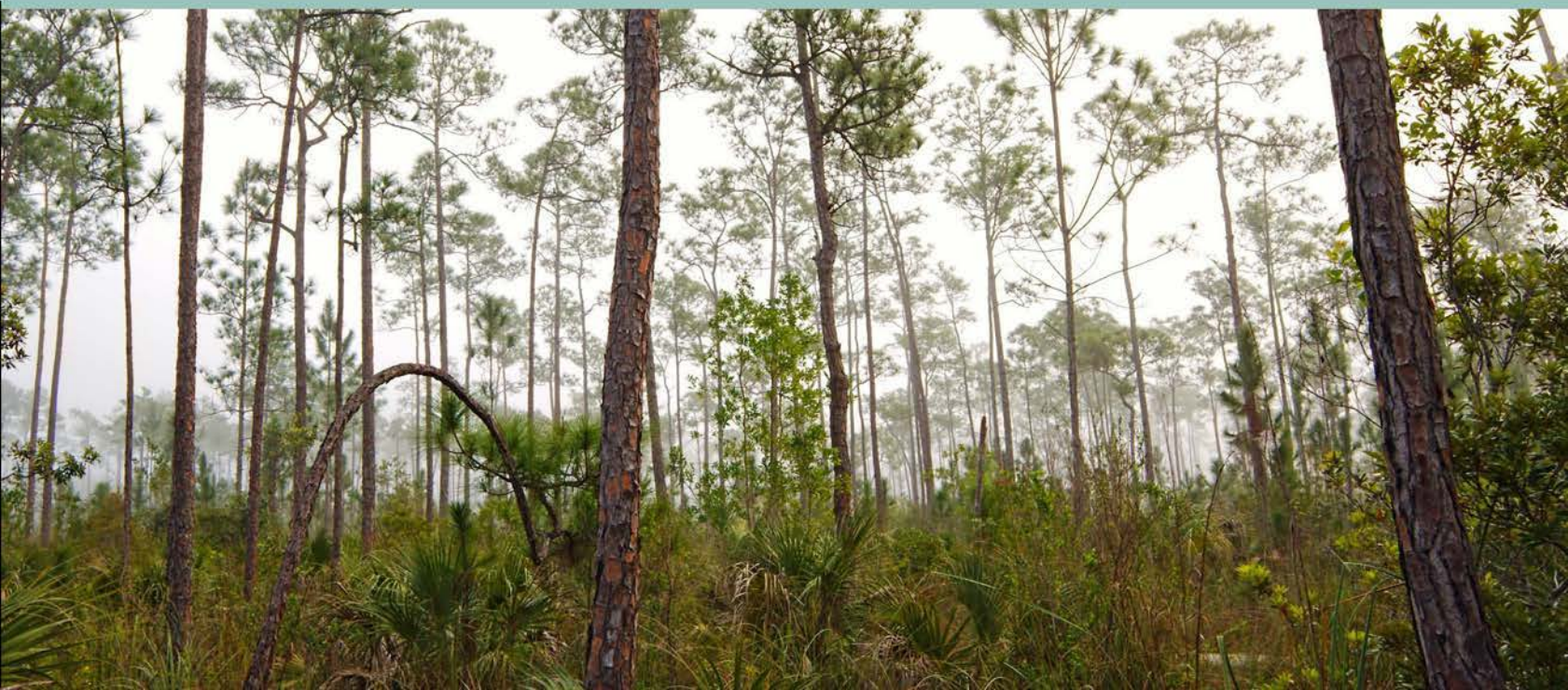




# ENVIRONMENTAL LANDS PROGRAM GUIDE

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County Commissioners December 12, 2023.



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# **INTRODUCTION**

## **GENERAL OVERVIEW**

The Environmental Lands Program Guide (ELP Guide) is to be used as the primary document that contains the policies, standards, and procedures relating to environmentally significant land acquisition and management activities. With respect to the ELP Guide, the Indian River County Board of County Commissioners (BOCC) will have the ultimate approval authority on its adoption and revisions. The Environmental Lands Acquisition Panel (ELAP) will maintain the ELP Guide and act in an advisory capacity to the County Commissioners.

The ELAP will receive and review proposals for purchase and make specific land acquisition recommendations. Notwithstanding any section of the ELP Guide to the contrary and except for matters that are required to be confidential, such as appraisals, the ELAP shall review and make recommendations with respect to all environmental land acquisition matters before said matters are presented to the BOCC. County staff will be available at the direction of the County Administrator. Although the ELP Guide will be the primary source for policy and procedural guidance, the Indian River County Comprehensive Plan and the Indian River County Land Development Code, as well as the Comprehensive Plans of municipalities in the County, will also be used as they contain goals, policies, and objectives relating to land acquisition.

On March 8, 2022, the BOCC approved Resolution 2022-016 which called for an Environmental Bond Referendum for the qualified electors to consider in the November 8, 2022 general election. The referendum will determine whether an environmental bond should be pursued to provide for the funding towards the acquisition of environmentally significant lands to restore the Indian River Lagoon, protect water resources, drinking water sources, wildlife habitat and natural areas, and construct public access improvements related thereto.

The BOCC committed to do the following in the event that the 2022 Referendum is approved by the voters:

- A. Seek matching funds in connection with the acquisition of the Projects (as defined in the Resolution) to the maximum extent such matching funds are available;
- B. Make specific provisions for annual independent audit of the uses of the proceeds of the Bonds.

The BOCC committed also to revise the 2004 ELP Guide to provide criteria and guidelines for the acquisition process under the 2022 Bond Referendum. The original ELP Guide was developed in conjunction with the County's 2004 Environmental Bond Referendum, of which all funds have been allocated.

The purpose of the ELP Guide includes the following:

1. To provide the policies and procedures involved in land acquisition and long-term management in

one document that may be modified over time.

2. To provide a uniform process for land acquisition and management that will be utilized throughout the county.
3. To provide the public, county staff, and parties involved in the acquisition process with a document that outlines this process in a format that is readily available and clear in its presentation.

The ELP Guide serves as a reference for the ELAP throughout the planning process. Three main principles contained in the ELP Guide are:

1. Acquisition of lands consistent with the resource/conservation goals, objectives, and policies set forth by the County;
2. Acquisition of lands when other means of protection (e.g., land use regulation) are not effective; and
3. Acquisition, when possible, through the use and assistance of state and federal funds.

The primary objective of the ELP Guide is to outline procedures for the acquisition of environmentally significant lands. Such lands are unique and irreplaceable, and contain excellent examples of natural communities including, but not limited to: forest resources; plants; animals; coastal and wetland resources; and surface and groundwater resources.

A secondary objective of the ELP Guide is to outline procedures for management of acquired lands so that these lands are restored and/or managed to maximize their ecological value, and developed for passive recreational uses such as hiking and nature trails, educational nature centers, and elevated boardwalks. The acquisition process will consider the cost associated with these public access improvements, as well as the cost associated with habitat management and restoration.

The BOCC has the final authority to establish land acquisition policies, procedures, priorities, standards and criteria. The BOCC also approves specific proposals for acquisition, based on the recommendations from the ELAP. In making its recommendations, the ELAP follows the procedures set forth in the ELP Guide, and is advised by county staff. County staff are also responsible for: ensuring that the proposals are properly reviewed by the ELAP, coordinating comments, conducting intergovernmental coordination activities, preparing approval/recommendation memoranda, and negotiating for purchases.

## SUMMARY OF CHAPTERS

**Chapter I** sets forth the purpose of the ELP Guide, as well as objectives and policies to direct land acquisition actions.

**Chapter II** describes the responsibilities and relationships of the BOCC, the ELAP and county staff in carrying out the objectives and policies of the ELP Guide.

**Chapter III** summarizes the various methods that can be used to protect environmental resources, with fee title purchase being just one of several alternatives.

**Chapter IV** provides brief descriptions of the various funding/financing approaches that can be utilized for land acquisition, including joint acquisition programs, local funding mechanisms, and private, cooperative acquisition.

**Chapter V** is the crux of the ELP Guide, detailing the land acquisition process and procedures. Included in this chapter is the Evaluation/Prioritization Matrix and land evaluation criteria descriptions.

**Chapter VI** provides information on conservation land management responsibilities, funding sources, needs and priorities.

**The appendices** of the ELP Guide are excerpts from important reference documents such as the County Comprehensive Plan and the BOCC Resolution No. 22-016, which provided the framework for carrying out the environmental bond referendum. It would be the responsibility of the BOCC to approve the members of the ELAP. Also included is a sample land acquisition nomination application, information on the evaluation of parcels, and a glossary of acronyms, definitions and terms, for reference.

## MAINTENANCE OF THE ENVIRONMENTAL LANDS PROGRAM GUIDE

### **Responsibility.**

In order to carry out the responsibilities of maintaining the ELP Guide in a correct and up-to-date manner, the County Administrator shall identify a county staff member whose duties will include coordinating all guide issuances and keeping the guide up-to-date.

### **Amendment and Updating Procedure.**

The ELP Guide may be amended by a majority vote of the BOCC. The ELAP shall periodically conduct a review of the ELP Guide and shall make recommendations to the BOCC regarding proposed ELP Guide revisions, as warranted.

# **CHAPTER I**

## **PURPOSE, OBJECTIVES, AND POLICIES**

### **PURPOSE**

This ELP Guide is to assist the ELAP through the planning process and the procedures that lead to decisions on the acquisition of land.

Land acquisition is initiated by the identification of a need to meet certain objectives that require a property base - one that has the potential for acquisition. Acquisition involves obtaining full control (fee title) or partial control through easements, leases, or agreements.

### **OBJECTIVES**

The primary objective of the Indian River County ELP Guide is to outline procedures for acquiring, and managing environmentally significant lands.

#### **Environmentally Significant Lands**

Lands so described are environmentally rare and irreplaceable and are valued ecological resources. For the purposes of the 2022 Environmental Bond referendum, these lands contain one or more of the following resource categories: Natural Communities; Forest Resources; Plants; Animals; Coastal and Wetland Resources. The land acquisition objectives for each category are as follows:

**Natural Communities.** Identify, acquire and protect those natural communities that represent the best examples, with priority given to the most endangered or threatened. To ensure consistency of description of natural communities, see the Conservation Element of the Indian River County 2030 Comprehensive Plan.

**Forest Resources.** Identify, acquire, and protect lands to maintain representatives of the various forest or timber types.

**Plants.** Identify, acquire and protect sites which contain endangered or threatened species, or species of special concern. Priority should be given to those sites that are critical to the survival of these plant species or that contain important assemblages of rare or endangered species.

**Animals.** Identify, acquire, and protect lands that are critical to the survival of endangered or threatened animals or species of special concern.

**Wetland and Coastal Resources.** Identify, acquire, and protect undeveloped coastal areas to conserve their significant natural and aesthetic attributes. Identify, acquire, and protect significant wetland areas, with specific emphasis on resources associated with the Indian River Lagoon, including its associated tributaries.

**Water Resources.** Identify and protect lands that are valuable for conservation of water resources, including surface waters and those contributing to public drinking water sources.

## **Management of Environmentally Significant Lands**

Lands acquired under the ELP Guide shall be managed primarily to restore, enhance and maintain important natural ecological characteristics. These lands will be managed and maintained, as appropriate, for passive recreational pursuits, or other compatible uses.

### **Unique Areas**

The natural characteristics of these areas will be enhanced or maintained to ensure protection of the natural resources. Areas may be maintained or enhanced by many methods, including but not limited to: fencing, planting, prescribed fire, selective clearing and/or removal of non-native species, removal of artificial drainage features, elimination of off-road vehicle access, and prohibition of dumping.

### **Recreation Areas**

The objective in managing these areas should be to provide opportunities for recreational experiences in the out-of-doors. Limited facilities will be developed to encourage users to enjoy the land and its resources in a natural setting. Nature trails, boardwalks, educational displays and centers, and observation platforms are the type of facilities that may be developed in these areas.

### **Other Compatible Uses**

Uses compatible with the primary objective of protecting significant natural areas may be considered. Such uses include ground water primary recharge protection, and storm water management. Such uses shall only be considered if they do not threaten the integrity of the natural system to be protected.

## **POLICIES**

Indian River County, Florida will acquire lands consistent with the resource conservation goals and objectives as set forth in the ELP Guide; State acquisition guidelines (when applicable); and policies of the Indian River 2030 County Comprehensive Plan, foremost of which being policies of Objective 6 of the Conservation Element.

The County's basic policy is to purchase land when other means such as zoning or regulation are not available or effective. When lands are to be acquired, the minimum ownership interest necessary to satisfy the objectives is to be sought. If fee title is required, full consideration will be given to extended use reservations, exchanges or other alternatives that will lessen impact on the owner and the community. Donations of desired lands or interests will be encouraged.

In carrying out this policy, the County shall give additional consideration to land acquisition measures that are coordinated with various entities. It is the policy of the County to work in a cooperative venture with such entities, including but not limited to profit and nonprofit organizations, municipalities within Indian River County; the Department of Environmental Protection; the St. Johns River Water Management District; the Florida Inland Navigation District; and the Florida Forever Program.

## **CHAPTER II**

### **RESPONSIBILITIES AND RELATIONSHIPS**

Boards and officials listed below are responsible for the functions indicated:

#### **INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS (BOCC)**

Approves land acquisition policies, procedures and priorities based upon recommendations from the ELAP.

Approves in writing only those acquisitions of environmentally significant lands proposed by the ELAP. (The BOCC may approve or delete any project proposed by the ELAP. Also, the BOCC may add or expand projects on the prioritized acquisition list, but only under the "Emergency Acquisition" procedures set forth in the ELP Guide, whereby the ELAP will review emergency project(s) and make recommendations to the BOCC regarding acquisition.)

Authorizes all financial measures, including bond issues, for carrying out the acquisition of environmentally significant lands.

Provides final approval of all land acquisition contracts and documents.

Determines the annual budget for the land acquisition program, including funds used for purposes relating to acquisition beyond purchase or lease costs, such as site improvements and management costs.

Appoints members to the ELAP, in accordance with a future Resolution to be adopted by the BOCC.

#### **INDIAN RIVER COUNTY ENVIRONMENTAL LANDS ACQUISITION PANEL (ELAP)**

Membership shall consist of nine (9) members appointed by the BOCC, in accordance with the provisions of a future County Resolution to be adopted. Membership will include one (1) appointee residing in each of the five districts by their respective County Commissioner, and four (4) members at large with professional credentials and affiliations. The process for selecting the 4 members at large will be proposed to the BOCC for approval. It is recommended that the four at large members be selected from the following three categories:

- Two (2) members with a broad background and professional experience in Natural Resources
- One (1) member with extensive professional experience in Real Estate or Finance
- One (1) member with extensive professional experience in Planning or Engineering

#### **Term of Office**

The term of each appointment shall be governed by Section 103.02 of the Indian River County Code of Ordinances.

### **Purpose of the ELAP**

The purpose of the ELAP shall be to:

1. Advise the BOCC on utilizing the bond funds for the purchase of environmentally significant lands that further the goals and objectives outlined in the Indian River County 2030 Comprehensive Plan;
2. Establish, pursuant to the ELP Guide, priorities for Commission consideration in connection with future land acquisition;
3. Review and comment on the development of use and management recommendations for consideration by the Commission with regard to environmentally significant lands to be protected;
4. Make recommendations regarding cost-share funding alternatives to leverage bond referendum monies.
5. Take such other actions as are consistent and necessary in accordance with criteria established in the ELP Guide.

### **Duties and Responsibilities:**

Comply with the mandate of the electorate vote in accordance with Indian River County policies enumerated herein.

Make recommendations to the BOCC concerning modifications to the Indian River County ELP Guide to meet the needs of Indian River County.

Present to the BOCC, for their approval, a recommended program for the purchase of environmentally significant lands.

Investigate and consider alternative non-ad valorem-based funding sources for the purchase of environmentally significant lands.

Receive and review individual proposals nominated for purchase in accordance with the criteria established in this ELP Guide.

