

**AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
JUNE 9, 2009**

Item 1 Minutes

Submittal of the Minutes from the April 14, 2009 Cabinet Meeting.

(See Attachment 1, Pages 1-8)

RECOMMEND APPROVAL

**Item 2 TNC Option Agreement/Clear Creek/Whiting Field Florida Forever Project/
BOT/Department of Navy MOA/Declaration of Restrictive Covenants**

REQUEST: Consideration of (1) an option agreement to acquire 1,389.7 acres within the Clear Creek/Whiting Field Florida Forever Project from The Nature Conservancy and (2) authority to place a declaration of restrictive covenant against properties within said project in favor of the United States of America, by and through the Department of the Navy pursuant to the memorandum agreement executed on September 29, 2006 and amended May 21, 2007.

COUNTY: Santa Rosa

APPLICANT: Department of Agriculture and Consumer Services' Division of Forestry (DOF)

LOCATION: Section 25, Township 03 North, Range 28 West; Sections 19, 29 and 30, Township 03 North, Range 27 West

CONSIDERATION: \$5,100,000 (\$1,200,000 of the acquisition costs will be paid out of the off-highway vehicle funds within the Incidental Trust Fund of the Division of Forestry of the Department of Agricultural and Consumer Services. The Board of Trustees' consideration may be reduced by \$1,275,000, which is 25 percent of the purchase price as discussed under "Military Agreement", provided that the Department of the Navy approves the supporting acquisition documentation)

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>MAXIMUM APPROVED VALUE</u>	<u>SELLER'S PURCHASE PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>OPTION DATE</u>
		<u>(12/16/08)</u>	<u>(12/16/08)</u>				
TNC	1,389.7	\$5,000,000	\$5,100,000	\$5,100,000	\$6,000,000*	\$5,100,000** (100%)	90 days after BOT approval

* Seller purchased the property on October 26, 2006.

** \$3,670 per acre.

STAFF REMARKS: This acquisition was negotiated by DOF under its Florida Forever Additions and Inholdings Program.

Item 2, cont.

Project Description

This property is located within the Clear Creek/Whiting Field Florida Forever project, a top 21 full fee Florida Forever "A" list project, approved by the Board of Trustees on April 14, 2009. The project contains 5,291 acres, of which 211 acres have been acquired. If the Board of Trustees approves this agreement, 3,690.3 acres or 70 percent of the project will remain to be acquired.

The proposed acquisition would aid in the establishment of conservation and regional protection through a land linkage of natural areas forming a significant corridor connection between state and private conservation lands. Conceptual management planning would benefit from a coordinated, bioregional consideration among all stakeholders and across management agents regarding this landscape. This project would provide open space in an urbanizing area and is located close to the City of Milton. The project would also serve a dual purpose of stabilizing the land uses around the Whiting Field Naval Air Station so as to forestall the encroachment of land uses that could be incompatible with the continued function of this military installation. Essential buffering will preclude fragmentation and development that may adversely impact the Navy's mission. The continued mission of the Navy at Whiting Field is extremely important, if not critical, to the socio-economic viability of the region.

The property is bisected by Big Coldwater Creek, which is located on the eastern portion of the property. The river meanders through the property, for approximately 1.8 miles, from the northern to the southern boundary. Big Coldwater Creek is a spring fed creek and a major tributary to the Blackwater River, which ultimately flows into the Blackwater Bay, an Outstanding Florida Water. Earnest Mill Creek, a small seepage creek, traverses the extreme northeast corner of the property. Acquisition of this project will provide protection of the hydrological resources of Big Coldwater Creek, as well as Earnest Mill Creek.

In 2001, the Florida Legislature determined that there was a need to establish off-highway vehicle (OHV) sites throughout the State of Florida by establishing a designated OHV fund within the Incidental Trust Fund of the Division of Forestry of the Department of Agricultural and Consumer Services. Pursuant to section 261.12, F.S., \$1,200,000 of the acquisition costs for this project will come out of this fund. A portion of the disturbed uplands, located within the western 621.6 acres of the property, is the proposed location of a motorized trail system. This trail system will compliment additional recreational opportunities offered on the forest. Ensuring a safe, suitable, and legal area to recreate with motorized trail vehicles will reduce the impacts to other managed lands where such use is occurring illegally and causing damage to environmentally sensitive areas.

