

MAY 13, 1987

THE SAVE OUR RIVERS PROGRAM

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

The Save Our Rivers Act, passed in 1981 by the legislature of the State of Florida, requires the State's water management districts to identify natural lands adjacent to rivers, streams and other water supply areas and protect those areas through acquisition.

It is the fiduciary responsibility of the Governing Board of the South Florida Water Management District (District) and its staff to administer the program in an effective, cost efficient manner. Annually, this requires the District to obligate approximately ten to twelve million dollars. Accomplishing this objective requires the Save Our Rivers Program (SOR) to pursue an aggressive program of owner identification, notification and negotiation. Coordination with other divisions within the District (during the negotiation phases) is critical for an effective program to plan for future protection and management of the areas acquired. This management phase must be addressed as early in the acquisition program as possible and will require liaison with other county, state and federal entities. The Department of Resource Planning can provide environmental data and information for each area placed on the Five Year Plan by the Board.

Members of the Board have indicated interest in prioritizing acquisitions and several of them have suggested that consideration be given by staff in establishing criteria to achieve this goal. My past experiences indicate that in a, basically, voluntary seller land acquisition program the acquiring agency must maintain as much flexibility as possible and not become encumbered with a highly rigid priority system. We have seen that the complexity of public land acquisition programs has advanced in recent years. Florida's programs are, perhaps, the most complex in the nation. The State's CARL Program

became much more complex and less effective when prioritization became public knowledge, as opposed to the Environmental Endangered Lands Program where the priorities were kept confidential. Ultimately, the CARL Program still skips around the list when acquiring land.

A successful program will have several traits:

1. Cost effectiveness
 - A. Low overhead
 - B. Leverage of limited monetary resources

2. Preservation of the most significant lands
 - A. It knows what is there
 - B. It gathers the pertinent data and generally ranks areas to protect the best areas

Internally, we should rank projects on an informal basis by concentrating our activities of landowner identification and contact on certain projects before pursuing others.

South Florida's river program is unique compared to virtually any other state in the country or district in the state. The topography of the District is relatively flat causing sheet flow during periods of heavy rain. The river systems are not deeply channelized as in other areas. Consequently, the identity of a river takes a more subdued appearance. Due to the unusual topography, the South Florida Water Management District must look upon the program as one that will identify the water quality and quantity areas within river basins that are in imminent threat of being altered, thus affecting water quality and supply.

The Five Year Plan, ideally, should contain projects that are demonstrably the top projects according to the criteria in use. Currently, the plan allows for citizen input by allowing them to nominate areas for consideration. These areas are evaluated against existing projects and individual experiences as to what qualifies for a

project. Although this brings many areas to light, it can only be a superficial attempt at identifying areas.

I submit to you that in order to have a model program that responsibly addresses the water needs of the District's SOR Program, a complete inventory of what presently exists must be accomplished. We must identify demographic trends, the existing water quality and quantity, and impacts on the quality and quantity. This is the primary step in developing a comprehensive inventory. These areas should be prioritized according to the degree of threat to future needs and existing protection. I assume the District has much of the data needed for this phase in its records.

To broaden support for the program and maximize the use of the taxpayers' dollar in a responsible manner, we layer other natural resource information on top of the water information requirement. For example, in the top "x" number of water areas, we inventory the area for the broad type of ecosystem for each area. We might add as another layer locations of endangered, threatened species for the areas. Historical and archaeological sights might be identified in addition to unique geological features or other layers of information. Identification of these other unique facets of a project will assist in focusing attention to the area and to directing the limited acquisition resources to it.

As of March 13, 1987, the District has obligated \$61,000,000 to acquire 98,000 acres. The current Five Year Plan lists nearly 349,000 acres valued at approximately \$150,000,000. Our remaining bonding capacity is approximately \$50,000,000, leaving a deficit of \$50,000,000 for the current Five Year Plan. Clearly, decisions must be made on which lands to pursue for the program.

PRIORITIZATION

The District's Save Our Rivers Program has been established on a firm foundation and is oriented to the protection of water resource lands.

