

**AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
DECEMBER 4, 2007**

Item 1 Dreyer Option Agreement/San Felasco Hammock Preserve State Park

REQUEST: Consideration of an option agreement to acquire 22.49 acres to be managed as part of the San Felasco Hammock Preserve State Park from Sallie Dreyer, Trustee for the Jacqueline J. Winter Living Trust.

COUNTY: Alachua

LOCATION: Section 08, Township 09 South, Range 19 East

CONSIDERATION: \$526,000

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Candler (2/08/06)	APPROVED <u>VALUE</u>	SELLER'S PURCHASE <u>PRICE</u>	TRUSTEES' PURCHASE <u>PRICE</u>	OPTION <u>DATE</u>
Winter	22.49	\$526,500	\$526,500	unknown*	\$526,000** (99%)	120 days after BOT approval

* Jacqueline Winter purchased the property on November 9, 1971 for an unknown amount.

**\$23,388 per acre.

Noted Features:

- The neighborhood has historically experienced continuous growth patterns of mostly residential with commercial activity keeping pace.
- According to the Alachua County Zoning Department, the property is zoned A - Agricultural, with an "Estate Residential" land use.
- The property contains 22.49 total acres, with 0.30 acres of wetlands.
- Value is based on price per overall acre.
- Direct access to the property is from Northwest 77th Street approximately ½ mile north of State Road 232.
- San Felasco Hammock State Preserve is located on both the east and west sides of the subject.

STAFF REMARKS: The Winter parcel has been identified on the Department of Environmental Protection's (DEP) Division of Recreation and Parks' (DRP) Additions and Inholdings list. This agreement was negotiated by DEP's Division of State Lands on behalf of DRP under the State Parks' Additions and Inholdings Florida Forever program.

Property Description

This property is triangular in shape and divides an area, almost a mile in length, in the southeastern portion of the San Felasco Hammock Preserve State Park (Park). Acquiring this parcel will connect and protect a critical link in the 6,900-acre park, thus allowing better access and management of the property.

The Park has one of the few remaining mature forests in Florida, and has long been recognized as an outstanding and unique natural resource. The Limestone outcrops and extreme changes in elevation provide ideal conditions for many species of hardwood trees, including several champion trees. Bobcats, white-tailed deer, gray foxes, and turkeys, along with endangered and threatened species, are found and make their homes in the 18 natural communities found in the Park.

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Preservation of the Winter parcel is crucial to the continued natural hydrology and good water quality of Blues Creek, as this parcel contains a portion of the floodplain and drainage basin for the Creek. Blues Creek eventually flows into the Floridan Aquifer via an underground connection found within the Park, approximately two miles to the west of the Winter parcel.

Mortgages and Liens

All mortgages and liens will be satisfied at the time of closing. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to DEP the authority to review and evaluate marketability issues as they arise on all chapter 259, F.S., acquisitions and to resolve them appropriately. DEP staff will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

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

Management

This parcel will be managed by DRP as an addition to San Felasco Hammock Preserve State Park.

Comprehensive Plan

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

(See Attachment 1, Pages 1-32)

RECOMMEND APPROVAL

2nd Substitute Item 2 BOT/Partial Release of Easement/Coastal Forest Resources Company

REQUEST: Consideration of a partial release of a malaria control easement to Coastal Forest Resources Company for residential development.

COUNTY: Gadsden

APPLICANT: Coastal Forest Resources Company (Coastal), a Virginia corporation

LOCATION: Sections 03 and 10, Township 01 North, Range 02 West, and Section 25, Township 02 North, Range 02 West

CONSIDERATION: Placement of a conservation easement (CE) on Coastal property, which is approximately 260 feet wide and 5.4 miles in length along the western bank of the Ochlockonee

2nd Substitute Item 2, cont.

River which totals 150 acres, more or less. The CE will be conveyed to the Northwest Florida Water Management District (District) with first right of refusal of transfer or assignment to the Board of Trustees.

STAFF REMARKS:

Background

In 1943 an easement covering approximately 932 acres was conveyed from B.L.Gregory, et al., to Florida Power Corporation (FPC) for the purpose of flooding and to control the spread of malaria by prohibiting development of this area. The 1943 easement was assigned to the Board of Trustees by FPC on December 14, 1970. On July 13, 1975, Coastal purchased the lands from the Gregorys, subject to this easement. The 1942 easement states that they will not erect or allow any dwelling house for the entire 932 acres. The easement also addresses malaria control as well as the ability to permit flooding certain small portions of property. The flooding control easement totals 3.1 acres. None of the 3.1 acres that pertain to flooding control is within the area to be released as it only deals with property in Section 2, Township 1 North, Range 2 West. The 932-acre parcel is mostly pine plantation and contains both uplands and wetlands and is part of a Department of Agriculture and Consumer Services, Division of Forestry (DOF), lease. However, this parcel is not actively managed by the DOF and they support the release of the 132 acres, more or less, from this easement.

Project Description

Coastal is requesting the Board of Trustees approve a release of 132 acres, more or less, from the malaria control easement for a residential development which is proposed for 300 units with a density of one residence per one third acre. The parcel to be released is primarily planted pine uplands with approximately one acre of wetlands. Coastal will convey a CE to the District which will be 260 feet wide and 5.4 miles in length totaling 150 acres, more or less, along the western bank of the Ochlockonee River. The CE will provide the Board of Trustees with the first right of refusal should the District decide to transfer or assign the CE. The lands covered by the CE are pristine river frontage which consists of primarily mixed bottomland hardwood habitats and is interspersed with a minimal amount of upland pine plantations. The District's Governing Board approved acceptance of the CE on September 27, 2007 subject to Board of Trustees' approval and release of 132 acres from the malaria control easement.

CE Prohibited Uses

Under the proposed CE, the property will be restricted in perpetuity by the provisions of the easement, a summary of which includes, but is not limited to, the following prohibited uses:

- subdivide the protected property;
- no construction of buildings, roads, signs or billboards or other advertising, except as specifically authorized in the CE;
- permit acts or uses detrimental to water retention areas;
- permit activities detrimental to water or soil conservation;
- contaminate the property;
- plant or grow exotic plants to be grown on the property;

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- commit an intentional act which will adversely impact known endemic threatened or endangered species;
- intentionally destroy or damage any archaeological sites;
- explore for or extract for commercial purposes any oil, gas or minerals, except that the mining and removal of sand to maintain roads on the protected property is allowed;
- only permit legally allowable hunting or fishing;
- cut or remove existing timber in the wetland areas; and
- no required permitted activity shall be conducted without prior consent of the Grantee, excluding activities related to timber management which are covered under Best Management Practices.

The District will be responsible for monitoring and enforcement of the CE.

Recommendation

Based on the following, the Department of Environmental Protection (DEP) staff recommends releasing the 132 acres, more or less, from the current malaria control easement:

- Coastal will convey a 150-acre, more or less, CE to the District with first right of refusal for transfer or assignment to the Board of Trustees;
- only 132 acres, more or less, of the existing 932-acre easement will be released;
- the lands being released are primarily uplands (131 acres) and have minimal environmental value compared to the 150 acre parcel being placed under the CE; and
- the lands that will be covered by the CE include pristine river frontage which consists of primarily mixed bottomland hardwood habitats and is interspersed with a minimal amount of upland pine plantations.

Coastal has provided a sketch and description of the 132 acres, more or less, to be released from the easement. However, Coastal will provide a boundary survey which must be reviewed and approved by the Division of State Lands, Bureau of Survey and Mapping, prior to the partial release of the malaria control easement being executed.

