RURAL LANDS WEST
RESPONSE TO EPA COMMENTS

March 2025

1. *While the narrative describes the adopted county development model, it does not discuss site design alternatives that would lead one to arrive at the conclusion that the depicted site design is the Least Environmentally Damaging Practicable Alternative (LEDPA). For example, one method of avoiding and reducing impacts is to design the site as a conservation subdivision.*

Response:

The site plan for Rural Lands West was designed to utilize existing (state-permitted) agriculture fields for the planned development and to avoid and minimize direct impacts to the natural wetland habitats on-site. In particular, the site plan was developed for consistency with Collier County's Rural Lands Stewardship Plan (RLSP), which by design minimizes impacts to valuable wetlands and habitat by directing development of compact, carefully planned communities to areas that have already been disturbed by agricultural activities, and preserving natural areas with higher value wetlands and habitats. Accordingly, a project designed for compliance with the RLSP will begin with extensive up-front minimization of impacts. Nonetheless, over the eight and a half years since the applicant submitted its CWA 404 application, the site plan has been revised several times to reduce impacts to wetlands and to achieve greater conservation value.

<u>Original on-site alternative.</u>

The original Corps permit application for Rural Lands West was submitted in October 2016. At the time the total project acreage was 10,148.02± acres and proposed 289.05 acres of jurisdictional wetland impacts. The project also included 4,278.21± acres of conservation areas. There were two proposed panther corridors, one running north/south along the eastern boundary of the site and within Camp Keais Strand and one between Shaggy Cypress Swamp and Camp Keais Strand. One panther crossing (WC-1) was proposed on a road internal to the project that crossed over the Shaggy Cypress Swamp and Camp Keais Strand corridor. Three other small mammal crossings (WC-2, WC-3, and WC-4) were also proposed on internal project roads.

In January 2017, revised permit application documents were submitted. The revisions included an additional wildlife corridor and panther crossing on the northeast side of Shaggy Cypress to Camp Keais Strand (WC-1). To offset the reduction in development acreage associated with the additional corridor, farm fields to the north were added to the project boundary, increasing the project acreage to 10,264.63± acres. The jurisdictional wetland impacts also slightly increased to 291.7± acres and the conservation area decreased slightly to 4,246.55± acres. These adjustments were due to the reconfiguration of the stormwater management system and buffer lakes which were needed to accommodate the additional wildlife corridor.

Further avoidance and minimization.

In November 2020, additional revisions were made to the project design in response to USFWS coordination and feedback from non-government organization conservation group partners in the Florida Panther Protection Program (FPPP) (www.floridapantherprotection.com/). This resulted in the inclusion of another wildlife corridor internal to the development and four additional panther crossings (WC-3, WC-4, WC-5, WC-6), including the applicant's commitment to fund the construction of a new crossing under Oil Well Road. The site plan changes also resulted in a reduction in wetland impacts to 264.31± acres and an increase in the conservation area to 4,518.50± acres which included the addition of over 90 acres of habitat restoration and creation from existing farm fields within Camp Keais Strand.

In December 2020, the State of Florida assumed CWA 404 permitting authority and additional submittals were made to FDEP. In February 2024 a federal ruling overturned Florida's assumption of the 404 permitting process and the applicant resubmitted its application to the Corps in April 2024. The project acreage remained at 10,264.63± and the wetland impacts were slightly reduced due to 260.26± as a result of lake reconfigurations and the projects conservation areas slightly increased to 4.525.89±.

The April 2024 application retained the wildlife corridors included in the November 2020 submittal to the Corps (WC-1 through WC-6). However, one internal road was removed from the project design which eliminated the need for a sixth wildlife crossing.

