

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
December 19, 2023

Attachments to the items below can be viewed at the following link:
<https://floridadep.gov/cab/cab/content/agendas>

Item 1 Ferguson-House Farms Inc. Option Agreement/ Conservation Easement/ Caloosahatchee Ecoscape Florida Forever Project

REQUEST: Consideration of an option agreement to acquire a conservation easement over approximately 1,425.5 acres within the Caloosahatchee Ecoscape Florida Forever project from Ferguson-House Farms, 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 02, 03, 10, 11, 14 through 16, 21 and 22, Township 43 South, Range 30 East

CONSIDERATION: \$5,243,000

| <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>Jones</u> | <u>String</u> | | | | |
| Ferguson-House Farms Inc. | 1,425.5 | (07/28/23) \$5,350,000 | (07/28/23) \$5,000,000 | \$5,350,000 | \$325,100* | \$5,243,000** (98%) | 120 days after BOT Approval |

*Property was purchased on December 24, 2003.
 **\$3,678 per acre.

STAFF REMARKS: The subject property is located within the Caloosahatchee Ecoscape Florida Forever project, ranked number 15 in the Florida Forever Critical Natural Lands project category, approved by the Board of Trustees on March 13, 2023. The project contains 19,624 acres, of which 12,271 acres have been acquired or are under agreement to be acquired.

Project Description

The Caloosahatchee Ecoscape project is located in Glades and Hendry Counties and is comprised of wet prairies, cypress basin, dome swamp, mesic and wet flatwoods, depressional marshes, and scrub. Many of the natural communities within the project have been impacted by current and past land use practices such as improved pasture development, hydrologic alteration of surface water, and farming. The project includes critical habitat within the primary dispersal zone for the Florida panther, and it will preserve a large-scale natural connection of private and public conservation lands between the Caloosahatchee River to the north and the Okaloacoochee Slough to the south. This will ensure longevity for a wide range of species while also providing increased protective measures for wetland and watershed areas.

Property Description

The 1,425.5-acre subject property is a working cattle ranch with approximately 350 head of cattle. Located directly south of State Road 80 in northern Hendry County, the property shares the majority of its western boundary with two privately held conservation easements. The subject property's diverse landscape of xeric scrub, pine flatwoods, freshwater marshes, and improved pasture provides

Item 1, Cont.

potential habitat for several imperiled species, including the crested caracara, Florida burrowing owl, Florida sandhill crane, Florida Black Bear, and the Florida Panther.

In addition to the subject conservation easement, the Department is working on two other conservation easement transactions with the same landowner. These two transactions will be completed under our delegation authority and are located to the northwest and northeast of the subject property. Goodno Ranch West is northwest of the subject property and is approximately 837 acres, and Goodno Ranch East is to the northeast of the subject property and is approximately 1,147 acres. These three properties work in concert to provide an essential buffer to the Caloosahatchee River, a main source of freshwater for the Caloosahatchee estuary, which contributes to the water quality of lower Charlotte Harbor.

Acquiring a less-than-fee protection over the subject property will protect Florida’s biodiversity at the species, natural community, and landscape level; protect water resources; and provide an important linkage of conservation land, connecting multiple conservation areas that provide habitat critical to panther recovery and their long-term survival. 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 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 property will be prohibited except as may be necessary by Grantor for maintenance or normal operations of the property or during emergency situations;
- Construction or creation of new roads or jeep trails will be prohibited;
- No operation of motorized vehicles except on established trails and roads unless necessary: to protect or enhance the conservation purposes of this Easement; livestock ranching purposes; 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;
- Actions or activities that may be expected to adversely affect threatened or endangered species are prohibited;
- Subdivision of the property is prohibited, except as may otherwise be provided in this easement;

Item 1, Cont.

