AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
JUNE 13, 2018
Attachments to the items below can be viewed at the following link:
https://floridadep.gov/cab/cab/content/agendas

******************************************************************************

Item 1  Minutes

Submittal of the Board of Trustees’ Minutes from the February 8, 2018 and March 7, 2018 Cabinet Meetings.

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 https://floridadep.gov/cab/cab/content/agendas)

RECOMMEND APPROVAL

******************************************************************************


REQUEST:  Consideration of (1) the 2018 Florida Forever Five-Year Plan; (2) the 2018 Florida Forever Land Acquisition Priority List; and (3) the Division of State Lands’ Annual Florida Forever Work Plan for Fiscal Year 2018-2019.

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 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.  The work plan is required to be adopted by ARC and presented to the Board of Trustees on an annual basis.  ARC conducted 8 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) 2018 Florida Forever Five-Year Plan:  Each of the 121 ARC-approved land acquisition projects are described in the Florida Forever Five-Year Plan.  ARC recommends the following adjustments to the 2018 priority list of acquisition projects: (a) add three new projects; (b) add two new projects to existing projects; and (c) amend the boundary of four projects.
Item 2, cont.

<table>
<thead>
<tr>
<th>New Projects Added to the List</th>
<th>Acres</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hardee Flatwoods (LTF-18)</td>
<td>1,675</td>
<td>Hardee</td>
</tr>
<tr>
<td>Seven Runs Creek Final Phase (LTF-13)</td>
<td>6,183</td>
<td>Walton and Washington</td>
</tr>
<tr>
<td>Taylor Sweetwater Creek (CCL-10)</td>
<td>3,778</td>
<td>Taylor</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>New Projects Added to Existing Projects</th>
<th>Acres</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Springs Coast Research Station</td>
<td>28</td>
<td>Citrus</td>
</tr>
<tr>
<td>Added to Florida’s First Magnitude Springs (PRI-1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Apalachica River Ecosystem</td>
<td>37,895</td>
<td>Calhoun, Liberty, Jackson, Gadsden, and Gulf Counties</td>
</tr>
<tr>
<td>Added to Apalachica River (CNL-1)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Projects with Boundary Amendments</th>
<th>Acres +/-(-)</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams Ranch (LTF-2)</td>
<td>(3,898)</td>
<td>Osceola</td>
</tr>
<tr>
<td>Middle Chipola River (PRI-17)</td>
<td>6</td>
<td>Jackson</td>
</tr>
<tr>
<td>St. Joe Timberland (CCL-2)</td>
<td>879.56</td>
<td>Leon</td>
</tr>
<tr>
<td>St. Joe Timberland (CCL-2)</td>
<td>18</td>
<td>Franklin</td>
</tr>
</tbody>
</table>

Note: Project Categories: CNL - Critical Natural Lands project; PRI - Partnerships & Regional Incentives project; LTF - Less-Than-Fee project; CCL - Climate Change Lands project; SC - Substantially Complete project; and CHR - Critical Historical Resources project. Numbers indicate ARC’s December 2017 priority rank within the project category.

The 2018 Florida Forever Five-Year Plan can be accessed at [2018 Florida Forever Five-Year Plan](https://www.floridaforever.gov/plan/).

(2) **ARC Recommended 2018 Florida Forever Priority List:** The 2018 Florida Forever Priority List adopted by ARC on December 15, 2017 includes 121 projects. This list was used to develop the 2018-2019 DSL Florida Forever Work Plan adopted by ARC on February 16, 2018 and provided for Board of Trustees’ consideration in this item. Each project was ranked within one of six categories as follows:

- 32 Critical Natural Lands projects (CNL)
- 30 Partnerships and Regional Incentives projects (PRI)
- 31 Less-Than-Fee projects (LTF)
- 14 Climate Change Lands projects (CCL)
- 9 Substantially Complete projects (SC)
- 5 Critical Historical Resources projects (CHR)

In compliance with 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., “…The board of trustees may remove projects from the list developed pursuant to this subsection, but may not add projects or rearrange project rankings.”].
Item 2, cont.

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. More detail on all Florida Forever projects included on the Florida Forever Priority List is prepared each year, pursuant to chapter 259, F.S., and rule 18-24, F.A.C., as the Florida Forever Five-Year Plan.

(3) Division of State Lands’ Annual Florida Forever Work Plan (2018): The DSL Florida Forever Work Plan (Work Plan) for Fiscal Year 2018-2019 was adopted by ARC, at a public hearing held on February 16, 2018, for submittal to the Board of Trustees with the 2018 Florida Forever Priority List and Five-Year Plan, pursuant to section 259.105(17), F.S. The 2018-2019 Work Plan is transmitted to the Board of Trustees as part of this item in compliance with section 259.105(17), F.S. The 2018-2019 Work Plan is based on the 2018 ARC Recommended Florida Forever Priority List that is provided for Board of Trustees’ consideration and approval as part of this item.

The 44 projects with property identified on the Work Plan include the following:

<table>
<thead>
<tr>
<th>Projects on 2018-2019 Work Plan</th>
<th>Category-Rank*</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams Ranch</td>
<td>LTF-2*</td>
<td>Osceola</td>
</tr>
<tr>
<td>Apalachicola River b</td>
<td>CNL-1*</td>
<td>Jackson/Gadsden/Liberty/Calhoun/Gulf</td>
</tr>
<tr>
<td>Belle Meade a</td>
<td>CNL-9*</td>
<td>Collier</td>
</tr>
<tr>
<td>Big Bend Swamp/Holopaw Ranch</td>
<td>LTF-12</td>
<td>Osceola</td>
</tr>
<tr>
<td>Blue Head Ranch</td>
<td>CNL-7*</td>
<td>Highlands</td>
</tr>
<tr>
<td>Bombing Range Ridge</td>
<td>CNL-2*</td>
<td>Polk/Highlands/Osceola</td>
</tr>
<tr>
<td>Brevard Coastal Scrub Ecosystem</td>
<td>PRI-5*</td>
<td>Brevard</td>
</tr>
<tr>
<td>Charlotte Harbor Estuary b</td>
<td>SC-2*</td>
<td>Charlotte/Lee/Sarasota</td>
</tr>
<tr>
<td>Clear Creek/Whiting Field</td>
<td>PRI-6*</td>
<td>Santa Rosa</td>
</tr>
<tr>
<td>Coastal Headwaters Longleaf Forest</td>
<td>LTF-4*</td>
<td>Escambia/Santa Rosa</td>
</tr>
<tr>
<td>Conlin Lake X</td>
<td>LTF-6</td>
<td>Osceola</td>
</tr>
<tr>
<td>Corkscrew Regional Ecosystem Watershed b</td>
<td>PRI-7*</td>
<td>Lee/Collier</td>
</tr>
<tr>
<td>Coupon Bight/Key Deer a,b</td>
<td>CCL-3</td>
<td>Monroe</td>
</tr>
<tr>
<td>Dickerson Bay/Bald Point a,b</td>
<td>CCL-4</td>
<td>Wakulla/ Franklin</td>
</tr>
<tr>
<td>Escribano Point b</td>
<td>SC-1*</td>
<td>Santa Rosa</td>
</tr>
<tr>
<td>Etoniah/Cross Florida Greenway</td>
<td>CNL-10*</td>
<td>Clay/Putnam/Marion/Levy/Citrus</td>
</tr>
<tr>
<td>Fisheating Creek Ecosystem b</td>
<td>LTF-1*</td>
<td>Glades/Highlands</td>
</tr>
<tr>
<td>Florida Keys Ecosystem b</td>
<td>CCL-1*</td>
<td>Monroe</td>
</tr>
<tr>
<td>Florida Springs Coastal Greenway a</td>
<td>CCL-6</td>
<td>Citrus</td>
</tr>
<tr>
<td>Florida’s First Magnitude Springs</td>
<td>PRI-1*</td>
<td>Walton/Washington/Bay/Jackson/Wakulla/Leon/Hamilton/Madison/Suwannee/Lafayette/Levy/Marion/Hernando/Gilchrist/Citrus</td>
</tr>
</tbody>
</table>
**Item 2, cont.**

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Code</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garcon Ecosystem a</td>
<td>CCL-12</td>
<td>Santa Rosa</td>
</tr>
<tr>
<td>Green Swamp b</td>
<td>PRI-11</td>
<td>Lake/Pasco/Polk</td>
</tr>
<tr>
<td>Half Circle L Ranch a</td>
<td>CNL-8*</td>
<td>Hendry/ Collier</td>
</tr>
<tr>
<td>Indian River Lagoon Blueway</td>
<td>PRI-3*</td>
<td>Volusia/Brevard/Indian River/ St. Lucie/ Martin</td>
</tr>
<tr>
<td>Kissimme-St. Johns River Connector</td>
<td>LTF-8</td>
<td>Okeechobee/Indian River</td>
</tr>
<tr>
<td>Lake Wales Ridge Ecosystem b</td>
<td>CNL-3*</td>
<td>Lake/Osceola/Highlands</td>
</tr>
<tr>
<td>Lower Suwannee River and Gulf Watershed b</td>
<td>LTF-5</td>
<td>Dixie</td>
</tr>
<tr>
<td>Middle Chipola River a</td>
<td>PRI-17</td>
<td>Jackson/Calhoun</td>
</tr>
<tr>
<td>Myakka Ranchlands b</td>
<td>LTF-3*</td>
<td>Manatee/Sarasota</td>
</tr>
<tr>
<td>Northeast Florida Timberlands &amp; Watershed Reserve</td>
<td>PRI-2*</td>
<td>Duval/Nassau/Clay</td>
</tr>
<tr>
<td>Ochlockonee River Conservation Area</td>
<td>LTF-9</td>
<td>Gadsden/Leon</td>
</tr>
<tr>
<td>Panther Glades</td>
<td>CNL-4*</td>
<td>Hendry</td>
</tr>
<tr>
<td>Perdido Pitcher Plant Prairie a</td>
<td>CNL-24</td>
<td>Escambia</td>
</tr>
<tr>
<td>Pierce Mound Complex</td>
<td>CHR-1*</td>
<td>Franklin</td>
</tr>
<tr>
<td>Rotenberger b,c</td>
<td>&gt;90% Complete</td>
<td>Palm Beach</td>
</tr>
<tr>
<td>Save Our Everglades b</td>
<td>SC-8</td>
<td>Collier</td>
</tr>
<tr>
<td>Seven Runs Creek Final Phase a</td>
<td>LTF-13</td>
<td>Walton/Washington</td>
</tr>
<tr>
<td>St. Joe Timberland b</td>
<td>CCL-2*</td>
<td>Bay/Franklin/Gadsden/Gulf/Jefferson/Leon/ Liberty/Taylor/Wakulla/Walton/Washington</td>
</tr>
<tr>
<td>Triple Diamond b</td>
<td>CNL-12</td>
<td>Okeechobee</td>
</tr>
<tr>
<td>Upper St. Marks River Corridor b</td>
<td>SC-7</td>
<td>Leon/Jefferson/Wakulla</td>
</tr>
<tr>
<td>Wacissa/Aucilla River Sinks</td>
<td>CNL-6*</td>
<td>Jefferson/Taylor</td>
</tr>
<tr>
<td>Wakulla Springs Protection Zone b</td>
<td>PRI-4*</td>
<td>Wakulla/Leon</td>
</tr>
<tr>
<td>Wekiva-Ocal Greenway</td>
<td>CNL-5*</td>
<td>Lake/Orange/Seminole/Volusia</td>
</tr>
<tr>
<td>Wolfe Creek Forest a,b</td>
<td>CNL-23</td>
<td>Santa Rosa</td>
</tr>
</tbody>
</table>

* Project rankings from 2018 ARC-Recommended Priority List (High – High/Med)
* Projects not previously included on the land acquisition work plan
* Projects with Board-approved contracts in closing, Board directed acquisitions, or Negotiations working towards contract and Board approval and/or is in line with the proviso language for funds authorized in recent Appropriations Acts.
* Project not on 2018 priority list but qualifies for purchase pursuant to s. 259.032(6), F.S.

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

- 628,860 acres of strategic habitat conservation areas;
- 595,270 acres of rare species habitat conservation areas, including 1,004 sites that are habitats for 335 different rare species, 138 of which are federal or state-listed as endangered, 63 federal or state-listed threatened, and 7 species of special concern;
Item 2, cont.