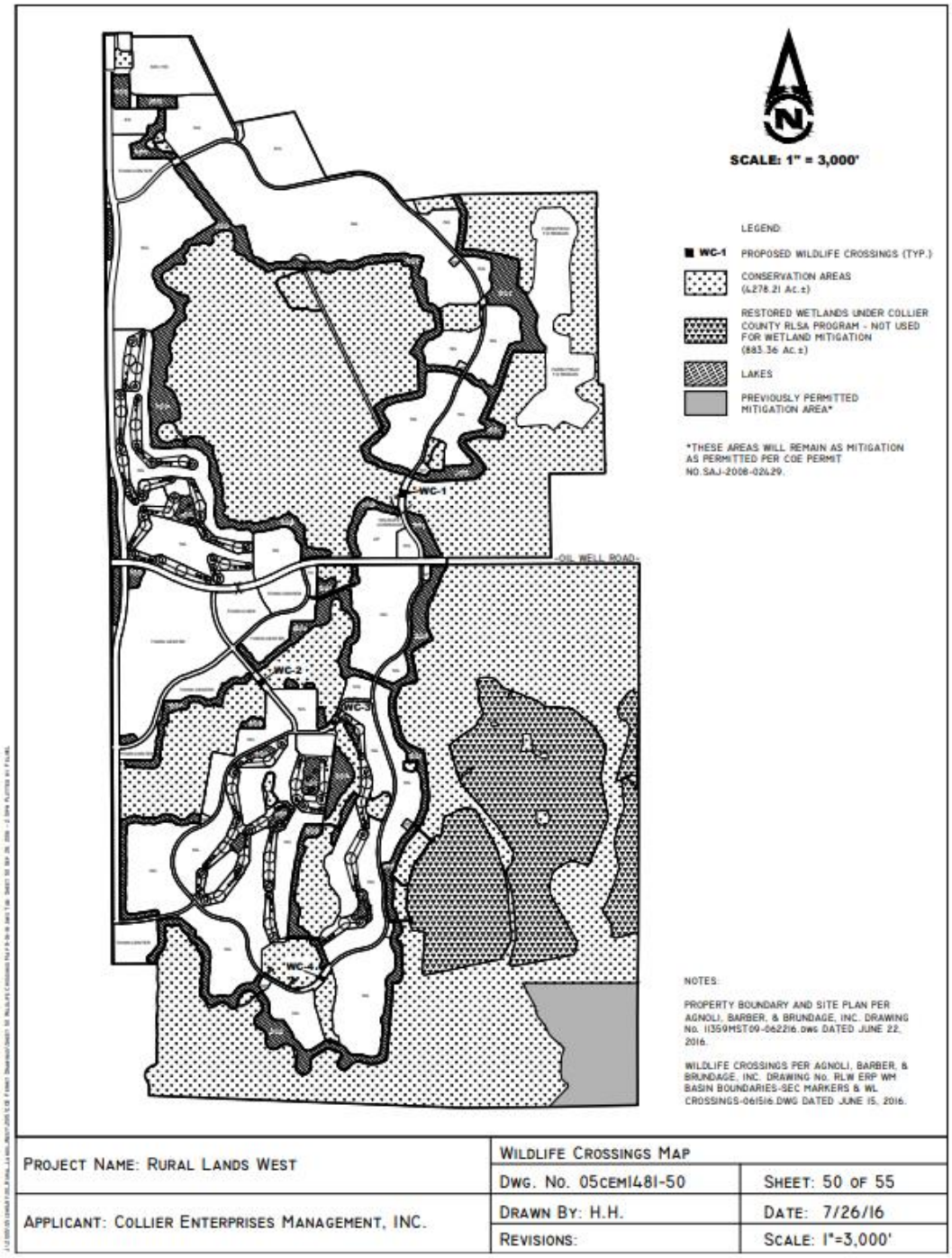

Figure 1A: October 2016 Site Plan

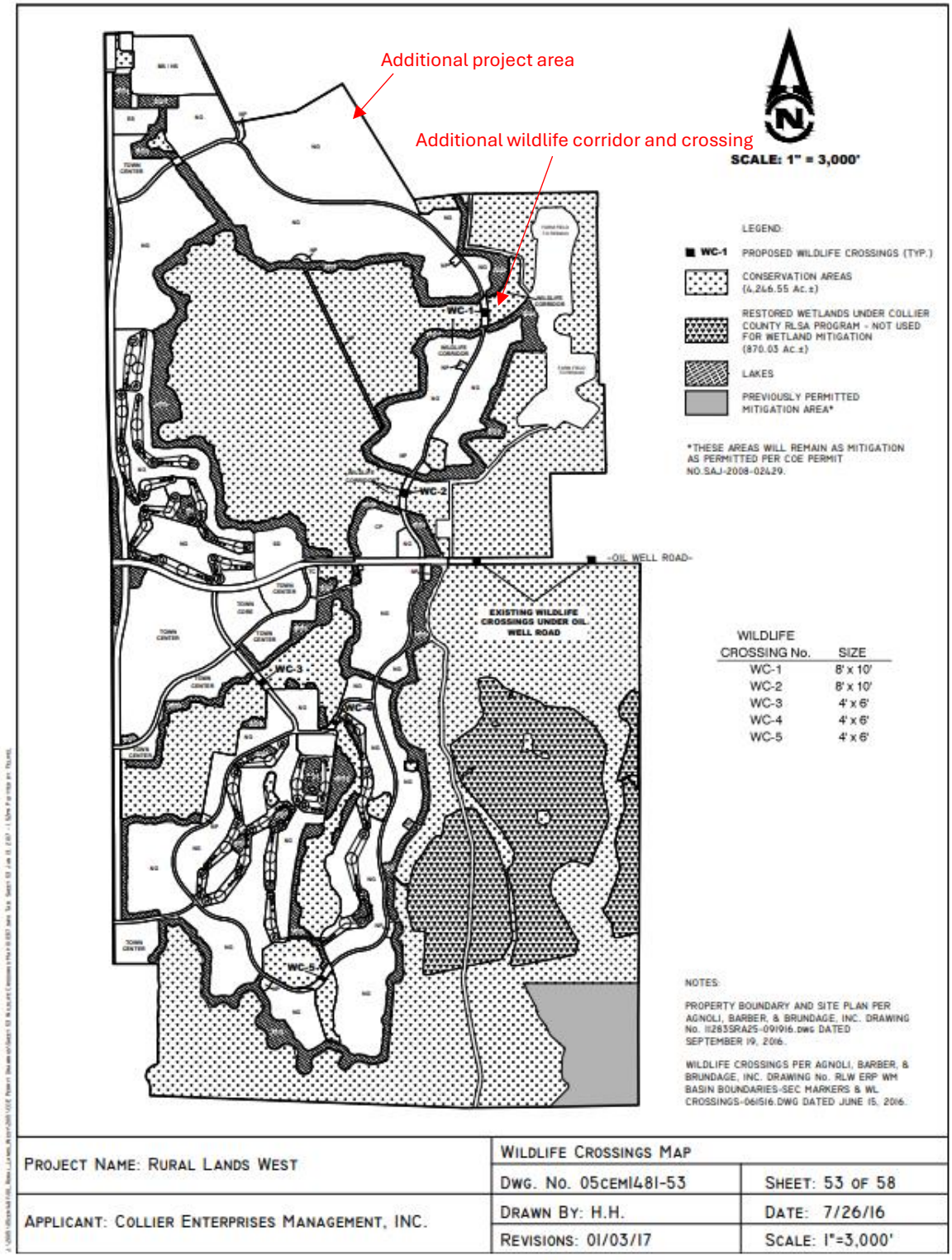

Figure 1B: January 2017 Site Plan

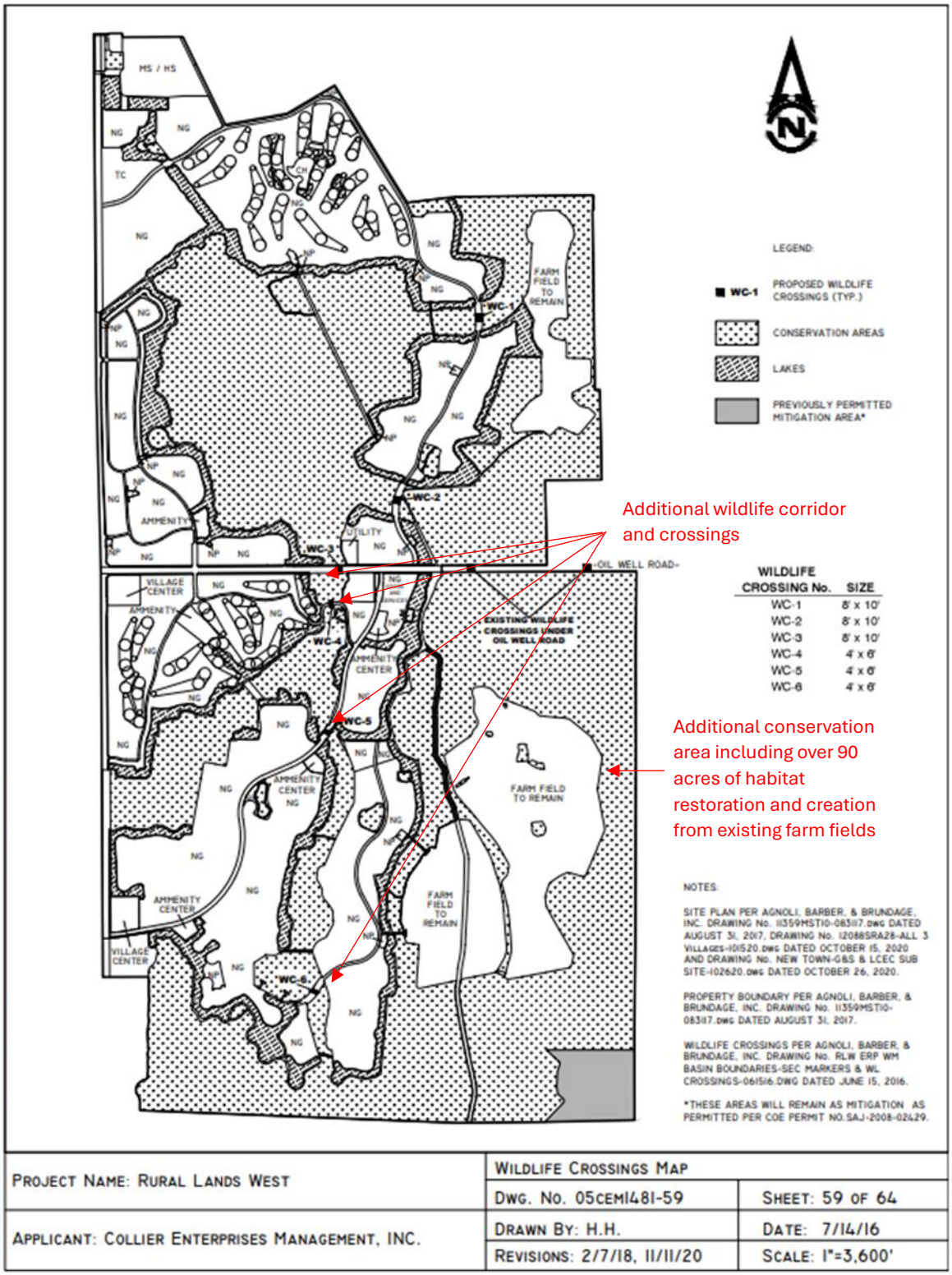

Figure 1C: November 2020 Site Plan

