

**AGENDA**  
**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**  
**MAY 17, 2011**

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 Pasco County/SunWest Acquisition Corporation Recommended Consolidated Intent/Easement/Survey Waiver**

**REQUEST:** Consideration of (1) an application for a 50-year sovereignty submerged lands public easement containing 1,954,717 square feet (44.87 acres), more or less, for a proposed 25,673-foot-long (4.86 miles) by 85-foot-wide public navigation channel; (2) authorization for the severance of 191,500 cubic yards of sovereignty material; (3) a waiver of the survey requirement; and (4) authorization for mitigation activities located on sovereign submerged lands.

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**APPLICANTS:** Pasco County (County) and SunWest Acquisition Corporation (SunWest)  
BOT No. 510234383  
Easement No. 41203  
Application No. 51-0274578-001

**LOCATION:** Old Dixie Highway, Hudson  
Fillman Bayou and Gulf of Mexico, Pasco County

**CONSIDERATION:** No fees required for public easements pursuant to rule 18-21.004(1)(e), F.A.C. The project qualifies for a waiver of the severance fee pursuant to section 18-21.011(3)(c)1, F.A.C., as the material will be placed on public property and used for public purposes.

**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 which require authorization to use sovereignty submerged lands.

**Project Details**

The applicants are proposing to construct an approximately 25,673-foot-long (4.86 miles) by 85-foot-wide, approximately 50-acre public navigation channel to be used in conjunction with a proposed upland county park and a future residential subdivision. The channel is proposed over approximately 4.35 miles of sovereignty submerged lands and approximately 0.51 mile of privately-owned submerged lands.

The proposed project is located on the site of the Belcher Mine, a vested but currently inactive limerock mine that has been in operation since the 1940s. In the 1950s a channel was dredged from the mine area out to open water in an attempt to allow shipping of materials from the mine. That channel was dredged approximately 6,650 feet along the northwest side of the property to a depth of approximately eight feet, but dredging was terminated in waters only two to three feet

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**Item 1, cont.**

deep. As the dredging did not extend far enough waterward to provide sufficient deep water access required for barges, the channel was never used for shipping. It has since been utilized to some degree by boaters using a private boat ramp on the mine property, and by recreational fisherman coming into the shallow nearshore areas of Fillman Bayou. As a result, an undesignated channel was established through Fillman Bayou, extending to deeper Gulf of Mexico waters. This shallow, poorly marked channel routes boaters through areas with dense seagrass coverage and other valuable coastal resources such as oyster bars, rock outcroppings and macroalgae beds, causing prop dredging and other damage to resources.

The County determined that there is a need for increased public access to the Gulf of Mexico and, as part of the County's planning process, various sites along the coastline have been evaluated. The proposed site was chosen based on the fact that there is an existing deep water canal, as well as a large parcel of property available adjacent to the canal, which could be developed into a park for increased public access.

The County partnered with SunWest, the current owners of the mine, for the proposed construction of the Pasco County SunWest Park (Park) on and around the decommissioned 312.5-acre limerock mine site. The property proposed for the Park is owned by the County, and the property directly north of the canal is owned by SunWest. A settlement agreement between the County and SunWest stipulates that SunWest will be responsible for the mitigation and will assist with the construction of the Park once the proper permits for the dredging and Park construction have been acquired. A total of 136.7 acres will be developed for the Park and its amenities to increase public access. The proposed amenities include: (1) a seven-lane boat ramp with three accessory docks; (2) a dock providing approximately ten slips for temporary mooring; (3) a canoe/kayak launch; (4) two pedestrian bridges; (5) an observation pier and tower; (6) a public beach; (7) approximately 8,000 linear feet of hiking trails; (8) restrooms and picnic tables; and (9) 219 parking spaces for vehicles and 250 parking spaces for vehicles with trailers.

In addition to the Park and its amenities, facilities will be constructed on property owned by SunWest for use by residents of the future SunWest Harbourtowne residential development (Harbourtowne) including: (1) a boat basin; (2) a floating dock for temporary mooring; and (3) a private travel-lift and lift basin. The remainder of Harbourtowne will be reviewed under separate authorization from the Southwest Florida Water Management District (SWFWMD).

**Dredging**

To provide improved access to the Gulf of Mexico from the proposed Park, 6,650 linear feet of the previously dredged channel will be re-dredged and an additional 16,350 linear feet will be newly dredged to a depth of -5 feet MLW. The entire length of the channel will have an 85-foot top width and a 65-foot bottom width, the minimum width required to provide safe navigation for two-way traffic per standard marina and port guidelines.

To eliminate and reduce impacts to submerged resources the applicants are proposing to re-route the shallowest portion of the existing channel in Fillman Bayou away from the areas of dense seagrasses and submerged resources. In addition, the proposed channel will be clearly marked to

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**Item 1, cont.**

reduce secondary and cumulative impacts from prop scarring and groundings, and signs will be posted at the Park boat ramp to educate boaters about the location of sensitive resource areas near the channel.