- 748,490 acres of ecological greenways;
- 130,730 acres of under-represented natural communities;
- 515,960 acres landscape-sized protection areas;
- 414,770 acres of natural floodplains;
- 760,610 acres important to significant water bodies;
- 419,180 acres minimize damage from flooding;
- 9,490 acres of fragile coastline;
- 304,890 acres of functional wetlands;
- 735,640 acres of significant groundwater recharge areas;
- 535 miles of priority recreational trails;
- 393,440 acres of sustainable forest land;
- 1,070 archaeological/historic sites; and
- 11,920 acres in urban service areas.

These figures were derived from the 2017 update of the 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 770,279 acres of land with a little over $3 billion in Florida Forever funds. Donations and lands acquired with non-Florida Forever program funding are not included. If these were included, the total acreage protected within Florida Forever projects is more than 817,582 acres.

Comprehensive Plan
The 2018 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 1-7)

RECOMMEND  (1) ACCEPTANCE OF THE 2018 FLORIDA FOREVER FIVE-YEAR PLAN; (2) APPROVAL OF ARC’S RECOMMENDED 2018 FLORIDA FOREVER LAND ACQUISITION PRIORITY LIST; AND (3) ACCEPTANCE OF THE DIVISION OF STATE LANDS’ ANNUAL FLORIDA FOREVER WORK PLAN FOR FISCAL YEAR 2018-2019
Item 3 Alligator Harbor Aquatic Preserve Management Plan

REQUEST: Consideration of a request to approve the Alligator Harbor Aquatic Preserve Management 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.

COUNTY: Franklin

APPLICANT: Florida Department of Environmental Protection’s Office of Coastal and Aquatic Managed Areas

LOCATION: Alligator Harbor Aquatic Preserve (AHAP) is located in the Florida Panhandle. The aquatic preserve lies east of the Apalachicola Estuary and 30 miles south of Tallahassee.

STAFF REMARKS:
Overview
AHAP is comprised of approximately 14,000 acres and is bordered by St. James Island and partially enclosed by the Alligator Point peninsula. The Alligator Point sand spit extends about 4.8 miles westward from Lighthouse Point.

Under Chapter 258, Part II, Florida Statutes, aquatic preserves are set aside to be maintained in essentially the natural condition for the benefit of future generations. AHAP was designated by the Florida Legislature as aquatic preserves in 1969.

AHAP is a shallow, neutral estuary and a barrier spit lagoon. The area’s abundance of marine invertebrates and seagrass provide an important food source for a variety of marine species. The harbor is known to be one of the world’s largest feeding grounds for the Kemp’s ridley sea turtle and the area’s abundance of blue crabs, jellyfish, and seagrass provides an important food source to these endangered marine turtles. Many local and migratory birds utilize the aquatic preserve as a foraging and resting area between migrations. The seagrass communities in Alligator Harbor are essential habitat to many commercially and recreationally important fish species. In addition to being a valuable natural resource, the stable saline conditions in the harbor allow clam and oyster aquaculture to thrive.

Management Plan Public Involvement
The management plan is the result of several years of work from initial drafting to final approval. The following opportunities for public participation were provided:

- One advisory committee meeting: August 16, 2017;
- Two public meetings: August 15, 2017, and February 16, 2018 (Acquisition and Restoration Council) to receive public comment on the draft management plan.
Item 3, cont.

Management Plan Overview
The hallmark of Florida’s Aquatic Preserve Program is that each site’s natural resource management efforts are designed in direct response to unique local and regional issues. In this management plan AHAP characterizes its issues and delineates the unique goals, objectives, and strategies that will set the framework for meeting the challenges presented by these issues. The goals, objectives, and strategies employed to address issues of AHAP are specific to the ecological and socioeconomic conditions present within and around this site.

The management plan identifies the following issues and goals:

- **Water Quality Goals:**
  - Improve water quality in AHAP.
  - Provide timely and accurate water quality data and information to the public and other entities/agencies.

- **Protection of Seagrass Habitat Goals:**
  - Manage seagrass communities to effectively protect and maintain this habitat as a valuable, natural resource throughout AHAP.
  - Restore areas of seagrass loss and severely scarred seagrass to prevent further loss of the resource.

- **Sustainable Public Use Goals:**
  - Encourage user experiences and public recreation opportunities consistent with natural resource conservation.
  - Promote low-impact, sustainable recreational opportunities.
  - Address areas impacted by human use while educating users of the effects of improper use.

Acquisition and Restoration Council
The Acquisition and Restoration Council accepted the following management plan at its February 16, 2018 meeting.

The management plan can be accessed at [AHAP Management Plan.pdf](AHAP Management Plan.pdf)

(See Attachment 3, Page 1)

RECOMMEND **APPROVAL**
Item 4  St. Johns Riverview Homes Condominium Association, Inc., Lease Renewal/ Modification

REQUEST: Consideration of an application for (1) authorization to exceed the preempted area to shoreline ratio, pursuant to rule 18-21.004(4)(b)2., F.A.C.; (2) modification of an existing conservation easement to allow for additional preemption; and (3) renewal and modification of a ten-year sovereignty submerged lands lease to increase the preempted area from 7,707 square feet to 8,881 square feet, more or less, for a private residential multi-family docking facility.

VOTING REQUIREMENT FOR APPROVAL: Three votes

APPLICANT: St. Johns Riverview Homes Condominium Association, Inc.
  Lease No. 161315052

LOCATION: 2240 Shepard Street
  Jacksonville, Florida 32211
  St. Johns River, Duval County

CONSIDERATION: $582.88, representing (1) $531.00 as the minimum annual lease fee, pursuant to rule 18-21.011(1)(a)1., F.A.C.; and (2) $51.88 as the one-time 25 percent surcharge payment for an additional 1,174 square feet of preempted 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 minimum annual fee, 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 Article X, Section 11 of the Florida Constitution, chapter 253, F.S., and 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.

Background
The site consists of an 11-unit upland condominium and an associated six-slip docking structure for the mooring of recreational vessels and currently has a sovereign submerged lands lease. The original lease, containing 8,055 square feet was authorized by the Board of Trustees, for a term of
Item 4, cont.

five years beginning on February 9, 1988. The lease has subsequently been modified over the years to reflect a change in upland ownership in 1992, and a reduction of the preempted area in 2003, from 8,055 square foot to the current 7,707 square foot docking facility.

On November 26, 2012, DEP conducted a lease renewal compliance inspection of the facility and found the facility to be out of compliance. DEP documented that the lessee had vacated an existing 32-foot slip and created a new 56-foot mooring area to accommodate a 44-foot sailboat. The modification of the new slip resulted in the facility being constructed outside of the authorized lease boundaries. DEP offered compliance assistance to the lessee to bring the facility back into compliance. The lessee indicated that it wanted to expand its lease area to incorporate the newly created sailboat slip and agreed to provide a net positive public benefit proposal to request authorization to increase the lease preemption area.

The Temporary Use Agreement (TUA) was executed on September 15, 2017. The TUA authorizes the preemption of an additional 1,564 square feet. However, the request to the Board is for an increase of 1,174 square feet. One of the existing power boat mooring areas is to be vacated in favor of the new sailboat mooring on the terminus of the dock. The lessee paid all fees in accordance with the terms of the CO and TUA. The TUA will expire on September 15, 2018.

Project Detail
The lessee is requesting authorization to increase the existing lease area of 7,707 square feet to 8,881 square feet (an increase of 1,174 square feet). Authorization of the expansion of the lease area will bring lessee under compliance and will bring all unauthorized mooring on sovereign submerged lands under lease. The use will remain as a 6-slip private residential multi-family docking facility associated with an existing 11-unit upland condominium.

Conservation Easement
Pursuant to rule 18-21.004(4)(g), F.A.C., the lessee previously recorded a conservation (CE) easement in favor of the Board of Trustees along 137 linear feet of the riparian shoreline to prohibit future construction or increase in the number of boat slips. The lessee is now requesting a modification of the existing CE to allow for additional preemption. The modification of the CE has been included as a special lease condition.

Net Positive Public Benefit
The lessee’s shoreline is approximately 137 linear feet and is used in the 40-square foot to 1 linear foot ratio calculation, or 40 to 1, pursuant to rule 18-21.004(4)(b)2., F.A.C., which allows the lessee to preempt up to 5,480 square feet without requiring net positive public benefit (NPPB). The proposed lease area exceeds the 40 to 1 ratio by approximately 3,401 square feet and is required to provide NPPB, pursuant to rule 18-21.004(4)(b)2.e., F.A.C. However, 2,585 square feet of which has previously received authorization from the Board in 1988.
Item 4, cont.

As NPPB, the lessee has proposed to contribute $4,000 to the City of Jacksonville (City) toward Reddie Point Preserve. The funds will be used to construct an improved concrete access path from the parking lot to the shoreline where a kayak launch is located.

Noticing
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., and no objections were received.

(See Attachment 4, Pages 1-6)

RECOMMEND APPROVAL SUBJECT TO THE SPECIAL APPROVAL CONDITION, THE SPECIAL LEASE CONDITIONS, AND PAYMENT OF $582.88

Item 5 Riverwalk Land, LLC Recommended Consolidated Intent/Lease

REQUEST: Consideration of an application for a five-year sovereignty submerged lands lease containing 51,112 square feet, more or less, for a 96-slip private residential multi-family docking facility (68 slips over sovereignty submerged lands).

VOTING REQUIREMENT FOR APPROVAL: Three votes

APPLICANT: Riverwalk Land, LLC
Lease No. 640342803
Application No. ISSL-127-97080-6

LOCATION: 5300 South Atlantic Avenue, New Smyrna Beach
Indian River, Volusia County

CONSIDERATION: $38,395.35, representing (1) $9,034.20 as the initial annual lease fee computed at the base rate of $0.176753 per square foot, pursuant to rule 18-21.011(1)(a)1., F.A.C.; (2) $2,258.55 as the one-time 25 percent surcharge payment, pursuant to rule 18-21.011(1)(b)3., F.A.C.; and (2) $27,102.60 as the one-time premium, pursuant to rule 18-21.011(1)(c)1., 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: 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
Item 5, cont.

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.

The project is required to demonstrate that it is “not contrary to the public interest,” pursuant to Article X, Section 11 of the Florida Constitution, chapter 253, F.S., and rule 18-21.004(1)(a), F.A.C. The applicant 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 local government’s comprehensive plan; and will not interfere with the riparian rights of adjacent property owners. Therefore, the St. Johns River Water Management District (SJRWMD) 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.

Background
On August 14, 2007, the Board of Trustees approved a five-year lease, containing 55,416 square feet, for the construction and use of a 104-slip private residential multi-family docking facility (96 slips over sovereignty submerged lands) at this same location. However, the docking facility was never constructed and the lease and associated environmental resource permits expired in 2012. In 2014, the applicant acquired title to the property.

Project Detail
The applicant is proposing to reduce the previously approved preempted area from 55,416 square feet to 51,112 square feet and the number of slips from 104 to 96, a reduction of 4,304 square feet and 8 slips, respectively. The 96-slip private residential multi-family docking facility (68 slips over sovereignty submerged lands) will be for the exclusive use of the upland residential owners of the 254-unit Riverwalk Condominium development and accommodate private recreational vessels ranging in lengths from 24 to 40 feet with a maximum draft of 2 feet.

The applicant’s shoreline is approximately 1,395 linear feet and is used in the 40 square foot to 1 linear foot ratio calculation, or 40 to 1, pursuant to rule 18-21.004(4)(b)2., F.A.C., which allows the applicant to preempt up to 55,800 square feet without requiring net positive public benefit. The proposed project is consistent with the 40 to 1 ratio.

Conservation Easement
In 2008, the applicant’s predecessor in title, Island Town Center LLC, recorded the required conservation easement along the 1,395 linear feet of riparian shoreline to satisfy the calculation of the 40:1 ratio, pursuant to rule 18-21.004(4)(g), F.A.C.

Noticing/Interested Parties
The project was noticed to property owners, within a 500-foot radius of the project, and other interested parties, pursuant to rule 18-21.005(3), F.A.C. SJRWMD specifically noticed 153 property owners and/or interested parties. SJRWMD received correspondence from one individual
Item 5, cont.

objecting to the proposed project. The objection concerned the number of slips and potential navigational issues which the applicant resolved by revising the dock lay out and eliminating slips and reducing the preempted area near the northwest channel

(See Attachment 5, Pages 1-20)

RECOMMEND  APPROVAL SUBJECT TO THE SPECIAL LEASE CONDITIONS AND PAYMENT OF $38,395.35

******************************************************************************

Item 6  Peninsula Holdings, LLC/Bay Fabrication, Inc. (Eastern Shipbuilding) Recommended Consolidated Intent/Lease Modification

REQUEST: Consideration of an application for (1) a modification of a five-year sovereignty submerged lands lease to (a) combine two existing leases into one lease; and (b) increase the preempted area from 86,458 square feet to 337,536 square feet, more or less, for a shipbuilding facility and turning basin; (2) authorization for the placement of approximately (a) 27 linear feet of seawall; and (b) 58 cubic yards of fill on 81 square feet of sovereignty submerged lands; (3) authorization for the severance of approximately 111,537 cubic yards of sovereignty material; and (4) authorization for mitigation activities located on sovereignty submerged lands.

