



September 10, 2013

Susan C. Grandin
Director, Division of State Lands
Department of Environmental Protection
3900 Commonwealth Blvd. MS #100
Tallahassee, FL 32399-3000

1101 Audubon Way
Maitland, Florida 32751
Tel: (407) 539-5700
Cell (407) 620-5178
www.audubonofflorida.org
email: Clee@audubon.org

Members,
Acquisition and Restoration Council
3900 Commonwealth Blvd.
Tallahassee, FL 32399-3000

RE: Conservation Land Assessment – Draft Surplus Lands List

Dear Director Grandin and ARC Members:

Audubon Florida has produced these comments and recommendations concerning the Draft Surplus Lands List as last updated on September 6, 2013, produced as a result of the Conservation Land Assessment.

We have directed our comments herein to specific tracts identified on the list to which Audubon Florida has objections to a declaration of surplus. Tracts not specifically mentioned below are tracts that Audubon Florida either has no objections to, or tracts which Audubon does not have sufficient information about at this time to support substantive objections to inclusion on the proposed Surplus Lands List.

General Thoughts and Considerations

We have reviewed the draft Surplus Lands List with the following considerations in mind:

- (a) Ecological value and functions, and hydrological value and functions of each tract, including the purposes for which it was originally acquired;
- (b) Potential Impact of disposal of the listed tract upon the conservation and management of the remaining public lands known by Audubon Florida to be held by DSL, or other state or local agencies which surround, or are located in immediate proximity to the surplus tract.
- (c) Potential inconsistency of the results of disposal of the surplus tract (such as development that might be anticipated by private purchasers) with state policy objectives that are codified in statute, or rule.

Allen David Broussard Catfish Creek Preserve State Park, DRP-4, DRP-5

This 10,000 acre preserve includes habitat for 19 rare or listed plant and animal species. The character of the tract overall is predominantly scrub and turkey oak habitat on the ancient ridge lands of Central Florida. The lands proposed for surplus are within the approved project boundaries of Catfish Creek and within the optimum boundaries identified in the Unit Management Plan. The Management Plan designates no lands for proposed surplus. The sale of these two tracts after declaration of surplus, 3.4 and 2.0 acres in size, would present significant management complications for the remainder of the tract. DRP-5 at 2.0 acres is continuous to the state land constituting the remainder of the preserve, while DRP-4 at 3.4 acres is essentially surrounded and landlocked by state lands in the preserve on 3 sides. Should these two tracts become home sites or be targeted for development or agriculture by prospective purchasers, provisions for access through the remainder of public lands in the preserve would likely be necessary. Private inholdings requiring access present significant management problems for public land units. Further, maintenance of the scrub habitat in the Allen David Broussard Catfish Creek Preserve State Park requires a regular program of prescribed fire. Should these sites be occupied by homes or other private structures, the existence of such structures would significantly complicate the possibility of maintaining proper fire management on adjacent lands within the preserve. While we recognize that these tracts appear disjunct from the main body of the preserve when viewed in a one-dimensional perspective a more careful examination suggests strongly that their retention is appropriate and perhaps vital to the viability of adjacent preserve lands. For this reason, Audubon Florida strongly objects to the surplus of these parcels.

Anastasia State Park DRP-0

This 2.7 acre triangle shaped tract consists largely of maritime coastal hammock situated between U.S. Highway A1A and a residential side street to the west. It is directly across A1A from the entrance to the St. Augustine Amphitheatre, which is part of the State Park complex. Coastal maritime habitat, even in small sections is vital to the migration of bird species on the Eastern Flyway. Notable species, such as Painted Buntings make use of this type habitat for feeding and resting during their migration. In addition to its intrinsic habitat value, this elongate parcel provides a pleasant visual screen between the park and the Amphitheatre entrance and developed areas west of A1A. If this property were declared surplus and sold to private parties, highest and best use would likely involve convenience store and gas station commercial uses. Enhancing the visual experience of visitors to our state parks and avoidance of park entrance areas becoming choked with unpleasant commercial uses is an important objective. For these reasons, Audubon Florida objects to this site being declared surplus.

Big Bend Wildlife Management Area FWC-BB 2

This site contains approximately 5.3 acres of river frontage on the north side of Rocky Creek, and is bounded on the north by Rocky Creek Road. The site includes coastal marsh wetlands, longleaf pine uplands adjacent to Rocky Creek, and a popular public boat launch area at the terminus of Rocky Creek Road. While the acreage of this site is comparatively small, from the standpoint of river frontage on Rocky Creek, it is very

significant, with in excess of ¼ mile of river shoreline contained in the boundary. A review of the Conceptual Management Plan for the Big Bend Wildlife Management Area (BBWMA) 2004-2014 reveals the following regarding the potential for archeological sites in the area: “A review of the Florida Master Site File by the Department of State, Division of Historical Resources (DHR), revealed more than 190 archaeological sites on the BBWMA. These tracts are exceedingly rich in cultural resources. The sites found on the Big Bend represent stone quarries, camps, villages, mounds, and burial sites that date back for more than 12,000 years to Spanish contact. According to DHR, any high ground adjacent to the many rivers, streams and tidal creeks that flow into this area would have a high probability of containing significant archaeological and historic sites.” The high ground areas included in FWC-BB 2 appear to constitute precisely these type areas where a high probability of archaeological resources is likely to exist.

