Executive Summary

Hidden S&S Phase 1 ESA — BERT / Seminole Gulf Corridor

Lee County Taxpayers Association / usataxfighters.org

August 29, 2026

Report: Phase I Environmental Site Assessment, Bonita Estero Rail Trail (BERT), Lee and Collier Counties, Florida, S&S Environmental Consultants, LLC, July 21, 2026 (LCTA file copy 2,401 pages).
Users named in the report: Trust for Public Land, Village of Estero, City of Bonita Springs, Collier County.
Site walk: July 8–9, 2026. QEP: Richard Stephens.
Public release: After LCTA public-records request to Estero. The report was delivered to the three governments before the public saw it.

This summary is the companion to LCTA's press release. Page cites below are to the S&S narrative unless marked PSA (Bonita purchase agreement) or OR (recorded deeds).

Site

Unused Seminole Gulf Railway right-of-way, about **11.4 miles**, from the north line of Estero Parkway (about milepost **AX 979.39 / 979.4**) through Bonita Springs to Railhead Scrub Preserve / Wiggins Pass (about **AX 990.80**). Sixteen parcels: 7 Estero, 8 Bonita Springs, 1 Collier. Last freight use **2008**. Tracks still in place. STB abandonment docket **AB 400 (Sub-No. 8X)** lists **three freight stations** on the line.

Segment	Miles	Tax-roll just value	Contract price
Estero	4.1	$330,362 (Lee County PA)	$19.8 million
Bonita Springs	5.8	$378,005 (Lee County PA)	$28.6 million
Collier County	1.5	$104,688 (Collier County PA)	$11.6 million
Total	**11.4**	**$813,055**	**$60 million**

TPL market appraisals reported in August 2026 put the corridor near $75 million. That is not the tax roll. LCTA's comparison is **property-appraiser just value vs. signed price**.

What S&S found (the two RECs)

REC 1 — Historic railroad operations (whole corridor).
The line dates to the 1920s. S&S states residual contamination from railroad operations may exist anywhere on the ROW: metals (arsenic, lead), pesticides such as lead arsenate, petroleum, creosote, and PAHs from ties, slag, weed control, dripping fuel, coal ash, and diesel. S&S treats that potential as a recognized environmental condition.
Cite: Executive Summary, pp. iii–iv; Findings §7, pp. 35–36; Conclusions §9, p. 38.

REC 2 — Tisch Laundry groundwater.
Tisch Coin Laundry / Tisch Laundry and Dry Cleaning, **10450 W. Terry Street**, Bonita Springs (USEPA **FLD981859820**), sits immediately east of the ROW. Long-term groundwater monitoring. November 17, 2023 sampling still showed **cis-1,2-dichloroethene and vinyl chloride** above Florida Groundwater Cleanup Target Levels. EPA tried to install temporary wells on the railroad in **2013**; **access was declined and the wells were never installed**. EPA Region IV's Brian Bastek told S&S he did not expect a chlorinated-solvent *source* on the ROW, but that **groundwater beneath the ROW could be contaminated** and that this is **a data gap in the EPA investigations**. S&S lists that potential as a REC.
Cite: §4.2.1, pp. 20–21; §6.3, p. 33; Findings §7, pp. 35–36; Conclusions §9, p. 38.

S&S conclusion: "It is our opinion that a Phase II ESA is warranted for this subject property."
Cite: §9, p. 38.

No HRECs or CRECs were identified in the conclusions provided.

What S&S did not do

Gap	What the report says	Cite
No sampling	"This ESA does not include any environmental sampling."	p. 5
No city directories	Skipped because of corridor length and number of streets; called **not a significant data gap**.	§4.5.2, p. 28; Data Gaps §8, p. 37
No S&S chain-of-title search	Relied on readily accessible Lee and Collier records in Appendix A. Current owner listed as Seminole Gulf Railway, L.P., which acquired from CSX.	§3.1; Findings p. 35
No adjoining-owner interviews	Noted as a contractor-checklist item not completed.	Data Gaps §8, p. 37

Gap	What the report says	Cite
Sidetracks / freight stations not sampled	SGLR told STB the line has three freight stations. S&S named off-site files and waived impact except Tisch.	STB AB 400 (Sub-No. 8X); S&S §4.2.1, p. 21

Off-site files S&S named and did not treat as RECs (§4.2.1, p. 21):

- Corkscrew Energy, Estero — SRCO 2011.
- Palmer Cablevision, 26790 Old 41 — SRCO 1999.
- Bonita Springs Fire Control, 27490 Old 41 — SRCO 2020.
- **Naples Tomato Growers, 15000 Old 41 N** — FDEP 11/8518313, NFA May 10, 1991.
- **Cemex–Wiggins Pass Ready-Mix, 1425 E Wiggins Pass** (former Krehling) — FDEP 11/8518892, SRCO Feb. 24, 2017.

S&S: except for Tisch, listed database sites "would not have a likely impact." Those letters are not new samples on the rail bed or sidetracks.

