

**AGENDA**  
**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**  
**May 28, 2020**

**Attachments to the items below can be viewed at the following link:**

<https://floridadep.gov/cab/cab/content/agendas>

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**Item 1 Minutes**

Submittal of the Board of Trustees' Minutes from the February 4, 2020 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**

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**Item 2 Florida Department of Transportation Release of Restriction**

**REQUEST:** Consideration of a request from Florida Department of Transportation for a Release of Deed Restriction from an approximately 14.82-acre parcel conveyed in Board of Trustees' Deed No. 19786, now owned by Florida Department of Transportation.

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**COUNTY:** Palm Beach  
Deed No. 19786

**APPLICANT:** Florida Department of Transportation (FDOT)

**LOCATION:** Section 31, Township 41 South, Range 42 East

**STAFF REMARKS:**

**Background**

On May 11, 1951, the Board of Trustees conveyed the parcel under Board of Trustees' Deed No. 19786 ("Deed"). The Deed contained a restriction clause, restricting the parcel from being sold, leased, or encumbered.

**Deed No. 19786:** *"This is made under the express condition that the Grantee shall have no right or authority to sell, lease or encumber the above described property without the written consent of the Grantors herein."*

**Current Request**

FDOT is currently working on permitting an extension of State Road 7 in Palm Beach County. The permitting and construction of this new segment requires FDOT to meet the conditions of the United States Fish and Wildlife Service (USFWS) Biological Opinion (BO) with regards to the

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**Item 2, cont.**

Everglades Snail Kite. The BO requires FDOT to transfer the property rights of 219 acres of undeveloped wetlands to an appropriate resource land manager who will maintain the property for Snail Kite conservation. A conservation easement, to be managed by Palm Beach County (County), will need to be placed over the 219 acres; all of which are located within the Loxahatchee Slough Natural Area, an area currently managed by the County. The parcel described in Trustees Deed No. 19786 is a small portion of lands to become a part of this conservation easement area.

Staff is recommending the Board of Trustees approve the request for the release of deed restriction from the subject property, which will allow FDOT to grant a perpetual conservation easement for Snail Kite conservation and assist in seamless management of Loxahatchee Slough. The release of this deed restriction in no way waives any regulatory requirements including but not limited to those of the Department of Environmental Protection and local government.

**Comprehensive Plan**

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

(See Attachment 2, Pages 1-4)

**RECOMMEND APPROVAL**

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**Item 3 Continental Pacific, LLC Acceptance of Offer/ Sale and Purchase Contract/  
Determination**

**REQUEST:** Consideration of (1) a determination that a 2.72-acre, more or less, improved parcel of state-owned non-conservation land, is surplus and is no longer needed, pursuant to section 253.0341(1), F.S.; (2) acceptance of a bid in the amount of \$5,925,000 submitted by Continental Pacific, LLC, for the purchase of the 2.72-acre, more or less, improved parcel of state-owned non-conservation land; and (3) approval of a contract for sale and purchase of the 2.72-acre, more or less, improved parcel of state-owned non-conservation land to Continental Pacific, LLC.

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**COUNTY:** Escambia  
Bid #DSL-BID-19-007

**APPLICANT:** Continental Pacific, LLC

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**Item 3, cont.**

**LOCATION:** Section 33, Township 01 South, Range 30 West

**CONSIDERATION:** \$5,925,000 to be deposited in the Internal Improvement Trust Fund

**STAFF REMARKS:**

**Background**

The parcel was purchased by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees) in 1992 from John Baars Connell and Theo D. Baars, Jr. for \$425,198. The acquisition was negotiated by the Department of General Services on behalf of the Department of Health and Rehabilitative Services for the purpose of constructing a children’s medical services facility in Pensacola, which was constructed in 1996.

On February 4, 1998, the Florida Department of Health (DOH) entered into a 50-year lease (No. 4179) with the Board of Trustees with an expiration date of February 3, 2048. The purpose of the lease was for managing the property for the establishment and operation of a children’s medical services facility and related activities. On March 19, 2019, the Division of State Lands (DSL) received a request from DOH to be released from its lease because the program was outsourced to a private provider.

**Statutory Requirement**

Pursuant to section 253.0341(1), F.S., to surplus non-conservation land, the Board of Trustees must determine that the land is no longer needed. Pursuant to section 253.0341(4), F.S., non-conservation lands shall be reviewed by DSL for recommendation as to whether such lands should be retained in public ownership or disposed of by the Board of Trustees. DSL offers the following to assist the Board of Trustees in making an affirmative determination that the subject parcel is no longer needed:

- DOH, the managing agency, has evaluated the use of the subject parcel and determined that it is no longer needed for the purpose for which it was originally leased; and
- DSL has reviewed DOH findings, completed the required surplus lands process, and recommends that the property be disposed of by the Board of Trustees.

**Noticing**

Pursuant to section 253.0341(7), F.S., the subject parcel was offered for lease to state universities, Florida college system institutions, and state agencies, with priority consideration given to state universities and Florida college system institutions. No interest was expressed by any of these entities.

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**Item 3, cont.**

**Marketing and Bid History**

DEP contracted with CBRE, Inc. (CBRE) to assist with the marketing and sale of the subject parcel. Bid instructions were posted by CBRE on November 14, 2019, until the bid opening date of January 14, 2020. CBRE posted on their website property information, maps, history, disclosure, bid package information, and the minimum bid amount of \$5,800,000. CBRE also placed signs on the subject parcel and sent emails to approximately 3,000 prospective buyers. Follow-up communications and site tours with prospective buyers were conducted by CBRE during the marketing period.