Declaration of surplus and sale of this tract would eliminate a significant corridor of Rocky Creek where state ownership currently protects both shorelines.

It also appears that declaration of surplus and sale would potentially remove an existing public boat launch area from public use, significantly impacting the ability of the public to use and enjoy the remainder of the BBWMA.

This site is within a high velocity storm surge area and any development situated here would be served by undesirable septic tank systems, as there is no central sewer available. This site is situated directly upstream from the Big Bend Seagrass Aquatic Preserve, and any development at this location would impact Outstanding Florida Waters designated areas.

Audubon Florida believes that the surplus and sale of this tract would be highly inappropriate, and we object to any surplus declaration for this site.

Blue Spring State Park FLMA-16

This 22.4 acre tract consists of a narrow strip adjacent to the main body of the park property. The strip is in the range of 2.25 miles in length. This narrow property is the site of a proposed “Spring to Spring Trail”. The habitat on the narrow strip consists in large part of scrub and scrub oak habitat.

Federally-listed Florida Scrub-Jays were observed by Park staff and volunteers in two locations on the property proposed for surplus in both the annual 2012 and 2013 surveys done by the Park Biologist and trained volunteers. These surveys provide highly reliable data due to the rigorous survey protocol supervised by the U.S. Fish and Wildlife Service, Florida Fish and Wildlife Commission, Florida Park Service, and Archbold Biological Station. Despite the railroad and powerline corridors on the property proposed for surplus, the property retains enough of the vegetation structure and plant communities that provide the biological functionality needed for survival of the Florida Scrub-Jays. Scrub-Jay “family” groups hold year-round nesting and foraging territories so the survey observations are interpreted as evidence that one or more Jay families is foraging on the property. If the land is sold as surplus, the Jays residing on this property are likely to be extirpated.

In addition, when examining the configuration of this property it is difficult to imagine a practical use other than as a trail site or some type of other linear corridor type project. The range of potential buyers would appear to be very limited, and the use of this property, which now serves as a buffer to Blue Springs State Park for incompatible development purposes could impact the remainder of the park.

Audubon Florida opposes the inclusion of this property on the surplus list and recommends that it be removed from the list.

Box R Wildlife Management Area FWC-BX 1

This 26 acre tract consists of mature hardwoods largely contiguous to the remainder of the Box R WMA tract. This tract appears to have high wildlife habitat values. A narrow road separates this parcel from the remainder. The road does not appear to be an effective dividing line in the sense of management, and the habitat on both sides of the road appears identical. Other than the existence of this marginal roadway, it is not clear why this parcel would be selected out for surplus any more than any other like-sized parcel near the perimeter of the WMA. Removing this parcel by placing it in a surplus lands status and then selling it to private parties would potentially complicate the management of the Box R WMA. Given the prevailing land prices in this area, the return on such a sale would likely be nominal. The parcel's hardwood swamp forest character, and proximity to the Apalachicola River Floodplain suggest that flooding at times of high water is likely. Audubon Florida recommends that this parcel be removed from the proposed surplus list.

Bruner Bay Tract CF-836-25

This 43.9 acre tract consists almost entirely of cypress and hardwood swamp which exists as part of a wetland system that is largely intact. Approximately 80% of the tract appears to be within Zone "A" of the 100 year FEMA Flood Elevation Maps. Wetland systems such as this are important headwaters areas for coastal estuaries in the Florida panhandle. In Washington County particular, this type wetland is the upper headwaters for surface and groundwater flows to Apalachicola, St Andrews and Choctawhatchee Bays via major spring shed creeks like the Econfina, Holmes creeks and the upper Chipola River. It is difficult to understand why DEP would want to encourage the development of this type wetland by declaring the parcel surplus and selling it to prospective private buyers. Audubon Florida recommends that this parcel be removed from the proposed surplus list.

Cayo Costa State Park DRP 6, DRP 7, DRP 8, DRP 9, DRP 10, DRP 15, DRP 18, DRP 64, DRP 65, DRP 66

The 14+- acres comprised by this group of tracts consists of beachfront coastal dune and hammock land, beach areas, mangroves and open water. All sites proposed for surplus consist of unique and critical coastal habitats that host imperiled beach nesting birds and sea turtles in spring and summer, and neo-tropical migrant birds in fall through spring. There are many other species of flora and fauna present that are specific to a diverse range of natural barrier island habitats. All of this land is located on Cayo Costa and North Captiva islands in the Charlotte Harbor estuary. Some of the individual tracts are sitting between existing beachfront homes. However, other tracts remaining on the surplus list

are distant from any existing habitation, and are located in very unstable areas such as a hooked peninsula at the very southern end of Cayo Costa Island and a very narrow part of North Captiva near the existing cut from the Gulf of Mexico between North Captiva and Captiva islands. These sites on the islands are highly vulnerable to radical shoreline changes due to tropical storm activity.

