

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
AUGUST 1, 2006
Substitute Page

Item 1 Minutes

Submittal of the Minutes from the April 21, 2006, May 2, 2006, and May 16, 2006 Cabinet Meetings.

(See Attachment 1, Pages 1-35)

RECOMMEND APPROVAL

Substitute Item 2 Vanosdol Purchase Agreement/FWC Triple N Ranch Wildlife Management Area Additions and Inholdings Project

REQUEST: Consideration of a purchase agreement to acquire 902 acres within the Florida Fish and Wildlife Conservation Commissions' Triple N Ranch Wildlife Management Area Additions and Inholdings project from Donald and Monette Vanosdol.

COUNTY: Osceola

APPLICANT: Florida Fish and Wildlife Conservation Commission (FWC)

LOCATION: Sections 15 through 18, Township 28 South, Range 33 East

CONSIDERATION: \$8,138,700

| <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>CLOSING DATE</u> |
|---------------|--------------|--------------------------|--------------------------|-----------------------|--------------------------------|---------------------------------|-----------------------------|
| | | <u>Benson (03/01/06)</u> | <u>Holden (03/01/06)</u> | | | | |
| Vanosdol | 902 | \$8,100,000 | \$9,020,000 | \$9,020,000 | \$1,500,026* | \$8,138,700** (90%) | 120 days after BOT approval |

* Purchased in 1994
 ** \$9,023 price per acre

Noted Features of Subject Property:
 Upland area is 668 +/- acres (74%) and wetland area is 234 +/- acres (26%).
 Zoned AC - Agricultural Development - 1 residential unit per 5 acres.
 Highest and Best use is agricultural, rural residential, and recreation.
 On the property are some cattle pens, fencing, and several wells; there is also a mobile home on the property that is considered personal property and will be removed.

STAFF REMARKS: This acquisition was negotiated by FWC and was approved for funding under its Florida Forever Additions and Inholdings Program on July 14, 2006.

All mortgages and liens will be satisfied at the time of closing. There is a distribution easement over the property in favor of Florida Power and Light and there is an outstanding 50 percent interest in an oil, gas, and mineral reservation in favor of Consolidated Naval Stores.

Substitute Item 2, cont.

Further due diligence has shown that the surface right of entry has been barred by the Marketable Records Title Act. There is some fencing and four small wells on the property and the appraisers considered these encumbrances and minor improvements in their valuation of the property. There is also a single-wide mobile-home on the property that was considered to be personal property by the appraisers so it was not included in the value of the property. The four small wells on the property will be allowed to remain uncapped for up to 365 days after closing until the seller is able to remove his livestock from the property. At that time FWC will determine if the wells will be needed for management purposes. The seller will also remove the single-wide mobile-home that is on the property within 365 days after 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 chapter 259, F.S., acquisitions and to resolve them appropriately. Because these issues were discovered during preliminary due diligence, further research may change the facts and scope of each issue and, therefore, DEP staff will review, evaluate, and implement an appropriate resolution for these and any other title issues that arise prior to closing.

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

Many kinds of wide-ranging wildlife use the open range-lands, pastures, pine flatwoods, and palmetto prairies of Osceola County. Thus this tract of land is an important and integral component of FWC's acquisition plans to conserve lands within the St. John River system; to provide a link of natural lands between Bull Creek and the Three Lakes Wildlife Management Areas (WMA), helping to ensure survival of wildlife like swallow-tailed kites, crested caracara, and other associated fish and wildlife resources.

The parcel will be managed by FWC as an addition to the Triple N Ranch WMA for natural resource conservation, restoration, and resource-based public outdoor recreation within a multiple-use management regime.