The subject parcel was also posted on DEP’s surplus land website from November 15, 2019, until the bid opening date of January 14, 2020. DEP sent notification of the bid through GovDelivery to real estate offices, developers, investment companies, and other parties that have requested to receive notification of surplus land bid notices, totaling approximately 55,000. The bid was also advertised in the legal section of the Escambia Sun Press once per week for three consecutive weeks. Two responsive bids were received, with the highest bid received from Continental Pacific, LLC, in the amount of \$5,925,000.

Buyer will be responsible for and pay all closing costs associated with the subject parcel including, but not limited to, survey costs, documentary stamp tax on the quitclaim deed, recording fees, abstract or title insurance fees, Buyer’s attorneys’ fees, and any other closing costs that Buyer may incur. Buyer shall also reimburse any closing costs that are initially paid by the Board of Trustees or other parties on behalf of the Board of Trustees. These reimbursable closing costs include, but are not limited to, the cost of appraisal, survey, legal advertising, and the brokerage fee to CBRE.

**Comprehensive Plan**

Consideration of the status of local government comprehensive plan was not made for this item. DEP has determined that the proposed action to surplus property is not subject to the local government planning process.

(See Attachment 3, Pages 1-9)

**RECOMMEND APPROVAL**

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**Item 4 2020 Florida Forever Priority List/ 2020 Florida Forever Five-Year Plan/ 2020-2021 Annual Florida Forever Work Plan**

**REQUEST:** Consideration of (1) the 2020 Florida Forever Priority List; (2) the 2020 Florida Forever Five-Year Plan; and (3) the Division of State Lands’ Annual Florida Forever Work Plan for Fiscal Year 2020-2021.

**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 is improved, public access is expanded, and visitor experiences are enhanced.

The Acquisition and Restoration Council (ARC) is established by section 259.035, F.S., as a ten-member board composed of four agency heads, four Governor appointees, one appointee by 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 2019, ARC conducted 9 public hearings and meetings throughout the year and reviewed land acquisition proposals, evaluated their resource attributes, established or revised project boundaries, and ranked projects. ARC approved the following adjustments to the land acquisition projects: (a) added five new projects; (b) combined three new projects with existing projects; and (c) amended the boundaries of nine projects which included reducing the boundary of one project at the request of the landowner.

<b><u>New Projects Added to the List</u></b>	<b><u>Acres +/-</u></b>	<b><u>County</u></b>
Corrigan Ranch	6,251	Okeechobee
Econfina Timberlands	1,665	Jefferson, Madison
Forest and Lakes Ecosystem	54,699	Bay, Washington
Red Hills Conservation	16,955	Jefferson, Leon
Telogia Creek	12,347	Liberty

<b><u>New Projects Combined with Existing Projects</u></b>	<b><u>Acres +/-</u></b>	<b><u>County</u></b>
BR Ranch	4,044	DeSoto
Added to Myakka Ranchlands		

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**Item 4, cont.**

MJ Ranch	2,394	Manatee
Added to Myakka Ranchlands		
Stolle Ranch	2,751	Charlotte, Lee
Added to Charlotte Harbor Flatwoods		

<b><u>Projects with Boundary Amendments</u></b>	<b><u>Acres +/-</u></b>	<b><u>County</u></b>
Big Bend Swamp/Holopaw Ranch	-4,225	Osceola
Charlotte Harbor Estuary	8	Charlotte
Charlotte Harbor Flatwoods	142	Charlotte
Estero Bay	67	Lee
Florida’s First Magnitude Springs	131	Lake
Seven Runs Creek Final Phase	629	Washington
St. Joe Timberland	565	Gulf
Upper St. Marks River Corridor	714	Jefferson
Wakulla Springs Protection Zone	818	Wakulla

<b><u>Projects Removed from the List</u></b>	<b><u>Status</u></b>	<b><u>County</u></b>
Clay Ranch	90% or more complete	Putnam
Escribano Point	90% or more complete	Santa Rosa
Okeechobee Battlefield	considered complete	Okeechobee
Three Chimneys	considered complete	Volusia

**(1) 2020 Florida Forever Priority List:** The 2020 Florida Forever Priority List adopted by ARC on December 13, 2019, 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) – 30 projects
- Less-Than-Fee (LTF) – 34 projects
- Climate Change Lands (CCL) – 14 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 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.”

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**Item 4, cont.**

**(2) 2020 Florida Forever Five-Year Plan:** The Florida Forever Five-Year Plan, pursuant to chapter 259, F.S., and Rule 18-24, F.A.C, consists of detailed descriptions for each of the 125 land acquisition projects on the ARC approved 2020 Florida Forever Priority List. The Plan can be accessed at [2020 Florida Forever Five-Year Plan](#).

**(3) Division of State Lands’ Annual Florida Forever Work Plan for Fiscal Year 2020-2021:** The Annual 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 65 projects, at a council meeting held on February 14, 2020.

