



November 18, 2019

Osceola Parkway Extension Environmental Advisory Group

Subject: Split Oak Forest Wildlife and Environmental Area (Split Oak)

On behalf of the League of Voters of Orange County, we continue to support routing the proposed Osceola Parkway Extension around Split Oak to protect Florida Forever conservation lands. The current proposal for a road through Split Oak violates the clear language of our Constitution and ignores the mandate of our citizens who voted to amend our Constitution to protect our Florida Forever conservation lands.

This letter reiterates our continued opposition to proposals that include appropriating Split Oak conservation lands and summarizes our reasons which are explained in a February 15, 2018 letter to the Central Florida Expressway Authority and a second letter dated July 9, 2018 to the Boards of Commissioners of Orange and Osceola Counties, the Florida Communities Trust, Rita Ventry and the Central Florida Expressway Authority. Those letters are attached.

Our constitution explicitly protects conservation lands in Article X, Section 18. The voters overwhelmingly approved this provision in 1998. This constitutional provision prohibits getting rid of Florida conservation lands unless they no longer have conservation value – that is the only basis for changing the use of land that has been acquired for conservation purposes in Florida. This provision was approved by the voters because everyone at the time recognized that pressures for development threatened our unique Florida Forever lands, because short-term, often economic, objectives overlook long term impacts. Protection of our Florida Forever lands requires a long-term perspective.

This current attempt to circumvent the will of the voters and violate our Constitution is not the first attack on conservation lands. The State tried to sell off many of these lands in 2013 by declaring them “surplus.” These lands are also a target for infrastructure development because they are already owned by governmental entities, and therefore are seen by some as a less expensive way to build something now in spite of the fact that the governmental entities involved promised to protect this land when they asked for public funds to create conservation lands. The League has consistently opposed these efforts and opposes any proposal through Split Oak for the same reasons.

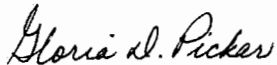
Split Oak was created in 1992 with the intent and understanding that it would be used for conservation purposes indefinitely, with both Orange and Osceola counties declaring that designating this land was consistent with their growth management plans. All of Split Oak is currently being used for conservation. The Fish and Wildlife Conservation Commission has

confirmed this in its most recent 5-year study. In addition, much of Split Oak is being used as mitigation credits for environmental impacts created elsewhere.

Proposals for exchanges of land – giving away some current conservation land in exchange for other land to be designated for conservation – are not permitted by our Constitution. Our Constitution says the only way to dispose of conservation land is when it no longer has conservation value. While some people may think there should be some exceptions to the prohibition against getting rid of some conservation land, that is not what is currently the law of Florida. In fact, the constitutional amendment was specifically proposed *because* of the pressure to change the use of these lands – to protect past achievements from unraveling and to assure the public that these lands will not be sacrificed in the future. Exchanges only create uncertainty for all conservation lands. It is important for protection of sensitive ecosystems and threatened and endangered species to have them remain the same place.

The current proposals for the Osceola Parkway Extension include appropriation of part of Split Oak for a major highway in exchange for some other land which will be designated as conservation land. The conservation value provided by Split Oak cannot be measured by acres. Conservation includes stability. Orange and Osceola Counties promised to preserve Split Oak, and the Constitution of Florida requires them to honor that promise.

Sincerely yours,



Dr. Gloria D. Pickar and Sandi Vidal, Co-Presidents



LEAGUE OF WOMEN VOTERS® OF FLORIDA

PRESIDENT
Pamela Goodman

February 21, 2018

FIRST VICE PRESIDENT
Patricia Brigham

Central Florida Expressway Authority
The Honorable Fred Hawkins, Jr., Chairman, Osceola County Representative

Dear Mr. Hawkins,

SECOND VICE PRESIDENT
Cecile M. Scoon

On behalf of the League of Women Voters of Orange County, Seminole County, and the State of Florida, we urge you to stand up for protecting our natural lands by routing the proposed Osceola Parkway Eastern Extension around the Split Oak Forest Wildlife and Environmental Area (SOFWEA).

TREASURER
Theresa Francis-Thomas

The League of Women Voters is a nonpartisan organization. We study natural resources, as well as other socioeconomic, social welfare, and political issues, and take positions and actions after careful deliberation.

SECRETARY
Patricia Drago

After lengthy study and consideration of this issue, we adopted the position that we oppose any road through Split Oak Forest Wildlife and Environmental Area.

BOARD OF DIRECTORS
Shawn Bartelt
Lisa Hall
Julie Kessel, M.D.
Maggie Lawrence
Michele Levy
The Hon. Mark Pafford
Marty Sullivan

The Central Florida Expressway Authority (CFX) has incorporated the views of citizens through public input forums. CFX has paid particular attention to the views of the environmental community. We commend your openness in this regard.

Orange and Osceola Counties purchased Split Oak more than 20 years ago as a mitigation bank to offset wetland and gopher tortoise impacts. Since then, the Florida Fish and Wildlife Conservation Commission has managed the area by conducting prescribed burns, chemically removing invasive species and bringing in dozens of relocated gopher tortoises.

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Ros Schultz, first Osceola County Land Manager, reports that SOFWEA began in the early 1990s during a lunch under the actual Split Oak when he, Maury Carter the land owner, and others looked around them and agreed the land should be saved. Rod teamed with Orange County and won a \$5.5 million Preservation 2000 (Florida Forever predecessor) grant to buy SOFWEA. To protect the land from encroachment, by 1994 they had tied the land up in multiple layers of easements with multiple participants, including Florida Communities Trust, Florida Fish and Wildlife Commission, and both counties. Subsequent use of SOFWEA for mitigation added many more participants.

SOFWEA is land owned by the Florida public under the constitutionally based Florida Forever program to acquire land for conservation. It also includes land used as mitigation for other development projects. Currently under consideration is a roadway land swap for a portion of SOFWEA in exchange for some of developers' land elsewhere. CFX is convening discussions about this potential swap between developers and representative of environmental advocates. Legality of such a swap has been questioned because of the deed covenants and Florida constitutional restrictions on disposal of public conservation lands.

The League of Women Voters of Orange County, Seminole County, and League of Women Voters of Florida oppose any road through Split Oak Forest Wildlife and Environmental Area

Sincerely,

Pamela Goodman
President, League of Women Voters of Florida

Leesa Bainbridge
Co-president, League of Women Voters of Orange

Carol Davis
Co-president, League of Women Voters of Orange

Zelda Ladan
President, League of Women Voters of Seminole County

Cc:

Laura Kelley, Executive Director, Central Florida Expressway Authority
Jay Madara, Vice Chairman
The Honorable Brenda Carey, Treasurer, Seminole County Representative
The Honorable Jim Barfield, Brevard County Representative
The Honorable Buddy Dyer, Mayor of Orlando
Andria Herr, Governor's Appointee
The Honorable Teresa Jacobs, Orange County Mayor
The Honorable Sean Parks, Lake County Representative
S. Michael Scheeringa, Governor's Appointee
The Honorable Jennifer Thompson, Orange County Representative



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.

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.

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
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³ Florida Fish and Wildlife Conservation Commission, A Management Plan for Split Oak Forest Wildlife and Environmental Area 2017 – 2027 (2016), <http://myfwc.com/media/4155127/SOFWEAMP2016-2026.pdf>. There are similar statements from both Orange and Osceola county authorities affirming the conservation purposes provided by SOFWEA.

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