

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
APRIL 24, 2012

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 February 9, 2012 Cabinet Meeting.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

(See Attachment 1 at http://www.dep.state.fl.us/secretary/cab/public_notices.htm)

RECOMMEND APPROVAL

Item 2 April 2012 Florida Forever Five-Year Plan/Florida Forever Land Acquisition Priority List/Interim 2012-2013 Annual Florida Forever Work Plan

REQUEST: Consideration of (1) the April 2012 Florida Forever Five-Year Plan; (2) the April 2012 Florida Forever Land Acquisition Priority List; and (3) the Interim 2012-2013 Division of State Lands' Annual Florida Forever Work Plan.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

STAFF REMARKS: The Florida Forever Five-Year Plan is a compilation of information, in report form, on the 117 Florida Forever projects and is prepared pursuant to Chapter 259, F.S., and rule 18-24, F.A.C.

Section 259.035, F.S., establishes the Acquisition and Restoration Council (ARC) as a ten-member board composed of four agency heads and six private citizen appointees. In accordance with section 259.105(14), F.S., ARC is required to review projects on the most current, approved Florida Forever list and develop a new list to be approved by the Board of Trustees annually. Section 259.105(17), F.S., requires the Department of Environmental Protection's Division of State Lands (DSL) to prepare an annual work plan that prioritizes projects on the Florida Forever list into categories and rank them in order of priority. The work plan is required to be adopted by ARC and presented to the Board of Trustees on an annual basis. ARC conducts 6 to 14 public hearings and meetings throughout the year to review land acquisition proposals, evaluate their resource attributes, establish or revise project boundaries, rank projects in priority order, and adopt a land acquisition work plan.

(1) April 2012 Florida Forever Five-Year Plan: Each of the 117 ARC-approved land acquisition projects are described in the Florida Forever Five-Year Plan. During 2011, ARC recommended the following adjustments to the May 2011 priority list of acquisition projects: (a) redesign one large project into four smaller projects; (b) add one new project; and (c) amend (reduce) the boundary of seven projects.

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<u>Redesigned Projects on List</u>	<u>Total Acres</u>	<u>County</u>
Green Swamp-Hilochee Corridor (PRI-11)	93,057	Lake/Polk
Green Swamp-Peace River Headwaters (LTF-15)	40,016	Polk
Green Swamp-Withlacoochee River Headwaters (PRI-19)	103,458	Lake/Polk/Pasco
Green Swamp-Pine Island Recharge Area (LTF-13)	32,756	Lake
<u>Original Green Swamp Project Removed</u>		
Green Swamp (PRI-23*)	(283,735)	Lake/Polk/Pasco
 <u>New Project Added to List</u>	 <u>Total Acres</u>	 <u>County</u>
West Bay Preservation Area (CCL-12)	4,494	Bay
 <u>Projects with Boundary Amendments (Reductions)</u>	 <u>Acres +/-</u>	 <u>County</u>
Annettliga Hammock (PRI-8)	(6,211)	Citrus/Hernando
Etoniah/Cross Florida Greenway (CNL-10)	(1,509)	Clay/Putnam/Marion/ Levy/Citrus
Flagler County Blueway (PRI-13)	(182)	Flagler
Green Swamp reduction in redesign (PRI-23*)	(14,448)	Lake/Polk/Pasco
Lake Wales Ridge Ecosystem (CNL-1)	(2,071)	Lake/Osceola/ Polk/Highlands
St. Johns River Blueway (CCL-7)	(1,656)	St. Johns
Twelvemile Slough (CNL-16)	(87)	Hendry

Note: 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 ARC's December 2011 priority rank within the project category.

* May 2011 List

The April 2012 Florida Forever Five-Year Plan is being submitted in digital format.

(2) ARC's Recommended April 2012 Florida Forever Priority List for Land Acquisition Projects: The April 2012 Five-Year Plan includes the April 2012 Florida Forever Priority List of acquisition projects developed by ARC on December 9, 2011, and proposed for approval by the Board of Trustees, pursuant to section 259.105(14), F.S. This list includes 117 projects, each of which was ranked within one of six categories: 6 Substantially Complete projects; 6 Critical Historical Resources projects; 15 Climate Change Lands projects; 31 Partnership and Regional Incentives projects; 27 Less-Than-Fee projects; and 32 Critical Natural Lands 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" [also see section 259.105(14), F.S.].

Accomplishments of Florida Forever Acquisition Program: Since its inception in July 2001 through September 2011, the state's Florida Forever land acquisition program has provided protection for the following:

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- 266,890 acres of strategic habitat conservation areas;
- 458,000 acres of rare species habitat conservation areas, including 761 sites that are habitats for 281 different rare species, 120 of which are federal or state-listed as endangered, 51 federal or state-listed threatened, and 20 species of special concern;
- 684,310 acres of ecological greenways;
- 119,180 acres of under-represented natural communities;
- 439,200 acres landscape-sized protection areas;
- 82,060 acres of natural floodplains;
- 705,930 acres important to significant water bodies;
- 350,660 acres minimize damage from flooding;
- 7,570 acres of fragile coastline;
- 299,220 acres of functional wetlands;
- 678,940 acres of significant groundwater recharge areas;
- 155 miles of priority recreational trails;
- 347,370 acres of sustainable forest land;
- 557 archaeological/historic sites; and
- 11,300 acres in urban service areas.

