

Florida Communities Trust Meeting Agenda

Date: April 20, 2022

Time: 10:00 AM

Location:

Physical Department of Environmental Protection
Douglas Building
3900 Commonwealth Boulevard, Tallahassee, FL 32399
Conference Room 137

Virtual GoToWebinar:
<https://attendee.gotowebinar.com/register/8255395407052947469>
Webinar ID: 523-593-035

or via telephone
Conference Call Number: 1 (877) 568-4108
Access Code: 511-539-595

*You must register before meeting start time in order to call in.

Information

ITEM 1: Call to Order

Action

ITEM 2: Consider the February 16, 2022, Meeting Summary

ITEM 3: Consider Fiscal Year 2022-2023 Board Meeting Dates

ITEM 4: Consider Unencumbered Funds for Stan Mayfield Working Waterfronts Grant Program

ITEM 5: Consider Fiscal Year 2022-2023 Stan Mayfield Working Waterfronts Grant Application Cycle

ITEM 6: Consider City of Satellite Beach Request for Management Plan Modification to Allow for Linear Facilities, Oceanfront Wildlife and Habitat Preserve, FCT Project #98-044-P8A

ITEM 7: Consider Orange and Osceola Counties Request for Management Plan Modification to Allow for the Construction of a Linear Facility, Split Oak Forest Wildlife and Environmental Area, FCT Project #91-009-P1A

ITEM 8: Public Comment

Adjourn

Information

ITEM 1: Call to Order

FCT Board Members:

Greg Jones (Representative of the development industry)

Deborah Denys (Former elected official of a county government)

Frank Mingo (Former elected official of a metropolitan municipal government)

Noah Valenstein (Representative of a nonprofit organization)

Action

ITEM 2: Consider the February 16, 2022, Meeting Summary

STAFF RECOMMENDATION: Approve the February 16, 2022, Meeting Summary

FCT GOVERNING BOARD ACTION: MOTION AND VOTE

- ☐ **APPROVE**
- ☐ **APPROVE WITH MODIFICATIONS:**
- ☐ **DEFER**
- ☐ **WITHDRAW**
- ☐ **NOT APPROVE**
- ☐ **OTHER:**

Motion by:
Second by:

ITEM 3: Consider Fiscal Year 2022-2023 Board Meeting Dates

Fiscal Year 2022-2023 Meeting Dates:

- August 10, 2022
- December 14, 2022
- February 15, 2023
- May 17, 2023

STAFF RECOMMENDATION: Approve the Upcoming Fiscal Year 2022-2023 Board Meeting Dates

FCT GOVERNING BOARD ACTION: MOTION AND VOTE

- ☐ **APPROVE**
- ☐ **APPROVE WITH MODIFICATIONS:**
- ☐ **DEFER**
- ☐ **WITHDRAW**
- ☐ **NOT APPROVE**
- ☐ **OTHER:**

Motion by:
Second by:

ITEM 4: Consider Unencumbered Funds for Stan Mayfield Waterfronts Grant Program

STAFF REMARKS: There is at present \$5,643,490.91 in unencumbered funds from previous submission cycles available for grants in the Stan Mayfield Working Waterfronts grant program. The amount available may increase if additional unused funding from the current acquisition project becomes available after the project closes. In order to fund a new submission cycle, FCT staff requires Board action to roll down these funds.

STAFF RECOMMENDATION: Approve rolling down all available unused funds from previous submission cycles to fund the Stan Mayfield Working Waterfronts Grant Application Cycle for Fiscal Year 2022-2023.

FCT GOVERNING BOARD ACTION: MOTION AND VOTE

- ☐ **APPROVE**
- ☐ **APPROVE WITH MODIFICATIONS:**
- ☐ **DEFER**
- ☐ **WITHDRAW**
- ☐ **NOT APPROVE**
- ☐ **OTHER:**

Motion by:
Second by:

ITEM 5: Consider Fiscal Year 2022-2023 Stan Mayfield Working Waterfronts Grant Application Cycle

At present, \$5,643,490.91 is available for grants in the Stan Mayfield Working Waterfronts grant program. As stated in Item 4, this amount may potentially increase if funds are left over after the current acquisition project closes. FCT staff requires Board action in order to initiate a grant submission cycle. Staff seeks Board approval to accept applications under this program from August 1 through September 1, 2022. This application window will allow ample time for staff to prepare a project priority list for Board consideration at the December 2022 meeting.

Rule 62-820.003(2), Florida Administrative Code, requires FCT to announce the amount of Florida Forever funds available for awards, along with application deadlines, in the Florida Administrative Register. Board approval today ensures that staff have adequate time to meet this requirement.

STAFF RECOMMENDATION: Approve the Fiscal Year 2022-2023 Stan Mayfield Working Waterfronts Grant Application Cycle of August 1 through September 1, 2022.

FCT GOVERNING BOARD ACTION: MOTION AND VOTE

- ☐ **APPROVE**
- ☐ **APPROVE WITH MODIFICATIONS:**
- ☐ **DEFER**
- ☐ **WITHDRAW**
- ☐ **NOT APPROVE**
- ☐ **OTHER:**

Motion by:
Second by:

ITEM 6: Consider City of Satellite Beach Request for Management Plan Modification to Allow for Linear Facilities, Oceanfront Wildlife and Habitat Preserve, FCT Project #98-044-P8A

REQUEST: Pursuant to the Linear Facilities Policy reauthorized by the FCT Board in 2017, the City of Satellite Beach (City) submitted a Request for Management Plan Modification to Allow for Linear Facilities allowing the City to grant a 1,000 linear foot temporary easement to Southeast Coastal Ocean Observing Regional Association for the installation of a high frequency radar (HFR).

While the impact to the preserve area is minimal, the benefits of the HFR installation are significant. The radars would provide valuable data to assist coastal communities in resiliency planning, as well as aid in operational endeavors, such as search and rescue operations and tracking, management and preservation of coastal resources (e.g., beach erosion and renourishment) and forecasting environmental hazards such as harmful algal blooms and oil spills.

In order for the radar to operate properly, two installation sites are needed. Radar antennas have already been installed at Treasure Shores Park. The HFR installation at the FCT project site includes 16 antennas, each 7 feet tall, 2 inches in diameter, as well as cabling and completes the triangulation with the Treasure Shores site. The Florida Institute of Technology would install and operate the radars at the FCT project site.

STAFF RECOMMENDATION: Staff recommends approval of the request for linear facilities as the City has mitigated impact to the FCT project site as follows:

1. No HFR installation will occur during turtle nesting season (April 1 – October 31).
2. Cable laying will be conducted to minimize any impacts to the dunes and beach mice.
3. There are sea grapes near the main dune crossover; however, the radar installation will not occur in the sea grape area.
4. After a storm or natural disaster, when the area has been cleared as safe to enter by the local government, the Florida Institute of Technology will conduct a site visit to ensure no cables have fallen from underneath the boardwalk.
5. All installation materials will be removed upon completion of installation; all instruments/installations must be removed when no longer in use to avoid the creation of marine debris.

FCT GOVERNING BOARD ACTION: MOTION AND VOTE

☐ **APPROVE**

☐ **APPROVE WITH MODIFICATIONS:**

☐ **DEFER**

☐ **WITHDRAW**

☐ **NOT APPROVE**

☐ **OTHER:**

Motion by:

Second by:

**Linear Facilities Request for the installation of a High Frequency Radar (HFR) for
FCT Project #98-044-P8A (Oceanfront Wildlife and Habitat Preservation Park)**

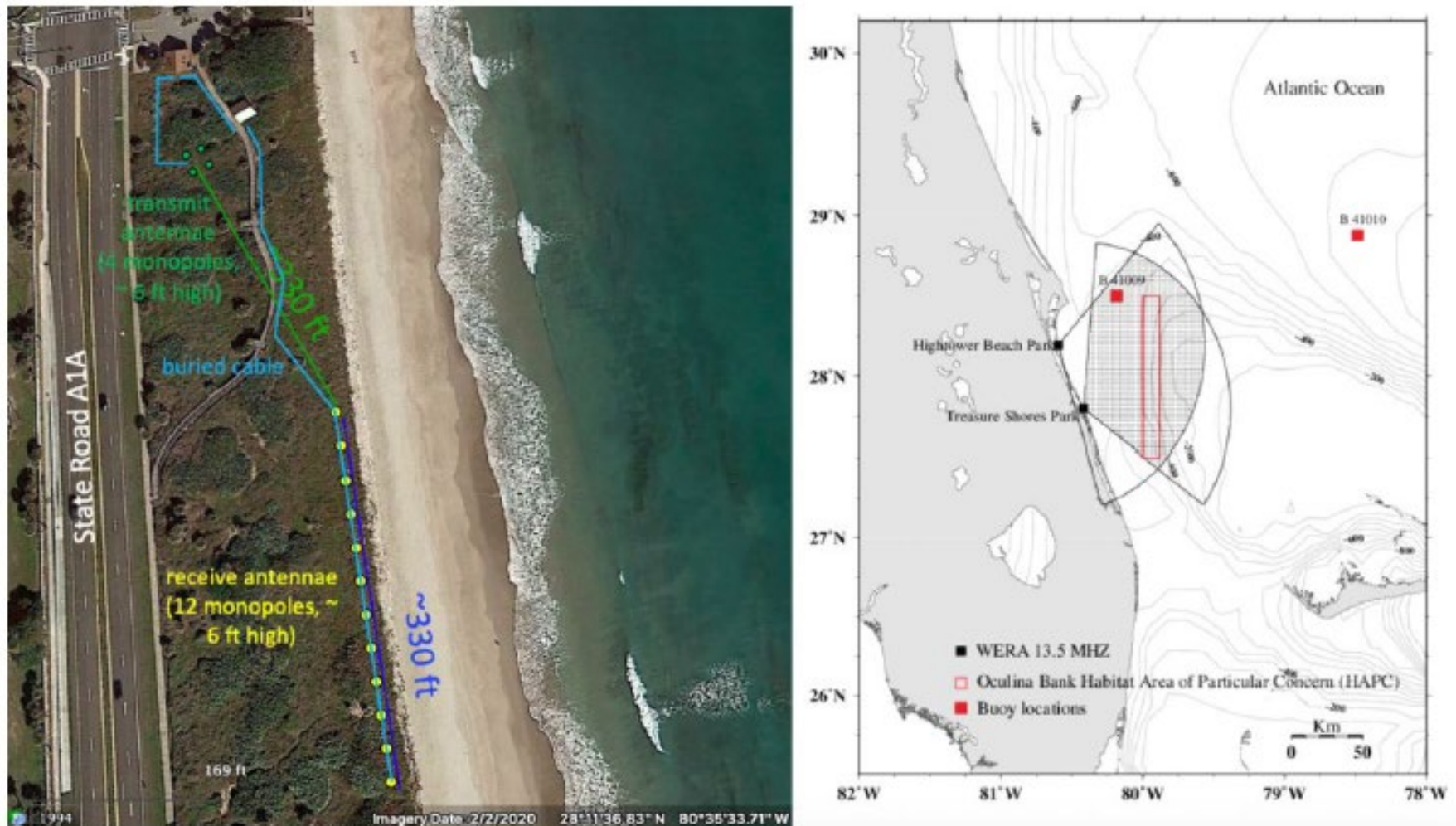


Figure 1 – LEFT: Proposed Location for HFR; RIGHT: HFR coverage.

ITEM 7: Consider Orange and Osceola Counties Request for Management Plan Modification to Allow for the Construction of a Linear Facility, Split Oak Forest Wildlife and Environmental Area, FCT Project #91-009-P1A

REQUEST: Orange County and Osceola County (the “Counties”), the 1994 recipients of an FCT grant (for Orange County) and loan (to Osceola County) for a resource enhancement project (FCT Project #91-009-P1A), seek FCT approval to amend their grant award agreement and management plan to modify the 1,689-acre project site to allow (1) the proposed extension of the Osceola Parkway (Osceola Parkway Extension or OPE) occupying approximately 160 acres of the project site and (2) the addition of 1,550 acres of contiguous conservation land.

PROJECT BACKGROUND: In 1991, the Counties applied to FCT for a loan and grant under the Preservation 2000 (P2000) Program to purchase 1,689 acres of land – 1,004 acres in Orange County and 685 (adjacent) acres in Osceola County¹ – to be used to establish upland and wetland mitigation programs and also to be used by the public for resource-based recreation.²

FCT gave conceptual approval for the project in October 1992.³ Today, the project site is commonly referred to today as the “Split Oak Forest Wildlife and Environmental Area” (Split Oak or project site). The funding for the project was broken down as follows:

| Acres Acquired | Funding Source | Amount |
|----------------|---------------------------------|-------------|
| 1,004 | Cash from Orange County | \$2,300,000 |
| 685 | Loan from FCT to Osceola County | \$2,700,000 |
| | FCT grant | \$3,631,697 |
| 1,689 | Totals | \$8,631,697 |

As required by the conceptual approval agreement, the Counties subsequently entered into an interagency agreement⁴ with the Florida Fish and Wildlife Conservation Commission⁵ (FWCC) that sets forth the fiscal and management responsibilities with respect to the project. The agreement designated FWCC to manage the project in perpetuity. The agreement specified that the project would serve as a wildlife mitigation area for the restored uplands and a wetland mitigation area for the restored wetlands. The interagency agreement also provided that the Counties would grant conservation easements across the property after selling mitigation credits for wetland and upland areas.

The grant award agreement was executed and recorded in both Orange and Osceola counties in April 1994.⁶ In accordance with the grant award agreement, FCT approved a

¹ The proposed Osceola Parkway Extension linear facility would occupy only land in Osceola County.

² FCT Application available at: www.osceola.org/core/fileparse.php/7598/urlt/Exhibit03-1992FCT-Application.pdf.

³ Conceptual Management Plan available at: www.osceola.org/core/fileparse.php/7598/urlt/Exhibit04-1992ConceptualManagementPlan.pdf.

⁴ Interagency Agreement available at: www.osceola.org/core/fileparse.php/7598/urlt/Exhibit05-1994-InteragencyAgreement.pdf.

⁵ At the time, this agency was known as the Florida Game and Freshwater Fish Commission.

⁶ 1994 Grant Award Agreement available at: www.osceola.org/core/fileparse.php/7598/urlt/Exhibit06-1994GrantAwardAgreement.pdf.

management plan for the project in 1999.⁷ The management plan established the following management goals: (1) maintain, increase, and ensure the abundance and distribution of state listed wildlife within the project site; (2) provide recreational uses that are compatible with the protection and maintenance of listed wildlife populations, the retention of naturally occurring vegetative associations, and protection of sensitive natural area resources; (3) manage for the quality and productivity of the site's xeric plant communities; and (4) increase public awareness of the importance of protecting and managing listed species population.⁸ The plan provides for enhancement of both the wetland and upland resources. For the management plan to be amended, FWCC must ultimately agree to the amendment and execute it in accordance with FWCC's rules and procedures. FCT has no authority to compel FWCC to do so. FCT approval is merely one step among others that must be taken to effectuate the proposed management plan amendment.

Relevant FCT Law and Policy

Any amendment by FCT to a P2000 grant award agreement and management plan must ensure the project continues to meet its statutorily specified purposes. Assuming the purposes are still met, FCT is not prohibited from approving requested amendments. To ultimately complete the OPE, Osceola County must approve easements covering 160 acres of the project site over which a restrictive covenant exists in favor of FCT. Thus, FCT will ultimately need to amend its covenants and restrictions over the land to release the area necessary for the OPE from the restrictions in the agreement. Section 380.507(4), Florida Statutes, gives FCT the power to "dispose of real ... property or any interest therein when necessary or appropriate to protect the natural environment, provide public access or public recreational facilities, including the Florida National Scenic Trail, preserve wildlife habitat areas, provide access for managing acquired lands, or otherwise carry out the purposes of this part."

A. Statutory Purposes

Section 380.507(6), Florida Statutes, empowers FCT to award grants and make loans to local governments for several types of projects, including resource enhancement projects and open space projects. Section 380.510(4), Florida Statutes, requires FCT to place, in the grant or loan agreements, terms sufficient to protect the public interest in any improvement or development constructed under an FCT grant or loan.

Section 380.508(4), Florida Statutes, requires FCT projects to comply with certain guidelines. The 1991 Split Oak application stated the purpose of the project was to create a mitigation park to restore and enhance environmental resources to offset the impacts of encroaching development.⁹ Thus, Split Oak is a resource enhancement project as defined in section 380.508(4)(b), Florida Statutes. Resource enhancement projects must enhance natural resources that, because of indiscriminate dredging or filling, improper location of improvements, natural or human-induced events, or incompatible land uses, have suffered loss of natural and scenic values. Grants and loans awarded for resource enhancement projects must be used for the assembly of parcels of land to improve

⁷ 1999 Management Plan available at: www.osceola.org/core/fileparse.php/7598/urlt/Exhibit12-1999ManagementPlanApproved-Original.pdf.

⁸ Id. at p. 8.

⁹ FCT Application p. 12.

resource management, for relocation of improperly located or designed improvements, and for other corrective measures that will enhance the natural and scenic character of project areas.¹⁰

Any amendment approved by FCT to the Split Oak grant award agreement and management plan should ensure the Split Oak project continues to meet the resource enhancement project purposes in section 380.508(4)(b), Florida Statutes, and that the associated grant agreement, as amended, contains terms sufficient to protect the public interest in any improvement or development constructed under the grant and loan.¹¹

B. Other Considerations

In 2004, and again in 2017, FCT authorized its staff to approve amendments to P2000 management plans to accommodate linear facilities (and associated improvements) when (a) the project satisfies certain considerations, (b) the project is not large, (c) objections are not received, and (d) the project could not be viewed as controversial.¹² If any of these factors are missing, the proposal must be presented to the FCT Board. Several members of the “Friends of Split Oak Forest” (www.friendsofsplitoak.org) have objected to the Counties’ request, therefore it cannot be approved by staff.

The considerations given to FCT staff to allow for linear facilities are not binding on the FCT Board. FCT’s ability to allow for amendments to P2000 management plans and grant agreements is only limited by the statutes specified above. Nevertheless, the considerations may be useful to FCT in making its decision and are therefore summarized below.

First, staff evaluates whether there is a reasonable alternative to the proposed modification. When making this determination, staff must consider an analysis of other off-site alternatives or options that the applicant considered. The second consideration for staff is whether the proposed modification of the land use is designed to have a minimal impact to the FCT project site.

To evaluate the impact, staff review the following information:

- A written statement that the local government has reviewed and approved the proposed use;
- A description and dimensions of the linear facility, and of the area that will be affected during construction;
- Information on the natural communities and cultural features found on, and immediately surrounding, the site of the proposed facility;
- A statement explaining how the proposed facility will be compatible with planned recreational uses of the project site, as committed to in the approved management plan;
- Discussion of the proposed mitigation for impacts to the project site; and
- A modified master site plan drawing identifying the locations of existing vegetation and all proposed structures, facilities, and restoration areas that will be affected by the facility.

¹⁰ [Section 380.508\(4\)\(b\), Florida Statutes.](#)

¹¹ [Section 380.510\(4\), Florida Statutes.](#)

¹² P2000 Linear Facilities Policy available at: www.floridadep.gov/sites/default/files/P-2000.Linear.Facilities.Policy.pdf.

C. Post-Approval Requirements and Conditions

Amendments to grant agreements that modify the project site ultimately require applicants to convey marketable title.¹³ Rule 62-817.005(3), Florida Administrative Code, states “the objective of negotiations for acquisition of property is to obtain all the owner’s rights, title and interest in the property, together with such rights as are necessary for the planned use and management of the property. All exceptions, reservations, encroachments or other conditions that are disclosed in the course of preparing to negotiate, negotiating, contracting, or closing shall be individually examined by the recipient and the Trust and evaluated as to possible adverse effect on the objectives of the party that is acquiring title to the property.

1. The purpose of examination of condition of title is to avoid potential adverse title claims and litigation after title is conveyed.
2. The standard for examination of condition of title shall be The Uniform Title Standards of the Real Property, Probate & Trust Law Section of The Florida Bar, 1981 edition together with all updates.
3. All such matters potentially having an adverse effect on acquisition goals that become apparent prior to Trust approval of the release of funds shall be disclosed to the Trust prior to or at the time of approval.”

Site-Specific Analysis

Continue to Meet Project Purpose as Resource Enhancement

Currently, the management plan established the following management goals for the area: (1) maintain, increase, and ensure the abundance and distribution of state listed wildlife within the project site; (2) provide recreational uses which are compatible with the protection and maintenance of listed wildlife populations, the retention of naturally occurring vegetative associations, and protection of sensitive natural area resources; (3) manage for the quality and productivity of the site’s xeric plant communities; and (4) increase public awareness of the importance of protecting and managing listed species population.¹⁴ Section 3.3.2 of the management plan prohibits linear facilities as a use in the project area.¹⁵ Should the Counties and FWCC agree to amend the management plan to accommodate the linear facility and add 1,550 acres of contiguous conservation land that is currently privately owned to the project site, the modified project site must still maintain its purpose of enhancing natural resources. More specifically, it must still be dedicated to improving resource management, relocation of improperly located or designed improvements, or other corrective measures that will enhance the natural and scenic character of the project area.¹⁶

The proposed linear facility would cross the southern portion of the existing project site. Approximately 1,500 acres would exist north of the linear facility and approximately 100 acres would exist south of the linear facility.¹⁷ In addition, 1,550 acres - currently zoned

¹³ [Section 380.507\(11\), Florida Statutes](#); [Rule 62-815.012, Florida Administrative Code](#); [Chapter 62-817, Florida Administrative Code](#).

¹⁴ 2017 – 2027 Management Plan p. 56 available at: www.osceola.org/core/fileparse.php/7598/urlt/Exhibit16-2017-2027ManagementPlan-Current.pdf.

¹⁵ Id. at p. 55.

¹⁶ [Section 380.508\(4\)\(b\), Florida Statutes](#).

¹⁷ Executive Summary at 2 available at: www.osceola.org/core/fileparse.php/7598/urlt/FCT-Project-91-009-P1A-Executive-Summary.pdf; RAI Response at 4-5 (available upon request).

for commercial, residential, and industrial uses - would be added to the east of the existing project site.¹⁸ This additional 1,550 acres is intended to enhance the project site by providing additional habitat to sustain certain imperiled species.¹⁹ The additional 1,550 acres is also intended to “eliminat[e] more than 2 million square feet of current industrial and office development entitlements.”²⁰

The approximate 100 acres to the south of the proposed linear facility will continue to be managed with respect to invasive species control and forestry activities, consistent with the approximate 1,500 acres to the north of the linear facility; however, prescribed burning could be limited due to the smoke. Moreover, the existing easements (e.g., to the South Florida Water Management District, the FWCC and the Florida Department of Environmental Protection) that effectuate resource enhancement will not be disturbed to the north and south of the linear facility.²¹ However, a partial release of conservation easements from the South Florida Water Management District and FWCC will be required over the 60 acres that the linear facility will occupy. The linear facility “contemplates bridging along the entire alignment within the Split Oak Forest to ensure permanent connectivity between the north and south portions of the property, which will allow for their continued use as nature-based recreational areas. The proposed bridging will also accommodate wildlife crossings, runners, walkers, equestrian uses, and the extension of the Florida National Scenic Trail.”²²

Construction of a trailhead with improved parking and recreation amenities is envisioned as an enhancement within a portion of the remaining 100 acres of Split Oak Forest south of the proposed linear facility, thereby providing greater access to the public to enjoy the project site and connected habitats.²³

In summary, the linear facility, as proposed, must be constructed so that it is bridged over all wetlands and provides for wildlife crossings as well as crossing for recreational activities and that offsets all impacts.²⁴ The additional 1,550 acres are intended to provide additional habitat and conservation.²⁵

No Reasonable Alternative – Consideration

The Central Florida Expressway Authority (CFX), the entity proposing the Osceola Parkway Extension, considered a number of alternative routes for the OPE. The Counties’ preferred route, the “Split Oak minimization alternative,” is the linear facility they are seeking FCT approval for. The alternative route, called the Split Oak avoidance alternative, avoids the FCT project site entirely by traveling south of the park.

Split Oak Minimization Alternative

The Counties state the Split Oak minimization alternative had fewer physical and social impacts and a lower estimated cost as compared to the Split Oak avoidance alternative.

¹⁸ Executive Summary at 2; 2019 Agreement to Convey Conservation Lands available at: www.osceola.org/core/fileparse.php/7598/urlt/Exhibit19-2019AgreementtoConveyConservationLands.pdf.

¹⁹ Executive Summary at 14.

²⁰ Executive Summary at 14; RAI Response at 5.

²¹ Executive Summary at 13; RAI Response at 4.

²² RAI Response at 4.

²³ RAI Response at 4-5.

²⁴ Executive Summary at 10; RAI Response at 5-6.

²⁵ 2019 Agreement to Convey Conservation Lands.

In terms of the natural environment, the Split Oak minimization alternative impacts fewer acres of ponds and lakes, has less impact to flood hazard areas, less impact to wetland areas, and impacts fewer acres of Caracara habitat (a federally listed species) compared to the Split Oak avoidance alternative. In addition, the Split Oak minimization alternative alignment is a minimum of 1,300 feet from the Lake Ajay community and avoids any direct impact to residential and non-residential parcels.²⁶

Split Oak Avoidance Alternative

The Counties state that the Split Oak avoidance alternative would directly impact 19 residential parcels and 14 non-residential parcels (as of October 2019).²⁷ This alternative would disrupt the existing community by placing an expressway through existing residential homes. The Split Oak avoidance alternative also brings the alignment closer to the existing Lake Ajay community.²⁸

The land surrounding the Split Oak avoidance alternative is undergoing significant planned development, including the addition of the Del Webb community (southeast of Split Oak) and the Southern Oaks Subdivision (west of Split Oak). Construction has already begun on the 1,350-unit Del Webb residential development. The Split Oak avoidance alternative would effectively relocate several newly constructed homes, community roads, and stormwater retention systems in the Del Webb community. Further, the Split Oak avoidance alternative would traverse the approved 528-unit Southern Oaks Subdivision.²⁹

The Counties also maintain the Split Oak avoidance alternative would cost approximately \$100 million more than the Split Oak minimization alternative due to increased length and width of the roadway, additional bridging, and the reconstruction of Cyrils Drive. Safety issues regarding the design of the road in the Split Oak avoidance alternative contributed to the increased cost.³⁰ According to the Counties, the combination of direct impacts to established communities, the impacts to newly constructed and approved planned communities, and significantly higher cost demonstrate that the Split Oak avoidance alternative is not a practical alternative.³¹

The Split Oak avoidance alternative impacts fewer acres of gopher tortoise habitat, had a lower potential impact to potential listed species, had no impact to Split Oak, and impacted fewer eagle nesting sites compared to the minimization alternative.³²

Minimal Impact Consideration

The Counties state the design of the roadway project required careful consideration of safety criteria. The Split Oak minimization alternative has a design speed of 70 miles per hour (mph) and requires geometry through the horizontal curvature of the roadway that

²⁶ Executive Summary at 7 and 12; Evaluation Matrix available at:

www.osceola.org/core/fileparse.php/7598/urlt/Exhibit29-EvaluationMatrix-PDF.pdf.

²⁷ Engineering Analysis Technical Memorandum at 6-58 available at:

www.osceola.org/core/fileparse.php/7598/urlt/Exhibit18E-Osceola-Parkway-Extension-Eng-Analysis-Tech-Memo-Report.pdf; Evaluation Matrix.

²⁸ Engineering Analysis Technical Memorandum at 6-25.

²⁹ Engineering Analysis Technical Memorandum at 3-11; RAI Response at 1.

³⁰ Evaluation Matrix.

³¹ RAI Response 1-2.

³² Executive Summary at 7 and 12; Evaluation Matrix.

meets driver expectations at that speed. It was the opinion of the professional engineers who studied these different alignments that the Split Oak minimization alternative provided the safest and most direct alignment through Split Oak. Moving the road south to reduce the number of acres impacted would cause the horizontal curvature of the alignment to approach or exceed the maximum allowable by Florida Department of Transportation (FDOT) safety criteria for a 70-mph facility.³³

The 330 feet width of the right of way was determined to account for all future expansion of the roadway lanes and to provide for a future multimodal corridor. During CFX's Project Development and Environment Study Re-evaluation, their Environmental Advisory Group advised that the proposed right of way within Split Oak Forest should be wide enough to accommodate all future transportation and utility needs within this Central Florida regional corridor. The 330 feet right of way accomplishes this goal.³⁴

The impacts of the proposed alignment can be summarized as follows:

- 60 acres of direct impact.
- 100 additional acres of indirect impact, with the extent of that impact to be determined by the requested easement and the management plan.
- 160 acres of total impact, approximately 9.4% of the total FCT project.
- 77 acres of impact to gopher tortoise habitat.
- The avoidance alternative has a moderate level of species impact, while the minimization alternative has a high level of species impact.³⁵

Written Statement by Local Government

The Counties approved the conveyance (contingent upon approval by FCT) of the necessary easements to CFX to allow the use of approximately 160 acres of the Split Oak Property within Osceola County for a linear facility as part of the Osceola Parkway Extension project.³⁶

Description and Dimensions of the Linear Facility, Area Affected

The Split Oak minimization alternative for the Osceola Parkway Extension has a typical section width of 330 feet. The minimization alternative is 1.35 miles in length and is located entirely within Osceola County. Sixty acres of land will be directly impacted by construction while another 100 acres will be indirectly impacted.³⁷ The linear facility "contemplates bridging along the entire alignment within the Split Oak Forest to ensure permanent connectivity between the north and south portions of the property, which will allow for their continued use as nature-based recreational areas. The proposed bridging will also accommodate wildlife crossings, runners, walkers, equestrian uses, and the extension of the Florida National Scenic Trail."³⁸

³³ RAI Response at 5.

³⁴ RAI Response at 6.

³⁵ Executive Summary at 8.

³⁶ 2019 Resolution (Osceola County) available at: www.osceola.org/core/fileparse.php/7598/urlt/Exhibit21-2019Resolution-OsceolaCounty.PDF; 2019 Resolution (Orange County) available at: www.osceola.org/core/fileparse.php/7598/urlt/Exhibit22-2019Resolution-OrangeCounty.pdf.

³⁷ Executive Summary at 2.

³⁸ RAI Response at 4.

Natural Communities and Cultural Features

The Split Oak minimization alternative impacts approximately 1 acre of ponds and lakes, 107 acres of 100-year floodplains, 36 acres of wetlands, 20 acres of Caracara habitat, and 77 acres of gopher tortoise habitat. There are no cultural features within the Split Oak minimization alternative.³⁹

Pending further design of the proposed linear facility, the impacts to the existing vegetation and restoration area are unknown at this time and will be provided later.

Compatibility with Planned Recreational Uses of the Project Site

The Split Oak project site was originally acquired largely for conservation purposes as a mitigation bank with little focus on recreation value. The Counties state that the proposed linear facility will not impact any current or future recreational amenities. In fact, there is a potential for the construction of a parking area and trailhead amenities. These amenities will provide an enhanced user experience for those visitors accessing Split Oak from the Osceola County entrance.⁴⁰

Proposed Mitigation for Impacts

The Counties state the construction of a bridge(s) over wetlands will mitigate proposed linear facility impacts to Split Oak by providing wildlife crossings and ensuring the continuation of recreational activities such as hiking and horseback riding. Furthermore, there will be the opportunity to enhance the trailhead located in Osceola County.⁴¹ The Counties are responsible for obtaining all local, state, and federal regulatory authorizations to move forward with the project, many of which may require mitigation. The Counties state that the donation of the proposed 1,550 acres is not for mitigation purposes.⁴²

Modified Master Site Plan Drawing

The Counties have not provided a modified master site plan drawing or a draft modified management plan to FCT staff.

Marketable Title

As explained above, FCT's approval is one of several approvals that will be necessary to amend the management plan, grant agreement, and ultimately construct the road. Among these approvals will be an easement for the linear facility and title to the 1,550 acres that will be added to the project site. Ultimately, FCT's reversionary interest will need to be amended to reflect the new project site. For that to happen, FCT will need marketable title as explained above.

