

**AGENDA**  
**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**  
**SEPTEMBER 16, 2008**  
**Substitute Page**

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**Item 1          Minutes**

Submittal of the Minutes from the July 29, 2008 Cabinet Meeting.

(See Attachment 1, Pages 1-22)

**RECOMMEND APPROVAL**

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**Substitute Item 2      St. Joseph Bay Aquatic Preserve Ten-Year Management Plan**

**REQUEST:** Consideration of the St. Joseph Bay Aquatic Preserve Ten-Year Management Plan.

**COUNTY:** Gulf

**APPLICANT:** Florida Department of Environmental Protection's Office of Coastal and Aquatic Managed Areas

**LOCATION:**

St. Joseph Bay Aquatic Preserve (Preserve) is located in the central panhandle within Gulf County. The Preserve encompasses all sovereignty submerged land (Class II and Class III waters) lying within and/or adjacent to Township 07 South, Range 12 West; Township 07 South, Range 11 West; Township 08 South, Range 12 West; Township 08 South, Range 11 West; Township 09 South, Range 12 West; Township 09 South, Range 11 West.

**STAFF REMARKS:**

**Background**

The Preserve was designated by the Florida Legislature on October 21, 1969. The management plan for this Preserve was prepared under a coastal management grant from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration administered by the Florida Coastal Management Program, Department of Environmental Protection. The Preserve Management Plan (Management Plan) was approved by the Board of Trustees on January 22, 1992 and amended on April 15, 1997.

The Preserve is approximately 15 miles long, 6 miles wide, and opens north to the Gulf of Mexico. The boundaries of the Preserve encompass 73,000 acres of sovereignty submerged lands.

The Preserve is unique in being the only body of water in the eastern Gulf of Mexico that is not influenced by the inflow of freshwater. Therefore the salinity levels are essentially the same as that of the Gulf of Mexico. The Preserve is host to one of the richest and most abundant

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**Substitute Item 2, cont.**

concentrations of marine grasses along the north Florida coast. The valuable habitat within and adjacent to the Preserve provides food, nursery grounds, and shelter for a variety of commercial and recreational fish and invertebrate species. The Preserve habitat also supports juvenile sea turtles, dolphins, sharks, rays and a variety of bird species.

**Public Involvement**

This Management Plan is the result of more than two years of work. The following opportunities for public participation were offered:

- three Advisory Committee Meetings on October 12, 2006, January 18, 2007, and March 8, 2007;
- public scoping meeting on October 25, 2006 to receive input on the issues facing the preserve; and
- formal public meeting on April 25, 2007 to receive public comment on the Management Plan.

**Management Plan Overview**

The hallmark of Florida's Aquatic Preserve Program is that each site's natural resource management efforts are designed in direct response to unique local and regional issues. In this Management Plan, the Preserve characterizes its issues and delineates the unique goals, objectives and strategies that will set the framework for meeting the challenges presented by these issues. The goals, objectives, and strategies employed to address issues of the Preserve are specific to the ecological and socioeconomic conditions present within and around this site.

The Management Plan identifies the following challenges and goals:

- 1) Water Quality – continue long-term water quality monitoring and provide sound water quality data to the public and other agencies.
- 2) Protection of Seagrass Habitat – manage seagrass communities using sound research and monitoring, resource management, and education and outreach efforts.
- 3) Coastal Development – protect the natural functions of the Preserve from impacts due to increased development.
- 4) Saltmarsh Decline – determine the current status of the saltmarsh ecosystem.
- 5) Beach Impacts on St. Joseph Peninsula – protect and conserve dune vegetation and species habitat from impacts on beaches adjacent to the preserve.

**Acquisition and Restoration Council Approval**

The Acquisition and Restoration Council approved the St. Joseph Bay Aquatic Preserve Management Plan at its August 15, 2008 meeting.

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**Substitute Item 2, cont.**

**Comprehensive Plan**

A local government comprehensive plan has been adopted for this area pursuant to section 163.3167, F.S. The Department of Community Affairs determined that the plan is in compliance. The proposed action is consistent with the adopted plan. The proposed action is consistent with the adopted plan according to a letter received from Gulf County.

The Management Plan will be submitted separately.