In addition to the dredging of the channel, it may be necessary to dredge an additional 0.75-1.0 acre access channel through submerged resources on state-owned lands to provide temporary ingress and egress to an approximately 15.5-acre area where seagrass restoration will be conducted as part of the mitigation for the construction of the navigation channel. Severed materials from the access channel will likely be placed within the restoration area along with other material to restore the area to an elevation conducive to seagrass growth. If additional dredging is required as part of the mitigation, the activities will be authorized under a separate Letter of Consent and payment of severance fees, if required, will be assessed prior to authorization of the additional impacts.

**Resource Impacts**

Construction of the Park, boat ramp, amenities and the associated stormwater management system will result in the filling of approximately 3.85 acres of saltwater marsh and 0.79 acre of freshwater marsh. Dredging of the channel will result in 27.35 acres of direct impacts to submerged aquatic resources, primarily seagrass and macroalgae habitats. Mitigation will not be required for impacts to resources within the previously dredged portions of the channel.

**Mitigation**

To mitigate for the 4.64 acres of fill impacts associated with the creation of the Park, the applicants will create 6.19 acres of saltwater marsh, 0.79 acre of freshwater marsh, and hydrologically enhance 3.9 acres of saltwater marsh and 13.4 acres of tidal flat.

To mitigate for the 27.35 acres of seagrass impacts that will result from the dredging of the new channel, the applicants will create and/or enhance 29.23 acres of seagrass habitat, and will also create and/or enhance 53.32 acres of saltwater marsh, mangrove swamp, and subtidal habitat. Mitigation for any necessary temporary impacts related to the required mitigation activities will be addressed when a final mitigation plan is received.

The mitigation activities will be conducted onsite at the Park, the north berm immediately adjacent to the Park, and at three other locations along the coast of Pasco County.

**Permit Phasing**

The construction, dredging and associated mitigation activities will be broken up into four phases within the permit. The phases are as follows:

Phase I - construction of the Park and completion of all mitigation activities associated with the creation of the 0.79-acre freshwater marsh area and the 6.19-acre saltwater marsh area within the mine pits. The construction of the kayak launch, boat ramp, and associated docking facility is not authorized in Phase I;

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**Item 1, cont.**

Phase II - construction and completion of all mitigation activities associated with: (1) the creation/enhancement of 1.35 acres of seagrass/macro algae habitat at the North Berm mitigation area; (2) the creation/enhancement of 1.23 acres of seagrass habitat, 1.35 acres of salt marsh, rehydration of 12.5 acres of mangrove habitat, and removal of 1.41 acres of exotics at Werner Boyce State Park; and (3) creation/enhancement of 42.06 acres of marsh, mangrove, seagrass, and subtidal habitat at the Strauber Memorial/Pasco Palms mitigation area;

Phase III - construction and completion of: (1) the channel; (2) the boat basin and associated seawalls at Harbourtowne; (3) the kayak launch, boat ramp, and associated docking facility at the Park; (4) all mitigation activities associated with the creation of 7.36-acres of seagrass/macro algae habitat within the mine pit at the Park, including the hydrologic connection; and (5) restoration of 15.29 acres of seagrass habitat at the Anclote Hole mitigation area; and

Phase IV - installation of the travel lift and docking structure, and excavation of the lift basin at Harbourtowne.

The Department of Environmental Protection's (DEP) recommendation of approval is contingent upon the specific phasing aspects of the project as described above.

**Survey Waiver**

The project does not qualify for a waiver of the survey because there is no existing easement. However, this is a public purpose project, and the applicants have provided a signed and sealed sketch and description that contains a metes and bounds legal description which provides enough information to locate the proposed easement area. Therefore, DEP is of the opinion that the survey waiver is appropriate and thus recommends approval of the survey waiver.

**Noticing/Interested Parties**

Although there are no additional property owners, besides the co-applicants, within 500 feet of the proposed easement, objectors and interested parties within the County were noticed as required by section 253.115, F.S., and 31 objections were received. Pasco County published a separate public notice about the proposed project in the Pasco Times on May 7, 2010, and several public meetings were held to discuss the Park and Harbourtowne. Although the proposed project is separate from Harbourtowne, DEP has received many letters and emails from concerned citizens regarding the potential impacts of both projects. Harbourtowne is subject to a Development of Regional Impact (DRI) and will be reviewed by the SWFWMD for permitting. DEP also received comments as a result of noticing sent by the Army Corp of Engineers to adjacent residents of the Werner-Boyce State Park (Werner-Boyce) mitigation area.

The objectors raised the following concerns:

- (1) potential impacts to:
  - (a) submerged seagrass areas;
  - (b) threatened and endangered wetland dependent species (manatees);
  - (c) fisheries;
  - (d) Florida Black Bear habitat; and
  - (e) water quality.

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**Item 1, cont.**

- (2) increased boat traffic;
- (3) loss of areas for passive recreation;
- (4) the need for another large residential development in light of the current housing situation;
- (5) impacts as a result of the Werner-Boyce mitigation construction:
  - (a) navigation hazards in the canal system adjacent to the mitigation area;
  - (b) the filling/shoaling in of the already narrow and shallow access channel;
  - (c) concerns that the berm removal will cause wind and/or water damage to adjacent residences during hurricane or storm events; and
  - (d) use of potentially contaminated soils as fill during the mitigation.
- (6) responsibility for funding future maintenance of the channel; and
- (7) the need for a deeper channel to service the boats planned to utilize the Park.

