



Meeting Summary

RLSA Restudy Group 3 Policies Meeting Protecting Natural Resources

April 26, 2018, 6:00-8:00 PM, North Collier Regional Park, Exhibit Hall

I Introduction

Speaker: Mr. Kris Van Lengen, Collier County

Mr. Van Lengen went over the restudy process and stated that we are at the beginning of the process with public workshops to gather public input. This public input phase will last most of 2018 and likely into early 2019. He stated the County is looking to gather input and share facts and information in an efficient way. Once these monthly workshops are completed the County will circle back to readdress important issues like credits. The County staff will then make recommendations and present those recommendations to the public before bringing the recommended changes before the Board of County Commissioners in the form of a white paper to get their permission to move forward with a more formal proposal to the Planning Commission and the Board of County Commissioners. To amend the Growth Management Plan it takes two visits to each of those venues. This is the beginning a long process and everyone's participation is appreciated.

Mr. Van Lengen advised that May 24th is the next meeting at 6:00 p.m. The meeting focus will be environmental issues again, focusing on panther and listed species. David Schindle, a Florida panther expert from the U.S. Fish and Wildlife Service, is expected to speak. Mr. Schindle will be available for questions. Mr. Van Lengen invited the audience to provide input on other topics they would like to discuss during the May 24th workshop.

Workshops will resume in August at a new location and the topic of discussion will be infrastructure, who pays for it, and initial impacts. Water resources, aquifer health, stormwater health, quality, and quantity, and other water resource issues will be discussed in September. The topic in October and November is sustainable development, Group 4 Policies, SRA receiving areas including towns and villages, and non-SRA types of development that was discussed during the agricultural presentation. Mr. Van Lengen suggested that there will be opportunities for agriculture in open lands, which should be incentivized. He reminded that if the economy changes, landowners still have base underlying zoning rights.

Mr. Van Lengen described improvements in communication and outreach to get people in the door for workshops. The use of electronic messaging signage was a new addition for this meeting,

and by a show of hands the audience indicated that the message board was successful in encouraging attendance. Facebook Live is active for this workshop, affording those who travel a way to tune in. Mr. Van Lengen invited the audience to comment and ask questions on Facebook. He added that the public workshops are video recorded and accessible online, and a written summary and PowerPoints are available on the RSLA website. Writing or emailing to the RLSA email address is another way to comment. Every meeting also has comment cards available, and a record of comments from group discussions is maintained.

Mr. Van Lengen described that the agriculture workshop (Group 2 Policies) revealed that retaining agriculture within Collier County, not nearby, is a high priority. Every group rated the importance of agriculture at least a 9 or 10 out of 10. Each group also identified that “premature” conversion verbiage should be removed from the goal statement. Overall, the workshop participants suggested that reduction in agriculture is undesired. Mr. Van Lengen summarized that incentives for agriculture were suggested at the workshop, including cash incentives from the local government, tax abatement, short term easements, and creating an agriculture advisory board to evaluate agriculture incentives.

Mr. Van Lengen highlighted the library on the RLSA website and described how data sources have been suggested, including Closing the Gaps in Florida Wildlife Habitat Conservation System (1994), Fragmentation of Pine Flatwood and Marsh Communities (1997), 1000 Friends of Florida 2070 Water Report (2016), Technical Review – Florida Panther Protection Program (2009), and Florida Panther Recovery Program (2008). He explained that public comments also included references to “two other studies by panther experts” and a reference to “shallow wetland science.” Mr. Van Lengen asked for the audience’s insight and assistance to gather those resources.

II Protection of Natural Resources – Group 3 Policies

Speaker: Mr. Kris Van Lengen, Collier County

Mr. Van Lengen introduced the Group 3 Policies and stated that each policy in Group 3 would be discussed with more time spent on the important issues. He gave background information, including the genesis of the Rural Fringe and RLSA dating back to the 1999 Final Order that resulted from a lawsuit brought by environmental groups against the County. The result was the State required the County to devise a plan to protect agriculture activities and protect from unrestrained growth including protection of wetlands, protected species and wildlife habitat. There was also an intent to direct growth to appropriate locations through creative land use and planning techniques. The RLSA plan adopted in 2002 was the result, which has changed very little in subsequent years.

The program balances agriculture viability, environmental resource protection, and long-term economic prosperity goals. Mr. Van Lengen invited the audience to evaluate those goals, consider if they are being met, and identify areas for improvement.