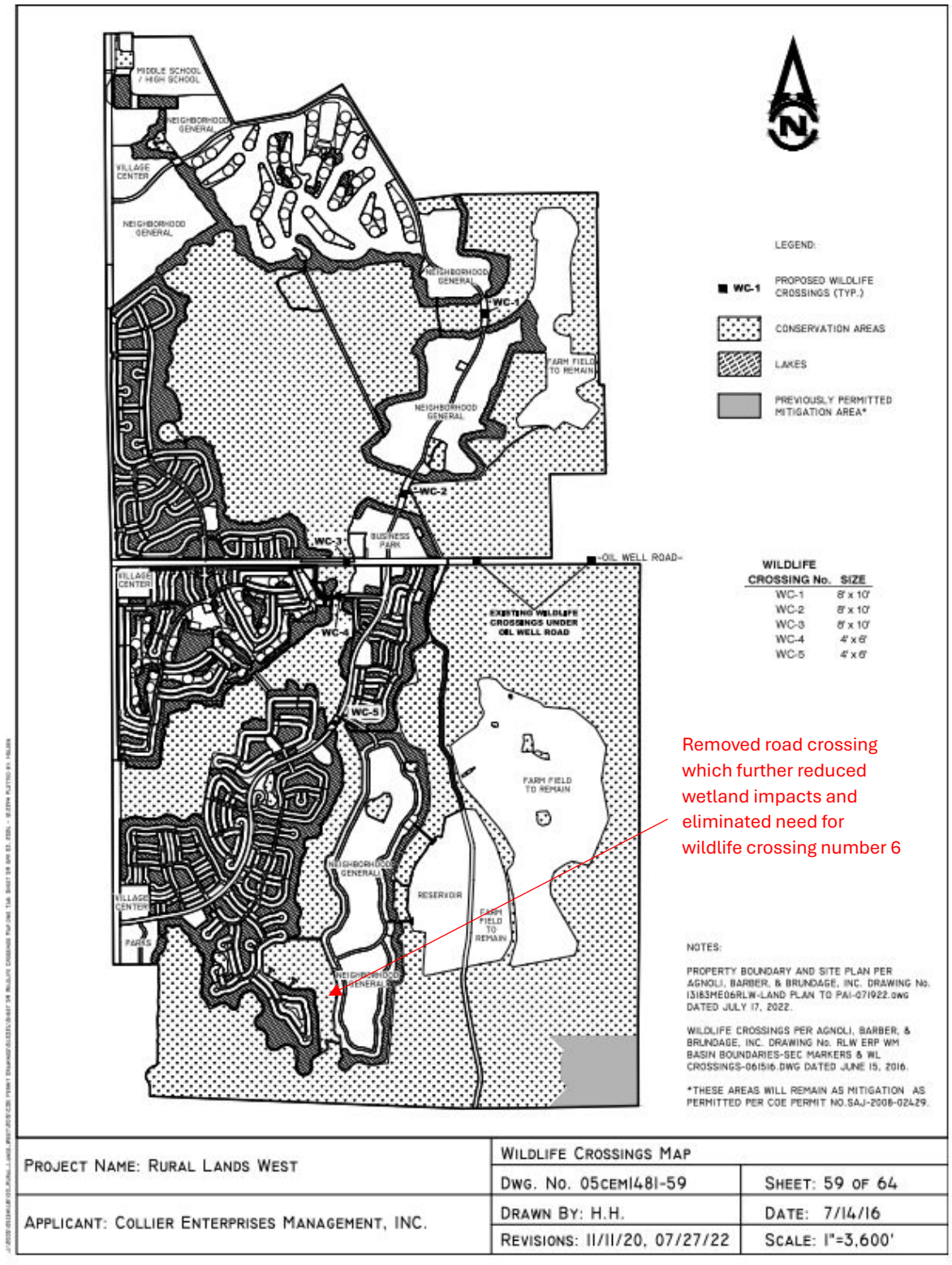

Figure 1D: April 2024 Site Plan

In summary, the January 2017 Corps submittal proposed impacts to jurisdictional wetlands of 291.7 acres. The applicant has reduced those impacts to 260.26± in the current application. This represents a reduction of 31.44± acres or 10 percent. In 2017, the proposed conservation area acreage was 4,246.55± acres. The current application proposes 4,525,89± acres, an increase of 279.34± acres or 6 percent. The project design has been revised over the years to include four wildlife corridors and five panther crossings, four of which are on internal project roads and one under Oil Well Road.

