



CONSERVANCY
of Southwest Florida
OUR WATER, LAND, WILDLIFE, FUTURE.

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

October 18, 2024

U.S. Army Corps of Engineers
ATTN: District Engineer and Michael Ornella
Fort Myers Permit Section
701 San Marco Boulevard
Jacksonville, FL 32207
Michael.Ornella@usace.army.mil

U.S. Fish and Wildlife Service
ATTN: Robert Carey, Division Lead for Environmental Review
1339 20th St.
Vero Beach, FL 32960
robert_carey@fws.gov

RE: Rural Lands West, Permit Application #SAJ-2008-02431 (SP-MAO)

Dear Mr. Ornella and Mr. Carey:

On behalf of our more than 4,500 supporting families, the Conservancy of Southwest Florida is providing comment on Rural Lands West Application #SAJ-2008-02431 (SP-MAO) in addition to the letter that was provided October 15, 2024. We oppose this project and are asking for you to deny the request for a Section 404 permit because the project will have unacceptable direct, indirect, and cumulative impacts on endangered and threatened species, wetlands, and other natural resources. We are requesting a public hearing for the Rural Lands West project.

Project Summary

The Rural Lands West project is proposed on critical lands for state and federally listed species, particularly the endangered Florida panther. This project will add approximately 9,800 new homes and over 20,000 new residents on a currently rural agricultural landscape, and is proposed to impact over 270 acres of wetlands within the Shaggy Cypress and Camp Keais Strand wetland systems. The project is within the Camp Keais Strand, a major flowway between CREW



Conservancy of Southwest Florida has been awarded Charity Navigator's prestigious 3-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.

(Corkscrew Regional Ecosystem Watershed)¹ and the Florida Panther National Wildlife Refuge. It is partially located within an impaired WBID (3259I), and is upstream of the Outstanding Florida Waters of the Fakahatchee Strand, as well as the Picayune Strand Everglades Restoration project.

Most critically, the development project would destroy approximately 4,400 acres of Florida panther habitat essential to its survival and recovery. Rural Lands West would fragment one of only two north-south corridors for the species that is essential to maintaining panther movement at the population level. The project would also impact many other listed species, including the Florida bonneted bat and crested caracara.

Property ownership and sale draws questions

To our knowledge, the application has the sole applicant listed as Tarpon Blue Silver King I, LLC/Collier Enterprises. Please be aware that it appears some of the lands within the "Rural Lands West" project footprint have been sold to a different entity around 2019. Attachment A shows a new split in ownership of the project area between Collier Enterprises (Collier Land Holdings LTD, CDC Land Investments, LLF) and Gargiulo Company. We do not see Gargiulo Company listed as an additional applicant on the Army Corps Public Notice.

Project does not avoid or minimize impacts

As designed, the project does not avoid or minimize adverse effects and impacts to fish, wildlife, or wetlands. Given the sensitivity and critically-important nature to habitats within the current proposal, an alternate site is needed. This project is proposed in one of the most problematic areas because of the significant environmental resources that are at risk. Rural Lands West, along with other individual permits that the federal agencies are also currently reviewing, would transform a currently rural and agricultural landscape into an urban area with tens of thousands of new residents in the area. While the applicant attempts to justify the development as acceptable due to its siting within agricultural lands, these lands have been identified by best available science² as critical to the Florida panther. These lands also support a myriad of other listed species, as discussed below.

Habitat/Listed Species issues

We have significant concerns regarding the impacts of this project on wildlife habitat. The project, as proposed, will significantly impact listed species such as the Florida panther, crested caracara, Florida bonneted bat, and many other threatened species. There is a rich diversity of animals that utilize the site and would be threatened by this development.

¹ CREW (Corkscrew Regional Ecosystem Watershed) is the largest intact watershed in Southwest Florida, straddling Lee and Collier Counties. <https://crewtrust.org/>

² Kautz, R. et al, How much is enough? Landscape-scale conservation for the Florida panther, BIOLOGICAL CONSERVATION 130 (2006) 118 – 133 and Frakes RA, Belden RC, Wood BE, James FE (2015) Landscape Analysis of Adult Florida Panther Habitat. PLoS ONE 10(7): e0133044. <https://doi.org/10.1371/journal.pone.0133044>.

Florida Panther

The survival and recovery of the Florida panther are dependent upon maintaining, restoring, and expanding the panther population and its habitat in southern Florida. Specifically, the recovery of the Florida panther population is dependent on maintaining the ability of the Primary, Secondary, and Dispersal Zones, as identified by expert panther biologists Kautz et al. (2006)³ to contribute to a viable population. Habitat loss and fragmentation are the greatest threats to the Florida panther; these threats are primarily a result of rapid population growth and conversion from natural habitats and agriculture to urban land use.