Mr. Van Lengen read the Group 3 goal statement:

“(Policies to) protect water quality and quantity and maintain the natural water regime, as well as listed animal and plant species and their habitats by directing incompatible uses away from wetlands and upland habitat through the establishment of Flowway Stewardship Areas, Habitat Stewardship Areas, and Water Retention Areas, where lands are voluntarily included in the Rural lands Stewardship Area program.”

Mr. Van Lengen noted that this is a voluntary program and landowners are not required to participate.

The Overlay Map was presented depicting the flowways in blue, which are actually wetlands, and which are very important to protect. The green areas are habitat stewardship areas (HSAs) where uplands have high value for listed species. Water retention areas (WRAs) are helpful for the water management regime; these are also important areas to protect.

Mr. Van Lengen presented the Overlay Map Acreages. He advised the reason for two sets of numbers conveyed as acreages is because 195,000 acres is inclusive of publicly owned land and 182,000 acres accounts for privately owned land. The Habitat Stewardship Areas constitute the largest stewardship area, followed by the Flowway Stewardship Areas, and then Water Retention Areas and buffers. Open areas include approximately 95,000 acres. The Open Areas are the only areas where Stewardship Receiving Areas such as towns, villages and hamlets can be built. However, the locations where development may occur in Open Areas is not specified.

Mr. Van Lengen displayed a map of Public Lands and described that they include the Okaloacoochee Slough State Forest and the Corkscrew area which is owned by the Water Management District. Since the adoption of the Plan, Pepper Ranch Preserve and Caracara Preserve have been added to public lands through Conservation Collier purchases. There are also other areas of preservation under public ownership that need to be inventoried to ensure they are not counted as generators of credits in the long term.

Mr. Van Lengen highlighted the rules of engagement, which he noted relates somewhat to questions from the public that were received by his office earlier in the day. In Flowway Stewardship Areas in order to get credit you must remove the first four layers of land uses, and Mr. Van Lengen referred to the Stewardship Credit worksheet, noting it is difficult to understand. The natural resource index (NRI) values, which is the sum of a number of indicators of the land masses under consideration to get credits to put them under a conservation of some kind, or at least down to an agricultural use, including passive agriculture or cattle grazing. The NRI values are an accumulation of indices that indicate habitat value, soil value, water presence, vegetation value, proximity to like areas and potential for restoration. Mr. Van Lengen went on to explain the multiplier and how you can get a score from 0 to 3.4, and only a portion of that score is based on

how many land uses you remove. The incentivized program involves more credits generated for the removal of more land uses.

Mr. Van Lengen received the question: Why allow uses in Habitat Stewardship Areas that are not allowed in Flowway Steward Areas, such as recreation, mining, conditional uses such as churches, day care, and essential services? Mr. Van Lengen did not know the answer and suggested there should be a review of the past data and then an answer can be brought back.

An audience member asked: Who decides the values of the credit system ranging from 0 to 3.4?

Mr. Van Lengen said Wilson Miller was the consultant who designed the credit rating system and he was unsure if any sub-consultants worked on it as well.

Bruce Johnson from Stantec (formerly with Wilson Miller), responded to the question first by recognizing Brad Cornell and Nicole Johnson in the room whom were also involved with the credit rating system. Mr. Johnson went on to explain that Wilson Miller was hired by property owners, but the process was directed by County staff because the County was subject to the administrative order. The County pulled together stakeholders including property owners and environmental groups and had a series of public meetings. The intent was providing for economic development, the continuation of agriculture, and protection of natural resources. At the time it was deliberated that there must be a way of inventorying and categorizing. The method or overarching objective was to identify the areas to protect and create an incentive to protect them. The NRI scoring system was created as an objective tool. The land use characteristics, such as soils, were identified from USDA Natural Resources soils map. Land use cover was created on aerials and refined through the public review process. The scoring was a consensus approach among the consultant, property owners, environmental groups, County staff, independent observers, and members of the public.

Nicole Johnson then stated that all data layers were from year 2000 best available science. She also stated the Conservancy would like to see mapping updated with best available science. Dr. Evans reiterated that this restudy process is intended to make those updates. Mr. Van Lengen confirmed that the intent is to update the Plan, and it will be a consensus issue on how and when the updating would occur and he defers to scientific experts. Dr. Evans, noting that speaks as an outsider, requested that if the audience is drawing opinions or perceptions from updated science or studies that they provide that information via email, link or disclosure of the most updated source. She said any studies that are being referenced should be shared with the County.