DOF is currently negotiating with the U.S. Army Corps of Engineers and the U.S. Department of Justice (USDOJ) to potentially allocate up to \$400,000 towards the purchase of property that supports wetland conservation and preservation. The USDOJ holds monies awarded in environmental enforcement actions on federal lands such as illegal dumping, polluting, and permit violations. Should DOF be successful in its negotiations, this additional funding source

Item 2, cont.

will help offset the contribution made by the Board of Trustees and would be applied towards the purchase price at closing. The sole stipulation to utilizing these funds is that the lands acquired be managed commensurate with the approved land management plan for the Blackwater River State Forest.

The successful acquisition of this property will afford natural resource conservation while allowing additional outdoor recreation activities under a multiple-use land management regime. These parcels are under threat of conversion to more intense agricultural and residential development; therefore, this acquisition will preserve the land as public open space that has historically been used for silvicultural activities. This project, in addition to providing a motorized trail system, will provide for the following recreational activities: hiking, bicycling, canoeing, birding, and nature trails/study.

Military Agreement

In 2006, the Department of Navy (Military) and the Department of Environmental Protection (DEP) entered into a memorandum that provides that: (1) if the state buys certain lands around Whiting Field; and (2) if the Military chooses to contribute 25 percent of the purchase price for the fee simple interest in the lands; then (3) the state will place specific restrictive covenants, protective of the Military's flight operations and approved by the Military, over that land. The Military obligated \$5,031,000 to be used towards the 25 percent cost share for the restrictive covenants on any parcels located in the Clear Creek/Whiting Field Florida Forever project. The agreement expires September 30, 2011. All contributions will be subject to Military approval of supporting documentation.

Below is a list of the proposed restrictions:

- Human Habitation – Transient accommodations, such as cabins and tents, with a limited density of 25 people per acre;
- Setbacks – No structure, except trail shelters or fencing, may be located within 50 feet of the property line abutting the Military installation;
- Height Restrictions – Buildings and structures are limited to a height of 30 feet or less without Military approval;
- Lighting – No direct lighting will be emitted above the horizontal plane. Lights, such as streetlights, must be angled downward;
- Other Operational and Training Hazards – Must have Military approval for anything that may cause training or operational hazard, such as prescribed burns, bird feeding stations, or waterfowl congregation;
- Construction – Any construction must be approved by the Military 60 days prior to commencement and the Military has 30 days from receipt to approve or disapprove;
- Noise and Other Effects of Air Operations – The State waives the right to sue due to noise, vibrations, fumes, dust, and fuel particles that may be caused by aircraft operation from the Military installation; and

Item 2, cont.

- Property Interests – If the Military chooses to exercise its right of eminent domain, the State shall receive just compensation. If the restrictions are found to be unenforceable and both parties cannot agree on an amendment, or the Military installation does not require the continued encumbrance, the State will refund the Military its 25 percent contribution in exchange for a release of restrictions.

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. Therefore, DEP staff will review, evaluate, and implement an appropriate resolution for these and any other title issues that arise prior to closing. Because these issues were discovered during preliminary due diligence, further research may change the facts and scope of each issue.

Flight Clearance Easement and Accident Protection Zone Regulations

The southwestern portion of the property is encumbered by a Flight Clearance Easement and two levels of an Accidental Protection Zone. The Flight Clearance Easement encumbers 50.6 acres. The Accidental Protection Zone 1 encumbers 30.3 acres which are almost completely located within the Flight Clearance Easement. Accident Protection Zone 2 encumbers an additional 57.4 acres.

Oil, Gas, and Mineral Interests

There are outstanding oil, gas, and mineral (OGM) interests on the property in favor of several parties and it appears that the majority, if not all, of the property's OGM interests have been reserved. In addition, the prior reservations include the right of access, ingress and egress and other surface rights associated with mining and exploration of OGM rights. The outstanding OGM interests' rights of entry do not appear to be barred by the Marketable Records Title Act. Additional due diligence will be done, prior to closing, to confirm the exact location of these outstanding interests; however, the Florida Geological Survey has indicated that the property has low to moderately-low potential for oil and gas exploration. A detailed geological site specific survey and geotechnical engineering analysis of the sediments beneath the property would be required to determine if the sediments contained within the boundaries of the site are economically feasible. Reservations of OGM interests are typical for this area of the state.