Comprehensive Plan

A consideration of the status of any local government comprehensive plans was not made for this item. DEP has determined that this action is not subject to the local government planning process. However, an increase in density on the property as described above would be subject to the local government planning process and would require submission of a large-scale, comprehensive plan amendment to the Department of Community Affairs for review.

(See Attachment 2, Pages 1-35)

RECOMMEND APPROVAL SUBJECT TO COASTAL CONVEYING THE 150-ACRE CE TO THE DISTRICT WITH FIRST RIGHT OF REFUSAL OF TRANSFER OR ASSIGNMENT TO THE BOARD OF TRUSTEES

3rd Substitute Item 3 Key West Marina Investments, LLC Consolidated Notice of Intent/Lease

REQUEST: Consideration of an application for (1) a five-year sovereignty submerged lands lease containing 253,367 square feet, more or less, with four automatic five-year renewals contingent upon the facility being in compliance with the terms and conditions of the lease at the time of renewal, for a proposed private yacht club docking facility (63 slips over sovereignty submerged lands and 47 slips in an adjacent man-made basin); and (2) authorization for placement of 270 linear feet of riprap.

COUNTY: Monroe
 Lease No. 440341905
 ERP File No. 44-0270189-002

APPLICANT: Key West Marina Investments, LLC, a Florida limited liability company

LOCATION: Section 36, Township 67 South, Range 25 East, in Hawk Channel, Class III waters, within the local jurisdiction of the city of Key West
 Aquatic Preserve: No
 Outstanding Florida Waters: No (submerged lands outside the fill spit creating the Outer Basin are part of the Florida Keys OFW. The nearby 9.57-acre parcel of submerged lands owned by the applicant is also within the Florida Keys OFW)
 Designated Manatee County: No
 Manatee Aggregation Area: No
 Manatee Protection Speed Zone: No

CONSIDERATION: \$45,493.58, representing: (1) \$35,790.62 as the initial lease fee computed at the base rate of \$0.14126 per square foot; (2) \$8,947.66 as the initial 25 percent surcharge payment; and (3) \$755.30 as lease fees in arrears for the prior use of sovereignty submerged lands, which has been paid. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable. The lease fee may be adjusted based on six percent of the annual income pursuant to section 18-21.011(1)(a)1, F.A.C. Fees will be revised upon receipt of an acceptable survey.

STAFF REMARKS: In accordance with rules adopted pursuant to sections 373.427(2) and 253.77(2), F.S., the attached "Recommended Consolidated Notice" contains a recommendation for issuance of both the permit required under part IV of chapter 373, F.S., and the authorization to use sovereignty submerged lands under chapter 253, F.S. The Board of Trustees is requested to act on those aspects of the activity which require authorization to use sovereignty submerged lands.

Project Synopsis

The applicant is proposing to construct a 110-slip private yacht club docking facility, with 63 slips over 253,367 square feet of sovereignty submerged lands and 47 slips (43 permanent, 4 temporary) in the man-made Inner Basin, adjacent to a commercial upland property presently being

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redeveloped into a private yacht club. The proposed docking facility will accommodate private recreational vessels ranging in lengths from 20 to 105 feet, with 2 to 5.5 foot drafts. These vessel limits are included as special lease conditions.

Background

This site, located at Stock Island in the city of Key West, has been operated as a commercial marina since the 1960s. The site consists of uplands and an “L” shaped man-made Inner Basin created by historic dredging and filling, and a 6.44-acre round Outer Basin almost completely encircled by a fill spit that functions as a breakwater. The Board of Trustees conveyed the fill spit by Certificate No. 29526 (4647-44) in 1996. The Board of Trustees conveyed the uplands and Inner Basin by Deed No. 21117 in 1956 and Deed No. 26595 in 1986. The Outer Basin was dredged to depths averaging -14 feet mean low water in the 1960s, with the dredged material used to create the breakwater. The applicant also owns a 9.57-acre parcel of submerged lands just west of the project site that was conveyed by Board of Trustees’ Deed No. 20903 in 1957.

The applicant acquired the privately-owned properties in July 2006. Because an existing marginal dock and associated mooring area in the Outer Basin was never brought under lease as required by rule, on November 19, 2007, the Department of Environmental Protection (DEP) and the applicant entered into a Temporary Use Agreement (TUA) for the sovereignty submerged lands preempted by that structure. The remainder of the Outer Basin was not included in the TUA because after purchasing the upland facility, the applicant requested that owners of vessels previously moored in the cove/basin cease mooring there. The vessel owners complied, and the Outer Basin is not currently used for mooring. Therefore, there is no ongoing preemption of sovereignty submerged lands in the Outer Basin other than the existing marginal dock. The TUA required payment of \$755.30 as lease fees in arrears for the prior use of sovereignty submerged lands. The applicant paid the lease fees in arrears on November 15, 2007.

On December 5, 2006, the Board of Trustees approved a land exchange with the applicant at the project site. The exchange provided that the Board of Trustees would convey the 6.44-acre Outer Basin to the applicant in exchange for the applicant conveying to the Board of Trustees: (1) 8.01 acres of privately-owned uplands within the Florida Keys Ecosystem Florida Forever Project; and (2) the 9.57-acre privately-owned submerged land parcel just west of the project site. Additionally, the applicant was to grant the Board of Trustees a conservation easement along the upland shoreline adjacent to the 9.57-acre parcel and the outer perimeter of the breakwater to prevent any future development of marina facilities on the undisturbed 9.57-acre parcel and undisturbed sovereignty submerged lands outside of the breakwater. The exchange was not completed.

The upland property is being redeveloped into a private yacht club called Key West Harbour that will be part of the Yacht Club of the Americas network of private yacht club docking facilities. DEP issued Environmental Resource Permit No. 44-0270189-001 for the project’s stormwater management system on May 21, 2007. That permit authorizes 475 dry storage boat slips and recognizes the existence of 45 existing wet boat slips located on privately-owned submerged land in the Inner Basin.

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The Yacht Club of the Americas network includes several docking facilities statewide, including the Naples Harbour Yacht Club owned by Naples Marina Investments, LLC. That project's existing docking facility is subject to Board of Trustees' Lease No. 110804385. A November 26, 2007 inspection by DEP revealed lease violations consisting of: (1) vessels being moored beyond the lease boundary; (2) a dock extending beyond the lease boundary; (3) a fish cleaning station on the access dock being used for cleaning of mechanical parts with an unknown solvent; and (4) construction materials being temporarily stored on the access dock. DEP issued a Warning Letter to that lessee in October 2006 and February 2007 explaining that the fish cleaning table and mooring outside the lease were lease violations that must be corrected. The lessee informed DEP that the violations had been corrected. However, DEP's November 26, 2007 site inspection showed a recurrence of these violations, and a potential water quality violation from the discharge of solvents into the Gordon River from the parts cleaning activity. DEP and the lessee are working to resolve these violations.

In consideration of these repeated violations at the Naples Marina Investments, LLC, docking facility and to demonstrate its good faith efforts at the Key West Harbour facility, the applicant, in conjunction with a local government in the Florida Keys, acceptable to DEP, shall provide \$65,000 to fund a marine compliance position within the Florida Keys to be employed by that local government for one year. That staff person will review marine construction projects in the Florida Keys and will notify DEP if violations of DEP permits have occurred. That staff person will also work with local marina operators to provide appropriate information and support for best management practices and to encourage the marinas to participate in the State's Clean Marina program. If the selected local government is unable to create that position, the applicant will cooperatively work with DEP staff and provide an equivalent sum for an alternate project mutually agreed upon by the applicant and DEP within 60 days of written notice by DEP. This is addressed by a special approval condition.

