South Florida Wildlands Association
1314 E Las Olas Blvd #2297
Fort Lauderdale, FL 33301

November 10, 2023

Village of Wellington Council
Village Hall
12300 Forest Hill Boulevard
Wellington, FL 33414

Re: SFWA revised comments on Wellington North and South land use and zoning changes

Dear Councilmembers:

South Florida Wildlands Association (SFWA) appreciates the opportunity to provide these supplemental comments on the proposed Wellington North and South developments for your consideration.

SFWA was founded in March of 2010 to protect wildlife and habitat in the Greater Everglades. During more than 13 years of environmental work, we have engaged in a wide variety of projects and campaigns. Those include working with the National Park Service and the U.S. Fish and Wildlife Service in the preparation of management plans for Everglades and Biscayne National Parks, the Big Cypress National Preserve, and various National Wildlife Refuges including the Loxahatchee National Wildlife Refuge on the border of Wellington. Regarding state Wildlife Management Areas in our region, we have served on numerous Management Advisory Groups at the invitation of the Florida Fish and Wildlife Conservation Commission (FWC). In all cases involving public lands, we encouraged the federal or state managing agency to put protection of wildlife and habitats above recreational considerations in their crafting of management plans. We have also worked as environmental advocates on many development projects throughout South Florida where it appeared valuable natural resources were at stake. Those included projects large and small – from the now-canceled M-CORES highway project which would have run new toll roads from Collier County to the Florida-Georgia border, slicing through and fragmenting natural and rural lands across an enormous statewide corridor, to small parcels of endangered pine

rocklands in Miami-Dade County and small wetlands inside the Mall at Wellington Green. Currently, our main priority is trying to protect tens of thousands of acres of primary and secondary habitat for the endangered Florida panther. About 30 thousand acres have been proposed for new development or are currently under construction in the panther's core habitats in Southwest Florida. We have also worked on four proposals to explore or drill for oil in the Greater Everglades and on Florida's state policy dealing with offshore oil and gas drilling in state waters. On all the above projects, we have shared information and opinions with federal and state agencies, local governments, the public, and the press in the hope that our outreach would elevate concerns for wildlife and the environment in a rapidly growing area like South Florida where so much of the natural world has already been lost or degraded.

We first learned of this project from Wellington residents who were concerned about environmental impacts from proposed development on a large tract of open lands and wetlands in their community. We agreed to look at the project and conduct research on possible environmental impacts.

This letter consists primarily of information gathered directly from various local, state, and federal government agencies – including the Village of Wellington itself – that SFWA believes was not covered in earlier hearings and that could be helpful to the Village Council in deciding whether to grant the zoning and future land use modifications the applicant has requested. The letter presents information we have gathered from reliable sources regarding the current conditions of the property and comments and observations about how the proposed development and land use changes could impact that environmental baseline. We are asking the council to consider the material presented in this letter before a decision is reached.

The project known as Wellington South is currently summarized on the village's website as follows (https://www.wellingtonfl.gov/2063/The-Wellington-North-and-South):

The Wellington South is located at the northwest corner of South Shore Boulevard and Lake Worth Road, east of Gene Mische Way and consists of approximately 290 acres. The applicant seeks approval to change the land use and master plan for the area south of the Wellington International showgrounds (114.64 acres) for a new showground site and develop up to 114 single-family residential units on the eastern 173.46 acres.

The Wellington North proposal is described this way:

The Wellington North is located on the northeast corner of South Shore Boulevard and Pierson Road. The project area consists of 101.87 acres. The applicant seeks approval to remove approximately 96 acres from the Equestrian Preserve Area and the Equestrian Overlay Zoning District, change the land use to residential, and develop a 96-unit residential project.

That change from residential to commercial land use in Wellington South is necessary to move the existing equestrian showgrounds from Wellington North to Wellington South, clearing Wellington North of its existing equestrian use and allowing this same applicant a major

expansion of residential development on the north site. However, Wellington North's envisioned level of development requires the Village to eliminate the Equestrian Overlay Zoning District (EOZD) from that site – something we believe should not take place if this unique part of South Florida is to be protected in the way it has been to this point. We also believe it sets a precedent for one of the most unique and successful zoning districts in Florida. Any developer eyeing other parts of this same Equestrian Protection Area (EPA) will inevitably request the same consideration and ask, "If they can do it, why can't I?" Dense development always seems to beget more dense development – that has been the case throughout Florida's modern history.

Based on the environmental impacts outlined below, we believe both requests – the dropping of the EOZD zoning on Wellington North and the land use changes for Wellington South - should be denied. To better understand the issues raised in this letter, we provide a high-resolution photo of the site and its surroundings from the South Florida Water Management District. The bright green area in the southwest corner of the property is the 18-acre conservation easement offered as mitigation for wetland impacts on the site.

Figure 1. The basic boundaries of Wellington South outlined in red by the South Florida Water Management District for the previous CountryPlace project proposed for the site.

The map below labels the different sections of Wellington South – Pod F, Parcel B, and Pod E. Those labels will be helpful for many of the discussions which follow – especially those that deal with wetland permitting questions as those were the names used by the Army Corps of Engineers, the South Florida Water Management District, and the Florida Department of Environment Protection 404 Program. The graphic will also be useful for the upcoming Village Council meeting on November 14th – 16th.

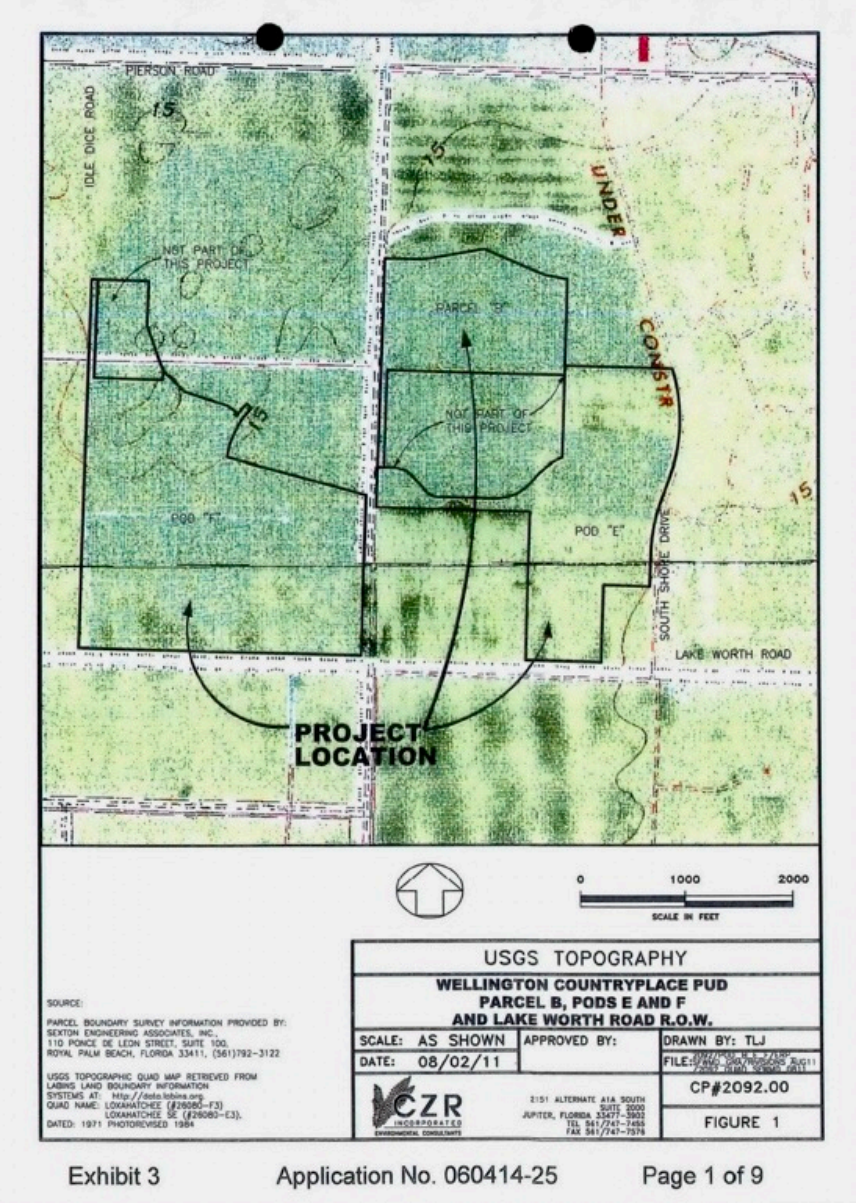


Figure 2. Wellington South parcels labeled.

Figure 3. The most recent Google Map Pro aerial view of the property (dated February 2023) shows a significant amount of land clearing has already taken place on Pod F. Residents of the area have recently reported a large amount of earth moving and excavation taking place now on the same part of the property (Pod F) that had been previously cleared. That includes the east side of Pod F south of the preserve area which was not cleared at the time this photo was taken.

Impacts to wetlands and open space in the Equestrian Protection Area (EPA)

The site where the residential and equestrian development is proposed is likely the largest segment of undeveloped land remaining inside the village boundaries that is not a publicly owned conservation area. The site is due north of the Loxahatchee National Wildlife Refuge (145,000 acres), the last major segment of the Northern Everglades which remains, and is equally close to the Wellington Environmental Preserve at the Marjory Stoneman Douglas Everglades Habitat (410 acres), and the South Florida Water Management District's Stormwater Treatment Area 1 East (6,562 acres). All these important public lands are only about 1.5 miles from the property in question. Wellington South itself appears to be a remnant of that same wetland ecosystem that these important federal, state, and local public lands were created to conserve and protect. As open space and undeveloped wetlands, the site buffers and protects these public lands and wildlife habitats, adds an important natural element to the Equestrian Preserve Area (EPA), cleans and retains stormwater, and contributes to the rural quality of life for homeowners and visitors alike. As we discuss in detail below, the parcel also contributes important ecological services to the greater community.

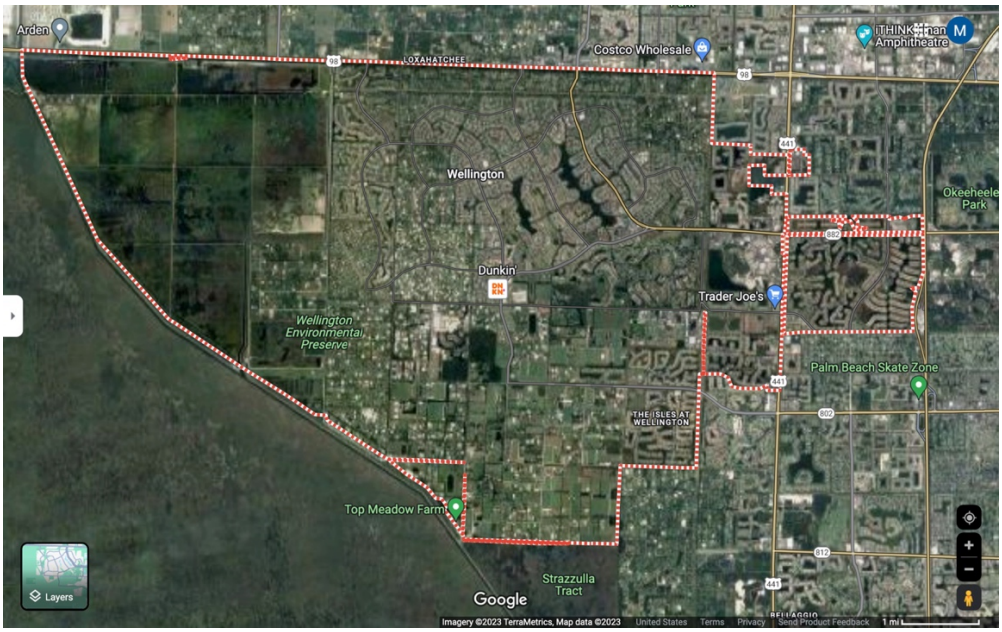


Figure 4. This aerial photo shows the proposed Wellington South development in the heart of the Village of Wellington (outlined in red) and near publicly owned lands (Wellington Environmental Preserve, Stormwater Treatment Area 1 East, the Loxahatchee National Wildlife Refuge) to the west and south. The Village has no other remaining comparable undeveloped land of this size and character. We believe the parcel's rarity, combined with its varied ecological functions (see below) renders it highly valuable in its current condition in and of itself and to the community it is a part of.

Figure 5. Google Streetview Map shows the view looking west on lightly traveled South 40th Street (Gracida) at the entrance to 39th Court South with Jan Pamela Farm to the south and Mida Farms to the north. The rural and equestrian character of these lands in their current state is obvious. Under the development plan proposed, this two-lane country road would become the major

corridor for entry to the large equestrian show site and would likely require a major widening to accommodate the expected increase in traffic.