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 2, Pages 1-31)

RECOMMEND APPROVAL

Item 3 Davis/SRW Properties, LLC, Exchange Agreement/Determinations/Point Washington State Forest Parcels/Leon County Parcel

REQUEST: Consideration of (1) a determination that nine parcels of state-owned land containing approximately 58.83 acres in the Point Washington State Forest are no longer needed for conservation purposes pursuant to Article X, Section 18 of the Florida Constitution, and section 253.034(6), F.S., and that the nine parcels no longer need to be preserved in furtherance of the P2000 Act pursuant to section 259.101(6)(b), F.S.; (2) a determination that the nine parcels are surplus; (3) an exchange agreement under which the Board of Trustees would convey eight of the nine parcels to M.C. Davis and Stella Davis in exchange for a 70-acre parcel located in the Point Washington State Forest optimum management boundary, and one parcel to SRW Properties, LLC, in exchange for a 2.69-acre parcel located in Leon County, Florida, behind the Governor’s mansion; and (4) a determination that the exchange will result in a net positive conservation benefit to the state, pursuant to Article X, Section 18 of the Florida Constitution and section 253.034(6), F.S.

COUNTIES: Leon and Walton

APPLICANTS: Department of Agriculture and Consumer Services, Division of Forestry (DOF), and Department of Management Services (DMS)

LOCATION: Sections 23, 27, 28, 29, and 33, Township 02 South, Range 20 West; and Section 25, Township 01 North, Range 01 West

CONSIDERATION: Governor’s Mansion Addition - value-for-value. DMS to pay \$761,000 cash boot to SRW Properties, LLC, for the Addition, and reimbursement to the Preservation 2000 Trust Fund in the amount of \$2,389 for BOT #1. Davis Parcel - parcel-for-parcel, with no cash boot to be paid by the Board of Trustees. Approved value of Davis Parcel reflects reduction for value of a leasehold reservation.

| <u>PARCEL</u> | <u>ACRES</u> | <u>APPRAISED BY</u> | | | <u>APPROVED VALUE</u> | <u>CLOSING DATE</u> |
|---------------|--------------|-----------------------------|----------------------------|-------------------------------|---------------------------------|-----------------------------|
| | | <u>Rogers</u> 05/17/2005 | <u>Asmar</u> 05/17/2005 | <u>Chandler</u> 07/13/2005 | | |
| Davis | 70.0 | \$16,000,000 | \$15,400,000 | | \$15,686,200 ¹ | 120 days after BOT approval |
| BOT #4 | 9.8 | \$ 1,850,000 | \$ 1,960,000 | | \$ 1,960,000 | |
| #5 | 9.8 | \$ 1,400,000 | \$ 1,470,000 | | \$ 1,470,000 | |
| #7 | 7.0 | | \$ 4,315,000 | \$4,058,000 | \$ 4,315,000 | |
| #9 | 3.5 | | \$ 500,000 | \$ 457,500 | \$ 500,000 | |
| #10 | 9.9 | \$ 1,900,000 | \$ 1,782,000 | | \$ 1,900,000 | |
| #12 | 8.6 | | \$ 5,130,000 | \$4,436,000 | \$ 5,130,000 | |
| #14 | 0.29 | | | \$ 181,500 | \$ 181,500 | |
| #15 | 0.14 | | | \$ 120,000 | \$ 120,000 | |
| | | | | TOTAL | \$15,576,500² | |

¹ The approved value reflects the average of the two appraisals pursuant to Section 18-2.020(2)(d), F.A.C. , less the value of the leasehold reservation (\$16,000,000 + \$15,400,000 = \$31,400,000 ÷ 2= \$15,700,000 - \$13,800 = \$15,686,200).

² As provided for in the Exchange Agreement, if the approved value of the Davis Parcel is more than the combined value of BOT #4, #5, #7, #9, #10, #12, #14, and #15 at closing, for the purposes of the exchange to be effected under this agreement the value of the Davis parcel will be reduced to the combined DSL approved value for BOT #4, #5, #7, #9, #10, #12, #14, and #15, and no monetary consideration shall be paid by the Board of Trustees.