These islands are noted for their fragility and likelihood of overwash during tropical storm events. Flood zones on the islands range from an A9 to a V 13. The A zone is the area of 100-year flood; base flood elevation and flood hazard factors not determined. The V zones are areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined. In addition, based on the flood maps, most of the two islands are located within a CBRA zone (Coastal Barrier Resource Area). Coastal barriers are unique landforms that provide protection for diverse aquatic habitats and serve as the mainland's first line of defense against the impacts of coastal storms and erosion. Congress recognized the vulnerability of coastal barriers to development by passing the Coastal Barrier Resources Act in 1982 (CBRA). By restricting Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers, Congress aimed to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife and other natural resources associated with coastal barriers along the Atlantic and Gulf of Mexico coasts. While not prohibiting privately financed development CBRA, prohibits most new Federal financial assistance, including flood insurance, with a designated Coastal Barrier Resources System (CBRS) unit. Thus, new Federal financial assistance, including flood insurance is prohibited as a matter of policy on these islands.

It appears contrary to numerous elements of state policy for the State of Florida to encourage additional development on Cayo Costa and North Captiva islands by selling state lands in these locations to private parties. CS/SB 1770, now Chapter 2013-60, Laws of Florida was approved in the immediate past Legislative Session. This legislation strengthens state policy against development activities on these islands by prohibiting Citizens Property Insurance from writing policies in these locations

Audubon Florida strongly recommends that these parcels be removed from the proposed surplus property list. If any particular property among this group which is situated immediately adjacent to occupied beachfront homes is resulting in verifiable (as opposed to hypothetical or speculative) management difficulties for the Division of Recreation and Parks, DSL might appropriately consider offering the particular properties so identified to the owners of adjacent property while retaining a conservation easement over the property to be sold which precludes the erection of additional structures and requires retention of the natural vegetation and contours on the property.

Charlotte Harbor Preserve State Park FLMA 23

This 25.7 acre parcel is located adjacent to the main body of the State Park. The parcel proposed parcel for surplus was purchased as part of the combined Florida Forever regional projects, now called the Charlotte Harbor Estuary Project. Along with all of this project, it is intended to buffer and protect Charlotte Harbor Estuary, one of the largest and most productive estuaries in Florida, which along with Rookery Bay and Estero Bay Estuaries have tremendous positive influence on the fisheries of the Gulf of

Mexico. There are many imperiled and rare species on the project as a whole, including Florida scrub jays, bald eagles, manatees, and gopher tortoises. This parcel is surrounded by some of the few remaining unprotected inholding parcels considered by the ARC as essential to purchase. It is not logical to surplus and sell this while the published state policy is to further pursue purchase of essential, and apparently equivalent, habitat immediately adjacent to it. Audubon Florida objects to this parcel being declared Surplus and sold.

Crystal River Preserve State Park DRP-24, FLMA 30, FLMA 32

These small tracts appear to primarily constitute forested wetlands. FLMA 32, in particular is entirely a wetland tract, and contains 3.6 acres. Audubon Florida objects to the surplus and sale of these wetland tracts which would result in development and wetland destruction contrary to state policy.

Econfina River State Park DRP-54

This 0.8 acre tract constitutes riverfront land on the Ecofina. The tract also may contain wetland shoreline. While this is disjunct from the main body of the park, it should not be developed with additional septic tanks adjacent to the river. DSL might consider offering this tract to neighboring property owners to expand their riverfront holdings while retaining a Conservation Easement protecting the natural vegetation on the property and precluding additional development. Otherwise, Audubon Florida objects to the surplus and sale of this property.

Ellie Schiller Homosassa Springs Wildlife State Park DRP-28

This .5 acre tract is solidly connected to the main body of the remainder of lands in the state park. The tract is forested wetland similar to adjacent areas in the park. While adjacent to a developed site and road (as is most of the eastern boundary of this park) the parcel appears to have significant habitat and wetland value. Audubon Florida objects to the surplus and sale of this tract.

Florida Keys Wildlife and Environmental Area FWC-K 2 through FWC-K 18

The 15.2 acres comprised by these individual tracts would at first seem ecologically non-consequential to those not familiar with the role of tropical hardwood hammocks, and the species that depend on them. However, these tracts are very significant, both individually and collectively. These parcels were acquired as a result of the Tropical Flyways project that Dr. Tom Bancroft of the National Audubon Society founded back in the early 1990's based on his White Crowned Pigeon work. These parcels are vitally important to maintaining the remaining hardwood hammocks throughout the Keys. White Crowned Pigeons spread the seeds of these hardwoods and if there is a break in overlap larger than the foraging flights of a nesting pigeon then the genetic diversity of the forest itself is lost. Thus, the seemingly isolated small tracts form a functional chain that through the foraging activities of the White Crowned Pigeon, are interlinked, and facilitate the propagation of hammock reforestation. Audubon was at the forefront in promoting acquisition of these lands and the state was very dedicated to the Tropical Flyways initiative.

