



Audubon Western Everglades

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Audubon FLORIDA

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Kris Van Lengen, MPA, JD, AICP
Community Planning Manager; Rural Land Stewardship Restudy
Zoning Division, Collier County
2800 N. Horseshoe Dr.
Naples, FL 34104

Via email: Kris.VanLengen@colliercountyfl.gov

RE: Audubon recommendations for RLS Program Restudy Policy Outcomes

Dear Mr. Van Lengen:

On behalf of Audubon Western Everglades and Audubon Florida's Corkscrew Swamp Sanctuary (Audubon), I have participated in Collier County's restudy of its Rural Land Stewardship Program (RLSP). Based on our organizations' extensive experience, significant science and planning background on this program, and the information and discussions shared at the many public restudy sessions, the following comments and recommendations are shared below.

Audubon Western Everglades and Audubon Florida were represented on the RLSP Five-Year Review Committee from 2007 until the final report and recommendations were submitted in 2009. The primary conclusions and recommendations from that review effort remain generally relevant today and Audubon strongly recommends the current restudy implement those major policy recommendations, updated for current needs. As is true today, the Five-Year Review found the RLSP was successful in achieving public conservation and innovative planning objectives, plus limited agricultural preservation. As is also true today, there remain policies that Audubon believes should be improved, and we continue to work on those improvements through state and federal agencies, with the major private landowners in this region, and with Collier County. Those Comprehensive Plan policy amendment recommendations Audubon believes should be implemented from the 2009 Five-Year Review Report, with some improvements and revisions, include:

- FLUE – Rural Land Stewardship Area (RLSA) Overlay, Policy 1.6.1: The 2009 recommendation was to create “conditional Stewardship Sending Area (SSA)” status for the first five years of SSA establishment, which can be canceled and reverted back to baseline zoning if credits are not used. This is to add incentive and assurances to potential landowners considering designating SSA's early, before they are needed for any Stewardship Receiving Area (SRA). Audubon questions the need for any expiration of the conditional period as these SSA's are primarily public benefit which is to be encouraged. Non-expiring conditional periods don't penalize anyone and cost the public nothing. However, there is a need to ensure any comprehensive plan amendments adopted during this conditional period do apply to these conditional SSA's, which Audubon recommends.
- FLUE – RLSA Overlay, Policy 2.2: The 2009 recommendation was to create new agricultural stewardship credits to permanently protect agriculture. Agricultural preservation was a consensus priority in several public meetings for the current restudy, as well as in 2009. This will

require recalibration of the number of stewardship credits required to entitle SRA acres as listed below in Policy 4.19 in order to comply with the proposed 45,000 acre SRA cap. This new incentive is anticipated to protect permanently an additional 40,000 acres of agriculture, including significant acreage in the Big Cypress Area of Critical State Concern (ACSC) which should be the highest priority for agricultural land protection and thus receive the highest incentive in stewardship credits. The rationale for what those credits should be vs. non-ACSC agricultural lands and vs. current SSA credits is not clear, but should be based on a reasonable relationship to resource protection incentives for SSA's and the value of agriculture.

