



Ed Garrett  
Florida DEP / Mining, Mitigation and Delineation  
Oil and Gas Program  
2051 East Paul Dirac Drive - M.S. 715  
Tallahassee, FL 32310  
[Ed.Garrett@dep.state.fl.us](mailto:Ed.Garrett@dep.state.fl.us)

Dear Mr. Garrett:

South Florida Wildlands Association (SFWA) appreciates the opportunity to provide comments on the proposed oil operations east of the intersection of Desoto Blvd. and Southeast 24<sup>th</sup> Ave. in the Rural Estates of Collier County, Florida. As we provided initial comments to the Florida Department of Environmental Protection (DEP) via email in response to an earlier deadline on this project, we have attached those at the conclusion of this letter in order to consolidate all comments from our organization into a single document. These comments apply equally to the applications for a Class II Injection Well Construction Permit - Oil and Gas Drilling Permit 1354 (Collier 22-5 SWDW) - as well as Oil Well Permit 1353 (Collier 22-3H).

SFWA was established in March of 2010 as an IRS recognized 501c3 organization to protect remaining wildlife, wilderness, and habitat in south Florida. In that short time we have established an extensive track record in the greater Big Cypress Basin - often referred to as the Western Everglades - protecting its diverse flora and fauna and priceless public lands from an array of threats which would destroy, degrade, or fragment wildlife habitat. We accomplish this task through advocacy directed at state and federal agency staff and elected officials, emailed action alerts and social media posts to our approximately 5,000 supporters, educational talks to the community, field trips, and, where necessary, litigation.

It should be pointed out at the outset that the Western Everglades south of the Caloosahatchee River is the only remaining home for the breeding population of federally listed Florida panthers (approximately 100 individuals remaining). SFWA has a special interest in protecting habitat for this iconic species. Chosen by Florida's schoolchildren in 1983 as our State Animal, the panther is also known as an "umbrella species" - protection of habitat for the panther protects habitat for literally thousands of species of plants and animals - many federally or state listed - found within its range (the Western Everglades is often referred to as "the Amazon" of North America due to its high level of biodiversity). Once ranging from east Texas to the Carolinas - the only big cat remaining in the eastern United States now struggles to survive on approximately 5 percent of its former range. Unfortunately, habitat loss and habitat degradation continue to occur at a seemingly never-ending and ever-increasing pace.

In the current applications before DEP, an array of wells is proposed for a piece of land owned by Collier Enterprises and leased to the Dan A. Hughes Company of Beeville, Texas for the purpose of oil exploration. The wells include the actual exploratory well for drilling, a brine injection well for receiving brine and other fluids removed from the

well, and two water wells which will provide up to 5 million gallons of water per month for producing the drilling fluids necessary to drilling more than three miles below the surface.

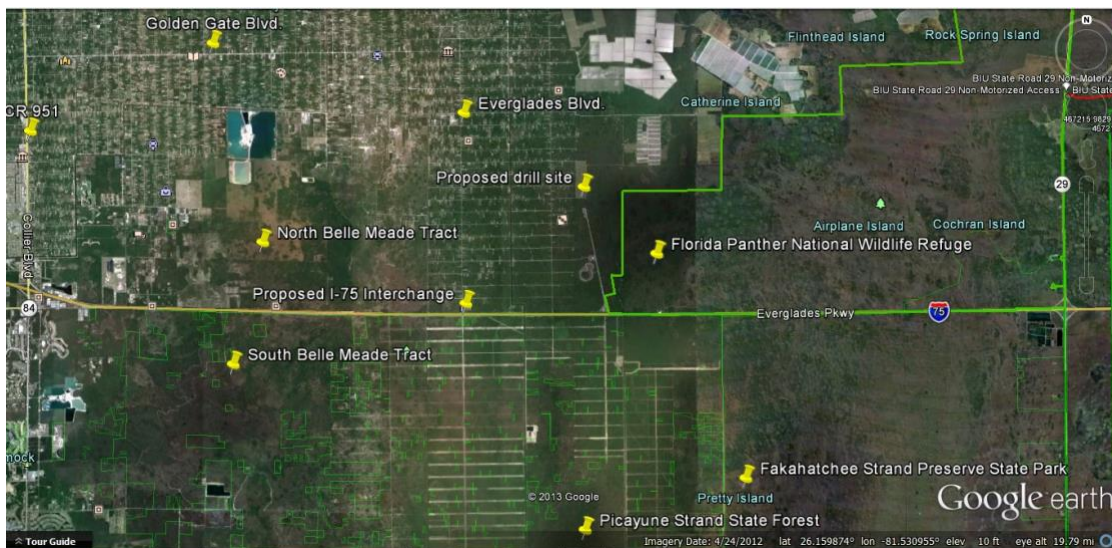
For the purpose of illustrating the project in question, the photo below shows one of the drill pads in operation in the Raccoon Point section of the nearby Big Cypress National Preserve.



An earlier photo (below) shows the staging of the massive array of pipes necessary to drill more than 3 miles below the surface. Both photos also show the large access road necessary for the heavy vehicles which bring materials to and from the site. By themselves, these oil well roads become a source of vehicular runoff into the surrounding area as well as a source of noise, disturbance to hydrology, and the movement of wildlife - especially to many smaller animal species such as amphibians and small mammals for which a road of this size literally becomes the "end of their world". Roads in the Big Cypress basin also become a breeding ground for invasive plant species such as Brazilian pepper through the disturbance of soils and the distribution of seeds in tire treads. Although SFWA has never received a permit from the National Park Service to visit the Raccoon Point site, those who have visited describe an industrial operation on an extremely large scale with nothing in common to the surrounding Big Cypress Swamp.



In terms of the current permit applications, the map below was created using Google Earth. It shows the drill site in the context of the vast collection of public lands which surround it - the Florida Panther National Wildlife Refuge to the east, the Belle Meade Tracts to the west, the Picayune Strand State Forest to the south, and the Fakahatchee Strand Preserve State Park to the southeast. The Camp Keais Strand (not marked on the map), a known and vital wildlife corridor, connects the area surrounding the drill site to the Corkscrew Regional Ecosystem Watershed (CREW Lands) and the Corkscrew Swamp Sanctuary to the north.



