

**AGENDA**  
**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**  
**June 10, 2025**

**Attachments to the items below can be viewed at the following link:**  
[floridadep.gov/cab/cab/content/agendas](http://floridadep.gov/cab/cab/content/agendas)

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**Item 1A      M-LPI Resort Owner, LLC/ Recommended Intent/ Electrical Utility Line/ Private Easement**

**REQUEST:** Consideration of an application for a 50-foot wide, 25-year sovereignty submerged land private easement containing 721,201.3 square feet (16.56 acres), more or less, for an electrical utility line.

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**COUNTY:** Monroe

**APPLICANT:** M-LPI Resort Owner, LLC  
Application No. 44-0427433-002  
Easement No. 23023  
BOT File No. 400370856

**LOCATION:** Newfound Harbor Keys  
Big Pine Key  
Section 03, Township 67 South, Range 29 East  
Waterbody Classification: Class III, not approved for shellfish harvesting  
Aquatic Preserve: Yes, Coupon Bright  
Designated Manatee County: Yes, with an approved Manatee Protection Plan  
Manatee Aggregation Area: No  
Manatee Protection Speed Zone: No

**CONSIDERATION:** \$901,139.88, representing (1) \$739.88 as the non-refundable processing fee, pursuant to Rule 18-21.010(1)(h), F.A.C.; and (2) \$900,400 as the one-time private easement fee, including the enhanced value fee based on appraisal pursuant to Rule 18-21.011(2)(b), F.A.C. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable. The Applicant paid the \$739.88 non-refundable processing fee on April 30, 2025.

**STAFF REMARKS:** In accordance with rules adopted pursuant to Chapter 62-330, F.A.C., this "Recommended Notice" contains an exemption and the recommendation of authorization to use sovereignty submerged lands under Chapter 253, F.S. The Board of Trustees is requested to act on those aspects of the activity which require authorization to use sovereignty submerged lands.

The subject property is located within an aquatic preserve though will not result in the sale of sovereign submerged lands. Therefore, to receive approval, the proposal is specifically required to demonstrate that it is "clearly in the public interest" pursuant to Rule 18-20.004(2), F.A.C.

In accordance with Rule 18-20.004(2), F.A.C., and section 258.42(1), F.S., public interest is determined by a balancing test, used to establish whether the social, economic, and/or environmental

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**Item 1A, cont.**

benefits clearly exceed costs. The proposed project is consistent with the provisions of the Coupon Bight Aquatic Preserve Management plan adopted by the Board of Trustees on February 9, 2024.

The Applicant has proposed to contribute \$15,000 to the Aquatic Preserve Society for their public interest project. The contribution will be used to fund management activities that are outlined in the Coupon Bight Aquatic Preserve Management Plan. The donation will be earmarked for a planned seagrass restoration project within the preserve.

Based on the merits of the proposal, the Applicant has given reasonable assurance that the proposal will maintain essentially natural conditions and will not significantly impact fish and wildlife or other natural resources, including public recreation and navigation. The impacts from the proposed project were not deemed adverse and therefore no mitigation is required.

Therefore, the Department is of the opinion that the proposal is “clearly in the public interest” and otherwise meets all applicable requirements for a proprietary authorization to use sovereignty submerged lands.

**Project Synopsis**

The Applicant is requesting a new 25-year private easement over a 50-foot wide by 14,424.026 linear foot area of sovereignty submerged lands on which to continue the operation of an electric utility line pursuant to Rule 18-21.011(2), F.A.C. The private easement extends from Big Pine Key to Little Palm Island.

**Background**

The existing utility line is currently authorized under public easement No. 23023, which was granted to the city of Key West. This 50-foot wide by 14,600 linear foot public easement was issued on February 13, 1962. On April 25, 1979, the city of Key West transferred the infrastructure for which the public easement was granted to the predecessors in interest of the current applicant who owns the upland resort located on Little Palm Island.

The Applicant initiated a request for an exemption in 2023 to modify the existing utility line. This modification aimed to replace a pole damaged during Hurricane Irma, rectify tension issues, and facilitate easier maintenance access through pole relocation, specifically designed to avoid any impact on mangrove areas; however, during the application process it was determined that the utility line requires authorization under a private easement as the Applicant is not a public entity and therefore does not qualify to have a public easement. Pursuant to Rule 18-21.0051(2)(b), F.A.C., approval from the Board of Trustees is required as the private easement will exceed five acres.

**Project Description**

The existing 14,600 linear foot electrical line consists of 57 wooden utility poles, remains operational, and extends from Big Pine Key to serve Little Palm Island. In order to protect the area's mangrove ecosystem, the Applicant is proposing to reroute the electric utility line as the area requiring tension adjustment traverses mangroves located on Mangrove Island. The proposed utility line route will result in a 175.97 linear foot decrease, and the wooden replacement utility poles are one foot in

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**Item 1A, cont.**

diameter. The private easement footprint will remain accessible to the public and will not preempt the public from activities such as fishing, swimming, or boating underneath the utility lines.

The Applicant is requesting a private easement term of 25 years, which is consistent with the design service life of the utility line pursuant to the requirements contained in Rule 18-21.010(5), F.A.C. The Applicant will be solely responsible for the long-term maintenance of the proposed system.

**Resources**

Sparse seagrasses exist within the project area. However, the installation of the five new utility poles is projected to impact only five square feet of seagrass (one square foot per pole), which the Department does not consider adverse, thus requires no mitigation. The proposed pole reconfiguration was designed to allow for a gentle curve to eliminate the need for guy wires, thereby reducing additional seagrass impacts. Furthermore, the proposed relocation aims to reduce and eliminate impacts on mangroves currently along the utility line's path. By removing and/or abandoning the existing poles on Mangrove Island, the project will result in fewer impacts compared to maintaining those poles, as it will avoid the need for trimming or clearing the healthy mangrove fringe for utility line maintenance.

To install the replacement utility poles, the Applicant will utilize a shallow-draft, 30-foot long and 28-foot-wide floating travel lift. This vessel has a light draft of five inches and a loaded draft (with a 20,000-pound sling load) of 12 inches. A 30-foot long, 12-foot-wide companion barge with a six-inch light draft will also be used to reduce the payload's draft when traversing shallow seagrass areas. The Applicant will implement Best Management Practices and comply with the "Standard Manatee Conditions for In-Water Work" (2011) during construction.

**Noticing**

The private easement request was noticed to 14 property owners within a 500-foot radius of the proposed private easement area, and other interested parties pursuant to Rule 18-21.004(l)(m), F.A.C., on November 20, 2024. No objections were received.

