

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
September 18, 2023

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

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

Item 1 Windermere, LLC Acceptance of Offer/ Sale and Purchase Contract/ Determination/ Delegation of Authority

REQUEST: Consideration of (1) a determination that an approximately 3.7-acre improved parcel of state-owned non-conservation land, is surplus and no longer needed, pursuant to section 253.0341(1), F.S.; (2) acceptance of a bid in the amount of \$630,000 submitted by Windermere, LLC, for the purchase of an approximately 3.7-acre improved parcel of state-owned non-conservation land; (3) approval of a contract for sale and purchase of an approximately 3.7-acre improved parcel of state-owned non-conservation land to Windermere, LLC; and (4) a modification to the current delegation of authority to increase the authority designated to the Secretary of the Department of Environmental Protection, or designee, to declare surplus and approve the exchange, conveyance, and/or sale of uplands not managed for conservation purposes with a value of \$500,000 or less; and declare surplus and approve the exchange, conveyance, and/or sale of uplands not managed for conservation purposes with a value over \$500,000 and under \$1,000,000 that are being conveyed at a price equal to or exceeding the value.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Santa Rosa
Bid No. DSL-BID-23-004

APPLICANT: Windermere, LLC

LOCATION: Section 34, Township 02 South, Range 28 West

CONSIDERATION: \$630,000 to be deposited in the Internal Improvement Trust Fund pursuant to section 253.0341(14)(b), F.S.

STAFF REMARKS: The subject property was conveyed to the Board of Trustees on August 29, 1974, from the Trustees of the Santa Rosa County Hospital of Milton, Santa Rosa County. The existing brick building was constructed in 1955 and the existing metal building was constructed in 1996.

On August 6, 1975, the Florida Health and Rehabilitative Services, now known as the Department of Children and Families (DCF), entered into a 99-year lease (No. 2856) with the Board of Trustees with an expiration date of August 5, 2074. The purpose of the lease was for managing the subject property for the operation of a state children's hospital, the West Florida Community Care Center. On October 1, 2020, the Department of Environmental Protection's (Department) Division of State Lands (DSL) received a request from DCF to be released from its lease on the subject property because the facility is vacant and no longer utilized to fulfill its mission.

Statutory Requirement

Pursuant to section 253.0341(1), F.S., to surplus non-conservation land, the Board of Trustees must determine that the land is no longer needed. Pursuant to section 253.0341(4), F.S., non-conservation

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lands shall be reviewed by DSL for recommendation as to whether such lands should be retained in public ownership or disposed of by the Board of Trustees. DSL offers the following to assist the Board of Trustees in making an affirmative determination that the subject property is no longer needed:

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

Noticing

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

Marketing and Bid History

The Department contracted with CBRE, Inc. (CBRE) to assist with the marketing and sale of the subject property. Bid instructions were posted by CBRE on March 23, 2023, until the bid opening date of May 10, 2023. CBRE posted on their website the subject property information, maps, history, disclosure, bid package information, and the minimum bid amount of \$550,000, which was determined pursuant to section 253.0341(8) F.S. CBRE also placed signs on the subject property and sent emails to approximately 20,000 prospective buyers. Follow-up communications and site tours with prospective buyers were conducted by CBRE during the marketing period.

The subject property was also posted on the Department’s surplus land website from March 23, 2023, until the bid opening date of May 10, 2023. The Department sent notification of the bid through GovDelivery to over 70,000 entities that include real estate offices, developers, investment companies, and other parties that have requested to receive notification of surplus land bid notices. The bid was also advertised in the legal section of the Pensacola News Journal once per week for three consecutive weeks.

Two responsive bids were received, with the highest bid received from Windermere, LLC in the amount of \$630,000. Windermere, LLC advised of their plans to re-develop the subject property.

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

Comprehensive Plan

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

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Delegated Authority

In March 1990, the Board of Trustees delegated to the Secretary of the Department, or designee, as follows:

Negotiate, contract, and sell surplus parcels of five acres or less in size and with a market value of \$100,000 or less.

Since the initial approval in 1990, the Board of Trustees has approved multiple modifications of the surplus delegation and the current approved language now reads as follows:

Subject to compliance with all applicable statutes and rules, (1) declare surplus and approve the exchange, conveyance, and/or sale of uplands not managed for conservation purposes with a value of \$100,000 or less; (2) declare surplus and approve the exchange, conveyance, and/or sale of uplands not managed for conservation purposes with a value over \$100,000 and under \$500,000 that are being conveyed at a price equal to or exceeding the value; (3) declare surplus and approve the exchange, conveyance, and/or sale of any and all lands acquired through the Murphy Act; (4) approve the sale or lease of filled sovereignty lands at a price equal to or exceeding the approved value to the adjacent riparian owner for parcels that do not exceed five acres in size and a value of \$100,000 or less as it is in the public interest because the size and isolated location of these parcels make them difficult to effectively manage and it will eliminate potential liability of BOT because BOT will no longer be the landowner; (5) approve the sale or lease of parcels of reclaimed lake bottom (sovereignty lands) at a price equal to or exceeding the approved value to the adjacent riparian owner that do not exceed five acres in size and a value of \$100,000 or less as it is in the public interest because the size and isolated location of these parcels make them difficult to effectively manage and it will eliminate potential liability of BOT because BOT will no longer be the landowner.

Section 253.0341, F.S., outlines the surplus of state-owned lands and requires that prior to the disposition of state-owned non-conservation lands, the property must be reviewed by DSL, which includes valuation, bid process, and negotiation/contracting. Since 2014, five non-conservation disposition items were presented to the Board of Trustees by the Department and approved.

Since the delegation was put in place, the Department has exercised this authority judiciously and notified the Board of Trustees when the delegated authority has been used. The Department is now requesting to increase the delegated authority to the Secretary of the Department, or designee, would be as follows:

Subject to compliance with all applicable statutes and rules, (1) declare surplus and approve the exchange, conveyance, and/or sale of uplands not managed for conservation purposes with a value of \$500,000 or less; (2) declare surplus and approve the exchange, conveyance, and/or sale of uplands not managed for conservation purposes with a value over \$500,000 and under \$1,000,000 that are being conveyed at a price equal to or exceeding the value; (3) declare surplus and approve the exchange, conveyance, and/or sale of any and all lands acquired through the Murphy Act; (4) approve the sale or lease

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of filled sovereignty lands at a price equal to or exceeding the approved value to the adjacent riparian owner for parcels that do not exceed five acres in size and a value of \$100,000 or less as it is in the public interest because the size and isolated location of these parcels make them difficult to effectively manage and it will eliminate potential liability of BOT because BOT will no longer be the landowner; (5) approve the sale or lease of parcels of reclaimed lake bottom (sovereignty lands) at a price equal to or exceeding the approved value to the adjacent riparian owner that do not exceed five acres in size and a value of \$100,000 or less as it is in the public interest because the size and isolated location of these parcels make them difficult to effectively manage and it will eliminate potential liability of BOT because BOT will no longer be the landowner.

