

**STATEMENT
OF
DR. ROBERT S. ROHDE
ROYAL MARCO POINT II CONDOMINIUM ASSOCIATION
MARCO ISLAND, FLORIDA
TWIN DOLPHINS I
LA PENINSULA, ISLES OF CAPRI, NAPLES, FLORIDA
TO THE
SUBCOMMITTEE ON WILDLIFE, FISHERIES, OCEANS AND INSULAR AFFAIRS
COMMITTEE ON NATURAL RESOURCES
IN SUPPORT OF H.R. 1811**

April 8, 2014

Mr. Chairman: I am Dr. Robert Rohde. I am a native of Chicago, with permanent residence in Alexandria, VA. I am a physicist, retired from the Federal civil service in 2005, having served the United States Army in Research and Development for over 35 years. My career took me from Ft. Monmouth, NJ, to Ft. Belvoir and the Army's Night Vision Lab, to the Pentagon where I spent fifteen years, ending as Deputy for Laboratory Management. I had HQDA staff oversight for the Army Labs, including personnel, security, and the BRAC. I also covered the Army's Manufacturing Technology Program (MANTECH), Small Business Innovative Research (SBIR), Venture Capital, and Dual Use Science & Technology program among others. I lectured at West Point on Laser Technology. After retiring from the federal service, I spent another 8 years in private industry, again supporting the Army, ending with the Mantech Corporation. I have come to testify today on behalf of the 112 unit owners, mostly retirees, of the Royal Marco Point II (**RMPII**) Condominium Association of Marco Island, Florida where my wife and I own a condominium, and the 54 unit owners, likewise mostly retirees, of the Twin Dolphins I (**TDI**) Condominium Association located on the La Peninsula portion of the Isles of Capri, Naples, Florida (**Exhibit 1**). Royal Marco Point includes 44 private acres and 40 conservation acres owned by the State of Florida (Trustees of the Improvement Trust Fund or TIIFT). La Peninsula has 17 acres, all private (**Exhibit 2**). The private portion of Royal Marco Point is part of the larger Hideaway Beach Association complex, a 314 acre area including 134 acres set aside for conservation (**Exhibit 3**). Hideaway Beach is also a Certified Audubon Cooperative Sanctuary and has received the Audubon International "Neighborhood for Nature" It is our contention that the private properties of both Royal Marco Point and La Peninsula met the criteria for developed land prior to the enactment of the Coastal Barrier Improvement Act (**CBIA**), November 16, 1990, and should therefore not have been added to Unit P-16 (Keewaydin Island) of the Coastal Barrier Resources System (**CBRS**) (**Exhibit 4**).

Because RMP and LP were added to the CBRS by mistake, Royal Marco Point II and Twin Dolphins I which were built after the CBIA are not eligible for either National Flood Insurance Program (**NFIP**) or federally supported mortgages. In the case of Royal Marco Point II, for example, we estimate that private insurance premiums in excess of NFIP have been over \$2,000,000, or roughly \$18,000 per owner, in just the last five years. As far as we know, there is currently no provision in law which would allow us to recoup these funds due to these mapping errors. When I discovered all this in April 2010, I immediately contacted the Fish & Wildlife (**F&W**) Service, met with them three times, and provided the necessary documentation to support our claim. The condominium association even offered to pay for the map revision (~\$20,000) since F&W's issues in correcting the mapping errors were primarily budgetary, lacking both funding and personnel, coupled with a significant backlog of similar claims, some dating back ten years. When this approach failed, I appealed to Congressman Connie Mack who introduced HR

2155 in June 2011, which died in committee, and HR 1811 was reintroduced by Congressman Trey Radel in June 2013.

The other four buildings on Royal Marco Point and six on La Peninsula, involving over 500 additional owners, were “grandfathered,” i.e., built or under construction at the time of CBIA. However, even they can be adversely impacted. An owner of one of our co-located sister condos on Royal Marco Point was recently denied mortgage refinancing from one bank simply because of their presence in P-16, even though they are currently “grandfathered” into NFIP. In addition, there remains a very small risk to these owners as well. Should there be any catastrophic occurrence, from any cause such as fire, wind, flood, sprinkler malfunction, earthquake, or any damage which would require a 51% replacement of the existing property, those properties currently grandfathered would also lose NFIP and federal mortgage support as long as the CBRA designation is in place. Obviously, these 500 owners of these properties would benefit by this legislation as well.

The criteria for determining the “undeveloped” nature of the land when included in CBRS are originally taken from the Federal Register, August 12, 1982, in effect at the time of CBIA, and later codified in the Coastal Barrier Resources Reauthorization Act (**CBRRA**), Public Law 106-514, November 13, 2000. The following is an excerpt from CBRRA of the part relevant to these properties: “(1) IN GENERAL.— In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area— ...“(B) there is existing infrastructure consisting of—“(i) a road, with a reinforced road bed, ...; “(ii) a wastewater disposal system sufficient to serve each lot or building site in the area; “(iii) electric service ...; and “(iv) a fresh water supply for each lot or building site in the area.” Both land parcels met the conditions for developed land prior to the enactment of CBIA and should not have been added to P-16 in 1990. The following supporting material confirms this assessment: (1) infrastructure record drawings (**Exhibits 5-6**) and photos (**Exhibit 7-8**); (2) correspondence from Wilson-Miller Stantec, Inc., Naples, Florida, the architects at the time (**Exhibit 9**); and (3) excerpts of correspondence from Collier County officials to Congressman Mack’s office in 2011 (**Exhibit 10**). (F&W have the full e-mail). The infrastructure for Royal Marco Point II was in place by December 1988, and that of La Peninsula was already in place in 1985 and upgraded with improved sewage by 1988. Collier County delays full acceptance following completion of the work and record drawings to ensure no more changes take place. As Mr. Clint Riley previously testified before this committee September 23, 2003, “The “undeveloped” criterion is an important underpinning of the Act. (*Coastal Barrier Resources Act (CBRA)*). The Act sought to remove Federal subsidies for new construction in hazard-prone environmentally sensitive areas that were not yet developed, **but not to penalize existing communities where significant investments had already been made.**” CBRA and CBIA did not intend to hurt the property owners of Royal Marco Point II and Twin Dolphins I, but it has occurred anyway.

I believe it is worthwhile looking into the history of how these properties were included into P-16 because our case may have application to other cases and, knowing this, may benefit the committee, the Department of the Interior (**DOI**), and the F&W service. I am not about to cast aspersions on those involved at that time or now. Having worked for the Federal system, I am fully aware of the pressures, deadlines, and resources available to undertake a project as huge as this one. But I do believe that once an error is found which adversely financially impacts the public, it should be fixed as soon as possible. Neither Hideaway Beach, Royal Marco Point, nor La Peninsula was considered for inclusion into the CBRS in 1982. DOI’s own map shows that the boundary of P-16 was adjacent to these properties, that La Peninsula was identified back then as developed, and Royal Marco Way was clearly visible at the time although still a dirt road (**Exhibit 11**). Also the main part of the Hideaway Beach property was already developed (**Exhibit 12A**). By 1983-84 a 12 inch water main, 3000 feet long, was placed under the Royal

Marco Point road bed by the first developer (**Exhibit 12B**). In February 1987 the Department of the Interior issued a "Report to Congress: Coastal Barrier Resources System, Proposed Recommendations for Additions to or Deletions from the Coastal Barrier Resources System Volume 15, Florida (West Coast)" requesting public comment. Eighteen months passed from the period of public comment (February- June 1987) to the publication of the final recommendations in the 1988 Report (December 16, 1988). For developers this was a lengthy time and as you shall see, much was accomplished from June 1987 until December 1988. Even more was accomplished by the time the CBIA was enacted.

