

ITEM 8:

Consider whether an approximately 5-acre parcel of state-owned land managed by the Florida Fish and Wildlife Conservation Commission as part of the Babcock/Webb Wildlife Management Area is no longer needed for conservation purposes in exchange for approximately 19 acres of private property.

LOCATION:

Lee County

APPLICANT:

Roger Wiederhold

DSL STAFF REMARKS:

The Division of State Lands (DSL) received a land exchange request from the applicant, who owns a 19-acre parcel adjacent to the Babcock/Webb Wildlife Management Area (WMA). The applicant is requesting to exchange the privately-owned parcel for a 5-acre, state-owned parcel not actively managed, disjunct and outside of the fenced WMA. The managing agency is supportive of the proposed exchange.

The Board of Trustees acquired the 5-acre parcel in the Charlotte Harbor Flatwoods Florida Forever project in May 2001. The property is included in the WMA under Board of Trustees Lease No. 4095. The applicant plans to purchase the 19-acre parcel upon favorable consideration by the Acquisition and Restoration Council (ARC).

The state-owned parcel is adjacent to the Applicant's residence and he is interested in expanding his cattle grazing onto this property. If the Board of Trustees approves the exchange, the 19-acre addition would improve the WMA's resources and public uses offered such as hunting, wildlife viewing, bicycling and hiking.

Proposed Exchange

Pursuant to section 253.0341(6), Florida Statutes, and Chapter 18-2.021, Florida Administrative Code (F.A.C.), prior to any decision by the Board of Trustees to surplus conservation land, ARC shall recommend that the land is no longer needed for conservation purposes and that the request is compatible with the resource values and management objectives for such lands.

The state-owned land is no longer needed for conservation purposes because:

- The parcel is disjunct and outside of the fenced Babcock/Webb WMA and is not actively managed.

Pursuant to Chapter 18-2.021, F.A.C., when ARC considers the surplus of conservation lands as part of a land exchange, ARC shall also evaluate the land being offered for exchange to determine if it contains equal or greater conservation benefit than the state lands and whether the exchange would result in a net-positive conservation benefit, regardless of appraised value.

The proposed exchange will provide a net positive conservation benefit because:

- It provides a net gain of 14 acres of undisturbed conservation lands within the current Charlotte Harbor Flatwoods Florida Forever project boundary, and

- acquisition of the 19 acres will preserve mesic and wet flatwoods, prairie and bogs, and isolated freshwater marsh.

In accordance with Chapter 267, Florida Statutes, the Department of State, Division of Historic Resources, has reviewed the proposed exchange. Based on their review, it is their opinion that the exchange will have no effect to historic properties listed, or eligible for listing on the National Register of Historic Places.

This request is subject to BOT approval.

STAFF RECOMMENDATION:

Approve the exchange request.

ARC RECOMMENDATION:

APPROVE

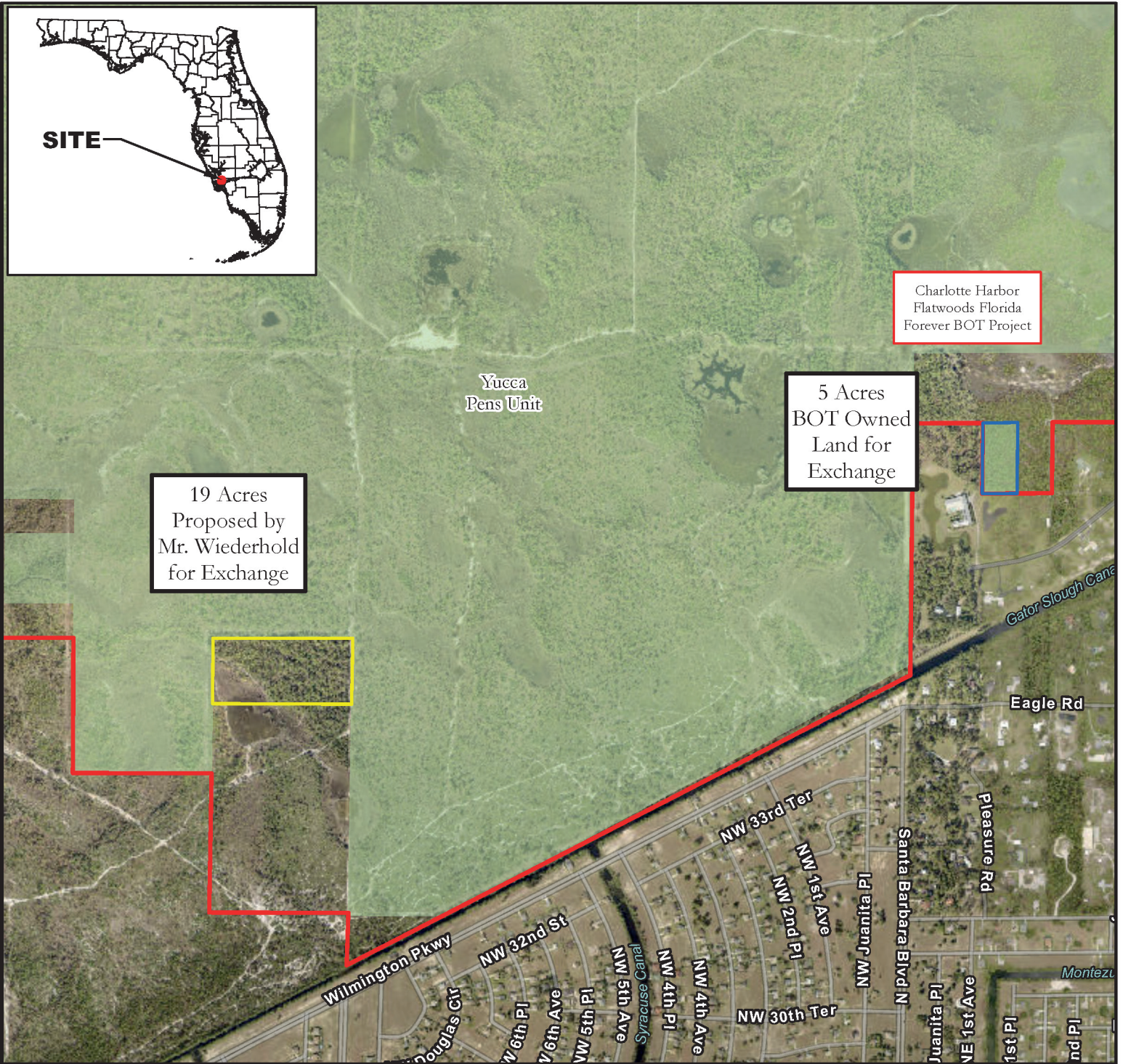
APPROVE WITH MODIFICATIONS: _____

DEFER

WITHDRAW

NOT APPROVE

OTHER: _____



Charlotte Harbor
Flatwoods Florida
Forever BOT Project

5 Acres
BOT Owned
Land for
Exchange

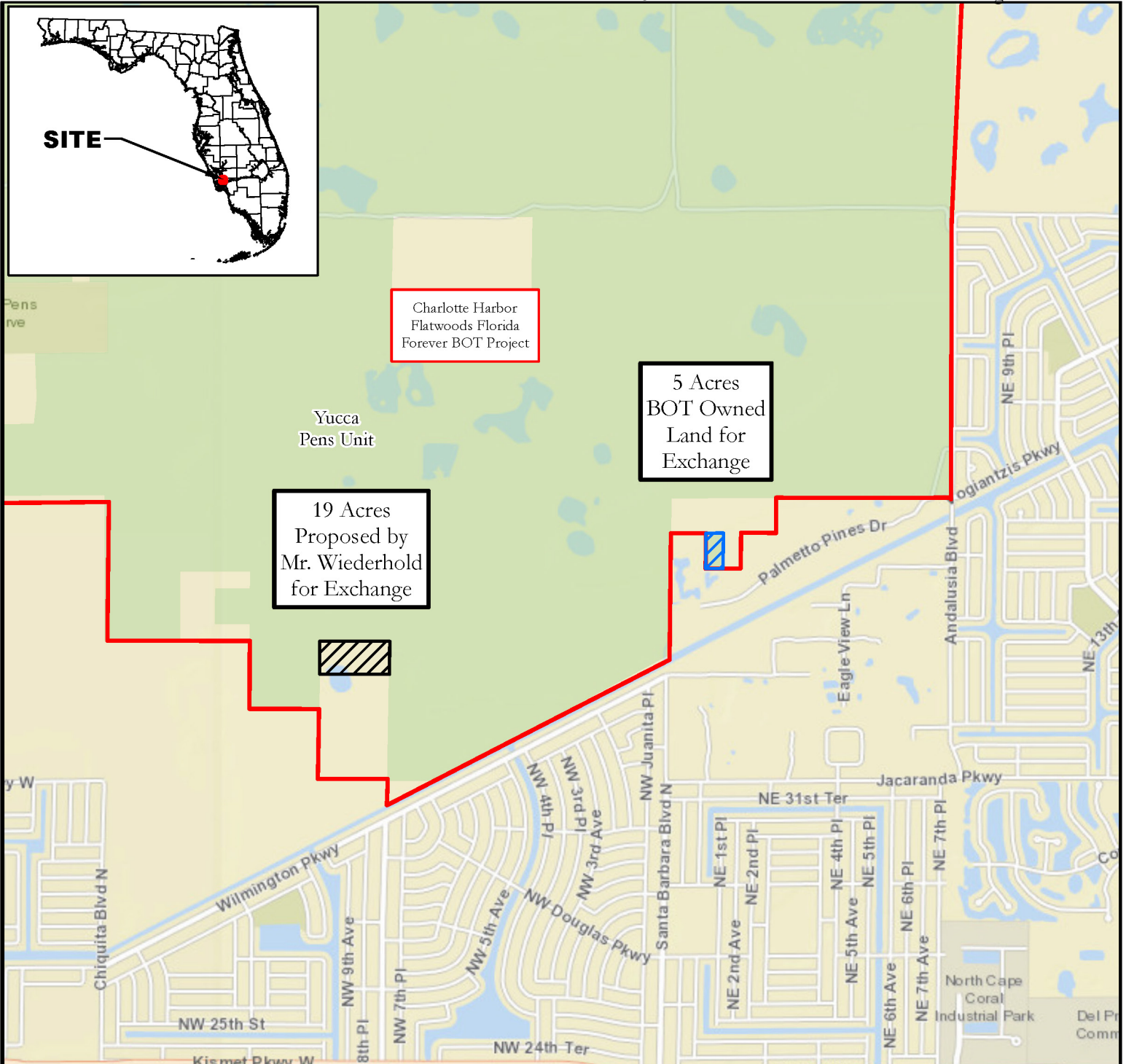
19 Acres
Proposed by
Mr. Wiederhold
for Exchange