(Attachment 1, Pages 1-8)

RECOMMEND: APPROVAL

Item 2 Pittman PN Investments, LLC Acceptance of Offer/ Sale and Purchase Contract/ Determination

REQUEST: Consideration of (1) a determination that an approximately 13.34-acre improved parcel of state-owned non-conservation land, is surplus and no longer needed, pursuant to section 253.0341(1), F.S.; (2) acceptance of a bid in the amount of \$637,713, submitted by Pittman PN Investments, LLC, for the purchase of an approximately 13.34-acre improved parcel of state-owned non-conservation land; and (3) approval of a contract for sale and purchase of an approximately 13.34-acre improved parcel of state-owned non-conservation land to Pittman PN Investments, LLC.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Polk
 Bid No. DSL-BID-23-003

APPLICANT: Pittman PN Investments, LLC

LOCATION: Section 11 and 14, Township 31 South, Range 23 East

CONSIDERATION: \$637,713, to be deposited into the Internal Improvement Trust Fund pursuant to section 253.0341(14)(b), F.S.

STAFF REMARKS: The title to the subject property was transferred to the Board of Trustees in 1996 from the Program to Aid Drug Abusers, INC., A/K/A Program to Aid Drug Abuse, INC. The existing main structure was constructed in 1975 and the existing metal building was constructed in 1992.

On June 26, 1996, the Florida Department of Health and Rehabilitative Services entered into a 50-

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year lease (No. 4122) with the Board of Trustees with an expiration date of June 25, 2046. The purpose of the lease was for managing the subject property for the operation of a drug, alcohol and substance abuse rehabilitation facility, the Bradley Oaks Facility. On November 3, 2021, the Department of Environmental Protection’s (Department), Division of State Lands (DSL) received a request from the Department of Children and Families (DCF) to be released from its lease on the subject property because the facility is vacant and no longer utilized to fulfill its mission.

Statutory Requirement

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

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

Noticing

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

Marketing and Bid History

The Department contracted with CBRE, Inc. (CBRE) to assist with the marketing and sale of the subject property. Bid instructions were posted by CBRE on April 11, 2023, until the bid opening date of May 25, 2023. CBRE posted on their website the subject property information, maps, history, disclosure, bid package information, and the minimum bid amount of \$635,000, which was determined pursuant to section 253.0341(8) F.S. CBRE also placed signs on the subject property and sent emails to approximately 20,000 prospective buyers. Follow-up communications and site tours with prospective buyers were conducted by CBRE during the marketing period.

The subject property was also posted on the Department’s surplus land website from April 11, 2023, until the bid opening date of May 25, 2023. The Department sent notification of the bid through GovDelivery to over 70,000 entities that include real estate offices, developers, investment companies, and other parties that have requested to receive notification of surplus land bid notices. The bid was also advertised in the legal section of the Ledger once per week for three consecutive weeks.

One responsive bid was received from Pittman PN Investments, LLC, in the amount of \$637,713. Pittman PN Investments, LLC, advised of their plans to re-develop the subject property.

Pittman PN Investments, LLC, will be responsible for and pay all closing costs associated with the subject property including, but not limited to, survey costs, documentary stamp tax on the quitclaim deed, recording fees, abstract or title insurance fees, buyer’s attorneys’ fees, and any other closing costs that they may incur. Pittman PN Investments, LLC, shall also reimburse any closing costs that

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are initially paid by the Board of Trustees or other parties on behalf of the Board of Trustees. These reimbursable closing costs include, but are not limited to, the costs of appraisal, survey, legal advertising, and the brokerage fee to CBRE.

Comprehensive Plan

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

(Attachment 2, Pages 1-8)

RECOMMEND: APPROVAL

**Item 3 DP Redemption, LLC Acceptance of Offer/ Sale and Purchase Contract/
Determination**

REQUEST: Consideration of (1) a determination that an approximately 20-acre improved parcel of state-owned non-conservation land, is surplus and is no longer needed, pursuant to section 253.0341(1), F.S.; (2) acceptance of a bid in the amount of \$12,500,000 submitted by DP Redemption, LLC, for the purchase of an approximately 20-acre improved parcel of state-owned non-conservation land; and (3) approval of a contract for sale and purchase of an approximately 20-acre improved parcel of state-owned non-conservation land to DP Redemption, LLC.

VOTING REQUIREMENT FOR APPROVAL: Three votes

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

APPLICANT: DP Redemption, LLC

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

CONSIDERATION: \$12,500,000 to be deposited in the Internal Improvement Trust Fund pursuant to section 253.0341(14)(b), F.S.

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

On February 3, 1970, the Florida Department of Health and Rehabilitative Services, now known as the Agency for Person with Disabilities (APD), entered into a 99-year lease (No. 2409) with the Board of Trustees with an expiration date of February 3, 2069. The purpose of the lease was for managing the subject property for the operation of a state community regional center, the St. Petersburg

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Community Center. The 20-acre subject property contains five buildings that were built in 1971. On April 14, 2022, the Department of Environmental Protection’s (Department) Division of State Lands (DSL) received a request from APD to be released from its lease on the subject property because the facility is vacant and no longer utilized to fulfill its mission.

Statutory Requirement

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

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

Noticing

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

Marketing and Bid History

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

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

Five responsive bids were received, with the highest bid received from DP Redemption, LLC, in the amount of \$12,500,000. DP Redemption, LLC advised of their plans to re-develop the subject property.

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

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costs include, but are not limited to, the costs of appraisal, survey, legal advertising, and the brokerage fee to CBRE.

Comprehensive Plan

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

(Attachment 3, Pages 1-8)

RECOMMEND: **APPROVAL**

Item 4 Gem Land Company Option Agreement/ Conservation Easement/ Red Hills Conservation Florida Forever Project

REQUEST: Consideration of an option agreement to acquire a conservation easement over approximately 4,808 acres within the Red Hills Conservation Florida Forever project from Gem Land Company.