I will first address Royal Marco Point which is the more complicated case. The 1987 report included a proposal to include a part of the Hideaway Beach complex into a new System Unit, FL-63, named Big Marco Pass (**Exhibit 13A**). There was no change proposed for P-16 except to remove Rookery Bay property since it was already protected. This map used in the report was at least 11 years old at the time but is still the current map used to define P-16 and FL-63P today (**Exhibit 13B**). As a key dating indicator, the Marco Island airport was moved off the island in 1976 but is still shown on these maps. The following areas were included in FL-63: a fully developed portion of Hideaway Beach (**Exhibit 14 A& B**); an area of Marco Island already populated by residential neighborhoods; a Collier County public beach facility (Tigertail) dating from 1982; and the four twenty-one story condos (South Seas) containing 1200 residences, 10 tennis courts, boat docks and infrastructure also dating from 1982 (see **Exhibit 12A**). A 1985 map from the F&W archives (**Exhibit 15A**) shows the boundary on the proposed FL-63 to include the South Seas condos and the other property mentioned above. A June 24, 1987 aerial photo of the Hideaway Beach club (**Exhibit 15B**) shows the extent of development at Hideaway Beach at the time of public comment. It is a mystery to me how FL-63 could even have been proposed. Clearly no aerial maps or ground inspections were used to validate outdated US Geological (**USG**) maps.

Following 75 negative correspondences from the Governor, Collier County, City of Marco Island, Congressmen, owners, etc., and not one positive letter, the 1988 report dropped FL-63 leaving a new "undeveloped" OPA FL-63P, again mislabeling the land as state owned (**Exhibit 17A**). RMP, an integral part of Hideaway Beach planned for 60% of the Hideaway Beach units, was considered undeveloped and added to P-16. The RMP condominium development which began in 1988 proceeded smoothly over the next eight years (**Exhibits 17B and 18A**), four buildings completed (RMP I and III) or under construction by Nov 1990, the remaining two (RMP II) completed by 1996. The 17 acres of La Peninsula is a much simpler case. **Exhibit 11** already showed that at least a portion of La Peninsula was already considered developed as early as July 1982 and was also not added to P-16 even though it immediately adjoined the P-16 boundary. The La Peninsula PUD is dated October 4, 1984, under Collier County Ordinance 84-14C. Infrastructure development was immediately commenced, and initially completed in June 1985 (previously **Exhibit 5**). Condo construction proceeded rapidly as was shown in the photo taken in October 1988 (**Exhibit 8A**). A seventh condo, Bldg 700, was not completed due to developer bankruptcy, was eventually totally demolished, and replaced with Twin Dolphins I (**TDI**) in 2000-02. **Exhibit 18B** summarizes all of these events.

Phased development was seriously considered in the original guidance published in the Federal Register in 1982 (see page 35698). To use the current criteria for developed land after significant investments occurred in a phased development may have led some developers into bankruptcy. The rationale appeared in the 1988 report: "Because it was difficult to make consistent determinations about phased development, phased development was not considered in determining development status after 1982," reverting to the current standard for developed land. That is the first time this was stated publicly to my knowledge, two years after the 1987 report was issued, with both Hideaway proper and La Peninsula meeting the current criteria at the time of the 1987 report. RMP would not have met the current criteria, but did so by the time the 1988 report was issued. Clearly it was an on-going phased

development, with water and sewer lines already in the roadbed. The report also suggested that the outdated USG maps created a need for aerial photographs and on the ground inspections. It appears, however, that the latter two methods were not used prior to proposing FL-63, nor was there any attempt to validate the 1988 Report recommendations just before the legislation was passed, almost two years after the 88 Report was issued, and almost four years after the public comment period. In four years ten condominiums were completed. Discussions with the Royal Marco Point developers at the time would have shown that the RMP infrastructure would be initiated by September 1987 and condo development was imminent.

I also was concerned that the use of the development criteria may not have been consistently applied. In Collier County there were two proposed developments which received very negative reactions: the Hideaway Beach development on Marco Island (FL-63) and the Barefoot Beach development in Bonita Springs. The latter was associated with the FL-65 (Wiggins Pass) proposal incorporating the whole Barefoot Beach development, both developed and undeveloped land, county owned land, the Barefoot Beach State Preserve, and Delmore Wiggins Pass State Park. After many negative responses from the developer and others, FL-65 was eliminated, and FL-65P, an OPA, was created. It included both the state owned preserves and adjacent county land to the north. It does not appear, however, to have included an undeveloped strip of the Barefoot Beach development south of Kalua Lane to the edge of the county land. This private land now houses multiple condominiums and other structures. I find the undeveloped land of both Royal Marco Point and Barefoot Beach to be identical in nature, i.e., not meeting the current criteria in June 1987. But the results are the opposite, with Royal Marco Point included in P-16, while this portion of Barefoot Beach was not included in FL-65P. Record drawings show that the required infrastructure was completed in the fall of 1989, nine months after that of Royal Marco Point, and the condos were built in the 1990-95 time-frame, later than the first three on Royal Marco Point by about one year. They, however, are all eligible for NFIP. I unfortunately do not have sufficient space to present charts illustrating these remarks but will provide them if requested.

There is also precedence for revising a System unit as testified by Mr. Clint Riley, September 23, 2003, with regards to HR154, Texas Unit T07, Matagorda Peninsula. Here a full complement of infrastructure was available for the Matagorda Dunes Homestead Subdivision before T07 was adopted in 1982 and the service recommended deleting this subdivision. Almost all other testimony relates to Other Protected Areas (OPAs). As stated by Dr. Benjamin Tuggle, in his testimony November 20, 2003, almost every one of the 271 OPAs is mapped inaccurately. He goes on to state that the all 1982 maps were replaced with updated 1990 maps. As far as our part of P-16, the maps date to at least 1976 or older.

Because of the F&W budgetary problems, our bill sought a NO COST legislative reversal of the 1990 addition of Royal Marco Point and La Peninsula to P-16, providing immediate relief for us, and permitting F&W to correct the maps when funds became available. We also sought guidance for FEMA to modify the Section 1360 list of properties eligible for NFIP and federally supported mortgages upon HR 1811 becoming law. The latter normally automatically occurs once a property is no longer in a CBRA zone and the map has been revised. Since the map revision may be delayed indefinitely, we want to insure that our properties will be eligible for NFIP and federal mortgages immediately upon this law going into effect.

I wish to thank former Congressmen Mack and Radel and their staffs for their support, Congressman Jim Moran of Virginia for co-sponsoring both bills, and the professional staff of the F&W service and all others, particularly at Hideaway Beach, who so generously assisted me in researching this matter. Finally, I wish to thank you, Mr. Chairman, for inviting me here today. I will be happy to respond to any questions you or the committee may have.

Collier County Appraiser Map – Marco Island and Isles of Capri



Exhibit 1

Source: Collier County Appraiser

Current satellite view of Marco Island and Isles of Capri.



Collier County Property Appraiser Aerial with 2 TIIFT Parcels



MAP LEGEND
 □ Parcels
 Aerials 2013 [6 inch Urban]
 ■ Collier County

Folio Number: 78567000122
 Name: TIIFT /DEP-REC & PARKS
 Street# & Name: NO SITE ADDRESS
 Legal Description: UNPLATTED LANDS 6
 52 26 LOTS 3 AND 4 LESS MARCO BCH
 UNIT 26 OR 1125 PG 1237
 27.63 Acres

Exhibit 2

© 2004, Collier County Property Appraiser. While the Collier County Property Appraiser is committed to providing the most accurate and up-to-date information, no warranties expressed or implied are provided for the data herein, its use, or its interpretation.

Exhibit 2.

Source: Collier County Appraiser

P-16 boundary, private land shown on both Royal Marco Point and La Peninsula, as well as Royal Marco Point II and Twin Dolphins I condominiums, along with the other condos on both Royal Marco Point and La Peninsula which are grandfathered in NFIP. The four conservation parcels owned by the State of Florida, so called TIIFT (Trustees of the Internal Improvement Trust Fund) land are also shown.

