

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	September 18, 2018	() Consent	(X) Regular
		() Workshop	() Public Hearing
Department:	<u>Environmental Resources Management</u>		
Submitted By:	<u>Environmental Resources Management</u>		
Submitted For:	<u>Environmental Resources Management</u>		

I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends motion to deny:** a request from The Bear's Club to swap an existing conservation easement over a 15.54-acre scrub habitat preserve for other fragmented parcels of land within The Bear's Club property to accommodate future development of the 15.54-acre site, and provide a one-time contribution of \$1 million to the Natural Areas Fund.

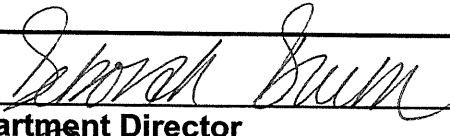

Summary: The Bear's Club is a 400.9 acre, 136 unit (114 currently allocated), single family home development with a golf course and clubhouse. The Bear's Club has requested to swap an existing conservation easement over a 15.54-acre scrub habitat preserve for other fragmented parcels of land within The Bear's Club property to accommodate future development of the 15.54-acre site. The proposed land swap involves approximately 20.19 acres along The Bear's Club Golf Course comprised of 44 micro-parcels averaging 0.46 acres in size. In addition to the land swap, The Bear's Club has offered a monetary one-time contribution of \$1 million to the Natural Areas Fund. Palm Beach County (PBC) Environmental Resources Management (ERM) staff updated a biological and archeological resources assessment of the 15.54-acre scrub habitat site.

Staff recommends denial of this request due to the swap resulting in fragmentation of scrub habitat and subsequent degradation of overall ecological value. In addition to concerns about the loss of globally imperiled scrub habitat, there is a concern regarding the policy implications of modifying / accepting compensation for a conservation easement, interpreting "forever" or "in perpetuity" as temporary.

The Uniform Land Development Code (ULDC) has a prescribed process for buying out preserve set-asides for unincorporated PBC. No such process exists for properties in which we have conservation easement interest within municipalities or conservation easements associated with enforcement actions. District 1 (AH)

Background and Policy Issues continued on Page 3

- Attachments:**
- 1. Conservation Easement
 - 2. Settlement Agreement No. ES 92-001
 - 3. Environmental Assessment of Palmwood Preserve July, 2018

Recommended by:	<u></u>	<u>9/5/18</u>
	Department Director	Date
Approved by:	<u></u>	<u>9/5/18</u>
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	0	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?	Yes _____		No _____		
Does this item include the use of federal funds?	Yes _____		No _____		
Budget Account No.:					
Fund	_____	Department	_____	Unit	_____
Object	_____				
Program	_____				

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No Fiscal impact.

C. Department Fiscal Review:

_____ 

III. REVIEW COMMENTS

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

 8/24/18
OFMB 8/24/18
 8/30/18
Contract Development & Control
8/24/18

B. Legal Sufficiency:

 9/4/18
Assistant County Attorney

C. Other Department Review:

Department Director

Continued from page 1

Background and Policy Issues: In November 1991, a Notice of Violation from the County was issued to the John D. and Catherine T. MacArthur Foundation for unauthorized land clearing activities on the Palmwood Scrub site, a violation of the Palm Beach County Environmentally Sensitive Lands Ordinance No 90-47. As a result, a conservation easement was placed over 15.54 acres of scrub habitat as a condition of Settlement Agreement No. ES 92-001 in 1993. Both the Settlement Agreement and associated Conservation Easement stipulate the property will be retained and maintained forever in the natural vegetative and hydrologic condition and the provisions shall apply and be binding upon successors in title and assigns.

Palm Beach County does not own the scrub property that is the subject of this proposal. The property is owned by The Bear's Club and is within the Town of Jupiter. Palm Beach County is involved due to both the aforementioned Settlement Agreement and the Conservation Easement stating the county, through ERM, is the "Grantee."

The proposed land swap involves approximately 20.19 acres along The Bear's Club Golf Course comprised of 44 micro-parcels averaging 0.46 acres in size. It is well understood in published scientific literature that fragmented habitats are not as ecologically valuable and functional as larger, connected preserve areas. For the reasons stated above, staff recommends denial of The Bear's Club's request.

ATTACHMENT 1

Return to:
LAWRENCE W. SMITH, ESQUIRE
Gary, Dytovich & Ryan, P.A.
701 U.S. Highway One, Ste. 402
North Palm Beach, FL 33408
RE: MacArthur (1804)

DEC-30-1993 12:05pm 93-427253
ORB 8054 Pg 1104
Con 10.00 Doc .70

CONSERVATION EASEMENT

STATE OF FLORIDA, COUNTY OF PALM BEACH

KNOW ALL PERSONS BY THESE PRESENTS THAT as a condition of the Settlement Agreement No. ES 92-001 dated 11 February 1993, and pursuant to Palm Beach County Ordinance No. 90-47, the John D. and Catherine T. MacArthur Foundation, an Illinois corporation with offices located at 4176 Burns Road, Palm Beach Gardens, Florida 33410 ("Grantor"), has, for good and valuable consideration, the receipt of which is acknowledged, granted to Palm Beach County, a political subdivision of the State of Florida ("Grantee"), a Conservation Easement in accordance with Section 704.06, Florida Statutes, in and over the real property in Palm Beach County, Florida, as set forth in the legal description attached hereto as Exhibit A (the "Property").

As used herein, the term Grantor shall include any successor or assignee of the Grantor, and the term Grantee shall include any successor or assignee of the Grantee.

It is the purpose and intent of this Conservation Easement to assure that the Property will be retained and maintained forever predominantly in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement, which shall mean that the following activities are prohibited on the Property:

1. Construction or placement of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
2. Dumping or placing of soil or other substances or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
3. Removal, destruction, cutting, trimming, mowing, alteration or biocide spraying of trees, shrubs, or other vegetation, with the only exception being removal of nuisance and exotic plant species as may be permitted by law, ordinance, or other governmental approval;
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in any manner which affects the surface or sub-surface;
5. Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
7. Acts or uses detrimental to such aforementioned retention and maintenance of land and water areas; and
8. Acts or uses detrimental to the preservation of any features or aspects of the property having historical, archaeological or cultural significance.

It is understood that the granting of this Conservation Easement entitles the Grantee or its authorized representatives to enter the Property in a reasonable manner and at reasonable times to assure compliance with reasonable prior notice to Grantor.

The Grantor on behalf of itself and its successors or assigns hereby acknowledges that the Grantee accepts no responsibility or liability in connection with the maintenance of the Property in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement. The Conservation Easement hereby granted and the obligation to retain and maintain the Property forever predominantly in the vegetative and hydrologic condition as herein specified shall run with the land and shall

Grantee's address: 390 N. Olive Ave.
WFO FL 33401

be binding upon the Grantor and its successors and assigns, and shall inure to the benefit of the Grantee and its successors and assigns.