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

COUNTY: Leon

LOCATION: Sections 19 through 23 and 26 through 34, Township 03 North, Range 02 East

CONSIDERATION: \$8,250,000

<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>Albright (03/07/23)</u>	<u>Griffith (03/07/23)</u>				
Gem Land Company	4,808	\$8,414,000	\$7,693,000	\$8,414,000	\$*	\$8,250,000** (98%)	120 days after BOT Approval

*Property was assembled over multiple years.

**\$1,716 per acre.

STAFF REMARKS: The subject property is located within the Red Hills Conservation Florida Forever project, ranked number six in the Florida Forever Less-Than-Fee category, approved by the Board of Trustees on March 13, 2023. The project contains 17,875 acres, of which 8,909 acres have been acquired or are under agreement to be acquired.

Project Description

The Red Hills Conservation Florida Forever project includes lands in four plantations in Jefferson and Leon counties and is located within the Red Hills region. The Red Hills region is characterized by rolling uplands, isolated lakes, and depressional wetlands. Upland vegetation primarily resembles the upland pine natural community, although much of this area was altered historically to support

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agriculture. This area contributes to maintenance of surface wetlands and groundwater recharge functions, provides for wildlife habitat, sustainable forestry, and wildlife corridors.

Property Description

The 4,808-acre subject property, known as Cherokee Plantation, is located in western Leon County, approximately six miles north of Bradfordville along U.S. Highway 319. The subject property extends from Lake Iamonia eastward approximately four miles to Old Centerville Road. More than half of Foshalee Slough lies within the northern border of Cherokee Plantation and is essential to Lake Iamonia and the Ochlocknee River due to its ability to hold overflow during flooding events.

The subject property would be the second plantation owned by Gem Land Company to be placed under a conservation easement within the Red Hills Conservation Florida Forever project. The first conservation easement acquisition was Norias Plantation, approved on March 9, 2022, which closed on August 15, 2022 and consisted of 4,101 acres for \$4,640,809.

Acquiring a less-than-fee protection over the subject property would preserve a large, undeveloped tract of land in a highly developable area in the local community, as well as increase the protection of Florida’s biodiversity at the species, natural community, and landscape levels; protect, restore and maintain the quality and natural functions of land, water, and wetland systems of the Red Hills region; ensure that sufficient quantities of water are available to meet the current and future needs of the natural systems and citizens of the state; preserve significant archaeological or historic sites; and increase the amount of natural forest land available to sustainable management of natural resources. The subject property lies within a wildlife corridor of the Florida Ecological Greenways Network as well as within the Northwest Florida Sentinel Landscape.

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 for and extraction of oil, gas, minerals, peat, muck, marl, limestone, etc., by means of surface exploratory and extractor operations, except as reasonably necessary to combat erosion or flooding, or except as necessary and legally permitted for the conduct of permitted activities;
- Activities that will be detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation unless otherwise provided in the easement;
- Acts or uses detrimental to the preservation of any historical or archaeological significance, will be prohibited;
- There shall be no planting of nuisance exotic or non-native plants;
- Commercial or industrial activities will be prohibited, except as may be incidental to the exercise of Grantor’s reserved rights as specifically provided for in Article V;
- New construction or placing of temporary or permanent structures or buildings on the subject property will be prohibited except as may be necessary by Grantor for maintenance or normal operations of the subject property or during emergency situations;
- Construction or creation of new roads or jeep trails will be prohibited;

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- No operation of motorized vehicles except on established trails and roads unless necessary: to protect, maintain or enhance the conservation purposes of this Easement; for emergency purposes; and to hunt and retrieve game that has been 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 (BMP) 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;
- Subdivision of the subject property is prohibited, except as may otherwise be provided in this easement;
- Signs, billboards, or outdoor advertisements are prohibited, except direction, postal or posted signs. Grantee may erect and maintain signs designating the subject property as land under the protection of Grantee;
- No cutting of cypress trees anywhere on the subject property;
- No commercial water wells on the subject property; and
- There shall be no mitigation banks established on the subject 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, introduce, and stock fish or wildlife, to use the subject property for non-commercial passive research-based recreation not inconsistent with the purpose of the easement, bicycling and horseback riding, so long as the same do not constitute a danger to Grantee's employees, agents, officers, directors, and invitees, and so long as such activities do not violate any of the prohibitions applicable to the subject property or Grantee's rights;
- The right to own the hunting and fishing rights on, or related to, the subject property, including the right to construct, locate, and maintain temporary structures typically used for hunting that result in no surface alteration, so long as said structures do not cause adverse impacts to the conservation values of the subject property and Grantor may lease and sell privileges of such rights;
- The right to conduct controlled or prescribed burning with proper state and local authorization;
- The right to mortgage the subject 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 subject property;
- The right to continue to use, maintain, repair, and reconstruct, but not to relocate, all existing buildings, barns, dog pens, outbuildings, fences, roads, ponds, drainage ditches, and such other facilities on the property as depicted in the Baseline Documentation Report (BDR). Facilities requiring replacement may be increased in size no larger than 125 percent of the original structure it replaces on the BDR;
- The right to exclusive use of the improvements per the BDR;
- The right to continue existing agricultural practices as depicted in the BDR and the use of commonly accepted fertilizers, pesticides, and herbicides, so long as Grantor uses agricultural best management practices;