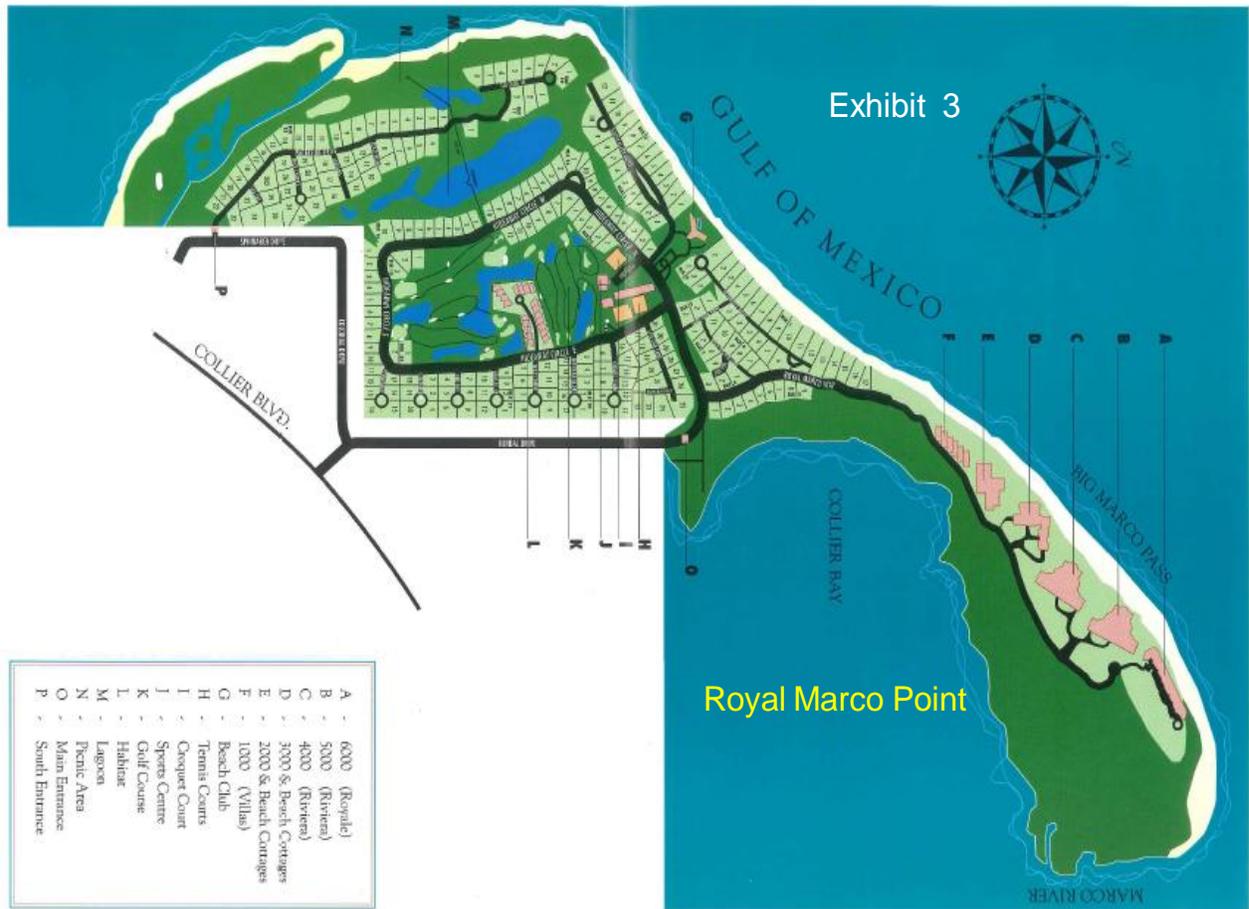


Exhibit 3

Source: Hideaway Beach Association

Drawing shows the Hideaway Beach Development with Royal Marco Point in the right corner. The six condominiums are identified, buildings 1000, 2000, 3000, 4000 and 5000 (Royal Marco Point II), and 6000.

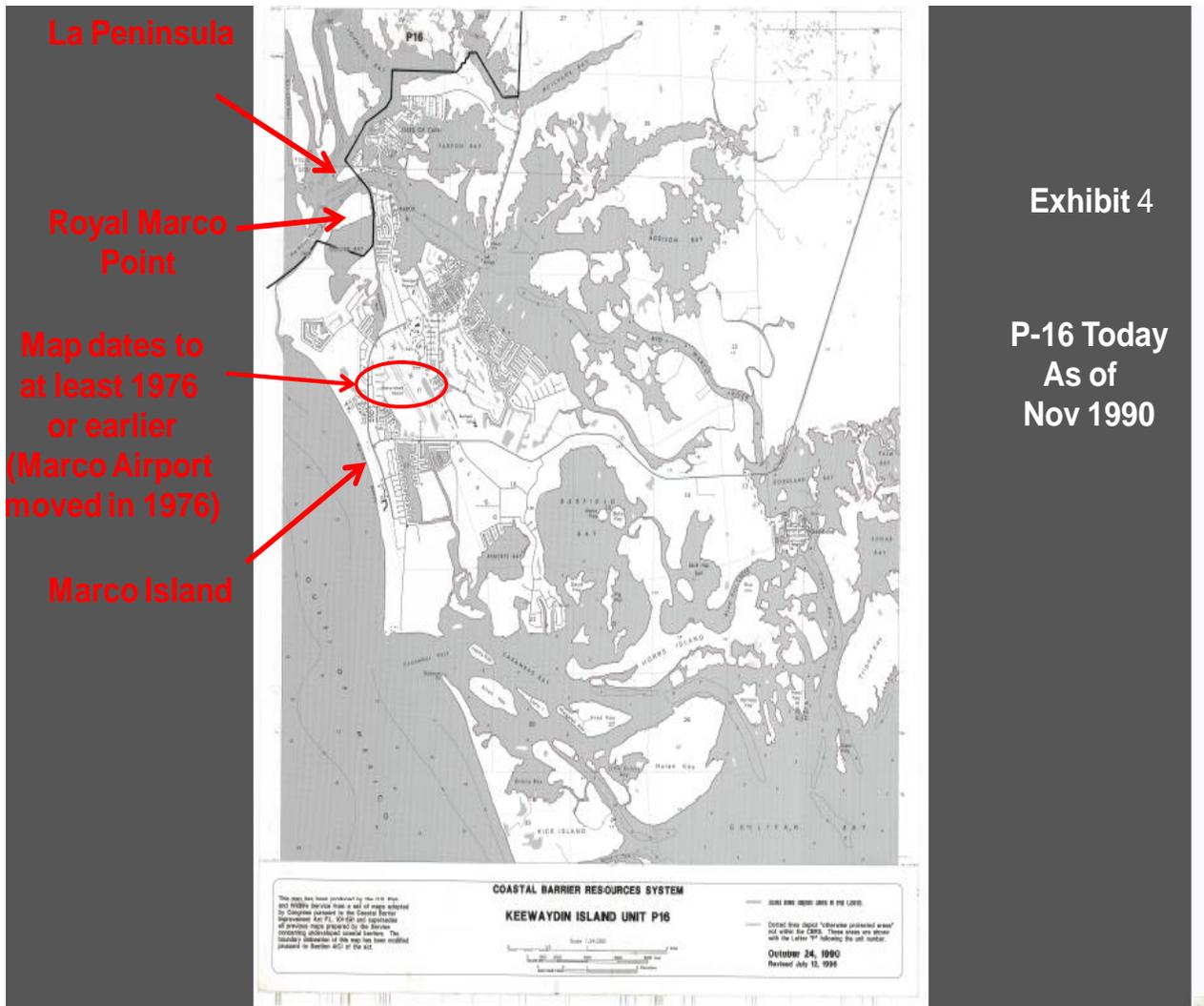


Exhibit 4

Source: Fish and Wildlife Service Coastal Barrier web page

This map shows the southern portion of P-16 as it is displayed today. The map was used in the 1987 and 1988 report to the Congress and dates to 1976 or earlier since the Marco Island airport shown in this map was moved off the island in 1976.