Venue for any actions in connection with this Conservation Easement shall be in Palm Beach County, Florida. The prevailing party shall be entitled to recover reasonable attorney's fees and costs in the trial and appellate courts, in addition to the cost of restoring the land to the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement if the prevailing party is the Grantee. These remedies are in addition to any other remedy, fine or penalty which may be applicable under Chapter 403, Florida Statutes, or Palm Beach County ordinance.

Any forbearance on behalf of the Grantee or Grantor to exercise their rights in the event of the failure of Grantor to comply with the provisions of this Conservation Easement shall not be deemed or construed to be a waiver of the Grantee's or Grantor's rights hereunder in the event of any subsequent failure by the Grantor to comply.

The Grantor hereby represents that the Grantor is seized of the Property in fee simple and has good right and title to grant and convey this Conservation Easement to the Grantee and that the Property is free and clear of any encumbrances.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this 30th day of July, 1993.

Signed, sealed, and delivered in our presence of:

WITNESS Jerilyn Schumacher

GRANTOR:

WITNESS DAVID S. CHERNOFF

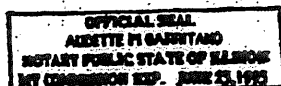
BY James T. Griffin
James T. Griffin, Vice President

ATTEST Steven Cohen
Steven Cohen, Assistant Secretary

STATE OF Illinois
COUNTY OF Cook

The foregoing instrument was acknowledged before me by James T. Griffin, Vice President, and Steven Cohen, Assistant Secretary, of John D. and Catherine T. MacArthur Foundation, a not-for-profit corporation, who is personally known to me.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal, this 30th day of July, 1993.



Alette M. Guintano
Notary Public

EXHIBIT A

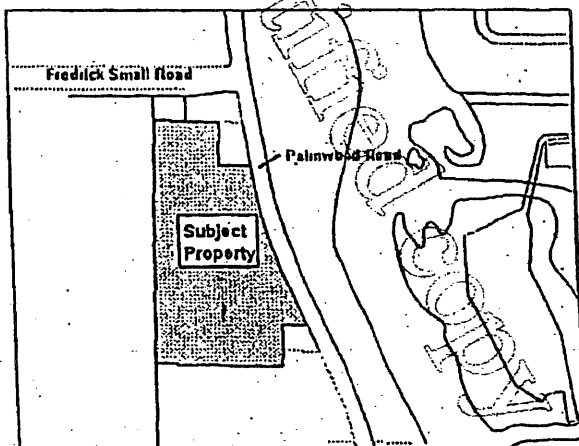
ORB 8054 Pg 1106
RECORD VERIFIED DOROTHY H WILKEN
CLERK OF THE COURT - PB COUNTY, FL

**Legal Description
of
Conservation Easement
in
Section 20/41S/43E**

A parcel of land lying in Section 20, Township 41 South, Range 43 East, Palm Beach County, Florida and being more particularly described as follows:

Beginning at the Southwest corner of that certain parcel of land described in Official Record Book 2616, at page 238, public records of Palm Beach County. Said point being on the West line of said Section 20. Thence South 88° 53' 15" East, along the South line of said Parcel, (the West line of said Section 20 is assumed to bear North 01° 07' 40" East and all bearings referenced herein are relative thereto), a distance of 150.04 feet to the Southeast corner thereof; Thence South 87° 40' 31" East, a distance of 170.00 feet to the Northwest corner of that certain parcel of land described in Official Record Book 2778, at page 610; Thence South 01° 07' 40" West, along the West line of said Parcel and the West line of that certain parcel of land described in Official Record Book 2834, at page 57, a distance of 220.01 feet to the Southwest corner of that certain parcel of land described in Official Record Book 2834, at page 57; Thence South 88° 18' 42" East, along the South line of said Parcel, a distance of 149.70 feet to the West right of way line of Palmyra Road as described in Deed Book 1015, at page 367; Thence South 08° 24' 09" East, along said West right of way line, a distance of 26.77 feet to a curve having a radial bearing of North 81° 35' 50" East, a radius of 2,906.82 feet and a central angle of 14° 21' 28". Thence proceed Southerly along the arc of said curve, a distance of 728.42 feet to the end of said curve; Thence South 22° 45' 38" East, continuing along said West right of way line, a distance of 111.42 feet to the Northeast corner of that certain parcel of land described in Official Record Book 2946, at page 423; Thence North 88° 53' 40" West, along the North line of said Parcel, a distance of 118.32 feet to the Northwest corner thereof; Thence South 01° 06' 20" West, along the West line of said Parcel, a distance of 130.00 feet to the Southwest corner thereof; Thence South 01° 06' 20" West, along the Southerly elongation of said West line, a distance of 63.68 feet; Thence North 88° 29' 09" West, a distance of 609.91 feet to a point on the West line of said Section 20; Thence North 01° 07' 40" East, along said West line of said Section 20, a distance of 1,258.71 feet to the POINT OF BEGINNING of the herein described parcel.

Containing in all, 15.54 acres, more or less.



PALM BEACH COUNTY

DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

Settlement Agreement No. ES 92-001

This Agreement dated 11 February 93, is made and entered into between Palm Beach County through its Department of Environmental Resources Management (hereinafter referred to as "County"), whose address is 3111 South Dixie Highway, Suite 146, West Palm Beach, Florida 33405, and John D. and Catherine T. MacArthur Foundation, an Illinois corporation (hereinafter referred to as "Respondent"), with offices at 4176 Burns Road, Palm Beach Gardens, Florida 33410.

WHEREAS, on November 1 and 18, 1991, and January 3, 1992, County personnel documented that portions of certain unimproved real property located in Section 20, Township 41S, Range 43E, Palm Beach County, as further described in attached Exhibit A (the "Property"), had been cleared; and

WHEREAS, the Property is environmentally sensitive land known as Ecosite 52, the Palmwood Scrub, as designated by the Palm Beach County Environmentally Sensitive Lands Ordinance No. 90-47 (the "Ordinance") which designation is disputed by Respondent; and

WHEREAS, the Ordinance prohibits the alteration of environmentally sensitive lands without a permit; and

WHEREAS, the County alleges that a permit was required and no permit had been issued for the clearing which occurred on the Property; and

WHEREAS, Respondent is the owner of the Property and was duly served with a Notice of Violation from the County dated November 18, 1991; and

WHEREAS, Respondent has alleged that the clearing was performed by others without the knowledge or approval of Respondent; and

WHEREAS, Respondent filed an application for exemption with the County on or about May 20, 1992, requesting exemption from the provisions of the Ordinance pursuant to Sections 10.01 and 10.02, Exemption for Vested Development Rights; and

WHEREAS, the County rejected Respondent's exemption application referenced above on or about September 18, 1992. Respondent appealed to the Environmental Ordinance Appeals Board the rejection by the County of the exemption application on October 28, 1992. That appeal is currently pending; and

WHEREAS, as a companion to the above-referenced case, the Palm Beach County Code Enforcement Board issued Complaint No. C9112100007 alleging a violation of the vegetation removal process ("Code Enforcement Board Case"); and

WHEREAS, the parties wish to resolve all the issues pertaining to the Notice of Violation, the Code Enforcement Board Case, and Respondent's exemption application and have had settlement discussions pursuant thereto; and

WHEREAS, the Director of the Department of Environmental Resources Management is authorized to enter into voluntary consent (settlement) agreements with regard to alleged violations pursuant to Section 14.6, Unified Land Development Code (ULDC).