Project Detail

The docks will be floating concrete docks held in place by concrete pilings and attached to fixed wooden access walkways by aluminum gangways. Although the proposed docking facility will preempt the entire Outer Basin and Inner Basin, it will not interfere with access to submerged lands, uplands, or marina facilities owned by anyone other than the applicant because the applicant owns all of the upland property surrounding the Outer Basin and Inner Basin. The project will also provide a boat washing facility on the uplands, a fueling facility accessible from the privately-owned Inner Basin, and sewage pump-out connections on each finger pier. The lease will authorize sewage pumpout facilities on sovereignty submerged lands, and prohibit fueling facilities and liveaboards on sovereignty submerged lands. There is no significant submerged or emergent vegetation within the proposed lease area. To protect submerged seagrasses in the vicinity of the Outer Basin's entrance channel, DEP's environmental resource permit will require installation of channel markers and shoal markers clearly directing boaters away from those resources.

The applicant proposes to convey to the Board of Trustees its 9.57-acre privately-owned submerged land parcel just west of the project site. In exchange for that conveyance, DEP

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request that the Board of Trustees grant a five-year sovereignty submerged lands lease, with four automatic five-year renewals (for a total of 25 years) contingent upon the facility being in compliance with the terms and conditions of the lease at the time of renewal. If DEP determines that the Key West Marina Investments, LLC, docking facility is in compliance at the end of each five-year term, the Key West Marina Investments, LLC, lease will be renewed for a five-year term pursuant to a delegation of authority. This has been addressed as a special lease condition.

DEP is currently in rulemaking to amend chapter 18-21, F.A.C., regarding the annual lease fee methodology. A special lease condition has been included to make the lease subject to any changes to the lease fee methodology if adopted by the Board of Trustees.

The applicant also proposes to place 270 linear feet of riprap in the Outer Basin to provide additional shoreline stabilization and habitat. DEP's environmental resource permit will include a letter of consent to authorize the riprap pursuant to rule.

The applicant's lease survey showing the proposed docking facility on sovereignty submerged lands currently includes a portion of the Outer Basin's entrance channel outside of the basin. This area will not be preempted by the proposed docking facility and should not be included in the lease. Therefore, a special approval condition requires the applicant to provide a revised survey and legal description excluding this area from the lease.

The docking facility will be operated as a private yacht club docking facility, with the applicant proposing to sell the right to use the boat slips on sovereignty submerged lands to the general public. To date, DEP has not discovered any boat slips on sovereignty submerged lands at the facility that have been sold. A special approval condition requires the applicant to develop and implement a DEP-approved wet slip user agreement disclosing the lease requirements to slip users.

The applicant has submitted to DEP the condominium documents that it is required to file with the Department of Business and Professional Regulation (DBPR) for the wet and dry slips that will be sold. The documents state that there will be an undetermined number of commercial space units including the club house and ship store, three "workforce housing units" above the ship store (affordable housing to be leased to marina employees), and three residential "market rate units" that will be sold. The workforce housing units and market rate units are excluded from the condominium. The condominium documents do not presently address the use of sovereignty submerged lands. A special approval condition requires the applicant to provide DEP a complete copy of the recorded documents, whether or not those documents are required to be filed with DBPR, prior to receipt of the lease. If DEP determines that any changes to the documents substantively change the relationships shown in the unrecorded draft documents that have been submitted, the special approval condition will require the DEP to determine whether the changes constitute heightened public concern requiring additional Board of Trustees' consideration.

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Public Interest

The Board of Trustees and the Florida Legislature have previously expressed concern about the loss of open to the public boat slips and associated privatization of the state's waterfront. Therefore, on its own merits, the applicant's proposal may not meet the "not contrary to" the public interest test required by Chapter 18-21, F.A.C. To meet this test, and to ensure that the lease is consistent with the exchange approved by the Board of Trustees on December 5, 2006, the applicant proposes to convey to the Board of Trustees a conservation easement along the applicant's shoreline from the intersection of the mean high water line and the western boundary of the applicant's 9.57-acre submerged parcel to the entrance of the Outer Basin at Boca Chica Channel. The conservation easement will prevent mangrove trimming/alteration and future construction of water access facilities from: (1) the upland shoreline adjacent to the applicant's undisturbed 9.57-acre submerged land parcel; and (2) the undisturbed sovereignty submerged lands outside of the Outer Basin, including the submerged lands waterward of the applicant's shoreline between the fill spit and the 9.57-acre submerged land parcel. The conservation easement will not adversely affect the applicant's ability to develop the Inner Basin and Outer Basin, and will help ensure the long-term biological integrity of the shallow seagrass areas in the 9.57-acre parcel of submerged land and sovereignty submerged lands on the outside of the Outer Basin. This recommendation is addressed as a special approval condition.

Permit Summary

DEP's environmental resource permit will authorize fueling in the privately-owned man-made Inner Basin and will prohibit liveboards on those lands and on sovereignty submerged lands in the Outer Basin. The permit will also incorporate several requirements designed to prevent and/or reduce impacts to water quality and submerged resources, thereby resulting in a net improvement to water quality at the site. These improvements include: elimination of historic discharge of pollutant laden waters associated with the historic commercial marina operations at the site; implementation of a marina operations plan guiding all phases of marina operation on the applicant's uplands and submerged lands in the Inner Basin and on sovereignty submerged lands in the Outer basin; installation of channel markers and shoal markers to protect valuable seagrass communities outside of the entrance channel; and installation of culverts in the northwest corner of the basin to enhance flushing in the basin. Additionally, DEP's Environmental Resource Permit (No. 44-0270189-001) for the upland development requires stormwater treatment to standards for Outstanding Florida Waters. As a result, DEP is of the opinion that the long-term secondary and cumulative impacts from this project will be improved as compared to historic conditions at the site, and that the proposed project will provide a net improvement to water quality in the Inner Basin and Outer Basin, thereby qualifying for issuance of an Environmental Resource Permit.

Noticing

The current lease request was not required to be noticed pursuant to section 253.115, F.S., because there are no property owners within 500 feet of the lease other than the Board of Trustees and the applicant.

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Commenting Agency

The recommendations of FWC regarding the protection of manatees have been addressed in the Environmental Resource Permit and/or lease. A special lease condition will require the applicant to ensure that the user of any slip at the docking facility enters into a signed agreement, between the applicant and the user, stating that the slip user agrees to comply with any speed zones established by Monroe County and approved by FWC.

Comprehensive Plan

A local government comprehensive plan has been adopted for this area pursuant to section 163.3167, F.S.; however, the Department of Community Affairs (DCA) determined that the plan was not in compliance. In accordance with the compliance agreement between DCA and the local government, an amendment has been adopted which brought the plan into compliance. The proposed action is consistent with the adopted plan as amended according to a letter received from the city of Key West.

(See Attachment 3, Pages 1-35)

**RECOMMEND APPROVAL SUBJECT TO THE SPECIAL APPROVAL
CONDITIONS, THE SPECIAL LEASE CONDITIONS, AND
PAYMENT OF \$44,738.28**

Item 4 Annual Land Management Review Team Findings

WITHDRAWN FROM THE NOVEMBER 14, 2007 AGENDA

REQUEST: Consideration of the Annual Land Management Review Team findings.

