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August 3, 2007

US Army Corps of Engineers
Monika Dey, Project Manager
Fort Myers Regulatory Office
1520 Royal Palm Square Blvd., Suite 310
Fort Myers, Florida 33919

RE: Permit Application # SAJ-2006-6656(IP-MJD)
Babcock Property Holdings, LLC

Dear Ms Dey:

The Caloosahatchee River Citizens Association appreciates the opportunity to provide public comment on Public Notice SAJ-2006-6656(IP-MJD), the Babcock Property Holdings, LLC, development application.

Application Incomplete

The Babcock Ranch application review must include a comprehensive analysis of impacts associated with the entire project. This includes all proposed mining activity and its impact on ecosystems, water quality and water flows. In addition, all required and associated roadway impacts at the regional and local level must be analyzed.

We find that these two major categories of impacts, mining expansion and regional roadway access required uniquely for access to this development, are completely omitted from the application. The multitude of impacts from these two categories need to be reviewed in the same comprehensive manner that other project impacts must be reviewed including wetland habitat impacts, impacts to water quality, timing and flow, threatened and endangered species and their distribution, secondary and cumulative impacts and public interest. Further, any mitigation to be considered to offset mining and roadway impacts needs to be identified and quantified.

Site Plan Issues

In review of the development plans there are several issues of concern. Foremost, it is important to recognize the regional significance of the historic Telegraph Swamp and Creek ecosystem that delivers the most important and largest, natural freshwater inflow to the Caloosahatchee estuary.

CRCA "Riverwatch" is a not-for-profit organization dedicated to the protection of the Caloosahatchee River and its watershed, through education and promotion of responsible use and enjoyment by all people.

Telegraph Creek is the only unimpaired water body in Lee County. Telegraph Swamp and Creek must be protected from encroachment, drainage, hydroperiod reductions, water table changes, water quality degradation, in-flows, overflows, changes in timing and release of water flows and noxious exotic invasion and any other impact that would degrade the habitat value and wildlife use.

In addition to the absence of any detail regarding mining and roadway issues, the proposed plan provides only a rudimentary, bubble plan that lacks significant detail as to: intensity of use, impervious cover, type of cover, fill slopes, excavation slopes, buffers, farming type by location, water source for framing, irrigation, human consumption, drainage details and elevations.

The site plan promotes sprawl on the site by locating the golf course away from the urban centers at the extremes of the project boundaries and adjacent to Telegraph Swamp rather than folding it into the community plans as a transitional use between Hamlets. Locating the golf courses at the outer edge of the project adjacent to Telegraph Swamp will contribute to secondary and cumulative impacts on the swamp and State lands. Locating it further away from the residential centers will increase traffic within and through the city.

Sprawl on the site is also created by the placement of the FGCU research center along the edge of Telegraph Swamp and Creek. The lack of detail on the land use and designs raises questions about impervious cover, buffering, water drainage retention and protections of the State lands and Swamp.

The plan fails to identify the specific location and type of farming that is proposed in areas labeled "farming". For example, the application includes two farming plots wedged between the 1017-acre, state owned Curry Preserve and the 530-acre wetland and upland creation, enhancement and preservation area. Different crops could have a significant impact, in terms of water quality, water table, storm event runoff or redirection, drought impacts to hydroperiods, in the State and mitigation wetlands.

Density

The application does not make clear the distribution and limits on the 19,500 units of density between the Lee and Charlotte portions of the plans but there are specific issues that need to be clarified for your review.

First, the Lee county portion of the plan assumes 1,640 residential units on land that is designated as Density Reduction Groundwater Recharge (DRGR). Any development on these 5,000 acres would require formal approval by the County to change the Comprehensive Land Use Plan. Any such approval would then require approval by the State Department of Community Affairs before zoning changes or density changes could even be considered. The current planning district limit for the entire Alva area in Lee County is 200 units.

The Charlotte County approval includes 16,535 units that were approved by the Commission in a waiver of the Transfer of Density Ordinance. Specifically, Charlotte County added new density to their Comprehensive Land Use Plan rather than transferring density out of the Coastal High

Hazard zone. Therefore, it is important to note that the density allocated to Lee County not be absorbed into the Charlotte portion or the plan.

Water Quality Issues

The project and plan raise a number of critical water quality, quantity and dosing issues for which there is insufficient detail in the plan to address. As stated above Telegraph Creek is the only unimpaired water WBID in Lee County. All other waters, including the receiving water, the Caloosahatchee, are impaired and subject to development of TMDLs.

In addition to Telegraph Creek, both Owl Creek and Trout Creek have their headwaters in the proposed development area of Babcock Ranch. Maintaining water quality, volume and timing are also critically important for these smaller tributaries and for the cumulative impacts of the project on the Caloosahatchee, an impaired water.

