

September 23, 2026

The Honorable Cecil Pendergrass
Chairman, Lee County
Board of County Commissioners
P.O. Box 398
Fort Myers, Florida

Dear Chairman Pendergrass,

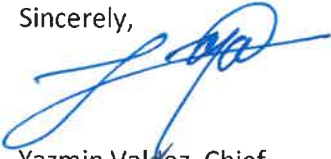
FloridaCommerce has reviewed the proposed comprehensive plan amendment for Lee County (Amendment No. 26-04ESR) received on August 24, 2026. The review was completed under the expedited state review process. FloridaCommerce has no comment on the proposed amendment.

The local government should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, FloridaCommerce has enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the local government is reminded that:

- Section 163.3184(3)(b), Florida Statutes (F.S.), authorizes other reviewing agencies to provide comments directly to the local government. **If the local government receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- The local government shall hold a second public hearing, which shall be a hearing on whether to adopt the comprehensive plan amendment. **If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendment is deemed withdrawn** unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment pursuant to section 163.3184(3)(c)1., F.S. **If the amendment is not adopted at the second public hearing, the amendment shall be formally adopted by the local government within 180 days after the second public hearing is held or the amendment is deemed withdrawn.**
- **The adopted amendment must be transmitted to FloridaCommerce within 30 working days after the final adoption hearing or the amendment shall be deemed withdrawn pursuant to 163.3184(3)(c)2., F.S.** Under section 163.3184(3)(c)2. and 4., F.S., **the amendment effective date** is 31 days after FloridaCommerce notifies the local government that the amendment package is complete or, if challenged, until it is found to be in compliance by FloridaCommerce or the Administration Commission.

If you have any questions concerning this review, please contact Adam Sieracki, Regional Planning Administrator, by telephone at (850)-717-8549 or by email via Adam.Sieracki@Commerce.fl.gov.

Sincerely,



Yazmin Valdez, Chief
Bureau of Community Planning and Growth

YV/as

Enclosure(s): Procedures for Adoption

cc: Mikki Rozdolski, Community Development Director, Lee County
Rebekah Harp, Executive Director, Southwest Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using FloridaCommerce's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fldeo.my.salesforce-sites.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council, Water Management District, Department of Transportation, Department of Environmental Protection, Department of State, the appropriate county (municipal amendments only), the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only), and the Department of Education (amendments relating to public schools), and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package.

_____ Summary description of the adoption package, including any amendments proposed but not adopted.

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date.

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government.

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact.

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required.

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s).

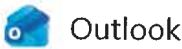
Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review.

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment.

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.



FW: Proposed Amendment External Agency Notification Lee County 26-04ESR

From McKinney, Jennifer <Jennifer.McKinney@dot.state.fl.us>

Date Wed 8/26/2026 6:16 PM

To KWoellner@leegov.com <KWoellner@leegov.com>

Cc Suguri, Vitor <Vitor.Suguri@dot.state.fl.us>; FDOT Planning <FDOT.Planning@dot.state.fl.us>; DCPexternalagencycomments <dcpexter@commerce.fl.gov>

 2 attachments (13 MB)

PROPOSED CPA 26-04ESR Lee County Submittal 8-25-26.pdf; PROPOSED CPA 26-04ESR Lee County DOC Memo 8-25-26.pdf;

Good Afternoon,

FDOT has reviewed the transmitted amendment for Lee County pursuant to Section 163.3184(3), Florida Statutes. The proposed CPA is not anticipated to have significant adverse impacts to transportation resources or facilities of state importance.

We appreciate the opportunity to review the proposed amendment, and if you have any questions, please do not hesitate to contact me.

Thanks!

Jennifer McKinney

Community Planner – SIS Coordinator – Project Management Professional
Florida Department of Transportation
District One Project Management
801 North Broadway Avenue
Bartow, FL 33830
Phone: (863) 519-2990
E-Mail: Jennifer.McKinney@dot.state.fl.us

🔗Did my services meet your expectations? Please contact my Supervisor, Vitor Suguri, at Vitor.Suguri@dot.state.fl.us with any feedback. 🔗



PLANNING STUDIO
DISTRICT ONE

From: noreply@salesforce.com <noreply@salesforce.com> **On Behalf Of** Donna Harris

Sent: Tuesday, August 25, 2026 7:58 AM

To: compliancepermits@dos.fl.gov; compplans@fdacs.gov; compplans@fldoe.org; conservationplanningservices@myfwc.com; D1-Planning Reviews <D1-PlanningReviews@dot.state.fl.us>; sflocalgovplan@sfwmd.gov; mwuerstle@swfrpc.org; plan.review@dep.state.fl.us; FDOT Planning <FDOT.Planning@dot.state.fl.us>

8/27/26, 5:59 AM

Inbox - DCPexternalagencycomments - Outlook

Cc: donna.harris@commerce.fl.gov

Subject: Proposed Amendment External Agency Notification Lee County 26-04ESR

EXTERNAL SENDER: Use caution with links and attachments.

This is to notify you that FloridaCommerce has received a proposed amendment for review.

?Lee County 26-04ESR



Florida Fish and Wildlife Conservation Commission

Commissioners
Rodney Barreto
Chairman
Coral Gables

Steven Hudson
Vice Chairman
Fort Lauderdale

Preston Farrior
Tampa

Joshua Kellam
Palm Beach Gardens

Gary Lester
Oxford

Albert Maury
Coral Gables

Sonya Rood
St. Augustine

Office of the
Executive Director
Roger A. Young
Executive Director

Charles "Rett" Boyd
Assistant Executive Director

George Warthen
Chief Conservation Officer

Jessica Crawford
Chief of Staff

850-487-3796
850-921-5786 FAX

*Managing fish and wildlife
resources for their long-term
well-being and the benefit
of people.*

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: 850-488-4676

Hearing/speech-impaired:
800-955-8771 (T)
800-955-8770 (V)

MyFWC.com

September 17, 2026

Kate Burgess
Lee County Planning Section
P.O. Box 398
Fort Myers, FL 33902
KWoellner@leegov.com

Re: Lee County 26-04ESR Comprehensive Plan Amendment, (CPA 2026-00004 Southeast Lee County Update Map and Text Amendments)

Dear Ms. Burgess:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the above-referenced comprehensive plan amendment package and provides the following comments and recommendations for consideration in accordance with Chapter 163.3184, Florida Statutes. While there are no objections to the amendment, the following technical assistance information is provided to assist the Department of Commerce, the County, and any applicants during the amendment review and future project planning.

Project Description

Lee County initiated an amendment to the Lee Plan in response to eleven privately-initiated amendments within the Southeast Lee County Community Plan Area. The proposed amendment would amend the Lee Plan's Future Land Use Element, Property Rights Element, Glossary, and Appendix to update the Southeast Lee Community Plan Area, update policies related to development in Southeast Lee, and related maps. The stated purpose for the changes is to better reflect current conditions, remove overlays and allow nonresidential uses, to simplify regulations and reduce redundancies, and encourage development that adequately protects water resources and wildlife habitat. The Southeast Lee County Update includes amendments to Lee Plan Goal 33, Objectives 33.2, 33.3, and 33.4, and Policies 1.1.10, 1.1.13, 1.4.5, 1.6.10, 2.3.1, 2.3.2, 2.3.3, 6.1.2, 7.1.2, 33.1.2, 33.1.3, 33.1.6, 33.1.7, 33.1.8, 33.2.1, 33.2.2, 33.2.3, 33.2.4, 33.2.5, 33.3.1, 33.3.2, and Chapter 14 (Glossary), followed by new Goals, Objectives, and Policies.

Potentially Affected Resources

FWC staff conducted a geographic information system analysis of the area affected by the amendment and found that it is located near, within, or adjacent to:

- U.S. Fish and Wildlife Service (USFWS) Consultation Area for the following federally listed species:
 - Everglade snail kite (*Rostrhamus sociabilis plumbeus*, Federally Endangered [FE])
 - Audubon's crested caracara (*Caracara plancus audubonii*, Federally Threatened [FT])
 - Florida scrub-jay (*Aphelocoma coerulescens*, FT)
 - Red-cockaded woodpecker (*Picoides borealis*, FT)
 - Florida bonneted bat (*Eumops floridanus*, FE)
 - Florida panther (*Felis concolor coryi*, FE)
- One or more wood stork (*Mycteria americana*) nesting colony core foraging areas, consisting of an 18.6-mile radius around the nesting colony

- Potential habitat for the following federally and state listed species:
 - Eastern indigo snake (*Drymarchon couperi*, FT)
 - Gopher tortoise (*Gopherus polyphemus*, State Threatened [ST])
 - Southeastern American kestrel (*Falco sparverius paulus*, ST)
 - Florida pine snake (*Pituophis melanoleucus mugitus*, ST)
 - Florida sandhill crane (*Antigone canadensis pratensis*, ST)
 - Least tern (*Sternula antillarum*, ST)
 - Little blue heron (*Egretta caerulea*, ST)
 - Tri-colored heron (*Egretta tricolor*, ST)
 - Florida burrowing owl (*Athene cunicularia floridana*, ST)
 - Roseate spoonbill (*Platalea ajaja*, ST)
 - Big Cypress fox squirrel (*Sciurus niger avicennia*, ST)
 - Florida black bear (*Ursus americanus floridanus*)
- Existing Conservation Areas:
 - Corkscrew Regional Mitigation Bank – Managed by South Florida Water Management District (SFWMD)
 - Caracara Prairie Preserve – Collier County
 - Gator Hole Preserve – Lee County
 - Wild Turkey Strand Preserve – Lee County
 - Pine Lake Preserve – Lee County
 - Airport Mitigation Bank – Lee County
 - Flint Pen Strand Preserve – Lee County
 - Corkscrew Swamp Sanctuary – National Audubon Society, Inc.
 - Corkscrew Regional Ecosystem Watershed – SFWMD
 - Larry Kiker Preserve – Lee County
 - Imperial Marsh – Lee County

Comments and Recommendations

The proposed changes to the Southeast Lee County Community Plan Area under this amendment may lead to different development patterns with higher maximum densities in some areas. Because County staff specifically mentioned efforts to encourage development that adequately protects water resources and wildlife habitat, the following technical assistance is provided to inform ongoing planning efforts within Collier County.

Ecological Corridors

The proposed Future Land Use map and text amendments affect an area located within an opportunity area as described in the Florida Wildlife Corridor Act (259.1055, F.S.). Data from the Florida Natural Areas Inventory's (FNAI) Conservation Needs Assessment indicates that the subject area falls within priority 1 and 2 critical linkages of the Florida Ecological Greenways Network database. This database identifies the most important ecological corridors and intact landscapes across Florida for the protection of the state's native wildlife, ecosystem services, and ecological resiliency. The FNAI Rare Species Habitat Conservation Priorities data also indicates the area has potential to support wide ranging species such as bears and panthers and the site is bordered by numerous conservation lands. These lands provide important habitat for a diversity of wildlife. Maintaining corridors through the Southeast Lee County Community Plan Area could enhance habitat connectivity and wildlife movement and possibly reduce the potential for conflict with species. For technical assistance on the design of the corridor, you may contact the FWC staff mentioned at the end of this letter.

Wildlife Crossings

FWC staff recommends that wildlife crossings be considered in land use planning when significant areas of productive green space, including wetland and upland forests or small streams or riparian zones, are crossed by major roads. The overall purpose and need for the crossing is to maintain habitat connectivity within natural landscape linkages on the property, avoid habitat degradation, reduce wildlife roadkills, and public safety. Factors to consider when planning wildlife crossings include the total extent of habitat, type of natural systems crossed by the roadway, wildlife species that will potentially utilize the crossing, and an understanding and control of nearby or adjacent planned land uses. There are numerous wildlife crossing designs which are suitable for target mammals, amphibians, and reptile species, including some designs that provide for both aquatic and terrestrial species movement as well as habitat and hydrological connectivity. Structure types may include bridges, box culverts, and large drainage pipes which can be designed and constructed at appropriate locations. Fencing erected along the outside right-of-way is also needed to exclude animals from the roadway and funnel and encourage them to use the structure. Signage for wildlife underpasses and lower speed limits are also useful in the area of heavy animal use near underpass structures. While there are numerous resources to designing wildlife underpasses, examples and guidelines for various wildlife underpasses in Florida can be obtained from The Florida Department of Transportation at https://fdotwww.blob.core.windows.net/sitefinity/docs/defaultsource/environment/pubs/protected-species/wildlifecrossingguidelines_2023_final.pdf?sfvrsn=24352ec3_4 or from the U.S. Department of Transportation at: http://www.fhwa.dot.gov/environment/critter_crossings/main.cfm.