Additionally, Osceola County has an outstanding mortgage of \$2,700,000 on the FCT project site. Osceola County has not provided documentation demonstrating satisfaction

³⁹ Executive Summary at 12; Evaluation Matrix.

⁴⁰ Executive Summary at 12.

⁴¹ Executive Summary at 10.

⁴² RAI Response at 7.

of this mortgage but states it plans to provide these.⁴³ As this property serves as security for a debt to the state, this matter should be resolved prior to the FCT Board formally releasing a partial interest of the property.

Lastly, there are several conservation easements held by FWCC and the South Florida Water Management District as a result of the mitigation credits issued for Split Oak. These easements currently preclude the proposed use of the property. These easements should be resolved prior to a formal land transfer.

RECOMMENDATION:

FCT staff received a significant number of public objections from members of Friends of Split Oak Forest, which make this a controversial project. Moreover, the project is larger than typical linear facility requests. Under the policy adopted by the FCT Board, this application requires board consideration of the request to amend the grant award agreement and management plan.

Any amendment approved by FCT to the Split Oak grant award agreement and management plan should ensure the Split Oak project continues to meet the resource enhancement project purposes. Resource enhancement projects must enhance natural resources that, because of indiscriminate dredging or filling, improper location of improvements, natural or human-induced events, or incompatible land uses, have suffered loss of natural and scenic values. Grants and loans awarded for resource enhancement projects must be used for the assembly of parcels of land to improve resource management, for relocation of improperly located or designed improvements, and for other corrective measures that will enhance the natural and scenic character of project areas. In addition, in order to convey an interest in the property, the FCT Board should find that granting the proposed easements will protect the natural environment, provide public access or public recreational facilities, including the Florida National Scenic Trail, preserve wildlife habitat areas, provide access for managing acquired lands, or otherwise carry out the purposes of Chapter 380, part III, Florida Statutes.

The following items must be resolved prior to any formal transfer of interest in the land:

- Counties must advise if they will accept title to the proposed 1,550 acres of donated land.
- Counties must provide a survey, environmental site assessment, and title work for the additional 1,550 acres.
- Counties must describe how the proposed addition of 1,550 acres to the site will be managed and by whom.
- Counties must provide a revised management plan adjusted to account for the linear facility and incorporating the additional property into the Split Oak project to FCT.
- Counties must provide draft easements for the 60-and 100-acre parcels proposed for impacts.
- Osceola County must provide documentation to FCT that it has satisfied its outstanding mortgage.
- Counties must obtain release of easements held by FWCC and the South Florida Water Management District that are not consistent with the expansion of the OPE.

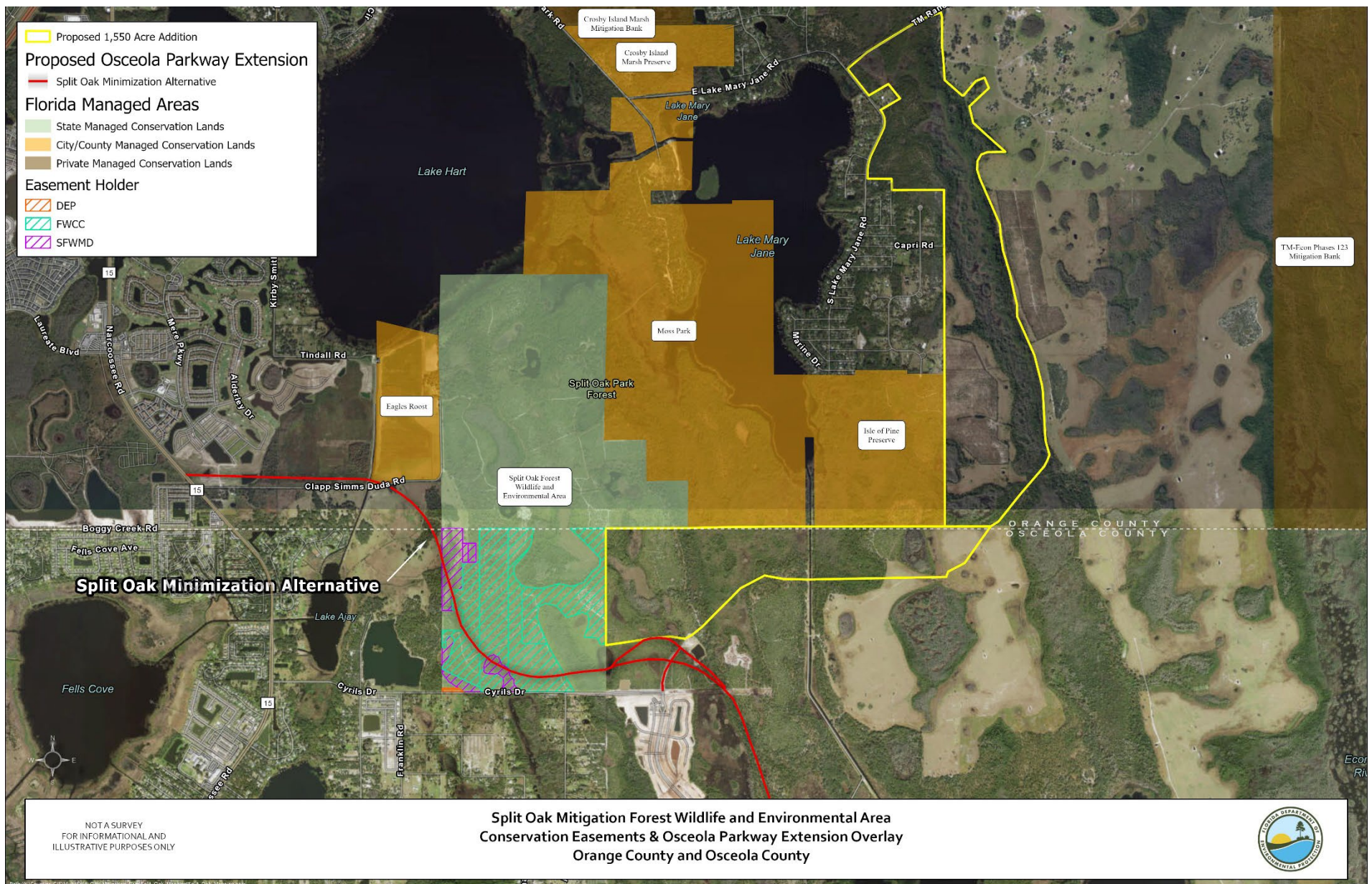
⁴³ RAI Response at 7.

FCT GOVERNING BOARD ACTION: MOTION AND VOTE

- ☐ **APPROVE**
- ☐ **APPROVE WITH MODIFICATIONS:**
- ☐ **DEFER**
- ☐ **WITHDRAW**
- ☐ **NOT APPROVE**
- ☐ **OTHER:**

Motion by:

Second by:



Opposition Correspondence

From: [Charley Williams](#)
To: [Wood, Rebecca](#)
Subject: Judson Williams/Orange County: NO on Roadways through Split Oak Preserve: April 20 Board Meeting
Date: Monday, April 11, 2022 12:05:37 PM

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Miss Wood:

Writing to express my opposition to permit any future roadway construction to bisect Split Oak Preserve.

Let's keep it whole and honor the words "in perpetuity".

That is the original intent and purpose.

There are other solutions available to redirect the direction of any planned future roadways.

Those options need to be exhausted ----before we set a precedent-- which will critically impact our entire state's future.

Thank you for all the work FCT has done for our state.

With appreciation

Judson Williams (Orange County)

P.O. Box 2126

Winter Park, Florida 32790

From: stapled-roams-0u@icloud.com
To: [Wood, Rebecca](#)
Subject: Split Oak Forest - pls protect
Date: Monday, April 11, 2022 1:36:48 PM

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Dear Ms Wood,

I travel through Lake Nona on Hwy 15 all the time to visit several of my family members. I live in Orange.

In only about a decade it has gone from a peaceful rural area to a traffic nightmare. I am not exaggerating. And it's only getting worse.

I feel that it is important to protect the Split Oak Preserve, ensuring that the green space is there for future generations. We already have enough urban sprawl. Cutting through the preserve will only lead to more chipping away.

Humans need a quiet, natural environment. Animals too. And plants. I've hiked through this area. It is beautiful and so memorable/pleasurable to be there.

Please protect it.

PS This beautiful land is ALREADY supposed to be protected legally.

J.



Florida Communities Trust (FCT)
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 550
Tallahassee, Florida 32399-3000

Re: Objection to Request for Management Plan Modifications
By Orange County for Linear Facility through
Split Oak Forest Wildlife and Environmental Area

Dear Esteemed Florida Department of Environmental Protection, Florida Communities Trust Board, Administration, Staff, and General Counsel,

My name is Nicole Wilson, and I am reaching out today as Orange County Commissioner, representing the nearly 1,429,908 residents who reside in Orange County and have an interest in Split Oak Forest Wildlife and Environmental Area (SOFWEA). My engagement with the public regarding issues of good environmental stewardship and transparency in all levels of decision-making compels me to express objection to the proposed modification submitted for your review on behalf of Orange County.

In 1994, the Orange County Commission, Osceola County Commission, and Florida Fish and Wildlife Conservation Commission (FWC) entered into an Interagency Agreement for a loan and grant from Florida Communities Trust to be used for mitigation of environmental impacts caused by existing and proposed development. This agreement was memorialized as the Interagency Agreement for Split Oak Forest Mitigation Park.

In December 2019, the Central Florida Expressway Authority (CFX) presented their preferred route for a toll road extension through Split Oak Forest to then sitting Orange County Board of County Commission (BCC), emphasizing the need to act with expediency because of a contingent land exchange offered by private landowners. The statutory threshold votes needed to approve a modification request for a land exchange couldn't be met so they presented the toll road project as a request for modification to permit the construction of a "linear facility".

The CFX preferred route failed to address the required showing that there was no reasonable alternative and that the land use is designed to have minimal impact on the site. Requests for linear facilities, typically involves pipelines, sewer lines, overhead or underground electrical transmission, but it is an inadequate description for a project that will impact 160 acres of valuable conservation land.



In December 2019, over the objections of community leaders, environmental scientists, legal scholars, and dozens of concerned residents, the Orange County Board voted (5-2), to approve the alignment and proceed with the application for modification.

The request for modification was submitted on behalf of Orange and Osceola Counties despite the unanswered questions surrounding the contingency agreement for a land exchange, including how the land would be maintained and what entity would hold the conservation easement.

Public interest and environmental concerns grew as the threat of destruction loomed and citizens organized tremendous support for an Orange County Charter Amendment providing additional protections for Split Oak Forest.

The Split Oak Charter Amendment was overwhelmingly supported by the public with a historic 86% approval of the ballot measure in November 2020.

When I became aware that Orange County quietly continued to work on advancing the application for modification without any further public engagement, or communication with the current duly elected commission, I asked CFX Executive Director Laura Kelley during a public meeting and on the record whether she had any updates regarding Split Oak Forest and the application to modify. She declined the opportunity to disclose the pending review and deflected it to Orange County staff, who also remained silent when given the opportunity to discuss the pending agency review.

I then submitted a request to Orange County administration to rescind and withdraw the application submitted to FCT and uphold the protections as they were established in 1994 and 2020 (codified in the Orange County Charter). In the alternative, I requested the issue be brought back to the current Board of County Commissioners to discuss and vote on the proposed land exchange, not the lower threshold approval for linear facilities.

I believe it would be a violation of public trust and an affront to the will of the voters to continue to support the destruction of conservation land purchased with public dollars to build a toll road for the benefit of private development interests.

Thank you for your thoughtful work on this issue of great importance to the public.

Sincerely,

A handwritten signature in blue ink that reads "Nicole H. Wilson".

Nicole H. Wilson

Commissioner, District 1

COMMISSIONER NICOLE H. WILSON, DISTRICT 1

201 South Rosalind Avenue, 5th Floor ▪ Reply To: Post Office Box 1393 ▪ Orlando, Florida 32802-1393
407.836.7350 ▪ Fax 407.836.5879



Northwest Florida Office
1294 Avondale Way | Tallahassee, Florida 32317-8451 | tel 850.528.5261
www.defenders.org

February 18, 2022

Florida Communities Trust (FCT)
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 550
Tallahassee, Florida 32399-3000

Via email to: Lois LaSeur - Senior Assistant General Counsel, Lois.LaSeur@dep.state.fl.us
Ms. Mara Gambineri, Chair of FCT Governing Board, mara.gambineri@floridadep.gov

Re: Defenders of Wildlife's Opposition to Management Plan Modifications by Orange County and Osceola County for
Linear Facility through Split Oak Forest Wildlife and Environmental Area

Dear Ms. LaSeur and Ms. Gambineri,

Defenders of Wildlife appreciates the opportunity to provide comments opposing the proposed Management Plan Modifications for the Split Oak Forest Wildlife and Environmental Area by Orange County and Osceola County allowing a toll highway. Please share these comments with the members of the Florida Community Trust (FCT) and include them as part of the official public record for the upcoming meeting when the FCT discusses this item. Founded in 1947, Defenders of Wildlife (Defenders) is a national non-profit conservation organization focused solely on wildlife and habitat conservation and the safeguarding of biodiversity. Defenders has more than 124,000 members and supporters in Florida.

Defenders respectfully requests that the FCT reject Orange County and Osceola County request to modify the management plan for Split Oak Forest Wildlife and Environmental Area to allow a toll highway/linear facility to cross this mitigation area. The counties manage Split Oak Forest WEA in partnership with the Florida Fish and Wildlife Conservation Commission (FWC) due to the significance of the site's wildlife habitat.

The current management plan for Split Oak Forest considers any roadway through the property an "Incompatible Use." This proposal should be rejected because all the state agencies with holding rights and interests in this property have not been consulted or have approved the necessary modifications to the management plan to allow this incompatible use. This includes the FWC which is the principal managing agency. Further approvals may also be required by the Board of Trustees of the Internal Improvement Trust Fund, by the Acquisition and Restoration Council (ARC), and by the Florida Department of Environmental Protection (DEP), Division of State Lands.

The management goal established for Split Oak Forest is to "restore and maintain the habitats critical to the long-term benefit of state and federally listed upland species, particularly the gopher tortoise" (see <https://myfwc.com/recreation/lead/split-oak-forest/history/>). The proposed highway would destroy publicly protected habitat for a significant number of gopher tortoises. The below map was adapted to show the potentially impacted gopher tortoises and their habitat from a December 2019 Florida Natural Areas Inventory site gopher tortoise inventory. The US Fish and Wildlife Service is evaluating whether to list the gopher tortoise as a Threatened under the Endangered Species Act. Approving the proposed amendment signals to the USFWS that existing state-owned conservation land in Florida with gopher tortoise habitat cannot be relied upon for long-term protection.

In addition to the direct destruction of the habitat of gopher tortoises and over 360 commensal species, approval of this management plan and the subsequent development of this toll highway would fragment Split Oak Forest and severely limit the

use of prescribed fire as a habitat restoration and management tool across the entire tract. This would require the managing partners to employ much more expensive mechanical treatments and chemical treatment of invasive plant species.

Split Oak Forest was acquired to serve as mitigation for destruction of lands for development elsewhere in central Florida. Allowing this amendment to the land management plan would establish an awful precedence to allow lands protected through Preservation 2000 bond-funding to be transferred and utilized for uses that are inconsistent with the environmental protection objectives for which they were acquire. This action would violate and erode the public's trust and support for the current Florida Forever land protection program and for the concept of offsetting development's impacts through conserving land elsewhere as mitigation . If Split Oak Forest is allowed to be fragmented and a significant portion converted to highly incompatible use as a toll highway, where there are viable alternative routes, then no state or local land acquired and managed for conservation would be safe from later conversion to uses that are completely inconsistent for the purposes they were acquired.

This letter also serves as Defenders of Wildlife's formal request, under Chapter 120, Florida Statutes, for written notice of agency action on the Counties' application. Please place my name on the permanent contact list for matters impacting Split Oak Forest Wildlife and Environmental Area and please notify me immediately should any action regarding this property be scheduled for consideration by the FCT Governing Board now or at any time in the future. Thank you for your consideration.

Sincerely,



Kent L. Wimmer, AICP
kwimmer@defenders.org

cc via email:

Linda Reeves, Program Manager FCT, Linda.Reeves@dep.state.fl.us

Rita Ventry, Planner FCT, Rita.Ventry@dep.state.fl.us

Rebecca Wood, Rebecca.Wood@FloridaDEP.gov

Callie DeHaven, Director DEP, Callie.DeHaven@FloridaDEP.gov

Eric Sutton, Executive Director FWC, eric.sutton@myfwc.com

Dr. Thomas Eason, Asst. Executive Director FWC, thomas.eason@myfwc.com

Emily Norton, General Counsel FWC, emily.norton@myfwc.com

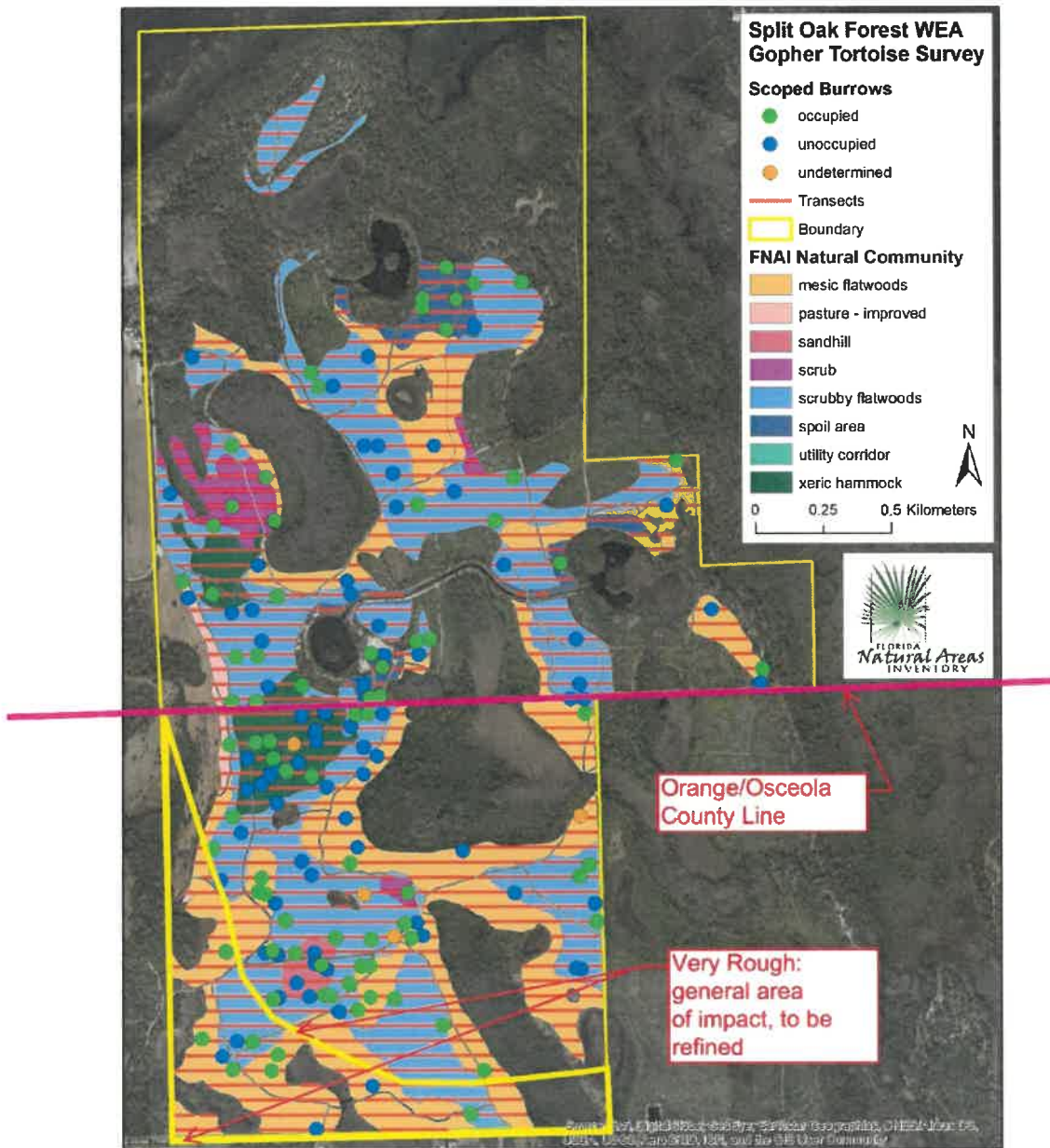


Figure 1: Location of scoped burrows, survey transects, and natural communities/landcover at Split Oak Forest WEA.

From: [Terise Robers](#)
To: lois.laseur@dep.state.fl.gov; [Gambineri, Mara](#)
Cc: [Reeves, Linda](#); [Ventry, Rita](#); [Wood, Rebecca](#); [DeHaven, Callie](#); eric.sutton@myfwc.com; thomas.eason@myfwc.com; emily.norton@myfwc.gov
Subject: Please DENY the application to modify the Split Oak Forest Management Plan to authorize the alignment of the Parkway Extension project through the Split Oak Forest.
Date: Wednesday, February 16, 2022 3:53:17 PM

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

I have been a resident of the Lake Hart Whippoorwill Rural Settlement on the shores of Lake Hart since 1979. I have been visiting Split Oak Forest for over 20 years. As a resident of the fastest developing area of Orange County I value the natural recreational uses of the Forest as a respite from the constant noise and traffic of the area. More importantly is its value as a conservation area for the vast amount of wildlife that has been deprived of their homes by development.

As I am sure you all know Split Oak was set up as a conservation area in PERPETUITY. If there is any doubt as to why the citizens of the great State of Florida distrust their public officials so much one has no need to look further than this issue. County and State officials have, at every step of the way, defied the will of the electorate. I have been to numerous Commission meetings in both Osceola and Orange Counties and listened as citizens voiced concerns about the devastation that running a highway through the Forest will cause. Furthermore, the citizens of Orange County approved a Charter Amendment in 2020 prohibiting the County from approving this. This Amendment was approved by 86% of the electorate - more than any amendment in the history of the State of Florida. 86% !!! How can this issue still be rearing its ugly head?

The definition of the word PERPETUITY remains the same as it ever was. The Florida Community Trust has the power to help restore the confidence of Florida citizens in their government. I believe the word TRUST in the name of your board should be the key issue here. If you allow this to happen what is to keep other developers and special interests from running roughshod over all the other easements and conservation areas that have been set up to maintain the (dwindling) natural areas of Florida? Where will this end? Where will YOUR children and grandchildren be able to go to see the plants and animals of Florida in their natural habitat?

I urge you to DENY the application to modify the Split Oak Forest Management Plan to authorize the alignment of the Parkway Extension project through the Split Oak Forest.

Terise E Robers
12813 Broleman Rd
Orlando FL 32832

Ventry, Rita

From: Preston Robertson <preston@fwfonline.org>
Sent: Wednesday, February 16, 2022 1:11 PM
To: LaSeur, Lois; Gambineri, Mara
Cc: Reeves, Linda; DeHaven, Callie; Wood, Rebecca; Ventry, Rita
Subject: Protection of Split Oak Forest WEA

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Dear Ms. LaSeur and Ms. Gambineri:

Please note Florida Wildlife Federation's strong opposition to the siting of a roadway within Split Oak Forest WEA. This public land was meant to perpetually protect vital habitats and water quality and should not be used to facilitate road construction. With wildlife habitats shrinking every day under developmental pressure, it is essential to maintain these special places that provide not only essential environmental benefits, but relief from the stresses of modern life for residents. Moreover, to allow this roadway would set a precedent that any and all public land, thought to be sacrosanct, is actually subject to damaging conversion.

Thank you for your service to the state and please protect the public resources under your control for ourselves and future Floridians.

Preston T. Robertson



Preston T. Robertson | *President & CEO*
Florida Wildlife Federation
Office: (850) 656-7113

Ventry, Rita

From: Valeska <v.freiremarulanda@gmail.com>
Sent: Sunday, February 13, 2022 9:20 PM
To: lois.laseur@dep.state.fl.gov; Gambineri, Mara
Cc: Reeves, Linda; Ventry, Rita; Wood, Rebecca; DeHaven, Callie; eric.sutton@myfwc.com; thomas.eason@myfwc.com; emily.norton@myfwc.gov
Subject: Protect the Split Oak Forest

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Please, put nature first. We owe it to the future generations. The time for environmental justice is now!

Valeska Freire



306 N. Monroe Street
Tallahassee, FL
32312
t: 850.222.7911 x23
c: 850.294.2006

tpl.org

February 8, 2022

Ms. Mara Gambineri, Chair, Governing Board
Ms. Lois LaSeur - Senior Assistant General Counsel
Florida Communities Trust
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 550
Tallahassee, Florida 32399-3000

Via Electronic and USPS Delivery

**Re: Objection to Request for Management Plan Modifications
by Orange County and Osceola County for Linear Facility through
Split Oak Forest Wildlife and Environmental Area**

Dear Mses. Gambineri and LeSeur:

I write to respectfully request that the Florida Communities Trust (FCT) Governing Board deny Orange and Osceola Counties' request for a "Management Plan Modification" to Split Oak Forest Wildlife and Environmental Area submitted to FCT staff, dated May 8, 2020. To approve this request would result in alienation of conservation land for a non-conservation purpose. Such action by the FCT Governing Board would undermine the public's confidence that land acquired for conservation using state and county land conservation funds will be permanently protected. If the public no longer believes that lands acquired for conservation will be used for conservation purposes and instead can be disposed of by the state and local governments for non-conservation purposes, then public support for state and local funding for conservation will be eroded.

The Trust for Public Land is a national nonprofit land conservation organization that creates parks and protects land for people, ensuring healthy, livable communities for generations to come. In Florida, the Trust for Public Land has protected more than 173,000 acres of waterfront, greenways, archaeological sites, and key wildlife habitat areas, and has assisted with funding and acquisition of many parks, trails, and historic sites, including many FCT projects.

To help public agencies acquire land, the Trust for Public Land's Conservation Finance program assists communities in identifying and securing public financing. Since 1996, The Trust for Public Land has supported more than 600 successful ballot measures and twenty successful legislative campaigns that have created \$84 billion in new funding for parks, land conservation, and restoration. Voters have approved 83 percent of the ballot measures supported by the Trust for Public Land. In Florida, this includes 36 of 42 city, county, and state ballot measures creating over \$14 billion for parks and conservation.

Mses. Gambineri and LaSeur
February 8, 2022
Page Two

The Trust for Public Land is perhaps the foremost advocate for the Florida Communities Trust (FCT). We worked with the Florida Legislature and other advocates to draft the original legislation creating the FCT in 1989. We assisted Department of Community Affairs' staff and the first FCT Governing Board in drafting the implementing rules for FCT. In 1990, The Trust for Public Land advocated before the Florida Legislature for funding for FCT resulting in a 10 percent allocation (\$30 million annually for ten years) from Preservation 2000. When the successor program to Preservation 2000 was enacted by the Legislature in 1999, The Trust for Public Land lobbied to increase the allocation for FCT from Florida Forever to 22 percent (\$66 million/year). In partnership with cities and counties and nonprofit land conservation organizations throughout the state, The Trust for Public Land has helped complete hundreds of FCT projects, from Pensacola to Key West, to create new close-to-home recreational opportunities for all Floridians and to protect our state's natural resources. When the Legislature refused to fund Florida Forever, The Trust for Public Land helped organize the initiative petition process, collecting of nearly 1 million signatures from Florida voters, to place the Water and Land Conservation Amendment to the Florida Constitution on the ballot. We led and managed the successful campaign that resulted in a 75 percent Yes vote for Amendment 1 in 2014, dedicating one-third of the state documentary stamp tax to land conservation, management, and restoration, including FCT, for twenty years. We have urged the Legislature to fully fund FCT every year since 2014.

Because we are so invested in and care so deeply about the conservation of Florida's water and land, we are compelled to oppose the application by Orange and Osceola to modify the deed restrictions for Split Oak Forest to allow the construction of the Osceola Parkway Extension through the Split Oak Forest. Like all Preservation 2000 (and Florida Forever) funded FCT projects, grant funding was awarded to the Counties for conservation of the Split Oak Forest based on their commitment to permanently preserve the property. This is a covenant with the Florida Legislature, citizens of the State of Florida, and the citizens of Orange and Osceola Counties, who provided funding for the acquisition of Split Oak Forest. This covenant was based on the belief that these funds would be used for land conservation in perpetuity. To now reverse this action and allow conservation land to be used for construction of a new highway is completely contrary to the purposes of the Florida Communities Trust and Preservation 2000. If the FCT Governing Board approves the Counties' application, this action would set a very bad precedent. Such action would leave the citizens of Orange and Osceola Counties and the State of Florida with greatly diminished confidence that land acquired for conservation purposes is in fact protected. If public confidence in our state and local land conservation programs is eroded, then the public will no longer support funding for land conservation. Given the unrelenting growth and development pressures Florida faces, absent public funding for land conservation, many cherished state and local resources like the Split Oak Forest will not be conserved in the future. Therefore, we request that you deny the request from Orange County and Osceola County for a "Management Plan Modification" for Split Oak Forest Wildlife and Environmental Area.

This letter also serves as The Trust for Public Land's formal request, under Chapter 120, Florida Statutes, for written notice of agency action on the Counties' application. Please put me on the permanent contact list for matters impacting Split Oak Forest Wildlife and Environmental Area and notify me immediately should any action regarding this property be scheduled for consideration by the FCT Governing Board now or at any time in the future.

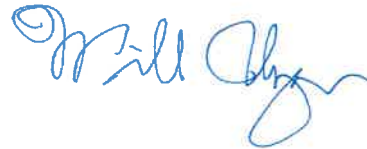
Mses. Gambineri and LaSeur

February 8, 2022

Page Three

We are of course available at any time to further discuss our objection with you, provide additional information, or answer any questions. FCT is one of the best programs in the history of land conservation in Florida. Thank you for your work in stewarding and protecting FCT's promise to our citizens.

Respectfully,



Will Abberger
Vice President
Director, Conservation Finance

Cc: Mr. Gregory Jones, FCT Governing Board Member
Ms. Deborah Denys, FCT Governing Board Member
Mr. Frank Mingo, FCT Governing Board Member
Mr. Noah Valenstein, FCT Governing Board Member
Mr. Sean Hamilton, Secretary, Department of Environmental Protection

Florida Communities Trust (FCT)
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 550
Tallahassee, Florida 32399-3000

By email to: Lois LaSeur - Senior Assistant General Counsel,
Lois.LaSeur@dep.state.fl.us
Ms. Mara Gambineri, Chair of FCT Governing Board,
mara.gambineri@floridadep.gov

Re: Objection to Request for Management Plan Modifications
By Orange County and Osceola County for Linear Facility through
Split Oak Forest Wildlife and Environmental Area

Dear Ms. LaSeur and Ms. Gambineri,

I am writing to you today to urge the Florida Communities Trust Board to please do everything in your power to preserve the Split Oak Forest and deny any modified expressway routes through this critical habitat. Below is a summary of my concerns.

Environmental Concerns

- **Species Concerns Plants and Animals-** *There are hundreds of native, threatened or endemic species living on site. Many of which are some of which are rare, threatened/endangered or of special concern*
- **Habitat Loss and Fragmentation-** *These habitats can not be mitigated. It took many years to establish vital resources for these species to survive here in the Split Oak Forest and to sever them can create tragic fragmentation.*
- **Gopher Tortoises-** *This is also a location for the protected Gopher Tortoises to be preserved which are keystone species native to Florida in critical for other species to survive fires.*

Florida Constitution/Laws/Rules/Policy

- *Determinations not made (Constitution Article X, Section 18)*
- *There are many Reasonable Alternatives (FAC 62-818.015) that can be explored through neighboring private properties that are interested in selling for the alternative route.*

Orange County Residents voted overwhelmingly to protect the Split Oak Forest.