**Comprehensive Plan**

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

(Attachment 1A)

**RECOMMEND: APPROVAL SUBJECT TO THE SPECIAL PRIVATE EASEMENT CONDITIONS AND PAYMENT OF \$901,139.88**

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**Item 1B La Entrada Del Mar Association, Inc./ Recommended Consolidated Intent/ Lease Modification**

**REQUEST:** Consideration of an application for (1) authorization to exceed the preempted area to shoreline ratio, pursuant to Rule 18-21.004(4)(b)2., F.A.C.; (2) modification of an existing 10-year sovereignty submerged lands lease containing 12,394 square feet, more or less, to an increased preemption area of 42,089 square feet, more or less, for a private residential multifamily docking facility; and (3) modification of an existing conservation easement.

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**COUNTY:** St. Lucie

**APPLICANT:** La Entrada Del Mar Association, Inc.  
Lease No. 560010408  
Application No. 56-184743-004-EI  
Permit No. 184743-004

**LOCATION:** Sections 01, Township 35 South, Range 40 East  
Fort Pierce Inlet  
Aquatic Preserve: No  
Waterbody/ Classification: Class III, not approved for shellfish harvesting  
Designated Manatee County: Yes, with an approved Manatee Protection Plan  
Manatee Aggregation Area: No  
Manatee Protection Speed Zone: Slow Speed Zone

**CONSIDERATION:** \$1,605.02, representing the one-time 25 percent surcharge payment for the additional 29,695 square feet of lease area pursuant to Rule 18-21.011(1)(b)3., F.A.C. In accordance with section 253.0347, F.S., and Rule 18-21.011(1)(b)10, F.A.C., no lease fee is required as long as the Applicant's upland uses, and use of the slips remain as described in the application. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable.

**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 that require authorization to use sovereignty submerged lands.

The project is 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. The Applicant has provided reasonable assurance that the proposal will maintain essentially natural conditions; will not significantly impact fish and wildlife and other natural resources, including public recreation and navigation; 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

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**Item 1B, cont.**

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.

**Background**

The site features a 57-residential unit condominium along with an associated docking structure for the mooring of recreational vessels, which is authorized by a sovereignty submerged lands lease. The original five-year lease, encompassing 10,547 square feet, was authorized on April 1, 1991, and subsequently renewed by the Department for three additional five-year terms on April 1st of 1996, 2001, and 2006.

On June 8, 2007, a one-year Temporary Use Agreement was granted to address an unauthorized water platform, which preempted an additional 775 square feet. This area was formally incorporated into the lease through a modification on December 6, 2007, increasing the total preempted area to 12,066 square feet.

The lease underwent further renewal and modification on June 6, 2013, which resulted in an increase of the preempted area from 12,066 to 12,394 square feet. The final renewal occurred on April 1, 2021, and due to a legislative change, the lease term was extended to 10 years.

Most recently, on May 8, 2024, the Department issued Permit No. 56-184742-005-EE to repair and replace sections of the docking structure within the Applicant’s existing footprint.

As noted above, there have been past areas of noncompliance. In an application submitted on August 7, 2006, the Applicant disclosed the previously unauthorized water platform, explaining that the slip was missing from the April 1, 1991, authorization due to an oversight. The Applicant's return to compliance was facilitated through an exemption, a Temporary Use Agreement, and a subsequent lease modification. On April 25, 2011, a site inspection was conducted, and vessels were discovered outside of the lease boundary. Further compliance inspections on March 17, 2016, and December 14, 2020, both confirmed the Applicant's compliance with the lease.

**Project Detail**

The proposed project will (1) increase the preempted area from 12,394 square feet to 29,695 square feet, more or less; (2) expand the existing 20-slip private residential multifamily docking facility to include an additional 24-slips for a total of 44 wet slips; and (3) install 6,000 square feet of clean concrete beneath the proposed dock in areas devoid of benthic resources to serve as an artificial reef structure. The artificial reef will provide habitats for fish and other aquatic wildlife.

The proposed project is located within the waterward extent of the Fort Pierce Inlet, a Class III waterbody. The existing in-water multifamily docking facility contains a boatlift and is used exclusively for mooring of recreational vessels and personal watercrafts of tenants of the associated upland 57-residential unit condominium.

The proposed lease modification will increase the preempted area from 12,394 square feet to 42,089 square feet and increase the number of wet slips from 20 to 44. The 29,695 square foot expansion

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**Item 1B, cont.**

will provide for an additional 4,414 square feet of wood dock, which will bring the overwater structure total to 7,462 square feet. As proposed, the docking facility will accommodate private recreational vessels up to 35 feet in length with drafts up to two feet. Water depths in the preempted area range from five feet to 13 feet, which is sufficient for the proposed use, thus no dredging is being proposed. The existing structure over sovereign submerged land is 3,048 square feet, while the proposed structure will total 7,462 square feet. This 4,414 square foot increase consists of two new fixed piling supported docks and the expansion of an existing piling supported dock. All 44 wet slips associated with the private residential multifamily docking facility will continue to be used solely in conjunction with the 57-residential unit condominium.

The Department's Environmental Resource Permit does not authorize liveboards, fixed sewage pumpout facilities, or fueling facilities, and specific conditions for in-water construction have been included and stipulate that the Applicants will be required to install permanent manatee educational signs, which shall be maintained for the life of the facility, no later than 60 days after construction commencement.

**Conservation Easement**

A conservation easement, benefiting the Board of Trustees, was originally placed along the Applicant's 310 linear feet of shoreline on December 13, 2012, as was previously required under Rule 18-21.004(4)g, F.A.C. Although, no longer required, a modification to this existing conservation easement is being sought in order to protect the proposed resource mitigation efforts detailed in the following section. This modification, which will also benefit the Board of Trustees, will allow for additional preemption for this protective purpose and will be included as a special condition of the lease.

**Resources**

Based on the Department's site inspections and the benthic surveys, conducted on October 6, 2022, and August 23, 2023, seagrasses (*Halophila johnsonii*, *Halophila decipiens* and *Halodule wrightii*) were confirmed to be adjacent to and within the project's footprint.

For new construction work occurring within and adjacent to resources, 1,263 square feet of impacts were identified resulting in a functional loss of 0.0036 units based off the Department's Uniform Mitigation Assessment Method analysis.

In an effort to reduce impacts, the Applicant elected to utilize the majority of their existing structure to prevent additional work overtop near-shore resources. The access walkways of the multifamily docking facility will be elevated to five feet above the mean high waterline and will be grated with 44 percent open space to allow maximum light penetration. The finger piers will use half inch plank spacing to allow light penetration. To offset the unavoidable adverse impacts to resources, the Applicant has proposed to mitigate through (1) the removal of a 435 square foot illegal dock on spoil island No. 8 within the Indian River Lagoon Aquatic Preserve; (2) the installation of 45 reef balls; (3) the placement of 1,400 seagrass "planting units" in a 1,306 square foot area; and (4) the installation of four exclusionary buoys. No reef structures or material for mitigation will be placed in areas with existing seagrasses.

