

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 16, 2013

(X) Consent

() Regular

() Workshop

() Public Hearing

Department

Submitted By: Environmental Resources Management

Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) **Approve** a 20-year term Florida Greenways and Trails Designation Agreement (Designation Agreement) with the Florida Department of Environmental Protection for the County's Winding Waters Natural Area; and

B) **Authorize** the County Administrator, or his designee, to sign a Resource Certification once every five years from the date of this Designation Agreement.

Summary: On November 5, 2012, staff submitted an Application for Designation of the Winding Waters Natural Area to become part of the Florida Greenways and Trails System. The application was subsequently approved by the Florida Greenways and Trails Council on December 12, 2012. To maintain the designation, the County is required to submit a "Resource Certification" once every 5 years from the date of this Designation Agreement. The Resource Certification states that the natural, recreational, cultural or historic resources identified in the Designation Agreement are being maintained. Since the natural, cultural and/or historic resources found within the designation area are already being maintained pursuant to a Natural Resources Conservation Service grant (R2007-1222), approval of the Designation Agreement is not expected to have any fiscal impact. District 7 (SF)

Background and Justification: The Florida Greenways and Trails designation program was established to further the purposes, goals, and objectives of the Florida Greenways and Trails System; ensure an inclusive and interconnected system of greenways and trails; encourage voluntary partnerships in conservation, development and management of system components; provide recognition for individual components of the system and those partners involved; and raise public awareness of the conservation and recreation benefits of the system components.

Staff plans to apply in 2013 for a grant to help fund trail and public use facilities within the Winding Waters Natural Area through the federal Recreational Trails Program (RTP), which is administered by the state Office of Greenways and Trails. Approval of this Designation Agreement will allow the County to earn 3 additional points and improve the County's chance of receiving RTP funds. Approval of the Designation Agreement will also result in greater exposure for the natural area via inclusion of the Winding Waters Natural Area on the state's Greenways and Trails web site.

Attachments:

1. Winding Waters Natural Area Location Map
2. Designation Agreement

Recommended by:


Department Director

3/12/13
Date

Approved by:


County Administrator

4/1/13
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2013 | 2014 | 2015 | 2016 | 2017 |
|--|--------|-------|-------|-------|-------|
| Capital Expenditures | _____ | _____ | _____ | _____ | _____ |
| Operating Costs | _____ | _____ | _____ | _____ | _____ |
| External Revenues | _____ | _____ | _____ | _____ | _____ |
| Program Income (County) | _____ | _____ | _____ | _____ | _____ |
| In-Kind Match (County) | _____ | _____ | _____ | _____ | _____ |
| NET FISCAL IMPACT | _____* | _____ | _____ | _____ | _____ |
| # ADDITIONAL FTE POSITIONS (Cumulative) | _____ | _____ | _____ | _____ | _____ |

Is Item Included in Current Budget? Yes _____ No _____
Budget Account No.: Fund _____ Department _____ Unit _____ Object _____
Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact

* Approval of the Recreational Greenways and Trails Designation Agreement will not result in any fiscal impacts to the County. Ongoing management, maintenance and restoration of the natural area are already budgeted on an annual basis or as specific management/restoration contracts are approved. Approval of the Designation Agreement may ultimately help the County obtain grant funds to help pay for public use facilities contemplated in the Winding Waters Natural Area land use plan.

C. Department Fiscal Review:

[Signature]

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Dev. and Control Comments:

OFMB

ce

3/18/13

Contract Development and Control

3-29-13

cc

3/29/13

B. Legal Sufficiency:

[Signature]

Assistant County Attorney

C. Other Department Review:



Department Director

Attachment 1

Winding Waters Natural Area FG&T Designation: Location Map



0 350 700 1,400 2,100 2,800 3,500 Feet

-  Dyer Park
-  Designation Area (534 Acres)
- Winding Waters Natural Area (548 Acres)



**STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA GREENWAYS AND TRAILS PROGRAM**

**DESIGNATION AGREEMENT
WINDING WATERS NATURAL AREA**

This Designation Agreement, entered into on this _____ day of _____, 2013, by and between STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF RECREATION AND PARKS, OFFICE OF GREENWAYS AND TRAILS (hereinafter referred to as "Department") and PALM BEACH COUNTY, FLORIDA (hereinafter referred to as "Landowner" or "Manager"), by and through the undersigned, formally designates the public lands depicted in Exhibit A attached hereto and incorporated herein by reference (hereinafter referred to as "designated lands") as part of the Florida Greenways and Trails System, as defined in Section 260.014, Florida Statutes.