Historically, the program has received public input through public meetings held around the District. Nomination of lands for inclusion into the program are accepted by the Land Selection Committee. Although this brings many areas to the attention of the program, many areas which might be more important to the District remain unknown. Satisfying our fiduciary and public trust responsibilities requires documentation reflecting that all lands of the District have been considered for the program. New sites would be documented, then compared and contrasted with existing projects on the Five Year Plan.

A proposed procedure to accomplish this objective within 24 months is outlined below.

1. Project demographic trends for the next 10 years. The purpose of this step is to identify the geographical areas of the District where water quality and supply will be impacted the greatest. Consideration will be given to population, industrial and agricultural growth.
2. Estimate the Water Resources Available to address the growth in identified areas. Consideration must be given to water quantity and quality. Flood control should be considered with attention given to surface water detention and retention.
3. Other Elements - data collection - this phase of the program would collect information on the land elements that exist on the property. Data will be collected on the existence of
 - A. Endangered species of plants and animals
 - B. Archaeological sites
 - C. Historical sites
 - D. Unique geological features.
 - E. Potential linkage with other public lands in area

The information collected in this phase will serve to broaden support for protection by addressing the interests of other groups. Additionally, it will serve the information needs of the District when considering alternatives for Land Management decisions.

4. Consolidation of information - this phase would review the information collected and decide if an area qualifies for the plan. The objective of the program is to establish a resource protection boundary for protection that would allow various types of uses up to the District's ownership and still protect the resource. Some areas will not be affected by growth within the timeframe allotted, others will be greatly affected by growth. These may be, essentially, lost for the programs purposes. A third group will be impacted by growth and the program's actions can effect their future protection; these are the areas which the SOR Program should address. They can be broken into two categories
 - A. Those important water resource areas with other unique elements,
 - B. Those with important water resources only.

5. The first four steps will provide information on natural elements and qualify areas for the Five Year Plan. Step 5 will gather additional information on the proposed project to include the following non-land considerations.
 - A. Local Government Assistance
 - 1) Zoning
 - 2) Acquisition
 - a. monetary
 - b. in-kind services
 - 3) Land Management

- B. Permitability
- C. Land owners willingness to sell in the core area.
- D. Liability costs
- E. Accessibility
- F. Improvements
- G. Restoration costs
- H. Recreation alternatives

Consideration of the above information, not meant to be all inclusive, would allow a project in the B category to be considered for acquisition as the A category if several of the above categories were favorably addressed.

Before beginning acquisition on a specific Five Year Plan project, a plan should be formulated to identify the core area. Save Our Rivers staff will formulate an acquisition strategy to address protection of core areas, surrounding lands, and possible corridors with other public lands. During the interim period, until a list is derived from the inventory, the District will work on 7 of the existing 15 projects on the Five Year Plan. No additions to the Five Year Plan will be made unless extraordinary circumstances arise. An extraordinary circumstance would be described as a project having the following characteristics:

1. It will have a defined and recognized water resource value to the District.
2. It will possess other natural resource elements unique to the state and District.
3. It will represent all or a portion of a project core area.
4. It will have an identified management entity and a proposed management plan.

5. It will have the core area offered as a gift or a substantial bargain-sale to the District.

The seven projects to be worked on are:

1. Nicodemus Slough - Negotiations are nearly complete on this one-owner project. The estimated cost is \$2,000,000.
2. Bird Rookery Swamp - Collier County has experienced water shortages and explosive growth. The multi-owner project area has a management entity in the Corkscrew Swamp Sanctuary. Estimated cost for this project is \$14,000,000.
3. Loxahatchee River - Condemnation expires this year and the project is nearly complete. All papers are filed with the courts and completion is expected this fiscal year. Estimated cost for this project is \$2,000,000.
4. South Fork of the St. Lucie River - An appraisal has been ordered for this one-owner project which has a management entity in the county. This will effectively protect a portion of one of the remaining natural rivers in the District. Estimated cost is \$2,750,000.
5. Shingle Creek - As part of the District's obligation to the Corps, the District will pursue this project which will assist in water management in a natural state. Acquisition will start on the multiple ownership tract this year. Estimated cost for this project is \$1,750,000.
6. Kissimmee River - This is a major project which contributes to the District's ability to protect and enhance Lake Okeechobee. Although the project was identified in the original legislation creating the Save Our Rivers program, the District must revisit the approach taken for protection. Recent

questions regarding sovereign lands may change the District's approach. Estimated cost for this project is \$47,500,000.

