



Audubon FLORIDA

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Ms. Linda Reeves
Land & Recreation Grants Section Manager
Florida Communities Trust
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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 though 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 black ink, appearing to read 'Charles Lee', with a stylized, flowing script.

Charles Lee
Director of Advocacy