

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
March 29, 2022

Attachments to the items below can be viewed at the following link:
<https://floridadep.gov/cab/cab/content/agendas>

Item 1 Minutes

Submittal of the Board of Trustees' Minutes from the September 21, 2021, Cabinet Meeting.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

(See Attachment 1 at <https://floridadep.gov/cab/cab/content/agendas>)

RECOMMEND APPROVAL

Item 2 St. Joseph Bay Aquatic Preserve Management Plan

REQUEST: Consideration of a request to approve the St. Joseph Bay Aquatic Preserve Management Plan.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTY: Gulf

APPLICANT: Florida Department of Environmental Protection

LOCATION: St. Joseph Bay Aquatic Preserve (SJBAP) is located near the city of Port St. Joe, approximately 35 miles southeast of Panama City.

STAFF REMARKS:

Overview

Under the Aquatic Preserve Resolution of 1969 and in Chapter 258, Part II, Florida Statutes, aquatic preserves are set aside to be maintained in essentially the natural condition for the benefit of future generations. SJBAP was designated in 1969, and the SJBAP Management Plan was last approved by the Board of Trustees on September 16, 2008.

SJBAP comprises more than 55,000 acres, including most of St. Joseph Bay and the waters of the Gulf of Mexico due west of St. Joseph Peninsula. SJBAP includes seagrass beds and salt marshes, which provide nursery and foraging habitat for roughly 70 percent of marine and estuarine species; its coastlines include essential nesting sites for sea turtles and shorebirds.

The Florida Department of State's Division of Historical Resources has identified numerous archaeological and historical sites within and near SJBAP, including the Confederate Salt Works (GU00013), the Black's Island Lighthouse (GU00011) and Richardson Hammock (GU00010), a large well preserved shell midden.

Item 2, Cont.

Management Plan Public Involvement

An online advisory committee was held on March 23, 2021 to receive input on the draft management plan. Additional public meetings were held at St. Joseph Bay State Buffer Preserve in Port St. Joe on September 9, 2021 and online on September 16, 2021, to present the updated plan and obtain public input about the SJBAP draft 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, SJBAP 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 SJBAP are specific to the ecological and socioeconomic conditions present within and around this site.

The management plan identifies the following issues and objectives:

- **Water Quality - Objectives**
 - Maintain a strategic long-term water quality monitoring program.
 - Analyze and interpret the status and trends of water quality in SJBAP to identify potential impacts to natural resources and recommendations to address such issues. Submit data to a repository to store water quality data in a centralized database for review by the public and other entities/agencies.
 - Inform the public and other entities regarding water quality conditions, the importance of water quality, and suggestions to improve water quality within SJBAP.
- **Protection of Seagrass Habitat - Objectives**
 - Monitor the status and trends of seagrass distribution within SJBAP to determine the overall health and identify potential threats to the habitat.
 - Ensure the sustainability of scallop, fish, and other concerned species as well as saltmarsh and seagrass habitats through integrated biological assessments and multiple tools within SJBAP.
 - Develop and implement a seagrass restoration plan for SJBAP.
 - Assist with management and monitoring of existing archaeological and historical resources adjacent to seagrass habitats.
 - Promote the importance of seagrass habitats through a variety of informational outlets that target recreational, commercial, and scientific user groups operating in SJBAP.
- **Sustainable Public Use - Objectives**
 - Inform residents and visitors about actions they can take to conserve and restore resources of SJBAP.
 - Examine public use patterns and trends within the SJBAP to identify potential resource/public use conflicts and develop conservation strategies to minimize damage to the natural resources. Increase awareness of non-consumptive use opportunities such as paddle boarding, sailing, kayaking, canoeing, swimming, and snorkeling.
 - Reduce the amount of debris, contaminants, and other resource damages associated with public use.

Item 2, Cont.

Acquisition and Restoration Council Approval

The Acquisition and Restoration Council approved the following management plan at its February 11, 2022, meeting.

The management plan can be accessed at <http://publicfiles.dep.state.fl.us/cama/plans/St-Joseph-Bay-AP-Management-Plan-BOT.pdf>

(See Attachment 2, Page 1)

RECOMMEND APPROVAL

Item 3 Stan Mayfield Working Waterfronts 2022 Project Ranking List/ Florida Communities Trust

REQUEST: Consideration of the Florida Communities Trust, Stan Mayfield Working Waterfronts 2022 project ranking list for funding.

STAFF REMARKS: The Stan Mayfield Working Waterfronts (SMWW) Florida Forever grant program was created by the 2008 Legislature in section 380.5105, F.S., within the Florida Communities Trust (FCT) Act. Section 380.503(18), F.S., provides that SMWW grant funds be used to acquire parcels of land directly used for the purposes of the commercial harvest of marine organisms or saltwater products by state licensed commercial fishers, aquaculturists, or business entities, including piers, wharves, docks, or other facilities operated to provide waterfront access to licensed commercial fishers, aquaculturists or related business entities. The acquisition of land used for recreational waterfront activities would not be considered within the SMWW program.

Additionally, SMWW funds may also be used for the acquisition of parcels of land used for exhibitions, demonstrations, educational venues, civic events, and other purposes. Parcels acquired for these purposes promote and educate the public about economic, cultural, and historic heritage of Florida’s traditional working waterfronts, including the marketing of the seafood and aquaculture industries.

Eligible applicants for this program are local governments and working waterfronts non-profit organizations that are tax exempt under section 501(c) of the United States Internal Revenue Code. Evaluation criteria outlined in Rule 62-820.006, F.A.C., provides the basis for scoring and ranking of the projects. The scoring criteria are broken down into six primary categories: project location, economic considerations, site suitability/readiness, financial contributions provided by the applicants, community planning aspects and public education opportunities provided through the projects.

Grant applications for the SMWW grant cycle were received between October 1 and November 1, 2021. One project requesting \$2,480,000 in funding was deemed eligible for the available grant funding of \$5,655,904.91. FCT staff, with assistance from Department of Agriculture and Consumer

Item 3, Cont.

Services, evaluated the scoring criteria and the business summary submitted by the Applicant. Preliminary scores, along with a determination of the sufficiency of the business summary was reported to the Applicant in an evaluation report, transmitted to the Applicant in November 2021. FCT staff performed a site visit to verify that the information submitted by the Applicant in their applications was accurate. On December 7, 2021, the FCT Governing Board met to 1) review the application; 2) consider staff recommended scores and any applicant objections to the scores; and 3) to produce a finalized ranking list of the eligible application.

Section 380.5105(4), F.S., mandates FCT to present the ranking list to the Board of Trustees by the first meeting in February each year. The finalized ranking list is presented to the Board of Trustees for its consideration and approval of the projects that may receive funding. Pursuant to section 380.5105(4), F.S., the Board of Trustees “may remove projects from the ranking list but may not add projects.”

Ranking List

	Project Name	Applicant	FCT Grant Request
1	Fishermen’s Village, Conch Key	Islamorada Working Waterfront, Inc.	\$2,480,000.00
		Total	\$2,480,000.00

(See Attachment 3, Page 1)

RECOMMEND APPROVAL

Item 4 2022 Florida Forever Priority List/ 2022-2023 Annual Florida Forever Workplan

REQUEST: Consideration of (1) the 2022 Florida Forever Priority List and (2) the Division of State Lands’ Annual Florida Forever Work Plan for Fiscal Year 2022-2023.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

STAFF REMARKS: Florida has a long history as a national leader in conservation, which is vital to our state’s environmental protection and economic growth. Florida Forever, the state’s premier land conservation program, helps acquire natural lands that conserve critical habitats, protect water resources, benefit Everglades restoration and enhance local communities. By focusing on the conservation and management of Florida’s natural lands, the health of environmental resources are improved, public access is expanded, and visitor experiences are enhanced.

The Acquisition and Restoration Council (ARC) is established by section 259.035, Florida Statutes, as a 10-member board composed of four agency heads, four governor appointees, one appointee by

Item 4, Cont.

the Commissioner of Agriculture, and one appointee by the Fish and Wildlife Conservation Commission. In accordance with section 259.105(14), F.S., ARC shall review the most current, approved project list and present a new list of projects to the Board of Trustees annually for approval.

In 2021, ARC conducted eight public hearings and meetings, reviewed land acquisition proposals, evaluated their resource attributes, established or revised project boundaries, ranked projects, and adopted an annual work plan. ARC approved the following changes: (a) added one new project; (b) added two new projects to existing project boundaries; and (c) amended the boundaries of 13 projects which included reducing the boundaries of three projects.

<u>New Projects Added to the List</u>	<u>Acres +/-</u>	<u>County</u>
Wilson Ranch	450	Polk

<u>New Projects Added to Existing Project Boundaries</u>	<u>Acres +/-</u>	<u>County</u>
Big Pine Preserve	541	Marion
Added to Longleaf Pine Ecosystem		
Adams Ranch II	27,342	Osceola/St. Lucie
Added to Adams Ranch		

<u>Projects with Boundary Amendments</u>	<u>Acres +/-</u>	<u>County</u>
Annutteliga Hammock	15	Hernando
Bombing Range Ridge	-1.27	Polk
Carr Farm/Price’s Scrub	125	Marion
Flagler County Blueway	-19.26	Flagler
Florida Keys Ecosystem	1.3	Monroe
Lake Wales Ridge Ecosystem	913.2	Polk
Little River Conservation Area	208	Gadsden
Maytown Flatwoods	554.75	Volusia
Myakka Ranchlands	1,572	Manatee
Rainbow River Corridor	47.78	Marion
St. Joe Timberlands	370.41	Franklin
Strategic Managed Area Lands List	158	Charlotte
Strategic Managed Area Lands List	198.51	Collier
Strategic Managed Area Lands List	184	Columbia/Sumter
Strategic Managed Area Lands List	2.86	Flagler
Strategic Managed Area Lands List	-40	Taylor
Strategic Managed Area Lands List	-91	Washington
Wolfe Creek Forest	757	Santa Rosa

<u>Projects Removed from the List</u>	<u>Status</u>	<u>County</u>
Seven Runs Creek Final Phase	90% or more complete	Walton/Washington

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(1) 2022 Florida Forever Priority List: The 2022 Florida Forever Priority List adopted by ARC on December 10, 2021, includes 125 projects. Each project was ranked within one of six categories as follows:

- Critical Natural Lands (CNL) – 37 projects
- Partnerships and Regional Incentives (PRI) – 33 projects
- Less-Than-Fee (LTF) – 34 projects
- Climate Change Lands (CCL) – 11 projects
- Substantially Complete (SC) – 7 projects
- Critical Historical Resources (CHR) – 3 projects

In compliance with 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.” Additionally, pursuant to section 259.105(14), F.S., “...The board of trustees may remove projects from the list developed pursuant to this subsection, but may not add projects or rearrange project rankings.”

(2) Division of State Lands’ Annual Florida Forever Work Plan for Fiscal Year 2022-23: The Annual Work Plan (Work Plan) is prepared by the Department of Environmental Protection’s Division of State Lands, pursuant to section 259.105(17), F.S. The Work Plan is required to be adopted by ARC and presented to the Board of Trustees on an annual basis. ARC adopted the Work Plan, consisting of 53 projects, at a council meeting held on February 11, 2022.

Comprehensive Plan

The 2022 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.

(See Attachment 4 , Pages 1-5)

RECOMMEND (1) APPROVAL OF THE 2022 FLORIDA FOREVER PRIORITY LIST AND (2) ACCEPTANCE OF THE DIVISION OF STATE LANDS’ ANNUAL FLORIDA FOREVER WORK PLAN FOR FISCAL YEAR 2022-23

Item 5 Delegation of Authority/ Perpetual Protections/ Land and Water Conservation Fund

REQUEST: Consideration of delegation of authority to the Secretary of the Department of Environmental Protection, or designee, to approve placing perpetual protections on state owned conservation and recreation land, or on land where the state has a reverter clause in place, when the land is acquired or developed with Land and Water Conservation Fund money.

LOCATION: Statewide

Item 5, Cont.

STAFF REMARKS: The Land and Water Conservation Fund (“LWCF”) provides federal funding for acquisition and development of conservation and recreation land. These grants require that the land be used for public outdoor recreation in perpetuity pursuant to section 6(f) of the Land and Water Conservation Act (1965), which reads as follows:

“...No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location...”

These protections are created through a document dedicating the land in perpetuity to public outdoor recreation and establishing covenants and restrictions on the land.

BACKGROUND: In the early days of LWCF funding, the state acquired various state parks with LWCF funding and encumbered those parks with section 6(f) protection. Currently, the state of Florida, through the Florida Department of Environmental Protection (Department), accepts the federal funding and administers it to local governments to acquire and develop conservation and recreation land. For each grant, the state enters into an agreement with the Department of the Interior, National Park Service, containing the following language:

“The State agrees that the benefit to be derived by the United States from the full compliance by the State with the terms of this agreement is the preservation, protection, and the net increase in the quality and quantity of public outdoor recreation facilities and resources that are available to the people of the State and of the United States, and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the United States by way of assistance under the terms of this agreement. The State agrees that payment by the State to the United States of an amount equal to the amount of assistance extended under this agreement by the United States would be inadequate compensation to the United States for any breach by the State of this agreement.

The State further agrees, therefore, that the appropriate remedy in the event of a breach by the State of this agreement shall be the specific performance of this agreement or the submission and approval of a conversion request as described in Part II.B above.”

Through this agreement, the state assumes ultimate responsibility for the local government’s compliance with the LWCF rules, including agreeing to replace the property if the local government converts the property to other uses and refuses to replace it. The local government records a dedication and limitation of use that perpetually limits the land to use for outdoor recreation.

Item 5, Cont.

Although LWCF will fund recreational facilities on leased land, currently the state LWCF grant program will not fund development on state land leased by local governments because the Division of State Lands lacks the delegated authority to place 6(f) protection on state-owned land. For the same reason, local government-owned parks acquired with Florida Communities Trust (FCT) grants, which contain a reverter clause to the state, are not eligible for LWCF grants to develop facilities for the parks. Allowing LWCF to fund development on property that could, in future, become state-owned land would enable local governments to quickly and fully develop facilities at FCT sites.

The federal government recently passed the Great American Outdoors Act (2020), permanently funding the Land and Water Conservation Fund. The federal government anticipates that this dedicated funding will roughly double the annual funding available to Florida through the LWCF. Given the anticipated increase in available funds, the Department has recently initiated rulemaking to expand the state LWCF program to allow state land management agencies to seek LWCF funding for development of recreation facilities on state-owned conservation and recreation land. This would allow, as an example, the Division of Recreation and Parks to fund improvements to a state park through a federal grant providing 50% of the cost of the improvements. In order to qualify for these funds, however, the Board of Trustees would be required to place those lands under section 6(f) protection. Nineteen state parks were acquired between 1966-1982 with LWCF funds totaling more than \$28.6 million and are currently under 6(f) protection.

As the Department already ensures compliance by local governments for the grant funds they receive, the proposed delegation would authorize the Department, on behalf of the Board of Trustees, to place 6(f) protections related to LWCF funding requirements on state-owned property.

RECOMMEND APPROVAL

Item 6 Fisheating Creek Expanded Corridor Citizen Advisory Board Selection

REQUEST: Selection of one concerned citizen from the list of nominees forwarded by the Fisheating Creek Expanded Corridor Citizen Advisory Board (FEC SAAB).

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Glades

STAFF REMARKS: On May 25, 1999, the Board of Trustees approved a settlement agreement in the case of Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, Plaintiff and Save Our Creeks, Inc. and Environmental Confederation of Southwest Florida, Intervenor vs. Lykes Bros. Inc., a Florida Corporation. The settlement agreement requires, among other things, the following:

Item 6 Cont.

“19. The Board of Trustees shall create a thirteen-member citizen advisory board composed of one County Commissioner from Glades County, two representatives of Lykes Bros. Inc., two representatives from Save Our Creeks, Inc., two representatives from the Environmental Confederation of Southwest Florida, Inc., one representative from the Division of State Lands of the Florida Department of Environmental Protection, one representative from an environmental organization, two representatives of Lykes’ lessees, one concerned citizen, and one representative of the managing agency if the agency desires to participate. The representatives shall be designated by their own organizations except for the concerned citizen and the representative of an environmental group who shall be designated by the Board of Trustees from a list submitted by the citizen advisory board.”

“22. The citizen advisory board, created pursuant to paragraph 19 above, may make recommendations to the managing agency as to future management issues involving the Fisheating Creek Expanded Corridor (Expanded Corridor). The managing agency has no financial obligation to fund the activities of the advisory board.”