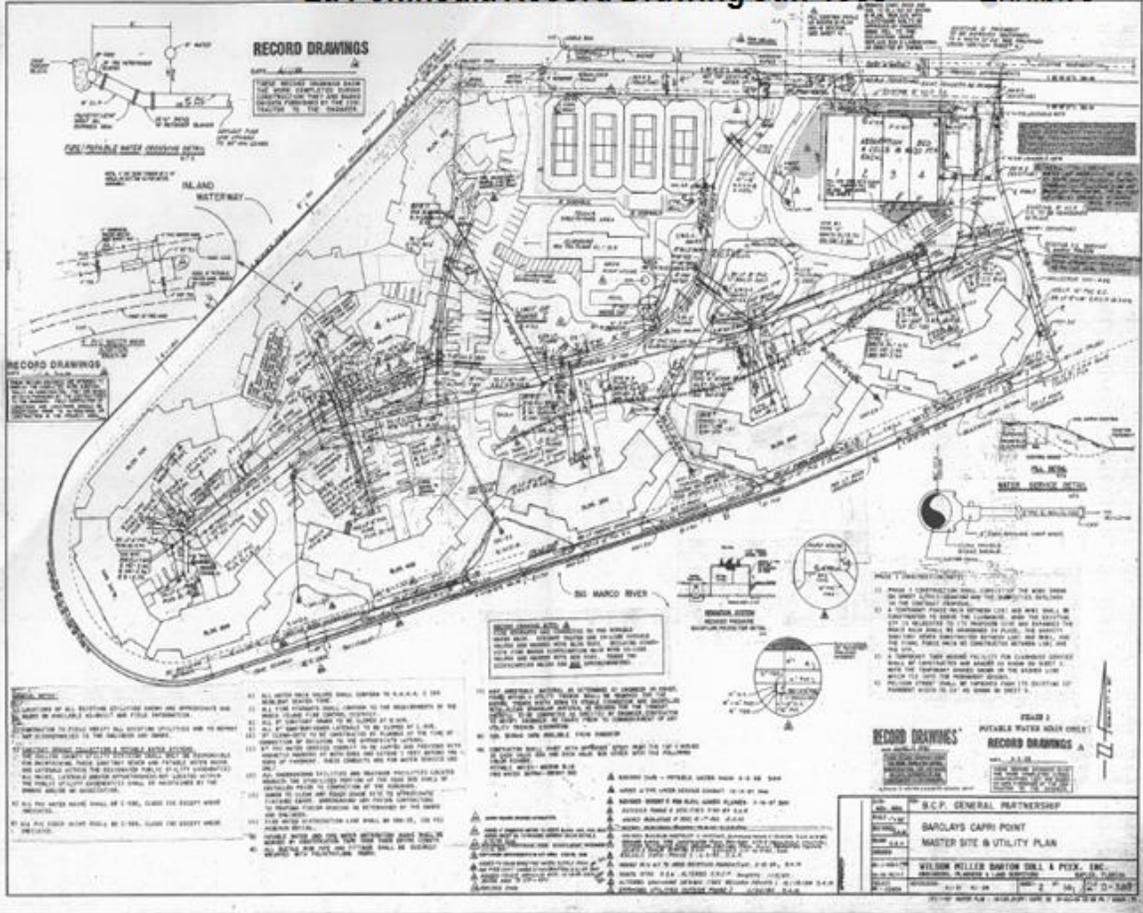


Exhibit 5

Source: Wilson-Miller Stantec, Inc., Naples, FL, courtesy of City of Marco Island

Sample of La Peninsula record drawings dated June 1985 with later updates, showing infrastructure in place in that time frame. The F&W Service has been provided with full size paper copies.

**Royal Marco Way Termination Record Drawings
Dec 21, 1988**

Exhibit 6

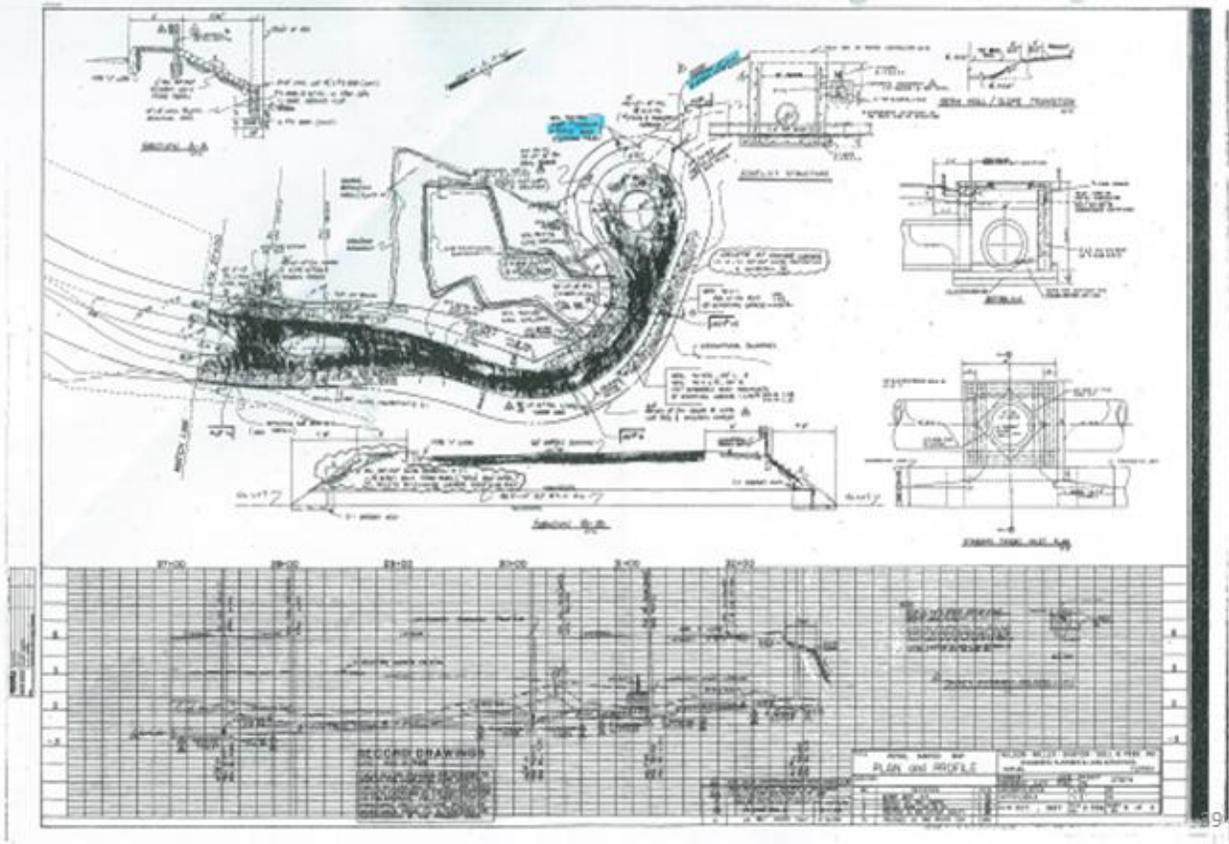


Exhibit 6

Source: Wilson-Miller Stantec Inc., Naples, Florida, Courtesy of City of Marco Island

Sample record drawings of the termination of Royal Marco Way dated December 21, 1988, five days after the 1988 DOI report was issued recommending Royal Marco Point included as undeveloped land. The F&W service has been provided with full size paper copies.