- *I was a part of the Save Split Oak Forest campaign and saw the unprecedented support during this charter amendment vote. Bi-partisan voters showcased their desire to see the Split Oak forest protected when 86% of voters passed this amendment .*
- *I am an Orange County Voter and expect for this Charter Amendment to be a guiding example for the need to conserve Split Oak in its totality.*

FCT staff has been evaluating Orange County and Osceola County (collectively, the "Counties") request for a "Management Plan modification" (a Linear Facility Application Package) that was submitted to FCT staff, dated May 8, 2020 ("Counties' Application"). FCT issued a Request for Additional Information to the Counties dated July 30, 2020. The Counties responded subsequently. I understand that the next step anticipated is for the FCT Governing Board to consider the Counties' Application, and the purpose of this letter is to express my objection to the proposed modification(s).

As you are aware, Orange County and Osceola County are parties to the original Grant Award Agreement with FCT, dated March 29, 1994 ("Grant") for the for the Split Oak Forest Wildlife and Environmental Area (SOFWEA) with subsequent amendment(s) and the addition of the Florida Fish and Wildlife Conservation Commission ("FWC") as a party to an Interagency Agreement. Notably, FWC, which is a party to the SOFWEA Amendment to Grant Award Agreement and Modification of Interagency Agreement, dated March 16, 1995, did not join in the application with the Counties.

The Counties' Application is defective, on its face, for lack of participation by FWC. Therefore, it is NOT APPROPRIATE for the Counties' Application to be formally considered.

Should the Counties' Application be brought to the FCT Governing Board for consideration, I ask that it be DENIED fully and unconditionally.

I also question whether any request for modification pursuant to FAC 62-818.015 is applicable for the circumstances at hand, as represented by the Counties. It appears that the Counties are in reality seeking approval for a "Land Exchange." As you know, FAC 62-818.016 is the appropriate rule (adopted by FCT policy) for a Land Exchange involving the SOFWEA. The Counties' Application materials are clearly not responsive to the pertinent requirements for such consideration under 62-818.016 and should be **DENIED** without delay.

This is my formal request, under Chapter 120, Florida Statutes, for written notice of agency action on the Counties' Application. Please put me on the permanent contact list for matters impacting SOFWEA and notify me immediately should any action regarding this property be scheduled for consideration by the FCT Governing Board now or at any time in the future.

Sincerely-



Sincerely,
IDEAS for Us: Board of Directors-Vice President
Lee Perry

cc by email:

Linda Reeves, Program Manager FCT, Linda.Reeves@dep.state.fl.us

Rita Ventry, Planner FCT, Rita.Ventry@dep.state.fl.us

Rebecca Wood, Rebecca.Wood@FloridaDEP.gov

Callie DeHaven, Director DEP, Callie.DeHaven@FloridaDEP.gov

Eric Sutton, Executive Director FWC, eric.sutton@myfwc.com

Dr. Thomas Eason, Asst. Executive Director FWC, thomas.eason@myfwc.com

Emily Norton, General Counsel FWC, emily.norton@myfwc.com

Rachel E. Deming

4449 Beach Blvd
Orlando, FL 32803
February 7, 2022

VIA EMAIL

Board Members of the Florida Communities Trust (FCT)
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 550
Tallahassee, Florida 32399-3000

c/o Lois LaSeur - Senior Assistant General Counsel, Lois.LaSeur@dep.state.fl.us

c/o Ms. Mara Gambineri, Chair of FCT Governing Board, mara.gambineri@floridadep.gov

Re: Objection to Request of Orange and Osceola Counties for an expressway Linear Facility through Split Oak Forest Wildlife and Environmental Area (Split Oak) and Land Exchange

Dear Members of the Florida Communities Trust Board,

The request of Orange and Osceola Counties should be denied outright because it violates the Florida Constitution; it is an illegal disposal conservation lands. It should also be denied because the requested modifications can no longer be approved by Orange County; the Orange County Charter prohibits the Orange County Board of County Commissioners (Orange County Board) from giving the additional approvals necessary to proceed with the requested modifications. Finally, you should not be burdened with consideration of a modification request that is so deficient that it can easily be contested. The Counties' original request is defective for three reasons: (1) the Florida Fish and Wildlife Conservation Commission (FWCC), a party to the relevant agreements, has not provided its consent to this proposal; (2) the Counties have not provided enough public information to support public comment and a informed consideration of the Counties' request by this Board; and (3) the Orange County vote approving the request did not have sufficient votes to proceed with the Land Exchange part of the request, which is a necessary and integral part of the Linear Facility modification request.

I have a significant interest in the Counties' request because I am a resident of Orange County and a Split Oak visitor. These comments are also informed by my experience as an attorney licensed and in good standing in Florida, New York and Michigan, and tenured law professor at Barry University School of Law.¹ During my forty years of practice, I have represented large corporate clients engaging in the acquisition and disposal environmentally impacted land and remediation of contaminated land. Since coming to Florida nine years ago, I have been representing non-profit organizations on environmental issues and writing law review articles on issues including the protection of conservation lands.

¹ The identification of my employer is for informational purposes only. This letter is a statement of my personal positions and does not represent any position of Barry University.

The Modification Requests Are an Unconstitutional Disposal of Conservation Land

I have been appalled by the lack of discussion about the serious legal considerations raised by this request. This request is a knowing attempt to avoid the clear constitution prohibition against disposal of conservation land unless the land no longer has conservation value.

I gave comments at both the public hearings of both the Central Florida Expressway Authority (CFX) and the Orange County Board stating my concern that Article X, Section 18 of the Florida Constitution prohibits the proposed transfer of land to CFX to build a highway. Article X, Section 18 states:

Disposition of conservation lands.—The fee interest in real property held by an entity of the state and designated for natural resources conservation purposes as provided by general law shall be managed for the benefit of the citizens of this state and 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.

The only acknowledgment of the constitutional issue during those two hearings was a statement by the CFX board attorney during the public meeting saying he was new to his position and that unnamed attorneys had told him it was permissible.

There is no dispute that the Florida Constitution prohibits transferring title of the property to build the proposed major expressway. CFX implicitly acknowledged this point when it stated on its website that the Split Oak property could not be transferred outright.²

What is very concerning, however, is the secrecy surrounding the proposed legal mechanism to transfer the permanent possession necessary to build a major highway. While there were several extensive agreements for most aspects of the project disclosed a few days before the CFX, Orange and Osceola Boards met to vote on the proposal, there was no document for the “easements” mentioned in both the Orange and Osceola Counties’ resolutions which form the basis of their request to this Board.³ There is no doubt, however, that the purpose for this non-fee transfer is an attempt to undercut our Constitution.

No matter what title is put on the document and what the transfer of permanent possession is called, it still violates our Constitution. The Florida Supreme Court has stated that an interpretation of the state’s Constitution begins with the provision’s “explicit language” and uses a dictionary definition to determine its meaning.⁴ “Disposed of” is not limited to a sale – “disposed of” means

² CFX Project Development and Environment (PD&E) Study: Osceola Parkway Extension, <https://www.cfxway.com/agency-information/plans-studies/project-studies/osceola-parkway-extension-pde/> (last accessed Feb. 6, 2022). In fact, CFX states that the intention of the 1994 Split Oak acquisition agreements were to leave Orange and Osceola Counties with ownership in perpetuity, not to conserve the land in perpetuity. *Id.* The sole reason for the Counties to retain ownership is an attempt to circumvent the Constitutional prohibition against disposal of these conservation lands. Given the permanent nature of the proposed expressway, there is no logical reason for the Counties to retain ownership.

³ Paragraph 5 of Orange County Board Resolution No. 2019-M-50 and Osceola County Board Resolution No. 19-3303R (approved contingent upon “any and all necessary easements to CFX. . .”)

⁴ *Caribbean Conservation Corp., Inc. v. Florida Fish and Wildlife Commission*, 838 So. 2d 493, 500–01 (Fla. 2003); In the absence of an express statutory definition, “courts may resort to a dictionary definition to determine the ‘plain and ordinary meaning’ of the statutory language.” *Allstate Ins. Co. v. Rudnick*, 761 So. 2d 289, 292 (Fla. 2000).

transfer of control. This is what both standard and legal dictionaries say.⁵ The Florida Supreme Court instructs everyone, including our government officials, that

The fundamental object to be sought in construing a constitutional provision is to ascertain the intent of the framers and the provision must be construed or interpreted in such manner as to fulfill the intent of the people, never to defeat it. Such a provision must never be construed in such manner as to make it possible for the will of the people to be frustrated or denied.⁶

There is no basis for asserting, let alone proof, that the voters for the constitutional provision prohibiting disposal of conservation lands ever contemplated this provision was subject to an exception for building superhighways through the conservation lands.

The Orange County Charter Prohibits Orange County from Giving Needed Final Approvals

In 2020, I along with 86% of other Orange County residents, approved an amendment prohibiting Orange County Commissioners from entering into any agreement or passing any ordinance or resolution affecting the current restrictions limiting the use of Split Oak for conservation and protection of wildlife, vegetation and the environment.⁷ The resolution approved by Orange County in 2019 merely supported CFX's preferred route and agreed to petition FCT for certain agreement modifications.⁸ If this Board agrees to make those modifications, those modifications will still need to be approved by the respective county boards of commissioners. However, the Orange County Board is now prohibited by its charter from giving that approval. This Board should refrain from considering requests that can no longer be implemented.⁹

The Modification Requests Are Deficient and Should Be Returned for Reapproval and Resubmittal

While I believe the previous two points require denial of the Counties' Request, the Counties' Request is also deficient for three reasons:

- (1) The Florida Fish and Wildlife Conservation Commission (FWCC), a party to the grant agreement, has not provided its consent to this proposal. It is premature for this Board to take any action until all the other parties to the relevant agreements have given their consent.
- (2) The Counties have not provided enough public information to support public comment and an informed consideration of the Counties' request by this Board. As discussed above, the operative "easements" transferring control over a portion of Split Oak have not been

⁵ See *Dispose Of*, MERRIAM-WEBSTER DICTIONARY, <https://perma.cc/DD5Q-UWZH> (disposal includes transfer of control); see also *Disposition*, BLACK'S LAW DICTIONARY (10th ed. 2014) ("The act of transferring something to another's care or possession, esp. by deed or will; the relinquishing of property").

⁶ *Caribbean Conservation Corp., Inc.*, 838 So. 2d at 501; see *Gray v. Bryant*, 125 So. 2d 846, 852 (Fla. 1960); see also *Amos v. Mathews*, 126 So. 308, 316 (Fla. 1930) ("The object of constitutional construction is to ascertain and effectuate the intention and purpose of the people in adopting it. That intention and purpose is the 'spirit' of the Constitution—as obligatory as its written word.").

⁷ Orange County Florida Charter Section 1000.01, subsection C (https://library.municode.com/fl/orange_county/codes/code_of_ordinances?nodeId=PTICH_ARTXPRSPOAFOMI_PA) (last accessed Feb. 6, 2022).

⁸ Resolution of the Orange County Board of Commissioners No. 2019-M-50.

⁹ Osceola County has brought a lawsuit seeking to coerce Orange County Commissioners to give final approval. See *Osceola County Florida v. Orange County Florida*, case 2020-CA-008569-O, filed in Orange County. The likelihood of success is questionable, but this is another good reason for the Board to deny the request or delay making a decision.

disclosed. In addition, there is evidence of contamination on the property to be conveyed in exchange for the highway. In the proposed agreement to convey conservation lands, the sellers identified a former cattle dipping vat.¹⁰ Former cattle dipping vats most commonly result in arsenic contamination which presents significant health concerns.¹¹ The Florida Legislature exempted private parties from responsibility for cleaning up this contamination, but it is required once that land gets transferred to a public entity. This Board should also require the Counties to produce a complete Phase 1 Environmental Site Assessment for the land to be acquired. There are known environmental concerns associated with historical agricultural operations on land that will impact the future use. How can this Board evaluate whether the proposed exchange benefits anyone without knowing the condition of the property to be acquired? In fact, the transfer is subject to having CFX give a complete release to the sellers for environmental conditions.

(3) The Orange County vote approving the request did not have sufficient votes to proceed with the Land Exchange part of the request, which is a necessary and integral part of the Linear Facility modification request. This is not a simple linear facility request under FAC 62-818.015. An integral part of the Counties' Request is getting over 1500 acres of additional conservation land. That is how all three Boards – CFX, Orange and Osceola – justified the destruction of a portion of Split Oak in the first place. Therefore, the Counties also need to meet the requirements for FAC 62-818.016, which governs conservation land exchanges. The Orange County vote was not sufficient to proceed with a land exchange, making this Request deficient.

For these three reasons, you should make the Counties resubmit their request with all the information you should have and all the information to which the public is entitled for making informed comments.

My primary request, however, is to consider your duty to uphold the Florida Constitution. Disposal means transfer of control, which includes but is not limited to the transfer a fee interest. If you avoid the constitutional issue, you will not only be frustrating the will of the voters but also supporting those who are undermining our state Constitution.

Under Chapter 120, Florida Statutes, please also add my name and contact information for all notices of agency action on the Counties' Request. Please put me on the permanent contact list for matters impacting Split Oak and notify me immediately should any action regarding this property be scheduled for consideration by the FCT Board now or at any time in the future.

Sincerely,

Rachel E. Deming

cc by email:

¹⁰ 2019 Agreement to Convey Conservation Lands, Section 8.c.

¹¹ See Florida Department of Health Cattle Dip Vats Florida webpage, <https://www.floridahealth.gov/environmental-health/drinking-water/cattledipvathome.html#:~:text=Cattle%20Dip%20Vats%20Florida&text=The%20vats%20were%20generally%20filled,ground%20water%20in%20their%20vicinity> (last accessed Feb. 6, 2022)

Linda Reeves, Program Manager FCT, Linda.Reeves@dep.state.fl.us

Rita Ventry, Planner FCT, Rita.Ventry@dep.state.fl.us

Rebecca Wood, Rebecca.Wood@FloridaDEP.gov

Callie DeHaven, Director DEP, Callie.DeHaven@FloridaDEP.gov

Eric Sutton, Executive Director FWC, eric.sutton@myfwc.com

Dr. Thomas Eason, Asst. Executive Director FWC, thomas.eason@myfwc.com

Emily Norton, General Counsel FWC, emily.norton@myfwc.com



**FLORIDA
CONSERVATION
VOTERS**

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Tallahassee, Florida 32303
(850) 629-4656
www.FCVoters.org

February 7, 2022

Florida Communities Trust (FCT)
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 550
Tallahassee, Florida 32399-3000

By email to: Lois LaSeur - Senior Assistant General Counsel, Lois.LaSeur@dep.state.fl.us
Mara Gambineri, Chair of FCT Governing Board, mara.gambineri@floridadep.gov

Re: Objection to Request for Management Plan Modifications By Orange County and Osceola County
for Linear Facility through Split Oak Forest Wildlife and Environmental Area

Dear Ms. LaSeur and Ms. Gambineri,

I am writing to express our concerns regarding a request by Orange County and Osceola County for a "Management Plan modification" (a Linear Facility Application Package) submitted to Florida Communities Trust ("FCT") staff on May 8, 2020. We object to the proposed modification.

Moving forward with the Osceola Parkway Extension and using Split Oak Forest Wildlife and Environmental Area ("SOFWEA") as a right of way would not only directly harm this 1,689-acre preserve, but also set a dangerous precedent for other critical conservation lands throughout Florida. These lands were designated to be protected in perpetuity, and Orange County voters confirmed that most recently with overwhelming approval of a charter amendment to keep Split Oak protections intact. Florida Conservation Voters was proud to support that initiative.

Please put me on the permanent contact list for matters impacting SOFWEA and notify me immediately should any action regarding this property be scheduled for consideration by the FCT Governing Board now or at any time in the future.

Sincerely,

cc:

Linda Reeves, Program Manager FCT, Linda.Reeves@dep.state.fl.us
Rita Ventry, Planner FCT, Rita.Ventry@dep.state.fl.us
Rebecca Wood, Rebecca.Wood@FloridaDEP.gov
Callie DeHaven, Director DEP, Callie.DeHaven@FloridaDEP.gov

printed on recycled paper

Ventry, Rita

From: Lindsey Kaetzel <lindsey.kaetzel@gmail.com>
Sent: Sunday, February 6, 2022 10:36 PM
To: lois.laseur@dep.state.fl.gov; Gambineri, Mara
Cc: Reeves, Linda; Ventry, Rita; Wood, Rebecca; DeHaven, Callie; eric.sutton@myfwc.com; thomas.eason@myfwc.com; emily.norton@myfwc.gov
Subject: Please protect Split Oak Forest as Orange County voters intended

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Members of the Florida Communities Trust:

- I became aware of the situation with Split Oak Forest during the lead up to the 2020 election through friends. After learning about the important habitat that this area provides for gopher tortoises and so many other important flora and fauna, and the original promise to keep this land protected, I volunteered with the campaign to save it and wholeheartedly voted yes on the Split Oak Charter Amendment—as did the majority of my fellow Orange County residents. I am proud to live among people who did what was right and voted to protect Split Oak Forest, and to leave the land as it was originally promised and intended. I hope that you will reject any plans or maneuvers that would go against the wishes of the people of this county and that would have an irreprehensibly harmful impact on the animals and plants that depend on Split Oak.

Sincerely,

Lindsey Kaetzel
Orange County Resident
Sierra Club Member
OCDEC Precinct Captain
OCDEC Environmental Caucus Member

Ventry, Rita

From: Bear Warriors <bearwarriorsunited@gmail.com>
Sent: Sunday, February 6, 2022 2:34 PM
To: LaSeur, Lois; Gambineri, Mara
Cc: Reeves, Linda; Ventry, Rita; Wood, Rebecca; DeHaven, Callie; Sutton, Eric; Eason, Thomas; emily.norton@myfwc.com; FWC Commissioners; Barrett, Sarah; Mezich, Ron; Tucker, Melissa
Subject: Split Oak Forest Wildlife and Environmental Area

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Bear Warriors United
P.O. Box 622621
Oviedo, Florida 32762

February 6, 2022

Florida Communities Trust (FCT)
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 550
Tallahassee, Florida 32399-3000

Lois LaSeur - Senior Assistant General Counsel, Lois.LaSeur@dep.state.fl.us
Mara Gambineri, Chair of FCT Governing Board, mara.gambineri@floridadep.gov

Objection to Request for Management Plan Modifications

Submitted by Orange County and Osceola County for Linear Facility
Split Oak Forest Wildlife and Environmental Area

Dear Ms. LaSeur and Ms. Gambineri,

We understand that the FCT Governing Board may be considering Orange and Osceola Counties' request for "Management Plan Modification" at FCT's upcoming Board meeting.

The purpose of this letter is to express my objections to FCT formally considering the Counties' request. The Counties' request lacks adequate documentation that there is no "Reasonable Alternative" to the proposed alignment, the material submitted is incomplete with respect to analysis of biological and environmental concerns, the submittal excludes managing partner and Interagency Agreement party Florida Fish and Wildlife Conservation Commission (FWC) and it fails to adequately address other issues of primary importance. Such a request, if approved, would negate the very purpose for FCT's original Grant Award that provided funding for SOFWEA (Split Oak Forest Wildlife and Environmental Area) to become the valuable recreation space and unique protected habitat that it has become since 1994.

I am the Executive Director of Bear Warriors United, a Florida Not For Profit Corporation that is committed to preservation of wildlife habitat and advocating for the health and wellbeing of Florida's wildlife. Our organization is currently taking legal action pertaining to the starvation deaths of Manatees and the collapse of the Northern Indian River Lagoon ecosystem.

In my capacity as Executive Director of Bear Warriors United, I am a member of the Central Florida Expressway's (CFX) Environmental Advisory Group (EAG) for the Osceola Parkway Extension (OPE) and other projects. I have attended numerous public meetings from 2015 through 2022 and have made comments regarding impacts to wildlife and habitat. In my opinion, the proposed CFX alignment analysis for the OPE did NOT exhaust reasonable alternatives, and was NOT designed to have "Minimal Impact" to the Split Oak Forest Wildlife and Environmental Area (SOFWEA). These deficiencies do NOT conform with the requirements set forth in Florida Administrative Code Section 62-818.015 (1)(a), (b) and (c), the Policy that was adopted by FCT. Therefore, it is NOT APPROPRIATE for the Counties' request to be formally considered.

Conspicuously missing, FWC did not participate in the Counties' request, even though they are a party to Interagency Agreements with the Counties and FCT. This is a fatal flaw to the Counties' request. I suggest that the Counties' request be **DENIED** or at least disregarded until after FWC has been made a party to the Counties' request and the Counties' have obtained approval from FWC regarding changes to the Management Plan and Release of Conservation Easements. There are simply too many unresolved issues regarding FWC's management, wildlife concerns and legal issues with the numerous conservation easements, mitigation parcels and credits awarded in the past.

The proposed Linear Facility for OPE through SOFWEA will destroy wildlife habitat that has been meticulously managed by Florida Fish and Wildlife Conservation Commission (FWC) and it will further impact SOFWEA by fragmentation of nearly 200 acres in the southwesterly portion of the site. The road is designed "at grade" with **inadequate wildlife crossings**. This will result in a marked and exponential increase of wildlife strikes and roadway mortality incidents. And those are just a few of the issues that are not being addressed.

Management by controlled burning and access for maintenance will be difficult if the Linear Facility is constructed.

In addition, the land that is being proposed to substitute for the impacted land is of inferior quality to SOFWEA and does not provide adequate, contiguous, suitable gopher tortoise habitat. SOFWEA was created specifically to provide gopher tortoise habitat and mitigation for animals that were entombed on other development sites and habitat that was destroyed in the 1990's and early 2000's before the Incidental Take Permits (ITP's) were discontinued.

From my preliminary research and consultation with colleagues, biologists and other experts, the "Land Exchange" concept that is being proposed is simply disguised as a "Linear Facility" request and should be **DENIED**. Furthermore, I suggest that FCT ask the Counties to withdraw their request for a Linear Facility and re-submit their request with FWC as a party under the more relevant "Land Exchange" Policy adopted by FCT pursuant to FAC 62-818.016.

Should the Counties' current request be brought to the FCT Governing Board for consideration, we ask that it be DENIED fully and unconditionally.

This is my formal request, under Chapter 120, Florida Statutes, for written notice of agency action on the Counties' Application. Please put me on the permanent contact list for matters impacting SOFWEA and notify me immediately should any action regarding this property be scheduled for consideration by the FCT Governing Board now or at any time in the future.

Sincerely,
Katrina Shadix, Executive Director
Bear Warriors United

February 6, 2022

Florida Communities Trust (FCT)
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 550
Tallahassee, Florida 32399-3000

Re: Objection to Request for Management Plan Modifications
By Orange County and Osceola County for Linear Facility through
Split Oak Forest Wildlife and Environmental Area

Dear Ms. LaSeur and Ms. Gambineri:

Bird sing close by, and others echo in the distance, far across the wide pine savannah: spaciousness under a big sky sets visitors free from the claustrophobia of their daily lives: cramped living spaces, tiny yards, and traffic that overwhelms each new road before it can be completed. Young families hungry to be free of all that come to Split Oak to be out in the open at last. Their cars crowd the Split Oak parking area and spill out onto the roadside.

Do you think people don't know what's missing from their lives? I collected 2000 signatures in 2014 for Amendment 1 to restore funding for Florida Forever. It passed by well over 70% statewide. I put out scores of road signs for Orange County's charter amendment to Save Split Oak Forest. It passed by 83%.

I have spoken and written for Split Oak at CFX, at the Orange County Charter Review Commission, at the Orange County Commissioners meeting, at the Orange County League of Women Voters, in the Florida Native Plant newsletter. I have hiked Split Oak for 15 years. I am a Florida Native. I was 13 years old in 1956, so more than any of you, I know how much Florida has lost. The Application for Management Plan Modification is morally indefensible. Deny it unconditionally. Its many other deficiencies are described below.

. . .

FCT staff has been evaluating Orange County and Osceola County (collectively, the "Counties") request for a "Management Plan modification" (a Linear Facility Application Package) that was submitted to FCT staff, dated May 8, 2020 ("Counties' Application"). FCT issued a Request for Additional Information to the Counties dated July 30, 2020. The Counties responded subsequently. I understand that the next step anticipated is for the FCT Governing Board to consider the Counties' Application, and the purpose of this letter is to express my objection to the proposed modification(s).

As you are aware, Orange County and Osceola County are parties to the original Grant Award Agreement with FCT, dated March 29, 1994 ("Grant") for the for the Split Oak Forest Wildlife and Environmental Area (SOFWEA) with subsequent amendment(s) and the addition of the Florida Fish and Wildlife Conservation Commission ("FWC") as a party to an Interagency Agreement. Notably, FWC, which is a party to the SOFWEA Amendment to Grant Award Agreement and Modification of Interagency Agreement, dated March 16, 1995, did not join in the application with the Counties.

The Counties' Application is defective, on its face, for lack of participation by FWC. Therefore, it is **NOT APPROPRIATE** for the Counties' Application to be formally considered.

Should the Counties' Application be brought to the FCT Governing Board for consideration, I ask that it be DENIED fully and unconditionally.

I also question whether any request for modification pursuant to FAC 62-818.015 is applicable for the circumstances at hand, as represented by the Counties. It appears that the Counties are in reality seeking approval for a "Land Exchange." As you know, FAC 62-818.016 is the appropriate rule (adopted by FCT policy) for a Land Exchange involving the SOFWEA. The Counties' Application materials are clearly not responsive to the pertinent requirements for such consideration under 62-818.016 and should be **DENIED** without delay.

This is my formal request, under Chapter 120, Florida Statutes, for written notice of agency action on the Counties' Application. Please put me on the permanent contact list for matters impacting SOFWEA and notify me immediately should any action regarding this property be scheduled for consideration by the FCT Governing Board now or at any time in the future.

Sincerely-

JIM ERWIN,
116 Fernwood St. Orlando 32806
Jimerwin9@gmail.com

February 4, 2022

Jennifer C. Adams
5106 Chelwyn Ct
Orlando, FL 32837

Ms. Mara Gambineri, Chair of FCT Governing Board
C/O Lois LaSeur, Senior Assistant General Counsel
Florida Communities Trust (FCT)
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 550
Tallahassee, Florida 32399-3000

Re: Objection to Request for Management Plan Modifications
By Orange County and Osceola County for Linear Facility through
Split Oak Forest Wildlife and Environmental Area

Dear Ms. LaSeur and Ms. Gambineri,

I am a member of the Pine Lily Chapter (Osceola County) of the Florida Native Plant Society as well as a resident of Orange County. As a resident of the border zone between Orange and Osceola Counties, I have long loved my visits to Split Oak Forest - it is a great place for gopher tortoises, deer, alligators, bobcat, Sherman's fox squirrels, and a variety of birds and native plants. Its location in the highly urbanized area of Orlando/Kissimmee gives refuge not just to flora and fauna but a respite for us humans to enjoy nature.

Split Oak Forest was set aside as conservation land as a mitigation offset from the development of the Orange County Convention Center. At that time, Split Oak Forest was "out there" and development in the area was not a concern. Now, many years later, Split Oak Forest is being threatened by the same development pressures that once created it.

Orange and Osceola Counties have submitted a request to the FCT for a management plan modification (dated May 8, 2020) that, if approved by the FCT, would allow for the transfer of land to the Central Florida Expressway Authority to "pave the way" for the Osceola Parkway extension through Split Oak Forest to the new Sunbridge development.

I respectfully ask you and other FCT board members to REJECT the Counties' application, should it be brought to the FCT Governing Board for consideration.

Beyond the obvious reasons (environmental destruction, loss of habitat for threatened species like the gopher tortoise) for urging you to reject the application, there are other issues with this application that would put other conservation lands in Florida at risk via precedent, not just Split Oak Forest.

Why you should **REJECT** this application for management plan modifications:

- (1) Neither Orange or Osceola County has determined that the land is no longer needed for conservation purposes. The Counties' application to FCT represents an attempt to obtain state approval for the Counties to divest themselves of a portion of the Split Oak Forest

and to give the land (whether through sale or perpetual easement) to the Central Florida Expressway Authority in violation of the Florida Constitution.

- (2) The application is contrary to the FCT's applicable regulations under the land-swap and linear facilities rules. The Counties seek to "exchange" a portion of the Split Oak Forest for additional nearby lands, clearly placing the application within the scope of the land swap rule. However, the Counties failed to pass their resolution with the requisite minimum 3/4s vote required under the land swap rule. In addition, the application fails to satisfy the requirement in the linear facilities rule to demonstrate that "no practical off-site alternatives exist" to the proposed alignment. Here, the Counties have artificially inflated the cost of the allegedly available alternatives by making it appear as though any less impactful alternative alignment would necessarily entail construction of an expensive bridge over a nearby borrow pit.
- (3) The Florida Fish and Wildlife Conservation Commission, which is party to the original grant award for the Split Oak Forest Wildlife and Environmental Area, has not joined the Counties in their Application for Modifications. This alone should be a cause for rejection of the application.
- (4) On November 3, 2020, after the Counties applied to FCT to modify the FCT grant, the voters of Orange County passed a Charter Amendment that prohibited the Orange County Board of Commissioners from entering into any agreement by vote, consent or otherwise, or passing any ordinance or resolution which has the effect of amending, modifying or revoking the restrictions and covenants strictly limiting the use of Split Oak Forest, in whole or in part, for conservation and the protection of its wildlife, vegetation, and environment as set forth in the [governing documents]. The Charter Amendment, which was approved by over 80% of the voters of Orange County, effectively prohibits Orange County from signing the grant modification it has requested. **I voted for the Charter Amendment to protect Split Oak Forest, and it saddens me that it is not enough to get 80% of the vote if developer interests and money are at risk.**

This is my formal request, under Chapter 120, Florida Statutes, for written notice of agency action on the Counties' Application. Please put me on the permanent contact list for matters impacting SOFWEA and notify me immediately should any action regarding this property be scheduled for consideration by the FCT Governing Board now or at any time in the future.

Sincerely-

Jennifer C. Adams

Membership Director, Pine Lily Chapter, Florida Native Plant Society

Orange County Florida Resident, Registered Voter, Landowner and Taxpayer

cc by email:

Linda Reeves, Program Manager FCT, Linda.Reeves@dep.state.fl.us

Rita Ventry, Planner FCT, Rita.Ventry@dep.state.fl.us

Rebecca Wood, Rebecca.Wood@FloridaDEP.gov

Callie DeHaven, Director DEP, Callie.DeHaven@FloridaDEP.gov

Eric Sutton, Executive Director FWC, eric.sutton@myfwc.com

Dr. Thomas Eason, Asst. Executive Director FWC, thomas.eason@myfwc.com

Emily Norton, General Counsel FWC, emily.norton@myfwc.com



February 4, 2022

Florida Communities Trust (FCT)
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 550
Tallahassee, Florida 32399-3000

By email to:

Lois LaSeur - Senior Assistant General Counsel, Lois.LaSeur@dep.state.fl.us
Ms. Mara Gambineri, Chair of FCT Governing Board, mara.gambineri@floridadep.gov

Re: Objection to Request for Management Plan Modifications
By Orange County and Osceola County for Linear Facility through
Split Oak Forest Wildlife and Environmental Area

Dear Ms. LaSeur and Ms. Gambineri,

The purpose of this letter is to express the League of Women Voters of Orange County's objection to the proposed modification to an FCT Management Plan requested by Osceola and Orange Counties.

Whether the counties and CFX are requesting permission for a land swap of 1550 acres of agricultural land for at least 80 acres of treasured forest land or if they are simply asking permission to build a major highway through the forest, we object in either case on constitutional grounds. We understand that the FCT Governing Board may be considering the Counties' application soon and ask you to uphold the Florida Constitution.

In 1998, voters overwhelmingly approved an amendment to our Florida Constitution to protect conservation lands like Split Oak Forest Wildlife and Environmental Area. This constitutional provision (**Article X, Section 18**) protects our Florida Forever conservation lands forever with one exception: the land no longer has conservation value. The League of Women Voters of Orange County has consistently supported this constitutional protection approved by the voters and opposes any road through Split Oak Forest.

To sidestep our Constitution, our local government officials and developers have called the transfer of lands for the proposed expressway an "easement" through Split Oak Forest. But whatever they call the agreement that will allow CFX to build a permanent highway, it will transfer control of that land to CFX. Giving away control of conservation lands is disposal of that land – and "disposal" of Split Oak Forest land is prohibited by our Constitution as long as that

land continues to serve a conservation purpose – which it does.