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- The right to establish a center pivot agricultural area by expanding agriculture fields to no more than 102 acres, as depicted in the BDR;
- The right to host on the subject property relocated endangered or threatened species;
- The right to continue existing vegetation management practices for wildlife habitat within those areas depicted in the BDR as silvicultural or agricultural areas, including mowing or chopping temporary cross-hatched hunting trails, disking, or mowing fire lanes, and distributing supplemental feed, in accordance with applicable BMPs;
- The right to subdivide the subject property into a total of eight lots. Each lot shall not be less than 200 acres;
- The right to construct eight new residential areas on the subject property. Each residential area includes one single family residence, along with access driveways and appropriate-sized related outbuildings, which shall be limited to no more than 15,000 total square feet of impervious surface. Each residential area shall be located upon no more than 10 contiguous acres;
- The right to construct one new hunting cabin on the subject property, along with access driveway. The hunting cabin shall be limited to 1,500 square feet and shall only be used as temporary lodging. The new cabin impacts shall be limited to 2.5 contiguous acres;
- The right to provide utilities to and create or maintain “all weather” roads as depicted in the BDR, in order to provide utilities and ingress and egress to the outparcels within the perimeter of the subject property;
- The right to maintain existing food plots for game and wildlife as depicted in the BDR;
- The right to maintain, and construct perimeter fencing of the subject property to protect the subject property from trespassing and to assist Grantor in the management of the subject property;
- The right to operate, maintain, repair, and reconstruct existing impoundments (Carns and Dawkins Ponds) for waterfowl habitat management including planting, draining, and refilling, subject to legally required permits and regulations. The right to expand Carns Pond, not to exceed 27 acres;
- The right to participate in programs or projects that benefit from, enhance, and/or manage the environmental attributes or permissible agricultural uses of the subject property and which may also be of economic benefit to the Grantor;
- The right to continue to use, maintain, repair, and reconstruct, but not to relocate the existing Foshalee Slough boat launch as depicted in the BDR, and to construct one dock adjacent to the boat launch; and
- The right to construct up to two new structures on Foshalee Slough for permissible hunting and fishing uses of the subject property. Final design and construction plans to be reviewed by Grantee for compliance with the terms of the Easement.

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.

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Closing Information

A title insurance commitment, environmental site assessment, baseline documentation report, and survey 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 (OES). OES currently monitors 149 conservation easements protecting 292,760 acres.

Comprehensive Statement

This acquisition is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands’ section of the State Comprehensive Plan.

(Attachment 4, Page 1-54)

RECOMMEND: **APPROVAL**

Item 5 **The Trust for Public Land Option Agreement/ Wolfe Creek Forest Florida Forever Project**

REQUEST: Consideration of an option agreement to acquire 1,546 acres within the Wolfe Creek Forest Florida Forever project from The Trust for Public Land.

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

COUNTY: Santa Rosa

LOCATION: Sections 02, 03, 10 and 11, Township 03 North, Range 27 West

CONSIDERATION: \$5,411,000 (If approved, the Board of Trustees’ consideration could be reduced by up to a total of \$4,589,750, which includes \$4,058,250 in funding from the Federal Forest Legacy and \$531,500 from The Trust for Public Lands private foundation. The Board of Trustees’ portion would be \$821,250 or 15 percent.)

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY		APPROVED <u>VALUE</u>	SELLER’S PURCHASE <u>PRICE</u>	TRUSTEES’ PURCHASE <u>PRICE</u>	OPTION <u>DATE</u>
		Asmar (04/05/23)	Carlton (04/05/23)				
Twin Creeks Timber, LLC	1,546	\$5,200,000	\$5,565,600	\$5,565,600	\$4,237,500*	\$5,411,000** (97%)	120 days after BOT Approval

*Seller has an option to acquire the subject property. Twin Creeks Timber, LLC acquired the subject property on December 5, 2018 as part of a larger acquisition.

** \$3,500 per acre. The approved value and purchase price may be adjusted up or down based on the final surveyed acreage.

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STAFF REMARKS: The subject property is located within the Wolfe Creek Forest Florida Forever project, ranked number 16 in the Florida Forever Critical Natural Lands project category, approved by the Board of Trustees on March 13, 2023. Upon approval and closing of this subject property, the project will be substantially complete.

Project Description

The Wolfe Creek Forest Florida Forever project is located in central Santa Rosa County, near Milton, between Blackwater River State Forest to the east and the Naval Air Station Whiting Field (Navy) to the southwest. This project shares 5.7 miles of its southern boundary with two disjunct tracts of the state forest, thus it forms a connection between all three tracts. Within it runs 35 miles of streams that feed into Big Coldwater Creek and Big Juniper Creek, two major tributaries of the Blackwater River. According to the Florida Master Site File, the project has 12 archaeological sites, two of which are historic, including the Wolfe Creek Mill, and ten are prehistoric.

Most of the project is in various states of managed pine plantation in areas that historically supported upland pine forest and sandhills. There are wetlands that include seepage and blackwater streams and associated bottomland forest, floodplain swamps, and bay galls. The upland natural communities include a few small areas of mesic flatwoods and mesic hammock.

Property Description

The subject property is part of a large-phased-landscape acquisition partnership between the Department of Environmental Protection (Department), the Navy, the U.S. Department of Interior’s Forest Legacy Program, Santa Rosa County, and donations from charitable foundations. The most recent acquisition was Phase VIII, approved on March 13, 2023, which closed on June 16, 2023. Phases I through VIII consists of over 14,197 acres of land being protected, with collective acquisition contributions from multiple partnership funding sources totaling over \$36 million, and Florida Forever and American Rescue Plan Act (ARPA) contributions totaling over \$13 million. Each of these acquisitions are being managed as part of the Blackwater River State Forest.

The subject property is adjacent to the Blackwater River State Forest and contains Ellis Creek, a tributary to Big Juniper Creek. This proposed acquisition is important as it provides additional buffering to Naval Air Station Whiting Field as well as increased public access to the Blackwater River State Forest, which offers a variety of recreational opportunities. The subject property lies within a wildlife corridor of the Florida Ecological Greenways Network as well as within the Northwest Florida Sentinel Landscape.

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.

Item 5, Cont.

Closing Information

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

Management Agency

The subject property will be managed by the Department of Agriculture and Consumer Services' Florida Forest Service as an addition to Blackwater River 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.

(Attachment 5, Pages 1- 78)

RECOMMEND: **APPROVAL**

Item 6 **American Land and AG Holdings, LLC Option Agreement/ Natural Bridge Timberlands Florida Forever Project**

REQUEST: Consideration of an option agreement to acquire 5,454 acres within the Natural Bridge Timberlands Florida Forever project from American Land and AG Holdings, LLC.

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: Jefferson and Leon

LOCATION: Sections 11 through 16, 21 through 27, Township 02 South, Range 02 East, and Sections 07, 18 through 20, 29 and 30, Township 02 South, Range 03 East

CONSIDERATION: \$13,400,000

<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>(05/09/23)</u>	<u>(05/09/23)</u>				
American Land and AG Holdings, LLC	5,454	\$13,635,000	\$12,000,000	\$13,635,000	\$10,250,000*	\$13,400,000** (98%)	120 days after BOT Approval

*Seller purchased the subject property on April 18, 2022, and June 27, 2022.
 **\$2,457 per acre.