We are aware that the applicant has requested a long-term permit. The state is currently evaluating water quality standards, which could become more restrictive over the period of a long-term permit. Any long-term permit should be phased and required to meet new water quality standards as changes are adopted. This is consistent with the review that is being performed at the Regional Planning Council so that new standards are implemented as the project develops over time.

We have a serious concern about water quality of lakes proposed in historic agricultural fields. It is likely that which once hydrated these areas will leach persistent chemicals previously used on the land including fumigants, pesticides, herbicides and fertilizers. In addition, long term cattle ranching operations on this land dating back to 1917 raise the probability that cattle dipping vats are located on the ranch. These vats contain very persistent and dangerous chemicals, including DDT, which have been found on other sites in the region. We highly recommend that an Environmental Assessment be conducted to determine the presence of these chemicals and to provide for a Phase III clean up of any contaminated lands.

Flood plain information, including seasonal water tables and direction of flow, need to be provided for both the current condition as well as the post development condition.

Secondary and Cumulative Impacts caused solely by this project

Transportation modeling for the project has determined that the two lane SR 31 will need to be expanded up to 14 lanes to accommodate north-south transportation needs. There is currently a two-lane bascule bridge crossing the Caloosahatchee at the southern end of CR 31. With up to 14 lanes of traffic along the CR 31 corridor this bridge will need to be replaced. The replacement of the bridge would not be required except for this project; however, none of the roadway or bridge impacts are addressed in this application. In addition, the two lane County Road 74, also known as Bermont Road, will need to be expanded to six lanes to provide an east-west connection. The project will require the two lane SR 78 be expanded to six lanes and SR 80 expanded to handle increased traffic. There is currently no money budgeted in any Capital Improvement plans in the region to the year 2020 for the road and bridge work required by this project. Both Lee and

Charlotte Counties have a backlog of road building projects whose price tags are in the hundreds of millions of dollars. Redirecting funds from more critical projects to address the sprawling network created by this project is not in the public interest.

In addition, this project has opened the corridor for regional transportation network planning including the privately promoted Heartland Expressway alignment connecting Immokalee and Orlando along the eastern property line of the 73,000 acres purchased by the state. This combination of roadway corridors will undermine and negate the very critical wildlife corridor connection between Lake Okeechobee and the Gulf of Mexico that was the foundation upon which the purchase of State lands was envisioned.

At a minimum, the review of this project needs to take into account the economic and secondary and cumulative impacts generated by all the aspects of this project, onsite and off.

Wildlife

Panther Issues

The Babcock Ranch development, and the secondary and cumulative impacts it will generate, will have a profound impact on the Florida panther. Impacts will be directly related to the project footprint but more significantly in the secondary and cumulative sprawl and surrounding development that it will spawn.

Formal consultation on a regional scale is needed to evaluate critical habitat needs and dispersal patterns of the Florida Panther in south Florida. The need for regional consultation is evidenced by the escalating trend of annual panther deaths and record number of panther deaths in south Florida in 2007. Evaluation of panther mortality data clearly shows the linear corridors created by roadways are primary kill zones. For this reason the evaluation of roadway needs and plans for this project and the regional corridor must be considered in this application.

The development of Babcock Ranch will directly impact panther habitat and dispersal, generate transportation corridors that will be future killing zones for the panther, will eliminate the regional wildlife corridor envisioned in the State Land purchase of 73,000 acres and will be fundamentally responsible for sprawl into the rural landscape.

Other Threatened & Endangered

Long-leaf pine communities provide critical habitat for endangered Red cockaded woodpeckers. Information on the location of red cockaded woodpecker nest areas is not included or addressed in the application materials.

Federal Investment

You may not be aware that the Federal National Oceanographic and Atmospheric Administration (NOAA) has committed \$2.8 million for acquisition and preservation of the Lee County portion

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of the land. As such there is a Federal Nexus in assuring that the State preserve lands are protected and not degraded.

Historical & Archaeological

The historical significance of the Telegraph Swamp and Creek has profound public interest value in the history of this region. The name immortalizes the alignment of the first telegraph line constructed and extended into south Florida by the International Ocean Telegraph Company. It is this same telegraph line that served the southernmost telegraph office in the United States, located at Punta Rassa, which on February 15, 1898 was first to receive news of the sinking of the U.S. Battleship Maine by the Spanish in Havana Harbour; the event that precipitated the Spanish-American War. The significance of this history carries tremendous public interest value in understanding this region, the cattlemen who profited greatly from it and became the leaders and war heroes of their day and a significant event in US history as well. The application makes no mention of this significant history which under the review criteria needs to be addressed.

We appreciate the opportunity to bring our concerns to your attention and will continue to follow your review of this permit. Please add our organization to the list of interested parties to be notified of all future correspondence and actions by your agency and other federal consulting agencies.

Sincerely,

Margaret England, Vice President
On behalf of the Board of Directors & Members
Caloosahatchee River Citizens Association