

CAPT I ON I NG  
AUGUST 14, 2009  
CONE RANCH ENV I RONMENTAL ADV I SORY PANEL

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\*\*\*following meeting. It should be used for informational  
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>>HEIDI McCREE: GOOD MORNING EVERYONE.  
I'D LIKE TO GO AHEAD AND CALL TO ORDER THE THIRD OF OUR  
CONE RANCH ENVIRONMENTAL ADVISORY PANEL MEETINGS.  
TODAY IS FRIDAY, AUGUST 14th, AND IT'S 9:00 A.M., AND WE  
HAVE A QUORUM, AND APPRECIATE EVERYONE BEING HERE THIS  
MORNING.  
I WOULD LIKE TO REMIND EVERYONE TO TURN OFF THEIR CELL  
PHONES AND OTHER ELECTRONIC DEVICES.  
SINCE WE ARE BEING TELEVISED, THAT DOES INTERFERE WITH THE  
SYSTEM, THE TECHNICAL SYSTEM.  
THANKS.  
ALL RIGHT.  
WE HAVE BEFORE US THE RECAP OF OUR JULY 20th, 2009,  
MEETING, AND I'LL ENTERTAIN A MOTION FOR APPROVAL OR SOME  
DISCUSSION OR CHANGES OR EDITS TO THAT RECAP FOR THAT  
MEETING.  
DID EVERYONE RECEIVE THAT INFORMATION?  
OKAY.  
>> I MOVE WE ACCEPT THE MINUTES.  
>>HEIDI McCREE: OKAY.  
I HAVE A MOTION.  
IS THERE A SECOND?  
>> SECOND.  
>>HEIDI McCREE: ANY DISCUSSION?  
ALL RIGHT.  
HEARING NONE, ALL THOSE IN FAVOR PLEASE SIGNIFY BY SAYING  
AYE.  
[CHORUS OF AYES]  
ANY OPPOSED?  
ALL RIGHT.  
THAT MOTION CARRIES.  
ALL RIGHT.  
AT THE PANEL REQUEST, WE'RE GOING TO SPEND THE BULK OF  
TODAY'S MEETING LISTENING TO AND CONVERSING WITH THE -- THE  
GROUP THAT WOULD LIKE TO -- OR HAS PROPOSED TO PURCHASE  
CONE RANCH, AND THEIR NAME IS FLORIDA CONSERVATION AND  
ENVIRONMENTAL GROUP, AND KEN JONES IS HERE TO LEAD THAT  
GROUP IN THEIR PRESENTATION THIS MORNING.  
GOOD MORNING, KEN.  
>> GOOD MORNING.  
THANK YOU.  
IF I COULD, WE'RE GOING TO HAVE BOTH THE TNC AND FCEG SORT  
OF AT THE TABLE TOGETHER --  
>>HEIDI McCREE: THAT WOULD BE GREAT.  
>> -- AND I'M GOING TO SPEAK, GO THROUGH SOME REMARKS, AND  
THEN KEITH IS GOING TO COME UP AND GO THROUGH SOME OF THE  
REMARKS ON THE CONSERVATION EASEMENT SIDE, AND THEN I'M  
GOING TO FINISH UP, SO WE'RE GOING TO GO BACK AND FORTH IF  
THAT'S OKAY.  
>>HEIDI McCREE: ALL RIGHT.  
GREAT.  
GREAT.  
JUST INITIALLY, AS YOU INTRODUCE FOLKS, IF YOU COULD JUST

STATE THEIR NAME AND THEIR AFFILIATION FOR THE RECORD, THAT WOULD BE GREAT --

>> YES.

>>HEIDI McCREE: -- BUT THANK YOU SO MUCH. IS THERE ENOUGH ROOM AT THE TABLE?

>> OH, SURE.

>>HEIDI McCREE: OKAY. GOOD.

>> WE READY?

>>HEIDI McCREE: YES. WELCOME.

>> THANK YOU.

I APPRECIATE EVERYBODY COMING OUT TODAY, AND THANK YOU, MEMBERS OF THE PANEL.

MY NAME IS KEN JONES, AND I'M WITH FLORIDA CONSERVATION AND ENVIRONMENTAL GROUP.

I'M A PRINCIPAL AND THE GENERAL COUNSEL OF THE GROUP.

IF SOME OF YOU DON'T KNOW WHO WE ARE, I'M GOING TO SPEND JUST A QUICK -- A REALLY QUICK MINUTE HERE TELLING YOU A LITTLE BIT ABOUT US AND OUR OTHER COLLABORATOR AND PRESENTER HERE, THE NATURE CONSERVANCY.

FCEG WAS CREATED A FEW YEARS AGO TO LOOK AT SPECIALTY ENVIRONMENTAL PROJECTS.

WE'RE A SPECIALLY-CREATED LLC.

WE'RE BASED IN FLORIDA.

OUR HISTORY AND BACKGROUND IS MORE IN THE INVESTMENT BANKING AND FINANCIAL SERVICES SIDE, BUT WE SAW AN OPPORTUNITY TO MELD THE IDEA OF LOOKING AT POTENTIAL LAND PRESERVATION DEALS AND COMBINING OUR EXPERTISE WITH FINANCIAL INVESTMENT BANKING SERVICES.

WE CURRENTLY ALSO -- OUR PRINCIPALS OWN AND MANAGE SOME ENVIRONMENTALLY SENSITIVE PROPERTY OUT IN EAST PASCO COUNTY, ABOUT 500 ACRES.

WE'VE OWNED IT FOR QUITE A WHILE.

WE'RE ALSO AFFILIATED WITH A GROUP CALLED "COMMUNICATIONS EQUITY ASSOCIATES."

WE'VE BEEN AROUND SINCE 1973.

WE'VE DONE ABOUT \$40-BILLION WORTH OF TRANSACTIONS IN 60 DIFFERENT COUNTRIES, SO OUR EXPERTISE IN FINANCE AND BANKING IS VERY EXTENSIVE, AND WE THOUGHT MARRYING THAT WITH LOOKING AT ENVIRONMENTAL AND CONSERVATION DEALS, WE COULD BRING SOMETHING NEW TO THE MIX, WHICH WAS A PRIVATE-SECTOR SOLUTION TO ENVIRONMENTAL LAND PRESERVATION.

THE NEXT GROUP, OBVIOUSLY, YOU'RE PROBABLY MORE FAMILIAR WITH ON THE ENVIRONMENTAL SIDE IS THE NATURE CONSERVANCY.

FOUNDED IN 1951, THEY HAVE OFFICES IN ALL 50 STATES.

THEY'VE PROTECTED ALMOST 120 MILLION ACRES OF PROPERTY WORLDWIDE AND THEY'VE PROTECTED ABOUT 5,000 MILES OF RIVERS.

THEY TAKE A SCIENCE-BASED APPROACH.

THEY'RE BASED IN WASHINGTON, D.C., HAVE FIELD OFFICES ALL OVER THE WORLD, AND HAVE 700 STAFF SCIENTISTS.

BEYOND THAT, I'LL JUST GET RIGHT TO THE POINT.

THE BEST THING FOR CONE RANCH IS FOR IT TO BE PRESERVED IN PERPETUITY PERMANENTLY.

PERMANENTLY MEANS FOREVER.

NO DEVELOPMENT, NO MORE COMMERCIAL DEVELOPMENT, NO FURTHER SUBDIVISION BEYOND WHAT WE'RE GOING TO PROPOSE HERE TODAY, AND TO BE FRANK, THIS CANNOT BE DONE AS IT EXISTS TODAY.

WITH THE WATER DEPARTMENT OWNING CONE RANCH, IT CANNOT BE PRESERVED.

PRESERVING CONE RANCH ALSO, IF WE DO A -- EITHER A HYBRID OF OUR PLAN OR OUR PLAN, WE WILL NOT HURT THE COUNTY'S BOND

RATING.

THE WAY TO DO THIS.

THERE ARE SEVERAL WAYS TO DO THIS.

THE FIRST ONE IS WE NEED TO PROVE OUR CONCEPT TODAY TO YOU, AND WE INTEND TO DO THAT.

WE THINK THE BEST WAY TO PRESERVE CONE RANCH IS TO HARNESS THE POWER OF AN IRONCLAD CONSERVATION EASEMENT.

YOU'LL HEAR ABOUT THAT AT LENGTH TODAY WHEN KEITH STARTS TO PRESENT IN JUST A FEW MINUTES.

WE BELIEVE THAT THE APPROACH OF A CONSERVATION EASEMENT, TAKING THE LAND, SUBDIVIDING IT INTO SIX 2,000-ACRE PARCELS, AND SELLING IT TO EITHER CONSERVATION BUYERS OR OTHER MITIGATION BUYERS IS THE BEST WAY TO PROTECT CONE RANCH.

PART OF THAT PROCESS, WE WILL IDENTIFY BUYERS, WE ARE GOING TO ASSIST WITH FINANCIAL ADVISORY SERVICES AND POSSIBLY PROVIDE BRIDGE FINANCING TO MAKE SURE THAT THIS DEAL GETS DONE RIGHT.

IN THE CURRENT ENVIRONMENT, IT'S NOT UNLIKELY TO THINK THAT THIS SELLING OF PARCELS COULD TAKE SOME TIME, SO WE RECOGNIZE THAT THERE MAY BE SOME OTHER ADVISORY SERVICES WE HAVE TO PROVIDE IN TERMS OF GETTING THE FINANCING TO -- TO GET THIS TRANSACTION DONE QUICKLY.

TODAY I HOPE TO ACCOMPLISH THREE THINGS.

FIRST, PROVE TO YOU THAT CONE RANCH, WHILE IN THE PUBLIC OWNERSHIP, IS NOT CURRENTLY PERMANENTLY PROTECTED CONTRARY TO POPULAR THINKING.

THERE HAVE BEEN MANY PRESS ACCOUNTS, MANY PEOPLE THAT STOOD UP IN FRONT OF COUNTY STAFF AND COUNTY OFFICIALS AND SAID THAT CONE RANCH IS PROTECTED.

THAT IS NOT THE CASE.

YOU HEARD AS MUCH FROM THE WATER DEPARTMENT TWO WEEKS AGO.

SECOND, I WANT TO EDUCATE AND ADVOCATE FOR THE USE OF A CONSERVATION EASEMENT TO PERMANENTLY PROTECT CONE RANCH.

AND THE THIRD -- THE THIRD POINT I WANT TO PROVE TO YOU TODAY IS FURTHER EXPLAIN HOW FCEG CAN USE ITS CONCEPT TO HELP THE COUNTY RESTORE CONE RANCH AND PREVENT IT FROM EVER BEING DEVELOPED.

I'M GOING TO GET MORE SPECIFIC ABOUT OUR PLAN IN JUST A MINUTE, BUT FIRST I REALLY -- I WANT TO LAY SOME PREDICATE FOR WHAT WE'VE HEARD OVER THE LAST FEW WEEKS, AND I'M GOING TO TALK ABOUT OUR PLAN IN GREAT DETAIL AFTER KEITH SPEAKS TODAY, BUT I WANT YOU TO UNDERSTAND THAT THIS INFORMATION I'M GOING TO PROVIDE TO YOU REALLY GIVES A LITTLE BIT MORE DEPTH AND HISTORY ABOUT CONE RANCH.

AS WE'VE GONE THROUGH THIS PROCESS, WE'VE HAD A CHANCE TO LOOK AT SOME DOCUMENTATION.

THANKS TO EDITH AND SOME OF THE COUNTY STAFF, WE WERE ABLE TO PULL SOME OF THOSE RECORDS.

WE CULLED A LOT ON OUR OWN AS WELL, BUT AS WE WENT THROUGH THESE DOCUMENTS, WE LEARNED A LOT.

AS A RESULT OF THE PROCESS, WE'VE HAD I GUESS AN ENLIGHTENMENT ON WHAT'S HAPPENED OVER CONE RANCH IN THE LAST TEN YEARS, SOME OF WHICH YOU MIGHT NOT BE AWARE OF, AND I'M GOING TO SHARE WITH -- I'M GOING TO SHARE THIS WITH YOU TODAY.

ONE OF THE COMMENTERS THAT SPOKE ABOUT TWO WEEKS AGO WAS MR. BAILEY, AND WE AGREE WITH MR. BAILEY COMPLETELY.

MR. BAILEY SAID WHILE IT IS TRUE THAT CONE RANCH IS AN ASSET OF THE COUNTY'S WATER DEPARTMENT AND COVERED BY THE BOND COVENANTS, THE PROPERTY IS OWNED BY HILLSBOROUGH COUNTY, SO THIS IS A TAXPAYER ISSUE.

THAT IS TAXPAYER PROPERTY, AND BELIEVE ME, THE TAXPAYERS

ARE VERY MUCH CONCERNED WITH WHAT HAPPENS ON CONE RANCH.  
WE COULDN'T AGREE WITH HIM MORE.

NOW, WE UNDERSTAND THAT THE COUNTY'S WATER DEPARTMENT HOLDS  
THIS PROPERTY ON THEIR BOOKS, BUT HOLDING IT ON THEIR BOOKS  
VERSUS THIS NOT BEING TAXPAYER PROPERTY IS A STRETCH.  
THE WATER DEPARTMENT IS STILL A SUBDIVISION OF HILLSBOROUGH  
COUNTY.

WHETHER THEY'RE AN ENTERPRISE FUND OR THEY RUN LIKE A  
BUSINESS AND THEY'VE GOT BONDHOLDERS AND RATEPAYERS, THAT'S  
TRUE; HOWEVER, YOU CANNOT GET AWAY FROM THE FACT THAT CONE  
RANCH IS STILL A TAXPAYER ASSET.

IN FACT, IT WAS ON THE HILLSBOROUGH COUNTY'S GENERAL LEDGER  
BACK IN THE '80s WHEN THEY BOUGHT IT FROM TRIAD AMERICA  
FROM ADNAN KHASHOGGI.

IT WAS SUBSEQUENTLY TRANSFERRED TO THE WATER DEPARTMENT IN  
1991.

SO THIS DID START OUT AS A HILLSBOROUGH COUNTY ASSET, AND  
WE BELIEVE THE TAXPAYERS DO, IN FACT, OWN THIS LAND.

SO WHETHER YOU SPLIT HAIRS ABOUT THE OWNERSHIP OF AN ASSET  
OF THE WATER DEPARTMENT VERSUS AN ASSET OF AN ENTERPRISE  
FUND VERSUS HILLSBOROUGH COUNTY, CONE RANCH IS OWNED BY THE  
TAXPAYERS.

NOW, I WANT TO CONTRAST THIS, AND AGAIN, THE POINT HERE IS  
NOT TO PLAY GOTCHA OR JUMP DOWN ANYBODY'S THROAT, BUT I DO  
WANT YOU TO UNDERSTAND WHAT THE POSITION HAS BEEN OF THE  
COUNTY STAFF TO DATE.

A FEW QUOTES FOR YOU FROM THE LAST MEETING.

QUOTE, CONE RANCH IS NOT OWNED BY THE TAXPAYERS.

WE DISAGREE.

THE OWNER OF CONE RANCH IS A BUSINESS.

WE DISAGREE.

IT'S LIKE A BUSINESS.

IT'S LIKE FLORIDA POWER, IT'S LIKE TECO.

WE DON'T BELIEVE THAT'S TRUE.

WE BELIEVE THIS IS A PUBLIC ASSET AND IT NEEDS TO BE  
PROTECTED.

ANOTHER QUOTE.

AS A BUSINESS, WE HAVE A RESPONSIBILITY AND OBLIGATIONS TO  
OUR BONDHOLDERS, INVESTORS, AND THE RATEPAYERS.

THAT RESPONSIBILITY TRUMPS THE FUNCTION OF THE BOARD OF  
COUNTY COMMISSIONERS REPRESENTING THE GOVERNMENT AND THE  
TAXPAYERS.

WE COULDN'T DISAGREE WITH THAT MORE STRONGLY.

THE COUNTY COMMISSION SETS POLICY IN THIS COUNTY, AND THEIR  
JOB IS TO PROTECT THE TAXPAYERS' MONEY, SO AGAIN, TO SAY  
THAT YOU NEED TO DO NOTHING AND LEAVE IT IN THE WATER  
DEPARTMENT, YOU'LL NEVER PROTECT CONE RANCH.

AND IT'S NOT THAT THE WATER DEPARTMENT IS A BUNCH OF  
UNFEELING, UNCARING ANTI ENVIRONMENTALISTS BECAUSE THEY'RE  
NOT.

THEIR CHARTER PREVENTS THEM FROM DOING ANYTHING THAT WOULD  
DEVALUE THE PROPERTY.

THEY'RE RIGHT, THEY DO HAVE AN OBLIGATION TO THE  
RATEPAYERS.

THEY HAVE AN OBLIGATION TO MAXIMIZE VALUE FOR THOSE  
RATEPAYERS AND TAXPAYERS, BUT IF YOU LEAVE CONE RANCH ON  
THE ROLLS OF THE WATER DEPARTMENT, IT WILL NEVER BE  
PRESERVED.

THEY HAVE TO MAXIMIZE IT FOR HIGHEST AND BEST USE, AND IN  
MOST PEOPLE'S MINDS, THAT EQUATES TO LONG-TERM DEVELOPMENT  
BY BEAZER HOMES, WCI, WHOEVER IT MIGHT BE.

UNFORTUNATELY, THIS PERSPECTIVE THAT -- THAT ENVIRONMENTAL  
PRESERVATION SHOULD TAKE A BACK SEAT TO RUNNING ANY COUNTY

SUBDIVISION HAS -- AS FAR AS I CAN TELL HAS PERMEATED THROUGHOUT SOME OF THE COUNTY, AND IN SPITE OF THAT FACT, IF YOU LOOK BACK TEN YEARS AGO, SOME VERY REAL EFFORTS WERE MADE TO PRESERVE CONE RANCH BACK IN THE '90s.

IF YOU LOOK AT A 1996 APPRAISAL, WHICH WE -- AND ALL THESE DOCUMENTS ARE REFERENCED, BY THE WAY.

WE HAVE COPIES OF, THEY'RE ALL ON THE WEB SITE, AND I'VE GOT SOME HERE TODAY AND WE CAN PULL SOME DOWN IF WE NEED TO.

BACK IN 1996 AN APPRAISAL WAS DONE ON CONE RANCH, AND AT THAT TIME IT WAS DETERMINED THAT THE HIGHEST AND BEST USE WAS, IN FACT, FOR PRESERVATION, WHICH IS VERY DIFFERENT THAN WHAT WE'VE HEARD OVER THE COURSE OF THE LAST MONTHS, WHICH IS THAT YOU CANNOT -- THESE TWO CONCEPTS ARE MUTUALLY EXCLUSIVE, HIGHEST AND BEST USE AND PRESERVATION CAN'T BE MARRIED.

WELL, THIS APPRAISAL SHOWS THAT THAT'S NOT TRUE.

THIS WAS THE 1996 CATLETT APPRAISAL.

THEN IN 1997 THE WATER DEPARTMENT, IN FACT, IDENTIFIED CONE RANCH AS A SURPLUS PROPERTY.

WHAT -- I HAVE A QUOTE FROM AN E-MAIL AT THE TIME, THE WATER DEPARTMENT DIRECTOR MIKE McWEENY, THAT SAID, WHAT I WOULD LIKE THE BOARD TO DO IS RECOGNIZE THAT THE ENTIRE PROPERTY IS SURPLUS TO THE WATER DEPARTMENT'S NEEDS, THAT AS SOON AS THE WATER DEPARTMENT'S NEEDS ARE IDENTIFIED, WE WILL BEGIN ADVERTISING THE REMAINDER OF CONE RANCH PROPERTY FOR SALE TO PRIVATE PARTIES AND GOVERNMENT AGENCIES.

SO WHEN YOU THINK ABOUT THE WATER DEPARTMENT'S MISSION VERSUS WHAT THE BOARD OF COUNTY COMMISSIONERS HAS SAID WE NEED TO DO WITH CONE RANCH, THEY'RE DIAMETRICALLY OPPOSED. THE COUNTY COMMISSION IS SAYING PRESERVE CONE RANCH, FIGURE OUT A WAY TO DO THAT, PUT THIS PANEL TOGETHER AND LET'S LOOK AT OPTIONS.

WHAT THE WATER DEPARTMENT HAS SAID IS WE'RE A BUSINESS. YOU CAN'T DO THAT BECAUSE YOU'RE GOING TO DEVALUE OUR ASSET, AND I GET IT.

I MEAN, WE -- LOOK, THE FCEG IS AFFILIATED WITH CEA. WE UNDERSTAND HOW TO READ A BALANCE SHEET, WE KNOW HOW TO RUN A BUSINESS, AND I UNDERSTAND ABOUT DEVALUING AN ASSET. YOU DON'T WANT TO DO THAT IF YOU'RE RUNNING AS A BUSINESS. SO TO GET TO A PRESERVATION POSTURE, YOU'VE GOT TO DO SOMETHING DIFFERENT, AND THIS -- OUR PROPOSAL IS SOMETHING DIFFERENT THAT WE THINK CAN PRESERVE CONE RANCH.

IF YOU LOOK BACK AGAIN -- AGAIN, GOING BACK TO SOME HISTORY, 1999 TO 2000, THERE WAS AN EFFORT BY COMMISSIONER JIM NORMAN AND THEN COMMISSIONER STORMS.

THEY WERE ACTUALLY SPEARHEADING AN EFFORT TO PRESERVE CONE RANCH IN '99, AND IF YOU LOOK BACK THROUGH ALL THE HISTORY, YOU'LL SEE A LOT OF WORK STARTED TO HAPPEN AND THEN IT JUST SORT OF DIED OFF.

THERE WAS ACTUALLY A CONE RANCH RYE HYDRATION PROJECT THAT SCOTT EMERY IS VERY FAMILIAR WITH, AND WHAT HAPPENED WAS THE COUNTY STAFF STARTED TO GO DOWN THAT PATH, AND THEN A FEW MEMOS AND LETTERS CAME OUT THAT SAID, WAIT A SECOND, YOU ARE GOING TO REHYDRATE A PIECE OF ENVIRONMENTALLY SENSITIVE LAND AND YOU'RE GOING TO CAUSE DAMAGE TO OUR ASSET.

YOU NEED TO STOP, AND SO THE -- WE CAN'T EXACTLY FIGURE OUT WHERE THE TRAIL LEAVES OFF BECAUSE THERE'S SOME MISSING DOCUMENTS IN THAT PERIOD, BUT WHEN YOU START IN '96 AND YOU GO UP TO 2000, ALL OF A SUDDEN IT JUST STOPS AND NOTHING ELSE EVER HAPPENED.

WHAT'S INTERESTING, THOUGH, IS THAT THE DECLARATION THAT

CONE RANCH WAS SURPLUS PROPERTY WAS NEVER RESCINDED AND IS STILL IN EFFECT TO THIS DAY, SO THAT DECLARATION DOES NOT NEED TO BE MADE AGAIN IN OUR OPINION.  
WE DON'T THINK YOU NEED TO HAVE THAT -- THAT DIALOGUE AGAIN ABOUT IS CONE RANCH SURPLUS PROPERTY BECAUSE THEY'VE ALREADY DETERMINED THAT IT WAS.  
NOBODY RESCINDED IT, NOBODY REVOKED IT.  
WE BELIEVE IT'S STILL IN EFFECT TODAY.  
IF YOU TAKE ANOTHER LOOK BACK AGAIN, GOING BACK TO '99, THE BEST GUESS AS TO WHY CONE RANCH DIDN'T GET PRESERVED BACK THEN BASED ON THE DOCUMENTS IS, IN ESSENCE, THEY COULDN'T GET FUNDING.  
THEY LOOKED AT A FEDERAL WETLAND PRESERVE PROGRAM, THEY LOOKED AT SOME INTERNAL SOURCES, THEY LOOKED AT STATE FUNDING.  
AND IF YOU LOOK AT -- IF YOU LOOK AT A QUOTE, THERE WAS A REPORT DONE BACK IN 1999.  
IT SAYS, ON 9/16/99, THE BOARD MOVED THAT STAFF SHOULD AGGRESSIVELY SEEK FUNDING FOR THE PURCHASE OF CONE RANCH PROPERTY SO THAT THE PROPERTY REMAINS IN THE PUBLIC DOMAIN FOR ENVIRONMENTAL OPEN SPACE, HABITAT, AND RECREATIONAL PURPOSES.  
AND THEN THERE WAS A SUBSEQUENT LETTER FROM THE WATER DEPARTMENT THAT SAID, SINCE THE WATER DEPARTMENT HAS NO FUTURE PLANS FOR CONE RANCH, THE PROPERTY IS DETERMINED THAT IT'S NO LONGER NECESSARY, USEFUL, OR PROFITABLE IN THE OPERATIONS OF THE SYSTEM.  
WELL, WHAT HAS CHANGED SINCE THEN AND TODAY AS FAR AS HOW THE WATER DEPARTMENT OPERATES AND WHETHER OR NOT YOU SHOULD OWN AN ASSET THAT FRANKLY, CONTRARY TO WHAT WE'VE SEEN AND HEARD FROM SOME CORRESPONDENCE, IS NOT A CASH-PRODUCING ASSET?  
AS A MATTER OF FACT, CONE RANCH IS ACTUALLY A DRAIN ON THE BUDGET.  
JUST THE CARRYING COSTS ON THE DEBT IS \$3- TO \$400,000 PER YEAR.  
IF YOU TAKE THAT AND YOU MULTIPLY IT BY THE NUMBER OF YEARS THAT THIS THING HAS BEEN ON THE BOOKS, THAT'S APPROXIMATELY TEN YEARS AT A HALF A MILLION DOLLARS A YEAR.  
YOU'VE SPENT \$6 MILLION, GIVE OR TAKE, JUST DOING SOME SIMPLE MATH, ON AN ASSET THAT MAKES YOU ABSOLUTELY NO MONEY.  
WHY WOULD YOU DO THAT?  
IT DOESN'T PRODUCE ANY MONEY.  
TODAY THE ONLY MONEY PRODUCED ON CONE RANCH IS DENNIS CARLTON'S CATTLE LEASE, WHICH IS \$151,000 A YEAR.  
THERE'S ABOUT \$1600 WORTH OF SOD FARMING REVENUE, AND JUST RECENTLY, BECAUSE OF THE TIMBER THINNING, YOU GOT ABOUT \$41,000.  
NOW, YOU TAKE THAT INCOME AND YOU OFFSET IT AGAINST THE BOND COST AND THEN YOU LOOK AT THE MAINTENANCE COST -- AND WE DON'T KNOW THE EXACT NUMBERS.  
I WAS TALKING WITH PETE EARLIER.  
WE DON'T HAVE THE EXACT ESTIMATE, BUT WE KNOW THAT SOME COUNTY STAFF LIVE ON THE PROPERTY IN HOUSING.  
YOU'VE GOT TO PAY TO DIG THE FIRE DITCHES AND MAINTAIN THE PROPERTY.  
SO EVEN YOU CONSERVATIVELY SAID IT WAS JUST MAYBE ANOTHER 100- TO 200,000 A YEAR, YOU'RE NORTH OF A HALF A MILLION DOLLARS A YEAR IN COSTS FOR AN ASSET THAT PRODUCES NO REVENUE.  
SO WHY WOULD YOU TAKE THAT -- WHY WOULD YOU TAKE THOSE TAXPAYER DOLLARS AND USE IT TO KEEP AN ASSET ON YOUR BOOKS

AS OPPOSED TO SURPLUSING IT, WHICH IS EXACTLY, I THINK, THE THOUGHT PROCESS THAT WENT INTO THE DETERMINATION BACK IN THE LATE '90s THAT THE PROPERTY WAS, IN FACT, SURPLUS LAND. I WANT TO GET FOR A MINUTE AS WELL TO THE CONCEPT OF -- OF ELAPP BECAUSE A LOT HAS BEEN MADE OF ELAPP.

