whom were instrumental in the formation of the RLSA program, and have considerable experience in the implementation of RLSA since its adoption.

The Eastern Collier Property Owners own approximately 180,000 of the 195,000 acres in the RLSA, and therefore have a vested interest in ensuring that any proposed changes resulting from the ongoing review of the program by the Committee retain its incentive based, voluntary orientation to achieve the goal and objectives of the RLSA. Pursuant to the established procedures for the 5-year review of the RLSA program, we offer the following comments and recommendations for consideration by the Committee during the Phase 2 process currently underway.

In this letter we will offer our comments and recommendations related to Policy Group 3. In subsequent letters we will address Policy Groups 4 and 5.

Group 3 Policies

Policy 3.2

Public Input:

1. Protection of listed species and wildlife habitat from intense land uses is one of the requirements in the Growth Management statutes. The HSAs were delineated to protect listed species and their habitat. During the first 5 years of the RLSA program there have been several instances of listed species in Open areas. The HSAs alone do not provide adequate protection to listed species. Additionally the 2002 definition of panther habitat is very limited compared to the habitat valuation matrix utilized by USFWS now.

ECPO Comments: The HSAs, FSAs, and WRAs collectively comprise over 88,000 acres and provide large, interconnected blocks of high-quality habitat for listed species and other wildlife. These overlay areas contain the vast majority of the native vegetation communities that occur within privately held RLSA lands, and also include over 13,000 acres of agricultural lands. The native vegetation that does occur within the Open overlay is highly fragmented, often impacted by surrounding land uses, and generally of much lower habitat quality than native vegetation communities within the FSAs, HSAs, and WRAs.

Staff does not provide any data and analysis to support the statement that HSAs (and presumably FSAs and WRAs) "do not provide adequate protection to listed species." Collier County and DCA did conclude that listed species protection was adequate when the plan was approved in 2002.

We dispute that the 2002 definition of panther habitat is "very limited" compared to the current USFWS habitat valuation matrix. In fact, the latest published panther research (Land, Shindle, et al., 2008) and a current USFWS review of multiple published studies indicates that the 2002 definition of panther habitat closely approximates the current understanding of panther habitat utilization. In fact, the RLSA Habitat, Flow way, and Water Retention Stewardship Areas as designed in 2002 incorporated ninety-one percent of the panther telemetry. Currently, the panther telemetry within these same areas has increased to ninety-four percent. This concludes that the habitat is protected.

Policy 3.6 and 3.7

Public Input:

1. The Conservancy strongly supports regulation of land uses in the Habitat Stewardship Areas (HSA) and Flowway Stewardship Areas (FSA), regardless of whether the landowner participates in the RLSA program. This should include restrictions of some permitted and conditional uses and should include all lands, regardless of their participation in the RLSA. For example, on lands not voluntarily participating in the RLSA, Policy 5.1 removes use layers 1-4 within FSAs. However, Collier County should assess whether all agricultural activities are appropriate for FSAs, and potentially remove the more active agricultural uses as incompatible with protection of the quality, quantity and maintenance of the natural water regime in the FSAs. Within Policy 5.1, for HSAs, the only outright prohibition is for asphaltic and concrete batch making plants. The Conservancy believes this should be reassessed, with the opportunity to expand the prohibited uses within HSAs and FSAs.

Also, Policy 3.7 specifically should be reassessed as to the allowances within HSAs. The Conservancy believes that golf courses, and other regulatory uses, are incompatible with all HSAs.

ECPO Comments: Land owner participation in the RLS program is voluntary and based on market conditions; it is not a regulatory technique, rather an incentive based program. Stripping additional uses off lands not participating in the RLS program would reduce the market value of that land and open the County to a Bert Harris claim action or violation of the Right to Farm Act. FSAs and HSAs were purposely defined broadly enough to allow a justified mix of habitat required for species and adequate land uses. Additional ag lands, although they did not meet the specific criteria for habitat, were included in HSAs in order to provide habitat connectivity.

Policy 3.9

Public Input:

1. Review of the SSAs currently designated indicate that out of the approximately 23,000 acres that are in SSA easements, only 650 acres have been taken down to their conservation land use. The Conservancy believes that Collier County should be more active in securing lands that will be maintained for conservation purposes. While grazing may sometimes be compatible with conservation uses, more active agricultural activities may not, especially if the environmental value of the land would benefit from restoration activities. Collier County should revisit the SSA Group 3 policies to require more SSAs be taken down to conservation through incentives or regulations. A better understanding of the uses removed within SSAs could be vetted if SSA designation was required to go through the EAC, CCPC and Board of County Commissioners for approval.

ECPO Comments: The Conservancy's statement does not acknowledge that of the 24,124 acres within approved OAs, 19,034 acres (79%) are designated as Ag-2 lands. Of the 19,034 acres under Ag-2 land uses, 16,334 acres exist under native vegetation, and an additional 1,781 acres are comprised of pastures. These Ag-2 land uses retain only grazing rights and other low-intensity agricultural uses that are entirely compatible with listed species conservation. Lands within approved SSAs "maintained for conservation purposes" are therefore more accurately quantified as the sum of Ag-2 and Conservation land uses (19,684 acres), or 82% of all approved SSA lands.

The designation of an SSA is a voluntary process, through which a property owner relinquishes private property rights, reduces the residual land use value of their property, and provides a public benefit by permanently protecting natural resources and agriculture, without requiring publicly funded compensation. The rules and requirements for establishing an SSA are clear, straightforward, and are not subject to the imposition of conditions and stipulations. RLSA incentives are designed to minimize obstacles to property owners in implementing the program. Multiple public hearings are costly and time consuming. Members of the public, including advisory board members, are not precluded from commenting on an SSA at the BCC hearing.

2. Provide incentive for organic farming for ag remaining in FSAs and HSAs
3. Continuing agricultural use in the SSAs should be with Best Management Practices (BMP) standards, at a minimum.

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EGPO Comments: The RLSA agricultural areas have been farmed for decades, utilizing standard agricultural operations that are covered by existing state agricultural regulations. Additional restrictions could potentially render these agricultural operations unprofitable, counter to the goals of the RLSA. The prescription of BMPs could also create disincentives for land owners to include agricultural areas within SSAs, thereby fragmenting landscape mosaics that would otherwise be protected as large, interconnected blocks of land.

Policy 3.10

Public Input:

1. The uses retained on lands, such as Ag 2, are not preservation lands yet they are preferred as such in subsequent development analysis. This then supports arguments to completely remove wetlands within the areas where development was to take place when in reality the ratios of natural wetlands preservation lands were much smaller in comparison to the wetlands being destroyed if the Ag2 lands were excluded. While some A2 lands are in more natural states, the fact they are not truly conservation lands is misleading.

EGPO Comments: The majority of SSA lands designated as Ag-2 consist of native vegetation communities and unimproved pastures and rangelands that contain both wetland and upland land cover. Once an SSA easement is placed on such property, the residential, earth mining, recreation, and intensive agriculture land use rights are removed and no further intensification of these natural areas is allowed. As a result, there is little difference between "preservation or conservation lands", and Stewardship Sensitive Area lands at the Ag 2 level, other than the fact that the land owner is obligated to continue to manage the land in accordance with the Stewardship Easement Agreement, rather than the public incurring this obligation and cost for public preservation land. One critical land use that is retained by the Ag-2 designation is the right to graze cattle, which is an important land management tool. In natural forest communities within the RLSA, grazing of cattle enhances forest function by suppressing exotic vegetation and controlling overgrowth in the understory. Ultimately, these Ag-2 lands do provide conservation benefits similar to those provided by public lands within and adjacent to the RLSA.

With respect to wetland impacts in SRAs, the RLSA is a planning tool that works in a complementary fashion to wetland and wildlife regulatory programs, not as a replacement. Any proposed wetland impacts and mitigation requirements are assessed and approved by the regulatory agencies for each SRA independently of RLSA process, using standard methodologies such as the Uniform Wetland Mitigation Assessment Method (UNAM). The RLSA program addresses the issue on a major system basis, which regulatory programs do not, and protects vast acreages of regional flow ways and larger high-quality wetland systems that greatly exceed the wetland mitigation ratios typically required by SFWMD and the US Army Corps of Engineers. This is one reason why the Collier County RLSA is held in high regard by the SFWMD, Florida Fish and Wildlife Conservation Commission, and the US Fish and Wildlife Service.

Policy 3.11

Public Input:

1. Many areas within SSA's are Ag lands that have been used in the past for a variety of activities that have the potential to cause soil and water contamination. These uses

include cattle dipping, petroleum spillage from wells and even solid waste disposal from hunting or remote camps. Since the SSA's are given credit for their environmental value a requirement for a clean environmental audit prior to the SSA's credit issuance on all property within the SSA should be mandatory.

ECPO Comments: Cattle grazing (and its related uses), is a permitted use throughout the RLSA, and may be allowed to continue when property is voluntarily placed within an SSA by its owners depending upon the land use layers removed. Land within an SSA that has been cleared or altered for agricultural support activities will be scored accordingly. SSA lands normally remain in private ownership and the property owner retains the obligation for land management, including compliance with regulatory requirements associated with agricultural practices. Environmental Audits are typically required only in conjunction with a change in ownership. Requiring an environmental audit to be performed on thousands of acres of land would be an extraordinary expense and is therefore a disincentive for property owners to consider placing their property within an SSA.

Cattle dipping vats were constructed throughout the State of Florida as a result of local, state, and federal programs conducted from 1906 through 1961, for the prevention, suppression, control, or eradication of the disease commonly known as tick fever by eradicating the cattle fever tick. Most vats were constructed with public funds and operated under local, state, and Federal Government supervision and control, and participation in the eradication program was mandated by state law and not voluntary. Chapter 376.306(2), Florida Statutes states:

Any private owner of property in this state upon which cattle-dipping vats are located shall not be liable to the state under any state law, or to any other person seeking to enforce state law, for any costs, damages, or penalties associated with the discharge, evaluation, contamination, assessment, or remediation of any substances or derivatives thereof that were used in the vat for the eradication of the cattle fever tick. This provision shall be broadly construed to the benefit of said private owner.

Any potential oil spills are closely scrutinized by the Florida Department of Natural Resources (DNR), and should there be an occurrence, immediate action is required. DNR maintains records of all petroleum spills and the action taken to address said spills. When wells are abandoned, oil companies and property owners are required to plug the wells and clean up the site under the direction of DNR.

Hunting camps are handled via written leases with the property owner. The stipulations of these legal leases include the requirement for any lessee to properly dispose of all solid waste and also include annual inspection by the property owner to insure the terms of the lease are being met. Private property owners take great care in the protection of their land when allowing others to use their property for hunting or camping purposes.

2. The Conservancy believes that retention of AG1 or AG2 uses on lands where credits are generated for restoration activities creates the potential for incompatibility. Even lower-impact agricultural uses, such as unimproved pasture, may present conflicts to replanting and management for lands based on the restoration plan. The Conservancy suggests that on lands where stewardship credits are generated for restoration plans and actual restoration activities, all land use layers should be removed down to the conservation use. In addition, appropriate fencing should be required to provide a sufficient separation between agricultural uses and restoration areas.

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ECPO Comments: The process for restoration credits requires the removal of AGI uses, so there is no potential for incompatibility between restoration and AGI uses under the FLSA program. Cattle grazing is a proven land management tool. When properly managed, cattle grazing limits timber loss from remaining an extensive fire hazard, keeps exotics from more rapid proliferation, and requires more continuous oversight of the land. Removing all agricultural uses from the land would be a disincentive to restoration because there is a cost associated with land management. There must be a mechanism available to ensure that restoration and conservation remain viable options in the market.

