



# Beyond the Classroom: Florida Gulf Coast University- founded and established at the crossroads of Science and Policy

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Florida Gulf Coast University opened in the fall of 1997 on 760 acres donated to the State by Ben Hill Griffin III. The land donation sparked debates among various stakeholders. Litigation over the land donation (in primary panther habitat) eventually resulted in a settlement agreement. An outgrowth of that agreement was a committee reporting recommendations to remediate concerns and potential consequences of developing lands (in primary panther habitat) for the good of the people. Land use ordinances and comprehensive plans were changed to allow the development of the Institution, as well as an expectation that FGCU embrace environmental education and sustainability as keys to its mission. Since the opening of the University, the science that was touted to support the feasibility of the selected location (regarding the Endangered Species Act) was challenged in court. The scientist who filed the lawsuit (Andy Eller) was dismissed (after 18 years with the USFWS), and ultimately reinstated. The USFWS acknowledged Scientific Review committees concerns were valid, and essentially “discredited” much of the science that was used to allow these “essential panther habitat lands” to be rezoned. The history of FGCU provides an interesting case-study of how science and policy are interrelated and play out in the public arena. I will highlight the science, technology and policy that has played a role in the brief history of FGCU, as well as provide a brief overview of the policy and science that will influence the second decade of this institution.

I’ve provided here a snapshot of news stories and documents that identify some of the actions of this public institutions of higher education and its influence and interaction with federal law and local land use decisions. It is important to recognize that such activities are not unique to South Florida, nor to Universities, and are a hallmark of the civic engagement endorsed by our democratic process.

In 1990, after all the pertinent regulatory agencies reported opposition, the Alico Corporation withdrew an application for a Development of Regional Impact (DRI) in South Lee County which contained, among other components an educational facility.

In 1991 The Florida Legislature began the process of founding the 10<sup>th</sup> State University system to be located in southwest Florida. (Florida Statute 240.522).

“A June, 1991 date had been publicly noticed for offers of property to be given to the University system for this development. The Chancellor had asked the Board for permission to solicit gifts, believing that buying land would be too costly for the capital budget and that landowners would be willing to donate property both for the tax benefit and for the potential to develop other adjacent property ...a total of 23 sites had been offered in Lee Collier and Charlotte County” (McTarnaghan, 2003)

The statute empowered the Southwest Florida Regional Planning Council “to assist the site selection committee in determining the most feasible site”. That report (RPC, 1991) evaluated 23 sites. The current location of FGCU was 21<sup>st</sup> on the list, based on a variety of planning and environmental issues of the site. The 22<sup>nd</sup> and 23<sup>rd</sup> sites have since been acquired by the public for conservation and preservation.

The 760 acres was donated by Ben Hill Griffin III of the Alico Corporation. Subsequently tens of thousands of surrounding acres owned by Alico Corporation have been sold, rezoned and developed.

“...then President of the Florida Audubon Society, recommended to the President: ...“You need to go personally to the Corp office in Jacksonville and to the USFWS in Vero Beach and tell them straightaway that you are doing the Lord’s work...that Florida’s own Cabinet approved a Panther Habitat Plan that shows this university is not in the protected habitat areas, and furthermore, the university has a firm commitment to environmental programs and that happened long before any site was chosen.” (McTarnaghan, 2003)



Negotiations over the permit issuance for the Florida Gulf Coast University led to a Settlement Agreement that called for the creation of the "Arnold Committee" and an assessment of overall land uses and natural systems, environmental protection and mitigation tools in the Estero Bay watershed. Upon completion of the Assessment and its adoption by the Arnold Committee in October of 1996, the Council established and began providing Staff support to the Estero Bay Agency on Bay Management (ABM).

White Paper April 22, 1997  
Options for Southwest Florida  
1. Problem. Southwest Florida is experiencing rapid growth that engenders concern whether the permit-by-permit review process is adequate to provide appropriate consideration of resulting impacts. Major projects on the horizon include a second runway for the Southwest Florida International Airport, mining activities of Florida Rock Industries, University Village, and, potentially, construction to implement a South Lee County Watershed Plan. Other projects under review include Estero Pointe, River Ridge, expansion of Pelican Landing, Brooks of Bonita Springs (Sweetwater), and M&A Ranch.  
2. Requirements under Federal Law. The Federal statutes that govern the decision whether to grant a Corps Permit to fill wetlands are the Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act (NEPA). The regulations that apply here include, but are not limited to: the Guidelines issued by the U.S. Environmental Protection Agency under Section 404b(1) of the Clean Water Act, published at 40 CFR 230; Fish and Wildlife regulations implementing Section 7 of the Endangered  
Army Corp of Engineers document

