

- **January 28, 2016** - A meeting is held between the FDEP staff (Florida Department of Environmental Protection), including Linda Reeves, the Section Manager for the Land and Recreation Grants Program, an FDEP Planner and an FDEP Attorney along with representatives of the Osceola Expressway Authority and the Florida Department of Transportation.

Detailed minutes were recorded by Senior Environmental Scientist Lynn Kiefer, with Kimley Horn and Associates, in which she reports that two options for addressing the Grant Award Agreement between FCT and the two counties were discussed by those in attendance. The two options are the Linear Facilities Rule (62-818.015) and the Land Exchange Rule (62-818.016). The Land Exchange Rule, while considered, would require “purchase of contiguous lands to Split Oak.”

At the time of the 2016 meeting the proposed alternative identified in the OCX PD&E was to construct the road through the middle of Split Oak Forest and through properties owned by both Orange and Osceola County. There was no agreement or offer to donate adjacent lands and enlarge the protected environmental sensitive areas.

- **February 11, 2016** - The minutes prepared by Senior Environmental Scientist Kiefer, are circulated to all those that attended the meeting for any corrections, including the FDEP and FDOT staff. No changes or corrections are made.
- **May 15, 2018** - A meeting is held in Tallahassee between FCT Staff (Florida Communities Trust), including their current FCT staff attorney Lois LaSeur, an Orange County representative (Beth Jackson), CFX Executive Director (Laura Kelley) and a number of others with an interest in environmental issues. At the meeting, the parties again discuss the two options, the Linear Facilities Rule and the Land Exchange Rule.
- **May 30, 2018** - A follow-up email after the Tallahassee meeting from FCT Attorney LaSeur to CFX attorney Jo Thacker, in which LaSeur provides Thacker with the language from the two rules that would be applicable, including the Linear Facilities Rule.
- **June 11, 2018** - A memorandum to Orange County Commissioners from Orange County Environmental Program Supervisor, Beth Jackson, in which she provides an update to the Board on the May 15, 2018 Tallahassee meeting and states that during the meeting the FCT acknowledged that the two rules to consider are the Linear Facilities Rule and the Land Exchange Rule.

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Split Oak Forest
Meeting with Florida Communities Trust
 Osceola Parkway Extension, FPID: 432134-1-22-01
 And Boggy Creek Road/SR 417 Access Road, FPID: 432134-2-22-01
 PD&E Study

On January 28, 2016, a meeting was held in the Florida Department of Environmental Protection – Florida’s Community Trust. The purpose of the meeting was to provide a brief overview of the PD&E Study, the potential impacts to Split Oak forest, the alternatives evaluated, a summary of the meetings held to date and to discuss the overall process and issues associated with impacts to Split Oak. The following were in attendance:

Name	Organization	Phone #	E-mail
Linda Reeves	FDEP, Land and Recreation Grants Program Section Manager	850-245-2702	Linda.reeves@dep.state.fl.us
Jerry Taber	FDEP, Planner	850-245-2683	Jerry.taber@dep.state.fl.us
Kacee Johnson	FDEP	850-245-2254	Kacee.l.johnson@dep.state.fl.us
Jeff Jones	Osceola Expressway Authority (OCX)	407-742-2395	Jjon3@osceola.org
Henry Pinzon*	FDOT - Florida’s Turnpike Enterprise (FTE)	407-264-3802	Henry.pinzon@dot.state.fl.us
Martin Horwitz*	FDOT - FTE	407-264-3022	Martin.horwitz@dot.state.fl.us
John Post*	FDOT - FTE	407-264-3409	John.post@dot.state.fl.us
Jo Thacker*	Broad and Cassel Attorneys at Law	407-839-4230	jthacker@broadandcassel.com
Lynn Kiefer	Kimley-Horn and Associates, Inc.	772-794-4075	Lynn.kiefer@kimley-horn.com
Clif Tate	Kimley-Horn	407-427-1628	Clif.Tate@kimley-horn.com

*Joined meeting by phone.

The following is a brief summary of the discussion. Prior to the meeting a series of handouts were provided to the attendees (copy attached).

