




Interoffice Memorandum

April 4, 2025

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

THROUGH: Renée H. Parker, LEP, Manager
Environmental Protection Division 

FROM: Beth Jackson, Environmental Programs Administrator
Environmental Protection Division

SUBJECT: Update on the Osceola Parkway Extension through Split Oak
Forest and Wildlife Environmental Area

At the request of County Administrator Brooks, the Environmental Protection Division (EPD) is providing the Board of County Commissioners (Board) with an update on the Osceola Parkway Extension (OPE) and its potential impact on the Split Oak Forest and Wildlife Environmental Area (SOFWEA). This memorandum has two purposes:

- 1) Supplement previous Board updates issued on May 2, 2022, July 20, 2022, and December 15, 2023 (copies of these memorandums are attached for reference); and
- 2) Address the question Commissioner Martinez Semrad recently posed in her memorandum to the Board dated March 3, 2025, of whether there is any further action Orange County can take at this state to alter plans for OPE.

Below is a timeline outlining key historical, ongoing, and anticipated actions related to the proposed OPE extension within Osceola County, specifically regarding its potential effects on SOFWEA:

Background

- **December 17, 2019:** Board approved Resolution 2019-M-50 regarding Support of Central Florida Expressway Authority (CFX) Preferred Alternative for the Osceola Parkway Extension (OPE) Project Development and Environment (PD&E) Study Re-Evaluation and petitioning Florida Communities Trust (FCT) for a modification of the Grant Award Agreement, Interagency Agreement, and Management Plan.
- **May 8, 2020:** Osceola and Orange County applied to FCT for a linear facilities determination pursuant to Rule 62-818.015, Florida Administrative Code.
- **July 30, 2020:** Osceola and Orange County received a Request for Additional Information (RAI) from FCT.
- **August 26, 2020:** Osceola County filed a Complaint challenging the ballot measure that proposed a SOFWEA amendment to Orange County's Charter.

- **October 23, 2020:** Osceola and Orange County submitted a response to the FCT RAI.
- **November 3, 2020:** The SOFWEA Charter Amendment passed.
- **November 24, 2021:** Osceola County filed a Second Amended Complaint challenging the Orange County SOFWEA Charter Amendment.
- **February 9, 2022:** Following written argument by the parties and a hearing, the Court issued an Order Denying Orange County's Motion to Dismiss.
- **March 1, 2022:** Orange County filed an Answer and Affirmative Defenses.
- **March 11, 2022:** Osceola County filed a Motion to Strike several of Orange County's affirmative defenses.
- **April 20, 2022:** The FCT Governing Board considered the request for a linear facilities determination for the proposed extension of the OPE that would directly and indirectly impact 160 acres of the SOFWEA. The entire acreage to be impacted is located in Osceola County. The FCT Governing Board unanimously (with one member absent) approved Osceola and Orange County's request and identified several items that must be resolved prior to final transfer of any interest in the property. Upon approval of the linear facility request by FCT, the following seven conditions were identified as items that should be resolved prior to any formal transfer of interest in land:
 1. Counties need to advise if they will accept title to the proposed 1,550 acres of donated land.
 2. Counties must provide a survey, environmental site assessment, and title work for the additional 1,550 acres.
 3. Counties should describe how the proposed addition of the 1,550 acres to the site will be managed and by whom.
 4. Counties should provide a revised management plan adjusted to account for the linear facility and incorporating the additional property into the Split Oak project to FCT.
 5. Counties need to provide draft easements for the 60- and 100-acre parcels proposed for impacts.
 6. Osceola County should provide documentation to FCT that it has satisfied its outstanding mortgage.
 7. Counties must obtain release of easements held by the Florida Fish and Wildlife Conservation Commission (FWCC) and South Florida Water Management District (SFWMD) that are not consistent with the expansion of OPE.

The approved FCT meeting minutes are provided as Attachment "A".