Florida Panther

The Southeast Lee County Community Plan Area is located near conservation lands known to be used by Florida panthers and within the panther Primary and Secondary Zones. Since panthers are known to occur near the Community Plan Area and to inhabit similar "suburban fringe" areas in the region, FWC staff encourages project designs and awareness programs that reduce the risk of human-wildlife interactions. General advisory information and recommendations for reducing potential conflicts with the Florida panther during the design, construction, and operation phases of this project are attached and should be utilized where appropriate. To further reduce the likelihood of human-panther interactions, FWC staff recommends the *Living with Panthers* informative brochure <https://myfwc.com/wildlifehabitats/wildlife/panther/living/> be provided to residents within the proposed residential community.

Florida Black Bear

Florida black bears are frequent in this area which is within the South Bear Management Unit identified in the 2019 Bear Management Plan. While black bears tend to shy away from people, they are adaptable and will take advantage of human-provided food sources. This includes sources that may be available during construction, and sources available after construction including unsecured garbage, pet food, and bird seed. Once bears become accustomed to finding food around people, their natural wariness is reduced to the point that there can be an increased risk to public safety or private property.

Proactive planning may help prevent or reduce future conflicts with bears. Site designs for larger developments should locate conservation areas along the borders of developed areas, to avoid encouraging bears to forage within developed areas <http://myfwc.com/wildlifehabitats/managed/bear/crossings/>. If a homeowners' association or community covenants are planned, by-laws that would require residents to take measures to prevent attracting bears into the neighborhood are recommended. Sample by-law language used by other Florida communities is available at <http://myfwc.com/wildlifehabitats/managed/bear/living/community-group/bylaw/>.

FWC staff is available to assist with residential planning to incorporate the above features. Additional information about Florida black bears can be found on FWC's website at <http://www.myfwc.com/wildlifehabitats/managed/bear>.

Federal Species

This area also contains habitat suitable for the federally listed species identified above. FWC staff recommends coordination with the USFWS Florida Ecological Services Office (ESO) as necessary for information regarding potential impacts to these species. The USFWS ESO can be contacted at FW4FLESRegs@fws.gov.

FWC staff appreciates the opportunity to provide input on this project. For specific technical questions regarding the content of this letter, please contact Sydney Wilson at (561) 236-6706 or by email at Sydney.Wilson@MyFWC.com. All other inquiries may be sent to ConservationPlanningServices@MyFWC.com.

Sincerely,

A handwritten signature in black ink that reads "Josh Cucinella". The signature is fluid and cursive, with the first name "Josh" and last name "Cucinella" clearly legible.

Josh Cucinella
Land Use Planning Program Administrator
Office of Conservation Planning Services

jc/sw
Lee County 26-04ESR_65929_09172026

Attachment: Technical Assistance Regarding the Florida Panther 2026

Cc: Donna Harris, Florida Department of Commerce, DCPexter@commerce.fl.gov



Florida Fish and Wildlife Conservation Commission

Commissioners
Rodney Barreto
Chairman
Coral Gables

Steven Hudson
Vice Chairman
Fort Lauderdale

Preston Farrior
Tampa

Joshua Kellam
Palm Beach Gardens

Gary Lester
Oxford

Albert Maury
Coral Gables

Sonya Rood
St. Augustine

Office of the
Executive Director
Roger A. Young
Executive Director

Charles "Rett" Boyd
Assistant Executive Director

George Warthen
Chief Conservation Officer

Jessica Crawford
Chief of Staff

Division of Habitat and
Species Conservation
Melissa Tucker
Director

850-488-3831

*Managing fish and wildlife
resources for their long-term
well-being and the benefit
of people.*

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: 850-488-4676

Hearing/speech-impaired:
800-955-8771 (T)
800 955-8770 (V)

MyFWC.com

Technical Assistance Regarding the Florida Panther - 2026

Dear Applicant, Property Owner, and Interested Parties:

According to Florida Fish and Wildlife Conservation Commission (FWC) data, Florida panthers (*Puma concolor coryi*) may utilize the project area. Human-panther conflicts, research evidence of panthers, panthers killed by vehicles, or other evidence warrants measures that may prevent or reduce such conflicts.

While Florida panthers tend to avoid people, they are adaptable and will take advantage of human-dominated landscapes. Food sources, such as unsecured pets and small livestock (e.g. goats, sheep), or the deliberate or unintentional feeding of panther prey species, such as deer and raccoons, may attract panthers to areas used by people. Once panthers become accustomed to finding prey around people, their natural wariness can be reduced to the point that there is an increased risk to private property and public safety.

Designs for projects in this area should include impediments to wildlife movement into the new community once construction is completed. Impediments could include the placement of borrow lakes around the perimeter of the development, particularly if the site is adjacent to natural habitat areas. Fencing is also recommended to deter deer from entering residential yards or open spaces and should be used around the community perimeter if no other impediment to wildlife movement exists. Such fencing should be six feet in height chain link (or similar material) with a three-strand overhang of barbed wire. If a homeowners' association or community covenants are planned, by-laws that would require residents to take measures to prevent attracting panthers or their prey into the neighborhood are recommended. These measures can include proper waste management that does not attract prey animals like raccoons, securing outdoor pets or other domestic animals in fully enclosed pens, and not feeding wildlife. Providing residents with information on how to minimize human-panther conflicts is also recommended. This information can include:

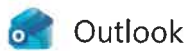
- Advice on avoiding a negative encounter and suggestions on living safely in panther country (<https://myfwc.com/media/3112/livingwithpanthers.pdf>);
- Options for keeping garbage secure like wildlife-resistant garbage containers or modifications, securing containers, and only placing them on the curb the morning of pick-up (<https://myfwc.com/wildlifehabitats/wildlife/bear/living/attractants/>);
- Using electric fencing to secure outdoor attractants like fruiting trees/shrubs, gardens, compost, and small livestock (<https://myfwc.com/media/1886/ElectricFence.pdf>);
- Keeping pets safe (<https://myfwc.com/media/1892/protect-your-pet.pdf>); and
- Keeping livestock safe (<https://myfwc.com/wildlifehabitats/wildlife/panther/depredations/>).

New roads associated with a development can also lead to collisions with panthers and other wildlife. Internal speed limits should not exceed 30 MPH and if a roadway bisects a natural habitat or preservation area, consideration should be given to installing speed control features like speed humps. If a development includes interior walking trails through preserve areas, signs should alert people to the possibility of encountering wildlife and what they should do should such an encounter occur. Signage should include this information: <https://myfwc.com/wildlifehabitats/wildlife/panther/living/>.

FWC can always assist with residential planning to incorporate the above recommendations and reduce the potential for unwanted interactions between panthers and humans. Please feel free to contact our office at ConservationPlanningServices@myfwc.com for technical assistance.

Sincerely,

Josh Cucinella
Land Use Planning Program Administrator
Office of Conservation Planning Services



[EXTERNAL] - CPA2026-00004 – Southeast Lee County Community Plan.

From Patricia Arpin <pattyarpin@gmail.com>

Date Tue 9/1/2026 4:18 PM

To Comprehensive Plans Processing <ComprehensivePlans@commerce.fl.gov>

CAUTION - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."

Please closely examine CPA2026-00004 and its potential impacts on wetlands, groundwater recharge, water quality, Florida panther habitat and wildlife corridors, and the intensity of development allowed in Southeast Lee County.

We need to preserve the environment for both people and the wildlife.

Sincerely,
Patricia Arpin



[EXTERNAL] - Letter for 26-04ESR; Lee County CPA 2026-00004 Southeast Lee Comp Plan Changes

From Julianne Thomas <JulianneT@conservancy.org>

Date Wed 9/9/2026 9:28 AM

To Comprehensive Plans Processing <comprehensiveplans@commerce.fl.gov>; Plan.Review@dep.state.fl.us <Plan.Review@dep.state.fl.us>

Cc Miller, Janet <jmiller@leegov.com>; Burgess, Katherine <kburgess@leegov.com>; Matt DePaolis <mdepaolis@sccf.org>; Holly Schwartz <hschwartz@sccf.org>; Dunn, Brandon (BDunn@leegov.com) <BDunn@leegov.com>; District 5 <dist5@leegov.com>; Judah, Ray <dist3@leegov.com>; Dist4@leegov.com <dist4@leegov.com>; Dist2@leegov.com <Dist2@leegov.com>; Dist1, Kevin Ruane <dist1@leegov.com>

 1 attachment (5 MB)

DRGR Letter -State- Sept26SCCFCOSWFL.pdf;

CAUTION - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."

Please find attached a letter from Sanibel-Captiva Conservation Foundation and the Conservancy of Southwest Florida regarding the proposed changes to Lee County's Comprehensive Plan. The Local identification number is CPA 2026-00004 and the state identification number is 26-04ESR. We do not believe the proposed changes are consistent with Florida Statutes in that they do not provide meaningful and predictable standards and are not based on data and analysis.

Please let us know if you have any questions or need additional information.

Julianne Thomas (she/her)
Senior Environmental Planning Specialist
Conservancy of Southwest Florida
1495 Smith Preserve Way
Naples, Florida 34102
www.conservancy.org

239-262-0304 x 252





September 9, 2026

Department of Commerce - comprehensiveplans@commerce.fl.gov

Department of Environmental Protection - Plan.Review@FloridaDEP.gov

sent via email

RE: Density Reduction Groundwater Resource Comprehensive Plan Changes in Lee County,
CPA 2026-00004 / 26-04ESR

The Sanibel-Captiva Conservation Foundation (SCCF) and the Conservancy of Southwest Florida (Conservancy) are providing comments on the proposed changes to the Southeast Lee County portion of the Lee comprehensive plan. SCCF and the Conservancy have been engaged in Density Reduction/Groundwater Resource (DR/GR) planning for decades and we have been supportive of the County's past efforts in 2010 to strategically limit and direct intensification to the most appropriate areas. Much has changed since then, with development continuing to expand into the DR/GR through various Lee Plan amendments. This evolution of the DR/GR appears to be culminating with these newly proposed amendments identified by Lee County as CPA 2026-00004.

SCCF and the Conservancy have reviewed the proposed amendments for the DR/GR. The proposed amendments do not create meaningful and predictable standards as required by 163.3177(1) Florida Statutes. The proposed changes are also not based on relevant and appropriate data and analysis as required by 163.3177(1)(f).

The Department of Commerce is responsible for ensuring that all proposed changes to local comprehensive plans are consistent with the Florida Statutes, and as such, we ask that you take special care in reviewing these proposed changes to the DR/GR. Specifically, density should not be incentivized in the DR/GR on the environmentally sensitive land essential to the survival and recovery of the endangered Florida panther: the Primary Zone and the Adult Breeding Habitat designated areas. These designated areas represent the best available information for essential habitat areas for this species. Therefore, density increases should only be on land that is not designated as Primary Zone for the Florida Panther or Adult Panther Breeding Habitat. We are concerned that the proposed language incentivizes development in these inappropriate areas.

We do not believe that the proposed changes are consistent with the Dover Kohl recommendations for Southeast Lee County that are the foundation for many of the existing and proposed policies.

Evolution of the ecological and hydrological landscape within the Lee County DR/GR has continued since the completion of *Prospects for Southeast Lee County: Planning for the Density Reduction/Groundwater Resource Area (DR/GR)*, the seminal study prepared by Dover, Kohl & Partners for Lee County in 2008. This over 100 page study laid out the foundation for protecting and restoring natural ecosystems while accommodating needed and appropriately sited development and industry, including mining. As the seminal study about the DR/GR, the conclusions reached in this study should continue to be followed unless and until new data and analysis are presented to the public. No new data or analysis was presented at the LPA meetings or Board meetings.

Dover Kohl prioritized conservation and a balanced approach to land development. Lee County staff's proposal appears to be more focused on facilitating development rather than balancing competing needs with conservation, protection of flowways and watersheds, and wildlife habitat. Staff has failed to cite any new studies and data to support their proposals. The standards presented by Dover Kohl should be followed and remain as guiding principles.

We are also concerned that Lee County is not consistent with 163.3181 which addresses public participation in the comprehensive planning process. Florida Statutes 163.3181 (1) states in part that it is the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible. Section 163.3181(2) F.S. states that there should be broad dissemination of the proposals and alternatives, opportunity for written comments, public hearings as provided herein, provisions for open discussion, communications programs, information services, and consideration of and response to public comments.

