

DRAFT
EXECUTIVE SUMMARY

Recommendation to approve the tenth Conservation Collier Active Acquisition List (AAL) and direct staff to pursue projects recommended within the A-Category in sequential order spending no more than \$14,065,100 within Conservation Collier Land Acquisition Fund (172), and direct staff to start accepting applications for Acquisition Cycle 11 following a similar timeline to Cycle 10.

OBJECTIVE: To obtain Collier County Board of County Commissioners' (Board) approval to pursue Cycle 10 project acquisitions and commence the process for Cycle 11.

CONSIDERATION: On December 3, 2002, the Board approved Ordinance No. 2002-63, as amended, (Conservation Collier Ordinance) which implements the Conservation Collier Land Acquisition Program. On November 3, 2020, the Collier County electors approved the Conservation Collier Reestablishment referendum with a 76.5% majority. Section 11 of the Ordinance provides for the Conservation Collier Land Acquisition Advisory Committee (CCLAAC) to recommend qualified acquisition proposals for the AAL to the Board for approval. On December 9, 2021, the CCLAAC selected qualified acquisition proposals for inclusion on the AAL provided as a backup.

The proposed AAL has been separated into three (3) categories, A, B, and C. The A-category includes those properties the CCLAAC recommends the County Manager or his designee to actively pursue. The A-category properties are also further prioritized as to which properties should be pursued first. The B-category includes those properties that the CCLAAC does not recommend active pursuit of during the current acquisition cycle but will retain and automatically re-rank in the next acquisition cycle. The C-category properties are those that the CCLAAC does not recommend active pursuit of and will not automatically be re-ranked in the next cycle, but which an owner may resubmit for consideration in a subsequent cycle. The map provided as backup shows the location of all proposed Cycle 10 properties along with currently owned Conservation Collier properties.

The process for evaluation by the CCLAAC included staff preparation and presentation of property reports, called Initial Criteria Screening Reports (ICSR). Included in each ICSR was a scoring matrix developed by staff, based on researched and observed data. The CCLAAC then reviewed these reports and utilized the score as a tool along with staff's recommendation, public input, and other intangible criteria related to their individual expertise, to evaluate and rank the properties. Property Summary Sheets, summarizing report data and explaining how properties met Program criteria, are also provided as backup to the agenda item. The ICSRs have been posted on the Conservation Collier website: <https://www.colliercountyfl.gov/government/public-services/divisions/conservation-collier/public-documents/tenth-cycle>

At the December 9, 2021, CCLAAC meeting, the ranking of properties occurred after staff presented summaries of all properties and public comments.

Several properties warrant efforts to make sure the Board is aware of specific issues. These include:

Sanitation and Bethune Road parcels - Barron Collier Partnership LLLP

Although staff recommends this property for the A-list because of its urban location and habitat quality, the CCLAAC recommends it for the B-List to be considered in the next acquisition cycle. Public speakers and the Committee discussion included concerns about potential contamination from the landfill and adjacent Immokalee Water & Sewer Spray fields.

The property contains the historic 16-acre Eustis Landfill that was opened in 1947 and was closed in 1992. The current property owner has removed the landfill from the application. It was in operation before current hazardous waste disposal regulations were in place; is unlined, and likely has direct contact with the aquifer. The County-operated the landfill from 1980-1985 under a lease agreement with the current property owner. It closed in 1992, with 20 years of required permit monitoring finally completed in 2012. Although the Eustis landfill met state closure requirements, the list of analytes monitored didn't include pesticides, especially legacy pesticides such as Chlordane and DDT, that were commonly used before they were banned. In addition, the well-sampled final closure requirements may not have been represented as it may not have been downgradient of the groundwater flow which is known to fluctuate. Groundwater samples obtained from Immokalee Water and Sewer failed to provide indications of contamination because they were downgradient and therefore in the wrong location. Samples taken from the middle of the landfill in 2012 showed that the site met permit requirements. Further testing may be completed outside of the landfill within the area being offered for sale before any potential acquisition of the property. Such testing could include groundwater and/or soil testing; Collier County Pollution Control will be consulted on the parameters for testing.

