

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
SEPTEMBER 14, 2010

Attachments to the items below can be viewed at the following link:
http://www.dep.state.fl.us/secretary/cab/public_notices.htm

Item 1 Minutes

Submittal of the Minutes from the June 8, 2010 Cabinet Meeting.

(See Attachment 1, Pages 1-8)

RECOMMEND APPROVAL

Item 2 DEP's Fiscal Year 2009-2010 Annual Performance Measures Report and Fiscal Year 2010-2011 Annual Performance Measures

REQUEST: Consideration of (1) the Department of Environmental Protection's Fiscal Year 2009-2010 annual performance measures report; and (2) the Department of Environmental Protection's Fiscal Year 2010-2011 annual performance measures.

STAFF REMARKS: On April 17, 2007 the Governor and Cabinet, sitting as the Board of Trustees, requested that all agencies reporting to the Governor and Cabinet submit annual performance measures for acceptance. Accordingly, the Department of Environmental Protection (DEP) has established annual performance measures that reflect standards essential to effectively acquire lands for conservation, management and protection of resources, as well as provide public recreation on state-owned lands. On September 15, 2009, the Board of Trustees approved DEP's 2009-2010 annual performance measures.

Update

Performance Measure 1 - Average Percent of Approved Value of Purchase

This measure previously stated, "Average percent of purchase price below DSL approved value for negotiated acquisitions", which did not accurately reflect the intent of the numbers reported in previous years. The measure has been revised to state, "Average percent of approved value at which property was purchased". The revised measure is now consistent with the number that has been reported by DEP's Division of State Lands (DSL) since 2006. There have been no changes made to the actual performance or performance goals for this measure.

Performance Measure 6 - Average Number of Days to Closing

Since 2006, DEP's DSL reported on a performance measure regarding the percent of acquisition parcels closed within the contractual timeframe. This measure was initially created to evaluate the length of time it took DSL to close on approved acquisitions. The process allows for the contractual timeframe to be flexible; therefore, the actual performance was always reported as 100 percent of the acquisitions closed within the contractual timeframe. In order to provide a more meaningful measure of the performance of the DSL closing process, staff recommended updating the measure to report the average number of days to closing from Board of Trustees' approval. DSL's standard option agreement allows for a 135-day closing period (120-day option

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period with a 15-day period to close following the exercise of the option). This recommendation was approved by the Board of Trustees on September 15, 2009. This is the first year DEP is reporting on this measure.

Division of State Lands

DSL oversees approximately 3.3 million acres of conservation and non-conservation lands which are titled to the Board of Trustees. Of these, approximately 3.1 million acres are conservation lands and 200,000 acres are non-conservation lands.

As staff to the Board of Trustees, DSL is responsible for acquiring land, reviewing management, and authorizing activities on all state lands owned by the Board of Trustees. DSL oversees the Florida Forever conservation land acquisition program and manages activities on Board of Trustees-owned and sovereignty submerged lands. DSL makes the most of its funding by utilizing beneficial acquisition practices, including partnerships and strategic negotiation efforts. DSL's seven performance measures comprehensively evaluate and monitor the degree to which these requirements are being met.

Division of Recreation and Parks

DRP manages 160 award-winning parks, spanning more than 702,000 acres with 100 miles of sandy white beaches. State parks include freshwater springs, beaches, aquatic preserves, ornamental gardens, forts, museums and lighthouses. DRP offers hiking, biking, swimming, horseback riding, canoeing and kayaking, camping, picnicking, cabin rentals, viewing threatened plant and animal species or quiet relaxation. This year, DRP served more than 20.1 million park visitors and earned a record \$52.7 million in revenue.

DRP is responsible for providing resource-based public recreation while preserving, interpreting and restoring the state's natural and cultural resources. DRP's four performance measures evaluate and monitor the progress and management of state-owned lands for conservation and restoration, as well as public enjoyment. Prescribed burning and exotic invasive species removal are DRP's key natural resource management techniques. Measuring visitation is an indication of public awareness, and volunteers are important to furthering DEP's mission and building community relationships.

Office of Greenways & Trails

To fulfill its mission of facilitating a statewide system of greenways and trails, OGT manages the Marjorie Harris Carr Cross Florida Greenway, eight state trails and other properties totaling more than 88,000 acres, and receiving over 4 million visitors in 2009. In order to facilitate regional connectivity, OGT provides technical assistance/regional coordination to local governments and non-profits. In addition, the Office administers the federally funded grants for the Recreational Trails Program (RTP), in coordination with the U.S. Department of Transportation, Federal Highway Administration and serves as staff to the 21-member Florida Greenways & Trails Council which advises the DEP on greenway and trail related issues.

