



## **The Fight to Protect the Panther Continues with the Bellmar Development**

The proposed Eastern Collier Multiple Species Habitat Conservation Plan (HCP), proposed by large landowners in rural Collier County, was an “extinction plan” for the endangered Florida panther. It would have authorized 45,000 acres of development and mining in areas deemed essential for the panther population’s survival and recovery.

One such development is called Bellmar and is an approximately 1,800 acre proposal about one mile away from the Florida Panther National Wildlife Refuge (Refuge). The Refuge, as one of our crown-jewel public lands, was established with the mission to protect panther habitat into perpetuity.

However, Bellmar would add over 8,600 residents to this environmentally-sensitive area. Combined with just *four* other pending developments in eastern Collier, these destructive proposals would add over 34,500 people to these critical landscapes –as well as their cars to roadways that are already-deadly for the panther. These handful of projects would result in the destruction of over 10,000 acres of panther habitat and over 700 acres of wetlands.

We thank our supporters for writing in to the Florida Department of Environmental Protection to object to the Bellmar project –which was the first of these handful of projects to go through the state permitting Public Notice process. We have been told that a public meeting regarding Bellmar will be announced in the future – stay tuned!

### **What makes Bellmar so bad?**

In addition to its location near the Refuge, the project is located within the Camp Keais Strand a critical wildlife corridor link and wetland flowway that connects the Refuge, Big Cypress National Preserve, and Fakahatchee Strand to the Corkscrew Swamp. There have been many different types of imperiled species documented to make their home on the project site, including the crested caracara and Florida bonneted bat.

Bellmar project would pose “jeopardy” to the Florida panther. This legal term is found in the Endangered Species Act—one of our most important foundational laws. The law stipulates that actions (such as a development, mine, or road) cannot be authorized if they reach the threshold of jeopardizing the continued existence of a protected species. A proposal cannot appreciably diminish the likelihood of survival or recovery.

### **How do we know Bellmar would cause jeopardy?**

The agency considering authorizing Bellmar and the other developments in eastern Collier County through the HCP is the US Fish and Wildlife Service. The HCP has been under review for many years, and the applicants were never able to get past the “jeopardy” analysis.

A February 24, 2021 letter from the Eastern Collier Property Owners provides insights as to why. The letter states that the agency’s draft Biological Opinion (AKA the US Fish and Wildlife Service’s decision document) asserts the HCP would cause jeopardy due to panthers being killed by vehicle strikes.

Their letter makes clear their understanding that the draft Biological Opinion from the US Fish and Wildlife Service had found that absent additional commitments from the landowners to “fund public roadway improvement projects (wildlife crossings and fencing) and ‘capture’ traffic within future community developments,” the additional panther roadkills from the resulting increased traffic induced by the proposed developments “would cause jeopardy.”

Further, the information contained in the Biological Opinion document itself shows that developments proposed in eastern Collier County would result in jeopardy. These developments, if approved, would result in a statistically significant increase in the risk of extinction for the Florida panther. If the developments were to be approved, the risk of extinction would be 5.7%, compared to approximately 1.1% without it.

In order to reduce this unlawful increase in the risk of extinction, the agency needed the landowners to make additional commitments. However, the landowners did not commit to the necessary measures in the HCP, nor did they address these issues as part of their current individual project application under agency review right now. The landowners have shirked their responsibility to address panther deaths that would result from the mining trucks and new residents that will result from their proposed massive mines and developments.

For example, as of September 2022, Collier Enterprises, as part of their proposed Bellmar state 404 application, has not even provided the regulatory agencies the necessary traffic estimate information needed to accurately determine the impacts of this project on panthers and other listed species –despite it being requested at least twice during the review process.