**Comprehensive Plan**

The 2020 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 2020 FLORIDA FOREVER PRIORITY LIST; (2) ACCEPTANCE OF THE 2020 FLORIDA FOREVER FIVE-YEAR PLAN; AND (3) ACCEPTANCE OF THE DIVISION OF STATE LANDS’ ANNUAL FLORIDA FOREVER WORK PLAN FOR FISCAL YEAR 2020-2021**

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**Item 5 AVT Ranch, Inc. Option Agreement/ Conservation Easement/ Green Swamp Florida Forever Project**

**REQUEST:** Consideration of an option agreement to acquire a conservation easement over approximately 713 acres within the Green Swamp Florida Forever project from AVT Ranch, 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:** Polk

**LOCATION:** Sections 05 and 06, Township 26 South, Range 25 East, Polk County

**CONSIDERATION:** \$1,125,000

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**Item 5, cont.**

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY		APPROVED <u>VALUE</u>	SELLER'S PURCHASE <u>PRICE</u>	TRUSTEES' PURCHASE <u>PRICE</u>	OPTION <u>DATE</u>
		String (10/08/19)	Marr (10/08/19)				
AVT Ranch	713	\$1,210,000	\$1,250,000	\$1,250,000	\$1,050,000*	\$1,125,000** (90%)	120 days after BOT approval

\*Property was acquired by the family in 1976 for \$1,050,000.

\*\*\$1,578 per acre.

**STAFF REMARKS:** The subject property is located within the Green Swamp Florida Forever project, ranked number 11 in the Florida Forever Partnerships and Regional Incentives project category, approved by the Board of Trustees on June 4, 2019. Pursuant to 380.0551, F.S., this project is one of five areas in Florida listed as Areas of Critical State Concern. The project contains 266,442 acres, of which 105,940 acres have been acquired or are under agreement to be acquired.

**Project Description**

The mosaic of cypress swamps, pine forests, and pastures known as the Green Swamp is vital to the water supply of Central Florida. The Green Swamp gives rise to four major river systems and is important for maintaining the flow of water from the Floridan Aquifer. By preserving the combination of land uses in this region, the Green Swamp will protect the Floridan Aquifer and several rivers, preserve a large area for wildlife to inhabit and use as wildlife corridors, and provide areas for public recreation in the rapidly growing region between Tampa and Orlando. The project may also help complete the Florida National Scenic Trail (FNST), a statewide non-motorized trail that crosses several Florida Forever project sites.

The Green Swamp is a critical hydrological resource and recharge area for the Floridan Aquifer. It encompasses the headwaters of the Withlacoochee, Ocklawaha, Hillsborough and Peace Rivers. This project has the highest groundwater elevation in the Florida peninsula and due to these water recharge features, Green Swamp has been designated as an Area of Critical State Concern to protect the area from uncontrolled development that would cause substantial deterioration of resources, within the designated geographic area.

The Green Swamp Florida Forever project is part of a multi-agency partnership between the Florida Department of Environmental Protection's (DEP) Florida Forever program, Southwest Florida Water Management District (SWFWMD), the FNST partnership with the Florida Department of Agriculture and Consumer Services, and many other partners. These partnerships allow multiple agencies to participate in preserving a large area while connecting an even larger conservation landscape area.

**Property Description**

The subject property, owned by AVT Ranch, Inc, has been family-owned for more than 30 years and is a cow/calf operation of approximately 150 head of cattle. The 713-acre parcel consists of



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**Item 5, cont.**

mostly uplands, with rich soil for high-quality improved pasture that is well maintained by the owner. The subject property is adjacent to the General James A. Van Fleet State Trail, which is part of the FNST.

**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;
- 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 restoration 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; however, 170 acres of the property currently an improved pasture can be converted to citrus and fruit tree cultivation;
- Spring recharge areas must use, best management practices for fertilizer use, as established by Florida Department of Agriculture and Consumer Services and agriculture activities within 100 feet of sinkholes, karsts and springs is prohibited;

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**Item 5, cont.**

- Actions or activities that may be expected to adversely affect threatened or endangered species is prohibited;
- Subdivision of the property is prohibited, except as provided in the easement under Article V;
- Signs, billboards, or outdoor advertising is prohibited except signs designating the property as conservation lands protected by the State of Florida;
- No commercial water wells;
- No commercial timber harvesting except as provided in the easement under Article V; and
- There shall be no mitigation banks established on the 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 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. Grantor shall continue to own hunting and fishing rights;
- The right to conduct controlled and prescribed burns with proper authorization;
- The right to mortgage the property;
- The right to contest taxes;
- The right to continue to use, maintain, repair, and reconstruct, but not relocate all existing buildings as depicted on the Baseline Documentation Report (BDR).
- The right to build new fences or relocate existing fences on the pasture areas as depicted on the BDR;
- The right to exclusive use of the improvement 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 using best management practices (BMPs);
- The right to convert existing 170-acre pasture areas into silviculture, and citrus and fruit tree cultivation as depicted on the BDR;
- The right to host relocated endangered, threatened or special concern of native Florida species;
- The right to maintain or restore the existing natural habitat communities per the BDR;
- The right to engage in silviculture in those areas depicted on the BDR as silviculture or pasture areas or planted pine plantation in accordance with BMPs;
- The right to cultivate and harvest hay, sod and row crops in the existing 170-acre pasture and hay areas, as depicted in the BDR, provided at least fifty percent (50%) of the improved pasture and hay areas remain unharvested in any one calendar year;
- The right to subdivide the property into three parcels and sell separately, however the terms of the Easement remain in full force over the entire property;

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**Item 5, cont.**

- The right to construct three (3) new residential structures of no more than 5,000 square feet each and two (2) outbuildings of no more than 2,000 square feet each per residential structure, on the property. The improvement impacts, including outbuildings and driveways, are limited to 2.5 contiguous acres per residential structure and subdivision;
- The right to maintain a commercial cattle operation in accordance with BMPs; and
- Grantor does not provide public access

**Mortgages and Liens**

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

The subject property will be monitored by Department of Environmental Protection’s Office of Environmental Services (OES). OES currently monitors 128 conservation easements of approximately 246,390 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 5, Pages 1-47)

**RECOMMEND APPROVAL**

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**Item 6 Bob Paul, Inc. Option Agreement/ Conservation Easement/ Tippen Bay Ranch Florida Forever Project**

**REQUEST:** Consideration of an option agreement to acquire a conservation easement over approximately 2,883 acres within the Tippen Bay Ranch Florida Forever project from Bob Paul, Inc.