The next graphic (Figure 6 below) shows the Wellington South property as it appears today on the National Wetlands Inventory (NWI) "Wetlands Mapper." The NWI is a digitized map developed by the U.S. Fish and Wildlife Service (USFWS) providing information to the public as well as federal, state, and local agencies on the location, size, and type of wetlands across the U.S. The parcels shown on the map in bright green depict wetlands as currently identified by the Service. According to the Service:

> "Recognizing the importance of wetlands to the safety and well-being of all Americans, as well as the conservation of fish, wildlife, and plants, Congress enacted the Emergency Wetlands Resources Act of 1986 … This legislation directs the … Service to map America's wetlands, as well as conduct decadal national wetlands status and trends studies and report the findings to Congress. The Service created the National Wetlands Inventory (NWI) to carry out these responsibilities."

The Service further explains that it is using a "biological definition" of wetlands and that other federal, state, and local agencies will further refine the boundaries the NWI has presented. These agencies might also engage in regulatory decisions regarding "modifications within or adjacent to wetland areas." It advises that "persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities."

See: https://www.fws.gov/program/national-wetlands-inventory

The wetlands identified by the Service on Wellington South are divided into the following wetland classifications:

West side of property (Pod F) – from North to South. Three wetland parcels.

1. This **8.92**-acre **Freshwater Forested/Shrub Wetland** habitat is classified as a **PFO1C**.
2. This **6.30**-acre **Freshwater Forested/Shrub Wetland** habitat is classified as a **PSS1/3Cd**.
3. This **16.04**-acre **Freshwater Forested/Shrub Wetland** habitat is classified as a **PFO1Cd**.

East side of the property (Parcel B and Pod E) – from North to South. Four wetland parcels.

1. This **34.56**-acre **Freshwater Forested/Shrub Wetland** habitat is classified as a **PFO1/4C**.
2. This **54.33**-acre **Freshwater Forested/Shrub Wetland** habitat is classified as a **PFO1/SS1C**.
3. This **2.23**-acre **Freshwater Forested/Shrub Wetland** habitat is classified as a **PFO1/SS1B**.
4. This **16.84**-acre **Freshwater Forested/Shrub Wetland** habitat is classified as a **PFO1Cd**.

The total amount of wetlands identified by the Service and indicated on the site map is 139.22 acres.

The full wetlands map below and a detailed description of each wetland classification depicted can found at the following federal website:

https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/

F.

Figure 6. This shaded aerial photo is taken from the National Wetlands Inventory and shows much of the Wellington South property as wetlands and potentially jurisdictional wetlands on the state and federal level.

In addition to the Service's findings, both the South Florida Water Management District (SFWMD) and the U.S. Army Corps of Engineers (ACOE) have also examined all or parts of the site for wetlands – clarifying what the Service found in its inventory. As we have learned since our first letter to the Village Council was submitted on October 6th, there appear to be important differences as to what the two agencies found and how they conducted their review.

The ACOE issued a permit for work on Pod F in February of 2018. As the map below taken from the permit indicates, the ACOE found a significant amount of federally jurisdictional wetlands on the site. Specifically, the ACOE identified 50.01 acres inside "USACE wetland jurisdictional limits." The agency found an additional 5.57 acres that it classified as "Waters of the U.S." As explained below, those wetland determinations by the ACOE were only made for Pod F.

According to Patricia Clune, a Project Manager at the Palm Beach Gardens office of the ACOE, the permit for work on federal wetlands on the site expired in February of 2023 and no extension was requested. The map showing the federally jurisdictional wetlands the ACOE found on Pod F, along

with a link to the full permit, follow below. Irregular shapes within the wetlands show various vegetation types and their acreage.

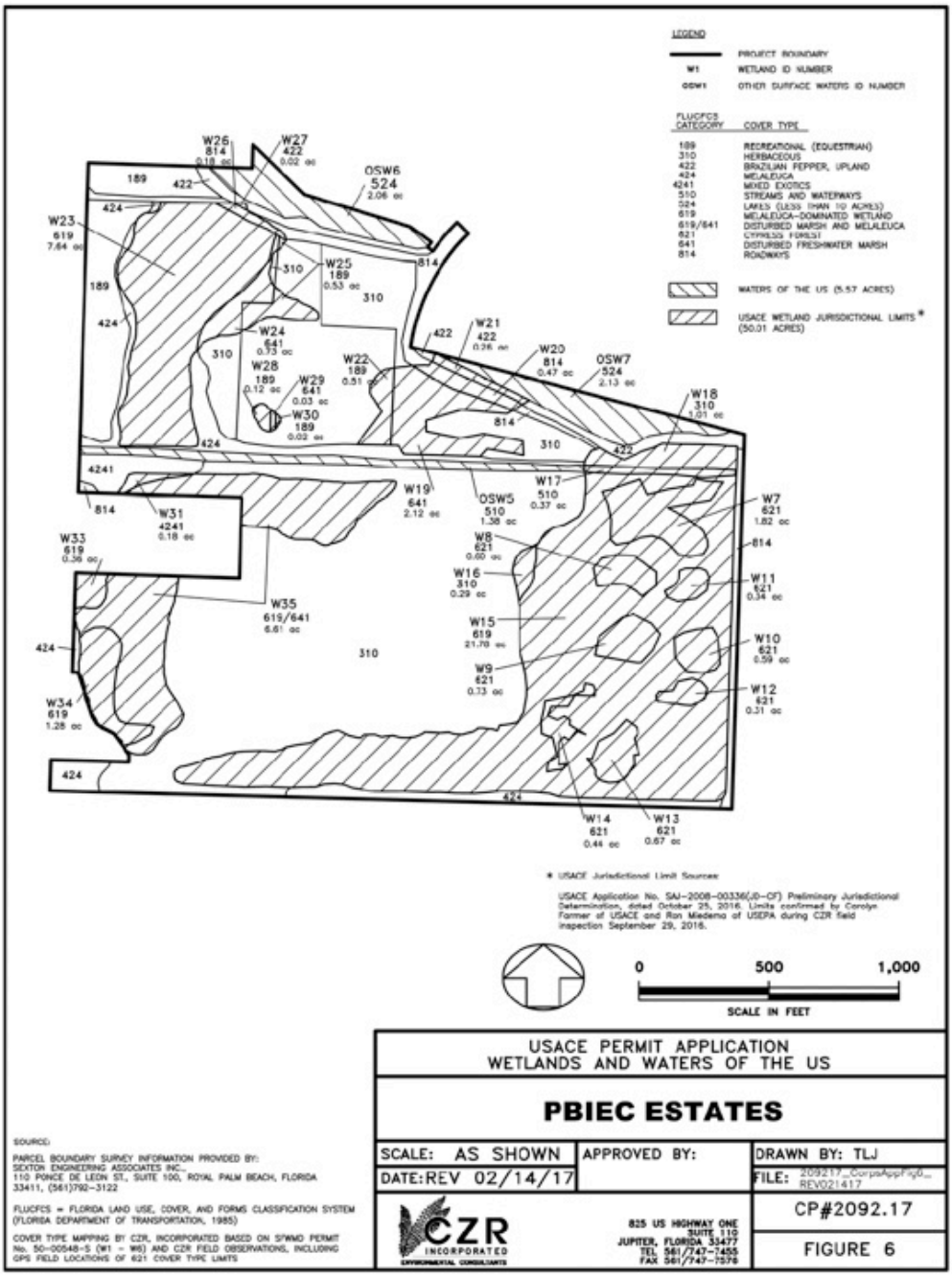


Figure 7 – map showing areas of Pod F within "USACE Wetland Jurisdictional Limits." Shapes within the jurisdictional limits indicate different types of wetland vegetation such as cypress forest or melaleuca.

The full permit can be found at the following link:

https://drive.google.com/file/d/1a6hvs5xw8kBsSWqAL3OTjSuMvS-mnWNj/view?usp=sharing

According to Ms. Clune of the ACOE, the agency never did an examination of Parcel B or Pod E on the eastern side of the property for federal wetland jurisdiction. Ms. Clune explained this was apparently due to an enforcement action that occurred on Parcel B where fill material was placed in the southern section of the parcel known as Peacock Pond without a permit. According to Ms. Clune, the ACOE was unable to conduct a review while the enforcement action was active. Therefore, a Section 404 permit application (referring to Section 404 of the Clean Water Act involving "the discharge of dredged or fill material into waters of the United States, including wetlands") for Pod E and Parcel B did not proceed. Thus, we do not know how many additional acres of federally jurisdictional wetlands might have been identified by the ACOE for Parcel B and Pod E had that review taken place. The lack of a federal review for the whole east side of the property was also cited by Amelia Meckelborg, an Environmental Specialist at the West Palm Beach office of the Florida Department of Environmental Protection's 404 Program, who is currently reviewing the project for her agency.

It should be noted that wetlands permitting in Florida has changed enormously in recent years. In December of 2020, the U.S. Environmental Protection Agency (EPA) agreed to Florida's request to transfer authority for federal wetlands permitting from the ACOE (a federal agency) to the FDEP (a state agency) as a way of streamlining the process in terms of time, work, and costs. One of the immediate changes from that transfer is that federal laws that used to be triggered by the issuance of a federal wetlands permit – e.g., the National Environmental Protection Act (NEPA), the Administrative Procedures Act (APA), the National Historic Preservation Act (NHPA), and the Endangered Species Act (ESA) - no longer come into play in the same way during wetlands permitting, if they come into play at all. Wetlands in Florida are now considered "retained" if they are still under the authority of the Army Corps of Engineers or "assumed" if they are now administered by the Florida DEP. Navigable waters such as the Intracoastal Waterway are generally retained – as are the canals that flow into them that are impacted by tides. As an example, at least sections of the C-51 canal in Wellington has been retained by the Army Corps in terms of wetlands authority and that federal agency would conduct the review for any modifications such as widening or bridging (telephone communication, Patricia Clune, ACOE).

Another major change occurred in May of 2023 when the Supreme Court ruled under Sackett vs. EPA that jurisdictional wetlands needed to have a direct and visible connection to navigable waters to be considered jurisdictional under federal law. Although implementation of the Clean Water Act has changed several times, in prior years (including the period immediately preceding the Sackett decision), the requirement was that wetlands needed to have a "significant nexus" to navigable waters. That is seen in many parts of our unusually wet region of South Florida where a considerable amount of water flow is not necessarily visible on the surface but instead travels through the porous limestone platform that South Florida is built on. That ruling can be relevant in this case as the applicant has submitted applications to the DEP for a "No Permit Required" (NPR) designation for all the wetlands on the property that would previously have been subject to permitting by the Army Corps of Engineers and are now permitted by the DEP. During our last conversation, Amelia Meckelborg from the DEP informed us that her agency had not yet decided

the applicant's request for a No Permit Required designation. However, she did make clear that a decision on whether a wetland is now considered jurisdictional or not based on a legal interpretation of the Clean Water Act provided in the recent Supreme Court case does not change the identification of certain lands as wetlands based on biological characteristics (e.g., hydrology, the presence of indicative wetlands plants, and soils with wetland characteristics). We would add to that, nor does the new ruling change the many functions wetlands perform.

Regarding the Supreme Court's 5 to 4 ruling in Sackett vs. EPA, it is worth sharing Judge Brett Kavanaugh's dissenting opinion as it has it has been widely quoted since the decision was made. It does a good job explaining why environmentalists across the country, and especially in Florida with its many interior wetlands, were deeply dismayed by the "Sackett vs. EPA" decision:

> "Because of the movement of water between adjacent wetlands and other waters, pollutants in wetlands often end up in adjacent rivers, lakes, and other waters. Natural barriers such as berms and dunes do not block all water flow and are in fact evidence of a regular connection between a water and a wetland. Similarly, artificial barriers such as dikes and levees typically do not block all water flow, and those artificial structures were often built to control the surface water connection between the wetland and the water. **The scientific evidence overwhelmingly demonstrates that wetlands separated from covered waters by those kinds of berms or barriers, for example, still play an important role in protecting neighboring and downstream waters, including by filtering pollutants, storing water, and providing flood control.** In short, those adjacent wetlands may affect downstream water quality and flood control in many of the same ways that adjoining wetlands can."

All this is to say that, because of shrinking federal wetland permitting jurisdiction, the Village cannot rely on the federal government to protect its wetlands, and must strictly enforce its own wetland protections. The Village Council is deciding whether to grant land use and zoning changes for a project that would be far different than anything that has been built in this area since the Equestrian Preserve Area (EPA) and the Equestrian Overlay Zoning District (EOZD) were established in 2003. Those changes could have far-reaching environmental and other impacts on this community.