AS A MATTER OF FACT, I THINK MAYBE TWO OR THREE WEEKS AGO ELAPP ADVISORY COMMITTEE MET AND DETERMINED THAT, NUMBER ONE, CONE RANCH WAS NOT PROTECTED, AND THEY MOVED IT UP ON THEIR LIST TO BE A HIGHER PRIORITY FOR PROTECTION. SO ALL OF THIS BANTER ABOUT, WELL, THE COUNTY OWNS IT, SO, THEREFORE, IT'S AUTOMATICALLY PROTECTED, THE COUNTY OWNS IT SO WE DON'T NEED TO DO ANYTHING.

IF WE JUST KEEP IT IN COUNTY OWNERSHIP, IT WILL NEVER GET DEVELOPED.

IF THAT IS THE CASE, WHY WOULD WITH ELAPP THEN MOVE CONE RANCH UP ON ITS PRIORITY LIST TO GO PURCHASE IT?

THE ANSWER IS IT'S NOT PROTECTED.

SO -- NOW, IF YOU LOOK AT WHAT IS ACTUAL ELAPP QUALIFIED LAND TO PURCHASE, THERE'S A LETTER FROM BACK ABOUT TEN YEARS AGO, AND SOMEBODY DID A STUDY ON CONE RANCH AND SAID, HOW MUCH OF THIS LAND WOULD YOU SAY IS PROTECTED OR ELIGIBLE FOR PROTECTION VERSUS WHAT'S NOT ELIGIBLE FOR PROTECTION?

AND THEY CAME UP WITH ABOUT 7500 ACRES QUALIFIED TO BE PURCHASED BY ELAPP.

SO THE IDEA THAT ELAPP IS GOING TO BUY THE ENTIRE PROPERTY IS PROBABLY NOT A VIABLE SOLUTION.

THERE MAY BE A HYBRID SOLUTION WHERE FCEG AND TNC CAN WORK WITH ELAPP TO COME UP WITH A PRESERVATION PLAN THAT WORKS FOR EVERYBODY.

IF YOU LOOK AT -- WE'RE JUST GOING TO KIND OF FAST FORWARD NOW TO THE MEETING A COUPLE WEEKS AGO.

WHAT'S INTERESTING IS THAT ALL WE HAVE AS FAR AS WHAT IS PROTECTABLE LAND IS ABOUT TEN YEARS OLD, AND NOBODY HAS DONE A WHOLE LOT OF STUDYING ON CONE RANCH TO FIGURE OUT WHAT IS WORTHY OF PRESERVATION, IF YOU WILL, WHAT IS PROTECTABLE, AND IN FACT, ONE OF THE -- THE VICE CHAIR OF THE PANEL ASKED A COUPLE WEEKS AGO, HAVE YOU DONE AN ENVIRONMENTAL REPORT ON THE ENTIRE PROPERTY?

THE ANSWER WAS NO, NOT THAT I'M AWARE OF.

HAS THE WATER UTILITY OR ANY DIVISION HAVE ANY VISION FOR THE USE OF THIS PROPERTY, IN-HOUSE PLANNING OR ANYTHING?

NO, WE DO NOT.

SO AGAIN, ALL LENDS CREDENCE BACK TO THE IDEA THAT THIS IS A NONPERFORMING ASSET, IT'S A DRAIN ON THE BUDGET.

YOU DON'T MAKE ANY MONEY BY OWNING CONE RANCH.

IN FACT, YOU SPEND A LOT OF MONEY OWNING CONE RANCH AND IT'S NOT PROTECTED.

SO IN MY MIND, THE PICTURE IS VERY CLEAR, AND WHEN YOU LOOK AT WHAT BOB STETLER SAID BACK AT THE LAST MEETING ABOUT WHAT'S HAPPENING ON CONE RANCH, HE SAYS, THE NUTRIENTS AND CHLOROFORMS AND THINGS LIKE THAT THAT IT'S CLEAR THAT BLACKWATER CREEK IS GOING TO MAKE THE LIST AS AN IMPAIRED STREAM.

SO WHEN YOU LOOK AT WHAT'S HAPPENING ON CONE RANCH, NOT ONLY IS IT NOT PROTECTED, NOT ONLY DOES IT COST THE COUNTY A LOT OF MONEY TO MAINTAIN IT AND PAY THE BOND DEBT, YOU'VE GOT STREAMS ON THERE THAT ARE GOING TO MAKE THE EPA'S IMPAIRED STREAM LIST BECAUSE NOTHING'S BEING DONE.

HE SHOWED YOU THAT CHART, THE CHLOROFORM LEVELS AND HOW THEY'RE COMPLETELY OUT OF WHACK.

SO WHAT'S HAPPENING ON CONE RANCH?

NOT A WHOLE LOT.

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IT'S NOT BEING PRESERVED, IT'S NOT BEING PROTECTED.  
I ALSO WANT TO MAKE REFERENCE TO WHAT WE SEE AS THE  
COMMITTEE'S CHARGE BASED ON THE BOARD OF COUNTY  
COMMISSIONERS' MANDATE, AND KEN HAGAN I THINK SUMMED IT UP  
VERY WELL.  
HE SAID, I WANT TO BE PERFECTLY CLEAR THAT MY MAIN INTEREST  
IS IN PERMANENTLY -- AND I WANT TO EMPHASIZE PERMANENTLY,  
PROTECTING, PRESERVING, AND RESTORING THIS LAND BECAUSE IT  
IS SIMPLY NOT TAKING PLACE RIGHT NOW, AND I THINK THAT'S A  
COMPLETELY ACCURATE QUOTE.  
IN FACT, I DON'T THINK ANYBODY COULD PROVE OTHERWISE.  
FROM ALL THE DOCUMENTS WE'VE SEEN AND THE DATA THAT EXISTS  
TODAY, I THINK IF YOU TALK TO SCOTT EMERY, I THINK IF YOU  
TALK TO ANYBODY THAT'S SPENT ANY TIME ON CONE RANCH, YOU'LL  
SEE THAT IT IS A DYING ASSET.  
CONE RANCH IS LAND THAT IS ULTIMATELY OWNED BY THE  
TAXPAYERS, AND WE OUGHT TO PROTECT IT FOR THE TAXPAYERS IN  
PERPETUITY.  
I THINK AT THE LAST BOARD OF COUNTY COMMISSIONERS MEETING  
WHERE WE DISCUSSED THIS PROJECT IN SUBSTANCE, ROSE FERLITA  
HAD A VERY GOOD QUOTE, SUMMED IT UP VERY WELL.  
WE HAVE TO HAVE A NEW MIND-SET THAT IF IN THE RIGHT SENSE  
AND WORKING WITH A LOT OF RELATIONSHIPS ENVIRONMENT CAN  
WORK WITH THE BUSINESS COMMUNITY AND THE BUSINESS COMMUNITY  
CAN WORK TOWARDS ENVIRONMENTAL ENDS.  
THAT'S VERY INSTRUCTIVE.  
WE THINK THAT THAT IS THE POSTURE THAT THIS COMMITTEE  
SHOULD TAKE.  
YOU SHOULD WORK WITH PRIVATE-SECTOR GROUPS, AND EVEN IF YOU  
DON'T ADOPT OUR PROPOSAL, I HOPE THAT OTHER PEOPLE WILL  
BRING THINGS FORWARD THAT CAN HELP PROTECT CONE RANCH  
BECAUSE WE'RE NOT SUGGESTING THAT WE'VE GOT THE BEST  
PROPOSAL IN THE WORLD.  
IT IS A PROPOSAL.  
NOBODY ELSE HAS GIVEN YOU A PROPOSAL.  
NOBODY ELSE HAS STEPPED UP TO THE PLATE TO PROTECT CONE  
RANCH.  
IT'S BEEN OUT THERE FOR 20 YEARS.  
NOTHING'S HAPPENED.  
THE STREAMS ARE GOING DOWNHILL, THE BOND DEBT'S EXPENSIVE,  
THE MAINTENANCE IS EXPENSIVE, AND NOTHING IS HAPPENING ON  
CONE RANCH.  
SO WE URGE YOU IF YOU CAN FIND A WAY TO WORK WITH US,  
WHETHER IT'S A HYBRID WITH ELAPP, WHETHER IT'S ADOPTING OUR  
PLAN, OR SIMPLY EXPLORING IT FURTHER AND AMENDING IT, WE'RE  
OPEN TO THAT.  
WE'RE NOT GOING TO STAND UP HERE AND SAY, THIS IS IT, WE'RE  
NOT GOING TO DO ANYTHING DIFFERENT, YOU HAVE TO TAKE IT OR  
LEAVE IT.  
ABSOLUTELY NOT.  
WE'RE VERY FLEXIBLE.  
WE THINK WE'VE GOT THE FLEXIBILITIES TO MAKE THIS WORK, AND  
I HOPE THAT YOU'LL CONSIDER IT.  
I'M GOING TO BRING UP KEITH FOUNTAIN NOW, AND HE'S GOING TO  
WALK THROUGH MORE OR LESS CONSERVATION EASEMENTS, HOW THEY  
CAN BE APPLIED, HOW THEY CAN BE UTILIZED IN CONE RANCH, AND  
THEN I'M GOING TO GET BACK UP AND WALK YOU THROUGH THE  
ACTUAL REAL DETAILS OF OUR PROPOSAL AND HOW WE THINK IT CAN  
BE IMPLEMENTED FOR CONE RANCH.  
>>HEIDI McCREE: OKAY.  
THAT'S GREAT.  
AND WITHOUT GOING OFF TRACK TOO MUCH AT THIS POINT AS A  
COMMITTEE, ARE THERE ANY QUESTIONS FOR KEN AT THIS POINT,

ANYTHING THAT HE SAID THAT WE WANT TO ASK ANY QUESTIONS ABOUT, OR WE CAN CONTINUE THE -- THE PRESENTATION. ALL RIGHT.

KEITH, LET'S GO FORWARD AND --

>> ALL RIGHT.

THANK YOU, KEN.

THANK YOU, MEMBERS OF THE ADVISORY BOARD.

I'M KEITH FOUNTAIN.

I'M THE DIRECTOR OF LAND ACQUISITION FOR THE NATURE CONSERVANCY, AND MY OFFICE IS IN ALTAMONTE SPRINGS, FLORIDA.

FIRST OF ALL, A LITTLE PERSPECTIVE.

I'M GOING TO GIVE YOU A LITTLE BACKGROUND ON WHY THE CONSERVANCY IS HERE TODAY AND WHY WE'VE BEEN INVOLVED IN THE CONE RANCH PROJECT.

WE WERE FIRST APPROACHED BY FCEG IN 2007.

THEY CAME TO OUR OFFICE AND THEY GAVE US A DRAFT OF THE PROPOSAL THAT THEY'RE GOING TO PRESENT TO YOU TODAY FOR US TO TAKE A LOOK AT AND COMMENT ON.

ONE OF THE THINGS THAT WE OBSERVED IMMEDIATELY IS THAT CONE RANCH WAS ORIGINALLY PURCHASED FOR WATER SUPPLY.

IT WASN'T PURCHASED BY THE COUNTY FOR LAND CONSERVATION OR PRESERVATION LIKE THE LANDS PURCHASED BY YOUR ELAP PROGRAM OR THE FLORIDA FOREVER PROGRAM.

ALSO REALIZED THAT THERE WERE NO CONSERVATION RESTRICTIONS ON THIS PROPERTY, AND YET THIS PROPERTY WAS VIEWED BY THE LOCAL ENVIRONMENTAL CONSTITUENCY AS BEING CRITICAL TO YOUR CONSERVATION LANDSCAPE.

THE OTHER THING WE NOTICED IS THAT WHEN I WENT AND DID A GOOGLE SEVERAL ON CONE RANCH IS I CAME UP WITH MEDIA ARTICLES THAT SHOWED THAT OTHER PARTIES WERE COMING TO THE COUNTY AND OFFERING UP PROPOSALS THAT CONTEMPLATED DEVELOPMENT OF AT LEAST PORTIONS OF THIS PIECE OF PROPERTY. AND SO WHEN WE FINISHED THAT MEETING AND WE FINISHED OUR DISCUSSION, WHAT IT REALLY BOILED DOWN TO IS THE CONSERVANCY WAS BEGINNING TO ENDORSE THEIR PROPOSAL BECAUSE IT WAS VERY ANALOGOUS TO WHAT WE CALL OUR CONSERVATION BUYER PROGRAM, AND THAT'S A PROGRAM WHERE THE CONSERVANCY TAKES LANDS OWNED BY THE CONSERVANCY THAT ARE CONSERVATION LANDS AND NEED TO -- AND NEED TO REMAIN IN CONSERVATION IN PERPETUITY, AND WE SELL THOSE LANDS TO PRIVATE THIRD PARTIES SUBJECT TO A CONSERVATION EASEMENT, EXACTLY WHAT IS BEING DESCRIBED BY FCEG FOR THE CONE RANCH.

SO WE ESTABLISHED A POSITION, AND THAT IS THAT IF -- IF HILLSBOROUGH COUNTY IS NOT GOING TO OWN AND MANAGE THIS PROPERTY LONG-TERM FOR CONSERVATION BUT RATHER INTENDS TO DISPOSE OF THIS PROPERTY, THEN TO PUT IT IN CONSERVATION, THE COUNTY NEEDS TO SERIOUSLY CONSIDER THE PROPOSAL OFFERED UP BY FCEG BECAUSE IT IS A PROVEN METHODOLOGY FOR KEEPING LANDS IN CONSERVATION.

WE -- WE TOLD FCEG AT THE TIME THAT WE WOULD BE GLAD TO PROVIDE ASSISTANCE TO THEM AS THEY WALKED THROUGH THIS PROCESS, WE'LL PROVIDE ASSISTANCE TO THE COUNTY AS REQUESTED.

WE'RE HERE AS A TECHNICAL RESOURCE.

A LITTLE BACKGROUND ON THE CONSERVANCY'S INVOLVEMENT IN CONSERVATION EASEMENTS.

SOME OF OUR CHAPTERS OUT WEST ARE VERY INVOLVED AND VERY INVOLVED AND HAVE VERY MATURE CONSERVATION BUYER PROGRAMS. WE DON'T IN FLORIDA, BUT WE HAVE A LOT OF EXPERIENCE WITH CONSERVATION EASEMENTS.

WE OWN ALMOST 35,000 ACRES OR HOLD CONSERVATION EASEMENTS ON ALMOST 35,000 ACRES, AND WE'VE WORKED ON ANOTHER 65,000

ACRES' WORTH OF CONSERVATION EASEMENTS AROUND THE STATES. SOME VERY LARGE ONES, INCLUDING THE FISHEATING CREEK ACQUISITION BY THE STATE OF FLORIDA AND THE BRIGHT HOUR RANCH ACQUISITION BY THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT.

SO WE'VE GOT ALMOST 100,000 ACRES OF CONSERVATION EXPERIENCE UNDER OUR BELT.

WHAT ARE CONSERVATION EASEMENTS?

WELL, THEY ARE A COMMON LAW CREATURE THAT PROVIDES THE HOLDER WITH AN INTEREST IN REAL ESTATE, BUT THEY ALSO ARE ENABLED BY SECTION 704.06 FLORIDA STATUTES.

THESE ARE LEGALLY ENFORCEABLE INTERESTS IN LAND.

THEY'RE USUALLY PERPETUAL, AND I ONLY SAY THAT BECAUSE THERE ARE SOME AGENCIES THAT DO TERM EASEMENTS FOR 10, 20, 30 YEARS, SOMETHING LIKE THAT.

THE BULK OF THE CONSERVATION EASEMENTS THAT ARE DONE IN FLORIDA ARE PERPETUAL IN NATURE, AND IN FACT, IT'S NOT THE CASE HERE, BUT FOR A PARTY DONATING AN EASEMENT TO REAP THE TAX ADVANTAGES THAT ARE AVAILABLE ON THAT TRANSACTION, IT HAS TO BE A PERPETUAL EASEMENT.

EASEMENTS RUN WITH THE LAND AND ARE BINDING ON ALL SUBSEQUENT OWNERS.

I'VE READ SOME OF THE MEDIA ARTICLES AND I'VE HEARD SOME OF THE CONVERSATION, AND THERE SEEMS TO BE CONCERN THAT WITH THEIR PROPOSAL THAT SOME TRANSACTION WILL OCCUR, BUT SOMEWHERE DOWN THE ROAD SOMEBODY'S GOING TO BE ABLE TO DEVELOP THE PROPERTY.

THAT'S NOT THE CASE, OKAY.

THE BUYER OF THIS PROPERTY ULTIMATELY AS IT'S ENCUMBERED BY THAT EASEMENT IS BOUND BY ITS TERMS AND CONDITIONS, AND SO ARE THE SUBSEQUENT PURCHASERS OF THAT PROPERTY.

FOR THE EASEMENT HOLDER THERE ARE DUTIES AND OBLIGATIONS.

THE EASEMENT HOLDER NEEDS TO MONITOR THAT EASEMENT.

YOU WANT TO MONITOR WHETHER THE LANDOWNER IS COMPLYING WITH ITS TERMS AND CONDITIONS, AND HEAVEN FORBID, YOU MAY HAVE TO BE PREPARED TO COME IN AND ENFORCE THE TERMS OF THAT EASEMENT, AND THERE'LL BE MORE CONVERSATION ABOUT THAT A LITTLE LATER IN MY PRESENTATION.

AND THEN I OFFER UP THIS THOUGHT, NOT FOR DEBATE BECAUSE THERE'S VARIOUS VIEWPOINTS, BUT A CONSERVATION EASEMENTS MAY ACTUALLY OFFER A GREATER LEVEL OF PROTECTION THAN SOME OTHER FORMS OF CONSERVATION OWNERSHIP.

MOST OF THE PUBLIC LANDS IN FLORIDA ARE HELD BY AGENCIES WITHOUT RESTRICTIONS.

DURING THE PERIOD THAT THE BONDS ARE IN FORCE, THERE ARE COVENANTS THAT ARE PROTECTING THAT LAND, BUT ONCE THE BONDS ARE PAID OFF, THAT LAND IS OWNED ESSENTIALLY UNENCUMBERED BY GOVERNMENT PROGRAMS.

NOW, THERE'S STATUTORY CONTROLS FOR DISPOSITION OF THOSE PROPERTIES, AND THERE'S CERTAINLY A CONSTITUENCY THAT VOTED FOR PROGRAMS THAT PUT THOSE PROPERTIES IN CONSERVATION, BUT THERE'S NOT A THIRD PARTY WITH A RIGHT OF ENFORCEMENT OVER THAT PROPERTY.

WITH A CONSERVATION EASEMENT YOU HAVE THAT.

YOU HAVE A FEE SIMPLE OWNER OF THE PROPERTY AND YOU HAVE A THIRD PARTY THAT HAS A RIGHT TO ENFORCE THE TERMS OF THAT CONSERVATION EASEMENT.

ENFORCEABILITY.

THE FLORIDA STATUTE DOES PROVIDE FOR ENFORCEABILITY THROUGH A NUMBER OF MEANS, INJUNCTION, ACTIONS AT LAW OR IN EQUITY, AND PROVIDES A RIGHT, A STATUTORY RIGHT FOR THE HOLDER OF THAT EASEMENT TO GO ON THAT PROPERTY TO MAKE SURE THE TERMS AND CONDITIONS OF THAT EASEMENT ARE BEING COMPLIED WITH.

ONE OF THE FOUNDATIONS OF A CONSERVATION EASEMENT IS A DOCUMENT CALLED AN "EASEMENT DOCUMENTATION REPORT." AT THE TIME OF THE TRANSACTION, THE EASEMENT HOLDER USUALLY HAS PREPARED AN EASEMENT DOCUMENTATION REPORT WHICH DESCRIBES THE CONDITION OF THE LAND, THE CONDITION OF ITS MANAGEMENT, AND THAT IS -- THAT'S A DOCUMENT THAT'S INCORPORATED INTO THE TERMS OF THE CONSERVATION EASEMENT AND IS USED, IF NECESSARY, FOR ENFORCEMENT DOWN THE ROAD. AGAIN, KEEP IN MIND WHEN YOU'RE DOING A CONSERVATION EASEMENT, YOU'RE TYPICALLY DOING IT OVER WELL-MANAGED PROPERTY, SO YOU WANT THAT PROPERTY TO STAY WELL MANAGED. IF IT'S NOT WELL-MANAGED PROPERTY, YOU WANT THAT PROPERTY TO BE BETTER MANAGED, SO THIS DOCUMENT IS KIND OF -- IS THE BASELINE REPORT FOR THE CONDITIONS ON IT. THERE'S ALSO -- THERE'S ONE CASE OF LEGAL PRECEDENT OUT THERE FOR THE ENFORCEMENT OF A CONSERVATION EASEMENT THAT WE KNOW OF IN FLORIDA, AND IT'S BECAUSE THE NATURE CONSERVANCY WAS INVOLVED IN IT. WE TRANSFERRED A PIECE OF LAND TO A PARTY BACK DECADES AGO WITH A VERY SIMPLE RESTRICTION, THAT THE LAND BE KEPT IN ITS NATURAL STATE FOREVER. THAT PARTY BROUGHT LAWSUIT AGAINST THE CONSERVANCY TO EXTINGUISH THAT RESTRICTION, AND NOT ONLY DID WE WIN, BUT THE COURT ACTUALLY RULED THAT THAT LANGUAGE WAS A CONSERVATION EASEMENT UNDER SECTION 704. I PUT THIS UP HERE NOT FOR ANYBODY TO READ, BUT THIS IS THE ENFORCEMENT OF THE REMEDIES PROVISION OUT OF A CONSERVATION EASEMENT, AND YOU SEE IT'S GOT THE -- EVERYTHING BUT THE KITCHEN SINK. ACTIONS AT LAW AND EQUITY, TEMPORARY OR PERMANENT INJUNCTIONS, THE HOLDER OF THE EASEMENT IF THE CONSERVATION VALUES ARE REALLY THREATENED CAN ACTUALLY GO ON THE PROPERTY AND REMEDY THE SITUATION AND THEN RECOUP THE COSTS LATER FROM THE LANDOWNER IF NECESSARY, SO THERE'S A LOT OF REMEDIES THERE AVAILABLE TO THE HOLDER OF THE EASEMENT IF THE LANDOWNER DOES NOT PROTECT THE CONSERVATION VALUES OF THAT PIECE OF PROPERTY. NOW WHAT I'M GOING TO DO IS I'M GOING TO WALK FAIRLY QUICKLY THROUGH SOME OF THE BASIC BUT CORE ELEMENTS OF A CONSERVATION EASEMENT. FIRST AND FOREMOST, A CONSERVATION EASEMENT'S GOING TO HAVE A STATEMENT AS TO ITS DURATION, AND AGAIN, AS I'VE SAID, WE'RE TALKING ABOUT PERPETUAL CONSERVATION EASEMENTS IN THE CASE OF THE CONE RANCH. THIS IS FROM A TEMPLATE, AN AGENCY TEMPLATE EASEMENT. I DON'T THINK THIS IS NECESSARILY THE BEST, BUT WHAT YOU'LL SEE IS A SERIES OF RECITALS HERE ON THE PURPOSES OF THE EASEMENT, AND THIS IS PARTICULARLY IMPORTANT IN CASES WHERE THERE'S A DONATIVE COMPONENT BECAUSE THE IRS REQUIRES THIS, BUT IT WILL GIVE YOU AN IDEA OF THE VARIETY OF REASONS THAT CONSERVATION EASEMENTS ARE INCORPORATED. PROTECTION OF SCENIC AND RURAL CHARACTER OF THE LANDSCAPE, MAINTENANCE OF SOIL PRODUCTIVITY, MAINTENANCE OF WILDLIFE AND GAME HABITAT, PROTECTION OF ENDANGERED SPECIES HABITAT, MAINTENANCE OR CREATION OF A HEALTHY FOREST, AN UNEVEN AGED CLASS OF TIMBER, MAINTENANCE OR IMPROVEMENT OF OVERALL QUALITY OF A TIMBER RESOURCE, PREVENTING THE FRAGMENTATION OF THE LAND, PROTECTION OF WATER QUALITY, WETLANDS, AND MAINTENANCE OF AGRICULTURAL OR ECONOMICALLY VIABLE AGRICULTURAL LANDSCAPES, WHAT WE CALL WORKING LANDSCAPES, OFTEN CATTLE RANCHES. THE EASEMENT CONVEYS TO THE EASEMENT HOLDER CERTAIN RIGHTS, AND I'VE ALREADY TOUCHED ON A FEW OF THESE.