- **May 2, 2022:** EPD's memorandum to the Mayor and Commissioners summarized the FCT Governing Board April 20, 2022, action. (Attachment "B")
- **May 12, 2022:** CFX Governing Board passed Resolution #2022-427 regarding Split Oak and OPE. The approved Resolution is provided as Attachment "C".
- **June 7, 2022:** Following a hearing, the Court issued an Order Denying Osceola's County's Motion to Strike Orange County's affirmative defenses. The case moved into the discovery phase of litigation.

- **July 20, 2022:** EPD's memorandum to the Mayor and Commissioners outlined the actions taken by the FCT Governing Board and the actions needed to finalize the linear determination request. (Attachment "D").
- **November 28, 2023:** Former District 5 Commissioner Bonilla submitted a Commissioner's Report requesting an update on OPE project and SOFWEA. The Board voted 6-1 to approve a Motion that, given the prior Charter amendment vote of November 3, 2020, the Board no longer supports the pending application before the FWC and FCT.
- **December 5, 2023:** FWC staff presented the release of a conservation easement for lands that are to be impacted by the OPE in Osceola County. The FWC Commissioners directed staff to negotiate the release of the conservation easement and bring it back to the FWC Commission for final approval of the release of the Conservation Easement.
- **December 15, 2023:** EPD issued a memorandum to the Mayor and Commissioners summarizing the outcomes of the FWC meeting held on December 5, 2023. The memorandum also provided an update on previously identified potential future actions by the Board in relation to the FCT Governing Board's April 20, 2022, decision. Additionally, EPD informed the Board that, in light of its actions, Osceola County would proceed with fulfilling the requirements set by the FCT Governing Board. (Attachment "E")
- **February 2, 2024:** EPD sent Ms. Callie DeHaven, Director of the Division of State Lands, an email at the request of Commissioner Bonilla asking for clarification on amending the FCT Grant Award Agreement, conditions requiring final transfer of the property over which the OPE will impact, and the need for an amended Interagency Agreement with FWC. Ms. DeHaven provided a response on February 6, 2024. (Attachment "F")
- **February 6, 2024:** EPD provided a Work Session to the Board. The Work Session included a brief overview of the issues, summarized the FWC staff presentation and outcome of the FWC meeting on December 5, 2023, and supplemented the information provided to the Board in memorandums dated May 2, 2022, July 20, 2022, and December 15, 2023. Staff presented possible actions for future consideration by the Board, as referenced following FCT approval of the linear facility. EPD staff were directed by the Board to notify FCT of the November 28, 2023, Board Action regarding the SPOWEA and the OPE. (Attachment "G")
- **February 8, 2024:** EPD sent an email to Ms. Callie DeHaven informing her of the action taken by the Board on November 28, 2023, that the Board no longer supports the pending application before the FWC and the FCT. (Attachment "H")
- **April 9, 2024:** EPD provided a Work Session to the Board. The Work Session supplemented the information provided to the Board in memorandums dated May 2, 2022, July 20, 2022, December 15, 2023, as well as the recent February 6, 2024, Work Session. Subsequent to the April 2024 Work Session, Osceola County took steps to meet all FCT Governing Board approval considerations. Following the Work Session, Osceola County terminated all conversation with Orange County staff. Orange County sent a letter to FCT outlining the Boards position and to direct all contact to EPD. (Attachment "I")

