

**DRAFT subject to WRAC approval on 9-5  
and GB approval on 9-12**



**LAND ACQUISITION COMMITTEE**

**RECOMMENDATIONS REGARDING “THE SOUTH FLORIDA ECOSYSTEM  
RESTORATION TASK FORCE LAND USE STRATEGY”**

**A. INTRODUCTION**

The WRAC Land Acquisition Committee (LAC) developed the following recommendations for review and approval by the full Commission at the September meeting. The committee’s recommendations are presented in three (3) sections. The first section is comprised of general recommendations, which is grouped into four general categories, coordination, timing, other issues and draft suggestion to the Task Force. The second section lists twelve (12) recommendations directed at expediting the acquisition process. The committee decided not to prioritize these 12 recommendations but rather bring them to the full commission for further action. Finally, the third section lists the comments resulting from the committee’s review of the Project Profiles from the “SFERTF Land Acquisition strategy” and the Data Sheet Profiles from the “Coordinating Success:...” documents. These comments were directly provided to the Task force staff and are included in this report for your information.

The Committee requested the full WRAC receive a legal briefing from legal staff from the WMD, OPAGA, and the USACE on condemnation, less than fee and options. The committee thought it would be beneficial for the full Commission to be present for these briefings.

The Committee has expressed a desire to continue meeting after the above mentioned presentations are made to the WRAC. The committee would like to:

1. Continue the deliberations on land acquisition procedures used by the Federal, State, Regional, Local organization of Florida;
2. Review the acquisition of lands in Southwest Florida; and
3. Explore how mitigation banks and mitigation lands fit in the overall ecosystem restoration strategy.

**B. GENERAL RECOMMENDATIONS**

**Overall Recommendation:** A major goal of all recommendations should be ecosystem sustainability. It is not mentioned in the current document.

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**COORDINATION ISSUES:**

1. Add a complete list of local acquisition programs.  
Specifically include Monroe County in Project Profile Sheets as applicable.
2. Generate text on the suite of “less-than-fee” approaches that are available.
  - Create a “Toolbox”, examples would include (but not be limited to):
    - Conservation easements
    - TDRs,
    - TNC and USDA programs
3. Include a section on “Planning and Permitting” to include:
  - Local land use planning
  - Permitting (local, regional, state)
  - Water supply planning
4. Establish a multi-agency team:
  - For information sharing
  - For coordination, not accountability
  - Not another layer of bureaucracy
  - To meet twice a year
  - Include local/state/federal representatives
  - Should be a team under the Working Group with enhanced membership to reflect relevant agencies.
5. Add a local government discussion at bottom of page 14 (Goal 2)
6. Similar to Page 11, 3rd paragraph, on local government, add specific language:
  - “Local government acquisition efforts may support federal/state acquisition programs. These include county environmentally endangered or sensitive land acquisition programs, such as the one’s approved by voters in Broward, Lee, Martin, Miami-Dade, Monroe and Palm Beach County.”
7. Highlight local government match that is considered “state” funding. (Page 7-need figures)
  - Specific language: Add sentence to 4th Paragraph, Page 7:
    - “In addition, local government programs have expended \$\_\_\_\_\_ on land acquisition often in partnership with the State.”
8. Add local government efforts under new Goal 3 Section. (TBD)
9. Include a reference to the money provided by local governments that enhanced the \$300 Million under P-2000. (Page 7, 3rd paragraph)

**TIMING ISSUES:**

10. Early land acquisition strategies are not listed, they need to be included.

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11. Expedite land acquisition.
  - Identify Willing sellers first., this can be outsourced
  - Begin appraisals now for South Florida Water Management District CERP Land Acquisition Annual Worksheet
  - Utilize incentives for land owners to come forward as willing sellers
  - Incorporate considerations of development pressure
12. Include recommendations on how to prevent negative impacts that are caused by delays in acquisition of the land.
  - Including permitting and land use issues.
  - Need to understand linkage, if any, between land acquisition initiatives, CERP and permitting process.
  - Need to understand authority (including condemnation and permitting) of agencies and legal limitations.
  - Need to establish link, heightened review and criteria for permit denial.
13. WRAC should request a briefing from legal staff of SFWMD and USACE on the issues listed in R12.
14. Need analysis on why delays occur with an eye toward resolving that problem
15. The Timing Section needs a bulleted set of recommendations following the section. (These should be broad strategy recommendations)
16. Payment “In lieu of taxes” should be investigated as to how it will impact land acquisition in less populated counties. (Develop additional alternatives)