- Signs, billboards, or outdoor advertisements are prohibited, except signs designating the subject property as conservation lands protected by the State of Florida;
- 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, introduce and stock fish or wildlife, to use the 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 property or Grantee’s rights;
- The right to own, the hunting and fishing rights on, or related to, the 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 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 property; provided, however, that the Mortgagee’s lien shall be inferior to and lower in priority than this easement;
- The right to contest tax appraisals, assessments, taxes and other charges on the property;
- The right to continue to use, maintain, repair, and reconstruct, 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% 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 (BMPs);
- The right to host on the subject property relocated endangered, threatened, or species of special concern that are native to Florida;
- The right to maintain or restore the existing natural habitat communities per the BDR;
- The right to have and maintain a commercial cattle operation in accordance with BMPs and introduce other grazing livestock species upon approval from Department of Environmental Protection’s Office of Environmental Services;
- The right in the silvicultural or agricultural areas as depicted in the BDR, to construct additional agricultural structures as may be required for its agricultural operations, such as stables, equipment barns, and tool sheds, so long as such structures do not significantly impair the conservation values of the property and do not exceed 10,000 cumulative square feet.
- The right to utilize brush management practices such as mowing, roller-chopping, or aeration to maintain or enhance any natural area in accordance with BMPs;
- The right to maintain and construct perimeter fencing of the property to protect the property from trespassing and to assist Grantor in the management of the property;

Item 1, Cont.

- The right to maintain existing food plots for game and wildlife as depicted in the BDR;
- The right to engage in silviculture in the agriculture areas per the BDR;
- The right to harvest hay from existing pasture or hay areas as depicted the BDR;
- The right to construct one new residential structure on the property. The residential structure shall be limited to 5,000 square feet and have no more than two related outbuildings that are limited to 2,000 square feet each. The new residential and outbuilding impacts, exclusive of a new pervious driveway, shall be limited to 2.5 contiguous acres each;
- The right to subdivide the subject property into two parcels and each parcel shall be no less than 400 acres; and
- The right to participate in programs or projects that benefit from, enhance and/or manage the environmental attributes or permissible agricultural uses of the 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, 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 157 conservation easements protecting 310,918 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 1, Pages 1-65)

RECOMMEND: APPROVAL

Item 2 4L’s Ranch, LLC Option Agreement/ Conservation Easement/ Myakka Ranchlands Florida Forever Project

REQUEST: Consideration of an option agreement to acquire a conservation easement over approximately 1,531 acres within the Myakka Ranchlands Florida Forever project from 4L’s Ranch, LLC.

Item 2, Cont.

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

COUNTY: DeSoto

LOCATION: Sections 19, 29 through 31, Township 38 South, Range 23 East

CONSIDERATION: \$5,586,000

| <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>Jones (07/19/23)</u> | <u>String (07/19/23)</u> | | | | |
| 4L's Ranch LLC | 1,531 | \$5,350,000 | \$5,700,000 | \$5,700,000 | \$3,000,000* | \$5,586,000** (98%) | 120 days after BOT Approval |

*Property was purchased on November 12, 2002.
**\$3,649 per acre.

STAFF REMARKS: The subject property is located within the Myakka Ranchlands Florida Forever project, ranked number four in the Florida Forever Less-Than-Fee project category, approved by the Board of Trustees on March 13, 2023. The project contains 50,731 acres, of which 22,245 acres have been acquired or are under agreement to be acquired.

Project Description

The Myakka Ranchlands project is comprised of multiple tracts to both the north and south of Myakka River State Park. The project protects a system of conservation areas, establishing a connection between state, county, water management district, and non-profit conservation lands in Southwest Florida. The intention of this project is to expand and buffer diverse habitats, conserve land containing rare plant and animal species, and to protect, restore, and maintain the quality and natural functions of land, water, and wetland systems. This protection ensures that sufficient quantities of water will be available to meet the current and future needs of natural systems and citizens of the state. The Myakka Ranchlands, also known as the Myakka Island Conservation Corridor Ranches, builds on a landscape-sized protection area in the Myakka River watershed which is upstream of the Charlotte Harbor Estuary.

Property Description

The 1,531-acre subject property is a working cattle ranch with approximately 280 head of cattle. Located in west central DeSoto County, the property contains of mixture of upland areas that include improved pasture along with a mosaic of mesic flatwoods, wetland depression marshes, and wet prairie, which provides habitat for species that forage and/or nest in open areas including, but not limited to, species such as the crested caracara, gopher tortoise, Florida sandhill crane, Florida burrowing owl, and the Southeastern American Kestrel. By contributing to the creation of a landscape corridor, the property provides potential habitat for wide-ranging and sensitive species such as the Eastern indigo snake, Florida black bear, and the Florida panther.

Item 2, Cont.