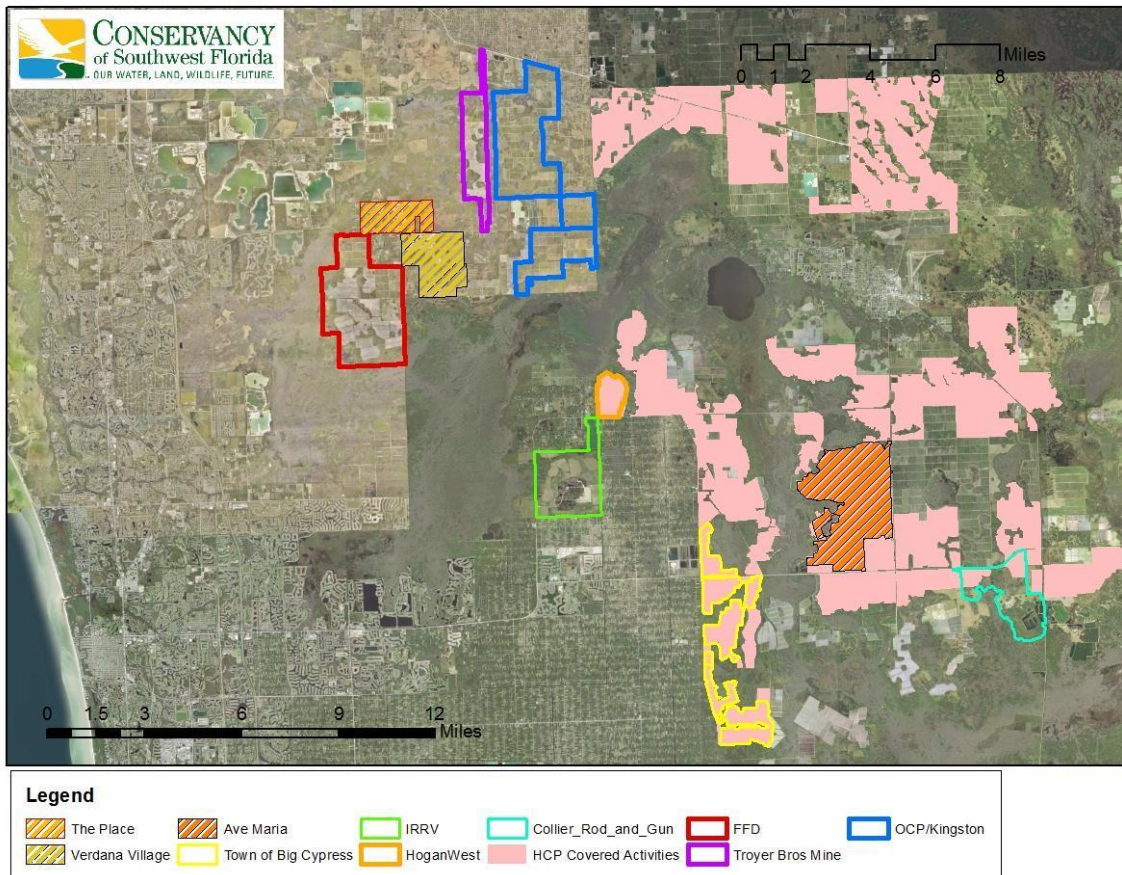
### **What projects should be considered along with Bellmar?**

In addition to the outstanding information on traffic estimates, we are awaiting the agency’s review of the project in light of cumulative impacts. When considering how Bellmar will impact the panther and listed species, it is a requirement to look at the effects of other developments as well.

The law requires that ‘reasonably foreseeable’ projects be taken into account when reviewing the project’s impacts from a cumulative viewpoint. The law also requires that non-federal projects also be considered.

The landowners in eastern Collier County have been attempting to get approval of the 45,000 acres of mining and development associated with the Eastern Collier HCP for the past 12+ years. The applicants have stated that they will move forward with individual project review. These development areas are reasonably foreseeable.

Additionally, other projects being considered for permitting in panther habitat are also subject to consideration. Given the large amounts of proposed development in eastern Lee and eastern Collier, and the forthcoming development envisioned in the Hendry County Sector Plans, it is undeniable that panther habitat is under attack now and can be considered in the cumulative impact review required by both FDEP and the US Fish and Wildlife Service.



## More information about this issue

### What is the HCP?

Development that may have an impact on protected species needs to show compliance with the Endangered Species Act. The developer can choose to do so with a request for a permit from the U.S. Fish and Wildlife Service, after preparing a Habitat Conservation Plan (HCP). A permit can only be issued if the Service finds the project will not appreciably reduce the likelihood the species' survival and recovery.

