



Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.

THE MISSING LINK: The Foundational Data & Methodology for Collier County's Rural Lands Stewardship Area Program

The Conservancy of Southwest Florida (Conservancy) became very concerned when we discovered that Collier County does not possess the foundational data for their Rural Lands Stewardship Area (RLSA) program. The missing data is the backbone of the program for the county's largest planning overlay, covering 300 square miles of eastern Collier County. The RLSA is widely recognized as a region containing significant natural resources including habitat for numerous protected species, abundant water resources, and tens of thousands of acres of important agricultural lands. Because of its ecological importance, the RLSA program was established to protect natural resources by directing development away from those areas and clustering development in areas deemed more appropriate for intensification. The foundational data for the RLSA program provides the base data sets, which ultimately determined the areas more suited for development and the areas that should remain in agriculture or preservation. Per the program's *own* policies, this data must be continually verified and updated.

Currently, there is intense pressure by landowners to maximize the full build-out potential of the RLSA, making it even more concerning that the base data for the RLSA is missing from Collier County. Eleven landowners have applied for a permit at the federal level to develop 45,000 acres of worth of new towns and villages, an area equivalent in size to two Fort Lauderdales. Permit applications for new towns and villages are also being submitted at the local level. Per the RLSA program's *own* policies, when applications come forward for these towns and villages, staff must be able to verify this data to ensure that the locations are appropriate and natural resources are protected.

This paper answers important questions surrounding the foundational data for the RLSA program. We describe the purpose for the foundational data, what happened to the data, and reasons why it is imperative that Collier County obtains or recreates the foundational data and methodology for the RLSA program.

Question 1: What do we mean by foundational data and methodology for the RLSA program?

Answer: Each acre of land within the RLSA has been assigned a "NRI" value. The Natural Resource Index (NRI) value is a composite of six different characteristics of land. These six



Conservancy of Southwest Florida has been awarded Charity Navigator's prestigious 4-Star top rating for good governance, sound fiscal management and commitment to accountability and transparency. Charity Navigator is America's largest and most respected independent evaluator of charities.

characteristics are referred to as “Stewardship Natural Resource Index Factors,” which make up the foundational data for the RLSA program.¹ The total of the six “Stewardship Natural Resource Index Factors” equals the overall NRI value for each acre of land. Collier County’s land development code (LDC) provides the definition of NRI and describes the six characteristics:

“Natural Resource Index (Index). A measurement system that establishes the relative natural resource value of each acre of land by objectively measuring six different characteristics of land and assigning an index factor based on each characteristic. The sum of these six factors is the Index value for the land. The six characteristics measured are: Stewardship Overlay Delineation, Proximity, Listed Species Habitat, Soils/Surface Water, Restoration Potential, and Land Use/Land Cover.”²

In 2000, WilsonMiller, who was a consultant for major landowners within the RLSA, created the methodology that determined the process for scoring each of the six Stewardship Natural Resource Index Factors that comprise the NRI value. The NRI values ultimately decided which parcels would be worthy of preservation and which lands were more suited to accommodate new development, mostly in the form of towns and villages. The NRI values range between 0 and 2.4. According to the program, lands that score over 1.2 have a higher natural resource value and should be protected by directing development away from those areas. Flowway Stewardship Areas (FSA), Habitat Stewardship Areas (HSA), and Water Retention Areas (WRA) are lands that primarily score over 1.2 NRI and are targeted for protection. Lands that mostly score 1.2 or less are labeled “Open” areas and, according to the program, are considered more appropriate for development. It should be noted that the decision to make 1.2 the dividing line between more sensitive and less sensitive lands was not based on any scientifically supported standard or methodology, but was an arbitrary value that WilsonMiller determined was most appropriate for application of their NRI system.

Question 2: Who currently has possession of the foundational data and methodology for the RLSA program?

Answer: Not Collier County. Even though the data and methodology is essential for Collier County’s own RLSA program, the county does not possess either.

At one time the data and methodology was held by WilsonMiller. In 2010, Stantec, an international development firm, acquired WilsonMiller. According to Collier County staff, during the transition, some of the computer files may not have transferred exactly from WilsonMiller’s servers to Stantec’s servers.³ Among those files were data sets containing the foundational data for the RLSA program. The Conservancy was later informed by

¹ Collier County Future Land Use Element RLSA Policy 1.8 & Collier County Rural Lands Area Stewardship Overlay Stewardship Credit Worksheet.

