AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
APRIL 14, 2009

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Item 1 **Minutes**

Submittal of the Minutes from the January 27, 2009 Cabinet Meeting.

(See Attachment 1, Pages 1-15)

RECOMMEND APPROVAL

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Item 2 **Stan Mayfield Working Waterfronts 2008 Project Ranking List/Department of Community Affairs/Florida Communities Trust**

DEFERRED FROM THE MARCH 10, 2009 AGENDA

REQUEST: Consideration of the Florida Communities Trust, Stan Mayfield Working Waterfronts 2008 project ranking list for funding.

STAFF REMARKS: The Stan Mayfield Working Waterfronts (SMWW) Florida Forever grant program was created by the 2008 Legislature in section 380.5105, F.S., within the Florida Communities Trust (FCT) Act. To fund the program, the Legislature provided 2.5 percent of the total Florida Forever program distribution, which at the traditional funding level provides $7.5 million annually to the program.

Section 380.503(18), F.S., provided that SMWW grant funds will be used to acquire parcels of land directly used for the purposes of the commercial harvest of marine organisms or saltwater products by state licensed commercial fishermen, aquaculturists, or business entities, including piers, wharves, docks, or other facilities operated to provide waterfront access to licensed commercial fishermen, aquaculturists or related business entities. The acquisition of land used for recreational waterfront activities would not be considered within the SMWW program.

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

Pursuant to section 380.5105(2), F.S., Department of Community Affairs' FCT worked jointly with the Department of Agriculture and Consumer Services (DACS) to develop rules establishing an application process and a process to evaluate, score and rank the projects. Five rule development workshops were held in key fishing communities throughout Florida in August 2008. The resulting feedback allowed the development of rules, providing the framework for the SMWW grant program, that were adopted November 2008. Eligible applicants for this program are local governments and working waterfront non-profit organizations that are tax exempt under section 501(c) of the United States Internal Revenue Code. Evaluation criteria outlined in rule 9K-9.006, F.A.C., provides the basis for scoring and ranking of the projects. The scoring criteria are broken down into six primary categories; project location, economic considerations, site suitability/readiness, financial contributions provided by the applicants, community planning aspects and public education opportunities provided through the projects.

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Item 2, cont.

Grant applications for the initial SMWW grant cycle were received over a six week period that ended with a November 26, 2008 deadline. Twelve projects were submitted for consideration, two of which were ultimately determined ineligible. Subsequent to the receipt of the applications, FCT staff, with assistance from DACS and other agencies, evaluated the scoring criteria and the business summaries submitted by the applicants. Preliminary scores, along with a determination of the sufficiency of their business summaries were reported to the applicants in evaluation reports mailed in January 2009. The week of January 12, 2009, FCT staff performed site visits to verify that the information submitted by the applicants in their applications was accurate. Some scoring adjustments were made as a result of the site visits. On January 29, 2009, the FCT Governing Board met to 1) review each application; 2) consider staff recommended scores and any applicant objections to the scores; and 3) to produce a finalized ranking list of the eligible applications.

Section 380.5105(4), F.S., mandated FCT to present the ranking list to the Board of Trustees at the first meeting in February. The finalized ranking list is presented to the Board of Trustees for its consideration and approval of the projects that may receive funding. The top ranked projects whose cumulative grant requests total less than the $7.5 million annual SMWW Florida Forever distribution will be funded. If annual SMWW Florida Forever funds become available the remaining projects may receive grant request funding in the order they are ranked. Pursuant to section 380.5105(4), F.S., the Board of Trustees "may remove projects from the ranking list but may not add projects."

The FCT Governing Board recommends approval of the ranking list. The Department of Environmental Protection, as staff to the Board of Trustees and responsible for enforcement of sovereignty submerged lands compliance, recommends the removal of project number 8 from the ranking list due to sovereignty submerged lands lease non-compliance by the current owner of the property.

Ranking List

	Project Name	**Applicant**	**FCT Grant Request**
1	Sebastian Working Waterfront Collaborative	City of Sebastian	$3,163,500.00
2	Blue Crab Cove	Brevard County	$2,665,000.00
3	Apalachicola Boat Works	City of Apalachicola	$1,000,000.00
4	Madeira Beach Fish House & Commercial Docks	Southeastern Fisheries Association	$1,605,000.00
5	Key West Historic Shrimp Docks	Gulf Fisherman's Association	$4,200,000.00
6	Port Salerno Working Waterfronts Enhancements	Martin County BOCC	$2,015,500.00
7	Dixie County Fish House at Horseshoe Beach	Dixie County	$1,077,000.00
8	Eastpoint Working Waterfront	Franklin County	$1,728,000.00

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9	Mayfield-Stock Island Maritime Facility	Monroe County	$7,500,000.00
10	Horseshoe Beach Waterfront Open Air Seafood Market	City of Horseshoe Beach	$394,000.00
		Total	**$25,348,000.00**

RECOMMEND **RECOMMEND REMOVAL OF PROJECT NUMBER 8 FROM THE RANKING LIST AND APPROVAL OF THE REMAINING PROJECTS ON FCT'S SMWW 2008 PROJECT RANKING LIST FOR FUNDING**

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Item 3 **April 2009 Florida Forever Five-Year Plan/Florida Forever Priority List**

REQUEST: Consideration of (1) the April 2009 Florida Forever Five-Year Plan; and (2) the Acquisition and Restoration Council's recommended April 2009 Florida Forever Priority List.