01/18/06

FGCU moves forward with satellite campus plan

Shepherd said college officials agreed to support working with county commissioners to change zoning laws in Charlotte so the 7,400-acre tract of land, located about 10 miles east of Interstate 75 off State Road 74, could put more homes on the land.  
Sunherald.com

In 2000, at the urging of the University President, and in spite of recommendation of denial from county staff, the Board of County commissioners approved a rezoning for the “Gulf Coast Town center” shopping center within the University Community overlay of the Lee Plan.

POLICY 18.1.1: Lee County will, through public and private economic and business development initiatives, promote the University Community as a catalyst for economic diversification and the promotion of employment throughout Lee County and the Region. Within the University Community land use category the focus of this endeavor (the emphasis) will be on university related scientific research and high technology development activities. (Amended by Ordinance No. 00-22)

POLICY 18.1.2: The University Community will provide a mix of housing types with densities sufficient to meet the needs of and designed to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development. (Amended by Ordinance No. 00-22)

Guest column: Coconut Road interchange vital to FGCU, public  
William C. Merwin - President, Florida Gulf Coast University  
Tuesday, February 7, 2006

As Southwest Florida's public comprehensive university, Florida Gulf Coast University plays a major role in regional economic and workforce development. Citizens now have the opportunity to obtain degrees through FGCU's 42 undergraduate and 20 graduate programs of study, and we want to ensure continued access to not only these academic opportunities but also literally to the campus itself. Improvements to our area's transportation system are necessary to ensure this access. ...The FGCU transportation management center that would be built at the Coconut Road interchange offers unique opportunities for FGCU to develop research-based transportation solutions such as automated traveler information systems, traffic simulation and modeling, and emergency and evacuation management that will provide significant benefits to our region and beyond. ...Our ability to meet these responsibilities would be enhanced greatly through further study of the benefits of a Coconut Road interchange and establishment of the transportation management center. I am hopeful that the Lee County MPO will include the study in its 2030 Plan, and take advantage of the designated federal funds available to us for this important purpose.

FGCU seeks partner for proposed campus Saturday, July 15, 2006

Committee hopes a developer will be chosen by December for the future Charlotte branch of FGCU, which university officials say will be built-out at 1.2 million square feet and 10,000 students. Got a few hundred acres in Charlotte County and several million dollars you're dying to give away? But if developers want to team up with FGCU, they'll have to match or outdo an offer made last year by Stock Development and Private Equity Group LLC. The developers offered FGCU 150 acres about 10 miles east of Interstate 75 on State Road 74 to build a satellite campus. The land is part of 7,400 acres on which the developers plan to build 15,000 residences. Stock and Private Equity also pledged \$5 million, which could be matched with state funds to total at least \$6 million, from portions of home sales and another about \$750,000 from home resales. The deal is contingent on Stock and Private Equity receiving zoning for the project. "It's sort of a 'You scratch my back' thing," said Joe Shepard, FGCU vice president of administrative services, after the meeting. However, proposals from other developers do not have to mirror what's on the table now, Shepard said. A viable partner could offer more land and less money, more money and less land or other combinations, he said. The goal of the site advisory committee is to be flexible.

Friday, October 31st, 2003

Democracy Now! Exclusive: EPA Scientist Resigns in Protest Over Agency's Acceptance of Developer-Financed Wetlands Study

... Environmental Protection Agency biologist Bruce Boler who resigned to protest the agency's acceptance of a developer-financed study that concluded wetlands give off more pollutants than they absorb.

The study suggested that replacing natural wetlands with golf courses and other developments may be better for the environment.

In his [resignation letter](#), Bruce Boler writes: "Ultimately, the politics in Southwest Florida have proven to be stronger than the science...I have worked assiduously in the last three years to develop an evaluation that would discourage development in wetlands (no pollutant source) and provide a means to sustain the unique quality of life that this region offers with its abundant aquatic resources. I fear that my efforts may have, inadvertently, strengthened the very forces that are intent on developing these resources."

Scientific Integrity: Legal Defense Fund

The U.S. Fish & Wildlife Service fired Eller in November 2004 because he publicly challenged the service's reliance on flawed studies on habitat and population of the endangered Florida panther. The agency's action came shortly after it acknowledged the validity of the concerns he raised.