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**Item 6, 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.

**COUNTY:** DeSoto

**LOCATION:** Sections 04 through 06, 08 and 09, Township 39 South, Range 27 East

**CONSIDERATION:** \$4,166,000

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED</u> <u>VALUE</u>	<u>SELLER'S</u> <u>PURCHASE</u> <u>PRICE</u>	<u>TRUSTEES'</u> <u>PURCHASE</u> <u>PRICE</u>	<u>OPTION</u> <u>DATE</u>
		<u>String</u> <u>(10/29/19)</u>	<u>Holden</u> <u>(10/29/19)</u>				
Bob Paul, Inc.	2,883	\$4,320,000	\$4,613,000	\$4,613,000	\$2,231,250*	\$4,166,000** (90%)	120 days after BOT approval

\*Property is a portion of an assemblance acquired from June 1991 to February 1996 for \$2,231,250.

\*\*\$1,445.02 per acre.

**STAFF REMARKS:** The subject property is located within the Tippen Bay Ranch Florida Forever project, ranked number 18 in the Florida Forever Less-Than-Fee category, approved by the Board of Trustees on June 4, 2019. The project contains 2,862 acres and will be complete if the subject property is acquired.

**Project Description**

The Tippen Bay Ranch is on a broad, sandy plain in rural southeastern DeSoto County, about six miles from the nearest paved highway, State Road 70. The property is adjacent to the Bright Hour Watershed Conservation Easement and located near the Blue Head Ranch and Fisheating Creek Ecosystem Florida Forever projects. The Ranch is a working cow/calf operation that typically averages 175 cattle.

**Property Description**

The 2,883-acre property has been owned by Bob Paul, Inc. for more than 20 years. Acquisition of a conservation easement over this property would help complete a wildlife corridor that spans several counties. The subject property shares its entire northern and eastern boundaries with Southwest Florida Water Management District's Bright Hour Watershed Conservation Easement and connects with a United States Department of Agriculture Wetlands Reserve Program easement to the south.

The landowner actively manages the property with the use of prescribed fire, eradication of invasive animals and plants, and halting of mowing pastures in spring and summer; allowing for wildlife to reproduce and plants to set seed and flower. Cow Slough/Montgomery Canal flows southward across the property, ultimately connecting off-site with Shell and Prairie Creeks and

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**Item 6, cont.**

emptying into the mouth of the Peace River, just upstream of Charlotte Harbor (designated an Outstanding Florida Water and an Aquatic Preserve).

Acquiring less-than-fee protection over the property would help protect surface water, functional wetlands, and groundwater recharge of this area, as well as protect habitat for rare and endangered flora and fauna. This area provides natural floodplain functions that protect the quality and quantity of water flowing into the Peace River.

**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 and extraction by grantor for oil, gas, minerals, peat, muck, limestone, etc., by means of surface exploratory and extractors operations, except as reasonably necessary to combat erosion or flooding, or except as necessary and lawfully permitted for the conduct of permitted activities;
- Solicitation of offers to enter into leases, or entering into a mineral lease, authorizing the right to explore or dredge for and/or exploit excavate, mine, drain, or remove oil, gas, hydrocarbons, minerals or any substance, soil, or material from the property;
- 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 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;

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**Item 6, cont.**

- Current agricultural uses shall not be converted to more intense agricultural uses, and Natural Areas shall remain Natural Areas;
- Spring recharge areas must use, best management practices for fertilizer use, as established by Florida Department of Agriculture and Consumer Services and agriculture activities within 100 feet of sinkholes, karsts and springs is prohibited;
- Actions or activities that may be expected to adversely affect threatened or endangered species is prohibited;
- Subdivision of the property is prohibited, except as provided in the easement under Article V;
- Signs, billboards, or outdoor advertising is prohibited except signs designating the property as conservation lands protected by the State of Florida;
- No commercial water wells;
- No commercial timber harvesting except as provided in the easement under Article V; and
- There shall be no mitigation banks established on the 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 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. Grantor shall continue to own hunting and fishing rights;
- The right to conduct controlled and prescribed burns with proper authorization;
- The right to mortgage the property;
- The right to contest taxes;
- The right to continue to use, maintain, repair, and reconstruct, but not relocate all existing buildings as depicted on the Baseline Documentation Report (BDR);
- The right to exclusive use of the improvement 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 using best management practices (BMPs);
- The right to host relocated endangered, threatened or special concern of native Florida species;
- The right to maintain or restore the existing natural habitat communities per the BDR;
- The right in the agricultural areas as depicted on the BDR, to construct additional agriculture structures as may be required for its cattle operation, such as cattle pens constructed for temporary and periodic use of cattle, so long as structures do not significantly impair the conservation values of the property and do not exceed 10,000 cumulative square feet;

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**Item 6, cont.**

- The right to construct one (1) new residential structure of no more than 5,000 square feet and one (1) outbuilding of no more than 900 square feet on the property. The improvement's impacts, including outbuildings and driveways, are limited to 2.5 contiguous acres;
- The right to maintain a commercial cattle operation in accordance with BMPs; and
- Grantor does not provide public access.