Mr. Johnson stated that initial data was circa 2002 at the time of adoption. Each Stewardship Sending Area uses the best available science as of the current date. In other words, if a landowner applies today, they have to use today's panther telemetry and land cover data. It's important to update for purposes of calculating credit generation. Applying for a Stewardship Sending Area or a Stewardship Receiving Area uses current science.

Mr. Van Lengen said it's important to update the entire overlay area because of the credit implications.

An audience member asked: For the NRI figure of 1.2, how was it arrived at, and what percentage of Habitat Stewardship Areas score 1.2 and below? Those values are shown in Group 3 Policies for FSA and WRA and not HSAs.

Mr. Van Lengen responded that the County is going to find that data and put it on the RLSA website.

Mr. Van Lengen described Policy 3.8 which deals with compensation to landowners other than the creation of transfer of stewardship credits. Landowners can avail themselves with acquisition of conservation easements, acquisition of less than a fee interest (such as leasehold), and other willing buyer/seller programs. These opportunities have always existed, but are probably mentioned because people need to know it is a voluntary program. There are other opportunities to create conservation land without using the credit program.

Agricultural uses are referenced in Policies 3.9 and 3.10. When stewardship sending area is Active Agricultural (Ag 1) such as row crops and orchards, you can't increase or change other than minor squaring and access issues. Likewise, when credits are derived from a Passive Agriculture (Ag 2) SSA, you can't go back to Ag 1 and create areas of row crops, etc.

A member of the audience asked: At what point can you not go back and expand Ag 1 in an SSA; it is not clear in the policy. Is it when the SSA is first approved?

Mr. Van Lengen responded that it was intended that when Ag 1 is first approved, it's really the approval process. Since that time, there has been another layer of process and some of these SSAs are now in escrow. He said the question of what happens once in escrow should be considered in this Restudy.

The audience member clarified her question, stating: Once the SSA is approved initially, there's a long process of deciding whether to restore and there are pending amendments. Credits are awarded at all different times, so specifically at what date does the limit on expanding Ag 1 area apply? And for Ag 2, the policy says you can't go back to Ag 1 after the credits are awarded, but specifically what credits are we talking about because there are credits for all different things and they are awarded at different times?

Mr. Van Lengen said only base credits are being discussed here, and not restoration credits. This only applies to base credits.

The audience member asked: Are base credits awarded at the time the SSA is approved and the land use layer is specified to be removed?

Mr. Van Lengen responded credits are awarded at the time the easement document is recorded.

The audience member asked: Is the easement document recorded at the time the SSA is approved?

Mr. Van Lengen responded that it is true for SSAs #1 through #9. For SSAs #10 and after the answer is maybe. Some of those were put into escrow, which means they are not recorded, and it is up to the landowner to wait and see whether they want to pull out or not.

The audience member asked about pending amendments to approved SSAs #14, 15, and 16.

Mr. Van Lengen advised that the amendments relate to restoration, which is a different issue.

The audience member asked: Is an easement established already on SSAs #14, 15, and 16?

Mr. Van Lengen responded that he wasn't sure, but indicated those easements are in escrow. They could change, but the applicant would have to come back with new paperwork because the calculations would change.

The audience member asked: What policy allows escrow?

Mr. Van Lengen responded that the Board of County Commission policy allowed escrow.

Mr. Van Lengen described **Policy 3.11** related to Restoration. This provides additional credits, it is not the transfer of base credits from those areas designated as HSAs. This is a different type of credit called restoration credits. These provide a really good service, which is restoration and long-term maintenance by landowners in perpetuity with no public expense. Looking at the costs, such as mitigation of \$4,000 to \$5,000 per acre, or Conservation Collier costs of \$20,000 per acre or \$10,000 per acre in an endowment for perpetual maintenance and restoration. If these costs are multiplied by 1,000 acres, it equates to \$10 million. That money comes from landowners deriving the credits, and not the public funds, which is positive.

Functions of restoration include functional enhancement of flowways (which may be widening of flowways), widening and enhancement of wildlife corridors, enhancement of listed species habitat, and creation or enhancement of wading bird habitat and creation or enhancement of Caracara habitat. These are presented to the County as a separate application form. The process requires an ecological expert to provide the information, it's reviewed by County staff, GIS staff reviews for boundaries, and then County environmental staff does a field visit to verify conditions stated in the expert report. Mr. Van Lengen noted there is no third party review built into the system.

Nicole Johnson mentioned that restoration credits are for restoration, but some restoration credits are tied to not actually doing anything.

Mr. Van Lengen recognized that comment and said it will be discussed and not slip between the cracks.

An audience member asked: Once approved, do people go out to monitor how the land has been restored?