Create an annual summary for land acquisition in accordance with the criteria established in this ELP Guide from which due diligence investigations and purchase negotiations shall be commenced. The project summary shall carry over those sites still under consideration from the previous year's cycle.

Based upon a staff report, make recommendations to the BOCC concerning the acquisition of Environmentally Significant sites. The ELAP's recommendation shall specifically identify the land

and interest therein to be acquired, and features of the land that meet (and don't meet) the selection criteria set forth in this ELP Guide.

Make use and management recommendations to the BOCC regarding environmentally significant lands to be protected.

The ELAP shall conduct an annual review and evaluation of the environmentally significant lands being considered for acquisition based on the results of purchase negotiations, funding opportunities with State and Federal preservation programs and the criteria established by this ELP Guide, reprioritize same, add new sites or delete sites, and provide a written report of results thereof to the BOCC.

All business of the ELAP shall be conducted by majority vote with no fewer than seven (7) members of the ELAP being present.

## **STAFF**

County personnel shall be assigned by the County Administrator to provide assistance to the ELAP.

### **Duties and Responsibilities:**

Receive all acquisition proposals.

Evaluate proposals for policy and procedural compliance.

Establish and maintain the GIS based Dashboard which will contain review criteria and other relevant information to be used in the evaluation process. The Dashboard will be updated by staff when updated GIS files are available, and upon receipt of new or modified property information.

Ensure appropriate review by the ELAP.

Coordinate comments received.

Develop a work plan with the acquisition consultant from which due diligence investigations and purchase negotiations shall be commenced. The work plan shall begin with those sites listed in the previous year's cycle, and include any sites added to such list in accordance with the provisions in this Guide. Said acquisition shall be consistent with the goals and policies of the Guide.

Coordinate with the acquisition consultant concerning selection by a fair and impartial process, by bid or rotation, appraisers who are duly certified by the Division of State Lands Bureau of Appraisal to conduct appraisals in accordance with applicable State and County standards.

Coordinate with the acquisition consultant concerning selection of any contract with qualified vendors to complete boundary maps, surveys and environmental audits in accordance with applicable standards.

Manage cooperative efforts, consultation and/or contracts with profit or nonprofit organizations in furtherance of the goals and objectives of this Guide.

Arrange for discussions and meetings of panel members, county, state and local governmental agencies, as required.

Prepare Approval Memorandum recommendations for BOCC consideration at the direction of the ELAP. Prepare grant applications and proposals.

Coordinate negotiations with owners of property under consideration for acquisition. Negotiations may entail direct contact with landowners and/or coordination with State cost-share agency staff and other land acquisition entities, as applicable.

Develop purchase contracts; present negotiation status to the ELAP and the BOCC. In instances where matching fund opportunities from conservation partners are available, and to the extent practicable and feasible, follow said partners' land acquisition procedures, it being understood that the adoption of said procedures shall be temporary in nature and applicable only to the specific transaction at hand.

Conduct conservation land management tasks in accordance with BOCC approved land management plans, including coordination with volunteers and appropriate environmental agencies.

### **ADVISORY STATUS**

The ELAP shall be advisory only, and the members shall serve without compensation.

### **GENERAL PROVISIONS**

Except as provided herein, the provisions of Section 103.02 of the Indian River County Code of Ordinances shall apply to the ELAP.

### **CONFLICTS OF INTEREST**

No member of the BOCC may be involved in the appraisal of or the negotiations for the purchase, sale, or exchange of any real property on behalf of the County. No Board member, ELAP member, County staff member, member of any organization or agent employed by the County (collectively "County Authorized Representative") may negotiate, approve, or otherwise participate on behalf of the County in the purchase, sale, or exchange of real property owned or to be acquired by the County, if the County Authorized Representative member or any of his relatives stand to receive any tangible advantage from the real estate transaction or has any financial interest in or derivative benefit from the land to be acquired.

No County Authorized Representative may provide information obtained by virtue of his/her official capacity to another regarding any proposed acquisition or disposition of property for the purpose of giving the third party an unfair advantage. The County Authorized Representative shall sign a binding statement disclaiming any interest in environmentally significant lands during the period of active negotiations on said lands, and shall also sign a statement that the confidentiality of all appraisals, offers and other negotiation matters shall be maintained in accordance with Chapter 125, Florida Statutes.

## **CHAPTER III**

### **ENVIRONMENTAL RESOURCE PROTECTION METHODS**

#### **METHODS OF LAND ACQUISITION**

There are a number of methods available to acquire property rights. These are direct purchase, condemnation, donation, exchange, transfer, or withdrawal. Each property under consideration for acquisition has characteristics that are factors in determining what method is appropriate. A brief discussion of each method is presented below. Please note that not all of these methods are applicable, or will be utilized, when environmental bond funds are allocated for acquisition.

**Purchase.** This is a simple, straightforward means of separately obtaining fee title or an easement. It involves a willing seller/willing purchaser situation wherein the purchaser negotiates the sale of one, some or all rights to property fee simple or less than fee simple conservation easements which may include transfer of development rights. Purchase agreements have the advantage of being quick, controllable and generally non-controversial.

**Condemnation.** There are occasions when direct purchase is not possible because the owner does not want to sell or will not accept the price offered. When extremely high public values are endangered or threatened or the land is needed for protection, the County can exercise the right of eminent domain (the taking of land without consent of the owner). This judicial process is also called condemnation. The disadvantages are that this process is almost always controversial, frequently creating highly emotional reaction on the part of the landowners and sometimes the community at large. Furthermore, there is little control as to the cost, which is generally determined as a result of a trial. In addition, the County must assume the judgment of the value that the jury places upon the land. The County may also be required to pay additional costs and attorney's fees of the property owners as provided by law. Condemnation shall not be considered when utilizing bond referendum funds.

**Donation.** A citizen or group of citizens may wish to make a gift of property. Such donations are often useful in carrying out the land acquisition program at a minimum of cost. Aside from the cost factor, these acquisitions are no different than any other purchase.

**Exchange.** On occasion, lands under County control can be exchanged for land having greater ability to satisfy the objective of the land acquisition program. This can involve land in private ownership or land under the administration of another governmental agency. Inherent in the exchange concept is the requirement to get dollar value for dollar value. Exchanges for land under current County control are attractive in that they do not increase land holdings and do not require funds for purchase. Another approach that may be considered is the County's acquisition of land for purposes of a pre-determined exchange for property of equivalent dollar value that has greater ability to satisfy land acquisition program objectives.

**Installment Sale.** This concept has not been approved in Indian River County; however, an installment sale involves the sale of bonds. The prospective seller would contract to convey property to the County and in return the County would issue a bond. This bond would have to be paid back over a set number of years. The effect of this would be to create a potentially tax-free installment sale to the seller. The use of an Installment Sale shall not be considered when utilizing bond referendum funds.

**Use of Intermediaries.** The County may find it advantageous to work with a private group as an intermediary to facilitate the transaction. Use of these intermediaries can sometimes bring about acquisition more rapidly.

## **CHAPTER IV**

### **FUNDING/FINANCING**

There are approximately 10.69 million acres of conservation land in Florida in 2022, 96.9 percent is publicly-owned (10.37 million acres). Among the publicly-owned conservation lands, 54.9 percent is owned by the state government, 40.2 percent is owned by the federal government, and 4.90 percent is owned by the local government (*2023 Annual Assessment of Florida's Conservation Lands*, Florida Office of Economic & Demographic Research). The "bottom line" factor in the acquisition of environmentally significant lands is the availability of funds. A main component of a local land acquisition program is not only the allocation of local funds for acquisition, but also an aggressive pursuit of funding via inter-agency cost share programs, grants, and cooperative acquisition with private groups such as The Trust for Public Land, The Conservation Fund and The Nature Conservancy. In this chapter, potential funding and financing alternatives are summarized.

#### **FEDERAL, STATE & JOINT ACQUISITION PROGRAMS**

The following is a summary of potential grant opportunities that may be utilized for environmentally sensitive lands acquired through this process. This list is not intended to be all inclusive, and the intent of the process will be to pursue applicable funding based on the nature of each acquisition.

#### **FEDERAL FUNDING**

The Federal funding summarized in this section are the U.S. Fish & Wildlife Service (FWS) – Coastal Program, the FWS-NAWCA 2024 US Small Grants, the Office for Coastal Management – National Oceanic and Atmospheric Administration (NOAA) – Coastal and Estuarine Land Conservation Programs, and Indian River Lagoon National Estuary Program.

**U.S. Fish & Wildlife Service (FWS) – Coastal Program:** The Coastal Program is a voluntary, community-based program that provides technical and financial assistance through cooperative agreements to coastal communities, conservation partners, and landowners to restore and protect fish and wildlife habitat on public and private lands. Coastal Program projects must support the missions of the U.S. Department of the Interior (DOI), FWS, and the Coastal Program, and be based on biological principles and the best available science. The Coastal Program takes an adaptive approach to designing and implementing coastal habitat protection and restoration strategies that anticipate and ameliorate the impacts of climate change and other environmental stressors. Coastal Program habitat improvement projects strive to increase coastal resiliency by improving the ability of coastal ecosystems to adapt to environmental changes and supporting natural and nature-based infrastructure projects to protect and enhance coastal habitats. Eligible projects include the acquisition of real property interest in coastal lands or waters and the restoration, enhancement, or management of coastal wetlands ecosystems.

**FWS - NAWCA 2024 US Small Grants:** The U.S. Small Grants Program is a competitive, matching grants program that supports public-private partnerships carrying out projects in the United States

that further the goals of the North American Wetlands Conservation Act. Projects must involve only long-term protection, restoration, enhancement and/or establishment of wetland and associated upland habitats to benefit migratory birds. The program requires a 1:1 non-federal match and research funding is ineligible. This program supports the Department of Interior (DOI) and FWS mission of protecting and managing the nation's natural resources by collaborating with partners and stakeholders to conserve land and water and to expand outdoor recreation and access. This grant applies to projects requesting less than \$250,000.

**FWS - NAWCA 2024 US Standard Grants:** The U.S. Standard Grants Program is a competitive, matching grants program that supports public-private partnerships carrying out projects in the United States that further the goals of the NAWCA. These projects must involve long-term protection, restoration, and/or enhancement of wetlands and associated uplands habitats for the benefit of all wetlands-associated migratory birds. As with the NAWCA Small Grant program, there is a 1:1 non-federal match required. Standard Grant projects may request up to \$3,000,000 in funding.

**Office for Coastal Management – National Oceanic and Atmospheric Administration (NOAA) – Coastal and Estuarine Land Conservation Program:** This program is authorized as part of the Coastal Zone Management Act to protect coastal lands that are ecologically important or possess other coastal conservation values, such as historic features, scenic views, or recreational opportunities. From 2002 to 2019, the Coastal and Estuarine Land Conservation Program (CELCP) protected more than 110,000 acres through funds to state and local governments to purchase threatened coastal and estuarine lands or obtain conservation easements, including over 16,000 acres protected as in-kind matching contributions.

**Indian River Lagoon National Estuary Program.** The Indian River Lagoon Council was established as an independent special district and is the local sponsor for the Indian River Lagoon National Estuary Program (IRLNEP) under the EPA's National Estuary Program. Cost-share grants may be awarded for land acquisition for water quality restoration, habitat restoration, and community-based restoration projects.

## **STATE FUNDING**

State funding programs summarized in this section are: the (overall) Florida Forever program; the State Acquisition and Restoration Council (ARC) program; the St. Johns River Water Management District's (SJRWMD) land acquisition program; FDEP Parks and Recreation grants; the Florida Communities Trust program, the Coastal Partner Initiative (CPI) Grant, and the Wetland Restoration and Protection Grant administered by FDEP.

**Florida Forever.** The Florida Forever program was created in 1999 in response to a voter-approved constitutional amendment to acquire conservation lands. To date, the state has issued approximately \$2 billion of Florida Forever bonds<sup>1</sup>. The main objectives of the Florida Forever Act are outlined in this definitions section of this Guide. At the end of Fiscal Year 2020-21, the principal amount of bonds available was \$460 million, which is estimated to be expended and retired in Fiscal Years 2028-29. The bond proceeds are distributed as follows:

35% Department of Environmental Protection – State Lands

30%	Department of Environmental Protection (DEP)/ Water Management Districts (WMDs)
21%	Florida Communities Trust (FCT)
3.5%	Department of Agriculture & Consumer Services – Rural & Family Lands Protection
2.5%	Department of Environmental Protection – Working Waterfronts
2.0%	Department of Environmental Protection – Florida Recreation Development Assistance Grants
1.5%	Florida Department of Environmental Protection – Recreation & Parks <sup>1</sup>
1.5%	Florida Department of Environmental Protection – Greenways & Trails
1.5%	Fish & Wildlife Conservation Commission – Land Acquisition <sup>1</sup>
1.5%	Department of Agriculture & Consumer Services – Florida Forest Service <sup>1</sup>

<sup>1</sup> *These distributions are limited to inholdings and additions to lands managed by these agencies.*

**ARC/Florida Forever Program.** The Acquisition and Restoration Council (ARC) Florida Forever Program (f/k/a the Conservation and Recreation Lands (CARL) program) is administered by the Florida Department of Environmental Protection (DEP). The Florida Forever Act has added substantially to the available funds under this program. Land acquisition projects throughout the State are accepted for consideration and ranked annually for purposes of State acquisition priority. Properties that have been acquired under the County Environmental Lands Program with cost-share funds from this program include: the Korangy tract; the Fischer-Sebastian River tract; the Spallone/Archie Carr tract; the Carson Platt Estate tract; and the Captain Forster Hammock Preserve (f/k/a the Jungle Trail Conservation Area)

**SJRWMD Land Acquisition Program.** The St. Johns River Water Management District (SJRWMD) land acquisition program is a potential funding source, particularly through cost sharing. With the Save Our Rivers (SOR) and Florida Forever programs, the SJRWMD has funding available for the acquisition of lands based on the potential for preserving, restoring, enhancing or developing water resources in the District. Priority is given to lands that provide water resources protection, such as floodplains, sensitive wetlands and groundwater recharge areas. The SJRWMD is a co-sponsor of the of the Indian River Lagoon Blueway acquisition initiative, and has partnered with the County in acquiring Blueway property in the Oslo Riverfront Corridor. Also, SJRWMD has acquired land in the St. Johns Marsh area, and may be amenable to cooperative purchase of environmentally significant lands in western Indian River County.

**Florida Recreation Development Assistance Program.** The Florida Recreation Development Assistance program (FRDAP) is a competitive program which provides grants to local governmental entities for acquisition and development of land for public outdoor recreation use or to construct recreational trails. If an acquisition project receives a FRDAP grant, the applicant must develop the acquired site for public outdoor recreation use within three (3) years.

**FDEP Parks and Open Space.** Under Florida Forever, the Florida Communities Trust (FCT) Parks and Open Space grant program is a state land acquisition grant program that provides funding to local governments and eligible nonprofit environmental organizations for acquisition of community-based parks, open spaces and greenways that further outdoor recreation and natural resource protection needs identified in local government comprehensive plans. Funding is prioritized for projects in low-income or otherwise disadvantaged communities and projects that provide areas for direct water access and water dependent facilities that are open to the public and offer public access by vessels to waters of the state, including boat ramps and associated parking and other support facilities. Also emphasized is the acquisition of lands for recreational trail systems.

**Florida Communities Trust.** The Florida Communities Trust (FCT) is a Florida land acquisition grant program administered by the Florida Department of Environmental Protection (FDEP). Grants are awarded annually on a competitive basis to local governments and non-profit environmental organizations for community-based parks, open space and greenways. These projects must further outdoor recreation and natural resource protection needs identified in the local governments' Comprehensive Plans. Funds under this program are available to local governments on a cost-share basis, through a competitive statewide application ranking process. The FCT has been Indian River County's most frequent cost-share partner in the purchase of environmentally significant lands.