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**Item 1B, cont.**

The mitigation areas will be protected through the placement of guide piles, which will be installed nearshore to prevent vessels from traversing these areas. Additionally, the modified on-site conservation easement will prevent future development without prior authorization from the Department.

**Net Positive Public Benefit**

The Applicant's riparian shoreline is approximately 310 linear feet and is used in the 40 square foot to one linear foot, or 40:1, ratio calculation, pursuant to Rule 18-21.004(4)(b)2, F.A.C., which allows the Applicant to preempt up to 12,400 square feet without requiring net positive public benefit (NPPB). The proposed lease area exceeds the 40 to 1 ratio by approximately 29,689 square feet, thus is required to provide NPPB, pursuant to Rule 18-21.004(4)(b)2, F.A.C.

As NPPB, Applicant has proposed to contribute \$73,000 to St. Lucie County for improvements to the North Causeway Park and Boat Ramp. Specifically, improvements to the park and boat ramp consist of a new and improved boat ramp, new ADA accessible floating docks, additional improved boat trailer parking spaces, new ADA accessible restrooms, picnic pavilions, and an improved kayak launch area. These improvements will result in expanded public waterway access to the Indian River Lagoon and Atlantic Ocean. The entire North Causeway Park and Boat Ramp improvement project has received regulatory authorization from the Department and is currently in the construction phase.

**Noticing**

The sovereignty submerged lands lease modification request was noticed to 93 property owners within a 500-foot radius of the project, and other interested parties, pursuant to Rule 18-21.004(1)(m), F.A.C. One objection was received by the end of the noticing period on March 17, 2023. The objection raised navigational concerns and riparian line disagreements, both of which have been resolved.

(Attachment 1B)

**RECOMMEND: APPROVAL, SUBJECT TO THE SPECIAL APPROVAL CONDITIONS, THE SPECIAL LEASE CONDITIONS, AND PAYMENT OF \$1,605.02**

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**Item 2A Board of Trustees/ Palm Beach Yacht Club Associates, Inc. Exchange Agreement/ Warranty Deed Acceptance/ 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 16,136 square feet, more or less, of sovereignty submerged lands in Lake Worth Lagoon is in the public interest; (2) an exchange agreement to convey 16,136 square feet, more or less, of sovereignty submerged lands for 4,819 square feet, more or less, of privately owned submerged land and nine acres, more or less, of uplands; and (3) acceptance of warranty deeds releasing any right, title, or interest held by the Palm Beach Yacht

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**Item 2A, cont.**

Club Associates, Inc. to the 4,819 square feet, more or less, of privately owned submerged land in the Lake Worth Lagoon and nine acres, more or less, of uplands in Levy County (Hog Island).

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**COUNTY:** Palm Beach

**APPLICANT:** Palm Beach Yacht Club Associates, Inc.

**LOCATION:** 800 North Flagler Drive  
 West Palm Beach, Florida 33401

**CONSIDERATION:** Parcel-for-parcel

<u>PARCEL</u>	<u>AREA</u>	APPRAISED BY		<u>APPROVED</u>	<u>EXCHANGE</u>	<u>CLOSING</u>
		<u>Holden</u>	<u>Banting</u>			
PBYC	392,040 sq. ft. (9 acres)	(09/5/24)	(03/31/25)	\$195,000	\$195,000	150 days after BOT approval
PBYC	4,819 sq. ft.				\$41,214*	
BOT	16,136 sq. ft.	\$138,000		\$138,000	\$138,000	

\*This is an estimate derived from the appraised value of the sovereignty submerged land.

**STAFF REMARKS:** The Applicant is requesting an exchange of 4,819 square feet of privately-owned submerged land and nine acres, more or less, of an environmentally sensitive privately-owned island located in Levy County, known as Hog Island, for 16,136 square feet, more or less, of sovereignty submerged land in Lake Worth Lagoon. This would be a 25:1 exchange ratio in favor of the Board of Trustees.

**Background**

The Palm Beach Yacht Club was founded in 1890 and has been in its present location for nearly 100 years. They operate a dining facility, marina store, and provide docking facilities on the Intercoastal Waterway, within Palm Beach County. The dining facility along with portions of the marina are on privately owned submerged lands, while the remainder of the marina, 115,861 square feet, is leased from the Board of Trustees under lease no. 500002276.

The dining facility, over privately owned submerged land, is in need of raising and repair. Instead of closing the dining facility and conducting extensive repairs, the Applicant is proposing to construct a replacement building to the west of the current dining facility. The replacement structure, proposed to be closer to the shoreline, would promote sustainability as the new structure would connect directly to water, sewer, and electrical service. Presently, these services experience direct saltwater exposure during significant storm and king tide events. The new structure would improve public safety and access through the fortification of utility lines, reconfiguration of the walkway, and the addition of ADA accessible restroom facilities.

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**Item 2A, cont.**

**Project Details**

To facilitate this project, the Applicant has requested an exchange of 4,819 square feet of privately-owned submerged land within Lake Worth Lagoon, along with a privately-owned, environmentally sensitive nine-acre island (Hog Island) in Levy County, for approximately 16,136 square feet of sovereignty submerged lands in Lake Worth Lagoon, which is adjacent to the Applicant's riparian uplands.

Hog Island is a barrier island adjacent to the federally protected 52,000-acre Lower Suwanee National Wildlife Refuge. Conservation of the island is vital as it provides breeding habitat for a wide variety of imperiled shorebirds, including the federally listed plovers and red knots and the state-listed American oystercatcher.

If approved, the Board of Trustees will convey 16,136 square feet of sovereignty submerged lands to the Applicant via quitclaim deed, and the Applicant will convey to the Board of Trustees via warranty deed all right, title, and interest it holds in the 4,819 square feet of privately-owned submerged lands as well as the nine-acre Hog Island. However, if the planned use of the 16,136 square feet of submerged lands materially changes, the Applicant must notify the Board of Trustees in writing of the planned change and obtain from the Department or the Board of Trustees a written statement of no objection.

The privately-owned submerged land underneath the existing restaurant will be conveyed to the Board of Trustees upon the earlier of the following: within 90 days after the issuance of a certificate of occupancy for the new facility, or six years from the closing date of the land exchange set forth herein. Prior to the conveyance, the Applicant will remove the existing structure to the Board of Trustees' satisfaction. After the conveyance, the Board of Trustees will lease the sovereignty submerged lands to the Applicant, or its successor pursuant to rule provisions. The Applicant, or its successor, has the right, under an extraordinary circumstance or circumstances, to seek an extension from the Board of Trustees at least six months prior to the six-year conveyance time period. The decision to grant an extension of time is solely at the Board of Trustees' discretion.