VOTING REQUIREMENT FOR APPROVAL: Three votes

APPLICANTS: Peninsula Holdings, LLC, and Bay Fabrication, Inc. (a/k/a Eastern Shipbuilding, Nelson Shipyard)
Lease No. 030028221
Application No. 0252796-004-EI/03

LOCATION: 2200 and 2500 Nelson Street, Panama City
Watson Bayou, Bay County

CONSIDERATION: $70,755.20, representing (1) $59,660.50 as the initial annual lease fee computed at the base rate of $0.176753 per square foot for the total of 337,536 square feet, pursuant to rule 18-21.011(1)(b)1., F.A.C.; and (2) $11,094.70 as the one-time 25 percent surcharge payment for the additional area of 251,078 square feet, pursuant to rule 18-21.011(1)(b)3., F.A.C. The project qualifies for waiver of the severance fee pursuant to section 18-21.011(3)(c)2., F.A.C. Sales tax and county discretionary sales surtax will be assessed, pursuant to sections 212.031 and 212.054, F.S., if applicable.
Item 6, cont.

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.

The project is required to demonstrate that it is “not contrary to the public interest,” pursuant to Article X, Section 11 of the Florida Constitution, chapter 253, F.S., and rule 18-21.004(1)(a), F.A.C. The applicants have 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 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.

Background

The applicants each have an existing sovereignty submerged lands lease. Peninsula Holding, LLC, has a five-year lease (No. 030006011), containing 40,373 square feet, to operate a one-slip commercial docking facility used in conjunction with an upland oil terminal facility. Bay Fabrication, Inc., has a five-year lease (No. 030028221), containing 46,085 square feet, to operate a one-slip commercial side-launch ship berthing area used in conjunction with an upland shipbuilding facility.

The proposed project is the result of the applicants being awarded the largest vessel procurement in United States Coast Guard (USCG) history. The initial contract secures the construction of 9 offshore patrol cutters and includes options to construct 2 additional vessels. The USCG program goal is to build 25 such cutters with a potential total contract value of more than $10 billion. The contract could bring between 4,500 and 5,500 jobs to the community over the next 10 to 20 years.

Project Detail

The applicants are proposing to modify Lease No. 030028221 to (1) combine the two existing leases into one lease; and (2) increase the combined preempted area from 86,458 square feet to 337,536 square feet, an increase of approximately 251,078 square feet. The proposed lease expansion is needed to accommodate the large USCG vessels that will be constructed and outfitted within the proposed lease area. If the proposed modification is approved by the Board of Trustees, Lease No. 030006011 will be canceled prior to issuance of the modified lease.
Item 6, cont.

Dredging
The applicants are proposing to dredge 143,461 cubic yards of material (111,537 cubic yards of sovereignty material and 31,924 cubic yards of privately-owned uplands) to create a mooring and turning basin, with a depth of -20 feet mean low water, plus 2 feet of allowable overdredge, for their proposed shipbuilding operations. The spoil will be allowed to decant in an upland spoil cell and eventually transported to a Class I lined landfill for disposal.

Pursuant to rule 18-21.011(3)(c), F.A.C., a waiver of the dredge fees may be granted if the materials are placed on public property and used for public purposes, or if the dredged material has no economic value. The spoil material has no economic value and will be disposed of appropriately.

Resources
Approximately 0.10 acre of seagrass and 0.128 acre of marsh vegetation will be permanently impacted as a result of the proposed dredging. In order to offset these impacts, the applicants will transplant: (1) seagrasses from the dredge area to a 0.24 acre seagrass mitigation site; and (2) marsh vegetation from the dredge area to a 0.275 acre marsh vegetation mitigation site. To reduce impacts to these proposed mitigation sites, conservation easements will be placed along the respective riparian shorelines.

Seawall/Fill on Sovereignty Submerged Lands
The applicants are proposing to install approximately 913 linear feet of bulkhead along the northern perimeter of the project area. Approximately 27 linear feet of seawall will be located on sovereignty submerged lands and approximately 886 linear feet will be located on privately-owned submerged lands.

The applicants are proposing to fill approximately 81 square feet of sovereignty submerged lands, adjacent to and east of the existing seawall, with 58 cubic yards of fill. The fill is proposed as part of the request for a contiguous and straight seawall. The area to be filled is included within the proposed lease area.

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

(See Attachment 6, Pages 1-88)

RECOMMEND  APPROVAL SUBJECT TO THE PAYMENT OF $70,755.20
Item 7  BOT/La Coloma, LLC, Exchange Agreement/Lease Modification/Determinations

REQUEST: Consideration of (1) a determination, pursuant to Article X, section 11 of the Florida Constitution, rule 18-21.004(1)(a), F.A.C., and rule 18-18.009(2), F.A.C., that an exchange of 7,075 square feet, more or less, of sovereignty submerged lands in Miami River is in the public interest; (2) an exchange agreement with the applicant conveying any right, title and interest in 17,135 square feet of submerged lands for 7,075 square feet, more or less, of sovereignty submerged lands; (3) a determination that modification of a sovereignty submerged lands lease is in the public interest and an extreme hardship exists for the applicant, pursuant to rule 18-18.006(3)(b), F.A.C.; and (4) a sovereignty submerged lands lease modification, upon completion of the exchange, to reflect the change of ownerships at the site and reconfigure an existing dock within the waterward boundary of the lease.

VOTING REQUIREMENT FOR APPROVAL: Three votes

APPLICANT: La Coloma, LLC
Lease No. 130018756

LOCATION: 243 NW South River Drive, Miami
Miami River, Miami-Dade County
Biscayne Bay Aquatic Preserve

CONSIDERATION: Parcel-for-parcel

<table>
<thead>
<tr>
<th>PARCEL</th>
<th>SQUARE FEET</th>
<th>APPROVED VALUE</th>
<th>EXCHANGE VALUE</th>
<th>CLOSING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>La Coloma</td>
<td>17,135</td>
<td>$3,210,000</td>
<td>$3,210,000</td>
<td>$3,210,000</td>
</tr>
<tr>
<td>BOT</td>
<td>7,075</td>
<td>$1,330,000</td>
<td>$1,330,000</td>
<td>$1,330,000</td>
</tr>
</tbody>
</table>

STAFF REMARKS: The applicant operates a marina facility in the Miami River, within the Biscayne Bay Aquatic Preserve, under Board of Trustees’ Lease No. 130018756. The marina facility includes 31,371 square feet of sovereignty submerged land and 12,420 square feet of privately-owned submerged land under Butler Act Disclaimer No. 40665 (Chapter 8537, Acts of 1921). Within the lease boundary are also two smaller areas that would qualify for Butler Act disclaimers, one of which is contained within a portion of an existing 8,385-square-foot covered boat slip structure.

The applicant contacted the Department of Environmental Protection (DEP) to discuss construction of a new structure for an over-the-water dining area on privately-owned submerged land under Butler Act Disclaimer No. 40665. Instead of building a new structure in the aquatic preserve, DEP proposed exchanging the privately-owned submerged land for the sovereignty submerged land lying beneath the existing 8,385-square-foot covered boat slip structure and using
Item 7, cont.

the existing rooftop to place tables, chairs, and umbrellas for a dining area along the Miami River. The proposal would eliminate the need for an additional structure to be built and would result in the Board of Trustees owning over twice the amount of submerged land at the marina facility without significant adverse impacts to sovereignty submerged lands in the Miami River. Pursuant to section 258.397(3)(e)2., F.S., and rule 18-18.009, F.A.C., the Board of Trustees may exchange sovereignty lands for privately-owned lands in the Biscayne Bay Aquatic Preserve.

Project Details

The applicant is requesting to exchange 17,135 square feet (12,420 square feet within Butler Act Disclaimer No. 40655 plus 4,715 square feet that qualified for a Butler Act disclaimer) of privately-owned submerged land for 7,075 square feet of covered sovereignty submerged lands (8,385 square feet less 1,310 square feet that qualified for a Butler Act disclaimer). Both areas are adjacent to the applicant’s riparian uplands.

If the applicant’s request is approved, the Board of Trustees will convey the 7,075 square feet of sovereignty submerged lands under the covered boat slip structure to the applicant by quitclaim deed with a deed restriction that the only non-water dependent use allowed on the parcel is over-the-water dining with associated improvements limited to shading structures, finishes and fixtures (such as flooring, railings, lights, access ramps), and furniture such as tables and chairs. This deed restriction prevents other non-water dependent uses on the parcel, unless authorization is received from the Board of Trustees. Water dependent uses are allowed. The applicant will convey to the Board of Trustees by warranty deed all right, title, and interest it holds in the 17,135 square feet of submerged land (12,420 square feet within Butler Act Disclaimer No. 40655 plus 4,715 square feet that qualifies for a Butler Act disclaimer). Pursuant to rule 18-18.009, F.A.C., an exchange should maintain or enhance the quality of the preserve and in no case result in any land or water being withdrawn from the preserve. The proposed exchange will result in a net gain of 10,060 square feet of publicly-owned land in the aquatic preserve.

DEP’s Florida Coastal Office, manager for aquatic preserves, has stated transfer of the subject submerged lands would have no known effect on the natural resources or management of those resources within the Biscayne Bay Aquatic Preserve.

Constitutional and Rule Requirements

Pursuant to Article X, section 11 of the Florida Constitution, rule 18-21.004(1)(a), F.A.C., and rule 18-18.009(2), F.A.C., specific to Biscayne Bay Aquatic Preserve, the Board of Trustees may convey sovereignty submerged lands if determined by the Board of Trustees to be in the public interest. DEP offers the following to assist the Board of Trustees in making an affirmative determination that the exchange is in the public interest:
Item 7, cont.

- The Board of Trustees will receive title to privately-owned submerged lands that lie in the Miami River and increase both the lease fees as well as the publicly-owned land in the aquatic preserve.
- The reduction of privately-owned submerged lands will minimize potential impacts to the aquatic preserve.
- This exchange will allow use of an existing structure for over the water dining rather than potential impacts in the construction of a new facility.
- This exchange will more effectively align the state-owned submerged lands to make lease inspections and compliance easier for both the applicant and DEP.
- The proposed dining facility on the adjacent uplands will create jobs for the local economy.
- A deed restriction will limit non-water dependent uses.

Lease Modification
As part of the proposed exchange, a lease modification will be needed to remove the newly conveyed land and add the newly acquired state-owned land. Pursuant to rule 18-18.006, F.A.C., to lease the newly acquired land, the Board of Trustees must find an extreme hardship exists for the applicant, the lease is in the public interest, and the project is consistent with rule and management plans. As part of the project, the applicant is seeking to reconfigure the dock within the modified lease boundary without increasing the overwater footprint or number of slips. DEP is recommending approval of a request to modify Board of Trustees’ Lease No. 130018756 to recognize the ownership changes and the new dock configuration within the modified lease boundary, and offers the following to assist the Board of Trustees in making an affirmative determination:

- Without a lease modification adding the newly acquired land, the applicant will have a multi-slip dock that does not have proprietary authorization.
- There will be no change in the existing waterward lease boundary resulting from the exchange and lease modification.
- The applicant will convey to the Board of Trustees over twice as much land as it receives in the exchange which will result in a net loss to the applicant of nearly $1.9 million in land value.
- The applicant will use the existing covered boat slip structure rather than seeking to construct a new one thereby avoiding additional impacts to the aquatic preserve.
- The applicant will pay lease fees on more land.
- Directing the applicant away from non-water dependent use by conveying all its privately-owned submerged lands, results in the applicant having to convey more valuable submerged lands.
- The exchange will result in the Board of Trustees acquiring privately-owned submerged lands surrounded by the current lease configuration which is a unique situation and provides multiple public interest benefits as outlined above.
Item 7, cont.

Noticing
Pursuant to section 253.11, F.S., property owners within a 500-foot radius of the proposed exchange were specifically noticed and no objections were received.

