

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
May 4, 2021

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

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

Item 1 Minutes

Submittal of the Board of Trustees' Minutes from the December 15, 2020, and February 2, 2021, Cabinet Meetings.

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.

(See Attachment 1 at <https://floridadep.gov/cab/cab/content/agendas>)

RECOMMEND APPROVAL

Item 2 Stetson University, Inc. Recommended Consolidated Intent/ Lease/ Wekiva River Aquatic Preserve

REQUEST: Consideration of a five-year sovereignty submerged land lease containing 46.7 acres, more or less, for a rowing course within the Wekiva River Aquatic Preserve.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Volusia

APPLICANT: Stetson University, Inc.
Lease BOT No. 640358844
Permit No. 0351145-002-EI

LOCATION: 2636 Alhambra Avenue, Deland, FL 32720
Lake Beresford (Wekiva Aquatic Preserve)

CONSIDERATION: No fees are required pursuant to Rule 18-21.011(1)(b)7, F.A.C., which states that fees may be waived for education entities that are either not-for-profit or non-profit uses when the revenues are used for operation and maintenance of the structure and the activity is consistent with the public purposes of the applicant organization and is not an adjunct to a commercial endeavor.

Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable.

Item 2 cont.

STAFF REMARKS: In accordance with rules adopted pursuant to sections 373.427(2) and 253.77(2), F.S., this "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, wildlife, and other natural resources, including public recreation and navigation, and will not interfere with the riparian rights of adjacent property owners. Therefore, the Department of Environmental Protection (Department) is of the opinion that the proposal is “not contrary to the public interest,” and otherwise meets all applicable requirements for proprietary authorization to use sovereignty submerged lands.

Background

On October 4, 2017, the Applicant received a Consolidated Environmental Resource Permit (ERP) and Recommended Intent to Grant Sovereignty Submerged Lands Authorization associated with Lease No. 640353653 for shoreline activities, including a boardwalk, public kayak launch, and a ramp for rowing vessels, associated with the Sandra Stetson University Aquatic Center.

On May 13, 2019, the Applicant applied for ERP No. 0351145-002-EI to seek authorization for the installation and use of buoys associated with their proposed rowing course (“short course”). The short course is located within Lake Beresford of the Wekiva River Aquatic Preserve, a Class III, Outstanding Florida Waterbody.

Project Detail

The Applicant is proposing to install 5-rows of mooring buoys, a total of 105, associated with a 2,000-meter short rowing course to be placed annually from September 1st through May 31st.

The Applicant is not seeking authorization of any mooring areas, permanent preemption of surface waters, nor installation of an over the water structure, aside from the buoys themselves. The short course is associated with the upland Sandra Stetson University Aquatic Center facility authorized under ERP No. 351145-001-EI and Lease No. 640353653.

Public Interest

The proposed project is located in the Wekiva River Aquatic Preserve; therefore, it must be in the public interest, pursuant to Rule 18-20.004(1)(b), F.A.C., and section 258.42(1)(a), F.S. The

Item 2 cont.

Department offers the following to assist the Board of Trustees in making an affirmative determination that the proposed project is in the public’s interest and will better protect the aquatic preserve ecosystem.

The Applicant is proposing enhancement of public lands through funding of projects listed within the current Wekiva River Aquatic Preserve Management Plan. The Applicant proposes to provide a donation of \$5,000 to the Aquatic Preserve Society. The funds will provide financial support for projects to improve and enhance natural habitats that support multiple listed, and otherwise protected species.

The Department is of the opinion that the proposed project is in the public interest because the Applicant is proposing enhancement of public lands through funding of projects listed within the current Board of Trustees approved Wekiva River Aquatic Preserve Management Plan.

Noticing/Interested Parties

On January 19, 2021, the lease request was noticed to 21 property owners, within a 500-foot radius of the project, pursuant to Rule 18-21.004(1)(m), F.A.C. No objections were received by February 9, 2021, the end of the comment period.