The critical importance of maintaining this inter-connected network of public lands intact to the future of the Florida panther and other wildlife in south Florida cannot be overemphasized. In justifying the acquisition of approximately 20,000 acres of the Belle Meade Tract south of I-75 at a cost to the public of over 38 million dollars, DEP itself described the parcel as follows:



### **Purpose for State Acquisition**

**The cypress swamps and old-growth slash pine flatwoods in the Belle Meade project, extending to the fast-developing suburbs of Naples, are still important for such endangered wildlife as Florida panthers, redcockaded woodpeckers, and Florida black bear. Belle Meade is also the watershed for Rookery Bay. The Belle Meade project will conserve the westernmost large natural area in southwest Florida, protect some of the southernmost populations of several rare animals, and help protect the quality of the subtropical estuary of Rookery Bay, while providing a large area for recreation in a natural environment to residents of and visitors to rapidly urbanizing southwest Florida.**

All of the public lands mentioned above were acquired by the people of the state of Florida and - in the case of the Florida Panther National Wildlife Refuge - the United States for a similar purpose - the protection of native and often rare plants and animals and the safeguarding of vital watersheds. The diminishing natural resources of southwest Florida and the enormous public investment in public lands to protect those resources demand that the DEP take the hardest look possible before issuing a permit for this large-scale oil operation. We strongly recommend no permit for oil operations on this site.

DEP has already received numerous communications related to the fact that the site of the wells in question is inside the primary zone of the endangered Florida panther and adjacent to the Florida Panther National Wildlife Refuge. Although the application to DEP from the Dan Hughes Company states -

**The Well location does not contain habitat for federal or state listed wildlife species. As previously mentioned, the field is used for active cattle grazing. No listed species have been observed on-site.**

- this is clearly in error. Not only does the report by the Florida Natural Areas Inventory (FNAI) document an actual panther observation inside the proposed drill site (a rare occurrence even for seasoned panther scientists) but telemetry of collared panthers provided by the Florida Fish and Wildlife Conservation Commission (FWC) shows the area to be a hotspot for our state animal. See maps provided by the FWC in their 2007 - 2008 Florida Panther Annual Report on the following pages.

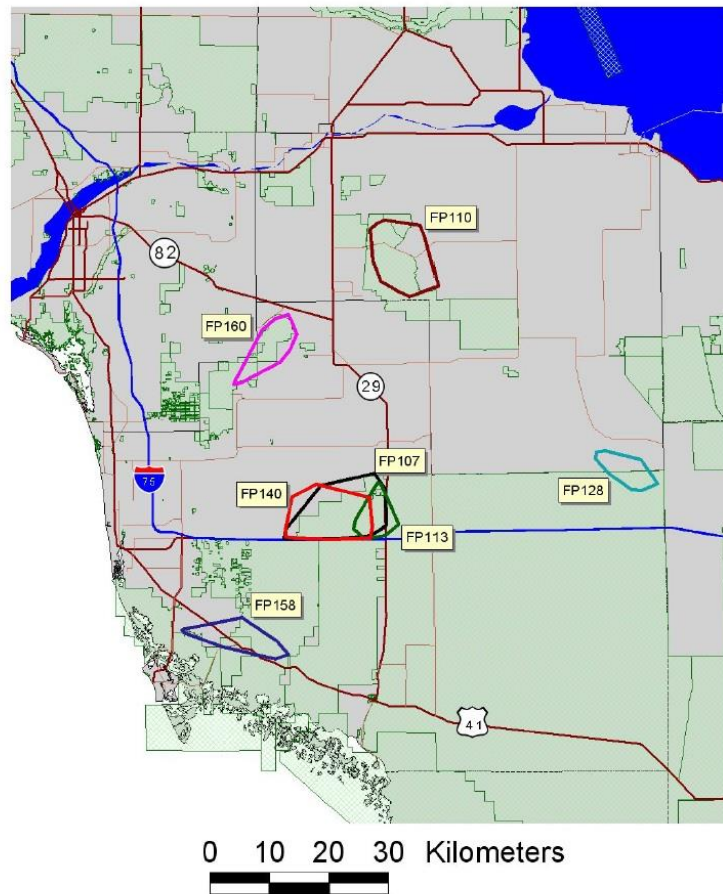


Figure 2. Depiction of the 100% minimum convex polygon home ranges for adult female Florida panthers monitored by FWC from 1 July 2007 to 30 June 2008.

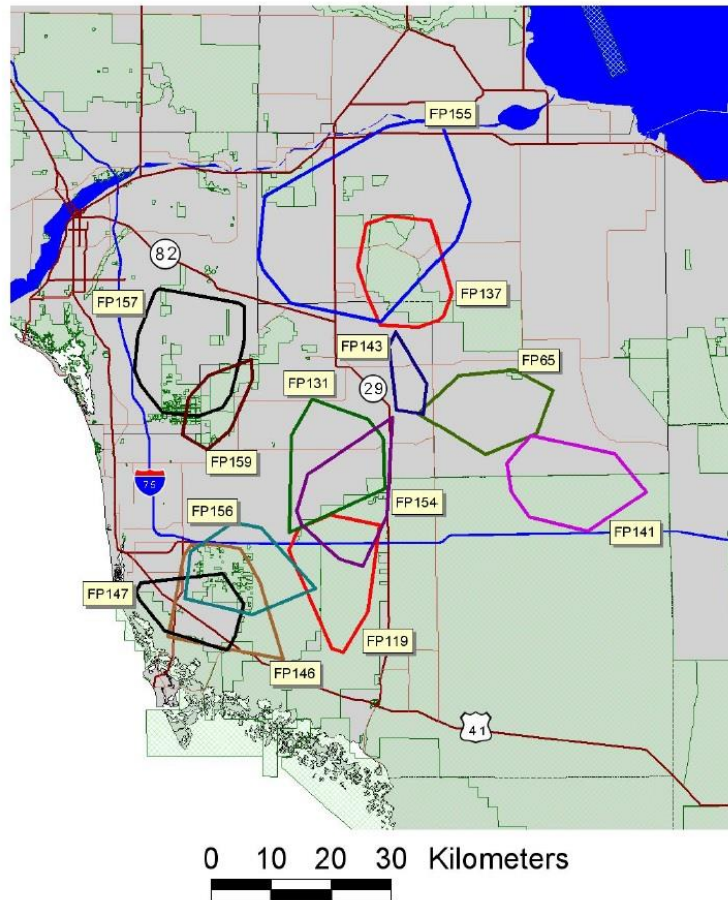


Figure 3. Depiction of the 100% minimum convex polygon home ranges for adult male Florida panthers monitored by FWC from 1 July 2007 to 30 June 2008.

