

MINUTES OF THE MEETING

GOVERNING BOARD SUBCOMMITTEE SURPLUS LANDS ASSESSMENT PROJECT SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

AUGUST 2, 2012

The Southwest Florida Water Management District's (SWFWMD) Governing Board Surplus Lands Assessment (SLA) Project Subcommittee met at 10:00 a.m. on August 2, 2012 at the District's Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637. The following persons were present:

Board Members Present

Albert Joerger, Chair, SLA Subcommittee
Hugh Gramling, Vice Chair, SLA Subcommittee
Jennifer Closshey, SLA Subcommittee Member
Randy Maggard, SLA Subcommittee Member
Doug Tharp, SLA Subcommittee Member

Staff members

Michael Holtkamp, Operations, Maintenance & Construction Division Director
Roy Mazur, Operations & Land Management Bureau Chief
Joe Quinn, Land Management Section Manager
Steven Blaschka, Real Estate Services Manager
Will VanGelder, Land Management Supervisor
Cheryl Hill, Land Program Coordinator

Recording Secretary

Teri Hudson

A list of others present who signed the attendance roster is filed in the permanent records of the District.

Welcome and Introductions – SLA Chair Joerger called the meeting to order and stated the SLA project has been undertaken at the direction of the Governing Board, which directed staff to look at whether there is the potential to surplus any of our lands to improve the efficiency of our land resources program. This is one of several efforts currently underway to increase the operational efficiency at the water management district. The Governing Board feels this project is of such importance that it has appointed this six-member Committee to oversee the project and make recommendations to the full Board for its consideration. Chair Joerger stated the purpose of this meeting is threefold: for the Subcommittee to receive staff recommendations on parcels for potential surplus; listen to public input on the recommendations; and discuss surplus recommendations to be presented to the entire District Governing Board. The Chair then introduced each Governing Board Subcommittee member.

Chair Joerger requested that anyone wishing to comment on the process, please fill out a speaker's card. To assure that all speakers have an opportunity to speak, comments may be limited to three minutes per speaker. When appropriate, exceptions to the three-minute limit may be granted by the Chair. If several individuals wish to speak on the same issue or topic, the designation of one spokesperson is recommended.

Chair Joerger also reiterated Governing Board Chair Paul Senft's comments at the first subcommittee meeting in November, that there are no expectations to identify large tracts of

land for sale. This assessment is intended to identify unused project land or identify instances where the District purchased a large parcel recognizing that some small portions may have little conservation value, but nonetheless were required by the seller. Staff has worked within these objectives and their recommendations to be reviewed today are reflective of that direction.

Approval of the May 10, 2012 Meeting Minutes – Mr. Gramling moved, seconded by Mr. Tharp, to approve the meeting minutes as presented. Motion carried unanimously.

Brief Review of Surplus Lands Assessment Process – Chair Joerger introduced Mr. Roy Mazur, the District's Bureau Chief of Operations and Land Management. Mr. Mazur stated that at this meeting he will provide a brief update on parcels previously approved for surplus, then the Subcommittee will review lands owned and maintained by the District in SLA Evaluation Area 3, which includes parcels in Pasco, Lake and Polk Counties including the Green Swamp. Weeki Wachee will be evaluated in Evaluation Area 4.

Brief Update on Parcels Previously Approved for Surplus - Mr. Mazur provided a live demo of the District's Surplus Lands Website (www.WaterMatters.org/SurplusLands). Initial analysis of Evaluation Areas 1 and 2 consist of 46,720 acres that were evaluated in Charlotte, DeSoto, Highlands, Manatee, Sarasota, Pinellas, Hillsborough, and Polk (excluding Green Swamp) with 1,165 acres (25 parcels) recommended for further staff analysis to determine surplus options. Listed on this website are these parcels along with their surplus status.

Review of Properties in Evaluation Area 3 – Mr. Mazur stated that assessment observations for properties in Evaluation Area 3 differ from previous evaluations in that here we have some of the most significant conservation lands, significant project lands, significant recreational use and surplus candidates for a variety of uses. Mr. Mazur then reviewed each property in Evaluation Area 3.