Sidetracks LCTA says Phase 2 must hit

Bonita Springs (LCTA map at usataxfighters.org):

1. Northern Old 41 sidetrack complex — AX 984.25–984.43
2. Clustered SGLR sidetracks near Terry Street
3. Tisch Laundry adjacent sidetrack — 10450 W. Terry St.
4. Historic depot siding — AX 987.4 (Depot Park / remaining platform)
5. Southern Bonita sidetrack complex — AX 988.00–988.09
6. Causeway Lumber & Builder Marts sidetracks — AX 988.24–989.29

Collier County: Immokalee Tomato Growers / Naples Tomato; NT Gargiulo; Krehling / Cemex–Wiggins Pass; railroad terminus / dead end at Railhead Scrub Preserve.

S&S did not break these leads out as separate RECs and did not sample them.

Deed vs. public trail

2018/2019 CSX–SGLR quitclaims:

- Recorded **Nov. 2, 2018**, Lee County **OR Book 5568, Page 941**
- Confirmatory **June 26, 2019**, **OR Book 5645, Page 3121**

Restrictions limit use to industrial/commercial and prohibit:

- any residential use;
- schools / child care;
- recreational use, including **public park and hiking or biking trail**;
- food agriculture;
- mitigation banks;
- **groundwater** for drinking, irrigation, or any other purpose.

Cite: S&S §3.2, pp. 16–17; Bonita PSA §6.e.i, pp. 6–7, lines 279–286.

TPL's Doug Hattaway told S&S the price "reflects fair market value," that "contamination is expected," and that it "can be addressed through a soil management plan with capping" for rail-to-trail use. S&S did no environmental price adjustment. *Cite: S&S §3.5, p. 18.*

Phase 2 contract trap (Bonita PSA)

Seller must deliver Phase 1 **and** Phase 2 ESAs meeting **Exhibit B** minimum sampling, soil management, and capping. Geology opinions must be signed by a Florida PG or PE qualified in geology. Reports due within **120 days** of the effective date. Exhibit B language is nearly identical for Estero, Bonita, and Collier.

If contamination exceeds state thresholds that require prevention, mitigation, or cleanup to protect public health, the City may **terminate**. If the City does **not** terminate within **30 days** after receipt of the Phase 2, it is deemed to have accepted hazardous conditions **AS IS and WHERE IS**. Acceptance AS IS means no cleanup duty unless later required by law.

Cite: Bonita PSA §8, pp. 7–8, lines 304–316; Exhibit B (PSA p. 12+).

LCTA reads Exhibit B as allowing **composite (blended) samples**, a **6-inch** vertical cap, and a short lab list (**arsenic, lead, PAHs**). That is why the demands below exist. The railroad runs Phase 2 under the signed deals.

Ownership forensic note (not a 2026 "CSX still owns it" claim)

- **Nov. 13, 1987:** CSX–SGLR Lease License Agreement. Public recitations (2011 Sarasota license; Lee MPO rail study): CSX owned the land; SGLR leased and operated.
- **2018–2019:** CSX quitclaimed this BERT segment to SGLR (OR 5568/941; OR 5645/3121). Tax rolls now list SGLR.
- Title still shows **CSX reserved rights / right of first refusal**, SGLR mortgages, TPL option, STB trail-use affidavit.
- **May 21, 2026:** CSX Transportation, $15,000 check to **Vote4BERT2026** (treasurer report 4/01/26–5/31/26, p. 6 of 7). Same report: Friends of BERT $20,000; TPL $11,407.77 in-kind labor.

Full ownership brief: usataxfighters.org.

Late disclosure pattern LCTA will argue

Bonita Springs kept the purchase agreement out of the public agenda packet at the two meetings that set up the 30-year tax-funded buy, received two appraisals **July 2, 2026**, and released them **August 5, 2026 — 13 days** before the **August 18** vote. LCTA's position: post Phase 2 lab results the day they arrive, or assume the same delay.

LCTA demands for Phase 2

1. FDEP and Lee and Collier pollution-control staff take part in testing, monitor the railroad's work, and independently evaluate results.
2. Expand the lab list beyond arsenic, lead, and PAHs to VOCs/degreasers, petroleum hydrocarbons, dioxins, and herbicides.
3. Do not stop at six inches. Core 2 ft, 5 ft, and into groundwater at switches, crossings, sidetracks, and Tisch.
4. Ban composite dilution. Test each core.
5. Test every mapped Bonita and Collier sidetrack, not only the main line.
6. No railroad veto on more groundwater wells.
7. Reject the 30-day AS-IS deadline. Require at least 90 days after final labs.

The railroad and the companies that generated this pollution should pay to clean it up—not taxpayers.

S&S page map (for editors)

Topic	S&S cite
No sampling	p. 5
Users / purpose / ASTM E1527-21	pp. 4 - 6
Current owner SGLR from CSX	§ 3.1
Deed / AULs, trail and groundwater bans	§ 3.2, pp. 16 - 17
TPL capping statement	§ 3.5, p. 18
Tisch, tomato, Cemex database files	§ 4.2.1, pp. 20 - 21
City directories skipped	§ 4.5.2, p. 28
Tisch / EPA access / Bastek	§ 6.3, p. 33
Findings (two RECs)	§ 7, pp. 35 - 36
Data gaps	§ 8, p. 37
Phase II warranted	§ 9, p. 38
30-day AS IS / Exhibit B	Bonita PSA § 8, pp. 7 - 8; Exhibit B

Full 2,401-page Phase 1, this summary, ownership brief, and sidetrack maps: **usataxfighters.org**

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Exposing Public Corruption and Wasteful Spending

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