

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

Meeting Date: June 16, 2020 Consent Regular
 Workshop Public Hearing

Department: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) approve a 20-year term State of Florida Department of Environmental Protection (FDEP) Florida Greenways and Trails Program (FGTS) Designation Agreement (Agreement) for Jupiter Ridge Natural Area (Natural Area); and

B) authorize the County Administrator, or designee, to sign a Public Lands or Waterways Designation Resource Certification (Certification) every five years for the term of the Agreement.

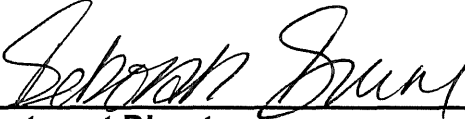
Summary: Palm Beach County (County) owns approximately three acres within the 270-acre Natural Area. The County manages the other 267 acres (owned by the Board of Trustees of the Internal Improvement Trust Fund of Florida [TIITF]) pursuant to a 50-year lease dated June 15, 1994 (R-94-604D, as amended by R96-444D and R98-1241D).

The County's Department of Environmental Resources Management submitted a FGTS Application for Designation (Application) for the Natural Area in December 2019. An Owner Consent form signed by an authorized TIITF representative was included in the Application. In January 2020, the State's Greenways and Trail Council approved designation of the entire 270-acre Natural Area as part of the FGTS. The County must sign a 20-year-term, standardized Agreement to complete the designation. Once every five years, the County must submit a signed Certification form stating that the site's natural and recreational resources are being maintained. The County already maintains the natural and recreational resources within the Natural Area pursuant to an existing Management Plan (Item 3L3, dated June 29, 2010) and the June 15, 1994 lease, therefore **there is no cost to the County.** District 1 (SS)

Background and Justification: The FGTS Designation Program was established to further the purposes, goals, and objectives of the FGTS; 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 FGTS will encourage ecotourism at the Natural Area. If approved, Jupiter Ridge Natural Area would become the seventh FGTS designated natural area owned and/or managed by the County.

Attachments:

- 1. Jupiter Ridge Natural Area Location Map
- 2. TIITF Owner Consent Form
- 3. Designation Agreement

Recommended by:  4-30-2020 SAS 4/30/20
 Department Director **Date**

Approved by:  5/21/20
 Assistant County Administrator **Date**

I. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
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 X

Does this item include the use of federal funds? Yes _____ No X

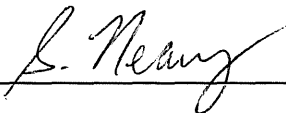
Budget Account No.:

Fund _____ Department _____ Unit _____ Object _____ Program _____

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

* There is no fiscal impact associated with this item. Ongoing management and maintenance of the site's natural resources, and maintenance of the passive recreational facilities are already budgeted on an annual basis or as specific management/maintenance contracts are approved.