WITNESSETH:

WHEREAS, the Department is given authority in Section 260.016, Florida Statutes, to develop and implement a voluntary process for designation of lands or waterways as a part of the statewide system of greenways and trails.

NOW THEREFORE, in consideration of the mutual benefits to be derived herefrom, the parties do hereby agree to the following:

1. The Manager:

- a. Shall be responsible for the management, operation and maintenance of the designated lands, in accordance with Exhibit B attached hereto and by this reference made a part hereof.
- b. Shall be responsible for notifying the Department of any change in the following: property ownership (if known) or management; the condition or extent of natural, recreational, cultural or historic resources described in the designation application or its attachments; or the expansion or improvement of the project or its amenities and facilities.
- c. Shall submit a Resource Certification, a copy of which is attached hereto as Exhibit C and incorporated herein by reference, at the request of the Department, every five years from the date of this Designation Agreement, which states that the natural, recreational, cultural or historical resources identified on the designated lands are being maintained.

2. The Department:

- a. Shall provide technical and financial assistance, if available, or identify other sources of funding available for management and restoration needs.
- b. Agrees that this Designation Agreement shall have no effect upon the disposition of improvements made to the public lands by the Landowner, the Department, or others, whether existing at the time of designation or to be constructed or erected later, unless otherwise agreed herein.

3. The Landowner and Department agree to the following:

- a. That sufficient information exists and/or field verification has occurred to assure that the characteristics of the public lands meet the criteria contained in Rule 62S-1.400, Florida Administrative Code.
- b. That this Designation Agreement will be subordinate to the interests stated in any existing leases, subleases, management plans, licenses, easements or other agreements or encumbrances previously executed and currently in effect for any portion of the designated public lands.

4. Term, Modification and Termination of this Designation Agreement:

- a. The term of this Designation Agreement shall be 20 years.
- b. This Designation Agreement may be modified to encompass additional adjacent public lands owned by the Landowner. Any such modification to this Designation Agreement shall not be valid unless it complies with the requirements set forth in paragraph 5. below.
- c. The Department may withdraw from this Designation Agreement at anytime or remove the said designated lands from the Florida Greenways and Trails System by action of the Secretary if:
 - (1) the component fails to accomplish or becomes unsuitable for the purposes for which it was designated; or
 - (2) there is no longer an ability to manage the designated lands as intended in this Designation Agreement and no replacement manager can be identified.
- d. In the event that the ownership of the designated lands changes, this Designation Agreement will be null and void.
- e. The Landowner has the statutory right to remove the public lands from designation at any time by providing the Department with a written request that references this Designation Agreement.

5. This Designation Agreement represents the entire agreement of the parties. Any alterations, variations, changes, or modifications of this Designation Agreement shall only be valid when they have been reduced to writing, duly signed by each party hereto and attached to this Designation Agreement.

This Designation Agreement is executed by a duly authorized representative of each party on the day and year first above written.

ATTEST:
SHARON R. BOCK
Clerk & Comptroller

COUNTY:
PALM BEACH COUNTY, a political
subdivision of the State of Florida
By its Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Steven L. Abrams, Mayor

Date: _____

(OFFICIAL SEAL)

Date: _____

"OWNER/MANAGER"

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

APPROVED AS TO TERMS
AND CONDITIONS:

By: 
Assistant County Attorney

By: 
Department Director

Date: 4/11/13

Date: 3/18/13

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL
PROTECTION, DIVISION OF RECREATION AND PARKS,
OFFICE OF GREENWAYS AND TRAILS

By: _____
Donald Forgione, Director

Date: _____

"DEPARTMENT"