During Acquisition Cycle 9 in 2018, an environmental consultant performed a Phase 1 Environmental Site Assessment (ESA) and found three (3) Recognized Environmental Conditions (REC): localized household debris dumping on the edges, debris in the slough, and a questionable 8,600-gallon above-ground-storage tank and smaller (1,500-gallon) transfer tank on Immokalee Water and Sewer property but was told it was used by a farmer to store and transfer molasses for cattle. The consultant did not recommend further groundwater testing unless hazardous substances were found during the removal of debris. It is also worthwhile noting that Immokalee Water and Sewer District, when contacted about the potential purchase early in the review, advised they might ask for help maintaining the lime rock Sanitation Road, that they do have concerns regarding the security of wells and ponds on the adjacent parcel, and that in that regard, they would not want the public to have access to Sanitation Road.

The Pine Flatwoods area has been selectively logged of pine on the Sanitation property "parcel a" since the last review of this property occurred in 2018. The owner advised they plan to treat exotics that have come in because of the logging and clean up debris and/or rutting in the staging areas resulting from the logging effort. These areas will most likely need to be restored and have shown to already be more susceptible to exotic vegetation due to the disturbance. Parcel b. has considerable ongoing dumping on the property. This will be an additional cost to have ongoing waste removal.

HHH Ranch - Hussey Section 33

Both staff and the CCLAAC recommend this property for the A-list. These 252 acres within the Rural Fringe Mixed Use District (RFMUD) Sending and Natural Resource Protection Area (NRPA) are immediately adjacent to the east of the 960 acres acquired by Collier County in 2020. Red-Cockaded Woodpeckers (RCWs) were observed in the areas of the parcels. RCWs have become quite rare in Collier County. The property also has high utilization by the Florida panther.

Land Development Code (LDC) Section 2.03.08.A describes RFMU Sending Lands as those lands that have the highest degree of environmental value and sensitivity, and they are the principal target for preservation and conservation. LDC section 2.03.08.B. states:

The purpose and intent of the NRPA are to protect endangered or potentially endangered species by directing incompatible land uses away from their habitats; to identify large, connected, intact, and relatively unfragmented habitats, which may be important for these listed species; and to support State and Federal agencies' efforts to protect endangered or potentially endangered species and their habitats... These lands generally should be the focus of any federal, state, County, or private acquisition efforts.

According to Collier County Transportation (GMD), a roadway may be aligned through the property. GMD will be expected to follow the Exceptional Benefits Ordinance (2006-58) regarding any roadway alignment if the property is acquired by Conservation Collier.

Barron Collier Partnership LLLC - Big Hammock Area 1

Both staff and the CCLAAC recommend this property for the A-list. This parcel contains an inactive oil well. Staff ordered a Phase I ESA in 2018 to determine if there were any pollution concerns. The Phase I ESA found three (3) RECs: the cattle pen, a staging area, and ag fields, but did not consider the oil well a concern. Further soil and groundwater testing was recommended at a cost of \$21,100. *The CREW Trust is willing to partner for this acquisition, offering \$10,000 towards the purchase price of Area 1.*

Barron Collier Partnership LLLC - Big Hammock Area 2

Although staff recommends this property for the C-list because it is already protected under the Rural Lands Stewardship Area (RLSA) program, the CCLAAC recommends it for the B-List. This area is part of SSA #13 and has Stewardship Sending Area (SSA) credits in escrow. No environmental testing was done during Acquisition Cycle 9, as this area is a marsh and has not been used in the past for anything other than cattle forage in the dry season.