Comprehensive Plan
A consideration of the status of the local government comprehensive plan was not made for this item. DEP has determined the proposed exchange is not subject to the local government planning process.

(See Attachment 7, Pages 1-13)

RECOMMEND  APPROVAL

*****************************************************************************************

Item 8  Ginsberg-Klemmt Quitclaim Deed

REQUEST: Consideration of a request to issue a quitclaim deed of approximately 2,060 square feet (0.047 acre) of filled, formerly submerged, sovereignty lands in Sarasota County to Achim and Erika Ginsberg-Klemmt, the riparian owners.

VOTING REQUIREMENT FOR APPROVAL: Three votes

APPLICANTS: Achim and Erika Ginsberg-Klemmt (Ginsberg-Klemmt)

LOCATION: Albee Farm Road, Nokomis, FL
Shakett Creek, Class III Waters, Sarasota County

CONSIDERATION: $125

<table>
<thead>
<tr>
<th>PARCEL</th>
<th>ACRES</th>
<th>VALUE</th>
<th>TRUSTEES’ SALE PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOT</td>
<td>0.047</td>
<td>$125</td>
<td>$125</td>
</tr>
</tbody>
</table>

STAFF REMARKS: The Department of Environmental Protection (DEP), Division of State Lands (DSL), has received a request from Ginsberg-Klemmt to purchase approximately 2,060 square feet (0.047 acres) of filled, formerly submerged, sovereignty lands in Sarasota County for the installation of a culvert for physical access to their adjacent riparian uplands.
Item 8, cont.

Background
On August 8, 2016, Ginsberg-Klemmt submitted a permit application to DEP for the installation of a culvert to cross submerged lands at a wash-out in an existing roadway located on their lands. The culvert was to be installed below the elevation of the mean high water line, on apparent sovereign submerged lands. DEP notified Ginsberg-Klemmt that installing a culvert on sovereign submerged lands could not be permitted and that a bridge would have to be constructed.

Upon further discussions with Ginsberg-Klemmt and research of historic aerial photography, it was determined that the roadway consisted of fill that was placed between May 30, 1951 and March 23, 1957. As a result, this land is considered to be filled, formerly submerged, sovereignty lands. Pursuant to section 253.12(6), F.S., and rule 18-21.019(2), F.A.C., the filled, formerly submerged, sovereignty lands shall be conveyed to the riparian owners, Ginsberg-Klemmt,

Noticing
This request is not subject to noticing, pursuant to section 253.115(5)(c), F.S.

Comprehensive Plan
A consideration of the status of the local government comprehensive plan was not made for this item. DEP has determined that the proposed action is not subject to the local government planning process.

(See Attachment 8, Pages 1-13)

RECOMMEND APPROVAL

Item 9  Fisheating Creek Expanded Corridor Citizen Advisory Board Selection

REQUEST: Selection of one concerned citizen from the list of nominees forwarded by the Fisheating Creek Settlement Agreement Advisory Board (FEC SAAB). The FEC SAAB makes recommendations to the Florida Fish and Wildlife Conservation Commission as to the future management issues involving the Fisheating Creek Expanded Corridor.

COUNTY: Glades

STAFF REMARKS: On May 25, 1999, the Board of Trustees approved a settlement agreement in the case of Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, Plaintiff and Save Our Creeks, Inc. and Environmental Confederation of Southwest Florida, Intervenors vs. Lykes Bros. Inc., a Florida Corporation. The settlement agreement requires, among other things, the following:
**Item 9, cont.**

“19. The Board of Trustees shall create a thirteen-member citizen advisory board composed of one County Commissioner from Glades County, two representatives of Lykes Bros. Inc., two representatives from Save Our Creeks, Inc., two representatives from the Environmental Confederation of Southwest Florida, Inc., one representative from the Division of State Lands of the Florida Department of Environmental Protection, one representative from an environmental organization, two representatives of Lykes’ lessees, one concerned citizen, and one representative of the managing agency if the agency desires to participate. The representatives shall be designated by their own organizations except for the concerned citizen and the representative of an environmental group who shall be designated by the Board of Trustees from a list submitted by the citizen advisory board.”

“22. The citizen advisory board, created pursuant to paragraph 19 above, may make recommendations to the managing agency as to future management issues involving the Fisheating Creek Expanded Corridor (Expanded Corridor). The managing agency has no financial obligation to fund the activities of the advisory board.”

One member shall be appointed by the Board of Trustees from the provided list submitted by the FEC SAAB to fill the vacant concerned citizen position. To facilitate the appointment of this member, FEC SAAB convened a meeting on March 5, 2018, to develop a list of nominees for submission to the Board of Trustees. All four concerned citizens nominated are listed below in alphabetical order:

**Concerned Citizen**

Ms. Margaret England (Retired Librarian, LaBelle Elementary School)  
Mr. Thomas Gaskins, III (Teacher, West Glades School)  
Dr. Ken Meyer, Ph.D. (Executive Director, Research Ecologist, Avian Research and Conservation Institute)  
Mr. Jeffrey Patterson (Managing Partner, Beck’s Food, Hardware and Tackle)

The current members of the FEC SAAB, as named by their respective organizations are as follows:

<table>
<thead>
<tr>
<th>Fisheating Creek Settlement Agreement Advisory Board</th>
<th>Member’s Name</th>
<th>Position on the Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glades County Commissioner</td>
<td>Donald Strenth</td>
<td></td>
</tr>
<tr>
<td>Lykes Bros. Inc.</td>
<td>Noah Handley</td>
<td>Co-Chair</td>
</tr>
<tr>
<td>Lykes Bros. Inc.</td>
<td>Flint Johns</td>
<td>Secretary</td>
</tr>
</tbody>
</table>
Item 9, cont.

<table>
<thead>
<tr>
<th>Organization</th>
<th>Member’s Name</th>
<th>Position on the Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Save Our Creeks, Inc.</td>
<td>Paula House</td>
<td></td>
</tr>
<tr>
<td>Save Our Creeks, Inc.</td>
<td>Carole Fields</td>
<td></td>
</tr>
<tr>
<td>Environmental Confederation of SW FL, Inc.</td>
<td>Becky Ayech</td>
<td></td>
</tr>
<tr>
<td>Environmental Confederation of SW FL, Inc.</td>
<td>Allain Hale</td>
<td></td>
</tr>
<tr>
<td>FDEP Division of State Lands</td>
<td>Raymond Spaulding</td>
<td></td>
</tr>
<tr>
<td>Environmental Organization Designated by Board of Trustees</td>
<td>Paul Gray</td>
<td>Chair</td>
</tr>
<tr>
<td>Lykes’ Lessee</td>
<td>Brigham Mason</td>
<td></td>
</tr>
<tr>
<td>Lykes’ Lessee</td>
<td>Linda McCarthy</td>
<td></td>
</tr>
<tr>
<td>Concerned Citizen Designated by Board of Trustees</td>
<td>Position Vacant</td>
<td></td>
</tr>
<tr>
<td>Managing Agency (Florida Fish and Wildlife Conservation Commission)</td>
<td>Andrew West</td>
<td></td>
</tr>
</tbody>
</table>

The settlement agreement provides that the advisory board, to be created by the Board of Trustees, may make recommendations to the managing agency concerning future management issues involving the Expanded Corridor. Accordingly, the advisory board may meet as often as it deems necessary, may develop procedures for conducting its meetings, and may make recommendations to the managing agency as it deems necessary. However, it should be noted that the managing agency has neither the responsibility to convene such meetings nor the financial obligation to fund the activities of the advisory board.

(See Attachment 9, Pages 1-13)

RECOMMEND SELECTION OF ONE CONCERNED CITIZEN TO SERVE ON THE FISHEATING CREEK EXPANDED CORRIDOR CITIZEN ADVISORY BOARD

Item 10 DEP’s FY 2017-2018 3rd Quarter Performance Accountability Measures

REQUEST: Consideration of the Department of Environmental Protection’s Fiscal Year 2017-2018 3rd Quarter Performance Accountability Measures.

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.
Item 10, cont.

STAFF REMARKS: In accordance with the Cabinet Governance Guidelines, approved on March 10, 2015, the Department of Environmental Protection is submitting its Fiscal Year 2017-2018 3rd Quarter Performance Accountability Measures.

(See Attachment 10, Pages 1-2)

RECOMMEND ACCEPTANCE

Item 11 Gulf Jackson Aquaculture Use Zone Expansion/Aquaculture Leases/Big Bend Seagrasses Aquatic Preserve

REQUEST: Approval to (1) expand the existing Gulf Jackson Aquaculture Use Zone (AUZ); (2) issue forty-nine, two-acre, ten-year sovereignty submerged land aquaculture bottom leases, to be incorporated into the Gulf Jackson AUZ, for the purpose of shellfish aquaculture; and (3) authorize the Florida Department of Agriculture and Consumer Services (FDACS) to modify the forty-nine bottom leases should the leaseholder request use of the full water column and FDACS determines the request meets all rule and statutory requirements.

VOTING REQUIREMENT FOR APPROVAL: Three Votes

LOCATION: Big Bend Seagrasses Aquatic Preserve, Suwannee Sound, Levy County, Florida.

APPLICANT: Florida Department of Agriculture and Consumer Services (FDACS)

CONSIDERATION: An annual fee of $53.46 for each two-acre lease parcel, representing a base annual rental fee of $16.73 per acre or fraction thereof; and an annual surcharge of $10.00 per acre or fraction thereof, pursuant to Rule 18-21.022, Florida Administrative Code (F.A.C.). The annual fee and surcharge collected will be deposited in the General Inspection Trust Fund, pursuant to Section 597.010(5)(b) and (7), Florida Statutes (F.S.).

STAFF REMARKS: The requested lease parcels are approximately two acres in size and are located in the Suwannee Sound, as well as the Big Bend Seagrasses Aquatic Preserve, off the coast of Cedar Key. The applicant is requesting authorization from the Board of Trustees, pursuant to Section 253.68(1), F.S., for forty-nine, new aquaculture leases for the purpose of culturing shellfish on the bottom. The proposed parcels are an expansion of the existing Gulf Jackson AUZ, where there are 113 existing lease parcels, of which three are currently utilizing the full water column. On August 16, 2017 and February 8, 2018, the Board of Trustees authorized FDACS to modify the remaining bottom leases within Gulf Jackson AUZ to allow for the use of the full water column,
Item 11, cont.

upon request by the leaseholder, and FDACS determining it meets all rule and statutory requirements. For consistency, FDACS is requesting the same authority for the forty-nine proposed bottom leases. Prior to execution of the leases, the applicants are required to provide FDACS with a survey of the individual parcels and the expanded AUZ.

Agency Review
FDACS has conducted resource assessments and determined that the proposed leases and associated aquaculture activities will not result in adverse impacts to seagrasses, existing shellfish beds, natural reefs or other sensitive habitats. Additionally, FDACS has coordinated the review of the application with the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Florida Department of State’s Division of Historical Resources, and the Levy County Board of County Commissioners, pursuant to Rule 18-21.021, F.A.C.

Special Conditions
The proposed leases will be subject to the terms and conditions applied to other aquaculture leases issued throughout the state for the same purposes, including the provision that the transfer or sale of the leases will not be approved during the first five years of the lease terms. The proposed gear is covered under the FDACS general permit from the Army Corps of Engineers. Any leaseholders requesting to modify their lease for use of the full water column will be required to install associated lighting and signage to aid boaters with navigation pursuant to a Private Aids to Navigation permit from the United States Coast Guard.

Public Interest
The Florida Aquatic Preserve Act provides that no further sale, lease, or transfer of sovereignty submerged lands shall be approved within an aquatic preserve, unless the sale, lease, or transfer is in the public interest. The Aquatic Preserve Act specifically provides that “aquaculture is in the public interest and aquaculture leases may be authorized in aquatic preserves...” [Section 258.42(1)(b), F.S.] Accordingly, FDACS recommends that the Board of Trustees find that the proposed leases are in the public interest, as set forth in statute.

Noticing
The proposed leases were noticed pursuant to Section 253.70, F.S., and no objections were received.

Comprehensive Plan
A consideration of the status of any local government comprehensive plan was not made for this item. FDACS has determined that the proposed action is not subject to the local government planning process.
Board of Trustees  
Agenda - June 13, 2018  
Page Twenty-four

*****************************************************************************

Item 11, cont.

