



Indian River County Purchasing Division

1800 27th Street
Vero Beach, FL 32960
Phone (772) 226-1416

Request for Proposals

Project Name: Ecological Consulting Services in Support of the Environmental Land Acquisition Bond Process

RFP #: 2023064

RFP Opening Date: **July 21, 2023**

RFP Opening Time: **2:00 P.M.**

All Proposals must be received by the Purchasing Division, 1800 27th Street, Vero Beach, Florida 32960 prior to the date and time shown above. Late responses will be not be accepted or considered.

PLEASE SUBMIT:

(1) ONE MARKED ORIGINAL,

(5) COPIES OF YOUR PROPOSAL, AND

ONE ELECTRONIC COPY AS A SINGLE PDF EMAILED TO PURCHASING@IRCGOV.COM PRIOR TO THE RFP OPENING DATE AND TIME.

Refer All Questions to:

Email: purchasing@ircgov.com

Scope of Services

1. INTRODUCTION

On March 8, 2022, the Indian River County Administrator provided the Indian River County Board of County Commissioners (“BOCC”) with a proposed resolution authorizing an Environmental Land Bond Referendum for the November 8, 2022 ballot. Resolution 2022-016 was passed by majority vote. The Resolution called for a Bond Referendum Election for the issuance of general obligation bonds as follows:

- 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.

The Referendum was passed by voters in Indian River County as part of the November 8th 2022 election process. As part of this process, a draft “Environmental Lands Program Guide” was developed to outline the process for implementation of the environmental land acquisition program by the County. A copy of this Guide is attached to this request for proposals.

The County is requesting submittals by qualified firms to provide the following services to support the environmental lands acquisition process:

1. Preparation of environmental assessment summary reports for potential acquisition sites. Chapter V of the Indian River County Environmental Lands Program Guide (Draft) includes a description of land acquisition processes and procedures. The ecological review criteria for potential acquisition parcels is included in this section. It is the intent of the County to utilize due diligence data collected within this scope of services to provide ecological background for ranking of potential acquisition parcels by the County’s Environmental Lands Acquisition Panel (ELAP).

Environmental Assessment Summary Reports will provide information relative to subject matter including, but not limited to, the following: (1) extent of jurisdiction wetlands and surface waters; (2) an assessment of regulatory considerations/permitting for potential acquisition sites; (3) potential habitat for protected plant and animal species, and any observed species; (4) descriptions and mapping of existing land uses based on Florida Natural Areas Inventory classifications, or other acceptable sources approved by the County; (5) existing soil conditions; (6) descriptions of, and estimates of areal extent of nuisance and non-native vegetative species; (7) identification of, and description of, the intactness of each natural land use; (8) zoning information for the site and surrounding areas; and, (9) the location of protected lands/preserves and any protected corridors either on, or within proximity to, the potential acquisition site.

2. Evaluation of the potential for, and extent of, any hazardous waste materials on potential acquisition sites. Report levels may include remediation recommendations, if applicable.
3. Assessment of water resources in proximity to potential acquisition sites. Assessment would be focused on identifying potential benefits/impacts of off-site areas and/or the potential site’s contribution to the

watershed.

4. Assessment of resiliency and sustainability factors for potential acquisition sites, as well as lands directly adjacent to potential acquisition sites. Focus will be (a) to address the resiliency and sustainability of potential acquisition projects, and (b) identification of resiliency opportunities that may be applicable to potential project funding sources.
5. Assistance with identifying funding sources and preparing grant applications for acquisition and management of potential acquisition sites.
6. Development of detailed land management plans for acquisition sites.

The County intends to utilize a GIS Dashboard for data review by the County, the ELAP, and the public. Data provided by the Consultant will be required to be compatible for incorporation into the Dashboard.

Submittal Instructions

Proposers shall submit the following:

Information to Be Submitted: Submit one marked printed original, five printed copies, and one electronic copy as a single pdf, by email, or by link to a fileshare site, emailed to purchasing@ircgov.com prior to the opening date and time. Both electronic and hard copies are required. Submittals must include and are requested to be organized as follows:

- a. A history a description of the range of services offered by of the Consultant.
- b. A description of projects with similar scopes of work.
- c. Summaries or biographies of the required Consultant Staff that will be assigned to the County. Include name, background, special skills, number of years with the firm and years of experience. Identify the Consultant's representative assigned to manage the County's project.
- d. A detailed description of the Consultant's approach to successful completion of services such as those described within this RFP.
- e. A description of expertise or unique capability Consultant can provide the County.
- f. Provide general timelines/schedules for completion of various due diligence tasks in conjunction with the Consultant's methodology. Please demonstrate staff availability to complete the scope of work within anticipated timelines, assuming that there may be multiple acquisition sites under review concurrently.
- g. Proposal Pricing Form
- h. Firm Information form
- i. Sworn statement on Disclosure of Relationships as per Section 105.08 of the Indian River County Code.
- j. Certification Regarding Prohibition Against Contracting with Scrutinized Companies
- k. Certification regarding lobbying
- l. Certification regarding debarment
- m. Sample Environmental Assessment Report

Proposals should not be marked "confidential", "trade secret" or the like. Any information submitted that is exempt from disclosure, in accordance with Florida Statute, MUST be submitted in a separately sealed envelope, and include the reference in statute that authorizes the County to withhold that specific information from public record requests. The County reserves the right to not consider Proposals containing excessive exempt material, at the County's sole interpretation. This includes submittals summarily marked as exempt.

Method of Selection: The County shall convene a Selection Committee of which the responsibility shall be as follows:

- a. Independently review and evaluate each Submittal
 1. Each Committee member shall evaluate each firm by assigning a number of points for each criterion, as established in the solicitation, and then totaling the number of points for all criteria.
 2. Each Committee member shall then rank the firms on the basis of the total number of points received for all criteria, with the firm receiving the most points being ranked # 1.
- b. As a "Committee of the whole", develop a combined ranking order of all Submittals meeting minimum qualifications. The ranking of firms shall be done in the following manner:
 1. The rankings received by each firm from all Committee members shall be totaled and divided by the number of Committee members, to produce an average ranking.
 2. The firm receiving the lowest average ranking (i.e. closest to # 1) shall be ranked the # 1 firm, and the process repeated until all firms have been ranked according to their average ranking.

3. In the event of a tie, the ranking of tied firms shall be determined by a comparison of the total number of points received by each firm from all Committee members. The firm with the highest number of points will be awarded the higher ranking position.
 4. The Committee may discuss the rankings and their reasons behind them, and each member may modify their ranking of firms accordingly until the Committee is satisfied with the rankings.
 5. After interviews (if interviews are held in an RFP process), and based upon information learned during the interviews, each Committee member will rank the firms in order of preference and a consolidated final Committee ranking established.
- c. The County may, solely at its own option, seek additional Submittals with this or a similar Submittal in the event the County, solely at its own option, determines that the quantity and/or quality of Submittals received is insufficient to meet the County's needs and/or that award of a contract arising from this RFP would not be in the public interest.
 - d. The Committee shall forward its recommendations in accordance with the ranking to the Indian River County Board of County Commissioners, which shall, at its sole option, authorize negotiations of a contract pursuant to the requirements of Florida law.
 - e. The Indian River County Board of County Commissioners possesses sole authority to award a contract for the services sought herein.