FIRST AND FOREMOST, AT THE CORE OF A CONSERVATION EASEMENT IS THE RIGHT TO PROTECT THE CONSERVATION VALUES OF THAT PROPERTY, AND THE EASEMENT GIVES YOU THE MECHANISMS TO DO THAT.

IT'S ALSO STRIPPING ALL OR ALMOST ALL OF THE DEVELOPMENT RIGHTS OFF THE PROPERTY, GRANTING THOSE TO THE EASEMENT HOLDER, BUT NOT PROVIDING THAT THAT'S A COMMODITY AS SUCH FOR THE EASEMENT HOLDER TO THEN GO SELL OR DO TDRs TO SOME OTHER PIECE OF PROPERTY.

THERE'S USUALLY A STATEMENT THAT THOSE DEVELOPMENT RIGHTS ARE EXTINGUISHED AND IN FACT CANNOT BE USED ANYWHERE ELSE. THERE'S A RIGHT TO ENTER ON THE PROPERTY AND MONITOR THE LANDOWNER'S COMPLIANCE WITH THE TERMS OF THE CONSERVATION EASEMENT.

THERE'S A RIGHT TO PREVENT INCONSISTENT ACTIVITIES OR EVEN RESTORE DAMAGE CAUSED BY THE LANDOWNER. OFTEN THERE'S A RIGHT TO PURCHASE THE PROPERTY UPON SALE BY THE -- BY THE LANDOWNER.

THERE'S ALSO A RIGHT TO HAVE THE PROPERTY MAINTAINED ACCORDING TO THE EASEMENT DOCUMENTATION REPORT.

AGAIN, YOU'RE NOT JUST PROTECTING THE PROPERTY BUT YOU'RE TRYING TO ESTABLISH SOME LEVEL OF GOOD MANAGEMENT ON THAT PIECE OF LAND.

THERE'S ALSO A RIGHT OFTEN TO GET IN THERE AND SALVAGE OR RESTORE THE PROPERTY AFTER A NATURAL DISASTER EVENT, WHETHER IT'S A HURRICANE DESTROYING TIMBER, GETTING THE TIMBER OUT OF THERE, PINE BARK BEATLES, SOMETHING LIKE THAT.

MOST IMPORTANTLY, I THINK PROBABLY FOR MANY OF YOU ALL, IS THE CONSERVATION EASEMENT THEN GOES INTO GREAT DETAIL ON PROHIBITED USES.

THIS IS WHAT THE LANDOWNER CANNOT DO ON THE PROPERTY.

AGAIN, USUALLY AT THE HEART OF THE EASEMENT IS YOU'RE NOT ALLOWING THE CONVERSION OF ANY NATURAL AREAS.

YOU DON'T WANT THE DUMPING OF ANYTHING, WHETHER IT'S TRASH OR HAZARDOUS MATERIAL.

THERE'S NO EXTRACTION OF RESOURCES, OIL, GAS, SAND, CLAY, ANYTHING LIKE THAT.

YOU DON'T WANT ANY ACTIVITIES THAT ARE GOING TO BE DETRIMENTAL TO THE HYDROLOGY OF THE PROPERTY.

YOU DON'T WANT ANY ACTS OR USES THAT ARE GOING TO BE DETRIMENTAL TO ANY CULTURAL OR HISTORICAL RESOURCES THAT YOU MAY HAVE ON THE PROPERTY.

YOU DON'T WANT TREE CUTTING, VEGETATION HARVESTING, ANYTHING LIKE THAT OTHER THAN SILVICULTURE, WHICH IS TIMBER HARVESTING, WHICH MAY BE ALLOWED UNDER THE EASEMENT.

YOU DON'T WANT EXOTIC VEGETATION COMING INTO THE PROPERTY.

YOU'RE GOING TO PROHIBIT A WIDE VARIETY OF USES, RESIDENTIAL, COMMERCIAL, INDUSTRIAL.

CATTLE GRAZING OFTEN IS PERMITTED, BUT YOU'RE NOT GOING TO WANT THE MORE INTENSIVE AGRICULTURAL USES LIKE DAIRY, POULTRY, FEED LOTS, THOSE TYPE OF ACTIVITIES.

YOU'RE NOT GOING TO ALLOW THE CONSTRUCTION OF STRUCTURES OR RESIDENCES OTHER THAN THINGS THAT MAY BE SPECIFICALLY ALLOWED BY THE CONSERVATION EASEMENT.

YOU'RE NOT GOING TO ALLOW THE CONSTRUCTION OR CREATION OF NEW ROADS AND TRAILS.

YOU'RE GOING TO KEEP MOTORIZED VEHICLE USE UNDER CONTROL, ON PATHS, ON ROADS.

AND AGAIN, YOU'RE NOT -- I'VE REFERRED TO A CONSERVATION EASEMENT AS FAR AS A STATUS QUO EASEMENT.

AGAIN, YOU'RE TYPICALLY DOING IT ON A PIECE OF PROPERTY WHERE THE USES ARE COMPATIBLE WITH CONSERVATION.

YOU'RE NOT GOING TO ALLOW AN INCREASE IN THE INTENSITY OF THOSE USES.

YOU'RE GOING TO CONTROL THE USE OF PESTICIDES, HERBICIDES, FERTILIZERS.

THESE NATURALLY ARE USED IN THE COURSE OF SOME AGRICULTURAL OPERATIONS, BUT THEY'RE GOING TO BE USED ACCORDING TO STANDARDS EXPRESSED IN THE CONSERVATION EASEMENT.

YOU'RE GOING TO PREVENT THE SUBDIVISION OF LAND, OR IF IT IS ALLOWED, YOU'RE GOING TO SIGNIFICANTLY RESTRICT IT.

YOU'RE NOT GOING TO WANT THE ENDANGERED OR THREATENED SPECIES HABITAT ENDANGERED, AND YOU'RE GOING TO PREVENT THE PLACING OF BILLBOARDS.

NO COMMERCIAL WATER WELLS.

NOW, CONE RANCH IS IN A LITTLE BIT DIFFERENT SITUATION, AND I'M SURE KEN WILL TALK ABOUT THAT, BUT ON THE EASEMENTS THAT ARE DONE BY THE PUBLIC AGENCIES, THEY ARE PREVENTING THAT.

YOU'RE TYPICALLY GOING TO HAVE NO HARVESTING OF TIMBER, AND THE WAY THE EASEMENT WILL WORK, YOU'LL TYPICALLY HAVE A PROHIBITION ON TIMBER HARVESTING EXCEPT AS EXPRESSLY PERMITTED, AND THEN OFTEN SOME ECOLOGICALLY SUSTAINABLE HARVESTING IS ALLOWED.

AND THEN NOW A NEW THING THAT'S CREEPING INTO CONSERVATION EASEMENTS IS YOU'RE PREVENTING THE CREATION OF MITIGATION OR CONSERVATION BANKS ON THOSE LANDS.

NOW, THE OWNER'S NOT GOING TO WANT TO BE SHUT DOWN COMPLETELY OR IN VERY FEW CIRCUMSTANCES ARE YOU GOING TO RUN INTO THAT, SO THE OWNER IS GOING TO WANT TO RETAIN SOME RIGHTS IN EXCHANGE FOR AGREEING TO THAT CONSERVATION EASEMENT.

THEY'RE GOING TO HAVE THE RIGHT TO SELL, LEASE, OR MORTGAGE THE PROPERTY.

THAT RIGHT IS SUBJECT TO THE TERMS OF THE CONSERVATION EASEMENT.

THEY'RE GOING TO HAVE THE RIGHT TO DO PASSIVE RECREATIONAL ACTIVITIES, USE THE PROPERTY FOR NONCONSUMPTIVE ACTIVITIES LIKE FISHING, HUNTING, HORSEBACK RIDING.

AGAIN, PROVIDED THESE ACTIVITIES DON'T IMPACT THE CONSERVATION VALUES.

IF YOU HAVE A PIECE OF PROPERTY WHERE HORSEBACK RIDING'S GOING TO BE DETRIMENTAL, YOU DON'T ALLOW IT.

AND ONE THING I SHOULD HAVE SAID RIGHT UP FRONT, CONSERVATION EASEMENTS ARE WIDE OPEN TO NEGOTIATION.

ANYBODY THAT'S PARTICIPATED IN A CONSERVATION EASEMENT TRANSACTION KNOWS WHAT I'M TALKING ABOUT.

IT'S MUCH MORE DIFFICULT THAN BUYING LAND BECAUSE YOU'VE GOT A LENGTHY DOCUMENT THAT IS TOTALLY UP FOR NEGOTIATION AS FAR AS ALL THESE USES I'M GOING THROUGH TODAY.

THE LANDOWNER, YOU'RE GOING TO WANT THEM TO KEEP THE RIGHT TO CONDUCT PRESCRIBED BURNING OUT THERE BECAUSE THAT'S GOOD FOR THE ECOLOGICAL SYSTEM.

THEY OFTEN BUT NOT ALWAYS RETAIN THE RIGHT TO DO TIMBER HARVESTING.

AGAIN, BUT YOU'RE KEEPING THEM -- YOU'RE NOT ALLOWING THEM TO HARVEST CYPRESS, YOU'RE KEEPING THEM OUT OF HARDWOODS TYPICALLY.

IT'S USUALLY IN AREAS THAT ARE PLANTED PINE.

CATTLE RANCHING IS OFTEN PERMITTED.

SOME OF OUR BEST WILDLIFE HABITAT IN THE STATE ARE CATTLE RANCHES.

SOMETIMES OTHER AGRICULTURAL USES ARE ALLOWED.

SOD FARMING HAS BEEN ALLOWED ON GOVERNMENT-PURCHASED CONSERVATION EASEMENTS, ROW CROPS ARE SOMETIMES ALLOWED.

IF YOU ALLOW THIS, THOUGH, YOU PUT PARAMETERS ON ITS USE.  
YOU MAY LIMIT SOD FARMING TO 10% OF THE IMPROVED PASTURE  
AREA.

YOU MAY REQUIRE BUFFERS BETWEEN ROW CROPS AND WATER  
FEATURES.

AGAIN, A CONSERVATION EASEMENT IS CRAFTED FOR EACH SPECIFIC  
PIECE OF PROPERTY.

OFTEN THERE'S THE RIGHT TO CONSTRUCT RESIDENCES OR  
ASSOCIATED STRUCTURES.

WHEN YOU DO THAT, AGAIN, YOU PUT PARAMETERS ON THAT USE.

YOU MAY LIMIT THE FOOTPRINT TO ONE ACRE OR TWO ACRES.

YOU MAY LIMIT THE NUMBER OF OUTBUILDINGS.

YOU MAY LIMIT THE SIZE OF THE HOUSE IN TERMS OF SQUARE  
FEET.

YOU MAY LIMIT THE HEIGHT OF THE HOUSE.

I'VE SEEN ANY NUMBER OF DIFFERENT WAYS.

BUT AGAIN, WHEN YOU'RE -- WHEN YOU'VE GOT A RESERVE RIGHT  
LIKE THIS, THERE'S USUALLY A SITE BOARD PLACED ON THE  
EXTENT OF THAT ACTIVITY.

THE LANDOWNER, IF THEY'RE MAINTAINING AN AGRICULTURAL  
RIGHT, THEY'VE GOT THE ABILITY TO MAINTAIN FENCES, WATER  
HOLES, THINGS LIKE THAT FOR CATTLE.

AND AGAIN, YOU WANT THEM TO CONTINUE COMPATIBLE  
AGRICULTURAL PRACTICES, BUT YOU'RE GOING TO PUT SOME  
PARAMETERS THERE, USUALLY SOMETHING RELATED TO BEST  
MANAGEMENT PRACTICES.

SOMETIMES PUBLIC -- OR CONSERVATION EASEMENTS ALLOW PUBLIC  
ACCESS, SOMETIMES THEY DON'T.

AS YOU CAN IMAGINE, THIS IS A VERY TRICKY ISSUE.

PRIVATE LANDOWNER TYPICALLY DOESN'T WANT THE PUBLIC TO HAVE  
UNFETTERED USE OF THEIR PROPERTY, SO IT'S USUALLY VERY  
SPECIFIC IN ITS DURATION AND SCOPE IF IT IS ALLOWED.

I PUT THIS UP HERE JUST BECAUSE I KNOW THERE'S BEEN SOME  
CONVERSATION, AND MR. JONES IS GOING TO TALK LATER TO YOU  
ABOUT STRUCTURE, ABOUT WHETHER THERE'S SOME PERIOD HERE  
UNDER WHICH THE PROPERTY IS NOT PROTECTED.

THIS IS THE FIRST PARAGRAPH -- THIS IS THE TOP OF A DEED  
THAT THE CONSERVANCY IS USING ON A PIECE OF PROPERTY THAT  
WE'VE GOT FOR SALE RIGHT NOW ON THE ST. MARYS RIVER UP IN  
NASSAU COUNTY, AND I JUST WANT YOU TO LOOK AT THE TITLE  
HERE AND FOCUS ON THAT.

WHEN WE SELL THIS PROPERTY, WE'RE GOING TO DEED THIS  
PROPERTY TO THE BUYER SUBJECT TO THE RESERVE CONSERVATION  
EASEMENT.

IT IS IMMEDIATELY PROTECTED AT THE TIME OF THAT  
TRANSACTION.

AND WITH THAT, I'D ENTERTAIN ANY QUESTIONS.

>>HEIDI McCREE: THAT'S A GREAT PRESENTATION.

THANK YOU, KEITH.

QUESTIONS FOR KEITH AT THIS POINT ABOUT CONSERVATION  
EASEMENTS.

>> I DO.

>>HEIDI McCREE: YEAH, GREAT.

>> KEITH, I WOULD APPRECIATE IF YOU'D CLARIFY SOMETHING  
THAT YOU SAID WHEN YOU WERE TALKING ABOUT TAX BENEFITS AND  
YOU SAID IN SOME CASES, NOT IN THE CASE HERE IS WHAT YOU  
SAID, TO REAP THE TAX BENEFITS, THE CONSERVATION EASEMENT  
MUST BE PERPETUAL.

CLARIFY THAT.

YOU DO MEAN THIS CONSERVATION EASEMENT WILL BE PERPETUAL;  
RIGHT?

>> YES.

AND MR. JONES IS GOING TO GET INTO THE CONTEXT OF HIS

PROPOSAL, BUT THE IRS -- IF YOU'RE GOING TO --

>> OH, OKAY.

>> IF YOU'RE GOING TO TAKE THE GIFT THAT YOU CAN WHEN YOU DONATE A CONSERVATION EASEMENT, IT HAS TO BE PERPETUAL. THEY'RE NOT LETTING THESE PEOPLE DO THESE 10-, 20-, 30-YEAR TERM EASEMENTS THAT ARE ALLOWED BY SOME AGENCIES.

>> ALL RIGHT.

AND ALSO, I KNOW IT'S CLEAR WITH CONSERVATION EASEMENTS THAT THE SPECIFIC PROVISIONS ARE -- YOU KNOW, THERE'S A GRAB BAG.

IT'S REALLY SUBJECT TO NEGOTIATION, DEPENDING ON THE INTENTIONS OF THE PARTIES AND THE GOALS OF THE PARTIES, SO I ALSO KNOW THAT WITH PROPERTY RIGHTS AND LAND BEING WHAT THEY ARE, ALL EASEMENTS ON LAND ARE EXTINGUISHABLE BY THE PARTIES AND THAT THERE ARE GOING TO BE PROVISIONS BUILT IN TO AN AGREEMENT UNDER WHAT CONDITIONS AN EASEMENT COULD BECOME EXTINGUISHABLE BY THE PARTIES, SO WHAT PROVISIONS IN THE NATURE CONSERVANCY'S CONSERVATION EASEMENTS -- WHAT PROVISIONS DO THEY CONTAIN WITH REGARD TO EXTERMINATION OF THE EASEMENT BY THE PARTIES?

>> THEY DON'T TYPICALLY CONTAIN A PROVISION TO THAT REGARD. THERE IS OFTEN A PROVISION THAT ALLOWS FOR THE AMENDMENT OF THE EASEMENT BY AGREEMENT OF BOTH PARTIES.

THERE'S NO UNILATERAL RIGHT TO CHANGE THE TERMS AND CONDITIONS.

>> SO IT COULD BE AMENDED SO THAT THEN -- WHAT YOU'RE SAYING IS THE PROVISIONS THAT ARE AGREED UPON WHEN YOU GO INTO THIS CONSERVATION EASEMENT COULD BE AMENDED LATER, SO THEY COULD CHANGE?

>> YES.

AND THE CIRCUMSTANCES UNDER WHICH THAT WOULD ARISE IS IF THE CONSERVATION VALUES OF THE PROPERTY ARE THREATENED. YOU KEEP HEARING ME USE THE TERM "CONSERVATION VALUES."

>> RIGHT.

>> THAT IS ABSOLUTELY THE TERM OF ART THAT'S AT THE HEART OF A CONSERVATION EASEMENT BECAUSE -- I MENTIONED TO YOU WHEN I WENT THROUGH THOSE RECITALS OR PURPOSES I DIDN'T REALLY LIKE THEM, AND THEY WERE KIND OF A LAUNDRY LIST. WHEN WE DO A CONSERVATION EASEMENT, WE HAVE VERY SPECIFIC RECITALS ABOUT WHAT WE'RE TRYING TO PROTECT.

IF IT'S FLORIDA BLACK BEAR HABITAT, WE STATE THAT, FLORIDA SCRUB JAY, SOME TYPE OF ENDANGERED COMMUNITY-TYPE LIKE [INCOMPREHENSIBLE] YOU STATE THAT, AND IF SOMEHOW IN THE UNFORESEEABLE FUTURE SOMETHING HAPPENS WHERE YOU NEED TO AMEND THE TERMS AND CONDITIONS OF THAT EASEMENT TO PROTECT THOSE CONSERVATION VALUES, THAT'S ALWAYS WHAT YOU GO BACK TO.

>> IS THAT THE ONLY -- THE ONLY ALLOWANCE THERE? COULD THERE BE AN AMENDMENT PROVISION THAT WOULD ALLOW ANOTHER SUBDIVISION OR ANOTHER HOUSE TO BE BUILT, A ROAD TO BE BUILT, YOU KNOW, THAT WOULD REALLY RELAX THE CONSERVATION EASEMENT?

>> YOU KNOW, THE LANDOWNER MAY REQUEST IT, BUT I DON'T THINK IT WOULD BE GRANTED.

I KNOW OF AN INSTANCE RIGHT NOW, AND I CAN'T REMEMBER WHO'S BEING CONFRONTED BY IT, WHERE A LANDOWNER IS COMING BACK AND WANTS ANOTHER SUBDIVISION, AND THE PARTY'S -- THE HOLDER OF THE EASEMENT'S SAYING NO.

IN THAT CASE THEY'RE SAYING WE'VE ALREADY PAID YOU, WE'VE ALREADY PAID YOU FOR THAT, SO AGAIN, IT'S IMPORTANT THAT THE HOLDER OF THE EASEMENT -- AND I THINK FCEG'S DEFINITELY GOT SOME IDEAS ON THIS.

THE HOLDER OF THE EASEMENT NEEDS TO BE A PARTY THAT IS

CAPABLE -- CAPABLE OF MONITORING THE COMPLIANCE WITH THAT EASEMENT AND THEN IS GOING TO BE WILLING TO STAND FIRM AND PROTECT THE CONSERVATION VALUES OF THE PROPERTY BECAUSE YOU CANNOT HAVE UNILATERAL AMENDMENT.

IT'S GOT TO BE BY AGREEMENT OF THE PARTIES.

>> ALL RIGHT.

THAT'S A GOOD SEGUE, AND I'M ALMOST FINISHED.

I HAVE LIKE TWO MORE, BUT THAT GOES INTO THE ENFORCEMENT THEN.

MY NEXT QUESTION WAS, YOU KNOW, PRACTICALLY SPEAKING, THESE ARE GOOD ONLY AS LONG AS THEY'RE ENFORCED, AND THEY'RE ENFORCED BY A THIRD PARTY, I GUESS THE HOLDER OF THE EASEMENT, SO WHAT ARE WE LOOKING AT HERE IN THIS SPECIFIC CASE, WHAT MECHANISM IS BUILT INTO THIS PROPOSAL -- AND MAYBE WE'LL HEAR MORE FROM FCEG ABOUT THAT, AND WILL THERE BE SOME KIND OF PUBLIC OVERSIGHT IN THIS CASE FOR THIS CONSERVATION EASEMENT FOR ENFORCEMENT?

>> AGAIN, THEIR PROPOSAL WILL TOUCH ON THAT.

I WOULD HAVE TWO COMMENTS ON ENFORCEMENT.

ONE, YOU WANT A PARTY THAT'S GOING TO HAVE SOME TYPE OF PROTOCOL FOR MONITORING THE EASEMENT.

THE NATURE CONSERVANCY, WE HAVE A REQUIREMENT INTERNALLY WHERE WE HAVE TO MONITOR EVERY EASEMENT WE HOLD ANNUALLY.

WE HAVE TO PRODUCE A REPORT STATING WHETHER THERE'S COMPLIANCE OR NOT, AND WE ACTUALLY GET AUDITED ON THAT.

THE OTHER THING -- AND THIS IS VERY IMPORTANT -- IS THE HOLDER OF THE EASEMENT NEEDS THE FINANCIAL CAPACITY TO ENFORCE THE EASEMENT IF NECESSARY.

I MEAN, AGAIN, YOU KNOW, WE ALL KNOW LITIGATION CAN BE EXPENSIVE, SO YOU NEED -- YOU NEED TO HAVE A -- YOU NEED TO PROVIDE FOR THAT AND IT NEEDS TO BE A PARTY THAT'S GOT THE CAPACITY TO GO TO COURT IF NECESSARY.

>> ALL RIGHT.

SO WE'RE CONCERNED WITH WHO IS GOING TO BE THE HOLDER OF THE EASEMENT?

>> YES.

>> AND LAST QUESTION, IN THIS TRANSACTION, WHEN ARE WE ENVISIONING THIS EASEMENT WOULD BECOME EFFECTIVE BECAUSE, AGAIN, YOU KNOW, PROPERTY RIGHTS, THE PURCHASER HAS TO BE ON NOTICE.

I'M SURE IT'S GOING TO BE RECORDED IN THE PUBLIC RECORDS, BUT DOES IT BECOME EFFECTIVE AT THE POINT WHERE THIS THIRD-PARTY CONSERVATION BUYER PURCHASES THE LAND, AND IF THAT'S THE CASE, IS THERE SOME NEGOTIATION WITH THAT PERSON, OR DOES FCEG AND THE NATURE CONSERVANCY AND THE COUNTY AGREE ON THIS ALL UP FRONT SO THAT'S SET IN STONE AND THESE THIRD-PARTY PURCHASERS ARE BUYING SUBJECT TO THAT WITH NO NEGOTIATION?

>> I CAN TELL YOU WHAT THE NATURE CONSERVANCY DOES.

AND WHEN WE LIST A PROPERTY LIKE THIS FOR SALE, WE SPEND A LOT OF TIME WORKING ON THE EASEMENT THE WAY WE WANT IT UP FRONT.

WE LIST IT FOR SALE.

WHEN SOMEBODY IS INTERESTED IN BUYING THE PROPERTY, WE SEND THEM A PACKAGE OF INFORMATION THAT CONTAINS THE DEED THAT I SHOWED YOU THERE AT THE END OF THE PRESENTATION, SO THIS CAN SIT THERE AND GO THROUGH THE TERMS AND CONDITIONS.

WOULD WE CONSIDER NEGOTIATING OR MODIFYING THAT EASEMENT?

YES, WE WOULD.

WE'RE NOT GOING TO JEOPARDIZE THE CONSERVATION VALUES, AND OFTEN IT COMES DOWN TO TERMINOLOGY IN PARAGRAPHS, NOT A SUBSTANTIAL CHANGE IN THE WAY THAT PARAGRAPH IS IMPLEMENTED.

IF WE'VE MADE A DECISION TO ALLOW A HOUSE, IF SOMEBODY COMES TO US AND SAYS, I WANT THREE HOUSES, THEY'RE OUT AS A BIDDER, BUT IF THEY WANT TO TALK ABOUT -- YOU KNOW, IF THEIR LAWYER GETS HOLD OF IT, AS YOU CAN IMAGINE, AND STARTS TALKING ABOUT THE WAY SOMETHING IS EXPRESSED LEGALLY, WE WOULD CONSIDER SOME MODIFICATION.

>> OKAY.

THANK YOU.

>>HEIDI McCREE: ANY OTHER QUESTIONS RIGHT NOW FOR KEITH?

>>VIVIENNE HANDY: YES.

>>HEIDI McCREE: VIVIENNE.

>>VIVIENNE HANDY: KEITH, I'D LIKE TO GET AN IDEA OF WHAT THE NATURE CONSERVANCY CONSIDERS WHAT'S THE DEFINITION OF CONSERVATION BUYER, AND ALSO, COULD YOU GIVE US SOME EXAMPLES OF WHAT THOSE BUYERS DO WITH THE PROPERTIES, THE CONSERVATION EASEMENTS THAT THEY PURCHASE FROM TNC? WHAT'S AN EXAMPLE OF THE TYPE OF ACTIVITY, WHY THEY WOULD WANT IT, WHAT WOULD BE THE PURPOSE OF THEIR PURCHASE?