C. Department Fiscal Review:



II. REVIEW COMMENTS

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

 5/13/2020
OFMB 5/12/2020  5/18/2020
Contract Development & Control
5/18/2020

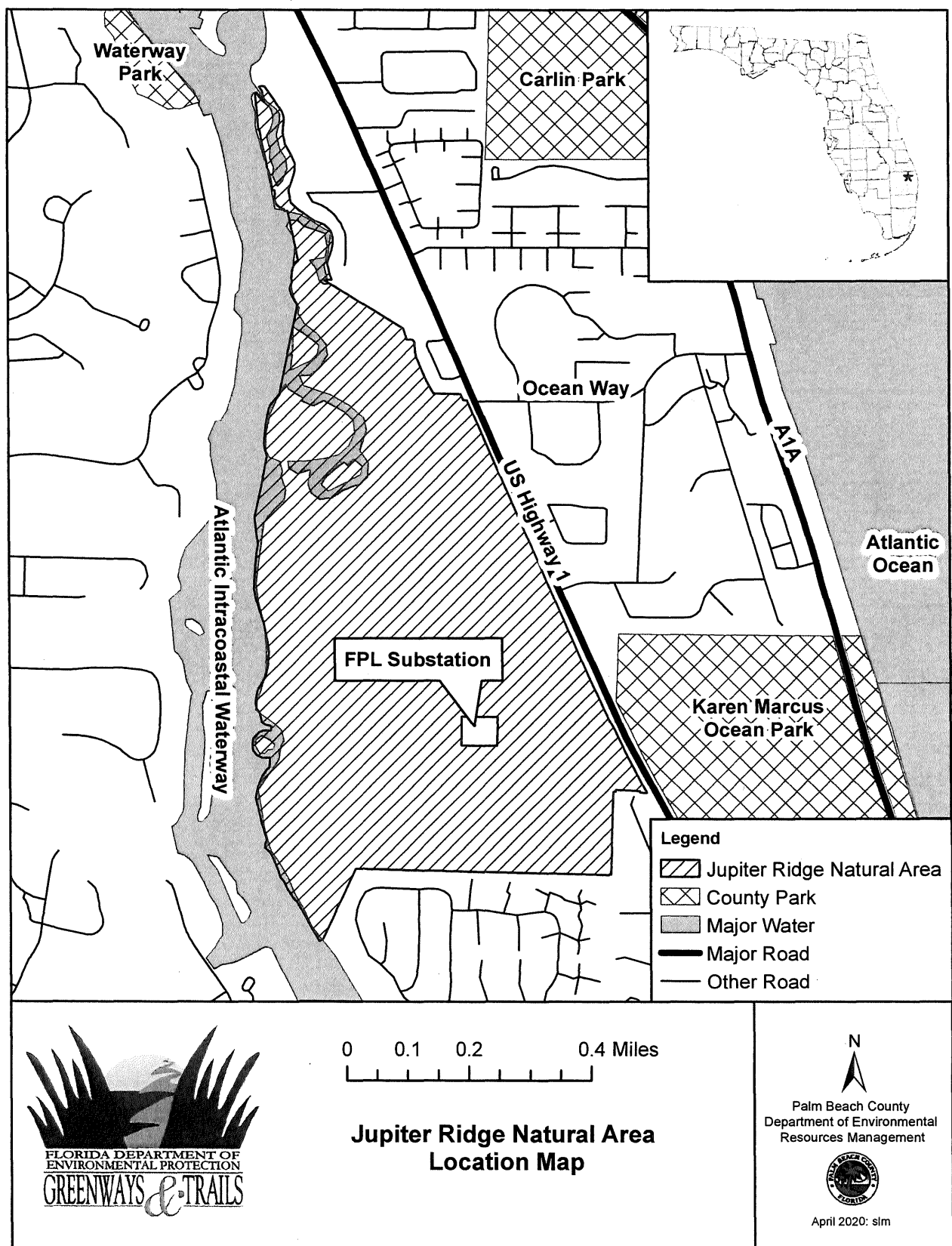
B. Legal Sufficiency:

 5/20/2020
Assistant County Attorney

C. Other Department Review:

Department Director

ATTACHMENT 1



ATTACHMENT 2



Florida Department of Environmental Protection
OFFICE OF GREENWAYS AND TRAILS
OWNER CONSENT
TO DESIGNATION OF LANDS OR WATERWAYS AS PART OF
THE FLORIDA GREENWAYS AND TRAILS SYSTEM

Required Signatures: Adobe Signature

TO: Office of Greenways and Trails
Department of Environmental Protection
3900 Commonwealth Blvd., Mail Station 795
Tallahassee, FL 32399-3000

RE: Jupiter Ridge Natural Area (267 acres)
Name of Project
1800 South U.S. Highway 1, Jupiter, FL 33477
Address or Location of Project

FROM: Board of Trustees of the Internal Improvement Trust Fund of Florida
Name of Owner(s)
3800 Commonwealth Blvd, Tallahassee, FL 32399-3000
Address, City, State and Zip Code of Owner(s)
(850) 245-2555 Telephone No.
(850) 245-2572 Facsimile No.

The undersigned Owners(s) of fee simple title in and to the lands and/or waterways described on the attached Exhibit "A," all of which lie within the project boundary of the above-named greenways and trails project, hereby consents to designation of said lands and/or waterways as part of the Florida Greenways and Trails System. By execution of this consent, the undersigned confirms said Owner(s)' willingness to negotiate with representatives of the Department of Environmental Protection to formulate a mutually satisfactory designation agreement to govern participation of the Owner(s)' lands and/or waterways in the Florida Greenways and Trails System.