(See Attachment 2, Page 1)

**RECOMMEND APPROVAL**

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**Substitute Item 3     Willis, Krenkel, Maclin & Black Properties, LLC Option Agreement/  
DACs/DOF/Point Washington State Forest Additions and Inholdings  
Project**

**REQUEST:** Consideration of an option agreement to acquire 19.17 acres within the Department of Agriculture and Consumer Services' Division of Forestry's Point Washington State Forest Additions and Inholdings project from Willis, Krenkel, Maclin & Black Properties, LLC.

**COUNTIES:** Walton

**APPLICANT:** Department of Agriculture and Consumer Services' Division of Forestry (DOF)

**LOCATION:** Sections 35 and 36, Township 02 South, Range 20 West

**CONSIDERATION:** \$1,160,000

<u>PARCEL</u>	<u>ACRES</u>	APRAISED BY Wright (01/04/08)	APPROVED <u>VALUE</u>	SELLER'S PURCHASE <u>PRICE</u>	TRUSTEES' PURCHASE <u>PRICE</u>	OPTION <u>DATE</u>
Lot 22	9.73	\$630,000	\$630,000	\$550,000		90 days after
Lot 47	<u>9.44</u>	<u>\$610,000</u>	<u>\$610,000</u>	<u>\$550,000</u>		BOT approval
	19.17	\$1,240,000	\$1,240,000	\$1,100,000*	\$1,160,000** (94%)	

\* Seller purchased both lots in June 2004.

\*\*\$60,511 per acre.

**STAFF REMARKS:** This acquisition was negotiated by DOF under its Florida Forever Additions and Inholdings Program. These two lots are also within the South Walton County Ecosystem Florida Forever Project. The Department of Transportation (DOT) has entered into an agreement with the Board of Trustees and DOF, dated March 29, 2000, for the purpose of compensating DOT's use of the Board of Trustees' lands for road improvement projects in

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**Substitute Item 3, cont.**

Walton County. DOF, the Department of Environmental Protection (DEP), and DOT are in discussions at this time to determine the availability of DOT funding to reimburse DOF's Additions and Inholdings Program a portion of this transaction cost as a part of its compensation.

**Property Description**

These lots are inholdings of the Point Washington State Forest. Development of these lots would create significant obstacles to the use of prescribed fire as a management tool and increase pressure on the region's bio-diversity. Several plants and animals that are listed as threatened, endangered, or species of special concern exist in Point Washington State Forest. Some of these rare species include: American kestrel (*Falco sparverius*), gopher tortoise, flatwoods salamander, white-topped pitcher plant (*Sarracenia leucophylla*) and the world's largest population of Curtiss sandgrass (*Calamovilfa curtissii*).

**Mortgages and Liens**

All mortgages and liens will be satisfied at the time of closing. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to DEP the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. DEP staff will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

**Closing Information**

A title insurance commitment, an environmental site evaluation and, if necessary, an environmental site assessment will be obtained by DOF prior to closing. A partial survey may be obtained by the Board of Trustees prior to closing. Provided there are no encroachments, a survey waiver will be recommended.

**Management**

These parcels will be managed by DOF as an addition to Point Washington State Forest.

**Comprehensive Plan**

This acquisition is consistent with section 187.201(22), F.S., the Agriculture section of the State Comprehensive Plan.

(See Attachment 3, Pages 1-48)

**RECOMMEND APPROVAL**

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**Substitute Item 4      TNC Purchase Agreement (Wood Sink)/Appraisal Waiver/Upper St. Marks River Corridor Florida Forever Project**

**REQUEST:** Consideration of (1) a purchase agreement to acquire 1,063.66 acres within the Upper St. Marks River Corridor Florida Forever Project from The Nature Conservancy; and (2) authority to waive the appraisal requirement on tracts 3, 4 and 5.

**COUNTY:** Leon

**LOCATION:** Sections 01 through 03, Township 01 South, Range 02 East; and Sections 34 through 36, Township 01 North, Range 02 East

**CONSIDERATION:** \$5,093,669.37 (\$4,999,437 for the acquisition; \$64,994 for overhead costs; \$29,238.37 for reimbursable expenses, with the total cost not to exceed the approved value of \$5,269,900)

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY:		<u>APPROVED VALUE</u>	<u>SELLER'S PURCHASE PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>CLOSING DATE</u>
		Carroll (09/08/06)	Wright (09/08/06)				
Tracts 1 and 2	1,053.98*	\$5,200,000	\$5,269,900	\$5,269,900	\$4,999,437****	\$5,093,669.37	12/31/08
Tracts <u>3, 4 and 5</u>	<u>9.68**</u>					(97%) ****	
	1,063.66						

\* Acreage includes tracts 1 and 2 only.  
 \*\* Tracts 3, 4 and 5 were added to the proposed acquisition subsequent to the property being appraised.  
 \*\*\* The Nature Conservancy purchased the subject property including tracts 3, 4 and 5 on March 29, 2007.  
 \*\*\*\* \$4,789 per acre.