Justice Kavanaugh's statement does an excellent job explaining why even wetlands that may appear to be isolated are in fact connected to the larger bodies of water the Supreme Court wants to protect. The C-51 canal - an extremely important drainage feature for the village and a federally jurisdictional water - is one such waterbody that the property in question is connected to. Ms. Meckelborg of the DEP has informed us that the agency is certainly considering "connectivity" in their decision on the applicant's "No Permit Required" application for the parcels which comprise Wellington South - in addition to looking at the hydrology of the site, the presence of vegetation indicative of wetlands, and the presence of wetland soils. In a telephone conversation with Ms. Meckelborg in September, she informed us that during a site visit in August, she and her team found standing water as well as vegetation indicative of wetlands (a major component of a 404

wetland classification). Walking into the site from the exterior, she encountered an alligator and decided to retreat at that point.

In July of 2012, the SFWMD did its own wetland and review for the site that at the time was being permitted for the CountryPlace PUD. The SFWMD found 38.05 acres of state jurisdictional wetlands on the northern part of Parcel B – with 34.31 acres to be directly impacted by construction of CountryPlace. It is not clear what type of review SFWMD conducted on the southern part of Parcel B, as it is indicated as "not a part of the project" on permitting maps and only a few acres of "secondary impacts" are noted. However, according to conceptual maps of the current Wellington South project, the southern part of Parcel B will be a part of that project and will be directly impacted by construction. When viewing the area that contains the southern portion of Parcel B in the National Wetlands Inventory Map, the Service indicates a freshwater wetland of 54.33 acres in and around the southern part of Parcel B – by far the largest block identified on the NWI map. Thus, the total amount of jurisdictional wetlands eventually designated on the site and direct impacts to those wetlands could significantly increase.

In looking at the reason for the small number of wetlands identified on the entire Wellington South site by the SFWMD – when compared to what the U.S. Fish and Wildlife Service found and uploaded to the National Wetlands Inventory - this paragraph in its entirety, copied and pasted from the scanned SFWMD Environmental Resource Permit Modification No. 50-00548-S-204 of July 30, 2012, appears to provide the explanation. Simply put, the regulations for the identification and permitting of jurisdictional wetlands that were being used by the District were different than what they became later. Though the District does acknowledge that the ACOE will do its own review of the entire site using more up-to-date criteria, we now know that the ACOE's review was limited only to Pod F on the west side of the property due to the previously mentioned enforcement action taking place.

It should be noted that, although the exhibits for this permit indicate the presence of additional on-site wetlands areas beyond that described above, the District's wetlands evaluation only included areas that are considered to be state jurisdictional wetlands pursuant to Rule 62-340 F.A.C. Specifically, based upon wetlands jurisdiction regulations in effect at the time the original Acme Improvement District's Surface Water Management Permit (Permit No. 50-000548-S) was issued in 1978, all areas on Pod E and many areas on Pod F (other than the 3.74 ac) that would be would be designated as jurisdictional wetlands under current regulations, were not designated as jurisdictional wetlands at that time for that permit. Therefore, pursuant to subsection 373.414(12), F.S. and because this project is consistent with the land use designations in that original permit, these other areas cannot be considered state jurisdictional wetlands. However, these other areas have been designated as federal jurisdictional wetlands by the U.S. Army Corps of Engineers, and are being evaluated for impacts and mitigation by that agency.

Wetlands permitting on this site goes back to the late 1970s with many applications and modifications of applications. However, by way of summary of what has been determined by the two agencies (ACOE and SFWMD) so far, and according to the permits already issued, we can say that the Army Corps found 50.01 acres of federally jurisdictional wetlands on Pod F. The South SFWMD found an additional 38.05 acres of Florida state jurisdictional wetlands in the northern part of Parcel B (never reviewed by the ACOE) for a total of 88.06 acres of federal and state jurisdictional wetlands identified on Wellington South. If the DEP decides that the wetlands on Wellington South are jurisdictional, further review of the actual wetlands will likely take place from that agency as there is currently no 404 permit for the site. The previous applications submitted were for the CountryPlace PUD that anticipated a different type of development on the site than the projects now being proposed. If the Village approves the zoning and land use changes, we expect the applicant would submit the actual site plans, when finalized, to the permitting agencies for review. Those would show, in addition to roads and retention ponds, the actual locations of structures such as houses, stadiums, parking lots, etc. and direct and secondary impacts to jurisdictional wetlands.

Figure 8. Wetlands map from the SFWMD permit modification of July 2012 for the CountryPlace PUD. This is an excerpt from the document that SFWMD staff (Dezarae Fagan, Environmental Analyst II) directed us to in the permit history for a more comprehensive understanding of the complex wetland permitting history on the property. The full document is the SFWMD

Environmental Resource Permit Modification No. 50-00548-S-204, July 30, 2012. It can be downloaded and viewed at:

https://drive.google.com/file/d/1D_rV7pUwJqyj2N1TUxY-nXvGxEF9Y6kT/view?usp=drive_link

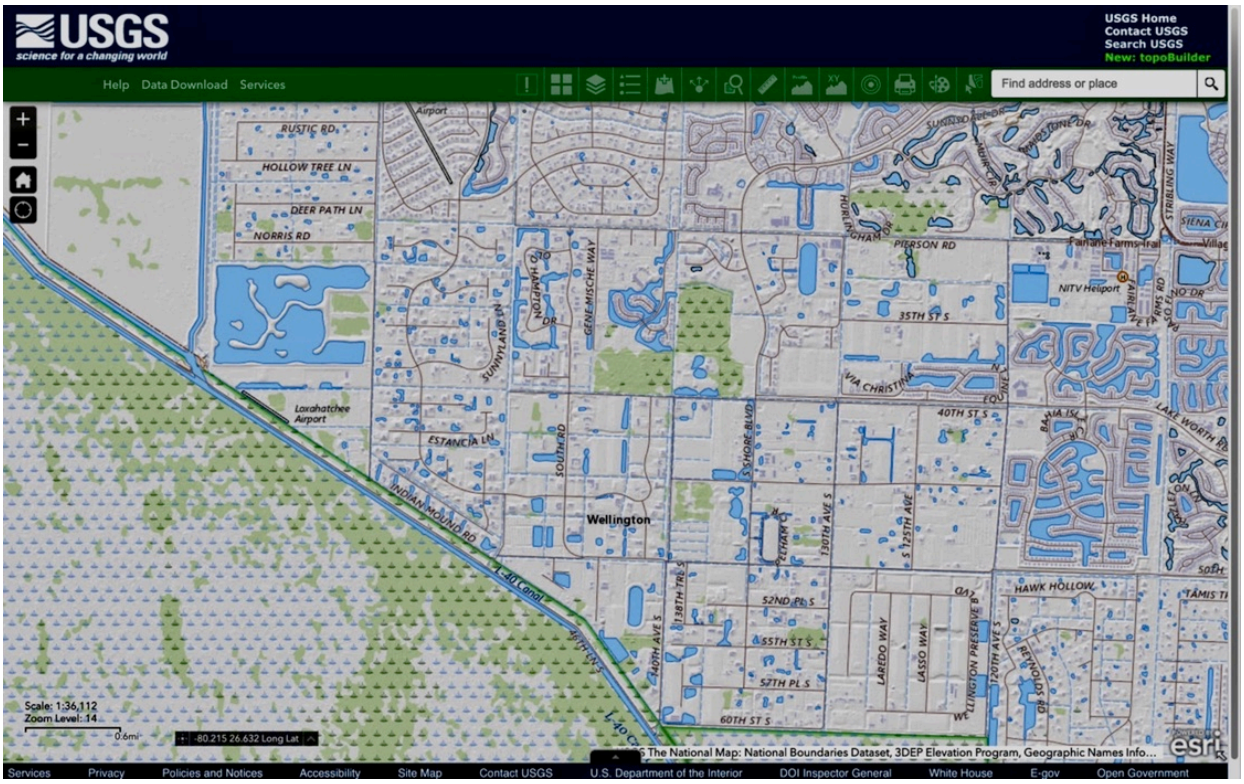


*Figure 9. Map from the "The National Map" produced by the U.S. Geological Survey (USGS) – a digital topographical map in the style of traditional USGS topo maps for the entire United States. The USGS has utilized the same map symbols it used to describe inundated sections of the Loxahatchee National Wildlife Refuge to depict the area referred to as Wellington Sout*h. As shown below, the USGS considers Wellington South to be an inundated wetland.

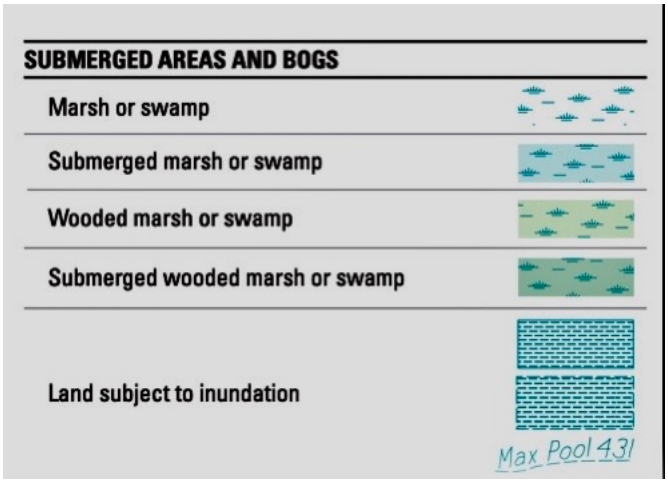


Figure 10. From USGS – "Topographic Map Symbols." All wetlands depicted in the topo map for the area called Wellington South are shaded green with vegetation symbols – indicating a "Submerged wooded marsh or swamp."

The graphics below illustrate the low-lying topography of Wellington South.

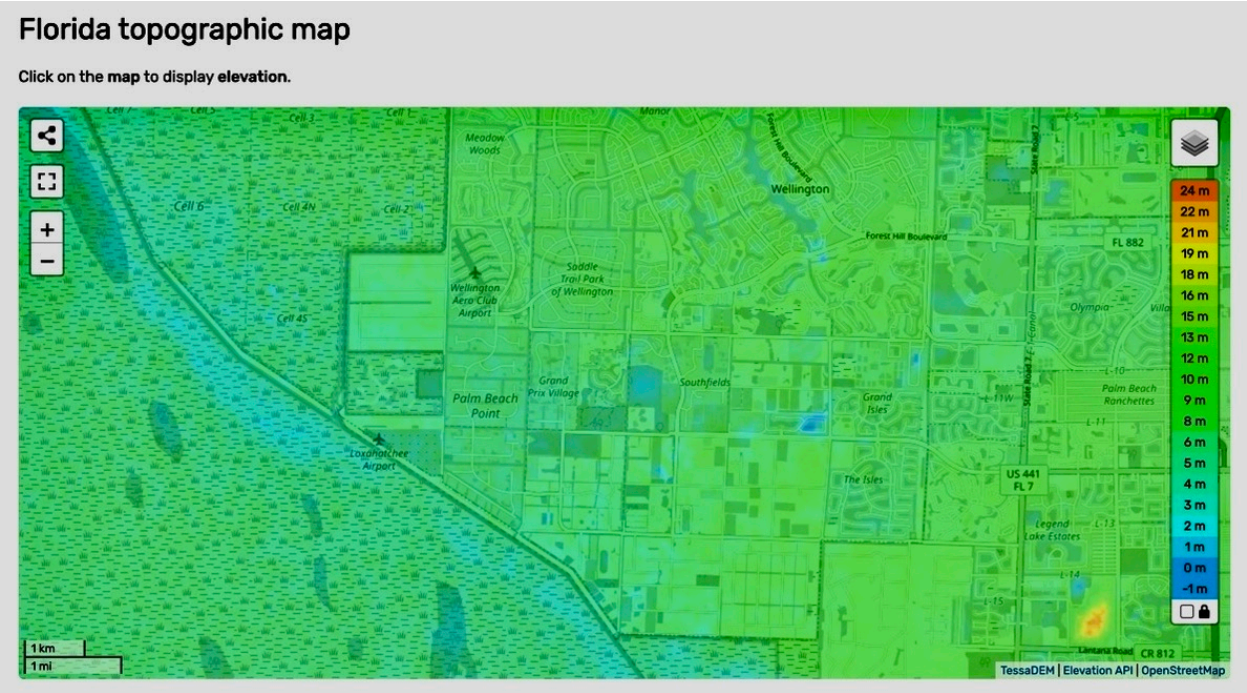


Figure 11. Topographic map shows the northern part of Wellington South (Parcel B) with one of the lowest elevations in the Village of Wellington.

