

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
March 26, 2024

Attachments to the items below can be viewed at the following link:

<https://floridadep.gov/cab/cab/content/agendas>

Item 1A Jacksonville Port Authority Lease/ Submerged Land Easement

REQUEST: Consideration of an application for (1) new five-year sovereignty submerged lands lease containing 486,668 square feet, more or less, for a commercial docking structure; (2) new 25-year public easement containing 162,366 square feet, more or less; and (3) authorization for the severance of 95,713 cubic yards of sovereignty material.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Duval

APPLICANT: Jacksonville Port Authority_
Lease No.: 160366662
Easement No.: 160366672
Application No. 16-0433780-001

LOCATION: 9620 Dave Rawls Boulevard
Jacksonville, FL 32226
St. Johns River
Waterbody/ Classification: Class III
Designated Manatee County: Yes, with an approved Manatee Protection Plan
Manatee Aggregation Area: No
Manatee Protection Speed Zone: 300-foot slow speed buffer year-round

CONSIDERATION: The Applicant qualifies for a waiver of lease fees pursuant to section 253.77(4), F.S., and Rule 18-21.011(1)(b)7, F.A.C. The Applicant also qualifies for a waiver of severance fees pursuant to section 253.03(10), F.S., and Rule 18-21.011(3)(c), F.A.C.

STAFF REMARKS: In accordance with rules adopted pursuant to sections 373.427(2), and 253.77(2), F.S., the "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 Chapters 253 and 258, F.S. The Board of Trustees is requested to act on those aspects of the activity which require authorization to use sovereignty submerged lands.

The project is required to demonstrate that it is "not contrary to the public interest," pursuant to Rule 18-21.004(1)(a), F.A.C. The Applicant has provided reasonable assurance that the proposal will maintain essentially natural conditions; will not significantly impact fish and wildlife or other natural resources, including public recreation and navigation; is consistent with the goals and objectives of the "Conceptual State Lands Management Plan;" is consistent with the local government's comprehensive plan; and will not interfere with the riparian rights of adjacent property owners. Therefore, the Department is of the opinion that the proposal is "not contrary to the public interest" and otherwise meets all applicable requirements for a proprietary authorization to use sovereignty submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., associated Rule 18-21, F.A.C., and the direction of the Board of Trustees.

Item 1A, Cont.

Background

On September 25, 1996, the Department issued permit 16-282917-9 to the Applicant, which authorized the construction of a dock structure as well as dredging. Additionally, the original authorization granted them a proprietary authorization of Consent to Use; however, a lease should have been issued per Rule 18-21.005(d), F.A.C., not a proprietary authorization of Consent to Use, which is why the entire project is being brought under lease now.

The 1996 authorization was for a “T” configuration, but the Applicant only constructed a portion of the dock, the current “L” structure. The current proposal is to build out the dock to a “T” configuration in order to accommodate an additional vessel. Since 1996, the dock has served as a major point of import and export for the city of Jacksonville, and it is now in need of expansion to meet rising economic demands.

Project Description

The proposed project includes (1) a five-year sovereignty submerged land lease containing 486,668 square feet; (2) a 25-year public easement containing 162,366 square feet; and (3) the dredging of 95,713 cubic yards of material to accommodate the mooring of larger vessels.

The proposed project will take place within the waterward extent of the St. Johns River, a Class III waterbody, and will include a five-year sovereignty submerged land lease containing 486,668 square feet, for a 244,298 square foot docking structure, and a 25-year public easement containing 162,366 square feet.

Dredging

The Applicant is proposing to dredge 95,713 cubic yards of sovereignty material from the proposed lease and easement areas to obtain adequate depths of -38 feet at mean low water for navigation and mooring areas. The spoil will be mechanically dredged and taken to one of the previously permitted Dredge Material Management Areas, Bartram Island and Buck Island, which are sufficient to store the dredge volume of 95,713 cubic yards.

Pursuant to Rule 18-21.011(3)(c), F.A.C., a waiver of the dredge fees may be granted if the materials are placed on public property and used for public purposes, or if the dredged material has no economic value. Additionally, the Applicant is a Port Authority and qualifies for a waiver of severance fees pursuant to section 253.03(10), F.S., and Rule 18-21.011(3)(c), F.A.C.

Resources

A natural resource field investigation was conducted on July 13, 2022, and no submerged aquatic vegetation, oysters, or emergence of other resources were observed in the proposed project area. Standard Manatee Conditions for In-water Work have been included, per a specific permit condition, based upon comments received from the Florida Fish and Wildlife Conservation Commission. In addition, the Applicant has also agreed to install appropriate measures to protect manatees from vessels.

Item 1A, Cont.

Noticing

The Applicant owns all property within the 500-foot radius for noticing; thus, no property owners were noticed.

(Attachment 1A, Pages 1 - 51)

RECOMMEND: APPROVAL, SUBJECT TO THE SPECIAL LEASE CONDITIONS

Item 1B Pier B Development Corp. Lease Modification/ Riparian Line Setback Waiver

REQUEST: Consideration of (1) a an application for a modification of an existing ten-year sovereignty submerged lands lease containing 164,008 square feet, more or less, to a 25 year sovereignty submerged lands lease and increase the preempted area to 222,608 square feet, more or less, for a commercial docking facility; and (2) a determination that it is in the public interest to allow mooring activities within the 25-foot minimum riparian rights line setback, pursuant to Rule 18-21.004(3)(d), F.A.C.

VOTING REQUIREMENT FOR APPROVAL: Three votes

APPLICANT: Pier B Development Corp., a Florida corporation
Lease No. 440020075

LOCATION: Section 22, Township 68 South, Range 25 East
Key West Harbor, City of Key West
Waterbody/ Classification: Class III
Designated Manatee County: Yes, with an approved Manatee Protection Plan
Manatee Protection Speed Zone: No
Outstanding Florida Waters: Yes
Aquatic Preserve: No

CONSIDERATION: \$49,207.31 representing (1) \$46,168.90 as the initial annual lease fee computed at the base rate of \$0.2074 per square foot for a total of 222,608 square feet pursuant to Rule 18-21.011(1)(b)1, F.A.C.; (2) \$3,038.41 as the one-time 25 percent surcharge payment for the new lease area of 58,600 square feet, pursuant to Rule 18-21.011(1)(b)3., F.A.C. The lease fee may be adjusted based on six percent of the annual income if it proves to be greater than the fee computed at the base rate pursuant to Rule 18-21.011(1)(a)1, F.A.C. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable.

STAFF REMARKS:

Background

Pier B was built prior to 1970 for use by the United States Navy. The pier and associated uplands were purchased from the federal government by a private developer (Pritam Singh, a/k/a Truman Annex Company) on March 11, 1987. The Board of Trustees initially approved a 25- year sovereignty

Item 1B, Cont.

submerged lands lease on January 22, 1987, for 17,507 square feet. On February 6, 1990, the Board of Trustees approved a 25-year sovereignty submerged lands lease modification (no. 440002595) for an existing commercial docking facility, including the submerged lands adjacent to Pier A, Pier B, and Pier Bravo, for a total area of 114,671 square feet.

On January 22, 1991, the Board of Trustees approved a 25-year sovereignty submerged lands lease modification. This lease modification authorized an expansion to cover the existing commercial marina for a total of 328,512 square feet. However, the 1991 lease modification did not include changes to Pier B as the lease was assigned to Truman Annex Retail Development Company. On March 30, 1994, Pier B Development Corp. purchased Pier B.

On March 31, 1994, the Board of Trustees approved a 25-year sovereignty submerged land lease modification, under a delegation of authority for lease no. 440002595, splitting the lease area into four separate leases and reassigning the leases from Truman Annex Retail Development Corp. to: North Basin Development Corp. (lease no. 440002595), Pier Bravo Development Corp. (lease no. 440020085), South Basin Development Corp. (lease no. 440020095), and Pier B Development Corp. (lease no. 440020075).

On May 25, 1999, the Board of Trustees approved the Applicant's application for a modification of a 25-year sovereignty submerged land lease to increase the preempted area from 109,756 square feet to 164,008 square feet for a proposed expansion of the commercial docking facility.

On May 21, 2010, the Department conducted a lease inspection and found the facility to be in compliance with all lease terms.

On July 17, 2014, the Department received notice that the Applicant was mooring vessels outside of the lease boundary. The Department conducted site visits on August 14, 2014 and August 29, 2014, and found the facility to be in compliance with terms of the lease.

On February 6, 2015, the lease was renewed for a period of ten years, expiring on February 6, 2025. Prior to the renewal being issued, the Department conducted a lease renewal inspection on December 16, 2014, and found the facility to be in compliance with lease terms.

On February 9, 2022, the Department received notice of potential compliance issues of improper mooring of vessels within the lease area. On February 18, 2022, the Department sent notice to the Applicant to offer compliance assistance to resolve the issue of improper mooring of vessels. On July 1, 2022, a one-year Temporary Use Agreement (TUA) was executed authorizing the use of approximately 58,720 additional square feet. The Applicant was required to pay \$18,735.62 for prior use of these sovereign submerged lands and other applicable fees.

On June 30, 2023, a second TUA was executed authorizing the continued use of approximately 58,720 square feet of sovereign submerged lands. The Applicant was required to pay \$12,261.15 for the use of these sovereign submerged lands. This amount included the lease fees and sales tax due for the term of the TUA. This TUA expires on July 1, 2024 and their sovereign submerged lands lease expires on February 6, 2025.