DATE: November 18, 2019
Board of Trustees of the Internal
Improvement Trust Fund of Florida
[Printed Name of Owner]

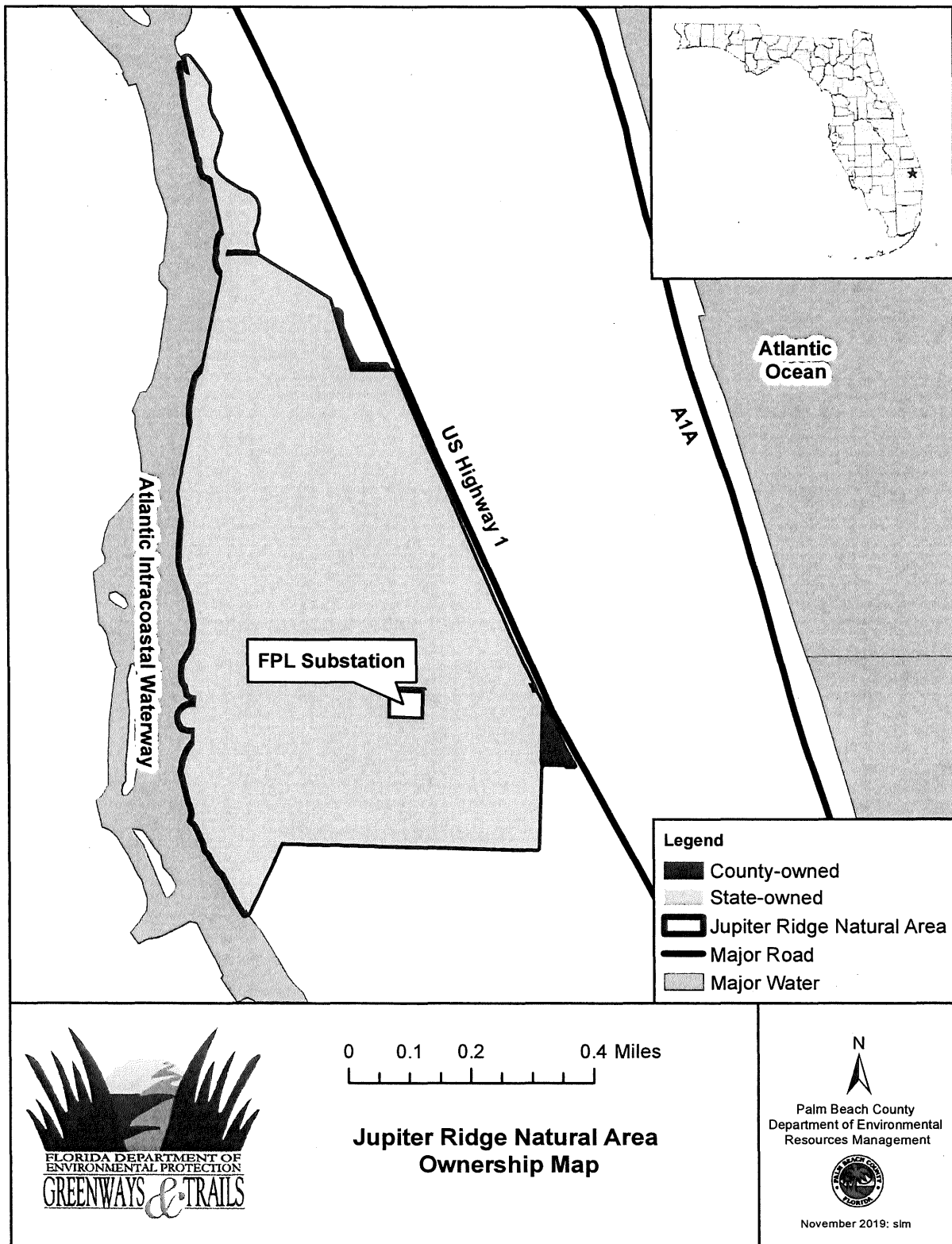
[Printed Name of Owner]

OWNER(S) OF LANDS OR WATERWAYS:

[Signature of Owner]
Division of State Lands, FDEP
for and on behalf of BOT

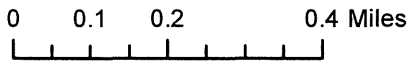
[Signature of Owner]

EXHIBIT "A"



Legend


- County-owned
- State-owned
- Jupiter Ridge Natural Area
- Major Road
- Major Water



Jupiter Ridge Natural Area Ownership Map

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Palm Beach County
Department of Environmental
Resources Management



November 2019: slm

ATTACHMENT 1

OGT-DA0105

Designation Number

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

**DESIGNATION AGREEMENT
Jupiter Ridge Natural Area**

This Designation Agreement, entered into on this _____ day of _____, 2020, 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”), PALM BEACH COUNTY (hereinafter referred to collectively as “Landowner” or “Manager”) and the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA (hereinafter referred to collectively as “Landowner”) 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.