3. The Conservancy believes Policy 3.11 should be reexamined as to the ability for additional Stewardship Credits to be obtained for dedication of land for restoration. The Conservancy believes credit should be given only on lands dedicated for restoration, where restoration has been implemented.

ECPO Comments: In the FLSA restoration is a two step process. First land is dedicated for restoration, and then the restoration is completed. The FLS program assigns credits for each step. By assigning credits for the first step, dedication, the program sets aside and protects lands for a future restoration activity. When viewed in a regional context this dedication process is useful to other entities, such as Conservation Collier, when prioritizing which lands to protect and restore. To eliminate the dedication step from the credit system would be a disincentive to property owners to dedicate any restoration land until the restoration is to be completed, thereby depriving those other entities of knowing what the true regional restoration plan is.

4. Incentives for restoring farm fields in receding areas.

ECPO Comments: This comment is apparently referring to the potential for restoring farm fields within the "Open" overlay designation. The FLSA program was designed to achieve a balance between agricultural sustainability, environmental protection, and economic development. As noted in the previous response, ample opportunities for farm field restoration already exist within the FSA and HSA overlays. While restoration within the FSA and HSA overlays can occur within a landscape matrix of native vegetation communities, restoration within the Open overlay lacks a landscape-scale context, and should not be a priority.

5. Better handle on potential credits and restoration credits that can be generated - too many credits?

ECPO Comments: Both Collier County staff and ECPO are preparing more accurate estimation of total potential stewardship credit generation, including restoration credits.

6. Why have credits been established to be awarded just for preparing a restoration plan that does not have to be implemented?

ECPO Comments: (See response to 3 above).

7. Restoration credits: credit should be generated only for actual restoration work, this could be a two step scale involving the start of restoration and meeting specified success criteria.

ECPO Comments: The purpose of providing restoration designation credits is two-fold. One, the restoration designation credits can provide a source of capital necessary to initiate the

restoration work, including the costs of permitting, detailed restoration planning, etc. Secondly, there are situations where a land owner may be amenable to allowing a local (such as Conservation Collier) state or federal agency to perform restoration work on their land. The restoration designation credits provide an incentive for land owners to cooperate with agencies where they otherwise may have declined to participate, and the agencies can implement the restoration program.

- B. Any level of restoration or maintenance receives the same amount of credits. The credit value should be tied to the functional lift and there should be levels of credit that could be earned.

The management plan should include more than the 1 exotic plants listed by County Code (FLEPPC Category 1). Various other exotics have been observed.

The LDC should define more specific requirements on what management plans entail.

Restoration should be to a native habitat.

ECPO Comments: ECPO agree that a tiered system of restoration credits, tied to the restoration functional lift, the difficulty of restoration, and the cost of restoration would be beneficial. An approach will be provided to the RLSA Review Committee in the near future.

Management plans are currently incorporated into Stewardship Credit and Easement Agreements, so enforceability is already present in the system. We agree that it is appropriate to include the 12 Category 1 exotic plant species identified by FLEPPC in future management plans. The SSA restoration management plans submitted to date have included sufficient specificity to ensure the achievement of restoration goals, but we will work with the RLSA Review Committee and staff if a standardized checklist will provide clarity for all parties while preserving flexibility in restoration implementation.

We disagree that restoration should be limited to native habitats. Emphasis on pasture-dependent species highlights the need for inclusion of pastures as potential restoration habitat. Caracaras, for instance, prefer properly managed pastures over any other habitat, including native dry prairie. Restricting restoration to native habitats could potentially compromise recovery efforts for these species.

Policy 3.12

Public Input:

1. The Conservancy believes that wider buffers around HSAs, FSAs and Water Retention Areas (WRAs) should be required and should be examined during the five-year assessment.
2. More upland buffers for Camp Keels Strand & OK Slough

ECPO Comments: The need for more upland buffers adjacent to existing FSA and HSA areas has not been demonstrated or supported by any data and analysis. Aside from that fact, Restoration Zone overlays were already designated in 2002 along key portions of both regional flow ways, and comprise over 2,000 acres of potential buffers. These 500-foot wide Restoration

Zones create incentives for restoration of buffers, and can work in conjunction with SRA buffers as well.

Policy 3.13

Public Input:

1. Currently, WRAs are allowed to be used as either SSAs or as part of the water management system for a SRA. The Conservancy believes the appropriateness of utilizing WRAs as part of stormwater management should be reevaluated, especially for those WRAs that are part of historic wetland flowways and would benefit from restoration. However, if certain WRAs are deemed acceptable for stormwater treatment and are incorporated as part of the development's stormwater treatment system for a development project, their acreage should be included within the maximum acreage of the SRA. The Conservancy would like to see this changed in Policy 3.13 and other applicable policies.

ECPO Comments: The comment refers to Water Retention Areas or WRAs, which are one of three types of SSA classification. Two Policies are relevant to the comment:

Policy 3.13

Water Retention Areas (WRAs) as generally depicted on the Overlay Map have been permitted for this purpose and will continue to function for surface water retention, detention, treatment and/or conveyance, in accordance with the South Florida Water Management District (SFWMD) permits applicable to each WRA. WRAs can also be permitted to provide such functions for new uses of land allowed within the Overlay. WRAs may be incorporated into a SRA master plan to provide water management functions for properties within such SRA, but are not required to be designated as a SRA in such instances. WRA boundaries are understood to be approximate and are subject to refinement in accordance with SFWMD permitting.

Policy 3.14

During permitting to serve new uses, additions and modifications to WRAs may be required or desired, including but not limited to changes to control elevations, discharge rates, storm water pre-treatment, grading, excavation or fill. Such additions and modifications shall be allowed subject to review and approval by the SFWMD in accordance with best management practices. Such additions and modifications to WRAs shall be designed to ensure that there is no net loss of habitat function within the WRAs unless there is compensating mitigation or restoration in other areas of the Overlay that will provide comparable habitat function. Compensating mitigation or restoration for an impact to a WRA contiguous to the Camp Keats Strand or Okaloacoochee Slough shall be provided within or contiguous to that Strand or Slough.

The SFWMD will encourage or require that storm water continue to be directed into these reservoirs, even after converting adjoining land uses from farm to development. This is anticipated by RLS Policy 3.13 and 3.14. There will be many cases where on-going agricultural operations continue to use the WRA simultaneously with the developed land. In these cases, there is no purpose served by trying to distinguish how much of the WRA is serving the farm, and how much is serving the development, as the overall acreage of the WRA will not change.

Continuing to use these systems for water retention is efficient and beneficial to the environment, and results in land use patterns that are more compact and cost effective.

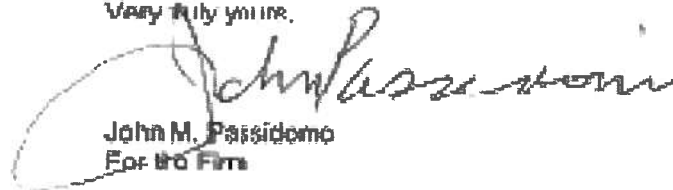
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Eliminating water flows would negatively impact hydrology and hydroperiod and would cause detrimental changes to the habitat values of these reservoirs. These reservoirs are typically large (over 100 acres), and often are located between the developable land and ultimate outfalls to flowway systems.

In instances where a WRA is permitted to function solely for SRA water quality treatment and detention, it may be appropriate to include the acreage in the SRA acreage calculation.

In closing, we appreciate the observations in an effort to make the RLS program as effective as possible, and while these comments are not intended to be exhaustive, we hope they will assist the Committee as they continue their work during stage two of the update. We look forward to the continued progress.

Very truly yours,



John M. Passidomo
For the Firm

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September 19, 2008

Mr. Thomas Greenwood
Principal Planner
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Re: Collier County RLSA Phase II

Dear Mr. Greenwood:

Our firm, together with WilsonMiller, Inc., represents Alico, Inc., Pacific Tomato Growers, Barron Collier Company, Consolidated Citrus, Priddy Farm, Half Circle L Ranch, Ranch One Coop., English Properties, and Collier Enterprises, who collectively comprise the "Eastern Collier Property Owners" or ECPO in the ongoing review of the Collier County Rural Lands Stewardship Area ("RLSA").

In that capacity, we have observed that a lack of certainty that stewardship credits can be utilized to entitle a SRA and that the SRA can thereafter receive all necessary permits required to commence construction can undermine the incentive for property owners to create and sell stewardship credits which, in turn, can weaken the system for protecting natural resources and agriculture in the RLSA.

We therefore respectfully propose the attached policy to make stewardship easements created upon approval of a SSA conditional for a period of 5 years or until one of the following events occurs at which time the easement becomes permanent:

- credits from the SSA are utilized to entitle a SRA and the SRA receives all necessary permits to commence construction;
- the SSA owner irrevocably sells the credits to another person; or

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- the SSA owner receives other compensation in exchange for creation of the SSA easement.

If none of the foregoing events occur during the 5 year conditional period, the owner of the SSA lands may thereafter revoke the easement.

Upon revocation of the easement,

- the SSA lands revert to base zoning,
- the credits generated by the SSA cease to exist,
- the rights and obligations created by the easement become null and void, and
- if credits from a SSA are used to obtain one or more SRA approvals, the SRA approvals also terminate.

During the 5 year conditional period, the owner of the SSA lands shall abide by all conditions and restrictions contained in the stewardship easement regarding maintaining property conditions and performing management obligations.

We appreciate the opportunity to present this proposal to you and look forward to discussing any questions you or the Committee may have concerning it.

Very truly yours,



John M. Passidomo
For the Firm

SSA REVERTER POLICY PROPOSAL

Proposed revision to last sentence of Policy 1.6:

Once land is designated as a SSA, no increase in density or additional uses unspecified in the Stewardship Sending Area Credit Agreement shall be allowed on such property unless the SSA is terminated as provided elsewhere herein.

Proposed new provision:

Notwithstanding any provision herein to the contrary, upon initial approval of a Stewardship Sending Area ("SSA"), the Stewardship Easement shall be established for a term of five years ("Conditional Period") and shall be deemed a Conditional Stewardship Easement. All conditions and restrictions of the Stewardship Easement related to maintaining the existing property conditions, including all management obligations of the owner of the SSA lands, shall be in full force throughout the Conditional Period. If at any time during the Conditional Period any of the following events occur, then the Conditional Stewardship Easement shall become a Permanent Stewardship Easement which shall be final, perpetual and non-revocable in accordance with the terms set forth therein:

1. Stewardship Credits from the SSA have been assigned to entitle an approved Stewardship Receiving Area ("SRA"), and the SRA has received all necessary final and non-appealable development orders, permits, or other discretionary approvals necessary to commence construction. If Stewardship Credits from the SSA have been assigned to more than one SRA, then the receipt of all necessary final and non-appealable development orders, permits, or other discretionary approvals necessary to commence construction of any SRA, shall automatically cause the Conditional Stewardship Easement to become a Permanent Stewardship Easement;
2. The owner of the SSA lands has irrevocably sold or transferred any Stewardship Credits to another person or entity, including a Stewardship Credit Trust as described in Policy 1.20, and received the consideration due from such sale or transfer, but not including a sale or transfer of the Stewardship Credits ancillary to the sale or transfer of the underlying fee title to the land; or
3. The owner of the SSA lands has received other compensation as described in Policy 1.18 in exchange for the creation of the Stewardship Easement Agreement.