These figures 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. The figures include properties acquired under the Florida Forever program, as well as donations and acquisitions by other entities with funding from other sources that were within Florida Forever project boundaries. Additionally, the figures recorded for each measure often overlap, and thus should not be added together. Collectively, under the Florida Forever program the State of Florida has protected over 682,000 acres* of land with \$2.9 billion in Florida Forever funds through February 29, 2012.

* Excludes donations and lands acquired with non-Florida Forever program funding. If these are included, the total acreage protected within Florida Forever projects is over 711,000 acres.

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.

(3) Interim 2012-2013 Division of State Lands' Annual Florida Forever Work Plan (as adopted by ARC): With limited funding and 117 Florida Forever projects to work on, DSL suggests narrowing its focus on those acquisition projects that protect Florida's water resources, have funding partnerships (especially those with important resources that also provide buffers to military installations), are conservation easements and/or are substantially complete. It is important to capitalize on those projects that not only protect our state's critical water resources, but also provide an added benefit of stretching acquisition dollars further. DSL has identified 14

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projects on the interim work plan. In February 2012, ARC adopted the interim work plan for submittal to the Board of Trustees, pursuant to section 259.105(17), F.S., with the Florida Forever priority list and five-year plan.

Projects with property identified on the Interim 2012-2013 Division of State Lands' Annual Florida Forever Work Plan include the following 14 projects:

<u>Projects on Interim Work Plan</u>	<u>Category-Rank*</u>	<u>County</u>
Adams Ranch **	LTF-1	Osceola
Bombing Range Ridge Ecosystem	CNL-2	Polk/Highlands
Charlotte Harbor Estuary **	SC-2	Charlotte/Sarasota
Clear Creek / Whiting Field	PRI-7	Santa Rosa
Escribano Point	PRI-5	Santa Rosa
Estero Bay **	SC-1	Lee
Florida Keys Ecosystem	CCL-1	Monroe
Lake Wales Ridge Ecosystem	CNL-1	Polk/Highlands
Northeast Florida Timberlands & Watershed Reserve **	PRI-2	Clay
Rotenberger †	unranked ‡	Palm Beach
Save Our Everglades †	SC-5	Collier
Seven Runs Creek	LTF-3	Walton
Wekiva-Ocala Greenway †	CNL-3	Lake
Yellow River Ravines	unranked ‡	Santa Rosa

* Project Categories: CCL – Climate Change Lands project; CHR – Critical Historical Resources project; CNL – Critical Natural Lands project; LTF – Less-Than-Fee project; PRI – Partnerships and Regional Incentives project; and SC – Substantially Complete project. Numbers indicate ARC's December 2011 priority rank within the project category.

** Projects not previously included on the land acquisition work plan.

† Projects with Board of Trustees'-approved contracts in closing.

‡ Project not on 2012 priority list but qualifies for purchase pursuant to section 259.032(8), F.S., because the project was greater than 90% complete when it was removed from the list.

Comprehensive Plan

The April 2012 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 1-11)

RECOMMEND (1) ACCEPTANCE OF THE APRIL 2012 FLORIDA FOREVER FIVE-YEAR PLAN; (2) APPROVAL OF ARC'S RECOMMENDED APRIL 2012 FLORIDA FOREVER LAND ACQUISITION PRIORITY LIST; AND (3) ACCEPTANCE OF THE INTERIM 2012-2013 DIVISION OF STATE LANDS' ANNUAL FLORIDA FOREVER WORK PLAN

Item 3 Waterview Towers Condominium Owners' Association, Inc., Lease Renewal/Modification/Authorization

REQUEST: Consideration of an application for (1) renewal and modification of a five-year sovereignty submerged lands lease to increase the preempted area from 29,116 square feet to 38,972 square feet, more or less, for a 33-slip private residential multi-family docking facility; and (2) authorization to exceed the preempted area to shoreline ratio.

VOTING REQUIREMENT FOR APPROVAL: Three votes

APPLICANT: Waterview Towers Condominium Owners' Association, Inc.
Lease No. 461088341
Application No. 46-0126388-002-EE

LOCATION: 150 Gulf Shore Drive, Destin
Destin Harbor (a/k/a Old Pass Lagoon), Okaloosa County

CONSIDERATION: \$6,489.83, representing: (1) \$6,103.91 as the initial annual lease fee computed at the base rate of \$0.156623 per square foot; and (2) \$385.92 as the one-time 25 percent surcharge payment for the additional area, pursuant to rule 18-21.011(1)(b)3., 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 shall be adjusted based on six percent of the annual income if it proves to be greater than the fee computed at the base rate, pursuant to rule 18-21.011(1)(a)1., F.A.C.