These are all excellent examples of West Indian tropical hardwood hammock. Much of it is mature hammock. There are very little exotic plant species within any of these tracts. The state has designated tropical hardwood hammock as a plant community of critical concern because of its unusually high diversity of plants, the great variety of associated animal species that occur nowhere else in the United States, the strictly limited extent of this habitat, and the ongoing threats to its existence. By the early 1990's, 70% of this forested habitat on Plantation Key had already been cleared for development (Strong and Bancroft 1994). Currently it is now estimated that 80% of this habitat has been lost. These tracts are vitally important feeding area for white-crowned pigeons, a species newly granted state-listing status as threatened by the FFWCC. These particular parcels also serve as nesting habitat for gray kingbird, white-eyed vireo, northern cardinal, northern mockingbird, red-bellied woodpecker, blue jay, prairie warbler, mourning dove and chuck-will's-widow.

Florida Keys West Indian tropical hardwood hammocks play a vital role in the "stopover" ecology of Nearctic-Neotropical migrant songbirds along the Atlantic flyway. Even small tracts like these are highly important to preserve. For further references, please see:

Strong, A.M. and G.T. Bancroft. 1994. Patterns of deforestation and fragmentation of mangrove and deciduous seasonal forests in the upper Florida Keys. *Bulletin of Marine Science* 54(3): 795-804

In addition to their specific habitat value as conservation lands, the Florida Keys properties now on the surplus list are within the Florida Keys Area of Critical Concern established under Section 380.0552, Florida Statutes. There has been a concerted effort at the state and local government level to protect hardwood hammock tracts such as these in place under the Area of Critical Concern, "Principles for Guiding Development" adopted by the state pursuant to the ACSC designation, and regulations imposed by Monroe County and other local governments in the Keys as required by the ACSC legislation. One of the constructs of the ACSC program is encouragement of land acquisition of tracts such as those on the surplus list in order to reduce the "property rights" conflicts of regulations that mostly preclude the disturbance of hardwood hammock. The sale of these parcels by the state under a surplus land program would result in renewed "property rights" conflicts as the buyers attempted to secure approval for development.

Audubon Florida strongly objects to the surplus and sale of any of these tracts, and urges DEP to remove these lands from the proposed surplus list

General James A. Van Fleet State Trail FLMA 50

This 148.4 acre tract is also located within the Green Swamp Area of Critical Concern, and is adjacent to conservation lands managed by SFWMD and other agencies. While the tract itself is disjunct from the trail, it contains some native habitat and former agricultural lands on uplands. The upland areas within the Green Swamp provide some of the highest recharge potential to the Floridian Aquifer. This land should not be declared surplus and sold in the absence of conservation easements to assure that any activities on the land are consistent with maintaining its recharge potential, and the wildlife habitat

provided by the undisturbed portions of the site. Protective easements similar to those purchased by the Green Swamp Land Authority should at minimum be retained by the State of Florida.

Goth State Forest FLMA 52

This 61.3 acre tract appears to consist primarily of a substantial wet prairie area. If this is a correct interpretation of the available aerial photography, then it would appear that declaration of surplus of this property and its subsequent sale to private parties could lead to wetland loss contrary to a number of important state policies. While this tract appears to be disjunct from the main tracts of Gothe State Forest from a management standpoint, wetland values present on the tract should be protected. If this tract is considered for sale, a Conservation Easement should be retained by the State of Florida which precludes the drainage, filling, dredging, or other disturbance of wet prairie or wetland conditions on the tract.

Holochee Wildlife Management Area – Green Swamp FWC-HiLo 1 through 7

The 2628.3 acres comprised by these parcels is entirely located within the Green Swamp Area of Critical Concern. Legislation has prescribed this area, and is included in Section 380.05, Florida Statutes,

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0380/Sections/0380.05.html, 380.551, Florida Statutes

<http://www.flsenate.gov/Laws/Statutes/2011/380.0551>, and 380.0667, Florida Statutes

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0380/Sections/0380.0677.html . The extent of the Green Swamp

area of critical concern can be seen in the following reference documents, along with the hydrological and ecological reasons for the creation of this special state protective area:

http://www.myflorida.com/ostds/brochure/GreenSwamp_broch.pdf

<http://www.swfwmd.state.fl.us/education/interactive/greenswamp/greenswamp.html> .

Almost all of these tracts consist of hardwood and cypress dominated wetlands or wetland areas where hardwoods and cypress were harvested by previous forestry operations. Regeneration of the forest in the harvested areas is in progress. Declaring these lands surplus and marketing them to private parties for projects that would destroy or drain these wetlands would be clearly inconsistent with the provisions of 380.05, Florida Statutes, and conflict with wetland protection provisions found in Chapters 373 and 403, Florida Statutes.