**STAFF REMARKS:** The Upper St. Marks River Corridor project is a full fee “A” group project on the Florida Forever Priority List approved by the Board of Trustees on February 26, 2008. The project contains 15,670 acres, of which 2,590 acres have been acquired or are under agreement to be acquired. If the Board of Trustees approves this agreement, 12,026.02 acres, or 77 percent of the project, will remain to be acquired.

**Project Description**

Public acquisition of this project will contribute to the following Florida Forever goals: (1) Increase the protection of Florida’s biodiversity at the species, natural community, and landscape levels - provides the beginning of a long-sought and permanent wildlife corridor along the St. Marks River. In addition, Phase II would directly link the current project to the St. Marks National Wildlife Refuge and other state conservation lands along Florida’s Gulf Coast, thereby helping to form a contiguous landscape-sized Protection Area; (2) Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state - with substantial surface-waters lands there will be sufficient quantities of water available; (3) Increase natural resource-based public recreational and education opportunities – provides the opportunity for both water and land-based trails as well as primitive camping; and (4) Preserve significant archaeological or historical sites: twelve archaeological or historic sites are known or recorded within the project area.

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**Substitute Item 4, cont.**

The subject property is located in the Upper St. Marks River Corridor Florida Forever project area, however the appraisals were ordered under the Florida Forever project name of St. Joe Timberland. This was due to the fact The Nature Conservancy (TNC) purchased the property from St. Joe Timberland Company of Delaware, LLC. The property is actually and officially in the Upper St. Marks River Corridor.

**Multi-party Acquisition Agreement**

Pursuant to a multi-party acquisition agreement (MPAA) entered into between the Department of Environmental Protection's (DEP) Division of State Lands (DSL) and The Nature Conservancy (TNC), TNC purchased the property totaling 1,063.66 acres from St. Joe Timberland Company of Delaware, LLC (St. Joe). If this item is approved, the Board of Trustees will acquire the property from TNC for a purchase price that is the sum of TNC's expenses, to include: (1) the purchase price TNC paid St. Joe; (2) DSL-approved direct expenses associated with the purchase of the parcel; (3) DSL-approved holding costs not to exceed 0.022 percent of TNC's acquiring price, plus direct expenses per day beginning on the day that TNC acquired fee title to the parcel and ending on the day before TNC conveys title to the parcel to the Board of Trustees. For this particular transaction, TNC has waived its holding costs; and (4) TNC overhead, pursuant to the MPAA, not to exceed \$64,994. In no event will the Board of Trustees' purchase price exceed the approved value of \$5,269,900.

TNC acquired tracts 1 through 5 on March 29, 2007. TNC's acquisition included three parcels on the north side of Capitola Road, known as tracts 3, 4 and 5, totaling 9.68 acres. These three parcels were not appraised nor included in the approved value because they were not originally intended to be conveyed to TNC or the Board of Trustees. However when the three parcels were offered to TNC, they agreed to include them in their acquisition. Staff is requesting authority to waive the appraisal requirement, as set forth in section 259.041(7), F. S., for tracts 3, 4 and 5 since appraising these three tracts would add to the cost of the appraisal and delay the acquisition without affecting the purchase price (only the approved value would be affected). If the Board of Trustees approves to waive the appraisal requirement for tracts 3, 4 and 5, these three parcels will be included in the current acquisition. These parcels provide a connection between the subject parcel of 1,053.98 acres, also known as Wood Sink, and the St. Marks Headwaters conservation lands owned by Leon County as part of Blueprint 2000.

**Mortgages and Liens**

All mortgages and liens will be satisfied at the time of closing. There are outstanding oil, gas, and mineral interests and a 200-foot state road right-of-way on the property in favor the State of Florida that will merge with the title if closing occurs. The deed from St. Joe to TNC provides that St. Joe will reserve to itself and grant to purchaser a road easement that allows both the seller and the purchaser the use of the dirt road along a portion of the easterly boundary. This same road easement will be conveyed to the Board of Trustees by TNC as both an encumbrance and an appurtenance. A survey of the property was prepared prior to TNC's purchase and there are several minor encroachments that will be rectified prior to closing. Because these issues were discovered during preliminary due diligence, further research may change the facts and scope of

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**Substitute Item 4, cont.**

each issue. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to DEP the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, DEP staff will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

**Closing Information**

A title insurance commitment and survey will be obtained by the Board of Trustees prior to closing. The seller will provide an environmental site evaluation and, if necessary, an environmental site assessment prior to closing. The Board of Trustees will reimburse the seller for the cost of the environmental site assessment.

