

Notes from FCT meeting January 29, 2020

1. The significance of Split Oak Forest
 - a. In 2000, Split Oak Forest was designated as conservation land. Per the Grant Agreement, the land was to be held in perpetuity. There was no methodology to alter the management plan to lift the restrictive covenants.
 - b. In 2010, Forever Florida adopts FAC 62-818.015 and FAC 62-818.016.
2. Why did Orange/Osceola counties and CFX think that FAC 62-818.015 - linear facility applies to this project.
 - a. In 2018, Orange/Osceola and CFX had its first and only meeting with FCT regarding the Osceola Parkway's effects on Split Oak forest.
 - b. At that time, Orange/Osceola and CFX presented the Split Oak avoidance route. Based on this route FCT believed advised that FAC 62-818.015, linear facilities may apply since the route appeared to have minimal impacts on Trust.
 - c. Although FCT stated that FAC 62-818.015, linear facilities may apply, FCT cautioned that FAC 62-818.016 governing land exchanges may apply depending on impacts to Trust. FCT would need PD&E, Feasibility, and the proposed route to make its final determination.
 - d. Orange/Osceola and CFX had no other meetings or communication with FCT other than this initial meeting.
 - e. FCT was not advised of the Split Oak minimization route until after they received calls from concerned citizens and reviewed the information on CFX's website.
3. According to FCT, when does FAC 62-818.015, linear facilities apply?
 - a. Linear facilities apply when there is minimal impact on conservation land.
 - b. Examples of minimal impact would be a couple of 1000 ft such as a turning lane or a widening of a road.
 - c. According to FCT, lifting the current restriction from 160 acres of land is not minimal impact.
 - d. Additionally, there must be no reasonable alternative to the proposed modification of the Trust property.
 - i. Side note: Here another alternative was initially proposed. It stands to reason that another alternative is available. Whether it is reasonable will depend on what Orange and Osceola present.
4. If Orange and Osceola county show that the avoidance route is a reasonable alternative will that change the application of FAC 62-818.015 for linear facilities?
 - a. It's hard to say because FCT will need all the information, but the threshold question is minimal impact. In this situation, taking 160 acres as opposed to a few 1000 feet does not suggest a minimal impact on the conservation land.
5. According to FCT, what constitutes a land exchange under FAC 62-818.016?

Summary of Comments on Notes from Meeting with FCT on January 29 2020 LLS notes.pdf

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under the Preservation 2000 rules, those that were in effect at the time of the grant agreement.

Number: 2 Author: LaSeur_L Subject: Sticky Note Date: 2/7/2020 12:28:30 PM
These rules only apply to open space grants made by FCT with Florida Forever money. Similar policies for P2000 grants have been adopted by the FCT Board

Number: 3 Author: LaSeur_L Subject: Sticky Note Date: 2/7/2020 12:30:15 PM
This is the most recent meeting. Another meeting was also held on 1/28/2016.

Number: 4 Author: LaSeur_L Subject: Sticky Note Date: 2/4/2020 1:09:57 PM
The "Trust" is the Florida Communities Trust, an agency within DEP. Not to be confused with the actual land acquired by FCT grants.

Number: 5 Author: LaSeur_L Subject: Sticky Note Date: 2/4/2020 1:10:20 PM
the land

- a. A land exchange has nothing to do with ownership of the property. It is about the land being taken out of conservation and land being put back in. The result of CFX's request for an easement will require FCT to remove the restrictions on the 160 acres currently in conservation and then place another piece of property into conservation.
 - i. Of the 1550 acres, only 600 is upland and 950 is fragmented  lands.
 - b. It is FCTs lifting the restrictions on the property that matters.
6. Does the fact that the agreement for the 1550 acres to be placed back into conservation is actually through an agreement between CFX and certain landowners thwart the applicability of FAC 62-818.016?
- a. No, the fact that there is a boundary modification is the main concern.
 - b. The Restrictive covenants to utilize this property as conservation land in perpetuity is a restriction on the entire Split Oak Forest - this constitutes the Trust  FCT will have to remove the restrictions on the 160 acres. The land acquired will require the reversionary clause from the state to FCT -- so the state is still tied to the new parcels.
7. Does the fact the OC is asking to modify the Interagency agreement, management plan, and grant award agreement to allow the use of the 60 acres for the road and 100 acres ancillary impact by easement to CFX (as opposed to CFX purchasing the property) thwart the applicability of FAC 62-818.016?
- a. No, the impact on the land is what counts and will require necessary mitigation. The 160 acres impacted will have to be exchanged for 160 acres of land of *like ratio* of uplands and wetlands. Therefore, the current facts indicate that this is a land exchange.
8. What is the result of the impact on the 160 acres of land in Osceola county?
- a. Most of the land in Osceola county is already used for wetland mitigation and endangered species bank. As a result, FWC and SJWMD may already have easements on this land for wetland mitigation or endangered species banks.
 - b. FCT is obtaining the title work, but there may be as many as 16 easements/mitigation credits on this property through FWC and/or SJWMD. Therefore, whether an easement will be granted to CFX is in question. FCT cannot grant an easement if they do not own the property .
 - c. FCT believes that all the property in Osceola County mostly consists of mitigation banks because that is how Osceola county was able to pay for the property.
 - d. There are environmental impacts of re-mitigating already mitigated property in Osceola county
 - i. Mitigation banks are conservation easements in perpetuity.
 - ii. Taxpayer dollars used to bring the property to the integrity required for mitigation. If this property is taken out of the Trust, then [the managing entity] will then need to relocate endangered species and remediate

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Our understanding is that the uplands are fragmented, not the wetlands. Fragmented uplands are important because fragmentation reduces the conservation value of the site for gopher tortoises and other upland endangered species



Number: 2 Author: LaSeur_L Subject: Sticky Note Date: 2/4/2020 1:14:09 PM

Again, the Trust is the Florida Communities Trust, an agency within DEP. Split Oak Forest is simply one of hundreds of parcels funded through the FCT.

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FCT would need to release the restrictive covenants on the property. The easement holders would need to release their easements. FCT does not own the property, the Board of Trustees of the Internal Improvement Trust Fund have a reversionary interest in the property. If the property is used in a way that violates the covenants on the property, the property becomes the property of the State of Florida.

property to be exchanged for the 160 acres that would be taken out of conservation - this might take time. Of the 1550 acres, only 600 is upland and 950 is fragmented wetlands. Therefore, it will take time and additional tax-payer dollars to remediate the property.

9. There are 4 boards that will review any applications brought regarding Osceola Pkwy. ¹
 - a. Fish and Wildlife Conservation (FWC)
 - b. FCT Board
 - c. Board of Trustees (governor's cabinet)
 - d. Acquisition and Recreation Council (ARC) ²

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Also potentially the Boards of the SJWMD and the SFWMD, depending on who holds easements over this property

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Acquisition and Restoration Council