Mr. Van Lengen responded that there are two types of credits, R-1 and R-2. One is for dedication of restoration, and one is for performance of restoration. For dedication there are field visits to verify field conditions.

Mr. Van Lengen clarified that the discussion this evening is focused in the colored areas of the map. In the white areas of the map, the 5 year review committee recommended restoration credits or creation credits for panther corridors in the open areas. Mr. Van Lengen pointed to the locations which panther experts recommended as critical areas. He said this will be further discussed next month.

Mr. Van Lengen reiterated the two types of Restoration Credits are R-1 and R-2 credits. The R-1 credits are for dedication of land for restoration activities, but implementation of improvements is not required. Just for dedicating land for restoration, there are four credits in the Camp Keais Strand and two credits in the Okaloacoochee Slough. These areas were considered as needing more protection because of proximity to the Area of Critical State Concern overlay.

For restoration, once local, state, or federal permitting agency success criteria are met, which is typically five years out, the applicant gets the other four credits per acre. Then there is a perpetual maintenance requirement for those improvements.

Mr. Van Lengen gave a summary of lands proposed for R-1 restoration and displayed a slide with acreages, showing 11,576 acres approved and 5,418 acres proposed, totaling 16,994 acres for restoration of flowways, large mammal corridor, listed species, wading bird and Caracara habitat.

Mr. Van Lengen explained that 55% of all potential SSA areas are designated, or approximately 50,000 acres. Almost 1/3 of areas within SSAs are designated with R-1 restoration dedication status. Restoration Completion (R-2) acres is 428 acres. So, 2.5% of all acres dedicated for restoration have been restored, which means the County has been advised, credits have been awarded after five years, and the success criteria is met. County does not know why the delay for restoration efforts, but it could be related to cash flow or that the credits are needed at a later time. There was originally more interest by state agencies to buy or acquire land fifteen years ago when this program was initiated. The R-1 credit does include an easement for performing restoration and maintenance activities. The 5-year review committee recommended a schedule of those restoration maintenance credits that were tiered based on complexity and cost. The proposal is in the RLSA library. This is something to look at and could be pursued, or the R-1 / R-2 system could be looked at in a whole new way altogether.

Mr. Van Lengen gave the example of SSA #3, which was created in 2005. The land was a 250-acre old farm field and pasture that could be rehabilitated and made suitable for wading bird habitat. Due to soil types and hydrology nearby, wading bird habitat could be created with varied elevations, ditch and swale contouring, and the property would be maintained in perpetuity. The applicant received the dedication credits, but has not applied for restoration credits. The reason why is unknown to the County staff, but it's presumed that nothing has been done.

Mr. Van Lengen described **Policy 3.12** related to flowway buffers, which states Natural Resource Index (NRI) values in open lands within 500 feet of flowways get increased NRI values.

Policies 3.13 and 3.14 relate to water retention areas (WRAs). These areas can be used for development purposes. The acreages used for stormwater treatment does not need to be included in the hamlet or village areas, and landowners do not need credits to include those water retention areas within the functional area within a town or village. He advised this topic can be discussed further if the audience wishes. The 5-year review suggested that acreage should count toward villages.

Mr. Van Lengen concluded the quick run-through of policies and opened the audience to questions and the group exercise. He pointed out the worksheets and questions provided on the tables and offered to add more questions, such as WRA question or the HSA question in terms of allowing fewer than four layers to be removed.

Dr. Evans mentioned that questions were created for each group to discuss and then record the areas of consensus and areas of non-consensus. With divergent opinions on land use, Dr. Evans encouraged people to talk to each other to find the good ideas through conversation. Feedback forms can be found at the tables and there will be other opportunities to give feedback as well. Dr. Evans invited groups to reorganize as needed and allowed a forty-minute timeframe for group discussion before providing feedback.

III Working Session: Importance of Preservation and Restoration of FSAs, HSAs and WRAs

Dr. Evan invited each group to choose a spokesperson and present areas they were able to reach consensus and areas in which they were not able to reach a consensus.

Question 1

On a scale of 1-10 (10 being the highest), please rank the importance of preserving the following target areas:

Flowway Stewardship Areas (FSAs)

Habitat Stewardship Areas (HSAs)

Water Retention Areas (WRAs)

Question 2

(a) On a scale of 1-10 (10 being the highest), please rank the importance of restoration work within FSAs and HSAs.

(b) Given your understanding of restoration credits within the existing Overlay, what, if anything, would you change?

(c) Please identify any additional information that would help in your assessment, such as costs or standards.

