

ITEM 4:

Consider a revision to the Interim Management Guidelines.

DSL STAFF REMARKS:

Following the October 14, 2022, ARC vote to defer approval of the revision to the Interim Management Guidelines, the Division of State Lands reconvened the agency staff working group to develop a transparent and streamlined process for amending land management plans to address gopher tortoise recipient sites permitted on the state-owned conservation lands. Staff discussed how management plans amendments are approved through the negative response process or through presentation to ARC at a regularly scheduled meeting.

The Florida Fish and Wildlife Conservation Commission Gopher Tortoise Permitting Guidelines, April 2008 / Revisions Effective April 2023 Incorporated by Reference in Rule 68A-27.003, F.A.C., requires the land manager to add the gopher tortoise recipient site to the current land management plan through the Acquisition and Restoration Council negative response process. The proposed revision to the Interim Management Guidelines will serve to establish this process.

Proposed Revision

16. Gopher Tortoise Recipient/Restocking Sites

C Establishing a gopher tortoise recipient/restocking site (DEP/DHR/FNAI/FWC).

Background

The Interim Management Guidelines and Negative Response process was approved by the Council in August 2007. The guidelines were created to establish a transparent and streamlined process for minor manager-executed activities on state-owned conservation lands before an initial 10-year land management plan is implemented during the one-year period following acquisition of a project (post-closing) (A or B activities), or for activities not included in the ARC-approved plan during the time interval between the 10-year plan update (C activities). The guidelines were amended in June 2009, April 2012 and August 2021 to include additional activities and refine existing activities.

In July 2022, section 259.105 (11), Florida Statutes, was amended to require lead land managing agencies, in consultation with the Fish and Wildlife Conservation Commission, to assess the use of state lands as gopher tortoise recipient sites in certain management plans and requires those management plans to include a feasibility assessment for managing gopher tortoise recipient sites. In discussion with agency staff, the general consensus was that this requirement will be addressed during the 10-year management plan update, unless the managing agency establishes a recipient site between 10-year updates.

DSL STAFF RECOMMENDATION:

Approve the revision to the Interim Management Guidelines.

ARC RECOMMENDATION:

- APPROVE**
- APPROVE WITH MODIFICATIONS:** _____
- DEFER**
- WITHDRAW**

NOT APPROVE

OTHER: _____

INTERIM MANAGEMENT GUIDELINES

Approved April XX, 2023

Land managers are required to submit Land Management Plans (LMP) to the Division of State Lands (DSL) in a manner adopted by rule of the Board of Trustees (BOT).¹ New state land leases require a LMP be submitted within one year of lease approval, and new acquisitions within one year following the issuance of an Interim Management Letter from the DSL.² The Acquisition and Restoration Council (ARC) approved guidelines are to address the necessary, routine custodial care and maintenance of a site during the time between acquisition and approval of its initial LMP, and when new activities not identified in the LMP are proposed.³ These activities must be in compliance with chapters 253 and 259 of the Florida Statutes. It is not the intent of the Interim Management Activities Guidelines to replace the normal LMP process. The Office of Environmental Services (OES) provides oversight of this process for DSL and the ARC.

ARC has established the following categories of Interim Management Activities (A, B, and C) designated by the review requirements, public notification and result.

Category	Reviewer(s)	Public notification	Result
A	None	None	Activity considered approved in concept.
B	DEP, WMD, DHR, FNAI	None	Reviewing agencies must provide letter of concurrence for activity proposed. OES will issue a letter to the land managing agency authorizing the activity based on concurrence.
C	DEP, WMD, DHR, FNAI	ARC and General Public	At the request of three or more ARC members, the land management plan amendment will be considered at the next scheduled ARC meeting; or if the above request is not made after 14 days of notice, OES will issue an approval letter to the land managing agency.

Activities identified as category C and any activity not specifically listed must be submitted to both the DSL and ARC for review.

The ARC and the public will be noticed of any proposed Interim Management Activities via an agenda item posted on the DSL website. Members of the public may provide their input to the appropriate managing agency, ARC members, or OES (who will share input with ARC members). At the request of three or more ARC members, the LMP amendment will be considered at the next scheduled ARC meeting.

Consideration and approval of Interim Management Activities by ARC does not waive the authority or jurisdiction of any governmental entity. Implementation of management activities may require permits or authorizations from federal or state agencies with jurisdiction over those activities. The land manager is responsible for obtaining and forwarding copies of all permits to OES for the LMP files and ARC consideration.

¹ Section 253.034(5) and 259.032 F. S.

² Section 253.034(5), F. S.

³ ARC Approval: 04-20-2012, ITEM7

Interim Management Activities

1. Posts, Fences & Gates

- A Posting in areas that are deemed by the manager to be potentially hazardous to the public and posting those areas where public use may result in damage to state-owned lands.
- A Removing deteriorated or unneeded fences, gates, posts or signs.
- A Installing fences, gates, posts or signs.