-  Exchange Parcel
-  BOT Parcel
-  Florida Forever Project Boundaries
-  State Managed Conservation Lands

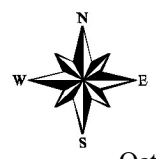


Wiederhold Exchange

Lee County, Florida



-  Exchange Parcel
-  BOT Parcel
-  Florida Forever Project Boundaries
-  State Managed Conservation Lands



Wiederhold Exchange

Lee County, Florida

File Location: \\FLDERP1\weh_cad\SURVEY\Charlotte Harbor Flatwoods Babcock Webb WMA 985\Wiederhold Exchange\GIS\Charlotte_Harbor_Flatwoods_Babcock_Webb_Wiederhold_Exchange.aprx
 Date Saved: 9/28/2021 11:28 AM
 Map Created By: GW Stetler

ARC Questionnaire

1. Description of when and under what program or fund the parcel under consideration was acquired (EEL, LATF, CARL, P-2000, Florida Forever, etc) or donated. **The 5 acres proposed for the exchange were acquired by Board of Trustees of the Internal Improvement Trust Fund in May 2001 (P-2000).**
2. Description of the purpose for the parcel's acquisition (P-2000 or Florida Forever goals and criteria or similar purpose descriptions) or donation and any restrictions or conditions of use that apply to the parcel, if any. **Property is part of the Charlotte Harbor Flatwoods Florida Forever project. Project purpose: "Northwest of Fort Myers lies the largest and highest quality slash-pine flatwoods left in southwest Florida. The Charlotte Harbor Flatwoods project will protect these flatwoods and connect the Charlotte Harbor State Buffer Preserve with the Babcock-Webb Wildlife Management Area, helping to protect these managed areas and the waters of the Aquatic Preserve."**
3. Description of the current level of public recreational use or public access of the parcel. **None. The 5 acres are disjunct and outside of the fenced Wildlife Management Area.**
4. Description of the natural resources, land cover, vegetation, habitat or natural community, if any, that are currently present on the parcel.
Cooperative Land Cover (CLC) of the proposed surplus parcel (5 acres) includes mesic flatwoods (97%) and high intensity urban (3%).
CLC of the potential addition (20 acres) include mesic flatwoods (39%), wet flatwoods (38%), prairies and bogs (14%), and isolated freshwater marsh (8%).
5. Description and list of the imperiled and other wildlife species, if any, that occur on or use the parcel.
None recorded. GIS models show potential habitat for red-cockaded woodpecker.
- 6) Description and list of historical or archaeological resources, if any, that occur or have the potential of occurring on the site.
No records found on the exchange parcels.
- 7) Formal alternative siting analysis that includes a description and assessment of other potential alternative sites and why they are not feasible or practicable alternatives.
The state has been unsuccessful in acquiring the land surrounding the 5-acre property, that is disjunct from the larger WMA, that is proposed for the exchange. The 5 acres are outside of the fenced WMA and not actively managed. Purchase of the 20 acres by Mr. Wiederhold, and offered as an exchange for the 5 acres, will provide a net positive conservation benefit of 4 to 1 acres, and would expand contiguous habitat and improve recreation opportunities.
- 8) Assessment of the impacts the proposed alternative use will have on the natural/historical/archaeological/recreational resources, if any, as well as on the current public use and purpose for the site or parcel.
Adding 20 contiguous acres to the WMA will improve the resources and public uses offered. Babcock/Webb WMA is managed by FWC for the purposes of a WMA, providing ecological diversity, providing managed habitat for both imperiled and common wildlife, and for providing the public with fish and wildlife-based public outdoor

recreational opportunities. Some of these opportunities include hunting, wildlife viewing, bicycling, and hiking.