Item 1B, Cont.

Project Detail

The Applicant is requesting a lease modification to bring the TUA approved footprint under lease. If approved, the lease modification will authorize the Applicant’s existing commercial marina’s current preempted area of 222,608 square feet. The lease contains two lease areas. Lease area 2A currently provides for berthing of cruise ships up to 1,005 feet long. Lease area 2B provides for mooring of recreational vessels, commercial charter boat vessels, and a gambling ship. The proposed expansion, as currently authorized in the TUA, will provide the use for berthing of cruise ships up to 1,052 feet along the western face of Lease Area 2A. Lease area 2B will not be modified.

Additionally, the Applicant has requested an extended term lease of 25 years. The extended lease is essential for the Applicant’s ability to finance future projects to maintain the docking structures located within the lease area and capital improvements on the uplands. Modernization of a cruise ship docking facility is crucial for long-term viability for continued calls upon the port by cruise ships.

Public Interest Determination

The lease modification request includes an expansion area that is within the 25-foot setback on both sides of the applicant's riparian lines. Pursuant to Rule 18-21.004(3)(d), F.A.C., all structures and activities must be set back a minimum of 25 feet inside the applicant’s riparian rights lines. The Applicant requests that the Board of Trustees make a determination that it is in the public interest to allow mooring activities within the 25-foot setback area, up to the Applicants riparian line. The Applicant has provided the following public interest components to assist the Board of Trustees in making a determination:

Economic Benefits:

- As a whole, the cruise ship industry brings billions of dollars of benefit to the State; more specifically, the Monroe County Tourist Development Council’s latest estimate indicated that over \$2.4 billion was spent by over five million visitors, which translates to an \$1.8 billion economic impact;
- It supports the local economy by directly and indirectly supporting positive economic impact to the City of Key West, Monroe County, and the State of Florida; and
- The industry assists in the creation of both temporary and permanent jobs within the local economy.

Environmental Benefits:

- To further assist the Board of Trustees, the Applicant will contribute an annual monetary donation of \$50,000 to the Coral Reef Restoration Initiative through Mote Marine Laboratory, Inc. for the full term of the lease;
- The lease modification will not reduce or degrade water quality; natural habitat or function; or destroy, harm, or harass endangered or threatened species or habitat;
- Nor will it increase navigational hazards, congestion, or reduce or degrade any aesthetics; and
- It will continue the historical use of the waterfront by providing the cruising public with continued access to the City of Key West and local amenities.

Item 1B, Cont.

Noticing/Interested Parties

On April 28, 2023, the lease modification request was noticed to property owners within a 500-foot radius of the proposed lease boundary, and other interested parties, pursuant to Rule 18-21.004(1)(m), F.A.C. There were 71 property owners specifically noticed, and the Department received 131 objections and 56 letters of support. The City of Key West passed Resolution 23-135, adopting a neutral position, providing neither support nor opposition to the Applicant’s request to modify its existing submerged lands lease.

(Attachment 1B, Pages 1- 27)

RECOMMEND: **APPROVAL, SUBJECT TO THE SPECIAL LEASE CONDITIONS**

Item 2A **Stan Mayfield Working Waterfront 2024 Project Ranking List/ Florida Communities Trust**

REQUEST: Consideration of the Florida Communities Trust, Stan Mayfield Working Waterfronts 2024 project ranking list for funding.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

STAFF REMARKS: The Stan Mayfield Working Waterfronts (SMWW) Florida Forever grant program was created by the 2008 Legislature in section 380.5105, F.S., within the Florida Communities Trust (FCT) Act. Chapter 62-820, F.A.C., provides that SMWW grant funds be used to acquire parcels of land directly used for the purposes of the commercial harvest of marine organisms or saltwater products by state licensed commercial fishers, aquaculturists, or business entities, including piers, wharves, docks, or other facilities operated to provide waterfront access to licensed commercial fishers, aquaculturists, or related business entities. The acquisition of land used for recreational waterfront activities would not be considered within the SMWW program.

Additionally, SMWW funds may also be used for the acquisition of parcels of land used for exhibitions, demonstrations, educational venues, civic events, and other purposes that promote and educate the public about the economic, cultural, and historic heritage of Florida’s traditional working waterfronts, including the marketing of the seafood and aquaculture industries.

Eligible applicants for this program are local governments and working waterfronts non-profit organizations that are tax exempt under Section 501(c) of the United States Internal Revenue Code. Evaluation criteria outlined in Rule 62-820.006, F.A.C., provides the basis for scoring and ranking the projects. The scoring criteria are broken down into six primary categories: project location, economic considerations, site suitability/readiness, financial contributions provided by the applicants, community planning aspects, and public education opportunities provided through the projects.

Item 2A, Cont.

Grant applications for the SMWW grant cycle were received between October 1, 2023 and November 1, 2023. One project application totaling \$529,200 was submitted and deemed eligible for the available grant funding of \$4,858,316. FCT staff, with assistance from the Department of Agriculture and Consumer Services, evaluated the scoring criteria and the business summary submitted by the Applicant. The preliminary score, along with a determination of the sufficiency of the business summary, was reported in an evaluation report transmitted to the Applicant in November 2023. FCT staff performed a site visit to verify that the information submitted by the applicant in its application was accurate. Approval of this project would result in an FCT fund balance of \$4,329,116.

The FCT Governing Board met on December 13, 2023, to review the application; consider staff recommended scores and any applicant objections to the scores; and produced a final ranking list.

Section 380.5105(4), F.S., requires the FCT, by the first Board of Trustees meeting in February, to present the ranking list for final approval of projects for funding. The Board of Trustees “may remove projects from the ranking list but may not add projects.”

Ranking List:

	Project Name	Applicant	FCT Grant Request
1	Preserving Cedar Key’s Working Waterfront	City of Cedar Key	\$529,200
		Total	\$529,200

(Attachment 2A, Pages 1 - 2)

RECOMMEND: **APPROVAL**

Item 2B 2024 Florida Forever Priority List/ 2023-2024 Annual Florida Forever Work Plan

REQUEST: Consideration of (1) the 2024 Florida Forever Priority List and (2) the Division of State Lands Annual Florida Forever Work Plan for Fiscal Year 2024-2025.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

STAFF REMARKS: Florida has a long history as a national leader in conservation, which is vital to our state’s environmental protection and economic growth. Florida Forever, the State’s premier land conservation program, helps acquire natural lands that conserve critical habitats, protect water resources, benefit Everglades restoration, and enhance local communities. By focusing on the conservation and management of Florida’s natural lands, the health of environmental resources is improved, ecological corridors are connected, public access is expanded, and visitor experiences are enhanced.

Item 2B, Cont.

The Acquisition and Restoration Council (ARC) was established by section 259.035, F.S., as a ten-member board composed of four agency representatives, four governor appointees, one appointee by the Commissioner of Agriculture, and one appointee by the Fish and Wildlife Conservation Commission. In accordance with section 259.105(14), F.S., ARC shall review the most current approved project list and present a new list of projects to the Board of Trustees annually for approval. In 2023, ARC conducted 14 public hearings and meetings, reviewed land acquisition proposals, evaluated their resource attributes, established or revised project boundaries, ranked projects, and adopted an annual work plan. ARC approved the following changes: (a) added 7 new projects; (b) added 7 new projects to existing project boundaries; (c) amended the boundaries of 27 projects; and (d) removed 8 projects from the list due to completion.

<u>New Projects Added to the List</u>	<u>Acres</u>	<u>County</u>
Deer Creek Ranch	5,934	DeSoto
Floyd’s Mound	41	Madison
Ford Marsh	1,200	Volusia
Waccasassa Watershed*	20,455	Levy
Welles Ranch	1,183	Charlotte
Williamson Cattle Company	7,419	Osceola
Yarborough Ranch	1,361	Seminole

<u>New Projects Added to Existing Project Boundaries</u>	<u>Acres</u>	<u>County</u>
Avalon Phase II	1,384	Jefferson
Added to Avalon		
Carter Quail Ranch	1,344	Volusia
Added to Volusia Conservation Corridor		
Creek Ranch	1,295	Polk
Added to Lake Hatchineha Watershed		
Lake Powell North	103	Bay
Added to Strategic Managed Area Lands List		
Myakka Ranch	998	Manatee
Added to Myakka Ranchlands		
Quail Creek Ranch	2,698	Hardee
Added to Myakka Ranchlands		
Venus Project	1,110	Highlands
Added to Fisheating Creek Ecosystem		

<u>Projects with Boundary Amendments</u>	<u>Acres</u>	<u>County</u>
Apalachicola River	1,089	Jackson, Calhoun
Archie Carr Sea Turtle Refuge	- 159	Brevard, Indian River
Aucilla/Wacissa Watershed	305	Jefferson
Belle Meade	- 56	Collier
Carr Farm/Price’s Scrub	140.3	Alachua, Marion
Catfish Creek	- 44	Polk
Coupon Bight/Key Deer	- 231	Monroe
Dade County Archipelago	- 42	Miami-Dade

Item 2B, Cont.