STAFF REMARKS: The project is required to demonstrate that it is "not contrary to the public interest," pursuant to rule 18-21.004(1)(a), F.A.C. The lessee has provided reasonable assurance that the proposal will maintain essentially natural conditions; will not significantly impact fish and wildlife and other natural resources, including public recreation and navigation; is consistent with the goals and objectives of the "Conceptual State Lands Management Plan"; is consistent with the local government's comprehensive plan; and will not interfere with the riparian rights of adjacent property owners. Therefore, the Department of Environmental Protection (DEP) is of the opinion that the proposal is "not contrary to the public interest" and otherwise meets all applicable requirements for a proprietary authorization to use sovereignty submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., associated rule 18-21, F.A.C., and the direction of the Board of Trustees.

Background

On February 18, 1986, the Board of Trustees approved the original five-year sovereignty submerged lands lease for a 33-slip private residential multi-family docking facility preempting 36,946 square feet. Upon execution of the lease on November 12, 1987, the overall size was reduced to approximately 30,714 square feet due to the City of Destin's requirement to limit the length of the structures to not extend more than 200 feet into the waterbody. The lease area was

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further reduced to 29,116 square feet at the time of renewal, on February 18, 1991, upon receipt of an as-built survey reflecting the actual preemption of the structures and mooring areas. This preemption is reflective of what is currently authorized at the facility.

On November 29, 2010, DEP documented boats mooring outside of the existing lease area. A Temporary Use Agreement (TUA) was executed on March 21, 2011, to expire on February 18, 2013, for the additional preempted area. The lessee has paid all fees in accordance with the terms of the TUA and is current on lease fees through February 18, 2013.

Project Detail

The proposed project is to expand the existing lease area from 29,116 square feet to 38,972 square feet (an increase of 9,856 square feet) in order to accommodate larger vessels within the facility's existing slips. The existing facility accommodates vessels ranging in length from 10 to 43 feet in length. The proposed expansion will accommodate vessels up to 64 feet in length with drafts up to five feet. No additional structures are proposed, and the use will remain as a 33-slip private residential multi-family docking facility associated with a 33-unit upland residential condominium development.

Net Positive Public Benefit

The lessee's shoreline is 208 linear feet and is used in the 40 to 1 ratio calculation, pursuant to rule 18-21.004(4)(b)2., F.A.C., which allows the lessee to preempt up to 8,320 square feet without requiring net positive public benefit (NPPB). The proposed lease area exceeds the 40 to 1 ratio by approximately 30,652 square feet and is required to provide NPPB, pursuant to rule 18-21.004(4)(b)2.e., F.A.C. As NPPB, the lessee has proposed to contribute \$46,000 to the City of Destin (City) towards Captain Royal Melvin Heritage Park and Plaza (Heritage Park) and Harbor Boardwalk.

The purpose of Heritage Park is to provide additional harbor access, open space, as well as recreational and educational opportunities along the Destin Harbor as detailed in the City's adopted Harbor Community Redevelopment Area. The City's goal is to preserve waterfront views, preserve water dependent activities, foster a pedestrian-oriented environment, and promote convenient public access to the planned Harbor Boardwalk and charter fishing fleet activities.

Florida Communities Trust (FCT) approved the City's management plan for Heritage Park in May 2010, which called for the shoreline of Heritage Park to be incorporated into the planned Harbor Boardwalk that will eventually run along the northern shore of Destin Harbor. The management plan estimated that the construction costs of the portion of the Harbor Boardwalk on the Heritage Park site will cost \$500,000. In June 2010, FCT awarded \$2 million in Florida Forever funds to the City, with the City contributing \$2.6 million in local matching funds, for the acquisition of Heritage Park. Management and improvement costs for Heritage Park were not included in the \$4.6 million used to acquire the property.

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Conservation Easement

Pursuant to rule 18-21.004(4)(g), F.A.C, the lessee is also required to record a conservation easement in favor of the Board of Trustees over the entire shoreline, thereby waiving any further riparian rights of ingress and egress for additional docks and piers. This requirement has been included as a special approval condition.

Net Positive Environmental Benefit

The proposed project is located in Destin Harbor, a/k/a/ Old Pass Lagoon. Old Pass Lagoon has experienced a decline in water quality dating back to the early 1980s. As a result of these concerns, on March 6, 1984, the Board of Trustees imposed a condition that future developments on sovereignty submerged lands in Old Pass Lagoon must not only meet water quality standards, but must also have a net positive environmental benefit (NPEB) to the water quality in the lagoon. The lessee completed various NPEB projects as required when approved by the Board of Trustees in 1986. Because no new structures or slips are proposed, no additional NPEB is required at this time.

Noticing/Interested Parties

The lease modification request was noticed to property owners, within a 500-foot radius of the project, and other interested parties, pursuant to rule 18-21.004(1)(m), F.A.C. Nine property owners and interested parties were specifically noticed and no objections were received.

(See Attachment 3, Pages 1-11)

**RECOMMEND APPROVAL SUBJECT TO THE SPECIAL APPROVAL
CONDITIONS, THE SPECIAL LEASE CONDITIONS, AND
PAYMENT OF \$6,489.83**