(See Attachment 11, Pages 1-11)

RECOMMEND APPROVAL

*****************************************************************************

Item 12 Goolsby Ranch Conservation Easement/FDACS/Rural & Family Lands Protection Program

REQUEST: Consideration of (1) an option agreement to acquire a 4,476-acre perpetual conservation easement over lands lying within the Goolsby Ranch project of the Florida Department of Agriculture and Consumer Services’ Florida Forest Service (FDACS/FFS) Rural & Family Lands Protection Program (RFLPP) from Goolsby, Inc. and Triple G Ranch, LLLP; and (2) designation of FDACS/FFS as the monitoring agency.

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.

APPLICANT: Florida Department of Agriculture and Consumer Services’ Florida Forest Service

COUNTY: Highlands

LOCATION: Sections 9, 10, 11, 12, 13, 14, and 15, Township 34 South, Ranch 30 East

CONSIDERATION: $7,631,580 ($4,100,000 of the acquisition costs may be provided through a United States Air Force (USAF) Readiness and Environmental Protection Integration (REPI) grant for the Avon Park Air Force Range (APAFR), Sentinel Landscape (SL) Program)

<table>
<thead>
<tr>
<th>PARCEL</th>
<th>ACRES</th>
<th>APPROVED VALUE</th>
<th>SELLER’S PURCHASE</th>
<th>TRUSTEES’ PURCHASE</th>
<th>OPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goolsby Ranch</td>
<td>4,476</td>
<td>$10,070,000</td>
<td>$8,505,000</td>
<td>**</td>
<td>$7,631,580***</td>
</tr>
<tr>
<td></td>
<td>(11/14/17)</td>
<td>(11/14/17)</td>
<td>$10,070,000</td>
<td></td>
<td>120 days after BOT approval</td>
</tr>
</tbody>
</table>

*Fee value was determined to be $16,225,000 (Catlett)
**Property was assembled over many years by the Goolsby Family
***The Trustees’ purchase price may be reduced to $3,531,580 as a result of receiving a USAF REPI grant in the amount of $4,100,000. The purchase price for the conservation easement is $1,705.00 per acre

STAFF REMARKS:
This acquisition was negotiated by FDACS/FFS under its RFLPP. If approved, this will be the forty-second perpetual conservation easement proposed for acquisition, with a total of approximately 46,752 acres preserved under the RFLPP. The Goolsby Ranch project is ranked in Tier One on the 2016 RFLPP Acquisition List.
**Item 12, cont.**

**PROPERTY DESCRIPTION:**
The Goolsby Ranch represents three generations of land ownership. The predominant land use is as a commercial dairy, and secondarily, a Brangus cow/calf operation together with 400 acres of row crops that supply feed for the dairy cows. There are approximately 2,089 acres of improved pasture composed of Jiggs and bahia grass and roughly 974 acres of native range. Land is leased for a one-time cropping of watermelons to renovate and restore plant health in the pastures. The owners conduct prescribed burns and participate in the FDACS Best Management Practices (BMPs) program.

Water flows toward Bonny Bloom Pond, located on the south border of the ranch. The property is downstream of Morgan Hole Creek and Long Cypress Slash sloughs. This project is located within the watershed of Arbuckle Creek which flows to Lake Istokpoga. A portion of the headwaters of Arbuckle Branch, which is a tributary of Arbuckle Creek, are fed from Bonny Bloom Pond. There is an area of swamp and baygall on the eastern side of the property fed by seepage from the Bombing Range Ridge, just east of the boundary. Ultimately, the Greater Everglades system is fed from water originating on and passing through Goolsby Ranch.

This project is located on a critical area of the Bombing Range Ridge Florida Forever Project and inclusion of the property would be highly conducive to the completion of this project. There are multiple managed public conservation lands or conservation easements adjacent to Goolsby Ranch, including Avon Park Air Force Range and Scrub Pens Ranch Conservation Easement, as well as the RFLPP S.Y. Hartt easements.

The northern boundary of the property shares more than four miles of contiguous border with the Avon Park Bombing Range and lies within the Military Influence Planning Area (MIPA) One. Avon Park AFR (APAFR) and the surrounding region, including the Everglades Headwaters National Wildlife Refuge, was designated as a Sentinel Landscape (SL). SL’s are comprised of working or natural lands important to the Nation’s defense mission. These places preserve the working and rural character of key landscapes to strengthen the economies of farms, ranches, and forests; conserve habitat and natural resources; and protect vital test and training missions conducted on the military installations anchoring such landscapes.

The Goolsby Ranch project epitomizes the SL concept by protecting a large dairy operation, important natural habitat, and the APAFR military training mission. Additionally, APAFR manages the same threatened and endangered species found on Goolsby Ranch. Preservation of off-installation habitat enhances internal conservation efforts and has the potential to relieve pressure on range habitat.
**Item 12, cont.**

Goolsby Ranch is situated on APAFR’s south border and is located within 3 miles of the South Weapons Impact Range and the helicopter gunnery moving target, Oscar Range. Land uses incompatible with the military mission on the APAFR have been addressed within the deed of easement for Goolsby. These incompatible uses, if not properly addressed, may significantly increase the risk of noise complaints, nighttime light pollution, off-base damage due to stray ammunition, and adversely impacted aircraft flight training missions.

The Goolsby Family reports seeing gopher tortoise, Florida sandhill crane, Florida burrowing owl, crested caracara, wading birds, Sherman’s fox squirrel, and Florida panther on the property.

**PROHIBITED USES:**

- Dumping of biodegradable or nonbiodegradable, toxic, unsightly, offensive or hazardous substances, trash or garbage, wastes, abandoned vehicles, appliances, machinery, toxic wastes or substances, pollutants or contaminants, or similar material.

- The mining, excavation of surface or subsurface materials, the exploration for and extraction of oil, gas, minerals, dolostone, peat, muck, marl, limestone, limerock, kaolin, fuller’s earth, phosphate, common clays, gravel, shell, sand and similar substances either directly or indirectly by Grantor or on Grantor’s behalf.

- Activities that affect the hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish and wildlife habitat, etc.

- Planting of nuisance exotic or non-native plants as listed by the Exotic Pest Plant Council (EPPC) or its successor. The Grantor shall, to the extent practical, control and prevent the spread of nuisance exotics or non-native plants on the Property.

- Concentrated and confined animal feed lot operations as defined by the United States Department of Agriculture.

- New construction or placing of temporary or permanent buildings, mobile homes or other structures in, on or above the ground of the Property except as may be permitted hereinafter, or as necessary by Grantor for maintenance or normal operations of the Property or during emergency situations or as may otherwise be specifically provided for in the Easement.

- Construction or placing of roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the Easement, and except for linear facilities described in section 704.06(11), F.S. Grantee may erect and maintain signs designating the Property as land under the protection of Grantee.
Item 12, cont.

- Fertilizer use for agriculture activities shall be in accordance with agricultural BMPs recommended by the Natural Resources Conservation Service or FDACS, whichever is more stringent, as those BMPs may be amended from time to time. No agricultural activities shall occur within a 100-foot buffer around sinkholes and other karst features that are connected to spring conduits, except as provided in the applicable BMPs.

- Actions or activities that may reasonably be expected to adversely affect threatened or endangered species.

- Commercial water wells on the Property.

- Harvesting of cypress trees in the designated Significant Natural Areas (SNAs).

- Mitigation banks pursuant to Section 373.4135, et. seq., F.S.

- Construction or improvements in any SNA or conversion of SNAs to more improved areas or more intense uses. Any use of the Property which would impair, adversely impact, or destroy the SNAs, including a change to more intensive agricultural practices, is also prohibited.

- Activities detrimental to the preservation of historical, architectural, archaeological, or cultural resources on the Property.

- Conversion of forested areas to non-forested areas as shown in the baseline documentation report (BDR) within the SNAs.

- No lighting shall be permitted that may be dangerous, distracting, or misleading to aircraft operating from the Installation. This type of lighting includes, but is not limited to, strobe lights, non-emergency vehicle rotating beacons, or light sources above 16,000 lumens. Light sources above 16,000 lumens must be angled 15 degrees below the horizon.

- No operations of any type shall be permitted that produce smoke, glare, or other visual hazards, or that encourage large concentrations of birds that may be dangerous for aircraft operating from the Installation, except as expressly allowed in Article V., Paragraph B.

- No structure or tree may exceed 80 feet above ground level. Grantee shall have the right, but not the duty to cut and remove any tree which exceeds such height. Any such cutting and removal by Grantee shall be at the expense of Grantee and all proceeds from the sale of any such tree shall inure to the benefit of Grantee.
Item 12, cont.

OWNER’S RIGHTS:

- Agricultural and Related Rights. Except as prohibited by Article IV: (i) The right to utilize the Property for any agricultural and silviculture purposes and uses; (ii) The right to convert any property not designated a SNA, as delineated in the BDR, to other agricultural and silviculture purposes and uses; (iii) The right to engage in cattle grazing on the existing Improved Pasture as set forth in the BDR, including the right to maintain, utilize, fertilize, and mow such pasture; (iv) The right, as part of the cattle operation, to supplement the cattle using mineral, hay and molasses; (v) The right to use current technologies on the Property, including but not limited to fertilizers, pesticides and herbicides commonly used on agricultural property in the State of Florida at such time; and (vi) The right to install, use, maintain, replace and repair non-commercial ground water wells on the Property. Any and all agricultural uses shall be conducted in accordance with BMPs adopted by FDACS, or its successor agency, as amended from time to time, and in compliance with all laws, rules, and regulations.

- Grantor has, and shall be deemed hereby to have retained, the underlying fee simple absolute title in the Property.

- The right to conduct silvicultural and agricultural operations on the Property; provided, however, that prior to any timbering in an SNA, Grantor shall consult with Grantee concerning methods to minimize damage.

- The right to conduct prescribed burning on the Property; provided, however, that Grantor shall obtain and comply with a prescribed fire authorization from the FDACS’ FFS or its successor agency. Prior to conducting prescribed burning on the Property, the Grantor shall notify APAFR, or its successor, by calling the APAFR Wildland Fire Management Officer and/or the APAFR Control.

- The right to mortgage the Property; provided, however, that the Mortgagee’s lien shall be inferior to and lower in priority than this Easement.

- The right to contest tax appraisals, assessments, taxes and other charges on the Property.

- The right to continue to use, maintain, repair, and reconstruct, all existing buildings, barns, animal pens, outbuildings, fences, roads, ponds, wells, utilities, drainage ditches, docks, and such other facilities on the Property as depicted in the BDR, subject to the terms and conditions of Recitals, Paragraph E.

- The right to sell, devise or otherwise transfer ownership of the Property to a third party. This right, however, does not include the right to sell the remaining property rights on the Property for the purposes of a conservation easement or other restriction that would divest the Property of its use under the terms and conditions of the Easement.
**Item 12, cont.**

- The right to exclusive use of the improvements on the Property.

- Grantor shall obtain and comply with all permits for management of stormwater, for water wells and consumptive uses as may be required by the water management district or any successor agency having jurisdiction over those activities.

- The right to construct, after giving notice to Grantee, buildings or other structures incident to agricultural uses carried on in accordance with sound agricultural practices. Such buildings shall not be used as residences.

- Nothing shall prohibit Grantor from establishing (by survey, fencing or marking) and maintaining property lines around the perimeter of the Property to protect the Property from trespassing and to assist Grantor in the management of the Property in accordance with the Easement.

- The right to observe, maintain, photograph, introduce, and stock native fish or wildlife on the Property, to use the Property for hiking and horseback riding. Grantor reserves, and shall continue to own, the hunting and fishing rights on or related to the Property and Grantor may lease and sell privileges of such rights.

- **Goolsby, Inc.** – Grantor reserves the right to subdivide the Property into not more than two (2) individual parcels, of not less than 900 acres each. Grantor shall provide a legal description and survey of the parcels at the time of the subdivision. There shall be no further subdivision of the Property which is the subject of this Agreement.

- **Triple G Ranch, LLLP** – Grantor reserves the right to subdivide the Property into not more than two (2) individual parcels, of not less than 1,250 acres each. Grantor shall provide a legal description and survey of the parcels at the time of the subdivision. There shall be no further subdivision of the Property which is the subject of this Agreement.

- **Goolsby, Inc.** – Grantor reserves one Building Envelope per subdivision referenced in Article V, Paragraph M, and the right, after giving notice to Grantee, to develop within each envelope up to 45,000 square feet of impervious surfaces for residential purposes. Each Building Envelope will not exceed 5 contiguous acres and are limited to one single family residence and ancillary structures within each envelope. Impervious surfaces are defined as material that does not allow water to percolate into the soil on the Property. This includes, but is not limited to, residential buildings, residential support buildings with or without flooring, paved areas, and any other surfaces that are covered by asphalt, concrete, or roofs, not including agricultural buildings. Any such development may not be constructed within the SNAs. Grantor shall provide legal descriptions and surveys for the building envelope(s) to the Grantee prior to development.
Item 12, cont.