STAFF REMARKS: The subject property is located within the Natural Bridge Timberlands Florida Forever project, ranked number 22 in the Florida Forever Critical Natural Lands project category, approved by the Board of Trustees on March 13, 2023. This acquisition will complete the project.

Item 6, Cont.

Project Description

The Natural Bridge Timberlands Florida Forever project will contribute to the completion of an expansive corridor of public conservation lands that promote ecological connectivity, conserve valuable habitat for rare plant and animal species, and protect sensitive cultural resources. The project will protect the water quality and quantity of the St. Marks River and the associated natural springs and karst features found within the Upper St. Marks River Basin. The project will also allow for the expansion of public resource-based recreational opportunities and support the continuation of sustainably managed silviculture practices.

Property Description

The 5,454-acre subject property is in southeastern Leon and southwestern Jefferson counties. Located on the north side of Natural Bridge Road, it shares its western and northern boundaries with Natural Bridge Battlefield Historic State Park and Plank Road State Forest. The Aucilla Wildlife Management Area lies within a half mile to the east.

The subject property primarily consists of pine plantation on former mesic/wet flatwoods. A variety of upland and wetland communities occur on the subject property and provide a diverse habitat for wildlife. Rare species documented on the subject property include the small Coastal Plain spreading pogonia, gopher tortoise, and Florida black bear. Located in one of the most archaeologically rich areas of Florida, it is near the Natural Bridge archaeological site, which contains evidence of occupations spanning the entirety of Florida history, including most notably the Natural Bridge Battlefield. The subject property lies within a wildlife corridor of the Florida Ecological Greenways Network as well as within the Northwest Florida Sentinel Landscape.

Mortgages and Liens

All mortgages and liens will be satisfied at the time of closing. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to the Department the authority to review and evaluate marketability issues as they arise on all Chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

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

Management Agency

The subject property will be managed by the Department of Agriculture and Consumer Services' Florida Forest Service as an addition to Plank Road 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.

(Attachment 6, Pages 1- 49)

RECOMMEND: APPROVAL

Item 7 Alico, Inc. Option Agreement/ Devil’s Garden Florida Forever Project

REQUEST: Consideration of an option agreement to acquire approximately 17,229 acres within the Devil’s Garden Florida Forever project from Alico, 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.

COUNTY: Hendry

LOCATION: Sections 01 through 03, 11 through 15, 19, 20, 22 through 27, Township 45 South, Range 32 East and Sections 01, 02, 06, 11 through 15, 19, 20, 22 through 30, and 33 through 36, Township 45 South, Range 33 East

CONSIDERATION: \$77,630,500

<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>Holden</u> <u>(4/13/23)</u>	<u>String</u> <u>(4/13/23)</u>				
Alico, Inc.	17,229	\$78,392,000	\$76,000,000	\$78,392,000	\$82,828,250*	\$77,630,500** (99%)	120 days after BOT Approval

*Seller purchased 91,397.47 acres, including the subject property, in 1960.

**\$4,506 per acre.

STAFF REMARKS: The subject property is located within the Devil’s Garden Florida Forever project, ranked number 24 in the Critical Natural Lands project category, approved by the Board of Trustees on March 13, 2023. The project contains 82,995 acres, of which 51,968 acres have been acquired or are under agreement to be acquired.

Project Description

The Devil’s Garden Florida Forever project includes 82,995 acres in Hendry and Collier Counties. The project is named after a wetland slough in the eastern portion of the overall project. The western portion, the focus of this acquisition, is comprised of a mosaic of natural lands used primarily for cattle grazing.

The connectivity of uplands and wetlands, draining both to the north and south, are important to protecting the State’s water resources. Additionally, the natural systems of Fakahatchee Strand and Big Cypress National Preserve are dependent on the water supplied from this area, and a majority of the Devil’s Garden Florida Forever project lies within the Western Everglades Restoration project planning boundary.

The landscape connection with other conservation lands, including federal ownership, ensures longevity for a wide range of species, including the Florida panther, and provides opportunities for wetland and watershed protections.

Property Description

The subject property consists of two non-contiguous parcels totaling 17,229 acres. Both the western 7,666-acre parcel, and the eastern 9,563-acre parcel, are bordered by federal Wetland Reserve Easements. The subject property is part of a large-phased-landscape acquisition from Alico, Inc. The

Item 7, Cont.

most recent acquisition was Phase IV, approved on September 21, 2021, which closed on December 3, 2021. Phases I through IV, all managed as part of Okaloacoochee Slough Wildlife Management Area, resulted in 23,586 acres of land being protected.

The subject property serves as a secondary zone for the federally endangered Florida panther as there are numerous records of panther use, and increasing the conservation land footprint, stretching from the Caloosahatchee River to Big Cypress National Wildlife Preserve, will provide habitat critical to panther recovery and their long-term survival. Also noted throughout the subject property are other rare and threatened plant and animal species.

Preservation of the subject property will contribute to the protection of Florida’s biodiversity at the species, natural community, and landscape levels. It will reduce potential nutrient impacts within the Caloosahatchee River Watershed and Western Everglades Basin, enhance the hydrologic connection of conservation land within the South Florida ecosystem, allow for improved land management activities, and expand public recreational opportunities. The subject property lies within a wildlife corridor of the Florida Ecological Greenways Network.

Mortgages and Liens/Encumbrances

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, Department 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, and an environmental site assessment will be provided by the purchaser prior to closing. The current tenant, with an active cattle lease on the subject property, will be issued a termination notice prior to closing.

Management Agency

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

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 7, Pages 1-39)

RECOMMEND: APPROVAL

Item 8 Sharkbite Seafood Aquaculture Lease

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

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Volusia

LOCATION: Mosquito Lagoon

APPLICANT: Sharkbite Seafood 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 the Mosquito Lagoon in Volusia 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 floating gear using the full water column.

The Applicant is a current holder of an Aquaculture Certificate of Registration and is in compliance with all applicable 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 a resource assessment 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 Department of State's Division of Historical Resources, the Canaveral National Seashore, and the Volusia 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 United States Coast Guard for Private Aids to Navigation will be a special condition of the lease. The proposed gear is authorized under the FDACS general permit from the Army Corps of Engineers.

Item 8, Cont.