Big Hammock Area II is within a Flowway Stewardship and Habitat Stewardship Area which has been voluntarily requested by the landowner to be designated as an SSA. The Board should take into consideration that Area II is within SSA #13 with credits in escrow. Therefore, as part of the existing SSA Agreement, Area II is proposed to be protected from development and planned for restoration to obtain credits to entitle development elsewhere within the RLSA. The remaining uses on the property would include Agricultural Group 2 (unimproved pasture, grazing, livestock raising, etc.); Conservation, Restoration, & Natural Resources. Barron Collier Partnership LLLC would be required to maintain the SSA #13 restoration areas in perpetuity in accordance with the SSA Agreement.

Staff would suggest that such areas not be acquired with tax-payer funds until such time that the SSA Agreement is withdrawn. Further, Barron Collier Partnership LLLC has advised they will seek to obtain R2 restoration credits after the (potential) sale to the County. Staff is of the understanding that the RLSA strategy is to protect lands through incentives to keep maintenance costs out of public responsibility. The RLSA program provides such areas as conservation with no cost to the public through its incentive policies.

Here are summaries of the other properties on the Active Acquisition List which do not have specific issues of concern at this time:

Dr. Robert H. Gore II Preserve Project

Both staff and the CCLAAC recommend these properties for the A-list. These five (5) parcels are located off Desoto Blvd. just north of I-75 in Golden Gate Estates. The addition of the five (5) parcels in the application would expand the existing 170-acre preserve by 17.5 acres. The D'Angelo property on 40th Ave SE would be a candidate to install parking for this recently acquired (2018) preserve that is still in the process of having amenities installed. This area is within a historic wetland that connects with the Florida Panther National Wildlife Refuge (FPNWR) to the east, Picayune Strand State Forest (PSSF) across I-75 to the south, and Fakahatchee Strand State Preserve to the SE across I-75.

Parcel near Shell Island Preserve - Magdalener

Staff recommended this property for the B-list to the CCLAAC due to the lack of budget in FY22 and its lower vulnerability. However, the CCLAAC recommends it for the A-List. Staff is agreeable to an "A" Ranking for this property as the CCLAAC ranked Acquisition List stays under the \$14 million budget. This 18.73-acre property is Adjacent to Conservation Collier Shell Island Preserve and Rookery Bay

National Estuarine Reserve along Collier Blvd, south of US41. The Public Transit and Neighborhood Enhancement (PTNE) Division would like to reserve the right of way (ROW) for its bus stop improvements within this property. PTNE would need to compensate the seller for the portion of property needed for the bus stop improvements; this area would be excluded from the purchase by Conservation Collier.

Rivers Road Preserve Project

Both staff and the CCLAAC recommend these properties for the A-list. The three (3) parcels totaling 29 acres are located south of Immokalee Road in the RFMU and would be an expansion of the existing 77-acre preserve.

Parcels near Panther Walk Preserve

Both staff and the CCLAAC recommend these properties for the A-list. These 20 parcels totaling 38.45 are within the Horsepen Strand. Some of the parcels are adjacent to the existing Panther Walk Preserve. Collier County Stormwater Management has expressed that this is an important area for preservation to provide natural water storage. Several public speakers spoke in favor of this project during the November 8, 2021, CCLAAC meeting.

Bayshore Parcels

Both staff and the CCLAAC recommend these properties for the A-list. These two (2) parcels totaling 71.16 acres are located at the terminus of Bayshore Drive. These easily accessible, urban parcels are contiguous with the greater Rookery Bay ecosystem and protect diverse habitats from scrubby flatwoods to the saltwater marsh. During the ranking meeting, public speakers spoke in favor of this project. A staff member from the Naples Botanical Garden spoke and indicated an interest in partnership opportunities for the management of the property.

Pepper Ranch Preserve Project

Staff recommended these properties for the B-list to the CCLAAC due to the lack of budget in FY22 and its lower vulnerability. However, the CCLAAC recommends them for the A-List. Staff is agreeable to an "A" Ranking for this property as the CCLAAC ranked Acquisition List stays under the \$14 million budget. The five (5) parcels, totaling 89 acres, are located on Trafford Oaks Road in Immokalee, south of a portion of the Pepper Ranch Preserve. This would be an expansion of the existing 2,512-acre preserve to provide resource protection.