Dickerson Bay/Bald Point	- 1,796	Franklin, Wakulla
Florida Keys Ecosystem	- 0.12	Monroe
Florida’s First Magnitude Springs	310	Levy
Heather Island/Ocklawaha River	150	Marion
Lake Wales Ridge Ecosystem	284	Highlands
Lochloosa Wildlife	- 4,737	Alachua
Lower Suwanee and Gulf Watershed	72	Levy
Matanzas to Ocala Conservation Corridor	- 8,568	Putnam, St. Johns County
Myakka Ranchlands	438	Manatee
Northeast Florida Blueway	- 613	St. Johns County
Osceola Pines Savannas	15.9	Osceola
Peace River Refuge	149.1	DeSoto
Pinhook Swamp	1,975.5	Columbia
Pumpkin Hill Creek	129	Nassau
South Walton County Ecosystem	- 2,048	Walton
Spruce Creek	- 40	Volusia
Strategic Managed Area Lands List	336.9	Multiple Counties
Wekiva-Ocala Greenway	138.2	Lake
Welannee Watershed Forest	830.4	Okaloosa

Projects Removed from the List

Status

County

Arbuckle Creek Watershed	90% or more complete	Highlands
Charlotte Harbor Estuary	90% or more complete	Charlotte, Lee, Sarasota
Horse Creek Ranch	100% complete	DeSoto, Hardee
River Property	100% complete	Highlands
South Walton County Ecosystem	90% or more complete	Walton
Telogia Creek	100% complete	Liberty
Tiger Island/Little Tiger Island	90% or more complete	Nassau
Triple Diamond	90% or more complete	Okeechobee

*Four new projects, Chunky Pond, Little Pine Ranch, Trailhead Blue Springs, and Waccasassa Bay Headwaters were combined to create the new Waccasassa Watershed project.

(1) 2024 Florida Forever Priority List: The 2024 Florida Forever Priority List (Priority List) was adopted by ARC on December 8, 2023. It includes 128 projects containing more than 2.1 million acres with an estimated value of over \$7.8 billion. Ninety-nine of the projects on the Priority List overlap with the Florida Wildlife Corridor. Each project was ranked within one of the following six categories:

- Critical Natural Lands – 35 projects
- Partnerships and Regional Incentives – 36 projects
- Less-Than-Fee – 35 projects
- Climate Change Lands – 10 projects
- Substantially Complete – 8 projects
- Critical Historical Resources – 4 projects

Item 2B, Cont.

In compliance with section 259.04(1)(c), F.S., "...the board shall approve, in whole or in part, the lists of projects in the order of priority in which such projects are presented." Additionally, pursuant to 259.105(14), F.S., "...The board of trustees may remove projects from the list developed pursuant to this subsection but may not add projects or rearrange project rankings."

(2) Division of State Lands Annual Florida Forever Work Plan for Fiscal Year 2024-2025: The Annual Work Plan is prepared by the Department of Environmental Protection's Division of State Lands pursuant to section 259.105(17), F.S. The Annual Work Plan is required to be adopted by ARC and presented to the Board of Trustees on an annual basis. ARC adopted the Annual Work Plan at the February 9, 2024, council meeting. The Fiscal Year 2024-2025 Annual Work Plan contains 61 projects of which 51 overlap with the Florida Wildlife Corridor.

Comprehensive Plan

The 2024 Florida Forever Priority List is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands' section of the State Comprehensive Plan.

(Attachment 2B, Page 1 - 6)

RECOMMEND: (1) APPROVAL OF THE 2024 FLORIDA FOREVER PRIORITY LIST AND (2) ACCEPTANCE OF THE DIVISION OF STATE LANDS' ANNUAL FLORIDA FOREVER WORK PLAN FOR FISCAL YEAR 2024-2025

Item 3A Big John's on Central, LLC; EIL NC Main Office Complex, LLC; 83 Clark Street, LLC; 160 S Central, LLC Acceptance of Offer/ Sale and Purchase Contracts/ Determination

REQUEST: Consideration of a (1) a determination that four parcels totaling approximately 1.35 acres of state-owned conservation land in Seminole County (a) is no longer needed for conservation purposes, pursuant to Article X, section 18 of the Florida Constitution and section 253.0341(1), F.S.; and (b) no longer needs to be preserved in furtherance of the Preservation 2000 Act, pursuant to section 259.101(6)(b), F.S.; and (c) surplus; (2) approve four contracts for sale and purchase of four parcels totaling approximately 1.35 acres of state-owned conservation land to Big John's on Central, LLC; EIL NC Main Office Complex, LLC; 83 Clark Street, LLC; and 160 S Central, LLC.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Seminole

APPLICANTS: Big John's on Central, LLC; EIL NC Main Office Complex, LLC; 83 Clark Street, LLC; and 160 S Central, LLC

LOCATION: Sections 10 and 15, Township 21 South, Range 31 East

CONSIDERATION: \$294,695 to be deposited in the Florida Forever Trust Fund pursuant to section 253.0341(12), F.S.

Item 3A, Cont.

STAFF REMARKS:

In December 1996, Preservation 2000 funds were used to purchase approximately 116.38 acres of abandoned railroad corridor from CSK Transportation, Inc., as part of the Department of Environmental Protection’s (Department) Office of Greenways and Trails program.

On August 12, 1997, Seminole County entered into a sublease (Sublease No. 4147-01) with the Department’s Office of Greenways and Trails with an expiration date of March 31, 2047, for a portion of this land. The purpose of this lease was for the Oveido-Spring Hammock Trail known as the Cross Seminole Trail (Trail). On July 28, 2020, sublease 4147-01 was renumbered to lease 4770. On June 13, 2023, the Department received a request from Seminole County to release four parcels, totaling 1.35 acres, from the Board of Trustees’ lease because they are not contiguous to the current main Trail, and they are not included in any future Trail development plans.

Project Description

The subject property is within the urbanized downtown core redevelopment area of Oveido, Florida, which includes retail sales, services, and industrial property. Since 2019, the City of Oveido and Seminole County have worked together on a revitalization plan of Oveido’s historic downtown. In June 2023, the Oveido City Council approved an update to its comprehensive plan to account for an additional 16,000 residents within the next 20 years.

Pursuant to 253.0341(9), F.S., parcels with a market value of \$500,000 or less, may be sold by any reasonable means. As part of the surplus process, the Department obtained a comparison sales analysis to determine the value of the property and adjacent landowners expressed an interest in the property. Subsequent offers and contracts were provided to the Applicants. The Applicants plan to redevelop the property.

The Applicants will be responsible for and pay all closing costs associated with the subject parcel including, but not limited to, survey costs, documentary stamp tax on the quitclaim deed, recording fees, abstract or title insurance fees, buyer’s attorneys’ fees, and any other closing costs that may be incurred. The Applicants shall also reimburse any closing costs that are initially paid by the Board of Trustees or other parties on behalf of the Board of Trustees.

Constitutional and Statutory Requirement

Pursuant to Article X, Section 18 of the Florida Constitution, the fee interest in real property may be disposed of only if the members of the governing board of the entity holding title determine the property is no longer needed for conservation purposes and only upon a vote of two-thirds of the governing board. The Board of Trustees must also make a determination that such land no longer needs to be preserved in furtherance of the P-2000 Act, pursuant to section 295.101(6)(b), F.S. Pursuant to section 253.0341(1), F.S., to surplus conservation land, the Board of Trustees must determine that the land is no longer needed, and per section 253.0341(4), F.S., conservation lands shall be reviewed by the Acquisition and Restoration Council for recommendation as to whether such lands should be retained in public ownership or disposed of by the Board of Trustees. The Acquisition and Restoration Council offers the following to assist the Board of Trustees in making an affirmative determination that the subject property is no longer needed:

Item 3A, Cont.

- The parcels are not contiguous to the main Trail, not currently used for recreational activities, and no longer needed for the purposes for which it was originally leased;
- The parcels are in the urbanized downtown core of Oviedo which limits their use as part of the Trail; and
- Seminole County has abandoned these parts of the Trail as they do not provide resource, recreational, nor operational value to the Trail.

Acquisition and Restoration Council

On December 8, 2023, the Acquisition and Restoration Council recommended that the subject property is no longer needed for conservation purposes subject to Board of Trustees' approval.

Noticing

Pursuant to section 253.0341(7), F.S., the subject parcel was offered for lease to state agencies and no interest in the subject property was received.

Comprehensive Plan

Consideration of the status of the local government comprehensive plan was not made for this item. The Department has determined that the proposed action to surplus property is not subject to the local government planning process.

(Attachment 3A, Pages 1 - 31)

RECOMMEND: APPROVAL

Item 3B AC Tampa Bay, Inc. Acceptance of Offer/ Sale and Purchase Contract

REQUEST: Consideration of the (1) acceptance of a bid in the amount of \$8,750,000 submitted by AC Tampa Bay, Inc., for the purchase of an approximately 20-acre improved parcel of state-owned non-conservation land that was determined surplus, per section 253.0341(1), F.S., by the Board of Trustees; and (2) approval of a contract for sale and purchase of an approximately 20-acre improved parcel of state-owned non-conservation land to AC Tampa Bay, Inc.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Pinellas
 Bid No. DSL-BID-23-002

APPLICANT: AC Tampa Bay, Inc.

LOCATION: Section 13, Township 30 South, Range 16 East

Item 3B, Cont.

