

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20020808

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the recommendations of the Conservation Lands Acquisition and Stewardship Advisory Committee to pursue the acquisition of approximately 200 acres west of Harnes Marsh Preserve and approximately 75 acres east of Six Mile Cypress Slough Preserve. Authorize the Division of County Lands to begin the acquisition process for the properties known as Conservation 2020 Nominations 214 and 216.

WHY ACTION IS NECESSARY: Required by Lee County Ordinance 96-12.

WHAT ACTION ACCOMPLISHES: Begins the process of negotiation and purchase of certain, identified environmentally sensitive lands as set forth by County Ordinance 96-12 and the Conservation 2020 Program.

2. DEPARTMENTAL CATEGORY: 06

COMMISSION DISTRICT #: 5

C6H

3. MEETING DATE:

08-06-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE
 - ORDINANCE 96-12
 - ADMIN.
 - OTHER

6. REQUESTOR OF INFORMATION

- A. COMMISSIONER _____
- B. DEPARTMENT Independent
- C. DIVISION County Lands
- BY: Karen L. W. Forsyth, Director *[Signature]*
7-2002

7. BACKGROUND: In July 1996, the Board adopted Lee County Ordinance 96-12 and in November 1996, the citizens of Lee County approved the referendum to levy certain millage for the purposes of acquiring and restoring identified environmentally critical or sensitive lands within Lee County. The Conservation Land Acquisition and Stewardship Advisory Committee (CLASAC) was formed and has been evaluating land nominations based upon Board approved criteria and parameters.

CLASAC recommends that Conservation 2020 Nominations 214 and 216 be pursued for acquisition subject to the limitations or requirements described in the secondary review recommendations (attached). Preliminary title research has been completed on all of the parcels, and no substantial title problems were found. CLASAC recommends that only the portions of Nomination 216 that lie west of I-75 be pursued for acquisition and that the property owner participate in the cost to remove exotic plants. CLASAC recognizes that the Department of Transportation (DOT) may need to purchase additional rights-of-way for the future Penzance Boulevard and for stormwater retention needed for I-75. The cost of such rights-of-way shall be reimbursed by DOT to the Conservation 2020 acquisition fund or successor acquisition program.

The Committee has continued to recognize the potential for off-site mitigation credits for this set of recommended parcels. Mitigation is an integral part of the program, but mitigation credits may not necessarily be obtained for all acquisitions, as every parcel may not have the necessary "match" for impacted wetlands for any given project by the County in a given sector. Impacted wetlands from a County project must be similar in nature and quality as those on the parcel(s) for off-site mitigation credits to be awarded by regulatory agencies. Award of any credits will be made at the time when County projects apply for them. This is consistent with the letter opinions from the South Florida Water Management District (June 17, 1996) and the U.S. Army Corps of Engineers (June 27, 1997).

\$100,000 in funds will come from Account No. 20-1678-30100.506110 toward the purchase of Nomination 216. The balance needed to process and purchase Nomination 216 and to process and purchase all of Nomination 214 will come from Account No. 20-8800-30103.506110.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>[Signature]</i>	N/A	N/A	<i>PAD 7/10/02</i>	<i>[Signature] 7-8-02</i>	OA <i>[Signature] 7-10-02</i>	OM <i>[Signature]</i>	RISK <i>[Signature] 7/15</i>	GC <i>[Signature] 7/15/02</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED
 by CO. ATTY. *[Signature]*
 7/10/02
 CO. ATTY.
 7-9-02 10:15