² Collier County Land Development Code Policy 4.08.01.R

³ Phone call on March 6, 2019 from April Olson, Conservancy, to Kris Van Lengen, Community Planning Manager, Collier County.

county staff that Stantec was able to retrieve the files; however, it was unclear as to whether those files with the data sets were original or recreated. Nevertheless, Stantec offered to provide the data sets to Collier County, but the County's attorney advised against accepting the data.⁴ Conservancy staff later asked county staff the reason why the county's attorney did not want to accept the data. County staff stated that the county attorney's position was that "the individual NRI components were not part of the data and analysis used in the adoption of the plan, rather the NRI composite scores were."⁵ In other words, it appears the county attorney believes that since the foundational data was not a part of the public process, because it was created and housed by WilsonMiller at the time the program was adopted, that Collier County is not responsible for obtaining the data now.

The Conservancy strongly disagrees with the county's position that it is unnecessary for Collier County to obtain the foundational NRI data. The following sections of this paper prove, through supporting evidence, that it is both necessary and imperative for Collier County to obtain the foundational data and methodology for the RLSA program.

Question 3: Why is it concerning that Collier County does not possess the foundational data and methodology for the RLSA program?

Answer: There are four important reasons why this is very concerning:

1). Without the foundational data and methodology, the RLSA program is inconsistent with several of its own policies. Those policies are provided under "Question 4" of this document.

2). The foundational data and methodology determine which areas become Stewardship Receiving Areas (SRAs) and which become Stewardship Sending Areas (SSAs).

According to Policy 1.9 of the RLSA Overlay, over time and due to alterations of the land, changes could occur in the six characteristics of land. Any change in value of one of the six index factors is likely to change the total NRI value of the land. Thus, it is possible for lands that were once considered to have a low natural resource value to later be considered as having a high natural resource value. It may then be appropriate to re-designate "Open" lands to FSAs, HSAs, or WRAs. Those lands could then become Stewardship Sending Areas, which are areas to be preserved and are not allowed to be converted to new SRAs.

Likewise, because of changes in the six characteristics, areas that were once considered to have a high natural resource value could later be determined to have a lower natural resource value. It may be decided that those lands are better suited for development than other areas and could be re-designated as "Open" lands. Open lands could then become Stewardship Receiving Areas, which are towns and villages.

⁴ Phone call on April 18, 2019 from April Olson, Conservancy, to Kris Van Lengen, Community Planning Manager, Collier County.

⁵ Email April 23, 2019 correspondence between April Olson, Conservancy, and Kris Van Lengen, Community Planning Manager, Collier County.

3). The foundational data and methodology is important for determining how many Stewardship credits landowners can earn.

Stewardship credits are the currency of the RLSA program and they are very valuable. Every eight credits generated equates to one acre of compact development. The more stewardship credits landowners generate, the greater the size of town or village they can build, within the parameters of the program. Stewardship credits can also be sold to other parties within the RLSA.

Before any landowner generates stewardship credits, they or their consultant must verify that the NRI scores are correct.⁶ According to the LDC, the validated NRI scores are then multiplied by the number of land use layers removed and the number of acres included in the Stewardship Sending Agreement.⁷ Therefore, the higher the NRI value of the land, the greater the potential to generate more stewardship credits. However, without the foundational data and methodology, there is no way to verify the NRI data and to accurately assess whether landowners are earning the correct number of credits.

4). Without the foundational data and methodology there is no transparency in the program.

The RLSA is supposed to be a public program, subject to transparency and analysis by all citizens. Without access to the foundational data and methodology for the RLSA program, any possibility for checks and balances of the RLSA program is removed and the opportunity for full public participation is thwarted. Now, during the public review of the RLSA program and when amendments to the program are anticipated, is the opportune time for the county to obtain the foundational data and methodology. During this public review all stakeholders should have the opportunity to review the data for accuracy to ascertain whether natural resources are being properly protected.

Question 4: Per the RLSA program, are NRI values required to be verified, updated, and adjusted?