COUNTY: Statewide

STAFF REMARKS: Section 259.036, F.S., which was enacted ten years ago, requires the Board of Trustees, acting through the Department of Environmental Protection (DEP), to conduct land management reviews of selected conservation, preservation and recreation land titled in the Board of Trustees. The team assesses whether those lands are being managed for the purposes for which they were acquired, and whether they are being managed in accordance with their adopted management plans.

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The 2003 Florida Legislature amended section 259.036, F.S., to require that all conservation lands greater than 1,000 acres in size be reviewed at least every five years. The properties reviewed were selected from a database of the Board of Trustees' lands based on the following factors: size of the property; plan due dates; managing agency; previous land management review date; and geographic location.

Regional review team members were selected in accordance with the requirements of the legislation, to include representatives of the following: (1) county or local community in which the parcel is located; (2) Division of Recreation and Parks (DRP); (3) Department of Agriculture and Consumer Services' Division of Forestry (DOF); (4) Florida Fish and Wildlife Conservation Commission (FWC); (5) DEP's regulatory district office; (6) private land manager; (7) local Soil and Water Conservation District board of supervisors; and (8) a conservation organization.

Participating state agencies, soil and water conservation districts, local governments, and conservation groups have had continual input into the development and ongoing evolution of the review process. Most recently, DEP's Division of State Lands (DSL) staff convened a meeting on September 14, 2007 with many of the past participants and other stakeholders to discuss the possible revision to the land management review process. DEP is compiling the results of this meeting and will coordinate further with stakeholders to develop a more objective process for evaluating management of conservation lands owned by the Board of Trustees. Additionally, DEP coordinates with representatives of the Water Management Districts (WMD) to integrate land management reviews where WMD lands are adjacent to Board of Trustees' lands, and when the Board of Trustees has joint ownership of parcels with a WMD.

Twenty-five reviews were conducted during the 2006-2007 fiscal year, involving more than 237,615 acres of managed lands. Three of the reviews that were scheduled in May 2007 were cancelled due to wildfires and have been rescheduled for the 2007-2008 fiscal year. Finalized reports of the management review team findings have been provided to the managing agency, and the Acquisition and Restoration Council (ARC), as well as being made available on DSL's web site (<http://www.dep.state.fl.us/lands/oes/landmgmt/default.htm>). This report includes the first full year of reviews under a new DSL coordinator, as well as the regional teams being composed of mostly new participants. This change in personnel was implemented to address concerns expressed by some legislators. In response, DEP encouraged participating agencies and other groups to alter their representation, rather than assign the same representatives who had previously participated as review team members.

An overview of the management review team findings (determined by majority vote) follows:

- Public access was adequate on five sites (20 percent), excellent on eighteen (72 percent) of the sites the teams visited, and inadequate on two sites (8 percent);
- On five sites (20 percent) over 30 percent of the fire dependent lands had been treated according to prescription. On fifteen sites (60 percent of the sites reviewed), over 60 percent of the fire dependent lands had been treated according to prescription. On four sites (16 percent) less than 30 percent had been treated according to prescription. One site (4 percent) had no fire dependent communities;

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- On eighteen sites (72 percent) the teams found the burn frequency adequate to preserve, restore, or maintain the natural communities. On six sites (24 percent) the teams found the burn frequency inadequate to preserve, restore, or maintain the natural communities. One site (4 percent) had no fire dependent communities;
- On twelve sites (48 percent) the team found fire quality to be adequate to excellent. On twelve sites (48 percent), the team found fire quality to be inadequate. (Each managing agency is responsible for prescribed burning the lands they manage). One site (4 percent) had no fire dependent communities;
- Control of non-native invasive plants was a management issue on most of the lands reviewed, and the team found control measures were inadequate on one site (4 percent), adequate on one site (4 percent), and excellent on twenty-three (92 percent) of the sites reviewed;
- Fourteen sites (56 percent) had plans that adequately covered testing for degradation of surface waters, and eleven sites (44 percent) had adequate testing for groundwater;
- Seventeen sites (68 percent) were found to be excellent, six sites (24 percent) were adequate, and two sites (8 percent) were inadequate in actual management practices to protect listed plants and animals on site. Similarly, for twenty three sites (92 percent), the team found the management plans adequate to excellent for on-site protection of listed plants and animals or inventories of listed plants and animal. The management plans for two sites (8 percent) were found to be inadequate in this regard;
- On twenty sites (80 percent) law enforcement was adequate to excellent to protect the resources. On five sites (20%), law enforcement was inadequate; and
- On twenty-four sites (96 percent) the public education and outreach programs were found to be adequate to excellent and on one site (4%) the program was found to be inadequate.

The review teams observed many examples of management meriting special mention:

- Lake Wales Ridge State Forest, the team commended DOF for its aggressive exotic invasive plant monitoring and treatment program;
- Catfish Creek State Park, the team commended DRP staff for the outstanding natural resource management with limited staffing and funding;
- Apalachicola National Estuarine Research Reserve, the team commended the Office of Coastal and Aquatic Managed Areas (CAMA) for the many outstanding public outreach and environmental education programs offered; and
- Apalachicola Wildlife and Environmental Area, the team commended the FWC for its dedication to development of an outstanding natural resource management program over a large, complex landscape with minimal staffing.

Overall, the review teams found that the managers of these areas are dedicated professionals who are doing an excellent job with the resources available.

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Many of the management problems noted in the findings may be directly related to the following:

- On fourteen sites (56 percent) the teams found that staffing levels were inadequate; on eight sites (32 percent) staffing levels were adequate; and only on three sites (12 percent) were staffing levels excellent;
- On thirteen sites (52 percent) the teams found that funding levels were inadequate to properly manage resources; on eleven sites (44 percent) funding levels were adequate, and only on one site (4 percent) were funding levels excellent; and
- On four sites (16 percent) the teams found the equipment inadequate to properly manage the property; seven sites (28 percent) were adequately equipped, and fourteen sites (56 percent) were excellently equipped.

All twenty-five sites reviewed were found to be managed for the purpose for which they were acquired, as determined by a consensus vote. Actual management practices, including public access, were found by consensus vote to be in compliance with the management plans at all but St. Lucie Inlet Preserve State Park, Haw Creek Preserve State Park, and Doris Leeper Spruce Creek Preserve.

Due to extenuating circumstances beyond the manager's control during the devastating 2005 hurricane season, St. Lucie Inlet Preserve State Park, managed by DEP's DRP, was found not to be in compliance with the management plan. The disturbance created, as a result of a dredge pipeline easement through the upland portion of the park for a beach renourishment project to protect private lands north of the park, was the primary reason the park was found not to be in compliance. This easement was granted as an emergency issuance by DSL in October 2005. A previously used easement path for the pipeline was determined to be unacceptable after further biological assessment, because it now was populated by an endangered species, the beach star. To avoid impacting the beach star, the decision was made to pass through the maritime hammock and coastal strand natural communities where no endangered species were located. The review team's opinion was that this was in conflict with the management plan's guidance for protection of the natural communities. To avoid future problems like this, DSL will develop procedures to address emergency activities not included in approved management plans.

Haw Creek Preserve State Park was donated to the State to be protected as a natural reserve and is managed by DEP's DRP. The property was transferred to the state with no legal public access to the uplands portion and public access to the park is by boat only. Access for management of the park is granted by verbal agreement from the adjacent private property owner. The park was found not to be in compliance with the management plan primarily because of very limited public access and lack of progress towards meeting management goals of natural resources, specifically fire-adapted natural communities. DRP evaluates it priorities on a regular basis to provide safe access to the public. In this case, the park is located in an area where there is already substantial public lands that offer ample recreation opportunities, therefore, while DRP still recognizes this as very important, it has listed this park as a lower priority for restoration and access purposes.