In a letter to the objectors dated September 21, 2010 Pasco County detailed how the issues were being addressed as part of the review process.

DEP is of the opinion that (1) through (5) of the objector's concerns have been addressed as follows:

- (1)
  - (a) the route for the channel has been chosen to avoid impacts to the areas with the densest and highest quality submerged resources. All unavoidable impacts to seagrasses and other significant resources have been mitigated as described above. Marking of the improved channel and increased law enforcement in the area will also reduce damage to shallow resource areas outside the channel;
  - (b) possible impacts to manatees and their sensitive habitats have been addressed by the Florida Fish and Wildlife Conservation Commission, and its comments have been incorporated into the regulatory permit;
  - (c) the impact to "fisheries" was determined to be minimal as a result of the channel dredging as the area is not used for commercial harvest. The surrounding area is used by inshore fisherman to some degree, but impacts to recreational fisheries have been addressed through mitigation to replace the lost function and benefits provided to aquatic species that rely on seagrasses for feeding, refuge and nursery areas;
  - (d) the parcels of primary concern for this issue do not lie within the Park boundaries, but are parcels planned for Harbortowne; and
  - (e) water quality testing suggested that sediments in the eastern end of the canal may have elevated silver, mercury, and arsenic levels. However the use of the canal for additional boat traffic will not cause nor contribute to any existing water quality violations. Best management practices will be used during dredging activities. An area of contaminated soil and groundwater was discovered in the uplands slated for the parking lot. However, a soil management plan has been developed by DEP and the applicants to address these sediments and ensure that there is no further spread of contaminants in the area, which is incorporated into the regulatory permit.
- (2) the effects of increased boat traffic were addressed in the permit by requiring the new channel to meet guidelines for safe navigation and by requiring the applicants to post educational signs at the boat ramp to show boaters where areas of shallow submerged resources are located;

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**Item 1, cont.**

- (3) this issue was addressed in the DRI study;
- (4) this action does not authorize the construction of the residential development, which has been addressed in the DRI and will be under review in a separate action by the SWFWMD; and
- (5) DEP has added conditions to the permit which will address these concerns as follows:
  - (a) the applicant will be prohibited from staging, operating or mooring vessels in the channel in such a manner as to cause or create a navigation hindrance or hazard; will be required to restrict work within the channel to weekdays; and will be required to notify the area residents of the time, date and duration of the work 14 days prior to the start of work at the site;
  - (b) the applicant will be required to do a bathymetric survey of the channel prior to work in and adjacent to the channel and shall restore the channel to previous contours after completion of the work at Werner-Boyce, if needed. In addition, standard best management practices will be required to reduce the potential for siltation outside the work area;
  - (c) based on the physical characteristics of the areas adjacent to the outer berm slated for removal (i.e., extensive shallow flats waterward of the berm and the presence of a significant mature mangrove fringe and a second larger berm landward of the berm), it is unlikely that removal of the berm will create a significant hazard to nearby residential areas; and
  - (d) the applicant will be required to use clean fill, which shall be analyzed to provide reasonable assurance that it is sufficient to support growth of seagrasses in the mitigation area.

In addition to the above requirements, SunWest and the County have responded to the concerns of the residents by attending two meetings of the neighborhood association, as well as writing a letter which addresses their concerns.

The applicants' position to the objector's concerns for (6) and (7) are as follows:

- (6) the applicants plan to continue their public/private partnership for all future dredging; and
- (7) the need to dredge beyond the existing contours was determined to be necessary for the safe navigation of the channel during all tidal cycles based on the size of vessels that are proposed to utilize the public boat ramp and travel lift at Harbourtowne. The removal of the travel lift and reduction of the dredge depth is not considered to be a practicable alternative to the project.

(See Attachment 1, Pages 1-11)

**RECOMMEND APPROVAL SUBJECT TO THE SPECIAL APPROVAL CONDITION AND THE SPECIAL EASEMENT CONDITIONS**

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**Item 2 May 2011 Florida Forever Five-Year Plan/Florida Forever Acquisition Priority List**

**REQUEST:** Consideration of (1) the May 2011 Florida Forever Five-Year Plan; and (2) the May 2011 Florida Forever Land Acquisition Priority List.

**VOTING REQUIREMENT FOR APPROVAL:** Simple Majority

**STAFF REMARKS:**

**(1) May 2011 Florida Forever Five-Year Plan:** The May 2011 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) hearings/meetings of August 12-13, October 14-15, and December 9-10, 2010, ARC recommended the following adjustments to the May 2011 priority list of acquisition projects: (a) approval of two new projects; (b) nine boundary amendments to eight projects; (c) removal of one project from the priority list; and (d) addition of a new category\* of projects called, Critical Historical Resources (CHR). Six projects were removed from the Critical Natural Lands category and ranked in numerical priority order within the new CHR category.