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Item 3, cont.

| <u>PARCEL</u> | <u>ACRES</u> | <u>APPRAISED BY</u> | | | <u>APPROVED VALUE</u> | <u>CLOSING DATE</u> |
|-----------------------------------|--------------|-------------------------------|--------------------------------|-----------------------------|---------------------------|--------------------------------|
| | | <u>Taulbee 10/19/2005</u> | <u>Griffith 10/27/2005</u> | <u>Asmar 05/17/2005</u> | | |
| Governor's Mansion Addition | 2.69 | \$1,220,000 | \$1,184,000 | | \$1,202,000 ¹ | 120 days after BOT approval |
| BOT #1 | 9.8 | | | \$ 441,000 | \$ 441,000 | |
| Consideration due from DMS | | | | | \$ 761,000 | |
| | | | | TOTAL | \$1,202,000 | |

STAFF REMARKS: In 1992 the Board of Trustees acquired the state-owned lands proposed for exchange at auction by the federal government as part of the Resolution Trust Corporation's sale of lands from failed savings and loan associations. The nine parcels are part of a group of 17 parcels ranging in size from 0.14 acre to 17 acres located outside the current South Walton Ecosystem Florida Forever project boundary. The parcels were recommended for surplus by the Land Management Advisory Council (predecessor to the Acquisition and Restoration Council) in 1997. The exchange was negotiated by the Department of Environmental Protection (DEP), Division of State Lands (DSL), following a marketing effort that included notifying adjacent landowners and area realtors, placing ads in the local newspaper, and posting signs on the state-owned properties. Initial response resulted in a list of almost 150 interested parties; however, DSL staff focused on exchanges versus direct sales for the purpose of acquiring inholdings within the Point Washington State Forest (Forest). The inholdings were identified through meetings with staff of the Department of Agriculture and Consumer Services, Division of Forestry (DOF), which manages the Forest. The decision to prioritize exchanges over sales considerably reduced the number of interested parties to nine applicants. After eliminating those requests that would not benefit the Forest, four exchange requests remained on the table. The proposed exchange is the first to be submitted to the Board of Trustees. Two requests are pending Board of Trustees' approval of the current exchange proposal.

The 70-acre parcel to be acquired by the state (Davis Parcel) is located within the optimum management boundary of the Forest. Mr. Davis is also the principal owner of SRW Properties, LLC (SRW), which owns a 2.69-acre parcel located behind the Governor's mansion in Tallahassee (Addition). DMS has had an interest in acquiring the Addition and obtained an \$860,374 appropriation for the acquisition, but the sale price exceeded the state's approved value of \$1,202,000. Mr. Davis acquired the Addition in 2005 for \$1.4 million to facilitate the state's acquisition and has agreed, on behalf of SRW, to include it in the exchange at the state's approved value of \$1,202,000. SRW will take title to BOT #1. The difference in value between BOT #1 and the Addition (\$761,000) will be paid to SRW using DMS' appropriation monies. Because BOT #1 was acquired with Preservation 2000 funds, DMS will also use a portion of its appropriation to reimburse the Preservation 2000 Trust Fund for the state's 1992 purchase price of \$2,389 (9.8 acres x \$243.69/acre) for BOT #1.

Item 3, cont.

DOF recommends approval of the exchange because:

- It would eliminate a large, highly developable inholding from the Forest;
- The state will acquire 70 acres of desirable land within the project boundary, which also represents a net gain of 11.17 acres; and
- The Davis Parcel provides a connection to state-owned lands to the north of the Davis Parcel that border Choctawhatchee Bay for additional water access.

Pursuant to Article X, section 18 of the Florida Constitution, lands designated for natural resources conservation purposes may be exchanged if the governing board of the entity determines, by a vote of at least three members, that the property is no longer needed for conservation purposes and that the exchange will result in a net positive benefit to the state. The subject parcels were acquired as part of a larger acquisition, are located outside the project boundary, and have never been within the project boundary. For these reasons they provide no requisite conservation value for the state forest.

The Board of Trustees is receiving a net positive benefit in the exchange because:

- The Davis Parcel could be developed for residential purposes that would make forest management activities difficult, particularly prescribed burning;
- The Forest will now have additional access to Choctawhatchee Bay;
- The Davis Parcel contains an active eagle nest; and
- The Addition has important historical value and may provide information extending back to the early 19th century relating to the Grove.