Answer: Yes. According to Collier County's Land Development Code (LDC) and the RLSA Overlay policies, there are several instances where NRI values must be verified, updated, and/or adjusted. We found the following **eight** policies within the RLSA Overlay and the county's LDC for which this is a requirement:⁸ (highlights added for emphasis)

1). **RLSA Overlay Policy 1.9:** *"A Natural Resource Index Map Series (Index Map Series) indicates the Natural Resource Stewardship Index value for all land within the RLSA. Credits from any lands designated as SSAs, will be based upon the Natural Resource Index values in effect at the time of designation. Any change in the Characteristics of land due to alteration of the land prior to the establishment of a SSA that either increases or decreases any Index*

⁶ Collier County Land Development Code Policy 4.08.07.D.

⁷ Collier County Rural Lands Stewardship Overlay. Stewardship Credit Worksheet, Attachment A.

⁸ Collier County Future Land Use Element RLSA Overlay Policies and Collier County Land Development Code.

Factor will result in an adjustment of the factor values and a corresponding adjustment in the credit value. The Index and the Index Map Series are adopted as a part of the RLSA Overlay.”

2). **RLSA Overlay Policy 3.9.2:** *“In order to encourage viable Ag 1 activities, and to accommodate the ability to convert from one Ag 1 use to another, incidental clearing is allowed to join existing Ag 1 areas, square up existing farm fields, or provide access to or from other Ag 1 areas, provided that the Ag 1 Land Use Layer has been retained on the areas to be incidentally cleared, and the Natural Resource Index Value score has been adjusted to reflect the proposed change in land cover. Incidental clearing is defined as clearing that meets the above criteria and is limited to 1% of the area of the SSA. In the event said incidental clearing impacts lands having a Natural Resource Index Value in excess of 1.2, appropriate mitigation shall be provided.”*

3). **LDC Policy 4.08.01.NN:** *“Stewardship Credit Worksheet. An analytical tool that manually describes the Stewardship Credit calculation process including the Natural Resource Index and Land Use Layer components. The worksheet can be used to document proposed changes to the Index component during the SSA and SRA designation processes.”*

4). **LDC Policy 4.08.06.C.3:** – This policy states that the SSA Designation Application Package must include the following:

*“Natural Resource Index Assessment. The **applicant** shall prepare and submit as part of the SSA Designation Application a report entitled Natural Resource Index Assessment that documents the Natural Resource Index Value scores. The Assessment shall include a summary analysis that quantifies the number of acres by Index Values, the level of conservation being proposed, and the resulting number of Credits being generated. The Assessment shall:*

- a. Verify that the Index Value scores assigned during the RLSA Study are still valid through recent aerial photography or satellite imagery, agency-approved mapping, or other documentation, as verified by field inspections.*
- b. if this Assessment establishes that the Index Value scores assigned during the RLSA Study are no longer valid, document the Index Value of the land as of the date of the SSA Designation Application.”*
- c. [continues]*

5). **LDC Policy 4.08.06.C.4:** *“Support Documentation. In addition, the following support documentation shall be provided for each SSA being designated:*

- “a. Legal description, including sketch our survey. [continues b through h)*
- b. Acreage calculations, e.g., acres of FSAs, HSAs, and WRAs, etc., being put into the SSA;*
- c. RLSA Overlay Map delineating the area of the RLSA District being designated as an SSA;*

- d. Aerial photograph(s) having a scale of one (1) inch equal to at least 200 feet when available from the County, otherwise, a scale of at least one (1) inch equal to 400 feet is acceptable, delineating the area being designated as an SSA;*
- e. Natural Resource Index Map of area being designated as an SSA;*
- f. FDOT Florida Land Use Cover and Forms Classification System (FLUCFCS) map(s) delineating the area being designated as an SSA on an aerial photograph having a scale of one (1) inch equal to at least 200 feet when available from the County, otherwise, a scale of at least one (1) inch equal to 400 feet is acceptable;*
- g. Listed species occurrence map(s) from United States Fish and Wildlife Service, Florida Fish Wildlife Conservation Commission, and Florida Natural Areas Inventory, delineating the area being designated as an SSA;*
- h. United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) Soils map(s) delineating the area being designated as an SSA;*
- i. Documentation to support a change in the related Natural Resource Index Value(s), if appropriate; and*
- j. Calculations that quantify the number of acres by Index Values, the level of conservation being offered, and the resulting number of credits being generated.”*