RECEIVED BY
 COUNTY ADMIN. *EW*
[Signature] 7/10
 12:00

SECONDARY REVIEW NOMINATION 214
West of Harnes Marsh

CRITERIA		SCORE		COMMENTS
A. SIZE AND CONTIGUITY				
1. Size of Property				
a.	≥ 500 acres	6		
b.	400 to < 500 acres	5		
c.	300 to <400 acres	4		
d.	200 to <300 acres	3		
e.	100 to <200 acres	2	2	198 acres
f.	50 to <100 acres	1		
g.	< 50 acres	0		
2. Contiguous to:				
a.	Coastal waters and other sovereignty submerged lands	4	0	
b.	Existing preserve area, c.e., wma or refuge	4	4	Harnes Marsh preserve contiguous along eastern boundar
c.	Preserve areas officially proposed for acquisitior	2	0	
B. HABITAT FOR PLANTS AND ANIMALS				
1. Native Plant Cover				
a.	≥ 75 % of the property has native plant cover	8		
b.	50% to < 75% has native plant cover	4	4	Approximately 50% of the nomination is disturbed and Brazilian pepper is scattered throughout the property.
c.	25% to <50% has native plant cover	2		
d.	< 25% has native plant cover	0		
2. Significant for wide-ranging species				
	Panther Habitat, wetlands, ponds, grass lands, etc.	2	2	A portion of the Orange River bisects the northeast portion of the nomination.
3. Rare and Unique Uplands				
a.	Scrub, hammock, old growth pine	2	2	Oak scrub and mature, second growth pine
b.	Mature, second growth pine flatwood	1		
4. Diversity				
a.	5 or more FLUCCS native plant community categories	2	2	oak scrub, Orange River, cypress wetland, herbaceous wetland, and pine flatwoods
b.	3 or 4 FLUCCS native plant community categories	1		
c.	2 or less FLUCCS native plant community categories	0		

**SECONDARY REVIEW NOMINATION 214
West of Harnes Marsh**

C. SIGNIFICANCE FOR WATER RESOURCES				COMMENTS	
1. Serves or can serve as flow-way					
a.	Site contains a primary flow-way, creek, river, wetland corridor; large contributing watershed; possibly identified in the Lee County Surface Water Master Plan, South Lee County Study, or by staff	4	4	Contains canal extension of Orange River/Able Canal (main conveyance)	
b.	Site contains flow-way, through tributary, medium size watershed, or just a portion of system/one side of conveyance, may not be identified in study	3			
c.	Same as b., smaller watershed, not as defined, disconnected	2			
d.	Site conveys runoff, minimal area	1			
e.	Site provides no conveyance of surface water	0			
f.	Add 2 points if conveyance is natural (not man-made)	+2	0	Man-made canal	
2. Strategic to Flood Management					
a.	Well defined flood-way within parcel, possibly identified in FEMA or other study, both sides of conveyance, large upstream area, protection from encroachment critical or known flooding history	4	4	Provides flood plain protection, both sides and potential additional storage	
b.	Same as a., portion of floodway (one side) or within floodplain	3			
c.	Medium size watershed, need for floodplain protection, possibly serves as an outfall for a road or development	2			
d.	Small watershed, minimal flooding	1			
e.	No significant flood issues	0			
3. Protect a water supply source.					
a.	Parcel is within area designated high potential productivity of the Water Table, Sandstone or Tamiame Aquifer and also within area of current or proposed wellfield development	2			
b.	Not within above mentioned zones, but advantageous due to proximity to existing water supply facilities or identified as potential water storage area	1			
c.	No recharge or potential water supply opportunities	0	0	No significant water supply source	
4. Offset Damage to or Enhance Water Quality.					
a.	Presence of wetland, retention, or lake that is currently providing water quality benefits	2	2	Good potential for water quality benefits through extension of Harnes Marsh, will require significant grading	
b.	Same as a., but achieved through some alterations to existing site or very limited in contributing watershed	1			
c.	No existing or potential water quality benefits	0			