Acquisition of the Addition will provide enhanced security for the Governor's mansion; however, the Addition also has historical significance. The Addition was originally part of a larger tract referred to as the Grove that was acquired by Florida's last territorial governor, Richard Keith Call, in 1825. The Grove property remained intact and in the Call family until the 1930's when the southern portion was sold to developers. In 1942, LeRoy and Mary Call Darby Collins acquired the site of the Call-Collins House and surrounding lands which were subsequently purchased by the Board of Trustees in 1985 and leased to the Department of State for historic preservation. The Grove property will ultimately be developed as a museum for Florida history, with an appropriate portion devoted to honoring and memorializing Richard Keith Call and other territorial governors of Florida. The Addition has been little disturbed since the time of the initial purchase by General Call and construction of the Grove in the early nineteenth century. Through archaeological testing, it has the potential to yield further information about the use of the land since the antebellum period.

Mr. Davis will retain title to a 1.25-acre parcel located within the 70-acre Davis Parcel where his home is located, and an easement for access. Mr. Davis will also retain a leasehold for a period of 24 months from the date of closing on a mobile home site for a doublewide mobile

Item 3, cont.

home he has on the property and uses for a personal office. Mr. Davis had anticipated moving his office from the Davis Parcel to one of the state parcels following the exchange, but is unable to do so because none of the state parcels have any zoning or land use designation. The additional 24 months will give him time to apply for the required change in land use. The approved value of the Davis Parcel reflects a reduction in value of \$13,800 for the leasehold reservation. Upon expiration of the leasehold reservation, DOF will have the option of having the mobile home remain or having Mr. Davis remove it from the Davis Parcel.

Pursuant to section 253.115, F.S., notification of the exchange was issued to land owners within 500 feet. No objections were received.

DEP has determined that surplus land sales are not subject to the local government planning process. The acquisition of the Davis Parcel is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands section of the State Comprehensive Plan. The acquisition of the Addition is consistent with section 187.201(17), F.S., the Public Facilities section of the State Comprehensive Plan.

(See Attachment 3, Pages 1-144)

RECOMMEND APPROVAL

2nd Substitute Item 4 Destin Beach, Inc. Lease

REQUEST: Consideration of an application for a five-year standard term sovereignty submerged land lease containing 47,008 square feet, more or less, for a proposed commercial cargo loading/offloading facility associated with an upland revenue-generating cargo operation.

COUNTY: St. Lucie
 Lease No. 560337016
 Application No. 56-0129409-004

APPLICANT: Destin Beach, Inc.

LOCATION: Section 03, Township 35 South, Range 40 East, in the Indian River Lagoon, Class III Waters, within the local jurisdiction of the city of Fort Pierce and St. Lucie County
Aquatic Preserve: No
Outstanding Florida Waters: No
Designated Manatee County: Yes, with an approved manatee protection plan
Manatee Aggregation Area: No
Manatee Protection Speed Zone: Yes, idle speed year-round

2nd Substitute Item 4, cont.

CONSIDERATION: \$8,079.50, representing the initial annual lease fee computed at the base rate of \$0.1375 per square foot and including the initial 25 percent surcharge payment. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable.

STAFF REMARKS: The applicant is requesting authorization to operate a commercial cargo facility with temporary mooring for loading and offloading cargo, consisting mainly of rocks and other aggregate materials. There are three existing mooring dolphins (pilings) within the proposed 47,008-square-foot lease area, and a sheetpile bulkhead that runs along 150 feet of the shoreline. These structures were constructed around 1968, but the area has never been under lease. The applicant has identified the use of vessels with an average length of 225 feet, 36-foot beam, and 18-foot draft. Tugboats will be required to maneuver the vessels. The proposed project does not propose any new structures.

The site is associated with two adjacent upland parcels consisting of 10.5 acres and 28.5 acres, which have historically been used for storage and import of the bulk agricultural products (i.e., aragonite). The uplands contain access roads and a railway. The proposed lease area known as "Berth 4" is an area of open water adjacent to the shoreline that currently has an average water depth of 25 feet.