In their 2017-2027 Management Plan, Florida's Fish and Wildlife Conservation Commission reported that 100% of Split Oak Forest remains integral to the continued conservation of important fish and wildlife resources and continues to provide quality fish and wildlife resource-based public outdoor recreational opportunities.

In December of 2019, Board members of the Orange and Osceola County Commissions and CFX ignored our state Constitution, and their oaths to uphold it, when they voted to allow a permanent major highway to go through Split Oak Forest conservation lands. They also have ignored provisions in the agreement requiring public engagement.

The election on November 4, 2020 saw the citizens of Orange County pass a Charter Amendment prohibiting the Orange County Board of Commissioners from transferring control/ownership of Split Oak Forest in any way and to preserve it in perpetuity. This amendment, endorsed by the League of Women Voters and properly administered by the Orange County Supervisor of Elections, passed by 86% of the county's constituents.

Our conservation lands are important to all citizens of Florida to preserve our natural resources that make sustainable communities and our state a special destination. We, the League of Women Voters of Orange County, consider the current request for FCT approval inappropriate at this time. We reiterate our request that the FCT Governing Board recognize that any transfer of conservation lands violates our Florida Constitution.

This is our stated position through November, 2020. There have been no changes to the Florida Constitution regarding conservation lands, hence, there are no changes to the position taken by the League of Women Voters of Orange County. We trust FCT to honor the protected status of designated conservation lands and we ask that any amendment to the agreement between the parties involved with the Split Oak Forest Wildlife and Environmental Area be DENIED at your first opportunity.

Sincerely,

Barbara Lanning and Sue Gilman, Co-presidents

cc by email:

Linda Reeves, Program Manager FCT, Linda.Reeves@dep.state.fl.us

Rita Ventry, Planner FCT, Rita.Ventry@dep.state.fl.us

Rebecca Wood, Rebecca.Wood@FloridaDEP.gov

Callie DeHaven, Director DEP, Callie.DeHaven@FloridaDEP.gov

Eric Sutton, Executive Director FWC, eric.sutton@myfwc.com

Dr. Thomas Eason, Asst. Executive Director FWC, thomas.eason@myfwc.com

Emily Norton, General Counsel FWC, emily.norton@myfwc.com

February 3, 2022

Ms. Mara Gambineri, Chair of FCT Governing Board
c/o Lois LaSeur - Senior Assistant General Counsel
by email: Lois.LaSeur@dep.state.fl.us

Kimberly A. Buchheit
6329 Mt. Plymouth Rd.
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Florida Communities Trust (FCT)
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 550
Tallahassee, Florida 32399-3000

SPLIT OAK FOREST WILDLIFE AND ENVIRONMENTAL AREA - PROPOSED MODIFICATIONS
APPLICATION BY ORANGE AND OSCEOLA COUNTIES FOR LINEAR FACILITY

Dear Ms. LaSeur,

Kindly distribute this email correspondence to the Florida Communities Trust ("FCT") Governing Board Members, upon receipt: Mara Gambineri (Chair), and members; Gregory Jones, Deborah Denys, Frank Mingo, and Noah Valenstein. Thanks!

As you are aware, Orange County and Osceola County are parties to the original Grant Award Agreement with FCT, dated March 29, 1994 ("Grant") for the for the Split Oak Forest Wildlife and Environmental Area (SOFWEA) with subsequent amendment(s) and the addition of the Florida Fish and Wildlife Conservation Commission ("FWC") as a party to an Interagency Agreement. Orange County and Osceola County (collectively, the "Counties") applied to FCT for a "Management Plan modification" of SOFWEA in order to facilitate construction of the Osceola Parkway Extension (a major toll road proposed by the Central Florida Expressway Authority, along with private interests) through the SOFWEA. Notably, FWC, which is a party to the SOFWEA Amendment to Grant Award Agreement and Modification of Interagency Agreement, dated March 16, 1995, did not join in the application with the Counties.

FCT staff has been evaluating the Counties' request for a "Management Plan modification" (a Linear Facility Application Package) that was submitted to FCT staff, dated May 8, 2020 ("Counties' Application"). FCT issued a Request for Additional Information to the Counties dated July 30, 2020. The Counties responded subsequently. I understand that the next step anticipated is for the FCT Governing Board to consider the Counties' Application, and the purpose of this letter is to express and explain a few of my objections to the proposed modification.

According to the original and revised governing documents for the project, various public records and the current "Management Plan for Split Oak Forest Wildlife and Environmental Area 2017-2027" (dated 2016, approved by Thomas Eason, of FWC) any roadway facility through SOFWEA would be classified as "Rejected" and considered an "Incompatible Use." Accordingly, modifications to the Declaration of Restrictive Covenants, Management Plan, Interagency Agreement, Environmental Permitting conditions and Conservation Easements held by various agencies, and Mitigation terms, conditions/uses will require additional approvals. Proposed "Management Plan modifications" specifically require participation by FWC, and may require further approvals by the Board of Trustees of the Internal Improvement Trust Fund, by the Acquisition and Restoration Council (ARC), and by the Florida Department of Environmental Protection (DEP), Division of State Lands. It should be noted that the other agencies specified have not been asked to consider the Counties' Application as of this time.

FWC is the responsible managing partner of SOFWEA and the author of the operational Management Plan. Therefore, it is completely improper for FCT to consider the Counties' Application, without full knowledge and participation by FWC. The Counties' Application is defective, on its face, for lack of participation by FWC.

I therefore respectfully ask for a full and unconditional denial of the Counties' Application, should it be brought to the FCT Governing Board for consideration.

Furthermore, the application materials submitted by the Counties do not conform with the process outlined in Florida Administrative Code (FAC) 62-818.015 (1)(a), (b) and (c). First, there has not been a determination that there is no reasonable alternative to the proposed modification and that the land use is designed to have minimal impact. In addition, the purported alternative analysis lacks sufficient detail and is incomplete. Therefore, it is **NOT APPROPRIATE** for the Counties' Application to be formally considered.

I also question whether any request for modification pursuant to FAC 62-818.015 is applicable for the circumstances at hand, as represented by the Counties. In the past, I have expressed my concerns that the Counties are in reality seeking approval for a "Land Exchange." As you know, FAC 62-818.016 is the appropriate rule (adopted by FCT policy) for a Land Exchange involving the SOFWEA. The Counties' Application materials are clearly not responsive to the pertinent requirements for such consideration under 62-818.016 and should be **DENIED** without delay.

Lastly, please note that in November 2020, the residents of Orange County voted overwhelmingly (by a margin of approximately 86% Yes to 14% No) in favor of a Charter Amendment to further protect SOFWEA from any form of development. The resulting Charter Amendment removed the Board of County Commissioners' authority to approve development within SOFWEA. Such changes will now require a full vote of Orange County residents. Though Osceola County is currently challenging the Orange County Amendment in court, the will of the voters of Orange County is clear and the current Orange County Charter does not provide legal authority for the Orange County Commissioners to change the existing Deed Restrictions, Grant Award Agreement(s), Interagency Agreement(s) or to execute any new, less restrictive Agreement(s) regarding SOFWEA.

I appreciate your diligence in relaying this correspondence to the FCT Governing Board. Clearly, any FCT Governing Board consideration of the Counties' request for a "Management Plan modification" would be premature (if taken up) and should result in a **full and unconditional denial**.

This is my formal request, under Chapter 120, Florida Statutes, for written notice of agency action on the Counties' Application. Please put me on the permanent contact list for matters impacting SOFWEA and notify me immediately should any action regarding this property be scheduled for consideration by the FCT Governing Board now or at any time in the future.

Warm Regards-

/s/ Kimberly A. Buchheit

Current Resident/Registered Voter/Property Owner/Taxpayer, Orange County, Florida

Professional: Kimberly A. Buchheit, PSM (Florida Licenses LS#4838, LB#6167, CE#67)
President, Buchheit Associates, Inc. Surveyors & Mappers, Apopka, Florida
Professional Land Surveyor/ Expert/Independent Consultant

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Orange County

Commissioner Maribel Gomez-Cordero, district4@ocfl.net

Executive Office of the Governor

Honorable Governor Ron DeSantis, governorron.desantis@eog.myflorida.com

General E-mail, Media@eog.myflorida.com

Hon. Lieutenant Governor Jeanette Nuñez, ltgovernorjeanette.nunez@eog.myflorida.com

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Taryn Fenske, Taryn.M.Fenske@eog.myflorida.com

Roger Beaubien, Beau.Beaubien@eog.myflorida.com

Taylor Schrader, Taylor.Schrader@eog.myflorida.com

January 13, 2022

VIA U.S. MAIL & ELECTRONIC MAIL

Honorable Governor Ron DeSantis & First Lady DeSantis
Office of Governor Ron DeSantis
State of Florida, The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001
E-mail: governorron.desantis@eog.myflorida.com

Dear Honorable Governor DeSantis and First Lady DeSantis,

The purpose of this letter is to notify you, on behalf of the Friends of Split Oak Forest, of a disturbing application now pending before the Florida Communities Trust (FCT) which is staffed by your agency, the Florida Department of Environmental Protection. We have kept this letter very brief, knowing how limited your time is, but as leaders who have shown your commitment to protecting Florida's natural resources, you should both be made aware of the unconstitutional and illegal destruction of the Split Oak Forest conservation lands that appears to be imminent.

For background, the Split Oak Forest is a 1,789-acre wildlife conservation area straddling the border of Orange and Osceola Counties (collectively, the "Counties"). The Counties jointly purchased the Split Oak Forest from the FCT in the mid-90s, subject to numerous deed restrictions and other legal safeguards prohibiting the land from being developed. Now, the Counties' application to FCT for a modification of their deed restrictions to allow the construction of the Osceola Parkway Extension project ("Project") through the Split Oak Forest is pending before the FCT and is expected to be heard by the FCT at its next meeting, on February 16, 2022. Despite the serious concerns of FCT staff and the public about the propriety of this application, it remains uncertain whether staff will be allowed to make any recommendation to the FCT board regarding this application.

To be clear: this is not just a local issue. If this application is approved it threatens the very foundations of conservation land protections under the Florida Constitution, Florida law, and agency regulations on a state-wide basis. As of the date of this letter, we have over 17,000 petition signatures in opposition to the Project. While the Project application raises numerous legal, practical, and moral questions, there are three major concerns which we believe FCT staff shares with the public, as outlined in this letter.

The Application is Unconstitutional

Article 10, Section 18 of the Florida Constitution “Disposition of conservation lands” is simple and clear:

The fee interest in real property held by an entity of the state and designated for natural resources conservation purposes as provided by general law shall be managed for the benefit of the citizens of this state and 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.

(emphasis added). The Counties, jointly, own the fee interest in the Slit Oak Forest, which is designated for natural resources conservation purposes, and the Counties are “entities” of the state. Neither County has determined that the land is no longer needed for conservation purposes (nor could they honestly do so). Notwithstanding these facts, the Counties’ application to FCT represents an attempt to obtain state approval for the Counties to divest themselves of their fee interest a portion of the Split Oak Forest and to give the land (whether under outright sale or perpetual easement) to the Central Florida Expressway Authority in violation of the Florida Constitution.

The Application is Contrary to the FCT’s Applicable Regulations

By FCT policy, grant recipients such as the Counties have two avenues for pursuing a grant modification with the FCT: (1) the “land swap rule” (62-818.016, FAC), or (2) the “linear facilities rule” (62-818.015, FAC). Here, the Counties seek to “exchange” a portion of the Split Oak Forest for additional nearby lands, clearly placing the application within the ambit of the land swap rule. The Counties affirmatively resolved to apply under the linear facilities rule and failed to pass their resolution with the requisite minimum 3/4s vote required under the land swap rule.

Furthermore, the Counties’ application fails to satisfy the requirement in the linear facilities rule to demonstrate that “no practical off-site alternatives exist” to the proposed alignment. Here, the Counties have artificially inflated the cost of the allegedly available alternatives by making it appear as though any less impactful alternative alignment would necessarily entail construction of an expensive bridge over a nearby borrow pit. “Exhibit A” to this letter (which should be viewed in color) demonstrates that the same curve radii can be achieved for the road Project with substantially less impact on the Forest. See, Ex. A (“true minimization alternatives 1 and 2” which avoid bridging the “lake” south of the Southern Oaks Development).

The Application Contravenes Orange County’s Charter Amendment

On November 3, 2020, after the Counties applied to FCT to modify the FCT grant, the voters of Orange County passed a Charter Amendment codified at Orange County Code, Art. X, §1000.01, entitled “Protection of the Split Oak Forest Mitigation Park.” The Charter Amendment states, in part, that:

the Orange County Board of County Commissioners is prohibited from [. . .] Entering into any agreement by vote, consent or otherwise, or passing any ordinance or resolution which has the effect of amending, modifying or revoking the restrictions and covenants strictly limiting the use of Split Oak Forest, in whole or in part, for conservation and the protection of its wildlife, vegetation, and environment as set forth in the [governing documents].

This Charter Amendment, which was approved by over 80% of the voters of Orange County, effectively prohibits Orange County from signing the grant modification it has requested. Accordingly, even if the Project application were proper under FCT's linear facilities rule and applicable law (which it is not) Orange County is legally prohibited from satisfying the linear facility rule requirement that, upon approval by the FCT, the applicant must "[s]ign an amendment to the Declaration of Restrictive Covenants that provides for the changed use of the Project Site[.]" R. 62-818.015(3)(c), FAC. Amazingly, Orange County is currently defending this Charter Amendment from a legal challenge filed by none other than Osceola County in Ninth Circuit for Orange County Case No. 48-2020-CA-008569-O, at the same time as it advances an application before the FCT in direct contravention of that amendment.

Conclusion

Governor and First Lady DeSantis, we respectfully request your intervention to avert this crisis. At a minimum, we request that staff be allowed to express their concerns to the FCT Board and to make a recommendation on this application without repercussion or fear of reprisal. We are happy to substantiate any and all of the foregoing assertions with supporting documents and would be glad to meet with your staff to further explain the situation at any time that meets the convenience of your Office. Thank you for your attention to this crucial matter.

Sincerely,



Sidney C. Bigham III, Esq.
Attorney for Friends of the Split Oak Forest

ec: Honorable Governor Ron DeSantis, General E-mail (Media@eog.myflorida.com)
Hon. Lieutenant Governor Jeanette Nunez (ltgovernorjeanette.nunez@eog.myflorida.com)
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Roger Beaubien (Beau.Beaubien@eog.myflorida.com)
Taylor Schrader (Taylor.Schrader@eog.myflorida.com)

SUMMARY OF PRESENTATION BY RAYMER MAGUIRE ADVOCATING THE SPLIT OAK *TRUE* MINIMIZATION ALTERNATIVE

SIMILAR COSTS

CFX's Evaluation Matrix provides that the total estimated alternative cost of the Split Oak Avoidance is \$367,309,137. This cost goes down by \$46,437,638 when the bridge construction costs for crossing a lake within Southern Oaks is avoided with the Split Oak *True* Minimization Alternative proposed here.

Per page 506 of today's agenda, the TOTAL ESTIMATED PROJECT COST of the CFX preferred route is \$789,625,000. The TOTAL ESTIMATED PROJECT COST of the Split Oak *True* Minimization Alternative is \$781,292,691 (\$460,021,192 + \$367,309,137 - \$46,437,638 = \$781,292,691)

A REASONABLE ALTERNATIVE EXISTS TO CFX'S PREFERRED ROUTE

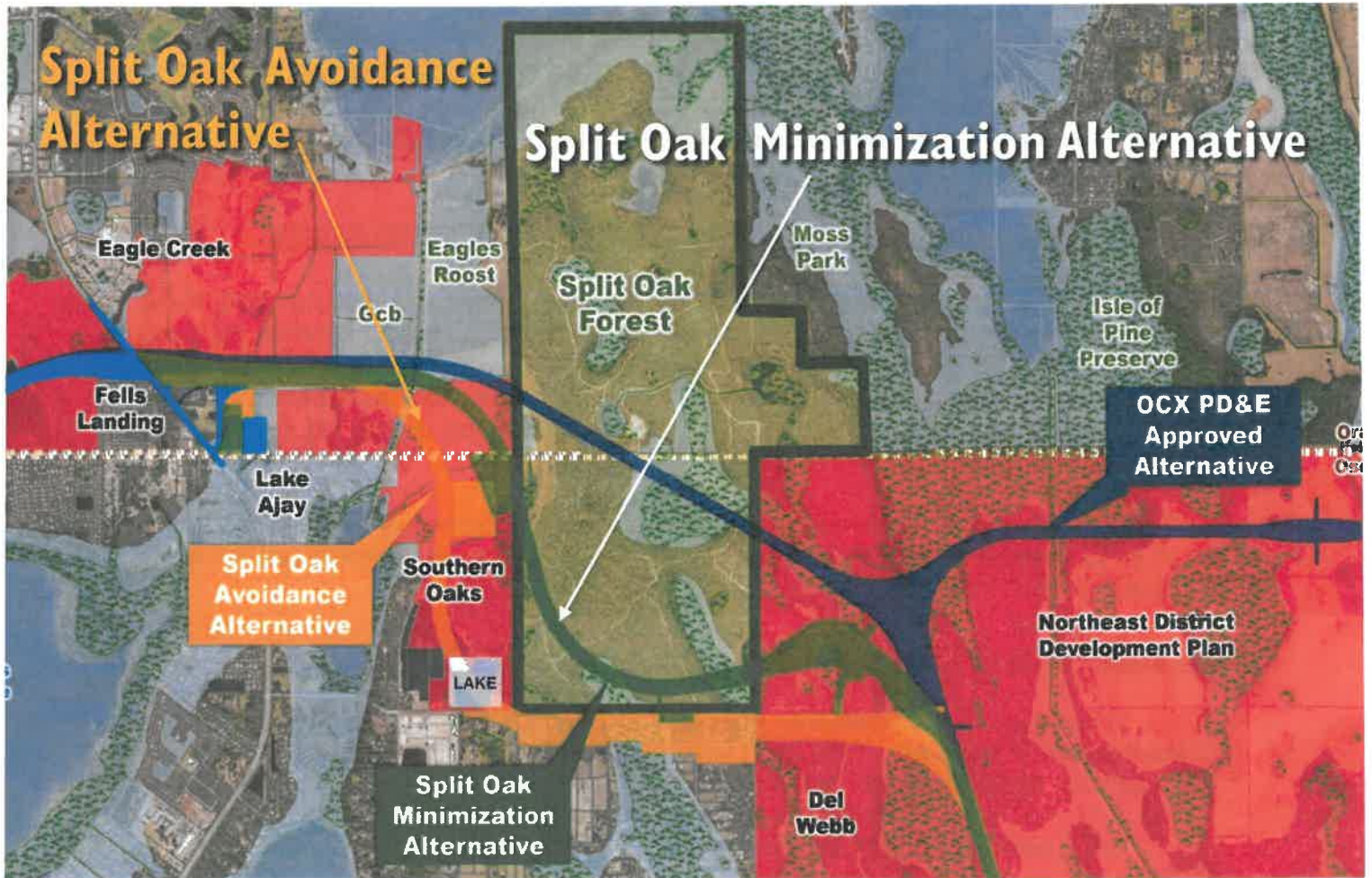
Page 513 of today's agenda recognizes that the proposed \$93,000,000 ROW Acquisition Agreement is contingent upon closing of that Agreement to convey 60 acres within Split Oak Forest owned by Osceola County. That conveyance is subject to the Trust Governing Board determining that there is no reasonable alternative to CFX's preferred route taking 60 acres through Split Oak Forest and cutting off the southerly 100 acres from the rest of the forest.

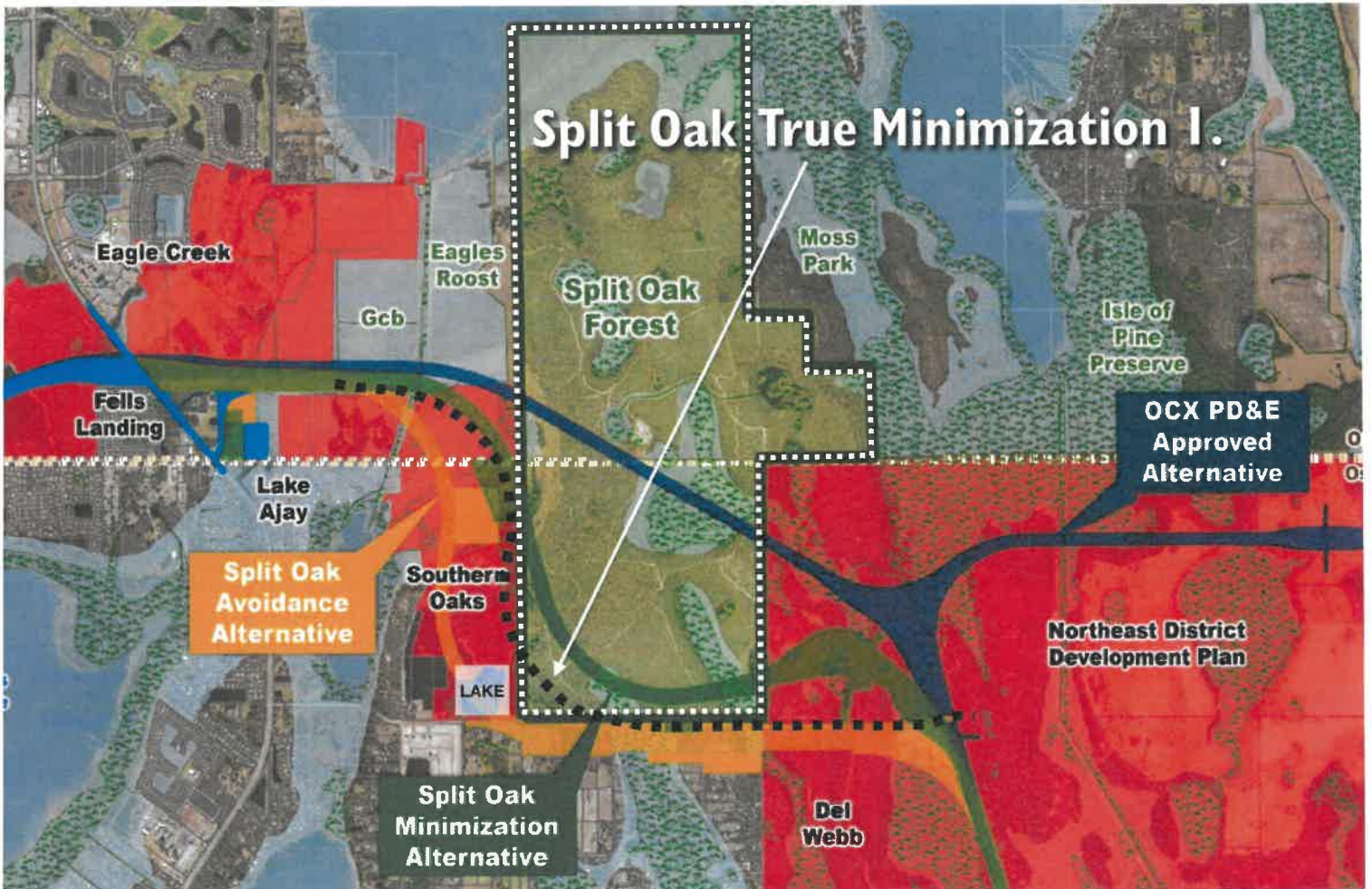
The Split Oak *True* Minimization Alternative proposed here only involves the taking of 10 to 15 acres from the SE and SW corners Split Oak Forest and only cuts off about 5 acres from the rest of the forest.

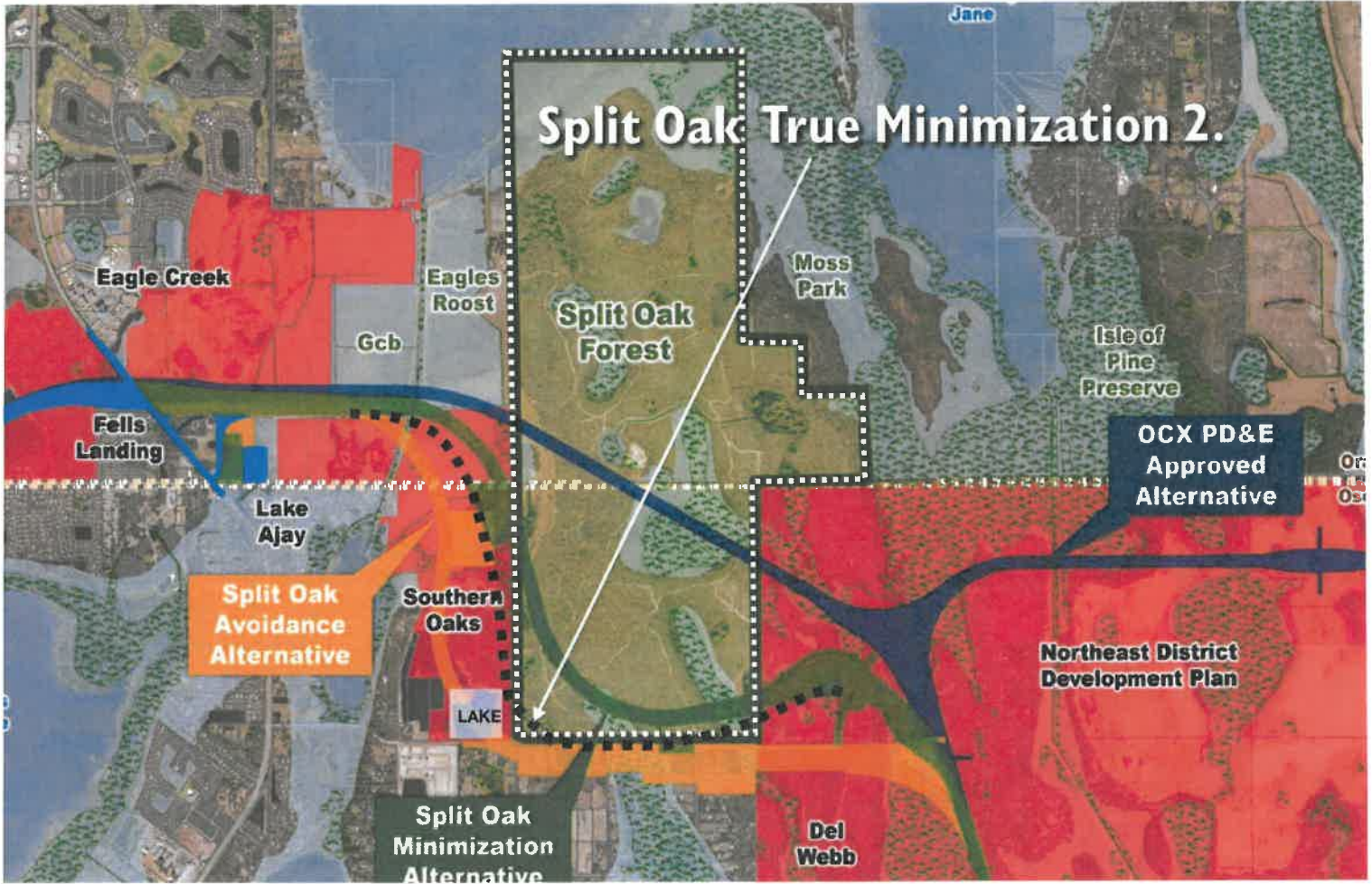
RESIDENTS ON CYRILS DRIVE WANT THEIR PROPERTY TAKEN

Virtually all of the residents on Cyrils Drive chose their property for the rural characteristics of the area. They don't want the negative effects of either alternative for the extension of the Osceola Parkway.

The 7 petitions submitted to you indicate a strong preference by Cyrils Drive folks for their real property to be condemned, to receive their eminent domain compensation and to be able to move to another rural area.



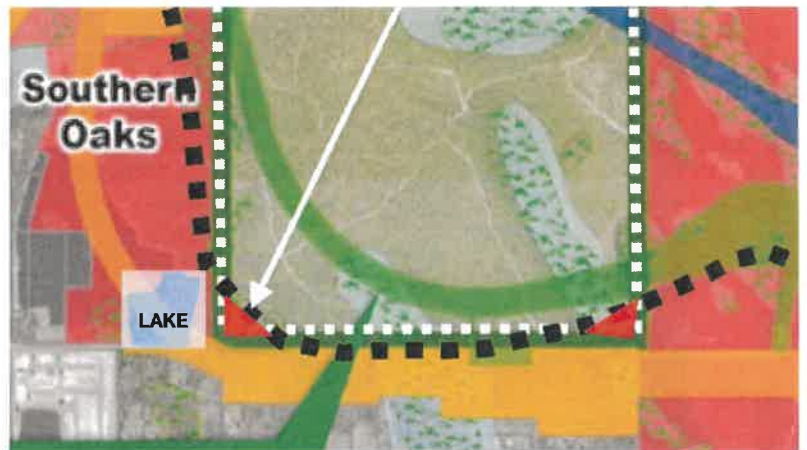






**Split Oak True
Minimization No. 1
encroaches on Split Oak
on the Southeast corner.**

**Split Oak True
Minimization No. 2
encroaches on Split Oak
on the Southeast and
Southwest corners.**





6,500 ft. Bridge at a cost of \$46,437,638.00 is avoided with the "Split Oak True Minimalization Alternative"

62-818.015 Consideration of Recipient's Request for Linear Facilities.

The Declaration of Restrictive Covenants for Trust Project Sites limits the use of the property to conservation, outdoor recreation, and other related activities. However, the Trust periodically receives requests for Management Plan modifications to allow linear facilities and related appurtenances on the Trust Project Site. When evaluating these requests, the following process must be followed.

(1) First, there has to be a determination:

- (a) That there is no reasonable alternative to the proposed modification land use on the Trust Project Site; and,
- (b) That the land use is designed to have a minimal impact to the site; and,
- (c) A copy of an alternative analysis assessment of other off-site alternatives or options considered by the Recipient.

(2) If the Trust determines that no practical off-site alternatives exist, then the following information is required:

- (a) A written statement that the Local Government has reviewed and approved the proposed use;
- (b) A description and dimensions of the linear facility, and of the area that will be affected during construction;
- (c) Information on the natural communities and cultural features found on, and immediately surrounding the site of the proposed facility;

(d) A statement explaining how the proposed facility will be compatible with planned recreational uses of the Trust Project Site, as committed to in the approved Management Plan;

(e) Discussion of the proposed mitigation for impacts to the Trust Project Site; and,

(f) A modified master site plan drawing identifying the locations of existing vegetation and all proposed structures, facilities and restoration areas that will be affected by the facility.

After receiving all of the above information, staff will evaluate and review the request for consistency according to the above listed requirements. If the proposal meets the above requirements and has minimum impact to the Project Site, staff may approve the request. If public objections are received, if it is a large project, or if the project could be viewed as controversial the proposal will be presented to the Trust Governing Board for consideration.

(3) If the request is approved, the Recipient must:

- (a) Provide an appraisal of the land use area or other valuation method as approved by Trust staff;
- (b) Provide a legal description from a licensed surveyor;
- (c) Sign an amendment to the Declaration of Restrictive Covenants that provides for the changed use of the Project Site; and,
- (d) Record the amended Declaration of Restrictive Covenants in the Public Records of the County where the property is located.

The Recipient will be required to pay for the land use area. The payment shall be allocated to the Recipient and the Trust based on the percentage of the original grant (i.e., 50% Recipient participation and 50% Trust participation).

Rulemaking Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History—New 2-8-10, Formerly 9K-7.015.