**Mortgages and Liens**

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

The subject property will be monitored by DEP's Office of Environmental Services (OES). OES currently monitors 128 conservation easements of approximately 246,390 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 6, Pages 1-49)

**RECOMMEND APPROVAL**

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**Item 7 David R. Carter and Victoria H. Carter, as Trustees of The Carter Family Trust Agreement Dated April 12, 2017 Option Agreement/ Survey Waiver/ Strategic Managed Area Lands List Florida Forever Project**

**REQUEST:** Consideration of (1) an option agreement to acquire approximately 9.9 acres within the Strategic Managed Area Lands List Florida Forever project and the Silver River Conservation and Recreational Lands project from David R. Carter and Victoria H. Carter; as Trustees of The Carter Family Trust Agreement dated April 12, 2017, and (2) the authority to waive the survey requirement, pursuant to Rule 18-1.005, F.A.C.

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**Item 7, 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.

**COUNTY:** Marion

**LOCATION:** Section 08, Township 15 South, Range 23 East

**CONSIDERATION:** \$800,000

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Albright (12/03/2019)	APPROVED <u>VALUE</u>	SELLER'S PURCHASE <u>PRICE</u>	TRUSTEES' PURCHASE <u>PRICE</u>	OPTION <u>DATE</u>
Carter	9.9	\$838,000	\$838,000	\$500,000*	\$800,000** (95%)	120 days after BOT approval

\*The Seller purchased the property for \$500,000 on February 6, 2004.  
\*\*\$81,136 per gross acre.

**STAFF REMARKS:** The subject property is the last remaining inholding along the Silver River and is part of the Strategic Managed Area Lands List (SMALL) Florida Forever project, ranked number 8 in the Critical Natural Lands category; approved by the Board of Trustees on June 4, 2019. The project contains 11,573 acres, of which 204 acres have been acquired, or are under agreement to be acquired. A portion of the subject property is located within the Silver River Conservation and Recreational Lands project, removed as substantially complete in 1993. Pursuant to Rule 18-24.002(2)(b) F.A.C., the Board of Trustees is authorized to allocate Florida Forever funding for acquisitions within this project. If acquired, the subject property will become an addition to Silver Springs State Park.

**Project Description**

The SMALL Florida Forever project, sponsored by the Department of Environmental Protection's (DEP) Division of Recreation and Parks (DRP), DEP's Office of Greenways and Trails, Department of Agriculture and Consumer Services' Florida Forest Service, and 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.

**Property Description**

The unimproved and vacant 9.9-acre subject property has 1,170 frontage feet on the southerly shore of the Silver River. The subject property is densely wooded with native forest lands and two non-contiguous upland ridges that are separated by a wetland slough, which extends through the central portion of the property. Access is available via a 15-foot wide easement for



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**Item 7, cont.**

ingress/egress that extends approximately one-half mile through the adjacent Park acreage to the subject property.

The entire five-mile run of the Silver River, from its headwaters at the springs to its confluence with the Ocklawaha River, is surrounded and protected by Silver Springs State Park, except for this one remaining privately owned subject property. Acquisition of this property would provide multiple benefits to Silver Springs State Park. A transition to public ownership will allow DRP to further protect the water quality of the river, improve recreational experiences, expand the Park's future recreational opportunities, eliminate the impacts of the existing access road, and streamline natural resource management activities.

Eliminating this private inholding within the Park boundary has been a top priority of the land acquisition program for many years. Placing the subject property into state ownership is the last step in achieving one hundred percent protection of the Silver River from potential development.

**Mortgages and Liens/Encumbrances**

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

**Survey Waiver**

It is the opinion of DEP'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 subject property is being requested pursuant to Rule 18-1.005, F.A.C.

**Closing Information**

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

**Management**

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

**Comprehensive Plan**

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

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**Item 7, cont.**

(See Attachment 7, Pages 1-26)

**RECOMMEND APPROVAL**

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**Item 8 David Schofield Option Agreement/ Survey Waiver/ South Walton County Ecosystem Florida Forever Project**

**REQUEST:** Consideration of (1) an option agreement to acquire approximately 4.5 acres within the South Walton County Ecosystem Florida Forever project from David Schofield, 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:** Walton

**LOCATION:** Section 32, Township 02 South, Range 20 West

**CONSIDERATION:** \$882,500

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Marr <u>(02/01/20)</u>	APPROVED <u>VALUE</u>	SELLER'S PURCHASE <u>PRICE</u>	TRUSTEES' PURCHASE <u>PRICE</u>	OPTION <u>DATE</u>
Schofield	4.5	\$965,000	\$965,000	\$825,000*	\$882,500** (91%)	90 days after BOT Approval

\*The Seller purchased the property for \$825,000 on March 14, 2018.

\*\*\$196,111 per gross acre.

**STAFF REMARKS:** The subject property is located within the South Walton County Ecosystem Florida Forever project, ranked number 4 in the Substantially Complete category, approved by the Board of Trustees on June 4, 2019. The project contains 11,173 acres, of which 8,481 acres have been acquired or are under agreement to be acquired.