Destin Beach, Inc., owns a total of four upland parcels, adjacent to the areas designated as Berths 1 through 4, containing approximately 64 acres within the area known historically and for planning purposes as the Port of Fort Pierce. The uplands were artificially created (filled) and deeded pursuant to Board of Trustees' Deed No. 21592. Generally the parcels are vacant with the exception of some small storage buildings and mobile trailers.

Several scientific reports have been submitted to the Department of Environmental Protection (DEP) regarding the environmental impacts related to port activities specific to the Port of Fort Pierce. These documents include:

- "Environmental Impacts of ports on Florida East Coast with Emphasis on the Indian River Lagoon, Florida An Executive Summary" By Hugo Thouverez, Advisor Dr. John G. Windsor Jr.
- "Death of the Indian River Lagoon? A Report to the John D and Catherine T. MacArthur Foundation"
- "Environmental Survey Relative to the Expansion and Development of the Port of Fort Pierce" By R Grant Gilmore, PhD and M. Dennis Hanisak, PhD.

The documents identify several types of environmental impacts generally associated with port activities in Florida and around the United States. The documents report impacts including habitat loss from dredging, turbidity from prop wash, erosion from ship wakes, accidental fuel spills, leaching of heavy metals from bottom paints, and introduction of exotic species in

2nd Substitute Item 4, cont.

ballast water. DEP has reviewed and evaluated the documents submitted. When these activities occur at deep water ports they can be expected to cause detrimental environmental impacts. However, based on the deepwater access existing at the site, the current water depth of the berth, minimal wake associated with large cargo vessels and lack of benthic resources in and around Berth 4, DEP has determined that no significant environmental impacts will result from the proposed activity pursuant to section 18-21.004(2)(b), F.A.C.

Pursuant to section 163.3178(2)(k), F.S., and rule 9J-5.012(3)(c), F.A.C., St. Lucie County has primary authority over the Port and is the entity responsible for preparation of the Port Master Plan. Furthermore, the city of Fort Pierce has jurisdiction over the upland property zoning and land use regulations. Both the city of Fort Pierce and St. Lucie County have objected to the lease application, as well as, several non-governmental entities. Based on the numerous letters of opposition, DEP has determined that the application was of heightened public concern and should be presented to the Board of Trustees.

The original Port Master Plan identified that the intended general use for the Port of Fort Pierce was exclusively cargo. In 1996 the Port was officially established through a non-binding public referendum which shifted the intended general uses from exclusively cargo to a mix of recreational, commercial, and industrial uses. Through additional public workshops, the plan has been further refined to focus the industrial component of the mixed use port on marine industries, specifically the mega yacht industry. The overall management of the Port is vested with the St. Lucie County Board of County Commissioners. The private property owned by Destin Beach, Inc., is located within the boundaries of the Port of Fort Pierce Master Plan designated as "marine industrial" use.

Upon receipt of the lease application, DEP was notified by St. Lucie County that the proposed activity was inconsistent with the Port Master Plan adopted November 12, 2002. Specifically, Policy 2.1.2, of the Port Master Plan, states:

"The Port of Fort Pierce will continue as a deepwater port that will accommodate limited cargo operations. Gentrification of cargo areas shall be emphasized and flexibility shall be retained in the Berth 1 area to allow either limited cargo operations or marine industries. All such uses shall be consistent with the general mix of uses described herein and compatible with adjacent land uses and natural resources."

DEP sent the application to the Florida Department of Community Affairs (DCA) for comment regarding the proposed lease's consistency with the Port Master Plan and the local comprehensive plans. DCA's response, dated February 20, 2006, stated "...this lease would be detrimental to the ongoing joint planning efforts of the City [of Fort Pierce] and County [St. Lucie] to develop a shared vision for future port activities." The applicant's position, stated in a February 15, 2006 letter, is:

2nd Substitute Item 4, cont.