In the event that none of the foregoing events has occurred during the Conditional Period, then the owner of the SSA lands may within 180 days after the last day of the Conditional Period record a Notice of Termination. In addition, if a challenge and/or appeal of a necessary development order, permit or other discretionary approval is filed, the owner of the SSA lands may elect to extend the Conditional Period until the challenge or appeal is finally resolved. If the challenge or appeal is not resolved such that the construction may commence under terms acceptable to the owner of the SSA lands, the owner of the SSA lands may within 180 days of the final disposition of the challenge or appeal record a Notice of Termination. Upon the recording of such Notice of Termination, the Stewardship Easement Agreement and corresponding Stewardship Sending Area Credit Agreement shall expire and terminate, the Stewardship Credits generated by the SSA shall cease to exist, the rights and obligations set forth in the Stewardship Easement shall no longer constitute an encumbrance on the property, and the SSA Memorandum shall be revised accordingly. The owner of the SSA lands shall provide a copy of the Notice of Termination to the County.

In the event that the Stewardship Credits from an SSA have been used to obtain one or more SRA approvals, but none of the foregoing events has occurred during the Conditional Period, then the Notice of Termination shall also provide for termination of any SRAs that have been assigned credits from the SSA, unless the SRA owner has obtained sufficient Stewardship Credits from another source and such Stewardship Credits have been applied to the SRA. In the event that a Notice of Termination does terminate an SRA, the owner of the SRA lands shall join in the Notice of Termination.

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September 23, 2008

Mr. Thomas Greenwood
Principal Planner
Comprehensive Planning Department
2800 North Horseshoe Drive
Naples, FL 34105

Re: Proposed RLSA Group 4 Policy Revisions Regarding Transportation Issues

Dear Mr. Greenwood:

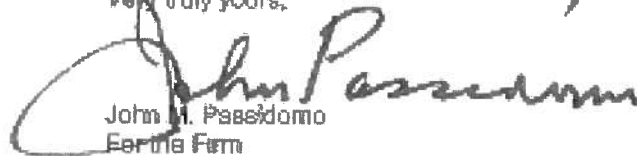
During our presentation on behalf of the Eastern Collier Property Owners this morning, the RLSA Review Committee requested that we provide them with a written synopsis of the following guiding principals which in our opinion are required to make the transportation based proposals submitted to the Committee today legally defensible under Florida law:

1. There must be a reasonable connection or "rough proportionality" between the required dedications and the anticipated needs of the community arising out of the proposed development;
2. The dedications sought to be required must be related to the impact of the project, used to mitigate those impacts, and applied to all types of developments (and not just those contained within the Rural Lands Stewardship Area);
3. Any proportionate share contributions must be credited against impact fee obligations and ensure that the landowner is not responsible for alleviating backlogs; and
4. A financially feasible analysis must be based on the planning timeframes contained in the county's Capital Improvement Element.

Mr. Thomas Greenwood
September 22, 2008
Page 2

We look forward to participating in ongoing Committee deliberations and in finding common ground to achieve the overriding objectives transportation staff spoke with the Committee about last week in a way which is legally defensible under Florida law.

Very truly yours,



John M. Passidomo
Earth Firm

JMP/tp



TO: Tom Greenwood
FROM: WilsonMiller
DATE: September 18, 2008
SUBJECT: Collier County RLSA Group 4 Policies

On behalf of the Eastern Collier County Property Owners and pursuant to the established procedures of the 5-year review of the RLSA program, we recommend the following revisions to the Group 4 policies for consideration by the Review Committee.

Policy 4.2

All privately owned lands within the RLSA which meet the criteria set forth herein are eligible for designation as a SRA, except land delineated as a FSA, HSA, WRA or land that has been designated as a Stewardship Sensitive Area. Land proposed for SRA designation shall meet the suitability criteria and other standards described in Group 4 Policies. Due to the long-term vision of the RLSA Overlay, extending to a horizon year of 2025, and in accordance with the guidelines established in Chapter 163.3177(11) F.S., the specific location, size and composition of each SRA cannot and need not be predetermined in the GMP. In the RLSA Overlay, lands that are eligible to be designated as SRAs generally have similar physical attributes as they consist predominately of agriculture lands which have been cleared or otherwise altered for this purpose. Lands shown on the Overlay Map as eligible for SRA designation include approximately 76,000 ~~72,000~~ acres outside of the ACSC and ~~approximately 18,300~~ 15,000 acres within the ACSC. Total SRA designation shall be a maximum of 45,000 acres. Approximately 2% of these lands achieve an index score greater than 1.2. Because the Overlay requires SRAs to be compact, mixed-use and self sufficient in the provision of services, facilities and infrastructure, traditional locational standards normally applied to determine development suitability are not relevant or applicable to SRAs. Therefore the process for designating a SRA follows the principles of the Rural Lands Stewardship Act as further ~~described~~ procedures set forth herein and the adopted RLSA Zoning Overlay District.

Policy 4.3

Land becomes designated as a SRA upon petition by a property owner to Collier County seeking such designation and the adoption of a resolution by the BCC granting the designation. The petition shall include a SRA master plan as described in Policy 4.5. The basis for approval shall be a finding of consistency with the policies of the Overlay, including required suitability criteria set forth herein, compliance with the LDC Stewardship District, and assurance that the applicant has acquired or will acquire sufficient Stewardship Credits to implement the SRA uses. ~~Within one year from the effective date of this amendment, Collier County shall adopt LDC amendments to establish the procedures and submittal requirements for designation as a SRA, to include provisions for consideration of impacts, including environmental and public infrastructure~~

~~impacts and provisions for public notice of and the opportunity for public participation in any consideration by the BGC of such a designation.~~

Policy 4.7

There are ~~two~~ three specific forms of SRA permitted within the Overlay. These are Towns, Villages, ~~Hamlets,~~ and Compact Rural Development (CRD). The Characteristics of Towns, Villages, ~~Hamlets,~~ and CRD are set forth in Attachment C and are generally described in Policies 4.7.1, 4.7.2, ~~and 4.7.3 and 4.7.4.~~ ~~Golter County shall establish more~~ specific regulations, guidelines and standards within the LEC Stewardship District to guide the design and development of SRAs to include innovative planning and development strategies as set forth in Chapter 163.3177 (11), F.S. and DJ-5.036(5)(f). The size and base density of each form shall be consistent with the standards set forth in Attachment C. The maximum base residential density as set forth in Attachment C may only be exceeded through the density blending process as set forth in density and intensity blending provision of the Immokalee Area Master Plan or through the affordable-workforce housing density bonus as referenced in the Density Rating System of the Future Land Use Element. The base residential density is calculated by dividing the total number of residential units in a SRA by the overall area therein. The base residential density does not restrict net residential density of parcels within a SRA. The location, size and density of each SRA will be determined on an individual basis during the SRA designation review and approval process.

Policy 4.7.1

Towns are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure that support development that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns shall be not less than ~~4,000-1,500~~ 4,000-1,500 acres or more than ~~4,000-5,000~~ 4,000-5,000 acres and are comprised of several villages and/or neighborhoods that have individual identity and character. Towns shall have a mixed-use town center that will serve as a local point for community facilities and support services. Towns shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Towns shall have at least one community park with a minimum size of 200 square feet per dwelling unit in the Town. Towns shall also have parks or public green spaces within neighborhoods. Towns shall include both community and neighborhood scaled retail and office uses, in a ratio as provided in Policy 4.15. Towns may also include those compatible corporate office and light industrial uses as those permitted in the Business Park and Research and Technology Park Subdistricts of the FLUE. Towns shall be the preferred location for the full range of schools, and to the extent possible, schools and parks shall be located adjoining each other to allow for the sharing of recreational facilities. Design criteria for Towns ~~are shall~~ be included in the LEC Stewardship District. Towns shall not be located within the A-3C.

Policy 4.7.2

Villages are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages shall be not

less than 100 acres or more than ~~1,000~~ 1,500 acres. Villages are comprised of residential neighborhoods and shall include a mixed-use village center to serve as the focal point for the community's support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Villages shall have parks or public green spaces within neighborhoods. Villages shall include neighborhood scaled retail and office uses, in a ratio as provided in Policy 4.15. Villages are an appropriate location for a full range of schools. To the extent possible, schools and parks shall be located adjacent to each other to allow for the sharing of recreational facilities. Design criteria for Villages ~~are shall be~~ included in the LDC Stewardship District.

Policy 4.7.3

~~Hamlets are small rural residential areas with primarily single-family housing and limited range of convenience-oriented services. Hamlets shall be not less than 40 or more than 100 acres. Hamlets will serve as a more compact alternative to traditional five-acre lot rural subdivisions currently allowed in the baseline standards. Hamlets shall have a public green space for neighborhoods. Hamlets include convenience retail uses, in a ratio as provided in Attachment C. Hamlets may be an appropriate location for pre-K through elementary schools. Design criteria for Hamlets shall be included in the LDC Stewardship District. To maintain a proportion of Hamlets to Villages and Towns, not more than 5 Hamlets, in combination with CRDs of 100 acres or less, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional Hamlets, in combination with CRDs of 100 acres or less, may be approved for each subsequent Village or Town.~~

Policy 4.7.4

~~Compact Rural Development (CRD) is a form of SRA that will provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village shall support and further Collier County's valued attributes of agriculture, natural resources and economic diversity. CRDs shall demonstrate a unique set of uses and support services necessary to further these attributes within the RLSA. Primary CRD uses shall be those associated with and needed to support research, education, tourism or recreation. A CRD may include, but is not required to have permanent residential housing and the services and facilities that support permanent residents. The number of residential units shall be equivalent with the demand generated by the primary CRD use, but shall not exceed the maximum of two units per gross acre. CRD shall be a maximum size of 100 acres. An example of a CRD is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to eco-tourists, but may not provide for the range of services that necessary to support permanent residents. Except as described above, a CRD will conform to the characteristics of a Village or Hamlet as set forth on Attachment C based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required, however for any CRD that does include permanent residential housing, the proportionate support services listed above shall be provided in accordance with Attachment C. To maintain a proportion of CRDs of 100 acres or less to~~

~~Villages and Towns, not more than 5 CRDs of 100 acres or less, in combination with Hamlets, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional CRDs of 100 acres or less, in combination with Hamlets, may be approved for each subsequent Village or Town. There shall be no more than 5 CRDs of more than 100 acres in size. The appropriateness of this limitation shall be reviewed in 5 years pursuant to Policy 1.22.~~

Policy 4.9

A SRA must contain sufficient suitable land to accommodate the planned development in an environmentally acceptable manner. The primary means of directing development away from wetlands and critical habitat is the prohibition of locating SRAs in FSAs, and HSAs, and WRAs. To further direct development away from wetlands and critical habitat, residential, commercial, manufacturing/light industrial, group housing, and transient housing, institutional, civic and community service uses within a SRA shall not be sited on lands that receive a Natural Resource Index value of greater than 1.2. In addition, conditional use essential services and governmental essential services, with the exception of those necessary to serve permitted uses and for public safety, shall not be sited on lands that receive a Natural Resource Index value of greater than 1.2. Infrastructure necessary to serve permitted uses shall be exempt from this restriction, provided that designs seek to minimize the extent of impacts to any such areas. The index value of greater than 1.2 represents those areas that have a high natural resource value as measured pursuant to Policy 1.6. Less than 2% of potential SRA land achieves an index score of greater than 1.2.