**Management**

The property will be managed by Florida Fish and Wildlife Conservation Commission as an addition to the L. Kirk Edwards Wildlife and Environmental Area.

**Comprehensive Plan**

This acquisition is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands' section of the State Comprehensive Plan.

(See Attachment 4, Pages 1-60)

**RECOMMEND APPROVAL**

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**Substitute Item 5    Project Orlando, LLC, Pinestraw Partners, LLC, and Herscho Properties, Inc. Purchase Agreement/Pine Plantation/Wekiva-Ocala Greenway Florida Forever Project**

**REQUEST:** Consideration of a purchase agreement to acquire 384.71 acres within the Wekiva-Ocala Greenway Florida Forever project from Project Orlando, LLC, Pinestraw Partners, LLC, and Herscho Properties, Inc., in partnership with the Orlando-Orange County Expressway Authority, the Florida Department of Transportation, and the St. Johns River Water Management District.

**COUNTY:** Orange

**LOCATION:** Section 08, Township 20 South, Range 28 East

**CONSIDERATION:** \$10,000,000 (Board of Trustees' 29 percent share of the total purchase price of \$35,000,000, with the remaining balance made up of \$15,000,000 to be paid by Florida Department of Transportation, \$5,000,000 to be paid by the St. Johns River Water Management

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**Substitute Item 5, cont.**

District, and \$5,000,000 to be paid by the Orlando-Orange County Expressway Authority. In addition to the purchase price, an additional \$2,500,000 will be paid by the Orlando-Orange County Expressway Authority to the seller for other considerations.)

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED</u>	<u>SELLER'S</u>	<u>TRUSTEES'</u>	<u>CLOSING</u>
		<u>(03/24/08)</u>	<u>(06/11/08)</u>				
Pine Plantation	<u>384.71</u>	\$25,070,000	\$28,000,000	\$28,000,000	\$22,739,361*	\$10,000,000**	10/06/08

\* Parcel was obtained by seller in several transactions dated 1/4/06 and 4/3/07. The total consideration paid for the property by the seller is \$22,739,361.

\*\* Total purchase price is \$35,000,000, or \$90,751 per acre. This equals 125 percent of the approved value. The Trustees' purchase price is 29 percent of the total purchase price.

**STAFF REMARKS:** The Wekiva-Ocala Greenway project is a full fee "A" group project on the Florida Forever Priority List approved by the Board of Trustees on February 26, 2008. The project contains 82,048 acres, of which 45,858 acres have been acquired or are under agreement to be acquired. If the Board of Trustees approves this agreement, 35,804 acres, or 44 percent, of the project will remain to be acquired.

**Project Description**

The Wekiva Parkway Protection Act (Act), contained in Part III of chapter 369, F.S., designates this acquisition as the highest priority for the Department of Environmental Protection (DEP), the Orlando-Orange County Expressway Authority (OOCEA), and the St. Johns River Water Management District (District). Pursuant to that legislative directive, and in tandem with the Department of Transportation (DOT), the agencies have cooperated to pursue this acquisition.

This 384.71-acre acquisition parcel, located in Orange County, is part of a larger 617-acre parcel designated 'Pine Plantation' by the Act. For this acquisition, OOCEA has taken the lead as negotiator, acting in partnership with DEP and the District. OOCEA, through a separate agreement at a later date, will convey 40 acres to Orange County in exchange for reimbursement by Orange County of a portion of OOCEA's contribution to the purchase price.