These maps depict home ranges of two female panthers and three male panthers which either include or are immediately adjacent to the proposed drill site. Three more male panthers are shown with home ranges just south of the site in the Picayune Strand State Forest (an area which could be in extreme risk from this operation in the event of a spill or even downstream seepage). Obviously the maps do not reflect uncollared male or female panthers in the vicinity that year. The high level of panther activity in the area (a not insignificant portion of the 100 or so panthers which remain in south Florida) is not at all surprising given the drill site's proximity to the Florida Panther National Wildlife Refuge - a refuge which allows very little public access and is managed specifically to maximize habitat quality and prey availability for the beleaguered Florida panther - and to the protected public lands north, south, and west of it. It should also be noted that as existing undeveloped lands inside the panther's primary zone are lost to development - e.g. the Hacienda Lakes development which only recently broke ground west of the Picayune Strand State Forest and east of Collier Blvd. - public lands and remaining

privately held undeveloped lands become increasingly important to the panther's very survival.

Questions and comments to DEP which have come in on this key topic include the one below from Tom Butler of the DEP's own Division of State Lands:

**From:** [Butler, Tom](#)  
**To:** [Spencer, Steve](#)  
**Cc:** "[Attwood\\_P@dep.state.fl.us](mailto:Attwood_P@dep.state.fl.us)"  
**Subject:** FW: Oil & Gas SWDW Drilling Permit  
**Date:** Wednesday, May 01, 2013 10:45:08 AM  
**Attachments:** [image001.png](#)  
[FNAI\\_Report\\_Collier\\_9518.pdf](#)

**Hello,**

**We asked the Florida Natural Areas Inventory to examine what impact the proposed brine injection well could have on rare or endangered species in the area. Their records, cited in the attached Standard Data Report, show several occurrences of rare species in Section 22, and an occurrence of the Florida Panther at the drill site in southwestern Section 22. Appropriate measures to prevent disturbance, or for mitigation, should be taken.**

**Thank you!**

**Tom Butler, Office of Environmental Services  
Division of State Lands  
Florida Department of Environmental Protection**

It should be noted that Florida Natural Areas Inventory (FNAI), in the report referenced by Mr. Butler, described the drill site as located in a "significant region of natural areas and habitat for several rare species" and recommended designing "land uses which are compatible with these resources." Presumably those uses would not include an oil field.

DEP responded to a citizen who lives near to the proposed drill site and also inquired about likely impacts to the panther in this way:

"The Department's oil and gas regulations require that drill locations minimize impacts on vegetation and wildlife, including rare and endangered species, and that previously disturbed areas be used where practical. The proposed drilling site is an agricultural field."

This response from DEP permitting has so far been insufficient, inadequate and unacceptable. The only way for DEP to respond to its own expert's comment - "Appropriate measures to prevent disturbance, or for mitigation, should be taken" - is to first determine what those disturbances are likely to be and how - if possible - they can be mitigated.

Yet with the deadline for agency comment ending today - June 30<sup>th</sup>, 2013 - neither of the two agencies which can answer those questions and which have responsibility for managing and protecting endangered species in Florida - the U.S. Fish and Wildlife Service (FWS) and the Florida Fish and Wildlife Conservation Commission (FWC) -

have provided any consultation whatsoever on likely impacts from a major industrial operation in the heart of primary panther habitat.

This is the June 19<sup>th</sup> email sent to the two agencies from South Florida Wildlands Association:

From: Matthew Schwartz [<mailto:southfloridawild@yahoo.com>]  
Sent: Wednesday, June 19, 2013 1:33 PM  
To: Foster, Victoria; Larry Williams  
Cc: Craig Aubrey; "Kevin Godsea"; Sunquist, Claire  
Subject: Re: Fw: New oil wells in southwest Florida

All - the proposed drill site is in close proximity to the panther refuge and receives extensive use from panthers. I've attached maps from the 2007 to 2008 FWC annual reports which show five collared panthers - 3 males and 2 females - with ranges near to or including the proposed drill site. This issue should receive consultation from FWS - in terms of immediate impacts as well as those which extend from odors, noise, vibrations, etc. off-site. I believe full consultation from FWC is also called for here.

The Hughes company has leased over 100,000 acres for drilling - I believe most of it is inside the primary zone of the panther. See lease attachment. The public has a right to expect extensive consultation from the federal and state agencies charged with protecting an endangered species - which also happens to be Florida's state animal. As all of you are aware, the panther is an "umbrella species" - and protection of the panther's habitat protects numerous state and federally listed plants and animals. The deadline for comments to DEP is June 30<sup>th</sup>.

Best regards,  
Matt Schwartz  
Executive Director  
South Florida Wildlands Association  
P.O. Box 30211  
Ft. Lauderdale, FL 33303  
954-634-7173  
954-993-5351 (Cell)

The response to date from FWC:

From: "Sunquist, Claire" <Claire.Sunquist@MyFWC.com>  
To: Matthew Schwartz <[southfloridawild@yahoo.com](mailto:southfloridawild@yahoo.com)>  
Cc: "Goff, Jennifer" <[jennifer.goff@MyFWC.com](mailto:jennifer.goff@MyFWC.com)>  
Sent: Friday, June 28, 2013 10:51 AM  
Subject: RE: Fw: New oil wells in southwest Florida

Matthew,

We appreciate the additional information on this issue. Jennifer has informed me that we did not receive a request to comment and she did notice the June 30<sup>th</sup> deadline.

My understanding is that while we will not be commenting on this particular exploratory venture, we have been talking to DEP and will be commenting if the project goes beyond the exploratory phase.

Jennifer would be happy to talk to you directly to reduce any confusion about this process. You can reach her at 561-670-6076. She is on the road today but is happy to take your call.