(Attachment 2, Pages 1-31)

RECOMMEND APPROVAL SUBJECT TO SPECIAL APPROVAL CONDITIONS

Item 3 Port of Palm Beach District Lease Modification

REQUEST: Consideration of an application for a modification of a twenty-five-year sovereignty submerged lands lease to increase the preempted area from 205,664 square feet to 380,427 square feet, more or less, for a port docking facility associated with an upland public port.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Palm Beach

APPLICANT: Port of Palm Beach District c/o Manual Almira
Lease BOT No. 501964059

LOCATION: 1 East 11th Street, Suite 600
Riviera Beach, FL 33404

Item 3 cont.

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.

Background

Since March 1995, the current port docking facility associated with an upland public port has been owned and operated by Palm Beach Port District (Port). Original Permit No. 501964059, dated March 15, 1993, and Permit No. 502255809, dated July 20, 1993, are associated with the parent lease that was issued on March 16, 1995, authorizing a total of 187,393 square feet of preempted area. Under the Department of Environmental Protection (Department) Permit No. 50-0151573-028-EI, issued on July 31, 2015, the Port was authorized to construct a new berthing slip and the preempted area increased to 205,664 square feet, and the lease was modified on April 1, 2016. The lease was renewed for a 25-year term from March 16, 2020 to March 16, 2045. On November 17, 2020, the Department identified vessels mooring outside of the lease area. To resolve the non-compliance, the Department entered into a Temporary Use Agreement (TUA) with the Port on December 15, 2020, to temporarily authorize the mooring until the lease modification is approved. The TUA expires on December 15, 2021.

Project Detail

The applicant proposes to modify Lease No. 501964059, to expand its existing 205,664 square foot preemption area by an additional 174,763 square feet, for a new total lease area of 380,427 square feet. The number of berths will not change, but some berths will be widened. This lease is being modified to account for the berth widening.

Resources

Submerged resources are not expected to be impacted given the additional preemption area will exclusively be used for temporary mooring and ingress/egress.

Noticing/Interested Parties

On December 28, 2020, the lease modification request was noticed to five property owners, within a 500-foot radius of the project, pursuant to Rule 18-21.004(1)(m), F.A.C. No objections were received by January 22, 2021, the end of the comment period.

(Attachment 3, Pages 1-12)

RECOMMEND APPROVAL SUBJECT TO SPECIAL LEASE CONDITIONS

Item 4 BOT/ Leeward, LLC, Exchange Agreement/ Quitclaim Deed Acceptance/ Lease Modification/ Determination

REQUEST: Consideration of (1) a determination, pursuant to Article X, section 11 of the Florida Constitution and Rule 18-21.004(1)(a), F.A.C., that an exchange of 15,600 square feet, more or less, of sovereignty submerged lands in the Orange River is in the public interest; (2) an exchange agreement with Leeward, LLC conveying any right, title and interest in approximately 63,400 square feet of submerged lands, more or less, for the 15,600 square feet, more or less, of sovereignty submerged lands; (3) acceptance of a quitclaim deed releasing any right, title, or interest held by Leeward, LLC, to the 63,400 square feet of submerged lands, more or less, located riparian to the upland ownership at the project site; (4) approval of a sovereignty submerged lands lease, upon completion of the exchange, to reflect the change of ownerships and to modify conditions included in the previously approved item for BOT Lease No. 360025905 with revisions to special conditions to reflect changes to the previously required no entry zone to adhere to Florida Fish and Wildlife Conservation Commission (FWC) statutes and rules; and, (5) require Leeward, LLC to allow for public access by way of a boardwalk along the shoreline to an existing historic area located on the project site.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Lee

APPLICANT: Leeward, LLC

LOCATION: 5605 Palm Beach Boulevard
Fort Myers, FL 33905 (Orange River)

CONSIDERATION: Parcel for parcel with no cash boot to be paid by the Board of Trustees