La Peninsula showing infrastructure and condo construction
Feb 1985 (Collier County Property Appraiser) Exhibit 7A

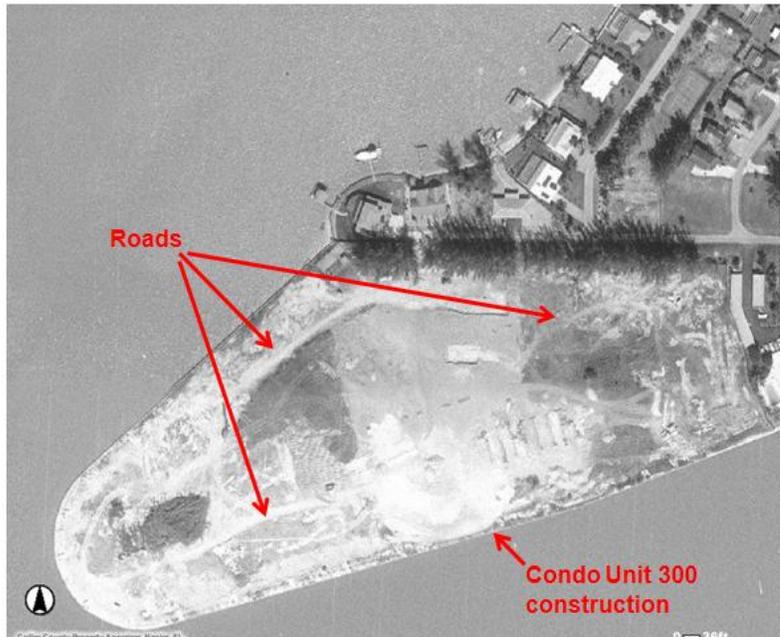


Exhibit 7A: Source: Collier County Appraiser. Overhead photo of La Peninsula showing roads and condo construction in February 1985, consistent with record drawings and other data.



Exhibit 7B: Source: F&W Archives; Photo taken June 12, 1987 of Royal Marco Point and submitted by Baker & McKenzie, Washington, D. C. Note that one condominium is completed on La Peninsula, and construction has not yet started on Royal Marco Point although the road can be seen.



Exhibits 8A and B: Source: Hideaway Beach Association Archives. 8A taken October 4, 1988 shows La Peninsula condominiums completed; construction underway on Royal Marco Point. 8B was taken April 1989, showing Royal Marco Way completed and condo construction underway.



3200 Bailey Lane, Suite 200
Naples, FL 34105
Tel: (239) 649-4040

February 16, 2012

The Honorable Connie Mack
U.S. House of Representatives
115 Cannon House Office Building
Washington, D.C. 20515

**Subject: La Peninsula (aka Barclays Capri Point)
Engineer's Letter of Finding**

Dear Congressman Mack:

Please accept this Letter of Finding as representation that, to the best of our knowledge and belief, and based on our review of the Record Drawings (WilsonMiller, Inc. Drawing File No. D-388) for the subject Project, it is our professional opinion that the roadway, water, wastewater and electrical facilities (as identified in Section 4(g)(1)(B) of the Coastal Barrier Resources Act) that service the site for La Peninsula (aka Barclays Capri Point) in Collier County, were completed and in place prior to November 1990.

Please do not hesitate contact our office should you have any questions regarding this matter.

Sincerely,

WilsonMiller, Inc.

Fermin A. Diaz, P.E.
Vice President

Enc.

C: Dr. Robert S. Rohde
David J. Hunt, P.E., WilsonMiller, Inc.

Exhibit 9A



3200 Bailey Lane, Suite 200
Naples, FL 34105
Tel: (239) 649-4040

February 16, 2012

The Honorable Connie Mack
U.S. House of Representatives
115 Cannon House Office Building
Washington, D.C. 20515

**Subject: Royal Marco Way
Engineer's Letter of Finding**

Dear Congressman Mack:

Please accept this Letter of Finding as representation that to the best of our knowledge and belief and based on our review of the Record Drawings (WilsonMiller, Inc. Drawing File No. D-350) for the subject Project, it is our professional opinion that the roadway, water, wastewater and electrical facilities (as identified in Section 4(g)(1)(B) of the Coastal Barrier Resources Act) that service the site for Royal Marco Way in Collier County, were completed and in place prior to November 1990.

Please do not hesitate to contact our office should you have any questions regarding this matter.

Sincerely,

WilsonMiller, Inc.

Fermin A. Diaz, P.E.
Vice President

Enc.

C: Dr. Robert S. Rohde
David J. Hunt, P.E., WilsonMiller, Inc.

Exhibit 9B

Exhibits 9A and 9B: Letters to Congressman Connie Mack from Wilson-Milson Stantec indicating infrastructure on both La Peninsula and Royal Marco Point was completed before CRIA was enacted in November 1990.

**Collier County Correspondence to Cong Mack's Office
Excerpts re RMP and LP Infrastructure**

Exhibit 10

From: HouldsworthJohn
[mailto:johnhouldsworth@colliergov.net]
Sent: Monday, March 05, 2012 11:12 AM
To: Martin, Lucia; McKennaJack; Krishnamoorti, Mala
Subject: RE: La Peninsula and Royal Marco Way

On March 16, 1988, the Board of County Commissioners accepted the potable water facilities associated with Barclay's Capri Point n/k/a La Peninsula. Therefore, we concur with the findings of WilsonMiller Stantec in that the infrastructure improvements were in place prior to November 1990. If we can be of any further assistance in this regard, please advise.

John R Houldsworth
Senior Site Plans Reviewer
Land Development Services/Engineering Services
Growth Management Division, Planning and Regulation
2800 N Horseshoe Drive
Naples, FL. 34104
Phone: 239-252-5757
Direct Fax: 239-252-6553

From: HouldsworthJohn <johnhouldsworth@colliergov.net>
To: "Martin, Lucia" <Lucia.Martin@stantec.com>, McKennaJack <JackMcKenna@colliergov.net>, "mala.k@mail.house.gov." <mala.k@mail.house.gov>

Date: Mon, 5 Mar 2012 10:30:44 -0500
Subject: RE: Royal Marco Way

Please be advised that the Collier County Board of County Commissioners on April 11, 1989 accepted the sanitary sewer facilities associated with Royal Marco Way. The Agenda Item was 16.D.1 and the Warranty Deed was recorded on April 12, 1989 at OR Book 1432 Pg. 164, and the Bill of Sale was recorded at OR Book 1432, Pg. 150. Therefore, we concur with the findings of WilsonMiller Stantec that indeed the facilities were constructed prior to November 1990. If we can be of any further assistance in this regard, please advise.

John R Houldsworth
Senior Site Plans Reviewer
Land Development Services/Engineering Services
Growth Management Division, Planning and Regulation
2800 N Horseshoe Drive
Naples, FL. 34104
Phone: 239-252-5757
Direct Fax: 239-252-6553

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Exhibit 10

Source: Collier County Government Officials

Correspondence to Congressman Connie Mack's office supporting Wilson-Miller Stantec, Inc. and confirming that the infrastructure for both La Peninsula and royal Marco Point was completed well before the passage of the CBIA in Nov 1990. F&W has the full e-mails with other addressees.