2. Law enforcement and protection

- A Providing appropriate law enforcement and resource protection.

3. Fire safety/ site protection installations

- A Installing fire hydrants or other proposed similar protections for the site on an existing disturbed area.
- B Installing fire hydrants or other proposed similar protections for the site on an undisturbed area (DEP/WMD/DHR/FNAI).
- C Installing fire hydrants or other proposed similar protections for the site that also serves more than the management unit (DEP/WMD/DHR/FNAI).

4. Bridge or Culvert Repair or Replacement

- B Repair or replacement of any wooden trestle bridge or poured culvert, regardless of age, or any bridge built after 1945 (WMD).
- B Repair or replacement of any other bridges, poured culverts or low water crossings (WMD/DHR/FNAI).

5. Existing Water Control Structures or Devices

- B Capping artesian well (DHR/WMD).
- B Removing or replacing existing water control structures, including culverts, wellheads, flashboard risers, etc. provided that the activity is properly permitted and clearly consistent with the project assessment, design or management prospectus documents prepared during the land acquisition process (WMD).

6. Road repairs

- A Repair existing roadbed, when such repairs are minor and necessary to assure safe and reasonable access.
- C Widening existing roads necessary to assure safe and reasonable access (DEP/WMD/DHR/FNAI).

7. Establishing parking areas

- A Establishing temporary parking areas along existing access ways when a disturbed area is available and subsurface ground disturbance is 6 inches or less. Such parking should represent the minimum square footage necessary to provide public access.

- B** Establishing temporary parking locations along existing access ways when a disturbed area is available and subsurface ground disturbance will exceed 6 inches. Such parking should represent the minimum square footage necessary to provide public access (DHR).
 - C** Establishing temporary parking locations along existing access ways in an undisturbed area where subsurface ground disturbance may exceed 6 inches. Such parking should represent the minimum square footage necessary to provide public access and should only be considered when no disturbed areas are available nearby (DHR/FNAI).
- 8. Exotic or off-site species control**
- B** Controlling invasive, exotic, or off-site species using methods that do not require ground disturbance, such as prescribed burning, girdling, sale, or herbicide application. (FNAI). Note: removal of exotic pasture grasses represents an approved exception to the ground disturbance prohibition.
- 9. Timber harvesting**
- A** Harvesting of timber species for forest health, habitat restoration, and wildfire risk reduction with ground disturbance 6 inches or less.
 - B** Harvesting of timber species for forest health, habitat restoration and wildfire risk reduction, with ground disturbance greater than 6 inches (e.g., cabbage palm harvest, stump removal) (DHR/FNAI).
- 10. Prescribed burning**
- A** Implementing prescribed burning using existing fire lines. Improvements to existing lines is limited to reworking with a re-work harrow.
 - A** Mechanical fuel reduction with ground disturbance 6 inches or less.
 - B** Implementing prescribed burning using new fire lines (DEP/WMD/DHR/FNAI).
- 11. Archaeological sites and historic structures**
- B** Removal of old, deteriorated, or unsafe structures (DHR).
 - B** Conducting archaeological surveys (DHR).
 - B** Stabilizing existing structures (DHR).
- 12. Additions/installations that are necessary actions for the maintenance of, or improvement to a facility**
- A** Extending/installing utilities (water main, gas line, electric) needed to support the management unit's infrastructure (staff residence, shop, recreation facilities, etc.) on an existing disturbed area.
 - B** Extending/installing utilities needed to support the management unit's infrastructure on a previously undisturbed area (DHR/FNAI).
- 13. Wildlife or native habitat enhancement**
- A** Enhancing wildlife habitat using methods that do not include alteration of native

habitat. Such activities shall include installing nest structures or towers for raptors such as osprey or eagles.

- A Conducting plant and animal surveys.
- A Mechanical vegetation management with ground disturbance 6 inches or less.
- B Installation of food plots (DEP/WMD/DHR/FNAI).
- B Any ground disturbing activity greater than 6 inches deep (DEP/DHR/FNAI).
- C Any ground disturbing activity greater than 6 inches deep involving new related permanent infrastructure including wildlife-related culverts, pumps and related facilities, when time is of the essence to secure a grant, other monies, or permits (DEP/WMD/DHR/FNAI).

14. Trash

- A Removal of surficial trash and/or debris.
- B Removal of trash and/or debris that is partially or fully buried (DEP/DHR).

15. Personnel

- A Establishing personnel on site in existing facilities.
- A Relocating or adding new mobile home or mobile office facilities in disturbed areas without new ground disturbance along existing access ways.
- B Relocating or adding new mobile home or mobile office facilities in disturbed areas with new ground disturbance along existing access ways (DEP/WMD/DHR/FNAI).
- C Relocating or adding new mobile home or mobile office facilities for site security management in undisturbed areas along existing access ways (DEP/WMD/DHR/FNAI).

16. Gopher tortoise recipient/restocking sites

- C Establishing a gopher tortoise recipient/restocking site (DEP/DHR/FNAI/FWC).