>> OKAY.

I CAN GIVE YOU A COUPLE OF EXAMPLES.

FIRST PART OF YOUR QUESTION WAS WHAT DO WE CONSIDER A CONSERVATION BUYER.

WHEN WE LIST A PROPERTY LIKE THIS FOR SALE, WE ARE NOT GOING TO NECESSARILY SELL TO THE HIGHEST BIDDER BECAUSE WE ARE GOING TO LOOK FOR A BUYER THAT HAS A STEWARDSHIP ETHIC THAT'S GOING TO BE COMPATIBLE WITH THAT PROPERTY, AND I'LL GIVE YOU AN EXAMPLE.

THE PIECE WE'VE GOT LISTED RIGHT NOW ON THE NASSAU PROPERTY, WE MARKETED IT ABOUT TWO YEARS AGO AND ACTUALLY HAD IT SOLD, BUT THE SALE DID NOT GO THROUGH.

WE HAD A BUYER.

THEY WERE ONE OF THE HIGHER BIDDERS, BUT IN MEETING ON-SITE WITH THAT PARTY, THEY EXPRESSED -- THEY SAID, WOW, THIS WOULD BE A GREAT PLACE ON THE WEEKEND TO RUN JET SKIS IN THE ST. MARYS RIVER.

THAT'S NOT WHAT WE'RE TRYING TO ACHIEVE THERE, SO WE DID NOT CONSIDER THAT BUYER.

WHAT ARE SOME OF THE ALLOWABLE USES?

IT VARIES PROPERTY TO PROPERTY.

OUT WEST THE CONSERVANCY WHERE WE HAVE A VERY MATURE CONSERVATION BUYER PROGRAM, THESE ARE ALL TYPICALLY LARGE CATTLE RANCHES, SO CATTLE GRAZING AND HUNTING IS USUALLY AN ALLOWED USE.

HERE IN FLORIDA THE PIECE OF PROPERTY I'M DESCRIBING IS RATHER SMALL.

IT'S TOTALLY WOODED EXCEPT FOR A HOUSE THAT SITS RIGHT ON THE BANKS OF THE ST. MARYS RIVER.

IT'S ABOUT 70 ACRES IN SIZE.

NOBODY'S GOING TO BE -- IT'S ALL NATIVE VEGETATION OTHER THAN THAT.

SO THERE'S NO CLEARING OF THAT VEGETATION THAT'S GOING TO BE ALLOWED, NO DOCK ON THE RIVER OR ANYTHING LIKE THAT.

THERE'S REALLY NOT ANYTHING THEY CAN ADD TO THAT PROPERTY. WE HAVE ANOTHER PIECE LISTED ON THE ST. MARYS RIVER.

IT'S ABOUT 780 ACRES IN SIZE.

WE'RE GOING TO ALLOW ONE SUBDIVISION OF THAT PROPERTY, SO IT COULD BE DIVIDED INTO TWO PARCELS.

IT'S GOT NO HOMES ON IT RIGHT NOW, SO ONE HOME COULD BE PLACED ON EACH PARCEL.

AGAIN, WITH NO DOCKS OR ANYTHING LIKE THAT EXTENDING DOWN INTO THE RIVER.

WE'RE KEEPING THE IMPACTS OFF THE RIVER.

SO IT'S VERY CASE-BY-CASE, PROPERTY-BY-PROPERTY, AND, YOU

KNOW, IT'S USUALLY -- THEY'RE DEVELOPED THROUGH THE CONTRIBUTION OF A LOT OF DIFFERENT PEOPLE AND A LOT OF DIFFERENT IDEAS.

>>HEIDI McCREE: DEE.

>>DEE LAYNE: KEITH, ON MY WAY TO AND FROM NORTH CAROLINA LAST WEEK AND THIS WEEK WE WERE DOING BACK ROADS IN NORTH GEORGIA, AND WE SAW MILES AND MILES AND MILES OF PRESERVES FOR SALE.

I KNOW MITIGATION BANKING HAS BEEN UP THERE AND MITIGATION CREDITS AND ALL THAT HAS BEEN IN GEORGIA FOR YEARS AND YEARS AND YEARS.

I'VE BEEN WATCHING THAT BEING ADVERTISED.

BUT I WAS REALLY KIND OF DISHEARTENED TO SEE EIGHT PRESERVES THAT WENT ANYWHERE FROM 400 ACRES TO 800 ACRES ALL FOR SALE ALL IN A ROW FOR LIKE 20 MILES, AND I WAS TRYING TO LOOK INTO THE PROPERTIES TO SEE WHAT THEY WERE, YOU KNOW, AND AGAIN, ONE WAS CATTLE RANCHING LIKE YOU'RE SAYING.

THE OTHERS WAS OBVIOUSLY THEY WERE HUNTING, YOU KNOW, THEY WERE USING THEM FOR HUNT CAMPS AND LEASING THEM OUT BECAUSE SALE OR LEASE ON THE THINGS.

I GUESS MY CONCERN IS WHEN YOU'VE GOT A CONSERVATION EASEMENT AND ASSUMING NATURE CONSERVANCY WOULD HANDLE THE MANAGEMENT OR OVERSEE -- I DON'T KNOW WHAT YOUR PART IS IN THIS, BUT ASSUMING THAT YOU ARE A PARTNER IN THIS, HOW IN THE WORLD DO YOU CONTROL LEASES WITH THE CONSERVATION -- YOU KNOW -- YOU SEE WHERE I'M GOING?

>> YES.

>> I'M SEEING ALL THIS PROPERTY AND GOING, WHOA, I COULD GET OUT OF HAND REAL QUICK UNLESS SOMEBODY'S WATCHING THIS STUFF.

HOW DO YOU STEP IN WITH LEASES AS WELL AS THE SALES?

>> YEAH.

YOU CAN CONTROL THAT IN THE TERMS OF THE EASEMENT.

I HAVE SEEN CONSERVATION EASEMENTS THAT ALLOW THE LANDOWNER TO LEASE THE PROPERTY FOR HUNTING.

I'VE SEEN CONSERVATION EASEMENTS THAT ALLOW THE LANDOWNER AND THEIR GUESTS AND INVITEES TO HUNT THE PROPERTY, BUT THEY CANNOT LEASE IT TO A THIRD PARTY.

SO AGAIN, VERY NEGOTIABLE.

YOU COULD LIMIT THE NUMBER OF HUNTERS ON THE PROPERTY IN ANY ONE DAY.

NOW, I WOULD CAUTION YOU THERE BECAUSE HOW ARE YOU GOING TO MONITOR THAT UNLESS YOU'RE OUT THERE EVERY DAY?

WHEN YOU PUT -- WHEN YOU PUT PARAMETERS IN AN EASEMENT, YOU WANT TO MAKE SURE IT'S SOMETHING YOU CAN MONITOR.

BUT AGAIN, ACTIVITIES LIKE THAT, CATTLE GRAZING, TIMBER HARVESTING, THESE ARE -- THESE PROVISIONS IN AN EASEMENT ARE VERY NEGOTIATED, AND IF THERE'S A CONCERN ABOUT HUNT CLUBS COMING IN AND LEASING PROPERTY FOR THIRD PARTIES, THEN YOU CAN PROHIBIT THAT TYPE OF ACTIVITY.

>>DENISE LAYNE: ONE LAST QUESTION.

HAVE YOU SEEN THE MARRIAGE -- WHICH, IN MY MIND, IS KIND OF WEIRD, BUT -- OF WILDLIFE CORRIDOR AREAS WITH HUNTING CAMPS?

>> I --

>>DENISE LAYNE: SOMETHING THAT IS ACTUALLY USED AS A MAJOR WILDLIFE CORRIDOR?

BECAUSE I KNOW THE NORTHERN HALF OF THIS CONE RANCH PROPERTY IS THE WILDLIFE CONNECTION.

IT'S HUGE.

I MEAN, IT'S A HUGE THING.

>> YES, I HAVE, AND I CAN GIVE YOU AN EXAMPLE RIGHT NOW.

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THE CONSERVANCY IS THE PART OWNER IN 5100 ACRES ON THE WEST SIDE OF LAKE HATCHINEHA, WHICH IS AT THE UPPER REACHES OF THE KISSIMMEE RIVER BASIN.

LAKE HATCHINEHA LIES NORTH OF LAKE KISSIMMEE.

THIS PROPERTY IS A CRITICAL LANDSCAPE CONNECTION BETWEEN CATFISH CREEK STATE PARK UP TO OTHER CONSERVATION LANDS TO THE NORTH.

THERE'S TELEMETRY DATA FOR FLORIDA PANTHER ON THAT PROPERTY, BUT WE HOPE TO GET THE PROPERTY IN TO PUBLIC OWNERSHIP EVENTUALLY, BUT IF ANY PORTION OF IT WAS TO GO TO PRIVATE OWNERSHIP, WE WOULD CONTEMPLATE ALLOWING HUNTING ON THAT PROPERTY.

AGAIN, WE WOULD PUT CONSTRAINTS ON IT SUCH THAT IT DIDN'T INTERFERE WITH THE WILDLIFE -- THE ANIMALS THAT WE WERE LOOKING FOR AS FAR AS WILDLIFE.

THAT PIECE OF PROPERTY -- AND AGAIN, THE COMPLEXITY OF THESE INSTRUMENTS, I CANNOT OVERSTATE IT, AND I CAN'T -- I MEAN, ANYBODY WHO'S WORKED ON THEM MAY KNOW YOU START WORKING ON MANY CONSERVATION EASEMENTS.

FEW TRANSACTIONS GET CONSUMMATED BECAUSE THEY'RE DIFFICULT TO NEGOTIATE, BUT THAT PARTICULAR PIECE OF PROPERTY HAS A PORTION OF THE PROPERTY WITH SCRUB JAYS.

WE WOULD PROBABLY NOT ALLOW HUNTING IN THAT PORTION OF THE PROPERTY TO KEEP IT AWAY FROM THAT PARTICULAR SPECIES, SO AGAIN, IT'S VERY CASE-BY-CASE, VERY NEGOTIATED, AGAIN, WITH YOUR EYE ALWAYS TOWARDS THE CONSERVATION VALUES OF THE PROPERTY.

AND THAT'S ONE OF THE BENEFITS I THINK YOU HAVE HERE. YOU HAVE THIS ADVISORY BOARD WITH ALL THIS EXPERTISE ON IT, SO YOU'RE GOING TO HAVE INSIGHT INTO EVERY ELEMENT OF THE CONSERVATION VALUES OF THE CONE RANCH IF YOU PROCEED FORWARD WITH A VEHICLE LIKE THIS.

>>HEIDI McCREE: OTHER QUESTIONS FROM THE COMMITTEE? KEITH, JUST -- I DON'T KNOW IF YOU'RE COMFORTABLE IN RESPOND TO GO THIS QUESTION, BUT COULD YOU OPINE -- YOU'VE LISTENED TO THE CONSTRAINTS PRESENTED BY THE COUNTY, THE WATER DEPARTMENT, ET CETERA, THE RESPONSIBILITIES TO THE BONDHOLDERS.

IN YOUR EXPERIENCE WITH THE ISSUE OF GETTING THE APPRAISALS AND THE FAIR MARKET VALUE AND THE HIGHEST AND BEST USE, ET CETERA, ET CETERA, DO YOU HAVE SOME THOUGHTS ABOUT WHETHER OR NOT THIS CAN PROCEED IN A MANNER THAT -- FOR EITHER ELAPP AS A PUBLIC ENTITY OR A PRIVATE INVESTMENT ENTITY THAT WOULD COME IN?

JUST SPEAK WITH YOUR EXPERIENCE TO THAT ISSUE.

>> YEAH.

I DON'T KNOW THAT I WANT TO PREDICT THAT.

I WILL SAY THE MORE I'VE SAT AND LISTENED -- AND I HAVEN'T -- THERE'S A LOT OF DOCUMENTS GOING AROUND AND I HAVEN'T READ REALLY ANY OF THEM, BUT THE INTERESTING THING THAT I HAVE HEARD IS THAT -- I HAVE WONDERED ABOUT THE VALUE OF THE PROPERTY AS IS GIVEN ITS FUTURE LAND USE DESIGNATION.

THERE'S NOT MUCH IN THE WAY OF ALLOWABLE RESIDENTIAL DENSITY ON THAT PROPERTY RIGHT NOW, AND PROBABLY EVEN INDUSTRIAL AND COMMERCIAL USE BECAUSE AS I UNDERSTAND IT, 99% OF THAT PROPERTY HAS A FUTURE LAND USE OF NATURAL PRESERVATION OR SOME CATEGORY LIKE THAT, SO YOU KNOW, I DON'T KNOW THAT THERE'S A HUGE VALUE DIFFERENTIAL THERE BETWEEN THE PROPERTY AS IS AND AS YOU'RE SELLING IT OFF SUBJECT TO A CONSERVATION EASEMENT.

I DON'T KNOW.

I'M NOT AN APPRAISER.

I HAVEN'T SAT DOWN AND THOUGHT ABOUT IT THAT LONG, BUT THAT WAS KIND OF ONE OF THE INTERESTING THINGS I FOUND OUT IN THE PROCESS HERE.

>>HEIDI McCREE: INTERESTING.  
OKAY.

THANK YOU.

OTHER QUESTIONS AT THIS POINT?

>> I HAVE A QUESTION.

>>HEIDI McCREE: VIVIANNE.

>> WHEN YOU'RE -- I'M INTERESTED IN THE EXAMPLE THAT YOU GAVE OF THE ST. MARYS RIVER PARCEL.

SO WE'RE TALKING ABOUT SOMEONE WHO JUST WANTS TO GO OUT AND BUY A PLACE AND LIVE IN THE WOODS?

>> IT'S A WEEKEND HOME, SECOND HOME.

>> OKAY.

HOW DO THOSE TYPES OF CE PURCHASES COMPARE TO A FEE SIMPLE PURCHASE COSTWISE?

>> COSTWISE, THEY'RE GOING TO PAY LESS BECAUSE THERE ARE -- THERE ARE -- THERE ARE RIGHTS STRIPPED OFF THE PROPERTY, DEVELOPMENT RIGHTS.

>> SURE.

I GUESS HOW MUCH LESS?

CAN YOU GIVE US JUST A ROUGH IDEA?

>> IT IS A WIDE VARIATION.

YOU KNOW, YOU SEE CONSERVATION EASEMENTS THAT COST 20% OR 30% OF THE FEE SIMPLE VALUE OF THE PROPERTY AND SOME THAT ARE UP AT 70%, AND AGAIN, I -- IT'S NOT ONE SIZE FITS ALL.

THE VERY INTERESTING THING ON THE PIECE OF PROPERTY I'M TALKING ABOUT, WE HAD AN APPRAISAL DONE A COUPLE OF YEARS AGO THAT PLACED THE VALUE UNENCUMBERED AND THE VALUE SUBJECT TO THE EASEMENT RATHER CLOSE TOGETHER BECAUSE THE APPRAISER NOTED THIS PROPERTY'S 70-SOMETHING ACRES IN SIZE, ALL BUT ABOUT AN ACRE AND A HALF IS FLOODPLAIN.

MAYBE FOR ONLY ONE WEEK OUT OF THE YEAR WHEN IT RAINS A LOT UP IN NORTH FLORIDA, BUT THAT PROPERTY WILL ALMOST ENTIRELY FLOOD, SO EVEN IF THAT PROPERTY HAD TEN ALLOWABLE UNITS, NOBODY'S GOING TO PUT TEN UNITS ON IT, AND THE APPRAISER MADE NOTE OF THAT, SO IN THAT PARTICULAR APPRAISAL, THERE WASN'T A LOT OF VALUE DIFFERENCE BETWEEN THE TWO.

THERE ARE OTHERS -- IF YOU'VE GOT A PIECE OF PROPERTY THAT'S ALL WETLAND -- EXCUSE ME -- ALL UPLAND AND IT'S ZONED FOR INTENSIVE RESIDENTIAL USE AND YOU PUT A CONSERVATION EASEMENT ON IT THAT ALLOWS ONE UNIT, YOU'VE JUST STRIPPED A HUGE PERCENTAGE OF THE VALUE OFF THE PROPERTY.

>> THANK YOU.

>>HEIDI McCREE: GREAT.

ALL RIGHT.

WE COULD PROBABLY ASK YOU QUESTIONS ALL DAY, BUT WHY DON'T WE HAVE KEN GET BACK UP HERE AND PRESENT THE PROPOSAL TO US, AND THEN WE CAN ASK THE PANEL MORE QUESTIONS FROM THERE.

THANK YOU, KEITH.

APPRECIATE IT.

>> NO MORE POWERPOINT.

HOPEFULLY YOU'LL THINK THAT'S A GOOD THING.

I DID FORGET TO MENTION ONE -- ONE ITEM.

SORRY.

I DID FORGET TO MENTION ONE ITEM WHEN I WAS TALKING EARLIER, AND I THINK I JUST TOUCHED ON IT AT THE OUTSET AND THEN I REALLY DIDN'T GET BACK TO IT, AND IT WAS THIS NOTION OF THE FINANCE SIDE FOR THE COUNTY WITH THE BONDING ISSUE. AND IT'S REALLY IMPORTANT.

I'M SOMEWHAT REMISS THAT I DIDN'T MENTION IT.  
THERE WAS SOME IMPLICATION DURING THE LAST MEETING THAT IF  
THE WATER UTILITY OR THE COUNTY OR ANYBODY -- ANY COUNTY  
SUBDIVISION SELLS AN ASSET THAT'S BACKED BY BONDS, SOMEHOW  
THE COUNTY'S ENTIRE BOND SYSTEM CRUMBLES.  
THAT'S -- THAT'S NOT THE CASE.  
I'M NOT A BOND LAWYER.  
WE DO HAVE BOND COUNSEL WE'VE RETAINED IN THIS CASE.  
WE HAVE ONE OF OUR OTHER ATTORNEYS HERE TODAY WHO'S TOTALLY  
BRIEFED ON ALL THE BOND ISSUES, BUT IF YOU'RE A  
MUNICIPALITY OR A DISTRICT THAT IS PERMITTED TO ISSUE TAX  
EXEMPT DEBT, LIKE THE WATER DEPARTMENT, LIKE HILLSBOROUGH  
COUNTY, LIKE CITY OF TAMPA, THOSE BONDS -- THAT BOND DEBT  
IS NOT BACKED BY ANY PARTICULAR POOL OF ASSETS, IT'S BACKED  
BY THE TAXING AUTHORITY AND THE ABILITY TO COLLECT RATES  
AND FEES AND USER FEES FROM YOUR RATEPAYERS OR FROM YOUR  
TAXPAYERS, JUST LIKE PROPERTY TAXES.  
VALUE OF -- THE REASON WHY YOU BUY A TAX EXEMPT BOND FROM  
THE CITY OF TAMPA OR THE COUNTY OF HILLSBOROUGH IS BECAUSE  
YOU KNOW THAT THEY HAVE THE POWER TO LEVY AD VALOREM TAXES  
AGAINST ALL OF US AS HOMEOWNERS, PROPERTY OWNERS, THAT  
THEY'RE GOING TO THEN PAY THAT DEBT.  
SO IF THE COUNTY ALL OF A SUDDEN ONE DAY SELLS AN ASSET ON  
THEIR BALANCE SHEET, THEIR BOND RATING DOESN'T JUST  
EVAPORATE.  
I MEAN, THERE ARE BOND RATINGS EVAPORATING TODAY FOR MANY  
OTHER REASONS BESIDES COUNTY'S SELLING ASSETS, AND THAT'S A  
WHOLE 'NOTHER DISCUSSION ABOUT WHERE THE ECONOMY IS, BUT  
THE IMPLICATION WAS MADE -- AND HUGH AND I TALKED ABOUT  
THIS AFTER THE MEETING ABOUT HOW DOES THIS AFFECT THE BOND  
RATING.  
AND THE ANSWER IS -- AND I SPOKE TO MIKE MERRILL ABOUT IT  
AT THE LAST STAFF MEETING.  
IT DOESN'T.  
IT WILL NOT AFFECT THE BOND RATINGS.  
I WANTED TO POINT THAT OUT.  
IF ANYBODY'S GOT REAL -- IF YOU WANT TO GET INTO AN  
ACADEMIC DISCUSSION ON BONDS, I'M PROBABLY THE WRONG GUY,  
BUT WE DO HAVE ONE OF OUR OTHER LAWYERS HERE TODAY.  
WE DO HAVE BOND COUNSEL WHO IS NOT HERE TODAY BUT IS  
WILLING TO SPEAK TO ANYBODY TO WALK THROUGH WHAT THOSE BOND  
ISSUES MIGHT BE.  
AND LOOK, WE WOULDN'T BE UP HERE TODAY IF WE DIDN'T THINK  
THAT THIS WAS NOT A DOABLE TRANSACTION.  
WE WOULDN'T WASTE YOUR TIME, OUR TIME, YOUR RESOURCES, OUR  
RESOURCES.  
WE THINK BASED ON THE BOND COVENANTS YOU CAN GET THIS  
TRANSACTION DONE.  
SO THAT SAID, WHAT I'VE GOT HERE IS -- IS BASICALLY OUR --  
FOR LACK OF A BETTER WORD OUR PLAN.  
I'M NOT CALLING IT A PROPOSAL.  
IT'S A PRESERVATION PLAN.  
AND YOU'LL HAVE A COPY OF IT BEFORE THE END OF THE DAY.  
IT WILL BE PUT ON THE WEB SITE.  
BUT WHAT I'M GOING TO DO IS -- IS I'M GOING TO WALK -- I'M  
GOING TO WALK THROUGH THE TERMS OF IT.  
SOME OF IT'S SOMEWHAT REDUNDANT, SO I REALLY WON'T REPEAT  
IT, BUT WE'LL GET INTO WHAT ARE THE PROHIBITED USES, WHAT  
ARE THE RESERVED RIGHTS WHAT IS THIS CONSERVATION EASEMENT  
GOING TO LOOK LIKE, AND I KNOW, DEE, I THINK YOU HAD ASKED  
FOR A PHYSICAL DOCUMENT LAST TIME OF A CONSERVATION  
EASEMENT, AND WE TALKED ABOUT THIS AT THE LAST STAFF  
MEETING AND KEITH AND I HAVE TALKED ABOUT IT.

YOU KNOW, TO GET UP HERE AND GIVE YOU A 50-PAGE CONSERVATION EASEMENT THAT IS OUR FORM OR TNC'S FORM OR EPA'S FORM OR DEP'S FORM, SORT OF WE GET DEVOLVED INTO, YOU KNOW, THE FORM OF THE DOCUMENT.

EVERYBODY'S GOT THEIR OWN FORM.

SWFWMD'S GOT THEIR OWN FORM, DEP'S GOT THEIR OWN FORM.

EVERYBODY LIKES THEIR OWN CARICATURE OF HOW THEY DO A CONSERVATION EASEMENT.

SO WE'RE NOT GOING TO GIVE YOU OUR FORM AND SAY, HERE IT IS, TAKE IT OR LEAVE IT, BECAUSE WE COULD ALL SIT HERE AND DEBATE THE MERITS OF TNC'S FORM VERSUS SWFWMD'S FORM.

SO WE'RE NOT GOING TO DO THAT.

WHAT WE'RE GOING TO DO IS LAY OUT THE BASIC TENETS OF WHAT WE THINK SHOULD GO INTO A CONSERVATION EASEMENT.

BUT LET ME TOUCH FIRST ON THE SERVICES THAT WE'RE GOING TO PROVIDE IN THIS TRANSACTION.

FCEG ANTICIPATES PROCURING AND ARRANGING ANY NECESSARY BRIDGE FINANCING TO FACILITATE THIS TRANSACTION.

THAT INCLUDES POTENTIALLY FINDING FINANCING SOURCES TO FUND THE TRUST WHICH WOULD ULTIMATELY ACQUIRE THE PROPERTY.

WE GET BACK TO THE QUESTION OF THE EASEMENT HOLDER.

WHO IS THE EASEMENT HOLDER IN THIS CASE?

WHAT WE'RE PROPOSING IS TO CREATE SOMETHING CALLED THE "CONE RANCH LAND TRUST," AND WE HAD THOUGHT ABOUT THIS IDEA FOR A VERY LONG TIME AND, IN FACT, WERE SOMEWHAT HEARTENED BY THE FACT THAT THERE WERE SEVERAL PUBLIC COMMENTERS, NOT HERE AT THIS MEETING BUT AT THE LAST BOCC MEETING, THAT STOOD UP QUITE INDEPENDENT OF OUR PROPOSAL AND SAID WE OUGHT TO HAVE A TRUST, AND WE HAD ALREADY BEEN THINKING ABOUT THAT, AND THAT SORT OF VALIDATED WHAT WE WERE SAYING. SO THE TRUST WOULD BE COMPOSED OF NINE MEMBERS.

IF THIS PANEL DECIDED IT SHOULD BE 11 MEMBERS, THAT'S FINE.

IF YOU DECIDED IT SHOULD BE SEVEN MEMBERS, THAT'S FINE.

PROBABLY WANT TO AVOID EVEN NUMBERS TO AVOID DEADLOCKS, BUT -- SO WE PROPOSE NINE MEMBERS.

WHO'S ON THE TRUST?

CITIZENS OF HILLSBOROUGH COUNTY, PROBABLY SOME ENVIRONMENTAL EXPERTS, WETLAND SCIENTISTS, ECOLOGISTS, BIOLOGISTS, OTHER FOLKS THAT HAVE HIGH-LEVEL CREDENTIALS IN ENVIRONMENTAL CONSERVATION.