- Upper Hillsborough Preserve –The Upper Hillsborough Preserve encompasses nearly 17,355 acres in southeast Pasco and northwest Polk Counties. A 111-acre parcel located along the north side of County Road 54 was identified as a potential surplus candidate. The parcel is separated from the parent tract of the Preserve by the road, is in natural land cover, includes wetland areas, undergoes limited management activities, and recreational use is limited. Staff recommendation is to designate the 111-acre parcel as a surplus candidate and prepare documentation to pursue surplus of the underlying fee interests in the parcel, retaining a conservation easement over the parcel. Subcommittee members heard public comments. Ms. Katie Roberts, Florida Native Plant Society, would like to see this parcel remain natural lands and not developed. Ms. Roberts expressed that she would like to see a more transparent process after the vote and would like our website clearer in regards to zoning and conservation easements. Mr. Mazur stated staff can link the subject matter expert assessments to the evaluations which should provide this information. Ms. Closshey clarified that a final decision on this parcel would come before the full Governing Board and that would provide another opportunity for public input. Ms. Candace Arnold, Florida Native Plant Society, thanked staff for showing the property and stated she understands the financial constraints of the District. Ms. Arnold stated her understanding was the Subcommittee would only consider properties that no longer served their original purpose of acquisition and she feels this parcel does not fall into that category. She realizes maintenance is difficult but feels this parcel still provides benefits such as flood control and recharge, and has conservation value. Mr. Charles Lee, Audubon of Florida, stated he has difficulty seeing this parcel as a candidate for surplus. He stated he understands the management challenges; however, feels this parcel has natural resource assets within the core mission area of the SWFWMD. If the decision is surplus, characteristics of a conservation easement would be very important. He introduced into record a legal review, *Askew v. Gables-by-the-Sea, Inc.*, which is in reference to an issue when one is both a land

selling entity and a regulatory entity. Mr. Kent Bailey, Sierra Club, stated he appreciated the thoughtful approach to this process and understands the District's budgetary constraints. He stated he would like to reiterate the importance of being careful in constructing a conservation easement to be very clear in regards to enforcement and regulation. Mr. Kevin Love provided general comments to the surplus process, as well as his opinion of the positive and negative impacts of the surplus of this parcel. Overall he stated staff has been conservative in their evaluations but suggested reviewing parcels that were determined not surplusable such as Sawgrass Lake, Jerry Lake, and Joe's Creek in Pinellas County, Hidden Lake in Pasco County, and an 80-acre fragment on the southeast side of Green Swamp. Mr. Gramling clarified that this process has nothing to do with our budget, other than saving money on maintenance costs; while revenue is important it is not the primary goal of this project. Mr. Gramling moved seconded by Mr. Maggard to designate the 111-acre parcel for surplus, retain a conservation easement, but allow agriculture and limit in the conservation easement a maximum of five homesteads. Ms. Closshey requested a legal opinion on the issue Mr. Lee brought forward before the full Governing Board votes on this parcel. Mr. Mazur read an excerpt from a letter from Bill Pranty and Ken Tracey representing the Florida Ornithological Society and West Pasco Audubon Society for the record: "except for two, two-lane roads, the parcel is contiguous with thousands of acres that are also part of the Upper Hillsborough Preserve, and this is not an isolated parcel of conservation land surrounded developed lands; it is part of a vast network of conservation lands vital for ecosystem preservation and water recharge and retention. This is not a heavily disturbed site with limited conservation value such as cattle, pasture or pine plantation. We strongly believe that natural lands such as this parcel should remain in public ownership. District staff stated that little or no management activities have taken place on the parcel in recent years. The interior roads are ground level with no improvements visible during our tour and have not been graded or disked recently, and the uplands are notably fire-suppressed." Motion carried unanimously. Ms. Closshey reinforced that this process has nothing to do with financial constraints but rather a matter of good housekeeping, management and stewardship in balancing the right thing between the environment and the proper use of the taxpayers' money.