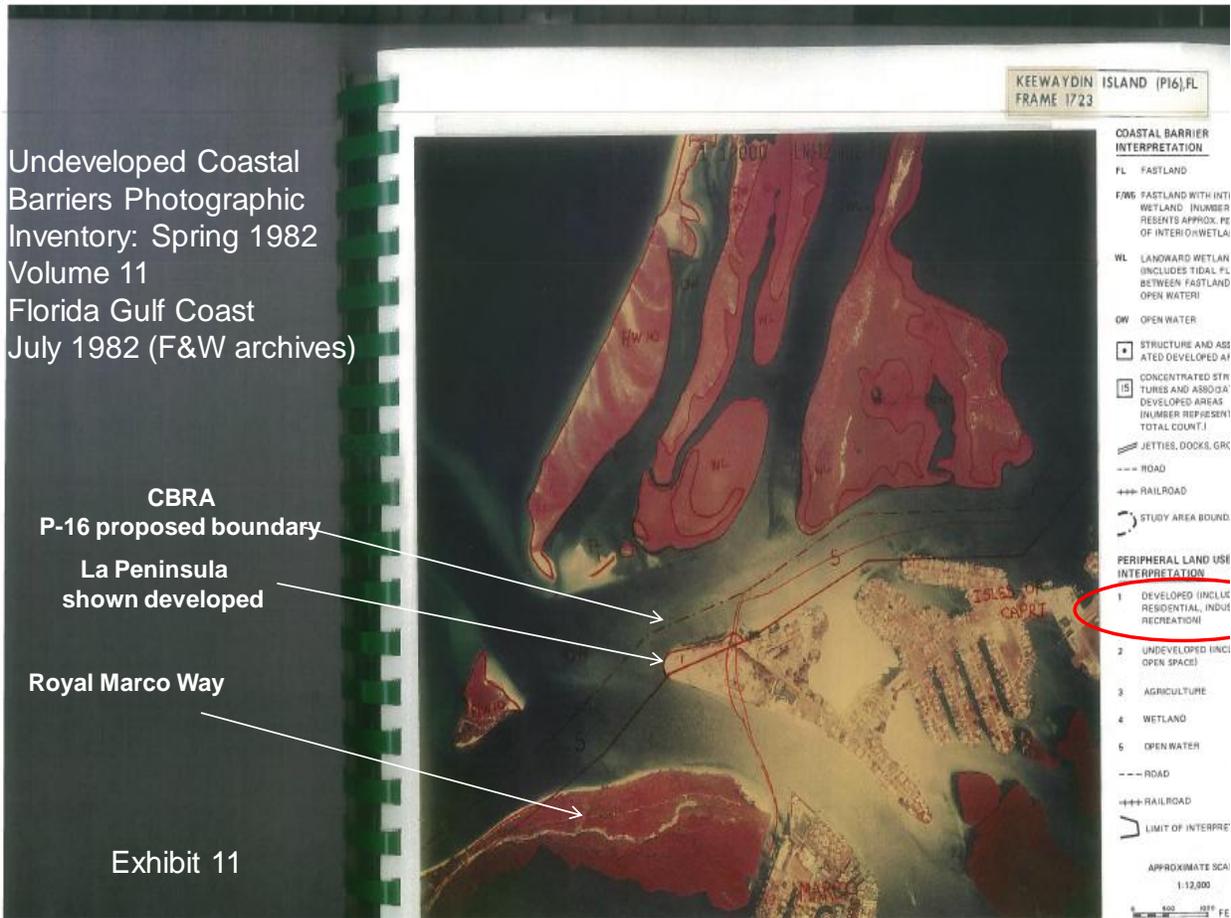
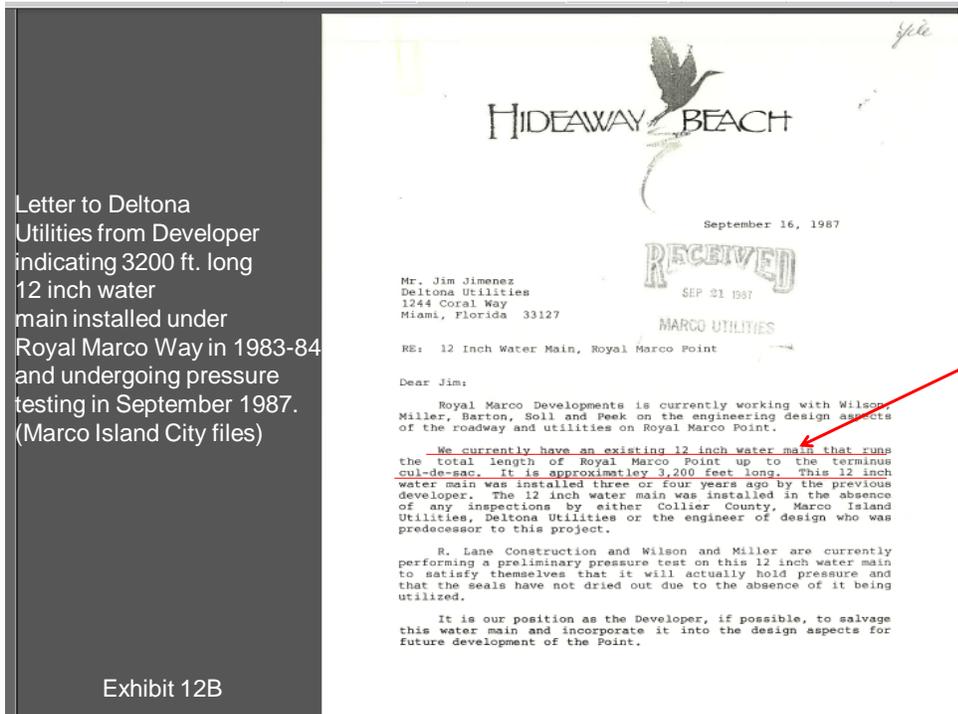


Exhibit 11. Source: F&W Archives. This photo is taken from the Undeveloped Coastal Barrier Photographic Inventory, dated Spring 1982, Florida Gulf Coast July 1982. The proposed P-16 boundary is shown adjacent to La Peninsula which is identified as developed land (see circle). Just below is Royal Marco Point and the road is clearly delineated although it is a dirt road at this time. Neither La Peninsula, Royal Marco Point, nor the rest of Hideaway Beach or parts of Marco Island were included when P-16 was created in 1982. See the photograph in the next slide for the rest of Hideaway Beach. P-16 at this point was only a narrow sliver of 2000+ acres running along the coast from this point to Naples.



Exhibits 12A&B: Source12A Hideaway Beach archives; 12B City of Marco Island. 12A, May 31, 1981 shows infrastructure for main portion of Hideaway Beach in place, South Seas condos already built but will be included in FI-63. 12B is a letter to Deltona Utilities indicating the 12 inch water main the length of Royal Marco Way was installed in 1983-84 time frame indicating clear intent to develop Royal Marco Point.

SUMMARY OF PROPOSED RECOMMENDATIONS FOR COASTAL BARRIERS
ALONG THE WEST COAST OF FLORIDA

Exhibit 13A

Unit ID Code ^a	Unit Name ^b	County	Congress. Dist. ^c	Shoreline Length (miles) ^d	Area (acres) ^e	Proposed Recommendation ^f
FL-62	Ten Thousand Islands	Collier	12	—	—	State protected; no further consideration
P15	Cape Romano	Collier	12	4.77	7,012	Delete Horrs Island from inventory; not a coastal barrier. Add wetlands to existing CBRS unit
FL-63	Big Marco Pass	Collier	12	2.16	623	Add to CBRS; no change from inventory
P16	Keewaydin Island	Collier	12	9.00	2,947	Delete Rookery Bay Aquatic Preserve from inventory; State protected. No change to existing CBRS unit
FL-64	Pelican Bay	Collier	12	—	—	Locally protected; no further consideration
FL-65	Big Marco Pass	Collier	12	3.23	1,583	Add undeveloped barrier area at north end of unit. County recommendation for additional wetlands accommodated

1987 Report Recommendations

- Identifies **FL-63**
- No change to **P-16** or mention of **LP**

1987 Report to Congress – FL-63
(Map estimated to be pre 1976)

Exhibit 13B

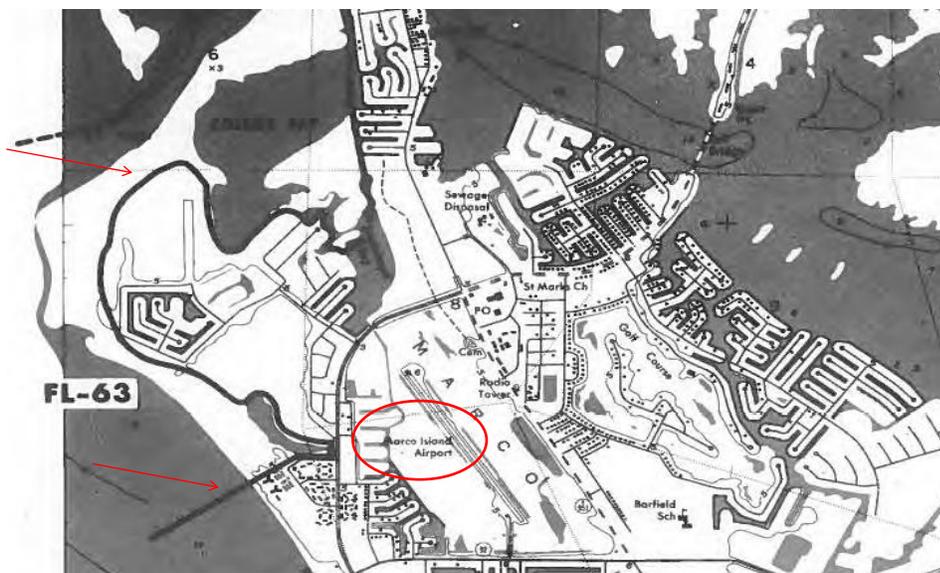


Exhibit 13A and B: Source F&W Archives: Recommendations of the 1987 report to the Congress seeking to establish a new system unit FL-63 on Marco Island. Note no additions to P-16 but removal of Rookery Bay property since it was already protected suggested for P-16. Comments were only received opposing FL-63, none on P-16. The map is dated 1976 or earlier since the Marco airport was removed that year.