Public Interest

The proposed lease is not in an aquatic preserve; therefore, the activity does not have to be found to be in the public interest. The projects are, 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 comments 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 8, Pages 1-29)

RECOMMEND: **APPROVAL**

Item 9 Adams Ranch, Inc. Option Agreement/ Adams Ranch/ FDACS/ Rural and Family Lands Protection Program

REQUEST: Consideration of (1) an option agreement to acquire a perpetual conservation easement over approximately 8,881.74 acres within the Adams Ranch project of the Florida Department of Agriculture and Consumer Services’ (FDACS) Rural and Family Lands Protection Program (RFLPP) from Adams Ranch, 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

COUNTY: Osceola

LOCATION: Portions of Sections 14, 23, 25, 26, 35 and 36, Township 30 South, Range 32 East; Portions of Sections 30 through 33, Township 30 South, Range 33 East; Portions of Sections 01, 02, 11, 12, 13, 14, 23, 24 and 25, Township 31 South, Range 32 East; and Portions of Sections 03 through 07, Township 31 South, Range 33 East

Item 9, Cont.

CONSIDERATION: \$26,650,000

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY		<u>APPROVED</u> <u>VALUE</u>	SELLER'S <u>PURCHASE</u> <u>PRICE</u>	TRUSTEES' <u>PURCHASE</u> <u>PRICE</u>	OPTION <u>DATE</u>
		String (05/31/23)	Jones (05/31/23)				
Adams Ranch, Inc.	8,881.74	\$23,975,000	\$26,650,000	\$26,650,000*	inherited**	\$26,650,000*** (100%)	120 days after BOT approval

*Fee value was determined to be \$40,850,000 and \$42,200,000.
 **Property was assembled over many years by the Adams Family.
 ***The purchase price for the conservation easement is \$3,000 per acre.

STAFF REMARKS: This acquisition was negotiated by FDACS under its RFLPP. If approved, this project will be the 68th perpetual conservation easement proposed for acquisition, with a total of approximately 95,461.91 acres preserved under the RFLPP.

Project Description

Adams Ranch is located on the south shore of Lake Marian in Osceola County, north of State Road 60 and 37 miles southeast of St. Cloud. It is a 24,490-acre ranch, with 24,027 acres located within the approved RFLPP application project boundary. Three previous phase purchases of the project include 794.72 acres, acquired November 4, 2010, for \$1,603,510; 1,536 acres, acquired December 23, 2015, for \$1,310,036 (NRCS Funding: \$747,364); and 3,245 acres, acquired July 28, 2017, for \$5,400,000. If this easement is approved, approximately 60 percent of the Adams Ranch Osceola RFLPP project will be protected. The project site is enrolled in the FDACS Best Management Practices (BMP) program and is located within the Everglades Headwaters National Wildlife Refuge and the Florida Wildlife Corridor.

Founded in 1937, the entire project is part of the original Adams Ranch, which is a fourth-generation cattle operation, headquartered in Ft. Pierce with operating holdings in Osceola, Okeechobee, St. Lucie, and Madison counties. As developers of the Braford breed of cattle, the Adams Ranch holdings are one of the top producing cow-calf ranches in the United States. Additionally, it was the winner of the Sustainable Rancher Award in 2014, the Agricultural Environmental Leadership Award, and the Landowner of the Year Award.

Property Description

The property being conserved is an 8,881.74-acre portion of the ranch. It encompasses a large area of native “dry prairie” range and wetland marshes in addition to equal amounts of improved rangelands. The current agriculture activities on the property include a low intensity cow-calf operation, cattle ranching, sod harvesting, native plant material for landscaping harvesting, hunting, and recreational leases.

The regular application of appropriate prescribed fire has produced a very viable ecosystem with benefits for wildlife and cattle. Wildlife flourish on this property and the ranch management plans include provisions for constantly improving wildlife habitat. The subject property has the potential to support the habitat for the Florida burrowing owl, gopher tortoise, and crested caracara all threatened and endangered species. Other typical species observed on the property include Florida sandhill cranes, Osceola turkey, white tail deer, and multiple species of wading birds.

Item 9, Cont.

Prohibited Uses

- Dumping of non-biodegradable, toxic, or hazardous substances, trash garbage, wastes, abandoned vehicles, appliances, machinery, or similar material is prohibited;
- 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;
- Activities that affect the hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, fish and wildlife habitat, etc.;
- 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 as defined by the United States Environmental Protection Agency;
- New construction or placing of temporary or permanent buildings, mobile homes, or other structures in, on, or above the ground of the Property except as may be permitted hereinafter, or as necessary by Grantor for maintenance or normal operations of the Property or during emergency situations or as may otherwise be specifically provided for in the Easement;
- Construction or placing of roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the Easement, and except for linear facilities described in section 704.06(11), F.S. Grantee may erect and maintain signs designating the Property as land under the protection of Grantee;
- Fertilizer use for agriculture activities shall be in accordance with agricultural BMPs recommended by the Natural Resources Conservation Service or the FDACS, whichever is more stringent, as those BMPs may be amended. No agricultural activities shall occur within a 100-foot buffer around sinkholes and other karst features that are connected to spring conduits, except as provided in the applicable BMPs;
- Actions or activities that may reasonably be expected to adversely affect threatened or endangered species;
- Any subdivision of the Property except as identified below;
- Commercial water wells on the Property;
- Harvesting of cypress trees in designated Significant Natural Areas (SNAs);
- Construction or conversion of SNAs to more improved areas;
- Activities detrimental to the preservation of historical, architectural, archaeological, or cultural resources on the Property; and
- Conversion of forested areas to non-forested areas as shown in the Baseline Documentation Report (BDR) within the SNAs.