Adjacent to numerous state-owned, and privately held, conservation easements, the subject property sits along a watershed divide between the Myakka Watershed and the Peace River Watershed and drains into the Horse Creek Basin. Because of this, protection of the subject property will contribute to the current and future water quality and quantity needs of the region as well as add to a strong regional network of conservation lands in the Southwest Florida region. The property lies within a wildlife corridor of the Florida Ecological Greenways Network.

Prohibited Uses

Under the proposed conservation easement, the 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 will be prohibited, except as reasonably necessary to combat erosion or flooding, or except as necessary and lawfully 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 preservation will be prohibited, unless provided for in this easement otherwise;
- 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 property will be prohibited except as may be necessary by Grantor for maintenance or normal operation of the subject property or during emergency situations;
- Construction of new roads or jeep trails will be prohibited;
- No operation of motorized vehicles except on established trails and roads unless necessary to: protect or enhance the conservation purposes of this Easement; for emergency purposes; cattle ranching purposes; and to 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 for fertilizer use, as established by the Florida Department of Agriculture and Consumer Services, and agricultural 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 is prohibited;
- Subdivision of the property is prohibited, except as provided in the easement under Article V;
- Signs, billboards, or outdoor advertising is prohibited except signs designating the property as conservation lands protected by the State of Florida;
- No commercial water wells;

Item 2, Cont.

- No commercial timber harvesting; 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, introduce and stock fish or wildlife, to use the 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 property or Grantee’s rights; non-commercial hiking, camping, and horseback riding, so long as the such activities do no constitute a danger;
- The right to own the hunting and fishing rights on, or related to, the property and Grantor may lease and sell privileges of such rights;
- The right to conduct controlled and prescribed burns with proper State and local authorization;
- 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 subject property;
- The right to continue to use, maintain, repair, and reconstruct, but not relocate or enlarge, all existing buildings as depicted on the Baseline Documentation Report (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 (BMPs);
- The right to host on the subject property relocated endangered, threatened or species of special concern that are native to Florida;
- The right to maintain a commercial cattle operation in accordance with BMPs;
- The right to harvest cabbage palms in agricultural or silvicultural areas as depicted in the BDR;
- The right to construct one new residential structure on the property. The residential structure shall be limited to 10,000 square feet and have no more than two related outbuildings of 4,000 cumulative square feet. The new residential and outbuildings, including access driveways, shall be limited to 10 contiguous acres;
- The right to subdivide the subject property into two parcels allowed in the easement and each parcel shall be no less than 600 acres;
- The right to construct additional agricultural structures in silvicultural or agricultural areas that do not exceed 5,000 cumulative square feet; and
- The right to participate in programs or projects that benefit from, enhance, and/or manage environmental attributes or permissible agricultural uses of the subject property and which may also be of economic benefit to the Grantor.

Item 2, Cont.

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, environmental site assessment, survey, and a 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 (OES). OES currently monitors 157 conservation easements for 310,918 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 2, Pages 1-45)

RECOMMEND: **APPROVAL**

Item 3 Bradford County Conveyance/ Non-Conservation/ Determination

REQUEST: Consideration of (1) a determination that the conveyance of 30.77 acres of state-owned non-conservation land by sale, gift or exchange will provide a greater benefit to the public than its retention in Board of Trustees’ ownership, pursuant to Rule 18-2.018(3)(b)1.c., F.A.C.; and (2) approval to convey the approximately 30.77 acres of state-owned non-conservation land to Bradford County.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Bradford

APPLICANT: Bradford County

LOCATION: Section 06, Township 07 South, Range 22 East

STAFF REMARKS: The subject parcel was acquired by the Board of Trustees in 1957. The parcel is currently under lease to the Florida Division of Emergency Management (DEM) (Lease No. 4867). On July 6, 2022, the Department received a request from DEM to be released from its lease on the subject property because the facility is vacant and no longer utilized to fulfill its mission.

Item 3, Cont.

Bradford County (County) requested that the 30.77-acre parcel, containing a 100,000 square foot warehouse building, be deeded to the County. The satisfaction of this request will accommodate their plans to lease the facility to an aerospace and defense company in order to retain and bring new jobs into the County.

By Executive Order EO-23-132, the County was re-designated a Rural Area of Opportunity. The County, along with the Northeast Florida Economic Development Corporation, has identified an aerospace and defense company that has an interest in expanding in Bradford County. The County has no other large warehouse type buildings and no financial means to construct such a building. The transfer of the property to the County will bring employment stability, as well as create high-wage jobs.