**Land and Water Conservation Fund Program.** Administered by the Florida Department of Environmental Protection (FDEP) on behalf of the U.S. Department of the Interior, National Park Service (NPS), the Land and Water Conservation Fund (LWCF) is a competitive program that provides grants for acquiring or developing land for public outdoor recreational use. LWCF is a reimbursement grant program. If utilized for acquisition, the land must be purchased for outdoor recreation purposes. Grantees may have up to three (3) years to develop the property after purchase.

**Resilient Florida Grant Program.** Administered by the FDEP, the Resilient Florida Grants were developed to effectively address the impacts of flooding and sea level rise that the State faces. Eligible applicants may receive funding assistance to analyze and plan for vulnerabilities, as well as implement projects for adaptation and mitigation. Projects must address the risks as identified in the entity's vulnerability assessment, which must meet the statutory requirements outlined in F.S. §380.093. Acquisitions do not necessarily have to be coastal, but must be for the protection of critical assets.

**Stan Mayfield Working Waterfronts.** A Florida Forever Program, the Stan Mayfield Working Waterfronts (SMWW) grant program is administered by the Florida Communities Trust (FCT) and provides grant funds for the acquisition of interests in land for the restoration and preservation of working waterfronts directly used for the purposes of the commercial harvest of marine organisms or saltwater products by state-licensed commercial fishermen, aquaculturists, or business entities, including piers, wharves, docks, or other facilities operated to provide waterfront access to licensed commercial fishermen, aquaculturists, or business entities. SMWW grant funds may also be used for the acquisition of interests in land for exhibitions, demonstrations, educational venues, civic events, and other purposes that promote and educate the public about the economic, cultural, and historic heritage of Florida's traditional working waterfronts, including the marketing of the seafood and aquaculture industries.

**Florida Wildlife Corridor Act.** Chapter 259.1055, F.S. describes the Florida Wildlife Corridor Act. This law was enacted in 2021 for the purpose of creating incentives for conservation and sustainable development while sustaining and conserving the green infrastructure that is the foundation of the state's economy and quality of life.

**Coastal Partner Initiative (CPI) Grant.** Administered by the FDEP, this funding was developed to protect and effectively manage Florida's coastal resources. This grant is funded through National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management Act funds available on a competitive basis to local government. Awards are limited to \$60,000 for construction projects, habitat restoration, invasive exotic plant removal or land acquisition. The grant requires a 1:1 cash or in-kind match.

**Wetland Restoration and Protection Grant:** Administered by the FDEP, this funding is available to local governments and non-state entities to protect or restore wetlands. To be eligible, proposed projects must have at least a 50% cost-share provided with non-state funds. FDEP gives priority to those projects that benefit fish and wildlife habitat, water quality, water storage, water conservation or flood attenuation.

## **LOCAL FUNDING**

The Capital Improvement Element of the Indian River County Comprehensive Plan provides a summary of local financial resources, as well as state and federal sources. Covered in this section are ad valorem taxes, user fees and charges, special assessments, tourist development tax, mitigation funds, and borrowing (e.g., bonds).

**Ad Valorem Taxes.** Ad valorem taxes are based on the appraised value of property. Such taxes are generally assessed in mills, thousandths of a dollar of assessed value. The State mandated millage cap is 10 mills per local government, excluding voted millages. The Board of County Commissioners' policies allow ad valorem tax revenues to be used for both operating and capital expenditures.

**User Fees and Charges.** User fees and charges represent revenue received by the County for providing various general services. Those fees and charges allow the County to keep up with the increasing costs of services. An example of a user fee is a gate charge for recreational facility use.

**Tourist Development Tax.** Any county may, subject to a vote, impose a Tourist Development Tax. Indian River County currently levies four cents of Tourist Development Tax. Per Florida Statute 125.0104, the first three cents of Tourist Tax collected can be used towards any of the allowable expenses within the statute which includes convention centers, sports stadiums, auditoriums, aquariums, zoos, tourism promotion, beach restoration, lagoon improvements, shoreline protection, enhancement and cleanup or infrastructure improvements. The fourth cent may only be used towards funding the debt service for professional sports franchise facilities, retained spring training franchise facilities, convention centers, the operation and maintenance of a convention center or tourism promotion. Indian River County Code, Section 210 provides further clarification regarding taxing districts, authorized uses of revenue, and local administration of the tax.

**Mitigation Funds.** Policies in the Conservation Element of the County Comprehensive Plan allow, in certain circumstances, developers to mitigate impacts on environmentally significant lands by paying a "fee-in-lieu" instead of carrying out other mitigation methods, such as habitat creation, restoration, or preservation. As a result, a pool of funds is accumulating, specifically ear-marked for use to purchase or restore environmentally significant uplands and wetlands for the purpose of habitat conservation. The funds are intended for use to purchase or restore specific habitat types similar to those types adversely impacted by the development that warranted mitigation.

**Borrowing.** In 1992, the voters of Indian River County approved an ad valorem tax bond of up to \$26 million for the purchase of environmentally significant lands. In 2004, the voters of Indian River County approved an additional \$50 million towards the purchase of environmental lands. The proceeds from both of these bonds have all been allocated. According to the County's bond counsel, these bond funds can be used for initial resource restoration and public access capital improvements in addition to land acquisition. The bond funds cannot, however, be used for ongoing maintenance costs or to pay for county personnel (i.e., staff salaries). On March 8, 2022 the BOCC approved Resolution 2022-16 calling for a Bond Referendum Election for the issuance of General Obligation Bonds to be used for the purchase of environmentally significant lands to restore the Indian River Lagoon, protect water resources, wildlife habitat, drinking water sources and natural areas, and construct public access improvements related thereto.

## **PRIVATE GROUP/COOPERATIVE ACQUISITION**

In addition to state and local land acquisition funding opportunities, profit and nonprofit organizations with expertise in land acquisitions, such as the Trust for Public Land, The Conservation Fund, the Indian River Land Trust, Ducks Unlimited, and The Nature Conservancy

provide opportunities to protect environmentally significant lands via a cooperative county-private group approach.

The County, in its discretion, may cooperate and consult with private organizations regarding (a) the conduct of purchase negotiations with the owners of environmentally significant lands; (b) the opportunities for obtaining matching funding towards acquisition; and (c) the various procedures and processes associated with the acquisition and management of environmentally significant lands.

Wherever there is the potential for matching funds from other agencies, it shall be the official policy of the County to follow and implement land acquisition procedures which are in harmony with the applicable federal agency, the State of Florida's Florida Forever Program, Save Our Rivers Program and Florida Communities Trust Program or other such funding sources to enhance opportunities for securing matching funding for the acquisition of environmentally significant lands, in the best interest of the citizens of Indian River County.

## **CHAPTER V**

### **LAND ACQUISITION PROCESSES & PROCEDURES**

The purpose of this chapter is to provide guidance for a sequential procedure that the ELAP can follow, in coordination with county staff, to arrive at conclusions and make recommendations to the BOCC on land acquisition matters. The land acquisition review and recommendation process as set forth in this chapter is categorized into five phases.

**The first phase** of the process involves an annual needs assessment, whereby land acquisition policy directives and objectives are reviewed and discussed. Also, in this phase, existing and potential funding sources are identified; the Environmental Lands Program Guide may be revised and adjusted in some cases depending on findings.

**The second phase** entails a compilation of lands to be reviewed for acquisition consideration. The compilation of lands includes staff recommendations and other lands that may be nominated during a specific year.

**The third phase** of the process is evaluation and prioritization of the lands identified for review, based on resource characteristics, proximity to greenways and wildlife corridors, financial/purchase opportunities, and management considerations. In this phase the County proposes to develop a GIS based Dashboard Web Application for use as a data repository and for project evaluation. In this phase, properties are evaluated for alternative protection methods (other than fee title acquisition). As a part of this phase, the ELAP will establish, amend or maintain its list of land acquisition projects.

**The fourth phase** consists of staff developing work plans for projects on the ELAP acquisition list, including: identifying and applying for cost-share funding (subject to ELAP review and Board approval); scheduling and undertaking pre-acquisition tasks (e.g., obtaining appraisals); and negotiating purchase contracts (through and in coordination with the county's acquisition consultant). Using the proposed GIS based Dashboard Web Application the ELAP members will be able to review current site information, updated status of pending studies, appraisal information, and other acquisition related materials. Staff will provide a summary at each ELAP meeting as to the current status of each project on the ELAP acquisition list. Also, during this phase, staff and the acquisition consultant (and its associates) will draft conceptual management plans (for lands for which the County is proposed to have management responsibilities).

**The fifth phase** consists of staff presenting negotiated purchase contracts to the ELAP for consideration and recommendations, and then to the BOCC for approval consideration at a duly advertised public hearing. Staff's presentations under this phase will include analyses and recommendations on funding and management (including drafted conceptual management plans, as applicable). In all cases, staff

will advise the Board of ELAP's recommendations. In addition, however, the ELAP may delegate, as it deems warranted on a case-by-case basis, an ELAP member (or members) to present ELAP's recommendations (majority and/or minority reports) directly to the Board.

Emergency acquisition procedures are addressed at the end of this chapter, pertaining to circumstances when the normal sequential procedure for land evaluation is not appropriate for a particular property due to immediate development threat and time constraints.

The following is a flow chart depicting the land acquisition process and procedure; each phase is described in detail later in this chapter.

### **Chart #1** **Land Acquisition Processes/Procedures**

**Phase 1: Review of Directives**

- Policy/Objective documents review
- Fiscal year funding sources identified
- Environmental Lands Program Guide evaluated

**Product: Guide revisions (as warranted)**

**Phase 2: Compilation of Lands (approximately 2 months)**

- Application review & initial staff recommendations
- Compilation of GIS based data and other resources to create the proposed project dashboard
- Annual applications/presentations

**Product: List of proposed and existing projects**

**Phase 3: Evaluation & Prioritization (approximately 3 months)**

- Resource characteristics
- Alternate protection methods
- Finance/purchase opportunities

**Product: Completed evaluation/prioritization matrices, ELAP prioritized acquisition list**

**Phase 4: Work plans/Pre-acquisition Tasks/Negotiations**

- Identification of /application for cost-share funding
- Appraisals and negotiations
- Management planning

**Product: Project status summary reports, cost-share funding applications, appraisals, draft conceptual management plans, negotiated purchase option contracts**

**Phase 5: Final Report/BOCC Recommendations**

- Acquisition/management/funding recommendations
- ELAP report to BOCC (by staff and/or ELAP member delegate(s), as determined by the ELAP)

**Product: final report to BOCC (acquisition/funding/management recommendations)**

**PHASE 1: Review of Directives**

The first phase of the land acquisition planning process, as applicable to the ELAP, is review and discussion of documents containing environmentally significant lands protection objectives, policies, and strategies. These documents include the ELP Guide, the Indian River County Comprehensive Plan (as may be amended), state and regional conservation land strategy reports, and municipal comprehensive plans.

This review should occur in a timeframe to meet recommendation deadlines to the BOCC for fiscal year budgeting, as may be applicable. Moreover, this phase includes a general assessment and discussion of funding strategies, whereby general timetables are ultimately determined to carry out such strategies (reference Chapter IV, Funding/Financing).

Review of policy documents should include discussion and analysis of specific policy directives. For example, policies of Conservation Objective 6 and other policies of the County Comprehensive Plan (summarized in the appendices of this Guide) are furthered by the conservation of environmentally significant lands. An assessment should result in answers to questions like the following:

Do the policies of Conservation Objective 6 and other County Comprehensive Plan policies serve to satisfy the protection of environmentally significant lands?

Do those policies need revision?

What actions have occurred to date that contribute to the fulfillment of specific policy commitments?

What, specifically, still needs to be done to further protection commitments?

How much environmentally significant land, by habitat type, should be protected?

The same type of questions should be asked and answered with regard to other policy documents as well, to set the stage for the coming fiscal year's focus and strategies. For example, the "Florida Forever Conservation Needs Assessment" report (Florida Natural Areas Inventory, 2022) provides a statewide GIS based dataset to inform the Florida Forever land acquisition program. The Conservation Needs Assessment data were developed to track the progress of the Florida Forever program in protecting natural resources through land acquisition. Each data layer corresponds directly to a goal and measure developed for the program by the Florida Forever Advisory Council. The primary use of these data layers is to generate statistics reported in new Florida Forever

proposal assessments, and the Natural Resource Acquisition Progress Reports produced by FNAI each year. Conservation priorities in the database will be incorporated into the property evaluation documents.

County staff will coordinate with the ELAP by gathering information on these subjects and reporting to the ELAP. During this phase, the ELP Guide shall be reviewed and revised, as appropriate. Data from these documents that will be used as part of the site evaluation process will be incorporated into the proposed Dashboard Web Application.

Funding/financing resource review should also occur periodically to assess the availability of funds. Chapter IV, Funding/Financing, summarizes various funding opportunities. The funding/financing assessment involves ELAP consideration of funding availability as it affects acquisition planning. As mentioned earlier, depending on the funding strategy to be pursued, timeframes and deadlines are established in the first phase of planning to outline implementation steps.

Once funding strategies are determined, county staff will periodically report to the ELAP with detailed information as to the status of funding as it affects acquisition and management timeframes and priorities.

## **PHASE 2: Compilations of Lands for Review**

Once Phase 1 has been completed and the ELAP has determined general strategies to further program directives, the next phase is the compilation of specific properties to be reviewed and evaluated for resource protection consideration. The properties will consist of lands nominated by the general public or other agencies for land acquisition consideration. Each property will be screened by staff to ensure that minimum criteria for evaluation are met. These minimum criteria are detailed in “Minimum Criteria for ELAP Review” within the Appendices. The County will provide notification of ELAP meetings, agenda, and other related documents on the County’s website. The County also will provide the public with notifications of milestones and announcements related to the land acquisition process on social media and public service announcements, as applicable.

It is important, in order to maintain a systematic and manageable approach to land acquisition considerations, that the ELAP establish a procedure by which applications can be submitted to nominate properties for ELAP consideration.

Following the initial application period, submittal shall be allowed at any time of the year. County staff shall assemble relevant parcel information and background data for consideration by the ELAP. Nominations shall be ranked by the ELAP twice per year, on a schedule approved by the BOCC.

Application forms shall be available both online, as well as at a designated location at the County Administration Complex. A copy of the application is included in the appendix of this Guide, for reference. Applications submitted shall be reviewed and evaluated, in accordance with the criteria

set forth in the following “Phase 3” section of this Guide, over the twelve-month period following the submittal deadline.

### **PHASE 3: Evaluation/Prioritization**

Once the group of properties to be reviewed for land acquisition consideration has been compiled (reference Phase 2), the next step is evaluation and prioritization of the list of properties.

The ELAP shall use the information provided on nomination applications, as well as supplemental information provided by staff, to conduct a ranking of the identified properties. Staff will request assistance from state and federal agencies, as applicable, in assessing the characteristics of a given property. Moreover, field visits for ELAP members shall be scheduled by staff to aid in the evaluation process. Factors to be considered in evaluating properties have been separated into two general categories: qualitative characteristics and purchase/management factors. The proposed GIS based Dashboard shall assimilate all of these factors for each property so that a central repository for acquisition information is available to staff, the ELAP, and the BOCC. Using this information, an Evaluation/Prioritization Matrix shall be completed for each property, resulting in an assigned score whereby the higher the score, the higher the ranking of the property for purchase consideration. As the Matrix has been developed, a "perfect score" equals 1000 points.

The following is a summary of factors to be considered in determining a property's point assignment for each of the ten Matrix evaluation issues.

**Qualitative factors** are used to evaluate lands by their physical characteristics as well as ecological value, and compatibility with resource protection goals. The five qualitative factors to be considered in applying the Evaluation/Prioritization Matrix are listed below, along with a brief explanation for each.