Thanks!

Claire Sunquist Blunden  
Stakeholder Coordinator, Imperiled Species Management Planning



**Florida Fish and Wildlife Conservation Commission**  
**1239 SW 10th Street**  
**Ocala, FL 34471**  
**Tel. 352-732-1225**  
**Cell 352-299-1532**

We will of course contact Jennifer Goss of the FWC for further information on this topic after the weekend - when I am once again in a telephone service area.

And from FWS:

**From: "Foster, Victoria" <[victoria\\_foster@fws.gov](mailto:victoria_foster@fws.gov)>**  
**To: Larry Williams <[larry\\_williams@fws.gov](mailto:larry_williams@fws.gov)>**  
**Cc: [southfloridawild@yahoo.com](mailto:southfloridawild@yahoo.com); Craig Aubrey <[Craig\\_Aubrey@fws.gov](mailto:Craig_Aubrey@fws.gov)>**  
**Sent: Tuesday, June 18, 2013 3:40 PM**  
**Subject: Re: Fw: New oil wells in southwest Florida**

Good Afternoon,

That is correct, Larry. These permit applications are to the State and typically do not have an associated Federal nexus.

DEP copies multiple parties on them (including the Service) and asks for input during their commenting period. Typically the direct surface impacts from these wells are very minor. However, we do provide comments occasionally regarding species, and Florida Panther NWR is aware of these particular proposed wells.

**Victoria Foster**  
**Conservation Planning Assistance Supervisor**  
**U.S. Fish and Wildlife Service**  
**1339 20th Street, Vero Beach, FL 32960**  
**Ph: 772-469-4269 Fax: 772-562-4288**  
**E-mail: [Victoria\\_Foster@fws.gov](mailto:Victoria_Foster@fws.gov)**

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On Tue, Jun 11, 2013 at 2:22 PM, Larry Williams <[larry\\_williams@fws.gov](mailto:larry_williams@fws.gov)> wrote:

Hello Matthew,

I believe our consultations on oil wells are limited to those with a federal nexus, which is typically a 404 Clean Water Act permit. I've copied Tori so she can clarify if needed.

Best regards,

Larry

To the best of my knowledge, no comments to DEP from Kevin Godsea, Team Leader or the staff of the Florida Panther National Wildlife Refuge have been submitted.

In their emailed response rejecting our request for consultation on the panther, FWS has raised the important issue of how these lands where the drilling is going to take place should be classified and what type of permitting will be necessary. This is a key point for

FWS in that if classified as a jurisdictional wetland under the Clean Water Act, the U.S. Army Corps of Engineers would have been required to provide a wetlands permit for the project and that would have immediately triggered informal consultation with FWS (based on an initial determination that a given project "may affect" an endangered species) or formal consultation - a complete Biological Opinion - based on a determination that a project is "likely to adversely affect" a federally listed species. In the case of a massive industrial project of this nature inside the heart of the panther's primary habitat zone, a full blown Biological Opinion would almost surely have been required had a wetlands determination been made. The entire process of FWS consultation under the Endangered Species Act is summarized on this excellent page from the service itself:

<http://www.fws.gov/midwest/endangered/section7/section7.html>

In our research on this particular topic - the determination that the site in question was not a wetland - we had numerous telephone and email exchanges with both DEP and representatives of the South Florida Water Management District (SFWMD) who made the determination and who we were directed to from DEP. This complex topic can be better understood with a look at the map below provided to us by SFWMD and reprinted in these comments on the following pages. A clearer PDF version of the wetlands determination map can be found here:

<https://docs.google.com/file/d/0B4VYjVHagMeRRmplWV9Id204Vnc/edit?usp=sharing>

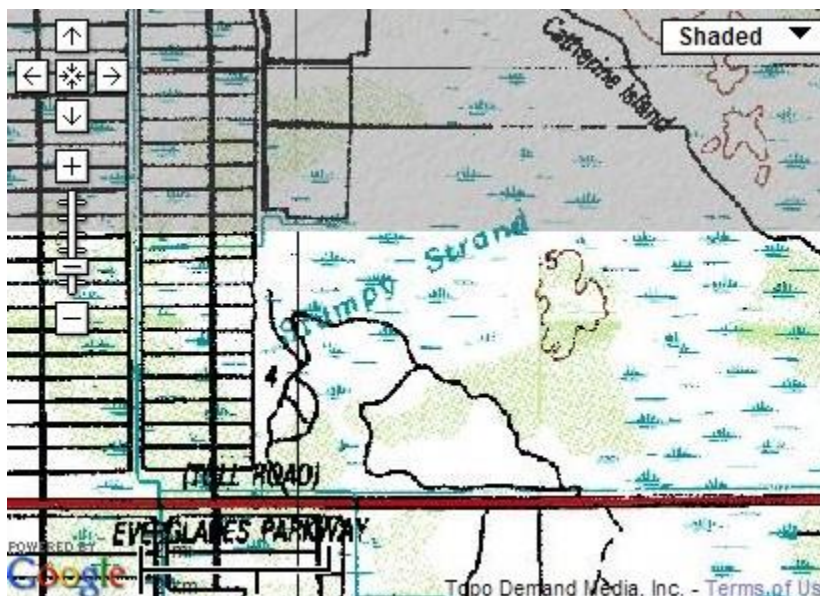
According to our conversations with SFWMD, the entire parcel owned by Collier Enterprises (5483.25 acres - and bordered on the west completely by the Florida Panther National Wildlife Refuge) was the subject of a SFWMD and U.S. Army Corps of Engineers review and wetlands permit issued in 1994. This determination was for the purpose of agriculture - oil drilling was not on the table at that time (although we are currently awaiting a copy of the original Army Corps permit which has been promised to us by SFWMD). My understanding is that the site has received numerous modifications from SFWMD - including one just a few days ago.