The conveyance of this land will bolster economic development in this region and serves as part of the County's economic development plan designed to generate jobs locally, as such, Department staff find that the greater benefit to the public will be achieved through this land's conveyance to Bradford County.

Department staff have also determined that this land can be conveyed to the County if the Board of Trustees makes an affirmative finding, pursuant to Rule 18-2.018(3)(b)1.c., F.A.C., that the conveyance of this land to the County provides a greater benefit to the public than its retention in Board of Trustees' ownership.

Noticing

Pursuant to section 253.0341(7), F.S., the subject parcel was offered for lease to state agencies and no interest in the subject parcel was 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 3, Pages 1-8)

RECOMMEND: APPROVAL

Item 4 BOT/ Walton County School Board Exchange Agreement/ Determination

REQUEST: Consideration of (1) a determination that approximately 19 acres of land owned by the Board of Trustees is (a) no longer needed for conservation purposes, pursuant to Article X, section 18 of the Florida Constitution and section 253.0341(1), F.S.; and (b) surplus; (2) a determination that an exchange will (a) result in a net positive conservation benefit to the state, pursuant to section 253.0341(1), F.S.; and (b) provide a greater benefit to the public than its retention in Board of Trustees' ownership, pursuant to Rule 18-2.018(3)(b)1.c., F.A.C.; (3) conceptual approval of an exchange

Item 4, Cont.

agreement in which the Board of Trustees will convey approximately 19 acres of state-owned conservation land in exchange for approximately 50 acres of land owned by Walton County School Board; and (4) delegation to the Secretary of the Department of Environmental Protection, or designee, to amend, approve, and execute an exchange agreement between the Board of Trustees and the Walton County School Board.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Walton

APPLICANT: Walton County School Board

LOCATION: Sections 25 and 30, Township 02 South, Range 19 and 20 West

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

| <u>PARCEL</u> | <u>ACRES</u> | APPRAISED BY | | <u>EXCHANGE</u> <u>VALUE</u> | <u>CLOSING</u> <u>DATE</u> |
|-----------------|--------------|-------------------------------|---------------------------------|---------------------------------|---|
| | | Carlton <u>(11/8/2023)</u> | <u>APPROVED</u> <u>VALUE</u> | | |
| WCSB | 50 | \$2,000,000 | \$2,000,000 | \$2,000,000 | 120 days after effective date on contract |
| BOT (NW parcel) | 9 | \$900,000 | \$900,000 | \$900,000 | |
| BOT (SE parcel) | <u>10</u> | <u>\$386,500</u> | <u>\$386,500</u> | <u>\$386,500</u> | |
| | 19 | \$1,286,500 | \$1,286,500 | \$1,286,500 | |

STAFF REMARKS: The Department of Environmental Protection (Department), Division of State Lands and the Department of Agriculture and Consumer Services' Florida Forest Service (FFS), are proposing to exchange two non-contiguous parcels, totaling approximately 19 acres of state-owned conservation land for approximately 50 acres of land owned by Walton County School Board (WCSB).

Project Detail

The WCSB is requesting the proposed exchange to gain additional, contiguous acreage for: (1) a new, future school site (NW parcel) and (2) the expansion of South Walton High School's campus (SE Parcel).

The state-owned property is managed by FFS and they are supportive of the exchange. The WCSB property is within the South Walton County Ecosystem Florida Forever project (SWCE) and will be managed as part of the Point Washington State Forest (PWSF) under Board of Trustees Lease No. 3972.

The proposed exchange will provide a net positive conservation benefit by providing a net gain of 31 acres of additional conservation lands within the SWCE and PWSF. The acquisition of the 50 acres will improve management efficiencies and opportunities, as well as provide additional public access to the PWSF by exchanging disjunct parcels for parcels adjacent to the current boundary.

Acquisition and Restoration Council

The proposed exchange request was recommended for approval by the Acquisition and Restoration Council on October 13, 2023.

Item 4, Cont.