Policy 4.10

Within the RLSA Overlay, open space, which by definition shall include public and private conservation lands, underdeveloped areas of designated SSAs, agriculture, water retention and management areas and recreation uses, will continue to be the dominant land use. Therefore, open space adequate to serve the forecasted population and uses within the SRA is provided. To ensure that SRA residents have such areas proximate to their homes, open space shall also comprise a minimum of thirty-five percent of the gross acreage of an individual SRA Town, or Village, or those CRDs exceeding 100 acres. Lands within a SRA greater than one acre with index values of greater than 1.2 shall be retained as open space, except for the allowance of uses described in Policy 4.9. As an incentive to encourage open space, such uses within a SRA, ~~located outside of the AGSG,~~ exceeding the required thirty-five percent shall not be required to consume Stewardship Credits.

Policy 4.15.1

SRAs are intended to be mixed use and shall be allowed the full range of uses permitted by the Urban Designation of the FLUE, as modified by Policies 4.7, 4.7.1, 4.7.2, 4.7.3, 4.7.4 and Attachment C. An appropriate mix of retail, office, recreational, civic, governmental, and institutional uses will be available to serve the daily needs and community wide needs of residents of the RLSA. Depending on the size, scale, and character of a SRA, such uses may be provided either within the specific SRA, within other SRAs in the RLSA or within the Immokalee Urban Area. By example, each Village

or Town shall provide for neighborhood retail/office uses to serve its population as well as appropriate civic and institutional uses, however, the combined population of several Villages and Hamlets may be required to support community scaled retail or office uses in a nearby Town. Standards for the minimum amount of non-residential uses in each category are set forth in Attachment C, and shall be also included in the Stewardship LDC District.

Policy 4.16.

A SRA shall have adequate infrastructure available to serve the proposed development, or such infrastructure must be provided concurrently with the demand. The level of infrastructure provided will depend on the form of SRA development, accepted civil engineering practices, and LDC requirements. The capacity of infrastructure necessary to serve the SRA at build-out must be demonstrated during the SRA designation process. Infrastructure to be analyzed includes transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste. Transportation infrastructure is discussed in Policy 4.14. Centralized or decentralized community water and wastewater utilities are required in Towns, Villages, and those CRDs exceeding one hundred (100) acres in size, and may be required in CRDs that are one hundred (100) acres or less in size, depending upon the permitted uses approved within the CRD. Centralized or decentralized community water and wastewater utilities shall be constructed, owned, operated and maintained by a private utility service, the developer, a Community Development District, the Immokalee Water Sewer Service District, Collier County, or other governmental entity. Innovative alternative water and wastewater treatment systems such as decentralized community treatment systems shall not be prohibited by this policy provided that they meet all applicable regulatory criteria. Individual potable water supply wells and septic systems, limited to a maximum of 100 acres of any Town, Village or CRD of 100 acres are permitted on an interim basis until services from a centralized/decentralized community system are available. Individual potable water supply wells and septic systems are permitted in Hamlets and may be permitted in CRDs of 100 acres or less in size.

Policy 4.19

Eight Credits shall be required for each acre of land included in a SRA, where such Credits were created from a Stewardship Sending Area deemed vested under the eight Credit ratio. Ten Credits per acre shall be required for each acre of land included in a SRA, where such Credits were created from any other Stewardship Sending Area, except for a Open space in excess of the required thirty-five percent as described in Policy 4.10 or for land that is designated for a public benefit use described in Policy 4.19 do not require use of Credits. In order to promote compact, mixed use development and provide the necessary support facilities and services to residents of rural areas, the SRA designation entitles a full range of uses, accessory uses and associated uses that provide a mix of services to and are supportive to the residential population of a SRA, as provided for in Policies 4.7, 4.15 and Attachment C. Such uses shall be identified, located and quantified in the SRA master plan.

Policy 4.20

While they do not require Credits, open space and the acreage of a public benefit use shall not count toward the maximum acreage limits described in Policy 4.7. For the

purpose of this policy, public benefit uses include: public schools (preK-12) and public or private post secondary institutions, including ancillary uses; community parks exceeding the minimum acreage requirements of Attachment C, municipal golf courses; regional parks; and governmental facilities excluding essential services as defined in the LDC. The location of public schools shall be coordinated with the Collier County School Board, based on the Interlocal agreement -163.3177 F.S. and in a manner consistent with 235.193 F.S. Schools and related ancillary uses shall be encouraged to locate in or proximate to Towns and Villages, and Hamlets subject to applicable zoning and permitting requirements.

Policy 4.21

Lands within the ACSC that meet all SRA criteria shall also be restricted such that credits used to entitle a SRA in the ACSC must be generated exclusively from SSAs within the ACSC. Further, the only form of SRA allowed in the ACSC east of the Okaloacoochee Slough shall be ~~Hamlets and CRDs~~ of 100 acres or less and the only form of SRA allowed in the ACSC west of the Okaloacoochee Slough shall be CRDs, and Villages and GRDs of not more than 300 acres ~~and Hamlets~~. Provided, however, that CRDs, or two Villages or GRDs of not more than 500 acres each, exclusive of any lakes created prior to the effective date of this amendment June 31, 2002 as a result of mining operations, shall be allowed in areas that have a frontage on State Road 29 and that, ~~as of the effective date of these amendments,~~ had been predominantly cleared as a result of Ag Group I or Earth Mining or Processing Uses. This policy is intended to assure that the RLSA Overlay is not used to increase the development potential within the ACSC but instead is used to promote a more compact form of development as an alternative to the Baseline Standards already allowed within the ACSC. No policy of the RLSA Overlay shall take precedence over the Big Cypress ACSC regulations and all regulations therein shall apply.

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September 22, 2008

Mr. Thomas Greenwood
Principal Planner
Comprehensive Planning Department
2800 North Horseshoe Drive
Naples, FL 34105

Re: Collier County RLSA Phase II Policy Group 4

Dear Mr. Greenwood:

Our firm, together with WilsonMiller, Inc., represents Alco, Inc., Pacific Tomato Growers, Barron Collier Company, Consolidated Citrus, Paddy Farm, Half Circle L Ranch, Ranch One Coop., English Properties, and Collier Enterprises, who collectively comprise the "Eastern Collier Property Owners" or ECPO in the ongoing review of the Collier County Rural Lands Stewardship Area ("RLSA").

Pursuant to the established procedures for the 5-year review of the RLSA program, we offer the following comments and recommendations for consideration by the Committee during the Phase 2 process currently underway.

In this letter we will offer our comments and recommendations related to Policy Group 4. In subsequent correspondence we will address Policy Group 5.

Group 4 Policies

Policy 4.2

1. Evaluation of water consumption must be compared to actual agricultural pumpage and not permitted volumes when reviewing consumptive use impacts. Agricultural uses do not use water 12 months a year so their actual use is not consistent with the impacts of residential irrigation. This change in withdrawals over different periods of time should be reviewed for

impacts on the aquifers. Also, when SFWMD converts agricultural water use to landscaping there is a reduction applied that reduced maximum availability should be used when analyzing water resources for new SRAs.

ECPO Comments: Applicants are required to provide an analysis meeting SFWMD standards during water use permitting to provide assurances that the conversion from agriculture use to development uses will not cause adverse impacts to groundwater resources, surrounding wetlands, or surrounding property owners. In most cases, the conversion of land from agriculture to SRA uses reduces the consumption of groundwater by a significant percentage. Climate conditions vary from year to year, therefore actual pumpage rates and volumes can change significantly. The fact that a farm operation may not pump its maximum rate in any given year, depending on climate cycles, does not limit their legal right to do so when the demand dictates.

Regarding seasonal agricultural consumption, there is a large acreage of perennial crops (e.g. citrus) in the area whose temporal irrigation demand matches that of lawn and landscape. Seasonal row crops are generally grown in the dry season and use substantial quantities of water when impacts to the aquifer are most critical. Typical landscape demand associated with future development should ameliorate rather than further impact the groundwater resource.

2. The Conservancy strongly supports further delineation of potential areas appropriate for SRAs within the plan. While the mapping of the FSAs and HSAs are prohibited from being allowed designation as SRAs, there is a large area (almost 100,000 acres) that could potentially be used as SRAs. Further refinement of areas where development should be directed, based on infrastructure and environmental compatibility, should be reviewed. For example, additional provisions should be included that further directs development and other incompatible uses away from the Area of Critical State Concern (ACSC). A maximum number of towns, villages, hamlets and CRDs within the RLSA should also be explored.

ECPO Comments: RLS Policy 4.16 requires that an SRA have adequate infrastructure available to serve the proposed development. Infrastructure includes transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste. SRA applications are required to include several components including a natural resource index assessment, an impact assessment report (relative to infrastructure), and an economic assessment report. These components are thoroughly considered during the review process, and it is the responsibility of the applicant to justify the size, location, and land use components of a particular SRA. One town has been approved since adoption of the RLS program and it does not appear that the existing regulations have caused a proliferation of development in the area. The timing and location of future SRAs will be guided by existing market conditions and the ability of an applicant to prove that the necessary infrastructure can be provided and that the project is fiscally neutral or positive.

3. The Conservancy believes that there should be specific guidelines for distance separations between SRAs. If SRAs are allowed to be located back-to-back, without any true separation, mega-towns could result in areas where rural character should be maintained.

ECPO Comments: The goal of the RLS Group 4 Policies is to enable conversion of other uses in appropriate locations, while discouraging urban sprawl, and encouraging

development that utilizes creative land use planning techniques. Specifically, Policy 4.11 requires the perimeter of each SRA be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs are to be well defined and designed to be compatible with the character of adjoining property. Also, Policy 4.14 requires an SRA to have direct access to a County collector or arterial road or indirect access via a road provided by the developer, and that no SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate. Since approval of the RLS program, one 5,000-acre town has been approved, while approximately 55,000 acres of SSAs are approved or pending.

4. There should be more guidance on where towns and villages can be located. As it is written now, it is possible to locate towns near each other with only a small buffer between which encourages sprawl. Without planning, all the density will be located on the western portion of the RLSA. Ideally the towns should be spread out, with large agricultural areas between them. Maybe a maximum number of towns needs to be agreed upon (3?) and the general areas where these can be located indicated on a map. At a minimum, there needs to be more guidance provided as to where towns can be located and their buffering requirements. This will facilitate all types of future infrastructure planning by the County.

ECPO Comments: The goal of the RLS Group 4 Policies is to enable conversion of other uses in appropriate locations, while discouraging urban sprawl, and encouraging development that utilizes creative land use planning techniques. Specifically, Policy 4.11 requires the perimeter of each SRA be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs are to be well defined and designed to be compatible with the character of adjoining property. Also, Policy 4.14 requires an SRA to have direct access to a County collector or arterial road or indirect access via a road provided by the developer, and that no SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate. Since approval of the RLS program, one 5,000-acre town has been approved, while approximately 55,000 acres of SSAs are approved or pending.

5. Provide maps of build out scenarios. Further, just as natural resources are mapped, so should the areas most suitable for development.

ECPO Comments: Areas suitable for development are currently mapped as "Open" on the RLSA Overlay Map. The RLSA policies and implementing Land Development Code provide locational and suitability criteria as well as design standards to guide development.

Policy 4.5

6. Concentrated centers of development will produce a night time glow from electric light sources, the impacts of which should be considered on nearby conservation lands, such as Corkscrew Swamp Sanctuary.