6). **LDC Policy 4.08.06.B.3.d:** *“Index Map. A Natural Resource Index Map adopted as a part of the RLSA Overlay, indicates the Natural Resource Stewardship Index Value for all land within the RLSA District. Credits from any lands designated as SSAs, shall be based upon the Natural Resource Index values in effect at the time of designation. At the time of designation, the Natural Resource Index Assessment required in Section 4.08.06 C.3. shall document any necessary adjustments to the index values reflected on the Index Map. Any change in the characteristics of land due to alteration of the land prior to the designation of an SSA that either increases or decreases any Index Value shall result in a corresponding adjustment in the credit value.”*

7). **LDC Policy 4.08.07.D.3:** *“Natural Resource Index Assessment. An assessment that documents the Natural Resource Index Value scores shall be prepared and submitted as part of the SRA Application. The Assessment shall include an analysis that quantifies the number of acres by Index Values. The Assessment shall:*

- a. Identify all lands within the proposed SRA that have an Index Value greater than 1.2;*
- b. Verify that the Index Value scores assigned during the RLSA Study are still valid through recent aerial photography or satellite imagery or agency-approved mapping, or other documentation, as verified by field inspections;*
- c. If the Index Value scores assigned during the RLSA Study are no longer valid, document the current Index Value of the land.”*
- d. [continues]*

8). **LDC Policy 4.08.07.D.4:** *“Natural Resource Index Assessment Support Documentation. Documentation to support the Natural Resource Index Assessment shall be provided for each SRA being designated to include:*

- a. Legal Description, including sketch or survey;*

- b. Acreage calculations of lands being put into the SRA, including acreage calculations of WRAs (if any) within SRA boundary but not included in SRA designation;
- c. RLSA Overlay Map delineating the area of the RLSA District being designated as an SRA;
- d. Aerial photograph delineating the area being designated as an SRA;
- e. Natural Resource Index Map of area being designated as an SRA;
- f. FLUCFCS map(s) delineating the area being designated as an SRA;
- g. Listed species map(s) delineating the area being designated as an SRA;
- h. Soils map(s) delineating the area being designated as an SRA, and;
- i. Documentation to support a change in the related Natural Resource Index Value(s), if appropriate.”

As shown in the above policies, there are many instances which require that the NRI values and land characteristics are validated, updated, and adjusted. However, this is not possible if the county does not have the foundational data and methodology for the program. In other words, in order to validate the NRI scores, the county must first know the values for each of the six “Stewardship Natural Resource Index Factors” that comprise the total NRI score. The fact that Collier County does not possess this foundational data for the RLSA program is a crucial missing link within the very program.

Question 5: Other than a requirement of the 8 RLSA Overlay and LDC policies, what are other reasons why it is important to verify, update, and adjust the foundational data?

Answer: There are at least three other important reasons for being to be able to verify, update, and adjust the foundational NRI data.

1). NRI values may need to be adjusted in certain locations for better resource protection:

During the 5-Year Review, Collier County Environmental Staff recommended that NRI values in certain locations need to be adjusted in order to better direct development away from listed species.⁹ This memo was provided by the environmental staff to the RLSA Review Committee on May 6, 2008 as “Concerns from the Environmental Services Department.”

“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 of listed species. Additionally the 2002 definition of

⁹ Memorandum (April 24, 2008) from Laura Roys and Mac Hatcher, Senior Environmental Specialists for Collier County, to Tom Greenwood, Principle Planner for Collier County. Subject: RLSA Study Phase 2 – Policy Comments, Environmental Services Department Draft. The Memorandum was provided at the May 6, 2008 RLSA Review Committee meeting by Laura Roys.

panther habitat is very limited compared to the habitat valuation matrix utilized by USFWS now.”¹⁰

“The listed species that depend on large amounts of dry prairie like sand hill cranes, burrowing owls, and caracara now utilize pasture lands and fallow areas also. Although some of these areas were included as HSAs the NRI scoring is not weighted to provide protection outside of the Stewardship or ACSC areas.”¹¹

“Approximately 6% of the panther telemetry points (through 12/2007) in the RLSA are in “Open” areas (Figure 1). There are 8 documented panther deaths in or on the edge of open areas. There are 5 Florida scrub jay families and 1 rookery and an eagle nest in Open areas. I don’t have GIS data for caracaras, sand hill cranes, gopher tortoises, or burrowing owls but they have all been observed in these areas also.”¹²

2). NRI values should be updated with data from best available science.