Timber Deed

Immediately after acquisition in October 2006, TNC executed a Timber Deed that encumbered a portion of the western 621.6 acres of the property. This Timber Deed conveyed the rights to harvest merchantable pine stands to CF Florida, LLC in the "designated" Forest Management Zones. The deed included rights of harvesting for a five year period that is scheduled to expire on October 26, 2011; the consideration paid was \$125,000.

Item 2, cont.

Hunting Lease

There is an unrecorded hunting lease, in favor of Springhill Sportsman Club, that encumbers the entire property. The hunting lease will be terminated prior to or at closing.

Easements and Roads

The property is encumbered by several easements and rights of way for existing public and private roads, which is characteristic of forested tracts of land. Two county-maintained roads, Steel Bridge Road and Hutchins Road, bisect the property. Steel Bridge Road is frequently used and provides public access to Big Coldwater Creek.

The appraisers considered these interests in their valuation of the property. DOF is willing to manage the property with these conditions.

Closing Information

A title insurance commitment, a survey, and an environmental site evaluation will be obtained by the Board of Trustees prior to closing.

Management

These parcels will be managed by DOF as an addition to the Blackwater River State Forest.

Comprehensive Plan

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

(See Attachment 2, Pages 1-70)

RECOMMEND APPROVAL

Substitute Item 3 Vanderbilt Partners II, Ltd. (Dunes Dock) Recommended Consolidated Intent/Lease

REQUEST: Consideration of an application for (1) a five-year sovereignty submerged lands lease containing 49,245 square feet, more or less, for a proposed 49-slip private residential multi-family docking facility with a fishing pier; (2) authorization for the placement of eight 100-foot-long sections of riprap; and (3) a letter of consent for the severance of 3,400 cubic yards of sovereignty material.

APPLICANT: Vanderbilt Partners II, Ltd.
(a/k/a Dunes Dock)
Permit No. 11-01725-P
Application No. 041029-4

Substitute Item 3, cont.

LOCATION: 465 Bluebill Avenue
Naples, Collier County
Section 20, Township 48 South, Range 25 East
Aquatic Preserve: No
Waterbody/Classification: Vanderbilt Channel, Class III, not approved for shellfish harvesting
Outstanding Florida Waters: Yes
Designated Manatee County: Yes, with an approved manatee protection plan
Manatee Aggregation Area: No
Manatee Protection Zone: Slow speed year round

CONSIDERATION: \$31,279.62, representing (1) \$7,359.91 as the initial annual lease fee computed at the base rate of \$0.149455 per square foot; (2) \$1,839.98 as the 25 percent surcharge payment; and (3) \$22,079.73 as the one-time premium pursuant to section 18-21.011(1)(c), F.A.C. The project qualifies for a waiver of the severance fee pursuant to section 18-21.011(3)(c)2., F.A.C. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable. 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. The applicant will be subject to any new sovereignty submerged lands lease fees established by the Board of Trustees or the Florida legislature pursuant to standard lease condition 2 which states, "...The annual fee for the remaining years of the lease shall be adjusted pursuant to provisions of Rule 18-21.011, Florida Administrative Code..."

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 requesting a five-year sovereignty submerged lands lease over 49,245 square feet to accommodate a 49-slip private residential multi-family docking facility, an associated fishing pier at the north end of the dock, and installation of riprap beneath the dock. The project also requires a letter of consent authorization for dredging 3,400 cubic yards of material within, and outside of, the lease area, as well as an environmental resource permit (ERP).

Background

On August 12, 1999, the South Florida Water Management District (District) issued Permit No. 11-01725-P authorizing construction of a surface water management system serving a 43.25-acre condominium development, which is part of an overall 188.56-acre site. Wetland impacts and onsite mitigation associated with the planned residential development were addressed as part of that permit. This previously permitted development also includes upland pine flatwood/scrub/gopher tortoise preserve areas and extensive mangrove wetland preserve areas.

Substitute Item 3, cont.

The existing upland development includes a total of 635 residential units consisting of ten single-story villas and seven high rise towers, along with a clubhouse, pool and six tennis courts. A permit modification authorizing revisions to the surface water management system serving the upland development was approved by the District on May 30, 2002.