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. The foregoing facts as set forth are true and correct to the best knowledge of the parties.

2. Respondent denies culpability for the alleged violation.

3. Respondent acknowledges that it has been apprised of the right to have this matter heard in accordance with the provisions of the Ordinance and that execution of this Agreement is voluntary.

4. Respondent and County agree that upon Respondent's satisfactory completion of the requirements of this Agreement, which shall be deemed to be in compliance with paragraphs 6, 7, 8, and 9 hereunder, the County shall dismiss with prejudice any enforcement action in connection with the Notice of Violation and the Code Enforcement Board Case.

5. The County covenants and agrees that it will not bring or cause to be brought any further civil or criminal proceedings (to the extent that any such proceedings may be permitted by law) against Respondent or any other party concerning the subject matter of the County's Notice of Violation or the Code Enforcement Board Case so long as Respondent completes the requirements of the Settlement Agreement.

6. Within 30 days of execution of this Agreement, Respondent voluntarily shall contribute the sum of \$20,000.00 to the Natural Areas Trust Fund. Payment shall be made by cashier's check or money order, payable to the Palm Beach County Natural Areas Trust Fund and mailed to the Department of Environmental Resources Management address shown above.

7. Within 180 days of the execution of this Agreement or prior to any sale of the Property, whichever shall occur first, Respondent shall:

a. Execute and record a conservation easement, in a form substantially similar to attached Exhibit B, which dedicates to the County, for preservation purposes, in perpetuity, that portion of the Property described on attached Exhibit C (the "Easement"); and

b. Submit to the County proof of recording of the Easement in the public records of Palm Beach County; and

c. Submit a boundary survey for the Easement's preserve area that meets the County's minimum technical standards; and

d. Permanently mark the boundaries of the Easement's preserve area; and

e. Submit to the County a preserve management plan for the Easement's preserve area which complies with the requirements of Section 7.5.K.2.f. and g., ULDC. If the County determines that the plan does not meet the requirements of the Code, the County shall provide written comments to Respondent. Respondent shall have 30 days from receipt of the written comments to revise the plan and resubmit it to the County. Upon the County's written determination that the Plan meets the requirements, Respondent shall implement the approved management plan. If Respondent disputes the County's final determination, Respondent may appeal to the Environmental Ordinance Appeals Board pursuant to Section 4.11, ULDC.

f. Notwithstanding anything which could be construed to the contrary, dedication of the Conservation Easement shall in no way impair the rights of Respondent or its successors or assigns in the Property with regard to any development rights in the remaining portions of the Property.

g. Compliance by Respondent with the foregoing subparagraphs "a" through "e" shall constitute compliance with the requirements of Sections 11 and 12 of the Ordinance as well as Sections 7.5.K and 9.2.F, ULDC.

8. Respondent shall donate to the County by conveyance of title 100 acres of real property within the Pal Mar Water Control District, as described in attached exhibit D (the "Pal Mar Site"). Closing shall occur on or before October 31, 1993. Accordingly, Respondent shall submit to the County:

a. An environmental audit of the Pal Mar Site in accordance with the County's requirements as outlined in Exhibit E within 60 days of the execution of this Agreement; and

* b. A boundary survey of the Pal Mar Site that meets the County's minimum technical standards within 60 days of execution of this Agreement; and

c. A legal description of the Pal Mar Site; and

* d. A title commitment, issued by a title company authorized to do business in Florida, 15 days prior to the closing date; and

e. A draft fee simple warranty deed 15 days prior to the closing date; and

f. 5 days prior to the closing date, written verification that all solid waste or other human-made material has been completely removed from the Pal Mar Site.

g. All costs for settlement shall be paid by Respondent, except staff time and County attorney time.

9. Upon dismissal with prejudice by the County of the Code Enforcement Board Case and the Notice of Violation, Respondent shall withdraw with prejudice its application for exemption from the Palm Beach County Environmentally Sensitive Lands Ordinance No. 90-47. The parties agree jointly to petition the Environmental Ordinance Appeals Board for an abatement of the appeal pending full compliance with the terms of this Settlement Agreement.

10. The provisions of this Agreement shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors in title, and assigns and all persons, firms, corporations, and entities acting under, through, for or with them.

11. Respondent acknowledges, agrees and understands that in the event Respondent fails to comply with the terms and conditions set forth in this Agreement, the County may:

a. Consider this Agreement void and pursue any remedies available for enforcement pursuant to the Ordinance; or

b. Initiate appropriate legal proceedings for specific performance of this Agreement.

12. Respondent and County agree that this Agreement embodies the entire agreement and understanding of the parties and supersedes all prior oral and written communications between them. Any alterations, modifications, extensions or waivers of this Agreement shall be valid only when in writing and signed by each party.

13. Respondent and County agree that if any provisions of this Agreement or application thereof shall be invalid and unenforceable to any extent, the remainder of this Agreement and the application thereof shall not be affected and may be enforced to the greatest extent permitted by law.

14. Respondent and County agree that any notices required or permitted by this Agreement shall be in writing and shall be delivered postage prepaid by U.S. Certified Mail, return receipt requested, or by special messenger service, or by hand, to the parties at the following addresses:

To Respondent: Mr. Steve Yohe
John D. & Catherine T. MacArthur Foundation
4176 Burns Road
Palm Beach Gardens, FL 33410

Copy to: Lawrence W. Smith, Esquire
Gary, Dytrych & Ryan, P.A.
701 U.S. Highway One, Suite 402
North Palm Beach, Florida 33408

To County: Palm Beach County Department of
Environmental Resources Management
c/o Richard E. Walesky, Director
3111 South Dixie Highway, Suite 146
West Palm Beach, FL 33405

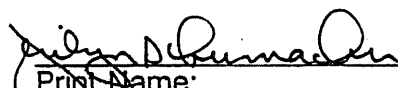
with a copy to: County Attorney
301 North Olive Ave. Suite 601
West Palm Beach, FL 33401

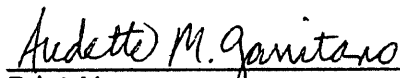
14. Neither party may assign this Agreement without the prior written approval of the other.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