9) Assessment of the potential impacts on the larger area of conservation lands the parcel is located within (park, wildlife management area, forest trail, etc.) and on any surrounding conservation lands, if any.

Adding 20 contiguous acres to the WMA will improve the resources and public uses offered. The 5 acres offered in exchange are disjunct, outside of the fenced WMA, and not actively managed.

10) Assessment of how the proposed package of consideration and net positive benefit for the requested alternative use of the parcel, such as the generally standard requirement for replacement land (depending on the parcel's size), will offset the impacts and benefit the larger area of conservation lands (park, forest, wildlife management area, trail system, etc.) the parcel is within and particularly how it will offset the impacts or benefit the natural/historical/archaeological resources, habitat and public recreational uses of the public conservation area the parcel is located within.

Net positive conservation benefit is 4:1, offering 20 acres in exchange for the 5. Also, the 20 acres are contiguous to the larger WMA, unlike the 5-acre, disjunct property.

It will be the responsibility of the managing agency on whose property a non-conservation or non-public recreation use is proposed to have staff at ARC meetings who will be able to answer questions about the effect of that proposed use on the lands that they manage and about their justification for agreeing to allow it. BPLA staff will continue to present the items, but managing agency staff should be ready to answer any questions related to the resources and recreation on the site and the effects of proposed uses.



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Managing fish and wildlife resources for their long-term well-being and the benefit of people.

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MyFWC.com

August 26, 2021

Callie DeHaven
Division of State Lands Director
Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399

Re: Proposed Land Exchange at the Babcock/Webb Wildlife Management Area

Dear Ms. DeHaven,

The Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission (FWC) have been in communication with Mr. Roger Wiederhold for several years now regarding a potential land exchange in Lee County. Mr. Wiederhold is interested in five acres of conservation land (Parcel #24-43-23-00-00003.0000) that is disjunct, outside of the fenced Babcock/Webb Wildlife Management Area (WMA), and not actively managed. This property is adjacent to Mr. Wiederhold's residence, and he is interested in expanding his cattle grazing onto this land. Because of this, he has been actively pursuing high priority additions and inholdings as potential exchange parcels.

Mr. Wiederhold has discovered a willing seller of a 19-acre property (Parcel # 22-43-23-00-00005.0040) that is contiguous with the WMA. He is proposing a ~4:1 exchange, potentially offering these 19 acres in exchange for the five-acre, disjunct property. These 19 acres would be a great addition to the WMA, and the FWC supports this proposed exchange.

If you have any questions or comments, please contact Larame Ferry at (850) 487-9185 or email Larame.Ferry@MyFWC.com. Thank you for your consideration.

Sincerely,

James C. Conner III, Leader
Wildlife and Habitat Management Section
Florida Fish and Wildlife Conservation Commission



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

Diane McKenzie
Department of Environmental Protection
Division of State Lands
Bureau of Real Estate Services
3800 Commonwealth Blvd., MS#115
Tallahassee, FL 32399-3000

September 17, 2021

RE: DHR Project File No.: 2021-5658, Received by DHR: August 6, 2021
Project: *Land Exchange, Charlotte Harbor Flatwoods, Babcock Webb Wildlife Management Area, Lee County*

Dear Ms. McKenzie:

Our office reviewed the referenced project in accordance with Chapter 267, Florida Statutes, and implementing state regulations, for possible effects on historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) or otherwise of historical, architectural or archaeological value.

The proposed undertaking includes exchanging 5 acres of conservation land owned by the State of Florida for 19 acres in private ownership. Based on our review of the properties involved in the proposed exchange, it is our opinion is that the exchange will have no effect to historic properties listed, or eligible for listing, in the NRHP.

If you have any questions, please contact me by email at Jason.Aldridge@dos.myflorida.com or by telephone at 850-245-6344.

Sincerely,

Handwritten signature of Jason Aldridge in blue ink, with the word "For" written below it.

Timothy A. Parsons, Ph.D.
Director, Division of Historical Resources
and State Historic Preservation Officer