The current footprint for Rural Lands West is about 77% Primary Panther Zone habitat, which are the top priority lands supporting the existing panther population and should be avoided per the best available science and the USFWS own Panther Recovery Plan.

Panthers are wide ranging, secretive, and occur at low densities.⁴ They require large contiguous areas to meet their social, reproductive, and energetic needs, a requirement that is being compromised by rapid development. Panther habitat continues to be lost to urbanization, residential development, conversion to agriculture, and mining. Because of this, there is a need for land use planning that incorporates panther conservation and recovery. Protection of the remaining breeding habitat in south Florida is essential to the survival and recovery of the Florida panther.⁵ Further loss of adult panther breeding habitat is likely to reduce the prospects for survival of the existing population, and decrease the probability of natural expansion of the population into south-central Florida.⁶

Best available panther science demonstrates the project area should be avoided. Attachment B shows the Rural Lands West footprint with the Kautz et al 2006 panther zones. Attachment C depicts the footprint with Frakes et al 2015 Adult Breeding Habitat areas.

Further, Attachment D and E demonstrates how the Rural Lands West project will adversely change Adult Breeding Habitat if it were to be permitted. The left side graphic shows the current panther habitat value, and the right side graphic shows the Frakes et al model re-run with the Rural Lands West project in place. The warmer the color, as depicted with reds, oranges, and yellows, the higher the value to adult breeding panthers. Blue and gray colors depict lower value habitat for adult breeding panthers.

This demonstrates, when considering the impacts from the Rural Lands West project, lands well beyond the 4,400+ acres of impact would become more marginal for panther use, including a significant decrease in the value of lands within the Shaggy Cypress and the Camp Keais Strand (which is one of only two existing south-to-north panther corridors).

Although the applicants propose a panther crossing aiming to allow continued access into Shaggy Cypress north of Oil Well Road, these lands will be degraded from some of the highest

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

value panther habitat lands to marginal value. Researcher Dr. Robert Frakes calculates that Rural Lands West will, in effect, eliminate 14 square kilometers of Adult Breeding Panther habitat as a result of direct and indirect effects.

Indirect effects of project

The development site is located within the Camp Keais Stand, a natural, regional cypress slough system that conveys flows from the Corkscrew Swamp and Lake Trafford to the north into the Florida Panther National Wildlife Refuge (FPNWR), Fakahatchee Strand Preserve State Park, and the Picayune Strand Everglades Restoration project to the south (Attachment F). Due to the project location, there are significant concerns that this important flowway and habitat corridor will be negatively impacted, as well as negative impacts to the surrounding federal and state managed lands. Due to the close proximity to FPNWR, we are especially concerned about how RLW will impact the 26,000+ acre preserve. RLW poses stark negative indirect effects to environmentally-sensitive and public protected lands.

Prescribed fire in National Wildlife Refuge

The Florida Panther and Ten Thousand Islands National Wildlife Refuge (FPNWR) have expressed concerns that development near their conservation areas may have secondary impacts on fire management within the Refuge.⁷ The conservation lands of the FPNWR are intensely managed using prescribed burning in order to properly manage fire-adapted ecosystems for the benefit of wildlife and to reduce high fuel loads to prevent more catastrophic wildfires. The Refuge must burn with a southerly or easterly wind direction to mitigate risk of serious traffic accidents on nearby roads and therefore, cannot be changed. Rural Lands West will be directly in the path of the NWR current smoke management protocols. There are serious concerns that during prescribed burns, smoke will not be able to be redirected away from future development. These smoke corridor concerns and secondary impacts to offsite fire management plans must be addressed by the applicant.

Cumulative effects of project

There are a number of large mining and development proposals in currently rural and agricultural areas of eastern Lee and eastern Collier County that individually and cumulatively pose a significant threat to our southwest Florida environment (Attachment G).

The federal agencies must consider relevant information about these nearby projects during its decision-making process to appropriately consider cumulative impacts. The table below depicts some of the major actions in the area that add to the cumulative damage to listed species habitat and wetland loss, as well as the fundamental change to urban densities within a sensitive wetland ecosystem.

⁷ Letter from Florida Panther and Ten Thousand Islands National Wildlife Refuge. Public Comment Eastern; Collier Multispecies Habitat Conservation Plan and EIS. April 25, 2016.

