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Dear Ms. Goff and Ms. Harris,

On behalf of our more than 6,400 supporting families, the Conservancy of Southwest Florida is providing comment on Bellmar Conceptual Environmental Resource Permit Application No. 201005-4401. We are requesting that this project be designated a Project of Heightened Public Concern and that the public be provided an opportunity to give verbal comment about this project at an upcoming Regulatory Meeting before the South Florida Water Management District (District) decide whether or not to grant this permit.

The Conservancy has been tracking development on these lands for over twelve years, and there has been substantial concern raised by the Conservancy and others in the community about this project at other levels of government. We appreciate the opportunity to provide input on this proposal to the District.

For the reasons expressed below, the current proposal for Bellmar fails to meet the criteria for permit issuance under rule 62-330 F.A.C., Applicant’s Handbook Volume I and II. Thus, the requested permit should not be granted.

**Project Summary**
The project identifies 5,105.49 acres in eastern Collier County that are proposed to construct a master planned community. The application package states:

Bellmar will be a master planned mixed-use community designed in accordance with principles and guidelines of the Collier County RLSA. The vision for Bellmar reflects a culmination of
historic Collier family principles, extensive community outreach and the incorporation of best planning practices.\(^1\)

Despite these claims, our review shows that Bellmar is not designed in accordance with principles and guidelines of the Collier County RLSA. In fact, it is a typical planned unit development found throughout Florida. While the proposed plans do concentrate development in areas currently used for agricultural operations, that land is also primary Florida Panther habitat and Florida Panther Adult breeding habitat. This means the proposed project does not preserve wildlife habitat. In fact, it fragments and destroys habitat of the Florida Panther (see the enclosed report by Dr. Robert Frakes). It also would impact Florida Bonneted Bat proposed critical habitat and a number of bird species, based on what we know from listed species surveys.\(^2\)

**Alternatives**

The Request for Additional Information (RAI) dated November 4, 2020, asked for documentation supporting the applicant’s contention that alternatives were considered that would be less impactful. The applicant failed to provide actual plans showing alternatives considered, and only described in general terms how the project could have been worse. Such statements are completely non-responsive to your request that the applicant consider other viable alternatives to the desired proposed footprint.

For example, the applicant has failed to take into consideration developing a smaller footprint in a walkable, compact way that would be farther away and provide a greater buffer from the Camp Keais Strand flowway and wildlife corridor. A smaller footprint could also move the development away from the active caracara nest and decrease the impact on panther primary zone and adult breeding habitats, and proposed critical habitat for the bonneted bat. The project site is more than 5,000 acres with an impact area over 1,500 acres. The applicant has failed to produce evidence that clustered development was considered, or that innovative compact design, which is *required* by the Collier County RLSA program, was considered to reduce and eliminate impacts to wetlands and listed species habitat. In particular, we note that no change to the footprint has been considered even though the protective zone for a caracara nest covers more than half of the proposed development area.

**Habitat/Listed Species issues**

The Environmental Resource Permit (ERP) rule and handbooks stipulate that proposed activities cannot adversely impact fish and wildlife wetland habitat functions.\(^3\) This includes impacts to the abundance and diversity of listed species, or the habitat of those species.\(^4\)

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\(^1\) BELLMAR ENVIRONMENTAL SUPPLEMENT FOR SOUTH FLORIDA WATER MANAGEMENT DISTRICT ENVIRONMENTAL RESOURCE PERMIT October 2020, p.8

\(^2\) There is one listed species survey for the entire project, however, there are several taken over a period of 10 years for the northern portion of the site which were submitted to Collier County as part of the SRA application.


**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)\(^5\) 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.\(^6\)

Panthers are wide ranging, secretive, and occur at low densities.\(^7\) 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.\(^8\) Because of this, there is a need for land use planning and regulatory agencies to incorporate panther conservation and recovery into their decision-making. Protection of the remaining breeding habitat in south Florida is essential to the survival and recovery of the Florida panther.\(^9\) 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\(^10\).

100% of the project site is primary panther habitat; 92% is adult breeding habitat. 100% of the development site is primary panther habitat; 77% is adult breeding habitat.