7. Water Conservation Areas - Acquisition of these lands will enhance our ability to protect the Everglades System and water management in the District. Although condemnation authority has been granted, recent court decisions have limited use of the properties. The District is exploring the possibility of streamlining the acquisition process for this project. Estimated cost for this project is \$13,000,000.

ACQUISITION

Protection of the various projects on the Five Year Plan can take a variety of approaches. Leverage of available SOR funds is necessary to maximize returns to the public. Appendix A describes eleven (11) tools to accomplish this objective. Depending upon the land included in the resource-based ecosystem boundary, various types of tools may be applicable.

As a minimum, all landowners in the project area should be notified that their land is part of a Five Year Plan project. They should also be made aware of the ramifications of that listing. Landowners should then be in a position to provide input to the District if they had not already been aware of the public meetings of the Land Selection Committee or the public hearings placing the proposed projects on the Five Year Plan.

If an area is considered a core area rather than a buffer area, certain tools might be more appropriate than others for the protection of an area. Consideration of the proper tools for protection of the various segments of the project should take place in the project design phase of the planning process.

MANAGEMENT

Identification and negotiation for the protection of water resource lands in the District is the critical first step of the SOR program. Once the lands have protection, management must be implemented. Throughout the information-gathering process for taking inventory on lands, it is imperative that various land management alternatives be considered. The effectiveness of the SOR program depends not only upon our ability to protect identified lands but to effectively manage our interest in those lands during the foreseeable future.

A close working relationship between the District's Real Property Management Division and the SOR program is required. Exchange of information and experience will benefit the negotiation/protection phase of the program, assist in identifying costs associated with protection of an area, and allow advanced planning for implementation of management plans for any area.

The attached Appendix B outlines the Save Our Rivers Land Management Policy as previously outlined to the Governing Board.

Appendix C is a modified SOR Protection Proposal Form. This form requests additional information not included in prior forms, which will assist in determining the feasibility of a project being included on the Five Year Plan.

APPENDIX A

NOTIFICATION: Writing to a landowner advising him or her of the District's interest in their land and educating them about the program.

VOLUNTARY PROTECTION: Notification made by a landowner to the District stating the landowners intention to protect the land in its present condition. This does not close the door to action by the District but would require us to periodically monitor activities regarding the property.

RECORDABLE AGREEMENT: An agreement between the landowner and the District that is certified by a notary public allowing it to become a part of the public records. Normally, an agreement must have some enforcement capability by the recipient party.

PARTIAL RIGHTS: Acquisition, through payment or gift, of an interest in real estate which is less than fee simple.

SHORT TERM LEASE: A tenancy where less than a year separates the beginning and ending of the interest in real estate. This might be considered when an owner is not willing to sell the property but needs to be compensated for loss of income during a specific period of time.

LONG TERM LEASE: A tenancy where more than a year separates the beginning and ending of an interest in real estate and in most cases multiple years.

RIGHT OF FIRST REFUSAL: A recordable document that allows the District the right to match another valid offer to purchase made to the landowner.

CONSERVATION EASEMENT: A recordable document executed by the owner in which they give up certain rights to utilize the property. These are sometimes called negative easements. Payment can be made for the rights given up and provision for enforcement must be made by the recipient agency or organization. Inventories will be required at the time of transfer of the conservation easement and provisions for periodic monitoring of the easement will be needed.

INTEREST SUBJECT TO A LIFE ESTATE: An interest in real estate where a second party has the right to possess and use certain the realty described during the remainder of their lifetime or the lifetime of another party.

UNDIVIDED INTEREST: Joint ownership of real estate where all the tenants have the right to possess and use the realty. In certain circumstances ownership of this type can assist the protecting entity in influencing the use of the land.

FEE SIMPLE TITLE: The most comprehensive and complete interest an entity can hold in real property. Essentially, the total bundle of rights.