<u>PARCEL</u>	<u>SQ. FT.</u>	APPRAISED BY Stewart, Jr. <u>(5/16/18)</u>	APPROVED <u>VALUE</u>	EXCHANGE <u>VALUE</u>	CLOSING <u>DATE</u>
Leeward, LLC	63,400	\$77,500	\$77,500	\$77,500	120 days after BOT approval
BOT	15,600	\$19,000	\$19,000	\$19,000	

STAFF REMARKS: Leeward, LLC has requested an exchange to consolidate private and public submerged land ownership which will enhance the state and the Applicant's management of their respective submerged lands as well as other areas that will benefit public interest. The Applicant

Item 4 cont.

is also requesting a revision to modify and remove special approval conditions completed. The Applicant is approved to operate a 241,328 square foot marina facility in the Orange River. The facility, which was approved by the Board of Trustees on July 29, 2008, has not yet been constructed. The Department of Environmental Protection (Department) acknowledges that Applicant has a total of 93,100 square feet of privately-owned submerged land in multiple parcels within Butler Act Disclaimer No. 40223 (Chapter 8537, Acts of 1921) and from lands dredged from uplands. At the July 29, 2008, meeting, where the Lease was approved, it was acknowledged that an exchange may be proposed in the future due to the fragmentation of private and sovereignty lands. The Department worked with the Applicant on an exchange that meets the public interest, pursuant to Article X, section 11 of the Florida Constitution.

Project Details of the Proposed Exchange

The Applicant is requesting to exchange 63,400 square feet of privately-owned submerged lands, included within Butler Act Disclaimer No. 40223 or that were dredged from private uplands, for 15,600 square feet of sovereignty submerged lands currently authorized for use as a private pier and mooring area. If the Board of Trustees approves the Applicant's request, the Board of Trustees will convey by quitclaim deed to the Applicant any right, title, or interest held in the 15,600 square feet of sovereignty submerged lands in exchange for the 63,400 square feet of privately-owned submerged lands.

Pursuant to section 253.12, F.S., the Board of Trustees may set the price, terms, and conditions of the sale of sovereignty submerged land. The Department obtained an appraisal in 2018 but does not recommend a more current appraisal or broker's opinion of value, as the two areas being exchanged are adjacent to one another and are similar in characteristics and the values have not significantly changed.

Constitutional and Administrative Code Requirements for the Proposed Exchange

Pursuant to Article X, section 11 of the Florida Constitution and Rule 18-21.004(1)(a), F.A.C., the Board of Trustees may convey sovereignty submerged lands if determined by the Board of Trustees to be in the public interest. The Department offers the following to assist the Board of Trustees in making an affirmative determination that the exchange is in the public interest:

- The Board of Trustees will receive title to privately-owned submerged lands that lie in open water (4:1 exchange ratio) resulting in a net gain of 47,800 square feet of submerged lands for the State.
- The deed to the Applicant will contain a restriction that the land can only be used for water dependent and minimal secondary non-water dependent uses.

Item 4 cont.

- The consolidation of private and public submerged land ownership will enhance the State and the Applicant's management of their respective submerged lands. Compliance, revenue, and enforcement issues will be greatly simplified if there is clear division between State and private submerged lands.
- The Applicant will allow for public access to an existing historic area located on the project site, the Menge and Hansen Marine Ways Resource Group listed in the Florida Master Site File at the Florida Department of State, by way of a boardwalk along the shoreline. The public access use will be a special lease condition to ensure the continued benefit.