**Natural Community Evaluation (#1):** A property that supports an assemblage of natural communities, and has not been invaded by invasives or significantly altered by man-induced activities is expected to have a higher ecological value. Included within this review are the following:

- Areal extent of natural lands vs. disturbed lands; lands that have been significantly altered or are heavily invaded by non-native vegetation and wildlife would be expected to be of lower ecological value
- Biodiversity refers to the variety of living species including plants, animals, bacteria and fungi. Each of these species and organisms work together in an ecosystem to maintain balance and support life. The evaluation of projects would include an assessment of both observed and potential species in order to provide an overall perspective on the biodiversity support for a project area.

Items included in this portion of the review include the extent of a particular community type within Indian River County; the areal extent of this

community type within existing conservation lands; FNAI (or other recognized standard) conservation status, species diversity, and the presence of endemic and/or protected species.

**Potential Habitat Value (#2):** A property that provides important habitat to wildlife and plant species is desirable for protection. Included within this review are the following:

- Recorded occurrences of state and federally protected species
- Number of endemic species present (if any)
- Species usage – are there roosting, loafing, nesting and breeding areas on site, or are migratory species using the site
- Recorded number of desirable species present – higher biodiversity may be indicative of higher habitat value

**Contribution to a "Wildlife Corridor" or "Greenway" (#3):** Lands that are proximate to other lands with complementary habitat, thus contributing to a larger wildlife "ecosystem" are of higher value (in most cases) than isolated, inaccessible natural areas. In evaluating this criterion, thought must be given to potential user species. For example, a small "island" of xeric scrub may actually contribute to a series of xeric scrub islands in the region that are valuable habitat for scrub jays, due to their flight capabilities and living habits. Conversely, a species with an expansive home range requires larger, interconnected tracts in order to meet all of their life history needs.

This criterion considers also whether the land contributes to conservation priorities identified in the "Florida Forever Conservation Needs Assessment," which is a database of information used to track the progress of protecting natural resources through land acquisition. Additionally, the lands that would provide a link to the Florida Wildlife Corridor, or to a "greenway" as recognized by the County or established by the Florida Greenways Commission should receive consideration for their ability to link valuable resources.

**Landscape Value (#4):** this evaluation criteria will address a property's value relative to the surrounding resources, including an assessment of the following:

- Proximity of project to existing protected areas and/or wildlife corridors – projects adjacent to other conservation lands or wildlife corridors would be viewed, in most cases, as having a higher value for acquisition.
- Adjacent land uses – projects in proximity to highly developed or highly altered lands are more likely to have a reduced value in the landscape.
- Project area size – in many cases smaller project areas may be of insufficient size to provide sustainable or manageable habitat, or may not meet the needs of species with specific habitat requirements.

- Fragmentation of natural areas – projects that have primarily natural communities and are contiguous and contain intact ecotones and buffers would be considered to have a higher value for conservation.
- Water resource considerations – projects that provide a benefit to basin/watershed resources would receive a higher conservation value. These considerations may include: groundwater recharge; contribution to long-term basin/watershed maintenance and sustainability; filtration and/or buffering for downstream waters; and floodplain conveyance and storage.
- Resiliency & sustainability assessment – these criteria will evaluate whether a project site will be resilient and sustainable considering issues associated with climate change. The assessment should consider both existing conditions, as well as whether the project area allows for enhancement to increase potential resiliency and sustainability.
- Objective 6 “Upland Vegetation Communities” identifies the following natural habitats as lands that should be considered for protection as part of various land acquisition or protection processes:
  - Coastal Strand
  - Coastal/Tropical Hammock
  - Xeric Scrub
  - Upland Hardwood Hammock
  - Pine Flatwoods
  - Dry Prairie

A property's contribution to furthering the policies of Conservation Objective 6 and other policies of the County Comprehensive Plan should receive higher consideration. The policies of Conservation Objective 6 and other applicable policies of the Comprehensive Plan are provided in the appendices of this guide.

**Recreational & Educational Value (#5):** Using this criterion, property that provides an opportunity for environmentally significant land protection and also has potential for multiple use (compatible with protection) will receive higher scores in this category. Project assessment would include:

- Whether the natural community structure or location provides extensive opportunities for passive recreation such as walking trails, wildlife viewing, picnicking, or other low intensity uses by the public.
- Whether the structure of the site provides opportunities for a variety of educational programming related to ecology, conservation, responsible stewardship, and other important environmental issues.

- Whether the project area and natural communities provide opportunities for volunteerism and/or potential for scientific research by academic institutions, students, non-governmental agencies, or agency personnel.

**Purchase/management factors** come into play when a property is being ranked among others for purposes of acquisition priority. In simplest terms, the goal in the land acquisition is to get the "most for your money" in pursuing fulfillment of environmentally significant land protection objectives. Following are the five purchase / management financial factors to be considered in applying the Evaluation/Prioritization Matrix.

**Purchase Need vs. Other Protection Methods (#6):** Chapter III of the Guide summarizes various protection strategies that can be utilized to protect environmentally significant lands. As set forth in the Guide policy, outright purchase of property should be a last alternative approach. In cases where purchase is the best alternative, a property would be rated high in this category.

Alternatives consideration involves a review of protection methods other than land acquisition, as summarized in Chapter III. Since the main objective of the ELAP is the protection of environmentally significant lands, each alternative must be closely scrutinized in its ability to fulfill the protection objective, relating to the specific resource characteristics of a given site.

In deciding the pluses and minuses of each protection alternative, the consequences of each protection scenario must be thought out. For example, a "no action" approach on a property with zoning and land use designations that allow single-family residential development at 6 units per acre may potentially result in total elimination of natural resource values. A conservation easement approach, however, may partially preserve the native plant community on site, while not contributing to wildlife habitat needs. Depending on the resource at hand, outright land acquisition may or may not be the necessary alternative.

**Vulnerability (#7):** The threat of conversion of environmentally sensitive lands is a factor from the standpoint of immediacy. The location of a property, its configuration, and existing natural resources should be evaluated to assess whether there is a high likelihood that the lands could be converted to residential, commercial or agricultural uses. When comparing two equally significant resource properties, the property with the most immediate threat of development should be given a higher priority.

Additionally, existing regulatory restrictions must be considered in the evaluation process. These regulatory processes would include zoning restrictions that may be in place, as well as other measures such as costly mitigation measures that would be required if a project site were to be developed or otherwise converted.

**Land Management Constraints (#8):** With very few exceptions, natural communities in Florida require some level of management. Many of Florida's natural communities are fire adapted, meaning that the health and integrity of these systems relies on periodic natural or prescribed fires. Additionally, because of the warm climate and abundant rainfall in

Florida, nuisance and invasive species proliferate here, and are a constant threat to the ecological balance within conservation lands.

Land management constraints include:

- Adjacent land uses – whether adjacent land uses restrict the effective management or restoration of a project (i.e. implementation of a fire management plan, or limitations on the ability to restore wetland hydroperiods)
- Extent of invasion by invasive species – treatment and management of invasive species is a long-term commitment. The evaluation of properties should consider the level of effort to eradicate and manage invasive species. In addition, the type of invasive vegetation should be understood - Category I and Category II species are considered more highly invasive, and pose a higher level of threat to natural communities.
- Restoration costs and associated long-term management – properties that have a high ecological value and require minimal restoration and long-term management costs should receive a higher evaluation score. Additionally, a project site that is contiguous with other compatible natural areas management (preferably other conservation lands) may be able to develop a cooperative management strategy benefitting both properties.
- Resiliency and sustainability considerations – the evaluation of the project should consider whether climate change may affect the long-term management of the natural areas, or whether there is likely to be a loss or conversion of habitat.
- Site protection and security – the evaluation should consider whether the adjacent land uses or site configuration would facilitate vandalism, ATV damage, poaching, or other unauthorized site activities.
- Debris and waste – the evaluation should consider the extent of buried or dumped debris, especially hazardous wastes.

**Cooperative Acquisition Potential & Grant Opportunities (#9):** Properties that other agencies have interest in cost sharing with regard to purchase are a better value than properties that must be solely purchased by the local government. Additionally, properties whereby funding grants can be obtained for purchase are a plus.

**Favorable Market Conditions (#10):** A landowner's willingness to sell, as well as market conditions that favor a land purchase which is considered a "good deal," come into play when comparing a number of properties for purchase. Other factors to consider in the category are the existence of leases, easements, or other encumbrances; the number of property owners (fewer owners may result in expedited negotiations); the size of the parcels

(large tracts under common ownership are easier to acquire and manage in many cases); and whether the condition of the parcels is consistent with future conservation uses.

Phase 3 of the land acquisition procedures is complete when each property under review for purchase consideration has been evaluated for each of the referenced criteria, using the Evaluation/ Prioritization Matrix (a copy of which is in the Appendices). The Matrix has "weighting multipliers" for each of the ten criteria, which give certain factors more importance than others for purposes of prioritization. Ultimately, each property is given a total weighted score and grouped accordingly. Property grouping will consist of county staff calculating a point total for each property, which will be reported to the ELAP and modified as necessary based on review and consensus. The properties will then be placed into a Tiered system for work in Phase 4. Tier 1 properties will be grouped as the first priority in development of work plans and pre-acquisition negotiations. By grouping the properties into Tiers, is in the intent to work on all properties in a Tier concurrently thereby reducing delays by focusing on the highest to lowest valued sites individually.

#### **PHASE 4: Work Plans/Pre-Acquisition Tasks/Negotiations**

It is anticipated that phases 1-3 will have resulted in the elimination of some of the originally reviewed properties from acquisition consideration. The next step is a re-assessment of the three Tiers to include any additional properties that have been submitted and evaluated, and then the ELAP will present to the Board a revised summary of the acquisition parcels for the Board to review and approve. Properties that have been grouped into a Tier on the ELAP's acquisition documents can be considered for removal from consideration during the re-evaluation process, and at no other time (unless purchased), or if 60-days' notice is given to the property owner and to the ELAP prior to the discussion for project removal.

Properties recommended and removed from the Acquisition List by the ELAP shall be reported by county planning staff to the BOCC.

Prior to submittal to the Board of any proposal for the purchase of any property listed on the ELAP Acquisition List, County staff and the acquisition consultant shall complete its due diligence investigation and review of the proposed purchase terms. Due diligence investigation and review shall include, without limitation, independently conducted appraisals and, prior to closing of Board approved purchases, title searches and commitments, surveys, environmental assessments and any other items deemed necessary by County staff in connection with the proposed acquisition.

County staff shall provide to the ELAP, within the confines of confidentiality requirements, data obtained from the investigation for review prior to submittal of the Board agenda item, to assist the ELAP in preparing its recommendations to the Board. The due diligence investigation and review shall be consistent with (i) Chapters 125 and 286, Florida Statutes, and (ii) if applicable for certain cooperative projects, Chapter 253, Florida Statutes and the procedures of the Division of State Lands ("DSL"), Bureau of Appraisals and Bureau of Survey and Mapping of the Department of Environmental Protection (the "Bureau") and shall at minimum include:

(a) with respect to environmental assessments, the assessments must meet the standards and requirements established by the County and required by any applicable County Ordinance or regulation, or DSL. For purposes of Cooperative Projects with the State, the assessments must meet the standards and requirements of DSL. The person(s) conducting any assessments shall be competent, licensed professional(s) or County assigned personnel, and any reports must be certified to the County and/or cooperating agency;

(b) with respect to surveys, all surveys must meet the minimum technical standards and requirements of the Florida Board of Professional Land Surveyors and include acreage determinations, boundary stakes, preparation of legal description, boundary maps and state plane coordinates, or DSL standards. For purposes of Cooperative Projects with the State, the surveys must meet the standards and requirements of the Bureau.

#### **Appraisal Requirements; Approved Appraised Value.**

Appraisals of property to be acquired by the County will comply with and be reviewed in accordance with this section. Techniques and methods used by fee appraisers, for appraisal reports and reviews, shall substantially comply with the Uniform Standards of Professional Appraisal Practice as defined under Chapter 475, F.S. For property to be acquired jointly with another public agency, staff may elect to follow the appraisal procedures of that public agency, to the extent those procedures differ from those contained in this section.

Staff and the acquisition consultant will provide to the fee appraisers a title report, a survey or appraisal map, a specification of the right to be acquired, a list of items, if any, considered to be non-compensable, and any supplemental appraisal requirements that apply. Items required to be submitted to the fee appraisers may be modified, or eliminated, if staff determines they are unnecessary to obtain an appraisal sufficient to protect the public interest under the requirements of this section.

Appraisal reports will be accompanied by a sales history of the parcel for at least the prior five years. The sales history will list those parties to each transaction involving the subject parcel as well as the consideration paid, with the amount of consideration verified, if possible.

At least one appraisal will be required for each property purchased for an amount of less than \$500,000. At least two appraisals will be required by each property purchased for an amount of \$500,000 or greater. When two appraisals are required under this section and they differ significantly, staff will request that the fee appraisers review the differences in their reports to attempt to rectify their value conclusions in order to bring the appraisals within an acceptable divergence. If the fee appraisers cannot so rectify their values, a third appraisal may be obtained. Two appraisals will be considered to differ significantly if the higher of the two values exceeds the lower value by at least 20%. The County Administrator may decide not to obtain a third appraisal if they decide to attempt to negotiate an acquisition price of no more than 120% of the lower of the two appraisals.

For purposes of this section, "approved appraised value" means the maximum amount in dollars which may be paid to a seller in accordance with the procedures herein. The approved appraised

value is not intended to be used as a negotiating value, or target price, but merely an upper limit. The approved appraised value for negotiation will be as follows:

- (a) The appraised value approved for negotiation will be the value indicated in a single approved appraisal if only one appraisal is required. If two appraisals are obtained and approved when only one is required, the approved appraised value will be the higher of the appraisals, regardless of their divergence.
- (b) If two appraisals are required and their values do not differ significantly (i.e. less than 20%), the approved appraised value for negotiation will be the higher value indicated in the two approved appraisals.
- (c) If a third appraisal is obtained and approved, the approved appraised value will be the value of the higher of the two closest appraisals, as long as the two closest appraisals do not differ significantly. If the two closest appraisals differ significantly, 120% of the lower of the two closest appraisals will be the approved appraised value.

Staff may obtain a review appraisal when such a review would be required or desired by a joint acquisition partner; when two appraisals reflect significantly different assumptions, analyses, conclusions or comparable sales which appear to affect the opinions of value; or when the County Administrator determines that County consideration of the acquisition would be benefited by the obtaining of such a review.

### **Negotiations**

Owner contact, whether pre-negotiation or negotiation, will be through staff or the County's authorized representative; all offers and counteroffers will be in writing.

Staff and the acquisition consultant will formulate a negotiation strategy for each acquisition of property prior to the commencement negotiations. The objective of all purchase negotiations shall be to obtain the appropriate interest in land, without encumbrances or other restrictions that render the land unsuitable for the management goals for which it is sought to be acquired, at the lowest possible price.

In the course of negotiations, staff and/or the acquisition consultant will discuss the advantages of a donation or bargain sale, including the potential for a seller to claim a federal income tax deduction or other advantageous tax treatment. As an incentive for sellers to sell (or donate) property at a discount (below the approved appraised value), it shall be the County's policy to verify a discounted purchase price and to provide other pertinent information, as applicable, on a seller's appropriate federal income tax form, if so requested by the seller. When negotiating the purchase of properties that include wetlands or potential state-owned sovereignty lands, staff and the acquisition consultant will discuss with the seller the benefits of obtaining a safe upland line survey, as opposed to a mean high water or ordinary high-water survey. In its negotiations, staff will consider the benefit to the owner of receiving cash.

As early as possible in the negotiations, staff will notify the landowner in writing that final purchase approval is subject to affirmative action by the Board, and of the governing body or other

appropriate authority of any cooperating acquisition agency. When the landowner is represented by an agent or broker, negotiations may not be initiated or continued with the agent until a written statement signed by the landowner verifying the agent's legal or fiduciary relationship with the owner is on file with the County.

During the course of negotiations, a property may be given an "inactive status" if no landowner (or landowner agent) contact has occurred for 6 months or more due to lack of response on the part of the landowner(s). When the ELAP designates a property as "inactive," staff will notify the landowner that no further County action or negotiations will occur unless initiated by the landowner. The landowner will also be advised that in the meantime the County will continue to actively negotiate the purchase of other properties, and the longer the landowner waits, the less likely that funds will be available for County purchase of his or her property.