A previous ERP application for construction of a 49-slip dock and fishing pier, associated dredging, and sovereignty submerged lands authorization was submitted on April 18, 2002. The docking facility was intended to accommodate 20 vessels up to 30 feet in length, 9 vessels up to 35 feet in length, and 20 vessels up to 40 feet in length. That ERP application was reviewed by the District's Governing Board on October 13, 2004 and was not approved, primarily due to draft concerns over the vessels in the 40 foot length category. The sovereignty submerged lands lease request was subsequently withdrawn by the applicant.

The current ERP application was submitted on October 29, 2004 and proposes the same total number of slips (49) but includes 10 slips for vessels up to 30 feet in length and 39 slips for vessels up to 35 feet in length. By eliminating the slips for 40-foot vessels and restricting the draft to a maximum of 2.5 feet, the depth of dredging has been reduced from a maximum of -5.5 feet mean low water (MLW) to -4.5 feet MLW.

This application was originally scheduled for the February 14, 2006 Cabinet Meeting. However, the applicant elected to defer this item indefinitely. In the interim, the applicant requested a permit modification to amend the conservation easement originally recorded pursuant to the 1999 District ERP to correct the legal description to exclude the easement portion recorded waterward of the mean high water line (MHWL) and to record a partial release of conservation easement for the area waterward of MHWL. The amendment also clarified that the ERP conservation easement did not preclude the applicant from counting the entire length of shoreline within the applicant's ownership under sovereignty submerged lands criteria. The amended conservation easement and the partial release of conservation easement were approved by the District on August 8, 2006 and were recorded in the official records of Collier County on August 11, 2006.

The item was presented to the Board of Trustees on October 16, 2007. District staff's recommendation for approval was denied for failure to obtain the votes required for authorization. The applicant has since preserved its rights to challenge the Board of Trustees' denial by obtaining extensions of time to file a petition for administrative hearing. On May 22, 2009, the applicant filed a petition for Formal Administrative Hearing pursuant to sections 120.569 and 120.57(1), F. S., to challenge the lease application denial action taken on October 16, 2007 by the Board of Trustees. The applicant requested that District staff hold the petition in abeyance pending the determination of this agenda item. Rather than pursue litigation, the applicant has offered additional public interest to obtain authorization. The additional public interest is set forth below.

Substitute Item 3, cont.

Project Detail

The previously permitted condominium development has been constructed. Condominium residents will be the sole purchasers of slips at the proposed facility. Since the applicant proposes to sell the use of the slips, a lease is required because the activity is considered to be revenue-generating.

The docking facility preempts approximately 49,245 square feet of sovereignty submerged lands and requires bow-first mooring for 26 of the 49 proposed mooring slips, with the remaining 23 slips parallel to the dock. The project also includes installing eight 100-foot-long sections of natural limestone riprap beneath the dock to provide structural habitat for marine life, serve as a wave baffle to protect nearshore seagrasses, and help stabilize submerged sediments.

In addition, the applicant requests a letter of consent to dredge approximately 3,400 cubic yards of material from 57,364 square feet (1.32 acres) of sovereignty submerged lands to -4.5 feet MLW. A hydraulic dredge will be used to minimize potential turbidity, with dredged material pumped to an upland spoil containment area. Discharged excess water from the area will be directed to non-Outstanding Florida Waters within Vanderbilt Channel south of the Bluebill Avenue bridge. A turbidity monitoring program will be implemented during in-water project construction and dredging activities. The proposed dredging qualifies for a waiver of the severance fee, pursuant to section 18-21.011(3)(c)2., F.A.C., as the dredged material is not beach compatible and has no economic value.

The project is not expected to have adverse impacts to natural resources. While dredging is planned in the vicinity of the proposed boat slips, the docking facility and associated dredging are proposed to occur waterward of observed seagrass limits. To minimize and avoid potential adverse resource impacts:

- (1) the project has been reduced from 84 slips to 49, which reduces the proposed lease area;
- (2) the slip layout has been reconfigured to reduce the scope of proposed dredging by about half and to avoid potential disturbance to seagrasses and mangrove wetlands;
- (3) the dock will not encroach more than 25 percent of the width of the waterway to maintain clearance for navigable access;
- (4) bow first mooring is required for those slips perpendicular to the dock to reduce potential sedimentation, due to prop wash, from affecting seagrasses; and
- (5) fixed finger piers elevated 3 feet above MHW, as opposed to floating piers and grated decking, will be used where the access pier passes over seagrasses to improve light penetration to the submerged bottom. Any residual shading associated with the access pier is expected to affect less than 0.01 acre of seagrasses.