**Project Description**

The South Walton County Ecosystem project includes much of the undeveloped land in Walton County south of Choctawhatchee Bay. This land is covered with a diverse mix of flatwoods, sandhills, and wetlands in the interior as well as sand-pine scrub, unique coastal dune lakes that occur only in Florida and are critically imperiled globally, as well as beach dunes on the Gulf Coast. The Topsail Hill and Deer Lake tracts are some of the most scenic and ecologically intact coastal areas in the Panhandle and shelter the endangered Choctawhatchee beach mouse and

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**Item 8, cont.**

red-cockaded woodpecker, as well as several other rare plants and animals. Seven archaeological sites have been identified in the project. The explosive coastal development of Walton County is a serious threat to this project, particularly the sensitive coastal areas.

**Property Description**

The unimproved subject property contains approximately 4.5 acres of mostly uplands covered in dense natural vegetation. The subject property is the only remaining private inholding within Topsail Hill Preserve State Park. Currently, there is legal access to the subject property via a 30-foot-wide easement extending approximately 725-linear-feet from County Road 30A and physical access is achieved through the adjacent Park property.

The subject property is critical to ensuring wildlife habitat continuity and protection in one of the last remaining expanses of scrubby flatwoods located west of the US Highway 98/County Road-30A junction. The subject property supports several imperiled species, including large-leaved jointweed, Gulf Coast lupine, gopher tortoise, and the Gulf Coast solitary bee; along with a sizable population of the bee's primary pollen source, the Gulf Coast honeycomb head.

Acquisition of the subject property would form a more contiguous park boundary as well as reduce potential encroachment and conflicts between adjacent development and conservation efforts in the future. Additionally, the acquisition of this property will eliminate many management concerns, eliminate future habitat fragmentation, and preserve the Park's wilderness experience.

**Mortgages and Liens/Encumbrances**

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

**Survey Waiver**

It is the opinion of DEP'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.

**Closing Information**

A title insurance commitment will be provided by the buyer prior to closing.

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**Item 8, cont.**

**Management**

This property will be managed by DEP’s Division of Recreation and Parks as an addition to Topsail Hill 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 8, Pages 1-32)

**RECOMMEND APPROVAL**

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**Item 9 Diameter Share, Inc. Option Agreement/ St. Joe Timberland Florida Forever Project**

**REQUEST:** Consideration of an option agreement to acquire approximately 578.4 acres within the St. Joe Timberland Florida Forever project from Diameter Share, 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:** Gulf

**LOCATION:** Sections 06 and 07, Township 07 South, Range 08 West

**CONSIDERATION:** \$720,000 (If approved, the Board of Trustees’ consideration may be reduced by \$200,000 through funding from the Fish and Wildlife Foundation of Florida. The Board of Trustees’ portion would be \$520,000 or 67 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>(01/09/20)</u>	<u>(01/09/20)</u>				
Diameter Share, Inc.	578.4	\$772,000	\$695,000	\$772,000	\$562,300*	\$720,000** (93%)	120 days after BOT approval

\*Seller purchased the subject property in April 2003.

\*\*\$1,244.81 per acre.

\*\*\*\*\*

**Item 9, cont.**

**STAFF REMARKS:** The subject property is located within the St. Joe Timberland Florida Forever project, ranked number 4 in the Climate Change Lands project category, approved by the Board of Trustees on June 4, 2019. The project contains 158,589 acres, of which 82,681 acres have been acquired or are under agreement to be acquired.

**Project Description**

The St. Joe Timberland project was created in 2000 to consolidate St. Joe Company ownerships included in other projects into one project, thus helping to preserve large undeveloped tracts of land for native plants and animals and giving the public an opportunity to experience large natural areas throughout North Florida. These tracts include samples of almost all natural communities of North and Central Florida, from scrub to swamps and springs.

**Property Description**

The 578.4-acre subject property is near the Howard Creek community and approximately one mile west of the Apalachicola River. The Apalachicola River Wildlife and Environmental Area (ARWEA) is immediately adjacent to the property's southeastern boundary. The subject property's southern boundary is bifurcated from the ARWEA by Dump Road. The acquisition of the subject property would expand upon the recent addition of the 20,168-acre Lake Wimico site to the ARWEA located west and southwest of the subject property.

The subject property lies within the Apalachicola River and Bay Watershed. This area is one of the most undeveloped, diverse, productive, and economically important natural systems in the Southeastern United States.

If acquired, the subject property would provide a largely intact area of mesic flatwoods, an important habitat for many wildlife species, reduce the likelihood of future management challenges, such as prescribed burning activities should the property be sold and developed, and protect the critical water and economic resources afforded by this natural system.

**Mortgages and Liens/Encumbrances**

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

**Closing Information**

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

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**Item 9, cont.**

**Management**

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

**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 9, Pages 1-37)

**RECOMMEND APPROVAL**

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**Item 10 Alico, Inc. Option Agreement/ Devil’s Garden Florida Forever Project**

**REQUEST:** Consideration of an option agreement to acquire approximately 10,684 acres within the Devil’s Garden Florida Forever project from Alico, 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:** Hendry

**LOCATION:** Sections 11-14, 23-24, Township 45 South, Range 30 East; and Sections 04-09, 16-21, 28-33, Township 45 South, Range 31 East

**CONSIDERATION:** \$28,500,000

<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>	<u>OPTION</u> <u>DATE</u>
		String (12/12/19)	Holden (12/12/19)				
Alico West	3,839	\$12,300,000	\$11,900,000	\$12,300,000	\$82,828,250*	\$10,250,000 (83%)	120 days after BOT approval
Alico Central	<u>6.845</u> 10,684	\$19,150,000	\$20,535,000	<u>\$20,535,000</u> \$32,835,000	\$82,828,250*	<u>\$18,250,000</u> (89%) \$28,500,000** (87%)	120 days after BOT approval

\*Seller purchased 91,397.47 acres, including the subject property, in 1960.  
\*\*\$2,667.54 per acre.