Constitutional, Statutory, and Rule Requirements

Pursuant to Article X, section 18 of the Florida Constitution, the fee interest in real property may be disposed of only if the members of the governing board of the entity holding title determine the property is no longer needed for conservation purposes and only upon a vote of two-thirds of the governing board. Pursuant to section 253.0341(1), F.S., to surplus conservation lands, the Board of Trustees, by a vote of at least three members, must determine that the lands are no longer needed for conservation purposes and that the exchange will result in a net positive conservation benefit to the state. Pursuant to Rule 18-2.018(3)(b)1.c., F.A.C., the surplus lands must provide a greater benefit to the public than its retention in Board of Trustees' ownership. The Department offers the following to assist the Board of Trustees in determining that the 19 acres are no longer needed for conservation purposes:

- The two parcels are disjunct and isolated from PWSF making land management difficult;
- The two parcels currently have no recreational trails or current public access; and
- There are no known imperiled or other wildlife species that occupy the proposed exchange area.

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

- The new configuration of the state-owned lands will enhance public access and is compatible with the overall land management plan for this conservation area; and
- The state will gain additional forested land adjacent to PWSF.

Management Review

FFS, as manager of PWSF, supports the proposed exchange. The 50 acres being received will be merged with PWSF and serve the purposes of the forest, land conservation, and utilization.

Comprehensive Plan

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

(Attachment 4, Pages 1-35)

RECOMMEND: APPROVAL

Item 5 U.S. Navy Conveyance with Deed Requirement Waiver/ Delegation of Authority

REQUEST: Consideration of (1) waiving the requirements in section 253.025(21)(d), F.S., pursuant to section 253.025 (1)(b) F.S. and (2) delegation to negotiate and approve terms, which may include the modification or removal of deed restriction of the previously approved conveyance of approximately 8.4 acres of state-owned non-conservation land to the United States of America, Department of the Navy, Naval Support Activity Panama City, for military base buffering purposes pursuant to section 253.025(21)(c), F.S.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Bay

APPLICANT: United States of America, by and through the Department of the Navy, Naval Support Activity (NSA) Panama City

LOCATION: Section 04, Township 04 South, Range 15 West

STAFF REMARKS: Following Board of Trustees approval of the conveyance of an approximately 8.4 acre parcel of state-owned non-conservation land situated immediately adjacent to the naval support base in Panama City to the United States of America Navy in March, the Department received subsequent requests from the Navy and Bay County to modify the terms of the previously approved conveyance due to a federal restriction (DOJ Title Standards section 6.2.1) that disallows a deed to be accepted with reverter language on property to be developed.

NSA Panama City

NSA Panama City is home to the Naval Surface Warfare Center, Panama City Division, which conducts research, development, testing, and evaluation for the Navy's newest ships and autonomous vehicles. Its major expertise is in engineering and scientific disciplines in the mission areas of mine warfare, expeditionary warfare, special warfare, and diving and life support. It is also home to the Naval Diving and Salvage Training Center, an all-service dive school which instructs students in basic, specialized, and advanced fleet readiness training. The United States Coast Guard Panama City Search and Rescue Station also borders the subject parcel. The Coast Guard Station is home to five tenant commands, including two Coast Guard cutters; these commands utilize Alligator Bayou.

NSA Panama City employs approximately 4,000 military and civilian personnel, with a payroll of more than \$460 million. It supports 19 tenant commands with a wide range of military missions with an annual economic impact of approximately \$600 million to the local area. NSA Panama City is also home to the 30,000-square-foot United States Department of Veteran's Affairs Outpatient Clinic, which treats veterans from northwest Florida and southern Alabama. In 2020, NSA Panama City added the Navy's next generation Landing Craft Air Cushion 100 to its fleet of Research and Development platforms. NSA Panama City has evolved over the years to meet the demanding requirements of the Navy, which is to "Defend today and plan for tomorrow" in response to constantly changing national needs.

Item 5, Cont.

Acquisition Background

The 8.4-acre parcel was acquired in 2017 as a Tier 1 priority parcel in the Department of Economic Opportunity/Florida Defense Support Task Force's Military Base Protection Program. The program originated in the 2012 Legislative Session, becoming Chapter 288, F.S., to assist Florida's military bases with any potential encroachment challenges from incompatible development that may require the base to alter its mission. There was no provision in the original statute to convey the acquired property to the military, so in the spring of 2018, the Florida Legislature amended section 253.025, F.S., to authorize the Board of Trustees to convey land acquired under the Military Base Protection Program at less than appraised value to the military installation.