RESPONDENT

Witnesses:


Print Name: SEILLY SCHUMACHER


Print Name: AUDETTE M. GARRITANO

John D. & Catherine T. MacArthur
Foundation

By: 

Name(Print): JAMES T. GRIFFIN

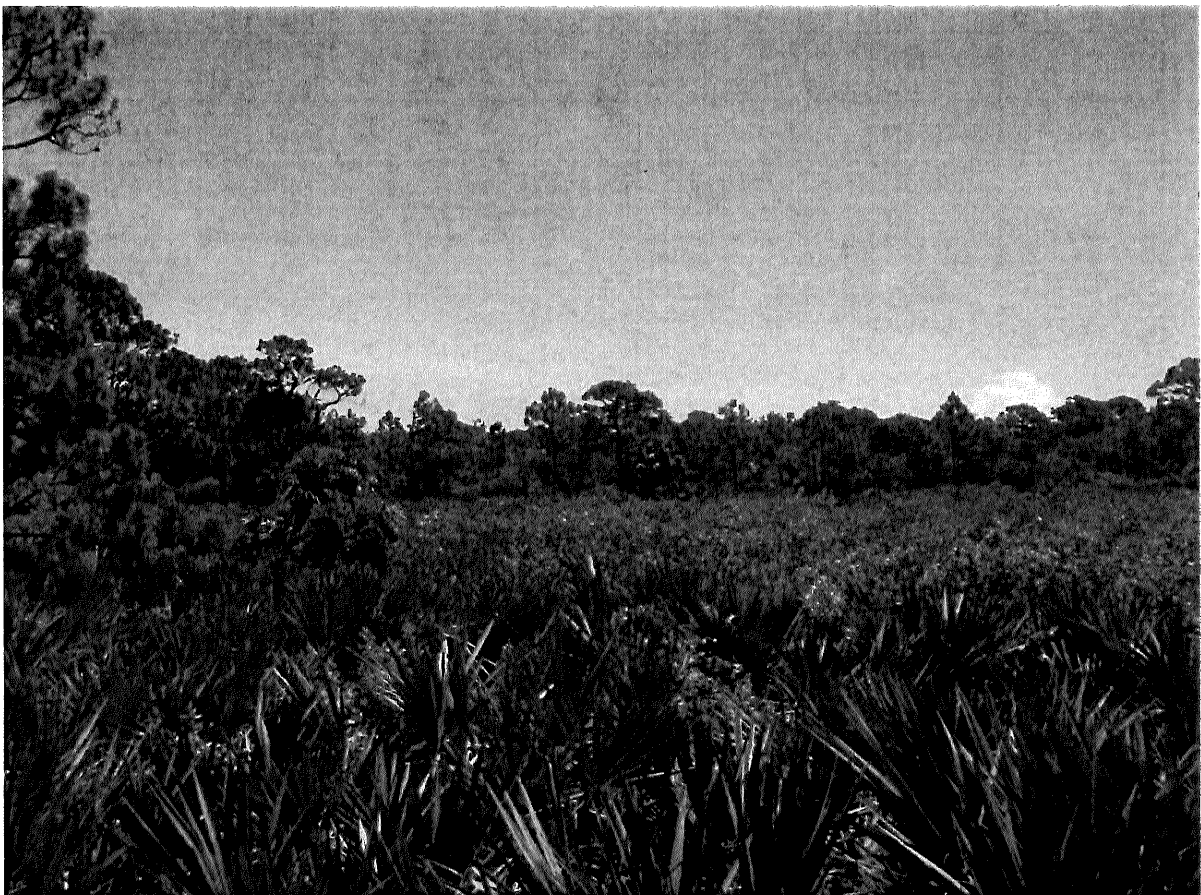
Title: VICEPRESIDENT

PALM BEACH COUNTY DEPARTMENTAL OF
ENVIRONMENTAL RESOURCES MANAGEMENT

ATTACHMENT 3

**ENVIRONMENTAL ASSESSMENT
OF PALMWOOD PRESERVE**

JULY 2018



Prepared By

Palm Beach County

Department of Environmental Resources Management

The 'Palmwood Preserve' is a 15.54 acre property, adjacent to the Bear's Club housing and golf development, located in Palm Beach County, Section 20, Township 41S, Range 43E, directly west of Palmwood Road and south of Fredrick Small Road. On July 30, 1993, a conservation easement was recorded on the property by representatives of the John D. and Catherine T. MacArthur Foundation, due to a vegetation clearing violation. Palm Beach County's Department of Environmental Resources Management (ERM) staff, Frank Griffiths and Melissa Tolbert, conducted an environmental assessment of the property on June 15, 2018. Deborah Drum, ERM Director, and David Nickerson of 20th Century Ecological Solutions, also viewed the preserve.

The 15.54 acre parcel is comprised of approximately 11.4 acres of scrub and scrubby flatwoods communities, 1.8 acres of xeric oak, 1.5 acres of mesic pine flatwoods, 0.76 acres of wetland plant communities, and 0.08 acres of oak hammock (Attachment 1). To date, 165 species of plants and 22 species of animals have been documented on the site (Attachment 2). Most of the plants and plant communities are in good condition and were documented with photos. Attachment 3 contains selected photos.

According to David Nickerson, much of the site was mechanically chopped using a skid steer w/ a drum chopping head in Oct. 2017. The sand pine scrub community had an atypical mixture of sand pine tree heights and ages, but they appeared healthy with many open sand patches covered in lichens and spike moss. Love vine, a typical urban scrub native that can become invasive, was also present in surprisingly low levels. The pine flatwoods understory was experiencing a preponderance of native wild grape, which is a typical post-chopping phenomenon. A few small patches of invasive, non-native plants were observed. These patches consisted of 3-6 plants of Brazilian pepper (*Schinus terebinthifolius*), Umbrella tree (*Schefflera actinophylla*), Carrotwood, (*Cupaniopsis anacardioides*), Java plum (*Syzygium cumini*). Also a few solitary trees were seen, including Queen palm, Areca palm and a large exotic Ficus tree, (*Ficus microcarpa*). A small patch of Old World climbing fern (*Lygodium microphyllum*) was also observed near the south wetland.

The scrub on the site was comprised of the following species: sand pines; saw palmettos; lyonia; sand live, myrtle and chapmans oaks; gopher apple; hog plum; wild blueberry; scrub mint; and scrub hickory, among others. The scrubby flatwoods had South Florida slash pine as an overstory, with many of the scrub species in the understory. The scrub had many open sandy areas with large patches of lichens and spike moss. Many of the oak trees had numerous airplants including: *Tillandsia utriculata*, *T. fasciculata*, *T. recurvata*, *T. flexuosa*, and *T. usneoides*. Both scrub and scrubby flatwoods are ranked by the Florida Natural Areas Inventory as G2/S2 (imperiled globally and in Florida because of vulnerability to extinction due to natural or man-made factors).