Project Under Review	Number of homes	Number of residents	Amount of traffic new net	Panther Primary Zone direct impacts	Wetland direct impacts
Rural Lands West	9800	23520	88194	3463	270
Bellmar	4382	10517	45317	1816	135
Immokalee Road Rural Village	4042	9700	27887	676	192
Troyer Mine	0	0	1278	841	214
FFD	5208	12708	6354	555	79
Kingston	10000	24400	95198	1177	12
	33432	80845	264228	8528	902

Request for Public Meeting & for Environmental Impact Statement

We reiterate our request for a public meeting to be held regarding the proposed Rural Lands West project. Similarly, we echo our historic requests for the Army Corps of Engineers to conduct an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). We first made this request in 2008; since then, the applicant has *increased* the size of the project, posing now to impact an additional 700 acres, and the impacts to wetlands ballooned from 56 acres to over 270 acres. The Army Corps reviewer, even when analyzing the smaller footprint, admitted that an EIS would be appropriate (Attachment H). We hope that the Corps will conduct an EIS for this project.

Conclusion

Thank you for considering our comments and we hope that this will help the agencies to look exhaustively at the impacts of Rural Land West that would impact water resources and listed species forevermore in southwest Florida. These projects may also determine the fate of the endangered Florida panther, as they not only remove habitat lands from this species but also cause increased roadkill, human-wildlife interaction, and pose threats to trust resources, properties in conservation, and mitigation lands.

Thank you for considering our comments. If you have any questions or would like to discuss further, please feel free to contact me at (239) 776-5601.

Sincerely,

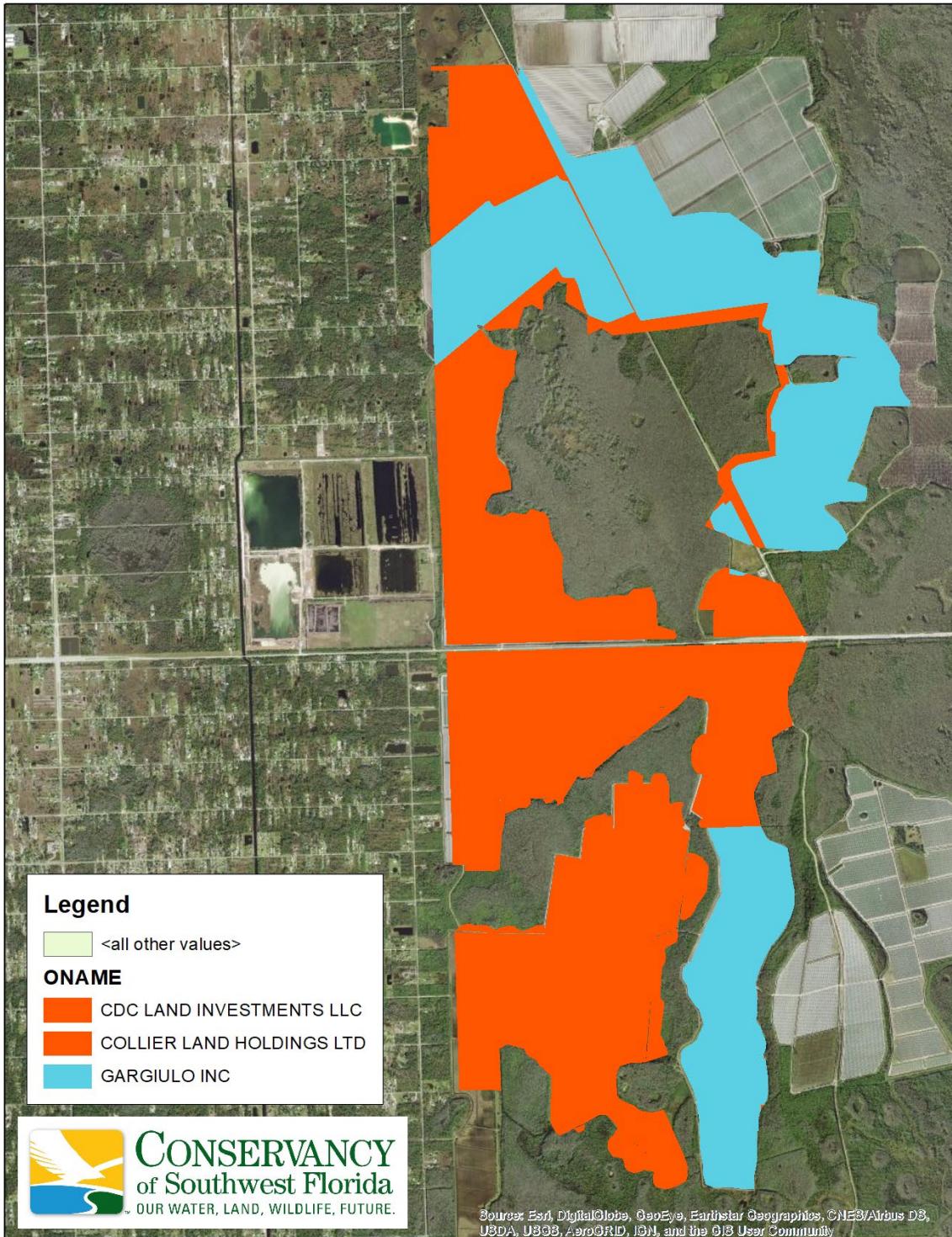
Amber Crooks
 Senior Environmental Policy Advisor