- **April 19, 2024:** The Court granted Orange County's motion for summary judgement and issued a Final Judgement in favor of Orange County in the lawsuit filed by Osceola County regarding the Charter Amendment.
- **May 1, 2024:** FWC Commission meeting. FWC staff provided an update on the proposed offsets to mitigate impacts from the SOFWEA, as well as an update on negotiations for a potential mitigation package related to the partial release of easements over certain lands within the SOFWEA. EPD staff attended the meeting and provided public comment, emphasizing that the Board, on November 28, 2023, had withdrawn its support for the linear facility. The FWC Commission approved, by a 6-1 vote, the staff recommendation to release the FWC Conservation Easement and approved staff's proposed offset impacts as presented to achieve a net positive benefit. The approved offsets include the addition of lands into state ownership, funding for restoration and long-term management, funding for access, and design offsets to improve management and access. Funding levels are based on current costs of restoration and management, projected for a 30-year timeframe. This decision included the following details:
 - FWC accepted the donation of 1,550 acres of land, \$23.9 million for land management of the donated lands.
 - \$1.25 million for SOFWEA access improvements and amenities in Orange and Osceola County.
 - Creating bridges/or tunnels for wildlife, pedestrian crossings, and equipment.
 - Road signage for prescribed fire management.
 - \$18 million for the acquisition and purchase of additional environmentally sensitive lands within the FWC identified WMA/WEA boundaries in support of the Wildlife Corridor Act. This funding was in lieu of purchasing mitigation bank credits.
- **June 17, 2024:** The Trial Court issued an order denying Osceola's motion for rehearing on the Final Judgement issued on April 19, 2024.
- **July 8, 2024:** Osceola County filed a notice of appeal of the Court issued Final Judgement.
- **January 30, 2025:** Osceola County, FWC and CFX entered into an Interlocal Agreement outlining each of the parties' responsibilities as they relate to SOFWEA, OPE, and the donated lands. The Interlocal Agreement, received by EPD on March 18, 2025 (Attachment "J"), confirms that that FWC and Osceola County have approved the release of the portions of the established conservation easements for the Osceola County lands that will have direct impact within SOFWEA for the construction of the OPE. The Agreement formalizes the mitigation, land management responsibilities, and financial obligations of CFX to the parties related to the OPE. The Interlocal Agreement outlines key provisions related to land impact, conservation measures, management, and regulatory compliance to ensure long-term sustainability of the OPE project. Key provisions of the Interlocal agreement include the following highlights:
 - Land Impact & Easement Release: 60 acres of Split Oak Forest Wildlife and Environmental Area (SOFWEA) within Osceola County will be impacted by the Osceola Parkway Extension (OPE). To facilitate construction, the FWC and Osceola County have or will approve the release of conservation easements on these lands.
 - Mitigation & Conservation Land Donation: CFX will donate 1,550 acres of new conservation land, as detailed in the Exhibit ("Donation Lands") of the Interlocal

Agreement identifies approximately 968 acres within Orange County and approximately 582 acres in Osceola County. The total 1,550 acres of donated land will be conveyed to the Fish and Wildlife Foundation of Florida, which will then transfer to the Board of Trustees of the Internal Improvement Trust Fund through the Florida Department of Environmental Protection (FDEP), Division of State Lands, within two years of the agreement's execution.

- Long-Term Management & Funding: CFX will provide significant funding to FWC for the following amounts:
 - \$23.9 million to FWC for the long-term management of the 1,550 acres to support habitat restoration, wildlife protection, and land stewardship. FWC will retain conservation oversight to ensure compliance with habitat preservation objectives.
 - \$18 million to FWC for purchase of additional environmentally sensitive lands in lieu of purchasing mitigation bank credits.
 - \$1.25 million to FWC for project improvements to be in place within five years in both Orange and Osceola Counties. Projects identified as follows:
 1. Enhancements to the entrance of SOFWEA within Orange County.
 2. Construction of the SOFWEA Bonnet Pond viewing platform.
 3. Picnic pavilions in the Orange County portion of SOFWEA
 4. Parking Area, picnic facilities, and trail head in Osceola County portion of SOFWEA.
 5. Trail construction within the donated lands.
- **February 2025**: CFX commenced with the Design of the OPE and is surveying the acres required for the OPE. Orange County does not have jurisdictional or regulatory permitting authority over lands in Osceola County including the portion of the OPE proposed to impact SOFWEA. The OPE project is moving forward, with substantial financial commitments made by CFX per January 30, 2025, Interlocal Agreement Osceola County, FWC and CFX.
- **March 18, 2025**: EPD received a fully executed copy of January 30th, 2025, Interlocal Agreement entered into by CFX, Osceola County and FWC.