Marco Island Parcels

Although staff recommended one (1) of the four (4) properties to the CCLAAC for the A-list, one (1) for the B-list, and two (2) for the C-list based on each of the parcel's habitat quality and cost, the CCLAAC recommends two (2) of the four (4) parcels, for the A-list category, one (1) for the B-list, and one (1) for the C-list. Staff is agreeable to an "A" Ranking for the two (2) properties ranked as "A" by the CCLAAC as their final ranked Acquisition List stays under the \$14 million budget. A high amount of gopher tortoise activity has been documented on the two (2) parcels recommended for the A-list by the CCLAAC. Burrowing owls were observed on the Watson Road parcel, which is recommended for the A-list by both staff and the CCLAAC. There were several public speakers regarding these properties during CCLAAC meetings where these were discussed. Marco Island City Councilman Rich Blonna attended many meetings and has offered a partnership opportunity to assist with signage and pathway connections. The City of Marco Island has also offered to assist in providing off-street parking on pervious material and the installation of signage consistent with the City's Land Development Codes.

Multi-parcel projects

Both staff and the CCLAAC recommend that the Red Maple Swamp (North Golden Gate Estates Unit 53) and Winchester Head projects remain as A-List acquisition areas and that staff continue to acquire parcels

in these areas. During Acquisition Cycle 9 in 2018-19, the Board provided staff with direction to continue to acquire in these areas. In FY20 and FY21, off-site preserve donation funds were used to acquire parcels in these areas. In anticipation of funding in FY22, appraisals were obtained, and letters were sent to property owners in August and September of 2021. Within Red Maple Swamp, 222.96 acres have been acquired, 20 acres are in process for acquisition in FY22, and 63 acres remain to be acquired. Within Winchester Head, 93.5 acres have been acquired, 2.28 acres are in process for acquisition in FY22, and 61 acres remain to be acquired. Multi-parcel project properties in process for FY22 total \$354,000. CCLAAC proposed to add another \$200,000 for FY22 for an estimated total of \$554,000 to be spent in FY22 for multi-parcel projects.

Preserve expansion parcels

Both staff and the CCLAAC recommend these properties for the A-list. The preserve expansion parcels identify specific parcels immediately adjacent to the existing Panther Walk and Dr. Robert H. Gore III preserves. If the specific parcels shown on the Preserve expansion maps (Attachment 3) within these expansion areas come available for sale and there is a remaining budget after A-list properties are acquired then these parcels can be made offers.

ADVISORY COMMITTEE RECOMMENDATIONS: On December 9, 2021, at 5 pm, the CCLAAC met in a public meeting and selected qualified acquisition proposals for Board consideration. CCLAAC recommends 39 properties comprised of 1,144 acres, plus multi-parcel properties, for a total of 1,193 acres for the “A” list category to be acquired within Acquisition Cycle 10. The total projected acquisition cost for these CCLAAC recommended properties is \$12,147,482.

STAFF RECOMMENDATIONS: Staff agrees with the AAL ranked by the CCLAAC (Attachment 1) except for the Big Hammock Area II. Staff recommends this property be placed on the C-list until such time that the SSA Agreement is extinguished.

FISCAL IMPACT: The total estimated cost of all properties under consideration in Cycle 10 is \$33,174,000. The total estimated cost of all CCLAAC recommended A-list properties in Cycle 10 is \$12,147,482.

Conservation Collier Land Acquisition Fund (172) currently has \$14,065,100 available in the FY22 budget for land acquisition. Assuming available dollars (\$14 million) are used for land acquisition, staff recommends that offers are made in sequential order until \$13,510,900 are spent, leaving \$555,000 for acquisition in multi-parcel projects for FY22. \$355,000 is already in process within the multi-parcel projects.

Assuming available cash (\$14 million) is expended for the acquisition of properties, it is estimated based on current FY22 revenues, that approximately \$18 million would be available annually for land acquisition through FY31 if Cycles are completed sequentially.