APPENDIX B

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

SAVE OUR RIVERS LAND MANAGEMENT POLICY

I. PURPOSE AND SCOPE

- A. The policies, procedures, and guidelines contained herein are established to provide for the management of lands acquired under the Save Our Rivers Program in a manner consistent with the District's mission and the legislative directives set forth in Chapter 373.59 Florida Statutes.
- B. These policies, procedures, and guidelines shall apply to all property acquired under the Save Our Rivers Program.
- C. Nothing in these policies, procedures, and guidelines shall negate any statute, administrative rule, or other policy requirement.
- D. These policies, procedures, and guidelines will be reviewed at five (5) year intervals or earlier, if necessary, and updated as required. Public review and comment will be solicited as part of the review process.

II. DEFINITIONS

- A. Cooperative Management Agreement - An agreement between two or more agencies setting forth the respective duties and responsibilities of each agency in the management of a specific tract of land.
- B. Lead Agency - Agency designated as the prime managing entity for a given tract of land; generally provides the on-site staff required for public use management.
- C. Cooperating Agencies - Two or more agencies working together to manage a specific unit.
- D. Management Unit - A single tract or combination of tracts under one management program.
- E. Wildlife Corridor - Two or more contiguous tracts of land forming a natural linkage for wildlife populations.

- F. Primary Resource Lands - Lands having high water resource, fish and wildlife, and recreational values requiring acquisition by gift or purchase.
- G. Buffer Lands - Those adjacent lands that can sustain some development provided sufficient control is maintained to prevent adverse impacts to the primary resource lands.
- H. Remainder Lands - Lands protected by local zoning that do not need to be placed in public ownership.

III. SELECTION OF LAND MANAGERS

- A. The District shall strive to obtain the expertise and assistance required for the management of specific tracts of land by entering into cooperative management agreements with other state and federal agencies, units of local government, and private nonprofit organizations. The cooperative management agreement will designate a lead agency for management purposes.
- B. Where appropriate, the private sector will be encouraged to furnish certain management related facilities and services through the execution of leases and/or licenses.
- C. The District is charged by law with the responsibility for management of all lands acquired under the Save Our Rivers Program and therefore must act as the final arbiter of disputes arising between cooperating agencies.

IV. MANAGEMENT PLANS

A. Conceptual Management Plan

1. A conceptual management plan (CMP) shall be prepared for each major tract of land by or at the direction of the District prior to acquisition.
2. Each CMP shall set forth a recommended management proposal and contain general background data on the property including but not limited to:
 - a. location
 - b. access
 - c. history
 - d. existing improvements
 - e. soils
 - f. topography
 - g. hydrology
 - h. vegetation

- i. fish and wildlife resources, and
 - j. recreational potential
3. The process utilized by the District in developing the CMP shall solicit the comments and recommendations of individuals, organizations, local governments, and those regional, state, and federal agencies having a stake in the management of the tract.

B. Operational Management Plan

1. An operational management plan (OMP) shall be developed by the lead agency in consultation with the cooperating agencies for each major tract of land (or group of tracts) to be operated as a single management unit.
2. The OMP shall contain detailed information on the status of the area's critical resources, set forth general and specific management goals, objectives, resources and guidelines for each and outline the specific procedures and activities necessary for their accomplishment.
3. The OMP will be reviewed periodically and updated as necessary.

C. Annual Work Plans

1. An annual work plan shall be developed by each of the agencies participating in the management of a given unit.
2. Each work plan shall set forth the staffing levels, equipment and materials, and work activities proposed by the respective agency for implementation of the OMP.
3. The cooperating agencies shall meet at least once each year to discuss the status of the management unit and their planned activities for the upcoming year.

V. GENERAL POLICIES AND GUIDELINES

A. Water Resources

1. Management activities on Save Our Rivers tracts will be directed toward conservation and protection of the unit's water resources.
2. The District will not support or encourage any activities or development that would significantly alter the natural (undisturbed) movement and/or degrade the quality of surface or groundwater on management units.

3. Where feasible, an attempt will be made to restore a more natural hydroperiod on tracts where the drainage patterns have been substantially altered.
4. Visitor programs shall inform and educate the public relative to the importance of the area in maintaining adequate supplies of good quality water for the South Florida area.