<u>New Projects Added to List</u>	<u>Total Acres</u>	<u>County</u>
Horse Creek Ranch (LTF-23*)	16,510	Desoto/Hardee
Lower Suwannee River and Gulf Watershed (LTF-6)	46,441	Dixie

<u>Projects with Boundary Amendments</u>	<u>Acres +/-</u>	<u>County</u>
Archie Carr Sea Turtle Refuge (CCL-10)	(233)	Brevard/Indian River
Belle Meade (CNL-9)	(348)	Collier
Florida Keys Ecosystem (CCL-1)	4.18**	Monroe
Lake Hatchineha Watershed (CNL-24)	(994)	Osceola/Polk
Long Leaf Pine Ecosystem (CNL-12)	(3,612)	Volusia/Marion
Osceola Pine Savannas (CNL-15)	(557)	Osceola
Terra Ceia (CCL-9)	(251)	Manatee
Watermelon Pond (PRI-16)	(3,161)	Levy/Alachua

<u>Project Removed from List</u>	<u>Reason</u>	<u>County</u>
BJ Bar Ranch	91% complete	Putnam

<u>Projects Moved from CNL to New CHR Category*</u>	<u>Total Acres</u>	<u>County</u>
Battle of Wahoo Swamp (CHR-5)	856	Sumter
Okeechobee Battlefield (CHR-4)	88	Okeechobee
Pierce Mound Complex (CHR-2)	569	Franklin
Pineland Site Complex (CHR-6)	142	Lee
Three Chimneys (CHR-3)	55	Volusia
Windover Archaeological Site (CHR-1)	8	Brevard

\* Project Categories: CCL – Climate Change Lands project; CHR—Critical Historical Resources project; CNL – Critical Natural Lands project; LTF – Less-Than-Fee project; PRI – Partnerships & Regional Incentives project; and SC – Substantially Complete project. Numbers indicate priority rank within the project category.

\*\*7.07 acres removed at the request of owners; 11.25 acres added at the request of City of Marathon; net of 4.18 acres added to the project.

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**Item 2, cont.**

The May 2011 Florida Forever Five-Year Plan is being submitted in digital format.

**(2) ARC's Recommended May 2011 Florida Forever Priority List for Land Acquisition Projects:** The May 2011 Five-Year Plan includes the May 2011 Florida Forever Priority List of acquisition projects approved by ARC on December 10, 2010 and proposed for approval by the Board of Trustees. This list includes 113 projects each of which was ranked within one of 6 categories: 6 Critical Historical Resources projects; 14 Climate Change Lands projects; 32 Critical Natural Lands projects; 25 Less-Than-Fee projects; 30 Partnership & Regional Incentives projects; and 6 Substantially Complete projects. 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." [see also section 259.105(14), F.S.].

**Accomplishments of Florida Forever Acquisition Program:** Since its inception in July 2001 through September 2010, the state's Florida Forever land acquisition program has been extremely successful, as evidenced by the protection of:

- 252,940 acres of Strategic Habitat Conservation Areas;
- 424,300 acres of rare species habitat conservation areas, including over 660 sites that are habitats for 255 different rare species, 113 of which are state-listed as endangered, 48 state-listed threatened, and 21 species of special concern;
- 642,310 acres of ecological greenways;
- 105,690 acres of under-represented natural communities;
- 76,920 acres of natural floodplains;
- 653,820 acres important to significant water bodies;
- 5,140 acres of fragile coastline;
- 282,840 acres of functional wetlands;
- 630,230 acres of significant groundwater recharge areas;
- 220 kilometers of priority recreational trails;
- 303,830 acres of sustainable forest land; and
- 576 archaeological and historic sites.

These acreages were derived from the most recently updated Florida Forever data layers, which are continuously updated by Florida Natural Areas Inventory 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 667,000 acres of land with \$2.8 billion in Florida Forever funds through December 31, 2010.

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



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**Item 2, cont.**

**Comprehensive Plan**

The May 2011 Florida Forever Land Acquisition 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 2, Pages 1-2)

**RECOMMEND (1) ACCEPTANCE OF THE MAY 2011 FLORIDA FOREVER FIVE-YEAR PLAN; AND (2) APPROVAL OF ARC'S RECOMMENDED MAY 2011 FLORIDA FOREVER PRIORITY LIST OF LAND ACQUISITION PROJECTS.**

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**Item 3 Orange County Sale and Purchase Contract/Determinations/West Orange Trail**

**REQUEST:** Consideration of (1) a determination that a 0.60-acre parcel, more or less, of state-owned conservation land in Orange County is (a) no longer needed for conservation purposes, pursuant to Article X, section 18 of the Florida Constitution and section 253.034(6), F.S.; (b) no longer needs to be preserved in furtherance of the Preservation 2000 Act pursuant to section 259.101(6)(b), F.S.; and (c) surplus; and (2) approval of a contract for sale and purchase of the 0.60-acre parcel, more or less, of state-owned conservation land to Orange County.

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**COUNTY:** Orange

**APPLICANT:** Orange County

**LOCATION:** Section 04, Township 22 South, Range 28 East

**CONSIDERATION:** \$21,500, to be deposited in the Preservation 2000 Trust Fund

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Robertson (03/15/10)	APPROVED <u>VALUE</u>	SALE <u>VALUE</u>	CLOSING <u>DATE</u>
BOT	0.60 +/-	\$21,500	\$21,500	\$21,500	60 days after DSL & OGT approval*

\*County has three years, from date contract is approved, to complete construction of the realigned trail to the satisfaction of DSL & OGT.