Since 1974, state policy has required special action to protect the Green Swamp as a strategically important area. The Green Swamp serves as the headwaters of 4 major river systems (Peace, Hillsborough, Withlacoochee, Ocklawaha). The Green Swamp sits in the area of the highest potentiometric surface of the Floridan Aquifer. The surface water collected in the Green Swamp, and entering aquifer recharge through percolation in the sand ridge upland portions of the Green Swamp provides a very large, high quality source of recharge and “head pressure” in this vital aquifer. From a wildlife standpoint, the Green Swamp constitutes a vital wildlife corridor. The only potential crossing of Interstate 4 for Black Bear and Florida Panther populations has been identified by FWC

and DOT where these properties intersect the I-4 right of way. The Green Swamp has been designated as an “Important Bird Area” by the National Audubon Society, recognizing its unique position among a relatively small group of sites identified nationwide as vital to reproduction of endemic species, and as a refuge and feeding location for migratory birds on the Eastern Flyway in the United States.

Expansive land acquisition has occurred in the Green Swamp since the mid 1970’s under the auspices of the Conservation and Recreation Lands Program, Preservation 2000, and Florida Forever. The Southwest Florida Water Management District also has acquired extensive holdings. It is notable that during the detailed land assessment process conducted by SWFWMD regarding all of its land holdings that was concluded in 2012, there were no significant parcels identified for surplus in the Green Swamp by that agency.

In addition to the outright acquisition of land in fee title encouraged by the Legislature in 380.05, the Legislature also established the Green Swamp Land Authority in 380.0667 Florida Statutes. The Green Swamp Land Authority has acquired large areas of conservation easements tailored to achieve the water resources and wildlife protection purposes identified in 380.05 and the regulations adopted thereunder by the State Land Planning Agency, and both Polk and Lake Counties. The intent of the acquisition of these easements is to reduce the potential for regulatory takings of property rights due to the imposition of the required land use restrictions mandated by the Area of Critical Concern. Portions of the lands between the seemingly disjunct parts of the Hilochee Wildlife Management Area are actually protected by Green Swamp Land Authority Conservation Easements. More than 30,000 acres are protected by recorded easements secured by the Green Swamp Land Authority.

The Green Swamp- Hilochee Corridor Florida Forever Project. Was identified as one of the most important areas in the state for sustained future conservation efforts at the August 2013 ARC meeting. In addition, the Hilochee WMA management plan states that no portions of it should be declared surplus and shows significant lands that should be acquired.

Finally, Section 379.3001, Florida Statutes places restrictions on the “net loss of hunting lands” essentially requiring FWC as an agency that manages and/or owns land to avoid net loss of hunting lands. Wildlife Management Area lands are hunting lands. Should these lands be declared surplus and sold, there is the potential that other land would need to be acquired or repurposed to prevent a prohibited loss of hunting lands.

For the forgoing reasons, Audubon Florida believes it is inconsistent with state statutes, and policy to consider these Green Swamp tracts for surplus disposal. We also believe that such action would be inconsistent with good ecological land management and the protection of Florida’s water resources. Audubon Florida strongly objects to the inclusion of these parcels on the surplus list and requests that they be removed.

**John C. and Mariana Jones/Hungryland Wildlife and Environmental Area,
FWC-HL 1, FWC-HL 2, FWC-HL 3**

The 700.3 acres at this site proposed to be declared surplus and sold consist of lands where The Trustees of the Internal Improvement Trust Fund and the SFWMD each have a 50% undivided title interest. Further, by virtue of Lease No. 4271, in October of 2000, The Trustees of the Internal Improvement Trust Fund leased its 50% interest in this land to SFWMD until the year 2050. In the recent Land Assessment conducted by the South Florida Water Management District, SFWMD staff has recommended and the SFWMD governing board has agreed that "...Staff recommends that the use and management of (Hungryland WEA) the property continue as-is". The SFWMD commentary at the conclusion of this process on the entire Hungryland WEA (including parcels FWC-HL 1, FWC-HL 2, FWC-HL 3) was that: "Staff recognizes the benefits that the property has contributed towards the District's core missions, as evident from the comments, and the value as a popular public use area." For these reasons alone, we believe that these properties should be removed from the proposed Surplus Lands list.

The property in question consists of partially drained Everglades wetlands interspersed with pine flatwoods which even though stressed due to adjacent canal construction, have maintained significant wetland character, particularly during wet periods of the rainfall cycle. We do not believe it is appropriate for these lands to be included on the Surplus Lands list, or for the property to be sold to private parties to promote development in a wetland area. Audubon Florida therefor objects to the Surplus designation of this property and requests that it be removed from the list.

Jonathan Dickinson State Park FLMA 156

This 11.1 acre site appears to consist entirely of a rectangular borrow pit or retention pond adjacent to the main body of Jonathan Dickenson State Park on the north, and a residential subdivision on the south. The tract serves as an effective buffer between the rather dense small-lot subdivision and the park. It is unclear what function this artificial water body has, although it may serve a water retention function. It is further much less clear what practical use this largely submerged land parcel would have to any private buyer. Placing this parcel in practical residential or commercial use would require a massive filling and earth moving operation likely costing several multiple factors above the value of the land itself. In the event that the Division of Recreation and Parks is uncomfortable with retaining this land, the logical path for it to take would seem to be conveyance to some local entity such as the county, a homeowners association, or local water control district with retention of a Conservation Easement to assure that future uses are not those which would present management problems for the adjacent State Park. Audubon Florida would object to the sale of this parcel to private parties due to the potential for such incompatible uses.

