

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
March 13, 2023

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

Item 1 Minutes

Submittal of the Board of Trustees' Minutes from the January 17, 2023, Cabinet Meeting.

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.

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

RECOMMEND: APPROVAL

Item 2 Stan Mayfield Working Waterfronts 2023 Project Ranking List/ Florida Communities Trust

REQUEST: Consideration of the Florida Communities Trust, Stan Mayfield Working Waterfronts 2023 project ranking list for funding.

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

STAFF REMARKS: The Stan Mayfield Working Waterfronts (SMWW) Florida Forever grant program was created by the 2008 Legislature in section 380.5105, F.S., within the Florida Communities Trust (FCT) Act. Section 380.503(18), F.S., provides that SMWW grant funds be used to acquire parcels of land directly used for the purposes of the commercial harvest of marine organisms or saltwater products by state licensed commercial fishers, aquaculturists, or business entities, including piers, wharves, docks, or other facilities operated to provide waterfront access to licensed commercial fishers, aquaculturists, or related business entities. The acquisition of land used for recreational waterfront activities would not be considered within the SMWW program.

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

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

Item 2, Cont.

Grant applications for the SMWW grant cycle were received between August 1, 2022 and September 1, 2022. One project application totaling \$1,402,000 was submitted and deemed eligible for the available grant funding of \$3,793,216. FCT staff, with assistance from Department of Agriculture and Consumer Services, evaluated the scoring criteria and the business summary submitted by the applicant. The preliminary score, along with a determination of the sufficiency of the business summary was reported in an evaluation report transmitted to the applicant in December 2022. FCT staff performed a site visit to verify that the information submitted by the applicant in its application was accurate. Approval of this project would result in a FCT fund balance of \$2,391,216.

The FCT Governing Board met on March 7, 2023, to review the application; consider staff recommended scores and any applicant objections to the scores; and produced a final ranking list. Section 380.5105(4), F.S., requires the FCT, by the first Board of Trustees meeting in February, to present the ranking list for final approval of projects for funding. The Board of Trustees “may remove projects from the ranking list but may not add projects.”

Ranking List

	Project Name	Applicant	FCT Grant Requested
1	Blue Crab Cove, Phase II	Brevard County	\$1,402,000
		Total	\$1,402,000

(Attachment 2, Pages 1-2)

RECOMMEND: **APPROVAL**

Item 3 2023 Florida Forever Priority List/ 2023-2024 Annual Forever Work Plan

REQUEST: Consideration of (1) the 2023 Florida Forever Priority List; and (2) the Division of State Lands’ Annual Florida Forever Work Plan for Fiscal Year 2023-2024.

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

STAFF REMARKS: Florida has a long history as a national leader in conservation, which is vital to our state’s environmental protection and economic growth. Florida Forever, the state’s premier land conservation program, helps acquire natural lands that conserve critical habitats, protect water

Item 3, Cont.

resources, benefit Everglades restoration and enhance local communities. By focusing on the conservation and management of Florida’s natural lands, the health of environmental resources is improved, ecological corridors are connected, public access is expanded, and visitor experiences are enhanced.

The Acquisition and Restoration Council (ARC) is established by section 259.035, F.S., as a ten-member board composed of four agency heads, four governor appointees, one appointee by the Commissioner of Agriculture, and one appointee by the Fish and Wildlife Conservation Commission. In accordance with section 259.105(14), F.S., ARC shall review the most current, approved project list and present a new list of projects to the Board of Trustees annually for approval.

In 2022, ARC conducted 14 public hearings and meetings, reviewed land acquisition proposals, evaluated their resource attributes, established or revised project boundaries, ranked projects, and adopted an annual work plan. ARC approved the following changes: (a) added nine new projects; (b) added ten new projects to existing project boundaries; and (c) amended the boundaries of ten projects which included reducing the boundaries of two projects.