Exhibit 14A

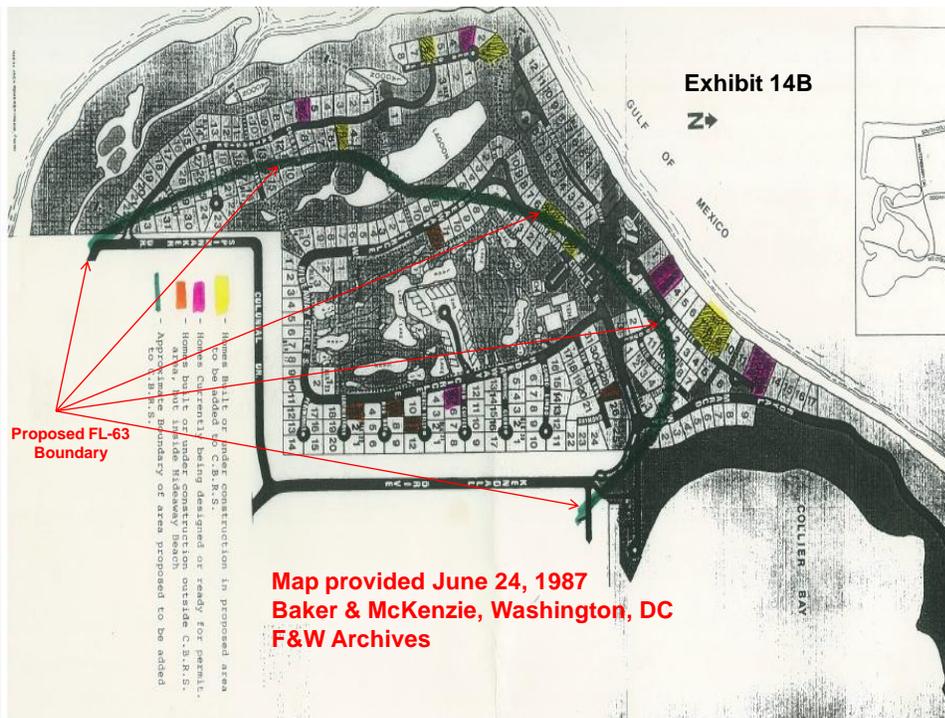
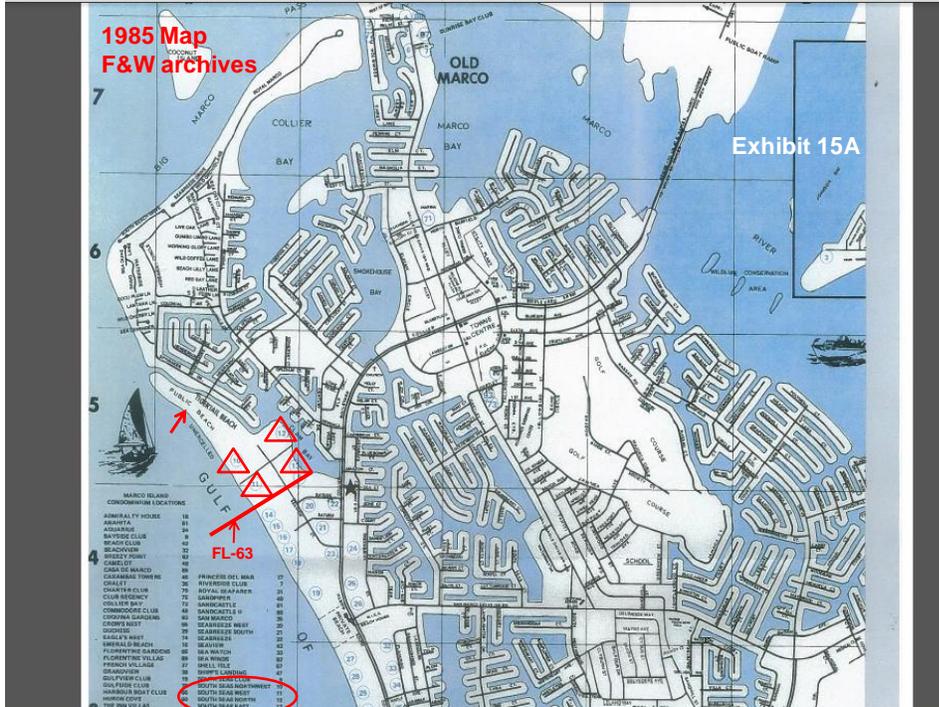


Exhibit 14B

Exhibits 14A and B: Source F&W Archives: Comments submitted in response to 1987 Report regarding proposed FL-63. 14A shows lots identified and paid for, 14B shows homes built, or under construction. The proposed boundary for FL-63 cuts through the heart of this development.



Hideaway Beach Jun 12, 1987, Baker & McKenzie (F&W Archives)
Beachhouse in foreground, sports center, homes, golf course

Exhibit 15B



Exhibits 15A and B: Source: 15A&B, F&W Archives; 15A is a 1985 map showing the southern boundary of FL-63 to include the 1200 residences of the four South Seas 21 story condominiums, tennis courts, and boat docks, Tigertail Beach and other developed areas of Marco Island. Note the airport is no longer present. 15B, dated June 12, 1987 shows the Hideaway club house, sports center, golf course and homes to also be included in FL-63.

1988 Report Final Recommendations on P-16 and FL-63

Exhibit 16A

- Public Comments on P-16 – NONE !!!
- Addition of RMP to P-16
- Nothing on LP or other fastland

State Position: The State of Florida requested that the developed areas on Marco Island be excluded from proposed CBRS unit FL-63. The State expressed no position on P16.

Other Comments: Seventy-five other comment letters concerning FL-63 were received. All opposed the addition of the proposed unit to the CBRS because it is developed. Representative letters are reprinted below. No letters concerning P16 were received.

Response: Marco Island has developed rapidly over the past several years. The DOI has

carefully reexamined the area and concludes that all of the unit, as delineated in the 1987 Draft Report, is developed except for the extreme northern spit at Big Marco Pass. The DOI has eliminated proposed unit FL-63 from the inventory of undeveloped barriers and included this small spit as part of the proposed additions to CBRS unit P16.

DOI Recommendation: The DOI recommends adding the spit at Big Marco Pass and all associated aquatic habitat to existing CBRS unit P16.



Does “associated aquatic habitat” refer to the spit or to what currently exists in P-16, and the additional 17,000 acres next to P-16 in Naples

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS ALONG THE WEST COAST OF FLORIDA Exhibit 16B

Unit ID Code ^a	Unit Name ^b	County	Congress Dist. ^c	Shore-line Length (miles) ^d	Total Area (acres) ^e	Fast-land Area (acres) ^f	Recommendation ^g
P15	Cape Romano	Collier	12	4.8	7,312	474	Add wetlands and Dickman Point to existing CBRS unit
FL-63	Big Marco Pass	Collier	12	---	---	---	Do not add to CBRS; see the following section
P16	Keewaydin Island	Collier	12	9.0	20,506	1,175	Add wetlands and undeveloped spit at Big Marco Pass to existing CBRS unit
P17	Lovers Key Complex	Lee	13	3.3	5,361	356	Add wetlands and new area to existing CBRS unit

Final Recommendations 1988 Report

- Must have assumed LP was wetlands from old map

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Exhibits 16A and B: Final Recommendations of the 1988 report delete FL-63, but add Royal Marco Point and La Peninsula to P-16 and approximately 17,000 additional acres listed as wetlands. La Peninsula was fastland. No comments were received on anything but Royal Marco Point since it was a part of FL-63, but La Peninsula was not.