(Edited)

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Evaluation Matrix (Edited)

| Evaluation Criteria | Unit of Measure | West Segment | | East Segment | | Total Split Oak Mile |
|---|------------------|----------------------|----------------------|------------------------|----------------------|--------------------------------|
| | | Lakeview | Boggy Creek | Split Oak Minimization | Split Oak Avoidance | |
| Design | | | | | | |
| Alternative Length (approximate) | Miles | 4.3 | 5.3 | 4.6 | 4.3 | |
| Proposed Right-of-Way Widths (generally and varies at Interchanges) | Feet | 330 | 330 | 330 | 330 | |
| Proposed Bridges | Structures | 16 | 15 | 17 | 20 | 3,348 |
| Proposed Interchanges | Number | 16,331 | 12,688 | 3,349 | 10,210 | |
| Projected 2045 Annual Average Daily Traffic (AADT) | Vehicles | 2,6 | 2 | 2 | 3 | |
| Physical | | | | | | |
| Major Urban Corridors - Farming | No. of Conflicts | 8 | 8 | 8 | 7 | |
| Major Urban Corridors - Planned | No. of Conflicts | 8 | 8 | 8 | 8 | |
| Contaminated Sites & Facilities | No. of Conflicts | 13 | 19 | 8 | 7 | |
| Highway Interchanges | No. of Conflicts | 8 | 8 | 8 | 8 | |
| Cultural Environment Effects | | | | | | |
| Potential Historic Resources | No. of Conflicts | 8 | 18 | 0 | 8 | |
| Potential Historic Linear Resources (Canals) | No. of Resources | 8 | 1 | 0 | 8 | |
| Potential Archeological Resources (Home parcels not subject due to access issues) | No. of Resources | 8 | 8 | 8 | 8 | |
| Natural Environment | | | | | | |
| Water Features | | | | | | |
| Ponds / Lakes | Acres | 16 | 17 | 1 | 13 | |
| Canals / Regulated Floodways | No. of Conflicts | 0 | 8 | 8 | 8 | |
| Fluvial Hazard Areas - 100 Year Floodplain | Acres | 88 | 87 | 181 | 118 | |
| Wetlands (non-forest and forested) | Acres | 20 | 29 | 26 | 31 | |
| Potential Habitat - Federally Listed Species (snail darters) | Acres | 0 | 0 | 15 | 8 | |
| Potential Habitat - Protected Listed Species (Caucasian) | Acres | 0 | 0 | 30 | 28 | |
| Potential Habitat - State Listed Species (Copper River) | Acres | 123 | 88 | 77 | 31 | |
| Potential Field Eagle Nest | No. Conflicts | 0 | 0 | 0 | 0 | |
| Potential Species Impacts (long-term setting) | Rating | Moderate | Moderate | High | Moderate | Low |
| Adoptive Properties | | | | | | |
| Split Oak Forest (direct impact) | Acres | 0 | 0 | 88 | 8 | |
| Wood DNR / GDB Associates LLC | Acres | 0 | 0 | 17 | 8 | |
| Conservation Easement | Acres | 8 | 8 | 3 | 8 | |
| Ecology | | | | | | |
| Right-of-Way Area (including proposed parcels) | Acres | 388 | 338 | 288 | 338 | |
| Potential Residential Impacts (includes partially impacted parcels) | Total Parcels | 0 | 25 | 1 | 18 | |
| Potential Non-Residential Impacts (includes partially impacted parcels) | Total Parcels | 21 | 39 | 8 | 14 | |
| Residential Displacements | Total Parcels | 0 | 25 | 1 | 18 | Desired Displacements |
| Community Facilities | No. of Conflicts | 1 | 2 | 0 | 0 | |
| Parks and Recreational Facilities (public and private) | No. of Conflicts | 0 | 6 | 0 | 0 | |
| Totals | No. of Conflicts | 0 | 8 | 1 | 8 | Low |
| Community Opinion Effect | Rating | Low | High | Low | Moderate | |
| Socioeconomic impacts to Special Populations | Rating | Low | High | Low | Moderate | |
| Development of Regional Impact (DRI) | Acres | 47 | 28 | 48 | 48 | |
| Residential Pattern Developments | Acres | 8 | 8 | 88 | 175 | |
| Estimated Costs | | | | | | |
| Roadway Construction | \$ | \$84,925,649 | \$113,499,829 | \$96,648,823 | \$183,087,947 | |
| Bridge Construction | \$ | \$147,488,678 | \$121,821,698 | \$14,018,243 | \$283,328,619 | |
| Interchange Construction | \$ | \$45,755,514 | \$45,896,296 | \$1,371,281 | \$93,023,101 | |
| Cost Collection (Engineering) | \$ | \$1,266,000 | \$1,386,000 | \$0 | \$0 | |
| Right-of-Way Cost (including proposed parcels) | \$ | \$212,000,000 | \$130,000,000 | \$77,000,000 | \$104,000,000 | |
| Mitigation, Wetlands, & Noise | \$ | \$8,400,000 | \$5,910,000 | \$8,400,000 | \$8,400,000 | |
| Engineering / Administration / Legal | \$ | \$30,344,843 | \$23,445,253 | \$34,368,091 | \$49,379,437 | |
| Total Estimated Alternative Costs | | \$638,443,874 | \$466,621,192 | \$214,781,416 | \$397,799,137 | \$46,437,638 Difference |

December 7, 2019

CFX Governing Board
4974 ORL Tower Road
Orlando, FL 32807

RE: Petition to Choose Split Oak Avoidance Alternative

Dear CFX Governing Board:

My name is Anita Johnson Larsen and I own the real property located at 2886 Absher Rd., St. Cloud, FL 34711. I understand that the CFX Governing Board is contemplating two separate alternatives for the East Segment of the Osceola Parkway Extension ("Extension").

As I understand it, the Split Oak Minimization Alternative would go through the Split Oak Forest and Wildlife Environmental Area ("Split Oak") just north of Cyrils Drive. As an owner of real property in the vicinity of the two Alternatives under consideration, I petition the CFX Governing Board to choose the Split Oak Avoidance Alternative which would include lands south of Split Oak, along Cyrils Drive and Absher Road.

There are multiple reasons for my preference for the Split Oak Avoidance Alternative. First, Split Oak was purchased with public funds and Orange and Osceola Counties committed to protecting this property forever for Conservation and Recreation purposes for the perpetual use of the public. It is a betrayal of the Public Trust for CFX and local elected officials to make a deal with our public lands to meet the demands of Tavistock and Suburban Land Reserve. Second, Split Oak has been meticulously managed to provide protected habitat for numerous plant and animal species. To lose any part of Split Oak to the Extension would be an irreplaceable loss to our community and to the future that was promised to us.

Third and perhaps most importantly, I chose my property in this location for the rural characteristics of the area. With the Extension inevitably coming in my direction, I would prefer for my real property be condemned, receive my eminent domain compensation and be able to move on rather than being forced to live with the negative impacts of increased traffic, noise, air and light pollution that will accompany the Split Oak Minimization Alternative being developed just north of my real property.

For the reasons contained herein, I again petition the CFX Governing Board to select the Split Oak Avoidance Alternative as identified in the CFX PD & E Study Re-evaluation.

Sincerely,


Anita Johnson Larsen

Date: 12-7-2019

December 7, 2019

CFX Governing Board
4974 ORL Tower Road
Orlando, FL 32807

RE: Petition to Choose Split Oak Avoidance Alternative

Dear CFX Governing Board:

My name is Darlene Wright and I own the real property located at 2525 Absher Rd, St. Cloud, FL 34711. I understand that the CFX Governing Board is contemplating two separate alternatives for the East Segment of the Osceola Parkway Extension ("Extension").

As I understand it, the Split Oak Minimization Alternative would go through the Split Oak Forest and Wildlife Environmental Area ("Split Oak") just north of Cyrils Drive. As an owner of real property in the vicinity of the two Alternatives under consideration, I petition the CFX Governing Board to choose the Split Oak Avoidance Alternative which would include lands south of Split Oak, along Cyrils Drive and Absher Road.

There are multiple reasons for my preference for the Split Oak Avoidance Alternative. First, Split Oak was purchased with public funds and Orange and Osceola Counties committed to protecting this property forever for Conservation and Recreation purposes for the perpetual use of the public. It is a betrayal of the Public Trust for CFX and local elected officials to make a deal with our public lands to meet the demands of Tavistock and Suburban Land Reserve. Second, Split Oak has been meticulously managed to provide protected habitat for numerous plant and animal species. To lose any part of Split Oak to the Extension would be an irreplaceable loss to our community and to the future that was promised to us.

Third and perhaps most importantly, I chose my property in this location for the rural characteristics of the area. With the Extension inevitably coming in my direction, I would prefer for my real property be condemned, receive my eminent domain compensation and be able to move on rather than being forced to live with the negative impacts of increased traffic, noise, air and light pollution that will accompany the Split Oak Minimization Alternative being developed just north of my real property.

For the reasons contained herein, I again petition the CFX Governing Board to select the Split Oak Avoidance Alternative as identified in the CFX PD & E Study Re-evaluation.

Sincerely,

Darlene Wright

Printed Name: Darlene Wright

Date: 12-7-19

December 20, 2019

CFX Governing Board
4974 ORL Tower Road
Orlando, FL 32807

RE: Petition to Choose Split Oak Avoidance Alternative

Dear CFX Governing Board:

My name is Susan L. Gallatin and Otto R. Labonte and I own the real property located at 5900 Cyrils Dr., St. Cloud, FL 34711. I understand that the CFX Governing Board is contemplating two separate alternatives for the East Segment of the Osceola Parkway Extension ("Extension").


As I understand it, the Split Oak Minimization Alternative would go through the Split Oak Forest and Wildlife Environmental Area ("Split Oak") just north of Cyrils Drive. As an owner of real property in the vicinity of the two Alternatives under consideration, I petition the CFX Governing Board to choose the Split Oak Avoidance Alternative which would include lands south of Split Oak, along Cyrils Drive and Absher Road.

There are multiple reasons for my preference for the Split Oak Avoidance Alternative. First, Split Oak was purchased with public funds and Orange and Osceola Counties committed to protecting this property forever for Conservation and Recreation purposes for the perpetual use of the public. It is a betrayal of the Public Trust for CFX and local elected officials to make a deal with our public lands to meet the demands of Tavistock and Suburban Land Reserve. Second, Split Oak has been meticulously managed to provide protected habitat for numerous plant and animal species. To lose any part of Split Oak to the Extension would be an irreplaceable loss to our community and to the future that was promised to us.

Third and perhaps most importantly, I chose my property in this location for the rural characteristics of the area. With the Extension inevitably coming in my direction, I would prefer for my real property be condemned, receive my eminent domain compensation and be able to move on rather than being forced to live with the negative impacts of increased traffic, noise, air and light pollution that will accompany the Split Oak Minimization Alternative being developed just north of my real property.

For the reasons contained herein, I again petition the CFX Governing Board to select the Split Oak Avoidance Alternative as identified in the CFX PD & E Study Re-evaluation.

Sincerely,


Susan L. Gallatin and Otto R. Labonte

Date: 20 Dec 2019

December 6, 2019

CFX Governing Board
4974 ORL Tower Road
Orlando, FL 32807

RE: Petition to Choose Split Oak Avoidance Alternative

Dear CFX Governing Board:

My name is James C. Gallatin and I ^{reside on} ~~own~~ the real property located at 5948 Cyrils Dr, St. Cloud, FL 34711. I understand that the CFX Governing Board is contemplating two separate alternatives for the East Segment of the Osceola Parkway Extension ("Extension").

As I understand it, the Split Oak Minimization Alternative would go through the Split Oak Forest and Wildlife Environmental Area ("Split Oak") just north of Cyrils Drive. As an owner of real property in the vicinity of the two Alternatives under consideration, I petition the CFX Governing Board to choose the Split Oak Avoidance Alternative which would include lands south of Split Oak, along Cyrils Drive and Absher Road.

There are multiple reasons for my preference for the Split Oak Avoidance Alternative. First, Split Oak was purchased with public funds and Orange and Osceola Counties committed to protecting this property forever for Conservation and Recreation purposes for the perpetual use of the public. It is a betrayal of the Public Trust for CFX and local elected officials to make a deal with our public lands to meet the demands of Tavistock and Suburban Land Reserve. Second, Split Oak has been meticulously managed to provide protected habitat for numerous plant and animal species. To lose any part of Split Oak to the Extension would be an irreplaceable loss to our community and to the future that was promised to us.

Third and perhaps most importantly, I chose my property in this location for the rural characteristics of the area. With the Extension inevitably coming in my direction, I would prefer for my real property be condemned, receive my eminent domain compensation and be able to move on rather than being forced to live with the negative impacts of increased traffic, noise, air and light pollution that will accompany the Split Oak Minimization Alternative being developed just north of my real property.

For the reasons contained herein, I again petition the CFX Governing Board to select the Split Oak Avoidance Alternative as identified in the CFX PD & E Study Re-evaluation.

Sincerely,

Printed Name: James C. Gallatin

Date: 6 Dec '19

December 6, 2019

CFX Governing Board
4974 ORL Tower Road
Orlando, FL 32807

RE: Petition to Choose Split Oak Avoidance Alternative

Dear CFX Governing Board:

My name is Darel Campbell and I own the real property located at 5751 Lyon Tyson Rd., St. Cloud, FL 34711. I understand that the CFX Governing Board is contemplating two separate alternatives for the East Segment of the Osceola Parkway Extension ("Extension").

As I understand it, the Split Oak Minimization Alternative would go through the Split Oak Forest and Wildlife Environmental Area ("Split Oak") just north of Cyrils Drive. As an owner of real property in the vicinity of the two Alternatives under consideration, I petition the CFX Governing Board to choose the Split Oak Avoidance Alternative which would include lands south of Split Oak, along Cyrils Drive and Absher Road.

There are multiple reasons for my preference for the Split Oak Avoidance Alternative. First, Split Oak was purchased with public funds and Orange and Osceola Counties committed to protecting this property forever for Conservation and Recreation purposes for the perpetual use of the public. It is a betrayal of the Public Trust for CFX and local elected officials to make a deal with our public lands to meet the demands of Tavistock and Suburban Land Reserve. Second, Split Oak has been meticulously managed to provide protected habitat for numerous plant and animal species. To lose any part of Split Oak to the Extension would be an irreplaceable loss to our community and to the future that was promised to us.

Third and perhaps most importantly, I chose my property in this location for the rural characteristics of the area. With the Extension inevitably coming in my direction, I would prefer for my real property be condemned, receive my eminent domain compensation and be able to move on rather than being forced to live with the negative impacts of increased traffic, noise, air and light pollution that will accompany the Split Oak Minimization Alternative being developed just north of my real property.

For the reasons contained herein, I again petition the CFX Governing Board to select the Split Oak Avoidance Alternative as identified in the CFX PD & E Study Re-evaluation.

Sincerely,

Darel Campbell
Printed Name: Darel A. Campbell

Date: 12-6-2019

December 6, 2019

CFX Governing Board
4974 ORL Tower Road
Orlando, FL 32807

RE: Petition to Choose Split Oak Avoidance Alternative

Dear CFX Governing Board:

My name is Susan Campbell and I own the real property located at 5751 Susan Tyson Rd, St. Cloud, FL 34711. I understand that the CFX Governing Board is contemplating two separate alternatives for the East Segment of the Osceola Parkway Extension ("Extension").

As I understand it, the Split Oak Minimization Alternative would go through the Split Oak Forest and Wildlife Environmental Area ("Split Oak") just north of Cyrils Drive. As an owner of real property in the vicinity of the two Alternatives under consideration, I petition the CFX Governing Board to choose the Split Oak Avoidance Alternative which would include lands south of Split Oak, along Cyrils Drive and Absher Road.

There are multiple reasons for my preference for the Split Oak Avoidance Alternative. First, Split Oak was purchased with public funds and Orange and Osceola Counties committed to protecting this property forever for Conservation and Recreation purposes for the perpetual use of the public. It is a betrayal of the Public Trust for CFX and local elected officials to make a deal with our public lands to meet the demands of Tavistock and Suburban Land Reserve. Second, Split Oak has been meticulously managed to provide protected habitat for numerous plant and animal species. To lose any part of Split Oak to the Extension would be an irreplaceable loss to our community and to the future that was promised to us.

Third and perhaps most importantly, I chose my property in this location for the rural characteristics of the area. With the Extension inevitably coming in my direction, I would prefer for my real property be condemned, receive my eminent domain compensation and be able to move on rather than being forced to live with the negative impacts of increased traffic, noise, air and light pollution that will accompany the Split Oak Minimization Alternative being developed just north of my real property.

For the reasons contained herein, I again petition the CFX Governing Board to select the Split Oak Avoidance Alternative as identified in the CFX PD & E Study Re-evaluation.

Sincerely,

Susan Campbell
Printed Name: Susan Campbell

Date: 12-6-2019
2019

December ____, 2019

CFX Governing Board
4974 ORL Tower Road
Orlando, FL 32807

RE: Petition to Choose Split Oak Avoidance Alternative

Dear CFX Governing Board:

My name is Kelley Smith and I own the real property located at 2885 Absher Rd, St. Cloud, FL 34711. I understand that the CFX Governing Board is contemplating two separate alternatives for the East Segment of the Osceola Parkway Extension ("Extension").

As I understand it, the Split Oak Minimization Alternative would go through the Split Oak Forest and Wildlife Environmental Area ("Split Oak") just north of Cyrils Drive. As an owner of real property in the vicinity of the two Alternatives under consideration, I petition the CFX Governing Board to choose the Split Oak Avoidance Alternative which would include lands south of Split Oak, along Cyrils Drive and Absher Road.

There are multiple reasons for my preference for the Split Oak Avoidance Alternative. First, Split Oak was purchased with public funds and Orange and Osceola Counties committed to protecting this property forever for Conservation and Recreation purposes for the perpetual use of the public. It is a betrayal of the Public Trust for CFX and local elected officials to make a deal with our public lands to meet the demands of Tavistock and Suburban Land Reserve. Second, Split Oak has been meticulously managed to provide protected habitat for numerous plant and animal species. To lose any part of Split Oak to the Extension would be an irreplaceable loss to our community and to the future that was promised to us.

Third and perhaps most importantly, I chose my property in this location for the rural characteristics of the area. With the Extension inevitably coming in my direction, I would prefer for my real property be condemned, receive my eminent domain compensation and be able to move on rather than being forced to live with the negative impacts of increased traffic, noise, air and light pollution that will accompany the Split Oak Minimization Alternative being developed just north of my real property.

For the reasons contained herein, I again petition the CFX Governing Board to select the Split Oak Avoidance Alternative as identified in the CFX PD & E Study Re-evaluation.

Sincerely,

Kelley Smith
Printed Name: Kelley Smith

Date: 12/9/19



September 2, 2020

Linda Reeves, Program Manager, Land and Recreation Grants Section
Florida Communities Trust (FCT)
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 550
Tallahassee, Florida 32399-3000

For Distribution to Governing Board Members:
Shawn Hamilton, Chair, Interim Deputy Secretary for Land and Recreation
Lynda Bell, Member
Erick Lindblad, Member
Gregory Jones, Member

Subject: Split Oak Forest Wildlife and Environmental Area

Dear Governing Board Chair Hamilton and Members of the Board:

We are following up on the letter we sent on June 15, 2020 in which we opposed the proposed destruction of the Split Oak Forest Wildlife and Environmental Area by putting a major expressway through the Florida Forever protected property. At that time, we did not know that Orange and Osceola Counties had made a formal request to amend their agreement with you to permit the construction despite the Central Florida Expressway Authority (CFX) announcement that they are postponing the construction of this highway for several years. In light of the postponement and your request to Orange and Osceola Counties for additional information relating to their submittal, we ask that consideration of the counties' request be denied as premature and incomplete.

The entire public process by which the Orange and Osceola County Boards of Commissioners approved making the request for amending their 1994 agreement with you was designed to avoid as much public participation as possible, in violation of provisions in the agreement with you to conduct public outreach. The county board meetings to approve this significant decision were done with minimal notice during the winter holiday season last year. Despite the short notice, a significant number of residents came to the meetings to state their opposition to the proposal, including myself on behalf of the League of Women Voters of Orange County. Few of the comments opposing the road were addressed by either county board, including the League's concern about the unconstitutionality of the proposal.

We also share the concern evidenced by your requests for additional information about alternative routes. The public deserves time to consider this additional information and meaningful opportunities to give their input to the county decision makers. Furthermore, with the announcement about the construction delay, the limited analysis that was done about alternative routes will be outdated by the time construction would start.

Board members of the Orange and Osceola County Commissions and CFX ignored our state Constitution, and their oaths to uphold it, when they voted to allow a permanent major highway to go through Split Oak Forest conservation lands. They also have ignored provisions in the agreement requiring public engagement. Our conservation lands are important to all citizens of Florida, to preserve our natural resources that make sustainable communities and our state a special destination.

We, the League of Women Voters of Orange County, consider the current request for FCT approval inappropriate at this time. We also reiterate our request that the FCT Governing Board recognize that any transfer of conservation lands violates our Florida Constitution.

Sincerely yours,

Gloria Pickar Sandi Vidal

Dr. Gloria Pickar and Sandi Vidal, Co-Presidents

cc: Florida Communities Trust and Department of Environmental Protection

Linda Reeves, Program Manager

Rita Ventry, Planner

Lois LaSeur, Attorney

Rebecca Wood

Callie DeHaven, Director

Noah Valenstein, Secretary

cc: Division of State Lands, Department of Environmental Protection, Acquisition and Resource Council

Shauna Allen, ARC, Staff Director Office of Env. Services

Deborah Burr, ARC Program Administrator

Shawn Hamilton, ARC Chair

cc: Florida Fish and Wildlife Conservation Commission

Richard Mospens, Conservation Land Manager

Jennifer Goff, Dir. Conservation Planning Services

Dr. Thomas Eason, Asst. Executive Director

Eric Sutton, Executive Director

Emily Norton, Legal

cc: South Florida Water Management District, Conservation Easements and Real Estate

Stephen Collins, Div. of Real Estate c/o Marcy Zehnder, Section Admin.,
Howard Ehmke, Surveyor

cc: Orange County Commissions

Jerry L. Demings

Betsy Vanderlay

Christine Moore

Mayra Uribe

Maribel Gomez Cordero

Emily Bonilla

Victoria P. Siplin

Ventry, Rita

From: Kay Hudson <lwwkay@gmail.com>
Sent: Wednesday, September 2, 2020 12:51 PM
To: Reeves, Linda
Cc: Ventry, Rita; DeHaven, Callie; Burr, Deborah; LaSeur, Lois; Valenstein, Noah; Wood, Rebecca; Allen, Shauna R; Hamilton, Shawn; emily.norton@myfwc.com; eric.sutton@myfwc.com; hehmke@sfwmd.gov; jennifer.goff@myfwc.com; mzehnder@sfwmd.gov; thomas.eason@myfwc.com; richard.mospens@myfwc.com; mayor@ocfl.net; District2@ocfl.net; District1@ocfl.net; District3@ocfl.net; District4@ocfl.net; District5@ocfl.net; District6@ocfl.net
Subject: Split Oak Forest Wildlife and Environmental Area
Attachments: FCT 9.2.2020.pdf

Good afternoon, Linda,

The attached is a follow-up to the League of Women Voters of Orange County's letter to you of June 15 objecting to the construction of a toll road through constitutionally protected conservation lands at Split Oak Forest and Environmental Area.

In light of CFX's announcement of a construction postponement and your request to Orange and Osceola Counties for additional information relating to their request to amend their agreement with you, we ask that consideration of the counties' request be denied as premature and incomplete.

Please distribute the attached letter accordingly. Thank you.

Best wishes,

Kay Hudson
League of Women Voters, Orange County
Natural Resources Committee, Chair

From: [Ventry, Rita](#)
To: [Philip Machado](#)
Cc: [Haugdahl, Nicole](#)
Subject: RE: Protect the Split Oak
Date: Wednesday, February 26, 2020 8:13:58 AM
Attachments: [image001.png](#)

Mr. Machado - Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Kind regards,

Rita Ventry



Rita Ventry, FCCM

Planner IV, Division of State Lands
Florida Communities Trust
Florida Department of Environmental Protection
3800 Commonwealth Boulevard, MS 585
Tallahassee, Florida 32399-3000
Rita.Ventry@FloridaDEP.gov
Office: 850.245.2683
<https://floridadep.gov/lands/land-and-recreation-grants/content/fct-florida-communities-trust-home>

From: Philip Machado <philmacho@hotmail.com>
Sent: Friday, February 21, 2020 2:31 PM
To: Ventry, Rita <Rita.Ventry@dep.state.fl.us>
Subject: Protect the Split Oak

To the Members of the Florida Communities Trust

I am writing to ask that you and your colleagues use your power to prevent the construction of the

Osceola Parkway toll road through the Split Oak Forest in Orange county.

I moved to the Orlando area 10 years ago during the height of the great recession. This was a difficult time in our country and for me personally as my family and I were struggling through the lack of career opportunities and a collapsed housing market. As a 28 year old working professional I often had less then \$100 left each month after just making student loan payments and food and rent bills. Living with my parents and commuting long distances to work took it's toll on me. My stress levels were often unhealthy.

I started visiting the Split Oak Forest simply to have a free place to jog. After many months of routine visits my love for the Split Oak began to soar. Having a quiet natural environment to sort my thoughts and plan my next moves in life all while getting exercise became my single most important mental and physical health routine. Occasionally a woodland creature would grace my path and enrich my experience all the more. I always left a day on the trail in a transcendent state; calm, rejuvenated, relaxed. The Split Oak Forest became my church.

As the economy improved, so did my career opportunities. I moved to the west coast for a few years and dedicated my free time to outdoor wilderness adventures in our renowned National Park system. The seed planted by the Split Oak became a lifestyle of enthusiasm for the natural world. I am now at the height of my career and back living in the town of St Cloud as a homeowner. Had it not been for the flora and fauna of the Split Oak Forest, I may not have been able to cope with the rigors of those dark days 10 years ago. I may have given up on my career aspirations and lived a broken-hearted life, as so many in our society do. I would not have learned the secret to spiritual rejuvenation. I would not have gained a lifelong appreciation for God's creation and my place in it.

Please protect the Split Oak Forest. You are free to pass this message on to your colleagues who do not have public contact information. Thank you for your time and consideration.

Philip Machado

(954) 383 1269

Ventry, Rita

From: Philip Machado <philmacho@hotmail.com>
Sent: Friday, February 21, 2020 2:31 PM
To: Florida Communities Trust
Subject: Protect the Split Oak

To the Members of the Florida Communities Trust

I am writing to ask that you and your colleagues use your power to prevent the construction of the Osceola Parkway toll road through the Split Oak Forest in Orange county.

I moved to the Orlando area 10 years ago during the height of the great recession. This was a difficult time in our country and for me personally as my family and I were struggling through the lack of career opportunities and a collapsed housing market. As a 28 year old working professional I often had less then \$100 left each month after just making student loan payments and food and rent bills. Living with my parents and commuting long distances to work took it's toll on me. My stress levels were often unhealthy.

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Please protect the Split Oak Forest. Thank you for your time and consideration.

Philip Machado

(954) 383 1269

Airline Captain

Ventry, Rita

From: Gloria Tyrie <jeanietyrie@gmail.com>
Sent: Monday, February 10, 2020 10:48 AM
To: Florida Communities Trust
Subject: Re: FCT Governing Board

Please do not put any road through Split Oak Mitigation Area.

On Fri, Jan 3, 2020 at 3:25 PM Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us> wrote:

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust

FloridaCommunitiesTrust@FloridaDEP.gov

Office: 850-245-2501

From: Gloria Tyrie <jeanietyrie@gmail.com>
Sent: Sunday, December 22, 2019 12:02 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: FCT Governing Board

I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

--

Jean



--

Jean

From: michael hill
To: [Ventry, Rita](#)
Subject: Re: Osceola parkway
Date: Monday, January 6, 2020 10:47:58 PM
Attachments: [image001.png](#)

thank you for getting back to me rita i want to state also that the meetings that were held by CFX at lake nona highschool in oralndo florida are in violation of FAC. this needs to be considered since the breaching of this preserve will lead to the degradation of it because of it losing its ability to burn,

On Mon, Jan 6, 2020 at 3:20 PM Ventry, Rita <Rita.Ventry@dep.state.fl.us> wrote:

Dear Mr. Hill - Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities.

The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Kind Regards,

Rita Ventry



Rita Ventry, FCCM

Planner IV, Division of State Lands

Florida Communities Trust

Florida Department of Environmental Protection

3800 Commonwealth Boulevard, MS 585

Tallahassee, Florida 32399-3000

Rita.Ventry@FloridaDEP.gov

Office: 850.245.2683

<https://floridadep.gov/lands/land-and-recreation-grants/content/fct-florida-communities-trust-home>

From: michael hill <hillm9143@gmail.com>
Sent: Thursday, December 19, 2019 9:15 AM
To: Ventry, Rita <Rita.Ventry@dep.state.fl.us>
Subject: Osceola parkway

Rita this is Michael hill, I am emailing you to express to you the opposition for the Osceola parkway extension and CFX(central Florida expressway authority) and their efforts to remove protections . As a wild land firefighter and majoring in resource management putting a roadway thru this preserve not only violates state law but will lead to the dedgradation of the ecosystem. As you know, a highway then adds what we call an urban interface. And then at that point a prescribed fires cannot happen anymore on the property.

I grew up walking the trails in this preserve. I learn so much about the Florida flora and fauna. It is why i work in the field I work in. When the Orange BOCC meeting, happen 25 people spoke in opposition and no one spoke in favor. The community doesn't want this road. The expressway authority had 2 routes one thru the preserve and one around it. The community and myself went to multiple CFX mettings ask the board to avoid the forest. Please bring this matter to the board.



164
revd 1/4/2020

Dear Barbara Goodman,

I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

I have lived in Osceola County my whole life. I have seen the HUGE changes growth has brought in the past 50 years.

The tax payers of Osceola and Orange counties bought and set aside these lands, Split Oak Forest, to be held forever. It has been carefully restored to pristine condition over the last 20 years. We cannot keep "kicking the can down the road" with conservation lands. We will eventually run out of our priceless resource.

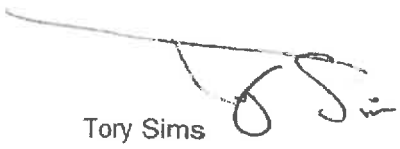
The Grant Recipients and owners of Split Oak Forest, Orange and Osceola County approved the alignment of the Osceola Parkway Extension through Split Oak Forest despite hours of public comment at each meeting opposing it and a public protest. In my opinion these decisions were purposefully rushed, with all three of these meetings held within four business days.

At the Osceola meeting 8 people spoke out for the alignment (of those only one was speaking as a citizen) and 25 citizens spoke out against it. At the CFX meeting 22 people spoke out for the alignment (8 were citizens) and 31 citizens were against the alignment. It should go without saying ALL against were concerned citizens and not being paid to be there.

There is a clear, viable route to avoid impacts to Split Oak Forest. There is no reason for the FCT board to approve this misguided application by Orange and Osceola Counties for an access road thru Split Oak Forest to a commercially developed community.

Please respect the wishes the people of Orange and Osceola Counties had 20 years ago and Keep Split Oak Forest the way it was intended to be... UNTOUCHED!

Thanks for your time.


Tory Sims
1445 Englewood Drive
Saint Cloud, FL 34772



Mr. Tory J. Sims
1445 Englewood Dr.
Saint Cloud, FL 34772

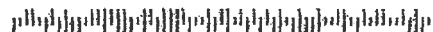
ORLANDO FL 328

26 DEC 2015 PM 6 L



Barbara Goodman
FCT Governing Board
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

32399-300099



From: Ventry, Rita
To: Monique Costantino
Cc: Haugdahl, Nicole
Subject: RE: Disgusting Highway Through Split Oak Forest
Date: Monday, January 6, 2020 4:17:32 PM
Attachments: image001.png

Good Afternoon - Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Kind regards,

Rita Ventry



Rita Ventry, FCCM

Planner IV, Division of State Lands
Florida Communities Trust
Florida Department of Environmental Protection
3800 Commonwealth Boulevard, MS 585
Tallahassee, Florida 32399-3000
Rita.Ventry@FloridaDEP.gov
Office: 850.245.2683
<https://floridadep.gov/lands/land-and-recreation-grants/content/fct-florida-communities-trust-home>

From: Monique Costantino <lukemanmonique@gmail.com>

Sent: Thursday, December 19, 2019 9:23 AM

To: Ventry, Rita <Rita.Ventry@dep.state.fl.us>

Subject: Disgusting Highway Through Split Oak Forest

Hi,

I'm a resident of Osceola County, Florida, and I'm writing to ask you to stop the plan to build a highway through Split Oak Forest, which is conservation land.