**OTHER ISSUES:**

17. Easements need to be written to give them strength; encourage easements in perpetuity with right of first refusal to easement holder.
  - Insert on Page 4 of Land Acquisition Strategy, after second main paragraph, which ends in “ongoing priority in ecosystem restoration”:
    - “In addition to fee simple, easements should be utilized where appropriate. Easements should be in perpetuity designed to protect the resources desired with right of first refusal to easement holder”.
18. Land Management needs to be addressed
  - Insert on Page 5, at the end of 3rd paragraph, which ends in “... remaining to be purchased.”: add:
    - “Management of fee simple acquisition and conservation easement lands must include funding expectations and natural resource and cultural values.”

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**OTHER DRAFTING SUGGESTIONS TO TASK FORCE:**

- Page 11-4th paragraph, add the word “Basin”
- USDA programs should be in all three Goals, not just in Goal 1
- The document needs to contain a timeline summary within the body of the document in addition to the detailed timeline attached to the document.
- \*Put the Atlantic Ridge/Loxahatchee River CNF/CERP C-25 Storage Reservoir back in the document with its new title “IRL—South Fork Natural Storage and water Quality Area”.
- Put a date on each iteration of the Strategy so everyone knows which is the latest version.

**C. The Following Items are Recommendations to Expedite Acquisitions. (The Committee decided not to prioritize these 12 items, but rather to bring them to the WRAC for further action.)**

*The comments in Italics reflect additional comments made by the Committee during discussions of these items.*

1. Make the process more friendly

One example: Ensure multi-lingual staff, people react more positively when someone of their culture/language is speaking to them.

*Additional comments: This item needs to be more detailed and specific. “provide access to needed information”, “make the process informative” were two suggestions*

2. Give incentives for selling property early in the process. (encourages early participation)

- a. Give purchasers the ability to pay greater than appraised value in certain circumstances

*Additional comments: Give sellers a priority for quickness of action.*

3. More staff/contractors needed at all levels and agencies (obtain funding).

*Additional comments: May create a problem if you are hiring for only a 5 year period, better method might be to allocate funds for overtime or outsourcing.*

4. Increase funding and activity to ensure keeping land acquisition at historic levels at a minimum and increase land acquisitions.

5. Condemnation for natural resource purposes (consider legislative changes)

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*Additional comments: Not sure legislative changes are needed everywhere, but they are needed for the District.*

6. Look at all stages of the acquisition process to see where the hold ups occur

**Additional Comments for All Agencies:**

7. Ensure and enhance funding for rural lands act without negatively impacting the existing land funds (i.e. don't divert funds, add to them)
8. Determine CERP project footprints more quickly
9. Create a clearinghouse multi-agency (include all levels of government: local, state, federal, etc.) land acquisition team to coordinate all information on what has been acquired
  - a. Not to make decisions about what is bought but to keep track in a central place (*warehousing of information*)
  - b. Ensure that the clearinghouse expedites rather than slowing down the process

*Additional comments: Create a multi-agency state/federal land inventory clearing house to compile, in a central location, information on all lands acquired and to expedite the acquisition process.*

10. Create effective and comprehensive mapping as appropriate.

*Additional comments: Mapping of lands already acquired or lands that could be acquired should be shown on a comprehensive mapping system.*

- The issue here is eminent domain process vs. "willing seller" process

11. Give specifics as to endangered species needs (particularly large carnivores)

*Additional comments:*

- *Defer to Coordination Group/MERIT Team*
- *Add more detail to make it clear what the implications are of having endangered species on property and how it makes land acquisition faster; value added to the land for providing habitat to these species*

12. Explore less than fee acquisition/options

*Additional comments:*

- This is a creative way to deal with CERP properties in order to expedite taking them off the market.
- If an option is given, can it be an option for partial purchase?
- Less than fee is not well understood, therefore currently "fee simple" is used because it is more easily expedited.