- **Triple G Ranch, LLLP** – Grantor reserves one Building Envelope per subdivision referenced in Article V, Paragraph M, and the right, after giving notice to Grantee, to develop within each envelope up to 45,000 square feet of impervious surfaces for residential purposes. Each Building Envelope will not exceed 5 contiguous acres and are limited to one single family residence and ancillary structures within each envelope. Impervious surfaces are defined as material that does not allow water to percolate into the soil on the Property. This includes, but is not limited to, residential buildings, residential support buildings with or without flooring, paved areas, and any other surfaces that are covered by asphalt, concrete, or roofs, not including agricultural buildings. Any such development may not be constructed within the SNAs. Grantor shall provide legal descriptions and surveys for the building envelope(s) to the Grantee prior to development.

- The right to install connections to normal utility systems, such as electric, cable, water and sewer, and telephone. If a connection to a sewer system is not available, this right shall include the right to install a septic system. The granting of easements or rights-of-way for power lines, gas lines, sewer lines, waterlines, telecommunications towers, and wind farms is prohibited. Notwithstanding this prohibition the Grantee may grant or modify easements for utility connections necessary to serve the permitted uses of the Property that are consistent with the Easement Purposes. Existing utilities may be replaced or repaired at their current location.

- The right to engage in wetland restoration or water storage program(s), provided such programs are consistent with the Easement Purposes, do not impede the SNAs, and are completed in conjunction with the South Florida Water Management District rules and regulations.

- The right to store on the Property: fertilizers, pesticides, and other chemicals that are to be utilized on the Property in the normal course of Grantor’s agricultural operations. The fertilizers, pesticides, and other chemicals shall be stored in a properly constructed and maintained structure that meets all required local, state, and federal permitting guidelines for the storage of such chemicals.

**ENCUMBRANCES:**
There are no known encumbrances on the property that adversely affect marketability or the ability to enforce the rights granted under the easement.

**MORTGAGES AND LIENS:**
All mortgages and liens will be satisfied or subordinated at the time of closing.
Item 12, cont.

On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to the Florida Department of Environmental Protection (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 these and any other title issues that arise prior to closing.

CLOSING INFORMATION:
A title insurance commitment and an environmental site assessment of the property will be provided by FFS prior to closing.

EASEMENT MONITOR:
This perpetual conservation easement will be monitored by the FFS.

COMPREHENSIVE PLAN:
This acquisition is consistent with section 187.201(22), F.S., the Agriculture Section of the State Comprehensive Plan.

(See Attachment 12, Pages 1-99)

RECOMMEND APPROVAL

Item 13  Howze Ranch Conservation Easement/FDACS/Rural & Family Lands Protection Program

REQUEST:  Consideration of (1) an option agreement to acquire a 929-acre perpetual conservation easement over lands lying within the Howze Ranch project of the Florida Department of Agriculture and Consumer Services’ Florida Forest Service (FDACS/FFS) Rural & Family Lands Protection Program (RFLPP) from Howze Ranch Limited Partnership; and (2) designation of FDACS/FFS as the monitoring agency.

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.

APPLICANT:  Florida Department of Agriculture and Consumer Services’ Florida Forest Service

COUNTY:  Manatee

LOCATION:  Sections 26, 27, 34 and 35, Township 35 South, Range 21 East and Sections 3 and 4, Township 36 South, Range 21 East
**Item 13, cont.**

**CONSIDERATION:** $1,503,000 ($880,000 of the acquisition costs may be provided through an Agricultural Conservation Easement Program (ACEP) grant from the United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS))

<table>
<thead>
<tr>
<th>PARCEL</th>
<th>ACRES</th>
<th>APPROVED VALUE</th>
<th>SELLER’S PURCHASE PRICE</th>
<th>TRUSTEES’ PURCHASE PRICE</th>
<th>OPTION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Howze Ranch</td>
<td>929</td>
<td>$1,760,000*</td>
<td>$1,760,000**</td>
<td>$1,503,000***</td>
<td>120 days after BOT approval</td>
</tr>
</tbody>
</table>

*Fee value was determined to be $3,530,000 (Zink)

**Property was assembled over many years by the Howze family

***The Trustees’ purchase price may be reduced to $623,000 as a result of receiving an NRCS grant in the amount of $880,000. The purchase price for the conservation easement is $1,617.87 per acre.

**STAFF REMARKS:**

This acquisition was negotiated by FDACS/FFS under its RFLPP. If approved, this will be the forty-third perpetual conservation easement proposed for acquisition, with a total of approximately 47,681 acres preserved under the RFLPP. The Howze Ranch project is ranked in Tier One on the 2016 RFLPP Acquisition List.

**PROPERTY DESCRIPTION:**

Howze Ranch is a working cow-calf operation with a herd of 85 head of Commercial Crossbred cattle. A majority of the ranch is kept in its native condition with free range grazing and the pastures being in a three-year prescribed fire rotation. FDACS Best Management Practices (BMPs) are followed on the ranch.

The Howze Family settled in the region in the mid-1800’s, where they began ranching and timber operations. This particular property was purchased by the Howze Family in 1931. The family opened the Robbins Manufacturing Company of Tampa in 1938, a lumber and sawmill business with one of the initial logging operations taking place on the current site.

This ranch is diverse in its wetland makeup with scattered wetland marshes, wet prairies, and natural forested wetlands. Howze Ranch sits within the Upper Myakka River Watershed, includes two tributaries of the Myakka River (Ogleby Creek and Bogey Creek), and buffers Flatford Swamp. More than 25% of property contains natural, unaltered floodplains. Ogleby Creek flows through and is naturally buffered by the property, eventually emptying into the Upper Myakka headwaters. The marshes allow habitat for wildlife and optimum recharge to the aquifer. The ranch lies within the Myakka Ranchlands Florida Forever BOT Project.

The ranch supports listed and other focal species including gopher tortoise, indigo snake, Florida sandhill crane, Sherman’s fox squirrel, swallow-tailed kite, short-tailed hawk, gopher frog, burrowing owl, limpkin, crested caracara, southeastern American kestrel, and various wading bird species. In addition, at least one Florida panther has been seen on the property.
**Item 13, cont.**

**PROHIBITED USES:**

- Dumping of biodegradable or nonbiodegradable, toxic, unsightly, offensive or hazardous substances, trash or garbage, wastes, abandoned vehicles, appliances, machinery, toxic wastes or substances, pollutants or contaminants, or similar material.

- The mining, excavation of surface or subsurface materials, the exploration for and extraction of oil, gas, minerals, dolostone, peat, muck, marl, limestone, limerock, kaolin, fuller’s earth, phosphate, common clays, gravel, shell, sand and similar substances either directly or indirectly by Grantor or on Grantor’s behalf.

- Activities that affect the hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish and wildlife habitat, etc.

- Planting of nuisance exotic or non-native plants as listed by the Exotic Pest Plant Council (EPPC) or its successor. The Grantor shall, to the extent practical, control and prevent the spread of nuisance exotics or non-native plants on the Property.

- Concentrated and confined animal feed lot operations as defined by the United States Department of Agriculture.

- New construction or placing of temporary or permanent buildings, mobile homes or other structures in, on or above the ground of the Property except as may be permitted hereinafter, or as necessary by Grantor for maintenance or normal operations of the Property or during emergency situations or as may otherwise be specifically provided for in the Easement.

- Construction or placing of roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the Easement, and except for linear facilities described in section 704.06(11), F.S. Grantee may erect and maintain signs designating the Property as land under the protection of Grantee.

- Fertilizer use for agriculture activities shall be in accordance with agricultural Best Management Practices (BMPs) recommended by the Natural Resources Conservation Service or FDACS, whichever is more stringent, as those BMPs may be amended from time to time. No agricultural activities shall occur within a 100-foot buffer around sinkholes and other karst features that are connected to spring conduits, except as provided in the applicable BMPs.

- Actions or activities that may reasonably be expected to adversely affect threatened or endangered species.
**Item 13, cont.**

- Commercial water wells on the Property.
- Harvesting of cypress trees in the designated Significant Natural Areas (SNAs).
- Mitigation banks pursuant to Section 373.4135, et. seq., F.S.
- Construction or improvements in any SNA or conversion of SNAs to more improved areas or more intense uses. Any use of the Property which would impair, adversely impact, or destroy the SNAs, including a change to more intensive agricultural practices, is also prohibited.
- Activities detrimental to the preservation of historical, architectural, archaeological, or cultural resources on the Property.
- Conversion of forested areas to non-forested areas as shown in the Baseline Documentation Report (BDR) within the SNAs.

**OWNER’S RIGHTS:**

- Grantor has, and shall be deemed hereby to have retained, the underlying fee simple absolute title in the Property.
- The right to conduct silvicultural and agricultural operations on the Property; provided, however, that prior to any timbering in an SNA, Grantor shall consult with Grantee concerning methods to minimize damage.
- The right to conduct prescribed burning on the Property; provided, however, that Grantor shall obtain and comply with a prescribed fire authorization from the FDACS’ FFS or its successor agency.
- The right to mortgage the Property; provided, however, that the Mortgagee’s lien shall be inferior to and lower in priority than this Easement.
- The right to contest tax appraisals, assessments, taxes and other charges on the Property.
- The right to continue to use, maintain, repair, and reconstruct, all existing buildings, barns, animal pens, outbuildings, fences, roads, ponds, wells, utilities, drainage ditches, docks, and such other facilities on the Property as depicted in the BDR, subject to the terms and conditions of Recitals, Paragraph E.
Item 13, cont.

- The right to sell, devise or otherwise transfer ownership of the Property to a third party. This right, however, does not include the right to sell the remaining property rights on the Property for the purposes of a conservation easement or other restriction that would divest the Property of its use under the terms and conditions of the Easement.

- The right to exclusive use of the improvements on the Property.

- Grantor shall obtain and comply with all permits for management of stormwater, for water wells and consumptive uses as may be required by the water management district or any successor agency having jurisdiction over those activities.

- The right to construct, after giving notice to Grantee, buildings or other structures incident to agricultural uses carried on in accordance with sound agricultural practices. Such buildings shall not be used as residences.

- Nothing shall prohibit Grantor from establishing (by survey, fencing or marking) and maintaining property lines around the perimeter of the Property to protect the Property from trespassing and to assist Grantor in the management of the Property in accordance with the Easement.

- The right to observe, maintain, photograph, introduce, and stock native fish or wildlife on the Property, to use the Property for hiking and horseback riding. Grantor reserves, and shall continue to own, the hunting and fishing rights on or related to the Property and Grantor may lease and sell privileges of such rights.

- Grantor reserves the right to subdivide the Property into not more than two (2) individual parcels of not less than 400 acres each. Grantor shall provide legal descriptions and surveys for each parcel at the time of the subdivision. There shall be no further subdivision of the Property which is the subject of this Agreement. After the subdivision, each of the resulting parcels will contain a Building Envelope for residential purposes as referenced in Article V, Paragraph N, below.

- Grantor reserves two building envelopes as shown in Exhibit E attached hereto and made a part hereof. Building Envelope A is reserved for a future homesite and is limited to 5 acres in size. Grantor reserves the right to develop not more than 10,000 square feet of impervious surfaces on the easement property within the envelope. The property within Building Envelope A may be improved by a single-family residence and ancillary structures. Building Envelope B is reserved over an existing residence and ancillary structures. Grantor reserves the right to
Item 13, cont.

develop not more than 10,000 total square feet of impervious surfaces on the easement property within the envelope. Building Envelope B is limited to 7 acres in size. Impervious surfaces are defined as material that does not allow water to percolate into the soil on the Property; this includes, but is not limited to, residential buildings, residential support buildings with or without flooring, paved areas, and any other surfaces that are covered by asphalt, concrete, or roofs, excluding agricultural buildings. Any such development may not be constructed within the SNAs. If at a later date Grantor determines that a different location would be better suited for Building Envelope A, Grantor must contact Grantee and NRCS for approval; however, the building envelope will not be greater in size than 5 acres as depicted in Exhibit E.