CONSIDERATION: \$8,750,000 to be deposited in the Internal Improvement Trust Fund pursuant to section 253.0341(14)(a), F.S.

STAFF REMARKS: The subject property was purchased by the Board of Trustees in 1967 from Pinellas County for \$60,000.

On February 3, 1970, the Florida Department of Health and Rehabilitative Services, now known as the Agency for Person with Disabilities (APD), entered into a 99-year lease (No. 2409) with the Board of Trustees with an expiration date of February 3, 2069. The purpose of the lease was for managing the subject property for the operation of a state community regional center, the St. Petersburg Community Center. The 20-acre subject property contains five buildings that were built in 1971. On April 14, 2022, the Department of Environmental Protection’s (Department) Division of State Lands (DSL) received a request from APD to be released from its lease on the property because the facility is vacant and no longer utilized to fulfill its mission.

Statutory Requirement

Pursuant to section 253.0341(1), F.S., to surplus non-conservation land, the Board of Trustees must determine that the land is no longer needed. Pursuant to section 253.0341(4), F.S., non-conservation lands shall be reviewed by DSL for recommendation as to whether such lands should be retained in public ownership or disposed of by the Board of Trustees. DSL offers the following to assist the Board of Trustees in making an affirmative determination that the subject parcel is no longer needed:

- APD, the managing agency, has evaluated the use of the subject property and determined that it is no longer needed for the purpose for which it was originally leased; and
- DSL has reviewed APD findings and completed the required surplus lands process.

Noticing

Pursuant to section 253.0341(7), F.S., the subject parcel was offered for lease to state agencies and no interest in the subject property was received.

Marketing and Bid History

The Department contracted with CBRE, Inc. (CBRE) to assist with the marketing and sale of the subject property. Bid instructions were posted by CBRE on March 21, 2023, until the bid opening date of May 24, 2023. CBRE posted on their website property information, maps, history, disclosure, bid package information, and the minimum bid amount of \$5,490,000, which was determined pursuant to section 253.0341(8), F.S. CBRE also placed signs on the subject property and sent emails to approximately 20,000 prospective buyers. Follow-up communications and site tours with prospective buyers were conducted by CBRE during the marketing period.

The subject property was also posted on the Department’s surplus land website from April 4, 2023, until the bid opening date of May 24, 2023. The Department sent notification of the bid through GovDelivery to over 70,000 entities that include real estate offices, developers, investment companies, and other parties that have requested to receive notification of surplus land bid notices. The bid was also advertised in the legal section of the Sun Sentinel once per week for three consecutive weeks.

Item 3B, Cont.

Five responsive bids were received, with the highest bid received from DP Redemption, LLC. The bid submitted by DP Redemption, LLC, was presented to the Board of Trustees on September 18, 2023, and was approved on that date. DP Redemption was unable to consummate closing. DSL contacted the second highest bidder, AC Tampa Bay, Inc., who submitted a bid in the amount of \$8,750,000 and the required ten-percent deposit. AC Tampa Bay, Inc., has advised it plans to re-develop the subject property.

AC Tampa Bay, Inc., will be responsible for and pay all closing costs associated with the subject parcel including, but not limited to, survey costs, documentary stamp tax on the quitclaim deed, recording fees, abstract or title insurance fees, buyer’s attorneys’ fees, and any other closing costs that they may incur. AC Tampa Bay, Inc., shall also reimburse any closing costs that are initially paid by the Board of Trustees or other parties on behalf of the Board of Trustees. These reimbursable closing costs include, but are not limited to, the costs of appraisal, survey, legal advertising, and the brokerage fee to CBRE.

Comprehensive Plan

Consideration of the status of the local government comprehensive plan was not made for this item. The Department has determined that the proposed action to surplus property is not subject to the local government planning process.

(Attachment 3B, Pages 1 - 8)

RECOMMEND: APPROVAL

Item 4 BOT/ Carolyn Bermes Exchange Agreement/ Blackwater River State Forest/ Determination

REQUEST: Consideration of (1) a determination that an approximately two-acre parcel of land owned by the Board of Trustees is (a) no longer needed for conservation purposes, pursuant to Article X, section 18 of the Florida Constitution and section 253.0341(1), F.S.; and (b) surplus; (2) a determination that an exchange will (a) result in a net positive conservation benefit to the state, pursuant to section 253.0341(1), F.S.; and (b) provide a greater benefit to the public than its retention in Board of Trustees’ ownership, pursuant to Rule 18-2.018(3)(b)1.c., F.A.C.; and (3) approval of an exchange agreement in which the Board of Trustees will convey approximately two acres of state-owned conservation land in exchange for approximately ten acres of land owned by Carolyn Bermes.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Okaloosa and Santa Rosa

APPLICANT: Carolyn Bermes

LOCATION: Section 18, Township 04 North, Range 25 West

Item 4, Cont.

CONSIDERATION: Parcel for parcel, with \$3,000 in cash to be deposited into the Florida Forever Trust Fund pursuant to section 253.0341(12), F.S.

		APPRAISED BY			
		Asmar	APPROVED	EXCHANGE	CLOSING
<u>PARCEL</u>	<u>ACRES</u>	<u>03/22/2023</u>	<u>VALUE</u>	<u>VALUE</u>	<u>DATE</u>
Carolyn Bermes	10	\$26,000	\$26,000	\$26,000	120 days after BOT approval
BOT	2	\$29,000	\$29,000	\$29,000	

STAFF REMARKS: The Department of Environmental Protection (Department) Division of State Lands (DSL) and the Department of Agriculture and Consumer Services’ (DACS) Florida Forest Service (FFS) are proposing to exchange a two-acre parcel of state-owned conservation land for ten acres of land owned by Carolyn Bermes, for the benefit of the Blackwater Baptist Church (Church).

Background

In 1955, the United States of America conveyed 121,427 unsurveyed acres, now known as the Blackwater River State Forest (BRSF), to the former Florida Board of Forestry, predecessor to FFS, pursuant to the Bankhead-Jones Farm Tenant Act of 1937. The conveyance was made subject to the condition that the land be used for public purposes, and if not, it would revert to the United States of America. The land was subsequently conveyed to the Board of Trustees pursuant to section 253.03(6), F.S, with the reverter language in the deed. The land is managed by FFS under Board of Trustees’ Lease No. 3686.

Project Detail

In 1965, the Church built its original church structure on the state-owned, two-acre subject property. In 1968, the Board of Trustees leased it to the Florida Board of Forestry for forestry, recreational, and administrative purposes. In 1976, it was subleased by DACS to the Church for a term of 15 years with one 25-year extension. In 2021 it was determined that the sublease was not compatible with the purpose of the DACS lease and therefore the sublease would not be renewed. The Church is requesting to resolve the encroachment by offering ten acres of unimproved land within BRSF. The Department contacted the U.S. Department of Agriculture (USDA) in 2022 regarding the existing reverter on the subject state-owned property and received approval to proceed with the exchange, with the condition that the reverter would be transferred from the two-acre state-owned parcel to the ten-acre parcel proposed for the exchange. The Department, FFS, and the USDA have worked together to satisfy all parties in the resolution of this encroachment.

This property is currently under lease to the FFS as part of BRSF. The proposed exchange will benefit FFS by removing two acres of unmanageable land encumbered with an active church, replacing it with ten acres of forested land which will better meet its goals and objective of public land conservation and utilization. Additionally, the exchange will legally resolve an encroachment issue within BRSF.

Acquisition and Restoration Council

The proposed exchange request was recommended for approval by the Acquisition and Restoration Council on December 9, 2022.

Item 4, Cont.

Constitutional, Statutory, and Rule Requirements

Pursuant to Article X, section 18 of the Florida Constitution, the fee interest in real property may be disposed of only if the members of the governing board of the entity holding title determine the property is no longer needed for conservation purposes and only upon a vote of two-thirds of the governing board. Pursuant to section 253.0341(1), F.S., to surplus conservation lands, the Board of Trustees, by a vote of at least three members, must determine that the lands are no longer needed for conservation purposes and that the exchange will result in a net positive conservation benefit to the state. Pursuant to Rule 18-2.018(3)(b)1.c., F.A.C., the surplus lands must provide a greater benefit to the public than its retention in Board of Trustees’ ownership. The Department offers the following to assist the Board of Trustees in determining that the two-acre parcel is no longer needed for conservation purposes:

- The parcel contains an active church making it unmanageable for public land conservation and utilization.

The Department also offers the following to assist the Board of Trustees in making the determination that the exchange will provide a net conservation benefit to the public than its retention in Board of Trustees’ ownership:

- The new configuration of the state-owned lands will enhance public use and is compatible with the overall land management plan for this conservation area;
- The state will gain forested land adjacent to BRSF; and
- The exchange will legally resolve an encroachment within BRSF.

Management Review

FFS, as manager of BRSF, supports the proposed exchange. The ten acres being received will be merged with BRSF and serve the purposes of the forest, land conservation, and utilization.

Comprehensive Plan

The Department has determined the proposed exchange is not subject to the local government planning process. The acquisition of the private parcel is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands’ section of the State Comprehensive Plan.