Lake Kissimmee State Park FLMA 70

This long, thin rectangular property of 2 acres in size appears to cross forested wetlands extending from the main body of Lake Kissimmee State Park to the shoreline of the lake. The parcel is located in a situation where it is "landlocked" by the state lands comprising

Lake Kissimmee State Park, and the Allen David Broussard Catfish Creek Preserve State Park. For this reason, should the property be declared surplus and sold to private parties, the State of Florida would be required to grant those parties access through state park property in order for the parcel to be utilized in any way. Should the property be developed as a home site, this would mean allowing a private road through the state park. This would exacerbate an incompatible use situation, and complicate management for state park lands. We can see no scenario under which the value obtained by declaring this property surplus and selling it to private parties would present any net value or advantage to the state. For these reasons, Audubon Florida objects to this property being placed on the surplus land list.

Lake Louisa State Park FLMA 216

While this 1.9 acre parcel is separated from the main body of the state park, the sale and development of the parcel would adversely impact Lake Louisa and the park. The property consists of a low lying, cypress wetland shoreline on the western side of the lake, and includes what appears to be some open water areas at its southern extremity. Development of this parcel would be challenging with regard to the regulatory process. It does not appear consistent with state policy, or the good management of Lake Louisa State Park to declare this parcel surplus and promote its sale to private parties for potential development. Audubon Florida objects to the inclusion of this parcel on the surplus lists.

Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area FLMA 185

This 123.8 acre tract consists of mature forest and frontage on the Rainbow River. This tract has previously been the subject of discussions regarding the proposed transfer of the property from the Office of Greenways and Trails to the City of Dunnellon to incorporate into the city's management as a city park site. The site has important attributes as a potential park, and its 320 feet of frontage on the Rainbow River creates the possibility of a "tuber take-out" site that could be managed on the Rainbow River as part of the city park operation. This land is within the Rainbow River Corridor Florida Forever Project. Audubon Florida objects to the surplus and sale of this land to private parties. Private development of this parcel could be detrimental to the Rainbow River. Audubon Florida recommends that the parcel be retained as part of the Cross Florida Greenway, or that negotiations be continued toward transforming this parcel into a City of Dunnellon park.

Matanzas State Forest FLMA 225

This 11.4 acre tract is separate from the large body of land in Matanzas State Forest. From a management standpoint it is clearly not integral to the management of the primary state forest land unit at this location. However, the eastern 50% of the long rectangular shaped tract consists of salt marsh, and a tidal creek system with important habitat values as a tidal aquatic resource. It would not be consistent with a number of important state policies to allow this tract to be sold to private parties for land development purposes resulting in regulatory permit applications to dredge, fill, or otherwise alter the eastern half of this property. Audubon Florida objects to the surplus and sale of this property for these reasons.

Paynes Prairie Preserve State Park Paynes-67, Paynes-68

Paynes-67 is a 2.5 acre, very narrow parcel that is between Hawthorn Road and the Gainesville to Hawthorn Rail Trail. This parcel buffers the Hawthorn Trail and provides a place for people to gain access to the trail. The Alachua County Commission has recognized the value of this parcel and has entered into a contract with a private landowner to purchase an adjacent parcel for the purpose of connecting this parcel with the rest of Payne's Prairie State Preserve Park. This small parcel is valuable for facilitating the protection and use of the Hawthorn trail and should not be sold. For this reason, Audubon Florida objects to inclusion of this property on the surplus list.

Paynes-68 is a 2.4 acre square shaped parcel that projects to the west of the contiguous boundary of Paynes Prairie Preserve State Park. This parcel is solidly connected to the rest of the park, and is located just to the west of Trout Lake, a wetland prairie/marsh about 50 acres in size. This is a heavily forested parcel and indistinguishable from the habitat that persists along the western boundary of the unit at this location. Other than being a "projection" in the otherwise uniform north-south boundary, this parcel should be considered part of the Paynes Prairie Preserve State Park, and there is no reason to declare it surplus and sell it. Audubon Florida objects to the inclusion of this property on the surplus list.

Rainbow Springs State Park FLMA 91

This 1.9 acre parcel extends from the main body of land in Rainbow River State Park through other parcels that are described in the Rainbow River Corridor Florida Forever Project and which remain prioritized on the acquisition list in 2013. Retention of this piece of land is vital to the viability of the Rainbow River Corridor parcel. The land contains mature oak forest growing on an old rail bed which has trail access characteristics. Audubon Florida objects to the surplus and sale of this parcel. Considering this parcel surplus would be premature while the surrounding lands remain on the Florida Forever Acquisition List.