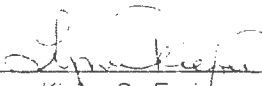
- Following introductions, Lynn Kiefer and Clif Tate gave an overview of the PD&E Study including the purpose and need, overview of the OCX Master Plan and how this project fits in the overall master plan, the history of the OPE from the Feasibility Study to the current study and an overview of the East Central Florida Corridor Task Force Recommendations and how this project fits into the overall region transportation recommendations from the Task Force.
- There have been numerous meetings conducted for this project including meetings with Osceola County, Orange County, South Florida Water Management District (SFWMD) and Florida Fish and Wildlife Conservation Commission (FWC) as it relates to Split Oak.
- And overview of the study area was presented which included the existing and proposed developments as well as preserve areas.
- The typical section, the reduced typical section and the alternatives for the Western, Central and East segments along with the two-mile extension were discussed. The Eastern Section alternatives (Alternatives E-2A, E-5A1 and E-5A-2) were presented in more detail.
- The draft direct impacts of each of the eastern alternatives was discussed by habitat type.
- It was discussed that a mitigation plan would be developed for the preferred alternative. From discussions with Orange and Osceola Counties, FWC and SFWMD, it is anticipated that the mitigation plan would include direct and secondary impact evaluation and that “a like for like” habitat replacement would be needed. The mitigation plan would need to be regional in approach and would need to mitigate for not only the lost direct and secondary impacts, but also for the impacts to existing mitigation and conservation areas.
- Ideas discussed with the stakeholders included a combination of mitigation bank credit purchase,

purchase/restoration of lands in Osceola and Orange County identified in their environmental endangered lands programs including lands adjacent to Split Oak and/or restoration/enhancement in Split Oak and other County lands

- FDEP indicated that the mitigation would need to be greater than a 1:1 replacement, but would be negotiated when the impacts are finalized.
- The process for addressing the Grant Award Agreement between FCT, Orange and Osceola Counties was discussed. FCT provided a copy of Chapter 62-818 Florida Administrative Code (F.A.C.) that describes the options for addressing the impacts to lands purchased with Florida Forever Funds. There are two options if the preferred alternative impacts Split Oak: Land Exchange and the Linear Facilities Rule.
- The Linear Facilities Rule would result in the land being purchased as an easement and the area removed from the existing Grant Award Agreement. This does not require FCT Board approval unless there is controversy.
- The Land Exchange option would require purchase of contiguous lands to Split Oak or the overall preservation areas around Split Oak at a negotiated amount of land exchange. This does require FCT Board approval. Appraisals of the land at the time it was purchased would be required. The other requirements are included in the code. The exchange value would be to the benefit of FCT.
- FCT asked about other right-of-way needed (e.g. stormwater ponds). The drainage requirements are being evaluated now and would provide a drainage area needed, though not the exact locations of ponds.
- Orange and Osceola Counties will have to agree with the proposed impacts and mitigation. An interlocal agreement may be needed between the FCT and the Counties.
- FCT indicated that they do not need to approve the concept/alternative during the PD&E stage. It was suggested that once the final impacts of the preferred alternatives including drainage area and mitigation concepts are developed, a follow-up meeting be scheduled with FCT.
- FCT indicated they would work with OCX in moving forward with the project and determining the mitigation required and process for addressing the Grant Award Agreement.

This summary serves to document this meeting. If anyone wishes to modify or append to this account, please contact Lynn Kiefer either by phone at 772-794-4075 or by email at lynn.kiefer@kimley-horn.com.

Submitted by:


Lynn Kiefer, Sr. Environmental Scientist

cc: Attendees
Paul Cherry, P.E. Kimley-Horn and Associates, Inc.

Woody Rodriguez

Subject: FW: FPID 432134-1 and 432134-2 - Osceola Parkway Extension - FDEP Meeting Minutes


From: Jo Thacker <jthacker@broadandcassel.com>

Sent: Thursday, February 11, 2016 4:10 PM

To: Kiefer, Lynn <Lynn.Kiefer@kimley-horn.com>

Subject: RE: FPID 432134-1 and 432134-2 - Osceola Parkway Extension - FDEP Meeting Minutes

Lynn: These minutes are great. Thank you for taking the time to spell everything out so anyone reading them gets a real sense of what took place at the meeting. Jo