Project Details for Authorization of Lease

On July 29, 2008, the Board of Trustees granted the Applicant a ten-year sovereignty submerged lands lease for a marina. The Applicant made lease payments until 2012, during which time they worked with the Department to resolve an issue related to the no-entry zone approval condition for the original Lease No. 360025905. The approval condition required the Applicant to “create a No Entry Zone (NEZ) for vessels over approximately 78,563 square feet of sovereignty submerged lands adjacent to the proposed docking facility lease area.” The Lease also required the Applicant to ensure the NEZ is closed to human activity annually from November 1 through April 1 and to maintain all pilings, signs, ropes, and buoys demarcating the NEZ in a functional condition. Due to the proximity of the opposing shoreline, the Board of Trustees’ approval also required the Applicant to obtain sufficient title interest along the opposing shoreline lying adjacent to the proposed NEZ. The Applicant made significant efforts to obtain sufficient title interest; however, there is a portion that has been unattainable on the western end of a mangrove island. The Department suspended further payments until the issue could be resolved and no construction has taken place within the leased area.

After discussions with FWC, it was determined that signage will be installed informing boaters that the area is a critical manatee habitat that the Board of Trustees approved as a Manatee Refuge Area (MRA) and directs the public not to disturb manatees. The Department is recommending the special approval condition in the original lease, requiring a lease of the area, be amended to only require a lease over the submerged lands that fall within the Applicant’s riparian area on the mangrove island. The Applicant must post signage approved by FWC and work with the Save the Manatee Club, as well as the Department, to make sure the signage is as restrictive as possible in deterring boat traffic and protecting the manatees. In addition, staff is recommending a condition for the applicant to monitor boaters and enforcement of violators of the MRA to be prohibited from use of facility services.

Noticing

Property owners within a 500-foot radius of the proposed exchange were specifically noticed and no objections were received.

Item 4 cont.

Comprehensive Plan

A consideration of the status of the local government comprehensive plan was not made for this item. The Department has determined the proposed exchange is not subject to the local government planning process.

(See Attachment 4, Pages 1-40)

**RECOMMEND APPROVAL SUBJECT TO SPECIAL APPROVAL CONDITIONS AND
SPECIAL LEASE CONDITIONS**

Item 5 BOT/ Philip Frank and Rowena Garcia Exchange Agreement/ Determination

REQUEST: Consideration of (1) a determination that approximately 0.28-acre 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 the exchange will (a) result in a net positive conservation benefit to the state, pursuant to section 253.0341, 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 0.28-acre of state-owned conservation land in exchange for a 1.01-acre parcel from Philip Frank and Rowena Garcia.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Monroe

APPLICANTS: Philip Frank and Rowena Garcia

LOCATION: Section 25, Township 66 South, Range 27 East

CONSIDERATION: Parcel-for-parcel with \$45,000 in cash boot to be deposited into the Internal Improvement Trust Fund.

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Marr <u>(3/18 /21)</u>	<u>APPROVED VALUE</u>	<u>EXCHANGE VALUE</u>	<u>CLOSING DATE</u>
Frank	1.01	\$5,000	\$5,000	\$5,000	120 days after BOT approval
BOT	0.28	\$50,000	\$50,000	\$50,000	

Item 5 cont.

STAFF REMARKS: The Department of Environmental Protection’s (Department) Division of State Lands (DSL) received a land exchange request from the Applicants, who own property adjacent to 3.1 acres of state-owned property on Sugarloaf Key. The Applicants are requesting the western 10 feet of the 3.1-acre state-owned parcel in exchange for a nearby privately-owned 1.01-acre parcel. The ten-foot wide strip is encumbered with an ingress/egress easement shared with the adjacent property owned by the Applicants.

Background

The Board of Trustees acquired the 3.1-acre parcel in the Florida Keys Ecosystem Florida Forever project in 2006 subject to the existing easement. The property is managed by Florida Fish and Wildlife Conservation Commission (FWC) as the Florida Keys Wildlife and Environmental Area under Board of Trustees Lease No. 4153. The Applicants purchased the exchange parcel in 1996. If the exchange is approved, the remainder of the state-owned parcel will continue to have access via a road easement that abuts the southern boundary and the shared easement will be released.

Project Detail

The shared easement area is used as a lime rock driveway with a rock retaining wall. Hurricane Irma caused extensive damage to the driveway by eroding the filled section over wetlands and destabilizing the riprap retaining structure. The hurricane damage combined with gradual sea level rise, has resulted in routine flooding of the driveway. Significant structural repairs, which would require FWC 's participation, are now needed, including elevating the driveway a minimum of 18 inches.

