

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
FEBRUARY 10, 2004

Item 1 Minutes

Submittal of the Minutes of the November 12, 2003 and November 25, 2003 Cabinet Meetings.

(See Attachment 1, Pages 1-19)

RECOMMEND APPROVAL

Item 2 Presentation on Florida's Aquatic Preserves

REQUEST: Presentation of information regarding the promotion of Florida's Aquatic Preserves.

STAFF REMARKS: In 1966, Estero Bay became the first of 41 Aquatic Preserves designated by the Florida legislature "for the purpose of being preserved in an essentially natural or existing condition so that their aesthetic, biological and scientific values may endure for the enjoyment of future generations." The Aquatic Preserves collectively encompass 1,839,707 acres of the state's sovereignty submerged lands that provide marine, estuarine, and freshwater habitats essential to state's economic and environmental viability. Florida's Aquatic Preserves are among the most aesthetically pleasing and biologically functional ecosystems in the world.

The natural attraction of these areas along with the recreational opportunities and seafood produced in these habitats provide the basis of the state's tourism and commerce.

The Department of Environmental Protection's Office of Coastal and Aquatic Managed Areas developed a unique educational and artistic presentation of the Aquatic Preserves that will be displayed in museums throughout Florida and the nation. The presentation was created through a grant from the National Oceanographic and Atmospheric Administration and the professional services of Elam Stoltzfus of the Live Oak Production Group, musician Sammy Tedder, and Florida's world renowned nature photographer, Clyde Butcher.

This presentation, which was created to educate and inspire citizens to become stewards of Florida's Aquatic Preserves, is comprised of:

- A one-hour Super 16mm film documentary, "Living Waters: Aquatic Preserves of Florida," highlighting 12 of the 41 aquatic preserves;
- A photography book entitled "Living Waters: Aquatic Preserves of Florida", featuring fine art black and white photographs of the Aquatic Preserves by photographer Clyde Butcher; and,
- A 25- by 36-inch promotional poster featuring Clyde Butcher's 2003 photograph of the St. Joseph Bay Aquatic Preserve as the signature piece.

RECOMMEND FOR INFORMATION

Item 3 Designation/Conveyance of Surplus Land/Palm Beach County

REQUEST: Consideration of (1) designation of a 21.01-acre parcel as surplus; and (2) conveyance of the 21.01-acre parcel to Palm Beach County for a water treatment plant.

COUNTY: Palm Beach
Dedication Number 25699
Deed Number 31225

APPLICANT: Palm Beach County

LOCATION: Section 19, Township 43 South, Range 37 East

CONSIDERATION: \$360,000 to be deposited in the Internal Improvement Trust Fund

STAFF REMARKS: In 1976, the School Board of Palm Beach County (School Board) requested title to 80 acres of state-owned land. The 80-acre parcel was under management by the Department of Offender Rehabilitation, now Department of Corrections (DOC), as part of Glades Correctional Institution under Board of Trustees' Lease Number 2671. DOC agreed to release the 80-acre parcel, and the 80-acre parcel was transferred to the School Board under Dedication No. 25699, which limits use of the property to school purposes.

Palm Beach County has requested title to 21.01 acres of the 80-acre school property for a water treatment plant. The School Board is prepared to release the land back to the Board of Trustees solely for sale to Palm Beach County. Brian G. Edwards, MAI, Certified Appraiser, has valued the 21.01-acre parcel at \$360,000.

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

(See Attachment 3, Pages 1-21)

RECOMMEND APPROVAL

**Item 4 Police & Fire Pension Fund Option Agreement/Northeast Florida
Timberlands Florida Forever Project/Managing Agency Designation/
Management Policy Statement Confirmation**

REQUEST: Consideration of (1) an option agreement to acquire two parcels totaling 8,666.10 acres within the Northeast Florida Timberlands Florida Forever project from the Police and Fire Pension Fund of the City of Dallas, Texas; (2) designation of the Department of Agriculture and Consumer Services' Division of Forestry as the managing agency; and (3) confirmation of the management policy statement.

COUNTY: Clay

LOCATION: Sections 11 through 14, 23 through 27 and 34 through 36, Township 07 South, Range 24 East; and Sections 01, 02 and 11 through 14, Township 08 South, Range 24 East

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CONSIDERATION: \$13,044,650 (\$500,000 of which is federal funds)

PARCEL	ACRES	APPRAISED BY		APPROVED VALUE	SELLER'S PURCHASE PRICE	TRUSTEES' PURCHASE PRICE	OPTION DATE
		Lampe (01/14/03)	Ryan (01/27/03)				
Police and Fire	8,432.60*	\$14,732,400	\$14,300,000	\$14,148,400**	\$10,400,000***	\$12,460,650 (88%)	120 days after BOT approval
Police and Fire	233.50		Ryan (11/28/03) \$584,000	\$584,000		\$584,000 (100%)	120 days after BOT approval
Totals	8,666.10			\$14,732,400		\$13,044,650****	