- Hidden Lake – The Hidden Lake property is a 589-acre site located in west-central Pasco County. It is part of an interconnected system of lakes within the Rocky Sink/Boggy Creek basin of the Bear Creek Watershed and was acquired in 1985 under the Save Our Rivers program to protect areas within the 100-year floodplain, preserve natural drainage, maintain water quality and protect the wetlands surrounding the lake. Staff recommendation is to maintain District ownership, continue conservation management activities as permitted by limited access into the property and initiate discussions with Pasco County regarding transfer of ownership for incorporation into local plans for management of flood prone areas. Mr. Mazur added that Pasco County is open to discussion with the District. Mr. Tharp moved, seconded by Ms. Closshey, to accept staff recommendation. Motion carried unanimously.
- Green Swamp Wilderness Preserve – *Green Swamp East Tract* – The Green Swamp Wilderness Preserve includes several distinct tracts acquired to protect and manage water resources and ecosystem functions within the headwater swamps, floodplains and supporting watershed areas in the greater Green Swamp region. The Green Swamp East Tract (GSE) encompasses 72,502 acres (fee simple ownership) of undeveloped lands at the junction of south Sumter and Lake Counties with the northwest corner of Polk County. A series of numerous relatively small parcels located at the extreme eastern boundary of GSE, east of the Van Fleet State Trail, have been identified as surplus options. Staff recommendation is to maintain public ownership and protection of nearly all of the GSE strategically pursuing no-cost exchanges of parcels on the east side of Van Fleet State Trail

to eliminate inholdings/outparcels along the west side of the trail and thereby resolve limited access for management and consolidate the eastern boundary along the trail. Mr. Gramling moved, seconded by Ms. Closshey, to accept staff recommendation to strategically pursue no-cost exchanges of parcels on the east side of Van Fleet State Trail to eliminate inholdings/outparcels along the west side of the trail. Marian Ryan, Sierra Club, asked the District to consider transfer of these parcels to the Florida Department of Environmental Protection, as they are located within the Green Swamp Withlacoochee Headwater Florida Forever Project or transfer parcels that abut the east side of the Van Fleet State Trail to the Division of Recreation and Parks as these parcels would enhance the trail, provide areas for potential amenities and allow for access to and management of those adjacent lands. Chair Joerger suggested amending the motion that staff consider Ms. Ryan's comments if the parcels abut the trail. Mr. Gramling stated that can be accomplished by his motion. Motion carried unanimously.

- Green Swamp Wilderness Preserve – *Green Swamp West Tract* – The Green Swamp West Tract (GSW) encompasses 37,374 acres (fee simple ownership) and over 4,200 acres of conservation easements made up of undeveloped natural lands along 22 miles of the Withlacoochee River in eastern Pasco County. Staff recommendation is to maintain District ownership and continue water resource management and conservation activities, pursuing alternative management arrangements where appropriate. Mr. Gramling moved, seconded by Mr. Maggard to approve staff recommendation. Motion carried unanimously.
- Hillsborough River Corridor – The District's Hillsborough River Corridor property is comprised of two disjunct parcels and a conservation easement with a combined total of 355 acres and over three miles of undeveloped river channel and its densely forested floodplain swamps. No surplus opportunities were identified. Staff recommendation is to maintain District ownership and continue conservation and water resource management activities. Ms. Closshey moved to accept staff recommendation. There was no second, motion died. Mr. Gramling moved, seconded by Ms. Closshey to accept staff recommendation but allow staff the freedom to explore the possibility of transferring the western-most parcel to another governmental entity to protect and maintain. At Mr. Maggard's suggestion, Mr. Gramling modified his motion to include the eastern parcel as well. Ms. Closshey seconded the motion and it carried unanimously.

Ms. Gail Parsons, Sierra Club Tampa, addressed the committee regarding the Upper Hillsborough Preserve. She stated the property is wonderful, important and wanted to know why the District felt the original purpose for this property was no longer valid to consider it for surplus; and she recommended against surplus. Mr. Gramling stated the District has good intentions when purchasing properties but sometimes the ability to manage them stretches our ability to do that in an adequate manner. Mr. Gramling continued, if the Board agrees to surplus a piece of property, limitations can be put in place to protect the original intent of the purchase and the motion that was made and passed on the Upper Hillsborough Preserve in no way compromises that piece of property and its ability to be part of the corridor. Mr. Mazur stated the property was acquired with District ad valorem and federal funds in 1969. Mr. Lee stated that depending on the nature of the federal match, it would be important for the District to examine whether there is a federal restriction on the title to the property. Mr. Gramling noted that would be part of the evaluation by the District's legal staff.