**Constitutional Requirement**

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 located in Lake Worth Lagoon.
- The Board of Trustees will receive title to a nine-acre environmentally sensitive barrier island, which will be protected in perpetuity and provide for public use.
- The exchange will improve public access with a reconfigured public walkway along the Intracoastal Waterway and the addition of ADA accessible restroom facilities.
- The relocation of the dining facility will promote public safety through the fortification of water, sewer, and electrical lines that are presently exposed to salt water during significant storm and king tide events.

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**Item 2A, cont.**

- The proposed exchange will enable the Applicant to continue operations while the new structure is being constructed. This results in the continued employment of the dining facility's nearly 50 employees without interruption.
- The exchange will expedite future sovereign submerged lands lease and compliance inspections.

**Noticing**

Pursuant to Section 253.11, F.S., property owners within a 500-foot radius of the proposed exchange were noticed and no objections were received.

**Comprehensive Plan**

A consideration of the status of the local government comprehensive plan was not made for this item.

(Attachment 2A)

**RECOMMEND:**     **APPROVAL**

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**Item 2B        Board of Trustees/ Okeechobee County Sovereignty Submerged Land Exchange Agreement/ Warranty Deed Acceptance/ 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 52.64 acres, more or less, of filled sovereignty lands in Okeechobee County is in the public interest; (2) an exchange agreement to convey 52.64 acres, more or less, of filled sovereignty lands for 12.43 acres, more or less, of privately owned submerged lands; and (3) acceptance of a warranty deed releasing any right, title, or interest held by Okeechobee County to the 12.43 acres, more or less, of privately owned submerged land in Okeechobee County.

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**COUNTY:** Okeechobee

**APPLICANT:** Okeechobee County

**LOCATION:** Section 19, Township 38 South, Range 35 East

**CONSIDERATION:** Parcel-for-parcel

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Newstreet (04/19/25)	APPROVED <u>VALUE</u>	EXCHANGE <u>VALUE</u>	CLOSING <u>DATE</u>
Okeechobee	12.43	\$463,000	\$463,000	\$463,000	150 after BOT approval
BOT	52.64	\$1,766,000	\$1,766,000	\$1,766,000	

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**Item 2B, cont.**

**STAFF REMARKS:** The Applicant is requesting an exchange of 12.43 acres, more or less, of privately-owned submerged lands for 52.64 acres, more or less, of filled sovereignty land in Lake Okeechobee.

**Background**

In 1951, the Board of Trustees conveyed land known as Hog Island to Okeechobee County (County). In 1962, the County conveyed Hog Island to the South Florida Water Management District (SFWMD). The SFWMD improved the land, along with an additional adjoining property, constructing a recreational vehicle park, campground, and marina, known as Okee-Tantie Campground and Marina. In 1991, the SFWMD conveyed the island along with the additional adjoining property back to the County, and the County operated the facility as a recreational vehicle park, campground, and marina.

The subject property sustained significant damage during the 2004 hurricanes. Due to insufficient funds since then, the County has been unable to fully restore the property and it requires supplemental funding to operate its campground and marina.

The State of Florida designated the County as "fiscally constrained" and as a Rural Area of Critical Economic Concern, now a Rural Area of Opportunity, through Executive Order 21-149, acknowledging its economic hardship. This designation highlights the County's significant need for economic development to foster private sector job creation and increase its tax base.

**Project Details**

To address these concerns, the County issued a Request for Proposals (RFP) seeking proposals for public-private partnerships and other innovative redevelopment proposals that would appropriately and effectively utilize the property, while also spurring transformative economic growth for the County and broader region.

Through the RFP process, the County contracted with Big Cedar LLC, a market leader outdoor resort development, to purchase and reimagine the property as a world-class, conservation-minded fishing and marina resort. This redevelopment is expected to be a powerful engine for economic development and tourism growth in the County and the Florida Heartland, bringing significant economic advantages to the area and its residents.

However, during the due diligence process for the property it was discovered that the SFWMD's only interest over portions of the property they conveyed to the County was a spoil easement. These sections of the property were previously submerged lakebeds that were filled with the spoil resulting from the dredging of the Kissimmee River and related canals; thus, they are sovereign lands held by the Board of Trustees. These unresolved sovereignty submerged land claims pose a critical barrier to the property's redevelopment, particularly in light of the significant private capital intended for the project. Hence, a resolution is crucial for redevelopment to proceed.

Therefore, the County is requesting an exchange agreement with the Board of Trustees. Under the agreement the County would convey 12.43 acres of privately-owned submerged lands for 52.64 acres of filled sovereignty lands.

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**Item 2B, cont.**

**Constitutional Requirement**

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:

- This land exchange will be a key driver of economic development in the region, directly supporting the County's economic development plan focused on local job creation; and
- It will contribute to the economic well-being of residents in a county recognized as a Rural Area of Opportunity under Executive Order 21-149.

**Noticing**

Pursuant to section 253.11, F.S., property owners within a 500-foot radius of the proposed exchange were specifically noticed and no objections were received.

**Comprehensive Plan**

A consideration of the status of the local government comprehensive plan was not made for this item. The Department has determined that land conveyances are not subject to the local government planning process.

(Attachment 2B)

**RECOMMEND:**     **APPROVAL**

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**Item 3A**       **Blackbottom Holdings, LLC Option Agreement/ Conservation Easement/ Camp Blanding to Raiford Greenway Florida Forever Project**

**REQUEST:** Consideration of (1) an option agreement to acquire a conservation easement over approximately 14,743 acres within the Camp Blanding to Raiford Greenway Florida Forever project from Blackbottom Holdings, LLC; (2) designation of the Florida Department of Environmental Protection, Office of Environmental Services as the monitoring agency; and (3) confirmation of the management policy statement.

**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.

**COUNTIES:** Baker and Bradford

**LOCATION:** Sections 02 through 05, 07 through 11, 14 through 23, 26 through 30, and 32 through 35, Township 04 South, Range 22 East

**CONSIDERATION:** \$24,326,610

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**Item 3A, cont.**

<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>
		Albright (02/26/25)	Griffith (02/26/25)				
Blackbottom Holdings, LLC	14,743	\$22,116,000	\$26,538,000	\$26,538,000	\$40,786,200*	\$24,326,610** (92%)	150 days after BOT approval

\*Property was assembled from 2020 to 2023.

\*\*\$1,650 per acre.

**STAFF REMARKS:** The subject property is located within the Camp Blanding to Raiford Greenway Florida Forever project, ranked number 22 in the Florida Forever Critical Natural Lands project category, approved by the Board of Trustees on March 5, 2025. The project contains 33,978 acres, of which 16,485 acres have been acquired or are under agreement to be acquired.