Of the items listed in 163.3181(2), Lee County has failed to broadly disseminate the proposals and alternatives, provide for open discussion, provide for communications programs, information services or consideration of and response to public comments. While Lee County staff did proffer a list of meetings, none of those meetings were open to the general public. There was one stakeholder meeting in May 2026 that most closely resembled a public meeting, however, was not truly public in that in order to attend, you needed to be invited. The public has been locked out of the process and pleas to the commissioners to involve the public have been ignored.

The deficiencies in the application package and failure to adhere to the Florida Statutes means these changes should not be allowed to be adopted by Lee County.

Background

The DR/GR is a large area of land (over 80,000 acres) in Southeast Lee County that was established jointly in 1990 by the State of Florida and Lee County with the specific purpose of protecting the principal water supply for most of Southwest Florida including Estero, Bonita Springs, Fort Myers, Cape Coral and even areas of Naples.¹ The density reduction name refers to

¹ <https://esterotoday.com/the-dr-gr-what-is-it-and-why-you-should-care-about-it/>

how land was envisioned to be developed in this natural area- only one home per 20 acres of land in wetland areas and one home per 10 acres in upland areas.²

The County adopted revisions to the Lee Plan implementing *Prospects for Southeast Lee County* in 2010, along with revisions to the County's mining rules in the Land Development Code. In addition, the Environmental Enhancement and Preservation Overlay (EEPO) was adopted in 2015, which requires individual developments to provide ecological restoration, above and beyond what is already required through the various local, state and federal permitting processes, in exchange for increased development rights. It also had strict location standards to limit and direct development to the areas most appropriate for development in the DR/GR. These limits were slightly modified a few years later with Verdana Village. The modified EEPO was limited to approximately 12,000 acres (See Figure 1)

The EEPO allows for development at much denser standards, often up to 1 unit per acre.³ The proposed standards for the Conservation Community future land use would allow up to 1.15 units per acre, in an area much larger than the EEPO. There have been more than 18,000 units approved at the higher density of 1 unit per acre in the past 11 years.⁴ Please remember that these units will result in additional impervious surfaces, roads, parking lots, etc. and there will need to be commercial, educational and retail development to support all the residential construction.⁵

In 2019, Lee County removed Map 14 – the mining overlay – in response to pressure from developers and development applications. This removal was a big step in moving away from the Dover Kohl recommendations, which included “Create a Meaningful Map of Preferred Mining Areas”.⁶ While staff is correct that Dover Kohl stated that “compact and connected mixed-use communities”⁷ should be the standard in Southeast Lee, staff failed to include or define standards that make compact and connected communities required in the DR/GR. Staff has ignored the recommendation for acquiring and restoring lands that can connect existing corridors and conservation areas⁸ and does not prioritize conservation properties or connecting habitat for wildlife.

The amendments that you are reviewing have removed the locational standards found in the EEPO and increased development rights on all lands in Southeast Lee County. To be consistent with the Dover Kohl study and react appropriately to the available data, Lee County should have focused on prioritizing large scale ecosystem connectivity, maintaining viable watersheds and foster clustered and connected communities. Unfortunately, this did not happen. We believe that development should be directed to appropriate locations at an appropriate scale and timing.

² <https://esterotoday.com/the-dr-gr-what-is-it-and-why-you-should-care-about-it/>; Lee Plan Policy 1.4.5

³ Lee Plan Policy 33.2.4

⁴ Units Approved: Kingston – 10,000; The Place – 1,325; Verdana Village – 1,425; Wild Blue; FFD-5,000; Wild Blue – 1,100

⁵ <https://esterotoday.com/the-dr-gr-what-is-it-and-why-you-should-care-about-it/>

⁶ Dover Kohl, *Prospects for Southeast Lee County: Planning for the Density Reduction/Groundwater Resource Area (DR/GR)*, p. 52

⁷ *Ibid.*

⁸ *Ibid.*

Removal of the locational standards and opening up development across Southeast Lee County is inconsistent with Florida Statutes and should not be permitted.

Proposed Changes:

- Policy 1.4.8 introduces the Conservation Community Future Land Use Category.
 - This policy should add a reference recognizing the need to protect designated Primary Zone panther habitat and/or Adult Breeding Habitat panther habitat from increased density or intensification.
 - It appears that Lee County is changing the Future Land Use Category of approximately 35,000 acres from DR/GR and Public Facilities to Conservation Community. (Figures 2 and 3). This is being done without a map showing the specific changes or any discussion of the amount of acreage being changed.
 - If, in fact, there is no change being recommended at this time to redesignate DR/GR and Public Facilities to Conservation Community, then there is a serious inconsistency with the proposed amendments as those amendments are predicated on a land use of Conservation Community or Preservation and Innovation.
 - 163.3177(6)(a)2, F.S. states that the future land use plan and plan amendments shall be based on surveys, studies, and data regarding the area.
 - Lee County has failed to provide surveys, studies or data for the Conservation Community Future Land Use Category that complies with the following subsections of 163.3177(6)(a)2.a,b,c,e, and h
 - The amount of land required to accommodate anticipated growth
 - The projected permanent and seasonal population of the area
 - The character of undeveloped land
 - The need for redevelopment
 - The discouragement of urban sprawl
 - Lee County has also failed to comply with 163.3177(6)(a)3,e,f,and h.
 - Coordinate future land uses with the topography and soil conditions, and the availability of facilities and services
 - Ensure the protection of natural resources
 - Provide guidelines for the implementation of mixed-use development including the types of uses allowed, the percentage distribution among the mix of uses
- Policy 33.2.2 discusses maximum density for the Conservation Community future land use category. Within Primary Zone and Adult Breeding Habitat, we do not support any density increases.
- Policy 33.2.3 also discusses maximum density for the Conservation Community future land use category. Within Primary Zone and Adult Breeding Habitat, we do not support any density increases.

The Florida Panther

Lee County is required to base their proposal on data in an appropriate way pursuant to 163.3177(a)(f) which states that “to be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject.” Lee County has failed to do that for the Florida Panther. Panthers are wide ranging, and require large contiguous areas to meet their social, reproductive, and energetic needs⁹, a requirement that is being compromised by rapid development in areas such as the DR/GR.

Habitat loss and fragmentation and the potential for human-wildlife conflicts are the greatest threats to the Florida panther. These threats primarily result from rapid population growth and conversion of natural habitats and agricultural lands to urban land use.¹⁰

The survival and recovery of the Florida panther depends on maintaining, restoring, and expanding the panther population and its habitat in southern Florida.¹¹ Specifically, the Florida Panther Recovery Plan establishes that the survival and recovery of the Florida panther population is dependent on maintaining the ability of the Primary, Secondary, and Dispersal Zones, as identified by experts in Kautz et al. (2006)¹², to contribute to a viable population.¹³ These boundaries were incorporated in to the Florida Panther Recovery Plan and are still used in consultation today.¹⁴ There are Primary and Secondary Zones in the DR/GR (Figure 4). The Primary Zone is the most important “because preservation of these lands will contribute most to the long-term persistence of the Florida panther in the wild”.¹⁵

There are also lands within the DR/GR that are designated as “Adult Breeding Habitat”¹⁶ (Figure 5). This scientific effort focused on the needs of adult panthers three years and older. Scientists modeled Adult Breeding Habitat for the species and have stated that protecting this remaining breeding habitat in south Florida is essential to the survival and recovery of the Florida panther.¹⁷ 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 Florida¹⁸.

⁹ US Fish and Wildlife Service, 2008. Florida Panther Recovery Plan. P. viii.

¹⁰ Kautz, R. et al, How much is enough? Landscape-scale conservation for the Florida panther, BIOLOGICAL CONSERVATION 130 (2006) 118 – 133

¹¹ US Fish and Wildlife Service, 2008. Florida Panther Recovery Plan, 3rd revision. P. 5.

¹² Kautz, R. et al, How much is enough? Landscape-scale conservation for the Florida panther, BIOLOGICAL CONSERVATION 130 (2006) 118 – 133

¹³ US Fish and Wildlife Service, 2008. Florida Panther Recovery Plan, 3rd revision.

¹⁴ *Ibid.*

¹⁵ Kautz, R. et al, How much is enough? Landscape-scale conservation for the Florida panther, BIOLOGICAL CONSERVATION 129 (2006) 118 – 133

¹⁶ 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>

¹⁷ *Id.*

¹⁸ *Id.*

Piecemeal planning of individual parcels has led to fragmented, disconnected and/or tenuously connected habitat of questionable function within the context of establishing a viable network of suitable habitat areas for the Florida panther.¹⁹

Best available science recommends avoiding both Primary Zone and Adult Breeding Habitat for the survival of the panther. Figure 6 shows the Adult Breeding Habitat and Primary Zones combined. These combined areas depict lands that should be protected and not intensified. Some of these areas have already been encroached upon by approved development. This makes protecting the remaining areas important. Therefore, we recommend that the both Adult Breeding Habitat and Primary Zone for panthers not be incentivized for increased density, as care needs to be taken to protect this valuable resource for endangered Florida panthers. Density for the identified areas should remain at 1 unit per 10 acres for upland areas and 1 unit per 20 acres for wetlands.

Figure 7 shows the 20,000 acres of the Primary Zone and Adult Breeding Habitat that are proposed to be changed to Conservation Community. We strongly object to this change and request that these areas remain under their current categories.

Conclusion

We are concerned that the proposed changes will foster and incentivize development rather than protecting the fragile ecosystem of the DR/GR. Any changes should be based in science with the goal of conservation rather than development.

It is imperative that the DR/GR be protected for all of the ecological resources which exist there, including the Florida panther. Our suggested changes are being made with the goal of balancing preservation and growth in limited, targeted areas consistent with natural resources protection. In addition, in order to be adopted, the proposed changes to the Lee Plan need to be consistent with the Florida Statutes. These changes are not consistent with the Florida Statutes and thus cannot be adopted by Lee County without significant changes, adequate public participation, and reliance on data and analysis to create meaningful and predictable standards.

Sincerely,

Sanibel-Captive Conservation Foundation
 Matt DePaolis
 Environmental Policy Director
 mdepaolis@sccf.org
 PO Box 839 Sanibel, FL 33957
 239-413-6915

¹⁹ Smith, Dan, Wildlife Habitat Conservation and Connectivity Planning for the Corkscrew Road Area prepared for the Florida Wildlife Federation June 29, 2022

Conservancy of Southwest Florida
Julianne Thomas
Senior Environmental Planning Specialist
juliannet@conservancy.org
1495 Smith Way Preserve, Naples, FL 34102
(239) 262-0304 x 252

cc: Janet Miller, Lee County DCD Admin.
Kate Burgess, Principal Planner, Lee County
Brandon Dunn, Planning Manager, Lee County
Kevin Ruane
Cecil Pendergrass, Chairman
David Mulicka, Vice Chairman
Brian Hamman
Trish Petrosky