STAFF REMARKS:
(1) April 2009 Florida Forever Five-Year Plan: The April 2009 Florida Forever Five-Year Plan was prepared pursuant to Chapter 259, F.S., and Rule 18-24, F.A.C. During the Acquisition and Restoration Council (ARC) meetings of August 15, October 10, December 12, 2008 and February 13, 2009 ARC added five new projects (two of which were added to existing projects [i.e., boundary amendments]), and amended the boundary of another project. No projects were recommended to be removed from the list, and no projects moved from Group A to Group B or from Group B to Group A.

New Projects Added to List	Total Acres	County
Bear Hammock (B List)	4,811	Marion
Harbor Branch Preserve Phase II (A List)*	230*	St. Lucie
McDaniels Ranch Reserve (B List)*	4,208*	Hendry
Seven Runs Creek (A List)	14,649	Walton
Tiger Cattle Company Ranch Reserve (A List)	2,230	Okeechobee

Projects with Boundary Amendments	Acres Added	County
Indian River Lagoon Blueway (Harbor Branch Preserve Phase II*)	230*	St. Lucie
Panther Glades (McDaniels Ranch Reserve*)	4,208*	Hendry
Clear Creek-Whiting Field	265	Santa Rosa

** New project added to project previously on list = boundary amendment as well.*

(2) ARC's Recommended April 2009 Florida Forever Priority List: The April 2009 Five-Year Plan includes the April 2009 Florida Forever Priority List of acquisition projects approved by ARC on December 12, 2008 and February 13, 2009 and proposed for adoption by the Board

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of Trustees. This list includes 66 projects in Group A and 44 projects in Group B. Pursuant to 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."

Accomplishments of Florida Forever Program: Since its inception in July 2001 through September 2008, the state's Florida Forever land acquisition program has been extremely successful, as evidenced by the protection of:

- 359,290 acres of Strategic Habitat Conservation Areas;
- 416,750 acres of rare species habitat conservation areas, and over 450 listed species locations of 188 different species, 99 of which are state-listed as endangered, 39 state-listed threatened, and 16 species of special concern;
- 594,150 acres of ecological greenways;
- 56,190 acres of under-represented natural communities;
- 75,850 acres of natural floodplains;
- 630,360 acres important to significant water bodies;
- 5,630 acres of fragile coastline;
- 264,910 acres of functional wetlands;
- 615,040 acres of significant groundwater recharge areas;
- 201,330 acres of land to support priority recreational trails;
- 296,890 acres of sustainable forest land; and
- 496 archaeological and historic sites.

These acreages were derived from the most recently updated Florida Forever data layers, which are continuously amended to reflect the most current scientific analyses of Florida's natural resources. Additionally, the acreages recorded for each measure often overlap, and thus should not be added together. Collectively, the State of Florida has protected over 627,400 acres of land with $2.52 billion in Florida Forever funds through December 31, 2008.

All property within the boundaries of the Florida Forever projects, unless specifically noted otherwise, is proposed to be purchased, in fee-simple or a lesser interest, for conservation purposes.

The April 2009 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.

The April 2009 Florida Forever Five-Year Plan is being submitted in digital format.

(See Attachment 3, Page 1)

RECOMMEND **(1) ACCEPTANCE OF THE APRIL 2009 FLORIDA FOREVER FIVE-YEAR PLAN; AND (2) APPROVAL OF ARC'S RECOMMENDED APRIL 2009 FLORIDA FOREVER PRIORITY LIST**

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<u>Item 4</u> Barefoot Developers, Inc. Recommended Consolidated Intent/Lease

REQUEST: Consideration of an application for (1) a ten-year sovereignty submerged lands lease to containing 77,996 square feet, more or less, for a proposed 63-slip commercial docking facility; (2) a letter of consent for the severance of 2,386 cubic yards of sovereignty material; and (3) a letter of consent for the placement of 234 cubic yards of riprap.