Acquisition and Restoration Council

The proposed exchange request was recommended for approval by the Acquisition and Restoration Council on October 9, 2020.

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., in order to surplus conservation lands, the Board of Trustees, by a vote of at least three members, must make a determination 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 0.28-acre parcel is no longer needed for conservation purposes:

- The parcel is improved with an existing driveway in need of repair, and
- currently, there is no developed use of the parcel.

Item 5 cont.

The Department also offers the following to assist the Board of Trustees in determining that the exchange will provide a net positive conservation benefit to the state and the 0.28-acre parcel will provide a greater benefit to the public than its retention in Board of Trustees' ownership:

- The exchange provides a net gain of 0.73 acres of undisturbed conservation lands within the current Florida Keys Ecosystem Florida Forever project boundary, and
- the acquisition of the 1.01 acres will preserve fresh/brackish wetlands, transitional wetlands, and hardwood hammock.

Management Review

FWC, as manager of the Florida Keys Wildlife and Environmental Area, supports the proposed exchange and approved the private parcel for this exchange.

Comprehensive Plan

The Department has determined that surplus land actions are 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.

(See Attachment 5, Pages 1-14)

RECOMMEND APPROVAL

Item 6 City of Doral Conveyance/ Determination

REQUEST: Consideration of (1) a determination that approximately 0.98-acre 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 the conveyance of a 0.98-acre parcel of state-owned conservation land will 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 to convey the approximately 0.98-acre of state-owned conservation land to the City of Doral for public park purposes.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Miami-Dade

APPLICANT: City of Dora

**Board of Trustees
Agenda – May 4, 2021
Page Eleven**

Item 6 cont.

LOCATION: Section 28 Township 53 South, Range 40 East

CONSIDERATION: \$21,250.00 to be deposited into the Internal Improvement Trust Fund.

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Waronker <u>(1/17/21)</u>	APPROVED <u>VALUE</u>	CLOSING <u>DATE</u>
BOT	0.98	\$21,250.00	\$21,250.00	120 days after BOT approval

STAFF REMARKS: The Department of Environmental Protection’s (Department) Division of State Lands (DSL) received a request from the City of Doral (City) to acquire a 0.98-acre strip of state-owned conservation land (Parcel) that the City currently manages under Board of Trustees Lease No. 4617 as part of a city park. This isolated strip lies between City-owned park property and County-owned improved property with the current lease term expiring on August 23, 2059. The conveyance is being considered only at the request of the City as the parcel is not available for surplus to any agencies, local governments or the public while under lease. The City is in compliance with all terms of the lease.

Background

The Board of Trustees obtained the approximately 50 feet by 850 feet Parcel as part of a foreclosure master deed in 1935. Conservation funding was not used to acquire this parcel.

Project Detail

The City received its adjacent park property from Miami-Dade County (County) in 2004 with a deed restriction that it be maintained as a public park in perpetuity. There is also an Interlocal Agreement between the City and County stipulating the City would allow parking at the park during elections and election-related activities. The City is now planning major renovations and improvements for the park and has requested to acquire the isolated Parcel prior to committing bonded funds for the overall proposed improvements. The Parks General Obligation Bond was passed on November 6, 2018, for a total of \$150 million. The total bond covers multiple park projects throughout the City, with an estimated \$117 million specifically for Doral Central Park (Park).

The Parcel is located along the southern boundary of the Park at the proposed southern entrance from NW 87th Avenue. The Parcel will have a portion of a small road and traffic circle to provide better traffic flow within the Park and make it easier and more efficient to enter and exit the facility. The remainder of the Parcel will be used as overflow turf parking area.

Item 6 cont.

Acquisition and Restoration Council

The proposed conveyance request to the City was approved by the Acquisition and Restoration Council on October 9, 2020.