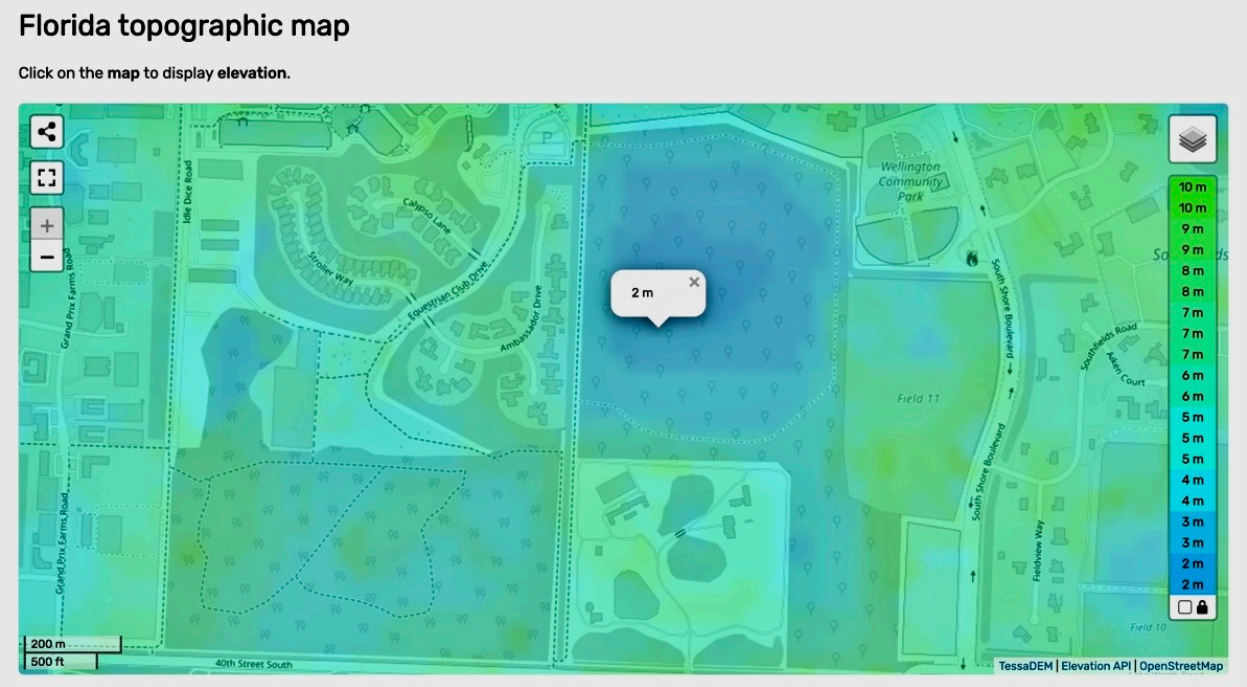


Figure 12. Zoomed version of the topographic elevation map shows the elevation of Wellington South (Parcel B) is as low as two meters (about 6.5 feet) above sea level. The elevations seen in the numerous developments immediately to the north, northwest, and west of Wellington South generally show up on the elevation map set as 6 to 8 meters (19-26 feet). In its current undeveloped state (without the fill that would be necessary to develop this site), Wellington South is very likely providing significant drainage and natural flood management to the residential areas as well as the horse farms that surround it.

Map source that can also be utilized to view elevations in other parts of the surrounding area: https://en-gb.topographic-map.com/map-5w818/Florida/

Explanation of the data source here: https://tessadem.com/

Photo 13. This graphic shows flood zones in the project area from the Village of Wellington's own "Current Flood Zone" maps. It dramatically depicts the comparative flood risks between the important developments adjacent to Wellington South (north of the proposed development) and the current conditions on the site. The wetlands and undeveloped land on Wellington South function as a natural stormwater drainage area. Areas likely to flood on this map are shaded blue. Those areas include all of Pod F, Pod E and Parcel B in Wellington South. Residential areas immediately to the north are not in the flood zone.

Source: https://www.wellingtonfl.gov/499/Current-Flood-Maps

As to the amount of water the site may hold, a recent discussion on the catastrophic record rains that hit NYC at the end of September prompted a look at the U.S. Geological Survey (USGS) website and some surprising numbers. According to the agency, just "one inch of rain falling on 1 acre of ground is equal to about 27,154 gallons and weighs about 113 tons." The character of that 1 acre of ground - rural land, farmland, or ranches – as compared to built-up suburban areas with many impermeable surfaces - makes a big difference as to where rainwater ends up.

https://www.usgs.gov/special-topics/water-science-school/science/rain-and-precipitation

In 2012, an outer band from Hurricane Isaac traveling through the Florida Straits and Gulf of Mexico dropped approximately 16 inches over Wellington in a short amount of time and completely inundated this low-lying area and its canal drainage system. Aerial footage of Wellington and its Equestrian Preserve Area from the band that passed through in 2012 can be seen in the news broadcast below.

https://www.youtube.com/watch?v=IV3n03xShiA

As a former part of the Everglades, this level of periodic flooding was once an integral part of the ecosystem. Water flowed south from the southern end of Lake Okeechobee to Florida Bay at the southern end of the peninsula in a shallow, 60-mile wide "River of Grass" during the wet season. There were no roads, canals, levees, nor drainage basins and the slow movement of water across the "Glades" to the south was described as unbroken "sheetflow." Other smaller water bodies transported water from the Everglades through the Atlantic Coastal Ridge east to what is now the Intracoastal Waterway. These were known as "transverse glades." There was no limit to the amount of fresh water that could pass through the system on the way to saltwater and the Everglades wetland ecosystem thrived as a result. But now, as a community of over 60,000 residents, high water levels (not referred to as "flooding" in the pre-drainage and pre-development landscape) in this former part of the Everglades is obviously a very different situation. A great deal of engineering has been carried out by the Army Corps of Engineers and Acme Improvement District to change (or "tame") the natural floodplain and major changes to the hydrology of this area can now carry immense consequences.

The relationship between different types of land use and the effect on surface water runoff (how much, where it goes, and how long it persists) is carefully explained by the SFWMD in this excerpt:

> "Land use has a large impact on the amount of surface runoff entering local streams and canals. For example, much of the surface area in an urban area (e.g., roofs, roads, and parking lots) is impervious to water. Almost all the rain impacting impervious areas becomes surface runoff. Some water may be detained and will evaporate, but the percentage of rainfall that enters local canals or streams by surface flow in an urban area can be quite high. As a result, urban areas may be subject to high stream flows (flooding) during rain events.
>
> "A vegetated area can intercept and retain a large part of the rainfall, and subsequent surface runoff from a rain event. This intercepted water has an additional opportunity to evaporate or seep into the ground. In general, a smaller percentage of the rain falling on a vegetated area will enter local streams and canals as surface runoff than a comparable urban area. As a result, stream flows in vegetated areas are moderated compared to urban areas."

From "Canals in South Florida: A Technical Support Document; Appendix A - Basic Concepts, Glossary of Terms and Abbreviations".
See: https://www.sfwmd.gov/sites/default/files/documents/canalssfl_appendixa-c.pdf

When we review the drainage system that the Acme Improvement District has constructed to allow development (and modern life) to exist in Wellington, the implications of the above statement from the SFWMD become clearer.

The district has created a short video to explain what Acme's drainage system is and how it functions. Towards the beginning of the video, the district states, "Our great hometown was once nothing more than swampland." See:

https://www.youtube.com/watch?v=RXgxUj2Sfv8&t=207s

Figure 14. Pre-drainage Wellington – from "Acme Improvement District Overview" video.

In this transcript from a portion of the video, the analogy of a sink and a drain is used explain the operations of the drainage district:

> "[…] Acme's surface water management system is essentially a large retention basin. When it rains, the system begins to collect water within lakes and canals. If it rains more than we are allowed to discharge, which is just over 1 inch per day, then we are required to retain the additional water within the Acme stormwater system. A good analogy for this is the bathtub or sink effect. If you slowly open the faucet, the drain is able to handle the flow. But when the faucet is open and the flow is increased, the bathtub or sink will begin to fill as the drain cannot handle the amount of water flowing to it."

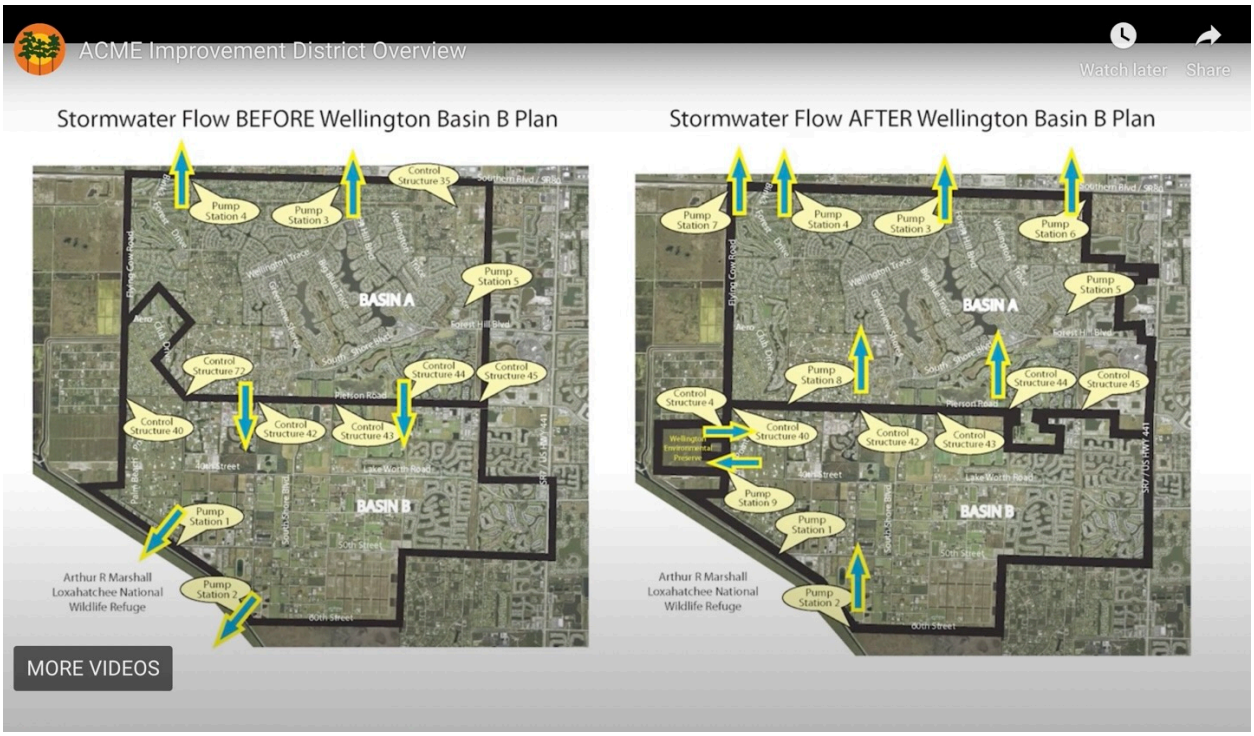


Figure 15. This screenshot from the above video summarizes how water flow in Wellington was rechanneled by Acme through canals, culverts, pumpstations, and other infrastructure to flow north to the C-51 Canal and then west into Stormwater Treatment Area 1 East instead of south into the Loxahatchee National Wildlife Refuge as it did previously. As currently configured, water from the Equestrian Preserve Area (including Wellington South) in Basin B is routed through canals, culverts, and other infrastructure and then pumped from Basin B to Basin A before discharge to the C-51 Canal. The major changes were completed in 2006 but work is constantly being done to allow Wellington's drainage system to meet current and future demands.

Figure 16. This graphic from the Acme video shows the dense network of canals that have been created to allow development in this former wetland known as Wellington to take place. The yellow markers indicate many culvert upgrades that have already gone into the upgraded system. The video also notes other upgrades that will be applied to the drainage system, such as the "Pumpstation 2 Rehabilitation Project," which is currently in the planning stage. That project would rehabilitate an older, currently unused pumpstation on the border of the Loxahatchee National Wildlife Refuge to once again pump water south into the refuge in anticipation of major flooding that could overwhelm Wellington's canal system and other infrastructure.

As we have noted, flooding has been a part of Wellington's history from its beginning. See Acme's full overview page here: https://acme.wellingtonfl.gov/acme-improvement-district-overview

When Charles Oliver Wellington purchased 18,000 acres of land in 1951 (what became the Village of Wellington in 1995), it was all wetlands and all Everglades. Neither ranching nor agriculture (including what was considered the world's largest strawberry field) nor the residential development that followed would have been possible without the massive drainage infrastructure (dikes, canals, locks, gates, and pump stations) built and maintained by the U.S. Army Corps of Engineers and the Acme Improvement District. That infrastructure continues to work hard to keep this flat, low-lying area with abundant rainfall dry. That is, except during and after "big rain events" when the drainage infrastructure is simply overmatched by the sheer volume of rainfall.