This Agreement, including the exhibits referenced herein, may be executed in one or more counterparts, through electronic or manual means, all of which shall constitute collectively but one and the same instrument.

**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 and through its Board of County Commissioners

By: _____
Mayor Dave Kerner

Date: _____

“LANDOWNER & MANAGER”

APPROVED AS TO FORM
AND LEGAL SUFFICIEINCY:

By: _____
Scott A. Stone,
Assistant County Attorney

Date: _____

APPROVED AS TO TERMS
AND CONDITIONS:

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

Date: 4/30/2020

**BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST FUND OF
THE STATE OF FLORIDA**

By: _____
Brad Richardson, Chief, Bureau of Public Lands Administration
Division of State Lands, State of Florida
Department of Environmental Protection,
as agent for and on behalf of the Board
of Trustees of the Internal Improvement
Trust Fund of the State of Florida

“LANDOWNER”

EXHIBIT A

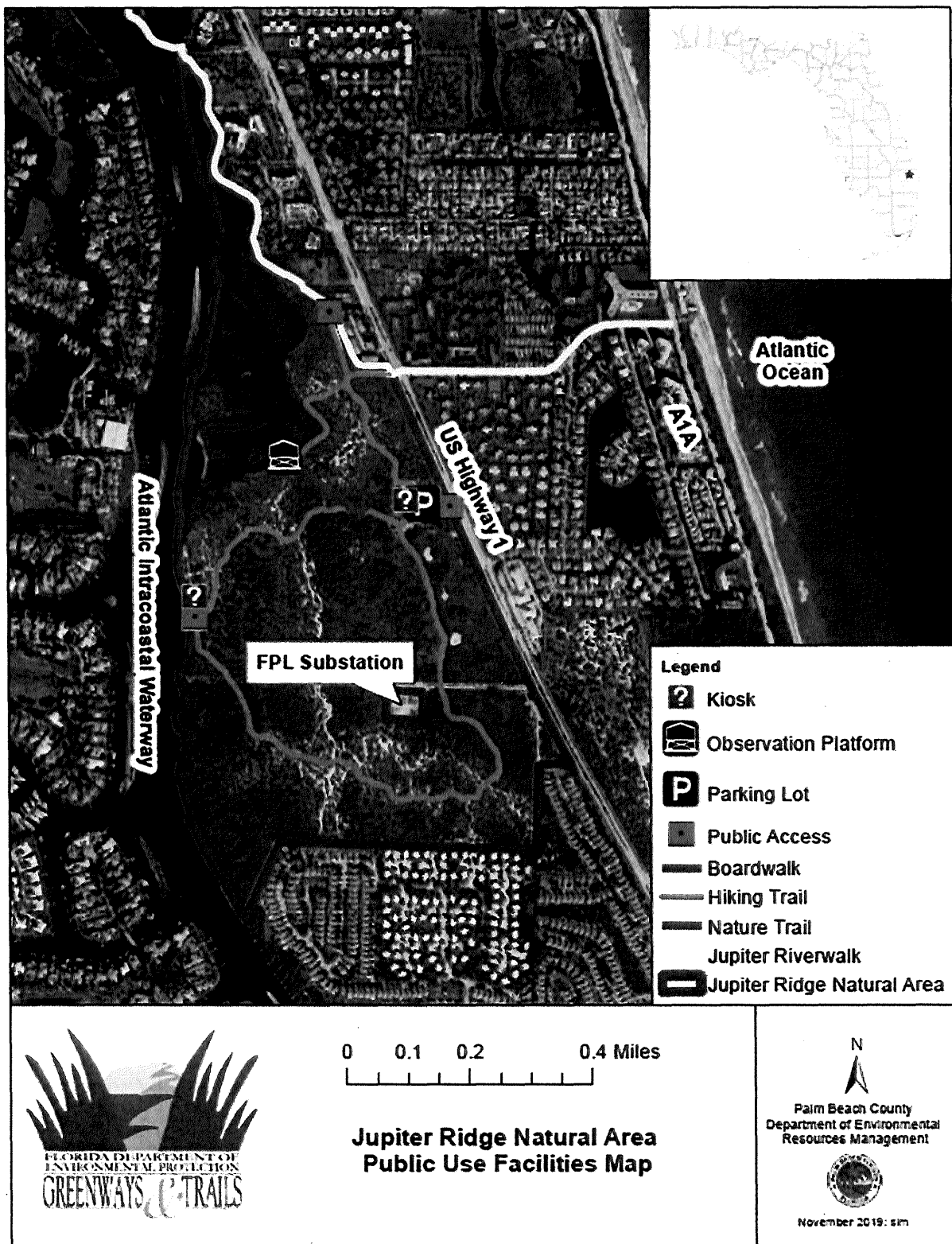


EXHIBIT B Use Plan

Use Plan

The entire 270-acre Jupiter Ridge Natural Area is the subject of this Florida Greenways and Trails System Designation Application. The Designation Area opened to the public in 2001. It is open 7 days a week, from sunrise to sunset. Existing public use facilities include a 10-car, 2-bus, paved parking lot; two informational kiosks; an approximate 1,290-foot-long accessible concrete/boardwalk nature trail; 2.2-miles of natural-surfaced hiking trails; covered wildlife observation platform with benches; and a sandy beach area that provides small boat access to the site from the Atlantic Intracoastal Waterway. The Designation Area also includes a 300-foot-long portion of the "Jupiter Riverwalk" – part of the East Coast Greenway Corridor. Additional public use facilities under consideration for the Designation Area include a designated canoe/kayak tie up area and/or a designated shore fishing area, a picnic area and a natural-surface connector trail to link the hiking trail system to U.S. Highway 1. The primary purposes of the Designation Area are to preserve, restore/enhance, manage and maintain important remnants of Florida's native vegetation communities, their associated plant and wildlife populations, and local groundwater resources. Its secondary purposes are to provide for passive, resource-based recreation, environmental education and scientific research.

Access/Directions: The designation area is located in Jupiter, Florida, approximately 1.3 miles south of Indiantown Road, between U.S. Highway 1 and the Atlantic Intracoastal Waterway. Public vehicular access to the Designation Area is provided via U.S. Highway 1. Pedestrian access is provided via the Jupiter Riverwalk, from U.S. Highway 1 at the entrance to the parking lot and from an unimproved beach that allows boaters to access the site. Bicycle racks are located within the parking lot and near the pedestrian entrance from the Riverwalk to encourage the use of alternative transportation to the site.