AND THEN, OF COURSE, I THINK YOU'VE PROBABLY GOT TO HAVE SOME COUNTY OFFICIALS ON THERE, WHETHER IT'S A COUNTY COMMISSION PERSON, WHETHER IT'S A DIFFERENT ELECTED OFFICIAL.

AGAIN, I SORT OF LEAVE THAT DISCUSSION TO THE PANEL, BUT WE THINK TO PROTECT THAT CONSERVATION ETHIC, TO GET INTO WHAT PAMELA JO SAID EARLIER, WHAT HAPPENS IF SOMEBODY COMES BACK LATER ON AND SAYS, YOU KNOW WHAT, WE WANT TO CHANGE THIS EASEMENT.

WE DON'T THINK THAT WE SHOULD HAVE TO STICK BY IT.

IN FACT, WE DON'T WANT TO HAVE ONE PARCEL OF 2,000, WE WANT TO SUBDIVIDE IT TEN MORE TIMES AND BUILD A BUNCH OF CONDOS.

WELL, THE ANSWER TO THAT IS, THIS TRUST COMPRISED OF HILLSBOROUGH COUNTY WHO ARE GOING TO LOOK OUT FOR THE LAND BECAUSE THEY'RE TAXPAYERS ARE GOING TO STEP IN AND SAY ABSOLUTELY NOT, WE'RE NOT GOING TO PERMIT YOU TO DO THAT.

SO WE ANTICIPATE HAVING A TRUST THAT HOLDS THE EASEMENT.

NOW, ANOTHER SHOOT-OFF OF THAT IS COULD YOU HAVE MORE THAN ONE EASEMENT HOLDER, AND THE ANSWER IS YES.

YOU COULD HAVE THE TRUST HOLD IT, YOU COULD HAVE THE TNC HOLD IT, AND THE TNC IS NOT HERE TODAY ADVOCATING THAT THEY WANT TO HOLD IT, BUT IF WE GO THROUGH THIS WHOLE DISCUSSION AND WE DECIDE A THIRD PARTY SHOULD HOLD IT IN CONCURRENCE

WITH THE LAND TRUST, THEY WOULD BE WILLING TO ENTERTAIN THAT AND HOLD IT.

THEY HOLD A LOT OF EASEMENTS, THEY'RE VERY GOOD AT IT. THEY CAN MONITOR COMPLIANCE AT A FAIRLY LOW COST, AND ON A PROPERTY LIKE THIS, YOU'RE NOT TALKING ABOUT A VERY LARGE MONITORING COST.

YOU'RE TALKING ABOUT ONCE OR TWICE A YEAR GOING OUT THERE MAKING SURE THAT THE EASEMENTS ARE -- THE COVENANTS ARE COMPLIED WITH.

SO BACKING UP A STEP, THE TRUST.

THE TRUST WOULD ACQUIRE THE PROPERTY FROM THE WATER DEPARTMENT AT FAIR MARKET VALUE.

AT THE SAME TIME WE WOULD HOPE THAT SHOULD WE GO FORWARD, WE'RE GOING TO HAVE IDENTIFIED CONSERVATION BUYERS OR OTHER PRIVATE BUYERS WHO THEN SIMULTANEOUSLY TAKE THE FEE FROM THE TRUST, PROVIDE THE MONEY TO THE TRUST, THE WATER DEPARTMENT, THE BOND GETS PAID OFF, AND THEN ANY SURPLUS MONEY IS USED TO COMPLY WITH WHATEVER OTHER BOND COVENANTS THERE MIGHT BE, AND I'LL ALSO GET TO WHAT WE THINK SHOULD BE DONE WITH ANY SURPLUS MONEY AS WELL AT -- TOWARDS THE END.

SO YOU'VE GOT THIS TRUST THAT'S GOING TO HOLD THE EASEMENT, POTENTIALLY TWO ENTITIES HOLDING THE EASEMENT.

THEN YOU'VE GOT THE BUYERS BUYING THE LAND FROM THE TRUST.

NOW, WHAT HAPPENS TO CONE RANCH IN THIS WHOLE PROCESS?

OUR -- OUR IDEA IS TO DIVIDE IT INTO SIX 2,000-ACRE PARCELS.

THIS IS SOMETHING YOU'VE HEARD BEFORE, BUT I'M GOING TO GET INTO A LITTLE BIT MORE DETAIL.

YOU CAN DIVIDE IT INTO NO MORE THAN SIX 2,000-ACRE PARCELS.

SO FOR INSTANCE, IF ONE BUYER WERE TO COME FORWARD AND SAY, YOU KNOW WHAT, I WANT 6,000 OF THOSE ACRES, WE WOULD THEN DIVIDE IT INTO FOUR, THREE AT TWO AND ONE AT SIX.

IF ONE BUYER STEPPED FORWARD AND SAID, I WANT TO BUY ALL 12,000 ACRES, WE WOULD THEN JUST DIVIDE IT -- WE WOULDN'T SUBDIVIDE IT AT ALL.

THE ONLY SUBDIVISION WOULD BE A CARVE-OUT FOR A COUNTY PARK.

WHEN YOU LOOK AT THE SIZE OF CONE RANCH, YOU'VE GOT 12,800 ACRES.

YOU TAKE THE 12,000, YOU PUT IT IN A PERPETUAL CONSERVATION EASEMENT.

THE OTHER 800 ACRES WOULD BE FOR A COUNTY PARK.

I TALK A LITTLE BIT MORE ABOUT THAT AS WE GET THROUGH, SO THAT IS OUR PRESERVATION STRATEGY IS TO SUBDIVIDE IT TO SIX.

ONE CARETAKER RESIDENCE PER 2,000 ACRES.

WHAT IS THE FOOTPRINT OF THAT RESIDENCE?

EXCUSE ME.

YOU KNOW, WE HAVE AN IDEA.

WE THINK IT SHOULD BE NO MORE THAN ONE HALF OF 1% TO 1% OF THE TOTAL LAND AREA THAT'S BEING PURCHASED.

THAT PUTS YOU RIGHT AROUND ONE TO TWO ACRES.

IF THIS PANEL DECIDED THAT IT SHOULD BE A FIFTH OF AN ACRE, THEN THAT'S SOMETHING THAT YOU CAN DEBATE, AND WE'D LOVE TO ENGAGE IN THAT CONVERSATION, BUT IT WOULD BE A VERY SMALL FOOTPRINT.

CAN YOU BUILD, YOU KNOW, A MEGA MANSION ON 50 ACRES?

ABSOLUTELY NOT.

YOU CAN BUILD ONE CARETAKER FACILITY, RESIDENCE, LODGE, WHATEVER YOU WANT TO CALL IT, A RELATED BUILDING OR TWO DEPENDING ON WHAT THIS PANEL DECIDES DEPENDING ON TOTAL SQUARE FOOTAGE.

WE DON'T THINK IT SHOULD BE A BIG NUMBER.  
THERE'S BEEN PRESS REPORTS OUT THERE THAT OUR PROPOSAL  
SOMEHOW WAS SAYING THAT YOU CAN BUILD A 50,000-SQUARE-FOOT  
HOUSE.  
THAT'S NOT TRUE.  
IT'S GOING TO BE WHATEVER THE STRICTURES OF THIS COMMITTEE  
DECIDES.  
IF IT'S 5,000 SQUARE FEET, IF IT'S 1,000 SQUARE FEET, IT'S  
UP FOR DEBATE.  
WE THINK IT SHOULD BE A SMALL NUMBER.  
IN ADDITION TO THE PRESERVATION, WE HAVE SOME IDEAS OF  
WETLAND RESTORATION, AND WE'VE TALKED TO SCOTT EMERY ABOUT  
THIS AT LENGTH.  
SCOTT'S ACTUALLY UNFORTUNATELY TRAVELING TODAY WITH HIS SON  
UP IN THE HILLS OF TENNESSEE SOMEWHERE, SO HE'S NOT HERE,  
BUT WE'VE -- HE'S ACTUALLY GIVEN US A LOT OF GREAT DATA ON  
WHAT LANDS COULD BE RESTORED ON CONE RANCH.  
ONE THAT COMES TO MIND -- AND I'LL JUST MAKE REFERENCE TO  
IT, IS THERE'S A FERN MARSH RIGHT ON THE SOUTH -- SOUTHWEST  
CORNER OF THE RANCH.  
THE RANCH IS NOT UNHEALTHY TODAY, BUT ACCORDING TO SCOTT  
AND SOME OF THE OTHER BIOLOGISTS WE'VE BEEN OUT WITH,  
INCLUDING RICHARD HILSENBECK FROM TNC, THE RANCH COULD --  
THE FERN MARSH COULD BE HEALTHIER.  
IT'S ACTUALLY, ACCORDING TO SCOTT, EITHER THE LARGEST OR  
ONE OF THE LARGEST PEAT BOGS IN THE STATE OF FLORIDA.  
IT JUST HAPPENED TO BE UNTOUCHED.  
SOMEBODY MISSED IT WHEN THEY WERE MINING ALL THAT PEAT BACK  
20 YEARS AGO BECAUSE IT'S VALUABLE.  
IF YOU MINE THAT PEAT MARSH, I DON'T KNOW WHAT YOU COULD  
GET OUT OF IT.  
MAYBE HUGH KNOWS BETTER THAN I DO, BUT YOU COULD ACTUALLY  
GENERATE A LOT OF REVENUE FROM BASICALLY DREDGING OUT ALL  
THAT PEAT AND SELLING IT FOR COMMERCIAL USE.  
THAT'S ONE AREA IF THAT IF YOU JUST BLOCKED A COUPLE OF THE  
DITCHES ON THE NORTH AND SOUTH SIDE, YOU'D ACTUALLY HELP  
THE THING RETAIN SOME MORE WATER.  
RIGHT NOW THERE'S PROBABLY THREE OR FOUR FEET OF PEAT.  
IF YOU PRESERVED IT AND ENHANCED IT, YOU'D PROBABLY END UP  
WITH FIVE OR SIX FEET.  
SCOTT HAS PUT TOGETHER A VERY GOOD LIST AND WILL DISTRIBUTE  
THAT TO YOU.  
WE ENVISION A LOT OF WETLAND RESTORATION ON THE PROPERTY IN  
ADDITION TO THE CONSERVATION EASEMENT, AND THOSE TENETS  
WILL BE SPELLED OUT IN THE EASEMENT.  
AS I MENTIONED, COUNTY PARK, 800 ACRES APPROXIMATELY.  
WHETHER OR NOT YOU PUT THE CONSERVATION EASEMENT ON THOSE  
800 ACRES, AGAIN, THAT'S -- WHEN WE ACTUALLY GET INTO THE  
CONSERVATION EASEMENT AND THE TRANSACTION WITH THE FINANCE  
STAFF, WE'D HAVE TO TALK ABOUT HOW WE DO THAT SO WE END UP  
WITH A PARK THAT'S ACTUALLY USEFUL TO THE PUBLIC.  
WHAT I THINK IS SOMEWHAT IRONIC IS THAT COPE RANCH IS OWNED  
BY THE PUBLIC, AND IT'S BEEN SO FOR 20 YEARS, AND EVERYBODY  
STANDS UP AND SAYS, WE GOT TO KEEP THIS IN PUBLIC  
OWNERSHIP.  
TO WHAT END?  
CONSERVATION END?  
MAYBE, BUT TO PUBLIC ACCESS END?  
ABSOLUTELY NOT.  
THE ONLY PEOPLE WALKING AROUND ON CONE RANCH ARE DENNIS  
CARLTON AND THE CATTLE LEASE BECAUSE HE'S ALLOWED TO BE  
THERE AND SCOTT EMERY AND THAT'S IT.  
YOU'VE GOT SOME ILLEGAL POACHERS THAT SHOOT DEER AND HOG

AND TURKEY AND EVERYTHING ELSE, COPS TRY AND CONTROL THAT, BUT THAT'S IT.

NOBODY ELSE GETS TO GO ON CONE RANCH EXCEPT PEOPLE THAT HAVE A LEASE WITH THE COUNTY.

SO WE THINK OPENING THE RANCH UP AT LEAST IN THIS WHAT COULD BE VIEWED AS A SMALL WAY IS A VERY BIG STEP BECAUSE YOU'RE GOING TO HAVE 800 ACRES OPEN TO THE PUBLIC. AND TO BE CLEAR, WE DON'T ENVISION SOCCER FIELDS, BASEBALL FIELDS.

I KNOW A LOT OF DIFFERENT USES HAVE BEEN PROPOSED OVER THE YEARS.

THAT'S NOT WHAT WE WANT.

WE'RE LOOKING FOR COUNTY PARK, PASSIVE RECREATION, NOT ANYTHING LIKE A -- YOU KNOW, A NEW STADIUM FOR THE DEVIL RAYS.

OKAY.

I'M GOING TO GET INTO THE PROHIBITED USES NOW, AND AGAIN, THIS IS OUR LIST.

YOU CAN ADD TO IT, YOU CAN TAKE AWAY FROM IT, WE CAN AMEND IT, WE CAN EDIT IT, WE CAN DO WHATEVER WE WANT WITH IT, BUT I THINK IT'S A VERY GOOD STARTING POINT.

IT'S ABOUT 18 DIFFERENT PROHIBITED USES, A LOT OF WHICH KEITH COVERED JUST GENERICALLY, BUT I'M GOING TO COVER THEM IN A LITTLE BIT MORE DETAIL.

FIRST, NO CONVERSION OF NATURAL AREAS.

SECOND, NO SUBDIVISION OF THE PROPERTY THAT WOULD RESULT IN MORE THAN SIX PARCELS.

WE HAVE A MINIMUM SIZE LIMITATION ON HERE OF POSSIBLY 750 ACRES, AND THE REASON WHY I SAY THAT IS THAT IF YOU END UP WITH ONE PERSON THAT TAKES 8,000 ACRES AND YOU STILL THINK THAT YOU'VE GOT TWO OR THREE OTHER ADDITIONAL BUYERS AND SOMEBODY WANTS 2500 BUT SOMEBODY WANTS 900, WOULD YOU ABSOLUTELY SLAM THE DOOR ON THEM IF THEY AGREED TO THE EASEMENT?

PROBABLY NOT.

YOU'D PROBABLY WANT TO CONSIDER BRINGING THAT PERSON IN AS A POTENTIAL BUYER TO AT LEAST TALK WITH THEM IF THEY AGREE TO THE CONSERVATION ETHIC THAT YOU'RE PRESCRIBING, SO WE HAVE 750.

THAT'S SORT OF A MISLEADING NUMBER.

OUR GOAL WAS TO REALLY MAKE IT NOT LESS THAN 2,000, BUT WE WANT TO LEAVE THE DOOR OPEN FOR -- TO BE FLEXIBLE.

NO AGRICULTURE, COMMERCIAL, OR OTHER INDUSTRIAL USES ON THE PROPERTY.

NO RESIDENCES AT ALL BESIDES ONE CARETAKER LODGE OR CARETAKER RESIDENCE FACILITY PER 2,000 ACRES OR PER PARCEL. CARETAKER RESIDENCES MUST USE GREEN CONSTRUCTION, MEANING -- AND THAT TERM HAS SO MANY DIFFERENT MEANINGS, AND IT'S GOING TO BE THE MEANING THAT WE ASCRIBE TO IN THE EASEMENT. WHAT IS GREEN CONSTRUCTION?

WELL, IT MEANS USING INDUSTRY-ACCEPTED FRIENDLY -- ENVIRONMENTALLY FRIENDLY BUILDING PRACTICES, AND I THINK IF YOU'RE IN CALIFORNIA IT MEANS SOMETHING VERY DIFFERENT THAN IF YOU'RE IN TEXAS, AND IT PROBABLY MEANS SOMETHING DIFFERENT AGAIN HERE IN FLORIDA.

SO WE WOULD -- YOU WOULD WANT SOME SET OF REGULATIONS THAT SAY IF YOU'RE GOING TO BUILD THIS HOUSE, IT'S GOT TO BE ENVIRONMENTALLY FRIENDLY CONSTRUCTION.

USE OF SOLAR, WIND ENERGY, OTHER TYPES OF RENEWABLE SOURCES, MAYBE SOME BIOFUELS TECHNOLOGY, BUT SOMETHING THAT IS NOT YOUR TRADITIONAL BRICKS-AND-MORTAR STICK CONSTRUCTION.

NO CONSTRUCTING OR PLACING OF ANY PERMANENT STRUCTURES OF

ANY KIND ON THE PROPERTY EXCEPT FOR THE BUILDINGS WE JUST MENTIONED.

WE WOULD ALSO LEAVE IN PLACE TAMPA BAY WATER'S RIGHTS.

IF YOU THINK BACK TO THE '99 DEBATE, ONE OF THE BIG REASONS WHY THE COUNTY WAS NEVER ABLE TO PROCURE FUNDING, AT LEAST AS FAR AS THE DOCUMENTS I'VE READ -- MAYBE SOME OF YOU ON THE TECHNICAL RESOURCE SIDE CAN GIVE US SOME MORE HISTORY -- WAS THAT THEY COULD NOT EXTINGUISH TAMPA BAY WATER'S RIGHTS, AND THEY FELT THAT WAS ABSOLUTELY CRITICAL TO GETTING FUNDING ON THE FEDERAL WETLANDS RESERVE PROGRAM, AND TAMPA BAY WATER AT THE TIME WASN'T RUNNING TO THE DAIS TO GIVE UP THEIR RIGHTS, AND SO THAT -- THAT PLAN SLOWLY DIED AND THE FUNDING JUST NEVER MATERIALIZED, SO UNDER OUR PLAN WHATEVER THOSE RIGHTS ARE THAT TAMPA BAY WATER HAS TO DEVELOP A FUTURE WATER SUPPLY SOURCE FOR THE TAMPA BAY AREA, THOSE RIGHTS WOULD STAY IN PLACE.

NOW, WHETHER SWFWMD PERMITS THE RESOURCE DOWN THE ROAD, THAT'S A WHOLE 'NOTHER QUESTION, BUT WE DON'T ANTICIPATE CHANGING THE INTERLOCAL AGREEMENT AT ALL.

NO NEW ROADS OR TRAILS CONSTRUCTED EXCEPT FOR ACCESS ROADS TO ACCESS ANY OF THE CARETAKER FACILITIES.

EXISTING ROADS AND TRAILS MUST BE MAINTAINED, REPAIRED, AND RECONSTRUCTED AT THE SAME LOCATION BUT NOT UPGRADED OR ENLARGED.

NO DRILLING, DITCHING, PILING EXCAVATING DREDGING, REMOVAL OF ANY TOPSOIL.

IN ESSENCE, NO MINING.

YOU'RE NOT GOING TO HAVE A BORROW PIT OUT THERE, YOU'RE NOT GOING TO EXTRACT CLAY SOILS, OTHER THINGS KEITH TALKED ABOUT.

NO DUMPING, STORAGE OF ANY TRASH, GARBAGE, DEBRIS OF ANY KIND.

NO OTHER -- NO OTHER OFFENSIVE MATERIALS ON THE PROPERTY.

NO TIMBER HARVESTING EXCEPT AS PERMITTED UNDER THE EXISTING AGREEMENT BETWEEN DOF AND I THINK THERE'S A ROTARY CLUB AGREEMENT, AND WE'LL TALK MORE ABOUT A LOT OF WHAT'S IN THIS PACKET TOO HERE.

IF YOU SEE THE MAP OVER THERE, THERE ARE 21 CURRENT ENCUMBRANCES ON CONE RANCH.

I DON'T KNOW THAT THEY'VE BEEN HANDED OUT YET OR PUT ON THE PUBLIC WEB SITE.

WE DID A DOCUMENT REQUEST.

WE'VE GOT ALL BUT THREE.

I'M NOT SURE WHY WE'RE MISSING THREE, BUT THEY'RE UNRECORDED EASEMENTS.

I'M NOT SURE IF SOMEBODY HERE HAS THE ABILITY TO DIG THROUGH THE WAREHOUSE AND FIND THEM, BUT THE RECORDS OFFICE COULDN'T FIND THREE OF THEM FOR US.

SO WE'VE GOT THOSE.

SO -- AND ONE OF THOSE IS THE DOF AGREEMENT WITH THE ROTARY CLUB TO CUT DOWN THOSE TREES [INCOMPREHENSIBLE] OF TIMBER HARVESTING WHICH ACTUALLY JUST STARTED LAST MONTH.

NO REMOVAL, DESTRUCTION, OR TRIMMING OR MOWING OF ANY VEGETATION EXCEPT AUTHORIZED TIMBER THING AS WE'VE DISCUSSED.

UNDER NO CIRCUMSTANCES SHALL ANY CYPRESS TREES BE CUT OUT. NO PLANTING OR INTRODUCTION OF ANY NUISANCE VEGETATION OR EXOTIC VEGETATION OR INVASIVE SPECIES.

NO DISRUPTION, ALTERATION, POLLUTION, DEPLETION, OR OTHER EXTRACTION OF SUBSURFACE WATER.

AND THAT'S VERY IMPORTANT.

YOU CANNOT START A NEW WELL ON THIS PROPERTY.

THE ONLY -- THE ONLY PEOPLE WHO HAVE THE ABILITY TO DO THAT

IS GOING TO BE TAMPA BAY WATER IN CONJUNCTION WITH SWFWMD AND ONLY TO THE EXTENT THAT THE INTERLOCAL AGREEMENT PERMITS THEM TO DO THAT.

NO OPERATION OF ANY VEHICLES EXCEPT ON EXISTING ROADS AND TRAILS.

NO APPLICATION OF PESTICIDES, HERBICIDES, FERTILIZERS UNLESS PERMITTED IN THE CONSERVATION EASEMENT.

THAT WOULD BE THE CONTROL, YOU KNOW, TROPICAL SODA APPLE, THINGS LIKE THAT.

NO OTHER ACTIVITIES, AND THIS IS KIND OF A CATCH-ALL, AND AT SOME POINT I THINK WE'RE GOING TO GET INTO WHAT THE DETAILS OF THIS CATCH-ALL ARE.

NO OTHER ACTIONS THAT COULD REASONABLY BE EXPECTED TO ADVERSELY AFFECT THE CONSERVATION OF THE PROPERTY OR ANY THREATENED OR ENDANGERED SPECIES, AND NO ACTIVITIES THAT WOULD BE EXPECTED TO DETRIMENTALLY AFFECT THE CULTURAL, HISTORICALLY SIGNIFICANT PORTIONS OF THE PROPERTY.

I DON'T KNOW IF SCOTT POINTED OUT TO ANY OF YOU ON THE TOUR, THERE'S ACTUALLY THINKING THAT THERE MIGHT HAVE BEEN AN OLD SETTLEMENT OUT THERE FROM A FAMILY BACK A COUPLE HUNDRED YEARS AGO.

YOU CAN SEE THE REMNANTS OF AN OLD FAMILY HOUSE AND SOME THINGS WHERE THERE MIGHT HAVE ACTUALLY BEEN SOME RESIDENCES PRIOR TO HILLSBOROUGH COUNTY OWNING IT.

THE RESERVED RIGHTS ON OUR PROPOSED EASEMENT, THE RIGHT TO SELL, MORTGAGE, OR LEASE THE PROPERTY, OF COURSE, SUBJECT TO THE CONSERVATION EASEMENT; RIGHT FOR CONTINUED USE OF ENJOYMENT OF THE PROPERTY, PASSIVE, NONCOMMERCIAL RECREATIONAL PURPOSE SUCH AS PHOTOGRAPHY, WILDLIFE, PHOTOGRAPHY, HUNTING, FISHING, HORSEBACK RIDING, HIKING THAT ARE CONSISTENT WITH THE PURPOSES OF THE CONSERVATION EASEMENT AND NOT OTHERWISE PROHIBITED BY THE EASEMENT.

THE RIGHT TO ENGAGE IN SILVICULTURE AND IMPROVE PASTURES, AN EXISTING PINE PLANTATION IN ACCORDANCE WITH THE SPECIFIC TENETS OF THE CONSERVATION EASEMENT AND ANY EXISTING AGREEMENTS WITH RESPECT TO THE TIMBER THINNING.

PRESCRIBED BURNING, YOU ACTUALLY WANT TO HAVE THAT BURNING. THAT ACTUALLY IS CURRENTLY BEING DONE.

RIGHT TO GRAZE CATTLE AND CONDUCT RELATED ACTIVITIES UNDER AN AGREED-UPON MANAGEMENT PLAN.

THE RIGHT TO PAVE WITH PERMEABLE MATERIALS, OTHERWISE IMPROVE ROADS TO THE CARETAKER RESIDENCES, AND THAT WAS ONE CRITICISM WE HEARD, AND YOU'LL SEE WE ACTUALLY HAVE WHAT AMOUNTS TO -- AND I THINK SOME OF YOU HAVE SEEN IT ALREADY. IT'S THAT PLAT, BUT IT'S DIVIDED UP INTO SIX PARCELS, AND TO GET TO SOME OF THE BACK PARCELS, YOU'RE GOING TO HAVE TO PROBABLY IMPROVE A ROAD OR DO SOMETHING TO BE ABLE TO ACCESS THOSE PARCELS BECAUSE THERE IS NO OTHER ACCESS. THERE'S ONLY TWO ACCESSES, ONE ON THE LEFT SIDE OF THE PROPERTY, ONE ON THE SOUTH SIDE OF THE PROPERTY, SO YOU'D NEED TO BE ABLE TO BUILD AT LEAST A SMALL ENOUGH ROAD TO GET A VEHICLE OR SOME OTHER ACCESS BACK THERE TO THE RESIDENT, WHOEVER WOULD BE ABLE TO OWN THE TOP PORTION OF THE PROPERTY.

AGAIN, ONLY ONE RESIDENCE PER 2,000 ACRES.

A LAND MANAGEMENT PLAN.

MOVING ON FROM THE CONSERVATION EASEMENT.