- The property is being purchased from the seller for \$35,000,000;
- The Board of Trustees' contribution towards the purchase price will be \$10,000,000. The Board of Trustees will receive an undivided two-thirds interest in the property following the removal of the 40-acre OOCEA parcel;
- The District is contributing \$5,000,000 toward the purchase price. The District will receive an undivided one-third interest in the property following the removal of the 40-acre OOCEA parcel. The Governing Board for the District approved this acquisition at its meeting on September 9, 2008;
- DOT is contributing \$15,000,000 toward the purchase price. DOT will not receive a title interest in the property; and



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**Substitute Item 5, cont.**

- OOCEA is contributing \$5,000,000 toward the purchase price. OOCEA will receive 40 acres within the property. Title to this parcel will be conveyed to Orange County through a separate transaction at a later date. This agreement was approved by the Board of Directors of the OOCEA on August 20, 2008. In addition to the purchase price for the land, OOCEA is contributing \$2,500,000 in additional consideration, including, without limitation, all of seller's attorneys' and consultants' fees and costs relating to the property and/or this transaction, and the release of all claims which the seller has or may have with respect to the property arising from or related to the Wekiva Parkway project and/or the Wekiva Parkway Protection Act, Chapter 369, Part III, Florida Statutes.

**Mortgages and Liens**

All mortgages and liens will be satisfied at the time of closing. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to DEP the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, DEP staff will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

As a condition of this agreement, OOCEA will pay the documentary revenue stamp tax due for this transaction.

The property is improved with a manufactured home that was built in 1982, a concrete warehouse, and a shed. The appraisers considered these improvements in the valuation of the property and found that they do not add any measurable contributory value to the underlying land. The manufactured home will be removed from the property prior to closing.

**Closing Information**

A title insurance commitment, a survey, and an environmental site assessment will be obtained by the Board of Trustees prior to closing. The District, OOCEA and the Board of Trustees will each pay their proportionate share of the costs for these products.

**Management**

This acquisition will be managed by DEP's Division of Recreation and Parks as an addition to the Wekiwa Springs State Park.

**Comprehensive Plan**

This acquisition is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands' section of the State Comprehensive Plan.

(See Attachment 5, Pages 1-65)

**RECOMMEND APPROVAL**

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**Substitute Item 6    September 2008 Florida Forever Five-Year Plan/Florida Forever Priority List/08-09 Florida Forever Work Plan**

**REQUEST:** Consideration of (1) the September 2008 Florida Forever Five-Year Plan; (2) the Acquisition and Restoration Council’s recommended September 2008 Florida Forever Priority List; and (3) a presentation of the Department of Environmental Protection’s Division of State Lands’ Annual (FY 08-09) Florida Forever Work Plan as adopted by the Acquisition and Restoration Council.

**STAFF REMARKS:**

**(1) September 2008 Florida Forever Five-Year Plan:** The September 2008 Florida Forever Five-Year Plan was prepared pursuant to chapter 259, F.S., and Rule 18-24, F.A.C. During the Acquisition and Restoration Council (ARC) meetings of February 15, April 11, and June 13, 2008, ARC added two new projects (one of which was added to an existing project as a new site [i.e., boundary amendment]) and moved one project from Group B to Group A on the February 2008 Florida Forever Priority List. No projects were recommended to be removed, nor were any projects moved from Group A to Group B. One project was amended by adding one of the new projects to its boundary.

<u>New Projects Added to List</u>	<u>Total Acres</u>	<u>County</u>
Ayavalla Plantation (Group A)	6,097	Leon
Falcon Woods (Group A as boundary amendment)	94	Brevard

<u>Projects Moved From Group B to Group A</u>	<u>Reason</u>	<u>County</u>
Caloosahatchee Ecoscape	Willing seller	Hendry/Glades

<u>Projects with Boundary Amendments</u>	<u>Acres Added</u>	<u>County</u>
Brevard Coastal Scrub Ecosystem (Falcon Woods)	94*	Brevard

\* Same as above New Project

**(2) ARC’s Recommended September 2008 Florida Forever Priority List:** The September 2008 Five-Year Plan includes the September 2008 Florida Forever Priority List of acquisition projects approved by ARC on June 13, 2008 and proposed for adoption by the Board of Trustees. This list includes 64 projects in Group A and 43 projects in Group B. Pursuant to section 259.04(1)(c), F.S., “... the board shall approve, in whole or in part, the lists of projects in the order of priority in which such projects are presented.”

**(3) Department of Environmental Protection’s Division of State Lands’ Annual (FY 08-09) Florida Forever Work Plan as adopted by ARC:** Senate Bill 542 newly requires ARC, to develop rules defining specific criteria and numeric performance measures for Florida Forever projects by December 1, 2009, The law also requires the Department of Environmental Protection’s (DEP) Division of State Lands (DSL) to develop, an annual Florida Forever Work Plan. The Work Plan is presented to ARC for adoption and then must be presented to the Board of Trustees by October 1 of each year. Pursuant to the new law, the work plan shall prioritize projects, set forth the funding available in the fiscal year for land acquisition, and consider

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**Substitute Item 6, cont.**

categories of expenditure for land conservation projects. As an interim measure prior to ARC's rule development, which may ultimately affect Work Plan development, DSL developed its Work Plan based on the new law and existing rules to the greatest degree possible.