**STAFF REMARKS**

The Department of Environmental Protection's (DEP) Division of State Lands (DSL) and the Office of Greenways and Trails (OGT) received a request from Orange County (County) to buy

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**Item 3, cont.**

approximately 0.60 acre of land (State Parcel) currently owned by the Board of Trustees and managed as part of the West Orange Trail (WOT).

**Background**

The proposed surplus property area was acquired in 1994 with Preservation 2000 (P2000) funds as part of the Rails-to-Trails program. The Rails-to-Trails program was created by a resolution of the Governor and Cabinet on March 4, 1986, and enacted into law by the Florida Legislature in 1987 with a purpose of acquiring and developing abandoned railroad corridors for public recreational trail use. The parcel, traversed by a 14-foot-wide multi-use paved trail, is currently leased to OGT and subleased to the County for management (development, operations, and maintenance). By owning approximately 13 of the trail's 22 miles, the County is heavily invested in preserving the corridor for ongoing use as a recreational trail.

**Request**

The County is in the process of widening Clarcona-Ocoee Road from a two lane rural section to a four lane divided urban roadway. Due to the widening of Clarcona-Ocoee Road, the WOT is being realigned to the north of the existing trail and will bypass the State Parcel. The County requested to purchase the State Parcel for part of the road widening. The County also requested an easement, to the Northeast of the State Parcel, for construction and maintenance of a storm water drainage pipe, appurtenances, and the realignment of the trail. On March 11, 2011, a 50-year easement was granted by DSL through delegated authority with a special condition that the trail realignment be completed within three years of the date of execution of the easement and that there be continuous uninterrupted use of the trail during construction and realignment.

**Acquisition and Restoration Council**

The proposed surplus request was recommended for approval by the Acquisition and Restoration Council on December 11, 2009.

**Constitutional and Statute Requirements**

Pursuant to Article X, section 18 of the Florida Constitution, the fee interest in real property may be disposed of only if the members of the governing board of the entity holding title determine the property is no longer needed for conservation purposes and only upon a vote of two-thirds of the governing board. The Board of Trustees must also make a determination that such land no longer needs to be preserved in furtherance of the P2000 Act pursuant to section 259.101(6)(b), F.S. Pursuant to section 253.034(6), F.S., in order to surplus conservation lands, the Board of Trustees, by a vote of at least three members, must make a determination that the lands are no longer needed for conservation purposes. DEP is recommending an affirmative determination by the Board of Trustees that the subject parcel is no longer needed for conservation purposes and no longer needs to be preserved in furtherance of P2000 for the following reasons:

- the newly realigned trail will bypass this parcel and reconnect to the trail north of this parcel; and

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**Item 3, cont.**

- The only conservation value that the subject parcel has is for outdoor recreation as part of the WOT, therefore once this part of the trail is abandoned and no longer used as part of the WOT, its intended conservation value will cease to exist.

The request for surplus is compatible with the management objectives and resource values of the WOT. The WOT will continue to be used for a recreational trail and will not lose any connectivity. Therefore, the proposed surplus is consistent with the purpose for which the State Parcel was originally purchased.

**Noticing**

Noticing of landowners within 500 feet of the state-owned parcel is not required pursuant to section 253.115, F.S. State agencies and State universities were noticed pursuant to section 253.034, F.S. No interest in purchasing this property was received from either State agencies or universities.

**Comprehensive Plan**

DEP has determined that surplus land actions are not subject to the local government planning process.

(See Attachment 3, Pages 1-11)

**RECOMMEND APPROVAL**

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**Item 4 Gerrell Plantation, Inc. Option Agreement/Natural Bridge Battlefield Historic State Park/Division of Recreation and Parks' Additions and Inholdings Program/Florida's First Magnitude Springs Florida Forever Project**

**REQUEST:** Consideration of an option agreement to acquire 55.06 acres within the Florida's First Magnitude Springs Florida Forever project from Gerrell Plantation, Inc., a Florida corporation.

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**COUNTY:** Leon

**LOCATION:** Section 29, Township 02 South, Range 02 East

**CONSIDERATION:** \$457,000

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**Item 4, cont.**

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u> Griffith <u>(04/10/09)</u>	<u>MAXIMUM</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>
Gerrell Plantation, Inc., a Florida corporation	55.06	\$466,000	\$466,000	unknown*	\$457,000 (98%)**	120 days after BOT approval

\* Family owned since the 1800s  
\*\* \$8,300.04 per acre

**STAFF REMARKS:** The Gerrell Plantation, Inc. (Gerrell) parcels have 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's optimum boundary of Natural Bridge Battlefield Historic State Park (Park). The parcels are also located within the Florida's First Magnitude Springs Florida Forever project, ranked number 1 in the Florida Forever Partnership and Regional Incentives project category, approved by the Board of Trustees on September 28, 2010. The project contains 14,081 acres, of which 6,292 acres have been acquired or are under agreement to be acquired. If the Board of Trustees approves this agreement, 7,789 acres or 55 percent will remain to be acquired. This agreement was negotiated by DEP's Division of State Lands (DSL) on behalf of DRP under the State Parks Additions and Inholdings Florida Forever program.