(Attachment 4, Pages 1 - 23)

RECOMMEND: APPROVAL

Item 5A Creek Legacy Ranch, LLC, Creek Ranch Mitigation Bank, LLC, and Creek Ranch, LLC Option Agreement/ Lake Hatchineha Watershed Florida Forever Project

REQUEST: Consideration of an option agreement to acquire 1,342 acres within the Lake Hatchineha Watershed Florida Forever project from Creek Legacy Ranch, LLC, Creek Ranch Mitigation Bank, LLC, and Creek Ranch, LLC.

Item 5A, Cont.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTY: Polk

LOCATION: Sections 13, 23 and 24, Township 28 South, Range 28 East and Section 19, Township 28 South, Range 29 East

CONSIDERATION: \$36,108,050

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED</u> <u>VALUE</u>	<u>SELLER'S</u> <u>PURCHASE</u> <u>PRICE</u>	<u>TRUSTEES'</u> <u>PURCHASE</u> <u>PRICE</u>	<u>OPTION</u> <u>DATE</u>
		Jones (01/03/24)	String (01/03/24)				
Creek Legacy Ranch LLC, et. al	1,342	\$37,050,000	\$36,900,000	\$37,050,000	\$12,435,700*	\$36,108,050** (98%)	120 days after BOT approval

* Property was assembled in 2022.
** \$26,906 per acre.

STAFF REMARKS: The subject property is located within the Lake Hatchineha Watershed Florida Forever project, ranked number 24 in the Florida Forever Critical Natural Lands project category, approved by the Board of Trustees on March 26, 2024. The project contains 5,473 acres, of which 3,220 acres have been acquired or under agreement to be acquired.

Project Description

The Lake Hatchineha Watershed Florida Forever project lies on the eastern flank of the Lake Wales Ridge complex, where the high ridges at the center of the peninsula give way to relatively flat marine terrace surrounding the Kissimmee River to the east. The project aims to preserve a rare continuum of natural communities from the high scrub on the edge of the Central Ridge to marsh, floodplain, lakeshore and blackwater streams in the lowlands. Acquiring lands within this project will protect the state's surface and groundwater supply and provide outdoor resource-based recreation.

Property Description

The subject property, known as Creek Ranch, is a working cattle ranch and horse farm with approximately 350 head of cattle. Located on the eastern boundary of Polk County approximately nine miles southeast of Haines City and ten miles northeast of Lake Wales, Creek Ranch contains approximately 1,200 feet of frontage on Deer Lake and is a component of the Kissimmee Chain of Lakes, which forms part of the headwaters of the Kissimmee River-Lake Okeechobee-Everglades system.

Situated within a landscape that is increasingly under pressure from expansion of nearby suburban population areas, the subject property is under direct threat of development. The property is entitled with a rural mixed-use development that allows for 1,876 single-family homes and commercial development.

Preservation of this significant hydrologically and ecologically rich parcel will fill an important gap in the landscape of conservation lands that surround Lake Hatchineha in the southwest region of Florida; provide crucial habitat protection and connectivity for rare and endangered plant and animal

Item 5A, Cont.

species; afford critical water quality for Lake Hatchineha and the Kissimmee River; and expand public outdoor resource-based recreational opportunities.

Rare wildlife species documented on the property include the gopher tortoise, Florida sandhill crane, and the Florida scrub lizard. Rare plant species observed on site include cutthroat grass and the common wild pine. The property is also in the range of the Florida black bear and there have been panther sightings on site and in the vicinity. The subject property lies within a wildlife corridor of the Florida Ecological Greenways Network.

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 the Department the authority to review and evaluate marketability issues as they arise on all Chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

A title insurance policy, survey, and environmental site evaluation will be provided by the buyer prior to closing.

Managing Agency

The subject property will be managed by the Florida Fish and Wildlife Conservation Commission as part of the Wildlife Management Area system.

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.

(Attachment 5A, Pages 1 - 56)

RECOMMEND: APPROVAL

Item 5B Edward Yarborough Ranches, Inc., James W. Yarborough and Frances M. Yarborough, and James Yarborough as Trustee of the JWL QTIP Trust and JWL Residuary Trust Option Agreement/ Yarborough Ranch Florida Forever Project

REQUEST: Consideration of (1) an option agreement to acquire approximately 1,361 acres within the Yarborough Ranch Florida Forever project from Edward Yarborough Ranches, Inc., a Florida corporation, James W. Yarborough and Frances M. Yarborough, and James Yarborough as trustee of the JWL QTIP Trust, and James Yarborough as trustee of the JWL Residuary Trust; and (2) designation of the Department of Agriculture and Consumer Services, Florida Forest Service, as the managing agency; and (3) confirmation of the management policy statement.

Item 5B, Cont.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTY: Seminole

LOCATION: Sections 02 and 03, Township 21 South, Range 32 East and Section 34, Township 20 South, Range 32 East

CONSIDERATION: \$34,500,000

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED VALUE</u>	<u>SELLER'S PURCHASE PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>OPTION DATE</u>
		<u>Williams (09/19/23)</u>	<u>Clayton/Scheiber (09/19/23)</u>				
Edward Yarborough Ranches Inc., et al	1,361	\$35,400,000	\$35,250,000	\$35,400,000	\$ N/A *	\$34,500,000** (98%)	120 days after BOT Approval

* Property was inherited.
 **\$25,349 per acre.

STAFF REMARKS: The subject property is located within the Yarborough Ranch Florida Forever project, ranked number 26 in the Florida Forever Partnerships and Regional Incentives project category, approved by the Board of Trustees on March 26, 2024. The project contains 1,361 acres and will be complete if the subject property is acquired.

Project Description

The Yarborough Ranch Florida Forever project will help to preserve and ensure the water quality of the Big Econlockhatchee Drainage Basin and the Geneva Freshwater Lens. The project's proximity to Little Big Econ State Forest and conservation lands in Seminole County increases connectivity of public and private conservation lands, protects a critical wildlife corridor, provides surface and groundwater protection, and provides habitat for a variety of imperiled plant and animal species, including the Florida black bear.

Property Description

The 1,361-acre subject property has been a working cattle ranch for several generations and currently has approximately 200 head of cattle. Located in southeastern Seminole County, the subject property shares a majority of its boundaries with conservation land, including the Little Big Econ State Forest. The subject property's diverse landscape of basin swamp, sand pine scrub, wet flatwoods, mesic flatwoods, and improved pasture, provides potential habitat for several imperiled species including the Florida black bear and Gopher tortoise.

The subject property is situated within the Big Econlockhatchee Drainage Basin and almost entirely within the Geneva Freshwater Lens. The Geneva Freshwater Lens is a single-source water supply and provides drinking water for Seminole County residents. A Preliminary Subdivision Plan allowing 300 1-acre homesites for the Yarborough Ranch subdivision was approved by Seminole County in December 2023. The property contains an approximately 0.60-acre cell phone tower site that is currently under lease with SBA Towers, Inc. Once acquired, revenue from the lease will go to the

Item 5B, Cont.

managing agency. Keeping the subject property in its natural state protects this unique and valuable hydrologic resource, helps to safeguard the health and diversity of the regional ecosystem, and prevents further development in an area of rapid urbanization. The property lies within a wildlife corridor of the Florida Ecological Greenways Network.

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 the Department the authority to review and evaluate marketability issues as they arise on all Chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

A title insurance commitment, survey, and environmental site assessment will be provided by the buyer prior to closing.

Managing Agency

Pursuant to section 259.032(7)(d), F.S., the Department recommends that the Board of Trustees designate the Department of Agriculture and Consumer Services, Florida Forest Service, as the managing agency for the subject property. The subject property will be managed as an addition to the Little Big Econ State Forest.

Management Policy Statement

Section 259.032(7)(d), F.S., requires that the Board of Trustees, concurrent with its approval of the initial acquisition agreement within a project, evaluate and amend, as appropriate, the management policy statement for the proposed project as provided by section 259.035, F.S., consistent with the purposes for which the lands are acquired. The Department recommends the Board of Trustees confirm the management policy statement as follows:

The property will be managed as an addition to Little Big Econ State Forest. The property will increase the State Forest’s ecological value, provide public access and resource-based outdoor recreational opportunities, and better resource management due to the direct connectivity to other state forest lands. Further, all management activities will be implemented according to the Little Big Econ State Forest management plan.

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.

(Attachment 5B, Pages 1 - 40)

RECOMMEND: APPROVAL

Item 6 CDC Land Investments, Inc, Collier Land Holdings, LTD, and Cow Bone Slough, LLLP Option Agreement/ Caloosahatchee-Big Cypress Corridor Project/ Delegation

REQUEST: Consideration of (1) an option agreement to acquire approximately 25,039 acres within the Caloosahatchee-Big Cypress Corridor project from CDC Land Investments, Inc, Collier Land Holdings, LTD, and Cow Bone Slough, LLLP, pursuant to section 84, chapter 223-240, Laws of Florida; (2) ten-year land leases to CDC Land Investments, Inc, Collier Land Holdings, LTD, and Cow Bone Slough, LLLP, with an option for two five-year renewal terms; (3) delegation of authority to the Secretary of the Department of Environmental Protection, or designee, to approve leases or subleases to for-profit corporations; and (4) a determination that awarding leases or subleases to for-profit corporations without conducting a competitive bid is in the public interest pursuant to section 18-2.018(2)(i), F.A.C.

VOTING REQUIREMENT FOR APPROVAL: (1) Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting; and (2) three votes.