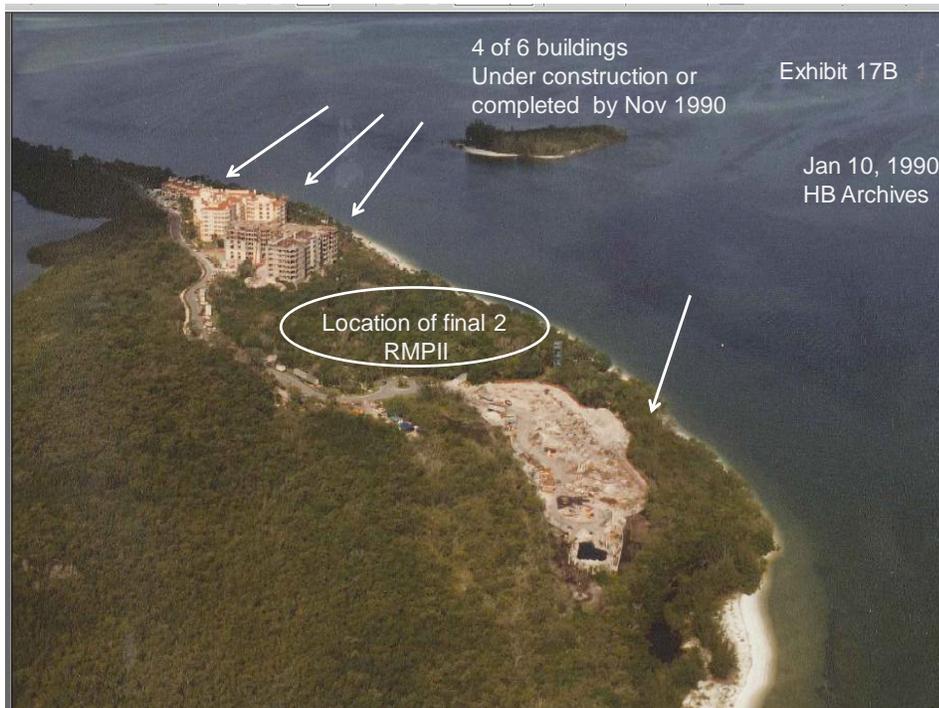
Existing contour P-16
& Addition of RMP and LP

FL-63P mislabeled
not state-owned;
Private and county

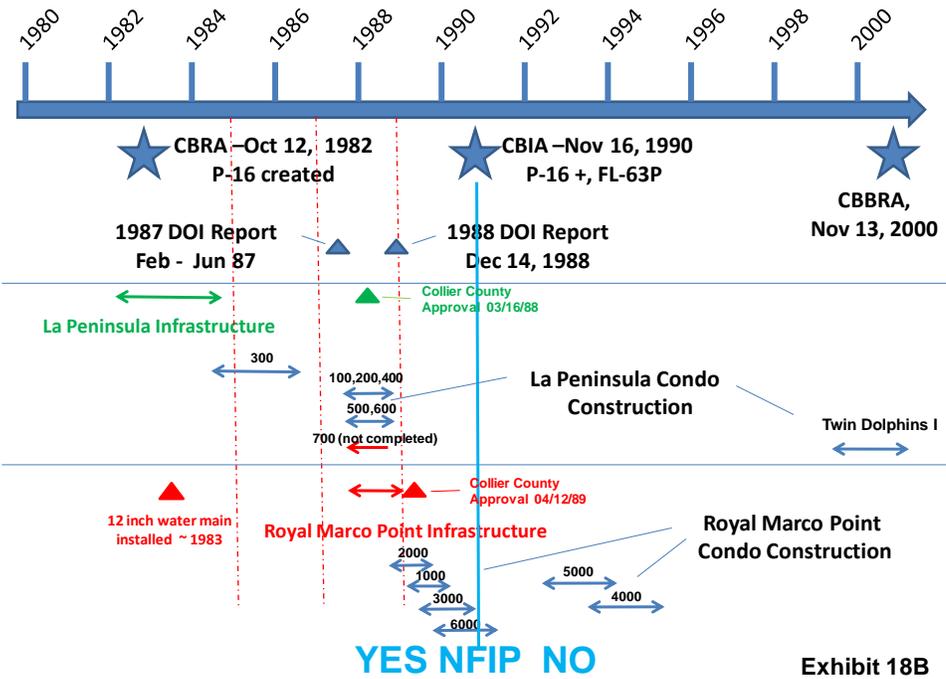
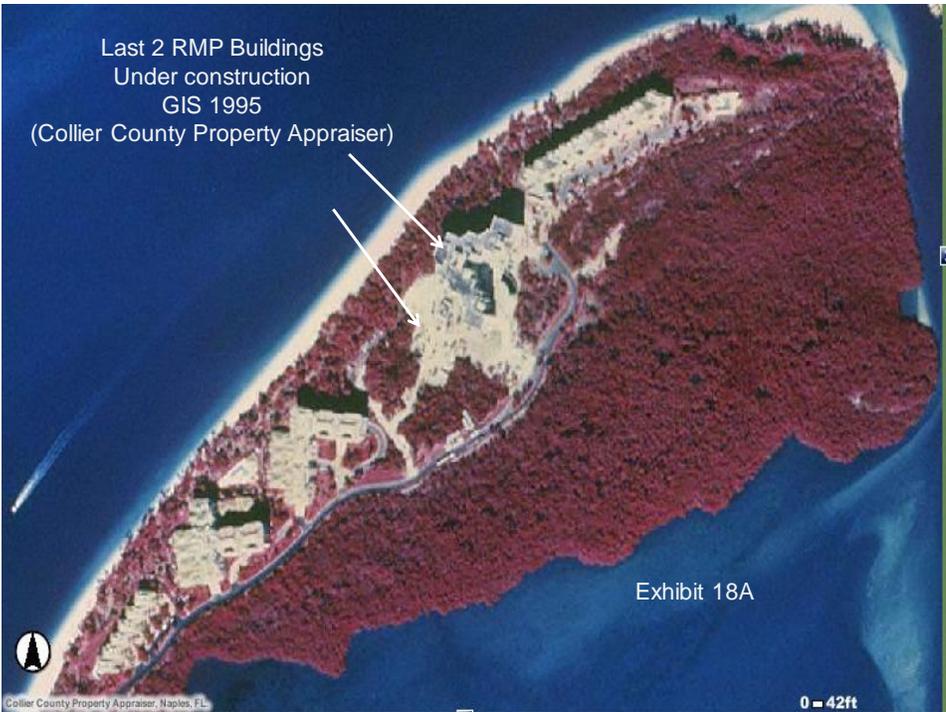
Recommendations 1988 Report



Exhibit 17A



Exhibits 17A and B: Source: 17A F&W Archives, 17B Hideaway Beach Association; 17A is taken from the 1988 Report and shows both the addition to P-16 of Royal Marco Point to P-16, and the establishment of OPA FL-63P which is mislabeled as state-owned land but is private (South Seas condos) and public (Tigertail Beach owned by Collier County). 17B shows the development of Royal Marco Point 10 months before the enactment of the CBIA.



Exhibits 18A & B: 18A Collier County Appraiser Source; 17B Dr. R. Rohde. 18A shows the construction of RMP II in 1995. 18B is a summary of the main events related to Royal Marco Point and La Peninsula, including legislation, reports, and condo construction. Note that all properties to the left of the CBIA were eligible for NFIP, to the right they are not.