**Project Description**

Acquisition of the Camp Blanding to Raiford Greenway Florida Forever project will expand opportunities for outdoor resource-based recreation by establishing landscape connectivity between the lands within Camp Blanding, the Northeast Florida Timberlands Florida Forever project, and the Raiford to Osceola Greenway Florida Forever project. A key focus of the project is to permanently link fragmented wildlife habitat and protect the extensive wetland systems and multiple blackwater streams, including the New River and its headwaters.

**Property Description**

The 14,743-acre subject property is located along the Bradford and Union County lines, west of U.S. Highway 301. The property has historically been managed for silviculture production, and currently, much of it is comprised of pine plantation of varying ages. The subject property borders the Raiford Wildlife Management Area and a pending conservation easement with Weyerhaeuser Forest Holdings, Inc. It provides a critical landscape linkage to Camp Blanding Military Reservation to the south and Jennings State Forest to the east. In addition, this conservation easement will enhance connectivity to several conservation areas.

The headwaters of the New River, a tributary to the Santa Fe River, originate in the northwestern portion of the subject property, with the river itself forming the property's western boundary. Situated within the Suwannee River Basin and Santa Fe River springshed, the property plays a vital role in flood attenuation, groundwater recharge, and wildlife ecosystems. The subject property preserves habitat for species such as the Florida black bear, red-cockaded woodpecker, and bald eagle. Located within the Ocala to Osceola Wildlife Corridor, preservation of the property in perpetuity will prevent further land fragmentation, and safeguard against future development, as the area is facing growing pressure from expanding development in both the Lake City and Jacksonville areas. The property lies within the wildlife corridor of the Florida Ecological Greenways Network.

**Prohibited Uses**

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

- Dumping of trash, waste, hazardous materials, and soil will be prohibited;

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**Item 3A, cont.**

- Exploration and extraction by grantor for oil, gas, minerals, peat, muck, limestone, etc., by means of surface exploratory and extractors operations, except as reasonably necessary to combat erosion or flooding, or except as necessary and lawfully permitted for the conduct of permitted activities;
- Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife preservation will be prohibited, unless needed for maintenance as provided in the easement. Notwithstanding this restriction, allowance is given for six new wells for agriculture purposes and construct and maintain up to five watering holes for agricultural purposes not to exceed 35 cumulative acres;
- Acts or uses detrimental to the preservation of any historical, or archaeological area, will be prohibited;
- There shall be no planting of nuisance exotic or non-native plants;
- Commercial and industrial activities will be prohibited including, but not limited to swine, dairy, and poultry operations;
- New construction, or placing of temporary, or permanent structures, or buildings on the property will be prohibited except as may be necessary for maintenance, normal operation, or emergency situations, or as specifically provided for under reserved rights;
- Construction of new roads or jeep trails, except in agricultural areas, will be prohibited;
- No operation of motorized vehicles except on established trails and roads unless necessary to protect or enhance the conservation values of the property; for emergency purposes; for silvicultural or agricultural purposes; and to access, hunt or to retrieve game hunted legally;
- Areas improved for silvicultural activities may continue to be used for those activities. Areas currently in improved pasture shall not be converted to more intense agricultural use, and natural areas shall remain natural areas;
- Spring recharge areas must use best management practices (BMPs) for fertilizer use, as established by Florida Department of Agriculture and Consumer Services, and agriculture activities within 100 feet of sinkholes, springs and, other karst features are prohibited;
- Actions or activities that may be expected to adversely affect threatened or endangered species are prohibited;
- Signs, billboards, or outdoor advertising are prohibited except signs designating the property as conservation lands protected by the State of Florida or reasonable directional or postal signs;
- No commercial water wells on the property; and
- There shall be no mitigation banks established on the property.

**Owner's Rights Retained**

The proposed conservation easement will allow the owner to retain certain rights. The summary of owner's rights includes, but is not limited to, the following:

- The right to observe, maintain, photograph, fish, hunt, and introduce, and stock native fish or wildlife, to use the property for hiking, camping, and horseback riding as long as they are consistent with the purpose of the easement. Grantor shall continue to own hunting, and fishing rights;
- The right to conduct controlled, and prescribed burns with proper authorization;
- The right to mortgage the property;

\*\*\*\*\*

**Item 3A, cont.**

- The right to contest taxes;
- The right to continue existing agricultural practices, as depicted in the Baseline Documentation Report (BDR), and the use of commonly accepted fertilizers, pesticides, and herbicides using BMPs;
- The right to continue to use, maintain, repair, and reconstruct, but not relocate all existing buildings as depicted on the BDR, repairs or reconstruction may be no larger than 125 percent of the original size;
- The right to host relocated endangered, threatened, or special concern of native Florida species;
- The right to maintain, or restore the existing natural habitat communities per the BDR;
- The right to commence, and maintain a commercial cattle operation across the upland portions of the Property in accordance with BMPs;
- The right to engage in silviculture in those areas depicted in the BDR as silvicultural, agricultural, or planted pine subject to limitations and conditions;
- The right to maintain existing food plots, and to create new food plots within agricultural and silvicultural areas depicted in the BDR provided the cumulative area does not exceed 200 acres;
- The right, in the silvicultural, or agricultural areas as depicted in the BDR, to construct such additional agricultural structures as may be required for its agricultural operations, not to exceed 60,000 cumulative square feet;
- The right to maintain, and construct perimeter fencing;
- The right to cultivate a cumulative total of no more than 3,500 acres of planted pine areas as depicted in the BDR to improved pasture, or forage for livestock, not more than 1,750 acres may be cultivated and harvested for row crops and/or sod;
- The right to divide the property into a total of five parcels with no parcel being less than 1,000 acres; and
- The right to engage in eco-tourism programs that may include non-motorized biking, hiking, horseback riding and nature appreciation.

**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, environmental site assessment, and baseline documentation report will be provided by the buyer prior to closing.

**Monitoring Agency**

The subject property will be monitored by the Department's Office of Environmental Services who currently monitors 184 conservation easements protecting 347,039 acres.

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**Item 3A, cont.**

**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:

As a proposed conservation easement or other less-than-fee interest, the project will be managed by the private landowner under the agreement. The purchase of the development rights, the prohibition of any further conversion of existing natural areas to agriculture uses, and limited access will likely be the primary focus of the conservation easement.

**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 3A)

**RECOMMEND:**     **APPROVAL**

\*\*\*\*\*

**Item 3B**       **Weyerhaeuser Forest Holdings, Inc. Option Agreement/ Conservation Easement/  
Raiford to Osceola Greenway Florida Forever Project**

**REQUEST:** Consideration of an option agreement to acquire a conservation easement over approximately 61,389 acres within the Raiford to Osceola Greenway Florida Forever project from Weyerhaeuser Forest Holdings, Inc.