Criteria for Award:

EVALUATION CRITERIA	EVALUATION POINTS MAXIMUM
1. Firm qualifications/capabilities and similar projects	30
2. Staff qualifications	20
3. Approach	20
4. Proposed Timeline	10
5. Price Proposal	5
6. References	15
TOTAL	100

Anticipated Timeline

Event	Date
Advertise for Proposals	June 23, 2023
Deadline for Questions	July 11, 2023
Proposals Due before 2:00 p.m. on	July 21, 2023
Initial Selection Committee Meeting	Week of July 31, 2023
Interviews (if held)	Week of August 7, 2023
Recommendation of Award presented to BCC	August 29, 2023
Contract term commences	September 11, 2023

General Instructions

Cone of Silence. Potential respondents and their agents must not communicate in any way with the Board of Commissioners, County Administrator or any County staff other than Purchasing personnel in reference or relation to this solicitation. This restriction is effective from the time of solicitation advertisement until the Board of County Commissioners meets to authorize award. Such communication may result in disqualification.

Sealed Submittals and Envelope Markings: All responses shall be submitted in a sealed envelope or box. The outside of the envelope shall be clearly marked with the Consultant's Name and Return Address, Proposal #, Title, Date of opening, and Time of Opening.

Opening Location: Responses must be received by the Purchasing Division at 1800 27th Street, Vero Beach, FL 32960, on or before the closing hour and date listed in the Request for Proposals. Proposals submitted after the stated time and date will not be accepted or considered.

Submission: Submit one marked original and five (5) copies of your Proposal, **PLUS** one electronic copy by email, as a single pdf (both printed and electronic copies are required).

Public Record Exemption: Correspondence, materials, and documents received pursuant to this solicitation become public records subject to the provisions of Chapter 119, Florida Statutes. Should the proposer assert any exemptions to the requirements of Chapter 119, Florida Statutes, and related statutes, the burden of establishing such exemption, by the way of injunctive or other relief as provided by law, shall be upon the Proposer. To the extent records are redacted as requested by the Proposer in response to a public records request submitted to the County, Proposer shall indemnify and defend the County in any related litigation.

Taxes: Indian River County is exempt from any taxes imposed by State and / or Federal Government. Exemption Certificates, if required, are to be furnished by the successful Consultant and will be filled out by the County.

Indemnification: The Consultant shall defend, indemnify and hold harmless the County and its commissioners, officers, employees and agents, from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the design professional and other persons employed or utilized by the design professional in the performance of the contract.

Public Access: The Consultant shall comply with Florida's Public Records Law in accordance with the provisions of Chapter 119, Florida Statutes. Specifically, the Consultant shall keep and maintain public records that ordinarily and necessarily would be required by the County in order to perform the service. The Consultant shall provide the public with access to public records on the same terms and conditions that the County would provide the records at a cost that does not exceed the costs provided in Chapter 119 or as otherwise provided by law. The Consultant shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law. The Consultant shall meet all requirements for retaining public records and transfer, at no cost, to the County, all public records in possession of the Consultant upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the County in a format that is compatible with the information technology systems of the County.

Public Entity Crimes: Pursuant to Florida Statutes Section 287.133(2)(a), all Consultants are hereby notified that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity

crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity (defined as the State of Florida, any of its departments or agencies, or any political subdivision); may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Florida Statutes Section 287.017 for CATEGORY TWO [currently \$35,000] for a period of 36 months from the date of being placed on the convicted vendor list. A "public entity crime" means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid, proposal, reply, or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

Suspension and Debarment: Indian River County will not make award to parties listed on the government-wide exclusions in the System for Award Management (SAM). The Consultant agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The Consultant further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Scrutinized Companies Lists: The Consultant certifies that it and those related entities of respondent as defined by Florida law are not on the Scrutinized Companies that Boycott Israel List, created pursuant to s. 215.4725 of the Florida Statutes, and are not engaged in a boycott of Israel. In addition, if this agreement is for goods or services of one million dollars or more, Contractor certifies that it and those related entities of respondent as defined by Florida law are not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to Section 215.473 of the Florida Statutes and are not engaged in business operations in Cuba or Syria. The County may terminate this Contract if Company is found to have submitted a false certification as provided under section 287.135(5), Florida Statutes, been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or been engaged in business operations in Cuba or Syria, as defined by section 287.135, Florida Statutes. County may terminate this Contract if Company, including all wholly owned subsidiaries, majority-owned subsidiaries, and parent companies, that exist for the purpose of making profit, is found to have been placed on the Scrutinized Companies that Boycott Israel List or is engaged in a boycott of Israel as set forth in section 215.4725, Florida Statutes.

Accordingly, firms responding to this solicitation shall return with their response an executed copy of the attached "Certification Regarding Prohibition Against Contracting With Scrutinized Companies." Failure to return this executed form with submitted bid/proposal/statement of qualifications will result in the response being deemed non-responsive and eliminated from consideration.

Non-Discrimination: Indian River County will not knowingly do business with vendors or contractors who discriminate on the basis of race, color or national origin, sex, sexual orientation, gender identity, age and/or disability. Through the course of providing services to the County, Contractors shall affirmatively comply with all applicable provisions of Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and the Florida Civil Rights Act of 1992, as well as all other applicable regulations, guidelines and standards. Any person who believes their rights have been violated should report such discrimination to the County's Title VI/Nondiscrimination Coordinator through the office of the County Attorney.

E-Verify: Consultant must be registered with and use, at their sole expense, the Department of Homeland Security's E-Verify system (www.e-verify.gov) to confirm the employment eligibility of all newly hired employees, as required by Section 448.095, F.S. Owner, contractor, and subcontractors may not enter into a contract unless each party to the contract registers with and uses the E-Verify system. Consultant is responsible for obtaining proof of E-Verify registration for all subcontractors/subconsultants. This requirement applies to any provider of services or goods.

Local Preference: Indian River County has no local ordinance or preferences, as set forth in section 255.0991(2), Florida Statutes, in place, therefore no preference prohibited by that section will be considered in the acceptance, review or award of this solicitation.

Prohibition Against Considering Social, Political or Ideological Interests in Government Contracting: Proposers are hereby notified of the provisions of section 287.05701, Florida Statutes, as amended, that the County will not request documentation of or consider a Proposer's social, political, or ideological interests when determining if the Proposer is responsible. Proposers are further notified that the County's governing body may not give preference to a Proposer based on the Proposer's social, political, or ideological interests.

Regulations: It shall be the responsibility of the Consultant to assure compliance with any OSHA, EPA and / or other Federal or State of Florida rules, regulations, or other requirements, as each may apply.

Interpretations: No oral interpretations will be made to any Consultant as to the meaning of the RFP documents. Every request for such an interpretation shall be made in writing, addressed and forwarded to Indian River County (purchasing@ircgov.com) ten (10) or more days before the date fixed for opening of the RFP. The County shall not be responsible for oral interpretations given by any County employee. Every interpretation made to Consultants will be in the form of an Addendum, which if issued, will be sent promptly as is practical to all persons to whom RFP documents have been issued. All such Addenda shall become part of the RFP documents. Further, it shall be the responsibility of each Consultant, prior to submitting their Proposal, to contact Indian River County's Purchasing Division at (772) 226-1416 to determine if addenda were issued and to make such addenda a part of their Proposal.