**Prioritization of Projects:** Section 18-24.006, F.A.C., requires ARC to prioritize projects into Group A (acquisition projects with the highest priority for acquisition) and Group B (acquisition projects considered by ARC to be important, but not of the highest priority). On December 14, 2007, prior to the new legislative requirements, ARC identified 21 projects within Group A where DSL should focus acquisition efforts. DSL used this list of priority projects to help develop a three-tier system for identifying priorities within each category:

1. Top 21 Group A Projects
2. Remaining Group A Projects
3. Group B Projects

**Establishment of Project Categories:** Section 18-24.006, F.A.C., also requires ARC to identify within the Group A and Group B lists three subgroups of projects:

1. Fee Simple/Large Holdings Subgroup: ... *projects made up predominantly of large ownerships to be acquired in fee simple.*
2. Multi-Parcel or Small Holdings Subgroup: ... *projects made up predominantly of small ownerships with individual values not exceeding one million dollars each ...*
3. Less-Than-Fee Acquisition Subgroup: ... *projects where the majority of the project is proposed to be acquired in less than fee, such as conservation easements.*

Many projects exhibit characteristics of more than one category. For example, portions of the Apalachicola River project are proposed to be acquired in fee simple, and other portions are proposed to be acquired as less-than-fee conservation easements. Similarly, some sites within the Lake Wales Ridge project are composed of large ownerships, while other sites are composed of hundreds of 1.25-acre subdivision lots. In these cases, the projects have been identified as qualifying for placement into more than one subgroup. A similar situation occurs under the new law, which further complicates overlap between categories by mixing resource-defined categories with acquisition strategy-defined categories. ARC will need to revise existing rules to synchronize rule and statutory subgroups/categories, and develop new rules to clarify criteria for determining which projects best fit into established categories. As an interim measure, prior to ARC's rule development, DSL developed Work Plan categories based on the new law and existing rules to the greatest degree possible. The new law requires DSL to consider the following categories of expenditure for land conservation projects:

1. Critical Natural Lands
2. Partnerships or Regional Incentive Lands
3. Substantially Complete Projects
4. Climate-Change Lands
5. Less-Than-Fee Lands

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**Substitute Item 6, cont.**

- 1. Critical Natural Lands:** ... *functional landscape-scale natural systems, intact large hydrological systems, lands that have significant imperiled natural communities, and corridors linking large landscapes, as identified and developed by the best available scientific analysis.*

The Fee Simple/Large Holdings Subgroup, which currently includes 83 projects, is composed of lands that could qualify under the Critical Natural Lands and Partnerships or Regional Incentive Lands categories, as well as the Small Holdings/ Substantially Complete Projects and the Less-Than-Fee Lands categories. ARC's future rule development should clarify criteria for determining which projects best fit the Critical Natural Lands category. As an interim measure, this category includes all projects in the Full Fee subgroup except for five projects that are 70 percent or more complete and not composed of multiple sites, which would be redundant if kept in two categories (i.e., Carr Farm/Price's Scrub, Estero Bay, Florida Springs Coastal Greenway, Twelve Mile Swamp, and Yellow River Ravines).

- 2. Partnerships or Regional Incentive Lands:** ... *[a] Projects where local and regional cost-share agreements provide a lower cost and greater conservation benefit to the people of the state. Additional consideration shall be provided under this category where parcels are identified as part of a local or regional visioning process and are supported by scientific analysis; and [b] bargain and shared projects where the state will receive a significant reduction in price for public ownership of land as a result of the removal of development rights or other interests in lands or receives alternative or matching funds.*

The Partnerships or Regional Incentive Lands category consists of projects with governmental partners who are contributing financially to the proposed acquisition. The Fee Simple/Large Holdings Subgroup includes 56 projects in which governmental acquisition partners have been identified as having already acquired or are under agreement to acquire property within the project boundary. Forty-four of these projects also have portions identified with and without governmental partners. For Work Plan development purposes, these 44 projects are listed in two categories. ARC's future rule development should clarify criteria for determining which projects best fit the Partnerships or Regional Incentive Lands category.