**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.

**COUNTIES:** Baker and Union

**LOCATION:** Sections 23 through 28 and 34 through 36, Township 03 South, Range 19 East, Sections 19, 20, and 30 through 33, Township 03 South, Range 20 East, Sections 01 through 30 and 32 through 36, Township 04 South, Range 19 East, Sections 04 through 07, 12 through 16, and 18 through 36, Township 04 South, Range 20 East, Sections 07, 08, and 11 through 32, Township 04 South, Range 21 East, Sections 07, 18, 19, and 30, Township 04 South, Range 22 East, Sections 01 through 03, Township 05 South, Range 19 East, Sections 01 through 09, 11, and 12, Township 05 South, Range 20 East

\*\*\*\*\*

**Item 3B, cont.**

**CONSIDERATION:** \$93,617,615

<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>
		<u>Albright</u> <u>(02/20/25)</u>	<u>Griffith</u> <u>(02/20/25)</u>				
Weyerhaeuser Forest Holdings, Inc.	61,389	\$89,013,000	\$98,200,000	\$98,200,000	\$*	\$93,617,615** (95%)	10/15/2025

\*Property was purchased over multiple decades.  
 \*\*\$1,525 per acre.

**STAFF REMARKS:** The subject parcel is located within the Raiford to Osceola Greenway Florida Forever project, ranked number 14 in the Florida Forever Less-Than-Fee project category, approved by the Board of Trustees on March 5, 2025. The project contains 68,849 acres, and once the subject property is acquired, this will substantially complete the project.

**Project Description**

The Raiford to Osceola Greenway Florida Forever project will provide a landscape connector between the Florida Forever projects to the east, Raiford Wildlife Management Area to the south, and Osceola National Forest to the northwest. The project will support the protection, restoration, and maintenance of the state's waters resources by preserving four major blackwater streams from three key river basins that originate within the project area, along with several headwaters and tributaries feeding into Santa Fe and St. Marys rivers. The project will also increase the amount of forestland available for sustainable management of natural resources.

**Property Description**

The 61,389-acre subject property is a silviculture and rural recreational tract located in Baker and Union counties, south of U.S. Highway 90 and Interstate 10, east of Lake City. This one-owner large landscape tract will serve as a vital link within the Ocala-to-Osceola Wildlife Corridor and creates an ecological connection between Camp Blanding Military Reservation, the Raiford Wildlife Management Area, and the Osceola National Forest. Protecting the property's forestland is essential for both environmental and economic reasons. It helps prevent habitat fragmentation, which can harm wildlife, while also promoting the long-term sustainability of the working forestland that supports the local economy. While the area has historically been rural, it is experiencing some growing pressure from expanding development in both the Lake City and Jacksonville areas.

Protecting the subject property will safeguard the forested wetlands, including floodplain forest, basin swamp, and baygalls that border the creeks and streams flowing from the site. The property also plays a key role in protecting Lake Palestine, considered the headwaters of the St. Marys River, as well as Swift Creek Lake known for its scenic natural state. Preservation of the area surrounding both lakes will aid in protecting water supply, water quality, and natural ecosystem functions while supporting flood controls and recharging the aquifer. Mesic flatwoods contribute to the most widespread community type within this area and sandhill communities are noted on a small scale but may have substantial ecological value. Conserving the subject property in perpetuity will provide valuable connectivity at a landscape level within the wildlife corridor and provide critical habitat for Florida

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**Item 3B, cont.**

black bear, red-cocked woodpecker, eastern indigo snake, gopher tortoise, bald eagle, and osprey. The property lies within a wildlife corridor of the Florida Ecological Greenways network.

**Prohibited Uses**

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

- Dumping of trash, waste, hazardous materials, and soil will be prohibited;
- Exploration and extraction by grantor for oil, gas, minerals, peat, muck, limestone, etc., by means of surface exploratory and extractors operations, except as reasonably necessary to combat erosion or flooding, or except as necessary and lawfully permitted for the conduct of permitted activities;
- Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife preservation will be prohibited, unless needed for maintenance as provided in the easement;
- Acts or uses detrimental to the preservation of any historical, or archaeological area, will be prohibited;
- There shall be no planting of nuisance exotic or non-native plants;
- Commercial and industrial activities will be prohibited, except as may be incidental to the exercise of grantor's reserved rights in Article V;
- New construction or placing of temporary or permanent structures or buildings on the property will be prohibited except as may be necessary for maintenance, normal operation, or emergency situations or as specifically reserved in Article V;
- Construction of new roads or jeep trails will be prohibited except as specifically reserved;
- No operation of motorized vehicles except on established trails and roads unless necessary to protect or enhance the conservation values of the property; for emergency purposes; for Silviculture purposes; and to access, hunt or to retrieve game hunted legally;
- Current agricultural uses shall not be converted to more intense agricultural uses, and natural areas shall remain natural areas;
- Spring recharge areas must use best management practices (BMPs) for fertilizer use, as established by Florida Department of Agriculture and Consumer Services, and agriculture activities within 100 feet of sinkholes, springs, and other karst features are prohibited;
- Actions or activities that may be expected to adversely affect threatened or endangered species are prohibited;
- Signs, billboards, or outdoor advertising are prohibited except signs designating the property as conservation lands protected by the State of Florida or reasonable directional or postal signs;
- No commercial water wells on the property; and
- There shall be no mitigation banks established on the property.

**Owner's Rights Retained**

The proposed conservation easement will allow the owner to retain certain rights. The summary of owner's rights includes, but is not limited to, the following:

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**Item 3B, cont.**

- The right to observe, maintain, photograph, fish, hunt, and introduce and stock native fish or wildlife, to use the property for non-commercial, passive, resource-based recreation not inconsistent with the purpose of the easement. Grantor shall continue to own hunting and fishing rights;
- The right to maintain existing hunting camps as depicted in the Baseline Documentation Report (BDR), and to construct or permit the construction of new camps, not to exceed 50 cumulative acres in accordance with this easement;
- The right to conduct controlled and prescribed burns with proper authorization;
- The right to mortgage the property;
- The right to contest taxes;
- The right to continue existing agricultural and silvicultural practices, as depicted in the BDR, and the use of commonly accepted fertilizers, pesticides, and herbicides using BMPs;
- The right to continue to use, maintain, repair, and reconstruct, but not relocate or enlarge all existing buildings as depicted on the BDR;
- The right to maintain or restore the existing natural habitat communities per the BDR;
- The right to engage in silviculture in those areas depicted in BDR as silvicultural, agricultural, or planted pine;
- The right to maintain existing food plots, and to create new food plots within agricultural and silvicultural areas depicted in the BDR provided the cumulative area does not exceed 1.5 percent of the total acreage, and each plot no more than 2.5 acres in size;
- The right to divide the property for sale or other disposition by the Grantor into a total of no more than eight parcels and shall be no less than 5,000 acres;
- The right to construct up to two new permanent residential structures on each subdivided parcel along with access driveways and appropriate-sized outbuildings such as barns. Each residential structure shall be limited to 5,000 square feet, have no more than two related outbuildings limited to 2,500 square feet each, and the cumulative impacts shall be no more than five acres; and
- The right to participate in programs or projects that benefit from, enhance, and/or manage environmental attributes or permissible forestry agricultural uses of the subject property, and which may also be of economic benefit to the Grantor.