The maximum price to be paid for an acquisition will be the approved appraised value. Notwithstanding, in accordance with Section 253.025 (1)(b) If the agreed purchase price exceeds the average appraised price of the two appraisals, the governing body is required to approve the purchase by an extraordinary vote. The governing body may, by ordinary vote, exempt a purchase in an amount of \$100,000 or less from the requirement for an appraisal.

### **Conceptual Management Plan**

Once County staff and the acquisition consultant negotiate terms of a purchase option contract, staff and the acquisition consultant (and its associates) will develop a conceptual management plan consistent with Chapter VI of the ELP Guide. The conceptual management plan will be drafted in accordance with cost-share partner criteria, as applicable, and will be presented to the ELAP and to the BOCC for consideration in conjunction with ELAP and Board consideration of purchase option contracts. Resolution 22-016 requires that public access improvements and ecological restoration and management are included as part of the acquisition cost for conservation lands. The management plan will provide a summary of these costs so that the BOCC may review this information as part of their consideration of properties to acquire.

### **PHASE 5: Final Report and Recommendations; Confidentiality**

To the extent consistent with applicable confidentiality requirements, once the appraisals have been conducted and negotiations have commenced, staff will regularly report the status of negotiations to the ELAP. The ELAP will review the status of negotiations and may recommend revisions to work plans and make recommendations for acquisition to the BOCC.

#### **Confidentiality of Appraisals, Offers and Counteroffers.**

- (1) When required by County cost-share acquisition partners, appraisal reports, offers and counteroffers, prepared or received in accordance with the County's acquisition of property, are confidential and exempt from the provisions of Section 119.07, F.S., until an option contract is executed or, if no option contract is executed, until 30 days before a

purchase instrument is considered for approval by the Board. However, staff may disclose appraisal reports or other confidential information to public agency or nonprofit joint acquisition partners where the agency or partner has committed to joint acquisition with the County, and all individuals who will be privy to confidential information have signed a confidentiality pledge acceptable to staff. In certain circumstances, the County may opt not to exercise confidentiality of appraisals and negotiations, when it does not conflict with cost-share partner requirements (i.e., “pre-acquisitions” or non-partner acquisitions) and when it is in the County’s interest.

The County may release an appraisal report when the passage of time has rendered the conclusions of value in the report invalid, or when the County has terminated negotiations. However, once appraisals have been made public, they will not again be used as appraisals approved for acquisition by the County.

(2) Appraisals, including any review appraisal, may be submitted to the ELAP for its review, but only in conjunction with ELAP consideration of a contract negotiated by the County and executed by the seller. Under this circumstance, appraisals and reviews will be made public at the time of their submittal to the ELAP, provided the timing is such that a purchase instrument for the property is scheduled for Board approval consideration within 30 days, as heretofore explained, unless precluded by the cost-share partner.

The ELAP’s recommendation for project acquisition is presented to the County Commission at a duly advertised public hearing, along with a staff assessment report, conceptual management plan and the appraised value at the next available Commission meeting. Once an option contract has been executed by the seller and the ELAP has made a recommendation on whether the County should or should not purchase a property at the negotiated purchase price, the matter will be presented to the BOCC, including a report of the ELAP’s recommendations for the Board’s consideration. If the project proposal does not receive the necessary votes for acquisition by the Commission, then the application will be eliminated from consideration, unless re-nominated in the next fiscal year review cycle or unless there is direction from the County Commission to continue consideration.

With regard to properties approved for acquisition by the BOCC, county staff shall work with the applicable landowner in finalizing transactions.

Project proposals approved by the Commission for inclusion into the Indian River County Parks, Recreation and Conservation system shall be forwarded to the Public Works Department and the Planning Division for input during the development of public access improvements and restoration for conservation areas.

If a project proposal is co-sponsored by another agency in cooperation with Indian River County, that agency shall be notified of the action taken by the County Commission. If the County Commission votes for project acquisition, then the County and the participating agency shall negotiate the acquisition price. The management responsibility of the project shall also be negotiated.

## **State Law**

All real property acquisitions shall comply with the provisions of state law including, but not limited to, those imposed by Chapter 125 and Chapter 286, Florida Statutes. In addition to the special requirements of Section 125.37, Florida Statutes, relating to exchanges of County property, the requirements imposed by this Guide shall apply to the property being received by the County in any exchange.

## **Purchase Negotiations with Profit and Nonprofit Organizations**

- (a) Authorization. The Board may authorize a profit or nonprofit organization as defined in section 501 (c)(3) of the Internal Revenue Code, to negotiate with the owners of qualified lands hereunder, to determine specific terms upon which an owner would be willing to sell said land. When negotiations terminate, a copy of the organization's negotiation file shall be provided to the County.
- (b) Acquisition Documents. The organization may obtain an option to purchase and offer the results of its negotiations to the County together with a transfer of the option to purchase after recommendation for purchase of the land by the ELAP.
- (c) Non-Exclusive Authority. This authorization to negotiate is non-exclusive and shall not preclude an owner of land from negotiating with the County or other third party if he or she so chooses.
- (d) Nonagency. In no event shall this Guide, the authorization herein, or an organization's negotiations create an agency relationship, express or implied, between an organization and the County. The County shall not be bound to any person or entity to approve or consummate any purchase, or exercise any option to purchase, as a result of the organization's negotiations, or any other act or omission of the organization involving any land, unless and until approved by formal action of the Board. Any transaction shall be subject to implementation upon approved documents and in accordance with County policies.

## **Emergency Acquisition**

While it is most desirable to plan for all land acquisition in accordance with the procedures set forth in this guide, it is recognized that under some circumstances such planning is not possible. Emergency situations occur which may require expeditious actions that will not permit the expenditure of time required in the normal planning and review process; it is administratively desirable to bring such matters to the County Commission's attention in a short timeframe.

Before any action can take place, an emergency acquisition situation must be declared. This may be an independent ELAP decision, a directive from the BOCC, or a joint determination by the ELAP and the appropriate local, state or federal agency. An emergency can be declared only if at least one of the following conditions exists:

- Critical habitat or natural resources not on the priority list are identified as being under an unforeseen immediate threat of destruction or damage.
- Previously identified habitat or natural resources listed on the priority list are under immediate and unforeseen threat.
- An immediate opportunity exists for cost-share purchase of critical habitat or natural resources in conjunction with another agency.

The following steps must be followed to obtain the County Commission's approval in a defined emergency situation:

- Staff shall develop a justification report for the action, including an environmental assessment, (a brief discussion of important impacts will suffice).
- Applicable local, state or federal agencies that may have participated in an acquisition study or in funding relating to the property shall be contacted.
- The Chairperson of the ELAP, through the ELAP Liaison, shall call a meeting for the purpose of reviewing the problem on no less than 48 hours' notice, and, on the affirmative vote of a majority of the ELAP members voting with a quorum present, the ELAP Liaison shall advise staff to prepare a County Commission agenda item with ELAP recommendations pertaining to the matter. If the emergency acquisition review is initiated via a directive from the BOCC, the ELAP shall, in all cases, report to the Board with recommendations (within a time-frame specified by the Board, as applicable).

## **CHAPTER VI**

### **LAND MANAGEMENT**

Acquisition of lands for conservation purposes requires a commitment to long-term land management. Historically, the habitats we enjoy today were maintained and transformed by natural cycles of fire, weather and flowing waters. Habitat fragmentation by roads, development and other human disturbances creates challenges for land managers. As a result, the primary focus when undertaking land management is restoring and maintaining, to the extent feasible, the natural processes that influence the function and species composition of our diverse natural communities. Examples of land management activities include: securing property boundaries, implementing prescribed fires, removing invasive plants and animals, restoring hydrological cycles, re-vegetation of barren areas, and creating public access trails.

Restoration and management of acquired conservation lands is a key aspect of the County Environmental Lands Program. In this chapter, the process for developing and implementing a land management plan is outlined. Additionally, the potential funding opportunities to assist the County with implementation of management plans is presented in this section.

#### **RESPONSIBILITIES**

The development and implementation of an effective land management plan is the responsibility of the Conservation Lands Manager. This position is supported in these efforts by Conservation Lands Program field crews and other supporting staff. The Parks and Recreation Division and other County Department also provide support for land management planning and implementation. The following narrative provides a summary of the conservation land management process.

#### **Management Planning**

Development of conceptual management plans for acquired conservation lands is important to layout site-specific management needs, strategies, costs and timelines for each conservation area. Cost-share agencies such as the Florida Communities Trust require the County to develop management plans prior to closing joint purchases or, for pre-acquisitions, prior to cost-share funding reimbursement. Management plans for properties acquired with cost-share partners, which accounts for most acquisitions, must be written in accordance with cost-sharing agency guidelines.

A land management plan generally is broken down into three components: (1) a Resource Management Component; (2) a Land Use Component; and (3) an Implementation Component. These three elements are interrelated, meaning in this case that each component overlaps or is dependent upon the actions of the others.

The Resource Management Component provides a detailed inventory and assessment of the natural and resources of a conservation tract. Resource management needs and issues are identified, and measurable management objectives are established for each of the conservation area's management goals and resource types. This component provides guidance on the application of such measures

as prescribed burning, invasive species removal, imperiled species management, and restoration of natural conditions.

The Land Use Component is the recreational resource allocation plan for the conservation area. Measurable objectives are established to address factors such as access, population, adjacent land uses, the natural resources of the property, current public uses, and existing amenities or other development. Each of the factors should be provided consideration when determining the ultimate allocation of space within the conservation areas. These objectives consider the appropriateness of the potential use of each area, and propose the types of resource-based recreation and associated facilities and programs to be provided. For conservation lands, it is required that these intended uses are in harmony with the overarching resource management component described above.

The Implementation Component consolidates the measurable objectives and actions for each of the property's management goals. A schedule for implementation of actions, and cost estimates are included for each objective and action. Included in this table are (1) measures that will be used to evaluate the County's implementation progress, (2) timeframes for completing actions and objectives and (3) estimated costs to complete each action and objective.

The implementation component addresses the administrative goals, and reports on the County's progress toward achieving resource management, operational and capital improvement goals and objectives for each conservation area. This component also compiles the management goals, objectives and actions expressed in the separate parts of this management plan for easy review.

All development and resource alteration proposed in these management plans are subject to the granting of appropriate permits, easements, licenses, and other required legal instruments. Approval of the management plan does not constitute an exemption from complying with the appropriate local, state or federal agencies.

County staff and the County's Environmental Lands Program consultant (and its associates) are responsible for developing management plans. Staff will present management plans to the ELAP for review and recommendations, and then to the County Commission for final approval. County staff and/or a designated ELAP representative shall report ELAP recommendations on management plans to the County Commission when the Commission considers the plans for approval.

### **Management Implementation**

Management of conservation lands is the responsibility of the Conservation Lands Program. This program consists of a Conservation Lands Manager assisted currently by 4 staff. Two of these staff members are field employees. The Conservation Lands Program has the assistance, when needed, of the County Parks Maintenance Division. The Parks Maintenance Division is staffed currently by 27 field employees and manages all units in the park system.

Volunteer support to help provide public access, interpretive and educational activities, and resource management assistance is encouraged and coordinated by the Conservation Lands Manager. Local high school and collegiate science clubs, members of the Eugenia Chapter of the Native Plant Society, the Pelican Island Audubon Society, the Environmental Learning Center, the

Florida Oceanographic Society, the Clean Water Coalition, Indian River County Historical Society and other organized groups and individuals may provide valuable assistance in operation, interpretation and resource enhancement activities of conservation lands. The Parks Division may employ contract labor, as needed, for resource management tasks and public access improvements.

Resource management activities are the responsibility of the Conservation Lands Manager. County staff, contract labor and volunteer labor will undertake tasks such as invasive plant removal and restoration of native vegetation. Assistance for resource management projects may be coordinated agencies such as the Indian River Mosquito Control District, The Florida Fish and Wildlife Conservation Commission (FWC), the U.S. Fish and Wildlife Service and the St. Johns River Water Management District. Assistance with prescribed fire management planning and prescribed burning will be sought from the Florida Forest Service.

The Conservation Lands Manager will also seek cost-share funding for management tasks by applying for cost-share grants through such programs as the Florida Inland Navigation District Waterways Assistance Program; the Florida Greenways and Trails Program; the Florida Recreation and Development Assistance Program (FRDAP); the FWC Invasive Upland Plant Removal Program; the Indian River Lagoon National Estuary Program, and other potential sources.

### **Progress Reporting**

The Conservation Manager drafts annual stewardship reports for those conservation areas with cost-share acquisition partners that require annual reporting (i.e., the FCT). Each stewardship report includes a review of provisions of the conservation area management plan and serves to update the resource inventories for each property.

In addition to resource enhancement and protection, development of public facilities is another component of the management of conservation lands. Conceptual management plans include details concerning the need and function of various public access improvements, such as boardwalks, restrooms, trails, and picnicking areas. The progress of these improvements, including the design, permitting and construction milestones, is reported on a percent-complete basis. After facilities are developed, the Conservation Lands Manager estimates annual visitation and includes a summary of use of the project site by organized groups in annual stewardship reports.

Annual stewardship reports will serve to update conservation area management plans. Management plans may be updated to address specific planned and unplanned events. Changes, if any, in the management regime or the conceptual development scheme described in the plans will be explained in detail in the annual stewardship reports.

### **KEY MANAGEMENT ACTIVITIES**

The following list summarizes key management activities typical to conservation areas, in priority order. Each conservation area management plan includes a tentative timeline for management activities. The timing of management activities is subject to adjustment, as scheduling depends on

the availability of funding, staffing and inter-governmental assistance for the management of project sites.

1. Install boundary fencing (optional, depending on site-specific characteristics).
2. Complete a land use map based on Florida Natural Areas Inventory (FNAI) classifications and priorities
3. Inventory plant and animal species.
4. Develop invasive plant removal and revegetation plan.
5. Identify other restoration/enhancement needs (e.g. hydrologic improvements)
6. Identify opportunities and seek funding for natural community enhancement efforts.
7. Initiate public access design planning.
8. Layout and create a trail network for public access, where appropriate.
9. Initiate invasive vegetation plant removal.
10. Implement continuous follow-up treatment program for invasive plants.
11. Develop mechanical fuel reduction/prescribed fire management plans (for scrub communities).
12. Begin fuel reduction and fire management activities (for scrub communities).
13. Initiate any permitting required for construction of public access improvements.
14. Contract reconnaissance level cultural resources survey (on sites suspected to have cultural resources)
15. Construct and begin maintenance of public facilities.

### **Boundary Fence (Optional)**

Perimeter fencing serves to define conservation area boundaries and prevent, in some circumstances, yard encroachments from adjacent landowners. Perimeter fences also serve to control public access and deter uses detrimental to resource conservation (e.g., off-road vehicles). The need for fence lines along entire perimeters of conservation lands varies with site conditions. For example, it may not be necessary to install fence lines along boundaries with wetlands or other natural impediments that limit uncontrolled access. Relatively low-cost agriculture “field fence” (wooden posts and wire-mesh without barbed wire) is typically used vs. other fence types. In certain cases, fencing of another design may be warranted (i.e., wooden privacy fence or chain-link fence) due to adjacent land uses, subject to County Commission approval.

### **Land Use Mapping & Plant and Animal Inventory**

During the first year after acquisition of a conservation property by Indian River County, County staff will complete reconnaissance of each property to produce a land use map of the natural communities and other features of the site (e.g. disturbed lands, structures, etc.). Concurrent with this mapping, staff will develop a comprehensive plant and animal species list. Information gathered by these surveys will guide further resource management planning and the design processes for public facilities. The plant and animal inventory ensure maximum protection of native biota on a site under management by the County. Protected species will be located and mapped

during these surveys. Information obtained from the survey will be used in the design of public facilities to minimize impacts to protected species.