Approved as to Form and Legality

By: _____
FDEP Attorney

EXHIBIT A

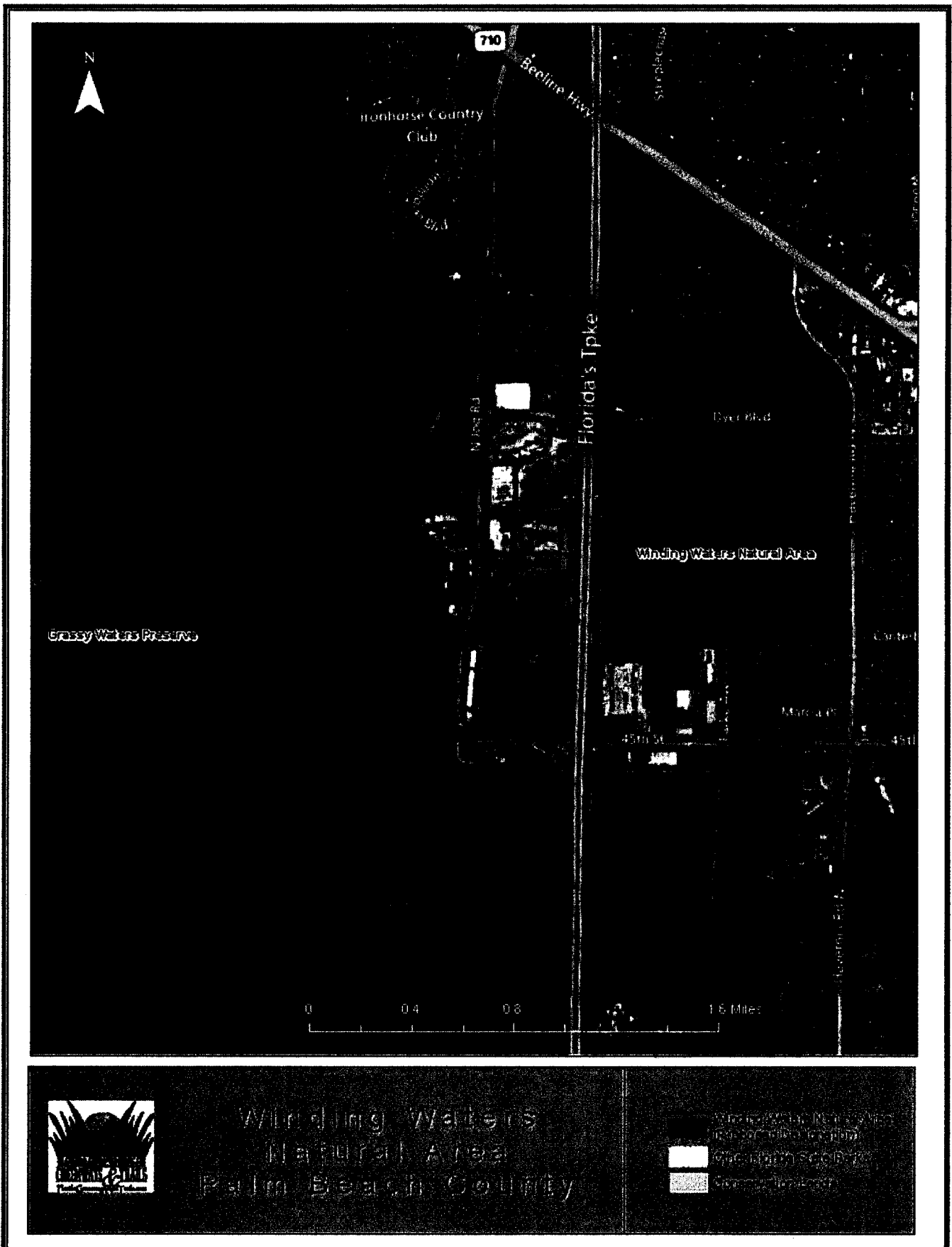


EXHIBIT B - LAND USE PLAN

Winding Waters Natural Area, Palm Beach County, Florida Use Plan

Palm Beach County Natural Areas System Management Statement: The Palm Beach County Natural Areas System is comprised of those environmentally sensitive lands that are owned or leased by the County and managed as natural areas by the County's Department of Environmental Resources Management. These natural areas were selected on the basis of their biological characteristics and were acquired to preserve the rare and diverse native ecosystems present on these sites and the endangered, threatened, and rare species of plants and animals that live there.