**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, a survey, and an environmental site assessment will be provided by the buyer prior to closing.

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**Item 3B, cont.**

**Monitoring Agency**

The subject property will be monitored by the Department's Office of Environmental Services who currently monitors 184 conservation easements protecting 347,039 acres.

**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 3B)

**RECOMMEND:**     **APPROVAL**

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**Item 3C        **Board of Trustees/ Cabot Citrus OpCo LLC/ Annutteliga Hammock Florida Forever Project/ Delegation****

**REQUEST:** Consideration of delegation of authority to the Secretary of the Department of Environmental Protection, or designee, to amend, approve, and execute an option agreement between the Board of Trustees and Cabot Citrus OpCo LLC for approximately 340 acres within the Annutteliga Hammock Florida Forever project subject to appraisal and not to exceed the approved value.

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**COUNTY:** Hernando

**LOCATION:** Sections 01, 02, and 11 through 14, Township 21 South, Range 18 East

**STAFF REMARKS:** The subject property is located within the Annutteliga Hammock Florida Forever project, ranked number nine in the Florida Forever Partnerships and Regional Incentives project category, approved by the Board of Trustees on March 5, 2025. The project contains 19,890 acres, of which 11,842 acres have been acquired.

**Project Description**

The Annutteliga Hammock Florida Forever project will conserve the remaining forestland between the Withlacoochee State Forest and Chassahowitzka Wildlife Management Area. The Brooksville Ridge in west-central Florida supports some of the last large tracts of longleaf pine sandhills in Florida, unique forests of northern hardwood trees, and many archaeological sites. The project will protect habitat for rare and imperiled species such as the Florida black bear, Eastern indigo snake, gopher tortoise, and many sandhill-dwelling plants including giant orchids. The project will also provide the public with a large area for outdoor recreation in this fast-growing region.

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**Item 3C, cont.**

**Property Description**

The 340-acre subject property is northwest of Brooksville along Highway 98 just east of State Road 589/Suncoast Parkway. The subject property shares its eastern border with the Withlacoochee State Forest and is east of the Chassahowitzka Wildlife Management Area and the Chassahowitzka National Wildlife Refuge. The subject property is within a landscape experiencing escalating pressure from expansion of nearby suburban population centers. Specifically, the property is under direct threat of development, as it lies within a designated residential planned unit development that allows for 1,707 single-family units, as well as other non-residential development. Preservation of the subject property will prevent development of the site as well as contribute to the conservation lands connecting the Withlacoochee State Forest to the Chassahowitzka Wildlife Management Area.

Located along the border of the Springs Coast and Withlacoochee River watersheds, this acquisition will protect aquifer recharge, water quality, and quantity for the surrounding areas. The Springs Coast watershed is comprised of many springs that discharge to form rivers, including five first-magnitude springs that flow into the area. Thus, conserving this property will help safeguard critical water resources, provide outdoor resource-based recreational opportunities, protect the Brooksville Ridge Cave system, and preserve crucial habitat for rare and endangered plant and animal species such as gopher tortoise, Florida black bear, and the Brooksville bellflower. The subject lies within the 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, a survey, and an environmental site assessment will be provided by the buyer prior to closing.

**Managing Agency**

The subject parcel will be managed by the Department of Agriculture and Consumer Services' Florida Forest Service as an addition to Withlacoochee State Forest.

**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.

**Delegated Authority**

The requested delegated authority to the Secretary of the Department, or designee, would be as follows:

*Amend, approve, and execute an option agreement between the Board of Trustees of the*

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**Item 3C, cont.**

*Internal Improvement Trust Fund and Cabot Citrus OpCo LLC, subject to appraisal and not to exceed approved value.*

(Attachment 3C)

**RECOMMEND:**     **APPROVAL**

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**Item 4A**       **Aquaculture Water Column Lease in Bay County**

**REQUEST:** Approval to issue a new two-acre, 10-year sovereignty submerged land aquaculture lease, to authorize use of the full water column.

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**LOCATION:** West Bay, Bay County, Florida

**APPLICANT:** Sea Cow Aquatic Adventures, LLC

**CONSIDERATION:** An annual fee of \$86.92 for the two-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 lease parcel is approximately two acres and is located in Grand Lagoon, West Bay, Bay County. 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 oysters in suspended gear using the full water column.

The Applicant will be required to apply for an Aquaculture Certificate of Registration and comply with all applicable 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 lease term. Upon approval, the lease will be surveyed by the Applicant.

**Agency Review**

FDACS has conducted resource assessments and 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. The proposed lease is not located in an aquatic preserve. FDACS has coordinated review and comments of the proposed lease with the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Florida

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**Item 4A, cont.**

Department of State's Division of Historical Resources, and the Bay County Board of County Commissioners, pursuant to Rule 18-21.021, F.A.C.

**Special Conditions**

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 lease term. The requirement to obtain a permit from the U.S. Coast Guard for Private Aids to Navigation will be a special condition of the lease.

**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 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 lease was noticed pursuant to section 253.70, F.S., and no objections were received.

**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 4A)

**RECOMMEND:**     **APPROVAL**

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**Item 4B     **Aquaculture Leases in Dixie County****

**REQUEST:** Approval to issue two new five-acre, ten-year sovereignty submerged land aquaculture leases to authorize use of the bottom for clam aquaculture.

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**LOCATION:** Horseshoe Beach, Dixie County, Florida

**APPLICANT:** Jesse Lee Bryan III

\*\*\*\*\*

**Item 4B, cont.**

**CONSIDERATION:** An annual fee of \$133.65 for each five-acre parcel, representing a base annual rental fee of \$16.73 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 two requested lease parcels are approximately five acres each and are located near Horseshoe Beach in Dixie County. The Applicant is requesting authorization from the Board of Trustees, pursuant to section 253.68(1), F.S., for two new aquaculture leases for the purpose of culturing shellfish on the bottom.

The Applicant is a current holder of an Aquaculture Certificate of Registration and is in compliance with all applicable 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 lease 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 lease and associated aquaculture activities will not result in adverse impacts to seagrasses, existing shellfish beds, natural reefs, or other sensitive habitats. The proposed lease is located in the Big Bend Seagrasses Aquatic Preserve. FDACS has coordinated review and comments of the proposed lease 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 Dixie 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 leases will not be approved during the first five years of the lease terms. The proposed gear is authorized under the FDACS general permit from the U.S. Army Corps of Engineers.