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., in order to surplus conservation lands, the Board of Trustees, by a vote of at least three members, must make a determination that the lands are no longer needed for conservation purposes. Pursuant to Rule 18-2.018(3)(b)1.c., F.A.C., the Board of Trustees must make a determination that conveying a parcel by sale, gift or exchange provides a greater benefit to the public than its retention in Board of Trustees' ownership. The Department recommends the Board of Trustees determine the conveyance is no longer needed for conservation purposes, provides a greater public benefit, and approve the conveyance. The Department offers the following to assist the Board of Trustees in making this determination:

The Parcel will:

- Be conveyed only to the City, as Lessee, with a deed restriction limiting the use of the property to public park purposes, which retains its conservation status. The land will revert at the option of the Board of Trustees if used for any other purpose.
- Continue to be available to the local community for park purposes as it is currently.
- Have overflow turf parking and a portion of the entrance road and traffic circle accessing the Park.
- Be owned and managed by the City instead of an isolated, stand-alone parcel owned by the Board of Trustees.

Comprehensive Plan

The Department has determined that the proposed action is not subject to the local government planning process.

(See Attachment 6, Pages 1-26)

RECOMMEND APPROVAL

Item 7 2021 Florida Forever Priority List/ 2021 Florida Forever Five-Year Plan/ 2021-2022 Annual Florida Forever Work Plan

REQUEST: Consideration of (1) the 2021 Florida Forever Priority List; (2) the 2021 Florida Forever Five-Year Plan; and (3) the Division of State Lands’ Annual Florida Forever Work Plan for Fiscal Year 2021-2022.

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, public access is expanded, and visitor experiences are enhanced.

The Acquisition and Restoration Council (ARC) is established by section 259.035, F.S., as a ten-member board composed of four agency heads, 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 2020, ARC conducted eight public hearings and meetings and 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 four new projects; (b) added four new projects to existing project boundaries; and (c) amended the boundaries of 14 projects, which included reducing the boundaries of two projects.

<u>New Projects Added to the List</u>	<u>Acres +/-</u>	<u>County</u>
Bluefield to Cow Creek	10,942	St. Lucie/Okeechobee
Crayfish Habitat Restoration	2,348	Bay
Welanee Watershed Forest	8,370	Okaloosa
Withlacoochee River Corridor	1,714	Citrus
<u>New Projects Added to Existing Project Boundaries</u>	<u>Acres +/-</u>	<u>County</u>
Abington Ranch	3,656	Okeechobee
Added to Kissimmee-St. Johns River Connector		
Buck Island Ranch	6,560	Highlands
Added to Fisheating Creek Ecosystem		

Item 7 cont.

Hendrie Ranch	7,229	Highlands
Added to Lake Wales Ridge Ecosystem		
Withlacoochee River Addition	1,645	Citrus/Hernando
Added to Withlacoochee River Corridor		

<u>Projects with Boundary Amendments</u>	<u>Acres +/-</u>	<u>County</u>
Annutteliga Hammock	48.30	Hernando
Apalachicola River	347	Gulf
Bombing Range Ridge	-3.47	Polk
Florida Keys Ecosystem	-1.07	Monroe
Florida Springs Coastal Greenway	149	Citrus
Florida’s First Magnitude Springs	37.60	Hernando
Hardee Flatwoods	160	Hardee
Lake Wales Ridge Ecosystem	654.63	Highlands/Polk
Middle Chipola River	49.41	Jackson
Natural Bridge Creek	170	Walton
Pinhook Swamp	147.50	Hamilton
St. Johns River Blueway	112	Clay
Strategic Managed Area Lands List	290.50	Hernando/Lake/Palm Beach
Wekiva-Ocala Greenway	179	Seminole/Volusia

<u>Projects Removed from the List</u>	<u>Status</u>	<u>County</u>
Caber Coastal Connector	90% or more complete	Levy
Esterio Bay	90% or more complete	Lee
Tippen Bay Ranch	Considered complete	DeSoto
Upper St. Marks River Corridor	90% or more complete	Jefferson/Leon/Wakulla