<u>New Projects Added to the List</u>	<u>Acres +/-</u>	<u>County</u>
Aucilla/Wacissa Watershed*	101,265	Jefferson, Madison, Taylor
Avalon	13,272	Jefferson
Bar-B Ranch	1,899	Martin
Eight Mile Property	5,706	Dixie
Gardner Marsh	5,952	Osceola
Gilchrist Club	23,255	Gilchrist
Heartland Wildlife Corridor	9,579	Hardee, Highlands
Natural Bridge Timberlands	5,740	Leon, Jefferson
River Property	2,975	Highlands

<u>New Projects Added to Existing Project Boundaries</u>	<u>Acres +/-</u>	<u>County</u>
Charlie Creek	1,547	Hardee
Added to Old Town Creek Watershed		
CNC Ranch	3,557	Okeechobee
Added to Kissimmee-St. Johns River Connector		
Double G Legacy	680	Sumter
Added to Battle of Wahoo Swamp		
Foshalee Slough	945	Leon
Added to Red Hills Conservation		
Goodno Ranch	1,185	Glades
Added to Caloosahatchee Ecoscape		
Johnson Homestead	699	DeSoto
Added to Peace River Refuge		
Keen Ranch	995	DeSoto
Added to Myakka Ranchlands		

Item 3, Cont.

Lake Sampala Timber & Lands	1,317	Madison
Added to San Pedro Bay		
South Prong of the St. Mary’s River	1,146	Baker
Added to Raiford to Osceola Greenway		
Wolfe Creek Forest Addition II	3,423	Santa Rosa
Added to Wolfe Creek Forest		

<u>Projects with Boundary Amendments</u>	<u>Acres +/-</u>	<u>County</u>
Bombing Range Ridge	- 16.38	Polk
Etoniah/Cross Florida Greenway	1,468	Putnam
Florida's First Magnitude Springs	1,228	Lafayette, Levy, Suwannee
Florida Keys Ecosystem	- 0.28	Monroe
Lake Wales Ridge Ecosystem	431	Highlands
Myakka Ranchlands	748	DeSoto, Manatee
North Waccasassa Flats	562	Gilchrist
Pinhook Swamp	951	Columbia
St. Joe Timberlands*	- 46,859	Jefferson, Taylor
Strategic Managed Area Lands List	515	Franklin, Gadsden, Glades
West Bay Preservation Area	88	Bay

<u>Projects Removed from the List</u>	<u>Status</u>	<u>County</u>
Corrigan Ranch	100% complete	Okeechobee
Econfina Timberlands*	Combined	Jefferson
Hardee Flatwoods	90% or more complete	Hardee
Wacissa/Aucilla River Sinks*	Combined	Jefferson, Taylor
West Aucilla River Buffer*	Combined	Jefferson

*Three projects and a portion of one project were combined with one new project to create the Aucilla/Wacissa Watershed project.

(1) 2023 Florida Forever Priority List: The 2023 Florida Forever Priority List (Priority List), adopted by ARC on December 9, 2022, includes 129 projects containing more than 2.2 million acres with an estimated value of over \$8.2 billion. Ninety-seven of the projects on the Priority List overlap with the Florida Wildlife Corridor. Each project was ranked within one of the following six categories:

- Critical Natural Lands (CNL) – 38 projects
- Partnerships and Regional Incentives (PRI) – 34 projects
- Less-Than-Fee (LTF) – 36 projects
- Climate Change Lands (CCL) – 11 projects
- Substantially Complete (SC) – 7 projects
- Critical Historical Resources (CHR) – 3 projects

Item 3, Cont.

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

(2) Division of State Lands' Annual Florida Forever Work Plan for Fiscal Year 2023-2024: The Annual Work Plan is prepared by the Department of Environmental Protection's Division of State Lands pursuant to section 259.105(17), F.S. The Annual Work Plan is required to be adopted by ARC and presented to the Board of Trustees on an annual basis. ARC adopted the Annual Work Plan at the February 10, 2023 council meeting. The Annual Work Plan contains 56 projects of which 46 projects overlap with the Florida Wildlife Corridor.

Comprehensive Plan

The 2023 Florida Forever Priority List is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands' section of the State Comprehensive Plan.

(Attachment 3, Pages 1-7)

RECOMMEND: (1) APPROVAL OF THE 2023 FLORIDA FOREVER PRIORITY LIST AND (2) ACCEPTANCE OF THE DIVISION OF STATE LANDS' ANNUAL FLORIDA FOREVER WORK PLAN FOR FISCAL YEAR 2023-2024

Item 4 LTL Real Estate Holdings, LLC, Lee A. Lightsey, Tracy V. Lightsey Option Agreement/ Conservation Easement/ Blue Head Ranch Florida Forever Project

REQUEST: Consideration of (1) an option agreement to acquire a conservation easement over 1,285 acres within the Blue Head Ranch Florida Forever project from LTL Real Estate Holdings, LLC, Lee A. Lightsey, and Tracy V. Lightsey; (2) designation of the Florida Department of Environmental Protection, Office of Environmental Services as the monitoring agency; and (3) confirmation of the management policy statement.