On-Site Alternatives	Site Acres	Jurisdictional Wetland Impacts	Conservation Acres	Crossings/ Corridors
2017 Application	10,265	292	4,247	4 / 3
Current Application	10,265	260	4,526	5 / 4

Wetland impacts associated with Rural Lands West have been reduced to those necessary for project infrastructure, including road crossings and the project's surface water management system. Wetland impacts have been limited primarily to lower quality wetlands within or at the edge of active agricultural fields that have been impacted by heavy infestations of invasive exotic vegetation. Further reductions to wetland impacts are not practicable due to project configuration limitations and in light of the project purpose.

Incorporation of the RLSP is a critical component of the applicant's avoidance and minimization measures. Established in 2002, the RLSP is a voluntary program that offers landowners an alternative to development under existing baseline zoning standards, which allow for development at a density of one home per five acres. Golden Gate Estates, located immediately west of the project site, provides an example of the broad, grid-like pattern of development permissible under base zoning laws, which typically includes five-acre lots with single homes that have septic tanks and wells instead of municipal utilities. By choosing to participate in the RLSP, landowners relinquish development rights within environmentally sensitive lands established as Stewardship Sending Areas (SSAs) but gain the ability to construct compact developments within less sensitive areas established as Stewardship Receiving Areas (SRAs).

Collier County does not have conservation subdivisions in their development regulations as raised by the comment. However, SRAs established under the Collier County RLSP are comparable to conservation subdivisions. Conservation subdivisions are designed by identifying areas of high natural resource value on a property and targeting those areas for conservation. Homesites are then clustered around the conservation areas to provide natural views as an amenity. In addition, conservation subdivisions typically have regulations requiring the protection of a significant portion of the site as openspace and some require contiguity of the openspace tracts.

Under the RLSP SRAs can only be established on lands identified as "Open" on the Rural Lands Stewardship Overlay Map. These are areas that have been identified as having minimal ecological value. Conversely, lands designated as Flow-Way Stewardship Areas (FSAs) or Habitat Stewardship Areas (HSAs) on the Rural Lands Stewardship Overlay Map have been identified as having high ecological value and establishment of SRAs over these areas is prohibited and establishment of SSAs is encouraged. FSAs are primarily wetlands located within the Camp Keais Strand and Okaloacoochee Slough, establishing the primary wetland flow-way systems in the RLSA. HSAs include lands whose natural characteristics make them suitable habitat for listed species, and also include lands that are contiguous to habitat for listed species and form a continuum of landscapes that could improve habitat values.

Rural Lands West is comprised of SRAs that have been established on "Open" lands which are primarily agricultural fields. Likewise, the applicant has established over 12,000 acres of SSAs, including FSAs and HSAs located within Camp Keais Strand. As intended by the RLSP, the Project will preserve and restore a significant amount of contiguous wetland and wildlife habitat including environmentally sensitive areas through the establishment of the SSAs.
In summary, participation in the RLSP achieves many of the same goals of a conservation subdivision, by prioritizing the preservation of contiguous tracts of land with high natural resource value and concentrating development in areas with lower natural resource value.

2. *The PN does not describe the methodology used to determine higher or lower habitat or wetland values.*

Response: Wetlands were evaluated using the Uniform Mitigation Assessment Method (UMAM), a standardized procedure used in Florida to assess the ecological functions of wetlands and other surface waters. The UMAM methodology, which is established under Chapter 62-345 of the Florida Administrative Code, operates through quantitative scoring of three criteria: location and landscape support, water environment, and community structure.