One member shall be appointed by the Board of Trustees from the provided list submitted by the FEC SAAB to fill the vacant concerned citizen position. To facilitate the appointment of this member, FEC SAAB convened a meeting on February 10, 2021, and requested nominations by FEC SAAB board members for submission to the Board of Trustees. The two concerned citizens nominated are listed below (resumes are included as an attachment):

Concerned Citizen

- Nancy Dale, Ph.D. (Author, Consultant, Adjunct College Instructor)
- Margaret England (Retired Librarian and Teacher, LaBelle Elementary School)

The current members of the FEC SAAB, as named by their respective organizations as of the annual meeting held on February 10, 2022 are as follows:

Fisheating Creek Settlement Agreement Advisory Board		
Organization	Member’s Name	Position on the Board
Glades County Commissioner	Jerry Sapp	
Lykes Bros. Inc.	Noah Handley	Secretary
Lykes Bros. Inc.	Flint Johns	
Save Our Creeks, Inc.	Paula House	Chair
Save Our Creeks, Inc.	Carole Fields	
Environmental Confederation of Southwest Florida, Inc.	Becky Ayech	Co-Chair
Environmental Confederation of Southwest Florida, Inc.	Allain Hale	
DEP Division of State Lands	Deborah Burr	

Item 6, Cont.

Environmental Organization (designated by Board of Trustees)	Paul Gray	
Lykes' Lessee	Brigham Mason	
Lykes' Lessee	Linda McCarthy	
Concerned Citizen (designated by Board of Trustees)	<i>Vacant</i>	
Managing Agency (Florida Fish and Wildlife Conservation Commission)	Carrie Kimbrough	

The settlement agreement provides FEC SAAB to be created by the Board of Trustees, which may make recommendations to the managing agency (Florida Fish and Wildlife Conservation Commission) as to future management issues involving the Fisheating Creek Expanded Corridor. Accordingly, the FEC SAAB may meet as often as it deems necessary, may develop procedures for conducting its meetings, and may make recommendations to the managing agency as it deems necessary. However, it should be noted that the managing agency has neither the responsibility to convene such meetings nor the financial obligation to fund the activities of the FEC SAAB.

(See Attachment 6, Pages 1-11)

RECOMMEND SELECTION OF ONE CONCERNED CITIZEN TO SERVE ON THE FISHEATING CREEK EXPANDED CORRIDOR CITIZEN ADVISORY BOARD

Item 7 **BAE Systems Jacksonville Ship Repair, LLC Lease Modification/ Delegation**

REQUEST: Consideration of a modification of a five-year sovereignty submerged lands lease to extend the term length to 25 years with an automatic 8-year renewal option; and (2) a request to delegate the authority to the Secretary of the Department of Environmental Protection to approve the exchange of 7,263 square feet of sovereignty submerged land within Lease No. 161008809 for a parcel of conservation land or privately-owned submerged land of equal or greater size and value.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Duval

APPLICANT: BAE Systems Jacksonville Ship Repair, LLC, a Delaware limited liability company (BAE)
Lease No. 161008809
Application No. 16-0138752-023
Site No. 138752

LOCATION: 8500 Heckscher Drive, Jacksonville
St. Johns River and Sisters Creek

Item 7, Cont.

CONSIDERATION: \$220,859.21, representing (1) \$197,438.05 for the annual lease fee computed at the base rate of \$0.1864 per square foot for the total of 1,059,217 square feet pursuant to Rule 18-21.011(1)(b)1., F.A.C.; and (2) \$23,421.16 as the annual lease fee on 12,565 square feet computed at 10 times the base rate of \$0.1864 for the non-water dependent bulkhead and backfilled area, pursuant to Board of Trustees’ action on July 23, 1991. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031, F.S., and 212.054, F.S., if applicable.

BAE has already paid \$220,859.21, representing (1) \$197,438.05 for the 2021/2022 annual lease on 1,059,217 square feet; and (2) \$23,421.16 for 2021/2022 annual lease fee on 12,565 square feet for the nonwater dependent bulkhead and backfilled area. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031, F.S., and 212.054, F.S., if applicable.

STAFF REMARKS:

The project is required to demonstrate that it is “in the public interest,” pursuant to Article X, Section 11 of the Florida Constitution, chapter 253, F.S., and Rule 18-21.004(1)(a), F.A.C. The proposed project is the result of the United States Navy’s (Navy) interest in establishing additional Maintenance, Refurbishment, Overhaul and Conversion (MRO-C) capacity for the Atlantic Missile Fleet, on the U.S. East Coast. The \$200M facility, the largest shiplift in the United States, will accommodate up to five U.S. Navy warships for major land-level (dry-dock) MROC work simultaneously. The project will:

- Bring a significant number of U.S. Navy warships and their crews to Florida and Florida’s territorial waters;
- Expand the State’s lead in aerospace launch technologies to include seaborne launch platforms;
- Bring third-party aerospace engineering personnel to Florida to support the Navy work;
- Generate 400-500 direct jobs with a substantial regional multiplier;
- An exchange of a small parcel of access-restricted sovereignty lands along an industrial waterway for conservation land and/or privately owned submerged lands for at least a 1:1 exchange ratio for acreage and value to be determined;
- Significantly bolster the nation’s naval MROC capacity; and
- Contribute to the nation’s ability to defend against belligerent surface vessels, submarines, aircraft, cruise missiles and ballistic missile threats, as well as project significant U.S. offensive military capabilities throughout the world.

BAE has provided reasonable assurance that the proposal will maintain essentially natural conditions; will not significantly impact fish and wildlife and other natural resources, including public recreation and navigation; is consistent with the goals and objectives of the “Conceptual State Lands Management Plan” is consistent with the local government’s comprehensive plan; and will not interfere with the riparian rights of adjacent property owners. Therefore, the Department of Environmental Protection (Department) is of the opinion that the proposal is “not contrary to the public interest” and otherwise meets all applicable requirements for a proprietary authorization to use sovereignty submerged lands.

Item 7, Cont.

Background

There has been some type of commercial activity at this location since 1971 when the Board of Trustees approved a marina license and construction permit for a marine railway. The marina license authorized the preemption of 9,280 square feet of sovereignty submerged lands. Over the years, the lease has been modified to increase the square footage to the current preemption of 1,071,782 square feet. These modifications were approved by the Board of Trustees or approved, under delegation of authority, by the former Department of Natural Resources and the Department.

BAE's existing lease authorizes the preemption of 1,071,782 square feet (encompassing three, non-contiguous, submerged parcels and one filled parcel) for launching and retrieving military, commercial, and recreational vessels for maintenance and/or repair in conjunction with an upland commercial shipyard. Of the 1,071,782 square feet, 12,565 square feet is preempted for a nonwater dependent bulkhead and backfilled area. The annual lease fee for this 12,565-square-foot area is assessed at 10 times the base rate for the nonwater dependent use of sovereignty submerged lands, as approved by the Board of Trustees on July 23, 1991.

In June 2013, the Navy informed BAE that waterfront protection would be necessary during periods when Navy vessels were dry docked at its shipyard for maintenance and/or repair. On January 20, 2015, BAE applied for an environmental resource permit (ERP) to install a port security barrier system (PSBS) which includes four mooring buoys connected to 25-ton Improved Pearl Harbor Anchors, two shore anchors, and twenty-seven 40-foot-long parallel pontoon units, for a total barrier length of approximately 1,032 feet, in the St. Johns River.

On September 1, 2015, the Department issued ERP No. 16-0138752-023-EI and a letter of consent for the installation of PSBS. ERP required BAE to obtain a lease modification for the additional preempted area for PSBS within one year of permit issuance. On August 22, 2016, the Department issued Modification No. 16-0138752-027-EM to extend the deadline to obtain a lease modification for an additional 180 days to February 28, 2017.

On January 24, 2017, the Department conducted a site inspection. The facility was deemed in compliance with Lease No. 161008809 and there were no violations found on site.

On February 28, 2017, the Department and BAE Systems entered into a Temporary Use Agreement (TUA) for approximately 18,973 square feet.

On June 14, 2017, the Board of Trustees approved the modification and expansion of the lease from 894,663 square feet to 1,071,782 square feet.

On November 18, 2021, the Department conducted a site inspection. The facility was deemed in compliance with Lease No. 161008809 and there were no violations found on site.

On March 1, 2022, BAE submitted a request to extend the existing active submerged land lease to a term of 33 years.

Item 7, Cont.

Project Detail

BAE is requesting consideration of an extended term 25-year lease with an additional 8-year automatic lease renewal for the terms of the lease to align with long term capital improvement terms being negotiated with Space Florida. Given that the maritime structures (piers and shiplift) will be situated on the submerged lands, and the capital improvements required to upland facilities, potential financiers require the project to have a lease term that meets or exceeds the loan repayment period of 32 ½ years. BAE has demonstrated that the facility qualifies for an extended lease term, pursuant to Rule 18-21.008(2)(b), F.A.C. The facility is open to repairs of various commercial and military vessels and the financial agreements between Space Florida and BAE has demonstrated an extended term is necessary to satisfy the operational agreements between Space Florida and BAE. Although the proposed facility can be used for commercial vessels, the primary vessel types to use the facility are U.S. Navy vessels including cruisers, destroyers, frigates and combat ships.

The extended lease is essential to BAE ability to finance the project and will allow BAE the ability to invest in a modern state of the art shiplift. Much of the current infrastructure on the site is WWII vintage and is reaching the end of its useful life. Modernization of the shipyard is crucial to the long-term viability of Naval maintenance, repair and operations in Jacksonville. There are only minor future proposed revisions to the docking facility that all fall within the area of the current state lands authorizations.

Delegation of Authority for Lease No. 161008809

A submerged land exchange is also requested for future improvements of the facility. The exchange will be for 7,263 square feet of sovereignty submerged land within the lease boundary for a parcel of conservation land or privately-owned submerged land of equal or greater size and value within Duval County; however, the exchange parcel has not been selected and approved in time to be presented today. The 7,263 square feet of sovereignty submerged land is needed to construct a required reinforced bulkhead and fill area. This bulkhead and fill area are a key component for the overall operational success for the facility.

In order to meet time constraints associated in the procurement of competitively bid U.S. government military contracts, the obtainment of historic cost competitive interest rates associated with the financing of capital improvements of the facility, and potential increase of the Navy’s need for warship readiness, BAE is requesting authority be delegated to the Secretary of the Department, or designee, to approve the exchange once the parcel is selected. The parcel will be reviewed and approved by the Division of State Lands according to all applicable rules and statutes and the exchange must be completed on or before December 31, 2022.

Noticing

The lease modification request was noticed to property owners within a 500-foot radius of the project, pursuant to Rule 18-21.004(1)(m), F.A.C. Two property owners were specifically noticed, and no objections were received.

Item 7, Cont.

(See Attachment 7, Pages 1-34)

RECOMMEND APPROVAL, SUBJECT TO THE SPECIAL LEASE CONDITIONS

Item 8 Harbour Cay Club, Inc. Lease/ Determination

REQUEST: Consideration of (1) an after-the-fact application for a five-year sovereignty submerged lands lease containing 51,154 square feet, more or less, for an existing private multi-slip docking facility; and (2) a determination that authorizing long-term liveaboards is not contrary to the public interest.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Monroe

APPLICANT: Harbour Cay Club, Inc., a Florida not-for-profit corporation
Lease No. 440024905
Site No. 218917

LOCATION: 1466 Overseas Highway, Marathon
Gulf of Mexico

CONSIDERATION: \$9,556.41, representing (1) \$9,535.11 as the annual lease fee for 51,154 square feet computed at the base rate of \$0.1864 per square foot, pursuant to Rule 18-21.011(1)(a)1., F.A.C.; and (2) \$21.30 as the one-time 25 percent surcharge payment for the 457 square foot additional area. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable.

On September 3, 2019, the Applicant paid \$12,226.07 for the annual lease fee assessed on 50,697 square feet via a Temporary Use Agreement (TUA), including \$2,280.98 as a one-time 25 percent surcharge payment for the 50,697 square feet. On August 20, 2020, the Applicant paid \$9,910.21 for the annual lease fee assessed on 50,697 square feet via a TUA Addendum. On August 16, 2021, the Applicant paid \$10,230.52 for the annual lease fee, which includes applicable taxes, via a TUA Addendum. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable.

STAFF REMARKS: The project is required to demonstrate that it is “not contrary to the public interest,” pursuant to Article X, section 11 of the Florida Constitution, chapter 253, F.S., and Rule 18-21.004(1)(a), F.A.C. The Applicant has provided reasonable assurance that the proposal will maintain essentially natural conditions; will not significantly impact fish and wildlife and other natural resources, including public recreation and navigation; and will not interfere with the riparian

Item 8, Cont.

rights of adjacent property owners. Therefore, the Department of Environmental Protection (Department) is of the opinion that the proposal is “not contrary to the public interest,” and otherwise meets all applicable requirements for a proprietary authorization to use sovereignty submerged lands.

Background

In 1985, the former Department of Natural Resources, under delegation of authority, approved the Applicant’s application for a Grandfather Structure Registration pursuant to Rule 16Q-21 (now 18-21), F.A.C. The Grandfather Structure Registration expired on January 1, 1998. Since that time, the Department has worked with the Applicant to bring the docking facility under lease. Delays in bringing the docking facility under lease resulted in part from the complicated ownership, the historic dredging and filling of this site, the demand for surveyors in Monroe County, and delays caused by various storms and hurricanes.

There has been docking activity, including liveboards, at this location since the 1940’s. Dredging and filling of the site has occurred at various times since the 1950’s. In 1968, the Board of Trustees issued Disclaimer No. 24899 for a portion of the Applicant’s riparian upland property and a portion of the submerged lands at the site.

On January 23, 2019, the Department, under delegation of authority, issued Certificate No. 42059 (5019-44) for a portion of the Applicant’s riparian upland property.

On August 27, 2019, and September 15, 2020, the Department and the Applicant entered into TUA’s for 50,697 square feet. After the second TUA was entered, the Applicant submitted a survey and legal description meeting the Department’s requirements showing the proposed lease contains 51,154 square feet. On August 19, 2021, the Department and the Applicant entered into a TUA Addendum for 51,154 square feet. The TUA grants the Applicant temporary authorization for the docking facility while pursuing Board of Trustees’ approval for the proposed lease. The current TUA expires on August 27, 2022.

On July 20, 2021, the Department’s Bureau of Survey and Mapping reviewed the Applicant’s survey for the pending submerged lands lease application and determined that it meets the Department’s survey requirements.

On August 26, 2021, the Department conducted a site inspection. No violations were found on site.

Project Detail

The Applicant is requesting consideration of an after-the-fact application for a five-year sovereignty submerged lands lease containing 51,154 square feet, more or less, for an existing private multi-slip docking facility.

The docking facility has 24 designated permanent slips and four temporary undesignated slips within the lease area for members’ dinghies and recreational boats. Boat slips in designated slips range in size from 41 feet to 71 feet, accommodating both powerboats and sailboats. The docking facility will

Item 8, Cont.

continue to be used by members of Harbour Cay Club, Inc. All designated permanent boat slips are available for liveaboard vessels owned by members of Harbour Cay Club, Inc. Vessel drafts are determined by water depths at the docking facility and the nearby navigation channel which has a depth of -6 feet mean low water. No additional boat slips or uses are proposed.

The Applicant is requesting the Board of Trustees issue a lease allowing liveaboard vessels to continue mooring at the docking facility longer than the time allowed in the standard lease condition for liveaboards. The Applicant states, since the 1960's, liveaboard vessels have moored at the docking facility on a year-round basis.

On August 12, 1999, the Board of Trustees approved a modification to Doctors Lake Marina, Inc., for a 25-year sovereignty submerged lands lease to, in part, allow liveaboards. The Board of Trustees approved the following special lease condition:

For purposes of this lease, the term 'liveaboard' is defined as a vessel docked at the facility and inhabited by a person or persons for any five consecutive days or a total of 10 days within a 30-day period, but in no event shall liveaboard status exceed six months within any 12-month period, nor shall such vessels constitute a legal or primary residence.

This language has been included as a standard condition in all submerged lands leases based upon the Board of Trustees direction in 1999.

Due to the Applicant having liveaboards prior to the determination by the Board of Trustees regarding Doctors Lake Marine, Inc., the Applicant would like to request to continue with the operation of liveaboards.

The Applicant provides operable and well-maintained permanent sewage pumpout facilities, whose installation was funded in part by a Department grant in 2014. The sewage pumpout facilities are connected to a central sewer system operated by the City of Marathon. The Applicant's upland facilities include a clubhouse with restrooms, kitchen, laundry, workshop, and storage.

Noticing

The lease request was not noticed to property owners within a 500-foot radius of the project, pursuant to the noticing exception in section 253.115(5)(g), F.S.