“The City Comprehensive Plan was adopted in January of 1990 and has not been amended or changed since that date. The future land use element of the City Comprehensive Plan, which contains the future land use maps, shows that the Property has a current land use designation of Industrial.”

However, DCA’s letter explains, “...the [City’s] plan is outdated and in the process of being revised to be consistent with the Port Master Plan.” As of June 26, 2006, the city of Fort Pierce Commission had voted to amend its comprehensive plan to include the Port Master Plan and have transmitted the proposed changes to DCA for final approval.

The applicant is not proposing any new structures or other in-water activities requiring approval under chapter 373, F.S. The applicant is solely requesting proprietary authorization to use sovereignty submerged lands. The mooring piles and deepwater berth were used previously by Marcona Industries to import aragonite cargo. The mooring piles are not currently under lease, as they are not being used. However, DEP has pursued enforcement for the unauthorized historical use of the pilings. Consent Order 03-1449 identified state lands violations by AES Atlantis and collected \$14,601.47 for lease fees in arrears. At the time, AES Atlantis was leasing the uplands from the property owner (Destin Beach, Inc.) and importing citrus.

The Destin Beach, Inc., property was used for emergency hurricane operations in 2004. Activities included removal of damaged and sunken vessels, spoil and debris removal, and miscellaneous post storm clean-up operations. All activities were found to be in compliance with the Emergency Order (OGC No.04-0659).

In 2005, DEP identified that white and red mangroves had been removed from the property owned by Destin Beach, Inc., and leased by Fort Piece Waterfront Terminals, LLC, without approval. DEP resolved the enforcement action through a consent order with both parties including penalties and mitigation.

DEP’s Bureau of Beaches and Coastal Systems issued a wetland resource permit to the St. Lucie County Port and Airport Authority on February 6, 1995 (DEP File No. 562310399). The approved project consisted of dredging 185,000 cubic yards of material to deepen existing Berths 1 and 4 and construction of 1,705 linear feet of vertical bulkhead. The permit also included preservation of 151 acres of marsh. The project was never constructed. In 2000, St. Lucie County applied for a permit extension (DEP File No. 0129409-002-DF) which was subsequently petitioned. The petition still has not been resolved. However, if the challenge is resolved, St. Lucie County will no longer hold sufficient upland interest in order to conduct the proposed project due to the subsequent purchase of the upland property by Destin Beach, Inc., and would require permission and approval from the property owner.

2nd Substitute Item 4, cont.

The sole property owner within a 500-foot radius of the proposed lease area, St. Lucie County, has been aware of the lease application since its submittal to DEP and has commented with objection.

The recommendations of the Fish and Wildlife Conservation Commission (FWCC) are included as special lease conditions. St. Lucie County is a designated manatee county with an approved Manatee Protection Plan (MPP). FWCC stated, "the project as described complies with the provisions of the MPP and the Port of Ft. Pierce Master Plan policy agreeing to accommodate limited cargo operations."

(See Attachment 4, Pages 1-19)

RECOMMEND WITHDRAWAL

**Substitute Item 5 Multi-Agency Management Lease/Managing Agency Designation/
William Beardall Tosohatchee State Reserve**

DEFERRED FROM THE JUNE 13, 2006 AGENDA

REQUEST: Consideration of (1) a 50-year multi-agency management lease for the William Beardall Tosohatchee State Reserve; and (2) designation of Florida Fish and Wildlife Conservation Commission as lead manager on the lease.

COUNTY: Orange

LOCATION: Various sections of Township 22 South, Range 34 East; Township 23 South, Range 34 East; Township 24 South, Range 34 East; and Township 23 South, Range 33 East.

STAFF REMARKS: On April 19, 1977, the Board of Trustees authorized the purchase of 28,000 acres under the Environmentally Endangered Lands (EEL) program and assigned the responsibility for management of the property to the Department of Natural Resources, Division of Recreation and Parks (DRP) as an environmental preserve. Lands were purchased under the EEL program to preserve the ecological and cultural components of an essentially natural area.