The pine flatwoods on the site was comprised of the following: South Florida slash pines, saw palmettos, cocoplum, wild grape and smilax vines, and cabbage palms.

There are four isolated wetlands on the preserve, comprised of two wet prairies, a freshwater marsh, and a willow dominated wetland. The southernmost marsh was in the best condition and was comprised predominately of swamp fern (*Blechnum serrulatum*), Virginia chain fern (*Woodwardia virginica*) with some scattered buttonbushes (*Cephalanthus occidentalis*). The edge was comprised of yellow-eyed grass (*Xyris* sp.), spikerush (*Eleocharis* sp.) and milkwort (*Polygala* sp.), with a clump of sawgrass (*Cladium jamaicense*). The northernmost wetland had some wetland species including umbrella sedge (*Fuirena* sp.), St. John’s-wort (*Hypericum* sp.), beak sedge (*Rhynchospora* sp.), swamp fern (*Blechnum serrulatum*), and bog buttons (*Lachnocaulon* sp.). A third, less than .01 acre wetland located between the 2 larger wetlands, which was probably only holding water due to the record rainfall totals in May, but was teaming with thousands of (most likely) Southern leopard frog tadpoles. A small willow marsh is located in the southeast corner of the site.

There were 8 listed species (4 Endangered and 4 Threatened) observed on the site and are detailed in Table 1.

Table 1: Listed Plant and Animal Species Observed

Species Name	Common Name	State Listing
<i>Asclepias curtissii</i>	Curtiss’ milkweed	Endangered
<i>Conradina grandiflora</i>	Largeflower false rosemary	Threatened
<i>Gopherus polyphemus</i>	Gopher tortoise	Threatened; C*
<i>Lechea cernua</i>	Scrub pinweed	Threatened
<i>Lechea divaricata</i>	Spreading pinweed	Endangered
<i>Tillandsia fasciculata</i>	Common wild pine	Endangered
<i>Tillandsia flexuosa</i>	Banded airplant	Threatened
<i>Tillandsia utriculata</i>	Giant wild pine	Endangered

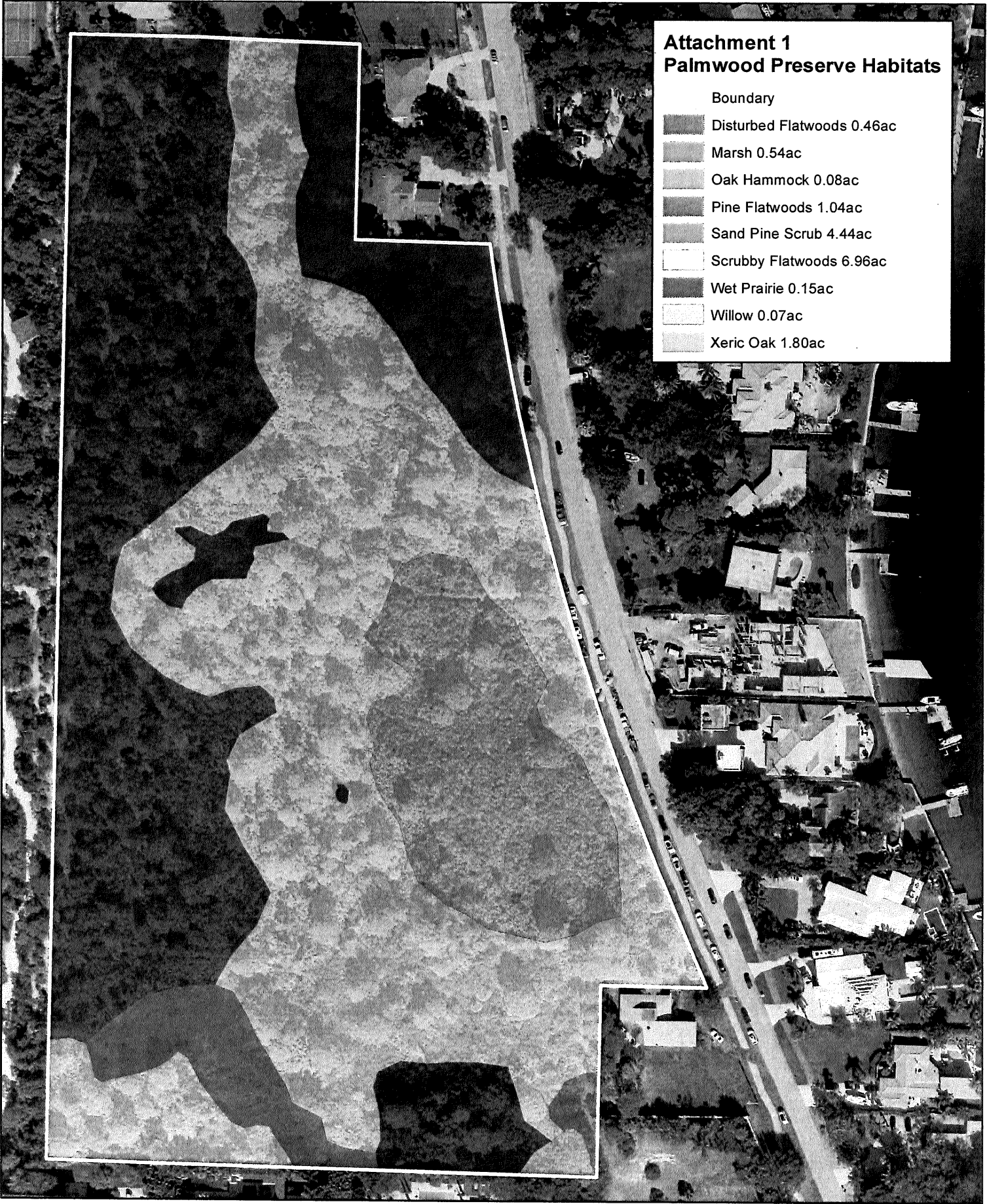
*C = Candidate for listing at the Federal level by the US Fish and Wildlife Service

Wildlife observed during the afternoon of the site inspection included active Gopher tortoise burrows, including two juvenile tortoise burrows and scat, Black racer, Six-lined racerunner, Southern Leopard frog, numerous tadpoles, White ibis, Pileated woodpecker, Red-bellied woodpeckers, Northern mockingbirds, Blue jays, Northern cardinals, Cloudless sulfur and Southern white butterflies, Carolina saddlebags, and Band-winged dragonlets.