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

COUNTY: Highlands

LOCATION: Sections 02, 03 and 11, Township 39 South, Range 29 East

CONSIDERATION: \$4,000,000

Item 4, Cont.

<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>	<u>OPTION</u> <u>DATE</u>
		String (10/05/22)	Jones (10/05/22)				
LTL Real Estate Holdings, LLC Lee A. Lightsey Tracy V. Lightsey	1,285	\$4,150,000	\$4,250,000	\$4,250,000	\$1,899,500*	\$4,000,000** (94%)	120 days after BOT Approval

*Seller purchased the property in November 2013.

**\$3,112 per acre.

STAFF REMARKS: The subject property is located within the Blue Head Ranch Florida Forever project, ranked number 4 in the Florida Forever Critical Natural Lands project category, approved by the Board of Trustees on March 29, 2022. The project contains 43,051 acres of which 1,285 acres are under agreement to be acquired in this project area.

Project Description

The Blue Head Ranch project will protect a large portion of the Fisheating Creek watershed and interlinked hydrological systems, including creek frontage and important tributaries. The project will extend conservation ownership and management in a region of the state with renowned, high quality natural, hydrological, and wildlife resources. Additionally, the project encompasses a wide range and diversity of natural resources within a matrix dominated by high quality natural communities, including large blocks of endemic dry prairie and mesic flatwoods communities. The Blue Head Ranch project also serves to capture, store, and slowly release substantial volumes of water that ultimately make their way to the interconnected downstream ecosystems of Lake Okeechobee and the Everglades.

Property Description

The 1,285-acre subject property is in southwestern Highlands County, contiguous to Archbold Biological Station to the north, and located on the southern end of the Lake Wales Ridge. Historically, the property was utilized as a working cattle ranch, but it is now primarily used as a homestead and for recreational hunting activities.

Acquiring a less-than-fee protection over the subject property helps to further the goals to establish a landscape-sized connection with adjacent conservation properties, ensure the environmental and hydrological health of the Florida Everglades Ecosystem with minimal residential and commercial development, and provide and enhance the habitat of numerous rare and imperiled species. The property lies within a wildlife corridor in 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:

Item 4, Cont.

- 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 detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife preservation will be prohibited, unless needed for maintenance as provided in the easement;
- Acts or uses detrimental to the preservation of any historical, or archaeological area, will be prohibited;
- The removal, destruction, cutting, trimming, mowing, alteration, or spraying with biocides of trees, shrubs, or other natural vegetation will be prohibited, unless needed for conservation purposes, as provided in the easement under Article V;
- There shall be no planting of nuisance exotic or non-native plants;
- Commercial and industrial activities will be prohibited, except as may be incidental to the exercise of grantor's reserved rights, 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 for maintenance, normal operation or emergency situations, or as permitted in Article V;
- Construction of new roads or jeep trails will be prohibited, except as associated with restoration activities allowed under the provisions of Article V of the easement;
- The operation of motorized vehicles will be prohibited except on established trails and roads unless (1) necessary to protect or enhance the conservation values of the subject property; (2) for emergency purposes; (3) cattle ranching purposes; (4) retrieve game hunted legally;
- Current agricultural uses shall not be converted to more intense agricultural uses and Natural Areas shall remain Natural Areas;
- Agricultural activities shall not occur within a 100-foot buffer around sinkholes and other karst features that are connected to spring conduits;
- Actions or activities that may be expected to adversely affect threatened or endangered species is prohibited;
- Subdivision of the subject property is prohibited, except as provided in the easement under Article V;
- Signs, billboards, or outdoor advertising is prohibited except signs designating the subject property as conservation lands protected by the State of Florida;
- No commercial water wells;
- No commercial timber harvesting; 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:

Item 4, Cont.