**SECONDARY REVIEW NOMINATION 214
West of Harnes Marsh**

D. LAND MANAGEMENT/RECREATION/PLANNED LAND USE				COMMENTS
1.	Good Access for Public Use and Land Management			
	Parcel can be accessed from a freeway, expressway, arterial street, or major collector	3		Legal access from Homestead Road, a County-maintained major collector. Physical access from private access road along Mosquito Control District airstrip off of Homestead Road.
	Parcel can be accessed from a minor collector or local street	2	2	
	Parcel can be accessed from a privately-maintained road that is dedicated for public use	1		
	physical or legal access	0		
2.	Recreation/Eco-Tourism Potential			
	Score depends upon the variety or uniqueness of potential public uses. Examples of appropriate public uses include paddling sports, fishing, hiking, equestrian, mountain biking, photography, nature study, and environmental education	0-2	1	Potential for hiking, fishing, and equestrian opportunities
3.	Land Manageability			
	75% or greater of the perimeter of site is surrounded by low impact land uses	3		Approximately 60% of perimeter of nomination is surrounded by low impact land uses such as rural community preserve, wetlands, and upland conservation (Harnes Marsh)
	50%-75% of the perimeter of site is surrounded by low impact land uses	2	2	
	25%-50% of the perimeter of site is surrounded by low impact land uses	1		
	Less than 25% of the perimeter of the site is surrounded by low impact land uses	0		
4.	Development Status (Maximum 4 points)			
	a. The Parcel is Approved for Development or is Exempt from Clearing Regulations	4	4	Agricultural exemption. Zoning is AG-2. FLUM is Rural Community Preserve and Wetlands. A 1995 Cert. Of Compliance was issued on a D.O. for a 15-lot single family residential subdivision.
	b. The Parcel is Zoned for Intensive Use	2		
	c. Future Land Use Map: Intensive Land Use Category	1		
TOTAL POINTS			35	

COMMENTS: This property is sandwiched between the Lee County Mosquito Control District (LCMCD) airstrip and an East County Water Control District (ECWCD) surface water management area (Harnes Marsh). The LCMCD, ECWCD, and Sheriff's Office have submitted letters in support of acquisition of this property by Lee County for a conservation area. The LCMCD has offered to assist Lee County with certain management activities on this site (surveillance, fence repairs, and exotic pest plant removal). The ECWCD has expressed an interest in using the property for surface water management. After acquisition of the property, a management plan will be recommended by CLASAC and adopted by the Board that ultimately determines the appropriate uses of this property.

COMMITTEE ACTIONS: On April 2, 2002, the Criteria & Ranking Sub-Committee recommended that this property be pursued for acquisition. On April 11, 2002, the CLASAC approved the sub-committee recommendation. On June 13, 2002, CLASAC reconfirmed the recommendation with the understanding that the management of the property will be determined at a later date.

**SECONDARY REVIEW NOMINATION 216
Eastern Arm of Six Mile Cypress Slough**

CRITERIA		SCORE		COMMENTS
A. SIZE AND CONTIGUITY				
1. Size of Property				
a.	≥ 500 acres	6		Actual acreage to be determined by survey. Nomination consists of the portions of STRAP# 104525-00-00006.1000 and .2000 that lie westerly of I-75. These portions will total more than 50 acres but less than 94 acres.
b.	400 to < 500 acres	5		
c.	300 to <400 acres	4		
d.	200 to <300 acres	3		
e.	100 to <200 acres	2		
f.	50 to <100 acres	1	1	
g.	< 50 acres	0		
2. Contiguous to:				
a.	Coastal waters and other sovereignty submerged lands	4	0	
b.	Existing preserve area, c.e., wma or refuge	4	4	Six Mile Cypress Slough Phase II Acquisitions
c.	Preserve areas officially proposed for acquisition	2	2	Six Mile Cypress Slough Phase II Acquisitions
B. HABITAT FOR PLANTS AND ANIMALS				
1. Native Plant Cover				
a.	≥ 75 % of the property has native plant cover	8		
b.	50% to < 75% has native plant cover	4		
c.	25% to <50% has native plant cover	2		
d.	< 25% has native plant cover	0	0	Heavily invaded by melaleuca
2. Significant for wide-ranging species				
	Panther Habitat, wetlands, ponds, grass lands, etc.	2	1	pond
3. Rare and Unique Uplands				
a.	Scrub, hammock, old growth pine	2	0	
b.	Mature, second growth pine flatwood	1	0	
4. Diversity				
a.	5 or more FLUCCS native plant community categories	2		
b.	3 or 4 FLUCCS native plant community categories	1	1	cypress, pine flatwoods, transition zone
c.	2 or less FLUCCS native plant community categories	0		