Applicable Law and Venue: Contract(s) resulting from this RFP and all rights and duties of the parties hereto shall be governed by the laws of the State of Florida, including but not limited to the provisions of the Florida Uniform Commercial Code Chapters 671-679 F.S., for any terms and conditions not specifically stated in this solicitation and resulting agreement. Venue for any lawsuit brought by either party against the other party or otherwise arising out of this Contract shall be in Indian River County, Florida, or, in the event of a federal jurisdiction, in the United States District Court for the Southern District of Florida.

Conflict of Interest: Any entity submitting a bid, proposal, qualifications or entering into a contract with the County shall disclose any relationship that may exist between the contracting entity and a County Commissioner or a County Employee. The relationship with a County Commissioner or a County Employee that must be disclosed is as follows: *father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, or grandchild*. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of the entity. The disclosure of relationships shall be a sworn statement made on a County approved form. Failure to submit the form will be cause for rejection of the bid or proposal.

Prohibition Against Contingent Fees: If a contract is entered resulting from this request for qualifications, it shall include a prohibition against contingent fees statement, as required by FS 255.087.

Right to Protest: Any actual or prospective responding Consultant who is aggrieved in connection with a competitive selection process may protest to the Purchasing Manager. The protest shall be submitted to the Purchasing Manager in writing within five (5) calendar days after the bidder or proposer knows or should have known of the facts giving rise to the protest. If the protest is not resolved by mutual agreement, the Purchasing Manager shall promptly issue a decision in writing, after consulting the Department and the Office of the County Attorney.

Committee Meetings: Notice of committee meetings will be posted to the RFP's listing on Demandstar.com and Vendor Registry, both available through the County's web site (www.ircgov.com/departments/budget/purchasing). Any portion of a meeting pursuant to a competitive solicitation, at which negotiation strategies are discussed, a vendor makes an oral presentation, or answers questions as part of a competitive solicitation is exempt from the Public Meeting requirements in Chapter 286.011 (per Chapter 286.0113(1)(b)1).

Awards: The County reserves the right to cancel the solicitation, reject any and all Proposals or waive any irregularity or technicality in submittals received. The County reserves the right to not make any award(s) under this solicitation.

Termination by the County: The County reserves the right to terminate a contract by giving thirty (30) days notice, in writing, of the intention to terminate, if at any time the Consultant fails to abide by or fulfill any of the terms and conditions of the contract. The County also reserves the right to terminate this contract for convenience of the County and / or with or without cause.

Compliance with Laws and Regulations: Consultant agrees that they will comply with all Federal, State, and Local Laws and Regulations applicable to the production, sale, and delivery of the goods or the furnishing of any labor or services called for by this solicitation and resulting agreement, and any provisions required thereby to be included herein shall be deemed to be incorporated herein by reference. Noncompliance may be considered grounds for termination of contracts.

Insurance:

The Consultant shall provide, prior to execution of the contract, the insurance required under this section for approval by the County. Firm's insurance shall be primary. The County shall be named as an additional insured for both General Liability and Automobile Liability. The awarded firm shall maintain the following limits of insurance during the term duration of this agreement.

General Liability

- Each Occurrence \$500,000
- Fire Damage-any one fire \$50,000
- Medical Expenses-any one person \$5,000
- Personal and Advertising Injury \$500,000
- General Aggregate \$500,000
- Combined Single Limit \$500,000

Automobile Liability – Combined Single Limit \$500,000

Worker's Compensation as required by the State of Florida

Each accident \$100,000
Each Disease – Each employee \$100,000
Each disease – policy limit \$500,000

Professional Liability Insurance

\$1,000,000 per occurrence
\$2,000,000 aggregate combined single limit
\$5,000 maximum deductible per claim

The policy shall cover the firm, all employees, and/or volunteers, and all independent contractors, subcontractors and professional contractual persons hired or retained by contractor.

All above insurance policies shall be placed with insurers with a Best's rating of no less than A-VII. The insurer chosen shall also be licensed to do business in Florida. The insurance policies procured shall be "Claims Made" policies or as generally available on the open insurance market.

The Insurance Carriers shall supply Certificates of Insurance evidencing such coverage to the Indian River County Risk Management Department prior to the execution of this Agreement.

The insurance companies selected shall send written verification to the Indian River County Risk Management Department that they will provide 30 days written notice to the Indian River County Department of Risk Management of its intent to cancel or terminate.

Indian River County reserves the right to accept or reject any or all proposals in whole or in part and waive any and all any technicalities or irregularities.

FIRM INFORMATION

Communications concerning this proposal shall be addressed to:

Company Name			
Tax ID Number		W-9	Attached <input type="checkbox"/>
Contact Name		Phone	
Title		Email	
Address			

The following addenda are hereby acknowledged:

Addendum Number	Date
_____	_____
_____	_____
_____	_____
_____	_____

- How many years has your organization been providing these services? _____
- List State of Florida Registration Number(s): _____
- List government agencies and private firm(s) with whom you have completed similar work:
 Agency/Firm Name: _____
 Address: _____
 Contact Name: _____ Title: _____
 E-Mail: _____ Phone: _____
 Services Provided: _____

 Dates of Service: _____

 Agency/Firm Name: _____
 Address: _____
 Contact Name: _____ Title: _____
 E-Mail: _____ Phone: _____
 Services Provided: _____

 Dates of Service: _____

Agency/Firm Name: _____
 Address: _____
 Contact Name: _____ Title: _____
 E-Mail: _____ Phone: _____
 Services Provided: _____

 Dates of Service: _____

Agency/Firm Name: _____
 Address: _____
 Contact Name: _____ Title: _____
 E-Mail: _____ Phone: _____
 Services Provided: _____

 Dates of Service: _____

4. Date Registered with e-Verify.gov: _____ Certificate # _____

5. List all litigation cases during the past three (3) years in which the Contractor has been a named party.

Use additional sheets, as necessary.

Year filed	Case number	Venue	Description

**SWORN STATEMENT UNDER SECTION 105.08, INDIAN RIVER COUNTY CODE, ON DISCLOSURE OF
RELATIONSHIPS**

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement **MUST** be submitted with Bid, Proposal or Contract No. 2023064
for Ecological Consulting Services in Support of the Environmental Land Acquisition Bond Process

2. This sworn statement is submitted by: _____

(Name of entity submitting Statement)

whose business address is:

_____ and its Federal Employer Identification Number (FEIN) is _____

3. My name is _____
(Please print name of individual signing)

and my relationship to the entity named above is _____

4. I understand that an “affiliate” as defined in Section 105.08, Indian River County Code, means:

The term “affiliate” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of the entity.

5. I understand that the relationship with a County Commissioner or County employee that must be disclosed as follows:

Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, or grandchild.

6. Based on information and belief, the statement, which I have marked below, is true in relation to the entity submitting this sworn statement. [Please indicate which statement applies.]

_____ Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the

entity, have any relationships as defined in section 105.08, Indian River County Code, with any County Commissioner or County employee.

_____ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents, who are active in management of the entity have the following relationships with a County Commissioner or County employee:

Name of Affiliate or entity	Name of County Commissioner or employee	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Signature)

(Date)

STATE OF _____

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this ____ day of _____, 20____, by _____ (name of person making statement).

(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

who is personally known to me or who has produced _____ as identification.