- Cypress Creek Preserve – The Cypress Creek Preserve is dominated by a continuous expanse of riverine swamps and forested hammocks along a 10-mile segment of Cypress Creek, a main tributary to the Hillsborough River. No surplus opportunities were identified and staff recommendation is to maintain District ownership and continue water resource management and conservation activities. Mr. Maggard moved, seconded by Mr. Gramling

for staff to explore the opportunity of letting Tampa Bay Water (TBW) own and maintain the entire Preserve. Ms. Closshey would like to see staff investigate the legal aspects of this surplus and bring a recommendation to the Subcommittee's next meeting. Mr. Lee stated that while there may be some value to having TBW take over Cypress Creek Preserve, there may also be some issues and risks in the delicate balance between the water supply mission of TBW and the water conservation and protection mission of the District. Mr. Gramling stated that Mr. Maggard's motion is the maximum position we could expect and it may turn out the recommendation that goes before the Board is simply to turn over the maintenance of the property to TBW. Ms. Closshey clarified that the motion before the Subcommittee could turn out the District may continue to retain ownership and oversight of the Preserve but pass on the maintenance cost to TBW. Chair Joerger stated that as owner of the Preserve we are in a much stronger position than an easement holder, and considering the past communication issues, he would like to move forward with staff recommendation rather than the motion on the table. Mr. Tharp added that allowing staff to explore this and bring a recommendation to the next Subcommittee meeting would accomplish Mr. Maggard's motion, as well as give a sense for what TBW may or may not do. Mr. Gramling withdrew his second from the motion. Ms. Closshey moved, seconded by Mr. Gramling to direct staff to explore all the questions raised, the legal implications, the possible change in relationship with TBW, and to bring a recommendation to the Subcommittee's next meeting. Ms. Closshey requested that Mr. Love provide the list of the additional properties he mentioned that could be considered for possible surplus. Ms. Closshey also requested, as mentioned previously, that a process be established for on-going evaluations on properties the District has a land management/maintenance relationship with others for, so that we ensure that everything is taken care of and she would like to see that process be put in place if a relationship is established with TBW on Cypress Creek. With no further discussion, the motion carried unanimously.

Mr. Mike Holtkamp stated the Upper Hillsborough Flood /detention Area, the Green Swamp Flood Detention area and Cypress Creek Flood Detention area, are all components of the Four Rivers Basin, Florida Project, and technically may not be federally de-authorized and should be reviewed by the District's Office of General Counsel before considering for surplus.

- Connor Preserve – The Connor Preserve was acquired in 2003 under the Florida Forever program for the preservation of natural systems, flood attenuation, groundwater recharge, and water quality protection. The Preserve includes a landscape of expansive marshes, forested swamps, sandhill ridges and pine flatwoods. No surplus opportunities were identified and staff recommendation is to maintain District ownership and continue water resource management and conservation activities. Mr. Maggard moved, seconded by Mr. Gramling to accept staff recommendation. Motion carried unanimously.
- Starkey Wilderness Preserve – The Starkey Wilderness Preserve consists of three contiguous units, the Jay B. Starkey Wilderness Park, the Serenova Tract and the Anclote Ranch Tract. Together they comprise one of the largest undeveloped tracts in the suburban areas of western Pasco County and help protect natural lands and their water resources functions and water management benefits. No surplus opportunities were identified and staff recommendation is to maintain District ownership and continue water resource management and conservation activities. Mr. Maggard moved, seconded by Mr. Gramling to accept staff recommendation. Motion carried unanimously.
- Masaryktown Canal – The six-mile long canal constructed in the mid 1960s under the Four River Basins, Florida Project developed by the U.S. Army Corps of Engineers, drains areas south and east of Masaryktown and provides protection for the 10-year flood event. No

surplus opportunities were identified and staff recommendation is to maintain District ownership and continue maintenance of canal system. Mr. Maggard moved, seconded by Mr. Gramling to accept staff recommendation. Motion carried unanimously.

Public Comment - There were no additional public comments.

Subcommittee Discussion - The Subcommittee's next meeting will be scheduled for early November 2012. Details will be sent at a later date.

Chair Joerger thanked the public for their participation. He thanked staff for their efforts and making this a transparent process. Chair Joerger stated he appreciates the time staff and the public has spent in site visits and the thoughtful nature of this Subcommittee in reviewing these properties.

The meeting was adjourned at 11:50 a.m.