ECPO Comments: Lighting is a design standard that is considered during the Receiving Area (SRA) application review.

Policy 4.7, 4.7.3, and 4.7.4

7. A feasibility study needs to be conducted to determine if the smaller development nodes, such as 40-100 acre hamlets, can realistically achieve self-sufficiency to the extent that they are compatible with the overall goals of the program. If these small development nodes do not contain adequate levels of self containment or self sufficiency, then their allowance under the RLSA should be reconsidered.
8. No hamlets or "compact rural developments" compact rural development could be a "Coconut Point," - no cap on size of some types of CRDs)
9. Compact Rural Developments (CRDs) seem to be too loosely designated and could provide a loophole for increased development in areas that are already built up. A CRD of 100 acres or less seems to be a meaningless designation and it is my belief that this type of development could be dropped.

ECPO Comments: The Eastern Collier Property Owners propose the following relative to forms and characteristics of SRA's:

- Hamlets are not a permitted form of SRA.
- Towns shall not be more than 5,000 acres.
- Outside the Area of Critical State Concern, Villages shall not be more than 1,300 acres. Within the Area of Critical State Concern, the existing Collier RLSA Overlay Program shall apply to Villages.
- Towns shall not be located within the Area of Critical State Concern.
- Compact Rural Development (CRD) primary uses shall be associated with research, education, tourism or recreation and shall not be more than 100 acres.

Policy 4.8

10. Buffers from wildlife habitat were established at distances that did not adequately address hydrologic impacts. The hydrological impacts of agricultural uses are far different than the uses of a town or village and these need to be better understood to assure no impacts to surrounding wetlands. Agricultural control elevations should be compared for compatibility with changes brought on by development.

ECPO Comments: We are not aware of any data that supports the opinion that buffers are inadequate. Buffers were included within the RLSA program as a land use planning technique to provide a transition between receiving areas and natural areas, primarily for the benefit of water quality and wildlife. The state and federal wetland permitting procedures meticulously review existing wetland hydroperiod data, proposed surface water management designs, outfall control elevations etc., with the expressed purpose of preventing hydrologic impacts to surrounding wetlands. The SFWMD Basis of Review for Environmental Resource Permits details these procedures. Permits are not issued until the applicant can demonstrate that the proposed activity does not hydrologically impact these wetlands, regardless of the buffer location or distance. As part of the Environmental Resource permitting process, control elevations are determined based on average wet season water table elevation as typically determined by hydro-biological indicators, soil types, ground water well monitoring data, and surrounding permitted control elevations.

11. The Conservancy believes that wider buffers around HSAs, FBAs and Water Retention Areas (WRAs) should be required and should be examined during the five-year assessment.

ECPO Comments: The most current peer-reviewed research on panther habitat utilization concluded, "[Our] results indicated that forests are the habitats selected by panthers and generally support the current United States Fish and Wildlife Service panther habitat ranking system." (Land, Shindle et al., 2008). This research employed GPS collars to characterize panther habitat selection during nocturnal and diurnal periods, and compared GPS data to standard diurnal V-F radiotelemetry data. As such, this research does represent the best available Florida panther science and does not support the Conservancy's contention that the RLSA panther habitat methodology needs to be revised.

12. Currently, WRAs are allowed to be used as either SSAs or as part of the water management system for a SRA. The Conservancy believes the appropriate use of utilizing WRAs as part of stormwater management should be reevaluated, especially for those WRAs that are part of historic wetland flowways and would benefit from restoration. However, if certain WRAs are deemed acceptable for stormwater treatment and are incorporated as part of the development's stormwater treatment system for a development project, their acreage should be included within the maximum acreage of the SRA. The Conservancy would like to see this changed in Policy 3.13 and other applicable policies.

ECPO Comments: ECPO supports the RLSA Review Committee amendment made on September 18, 2008 to Policy 3.13.

Policy 4.14

13. Vesting issue and concurrency were not adequately addressed and as a result separate developer contribution agreements are being created that provide excessive development rights beyond those contemplated in the original SRA. DCA's should not be allowed until an SRA is approved in order to better understand the impacts from the SRA.

ECPO Comments: Policy 4.14 of the RLSA Overlay subjects all SRAs to the County's adopted Concurrency Management System. Developer Contribution Agreements are used throughout Collier County as a mechanism to address concurrency issues through public-private partnerships to improve the transportation network. All such agreements are subject to Board of County Commissioner approval and must be found consistent with the Growth Management Plan and Land Development Code. In order to assure the impacts of an SRA (or any development) are addressed and mitigated, Developer Contribution Agreements are approved either prior to or concurrent with approval of the development. DRI's, such as Ave Maria, are thoroughly analyzed because of the Regional Planning Council staff and other reviewing entities analyses and the transportation and other impacts are well understood prior to approval of the SRA.

14. An analysis is needed to determine how the long range transportation plan is coordinated with the transportation needs plan and the transportation financially feasible plan for this area. Using the 5-year modeling of the GMP is inadequate for an area the size of the RLSA and we should be analyzing the SRA's on their impact to the 30-year build out study.

ECPO Comments: The coordination of long range transportation planning with future land use planning is a continuous process. Historically, the County's long-range transportation planning horizon timeframe has been 20 years. Given that the future population projections of a full-build condition of the urban areas and RLSA may not occur for 50 or more years, and absent a planning horizon or transportation model capable of analyzing that timeframe, it is clear that, in the past, neither the urban areas nor the RLSA have been fully addressed with respect to transportation planning. To address this need, three separate efforts are underway today that will provide a better understanding of the future transportation needs of the RLSA. The County is beginning to develop a County-wide Interactive Growth Model and an updated Long-Range Transportation Model. In addition to the two County studies, the Eastern Collier Property Owners (ECPO) have undertaken the task of developing a long-range conceptual plan for the RLSA that depicts one possible scenario of how environmental and agricultural lands, and lands suitable for development can fit within the program. While the areas with the highest environmental value were clearly defined in the current RLSA Program, lands that would be most suitable for long-term agriculture and likewise those lands most suitable for long-range development potential were not clearly understood. ECPO has identified one potential development concept plan that quantifies and locates the amount of development envisioned at a build-out horizon. While it is only one possible configuration, it does allow for a conceptual roadway needs analysis to be performed, and allows for a basis of establishing viable corridors that can be further explored through regular County and State transportation planning channels. ECPO is working closely with the County in an effort to bring all three of these studies into alignment. All of these tools should help in the long term evaluation of the transportation needs of the County. Now, five years after inception, we have a better understanding of how the RLSA will "grow up" and with the new tools currently being developed, planners can more appropriately identify and evaluate the transportation system of the future.

Policy 4.16

15. Impacts on certain elements of regional infrastructure were not given adequate analysis. Hurricane evacuation and shelters space, health care facilities and affordable housing as example, were not adequately addressed and minimum standards should be considered as guidelines for SRA approval.

ECPO Comments: Infrastructure is defined by Collier County as drainage (water management), roads, potable water and sanitary sewer facilities pursuant to the Code of Laws and Ordinance of Collier County, Section 106-32. RLSA Policy 4.16 requires that infrastructure be analyzed with each Stewardship Receiving Area application, and also includes irrigation water and solid waste. It states:

"A SRA shall have adequate infrastructure available to serve the proposed development, or such infrastructure must be provided concurrently with the demand. The level of infrastructure provided will depend on the type of development, accepted civil engineering practices, and LDC requirements. The capacity of infrastructure serving the SRA must be demonstrated during the SRA designation process in accordance with the Collier County Concurrency Management System in effect at the time of SRA designation. Infrastructure to be analyzed includes transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste."

While hurricane shelter space, health care facilities and affordable housing are each important types of facilities, they are not defined as infrastructure and not subject to concurrency management. However, every Town or Village in excess of 2000 units will be required to undergo DRI review, where regional issues such as hurricane evacuation, health care, and affordable housing are addressed in accordance with State Law.

With respect to hurricane evacuation, the RLSA is the least vulnerable part of Collier County as demonstrated by the fact that no part of the RLS falls within a Landfalling Storm Category 1-4 map zone. Accordingly, it is the area least likely to require evacuation. In implementation, Ave Maria provided hurricane shelter for coastal residents within the university buildings, and in cooperation with Emergency Services, provided storage space for emergency supplies that can be used throughout the county.

Planning for health care can only be properly addressed once specific SRAs are proposed. Hospitals must go through a separate state needs analysis before any new hospital can be built. These items are addressed by SRA and DRI review procedures.

The need for affordable housing was contemplated during the formation of the RLSA. The GMP policies, Stewardship Receiving Area Characteristics chart, and associated LDC standards state that the densities associated with a town, village, hamlet or CRD can be increased beyond the base density through the affordable housing density bonus. Section 2.06.01.C of the LDC specifically addresses the affordable housing density bonus within the RLS. Specific affordable housing conditions for a particular project are determined during the review and approval process for an SRA (similar to the PUD and/or DRI review/approval process). Affordable housing was provided at Ave Maria in a ratio well in excess of any other large scale community in Collier County. All infrastructure is carefully analyzed and considered throughout the public hearing process.

16. Collier County should require, as part of the evaluation for new towns, villages and hamlets, a comparison of water consumption proposed for the new development versus actual agricultural pumpage (not just a comparison of new consumption to permitted volumes) when reviewing consumptive use impacts.

ECPO Comments: Applicants are required to provide an analysis meeting **FWMD** standards during water use permitting to provide assurances that the conversion from agriculture use to development uses will not cause adverse impacts to groundwater resources, surrounding wetlands, or surrounding property owners. In most cases, the conversion of land from agriculture to SRA uses reduces the consumption of groundwater by a significant percentage. Climate conditions vary from year to year, therefore actual pumpage rates and volumes can change significantly.

17. As it is universally recognized that the wide-scale use of septic systems as a long-term solution to wastewater treatment in Florida is problematic, all SRAs should be required to have a plan for conversion to a private or public sewer system. While development may initially be on septic systems, the plan, with timelines, for conversion to sewer should be in place at the time of development approval.

ECPO Comments: RLS Policy 4.16 indicates that interim septic systems are permitted within towns, villages and CRD's greater than 100 acres, and individual septic systems are

permitted within hamlets and CRD's less than 100 acres. The conversion of septic systems to centralized or decentralized community wastewater utilities is managed through the permitting process and additional provisions in the GMP are not necessary.

18. New roads and road improvements including potential 1-75 interchange must be included

ECPO Comments: Proper planning for new roads and road improvements including a potential 1-75 interchange is the product of coordination between long-range transportation planning and future land use planning. Historically, the County's long-range transportation planning horizon timeframe has been 20 years. Future population projections of a full-build condition of the urban areas and RLSA may not occur for 50 or more years, and absent a planning horizon or transportation model capable of analyzing that timeframe, it is clear that neither the urban areas nor the RLSA have been fully addressed with respect to transportation planning. The County is beginning to develop a County-wide Interactive Growth Model and an updated Long-Range Transportation Model. The Eastern Collier Property Owners have prepared a Concept Plan that demonstrates one (of many) possible land use scenarios. Additionally, ECPO has prepared a preliminary transportation network analysis that supports that Concept Plan, and will be working closely with the County planners to achieve a consistent and comprehensive analysis of the future potential of the RLSA. Together these tools should help in the long term evaluation of the transportation needs of the County. Today, there is a better understanding of how the RLSA is likely to mature over time and with the new tools currently being developed, planners can more appropriately identify and evaluate the transportation system improvements of the future.