- The easement runs with the land and will be included in any sale of the subject property;
- The right to observe, maintain, photograph, fish, hunt, and introduce and stock native fish or wildlife, to use the property for non-commercial, passive, resource-based recreation not inconsistent with the purpose of the easement. Grantor shall continue to own hunting and fishing rights;
- The right to continue to stock non-native game animals on the subject property pursuant to all applicable rules, statues, and permitting requirements;
- The right to conduct controlled and prescribed burns with proper authorization;
- The right to mortgage the subject property;
- The right to contest taxes;
- The right to continue to use, maintain, repair, and reconstruct, but not relocate 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 using best management practices (BMPs);
- The right to host relocated endangered, threatened or special concern of native Florida species;
- The right to maintain or restore the existing natural habitat communities per the BDR;
- The right to have and maintain a commercial cattle operation in accordance with BMPs;
- The right to engage in silviculture in the agriculture areas per the BDR;
- The right to cultivate and harvest hay and Bahia sod, not to exceed 25% of the cumulative improved pasture of hay area in any one calendar year;
- The right to construct two (2) new residential structures. Each residential structure shall be limited to 5,000 square feet with an access driveway and no more than two (2) associated outbuildings of no more than 2,000 square feet. Each residential and outbuilding impacts shall be limited to 2.5 contiguous acres each;
- The right to subdivide the subject property into one lot for each residence allowed in the easement and each lot shall be no less than 300 acres; and
- The right to maintain existing food plots for game as indicated on the BDR and right to create new food plots for game only with approval of the Department of Environmental Protection's (Department) Office of Environmental Services.

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 4, Cont.

Closing Information

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

Monitoring Agency

Pursuant to section 259.032(7)(d), F.S., the Department’s Division of State Lands’ staff recommends that the Board of Trustees designate the Department’s Office of Environmental Services (OES) as the monitoring agency for this site. The site will be managed as a conservation easement in perpetuity. OES currently monitors 146 conservation easements for 289,807 acres.

Management Policy Statement

Section 259.032(7)(d), F.S., requires that the Board of Trustees, current with its approval of the initial acquisition agreement within a project, evaluate and amend, as appropriate, the management policy statement for the project as provided by section 253.035, F.S., consistent with the purposes for which the lands are acquired. The Department recommends that the Board of Trustees confirm the management policy statement as follows:

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

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, Pages 1-54)

RECOMMEND: APPROVAL

Item 5 Big Slough Ranch, LLC Option Agreement/ Land South Manatee, LLC Option Agreement/ Conservation Easements/ Myakka Ranchlands Florida Forever Project

REQUEST: Consideration of two option agreements to acquire conservation easements over approximately 1,611 acres within the Myakka Ranchlands Florida Forever project from Big Slough Ranch, LLC and Land South Manatee, 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.

Item 5, Cont.

COUNTY: Manatee

LOCATION: Sections 26, 27, 33 and 34, Township 37 South, Range 22 East and Sections 25, 26, 34 and 35 Township 37 South, Range 22 East

CONSIDERATION: \$5,621,000

<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 (11/16/22)	Holden (11/16/22)				
Big Slough Ranch, LLC	566	\$2,025,000	\$2,094,000	\$2,094,000	\$2,800,000*	\$1,981,000** (95%)	120 days after BOT Approval
<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>
		Holden (11/16/22)	String (11/16/22)				
Land South Manatee LLC	1,045	\$3,657,000	\$3,750,000	\$3,750,000	\$9,022,737*	\$3,640,000** (97%)	120 days after BOT Approval

*Big Slough Ranch, LLC, purchased the property on December 20, 2021, and Land South Manatee, LLC, purchased property on May 25, 2018.

**\$3,500 per acre for Big Slough Ranch, LLC, and \$3,483 per acre for Land South Manatee, LLC.

STAFF REMARKS: The subject properties are located within the Myakka Ranchlands Florida Forever project, ranked number 4 in the Florida Forever Less-Than-Fee project category, approved by the Board of Trustees on March 29, 2022. The project contains 49,030 acres, of which 19,964 acres have been acquired or are under agreement to be acquired.

Project Description

The Myakka Ranchlands project, comprised of multiple tracts on both the north and south side of Myakka River State Park, protects a system of conservation areas, making a connection among 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 that has rare plants and animals, and protect, restore, and maintain the quality and natural functions of land, water, and wetlands systems of the state. This protection ensures that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state. Myakka Ranchlands, also known as Myakka Island Conservation Corridor Ranches, builds on a landscape-sized protection area in the Myakka River watershed and upstream of the Charlotte Harbor Estuary.