Item 4, cont.

Doris Leeper Spruce Creek Preserve, managed by Volusia County, was found not to be in compliance with the management plan primarily because of a lack of prescribed burning in fire dependent natural communities, and concerns about protection of sensitive archaeological resources from traditional recreational uses. The County has since taken steps to protect significant archaeological resources and is in the process of developing plans to improve, management of pyrogenic communities, endangered and threatened species, and visitor use.

Pursuant to section 259.036, F.S., if the land management review team determines that reviewed lands are not being managed for the purposes for which they were acquired, or managed in compliance with the adopted land management plan, DEP shall provide the review findings to the Board of Trustees, and the managing agency must report to the Board of Trustees its reasons for managing the lands as it has.

On this tenth anniversary of the Land Management Review Teams we note the following accomplishments:

- Teams have conducted 258 land management reviews and evaluated over 4 million acres of conservation lands. Nearly 1¼ million acres have been evaluated twice;
- 97 percent of sites reviewed are being managed in accordance with the purposes for which they were acquired and in compliance with their approved management plans;
- Of the 379 management units, 156 sites are over 1,000 acres. All but 23 of these sites have been reviewed at least once. Though not statutorily required to do so, teams have reviewed 59 of the 223 sites that are less than 1,000 acres. Management plans for all sites are reviewed by DSL and ARC. Site reviews are generally not conducted on sites less than 1,000 acres;
- Management agencies are doing a very good job developing comprehensive land management plans for protecting the state's natural and cultural resources and for identifying potential public uses, but are not doing as well implementing these plans, primarily due to insufficient funding, staffing and to some degree equipment;
- State agencies generally manage conservation lands in a manner that reflects their primary missions, i.e., DOF scores high in fire management, FWC scores high in species management, DRP scores high in public access and education, while CAMA scores high in water resource protection; and
- Overall, land management in nearly all categories appears to have improved in the last decade despite insufficient funding, staffing and equipment.

The report of the annual review team findings is submitted in accordance with section 259.036, F.S., and is consistent with the Natural Systems and Recreation Lands' section of the State Comprehensive Plan.

(See Attachment 4, Page 1)

RECOMMEND ACCEPTANCE

Item 5 Conservation Land Management Discussion

REQUEST: Discussion of management of conservation lands.

LOCATION: Statewide

STAFF REMARKS: At the November 14, 2007 Cabinet Meeting, the Governor and Cabinet directed the Department of Environmental Protection (DEP) staff to report on the management of the Board of Trustees' conservation lands, including unmet resource management needs, challenges regarding prescribed burning, and an evaluation of costs of conservation land management. Multiple reports address various aspects of the management issues for these conservation lands.

The annual reports of the Land Management Review Teams generically address the issues of how well the agencies are managing the natural resources, providing for public access and visitor use, and identify staffing and funding needs. Since its inception in 1997, teams have reviewed 192 of the trustees' 379 conservation sites (state parks, forests, wildlife management areas, preserves, etc.) or 51 percent of the sites. This represents over 2.8 million acres of the Board's 3.3 million acres of conservation lands. Approximately 1.25 million acres have been reviewed twice (44 percent of the acreage reviewed). The teams review both the management plans and their implementation for the following general categories: public access, outreach/education, law enforcement, fire quality, fire frequency, burn area, listed species, invasive species, restoration, surface water, ground water, funding, staffing, and equipment. In general, 62 to 75 percent of the sites reviewed are above average for visitor use-related categories and for fire management activities, 68 to 79 percent are above average for species management and restoration, 48 to 50 percent are above average for water management activities and for having adequate equipment, but only 18 percent of the sites reviewed are above average for staffing and funding.

The annual reports of the Land Management Uniform Cost Accounting Council generically address the issues of how the state agencies are spending their land management funds to manage the state's conservation land. These reports have been prepared since 2001 for the 2000-2001 Fiscal Year (FY). They summarize management into six major categories: resource management, administration, support, capital improvements, recreation visitor services, and law enforcement. Resource Management includes prescribed fire, invasive species control, cultural resource protection, timber management, hydrological restoration, and other land management activities. Administration includes the costs for central headquarters, district/regional offices, and office management at each site, including costs for fiscal planning, personnel, oversight, supervisory and general operating costs for facilities, such as electric, telephone, water and sewer, etc., plus other staff functions not captured elsewhere. Support includes land management planning and reviews; training and staff development; vehicle purchases, maintenance and operations; and other non-administrative activities not captured under other categories. Capital Improvements include new Fixed Capital Outlay facilities (i.e., roads, buildings, housing and other structures) and facility maintenance and repair. Recreation Visitor Services includes information and education programs; and operations, including routine maintenance, cleaning and protection activities for resources, facilities, material, staff and visitors. Law Enforcement includes activities for enforcing criminal, conservation and boating laws on land, freshwater and marine environments, including administrative, patrol and investigative expenses.

Item 5, cont.

Collectively, the agencies spent \$196.3 million to manage 3.2 million acres of conservation land in FY 2005-06. These funds were allocated as follows: 22 percent for resource management, 19 percent for administration, 12 percent for support, 22 percent for capital improvements, 16 percent for recreation visitor services, and 9 percent for law enforcement. The following table summarizes management costs by state agency and the average cost per acre with and without Fixed Capital Outlay.

Agency	Sites	Acres Managed	Management Cost	Cost/acre	Cost/acre w/o FCO
DEP Division of Recreation& Parks	159	724,629	\$85,236,533	\$118	\$86
DEP Coastal & Aquatic Managed Areas	3	55,949	\$3,839,515	\$69	\$54
DEP Greenways & Trails	9	86,964	\$10,376,194	\$119	\$61
DACS Division of Forestry	33	1,001,668	\$30,240,662	\$30	\$25
Fish & Wildlife Conservation Commission	40	1,346,391	\$49,242,169	\$37	\$33
DOS Division of Historical Resources *	n/a	n/a	\$7,733,179	n/a	n/a
DEP Division of State Lands**	n/a	n/a	\$9,586,877	n/a	n/a
Totals	244	3,215,601	\$196,255,130	\$61	\$48

* Division of Historical Resources expenditures for archaeological/historical surveys, studies, artifact management, training state land managers, etc., & for management of Mission San Luis.

** Division of State Lands expenditures by Bureau of Invasive Plant Management for exotic vegetation control on state-managed lands & by Office of Environmental Services for monitoring conservation easement on private lands.

Beginning in FY 1993-94, funding from the Conservation and Recreation Lands (CARL) Trust Fund for management of conservation lands was tied to the cumulative amount of money deposited into the Florida Preservation 2000 Trust Fund and the Florida Forever Trust Fund (i.e., the major land acquisition programs). Pursuant to s. 259.032(11), Florida Statutes, an amount equivalent to up to 1.5 percent of the cumulative total of funds ever deposited in the two land buying trust funds shall be made available from CARL for the purposes of management, maintenance, and capital improvements, and for associated contractual services. In February of 1993, the state managing agencies entered a Memorandum of Agreement establishing the process for how the CARL funds would be allocated to the agencies. This formula was based on interim management needs for newly acquired properties, on the number of “long-term” acres managed by each agency that qualified for funding, and on the intensity of management required. Sites requiring more intense management due to higher visitor use, exceptional needs or small size were allocated three times as much funding per acre as typical management sites. In FY 2005-06 the per acre allocation for typical management was computed at \$28.86 per acre, while that for intense management was computed at \$86.59 per acre.