APPLICANT: Barefoot Developers, Inc.
Lease No. 170340271
Application No. 17-0266268-001-DF

LOCATION: 3501 West Navy Boulevard
Pensacola, Escambia County
Section 40, Township 02 South, Range 30 West
Aquatic Preserve: No
Waterbody/Classification: Bayou Chico, Class III
Outstanding Florida Waters: No
Designated Manatee County: No
Manatee Aggregation Area: No
Manatee Protection Speeding Zone: No

CONSIDERATION: $11,074.04 representing: (1) $8,159.82 as the initial annual lease fee computed at the base rate of $0.149455 per square foot, discounted 30 percent because 90 percent of the slips are open to the public for rent on a first-come, first-served basis; and (2) $2,914.22 as the 25 percent surcharge payment for the initial area. The project qualifies for waiver of the severance fee pursuant to section 18-21.011(3)(c)2, F.A.C. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable. The lease fee may be adjusted based on six percent of the annual income pursuant to section 18-21.011(1)(a)l, F.A.C.

STAFF REMARKS: In accordance with rules adopted pursuant to sections 373.427(2) and 253.77(2), F.S., the attached "Recommended Consolidated Notice" contains a recommendation for issuance of both the permit required under part IV of chapter 373, F.S., and the authorization to use sovereignty submerged lands under chapter 253, F.S. The Board of Trustees is requested to act on those aspects of the activity that require authorization to use sovereignty submerged lands.

Background
The site consists of two parcels with two separate entities. The northern parcel is owned by Barefoot Developers, Inc., and contains an office building and a parking lot. The City of Pensacola has acknowledged that the parking lot has at least 37 spaces, which is sufficient for the office building and the marina. Martinique on the Bayou, a Condominium is located on the southern parcel. Martinique on the Bayou Condominium Association, Inc., the condominium association for the condominium, has granted the applicant a marina easement agreement over

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Item 4, cont.

and across a 420-foot-long by 10-foot-wide strip of riparian shoreline, which is part of the common elements under control of the condominium association and adjacent to the mean high water line, that grants the applicant the riparian rights and the right to construct, operate, repair and maintain docks, boat slips, and other improvements required for the operation of a commercial marina.

Project Detail
The applicant is proposing to construct a 63-slip commercial docking facility preempting 77,996 square feet of sovereignty submerged lands. The docking facility will accommodate vessels ranging in length from 22 to 30 feet with drafts up to 4 feet.

Ninety percent of all the slips will be maintained on an open to the public, first-come, first-served basis, pursuant to section 18-21.003(25), F.A.C. This requirement has been included as a special lease condition.

The applicant is proposing to dredge approximately 1,478 cubic yards of sovereignty material from the nearshore area, within the proposed lease boundary, to provide adequate water depth (-4.75 feet mean low water) for the vessels proposed to be moored at the docking facility. The applicant is also proposing to dredge 908 cubic yards of sovereignty material and remove 20 creosote pilings from an area located south of the project site where a former railroad trestle was located. The proposed dredging (to a depth of -6.5 feet mean low water) within the trestle area will allow greater flushing to occur within the northern portions of the bayou. The old railroad trestle was removed and emergent vegetation has been planted on the west side of the trestle area. The dredge area has been carefully designed to allow the maximum amount of dredging without disturbing the emergent vegetation.

The spoil material will be placed on property zoned industrial, owned by FDC Holdings, Inc. After the spoil material has dried sufficiently, the spoil material will be hauled by truck to Allied Waste disposal facilities in Brewton, Alabama. Pursuant to section 18-21.011(3)(c), F.A.C., the applicant qualifies for a waiver of the severance fee because the spoil material exceeds the residential target cleanup levels and has no economic value.

The applicant is proposing to place 234 cubic yards of riprap along 623 linear feet of the 740 linear feet of shoreline. Riprap will not be placed on the northern portion of the property (65 linear feet), adjacent to the wetlands, or the southern portion of the property (52 linear feet).

Noticing
The proposed project was noticed pursuant to section 253.115, F.S. Six property owners were specifically noticed and no objections were received within the comment period.

Permit Summary
The Department of Environmental Protection's wetland resource permit authorizes sewage pumpout facilities and prohibits fueling facilities and liveaboards.

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Item 4, cont.

Commenting Agencies
The recommendation of the Florida Fish and Wildlife Conservation Commission regarding protection of manatees has been addressed in the permit and as a special lease condition.

Comprehensive Plan
A local government comprehensive plan has been adopted for this area pursuant to section 163.3167, F.S. The Department of Community Affairs determined that the plan is in compliance. The proposed action is consistent with the adopted plan according to a letter received from the City of Pensacola.

(See Attachment 4, Pages 1-35)

RECOMMEND **APPROVAL SUBJECT TO THE SPECIAL APPROVAL CONDITION, THE SPECIAL LEASE CONDITIONS, AND PAYMENT OF $11,074.04**