Possible Future Board Considerations

Revisions to the Interagency Agreement between Orange County and FWC over the portion of SOFWEA solely owned by Orange County would be required to continue land management activities and implement the terms of the January 30, 2025, Interlocal Agreement as it relates to the project improvements in SOFWEA. The project improvements will directly benefit Orange County by enhancing public access and recreational opportunities. These improvements include:

- Enhancements to the entrance of SOFWEA to improve accessibility and aesthetics.
- Construction of the Bonnett Pond viewing platform to provide visitors with an elevated space for observing wildlife and the natural environment.
- Trailhead construction to facilitate entry points for hiking and outdoor activities.
- Installation of parking and picnic facilities to accommodate visitors and enhance the overall experience of the site.

Specifically, the Board would need to consider and approve a standalone interagency agreement consistent with the limitations of the Charter Provisions. However, consideration of this action by the Board would simply be to determine if Orange County wants FWC to manage the Orange County-owned portion of Split Oak. If the Board does not support entering into this agreement with FWC, then Orange County would be responsible for all costs associated with project improvements and maintaining its portion of Split Oak Forest.

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At this time, there is no definitive timeframe for when the above-mentioned item may be brought before the Board for consideration. Orange County EPD and the Orange County Attorney's Office (OCAO) will actively seek information from FWC to obtain their proposed revisions to the afore mentioned agreement. Upon receipt of this information, the EPD and OCAO will seek guidance from County Administration and the Board regarding negotiations for a revised management agreement with FWC. The objective would be to negotiate the terms of the agreement, which would involve FWC continuing the responsibility for managing the existing SOFWEA land owned by the County.

Regarding Commissioner Semrad's question whether there is any further action Orange County BCC can take at this time to alter plans for OPE, as of January 30, 2025, the Interagency Agreement between CFX, FWC, Osceola County confirms that they met all of FCT conditions for approval for land transfer. These conditions were outlined in April 20, 2022, FCT Governing Board meeting when the request for the linear facility was considered.

CFX has since commenced with the Design of the OPE and is currently surveying the 60 acres of impact that is required for OPE. Orange County does not have jurisdictional or regulatory permitting authority over lands in Osceola County including the portion of the OPE proposed to impact SOFWEA. The OPE project is moving forward, with substantial financial commitments made by CFX as indicated in the January 30, 2025, Interlocal Agreement between Osceola County, FWC and CFX with no direct impact to the portion of SOFWEA owned by Orange County.

Attachments:

- A. April 20, 2022, FCT Meeting Minutes
 - B. May 2, 2022, Board Memorandum update on SOFWEA and OPE
 - C. CFX Governing Board Resolution 2022-427- CFX Resolution of Support SOFWEA
 - D. July 20, 2022, Board Memorandum update on SOFWEA and OPE
 - E. December 15, 2023, Board Memorandum update on SOFWEA and OPE
 - F. February 2, 2024, EPD email to FCT-Callie DeHaven
 - G. February 6, 2024, Callie DeHaven Response – SOFWEA
 - H. February 8, 2024, email to Callie DeHaven Notification to FCT of 11-28-2023 Orange County Board of County Commissioner Action re SOFWEA and OPE
 - I. April 9, 2024, Orange County Letter Shauna Allen -FDEP
 - J. January 30, 2025, FWC, Osceola County and CFX Interlocal Agreement
- C. Byron Brooks, Orange County Administrator
Jon Weiss, Deputy County Administrator
Jeff Newton, Orange County Attorney
Tanya Wilson, Director, PEDS
Scott Skraban, Deputy Director, PEDS
Liz Johnson, Assistant Manager
Georgiana Holmes, Deputy County Attorney
Beth Jackson, Environmental Programs Administrator

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