



COLLIER COUNTY MANAGER'S OFFICE

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February 12, 2008

Tom Pelham
Office of the Secretary
2555 Shumard Oaks Boulevard
Tallahassee, FL 32399-2100

Dear Secretary Pelham:

During my one-year tenure as Assistant County Manager and for six years as County Manager for Collier County, I have had the privilege of being involved in the groundbreaking Rural Land Stewardship Area (RLSA) program. When our community was faced with the Administration Commission's Final Order in 1999, we were at a crossroad. We view this county's response to this crisis as a significant accomplishment. We further believe there are important lessons learned that must be taken into consideration within the Department of Community Affairs' proposed rule.

In 1999, rather than fighting among ourselves and tearing the community apart, Collier County chose to bring the community together in an effort to achieve consensus. The process was long, some three years and 33 meetings in the making, but proved well worth the effort. A devoted committee of 14 citizens fully supported by this government, those who owned the land in question, the environmentalists who guard the land and its inhabitants, the business community who support a sustainable economy for all county residents and seasonal visitors, and those who live in the rural community, worked diligently to understand issues that often were daunting. From "ground truthing" to "new urbanism," this community learned what was necessary to make good decisions for its future, and after a monumental effort, unanimously agreed on a plan that would meet everyone's needs.

Although the priorities in "The Collier County Rural and Agricultural Area Assessment" were at times in conflict, Collier County has successfully balanced conflicting needs thru a stewardship program that has undergone scrutiny by all interests groups that were involved in the establishment of the RLSA. More specifically, Collier County identified measures necessary to protect the majority of agricultural land, while at the same time directing incompatible uses away from wetlands and upland habitat in order to protect water quality and quantity and maintain the natural water regime as well as to protect listed animal and plant species and their habitats.

It is a matter of great pride that the Rural Land Stewardship program was created here, and that we have been honored by such prestigious organizations as the Governor's Council on a Sustainable Florida and 1,000 Friends of Florida. The fact that statewide legislation and other proposed projects subsequently have built on our efforts is also rewarding.

Still, the real measure of the success of this program lies in its successful implementation. As we now work through the process of its 5-year review, we believe that the program is achieving successes in all of the areas it was created to address, and will be improved through the work of the County Committee conducting the assessment.

The attached Technical Review represents the first phase of this analysis. Although more work is to be done, the initial findings are clear:

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- Environmental protection is occurring at a rate that literally would be impossible without the program. Already, with approved and pending Stewardship Sending Areas, nearly 30% of the total 195,000+ acres of land in the RLSA area has been or will be set aside for protection, of which all but approximately 640 of almost 55,000 acres remains agricultural or rural in nature. Importantly, among the lands that have been approved or are pending as Stewardship Sending Areas is the vast majority of lands targeted for acquisition by Florida Forever; these lands will be restored as necessary, then protected and maintained in perpetuity, with no tax dollars involved.
- Agriculture remains strong. The only areas taken out of agricultural production to date are the roughly 5,000 acres on which Ave Maria is being constructed. This represents less than 2.5% of the total area.
- The economic benefits are huge. Particularly in this market slowdown, the job creation at Ave Maria has been significant to the vitality of our community. In addition, the companies already committed to locating in or expanding to Ave Maria will provide an important new source of economic diversity and employment in our rural areas over the long term.

We are, however, considerably less optimistic about the potential of success for the Department of Community Affairs' proposed rule for RLSA. Based on our analysis of what has allowed the Collier program to work, we see at least four major issues that we believe need to be addressed:

1. The rule appears to considerably limit the potential for conservation of lands. Not only does it fail to properly incentivize landowners for participation, it also requires identification of conservation lands far in advance of knowing ground conditions when sending areas are actually designated. It also appears to deny agriculture's inherent benefits to the environment.
2. The rule also appears to ignore the realities of viable agriculture. Ag is a risky business, vulnerable to disease, weather, international trade agreements, changing world markets and much more. To survive, land owners must be able to substantiate the value of their land, and remain flexible to respond to continuing challenges and opportunities as they present themselves.
3. The rule appears to unduly limit the potential for economic growth. It is a fact that our rural areas are economically depressed. By restricting the ability to diversify beyond agriculture and to create higher wage jobs, the rule will not provide for the long-term health of our rural communities.
4. The rule appears to deviate significantly from the intent of the current legislation. The current RLSA law calls for voluntary, incentive-based participation from landowners, while the rule definitively does not.

We urge you to look to building on those fundamentals of the Collier County RLSA that have allowed for its successes, and to incorporate them into any proposed rule. Certainly, our program can and should be adapted as it is applied in other areas. However, its basic tenets -being collaborative, incentive-based, and founded on local needs --should be carried forward.

Thank you so much for your consideration and I welcome your questions or comments.

Sincerely,


James V. Mudd
County Manager

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