In terms of average rainfall, various sources put Wellington's rainfall at approximately 62 inches per year compared to an average U.S. rainfall of 38 inches. Wellington receives nearly 48 percent

more rainfall than the national average and that is reflected in the massive amount of work the agencies have undertaken to deal with that large amount of water.

A summary of Acme's massive infrastructure built to deal with a quantity of surface water that few other areas of the United States neither have nor require, can be found on the Acme Improvement District's "Surface Water Management" page below this summary statement:

> "The Acme surface water management facilities (a/k/a storm water or drainage facilities) include over 2,000 catch basins or inlets, approximately 187,000 linear feet of collection and conveyance pipe, 91 miles of conveyance/treatment canals, 270 acres of detention lake area, seven (7) flow control structures, and nine (9) storm water pump stations."

See: https://acme.wellingtonfl.gov/surface-water-management-ab9595d

A more detailed analysis of the relatively recent and complex changes that were made to the Acme drainage system can be found in this SFWMD document available here:

https://www.sfwmd.gov/sites/default/files/documents/tpiccone%20acme%20ltp%20part%203%20-%20revision%20-%20july_12_2007_0_0.pdf

Both the U.S. EPA and FEMA have emphasized the critical role natural wetlands play in reducing flood risk and how they can work in tandem with artificial drainage infrastructure to protect water bodies, wetlands, and communities.

See: Wetlands: Protecting Life and Property from Flooding, U.S. EPA, EPA843-F-06-001, Office of Water, May 2006 (https://www.epa.gov/sites/default/files/2016-02/documents/flooding.pdf).

Excerpts below:

> *The Federal Emergency Management Agency (FEMA) states that floods are the most common and widespread of all natural disasters—except fire. Most communities in the United States have experienced some kind of flooding.* ***FEMA encourages the use of wetlands for stormwater detention in lieu of, or in conjunction with, traditional structural flood control measures.*** *(Source: FEMA)*
>
> *How Do Wetlands Help Reduce Flooding?*
>
> *The effectiveness of wetlands for flood abatement may vary, depending on the size of the area, type and condition of vegetation, slope, location of the wetland in the flood path and the saturation of wetland soils before flooding. A one-acre wetland can typically store about three-acre feet of water, or one million gallons. An acre-foot is one acre of land, about three-quarters the size of a football field, covered one foot deep in water. Three acre-feet describes the same area of land covered by*

three feet of water. Trees and other wetland vegetation help slow the speed of flood waters. This action, combined with water storage, can actually lower flood heights and reduce the water's destructive potential.

Given this finding, the approximately 140 acres of wetlands on the Wellington South property can likely hold at least 420 acre-feet or 140 million gallons of water in their current undeveloped condition. During periods of heavy rainfall, the quantities of water retained on the site could be even larger. Given the large differential between the low surface elevation of at least parts of Wellington South and the higher elevation of adjacent communities, plus the open vegetated lands not classified as wetlands on the site, we would guess the property's overall potential to retain floodwaters could be even greater than the quantity of water quoted above.

Losing this amount of water retention in an area adjacent to dense developments could prove challenging for neighboring homes and developments. If floodwaters which normally empty into the wetlands of Wellington South (essentially functioning as a natural stormwater drainage basin) can no longer do so due to raised and impervious surface areas, the impacts will be felt in the adjacent communities and/or in the connecting flood drainage infrastructure we have discussed previously. That is where that formerly retained water will be released. And with impacts of climate change now settling in, the risk of flooding from big rain events has only grown larger. A warmer planet produces higher rates of evaporation which produces more water vapor (itself a greenhouse gas – though unlike CO2 and methane it does condense out of the atmosphere as rain). And a warmer atmosphere can hold more water vapor than a cooler one. All these factors contribute to the types of extreme precipitation events that are associated with flooding as water accumulating rapidly on the ground cannot discharge quickly enough through the existing infrastructure (e.g., canals and pump stations) to prevent inundation of communities. We are seeing big rain events like the five to eight inches of rain which fell on New York City on September 29th, 2023, more and more. Climate scientists refer to these events as "the new normal."

This issue of future flooding in a warmer world with heavier rainfall can be mitigated to at least some extent by all undeveloped, lightly developed, and open spaces in Wellington. The existing zoning of one dwelling unit per 2-acre parcel in the EOZD provides lots of open ground that can absorb and retain massive amounts of rainfall without it ending up in overworked canals and pumpstations where it can potentially overflow into developed areas. The EPA has predicted an increase of 45 percent in the extent of what is referred to as the 100-year floodplain. That means more land impacted and at greater depths. Deeply concerned about excessive water flows into Lake Okeechobee (and the polluted discharges that occur when that happens due to build-ups of phosphorous, nitrogen, and algae in the lake), the SFWMD has even created an innovative program involving "water farming" where agricultural landowners are paid by the district to retain water on their properties. They refer to it as "dispersed water management." Wellington already has a similar system in place that carries out this same function – the retention of floodwaters. It is the natural areas and preserves and the many small farms and two-acre (minimum) homesites of the EOZD.

As stated in EPA, "Climate Change Indicators: Heavy Precipitation," April 2021 (https://www.epa.gov/climate-indicators/climate-change-indicators-heavy-precipitation):

> *"In recent years, a larger percentage of precipitation has come in the form of intense single-day events. Nine of the top 10 years for extreme one-day precipitation events have occurred since 1996."*

Also, this EPA reference to what's coming:

> *Heavy downpours have increased in frequency and intensity worldwide in the last 50 years. They are expected to become more frequent and intense as global temperatures continue to rise. As a result, the risk of flooding is likely to increase dramatically across the United States. The average 100-year floodplain is projected to increase 45 percent by the year 2100."*

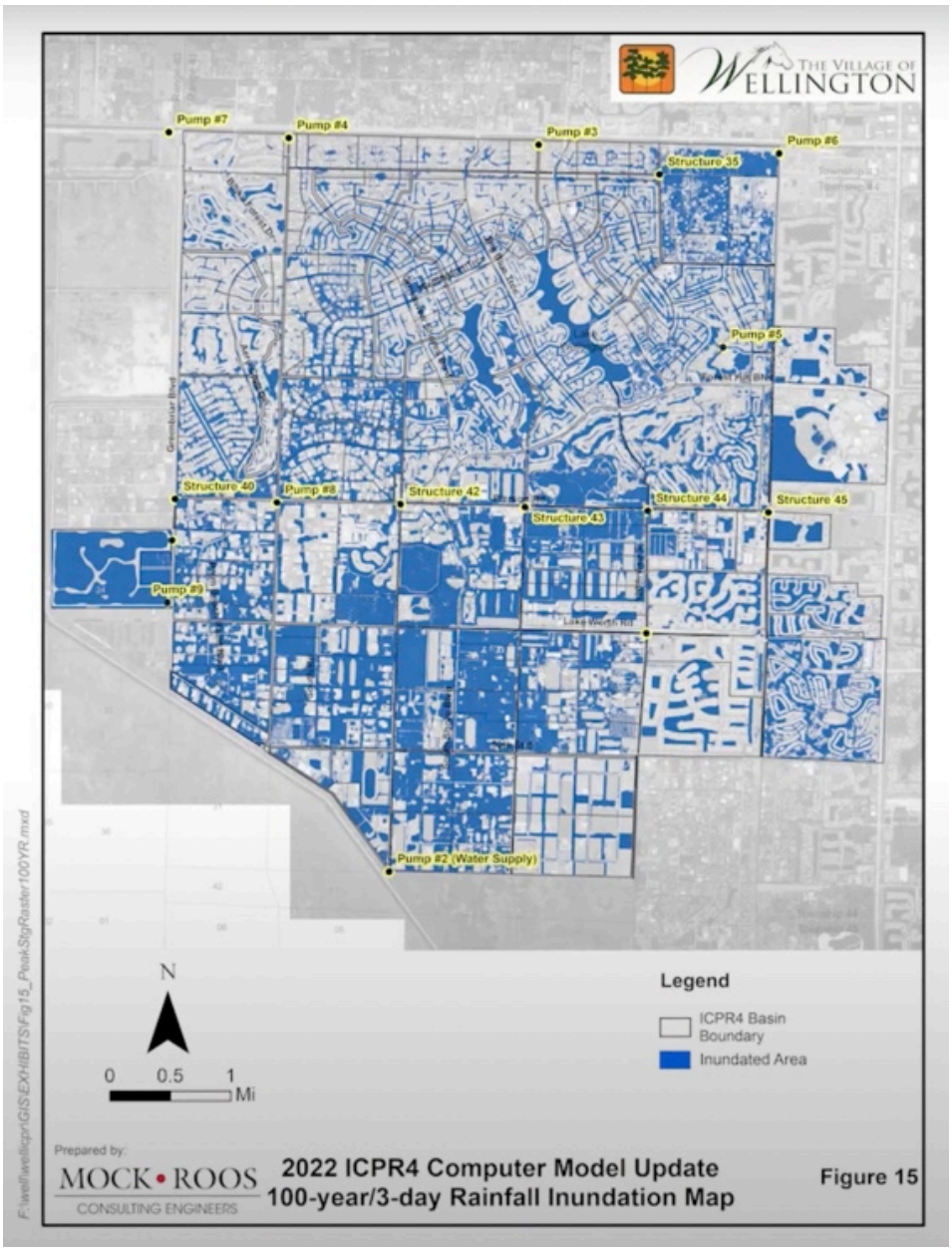


Figure 17. This important graphic is also taken from the Acme Improvement District's Overview Video and shows the ICPR4 (Interconnected Channel and Pond Routing) modeling for the Acme Drainage Basin regarding inundation caused by three days of heavy rainfall. The areas we would expect to be inundated are inundated (indicated in blue) – including the entirety of Wellington South.

Given the massive natural water retention of the site in question – shown in the above map and others that we have presented - it would seem to be in the best interest of the greater community to allow these lands to continue to function for water retention and flood control among other possible future uses. As we have noted, that can most easily be accomplished through continuation of the type of light-density zoning found throughout the Equestrian Preserve Area and EOZD. The site sits only a short distance south of Pierson Road – the boundary between Basin

B and Basin A. Pumping water that is currently being retained on the open lands and wetlands of Wellington South north into the much more heavily populated areas of Basin A (as well as the C-51 Canal which already serves as drainage for many communities in Palm Beach County) is going to put added pressure on a flood control system that will need all the help it can get as temperatures continue to rise and large precipitation events become more frequent and intense. A constructed flood control system, even one as well-engineered as the one constructed for Wellington, can only handle a finite amount of water. If intensely developed, the "sink or bathtub" (to use Acme's analogy) that is Wellington South will no longer hold the same quantity of water as it does now and that displaced water will have to move somewhere. Intense development in other parts of the EPA will only make the situation worse. The constructed system can only convey so much.

A review of media reports of flooding in Wellington provides additional evidence of how important the horse farms and open areas of the EPA are to flood control and flood water retention – long after the reconfiguration of Basin B and Basin A took place. A good example can be seen in the photo and article below from the Palm Beach Post ("Days of persistent rain leave Wellington soggy," Kristina Webb, Palm Beach Post, October 23, 2020). The caption to this photo read:

> "Officials are monitoring water levels in canals, drainage ditches and lakes throughout Wellington after several days of persistent rainfall. This swale runs along the east side of South Shore Boulevard, looking south from 52nd Avenue in Wellington's Equestrian Preserve Area, where many paddocks are holding water."

The article includes details on where rainfall in the EPA went during this 3-day heavy rain event:

> "The rain has been persistent since last weekend as first a tropical wave and then another system bombarded South Florida with precipitation.
>
> "'The ground is saturated,' Barnes (Assistant Village Manager Jim Barnes) said.
>
> "Water pooled in swales and driveway aprons Friday morning, and canal levels rose throughout Wellington. **Some paddocks and arenas in the Equestrian Preserve Area on Wellington's south side had several inches of water even into Friday afternoon**, when the clouds finally seemed to break after several hours of rain from Thursday night through Friday morning."