- 3. Substantially Complete Projects:** ... *mainly inholdings, additions, and linkages between preserved areas will be acquired and where 85 percent of the project is complete.*

The Multi-Parcel/Small Holdings Subgroup is similar to the Substantially Complete Projects category in that both are generally composed of multiple small ownerships with much lower cost per individual ownership. The new law requires consideration of an 85 percent project completion criterion for the Substantially Complete Projects category. However, only three projects (Save Our Everglades, South Walton County Ecosystem

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**Substitute Item 6, cont.**

and Yellow River Ravines) are over 85 percent complete; and pursuant to section 259.032(8), F.S., two of them legally could be removed from the list because each is at least 90 percent complete (Save Our Everglades and Yellow River Ravines). For this reason and because the previous Department/Council/Board criterion for Substantially Complete Projects, which was utilized from 1988 through 2000, was 70 percent, DSL lowered the proposed criterion for this category from 85 percent to 70 percent complete. Eleven projects are included in the Multi-Parcel/Small Holdings Subgroup, while 11 projects are 70 percent or more complete. Six projects meet both criteria. Thus, 16 projects qualify for one or both of the Multi-Parcel/Small Holdings Subgroup and the Substantially Complete Projects category. For Work Plan development purposes, these projects are combined into one category: Small Holdings/Substantially Complete Projects.

As with the Less-Than-Fee Lands category, two projects with multiple independent sites are composed of a mixture of small holdings and larger ownerships (Brevard Coastal Scrub Ecosystem and Lake Wales Ridge Ecosystem). Additionally, two other large projects are composed of a combination of large ownerships and large blocks of thousands of small ownerships: Bombing Range Ridge includes three ownerships greater than 1,000 acres each that total almost 10,000 acres, while nearly 10,000 ownerships with less than 10 acres each total over 17,000 acres; and Green Swamp includes 33 ownerships greater than 1,000 acres each that total over 62,000 acres, while over 17,000 ownerships less than 10 acres each total over 34,000 acres. For Work Plan development purposes, these four projects are listed in both categories. ARC's future rule development should clarify criteria for determining which projects best fit the Small Holdings/Substantially Complete Projects category.

- 4. Climate Change Lands:** *... acquisition or other conservation measures will address the challenges of global climate change, such as through protection, restoration, mitigation, and strengthening of Florida's land, water, and coastal resources. This category includes lands that provide opportunities to sequester carbon, provide habitat, protect coastal lands or barrier islands, and otherwise mitigate and help adapt to the effects of sea-level rise and meet other objectives of the program.*

DSL staff is in the process of developing criteria for the Climate Change Lands category. The list of projects that would qualify under this category will be developed after completion of a study that inventories state lands to determine the value of carbon capture and carbon sequestration. This study is legislatively required to be presented to the Board of Trustees by July 2009 and should provide sufficient information to allow ARC to extrapolate its findings to projects on the Florida Forever Priority List.

- 5. Less-Than-Fee Lands:** *... working agricultural lands that significantly contribute to resource protection through conservation easements and other less-than-fee techniques, tax incentives, life estates, landowner agreements, and other partnerships, including*

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**Substitute Item 6, cont.**

*conservation easements acquired in partnership with federal conservation programs, which will achieve the objectives of Florida Forever while allowing the continuation of compatible agricultural uses on the land.*

Identification of Less-Than-Fee projects is included in both the new legislation and the existing rule. Conservation easements are proposed to be acquired for all or part of 35 projects on the Florida Forever Priority List. Because substantial portions of some projects are proposed for acquisition as fee simple, while other portions are proposed to be acquired as conservation easements, 18 projects have been identified in both the Less-Than-Fee and Fee Simple/Large Holdings Subgroups. For Work Plan development purposes, these 18 projects are listed in both the Less-Than-Fee Lands and Critical Natural Lands categories.

**Funding of Work Plan:** DSL currently has Board of Trustees-approved contracts, not yet closed, to acquire property within seven projects, committing \$62,637,934 of Florida Forever funds. DSL also has negotiated in good faith and obtained owners' commitments to sell properties with an anticipated value of \$89,617,537 that are within ten projects. The status of Florida Forever funding is as follows:

Appropriation Balance as of July 1, 2008	\$16,103,310
<u>FY 2008-09 Florida Forever Appropriation</u>	<u>\$105,000,000</u>
TOTAL Funds Available	\$121,103,310
DSL/FF Property Closings July 1 - August 31, 2008	\$2,016,250
DSL/FF Board-approved contractual obligations	\$62,637,934
Anticipated acquisitions*	\$47,299,126
Set Aside for Expenses (e.g., survey, appraisal, etc.)	\$4,000,000
Set Aside for Capital Projects**	\$3,150,000
<u>Set Aside for Emergency Archaeological Act***</u>	<u>\$2,000,000</u>
Total Commitments & Set Asides	\$121,103,310

\* Includes parcels under contract that have not yet been approved by the Board of Trustees and parcels currently under negotiation. This is only a fraction of the \$89,617,537 identified above, because we do not expect to consummate all negotiations successfully, or some may be deferred to a later funding cycle.