19. Each new development should have to identify traffic contributions, water usage and other resource requirements at the time they are being planned. You may want to consider the changes in these variables from agriculture to increased density.

ECPO Comments: See response to number 15 above.

Policy 4.18

20. Fiscal impact analysis model (FIAM) minimum standards should be no less than minimum county wide standards as a conservative approach until historic data is acquired. This will provide the maximum protection to the taxpayers. The analysis needs to be re-validated and the development provided corrections made every year and include accurate absorption rates, traffic capture rates and sales demographics, all of which have significant effects on the outcome of the FIAM.

ECPO Comments: FIAM was adopted by the Board of County Commissioners on October 24, 2007, as the official model for review of DRP's, and projects within the RLSA. Since the County has adopted FIAM, it is advisable for the County to keep the calibrated items up to date with the most current data available and meeting County-wide standards, such as current budgets, persons per household, millage rates, etc. Similarly, when an applicant prepares a FIAM for a specific project, the FIAM will be populated with the initial data projected for the project and subsequently with the most current data available at the five year interval or phasing dates to reflect adjusted development plans including sales prices, absorption rates, etc.

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Policy 4.18 of the Rural Lands Stewardship Area Overlay District ("RLSAD") and Section 4.08.07.L of the Collier County LDC both require an SRA applicant to submit a FIAMI as a part of the application for SRA approval, and each 5 years after approval. An annual fiscal analysis and review would not be appropriate as it would not account for the dynamics of the land development process, the cyclical nature of the economy, nor would it account for the period of time necessary for a community to reach a point in its growth where a stabilized balance of population, facilities and services are reached. The LDC specifically requires that the project demonstrate fiscal neutrality every five years as noted below:

"Monitoring Requirement. To assure fiscal neutrality, the developer of the SRA shall submit to Collier County a fiscal impact analysis report ("Report") every five (5) years until the SRA is ninety (90) percent built out. The Report will provide a fiscal impact analysis of the project in accord with the methodology outlined above."

The five year or phase measurement was determined to be an appropriate timeframe by all parties participating in the creation of the RLSA program due to the above mentioned reasons and the fact that there are significant fiscal variations from year to year. This timeframe allowed for the project to stabilize and to account for economic cycles.

In cases where a project does not meet its estimated absorption schedule, then it may not generate the projected revenues, however, there will also be a corresponding reduction in the cost of public services. Therefore, any measurement must be in terms of net fiscal impact, not just revenue shortfall.

21. Water storage areas that SFWMD allowed for Ag were allowed to be used for development storm water as well, yet these areas were not required to be included in development acreages nor analysis provided to determine effects of this additional use. This occurs for many uses within the developmental areas, thus making it appear as though development is using less acreage when in fact the impacts from development may cause changes to the water quality and quantity in land that is not part of the SRA.

ECPO Comments: ECPO supports the RLSA Review Committee amendment made on September 16, 2008 to Policy 3.13.

Policy 4.18

22. The conversion ratio used to create Stewardship Credits should have been reviewed and applied in a model as the maximum scenario for development. The averages that were used understated the growth potential. Future adjustments should be based on a maximum impact analysis to assure a conservative approach for taxpayers.

ECPO Comments: See the memo to Tom Greenwood from Wilson Miller dated September 18, 2008.

October 6, 2008

Mr. Thomas Greenwood
Principal Planner
Comprehensive Planning Department
2800 North Horseshoe Drive
Naples, FL 34105

Re: Collier County RLSA Phase II Policy Group 5

Dear Mr. Greenwood:

Our firm, together with WilsonMiller, Inc., represents Alco, Inc., Pacific Tomato Growers, Barron Collier Company, Consolidated Citrus, Priddy Farm, Hall Circle L Ranch, Ranch One Coop., English Properties, and Collier Enterprises, who collectively comprise the "Eastern Collier Property Owners" or ECPO in the ongoing review of the Collier County Rural Lands Stewardship Area ("RLSA").

Pursuant to the established procedures for the 5-year review of the RLSA program, we offer the following comments and recommendations for consideration by the Committee during the Phase 2 process currently underway.

In this letter we will offer our comments and recommendations related to Policy Group 5.

Group 5 Policies

Policy 5.1

1. The Conservancy strongly supports regulation of land uses in the Habitat Stewardship Areas (HSA) and Flowway Stewardship Areas (FSA), regardless of whether the landowner participates in the RLSA program. This should include restrictions of some permitted and conditional uses and should include all lands, regardless of their participation in the RLSA. For example, on lands not voluntarily participating in the RLSA, Policy 5.1 removes use layers 1-4 within FSAs. However, Collier County should assess whether all agricultural activities are appropriate for FSAs, and potentially

remove the more active agricultural uses as incompatible with protection of the quality, quantity and maintenance of the natural water regime in the FSAs. Within Policy 5.1, for HSAs, the only outright prohibition is for asphaltic and concrete batch making plants. The Conservancy believes this should be reassessed, with the opportunity to expand the prohibited uses within HSAs and FSAs. Also, Policy 3.7 specifically should be reassessed as to the allowances within HSAs. The Conservancy believes that golf courses, and other impacting uses, are incompatible with all HSAs.

ECPO Comments: FSAs and HSAs were purposely defined broadly enough to allow a justified mix of habitat required for species and adequate land uses. The mix of land use activities within FSAs and HSAs are necessary to enable the delineation of the large interconnected systems.

The Group 5 policies collectively provide a set of minimum and development standards that apply only when a land owner does not participate in the RLS program. In the case of Policy 5.1, the FSA provision addresses a narrow issue of water quality within regional flow ways, where the more intensive land uses could impact offsite areas. Of the 11,100 acres of FSA, only 800 acres are active agriculture. Within the HSAs it has been confirmed by many biological experts, including Daniel Land who spoke with the RLS Committee, that species are very adept at utilizing and traversing agriculture lands.

Policy 6.4

2. Stronger language for wildlife underpasses and a map of locations

ECPO Comments: The RLSA program provides a tremendous framework for facilitating the establishment of wildlife underpasses, by protecting large expanses of habitat with SSA lands. The actual need assessments, locating, design, and construction of wildlife underpasses occurs through the efforts of state and/or federal wildlife and transportation agencies, either as part of public works projects or as part of the regulatory process for development projects. As one example, FWC researchers continually evaluate the need for panther crossings, and have maps of existing and proposed panther underpasses.

3. Panther deaths on SR 46 are mentioned, but not those on File 29 or 41 east, which are many.

ECPO Comments: Panther deaths on Route 41 East are miles south of the RLSA, as are incidents on SR 29 south of the Sunrland mines. The panther-vehicle collisions on CR 46 east of Immokalee were considered when designating the FSA and HSA stewardship overlays in that area. SSA 3 and SSA 4 were later designated along that segment of CR 46 specifically to provide opportunities for future panther crossings.

FWC has documented the location of all known panther-vehicle collisions in a GIS database. This information, in conjunction with FWC's least cost path modeling of panther movements, has been and will be used to identify promising areas for additional panther crossings. The RLSA program facilitates the establishment of these wildlife underpasses by preserving existing land uses in the vicinity of the crossings.

Policy 5.8

4. The actual ability to develop in the RLSA under the standard zoning did not include an analysis of what amount of non-jurisdictional lands could actually be permitted. The

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produced a false sense of urgency to protect environmentally sensitive land that in reality may never have been allowed to be improved. Even as 5 or 10 acre homeites, the ability to infringe upon wetlands is limited.

ECPO Comments: An analysis of the specific jurisdictional wetland permitting conditions of the entire 300 square mile RLSA was not within the scope of the Rural Land Study, nor is such an analysis required for comprehensive planning. Further, as the RLSA is an optional overlay, it is an alternative to development under the existing zoning, not a replacement.

The standard zoning of the entire RLSA is Agriculture. Under this zoning, a wide range of land uses are permitted by right or conditional use that can have impacts to jurisdictional areas, including the full range of agricultural activities, farmworker housing, commercial excavations, and residential development. Under the standard zoning, land ownership can be subdivided and fragmented in ways that compromise wetland and habitat connectivity. Once this occurs, it is very expensive and difficult to reassemble land into manageable systems (Southern Golden Gate Estates). The RLSA creates incentives for more sustainable and environmentally sound patterns of protection and development on a landscape basis.

In addition, many environmentally sensitive lands within the RLSA are not jurisdictional wetlands, yet provide important habitat for Florida panther, Florida black bear, Big Cypress fox squirrel, and other listed species. Large areas of non-jurisdictional land are included in Habitat Stewardship Areas, particularly where these occur in proximity to native vegetated areas or flowways.

The "sense of urgency" for protecting environmentally sensitive lands pre-dates the RLSA, and in fact was a key catalyst that led to the establishment of the Final Order, the Rural Land Study, and the resulting FLSA program. The Florida Forever program (and its predecessors) targeted the CREW lands (Camp Keais Strand) and the Okaloacoochee Slough long before the creation of the RLSA. Various state and federal analyses projected strong development pressures on wetlands within the RLSA before the RLSA program was created. The South Florida Ecosystem Restoration program predates much of its land acquisition strategy on potential wetland losses and landscape-scale fragmentation.

We appreciate the opportunity to offer these comments and recommendations to you and look forward to discussing any questions you or the Committee may have concerning them.

Very truly yours,

John M. Passidomo
For the Firm

Naples Cultural Landscape

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 239.594.2979 O 239.261.6664 F
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To: C.D.E.S. Division
 Joseph Schmit, Division Administrator -

From: Naples Cultural Landscape: A Fund at the Community Foundation of Collier County
 Lavern Norris Guyner, Founder; Lois A Bolin, Ph.D., Strategic Advisor

Date: October 7, 2008

Re: Request to the R.L.S.A. Review Committee

Statement: Under the direction of the Dept. of Community Affairs a program was started and implemented under Florida Statute 9J-5.026 entitled the Rural Lands Stewardship Area (R.L.S.A.). On the first page of that programs texts Item # 1 states- the: Purposes of the R.L.S.A. Program and Item # 2 states the Purpose of the R.L.S.A. Rule. Under the Standard Option of those purposes # 8 Section B states as Item # 1 : Identify and explain the existing locally specific rural character of the R.L.S.A. and surrounding area by analyzing its characteristics, including Land use, Development Patterns, and Economic, Social, Cultural, Historic, Scenic, Landscape, Recreational and Environmental Elements. The data and analysis shall include under: Section # 2 Item-1: All forms of rural resource values including Agriculture; Environmental, Eco Systems, Wildlife Habitat, and Water Resources; Recreational, Tourism, Scenic; Cultural, and other general amenity Values.

Statement: Under the Special Option for R.L.S.A. of 50,000 or more Contiguous Acres – Section 7 Item B, Goals and Objective, and Policies - # E, states; A visionary Process to provide public participation in the design of any new town or Rural Village. Under the same section -B, Goals and Objectives, B- Item 10 states; The recording of a Stewardship easement or Restrictive covenant running with the land in Perpetuity on all designated Conservation and Agricultural areas in favor of the County, the Dept. of Environmental Protection, and the Dept. of Agriculture and Consumer Services.

Interpretation: It is with the above statements that the Naples Cultural Landscape, a Fund of the Community Foundation of Collier County, a 501 (C)(3) non for profit organization along with the support of various other non for profit organizations mostly representing the general charters of Historical Societies which encompass the policies of Documenting, Recording, Archiving, and Interpreting to the general public all areas pertaining to the past Historical and Cultural themes represented in the past History and Heritage of Collier County that we do hereby request these additions and /or revisions be reviewed and entered where possible into the R.L.S.A.O. policies presently being amended and drafted by the various committees.