**Project Description**

The subject property consists of four non-contiguous parcels separated by a substantial sovereign slough owned by the State of Florida (slough). Three of the four parcels total 3.98 acres in size and are located west of the slough. The parcel to the east of the slough totals 51.08 acres. The Park abuts the property's western boundary. The St. Marks River Rise, the headsprings of the St. Marks River and a 1<sup>st</sup> Magnitude Spring, is adjacent to the Gerrell property to the southwest.

Large springs of clear, continuously flowing water are among Florida's most famous and important natural and recreational resources. The cavernous, water-filled rocks of the Floridan aquifer system supply water to the largest springs. By preserving land around the springs, this project will protect them, and the Floridan aquifer, from the effects of commercial, residential, and agricultural runoff, clear cutting and mining, and unsupervised recreation. This project will ensure that Floridians and visitors from all over the world will be able to enjoy Florida springs for years to come.

A 2<sup>nd</sup> Magnitude spring, along with at least three smaller springs, is located adjacent to the property to the northwest. Past hydrological testing was completed on an adjacent parcel acquired by the Board of Trustees in 2009. The investigation indicated that it was very likely the Gerrell property would link up to the significant underground Natural Bridge Cave System, which contains 12,655 feet of explored cave passages.

The Park contains the site of the second largest Civil War battle in Florida, the Battle of Natural Bridge, which is listed on the National Register of Historic Places. Natural Bridge Battlefield as recorded in Florida Master Site File, LE00188, extends onto the northwestern portion of the Gerrell property.

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**Item 4, cont.**

The successful acquisition of this property will: provide future opportunities for archaeological and geological exploration; facilitate better management of the park; allow for public recreation access to the St. Marks River; aid in the future expansion plans of the Park; and protect the lands surrounding the Natural Bridge Battle site, springs, St. Marks River and Floridan aquifer.

The Civil War Trust (CWT), a national non-profit organization dedicated to the preservation of Civil War battlefields, fully supports this purchase. CWT has offered to pay up to \$20,000 at closing towards the Board of Trustees' due diligence products necessary for the acquisition of this 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.

Approximately 1.10 acres along the east side of the property is encumbered by two, 40-foot-wide easements for ingress and egress purposes.

**Access**

The property is currently accessed by Jim French Road, a privately-owned dirt road. However, Jim French Road does not provide legal access to the Gerrell property. Legal access to the property is via four, 40-foot to 60-foot-wide easements that extend southward from Natural Bridge Road to the parcel's southern boundary.

**Closing Information**

A title insurance commitment, a survey, and an environmental site assessment will be obtained by the Board of Trustees prior to closing. CWT will contribute up to \$20,000 towards these products at closing.

**Management**

This property 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 4, Pages 1-38)

**RECOMMEND APPROVAL**

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**Item 5 BOT/St. Johns River Water Management District/Clonts Family Limited Partnership/Exchange Agreement/Determinations/Charles H. Bronson State Forest**

**REQUEST:** Consideration of (1) a determination that a 4.12-acre, more or less, of land owned by the Board of Trustees and the St. Johns River Water Management District, is (a) no longer needed for conservation purposes, pursuant to Article X, section 18 of the Florida Constitution and section 253.034(6), F.S. and (b) surplus; (2) a determination that an exchange will result in a net positive conservation benefit to the state, pursuant to section 253.034(6), F.S.; and (3) approval of an exchange agreement in which the Board of Trustees and the St. Johns River Water Management District would convey a 4.12-acre parcel, more or less, of land in exchange for a 4.57-acre parcel, more or less, of land owned by the Clonts Family Limited Partnership.

**VOTING REQUIREMENTS FOR APPROVAL:** Three votes

**COUNTY:** Seminole

**APPLICANT:** St. Johns River Water Management District (SJRWMD)

**LOCATION:** Section 20, Township 21 South, Range 33 East

**CONSIDERATION:** Parcel for parcel with no cash boot to be paid by the Board of Trustees.

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY		<u>EXCHANGE VALUE</u>	<u>CLOSING DATE</u>
		Goodman (04/23/10)	<u>APPROVED VALUE</u>		
BOT	4.12 +/-	\$21,000	\$21,000	\$21,000	120 days after BOT approval
Clonts	4.57 +/-	\$23,000	\$23,000	\$23,000	

**STAFF REMARKS:** The Department of Environmental Protection’s (DEP) Division of State Lands (DSL) received a request from the SJRWMD to exchange 4.12+/- acres of land (State Parcel) currently owned by the Board of Trustees and the SJRWMD for 4.57+/-acres of land (Clonts’ Parcel) owned by the Clonts Family Limited Partnership.

**Background**

The State Parcel is part of a larger parcel that was jointly acquired in February 2008, by the Board of Trustees and the SJRWMD with Florida Forever funds. The Board of Trustees has a 90.1 percent undivided interest in the parcel. The property is currently managed by the Department of Agriculture and Consumer Services’ Division of Forestry (DOF) as part of the Charles H. Bronson State Forest. The property was purchased as a priority acquisition in the Econ-St. Johns Ecosystem Florida Forever Project and is in the SJRWMD’s five-year acquisition plan.