Property Description

The proposed conservation easements will encumber two subject properties, owned by Big Slough Ranch, LLC (Big Slough), and Land South Manatee, LLC (Land South), totaling 1,611 acres in southeastern Manatee County. Both owners maintain small cow/calf operations on the subject properties – Big Slough has 200 head of cattle and Land South has 270 head of cattle. The subject

Item 5, Cont.

properties contain successional forest and improved pasture, which can provide habitat for several species including the crested caracara, Florida burrowing owl, gopher tortoise, Florida sandhill crane, and southeastern American Kestrel. By contributing to the creation of a landscape corridor, the subject properties provide potential habitat for wide-ranging and sensitive species such as the Eastern indigo snake, Florida black bear, and the Florida panther. The subject properties lie within a wildlife corridor in the Florida Ecological Greenways Network.

Prohibited Uses

Under the proposed conservation easements, the subject properties will be restricted in perpetuity by the provisions of the easements, 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 detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife preservation will be prohibited, unless needed for maintenance as provided in the easement;
- Acts or uses detrimental to the preservation of any historical, or archaeological area, will be prohibited;
- The removal, destruction, cutting, trimming, mowing, alteration, or spraying with biocides of trees, shrubs, or other natural vegetation will be prohibited, unless needed for conservation purposes, as provided in the easement under Article V;
- There shall be no planting of nuisance exotic or non-native plants;
- Commercial and industrial activities will be prohibited, except as may be incidental to the exercise of grantor’s reserved rights, as specifically provided for in Article V;
- New construction or placing of temporary or permanent structures or buildings on the subject properties will be prohibited except as may be necessary for maintenance, normal operation or emergency situations, or as permitted in Article V;
- Construction of new roads or jeep trails will be prohibited, except as associated with restoration activities allowed under the provisions of Article V of the easement;
- The operation of motorized vehicles will be prohibited except on established trails and roads unless (1) necessary to protect or enhance the conservation values of the property; (2) for emergency purposes; (3) cattle ranching purposes; and (4) retrieve game 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 is prohibited;
- Subdivision of the subject properties is prohibited, except as provided in the easement under Article V;

Item 5, Cont.

- Signs, billboards, or outdoor advertising is prohibited except signs designating the subject properties as conservation lands protected by the State of Florida;
- No commercial water wells;
- No commercial timber harvesting; and
- There shall be no mitigation banks established on the subject properties.

Owner's Rights Retained

The proposed conservation easements will allow the owners to retain certain rights. The summary of owners' rights include, but is not limited to, the following:

- The easement runs with the land and will be included in any sale of the subject properties;
- The right to observe, maintain, photograph, fish, hunt, and introduce and stock native fish or wildlife, to use the property for non-commercial, passive, resource-based recreation not inconsistent with the purpose of the easement. Grantor shall continue to own hunting and fishing rights;
- The right to conduct controlled and prescribed burns with proper authorization;
- The right to mortgage the subject properties;
- The right to contest taxes;
- The right to continue to use, maintain, repair, and reconstruct, but not relocate all existing buildings as depicted on the Baseline Documentation Report (BDR);
- The right to exclusive use of the improvement 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 using best management practices (BMPs);
- The right to host relocated endangered, threatened or special concern of native Florida species;
- The right to maintain or restore the existing natural habitat communities per the BDR;
- The right to maintain a commercial cattle operation in accordance with BMPs;
- The right to harvest sod from those areas on property currently used for such purpose as depicted on the BDR (Big Slough);
- The right to harvest sod from improved pasture area of which 75% shall remain unharvested in any one calendar year (Land South); and
- The right to construct one additional residential structure. Each residential structure shall be limited to 12,000 (Big Slough) and 10,000 (Land South) square feet of impervious surface with an access driveway and no more than two agriculture buildings limited to 2,000 square feet each and the residential and outbuilding impacts are limited to five contiguous acres.

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

Item 5, Cont.

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 146 conservation easements for 286,807 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 5, Pages 1- 87)

RECOMMEND: APPROVAL

Item 6 Bronsons, LLP Option Agreement/ Conservation Easement/ Big Bend-Holopaw Ranch Florida Forever Project

REQUEST: Consideration of an option agreement to acquire a conservation easement over 4,222 acres within the Big Bend Swamp/Holopaw Ranch Florida Forever project from Bronsons, LLP.