LAND MANAGEMENT PLAN WILL HAVE TO BE CREATED, AND THIS WILL PROBABLY BE THE FOURTH LAND MANAGEMENT PLAN FOR CONE RANCH, NONE OF WHICH HAVE EVER BEEN ENFORCED ACCORDING TO SCOTT EMERY.

THE TWO THAT ARE IN EXISTENCE NOW, ONE OF WHICH -- I THINK BOTH OF WHICH HE DRAFTED ARE NOT BEING ENFORCED.

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IN FACT, WE EVEN HAD A HARD TIME GETTING AHOLD OF THEM. SO WE WOULD COME UP WITH A NEW LAND MANAGEMENT PLAN THAT WOULD INCLUDE SHORT-TERM AND LONG-TERM RESTORATION ACTIVITIES WITH RESPECT TO THE WETLANDS AS WELL AS MANAGEMENT OF THE EXISTING PROPERTY.

THE INTERLOCAL AGREEMENT WITH TAMPA BAY WATER, AS I SAID, THAT STAYS AS IT IS.

WE'VE SPOKEN WITH GERALD SEEBER OVER AT TAMPA BAY WATER, AND I DON'T WANT TO SPEAK FOR HIM, BUT I CAN TELL YOU WHAT HE TOLD ME, WHICH WAS PROVIDED YOU DON'T INTERFERE WITH THE RIGHTS, IF YOU WILL, WATER RIGHTS, IT'S KIND OF A TRICKY TERM, BUT THE RIGHTS WHATEVER THEY MAY BE TO DEVELOP THE WATER SUPPLY, WE DON'T HAVE ANY OBJECTION TO WHAT YOU'RE DOING.

AS LONG AS YOU DON'T DO SOMETHING THAT EXTINGUISES OUR RIGHTS TO DEVELOP WATER SUPPLY IN THE FUTURE.

NOW A LITTLE BIT OF A TRICKIER PART, AND THAT'S THE BOND COVENANTS.

WE'VE HAD THEM REVIEWED BY OUTSIDE COUNSEL.

WE KNOW THAT THERE ARE A LOT OF BOND COVENANTS RELATED TO THE DEBT ASSOCIATED WITH CONE RANCH.

WE HAVE REVIEWED THE DOCUMENTS AND THE APPRAISAL IN CONNECTION WITH THE '96 CONSERVATION EASEMENT PLACED ON SIX -- I THINK IT WAS ABOUT 600 ACRES PLACED ON CONE RANCH. THAT PROCESS ALLOWED FOR AN EASEMENT TO BE GRANTED AND THE PAYMENT FOR THAT EASEMENT TO THE COUNTY WAS ACTUALLY NOT MONEY BUT THE CONTRIBUTION OF IN-KIND SERVICES BY AN ORGANIZATION TO MAINTAIN IT.

SO THAT RAISES THE QUESTION OF IN ORDER TO ISSUE AN EASEMENTS ON CONE RANCH, DO YOU HAVE TO PAY HARD DOLLARS? IF WE GO BY PRECEDENT, THE ANSWER IS NO.

IF YOU LOOK AT THE '96 TRANSACTION, IN-KIND SERVICES WERE DONATED FOR ABOUT 600 ACRES OF A CONSERVATION EASEMENT.

I BELIEVE IT WAS THE GOPHER TORTOISE RELOCATION.

AND THE VALUE AT THAT TIME WAS PLACED RIGHT AROUND \$500,000?

I THINK IT WAS RIGHT AROUND \$550,000.

THE REASON I LOOKED AT BARBARA, SHE'S REVIEWED THE TRANSACTION MORE THAN I HAVE.

BUT THAT REALLY SET THE PRECEDENT FOR DOING SOMETHING OTHER THAN WRITING A CHECK FOR A CONSERVATION EASEMENT ON CONE RANCH.

SO IF YOU LOOK AT -- IF YOU LOOK AT CASE LAW OR HISTORY, THAT WILL TELL YOU THAT THIS TRANSACTION -- THIS TYPE OF TRANSACTION HAS BEEN DONE BEFORE WHERE THEY PUT A VALUE ON IN-KIND SERVICES TO BE CONTRIBUTED BY A THIRD PARTY TO TAKE AN EASEMENT ON THE LAND.

SO WE THINK THAT IS PROBABLY THE MODEL THAT WE WOULD LOOK TO AS FAR AS THE BOND COVENANTS ARE CONCERNED SO WE DON'T HAVE AN ISSUE WITH COMPLIANCE, AND OUR BOND COUNSEL FROM STEARNS WEAVER WOULD BE MORE THAN HAPPY TO GET INTO THAT DISCUSSION WITH ANY OF YOU OR THE COUNTY'S FINANCE STAFF SHOULD WE GET THAT FAR.

THE PREEXISTING EASEMENTS ON CONE RANCH, NONE OF THEM -- WE DON'T VIEW ANY OF THEM AS AN IMPEDIMENT.

WE THINK THEY CAN ALL BE EITHER TERMINATED, EXTINGUISED, OR CAN SURVIVE IN THE SAME FORM AS THEY ARE NOTWITHSTANDING OUR PROPOSAL, AND THERE'S A VARIETY OF DIFFERENT EASEMENTS ON THERE AND ENCUMBRANCES.

ONE IS A DITCH CLEAN-OUT EASEMENT FROM THE 1920s FOR THE PREDECESSOR TO FLORIDA POWER.

THERE ARE SOME TO -- THERE'S A GOPHER TORTOISE RELOCATION EASEMENT.

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THERE IS THE ROTARY CLUB'S PINE THINNING DOF AGREEMENT.  
SO ALL OF THOSE 21 DIFFERENT ENCUMBRANCES CAN BE DEALT WITH  
AND DO NOT IMPEDE OUR PROPOSAL FROM GOING FORWARD.  
THE SALES AND MARKETING PROCESS, IF YOU WILL.  
FCEG WILL SPEND CONSIDERABLE TIME AND RESOURCES AND MONEY  
IDENTIFYING CONSERVATION BUYERS, AND WE'VE ALREADY -- NOT  
TO BE PRESUMPTUOUS, BUT OBVIOUSLY WE'VE ALREADY STARTED  
DOWN THAT PATH OF IDENTIFYING POTENTIAL BUYERS, AND WE'VE  
BEEN TALKING TO TNC ABOUT THIS AS WELL.  
WE THINK THAT EVEN NOTWITHSTANDING THE ECONOMY AS IT IS  
TODAY -- I MEAN, I DON'T KNOW HOW MANY OF YOU KNOW BANKERS  
OR KNOW PEOPLE IN THE FINANCE INDUSTRY OR COMMERCIAL REAL  
ESTATE FOLKS.  
ASK THEM IF YOU CAN GET FINANCING OR RAW LAND TODAY OR EVEN  
ENTITLED LAND.  
YOU CAN'T DO IT.  
SO IF YOU'RE THINKING THAT WE CAN JUST PUT CONE RANCH ON  
THE OPEN MARKET THROUGH A BID PROCESS, SELL IT TO THE  
HIGHEST BIDDER, YOU'RE GOING TO BE IN FOR A RUDE AWAKENING.  
YOU'RE NOT GOING TO GET A GOOD PRICE JUST BY DOING THAT.  
REALLY THE WAY TO MAXIMIZE THE VALUE IS TO IDENTIFY BUYERS  
THAT HAVE A CONSERVATION ETHIC THAT ARE WILLING TO PAY FOR  
IT, AND WE THINK WE'VE GOT A STABLE OF BUYERS LINED UP THAT  
WILL ACCOMPLISH THAT GOAL.  
OUR COMPENSATION, MUCH DEBATED TOPIC, READ ABOUT IT IN THE  
PAPERS A LOT.  
AND WE'VE ALWAYS SAID IT WOULD BE A FAIR AND REASONABLE  
FEE.  
I'LL PUT A LITTLE MORE SUBSTANCE TO IT TODAY.  
FCEG WILL ANTICIPATE TAKING SOMEWHERE BETWEEN A 5% AND A 9%  
FEE ON THE GROSS SALES PRICE OF WHATEVER THE LAND SALE  
BRINGS.  
THAT FEE IS IN LINE WITH WHAT A TYPICAL REAL ESTATE BROKER  
WOULD GET, BUT IN THIS CASE, WE'RE NOT SIMPLY HANGING A  
BROKERAGE LICENSE SHINGLE AND SAYING, ALL COMERS JUST COME  
AND SIGN OUR FLORIDA REAL ESTATE CONTRACT AND WE WALK AWAY.  
OBVIOUSLY WE'RE NOT DOING THAT.  
I MEAN, THAT IS A CAPABILITY WE HAVE AS HOLDING A BROKERAGE  
LICENSE.  
YOU CAN'T SELL LAND IN FLORIDA WITHOUT IT, BUT THAT'S NOT  
JUST THE SERVICES WE PROVIDE.  
SO BEYOND EVERYTHING WE'VE TALKED ABOUT, ASSISTING WITH THE  
LAND MANAGEMENT PLAN, IDENTIFYING BUYERS, WORKING ON THE  
CONSERVATION EASEMENT, CREATING THE CONCEPT THAT DOES  
SOMETHING MORE THAN JUST SITTING ON THE LAND, WE WOULD BE  
PAID SOMEWHERE BETWEEN 5% AND 9%.  
WE WOULD ALSO TAKE A PORTION OF OUR FEE AND DONATE IT BACK  
TO THE TRUST FOR PERPETUAL LAND MANAGEMENT AND EASEMENT  
MONITORING.  
WHAT IS THE NUMBER?  
I DON'T KNOW.  
I MEAN, I CAN'T STAND UP HERE AND TELL YOU WE'RE GOING TO  
GET 7% AND LET'S VALUE IT AT \$20 MILLION, SO YOU DO THE  
MATH AND YOU COME UP WITH A \$1,400,000.  
IS THAT THE NUMBER?  
I HAVE NO IDEA.  
I MEAN, IF YOU CAN'T -- NUMBER ONE, WE HAVE TO GET AN  
APPRAISAL AT SOME POINT.  
I THINK WE'RE GOING TO WORK ON -- NOT WE, BUT I THINK THE  
COUNTY'S GOING TO WORK ON DOING THAT, BECAUSE YOUR  
APPRAISAL IS GOING TO GOVERN, NOT OURS.  
SO WHAT IS THE FINAL NUMBER?  
WE HAVE NO IDEA.

AGAIN, WE ANTICIPATE TAKING ON THE LOW END 5, ON THE HIGHER END 8 OR 9.

WE WOULD DONATE SOME OF THAT BACK EITHER TO THE TRUST OR TO ELAPP BECAUSE WHAT WE WOULD LIKE TO SEE HAPPEN IS ALL OF THE MONEY FROM THIS TRANSACTION, EVERY SINGLE PENNY, GO TO FURTHER ELAPP AND FURTHER ENVIRONMENTAL PRESERVATION.

NOW, WE WERE TOLD WE CAN'T DO THAT BECAUSE OF THE BOND COVENANTS.

WELL, A COUPLE OF OUR FOLKS SAID, WELL, THE HELL WITH THE BOND COVENANTS, WE'RE GOING TO DO IT ANYWAY.

WELL, NICE THOUGHT, BUT I DON'T THINK WE CAN GET THERE.

SO OUR PLAN WOULD BE CAN WE TAKE ALL THIS MONEY, WHETHER IT'S 20 MILLION OR 50 MILLION, WHATEVER IT IS, AND GIVE IT ALL TO ENVIRONMENTAL PRESERVATION?

WE WOULD LIKE TO DO THAT.

AND IF WE CAN FIGURE OUT A WAY TO DO THAT AND GET AROUND THE BOND COVENANTS AND -- I SHOULDN'T SAY GET AROUND THEM --

- STILL COMPLY WITH THEM LEGALLY SO YOU DON'T UNDERCUT THE RATEPAYERS AND THE BONDHOLDERS, THAT'S OUR PREFERENCE.

TAKE EVERY SINGLE PENNY FROM THIS PROJECT AND DONATE IT TO ELAPP OR TO A COUNTY TRUST TO BUY FUTURE ENVIRONMENTAL PRESERVATION [INAUDIBLE].

I DON'T THINK THAT'S COME OUT A LOT.

WE'VE READ A LOT IN THE PAPERS ABOUT, OH, ALL THIS MONEY HAS TO GO SOMEWHERE ELSE OR THESE GUYS ARE GOING TO TAKE A BIG FEE.

THAT'S NOT THE CASE.

WE ACTUALLY ANTICIPATE DONATING SOME OF OUR FEE BACK.

WE WANT ALL THE MONEY TO BE USED FOR ENVIRONMENTAL PRESERVATION.

AND IF THAT CAN BE DONE, WE SUPPORT IT WHOLEHEARTEDLY.

WE TALKED ABOUT THE CONE RANCH LAND TRUST.

ALSO IN HERE I JUST WANT TO SAY THE TRANSPARENCY OF PROCESS, YOU KNOW, WE'VE NEVER NOT ANSWERED A QUESTION THAT WE'VE BEEN ASKED.

IF WE DIDN'T KNOW THE ANSWER, WE'D SAY WE DON'T KNOW, WE'LL GO FIND OUT, BUT WE'VE ALWAYS TRIED TO TO HAVE A VERY TRANSPARENT PROCESS.

ANYTHING THAT YOU WANT TO KNOW ABOUT WHO WE ARE, WHAT WE'VE DONE, WHAT WE'RE PROPOSING TO DO, BE HAPPY TO SIT DOWN WITH EVERYBODY AND TALK ABOUT IT.

YOU'RE GOING TO GET COPIES OF EVERYTHING THAT WE'VE TALKED ABOUT TODAY, AND I HOPE THAT WE CAN COME TO A SOLUTION THAT -- THAT WORKS FOR EVERYBODY, WORKS FOR ELAPP, WORKS FOR HILLSBOROUGH COUNTY, WORKS FOR FCEG, WORKS FOR THE TAXPAYERS.

I'VE ALSO GOT HERE A COUPLE OF EXHIBITS.

ONE IS EXHIBIT "A," AND IT'S A TIMELINE, AND EVERYBODY WHEN WE'VE COME UP HERE AND TALKED, THEY SAY, WE NEED MORE DETAIL, WE NEED MORE DETAIL.

IT'S A DOUBLE-EDGED SWORD.

YOU GIVE THEM MORE DETAIL, AND THEY SAY, WELL, WE DON'T LIKE THAT DETAIL.

AND SO I'LL SAY THIS CAVEAT IS THAT WHATEVER WE GIVE YOU TODAY, IF YOU SEE SOMETHING YOU DON'T LIKE OR IF YOU THINK SOMETHING DOESN'T MAKE SENSE, THE DOOR IS WIDE OPEN, IN TERMS OF WHETHER IT'S THE CONSERVATION EASEMENT TENETS, RESERVED RIGHTS PROHIBITIONS, OR EVEN OUR TIMELINE, WHICH REALLY LAYS OUT STARTING FROM TODAY, AUGUST 14th, THE TIMETABLE WE ANTICIPATE SEEING THIS THING GETTING EITHER VOTED UP OR DOWN AND APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS, APPROVAL BY THE BOARD, AND THEN STARTING THE SALES PROCESS ON CONE RANCH.

IT TAKES US ACTUALLY OUT THROUGH SEPTEMBER OF 2010.  
WE'RE TRYING TO BE SOMEWHAT REALISTIC ABOUT THIS THINKING  
IF YOU-ALL APPROVE THIS TODAY, ARE BUYERS GOING TO RUN TO  
OUR DOORS AT 5:00 TO BUY THIS?  
IT'S GOING TO TAKE SOME EFFORT.  
WE THINK THE PROCESS, PROBABLY A YEAR IS A GOOD TIME FRAME.  
THE OTHER THING WE'VE GOT, AS I MENTIONED, IS A CONCEPTUAL  
PLAN ON THE -- ON THE -- ON THE -- HOW THE PARCELS WOULD  
LOOK, AND THIS IS IT RIGHT HERE.  
WE'LL HAND IT AROUND.  
AND AGAIN, THIS WAS DONE IN CONJUNCTION WITH A SCIENTIST  
FROM THE TNC, AND IT WAS REALLY JUST A FIRST CUT AT WHAT  
COULD SIX PARCELS ROUGHLY EQUALLY DISTRIBUTED LOOK LIKE ON  
CONE RANCH.  
AGAIN, YOU'VE GOT SOME ACCESS ISSUES IN THE NORTH PART OF  
THE PROPERTY.  
THE COUNTY PARK AREA'S IDENTIFIED AS THE PASSIVE REC PARK,  
WHICH IS ON THE -- KIND OF THE MIDSIDE OF THAT MAP AND TO  
THE WEST, BUT AGAIN, YOU'LL GET COPIES OF ALL THIS.  
SO I'M OPEN TO QUESTIONS.  
I HOPE WE'VE WALKED YOU THROUGH EVERYTHING THAT YOU'VE GOT  
QUESTIONS ABOUT, BUT I'D BE HAPPY TO ANSWER MORE.  
I KNOW KEITH WOULD BE AS WELL.  
WE'VE ALSO -- NOT THAT I WANT TO BRING ALL THE LAWYERS UP  
HERE, BUT WE'VE GOT OUR COUNSEL WITH US HERE TODAY IF WE  
GET NO A TECHNICAL DISCUSSION OF WHETHER THIS LEGALLY CAN  
BE DONE OR NOT.  
I KNOW SOME OF YOU ON THE PANEL ARE LAWYERS, SO I  
APPRECIATE YOUR TIME.  
>>HEIDI McCREE: GREAT.  
KEN, THANK YOU VERY MUCH.  
WE'VE GOT A LOT OF QUESTIONS.  
I THINK I SAW HUGH FIRST, THEN DENISE, AND THEN WE'LL GO TO  
FELIX, AND I'M SURE MAYBE EVERYONE HAS SOME QUESTIONS, SO  
HUGH.  
>>HUGH GRAMLING: KEN, THE WAY I UNDERSTAND YOUR PROPOSAL  
IS THE TRUST IS PROPOSING TO BUY THE PROPERTY REGARDLESS OF  
THEIR ABILITY TO SELL THE -- THE SIX PARCELS OR WHATEVER  
THE COMPONENT IS?  
>> YES.  
WE WOULD ANTICIPATE AT SOME POINT PROVIDING BRIDGE  
FINANCING TO FUND THE TRUST SO THAT THE PROPERTY COULD BE  
PLACED IN PERPETUAL CONSERVATION.  
EITHER WAY, FAIR MARKET VALUE IS PAID.  
AND AGAIN, ON A FAIR MARKET VALUE QUESTION, IF YOU LOOK  
BACK WHAT THE PREVIOUS APPRAISAL -- AND THAT'S REALLY THE  
LAST ONE WE HAVE TO GO BY.  
THERE HASN'T BEEN ONE DONE IN QUITE A WHILE.  
THE LAST APPRAISAL ACTUALLY SAID HIGHEST AND BEST USE WAS  
PRESERVATION.  
SO WHEN YOU LOOK AT IT FROM THAT PERSPECTIVE, I GUESS IT  
BEGS THE QUESTION DOES HAVING A PRESERVATION DESIGNATION ON  
THE LAND REALLY IMPAIR THE VALUE WHEN THE LAST APPRAISAL  
DONE SAID THAT THE HIGHEST AND BEST USE WAS, IN FACT,  
PRESERVATION?  
SO, YOU KNOW, AGAIN, I THINK WE MIGHT BE SURPRISED.  
I THINK KEITH MADE THE REFERENCE EARLIER THAT ON THIS ONE  
PROPERTY THEY'RE DOING, THE DIFFERENCE IN THE VALUES WITH  
AND WITHOUT WERE REALLY NOT THAT GREAT, UNLESS THIS LAND  
WAS ALREADY ENTITLED FOR 10,000 HOUSES, WHICH IT'S NOT.  
>>HUGH GRAMLING: GOOD ANSWER, WRONG QUESTION.  
THE QUESTION WAS THE SALE -- SALE OF THIS PROPERTY THAT THE  
COUNTY WOULD MAKE IS NOT CONTINGENT ON FUTURE SUBDIVISION

OF THE PROPERTY?

IN OTHER WORDS, THE TRUST IS GOING TO BUY THIS REGARDLESS OF WHERE THEY HAVE A COMMITMENT FROM UP TO SIX LANDOWNERS TO BUY THE SUBDIVISION?

>> YES.

>>HUGH GRAMLING: OKAY.

SECOND QUESTION.

YOU SAID IN THERE THAT -- NO AG, AND THEN IN THE RESERVES YOU TALKED ABOUT CATTLE RANCHING AND THE SILVICULTURE PRACTICE ASSOCIATED WITH THE ROTARY PORTION OF THE PROPERTY.

IS THAT YOUR INTENT?

>> IS WHAT MY INTENT?

>>HUGH GRAMLING: THAT THERE BE NO AG OTHER THAN THE RESERVE FOR CATTLE RANCHING AND THE SILVICULTURE ON A SPECIFIC SMALL AREA?

>> I GUESS IT DEPENDS HOW YOU WOULD DEFINE AGRICULTURE.

KEITH CAN TALK A LOT MORE ABOUT IT.

HE'S DONE A LOT MORE CONSERVATION EASEMENTS THAN I HAVE.

THE INTENT WOULD BE TO LIMIT INTENSIVE AGRICULTURE USES OR COMMERCIAL AGRICULTURE USES SO YOU COULDN'T PLANT CROPS AND EXPLOIT THE LAND IN THAT WAY.

IF A PARTICULAR PARCEL MADE SENSE FOR LIMITED CATTLE GRAZING, THEN YES, THAT MAY BE PERMITTED.

AGAIN, THAT'S REALLY SOMETHING WE'VE THROWN OUT THERE, BUT WE'D LIKE TO GET SOME FEEDBACK FROM THE PANEL AND FROM THE FOLKS THAT ARE REALLY EXPERTS IN THE AREA, WHAT DO YOU THINK SHOULD BE DONE IN WE HAVE AN IDEA IT SHOULD BE LIMITED AGRICULTURE, VERY LIMITED.

NO COMMERCIAL AGRICULTURE.

>>HUGH GRAMLING: I THINK IT WOULD BE MUCH CLEARER IF YOU PUT THE WORD "INTENSIVE" IN FRONT OF AG, NO INTENSIVE AGRICULTURE, AND ALLOW THOSE THINGS THAT CURRENTLY ARE BEING DONE OR LOW-IMPACT, LESS-INTENSIVE KIND OF AG, YOU KNOW, BUT THAT'S SOMETHING FOR THE COMMITTEE TO RECOMMEND.

>> YES.

>>HUGH GRAMLING: YOU ALSO SAID THERE WOULD BE NO AUTHORITY BECAUSE OF THE COVENANTS TO EXTRACT ANY GROUNDWATER.

WHAT ABOUT A HOUSE WELL?

>> YEAH, I THINK YOU'D HAVE TO ACCEPT THAT IN THE CONSERVATION EASEMENT, AND YOU'D WANT TO MAKE IT VERY LIMITED.

YOU'D WANT TO PUT RESTRICTIONS ON USE.

I MEAN, YOU COULDN'T -- THAT'S WHY YOU'D SORT OF ADVISE AGAINST HAVING THE -- AS HAS BEEN DESCRIBED IN THE PRESS THE 20,000-SQUARE-FOOT MANSION THAT, YOU KNOW, LIKE OUT HERE ON BAYSHORE THAT USES TWO MILLION GALLONS A YEAR.

YOU COULDN'T DO THAT.

AND WE WOULD HAVE TO SET STRICT LIMITATIONS.

YOU HAVE TO BE ABLE -- I GUESS YOU HAVE TO STRIKE THAT BALANCE BETWEEN DOING SOMETHING THAT ATTRACTS PRESERVATION BUYERS VERSUS TELLING THEM THAT THEY CAN BUILD A 50-SQUARE-FOOT SHACK IN THE WOODS WITH NO HEAT, NO LIGHT, NO POWER, NO WATER, SO IT'S THAT DELICATE BALANCE, AND I EXPECT THAT WE'RE GOING TO HAVE TO WALK THROUGH THAT PROCESS, BUT IT WOULD BE LOW IMPACT, NOT HIGH-INTENSITY WATER USE, AND WE ANTICIPATE ADDRESSING THAT AS WE START TO DRAFT THE EASEMENT.

>>HUGH GRAMLING: ONE OF THE OTHER ELEMENTS THAT CONCERNED ME A LITTLE BIT IS THE APPARENT EXCLUSION OF SILVICULTURE ON THE LAND OUTSIDE OF THE ROTARY PORTION.

I WOULD THINK THAT SILVICULTURAL PRACTICES, ACCORDING TO BEST MANAGEMENT PRACTICES AS DEVELOPED BY THE STATE, WOULD

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CERTAINLY BE IN LINE WITH THE CONSERVATION THAT YOU WOULD WANT ON THE PROPERTY, AND I CERTAINLY HOPE THOSE WOULD BE ENCOURAGED.

YOU SAID ONLY A HOUSE.

WHAT ABOUT AN OUTBUILDING LIKE A SMALL BARN OR STORAGE SHELTER.

>> YEAH.

AGAIN, WE HAVEN'T GOTTEN INTO THE DETAIL ABOUT IT'S GOING TO BE A 2500-SQUARE-FOOT HOUSE WITH TWO HORSE BARNS AND A TRACTOR BARN.

I THINK ALL THOSE THINGS ARE REALLY ON THE TABLE PROVIDED YOU WANT THEM TO BE ON THE TABLE.

IF YOU TELL US OR IF YOU TELL THE BOARD OF COUNTY COMMISSIONERS WE THINK IT SHOULD BE A SINGLE HOUSE OF 1,000 SQUARE FEET, WELL, THEN, THAT'S THE RECOMMENDATION, BUT IF YOU THINK IT'S PALATABLE TO HAVE A 3,000-SQUARE-FOOT HOUSE WITH A TRACTOR BARN AND HORSE BARN, THAT'S OKAY.