Figure 1

Environmental Enhancement and Preservation Overlay

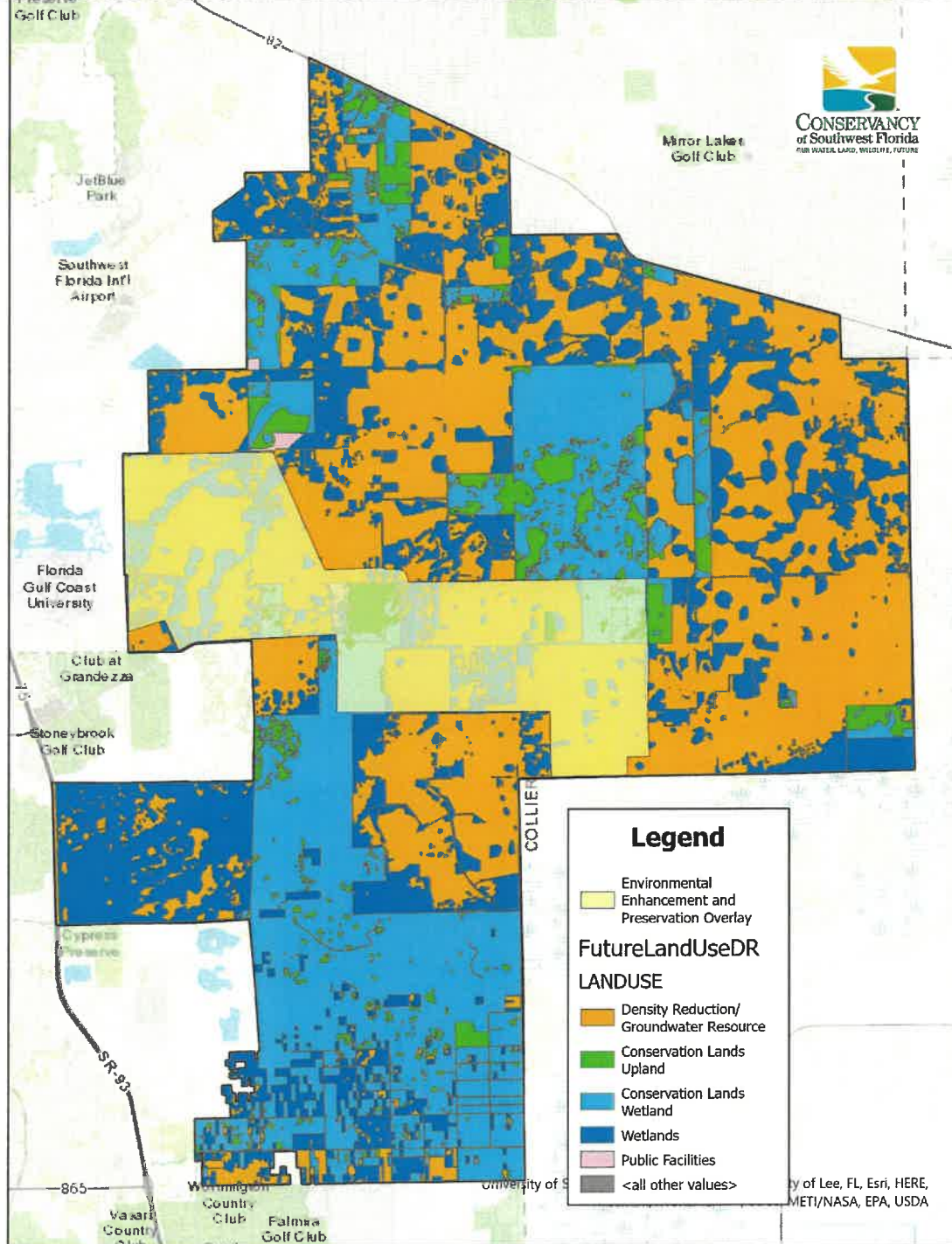


Figure 2

Proposed Future Land Use Map

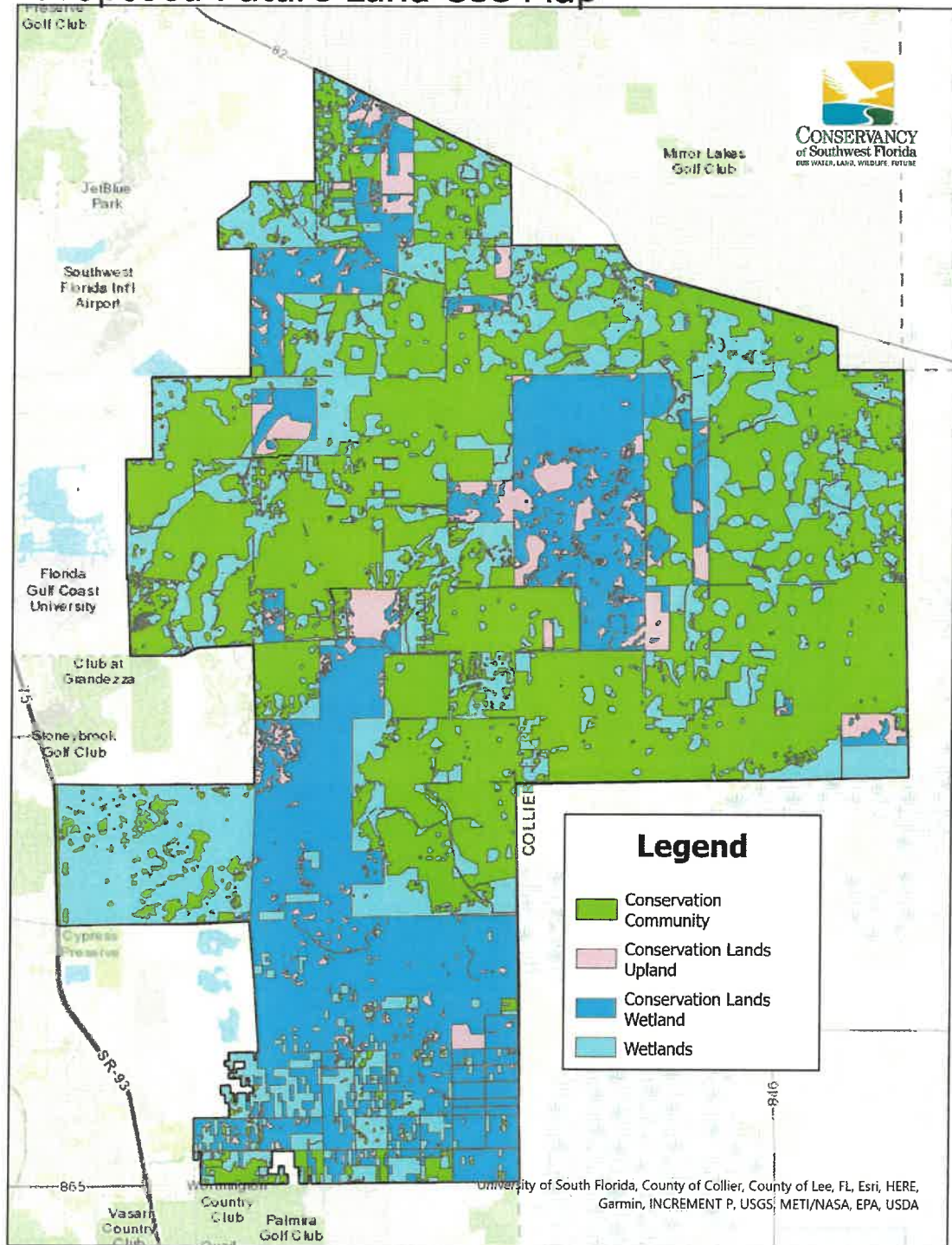
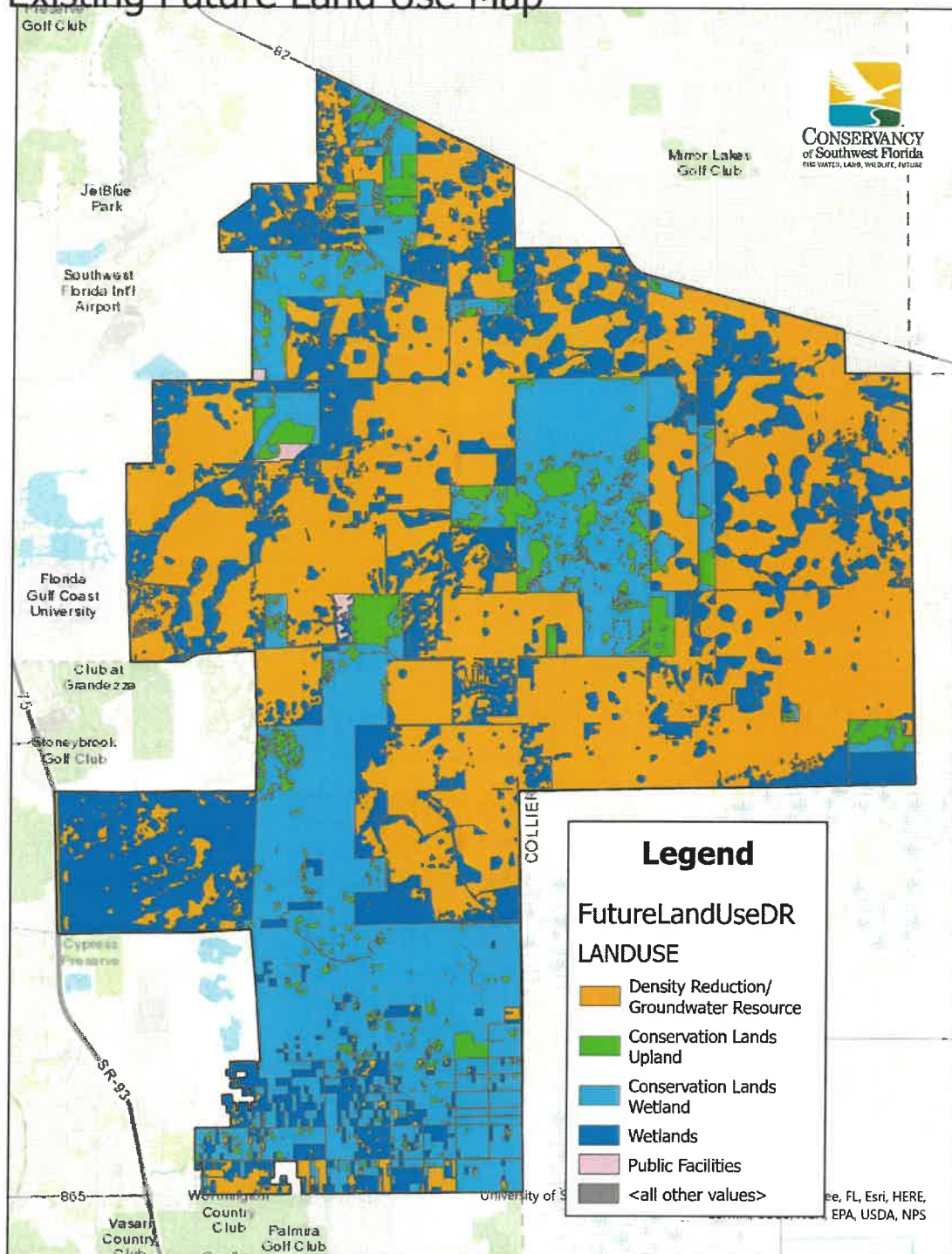
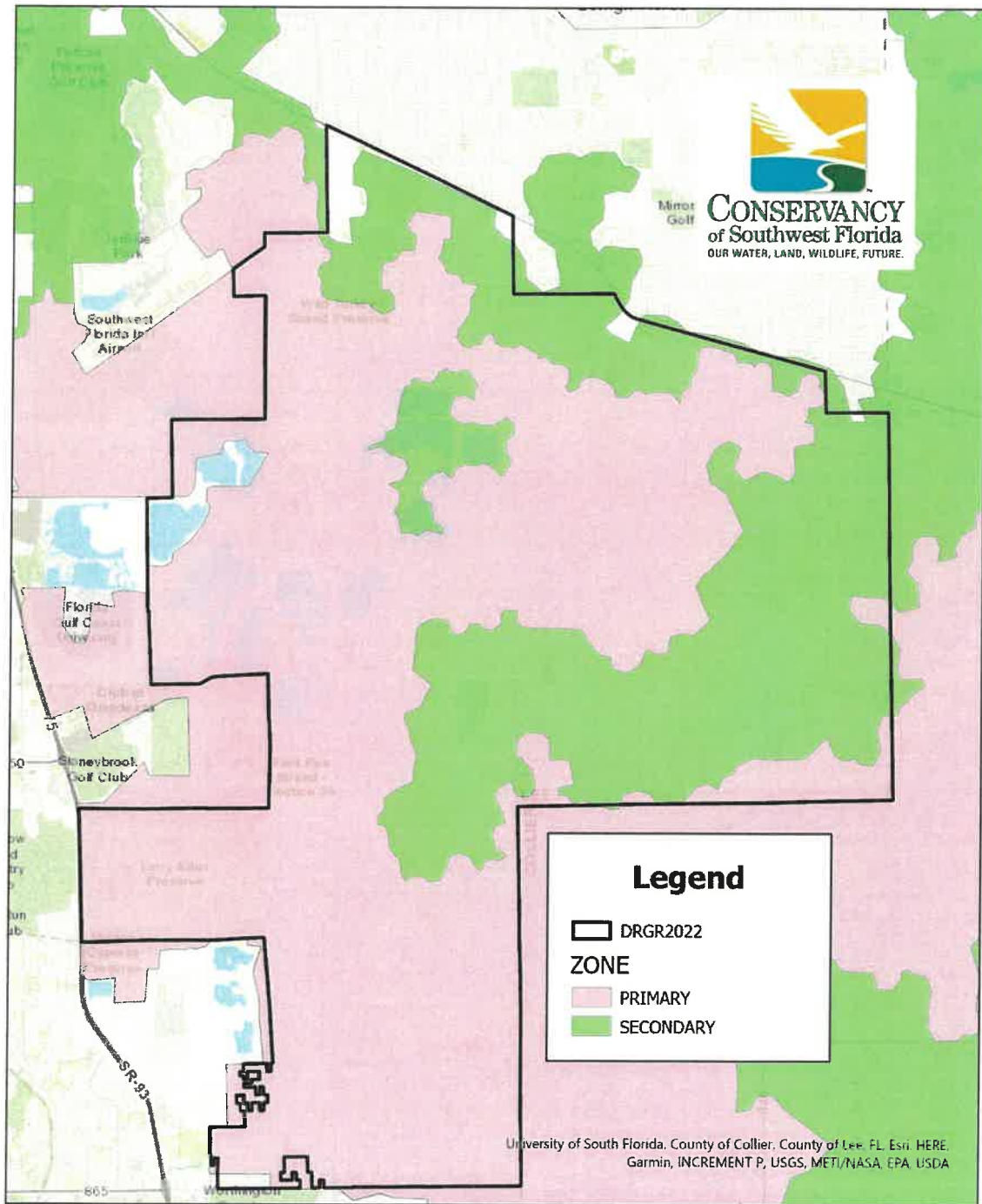