Project Detail

The Board of Trustees approved the conveyance at the March 29, 2022, meeting for the purposes of the Navy maintaining the site as encroachment mitigation and as a security buffer to protect the sensitive military operations at NSA Panama City. Following the approval, the Department began the conveyance process at which time the Navy informed the Department that there is a federal restriction (DOJ Title Standards section 6.2.1) that disallows a deed to be accepted with reverter language on property to be developed. The Navy, and County, have subsequently requested the Department seek Board approval to waive the requirements of section 253.025(21) F.S., which is allowable pursuant to section 253.025 (1)(b) F.S.

The Department, under current delegation, executed a two year lease with Bay County to manage the parcel in the interim. Board of Trustees' Lease Number 4876 was effective November 29, 2023, and contains a condition that the lease automatically terminates upon conveyance of the lands to the Navy.

Statutory and Rule Requirements

Pursuant to section 253.025(21)(c), F.S., the Board of Trustees is authorized to convey land acquired under Chapter 288, F.S., at less than appraised value to military installations. Rule 18-2.018(3)(b)l.c., F.A.C., authorizes the Board of Trustees to determine that conveying a parcel by sale, gift, or exchange provides a greater benefit to the public than its retention in the Board of Trustees' ownership. The Board of Trustees previously approved the conveyance of the property to the Navy at no cost. However, the Board approved the conveyance with a deed restriction that is stipulated in statute, albeit waivable, but not acceptable to the Navy.

Comprehensive Plan

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

Item 5, Cont.

Delegated Authority

Section 253.025 (1)(b) F.S. states:

Except for the requirements of subsections (4), (11), and (22), if the public's interest is reasonably protected, the Board of Trustees may:

- 1. Waive any requirements of this section.*
- 2. Waive any rules adopted pursuant to this section, notwithstanding Chapter 120.*
- 3. Substitute other reasonably prudent procedures.*

The Department is requesting the authority to negotiate alternative terms in the deed to reasonably protect the public's interests while simultaneously satisfying the requirements of the Navy, including finding that federal law for disposal of property owned by the federal government reasonably protects the public interest. The new delegated authority to the Secretary of the Department, or designee, would be as follows:

Regarding the conveyance of 8.4 acres of state-owned non-conservation land to the United States of America Navy in Bay County, negotiate and approve terms, which may include the modification or removal of deed restrictions.

(Attachment 5, Pages 1-15)

RECOMMEND: **APPROVAL**

Item 6 Oyster River Ecology, Inc. and Manatee County Natural Resources Department Management Agreements

REQUEST: Approval to issue new 10-acre and 6.2-acre, ten-year sovereignty submerged land aquaculture management agreements for the purpose of shellfish restoration on the bottom.

VOTING REQUIREMENT FOR APPROVAL: Three Votes

LOCATION: Manatee River, Manatee County, Florida

APPLICANTS: Oyster River Ecology, Inc., and Manatee County Natural Resources Department

CONSIDERATION: Management agreement areas for restoration organizations and local governments are fee waived, pursuant to Rule 18-21.022(8), F.A.C.

STAFF REMARKS:

The Applicants are requesting authorization from the Board of Trustees, pursuant to section 253.68(1), F.S., for two new aquaculture management agreements to conduct shellfish aquaculture restoration on the bottom.

Item 6, Cont.

The Applicants 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 management agreements will be subject to the terms and conditions applied to other aquaculture management agreements issued throughout the state.

The requested parcels are not located in an aquatic preserve. FDACS has determined that the recommended parcels and associated aquaculture activities will not result in adverse impacts to seagrasses, existing shellfish beds or natural reefs or other sensitive habitats.

Agency Review

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

Public Interest

The proposed parcels are not in an aquatic preserve; therefore, the activity does not have to be found to be in the public interest. The 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 management agreements were 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 6, Pages 1-39)

RECOMMEND: APPROVAL

Item 7 2023 Rural and Family Lands Protection Program Project Acquisition List

REQUEST: Consideration of the recommended 2023 Rural and Family Lands Protection Program Prioritized Acquisition List.

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

STAFF REMARKS: The Rural and Family Lands Protection Program (RFLPP) protects Florida’s working agricultural lands threatened by fragmentation or conversion to non-agricultural land uses through acquisition of land conservation easements. These conservation easements ensure the land will be preserved perpetually for agricultural uses while protecting functioning ecosystems, natural resources, aquifer recharge areas, and contributing to military base buffering.