CERTIFICATION REGARDING PROHIBITION AGAINST CONTRACTING WITH SCRUTINIZED COMPANIES

(This form **MUST** be submitted with your response)

I hereby certify that neither the undersigned entity, nor any of its wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for the purpose of making profit have been placed on the Scrutinized Companies that Boycott Israel List created pursuant to s. 215.4725 of the Florida Statutes, or are engaged in a boycott of Israel.

In addition, if this solicitation is for a contract for goods or services of one million dollars or more, I hereby certify that neither the undersigned entity, nor any of its wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for the purpose of making profit are on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to s. 215.473 of the Florida Statutes, or are engaged in business operations in Cuba or Syria as defined in said statute.

I understand and agree that the County may immediately terminate any contract resulting from this solicitation upon written notice if the undersigned entity (or any of those related entities of respondent as defined above by Florida law) are found to have submitted a false certification or any of the following occur with respect to the company or a related entity: (i) it has been placed on the Scrutinized Companies that Boycott Israel List, or is engaged in a boycott of Israel, or (ii) for any contract for goods or services of one million dollars or more, it has been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or it is found to have been engaged in business operations in Cuba or Syria.

Name of Respondent: _____

By: _____
(Authorized Signature)

Title: _____

Date: _____

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned Firm certifies, to the best of his or her knowledge, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official

Name and Title of Contractor's Authorized Official

Date

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION
INELIGIBILITY AND VOLUNTARY EXCLUSION**

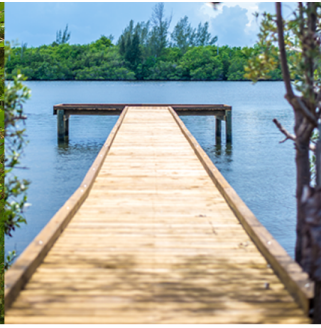
(1) The CONSULTANT certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature of Proposer's Authorized Official

Name and Title of Proposer's Authorized Official

Date



ENVIRONMENTAL LANDS PROGRAM GUIDE - DRAFT



updated October 2022



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(TO BE ADDED ONCE DRAFT IS APPROVED)

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3 **GENERAL OVERVIEW**

4
5 The Environmental Lands Program Guide (ELP Guide) is to be used as the primary document that contains
6 the policies, standards, and procedures relating to environmentally significant land acquisition and
7 management activities. With respect to the ELP Guide, the Indian River County Board of County
8 Commissioners (BOCC) will have the ultimate approval authority on its adoption and revisions. The
9 Environmental Lands Acquisition Panel (ELAP) will maintain the ELP Guide and act in an advisory
10 capacity to the County Commissioners.

11
12 The ELAP will receive and review proposals for purchase and make specific land acquisition
13 recommendations. Notwithstanding any section of the ELP Guide to the contrary and except for matters
14 that are required to be confidential, such as appraisals, the ELAP shall review and make recommendations
15 with respect to all environmental land acquisition matters before said matters are presented to the BOCC.
16 County staff will be available at the direction of the County Administrator. Although the ELP Guide will
17 be the primary source for policy and procedural guidance, the Indian River County Comprehensive Plan
18 and the Indian River County Land Development Code, as well as the Comprehensive Plans of
19 municipalities in the County, will also be used as they contain goals, policies, and objectives relating to
20 land acquisition.

21
22 On March 8, 2022, the BOCC approved Resolution 2022-016 which called for an Environmental Bond
23 Referendum for the qualified electors to consider in the November 8, 2022 general election. The referendum
24 will determine whether an environmental bond should be pursued to provide for the funding towards the
25 acquisition of environmentally significant lands to restore the Indian River Lagoon, protect water resources,
26 drinking water sources, wildlife habitat and natural areas, and construct public access improvements related
27 thereto.

28
29 The BOCC committed to do the following in the event that the 2022 Referendum is approved by the voters:

- 30
31 A. Seek matching funds in connection with the acquisition of the Projects (as defined in the
32 Resolution) to the maximum extent such matching funds are available;
33
34 B. Make specific provisions for annual independent audit of the uses of the proceeds of the Bonds.
35

36 The BOCC committed also to revise the 2004 ELP Guide to provide criteria and guidelines for the
37 acquisition process under the 2022 Bond Referendum. The original ELP Guide was developed in
38 conjunction with the County’s 2004 Environmental Bond Referendum, of which all funds have been
39 allocated.
40

41 The purpose of the ELP Guide includes the following:

- 42
43 1. To provide the policies and procedures involved in land acquisition and long-term management in
44 one document that may be modified over time.
45
46 2. To provide a uniform process for land acquisition and management that will be utilized throughout
47 the county.
48
49 3. To provide the public, county staff, and parties involved in the acquisition process with a document
50 that outlines this process in a format that is readily available and clear in its presentation.
51

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

- 3
- 4 1. Acquisition of lands consistent with the resource/conservation goals,
5 objectives, and policies set forth by the County;
- 6
- 7 2. Acquisition of lands when other means of protection (e.g., land use
8 regulation) are not effective; and
- 9
- 10 3. Acquisition, when possible, through the use and assistance of state and
11 federal funds.
- 12

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

17

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

23

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

30

1 **SUMMARY OF CHAPTERS**

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

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

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

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

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

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

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

20 **MAINTENANCE OF THE ENVIRONMENTAL LANDS PROGRAM GUIDE**

21 **Responsibility.**

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

25
26 **Amendment and Updating Procedure.**

27
28 The ELP Guide may be amended by a majority vote of the BOCC. The ELAP shall periodically conduct a
29 review of the ELP Guide and shall make recommendations to the BOCC regarding proposed ELP Guide
30 revisions, as warranted.

31

1 **Goal H:** Increase the amount of open space available, in urban areas

2 **Goal I:** Mitigate the effects of natural disasters and floods in developed areas

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

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

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

24 **Florida Forever Act.** Legislation (259.105, F.S.) adopted by the State in 1999, creating a 10-year,
25 \$3 billion land and water conservation program, succeeding the 10-year Preservation 2000 program
26 that was established in 1990. Pursuant to 259.105(4), F.S., the Florida Forever Acquisition and
27 Restoration Council shall pursue projects that contribute to the achievement of the following goals:

- 28 (1) Enhance the coordination and completion of land acquisition projects
- 29 (2) Increase the protection of Florida’s biodiversity at the species, natural community,
30 and landscape levels
- 31 (3) Protect, restore, and maintain the quality and natural functions of land, water, and
32 wetland systems of the state
- 33 (4) Ensure that sufficient quantities of water are available to meet the current and
34 future needs of natural systems and the citizens of the state
- 35 (5) Increase natural resource-based public recreational and educational opportunities
- 36 (6) Preserve significant archaeological or historic sites
- 37 (7) Increase the amount of forestland available for sustainable management of natural
38 resources
- 39 (8) Increase the amount of open space available in urban areas

1 (9) Mitigate the effects of natural disasters and floods in developed areas

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

6 The Act seeks to:

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

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

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

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

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

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

36 **Natural Community.** Identify, acquire and protect those natural communities that are inadequately
37 represented within existing protected lands, or represent the best examples of natural communities
38 with priority given to the most endangered or threatened. To ensure consistency of natural community

1 descriptions, the Florida Natural Areas Inventory Classification (FNAI) System, as amended by the
2 Office of Natural Resource Management will be used as the standard.