(See Attachment 8, Pages 1-6)

**RECOMMEND APPROVAL OF A LEASE WITH LONG-TERM LIVEBOARDS,
SUBJECT TO THE SPECIAL LEASE CONDITIONS**

Item 9 Florida Atlantic University/ Palm Beach State College Sublease/ Determination

REQUEST: Consideration of a request to (1) determine, pursuant to Rule 18-2.018(3)(a)1., F.A.C., that it is in the public interest to extend Sublease No. 2724-03 between Florida Atlantic University and Palm Beach State College for a term greater than 50 years; and (2) amend Sublease 2724-03 to extend to the year 2073.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Palm Beach

APPLICANTS: Florida Atlantic University (FAU) and Palm Beach State College (PBSC)

LOCATION: Section 7, Township 47 South, Range 43 East

STAFF REMARKS:

Background

Florida Atlantic University currently holds Board of Trustees Lease Number 2724, located on non-conservation lands, and developed for public educational purposes. The 99-year lease expires January 21, 2073. A portion of the lease area is subleased to PBSC, under Sublease No. 2724-03. The PBSC sublease, which expires December 11, 2045, is dedicated to the post-secondary education and workforce development needs of the residents and businesses of Palm Beach County, (the largest county, in geographic area, in the state of Florida). PBSC has only five locations to cover this large service area and its campus in Boca Raton is key to that mission. FAU has been a key partner as evidenced by its leasing land to Palm Beach State College on its Boca Raton campus.

Project Detail

PBSC is requesting an extension to their current sublease, to be co-terminus with FAU's Lease Number 2724. PBSC is seeking a term extension to secure funding for the construction of additional program facilities. The construction consists of a new joint-use science technology building, a multistory classroom building, as well as a 425-car parking structure. These improvements are necessary for PBSC to continue to meet its obligations to the residents of South Palm Beach County. These projects were included in PBSC's master plan and five-year Education Planned Survey. This survey was presented to and approved by the College's District Board of Trustees. PBSC, like all other public educational institutions in Florida, must comply with the State Requirements for Educational Facilities.

Public Interest

Pursuant to Rule 18-2.018(3)(a)1., F.A.C., the term of any sublease shall not exceed a maximum term of 50 years unless determined by the Board of Trustees to be in the public interest. The Department of Environmental Protection (Department) offers the following to assist the Board of Trustees in making affirmative determination that it is in the public interest to extend Sublease No. 2724-03 for a term greater than 50 years:

- The extended sublease term will assist PBSC in securing funding for needed capital improvements to support its faculty, students, and the residents of South Palm Beach County.

Item 9, Cont.

Comprehensive Plan

A local government comprehensive plan has been adopted for this area pursuant to section 163.3167, F.S. The Department has determined that the proposed action is not subject to the local planning process.

(See attachment 9, Pages 1-30)

RECOMMEND APPROVAL

Item 10 City of Pahokee/ JPDT Holdings Corporation Sublease/ Determination/ Fee Structure

REQUEST: Consideration of a request for (1) a determination that a private sublease between the City of Pahokee and JPDT Holdings Corporation is not contrary to the public interest; (2) approval of a bid to redevelop and operate the subleased premises for profit; and (3) approval of a ten (10) year sublease, with two, five (5) year renewal options, between the City of Pahokee and JPDT Holdings Corporation.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Palm Beach

APPLICANT: City of Pahokee (“City”)
Lease No. 3471

LOCATION: Sections 05, 08, 17 and 18, Township 42 South, Range 37 East; and Section 13, Township 42 South, Range 36 East

CONSIDERATION: During the first year of the proposed sublease, the City will receive payment of \$1. During year two, the City will receive \$3,500. During years three through five, the City will receive a percentage of gross annual revenues, initially as two percent and increasing by one percent, annually. After year five, the City shall receive five percent of the gross annual revenues. Grants obtained by the sublessee will not be considered as either income or an expense.

STAFF REMARKS: The City is requesting the Board of Trustees approve a sublease for 0.23 acres of Board of Trustees-owned lands to JPDT Holdings Corporation (“JPDT”) for redevelopment, revitalization, and management of a restaurant and tiki bar. The City is included in the South Central Rural Area of Opportunity and will greatly benefit from newly created jobs, refurbishment and revitalization of the premises, increased tourism, and economic growth.

Lease History

- On November 18, 1986, the Board of Trustees approved a 30-acre, 30-year upland lease (Lease No. 3471) to the City.

Item 10, Cont.

- Amendment No. 1 to Lease No. 3471 was approved June 2, 1994, under delegation of authority to add 16.49 acres to the lease area and incorporate three special lease conditions related to campsites and adding parking for trail users.
- Amendment No. 2 to Lease No. 3471 was approved August 23, 2001, under delegation of authority to extend the lease term to December 15, 2031.
- On October 30, 2001, the Board of Trustees approved a 30-year private sublease (Sublease No. 3471-01) between the City and Everglades Venture Company, LLC (“EVC”) for public outdoor recreation in conjunction with the Florida National Scenic Trail.
- On April 29, 2008, the Board of Trustees approved an amendment to extend the term of Lease No. 3471 between the Board of Trustees and the City for an additional 25 years through December 14, 2056; extend the term of Sublease No. 3471-001 between the City and EVC through December 14, 2056; an amendment of the Lease and Sublease to include additional lands; and, a waiver of the competitive bid requirements of Rule 18-2.018(2)(i), F.A.C., because the proposed sublease amendment was not contrary to the public interest.
- On January 31, 2012, the City and EVC agreed to terminate Sublease No. 3471-01.
- Lease No. 3471 is current and valid through December 14, 2056. The City pays an annual \$300 administrative fee and is current on lease fees.
- On December 3, 2019, the Board approved a sublease between the City and Everglades Reserve Holdings to operate the campground, restaurant, and marina. Said sublease was never executed.

Public Interest Determination

The existing restaurant and tiki bar are located on reclaimed lake bottom owned by the Board of Trustees. Pursuant to Rule 18-2.018(1), F.A.C., the decision to authorize the use of Board of Trustees-owned lands requires a determination that such use is not contrary to the public interest. The Department of Environmental Protection (Department) recommends the Board of Trustees find this sublease amendment not contrary to public interest because it complements and conforms to the City's management plan for the leased premises by:

- Providing continued and improved public access to Lake Okeechobee; and
- Promoting continued and improved public outdoor recreation via an enhanced restaurant experience overlooking Lake Okeechobee.

Sublease and Sublease Fee Consideration

Pursuant to Rule 18-2.018(2)(i) and 18-2.018(2)(k), F.A.C., equitable compensation for the use of uplands shall be required when such use will generate income for a private user and shall be on the basis of competitive bid. The City initiated an Invitation to Bid for a sublease of the restaurant and tiki bar, and on July 8, 2020, received one bid from JPDT.

Previously, the Board of Trustees has, on occasion, received compensation for subleases; this was typically adapted when the use was inconsistent with the original intent of the Board of Trustees. In

Item 10, Cont.

this case, the use is consistent with, and promotes, the Board of Trustees' original intent for the use of the property; therefore, the Board of Trustees will not receive compensation on this sublease, allowing the City to receive the rents and providing them an economic opportunity.

Should the sublease be approved, the term of the sublease shall initially be for ten (10) years and include two renewal options of five (5) years each. Annual fees due to the City are as follows:

Year 1	\$1.00/yr
Year 2	\$3,500/yr
Year 3	2% of Gross Annual Revenue
Year 4	3% of Gross Annual Revenue
Year 5	4% of Gross Annual Revenue
Year 6-10	5% of Gross Annual Revenue
Year 10-20*	5% of Gross Annual Revenue

**Rent for Years 10-20 are only applicable upon approval of sublease renewal option(s) by the City.*

Comprehensive Plan

A consideration of the status of the local government comprehensive plan was not made for this item. The Department has determined that the proposed sublease is not subject to the local government planning process.

Special Approval Condition

The sublease shall be fully executed by all parties, and consented to by the Department, within 18 months of receiving Trustees approval. Failure to fully execute said sublease within the specified timeframe voids the approval of the Trustees.

(See Attachment 10, Pages 1-5)

RECOMMEND APPROVAL, SUBJECT TO A SPECIAL APPROVAL CONDITION

Item 11 City of Jacksonville/ RD River City Brewery, LLC/ Partial Release of Restriction and Revocation/ Acceptance

REQUEST: Consideration of a (1) after-the-fact approval of a conveyance from the City of Jacksonville to RD River City Brewery, LLC; (2) approval of a Partial Release of Restriction and Right of Revocation from Board of Trustees’ Deed No. 23152 for approximately 0.124-acres; and (3) acceptance of Deed Restriction and Right of Revocation from the City of Jacksonville.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Duval

APPLICANTS: RD River City Brewery, LLC (RCB) and City of Jacksonville (City)

Item 11, Cont.

LOCATION: Section 44, Township 2 South, Range 26 East

CONSIDERATION: Parcel-for-parcel deed restriction with \$24,000 in cash boot to be deposited into the Internal Improvement Trust Fund.

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY
		Langham
		<u>(12/11/2021)</u>
BOT	0.124	\$412,000 (Deed Restriction and Reversion Rights)
City of Jacksonville	0.117	\$388,000 (Deed Restriction and Reversion Rights)

STAFF REMARKS:

Background

On August 3, 1962, the Board of Trustees deeded a parcel of filled land along the St. Johns River to the City in Board of Trustees’ Deed No. 23152. The deed contains restrictive covenants which limit use for public purposes only and require prior Board of Trustees’ approval for any sale, lease, or conveyance of the land described in said deed. On September 5, 1985, the Board of Trustees approved, as required by the deed, an upland lease from the City of Jacksonville to Harbormasters Restaurant and a resolution finding that such use was consistent with the public purpose restriction contained in the deed. On July 1, 1986, the Board of Trustees approved a request by the City and Harbormasters Restaurant to expand the lease area to include the riparian shoreline to facilitate restaurant related construction and to allow the lessee to apply for a sovereignty, submerged land lease for a marina. On August 24, 1993, the Board of Trustees approved an upland lease to River City Brewing Company. The lease was terminated, and property conveyed to RCB on August 2, 2021, a portion of said conveyance is subject to the Deed Restriction for public purpose use.

Current Request

RCB and the City desire to partially release the public purpose and the sell, lease, convey restriction from 0.124 acres of property owned by RCB. RCB proposes to develop the property as an expansion of St. John’s River Park that encompasses Friendship Fountain. The development will include approximately 335 class “A” apartments, riverfront swimming pool, courtyard and deck, a 3,500 square foot fitness center, bike/kayak storage, a 535 space parking garage with dedicated public spaces, and other recreational and club rooms for use by the residents. In addition, a park-front restaurant with outdoor dining will be constructed that will be modeled after Glass & Vine in Coconut Grove.

To ensure there is no loss of dedicated public use lands, the City agrees to place the same deed restriction on adjacent City-owned property, in exchange for said partial release.

The Department of Environment Protection (Department) is recommending the Board of Trustees retroactively approve the conveyance to RCB and reallocate the referenced restrictions, from a portion of RCB property to a portion of City owned lands. The current area owned by the City is an existing public park and the placement of a public purpose covenant will ensure said purposes, in perpetuity, for the benefit and use by the general public.

Item 11, Cont.

Deed Restriction

The following language from Board of Trustee’ Deed No. 23152 dated August 3, 1962 shall be applied to a 0.117-acre parcel of City-owned land:

“That said premises shall be used for public purposes only.”

“This conveyance is made subject to the restrictive covenant that the City of Jacksonville, by its acceptance of the grant contained herein, agrees and obligates itself not to sell or convey the land described herein without prior formal approval by the Trustees of the Internal Improvement Fund of the State of Florida of such sale, lease or conveyance and, in the event such sale, lease or conveyance is consummated in accordance with this provision, then and upon the happening of such event, the City of Jacksonville agrees and is hereby obligated to use the proceeds derived from any such sale, lease or conveyance only for a municipal or other public purpose formally approved by the said Trustees.”

Comprehensive Plan

A consideration of the status of the local government comprehensive plan was not made for this item. The Department has determined that the proposed partial release and acceptance of deed restriction is not subject to the local government planning process.

(See Attachment 11, Pages 1-6)

RECOMMEND APPROVAL

Item 12 BOT/ RSBC Real Estate Company, LLLP Exchange Agreement/ Determination

REQUEST: Consideration of (1) a determination, pursuant to Article X, section 11 of the Florida Constitution and Rule 18-21.004(1)(a), F.A.C., that an exchange of 6,789 square feet, more or less, of sovereignty submerged lands in Lake Worth Lagoon is in the public interest; and (2) an exchange agreement to convey the 6,789 square feet, more or less, of sovereignty submerged filled lands for 6,789 square feet, more or less, of privately-owned submerged lands owned by RSBC Real Estate Company, LLLP.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Palm Beach

APPLICANT: RSBC Real Estate Company, LLLP

LOCATION: 4200 North Flagler Drive
West Palm Beach 33407

Item 12, Cont.

CONSIDERATION: Parcel-for-parcel

	SQUARE <u>FEET</u>	APPRAISED BY Holden (10/22/21)	APPROVED <u>VALUE</u>	EXCHANGE <u>VALUE</u>	CLOSING <u>DATE</u>
<u>PARCEL</u> RSBC	6,789	\$24,000	\$24,000	\$24,000	90 days after BOT approval
BOT	6,789	\$24,000	\$24,000	\$24,000	

STAFF REMARKS: RSBC Real Estate Company, LLLP has requested an exchange of 6,789 square feet, more or less, of privately-owned submerged land for 6,789 square feet, more or less, of sovereignty submerged land in Lake Worth Lagoon.

Background

The Applicant operates a commercial docking facility under BOT Lease No. 500007116, which expires October 25, 2031. The existing lease authorizes the preemption of 1,102,630 square feet. The Applicant applied for, and received, Butler Act Disclaimer No. 30101 (4722-50), dated March 10, 2000, for 8,860 square feet of submerged lands (Butler Act area), mostly surrounded by the existing lease area. The Applicant is proposing to exchange 6,789 square feet, more or less, from its Butler Act area and privately owned lands that were dredged from uplands for 6,789 square feet, more or less, of sovereignty submerged filled lands.

Project Details

When the property was acquired by the Applicant, it had an uneven shoreline. The Applicant obtained a Department permit that, among other things, authorized the Applicant to straighten the uneven shoreline by dredging, filling, and installing the new bulkhead. Pursuant to the terms of the Department permit, fill was placed behind the new bulkhead in slivers of formerly submerged land, and upland areas were dredged to make or enlarge slips. Some of the fill from the dredged upland was used to fill sovereignty lands and privately-owned submerged lands that were behind the new bulkhead.

The Applicant is requesting an exchange of 6,789 square feet, more or less, of sovereignty submerged filled lands for 6,789 square feet, more or less, of privately-owned submerged lands in order to correct the existing plat and update the sovereignty submerged land lease to be consistent with the Department permit. If the Board of Trustees approves the Applicant’s request: (1) the Board of Trustees will convey, by quitclaim deed, the 6,789 square feet, more or less, of sovereignty submerged filled lands to the Applicant; and (2) the Applicant will convey by special warranty deed the 6,789 square feet, more or less, of privately-owned submerged lands to the Board of Trustees.

Constitutional and Rule Requirements

Pursuant to Article X, section 11 of the Florida Constitution and Rule 18-21.004(1)(a), F.A.C., the Board of Trustees may convey sovereignty lands if determined by the Board of Trustees to be in the public interest. The Department offers the following to assist the Board of Trustees in making an affirmative determination that the exchange is in the public interest:

Item 12, Cont.

- The Board of Trustees will receive title to privately-owned submerged lands that lie in open water;
- This exchange will more effectively align the privately-owned submerged lands to make lease compliance review easier for both the Applicant and the Department; and
- This exchange will match what was approved in the Applicant’s August 16, 2006, Department permit.

Noticing

Pursuant to section 253.115, F.S., property owners within a 500-foot radius of the proposed exchange were specifically noticed and no objections were received.

Comprehensive Plan

A consideration of the status of the local government comprehensive plan was not made for this item. The Department has determined the proposed exchange is not subject to the local government planning process.

(See Attachment 12, Pages 1-65)

RECOMMEND APPROVAL

Item 13 U.S. Navy Conveyance/ Non-Conservation Base Buffering/ Determination

REQUEST: Consideration of (1) a determination that the conveyance of 8.4 acres of state-owned non-conservation land by sale, gift or exchange will provide a greater benefit to the public than its retention in Board of Trustees’ ownership, pursuant to Rule 18-2.018(3)(b)1.c., F.A.C.; and (2) approval to convey the approximately 8.4 acres of state-owned non-conservation land to the United States of America, Department of the Navy, Naval Support Activity Panama City, for military base buffering purposes pursuant to section 253.025(21)(c), F.S.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Bay

APPLICANT: United States of America, by and through the Department of the Navy,
Naval Support Activity (NSA) Panama City

LOCATION: Section 04, Township 04 South, Range 15 West

STAFF REMARKS: The Department received an inquiry from NSA Panama City about acquiring an 8.4-acre parcel of state-owned property situated immediately adjacent to the naval support base in Panama City. State ownership of the subject parcel prevents development along two sides of NSA

Item 13, Cont.

Panama City and creates a much-needed buffer from sensitive Research, Development, Testing, and Evaluation (RDT&E) mission areas, and training being conducted in Alligator Bayou. The bayou is a restricted access waterway located at NSA Panama City. The parcel has a retaining wall along the property boundary that raises the elevation by nearly 5 feet along portions of NSA Panama City’s fence, which provides a clear observation to sensitive RDT&E areas.