Conservation land is a priceless asset that belongs to the people of the State of Florida. It does not

belong to county commissions who, lacking in integrity, decide to undo the land protections through questionable legal and political maneuvers. As a citizen of Osceola County, this asset was on my balance sheet until the Osceola County Commission approved the deal. Now it's sitting on the balance sheet of the developers, and the offsetting entry on my income statement is a big fat LOSS. So you are doing me financial harm by approving this proposal.

This proposed highway will eventually bring a minimum of 200,000 cars through Osceola County. Osceola County is already one of the top 10 growing counties in the United States, and that's NOT a good thing. Growing by population, not by productivity! We're confronted by traffic jams and road construction each time we get in our cars.

Traffic congestion costs each driver on average \$14/hour. My analysis shows that these costs, which come right out of people's pockets, total \$21M per year just for the 22,000 drivers in St. Cloud ALONE. \$21 million dollars. Now, they want to add 200,000 more cars! Each additional car causes additional congestion, which costs ME money in lost wages, higher fuel expense, higher car insurance expense, higher car maintenance and repairs, higher childcare expenses, not to mention the higher prices local business charge because their own traffic and transportation costs are so high. Each additional minute I sit in traffic costs me \$0.25. Now, who's going to be compensating me for that financial hit when they add 200,000 cars to the equation?

Osceola County is going broke as it is. The commissioners have waived such a tremendous amount of impact fees, that property tax revenue can't keep up with the infrastructure needs. We don't have enough water as it is. Our water is brown sometimes, because our water treatment facilities are in disrepair and are insufficient. Our jail is so overcrowded, the inmates are suing. Cubicles in the Police Department are as small as humanly possible, because their space is so insufficient. Our poorly maintained sewer pipes are failing.

On top of that, studies across 25 states show that, for each \$1.00 in property tax revenue residential properties bring in, they cost \$1.16! On the other hand, ranch and farmland cost only \$0.37 for each \$1.00 they bring in. All these additional residential properties in Florida WILL BANKRUPT the municipalities that have to provide them services, and that pain will be felt by Osceola County if you approve this deal!

There are thousands of reasons you should not approve this proposal to build a highway through Split Oak. These are just some of the financial reasons it's a bad decision for the people of Florida, and any government representative approving this decision is not fulfilling her fiduciary responsibility to the people.

Thank you for your time and your work on behalf of the people WHO CURRENTLY LIVE in Osceola County.

Monique Costantino
1870 Big Buck Rd
St. Cloud FL 34772
321-437-3281

From: Ventry, Rita
To: Marjorie Holt; Florida Communities Trust
Cc: Haugdahl, Nicole
Subject: RE: Osceola Parkway Extension Toll Road through Split Oak Forest, Adoption of Resolutions
Date: Monday, January 6, 2020 2:09:55 PM
Attachments: image001.png
image002.png

Dear Ms. Holt - Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Kind regards,

Rita Ventry



Rita Ventry, FCCM

Planner IV, Division of State Lands
Florida Communities Trust
Florida Department of Environmental Protection
3800 Commonwealth Boulevard, MS 585
Tallahassee, Florida 32399-3000
Rita.Ventry@FloridaDEP.gov
Office: 850.245.2683
<https://floridadep.gov/lands/land-and-recreation-grants/content/fct-florida-communities-trust-home>

From: Marjorie Holt <marjorieholt@earthlink.net>
Sent: Monday, January 6, 2020 1:56 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Cc: Ventry, Rita <Rita.Ventry@dep.state.fl.us>; 'Marjorie Holt' <marjorieholt@earthlink.net>
Subject: FW: Osceola Parkway Extension Toll Road through Split Oak Forest, Adoption of Resolutions

January 6, 2020

Florida Communities Trust Governing Board

DEP Douglas Building

Conference Rooms A&B

3900 Commonwealth Blvd.

Tallahassee, FL 32399

Dear FCT Governing Board Members,

On behalf of the Sierra Club Central Florida Group, I am contacting you because we strongly oppose the transfer of Split Oak lands to CFX. Below you will find email communication to Osceola County (similar sent to Orange County) opposing the transfer. The Avoidance Alternative is a reasonable route that will keep Split Oak Forest intact. Additionally, this alignment provides connections to future development including a network of roadway connections as planned in the Preferred Alternative.

Attached are Resolutions in support of the Central Florida Expressway's (CFX) Preferred Alternative that will negatively impact 160 acres in Split Oak. Orange and Osceola Counties request the conveyance, contingent upon approval by the Florida Communities Trust (FCT), of any and all necessary easements to the Central Florida Expressway Authority required for the use of the approximately 60 acres of the Split Oak Property within Osceola County for a linear facility as part of the Osceola Parkway Extension project

The Sierra Club respectfully requests the FCT vote NOT to convey Split Oak lands to CFX. Please support the Avoidance Alternative, a reasonable alternative route, that protects Split Oak as well as serving CFX's Master Plan, and County and developer plans that include an extensive roadway network.

Sincerely,

Marjorie Holt

Vice Chair/Conservation Chair

Sierra Club Central Florida Group

P. O. Box 941692

Maitland, FL 32794



From: Marjorie Holt <marjorieholt@earthlink.net>

Sent: Monday, December 16, 2019 4:30 PM

To: 'fred.hawkinsjr@osceola.org' <fred.hawkinsjr@osceola.org>; 'cheryl.grieb@osceola.org' <cheryl.grieb@osceola.org>; 'peggy.choudhry@osceola.org' <peggy.choudhry@osceola.org>; 'viviana.janer@osceola.org' <viviana.janer@osceola.org>; 'brandon.arrington@osceola.org' <brandon.arrington@osceola.org>

Cc: 'Marge Holt' <marjorie.holt@florida.sierraclub.org>

Subject: Osceola Parkway Extension Toll Road through Split Oak Forest, Adoption of Resolution #19-293R

December 16, 2019

Osceola County Board of County Commissioners

Commission Chambers (4th Floor)

1 Courthouse Square

Kissimmee, Florida 34741

Subject: Adoption of Resolution #19-203R, approving the Central Florida Expressway (CFX) Authority preferred alternative for the Osceola Parkway Extension Project, Development, and Environmental (PD&E) Study Re-Evaluation and petitioning the Florida Community Trust for a modification of the grant award agreement. Commission District 5.

To the Osceola County Board of County Commissioners,

Osceola County now seeks to join Orange County and petition the Florida Communities Trust for a modification to the Interagency Agreement, Management Plan, and Grant Award Agreement for Split Oak Forest Wildlife and Environmental Area (Split Oak). On behalf of the Sierra Club Central

Florida Group, **I respectfully request the Osceola BCC vote no** on the attached Resolution. The Sierra Club advocates for the Avoidance Alternative that we believe to be a reasonable alternative. This roadway alternative will avoid existing development as well as protect the ecological values of Split Oak Forest and protect the financial investment of both Osceola and Orange Counties.

I believe it is important for the Sierra Club to be on the public record; however, we believe our recommendation for the Avoidance Alternative will no doubt fall on deaf ears. It was apparent to us that Osceola County had written off Split Oak Forest back in the year 2000 (16 years after purchase) when proposing the Northeast District Conceptual Master Plan (now Sunbridge), a development consisting of 44,000 acres of Desert land. This land was formerly known as the Upper Econ Mosaic, a potential wildlife corridor consisting of a unique mix of upland and wetlands, listed on the Conservation and Recreation Lands Acquisition List for preservation lands. Additionally, Osceola County Expressway Authority's recommended alternative fragmented Split Oak nearly in half, significantly impacting Orange County's portion of the conservation easement. The Sierra Club believes this was an egregious decision leaving us wondering just how much a friend Osceola County is to Orange County and the County's conservation lands abutting the Sunbridge project.

While the Sierra Club is thankful for the opportunity to provide input to the CFX Environmental Advisory Group and the Stakeholder Group, we want to reiterate our strong opposition to Osceola County's Resolution. The Sierra Club recommends the Osceola BCC consider the Avoidance Alternative, an alternative route that received considerable public input . PROTECT SPLIT OAK FOREST, VOTE NO.

Sincerely,

Marjorie Holt

Vice Chair/Conservation Chair

Sierra Club Central Florida Group

P. O. Box 941692

Maitland, FL 32794



Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:29 PM
To: 'Andrew Farina'
Subject: RE: Opposition to the Osceola Parkway Extension through Split Oak Forest

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Andrew Farina <andyfarina@earthlink.net>
Sent: Wednesday, January 1, 2020 10:20 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Opposition to the Osceola Parkway Extension through Split Oak Forest

On behalf of my wife and I and our five grown children, we would like to express our strong opposition to the Osceola Parkway Extension through Split Oak Forest.

Thank-you for your consideration on this.

Sincerely,
Andy Farina

President & Founder of Fearless Health
BSEE, NASM-CPT, NASM-PES, Pn1
Altra Red Team
XOSKIN Ambassador
Tailwind Ambassador
www.fearlesshealthcoaching.com

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:29 PM
To: Douglas Soto
Subject: RE: Osceola Parkway Extension through Split Oak Forest

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Douglas Soto <Doug.Soto@live.com>
Sent: Saturday, December 28, 2019 1:30 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Osceola Parkway Extension through Split Oak Forest

Attention: FCT Governing Board

Dear Board,

I'm writing because you might be our last hope. Neither I nor any of the other people I've met with that have been voicing the unlawfulness of the Osceola Parkway Extension through Split Oak Forest have any monetary benefit to gain from opposing the road. No one is paying us off to oppose the road. Our only concern is the devastation that it will cause to the restored forest. Some of these people are so familiar with Split Oak Forest, they could tell you the name of nearly every inconspicuous plant and how it helps the ecosystem. As Split Oak and the other dwindling natural ecosystems are pillaged we will eventually feel the effects and quite possibly then it will be too late. This land shouldn't even be in dispute since it supposedly has the highest protections in the state.

The actions taken so far to expedite the road building are unlawful. Foul play by Charles Lee from the Audubon society and others paid off by the opposition have damaged the confidence of the citizenry on the due process of law. For one, it seems the decisions to build the road were purposefully rushed, with all three of the meetings held within four

business days. Further, the public hearing for the PD&E held at Lake Nona High School was only announced seven days before it occurred. The Grant Recipients and owners of Split Oak Forest, Orange and Osceola County approved the alignment of the Osceola Parkway Extension through Split Oak Forest despite hours of public comment at each meeting opposing it and a public protest. My emails and comments to commissioners opposing this roadway alignment through my protected conservation land went unheard.

This is especially heartbreaking because there is a clear, viable route to avoid impacts to Split Oak Forest. There is no reason for the FCT board to approve this misguided application by Orange and Osceola Counties. There has also been no scientific peer review of the land offered in compensation for Split Oak and I doubt most of this land will be able to be burned and otherwise managed for conservation. I don't believe it's a good deal and would strongly prefer that Split Oak Forest remain intact rather than have a highway built in it and lands of questionable quality and manageability that have to be intensively restored. This request is extremely controversial and, from my perspective, both counties have done the bare statutory minimum of public involvement and have actively worked to suppress citizen efforts to protect Split Oak Forest from the Central Florida Expressway Authority.

I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

Sincerely,

Douglas Soto
doug.soto@live.com

Sent from Mail for Windows 10

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:29 PM
To: janice eastburn
Subject: RE: Split Oak

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: janice eastburn <jnewgee13@gmail.com>
Sent: Friday, December 27, 2019 3:39 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Split Oak

I vehemently oppose the taking on Split Oak Park for the money grubbing action of building a Toll Road. There's been more than enough "development" in Florida, and the taking of land owned by the Public and funded by taxpayers for the last two decades. The original purpose of this land was wildlife habitat, not so someone could personally profit from it being developed. At the rate the State of Florida is developing land, there will not be any wilderness/undeveloped land for future generations to enjoy. It also leads me to believe there is no water shortages or any other shortages in Florida: it's just being sold off so more public land can be destroyed.

Your attention to this is appreciated.

Janice Eastburn

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:29 PM
To: 'Ariel Hartney'
Subject: RE: Attention: FCT Governing Board

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Ariel Hartney <ahartney2008@gmail.com>
Sent: Friday, December 27, 2019 1:03 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Attention: FCT Governing Board

To whom it may concern,

I want it publicly known that I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored public conservation area.

The Grant Recipients and owners of Split Oak Forest, Orange and Osceola County, recently approved the alignment of the Osceola Parkway Extension through Split Oak Forest despite hours of public comment at each meeting and public protest.

I don't believe it's a good deal and would strongly prefer that Split Oak Forest remain intact rather than have a highway built through it and lands of questionable quality and manageability that have to be intensively restored, offered as a consolation prize.

In my opinion, the decisions by Orange and Osceola county were purposefully rushed, with all three of these meetings held within four business days. Further, the public hearing for the PD&E held at Lake Nona High School was only announced seven days before it occurred.

Emails and comments to commissioners opposing this roadway alignment through protected conservation land went unheard.

There has been no scientific peer review of the land offered in compensation for Split Oak and I doubt most this land will be able to be burned and otherwise managed for conservation. There is also no mention of corridors established for safe wildlife crossing which will undoubtedly be a concern.

This request is extremely controversial and, from my perspective, both counties have ensured that only the bare statutory minimum of public involvement was met and have actively worked to suppress citizen efforts to protect Split Oak Forest from the Central Florida Expressway Authority.

I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

There is a clear, viable route to avoid impacts to Split Oak Forest and there is no reason for the FCT board to approve this misguided and rushed application by Orange and Osceola Counties.

Approval of the application by the FCT would violate the public trust by trading lands intended to be preserved in perpetuity. This would be an outright betrayal of the original intent in protecting Split Oak and would only encourage opportunists seeking to trade public lands for profit.

Sincerely,

Ariel Hartney

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:29 PM
To: BONNIE FRASER
Subject: RE: Oppose Grant Amendment for Split Oak Forest

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust

FloridaCommunitiesTrust@FloridaDEP.gov

Office: 850-245-2501

From: BONNIE FRASER <fraserb@embarqmail.com>
Sent: Friday, December 27, 2019 10:19 AM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Oppose Grant Amendment for Split Oak Forest

Attention: Governing Board

I am writing to formally object to any grant modification that would undo the protections for Split Oak Forest Environmental and Wildlife Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures

that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

Orange and Osceola Counties, as the Grant Recipients and owners of Split Oak Forest, approved the alignment of the Osceola Parkway Extension through Split Oak Forest despite hours of public comment at each meeting opposing it and a public protest. There is a clear, viable route to avoid impacts to Split Oak Forest. There is no reason for the FCT board to approve this misguided application by Orange and Osceola Counties. Further, there has been no scientific peer review of the land offered in compensation for Split Oak and I doubt most of this land will be able to be burned and otherwise managed for conservation. I don't believe it's a good deal and would strongly prefer that Split Oak Forest remain intact rather than have a highway built in it and lands of questionable quality and manageability that have to be intensively restored. A highway will also likely prevent the controlled burns that have managed the lands thus far, restoring them to their natural healthy state which includes occupation by many native and threatened plants, bird and animal species.

In my opinion these decisions were purposefully rushed, with all three of these meetings held within four business days. Further, the public hearing for the PD&E held at Lake Nona High School was only announced seven days before it occurred. It was clear their decisions were already made and my opinions, along with all the other public comments, were not given any consideration. If you allow over 20 years of restoration work by FWC to be undone, along with the mitigation credits given to all those developers, including the Orange County Convention Center, there really will be no incentive or appetite for giving our tax money to try to save Florida natural lands in the future. "In perpetuity" is not supposed to mean "until a better offer comes along" in my opinion. This will set a dangerous precedent that will destroy all "public trust" in organizations such as yours.

Thank you for your serious consideration,

Bonnie and William Fraser
2520 Oak St
Kissimmee, FL 34744

If

I

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:28 PM
To: 'Tory'
Subject: RE: Split Oak Forest

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Tory <tory@torysims.com>
Sent: Wednesday, December 25, 2019 6:42 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Split Oak Forest

Dear FCT Governing Board,

I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

I have lived in Osceola County my whole life. I have seen the HUGE changes growth has brought in the past 50 years.

The tax payers of Osceola and Orange counties bought and set aside these lands, Split Oak Forest, to be held forever. It has been carefully restored to pristine condition over the last 20 years. We cannot keep "kicking the can down the road" with conservation lands. We will eventually run of our priceless resource.

The Grant Recipients and owners of Split Oak Forest, Orange and Osceola County approved the alignment of the

Osceola Parkway Extension through Split Oak Forest despite hours of public comment at each meeting opposing it and a public protest. In my opinion these decisions were purposefully rushed, with all three of these meetings held within four business days.

At the Osceola meeting 8 people spoke out for the alignment (of those only one was speaking as a citizen) and 25 citizens spoke out against it. At the CFX meeting 22 people spoke out for the alignment (8 were citizens) and 31 citizens were against the alignment. It should go without saying ALL against were concerned citizens and not being paid to be there.

There is a clear, viable route to avoid impacts to Split Oak Forest. There is no reason for the FCT board to approve this misguided application by Orange and Osceola Counties for an access road thru Split Oak Forest to a commercially developed community.

Please respect the wishes the people of Orange and Osceola Counties had 20 years ago and Keep Split Oak Forest the way it was intended to be... UNTOUCHED!

Thanks for your time.

Tory Sims
1445 Englewood Drive
Saint Cloud, FL 34772
tory@torysims.com

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:28 PM
To: 'Jaz McKibben'
Subject: RE: Attention: FCT Governing Board

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Jaz McKibben <jazmckibben@gmail.com>
Sent: Wednesday, December 25, 2019 11:28 AM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Attention: FCT Governing Board

Hello Florida Communities Trust,

My name is Jasmina McKibben and I am a resident of Jupiter, Florida. This email is in order to voice my opposition to the Osceola Parkway Extension through Split Oak Forest.

Thank you for your consideration,
Jasmina McKibben

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:28 PM
To: Kim White
Subject: RE: Osceola Parkway Extension through Split Oak Forest

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Kim White <kim.white@live.com>
Sent: Tuesday, December 24, 2019 9:13 AM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Osceola Parkway Extension through Split Oak Forest

Attention: FCT Governing Board

I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

There is a clear, viable route to avoid impacts to Split Oak Forest. There is no reason for the FCT board to approve this misguided application by Orange and Osceola Counties.

Split Oak is a priceless asset that we own right now, but a highway through it will dramatically decrease that value for the people of Osceola County. The acreage offered in the trade is inferior land. Our conservation land has been carefully managed through, among other things, controlled burns. There has been no scientific peer review of the land offered in compensation for Split Oak, and I doubt most of this land will be able to be burned and otherwise managed for conservation. I don't believe it's a good deal and would strongly prefer that Split Oak Forest remain intact rather than

have a highway built in it in return for lands of questionable quality and manageability that have to be intensively restored.

Stop caving in to developers & preserve the land that was entrusted to you.

Kim White
3227 Hawks Ridge Point
Kissimmee, FL 34741

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:27 PM
To: mllellabrooklyn@aol.com
Subject: RE: NO to TOLL road through any part of split oak

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: mllellabrooklyn@aol.com <mllellabrooklyn@aol.com>
Sent: Tuesday, December 24, 2019 7:58 AM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: NO to TOLL road through any part of split oak

"I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

This request is extremely controversial and, from my perspective, both counties have done the bare statutory minimum of public involvement and have actively worked to suppress citizen efforts to protect Split Oak Forest from the Central Florida Expressway Authority.

We have been talked down to by the BOCC of Osecola and CFX. as if we are uninformed as they have been fooled or some other agenda by the paid opportunist and compromised Charles Lee. The land that is being offered is already there therefore nothing gained. The developer has the option to build on it if it was beneficial to them at the time. Maybe it will be later. After all if they give away any part of Split Oak they will certainly do the same here.

Thank You,

Sincerely,
Michael Lella 2423 Regent Way Kissimmee Florida 407 319 3942

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:27 PM
To: 'Linda Murphy'
Subject: RE: Split Oak Forest attn FCT governing board

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

-----Original Message-----

From: Linda Murphy <murphyvermont@yahoo.com>
Sent: Monday, December 23, 2019 5:36 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Split Oak Forest attn FCT governing board

We formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area.

We understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, our public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

The Grant Recipients and owners of Split Oak Forest, Orange and Osceola County approved the alignment of the Osceola Parkway Extension through Split Oak Forest despite hours of public comment at each meeting opposing it and a public protest.

In our opinion these decisions were purposefully rushed, with all three of these meetings held within four business days. Further, the public hearing for the PD&E held at Lake Nona High School was only announced seven days before it occurred.

There is a clear, viable route to avoid impacts to Split Oak Forest. There is no reason for the FCT board to approve this misguided application by Orange and Osceola Counties.

There has been no scientific peer review of the land offered in compensation for Split Oak, and we have doubts that the majority of this land will be able to be burned and otherwise managed for conservation. We don't believe it's a good deal and insist that Split Oak Forest remain intact as intended for the residents as promised. We are opposed to having a highway built in our conservation lands in return for lands of questionable quality and manageability that have to be intensively restored.

Stop taking what is ours and allow time, education, and resident input when such a big decision is being made. We are opposed to spending our hard earned Tax money to restore our conservation lands only to subsequently destroy those efforts and perform the costly restoration process to substituted lands that will be stolen from the residents again.

We must conserve our land and leave it as promised. Our future generations, as well as current residents deserve to have conserved land and wildlife and to trust that what we are promised is what we get. Stand by what was promised and do not assume any substitution will be acceptable.

Sincerely,
Kevin and Linda Delorge
Proud residents of St. Cloud in Osceola County

Sent from my iPad

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:27 PM
To: 'terry s'
Subject: RE: Attention FCT Governing Board

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: terry s <terry56smith@gmail.com>
Sent: Monday, December 23, 2019 3:35 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Attention FCT Governing Board

The Grant Recipients and owners of Split Oak Forest, Orange and Osceola County approved the alignment of the Osceola Parkway Extension through Split Oak Forest despite hours of public comment at each meeting opposing it and a public protest. It is my opinion that these meetings were purposefully rushed, all three meetings were held within four business days. Further, the public hearing for the PD&E held at Lake Nona High School was only announced seven days before it occurred. There is a clear, viable route to avoid impacts to Split Oak Forest. There is no reason for the FCT board to approve this misguided application by Orange and Osceola Counties. I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and /or Grant Award Agreements for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision!

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:27 PM
To: 'Tina'
Subject: RE: Opposition to the Osceola Parkway Extension through Split Oak Forest

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Tina <trevmegmom@gmail.com>
Sent: Monday, December 23, 2019 2:29 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Opposition to the Osceola Parkway Extension through Split Oak Forest

Hello,

The Grant Recipients and owners of Split Oak Forest, Orange and Osceola County approved the alignment of the Osceola Parkway Extension through Split Oak Forest despite hours of public comment at each meeting opposing it and a public protest. In my opinion these decisions were purposefully rushed, with all three of these meetings held within four business days. Further, the public hearing for the PD&E held at Lake Nona High School was only announced seven days before it occurred. My emails and comments to commissioners opposing this roadway alignment through my protected conservation land went unheard. There is a clear, viable route to avoid impacts to Split Oak Forest. There is no reason for the FCT board to approve this misguided application by Orange and Osceola Counties. There has been no scientific peer review of the land offered in compensation for Split Oak and I doubt most this land will be able to be burned and otherwise managed for conservation. I don't believe it's a good deal and would strongly prefer that Split Oak Forest remain intact rather than have a highway built in it and lands of questionable quality and manageability that have to be intensively restored. This request is extremely controversial and, from my perspective, both counties have done the bare statutory minimum of public involvement and have actively worked to suppress citizen efforts to protect Split Oak Forest from the Central Florida Expressway Authority.

I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

Thank you for your time and consideration,
Tina Sorbo
Orlando, FL

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:26 PM
To: Debby Masterson
Subject: RE: Split Oak Forest

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

-----Original Message-----

From: Debby Masterson <diggum@embarqmail.com>
Sent: Monday, December 23, 2019 1:14 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Split Oak Forest

I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

The Grant Recipients and owners of Split Oak Forest, Orange and Osceola County approved the alignment of the Osceola Parkway Extension through Split Oak Forest despite hours of public comment at each meeting opposing it and a public protest.

In my opinion these decisions were purposefully rushed, with all three of these meetings held within four business days. Further, the public hearing for the PD&E held at Lake Nona High School was only announced seven days before it occurred.

There is a clear, viable route to avoid impacts to Split Oak Forest. There is no reason for the FCT board to approve this misguided application by Orange and Osceola Counties.

There has been no scientific peer review of the land offered in compensation for Split Oak, and I doubt most of this land will be able to be burned and otherwise managed for conservation. I don't believe it's a good deal and would strongly prefer that Split Oak Forest remain intact rather than have a highway built in it in return for lands of questionable quality and manageability that have to be intensively restored.

This request is extremely controversial and, from my perspective, both counties have done the bare statutory minimum of public involvement and have actively worked to suppress citizen efforts to protect Split Oak Forest from the Central Florida Expressway Authority.

ENOUGH IS ENOUGH!!!

Debby Masterson, St. Cloud, Osceola County, Florida

Sent from my iPhone

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:26 PM
To: 'ELIZABETH BARNES'
Subject: RE: Split Oak

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

-----Original Message-----

From: ELIZABETH BARNES <elizabethoc5@aol.com>
Sent: Monday, December 23, 2019 6:16 AM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Split Oak

Attention: FCT Governing Board

"I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

The Grant Recipients and owners of Split Oak Forest, Orange and Osceola County approved the alignment of the Osceola Parkway Extension through Split Oak Forest despite hours of public comment at each meeting opposing it and a public protest.

In my opinion these decisions were purposefully rushed, with all three of these meetings held within four business days. Further, the public hearing for the PD&E held at Lake Nona High School was only announced seven days before it occurred.

There is a clear, viable route to avoid impacts to Split Oak Forest. There is no reason for the FCT board to approve this misguided application by Orange and Osceola Counties.

There has been no scientific peer review of the land offered in compensation for Split Oak, and I doubt most of this land will be able to be burned and otherwise managed for conservation. I don't believe it's a good deal and would strongly prefer that Split Oak Forest remain intact rather than have a highway built in it in return for lands of questionable quality and manageability that have to be intensively restored.

This request is extremely controversial and, from my perspective, both counties have done the bare statutory minimum of public involvement and have actively worked to suppress citizen efforts to protect Split Oak Forest from the Central Florida Expressway Authority.

I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

Sent from my iPhone

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:26 PM
To: 'Monique Costantino'
Subject: RE: Attn: FCT Governing Board, re Split Oak Forest

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Monique Costantino <lukemanmonique@gmail.com>
Sent: Monday, December 23, 2019 6:11 AM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Attn: FCT Governing Board, re Split Oak Forest

Hi, I'm a concerned citizen of Osceola County. I protested and spoke on behalf of saving Split Oak Forest before our elected officials, and they did not listen.

I'm using text here originally written by Valerie Anderson, because I agree with her 100%.

I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

The Grant Recipients and owners of Split Oak Forest, Orange and Osceola County approved the alignment of the Osceola Parkway Extension through Split Oak Forest despite hours of public comment at each meeting opposing it and a public protest.

In my opinion these decisions were purposefully rushed, with all three of these meetings held within four business days. Further, the public hearing for the PD&E held at Lake Nona High School was only announced seven days before it occurred.

My emails and comments to commissioners opposing this roadway alignment throughT my protected conservation land went unheard.

There is a clear, viable route to avoid impacts to Split Oak Forest. There is no reason for the FCT board to approve this misguided application by Orange and Osceola Counties.

There has been no scientific peer review of the land offered in compensation for Split Oak, and I doubt most of this land will be able to be burned and otherwise managed for conservation. I don't believe it's a good deal and would strongly prefer that Split Oak Forest remain intact rather than have a highway built in it in return for lands of questionable quality and manageability that have to be intensively restored.

This request is extremely controversial and, from my perspective, both counties have done the bare statutory minimum of public involvement and have actively worked to suppress citizen efforts to protect Split Oak Forest from the Central Florida Expressway Authority.

Thank you for your time and consideration!

Monique Costantino

1870 Big Buck Rd

St. Cloud FL 34772

321-437-3281

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:25 PM
To: Gloria Tyrie
Subject: RE: FCT Governing Board

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Gloria Tyrie <jeanietyrie@gmail.com>
Sent: Sunday, December 22, 2019 12:02 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: FCT Governing Board

I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

--

Jean

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:25 PM
To: Jay Madigan; Florida Communities Trust
Cc: Jerome J Madigan; Jerome Madigan; Valerie Anderson
Subject: RE: FCT, please consider these, my written comments

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Jay Madigan <Jay@jjmadiganllc.com>
Sent: Sunday, December 22, 2019 3:46 AM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Cc: Jerome J Madigan <jay.madigan@lakecane.com>; Jerome Madigan <jjmadigan@gmail.com>; Valerie Anderson <valerie@andersongeospatial.com>
Subject: FCT, please consider these, my written comments

Honorable Members of the Florida Community Trust,

As you know, the Grant Recipients and owners of Split Oak Forest, Orange and Osceola County approved the alignment of the Osceola Parkway Extension through Split Oak Forest despite hours of public comment at each meeting opposing it and a public protest. This was a mistake.

In addition to ruining decades of unabated natural development, the very principle of mitigation banking is threatened. Public trust in agreements made between public, governmental and private organizations is degrading. What results is solely adversarial, slow and unproductive attempts at development.

There is a clear, viable route to avoid impacts to Split Oak Forest. There is no reason for the FCT board to approve this misguided application by Orange and Osceola Counties.

Please note with care, I formally object to any request to modify the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area to allow a highway to be built using this carefully restored and public conservation area. I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for Split Oak Forest will be presented to the FCT Governing Board for consideration and final decision.

Finally, while I write as a Florida resident and business owner, I also represent a science and education non-profit. From each perspective I strongly object to ANY request to the modification of the Grant Award Agreement of Split Oak Forest Wildlife and Environmental Area.

In sincere appreciation of your diligence to your charter,

Jerome J. Madigan

609 N. Eola Dr #7
Orlando, Fl. 32803

Jay Madigan
Executive Director
Lake Cane Restoration Society
www.lakecane.com



Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:24 PM
To: 'KAYLA TOGNO'
Subject: RE: Fct: governing board

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: KAYLA TOGNO <KaylaTogno89@hotmail.com>
Sent: Saturday, December 21, 2019 12:57 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Fct: governing board

I have been volunteering out at Back to Nature Wildlife Refuge and Split Oaks resides right across from our facility! The nature we get to see and witness is just incredible and it saddens me that this might be ruined by putting a road up! So many lives are going to loose their homes and even though people dont think about animals feelings, I do because I have seen so many times while volunteering that animals suffer because we as humans dont care about our environment or the environment animals call home! So many birds, squirrels, snakes, tortoises, bobcats, opossums and so many more that are going to loose what they call home and trust me we see it day after day!! It also will effect the animals that resides on Back to Nature because last I heard is the road is suppose to back into the land we are on. The animals arent used to cars flying by, or even construction noises, so it will put alot of stress behavior onto them! We are worried about our residents animals because some of them are on the older age and stress isnt good for them! I am asking and begging that this road does not interfere with split oak reserve or the animals that call it home. If the road has to be built I am asking you find another path for it to be built and that it does not go through wildlife!

Thank you for listening to me and I WILL be the VOICE for the animals! I ask you to reconsider the path of the road if it has to be built!!

Kayla Togno

Get Outlook for Android

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:24 PM
To: 'Karen Murphy'
Subject: RE: Split Oak Forest

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Karen Murphy <karenmarieruns@gmail.com>
Sent: Saturday, December 21, 2019 11:21 AM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Split Oak Forest

Good morning,

I am writing from the southern lot at Split Oak Forest, where the lot is overflowing and the trails are filled with families, dogs, runners and a couple of mountain bikers. I travel to these trails once a week from Celebration - not a short commute - because we have so few wilderness trails already in our county.