SECONDARY REVIEW NOMINATION 216
Eastern Arm of Six Mile Cypress Slough

C. SIGNIFICANCE FOR WATER RESOURCES				COMMENTS	
1. Serves or can serve as flow-way					
a.	Site contains a primary flow-way, creek, river, wetland corridor; large contributing watershed; possibly identified in the Lee County Surface Water Master Plan, South Lee County Study, or by staff	4	4	Eastern extension of Cypress Arm flow-way corridor	
b.	Site contains flow-way, through tributary, medium size watershed, or just a portion of system/one side of conveyance, may not be identified in study	3			
c.	Same as b., smaller watershed, not as defined, disconnected	2			
d.	Site conveys runoff, minimal area	1	1	Some natural, part ditched drainage	
e.	Site provides no conveyance of surface water	0			
f.	Add 2 points if conveyance is natural (not man-made)	+2			
2. Strategic to Flood Management					
a.	Well defined flood-way within parcel, possibly identified in FEMA or other study, both sides of conveyance, large upstream area, protection from encroachment critical or known flooding history	4	4	Provides flood conveyance for sub-basin east of I-75	
b.	Same as a., portion of floodway (one side) or within floodplain	3			
c.	Medium size watershed, need for floodplain protection, possibly serves as an outfall for a road or development	2			
d.	Small watershed, minimal flooding	1			
e.	No significant flood issues	0			
3. Protect a water supply source.					
a.	Parcel is within area designated high potential productivity of the Water Table, Sandstone or Tamiami Aquifer and also within area of current or proposed wellfield development	2			
b.	Not within above mentioned zones, but advantageous due to proximity to existing water supply facilities or identified as potential water storage area	1			
c.	No recharge or potential water supply opportunities	0	0	No significant water supply source	
4. Offset Damage to or Enhance Water Quality.					
a.	Presence of wetland, retention, or lake that is currently providing water quality benefits	2	2	Water quality provided by wetland flow-way system	
b.	Same as a., but achieved through some alterations to existing site or very limited in contributing watershed	1			
c.	No existing or potential water quality benefits	0			

**SECONDARY REVIEW NOMINATION 216
Eastern Arm of Six Mile Cypress Slough**

D. LAND MANAGEMENT/RECREATION/PLANNED LAND USE				COMMENTS
1.	Good Access for Public Use and Land Management			
	Parcel can be accessed from a freeway, expressway, arterial street, or major collector	3		
	Parcel can be accessed from a minor collector or local street	2		
	Parcel can be accessed from a privately-maintained road that is dedicated for public use	1		Morgan Hill Road
	Access via private road or no physical or legal access	0	0	
2.	Recreation/Eco-Tourism Potential			
	Score depends upon the variety or uniqueness of potential public uses. Examples of appropriate public uses include paddling sports, fishing, hiking, equestrian, mountain biking, photography, nature study, and environmental education	0-2	1	Potential for trail system, canoe/kayak lake, and fishing pier
3.	Land Manageability			
	75% or greater of the perimeter of site is surrounded by low impact land uses	3	3	
	50%-75% of the perimeter of site is surrounded by low impact land uses	2		
	25%-50% of the perimeter of site is surrounded by low impact land uses	1		
	Less than 25% of the perimeter of the site is surrounded by low impact land uses	0		Lee County DOT may need to acquire right-of-way from this property for the future Penzance Boulevard.
4.	Development Status (Maximum 4 points)			
a.	The Parcel is Approved for Development or is Exempt from Clearing Regulations	4	4	Agricultural exemption, previously leased for cattle
b.	The Parcel is Zoned for Intensive Use	2		AG-2
c.	Future Land Use Map: Intensive Land Use Category	1		Rural and Wetlands
TOTAL POINTS			28	