THAT'S GOING TO BE DICTATED BY HOW THE CONSERVATION EASEMENT GETS DRAFTED.

WHAT IS OUR VIEW?

IT SHOULD BE A LIMITED FOOTPRINT, A VERY LIMITED FOOTPRINT, BUT NOT SO MUCH LIMITED THAT WE CAN'T ATTRACT CERTAIN CONSERVATION BUYERS TO BUY THE PROPERTY.

>>HUGH GRAMLING: GOOD.

AND MY LAST COMMENT IS A COMMENT.

I HOPE WHEN YOU'RE STARTING TO IDENTIFY PURCHASERS, YOU'LL GIVE SOME KIND OF PRIORITY TO ANYBODY IN THE LOCAL COMMUNITY, PARTICULARLY HILLSBOROUGH COUNTY, THAT MAY BE INTERESTED IN PURCHASING THIS BEFORE YOU SEEK OUTSIDE BUYERS.

>> WE'D LOVE NOTHING MORE THAN FOR HILLSBOROUGH COUNTY RESIDENTS TO BUY THIS.

>>HUGH GRAMLING: THANK YOU.

>>HEIDI McCREE: THANK YOU, HUGH.

DEE.

>>DENISE LAYNE: AS USUAL, I'VE GOT A BUNCH OF QUESTIONS, BUT PROBABLY MOST OF IT IS FOR STAFF JUST TO CLARIFY THINGS YOU'VE SAID AND THINGS THAT THEY'VE SAID OVER THE TIME, BUT TO YOU, KEN, WOULD YOU BE WILLING -- OBVIOUSLY YOU'RE BUYING THE LAND --

>> FEE SIMPLE.

>> -- WITH THE CONSERVATION EASEMENT ON IT.

WOULD YOU BE WILLING TO ONLY BUY A CONSERVATION EASEMENT, ALLOW THE OWNERSHIP TO BE RETAINED WITHIN THE WATER DEPARTMENT, AND ACTUALLY BUY THE DEVELOPMENT RIGHTS AND BUY THE -- YOU KNOW, FROM THEM, THEN BECOME THE MANAGER, YOU WOULD THEN SELL CONSERVATION EASEMENT RIGHTS?

OR IS YOUR DEAL ABSOLUTELY A FEE SIMPLE MUST BUY THE LAND? ARE YOU WILLING TO LOOK AT CONSERVATION ONLY?

>> OH, OH, THERE'S NO QUESTION ABOUT THAT.

THE QUESTION BECOMES CAN YOU WORK WITH TAMPA BAY WATER'S EXISTING RIGHTS TO JUST SELL THE EASEMENT?

AND CAN YOU GET BUYERS THAT WILL ONLY WANT TO JUST BUY THE EASEMENT VERSUS THE FEE SIMPLE?

AND DOES THAT AFFECT THE BOND COVENANTS FOR THE DEBT THAT'S ON CONE RANCH?

BUT THE ANSWER IS YES.

IF WE CAN FIGURE OUT A WAY TO DO THAT AND THAT'S WHAT THE COMMITTEE RECOMMENDS, ABSOLUTELY.

I STILL THINK OUR TRANSACTION AND THE PRESERVATION ETHIC THAT WE'VE COME UP WITH WORKS EVEN UNDER JUST AN EASEMENT SCENARIO.

>>DENISE LAYNE: AND MY SECOND QUESTION TO YOU IS WOULD YOU

BE WILLING TO BUY PART OR MUST IT BE ALL?

>> NO.

IN FACT, I THINK IT -- IT'S A GOOD QUESTION.  
YOU JOGGED MY MEMORY.

IF YOU GO BACK TO WHAT ELAPP TALKED ABOUT -- AND I FORGET  
HOW MANY YEARS AGO, I THINK IT WAS TEN OR 12 YEARS AGO, AND  
YOU LOOK AT THE -- THERE'S A LETTER, AND AGAIN, IT'S IN OUR  
PACKET AND YOU CAN CERTAINLY READ IT, BUT IT TALKED ABOUT  
HOW MUCH OF CONE RANCH SHOULD ACTUALLY BE BOUGHT FOR  
PRESERVATION, AND THE ANSWER THEY GAVE BACK THEN WAS 7500  
ACRES.

I DON'T KNOW EXACTLY WHICH 7500 ACRES, BUT IT WAS 7500.  
THEY SAID THE REST OF IT WASN'T WORTHY OF PRESERVATION.  
SO TO ANSWER YOUR QUESTION, YES, WE WOULD DO A HYBRID MODEL  
WHERE, LET'S SAY, WE ONLY BOUGHT 6,000 ACRES, AND THEN THE  
OTHER 6,000 ACRES STAYED, WHETHER IT'S IN PERPETUAL COUNTY  
OWNERSHIP OR THE COUNTY WANTS TO DO A MITIGATION BANK WITH  
THE D.O.T., ANYTHING LIKE THAT.

I THINK -- I THINK THOSE USES ARE NOT INCOMPATIBLE, SO YES,  
YOU COULD CARVE UP A PIECE OF IT, SURE.

WE'D BE WILLING TO LOOK AT THAT.

>>DEE LAYNE: YOU'RE WILLING TO PARTNER WITH WHATEVER IT  
TAKES?

>> ABSOLUTELY.

>>DENISE LAYNE: ALL RIGHT.

LET ME JUST THROW SOME QUESTIONS OUT THERE, AND GOOD LUCK  
WHO WANTS TO ANSWER THEM.

I GUESS ANYBODY WITH THE ANSWER.

IS THIS STILL CONSIDERED SURPLUS PROPERTY?

>> YES.

[LAUGHTER]

>>DENISE LAYNE: YOU'RE POSITIVE; RIGHT?

IS IT GOING TO BE CONFIRMED BY STAFF YES?

>> SURPLUSING IS A THREE-LEGGED STOOL.

THE BOND COVENANTS REQUIRE FIRST THAT THE DIRECTOR DECLARE  
IT NO LONGER USEFUL.

THAT POSITION HAS TO BE CONFIRMED ESSENTIALLY BY THE  
INDEPENDENT CONSULTANT, THE BOND ENGINEER, AND THEN IT ALSO  
HAS TO BE APPROVED BY THE BOARD, AND ONLY THE FIRST TWO  
PARTS WERE COMPLETED IN THE LATE '90s.

>>DENISE LAYNE: OKAY.

SO THE THIRD LEG OF THE STOOL -- IT STARTED GOING THROUGH  
THE PROCESS BUT NEVER ACTUALLY COMPLETED IT?

>> RIGHT.

>>DENISE LAYNE: SO COULD THAT THIRD LEG IN AND OF ITSELF  
BE DONE TODAY WITH THE OTHER TWO ALREADY DONE TEN YEARS  
AGO, OR DOES IT HAVE TO START ALL -- THROUGH THE WHOLE  
THING AGAIN?

>> THAT'S A LEGAL QUESTION.

>>DENISE LAYNE: WELL, BECAUSE, I MEAN, YOU DECIDED IT WAS  
SURPLUS TEN YEARS AGO --

>> [INAUDIBLE]

>>DENISE LAYNE: NOT YOU PERSONALLY, BUT SOMEBODY OBVIOUSLY  
DID, AND IT STARTED THE PROCESS, SO --

>>HEIDI McCREE: WE HAVE A COUNTY -- THANK YOU.

>> I THINK THE FACTS AND CIRCUMSTANCES HAVE ALTERED  
SUBSTANTIALLY IN THE LAST TEN YEARS.

WE'D HAVE TO GO BACK AND LOOK AT THAT ISSUE TO SEE IF THOSE  
DOCUMENTS WOULD STILL BE ACCEPTABLE, SO I REALLY DON'T KNOW  
THE ANSWER TO THAT QUESTION NOW.

>>DENISE LAYNE: OBVIOUSLY IT'S A MULTILEVEL THING, YEAH.

>> WE'LL LOOK AT THAT.

>>HEIDI McCREE: LET'S PUT THAT ON THE TO DO LIST TO ANSWER

THAT QUESTION.

>>DENISE LAYNE: OKAY.

I ALSO SEE IN DOCUMENTS WE'VE GOTTEN IN THE PAST THAT WE WERE SUPPOSED TO BE PURSUING THE WATER RIGHTS FROM TAMPA BAY WATER.

I KNOW THERE'S AN INTERLOCAL AGREEMENT.

HAS ANYBODY IN THE COUNTY -- HAVE WE RESURRECTED -- I KNOW BIG-TIME THE BEGINNING OF THE CENTURY WE WERE STILL TRYING TO GET THE RIGHTS AWAY BECAUSE WE WERE AFRAID THEY WERE GOING TO BE A WELL.

HAS ANYBODY TRIED TO GO BACK TO TAMPA BAY WATER AND SAY, HEY, YOU GUYS READY TO GIVE UP THOSE RIGHTS YET?

TIMES HAVE CHANGED, YOU KNOW, AND I THINK POPULAR DEMAND HAS KIND OF TOLD THOSE GUYS THEY'RE GOING TO RUN INTO SOME BIG PROBLEMS IF THEY TRY TO PUT A BIG WELLFIELD OUT THERE.

>> DEE, I COULD TELL YOU MY CONVERSATION WITH JERRY SEEBER, AND AGAIN, I DON'T WANT TO SPEAK FOR MR. SEEBER, BUT I CAN TELL YOU WHAT HE TOLD US.

THE SENTIMENT WAS THAT THEY'RE NOT READY TO JUST GIVE THEM UP WAS WHAT I READ FROM THAT MEETING.

BUT WHAT HE SAID WAS IF YOU WANT TO DO A PLAN LIKE YOU'RE TALKING ABOUT, PROVIDED YOU DON'T ALTER OUR RIGHTS, THEN FEEL FREE.

SO I READ FROM THAT IS THAT THEY'RE NOT, LIKE I SAID, RUNNING TO THE PODIUM TO SIGN AWAY THEIR RIGHTS.

BUT THAT SAID, I THINK EVERYBODY REALIZES THAT CONE RANCH IS NOT PROBABLY A VIABLE WATER SUPPLY FOR THE BAY AREA ANYTIME SOON, AND EVEN UNDER THE BEST ESTIMATES, YOUR MGD IS SOMEWHERE BETWEEN -- I MEAN, IT'S ALL OVER THE MAP, BUT I THINK IT PERSONALLY -- I'M NOT A HYDROLOGIST, BUT IT'S PROBABLY BETWEEN ONE AND THREE MILLION.

I'VE HEARD THAT NUMBER.

EVERYBODY BACK TEN YEARS AGO THOUGHT IT WAS FIVE TO TEN.

TWENTY YEARS BEFORE THAT, THEY THOUGHT IT WAS 30 TO 40.

SO I THINK THE VIABILITY OF A FUTURE DRINKING WATER SOURCE IN THE BAY AREA IS NOT GREAT.

SO IT SORT OF BEGS YOUR QUESTION WILL TAMPA BAY WATER GIVE UP THOSE RIGHTS?

I HAVE NOT SEEN ANY INDICATION THAT THEY'LL DO THAT, BUT AGAIN, THAT'S NOT A STUMBLING BLOCK OR A FATAL FLAW FOR WHAT WE WANT TO DO.

>>HEIDI McCREE: ED, DID YOU WANT TO COMMENT AS WELL?

>> WELL, I'LL JUST SAY THERE HAVE BEEN CONVERSATIONS ON AND OFF OVER THE YEARS ON THAT ISSUE, AND THERE HAVE BEEN CONVERSATIONS ABOUT, WELL, HOW MUCH DOES TAMPA BAY WATER HAVE IN THE PROPERTY AT THIS POINT IN TERMS OF THEIR INVESTMENT.

YOU KNOW, I WOULD THINK THEY WOULD WANT TO BE COMPENSATED FOR THAT, AND THERE HAVE BEEN NUMBERS THROUGH THE MILLION -

- SEVEN MILLION, YOU KNOW, FLOATED AROUND OVER THE YEARS.

NOBODY HAS CONTACTED TAMPA BAY WATER RECENTLY SINCE, YOU KNOW, THE SITUATION HAS ARISEN TO DISCUSS THE ISSUE, BUT I WOULD GENERALLY AGREE THAT I WOULD THINK THAT IF SOMEBODY WANTED TO GO OUT THERE AND GET A PERMIT AT THIS POINT IN TIME, IT WOULD BE VERY DIFFICULT TO DEVELOP AN ECONOMICALLY VIABLE WELLFIELD ON THAT PROPERTY GIVEN CURRENT SWFWMD RESTRICTIONS.

>>DENISE LAYNE: OKAY.

IT WAS -- YOU MENTIONED, KEN, THAT COUNTY STAFF LIVES ON THE PROPERTY.

IS THAT TRUE?

I THOUGHT THAT WAS CARLTON'S STAFF.

THERE'S NO COUNTY STAFF?

>> I THOUGHT -- WELL, FROM MY TOURS OUT THERE, I WAS TOLD A COUPLE TIMES -- PETE, YOU AND I TALKED ABOUT THIS. MAYBE THERE'S SOME CONFUSION, BUT ON THE SOUTH SIDE OF THE PROPERTY THERE'S SOME COUNTY EMPLOYEES WHO ACTUALLY RESIDE ON THE PROPERTY.

>> WELL, THROUGH AN AGREEMENT WITH THE WATER DEPARTMENT, WE DO HAVE WHAT WE CALL SITE SECURITY, WHICH IS WHAT WE DO AT ALL OF OUR -- MANY OF OUR REGIONAL PARKS.

>> IS THAT THE VANNETTA --

>> YEAH, THAT'S -- IT'S -- YEAH, PAT VANNETTA IS AN EMPLOYEE OF THE PARKS DEPARTMENT.

HE AND HIS WIFE RESIDE ON THE SITE, AND THEN DICK AND KAREN WARREN LIVE ON THE INTERIOR AND PROVIDE WHAT WE CALL SITE SECURITY.

THEY PATROL AND THEY DO MINIMAL AMOUNT OF MAINTENANCE ON THE FIRE LANES AND EXOTIC CONTROL, ET CETERA.

>>DENISE LAYNE: AND WE'RE TALKING ABOUT THAT 7500 ACRES THAT ELAPP SAID THAT THEY THOUGHT WOULD BE -- CAN ELAPP -- WILL -- CAN SOMEBODY FROM ELAPP -- CAN WE GO BACK AND FIND OUT WHAT -- WHICH OF THE 12,000 THAT 7500 IS?

BECAUSE OBVIOUSLY THEY WERE LOOKING AT SOMETHING, YOU KNOW, THAT WAS VERY VIABLE, AND WILDLIFE CONNECTION'S HUGE.

I MEAN, I CAN'T STRESS THAT ENOUGH, TRYING TO KEEP THAT -- KEEP A CONNECTION.

KEN, TO YOU, IS THERE GOING TO BE ONE LAND MANAGEMENT PLAN THAT GOES ACROSS NO MATTER WHO AND WHAT THEY BUY THAT FOR, WE'RE GOING TO LOOK AT THE LAND MANAGEMENT.

IF THEY BUY THIS PIECE VERSUS THAT PIECE VERSUS -- THEY'RE GOING TO HAVE TO COMPLY?

YOU'RE NOT GOING TO HAVE SIX DIFFERENT MANAGERS WATCHING THIS.

YOU'RE NOT GOING TO HAVE SIX DIFFERENT PLANS IF YOU DO THAT.

THERE'S ONE PLAN TO KEEP THE ECOSYSTEM AS A WHOLE, CORRECT?

>> YES, THAT'S THE IDEA IS A SINGLE PLAN REGARDLESS OF WHETHER YOU'VE GOT SINGLE PARCELS OR TWO PARCELS.

OBVIOUSLY IF YOU'VE GOT ONE PARCEL, THERE'S NO QUESTION.

IT'S A VALID QUESTION.

IF YOU HAVE FIVE OWNERS, DO YOU HAVE FIVE DIFFERENT MANAGEMENT PLANS?

THE IDEA TO HAVE ONE CONSERVATION EASEMENTS OVER THE ENTIRE PROPERTY, SAME TENETS APPLY TO EVERYBODY.

YOU'VE GOT THE TRUST THAT OVERSEES THAT UNIVERSALLY REGARDLESS OF WHETHER YOU OWN THE SOUTH PORTION OR THE NORTH PORTION.

>>HEIDI McCREE: AND DEE, IF I MAY, JUST SO WE UNDERSTAND THAT, AS I HEAR IT, THE LAND MANAGEMENT PLAN WOULD BE DEVELOPED, IT STILL NEEDS TO BE RE-CREATED IF YOU WILL, AND THEN GOING TO WHAT KEITH WAS SAYING, YOU COULD INCORPORATE THAT INTO THE EDR?

WOULD THAT BE PART OF THE CLOSING OF THE DEAL SO THAT LAND MANAGEMENT PLAN WOULD BE DONE BEFORE ANY DEAL IS CLOSED AND WOULD BE INCORPORATED INTO THE EDR SO THAT AT THE VERY BEGINNING OF -- OR AT THE CLOSING OF THE DEAL THAT WOULD BE IN PLACE?

I'M JUST ASKING A FOLLOW-UP BECAUSE I WANT TO UNDERSTAND.

IS THAT THE UNDERSTANDING?

>> I'M SO SORRY.

HE WAS ADJUSTING THE MIKE.

>>HEIDI McCREE: THAT PROCESS --

>> WHEN YOU SAID THAT, I DIDN'T --

>>HEIDI McCREE: WELL, I'LL ASK KEITH.

IS THAT HOW YOU --

>> YES.

THE LAND MANAGEMENT PLAN CAN ACTUALLY BE INCORPORATED INTO THE EASEMENT ITSELF BY REFERENCE.

>>HEIDI McCREE: OKAY.

SO IT'S DONE UP FRONT?

>>DENISE LAYNE: AND WE'RE NOT GOING TO WAIT FOR YOUR SIX BUYERS TO COME ONBOARD AND FIND OUT WHAT THEY WANT TO DO VERSUS WHAT WE WANT THEM AS A WHOLE?

>> I THINK AS KEITH SAID -- AND AGAIN, HE'S GOT A HECK OF A LOT MORE EXPERIENCE IN GETTING INTO THE NITTY-GRITTY OF THE CONSERVATION ISSUES THAN I DO, BUT WE INTEND TO SET FORTH A PLAN, AND IF SOMEBODY COMES IN AND SAYS, YOU KNOW WHAT, I REALLY WANT TO HAVE AN EXTRA "X," "Y," OR "Z," DEPENDING ON WHAT THAT IS -- I MEAN, IF IT'S A LANDING STRIP, YOU KNOW, THE ANSWER IS NO.

YOU'RE NOT [INCOMPREHENSIBLE].

IF YOU WANT TO LAND YOUR GULFSTREAM OUT HERE, YOU CAN'T DO IT.

IF YOU WANT TO ADD ANOTHER 50 FEET TO YOUR GARAGE, MAYBE.

IT'S ALL GOING TO BE CASE SPECIFIC, BUT WE'RE NOT INTO PUTTING OUT AN OPEN ENDED SAYING ANYBODY JUST COME AND WE'LL TAILOR IT TO SUIT YOUR NEEDS.

THAT'S NOT THE IDEA.

THE IDEA IS CONSERVATION FIRST, ATTRACT BUYERS, AND IF WE GET SOMEBODY WHO'S REALLY INTERESTED AND THEY WANT TO NEGOTIATE, LIKE KEITH SAID, ANY TIME THE LAWYER GETS AHOLD OF IT, IT'S GOING TO BE A WHOLE NEW NEGOTIATION.

WE WOULD LIKE TO SEE THIS PLAN STICK TO ITS GUNS IN TERMS OF THE TENETS OF THE EASEMENT.

WE DON'T WANT TO GET INTO AN OPEN-ENDED DISCUSSION ABOUT PIE IN THE SKY WHAT YOU CAN DO ON THE NORTH SIDE VERSUS THE SOUTH SIDE.

OUR INTENT IS NOT TO SORT OF CUSTOMIZE THIS FOR EACH INDIVIDUAL BUYER AT THEIR WHIM, SO NO.

>>DENISE LAYNE: ALL RIGHT.

ACCORDING -- THIS IS MY LAST QUESTION UNTIL I THINK OF 30 MORE.

I'M NOT SURE HOW TO ASK THIS.

YOU'RE GOING TO PAY -- LET'S SET UP SOME SCENARIOS JUST SO I HAVE -- I HAVE MY MIND "A," "B," AND "C," AND I'LL SET UP A COUPLE.

FIRST OF ALL, LET'S ASSUME YOU'RE JUST BUYING A CONSERVATION EASEMENT VERSUS THE FEE SIMPLE, OKAY, AND THAT'S THE DECISION THAT IS MADE.

SO NOW WE'RE SITTING WITH COUNTY-OWNED LAND BONDED THROUGH THE WATER DEPARTMENT WITH A CONSERVATION EASEMENT.

THE MONEY YOU PAID THEM FOR THE EASEMENT WOULD HAVE TO GO INTO THE WATER DEPARTMENT INTO THE FUND THAT THE BOND SAYS YOUR -- I FORGET WHAT YOU CALL IT, BUT GOING BACK INTO LIKE YOUR WORKING AND YOUR NEW PROJECTS OR YOUR WATER PROJECT FUND; RIGHT?

>> [INAUDIBLE]

>>DENISE LAYNE: OKAY.

IT WOULD NOT PAY DOWN ANY OF THE DEBT, IT JUST GOES INTO THAT FUND, OKAY.

THEN I DO HAVE ONE MORE.

ALL RIGHT.

SO YOU'RE TALKING ABOUT WETLAND RESTORATION, SO THE MONEY YOU'RE THEN GOING TO GET OFF OF SELLING THE EASEMENTS, THE SIX PARCEL EASEMENTS, ASSUMING THAT THIS IS ALL GOING IN THE RIGHT DIRECTION, YOU'RE TALKING ABOUT PUTTING SOME OF THAT MONEY INTO A TRUST TO HELP FOR THE RESTORATION AND THE WETLANDS AND WHATEVER ON-SITE; CORRECT?

>> YES, ABSOLUTELY.

>>DENISE LAYNE: IS THAT THE PART YOU'RE SAYING IS LEGALLY GOING TO BE A PROBLEM BECAUSE OF -- KEITH -- I MEAN, I'M JUST TRYING --

>> YEAH, I'D LIKE TO SPEAK TO THIS ISSUE REAL QUICKLY. THE CONCEPT OF BUYING AN EASEMENT OVER THE PROPERTY AND LEAVING THE PROPERTY IN COUNTY OWNERSHIP IS SOMETHING THAT A PUBLIC PROGRAM COULD DO LIKE ELAPP BECAUSE THEY DON'T HAVE TO RECOVER THE MONEY THAT THEY PUT IN TO THE PAYMENT OF THE EASEMENT.

THE TRUST WOULD NOT BE ABLE TO DO THIS.

THE REASON BEING THAT WHILE THE CONSERVATION EASEMENT IS AN INTEREST IN REAL PROPERTY, IT'S NOT AN INTEREST THAT HAS ANY ASSET VALUE THAT YOU COULD THEN RESELL TO ANYBODY ELSE. I MEAN, THINK ABOUT -- THINK ABOUT THE TRANSACTION AFTER IT OCCURS.

YOU HAVE A LANDOWNER WHO HAS A PIECE OF LAND AND A VERY RESTRICTED SET OF RIGHTS AND THINGS THAT THEY CAN DO ON THE PROPERTY.

THE EASEMENT HOLDER, YOU HAVE TAKEN AWAY FROM THEM, BUT WHEN THE NATURE CONSERVANCY HOLDS AN EASEMENT, WE HAVE AN OBLIGATION TO GO OUT THERE ONCE A YEAR AND LOOK AT THE PROPERTY.

WE HAVE AN OBLIGATION TO ENFORCE THE TERMS OF THE EASEMENT, BUT WE CAN'T GO HUNTING OUT THERE, WE CAN'T GO RUN OUR OWN COWS OUT THERE.

THERE'S NO ASSET VALUE THERE, SO THE TRUST -- I DON'T SEE THE TRUST AS BEING ABLE TO BUY AN EASEMENT AND LEAVE THE PROPERTY WITH THE COUNTY.

ELAPP COULD, FLORIDA FOREVER COULD, SOMETHING LIKE THAT, A PUBLIC PROGRAM, BUT NOT -- NOT -- NOT AN ENTITY THAT HAS TO THEN RECOVER THAT MONEY THROUGH THE SALE OF THAT ASSET.

IS THAT CLEAR OR --

>> [INAUDIBLE]

>> OKAY.

>>HEIDI McCREE: OKAY.

GO AHEAD.

I DON'T WANT -- NO, NO.

YEAH, WELL -- OKAY.

ARE YOU SURE?

OKAY.

RAISE YOUR HAND AGAIN.

FELIX.

>>FELIX HAYNES: YES.

WE'VE TALKED AROUND MY QUESTION A LITTLE BIT, BUT I'D LIKE TO GO RIGHT TO THE CORE OF IT IF WE COULD.

YOU OFFERED AS PART OF YOUR PROPOSAL TO GIVE BACK PART OF YOUR FEE TO DEFRAY PARTIALLY OR TOTALLY THE --

>>HEIDI McCREE: FELIX, I'M SORRY TO INTERRUPT YOU.

WE NEED YOU TO SPEAK INTO THE MICROPHONE FOR THE PURPOSE OF -- THANK YOU.

>>FELIX HAYNES: YEAH.

YOU OFFERED AS PART OF YOUR PROPOSAL TO DONATE BACK PART OF YOUR FEE TO HELP DEFRAY SOME OR ALL OF THE COST OF MONITORING AND ENFORCING THE CONSERVATION EASEMENTS.

THAT'S A NICE POT SWEETENER, BUT IN MY MIND, THE RESPONSIBILITY FOR DETERMINING ALL THAT RESTS FIRST WITH US.