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OGT is responsible for the management and restoration of the properties it manages and coordinates with federal, state and local governments to establish a state-wide system of trails and greenways in both urban and rural areas. OGT's four performance measures will monitor progress and also serve as a guide for future management and budget planning. Prescribed burning and removal of exotics are key natural resource management techniques. Measuring visitation indicates success in public awareness of state trails, and volunteer hours are important to supplement limited staffing and build community relationships.

Office of Coastal & Aquatic Managed Areas

CAMA conducts stewardship, research and educational activities on over 4 million acres of the most valuable submerged lands and 56,847 acres of select coastal uplands in Florida. They include three National Estuarine Research Reserves, 41 aquatic preserves, the Florida Keys National Marine Sanctuary and the Coral Reef Conservation Program.

CAMA is responsible for managing these protected coastal and aquatic areas to preserve wildlife habitats and protect waterways, while also inviting residents and visitors to explore Florida's natural environment. CAMA's four performance measures will evaluate and monitor its progress in conserving and restoring these valuable state lands. Visitation numbers and volunteer hours help to measure public awareness and community outreach efforts.

Siting Coordination Office

SCO reviews applications for power plants, transmission lines, natural gas pipelines, as well as coordinates certification of these facilities. Certification is an umbrella permit for all affected state, regional and local agencies and includes any applicable regulatory activity. This is a life-of-the-facility approval and authorizes construction, operation and maintenance.

The Siting Acts provide a centralized and coordinated permitting process for the state to meet its need for electrical energy while also assuring Florida's citizens that facility operation safeguards are technically sufficient for their protection and welfare, and to achieve a reasonable balance between the need for the facility and the environmental impact resulting from construction and operation, including air and water quality, fish and wildlife, as well as other natural resources.

SCO's two performance measures reflect the amount of certified electrical generation capacity and transmission capacity under the Siting Board's oversight.

Conclusion

If the Board of Trustees accepts the FY09-10 annual performance measures report and the FY10-11 annual performance measures, DEP will monitor its performance over the next fiscal year and provide a comprehensive evaluation of its progress.

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(See Attachment 2, Pages 1-8)

RECOMMEND (1) ACCEPTANCE OF FISCAL YEAR 2009-2010 ANNUAL PERFORMANCE MEASURES REPORT; AND (2) ACCEPTANCE OF FISCAL YEAR 2010-2011 ANNUAL PERFORMANCE MEASURES

Item 3 BOT/United States of America/National Park Service/Donation/Determination/St. Augustine Historical District

REQUEST: Consideration of (1) a determination in accordance with Article X, Section 18, Florida Constitution and section 253.034(6), F.S., that a 0.22-acre parcel of state-owned property that is part of the St. Augustine Historical District and is currently managed by the University of Florida is no longer needed for state conservation/historical purposes; (2) a determination in accordance with Rule 18-2.018(3)(b)1.c., F.A.C., that the Board of Trustees' donation of the 0.22-acre parcel of state-owned property to the United States of America provides a greater benefit to the public than its retention in state ownership; and (3) a request to donate the 0.22-acre parcel of state-owned property to the United States of America.

COUNTY: St. Johns

APPLICANT: The United States of America (USA) on behalf of the National Park Service (NPS)

LOCATION: Section 18, Township 07 South, Range 30 East

STAFF REMARKS: The Department of Environmental Protection's (DEP) Division of State Lands (DSL) received a request from the USA for a 0.22-acre parcel of state-owned land (State Parcel) which is currently under the management of the University of Florida (UF) as part of the St. Augustine Historical District. The Board of Trustees received the State Parcel from the St. Augustine Historical and Preservation Commission.

The State Parcel is unimproved and is situated along Highway A1A in the vicinity of several state and City of St. Augustine-owned historic properties. The State Parcel lies immediately adjacent to a 0.25-acre unimproved parcel owned by the City of St. Augustine (City) which the City intends to donate to the USA. The consolidated City and State Parcels will be used for the Visitor Orientation Center (VOC).