- FLUE – RLSA Overlay, Policy 3.11: The 2009 recommendations were to reduce credit awards for designation of restoration areas in SSA's, but without implementation ("R-1" credits) and increase and create more effective credit incentives for specific types of restoration, emphasizing highest incentives for creating or restoring large mammal/panther linkages in the north and south and restoration of rare shallow, seasonal wetlands relied on by wading birds. Revising those Five-Year Review recommendations somewhat, Audubon now recommends requiring local or state agency permits be submitted with designation of any restoration areas in order to receive R-1 credits. Audubon also recommends not considering invasive exotics removal and prescribed fire as restoration and instead include them as requirements under all SSA management plans, at least to some reasonable level appropriate for the particular site and awarding a small increment of additional credits based on difficulty of management required. Additionally, Audubon supports awarding the R-1 and R-2 (R-2 are for implemented restoration) credits in a phased process. The R-1 credits would be split in half with the first awarded upon designation with an agency permit and the second awarded upon phased completion of restoration. The restoration phases would be awarded their increments of the total possible R-2 credits for the permitted and site-appropriate restoration as they are completed, and include: hydrologic restoration, flowway restoration, and planting. There should also be an alternate set of credits available for the two specific high-value restoration types: shallow, seasonal wetland wading bird habitat, and creation or major restoration of the north and south large mammal movement linkages. Those two types would merit the highest credit awards, as proposed in the Five-Year Review but also feature phased implementation. Regarding acreages for which to award credits, Audubon recommends awarding flowway and hydrologic restoration credits based on ownership of restored acres and the acreage of active restoration work.
- FLUE – RLSA Overlay, Policy 4.6: The 2009 recommendation was for a Mobility Plan to be created for each SRA, addressing transit and trip capture, as well as pedestrian and alternative forms of transport. Improvements on this planning could include regional planning for SRA self-sustainability in which developments would be required and encouraged to coordinate on trip capture/sustainability features amongst all developments within the region (RLSA). This is based on the concept of shared community infrastructure, including utilities, transportation, employment centers, commercial, civic and amenity needs common throughout the region.
- FLUE – RLSA Overlay, Policy 4.2: The 2009 recommendation was to establish a maximum SRA total acreage of 45,000 acres. Audubon recommends considering also capping the credits generated by the program, but assuring landowner equity on benefits, and accounting for any recalibration due to increased restoration or agriculture incentives. The program should also assure the lands removed from the RLSA through public acquisition would maintain benefit equity for landowners and also correspondingly reduce the total SRA buildout acreage.
- FLUE – RLSA Overlay, Policy 4.7.4: The 2009 recommendation is that existing urban areas, towns and villages shall be the preferred locations for business and industry within the RLSA.
- FLUE – RLSA Overlay, Policy 4.14: The 2009 recommendation is that each SRA must maintain all public and private roads within that SRA.
- FLUE – RLSA Overlay, Policy 4.19: The 2009 recommendation was to increase the numbers of credits required for entitling one acre of SRA from the current 8 to 10 per acre going forward. This 2009 recalibration of required credits for SRA entitlement needs to be carefully re-calculated with the likely credit generation additional potential of both Agricultural Stewardship

Easements and Policy 3.11 restoration. The necessary entitlement number of credits per acre may be more or less than 10. This is important to assure there are minimal credits leftover at completion of the program and benefits are shared equally.

- FLUE – RLSA Overlay, Policy 4.23: The 2009 recommendation is to require Land Development Code regulations protect the nighttime environment from outdoor lighting. “Dark Skies” are important to both humans and wildlife, biologically, and offer other aesthetic and cultural benefits.

Audubon Florida and Audubon Western Everglades believe the best current science on wetlands, Florida panthers, wood storks, and sixteen other imperiled species is incorporated in the Rural Land Stewardship Program as it is evaluated by the Five-Year Review Committee, the Florida Panther Protection Program Technical Review Team 2008 report (PRT Report) and with updates from the Eastern Collier Multiple Species Habitat Conservation Plan and its Environmental Impact Statement and Biological Opinion, and as specific applications for SSA’s and SRA’s are proposed and evaluated. The buildout of the Rural Land Stewardship Area’s 182,000 acres of private lands, if implemented with the HCP and Five-Year Review Amendments (with Audubon’s recommended improvements), will result in about 134,000 acres of prime wetlands and habitats and farms being protected, restored and connected, while 45,000 acres of compact, mixed used communities would be built on current farm field and low ecological value lands. We continue to work on improvements to this program to get even better sustainable communities and conservation outcomes. Audubon has not seen another land use plan that will accomplish anywhere near this scope of conservation and agricultural preservation and restoration outcome upon plan completion in 50 to 80 years.

Sincerely,



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