Another site visit was conducted on June 28, 2018, after a mound was discovered during the June 15th visit. That inspection was attended by Frank Griffiths, Melissa Tolbert, David Nickerson, PBC Archeologist Christian (Chris) Davenport and two of his student interns. Chris investigated three areas of increased elevation, and conducted shovel tests, and none of these areas produced

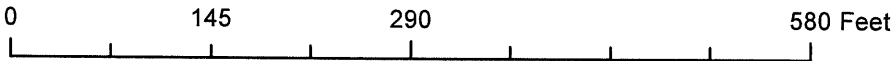
any prehistoric artifacts. He believes they were the result of natural eolian wind deposition, or more likely, push piles from mechanical clearing of the land. The soils showed no stratification indicating they were deposited or redeposited relatively quickly. He did not conduct systematic shovel testing, but based on what was observed, he thought the area has a low to very low potential for containing undocumented resources.

Overall, the site has a diversity of habitats and is in good condition with very few exotic plant species present. The scrub and scrubby flatwoods are providing valuable habitat for endemic and rare plant and animal species.



**Attachment 1
Palmwood Preserve Habitats**

- Boundary
- Disturbed Flatwoods 0.46ac
 - Marsh 0.54ac
 - Oak Hammock 0.08ac
 - Pine Flatwoods 1.04ac
 - Sand Pine Scrub 4.44ac
 - Scrubby Flatwoods 6.96ac
 - Wet Prairie 0.15ac
 - Willow 0.07ac
 - Xeric Oak 1.80ac



Attachment 2: Palmwood Preserve Plant List

<u>SpeciesName</u>	<u>COMMON NAME</u>	<u>LAST SURVEYED</u>	<u>SURVEY TYPE</u>
<i>Abrus precatorius*</i>	Rosary pea	06/28/2018	Species Inventory
<i>Acacia auriculiformis*</i>	Earleaf acacia	09/21/1992	Species Inventory
<i>Acrostichum danaeifolium</i>	Giant leather fern	06/28/2018	Species Inventory
<i>Ambrosia artemisiifolia</i>	Common ragweed	06/28/2018	Species Inventory
<i>Ampelopsis arborea</i>	Peppervine	09/21/1992	Species Inventory
<i>Andropogon virginicus</i>	Broomsedge bluestem	06/15/2018	Species Inventory
<i>Ardisia elliptica*</i>	Shoebutton	06/15/2018	Species Inventory
<i>Aristida sp.</i>	Threeawn	06/15/2018	Species Inventory
<i>Aristida stricta var. beyrichiana</i>	Wiregrass	09/21/1992	Species Inventory
<i>Asclepias curtissii</i>	Curtiss' milkweed	06/15/2018	Species Inventory
<i>Asclepias tuberosa</i>	Butterflyweed	09/21/1992	Species Inventory
<i>Asimina reticulata</i>	Netted pawpaw	06/15/2018	Species Inventory
<i>Baccharis halimifolia</i>	Groundsel tree	09/21/1992	Species Inventory
<i>Balduina angustifolia</i>	Coastalplain honeycombhead	09/21/1992	Species Inventory
<i>Bejaria racemosa</i>	Tarflower	06/15/2018	Species Inventory
<i>Bidens alba</i>	Beggarticks	09/21/1992	Species Inventory
<i>Blechnum serrulatum</i>	Swamp fern	06/15/2018	Species Inventory
<i>Bulbostylis ciliatifolia</i>	Capillary hairsedge	09/21/1992	Species Inventory
<i>Callicarpa americana</i>	American beautyberry	06/15/2018	Species Inventory
<i>Callisia ornata</i>	Florida scrub roseling	09/21/1992	Species Inventory
<i>Canna flaccida</i>	Bandanna-of-the-everglades	09/21/1992	Species Inventory
<i>Carphephorus corymbosus</i>	Florida paintbrush	09/21/1992	Species Inventory
<i>Carya floridana</i>	Scrub hickory	09/21/1992	Species Inventory
<i>Cassythra filiformis</i>	Love vine	06/28/2018	Species Inventory
<i>Catharanthus roseus*</i>	Madagascar periwinkle	06/15/2018	Species Inventory
<i>Cenchrus echinatus</i>	Southern sandbur	09/21/1992	Species Inventory
<i>Cephalanthus occidentalis</i>	Common buttonbush	06/15/2018	Species Inventory
<i>Ceratiola ericoides</i>	Florida rosemary	09/21/1992	Species Inventory
<i>Chamaecrista fasciculata</i>	Partridge pea	06/15/2018	Species Inventory
<i>Chapmannia floridana</i>	Florida alicia	09/21/1992	Species Inventory
<i>Chrysobalanus icaco</i>	Coco plum	06/15/2018	Species Inventory
<i>Chrysopsis scabrella</i>	Coastalplain goldenaster	09/21/1992	Species Inventory
<i>Cladium jamaicense</i>	Jamaica swamp sawgrass	06/15/2018	Species Inventory
<i>Cladonia leporina</i>	Jester lichen	06/15/2018	Species Inventory
<i>Cladonia sp.</i>	Cladonia	06/15/2018	Species Inventory
<i>Cnidioscolus stimulosus</i>	Tread-softly	06/15/2018	Species Inventory
<i>Commelina erecta</i>	Whitemouth dayflower	09/21/1992	Species Inventory
<i>Conradina grandiflora</i>	Largeflower false rosemary	09/21/1992	Species Inventory
<i>Croton glandulosus</i>	Vente conmigo	09/21/1992	Species Inventory
<i>Cupaniopsis anacardioides*</i>	Carrotwood	06/15/2018	Species Inventory
<i>Cyperus ligularis</i>	Swamp flatsedge	06/15/2018	Species Inventory
<i>Cyperus ovatus</i>	Pinebarren flatsedge	09/21/1992	Species Inventory
<i>Cyperus sp.</i>	Flatsedge	06/15/2018	Species Inventory
<i>Dalbergia ecastaphyllum</i>	Coinvine	06/15/2018	Species Inventory
<i>Dalea pinnata</i>	Summer farewell	09/21/1992	Species Inventory
<i>Dichanthelium portoricense</i>	Hemlock witchgrass	09/21/1992	Species Inventory
<i>Dichanthelium sp.</i>	Witchgrass	06/15/2018	Species Inventory
<i>Dypsis lutescens*</i>	Areca palm	06/28/2018	Species Inventory
<i>Eleocharis sp.</i>	Spikerush	06/28/2018	Species Inventory
<i>Emilia sp.*</i>	Tasselflower	06/28/2018	Species Inventory
<i>Eryngium aromaticum</i>	Fragrant eryngo	06/28/2018	Species Inventory
<i>Eugenia uniflora*</i>	Surinam cherry	06/28/2018	Species Inventory