Only management sites that were acquired under Chapter 259, Florida Statutes, qualified for CARL funding, but funds received could be used for any site managed by the agency. In FY 2005-06 the agencies received \$66.3 million to manage the 1.62 million acres that qualified for CARL funding (50 percent of the 3.2 million acres managed by the state agencies). This dollar

Item 5, cont.

amount represented 34 percent of the funds spent on management. Other funding sources (e.g., State Park Trust Fund, State Game Trust Fund, Incidental Trust Fund, etc.) provided \$117.6 million to support management activities. The qualifying acreage and funding allocations from CARL and other sources are shown below for the state agencies managing the Board's conservation lands.

Agency	CARL funded acres	non-CARL funded acres	% CARL acres	CARL Funds	Other Funds	% CARL funds
DEP Division of Recreation & Parks	378,119	346,510	52%	\$21,381,032	\$63,855,501	25%
DEP Coastal & Aquatic Managed Areas	32,368	23,581	58%	\$1,138,286	\$2,701,229	30%
DEP Greenways & Trails	21,823	65,141	25%	\$2,215,571	\$8,160,623	21%
DACS Division of Forestry	656,391	345,277	66%	\$20,294,381	\$9,946,281	67%
Fish & Wildlife Conservation Commission	529,256	817,135	39%	\$16,291,383	\$32,950,786	33%
DOS Division of Historical Resources *	n/a	n/a	n/a	\$4,964,107	n/a	n/a
Totals	1,617,956	1,597,645	50%	\$66,284,760	\$117,614,421	34%

* Division of Historical Resources expenditures for archaeological/historical surveys, studies, artifact management, training state land managers, etc., & for management of Mission San Luis.

(See Attachment 5, Pages 1-28)

RECOMMEND DISCUSSION

Item 6 Florida Keys National Marine Sanctuary Annual Status Report

REQUEST: Acceptance of the tenth annual status report of the Florida Keys National Marine Sanctuary.

COUNTY: Monroe

STAFF REMARKS: On January 28 1997, the Board of Trustees, approved the Florida Keys National Marine Sanctuary (Sanctuary) management plan for implementation in state waters and adopted a resolution containing conditions for that approval. The annual submission of a report of the activities and conditions of the Sanctuary to the Board of Trustees is one of those requirements. This is the tenth of those annual reports covering the period of July 2006 through June 30, 2007. The following items describe the condition of the resources and the most significant Sanctuary activities during this period.

Item 6, cont.

Site Profile

The Sanctuary was designated in 1990 and encompasses 2,900 square nautical miles around the Florida Keys. The Sanctuary supports a diverse assemblage of underwater plants and animals in coral reef, mangrove, seagrass and hardbottom habitats. This complex ecosystem that abuts Everglades National Park, Biscayne National Park and surrounds Dry Tortugas National Park as well as three National Wildlife Refuges is the foundation for the tourism and fishing based economies that sustain Monroe County.

Corals

Coral reefs declined in health on a global scale between 1996 and 1999 due to global coral bleaching events in 1997 and 1998. The percent loss of cover seen around the world in the past 20 years generally has ranged upward from 40 percent. The exact amount of loss varies depending on location and coral species. In the Florida Keys, there was a 38 percent decline in overall coral cover in the Sanctuary from 1996 (12 percent) through 1999 (7.4 percent), most probably due to lack of recovery during the bleaching events. From 1999 through 2003, overall coral cover did not significantly change, but there was a statistically significant decrease in stony coral cover Sanctuary-wide between 2003 (7.2 percent) and 2004 (6.8 percent). The reason for this drop in coral cover is not clear, but is probably due to multiple stressors, such as degraded water quality, coral diseases, physical impacts, and over-fishing. Preliminary data analysis indicates that a further significant decrease did not occur in 2004 - 2005, despite passage of four hurricanes and a serious coral bleaching event. Similar coral loss trends have been observed throughout the Caribbean.

Especially troubling in the Florida Keys and Caribbean, is the particularly large loss of two coral species which are very important in building the framework of coral reefs. Locally, *Montastraea annularis* (Lobed Star Coral) represented 35 percent of the stony coral coverage in 1996, and has decreased from 4.1 percent coverage in 1996 to 2.6 percent in 2004. Similarly *Acropora palmata* (Elkhorn coral) decreased from 1.1 percent coverage in 1996 to 0.3 percent in 2004. Although there has been some local recovery of Elkhorn coral, the overall decline Sanctuary-wide is cause for concern for the future of healthy, accreting coral ecosystems in the Florida Keys.

The concept of reef resiliency is to identify reefs that are remaining healthy, even in areas where other corals are showing disturbance, stress or damage. Using this approach, research and management activities are then focused to enhance the benefits of healthy reefs and improve conditions for less healthy corals. The Florida Reef Resilience Program (FRRP) is an effort initiated through discussions between the State of Florida, The Nature Conservancy, the National Oceanic and Atmospheric Administration (NOAA), and the Great Barrier Reef Marine Park Authority. The Department of Environmental Protection's (DEP), Office of Coastal and Aquatic Managed Areas (CAMA) has been the main representative for Florida in the FRRP. CAMA staff in the Sanctuary has worked with FRRP partners for the past 3 summers monitoring coral bleaching using a protocol developed by FRRP. This monitoring will help to define the connection between bleaching, disease, and coral cover loss. Additionally CAMA and the Sanctuary have identified specific research projects targeted at discovering the basis for

Item 6, cont.

resiliency in corals. Some promising research areas include, identifying specific genes in resilient corals; defining the symbiotic algal flora that promotes health in coral; and development of staghorn coral nurseries. Sanctuary staff is playing a key role in connecting Sanctuary resource management questions with targeted research goals.

Coral spawning is another area of research where Sanctuary staff has played a key role. This spectacular underwater “snowstorm” created on a few particular nights each summer by some species of hard coral, was the focus of renewed attention as the Sanctuary joined with Mote Marine Laboratory to conduct a ten-day research cruise to observe and document the phenomenon in the Looe Key Sanctuary Preservation Area. The team documented spawning of eight species of coral, and Mote researchers succeeded in growing juvenile corals in their Summerland Key laboratory using elkhorn coral spawn collected during the expedition.

Seagrass

Seagrasses have been quantitatively monitored in the Sanctuary since 1995. Seagrasses were completely lost at 3 of 30 permanent sampling sites during hurricanes in 1998 and 1999. At the remaining 27 sites, the benthic communities have been relatively stable. Changes in the nitrogen-to-phosphorus ratios of waters and seagrass leaves, and shifts in species composition of seagrass beds have been observed at some nearshore stations, indicating increased nutrient levels. Additional support for this trend is seen by the increase in the relative abundance of macroalgae over the period 1995 to 2004, at some sites.

Water Quality

In general, water quality is good Sanctuary-wide, although there is documentation of elevated dissolved inorganic nitrogen in nearshore waters that has been evident since 1995. In addition, on the gulf side of the Keys there are consistently elevated levels of dissolved inorganic nitrogen, total organic carbon, turbidity, total phosphorus, and chlorophyll.