### **Nuisance & Invasive Vegetation Management**

Within one year of acquisition of a conservation area, Indian River County will develop a comprehensive plan and schedule for removing nuisance and invasive vegetation from the conservation lands. The invasive plant control plan will also include a re-treatment and maintenance component to guide continuous monitoring and herbicide application, mechanical, and/or manual treatment of volunteer plants. Control of nuisance and invasive vegetation will be on-going, as the establishment of new species and re-colonization of treated species is an ever-present threat.

### **Mechanical Treatment and Fire Management**

Sand pine scrub, xeric oak scrub, mesic pine flatwoods and scrubby flatwoods are “fire-adapted” plant communities whereby endemic flora and fauna of these communities benefit from periodic burns. In most cases on acquired conservation lands, fire has been suppressed for many years due to development pressures fragmenting large areas, and the response of fire crews to extinguish fires that threaten developed lands. As a result, habitats in these plant communities are not optimal and “fuel loading” occurs, which increases the severity and danger of uncontrollable wildfire.

Fire is an important function of these areas and is necessary to keep them ecologically healthy and safe. Restoration of “natural” fire regimes in these fire-adapted communities is a management priority under the County’s Environmental Lands Program. The primary management tool for scrub and scrubby flatwoods communities will be the introduction of prescribed burns, with the assistance of the Florida Forest Service. Buildup of duff (leaf litter) and increases in the height and density of vegetation contributes significantly to uncontrollable fires, and typically results in a reduction in species diversity (and corresponding potential habitat). Prior to the reintroduction of fire, mechanical fuel reduction (through roller chopping, canopy thinning, or shredding understory vegetation) measures may be necessary to maintain control of prescribed fires. In addition, it is likely that defensible space (firebreaks and harrow lines) will be developed to provide a measure of confidence that fire can be controlled when it is reintroduced.

### **Cultural Resources Survey**

On conservation lands suspected to support cultural resources, a Level I cultural resource survey will be conducted prior to construction of public access improvements. This survey is also required in the event that public access improvements require issuance of an Environmental Resource Permit (ERP) from the State for construction. If recommended by the Level I Survey report, site-specific surveys by qualified archaeologists will be conducted during the design of public access facilities. The collection of artifacts or the disturbance of archaeological and historical sites at a conservation area will be prohibited without authorization from the Department of State, Division of Historical Resources. Appropriate protective measures will be taken in the event cultural sites are discovered on a property in the future. Management of cultural resources will be coordinated with the Division of Historical Resources.

## **Public Access Facilities**

Conservation of natural resources is the primary objective of the County Environmental Lands Program. A secondary objective is public access for passive recreational use that is compatible with resource conservation. For most of the land acquisitions under the program, the County is committed to providing public access improvements as a condition of a cost-share acquisition grant (e.g., FCT grant awards). Notwithstanding grant award conditions, public access to conservation lands serves the County's own objective of providing passive recreational opportunities for citizens of the Indian River County.

Public access facilities typically planned for County conservation lands include: low-intensity parking areas; kiosks and education sign displays; nature trails; boardwalks; and overlooks. Other improvements, depending on property location, size and anticipated use, may include: restrooms; pavilions; picnic areas; outdoor classrooms; canoe landings; or boat docks.

Public access facilities will be designed to minimize impacts to native flora and fauna. In most cases, construction of public access facilities will occur only after initial resource management tasks are completed (e.g., timber harvesting, prescribed burns), to prevent reduce management and use activity conflicts. Management plans for each conservation area will include tentative timelines for design and construction of public access improvements. Those timelines, however, will be subject to revision, depending on the availability of funding from the environmental lands bond fund, from the County Conservation Lands budget as approved by the County Commission, from cost-share grants, or other funding sources (as described in the following section of this Guide).

## **COST/FUNDING**

### **Resource Management and Development Cost Estimates**

Management plans for each conservation area include preliminary cost estimates for resource management and public access improvements, based on current market costs (at the time of management plan drafting) and estimated quantities for resource management and public access improvements outlined in the plans. The estimates assume that the County will augment the County staff tasked with resource management with private contractors on an as-needed basis. These costs may be significantly reduced by seeking grant funding or by the use of volunteer labor to accomplish the work, where appropriate.

Some adjustments in preliminary cost estimates may be necessary as more detailed plans are developed. Over time, market conditions and prevailing rates of inflation in the general economy may act to increase or decrease actual costs for contract services and construction.

### **Funding Sources**

Several sources of funding are available for management and development of conservation lands. Funding from the County environmental lands bond fund may be used to provide for initial resource management improvements and initial public access capital improvements. County mitigation

accounts for upland and wetland enhancement projects may also be applied. The County's tree removal violation fines account is a third source of funds for resource management activities. Operations, staffing and development funds are annually budgeted by the County Conservation Lands Program, subject to County Commission approval. Matching funds may be obtained through various grant programs, and from donations of cash, materials or labor by local businesses and citizens.

## **APPENDICES**

**A. Glossary**

**B. Environmental Land Acquisition Parcel Nomination Form**

**C. County Resolution No. 2022-016**

**D. I.R.C. Comprehensive Plan Policy Excerpts**

**E. ELAP Evaluation/Prioritization Matrix**

**F. Minimum Criteria for ELAP Property Review**

## A. GLOSSARY: Acronyms, Definitions and Terms

### ACRONYMS

ARC	Florida Forever Program Acquisition and Restoration Council
ATV	All-Terrain Vehicle
CARL	Conservation and Recreational Lands
CELCP	Coastal and Estuarine Land Conservation Program
CPI	Coastal Partner Initiative
DOI	Department of Interior
DSL	Division of State Lands
ELAP	Environmental Lands Acquisition Panel
ELP	Environmental Lands Program
FCT	Florida Community Trust
FDEP	Florida Department of Environmental Protection
FNAI	Florida Natural Areas Inventory
FRDAP	Florida Recreation Development Assistance Program
FRDAP	Florida Recreation Development Assistance Program
FWS	US Fish & Wildlife Service
GIS	Geographical Information System
IRL	Indian River Lagoon
IRLNEP	Indian River Lagoon National Estuary Program
LWCF	Land and Water Conservation Fund
NAWCA	North American Wetlands Conservation Act
NOAA	National Oceanic and Atmospheric Administration
NPS	National Park Service
SJRWMD	St. John's River Water Management District
SMWW	Stan Mayfield Working Waterfront
SOR	Save our Rivers
WMD	Water Management Districts

### DEFINITIONS AND TERMS

The following terms and definitions are to aid in interpreting this manual.

**Acquisition Consultant.** A consultant retained by the County to provide services to implement the County's environmental lands acquisition program in coordination with the Indian River County

Environmental Lands Acquisition Panel (ELAP) and County staff. This involves contacting the property owner(s), identifying cost-share opportunities, selecting appraisers, reviewing appraisals, developing an acquisition strategy, and negotiating the sale. Once negotiations have been successfully concluded and an option contract executed, other pre-acquisition activities, such as selecting surveyors, conducting surveys, managing environmental assessments, developing management plans, and others, are undertaken. In conjunction with county staff, the acquisition consultant will undertake and manage the above referenced activities.

**Acquisition Study.** A compilation of facts, data and information which will support a recommendation by the ELAP to the County Commission for a land acquisition decision. A proposal for the Florida Forever Program, or other comprehensive land acquisition process may serve as an acquisition study.

**Due Diligence.** Investigation and review of property prior to acquisition, including, without limitation, independently conducted appraisals, title searches and commitments, survey, environmental assessment and any other items deemed necessary by County staff in connection with a proposed acquisition.

**Important Resource Problem.** An issue of substantial environmental concern found within Indian River County. The ELAP selects and establishes priority ranking for important resource problems.

**Interest.** A right, claim, or legal share in land such as lease, easement, fee title, water rights, mineral rights, and use reservation.

**Environmentally Endangered Lands.** Environmentally unique and irreplaceable lands that are valued ecological resources. The Florida Forever Program Acquisition and Restoration Council (ARC) identifies the following goals, performance measures and criteria for selecting Environmentally Endangered Lands:

- Goal A:** Enhance the coordination and completion of land acquisition projects
- Goal B:** Increase the protection of Florida's biodiversity at the species, natural community, and landscape levels
- Goal C:** Protect, restore, and maintain the quality and natural functions of land, water and wetland systems of the state
- Goal D:** Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizenry of the state
- Goal E:** Increase natural resource-based public recreation or educational opportunities
- Goal F:** Preserve significant archaeological or historic sites
- Goal G:** Increase the amount of forestland available for sustainable management of natural resources
- Goal H:** Increase the amount of open space available, in urban areas
- Goal I:** Mitigate the effects of natural disasters and floods in developed areas

**Environmentally Important Lands.** Policy 6.11 of the Conservation Element of the Indian River County 2030 Comprehensive Plan states “Undeveloped tracts of xeric scrub and coastal/tropical hammocks 5 acres or larger shall be deemed environmentally important, in recognition of their scarcity and natural values, and in recognition of the public interest in encouraging the conservation of plants and animals associated with these vegetation communities. The county shall encourage the conservation of xeric scrub and coastal/tropical vegetative communities by establishing density transfer and cluster development incentive land use regulations to apply to these environmentally important areas.”

**Environmentally Sensitive Lands.** Policy 5.4 of the Conservation Element of the Indian River County 2030 Comprehensive Plan states “In recognition of the many natural functions and values of estuarine wetlands, and in recognition of the need to protect these resources from incompatible land uses for the sake of the public interest, all estuarine wetlands habitats shall be deemed environmentally sensitive and designated C-2, Estuarine Wetlands Conservation, on the comprehensive plan future land use map. Consistent with Future Land Use Policy 1.31, the specific boundaries of estuarine wetlands and the C-2 designation shall be determined on a site-by-site wetland survey basis.”

**Environmentally Significant Lands.** Lands with natural features that warrant conservation and protection in the public interest. The term includes those lands defined herein as "environmentally endangered", "environmentally important", and "environmentally sensitive." "Environmentally significant lands" also include: native plant communities which are not necessarily endangered but are pristine and representative of the community type; and, altered ecosystems with reasonable potential for restoration to correct environmental damage that has occurred.

**Florida Forever Act.** Legislation (259.105, F.S.) adopted by the State in 1999, creating a 10-year, \$3 billion land and water conservation program, succeeding the 10-year Preservation 2000 program that was established in 1990. Pursuant to 259.105(4), F.S., the Florida Forever Acquisition and Restoration Council shall pursue projects that contribute to the achievement of the following goals:

- (1) Enhance the coordination and completion of land acquisition projects
- (2) Increase the protection of Florida’s biodiversity at the species, natural community, and landscape levels
- (3) Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state
- (4) Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state
- (5) Increase natural resource-based public recreational and educational opportunities
- (6) Preserve significant archaeological or historic sites
- (7) Increase the amount of forestland available for sustainable management of natural resources

- (8) Increase the amount of open space available in urban areas
- (9) Mitigate the effects of natural disasters and floods in developed areas

**Florida Wildlife Corridor Act.** Chapter 259.1055, F.S. describes the Florida Wildlife Corridor Act. This law was enacted in 2021 for the purpose of creating incentives for conservation and sustainable development while sustaining and conserving the green infrastructure that is the foundation of the state's economy and quality of life.

The Act seeks to:

- (1) maintain wildlife access to habitats needed to allow for migration of and genetic exchange amongst regional wildlife populations
- (2) prevent fragmentation of wildlife habitats
- (3) protect the headwaters of major watersheds
- (4) provide ecological connectivity of the lands needed for flood and sea-level rise resiliency and large-scale ecosystem function, such as water management and prescribed burns essential for land management and restoration
- (5) preserve and protect land and waters that are not only vital to wildlife but are critical to this state's groundwater recharge and that serve as watersheds that provide drinking water to most Floridians and help maintain the health of downstream estuaries
- (6) providing for wildlife crossings for the protection and safety of wildlife and the traveling public
- (7) help to sustain this state's working ranches, farms, and forests that provide compatible wildlife habitats while sustaining rural prosperity and agricultural production

**Greenway.** A corridor of protected open space that is managed for conservation and/or recreation. Greenways associated with water bodies may interchangeably be referred to as "blue ways."

**Inactive Status.** A designation given to sites on the ELAP Acquisition List when no landowner contact has occurred for 6 months or more due to lack of response on the part of the landowner(s). When a site is designated as inactive, generally no further County action or negotiations will occur unless initiated by the landowner.

**Indian River County Environmental Lands Program Guide.** This document, adopted by the BOCC, serves as the ELP Guide.

**Interest.** A right, claim, or legal share in land such as lease, easement, fee title, water rights, mineral rights, and use reservation.

**Land Acquisition.** The gaining of rights to real property in the form of fee simple title, easement or lease. This can be accomplished by direct purchase; exchange; transfer; donations; or by cooperative agreement, including condemnation.

**Natural Community.** Identify, acquire and protect those natural communities that are inadequately represented within existing protected lands, or represent the best examples of natural communities with priority given to the most endangered or threatened. To ensure consistency of natural community descriptions, the Florida Natural Areas Inventory Classification (FNAI) System, as amended by the Office of Natural Resource Management will be used as the standard.

**Objective.** An end toward which concerted effort is directed. It is a precise statement of purpose (preferably sufficiently detailed so as to be measurable), including at least two of the following elements: time limit (when it must be accomplished); standard of performance (percentage, amount or dollars) or criterion of measurement (test, questions, opinion or observation).

**Policy:** Indian River County will acquire lands consistent with the resource conservation goals, objectives, policies, and guidelines as set forth in the County's 2030 Comprehensive Plan, the Environmental Bond Referendum, the ELP Guide (as ratified by the BOCC), enabling legislation, administrative rules and executed declarations.

**Program Memorandum.** A document issued by the ELAP providing short term (usually for one or two years) guidance and direction on actions aimed at meeting a program objective.

**Work Plan.** Flexible timeline that sets forth goals for the schedule and plan of pre-acquisition due diligence for projects.

## B. ENVIRONMENTAL LAND ACQUISITION PARCEL NOMINATION FORM



### ENVIRONMENTAL LAND ACQUISITION PARCEL NOMINATION FORM

Indian River County Board of County Commissioners Resolution 2022-16 authorized a Bond Referendum to be placed on the November 8, 2022 ballot. The resulting Environmental Bond Referendum approved by the voters was established with the goal to acquire lands to "protect water resources, the Indian River Lagoon, Natural Areas, wildlife habitat, drinking water resources, and to construct public access improvements" on acquired properties for the use and enjoyment of the residents of Indian River County.

#### NOMINATING PARTY CONTACT INFORMATION

Date Submitted: \_\_\_\_\_ Name of Party Submitting: \_\_\_\_\_  
Affiliation: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

#### OWNER CONTACT INFORMATION

Name: \_\_\_\_\_ Parcel ID#: \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

#### PROPERTY INFORMATION

The criteria described in the Resolution outlines the focus of the land acquisition objectives. Please describe the property's value in terms of protection of water resources, the Indian River Lagoon, Natural Areas, wildlife habitat, and drinking water resources. Provide additional attachments as needed.

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Please provide a description of notable features, existing improvements, structures, and opportunities for public access. Provide additional attachments as needed.

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Indicate the type of acquisition anticipated (e.g. fee simple, conservation easement, donation, etc.), and provide any additional information on the value of the property for acquisition.

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Please provide a map showing the location and boundary of the property. Photographs and any additional information are optional. This form, together with all submitted information accompanying the form, will be reviewed by County staff to determine if the criteria for natural resource value has been demonstrated. If criteria are met and the property owner is willing to donate, sell or provide a conservation easement for the property, additional information will be required.

Questions? Contact the Conservation Lands Division at (772) 226-1781.

Please return the completed form and additional information to [conservation@indianriver.gov](mailto:conservation@indianriver.gov) or to the attention of: Wendy Swindell, Indian River County Intergenerational Center, 1590 Oslo Road, Vero Beach, FL 32962.