\*\* An amendment to section 259.105(3)(b), F.S., requires that 3 to 10 percent of Florida Forever funds appropriated to DSL be allocated "... to capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access." Staff will develop this list after compilation of guidelines for qualified proposals are adopted by ARC. For the current Work Plan, the minimum required will be set aside for this category.

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**Substitute Item 6, cont.**

\*\*\* Section 253.027(4), F.S., requires that \$2 million shall be reserved annually for the purpose of emergency archaeological acquisition.

Projects with property identified on the Work Plan, as adopted by ARC, are identified on the attached table. Twelve of the Top 21 Group A projects are included in the Work Plan. Five other Group A projects and one Group B project are included in the Work Plan because of commitments in place prior to development of the Top 21 project priorities or other factors (i.e., bargain sale opportunity with joint county funding; potential emergency archaeological acquisition; being acquired using other funding source; and completion of an Everglades restoration project).

**Explanation of ARC Adoption Process:** The Work Plan was submitted to ARC for public review and comment during their August 14, 2008 public hearing and was adopted by ARC at their August 15, 2008 public meeting. Public notice of the ARC hearing and meeting were published in 18 newspapers throughout the state, circulated via email to over 115 individuals on our list of interested parties, and posted on our website: [www.floridaforever.org](http://www.floridaforever.org). Based upon comments received and new legislative requirements, staff will conduct workshops and meetings with ARC and other stakeholders during the next year to evaluate and revise the current priority ranking system to make it more transparent and accountable to the Florida Forever goals and measures and will develop criteria for establishing groups/categories within which to rank the projects.

**Accomplishments of Florida Forever Program:** Since its inception in July 2001 through May 2008, the state's Florida Forever land acquisition program has been extremely successful, as evidenced by the protection of:

- 342,670 acres of Strategic Habitat Conservation Areas (Florida Fish and Wildlife Conservation Commission);
- 393,880 acres of rare species habitat conservation areas (FNAI), and over 460 listed species locations of 175 different species, 96 of which are state-listed as endangered, 37 state-listed threatened, and 16 species of special concern;
- 565,140 acres of ecological greenways (Office of Greenways & Trails);
- 54,250 acres of under-represented natural communities;
- 70,550 acres of natural floodplains;
- 600,940 acres important to significant water bodies;
- 5,560 acres of fragile coastline;
- 256,060 acres of functional wetlands;
- 583,210 acres of significant groundwater recharge areas;
- 103,090 acres of land to support priority recreational trails;
- 281,290 acres of sustainable forest land; and
- 478 archaeological and historic sites.

\*\*\*\*\*

**Substitute Item 6, cont.**

These acreages were derived from the most recently updated Florida Forever data layers, which are continuously amended to reflect the most current scientific analyses of Florida's natural resources. Additionally, the acreages recorded for each measure often overlap, and thus should not be added together. Collectively, the State of Florida has protected over 621,200 acres of land with \$2.39 billion in Florida Forever funds through June 2008.

All property within the boundaries of the Florida Forever projects, unless specifically noted otherwise, is proposed to be purchased, in fee-simple or a lesser interest, for conservation purposes.

The September 2008 Florida Forever Priority List is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands section of the State Comprehensive Plan.

The September 2008 Florida Forever Five-Year Plan is being submitted in digital format.

(See Attachment 6, Pages 1-5)

**RECOMMEND (1) ACCEPTANCE OF THE SEPTEMBER 2008 FLORIDA FOREVER FIVE-YEAR PLAN; (2) APPROVAL OF ARC'S RECOMMENDED SEPTEMBER 2008 FLORIDA FOREVER PRIORITY LIST; AND (3) ACCEPTANCE OF THE PRESENTATION OF DEP'S DSL ANNUAL FLORIDA FOREVER WORK PLAN AS ADOPTED BY ARC**