While construction of the access pier/boardwalk is expected to impact 0.15 acre of mangrove wetlands, mitigation for these impacts was addressed in the previous District permit issued for the upland condominium development and the applicant has fulfilled the required mitigation for these impacts. Any temporary disturbance to mangroves due to project activities will be restored.

Substitute Item 3, cont.

The applicant has demonstrated that the proposed docking facility meets the sovereignty submerged lands standards and criteria for private residential multi-family docks and piers outlined in section 18-21.004, F.A.C. With 49,245 square feet of preempted area, the project is well below the threshold of 10 square feet of preempted area for every foot of shoreline (10 square feet x 9,467 linear feet of shoreline = 94,670 square feet). Although not required, the applicant will place a proprietary conservation easement landward of MHWL along the affected 1,724 linear feet of riparian shoreline adjacent to Vanderbilt Channel to prohibit additional docking facilities.

Public Interest

To address the concerns expressed at the October 16, 2007 meeting, the applicant is offering additional public interest for this project:

- (1) all lands above MHWL including the property subject to the standard conservation easement that are adjacent to Water Turkey Bay, totaling 65.86 acres, will be deeded to the Board of Trustees within sixty (60) days of receipt of all local, state and federal permits for the construction of the proposed facility. The grantor will retain an access and maintenance easement to perpetually maintain the 65.86 acres;
- (2) the applicant asserts that a portion of the submerged lands subject to the proposed lease is privately-owned submerged lands. The applicant has a deed showing ownership to the bulkhead on the west side of Vanderbilt Channel as well as a portion of Water Turkey Bay and the South Channel and has paid property taxes on the submerged lands. To resolve any issues of ownership, the applicant will quitclaim any property interest it may have in the area within and waterward of the proposed sovereignty submerged lands lease to the Board of Trustees, as well as any interest it may have in the area waterward of mean high water within Water Turkey Bay and the South Channel, totaling approximately 54.3 acres; and
- (3) in addition to standard lease condition 2, the applicant will be subject to any new submerged lands lease surcharges established by the Board of Trustees or the Florida legislature within two years of the execution of the lease.

Item (1) and (2) are addressed as special approval conditions and item (3) is addressed as a special lease condition.

The applicant will be responsible for all costs associated with the transfer of property interests to the Board of Trustees, such as recording fees, and including the cost of any products required by the Department of Environmental Protection's (DEP) Division of State Lands such as a survey, title insurance and environmental site assessment. This has been included as a special approval condition.

The 65.86 acres proposed to be deeded to the Board of Trustees, by the applicant, is subject to a standard conservation easement in favor of the District. Upon transfer of the 65.86 acres to the Board of Trustees the applicant will retain an access and maintenance easement over and across the 65.86 acres to maintain it in accordance with the District's ERP No. 11-01725-P. This has been addressed as a special approval condition and a special lease condition. DEP's Division of Recreation and Parks will monitor the easement to ensure management of the 65.86 acres in accordance with the access and maintenance easement.

Substitute Item 3, cont.

Prior to the issuance of a special warranty deed to the Board of Trustees for the 65.86 acres and prior to the initiation of any dredging or construction activities associated with the docking facility, the applicant shall deposit funds in the amount of \$722.00 per acre (for a total of \$47,550.92) into an perpetual endowment fund in favor of The Dunes of Naples Property Owners Association, Inc. (Association) dedicated solely to cover the Association's costs to fulfill their responsibility for long-term management and maintenance of the 65.86 acres in accordance with the access and maintenance easement. This has been included as a special approval condition.

At the time the applicant turns the residential upland development over to the Association, the applicant will assign its obligations under the easement to the Association and the Association will assume the easement obligations. This has been included as a special lease condition.