Full article is below:

https://www.palmbeachpost.com/story/news/local/wellington/2020/10/23/days-persistent-rain-leave-wellington-soggy/6009563002/

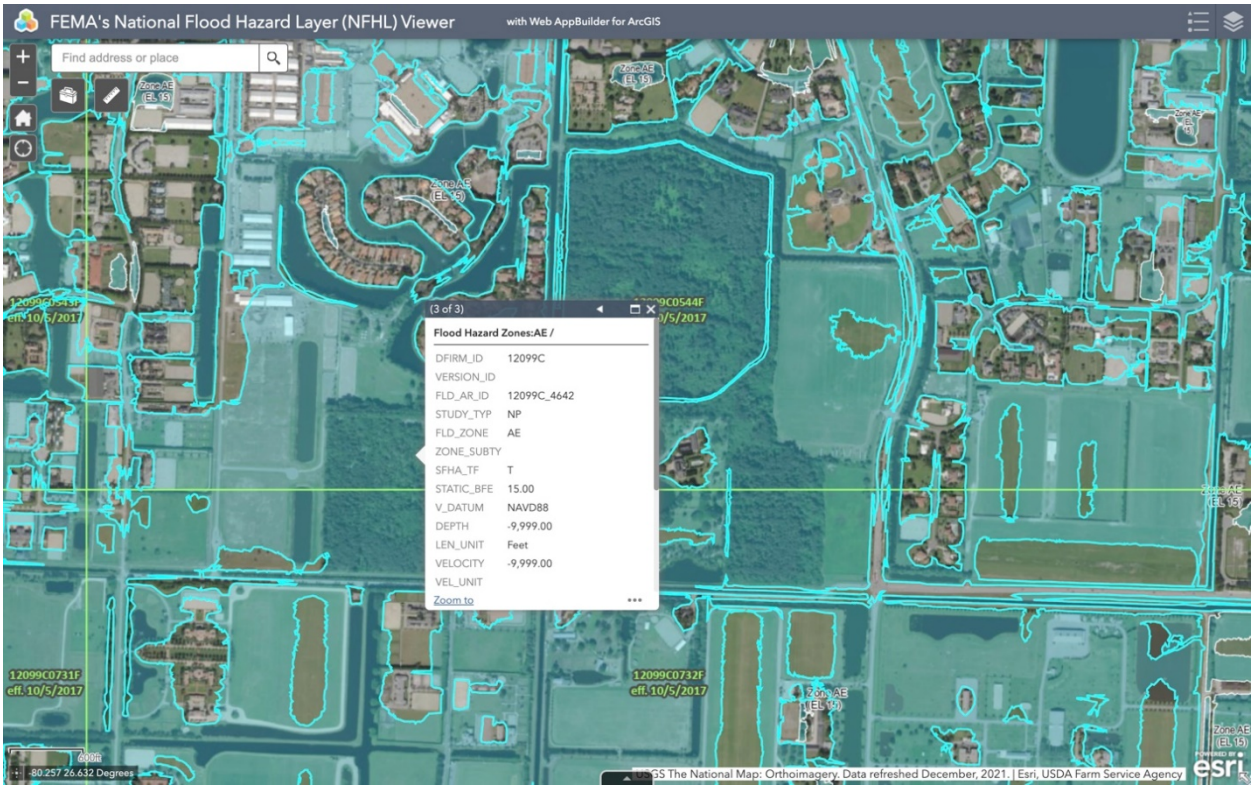
It should thus be expected that similar, future rain events in this flood-prone area without the water retention provided by the large open, vegetated horse farms would create considerably

more flooding. The loss of a major wetland and open land in this area would also contribute to the amount of water that would have to be moved from Basin B (basically, the Equestrian Preserve Area) into more heavily developed Basin A. The importance of Wellington South's ability to hold large amounts of stormwater in a period that promises to be even wetter should not be underestimated and should be carefully considered before the area is allowed to lose its natural ability to hold water. We understand that during the time that the enforcement action was ongoing in Peacock Pond, the Village of Wellington attempted to acquire that part of Parcel B through eminent domain for the purpose of stormwater retention, water filtration, and groundwater recharge. Apparently, the price offered by the Village was ruled too low by a court and no acquisition took place.

Figure 18 – an inundated swale from the Palm Beach Post article cited above. Photo by Kristina Webb.

As the three maps below indicate, all sections of Wellington South – Pod F, Parcel B, and Pod E – are in areas designated by the Federal Emergency Management Administration (FEMA) as Special Flood Hazard Areas (Zone AE) and are indicated as such in the graphics taken from FEMA's National Flood Hazard Layer (NHFL) Viewer presented below.

Source: https://www.fema.gov/flood-maps/national-flood-hazard-layer


FEMA's National Flood Hazard Layer (NFHL) Viewer
with Web AppBuilder for ArcGIS
Find address or place
(3 of 3)
Flood Hazard Zones:AE /
DFIRM_ID 12099C
VERSION_ID
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STATIC_BFE 15.00
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DEPTH -9,999.00
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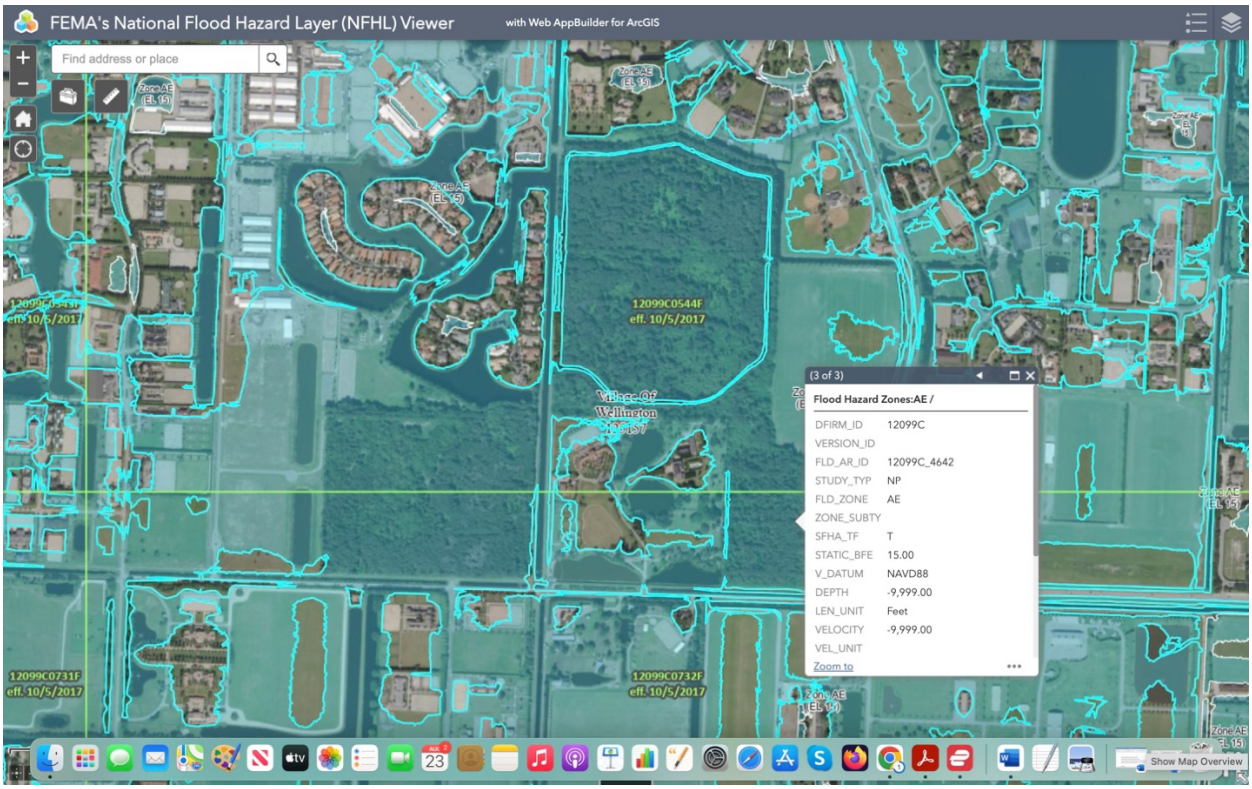
-80.257 26.632 Degrees
USGS The National Map: Orthoimagery. Data refreshed December, 2021. | Esri, USDA Farm Service Agency
esri


FEMA's National Flood Hazard Layer (NFHL) Viewer
with Web AppBuilder for ArcGIS
Find address or place
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(3 of 3)
Flood Hazard Zones:AE /
DFIRM_ID 12099C
VERSION_ID
FLD_AR_ID 12099C_4642
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DEPTH -9,999.00
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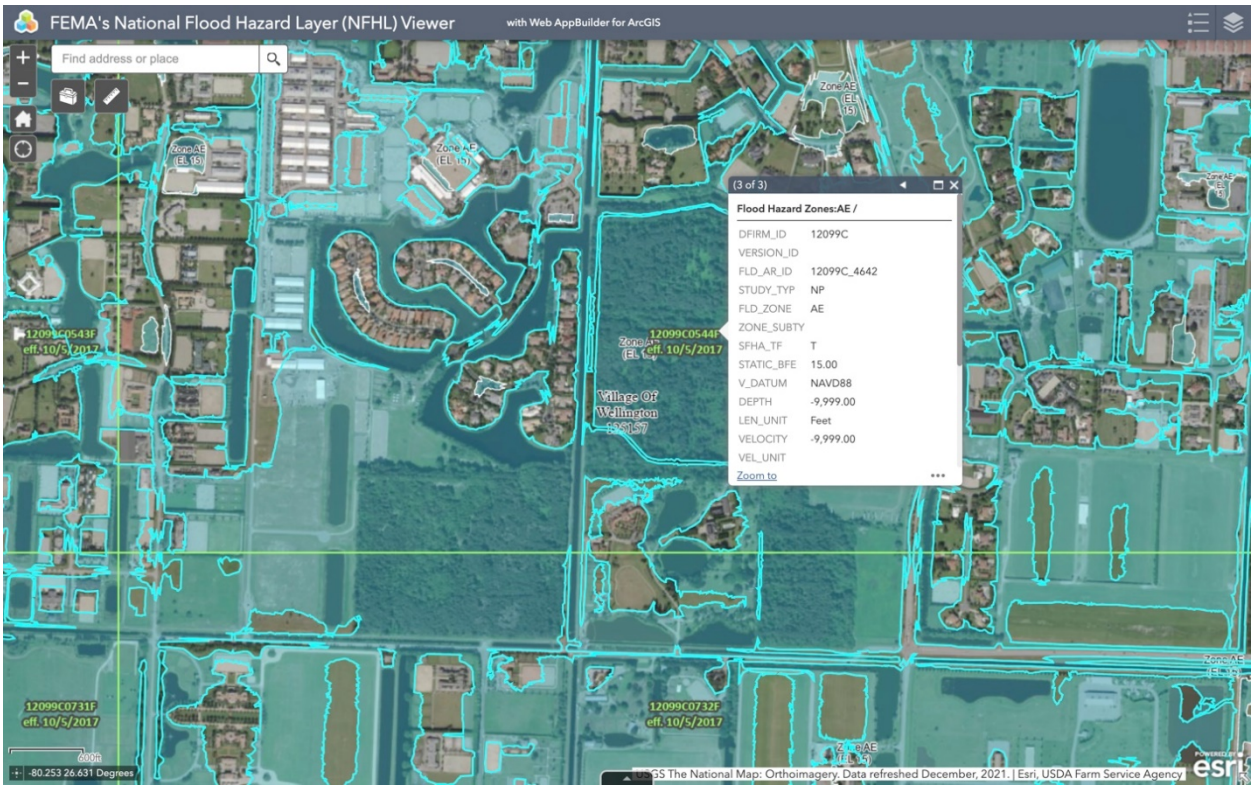
Show Map Overview



Figures 19, 20, and 21. These graphics are taken directly from FEMA's National Flood Hazard Layer and show the entirety of Wellington South In Special Flood Hazard Area AE.