I understand that there is a plan to run a road through the middle of this pristine land. To say I am discouraged is an understatement. Part of our quality of life as a community is having a retreat where we can enjoy the natural environment, a resource that is already missing in many areas. There appears to be little consideration of this balance in our local government. Please know that I will continue to watch who is and is not supporting these efforts and will vote accordingly. When we leave central Florida, which I am increasingly afraid might have to happen, it will be because of a lack of trails and open spaces. As a trail runner and someone who appreciates Florida's unique ecosystem, I fear that choices are being made for the future of our region that can never be undone. Please consider an alternate route or project that does not so negatively impact the environment, recreational and ultimately real estate values of central Florida.

Sincerely,

Karen Murphy
305 Celebration Blvd
Celebration, FL 34747
Karenmarieruns@gmail.com

Sent from my iPhone

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:24 PM
To: 'Nick Ziegler'
Subject: RE: Opposition to the road through split oak

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust

FloridaCommunitiesTrust@FloridaDEP.gov

Office: 850-245-2501

-----Original Message-----

From: Nick Ziegler <nicholasziegler2@gmail.com>
Sent: Friday, December 20, 2019 6:40 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Opposition to the road through split oak

Hello,

I am sending this email in regards to opposing the decision to build the Osceola Parkway Extension through Split Oak Forest. I believe it is more detrimental to keep this forest preserved than it is to build another road. The construction of this road will cause habitat fragmentation, an increase in wildlife roadkill, and have many other negative environmental impacts. Thank you.

Best, Nicholas Ziegler

Sent from Nicholas Ziegler

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:23 PM
To: Eric Czerwonka
Subject: RE: Attention: FCT Governing board

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

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Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Eric Czerwonka <eczerwonka@yahoo.com>
Sent: Friday, December 20, 2019 5:21 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Attention: FCT Governing board

Hello, I'm writing in regards to the proposed road development planned that will ruin the Split Oak Forest.

This is a travesty. Really. Taking away our green spaces to allow people to get to work a few minutes earlier is insane and not needed.

I recently fought the Seminole county board to try and halt the development of massive apartment complexes going up in place of a pine forest next to my house and lost. I will assume this will pass regardless of what people actually want, but I wanted to voice my thoughts on this. This will destroy an amazing place. Its really sad it comes to this. I will just assume people are getting kickbacks to approve it like most do.

Eric Czerwonka
5120 Morning Dew Loop
Oviedo FL 32765

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:23 PM
To: Nicole Andrews
Subject: RE: Split Oak

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Nicole Andrews <floridadecals@gmail.com>
Sent: Friday, December 20, 2019 5:03 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Split Oak

To whom it may concern,

I am just writing to express my displeasure about the Osceola Parkway extension. I know that nobody listens to the little people anymore since it's made it this far, but PLEASE don't do this to Split Oak Forest. We are building over everything that makes Florida... FLORIDA. There are so many living, breathing things that call that area home - so many families (including my own) that frequent this forest. There HAS to be a better solution. Please reconsider.

Nicole

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:23 PM
To: 'Matt Murphy'
Subject: RE: Split Oak

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Matt Murphy <mandkmurphy@hotmail.com>
Sent: Friday, December 20, 2019 3:34 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Split Oak

Good Afternoon-

I was informed of the possibility of Split Oak being paved for traffic.

Please reconsider. We have very few public open spaces in Central Florida. This is where I expose my family to the outdoors. We hike and trail run throughout the area. It is a beautiful area where wildlife is prevalent. Once it is paved and taken away, we will never get it back.

Sincerely,

Matt Murphy

Get [Outlook for iOS](#)

Ventry, Rita

From: Florida Communities Trust
Sent: Friday, January 3, 2020 3:22 PM
To: 'Harry Gregg'
Subject: RE: Attn FCT Governing board

Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Best Regards,



Florida Communities Trust
FloridaCommunitiesTrust@FloridaDEP.gov
Office: 850-245-2501

From: Harry Gregg <hgregg@bellsouth.net>
Sent: Friday, December 20, 2019 2:13 PM
To: Florida Communities Trust <FloridaCommunitiesTrust@dep.state.fl.us>
Subject: Attn FCT Governing board

Please stop the Osceola parkway extension from going through split oak forest 🌳
There are two reasonable alternatives to go around it. They are avoidance and minimization 2, which will both avoid. Many of the 15 homes affected have put their properties up for sale and one person spoke to the Osceola BCC stating his support to avoid the forest which was set aside as conversation land by orange & Osceola counties 1994 In Perpetuity. As tax payers our trust level in these local governments has been greatly tested. We believe many have been bought out by the developers including Charles Lee who is with the environmental agency Autobon!

Please deny their request & protect the Florida community.

Thanks 🙏

In His Joy,
Harry

Sent from Yahoo Mail for iPhone

From: Ventry, Rita
To: Robin Davis
Cc: Haugdahl, Nicole
Subject: RE: Split Oak
Date: Monday, January 13, 2020 1:17:47 PM
Attachments: image001.png

Good Afternoon - Thank you for your recent correspondence regarding the Osceola Parkway extension.

The department is committed to the protection of the state's natural resources. Through the Florida Communities Trust (FCT) program the department furthers this mission by assisting communities in protecting important natural resources, providing recreational opportunities. The source of funding for this Florida Communities Trust project came from Preservation 2000 funds. While DEP has not received a request for review at this time, a pending proposal for the Osceola Parkway extension is expected to cross a portion of the FCT project area known as the Split Oak Park. The Florida Fish and Wildlife Conservation Commission (FWC) manages the property and it is owned by both Orange and Osceola Counties, who were the grant recipients for 1,689 acres in 1994.

Any modification to the land management plans or project boundaries will require review and approval by FWC as the managing agency and FCT Board as the administrative body with program oversight.

Kind Regards,

Rita Ventry



Rita Ventry, FCCM

Planner IV, Division of State Lands
Florida Communities Trust
Florida Department of Environmental Protection
3800 Commonwealth Boulevard, MS 585
Tallahassee, Florida 32399-3000
Rita.Ventry@FloridaDEP.gov
Office: 850.245.2683
<https://floridadep.gov/lands/land-and-recreation-grants/content/fct-florida-communities-trust-home>

From: Robin Davis <robinedavis@gmail.com>
Sent: Thursday, December 19, 2019 4:19 PM
To: Ventry, Rita <Rita.Ventry@dep.state.fl.us>
Subject: Split Oak

Hello,

I'm a resident of Osceola County, Florida, and I'm writing to ask you to stop the plan to build a highway through Split Oak Forest, which is conservation land.

Conservation land is a priceless asset that belongs to the people of the State of Florida. It does not belong to county commissions who, lacking in integrity, decide to undo the land protections through questionable legal and political maneuvers. As a citizen of Osceola County, this asset was on my balance sheet until the Osceola County Commission approved the deal. Now it's sitting on the balance sheet of the developers, and the offsetting entry on my income statement is a big fat LOSS. So you are doing me financial harm by approving this proposal.

This proposed highway will eventually bring a minimum of 200,000 cars through Osceola County. Osceola County is already one of the top 10 growing counties in the United States, and that's NOT a good thing. Growing by population, not by productivity! We're confronted by traffic jams and road construction each time we get in our cars.

Traffic congestion costs each driver on average \$14/hour. My analysis shows that these costs, which come right out of people's pockets, total \$21M per year just for the 22,000 drivers in St. Cloud ALONE. \$21 million dollars. Now, they want to add 200,000 more cars! Each additional car causes additional congestion, which costs ME money in lost wages, higher fuel expense, higher car insurance expense, higher car maintenance and repairs, higher childcare expenses, not to mention the higher prices local business charge because their own traffic and transportation costs are so high. Each additional minute I sit in traffic costs me \$0.25. Now, who's going to be compensating me for that financial hit when they add 200,000 cars to the equation?

Osceola County is going broke as it is. The commissioners have waived such a tremendous amount of impact fees, that property tax revenue can't keep up with the infrastructure needs. We don't have enough water as it is. Our water is brown sometimes, because our water treatment facilities are in disrepair and are insufficient. Our jail is so overcrowded, the inmates are suing. Cubicles in the Police Department are as small as humanly possible, because their space is so insufficient. Our poorly maintained sewer pipes are failing.

On top of that, studies across 25 states show that, for each \$1.00 in property tax revenue residential properties bring in, they cost \$1.16! On the other hand, ranch and farmland cost only \$0.37 for each \$1.00 they bring in. All these additional residential properties in Florida WILL BANKRUPT the municipalities that have to provide them services, and that pain will be felt by Osceola County if you approve this deal!

There are thousands of reasons you should not approve this proposal to build a highway through Split Oak. These are just some of the financial reasons it's a bad decision for the people of Florida, and any government representative approving this decision is not fulfilling her fiduciary responsibility to the people.

Thank you for your time and your work on behalf of the people WHO CURRENTLY LIVE in Osceola County.

Best regards,
Robin Davis

From: Robin Davis
To: Ventry, Rita
Subject: Split Oak
Date: Thursday, December 19, 2019 4:19:14 PM

Hello,

I'm a resident of Osceola County, Florida, and I'm writing to ask you to stop the plan to build a highway through Split Oak Forest, which is conservation land.

Conservation land is a priceless asset that belongs to the people of the State of Florida. It does not belong to county commissions who, lacking in integrity, decide to undo the land protections through questionable legal and political maneuvers. As a citizen of Osceola County, this asset was on my balance sheet until the Osceola County Commission approved the deal. Now it's sitting on the balance sheet of the developers, and the offsetting entry on my income statement is a big fat LOSS. So you are doing me financial harm by approving this proposal.

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There are thousands of reasons you should not approve this proposal to build a highway through Split Oak. These are just some of the financial reasons it's a bad decision for the people of Florida, and any government representative approving this decision is not fulfilling her fiduciary responsibility to the people.

Thank you for your time and your work on behalf of the people WHO CURRENTLY LIVE in Osceola County.

Best regards,
Robin Davis



Kimberly A. Buchheit, PSM
PO Box 2016
Apopka, FL 32704
Email: kbuchheit@buchheitassoc.com
Direct: cell/text: 321-689-1057

September 6, 2018

Rita Ventry, FCCM
Florida Communities Trust (FCT)
Florida Department of Environmental Protection
3800 Commonwealth Blvd., MS 585
Tallahassee, FL 32399-3000

FCT PROJECT: SPLIT OAK FOREST WILDLIFE AND ENVIRONMENTAL AREA (SOFWEA)
MODIFICATION OF DEED RESTRICTIONS, GRANT AWARD AND INTERAGENCY AGREEMENTS

Dear Rita-

I would like to open by thanking you and your colleagues for meeting at your offices recently. I am writing to formalize my request to be added to the contact list for any FCT matters that may arise pertaining to Split Oak Forest Wildlife and Environmental Area (SOFWEA). This letter provides documentation for your files that I mentioned I would send.

I am an independent interested party, having surveyed and prepared parcel descriptions for conservation easements placed on the property in the mid 1990's. It has come to my attention that FCT Grant Recipients, Orange County and Osceola County, Florida may be asking to modify existing Deed Restrictions, Grant Award Agreements, Interagency Agreements, various policies and/or rules and regulations in order to facilitate a major roadway alignment through SOFWEA.

As you know, the Osceola Parkway Extension Project Development and Environment (PD& E) Study is underway, being conducted by the Central Florida Expressway Authority (CFX). The proposed alignment alternatives are currently being refined. The "Preferred Alternative" is scheduled to be finalized during December of 2018 and January of 2019. A general project schedule and updates can be found on the [CFX website](#).

There are multiple Osceola Parkway Extension alignment alternatives that may directly impact Split Oak Forest Wildlife and Environmental Area (SOFWEA) which was purchased in 1994 with FCT Funding under the Preservation 2000 Program. The FCT Grant Recipients were Orange County and Osceola County, Florida, as "Partners". The property has been managed by Florida Fish and Wildlife Conservation Commission (FWC) which holds various Conservation Easements over the property.

I have referred to FCT Policy and Florida Administrative Code (FAC) 62-818.015 and 62-818.016. Should the "Preferred Alignment" for the Osceola Parkway Extension be designed to go through SOFWEA, any request for consideration of Linear Facilities or for a Land Exchange will be a "large" and "controversial" project. In addition, based on the preliminary information available, it may be technically impossible to achieve a net positive environmental, conservation and/or recreational benefit to SOFWEA by way of exchange of lands that have been conceptually identified and are contiguous with the boundary of SOFWEA.

Therefore, I am hereby formally and publicly objecting (in advance) to any request to modify the terms of the Grant Award Agreements and Deed Restrictions on SOFWEA or to deviate from FCT Policy or the pertinent sections of FAC.

I understand that according to FCT Policy and FAC 62-818.015 and 62-818.016, my public objection ensures that any matters pertaining to modifications to the existing Deed Restrictions and/or Grant Award Agreement(s) for SOFWEA will be presented to the FCT Governing Board for consideration and final decision.

I also understand that it is the responsibility of the Grant Award Recipients or "Partners" to conduct a public involvement process (that is separate and distinct from the CFX PD&E public process) in order to obtain input and comments from the citizens of the community and the people of the State of Florida. As this matter is likely to be complex and contentious, I would like to ask that FCT and FWC make staff available to attend the public meeting(s) that will take place in Central Florida as coordinated by the "Partners".

Kindly notify me immediately should you receive any correspondence on this matter from the "Partners", Orange and Osceola Counties or the Central Florida Expressway Authority (CFX) or any of their attorneys or consultants. I would like to request to obtain copies of any materials that are submitted or requested by others regarding this matter. I would also like to be notified if the "Partners" or other parties schedule Staff level meetings that might indicate project activity.

There are numerous interested parties here in Central Florida as Split Oak Forest is an outstanding natural area, a beloved jewel. There are also numerous environmental organizations that are expressing great concern for continued protection of Split Oak Forest forever, as was clearly promised and intended. Perhaps you will be hearing from more individuals and organizations as the project progresses and the news spreads.

If you have any questions or comments, please do not hesitate to contact me personally at any time.

Thank you again for your diligent efforts and your hard work on behalf of our unique and valuable Florida Communities.

Warm regards,

**BUCHHEIT ASSOCIATES, INC.
SURVEYORS & MAPPERS**

/Kimberly A. Buchheit/

Kimberly A. Buchheit, PSM
President

cc: rita.ventry@dep.state.fl.us; linda.reeves@dep.state.fl.us; lois.LaSeur@dep.state.fl.us;
richard.mospens@myfwc.com>; deborah.burr@myfwc.com





LEAGUE OF WOMEN VOTERS® OF FLORIDA

July 9, 2018

PRESIDENT
Patricia Brigham

Re: Split Oak Forest Wildlife and Environmental Area and proposed Osceola Parkway Extension

FIRST VICE PRESIDENT
Cecile M. Scoon, Esq.

Dear Ladies and Gentlemen:

SECOND VICE PRESIDENT
Shawn Bartelt

On behalf of the League of Women Voters of Orange County, Seminole County, and the State of Florida, we are reaffirming our opposition to the proposed Osceola Parkway Extension through Split Oak Forest Wildlife and Environmental Area (SOFWEA).

TREASURER
Theresa Francis-Thomas

The League of Women Voters is a nonpartisan organization. We study issues regarding natural resources and other socioeconomic, social welfare, and political issues and take positions and actions after careful deliberation. We submit this letter as part of our commitment to protecting our State's signature Florida Forever conservation program.

BOARD OF DIRECTORS
Joanne Aye
Lisa Hall
Maggie Lawrence
Michele Levy
Charlotte Nycklemoe
The Hon. Mark Pafford
Marty Sullivan

Orange and Osceola Counties conceived SOFWEA in 1991 as an innovative joint venture to preserve critical wildlife habitats and wetlands in the increasingly urban environment of the two Counties. The proposal was based on placing a significant area of contiguous uplands and wetlands in a rural area in a designated conservation area and mitigation bank, as protected habitat for wildlife. The counties received Preservation 2000 funds based on their commitment to this conservation project. In the application for the funds from the Florida Communities Trust (FCT), the Counties explained that the creation of this protection area was consistent with their current and future development plans. The counties also explained that this area was adjacent to existing and planned conservation lands.

On February 21, 2018, we sent a letter to Mr. Hawkins in his capacity as the Chairman of the Central Florida Expressway Authority expressing our opposition to a right-of-way through SOFWEA for the Osceola Parkway Extension. A copy of this previous letter is attached.

Since that time, the League obtained a copy of a May 2, 2018 letter written by Mr. Hawkins, in his capacity as Chair of the Osceola Board of County Commissioners, to Mr. Jim Zboril, President of Tavistock Development Company. This letter responded to Mr. Zboril's April 13, 2018 letter setting forth certain conditions that include having Osceola County and its Board of Commissioners "[l]ead a public process (both local and state) to get the associated land in the Split Oak Forest released for right-of-way [for the Parkway extension]." Mr. Hawkins stated that "[i]t is the consensus of the Osceola County Commission that we support and will act on the conditions outlined in your letter." Mr. Hawkins also stated in his letter that he had scheduled a meeting with the FCT on May 15, 2018 to discuss this issue. These letters are also attached.

Nationally Respected, Locally Engaged:
The League of Women Voters of Florida
www.LWVFL.org

The League contends that this proposal should not be pursued because it violates the Florida Constitution's protection for conservation lands. Article X, Section 18 states that conservation lands cannot be transferred unless there is a determination that the land no longer serves a conservation purpose:

The fee interest in real property held by an entity of the state and designated for natural resources conservation purposes as provided by general law *shall be* managed for the benefit of the citizens of this state and 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. (emphasis added)

Disposal of land includes transfer of control and therefore this provision applies to the proposed grant of a right-of-way for the Parkway extension to CFX.

In 1998, Florida voters overwhelmingly approved this amendment to the Florida Constitution to provide long-term protection for conservation lands like SOFWEA. Both gubernatorial candidates at the time, Jeb Bush and Buddy MacKay, and over 100 industry leaders, in addition to conservationists, supported the proposed constitutional amendment. This amendment was proposed to make it difficult to sell off conservation lands in order to "protect past achievements from unraveling."¹

Because SOFWEA retains conservation value, it is not possible to make the determination required by the constitution for the transfer of conservation lands. When Orange and Osceola Counties jointly applied for state conservation funds to acquire SOFWEA,² they described the SOFWEA as a "long-term, permanent protection of entire ecosystems" and "an innovative mechanism for natural resources protection." The program's objective was to provide a better alternative for "continued long-term protection of wetlands and wildlife" by designating a large tract of land in a rural area for conservation purposes rather than create "small islands of habitat" that end up being incapable of supporting certain wildlife populations. SOFWEA was designed to "maximize the habitat value of the site for the benefit of species such as the gopher tortoise, Florida mouse, gopher frog, Sherman's fox squirrel, and the red-cockaded woodpecker" and to have all management activities "evaluated in terms of the anticipated impact of the proposed action on listed wildlife within the park."

A major highway through SOFWEA clearly destroys the important function that this forest and wildlife and environmental area was designed to, and does, provide. The conservation manager of the SOFWEA, the Fish and Wildlife Conservation Commission (FWC), performed an extensive review of the SOFWEA in 2016 and concluded:

The evaluation of SOFWEA by FWC has determined that ***all portions of the area are being managed and operated for the original purposes of acquisition, and remain integral to the continued conservation of important fish and wildlife resources, and continue to provide quality***

¹ Wm. Clay Henderson and Deborah Ben-David, Protecting Natural Resources, 72 Florida Bar Journal 21, 24 (Oct. 1998).

² Florida Communities Trust, Preservation 2000 Program, Application Form submitted by Orange and Osceola Counties on December 31, 1991.

fish and wildlife resource based public outdoor recreational opportunities. Therefore, ***no portion*** of the SOFWEA is recommended for potential surplus review.³ (emphasis added)

The letters between Mr. Hawkins and Tavistock mentioned above describe efforts to arrange for a deal to allow the proposed Parkway extension to be built in the Osceola portion of SOFWEA in exchange for some concessions from Tavistock, including the designation of other property for conservation. The trade-offs being discussed are not permitted by the explicit language of the 1998 Constitutional provision. Article X, section 18 clearly states that the only time conservation lands may be disposed of is when they no longer serve a conservation purpose. The underlying bases for this Constitutional provision -- to prevent conservation achievements from unraveling and to preserve conservation lands from the anticipated pressures of development -- explains the reasons for not allowing exchanges.

Considering the relevant provisions of our Constitution and these facts, the League of Women Voters of Orange County, Seminole County, and the state of Florida urge you to cease pursuing alternatives for the proposed Osceola Parkway Extension that damage SOFWEA and instead recognize it for the innovative and valuable role it plays in the Florida Forever program. There are alternatives that do not destroy constitutionally protected land and habitats and the League encourages you to pursue one of these options instead.

Sincerely,

Patricia Brigham
President, League of Women Voters of Florida

Leesa Bainbridge
Co-president, League of Women Voters of Orange County

Gloria Pickar
Co-president, League of Women Voters of Orange County

Sharon Lynn
President, League of Women Voters of Seminole County

CC: Board of County Commissioners, Orange County

The Honorable Teresa Jacobs, Mayor
201 Rosalind Ave., 5th Floor
Orlando, FL 32801
Mayor@ocfl.net

³ Florida Fish and Wildlife Conservation Commission, A Management Plan for Split Oak Forest Wildlife and Environmental Area 2017 – 2027 (2016), <http://myfwc.com/media/4155127/SOFWEAMP2016-2026.pdf>. There are similar statements from both Orange and Osceola county authorities affirming the conservation purposes provided by SOFWEA.

July 9, 2018

Page 4

Commissioner Betsy VanderLey
201 S. Rosalind Ave., 5th Floor
Orlando, FL 32801
District1@ocfl.net

Commissioner Victoria P. Siplin
201 S. Rosalind Ave., 5th Floor
Orlando, FL 32801
District6@ocfl.net

Commissioner Emily Bonilla
P.O. Box 1393
Orlando, FL 32802-1393
District5@ocfl.net

Commissioner Jennifer Thompson
Board of County Commissioners
201 S. Rosalind Ave., 5th Floor
Orlando, FL 32801
Jennifer.Thompson@ocfl.net

Commissioner Pete Clarke
Board of County Commissioners
201 S. Rosalind Ave., 5th Floor
Orlando, FL 32801
District3@ocfl.net

Commissioner Rod A. Love
201 S. Rosalind Ave., 5th Floor
Orlando, FL 32801
District2@ocfl.net

Board of County Commissioners, Osceola County

Commissioner Fred Hawkins, Jr., Chairman
1 Courthouse Square,
Suite 4700
Kissimmee, FL 34741
Fred.HawkinsJr@osceola.org

Commissioner Peggy Choudhry
1 Courthouse Square,
Suite 4700
Kissimmee, FL 34741
Peggy.Choudhry@osceola.org

July 9, 2018

Page 5

Commissioner Brandon Arrington
1 Courthouse Square,
Suite 4700
Kissimmee, FL 34741
Brandon.Arrington@osceola.org

Commissioner Vivian Janer
1 Courthouse Square,
Suite 4700
Kissimmee, FL 34741
Viviana.Janer@osceola.org

Commissioner Cheryl Grieb
1 Courthouse Square,
Suite 4700
Kissimmee, FL 34741
Cheryl.Grieb@osceola.org

Florida Communities Trust
FloridaCommunitiesTrust@floridadep.gov

Rita Ventry, Planner for Orange and Osceola Counties
Rita.Ventry@dep.state.fl.us

Central Florida Expressway Authority
Ms. Laura Kelly
4974 ORL Tower Road
Orlando, FL 32807
info@CFXway.com



Valerie Anderson
President, Friends of Split Oak Forest
386.852.2539
valerie@friendsofsplitoak.org

May 14, 2018

Orange County Board of County Commissioners

Mayor Teresa Jacobs

Commissioners Betsy VanderLey, Rod Love, Pete Clarke, Jennifer Thompson, Emily Bonilla and Victoria Siplin

201 S Rosalind Ave., 5th Floor

Orlando, FL 32801

mayor@ocfl.net, District1@ocfl.net, district2@ocfl.net, district3@ocfl.net, district4@ocfl.net, district5@ocfl.net,

District6@ocfl.net

By Email & US Mail

Osceola County Board of County Commissioners

Chairman Fred Hawkins, Jr.

Commissioners Cheryl Grieb, Peggy Choudhry, Viviana Janer, Brandon Arrington

1 Courthouse Square, Suite 4700

Kissimmee, FL 34741

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brandon.arrington@osceola.org

By Email & US Mail

Central Florida Expressway Authority

Laura Kelley, Executive Director

Chairman Fred Hawkins, Jr. and Governing Board Jay Madara, Brenda Carey, Jim Barfield, Buddy Dyer, Andria Herr, Teresa Jacobs, Sean Parks, S. Michael Scheeringa, and Jennifer Thompson

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Michael.Scheeringa@CFXway.com, jennifer.thompson@ocfl.net

By Email & US Mail

Florida Communities Trust, Florida Department of Environmental Protection

Governing Board Members David Clark, Linda Bell, Erick Lindblad, and Gregory Jones

3900 Commonwealth Boulevard MS 103

Tallahassee, Florida 32399-3000

FloridaCommunitiesTrust@floridadep.gov

By Email & US Mail

Re: OSCEOLA PARKWAY EXTENSION

Dear Commissioners of Orange & Osceola Counties, Board Members of CFX and Florida Communities Trust,

I write to you on behalf of Friends of Split Oak Forest, Inc. a 501(c)(3) Florida nonprofit dedicated to the ongoing, permanent conservation of the Split Oak Forest. Our members recreate, nature watch, hike and routinely enjoy the Split Oak Forest, which was publicly acquired as conservation land in perpetuity.

The purpose of this letter is to apprise you of legal irregularities concerning commitments and decision-making by the Osceola County Board of County Commissioners (Osceola BOCC) in connection with the proposed Central Florida Expressway (CFX) Osceola Parkway Extension (Extension). The irregularities identified herein are only those that our members have thus far identified through attendance at both Osceola and Orange County Commission meetings, together with perusal of available public records, and consultation with attorneys. Our continuing inquiry has also yielded questions about the process, players and decisions being made regarding the Extension.

Irregularities & Questions

1. It appears that Osceola County has effectively entered into an agreement with Tavistock Development Company (Tavistock) to allow use of Split Oak Forest for the Extension. It appears that this agreement was approved in concept on April 16, 2018 by the Osceola BOCC, with written confirmation in the form of a letter from Osceola BOCC Chairman Hawkins to Tavistock dated May 2, 2018¹. No public hearing was conducted in connection with this decision and no public notice or public comment was afforded prior to the commitment. No resolution or ordinance was adopted by the Osceola BOCC to finalize this action. This commitment would thus appear to be a violation of Florida law. We request an explanation.
2. The Extension was raised by Chairman Hawkins at the April 16 Osceola BOCC meeting during his "Chairman's report" at the end of the meeting. Chairman Hawkins introduced Charles Lee of Audubon Florida for the purpose of reinforcing Mr. Hawkins' assertion that putting the Extension through Split Oak Forest is a "win-win" for environmentalists and Osceola County. Mr. Lee was allowed to make a prepared presentation regarding what he deemed to be the positive environmental benefits of allowing the Extension to be built in Split Oak Forest. Mr. Lee was the only member of the public allowed to speak. Representatives of Friends of Split Oak Forest asked the guards and clerk at the back of room if we would be allowed to comment and were told that no public comment is allowed during the Chairman's time. Mr. Lee does not speak for Friends of Split Oak Forest. This maneuver by Chairman Hawkins is patently unfair and also, in our opinion, unlawful. We request an explanation as to why this discussion was not placed on the agenda despite the fact that Chairman Hawkins knew full well that he planned to speak on the subject.
3. Osceola County does not have an established procedure for public comment during commission meetings. Rather, Osceola County offers a general opportunity for audience members to speak at the beginning of each meeting prior to other business being conducted that is set forth on the Agenda. The presentation regarding the use of Split Oak Forest for the Extension was not noticed on the April 16th Agenda. Accordingly, citizens present at the meeting had no ability to comment on the matter regarding the Extension. Other citizens interested in the fate of Split Oak Forest had no prior notice of Chairman Hawkins' plan and thus had no opportunity to make plans to attend the meeting, much less give their opinion on the matter. This failure to allow for notice and comment violates basic due process required under Florida law. We request an explanation as to why this lack of opportunity for public comment is acceptable to Osceola County.
4. A request for public records has revealed emails between Chairman Hawkins and Charles Lee in which they coordinated Mr. Lee's presentation in favor of the alignment through Split Oak Forest. These emails

¹ A copy of the May 2, 2018 letter (with attachments) from Mr. Hawkins to Tavistock is attached hereto.

are attached hereto. In one email Mr. Hawkins asks for Charles Lee's cell phone number. Several emails include Jim Zboril, President of Tavistock Development Company. In another email Mr. Hawkins asks Charles Lee to keep the deal private until the April 16 Osceola BOCC meeting, and Mr. Lee agrees to do so. It is unclear why an environmental organization is endorsing an environmentally destructive road through a conservation area when there is a viable alignment avoiding the conservation area. There have been hundreds of comments submitted to CFX, thousands of petition signatures, and repeated public comments at Orange BOCC, Osceola BOCC, and CFX Board meetings opposing any alignment of the Extension through Split Oak Forest. Why are the Osceola BOCC and CFX giving exclusive value to the opinion of a single individual to the exclusion of every other citizen?

5. Based on our inquiry, we question how the citizens of Osceola County and indeed, the State of Florida, can have any confidence in Osceola County's administration of government when Chairman Hawkins engages in blatant private dealmaking with Mr. Zboril and Mr. Lee on the protection and preservation of public lands?
6. The entity legally authorized to build the Extension is the Central Florida Expressway Authority. Why is the May 2, 2018 letter from Osceola County addressed to Tavistock and not the entity building the road?
7. The purchase of parcel 112A for the Western portion of the Extension in Orange County was approved by Osceola BOCC at the May 7 meeting. The parcel purchase agreement was added at the last minute to the consent agenda. Commissioners and the public did not have adequate time to review this purchase agreement before it was voted on. The public received very little prior notice of this last minute agenda item, and thus it was not addressed in public comment prior to the BOCC vote on it. Yet CFX's right-of-way counsel was privately notified of this agenda item and was present to observe the vote. Why did the Osceola BOCC wait until the last minute to place this item on the agenda while notifying other interested parties (including, at the very least, CFX) that said item would be discussed and voted on? This is yet one more example of the Osceola BOCC's utter disregard for due process. We would like an explanation as to why the Osceola BOCC considers this decision-making process acceptable practice.
8. Osceola BOCC Chairman Hawkins also sits as CFX Chairman. Confusion regarding Mr. Hawkins obligations and potential conflicts of interest are inherent in the dual roles, at least with respect to the Extension. For example, when Mr. Hawkins is negotiating with Tavistock's representatives and others, is he negotiating for the primary benefit of Osceola County or CFX? Mr. Hawkins appears to be in a hurry to finalize the Extension through Split Oak Forest. Has either Osceola County or CFX requested a legal opinion as to whether Mr. Hawkins can represent both entities in negotiations regarding the Extension and the use of Split Oak Forest for right-of-way?
9. Friends of Split Oak Forest and other members of the public are confused regarding what exact decision was made during the April 16 Osceola BOCC meeting. The Action Agenda fails to clarify the confusion. Compounding the irregularity is the fact that the Minutes for the meeting were not released in draft form until May 10. This lack of timely release is yet another example of Osceola County's pattern of stretching Florida Statute section 286.011's allowance for prompt recording of minutes and their availability for public inspection. This lack of timely compliance is reinforced by the fact that the Minutes for five (5) previous BOCC meetings as held on November 27, 2017, 2:00 p.m.; February 05, 2018, 1:30 p.m.; February 19, 2018, 5:30 p.m.; March 05, 2018, 1:30 p.m.; and March 19, 2018, 5:30 p.m. were on the Consent Agenda to be approved en masse at the May 7, 2018 meeting. We request an explanation as to why this untimeliness is acceptable to Osceola County.

Since we have been denied the right of public comment at some Osceola County Commission meetings and since CFX has cancelled its regularly scheduled May 2018 Board meeting, we are compelled to communicate our observations and concerns in this fashion.

Given the Expressway Authority's colorful history of corruption, we view these recent developments with justifiable alarm.