Figure 3

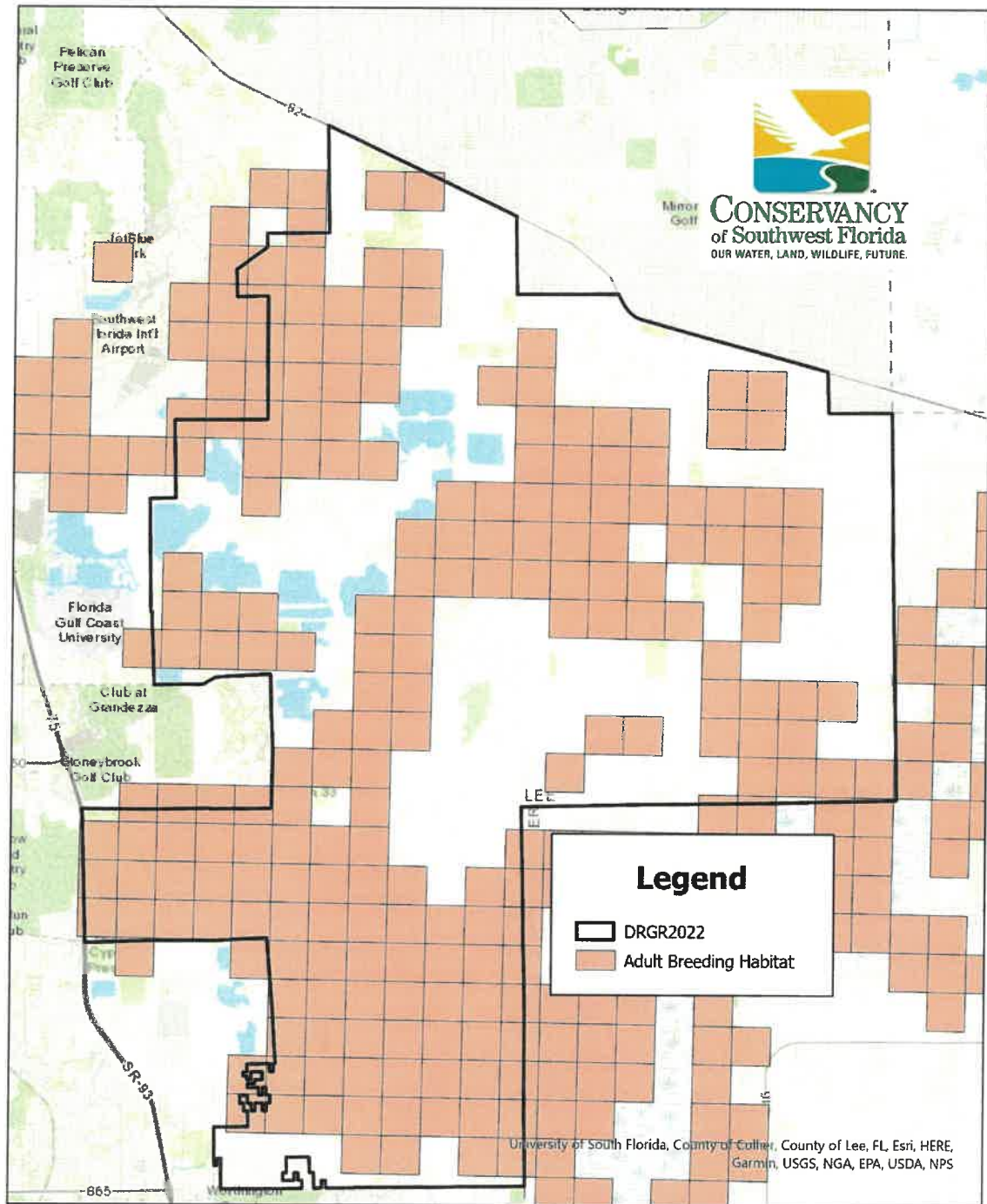
Existing Future Land Use Map





DRGR Panther Focus Areas

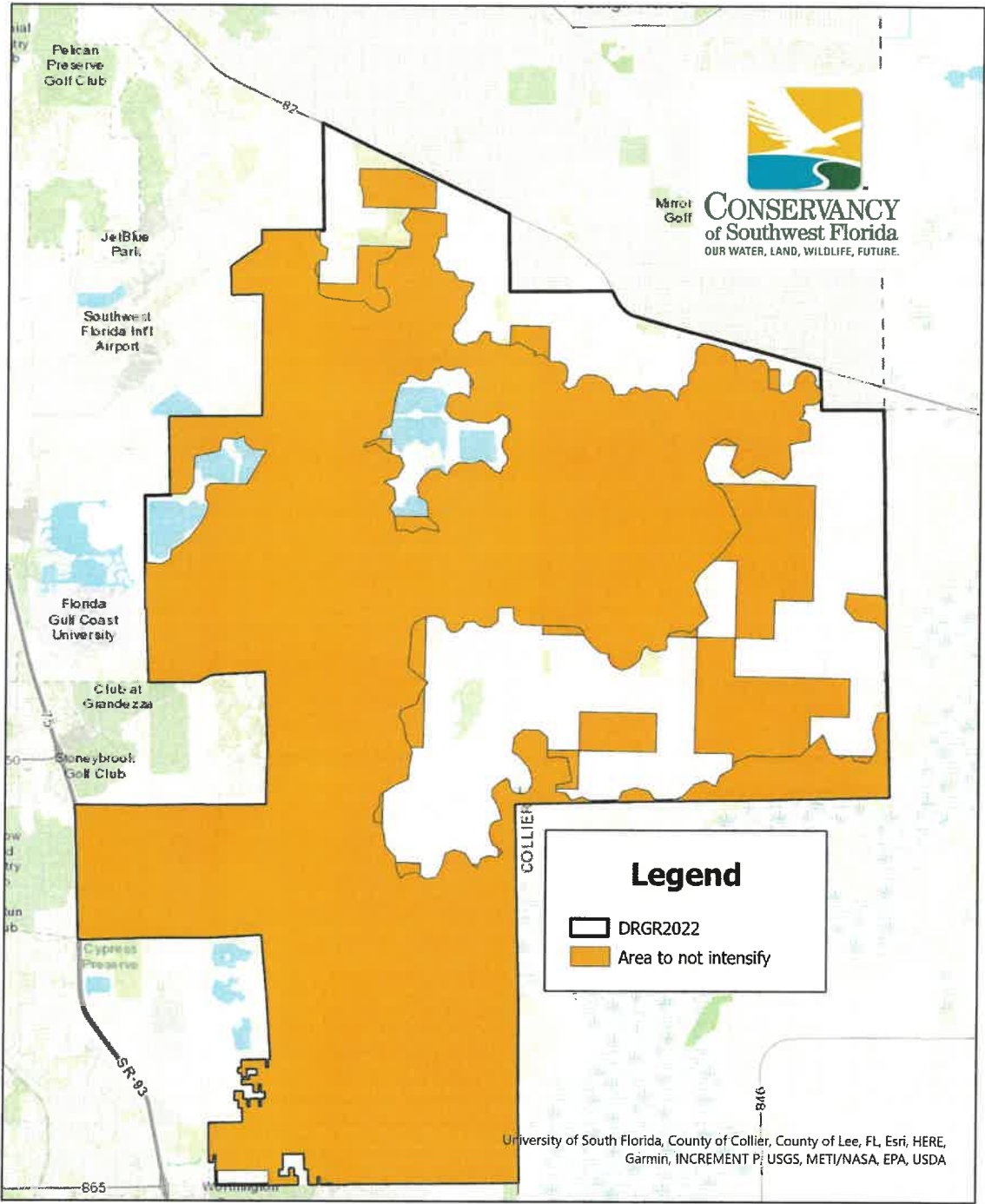
Figure 4



DRGR Panther Adult Breeding Habitat

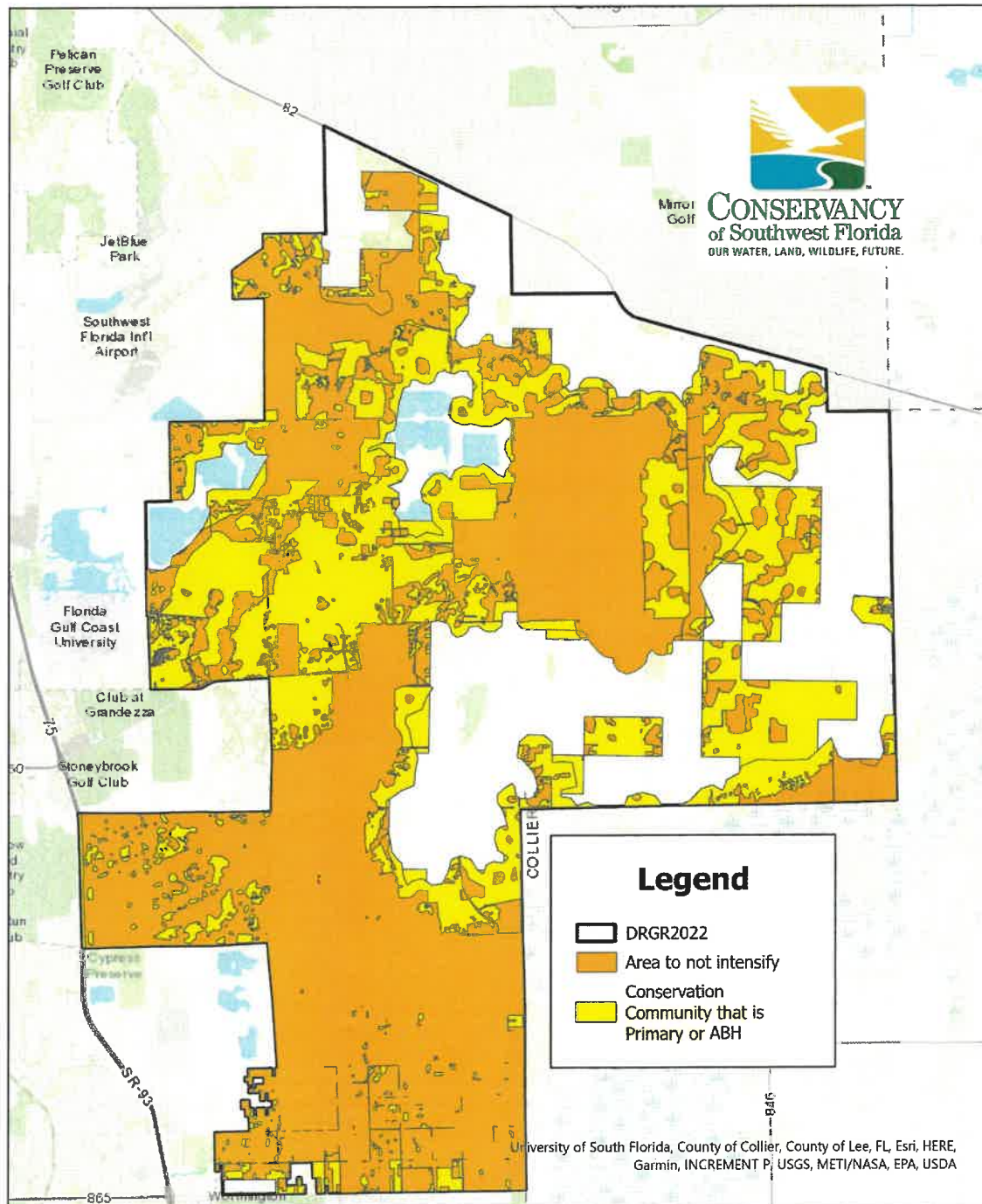
Figure 5

Figure 6

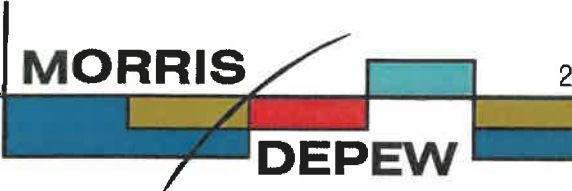


Conservancy Vision Map for Areas in SE Lee that should not be intensified

Figure 7



Conservancy Vision Map for Areas in SE Lee that should not be intensified

**MORRIS****DEPEW**ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS

2914 Cleveland Avenue | Fort Myers, Florida 33901

Phone (239) 337-3993 | Toll Free (866) 337-7341
www.morris-depew.com

September 10, 2026

SENT VIA EMAIL

Brandon Dunn, Manager, Planning Section
Kate Burgess, Principal Planner
Lee County Department of Community Development
P.O. Box 398
Fort Myers, Florida 33902-0398
bdunn@leegov.com
kburgess@leegov.com

Barbara Powell, Plan Processing Administrator
State Land Planning Agency
Florida Department of Commerce
Caldwell Building
107 East Madison Street, MSC 160
Tallahassee, Florida 32399-4120
barbara.powell@commerce.fl.gov

RE: Notice of Affected Person Status and Written Comments - CPA2026-00004, Southeast Lee County Update; Daniels Tradeport (CPA2025-00009)

Dear Mr. Dunn, Ms. Burgess, and Ms. Powell:

Morris-Depew Associates, Inc. submits this letter as authorized agent for Jared F Holes for Land Trust 5018 (the "Owner"), owner of the property that is the subject of the Daniels Tradeport comprehensive plan amendment application, CPA2025-00009 (the "Property"). This letter provides the Owner's written comments on Lee County's transmitted amendment, CPA2026-00004, and gives notice that the Owner qualifies as an "affected person" under section 163.3184(1)(a), Florida Statutes.