**Project Description**

A drainage canal that was constructed by a previous owner, C.S. Lee, in the late 1940’s was constructed on what the owner believed to be the ½ section line. The canal would eventually serve as the dividing line to split the property for the heirs of Mr. Lee. The true location of the ½ section line in relation to the actual location of the canal was discovered in the 2007 acquisition

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**Item 5, cont.**

of Turkey Creek, now known as part of the Charles H. Bronson State Forest. Currently the canal meanders diagonally across both the Clonts' and State parcels creating management problems for both the Clonts and DOF.

On March 1, 2010, the SJRWMD closed on an exchange with the Clonts that resulted in the following: public ownership of the last 1 ½ miles of privately-owned riverfront and marshlands in the area; completion of an approximate 20-mile segment of the Florida National Scenic Trail; and a combination of fee and conservation easement ownership of the approximate 3,201-acre Clonts' Ranch designed to achieve water management and conservation benefits with a focus on the St. Johns River floodplain. As a special condition of the SJRWMD exchange with the Clonts, the parties agreed in good faith to pursue this exchange between the Board of Trustees/SJRWMD and the Clonts. Since the exchange will result in the canal being exclusively under Clonts ownership for the area being conveyed to the Clonts, the Board of Trustees and the SJRWMD will reserve a perpetual non-exclusive easement for drainage purposes. The easement will include access for maintenance and operation, if the Board of Trustees and SJRWMD deem necessary or desirable.

**Acquisition and Restoration Council**

The proposed exchange request was recommended for approval by the Acquisition and Restoration Council (ARC) on February 19, 2010.

**Constitutional and Statute Requirements**

Pursuant to Article X, section 18 of the Florida Constitution, the fee interest in real property may be disposed of only if the members of the governing board of the entity holding title determine the property is no longer needed for conservation purposes and only upon a vote of two-thirds of the governing board. Pursuant to section 253.034(6), F.S., in order to surplus conservation lands, the Board of Trustees, by a vote of at least three members, must make a determination that the lands are no longer needed for conservation purposes and that the exchange will result in a net positive conservation benefit to the state. DEP is recommending an affirmative determination by the Board of Trustees that the subject parcel is no longer needed for conservation purposes for the following reasons:

- the canal that affects the parcel was intended to be solely on the Clonts' parcel, but the canal was constructed improperly and meanders diagonally across both properties hindering management of the state property; and
- the state property consists of a canal bordered by pasture

DEP is also recommending the Board of Trustees make an affirmative determination that the exchange will provide a net positive conservation benefit to the state because:

- the exchange will create a better management boundary at the interface of public and private land;
- the exchange will aid in eliminating potential management costs and liability exposure;

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**Item 5, cont.**

- the exchange will improve the boundary and prevent confusion on the part of the public; and
- the state will be giving up a parcel with a canal bordered by pasture and will be receiving a wetland area with mixed deciduous hardwoods that are of greater ecological value.

**Noticing**

State agencies and State universities were noticed pursuant to section 253.034, F.S., no interest was received. Pursuant to section 253.111, F.S., exchanges are exempt from county noticing.

**Management Review**

DOF, as manager, supports the proposed exchange as it will provide a well delineated and enforceable boundary for each tract. DOF, SJRWMD and DEP believe the exchange is in the public's best interest and the proposed use is in accordance with section 253.034(10), F.S., permitted uses for conservation land.

**Comprehensive Plan**

DEP has determined that surplus land actions are not subject to the local government planning process.

(See Attachment 5, Pages 1-27)

**RECOMMEND APPROVAL**

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**Item 6 Glades County Board of County Commissioners (Moonshine Marsh Overlook Park)  
Recommended Consolidated Intent/Lease/Determinations/Island Moratorium**

**REQUEST:** Consideration of (1) lifting a moratorium on consideration of the creation or expansion of spoil island requests; (2) a determination that, pursuant to rule 18-21.012(1), F.A.C., it is in the public interest to develop spoil islands for the creation of a public linear park; (3) a determination that, pursuant to rule 18-21.004(1)(g), F.A.C., it is in the public interest to conduct non-water dependent activities on the spoil island; (4) an application for a 25-year sovereignty submerged lands lease containing approximately 3,528,360 square feet (81 acres), more or less, for a proposed seven-mile public linear park; (5) authorization for the severance of 648,000 cubic yards of sovereignty material; (6) authorization for the placement of 648,000 cubic yards of fill for the creation of a public linear park; and (7) authorization for the placement of 13,600 cubic yards of riprap.

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**APPLICANT:** Glades County Board of County Commissioners (County)  
BOT No. 220235835  
Application No. 22-0302143-001



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**Item 6, cont.**

**LOCATION:** Near the City of Moore Haven  
Lake Okeechobee, Glades County

**CONSIDERATION:** The project qualifies for (1) a waiver of lease fees pursuant to rule 18-21.011(1)(b)7, F.A.C., which states that fees may be waived for government entities when the revenues are used for operation and maintenance of the structure and the activity is consistent with the public purposes of the applicant organization and is not an adjunct to a commercial endeavor; and (2) a waiver of the severance fee pursuant to rule 18-21.011(3)(c)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.