Subsequently, on September 20, 1977, the Board of Trustees considered a proposal by the Florida Game and Fresh Water Fish Commission (GFC), at the request of the Attorney General, to allow public hunting on the Tosohatchee Environmental Preserve (Tosohatchee). The Board of Trustees approved the general concept of hunting on the Tosohatchee for the next hunting season, Fall of 1978, subject to conclusion of an in-depth management study to be conducted by the Department of Natural Resources (DNR), the Division of Forestry (DOF), and GFC, to identify particular types of hunting to be allowed, as well as the restrictions to be placed on hunting to ensure the outstanding environmental attributes of the Tosohatchee were protected. The study was to be submitted to the Board of Trustees within six months, and it was completed on April 3, 1977.

Substitute Item 5, cont.

On October 18, 1977, the Board of Trustees authorized DRP and DNR's Division of Resource Management (DRM), to enter into an Interagency Agreement, known as Lease No. 3000, for certain specified uses within the Tosohatchee. Lease No. 3000 specified that DRP was the managing agency for park and recreational activities, and they were to provide day-to-day protection and environmental enhancement for the Tosohatchee. Also, the lease further clarified the prior Board of Trustees' action of September 20, 1977, by specifying that DRP and DRM conduct a factual, comprehensive resource management study which would justify the recommended uses of the Tosohatchee. The resource management study would adhere to the primary objective of the EEL program, which was the conservation, preservation, and enhancement of environmentally unique lands.

On May 16, 1978, the Board of Trustees approved DRM and DRP's recommendation for adoption of the resource management study as the approved management plan for the Tosohatchee which included a prohibition on hunting. The Governor clarified the motion by mandating that the GFC conduct studies regarding the location of hunting areas within the Tosohatchee and to make a recommendation to DNR to bring back to the Board of Trustees for consideration. The Plan included a prohibition on hunting, which stated, "The Game and Fresh Water Fish Commission shall conduct game population studies to monitor the animal population; should it become desirable to de-populate, due to overpopulation of deer or other species, damage to Tosohatchee plant life or other adverse effect, the Game and Fresh Water Fish Commission shall hold public hearings and make a recommendation to DNR as to wildlife management within the Tosohatchee area including, if desirable, limited hunting."

Subsequently, a public hearing was held in Orlando on October 8, 1980, to receive public comments and input on the GFC study and recommendations. There were numerous speakers both for and against hunting and other related issues.

On December 2, 1980, the Board of Trustees considered the GFC report entitled, "White-tailed Deer Investigations Tosohatchee State Preserve, September 1978 - August 1980". In the report, GFC recommended that limited either-sex deer hunting be authorized for the Tosohatchee. The Board of Trustees approved a motion that the GFC (n/k/a Florida Game and Fresh Water Fish Commission) be delegated the responsibility for wildlife management of the Tosohatchee provided that no hunting was to be permitted on any portion of the area except as authorized by rules and regulations adopted by the Florida Game and Fresh Water Fish Commission (FWC) in official session, and such adoption shall be predicated and supported by current scientific and biological studies and management plans for wildlife species in the area which would include ample input from public hearings.

The Board of Trustees further stated that if hunting was permitted, the following conditions would apply: (1) in no case would hunting be allowed for more than 18 days per year, which should be consecutive, unless specifically authorized by the Governor and Cabinet; (2) all hunting would be prohibited within environmentally sensitive areas of the Tosohatchee as determined by the Executive Directors of DNR and FWC; (3) all hunting would be prohibited

Substitute Item 5, cont.

on recognized archaeological sites; (4) the designation of specific hunting areas would not preclude the use of other areas of the Tosohatchee by the general public for other recreational activities during the hunting period; and (5) all hunting activities would be in accordance with specific FWC regulations for the Tosohatchee area (enter at 5:00 am and exit by 8:00 pm with no overnight camping or campfires permitted).

On May 19, 1981, the Board of Trustees considered an amended management plan prepared by the Tosohatchee Interagency Task Force. As part of the Task Force's review of the existing management plan, they requested written and verbal input from eight statewide organizations and held five meetings, one of which was the October 8, 1980, public hearing in Orlando previously mentioned. The five-year management plan was submitted as a multiple-use plan consistent with chapter 259, F.S., and section 253.034, F.S. This final management plan was adopted by the Board of Trustees on May 19, 1981.