COUNTIES: Hendry and Collier

LOCATION: Sections 13, 25, and 35, Township 46 South, Range 29 East, Sections 17 through 20, and 28 through 31, Township 46 South, Range 30 East, Sections 01 and 02, 12 and 13, Township 47 South, Range 29 East, Sections 06 and 07, 13 and 14, 18 through 29, and 32 through 36, Township 47 South, Range 30 East, Sections 02 and 03, 05, 10 and 11, Township 48 South, Range 30 East, Sections 11, 14 and 15, 21 through 30, and 36, Township 47 South, Range 31 East, and Sections 19, 30 through 31, Township 47 South, Range 32 East

CONSIDERATION: \$122,400,000

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED VALUE</u>	<u>SELLER'S PURCHASE PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>OPTION DATE</u>
		<u>String (12/21/23)</u>	<u>Jones (12/21/23)</u>				
CDC Land Investments, Inc., Collier Land Holdings, LTD, and Cow Bone Slough, LLLP	25,039	\$122,400,000	\$118,850,000	\$122,400,000	\$N/A*	\$122,400,000** (100%)	120 days after BOT Approval

*Seller purchased property over multiple decades.

**\$4,888.37 per acre.

STAFF REMARKS: The subject property is located within the Caloosahatchee-Big Cypress Corridor project, which was established by section 84, chapter 223-240, Laws of Florida. This authorizes the Department to acquire lands within this project that also lie within the Florida Wildlife Corridor. As defined in the Laws of Florida, the project contains approximately 75,000 acres and this will be the first acquisition in the project.

Property Description

The subject property consists of four non-contiguous parcels totaling 25,039 acres within the Caloosahatchee-Big Cypress Corridor project located in Hendry and Collier County. The property

Item 6, Cont.

bolsters connectivity between the Florida Panther National Wildlife Refuge and Big Cypress National Preserve to Dinner Island Wildlife Management Area, Okaloacoochee Slough State Forest, and the Corkscrew Regional Ecosystem Wildlife and Environmental Area. The connectivity of uplands and wetlands provided by the subject property, in conjunction with other critical conservation lands, is vital in protecting the state’s water resources and preventing habitat fragmentation. Protection of these ecologically critical habitats and agricultural lands provides safe passage and dispersal routes for a wide range of imperiled species and plants, including the Florida panther, and protects the integrity and functionality of agricultural activities threatened by development. The property serves as a primary and secondary zone for the federally endangered Florida panther and lies within a wildlife corridor of the Florida Ecological Greenways Network.

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 the Department the authority to review and evaluate marketability issues as they arise on all Chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

A title insurance commitment, survey, and environmental site evaluation will be provided by the buyer prior to closing.

Land Management

The subject property will be managed by CDC Land Investments, Inc., Collier Land Holdings, LTD, and Cow Bone Slough, LLLP through a lease pursuant to section 84, chapter 223-240, Laws of Florida, for the Caloosahatchee-Big Cypress Corridor project. The lease fees shall be established by fair market value based on an appraisal and paid annually to the Board of Trustees. The lease fee shall be adjusted annually in accordance with the use of the property (i.e. Producer Price Index, Consumer Price Index). The annual lease fee shall never decrease below the original base lease fee. A new lease fee shall be established based on an appraisal prior to exercising any option to renew. Any required appraisal will be at the sole cost of the Lessee.

Historic use of the subject property has provided for agricultural activities generating income for private users. Pursuant to Rule 18-2.018(2)(i), F.A.C., the Board of Trustees shall authorize uses of uplands that will generate income or revenue to a private user or will limit or preempt use by the general public, on the basis of competitive bidding unless the Board of Trustees determine it to be in the public interest to do otherwise. In order to protect the integrity and functionality of agricultural uses, pursuant to section 84, chapter 223-240, Laws of Florida, as leases or subleases, Department staff believe it is in the public interest to approve any such lease or sublease to for-profit corporations without competitively bidding. In addition, to expedite future authorizations for agricultural uses, it is requested that the Secretary of the Department of Environmental Protection, or designee, be given the delegated authority to approve future leases or subleases, so long as the lease or sublease continues to promote agricultural production pursuant to section 84, chapter 223-240, Laws of Florida.

The Board of Trustees has previously received compensation for subleases that generate revenue. This typically occurs when the use is inconsistent with the original intent of the Board of Trustees’ lease.

Item 6, Cont.

However, in this case, the property use under any sublease will be consistent with, and promote, the Board of Trustees’ original intent for the use of the property as stipulated in section 84, chapter 223-240, Laws of Florida, for the Caloosahatchee-Big Cypress Corridor project. Therefore, the Board of Trustees will not receive compensation for any sublease. Instead, the land manager will receive the proceeds, which will provide funding for the management of the subject property.

Upon approval, the initial lease terms with CDC Land Investments, Inc., Collier Land Holdings, LTD, and Cow Bone Slough, LLLP will be ten years, with an option for two five-year renewals.

In the event the above-described leases expire or otherwise terminate, the Department shall pursue an alternate land manager. The land manager shall be a state agency, local government, or a private entity that is fully capable of carrying out management of the land in accordance with the purposes for which it was acquired.

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.

(Attachment 6, Pages 1 - 58)

RECOMMEND: APPROVAL

Item 7 Aquaculture Water Column Leases in Franklin County

REQUEST: Approval to issue new 1.5-acre and 3-acre, ten-year sovereignty submerged land aquaculture leases to authorize use of the full water column.

VOTING REQUIREMENT FOR APPROVAL: Three votes

LOCATION: Apalachicola Bay, Franklin County, Florida

APPLICANT: Goose Island Gold, LLC

CONSIDERATION: An annual fee of \$86.92 for the 1.5-acre parcel and \$130.38 for the 3-acre parcel, representing a base annual rental fee of \$33.46 per acre or fraction thereof; and an annual surcharge of \$10.00 per acre or fraction thereof, pursuant to Rule 18-21.022, F.A.C. The annual fee and surcharge collected will be deposited in the General Inspection Trust Fund, pursuant to sections 597.010(5)(b) and (7), F.S.

STAFF REMARKS:

The requested two lease parcels are approximately 1.5 acres and 3 acres, and are located in the St. George Sound, Apalachicola Bay, Franklin County. The Applicant is requesting authorization from

Item 7, Cont.

the Board of Trustees, pursuant to section 253.68(1), F.S., for two new aquaculture leases for the purpose of culturing oysters in floating gear using the full water column.

The Applicant is a current holder of an Aquaculture Certificate of Registration and is in compliance with all applicable Florida Department of Agriculture and Consumer Services’ (FDACS) Aquaculture Best Management Practices. The proposed leases will be subject to the terms and conditions applied to other aquaculture leases issued throughout the state for the same purposes, including the provision that the transfer or sale of the leases will not be approved during the first five years of the lease term. Upon approval, the leases will be surveyed by the Applicant.

Agency Review

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

Special Conditions

The proposed leases will be subject to the terms and conditions applied to other aquaculture leases issued throughout the state for the same purposes, including the provision that the transfer or sale of the lease will not be approved during the first five years of the lease terms. The requirement to obtain a permit from the United States Coast Guard for Private Aids to Navigation will be a special condition of the leases. The proposed leases are located within Gulf Sturgeon critical habitat. Pursuant to FDACS’ Programmatic General Permit (SAJ-99, SAJ-2007-03138) Aquaculture Activities in the State of Florida, the off-bottom basket methodology is prohibited on new leases within Gulf Sturgeon critical habitat, but the floating basket and suspended basket or longline methodologies are allowed for shellfish aquaculture. The Applicant is planning to use the floating basket method for shellfish production, so this activity will be covered under the Programmatic General Permit. The proposed gear is authorized under the FDACS general permit from the Army Corps of Engineers.

Public Interest

The proposed parcels are not in an aquatic preserve; therefore, the activity does not have to be found to be in the public interest. The project is, however, required to demonstrate that they are “not contrary to the public interest,” pursuant to Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., and Rule 18-21.004(1)(a), F.A.C. Because the Legislature has declared aquaculture to be in the public interest, according to section 253.68(2)(a), F.S., FDACS is of the opinion that the activities meet the test of being “not contrary to the public interest” and otherwise meet all applicable requirements for a proprietary authorization to use sovereignty submerged lands.

Noticing

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

Item 7, Cont.

Comprehensive Plan

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

(Attachment 7, Pages 1-35)

RECOMMEND: APPROVAL

Item 8A **Heart Bar Ranch Option Agreement/ Heart Bar Ranch/ FDACS/ Rural and Family Lands Protection Program**

REQUEST: Consideration of (1) an option agreement to acquire a rural lands protection easement over approximately 3,080.39 acres within the Heart Bar Ranch project of the Florida Department of Agriculture and Consumer Services’ (FDACS) Rural and Family Lands Protection Program (RFLPP) from Earl Partin Canoe Creek Ranch, Inc.; and (2) designation of FDACS/RFLPP as the monitoring agency.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

APPLICANT: Florida Department of Agriculture and Consumer Services, Rural and Family Lands Protection Program

COUNTY: Osceola

LOCATION: Portions of Section 03 through 06, Township 28 South, Range 31 East, in Osceola County; and portions of Section 28 and 29, 31 through 33, Township 27 South, Range 31 East, in Osceola County.