According to FEMA, *"Special Flood Hazard Areas (SFHAs) are high-risk areas shown on the flood map as shaded zones beginning with the letters A or V…Zone AE is a high-risk area. Mandatory flood insurance purchase requirements and floodplain management standards apply."*

From FEMA – How to Read a Flood Map, January 2022 (https://www.fema.gov/sites/default/files/documents/how-to-read-flood-insurance-rate-map-tutorial.pdf)

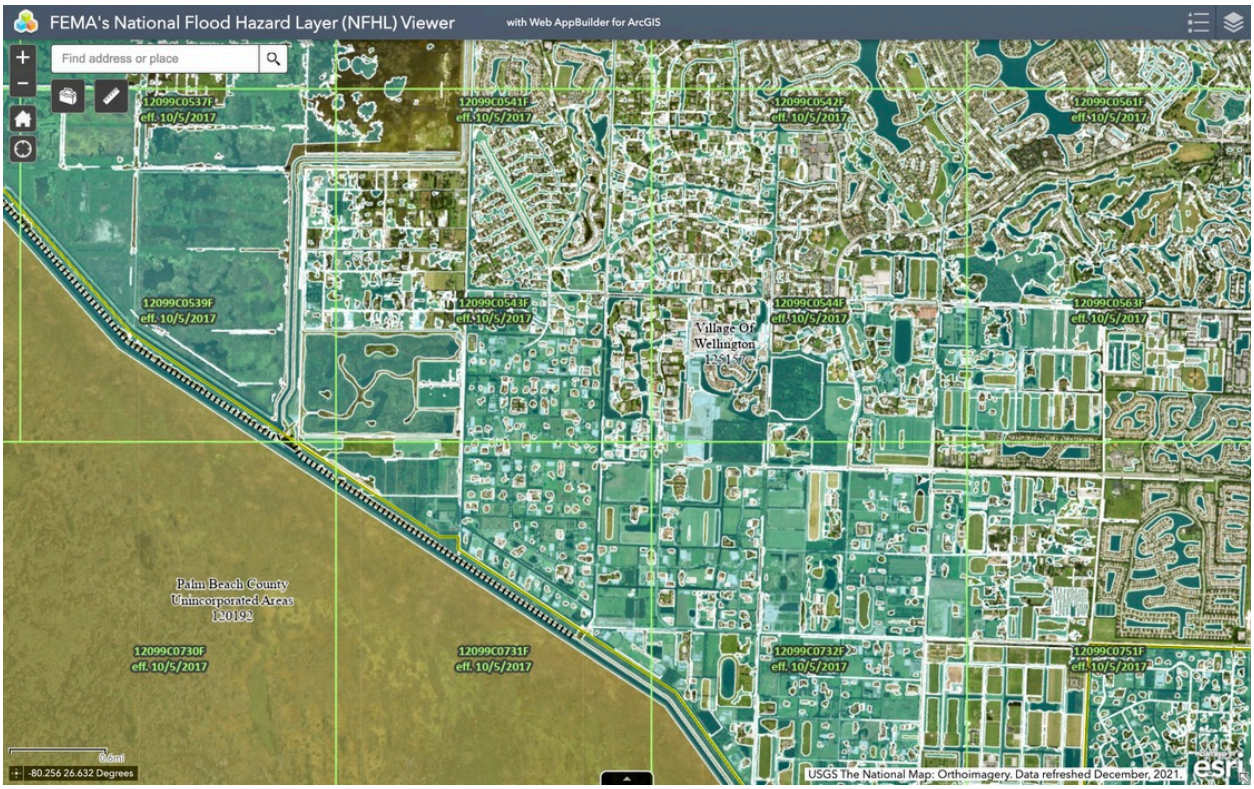


Figure 20. This graphic shows a zoomed-out version of FEMA's National Flood Hazard Layer (NFHL) Viewer. This map shows the difference between flood hazard zones in the northern part of Wellington contrasted to the southern parts of Wellington in the Equestrian Preserve Area. The dark blue areas of Wellington South and its role in flood management through retention of flood waters leaps out of the graphic at the northern border of Wellington's high-risk flood zones. Their role in water retention and floodwater mitigation is clear.

The Village of Wellington's own website contains the following discussion of the environmental benefits of a natural floodplain:

> *Natural & Beneficial Functions of the Floodplain*
>
> *Wetland areas and buffer areas adjacent to open spaces help reduce flood damage because floodwaters in a natural floodplain are permitted to spread over a large area and open spaces provide flood water storage. It is our job to help preserve natural areas. These natural areas also filter nutrients and impurities from stormwater runoff and promote infiltration and aquifer recharge. By preserving natural areas, fish and wildlife habitats are protected to provide breeding and feeding grounds. The Village of Wellington is proud to have approximately 6,000 acres of open space in the Special Flood Hazard Area.*

See "Natural Floodplain Functions" (https://www.wellingtonfl.gov/545/Natural-Floodplain-Functions)

In other words, beyond the key role of flood control in a flood-prone section of the Village discussed above, these wetlands also filter pollution. They are a place where rainwater can enter and recharge Wellington's surficial aquifer – the sole source of drinking water for all of Wellington – with clean fresh water without that water being shunted to canals for eventual discharge to the C-51 canal and/or other waterbodies. Wetlands also clean water that feeds natural areas. They help maintain high-quality habitats for fish and wildlife in the important public lands adjacent to the village that are so highly valued by residents and visitors and in open, private lands of the village as well.

Droughts are also a normal part of South Florida's tropical and sub-tropical climate. Though quickly forgotten after they pass, they cause tremendous distress when they occur. And for good reason - Wellington has no water supply other than its underground surficial aquifer. According to the village, "Wellington gets its ground water source from the surficial aquifer exclusively. There are three (3) separate well fields (18 wells total) located in different geographical areas within and adjacent to the Village."

Natural wetlands and open vegetated spaces smooth out and buffer the natural wet and dry seasons in South Florida as well as extreme variations in weather and climate. They retain storm water, thereby reducing flooding from heavy rain events and can hold substantial water when needed by the community during times when rainfall is low. They also allow rainwater to easily enter underground aquifers instead of shunting that water into canals as quickly as it lands to allow for dry roads, shopping areas, and houses.

See "Water Quality Report - Where does our water come from?"
(https://www.wellingtonfl.gov/781/Water-Quality-Report)

There is no longer any doubt that climate change caused by the buildup of carbon in the form of CO2 in our atmosphere and the impacts of that buildup are now upon us. Wellington should value and protect the wetlands it has maintained, as climate scientists have discovered that wetlands – and especially inundated wetlands where decomposition and oxidation of organic material is slow due to anaerobic soil conditions – are one of the best natural methods available for what is referred to as carbon sequestration (holding carbon so it doesn't enter the atmosphere as CO2 where it acts as a potent greenhouse gas). Instead of breaking down, organic, carbon-rich material can accumulate in wetlands, sometimes for thousands of years. That was one of the initial motivations in draining the Everglades by dredging canals over 100 years ago – to be able to take advantage of the nutrient-rich muck soils that were present for farming.

The excerpt below from a scientific literature search on the topic explains the role of natural wetlands in mitigating climate change, and the threat wetlands face from human disturbance and development.

> *Wetlands are among the most important ecosystems in the response strategy to climate change, through carbon sequestration (CS). Nevertheless, their current CS potential is declining due to human disturbance, with further decrease expected*

> *under global population growth and climate change scenarios. Literature has documented various measures that seek to enhance CS by wetlands and therefore enable these ecosystems remain vital in global carbon (C) balance and climate change mitigation.*

From: Were, D., Kansiime, F., Fetahi, T. et al. Carbon Sequestration by Wetlands: A Critical Review of Enhancement Measures for Climate Change Mitigation. Earth Syst Environ 3, 327–340 (2019). https://doi.org/10.1007/s41748-019-00094-0

Previous public meetings on the future of Wellington South have focused on potential impacts to the human environment where traffic congestion, sprawl, intense lighting, commercial activity, and changes in the rural character of the EPA took center stage. References were made to the combined impacts of Wellington North and South plus other projects in the works for this same general area. Those include "Wellington Central," noted by the representative from Tavistock at the first meeting of the Planning and Zoning Board, which would locate a large office and retail venue between Wellington North and South. Another project already slated for construction is the Wellington Sports Academy off South Shore Blvd. and north of Lake Worth Road. Combined with Wellington North and South as proposed, all these projects are consistent with a suburban community that is growing in density, population, traffic, and intensity of land usage.

Regarding Wellington South in its existing condition (the "environmental baseline"), attention should also be given to the onsite wetlands as habitat for numerous wading birds and other wildlife. The SFWMD staff report that accompanied the Environmental Resource Permit for the former Countryplace PUD made the following observation:

> *The project site contains habitat for wetland-dependent endangered or threatened wildlife species or species of special concern, including wading birds such as ibis, egrets, and herons. As described in the Mitigation Section of this staff report, to compensate for the proposed direct and secondary impacts to wetlands, the applicant proposes the preservation, enhancement and creation of wetlands and uplands on site within an 18.63-acre conservation easement. The plan is expected to improve habitats for wading birds within the conservation areas.*

Wellington Countryplace PUD - Parcel B, Pods E and F, Application No. 060414-25 (S. Fla. Water Mgt. Dist., Oct. 11, 2011) (Individual Environmental Resource Permit Staff Report), at 11.

In addition to the 18.63-acre conservation easement noted above, the mitigation for direct and indirect impacts to wetlands and wildlife on Wellington South also included the purchase of mitigation credits at the Loxahatchee Mitigation Bank - south of Atlantic Blvd. and west of US 441 at the southern end of Palm Beach County. The bank is some 15 miles south of Wellington South. That purchase far offsite will not benefit the wetlands or wildlife currently on Wellington South.

The decision by the South Florida Water Management District to consider the site "fully mitigated" by curtailing development on an isolated 18-acre patch of wetlands and adding credits

to an off-site mitigation bank near Boca Raton is a decision by that agency under its governing rules, which limit the agency's discretion to reject offsite wetland mitigation. Whether the Village Council believes the intense development of this site for luxury housing and an equestrian showcase is in the best interests of this community is a decision entirely different than the mitigation credit system the SFWMD utilizes.

Regarding potential impacts to wildlife, we also reviewed a Standard Data Report from the Florida Natural Areas Inventory (FNAI) for the site. FNAI is a state heritage program under the auspices of Florida State University in Tallahassee. Though FNAI does not enter private lands, it has recorded nearby "element occurrences" of several rare and/or state or federally-listed species. Those include the American bald eagle (a nest), Florida burrowing owl, and snail kite. Species that are considered "likely" to be present on Wellington South are based on occurrences plus the correct habitat for the species. FNAI informed us that their most recent habitat modeling for this area was completed in 2022 and is considered accurate. FNAI has a "high rate of confidence" that the species designated as "likely" are present on the site. Species in this category include the Florida sandhill crane and the wood stork. The list of "potential" species is broader and includes various rare and endangered Florida native plants and animals. A complete copy of the FNAI report, listing all species can be found here:

https://drive.google.com/file/d/1OFMvPGmU1Au3f9LHipWW2RSZWIvii7j3/view?usp=sharing

These findings are backed by earlier observations from the SFWMD. In researching the history of SFWMD permitting for the site, we were directed by district staff to a scanned version of an Environmental Permit Modification for this site from July of 2012. Item #31 of the "special conditions" associated with Permit # 50-00548-S-20 stated the following:

> 31. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittees' responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.

In addition to their Standard Data Report, FNAI also directed us to the database for ebird.org – a part of the Cornell Lab of Ornithology. The organization has provided a map of birding hotspots in the U.S. where birdwatchers can report sightings. The Wellington Environmental Preserve at the Marjory Stoneman Douglas Everglades Habitat is one such hotspot (see https://ebird.org/hotspot/L1023544 - free login may be required). It is only 1.5 miles due west of the Wellington South property and provides year-round public access. Users have identified and logged 195 different species on the ebird.org map for the preserve.

This local preserve was expanded in 2021 by an additional 45 acres. The total cost of the expansion was $4.5 million with the Village of Wellington providing $1.1 million in funding. We thank the Village Council for participating in this important acquisition and for their commitment to wildlife habitat and outdoor recreation in the village. The wetlands on the Wellington South site would likely be utilized by many of the same species seen in the nearby preserve. Another

important feature of this site is that, in the condition it was purchased, it was similar to the wetlands of Wellington South in terms of the presence of invasive plant species. An article on the purchase explains:

> *The biggest challenge Wellington faces in transforming the property is the abundance of invasive plants, he said. From the perimeter, the 45 acres appear to be nearly full of Brazilian pepper trees, a non-native shrub that can grow aggressively when left untamed.*
>
> *"Over the last 10 years, the exotics have really taken over," Reinsvold (Village Engineer Jonathan Reinsvold) said.*

Source: https://wellingtonmom.com/2023/02/08/this-wellington-preserve-is-getting-bigger-why-thats-good-news-for-coming-storm-seasons/

The land is currently being cleared of invasive species and replanted with Florida native vegetation as part of a natural restoration. The exotics that had been allowed to take over the site did not detract from the property's desirability as an important, functional wetland that could be restored. The same treatment could have been applied to the wetlands of Wellington South at any time. It was also recently announced that the now-expanded preserve has won the prestigious 10th annual Great Places in Florida People's Choice Award from the Florida Chapter of the American Planning Association. Congratulations to the Village Council for that honor as well. The photo in the article below on the award shows the 45-acre expansion area in the process of restoration.

https://wellingtonmom.com/2023/10/04/wellington-wins-environmental-preserve-namedwinner-of-great-places-in-florida-peoples-choice-award/

A useful video discussing the importance of the preserve and its role in stormwater management and improvement of water quality can be seen on this Acme Improvement District website:

https://acme.wellingtonfl.gov/wellington-environmental-preserve-expansion

As stated in the video, "this whole environment is essentially an extension of the Everglades." The 45-acre addition (the "Moncada Property") is discussed as adding to the preserve's ability to retain and clean stormwater. The video shows an aerial of this property in the state it was in when purchased – with invasive plant species dominating.

The much larger Stormwater Treatment Area 1 East adjacent to the preserve is also located near Wellington South – bordering the preserve to the north and west. Owned and managed by the SFWMD to promote water quality in the Everglades and to take in runoff from the C-51 Canal, it is also listed on ebird.org's hotspot map. The stormwater treatment area has logged 177 different species by visiting birders.