According to Carlton Fields, consultants hired by Collier County who performed data and analysis on the comprehensive plan amendments during 5 year review, the RLSA program should be updated with data from best available science. Carlton Fields recommended the implementation of best available data to support the proposed amendments for all policies. Here is what they said:

“For all data used to support this proposed amendment the studies must be the most up-to-date version available at the time the amendment is adopted by the Commission. Any relevant analysis that has been conducted since the Report was finalized should also be used as a supporting documentation. For example, the Phase I Report was based upon general assumptions on the demand for panther crossings. Since that time, we have been advised a more recent study has been completed. This latter study should be considered as part of the supporting documentation for this plan amendment unless the County determines that it is not the most up-to-date information or is not relevant. Other examples could include any new transportation or population studies that may have been or will be created by the time the Board of County Commissioners adopted the amendments.”

“[Carlton Fields] Recommendation: Use the best available data to support the proposed amendments.”¹³

Unfortunately, Carlton Field’s recommendation to update the program with best available scientific data was not included in the 5-Year review, even though the landowner’s consultant agreed that data for listed species is ever-changing and that NRI values must be updated. In response to the Carlton Fields’ memo, Al Reynolds, a Stantec representative (formerly WilsonMiller) stated the following:

¹⁰ *Ibid*, p. 1

¹¹ *Ibid*, p. 2

¹² *Ibid*, p. 2

¹³ Collier County (March 1, 2010). Carlton Fields Memorandum from Darrin Taylor and Nancy Linnan to Collier County Board of County Commissioners. Re: Analysis of Data Analysis requirements to support RLSA Review Committee recommended comprehensive plan amendments. p. 5.

“One of the basic principles of the RLSA is that there will always be more recent and more site specific data available as the program is implemented, and this is best addressed at the time a property owner and the county evaluate a specific application for SSA or SRA, or when a property owner uses their baselines uses. This is all spelled out in detailed in the GMP and LDC. As such there is no need to continually amend the GMP Overlay Map. Similarly, Panther information is always in a state of flux, as new telemetry is generated and new studies are performed. [continues]”¹⁴

Those policies that Mr. Reynolds’ refers to that are “detailed in the GMP and LDC” were the eight policies mentioned under Question 4 of this document.

Even though best available data changes and improves over time, the NRI data for the RLSA program has not been updated. According to comments by Collier County Environmental Staff the NRI values do not reflect best available science.

“What is considered to be habitat utilized by the Florida Panther has changed since 2002.” “The USFWS habitat types include marsh, pasture, row crops, orchards, and exotic plants that are not included in the current RLSA description.”¹⁵

“To provide protection to the areas providing significant habitat value to listed species in Open areas I suggest changing the scoring to: Endangered species with other listed species 0.9; Endangered species or Threatened and other listed species 0.8; Threatened species, Eagle nest, or rookery 0.7; and Species of Special Concern 0.6.”¹⁶

3). There may be mistakes within the program that need to be corrected.

Collier County Environmental Staff in 2004 states: *“There should be an update of the initial mapping. Not all land use/land cover codes are included and there could be more areas like Lake Trafford Ranch and Half Circle Ranch that were improperly designated.”¹⁷*

Also, the County’s Senior Environmental Specialists state that the current acreage for HSAs is incorrect. They state, *“The current acreage for all HSAs provided in the FLUE is incorrect. Acreage was added between Transmission and Adoption of the RLSA and needs to be updated.”¹⁸*

Question 6: How can County staff and the Applicants’ Environmental Consultants accurately

¹⁴ Email dated December 5, 2011 from Al Reynolds of Stantec to Michele Mosca, Principle Planner for Collier County. Subject: Data and Analysis Requirements for the RLSA 5-Year.

