

APPENDIX JJ



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The Conservancy of Southwest Florida participated in the Eastern Lands Study that ultimately resulted in the Collier County Rural Lands Stewardship Area (RLSA) program. At the time, we were conceptually supportive of the rural stewardship program and our conceptual support remains. We believe the concept of balance between conservation, retention of agriculture and limited development in appropriate areas can provide an important tool for the necessary protection for our rural lands in eastern Collier County. However, the Conservancy submitted a list of concerns during the 2002 approval process of the Collier County RLSA, some of which were addressed, while others remain as outstanding issues to be assessed and acted upon during the five-year review. In addition, as the RLSA has been implemented and we have had time to further review the program and process, new issues have emerged that must be addressed during this review.

The Future Land Use Element requires a series of specific measures be used to analyze the RLSA. However, this review should not be limited to these specific measures, and should be a comprehensive review of the program in its entirety, as required by Policy 1.22. The Conservancy believes that within this comprehensive assessment, the following issues should be addressed. We see this list as a working document that will be modified during the assessment, with issues either being added, or removed when resolved.

1. The Conservancy believes the five year review for the Collier RLSA should be each five years, not just at the first five year anniversary.
2. Collier County should re-evaluate how other Growth Management Plan (GMP) policies may be appropriate for applicability to the RLSA. For example, the Conservation and Coastal Management Element (CCME) now has additional provision for stormwater treatment that require 150% treatment. Certain GMP policies may be appropriate for application to the RLSA and should be considered

for inclusion in the RLSA. At a minimum, exempting the RLSA from other provisions within the GMP should be re-evaluated.

3. The Conservancy strongly supports the habitat stewardship crediting system be revised to use current best available science with regard to the preservation of Florida panther habitat. The panther habitat assessment methodology that the habitat stewardship crediting valuation system is predicated on has been substantially revised since by the U.S. Fish and Wildlife Service for application by the agency based on more recent scientific literature on the value of certain land cover types as Florida panther habitat. The Conservancy believes that in updating and revising the habitat stewardship crediting element of the RLSA program based on the best available Florida panther science will provide important incentives for preserving critical Florida panther habitat areas and more accurately guide receiving areas to areas that are less impactful to the subsistence and recovery of the Florida panther species.
4. The intent of Policy 1.2 is to create, "techniques and strategies that are not dependent on a regulatory approach, but will complement existing local, regional, state and federal regulatory programs." The compatibility of the RLSA to regulations, such as the Clean Water Act and the Endangered Species Act, must be assessed during the five-year review and changes made where necessary to ensure compatibility. In addition, if new agency data is obtained or new regulations are enacted, the RLSA should be reassessed and amended at that time, not waiting for another five-year review process.
5. The Conservancy strongly supports regulation of land uses in the Habitat Stewardship Areas (HSA) and Flowway Stewardship Areas (FSA), regardless of whether the landowner participates in the RLSA program. This should include restrictions of some permitted and conditional uses and should include all lands, regardless of their participation in the RLSA. For example, on lands not voluntarily participating in the RLSA, Policy 5.1 removes use layers 1-4 within FSAs. However, Collier County should assess whether all agricultural activities are appropriate for FSAs, and potentially remove the more active agricultural uses as incompatible with protection of the quality, quantity and maintenance of the natural water regime in the FSAs. Within Policy 5.1, for HSAs, the only outright prohibition is for asphaltic and concrete batch making plants. The Conservancy believes this should be reassessed, with the opportunity to expand the prohibited uses within HSAs and FSAs. Also, Policy 3.7 specifically should be reassessed as to the allowances within HSAs. The Conservancy believes that golf courses, and other impacting uses, are incompatible with all HSAs.
6. The Conservancy believes that wider buffers around HSAs, FSAs and Water Retention Areas (WRAs) should be required and should be examined during the five-year assessment.