Savannas Preserve State Park DRP-47

This 3.9 acre tract contains approximately 50% wetlands and open water, as well as mature forest. While isolated from the remainder of the management unit, it is valuable habitat. Moreover, it appears to be landlocked on the upland side by the pattern of development in existing occupied residential lots. In other words, the value of this tract from a marketing perspective is very limited, as utilization of the uplands for any purpose would require access across existing occupied home sites. The logical purchaser for this tract would be neighbors desiring to expand their property. This property should not be declared surplus and sold if such action would lead the buyer to attempt regulatory approval of development in the wetlands and open water area. In the event that this tract is declared surplus and sold, a Conservation Easement should be retained to prevent development that compromises the native habitat, wetlands, and open water.

Seminole State Forest FLMA-95

Audubon Florida supports the position of Friends of the Wekiva River concerning this parcel. Friends has provided the following comments to you under separate cover:

“This parcel in Lake County is centrally located within the Wekiva-Ocala ecological corridor and contributes to habitat connectivity between state land and the Ocala National Forest. With vegetation and tree cover similar to that of national forest land directly bordering the property to the north, the parcel provides an important corridor for bear and other wildlife. In fact, aerial photography indicates that the quality of habitat on this 4.3 acre tract is equal to or greater than adjacent state lands. It is also noteworthy that the parcel fronts CR42, which is one of several regional roads that bisect the greenway corridor. Maintaining public ownership of parcels like this is important to ensure that future land use does not negatively impact the greenway. (A local unpaved road runs along the southeastern edge of the parcel, however this does not present a significant barrier to wildlife movement.)

Another consideration of historical relevance is that this parcel was acquired in 2005 as part of a federal/state exchange intended to facilitate more effective land management. Pursuant to that exchange, the federal government assumed title and management responsibility for certain parcels that had been owned by the state north of CR42, and the state of Florida assumed title and management responsibility for certain parcels that had been federally owned south of the road. Consistent with the spirit of that agreement, FOWR maintains that this parcel should be retained as part of Seminole State Forest for conservation.”

St. Sebastian River Preserve State Park DRP-49, DRP-50

These parcels together constitute 15.8 acres comprised of two wetland mangrove islands in the St. Sebastian River. If these parcels were sold to a private party, and development were attempted, it is clear that a major conflict with regulatory agencies would ensue. State sovereign submerged lands policy & rules discourage or prohibit development of isolated islands such as this by precluding bridges to unbridged islands and precluding utility crossings of sovereign lands to unbridged islands. Even absent such policy regarding unbridged islands situated in sovereignty lands, it is highly questionable whether Environmental Resource Permits from the St. Johns River Water Management District and Section 404 permits from the U.S. Army Corps of Engineers could be obtained to raise these islands to a suitable level with fill for development. Clearly, there would be major habitat and aquatic resource losses to numerous species including listed species such as Woodstork if these wetlands were disturbed. Audubon Florida strongly objects to the inclusion of these islands on the surplus list.

Tate’s Hell State Forest FLMA 113

FLMA 113 consists of a triangle shaped 1 acre parcel that juts out into Apalachicola Bay/St. George Sound, including beach and open water. The upland area, between two existing houses, is heavily forested. It would not be appropriate to declare this parcel surplus and sell it to private parties if the result were development inconsistent with the highest level of protection for Apalachicola Bay. Development on this site, for example, would almost certainly involve use of septic tanks to dispose of domestic waste. If this site presents a specific and verifiable management problem (rather than a hypothetical or

speculative problem) the Division of State Lands could consider offering it for sale to the adjacent property owners while retaining a Conservation Easement to preclude the construction of additional houses on the tract. Audubon Florida would object to the general surplus and sale of this parcel absent the conditions suggested above.

Torrey State Park DRP-38, DRP-39, DRP-40, DRP-41, DRP-42, DRP-43, DRP-44, DRP-45

Parcels DRP-38, DRP-39, even though isolated by roads, appear to be associated with steephead ravine systems, one of the predominant features preserved by this park. If associated with such a ravine system, these parcels should not be declared surplus and sold. In the case of DRP-40, DRP-41, these appear to be tracts that are isolated from the main body of Torrey State Park by a road or other separation. While the retention of these parcels may not be important to the management of Torrey State Park due to their intrinsic habitat value, DSL and the Division of Recreation and Parks should carefully consider the management implications of the likely pattern of development that could ensue on these parcels if they were declared surplus, and sold to private parties. The likely result would be double-wide trailer homes in the woods adjacent to State Park land, a growing population of domestic animals, and people with property and lives at risk which would complicate much needed systematic prescribed fire management of this state park unit. Such dwellings would exist on septic tanks, and due to the Homestead Exemptions available, would generate little if any tax revenue for Liberty and Gadsden Counties. Audubon Florida is concerned that the surplus and sale of these properties, even if justifiable from a natural resource standpoint looking within the boundaries of the parcels themselves, may not be a strategically wise move for Torrey State Park in the long run. Audubon Florida objects to the surplus and sale of these parcels in the absence of a detailed plan prepared by the Division of Recreation and Parks that deals with these issues and provides assurance that park management would not be impeded.