Owner's position on the transmitted amendment

The Owner supports CPA2026-00004 as transmitted, including the removal of areas designated Tradeport Future Land Use from the Southeast Lee County Community Plan Area. The County-initiated amendment advances the same core planning objectives pursued through CPA2025-00009 and provides a coordinated means of resolving the existing conflict between the Property's Tradeport future land use designation and the Southeast Lee County policies.

The Owner respectfully requests that Lee County adopt CPA2026-00004 without any change that would place or retain the existing or proposed Tradeport lands of the Daniels Tradeport Property within the Southeast Lee County Community Plan Area. The Owner also requests that the Department of Commerce and other reviewing agencies recognize the County's documented planning and property-rights bases for the proposed boundary revision when reviewing the transmitted amendment.

Basis for affected-person status

Section 163.3184(1)(a), Florida Statutes, includes within the definition of an affected person a person owning property within the boundaries of the local government whose plan is under review, provided that the person also submits oral or written comments, recommendations, or objections to the local government during the period beginning with the transmittal hearing and ending with adoption. The Owner meets these requirements because:

- The Owner owns the Daniels Tradeport Property in unincorporated Lee County, whose comprehensive plan is the subject of CPA2026-00004.
- CPA2026-00004 directly affects the Property by amending the Southeast Lee County Community Plan Area boundary and related Lee Plan policies and maps.
- The Owner, through its agents, participated in the planning process leading to transmittal, including the March 31, 2026 public information meeting for CPA2025-00009 and comments made during the County's public-hearing process.
- This letter constitutes additional written comments submitted to Lee County after the August 19, 2026 transmittal hearing and before adoption.

Direct and substantial interest in the amendment

The transmitted staff report confirms the direct relationship between the Daniels Tradeport application and CPA2026-00004. It identifies CPA2025-00009 among the privately initiated amendments considered collectively by the County; states that the supporting materials for those applications are incorporated by reference into the County-initiated amendment; and identifies the Daniels Tradeport requests as amendments to Map 1-A, Map 2-A, and the Lee County Utilities service-area maps.

The report further states that the Daniels Tradeport Property contains an existing mix of Tradeport and Wetlands future land uses and was originally located entirely within the Southeast Lee County Community Plan Area. After the Local Planning Agency recommended removing the Daniels Tradeport Property from that planning area entirely, staff concluded that splitting the developable portions of the Property between community plan areas would have practical consequences and that conflicting land use regulations could render a portion of the Property unusable. Staff therefore supports removing the Tradeport portion of the Property from the Southeast Lee County Community Plan Area and recommends aligning the boundary along the jurisdictional wetland line.

That amendment is necessary to establish a coherent regulatory framework for the Property. Although portions of the Property already carry the Tradeport future land use designation and additional Tradeport lands are proposed through both CPA2025-00009 and CPA 2026-00004, the Southeast Lee County policies historically limited or constrained the industrial and airport-related uses contemplated by Tradeport. Until the conflicting planning-area boundary is corrected, the Owner cannot reasonably rely on the Tradeport designation to pursue a unified development program for the developable portions of the Property. Any challenge, settlement, remedial amendment, or other revision affecting this boundary would therefore have a direct and substantial effect on the Owner's property and development rights.

Request for notice and participation

Please include this letter in the official record for CPA2026-00004 and identify the Owner as an affected person and interested party on the County's and Department's distribution records. Please provide the undersigned with copies or notice of:

- reviewing-agency comments, objections, recommendations, or other written communications concerning CPA2026-00004;
- any proposed revision that would affect the Daniels Tradeport Property, the Tradeport future land use designation, or the Southeast Lee County Community Plan Area boundary;
- the adoption hearing and any continuation or extension of the amendment process;
- any administrative challenge, notice of intent, petition, mediation, settlement discussion, or compliance-agreement process concerning CPA2026-00004; and
- the adopted amendment package and any remedial amendment affecting the Property.

If CPA2026-00004 is challenged, the Owner intends to take the procedural steps necessary to protect its interests, including seeking intervention in any formal proceeding. Section 163.3184(6)(a), Florida Statutes, requires reasonable notice and an opportunity to participate in compliance-agreement negotiations for parties granted intervenor status. The Owner accordingly requests prompt notice of any challenge so that it may timely seek party status and participate in any process that could alter the provisions affecting the Property.

Nothing in this letter should be construed as an objection to CPA2026-00004 as transmitted. The Owner supports the amendment and submits these comments to document its direct interest, preserve its statutory rights, and ensure its participation if a challenge or proposed resolution could affect the Daniels Tradeport Property. The Owner reserves all rights and remedies available under chapter 163, Florida Statutes, Chapter 120, Florida Statutes, and other applicable laws.

Thank you for including these comments in the amendment record. Please direct all notices and correspondence concerning this request to the undersigned.

Sincerely,



Ben Smith, Director of Planning
Morris-Depew Associates, Inc.
2914 Cleveland Ave
Fort Myers, FL 33901
bsmith@m-da.com

cc:

Neale Montgomery, Partner
Pavese Law Firm
1833 Hendry Street (33901)
Post Office Drawer 1507 Fort Myers, FL 33902
nealemontgomery@paveselaw.com



SIERRA CLUB

Calusa Group

September 15, 2026

VIA EMAIL

South Florida Water Management District
Local Government Planning
3301 Gun Club Road
West Palm Beach, Florida 33406
Email: SFLOCALGOVPLAN@sfwmd.gov

Re: CPA2026-00004 - Protecting Southeast Lee County's Regional Water Resources

Dear South Florida Water Management District:

The Sierra Club Calusa Group respectfully requests that the South Florida Water Management District carefully review Lee County Comprehensive Plan Amendment CPA2026-00004 and recommend the changes necessary to protect Southeast Lee County's wetlands, natural flowways, flood-storage lands, groundwater-recharge areas, and regional water supply before the amendment proceeds to adoption.

Under section 163.3184, Florida Statutes, SFWMD's review includes flood protection and floodplain management, wetlands and other surface waters, and regional water supply when important state resources or facilities would be adversely affected by a proposed amendment. Each of those responsibilities is directly implicated by CPA2026-00004.

The Calusa Group represents Sierra Club members in Lee, Collier, Hendry, and Glades Counties. Consistent with Sierra Club's purpose to explore, enjoy, and protect the wild places of the earth and to enlist people in safeguarding the natural and human environment, we advocate for the protection of Southwest Florida's remaining natural landscapes and the communities that depend upon them.

Southeast Lee County is one of those landscapes.

More Than Land Awaiting Development

Southeast Lee County is not vacant land between existing developments. It is part of an interconnected regional system of wetlands, uplands, agricultural lands, aquifers, public and private conservation lands, and natural and historic flowways extending into the Greater Everglades.

This landscape stores and conveys water, recharges aquifers, supports public water-supply wellfields, reduces flood risk, sustains wetlands and wildlife habitat, and connects developed areas with conservation lands to the south and southeast. These natural functions benefit communities within and beyond the boundaries of Lee County.

The regional connections are documented in public water-planning work. SFWMD's Corkscrew Watershed Initiative encompasses southern Lee and northern Collier Counties and seeks to restore wetland hydroperiods and natural flows while reducing flood risk and maintaining regional water availability. Lee County's own flood-mitigation planning describes connections among Southeast Lee

County, the CREW and Flint Pen Strand preserve lands, Corkscrew Swamp Sanctuary, the Imperial River, Spring Creek, and Estero Bay.

The wetlands, flowways, flood-storage areas, and recharge lands of Southeast Lee County are regional natural infrastructure. Once they are filled, paved, fragmented, or hydrologically altered, their functions may be difficult or impossible to restore.

The question presented by CPA2026-00004 is therefore not simply how much additional development can be engineered into Southeast Lee County. The more fundamental question is which lands and hydrologic connections must remain protected if Southwest Florida is to retain the flood protection, water supply, wetland systems, and regional flowways upon which its communities and natural systems depend.

Changing the Framework Without Defining What Must Be Protected

The Density Reduction/Groundwater Resource designation reflects the longstanding recognition that Southeast Lee County is important for aquifer recharge, public water-supply resources, wetlands, flood protection, and natural systems.

CPA2026-00004 would materially change the framework governing development in this sensitive area. It would accommodate additional residential, commercial, office, light-industrial, and mixed-use development, together with more roads, parking areas, rooftops, utilities, fill, stormwater infrastructure, and other impervious surfaces.

The amendment would also eliminate the existing 300,000-square-foot area-wide limitation on commercial development without replacing it with another clear landscape-scale limitation tied to the hydrologic capacity of Southeast Lee County.

The County has proposed policies addressing stormwater, wetlands, hydrologic modeling, flood mitigation, groundwater recharge, and water supply. Much of the analysis and protection contemplated by those policies, however, would occur later during individual rezoning, development-order, or permitting proceedings.

The amendment also relocates Planned Development requirements for Southeast Lee County from the Lee Plan to the Land Development Code. That distinction matters to long-term stewardship. Technical implementation details may appropriately reside in the Land Development Code, but the comprehensive plan should retain clear, durable, and enforceable direction identifying the regional water resources that must be protected and the limits necessary to protect them. If Lee County relies on Land Development Code provisions to demonstrate that the amendment will protect those resources, SFWMD should identify and evaluate those provisions rather than assume that future implementing regulations will provide equivalent protection.

The Calusa Group is therefore concerned not only with what protections are proposed, but where they will reside, when they will apply, and whether they can be changed later without the same comprehensive-plan review by state and regional agencies. The regional water system should not depend principally on protections deferred to later zoning, development-order, permitting, or code-amendment proceedings.

Those later reviews cannot answer the threshold planning question: What portions of Southeast Lee County must remain undeveloped and hydrologically functional before additional development potential or intensity is authorized?

Before the County authorizes a substantially different development pattern, the regional water system should be identified and protected through the comprehensive plan itself.

Avoidance Must Come Before Mitigation

The Sierra Club Calusa Group is particularly concerned about reliance on future project design, engineered stormwater systems, mitigation, land acquisition, and restoration to address impacts after development locations and intensities have been established.

Mitigation is not equivalent to avoidance.

A constructed stormwater system or off-site mitigation project cannot necessarily replace the location, storage capacity, hydroperiod, groundwater-recharge function, or regional connections of the natural system that was lost. A wetland preserved within an individual development may not remain functional if its water source, surrounding uplands, hydroperiod, or connections to other wetlands and flowways are altered.

Similarly, allowing each development to redirect, retain, or discharge water within its own boundaries does not ensure that the larger regional system will continue to store and move water safely.

The comprehensive plan should first identify the wetlands, flowways, flood-storage lands, recharge areas, and hydrologic connections that must be avoided and protected. Project-specific mitigation should address impacts that remain after avoidance - not serve as the principal strategy for deciding where development may occur.

A Regional Landscape Requires a Regional Review

The Calusa Group's four-county territory provides a constant reminder that water does not observe political boundaries. Flooding, groundwater demand, loss of wetland function, and changes to regional surface-water movement can affect people and natural systems far beyond a particular development site.