Management: The County manages the 267-acre state-owned portion of the Designation Area in accordance with a 50-year-term state lease (Lease No. 4004); the County owns the remaining 3 acres. The County's Department of Environmental Resources Management is responsible for managing and maintaining the Designation Area, with assistance from county contractors and community volunteers.

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

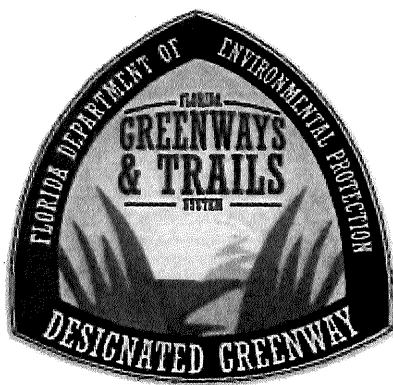
Security: The Town of Jupiter Police Department has the primary responsibility for public safety and law enforcement at the Designation Area. The County also has contracted with the Palm Beach County Sheriff's Office to have Wildlands Task Force deputies conduct extra patrols of the Designation Area 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.

Archaeological and Historical Resources: As of 2019, no archaeological or historical resources have been found at Jupiter Ridge Natural Area. The Florida Department of State, Division of Historic Resources (DHR) reviewed the Florida Master Site File for the natural area in 1998 and 2006; DHR found the probability of archeological sites within the Jupiter Ridge Natural Area to be low. Likewise, no archaeological nor historical resources were found during an archaeological survey and assessment conducted by Carr et al. (2003).

Any ground disturbance of previously undisturbed areas within the natural area will be coordinated with DHR. If any archeological or historical sites are discovered in the future, DHR management procedures will be followed to protect those sites. The County will comply with Chapter 267, Florida Statutes, specifically Sections 267.061(2)(a) and (b), in its management of any archaeological or historic site discovered on the natural area. If future resources permit and funding is appropriated, the County will consider conducting an archival and historical study to determine if anything of historic importance occurred on the property, and to conduct a direct archaeological study if the results of the archival and historical study indicated that an archaeological study would be beneficial.

Carr, R.S., V. Longo, M. Lance, and A. Elgart-Berry. 2003. An archaeological survey of Palm Beach County, Florida. AHC Technical Report #419. Revised April 2004. Archaeological and Historical Conservancy, Davie, Fla.

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-DA0105, are being maintained in a manner consistent with the terms of the agreement.

PALM BEACH COUNTY

By: _____

Print/Type Name