

## **Responses to Comments from Conservancy of Southwest Florida, dated November 20, 2024**

### ***Comment: The Rural Lands West and Bellmar Projects Are Related and Phases in a Larger Plan***

#### **Response**

The Rural Lands West (RLW) project and associated 404 permit application are separate from the Bellmar project and associated 404 permit application. The purpose and need for each project are separate, and each project has independent utility and would be constructed absent the construction of the other. Nonetheless, each project is being reviewed by the Corps and other agencies with full awareness and consideration of the other project.

The applicant previously identified the major components of the RLW project as three “villages” under Collier County’s Rural Land Stewardship Program (RLSP). Collier County approved two of the three villages and designated them as Rivergrass Village and Longwater Village on January 28, 2020 and June 8, 2021, respectively. Subsequently, in order to advance the objectives of the RLSP, Collier County requested that the applicant file an amendment to the Longwater Village Stewardship Receiving Area (SRA) to create a “town SRA,” which would allow the area that was Longwater Village together with additional land to be designated for affordable housing, a town core, a town center, business parks, and a community park.

Collectively, these areas could thereby be considered a single “town” as defined by the RLSP. Collier Enterprises filed the requested SRA amendment on January 27, 2022, and as noted by the commenter, the County approved the Longwater Village SRA amendment to create a town SRA (the Town of Big Cypress) on June 27, 2023. The footprint of the Town of Big Cypress SRA overlays both the Longwater Village footprint and the northern tip of Bellmar. The creation of a “town” as a result of the SRA Amendment is a County-level political designation, and does not change the purpose or need for, or the independent utility of, either development.

Collier Enterprises submitted the original RLW 404 application to the Corps four years before it submitted the original Bellmar application. The projects are physically and legally separated. Their separate locations reflect existing parcel boundaries. The projects have separate planning and permit review histories, have undergone discrete County RLSP approval and project modification processes, and are subject to separate contracts with separate sets of builders. The builders with contracts to develop RLW are Lennar, Taylor Morrison and Forestar. The builders with contracts to develop Bellmar are GL Homes and Lennar. The Bellmar and RLW projects would each proceed without the other, even if further adjustments to RLSP designations were necessary.

Collier Enterprises participated in the development of the Eastern Collier Multiple Species Habitat Conservation Plan (ECMSHCP). The ECMSHCP is an outgrowth of the Florida Panther Protection Program and was developed in support of incidental take permit (ITP) applications submitted by 13 different landowners in 2010. Although the ITP applications were later withdrawn, Collier Enterprises and other ECMSHCP landowners agreed to continue working together and with their wildlife conservation group partners to implement the tenets of the ECMSHCP. The ECMSHCP was a collective effort by the landowners and their conservation

group partners. Participation in the ECMSHCP did not convert one or more separate projects within the ECMSHCP into a single project.

The Big Cypress Parkway is a planned north-south roadway that will be part of the Collier County transportation system and was included in the County's 2040 Long Range Transportation Plan (LRTP) amendment. While the Town of Big Cypress is located near the future intersection of Big Cypress Parkway and Oil Well Road, the roadway is part of the larger Collier County transportation system and is not a Collier Enterprises project.

***Comment: Unacceptable Individual and Cumulative Effects***

**Response**

The Corps has received section 404 permit applications and issued public notices for other projects in the region where RLW is located, including: Bellmar, Troyer Mine, Kingston, Brightshore, Immokalee Rural Village, Corkscrew Florida Farms Development, and Horse Trials. The Corps issued a section 404 permit for impacts associated with the Kingston project in April 2025; the applications associated with RLW and the other six projects remain pending. A review of these applications shows that the projects associated with each of these permit applications have been designed to minimize impacts to environmentally sensitive lands and preserve the most ecologically valuable areas that contain native vegetation communities, higher quality wetlands and listed species habitat. The proposed site plan for each of these projects limits the proposed development footprint primarily to existing farm fields, including row crops and citrus groves that have been in intensive agricultural use for decades. An aerial analysis demonstrates that a combined total of 90 percent of the proposed development footprints for these projects is located within existing agricultural fields, and that only 10 percent will impact native vegetation communities.

Cumulatively, RLW and the projects associated with the other seven permit applications will impact only seven percent of the total wetlands located within their site boundaries. The majority of the wetlands identified for impacts are degraded as a result of intensive agricultural activities. The remaining 93 percent of wetlands – totaling 9,820 acres, most of which are higher quality wetlands and all of which are located on privately-owned lands – will be preserved (and many will be enhanced). The preserved wetlands will be protected permanently through conservation easements granted to local, state and federal agencies, precluding the possibility of impacts resulting from future development. Wetland enhancements will include removal of exotic vegetation and restoration of native vegetation and flows. Within Collier County, the areas identified for preservation are consistent with the landscape-scale protection of higher-value wetland systems provided under the RLSP. These eight projects not only avoid impacts to over 90 percent of the wetlands within their site boundaries but produce a net increase in total wetland acreage. These eight projects propose impacts (discharges of dredged or fill material) to a combined total of 735 acres of wetlands. Correspondingly, implementation of county, state, and federal mitigation and conservation measures by these projects will create 1,486 acres of new wetlands from existing farm fields (i.e. row crops and citrus groves).

In addition, impacts proposed under the RLW development plan are not likely to accumulate with impacts of other projects in a way that causes significant adverse impacts, including to listed species. Most of the proposed impacts are to wetlands that are heavily disturbed by the surrounding agriculture operation and do not serve as highly valuable parts of the broader ecosystems. Moreover, the accumulation of benefits provided by RLW and other similar projects, such as those proposed under the RLSP, are expected to create a net increase in ecological function within the region. Extensive enhancement and preservation efforts proposed by these landscape-scale developments are expected to provide an overall improvement to habitat quality within the study area.

***Comment: Feline Leukomyelopathy Impacts to the Florida Panther Population***

**Response**

The cause of Feline Leukomyelopathy (FLM) in Florida panthers is unknown. Some researchers suspect an environmental toxin in rodenticides, pesticides, and herbicides may be a cause; others suggest the transfer of feline leukemia virus (FLV) from domestic cats to panthers may be a factor.

As to FLV, the future risk of transfer of disease from domestic animals to wildlife is low. Furthermore, as part of implementing the tenets of the HCP, the applicant has committed to provide information to homeowners associations (HOAs) within RLW about FLV and the importance of vaccinating domestic cats. The HOA documents for RLW will include language stating that pets within the community should be kept indoors, on leash when outdoors, or secured within a secure, covered kennel. Residents will also be informed that vaccinating cats for FLV can prevent disease transmission from cats to panthers. As there is no definitive cure for FLV, community-wide vaccination of all pet cats can protect homeowners' pets from illness as well as help prevent illness in Florida panthers.

The applicant has also agreed to limit the use of pesticides and herbicides within the RLW site to the extent practicable. Specifically, the applicant recently agreed to the following mitigation measure requested by the U.S. Fish and Wildlife Service: "*The use of anticoagulant or neurotoxic rodenticides will be minimized to the maximum extent practicable. Rodent control, where necessary should follow an integrated pest management paradigm and any pesticide used must follow all label requirements. This will help ensure that secondary exposure to caracara, [eastern indigo snake], and panthers from consuming poisoned rodents is avoided or minimized.*"