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

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

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

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

15 **OBJECTIVE**

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

18 **Environmentally Significant Lands.**

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

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

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

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

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

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

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

1 **Management of Environmentally Significant Lands.**

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

5 **Unique Areas**

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

11 **Recreation Areas**

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

16 **Other Compatible Uses**

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

21 **POLICY**

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

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

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

36

37

38

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.

1 **STAFF**

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

3 **Duties and Responsibilities:**

4 Receive all acquisition proposals.

5 Evaluate proposals for policy and procedural compliance.

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

10 Ensure appropriate review by the ELAP.

11 Coordinate comments received.

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

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

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

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

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

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

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

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

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

4 **ADVISORY STATUS**

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

6 **GENERAL PROVISIONS**

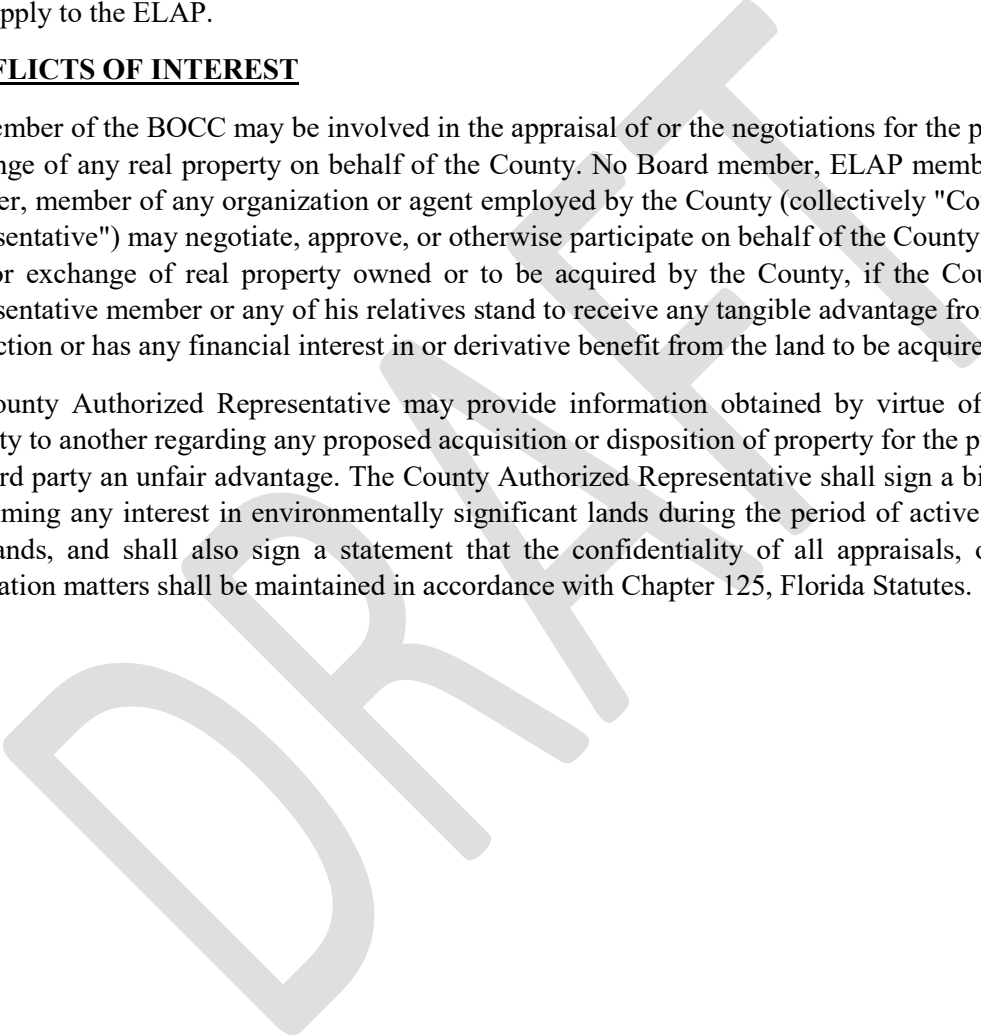
7 Except as provided herein, the provisions of Section 103.02 of the Indian River County Code of Ordinances
8 shall apply to the ELAP.

9 **CONFLICTS OF INTEREST**

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

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

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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.

DRAFT

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CHAPTER IV FUNDING/FINANCING

There are approximately 10.3 million acres of conservation lands in Florida, of which 54.8% are owned by the state, approximately 40.3% are owned by the federal government, and approximately 4.9% are owned by local governments. 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.

JOINT ACQUISITION/STATE PROGRAMS

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; and the Florida Communities Trust program. The federally funded National Estuary Program (NEP) funding opportunity for land acquisition has been included in this section.

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 bonds¹. 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 & Parks¹
- 1.5% Florida Department of Environmental Protection – Greenways & Trails
- 1.5% Fish & Wildlife Conservation Commission – Land Acquisition¹
- 1.5% Department of Agriculture & Consumer Services – Florida Forest Service¹

¹ These distributions are limited to inholdings and additions to lands managed by these agencies.

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

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

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

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

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

1 County's most frequent cost-share partner in the purchase of environmentally significant
2 lands.

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

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

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

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

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

38 **LOCAL FUNDING**

39 The Capital Improvement Element of the Indian River County Comprehensive Plan provides a summary
40 of local financial resources, as well as state and federal sources. Covered in this section are ad valorem
41 taxes, user fees and charges, special assessments, tourist development tax, mitigation funds, and borrowing
42 (e.g., bonds).
43

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

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

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

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

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

41 **PRIVATE GROUP/COOPERATIVE ACQUISITION**

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

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

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

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

14

DRAFT

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

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

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

8
9 **Phase 1: Review of Directives**

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

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

14
15 **Phase 2: Compilation of Lands (2 months)**

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

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

21
22 **Phase 3: Evaluation/Prioritization (3 months)**

- 23 - Resource characteristics
- 24 - Alternate protection methods
- 25 - Finance/purchase opportunities

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

28
29 **Phase 4: Work plans/Pre-acquisition Tasks/Negotiations**

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

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

36
37 **Phase 5: Final Report/BCC Recommendations**

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

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

43
44 **PHASE 1: Review of Directives**

45 The first phase of the land acquisition planning process, as applicable to the ELAP, is review and
46 discussion of documents containing environmentally significant lands protection objectives,

1 policies, and strategies. These documents include the ELP Guide, the Indian River County
2 Comprehensive Plan (as may be amended), state and regional conservation land strategy reports,
3 and municipal comprehensive plans.

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

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

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

15 Do those policies need revision?

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

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

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

20 The same type of questions should be asked and answered with regard to other policy documents
21 as well, to set the stage for the coming fiscal year's focus and strategies. For example, the “Florida
22 Forever Conservation Needs Assessment” report (Florida Natural Areas Inventory, 2022) provides
23 a statewide GIS based dataset to inform the Florida Forever land acquisition program. The
24 Conservation Needs Assessment data were developed to track the progress of the Florida Forever
25 program in protecting natural resources through land acquisition. Each data layer corresponds
26 directly to a goal and measure developed for the program by the Florida Forever Advisory Council.
27 The primary use of these data layers is to generate statistics reported in new Florida Forever
28 proposal assessments, and the Natural Resource Acquisition Progress Reports produced by FNAI
29 each year. Conservation priorities in the database will be incorporated into the property evaluation
30 documents.