The area where the drilling is to occur is in the southeast corner of the square block of land on the southwest side of the property located between the old Harley Davidson test track (the diagonal line running north to south - now owned by Chrysler Motors) and the rectangular block of land to the north. The square block was originally established as a retention pond for planned agriculture to the north. Although difficult to see on Google Earth due to overgrowth, (no farming is taking place on the land currently - see photo of the cleared field taken several weeks ago from the west side of the property on the following page) the entire rectangular block and the retention pond is surrounded by ditches to provide drainage. That is almost surely the reason both parcels no longer are classified as "wetland" while Wetland S-51 (1457.14 acres) immediately to the east, north and south of the parcels where the drilling would take place does classify as a wetland. Our conversations with residents just west of the parcels confirm that their properties are also classified as wetlands which would require Army Corps of Engineers wetland permits for modification. We were also told by SFWMD that the recent modification to the permit involved the moving of the southern border of the retention pond 485 feet to the north to make way for oil drilling operations.



Above photo shows the cleared field and proposed drill site - photo taken from the southwest corner of the retention area.

All of this is of great concern to SFWA and others due to the strong hydrological connections which exist between the drill site and the surrounding public lands. In a quick search of the property to establish what the historical conditions were like, we found this snippet of a USGS map of the area indicating that wetlands covered the entire property - including a direct hydrological connection between the drill site and the panther refuge named "Stumpy Strand". See map below:



Kim Dryden of the FWS asked the following question to DEP with regard to the onsite hydrology.

**From:** Dryden, Kim

**To:** Spencer, Steve

**Cc:** Nelson, Jennifer; Pugh, Jordan; Lacy Shaw; Janet Starnes; Victoria Foster; Kevin Godsea; Allen Webb; Robert Pace

**Subject:** DEP Permit Application No. 1353H (Collier 22-3H) (Deep Well Brine)

**Date:** Tuesday, May 21, 2013 10:21:19 AM

**Can DEP assure that there are no short-term or long-term water quality effects to the downstream 86-square mile Picayune Strand Restoration Project? Have USGS studies in the area been consulted by DEP to assure that this deep well injection will not escape to a different aquifer? Thank you.**

**Kim Dryden**

**U.S. Fish and Wildlife Service**

**3860 Tollgate Blvd., Suite 300**

**Naples, FL 34114**

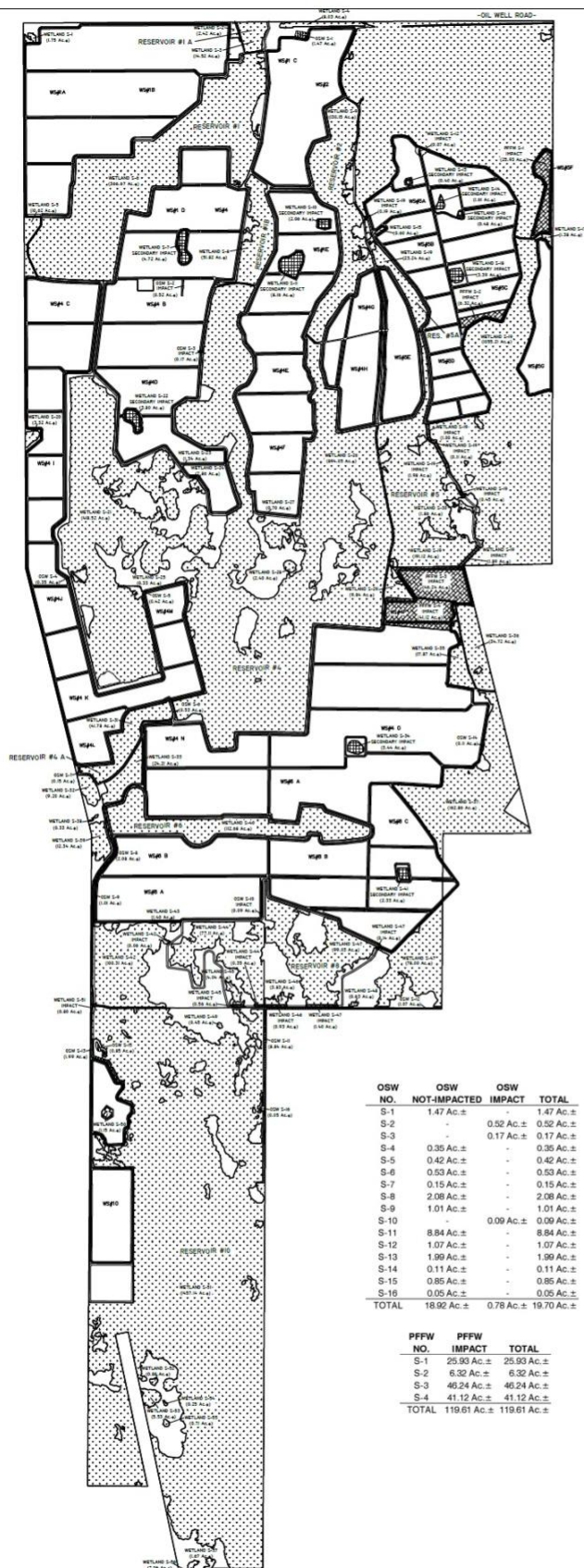
**Kim\_Dryden@fws.gov**

**(239) 353-2873**

When we asked similar questions to DEP we were directed to SFWMD. During a conversation with Laura Layman, Section Leader - Regulation in Ft. Myers, we were unable to determine where the ditches surrounding the parcel eventually drain into. This is an enormous gap in information which needs to be rectified by DEP in their review of this permit. We also believe that a hydrological connection to the east (to the Florida Panther National Wildlife Refuge) or to the south (to the Picayune Strand State Forest) would make even a minor spill - or even routine seepage of oil or industrial fluids from the drill - catastrophic to important public lands - and would be a more than adequate basis for DEP to deny these permits.

See wetlands map on following page.





SCALE: 1" = 3000'

#### LEGEND:

- SFWMD WETLAND NOT-IMPACTED (5,442.93 Acs)
- SFWMD WETLAND IMPACT (9.93 Acs)
- SFWMD SECONDARY WETLAND IMPACT (30.39 Acs)
- SFWMD PERMITTED FARM FIELD (WET) IMPACT (119.01 Acs ±)
- SFWMD OTHER SURFACE WATERS NOT-IMPACTED (18.92 Acs ±)
- SFWMD OTHER SURFACE WATERS IMPACT (0.78 Acs ±)
- SURVEYED WETLAND LINE

#### NOTES:

PROPERTY BOUNDARY FROM RAYMOND MARCH, P.E. DRAWING NO. 07-040M.DWG DATED OCTOBER 18, 2007.