**RESOLUTION NO. 2022- 016**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA CALLING A BOND REFERENDUM ELECTION FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS; PROVIDING THE FORM OF THE BALLOT TITLE AND THE BOND REFERENDUM QUESTION; PROVIDING FOR PLACES OF VOTING, PRINTING OF BALLOTS AND BOND REFERENDUM ELECTION PROCEDURE; PROVIDING FOR EFFECT OF REFERENDUM RESULTS; PROVIDING FOR A GENERAL DESCRIPTION OF THE PROJECTS TO BE FUNDED BY THE BONDS ISSUED PURSUANT TO THE BOND REFERENDUM; PROVIDING AUTHORIZATION FOR NECESSARY ACTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on August 18, 1992, the Indian River County Board of County Commissioners ("Board") adopted Resolution No. 92-146, calling for a bond referendum, as more specifically set forth in the resolution; and

**WHEREAS**, on November 3, 1992, Indian River County, Florida (the "County") conducted a bond referendum that was approved by a majority of the voters voting thereon, concerning whether the County should be authorized to acquire environmentally significant land to protect water quality, open spaces and wildlife habitat, by issuing one or more series of general obligation bonds (collectively, the "1992 Bonds"), as more specifically set forth in the referendum question; and

**WHEREAS**, on June 22, 2004, the Board adopted Resolution No. 2004-062, calling for a new bond referendum, as more specifically set forth in the resolution; and

**WHEREAS**, on November 2, 2004, the County conducted a bond referendum that was approved by a majority of the voters voting thereon, concerning whether the County should be authorized to acquire environmentally significant land to protect water quality, open spaces and wildlife habitat, by issuing one or more series of general obligation bonds (collectively, the "2004 Bonds"), as more specifically set forth in the referendum question; and

**WHEREAS**, the proceeds of the 1992 Bonds and 2004 Bonds have all been allocated to purchase lands; and

**WHEREAS**, the Board desires to call for a new referendum on a new land acquisition bond question to allow for the acquisition of environmentally significant lands to restore the Indian River Lagoon, protect water resources, drinking water sources, wildlife habitat and natural areas, and construct public access improvements related thereto; and

**WHEREAS**, it is in the best interest of the citizens of the County that all appropriate actions be taken to allow for the acquisition of environmentally significant lands to restore the Indian River Lagoon, protect water resources, wildlife habitat, drinking water sources and natural areas, and construct public access improvements related thereto; and

**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Indian River County, Florida, that:

**SECTION 1. AUTHORITY FOR THIS RESOLUTION.** This Resolution is adopted pursuant to the authority granted to the County by Chapter 125 and Chapter 100, Florida Statutes, and other applicable provisions of law.

**SECTION 2. BOND REFERENDUM ELECTION.** A bond referendum election of the qualified electors residing in the County is hereby called to be held in Indian River County, Florida during the general election on November 8, 2022 (the "2022 Referendum"), and the Supervisor of Elections shall cause to be placed on the ballot for the November 8, 2022 general election, the bond referendum question set forth in Section 3 of this Resolution. All qualified electors residing in the County shall be entitled and permitted to vote in such bond referendum election.

**SECTION 3. OFFICIAL BALLOT.** The form of ballot to be used shall be in substantially the following form:

OFFICIAL BALLOT

COUNTY OF INDIAN RIVER, FLORIDA  
BOND REFERENDUM ELECTION – NOVEMBER 8, 2022

ACQUIRE LANDS TO PROTECT WATER RESOURCES, THE INDIAN RIVER LAGOON,  
NATURAL AREAS, AND WILDLIFE HABITAT

To acquire and permanently preserve environmentally significant lands to restore the Indian River Lagoon, protect water resources, natural areas, wildlife habitat, drinking water resources, and construct public access improvements related thereto, shall Indian River County be authorized to issue general obligation bonds up to \$50,000,000, maturing within 20 years from each issuance, not exceeding the legal maximum interest rate, payable from ad valorem taxes, with full public disclosure of all spending through annual independent audits?

For Bonds \_\_\_\_\_  
Against Bonds \_\_\_\_\_

**SECTION 4. PLACE OF VOTING.** The places of voting and the inspectors and clerks for the polling places for the bond referendum election shall be the same places and persons as for the general election to be held on the same date. The polls will be open in accordance with law relating to general elections at the various voting places from seven (7) o'clock a.m. until seven (7) o'clock p.m. on the same day.

**SECTION 5. ABSENTEE VOTING.** The form of ballot to be used in the election for absentee voters shall be substantially the form provided in Section 3 above.

**SECTION 6. PRINTING OF BALLOTS.** The Supervisor of Elections of Indian River County is authorized and directed to have printed on plain white paper a sufficient number of the aforesaid ballots for use of absentee electors entitled to cast such ballots in such bond election and shall also have printed sample ballots and deliver them to the inspectors and clerks on or before the opening of the polls for such bond election for the voting places; and, further, is authorized and directed to make appropriate arrangements for the conduct of the election at the polling places specified.

**SECTION 7. BOND REFERENDUM ELECTION PROCEDURE.** The Supervisor of Elections shall hold, administer and conduct the bond referendum election in the manner prescribed by law for holding elections in Indian River County. Returns shall show the number of qualified electors who voted at such bond referendum election on the proposition and the number of votes cast respectively for and against approval of the bond referendum proposition. The returns shall be canvassed in accordance with law.

**SECTION 8. BOND REFERENDUM ELECTION RESULTS.** If a majority of the votes cast at such bond referendum election in respect to the bond referendum proposition shall be "For Bonds," such proposition shall be approved and then the particular bonds, the issuance of which shall be thereby approved, shall be issued as hereafter provided by the County. If a majority of the votes cast at such referendum shall be "Against Bonds," such proposition shall be defeated and no bonds may be issued and no ad valorem tax shall be levied therefor.

**SECTION 9. NOTICE OF BOND REFERENDUM ELECTION.** Notice of the bond referendum election shall be published in the manner required by law.

**SECTION 10. AUTHORIZING NECESSARY ACTION.** The Board hereby authorizes the proper officials to do all things deemed necessary in connection with the holding of the bond referendum election, to the extent provided by law and in this Resolution.

**SECTION 11. AUTHORIZATION OF BONDS.** Subject to and pursuant to the provisions hereof, one or more series of general obligation bonds of Indian River County, Florida are authorized to be issued, from time to time, in an aggregate principal amount not exceeding \$50,000,000 and maturing not later than twenty (20) years from the date of issuance of each respective series, to finance the cost of the purposes generally describe in Section 13 of this Resolution ("Bonds"), including allocations for administrative costs, legal fees, fees of fiscal agents, and all other costs associated with the issuance of the Bonds, payable from ad valorem taxes levied on all taxable property in the County, if approved by the qualified electors, to finance the cost of the acquisition of environmentally significant lands to restore the Indian River Lagoon, protect water resources, drinking water sources, wildlife habitat and natural areas, and construct public access improvements related thereto, all in Indian River County. Such Bonds shall bear interest at such rate or rates not exceeding the maximum rate permitted by law at the time of the sale of the Bonds.

## **SECTION 12. BOARD COMMITMENTS ASSOCIATED WITH THE BONDS.**

1. The Board hereby commits to do the following if the 2022 Referendum is approved by the voters:

- A. Seek matching funds in connection with the acquisition of the Projects (as defined below) to the maximum extent such matching funds are available;
- B. Make specific provisions for annual independent audit of the uses of the proceeds of the Bonds.

2. The Board hereby commits to revise the Environmental Lands Program Guide to provide criteria and guidelines for the purposes of the Projects prior to the 2022 Referendum.

**SECTION 13. PROJECTS.** For purposes of the 2022 Referendum and the Bonds, "Projects" means the acquisition by the County of environmentally significant lands to restore the Indian River Lagoon, protect water resources and/or drinking water sources, wildlife habitat and natural areas, by purchasing permanent interests in lands to accomplish the same, including, but not limited to, fee simple interest, less than fee simple interest, conservation easements, and the acquisition of other similar interests in lands to restore the Indian River Lagoon and protect water resources and/or drinking water sources, wildlife habitat and natural areas, and to construct public access improvements such as parking facilities, restroom facilities, trails and other such infrastructure in connection therewith, together with the necessary initial preservation, restoration and remediation activities to preserve and protect such property, (e.g. exotic removal, fire remediation) including customary and necessary costs and expenses incurred in the acquisition of any such lands and all expenses incident to the sale, issuance and delivery of the Bonds, all as shall be more specifically determined by subsequent resolution of the County.

**SECTION 14. SEVERABILITY.** In the event that any word, phrase, clause, sentence, or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence, or paragraph hereof.

**SECTION 15. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption. The Clerk of the Board of County Commissioners shall provide the Supervisor of Elections with a certified copy of this Resolution.

**RESOLUTION NO. 2022- 016**

This Resolution was moved for adoption by Commissioner Susan Adams and the motion was seconded by Commissioner Laura Moss and, upon being put to a vote, the vote was as follows:

Chairman Peter D. O'Bryan	<u>AYE</u>
Vice Chairman Joe Earman	<u>AYE</u>
Commissioner Susan Adams	<u><b>AYE</b></u>
Commissioner Joseph E. Flescher	<u>NAY</u>
Commissioner Laura Moss	<u>AYE</u>

The Chairman thereupon declared this Resolution duly passed and adopted this 8th day of March, 2022.

**ATTEST:**

By:   
Deputy Clerk

**INDIAN RIVER COUNTY, FLORIDA,**  
by its Board of County Commissioners

By:   
Peter D. O'Bryan, Chairman



BOCC Approved: March 8, 2022

Approved as to form and legal sufficiency:

By:   
Dylan Reingold, County Attorney

## Appendix D: IRC Comprehensive Plan Policy Excerpts

### **INDIAN RIVER COUNTY 2030 COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES (that are served by or relate to the County Environmental Lands Program)**

#### **CHAPTER 2 - FUTURE LAND USE ELEMENT**

##### **OBJECTIVE 1: Compact, Energy Efficient, Low-Density Development**

**Indian River County will have a compact and energy efficient land use pattern; an overall low density character; and adequate land for utility facilities necessary to support development. By 2030, the overall residential density of the unincorporated portions of Indian River County, within the Urban Service Area, will be 1.75 units/acre.**

Policy 1.8: C-2 and C-3 designated lands shall be considered for public acquisition.

##### **OBJECTIVE 7: Protection of Natural Resources**

**By 2015, there will be at least 108,500 acres of environmentally important land under federal, state, or county ownership or control within the unincorporated portion of Indian River County. In 2007, there were 105,186 acres of conservation land in public ownership.**

Policy 7.3: The County shall provide protection to environmentally sensitive lands through land development regulations that limit building densities, require mitigation for impacted areas, permit the transfer of development rights, and promote the use of conservation easements, dedications, and public acquisition.

Policy 7.10: Through the use of fee simple purchase, transfer of development rights, and conservation easements, Indian River County shall coordinate with other state, federal and local agencies to identify and protect vegetative communities identified in Conservation Element policies 6.1 through 6.7.

##### **OBJECTIVE 16: Protection of the Indian River Lagoon**

**Through 2030, the portion of the Indian River Lagoon within unincorporated Indian River County will be have a class II state water quality rating.**

Policy 16.3: Indian River County shall continue to provide technical, monetary and political support to conservation programs aimed at land acquisition on the barrier island and in other coastal conservation areas.

##### **OBJECTIVE 17: Coastal Population Control**

**Through 2030, the county will have no increase in land use designation density or intensity within the Coastal High Hazard Area.**

Policy 17.2: The county shall support programs of land acquisition on the barrier island for natural resource preservation, recreation or both.

## Appendix D: IRC Comprehensive Plan Policy Excerpts

### **CHAPTER 8 - CONSERVATION ELEMENT**

The purpose of the Conservation Element is to identify the natural resources in Indian River County, to analyze natural resource issues and problems, and to establish applicable goals, objectives, and policies.

#### **OBJECTIVE 5: Wetlands**

**Through 2020, there will be no net loss of the natural functions and values of wetlands or deepwater habitats in Indian River County.**

Policy 5.8: Consistent with Policy 8.1 of the Coastal Management Element, Indian River County will participate in the Indian River Lagoon “Blueways” Conservation and Recreation Lands (CARL) project to acquire important undeveloped estuarine wetlands bordering the IRL by providing local funding assistance, and by providing “in-kind” services, such as identifying environmentally-sensitive parcels.

#### **OBJECTIVE 6: Upland Vegetation Communities**

Using 2008 conservation land acreage as a baseline, Indian River County shall, by 2020, preserve a minimum of 500 additional acres of upland native plant communities to sustain viable populations of native plant and animal species and protect representative stands of each habitat type in Indian River County. The additional acreage shall be preserved through the establishment of conservation easements and/or fee simple acquisition.

Policy 6.1: The county shall continue to assist regional, state and federal agencies in the establishment of regional preserves for sand pine/xeric scrub, tropical/coastal hammock, and coastal strand, pine flatwood, and dry prairie vegetative communities by identifying lands eligible for acquisition, and by providing local cost-share funding. These preserves shall be of a sufficient size to function as “wildlife corridors” in order to maintain viable populations of endemic plant and/or animal species.

Policy 6.2: Using 2008 conservation land acreage as a baseline, the county shall, by 2015, restore and manage or assist in the restoration and management of, a minimum of 100 acres of xeric scrub vegetation, in coordination with the U.S. Fish and Wildlife Service (FWS) and the Florida Fish and Wildlife Conservation Commission (FWC), to ensure that use and management of the property is compatible with the maintenance of viable populations of endemic plants and/or animal species. The following sites shall be included: the North Sebastian Conservation Area Addition; the Cypress Bend Community Preserve; and the Sand Lakes Conservation Area.

Policy 6.3: The county shall, assist the FDEP and USFWS in the management of publicly owned coastal/tropical hammock and coastal strand conservation lands on the northern portion of Orchid island by providing in-kind” services.

Policy 6.4: The county shall continue to review its environmental land acquisition guide on a regular basis, and shall update the guide as deemed appropriate.

- a. The land acquisition guide shall include factors to be considered to assess and prioritize acquisition proposals, such as:

## Appendix D: IRC Comprehensive Plan Policy Excerpts

1. resource values/physical features, such as proximity and value to other resources, recreational trail systems and greenways;
  2. environmental values, such as lands verified or expected to support rare, endangered, or threatened species;
  3. water quality protection, such as whether or not such lands buffer natural surface waters or preserve aquifer recharge areas;
  4. management considerations, such as feasible multiple public use of the property, compatible with resource conservation;
  5. financial considerations, such as funding availability;
  6. market considerations;
  7. social and economic values, such as historic preservation, environmental education, recreation, and scenic aspects;
  8. agricultural protection, such as the preservation of active agricultural use lands through the acquisition of agricultural conservation easements; and
  9. the need for acquisition to protect the natural community where appropriate protection cannot be afforded by land development regulations.
- b. The land acquisition guide shall identify methods of land acquisition to be considered that may be appropriate, depending on any given proposal, including purchase, donation, exchange, installment sale, and use of intermediaries (e.g. Natural Conservancy).
- c. Land acquisition shall be considered only after all "non-acquisition" options for environmentally sensitive or environmentally important lands protection have been explored and rejected as inappropriate, including easements, rental (lease), withdrawal (public domain), zoning, acquisition by other entities, cooperative agreement, permit restrictions, administrative regulation, and "no action".

Policy 6.9: The county shall, continue to protect all significant groupings of the following vegetative communities: xeric scrub, coastal strand, and coastal/tropical hammock. These native upland vegetative communities shall be preserved and protected through fee simple acquisition, the establishment of conservation easements under LDR Chapter 929 - Upland Habitat Protection, and by enforcing LDR Chapter 927 - Tree Protection and Land Clearing.

