



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.

July 9, 2018

Page 3

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

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