The Historical and Cultural aspects of Collier County's past during the establishment of the first Rural Lands Stewardship Area committee's meetings, plans, and discussions that took place in early 1999 through 2002 unfortunately were not addressed in any way. This was due to the fact that an accurate Historical and Cultural Resource Assessment had not been completed and in essence, had not even been started until 2003. It has taken over 5 years to complete the study and it was realized that any plans that were being discussed in the new R.S.L.A.O. reviews should include the information that was found in the study, but more important during that time a plan had been conceived that could incorporate the objectives and Goals that the present R.S.L.A.O. committee's and interested parties, most notably landowners, developers, planners, economic advisors, tourism concerns, transportation concerns, and more importantly as these meetings that have been going on for many years the concerns about the Florida Panthers and wide variety of other wildlife that would in the end some how incorporate the rich Historical and Cultural past of Collier County. On the surface this would seem an Utopian ideal until you realize the fact that according to the Department of State, Division of Historical Resources states that in 2007 tourists brought into Florida over 4.7 Billion dollars, 763 million of that went directly to South Florida with 49 (percent) directly attributable to people who sought out in their specific destinations areas that had Historical sites and places. This is a 60% increase over the last 4 years and those figures are expected to double in the next 5 years and exponentially thereafter. Taken with the fact that one organization and (there are over a half a dozen more) The Florida Communities Trust allocated 73 million dollars last year to projects that secured Stewardship Credits, purchased land for Preserves, Parks, Wildlife Habitat, Green Space, as well as Cultural and Historical Preservation. As secretary of the Dept. of Community Affairs Tom Felham said "Over the past 17 years, these awards will help communities achieve their vision of Stronger, Greener and Healthier landscapes". As it is spoken of in the Historical and Cultural study over 80% of Collier Counties land has transitioned from the hands of the Landowners and Collier County Government into private State and Federal entities in the last 34 years. This leaves the remaining 20% available for practical use by the County and landowners in the near future. This displays the simple fact that in the final phases of build-out the County, landowners, Planners, Committee Members, and other organizations are to paraphrase the saying 'Frying to describe an elephant just by its head'. Understanding that since the inception of the Everglades National Park was established in 1947 and other 4 State and Federal preserves established since have implemented only policies that mainly address Biological concerns. The Human element has taken a back seat as can be seen in the fact that that with over 1 million acres under the different park management systems in the last 61 years, not one site located on these lands has been registered on the National Register of Historic Places where the public can have access to today and enjoy. In the final phases of this visioning process it becomes apparent that if the goals and objectives to "connect the dots" do not find their fulcrum point and the visions so earnestly sought will be like clouds without water. If the only Goal is to build houses and communities without incorporating the past History and Cultures that S.W. Florida has always had an association with the uniquenesses that can so easily be applied simply leaves way to "offering nothing more than any other community. To distinguish the South West coast from the east coast would be one of the greatest assets in a financial way. It goes without saying that hundreds of thousand of hours labor are going into the planning stages and untold millions of dollars have been and are being utilized to apply strategies that in the end will tie into and apply to the final 'Horizon Picture' it would be constructive to pause and remember that old and well applied adage "That a million monkey's typing on a million typewriters for a million years will never be able to write a Shakesperian play" To simply rely on the phrase - If you build it they will come should also seek to have a caveat added - They will if there is something to come to. To speak only of Natural Resources and their future conservation as the only biological consideration in this County and fail to not recognize that the Historical and Cultural Heritage of the past residents and the type of individual lifestyle is one of the most important ingredients in that term referred to as Natural Resources.

Therefore the Goals and Objectives proposed by the Naples Cultural Landscape organization in conjunction with other interested parties and organizations collectively speaking on the Historical and Cultural Heritage policies that make up the largest part of these organizations goals state and seek to initiate:

1. Stop the de-designation process that removed the Historic and Cultural attributes of U.S. 41 (Tamiami Trail) and is currently in the process of removing;
 - A. The 1988 designation of the trail by the State as a- Florida Scenic Highway
 - B. The 2000 designation of the trail by the Federal Government as a- National Scenic Byway
2. Installation of Historical Markers and Interpretive Centers and/or Kiosks along the entire distance of U.S. 41 (Tamiami Trail) stretching from the City of Naples to the Dade County border that will represent Collier County's past History and Cultural Heritage. This will direct tourism and interest from the east coast and west coast sections that will culminate on Highway # 29.
3. Installation of Historical Markers and Interpretive Centers and/or Kiosks along the entire distance of Highway # 29 from the south on U.S. 41 north to Immokalee City that will represent the Collier County's past History and Cultural Heritage as it relates to the past;
 - A. Historic lumber towns, Settlements, Farming towns, Oil producing towns [Sunniland], First Collier County Citrus producing groves, The first Collier County Citrus Canning plant, the first Railroad in Collier County both passenger and commercial [Deep Lake]- Since Deep Lake is one of only 5 sinkhole lakes in Florida and has freshwater on its first layer and saltwater on its lower layer with a resident population of Alligators and Crocodiles living together it would be expected to draw over 1 million visitors a year.
 - B. Seeking cooperation to open Deep Lake to the general public as it was for the first 106 years of its operation [not currently open to the general public] and having a boardwalk installed.
 - C. Seeking cooperation to turn the now presently closed Old Copeland Prison into a Pioneer Museum [This will involve seeking the N.P.S. to return the # 1 Lee Tidewater Cypress Company steam train that is presently in the Steamtown Collection in Scranton Pennsylvania] This will have a positive flow on all visitors and tourists and seek to draw them to the new Development taking place in the R.I.S.A. area and Immokalee City area.
4. Seek cooperation from landowners to Register Fort Simon Drum- (a known and documented site by David Graham Copeland in 1941). This site is presently 6 miles east of Immokalee City one half mile south of Immokalee Road and would be just on the east side of the new proposed bypass road that will connect to the road north of Immokalee City. The Fort Simon Drum site is an early Army Seminole War fortification and is the only known site of a military installation in South West Florida South of the Caloosahatchee River and it is expected that it would draw over 2 million visitors and tourists a year.
5. Seek cooperation with landowners and developers to have Historical Markers or Kiosks interpreting Collier County's past (Historical and Cultural Heritage displayed placed at designated parks and open green spaces in the future planned developments. One example of the benefits of such a cooperative agreement is the fact that in 2002 prior to development at the Ave Maria first phase site an expensive Archaeological Survey was required by the State to try to locate a past Historic site which the owners thought at that time to be the location of Fort Doane an early Army Seminole War fortification site. The investigation was done and the required paperwork was completed allowing the continuation of development. This resulted in a coordinated effort on the part of several research centers to try to accurately identify the previously mentioned site.

This in turn led to the eventual recording of 9 more sites in the area on 09/09/2008- State File Survey #15576 thereby requiring an additional nine more Archaeological investigative studies being required before development could proceed at any of those locations in and around the Phase 2 area and the proposed Big Cypress Development, with at least 3 of those new sites in the northern part of the R.L.S.A. This process has been described as a cycle that continually feeds on itself. Furthermore it was discovered that the correct name of the supposed Fort Doane site had already been previously recorded as the site of Camp Keais and an Archaeological survey might have been avoided. The original form has now been updated on the Florida Master Site Files to indicate this name change. This is a clear case of how cooperation between parties would have been beneficial in concrete financial ways. As it is expected that at least 20-30 possible new locations involving Historical Resources in the northern area of the R.L.S.A. and the high probability that 5 or more of those sites have to do with Native American Sacred Sites (Federal) it financially behooves all landowners, developers, and researchers to try to cooperate on any obstacles that would impede any part of the new and growing vision. One of the proposed solutions would be to bypass the past processes that are costly and paper matted on each end and just agreeing to incorporate a basic preset number of interpretive markers or kiosks in any of the proposed Towns, Villages, or Hamlets in any the public greenways or parks. This would serve to display the past History and Culture of the county. This in effect is a visionary way in which cooperation can enhance the value and desirability of any proposed community and fits well with the rural character these new homes seek to display. As the Collier County Museum already has the equipment to make these markers there would be minimal costs associated with such a plan.

6. Seek to establish at a minimum one continuous Historical and Cultural Heritage Trail unimpeded and without any Conservation easement restrictions that stretches from the eastern corridor of the R.L.S.A. to the western corridor of the proposed R.L.S.A.
7. Seek to establish at a minimum one continuous Historical and Cultural Heritage Trail unimpeded and without any Conservation easement restrictions that stretches from the southern corridor of the R.L.S.A. to the northern corridor of the proposed R.L.S.A.

STATEMENT:

Although it is understood that that many of the Environmental, Wildlife, and other numerous agencies including those that have to do with representing the Natural Resources and Endangered Species legislation have been working on policies that directly and indirectly have relation to the present R.L.S.A. Processes, Goals, and Objectives, that were started in 1999 and have now been continuing until the present time in 2008, on behalf of the people and organizations that were not included (up to speed) in regards to the Historical and Cultural ideals that the original provisions that were envisioned when the Purpose of the Rules found in D.C.A.s. guidelines came to public attention and speaking on behalf of those interests now found in the capacity of being a representative of those voices would ask that a small amount of extra time be given to the following statements which most display our unified concerns.

- A. That it be recognized that an accurate and up to date Historical and Cultural Resource study has never been conducted in Collier County since its inception in 1923 until it was presented to committee members on September 30, 2008.
- B. That a total of 9 new Historical sites comprising a 166 year total span of a timeline of Collier County's past has been for the first time accepted by the State of Florida 32 days ago.

- This should be accepted as a good faith effort considering these items were presented to this committee being specifically mentioned- Purposes of rules of the D.C.A. Objectives and Goals- # 1-Standard Options and # 2 Special Options relating to Historical and Cultural values.

Therefore having established the items found on these pages 2, 3, and 4 the following comments are added for the review now taking place on October 7, 9 am. Room 609, on Policy 5, however please find other comments on policies that may also apply to the present meeting but nevertheless need to be entered into the appropriate sections for public comment for those specific policies when the committee has the time.

Policy 5.4

No right of way to be relinquished by the County for Panther crossings on anywhere on highway # 29 if crossings block way of known Historical sites. As there are a preponderance of past known sites starting at U.S. 41 and heading north to just south of Immokalee City totaling 10- they are protected under the F.D.O.T. Cultural Resource book- 2008 Fla. Statutes Title 18- Public Lands and Property -Chapter 267 Historical Resources 267.021- (3) "Historic Property" or "Historic Resource" means any Prehistoric or Historic District, site, building, object or other real or personal property of historical, architectural value and folkloric resources. These properties or resources may include but are not limited to, monuments, memorials, Indian habitations, Ceremonial Sites, Abandoned Settlements, Sunken Ships, Engineering Works, Treasure Trove, Artifacts, or other objects with Historical or Archaeological Value, or any part thereof relating to the History, Government and Culture of the State.

267.021-(4) Preservation or Historic Preservation means Identification, Evaluation, Re-documentation, Analysis, Recovery, Interpretation.