7. The Conservancy believes that retention of AG1 or AG2 uses on lands where credits are generated for restoration activities creates the potential for incompatibility. Even lower-impact agricultural uses, such as unimproved pasture, may present conflicts to replanting and management for lands based on the restoration plan. The Conservancy suggests that on lands where stewardship credits are generated for restoration plans and actual restoration activities, all land use layers should be removed down to the conservation use. In addition, appropriate fencing should be required to provide a sufficient separation between agricultural uses and restoration areas.
8. The Conservancy believes Policy 3.11 should be reexamined as to the ability for additional Stewardship Credits to be obtained for dedication of land for restoration. The Conservancy believes credit should be given only on lands dedicated for restoration, where restoration has been implemented.
9. Policy 2.1 states that, "Analysis has shown that [Stewardship Receiving Areas] SRAs will allow the projected population from the RLSA in the Horizon year of 2025 to be accommodated on approximately 10% of the acreage otherwise required if such compact rural development were not allowed due to the flexibility afforded to such development." How this policy will be met needs to be assessed during the five-year review. Based on the figures from Policy 1.3, there are 182,334 acres of privately-owned land. These lands, prior to the RLSA, were allowed a density of one unit per five acres. Thus, 36,467 units would have been allowed. Assuming development would have occurred in the worst-case scenario of the allowed one unit per five acres, all 182,334 acres could have been impacted by development (though this is highly unlikely, as permits could not likely be obtained for development within the sloughs and other extremely sensitive areas). Thus, to comply with the policy goal of the future population being contained on 10% of this land, development should be contained to 18,233 acres of the RLSA. This would be a ratio of development to non-development of 9:1. Currently, the SRA to SSA ratio for Ave Maria, the only approved RLSA town to date, is approximately 3:1. Collier County must assess how the ultimate 9:1 ratio, or development on 10% of the land, will be achievable in the future, if all new SRAs come in at Stewardship Sending Areas (SSAs) to SRA ratios of less than 9:1. The Conservancy believes the manner in which this policy will be met should be further clarified.
10. The Conservancy strongly supports further delineation of potential areas appropriate for SRAs within the plan. While the mapping of the FSAs and HSAs are prohibited from being allowed designation as SRAs, there is a large area (almost 100,000 acres) that could potentially be used as SRAs. Further refinement of areas where development should be directed, based on infrastructure and environmental compatibility, should be reviewed. For example, additional provisions should be included that further directs development and other incompatible uses away from the Area of Critical State Concern (ACSC). A

maximum number of towns, villages, hamlets and CRDs within the RLSA should also be explored.

11. The Conservancy believes that there should be specific guidelines for distance separations between SRAs. If SRAs are allowed to be located back-to-back, without any true separation, mega-towns could result in areas where rural character should be maintained.
12. Collier County should require, as part of the evaluation for new towns, villages and hamlets, a comparison of water consumption proposed for the new development versus actual agricultural pumpage (not just a comparison of new consumption to permitted volumes) when reviewing consumptive use impacts.
13. Specific criteria for lighting standards still need to be evaluated and established, in order to reduce the impact of urban lighting on wildlife and habitat areas. As Ave Maria and other towns begin to develop, standards must be in place to ensure a minimum of glow to the rural area.
14. Currently, WRAs are allowed to be used as either SSAs or as part of the water management system for a SRA. The Conservancy believes the appropriateness of utilizing WRAs as part of stormwater management should be reevaluated, especially for those WRAs that are part of historic wetland flowways and would benefit from restoration. However, if certain WRAs are deemed acceptable for stormwater treatment and are incorporated as part of the development's stormwater treatment system for a development project, their acreage should be included within the maximum acreage of the SRA. The Conservancy would like to see this changed in Policy 3.13 and other applicable policies.
15. In order to ensure that the maximum size of a town is limited to 4,000 acres, the Conservancy believes that all town uses, including schools and universities, should be incorporated into the maximum 4,000 acre footprint.
16. A feasibility study needs to be conducted to determine if the smaller development nodes, such as 40-100 acre hamlets, can realistically achieve self-sufficiency to the extent that they are compatible with the overall goals of the program. If these small development nodes do not contain adequate levels of self containment or self sufficiency, then their allowance under the RLSA should be reconsidered.
17. As it is universally recognized that the wide-scale use of septic systems as a long-term solution to wastewater treatment in Florida is problematic, all SRAs should be required to have a plan for conversion to a private or public sewer system. While development may initially be on septic systems, the plan, with timelines, for conversion to sewer should be in place at the time of development approval.
18. Review of the SSAs currently designated indicate that out of the approximately 23,000 acres that are in SSA easements, only 650 acres have been taken down to

their conservation land use. The Conservancy believes that Collier County should be more active in securing lands that will be maintained for conservation purposes. While grazing may sometimes be compatible with conservation uses, more active agricultural activities may not, especially if the environmental value of the land would benefit from restoration activities. Collier County should revisit the SSA Group 3 policies to require more SSAs be taken down to conservation through incentives or regulations. A better understanding of the uses removed within SSAs could be vetted if SSA designation was required to go through the EAC, CCPC and Board of County Commissioners for approval.

19. Clarification should be made in the GMP that while SSAs do remove land use layers from sensitive environmental lands, they are not conservation easements and should not be allowed to substitute or double as conservation easements by regulatory agencies during the agency permitting process. Separate conservation easements should still be entered into with the necessary agencies for state and federal permitting mitigation requirements.
20. SSA Credit Agreements reference specifically the policies within the GMP that remove land uses per the RLSA program. These agreements are the mechanism for removal of land uses. As such, the Conservancy believes these agreements should include the Department of Community Affairs (DCA), as the State's land planning oversight agency, as a signatory. Also, the idea of requiring a national, state or local environmental organization signatory should be assessed.

This list represents the major issues that the Conservancy would like to see addressed in the RLSA five-year review. We reserve the right, during the review process, to include additional issues to be addressed. If you have any questions regarding the Conservancy's position on the RLSA review, please contact Nicole Ryan, Governmental Relations Manager, at (239) 403-4220.