Julianne Thomas
 Senior Environmental Planning Specialist

Enclosures: Conservancy of Southwest Florida prior comment letters regarding Rural Lands West (FKA Town of Big Cypress), and letter regarding the Eastern Collier Habitat Conservation Plan

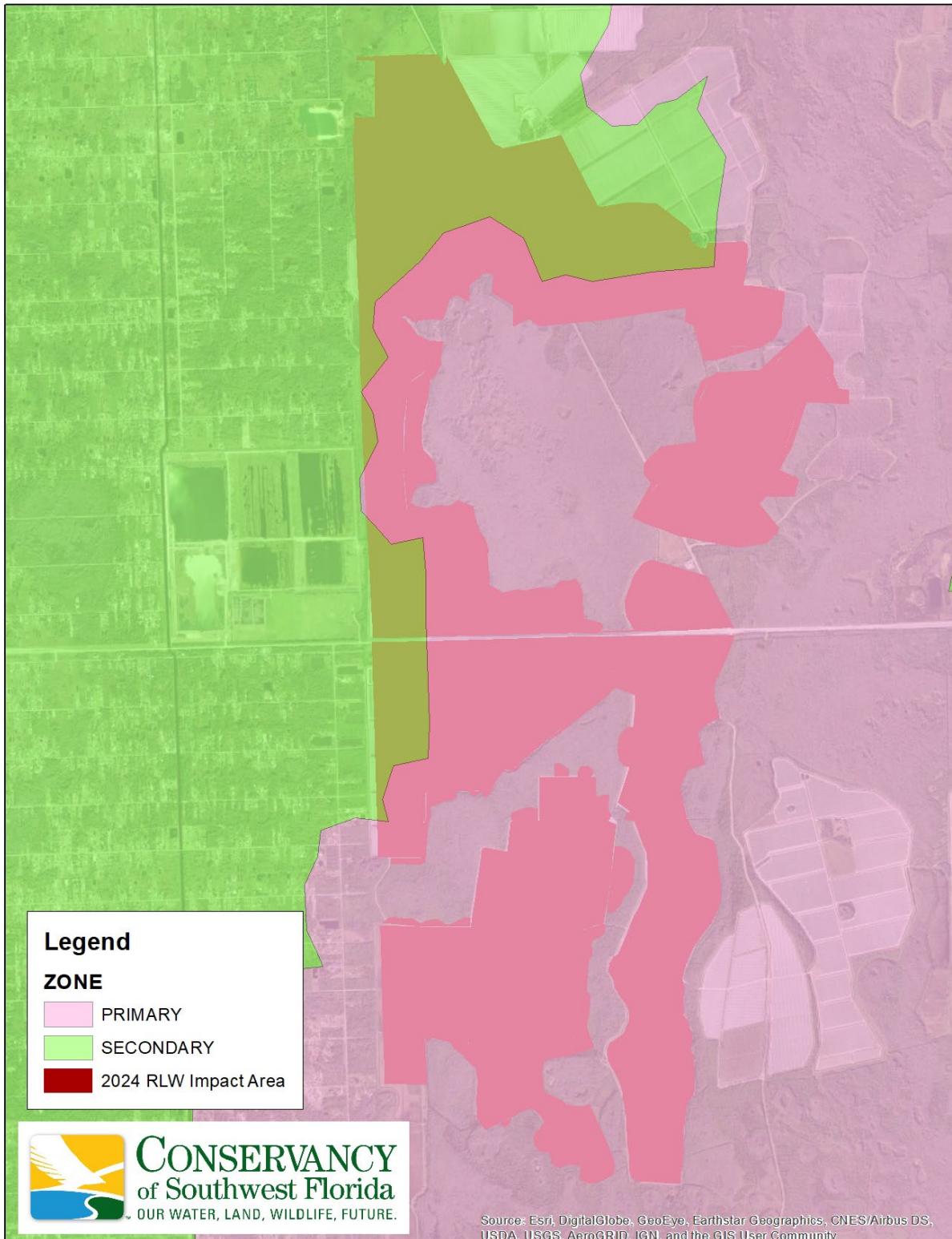
