

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
MARCH 25, 2008
Substitute Page

Item 1 Minutes

Submittal of the Minutes from the January 31, 2008 and February 12, 2008 Cabinet Meetings.
(See Attachment 1, Pages 1-27)

RECOMMEND APPROVAL

Item 2 Confirmation of Appointment/Director, Division of State Lands

REQUEST: Consideration of confirmation of the appointment of Deborah Poppell as the director of the Division of State Lands of the Department of Environmental Protection.

STAFF REMARKS: Pursuant to section 20.255(3)(h), F.S., the appointment of the director of the Division of State Lands of the Department of Environmental Protection must be confirmed by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.

RECOMMEND APPROVAL

Substitute Item 3 TNC Option Agreement (Davidson Ranch)/FWC/Fish and Wildlife Habitat Program

REQUEST: Consideration of an option agreement to acquire 720 acres under the Florida Fish and Wildlife Conservation Commission's Fish and Wildlife Habitat Acquisition Program from The Nature Conservancy.

COUNTY: Gilchrist

APPLICANT: Florida Fish and Wildlife Conservation Commission (FWC)

LOCATION: Sections 34 and 35, Township 08 South, Range 16 East

CONSIDERATION: \$2,000,000

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY		<u>APPROVED</u> <u>VALUE</u>	<u>SELLER'S</u> <u>PURCHASE</u> <u>PRICE</u>	<u>PURCHASE</u> <u>PRICE</u>	<u>OPTION</u> <u>DATE</u>
		<u>(04/20/07)</u> Catlett	<u>(04/20/07)</u> Schlemmer				
TNC aka Davidson Ranch Parcel	720	\$6,300,000	\$5,500,000	\$6,300,000	\$720,000*	\$2,000,000** (32%)	120 days after BOT approval

* The Nature Conservancy purchased the property in 1991 for \$720,000.
** \$2,778 per acre.

Substitute Item 3, cont.

Noted Features of Subject Property:

720 upland acres.

Access is via NE 65th Avenue and SE 80th Avenue (County Road 337).

Zoning classification is A-2 - Agricultural, Single-Family Residential, a zoning classification which permits either type of land use. The maximum permitted residential development density is one dwelling unit per five acres.

Highest and best use is Agriculture, with future rural residential development.

Subject parcels are located in a rural area, within the easterly portion of Gilchrist County, about one mile west of the Alachua/Gilchrist county line and 20 miles west of Gainesville.

The fee simple valuation of the subject is at its highest and best use, which is determined to be agricultural and recreational.

The subject includes two contiguous parcels, specifically an easterly 400-acre tract and a westerly 320-acre tract. Only the easterly 400 acres have paved road frontage.

Land is gently rolling and wooded, currently used as conservation land by The Nature Conservancy.

STAFF REMARKS: This acquisition was negotiated by FWC and is eligible for funding under the provision of its Fish and Wildlife Habitat Acquisition Program using FWC's Land Acquisition Trust Fund, provided for in section 372.074, F.S.

Project Description

The Davidson Ranch parcel is composed entirely of a longleaf-pine, turkey oak, and wiregrass natural community. FWC's gopher tortoise survey data, and visual inspection of the property, indicate that the site contains excellent sandhill habitat that supports a healthy gopher tortoise population. The sandhill appears to be structurally and compositionally intact. Open canopy and understory conditions are present throughout most of the site, and a diverse herbaceous ground cover exists in nearly all areas. Considering the apparent age of the longleaf-pines and quality of the natural vegetative groundcover, it is likely the property has not been previously cleared. Evidence of recent fire indicates that the site has been actively and adequately managed. In short, Davidson Ranch appears to be an intact, old-growth longleaf-pine sandhill forest ecosystem.

The property provides essential habitat for a number of listed species, including gopher tortoise and Sherman's fox squirrel, and is potentially a critical habitat for other rare species such as Eastern indigo snake, red-headed woodpecker, and gopher frog, among others. Acquisition of the property will help to ensure the conservation of many of these listed species, and will help to ensure the survival of the gopher tortoise. It will also contribute toward fulfilling the goals of FWC's Gopher Tortoise Management Plan, which are to replace and restore gopher tortoise habitat taken for development, and thereby ultimately ensuring the survivability of the species. Other factors that were important in the selection of this site for acquisition include suitable gopher tortoise density, cost, operational management suitability, and proximity to other FWC-managed land.

Mortgages and Liens/Encumbrances

All mortgages and liens will be satisfied at the time of closing. The property was appraised with a right-of-way easement in favor of Central Florida Electric Cooperative, Inc. Further due diligence has determined the easement is located on the adjacent property and does not affect the appraised value. On June 22, 1999, the Board of Trustees approved a staff recommendation to

Substitute Item 3, cont.

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 policy, a survey, and an environmental site assessment of the property will be provided by FWC prior to closing.

FWC Acquisition Process

Article IV, section 9, of the Florida Constitution provides FWC with the power to exercise the regulatory and executive powers of the state with respect to fish and wildlife. Under this authority, FWC has promulgated Rule 68A-27, F.A.C., to provide for permits, prohibitions, and the listing of endangered and threatened species. The Fish and Wildlife Habitat Acquisition Program was created to assist FWC with the implementation of the regulatory provisions of Rule 68A-27, F.A.C., by providing an alternative mitigation process for offsetting impacts to listed wildlife. To comply with these provisions landowners may obtain a permit for the taking of species of special concern, such as the gopher tortoise, by either protecting land onsite within a development, or by making payments to FWC's Land Acquisition Trust Fund created in section 372.074(2), F.S. Once sufficient funds are available, FWC uses the trust fund to purchase and manage habitat important to the protection of listed wildlife. This program improves the biological effectiveness of listed species habitat protection by consolidating habitat protection areas into larger tracts, implementing listed species habitat management plans, and providing for long-term management by endowing each park with a dedicated funding source. It also provides developers with an important option for resolving conflicts between wildlife and new development.

Section 372.074(1)(c), F.S., states that land purchases made pursuant to FWC's Fish and Wildlife Habitat Program shall be subject to the acquisition procedures of section 253.025, F.S. However, chapter 253, F.S., has since been amended to move all the conservation land acquisition procedures to chapter 259, F.S. According to FWC staff and DEP legal staff, the cross-reference in section 372.074(1)(c), F.S., has yet to be amended to reflect this realignment of the conservation land acquisition procedures, and the amendment to chapter 253, F.S., that creates the applicable sub-section of chapter 259, F.S., automatically inserts itself in section 372.074(1)(c), F.S. Therefore, pursuant to FWC staff and DEP legal opinion, in view of the fact that this land is being purchased for conservation purposes, the land acquisition procedures set forth in section 259.041, F.S., are the procedures which apply to this transaction. Accordingly, this acquisition was negotiated by FWC, pursuant to section 259.041, F.S. DEP and FWC have found that mitigation banking, as defined in sections 373.4135 and 373.4136, F.S., is not a part of this project.

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Management

The parcel will be managed by FWC as an addition to FWC's Fish and Wildlife Habitat Acquisition Program as a gopher tortoise mitigation park. The Nature Conservancy (TNC) and the United States Fish and Wildlife Service (USFWS) entered into a ten-year cooperative management agreement for this property in March 2005; however, prior to closing TNC and USFWS will terminate the management agreement.

Comprehensive Statement

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 3, Pages 1-34)

RECOMMEND APPROVAL