• The right to install connections to normal utility systems, such as electric, cable, water and sewer, and telephone. If a connection to a sewer system is not available, this right shall include the right to install a septic system. The granting of easements or rights-of-way for power lines, gas lines, sewer lines, waterlines, telecommunications towers, and wind farms is prohibited. Notwithstanding this prohibition the Grantee may grant or modify easements for utility connections necessary to serve the permitted uses of the Property that are consistent with the Easement Purposes. Existing utilities may be replaced or repaired at their current location.

• Grantor may establish one or more receiving areas for endangered or threatened species or species of special concern that are native to the State of Florida on the Property, in accordance with Rule 68A-27.007, F.A.C., and subject to legally required permits and regulations. Provided such receiving area does not preclude agricultural operations on the easement property.

• The right to engage in wetland restoration or water storage program(s), provided such programs are consistent with the Easement Purposes, do not impede the SNAs, and are completed in conjunction with the Southwest Florida Water Management District rules and regulations.

ENCUMBRANCES:
There are no known encumbrances on the property that adversely affect marketability or the ability to enforce the rights granted under the easement.

MORTGAGES AND LIENS:
All mortgages and liens will be satisfied or subordinated at the time of closing.

On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to the Florida Department of Environmental Protection (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 these and any other title issues that arise prior to closing.
CLOSING INFORMATION:
A title insurance commitment and an environmental site assessment of the property will be provided by FFS prior to closing.

EASEMENT MONITOR:
This perpetual conservation easement will be monitored by the FFS.

COMPREHENSIVE PLAN:
This acquisition is consistent with section 187.201(22), F.S., the Agriculture Section of the State Comprehensive Plan.

(See Attachment 13, Pages 1-74)

RECOMMEND APPROVAL

Item 14  Sampala Lake Ranch/ARCCO Conservation Easement/FDACS/Rural & Family Lands Protection Program

REQUEST: Consideration of (1) an option agreement to acquire a 1,400-acre perpetual conservation easement over lands lying within the Sampala Lake Ranch project of the Florida Department of Agriculture and Consumer Services’ Florida Forest Service (FDACS/FFS) Rural & Family Lands Protection Program (RFLPP) from ARCCO of St. Lucie, Inc.; and (2) designation of FDACS/FFS as the monitoring agency.

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.

APPLICANT: Florida Department of Agriculture and Consumer Services’ Florida Forest Service

COUNTY: Madison

LOCATION: Portions of Sections 14-16, 20-23, and 27, Township 1 South, Range 8 East and Section 29, Township 1 South, Range 8 East
Item 14, cont.

CONSIDERATION: $1,260,000

<table>
<thead>
<tr>
<th>PARCEL</th>
<th>ACRES</th>
<th>APPRAISED BY</th>
<th>APPROVED VALUE</th>
<th>SELLER’S PURCHASE PRICE</th>
<th>TRUSTEES’ PURCHASE PRICE</th>
<th>OPTION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sampala Lake/ARCCO</td>
<td>1,400</td>
<td>$1,400,000*</td>
<td>$1,400,000</td>
<td><strong>$1,400,000</strong>*</td>
<td>$1,260,000***</td>
<td>120 days after BOT approval</td>
</tr>
</tbody>
</table>

*Fee value was determined to be $4,200,000 (Marr and Albright)

**Property was acquired in 2004

***The purchase price for the conservation easement is $900 per acre

STAFF REMARKS:
This acquisition was negotiated by FDACS/FFS under its RFLPP. If approved, this will be the forty-fourth perpetual conservation easement proposed for acquisition, with a total of approximately 49,081 acres preserved under the RFLPP. The Sampala Lake Ranch project is ranked in Tier Two on the 2016 RFLPP Acquisition List and was previously ranked in Tier One on the 2015 RFLPP Acquisition List. Negotiations for the acquisition of this deed of easement began in 2015.

PROPERTY DESCRIPTION:
The property is owned by the Adams family and is a working cow/calf ranch with timber and farming. The ranch has been in continuous agricultural production for more than 80 years. This property combines open space, aquifer recharge and working agricultural lands with wildlife corridors. The cow/calf operation is stocked with Adams Ranch Braford and composite breeds. The proposed easement is adjacent to the Sampala Lake Ranch/Koblegard RFLPP easement (772 acres) approved by the Board of Trustees on March 7, 2018.

This ranch is a significant historical site, as San Pedro y San Pablo de Protohiriba on Lake Sampala is one of five missions established by Spanish explorers in the 1600’s. The mission is believed to have been constructed between 1609 and 1655 and is situated in the Yustaga province. Yustaga were a Timucua people of, what is now, northwestern Florida during the 16th and 17th centuries. Of the five missions, or doctrinas, San Pedro was the largest and considered most important.

The ranch sits on the north side of Sampala Lake, a non-sovereign 115-acre spring fed lake, which reaches a depth of 18 feet and is host to myriad aquatic species, including large-mouth bass and panfish. Sampala Lake is part of the headwaters of the Econfina River. In addition to Sampala Lake, there are 352 acres of wetlands on the property, including a cypress-tupelo basin swamp, basin marsh, bottomland forest, and hydric hammock.

The property is situated between two Florida Forever BOT Projects, Hixtown Swamp, less than 1 mile north, and San Pedro Bay, 1.5 miles south.
Item 14, cont.

Typical wildlife species commonly observed on the property include black bear, deer, turkey, fox squirrel, wood duck and various water fowl. Rare and endangered species known to occur on the property include Sherman’s fox squirrel. The lake and wetlands likely are used by a variety of wading bird species as well as the American alligator. Some potential exists for additional rare plants, amphibians, reptiles, birds, and mammals.

PROHIBITED USES:

• Dumping of biodegradable or nonbiodegradable, toxic, unsightly, offensive or hazardous substances, trash or garbage, wastes, abandoned vehicles, appliances, machinery, toxic wastes or substances, pollutants or contaminant, or similar material.

• The mining, excavation of surface or subsurface materials, the exploration for and extraction of oil, gas, minerals, dolostone, peat, muck, marl, limestone, limerock, kaolin, fuller’s earth, phosphate, common clays, gravel, shell, sand and similar substances either directly or indirectly by Grantor or on Grantor’s behalf.

• Activities that affect the hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish and wildlife habitat, etc.

• Planting of nuisance exotic or non-native plants as listed by the Exotic Pest Plant Council (EPPC) or its successor. The Grantor shall, to the extent practical, control and prevent the spread of nuisance exotics or non-native plants on the Property.

• Concentrated and confined animal feed lot operations.

• New construction or placing of temporary or permanent buildings, mobile homes or other structures in, on or above the ground of the Property except as may be permitted hereinafter, or as necessary by Grantor for maintenance or normal operations of the Property or during emergency situations or as may otherwise be specifically provided for in the Easement.

• Construction or placing of roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the Easement, and except for linear facilities described in section 704.06(11), F.S. Grantee may erect and maintain signs designating the Property as land under the protection of Grantee.

• Fertilizer use for agriculture activities shall be in accordance with agricultural Best Management Practices (BMPs) recommended by the Natural Resources Conservation Service or FDACS, whichever is more stringent, as those BMPs may be amended from time to time. No agricultural activities shall occur within a 100-foot buffer around sinkholes and other karst features that are connected to spring conduits, except as provided in the applicable BMPs.
Item 14, cont.

- Actions or activities that may reasonably be expected to adversely affect threatened or endangered species.

- Commercial water wells on the Property.

- Harvesting of cypress trees in the designated Significant Natural Areas (SNAs).

- Mitigation banks pursuant to Section 373.4135, et. seq., F.S.

- Conversion of SNAs to more improved areas, except as specifically provided in Article V, Paragraphs N and P of the Easement.

- Activities detrimental to the preservation of historical, architectural, archaeological, or cultural resources on the Property.

- Conversion of forested areas to non-forested areas as shown in the BDR within the SNAs.

OWNER’S RIGHTS:

- Grantor has, and shall be deemed hereby to have retained, the underlying fee simple absolute title in the Property.

- The right to conduct prescribed burning on the Property; provided, however, that Grantor shall obtain and comply with a prescribed fire authorization from the FDACS’ FFS or its successor agency.

- The right to mortgage the Property; provided, however, that the Mortgagee’s lien shall be inferior to and lower in priority than this Easement.

- The right to contest tax appraisals, assessments, taxes and other charges on the Property.

- The right to continue to use, maintain, repair, and reconstruct, all existing buildings, barns, animal pens, outbuildings, fences, roads, ponds, wells, utilities, drainage ditches, docks, and such other facilities on the Property as depicted in the BDR, subject to the terms and conditions of Recitals, Paragraph E.

- The right to sell, devise or otherwise transfer ownership of the Property to a third party. This right, however, does not include the right to sell the remaining property rights on the Property for the purposes of a conservation easement or other restriction that would divest the Property of its use under the terms and conditions of the Easement.
Item 14, cont.

- The right to exclusive use of the improvements on the Property.

- Grantor shall obtain and comply with all permits for management of stormwater, for water wells and consumptive uses as may be required by the water management district or any successor agency having jurisdiction over those activities.

- The right to construct, after giving notice to Grantee, buildings or other structures incident to agricultural uses carried on in accordance with sound agricultural practices. Such buildings shall not be used as residences.

- Nothing shall prohibit Grantor from establishing (by survey, fencing or marking) and maintaining property lines around the perimeter of the Property to protect the Property from trespassing and to assist Grantor in the management of the Property in accordance with the Easement.

- The right to observe, maintain, photograph, introduce, and stock native fish or wildlife on the Property, to use the Property for hiking and horseback riding. Grantor reserves, and shall continue to own, the hunting and fishing rights on or related to the Property and Grantor may lease and sell privileges of such rights.

- The right to pursue agricultural practices on the Property. Grantor may use commonly accepted fertilizers, pesticides and herbicides, so long as Grantor uses agricultural BMPs as may be adopted from time to time by the FDACS or its successor.

- Grantor reserves the right to subdivide the Property into not more than two individual parcels of not less than 300 acres each. Grantor shall provide legal descriptions for the two parcels upon subdivision of the Property. There shall be no further subdivision of the Property which is the subject of this Easement. It is understood by Grantor and Grantee that, if either or both of the two parcels are conveyed to entities in which Grantor owns a majority of the controlling interests, the conveyances shall not be subject to the provisions of Article VIII, Paragraph G.1.

- Grantor reserves the right, after notice to Grantee, to develop an enclosed and covered recreational structure of up to 750 square feet of impervious surfaces within an upland area on the Property of not more than one-quarter acre ("Cabin Envelope"). Impervious surfaces are defined as material that do not allow water to percolate into the soil on the Property; this includes, but is not limited to, structures ancillary to residential use, agricultural buildings with or without flooring, paved areas, and any other surfaces that are covered by asphalt, concrete, or roofs. The structure shall not be used for residential purposes. Grantor specifically reserves the right to locate the Cabin Envelope within the SNA surrounding Sampala Lake notwithstanding the provisions of Recitals Paragraph E. Grantor shall provide legal descriptions for the Cabin Envelope prior to development.
Item 14, cont.

- The right to install connections to normal utility systems, such as electric, cable, water and sewer, and telephone. If a connection to a sewer system is not available, this right shall include the right to install a septic system. The granting of easements or rights-of-way for power lines, gas lines, sewer lines, waterlines, telecommunications towers, and wind farms is prohibited. Notwithstanding this prohibition the Grantee may grant or modify easements for utility connections necessary to serve the permitted uses of the Property that are consistent with the Easement Purposes. Existing utilities may be replaced or repaired at their current location.

- Notwithstanding the provisions of Recitals Paragraph E, the right to construct docks, one impervious boat ramp and a pervious access road within the SNA containing Sampala Lake after written notice to Grantee.

ENCUMBRANCES:
There are no known encumbrances on the property that adversely affect marketability or the ability to enforce the rights granted under the easement.

MORTGAGES AND LIENS:
All mortgages and liens will be satisfied or subordinated at the time of closing.

On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to the Department of Environmental Protection (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 these and any other title issues that arise prior to closing.

CLOSING INFORMATION:
A title insurance commitment and an environmental site assessment of the property will be provided by FFS prior to closing.

EASEMENT MONITOR:
This perpetual conservation easement will be monitored by the FFS.

COMPREHENSIVE PLAN:
This acquisition is consistent with section 187.201(22), F.S., the Agriculture Section of the State Comprehensive Plan.