Attachment A

Date: 10/17/2024



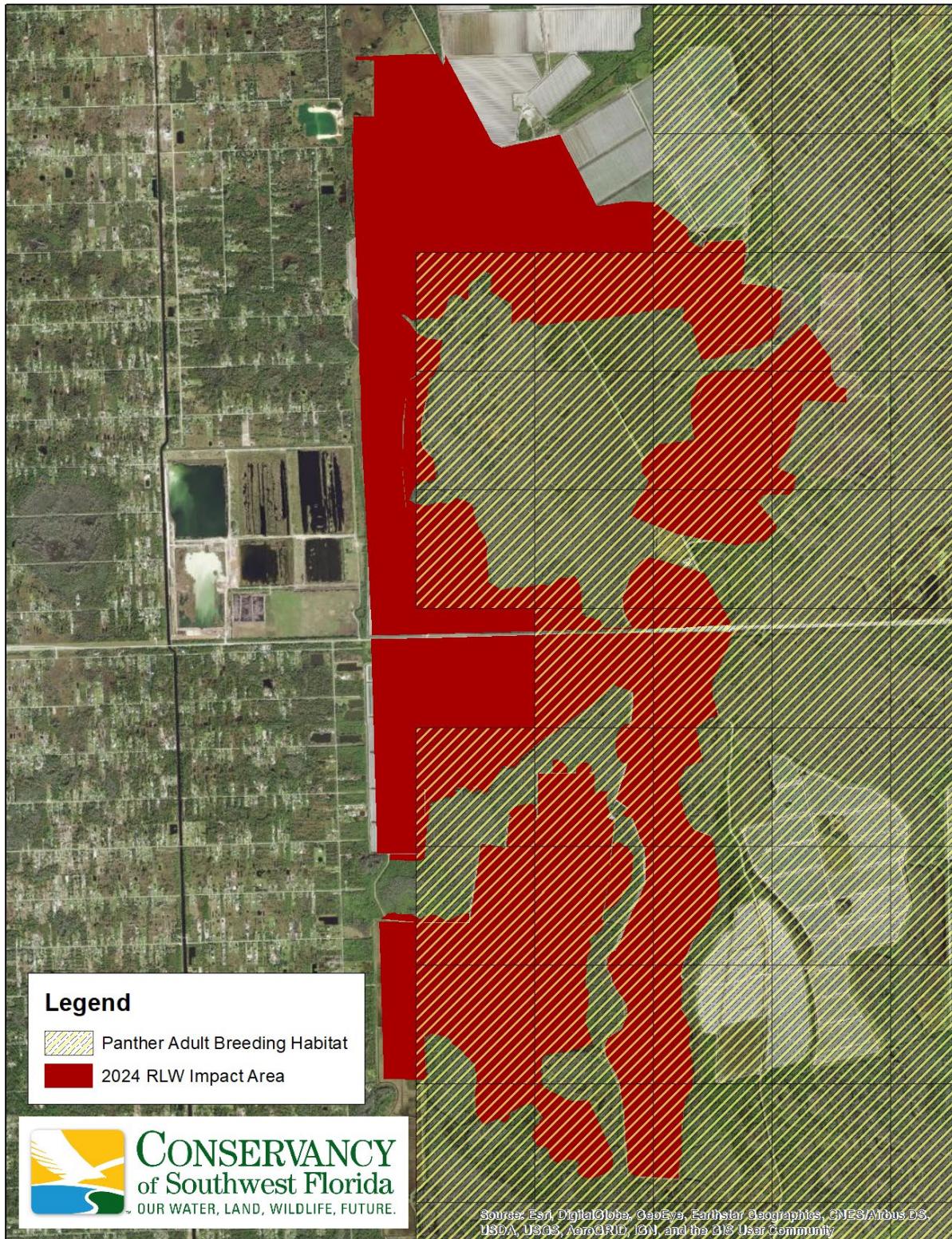
Attachment B

Date: 10/7/2024

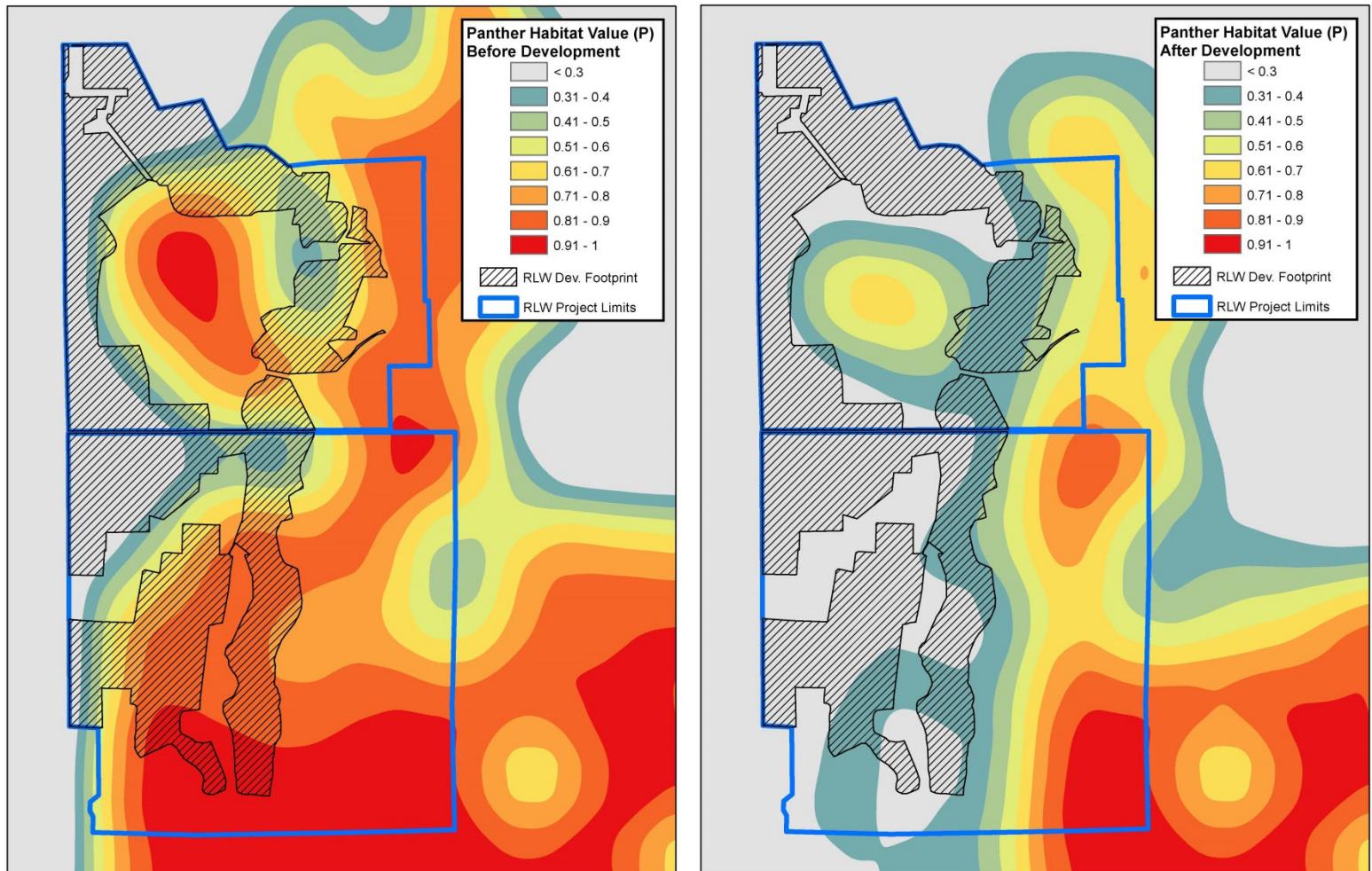


Attachment C

Date: 10/7/2024



Attachment D



Attachment E

Rural Lands West		
	Pre-Development	Post-Development
No. of cells	60	60
Total P ^a	36.372	23.496
Change_P	-	-12.876
% loss of P	-	35.4
Minimum P	0.028	0.018
Maximum P	0.994	0.994
Ave_P	0.606	0.392
Std. Dev.	0.368	0.302
Total panther habitat		
in RLW (km ²) ^b	40	26
Habitat loss (km ²)	-	14
% Habitat loss	-	35.0