B. Fish and Wildlife Resources

1. Management activities on Save Our Rivers tracts will seek to establish and maintain an appropriate number and variety of indigenous game and non-game species.
2. Particular emphasis will be placed on the identification and management of critical habitat for endangered or threatened species residing on or frequenting the management units.
3. The need for the establishment of sanctuary areas or "no hunting zones" to provide additional protection for endangered species will be evaluated.
4. Activities that may contribute to a decline in water quality and/or a reduction in critical wildlife habitat will not be encouraged on management units.

C. Native Plant Communities

1. Management practices on Save Our Rivers tracts will seek to restore and maintain an appropriate variety and distribution of native plant communities.
2. Particular emphasis will be placed on the identification and protection of rare and endangered species.
3. The planting of exotic plant species will be prohibited on all management units. Management practices will strive to identify existing infestations and to develop and implement appropriate control and/or eradication measures.
4. Management of the forest resources on select tracts will be undertaken in consultation with the Division of Forestry.
5. Forest management practices will strive to maintain age-class diversity and where appropriate species diversity.

D. Archeological and Historical Resources

1. The identification of sites within the management units that have unique archeological and/or historical significance will be undertaken in consultation with the Florida Bureau of History and Archives.
2. Management practices will strive to protect these unique resources and in appropriate situations allow for the provision of access and interpretive facilities to enhance their appreciation and enjoyment by the public.

E. Recreational Use

1. Public use of management units for appropriate resource based outdoor recreational activities such as hunting, fishing, camping, horseback riding, hiking, boating, canoeing, and nature study shall be permitted and encouraged where such use does not interfere with protection and management of the area's critical water and environmental resources.
2. Management practices shall determine the mix of activities and level of use appropriate for each management unit. Activities that are considered highly disruptive to other recreational uses or those that are clearly or potentially destructive of the area's critical resources will be prohibited.
3. The use of airboats, swamp buggies, tracked vehicles, motorcycles, and other types of off road vehicles on most management units will be prohibited. Motorized access will be limited to the greatest extent possible to the use of vehicles licensed for street use on certain designated roads.
4. Recreational development on most management units will be limited to the greatest extent possible to the provision of basic facilities for access, health and safety, and interpretation. The provision of certain facilities and services through the awarding of appropriate concession contracts may be authorized on some areas.
5. Rules and regulations governing the public use of all management units shall be established and enforced by the lead management agency.
6. The construction and maintenance of private camps and campsites on management units shall be prohibited.
7. Consideration may be given to the development and implementation of a permit/fee system on management units.

8. Programs shall be developed and implemented to inform and educate Visitors with respect to water resource management issues and the critical resources found on each management unit.

F. Agricultural Use

1. Agricultural activities conducted on Save Our Rivers lands shall be limited to the grazing of livestock on native range and farming practices associated with the production of food and cover for wildlife.
2. The conversion of native range to improved pasture will be prohibited on all management units.
3. To the extent practical, management practices shall seek to convert existing improved pastures to native range.
4. The development and implementation of livestock grazing programs on management units shall be undertaken in consultation with the Soil Conservation Service.
5. Managing agencies shall implement measures to reduce potential conflicts between livestock grazing operations and concurrent recreational use.

G. Bee Leases and Apiaries

1. Consideration may be given by the District to the establishment of apiaries on management units through the development and awarding of appropriate leases.
2. Current state of Florida guidelines and standards regarding fees, distance between sites and from property boundaries, and related matters will be utilized in developing lease specifications.
3. Leases will not be transferrable or assignable in whole or in part.
4. If an existing annual lease is not renewed, the former lease holder will have thirty (30) days from the expiration of the lease to remove all of his/her capital improvements from the area. Future leasing of this site will then be determined through a publicly announced drawing conducted by the District.

H. Other

1. District will support those research and academic endeavors on management units by qualified agencies, educational institutions, and public and private conservation organizations that will contribute to more effective management and use of these areas.
2. Requests from government and/or private sources for permission to place signs, billboards, roads, power lines, pipelines and similar items on or through Save Our Rivers property will be approved only when the applicant has affirmatively demonstrated that the proposed use is consistent with preservation and enhancement of the area's critical resources and use of the area by the public for recreational purposes.
3. Management decision-making shall consider whether the lands are primary resource lands, remainder lands, or buffer lands.
4. Local government support shall be encouraged throughout the management process particularly with respect to the regulation of buffer areas and the creation of wildlife corridors.
5. Where necessary, law enforcement assistance will be requested from the appropriate agency to protect the resources of the property.
6. Detailed procedures to implement this policy are identified in the Land Acquisition/Management Procedures flow chart.