NPS has expressed a desire to partner with both UF and the City for use of the VOC to enhance the visitor experience and USA has a commitment of \$500,000 for the planning of a VOC which will emphasize the military and civilian history of the City. In support of this partnership, the congressional legislation for the VOC specifically authorized the NPS to enter into agreements with a variety of entities to facilitate a VOC. Therefore, the NPS, UF, and the City have collaborated and plan to create interactive multi-media exhibits as well as displays of authentic artifacts which will be used to enhance the visitors' interest in the City's historical sites. UF also

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envisioning an interpretative center at this site to augment its responsibility for historic preservation and education. This joint venture will achieve the goals of historic preservation as well as stimulate heritage tourism.

Prior to any land disturbance and/or construction activities on this site, the Federal Government is required, pursuant to Section 106 of the National Historic Preservation Act, as amended, and Chapter 267, F.S., to complete a survey and assessment of the potential for the discovery of archaeological resources. The Division of Historical Resources is satisfied that any artifacts that may exist on this parcel would become known and documented as part of this process and supports the donation of the parcel to the USA as it represents an undertaking of great public value and educational benefit.

The construction of a VOC represents an opportunity to enhance the cultural value of the State Parcel by documenting, preserving, and teaching history to millions of residents and tourists and as such, this facility represents an undertaking of public value and educational benefit. A VOC will provide a cohesive visitor experience in the historic district; support the educational mission of UF; implement the General Management Land/Environmental Impact Statement of the NPS; physically link the VOC with the Castillo de San Marcos National Monument and the surrounding state-owned historic properties; increase tourism revenues by extending visitors' length of stay, and attract new visitor markets.

In addition, the VOC will be the central location for celebrating several significant upcoming anniversary observances of the community, state and nation. These anniversaries include:

- 2013 – 500th anniversary of the initial discovery of Florida by Europeans,
- 2015 – 450th anniversary of the European settlement of the City, and
- 2016 – 100th anniversary of the founding of the National Park Service.

Constitutional and Statutory Requirement

Article X, Section 18, Florida Constitution and section 253.034(6), F.S., requires that the Board of Trustees determine that state-owned property is no longer needed for conservation/historical purposes and DEP is recommending the Board of Trustees make such a determination for the State Parcel. Although situated in a historic neighborhood, this specific site has no existing historic buildings or any known archeological discoveries. The State Parcel's negligible historic value consists of its proximity to nearby historic buildings. Currently, the parcel is marginally utilized as outdoor circulation space in support of the nearby museum, and thereby provides no significant value to the State of Florida for conservation efforts.

Statutory and Florida Administrative Code Authorities

Section 253.03(1), F.S. gives the Board of Trustees authority to dispose of state lands and subparagraph 18-2.018(3)(b)1.c., F.A.C., provides that the Board of Trustees may gift an upland parcel if the donation results in a greater benefit to the public than its retention in state ownership. A VOC is proposed for the area to complement the nearby Castillo de San Marcos National Monument and the authorizing federal legislation mandates that the VOC be built on property owned in fee simple by the USA. The donation of the State Parcel to the USA, for use

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by the NPS as a VOC, would provide historic education opportunities to the public and complement UF's historic preservation and education responsibilities. Therefore, DEP is recommending affirmative determinations that the State Parcel is no longer needed by the Board of Trustees for state conservation/historical purposes and that by donating this parcel to the USA, for use by the NPS, will provide a greater benefit to the public than its retention in state ownership.

The quitclaim deed to USA will include a restriction requiring that the property be used solely for a VOC and will be managed in accordance with the provisions of the National Historic Preservation Act, as amended, and other applicable federal laws, and a right of reverter in favor of the Board of Trustees in the event construction of a visitor orientation center associated with Castillo de San Marcos National Monument is not commenced within five years of the date of the deed. The right of reverter shall terminate immediately upon the expenditure of funds appropriated for the construction of the visitor orientation center for the Castillo de San Marcos National Monument.

Noticing

Pursuant to sections 253.111 and 253.034, F.S., the county, state agencies and universities were notified of the proposed donation and did not express any interest in the property.

Comprehensive Plan

A consideration of 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 3, Pages 1-2)

RECOMMEND APPROVAL

Item 4 Deepwater Horizon Oil Spill Incident Status Update/ BP/Gulf of Mexico

Status update of the efforts to protect Florida's shoreline from the Deepwater Horizon oil spill incident in the Gulf of Mexico.

RECOMMEND INFORMATIONAL