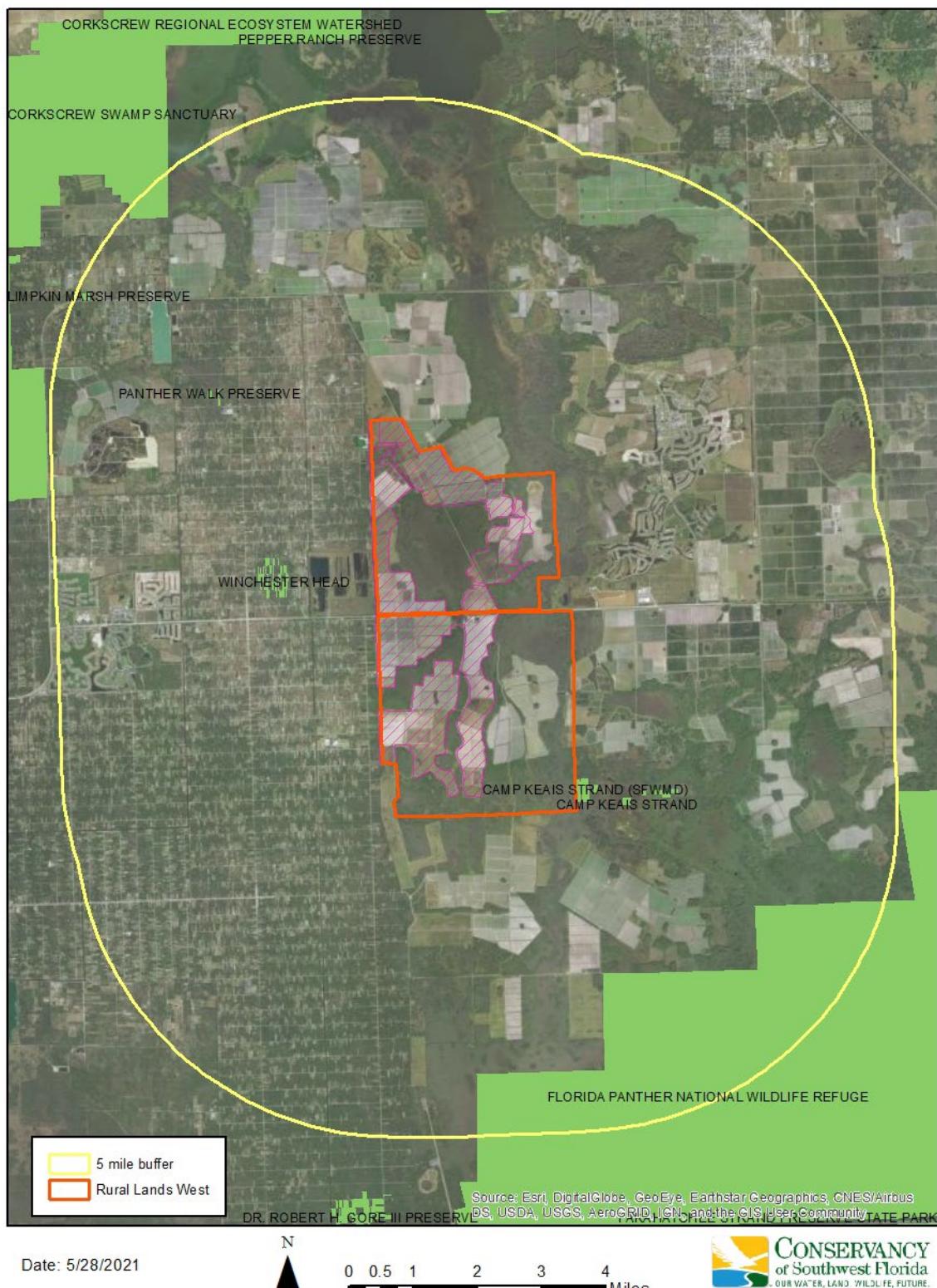
All values were calculated using the Florida panther landscape habitat model (Frakes et al. 2015).

^aEach of the 60 grid cells within the RLW study area has a P value (probability of panther use) assigned by the model.

Total P is the sum of P values for all cells.