Approval of the attached AAL and direction to actively pursue the Cycle 10 CCLAAC recommended A-category projects will result in estimated acquisition costs (appraisals, title commitments, and surveys) of \$218,000. Operating funds are available in the Conservation Collier Land Acquisition Fund (172) for this expense.

Funding for the management of any lands acquired by the program is budgeted in a separate Conservation Collier Land Management Fund (174), which is funded via a transfer of 25% of the net Conservation Collier ad valorem tax levy.

Given the potential addition of 1,200 acres and the current deficit of Conservation Collier staff, staff

requests that three (3) additional FTEs be added to the Conservation Collier Program to include one (1) maintenance specialist and two (2) environmental specialists. The maintenance specialist would assist the land managers (environmental specialists) with preserve maintenance at the existing twenty (20) preserves being maintained, additional acreage being added to existing preserves, and the five new proposed preserves. Of the new Environmental Specialist positions, one (1) Environmental Specialist would be assigned to the five (5) new preserves being acquired. The other Environmental Specialist would assist with the review of properties for acquisition during the subsequent 9 Acquisition Cycles and would perform outreach within the community (providing programs, presentations, informational tables at events, etc.). Funding for additional FTEs is available within Fund (172) and Fund (174).

GROWTH MANAGEMENT IMPACT: Fee-simple acquisition of conservation lands is consistent with and supports Policy 1.3.1(e) in the Conservation and Coastal Management Element of the Collier County Growth Management Plan.

LEGAL CONSIDERATIONS: The Conservation Collier Ordinance (No. 2002-63, as amended), in Section 11, provides a legal framework for the development of the Active Acquisition List. The recommendation to acquire A-List properties on the Active Acquisition List falls within this legal framework.

RECOMMENDATION: To approve the tenth Conservation Collier Active Acquisition List (AAL) and direct staff to pursue projects recommended within the A-Category in sequential order spending no more than \$14,065,100 within Conservation Collier Land Acquisition Fund (172), and direct staff to start accepting applications for Acquisition Cycle 11 following a similar timeline to Cycle 10.

Prepared By: Summer Araque, Principal Environmental Specialist, Parks and Recreation Division

Property Name	Size (ac)	Estimated Value	Estimated Value per acre	Category	Priority for "A" Category
Bayshore Parcels (Forrest G Amaranth Trust)	71.16	\$1,419,000	\$20,000	A	1
Big Hammock - Area I (Barron Collier Partnership)	257.30	\$3,683,800	\$15,700	A	1
Dr. Robert H. Gore III Preserve Project	17.59	\$193,500	\$11,000		
Charles E Bailey	1.14	\$14,800	\$13,000	A	1
Kenneth Cedeno	2.81	\$36,500	\$13,000	A	1
EugeneD'Angelo	5.00	\$59,000	\$11,800	A	1
Lorraine D Argay	7.05	\$83,200	\$11,800	A	3
Carol Rudnick - Donation	1.59				
HHH Ranch (Hussey Section 33)	252.00	\$1,262,000	\$5,000	A	1
Marco Island Parcels	1.02	\$622,000	\$610,000		
Addison Fischer	0.63	\$384,200	\$610,000	A	1
WISC Investment %Cathe Read - Inlet Dr	0.39	\$237,800	\$610,000	A	1
Parcels near Panther Walk Preserve	38.45	\$916,500	\$23,800		
Lois Behnke	1.14	\$33,000	\$29,000	A	1
Jorge Aguilar	1.14	\$33,000	\$29,000	A	1
Maribeth Selvig - Donation	1.14	\$0	\$0		
David Wright	1.14	\$33,000	\$29,000	A	1
Paul E Moylan	2.73	\$68,250	\$25,000	A	1
Veronica Haughton	2.73	\$68,250	\$25,000	A	1
D & J Investors	1.14	\$33,000	\$29,000	A	1
David Joyce	2.27	\$56,750	\$25,000	A	1
PS & NE Sanchez	2.73	\$68,250	\$25,000	A	1
Kathleen Macrina	1.14	\$33,000	\$29,000	A	1
Barry Grossman	2.73	\$68,250	\$25,000	A	1
William F Thommen	5.00	\$75,000	\$15,000	A	1
Sandra Burns	1.14	\$33,000	\$29,000	A	1
Tim R Johnson	1.14	\$33,000	\$29,000	A	1
Virginia Meyer Trust	1.59	\$33,000	\$29,000	A	1
Charles Hackman	2.73	\$68,250	\$25,000	A	1
Kroneman Express Inc	2.27	\$56,750	\$25,000	A	1
Charles Anderson	2.27	\$56,750	\$25,000	A	1
Charles Anderson	1.14	\$33,000	\$29,000	A	1
Isabel Gonzalez	1.14	\$33,000	\$29,000	A	1
Rivers Road Preserve Project	29.10	\$1,620,200	\$55,700		
Shari Eschuk	4.78	\$292,000	\$61,000	A	1
Eugene Erjavec	4.92	\$300,000	\$61,000	A	1
Joe Popp	19.40	\$1,028,200	\$53,000	A	1