NSA Panama City

NSA Panama City is home to the Naval Surface Warfare Center, Panama City Division, which conducts RDT&E for the Navy’s newest ships and autonomous vehicles. Its major expertise is in engineering and scientific disciplines in the mission areas of mine warfare, expeditionary warfare, special warfare, and diving and life support. It is also home to the Naval Diving and Salvage Training Center, an all service dive school which instructs students in basic, specialized, and advanced fleet readiness training. The United States Coast Guard Panama City Search and Rescue Station also borders the subject parcel. The Coast Guard Station is home to five tenant commands, including two Coast Guard cutters; these commands utilize Alligator Bayou.

With reductions in defense spending, and the possibility of a future Base Realignment and Closure (BRAC), any incompatible development, and noise or pollution complaints could make any of Florida’s military bases vulnerable to BRAC action. NSA Panama City employs approximately 4,000 military and civilian personnel, with a payroll of more than \$460 million. It supports 19 tenant commands with a wide range of military missions with an annual economic impact of approximately \$600 million to the local area. NSA Panama City is also home to the 30,000-square-foot United States Department of Veteran’s Affairs Outpatient Clinic, which treats veterans from northwest Florida and southern Alabama. In 2020, NSA Panama City added the Navy’s next generation Landing Craft Air Cushion 100 to its fleet of Research and Development platforms. NSA Panama City has evolved over the years to meet the demanding requirements of the Navy, which is to “Defend today and plan for tomorrow” in response to constantly changing national needs.

Acquisition Background

The 8.4-acre parcel was acquired in 2017 as a Tier 1 priority parcel in the Department of Economic Opportunity/Florida Defense Support Task Force’s Military Base Protection Program. The program originated in the 2012 Legislative Session, becoming chapter 288, F.S., to assist Florida’s military bases with any potential encroachment challenges from incompatible development that may require the base to alter its mission. There was no provision in the original statute to convey the acquired property to the military, so in the spring of 2018, the Florida Legislature amended section 253.025, F.S., to authorize the Board of Trustees to convey land acquired under the Military Base Protection Program at less than appraised value to the military installation. Any conveyance at less than appraised value requires the land to revert to the Board of Trustees if the land is not used as a military base buffer.

Bay County was designated as the interim manager of the site for one year until the Navy could obtain a real property interest in the parcel. Priorities shifted the next year when, in October 2018, Hurricane Michael devastated the Panama City area, causing catastrophic damage and an estimated \$4.7 billion

Item 13, Cont.

damage to nearby Tyndall Air Force Base. The COVID-19 pandemic followed in 2020, again redirecting priorities for the County and Navy.

Project Detail

On August 2, 2021, the Navy contacted the Department to reopen discussions on donating the property to the Navy. The property’s retaining wall, which surrounds the raised site, is now leaning over onto base fencing and is need of extensive repairs. The existing structures on the property are also in need of ongoing maintenance that the Navy can provide if it receives real property interest of the 8.4 acres. The Navy will maintain the site as encroachment mitigation and as a security buffer to protect the sensitive military operations at NSA Panama City.

Statutory and Rule Requirements

Pursuant to section 253.025(21)(c), F.S., the Board of Trustees is authorized to convey land acquired under chapter 288, F.S., at less than appraised value to military installations. Rule 18-2.018(3)(b)1.c., F.A.C., authorizes the Board of Trustees to determine that conveying a parcel by sale, gift, or exchange provides a greater benefit to the public than its retention in the Board of Trustees’ ownership. The Department is recommending the Board of Trustees convey the parcel to the Navy at no cost and offers the following to assist the Board of Trustees in making the determination:

- The parcel is of greater public benefit to the Navy for buffering Alligator Bayou, which is a restricted access waterway located at NSA Panama City.
- The parcel will be conveyed with a deed restriction limiting the use of the property to military uses, or it shall revert at the option of the Board of Trustees pursuant to section 253.025(21)(d), F.S.
- Conveying the parcel by gift will enable the Navy to obtain the real property interest needed to begin maintaining the parcel as a base buffer.

Comprehensive Plan

A consideration of the status of the local government comprehensive plan was not made for this item. The Department has determined that surplus land actions are not subject to the local government planning process.

(See Attachment 13, Pages 1-7)

RECOMMEND APPROVAL

Item 14 Douglas J. Miller, Sr and Catherine D. Miller and Douglas J Miller, Jr and Sarah B. Miller Option Agreements/ Conservation Easement/ Lake Wales Ridge Ecosystem Florida Forever Project

REQUEST: Consideration of (1) two option agreements to acquire conservation easements over approximately 354 acres within the Lake Wales Ridge Ecosystem Florida Forever project from Douglas J. Miller, Sr and Catherine D. Miller and Douglas J Miller, Jr and Sarah B. Miller; and (2) designation of the Florida Department of Environmental Protection, Office of Environmental Services, as the monitoring agency.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTY: Highlands

LOCATION: Section 10, Township 35 South, Range 28 East

CONSIDERATION: \$1,469,100

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED VALUE</u>	<u>SELLER'S PURCHASE PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>OPTION DATE</u>
		<u>String (01/06/22)</u>	<u>Jonas (01/06/22)</u>				
Miller Sr.	217	\$1,050,000	\$995,000	\$1,050,000	\$1,085,000*	\$900,550** (86%)	120 days after BOT approval
Miller Jr.	137	\$665,000	\$635,000	\$665,000	\$685,000*	\$568,550** (86%)	120 days after BOT approval
Total	354			\$1,715,000		\$1,469,100	

*Both sellers purchased the properties in 2019.

**\$4,150 per gross acre.

STAFF REMARKS: The subject property is located within the Lake Wales Ridge Ecosystem Florida Forever project, ranked number two in the Florida Forever Critical Natural Lands project category, approved by the Board of Trustees on May 4, 2021. The project contains 67,167 acres, of which 37,600 acres have been acquired or are under agreement to be acquired.

Project Description

The Lake Wales Ridge Ecosystem Florida Forever project consists of separate sites along the Lake Wales Ridge which are intended to be part of a system of managed areas that conserve the character, biodiversity, and biological function of the ancient scrubs of the Ridge. The sites contain the best remaining examples of unprotected ancient scrub as well as lakefront, swamps, black water streams, pine flatwoods, seepage slopes, hammocks, and sandhills. The project is the last opportunity to protect the highest concentration of narrowly endemic scrub plants and animals on the Lake Wales Ridge, many in jeopardy of extinction. The project lies within a wildlife corridor of the Florida Ecological Greenways Network.

Property Description

The proposed conservation easements will encumber two subject properties, owned by the Miller family, totaling 354 acres in north-western Highlands County near the city of Sebring. The subject

Item 14, Cont.

properties are contiguous to Highlands Hammock State Park (HHSP) on its entire northern boundary and Haw Branch Creek traverses diagonally through both tracts. The properties are within the Everglades Headwaters National Wildlife Refuge and Conservation Area, which is a mosaic of seasonally wet grasslands, longleaf pine savannas, and cattle ranches that sustains one of the most important assemblages of imperiled species in the southeast United States. Both subject properties contain improved pasture, forested wetland slough and mature pine forest.

Separated by County Road 635, a large golf course community is located immediately west of the subject properties as well as additional residential development along the southern and eastern boundaries. The proposed conservation easements will provide a valuable buffer to HHSP by permanently limiting development, while allowing the landowners to continue their agriculture business.

Prohibited Uses

Under the proposed conservation easements, both subject properties will be restricted in perpetuity by the provisions of the easement, a summary of which includes, but is not limited to, the following prohibited uses:

- Dumping of trash, waste, hazardous materials, and soil will be prohibited;
- Exploration by the grantor for and extraction of oil, gas, minerals, peat, muck, limestone, etc., by means of surface exploratory and extractors operations will be prohibited, except as reasonably necessary to combat erosion or flooding, or except as necessary and lawfully permitted for the conduct of permitted activities;
- Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife preservation will be prohibited, unless needed for maintenance as provided in the easement;
- Acts or uses detrimental to the preservation of any historical, or archaeological area, will be prohibited;
- The removal, destruction, cutting, trimming, mowing, alteration, or spraying with biocides of trees, shrubs, or other natural vegetation will be prohibited, unless needed for conservation purposes, as provided in the easement under Article V;
- There shall be no planting of nuisance exotic or non-native plants;
- Commercial and industrial activities will be prohibited, except as may be incidental to the exercise of grantor's reserved rights, as specifically provided for in Article V;
- New construction or placing of temporary or permanent structures or buildings on the property will be prohibited except as may be necessary for maintenance, normal operation or emergency situations, or as permitted in Article V;
- Construction of new roads or jeep trails will be prohibited, except as associated with agricultural activities allowed under the provisions of Article V of the easement;
- The operation of motorized vehicles will be prohibited except on established trails and roads unless (1) necessary to protect or enhance the conservation values of the subject properties; (2) for emergency purposes; (3) cattle ranching purposes; and (4) retrieve game hunted legally;
- Current agricultural uses shall not be converted to more intense agricultural uses and Natural Areas shall remain Natural Areas;

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- Agricultural activities shall not occur within a 100-foot buffer around sinkholes and other karst features that are connected to spring conduits.
- Actions or activities that may be expected to adversely affect threatened or endangered species is prohibited;
- Subdivision of the subject properties is prohibited, except as provided in the easement under Article V;
- Signs, billboards, or outdoor advertising is prohibited except signs designating the subject properties as conservation lands protected by the state of Florida;
- There shall be no commercial water wells on the subject properties;
- There shall be no commercial timber harvesting on the subject properties; and
- There shall be no mitigation banks established on the subject properties.

Owner's Rights Retained

The proposed conservation easements will allow each owner to retain certain rights. The summary of owners' rights includes, but is not limited to, the following:

- The easement runs with the land and will be included in any sale of each of the subject properties;
- The right to observe, maintain, photograph, fish, hunt, and introduce and stock native fish or wildlife, to use the property for non-commercial, passive, resource-based recreation not inconsistent with the purpose of the easement. In addition, the owner reserves hunting and fishing rights related to the property and may lease and sell privileges of such rights;
- The right to conduct controlled or prescribed burns with proper authorization;
- The right to mortgage the subject properties; provided, however the Mortgagee's lien shall be inferior to and lower in priority than this easement;
- The right to contest tax authority;
- The right to continue to use, maintain, repair, and reconstruct, but not relocate or enlarge all existing buildings, roads, ponds ditches and other improvements as depicted on the Baseline Documentation Report (BDR);
- The right to construct or reconstruct additional agricultural structures for agricultural operation not to exceed 10,000 cumulative square feet. In addition to the foregoing, grantor may add one Cowpen as well as new fencing to improved pasture areas for the management of the grantor's cattle operation;
- The right to exclusive use of the improvements as depicted on the BDR;
- The right to continue existing agricultural practices, as depicted in the BDR, and the use of commonly accepted fertilizers, pesticides, and herbicides using best management practices (BMP);
- The right to host on the subject properties relocated endangered or threatened species;
- Grantor reserves the right to engage in properly permitted wetland restoration and enhancements;
- The right to maintain a commercial cattle operation;
- The right to engage in silviculture in the agriculture areas per the BDR, however there shall be no harvesting of tress in any wetlands as identified in the BDR;

Item 14, Cont.

- The right to subdivide the subject properties into one lot for each residence allowed in the easement and each lot shall be no less than 30 acres; and
- The right to construct two (2) residential structures, along with access driveways and associated outbuildings. Each residential area shall be limited to 12,000 square feet of impervious surface and the residential and outbuilding impacts shall be limited to 2.5 (Miller Jr.) and 5 (Miller Sr.) contiguous acres each.

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 the Department of Environmental Protection (Department) the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

A title insurance policy and environmental site evaluation will be provided by the buyer prior to closing.

Monitoring Agency

Pursuant to section 259.032(7)(d), F.S., the Department’s Division of State Lands (DSL) staff recommends that the Board of Trustees designate the DSL’s Office of Environmental Services (OES) as the monitoring agency for this site. The site will be managed as a conservation easement in perpetuity. OES currently monitors 138 conservation easements for 262,058 acres.

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 14, Pages 1- 95)

RECOMMEND APPROVAL

Item 15 Gem Land Company Option Agreement/ Conservation Easement/ Managing Agency Designation/ Management Policy Statement Confirmation/ Red Hills Conservation Florida Forever Project

REQUEST: Consideration of (1) an option agreement to acquire a conservation easement over approximately 4,132 acres within the Red Hills Conservation Florida Forever project from Gem Land Company; (2) designation of the Florida Department of Environmental Protection, Office of Environmental Services, as the monitoring agency; and (3) confirmation of the management policy statement.

Item 15, Cont.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTIES: Jefferson and Leon

LOCATION: Sections 27 and 34, Township 03 North, Range 03 East; Sections 05 and 06, Township 02 North, Range 04 East; Sections 01, 02, and 12, Township 02 North, Range 03 East; Sections 31 through 33, Township 03 North, Range 04 East; and Sections 25, 26, 35 and 36, Township 03 North, Range 03 East

CONSIDERATION: \$4,675,000

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED VALUE</u>	<u>SELLER'S PURCHASE PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>OPTION DATE</u>
		<u>(Albright)</u>	<u>(Griffith)</u>				
Gem Land Company	4,132	\$4,959,000	\$4,958,000	\$4,959,000	\$*	\$4,675,000** (94%)	120 days after BOT Approval

*Property was assembled over multiple years.
**\$1,131 per acre.

STAFF REMARKS: The subject property is located within the Red Hills Conservation Florida Forever project, ranked number six in the Florida Forever Less-Than-Fee category, approved by the Board of Trustees on May 4, 2021. The project contains 16,951 acres and this will be the first purchase in the project area.

Project Description

The Red Hills Conservation Florida Forever project includes lands in three plantations in Jefferson and Leon Counties and is located within the Red Hills region. The Red Hills region is characterized by rolling uplands, isolated lakes, and depressional wetlands. Upland vegetation primarily resembles the upland pine natural community, although much of this area was altered historically to support agriculture. This area contributes to maintenance of surface wetlands and groundwater recharge functions, provides for wildlife habitat, sustainable forestry and wildlife corridors. The project lies within a wildlife corridor of the Florida Ecological Greenways Network, as well as the recently approved Northwest Florida Sentinel Landscape.

Property Description

The 4,132-acre subject property, known as Norias Plantation, has been used for agriculture and recreation hunting since the early 1900's. Located within northwestern Jefferson and northeastern Leon Counties, it is north of and adjacent to the 5,280-acre Mays Pond Plantation Conservation Easement and is within the Wakulla and Wacissa Basin Management Action Plans. The subject property has approximately three miles of frontage along the northeastern shore of Lake Miccosukee.

Acquiring a less-than-fee protection over the subject property would increase the protection of Florida's biodiversity at the species, natural community, and landscape levels; protect, restore and maintain the quality and natural functions of land, water, and wetland systems of the Red Hills region;

Item 15, Cont.

ensure that sufficient quantities of water are available to meet the current and future needs of the natural systems and citizens of the state; preserve significant archaeological or historic sites; and increase the amount of natural forest land available to sustainable management of natural resources.

Prohibited Uses

Under the proposed conservation easement, the subject property will be restricted in perpetuity by the provisions of the easement, a summary of which includes, but is not limited to, the following prohibited uses:

- Dumping of trash, waste, hazardous materials, and soil will be prohibited;
- Exploration for and extraction of oil, gas, minerals, peat, muck, marl, limestone, etc., by means of surface exploratory and extractor operations, except as reasonably necessary to combat erosion or flooding, or except as necessary and legally permitted for the conduct of permitted activities;
- Activities that will be detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation unless otherwise provided in this easement;
- Acts or uses detrimental to the preservation of any historical or archaeological significance, will be prohibited;
- There shall be no planting of nuisance exotic or non-native plants;
- Commercial or Industrial activities will be prohibited, except as may be incidental to the exercise of grantor’s reserved rights as specifically provided for in Article V;
- New construction or placing of temporary or permanent structures or buildings on the subject property will be prohibited except as may be necessary by Grantor for maintenance or normal operations of the property or during emergency situations;
- Construction or creation of new roads or jeep trails will be prohibited;
- No operation of motorized vehicles except on established trails and roads unless necessary to protect, maintain or enhance the conservation purposes of this easement; for emergency purposes; and to hunt and retrieve game that has been hunted legally;
- Current agricultural uses shall not be converted to more intense agricultural uses and Natural Areas shall remain Natural Areas;
- Actions or activities that may be expected to adversely affect threatened or endangered species are prohibited;
- Subdivision of the subject property is prohibited, except as may otherwise be provided in this easement;
- Signs, billboards, or outdoor advertisements are prohibited, except direction, postal or posted signs. Grantee may erect and maintain signs designating the property as land under the protection of Grantee;
- No cutting of cypress trees anywhere on the subject property;
- No commercial water wells on the subject property; and
- There shall be no mitigation banks established on the subject property;

Owner’s Rights Retained

The proposed conservation easement will allow the owner to retain certain rights. The summary of owner’s rights includes, but is not limited to, the following:

Item 15, Cont.