HOME	BIO	VCARD
		
Jo Thacker		
PARTNER		
390 NORTH ORANGE AVENUE		
SUITE 1400		
ORLANDO, FL 32801-4961		
TELEPHONE: 407.839.4200		
FACSIMILE: 407.425.8377		
DIRECT LINE: 407.839.4230		
DIRECT FACSIMILE: 407.650.0974		
E-MAIL: JTHACKER@BROADANDCASSEL.COM		

From: Lynn.Kiefer@kimley-horn.com [Lynn.Kiefer@kimley-horn.com]

Sent: Thursday, February 11, 2016 1:10 PM

To: linda.reeves@dep.state.fl.us; Jerry.Taber@dep.state.fl.us; kacee.l.johnson@dep.state.fl.us; jjon3@osceola.org; Henry.Pinzon@dot.state.fl.us; Martin.Horwitz@dot.state.fl.us; John.Post@dot.state.fl.us; Jo Thacker; Clif.Tate@kimley-horn.com

Cc: Paul.Cherry@kimley-horn.com

Subject: RE: FPID 432134-1 and 432134-2 - Osceola Parkway Extension - FDEP Meeting Minutes

Attached please find the draft meeting minutes from our January 28th meeting. To save email space, I have not attached the exhibits referenced in the minutes. If you have any comments on the minutes, please provide them to me by February 19th. I will incorporate the changes, attach the exhibits and send as final. Thank you.

Kimley»Horn

Lynn Kiefer

Kimley-Horn | 445 24th Street, Suite 200, Vero Beach, FL 32960

Direct: 772.794.4075 | Mobile: 772.559.0984 | Main: 772.794.4100

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Lynn.kiefer@kimley-horn.com

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Laura Kelley

Subject: 1:30pm Meeting with FCT RE: Split Oak/Osceola Parkway Extension
Location: FCT/FDEP, 3900 Commonwealth Blvd., Tallahassee, FL 32899

Start: Tue 5/15/2018 7:00 AM
End: Tue 5/15/2018 6:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Nancy David

This appointment is being resent to explain that Ms. Kelley and Commissioner Hawkins will be travelling in their own vehicles and adding location.

Thank you!

Good morning!

The new date of Tuesday, May 15, 2018 has been confirmed with all parties. Travel arrangements will remain the same; all Osceola representatives will be leaving early from the Courthouse Complex.

Thank you,

Meeting Attendees:

Osceola County

County Commissioner Fred Hawkins Jr.
County Manager Don Fisher
Strategic Initiatives/Ed. Development Jeff Jones
Transportation Director Tawny Olore

Central Florida Expressway Authority

Executive Director Laura Kelley

Florida Communities Trust Staff

Linda Reeves

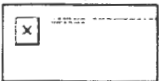
Beth Jackson

Nancy David

Sr. Administrative Assistant

to Chairman Fred Hawkins, Jr.

Osceola Board of County Commissioners



Osceola County Manager's Office

1 Courthouse Square, Suite 4700 Kissimmee, FL 34741

Direct: (407) 742-2384 Fax: (407) 742-2391

Email: nancy.david@osceola.org Website: Osceola.org

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Close Calendar Assistant Zones

Actions Show Options

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Tuesday, May 15, 2018

8:00 9:00 10:00 11:00 12:00 AM 1:00 2:00 3:00

All Attendees

- Nancy David <Nancy.David@osceola.org>
- Fred Hawkins Jr. <Fred.Hawkins Jr.@osceola.org>
- Jeff Jones <Jeff.Jones@OSCEOLA.ORG>
- Laura Kelley
- Mimi Lamaute
- Linda.reeves@dep.state.fl.us
- Beth.Jackson@ocepd.org
- Tawny H. Olore <tawny.olor@OSCEOLA.ORG>
- James.Neff@ocfl.net
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- Iris.Soto <Iris.Soto@osceola.org>
- Danielle L. Balser <Danielle.Balser@OSCEOLA.ORG>
- [REDACTED]
- Richard.Mospens@m.fwc.com
- [REDACTED]
- [REDACTED]

Laura Kelley

From: Jo O. Thacker <jthacker@broadandcassel.com>
Sent: Wednesday, May 30, 2018 10:28 AM
To: Laura Kelley; Joseph B. Stanton
Subject: Fwd: Follow Up
Attachments: image001.png; ATT00001.htm; 2004 FCT LF document.pdf; ATT00002.htm

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

Sent from my iPhone

Begin forwarded message:

From: [REDACTED] <Lois.LaSeur@dep.state.fl.us>
Date: [REDACTED]
To: [REDACTED] <jthacker@broadandcassel.com>
Subject: RE: Follow Up

The rules we discussed are 62-818.015 and 62-818.016. The Board adopted a linear facilities policy for P2000 projects in 2004, and re-affirmed it last June (attached), but we haven't previously had a request for a land exchange. Anticipating that, we will take a similar policy regarding land exchanges to the Board at the next Board meeting. The rules are as follows:

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.