¹⁵ Memorandum (April 24, 2008) from Laura Roys and Mac Hatcher, Senior Environmental Specialists for Collier County, to Tom Greenwood, Principle Planner for Collier County. Subject: RLSA Study Phase 2 – Policy Comments, Environmental Services Department Draft. p. 3

¹⁶ *Ibid*, p. 3

¹⁷ *Ibid*, p. 4

¹⁸ *Ibid*, p. 5

verify, update, and adjust the NRI scores without the foundational data and methodology?

Answer: They can't. It is not possible to accurately verify the original scores of the six Stewardship Natural Resource Index Factors, which make up the total NRI values, without access to the foundational data and the methodology used to score the index factors.

In their January 2019 NRI assessment for Rivergrass SRA,¹⁹ Passarella and Associates, Inc., state that they verified all index factors and updated two out of the six indices: the Land Use-Land Cover Indices and the Listed Species Habitat Indices. How is this possible if they do not even know what the original scores are for any of the six index factors, including Land Use-Land Cover Indices and Listed Species Habitat Indices? The Conservancy asked Collier County staff how it was possible that Passarella was verifying NRI values if they do not have the foundational data for the program or methodology on how to score the indices. Staff's response was that Passarella was "backing into" the data to try and figure out the values of the six indices for each acre, along with groundtruthing the land.²⁰ But if they did not have the original values what values were they groundtruthing against?

Passarella's Rivergrass report states that "This NRI Assessment includes documentation that refines NRI values that were assigned during the original Collier County RLSA Assessment Study."²¹ However, nowhere did the report demonstrate how they were able to verify and refine changes in environmental conditions by comparing the original values of the six indices to the updated values. We noticed this same inconsistency in the Rural Lands West NRI assessment by Passarella and Associates.²²

The Conservancy conducted its own GIS analysis on lands within the RLSA. We found that without the scores for each of the six index factors and the methodology, it was impossible to verify how each acre of land was assigned an NRI score.

Question 7: Have there been attempts in the past to obtain the foundational NRI data and methodology?

Answer: Yes, the Conservancy is aware of at least two attempts to obtain the foundational data and methodology since the adoption of the RLSA program. However, there may have been other attempts.

¹⁹ Passarella & Associates (January 2019). Rivergrass SRA Natural Resource Index Assessment Draft. Prepared for Collier Enterprises Management, Inc.

²⁰ Phone call March 6, 2019 from April Olson, Conservancy, to Kris Van Lengen, Community Planning Manager, Collier County.

²¹ Passarella & Associates (January 2019). Rivergrass SRA Natural Resource Index Assessment Draft. Prepared for Collier Enterprises Management, Inc. p. 2.

²² Passarella & Associates (June 2018). Rural Lands West SRA Natural Resource Index Assessment. Prepared for Collier Enterprises Management, Inc. p. 2.

1). **First Attempt:** On June 2004, Collier County staff requested the foundational data and methodology from WilsonMiller (now Stantec). Marcia Kendall, Senior Planner, from Collier County asks in her email to Al Reynolds of WilsonMiller: (highlights added)

“Dear Alan: In order to utilize the Eastern lands Stewardship Credit Index model, the County needs the following datasets: Documentation of the scores for the listed species habitat, including the model definition for ‘preferred habitat’ and ‘tolerated panther habitat’. Documentation of what constitutes listed species habitat; soils and surface water indices, with soils codes included in their respective model categories; large mammal corridor restoration areas; Connector wetlands and flowway restoration areas; Wading bird restoration areas; Mapped restoration areas depicted on Appendix G; Stewardship Overlay Map; and All GIS grid layers used to develop the final grid score. This information is necessary both in order to apply the model and to provide explanation and support for index scores.”²³

2). **Second Attempt:** During the 5-Year Review, a member of the EAC committee, Judy Hushon, made a request to obtain the data and methodology.²⁴ Ms. Hushon’s memo states:

“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 the 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 Phase I report.”

Not only does Ms. Hushon’s email explain that the county should post the methodology and data as a companion document or appendix for the public to view, but she eloquently explains the importance and need for continually updating the data.

Question 8: Collier County’s attorney has stated that because the “individual NRI components” (foundational data) were not part of the data and analysis used in adoption of the plan, the County is not responsible for

²³ Email (June 30, 2004) from Marsha Kendall of Collier County Staff to Al Reynolds of WilsonMiller. Subject: Eastern Lands Stewardship Credit Index Model

²⁴ Memo dated February 27, 2008 from Judith Hushon, EAC Vice Chair, to Tom Greenwood with comments on RLSA Phases 1 and 2. Appendix HH

obtaining that missing data.²⁵ Is this assumption correct?