- The easement runs with the land and will be included in the sale of the subject property;
- The right to observe, maintain, photograph, introduce and stock fish or wildlife, to use the property for non-commercial passive research-based recreation not inconsistent with the purpose of the easement, bicycling, and horseback riding, so long as the same do not constitute a danger to Grantee’s employees, agents, officers, directors and invitees, and so long as such activities do not violate any of the prohibitions applicable to the property or Grantee’s rights;
- Grantor reserves, and shall continue to own, the hunting and fishing rights on, or related to, the subject property, including the right to construct, locate and maintain temporary structures typically used for hunting that result in no surface alteration, so long as said structures do not cause adverse impacts to the conservation values of the property and Grantor may lease and sell privileges of such rights;
- The right to conduct controlled or prescribed burning with proper state and local authorization;
- The right to mortgage the property; provided, however, that the Mortgagee’s lien shall be inferior to and lower in priority than this easement;
- The right to contest tax authority;
- The right to continue to use, maintain, repair, and reconstruct, but not to relocate, all existing buildings, barns, dog pens, outbuildings, fences, roads, ponds, drainage ditches, and such other facilities on the subject property as depicted in the Baseline Documentation Report (BDR). Facilities requiring replacement may be increased in size no larger than 125% percent of the original structure it replaces on the BDR;
- The right to exclusive use of the improvements per the BDR;
- The right to continue existing agricultural practices as depicted in the BDR and the use of commonly accepted fertilizers, pesticides and herbicides, so long as Grantor uses agricultural best management practices;
- The right to host on the subject property relocated endangered or threatened species;
- The right to subdivide the subject property for sale or other disposition by Grantor into a total of eight (8) lots. Each lot shall not be less than 200 acres;
- The right to construct six (6) new residential areas on the subject property. Each residential area includes one (1) single family residence, along with access driveways and appropriate-sized related outbuildings, which shall be limited to no more than 15,000 total square feet of impervious surface. Each residential area shall be located upon no more than 10 contiguous acres;
- The right to construct one new hunting cabin on the subject property, along with access driveway. The hunting cabin shall be limited to 1,500 square feet and shall only be used as temporary lodging. The new cabin impacts shall be limited to 2.5 contiguous acres;
- The right to provide utilities to and create or maintain “all weather” roads as depicted in the BDR, in order to provide utilities and ingress and egress to the outparcels within the perimeter of the property;
- The right to maintain existing food plots for game and wildlife as depicted in the BDR;
- The right to maintain, and construct perimeter fencing of the subject property to protect the property from trespassing and to assist Grantor in the management of the property;
- The right to construct, use, maintain, repair, and reconstruct, one (1) dock on the shoreline of Lake Miccosukee. Grantor shall comply with all applicable federal, state and local laws and regulations governing the installation and maintenance of the dock;

Item 15, Cont.

- The right to operate and maintain existing impoundments (duck ponds) for waterfowl habitat management including planting, draining, and refilling subject to legally required permits and regulations. The right to construct, use, maintain, repair, and reconstruct, one (1) impoundment, not to exceed 50 acres, in the areas depicted in the BDR; and
- The right to participate in programs or projects that benefit from, enhance and/or manage the environmental attributes or permissible agricultural uses of the subject property and which may also be of economic benefit to the Grantor.

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 the Department the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

A title insurance commitment, environmental site assessment, and a baseline documentation report, and survey will be provided by the buyer prior to closing.

Monitoring Agency

Pursuant to section 259.032(7)(d), F.S., the Department’s Division of State Lands (DSL) staff recommends that the Board of Trustees designate the DSL’s Office of Environmental Services (OES) as the monitoring agency for this site. The site will be managed as a conservation easement in perpetuity. OES currently monitors 138 conservation easements for 262,058 acres.

Management Policy Statement

Section 259.032(7)(d), F.S., requires that the Board of Trustees, current with its approval of the initial acquisition agreement within a project, evaluate and amend, as appropriate, the management policy statement for the project as provided by section 253.035, F.S., consistent with the purposes for which the lands are acquired. The Department recommends that the Board of Trustees confirm the management policy statement as follows:

As a proposed conservation easement or other less-than-fee interest, the subject property will be managed by the private landowner with restrictions under the agreement. The purchase of the development rights, the prohibition of any further conversion of existing natural areas to agriculture uses and limited public access will likely be the primary focus of the conservation easement.

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 15, Pages 1-55)

RECOMMEND APPROVAL

Item 16 Lykes Bros., Inc. Option Agreement/ Conservation Easement/ Fisheating Creek Ecosystem Florida Forever Project

REQUEST: Consideration of an option agreement to acquire a conservation easement over approximately 6,864 acres within the Fisheating Creek Ecosystem Florida Forever project from Lykes Bros., Inc.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTY: Glades

LOCATION: Sections 04, 05, 08 through 10, 15, 16, 21 through 23, 25 through 27, 35 and 36, Township 41 South, Range 29 East; Section 31, Township 41 South, Range 30 East; Section 01, Township 42 South, Range 29 East; and Sections 05 through 09, 16 and 17, Township 42 South, Range 30 East

CONSIDERATION: \$10,600,000

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY		<u>APPROVED VALUE</u>	SELLER'S PURCHASE PRICE	TRUSTEES' PURCHASE PRICE	OPTION DATE
		Holden (08/04/21)	String (08/04/21)				
Lykes Bros., Inc.	6,864	\$13,042,000	\$13,700,000	\$13,700,000	\$ *	\$10,600,000** (77%)	120 days after BOT Approval

*Property was assembled over 75 years.

**\$1,544 per acre.

STAFF REMARKS: The subject parcel is located within the Fisheating Creek Ecosystem Florida Forever project, ranked number one in the Florida Forever Less-Than-Fee project category, approved by the Board of Trustees on May 4, 2021. The project contains 190,739 acres, of which 75,390 acres have been acquired or are under agreement to be acquired.

Project Description

Fisheating Creek, the only undammed tributary to Lake Okeechobee, flows through vast prairies and flatwoods primarily owned by Lykes Bros., Inc. The Fisheating Creek Ecosystem project will acquire both less-than-fee and fee-simple property to help preserve this natural land, which links the Okaloacoochee Slough, Big Cypress Swamp, Babcock-Webb Wildlife Management Area, and Lake Okeechobee. This project will also help to ensure the survival of the Florida panther, swallow-tailed kite, as well as protect many other rare and endangered animals and a number of migratory bird species. The project lies within a wildlife corridor of the Florida Ecological Greenways Network.

The project meets the Florida Forever measures of using alternatives to fee-simple acquisitions while increasing the protection of Florida's biodiversity at the species, natural community and landscape levels; protecting, restoring and maintaining the quality and natural functions of land, water and wetland systems of the state; ensuring that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state; increasing natural resource-based public recreation or educational opportunities; preserving significant archaeological or historic

Item 16, Cont.

sites; and increasing the amount of forestland available for sustainable management of natural resources.

A landscape connection with other conservation lands, including federal ownership, ensures longevity for a wide range of species, including the Florida panther, and provides opportunities for wetlands and water shed protection.

Property Description

This area has been designated by the US Fish and Wildlife Service as part of the Primary Dispersal/Expansion Area for the federally listed endangered Florida panther. The proposed conservation easement is an 11-mile-long and one-mile-wide wildlife corridor around Chaparral Slough, a tributary to Cypress Branch. The subject property provides habitat for an ecological greenway and aquifer recharge. Serving as a primary and secondary zone for the federally endangered Florida panther, numerous records of panther use, as well as other rare and threatened plants and animals, have been noted throughout the subject property. Increasing the conservation land footprint provides habitat critical to panther recovery and their long-term survival. The subject property has been used for cattle ranching, silviculture, and hunting. It includes more than 1,500 acres of pine plantation and more than 700 acres of eucalyptus plantation.

The conservation easement will permanently limit development, while allowing the landowner to continue their agriculture business; provide recreational hunting; enhance ecotourism; and protect a major water recharge area. 7L Resources, LLC, owns subsurface rights below, and certain rights of use over, the subject property and will join in the conservation easement and subordinate those rights to the terms of the conservation easement.

Prohibited Uses

Under the proposed conservation easement, the subject property will be restricted in perpetuity by the provisions of the easement, a summary of which includes, but is not limited to, the following prohibited uses:

- Dumping of trash, waste, hazardous materials, and soil will be prohibited;
- Exploration by the grantor for and extraction of oil, gas, minerals, peat, muck, limestone, etc., by means of surface exploratory and extractors operations will be prohibited, except as reasonably necessary to combat erosion or flooding, or except as necessary and lawfully permitted for the conduct of permitted activities;
- Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife preservation will be prohibited, unless needed for maintenance as provided in the easement;
- Acts or uses detrimental to the preservation of any historical, or archaeological area, will be prohibited;
- The removal, destruction, cutting, trimming, mowing, alteration, or spraying with biocides of trees, shrubs, or other natural vegetation will be prohibited, unless needed for conservation purposes, as provided in the easement under Article V;
- There shall be no planting of nuisance exotic or non-native plants;

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- Commercial and industrial activities will be prohibited, except as may be incidental to the exercise of grantor’s reserved rights, as specifically provided for in Article V;
- New construction or placing of temporary or permanent structures or buildings on the property will be prohibited except as may be necessary for maintenance, normal operation or emergency situations, or as permitted in Article V;
- Construction of new roads or jeep trails will be prohibited, except as associated with agricultural activities allowed under the provisions of Article V of the easement;
- The operation of motorized vehicles will be prohibited except on established trails and roads unless (1) necessary to protect or enhance the conservation values of the property; (2) for emergency purposes; (3) cattle ranching purposes; and (4) retrieve game hunted legally;
- Current agricultural uses shall not be converted to more intense agricultural uses and Natural Areas shall remain Natural Areas;
- Actions or activities that may be expected to adversely affect threatened or endangered species is prohibited;
- Subdivision of the subject property is prohibited, except as provided in the easement under Article V;
- Signs, billboards, or outdoor advertising is prohibited except signs designating the subject property as conservation lands protected by the state of Florida;
- There shall be no commercial water wells on the subject property; and
- There shall be no mitigation banks established on the subject property.

Owner’s Rights Retained

The proposed conservation easement will allow the owner to retain certain rights. The summary of owner’s rights includes, but is not limited to, the following:

- The easement runs with the land and will be included in any sale of the subject property;
- The right to observe, maintain, photograph, fish, hunt, and introduce and stock native fish or wildlife, to use the property for non-commercial, passive, resource-based recreation not inconsistent with the purpose of the easement. In addition, the owner reserves hunting and fishing rights related to the subject property and may lease and sell privileges of such rights;
- The right to conduct controlled or prescribed burns with proper authorization;
- The right to mortgage the subject property; provided, however the Mortgagee’s lien shall be inferior to and lower in priority than this easement;
- The right to contest tax authority;
- The right to continue to use, maintain, repair, and reconstruct, but not relocate or enlarge all existing buildings, roads, ponds ditches and other improvements as depicted on the Baseline Documentation Report (BDR). Any existing facilities requiring replacement may be increased in size no larger than 125% of the original structure it replaces as per the BDR;
- The right to exclusive use of the improvements as depicted on the BDR;
- The right to continue existing agricultural practices, as depicted in the BDR, and the use of commonly accepted fertilizers, pesticides, and herbicides using best management practices (BMP);

Item 16, Cont.

- The right to construct or reconstruct additional agricultural structures for agricultural operation not to exceed 10,000 cumulative square feet;
- The right to cultivate and harvest hay and sod and plant and harvest row crops in the existing agricultural areas. No more than 25% of the existing agriculture area may be converted to row crops in a calendar year and no more than 25% of the improved pasture or hay area may be harvested for sod and row crops in a calendar year;
- The right to engage in silviculture in the agriculture areas per the BDR;
- There shall be no harvesting in the natural areas per the BDR;
- The right to harvest landscape, medicinal and ornamental plants in the agricultural areas per BMPs;
- The right to harvest alligator eggs only with authorization from Florida Fish and Wildlife Conservation Commission;
- The right to host on the subject property relocated endangered or threatened species;
- Grantor reserves the right to engage in properly permitted wetland restoration and enhancements;
- The right to maintain a commercial cattle operation;
- The right to rezone, subdivide and construct two (2) residential structures, along with access driveways and each homesite shall be limited to 35,000 square feet of impervious surface;
- The right to subdivide the subject property into one lot for each residence allowed in the easement and each lot shall be no less than 20 acres; and
- Grantor reserves the right to participate in programs that provide environmental enhancements to the subject property.

Mortgages and Liens

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

Closing Information

A title insurance commitment, environmental site assessment, survey, and a baseline documentation report will be provided by the purchaser prior to closing.

Monitoring Agency

The subject property will be monitored by Department's Office of Environmental Services (OES). OES currently monitors 138 conservation easements for 262,058 acres.

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 16, Pages 1-53)

RECOMMEND APPROVAL

Item 17 Monroe County Comprehensive Plan Land Authority Option Agreement/ Florida Keys Ecosystem Florida Forever Project/ Delegation

REQUEST: Consideration of (1) an option agreement to acquire 2.85 acres within the Florida Keys Ecosystem Florida Forever project from the Monroe County Comprehensive Plan Land Authority; and (2) an increase in the authority currently delegated to the Secretary of the Department of Environmental Protection, or designee, to approve contracts and agreements to purchase land up to \$1,000,000 consistent with the threshold amount in section 253.025(4)(b), F.S.

VOTING REQUIREMENT FOR APPROVAL: Request (1) Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting. Request (2) Three votes.

COUNTY: Monroe

LOCATION: Section 28, Township 66 South, Range 28 East

CONSIDERATION: \$540,000

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>VALUE</u>	<u>SELLER'S APPROVED PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>PURCHASE DATE</u>
		<u>(09/14/21)</u>	<u>(09/14/21)</u>				
Monroe Co. Comp. Plan Land Authority	2.85	\$600,000	\$600,000	\$600,000	\$600,000*	\$540,000** (90%)	120 days after BOT approval

*Property was acquired by Monroe County on November 5, 2021.

**\$189,474 per acre.

STAFF REMARKS: The subject property is located within the Florida Keys Ecosystem Florida Forever project, ranked number one in the Florida Forever Climate Change Lands project category, which was approved by the Board of Trustees on May 4, 2021. The project contains 13,580 acres, of which 7,733 acres have been acquired or are under agreement to be acquired.

Project Description

The unique hardwood hammocks of the Florida Keys, and forests of West Indian plants that shelter several extremely rare animals, are being lost to the rapid development of these islands. Public acquisition of property in the Florida Keys Ecosystem (FKE) project will protect all the significant unprotected hardwood hammocks left in the Keys, and many rare plants and animals. Acquisitions in this project will also help protect the Outstanding Florida Waters of the Keys, the recreational and commercial fisheries, the reefs around the islands, and give residents and visitors more areas for enjoying the natural beauty of the Keys. Additionally, State, Federal and County efforts to preserve bird habitat and pristine natural areas has made the Florida Keys known world-wide as a birding destination.

Property Description

The subject property will be an addition to the Florida Keys Wildlife and Environmental Area for passive recreation. The subject property is 2.85 acres, more or less, and estimated to have eleven development rights. The subject property also consists of almost an acre of rockland hammock, a

Item 17, Cont.

globally imperiled upland habitat rich in biodiversity, and is under constant development pressure. The subject property includes buttonwood wetlands, salt marsh, mangrove wetlands, and provides habitat for multiple bird species including the gray kingbird, mangrove cuckoo, white crowned pigeon, bald eagle, osprey Antillean night hawk, and various migrating songbirds and hawks. The property below the mean high-water line will be conveyed to the Board of Trustees to clear the title, however, it is not part of the purchase price.

Area of Critical State Concern

The FKE project is located in an area designated as an Area of Critical State Concern, pursuant to section 380.0552, F.S. This designation requires state and local governments to focus on the protection of resources and public facilities of major statewide significance. Part of the legislative intent for this designation was to ensure that the population of the Florida Keys could safely be evacuated before a hurricane event. These natural areas also provide a buffer to the developed areas from wind and storm surge. The acquisition of this subject property will prevent future development and help continue efforts to sustain hurricane evacuations to under 24 hours.

Florida Keys Stewardship Act

The 2016 Florida Keys Stewardship Act (Act) established a partnership between the State and County to signify the importance of land acquisition and water quality projects in the Florida Keys nearshore waters and lands as critical to the delicate ecosystem. The Act acknowledges the importance of this collaboration in prioritizing Florida Forever acquisition parcels in the Keys.

Memorandum of Agreement

Pursuant to the Act, the Department Environmental Protection's (Department) Division of State Lands and Monroe County entered into a Memorandum of Agreement (MOA) dated August 16, 2017, to pursue and acquire parcels in Monroe County. The MOA specifies the terms and conditions under which the County and its agent, the Monroe County Land Authority, can assist the Department in the acquisition of lands in the Florida Keys. All parcels closed under this agreement will be titled in the name of the Board of Trustees of the Internal Improvement Trust Fund of the state of Florida. Expenses incurred from products ordered will be reimbursed by the Department to Monroe County. This MOA has been extended until June 30, 2022.