Bellmar, Panther Telemetry, & Panther Focus Area

Legend
- Florida Panther Telemetry thru June 2020
- Bellmar Project
- panther-focus_area
- ZONE
  - Primary
  - Proposed Development Area

Date: 2/28/2021
Bellmar Listed Species

Legend

**Descript 2015**
- Big Cypress Fox Squirrel
- Crested Caracara
- Little Blue Heron
- Snowy Egret
- Tri Colored Heron
- White Ibis
- Wood Stork

**Species 2008**
- American Alligator
- Big Cypress Fox Squirrel
- Crested Caracara
- Florida Panther
- Little Blue Heron
- Snowy Egret
- White Ibis
- Wood Stork
- Caracara_Bellmar_052120

**Species 2019**
- Crested Caracara
- Little Blue Heron
- Roseate Spoonbill
- Wood Stork

**Species 2019**
- Crested Caracara
- Sandhill Crane
- Snail Kite
- Tri-color Heron
- Wood Stork

- Caracara Nest per SFWMD description
- Bellmar Project
- Proposed Development Area

Date: 2/26/2021
Table: Compilation of birds from four listed species surveys submitted to Collier County as part of the Bellmar SRA Application

<table>
<thead>
<tr>
<th>Name</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crested Caracara</td>
<td>21</td>
</tr>
<tr>
<td>Tri Color Heron</td>
<td>3</td>
</tr>
<tr>
<td>Snail Kite</td>
<td>1</td>
</tr>
<tr>
<td>Sandhill Crane</td>
<td>3</td>
</tr>
<tr>
<td>Wood Stork</td>
<td>18</td>
</tr>
<tr>
<td>Little Blue Heron</td>
<td>12</td>
</tr>
<tr>
<td>Roseate Spoonbill</td>
<td>1</td>
</tr>
<tr>
<td>Snowy Egret</td>
<td>2</td>
</tr>
<tr>
<td>Big Cypress Fox Squirrel</td>
<td>6</td>
</tr>
</tbody>
</table>

As you can see from the map above depicting just a portion of the listed species documented onsite, the Bellmar site contains many state and federally listed species. To-date we have not seen the Florida Fish and Wildlife Conservation Commission (FWC) or US Fish and Wildlife Service Ecological Services comments regarding this project. The District should review whether or not the project meets the requirements of the ERP concerning impacts to wildlife, but also should work with the FWC to ensure that the applicant is meeting the requirements of the state Endangered and Threatened Rule and its associated wildlife permitting guidelines.

**Crested Caracara**

Given the number of crested caracara observed on a portion of the site, we are not surprised that there is a nest in the project boundary. We cannot stress strongly enough that mitigation should only be an option after avoidance and minimization have been exhausted. The caracara Primary Zone buffer is particularly important. The caracara is non-migratory, uses its territory year round, and has strong nesting site fidelity. 11 Although breeding activity can occur from September through June, the primary breeding season is considered November through April. 12 Nest initiation and egg-laying peak from December through February. Caracaras construct new nests each nesting season, often in the same tree as the previous year. 13 Thus, as surveying efforts continue we note that the US Fish and Wildlife Services guidelines state that “a nest should not be considered abandoned until it is not used for three consecutive breeding seasons or no other active nests are found within 0.5 km (0.31 mi) of the nest.” 14

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Pursuant to the ERP Handbook, the District should ensure that there are not adverse secondary impacts to this identified crested caracara nesting area; caracaras are considered a wetland-dependent species by the District.
Wood Stork
Wood storks (*Mycteria americana*) are one of two species of storks that breed in North America. This large, long-legged inhabitant of marshes, cypress swamps, and mangrove swamps reaches the northern limit of its breeding range in the southeastern U.S., where it breeds in colonies with great egrets, snowy egrets, white ibises, and many other species. The unique feeding method of the wood stork gives it specialized habitat requirements; the habitats upon which wood storks depend have been disrupted by changes in the distribution, timing, and quantity of water flows in South Florida.\(^\text{15}\)

The wood stork is protected by the U.S. Migratory Bird Treaty Act. It is also protected as a Threatened species by the Federal Endangered Species Act and as a Federally-designated Threatened species by Florida’s Endangered and Threatened Species Rule.

Florida Bonneted Bat

There is also potential impact on the Florida bonneted bat. Florida bonneted bats are different from most other Florida bat species because they are reproductively active through most of the year, and their large size makes them capable of foraging long distances from their roost\(^\text{16}\). Consequently, this species is vulnerable to disturbances around the roost during a greater portion of the year and considerations about foraging habitat extend further than the localized roost. Note that the protected species assessment dated August 2017 states “[w]idely scattered pine tree snags with potential bonneted bat cavities were observed.”

The bonneted bat was listed in 2013; we do not see evidence that consultation was completed by the US Fish and Wildlife Service yet for this species. The United States Fish and Wildlife Service updated their consultation key for the bat, and Figure 1 shows the consultation area, of which this project falls within.\(^\text{17}\) As part of the review process, the applicant needs to provide information to the agencies to determine if there are foraging or roosting bonneted bats on-site or in the vicinity, and what the appropriate avoidance, minimization, and mitigation will be.