CONSIDERATION: \$12,650,000

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED VALUE</u>	<u>SELLER’S PURCHASE PRICE</u>	<u>TRUSTEES’ PURCHASE PRICE</u>	<u>OPTION DATE</u>
		Jones (11/16/23)	Marr (11/16/23)				
Earl Partin Canoe Creek Ranch, Inc.	3,080.39	\$12,650,000	\$12,630,000	\$12,650,000*	\$257,400**	\$12,650,000*** (100%)	120 days after BOT approval

*Fee value was determined to be \$20,950,000 and \$20,330,000. The easement value is 61% and 63% of the fee value, respectively.

**Property was purchased January 30, 1959.

***The purchase price for the easement is \$4,107 per acre.

Item 8A, Cont.

STAFF REMARKS: This acquisition was negotiated by FDACS under its RFLPP. If approved, this project will be the 88th perpetual easement proposed for acquisition, with a total of approximately 117,637 acres preserved under the RFLPP. There is an additional 386.49 acres under contract with David and Cynthia Partin that will be processed under RFLPP’s statutory authority. If this item is approved, both ownerships will close simultaneously and complete the project.

Project Description

This project has one of the longest legacy ranch histories. It is owned by one of the descendants of Hugh Partin who arrived in Florida in 1847. Today it is owned and operated by 5th and 6th-generation Partin family farmers. The project is just south of the Orlando metropolitan area. Agricultural activities include cattle, timber, wildlife management, and seed business. There are approximately 3,000 acres of native or semi-native habitat for wildlife, much of which also supports cattle grazing. Pine flatwoods, forested wetlands, and herbaceous wetlands are the primary habitat types. Over 4 miles of Camp Lonesome Creek traverses the project before flowing into Canoe Creek, which has a mile of frontage. If approved, this will complete the Heart Bar RFLPP project. The project site is enrolled in the FDACS Best Management Practices (BMP) program and is located within the Florida Wildlife Corridor.

Property Description

The Partin Family has been operating successful cow/calf, citrus, seed, and sod businesses for several generations. The pristine landscape is a prime example of how well cattle grazing and land management can complement each other. The Brahman herd is made up of descendants of the first Brahman cattle that were brought to the state of Florida by Mr. Partin’s grandfather. They have alternative water sources in every pasture and rotate their cattle regularly. All improved pastures are soil and tissue tested regularly and soil amendments and fertilizers are applied at recommended rates or lower. All the ditches are well maintained and have little erosion from cattle access. The Partin family has long-standing relationships as a supplier for several seed companies such as Pennington Seed, BWI Industries, Athens Seed Company, and Diamond R as well as still honoring decades-old agreements to collect and bag seed for fellow Florida cattlemen. Their Brahmin herd of traditional bloodlines is sold through various means, with some sold overseas to Puerto Rico and Ecuador. Commercial cattle are sold online and on satellite video.

Prohibited Uses

- Dumping of non-biodegradable, toxic, or hazardous substances, trash garbage, wastes, abandoned vehicles, appliances, machinery, or similar material is prohibited;
- Activities that affect the hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, fish and wildlife habitat, etc. The exploration for and extraction of oil, gas, minerals, dolostone, peat, muck, marl, limestone, limerock, kaolin, fuller’s earth, phosphate, common clays, gravel, shell, sand, and similar substances either directly or indirectly by Grantor or on Grantor’s behalf, etc. Limited mining is allowed to combat erosion or flooding, or for limited on-farm agricultural uses;
- Planting of nuisance exotic or non-native plants as listed by the Exotic Pest Plant Council (EPPC) or its successor. The Grantor shall, to the extent practical, control and prevent the spread of nuisance exotics or non-native plants on the Property;
- Concentrated animal feeding operations as defined by the United States Environmental

Item 8A, Cont.

Protection Agency;

- New construction or placing of temporary or permanent buildings, mobile homes, or other structures in, on, or above the ground of the Property except as may be permitted hereinafter, or as necessary by Grantor for maintenance or normal operations of the Property or during emergency situations or as may otherwise be specifically provided for in the Easement;
- Construction or placing of roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the Easement, and except for linear facilities described in section 704.06(11), F.S. Grantee may erect and maintain signs designating the Property as land under the protection of Grantee;
- Fertilizer use for agriculture activities shall be in accordance with agricultural BMPs recommended by the Natural Resources Conservation Service or the FDACS, whichever is more stringent, as those BMPs may be amended. No agricultural activities shall occur within a 100-foot buffer around sinkholes and other karst features that are connected to spring conduits, except as provided in the applicable BMPs;
- Actions or activities that may reasonably be expected to adversely affect threatened or endangered species;
- Any subdivision of the Property inconsistent with the division of land pursuant to Rule Chapter 5I-7, F.A.C., as amended;
- Commercial water wells on the Property;
- Harvesting of cypress trees in the Significant Natural Areas (SNAs);
- Mitigation banks not in compliance with Florida Statutes and Administrative Rules, as amended;
- Construction or conversion of SNAs to more improved areas;
- Conversion of forested areas to non-forested areas as shown in the Baseline Documentation Report (BDR) within the SNAs; and
- Activities detrimental to the preservation of historical, architectural, archaeological, or cultural resources on the Property.

Owner's Reserved Rights

- Grantor has, and shall be deemed hereby to have retained, the underlying fee simple absolute title in the Property;
- The right to conduct agricultural operations on the Property; provided, however, that prior to any timbering in an SNA, Grantor shall provide written notice to and obtain approval from Grantee concerning reforestation and harvesting methods consistent with this Easement. The right to engage in cattle grazing on the existing Improved Pasture as set forth in the BDR, including the right to maintain, utilize, fertilize, and mow such pasture. All agricultural uses shall be conducted in accordance with BMPs adopted by FDACS or applicable government agencies, or their successor agencies, as amended from time to time, and in compliance with all laws, rules, and regulations;
- The right to conduct silvicultural operations, provided that prior to any timbering in an SNA, Grantor shall consult with Grantee concerning reforestation methods and methods are consistent with the perpetual protection of the SNAs;
- The right to conduct prescribed burning on the Property; provided, however, that Grantor shall

Item 8A, Cont.

obtain and comply with a prescribed fire authorization from the FDACS' FFS or its successor agency;

- The right to mortgage the Property; provided, however, that the Mortgagee's lien shall be inferior to and lower in priority than this Easement;
- The right to contest tax appraisals, assessments, taxes, and other charges on the Property;
- The right to continue to use, maintain, repair, and reconstruct, all existing buildings, barns, animal pens, outbuildings, fences, roads, ponds, wells, utilities, drainage ditches, and such other facilities on the Property as depicted in the BDR, except on SNAs;
- The right to sell, devise or otherwise transfer ownership of the Property to a third party. This right, however, does not include the right to sell the remaining property rights on the Property for the purposes of a conservation easement or other restriction that would divest the Property of its use under the terms and conditions of the Easement;
- The right to exclusive use of the improvements on the Property;
- Grantor shall obtain and comply with all permits for management of stormwater, water wells, and consumptive uses as may be required by the water management district or any agency having jurisdiction over those activities;
- The right to construct, after giving notice to Grantee, buildings, cross-fencing, water control structures, or other structures and improvements incident to agricultural uses carried on in accordance with sound agriculture. Such buildings shall not be used as residences.
- The right to establish (by survey, fencing, or marking) and maintain property lines around the perimeter of the Property to protect the Property from trespassing and to assist Grantor in the management of the Property in accordance with the Easement;
- The right to observe, maintain, photograph and film, introduce and stock native fish or wildlife on the Property, to use the Property for hiking, and horseback riding. Grantor reserves, and shall continue to own, the hunting and fishing rights on or related to the Property, and Grantor may lease and sell privileges of such rights;
- The right to install connections to normal utility systems, such as electric, cable, water and sewer, and telephone. If a connection to a sewer system is not available, this right shall include the right to install a septic system. The granting of easements or rights-of-way for power lines, gas lines, sewer lines, waterlines, telecommunications towers, and wind farms is prohibited, unless by Grantee. Notwithstanding this prohibition, the Grantor may grant or modify easements for utility connections necessary to serve the permitted uses of the Property that are consistent with the Easement's purposes. Existing utilities may be repaired at their current location; and
- The right to conduct ecological restoration, enhancement, and species relocation.

Encumbrances

There are two oil, gas, and mineral reservations outstanding that cover the entire property. The Department of Environmental Protection's Florida Geological Survey staff has completed a desktop review of the property and determined the likelihood of profitable mining in these areas to be low. The appraisers considered the outstanding oil, gas, and mineral rights in their final value and determined these rights to have no impact on the final value. There are no other known encumbrances on the property that adversely affect marketability, or the ability to enforce the rights granted under the easement.

Item 8A, Cont.

Mortgages and Liens

All mortgages and liens will be satisfied or subordinated at the time of closing. FDACS staff will review, evaluate, and implement an appropriate resolution for these and any other title issues that arise prior to closing.

Closing Information

A title insurance commitment, survey, baseline documentation report, and environmental site assessment of the property will be provided by RFLPP prior to closing.

Monitoring Agency

This perpetual rural lands protection easement will be monitored by the RFLPP.