**Project Synopsis**

The County is proposing to enhance public access to Lake Okeechobee (Lake) for both the boating and non-boating public by creating the Moonshine Marsh Overlook Park (Park), a seven-mile linear park that stretches from the Rim Canal near the City of Moore Haven (City) to the Monkey Box, a well-known Lake landmark.

**Background**

The Moore Haven Canal is an existing channel extending from the Lake's Rim Canal through the Lake's western marsh in a north-northeasterly direction for 5.5 miles. The channel makes an abrupt turn to the northeast and continues another 1.4 miles to an area known locally as the Monkey Box. From this point, an existing channel, known locally as the Pig Trail, runs northwesterly and terminates at the McTush Channel. The Moore Haven Canal was originally dredged in 1915 to accommodate vessels barging materials through the western marsh to the City for the construction of the original Moore Haven Lock on the west bank of the Lake at the Caloosahatchee River. The dredged material was deposited on both sides of the dredged channels to create spoil islands that have been colonized with native and exotic vegetation. The channels are currently used by boaters, fishermen, hunters, law enforcement agencies, and others. The channels have not been maintained and have become shallower due to siltation and buildup of organic debris. Navigable access in the channels is especially difficult in periods of low Lake levels, thereby adversely impacting the area's economy. Economic impacts are particularly acute for businesses such as airboat tours, fishing guides, bait shops, motels, and restaurants.

On August 11, 2009, the Board of Trustees approved a request by the City of Fort Pierce for a 5-year sovereignty submerged lands lease encompassing 916,768 square feet, in order to construct a pilot project storm protection island system for the protection of a 269-slip public marina. The Board of Trustees' approval directed the Department of Environmental Protection (DEP) to delay any future consideration of other islands until approximately two years after the City of

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**Item 6, cont.**

Fort Pierce project has been completed and has met the identified success criteria. To date, the City of Fort Pierce project has not yet commenced.

**Project Details**

The Park will host historic, cultural and nature-based informational kiosks and exhibits, and will provide a paved sidewalk/trail, picnic areas, composting restrooms, observation tower, and two 3-slip docking facilities. The Park will enhance existing waterway cuts through the spoil islands to: (1) allow the continued pass-through of small boats; and (2) enhance water exchange through the marsh. Five pedestrian bridges will be constructed over the cuts. Widening and deepening of the Moore Haven Canal and installation of navigation aids are anticipated to improve boating safety and access between the lake and the Rim Canal. The docking facilities will accommodate recreational vessels and water taxi vessels up to 22 feet in length with drafts up to 4.5 feet.

Park access will be by private boats and water taxis operated out of the City's marina. The marina is currently under construction and is part of the City's downtown revitalization project.

Because of the unique nature of this project where sovereignty submerged lands will be developed as though they were uplands, the fee-waived sovereignty submerged lands lease for this project will include those provisions from the Board of Trustees' upland lease forms that are deemed appropriate by DEP.

**Dredging**

The County proposes to dredge approximately 648,000 cubic yards of sovereignty material from two areas within Lake Okeechobee, which consist of:

- dredging 535,000 cubic yards of sovereignty material from the existing Moore Haven Canal to widen and deepen the channel by removing the western spoil berm along the channel; and
- dredging 113,000 cubic yards of sovereignty material from the existing Pig Trail Channel to widen and deepen the channel.

The dredged material will be added to the channel's eastern berm, in order to widen the berm, to create the Park and 34.51 acres of littoral zone;

**Public Interest**

Filling sovereignty submerged lands and installing associated Park facilities are non-water dependent activities. Rule 18-21.004(1)(g), F.A.C., provides that activities on sovereignty lands shall be limited to water dependent activities only unless the Board of Trustees determines that it is in the public interest to allow an exception as determined by a case by case evaluation. Rule 18-21.012(1), F.A.C., states: "No spoil islands shall be developed except upon a clear showing that the development is in the public interest and hardship would result if the development was not authorized." Glades County is within the South Central Rural Area of Critical Economic Concern designated by the Governor's Office of Tourism, Trade and Economic Development. The proposed project meets the rule requirements because it will provide enhanced public

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**Item 6, cont.**

recreational access to sovereignty submerged lands and is anticipated to generate a regional economic benefit to this economically distressed county by providing a desirable destination in a county with currently limited resources to accommodate visitors.

**Noticing/Interested Parties**

The project was not noticed pursuant to section 253.115, F.S., because the Board of Trustees is the only landowner within 500 feet of the proposed lease.

The project is supported by the Audubon of Florida and the County Coalition for Responsible Management of Lake Okeechobee, St. Lucie and Caloosahatchee Estuaries, and Lake Worth Lagoon.

(See Attachment 6, Pages 1-89)

**RECOMMEND APPROVAL SUBJECT TO THE SPECIAL APPROVAL CONDITIONS  
AND THE SPECIAL LEASE CONDITIONS**