Plant List By Site Report
PALMWOOD SCRUB

<u>SpeciesName</u>	<u>COMMON NAME</u>	<u>LAST SURVEYED</u>	<u>SURVEY TYPE</u>
<i>Eupatorium capillifolium</i>	Dogfennel	06/15/2018	Species Inventory
<i>Euphorbia polyphylla</i>	Lesser florida spurge	09/21/1992	Species Inventory
<i>Ficus aurea</i>	Strangler fig	06/15/2018	Species Inventory
<i>Ficus microcarpa*</i>	Indian laurel	06/15/2018	Species Inventory
<i>Galactia volubilis</i>	Eastern milkpea	09/21/1992	Species Inventory
<i>Helianthemum nashii</i>	Florida scrub frostweed	09/21/1992	Species Inventory
<i>Helianthus debilis</i>	East coast dune sunflower	06/28/2018	Species Inventory
<i>Heterotheca subaxillaris</i>	Camphorweed	09/21/1992	Species Inventory
<i>Hibiscus furcellatus</i>	Lindenleaf rosemallow	09/21/1992	Species Inventory
<i>Hypericum cistifolium</i>	Roundpod st. john's-wort	06/15/2018	Species Inventory
<i>Hypericum gentianoides</i>	Pineweeds	09/21/1992	Species Inventory
<i>Hypericum hypericoides</i>	St. andrew's-cross	09/21/1992	Species Inventory
<i>Hypericum sp.</i>	St. john's-wort	06/15/2018	Species Inventory
<i>Hypericum tetrapetalum</i>	Fourpetal st. john's-wort	06/15/2018	Species Inventory
<i>Hypoxis juncea</i>	Fringed yellow stargrass	06/15/2018	Species Inventory
<i>Ilex cassine</i>	Dahoon	06/15/2018	Species Inventory
<i>Ilex glabra</i>	Gallberry	09/21/1992	Species Inventory
<i>Ipomoea indica</i>	Oceanblue morning-glory	09/21/1992	Species Inventory
<i>Lachnanthes carolina</i>	Carolina redroot	06/15/2018	Species Inventory
<i>Lachnocaulon sp.</i>	Bogbutton	06/28/2018	Species Inventory
<i>Lantana camara*</i>	Shrubverbena	09/21/1992	Species Inventory
<i>Lechea cernua</i>	Scrub pinweed	06/15/2018	Species Inventory
<i>Lechea divaricata</i>	Spreading pinweed	09/21/1992	Species Inventory
<i>Liatris chapmanii</i>	Chapman's gayfeather	09/21/1992	Species Inventory
<i>Liatris gracilis</i>	Slender gayfeather	09/21/1992	Species Inventory
<i>Liatris tenuifolia</i>	Shortleaf gayfeather	09/21/1992	Species Inventory
<i>Licania michauxii</i>	Gopher apple	06/15/2018	Species Inventory
<i>Ludwigia maritima</i>	Seaside primrosewillow	06/28/2018	Species Inventory
<i>Ludwigia peruviana*</i>	Peruvian primrosewillow	09/21/1992	Species Inventory
<i>Lupinus diffusus</i>	Skyblue lupine	06/15/2018	Species Inventory
<i>Lygodesmia aphylla</i>	Rose-rush	09/21/1992	Species Inventory
<i>Lygodium microphyllum*</i>	Old world climbing fern	06/15/2018	Species Inventory
<i>Lyonia fruticosa</i>	Coastalplain staggerbush	06/15/2018	Species Inventory
<i>Lyonia lucida</i>	Fetterbush	06/15/2018	Species Inventory
<i>Melinis repens*</i>	Rose natalgrass	09/21/1992	Species Inventory
<i>Mentzelia floridana</i>	Poorman's patch	06/15/2018	Species Inventory
<i>Mimosa quadrivalvis</i>	Sensitive briar	06/28/2018	Species Inventory
<i>Momordica charantia*</i>	Balsampear	06/28/2018	Species Inventory
<i>Myrica cerifera</i>	Wax myrtle	06/15/2018	Species Inventory
<i>Myrsine cubana</i>	Myrsine	06/15/2018	Species Inventory
<i>Opuntia humifusa</i>	Pricklypear	06/15/2018	Species Inventory
<i>Palafoxia feayi</i>	Feay's palafox	06/15/2018	Species Inventory
<i>Panicum maximum*</i>	Guineagrass	06/28/2018	Species Inventory
<i>Paronychia americana</i>	American nailwort	09/21/1992	Species Inventory
<i>Parthenocissus quinquefolia</i>	Virginia creeper	06/28/2018	Species Inventory
<i>Paspalum notatum*</i>	Bahia grass	09/21/1992	Species Inventory
<i>Passiflora edulis*</i>	Passionfruit	06/28/2018	Species Inventory
<i>Phlebodium aureum</i>	Golden polypody	06/28/2018	Species Inventory
<i>Physalis sp.</i>	Groundcherry	06/28/2018	Species Inventory
<i>Phytolacca americana</i>	American pokeweed	06/28/2018	Species Inventory
<i>Piloblephis rigida</i>	Wild pennyroyal	06/15/2018	Species Inventory
<i>Pinus clausa</i>	Sand pine	06/15/2018	Species Inventory