7 Has F.L.D.O.T. complied with Public Law 89-665, as amended regulations (36 CFR Part 800-revised 1/1/01 Executive Order 11 593 Chapter 267 (F.S. Revised 2001), N.L.P.A. 91-190, D.O.T.A. AC71 1966 Public Law 89-670

1. For all Phases of work on Highway # 29
2. For all Phases of work on Oil Well Road
3. For all Phases of work on # 846
4. For all Phases of work on Camp Keais Road
5. For preliminary plans on # 29 Bypass Road
6. For all Phases of work on # 858

Policy 1.2

Clarify how R.L.S.A.O. interacts with the Florida Greenway and Trails Act – 2008 Fla. Statutes title 18 Chapter 260 -260.012 Item 1 and 2, 3B, and 6-A,D,E,F [Naples Cultural Landscape]

Policy 1.6

No emphasis is put on the Historical Transportation Routes from the south to the north or the west to the east in the present SSAs. [Naples Cultural Landscape]

Policy 1.7

Historical Interpretation markers, Kiosks, and Cultural Heritage should be allowed to be built south of Oil Well Road and should have road access planned for them. [Naples Cultural Landscape]

Review easement language and policies to prevent F.W.C. from holding all easements. All easements should go to the County for the Cultural and Heritage Trail. [Naples Cultural Landscape]

Stewardship easements should be held by private entities –Florida Community Trust provided 630 million dollars between 2007 and 2008 and have encouraged and fostered public and private partnerships. [Naples Cultural Landscape]

S.S.A. Credit agreements should include the Department of Community Affairs and Florida Forever programs as the signatories. [Naples Cultural Landscape]

Policy 1.11

Do not remove all the layers in the matrix until a Historic and Cultural study has been done to see how the past pioneers used the Natural Resources of the land. If a critical layer is removed in respect to a Historic or Cultural site all future uses and activities in that layer are eliminated forever [Naples Cultural Landscape]

Policy 1.12

Presently only credits for S.R.A. can be transferred for lands that meet the defined Suitability Standard in the R.L.S.A. for S.R.A.s but language needs to be established to encompass criteria for Historic and past Cultural sites. [Naples Cultural Landscape]

Policy 1.13

Do the procedures for the transfer of credits include language for Historical or Cultural Resources since Stewardship credits do not require any G.M.P. amendments. [Naples Cultural Landscape]

Policy 1.14

Have any studies been implemented to see where the highest ground available can be used for the Historical or Cultural Heritage Trail and will it have a high enough ground elevation so that it will not be prone to flooding? [Naples Cultural Landscape]

Policy 1.15

Is there a provision or a percentage allocated for any educational programs that interpret to the public any part of a Historical or Culturally related theme in the Trust. Are there any incentives to owners to sell Credits that will go for any programs that have to do with the county's past history? [Naples Cultural Landscape]

Policy 4.1.1

If towns are described as having "Individual Identity and Character" to what extent will the interpretation in the community parks allow for Historic or Cultural values and is there a certain percentage in space or funds allocated in the plans or designs and what will the towns display or incorporate to educate the public about the county's Cultural past. [Naples Cultural Landscape]

Policy 4.1.2

If villages have "Character" scaled to each particular village to what extent does this parallel extend to in the parks and Green Spaces on a Historical level and what association does this have with the past Cultural Heritage of the past small towns of Collier County [Naples Cultural Landscape]

Policy 4.1.3

To what extent will the communities in the Hamlets contribute to the Historical and Cultural values that were a part of the county's history and how will this be reflected in their public Green Spaces. [Naples Cultural Landscape]

Policy 4.9

Public access should be allowed on all right of ways, Stewardship easements or Conservation easements in any area of land that is rated in A.N.R.L. index of 1.2 or higher. By restricting any Greenways or Buffer Zones the Historical and in particular the Cultural and scenic resources of the land will not allow for full enjoyment of any future proposed Historical and Cultural Heritage trail and will limit Eco Tourism to unsatisfying scenic endeavors. Since there is only 2 % of lands that will qualify for a 1.2 or higher rating the absolute best lands must be used on the trail and an exception in the language must be made as it will be the County's only chance to interpret to the public in the true scenic beauty of the land. [Naples Cultural Landscape]

Policy 4.11

Where existing Agricultural activity joins a S.R.A. the design of the S.R.A. should not have more than two geographical sides connecting either in tandem or opposite that will impede any recreation/open space for a better possibility of having a more pleasing environment. [Naples Cultural Landscape]

Policy 4.20

For clarification all language spoken of as "Public Benefit" should include whether this means -Public access. [Naples Cultural Landscape]

How do you quantify a percentage of Public Benefit relating to Towns, Villages, and Hamlets and is there a certain portion of "Public Benefit" that has in any tangible way a reflection of any part of Collier County's past Culture or Heritage. [Naples Cultural Landscape]

ECONOMIC DEVELOPMENT COUNCIL OF COLLIER COUNTY
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MEMORANDUM

To: Tom Greenwood
From: Tammie Nemecek
Date: November 5, 2008
Re: Economic Development Policy Changes

In order to strengthen the economic development section of the RLSA, the Economic Development Council of Collier County would like to propose this clarifying language. Thank you for the consideration. Modifications are highlighted in **RED**.

Policy 4.7.1

Towns are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure that support development that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns shall be not less than 1,000 acres or more than 4,000 5,000 acres and are comprised of several villages and/or neighborhoods that have individual identity and character. Towns shall have a mixed-use town center that will serve as a focal point for community facilities and support services. Towns shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Towns shall include an internal mobility plan, which may include a transfer station or park and ride area that is appropriately located within the town to serve as the connection point for internal and external public transportation. Towns shall have at least one community park with a minimum size of 200 square feet per dwelling unit in the Town. Towns shall also have parks or public green spaces within neighborhoods.

Towns shall include both community and neighborhood scaled retail and office uses, in a ratio as provided described in Policy 4.7.5 4.15.1. Towns may also include those compatible corporate office, research and light industrial uses such as those permitted in the Business Park and Research and Technology Park Subdistricts of the FLUE and those included in Policy 4.7.4.

Towns shall be the preferred location for the full range of schools, and to the extent possible, schools and parks shall be located abutting each other to allow for the sharing of recreational facilities and as provided in Policies 4.15.2 and 4.15.3. Design criteria for Towns shall be included in the LDC Stewardship District. Towns shall not be located within the ACSC.

Policy 4.7.2

Villages are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages shall be not less than 100 acres or more than 1,000 acres inside the Area of Critical Concern and not more than 1,500 acres outside the Area of Critical Concern. Villages are comprised of residential neighborhoods and shall include a mixed-use village center to serve as the focal point for the community's support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Villages shall have parks or public green spaces within neighborhoods. Villages shall include neighborhood scaled retail and office uses, in a ratio as provided in Policy 4.1.5. Appropriately scaled uses described in Policy 4.7.4 shall also be permitted in Villages. Villages are an appropriate location for a full range of schools. To the extent possible, schools and parks shall be located adjacent to each other to allow for the sharing of recreational facilities. Design criteria for Villages shall be included in the LDC Stewardship District.

Policy 4.7.4 4.7.3

~~Compact Rural Development (CRD) is a form of SRA that will provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village, shall support and further Collier County's valued attributes of agriculture, natural resources and economic diversity. CRDs shall demonstrate a unique set of uses and support services necessary to further these attributes within the RLSA. Primary CRD uses shall be those associated with and needed to support research, education, tourism or recreation. Appropriately scaled uses described in Policy 4.7.4 shall also be permitted in CRDs. A CRD may include, but is not required to have permanent residential housing, and the services and facilities that support permanent residents. The number of residential units shall be equivalent with the demand generated by the primary CRD use, but shall not exceed the maximum of two units per gross acre. A CRD shall be a maximum size of 100 acres. An example of a CRD is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to ecotourists, but may not provide for the range of services that are necessary to support permanent residents. Except as described above, a CRD will conform to the characteristics of a Village or Hamlet as set forth on Attachment C based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required. ~~However, for any CRD that does include permanent residential housing, the proportionate support services listed above shall be provided in accordance with Attachment C. To maintain a proportion of CRDs of 100 acres or less to Villages and Towns, not more than 5 CRDs of 100 acres or less, in combination with Hamlets, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional CRDs of 100 acres or less, in combination with Hamlets, may be approved for each subsequent Village or Town. There shall be no more than 5 CRDs of more than 100 acres in size. The appropriateness of this limitation shall be reviewed in 5 years pursuant to Policy 1.22.~~~~

Policy 4.7.4 (New policy)

Towns, Villages and CRDs shall be the preferred location for business and industry within the RLSA, to further promote economic development, diversification and job creation. Permitted uses shall include, but not be limited to: aviation and aerospace, health and life sciences, corporate headquarters, computer hardware, software and services, information technology, manufacturing,

Villages are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages shall be not less than 100 acres or more than 1,000 acres inside the Area of Critical Concern and not more than 1,500 acres outside the Area of Critical Concern. Villages are comprised of residential neighborhoods and shall include a mixed-use village center to serve as the focal point for the community's support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Villages shall have parks or public green spaces within neighborhoods. Villages shall include neighborhood scaled retail and office uses, in a ratio as provided in Policy 4.13. Appropriately scaled uses described in Policy 4.7.4 shall also be permitted in Villages. Villages are an appropriate location for a full range of schools. To the extent possible, schools and parks shall be located adjacent to each other to allow for the sharing of recreational facilities. Design criteria for Villages shall be included in the LDC Stewardship District.

Policy 4.7.4 4.7.3

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Policy 4.7.4 (New policy)

Towns, Villages and CRDs shall be the preferred location for business and industry within the RLSA, to further promote economic development, diversification and job creation. Permitted uses shall include, but not be limited to: aviation and aerospace, health and life sciences, corporate headquarters, computer hardware, software and services, information technology, manufacturing,

research & development, wholesale trade & distribution; technology commercialization and development initiatives, trade clusters, and similar uses.

~~A Hamlet is a form of SRA that will provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village, and the services and facilities that support permanent residents. An example of a CRD is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to ecotourists, but may not provide for the range of services that are necessary to support permanent residents. Except as described above, a CRD will conform to the characteristics of a Village or Hamlet as set forth on Attachment C based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required. However, for any CRD that does include permanent residential housing, the proportionate support services listed above shall be provided in accordance with Attachment C. To maintain a proportion of CRDs of 100 acres or less to Villages and Towns, not more than 5 CRDs of 100 acres or less, in combination with Hamlets, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional CRDs of 100 acres or less, in combination with Hamlets, may be approved for each subsequent Village or Town. There shall be no more than 5 CRDs of more than 100 acres in size. The appropriateness of this limitation shall be reviewed in 5 years pursuant to Policy 4.22.~~

Policy 4.18

The SRA will be planned and designed to be fiscally neutral or positive to Collier County at the horizon year based on a cost/benefit fiscal impact analysis model acceptable to or as may be adopted by the County. The BCC may grant exceptions to this policy to accommodate affordable-workforce housing, as it deems appropriate. Techniques that may promote fiscal neutrality such as Community Development Districts, and other special districts, shall be encouraged. At a minimum, the analysis shall consider the following public facilities and services: transportation, potable water, wastewater, irrigation water, stormwater management, solid waste, parks, law enforcement, and schools. Development phasing, developer contributions and mitigation, and other public/private partnerships shall address any potential adverse impacts to adopted levels of service standards.

It is recognized that SRA development in the RLSA may generate surplus revenues to Collier County and Collier County may choose to allocate a portion of such surplus revenues to ensure that sufficient resources are available to allow Collier County to respond expeditiously to economic opportunities and to compete effectively for high-value research, development and commercialization; innovation; and alternative and renewable energy business projects.