DEP completed a water quality monitoring program in Monroe County during 2006 as part of the Phase 2 assessment of the Total Maximum Daily Load Program. Those data will be used as a baseline to evaluate future water quality improvements anticipated from ongoing wastewater and storm water projects identified in the Water Quality Protection Program and Monroe County Sanitary Wastewater and Storm Water Master Plans.

Sanctuary Advisory Council

The Sanctuary Advisory Council (SAC) has been active, holding six full-day meetings covering a range of topics, including the algae bloom along the 18 mile stretch, illegal lobster habitat or “casitas”, coral and habitat restoration projects, and Everglades restoration, among others. In addition, a special Climate Change and Energy Workshop was held in May 2007.

Dr. Nancy Foster Florida Keys Environmental Complex

The Sanctuary entered a new era of public education and outreach with the opening of the Florida Keys Eco-Discovery Center in Key West. Through June of 2007, the center has already

Item 6, cont.

recorded attendance of over 15,979 visitors, and a new partnership with Mote Marine Laboratory will bring the addition of several aquariums displaying coral propagation and local fish and invertebrates in the upcoming year.

Research and Monitoring

Scientific research and monitoring, the basis of ecosystem management in the Sanctuary, involves dozens of projects conducted by a wide range of academic institutions, state and federal agencies, and other organizations. Five years after establishment of the Sanctuary's largest no-take area, the Tortugas Ecological Reserve, studies have shown increasing numbers and sizes of commercially and recreationally important fish species and other marine life, including increases in size and abundance of black grouper; gradual recovery of a mutton snapper spawning aggregation; and an increase in the number of large fish inside the reserve. Improvements in the reserve's fish populations may help sustain fish stocks in the Keys and further north, as more and larger fish produce larvae that are carried downstream on ocean currents. Analysis of Sanctuary marine zoning to date has shown that some heavily exploited, mobile species of fish have increased in population density and body size without any indication of adverse socio-economic impact.

Volunteers

Sanctuary volunteers supported eight project areas including research, stewardship, restoration, and environmental education. Volunteers dedicated to resource protection in the Florida Keys contributed 3,470 hours during calendar year 2006, at an estimated value of \$65,131. Members of the SAC led a volunteer effort to relocate more than 2,000 juvenile long-spined black urchins from the vulnerable reef rubble zone to safer waters before the height of hurricane season. Long-spined urchins play a critical role in coral reef health by grazing on algae, leaving behind bare rock that is important habitat for juvenile coral recruitment. A mass die-off of urchins occurred during the early 1980s, which many scientists now cite as a factor in the decline of Caribbean coral reefs. Volunteers also continued to provide essential support to Sanctuary activities including visitor assistance, shoreline and reef clean-up, and reef repair.

Maritime Heritage Resources

A new interpretive exhibit of a preserved 18th century cannon was installed at the Key Largo Chamber of Commerce, and an Atlas of Maritime Heritage Resources was created. A State of Florida/Sanctuary collaborative historical shipwreck site survey is ongoing and a significant educational archaeological historical shipwreck project was completed.

Marine Debris

Funding from the State of Florida was used to leverage a NOAA marine debris grant that was used to remove materials dumped into the Gulf of Mexico to attract spiny lobsters for illegal harvest. The illegal artificial reefs can destroy the natural seagrass and hardbottom where they are placed, and research is ongoing regarding other environmental and economic effects.

Item 6, cont.

Enforcement

Enforcement faced multiple challenges, including 487 groundings (up from 301 last year) and the removal of 436 derelict vessels, most of which resulted from the hurricanes of 2005. Enforcement actions required injury assessment at 36 of the grounding sites, and Sanctuary staff, contractors, and volunteers conducted restoration at 24 injury locations.

(See Attachment 6, Pages 1-27)

RECOMMEND ACCEPTANCE

Item 7 Florida Keys National Marine Sanctuary Management Plan

REQUEST: Acceptance of the management plan for the Florida Keys National Marine Sanctuary.

COUNTY: Monroe

STAFF REMARKS:

Background

On November 16, 1990, Congress passed the Florida Keys National Marine Sanctuary and Protection Act [Public Law 101-605 (H.R.5909)] (hereinafter referred to as "the Act"). This legislation provided federal authority to implement the regulations required to protect the marine resources of the Florida Keys and established the Florida Keys National Marine Sanctuary (Sanctuary). The Sanctuary would join the National Marine Sanctuary Program (NMSP) within the National Oceanic and Atmospheric Administration (NOAA).

The Sanctuary now encompasses 2,900 square nautical miles of coastal and oceanic waters, and the submerged lands there under, surrounding the Florida Keys and extending westerly to the Tortugas Banks. Approximately 65 percent of the Sanctuary is comprised of the sovereignty submerged lands of the State of Florida.

The Act provided for the development of a comprehensive management plan to be developed through cooperation among all involved governmental agencies at the federal, state and local levels, and the general public.

Section 5(c) of the Act provided for the inclusion of the area located within waters of the State of Florida into the Sanctuary, unless the State of Florida objected in writing. The Board of Trustees responded by adopting a resolution on December 18, 1990 specifying the provisions under which state waters would be considered for inclusion into the Sanctuary. One provision was that the

Item 7, cont.

decision regarding the inclusion of state waters would be made following completion of the management plan. Another was that the management plan development process would include state participation.

Over the next six years, thousands of people from the private and public sectors, with coordination by NOAA and the Department of Environmental Protection (DEP), worked through numerous meetings and hearings, and the submittal of written input. In April of 1995, a draft management plan was released. This was followed by six Info-Expos, six formal public hearings, and workshops chaired by Sanctuary Advisory Council (SAC) members. Sixty-five hundred public comments were received, reviewed and addressed in the final management plan, completed in 1996.

The Board of Trustees adopted the Sanctuary Management Plan on January 28, 1997 through a resolution, specifying the conditions and agreements between the State of Florida and NOAA for the long-term cooperative management of the Sanctuary. Because of this cooperative management arrangement, the Sanctuary refers to NOAA and the State of Florida as co-trustees and their designated representatives from NOAA's NMSP, DEP and the Florida Fish and Wildlife Conservation Commission (FWC) working cooperatively to implement the strategies outlined in this plan.

Revised Management Plan

The *2007 Revised Management Plan* (Plan) document under consideration is the result of the five-year review of the strategies and activities detailed in the management plan. The Plan serves the following three primary purposes:

- 1) Update readers on the status and outcomes of strategies;
- 2) Disseminate useful information about the Sanctuary and its management strategies, activities and products; and
- 3) Serve as a guide for the next five years of Sanctuary management.

Regulations

The Plan does not propose any regulatory changes. The existing regulations, as approved by the Board of Trustees, will continue. A separate regulatory review process will be conducted to evaluate the need and appropriateness for any regulatory changes. This separate regulatory review process is presently anticipated to begin during FY 2008. The process will include coordination between NOAA, DEP and FWC. It will also include opportunities for stakeholder and general public input. Any changes to regulations that might be proposed as a result of this process would be brought before the Board of Trustees for review and approval. This is a separate action from approval of the management plan and approval of the management plan does not limit in any way Board of Trustees action on any potential regulatory changes that may

Item 7, cont.

be proposed at a later time. Under the terms of the agreement with NOAA, any proposed regulations that impact fishing activities would be coordinated with and brought before FWC prior to review by the Board of Trustees.

Review Process

The revision process began in early 2001 with a meeting in Tallahassee, Florida, among Federal and State partners responsible for Sanctuary management. The review process also included the SAC and the general public in every step of the process.

