

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	October 2, 2018	(X) Consent	() 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

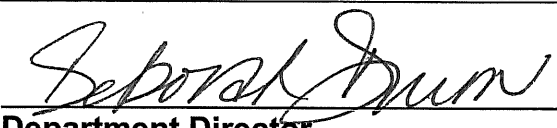
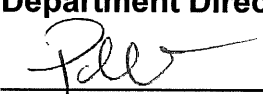
Motion and Title: Staff recommends motion to receive and file: Florida Greenways and Trails Designation Agreement (Agreement) with the State of Florida Department of Environmental Protection (FDEP) for a portion of the Hungryland Slough Natural Area (Natural Area) for a 20-year term.

Summary: On April 10, 2018, staff submitted an Application for Designation of the Natural Area (R2018-0559) (Application) to become part of the Florida Greenways and Trails System. The Application requested that a 2,987-acre portion of the Natural Area be designated as part of the Florida Greenways and Trails System. A 160-foot-wide strip of land along the western boundary of the Natural Area is reserved for a proposed road right of way and is not part of the Application. The natural, recreational and historic resources found within the designation area are maintained pursuant to the Management Plan (Agenda Item 3.L.1, 5/21/02), which requires certification every five years from the date of execution. Neither the Application or Agreement are expected to have any fiscal impact. In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. District 1 (AH)

Background and Justification: The FDEP 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. Designation of the Natural Area as part of the Florida Greenways and Trails System will encourage ecotourism at the site and may assist the County in obtaining future grants.

Attachments:

- 1. Designation Agreement Hungryland Slough Natural Area
- 2. Delegated Authority

Recommended by:		<u>9/10/18</u>
	Department Director	Date
Approved by:		<u>9/18/18</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	<u>0</u>	_____	_____	_____	_____
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?	Yes _____	No <u>X</u>			
Does this item include the use of federal funds?	Yes _____	No <u>X</u>			
Budget Account No.:	Fund _____	Department _____	Unit _____	Object _____	
Reporting Category	_____				

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

C. Department Fiscal Review:

S. Henry

III. REVIEW COMMENTS

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

Sean Pore 9/12/18
9/12/18 OFMB 9/12/18 9/11/18

Ann J. Jaramet 9/18/18
Contract Dev. and Control 9/17/18 TW

B. Legal Sufficiency:

Anne Delgado 9/18/18
Assistant County Attorney

C. Other Department Review:

Department Director

OGT-DA0098
Designation Number

ATTACHMENT 1

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

DESIGNATION AGREEMENT
Hungryland Slough Natural Area

This Designation Agreement, entered into on this 15th day of August, 2018, by and between the 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 (hereinafter referred to collectively as "Landowner" or "Manager"), by and through the undersigned, formally designates the 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 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.
- d. Shall erect a permanent sign(s), when available, on public lands depicted in Exhibit A reflecting designation into the Florida Greenways and Trails System in accordance with guidelines provided by the Department.

2. The Department:

- a. Shall provide signs, when available, indicating the property is designated as part of the Florida Greenways and Trails System.
- 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:

- a. Agree 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. Agree 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 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 any time or remove the said designated lands from the Florida Greenways and Trails System by action of the Secretary of the State of Florida Department of Environmental Protection 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.

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

By: 
Samantha Browne, Program Administrator/Chief

“DEPARTMENT”

APPROVED AS TO FORM AND LEGALITY

By: 
DEP Attorney

COUNTY:

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

By: Deborah Drum
Deborah Drum, Director, Environmental Resources Management

Date: 8/15/2018

“LANDOWNER & MANAGER”

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Anne Delgent
Assistant County Attorney

Date: 8/15/18

APPROVED AS TO TERMS
AND CONDITIONS:

By: Deborah Drum
Deborah Drum, Director, Environmental
Resources Management

Date: 8/17/2018

EXHIBIT A

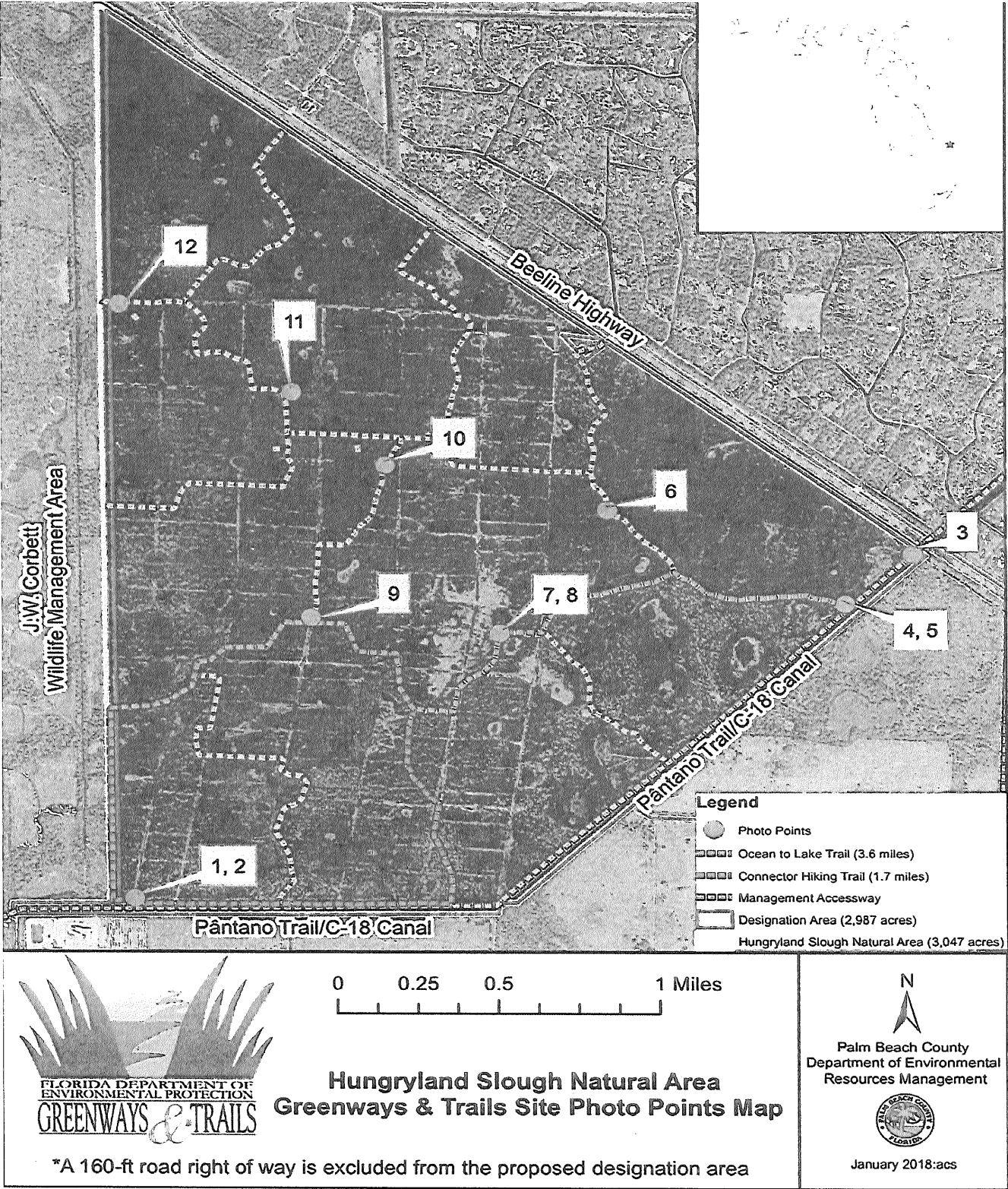


EXHIBIT B

Use Plan

The 3,047 -acre Hungryland Slough Natural Area (natural area) opened to the public in 2015. A 2,987-acre portion of the natural area (“Designation Area”, Exhibit A) is the subject of this designation agreement. A 160-foot-wide strip of land along the western boundary of the natural area is reserved for a proposed road right of way and is not part of this designation agreement. Existing public use facilities on the Designation Area include a small, unpaved parking lot; two informational kiosks; a 3.6-mile, natural-surfaced portion of the Ocean to Lake Hiking Trail; and a 1.7-mile natural-surfaced, connector hiking trail (Exhibit A). The Designation Area also includes a 3.4-mile portion of the Pantano Trail, a multiuse (pedestrian, equestrian and bicycle) portion of the Ocean to Lake Trail. Proposed public use facilities include an accessible nature trail, wildlife observation platform and larger, paved parking lot. The primary purpose of the Designation Area is to preserve important remnants of Florida’s native vegetation communities, their associated plant and wildlife populations, and local groundwater resources. Its secondary purpose is to provide for passive, resource-based recreation, environmental education and scientific research. The Designation Area is open 7 days a week from sunrise to sunset.

Access/Directions: Public vehicular and multiuse trail access to the southwestern portion of the Designation Area is provided via an unpaved access road and the Pantano Trail (Exhibit A). Public multiuse trail access also is provided via the Pantano Trail/Ocean to Lake Trail, which enters the northeastern portion of the Designation Area via the pedestrian access points located just west of an unpaved parking lot in the southwestern portion of the site and just west of the Pantano Trail in the northeastern portion of the site. Bicycle racks are located at both pedestrian access points to encourage the use of alternative transportation to the site.

Management: Palm Beach County (County) owns the 2,987-acre Designation Area. The County’s Department of Environmental Resources Management is responsible for managing and maintaining the Designation Area, with assistance from County-hired invasive/nonnative vegetation removal contractors.