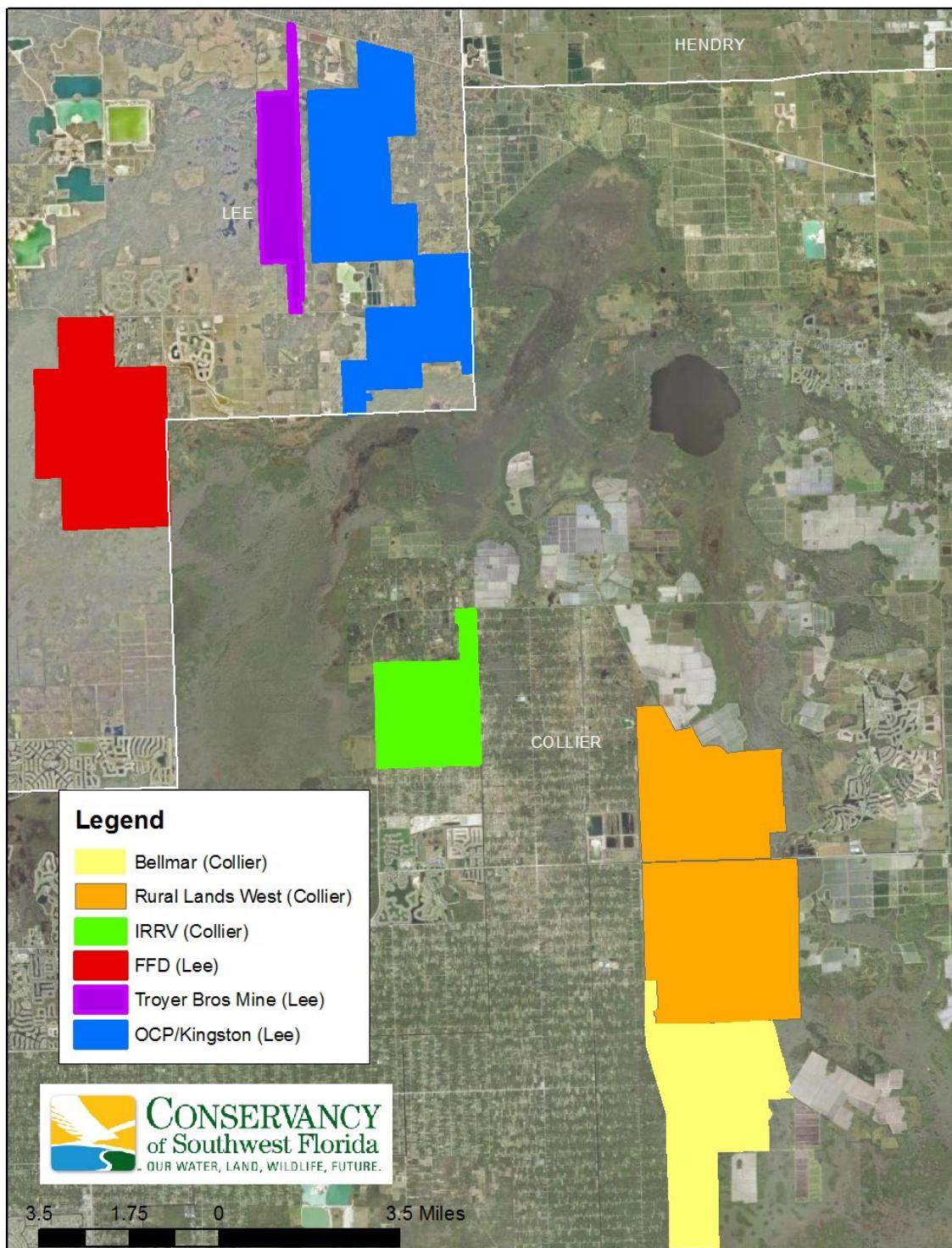
^bUsing a cutoff point of P=0.338 (Frakes et al. 2015).

Attachment F



Attachment G

Date: 5/30/2024



Attachment H

Bergmann, Harry W SAJ

From: Bergmann, Harry W SAJ
Sent: Monday, November 17, 2008 8:53 AM
To: McElwain, Tunis W SAJ
Subject: FW: Town of Big Cypress EIS Request to ACOE 11_12_08 Ltr.pdf - Adobe Acrobat Professional

Attachments: Town of Big Cypress EIS Request to ACOE 11_12_08 Ltr



Town of Big
Cypress EIS Request.

Project is outside any development area identified in the SWFEIS, so a separate cumulative impact assessment will be needed. I think an EIS would be appropriate.

Harry (Skip) Bergmann
Biologist, Fort Myers Regulatory Office
239-334-1975 extension 21

Please note my new telephone extension and email address:
Harry.W.Bergmann@usace.army.mil

Please assist us in better serving you! Please complete the customer survey by clicking on the following link: <http://regulatory.usacesurvey.com/>