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: Osceola

LOCATION: Sections 02 through 04, 09 through 12, 15 and 16, Township 28 South, Range 32 East, and Section 07, Township 28 South, Range 33 East

CONSIDERATION: \$12,800,000

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY		<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>
		String (12/09/22)	Jones (12/09/22)				
Bronsons, LLP	4,222	\$11,825,000	\$13,050,000	\$13,050,000	\$*	\$12,800,000** (98%)	120 days after BOT Approval

*Seller inherited the property on December 22, 1986.

**\$3,032 per acre. The approved value and purchase price may be adjusted up or down based on the final surveyed acreage.

Item 6, Cont.

STAFF REMARKS: The subject parcel is located within the Big Bend Swamp/Holopaw Ranch Florida Forever project, ranked number 11 in the Florida Forever Less-Than-Fee project category, approved by the Board of Trustees on March 29, 2022. The project contains 52,510 acres of which 15,884 acres have been acquired or are under agreement to be acquired.

Project Description

The Big Bend Swamp/Holopaw project will protect and maintain a link of natural lands between Bull Creek and Three Lakes Wildlife Management Area. Numerous species of unique wildlife live in the expanses of palmetto prairies, pine flatwoods, and cypress swamps in Osceola County such as the crested caracara, red-cockaded woodpeckers, sandhill cranes, and other wildlife that require these large natural areas. This project may also help complete the Florida National Scenic Trail, a statewide non-motorized trail that crosses several Florida Forever project sites.

Property Description

The 4,222-acre subject property is part of the 5,188-acre Bronson Ranch in central Osceola County and has a cow/calf operation with 430 head of cattle and is also used for recreation. Located within the Kissimmee Prairie, it has some of the most ecologically valuable land in the region and is home to a number of rare or endangered plants and animals such as the Florida sandhill crane, Florida grasshopper sparrow, Sherman’s fox squirrel, red cockaded woodpecker, swallow tailed kite, and crested caracara. The primary hydrologic feature of the subject property is Bull Creek, which runs through the property and eventually into St. Johns River.

Acquiring a less-than-fee protection over the subject property protects Florida’s biodiversity at the species, natural community, and landscape levels; protects water resources; and provides an important linkage of conservation land that connects multiple Camp Lonesome conservation easement tracts eastward to Triple N Wildlife Management Area (WMA) and numerous other WMA’s and conservation areas. The subject property lies within a wildlife corridor of the Florida Ecological Greenways Network.

Prohibited Uses

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

- Dumping of trash, waste, hazardous materials, and soil will be prohibited;
- Exploration and extraction by grantor for oil, gas, minerals, peat, muck, limestone, etc., by means of surface exploratory and extractors operations 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 detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife preservation will be prohibited, unless needed for maintenance as provided in the easement;

Item 6, Cont.

- Acts or uses detrimental to the preservation of any historical, or archaeological area, will be prohibited;
- The removal, destruction, cutting, trimming, mowing, alteration, or spraying with biocides of trees, shrubs, or other natural vegetation will be prohibited, unless needed for conservation purposes, as provided in the easement under Article V;
- There shall be no planting of nuisance exotic or non-native plants;
- Commercial and industrial activities will be prohibited, except as may be incidental to the exercise of grantor’s reserved rights, 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 for maintenance, normal operation or emergency situations, or as permitted in Article V;
- Construction of new roads or jeep trails will be prohibited, except as associated with restoration activities allowed under the provisions of Article V of the easement;
- The operation of motorized vehicles will be prohibited except on established trails and roads unless (1) necessary to protect or enhance the conservation values of the subject property; (2) for emergency purposes; (3) cattle ranching purposes; and (4) retrieve game 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 is prohibited;
- Subdivision of the subject property is prohibited, except as provided in the easement under Article V;
- Signs, billboards, or outdoor advertising is prohibited except signs for directional, informational purposes, or designating the subject property as conservation lands protected by the State of Florida;
- No commercial water wells;
- No commercial timber harvesting; 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 easement runs with the land and will be included in any sale of the subject property;
- The right to observe, maintain, photograph, fish, hunt, and introduce and stock native fish or wildlife, to use the subject property for non-commercial, passive, resource-based recreation not inconsistent with the purpose of the easement. Grantor shall continue to own hunting and fishing rights;
- The right to conduct controlled and prescribed burns with proper authorization;
- The right to mortgage the subject property;
- The right to contest taxes;

Item 6, Cont.