62-818.016 Consideration of Recipient's Request for Land Exchanges.

The Declaration of Restrictive Covenants for Trust Project Sites limits the use of the property to conservation, outdoor recreation, and other related activities. However, Recipients occasionally receive requests from adjacent property owners for land exchanges to expand the adjacent development in return for other lands adjacent to the park.

When evaluating these requests, the following process must be followed.

(1) Only local governments may participate in land exchanges. The Local Government must send a request to the Trust for a proposed land exchange. The Trust will not accept proposals from any other party. To be considered by the Trust, the proposal must at a minimum meet the following tests:

(a) The proposed exchange parcel(s) must be contiguous to a Trust Project Site, which could include being connected through a land bridge, easement or blue way;

(b) The proposed exchange parcel(s) must be at least equal to or greater in terms of upland acreage;

(c) The proposed exchange parcel(s) must have at least the same real estate value (as determined through independent appraisal[s]) as the Trust parcel being given up (or monetary compensation of the difference). There will be no monetary compensation if the proposed parcel(s) to be exchanged have a value greater than the Trust parcel;

(d) The proposed exchange parcel(s) must have a significant and clear net environmental, conservation and/or recreational benefit to the Project Site as determined by Trust staff; and,

(e) The exchange cannot result in a lower score based on the Application criteria.

If it is determined that no discernable net environmental, conservation, and/or recreational benefit to the Project Site would be achieved through the land exchange, the request will be denied.

(2) If the above tests are met, the Trust staff will then request the below additional information to further evaluate the request.

(a) A written statement from the Recipient's governing council that it has reviewed the proposal and that the governing body conceptually approves the proposed land exchange by an affirmative vote of at least three-fourths of its members or the local requirement, whichever is higher;

(b) A revised Management Plan with a revised master site plan;

(c) Information on the natural communities and cultural features found on the area to be exchanged;

(d) A survey and legal description of the parcel to be acquired and of the parcel to be provided by the Recipient/Trust (paid by the entity proposing the exchange and commissioned by the Recipient);

(e) A title policy of the parcel to be acquired;

(f) Separate appraisals for each parcel (to be paid by the entity proposing the exchange and commissioned by the Recipient). The appraisal shall be completed according to the Department standards, after consultation with Department appraisal staff. The parcel(s) to be provided by the Recipient/Trust shall be appraised as if it did not have any development restrictions on it;

(g) Phase I environmental site assessment of the parcel to be acquired (to be paid by the entity proposing the exchange and commissioned by the Recipient); and

(h) Any other items requested by the Trust to properly evaluate the request.

After receiving all of the above information, Trust staff will evaluate and review the request for consistency according to the above listed requirements. If the exchange proposal meets the above requirements and has a net positive environmental, conservation and/or recreational benefit, Trust staff will put the request on the agenda of the next scheduled Trust Governing Board Meeting for consideration.

(3) If the exchange request is approved by the Governing Board, the Recipient must:

(a) Sign an amendment to the Declaration of Restrictive Covenants that provides for the changed use of the Project Site;

(b) Record the amended Declaration of Restrictive Covenants (and any other necessary local Government document[s]) in the Public Records of the County where the original Declaration was recorded; and,

(c) The entity receiving the exchange must provide monetary compensation to the Trust if the value of the land provided by the Recipient/Trust is greater than the land received by the Recipient/Trust in the exchange. Such funds will be distributed between the Trust and the Recipient in accordance with the percentages in the original grant award.