AGRICULTURAL PLAN PER COLLIER ENTERPRISE DRAWING NO. CAMPKEAISW02012.DWG DATED FEBRUARY 6, 2012.

WETLAND LINES PER ABB, INC. DRAWING NO. JDL-S-WORKSHEET TO KP15JUN07.DWG DATED JUNE 15, 2007.

WETLAND IMPACTS WERE APPROVED PURSUANT TO SFWMD PERMIT NO. 11-01178-S (APPLICATION NO. 060803-2) ISSUED ON FEBRUARY 12, 2009.

WETLAND NO.	WETLAND NOT-IMPACTED	WETLAND IMPACT	WETLAND SECONDARY IMPACT	TOTAL
S-1	1.75 Ac ±	-	-	1.75 Ac ±
S-2	2.42 Ac ±	-	-	2.42 Ac ±
S-3	14.52 Ac ±	-	-	14.52 Ac ±
S-4	8.03 Ac ±	-	-	8.03 Ac ±
S-5	10.62 Ac ±	-	-	10.62 Ac ±
S-6	366.67 Ac ±	-	-	366.67 Ac ±
S-7	-	-	4.72 Ac ±	4.72 Ac ±
S-8	51.82 Ac ±	-	-	51.82 Ac ±
S-9	130.15 Ac ±	-	-	130.15 Ac ±
S-10	-	-	2.06 Ac ±	2.06 Ac ±
S-11	-	-	8.16 Ac ±	8.16 Ac ±
S-12	-	0.07 Ac ±	-	0.07 Ac ±
S-13	-	-	0.40 Ac ±	0.40 Ac ±
S-14	-	-	1.61 Ac ±	1.61 Ac ±
S-15	0.60 Ac ±	-	-	0.60 Ac ±
S-16	-	-	0.48 Ac ±	0.48 Ac ±
S-17	1.38 Ac ±	-	-	1.38 Ac ±
S-18	-	-	3.39 Ac ±	3.39 Ac ±
S-19	1269.57 Ac ±	5.62 Ac ±	-	1275.19 Ac ±
S-20	3.32 Ac ±	-	-	3.32 Ac ±
S-21	418.52 Ac ±	-	-	418.52 Ac ±
S-22	-	-	3.80 Ac ±	3.80 Ac ±
S-23	1.34 Ac ±	-	-	1.34 Ac ±
S-24	2.86 Ac ±	-	-	2.86 Ac ±
S-25	0.33 Ac ±	-	-	0.33 Ac ±
S-26	894.05 Ac ±	-	-	894.05 Ac ±
S-27	0.70 Ac ±	-	-	0.70 Ac ±
S-28	2.40 Ac ±	-	-	2.40 Ac ±
S-29	9.84 Ac ±	-	-	9.84 Ac ±
S-30	1.86 Ac ±	-	-	1.86 Ac ±
S-31	41.78 Ac ±	-	-	41.78 Ac ±
S-32	9.20 Ac ±	-	-	9.20 Ac ±
S-33	24.21 Ac ±	-	-	24.21 Ac ±
S-34	-	-	3.44 Ac ±	3.44 Ac ±
S-35	17.87 Ac ±	-	-	17.87 Ac ±
S-36	34.72 Ac ±	-	-	34.72 Ac ±
S-37	162.86 Ac ±	-	-	162.86 Ac ±
S-38	0.33 Ac ±	-	-	0.33 Ac ±
S-39	12.34 Ac ±	-	-	12.34 Ac ±
S-40	112.68 Ac ±	-	-	112.68 Ac ±
S-41	-	-	2.33 Ac ±	2.33 Ac ±
S-42	100.31 Ac ±	0.06 Ac ±	-	100.37 Ac ±
S-43	1.40 Ac ±	-	-	1.40 Ac ±
S-44	77.11 Ac ±	0.36 Ac ±	-	77.47 Ac ±
S-45	4.04 Ac ±	0.56 Ac ±	-	4.60 Ac ±
S-46	3.83 Ac ±	0.93 Ac ±	-	4.76 Ac ±
S-47	177.03 Ac ±	1.54 Ac ±	-	178.57 Ac ±
S-48	0.63 Ac ±	-	-	0.63 Ac ±
S-49	0.45 Ac ±	-	-	0.45 Ac ±
S-50	1.15 Ac ±	-	-	1.15 Ac ±
S-51	1457.14 Ac ±	0.80 Ac ±	-	1457.94 Ac ±
S-52	0.88 Ac ±	-	-	0.88 Ac ±
S-53	5.53 Ac ±	-	-	5.53 Ac ±
S-54	0.25 Ac ±	-	-	0.25 Ac ±
S-55	0.71 Ac ±	-	-	0.71 Ac ±
S-56	2.06 Ac ±	-	-	2.06 Ac ±
S-57	1.67 Ac ±	-	-	1.67 Ac ±
TOTAL	5442.93 Ac ±	9.93 Ac ±	30.39 Ac ±	5483.25 Ac ±

OSW NO.	OSW NOT-IMPACTED	OSW IMPACT	OSW TOTAL
S-1	1.47 Ac ±	-	1.47 Ac ±
S-2	-	0.52 Ac ±	0.52 Ac ±
S-3	-	0.17 Ac ±	0.17 Ac ±
S-4	0.35 Ac ±	-	0.35 Ac ±
S-5	0.42 Ac ±	-	0.42 Ac ±
S-6	0.53 Ac ±	-	0.53 Ac ±
S-7	0.15 Ac ±	-	0.15 Ac ±
S-8	2.08 Ac ±	-	2.08 Ac ±
S-9	1.01 Ac ±	-	1.01 Ac ±
S-10	-	0.09 Ac ±	0.09 Ac ±
S-11	8.84 Ac ±	-	8.84 Ac ±
S-12	1.07 Ac ±	-	1.07 Ac ±
S-13	1.99 Ac ±	-	1.99 Ac ±
S-14	0.11 Ac ±	-	0.11 Ac ±
S-15	0.85 Ac ±	-	0.85 Ac ±
S-16	0.05 Ac ±	-	0.05 Ac ±
TOTAL	18.92 Ac ±	0.78 Ac ±	19.70 Ac ±