**STAFF REMARKS:** The subject property is located within the Devil’s Garden Florida Forever project, ranked number 12 in the Critical Natural Lands project category, approved by the Board

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**Item 10, cont.**

of Trustees on June 4, 2019. The project contains 82,995 acres, of which 27,868 acres have been acquired or are under agreement to be acquired.

**Project Description**

Devil’s Garden includes 82,995 acres in Hendry and Collier Counties. The project is named after a wetland slough in the eastern portion of the overall project. The western portion, the focus of this acquisition, is comprised of a mosaic of natural lands used primarily for cattle grazing.

The connectivity of uplands and wetlands draining both to the north and south are important to protecting the state’s water resources. The natural systems of Fakahatchee Strand and Big Cypress National Preserve are dependent on the water supplied from this area, and a majority of the Devil’s Garden project lies within the Western Everglades Restoration project planning boundary.

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 watershed protections.

**Property Description**

The 10,684-acre subject property shares its western and southwestern boundary with the Okaloacoochee Slough State Forest and its southeastern boundary with a United States Department of Agriculture Wetlands Reserve Program conservation easement. 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, stretching from the Caloosahatchee River to Big Cypress National Wildlife Preserve, provides habitat critical to panther recovery and their long-term survival.

Preservation of the subject property will contribute to increased protection of Florida’s biodiversity at the species, natural community, and landscape levels; additionally, it will reduce potential nutrient impacts within the Caloosahatchee River Watershed and Western Everglades Basin, enhance the hydrologic connection of conservation land within the South Florida ecosystem, and provide additional recreational opportunities.

There are three hunt camps on the subject property. Any improvements associated with these camps are considered tenant improvements and were not included in the valuation of the subject property.

**Mortgages and Liens/Encumbrances**

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 (DEP) the authority to review and evaluate marketability issues as they arise on all

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**Item 10, cont.**

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 will be provided by the purchaser prior to closing. Active hunting leases will be terminated by closing and the current tenant, with an active cattle lease on the property, will be issued a termination notice prior to closing.

**Management**

The subject parcel will be managed by the Florida Fish and Wildlife Conservation Commission as part of Okaloacoochee Slough Wildlife Management Area.

**Comprehensive Plan**

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

(See Attachment 10, Pages 1-42)

**RECOMMEND APPROVAL**

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**Item 11 The Nature Conservancy Assignment of Option Agreement/ Survey Waiver/ Dickerson Bay/ Bald Point Florida Forever Project/ BOT/ Department of Air Force MOA/ Declaration of Restrictive Covenants**

**REQUEST:** Consideration of (1) an assignment of an option agreement to acquire 17,080 acres within the Dickerson Bay/ Bald Point Florida Forever project from The Nature Conservancy; (2) waiver of survey requirement; and (3) a request to place a restrictive easement over a portion of the property in favor of the United States of America, by and through the Department of the Air Force, pursuant to the agreement executed on July 28, 2015, amended September 29, 2016.

**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:** Franklin and Wakulla

**LOCATION:** Sections 31 and 32, Township 05 South, Range 02 West; Sections 33 and 34, Township 05 South, Range 03 West; Sections 18 and 19, Township 06 South, Range 01 West;



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**Item 11, cont.**

Sections 05 through 09, 13 through 30, and 35 and 36, Township 06 South, Range 02 West; Sections 1 through 4, 9 through 14, 23 through 26, and 35 and 36, Township 06 South, Range 03 West, all in Franklin County, Florida; Section 03 Township 06 South, Range 03 West, Wakulla, County, Florida

**CONSIDERATION:** \$43,000,000 (If approved, the Board of Trustees’ consideration could be reduced by up to a total of \$5,250,000 which includes \$3 million for the military restrictive easement, as discussed under “Military Agreement,” provided the Department of the Air Force approves the supporting acquisition documentation. The Nature Conservancy (TNC) has committed to contribute \$2,250,000 towards the purchase price. The Board of Trustees’ portion would be \$37,750,000 or 87 percent).

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED</u> <u>VALUE</u>	<u>SELLER’S</u> <u>PURCHASE</u> <u>PRICE</u>	<u>TRUSTEES’</u> <u>PURCHASE</u> <u>PRICE</u>	<u>OPTION</u> <u>DATE</u>
		<u>Catlett</u> <u>(11/19/19)</u>	<u>Slotkin</u> <u>(11/19/19)</u>				
Ochlockonee Timberlands LLC	17,080	\$43,333,000	\$42,700,000	\$43,333,000	\$33,069,700*	\$43,000,000** (99%)	150 days after BOT approval

\*Owner acquired property March 4, 2014.

\*\*\$2,518 per acre.

**STAFF REMARKS:** The subject property is located within the Dickerson Bay/ Bald Point Florida Forever project, ranked number 2 in the Florida Forever Climate Change Lands project category, approved by the Board of Trustees on June 4, 2019. The project contains 25,430 acres, of which 22,900 acres have been acquired or are under agreement to be acquired.

