

**AGENDA**  
**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**  
**OCTOBER 26, 2010**  
**Substitute Page**

**Attachments to the items below can be viewed at the following link:**  
**[http://www.dep.state.fl.us/secretary/cab/public\\_notices.htm](http://www.dep.state.fl.us/secretary/cab/public_notices.htm)**

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**Item 1 Minutes**

Submittal of the Minutes from the August 10, 2010 Cabinet Meeting.

(See Attachment 1, Pages 1-9)

**RECOMMEND APPROVAL**

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**Substitute Item 2 The Florida Yacht Club, Inc. Recommended Consolidated Intent/Lease Modification**

**REQUEST:** Consideration of an application for modification of a five-year sovereignty submerged lands lease to increase the preempted area from 176,720 square feet to 228,294 square feet for an existing 69-slip private docking facility.

**APPLICANT:** The Florida Yacht Club, Inc.  
Lease No. 160025552  
Application No. 16-254731-003-ES

**LOCATION:** 5210 Yacht Club Road  
Jacksonville, Duval County  
Section 42, Township 03 South, Range 26 East  
Aquatic Preserve: No  
Waterbody/Classification: St. Johns River, Class III, not approved for shellfish harvesting  
Outstanding Florida Waters: No  
Designated Manatee County: Yes, with an approved manatee protection plan  
Manatee Aggregation Area: No  
Manatee Protection Zone: Slow speed shoreline buffer

**CONSIDERATION:** \$36,969.46 representing (1) \$34,993.13 as the initial annual lease fee computed at the base rate of \$0.153281 per square foot; and (2) \$1,976.33 as the 25 percent surcharge payment for the additional area. 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)1, F.A.C.

**STAFF REMARKS:** In accordance with rules adopted pursuant to sections 373.427(2) and 253.77(2), F.S., this "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 which require authorization to use sovereignty submerged lands.

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**Substitute Item 2, cont.**

**Project Detail**

The applicant is proposing to expand the preempted area of an existing 69-slip private docking facility by increasing the preempted area by 51,574 square feet for a total of 228,294 square feet for the addition of a floating concrete wave attenuator approximately 30 feet waterward of an existing perimeter dock. No additional slips are proposed at the docking facility.

**Background**

The Florida Yacht Club is an existing membership club that promotes boating, regattas, social, and entertainment activities. The applicant's club was established in 1876 with the current club location on the St. Johns River being established in the late 1920s. The applicant's property is located on the southeastern tip of an upland peninsula, which is otherwise a residential neighborhood. Since the late 1920s, the applicant has constructed various docking facilities off of the peninsula to provide mooring for club member vessels and sailing fleets to promote sailing and boating recreation and education. The docking facilities have been periodically redesigned to address adverse weather conditions as a result of the existing area's geography. The conditions which primarily need to be accounted for are wind and waves generated over a 3.5 to 4 mile river fetch to the southeast, east, and south. The current dock design does not include any type of break water or wave attenuator.

On August 29, 1972, the Board of Trustees approved a marina license (No. 16-30-0027) containing 164,615 square feet to Florida Yacht Club of Jacksonville for the expansion and reconstruction of a marina facility. On February 20, 1986, the facility was registered as a grandfathered structure (GSR No. 160042).

On December 5, 2006, the Board of Trustees approved a five-year sovereignty submerged lands lease containing 176,720 square feet for the existing private marina to be used in conjunction with the upland private yacht club.

**Project Description**

The project is for the construction of 750 linear feet of floating concrete wave attenuator located 30 feet waterward of the existing private docking facility. The floating sections will be anchored to the river bottom by using anchor blocks and chain attachments.

The docking facility is used for the mooring of recreational vessels in conjunction with the upland private yacht club. The docking facility currently accommodates recreational vessels up to 70 feet in length with drafts of 5 feet.

**Noticing**

The project was noticed pursuant to section 18-21.004(1)(m), F.A.C. Five property owners were specifically noticed and no objections were received.

**Permit Summary**

DEP's environmental resource permit does not address sewage pumpout facilities, fueling facilities, or liveboards in the expansion area, as these activities will not be conducted on the

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**Substitute Item 2, cont.**

proposed wave attenuator. Fueling facilities and liveboards are not authorized in the existing lease and will not be authorized in the proposed lease modification. Sewage pumpout facilities are authorized in the existing lease and will continue to be authorized in the proposed lease modification.

**Commenting Agency**

The recommendation of Florida Fish and Wildlife Conservation Commission (FWC) regarding protection of manatees has been addressed in the permit. Duval County is a designated manatee county with an approved manatee protection plan (MPP). FWC stated the proposed project is consistent with the MPP.