Owner’s Reserved Rights

- Retain the underlying fee simple absolute title in the Property;
- Conduct agricultural operations on the Property; provided, however, that prior to any timbering in an SNA, Grantor shall provide written notice to and obtain approval from Grantee concerning reforestation and harvesting methods consistent with this Easement. The right to engage in cattle

Item 9, Cont.

grazing on the existing Improved Pasture as set forth in the BDR, including the right to maintain, utilize, fertilize, and mow such pasture. All agricultural uses shall be conducted in accordance with BMPs adopted by FDACS or applicable government agencies, or their successor agencies, as amended from time to time, and in compliance with all laws, rules, and regulations;

- 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;
- Conduct prescribed burning on the Property; provided, however, that Grantor shall obtain and comply with a prescribed fire authorization from the FDACS' Florida Forestry Service or its successor agency;
- Mortgage the Property; provided, however, that the Mortgagee's lien shall be inferior to and lower in priority than this Easement;
- Contest tax appraisals, assessments, taxes, and other charges on the Property;
- 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;
- Sell, devise or otherwise transfer ownership of the Property to a third party. This right, however, does not include the right to sell the remaining property rights on the Property for the purposes of a conservation easement or other restriction that would divest the Property of its use under the terms and conditions of the Easement;
- Exclusive use of the improvements on the Property;
- 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;
- Construct, after giving notice to Grantee, buildings, cross-fencing, water control structures, or other structures and improvements incident to agricultural uses carried on in accordance with sound agriculture. Such buildings shall not be used as residences.
- 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;
- Observe, maintain, photograph and film, introduce and stock native fish or wildlife on the Property, and to use the Property for hiking, and horseback riding. Grantor reserves, and shall continue to own, the hunting and fishing rights on or related to the Property, and Grantor may lease and sell privileges of such rights;
- Install connections to normal utility systems, such as electric, cable, water and sewer, and telephone. If a connection to a sewer system is not available, this right shall include the right to install a septic system. The granting of easements or rights-of-way for power lines, gas lines, sewer lines, waterlines, telecommunications towers, and wind farms are prohibited, unless by Grantee. Notwithstanding this prohibition, the Grantor may grant or modify easements for utility connections necessary to serve the permitted uses of the Property that are consistent with the Easement's purposes. Existing utilities may be repaired at their current location;
- Subdivide the property into not more than two (2) parcels of no less than 1,339 acres;
- Engage in ecosystem services markets under other programs provided such action does not adversely affect (1) the interest granted under this easement to Grantee, (2) the Grantee's right to

Item 9, Cont.

enforce, (3) the Conservation Purposes of the easement, or (4) provide payment to Grantor for rights granted to Grantee;

- Conduct mechanical brush management, including roller chopping, in the SNAs consistent with the Conservation Purposes and BMPs; and
- Construct, install and maintain fencing, gates, firebreaks and water control infrastructure in SNAs, but not enlarge or create new drainage ditches.

Encumbrances

There are oil, gas, and mineral interests outstanding on the property; however, the likelihood of those being pursued are low based on a letter from Florida Geological Survey, and exploration and extraction have been addressed above. There are no other 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, and an environmental site assessment of the property will be provided by RFLPP prior to closing.

Monitoring Agency

This perpetual conservation 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 9, Pages 1-78)

RECOMMEND: APPROVAL

Item 10 Archbold Expeditions, LLC Option Agreement/ Buck Island Ranch/ FDACS/ Rural and Family Lands Protection Program

REQUEST: Consideration of (1) an option agreement to acquire a perpetual conservation easement over approximately 4,490 acres within the Buck Island Ranch project of the Florida Department of Agriculture and Consumer Services’ (FDACS) Rural and Family Lands Protection Program (RFLPP) from Archbold Expeditions, Inc.; and (2) designation of FDACS/RFLPP as the monitoring agency.

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

Item 10, Cont.

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

COUNTY: Highlands

LOCATION: Portions of Sections 02, 09, 10, 11, 13 through 16, 21 through 27 and 36, Township 38 South, Range 31 East

CONSIDERATION: \$10,104,000

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED VALUE</u>	<u>SELLER’S PURCHASE PRICE</u>	<u>TRUSTEE’S PURCHASE PRICE</u>	<u>OPTION DATE</u>
		<u>String (5/26/23)</u>	<u>Holden (5/26/23)</u>				
Archbold Expeditions, LLC	4,490	\$9,400,000	\$10,104,000	\$10,104,000*	\$5,000,000**	\$10,104,000*** (100%)	120 days After BOT Approval

*Fee value was determined to be \$20,200,000 and \$20,209,275.

** Property was assembled over a number of years by the John T. and Catherine D, MacArthur Foundation and then transferred ownership to Archbold Expeditions, Inc.

***The purchase price for the conservation easement is \$2,249.86 per acre.

STAFF REMARKS: This acquisition was negotiated by FDACS under its RFLPP. If approved, this project will be the 69th perpetual conservation easement proposed for acquisition, with a total of approximately 99,951.91 acres preserved under the RFLPP.

Project Description

The Buck Island Ranch property consists of approximately 6,754 acres located between State Road 70 and the C-41 Harney Pond Canal in Highlands County.

Buck Island, a name originally attributed to local Native Americans, was originally a 4,500-acre dry prairie with seasonal wetlands and connecting sloughs. The land is within the Indian Prairie with its waters flowing south to Lake Okeechobee. The Ranch was drained from the 1940s to the 1970s as part of the expansion of regional canal flowing in Lake Okeechobee. This included a new section of the C-41 Harvey Pond Canal which now ran along the north, west, and southern boundaries of the Ranch.

John D. MacArthur acquired the Ranch in 1968, and the John D. and Catherine T. MacArthur Foundation oversaw Ranch management until 1988. In that year, Archbold Expeditions assumed management of the Ranch and established the MacArthur Agro-ecology Research Center for agriculture, scientific research, and education. Buck Island Ranch is among the top cattle producers in Florida, producing more than 2,100 calves annually.

Phase I of the project, which consisted of 1,883 acres for \$4,067,100, was acquired on February 21, 2023. If this easement is approved, the Buck Island Ranch RFLPP project will be considered complete. The project site is enrolled in the FDACS Best Management Practices (BMP) program and is located within the Florida Wildlife Corridor.

Item 10, Cont.

Property Description

The subject property is a 4,490-acre portion of the Ranch. It encompasses a large area of the agricultural property used for cattle grazing and research as part of the Buck Island Ranch operations and consist mainly of improved pastures.

The Ranch offers internships for college students involved in ecological studies. Buck Island partners with major universities, state and federal agencies, producers and environmental groups to provide a better understanding of the ecological, economic and cultural value of Florida’s cattle ranches.

The seasonal wetlands, bay tree swamp, and oak and palm hammocks on the Ranch support a high regional native species diversity. The Ranch includes 371 native plants and 171 documented bird species. The subject property provides habitat for several listed animal species, indigo snake, Florida black bear, Florida panther, and Snail Kite.

Buck Island Ranch is located within the Fisheating Creek Ecosystem Florida Forever Project and contains or is adjacent to several USDA Natural Resources Conservation Service wetland reserve program easements.