Comprehensive Plan

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

(Attachment 8A, Pages 1-78)

RECOMMEND: **APPROVAL**

Item 8B **Rainey Pasture, LLC Option Agreement/ Rainey Pasture/ FDACS/ Rural and Family Lands Protection Program**

REQUEST: Consideration of (1) an option agreement to acquire a perpetual rural lands protection easement over approximately 5,269.24 acres within the Rainey Pasture project of the Florida Department of Agriculture and Consumer Services' (FDACS) Rural and Family Lands Protection Program (RFLPP) from Rainey Pasture, LLC, a Florida corporation; and (2) designation of FDACS/RFLPP as the monitoring agency.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

APPLICANT: Florida Department of Agriculture and Consumer Services, Rural and Family Lands Protection Program

COUNTY: Marion

LOCATION: Portions of Section 01, 11 through 15, 22 through 28, and 33 through 35, Township 14 South, Range 23 East, in Marion County.

Item 8B, Cont.

CONSIDERATION: \$12,646,000

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY		<u>APPROVED</u>	<u>SELLER'S</u> <u>PURCHASE</u> <u>PRICE</u>	<u>TRUSTEES'</u> <u>PURCHASE</u> <u>PRICE</u>	<u>OPTION</u> <u>DATE</u>
		Carlton (07/31/23)	Griffith (07/31/23)				
Rainey Pasture, LLC	5,269.24	\$12,119,300	\$12,646,000	\$12,646,000*	\$12,149,500**	\$12,646,000*** (100%)	120 days after BOT approval

*Fee value was determined to be \$21,077,000 and \$20,550,000

**Property was purchased August 29, 2014.

***The purchase price for the rural lands protection easement is \$2,400 per acre.

STAFF REMARKS: This acquisition was negotiated by FDACS under its RFLPP. If approved, this project will be the 89th perpetual easement proposed for acquisition, with a total of approximately 122,906 acres preserved under the RFLPP.

Project Description

The project is in timber management and is in the Silver Springs Watershed. It is situated along the western floodplain of the Ocklawaha River and provides several miles of river protection. This project is located within the “abundant” designation of the Florida black bear range as denoted by the Florida Fish and Wildlife Conservation Commission. If this rural lands protection easement is approved, the Rainey Pasture RFLPP project will be complete. The project site is enrolled in the FDACS Best Management Practices (BMP) program and is located within the Florida Wildlife Corridor.

Property Description

Rainey Pasture, LLC, purchased the subject property in 2014 from Rayonier Atlantic Timber Company, who managed the property for timber production for many years. The property is primarily industrial forest with various aged bedded and planted loblolly pine dominating the property. The wetter areas have remained in mixed pine and bottomland hardwoods, cypress swamp, and hydric hammock. Typical wildlife species observed on the property include white-tailed deer, wild turkey, and various bird species. Bald eagles have been sighted closer to the Ocklawaha River. Rare and endangered species known to occur on the property include Florida black bear and gopher tortoise.

Prohibited Uses

- Dumping of non-biodegradable, toxic, or hazardous substances, trash garbage, wastes, abandoned vehicles, appliances, machinery, or similar material is prohibited;
- Activities that affect the hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, fish and wildlife habitat, etc. The exploration for and extraction of oil, gas, minerals, dolostone, peat, muck, marl, limestone, limerock, kaolin, fuller’s earth, phosphate, common clays, gravel, shell, sand, and similar substances either directly or indirectly by Grantor or on Grantor’s behalf, etc. Limited mining is allowed to combat erosion or flooding, or for limited on-farm agricultural uses;
- Planting of nuisance exotic or non-native plants as listed by the Exotic Pest Plant Council (EPPC) or its successor. The Grantor shall, to the extent practical, control and prevent the spread of nuisance exotics or non-native plants on the Property;
- Concentrated animal feeding operations as defined by the United States Environmental Protection Agency;

Item 8B, Cont.

- New construction or placing of temporary or permanent buildings, mobile homes, or other structures in, on, or above the ground of the Property except as may be permitted hereinafter, or as necessary by Grantor for maintenance or normal operations of the Property or during emergency situations or as may otherwise be specifically provided for in the Easement;
- Construction or placing of roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the Easement, and except for linear facilities described in section 704.06(11), F.S. Grantee may erect and maintain signs designating the Property as land under the protection of Grantee;
- Fertilizer use for agriculture activities shall be in accordance with agricultural BMPs recommended by the Natural Resources Conservation Service or the FDACS, whichever is more stringent, as those BMPs may be amended. No agricultural activities shall occur within a 100-foot buffer around sinkholes and other karst features that are connected to spring conduits, except as provided in the applicable BMPs;
- Actions or activities that may reasonably be expected to adversely affect threatened or endangered species;
- Any subdivision of the Property inconsistent with the division of land pursuant to Rule Chapter 5I-7, F.A.C., as amended;
- Commercial water wells on the Property;
- Harvesting of cypress trees in the Significant Natural Areas (SNAs);
- Mitigation banks not in compliance with Florida Statutes and Administrative Rules, as amended;
- Construction or conversion of SNAs to more improved areas;
- Conversion of forested areas to non-forested areas as shown in the Baseline Documentation Report (BDR) within the SNAs; and
- Activities detrimental to the preservation of historical, architectural, archaeological, or cultural resources on the Property.

Owner’s Reserved Rights

- Grantor has, and shall be deemed hereby to have retained, the underlying fee simple absolute title in the Property;
- The right to conduct agricultural operations on the Property; provided, however, that prior to any timbering in an SNA, Grantor shall provide written notice to and obtain approval from Grantee concerning reforestation and harvesting methods consistent with this Easement. The right to engage in cattle grazing on the existing Improved Pasture as set forth in the BDR, including the right to maintain, utilize, fertilize, and mow such pasture. All agricultural uses shall be conducted in accordance with BMPs adopted by FDACS or applicable government agencies, or their successor agencies, as amended from time to time, and in compliance with all laws, rules, and regulations;
- The right to conduct silvicultural operations, provided that prior to any timbering in an SNA, Grantor shall consult with Grantee concerning reforestation methods and methods are consistent with the perpetual protection of the SNAs;
- The right to conduct prescribed burning on the Property; provided, however, that Grantor shall obtain and comply with a prescribed fire authorization from the FDACS’ FFS or its successor agency;

Item 8B, Cont.

- The right to mortgage the Property; provided, however, that the Mortgagee’s lien shall be inferior to and lower in priority than this Easement;
- The right to contest tax appraisals, assessments, taxes, and other charges on the Property;
- The right to continue to use, maintain, repair, and reconstruct, all existing buildings, barns, animal pens, outbuildings, fences, roads, ponds, wells, utilities, drainage ditches, and such other facilities on the Property as depicted in the BDR, except on SNAs;
- The right to sell, devise or otherwise transfer ownership of the Property to a third party. This right, however, does not include the right to sell the remaining property rights on the Property for the purposes of a rural lands protection easement or other restriction that would divest the Property of its use under the terms and conditions of the Easement;
- The right to exclusive use of the improvements on the Property;
- Grantor shall obtain and comply with all permits for management of stormwater, water wells, and consumptive uses as may be required by the water management district or any agency having jurisdiction over those activities;
- The right to construct, after giving notice to Grantee, buildings, cross-fencing, water control structures, or other structures and improvements incident to agricultural uses carried on in accordance with sound agriculture. Such buildings shall not be used as residences.
- The right to establish (by survey, fencing, or marking) and maintain property lines around the perimeter of the Property to protect the Property from trespassing and to assist Grantor in the management of the Property in accordance with the Easement;
- The right to observe, maintain, photograph and film, introduce and stock native fish or wildlife on the Property, to use the Property for hiking, and horseback riding. Grantor reserves, and shall continue to own, the hunting and fishing rights on or related to the Property, and Grantor may lease and sell privileges of such rights;
- The right to install connections to normal utility systems, such as electric, cable, water and sewer, and telephone. If a connection to a sewer system is not available, this right shall include the right to install a septic system. The granting of easements or rights-of-way for power lines, gas lines, sewer lines, water lines, telecommunications towers, and wind farms is prohibited, unless by Grantee. Notwithstanding this prohibition, the Grantor may grant or modify easements for utility connections necessary to serve the permitted uses of the Property that are consistent with the Easement’s purposes. Existing utilities may be repaired at their current location; and
- The right to subdivide the Property into not more than two (2) individual parcels of not less than 2,000 acres each.
- The right to conduct ecological restoration, enhancement, and species relocation.

Encumbrances

There are two (2) oil, gas and mineral reservations outstanding on a portion of the property. The Department of Environmental Protection’s Florida Geological Survey staff has completed a desktop review of the property and determined the likelihood of profitable mining in these areas to be extremely low. The appraisers considered the outstanding oil, gas and mineral rights in their final value and determined these rights to have no impact on the value. There are no other known encumbrances on the property that adversely affect marketability, or the ability to enforce the rights granted under the easement.

Item 8B, Cont.

Mortgages and Liens

All mortgages and liens will be satisfied or subordinated at the time of closing. FDACS staff will review, evaluate, and implement an appropriate resolution for these and any other title issues that arise prior to closing.

Closing Information

A title insurance commitment, survey, baseline documentation report, and environmental site assessment of the property will be provided by RFLPP prior to closing.

Monitoring Agency

This perpetual rural lands protection easement will be monitored by the RFLPP.

Comprehensive Plan

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

(Attachment 8B, Pages 1-88)

RECOMMEND: **APPROVAL**