In Collier County, a group of property owners applied for a Fish and Wildlife Service permit to authorize impacts to panthers and other imperiled species from the development of 45,000 acres in the eastern part of the county. As part of this application, they prepared the Eastern Collier Multiple Species Habitat Conservation Plan (Eastern Collier HCP).

## **Why did the Conservancy of Southwest Florida object to the HCP?**

The Conservancy has been asking that the Eastern Collier HCP be denied for more than a decade because it ignored the best available science and did not go far enough to protect the Florida panther and other endangered species.

You may not realize that approval of the HCP would have authorized 45,000 acres of development and mining in the last core habitat for the endangered Florida panther, for which only 120-230 remain in the wild.

The Conservancy has advocated that the development proposals move away from essential panther habitat, consistent with expert recommendations, but they did not.

About 20,000 acres of Primary Zone panther habitat would be converted to development and mining if the HCP was approved, corridors would be severed, and roadkill deaths would increase exponentially.

The Conservancy could not support a development proposal that would potentially lead to or result in panther extinction.

## **Why did the applicants withdraw from the HCP?**

The Conservancy believes that the landowners may have withdrawn from the HCP because the U.S. Fish and Wildlife Service appears to have found the proposed development would kill and harm so many panthers that it would endanger the species' very existence – unless the landowners made major commitments and changes to their developments to address panther-vehicle collisions.

It appears that the agency determined the large number of panther strikes and mortalities from traffic generated by the proposed development would increase the risk of extinction to an unacceptable rate. The landowners have stated that they should not be responsible for panther roadkills on roads outside of their developments, despite the law requiring that the Agency consider all impacts of a development. This would include impacts from roadkills as well as new roadways that support the proposed mines and development.

Thankfully, it appears that the U.S. Fish and Wildlife Service did not give them a pass on what could result in hundreds of panther roadkill deaths over the next 50 years.

If the HCP and the 45,000 acres of development that it would have authorized went forward, it would have added about 183,000 additional cars on new and existing roads, generating an increase of 800,000 more daily car trips on already-deadly roadways. The development would have also necessitated over 200 miles of new and widened roadways in rural Eastern Collier County, as well as increasing the

traffic congestion on Lee County's Corkscrew Road by almost 24 times the current rate.

### **What about the preserve associated with the HCP?**

The HCP's promise of setting aside the 107,000 acres was taken into account by the agency, but apparently was not sufficient to ensure that the HCP development would not be likely to jeopardize the future of the Florida panther and increase the probability of extinction.

What much of the public does not know is that the local land use policies, as well as existing policies at the state and federal level, will require much of this area to be set aside in protection.

For example, when the local county program, the Rural Lands Stewardship Program, was adopted in 2002, the landowners gave up most of their rights to build homes within the wetland flowways, habitat stewardship areas, and water retention areas, in exchange for the opportunity to build more cost-effective towns and villages at a density 20 times higher than was allowed under the baseline rights.

Further, it is estimated that about 87,500 of the 107,000-acre preserve area would still need to be set aside into protection to replace panther habitat losses, even if development projects go forward individually.

### **What will happen next? Aren't the developments still a threat?**

As the U.S. Fish and Wildlife Service did not permit the HCP, we have been afforded a reprieve for the panther. If the HCP had been approved, it would have authorized the panther harms from the entire 45,000 acres of development and mining in one fell swoop. The HCP permit that would have been in effect for the next 50 years. Approval of the HCP would have been the last nail in the coffin of the Florida panther.

The fight is still on, as individual projects are being considered by the state for permitting.

The Conservancy has been alerting the agencies that the developers have been pursuing both the HCP approach, as well as the individual project-by-project permitting pathway for at least 5 years, so we have been aggressively seeking their denial at the local, state, and federal levels.

The landowners know they have a panther roadkill problem but have continued to advance their developments through the current state 404 permitting program – a permitting route that is also deficient and is under challenge by the Conservancy

and partners.

### **What Can I Do?**

Join with the Conservancy of Southwest Florida to protect our wildlife and important habitats. The cat is out of the bag and the landowners and regulatory agencies need to stop advancing development that could spell extinction for the panther. Sign up for our eNews today!