Additionally, as shown on the included map, 95% of the Bellmar site is proposed critical habitat for the Florida Bonneted Bat.\(^\text{18}\) Consideration of how the proposal would impact this proposed\(^\text{19}\) habitat is also warranted. While the ERP states that a bonneted bat survey would be provided under separate cover, we did not see that survey in the application materials online. We note that 29 bonneted bats calls were detected during a listed species survey in

\(^{15}\) https://www.fws.gov/verobeach/msrppdfs/woodstork.pdf


\(^{17}\) https://www.fws.gov/verobeach/ProgrammaticPDFs/20191022_letter_ServicetoCorps_FBB-ProgrammaticKey.pdf

\(^{18}\) Shapefile provided by US Fish and Wildlife Service.

2020 according to the applicant’s submittal to the Florida Department of Environmental Protection as part of their 404 application.

Bellmar & Florida Bonneted Bat Critical Habitat
Wetland issues
Another concern is the proposed wetland impacts of this project. Nearly 132 acres of wetlands are proposed for direct impact.
Wetlands are among the most productive ecosystems in the world, and play an integral role in the ecology of watersheds. Wetlands are vital to the health of the environment as they filter and remove pollutants. Additionally, and more importantly for southwest Florida, wetlands can help prevent flooding by temporarily storing and then slowly releasing water from storms including large storm events such as hurricanes. As we learned from Hurricane Irma, and know from many other storms, much of the damage and impacts are caused by floods and storm surge. The benefits from wetlands in reducing flood damages depends both on their physical capacity to reduce flood extents. Wetlands have greatest value where they are the most extensive, or largest. The District should closely evaluate the current storage that these agricultural lands provide during times of storm and flood and ensure that there is no reduced capacity for flood plain storage.

Retaining the spatial extent, as well as the function, of the wetlands will provide important conservation benefits. We recommend that the project be altered and that you require the applicant to site their project in such a way that wetlands are avoided.

Additional avoidance of wetlands would improve natural flowways. If this permit is not denied, we encourage the permitting process to necessitate the box culverts at every internal road crossing, as those culverts are necessary for water flow and address water quantity and quality management. These locations should also be considered for wildlife crossings of a suitable size to address the wildlife documented on or near the project site.

**Cumulative and secondary effects of project**

The application acknowledges that the Camp Keais Strand is located along the eastern boundary of the Project and is 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 and Fakahatchee Strand to the south.

However, there is little to no discussion about how close this property is to the Florida Panther National Wildlife Refuge and how the applicant will ensure the 26,000+ acres of public lands, their namesake species -the Florida panther- and the dozens of other rare and imperiled species that depend on the Refuge will not be negatively impacted due to changes and development within the project boundaries.

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21 Using an extensive database of property exposure, the regional study shows that wetlands avoided $625 Million in direct flood damages during Hurricane Sandy from “The Value of Coastal Wetlands for Flood Damage Reduction in the Northeastern USA” by Narayan, S. et al, Scientific Reports, 2017, available at [https://www.nature.com/articles/s41598-017-09269-z#Abs1](https://www.nature.com/articles/s41598-017-09269-z#Abs1). This article also states that “Observations of coastal water levels during Hurricanes Katrina (2005) and Wilma (2005) show that intact mangrove wetlands reduced surge heights by up to 9.4 cm/km inland”.

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The application consistently downplays the need for connected pathways for panthers and large mammals although evidence of both panthers and Florida black bears are documented in the application. We also note that the Florida Panther National Wildlife Refuge regularly utilizes controlled burns to manage their lands and the agency has shared concerns about how this development could impact their continued management of the Refuge for the benefit of panthers. Smoke easements and smoke columns must be considered during this application process in order to protect the function of the refuge property. We are attaching a letter sent from the Florida National Panther Wildlife Refuge to Collier Country expressing concerns regarding the development area (the letter details concerns about continued use of prescribed fire, hydrological impacts from upstream development, wildlife corridors, and other critical issues). We ask you take these concerns, as well as ours, into consideration when reviewing this application.
Conclusion
Thank you for considering our comments and we hope that this will help you to look exhaustively at the impacts of the Bellmar Project that would impact water resources and listed species forevermore in southwest Florida. This project, along with other projects proposed in the RLSA may also determine the fate of the endangered Florida panther, as these projects 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. In addition, 95% of the site is proposed critical habitat for the endangered Florida bonneted bat. Finally, there is at least one caracara nest in the middle of the proposed development area that will likely be negatively impacted if this permit is approved.

Sincerely,

[Signature]

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Cc:
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