The 2023 application cycle for the program was open from June 12, 2023, through July 27, 2023. During this time, 178 new project applications were received. These new projects combined with 80 existing projects resulted in 258 eligible projects for ranking. The proposed 2023 RFLPP Prioritized Acquisition List was developed pursuant to sections 259.105(3)(i) and 570.71(10), F.S., and Rule 5I-7, F.A.C.

Technical review teams evaluated each project application. These teams were composed of staff from the Florida Natural Areas Inventory, Common Ground Ecology, Inc., and the University of Florida Center for Landscape Conservation. Additionally, staff from divisions within the Florida Department of Agriculture and Consumer Services (FDACS), including: the Division of Animal Industry, Florida Forest Service, the Office of Agricultural Water Policy, and the Division of Plant Industry performed project site visits. These teams developed information from site visits and various other sources that were distilled into Project Evaluation Reports by RFLPP staff. These reports were submitted to the Selection Committee appointed by the FDACS Commissioner, in accordance with Rule 5I-7, F.A.C.

The Selection Committee held three public meetings in North, Central, and South Florida on November 1, 8, and 15, 2023, respectively. The purpose of the Selection Committee meetings was to receive public testimony regarding individual projects. On November 20th, the Selection Committee by majority vote, proposed a list of projects in priority order that would be presented to the Board of Trustees of the Internal Improvement Trust Fund (Board) for approval. The proposed list ranks the RFLPP’s acquisition priorities in numerical order.

On December 8, 2023, RFLPP presented the recommended project list to the Acquisition and Restoration Council for its review pursuant to section 259.105(3)(i)1., F.S. RFLPP is now submitting the recommended project list to the Board for its consideration. Pursuant to section 259.04, F.S., the Board “shall approve, in whole or in part, the list of projects in the order of priority in which such projects are presented.”

The 2023 RFLPP Prioritized Acquisition List was developed pursuant to section 259.105(3)(i), section 570.71(10), F.S., and Rule 5I-7, F.A.C

(Attachment 7, Pages 1-13)

RECOMMEND: APPROVAL

Item 8 Syfrett Ranch, Inc. Option Agreement/ Syfrett Ranch/ FDACS/ Rural and Family Lands Protection Program

REQUEST: Consideration of (1) an option agreement to acquire a perpetual rural lands protection easement over approximately 2,101.52 acres within the Syfrett Ranch project of the Florida Department of Agriculture and Consumer Services’ (FDACS) Rural and Family Lands Protection Program (RFLPP) from Syfrett 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

COUNTIES: Highlands and Glades

LOCATION: Portions of Section 27, Township 37 South, Range 33 East, in Highlands County; and portions of Sections 04 through 06, Township 38 South, Range 33 East, in Glades County.

CONSIDERATION: \$8,195,000

| <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>Holden (07/13/23)</u> | <u>Marr (07/13/23)</u> | | | | |
| Syfrett Ranch, Inc. | 2,101.52 | \$7,565,000 | \$8,195,000 | \$8,195,000* | \$2,672,000** | \$8,195,000*** (100%) | 120 days after BOT approval |

*Fee value was determined to be \$13,870,000 and \$14,290,000
 **Property was purchased December 28, 1998.
 ***The purchase price for the rural lands protection easement is \$3,900 per acre.

STAFF REMARKS: This acquisition was negotiated by FDACS under its RFLPP. If approved, this project will be the 70th perpetual easement proposed for acquisition, with a total of approximately 99,479 acres preserved under the RFLPP.

Project Description

The Syfrett Ranch project was originally submitted with 3,058 acres in 2015, but Syfrett Ranch, Inc. has since sold some of the property. The proposed rural lands protection easement would cover approximately 2,101.52 acres, is located along the C-41A canal, and is part of the Lake Okeechobee Watershed. If this rural lands protection easement is approved, the Syfrett Ranch RFLPP project will be complete. The project site is enrolled in the FDACS Best Management Practices (BMP) program and is located within the Florida Wildlife Corridor.

Property Description

Syfrett Ranch is a cow-calf operation. It is a mosaic of several natural communities dominated by improved and semi-improved pasture. There are hardwood and large cabbage tree hammocks

Item 8, Cont.

throughout the property. The ranch also has a complete drainage and irrigation system for flood stabilization, by utilizing multiple assistance programs.

The subject property is near The River Property and Buck Island Ranch RFLPP closed easements, several Wetlands Reserve Program easements, and water management district property. The proposed rural lands protection easement protects the integrity and function of working landscapes and ensures opportunities for viable agricultural activities on working lands threatened by future conversion to other uses.