PFFW NO.	PFFW IMPACT	PFFW TOTAL
S-1	25.93 Ac ±	25.93 Ac ±
S-2	6.32 Ac ±	6.32 Ac ±
S-3	46.24 Ac ±	46.24 Ac ±
S-4	41.12 Ac ±	41.12 Ac ±
TOTAL	119.61 Ac ±	119.61 Ac ±

Although water drawdowns are likely handled by the SFWMD and not directly by DEP, it should be noted that SFWMD is viewing the water wells from this project as an "inconsequential" removal from the regional water supply. We believe that issue has not been given adequate attention by either state agency. It has been well established that loss of wetlands in southwest Florida are having serious consequences for regional habitat as well as federally listed species. The millions of gallons a month requested by the Dan Hughes Company to support drilling operations will have an incremental impact on this already tenuous supply. This article from the Naples News describes the complete collapse of nesting by the woodstork in 2012 due to changed hydrological conditions:

<http://www.naplesnews.com/news/2012/dec/23/wood-storks-expected-to-pass-on-nesting-season/>

Another article on the woodstork from the Palm Beach Post discusses the "unprecedented decline" of the stork in its traditional nesting areas in southwest Florida.

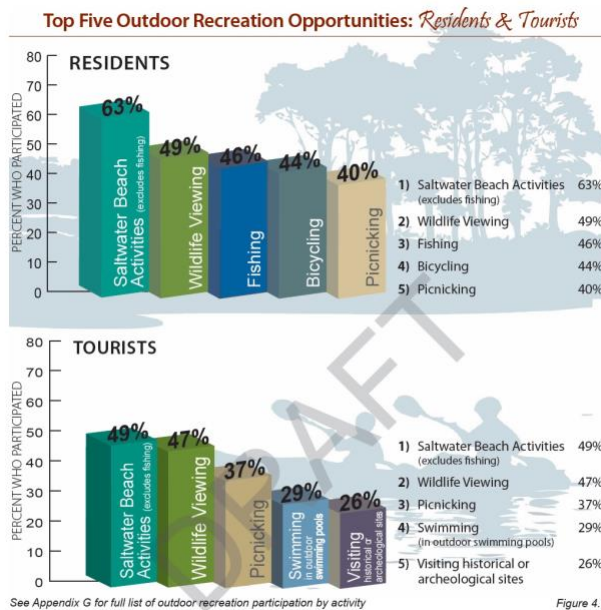
<http://www.palmbeachpost.com/news/news/state-regional/bird-count-finds-wood-stork-in-unprecedented-declineTwCD/>

This is still another likely impact to the ecology of southwest Florida from this proposed operation which has yet to be taken up by DEP. Added to the near certainty of increased pollution, noise, vibrations, habitat loss and fragmentation from this massive operation, DEP has a long way to go in its assessment of this project - although we believe the facts already justify a denial of the permit.

We close these comment with a link to DEP's own survey of outdoor recreation in Florida.

[http://www.dep.state.fl.us/parks/outdoor/files/FLSCORP\\_Draft2013.pdf](http://www.dep.state.fl.us/parks/outdoor/files/FLSCORP_Draft2013.pdf)

This chart on page 48 of the report indicates that for both residents and tourists, wildlife watching is the second most popular outdoor activity generating a large amount of Florida's tourist and recreational spending. See chart on following page:



At the core of DEP's mission statement is "protecting of Florida's air, water, and land." The Dan A. Hughes company has leased over 115,000 acres for oil operations from Collier Resources in some of the most ecologically sensitive areas of the state in an area many consider to be the most biodiverse land in the continental United States. Far from just a vacant lot, this proposed drill site and virtually the entire area of the lease requires the most careful scrutiny available before a permit is issued. As stated previously, the economic and ecological risks from this drill application (and others to follow) are far too great and the rewards far too small for the state of Florida to willfully participate in its own ecologic degradation.

Best regards,

Matt Schwartz  
Executive Director  
South Florida Wildlands Association  
P.O. Box 30211  
Ft. Lauderdale, FL 33303  
954-634-7173  
954-993-5351 (Cell)

From: Matthew Schwartz <southfloridawild@yahoo.com>  
Subject: RE: Application for wells in Collier County - and initial comments  
To: "EdGarrett" <Ed.Garrett@dep.state.fl.us>  
Cc: "SteveSpencer" <Steve.Spencer@dep.state.fl.us>  
Date: Friday, May 17, 2013, 9:51 PM

Thanks Ed and Steve - the most important issue I wanted to raise in my previous email were the potential impacts on the panther and possibly other listed species in or around the project site. Some amount of panther habitat loss is assured from this project. However, impacts from a project like this can easily extend beyond the exact parameters of the project footprint due to additional traffic, noise, lighting, vibrations, chemical odors or even spills. And any impacts or potential impacts to deer, hog, opossum,

raccoon, or any other animal which is prey for the Florida panther needs to also be considered.

I have not yet seen the request for water withdrawals on the site to support the drilling operations, but these also have great potential for disturbing the natural hydrology of a key area of the western Everglades and Big Cypress Swamp. Impacts to wetlands, hydrology, plants and wildlife from this entire project - an oil well, a waste water injection well, two water supply wells, a new road, traffic and drilling - need to be considered as a whole.

I will follow up with the FWS and FWC to find out if they have sent in any comments on this project. Or if they intend to. Wanted to point out this section from the drilling application (Oil and Gas Permit 1353, Collier 22-3H):

### 6.3 Wetlands and Wildlife

The Well pad is located within a farm field that is part of the Camp Keais Strand Agricultural Development. The field is currently used for cattle grazing. Access to the Well pad will be from Desoto Boulevard in Golden Gate Estates, then east on 24th Street SE, and across the south end of the field where the Well is to be located. No wetlands or other surface waters will be impacted by construction of the Well pad or access to the drilling site.

The Well location does not contain habitat for federal or state listed wildlife species. As previously mentioned, the field is used for active cattle grazing. No listed species have been observed on-site.