- * This acreage reflects the 8,666.10 acres appraised, reduced by the 233.50 acres partially funded by federal money.
- ** The reduced approved value reflects the subtraction of the 233.50 acres partially funded by federal money.
- *** The entire 8,666.10 acres were purchased on June 16, 2000, for \$10,400,000.
- **** \$1,505 per acre

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STAFF REMARKS: The Northeast Florida Timberlands project is an "A" group project on the Florida Forever Full Fee Project List approved by the Board of Trustees on August 26, 2003. The project contains 157,841 acres. While 19,448 acres are in public ownership, these will be the first to be acquired by the Board of Trustees. After the Board of Trustees approves this agreement, 129,726.9 acres, or 82 percent of the project, will remain to be acquired.

The 233.5-acre parcel will be partially funded with \$500,000 of federal money made available through a cooperative agreement between the Department of Environmental Protection (DEP) and the National Guard Bureau, pursuant to the National Defense Authorization Act for FY 2003. Obligation of this funding to purchase land adjacent to Camp Blanding is the first use of this section 2811 Encroachment Buffering authority. It paves the way for other military installations in the nation to partner with states and conservation organizations to acquire land for conservation and national security purposes. The federal money will be applied to a discrete portion of the property for which the seller will issue a separate deed. The need for this procedure arises from the authority granted to the Secretary of the Army to demand conveyance of property acquired with such federal funds, apparently without compensation. Therefore, Florida Forever funds will not be commingled with the federal funds, nor will title to the lands purchased with these two sources of funding be commingled.

All mortgages and liens will be satisfied at the time of closing. There are two oil, gas, and mineral leases dating back to the 1940s that the appraisers assume to be expired. There is an oil, gas and mineral reservation encumbering less than three percent of the property in favor of Foremost Properties, Inc., dating from 1950 with no right of entry. A reservation, with right of entry, in favor of Clay County Development Company of an undivided one-half interest in and to all oil and mineral rights encumbers the entire property. Cripple Creek Hunting Club holds an unrecorded hunting lease encumbering the entirety of the subject lands. There is also a timber reservation encumbering 97.80 acres of the subject lands. The oil, gas, and mineral reservations and the hunting lease were considered by the appraisers in their final reconciliation of value. The Department of Agriculture and Consumer Services' Division of Forestry, the future managing agency, has determined that the property can be managed with the oil, gas, and mineral reservations and the hunting lease in place. Because these issues were discovered during preliminary due diligence, further research may change the facts and scope of each issue and; therefore, DEP staff will review, evaluate and implement an appropriate

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resolution for these and any other title issues that arise prior to closing. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to DEP the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately.

A title insurance policy, a survey, an environmental site evaluation and, if necessary, an environmental site assessment will be provided by the purchaser prior to closing.

The three-county corridor of the Northeast Florida Timberlands Watershed and Reserve will create a conservation landscape connecting several high-quality managed areas, including Jennings State Forest, Cecil Field Conservation Corridor, Cary State Forest and Timucuan Ecological and Historic Preserve. The project area will also connect with two military reservations, Camp Blanding and Whitehouse Naval Outlying Field, and is contiguous at the southern end with, Etoniah/Cross Florida Greenway Florida Forever Project. The Greenways and Trails Coordinating Council identified it as a highly important conservation corridor in its statewide analysis. The project's size and diversity makes it desirable for use and management as a state forest.

Pursuant to section 259.032(9)(e), F.S., staff recommends that the Board of Trustees designate the Department of Agriculture and Consumer Services' Division of Forestry as the managing agency for this site. The site will be managed under a multiple-use management regime consistent with the state forest system.

Section 259.032(9)(e), F.S., requires that the Board of Trustees, concurrent with its approval of the initial acquisition agreement within a project, "evaluate and amend, as appropriate, the management policy statement for the project as provided by section 259.035, F.S., consistent with the purposes for which the lands are acquired." The management policy statement for this project was included in the 2003 Florida Forever Annual Report adopted by the Board of Trustees on August 26, 2003. Staff recommends that the Board of Trustees confirm the management policy statement as follows:

The Division of Forestry proposes to manage the project under a multiple-use management regime consistent with the DOF management of the Cary State Forest, the Jennings State Forest and the Cecil Field Conservation Corridor, all of which are adjacent to this project. The acquisition goals and objectives as approved by ARC would include timber management and restoration, low-impact diverse recreation uses, and management of archeological and historic sites, habitat and other biological resources.

This acquisition is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands section of the State Comprehensive Plan.

(See Attachment 4, Pages 1-81)

RECOMMEND APPROVAL