In the late spring and summer of 2001, Sanctuary staff, working closely with the SAC, held scoping meetings and re-convened action plan working groups that had been created during development of the 1996 management plan. The scoping meetings were held in Marathon, Key Largo, and Key West, and gave the public the opportunity to meet with SAC members, Sanctuary managers and staff. The meetings included round-table discussions on every action plan.

The scoping period for the revision process lasted from June 8 through July 20, 2001. Approximately 30 comments were received - a sharp contrast to the more than 6,500 public comments received during the comment period for the 1996 management plan. In addition, the working groups held more than three dozen meetings between June and September 2001, to discuss, evaluate, revise and update action plans. SAC members and Sanctuary staff who had served on the working groups presented the proposed revisions to the SAC at three meetings in October 2001. The full advisory council recommended minor changes and approved each action plan in the Plan document.

Between 2001 and 2004, numerous drafts of each action plan and strategy were prepared and reviewed by the Sanctuary Management Team, Action Plan Leads and NMSP headquarters staff. In February 2005 the Plan was published and distributed for public review and comment. A notice was placed in the Federal Register. A series of public meetings were held in the Florida Keys including meetings in Key Largo, Marathon and Key West. This formal comment period extended from February 15, 2005 to April 15, 2005. Responses were received from approximately 20 commenters. All of the comments were reviewed by the Sanctuary Management Team and Action Plan Leads, responses were formulated, and as appropriate, incorporated into the Plan. Between August 2006 and May 2007 Sanctuary staff and staff in the NMSP and DEP headquarters units worked together to review, refine and ensure consistency with the most recent and up-to-date information, and management practices and policies. The Plan has been reviewed and approved by NOAA, subject to any changes requested by the Board of Trustees.

Revised Management Plan Overview

During the five years since the previous management plan evaluation was presented to the Board of Trustees, many strategies have been successfully implemented, and several significant activities and achievements have occurred. There have not been any major changes in the Plan

Item 7, cont.

though, and the focus has rather been to better describe the programs and approaches that guide management of the Sanctuary. This will help scientists, managers and the public understand the programs, policies, and strategies and facilitate public engagement.

In the Plan, action plans articulate the programs and projects used to address the resource issues identified in the Sanctuary and to fulfill the purposes and policies of the Act. Each action plan is composed of strategies sharing common management objectives and activities, which are the specific actions the Sanctuary and its partners will take to implement the strategies. The action plans have been clarified to better reflect priorities and what can be implemented within funding available or projected. In order to assess effectiveness and evaluate progress, performance measures have also been added for each action plan.

The 1996 management plan included ten action plans. In the Plan, four new action plans have been added: Science Management and Administration, Damage Assessment and Restoration, Operations, and Evaluation. In addition, the Submerged Cultural Resources Action Plan has been changed to the Maritime Heritage Resources Action Plan, while the Channel/Reef Marking Action Plan has been renamed to more accurately reflect the intent, which is Waterway Management, and the word "Marine" has been added to the Zoning Action Plan to clarify the title. The individual action plans have been grouped into five management divisions, in order to both improve the organization of the Plan as well as highlight management goals. The individual action plans for the Sanctuary are organized in the following divisions:

Sanctuary Science

- Science Management and Administration Action Plan
- Research and Monitoring Action Plan

Education, Outreach and Stewardship

- Education and Outreach Action Plan
- Volunteer Action Plan

Enforcement and Resource Protection

- Regulatory Action Plan
- Enforcement Action Plan
- Damage Assessment and Restoration Action Plan
- Maritime Heritage Resources Action Plan

Resource Threat Reduction

- Marine Zoning Action Plan
- Mooring Buoy Action Plan
- Waterway Management Action Plan
- Water Quality Action Plan

Administration, Community Relations and Policy Coordination

- Operations Action Plan
- Evaluation Action Plan

Item 7, cont.

Highlights of Accomplishments Under Initial Management Plan

- Coral reefs declined in health on a global scale between 1996 and 1999 due to global coral bleaching events in 1997 and 1998. There was a 38 percent decline in overall coral cover in the Sanctuary from 1996 (12 percent) through 1999 (7.4 percent), most probably due to lack of recovery during the bleaching events. From 1999 through 2003, overall coral cover did not significantly change, but there was a statistically significant decrease in stony coral cover Sanctuary-wide between 2003 (7.2 percent) and 2004 (6.8 percent). The reason for this drop in coral cover is not clear, but is probably due to multiple stressors, such as degraded water quality, coral diseases, physical impacts, and over-fishing. Preliminary data analysis indicates that a further significant decrease did not occur in 2004 - 2005, despite passage of four hurricanes and a serious coral bleaching event.
- Seagrasses have been quantitatively monitored in the Sanctuary since 1995. Seagrasses were completely lost at 3 of 30 permanent sampling sites during hurricanes in 1998 and 1999. At the remaining 27 sites, the benthic communities have been relatively stable. Changes in the nitrogen-to-phosphorus ratios of waters and seagrass leaves, and shifts in species composition of seagrass beds have been observed at some nearshore stations, indicating increased nutrient levels. Additional support for this trend is seen by the increase in the relative abundance of macroalgae over the period 1995 to 2004, at some sites.
- In general, water quality is good Sanctuary-wide, although there is documentation of elevated dissolved inorganic nitrogen in nearshore waters that has been evident since 1995. In addition, on the gulf side of the Keys there are consistently elevated levels of dissolved inorganic nitrogen, total organic carbon, turbidity, total phosphorus, and chlorophyll.
- A No Discharge Zone for state waters in the Sanctuary was implemented on June 19, 2002 as the result of the state's request to the U. S. Environmental Protection Agency to prohibit sewage discharges from boats in the Florida Keys.
- Fully Protected Marine Zone monitoring has shown that the size and numbers of spiny lobsters have increased, and some heavily exploited, mobile species of fish have increased in population density and body size, without any indication of adverse socio-economic impact.
- A mooring buoy field of 36 sites for public use was installed in the Tortugas Ecological Reserve North.
- The *P/V Peter Gladding*, a new vessel dedicated to law enforcement, was commissioned.

Item 7, cont.

- The Dr. Nancy Foster Environmental Complex opened in Key West. The complex has new Sanctuary offices and a world-class visitor education center.
- The International Maritime Organization designated a 3000 square nautical mile area, which encompasses the entire Sanctuary as a Particularly Sensitive Sea Area (PSSA) on December 1, 2002. This is one of only five in the world. Ships greater than 50 meters (164 feet) are prohibited from anchoring in the zone and are entirely excluded from certain areas within the zone. This will safeguard vulnerable natural resources while simultaneously supporting shipping by preventing groundings.
- As a result of the 2005 hurricanes, approximately 436 derelict vessels were scattered throughout the waters of the Sanctuary. FWC's Sanctuary Enforcement Team (SET) worked diligently with NOAA's General Counsel, the United States Coast Guard, DEP, Monroe County Marine Resource Division and State's Attorney's Office, as well as the vessels' owners to facilitate the removal of these and other derelict vessels.
- The Florida Reef Resilience Program is a partnership between the State of Florida, The Nature Conservancy, NOAA, and the Great Barrier Reef Marine Park Authority that seeks to improve ecological conditions of Florida's reefs and economic sustainability by maximizing the benefits of naturally resilient reefs while seeking to improve the condition of those that are less resilient.

Plan submitted under separate cover.

(See Attachment 7, Pages 1-6)

RECOMMEND ACCEPTANCE OF THE REVISED MANAGEMENT PLAN