Though the 18.63-acre easement on the southwest corner of Wellington South mentioned above is not being proposed for removal for the Wellington South development at this time, major portions of Pod F, Pod E, and Parcel B on the property will be developed leading to both destruction and degradation of this important natural area and wildlife habitat. Some impacts will be direct, as when construction takes place directly in the former wetland and muck soils are removed to be replaced with fill material. But impacts will also be indirect as the constructed environment interferes with water flow into, out of, and across the wetland. The infiltration of fresh water into the surficial aquifer will also be more difficult due to impervious surfaces built on top of it. Runoff from buildings, lawns, and especially vehicles and roadways is not a part of the site in its current undeveloped state and will have to be dealt with. Finally, buildings, noise, lighting, vehicles, and a heavy human presence will dramatically lower the value of these wetlands as habitat for wildlife.

As noted above, the fact that the applicant has allowed invasive plant species such as melaleuca to proliferate on the property, does not change many of its wetland and habitat functions. It would have been better for the environment if the invasive plants had been cleared and native Florida vegetation had been restored. That can still occur if the applicant chooses to do that. But flood control, aquifer recharge, providing habitat for wildlife, and carbon sequestration are all functions that take place on this land in its current state. We believe village staff painted an incorrect picture during their presentation when they emphasized the presence of invasive plants on these wetlands and failed to mention the ecosystem services the land – even with the presence of invasives - currently provides. The PDF at the link below by Audubon of Florida challenges the idea that wetlands with a strong presence of invasive plants lose much of their value as wetlands. Audubon's paper focuses mainly on melaleuca which is a species noted on the site in several locations according the ACOE permit. Audubon concludes that:

> "While long assumed to drain wetlands, melaleuca has not been definitively shown to lower groundwater levels through evapotranspiration at any greater rate than native species. Consequently, melaleuca-invaded wetlands retain most of their natural capacities to store and attenuate flood waters, recharge aquifers, cleanse pollutants, and regulate base flows in watersheds. Recent research has clearly established the increasing biological functionality of melaleuca-invaded wetlands as a result of successful introduction of biological control agents, starting in 1997, throughout south and southwest Florida."

See link below for Audubon's complete summary of the issue:

https://corkscrew.audubon.org/sites/default/files/static_pages/attachments/melaleuca_aof_fact_sheet_4-10.pdf

The Village of Wellington's Comprehensive Plan and the Conservation, Sustainability, & Resiliency Element

The Village of Wellington's Comprehensive Plan' "Conservation, Sustainability, & Resiliency Element" explains that:

> *"The Conservation Element is required per Section 163.3177(6)(d), Florida Statutes, to provide for the conservation, use, and protection of natural resources, including but not limited to air, water, water recharge areas, wetlands, estuarine marshes, soils, flood plains, lakes, harbors, forests, fisheries and wildlife, minerals, and other natural and environmental resources, including factors that affect energy conservation. The … Element is designed to incorporate principles to ensure a comprehensive approach to address the mitigation and management of the natural and built environment for long term protection, preservation, and conservation of the identified resources. It is important to note this element supplements the principles provided throughout the comprehensive plan that contribute to Wellington's efforts for the conservation, use, and protection of natural resources."*

The "CSR" Element is divided into goals, each of which is subdivided into objectives, which are further subdivided into policies. Given that there is no other private property inside village boundaries that remotely resembles the undeveloped wetlands that has been given the current name of "Wellington South," this is likely to be the last time this part of the Comprehensive Plan is applied to a decision of this magnitude.

We do not believe the current proposal to develop Wellington South is consistent with the goals, objectives, and policies of the conservation element found in the Village's Comprehensive Plan. The projects envisioned for both the east and west sides of the property are not protective of these rare wetlands and wildlife habitats and will in fact destroy or degrade much of it along with removing the important ecological services these lands perform in their current condition for the surrounding community and beyond - flood control, water filtration, aquifer recharge, carbon sequestration, protection of onsite wildlife habitat and nearby public lands, and contributing to the rural character of the EOZD. Conversely, the construction of the equestrian showplace plus the dense residential communities on this parcel will likely lead to negative impacts – increased risk of flooding, decreased aquifer recharge, degraded water quality, loss of wildlife, and a dramatic uptick in traffic congestion and urbanization in the surrounding community.

We provide verbatim excerpts from the CSR Element below. Virtually all apply to the development of the wetlands and open lands on Wellington South.

Goal CSR 2, entitled "Soil, Mineral, Land, & Habitat Protection", is "Protect, conserve, and manage soil and mineral resources, including Wellington's wetlands, natural reservation, and sensitive lands, to protect habitat, endangered/threatened wildlife species, and native vegetation."

Objective CSR 2.2, entitled "Wetland & Environmentally Sensitive Land Protection", is "Ensure that all ecological systems, wetland, environmentally sensitive land (as determined by Wellington), wildlife, habitat, and especially endangered and rare species, are identified, managed, and protected."

Here are all the policies under Objective 2.2
Policy CSR 2.2.1
Wetlands Protection
Continue to require the principle of “no net loss of wetlands” and preserve the natural functions of wetlands by directing or significantly buffering incompatible land uses such as those with a negative impact on wetlands away from wetlands and require the monitoring and preservation of the functions and values of wetlands/conservation areas, and pursue the designation of wetland/conservation areas as “Conservation” on the Future Land Use Map.

Policy CSR 2.2.2
Loxahatchee National Wildlife Refuge
Require specific impact analyses for lands that abut or could potentially impact the Loxahatchee National Wildlife Refuge to support the Florida Department of Environmental Protection’s (FDEP) Ecosystem Management initiative.

Policy CSR 2.2.3
Innovative & Cluster Development
Encourage innovative planning tools, such as conservation easements and cluster development, to minimize the impacts of development upon environmentally sensitive land.

Policy CSR 2.2.4
Conservation Land Use Designation
Identify and designate publicly and privately-owned wetlands, wildlife habitats, major water recharge areas, and environmentally sensitive lands as Conservation on the Future Land Use Map for protection of natural resources and also dedicate and maintain in perpetuity, by a legally binding, recorded instrument by a plat or separate agreement.

Policy CSR 2.2.5
Natural Resource Preservation
Design development and redevelopment projects to protect, preserve, and manage existing natural resources and environmentally sensitive land on-site, unless preservation on-site is not feasible, then off-site mitigation and/or payment in lieu of preservation may be permitted. Manage and prohibit hazardous waste use, storage, transfer, or generating facilities in known zones of influence to protect natural resources.

Policy CSR 2.2.6
Preserve/Conservation Area Designation Criteria
Designate wetlands and/or environmentally sensitive land, as determined by Wellington, based

upon minimum criteria, including but not limited to:
1. The quality of habitats, presence of listed species, and proximity to other natural areas.
2. Endangered and threatened plants, animals and habitats of critical value to regional populations of endangered and threatened species.
3. Capability of functioning independently or in conjunction with manmade features.

Policy CSR 2.2.7
Sensitive Land Improvement
Limit improvement of preserve areas, wetlands and/or environmentally sensitive land to stormwater systems, nature observation, hiking, horseback riding, pedestrian and bike trails, boardwalks, pervious walkways, and other passive recreational or educational facilities and design the improvements to be consistent with the preservation of significant wildlife habitat, biologically functioning and natural resources.

Policy CSR 2.2.8
Conservation Area Management Plans
Require management plans for all preservation and/or conservation lands that provide for the long-term protection of the preserve/conservation area, continued removal of and protection from litter and debris, avoidance of activities or land alteration which may disturb the preserve area, eradication and continued monitoring and removal of invasive nonnative plant species, control of off-road vehicles, and maintenance of hydrological requirements.

Zoning of Wellington South and the EOZD

During their presentation at the first Planning and Zoning meeting, village staff noted that the Equestrian Overlay Zoning District (EOZD) was adopted by the Village Council in 2003 (https://www.wellingtonfl.gov/Faq.aspx?QID=142), but made no further reference to the overlay in their discussion of the property as a future PUD. At least one of the attorneys who spoke in opposition to the Wellington South project noted that the EOZD cannot simply be written off and remains relevant to the project at hand despite the property's earlier approval for a PUD. She also pointed out that where conflicts develop between the requirements of the EOZD and previous zoning, the requirements of the overlay are supposed to control according to Wellington's Land Development Regulations (LDR). That would seem to be the case in the section below where only development orders approved before the date of the current LDR would be valid for a zoning that is different than the EOZD. We are offering this as an observation and a question that is worth consideration by the Village Council since it would have a very big impact on what type of development could proceed on Parcel B and Pod E. We are also unsure if any development orders for this property have in fact been issued.

Sec. 6.8.2. - Conflicts. Sec. 6.8.3. - The EOZD subareas

In the event of conflicts between this section and other requirements of the LDR, this section shall govern. Any lawfully and valid development order(s) approved for property in the EPA prior to the effective date of the LDR is subject to the time limitations of development orders under

the LDR that was in effect at the time of approval. Any amendments to a development order submitted after of the effective date of this LDR shall follow the regulations and procedures within.

(Ord. No. 2021-12, § 1(Exh. A), 9-13-2021)

Section 6.8.2, Village of Wellington Unified Land Development Code (https://library.municode.com/fl/wellington/codes/unified_land_development_code?nodeId=ART6ZODI_CH8EQOVZODIEO_S6.8.2CO)

When staff discussed the "consistency" of what is being planned for Wellington South in relation to the densities that are there now, comparisons were made to the mosaic of dense developments already built near Wellington South. The PowerPoint slide presented showed the following developments and densities. We have added the dates that each project was approved. All were approved long before the EOZD went into effect in 2003.

Grand Prix South – 0.23 DU/acre - 1990 approval
Grand Prix Village – 0.24 DU/Acre – 1990 approval
Southfields – 0.21 DU/Acre— 1979-80 approval
Equestrian Club Estates – 1.43 DU/acre – 1987 approval
Mallet Hill – 0.46 DU/Acre – 1979 approval

Given the current density requirements of the EOZD, if these developments were proposed today, none could be approved at these densities without first lifting the EOZD. And to the best of our knowledge, no development has gone into the EOZD since its 2003 adoption that goes beyond the overlay's density limitations: minimum lot sizes of no less than two acres and no more than one dwelling unit per two-acre parcel.

The EOZD was created by the Village Council in 2003 for a reason – to "regulate development and activities within Wellington's Equestrian Preserve Area (EPA)…to protect the community's character." We believe the residential community being planned for Pod E and Parcel B as well as the massive equestrian recreational complex and showplace for Pod F, would be far outside what the councilmembers who approved the EOZD contemplated. We also believe the EOZD zoning to be environmentally protective of the wetlands and wildlife on the site and would also be consistent with the goals, objectives, and policies of the EOZD.

Wellington North

Although the focus of this letter is on Wellington South due to wetlands and other ecological impacts, the nearby proposed Wellington North project is being addressed by the Council at the same public meeting where Wellington South will be considered and the two projects will likely be voted on together as a single project. The removal of the Adequan Global Dressage Festival on the site to make room for the proposed residential development is directly tied to the massive equestrian show grounds that will be built on the western side of Wellington South (Pod F).

Wellington North is currently developed for equestrian show activities and other uses and does not carry the same wetland implications as Wellington South. However, it is in close proximity and the proposed new residences will add traffic, congestion, noise, artificial lighting, and runoff to this general area. Also, the removal of the Adequan Global Dressage Festival on the site to make room for the proposed residential development is directly tied to the expanded equestrian show grounds that will be built on the western side of Wellington South (Pod F).

In the case of Wellington North, the applicant has asked that, for the first time since it was established in 2003, the EOZD should be lifted from the site so that the dense residential development contemplated can take place. Many residents who spoke out at the Planning and Zoning meeting warned the Village Council that lifting the overlay for the purpose of a development project sets a dangerous precedent that completely undermines the purpose and function of the EOZD and its future as a protective overlay. As part of the complex land changes and swaps that will change the land use on the west side of Wellington South from residential to equestrian commercial (and pave the way for the massive equestrian showplace in the process) we are opposed to the proposal for Wellington North.

We appreciate the consideration given to these comments and again ask the Wellington Village Council to deny the applicant's request for these land use changes. As a final thought on the project, the photo below was taken by SFWA during a site visit in 2020 to a recently acquired 2,586-acre addition to the Loxahatchee National Wildlife Refuge. The Strazulla Tract adds a mix of cypress trees, sawgrass marsh, and spectacular wildlife to the northeast edge of the refuge bordering on Wellington. This photo was taken just after sunset looking north along the canal which separates one of the horse farms inside Equestrian Preserve Area from the Refuge. With intense development knocking on the door of protected public lands throughout Florida (and degrading their value as wildlife habitat in the process), the EPA in its current, lightly developed condition offers a good alternative.

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