Please feel free to contact me with any questions.

|

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**Interoffice Memorandum
Environmental Protection Division**

To: Mayor Teresa Jacobs
–AND–
Board of County Commissioners

From: Beth Jackson, Environmental Program Supervisor
Environmental Protection Division
(407) 836-1481

Through: David D. Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1405

Subject: **Split Oak Forest Wildlife Environmental Area and the Osceola Parkway Extension Project**

This memorandum is prepared in response to the direction of the Mayor and Board of County Commissioners (Board) on May 8, 2018, for an update on the meeting on May 15, 2018, with Florida Communities Trust (FCT), Florida Fish and Wildlife Conservation Commission (FWC), Osceola County, and Central Florida Expressway (CFX) regarding the potential impacts to Split Oak Forest Wildlife Environmental Area (SOFWEA) due to the construction of the Osceola Parkway Extension Project (OPE). The meeting was organized by FCT staff at the request of Osceola County and CFX. In response to the meeting request, FCT invited FWC, to attend and requested that Orange County attend the meeting.

The purpose of the meeting was to discuss the process for the construction of a linear facility, that is a multilane divided highway, transfer of lands to offset impacts to SOFWEA from the construction of the OPE, any associated regulatory impacts, and outline the required steps and process for amending the following items:

1. FCT Grant Award Agreement between FCT and Orange and Osceola counties;
2. The Deed of Conservation Easement granted to FWC by Orange and Osceola counties; and
3. The Interagency Management Agreement between FWC and Orange and Osceola counties.

FCT provided a brief overview of the SOFWEA project including the date of the acquisition, purchase price of SOFWEA, and the funding source used by FCT to assist with the acquisition of the SOFWEA. Laura Kelley, representing CFX, provided a brief overview of the proposed OPE project and the lands CFX are proposing to offset the loss of that portion of SOFWEA impacted by the OPE and the lands that are being proposed to offset regulatory impacts from the construction of the entire OPE project.

FCT staff stated that in order to amend the Grant Award Agreement, the Deed of Conservation Easement, and the Interagency Management Agreement, the following steps need to be taken:

June 11, 2018

Split Oak Forest Wildlife Environmental Area and the Osceola Parkway Extension Project

Page 2

1. Orange County and Osceola County must make a joint amended application to FCT regarding the removal of the OPE impacted lands from the SOFWEA. The application would also need to include adding those lands identified as potential mitigation for the OPE impacts to SOFWEA; and
2. Orange County and Osceola County must make a joint request to FWC to amend the Deed of Conservation Easement and Interagency Management Agreement regarding the Interagency Management Agreement for the management of SOFWEA.

FCT and FWC stated that the criteria that will be used to evaluate the above-mentioned applications and requests are set forth in the following statute, Florida Administrative Code (FAC) rules, and FWC policy directive: Section 704.06, Florida Statutes, Rules 62-818.015, and 62-818.016, FAC, and FWC's Mitigation Park Program Directive.

Although the specific requirements under the abovementioned statute, rules and FWC Mitigation Park Program Directive were not discussed at the meeting, the Board should be aware of specific options that will be required:



1. Under Rule 62-618.015, FAC. Consideration of Recipients request for Linear Facilities:
A written statement that the Local Government has reviewed and approved the proposed use will be required.
2. Under Rule 62-818.016, FAC. Consideration of Recipients Request for Land Exchanges:
 - i. Only local governments may participate in land exchanges for FCT Project lands.
 - ii. A written statement from the Recipients governing council that it has reviewed the proposal and that the governing body conceptually approves the proposed land exchange by an affirmative vote of at least three-fourths of its members or the local requirement, whichever is higher.
3. Amendment of the Deed of Conservation Easement and Interagency Management Agreement with FWC will require Board approval.

FCT and FWC representatives opined that the application to FCT and FWC at this time is premature due to the fact that the CFX amended Project Development and Environment (PD&E) study has not been initiated nor has the final alignment through SOFWEA been approved. CFX will need to provide a substantial amount of information that will be generated by the amended PD&E study that Orange and Osceola County will utilize in the application to FCT and FWC if the Orange County Board decides to move forward with the above outlined processes.

Staff will be glad to provide individual briefings on this matter and will continue to keep the Board informed of future developments regarding the Osceola Parkway Extension Project.

BJ/ERJ/DDJ: mg

c: Chris Testerman, Assistant County Administrator
James E. Harrison, Assistant County Administrator
Jon V. Weiss, P.E., Director, Community, Environmental and Development Services Department
Elizabeth R. Johnson, CEP, Assistant Manager, Environmental Protection Division