APPENDIX C

Save Our Rivers Program
Protection Proposal

Please return ten copies of this form with ten copies of all referenced attachments to:

Director, Save Our Rivers
South Florida Water Management District
Post Office Box 24680
West Palm Beach, FL 33416-4680

Please complete every question on this form. If necessary, designate N/A where a question is not applicable. Complete applications will receive more prompt and complete attention.

1. Name and Location

Property Name (commonly known as) _____

County (or counties) _____

Within Municipal Boundaries - Yes ___ No ___ If yes, specify _____

Within SFWMD Boundaries - Yes ___ No ___ Please attach a location map (8 1/2' by 11") specifying is the property location and include a north arrow (map drawn to scale if possible); also please provide any additional property maps or aerial photography which may further clarify the suggested project.

2. Size

Estimated Number of Acres _____ County Estimated Number of
Parcels _____ County Estimated Acreage per Parcel _____

3. Access

Does the property front on a public road? Yes ___ No ___ If not
describe type of legal access ? _____

4. Ownership Information

Identify the property owner(s) and the contact address(es) and
telephone number(s) _____

5. Survey Information

Are surveys and/or legal descriptions available _____
If so, attach or specify where they may be obtained _____

6. Title Information

Are abstracts available from owners(s)? Yes ___ No ___ Do/Does
owner(s) have title insurance policies? Yes ___ No ___

7. SOR Qualification

Provide detailed information concerning the qualifications of the
property for water management, water supply or the conservation and
protection of water resources _____

8. Natural Characteristics

Provide a description of the natural characteristics of the property, including the predominant plant and animal life; specify types of trees and percentage of coverage, types of animal life, any rare, threatened, or endangered species, identified by Federal or State programs (specify); historical or archeological sites, other geologic features, etc. _____

Also provide information on reports prepared by any other agencies on the natural characteristics of the property; if possible, attach a copy of the report. _____

9. General History Influences

Provide a description of general history of the property; include the identification of significant past disturbances, both natural and human; include dates of storm damage, fires, floods, exotic

infestations, farming, grazing, mowing, or other site disturbances; described any structures, roads, rails, fences, etc; is land involved in litigation (if yes, specify); is land on other public land acquisition lists (if yes, specify program & agency) _____

10. **Buildings**

Describe types and occupancy if any _____

11. **Future Impacts**

Identify the anticipated future impacts which may have a negative affect on this property and whether the impacts are in the near future or are long range _____

12. **Zoning and Land Use Designation**

Indicate local zoning and land use designation (from future land use map) on each parcel _____

Identify any other adopted governmental plans that may affect the project; is it compatible with State Water Use Plan ? _____

Attach copies of appropriate maps. _____

14. **Local participation**

Will the local government participate the funding ? Yes ___ No ___

Provide in-kind services ? Yes ___ No ___ Assist the management ?

Yes ___ No ___ If yes, to what extent. _____

Identify value as shown on the most recent tax roll _____

Identify appraised value and appraiser's name (if available) _____

15. **Attachments**

Identify and label each attachment (with boundaries noted). Suggested attachments may include: Zoning maps, soil maps, ownership maps, aerial photographs, vegetative maps, water resource maps, endangered species maps, on site photographs and U.S.G.S. Quadrangle maps.

Attachment A: _____

Attachment B: _____

Attachment C: _____

Attachment D: _____

Attachment E: _____

The applicant acknowledges and understands that inclusion of the property within the Five Year Plan pursuant to section 373.59, F.S., does not reflect a definite intention by the South Florida Water Management District to acquire the property. Inclusion within the Five Year Plan indicates that the property has acquisition potential, depending upon further investigation as to its environmental and management features and negotiation of a mutually acceptable acquisition price.

16. Form completed by: (name) _____

(address) _____

Telephone # () _____

Please state affiliation to owner(s).