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**D. RECOMMENDATIONS ON DATA SHEET PROFILES AND PROJECT PROFILES (*The following comments were provided directly to the SFERTF staff*)**

Data Sheet Profiles are associated with the document “Coordinating Success: Strategy for Restoration of the South Florida Ecosystem and Tracking Success: Biennial Report for FY 2001-2002”

Project Profiles are associated with the document “SFERTF Land Acquisition Strategy”

The WRAC Land Acquisition Committee was asked to review the two above sets of profiles to comment on how to improve the profiles and make them more user friendly. Members were given both sets of profiles to review on August 5, 2002 and asked to be able to discuss them at the August 19, 2002 meeting. The comments below represent members’ general reactions and suggestions regarding both documents. Where the word “Both” is not indicated, the comment may pertain more to the Data Sheet Profiles. Specific comments on each profile were indicated separately.

1. Inconsistency in reporting acres to measurable outputs – Example page 168
2. **(Both)** A land acquisition update graph should go with profiles (State/Federal Cost Share Table)
3. **(Both)** Need an “idiot” sheet – would explain what each item means
4. No consistency in project synopsis to identify exactly what a project is  
-Example: Biscayne Bay (p. 38)
5. **(Both)** *Pal Mar Complex is not referenced the same in both documents, causes confusion as to what it includes*
6. **(Both)** General confusion of naming in the two documents (same name given to different projects)
7. **(Both)** “Targets” are not defined – no consistent set of definitions

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8. Include references to local participation where applicable
  - Biscayne Coastal Wetlands
  - C-111
9. Table of Contents needed for projects list
10. **(Both)** The two documents need page numbers, profiles in both should come in same order so they can be easily compared
11. **(Both)** Consistent presentation format for both documents throughout
12. The two sets of profiles need better names so easily identified
13. Project cost figures in the 5-6 digit range in a project that hasn't been completely defined is weird
14. Confusion created: "Coordinating For Success" table of contents – Page VIII called "Project Data Sheets" then called "Data Sheet Profiles"
  - Table of Contents of "Coordinating Success: et al" needs better organization and consistency in naming
15. **(Both)** Documents don't have consistent descriptions of the projects

Ex: Indian River Lagoon Presentation – what is Pal Mar Complex and South Fork Storage Reservoir and more Lands not defined/nor outlined properly – overlapping boundaries – clarification needed
16. **(Both)** CERP Projects and Florida Forever projects should not have same name if projects don't coincide.
17. **(Both)** Need to reference what a project name includes (i.e. is it called something else by other projects) like an A/K/A in the document.
18. Issue of WMD acquisition being ahead of schedule and not being reflected in Data Sheet Profiles.
  - Maybe some explanation in Preamble.
19. **(Both)** Corps and WMD staff need to coordinate language again to make documents more clear and consistent.
20. **(Both)** Measurable output of "acres" and "acre feet" – explain in Preamble – targeted "acre feet" is estimated.

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21. **(Both)** Are Operation/Maintenance and Management costs being addressed in any of these projects? (Ex: ID# 1105) – Should a comment on this be in the Preamble?
22. **(Both)** Be consistent – indicate throughout whether land had been purchased or not – show how much acreage is being purchased for the money indicated, in some profiles this is done, in others it is not.
23. **(Both)** When indicating dollar amounts, indicate the amount of acreage that is to buy.

**E. ACKNOWLEDGEMENTS**

The Committee met on four Mondays during the months of July and August to develop the recommendations listed in this report. The Committee elected Jack Moller as their chairperson. WRAC Members participating in the Land Acquisition Committee consisted of Scott Benyon (Jeff Rosenfeld alternate), Allyn Childress, Dan Hayes, Kevin Henderson, Jack Moller, Jim Murley, Max Quackenbos, Carol Rist, Rock Salt and Ken Todd. The Working Group members who participated in the committee deliberations were: Ron Smola, USDA, Natural Resources Conservation Service, Joe Walsh, FWC, and Patti Webster, Broward County.

Ms. Janice Fleischer from the SFRPC Institute for Community Collaboration facilitated the committee meetings. Staff from the SFWMD Land Resources Department and Clerk's office, South Florida Ecosystem Restoration Task Force, The Nature Conservancy, Audubon of Florida, Florida Fish and Wildlife Conservation Commission, Martin and Miami-Dade County provided support to the committee.