**Public Interest**

The Florida Aquatic Preserve Act provides that no further sale, lease, or transfer of sovereignty submerged lands shall be approved within an aquatic preserve, unless the sale, lease, or transfer is in the public interest. The Aquatic Preserve Act specifically provides in section 258.42(1)(b), F.S., that "aquaculture" is in the public interest and aquaculture leases may be authorized in aquatic preserves..." Accordingly, FDACS recommends that the Board of Trustees find that the lease is in the public interest, as set forth in statute.

**Noticing**

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

\*\*\*\*\*

**Item 4B, 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 4B)

**RECOMMEND:**     **APPROVAL**

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**Item 5           Terwillegar-Tumlin Properties, Inc. Option Agreement/ Tumlin Terwillegar Properties Project/ FDACS/ Rural and Family Lands Protection Program**

**REQUEST:** Consideration of (1) an option agreement to acquire a perpetual rural lands protection easement over 1,745.22 acres within the Tumlin Terwillegar Properties Project of the Florida Department of Agriculture and Consumer Services' (FDACS) Rural and Family Lands Protection Program (RFLPP) from Terwillegar-Tumlin Properties, Inc., 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

**COUNTIES:** Bradford, Clay, and Putnam

**LOCATION:** Portions of Section 06 through 08 and 18, Township 09 South, Range 23 East, in Clay and Putnam County, and Portions of Section 01, 12, and 36, Township 08 South, Range 22 East, in Bradford County

**CONSIDERATION:** \$5,933,000

<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>Carlton (11/18/24)</u>	<u>Griffith (11/18/24)</u>				
Terwillegar-Tumlin Properties, Inc.	1,745.22	\$5,933,000	\$5,584,000	\$5,933,000*	\$**	\$5,933,000*** (100%)	120 days after BOT approval

\*Fee value was determined to be \$10,471,000 and \$10,122,000.  
\*\*Property was inherited and family owned for the last 75 years.  
\*\*\* The total purchase price for the rural lands protection easement is \$3,400 per acre.

**STAFF REMARKS:** This acquisition was negotiated by FDACS under the RFLPP from the 2024 approved list. If approved, this project will be the 128th perpetual easement proposed for acquisition, with a total of approximately 208,629 acres preserved under the RFLPP. There are an additional two

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**Item 5, cont.**

ownership entities consisting of 826.58 acres under contract with Georgie H. Terwillegar Revocable Trust and Georgie Hall Terwillegar 1983 Irrevocable Trust that will be processed under RFLPP statutory authority. If this item is approved, all the ownerships will close simultaneously and complete the project.

**Project Description**

The Tumlin Terwillegar Properties Project is a second-generation family-run timber operation. The project consists of a 2,585-acre pine plantation. The project includes two disjunct tracts under three ownerships, the subject property, just east of Santa Fe Lake, and two smaller parcels. Tracts of Black Lake Preserve, Lake Santa Fe Parcels, and Lake Santa Fe Florida Forever Board of Trustees project provide intervening connections of the tracts to the lake. Other than isolated cypress wetlands, nearly all parts of the tracts are in forestry/pine plantation. The project is bordered by lakeside residential communities as well as various mixed pasture/forest/residential properties, much of which is projected to be developed by 2040 in UF's development projections. The project is enrolled in the FDACS Best Management Practices (BMP) program. It is entirely located within the Florida Wildlife Corridor.

**Property Description**

The subject property consists of 1,745.22 acres of many different timber stand ages, natural areas, and planted pines. The natural areas are mostly wetlands with bottomland hardwood, cypress, a nine-acre pond and 1,600 feet frontage on Lake Lilly, one of the most desirable lakes in the area. The pine species on site are Slash, Loblolly, Sand, and Longleaf. The timber resources are in good condition and the property is maintained with fire lines for wildfire suppression. The property has excellent road frontage along State Road 21, County Road 214, and County Road 219 and is approximately 18 miles east of Gainesville.

**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 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 not in compliance with federal and state laws, rules, and regulations, as amended;
- 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

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**Item 5, cont.**

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 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 authorized and in compliance with Florida Statutes and Administrative Rules, as amended or rules of applicable federal mitigation bank programs;
- Construction or conversion of SNAs to more improved areas; and
- Conversion of forested areas to non-forested areas as shown in the Baseline Documentation Report (BDR) within the SNAs.

**Owner's Reserved Rights**

- Grantor has, and shall be deemed hereby to have retained, the underlying fee simple absolute title in the Property;
- Agricultural and Related Rights. (i) The right to continued use of the Property for agricultural purposes and uses identified in the BDR; (ii) The right to convert any property not designated an SNA (as delineated in the BDR) to other agricultural and silviculture purposes and uses; (iii) The right to engage in cattle grazing as set forth in the BDR, including the right to maintain, utilize, restore, fertilize, and mow improved pasture; (iv) The right, as part of cattle operations, to supplement the cattle using minerals and hay; (v) The right to use current technologies on the Property, including fertilizers, pesticides and herbicides commonly used on agricultural property in the State of Florida at such time; and (vi) The right to install, use, maintain, replace and repair non-commercial groundwater wells on the Property. Any and all agricultural uses shall be conducted in accordance with BMPs 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' Florida Forest Service 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;

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**Item 5, cont.**

- 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 buildings or other structures incident to agricultural uses carried on in accordance with sound agricultural practices. Grantor must first obtain the advanced written approval of grantee before constructing buildings or other structures incident to agricultural uses. 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, horseback riding, and agritourism, provided Grantor complies with Florida Statutes and Administrative Rules, as amended. Grantor reserves, and shall continue to own, the hunting and fishing rights, and Grantor may lease and sell 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 approved 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;
- The right to subdivide the Property into not more than two individual parcels of not less than approximately 600 acres each;
- Grantor reserves the right to build two residential building envelopes, up to 15,000 square feet of impervious surface for each. Each building envelope will not exceed 10 contiguous acres and is limited to one single family residence and ancillary structures within the Building Envelope. Any such development may not be constructed within an SNA; and
- The right to engage in ecosystem services markets under other programs provided such action shall be in compliance with all applicable laws, statutes, rules, and ordinances, and not contrary to the terms of this Easement. Any such ecosystem services shall not reduce the agriculture production area by more than 10% of the total agricultural production area listed in the BDR.

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**Item 5, cont.**

**Encumbrances**

There are no known encumbrances on the property that adversely affect marketability, or the ability to enforce the rights granted under the easement.

**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 5)

**RECOMMEND:    APPROVAL**

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