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 Department the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, Department staff will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

A title insurance policy and an environmental site evaluation will be provided by the buyer prior to closing.

Item 17, Cont.

Management Agency

The subject property will be managed by Florida Fish and Wildlife Conservation Commission as part of the Florida Keys 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.

Delegated Authority

Section 253.025(4)(b), F.S., provides for the Department to review and approve agreements to acquire real property for the purposes described in Chapter 253, 259, 260 and 375 except when:

1. the purchase price exceeds the maximum approved value,
2. the purchase price exceeds \$1 million,
3. the purchase is the initial purchase in a Florida Forever project, or
4. other conditions adopted in rule such as nonmarketable title or encumbered in such a way as to significantly affect management.

On April 5, 2011, the Board of Trustees delegated the authority to the Secretary of the Department, or designee, as follows:

Unless the acquisition is the initial purchase within a project, approve contracts for purchases of parcels and/or conservation easements having (1) a purchase price of up to \$250,000, unless the purchase price agreed to by the seller exceeds the value established by the rules of the BOT; and (2) a purchase price between \$250,000 and \$500,000 provided the purchase price is 90% or less of the value established by the rules of the BOT.

Prior to negotiating for any conservation parcel, the property must be vetted through the Acquisition and Restoration Council review and approval process to be recommended for the Florida Forever Project List (List). The List is then subject to Board of Trustees approval before negotiations can begin using the acquisition process guided by established rules and statutes for consistency. During 2020 and 2021, 23 acquisition items were presented to the Board of Trustees by the Department and approved. All were acquired using the identical acquisition process but seven of the items, or approximately 30 percent, could have been approved under the authority being requested.

Over the past 11 years, the Department has exercised this authority judiciously and notified the Board of Trustees when a delegated authority has been used. The Department is now requesting this authority be increased to approve any contracts for purchase of parcels and/or conservation easements for \$1,000,000 or less, to be consistent with the threshold amount in section 253.025(4)(b), F.S. The new delegated authority to the Secretary of Department, or designee, would be as follows:

Unless the acquisition is the initial purchase within a project, approve contracts for purchases of parcels and/or conservation easements having a purchase price of no more than \$1,000,000, or unless the purchase price agreed to by the seller exceeds the value established by the rules of the BOT.

Item 17, Cont.

(See Attachment 17, Pages 1-29)

RECOMMEND APPROVAL

Item 18 Alachua Conservation Trust, Inc. Option Agreement/ Strategic Managed Area Lands List Florida Forever Project/ Survey Waiver

REQUEST: Consideration of (1) an option agreement to acquire approximately 160 acres within the Strategic Managed Area Lands List Florida Forever project and the River Rise Preserve State Park from Alachua Conservation Trust, Inc.; and (2) the authority to waive the survey requirement, pursuant to Rule 18-1.005, F.A.C.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTY: Columbia

LOCATION: Section 20, Township 07 South, Range 17 East

CONSIDERATION: \$1,190,943

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Albright (2/10/21)	APPROVED <u>VALUE</u>	SELLER'S PURCHASE <u>PRICE</u>	TRUSTEES' PURCHASE <u>PRICE</u>	OPTION <u>DATE</u>
Alachua Conservation Trust, Inc.	160	\$1,281,000	\$1,281,000	\$1,190,943*	\$1,190,943** (93%)	120 days after BOT Approval

*The seller purchased the property on September 20, 2021.

**\$7,443 per gross acre

STAFF REMARKS: The subject property is located within the Strategic Managed Area Lands List (SMALL) Florida Forever project, ranked number eight in the Florida Forever Critical Natural Lands project category, approved by the Board of Trustees on May 4, 2021. The project contains 11,898 acres, of which 326 acres have been acquired or are under agreement to be acquired.

Project Description

The SMALL Florida Forever project, sponsored by the Department of Environmental Protection (Department), Division of Recreation and Parks (DRP), the Department's Office of Greenways and Trails, the Department of Agricultural and Consumer Services, Florida Forest Service, and the Florida Fish and Wildlife Conservation Commission, is a collection of parcels statewide that would augment or improve management of existing state-managed conservation lands, if acquired. The parcels included in this project have been identified as part of the optimum management boundary within the approved management plans of ten state parks, seven trail corridors, ten state forests, and seven wildlife management/environmental areas.

Item 18, Cont.

Property Description

Located six miles north of High Springs in southern Columbia County, the subject property is a strategic inholding of the River Rise Preserve State Park (RRPSP). The subject property is located within the Santa Fe River Basin and is approximately a half-mile north of the Santa Fe River. RRPSP's name is derived from it being where the Santa Fe River rises to the surface after having traveled underground for some distance beneath the adjacent O'Leno State Park.

Preservation of this important hydrologically and ecologically rich parcel is critical for the overall protection of the regional water supply as well as the entire Floridan Aquifer. Keeping the subject parcel in its undeveloped natural state aids in the sustainability of the water resource by restricting development, preserving natural systems, and promoting water retention and aquifer recharge.

Acquiring the subject property will allow for better management by eliminating a one-mile-long access easement that traverses through a natural areas and remove conflicting land uses within the RRPSP, greatly assist with the application of prescribed fire across the landscape, allow for better control of exotic species, preserve archaeological resources and sensitive karst features, and expand recreational opportunities. The opportunity to acquire this critical inholding will ensure the integrity and enjoyment of RRPSP for generations to come.

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 the Department the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

A title insurance policy, and environmental site evaluation will be provided by the buyer prior to closing.

Survey Waiver

It is the opinion of the Department's Bureau of Survey and Mapping that the available boundary information is sufficient to reasonably protect the public's interest, and any additional benefit derived from a survey is minimal relative to cost. Therefore, a waiver of the requirement for a survey of the property is being requested pursuant to Rule 18-1.005, F.A.C.

Management Agency

The subject property will be managed by the Department's, Division of Recreation and Parks as part of the River Rise Preserve State Park.

Item 18, Cont.

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 18, Pages 1-26)

RECOMMEND APPROVAL

Item 19 The Trust for Public Land Option Agreement/ Pumpkin Hill Creek Florida Forever Project

REQUEST: Consideration of an option agreement to acquire 241 acres within the Pumpkin Hill Creek Florida Forever project from The Trust for Public Land.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTY: Duval

LOCATION: Sections 22, 23 and 38, Township 01 North, Range 28 East

CONSIDERATION: \$5,800,000

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY		<u>APPROVED</u> <u>VALUE</u>	SELLER’S <u>PURCHASE</u> <u>PRICE</u>	TRUSTEES’ <u>PURCHASE</u> <u>PRICE</u>	OPTION <u>DATE</u>
		Ryan (12/21/21)	Phipps (12/21/21)				
George L. Ogilvie Trust et al	241	\$6,291,000	\$5,825,000	\$6,291,000	\$*	\$5,800,000** (92%)	120 days after BOT approval

**Seller has the option to acquire the property. Property has been in the family since the 1840’s.

**\$24,066 per acre.

STAFF REMARKS: The subject property is located within the Pumpkin Hill Creek Florida Forever project, ranked number 25 in the Florida Forever Partnerships and Regional Incentives project category, approved by the Board of Trustees on May 4, 2021. The project contains 24,757 acres, of which 12,654 acres have been acquired or are under agreement to be acquired.

Project Description

As a remnant of relatively intact natural communities in the urban landscape of Duval County, the Pumpkin Hill Creek project protects upland to the Nassau River – St. Johns River Marshes Aquatic Preserve, an Outstanding Florida Water that supports a significant commercial and recreational fishery. The project contains nearly pristine maritime hammock in addition to sandhill and large areas of scrubby flatwoods of diverse quality, wet flatwoods, and salt marsh. It provides habitat for

Item 19, Cont.

several rare species and contains two colonial wading bird rookeries, one of which is used by the federally endangered wood stork. Manatees frequent both the St. Johns and Nassau Rivers and move into tidal creeks, such as the adjacent Hill Creek and Clapboard Creek.

There is a high threat of development in this area, and it has been a challenge to balance the threat of urban development with the natural and cultural resources. The cultural resource value of this project is high with fourteen known archaeological sites within the project, including the ruins of the 19th century Fitzpatrick Plantation house.

Property Description

Due to the landowner's timing, The Trust for Public Land (TPL) is acquiring the subject property, along with an additional 104 acres from the Ogilvie Family Trust, with partnership funding from the City of Jacksonville. TPL intends to sell the 241-acre subject property to the Board of Trustees and the additional 104-acre property to the National Park Service that is adjacent to the southern boundary of the subject property.

The subject property is located along the east and west sides of Sawpit Road on Black Hammock Island in Duval County. The subject property has historically been utilized for silviculture and recreational purposes and currently consists of mostly young timber. The subject property has 1.2 miles of Sawpit Road frontage and was vested and approved for a Planned Unit Development in 2006. The City of Jacksonville has partnered with TPL to protect this property from development.

There are four known archaeological sites on the subject property listed on the Florida Master Site File and are potentially eligible for listing in the National Register of Historic Places. These sites contain an archaeological record of human history dating back to at least 4,000 years during pre-Columbian life in northeastern Florida.

The conservation lands in this area are known as the Seven Creeks Recreation Area, which includes Pumpkin Hill Creek Preserve State Park. This area is a 5,600-acre collaboration of seven creeks surrounded by seven preserves and parks managed by local, state, and federal governments, and local non-profit organizations.

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 Department of Environmental Protection (Department) the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

A title insurance policy, survey, and environmental site evaluation will be provided by the buyer prior to closing.

Item 19, Cont.

Management Agency

The property will be managed by the Department’s Division of Recreation and Parks as part of the Pumpkin Hill Creek Preserve 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 19, Pages 1-53)

RECOMMEND APPROVAL

**Item 20 Alycia Boudreau and Darien Gallian, Jacquelyn Tate Doyle, Lanvers Venture, LLC
Option Agreements/ Wakulla Springs Protection Zone Florida Forever Project**

REQUEST: Consideration of three (3) option agreements to acquire 313.4 acres within the Wakulla Springs Protection Zone Florida Forever project from Alycia Boudreau and Darien Gallian, Jacquelyn Tate Doyle, and Lanvers Venture, LLC.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTY: Wakulla

LOCATION: Sections 22, 23 and 26, Township 02 South, Range 01 West

CONSIDERATION: \$2,163,000 (If Federal Forest Legacy funding is approved, the Board of Trustees’ consideration would be reduced by up to a total of \$1,622,250. The Board of Trustees’ portion would be \$540,750 or 25 percent).

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Carlton (10/07/21)	<u>APPROVED VALUE</u>	<u>SELLER’S PURCHASE PRICE</u>	<u>TRUSTEES’ PURCHASE PRICE</u>	<u>OPTION DATE</u>
Boudreau and Gallian	95	\$807,500	\$807,500	\$*	\$713,000 ** (88%)	120 days after BOT approval
Doyle	101.7	\$762,750	\$762,750	\$*	\$697,500** (91%)	120 days after BOT approval
Lanvers Venture, LLC	116.7	\$846,000	\$846,000	\$*	\$752,500** (89%)	120 days after BOT approval
TOTAL	<u>313.4</u>		<u>\$2,416,250</u>		<u>\$2,163,000</u>	

*Sellers inherited the property.

**\$7,505, \$6,858 and \$6,448 per acre respectively.

Item 20, Cont.

STAFF REMARKS: The subject parcels are located within the Wakulla Spring Protection Zone Florida Forever project, ranked number three in the Florida Forever Partnerships & Regional Incentives project category, approved by the Board of Trustees on May 4, 2021. The project contains 8,890 acres, of which 5,324 acres have been acquired or are under agreement to be acquired.

Project Description

South of Tallahassee, Wakulla Springs – one of the largest and deepest artesian springs in the world – is now protected by a Wakulla Springs State Park (WSSP), but the enormous caverns that feed the spring spread far to the north and west of WSSP. The Wakulla Springs Protection Zone project will protect the spring by protecting land above the conduits that feed it, connect WSSP with the Apalachicola National Forest, and provide public areas for camping, hiking, and hunting. East of Tallahassee the Upper Lake Lafayette Aquifer Protection addition to the Wakulla Springs Protection Zone project will protect the sinkholes and seepages that also connect to Wakulla Springs and create a 373-acre passive recreation area. The project lies within the Florida Ecological Greenways Network, as well as the recently approved Northwest Florida Sentinel Landscape.

Property Description

The three subject parcels total approximately 313.4 acres and consist of planted pine, natural pine, and hardwood and provides habitat for native Florida species in the area, such as the southeastern fox squirrel, Florida black bear, bald eagle, and gopher tortoise.

These three acquisitions, along with four smaller parcels currently in negotiations, will enhance the proposed corridor to connect the Wakulla State Forest (WSF) north to south from the Leon-Wakulla County line south to the existing WSF. Preservation of the subject parcels will help provide an important linkage, additional public access and recreational opportunities within WSF, as well as protect vital water resources of Wakulla Springs, Wakulla River, St. Marks River and the Apalachee Bay estuary.

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 the Florida Department of Environmental Protection (Department) the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

A title insurance policy, survey and environmental site evaluation will be provided by the buyer prior to closing.

Management Agency

The property will be managed by Department of Agriculture and Consumer Services' Florida Forest Service, as part of the Wakulla State Forest.

Item 20, Cont.

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 20, Pages 1- 120)

RECOMMEND APPROVAL

Item 21 The Trust for Public Land Option Agreement/ Wolfe Creek Forest Florida Forever Project

REQUEST: Consideration of an option agreement to acquire 3,610 acres within the Wolfe Creek Forest Florida Forever project from The Trust for Public Land.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTY: Santa Rosa

LOCATION: Sections 14 through 17, 20 through 23, and 28 and 29, Township 03 North, Range 27 West

CONSIDERATION: \$9,476,250 (If Federal Forest Legacy funding is approved, the Board of Trustees’ consideration would be reduced by up to \$2,900,000. If the Knobloch Family Foundation funding is approved, the Board of Trustees’ consideration would be reduced by \$1,800,000. The Board of Trustees’ portion would be \$4,776,250 or 50 percent).

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED VALUE</u>	<u>SELLER’S PURCHASE PRICE</u>	<u>TRUSTEES’ PURCHASE PRICE</u>	<u>OPTION DATE</u>
		<u>(01/05/22)</u>	<u>(01/05/22)</u>				
Kingfisher Timber, LLC	3,610	\$10,469,000	\$9,925,000	\$10,469,000	\$14,458,800*	\$9,476,250** (91%)	120 days after BOT approval

*Seller has the option to acquire the property. Kingfisher Timber, LLC acquired the property March 9, 2017 as part of a larger acquisition.

**\$2,625 per acre. The approved value and purchase price may be adjusted up or down based on the final surveyed acreage.

STAFF REMARKS: The subject property is located within the Wolfe Creek Forest Florida Forever project, ranked number 19 in the Florida Forever Critical Natural Lands project category, approved by the Board of Trustees on May 4, 2021. The project contains 10,139 acres, of which 9,800 acres have been acquired or are under agreement to be acquired.

Item 21, Cont.

Project Description

The Wolfe Creek Forest project is located in central Santa Rosa County, near Milton, Florida, between Blackwater River State Forest (BRSF) to the east and Whiting Field Naval Air Station (Navy) to the southwest. This project shares 5.7 miles of its southern boundary with two disjunct tracts of the state forest forming a connection between all three tracts. Within it, runs 35 miles of streams that feed into Big Coldwater Creek and Big Juniper Creek, two major tributaries of the Blackwater River. According to the Florida Master Site File, the project has 12 archaeological sites, two of which are historic, including the Wolfe Creek Mill and ten are prehistoric.

Most of the project is in various states of managed pine plantation in areas that historically supported upland pine forest and sandhills. There are wetlands that include seepage and blackwater streams and associated bottomland forest, floodplain swamps and bay galls. The upland natural communities include a few small areas of mesic flatwoods and mesic hammock. The project lies within the Florida Ecological Greenways Network, as well as the recently approved Northwest Florida Sentinel Landscape.

Property Description

The subject property is part of a large-phased-landscape acquisition partnership between the Department of Environmental Protection (Department) and others. Phase I was a partnership between the Department and the Navy and was completed in 2016. Phase II and III were partnerships with Forest Legacy, Santa Rosa County and the Navy and then donated to the Board of Trustees for final ownership and management in 2018. Phase IV-A was acquired by the Board of Trustees, with Florida Forever funds, in 2021 and IV-B was acquired through a partnership between Forest Legacy, Santa Rosa County and Navy and then donated to the Board of Trustees. Phases I through IV consists of over 6,100 acres of land, totaling a purchase price of over \$13 million with Florida Forever contributions of just over \$5 million, all managed by BRSF.