Answer: No, this assumption is not correct. The foundational data, or “individual NRI components”, *were* part of the data and analysis used in the adoption of the plan. We know this because a Technical Advisory Committee and the Rural Assessment Oversight Committee, appointed by the Board of County Commissioners, were tasked with reviewing and commenting on the data that was collected as the basis for the program. Minutes from the October 17, 2002 Collier County Planning Commission adoption hearing show that Nancy Linnan, Collier County’s outside legal counsel, provided the data to a committee prior to adoption of the program. The minutes of that meeting state:

“Nancy is letting the Commission know the significant changes that have been made in response to the comments, questions, and concerns. A report was handed out to the Commissioners. Data for the study was collected by Wilson Miller, reviewed by a technical advisory committee made up of regional and state agencies. She worked with the committee that led to the County transmittal last June.”²⁶

Also, in 2000, when the Board of County Commission voted to approve WilsonMiller’s Scope of Work for the Collier County Rural and Agricultural Assessment (Immokalee Area Study), the Board was told by Ms. Linnan that all source materials would be publicly available and that the methodology would be reviewed by an advisory committee. Here is what was stated on January 11, 2000 at the Board of County Commissioner’s meeting (highlights for emphasis):²⁷

Commissioner Mac’Kie: *“How do I know that the source of information that the data that they’re [WilsonMiller] using that I agree that they have asked all the right questions as they come back to me with an answer to question no. 1?”*

Nancy Linnan: *“That’s part of the public process. That information will then become available to the public.”*

Later in that same meeting:

Nancy Linnan: *“As to the methodology, the members of the Technical Advisory Committee will be asked to comment on that. I want to make clear this is not another voting body.”*

Commissioner Berry: *“Right”*

Commissioner Mac’Kie: *“I under –“*

Ms Linnan: *“These are individuals that have been selected by the agencies as being the point person within each of those.”*

Chairman Constantine: *“If I can make a way oversimplified analogy, when you were in 8th grade algebra class and you had a test, you not only had to put down the answer but you had to have your worksheet for how you got there.”*

Chairman Berry: *“Right.”*

²⁵ Email April 23, 2019 correspondence between April Olson, Conservancy, and Kris Van Lengen, Community Planning Manager, Collier County.

²⁶ Collier County (October 17, 2002) Minutes from Collier County Planning Commission RLSA Adoption Hearing.

²⁷ Collier County (January 11, 2000) Minutes from Collier County Board of County Commissioners meeting, p. 92-93.

Chairman Constantine: *"Same thing here. There will be an end product that Wilson-Miller brings as their component. But all of that worksheet that they have to get to that point is going to have to be part of the record as well."*

Commissioner Mac'Kie: *"So I will have access. I, general public, will have access to all the source materials they use?"*

Ms. Linnan: *"Certainly."*

Commissioner Mac'Kie: *"Okay. Yeah, good point. So there's not anything I won't - - no source material that general public won't have access to eventually?"*

Commissioner Norris: *"Correct."*

Comments by Collier County's outside legal counsel, Ms. Linnan, illustrate not only that the underlying data and methodology for scoring the six land characteristics were part of the adoption of the RLSA program, but that all "source materials" would be available to the public.

Conclusion: Collier County must fill in the Missing Link during *this* review of the RLSA.

The Conservancy has provided undeniable proof that Collier County must obtain the underlying data and the methodology for which the program is based. In fact, eight policies within the RLSA program obligate the county to have that data. If the data is no longer able to be retrieved from Stantec's servers, the Conservancy recommends that the entire NRI system be reconstructed based on publicly available data that Collier County can house and a published a methodology that any party can follow. The foundational data is the missing link for a legitimately functioning RLSA program.

For more information, go to our webpage on Eastern Collier: <https://www.conservancy.org/our-work/policy/eastern-collier-county>

Or you may contact: April Olson, Senior Environmental Planning Specialist, Conservancy of Southwest Florida (239) 262-0304, Ext 250 / AprilO@Conservancy.org