

Comments for PCP POA Annual Meeting

November 1, 2018

Scrub Jay Update

Since last year's annual meeting, the Scrub-Jay Action Committee held three public workshops in February and March to review and comment on Charlotte County's current Habitat Conservation Plan (HCP). From the workshop discussions, the Committee submitted 15 recommendations to Commission President Ken Doherty and the Charlotte County staff.

Central to the committee's recommendations was its support for the County's proposal to the U.S. Fish and Wildlife Service (USFWS) for the expansion of its reserve areas to the planned 4,500 acres as described in the HCP, and a shift from the current acreage-based fee schedule calculation, which imposes prohibitively high fees for property development, to a density-based model with a more equitable fee level.

The committee's position, based in large part on the input received from the workshops and subsequent conversations with committee members, strongly recommended a reduction to the current HCP fees charged for development of properties from its current punitive levels (eg., \$76,700 for 5.01 to 20 acre property size) to a more reasonable permit fee level (proposed to be about \$2,000 for each property). A critical component of the County's efforts to comply with the HCP included both the direct purchase of additional land and the purchase of easement rights on land that would total 1,300 acres.

In July, after more than two and a half years of being considered by the USFWS, agency representatives denied the County's request for acceptance of the proposed 1,300 acre expansion stating that it failed to provide suitable habitat for the scrub-jay in an "optimum condition." Accordingly, USFWS refused to approve any changes to the current fee schedule, stating

"...that decreasing the costs of developing some larger parcels, specifically those in the Washington Loop/Prairie Creek Park area, will allow for the increase rate of development of those parcels, which could have impacts to scrub-jays that were not analyzed in our original consultation..."

The committee's most recent discussion with Commissioner Doherty and the County staff members acknowledged that the County is left to maintain its current fee structure, and to continue to pursue the incremental acquisition of land to build towards the targeted 4,500 acre Reserve. In large part, the County's understanding stems from the agreement it made with the USFWS during the original creation of the HCP, which requires the County maintain a balance between acquisition and development at defined levels. If these ratios are not achieved, the County is concerned that it could be in jeopardy of losing its ability to issue building permits for these areas.

Accordingly, the County will continue to pursue 'short term' goals by keeping the pace of acquisition consistent with development, while also pursuing the 'long term' objective of acquiring and restoring the remaining 1,300 acres it needs to ultimately achieve its 4,500 acre Reserve design. County officials believe that this process will take several years, with their continuing work directly with USFWS to achieve optimal scrub-jay habitat conditions.

Upon their achievement of these goals, potentially taking up to 10 or more years, the relief this committee seeks with the density model alternative to the current fee schedule could then be revisited, and likely supported by USFWS.

As evidence of the County's intentions to continue on this path of incremental purchases, are the examples they shared of recent purchases of smaller parcels (some 40 acres along the Washington Loop corridor), and their continuing interest in finding additional 'willing sellers' who may consider the sale of their properties to the County at a determined 'fair market value.'

While the Committee is sensitive to the County's plight, and agrees that it should avoid the possibility of losing its permitting authorities, we continue to have serious concerns about the County's pathway that continues the status quo. We strongly advocate for a more balanced, equitable, and productive dialogue between the County and USFWS, and a clear emphasis on the opportunity to correct the severe prejudice in the current approach against the ability of owners to develop their small acreage parcels such as found in PCP and other areas.

Respectfully submitted,

Scrub-Jay Action Committee Co-Chairs

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