CPA2026-00004 should therefore be evaluated in the context of existing development, entitled but unbuilt development, settlement-authorized projects, the eleven development proposals that prompted the amendment, planned transportation and utility infrastructure, and the additional development reasonably enabled by the proposed policies.

SFWMD should determine whether that cumulative development pattern would preserve:

1. Natural and existing flood-storage capacity;
2. Natural, historic, and existing regional flowways;
3. Wetland hydroperiods and connections among wetland systems;
4. Hydrologic connections between Southeast Lee County and conservation lands to the south and southeast;
5. Groundwater-recharge functions;
6. Existing and potential future public water-supply wellfields; and
7. The availability of water needed by existing communities, future residents, agriculture, and natural systems.

The District should not limit its review to whether individual developments may later qualify for Environmental Resource Permits. A series of individually permitted developments can collectively transform the function of an entire landscape.

The Need for Public Stewardship

The existing Southeast Lee County planning framework was shaped through years of technical analysis, public meetings, stakeholder participation, and examination of alternative development patterns.

CPA2026-00004 was initiated in response to eleven privately proposed Lee Plan amendments. The County then held an invitation-only roundtable with selected participants rather than an open community planning process.

Decisions about the future of a regionally important water-resource landscape should not be driven principally by individual development proposals. The public has a legitimate interest in determining which natural systems must be protected and how much development this landscape can sustain without transferring environmental and infrastructure costs to surrounding communities and future generations.

Request to SFWMD

Before CPA2026-00004 proceeds to adoption, the Sierra Club Calusa Group respectfully requests that SFWMD:

1. Determine whether Lee County has adequately identified, mapped, and analyzed the wetlands, natural and historic flowways, flood-storage areas, groundwater-recharge lands, wellfields, and hydrologic connections important to the regional water system;
2. Determine whether the proposed Future Land Use Map and Lee Plan policies provide adequate and enforceable protection for those resources;
3. Evaluate whether the cumulative development pattern enabled by the amendment would adversely affect flood protection, floodplain function, wetlands and other surface waters, groundwater recharge, or regional water supply;
4. Recommend that development be directed away from the lands most important to regional water storage, movement, recharge, wetland function, and water supply;
5. Recommend measurable plan-level limits and standards sufficient to protect the regional system before additional development potential or intensity is authorized; and
6. Identify with specificity any adverse impacts to important state water resources or facilities and recommend the measures necessary to eliminate, reduce, or mitigate those impacts.

Those measures may include retaining an enforceable area-wide limitation on additional development intensity; mapping and protecting regional flowways and recharge lands; establishing measurable requirements for flood storage, impervious surface, recharge, monitoring, and corrective action; and requiring water-resource protections to be in place before additional development intensity is authorized.

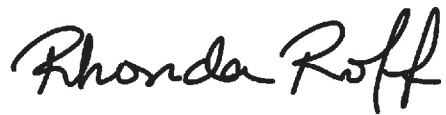
If the information transmitted by Lee County is insufficient for the District to determine whether the regional system will remain protected, we request that SFWMD identify that deficiency and the additional information necessary in its formal agency comments.

Protecting Southeast Lee County's natural water system is inseparable from protecting the wild landscape itself and the human communities that depend upon it. Once that system is fragmented or lost, later mitigation cannot fully restore what comprehensive planning could have protected.

We respectfully ask SFWMD to use this review opportunity to help ensure that the future of Southeast Lee County is guided by the needs of its regional water system - not simply by the amount of development that can be accommodated one project at a time.

Thank you for your consideration and for the District's role in safeguarding South Florida's water resources.

Sincerely,

A handwritten signature in black ink that reads "Rhonda Roff". The signature is written in a cursive, flowing style.

Rhonda Roff, Chair
Sierra Club Calusa Group
30290 Josie Billie Hwy, PMB 300
Clewiston, FL 33440
Calusa@Florida.SierraClub.org
954-347-2335

Copies

Lee County Department of Community Development
Planning Section
1500 Monroe Street
Fort Myers, Florida 33901
PODPlanning@leegov.com

Donna Harris, Senior Plan Processor
Bureau of Comprehensive Planning
FloridaCommerce
State Land Planning Agency
Caldwell Building
107 East Madison Street, MSC 160
Tallahassee, Florida 32399-4120
ComprehensivePlans@Commerce.fl.gov
Donna.Harris@Commerce.fl.gov



SIERRA CLUB

Calusa Group

September 15, 2026

VIA EMAIL

Scott Sanders
Conservation Planning Services
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street, MB 5B5
Tallahassee, Florida 32399-1600
Email: ConservationPlanningServices@MyFWC.com

Re: CPA2026-00004 - Request for Review of Florida Panther and Black Bear Habitat

Dear Mr. Sanders:

The Sierra Club Calusa Group respectfully requests that the Florida Fish and Wildlife Conservation Commission conduct a thorough review of Lee County Comprehensive Plan Amendment CPA2026-00004 before the amendment proceeds to adoption. FWC's review should address the amendment's cumulative effects on Florida panthers, Florida black bears, other native wildlife, habitat connectivity, vehicle mortality, and human-wildlife conflict.

Under section 163.3184, Florida Statutes, FWC's review of a county plan amendment includes fish and wildlife habitat and listed species and their habitat when important state resources would be adversely affected. CPA2026-00004 raises precisely those concerns.

The Calusa Group represents Sierra Club members in Lee, Collier, Hendry, and Glades Counties. Our members live, work, explore, recreate, and advocate for the environment throughout Southwest Florida and the Greater Everglades. Consistent with Sierra Club's commitment to explore, enjoy, protect, and restore the natural world, we work to safeguard the remaining wild landscapes upon which people and wildlife depend. We have watched development extend progressively eastward into the remaining rural and natural lands of Southeast Lee County, and we are deeply concerned that decisions being made now could permanently diminish the ability of this landscape to support Florida panthers, black bears, and other native wildlife.

Southeast Lee County is not vacant land awaiting development. It is part of a larger, functioning landscape that includes wetlands, agricultural lands, large undeveloped properties, and public and private conservation lands extending across county boundaries. It lies within the remaining range of the federally endangered Florida panther and within FWC's South Bear Management Unit. Its ecological value depends not only on the number of acres that remain undeveloped, but also on whether those lands remain sufficiently connected and functional for wide-ranging wildlife.

A Landscape Scale Decision

CPA2026-00004 would significantly change the land-use framework governing future development in Southeast Lee County. The proposed Preservation and Innovation category is intended to

accommodate office, light-industrial, and commercial uses, while the Conservation Community category also allows limited nonresidential development.

Of particular concern is the proposed elimination of Policy 33.2.5 and its 300,000-square-foot area-wide limitation on commercial development. According to the County's staff report, that limitation was added to the Lee Plan in 2010 after the state reviewing agency expressed concern that the plan lacked clear and predictable guidelines establishing the maximum intensity of nonresidential development in Southeast Lee County.

Since then, approximately 240,000 square feet of commercial development has been associated with WildBlue, Verdana Village, and Old Corkscrew Golf Club. Settlement agreements for Kingston and the FFD Land Co. property, commonly known as FFD Farms, authorized approximately 800,000 additional square feet - approximately 700,000 square feet in Kingston and 100,000 square feet on the FFD property. The County now cites the settlement-approved development as one reason the existing area-wide limitation is no longer workable. Its staff report also estimates a shortfall of approximately one million additional square feet of nonresidential space, even after the settlement-approved development is considered.

CPA2026-00004 therefore does more than recognize development that has already been approved. It would replace an area-wide limitation with a new framework capable of accommodating substantially greater commercial, office, light-industrial, mixed-use, and residential development.

That is a landscape-scale land-use decision, and it requires a landscape-scale wildlife analysis.

Florida Panther Habitat Connectivity and Survival

For the Florida panther, the stakes are especially high. Southeast Lee County is within the species' occupied range and contains lands identified as Primary and Secondary Panther Habitat. It forms part of the remaining landscape through which panthers must move to find food, establish territories, reproduce, and travel between habitat and conservation areas.

The survival and recovery of the Florida panther depend on protecting large, connected landscapes. Panthers cannot be conserved through isolated preserve areas surrounded by increasingly intensive development. Habitat that continues to appear on a map may cease to function effectively as panther habitat when it is divided by roads, buildings, lighting, fencing, traffic, and sustained human activity.

Vehicle collisions are already the leading documented cause of Florida panther mortality. Additional development intensity can mean more roads, access points, intersections, traffic, lighting, fencing, utilities, and other infrastructure within a landscape through which panthers must continue to move.

The concern is particularly acute because Southeast Lee County includes major transportation corridors such as State Road 82 and Corkscrew Road. The planned Alico Road Extension would establish another significant north-south connection between Corkscrew Road, State Road 82, and the Lehigh Acres area. Lee County describes this extension as a new major connector and identifies Kingston as a 10,000-unit development linking the area north of State Road 82 with Corkscrew Road.

The combined effects of these transportation and development decisions could create additional barriers to panther movement and increase the number of locations where panthers must cross heavily traveled roads. A wildlife crossing constructed at one location cannot compensate for habitat connections lost elsewhere or make an increasingly fragmented landscape fully functional again.

FWC's review should therefore determine whether the development pattern enabled by CPA2026-00004 would preserve enough appropriately located and connected habitat to support safe

panther movement over the long term. That analysis must consider not only direct habitat loss but also the functional degradation of remaining habitat caused by fragmentation, traffic, lighting, fencing, and other development-related disturbances.

The question is not simply whether panthers could continue to pass through portions of Southeast Lee County. The question is whether the landscape would continue to provide meaningful habitat and connectivity sufficient to support the survival and recovery of the species.

Florida Black Bears and the South Bear Management Unit

Southeast Lee County is also part of FWC's South Bear Management Unit, which encompasses Lee, Collier, Hendry, Glades, Broward, Miami-Dade, Monroe, and Palm Beach Counties and includes the Big Cypress bear subpopulation. FWC's stated objectives for this management unit include maintaining or increasing the bear subpopulation and the habitat necessary to support it, creating forested connections, reducing habitat fragmentation, and reducing human-bear conflict.

Those objectives are directly relevant to CPA2026-00004. Black bears require extensive areas in which to find food, water, cover, and secure movement routes. As development expands into bear habitat, the consequences can include habitat loss, fragmented movement routes, vehicle collisions, greater access to unsecured garbage and other attractants, and increased encounters between bears and people. These conflicts can result in bears being injured, killed, or removed.

Vehicle collisions are a substantial and persistent source of Florida black bear mortality. As the State again authorizes recreational bear hunting - a decision Sierra Club continues to oppose - it is especially important that land-use decisions not add avoidable habitat loss, fragmentation, traffic mortality, and human-bear conflict to the pressures facing the South Florida bear population.

The renewed hunt makes protecting remaining habitat and connectivity more urgent, not less. FWC should not conclude that this land-use framework adequately protects the South Bear Management Unit without first determining how the resulting habitat loss, fragmentation, traffic, and human activity would affect the long-term viability of the Big Cypress bear subpopulation.

Wildlife Do Not Experience These Developments Individually

Panthers and bears do not experience Kingston, Verdana Village, WildBlue, FFD Farms, the eleven privately initiated development proposals, the Alico Road Extension, and other planned development as separate cases. They experience the combined loss and fragmentation of habitat, the cumulative expansion of roads and traffic, and the growing difficulty of moving safely across the landscape.

The Calusa Group is concerned that the proposed amendment relies too heavily on environmental review during later rezoning, development-order, and permitting proceedings. By that point, the comprehensive plan may already have established substantially greater development potential throughout the area.

Later project-specific mitigation cannot necessarily preserve the ecological function of a connected regional landscape. Wildlife crossings, fencing, preserve areas, lighting requirements, speed-management measures, and other protections are important, but their effectiveness depends on their location, design, enforceability, and relationship to the surrounding habitat network. A collection of isolated project-level measures is not a substitute for a comprehensive evaluation of whether the larger landscape will remain functional.

This is precisely why FWC's review is needed now. The Commission has the expertise to evaluate how the proposed land-use framework, when combined with existing entitlements and planned infrastructure, could affect wildlife at a scale that individual project reviews cannot adequately address.

Public Stewardship of a Shared Wildlife Landscape

The Sierra Club's commitment to explore, enjoy, protect, and restore the natural world depends on there continuing to be wild places—and functioning connections between them—for people and wildlife alike. Southeast Lee County is part of that shared natural heritage. Its remaining rural lands, wetlands, forests, agricultural lands, and wildlife corridors support Florida panthers, black bears, and other native species while also giving present and future generations the opportunity to experience Southwest Florida's natural landscape.