The subject property is adjacent to the BRSF and provides a southern connection along Red Rock Road and Munson Highway original BRSF boundary to the newly acquired BRSF, Phase IV-A and Phase IV-B. The property is currently utilized as a timber and hunting tract. The headwaters to Wolfe Creek are located north of the subject property and were acquired last year in a previous acquisition. This proposed acquisition is important as it provides an east-west corridor connection from the BRSF to join Navy property and other state-owned conservation lands.

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 the Department the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

A title insurance policy, survey and environmental site evaluation will be provided by the buyer prior to closing. All hunting leases will be terminated prior to closing.

Item 21, Cont.

Management Agency

The subject property will be managed by the Department of Agriculture and Consumer Services, Florida Forest Service, as an addition to Blackwater River State Forest.

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 21, Pages 1-105)

RECOMMEND APPROVAL

Item 22 Indian Lagoon Oyster Corporation Aquaculture Lease

REQUEST: Approval to issue a new, 5-acre, ten-year sovereignty submerged land aquaculture lease to authorize use of the full water column.

VOTING REQUIREMENT FOR APPROVAL: Three votes

LOCATION: Indian Lagoon, Gulf County, Florida

APPLICANT: Indian Lagoon Oyster Corporation

CONSIDERATION: An annual fee of \$217.30 for the 5-acre lease parcel, representing a base annual rental fee of \$33.46 per acre or fraction thereof; and an annual surcharge of \$10.00 per acre or fraction thereof, pursuant to Rule 18-21.022, F.A.C. The annual fee and surcharge collected will be deposited in the General Inspection Trust Fund, pursuant to sections 597.010(5)(b) and (7), F.S.

STAFF REMARKS:

The requested lease parcel is approximately 5 acres and is located in Indian Lagoon, Gulf County. The Applicant is requesting authorization from the Board of Trustees, pursuant to section 253.68(1), F.S., for a new aquaculture lease for the purpose of culturing oysters in floating gear using the full water column.

The Applicant is a current holder of an Aquaculture Certificate of Registration and is in compliance with all applicable Department of Agriculture and Consumer Services' (FDACS) Aquaculture Best Management Practices. The proposed lease will be subject to the terms and conditions applied to other aquaculture leases issued throughout the state for the same purposes, including the provision that the transfer or sale of the lease will not be approved during the first five years of the lease term. Upon approval, the lease will be surveyed by the Applicant.

Item 22, Cont.

Agency Review

FDACS has conducted a resource assessment and determined that the proposed lease and associated aquaculture activities will not result in adverse impacts to seagrasses, existing shellfish beds, natural reefs, or other sensitive habitats. The proposed lease is not located in an aquatic preserve. Additionally, FDACS has coordinated review and comments of the proposed lease with the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Florida Department of State’s Division of Historical Resources, and the Gulf County Board of County Commissioners, pursuant to Rule 18-21.021, F.A.C.

Special Conditions

The proposed lease will be subject to the terms and conditions applied to other aquaculture leases issued throughout the state for the same purposes, including the provision that the transfer or sale of the lease will not be approved during the first five years of the lease terms. The requirement to obtain a permit from the USCG for Private Aids to Navigation will be a special condition of the lease. The proposed leases are located within Gulf Sturgeon critical habitat. Pursuant to FDACS’ Programmatic General Permit (SAJ-99, SAJ-2007-03138) Live Rock and Marine Bivalve Aquaculture in the State of Florida, Special Condition 16; the off-bottom basket methodology is prohibited on new leases within Gulf Sturgeon critical habitat, but the floating basket and suspended basket or longline methodologies are allowed for shellfish aquaculture. The Applicant is planning to use the floating basket method for shellfish production, so this activity will be covered under the Programmatic General Permit. The proposed gear is authorized under the FDACS general permit from the Army Corps of Engineers.

Public Interest

The proposed parcel is not in an aquatic preserve; therefore, the activity does not have to be found to be in the public interest. The project is, however, required to demonstrate that they are “not contrary to the public interest,” pursuant to Article X, section 11 of the Florida Constitution, chapter 253, F.S., and Rule 18-21.004(1)(a), F.A.C. Because the Legislature has declared aquaculture to be in the public interest, according to section 253.68(2)(a), F.S., FDACS is of the opinion that the activities meet the test of being “not contrary to the public interest” and otherwise meet all applicable requirements for a proprietary authorization to use sovereignty submerged lands.

Noticing

The proposed lease was noticed pursuant to section 253.70, F.S. and no objections were received.

Comprehensive Plan

A consideration of the status of any local government comprehensive plan was not made for this item. FDACS has determined that the proposed action is not subject to the local government planning process.

(See Attachment 22, Pages 1-22)

RECOMMEND APPROVAL

Item 23 Orchid Island Shellfish Company, Inc. Aquaculture Lease

REQUEST: Approval to modify a ten-year sovereignty submerged land aquaculture lease to allow use of the water column.

VOTING REQUIREMENT FOR APPROVAL: Three Votes

LOCATION: Indian River Malabar to Vero Beach Aquatic Preserve, Indian River Lagoon, Indian River County, Florida

APPLICANT: Orchid Island Shellfish Company, Inc.

CONSIDERATION: An annual fee of \$217.30, representing a base annual rental fee of \$33.46 per acre or fraction thereof; and an annual surcharge of \$10.00 per acre or fraction thereof, pursuant to Rule 18-21.022, F.A.C. The annual fee and surcharge collected will be deposited in the General Inspection Trust Fund, pursuant to sections 597.010(5)(b) and (7), F.S.

STAFF REMARKS

The Applicant is requesting consideration by the Board of Trustees to allow use of the full water column for a lease parcel in Indian River County, pursuant to section 253.68(1), F.S. The lease parcel is 5 acres in size and was approved as an aquaculture lease by the Board of Trustees on June 7, 1999. Utilizing water column racks or floating cages positions oysters in the most nutrient rich part of the water column, eliminates predation by the commonly found bottom oyster predators, and makes fouling of the cage and the oyster controllable.

The proposed lease modification and associated aquaculture activities will not result in adverse impacts to seagrasses, existing shellfish beds or natural reefs, or other sensitive habitats. The aquaculture lease modification is for use of the water column. All other existing standard lease conditions will remain unchanged. The Applicant is a current Aquaculture Certificate of Registration holder. The proposed lease will be subject to the terms and conditions applied to other aquaculture leases issued throughout the state for the same purposes, including the provision that the transfer or sale of the lease will not be approved during the first five years of the lease term.

Agency Review

FDACS has conducted a resource assessment and determined that the proposed lease modification and associated aquaculture activities will not result in adverse impacts to seagrasses, existing shellfish beds, natural reefs or other sensitive habitats. Additionally, FDACS has coordinated the review of the applications with the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Florida Department of State's Division of Historical Resources, and the Indian River County Board of County Commissioners, pursuant to Rule 18-21.021, F.A.C.

Special Conditions

The proposed lease will be subject to the terms and conditions applied to other aquaculture leases issued throughout the state for the same purposes, including the provision that the transfer or sale of

Item 23, Cont.

the lease will not be approved during the first five years of the lease terms. The requirement to obtain a permit from the USCG for Private Aids to Navigation will be a special condition of the lease.

Public Interest

The Florida Aquatic Preserve Act provides that no further sale, lease, or transfer of sovereignty submerged lands shall be approved within an aquatic preserve, unless the sale, lease, or transfer is in the public interest. The Aquatic Preserve Act specifically provides that “aquaculture is in the public interest and aquaculture leases may be authorized in aquatic preserves...” [section 258.42(1)(b), F.S.] Accordingly, FDACS recommends that the Board of Trustees find that the lease is in the public interest, as set forth in statute.

Noticing

The proposed lease modification was noticed pursuant to section 253.70, F.S., and no objections were received.

Comprehensive Plan

A consideration of the status of any local government comprehensive plan was not made for this item. FDACS has determined that the proposed action is not subject to the local government planning process.

(See Attachment 23, Pages 1-9)

RECOMMEND APPROVAL

Item 24 Calusa Oyster Company, LLC Aquaculture Lease

REQUEST: Approval to issue a new, 4-acre, ten-year sovereignty submerged land aquaculture lease to authorize use of the full water column.

VOTING REQUIREMENT FOR APPROVAL: Three votes

LOCATION: Lower Tampa Bay, Manatee County, Florida

APPLICANT: Calusa Oyster Company, LLC

CONSIDERATION: An annual fee of \$173.84 for the 4-acre lease parcel, representing a base annual rental fee of \$33.46 per acre or fraction thereof; and an annual surcharge of \$10.00 per acre or fraction thereof, pursuant to Rule 18-21.022, F.A.C. The annual fee and surcharge collected will be deposited in the General Inspection Trust Fund, pursuant to sections 597.010(5)(b) and (7), F.S.

Item 24, Cont.

STAFF REMARKS:

The requested lease parcel is approximately 4 acres and is located in Lower Tampa Bay, Manatee County. The Applicant is requesting authorization from the Board of Trustees, pursuant to section 253.68(1), F.S., for a new aquaculture lease for the purpose of culturing oysters in floating gear using the full water column.

The Applicant will be required to apply for an Aquaculture Certificate of Registration and comply with all Department of Agriculture and Consumer Services' (FDACS) Aquaculture Best Management Practices. The proposed lease will be subject to the terms and conditions applied to other aquaculture leases issued throughout the state for the same purposes, including the provision that the transfer or sale of the lease will not be approved during the first five years of the lease term. Upon approval, the lease will be surveyed by the Applicant.

Agency Review

FDACS has conducted a resource assessment and determined that the proposed lease and associated aquaculture activities will not result in adverse impacts to seagrasses, existing shellfish beds, natural reefs or other sensitive habitats. The proposed lease is located in the Terra Ceia Aquatic Preserve. FDACS has coordinated review and comments of the proposed lease with the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Florida Department of State's Division of Historical Resources, and the Manatee County Board of County Commissioners, pursuant to Rule 18-21.021, F.A.C.

Special Conditions

The proposed lease will be subject to the terms and conditions applied to other aquaculture leases issued throughout the state for the same purposes, including the provision that the transfer or sale of the lease will not be approved during the first five years of the lease terms. The requirement to obtain a permit from the USCG for Private Aids to Navigation will be a special condition of the lease.

Public Interest

The Florida Aquatic Preserve Act provides that no further sale, lease, or transfer of sovereignty submerged lands shall be approved within an aquatic preserve, unless the sale, lease, or transfer is in the public interest. The Aquatic Preserve Act specifically provides that "aquaculture is in the public interest and aquaculture leases may be authorized in aquatic preserves..." [Section 258.42(1)(b), F.S.] Accordingly, FDACS recommends that the Board of Trustees find that the lease is in the public interest, as set forth in statute.

Noticing

The proposed lease was noticed pursuant to section 253.70, F.S. and no objections were received.

Comprehensive Plan

A consideration of the status of any local government comprehensive plan was not made for this item. FDACS has determined that the proposed action is not subject to the local government planning process.

Item 24, Cont.

(See Attachment 24, Pages 1-30)

RECOMMEND APPROVAL

Item 25 Sarasota Bay Watch, Inc Aquaculture Management Agreements

REQUEST: Approval to issue a new, 4.5-acre, five-year sovereignty submerged land aquaculture management agreements to authorize use of the bottom for shellfish aquaculture restoration.

VOTING REQUIREMENT FOR APPROVAL: Three votes

LOCATION: Manatee County, Florida

APPLICANT: Sarasota Bay Watch, Inc.

CONSIDERATION: Pursuant to Rule 18-21.022(8), F.A.C., fees for experimental aquacultural activities on aquaculture management agreement areas for public, and nonprofit research institutions shall be waived by the Board upon proof of public or nonprofit status.

STAFF REMARKS:

The requested parcel is approximately 4.5 acres and is located in Sarasota Bay. The Applicant is requesting authorization from the Board of Trustees, pursuant to section 253.68(1), F.S., for a new aquaculture management agreement to conduct shellfish aquaculture restoration.

The Applicant will be required to apply for an Aquaculture Certificate of Registration and comply with all Department of Agriculture and Consumer Services' (FDACS) Aquaculture Best Management Practices. The proposed management agreement will be subject to the terms and conditions applied to other aquaculture management agreement issued throughout the state.

Agency Review

FDACS has conducted a resource assessment and determined that the proposed management agreement and associated aquaculture activities will not result in adverse impacts to seagrasses, existing shellfish beds, natural reefs or other sensitive habitats. Additionally, FDACS has coordinated the review of the applications with the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Florida Department of State's Division of Historical Resources, and the Manatee County Board of County Commissioners, pursuant to Rule 18-21.021, F.A.C.

Special Conditions

The proposed management agreement will be subject to the terms and conditions applied to other aquaculture management agreements issued throughout the state for the same purposes. The activities

Item 25, Cont.

proposed by the Applicant is authorized by our Programmatic General Permit with the Army Corps of Engineers.

Public Interest

The proposed parcel is not in an aquatic preserve; therefore, the activity does not have to be found to be in the public interest. The projects are, however, required to demonstrate that they are “not contrary to the public interest,” pursuant to Article X, Section 11 of the Florida Constitution, chapter 253, F.S., and Rule 18-21.004(1)(a), F.A.C. Because the Legislature has declared aquaculture to be in the public interest, according to section 253.68(2)(a), F.S., FDACS is of the opinion that the activities meet the test of being “not contrary to the public interest” and otherwise meet all applicable requirements for a proprietary authorization to use sovereignty submerged lands.

Noticing

The proposed management agreement was noticed pursuant to section 253.70, F.S., and no objections were received.

Comprehensive Plan

A consideration of the status of any local government comprehensive plan was not made for this item. FDACS has determined that the proposed action is not subject to the local government planning process.

(See Attachment 25, Pages 1-22)

RECOMMEND APPROVAL

Item 26 Carol Butt Waller Conservation Easement/ FDACS/ Rural and Family Lands Protection Program

REQUEST: Consideration of (1) an option agreement to acquire a perpetual conservation easement over approximately 501 acres within the Charlie Creek Cattle Company project of the Florida Department of Agriculture and Consumer Services’ Florida Forest Service (FDACS/FFS) Rural and Family Lands Protection Program (RFLPP) from Carol Butt Waller, also known as Carol Butt Waller Sanders; and (2) designation of FDACS/FFS as the monitoring agency.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

APPLICANT: Florida Department of Agriculture and Consumer Services’ Florida Forest Service

COUNTY: Hardee

LOCATION: Portions of Sections 29 and 30, Township 33 South, Range 27 East

Item 26, Cont.

CONSIDERATION: \$1,400,000 (\$700,000 of the acquisition costs may be provided through a grant from the United States Department of Agriculture, Natural Resources Conservation Service (NRCS))

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Clayton (01/08/21)	APPROVED <u>VALUE</u>	SELLER'S PURCHASE <u>PRICE</u>	TRUSTEES' PURCHASE <u>PRICE</u>	OPTION <u>DATE</u>
Carol Butt Waller aka Carol Butt Waller Sanders	501	\$2,520,000*	\$1,503,000	**	\$1,400,000*** (93.15%)	120 days after BOT approval

*Fee value was determined to be \$2,204,000

**Property was assembled over a number of years by the Sanders Family

***The Trustees' purchase price may be reduced to \$700,000 as a result of receiving an NRCS grant in the amount of \$700,000. The purchase price for the conservation easement is \$2,794.41 per acre.

STAFF REMARKS: This acquisition was negotiated by FDACS/FFS under its RFLPP. If approved, this project will be the fifty-fourth perpetual conservation easement proposed for acquisition, with a total of approximately 67,623 acres preserved under the RFLPP. The Charlie Creek Cattle Company project is ranked in Tier One on the RFLPP Acquisition List.

Property Description

The Charlie Creek Cattle Company property consists of 3,440 +/- acres in Hardee County, between Wauchula and Avon Park with frontage along Old Town Creek Road. The current RFLPP project site consists of approximately 501 acres and is just south of two previously acquired RFLPP easements within the Charlie Creek Cattle Company project. If this easement is approved, approximately 67% of the Charlie Creek Cattle Company RFLPP project will be protected. The project site has been enrolled in the FDACS BMP program since the program's beginning.

The ranch was acquired by Carol Sanders' grandfather, Mel Smith, who moved from Georgia and settled on the property in the early 1920's. The property has been managed by the family for the past 100 years as a commercial cow-calf operation with a herd of approximately 500 head of Brangus crossbred cattle and approximately 50 head of purebred Brahma cattle. The property contains a mix of improved pasture and native range, as well as bottomland hardwood natural areas and multiple wetland habitats, including an open marsh and wildlife travel corridors. Charlie Creek, a tributary of the Peace River, flows through the property for more than three miles. A platted subdivision has been established northeast of the property and phosphate mining is occurring north of the property.

The owner reports the presence of gopher tortoise (state-threatened), Sherman's fox squirrel (state species of special concern), burrowing owl (state species of special concern), and Florida sandhill crane (state-threatened). Some wide-ranging species that are cited in the application and may pass through the property include eastern indigo snake (federally-threatened) and swallow-tailed kite.