Andrew Eller, Jr., a 17-year FWS biologist, has spent the past ten years working in the Florida panther recovery program. In a formal notice filed jointly with PEER, Eller publicly charged that studies relied upon by FWS to make decisions about proposed development in Southwest Florida inflate panther population and inaccurately minimize habitat needs. In its reply, the agency said:

"We acknowledge that despite being published in peer-reviewed scientific journals, some of the information you are challenging has, over time, been determined to have limitations..."

Despite this admission, the agency said it would keep relying on flawed data until 2006, by which time several major developments in Southwest Florida may be approved for construction within shrinking panther habitat in the Western Everglades.

Eller/PEER DQA Legal Complaint Upheld!

March 2005 - The U.S. Fish & Wildlife Service (USFWS) formally conceded that it has been using flawed science in assessing the habitat and population of the endangered Florida panther. The agency announcement came in a decision to uphold a legal complaint filed jointly by one of the agency's own biologists and Public Employees for Environmental Responsibility (PEER) that studies relied upon by USFWS in approving proposed development in Southwest Florida inflate panther population and inaccurately minimize habitat needs.

Numerous other public employees have been reassigned to non-regulatory positions after speaking against particular development proposals, and local offices continue to close.

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Contact: Carol Goldberg (202) 265-7337

**FISH & WILDLIFE SCIENCE POLLUTED BY FLORIDA POLITICS**

— Survey Validates Concerns Raised by Panther Whistleblower

Washington, D.C.— Political intervention to alter scientific results has become pervasive within the U.S. Fish & Wildlife Service (USFWS) but is particularly rife in Florida, according to a survey of its scientists by Public Employees for Environmental Responsibility (PEER) and the Union of Concerned Scientists (UCS). The survey results echo charges of scientific fraud made by a Panther biologist whose case is coming up for hearing in early March.

The two groups surveyed more than 1,400 U.S. Fish & Wildlife Service (USFWS) biologists, ecologists, botanists and other specialists working on Endangered Species Act and other wildlife or habitat protection programs across the country. Nearly a third (32%) of all agency scientists in Florida returned completed surveys, producing the following results:

- Nearly two-thirds (63%) of Florida respondents cite cases where “commercial interests have inappropriately induced the reversal or withdrawal of scientific conclusions or decisions through political intervention.” Also, more than two-thirds (69%) know of cases “where state, tribal or local . . . officials have injected themselves” into agency scientific decisions.
- Nearly two-thirds (64%) of respondents whose work is related to endangered species scientific findings admit to instances where they have been “directed, for non-scientific reasons, to refrain from making . . . findings that are protective of species,” compared to 46% of respondents in the Southeast Region; and
- More than one-fourth (28%) reported having been “directed to inappropriately exclude or alter technical information from a USFWS scientific document.”

naplesnews.com

Developing a new FGCU college takes time, money

Wednesday, July 14, 2004

Florida Gulf Coast University has been trying for several years to come up with a plan to open an engineering program.

During that time, there have been overtures from various companies and groups offering support. Most notably, the Ginn Company, a Celebration-based development company, offered as much as \$10 million to the university if it could get governmental approval to develop environmentally sensitive land near the campus.

Resources:

[http://www.saj.usace.army.mil/permit/hot\\_topics/SFLAEIS/PDF\\_Files/doc1.pdf](http://www.saj.usace.army.mil/permit/hot_topics/SFLAEIS/PDF_Files/doc1.pdf)

<http://www.sun-herald.com/newsarchive2/011806/ch2.htm?date=011806&story=ch2.htm>

[http://www.naplesnews.com/news/2006/feb/07/guest\\_column\\_coconut\\_road\\_interchange\\_vital\\_fgcu\\_p/?opinion](http://www.naplesnews.com/news/2006/feb/07/guest_column_coconut_road_interchange_vital_fgcu_p/?opinion)

Southwest Florida Regional Planning Council “Initial Analysis of Proposal sites for tenth University in Southwest Florida” July 1991

McTarnaghan, Roy E (2003) [On task, On Time: The Development of Florida Gulf Coast University](#)

<http://www.peer.org/campaigns/eller/fund.php>

[http://www.naplesnews.com/news/2006/jul/15/fgcu\\_seeks\\_partner\\_proposed\\_campus/](http://www.naplesnews.com/news/2006/jul/15/fgcu_seeks_partner_proposed_campus/)

<http://www.democracynow.org/article.pl?sid=03/10/31/1532232>

<http://www.lee-county.com/dcd1/Leeplan/Leeplan.pdf>