- The right to continue to use, maintain, repair, and reconstruct, but not relocate all existing buildings as depicted on the Baseline Documentation Report (BDR);
- The right to exclusive use of the improvement 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 using best management practices (BMPs);
- The right to host relocated endangered, threatened or special concern of native Florida species;
- The right to maintain or restore the existing natural habitat communities per the BDR;
- The right to maintain a commercial cattle operation in accordance with BMPs;
- The right to construct additional agricultural structures in silvicultural or agricultural areas that do not exceed 10,000 cumulative square feet;
- The right to maintain existing food plots for game as indicated on the BDR and right to create new food plots for game only with approval of the Department of Environmental Protection’s (Department) Office of Environmental Services.
- The right to harvest sod from improved pasture area of which 75% shall remain unharvested in any one calendar year;
- The right to construct up to two additional residential structures limited to 5,000 square feet and two agriculture buildings limited to 2,000 square feet each and impacts are limited to five contiguous acres each; and
- The right to subdivide the subject property into one lot for each residence allowed in the easement and each lot shall be no less than 1,000 acres each.

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 146 conservation easements for 286,807 acres.

Item 6, Cont.

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 6, Pages 1-41)

RECOMMEND: APPROVAL

Item 7 The Trust for Public Land Option Agreement/ Wolfe Creek Forest Florida Forever Project/BOT/Department of the Navy Agreement/Restrictive Easement

REQUEST: Consideration of (1) an option agreement to acquire 1,506 acres within the Wolfe Creek Forest Florida Forever project from The Trust for Public Land; (2) a request for authority to place a restrictive easement against the approximately 362 acres in favor of the United States of America, by and through the Department of the Navy, pursuant to executed agreement.

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 31 and 32, Township 03 North, Range 27 West and Sections 04 through 06, and 08, Township 02 North, Range 27 West

CONSIDERATION: \$6,084,640 (If approved, the Board of Trustees’ consideration could be reduced by up to a total of \$6,013,480, which includes \$4,563,480 from Federal Forest Legacy funding; \$850,000 from the Department of Defense’s REPI funding; and \$600,000 from The Trust for Public Land’s private foundation funding. The Board of Trustees’ portion would be \$71,160 or 3 percent).

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED</u>	<u>SELLER’S</u>	<u>TRUSTEES’</u>	<u>OPTION</u>
		<u>Carlton</u>	<u>Saucer</u>				
ETO II	1,506	(09/07/22)	(12/15/22)	\$6,212,250	\$*	\$6,084,640**	120 days after
TRS, LLC				\$6,212,250		(98%)	BOT approval

*Seller has the option to acquire the property. ETO II TRS, LLC, acquired the property on June 10, 2019 as part of a larger acquisition.
 **\$4,040 per acre.

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. The project contains 14,072 acres, of which 12,082 acres have been acquired or are under agreement to be acquired.

Item 7, Cont.

Project Description

The Wolfe Creek Forest project is located in central Santa Rosa County, near Milton, between Blackwater River State Forest to the east and Whiting Field Naval Air Station (Navy) to the southwest. This project shares 5.7 miles of its southern boundary with two disjunct tracts of the state forest; thus, would form 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 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 Federal Forest Legacy Program, Santa Rosa County, and donations from charitable foundations. The most recent acquisition was Phase VI, approved on August 23, 2022, which closed on December 9, 2022. Phases I through VI consists of over 10,500 acres of land being protected, with collective acquisition contributions from multiple partnership funding sources over \$28 million, and Florida Forever and ARPA contributions over \$12 million, all managed as part of the Blackwater River State Forest.

The subject property is adjacent to the Blackwater River State Forest and contains approximately 5.5 miles of frontage on Big Coldwater Creek. This proposed acquisition is important as it provides additional buffering to Naval Air Station Whiting Field as well as increases 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 and the Northwest Florida Sentinel Landscape.