(See Attachment 14, Pages 1-67)

RECOMMEND  APPROVAL
Item 15  Rodman Plantation Conservation Easement/FDACS/Rural & Family Lands Protection Program

REQUEST: Consideration of (1) an option agreement to acquire a 1,583-acre perpetual conservation easement over lands lying within the Rodman Plantation project of the Florida Department of Agriculture and Consumer Services’ Florida Forest Service (FDACS/FFS) Rural & Family Lands Protection Program (RFLPP) from Magnolia Dunes, LLC; (2) designation of FDACS/FFS as the monitoring agency; and (3) a waiver of the survey.

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.

APPLICANT: Florida Department of Agriculture and Consumer Services’ Florida Forest Service

COUNTY: Putnam

LOCATION: Portions of Sections 2, 3, 10, and 15, Township 11 South, Range 25 East

CONSIDERATION: $540,000

<table>
<thead>
<tr>
<th>PARCEL</th>
<th>ACRES</th>
<th>APPIRAED BY</th>
<th>APPROVED VALUE</th>
<th>SELLER’S PURCHASE PRICE</th>
<th>TRUSTEES’ PURCHASE PRICE</th>
<th>OPTION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rodman Plantation</td>
<td>1,583</td>
<td>Arline</td>
<td>$713,000*</td>
<td>$713,000**</td>
<td>$540,000***</td>
<td>120 days after BOT approval</td>
</tr>
</tbody>
</table>

*Fee value was determined to be $1,980,000 (Arline)
**Property was assembled over many years by the Alford Family
***The purchase price for the conservation easement is $341.12 per acre

STAFF REMARKS:
This acquisition was negotiated by FDACS/FFS under its RFLPP. If approved, this will be the forty-fifth perpetual conservation easement proposed for acquisition, with a total of approximately 50,664 acres preserved under the RFLPP. The Rodman Plantation project is ranked in Tier One on the 2016 RFLPP Acquisition List.

PROPERTY DESCRIPTION:
Rodman Plantation, also known as Cow Heaven Swamp, is a working cow/calf ranch with timber and hay operations and hunting. Historically, the Rodman Plantation supported a naval stores industry for two centuries. The plantation consists of 400 acres of improved pasture, 300 acres of semi-improved pasture, 1,000 acres of naturally revegetated pine timber, and 900 acres of planted pines.

The center of this property contains a portion of an 1,800-acre hardwood swamp called Cow Heaven Bay that drains into both the Ocklawaha River and Rice Creek systems. Floodplain areas
**Item 15, cont.**

on the property are part of the watersheds of both systems, with approximately 70% of the property lying within the FEMA 100-year floodplain. Approximately 50% of the property is wetlands, with Cow Heaven Swamp having been left in its natural state.

The Rodman Plantation is adjacent to the Marjorie Harris Carr – Cross Florida Greenway on three sides. This area is part of the Florida Wildlife Corridor which includes conservation lands such as the Ocala National Forest, Carravelle Ranch Wildlife Management Area, and the Rice Creek Conservation Area. Additionally, this property is adjacent to lands included in the Etoniah / Cross Florida Greenway Florida Forever BOT project.

The location of Rodman Plantation, between several large public parcels of conservation lands, provides a strategic wildlife connector. The Florida Wildlife Corridor and the Marjorie Harris Carr – Cross Florida Greenway provide habitat for numerous listed species. The Alford Family reports seeing gopher tortoise, eastern indigo snake, Florida pine snake, Florida scrub jay, Florida mouse, and Sherman’s fox squirrel, with a variety of wading bird species in the wetlands.

**PROHIBITED USES:**

- Dumping of biodegradable or nonbiodegradable, toxic, unsightly, offensive or hazardous substances, trash or garbage, wastes, abandoned vehicles, appliances, machinery, toxic wastes or substances, pollutants or contaminants, or similar material.

- The mining, excavation of surface or subsurface materials, the exploration for and extraction of oil, gas, minerals, dolostone, peat, muck, marl, limestone, limerock, kaolin, fuller’s earth, phosphate, common clays, gravel, shell, sand and similar substances either directly or indirectly by Grantor or on Grantor’s behalf.

- Activities that affect the hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish and wildlife habitat, etc.

- Planting of nuisance exotic or non-native plants as listed by the Exotic Pest Plant Council (EPPC) or its successor. The Grantor shall, to the extent practical, control and prevent the spread of nuisance exotics or non-native plants on the Property.

- Concentrated and confined animal feed lot operations as defined by the United States Department of Agriculture.

- New construction or placing of temporary or permanent buildings, mobile homes or other structures in, on or above the ground of the Property except as may be permitted hereinafter, or as necessary by Grantor for maintenance or normal operations of the Property or during emergency situations or as may otherwise be specifically provided for in the Easement.
Item 15, cont.

- Construction or placing of roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the Easement, and except for linear facilities described in section 704.06(11), F.S. Grantee may erect and maintain signs designating the Property as land under the protection of Grantee.

- Fertilizer use for agriculture activities shall be in accordance with agricultural Best Management Practices (BMPs) recommended by the Natural Resources Conservation Service or FDACS, whichever is more stringent, as those BMPs may be amended from time to time. No agricultural activities shall occur within a 100-foot buffer around sinkholes and other karst features that are connected to spring conduits, except as provided in the applicable BMPs.

- Actions or activities that may reasonably be expected to adversely affect state or federally-listed species.

- Commercial water wells on the Property.

- Harvesting of cypress trees in the designated Significant Natural Areas (SNAs).

- Mitigation banks pursuant to Section 373.4135, et. seq., F.S.

- Construction or improvements in any SNA or conversion of SNAs to more improved areas or more intense uses. Any use of the Property which would impair, adversely impact, or destroy the SNAs, including a change to more intensive agricultural practices, is also prohibited.

- Activities detrimental to the preservation of historical, architectural, archaeological, or cultural resources on the Property.

- Conversion of forested areas to non-forested areas as shown in the BDR within the SNAs.

OWNER'S RIGHTS:

- Grantor has, and shall be deemed hereby to have retained, the underlying fee simple absolute title in the Property.

- The right to conduct silvicultural and agricultural operations on the Property; provided, however, that prior to any timbering in an SNA, Grantor shall consult with Grantee concerning methods to minimize damage.

- The right to conduct prescribed burning on the Property; provided, however, that Grantor shall obtain and comply with a prescribed fire authorization from the FDACS’ FFS or its successor agency.
Item 15, cont.

- The right to mortgage the Property; provided, however, that the Mortgagee’s lien shall be inferior to and lower in priority than this Easement.

- The right to contest tax appraisals, assessments, taxes and other charges on the Property.

- The right to continue to use, maintain, repair, and reconstruct, all existing buildings, barns, animal pens, outbuildings, fences, roads, ponds, wells, utilities, drainage ditches, docks, and such other facilities on the Property as depicted in the BDR.

- The right to sell, devise or otherwise transfer ownership of the Property to a third party. This right, however, does not include the right to sell the remaining property rights on the Property for the purposes of a conservation easement or other restriction that would divest the Property of its use under the terms and conditions of the Easement.

- The right to exclusive use of the improvements on the Property.

- Grantor shall obtain and comply with all permits for management of stormwater, for water wells and consumptive uses as may be required by the water management district or any successor agency having jurisdiction over those activities.

- The right to construct, after giving notice to Grantee, buildings or other structures incident to agricultural uses carried on in accordance with sound agricultural practices. Such buildings shall not be used as residences.

- Nothing shall prohibit Grantor from establishing (by survey, fencing or marking) and maintaining property lines around the perimeter of the Property to protect the Property from trespassing and to assist Grantor in the management of the Property in accordance with the Easement.

- The right to observe, maintain, photograph, introduce, and stock native fish or wildlife on the Property, to use the Property for hiking and horseback riding. Grantor reserves, and shall continue to own, the hunting and fishing rights on or related to the Property and Grantor may lease and sell privileges of such rights.

- Grantor reserves 2 Building Envelopes and the right, after giving notice to Grantee, to develop within each envelope up to 43,000 square feet of impervious surfaces for residential purposes. Each Building Envelope will not exceed 5 contiguous acres and is limited to one single family residence and ancillary structures in each envelope. Impervious surfaces are defined as material that does not allow water to percolate into the soil on the Property. This includes, but is not limited to, residential buildings, residential support buildings with or without flooring, paved areas, and any other surfaces that are covered by asphalt, concrete, or roofs, excluding...
Item 15, cont.

agricultural buildings. Any such development may not be constructed within the SNAs. Grantor shall provide a legal description and survey for the building envelope(s) to the Grantee prior to development.

- The right to install connections to normal utility systems, such as electric, cable, water and sewer, and telephone. If a connection to a sewer system is not available, this right shall include the right to install a septic system. The granting of easements or rights-of-way for power lines, gas lines, sewer lines, waterlines, telecommunications towers, and wind farms is prohibited. Notwithstanding this prohibition the Grantee may grant or modify easements for utility connections necessary to serve the permitted uses of the Property that are consistent with the Easement Purposes. Existing utilities may be replaced or repaired at their current location.

- Grantor may establish one or more receiving areas for endangered or threatened species or species of special concern that are native to the State of Florida on the Property, in accordance with Rule 68A-27.007, F.A.C., and subject to legally required permits and regulations. Provided such receiving area does not preclude agricultural operations on the easement property.

ENCUMBRANCES:
There are no known encumbrances on the property that adversely affect marketability or the ability to enforce the rights granted under the easement.

MORTGAGES AND LIENS:
All mortgages and liens will be satisfied or subordinated at the time of closing.

On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to the Department of Environmental Protection (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 these and any other title issues that arise prior to closing.

CLOSING INFORMATION:
A title insurance commitment and an environmental site assessment of the property will be provided by FFS prior to closing.

EASEMENT MONITOR:
This perpetual conservation easement will be monitored by the FFS.

COMPREHENSIVE PLAN:
This acquisition is consistent with section 187.201(22), F.S., the Agriculture Section of the State Comprehensive Plan.
Item 15, cont.

(See Attachment 15, Pages 1-113)

RECOMMEND APPROVAL

*************************************************************

Item 16 Rural & Family Lands Protection Program Prioritized Acquisition List

REQUEST: Consideration of the recommended 2018 Rural & Family Lands Protection Program Prioritized Acquisition List.

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 Rural and Family Lands Protection Program (RFLPP) protects Florida’s working agricultural lands threatened by fragmentation or conversion to non-agricultural land uses through acquisition of land conservation easements. These conservation easements ensure the land will be preserved perpetually for agricultural uses while protecting functioning ecosystems, natural resources, aquifer recharge areas, and contributing to military base buffering.

The initial acquisition list for RFLPP was approved by the Board of Trustees on April 28, 2009. The list consisted of 35 projects.

The 2018 application cycle for the program was open from August 1, 2017 through October 16, 2017 and 37 new project applications were received. Combined with the existing 107 projects, 144 projects were eligible for ranking. The proposed 2018 RFLPP Prioritized Acquisition List was developed pursuant to sections 259.105(3)(i) and 570.71(10), F.S., and Rule 5I-7, F.A.C.

Technical review teams evaluated each project application. These teams were composed of staff from the Florida Natural Areas Inventory, the Florida Department of Environmental Protection, the Florida Department of Economic Opportunity, the Florida Fish and Wildlife Conservation Commission, the geographically applicable Water Management District, as well as staff from several divisions within the Florida Department of Agriculture and Consumer Services (FDACS), including the Division of Animal Industry, the Florida Forest Service, the Office of Agricultural Water Policy, the Division of Marketing and Development, the Bureau of Dairy Industry, and the Division of Fruit and Vegetables. These teams developed information from site visits and various other sources that were distilled into Project Evaluation Reports by FDACS staff. The reports were submitted to the Selection Committee in accordance with Rule 5I-7, F.A.C.

On March 21, 2018, the Selection Committee held a public hearing in Bartow, Florida, to review the project evaluation reports and receive public testimony regarding individual projects. At the
Item 16, cont.

Conclusion of the public hearing, the Selection Committee, by majority vote, approved a list of projects in tiered priority order. The proposed list is divided into three tiers, tier one being designated as the highest acquisition priority.

On April 20, 2018, FDACS presented the recommended RFLPP Prioritized Acquisition List to the Florida Land Acquisition & Restoration Council (ARC) for its review pursuant to sections 259.105(3)(i) and 570.71(10), F.S., and Rule 5I-7, F.A.C. FDACS is now submitting the recommended Prioritized Acquisition List to the Board of Trustees for consideration. Pursuant to section 259.04, F.S., the Board of Trustees “shall approve, in whole or in part, the list of projects in the order of priority in which such projects are presented.”

(See Attachment 16, Pages 1-5)

RECOMMEND APPROVAL