The subject property has the potential to support the habitat for the Florida burrowing owl and crested caracara. Other typical species observed on the property include Florida sandhill cranes, Osceola turkey, white tail deer, and multiple species of wading birds. The owner has seen Sherman’s fox squirrel, bald eagles, crested caracara, and the Florida panther.

Prohibited Uses

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

Item 8, Cont.

- Any subdivision of the Property inconsistent with the division of land pursuant to Rule Chapter 5I-7, F.A.C., as amended;
- Commercial water wells on the Property;
- Harvesting of cypress trees in the Significant Natural Areas (SNAs);
- Mitigation banks not in compliance with Florida Statutes and Administrative Rules, as amended;
- Construction or conversion of SNAs to more improved areas;
- Conversion of forested areas to non-forested areas as shown in the Baseline Documentation Report (BDR) within the SNAs; and
- Activities detrimental to the preservation of historical, architectural, archaeological, or cultural resources on the Property.

Owner's Reserved Rights

- Grantor has, and shall be deemed hereby to have retained, the underlying fee simple absolute title in the Property;
- The right to conduct agricultural operations on the Property; provided, however, that prior to any timbering in an SNA, Grantor shall provide written notice to and obtain approval from Grantee concerning reforestation and harvesting methods consistent with this Easement. The right to engage in cattle grazing on the existing Improved Pasture as set forth in the BDR, including the right to maintain, utilize, fertilize, and mow such pasture. All agricultural uses shall be conducted in accordance with BMPs adopted by FDACS or applicable government agencies, or their successor agencies, as amended from time to time, and in compliance with all laws, rules, and regulations;
- The right to conduct silvicultural operations, provided that prior to any timbering in an SNA, Grantor shall consult with Grantee concerning reforestation methods and methods are consistent with the perpetual protection of the SNAs;
- The right to conduct prescribed burning on the Property; provided, however, that Grantor shall obtain and comply with a prescribed fire authorization from the FDACS' FFS or its successor agency;
- The right to mortgage the Property; provided, however, that the Mortgagee's lien shall be inferior to and lower in priority than this Easement;
- The right to contest tax appraisals, assessments, taxes, and other charges on the Property;
- The right to continue to use, maintain, repair, and reconstruct, all existing buildings, barns, animal pens, outbuildings, fences, roads, ponds, wells, utilities, drainage ditches, and such other facilities on the Property as depicted in the BDR, except on SNAs;
- The right to sell, devise or otherwise transfer ownership of the Property to a third party. This right, however, does not include the right to sell the remaining property rights on the Property for the purposes of a rural lands protection easement or other restriction that would divest the Property of its use under the terms and conditions of the Easement;
- The right to exclusive use of the improvements on the Property;
- Grantor shall obtain and comply with all permits for management of stormwater, water wells, and consumptive uses as may be required by the water management district or any agency having jurisdiction over those activities;

Item 8, Cont.

- The right to construct, after giving notice to Grantee, buildings, cross-fencing, water control structures, or other structures and improvements incident to agricultural uses carried on in accordance with sound agriculture. Such buildings shall not be used as residences.
- The right to establish (by survey, fencing, or marking) and maintain property lines around the perimeter of the Property to protect the Property from trespassing and to assist Grantor in the management of the Property in accordance with the Easement;
- The right to observe, maintain, photograph and film, introduce and stock native fish or wildlife on the Property, to use the Property for hiking, and horseback riding. Grantor reserves, and shall continue to own, the hunting and fishing rights on or related to the Property, and Grantor may lease and sell privileges of such rights;
- The right to install connections to normal utility systems, such as electric, cable, water and sewer, and telephone. If a connection to a sewer system is not available, this right shall include the right to install a septic system. The granting of easements or rights-of-way for power lines, gas lines, sewer lines, waterlines, telecommunications towers, and wind farms is prohibited, unless by Grantee. Notwithstanding this prohibition, the Grantor may grant or modify easements for utility connections necessary to serve the permitted uses of the Property that are consistent with the Easement’s purposes. Existing utilities may be repaired at their current location; and
- The right to conduct ecological restoration, enhancement, and species relocation.

Encumbrances

There are 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 8, Pages 1-81)

RECOMMEND: APPROVAL