Parcels DRP-42, DRP-43, and DRP-44 consist of narrow strips of road frontage, or road frontage and the actual right-of-way upon which roads are located. We believe that the sale of road right-of-way and narrow strips of road frontage has detrimental land management consequences for Torrey State Park. It is also difficult to comprehend a market for these parcels, and the actual use to which parcels would be put if purchased by private parties. Audubon Florida objects to the proposed surplus and sale of these parcels as detrimental to the long term management of Torrey State Park.

Parcel DRP-45 consists of a 1.9 acre strip of land that connects much larger portions of Torrey State Park located to the northeast and southwest. This strip crosses through a major private inholding in the State Park. The vegetation on the strip of land is indistinguishable from the habitat in the larger sections of State Park land that it connects. Declaring this connector strip surplus and selling it to private parties appears to be clearly detrimental to basic strategic land management concepts. This parcel should be retained. Audubon Florida objects to the consideration of DRP-45 as surplus.

Wekiva State Park, DRP-35, FLMA 254, FLMA 256

Tract FLMA 256 is located within the highest value recharge areas for the Wekiva Springs hydrologic system, as can be seen by examining Figure 1 “Wekiva Study Area: Surface Water Basin, Groundwater Basin and Recharge” which can be found at: <http://www.dot.state.fl.us/planning/sis/designation/wekiva/requestappc.pdf> and the final report of the Wekiva River Basin Area Task Force, dated January 2003, which can be found at:

<http://www.floridajobs.org/fdcp/dcp/wekivaparkway/Files/WekivaReport.pdf> .

In the event that this tract were declared surplus and sold, the use of this tract should be restricted by a Conservation Easement to open space or agricultural uses which protect its water recharge potential. Consideration of a surplus determination regarding this tract should not take place if title work demonstrates it was acquired as part of the adjoining “Neighborhood Lakes” parcel, which originated from the same legislative mandate linked to the Wekiva Parkway as is applicable to Tracts DRP 36 and DRP 37. The Florida Legislature directed Neighborhood Lakes be acquired in the Wekiva Parkway and Protection Act, Chapter 2004-384, Laws of Florida, See:

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0369/Sections/0369.317.html.

Tracts DRP 35 and FLMA 254 consist of forest lands that lie between the main body of Wekiva Springs State Park to the west, and Markham Woods Road on the east in Seminole County. While these 19.7 and 7.0 acre tracts constitute difficult tracts to manage, we have persistent reports that these tracts of natural lands being used as a corridor for Black Bear moving from areas east of Markham Woods Road into and from Wekiva State Park. If these tracts were declared surplus and ultimately developed as residential subdivisions (this is the likely highest and best use considering surrounding land uses) the result would be to force the Black Bear population moving through this area to travel through the residential subdivisions on a more routine basis. It may be possible to consider alternate uses of these properties as open space adjunct to the adjacent subdivisions, as small natural area “pocket parks” managed either by Seminole County, or perhaps by the homeowners associations in the adjacent communities in the event that the managing agency insists upon disposing of them. However, should that occur, we recommend that Conservation Easements be retained to assure that the utility of these tracts as localized corridors for Black Bear movement is not eliminated.

Yucca Pens Unit FLMA 43, FWC-YP1, FWC-YP3

Yucca Pens is the nearly complete Charlotte Harbor Flatwoods Florida Forever Project – 14,781 acres bought out of 18,608. The majority of this area is pine flatwoods, hardwood hammocks and some cypress. Prescribed fire is an essential management tool for much of this. In recognition of that, the adopted management plan recommends completion of the inholdings acquisition, and that no portion of the acquired properties be declared surplus to assure the ability to effectively burn (*A Conceptual Management Plan for Fred C. Babcock-Cecil M. Webb W.M.A.*, 2003, pages 7-8). The area hosts many imperiled and rare species, including red-cockaded woodpeckers, Sherman’s fox squirrel, gopher tortoises, kestrels, bald eagles, wood storks, and beautiful paw-paw, among at least eleven other listed species. These parcels should not be declared surplus in keeping with

the management plan. Audubon Florida objects to the surplus and sale of the Yucca Pens tracts.

Conclusion

Audubon believes that Article X, Section 18 of the Florida Constitution creates a very “high bar” test for disposal of conservation land. We believe that the record speaks clearly that the necessary content of a finding that land is “no longer needed for conservation” must be supported by the existence a set of facts that conclusively demonstrate an absence of ecological or environmental value.

The tracts described above wherein Audubon has objected to inclusion on a surplus list are properties that we believe fall considerably short of meeting the Constitutional test.

It is also important to note that land in the ownership of the State of Florida cannot be deeded to private parties with the expectation that the subsequent application of regulatory controls will prevent actions such as the destruction of wetlands. When the state sells land to a private buyer, it must include whatever restrictions it wants to place on the use of that land in deed restrictions or conservation easements which are negotiated as part of the sale of the land. Failing to do so in the belief that the application of regulations later on will suffice runs the risk of consequences such as those that transpired following the decision in *ASKEW v. GABLES-BY-THE-SEA, INC.*

333 So.2d 56 (1976).

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Lee', with a large, stylized initial 'C'.

Charles Lee
Director of Advocacy