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ENVIRONMENTAL PROTECTION**

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THROUGH: Herschel T. Vinyard Jr. *HAV*
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FROM: Greg Munson *gm*
Deputy Secretary, Water Policy and Ecosystem Restoration

SUBJECT: Revised Guidance relating to Land Acquisition / Surplus / Exchange Process

DATE: March 27, 2013

Florida's economy and environment depend on the health of our water bodies. This is why a top priority of the Department of Environmental Protection (DEP) is getting Florida's water right. Governor Scott directed DEP to work with each water management district (WMD) to develop clear, coherent and consistent statewide policies that will allow us to better protect Florida's water resources.

An important part of protecting Florida's natural resources is acquiring and managing public lands. Effective land management requires continuous review and examination to make sure the management of a property is on target, effective and meets the core mission of the agency. DEP and other state agencies regularly undergo a review process required by Florida Statutes to help determine the lands the state needs to acquire, what land it already owns, and how that land is most appropriately managed.

Over the past several months, significant legislative changes have occurred related to water management budgeting with substantial ramifications for WMD land transactions. SB 1986 provided that certain WMD land transactions would be subject to the scrutiny of the Legislative Budget Commission. In addition, SB 1986 also renewed the authority of the Governor to approve or disapprove WMD tentative budgets. These legislative changes and increased transparency into WMD tentative budgets mean that the Department's previous review process of land transactions was designed to fill a void that has now been filled.

This revised guidance, therefore, eliminates the Department’s pre-transaction review of WMD land transactions. The revised guidance below still provides certain criteria to which the WMDs are expected to adhere when engaging in the land transactions described below.

When looking at land management and potential acquisitions, exchanges and surpluses, just as is done when prioritizing any water management project, the WMDs should focus on their core mission of water supply, water quality, flood control and natural resource protection.

GENERAL GUIDANCE FOR LAND ACQUISITION, SURPLUS AND EXCHANGE

- All proposed land acquisitions, surpluses or exchanges must be presented at a publicly noticed meeting in order to inform the public of the item and to accept public comment. This meeting shall be prior to, and separate from, the WMD Governing Board meeting where the item will be on the agenda for consideration.

LAND ACQUISITION

- All proposed land acquisitions should achieve at least one of the core missions listed above. The significance of the property to one or more core mission must be justified.
- In general, best efforts should be made to achieve the following when acquiring land:
 - Purchase of less-than-fee land interests.
 - Purchase at less than 90% of the appraised value. The “appraised value” shall be equivalent to the maximum amount that may be paid by the WMD for a parcel to be acquired as determined using the procedures in § 18-1.006, F.A.C., or other procedures that have been officially approved by the Director of DEP’s Division of State Lands.
 - Seek partnerships, with the goal of the partner or partners taking at least a 50% share of the total transaction cost.

LAND SURPLUS AND EXCHANGE

- Land that the WMD no longer needs to achieve its core mission may be considered for surplus or exchange if it can be determined that land is no longer needed for conservation purposes where such finding is required by Florida law.
- The WMDs should carefully review and examine these properties, giving consideration to avoiding the elimination of significant landscape linkages or conservation corridors, natural or cultural resources, and public recreational opportunities, as well as complying with the no-net-loss of hunting land statute. A site visit by WMD staff or its agents to “ground truth” existing data regarding natural or cultural resources is highly encouraged.
- Whenever possible, the WMD should first attempt to use land exchanges to obtain lands needed to achieve their core missions.
- Land exchanges should result in the WMD receiving overall equal or greater water resource protection and economic values, while still considering all core missions.

HTV/GM/tb

cc: Tom Beck, Ph.D., Director, Office of Water Policy, FDEP
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