Noticing

On July 8, 2005, the applicant provided notice of the proposed sovereignty submerged lands lease to over 600 adjacent property owners within 500 feet of the proposed project. The District has been contacted and has received correspondence from adjacent property owners, interested parties and attorneys representing various individuals and property owners' associations who have concerns about the project.

District staff held a public workshop during the processing of the previous application and held a second public workshop on November 29, 2005 for the current application to listen to concerns which focused on seagrasses, manatees and navigation. The individuals who have written to the District regarding the project were included on the distribution list and provided a copy of the District's staff report.

Concerns about seagrasses have been addressed by making a number of project modifications, including reducing the number of boat slips, reducing the vessel length, re-orienting the slips to include bow-first mooring, and using grated decking where the access pier passes over seagrasses.

Boats using the docking facility are anticipated to navigate from the site along Vanderbilt Channel and through Wiggins Pass to access the Gulf of Mexico. Boats are not expected to contribute to boat congestion along waterways to the south of the site and to the north of Wiggins Pass, since these areas do not provide outlets to the Gulf. The applicant has addressed navigational safety issues by:

- (1) limiting the draft of vessels using the dock to a maximum of 2.5 feet (which is consistent with the design vessel draft for Wiggins Pass established by the U. S. Army Corps of Engineers in the Wiggins Pass Management Plan);
- (2) demonstrating that at least 4 feet of water depths at MLW exist between the site and Wiggins Pass;
- (3) restricting the dock to not extend more than 25 percent of the width of the waterbody as required by section 18-21.004(4)(d), F.A.C.; and
- (4) installing navigational lighting at the dock.

Permit Summary

The District's ERP authorizes sewage pumpout facilities, prohibits liveboards, and prohibits fueling facilities.

Substitute Item 3, cont.

Commenting Agency

Based on the project's design modifications, the Florida Fish and Wildlife Conservation Commission's (FWC) concerns regarding impacts to seagrasses have been resolved. The applicant has addressed FWC's water depth concerns by providing bathymetry data for the channel between the project site and Wiggins Pass. FWC staff had recommended a maximum of 28 slips be allowed. However, this calculation excluded the applicant's shoreline which was proposed to be placed under a conservation easement, granted under the original permit. The District agreed the entire shoreline could be counted toward the applicant's allowable number of slips and an amendment to the conservation easement was approved by the District on August 8, 2006 and recorded in the official records of Collier County on August 11, 2006.

By letter dated October 6, 2006, FWC stated that the revised conservation easement clarified the amount of shoreline that could be counted for determining the number of allowable powerboats as required in the Collier County Manatee Protection Plan (MPP) and that its previous recommendation on powerboat restrictions was no longer pertinent.

FWC also stated that the project, with the number of slips requested, is consistent with the Collier County MPP. Specifically, the applicant has demonstrated that the project meets the criteria to qualify under the 'preferred' category in the MPP (e.g. the project site is located in an area with low manatee use, there is a minimum of 4 feet of water depths between the site and Wiggins Pass, and the project includes impacts to less than 5 percent of the resources in the project area), allowing 18 slips for every 100 feet of shoreline which amounts to 1,692 slips. Even under a 'moderate' category, the MPP allows 10 slips per 100 feet of shoreline or 945 slips, and under a 'protected' category, the MPP allows 1 slip per 100 feet of shoreline or a total of 95 slips.

Manatee concerns have been addressed by including the conditions recommended by FWC for manatee signage and educational displays and required manatee protection measures during construction in the permit. In addition, the project is located in an area that is designated as slow speed zone all year.

Comprehensive Plan

A local government comprehensive plan has been adopted for this area pursuant to section 163.3167, F.S. The Department of Community Affairs determined that the plan was in compliance. The docks were listed as permitted accessory uses, subject to the County's Land Development Code, in the petition for the Dunes Planned Unit Development approved by Collier County and has been determined to be consistent with the adopted plan. A permit application for the docking facility is still under review by the U. S. Army Corps of Engineers pending State approval and issuance of water quality certification for the project.

(See Attachment 3, Pages 1-82)

**RECOMMEND APPROVAL SUBJECT TO THE SPECIAL APPROVAL
CONDITIONS, THE SPECIAL LEASE CONDITIONS, AND
PAYMENT OF \$31,279.62**