Signage with the natural area name, access hours and natural areas rules have been and will be installed adjacent to each parking lot and other public access points. Trail maps and general information about the site are provided in kiosks located near each of the public access points. Regulatory signs are located along the site’s boundaries at intervals of no greater than 500 feet.

Security: The County Sheriff’s Office (PBSO) has the primary responsibility for public safety and law enforcement at the natural Designation Area. The County also has contracted with the PBSO to have Wildlands Task Force deputies conduct extra patrols of the natural area when needed. The Wildlands Task Force is a specially-trained and specially-equipped unit that was formed to prevent illegal activities, such as dumping, on natural areas managed by the County and to enforce the provisions of the County’s Natural Areas Ordinance.

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-DA0098, are being maintained in a manner consistent with the terms of the agreement.

PALM BEACH COUNTY

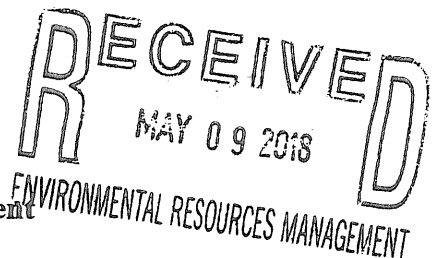
By: _____

Print/Type Name

ATTACHMENT 2



INTEROFFICE MEMORANDUM
Palm Beach County
Environmental Resources Management



DATE: April 26, 2018

TO: Verdenia C. Baker
County Administrator

THROUGH: Jon Van Agham
Deputy County Administrator

FROM: Deborah L. Drum, Director
Environmental Resources Management

SUBJECT: REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:
Florida Department of Environmental Protection (FDEP)
Greenways and Trails Program Designation Agreement
(Agreement) and Resource Certification every five years for a
portion of Hungryland Slough Natural Area.

On April 10, 2018, agenda item 3L1 (R2018-0559) the Board of County Commissioners approved the County Administrator, or designee to sign the Agreement and a Resource Certification every five years during the term of the Agreement.

This memorandum is my request for delegation of signatory authority for the Director or Deputy Director of Environmental Resources Management (ERM) to sign the Agreement and Resource Certification every five years during the term of the Agreement. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

APPROVED: VC Baker DATE: 5/4/18
Verdenia C. Baker, County Administrator

DD:kf
Attachment