COMMENTS: \$100,000 in contributory funds are available from the Department of Parks and Recreation Six Mile Cypress Acquisition CIP Project for acquisition due to the strategic location of these sites to surface water flow and flood management. Management potential is good because these parcels can be managed as part of the Six Mile Cypress Slough Preserve. In rapidly developing part of County - good potential for public use. Site is highly degraded and will require extensive restoration. The owner has agreed to exclude from the nomination the portions of the property that lie to the east of Interstate 75, and to participate in the restoration effort.

RECOMMENDATION: Pursue for acquisition only the portions of this property which lie west of Interstate 75, such acquisition to be subject to the property owner's participation in the cost to remove exotic plants; and subject to the condition that the Florida Department of Transportation be allowed to acquire at some future date right-of-way needed for the future Penzance Boulevard and for the stormwater retention needed for I-75

June 14, 2002

To Conservation 2020;

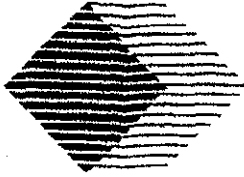
I, Dr. Terry Terlep, trustee for Nomination 216, agree to pay all or part of the clearing expenses to remove the exotics from Nomination 216. The amount to be paid will be negotiated at the time an offer is submitted by the Conservation 2020 program/Lee County.

Sincerely yours,



Dr. Terry Terlep
Trustee

RECEIVED
JUN 14 2002
COUNTY LANDS



Dave Foote Environmental Construction, Inc.

Mailing Address: 6091 Greenbriar Farms Road ♦ Fort Myers, FL 33905

Physical Address: 5878 Enterprise Parkway ♦ Fort Myers, FL 33905

Telephone: 239-693-6355 ♦ Fax: 239-693-8752

"Where our team puts their best 'Foote' forward for you!"

Proposal Number: 615	Date: June 14, 2002
Submitted To: Dave Finley Realty	Attention: Dave Finley
13180 North Cleveland Avenue	Phone: 239-656-1134
Suite 219	Fax: 239-656-1381
Fort Myers, FL 33903	

Project: Nomination #216

Dave Foote Environmental Construction Inc. respectfully submits this proposal to: Mechanically harvest standing melaleuca trees that are accessible to harvesting equipment, chip trees and remove from site. Where melaleuca harvesting would cause damage to native trees, exotics will be girdled and treated with Garlon 3A. Harvested area stumps will be recut and treated with Garlon 3A. No follow up treatment is included in this quote.

PRICE PER ACRE: \$1,200.00 per acre based on 75 acres of actual infested area.

<p>*Dave Foote Environmental Construction, Inc. is not responsible for any of the following: survey, location or relocation of utilities whether above or under ground, permits, maintenance of traffic or signage, damage to sidewalks or roadways, trash removal, hand clearing, chemical treatments, chain saw work or silt fence.</p> <p>*This proposal includes one mobilization of equipment only. If remobilization is necessary, this will be at an additional charge.</p> <p>*Prices are based on no retainage being held from any payments.</p> <p>*Prices on this proposal will be honored for 30 days.</p> <p>***PAYMENT TERMS: DUE UPON COMPLETION</p>
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Authorized Representative: *David G. Foote d/f* Date: *June 14, 2002*

Acceptance of Proposal - Your signature or verbal authorization to commence services enters you into a binding contract with Dave Foote Environmental Construction, Inc. to provide the services listed in the proposal above. This also shows acceptance of pricing, terms, specifications and conditions as listed herein. This proposal is based on no retainage being held unless otherwise stipulated in writing and approved by Dave Foote Environmental Construction, Inc.

Authorized Signature: _____ Title: _____ Date: _____

If proposal is acceptable, please sign and return to our office so scheduling may begin.