Location: The 548.11-acre Winding Waters Natural Area (natural area) is located within the municipal boundaries of the City of West Palm Beach in east-central Palm Beach County. The natural area lies just south of the Palm Beach County's (the County) 560-acre Dyer Park and is on the west side of Haverhill Road in West Palm Beach, Florida (Figure 1). The entire natural area is owned and managed by the County's Department of Environmental Resources Management (ERM).

Future road widening activities are expected to impact approximately 8 acres along the eastern edge of the natural area. Another 6 acres are disjunct from the rest of the natural area and contain mostly disturbed/exotic vegetation. These two areas have been excluded from this designation application. As a result this application covers a total of 534 acres.

Purpose: The primary purpose for the County's acquisition of this natural area was to preserve seven moderate to high quality Florida native ecosystems - dome swamp, strand swamp, wet prairie, wet flatwoods, mesic flatwoods, basin marsh and mesic hammock vegetation communities - and their associated wildlife populations, including listed species such as least tern, roseate spoonbill, Florida sand hill crane, bald eagle, gopher tortoise, tricolored heron, snowy egret, white ibis, glossy ibis and wood stork. The natural area also contains disturbed dome swamp and disturbed mesic flatwoods communities that are in the process of being restored. The secondary purpose of the County's acquisition was to provide for passive, resource-based recreation, environmental education, and scientific research. Designation of a vast majority of the natural area as a part of the Florida Greenways and Trails System will help accomplish the County's preservation and passive recreational goals for this site.

Public Access: Primary public access to the natural area will be provided via a proposed parking area located on the north side of the natural area off of the Dyer Park accessway just north of the natural area (Figure 1). The adjacent park provides active recreational opportunities that will compliment the passive recreational opportunities afforded by the natural area. An educational kiosk containing information about the natural area will be constructed on the south side of the parking area near the entrance to the nature trail. A bike rack will be installed in the parking area to encourage the use of alternative methods of transportation to get to the natural area. Alternate public access to the natural area will be provided via an existing pedestrian maze gate located along the northern border of the natural area just east of the parking area entrance.

Public Use/Trails: Public use facilities planned on the natural area (Figure 2) include a 4.9-mile natural based hiking trail, a 2,279-foot fully-accessible concrete nature trail, a 310-foot wooden boardwalk which will connect the accessible nature trail to the eastern portion of the hiking trail, and a 3.8-mile long management accessway system. The existing management accessway system will serve several purposes: it will provide the County and its exotic vegetation removal contractors with access to various portions of the site, it will act as a firebreak during prescribed burns, and it will serve as an additional natural-surfaced hiking area for pedestrians. A 3.3-mile canoe/kayak trail will be provided within the wetland creation area. This trail will begin at a canoe/kayak launch just southwest of the proposed parking area. An observation platform will be constructed along the wooden boardwalk that will connect the nature trail with the eastern hiking trail. A second overlook/wildlife observation area will be constructed along the western hiking trail, approximately 0.9 mile south of the parking lot. Additional overlooks/wildlife observation areas and/or benches may be constructed along the southern, eastern and northern hiking trails as funding permits. These public use facilities will provide a valuable opportunity for the public to observe and learn about the natural area's distinctive natural communities and wildlife species.

Figure 1
Winding Waters Natural Area FG&T Designation: Location Map



0 350 700 1,400 2,100 2,800 3,500 Feet

- Dyer Park
- Designation Area (534 Acres)
- Winding Waters Natural Area (548 Acres)