Prohibited Uses

- Dumping of non-biodegradable, toxic or hazardous substances, trash garbage, wastes, abandoned vehicles, appliances, machinery or similar material is prohibited;
- 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;
- Activities that affect the hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish and wildlife habitat, etc. Dredge maintenance for the South Florida Water Management District C-41 Canal and spoil spreading from the canal are considered allowed operations for agriculture 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 as defined by the United States Environmental Protection Agency;
- New construction or placing of temporary or permanent buildings, mobile homes or other structures in, on or above the ground of the Property except as may be permitted hereinafter, or as necessary by Grantor for maintenance or normal operations of the Property or during emergency situations or as may otherwise be specifically provided for in the Easement;
- Construction or placing of roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the Easement, and except for linear facilities described in section 704.06(11), F.S. Grantee may erect and maintain signs designating the Property as land under the protection of Grantee;
- Fertilizer use for agriculture activities shall be in accordance with agricultural BMPs recommended by the Natural Resources Conservation Service or the Florida Department of

Item 10, Cont.

Agriculture and Consumer Services, whichever is more stringent, as those BMPs may be amended from time to time. 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;
- Commercial water wells on the Property;
- Cutting of cypress trees anywhere in the designated Significant Natural Areas (SNAs). Construction or conversion of SNAs to more improved areas;
- Activities detrimental to the preservation of historical, architectural, archaeological, or cultural resources on the Property; and
- Conversion of forested areas to non-forested areas as shown in the Baseline Documentation Report (BDR) within the SNAs.

Owner’s Rights Reserved

- Retain the underlying fee simple absolute title in the Property;
- Conduct agricultural operations on the Property; provided, however, that prior to any timbering in an SNA, Grantor shall provide written notice to and obtain approval from Grantee concerning reforestation and harvesting methods consistent with this Easement. The right to engage in cattle grazing on the existing Improved Pasture as set forth in the BDR, including the right to maintain, utilize, fertilize, and mow such pasture. Any and all agricultural uses shall be conducted in accordance with BMPs adopted by FDACS or applicable government agencies, or their successor agencies, as amended from time to time, and in compliance with all laws, rules and regulations;
- Conduct prescribed burning on the Property; provided, however, that Grantor shall obtain and comply with a prescribed fire authorization from the FDACS’ FFS or its successor agency;
- Mortgage the Property; provided, however, that the Mortgagee’s lien shall be inferior to and lower in priority than this Easement;
- Contest tax appraisals, assessments, taxes and other charges on the Property;
- 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. However, if Grantor desires to change, replace or modify the design, location, or capacity of said agricultural or conservation facilities, Grantor must provide prior notice to and receive written approval from Grantee that such desired action is necessary for allowed agricultural or conservation operations on the Property consistent with the Easement Purposes or where such desire action is necessary for agricultural or conservation operations on adjacent property owned by Grantor and not incompatible with the Easement Purposes;
- Sell, devise or otherwise transfer ownership of the Property to a third party. This right, however, does not include the right to sell the remaining property rights on the Property for the purposes of a conservation easement or other restriction that would divest the Property of its use under the terms and conditions of the Easement;
- Exclusive use of the improvements on the Property;

Item 10, Cont.

- Continue existing permits and obtain and comply with any new permits as may be required by the South Florida Water Management District or any agency having jurisdiction over those activities for management of stormwater, irrigation, water wells, and consumptive uses consistent with the Easement Purposes and perpetual protection of the Easement. In addition, Grantor has the right to continue, renew or re-apply, but not expand the area for the existing Dispersed Water Management Program Northern Everglades Payment for Environmental Services Contract No. 9500009702 with the South Florida Water Management District;
- Construct, after giving notice to Grantee, buildings, cross-fencing, water control structures, or other structures and improvements incident to agricultural uses carried on in accordance with sound agricultural practices. Such buildings shall not be used as residences;
- Establish (by survey, fencing or marking) and maintaining 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;
- Observe, maintain, photograph and film, introduce and stock native fish or wildlife on the Property, to use the Property for hiking, and horseback riding. Grantor reserves, and shall continue to own, the hunting and fishing rights on or related to the Property and Grantor may lease and sell privileges of such rights;
- Install connections to normal utility systems, such as electric, cable, water and sewer, and telephone. If a connection to a sewer system is not available, this right shall include the right to install a septic system. The granting of easements or rights-of-way for power lines, gas lines, sewer lines, waterlines, telecommunications towers, and wind farms are prohibited, unless by Grantee. Notwithstanding this prohibition, the Grantor may grant or modify easements for utility connections necessary to serve the permitted uses of the Property that are consistent with the Easements Purposes. Existing utilities may be repaired at their current location;
- Engage in ecosystem services markets under other programs provided such action does not adversely affect (1) the interest granted under this easement to Grantee, (2) the Grantee's right to enforce, (3) the Conservation Purposes of the easement, or (4) provide payment to Grantor for rights granted to Grantee;
- Remove and use spoil and dredged material from the construction and maintenance of the C-41 Harney Pond Canal or from wetland or ecological restoration as part of a state or federally-approved hydrological restoration project, for any activity incidental to the allowed uses of the Property.
- Conduct mechanical brush management, including roller chopping, in the SNA consistent with the Conservation Purposes and BMPs;
- Conduct scientific or educational investigations or studies consistent with the easement including the right to locate and construct scientific structures and improvements after providing written notice to Grantee;
- Conduct emergency actions anywhere on the Property, including but not limited to, cutting or clearing vegetation, constructing new fire lines, or temporarily altering drainage, in situations that present immediate hazard to persons or property, or that could imminently result in an adverse impact to the Conservation Purposes; and
- Construct, install and maintain fencing, gates, firebreaks, and water control infrastructure in any SNA, as identified in the BDR, after notice to and written approval of Grantee.

Item 10, Cont.

Encumbrances

There are oil, gas, and mineral interests outstanding on the property; however, the likelihood of those being pursued are low based on a letter from Florida Geological Survey, and exploration and extraction have been addressed above. There are no other 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, and an environmental site assessment of the property will be provided by RFLPP prior to closing.

Monitoring Agency

This perpetual conservation easement will be monitored by RFLPP.

Comprehensive Plan

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

(Attachment 10, Pages 1-80)

RECOMMEND: APPROVAL
