



To: Rural Lands Stewardship Area Review Committee [Committee]
From: Thomas Greenwood, AICP, Staff Liaison, Comprehensive Planning Department
Date: August 5, 2008
Subject: **PROPOSED FLORIDA PANTHER PROTECTION PROGRAM INCLUSION WITH THE PHASE 2 REPORT REVIEW OF THE RURAL LANDS STEWARDSHIP OVERLAY [RLSAO]**

I. Report in Brief. The purpose of this document is to gain Committee direction on the inclusion of the proposed Florida Panther Protection Program [FPPP] within the Committee's Phase 2 Report review of the Rural Lands Stewardship Overlay [RLSAO] as follows:

- A. **RLSAO possible policy amendments.** What amendments [new policy or amended policy] of the RLSAO may be required to accommodate the FPPP?; and
- B. **FPPP feasibility determination and the Phase 2 Committee Report.** How will the timing of the determination of the feasibility of the proposed FPPP fit into the currently scheduled Committee recommendations regarding the Phase 2 Report which is as follows?
 - o November 12, 2008....Environmental Advisory Council
 - o December 1, 2008.....Planning Commission
 - o January 29, 2009.....Board of County Commissioners
 - o February 27, 2009.....Department of Community Affairs

II. Background. The following is presented as background to the proposed FPPP and its review by the Committee:

- A. **Florida Panther since 1967.** The Florida Panther has been classified as an endangered species since 1967.
- B. **Town of Ave Maria in the RLSA...2002-2004.** With the approval of the Town of Ave Maria in the Rural Lands Stewardship Area in 2002-2004 several environmental groups, including the Defenders of Wildlife, raised many questions concerning the impact of this new Town upon the Florida Panther and required mitigation steps.
- C. **Eastern Collier County Property Owners and Environmental Protection Organizations... 2007 and 2008.** Since April, 2007 eight major Eastern Collier County property owners and leading environmental protection organizations have met to forge a non-binding agreement [agreement] to explore the creation of the FPPP.
 - o Property owners are English Brothers, Half Circle L. Ranch, Alico Land Development Corporation, Pacific Tomato Growers, Ltd., Collier Enterprises, Sunniland Family Limited Partnership, Barron Collier Partnership, and Consolidated Citrus

- Non-profit organizations are: Audubon of Florida, Collier County Audubon Society, Defenders of Wildlife, and Florida Wildlife Federation.

III. Body of Report. The proposed FPPP was presented to the Committee during its July 1, 2008 meeting as a, “collaborative effort between four leading conservation organizations and eight major Eastern Collier County landowners to better protect and manage the Florida Panther in Southwest Florida and assist in the recovery of this endangered species”.

The Florida Panther population decline over the years has been caused primarily by the loss of Panther habitat and road kill, leaving an estimated remaining 80 to 100 Panthers, with habitats limited to South Florida. Core habitat is located in Collier, Hendry and Lee Counties. The proposed FPPP incentive-based land use program helps secure a contiguous range of panther habitat connecting the Florida Panther Wildlife Refuge and Big Cypress National Preserve through Camp Keais Strand and the Okaloocoochee Slough with Corkscrew Marsh and adjacent lands in the region. The proposed FPPP involves 195,000 acres of private land in Collier County.

The proposed Florida Panther Preservation Plan [FPPP], in brief

The major elements of the proposed FPPP are as follows:

1. Create links. This effort would create panther habitat links for the Florida Panther north of Immokalee and northwest of SR 29 at Oil Well Road using a variety of incentives including agricultural land preservation credits, restoration credits, land acquisition, and stewardship credits.
2. Create Paul J. Marinelli Florida Panther Protection Fund. This fund will be established using a fee tied to the utilization of “Panther Habitat Units” from the Stewardship Sending Areas and by a fee attached to every real estate sale in the RLSA Overlay. The fund will be administered by the Paul J. Marinelli Florida Panther Protection Fund, a tax-exempt and non-profit organization. The fund would be governed by representatives of the four environmental groups, landowners, the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission. Fund uses would include:
 - Restoration of Panther habitat;
 - Construction of wildlife crossings; and
 - Creation of buffers between development and Panther preserves throughout the Panther’s range.
3. Increase the Panther Mitigation Units by 25%, the number of Panther mitigation units developers would have to provide under federal permitting requirements to compensate for effects on the panther in “primary panther habitat” in the RLSA.
4. Create a new RLSA credit system by which landowners could get development credits by preserving agricultural land with an emphasis on lands in the Big Cypress Area of Critical State Concern.

Scientific Technical Review Committee.

The proposed FPPP, according to information received by the Committee on and after July 1, 2008, is to be subject to review by a Scientific Technical Review Committee

composed of Chris Belen of the US Fish and Wildlife Service; Darrel Land, Panther Team Leader of the Florida Fish and Wildlife Conservation Commission; Dan Smith of the University of South Florida; Tom Logan and Randy Kautz, former Florida Fish and Wildlife Conservation Commission scientists currently in the private sector; and David Shindle, Conservancy of Southwest Florida biologist and former Florida Fish and Wildlife Conservation Commission scientist.

According to information received during the July 1, 2008 Committee meeting, the Scientific Technical Review Committee's work could take "less than 6 months, but additional time may be requested if deemed necessary". This timing would place the timing of the proposed FPPP feasibility determination into late 2008 or early 2009 or beyond the Review Committee approved schedule to complete the wrap-up of the Phase 2 Report by October 7, 2008. **However, it is important to note that the RLSA Review Committee's review and action on the proposed FPPP enhancements to the RLSA Overlay are not contingent upon the final report of the Scientific Technical Review Committee.**

IV. Recommendation

Staff requests Committee action directing the inclusion of possible FPPP-related recommended amendments into the Committee's Phase 2 RLSAO Report subject to further determination of the viability of the FPPP by the Scientific Technical Review Committee and other appropriate organizations and parties.