Question 3: Please discuss and report on any other Group 3 Policy that your team feels is important to update.

Brown Group

The Brown Group reached a consensus for question 1 that HSAs, FSAs and WRAs are a 10. It's important to handle the development, protect the habitat, water flow and natural system and do it appropriately because WRAs are important. For instance, Rural Lands West will have WRAs and surround them with development, and it is important for the County to have a way to protect the habitats and water retention.

The Brown Group reached a consensus that restoration is a 10. Only 2.5% acres have been restored and something needs to be done to get more restoration accomplished. The LDC should be tightened up to require successful outcomes of restoration through metrics and parameters to show progress toward achieving results, such as the water flowing, wildlife returning and the presence of wading birds. The Brown Group also agreed that the model used for the restoration and all SSAs needs to be reevaluated and changed because the underlying assumptions have changed in last 18 years. The Brown Group also suggested to reevaluate the underlying credits, incorporate best available science, and a ratio of R-1 to R-2 should be reconsidered. Perhaps the R-1 credit is too high and should not be equal to the R-2 credit. Restoration Credits are out of balance. The Brown Group had no areas of non-consensus.

Orange Group

The Orange Group essentially agrees with the Brown Group, although they did not get too detailed. The group does not understand credits, incentives, or the market. HSAs, FSAs, and WRAs were all rated 10. The Orange Group wanted clear boundaries to maintain function of habitats and waterways. Isolated pockets of restoration are ineffective. The Orange Group suggested to not issue credits until restoration is complete. That might create a challenge relative to the market and valuation, but again there was a lack of market understanding amongst the group.

Grey Group

The Grey Group representative stated it was an agreeable group. Consensus items included that all FSAs, HSAs, and WRAs should be ranked high. Specifically, FSAs and HSAs were ranked 10, but WRAs were ranked 9 because they are manipulated with dikes around them, but still were considered valuable. The Grey Group suggested consideration of restoring WRAs.

The Grey Group found the restoration credit process to be unpredictable. Everyone wants everything to be restored, but what is the implication? The Grey Group also suggested adding the 5-year review recommendations on wildlife corridors and connection areas.

Action items identified included updating mapping techniques. Consider adding Critical Lands and Waters Identification Project (CLIP) data, which is state data, to map SSAs. Consider public restoration, such as Florida Forever, Amendment 1, or public tax dollar funded restoration.

Black Group

The Black Group had similar opinions as to the other groups. The group representative identified that they are a laypersons group of ordinary taxpayers.

Consensus was reached that FSAs and HSAs rank 10, but WRAs should be ranked 8.5 to 9.5 if they are manmade.

The biggest concern of this group is that the credit system is inordinately complex and maybe complex intentionally to be manipulated to benefit the group using it. It's so complex, it seems like funny money being generated to achieve predetermined goals. The group is not sure how to influence the process, but these citizens feel left out of the process.

This group had a very strong agreement on their suggested action item to completely revamp the credit system to be more clear, straightforward and honest. Using the updated science is important. The group also suggested possibly using a nationally recognized system.

Purple Group

The Purple Group reached consensus similar to other the groups. There was a consensus that FSAs, HSAs, and WRAs rank 10.

The Purple Group found a need to reevaluate the whole credit system. The current system usurps the original intention of RSLA with an incredible number of credits being created.

In terms of restoration, the group suggested to close the gap between R-1 and R-2. Very few lands have actually been restored. A time limit could be established for restoration to take place. Credits awarded before action taken is questionable. The Purple Group questioned criteria for restoration and determining how much needs to be restored in an area designated for restoration.

Blue Group

The Blue Group had a strong consensus that the group does not know a lot about the credit system. The group agrees with others that FSAs, HSAs and WRAs are important and rank 10.

Protection is important and essential, but who's going to pay for it? The credit system is an optional market, and no money is changing hands. Until a money market exists and there is a value, it's a lost point.

The Blue Group expressed that there should be oversight and timetable for the credits to be awarded, not necessarily before the work is done. There should be accountability involved with

an explanation for the restoration activity benefits. Look at land being lost to both conservation and development because it's no longer available for agriculture.

IV Next Meeting and Adjourn

Dr. Evans thanked everyone for their participation. She said that all the comments and feedback would be recorded and available. She invited the audience to provide feedback through comment cards and email if there the audience had items there were not able to discuss today or thought about later.

Dr. Evans gave a reminder for next month's meeting scheduled for May 24 at the same venue (North Collier Regional Park, Exhibit Hall) and mentioned that a panther expert will be speaking.