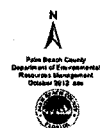


Figure 2
Winding Waters Natural Area: Conceptual Site Plan Map

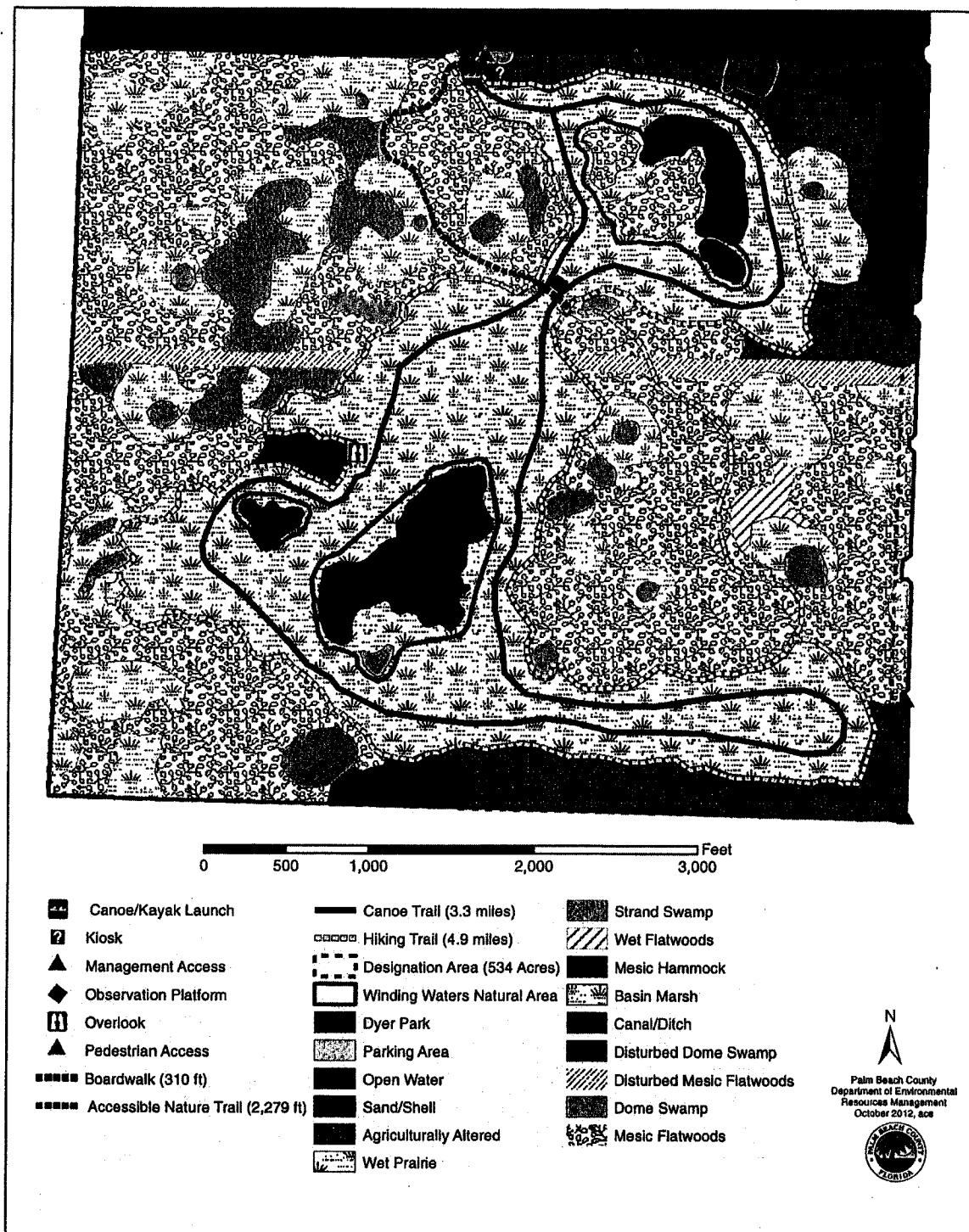


EXHIBIT C



PUBLIC LANDS OR WATERWAYS DESIGNATION RESOURCE CERTIFICATION

By signing this document, the Manager does hereby certify that the natural, recreational, cultural or historic resources identified on the public lands or waterways designated as part of the Florida Greenways and Trails System in Designation Agreement Number OGT-DA0061, are being maintained in a manner consistent with the terms of the agreement.

PALM BEACH COUNTY DEPARTMENT OF
ENVIRONMENTAL RESOURCES MANAGEMENT

By: _____

Print/Type Name

Title