Military Agreement

On September 28, 2011, the Navy and the Department entered into an agreement for the acquisition of restrictive easements over the Clear Creek/Whiting Field Florida Forever project. The agreement was amended on November 4, 2011 and September 30, 2013 to obligate additional funds, and further amended on August 31, 2016 to extend the agreement expiration date to September 30, 2018. The agreement provides that: (1) if the state buys certain lands around Whiting Field; and (2) if the Navy chooses to contribute 75 percent of the purchase price for the fee simple interest in the lands; then (3) the state will place a restrictive easement, protective of the Navy's flight operations and approved by the Navy, over that land. The agreement is being further amended for the purpose of this acquisition. The Navy currently has obligated \$850,000 to be used towards the cost share for the restrictive easement on the subject property. All contributions will be subject to the Navy's approval of

Item 7, Cont.

supporting documentation. However, if the Navy does not approve the supporting documentation for the contribution to the purchase price, the Department will exercise the option agreement and acquire the subject property without the Navy restrictive 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.

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 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 7, Pages 1-136)

RECOMMEND: APPROVAL

Item 8 **Tupelo AG LLC /Managing Agency Designation/ Management Policy Statement Confirmation/ Telogia Creek Florida Forever Project**

WITHDRAWN FROM THE JANUARY 17, 2023, BOARD OF TRUSTEES' MEETING

REQUEST: Consideration of (1) an option agreement to acquire 12,439 acres within the Telogia Creek Florida Forever project from Tupelo AG LLC; (2) designation of Florida Fish and Wildlife Conservation Commission (FWC), as the managing agency; and (3) confirmation of the management policy statement.

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

Item 8, Cont.

COUNTY: Liberty

LOCATION: Sections 06, 07, 18, 19, 30 Township 01 South, Range 06 West, Sections 01, 09 through 16; Sections 17, 20 through 28 and Sections 34 and 35, Township 01 South, Range 07 West.

CONSIDERATION: \$18,098,745

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED</u>	<u>SELLER'S</u>	<u>TRUSTEES</u>	<u>OPTION</u>
		<u>Carlton</u>	<u>Griffith</u>				
Tupelo AG LLC	12,439	\$18,347,525	\$18,161,000	\$18,347,525	\$9,880,000*	\$18,098,745** (98%)	120 days after BOT Approval

*Seller purchased the property on September 11, 2018.

**\$1,455 per acre. The approved value and purchase price may be adjusted up or down based on the final surveyed acreage.

STAFF REMARKS: The subject property is located within the Telogia Creek Florida Forever project, ranked number 37 in the Florida Forever Critical Natural Lands project category, approved by the Board of Trustees on March 29, 2022. The project contains 12,428 acres and will be complete if the subject property is acquired.

Project Description

The Telogia Creek project will provide ecological diversity and manage habitat for both imperiled and common wildlife as well as fish and wildlife-based public outdoor recreational opportunities, while also providing enhanced water quality and meeting the quantity needs of the region. Additionally, it would conserve and protect significant landscape-scale habitat, provide wildlife corridors for rare and imperiled species, and increase linkages and corridors between public land and private conservation easements in the region. Its acquisition would help meet Florida Forever goals of increasing 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 state; ensure sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state; and would increase natural resource-based public recreation and educational opportunities.

Property Description

The 12,439-acre subject property is located on the south side of State Road 20, between Bristol and Hosford in northern Liberty County. Telogia Creek runs along the property’s western boundary for three linear miles, its southern boundary for five linear miles, and is approximately 12 miles upstream of Telogia Creek’s confluence with the Ochlockonee River.

Preservation of the subject property allows for the protection of a large amount of contiguous habitat with diverse natural communities and contributes to the conservation of several imperiled species, such as the gopher tortoise, Apalachicola alligator snapping turtle, and eastern indigo and Florida pine snakes; protects valuable water resources used by the region; and provides for wildlife-based public outdoor opportunities.

Item 8, 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 of Environmental Protection (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

Pursuant to section 259.032(7)(d), F.S., the Department's Division of State Lands staff recommends that the Board of Trustees designate the FWC as the managing agency for this site.

Management Policy Statement

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

Telogia Creek will be managed by FWC as a Wildlife Management Area (WMA). The WMA will provide resource-based public outdoor recreation and educational opportunities, while protecting the natural and historical resources. All management activities will be implemented according to a management plan approved by the Acquisition and Restoration Council.

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 8, Pages 1-45)

RECOMMEND: APPROVAL