Pepper Ranch Preserve Project	89.29	\$696,362	\$7,800		
Emily Arnold	5.00	\$39,000	\$7,800	A	2
Brian Blocker	24.50	\$191,000	\$7,800	A	2
Jim H Moody Crawford	5.46	\$42,588	\$7,800	A	2
Jim H Moody Crawford	42.90	\$334,620	\$7,800	A	2
Jim H Moody Crawford	11.43	\$89,154	\$7,800	A	2
Parcel near Shell Island Preserve	18.73	\$1,180,000	\$63,000		
Josef Magdalener	18.73	\$1,180,000	\$63,000	A	2
A-LIST SUBTOTAL	1,144.64	\$11,593,362	\$10,100		
Red Maple Swamp (NGGE Unit 53) Multi-parcel Project (remaining)	88.23	\$1,102,875	\$12,500	A	1
Winchester Head Multi-parcel Project (remaining)	63.28	\$1,044,120	\$16,500	A	1
Multi-Parcel Projects Total*	151.51	\$2,146,995	\$14,200		
Multi-Parcel Projects Total for Acquisition Cycle 10 (FY22)*	48.00	\$554,120	\$11,500		
TOTAL	1,192.64	\$12,147,482	\$10,200		
Dr. Robert H. Gore III Preserve area - Preserve expansion parcels*	157.08	\$1,884,960	\$12,000	A	3
Panther Walk Preserve area - Preserve expansion parcels*	39.75	\$1,150,643	\$28,900	A	3
Preserve expansion parcels total	196.83	\$3,035,603	\$15,400		
Agua Colina - Marco Island	0.63	\$1,427,000	\$2,265,100	B	
Big Hammock - Area II (Barron Collier Partnership)	744.2	\$1,116,300	\$1,400	B	
Sanitation & Bethune Rd Parcels (Barron Collier Partnership)	370.00	\$3,900,000	\$10,500	B	
B-LIST TOTAL	1,114.83	\$6,443,300	\$5,800		
Rookery Bay Business Park (near Shell Island)	40.88	\$11,242,000	\$275,000	C	
WISC Investment %Cathe Read - Dade Ct	0.50	\$305,000	\$610,000	C	
C-LIST SUBTOTAL	41.38	\$11,547,000	\$279,000		
Budget for Acquisition Cycle 10 is \$14,065,100					
<i>Note: a "Preserve Project" is an expansion of an existing Conservation Collier Preserve; where noted as "Parcels near" a preserve, the parcels are not adjacent to the preserve; all other properties noted are named based on location.</i>					
<i>*Multi-parcel project properties in process for FY22 total \$354,000; CCLAAC proposed to add another \$200,000 for FY22 for an estimated total of \$554,000 to be spent in FY22 for multi-parcel projects. The acreage of 48 acres is approximate.</i>					
<i>**Preserve expansion parcels based on budget availability after other "A" List properties made offers</i>					