Scores for each of the three UMAM criteria range from 0 to 10. The final assessment score for each assessment area applies the standardized UMAM methodology, and is calculated by summing the score for each criterion and dividing by 30. This results in overall scores of between 0 to 1. Assessment areas that score a 1 are of the highest ecological function while those scoring 0 are considered to have no ecological value.

A UMAM analysis was conducted for the project's wetland impact areas and preservation areas to quantitatively evaluate the functional value of these areas. The results of the UMAM analysis indicated that approximately 76% of the wetland areas to be impacted had a score of 0.6 or lower and the remaining approximately 24% scored between 0.6 and 0.7. None of the wetland areas to be impacted scored above 0.7. Comparatively, approximately 94% of the mitigation areas received a score greater than 0.7 when assessed for their value after implementing the proposed compensatory mitigation plan. Therefore, the UMAM analysis

confirms that the wetlands proposed for impacts are of lower value than the areas to be preserved.

3. *It is also not clear whether remaining wetlands that are bisected will maintain hydraulic and hydrologic connectivity as this is not indicated in the graphics.*

   Response: In accordance with South Florida Water Management District (SFWMD) Applicants Handbook Volume I, Section 10.2.2.4, an applicant for an Environmental Resource Permit (ERP) must provide reasonable assurances that a regulated activity will not change the hydroperiod of preserved wetlands. The ERP issued by the SFWMD requires that preserved wetlands will maintain hydrologic connectivity either through existing connections or through the surface water management system established for the Project. Documentation demonstrating how hydroperiods of the wetlands identified for preservation at Rural Lands West will be maintained through the project's surface water management system was provided in the engineering documents that were reviewed and approved by SFWMD prior to issuance of the Conceptual ERP for Rural Lands West (Permit No. 11-03949-P). The locations of the hydrologic connections are shown in the Water Management Master Drainage Plans included within Exhibit 2.0 of the Conceptual ERP.

4. *With regard to compensatory mitigation, the applicant did not describe the stepwise process [as is typical with the 2008 Mitigation Rule in which the first preference is with mitigation banks and the least preferable is on-site permittee responsible mitigation and preservation] to arrive at the conclusion that the proposed compensatory mitigation is the only option. However, it seems that due to the location of the site within the [rapidly-shrinking] habitat and ranging area of the Florida panther and other listed species, that a discussion to determine a compensatory mitigation scheme that would yield the optimal outcome for both listed species and aquatic resources would be beneficial before issuing a permit under Section 404 of the Clean Water Act.*

   Response: Please see the Rural Lands West Mitigation Under the Watershed Approach Summary, attached. That document describes why permittee-responsible mitigation under a watershed approach is the most protective option for providing compensatory mitigation for impacts associated with Rural Lands West.

   As described in that document, the Corps' regulations require the district engineer to consider the type and location of options for compensatory mitigation in the order of preference provided in 33 CFR §332.3(b). The regulations states that, "[i]n general, the required compensatory mitigation should be located within the same watershed as the impact site, and should be located where it is most likely to successfully replace lost functions and services." 33 CFR §332.3(b). The first two options for providing compensatory mitigation are the use of mitigation bank credits and the use of in-lieu fee program credits; permittee-responsible mitigation under a watershed approach is listed third and is the most appropriate option available for Rural Lands West. None of the Corps-approved mitigation banks with service areas that include the project site is located within the same watershed as the project. The

project site is not located within the service area as a Corps-approved in-lieu fee program, so that form of compensatory mitigation is not available.

The proposed, permittee-responsible compensatory mitigation is located within the same watershed as the impact site and in a location where it is most likely to successfully replace lost functions and services. The mitigation will also be provided in accordance with multiple initiatives of the Collier County Watershed Management Plan and aligns with wetland protection goals of SFWMD and the Florida Forever Program. As such, the compensatory mitigation meets the requirements of 33 CFR §332.3.