In December 1983, the Board of Trustees entered into a 20-year multiple agency management lease (Lease No. 3565) for the Tosohatchee. The lessees were DRP, DOF, FWC, Department of State (DOS) and the St. Johns River Water Management District (SJRWMD). DRP was directed to be the primary managing agency. Lease No. 3565 was amended in March 1990 to include lands east of the St. Johns River. Lease No. 3565 expired in December 2003. A renewal lease was prepared and routed to the lessees for signature. During this time, DRP expressed a desire to release its leasehold interest, and the renewal lease was not fully executed.

The lands east of the St. Johns River have been released from Lease No. 3565 and are being managed by SJRWMD under a 25-year use agreement with the Board of Trustees. Hunting is prohibited within this area, and the majority of the land is jointly owned by the Board of Trustees and SJRWMD. The balance is owned 100 percent by SJRWMD.

The Board of Trustees is being asked to approve a 50-year multi-agency management lease for the lands west of the St. Johns River and to designate FWC as lead manager for these lands.

FWC will continue to manage the Tosohatchee under the current management plan, which expires in 2013, with no diminishment in the quality and availability of recreational opportunities. In 2013, FWC will provide stakeholders the opportunity to provide input on future management of the Tosohatchee, and they will coordinate with the other lessees (DOF, SJRWMD, and DOS) to assure the resources are being protected. FWC maintains a current hunting season of 46 days, which is consistent with its existing wildlife management areas. FWC is already an active participant in management of the Tosohatchee and is responsible for the Great Florida Birding Trail, which includes many miles of hiking and bird watching opportunities throughout the Tosohatchee.

Substitute Item 5, cont.

Additionally, the 50-year multi-agency management lease will contain several special lease conditions which are detailed as follows: (1) FWC will enforce a hunting season of no more than 46 days per year; and (2) FWC shall manage the property in accordance with the existing management plan for Tosohatchee until expiration of the plan in 2013. Any substantive modification to the management of the property will require FWC to: (a) provide adequate public notice and opportunity to comment; (b) present the modification to the Acquisition and Restoration Council (ARC) for its consideration and recommendation to the Board of Trustees; and (c) obtain approval from the Board of Trustees.

The proposed change of lead manager to FWC was presented to ARC for discussion at its April 21, 2006, Council meeting.

On June 7, 2006, FWC approved rules governing the proposed Tosohatchee Wildlife Management Area to become effective contingent upon the Board of Trustees' approval of the transfer of management authority for Tosohatchee to FWC. The rules mirror the current rules and regulations for Tosohatchee and will maintain the current fee structure for camping and other public access and uses of Tosohatchee. In addition, FWC members went on record to say they did not want to see hunting expanded and that it was their desire to see no changes to the current management focus and balance of public uses on Tosohatchee.

This transfer of management authority would clarify Tosohatchee's position in the mosaic of state-owned lands and will support DRP's efforts to focus their resources on their core recreation mission. In general, hunting is inconsistent with DRP's philosophy of non-consumptive use. This transfer will remove Tosohatchee from the state reserve designation. It will further clarify its alignment with FWC's wildlife management area system, where the wilderness-like character of Tosohatchee is typical. FWC's extensive resource management expertise will allow them to continue the sound management practices and balance of public use found at Tosohatchee today as well as enhance the opportunities for wildlife viewing and nature study.

Thus, the proposed transfer of management authority, which is anticipated to occur by October 1, 2006, seeks to enable a seamless transition from the DRP to the FWC.

The proposed action is consistent with chapter 187, F.S., and a consideration of the status of local government comprehensive plans was not made for this item.

(See Attachment 5, Pages 1-72)

**RECOMMEND APPROVAL OF THE 50-YEAR MULTI-AGENCY LEASE
SUBJECT TO THE SPECIAL LEASE CONDITIONS**