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

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

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

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

5 Once Phase 1 has been completed and the ELAP has determined general strategies to further
6 program directives, the next phase is the compilation of specific properties to be reviewed and
7 evaluated for resource protection consideration. The properties will consist of lands nominated by
8 the general public or other agencies for land acquisition consideration. Each property will be
9 screened by staff to ensure that minimum criteria for evaluation are met. These minimum criteria
10 are detailed in “Minimum Criteria for ELAP Review” within the Appendices.

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

14 Following the initial application period in 2023, application submittal shall be allowed at any time
15 of the year. County staff shall assemble relevant parcel information and background data for
16 consideration by the ELAP. Nominations shall be ranked by the ELAP twice per year, on a schedule
17 approved by the BOCC.

18 Application forms shall be available both online, as well as at a designated location at the County
19 Administration Complex. A copy of the application is included in the appendix of this Guide, for
20 reference. Applications submitted shall be reviewed and evaluated, in accordance with the criteria
21 set forth in the following “Phase 3” section of this Guide, over the twelve-month period following
22 the submittal deadline.

23 **PHASE 3: Evaluation/Prioritization**

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

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

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

39 **Qualitative factors** are used to evaluate lands by their physical characteristics as well as ecological
40 value, and compatibility with resource protection goals. The five qualitative factors to be

1 considered in applying the Evaluation/Prioritization Matrix are listed below, along with a brief
2 explanation for each.

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

7 • Areal extent of natural lands vs. disturbed lands; lands that have been
8 significantly altered or are heavily invaded by non-native vegetation and
9 wildlife would be expected to be of lower ecological value

10 • Biodiversity refers to the variety of living species including plants, animals,
11 bacteria and fungi. Each of these species and organisms work together in an
12 ecosystem to maintain balance and support life. The evaluation of projects
13 would include an assessment of both observed and potential species in order
14 to provide an overall perspective on the biodiversity support for a project area.

15 Items included in this portion of the review include the extent of a particular
16 community type within Indian River County; the areal extent of this
17 community type within existing conservation lands; FNAI (or other
18 recognized standard) conservation status, species diversity, and the presence
19 of endemic and/or protected species.

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

- 22 • Recorded occurrences of state and federally protected species
23 • Number of endemic species present (if any)
24 • Species usage – are there roosting, loafing, nesting and breeding areas on site,
25 or are migratory species using the site
26 • Recorded number of desirable species present – higher biodiversity may be
27 indicative of higher habitat value
28

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

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

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

- 3 • Proximity of project to existing protected areas and/or wildlife corridors –
4 projects adjacent to other conservation lands or wildlife corridors would be
5 viewed, in most cases, as having a higher value for acquisition.
- 6 • Adjacent land uses – projects in proximity to highly developed or highly
7 altered lands are more likely to have a reduced value in the landscape.
- 8 • Project area size – in many cases smaller project areas may be of insufficient
9 size to provide sustainable or manageable habitat, or may not meet the needs
10 of species with specific habitat requirements.
- 11 • Fragmentation of natural areas – projects that have primarily natural
12 communities and are contiguous and contain intact ecotones and buffers
13 would be considered to have a higher value for conservation.
- 14 • Water resource considerations – projects that provide a benefit to
15 basin/watershed resources would receive a higher conservation value. These
16 considerations may include: groundwater recharge; contribution to long-term
17 basin/watershed maintenance and sustainability; filtration and/or buffering
18 for downstream waters; and floodplain conveyance and storage.
- 19 • Resiliency & sustainability assessment – these criteria will evaluate whether
20 a project site will be resilient and sustainable considering issues associated
21 with climate change. The assessment should consider both existing
22 conditions, as well as whether the project area allows for enhancement to
23 increase potential resiliency and sustainability.
- 24 • Objective 6 “Upland Vegetation Communities” identifies the following
25 natural habitats as lands that should be considered for protection as part of
26 various land acquisition or protection processes:
 - 27 • Coastal Strand
 - 28 • Coastal/Tropical Hammock
 - 29 • Xeric Scrub
 - 30 • Upland Hardwood Hammock
 - 31 • Pine Flatwoods
 - 32 • Dry Prairie

33
34 A property's contribution to furthering the policies of Conservation
35 Objective 6 and other policies of the County Comprehensive Plan should
36 receive higher consideration. The policies of Conservation Objective 6 and
37 other applicable policies of the Comprehensive Plan are provided in the
38 appendices of this guide.
39

40 **Recreational & Educational Value (#5):** Using this criterion, property that provides an
41 opportunity for environmentally significant land protection and also has potential for

1 multiple use (compatible with protection) will receive higher scores in this category.
2 Project assessment would include:

- 3 • Whether the natural community structure or location provides extensive
4 opportunities for passive recreation such as walking trails, wildlife viewing,
5 picnicking, or other low intensity uses by the public.
- 6 • Whether the structure of the site provides opportunities for a variety of
7 educational programming related to ecology, conservation, responsible
8 stewardship, and other important environmental issues.
- 9 • Whether the project area and natural communities provide opportunities for
10 volunteerism and/or potential for scientific research by academic institutions,
11 students, non-governmental agencies, or agency personnel.

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

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

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

27 In deciding the pluses and minuses of each protection alternative, the consequences of each
28 protection scenario must be thought out. For example, a "no action" approach on a property
29 with zoning and land use designations that allow single-family residential development at
30 6 units per acre may potentially result in total elimination of natural resource values. A
31 conservation easement approach, however, may partially preserve the native plant
32 community on site, while not contributing to wildlife habitat needs. Depending on the
33 resource at hand, outright land acquisition may or may not be the necessary alternative.

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

40 Additionally, existing regulatory restrictions must be considered in the evaluation process.
41 These regulatory processes would include zoning restrictions that may be in place, as well

1 as other measures such as costly mitigation measures that would be required if a project
2 site were to be developed or otherwise converted.

3 **Land Management Constraints (#8):** With very few exceptions, natural communities in
4 Florida require some level of management. Many of Florida's natural communities are fire
5 adapted, meaning that the health and integrity of these systems relies on periodic natural
6 or prescribed fires. Additionally, because of the warm climate and abundant rainfall in
7 Florida, nuisance and exotic species proliferate here, and are a constant threat to the
8 ecological balance within conservation lands.

9 Land management constraints include:

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

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

39 **Favorable Market Conditions (#10):** A landowner's willingness to sell, as well as market
40 conditions that favor a land purchase which is considered a "good deal," come into play
41 when comparing a number of properties for purchase. Other factors to consider in the

1 category are the existence of leases, easements, or other encumbrances; the number of
2 property owners (fewer owners may result in expedited negotiations); the size of the parcels
3 (large tracts under common ownership are easier to acquire and manage in many cases);
4 and whether the condition of the parcels is consistent with future conservation uses.

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

17 **Phase 4: Work Plans/Pre-Acquisition Tasks/Negotiations**

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

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

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

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

41 (a) with respect to environmental assessments, the assessments must meet the standards
42 and requirements established by the County and required by any applicable County
43 Ordinance or regulation, or DSL. For purposes of Cooperative Projects with the State, the

1 assessments must meet the standards and requirements of DSL. The person(s) conducting
2 any assessments shall be competent, licensed professional(s) or County assigned personnel,
3 and any reports must be certified to the County and/or cooperating agency;

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

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

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

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

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

25 At least one appraisal will be required for each property purchased for an amount of less than
26 \$500,000. At least two appraisals will be required by each property purchased for an amount of
27 \$500,000 or greater. When two appraisals are required under this section and they differ
28 significantly, staff will request that the fee appraisers review the differences in their reports to
29 attempt to rectify their value conclusions in order to bring the appraisals within an acceptable
30 divergence. If the fee appraisers cannot so rectify their values, a third appraisal may be obtained.
31 Two appraisals will be considered to differ significantly if the higher of the two values exceeds the
32 lower value by at least 20%. The County Administrator may decide not to obtain a third appraisal
33 if they decide to attempt to negotiate an acquisition price of no more than 120% of the lower of the
34 two appraisals.