Policy 6.14: The county shall prioritize the following pine flatwood/dry prairie communities for acquisition:

- Flatwoods/dry prairie communities associated with the St. Sebastian River Buffer Preserve;
- Flatwoods/dry prairie communities in southwest Indian River County, identified by the Florida Fish and Wildlife Conservation Commission (FEC) and Treasure Coast Regional Planning Council (TCRPC) as potentially contributing to a regional "wildlife corridor"; and
- Flatwood/dry prairie communities complementary to riverine wetlands and other natural systems which contribute to upland wildlife species diversity.

### **OBJECTIVE 7: Wildlife and Marine Habitat**

**Through 2025, there will be no reduction in the critical habitat of endangered or threatened aquatic and terrestrial species of flora and fauna occurring in Indian River County. For the purpose of this**

## Appendix D: IRC Comprehensive Plan Policy Excerpts

**objective, "critical habitat" is defined as the minimum required sum of environmental conditions in a specific area necessary to sustain a given species. The protection of critical habitat shall be measured and evaluated on a site development basis.**

Policy 7.1: As set forth in the policies of Objective 1 of the Coastal Management Element, the county shall conserve, appropriately use and protect non-threatened, non-endangered fisheries, wildlife, wildlife habitat and marine habitat (e.g. seagrass beds).

Policy 7.2: The protection of critical habitat shall be measured and evaluated on a site development basis. For developments on property known to support endangered or threatened species of plants or animals, or on property expected to significantly contribute to such species' habitat needs, the developer shall be required to notify the appropriate regional, state and federal agencies and provide proper protection to the maximum extent feasible.

Policy 7.3: The county shall take measures, as set forth in the policies of Objective 5 and Objective 6 of this element, to protect significant upland, wetland and deepwater communities that provide habitat for threatened or endangered species, as well as non-threatened, non-endangered species.

Policy 7.11 The county shall take actions recommended by the Committee for a Sustainable Treasure Coast to sustain quality natural systems in Indian River County, including use of land acquisition, development cluster requirements, conservation easements, transfer of development rights and mitigation banks to conserve natural systems.

### **OBJECTIVE 8: Recreational Uses of Natural Resources**

**Using 2008 recreational and open space land acreage as a baseline, the county, by 2020 shall increase, by a minimum of 500 acres, the amount of recreational and open space land accessible to the public for resource-based passive recreation, compatible with natural resource conservation.**

Policy 8.1: As set forth in Objective 6 of the Recreation and Open Space Element, the county shall take measures to provide sufficient resource-based parks, access, and outdoor recreational opportunities for the residents of Indian River County. These measures shall include developing public access improvements on county-acquired beachfront and riverfront conservation lands.

Policy 8.6: Consistent with Conservation Policy 6.4, the county, in evaluating lands to be acquired for conservation purposes, will give priority to those lands that create new or enhanced greenways and recreational trail systems.

### **OBJECTIVE 12: Natural Resource Management**

**By 2020, the county's conservation lands shall be restored to viable ecological condition and improved for compatible passive recreational public access.**

Policy 12.1: The county, in cooperation with the State Division of Forestry, U.S. Fish and Wildlife Service, and the Florida Fish and Wildlife Conservation Commission, will conduct prescribed burns on a rotational basis at the Wabasso Scrub Conservation Area, the North Sebastian Conservation Area, and other county-owned scrub habitat.

Policy 12.2: By 2010, the county shall adopt an interagency management agreement on implementation of the Sebastian Area-wide Florida Scrub-jay Habitat Conservation Plan.

## Appendix D: IRC Comprehensive Plan Policy Excerpts

Policy 12.3: By 2010, the county shall enter into a written inter-local agreement with the City of Vero Beach regarding management of the Prange Islands Conservation Area.

Policy 12.4: For land tracts acquired through the Environmental Lands Program, the county shall require a site-specific management plan be adopted within one year of acquisition. Such management plans shall be subject to the review and recommendations of the County Conservation Lands Advisory Committee (CLAC). The County will, where feasible, construct public access improvements within two years of the management plan adoption.

Policy 12.5: The county shall solicit grants from regional, state and federal agencies to supplement management funds for acquired lands. Funding will be used for the following purposes:

1. restoration and enhancement of impacted wetland and upland areas;
2. establishment and/or improvement of public access;
3. promotion of environmental education/awareness;
4. eradication of nuisance exotic vegetation;
5. posting of signage and boundary markers; and
6. prescribed burning on scrub lands.

Policy 12.6: County staff shall attend meetings concerning land acquisition and management issues for lands owned and managed by the SJRWMD, FDEP and the USFWS.

Policy 12.7: Suitable lands acquired under the Environmental Lands Program will be opened to the public for passive recreation. Passive recreation shall include the following: hiking, environmental education, fishing, and wildlife viewing.

Policy 12.9: By 2010, the county will establish a dedicated funding source for ongoing management of county-owned and managed environmental lands.

Policy 12.11: The county shall coordinate with federal, state and local agencies, as well as nonprofit organizations, in acquiring and managing natural areas and open space.

## **CHAPTER 9 - COASTAL MANAGEMENT ELEMENT**

### **OBJECTIVE 1: Natural Resource Protection**

**Through 2020, there will be no significant reductions in the overall amount of terrestrial and marine resources within the coastal zone of Indian River County compared to 2009 baseline data.**

Policy 1.8: As set forth in the policies and objectives of the Conservation Element, the county shall protect and preserve significant coastal vegetative communities, such as coastal (maritime) hammocks and coastal strand, through conservation easements and fee simple acquisition.

Policy 1.9: Consistent with Policy 6.1 of the Conservation Element, the county shall continue to assist the USFWS and the FDEP in acquiring undeveloped tracts of tropical/coastal hammock and coastal strand by identifying lands eligible for acquisition, evaluating local cost-share funding, and by providing “in-kind” services, such as land management.

Policy 1.14: The county shall use the following tools to preserve natural systems and wildlife

## Appendix D: IRC Comprehensive Plan Policy Excerpts

corridors in the county:

- land acquisition
- conservation easements
- development clustering requirements
- transfer of development rights
- mitigation banks

### **OBJECTIVE 8: Public Access**

**By 2012, the number of public access points to natural resources within the coastal zone of Indian River County, including beaches, the St. Sebastian River, and the shoreline of the Indian River Lagoon, will be increased by a minimum of five public access points.**

Policy 8.1: Indian River County will participate in the Florida Forever Acquisition and Restoration Council (ARC) program to acquire the remaining undeveloped estuarine wetlands bordering the IRL by providing local funding assistance, and by providing “in-kind” services, such as identifying environmentally-sensitive parcels.

Policy 8.2: Indian River County shall accept donations of shoreline lands suitable to increase public coastal access, provided this acceptance is in the best interest of the county.

Policy 8.7: The county will increase passive recreational opportunities on lands acquired through the county’s Environmental Lands Program as set forth in Objective 12 of the Conservation Element and the objectives and policies contained in the Recreation and Open Space Element.

### **OBJECTIVE 11: Limit Densities in the Coastal High Hazard Area (CHHA)**

**Through 2030, there will be no increase in the density of land use within the Coastal High Hazard Area.**

Policy 11.1: Lands acquired by the county under its Environmental Lands Program shall include property located within the Hurricane Vulnerability Zone (HVZ). This land shall be used for either natural resource conservation, passive recreation or both.

## **CHAPTER 3D - NATURAL GROUNDWATER AQUIFER RECHARGE SUB-ELEMENT**

### **OBJECTIVE 2: Preserving the Quantity of the Surficial Aquifer**

**Through 2025, there will be no reduction in the availability of groundwater from the surficial aquifer. For the purpose of this Objective, water quantity will be based on SJRWMD’s most recent regional groundwater model**

Policy 2.2: The county shall use natural groundwater aquifer recharge areas for passive parks and open space.

### **OBJECTIVE 5: Capital Improvements**

**By 2015, the County shall protect a minimum of 1000 additional acres of aquifer recharge areas for**

## Appendix D: IRC Comprehensive Plan Policy Excerpts

**the surficial aquifer through conservation easements and fee simple acquisition compared to 2009 baseline data.**

Policy 5.2: The county shall pursue state and federal sources of funding available for the preservation and protection of environmentally sensitive areas, such as natural groundwater aquifer recharge areas.

Policy 5.3: The county shall evaluate and rank proposed capital improvement projects for the acquisition and preservation of the natural groundwater aquifer recharge areas according to the following guidelines:

- Level One - Whether the acquisition is needed to protect public health, to protect the function of aquifer recharge, and to fulfill the county's legal commitment to provide water services.
- Level Two - Whether the acquisition will improve the existing condition and prevent or reduce future capital costs.

### **CHAPTER 3E - STORMWATER MANAGEMENT SUB-ELEMENT**

#### **OBJECTIVE 5: Preservation of Floodplains and Floodways**

**The county shall maintain its Comprehensive Emergency Management Plan (CEMP) to serve as a comprehensive floodplain management plan approved by the Federal Emergency management Agency (FEMA).**

Policy 5.2: Contingent upon available funding in the county's environmental lands program, the county shall continue to acquire property in the 100-year floodplain for conservation.

#### **OBJECTIVE 7: Stormwater Quality**

**Consistent with DCA Rule 9J-5.011(2)(c)(5), the county shall maintain Water Quality Level of Service (WQLOS) based on Pollutant Load Reduction Goals (PLRGs) established by the SJRWMD for the Indian River Lagoon and, when available, based on Total Maximum Daily Load (TMDL) standards established for the Lagoon.**

Policy 7.1: The county shall cooperate with the IRLNEP, SJRWMD, FDEP, DHRS, Marine Resources Council (MRC), and other organizations in conducting an inventory pollutant loadings to the Indian River Lagoon (IRL).

Policy 7.6: In accordance with Program Goal I of the Indian River Lagoon Comprehensive Conservation and Management Plan and Goal I of the Surface Water Improvement Management (SWIM) Plan, the county shall reduce the amount of non-point source pollution entering the Indian River Lagoon by applying for SWIM funds and Section 319 Grants to improve the pollutant removal efficiency of existing stormwater management facilities and, where feasible, to construct new regional stormwater management facilities.

## Appendix D: IRC Comprehensive Plan Policy Excerpts

### **CHAPTER 10 - RECREATION AND OPEN SPACE ELEMENT**

#### **OBJECTIVE 1: Adequate Parklands and Recreation Facilities**

**Through 2030, adopted recreation levels-of-service will be maintained to ensure that adequate parklands and recreation facilities are available and accessible for public use.**

Policy 1.1: The county hereby adopts a recreation level-of-service standard of 6.61 recreation acres per 1,000 permanent population plus weighted seasonal population.

#### **OBJECTIVE 5: Access to Natural Resources**

**Through the time horizon of the plan, the current 57 access points to the county's major water resources, including the Atlantic Ocean, Indian River Lagoon, St. Sebastian River, and freshwater lakes, will be maintained.**

Policy 5.1: The county shall use beachfront and riverfront lands that have been acquired through the county's Environmental lands Acquisition program for public access to the county's major natural resources.

Policy 5.2: The county hereby designates the Indian River Lagoon, the St. Sebastian River, and associated coastal resources as a greenway (a.k.a. "blueway") and waterway trail system. Consistent with Policy 8.1 of the Coastal Management Element, Indian River County will participate in the Indian River Lagoon "Blueway" Florida Forever (f.k.a. "Conservation and Recreation Lands") project to acquire and provide passive recreational access to coastal resources bordering the Indian River Lagoon by providing local funding assistance, and by providing "in-kind" services, such as identifying environmentally-sensitive parcels.

#### **OBJECTIVE 7: Open Space**

**Through the time horizon of the plan, there will be no decrease in the amount of publicly-owned or publicly-controlled open space within the county.**

Policy 7.1: The county shall acquire those environmentally sensitive areas programmed for acquisition in the conservation element of this plan. These areas will be used as open space, passive recreation areas, and historical sites, as appropriate.

#### **OBJECTIVE 8: Intergovernmental Coordination**

**By 2011 the county will have agreements with municipalities for county-wide programs and for special events that impact other jurisdictions.**

Policy 8.2: To enhance recreation opportunities, the county shall coordinate with and support state and federal agencies in their land acquisition programs by:

- Compiling information;
- Conducting site analyses;
- Contacting owners; and
- Providing staff assistance.

## Appendix D: IRC Comprehensive Plan Policy Excerpts

### **INDIAN RIVER COUNTY MANATEE PROTECTION AND BOATING SAFETY COMPREHENSIVE MANAGEMENT PLAN (EXCERPT)**

#### **ACTION PLAN**

Based on the analysis herein of existing conditions and associated data, this section, the Action Plan, sets forth specific actions that Indian River County will take, in the form of policies, to further manatee protection and boating safety objectives. This Action Plan contains the following components: Goal; Objectives and Policies; Implementation; and Evaluation and Monitoring.

#### **GOAL, OBJECTIVES AND POLICIES**

This Goal and associated Objectives and Policies shall be adopted by reference to the existing Coastal Management Element of the Comprehensive Plan (March, 1998) as required by Objective 3 (Policy 3.10) of the Coastal Management Element.

#### **GOAL**

**It is the goal of Indian River County to equitably balance manatee protection, habitat preservation, and boating safety with commercial and recreational marine interests.**

#### **OBJECTIVE 1: Boat Facility and Marina Siting and Construction**

**Through 2005, there shall be no increased impact to manatee habitat, or the natural resources of the Indian River Lagoon, including seagrass beds, water quality, estuarine wetlands, and mangrove fringe, attributed to the development or expansion of boat facilities or boat ramps in Indian River County.**

1.1 The siting of new or expansion, rearrangement, or slip conversion of all boat facilities and boat ramps in Indian River County, and in each municipal government with jurisdiction over a portion of the inland waters of Indian River County, shall be consistent with the assessment criteria and policies established in this MPP.

1.2 Boat Facility Siting Zones (1-9), as described in the Analysis section of this MPP, are hereby established. The purpose of these Zones is to provide the public with some guidance as to the potential for the siting of new boat facilities or for the expansion, rearrangement, or conversion of an existing boat facility. The regulatory criteria to be applied to each zone represent the baseline criteria that all proposed projects must meet.

**ELAP Evaluation/Prioritization Matrix**

Weighted Score	Weighting Unit	Project Score	Qualitative Considerations					Qualitative Summary (A)	Property Acquisitions Considerations					Property Acquisition Summary (B)	Project Total (A & B)
			Evaluation Factors						Evaluation Factors						
			1	2	3	4	5		6	7	8	9	10		
			Natural Community	Potential Habitat	Corridors & Greenways	Landscape (including Water Resources)	Recreational & Educational		Purchase Need vs. Alternatives	Vulnerability	Land Management	Cooperative Acquisition/Grant Potential	Favorable Market Conditions		
	x 15		x 10	x 15	x 10	x 10		x 8	x 8	x 10	x 8	x 6			

**Relative Project Score:**

0: Project does not satisfy criterion

1 -3: Some aspects of the project minimally satisfy the criterion

4: All project aspects minimally satisfy criterion

5 -7: Some aspects of the project adequately satisfy the criterion

8: All project aspects adequately satisfy criterion

9 -10: All project aspects exceed the criterion

**Indian River County Environmental Lands Acquisition Panel (ELAP)  
Land Acquisition Process**

**Staff will review each application and complete an initial screening for each property. The submitted property(ies) within an application should meet at least one of the following criteria in order to be considered for review by the ELAP:**

- a. The property supports at least 5 acres of one or more native vegetative community types; or
- b. The property supports less than 5 acres of native vegetative community, but is part of a larger contiguous tract of native vegetative communities (over 5 acres in size); or
- c. The property supports listed rare and imperiled species (flora or fauna), regardless of parcel size; or
- d. The property has altered ecosystems with reasonable potential for restoration, and the property is within to a designated corridor, greenway or blueway, regardless of property size.

"Native Vegetative Community" shall include the following categories:

Terrestrial

Hardwood hammock  
Coastal/tropical hammock  
Coastal strand  
Scrub/xeric hammock  
Pine flatwoods  
Dry prairie  
Cabbage palm hammock

Wetlands & Surface Waters

Estuarine wetlands  
Freshwater wetlands  
Stream/river