Plant List By Site Report
PALMWOOD SCRUB

<u>SpeciesName</u>	<u>COMMON NAME</u>	<u>LAST SURVEYED</u>	<u>SURVEY TYPE</u>
<i>Pinus elliotii</i>	Slash pine	06/15/2018	Species Inventory
<i>Pityopsis graminifolia</i>	Narrowleaf silkgrass	06/15/2018	Species Inventory
<i>Pluchea baccharis</i>	Rosy camphorweed	09/21/1992	Species Inventory
<i>Poinsettia cyathophora</i>	Paintedleaf	09/21/1992	Species Inventory
<i>Polanisia tenuifolia</i>	Slenderleaf clammyweed	06/15/2018	Species Inventory
<i>Polygala incarnata</i>	Procession flower	09/21/1992	Species Inventory
<i>Polygala nana</i>	Candyroot	06/15/2018	Species Inventory
<i>Polygala rugelii</i>	Yellow milkwort	09/21/1992	Species Inventory
<i>Polygala setacea</i>	Coastalplain milkwort	09/21/1992	Species Inventory
<i>Polygonella ciliata</i>	Hairy jointweed	09/21/1992	Species Inventory
<i>Polygonella polygama</i>	October flower	09/21/1992	Species Inventory
<i>Polypremum procumbens</i>	Rustweed	09/21/1992	Species Inventory
<i>Psidium cattleianum</i> *	Strawberry guava	06/28/2018	Species Inventory
<i>Pterocaulon pycnostachyum</i>	Blackroot	09/21/1992	Species Inventory
<i>Quercus chapmanii</i>	Chapman's oak	06/15/2018	Species Inventory
<i>Quercus geminata</i>	Sand live oak	06/15/2018	Species Inventory
<i>Quercus laurifolia</i>	Laurel oak	09/21/1992	Species Inventory
<i>Quercus minima</i>	Dwarf live oak	09/21/1992	Species Inventory
<i>Quercus myrtifolia</i>	Myrtle oak	06/15/2018	Species Inventory
<i>Quercus virginiana</i>	Live oak	09/21/1992	Species Inventory
<i>Rhexia nashii</i>	Maid marian	09/21/1992	Species Inventory
<i>Rhynchospora microcarpa</i>	Southern beaksedge	09/21/1992	Species Inventory
<i>Rhynchospora sp.</i>	Beaksedge	06/15/2018	Species Inventory
<i>Richardia sp.*</i>	Mexican clover	06/28/2018	Species Inventory
<i>Sabal etonia</i>	Scrub palmetto	06/28/2018	Species Inventory
<i>Sabal palmetto</i>	Cabbage palm	06/15/2018	Species Inventory
<i>Sabatia brevifolia</i>	Shortleaf rosegentian	09/21/1992	Species Inventory
<i>Salix caroliniana</i>	Coastalplain willow	06/15/2018	Species Inventory
<i>Schefflera actinophylla</i> *	Australian umbrella tree	06/15/2018	Species Inventory
<i>Schinus terebinthifolia</i> *	Brazilian pepper	06/15/2018	Species Inventory
<i>Scleria sp.</i>	Nutrush	06/15/2018	Species Inventory
<i>Selaginella arenicola</i>	Sand spike-moss	06/15/2018	Species Inventory
<i>Serenoa repens</i>	Saw palmetto	06/15/2018	Species Inventory
<i>Seymeria pectinata</i>	Piedmont blacksenna	09/21/1992	Species Inventory
<i>Sida cordifolia</i> *	Llima	09/21/1992	Species Inventory
<i>Sisyrinchium sp.</i>	Blue-eyed grass	06/15/2018	Species Inventory
<i>Sisyrinchium xerophyllum</i>	Jeweled blue-eyed grass	09/21/1992	Species Inventory
<i>Smilax auriculata</i>	Earleaf greenbrier	06/15/2018	Species Inventory
<i>Solanum americanum</i>	American black nightshade	06/28/2018	Species Inventory
<i>Solidago odora var. chapmanii</i>	Chapman's goldenrod	06/15/2018	Species Inventory
<i>Spermacoce verticillata</i> *	Shrubby false buttonweed	06/28/2018	Species Inventory
<i>Syagrus romanzoffiana</i> *	Queen palm	06/28/2018	Species Inventory
<i>Syzygium cumini</i> *	Java plum	06/28/2018	Species Inventory
<i>Thelypteris interrupta</i>	Hottentot fern	09/21/1992	Species Inventory
<i>Tillandsia fasciculata</i>	Common wild pine	06/15/2018	Species Inventory
<i>Tillandsia flexuosa</i>	Banded airplant	06/15/2018	Species Inventory
<i>Tillandsia recurvata</i>	Ballmoss	06/28/2018	Species Inventory
<i>Tillandsia usneoides</i>	Spanish moss	06/15/2018	Species Inventory
<i>Tillandsia utriculata</i>	Giant wild pine	06/15/2018	Species Inventory
<i>Toxicodendron radicans</i>	Eastern poison ivy	06/15/2018	Species Inventory
<i>Trichostema dichotomum</i>	Forked bluecurlys	09/21/1992	Species Inventory
<i>Urena lobata</i> *	Caesarweed	06/28/2018	Species Inventory

Plant List By Site Report
PALMWOOD SCRUB

<u>SpeciesName</u>	<u>COMMON NAME</u>	<u>LAST SURVEYED</u>	<u>SURVEY TYPE</u>
<i>Vaccinium myrsinites</i>	Shiny blueberry	06/15/2018	Species Inventory
<i>Vitex rotundifolia</i> *	Beach vitex; Roundleaf chastetree	06/15/2018	Species Inventory
<i>Vitis rotundifolia</i>	Muscadine	09/21/1992	Species Inventory
<i>Vitis shuttleworthii</i>	Calloose grape	06/28/2018	Species Inventory
<i>Vittaria lineata</i>	Shoestring fern	06/28/2018	Species Inventory
<i>Woodwardia virginica</i>	Virginia chain fern	06/15/2018	Species Inventory
<i>Ximenia americana</i>	Hog plum	06/15/2018	Species Inventory
<i>Xyris caroliniana</i>	Carolina yelloweyed grass	09/21/1992	Species Inventory
<i>Xyris elliotii</i>	Elliott's yelloweyed grass	09/21/1992	Species Inventory

Total Plant Species: 165

* Non-native

Attachment 2: Palmwood Preserve Animal List

<u>SPECIES NAME</u>	<u>COMMON NAME</u>	<u>LAST SURVEYED</u>	<u>SURVEY TYPE</u>
<i>Agraulis vanillae</i>	Gulf fritillary	06/28/2018	Species Inventory
<i>Anolis sagrei</i> *	Brown anole	06/28/2018	Species Inventory
<i>Ascia monuste</i>	Great southern white	06/15/2018	Species Inventory
<i>Aspidoscelis sexlineata</i>	Six-lined racerunner	06/28/2018	Species Inventory
<i>Cardinalis cardinalis</i>	Northern cardinal	06/28/2018	Species Inventory
<i>Coluber constrictor</i>	North american racer	06/15/2018	Species Inventory
<i>Corvus ossifragus</i>	Fish crow	06/28/2018	Species Inventory
<i>Cyanocitta cristata</i>	Blue jay	06/28/2018	Species Inventory
<i>Dryocopus pileatus</i>	Pileated woodpecker	06/15/2018	Species Inventory
<i>Egretta caerulea</i>	Little blue heron	06/28/2018	Species Inventory
<i>Erythrodiplox umbrata</i>	Band-winged dragonlet	06/15/2018	Species Inventory
<i>Eudocimus albus</i>	White ibis	06/15/2018	Species Inventory
<i>Gopherus polyphemus</i>	Gopher tortoise	06/28/2018	Species Inventory
<i>Lithobates sphenocephalus</i>	Southern leopard frog	06/15/2018	Species Inventory
<i>Melanerpes carolinus</i>	Red-bellied woodpecker	06/28/2018	Species Inventory
<i>Mimus polyglottos</i>	Northern mockingbird	06/28/2018	Species Inventory
<i>Phoebis sennae</i>	Cloudless sulphur	06/15/2018	Species Inventory
<i>Pogonomyrmex sp.</i>	Harvester ant	06/28/2018	Species Inventory
<i>Quiscalus major</i>	Boat-tailed grackle	06/28/2018	Species Inventory
<i>Quiscalus quiscula</i>	Common grackle	06/28/2018	Species Inventory
<i>Tramea carolina</i>	Carolina saddlebags	06/15/2018	Species Inventory
<i>Zenaida macroura</i>	Mourning dove	06/28/2018	Species Inventory

Total Animal Species: 22

* Non-native

Attachment 3: Palmwood Preserve Photos