Given its proximity to the Panther Refuge and the fact that the entirety of the site is located inside the primary zone of the Florida panther (as determined by FWS), we believe the area is used by panthers and possibly other listed animals. The fact that "no listed species have been observed on-site" was likely due to what was observed during a limited site visit or visits. We also believe the site may contain wetlands - which were not observed during a site visit due to the time of year.

The FNAI report prepared for the retention well documented the presence of a Florida panther on the site as well as the likely occurrence of wood storks, eastern indigo snakes, and Florida black bears. At least 16 other rare species were listed as "potential". See attached report from FNAI.

It should also be pointed out that the panther itself is considered both a "keystone" and an "umbrella species" - protection of habitat for the panther has benefits for virtually all plant and animal species that live within its range.

We look forward to the public meetings where these issues and others can be explored in more detail. Please include this email in the record of comments by interested parties for the permit applications sought by the applicant through DEP. PERMIT NO. 1353 and 1354 are the ones we are aware of at this time.

Best regards,



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--- On Fri, 5/17/13, Garrett, Ed <Ed.Garrett@dep.state.fl.us> wrote:

From: Garrett, Ed <Ed.Garrett@dep.state.fl.us>  
Subject: RE: Application for wells in Collier County - and initial comments  
To: "Matthew Schwartz" <southfloridawild@yahoo.com>  
Cc: "Spencer, Steve" <Steve.Spencer@dep.state.fl.us>  
Date: Friday, May 17, 2013, 8:34 PM

Mr. Schwartz,

Public input will be considered at any time prior to the Department taking final agency action on the permit, which will be up to 90 days after the company's application is complete, which will be at least 30 and possibly 60 days after the applications were received.

Sincerely,  
Ed Garrett, PG,CPM  
Oil & Gas Program Administrator  
Florida Department of Environmental Protection  
(850) 488-8217, Ext 12  
Direct Line / VM: (850) 413-8192 Ext. 12  
Other Oil & Gas Ext #'s: Steve=65, DaveT=26, Levi=64

From: Matthew Schwartz [mailto:southfloridawild@yahoo.com]  
Sent: Friday, May 17, 2013 1:24 PM  
To: Spencer, Steve  
Cc: Garrett, Ed; larry\_williams@fws.gov; Kevin Godsea; Tim.Breault@fwc.state.fl.us; Nick.Wiley@MyFWC.com; Chuck.Collins@MyFWC.com  
Subject: RE: Application for wells in Collier County - and initial comments

Steve - thanks for all the documents. Did the extension of time for "interested parties" to submit comments go through?

On the test track you asked about nearby the proposed drill site - that was originally constructed in the 80's - long before our organization was formed. It's impossible to undo all the development that has gone in to panther habitat during the modern period. As you might know, Collier County was at a recent point one of the fastest growing counties - percentage wise - in the country. And the neighboring counties were not far behind. See data and discussion from the Fish and Wildlife Commission's "Panthernet" website -

[http://www.floridapanther.net.org/index.php/handbook/threats/habitat\\_loss/#.UZZfRLWsiSp](http://www.floridapanther.net.org/index.php/handbook/threats/habitat_loss/#.UZZfRLWsiSp)

But a Google Search in response to your question just revealed the following recent news article - the sale of the test track to Chrysler.

<http://www.naplesnews.com/news/2013/apr/11/chrysler-buys-collier-test-track-harley-hd/>

We will definitely show this some attention - review the U.S. Fish and Wildlife Service's (FWS) evaluation of the track (if one was conducted). And evaluate our own options.

I've written and spoken about this issue of habitat loss for the panther for a number of years - and participated (through the Sierra Club) in the recent lawsuit to have the FWS designate "critical habitat" for the panther. This would bring a measure of protection to the panther's habitat in addition to the animal itself. Unfortunately, the panther was listed under the Endangered Species Act in 1973 - 5 years before the amendment to the ESA which would have required the Service to designate habitat necessary for the animal's survival. The court ruled (against the plaintiffs) that the service could not be legally compelled to designate critical habitat on that technicality.

So projects keep going in to panther habitat - and the FWS keeps concluding - in their Biological Opinions - that each project is not enough to cause the panther to go extinct (so "no jeopardy"). But at habitat loss of about 1 percent per year - that day is inevitable. So we do what we can on each project (with very limited resources) - and hopefully get the administration in DC to change their point of view and finally designate critical habitat protection. If critical habitat for the panther had been designated, the evaluation of this drilling operation in this location would have been very different.

I will follow up with more information on this issue - but please accept this email as part of our comments on the new drilling project just west of the Florida Panther National Wildlife Refuge. This power point summarizes the views of a consortium of major panther scientists on the incremental habitat loss question. It is based on a paper written under the same title. A very good presentation - which also shows the proposed drill site to be solidly inside the primary zone of the panther.

<http://www.colliergov.net/modules/ShowDocument.aspx?documentid=23243>

For our purposes here - this is likely the key quotation from the study:

“Thus, it appears that the Primary Zone, a large landscape consisting of a matrix of natural and disturbed cover types, provides just enough space to support a population that is barely viable demographically as long as the habitat base remains stable.”

Last year 26 panthers died - most were killed as a result of vehicle collision. But the second leading cause of death was "intraspecific aggression" - or panther on panther fights to the death over territory. A panther must leave its mother and establish its own territory by two years of age (like it or not). Other than during breeding, panthers are a

solitary species. Although a male will breed with a variety of females in its territory, it will not generally tolerate another male. With no available territories, a male must either roam outside the area in search of new territory - where roadkill is likely - or challenge another male for a territory - often resulting in the death of one.

Please let me know as soon as you get official word that the extension of time for comments has been granted to the interested parties on this issue. In addition to the applicant, we are requesting that as well - the two public meetings should be allowed to take place before the comment period for "interested parties" closes. We will follow up with additional data on why this site is not appropriate for the proposed oil drilling project.

I have cc'd to this email Larry Williams of the FWS office in Vero Beach, Kevin Godsea from the Florida Panther National Wildlife Refuge, and Nick Wiley, Chuck Collins and Tim Breault of the Florida Fish and Wildlife Conservation Commission. It would be good to know for the purpose of this permit application if any consultation has already been carried out by either the FWC or FWS with regard to impacts to the panther or other wildlife from this proposal.

Best regards:

Matt Schwartz  
Executive Director  
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