We look forward to a full, fair, transparent discussion of our concerns. We request a full public meeting by Orange County, Osceola County and CFX with proper legal notice and at which public comment is heard. We would like our questions answered. Split Oak Forest is public conservation land held specifically for the benefit of the citizens of Osceola and Orange Counties purchased with money from the people of the State of Florida. The citizens should have the most influential voice in what becomes of this irreplaceable jewel of natural Florida.

Respectfully Submitted,

Valerie Anderson
President, Friends of Split Oak Forest

Attachments: Fred Hawkins and Charles Lee Email Thread 20180415, Tavistock Letter to Osceola BOCC 20180413, Osceola BOCC Letter to Tavistock 20180502

cc:

Chuck O'Neal, President, Speak Up Wekiva chuckforflorida@gmail.com
Marge Holt, Conservation Chair, Central Florida Sierra Club Group marjorie.holt@florida.sierraclub.org
Frank Jackalone, Senior Organizing Manager, Sierra Club frank.jackalone@sierraclub.org
Andrew Mai, County Attorney, Osceola BOCC andrew.mai@osceola.org
Don Fisher, County Manager, Osceola BOCC don.fisher@osceola.org
Tawny Olore, Executive Director, OCX tawny.oloro@osceola.org
Atlee Mercer, Chairman, OCX atlee.mercer@osceolaxway.com
Jim Harrison, Assistant County Administrator, Orange BCC Jim.Harrison@ocfl.net
Mimi Lamaute, Board Services Coordinator, CFX Mimi.Lamaute@cfxway.com
Jim Zboril, President, Tavistock Development Company jzboril@tavistock.com
Julie Wraithmell, Executive Director, Audubon Florida jwraithmell@audubon.org
Susan Carr, President, Florida Native Plant Society suscarr123@gmail.com
Deborah Green, Conservation Chair, Orange Audubon Society watermediaservices@mac.com
Larry Rosen, President, Kissimmee Valley Audubon Society larryrosen@cfl.rr.com
Richard Mospens, HSC/WHM Conservation Land Manager, FWC richard.mospens@myfwc.com
David Turner, Fish and Wildlife Biological Scientist III, FWC david.turner@myfwc.com
Brian Barnett, Transportation Biologist, FWC brian.barnett@myfwc.com
Rita Ventry, Planner, FCT Rita.Ventry@dep.state.fl.us
Linda Reeves, Land and Recreation Grants Section Manager, FCT Linda.Reeves@dep.state.fl.us
Louis LaSeur, Senior Assistant General Counsel, FDEP Lois.LaSeur@dep.state.fl.us
John Rice, Senior Program Management Engineer, RS&H john.rice@rsandh.com
The Honorable Aramis Ayala, State Attorney aayala@sao9.org
Charlie Reed, Osceola News Gazette charliemreed@gmail.com
Scott Maxwell, Orlando Sentinel, smaxwell@orlandosentinel.com
Kevin Spear, Orlando Sentinel kspear@orlandosentinel.com
Stephen Hudak, Orlando Sentinel shudak@orlandosentinel.com
Craig Pittman, Tampa Bay Times craig@tampabay.com
Dave McDaniel, WESH TV, Channel 2 dmcdaniel@hearst.com
Racquel Asa, WFTV, Channel 9 racquel.asa@wftv.com
Barbara Peterson, President, First Amendment Foundation info@faf.org
Scott Powers, Florida Politics scott@floridapolitics.com
Jennifer Rubiello, State Director, Environment Florida jennifer@environmentflorida.org
Veronica Brezina, Staff Reporter, Orlando Business Journal ybrezina@bizjournals.com
Lauren Ritchie lritchie@orlandosentinel.com
Dinah Pulver, Environment Writer, Daytona Beach News-Journal dinah.pulver@news-irnl.com
Paula Dockery, Syndicated Columnist, pauladockery@aol.com

Subject: RE: JZ Scan.pdf
From: Charles Lee <chlee2@earthlink.net>
Date: 4/15/2018 7:47 PM
To: Fred Hawkins Jr. <Fred.HawkinsJr@osceola.org>

Fred:

Yes, thanks...I will keep the letter quiet and speak favorably endorsing this tomorrow night.

Charles

From: Fred Hawkins Jr. [mailto:Fred.HawkinsJr@osceola.org]
Sent: Sunday, April 15, 2018 6:40 PM
To: chlee2@earthlink.net
Subject: FW: JZ Scan.pdf

Charles,

Please find the attached letter as you requested. Please let me know any questions you may have. I would appreciate this if we could not go public with this till we bring this to the BOCC at tomorrows meeting.

From: Jim Zboril <jzboril@tavistock.com>
Sent: Friday, April 13, 2018 7:08 PM
To: Fred Hawkins Jr. <Fred.HawkinsJr@osceola.org>
Subject: JZ Scan.pdf

Letter attached. Thank you, Jim

Please Note: Florida has a very broad Public Records Law. E-mails to this entity or its employees may be considered a public record. Your e-mail communication, including your email address may be disclosed to the public and media at any time.



LEAGUE OF WOMEN VOTERS® OF FLORIDA

PRESIDENT
Pamela Goodman

February 21, 2018

FIRST VICE PRESIDENT
Patricia Brigham

Central Florida Expressway Authority
The Honorable Fred Hawkins, Jr., Chairman, Osceola County Representative

Dear Mr. Hawkins,

SECOND VICE PRESIDENT
Cecile M. Scoon

On behalf of the League of Women Voters of Orange County, Seminole County, and the State of Florida, we urge you to stand up for protecting our natural lands by routing the proposed Osceola Parkway Eastern Extension around the Split Oak Forest Wildlife and Environmental Area (SOFWEA).

TREASURER
Theresa Francis-Thomas

The League of Women Voters is a nonpartisan organization. We study natural resources, as well as other socioeconomic, social welfare, and political issues, and take positions and actions after careful deliberation.

SECRETARY
Patricia Drago

After lengthy study and consideration of this issue, we adopted the position that we oppose any road through Split Oak Forest Wildlife and Environmental Area.

BOARD OF DIRECTORS
Shawn Bartelt
Lisa Hall
Julie Kessel, M.D.
Maggie Lawrence
Michele Levy
The Hon. Mark Pafford
Marty Sullivan

The Central Florida Expressway Authority (CFX) has incorporated the views of citizens through public input forums. CFX has paid particular attention to the views of the environmental community. We commend your openness in this regard.

Orange and Osceola Counties purchased Split Oak more than 20 years ago as a mitigation bank to offset wetland and gopher tortoise impacts. Since then, the Florida Fish and Wildlife Conservation Commission has managed the area by conducting prescribed burns, chemically removing invasive species and bringing in dozens of relocated gopher tortoises.

EXECUTIVE DIRECTOR
Penny Walker Bos
2507 Callaway Road
Suite 102A
Tallahassee, FL
32303
(850)224-2545

Ros Schultz, first Osceola County Land Manager, reports that SOFWEA began in the early 1990s during a lunch under the actual Split Oak when he, Maury Carter the land owner, and others looked around them and agreed the land should be saved. Rod teamed with Orange County and won a \$5.5 million Preservation 2000 (Florida Forever predecessor) grant to buy SOFWEA. To protect the land from encroachment, by 1994 they had tied the land up in multiple layers of easements with multiple participants, including Florida Communities Trust, Florida Fish and Wildlife Commission, and both counties. Subsequent use of SOFWEA for mitigation added many more participants.

SOFWEA is land owned by the Florida public under the constitutionally based Florida Forever program to acquire land for conservation. It also includes land used as mitigation for other development projects. Currently under consideration is a roadway land swap for a portion of SOFWEA in exchange for some of developers' land elsewhere. CFX is convening discussions about this potential swap between developers and representative of environmental advocates. Legality of such a swap has been questioned because of the deed covenants and Florida constitutional restrictions on disposal of public conservation lands.

The League of Women Voters of Orange County, Seminole County, and League of Women Voters of Florida oppose any road through Split Oak Forest Wildlife and Environmental Area

Sincerely,

Pamela Goodman
President, League of Women Voters of Florida

Leesa Bainbridge
Co-president, League of Women Voters of Orange

Carol Davis
Co-president, League of Women Voters of Orange

Zelda Ladan
President, League of Women Voters of Seminole County

Cc:

Laura Kelley, Executive Director, Central Florida Expressway Authority
Jay Madara, Vice Chairman
The Honorable Brenda Carey, Treasurer, Seminole County Representative
The Honorable Jim Barfield, Brevard County Representative
The Honorable Buddy Dyer, Mayor of Orlando
Andria Herr, Governor's Appointee
The Honorable Teresa Jacobs, Orange County Mayor
The Honorable Sean Parks, Lake County Representative
S. Michael Scheeringa, Governor's Appointee
The Honorable Jennifer Thompson, Orange County Representative

Support Correspondence

From: [Wood, Rebecca](#)
To: [Ventry, Rita](#)
Subject: FW: Split Oak Preserve/Osceola Parkway/Central Florida Expressway Authority issue I mentioned to you at Audubon Assembly
Date: Tuesday, November 12, 2019 9:14:38 AM
Attachments: [Audubon Florida Letter - Linda Reeves, FCT - Osceola Parkway 1A alignmen....pdf](#)
[Split Oak Preserve Powerpoint 4-16.pdf](#)
Importance: High

Fyi – please file in Split Oak folder.

Thanks!



Rebecca Wood

Florida Department of Environmental Protection
Land and Recreation Grants
Program Manager
Rebecca.Wood@FloridaDEP.gov
Office: 850.245.2314

From: DeHaven, Callie <Callie.DeHaven@dep.state.fl.us>
Sent: Monday, October 28, 2019 10:24 AM
To: Reeves, Linda <Linda.Reeves@dep.state.fl.us>; Wood, Rebecca <Rebecca.Wood@FloridaDEP.gov>
Subject: FW: Split Oak Preserve/Osceola Parkway/Central Florida Expressway Authority issue I mentioned to you at Audubon Assembly
Importance: High

FYI

From: Charles Lee <chlee2@earthlink.net>
Sent: Sunday, October 27, 2019 4:06 PM
To: DeHaven, Callie <Callie.DeHaven@dep.state.fl.us>; Valenstein, Noah <Noah.Valenstein@dep.state.fl.us>
Subject: Split Oak Preserve/Osceola Parkway/Central Florida Expressway Authority issue I mentioned to you at Audubon Assembly
Importance: High

Callie and Noah:

Please see below and attached. These materials were forwarded to John Truitt before the meeting Central Florida Expressway Authority (CFX) set up with him a couple of weeks ago. In summary, the essential points mentioned in our original letter to Florida Communities Trust (attached) appear to be falling into place in the CFX PD&E study nearing completion. The result will be a big win-win expanding the Split Oak Preserve and adjoining conservation lands by 1,500 acres, and more than doubling the size of the scrub area protected within Split Oak Preserve. We have been working closely with CFX and I believe they are responding in a conscientious manner to resolve our

concerns. There will be some other groups and individuals who will not accept any impact on the Split Oak tract. The likely objectors are not considering the big, long term picture for Split Oak and the certainty that it will have intense office park and industrial development right up to the boundary unless those previously entitled lands are acquired as will be proposed by CFX.

Charles Lee
Audubon Florida

From: Charles Lee [<mailto:chlee2@earthlink.net>]
Sent: Thursday, October 10, 2019 8:20 PM
To: 'aaron.watkins@dep.state.fl.us' <aaron.watkins@dep.state.fl.us>
Subject: Split Oak materials we discussed today
Importance: High

Aaron:

See the attached letter and its exhibit, a Powerpoint.

Please note that that some of the discussion in the Powerpoint is now antiquated. For example, the "utility plant" that we suggested be moved in the Powerpoint is no longer a factor, and will not need to be moved as I suggested; Tavistock has already committed to build that facility far south of the lands under discussion here. All of the land shown in the 1,500+- acre band extending around the east and south boundaries of Split Oak, Moss Park, and the South and East boundaries of Isle of Pines Preserve will now be proposed as exchange property for use of about 60 acres under an easement in the SW corner of Split Oak for the Osceola Parkway Extension and the severance of another 100+- acres south of the Osceola Parkway Extension. That severed 100 acres will remain in the ownership of Osceola County and will be managed as conservation/park land. The key take home message here is that unless an exchange package like this is worked out, the 1,500 acres will ultimately be intensely developed along the boundary of Split Oak and the other conservation lands. For example, Osceola County has (as is shown in the Powerpoint) previously approved 1,700,000 Sq. feet of commercial, 1,000,000 Sq. feet of industrial, 80,000 sq feet of commercial, and 125,000 sq. feet of civic facilities to be built right up against the Split Oak boundary...approved in the NE District Sector Plan back approximately 2010.

Charles

From: Charles Lee [<mailto:chlee2@earthlink.net>]
Sent: Friday, October 26, 2018 5:30 PM
To: 'Mayor@ocfl.net' <Mayor@ocfl.net>; 'District1@ocfl.net' <District1@ocfl.net>; 'District2@ocfl.net' <District2@ocfl.net>; 'District3@ocfl.net' <District3@ocfl.net>; 'Jennifer.Thompson@ocfl.net' <Jennifer.Thompson@ocfl.net>; 'District5@ocfl.net' <District5@ocfl.net>; 'District6@ocfl.net' <District6@ocfl.net>

Cc: 'Beth.Jackson@ocfl.net' <Beth.Jackson@ocfl.net>

Subject: Item III A 1. Work Session- Split Oak Forest, Wildlife Environmental Area Update and Osceola Parkway Extension Project Update, Oct 30th Agenda

Importance: High

Mayor Jacobs and Commissioners:

Please see the attached letter and Powerpoint Presentation which we provided to Florida Communities Trust (FCT) on May 14 regarding this matter.

The letter and Powerpoint describe what we believe should be the minimum compensation/mitigation requirements should the Central Florida Expressway Authority PDE study ultimately propose a road crossing on the "1A Alignment", which would result in an impact upon 160 acres, or approximately 10% of the Split Oak conservation tract.

Any other alignment further north on the Split Oak tract, including the alignment previously approved by Osceola County in April, 2017, that would have "Split Split Oak" down the middle at the Orange/Osceola County line, would in our view be entirely unacceptable.

We believe that the minimum compensation/mitigation for utilizing the 1A alignment would need to include all of the following actions by CFX:

- Acquisition/Addition of approximately 1,500+- acres of new conservation land to the Split Oak, Moss Park, and Isle of Pine tracts, with 505+- acres including 60 acres of scrub added to Split Oak itself.
- Extinguishing currently approved development entitlements to 1,700,000 square feet of Office Park, 1,000,000 square feet of Industrial, 80,000 square feet of commercial, and 120,000 square feet of Civic development in the Osceola County "Northwest Special District" immediately adjacent to the boundary of Split Oak.
- Provision of restoration/management funds by CFX in the range of \$2,000,000 to \$3,000,000 of initial restoration cost, followed by an ongoing \$100,000 - \$300,000 annual management cost, to restore and manage previously disturbed areas in the 1,500 acres of compensation/mitigation lands.
- Actions by Osceola County/private landowners to secure wildlife corridor linkages associated with Split Oak, Moss Park and Isle of Pines preserve relating to the Northeast District in Osceola County and North Ranch Sector Plan in Osceola County.

I will be present on Tuesday, October 30 to discuss this matter in the Public Comment period prior to your consideration of this work session agenda item.

Charles Lee
Director of Advocacy
Audubon Florida



May 14, 2018

Ms. Linda Reeves
Land & Recreation Grants Section Manager
Florida Communities Trust
3900 Commonwealth Boulevard
Tallahassee , Florida 32399-3000

1101 Audubon Way
Maitland, Florida 32751
Cell (407) 620-5178
chlee2@earthlink.net

RE: Osceola Parkway Extension impacts on Split Oak Forest Wildlife and Environmental Area

Dear Ms. Reeves:

On April 16th I presented the attached PowerPoint presentation to the Osceola County Commission. This presentation was made to the CFX board earlier in March. This letter is to update and confirm the points in that presentation, and to provide some additional detail regarding that presentation.

Audubon Florida strongly advocates against impacts to conservation lands. Fortunately, in most cases, intrusions into, or incompatible uses of conservation land acquired by the State of Florida under such programs as Preservation 2000 and Florida Forever are foreclosed by the transfer of title or easement rights to the state or allied agencies, such as Osceola County. In those cases, agencies holding title or easements protecting conservation lands can “just say no”.

However, in the case of “linear facilities”, Florida law and the policies of the Trustees of the Internal Improvement Trust Fund (Division of State Lands, Florida Department of Environmental Protection) allow the consideration of linear facility crossings of conservation lands, including public transportation corridors under certain circumstances. These policies in state law can be found, for example, in Section 704.06 (11) Florida Statutes, and in Section 62-818.015 Florida Administrative Code. Our practice is to attempt to achieve avoidance and/or minimization of impacts from such linear facilities, and then to advocate “net positive benefit” compensation and mitigation for the impacts of such facilities when avoidance is not practical.

The exact route for the Osceola Parkway Extension will be determined by the Central Florida Expressway Authority (CFX) through its new PDE study which is now ongoing. The costs of the necessary compensation land acquisition, restoration and management to offset impacts to Split Oak will need to be weighed in the PDE study against the additional right of way acquisition costs and other costs associated with routes studied that go around Split Oak. In order for the PDE comparison between alternative alignments to be fair, it is important

to advance at this stage the full scope of necessary land acquisition, restoration, mitigation, and other compensating costs associated with a Split Oak crossing so that the costs of a route outside Split Oak can be compared on an equal footing.

Should CFX determine that it is necessary to cross the Split Oak Forest Wildlife and Environmental Area (Split Oak), i.e. “no reasonable alternative” pursuant to 62-818.015 (1) (a), the 1A alignment would present a “least impact” scenario compared to previous routes under consideration that would cross Split Oak. The 1A alignment across the southwest corner of Split Oak would impact approximately 160+- acres, or somewhat less than 10% of the Split Oak conservation tract. The previous alignment chosen by the Osceola County Expressway Authority on April 11, 2017 (E-5A2B) would have impacted over 50% of Split Oak, in both Osceola and Orange Counties, and would have precluded the practice of prescribed fire management on more than a square mile of conservation lands.

As was emphasized in the attached PowerPoint presentation, ***“Crossing part of Split Oak, even on the 1A alignment, should only be considered if CFX is willing to commit to a compelling package of compensation lands, and securely funded restoration & management which will result in net positive benefit to conservation lands.”***

In my view, the minimum requirements for an acceptable compensation/mitigation package to offset the 160+- acres of impact on Split Oak for the 1A alignment would be:

(a) Acquisition of 1,500+- acres of buffering conservation lands to be added to the Split Oak, Moss Park, Isle of Pines Preserve conservation lands in Osceola and Orange Counties. This acreage includes all the lands shown on the map in the PowerPoint. Now that Tavistock and Osceola County have agreed to relocate the Regional Water/Sewer Plant, the 60+- acres of scrub in the former regional water/sewer facility site will also be included in these compensation lands. As I understand the compensation land proposal at this juncture, Tavistock will be conveying approximately 538+- acres of land in Osceola County to become part of Split Oak Preserve, including the 60+- acre scrub that is part of the former utility plant site. I understand that the suggestion of “switching sites” for the utility plant within the compensation land area contained in the attached PowerPoint has now been superseded by a new plan to move the utility plant entirely out of the compensation lands. This nets an additional 60+- acres for the compensation lands. CFX will need to acquire by purchase 33+- acres in Osceola County and 945+- acres in Orange County. The compensation lands should be viewed as providing two types of benefits to offset losses in Split Oak; (1) immediate benefits assignable to those portions of the compensation lands that have significant, existing, intact ecological communities and wildlife habitat and (2) long term benefits as disturbed areas within the compensation lands are restored and converted back to longleaf pine forests.

(b) Out of the 160+- acres impacted by the 1A alignment in Split Oak, approximately 125+- acres consist of very high quality upland longleaf pine

habitat. (Note, that while the Osceola Parkway footprint would impact 66+- acres directly, we consider the 94+- acres of Split Oak to the south and west of the 1A alignment which would be severed from the main tract to be negatively impacted.) It is clear from evaluations of the proposed 1,500+- acres of compensation lands that a substantial portion of the uplands are previously disturbed by agriculture. Some of the highest value and least disturbed uplands in the entire compensation land package are the scrub acreage within the former 60+- acre regional water/sewer plant site. Other moderately high value longleaf pine uplands exist just east of the wetlands along the SFWMD canal transecting the compensation land, with approximately 100+- acres of moderately high quality upland at that location. Those uplands will need continuing prescribed fire management, as will the 60+- acre former water/sewer plant site.

(c) The remainder of the compensation land uplands (particularly those in the eastern portion of the Osceola compensation lands and all of the Orange County compensation lands) will require significant restoration and management funding to transform them, over time, into habitat that approaches the quality of that impacted within Split Oak. This restoration will entail fire management and thinning and perhaps longleaf pine seeding on the 109+- acres adjacent to Lake Mary Jane Drive, reforestation with longleaf pine and suitable understory species of the open pasture land and reforestation after clearing and restoring surface contours on the old orange grove areas east of Isle of Pine Preserve. Aggressive removal and management of exotics including cogongrass and Lygodium will be required on the Orange County portions of the compensation lands.

(d) The final determinations on how much restoration/management funding is needed, and the exact metrics of the restoration and exotic plant control measures will be made by FWC and the Florida Communities Trust (FCT), and the Acquisition and Restoration Council (ARC). My initial "guesstimates" based on similar sized restoration efforts are that there would be at minimum \$2,000,000 to 3,000,000 in initial restoration cost, followed by an ongoing \$100,000 - \$300,000 annual management cost need for a period of at least 20 years. CFX, as the roadbuilding agency, would be expected to bear these restoration and management costs, with any resulting mitigation credit value being used to offset anticipated CFX mitigation needs associated with the construction of the Osceola Parkway Extension Project. It may also be possible for Tavistock's contribution of land and possible funding of these restoration efforts to result in some mitigation value to offset mitigation requirements for the Sunbridge project; Determinations about the applicability and appropriate nature of mitigation will be made by permitting agencies (DEP, SFWMD, and USACE). It should be noted that because the Florida Fish and Wildlife Commission (FWC) contributed gopher tortoise mitigation funds to the acquisition of Split Oak, and holds conservation easements, and because the Florida Communities Trust and Osceola County executed restrictive covenants at the time of the purchase of Split Oak, FCT, FWC and ARC will exercise the final determination of the adequacy of compensation lands and restoration funding in both instances, and additional funding will be required to assure proper steps to relocate protected gopher tortoises from lands impacted by the Osceola Parkway extension on the 1A

alignment through Split Oak. If additional compensation lands beyond those outlined above are deemed necessary by FWC/FCT or ARC we recommend that the acquisition of conservation easements over the Krichman Foundation (Conlin Lake X, ranked # 4 on the 2017 Florida Forever Less-than-fee list) be given priority consideration.

(e) In addition to actual habitat value (either immediately provided or restored over time) the 1,500+- acres of compensation lands will provide important buffering protection to the existing conservation lands within Split Oak, Moss Park, and Isle of Pines Preserve. At present, the approved Northeast District Element, adopted by the Osceola County Board of County Commissioners August 16, 2010, provides for 1,700,000 square feet of Office Park, 1,000,000 square feet of Industrial, 80,000 square feet of commercial, and 120,000 square feet of Civic development in the "Northwest Special District" area designated in the Element. A majority of the Northwest Special District is located within the proposed compensation land tract just east and south of the Split Oak Preserve boundary. In addition, portions of the UN-4 and EN-1 neighborhoods including both single and multi-family residential development, along with one Neighborhood Center are located within the proposed compensation land tract up to the boundary of Isle of Pines Preserve. In Orange County, most of the uplands located within the compensation lands are designated as Rural in the comprehensive plan and applicable zoning. This would generally allow low density residential at 1 unit per 10 acres. Even without comprehensive plan or zoning changes to increase densities in Orange County (which could occur at any time in the future), current land use and zoning would appear to allow approximately 40 estate type residential units to be built, many directly abutting the eastern boundary of Isle of Pines Preserve. Development at this scale along the boundaries of Split Oak, Moss Park and Isle of Pines, (particularly at the intensities allowed in the Northeast District Element in Osceola county) would have profound long term impacts on the adjacent conservation lands, including increased difficulty in conducting prescribed fire management which is essential to maintain longleaf pine and scrub, and other upland vegetative communities and associated bird and wild animal habitat. A distinct advantage of a plan which would exchange acceptance of a 160 acre impact within Split Oak to facilitate the 1A alignment for the proposed 1,500 acres of compensation land would be to extinguish these development threats along approximately 4 miles of the boundaries of Split Oak, Moss Park and Isle of Pines Preserve.

(f) With regard to the 94+- acres of Split Oak Preserve which would be severed from the main tract and located south and west of the 1A alignment, those lands should remain in the ownership of Osceola County for conservation land/public park purposes. The severed lands will have residual conservation land value, even though their ecological value will be diminished due to the lack of a practical ability to manage by prescribed fire. The design of the transportation corridor located within the 66+- acres constituting the 1A alignment should include wildlife crossings and a suitable short bridge section spanning the Florida Trail. Other trail and passive recreation uses of the severed land, deemed compatible by Osceola County, FWC, FCT and ARC may be possible.

(g) If CFX determines through the PDE process to recommend to crossing Split Oak on the 1A alignment, and the compensation land package discussed above is implemented, the result will be an increase in the size of the complex of conservation lands consisting of Split Oak, Moss Park, and Isle of Pines Preserve from the current 4,016+- acres to a new total of 5,450+- acres, even considering the loss of 66+- acres to road corridor on the 1A alignment. Regarding Split Oak standing alone, 66+- acres will be lost to road corridor, and 94+- acres will be severed and relegated to significantly reduced management potential for longleaf pine uplands; however, presuming that all of the Osceola County compensation lands are added to Split Oak, this tract will increase by approximately 505+- acres, and the acreage of scrub that can be protected and managed on Split Oak will more than double in size. Approximately 4 miles of the boundaries of Split Oak, Moss Park, and Isle of Pines Preserve will also be protected from future development impacts.

(h) As we move forward in discussions with the working group at CFX, consideration should be given to finding ways to secure wildlife corridor linkages associated with Split Oak, Moss Park and Isle of Pines preserve relating to the Northeast District in Osceola County and ultimately the North Ranch Sector Plan.

In conclusion, it is extraordinarily difficult to consider a road corridor through any part of Split Oak. Yet, when the previous April 2017 PDE study by the Osceola County Expressway Authority analyzed a route that would have essentially gone around the southern end of the tract, the cost analysis of that route determined that it would exceed the cost of a route through Split Oak by more than \$200,000,000.00. Those costs were primarily due to right of way expenses necessitated by taking land within several fully entitled subdivisions. While it is not certain exactly what the final costs of the alternative routes in the ongoing CFX PDE study will be, it is easy to anticipate that an alternative route that totally avoids Split Oak will cost out in the same range. For this reason, it seems likely that there will be a "no reasonable alternative" determination pursuant to 62-818.015 (1) (a). It is hoped that FTC, FWC and ARC will demand assurance that the impact of the 1A alignment on Split Oak is compensated by actions that result in a compelling net-positive benefit to Split Oak and adjacent conservation lands. I hope that you will require compensation that is at least as robust as that outlined above and in the attached PowerPoint.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Charles Lee', with a stylized flourish at the end.

Charles Lee
Director of Advocacy



TAVISTOCK

DEVELOPMENT COMPANY

April 13, 2018

Dear Commissioner Hawkins:

We greatly respect your leadership through difficult discussions – as we believe you can continue to navigate progress to the benefit of the entire community.

Per our recent conversations, we wanted to follow-up on your proposed solution to mitigate the effect of the Osceola Parkway Extension on the Split Oak Forest. As you know, the environmental community has been vocal in their objection to our approved utility plant site being located adjacent to the proposed compensating land area being offered in Osceola County.

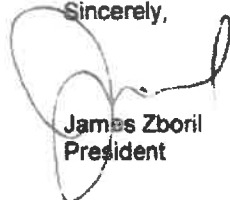
We've been against relocating this utility site due to several factors. These include uncertainty, risk, significant cost and time delays for our Sunbridge project. However, upon our discussions with you and others, we are willing to reconsider this position provided that we can gain your full support.

We are willing to relocate the utility plant and add the associated land to the proposed compensating land area, provided that the following conditions can be quickly met by Osceola County and its Board of County Commissioners:

1. Lead a public process (both local and state) to get the associated land in the Split Oak Forest released for right-of-way.
2. Approval by the Board of County Commissioners of the OPE Split Oak working group refinement 1A through Split Oak Forest and 1B-West through Sunbridge.
3. Expedite all county permitting and land use changes required for a new utility site including but not limited to mass grading and building permits, Concept Plan revisions and Natural Resource Utilization land use designations.
4. Help us work with your environmental permitting division, South Florida Water Management District, US Army Corps of Engineers, Florida Fish & Wildlife Commission and other agencies to maximize the mitigation value of the uplands and wetlands in the compensating land for the benefit of the Sunbridge development.
5. Support us in our modification of the utility agreements with Toho Water Authority for the relocated utility plant and interim service.

We respectfully request that a final decision is made on this proposal within ten (10) days or we will have to withdraw as we have many outstanding commitments that must be addressed promptly so that we can continue to move forward with our Sunbridge project. Thank you again for everything you have done to reach a possible solution.

Sincerely,



James Zboril
President

tavistockdevelopment.com
6900 Tavistock Lakes Boulevard, Suite 200 | Orlando, Florida 32827
phone: 407-313-8233

BOARD OF COUNTY COMMISSIONERS



May 2, 2018

Mr. Jim Zboril
President, Tavistock Development Company
6900 Tavistock Lakes Boulevard, Suite 200
Orlando, FL 32827

Subject: Osceola Parkway Extension Project Alignment / Split Oak Forest

Dear Mr. Zboril:

Thank you for your continued conversation on this issue. Your willingness to provide this significant land parcel and move the utility plant is a crucial element in moving this project forward, while helping enhance and expand Split Oak Forest and protecting the Lake Ajay neighborhood.

District I
Peggy Choudhry

I received your letter (dated April 13, 2018) and reviewed it during our Osceola Board of County Commissioners meeting on April 16, 2018. What followed was a shared discussion with the other board members, community, and Charles Lee from Audubon Florida.

District II
Viviana Janer

It is the consensus of the Osceola County Commission that we support and will act upon the conditions outlined in your letter. To ensure those points are addressed; we have scheduled a meeting with the Florida Communities Trust (see attached letter) on May 15, 2018, to discuss this issue at the state level. At this meeting, we will express Osceola County's support of Alignment 1A East through Split Oak in combination with the proposed 1,400 +/- acre compensating land expansion of Split Oak and surrounding environmental areas. Further, we will seek clarity on the required parties and specific steps necessary to obtain the release of the right-of-way through Split Oak.

District III
Brandon Arrington

Osceola County is aware of the challenges regarding relocation of the utility plant. County staff will assist with all necessary requirements and approvals to facilitate the move. Additionally, they have clear direction that Tavistock Development Co. is not required to replace the development program lost as a result of the compensating land package, the revised Osceola Parkway Extension alignment, and the need for one or more utility plant sites within the NED.

District IV
Cheryl L. Grieb
Vice Chair

The Board also offers its help to work with our various environmental permit divisions on maximizing the mitigation value in the compensating land and our support in modifications to the utility agreements with Toho Water Authority for the relocated plant and interim service. It is our understanding that the County's cooperation will have no significant cost or expense our administrative time.

District V
Fred Hawkins, Jr.
Chair

Please feel free to contact me with any questions or concerns you may have. Once again, we appreciate your willingness to make such broad concessions to make this transportation corridor possible while protecting our environment and existing residential communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Hawkins, Jr.", followed by a large "X" mark.

Fred Hawkins, Jr.
Chair
Osceola County Board of County Commissioners

407-742-2000

Osceola County
1 Courthouse Square • Kissimmee, Florida 34741

ITEM 8: Public Comment

ADJOURNMENT

FCT GOVERNING BOARD ACTION: MOTION AND VOTE

- ☐ **APPROVE**
- ☐ **APPROVE WITH MODIFICATIONS:**
- ☐ **WITHDRAW**
- ☐ **NOT APPROVE**
- ☐ **OTHER:**

Motion by:

Second by:

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