**Project Description**

The Dickerson Bay/ Bald Point Florida Forever Project is comprised of three separate areas which include uplands around Dickerson, Levy and Ochlockonee Bays. These bays provide foraging habitat for endangered sea turtles, specifically, juvenile Kemp’s Ridley sea turtles, and other state or globally rare birds, such as wood storks and bald eagles. The uplands surrounding the three bays are an intricate mosaic of lakes, depression marshes, mesic flatwoods, that support populations of rare animals such as Sherman’s fox squirrel and gopher tortoise, scrubby flatwoods, and scrub connected with the marine communities by numerous tidal creeks, salt flats, and salt marshes.

**Property Description**

The subject property is part of a watershed that feeds into portions of Ochlockonee Bay and Alligator Harbor, which is critically important to the Gulf’s seafood and tourism industries. Acquiring the subject property provides a permanent means of protecting and restoring the estuaries that recreational and commercial fishers rely on for finfish and shellfish species that are the economic lifeblood of the region.

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**Item 11, cont.**

Called The Bluffs, the subject property features an astounding 17 miles of frontage on some of Florida’s most beautiful waterways, including two miles on the Gulf of Mexico, six miles on Ochlockonee Bay, and over eight miles on the winding Ochlockonee River. Notwithstanding the abundance of water frontage, the majority of the 17,080 acres is uplands with sandy soils and picturesque bluffs that rise to over 20 feet. The subject property shares a border with the southwestern edge of the St. Marks National Wildlife Refuge and connects to Tate’s Hell State Forest, Bald Point State Park, and Alligator Harbor Aquatic Preserve.

Access to Ochlockonee Bay, Alligator Harbor Aquatic Preserve, and several of the ponds, provide opportunities for paddling and fishing. The expansive network of woodlands and roads can easily accommodate hiking, biking, and nature studies. The subject property’s large size also makes hunting feasible. Additionally, the property’s road frontage expands the possibilities for siting of a campground and visitors center.

Together with the surrounding and adjacent lands already managed for conservation and public use, the Bluffs will provide significant protection at a landscape-scale and watershed level. Acquisition of the subject property will serve to enhance the western portion of the St. Marks National Wildlife Refuge, as well as buffer the nearby productive waters of the Alligator Harbor Aquatic Preserve, Big Bend Seagrasses Aquatic Preserve, and the Apalachicola Bay Aquatic Preserve (National Estuarine Research Reserve). An interconnected system of managed landscapes and watersheds will provide critical habitat for wide-ranging vertebrate species such as the Florida black bear, numerous waterfowl, and other migratory bird species, as well as provide tremendous ecosystem resiliency for sea level rise and climate adaptation.

Acquisition of the Bluffs will provide a permanent means of protecting and restoring estuarine ecosystems and freshwater sources for recreational and commercially important finfish (e.g., speckled sea trout, redfish, black drum, snapper, grouper, mullet) and shellfish species (e.g., oysters, pink shrimp, scallops, blue crabs, stone crabs); the economic life-blood of the region and the keystones of the ecology of the near-shore Gulf.

**Memorandum of Agreement and Confidentiality Acknowledgement**

Pursuant to a Memorandum of Agreement and Confidentiality Acknowledgement entered into between Department of Environmental Protection (DEP) and TNC on October 29, 2019, TNC has negotiated an option agreement to purchase the subject property from Ochlockonee Timberlands, LLC and shall offer the Board of Trustees the right to purchase an assignment of its option agreement. If the Board of Trustees approves the assignment, the Board of Trustees may exercise the option to purchase pursuant to the assignment of the option agreement from Ochlockonee Timberlands, LLC.

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**Item 11, cont.**

**Military Agreement**

On July 28, 2015, the Air Force and DEP entered into an agreement for the acquisition of restrictive easements over the Special Use Airspace Area which includes several Florida Forever projects. The agreement was amended on September 29, 2016, to obligate additional funds and replaces the original maps with new maps to show mission priorities. The agreement provides that: (1) if the state buys certain lands in the area shown on the map; and (2) if the Air Force chooses to contribute up to 100 percent of the restrictive easement value for a less-than-fee simple interest in the lands; then (3) the state will place a restrictive easement, protective of the Air Force’s flight operations and approved by the Air Force, over that land. The Air Force currently has committed \$3,000,000 to be used towards the cost share for the restrictive easement on any parcels located in the Special Use Airspace Area and overlap with the Florida Forever projects. The agreement expires on September 30, 2021. All commitments will be subject to the Air Force’s approval of supporting documentation. However, if the Air Force does not approve the supporting documentation for the contribution to the purchase price, DEP will exercise the option agreement and acquire the property in fee without the Air Force restrictive easement.

**Mortgages and Liens**

All mortgages and liens will be satisfied at the time of closing. All hunting leases will be terminated prior to 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 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 DEP’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 section 18-1.005, F.A.C.

**Management**

A portion of the subject property will be managed by the Department of Agriculture and Consumer Services’ Florida Forest Service as an addition to Tate’s Hell State Forest, and a portion will be managed by DEP’s Division of Recreation and Parks as an addition to Bald Point State Park.

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**Item 11, 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 11, Pages 1-133)

**RECOMMEND APPROVAL**

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**Item 12 Aquaculture Lease in Gulf County**

**REQUEST:** Approval to issue a 10-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 \$434.60 for the 10-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 10 acres in size and is located in the Indian Lagoon in 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 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.

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**Item 12, 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 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 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.

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**Item 12, cont.**

(See Attachment 12, Pages 1-21)

**RECOMMEND APPROVAL**