Prohibited Uses

- Dumping of non-biodegradable, toxic or hazardous substances, trash garbage, wastes, abandoned vehicles, appliances, machinery or similar material is prohibited;

Item 26, Cont.

- The exploration for and extraction of oil, gas, minerals, dolostone, peat, muck, marl, limestone, limerock, kaolin, fuller's earth, phosphate, common clays, gravel, shell, sand and similar substances either directly or indirectly by Grantor or on Grantor's behalf, etc. Limited mining is allowed to combat erosion or flooding, or for limited on-farm agricultural uses;
- Activities that affect the hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish and wildlife habitat, etc.;
- Planting of nuisance exotic or non-native plants as listed by the Exotic Pest Plant Council (EPPC) or its successor. The Grantor shall, to the extent practical, control and prevent the spread of nuisance exotics or non-native plants on the Property;
- Concentrated animal feeding operations as defined by the United States Environmental Protection Agency;
- New construction or placing of temporary or permanent buildings, mobile homes or other structures in, on or above the ground of the Property except as may be permitted hereinafter, or as necessary by Grantor for maintenance or normal operations of the Property or during emergency situations or as may otherwise be specifically provided for in the Easement;
- Construction or placing of roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the Easement, and except for linear facilities described in section 704.06(11), F.S. Grantee may erect and maintain signs designating the Property as land under the protection of Grantee;
- Fertilizer use for agriculture activities shall be in accordance with agricultural Best Management Practices (BMPs) recommended by the Natural Resources Conservation Service or the Florida Department of Agriculture and Consumer Services, whichever is more stringent, as those BMPs may be amended from time to time. No agricultural activities shall occur within a 100-foot buffer around sinkholes and other karst features that are connected to spring conduits, except as provided in the applicable BMPs;
- Actions or activities that may reasonably be expected to adversely affect threatened or endangered species;
- Any subdivision of the Property;
- Commercial water wells on the Property;
- Cutting of cypress trees anywhere on the Property;
- Mitigation banks pursuant to Section 373.4135, et. seq., Florida Statutes;
- Construction or conversion of Significant Natural Areas (SNAs) to more improved areas;
- Activities detrimental to the preservation of historical, architectural, archaeological, or cultural resources on the Property; and
- Conversion of forested areas to non-forested areas as shown in the Baseline Documentation Report (BDR) within the SNAs.

Owner's Rights

- Grantor has, and shall be deemed hereby to have retained, the underlying fee simple absolute title in the Property;

Item 26, Cont.

- The right to conduct agricultural operations on the Property; provided, however, that prior to any timbering in an SNA, Grantor shall provide written notice to and obtain approval from Grantee concerning reforestation and harvesting methods consistent with this Easement. The right to engage in cattle grazing on the existing Improved Pasture as set forth in the BDR, including the right to maintain, utilize, fertilize, and mow such pasture. Any and all agricultural uses shall be conducted in accordance with BMPs adopted by FDACS or applicable government agencies, or their successor agencies, as amended from time to time, and in compliance with all laws, rules and regulations.
- The right to conduct prescribed burning on the Property; provided, however, that Grantor shall obtain and comply with a prescribed fire authorization from the FDACS' FFS or its successor agency;
- The right to mortgage the Property; provided, however, that the Mortgagee's lien shall be inferior to and lower in priority than this Easement;
- The right to contest tax appraisals, assessments, taxes and other charges on the Property;
- The right to continue to use, maintain, repair, and reconstruct, all existing buildings, barns, animal pens, outbuildings, fences, roads, ponds, wells, utilities, drainage ditches and such other facilities on the Property as depicted in the BDR, except on SNAs;
- The right to sell, devise or otherwise transfer ownership of the Property to a third party. This right, however, does not include the right to sell the remaining property rights on the Property for the purposes of a conservation easement or other restriction that would divest the Property of its use under the terms and conditions of the Easement;
- The right to exclusive use of the improvements on the Property;
- Grantor shall obtain and comply with all permits for management of stormwater, for water wells and consumptive uses as may be required by the water management district or any successor agency having jurisdiction over those activities;
- The right to construct, after giving notice to Grantee, buildings or other structures incident to agricultural uses carried on in accordance with sound agricultural practices. Such buildings shall not be used as residences;
- The right to construct, after giving notice to Grantee, buildings or other structures incident to agricultural uses carried on in accordance with sound agricultural practices. Such buildings shall not be used as residences;
- Nothing shall prohibit Grantor from establishing (by survey, fencing or marking) and maintaining property lines around the perimeter of the Property to protect the Property from trespassing and to assist Grantor in the management of the Property in accordance with the Easement;
- The right to observe, maintain, photograph, introduce and stock native fish or wildlife on the Property, to use the Property for hiking, and horseback riding. Grantor reserves, and shall continue to own, the hunting and fishing rights on or related to the Property and Grantor may lease and sell privileges of such rights; and
- The right to install connections to normal utility systems, such as electric, cable, water and sewer, and telephone. If a connection to a sewer system is not available, this right shall include the right to install a septic system. The granting of easements or rights-of-way for power lines, gas lines,

Item 26, Cont.

sewer lines, waterlines, telecommunications towers, and wind farms is prohibited, unless by Grantee. Notwithstanding this prohibition, the Grantor may grant or modify easements for utility connections necessary to serve the permitted uses of the Property that are consistent with the Easements Purposes. Existing utilities may be repaired at their current location.

Encumbrances

All mineral interests on the project site will be extinguished prior to closing. There are no other known encumbrances on the property that adversely affect marketability, or the ability to enforce the rights granted under the easement.

Mortgages and Liens

All mortgages and liens will be satisfied or subordinated 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 these and any other title issues that arise prior to closing.

Closing Information

A title insurance commitment, a survey, and an environmental site assessment of the property will be provided by FFS prior to closing.

Monitoring Agency

This perpetual conservation easement will be monitored by the FFS.

Comprehensive Plan

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

(See Attachment 26, Pages 1-77)

RECOMMEND APPROVAL

Item 27 Todd Clemons Family, LLC Conservation Easement/ FDACS/ Rural and Family Lands Protection Program

REQUEST: Consideration of (1) an option agreement to acquire a perpetual conservation easement over approximately 932 acres within the Todd Clemons Unit 1 project of the Florida Department of Agriculture and Consumer Services' Florida Forest Service (FDACS/FFS) Rural and Family Lands Protection Program (RFLPP) from the Todd Clemons Family, LLC; and (2) designation of FDACS/FFS as the monitoring agency.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

Item 27, Cont.

APPLICANT: Florida Department of Agriculture and Consumer Services’ Florida Forest Service

COUNTY: Okeechobee

LOCATION: Portion of Sections 13, 24, 25, and 36, Township 35 South, Range 32 East.

CONSIDERATION: \$2,260,000 (\$2,000,000 of the acquisition costs may be provided through a grant from the United States Department of Defense, Readiness and Environmental Protection Initiative Program (REPI))

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Jonas (01/08/21)	APPROVED <u>VALUE</u>	SELLER’S PURCHASE <u>PRICE</u>	TRUSTEES’ PURCHASE <u>PRICE</u>	OPTION <u>DATE</u>
Todd Clemons Family, LLC	932	\$2,520,000*	\$2,520,000	**	\$2,260,000*** (89.68%)	120 days after BOT approval

*Fee value was determined to be \$4,660,000

**Property was assembled over a number of years by the Clemons Family

***The Trustees’ purchase price may be reduced to \$260,000 (11.50%) as a result of receiving an REPI grant in the amount of \$2,000,000. The purchase price for the conservation easement is \$2,424.89 per acre.

STAFF REMARKS: This acquisition was negotiated by FDACS/FFS under its RFLPP. If approved, this project will be the fifty-third perpetual conservation easement proposed for acquisition, with a total of approximately 67,122 acres preserved under the RFLPP. The Todd Clemons Unit 1 project is ranked in Tier One on the RFLPP Acquisition List.

Property Description

The Todd Clemons Unit 1 project is a fifth-generation cattle ranch located in the Kissimmee River basin in Okeechobee County approximately 3 miles northwest of the Town of Basinger. The project consists primarily of improved pasture. The project contains approximately 40 acres of wetlands with numerous creeks traversing the property and contributing to the flow of the Kissimmee River. The project site is adjacent to the recently acquired Micco Bluff Ranch RFLPP project.

The project site is enrolled in the FDACS BMP program since the beginning of the program and has been recognized by the Florida Farm Bureau’s County Alliance for Responsible Environmental Stewardship (CARES) Program. The ranch market calves through internet sales at Producer’s Livestock Auction and at the Okeechobee Livestock Market. The project site is located within the area protected by the Lake Okeechobee Basin Management Action Plan (BMAP). The project site’s current herd comprises approximately 400 head of cattle.

The project site is adjacent to approximately 361 acres owned by the Todd Clemons Family and under easement to the South Florida Water Management District as part of the Kissimmee River Restoration Project. These areas are not included within the RFLPP project boundary. The project is located with the S-65C and 65D Drainage Basins in Okeechobee County and contributes to the Lake Okeechobee Watershed.

Item 27, Cont.

Prohibited Uses

- Dumping of non-biodegradable, toxic or hazardous substances, trash garbage, wastes, abandoned vehicles, appliances, machinery or similar material is prohibited;
- The exploration for and extraction of oil, gas, minerals, dolostone, peat, muck, marl, limestone, limerock, kaolin, fuller’s earth, phosphate, common clays, gravel, shell, sand and similar substances either directly or indirectly by Grantor or on Grantor’s behalf, etc. Limited mining is allowed to combat erosion or flooding, or for limited on-farm agricultural uses;
- Activities that affect the hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish and wildlife habitat, etc.;
- Planting of nuisance exotic or non-native plants as listed by the Exotic Pest Plant Council (EPPC) or its successor. The Grantor shall, to the extent practical, control and prevent the spread of nuisance exotics or non-native plants on the Property;
- New construction or placing of temporary or permanent buildings, mobile homes or other structures in, on or above the ground of the Property except as may be permitted hereinafter, or as necessary by Grantor for maintenance or normal operations of the Property or during emergency situations or as may otherwise be specifically provided for in the Easement;
- Construction or placing of roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the Easement, and except for linear facilities described in section 704.06(11), F.S. Grantee may erect and maintain signs designating the Property as land under the protection of Grantee;
- Fertilizer use for agriculture activities shall be in accordance with agricultural Best Management Practices (BMPs) recommended by the Natural Resources Conservation Service or the Florida Department of Agriculture and Consumer Services, whichever is more stringent, as those BMPs may be amended from time to time. No agricultural activities shall occur within a 100-foot buffer around sinkholes and other karst features that are connected to spring conduits, except as provided in the applicable BMPs;
- Actions or activities that may reasonably be expected to adversely affect threatened or endangered species;
- Any subdivision of the Property;
- Commercial water wells on the Property;
- Cutting of cypress trees anywhere on the Property;
- Mitigation banks pursuant to Section 373.4135, et. seq., Florida Statutes;
- Construction or conversion of Significant Natural Areas (SNAs) to more improved areas;
- Activities detrimental to the preservation of historical, architectural, archaeological, or cultural resources on the Property;
- Conversion of forested areas to non-forested areas as shown in the Baseline Documentation Report (BDR) within the SNAs.
- Lighting that may be dangerous, distracting, or misleading to aircraft operating from Avon Park Air Force Range;

Item 27, Cont.

- Operations that produce smoke, glare, or other visual hazards, or that encourage large concentrations of birds that may be dangerous for aircraft operating from Avon Park Air Force Range, except as otherwise expressly allowed; and
- No structure or tree that exceeds 80 feet above the ground.

Owner's Rights

- Grantor has, and shall be deemed hereby to have retained, the underlying fee simple absolute title in the Property;
- The right to conduct silvicultural and agricultural operations on the Property; provided, however, that prior to any timbering in an SNA, Grantor shall provide written notice to and obtain approval from Grantee concerning reforestation and harvesting methods consistent with this Easement. Any and all agricultural uses shall be conducted in accordance with BMPs adopted by FDACS or applicable government agencies, or their successor agencies, as amended from time to time, and in compliance with all laws, rules and regulations.
- The right to conduct prescribed burning on the Property; provided, however, that Grantor shall obtain and comply with a prescribed fire authorization from the FDACS' FFS or its successor agency. Prior to conducting prescribed burning on the Property, the Grantor shall coordinate with Avon Park Air Force Range, or its successor, by calling the Avon Park Air Force Range Wildland Fire Management Officer and/or the Avon Park Air Force Range Control;
- The right to mortgage the Property; provided, however, that the Mortgagee's lien shall be inferior to and lower in priority than this Easement;
- The right to contest tax appraisals, assessments, taxes and other charges on the Property;
- The right to continue to use, maintain, repair, and reconstruct, all existing buildings, barns, animal pens, outbuildings, fences, roads, ponds, wells, utilities, drainage ditches and such other facilities on the Property as depicted in the BDR, except on SNAs;
- The right to sell, devise or otherwise transfer ownership of the Property to a third party. This right, however, does not include the right to sell the remaining property rights on the Property for the purposes of a conservation easement or other restriction that would divest the Property of its use under the terms and conditions of the Easement;
- The right to exclusive use of the improvements on the Property;
- Grantor shall obtain and comply with all permits for management of stormwater, for water wells and consumptive uses as may be required by the water management district or any successor agency having jurisdiction over those activities;
- The right to construct, after giving notice to Grantee, buildings or other structures incident to agricultural uses carried on in accordance with sound agricultural practices. Such buildings shall not be used as residences;
- The right to construct, after Grantor's written notice to and approval by Grantee, buildings or other structures incident to agricultural uses carried on in accordance with sound agricultural practices; provided, however, the total area of impervious surface of all buildings and other structures, excluding fences and gates, shall not exceed two percent (2%) of the total area of the Property. Impervious surfaces are defined as materials that do not allow water to percolate into

Item 27, Cont.

the soil on the Property; this includes, but is not limited to, residential buildings and ancillary structures, agricultural buildings with or without flooring, paved areas, and any other surfaces that are covered by asphalt, concrete, or roofs. The construction of new fences and gates for managing livestock grazing does not require the approval of Grantee. Such buildings shall not be used as residences.

- Nothing shall prohibit Grantor from establishing (by survey, fencing or marking) and maintaining property lines around the perimeter of the Property to protect the Property from trespassing and to assist Grantor in the management of the Property in accordance with the Easement;
- The right to observe, maintain, photograph, introduce, and stock native fish or wildlife on the Property, to use the Property for hiking, horseback riding, and agritourism consistent with the protection of conservation values and related to agricultural and passive recreational uses. Grantor reserves, and shall continue to own, the hunting and fishing rights on or related to the Property, including the right to locate, construct and maintain hunting blinds, tree stands, wildlife food plots, and feeders on the Property, and Grantor may lease and sell privileges of such rights. Any structure constructed pursuant to this Paragraph shall not be for overnight use and shall not exceed 200 square feet of impervious surface or be greater than 15 feet in height unless approved in writing by Grantee after written notice from Grantor;
- The right to install connections to normal utility systems, such as electric, cable, water and sewer, and telephone. If a connection to a sewer system is not available, this right shall include the right to install a septic system. The granting of easements or rights-of-way for power lines, gas lines, sewer lines, waterlines, telecommunications towers, and wind farms is prohibited, unless by Grantee. Notwithstanding this prohibition, the Grantor may grant or modify easements for utility connections necessary to serve the permitted uses of the Property that are consistent with the Easements Purposes. Existing utilities may be repaired at their current location;
- The right to conduct mechanical brush management, including roller-chopping, in an SNA consistent with the perpetual protection of the ecological values of the SNA, the Conservation Values, and the Conservation Purposes, and consistent with all applicable wildlife BMPs and conservation practices for brush management;
- The right to replace, maintain and operate infrastructure for the management of water in a waterbody or existing ditches in SNAs subject to legally required permits and regulations, but not the right to enlarge such infrastructure, create new ditches or impair the hydrology of the SNAs; and
- Subject to the approval of Grantee after written notice from Grantor, the right to grant an easement for ingress, egress and utilities necessary to serve any legal use of the property owned by John Olsen on the date of the conveyance of this Easement; provided, however, Grantee approval shall be limited to the determination that the location of the easement is consistent with the perpetual protection of the Conservation Values and the Conservation Purposes.

Encumbrances

All mineral interests on the project site will be extinguished prior to closing. There are no other known encumbrances on the property that adversely affect marketability, or the ability to enforce the rights granted under the easement.

Item 27, Cont.

Mortgages and Liens

All mortgages and liens will be satisfied or subordinated 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 these and any other title issues that arise prior to closing.

Closing Information

A title insurance commitment, a survey, and an environmental site assessment of the property will be provided by FFS prior to closing.

Monitoring Agency

This perpetual conservation easement will be monitored by the FFS.

Comprehensive Plan

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

(See Attachment 27, Pages 1-99)

RECOMMEND APPROVAL