35 For purposes of this section, "approved appraised value" means the maximum amount in dollars
36 which may be paid to a seller in accordance with the procedures herein. The approved appraised
37 value is not intended to be used as a negotiating value, or target price, but merely an upper limit.
38 The approved appraised value for negotiation will be as follows:

39 (a) The appraised value approved for negotiation will be the value indicated in a single
40 approved appraisal if only one appraisal is required. If two appraisals are obtained and
41 approved when only one is required, the approved appraised value will be the higher of the
42 appraisals, regardless of their divergence.

1 (b) If two appraisals are required and their values do not differ significantly (i.e. less than
2 20%), the approved appraised value for negotiation will be the higher value indicated in
3 the two approved appraisals.

4 (c) If a third appraisal is obtained and approved, the approved appraised value will be the
5 value of the higher of the two closest appraisals, as long as the two closest appraisals do
6 not differ significantly. If the two closest appraisals differ significantly, 120% of the lower
7 of the two closest appraisals will be the approved appraised value.

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

13 **Negotiations.**

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

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

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

31 As early as possible in the negotiations, staff will notify the landowner in writing that final purchase
32 approval is subject to affirmative action by the Board, and of the governing body or other
33 appropriate authority of any cooperating acquisition agency. When the landowner is represented
34 by an agent or broker, negotiations may not be initiated or continued with the agent until a written
35 statement signed by the landowner verifying the agent's legal or fiduciary relationship with the
36 owner is on file with the County.

37 During the course of negotiations, a property may be given an "inactive status" if no landowner (or
38 landowner agent) contact has occurred for 6 months or more due to lack of response on the part of
39 the landowner(s). When the ELAP designates a property as "inactive," staff will notify the
40 landowner that no further County action or negotiations will occur unless initiated by the
41 landowner. The landowner will also be advised that in the meantime the County will continue to

1 actively negotiate the purchase of other properties, and the longer the landowner waits, the less
2 likely that funds will be available for County purchase of his or her property.

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

8 **Conceptual management plans.**

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

18 **Phase 5: Final Report and Recommendations; Confidentiality**

19 To the extent consistent with applicable confidentiality requirements, once the appraisals have been
20 conducted and negotiations have commenced, planning staff will regularly report the status of
21 negotiations to the ELAP. The ELAP will review the status of negotiations and may recommend
22 revisions to work plans and make recommendations for acquisition to the BOCC.
23

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

25 (1) When required by County cost-share acquisition partners, appraisal reports, offers and
26 counteroffers, prepared or received in accordance with the County's acquisition of
27 property, are confidential and exempt from the provisions of Section 119.07, F.S., until an
28 option contract is executed or, if no option contract is executed, until 30 days before a
29 purchase instrument is considered for approval by the Board. However, staff may disclose
30 appraisal reports or other confidential information to public agency or nonprofit joint
31 acquisition partners where the agency or partner has committed to joint acquisition with
32 the County, and all individuals who will be privy to confidential information have signed
33 a confidentiality pledge acceptable to staff. In certain circumstances, the County may opt
34 not to exercise confidentiality of appraisals and negotiations, when it does not conflict with
35 cost-share partner requirements (i.e., "pre-acquisitions" or non-partner acquisitions) and
36 when it is in the County's interest.

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

41 (2) Appraisals, including any review appraisal, may be submitted to the ELAP for its
42 review, but only in conjunction with ELAP consideration of a contract negotiated by the

1 County and executed by the seller. Under this circumstance, appraisals and reviews will be
2 made public at the time of their submittal to the ELAP, provided the timing is such that a
3 purchase instrument for the property is scheduled for Board approval consideration within
4 30 days, as heretofore explained, unless precluded by the cost-share partner.

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

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

17 Project proposals approved by the Commission for inclusion in the Indian River County parks and
18 recreation system shall be forwarded to the Public Works Department and the Planning Division
19 for park development. Project proposals designated for matching fund programs of any cooperating
20 agency shall be submitted in a timely fashion.

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

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

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

32 (a) Authorization. The Board may authorize a profit or nonprofit organization as
33 defined in section 501 (c)(3) of the Internal Revenue Code, to negotiate with the
34 owners of qualified lands hereunder, to determine specific terms upon which an
35 owner would be willing to sell said land. When negotiations terminate, a copy of
36 the organization's negotiation file shall be provided to the County.

37 (b) Acquisition Documents. The organization may obtain an option to purchase and
38 offer the results of its negotiations to the County together with a transfer of the
39 option to purchase after recommendation for purchase of the land by the ELAP.

40 (c) Non-Exclusive Authority. This authorization to negotiate is non-exclusive and shall
41 not preclude an owner of land from negotiating with the County or other third party
42 if he or she so chooses.

- 1 (d) Nonagency. In no event shall this Guide, the authorization herein, or an
2 organization's negotiations create an agency relationship, express or implied,
3 between an organization and the County. The County shall not be bound to any
4 person or entity to approve or consummate any purchase, or exercise any option to
5 purchase, as a result of the organization's negotiations, or any other act or omission
6 of the organization involving any land, unless and until approved by formal action
7 of the Board. Any transaction shall be subject to implementation upon approved
8 documents and in accordance with County policies.

9 **Emergency Acquisition**

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

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

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

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

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

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**CHAPTER VI
LAND MANAGEMENT**

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

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

16 **RESPONSIBILITIES**

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

22 **Management Planning**

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

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

33 The Resource Management Component provides a detailed inventory and assessment of the natural
34 and resources of a conservation tract. Resource management needs and issues are identified, and
35 measurable management objectives are established for each of the conservation area's management
36 goals and resource types. This component provides guidance on the application of such measures
37 as prescribed burning, exotic species removal, imperiled species management, and restoration of
38 natural conditions.

39 The Land Use Component is the recreational resource allocation plan for the conservation area.
40 Measurable objectives are established to address factors such as access, population, adjacent land
41 uses, the natural resources of the property, current public uses, and existing amenities or other
42 development. Each of the factors should be provided consideration when determining the ultimate

1 allocation of space within the conservation areas. These objectives consider the appropriateness of
2 the potential use of each area, and propose the types of resource-based recreation and associated
3 facilities and programs to be provided. For conservation lands, it is required that these intended
4 uses are in harmony with the overarching resource management component described above.

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

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

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

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

23 **Management Implementation**

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

29 Volunteer support to help provide public access, interpretive and educational activities, and
30 resource management assistance is encouraged and coordinated by the Conservation Lands
31 Manager. Local high school and collegiate science clubs, members of the Eugenia Chapter of the
32 Native Plant Society, the Pelican Island Audubon Society, the Environmental Learning Center, the
33 Florida Oceanographic Society, the Clean Water Coalition, Indian River County Historical Society
34 and other organized groups and individuals may provide valuable assistance in operation,
35 interpretation and resource enhancement activities of conservation lands. The Parks Division may
36 employ contract labor, as needed, for resource management tasks and public access improvements.

