

SWFRPC Resolution #2014-01

A RESOLUTION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL OPPOSING THE DESIGNATION AND SALE OF CAYO COSTA LAND PARCELS BY THE DEP DIVISION OF STATE LANDS

WHEREAS, Chapter 253, Florida Statutes, provides the authorization under which the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Board of Trustees) may hold title to state property, and under which it is authorized to surplus and dispose of lands for which it holds title;

WHEREAS, the Florida Department of Environmental Protection's (DEP) Division of State Lands is Florida's lead agency for environmental management and stewardship, and serves as staff to the Board of Trustees of the Internal Improvement Trust Fund;

WHEREAS, pursuant to Section 216.0153, Florida Statutes, DEP and the Department of Management Services must submit to the Governor and Legislature by October 1 of each year a list of state-owned property recommended for disposition;

WHEREAS, prior to the sale of conservation land owned by the Board of Trustees, it must first be reviewed by the Acquisition and Restoration Council (ARC), a 10-member group with representatives from four state agencies, four appointees of the Governor, one appointee by the Fish and Wildlife Conservation Commission, and one appointee by the Commissioner of Agriculture and Consumer Services, and ARC must determine that that the land is no longer needed for conservation purposes;

WHEREAS, in response to a mandate from the Florida Legislature, the Division of State Lands, in cooperation with state conservation land managing agencies, has conducted an extensive inventory of state-owned conservation lands, evaluating the lands for their conservation value, with the purpose of raising money through the sale of state surplus lands for purchase of lands that may have a greater need for conservation¹, and has created a draft list of surplus lands to be offered for sale by the Board of Trustees;

WHEREAS, the ARC list of surplus lands includes parcels of land within Cayo Costa State Park in Lee County, which create a valuable buffer area which would be lost if they were to be sold for development or any other incompatible land use;

WHEREAS, the listing of the Cayo Costa parcels is opposed by numerous citizens and organizations, including the Conservancy of Southwest Florida, Audubon Florida, Charlotte Harbor National Estuary Program, Florida Wildlife Federation, Florida Coastal and Ocean Coalition, Friends of Cayo Costa, and others, based on their belief that the land is still needed for conservation purposes, including the following rationales:

- The process and methodology utilized to create the draft list of surplus lands were flawed;
- The land is highly susceptible to storm surge and hurricane damage, and private development of the land would place private owners and potentially taxpayers in Florida at risk of loss by underwriting reconstruction of structures homes built on these lands through the state-run Citizens Property Insurance Corp. and the Florida Hurricane Catastrophe Fund;
- The Land Management Plan adopted by the Division of State Lands, and approved by the ARC states that the "The optimum boundary for Cayo Costa State Park includes all remaining public and private lands on Cayo Costa Island, and remaining unimproved private parcels on the central and southern portions of North Captiva Island."²;

¹ Florida Forever Budget Proviso language From the 2013-2014 General Appropriations Act.

² Cayo Costa State Park Management Plan, Dec. 9, 2005, pg. 49.

- The parcels have a Future Land Use Map (FLUM) designation of Conservation Land Upland and/or Conservation Wetland, which does not permit residential density or commercial development, indicating that the parcels are not suitable for development, and it would be contrary to public policy to change the FLUM designation on these parcels to any other designation;
- The parcels have significant environmental value, as evidenced by the presence of three or more rare species and functional wetlands; and
- Selling the parcels would be contrary to the intent of Article X, Section 18, of the Florida Constitution concerning the disposition of conservation lands, which requires that public lands designated for natural resources conservation purposes be managed for the benefit of the citizens of the state, and may be disposed of only if it is determined that the property is no longer needed for conservation purposes;

NOW, THEREFORE, BE IT RESOLVED that the Southwest Florida Regional Planning Council opposes the designation or sale of any parcels on Cayo Costa Island or the central and southern portions of North Captiva Island as surplus lands by the DEP Division of State Lands.

DULY ADOPTED by the Southwest Florida Regional Planning Council this 16th day of January, 2014.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL




Teresa Heitmann, Chair


Margaret Wuerstle, Executive Director