(1) 2021 Florida Forever Priority List: The 2021 Florida Forever Priority List adopted by ARC on December 11, 2020, includes 125 projects. Each project was ranked within one of six categories as follows:

- Critical Natural Lands (CNL) – 37 projects
- Partnerships and Regional Incentives (PRI) – 32 projects
- Less-Than-Fee (LTF) – 35 projects
- Climate Change Lands (CCL) – 11 projects
- Substantially Complete (SC) – 7 projects
- Critical Historical Resources (CHR) – 3 projects

Item 7 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) 2021 Florida Forever Five-Year Plan: The Florida Forever Five-Year Plan, pursuant to chapter 259, F.S., and Rule 18-24, F.A.C, consists of detailed descriptions for each of the 125 land acquisition projects on the ARC-approved 2021 Florida Forever Priority List. The Plan can be accessed at [2021 Florida Forever Five-Year Plan](#).

(3) Division of State Lands' Annual Florida Forever Work Plan for Fiscal Year 2021-2022: 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 Work Plan is required to be adopted by ARC and presented to the Board of Trustees on an annual basis. ARC adopted the Work Plan, consisting of 54 projects, at a council meeting held on April 9, 2021.

Comprehensive Plan

The 2021 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.

(See Attachment 7, Pages 1-5)

RECOMMEND (1) APPROVAL OF THE 2021 FLORIDA FOREVER PRIORITY LIST; (2) ACCEPTANCE OF THE 2021 FLORIDA FOREVER FIVE-YEAR PLAN; AND (3) ACCEPTANCE OF THE DIVISION OF STATE LANDS' ANNUAL FLORIDA FOREVER WORK PLAN FOR FISCAL YEAR 2021-2022

Item 8 Curls Aquaculture Lease

REQUEST: Approval to issue a one-acre, ten-year sovereignty submerged land aquaculture lease for the purpose of culturing live rock.

VOTING REQUIREMENT FOR APPROVAL: Three votes

LOCATION: Atlantic Ocean, Monroe County, Florida

APPLICANT: David Curls

Item 8 cont.

CONSIDERATION: An annual fee of \$43.46 for the one-acre lease 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 lease parcel is approximately one acre in size and is located in the Atlantic Ocean, approximately 2.8 miles offshore of Islamorada. The Applicant is requesting authorization from the Board of Trustees, pursuant to section 253.68(1), F.S., for a new aquaculture lease for the purpose of culturing live rock. The proposed project includes activities designed for the commercial production of marine life referred to as ‘live rock’. Limestone will be placed on the seafloor to act as substrate to attract larval marine organisms to colonize the rock and mimic natural reef communities. The culture of sedentary marine life has become an integral part of the marine life aquarium trade, since federal and state regulations were enacted to prohibit the harvest of natural live rock communities.

The Applicant will be required to apply for an Aquaculture Certificate of Registration and comply with all Department of Agriculture and Consumer Services’ (FDACS) Aquaculture Best Management Practices. The proposed lease 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 initial lease term.

Agency Review

The proposed lease is not located in an aquatic preserve. FDACS has determined that the proposed lease and associated aquaculture activities will not result in adverse impacts to seagrasses, existing shellfish beds, natural reefs or other sensitive habitats. FDACS has reviewed the application for completeness and evaluated the business plan. Additionally, FDACS has coordinated the review of the applications with the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, and the Monroe County Board of County Commissioners, pursuant to Rule 18-21.021, F.A.C.

Public Interest

The proposed parcel is 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 it is “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.

Item 8 cont.

Noticing

The proposed lease was noticed pursuant to section 253.70, F.S., and no objections were received. Comments were received from the Florida Keys National Marine Sanctuary and FDACS responded to these comments.

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.

(See Attachment 8, Pages 1-28)

RECOMMEND APPROVAL