**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 Duval County.

(See Attachment 2, Pages 1-28)

**RECOMMEND APPROVAL SUBJECT TO THE SPECIAL APPROVAL CONDITION, SPECIAL LEASE CONDITIONS, AND PAYMENT OF \$36,969.46**

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**Substitute Item 3    TNC Option Agreement/Silver River State Park/Division of Recreation and Parks' Additions and Inholdings Project/Rayonier**

**REQUEST:** Consideration of an option agreement to acquire 399.5 acres under the Department of Environmental Protection's Division of Recreation and Parks' State Park Additions and Inholdings project from The Nature Conservancy.

**COUNTY:** Marion

**LOCATION:** Sections 15 and 16, Township 15 South, Range 23 East

**CONSIDERATION:** \$1,165,000

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>MAXIMUM APPROVED VALUE</u>	<u>SELLER'S PURCHASE PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>OPTION DATE</u>
		<u>Goodman (07/12/10)</u>	<u>Clayton (07/12/10)</u>				
The Nature Conservancy	399.5	\$1,280,000	\$1,240,000	\$1,280,000	\$1,228,462.50*	\$1,165,000** (91%)	December 13, 2010

\* Seller has a contract to purchase the property from Rayonier Forest Resources, L.P.

\*\* \$2,916.15 per acre.

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**Substitute Item 3, cont.**

**STAFF REMARKS:** The Rayonier Forest Resources, L.P. (Rayonier) parcel has been identified on the Department of Environmental Protection's (DEP) Division of Recreation and Parks' (DRP) Additions and Inholdings List, as well as recognized in DRP's management plan for Silver River State Park (Park). The parcel is also located within the Heather Island/Ocklawaha River Florida Forever project, ranked number 13 in the Florida Forever Partnership and Regional Incentives project category, approved by the Board of Trustees on September 28, 2010. The project contains 19,828 acres, of which 399.5 acres have been acquired or are under agreement to be acquired. If the Board of Trustees approves this agreement, 19,428 acres or 98 percent will remain to be acquired.

**Project Description**

The property is irregular in shape and bounded on the south by County Road 314/Sharpes Ferry Road (CR 314), a paved public-right-of way. Park abuts the property's northern, western, and eastern boundaries. The Ocklawaha River lies approximately 600 feet east of the parcel.

The 4,146-acre Park is comprised of 12 distinct natural communities and contains approximately 5,000 feet of the Silver River, an outstanding natural feature formed by the first magnitude Silver Springs. The Park provides an abundance of outdoor recreation opportunities, such as picnicking, hiking, bicycling, canoeing, camping and cabin lodging. In addition, Marion County operates the Silver River Museum and Environmental Education Center on an 11.8-acre parcel of Park land subleased from DRP.

**Multi-Party Acquisition Agreement**

On February 28, 2010, the Multi-Party Acquisition Agreement (MPAA) between DSL and TNC was updated to include the Heather Island/Ocklawaha River, Rayonier Forest Resources, LP property. Funding for this potential acquisition specifically referenced using DRP Additions and Inholdings funds. Although the payment of overhead costs to TNC is referenced in the MPAA, none will be paid to TNC as a result of negotiations between DSL and TNC. Therefore, the only payment to be made to TNC for the purchase of this property, other than the purchase price, is reimbursement of the environmental site assessment obtained on the 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 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.

There are five easements and one lease referenced in the appraisal, appraisal map and title commitment for the property. After review of these easements and lease, it was determined that four of the five easements were not physically on the property; for that reason, the four easements did not affect the property. The remaining easement is physically located on the property, but has been extinguished. The lease that is referenced has expired. Therefore, none of the five easements or the lease mentioned in the due diligence products affect the property.

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**Substitute Item 3, cont.**

There is an unrecorded hunting lease that currently allows six people to hunt on the property. A notice of termination of the lease was given to the lessees, contingent upon the sale of the property to the Board of Trustees. If this property is acquired, the hunting lease will be terminated prior to closing.

**Access**

The parcel has approximately 5,089 feet of frontage along the north side of CR 314. Access to the site is currently via a single gated entry which accesses a 12-foot-wide dirt trail, in the central-eastern portion of the property. The trail traverses in a north-south direction from the gated entry point to the northern boundary.

**Improvements**

The property contains approximately 210 acres of pre-merchantable, loblolly pine trees. The subject trees range between seven and eight years old. There will be no harvesting of timber on the property prior to closing.

**Closing Information**

Prior to closing, a title insurance commitment will be provided by the purchaser; an environmental site assessment will be provided by the seller; and a survey may be provided by the purchaser prior to closing.

**Management**

These properties will be managed by DRP as an addition to the 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 3, Pages 1-63)

**RECOMMEND APPROVAL**

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**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**