37 Resource management activities are the responsibility of the Conservation Lands Manager. County
38 staff, contract labor and volunteer labor will undertake tasks such as exotic plant removal and
39 restoration of native vegetation. Assistance for resource management projects may be coordinated
40 agencies such as the Indian River Mosquito Control District, The Florida Fish and Wildlife
41 Conservation Commission (FWC), the U.S. Fish and Wildlife Service and the St. Johns River

1 Water Management District. Assistance with prescribed fire management planning and prescribed
2 burning will be sought from the Florida Forest Service.

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

8 **Progress Reporting**

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

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

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

24 **KEY MANAGEMENT ACTIVITIES**

25 The following list summarizes key management activities typical to conservation areas, in priority
26 order. Each conservation area management plan includes a tentative timeline for management
27 activities. The timing of management activities is subject to adjustment, as scheduling depends on
28 the availability of funding, staffing and inter-governmental assistance for the management of
29 project sites.

- 30 1. Install boundary fencing (optional, depending on site-specific characteristics).
- 31 2. Complete a land use map based on Florida Natural Areas Inventory (FNAI) classifications
32 and priorities
- 33 3. Inventory plant and animal species.
- 34 4. Develop exotic plant removal and revegetation plan.
- 35 5. Identify other restoration/enhancement needs (e.g. hydrologic improvements)
- 36 6. Identify opportunities and seek funding for natural community enhancement efforts.
- 37 7. Initiate public access design planning.
- 38 8. Layout and create a trail network for public access, where appropriate.
- 39 9. Initiate exotic vegetation plant removal.
- 40 10. Implement continuous follow-up treatment program for exotic plants.
- 41 11. Develop mechanical fuel reduction/prescribed fire management plans (for scrub
42 communities).

- 1 12. Begin fuel reduction and fire management activities (for scrub communities).
- 2 13. Initiate any permitting required for construction of public access improvements.
- 3 14. Contract reconnaissance level cultural resources survey (on sites suspected to have cultural
- 4 resources)
- 5 15. Construct and begin maintenance of public facilities.

6

7 **Boundary Fence (Optional)**

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

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

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

27 **Nuisance & Exotic Vegetation Management**

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

34 **Mechanical Treatment and Fire Management**

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

41

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

12 **Cultural Resources Survey**

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

23 **Public Access Facilities**

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

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

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

43

1 **COST/FUNDING**

2 **Resource Management and Development Cost Estimates**

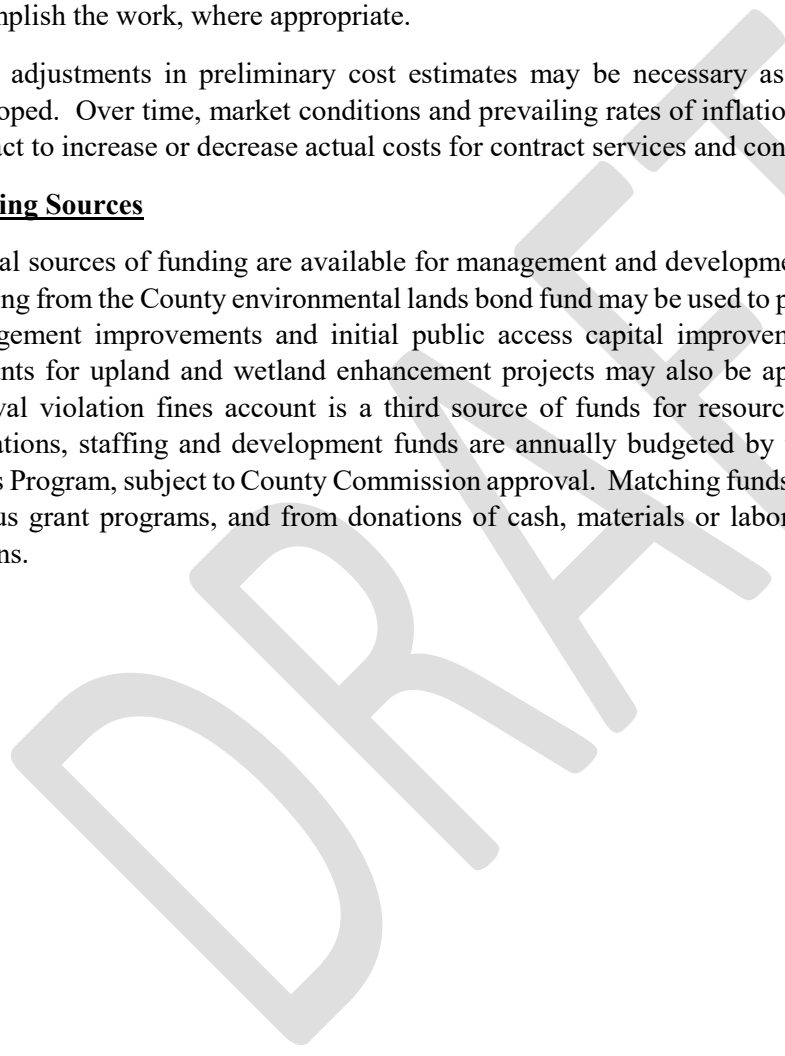
3 Management plans for each conservation area include preliminary cost estimates for resource
4 management and public access improvements, based on current market costs (at the time of
5 management plan drafting) and estimated quantities for resource management and public access
6 improvements outlined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

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

13 **Funding Sources**

14 Several sources of funding are available for management and development of conservation lands.
15 Funding from the County environmental lands bond fund may be used to provide for initial resource
16 management improvements and initial public access capital improvements. County mitigation
17 accounts for upland and wetland enhancement projects may also be applied. The County's tree
18 removal violation fines account is a third source of funds for resource management activities.
19 Operations, staffing and development funds are annually budgeted by the County Conservation
20 Lands Program, subject to County Commission approval. Matching funds may be obtained through
21 various grant programs, and from donations of cash, materials or labor by local businesses and
22 citizens.

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APPENDICES

- Land Acquisition Project Application
- County Resolution No. (To Be Added When Adopted)
- I.R.C. Comprehensive Plan Policy Excerpts
- ELAP Evaluation/Prioritization Matrix
- Minimum Criteria for LAAC Property review

DRAFT



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.

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

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.

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 Program at (772) 226-1781.

Please return the completed form and additional information to Conservation@ircgov.com, or to the attention of: Wendy Swindell, Indian River County Intergenerational Center, 1590 Oslo Road, Vero Beach, FL 32962.

**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.

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:
 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 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.

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.

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 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 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 of efficiency of existing stormwater management facilities and, where feasible, to construct new regional stormwater management facilities.

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.

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.

**Table X. Indian River County Land Acquisition Guide
Property Evaluation Matrix**

	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		
Project Score													
Weighting Unit	x 15	x 15	x 10	x 10	x 8		x 12	x 8	x 10	x 6	x 6		
Weighted Score													

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**

MINIMUM CRITERIA FOR ELAP PROPERTY REVIEW

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 (TBD):

- 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 "endangered," "threatened," or "species of special concern" (flora or fauna), regardless of parcel size; or
- d. The property has altered ecosystems with reasonable potential for restoration, and the property is adjacent 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