Decisions about whether that landscape will remain connected and capable of supporting wide-ranging wildlife should not be made principally through a series of individual development proposals. CPA2026-00004 was initiated in response to eleven privately proposed plan amendments, yet its consequences extend far beyond those individual properties. The amendment would establish the framework governing an entire region whose wildlife resources belong to all Floridians.

Meaningful public stewardship requires Lee County to identify what must remain protected before substantially greater development potential is authorized. It also requires an independent, landscape-scale review by FWC while changes can still be made to the comprehensive plan—not after habitat has been divided among individual development applications and the opportunity to preserve regional connections has been lost.

Requested FWC Review

The Sierra Club Calusa Group respectfully requests that FWC evaluate:

1. The acreage and location of Primary and Secondary Panther Habitat potentially affected by the proposed Future Land Use Map and text amendments;
2. The location and extent of black bear habitat and documented bear activity within and surrounding the amendment area;
3. Whether the proposed land-use changes would cause or contribute to fragmentation or functional degradation of panther or bear habitat;
4. Whether the proposed changes would impair wildlife movement between public conservation lands, private conservation lands, wetlands, agricultural lands, and other important habitat areas;
5. The cumulative effects of existing development, entitled but unbuilt development, Kingston, FFD Farms, the eleven privately initiated development proposals, planned transportation improvements, and additional development reasonably enabled by CPA2026-00004;
6. Whether eliminating the 300,000-square-foot area-wide commercial limitation and accommodating additional commercial, office, light-industrial, mixed-use, and residential development would increase traffic and wildlife-vehicle collision risks;
7. The effects of State Road 82, Corkscrew Road, the Alico Road Extension, and other existing or planned roads on safe panther and bear movement;

8. Whether existing and proposed wildlife crossings, fencing, speed-management measures, lighting standards, preserve configurations, and habitat connections are sufficient and appropriately located to address the cumulative development contemplated for this area;
9. Whether the proposed plan adequately addresses development-related human-bear conflict, including secure waste management and protection of habitat and movement routes; and
10. Whether the proposed Lee Plan maps and policies contain adequate and enforceable protections to maintain functional habitat, landscape connectivity, and safe movement for Florida panthers, black bears, and other native wildlife over the long term.

We respectfully ask FWC not to defer these issues entirely to future rezonings and individual permitting proceedings. This is the stage at which Lee County is deciding where substantially greater development may occur and how much intensity the comprehensive plan will accommodate. FWC's opportunity to evaluate the landscape-scale consequences is therefore now, before that additional development potential is established.

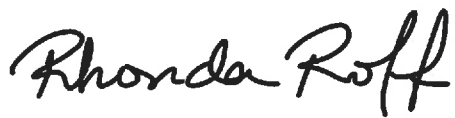
If FWC determines that CPA2026-00004 does not adequately protect Florida panther habitat, black bear habitat, landscape connectivity, safe wildlife movement, or the long-term objectives of the South Bear Management Unit, we request that the Commission provide formal comments before adoption. Those comments should identify with specificity how important state wildlife resources would be adversely affected and recommend the changes needed to eliminate, reduce, or mitigate those effects.

Those revisions may include retaining an area-wide limit on development intensity; identifying and protecting landscape-scale habitat corridors; directing development away from the most important habitat and movement areas; and establishing enforceable requirements for wildlife crossings, fencing, lighting, secure waste management, and long-term monitoring.

Southeast Lee County is one of the places where Florida's commitments to wildlife conservation are being tested most directly. Decisions made here will help determine whether the Florida panther retains enough connected habitat to survive and recover and whether the Big Cypress bear subpopulation retains the habitat and movement routes necessary for its long-term health.

Thank you for your consideration and for FWC's review of CPA2026-00004.

Sincerely,



Rhonda Roff, Chair
Sierra Club Calusa Group
30290 Josie Billie Hwy, PMB 300
Clewiston, FL 33440
Calusa@Florida.SierraClub.org
954-347-2335

Copies

Donna Harris, Senior Plan Processor
Bureau of Comprehensive Planning

FloridaCommerce
Caldwell Building
107 East Madison Street, MSC 160
Tallahassee, Florida 32399-4120
ComprehensivePlans@Commerce.fl.gov

Allie McCue, Regional Director
Florida Fish and Wildlife Conservation Commission
Southwest Region
3900 Drane Field Road
Lakeland, Florida 33811-1207
Allie.McCue@MyFWC.com

Lee County Department of Community Development
Planning Section
1500 Monroe Street
Fort Myers, Florida 33901
PODPlanning@leegov.com



Conservation Office
2001 Thomasville Road
Tallahassee, FL 32308

850.222.2473
fl.audubon.org

Florida Department of Commerce
Division of Community Development
Adam Sieracki, Regional Planning Coordinator
107 East Madison Street
Tallahassee, Florida 32399

September 15, 2026

Re: Lee County Comprehensive Plan Amendment and Compliance with Sections 163.3177 and 163.3184, Florida Statutes

Dear Mr. Sieracki:

Audubon Florida has significant concerns about the proposed Lee County Comprehensive Plan Amendment for Southeast Lee County, transmitted to the Department on August 24, 2026 (Lee County 26-04ESR). Audubon's substantial interests are affected as an adjacent private landowner of Corkscrew Swamp Sanctuary, which lies in Southeast Lee County and extends into Collier County. Because upstream land-use changes impact the sanctuary's watershed and wildlife habitat connections, Audubon supports the County's stated goals for flowway restoration, wetland and open-space protection, hydrologic analysis, wildlife connectivity, and local wildlife crossing standards, but remains concerned that the amendments as drafted contain serious gaps.

Key points Audubon Florida encourages the Department of Commerce to strategically review:

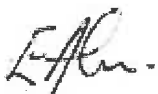
- **Request careful consideration of Chapter 163 compliance.** Audubon recognizes the Department's review role under sections 163.3177 and 163.3184, Florida Statutes. In that context, Audubon respectfully asks the Department to consider whether the amendment is supported by adequate analysis, maintains internal consistency, and clearly identifies the programs, activities, and land development regulations needed to implement the conservation objectives.
- **Require meaningful, predictable, and enforceable conservation standards in the Lee Plan.** The amendment should not defer core conservation decisions to later land development regulations. The Comprehensive Plan itself should provide

enough policy direction for residents, applicants, reviewing agencies, and the public to understand Southeast Lee County's regional flowways, wetlands, water resources, wildlife habitat, and connected conservation land protection over time.

- **Keep the Lee Plan as the controlling policy authority.** The Land Development Code may provide implementing detail, but it should not replace clear comprehensive plan direction. If substantive conservation guidance is removed from the Lee Plan, long-term conservation outcomes could become dependent on regulations that may later change without the same level of state review.
- **Tie any additional development intensity to measurable, permanent conservation outcomes.** Even modest project-level increases in density or intensity could create cumulative impacts across Southeast Lee County, including additional housing, commercial development, infrastructure, water demand, and pressure on remaining natural systems. Any added development should therefore be linked to enforceable protection of wetlands, regional flowways, habitat connectivity, wildlife crossings, conservation lands, and water-resource values.
- **Distinguish required safeguards from optional incentives and require adequate data and analysis.** Core conservation measures, such as regional flowway protection, habitat connections between projects and conservation lands, wildlife crossing standards, reduced irrigation demand, wetland hydrologic restoration, and long-term land stewardship should be clearly identified as requirements where they are necessary to achieve the amendment's stated environmental goals. Incentives should reward actions that go beyond baseline requirements and deliver meaningful ecological benefits.

In conclusion, Audubon Florida respectfully requests that the Department require Lee County to provide additional documentation and revisions before the amendment is deemed in compliance. The Lee Plan should retain clear policy direction that balances future jobs, services, housing, and infrastructure with permanent protection for wetlands, wildlife habitat, regional flowways, conservation lands, and water-resource values. Strengthening the amendment with solid documentation now will help ensure transparent, data-based planning and lasting conservation outcomes for Southeast Lee County.

Sincerely,



Beth Alvi
Senior Policy Director

Appendix A: Supporting Detail

The following provides additional detail on Audubon Florida's concerns with the proposed Lee County Comprehensive Plan Amendment for Southeast Lee County.

Keep the Conservation Policies in the Lee Plan

The Lee Plan should remain the controlling policy document for Southeast Lee County. The Land Development Code should implement the plan, not take its place. Audubon understands the County's goal of streamlining the Lee Plan and removing unnecessary duplication. However, moving important conservation policies out of the Lee Plan will weaken the protections these amendments are supposed to provide.

Residents, applicants, reviewing agencies, and the public should be able to read the Lee Plan and understand what will be required to protect water resources, wetlands, regional flowways, wildlife habitat, and connections to conservation lands. They should not have to wait for future Land Development Code changes to know how the County intends to meet the plan's goals.

If these policies are removed from the Lee Plan, much of the conservation framework will depend on regulations that have not yet been developed and can be changed more easily later. That leaves too much uncertainty about what will actually be required as development moves forward.

Florida Case Law Supports Clear Standards in the Comprehensive Plan

This concern is illustrated by *Seminole Tribe of Florida v. Hendry County*, DOAH Case No. 14-1441GM, subsequently adopted by the Administration Commission's Final Order. In that case, the Administrative Law Judge found a plan amendment not in compliance because the comprehensive plan did not establish meaningful and predictable standards. Instead, important siting criteria were left to a future staff proposal or matrix that would later be added to the land development regulations.

The Final Order in *Kemp v. Miami-Dade County*, DOAH Case No. 13-0009, also addresses the balance between comprehensive plan policies and the land development regulations that carry them out. Read together with *Buck Lake Alliance* and *Seminole Tribe*, these cases support a basic point: the comprehensive plan must contain enough information for an agency, court, Administrative Law Judge, applicant, or member of the public to determine whether later regulations and development approvals are consistent with the plan.

The Department should look closely at whether the Southeast Lee County amendment contains meaningful and predictable standards in the Lee Plan itself or leaves important conservation decisions to future Land Development Code changes and individual development approvals.

More Development Must Deliver Real Conservation Benefits

Any increase in density or development intensity should come with conservation benefits that are measurable, enforceable, and permanent. The supporting documentation does not clearly show how the proposed framework will deliver those benefits consistently across Southeast Lee County.

Audubon supports the County's goal of balancing conservation and development. But the Lee Plan should clearly state what conservation outcomes are required in exchange for additional development. Those protections should not be left to future negotiations during the review of individual projects.

Moving these decisions to the Land Development Code makes the protections easier to change later and gives the public less certainty about what will actually be required.

Basic Protections Should Not Be Treated as Incentives

The amendment should clearly separate basic conservation requirements from optional measures that earn additional development incentives. The County should not give additional density or intensity for protections that are necessary to make the development acceptable in the first place.

Protection of regional flowways, wetlands, wetland hydrology, wildlife connections, water resources, and conservation lands should be required where necessary to meet the amendment's stated goals. Incentives should be reserved for actions that go beyond those basic requirements and provide additional, measurable conservation benefits.

The supporting record should explain which protections are required, which are optional, and how the proposed incentives will produce better conservation outcomes than would otherwise occur.

Southeast Lee County and the Density Reduction/Groundwater Resource area include some of the last large areas in Lee County where connected habitat, wetlands, regional flowways, and water resources can still be protected. Yet the amendment does not include enough data and analysis to show how these resources will be protected as additional development occurs.

Future communities in this area should be designed to work with the landscape and reduce conflicts with wildlife. This should include living-with-wildlife practices, dark-sky standards, littoral planting, less turf grass, lower irrigation demand, wetland restoration, and prescribed fire where appropriate. These measures can help reduce groundwater demand, wildfire risk, habitat fragmentation, and conflicts between people and wildlife.

The amendment should make clear which of these measures will be required, how they will be evaluated, and how they will be maintained over time.

What Audubon Is Asking the Department to Review:

As part of its review under Chapter 163, Part II, Florida Statutes, including sections 163.3177 and 163.3184, Audubon asks the Department to determine whether the Southeast Lee County amendment:

- Is supported by adequate data and analysis;
- Establishes meaningful and predictable standards;
- Is internally consistent with the rest of the Lee Plan;
- Clearly separates required conservation protections from optional incentives; and
- Identifies the programs, activities, and land development regulations needed to carry out its conservation goals.
- Consistent with *Buck Lake Alliance*, *Seminole Tribe*, and *Kemp*, the Department should determine whether the Lee Plan itself contains enough direction to ensure that future land development regulations and development approvals will meet the plan's goals, objectives, and policies for Southeast Lee County.

If it does not, Audubon urges the Department to issue appropriate objections, recommendations, and comments that clearly identify the additional information and revisions Lee County should address before adoption.