I MEAN, IT'S NICE WHAT YOU'VE SAID AND I APPRECIATE THAT, BUT -- SO I'M CONCERNED ABOUT THE COST, I'M CONCERNED ABOUT THE SOURCE OF FUNDS, I'M CONCERNED ABOUT A BUDGET FOR MONITORING AND ENFORCING THOSE -- THE CONSERVATION EASEMENT.

MONITORING WE SAID MIGHT NOT COST VERY MUCH MONEY.  
THAT MIGHT BE A VERY LOW COST, BUT WE KNOW THAT ONCE THE  
ATTORNEYS GET INTO AN ENFORCEMENT SITUATION, THE COSTS  
COULD MOUNT UP VERY, VERY QUICKLY, AND I REALLY THINK THAT  
AS PART OF THIS WE NEED TO DEAL WITH THAT QUESTION AND  
ESTABLISH RESPONSIBILITY FOR -- FOR JUST HOW ARE WE GOING  
TO DO THAT.  
AND AGAIN, THAT MAY NOT BE A QUESTION FOR YOU, BUT I THINK  
IT'S A QUESTION FOR US THAT WE NEED TO DEAL WITH AS PART --  
PART OF WHATEVER WE DO.  
>>HEIDI McCREE: OKAY.  
GOOD POINT.  
YES.  
>> I'M SORRY, DID ANYBODY WANT TO RESPOND TO THAT?  
>> NO, THAT'S FINE.  
>>HEIDI McCREE: SORRY.  
>> OKAY.  
I'M STILL CONCERNED ABOUT WHEN THIS CONSERVATION EASEMENT  
BECOMES EFFECTIVE BECAUSE NOW I'VE HEARD YOU SAY THAT THE  
TRUST INTEND TO TAKE FEE TITLE TO THE PROPERTY, ALL RIGHT.  
IF THAT HAPPENS, THE TRUST TAKES FEE SIMPLE TITLE TO THE  
PROPERTY AND IF THE CONSERVATION EASEMENT IS NOT IN PLACE  
YET AND THERE'S FINANCING INVOLVED, WHAT HAPPENS IF THE  
TRUST GOES BUST, A FORECLOSURE HAPPENS, AN AUCTION SALE,  
AND SOME UNKNOWN PARTY NOW OWNS THE PROPERTY AND THERE'S NO  
CONSERVATION EASEMENT IN PLACE?  
>> I THINK THAT YOU'RE ASSUMING THAT THE TRUST WOULD BUY IT  
AND THEN IN A VERY RAPID SUCCESSION OF UNWINDING WOULD GO  
DEFUNCT, WHICH I -- WHETHER IT -- YOU KNOW, AGAIN, I GUESS  
YOU REALLY CAN'T PREDICT INTO THE FUTURE, BUT WE WOULD  
ANTICIPATE THE EASEMENT BEING PLACED ON SIMULTANEOUSLY,  
RIGHT AT PURCHASE.  
>> WHEN THE CONSERVATION -- WHEN THE TRUST TAKES OWNERSHIP,  
THERE WOULD BE A CONSERVATION EASEMENT IN PLACE RIGHT THEN?  
>> IT WOULD HAVE TO BE -- IT WOULD HAVE TO BE PUT ON THERE  
RIGHT AT THAT TIME, SO WHETHER IT CAN BE DONE PRIOR TO OR  
IMMEDIATELY IN CONNECTION WITH THE SALE OR SHORTLY  
THEREAFTER, I THINK YOU'D WANT TO DO THAT.  
I DON'T THINK YOU WANT TO HAVE A SCENARIO WHERE THE LAND IS  
OUT THERE SOMEWHERE UNPROTECTED AND THEN A SCENARIO LIKE  
YOU DESCRIBED HAPPENS.  
>> I AGREE.  
I THINK THAT'S VERY IMPORTANT.  
BUT THEN THAT MEANS THERE'S NO NEGOTIATION WITH THIRD-PARTY  
CONSERVATION BUYERS.  
WHEN THEY COME ALONG, THEY JUST HAVE TO TAKE WHAT THE TRUST  
HAS ACQUIRED.  
>> WELL, PROVIDED THAT THERE'S NO AGREEMENT AMONG THE  
PARTIES, AND AGAIN, THAT'S WHAT WE GOT BACK TO EARLIER WAS  
THAT BOTH PARTIES WOULD HAVE TO COME TO THE TABLE TO AMEND  
IT, SO IF IT WAS SOMETHING MINOR LIKE ADDING 50 SQUARE FEET  
TO YOUR GARAGE, THE TRUST THAT OVERSEES IT COULD SAY, OKAY,  
THAT'S ACCEPTABLE TO US.  
WE THEN WILL DO THAT.  
BUT AS FAR AS WHOLESALE LAND -- YOU KNOW, LAND USE CHANGES,  
THAT'S SOMETHING THAT I WOULD THINK YOU WOULDN'T WANT TO  
DO.  
SO I GUESS THIS SORT OF GETS BACK TO DENISE'S QUESTION OF  
IS THIS GOING TO BE KIND OF A -- I DON'T WANT TO SAY TAKE  
IT OR LEAVE IT, BUT ARE YOU GOING TO SORT OF STICK TO YOUR  
GUNS AS FAR AS WHAT YOUR CONSERVATION TENETS SAY, AND THE  
ANSWER IS WE'RE SORT OF -- BASED ON THE TRANSACTIONAL  
NATURE, WE'RE SORT OF GOING TO HAVE TO UNLESS THEY'RE MINOR

AFTER THE FACT AND THE PARTIES CAN COME TOGETHER AND MAKE MINOR AMENDMENTS.

>> ALL THAT TELLS ME, THAT BEFORE THE SALE WE HAVE TO GET ALL THE STRUCTURE OF THIS IN PLACE IF WE'RE GOING TO IN FACT DO THIS.

>> YES.

ABSOLUTELY.

>> IF WE'RE GOING TO HAVE THE LAND USE TRUST BE THE -- THE HOLDER OF THE CONSERVATION EASEMENT, THAT TRUST HAS TO BE IN PLACE AND ABLE TO SIT AT THE TABLE AT CLOSURE AND SIGN APPROPRIATELY AND DO ALL THOSE THINGS, AND IF WE DON'T HAVE THAT, THEN WE'RE AT RISK.

>> YEAH.

AND THE TRUST HAS TO BE PREPARED TO MANAGE THE PROPERTY IN THE INTERIM UNTIL IT SELLS IT.

>> ABSOLUTELY.

AND LET ME SAY, DENISE, I THINK YOU ASKED AN EARLIER QUESTION AND KEITH CLARIFIED IT.

I MIGHT HAVE MISUNDERSTOOD YOUR QUESTION WITH RESPECT TO JUST TAKING AN EASEMENT.

I STILL WAS ASSUMING THAT THERE WOULD BE SOME SORT OF FEE TITLE PASSING SOMEWHERE ALONG THAT CHAIN.

IF THAT'S NOT THE CASE, I'LL SORT OF DEFER TO KEITH ON THE ANSWER.

I DIDN'T WANT TO LEAVE THE IMPRESSION THAT HE AND I ARE SAYING DIFFERENT THINGS.

I THINK I MISUNDERSTOOD WHAT YOU WERE SAYING, SO I'LL SAY THAT KEITH'S ANSWER IS THE CORRECT ONE, AND SORRY ABOUT THAT.

>>HEIDI McCREE: SO THAT I UNDERSTAND THIS, BEFORE THE CLOSING OF ANY SUCH TRANSACTION, THIS COMMITTEE, AS IT SO IS COMPOSED, THERE'S NO LAND TRUST YET FOR CONE RANCH, COULD WEIGH IN ON THE SPECIFIC CONDITIONS THAT WOULD GO INTO AN EASEMENT.

I HEARD YOU SAY YOUR -- YOU'VE GOT YOUR PROPOSAL, YOUR PLAN, BUT YOU HAVE -- YOU'RE OPEN TO COMMENTS FROM AT LEAST THIS COMMITTEE, AND OBVIOUSLY SINCE THIS IS THE PUBLIC PROCESS, WE CAN TAKE SOME PUBLIC COMMENT, SO GETTING BACK TO THE CONCERNS I'M HEARING OVER HERE, BY THE TIME THERE IS A CLOSING OF THE TRANSACTION REFERENCING KEITH'S EDR, THE EASEMENT DOCUMENT REPORT, WHICH IS -- WHICH CONTAINS THE LAND MANAGEMENT PLAN AND A WHOLE HOST OF OTHER CONDITIONS EMBEDDED INTO THE EASEMENT, WE WOULD AS A COMMITTEE OR IN THE WHOLE COMMUNITY WOULD HAVE AN OPEN BOOK OF WHAT THE CONDITIONS OF THAT EASEMENT CONTAIN?

>> ABSOLUTELY.

>>HEIDI McCREE: THEN, GETTING TO YOUR QUESTION, WHICH I THINK IS A REALLY GOOD ONE, IF THE SUBSEQUENT -- BECAUSE ALL THE RISK THEN SHIFTS TO YOU-ALL, THE -- THE -- YOU WOULD THEN HAVE TO GO OUT AND SELL THE LAND AND MAKE YOUR PROFIT, IF YOU WILL, YOUR 5% TO 9%, AND BLAH, BLAH, BLAH, TO FIND THE CONSERVATION BUYERS, BUT IF A BUYER COMES BACK AND HAS -- WOULD LIKE TO NEGOTIATE THE EASEMENT CONDITIONS, THEN THE TRUST THAT HAS BEEN CREATED -- AND I HAVE A QUESTION ABOUT THAT -- PRESUMABLY BY THE BOARD OF COUNTY COMMISSIONERS, I GUESS --

>> PRESUMABLY, YES.

>>HEIDI McCREE: -- WOULD ADDRESS THOSE TERMS AND HAS THE AUTHORITY TO SAY NO, YOU MAY NOT AMEND THIS EASEMENT AT ALL, TAKE IT OR LEAVE IT, AND THAT'S JUST A RISK THAT -- THAT YOU-ALL TAKE ON IN NEGOTIATING WITH YOUR FUTURE CONSERVATION BUYERS.

>> THIS IS NOT BY ANY STRETCH A RISK-FREE TRANSACTION FOR

US, NOT FROM THE PERSPECTIVE OF HAVING SPENT TWO YEARS TRYING TO DO IT, COMING HERE TODAY, COMING UP WITH A STRUCTURE.

THIS IS BY NO MEANS A GUARANTEED RETURN, IF YOU WILL. I MEAN, WE COULD END UP DOING ALL THIS WORK, SPEND ALL THIS TIME AND EFFORT, AND THEN WE -- AND THEN IF -- THE BOARD OF COUNTY COMMISSIONERS SAYS, NO, YOU CAN'T DO THAT OR WE DON'T WANT TO DO THAT, SO YEAH, YOU'RE RIGHT, THE RISK WOULD SHIFT AT THAT POINT, AND WE WOULD HAVE TO DEAL WITH IT.

IF SOMEBODY CAME BACK AND SAID WE WANT TO AMEND THIS EASEMENT, WE'D HAVE TO -- THE TRUST WOULD THEN HAVE TO TALK ABOUT IT AND FIGURE OUT IF THAT'S SOMETHING THEY WANT TO DO.

>>HEIDI McCREE: OKAY.

JUST SO THE COMMITTEE KNOWS, I WANT TO ASK PETE FOWLER IN A MOMENT TO GIVE US AN UPDATE ON WHERE ELAPP IS BECAUSE I KNOW WE'VE ALL READ IN THE PAPERS THAT THERE'S BEEN SOME ACTIVITY OVER ON THE ELAPP SIDE OF THE EQUATION, AND WE'LL GET THAT ON THE TABLE SO THAT THEN AS A COMMITTEE WE CAN PROCEED.

I'M NOTING THE TIME, AND I DON'T WANT TO -- WE CAN GO OVER, OF COURSE, BUT I ALSO WANT TO RESPECT PEOPLE'S SCHEDULES. SO WE HAVE MORE QUESTIONS OF COMMITTEE MEMBERS.

DID YOU -- OKAY.

SO WE'LL TAKE ROSANNE.

>>ROSANNE CLEMENTI: MY ONLY CONCERN IS THAT BEFORE THE COUNTY WOULD ENTERTAIN SUBDIVISION OF THE PROPERTY -- AND YOU'VE MENTIONED THAT YOU MIGHT BE WILLING TO TAKE DOWN LESS THAN 12,000 ACRES -- THAT A MANAGEMENT PLAN BE DEVELOPED FIRST BECAUSE THAT MIGHT TELL US WHAT AREAS WE DON'T WANT TO BE SUBDIVIDED, AND I KNOW THEN SOMEONE HAS TO TAKE ON THAT ECONOMIC -- YOU KNOW, THE -- THE COST OF THAT, BUT I REALLY SEE THAT THAT WOULD BE A VERY, VERY -- THE PRIME THING THAT NEEDS -- REALLY NEEDS TO HAPPEN NEXT.

>> AND I KNOW SCOTT HAS TALKED ABOUT MANAGEMENT PLANS IN THE PAST, AND THERE ARE EXISTING ONES.

I THINK THEY'VE BEEN SUBMITTED AND DUG OUT OF THE -- DUSTED THE COBWEBS OFF OF IT, IF YOU WILL, BUT WHETHER WE TAKE THOSE EXISTING DOCUMENTS AND AMEND THEM TO FIT SOMETHING WE'RE TALKING ABOUT, AGAIN, I THINK WE'D HAVE TO SIT DOWN WITH -- WHETHER IT'S SCOTT EMERY OR OTHER FOLKS, I THINK THAT'S SOMETHING THAT IS CRITICAL, YES, A LAND MANAGEMENT PLAN IS DEFINITELY SOMETHING WE NEED.

>> THAT WAS THE TIMING OF DOING SOMETHING LIKE THAT.

WE KNOW THAT SCOTT PRESENTED FOR AN HOUR OR SO THE MANAGEMENT PLAN THAT IS IN EXISTENCE.

IS THAT SOMETHING THAT THE TECHNICAL STAFF AND OTHERS COULD GO BACK AND START WORKING ON?

BECAUSE YOU RAISE A GOOD POINT.

IN ORDER TO TRULY UNDERSTAND, AS DEE MENTIONED, THE OVERARCHING FUTURE OF THAT PROPERTY OUT THERE IN TERMS OF THE MANAGEMENT PLAN, WE WOULD WANT TO SEE THAT I THINK VISUALLY AND KNOW THAT, WELL, THIS PARCEL WE WANT TO MAKE SURE THAT THE WILDLIFE CORRIDOR IS RETAINED, AND TO MARKET THAT TO A CONSERVATION BUYER, THOSE FOLKS WOULD NEED TO KNOW, YOU KNOW, WHAT THEIR PARCEL WOULD LOOK LIKE, I WOULD IMAGINE.

>> ROSANNE, I THINK IT'S A GOOD POINT.

I THINK THERE ARE A FEW STEPS THAT NEED TO GET TO BE FINISHED BEFORE YOU GET TO THE FINAL YES OR NO, WE WANT TO DO THIS, AND PART OF THAT'S JUST AN INTERIM PROCESS.

WE'RE GOING TO HAVE TO CONTINUE TO WALK THROUGH IT, SO IT

MAY TAKE SOME TIME.

JUST LIKE THE APPRAISAL.

THE APPRAISAL, IN ADDITION TO THE LAND MANAGEMENT PLAN, IS EQUALLY IMPORTANT BUT IN A DIFFERENT WAY.

IF THE VALUE COMES IN AS SOME AMOUNT THAT DOESN'T WORK FROM A BOND COVENANT PERSPECTIVE, WELL, THEN WE NEED TO TAKE A SERIOUS LOOK AT THAT, SO THERE ARE SEVERAL MORE STEPS IN THE PROCESS.

>> I AGREE WITH ROSANNE, AND ONE OF THE REASONS IS BECAUSE I THINK WE MIGHT NEED TO BE A LITTLE BIT SELECTIVE IN THE ACTIVITIES THAT TAKE PLACE THROUGHOUT THE ENTIRE PARCEL. FOR EXAMPLE, WOULD ALL SIX PARCELS BE ALLOWED TO DO CATTLE GRAZING?

THAT -- THAT MIGHT BE TOO MUCH.

I THINK THERE WOULD HAVE TO BE A RANGE STUDY CONDUCTED, AND FOR EXAMPLE, THERE'S PORTIONS OF THE RANCH NOW THAT ARE BEING OVERGRAZED.

THERE'S WETLANDS THAT ARE BEING DAMAGED BECAUSE OF THE CATTLE, AND THESE ARE CONSIDERATIONS THAT WE WOULD HAVE TO TAKE A LOOK AT.

>> I AGREE WITH YOU.

>> MY OTHER QUESTION IS, I'D LIKE TO GET A LITTLE BIT OF BACKGROUND, IF YOU HAVE ANY, ON -- ONCE WE GET A CHANCE TO LOOK AT YOUR MAP AND YOUR PROPOSED SUBDIVISION OF THE PROPERTY -- IS WHAT METHODS YOU USED TO COME UP WITH THAT AND HOW YOU CHOSE SIX PARCELS INSTEAD OF FOUR OR EIGHT OR WHATEVER, AND IF, YOU KNOW, YOUR METHODS INVOLVED A CERTAIN PERCENTAGE OF UPLANDS AND WETLANDS WITHIN EACH PARCEL, THAT SORT OF THING.

ALSO WOULD BE INTERESTED TO KNOW WHETHER OR NOT THE -- THE ACCESS ROADS FOR EACH OF THE RESIDENCE -- FOR EACH PARCEL, WOULD THOSE BE PAVED, WOULD THOSE BE PERVIOUS OR SEMI-PERVIOUS OR -- I THINK SOME OF THOSE ALSO NEED TO BE ANSWERED, AND, YOU KNOW --

>> I THINK YOU WANT TO --

>> -- PARTICULARLY REGARDING THE PLACEMENT.

>> SORRY TO INTERRUPT.

I THINK YOU WANT TO LIMIT THE IMPACT FOR SURE.

I DON'T THINK YOU WANT A HIGHWAY GOING THROUGH THERE, BUT IT'S GOT TO BE SOMETHING MORE THAN JUST A LAWNMOWER MOWING THE GRASS OUT OF THE WAY BUT SOMEWHERE IN THE MIDDLE.

AND AGAIN, THAT'S SOMETHING I THINK THAT THIS PANEL -- WITH THE EXPERTISE ON THIS PANEL, YOU COULD COME UP WITH PROBABLY A VERY GOOD SOLUTION, BUT AGAIN, WE -- OUR PLAN IS TO LIMIT THE IMPACT AS MUCH AS POSSIBLE AND STILL PROVIDE ACCESS.

>> AND JUST A COUPLE OF MORE NOTES.

YOU MENTIONED THAT EXCAVATION WOULD BE LIMITED.

WOULD THAT INCLUDE EXCAVATION OF CATTLE PONDS?

>> WHAT'S THE CONSERVANCY DONE IN THE PAST ON THAT?

>> I'VE SEEN EASEMENTS THAT ALLOW THAT BUT AGAIN WOULD RESTRICT THEM IN NUMBER, LOCATION, SIZE.

>> OKAY.

WELL, THERE'S AT LEAST ONE THAT APPEARS TO BE EXCAVATED IN WETLANDS NOW.

TOO BAD BOB STETLER'S NOT HERE TO HEAR THAT.

>> WE WOULD WANT TO PREVENT THAT.

>> AND YOU MIGHT WANT TO ENCOURAGE THE RESTORATION OF THAT ONE.

>> RIGHT.

RIGHT.

AND THEN ALSO, WHILE ON THE SITE WITH SCOTT EMERY, HE MENTIONED THAT PLANT CITY IS EYEING CONE RANCH FOR SURFACE

WATER WITHDRAWALS, I BELIEVE IT IS, AND I WONDERED WHAT -- WHAT WOULD HAPPEN WITH THAT, AND DOES THAT FIGURE INTO ANY OF THIS AT ALL?

>> YOU KNOW, I DON'T KNOW THAT PLANT CITY HAS ANY RIGHTS WITH RESPECT TO CONE RANCH AS IT EXISTS.

I MEAN, YOU'VE GOT TAMPA BAY WATER OBVIOUSLY, BUT, YOU KNOW, THAT'S SOMETHING I THINK WE'D HAVE TO EXPLORE.

FRANKLY, IT'S NOT SOMETHING WE'VE REALLY STUDIED A LOT, SO WE'D HAVE TO TAKE A LOOK AT IT.

>>HEIDI McCREE: YEAH.

LET'S FIND OUT WHAT THE SITUATION IS THERE.

THAT'S GOOD FOR ALL OF US TO BE AWARE OF.

ROSANNE AND THEN DEE, AND VIVIENNE, WERE YOU -- OKAY.

SORRY.

ROSANNE.

>> HAVE YOU DONE THIS BEFORE?

HAVE YOU GOT AN EXAMPLE OF A PARCEL OF THIS SIZE THAT YOUR -- YOUR GROUP HAS PUT TOGETHER AND MARKETED AND DONE THIS WITH -- ON?

>> FCEG, LIKE I SAID, WAS SPECIALLY CREATED TO LOOK AT LAND TRANSACTIONS LIKE THIS.

THIS IS REALLY A NEW STRUCTURE.

I DON'T THINK THIS HAS REALLY EVER BEEN DONE BEFORE BY ANYBODY IN TERMS OF THE PROCESS THAT WE'RE -- YOU KNOW, THE TRANSACTIONAL PROCESS.

CERTAINLY CONSERVATION EASEMENTS HAVE BEEN BOUGHT AND SOLD AND LAND MANAGED, BUT IN THIS -- IN THE WAY WE'VE GOT IT SET UP WITH THE GOVERNMENT OWNING THE PROPERTY AND THEN IT BEING SUBJECT TO PUBLIC DEBT AND THEN -- IT'S ALMOST A MIRROR IMAGE OF WHAT NORMALLY HAPPENS WITH A PRIVATE BUYER -- OR I'M SORRY -- A PRIVATE LANDOWNER SELLING THE EASEMENT AND THEN THE GOVERNMENT TAKING TITLE OF THE EASEMENT.

THIS IS THE EXACT OPPOSITE OF THAT, SO FROM A TRANSACTIONAL PERSPECTIVE, THIS IS SORT OF GROUNDBREAKING, WHICH I THINK IS ONE OF THE REASONS THAT TNC FOUND IT SO INTRIGUING IS THAT IT REALLY HASN'T BEEN DONE BEFORE FROM THE GOVERNMENT TO THE PRIVATE.

IT'S BEEN DONE THE OTHER WAY BUT NOT THIS WAY, AND THAT'S FRANKLY WHY WE WENT TO THE TNC BECAUSE WE KNOW THAT THEY ARE EXPERTS IN DOING CONSERVATION EASEMENTS, MANAGING THE LAND.

OUR GROUP REALLY WAS CREATED TO LOOK AT THE IDEA, PUT TOGETHER THE PLAN, BRING IN THE PLAYERS, IDENTIFY THE BUYERS, PROVIDE THE FINANCING, COME UP WITH THE TRANSACTIONAL STRUCTURE.

I'M NOT AN ECOLOGIST, I'M NOT -- YOU KNOW, OUR PRINCIPALS ARE NOT ECOLOGISTS, BUT WE'VE PARTNERED, I THINK, OR WE'VE CONSULTED WITH AND BROUGHT IN ONE OF THE WORLD'S BEST IN MY OPINION.

IF THERE ARE OTHERS OUT THERE, I DON'T KNOW ANYBODY THAT'S ANY BETTER THAN TNC AT DOING THIS, SO THAT'S REALLY THEIR EXPERTISE, AND THAT'S WHY WE'VE CHOSEN TO WORK WITH THEM ON THE PROJECT OR THEY'VE CHOSEN TO WORK WITH US ON THE PROJECT.

>>HEIDI McCREE: DEE.

>>DENISE LAYNE: KEN, YOU SAID YOU'D BE WILLING TO PARTNER ON THE CONSERVATION EASEMENT, ACTUALLY HAVE PARTNERS, OR DO YOU WANT THE TRUST ONLY TO OWN THAT EASEMENT OR TO HAVE THAT EASEMENT?

>> YOU KNOW, KEITH AND I TALKED ABOUT THIS, ABOUT HAVING MULTIPLE HOLDERS OF THE EASEMENT.

I MEAN, COULD IT BE THE TNC AND THE TRUST?

YES, I THINK THAT ACTUALLY PROBABLY ADDS A DOUBLE LAYER OF PROTECTION SO THAT YOU'VE GOT TWO HOLDERS ENFORCING VERSUS JUST ONE.

IF THAT'S SOMETHING THAT THE PANEL DECIDES WE LIKE THE IDEA OF HAVING A GROUP, WHETHER IT'S THE TNC OR A GROUP LIKE THE TNC HOLD THE EASEMENT, THAT'S FINE WITH US.

ALL IT DOES IN MY MIND IS ADD AN EXTRA LAYER OF OVERSIGHT.

>>DENISE LAYNE: WOULD YOU BE WILLING -- BECAUSE LOUD AND CLEAR WE HAVE HEARD AND YOU HAVE HEARD AND YOU HAVE READ THAT THE PEOPLE OF THIS COUNTY WANT THIS PROPERTY TO STAY WITH THE COUNTY.

I MEAN, YOU KNOW -- I MEAN, THAT'S THE BOTTOM LINE.

WOULD YOU BE WILLING TO HAVE THE COUNTY -- AND IS IT EVEN LEGALLY POSSIBLE TO PUT THE COUNTY AS ONE OF THE EASEMENT - - CONSERVATION EASEMENT PEOPLE ALONG WITH TNC AND ALONG WITH YOU-ALL, WHICH WOULD GIVE THE PUBLIC AND MYSELF A LOT OF ASSURANCE BECAUSE IT'S NOT ANYTHING THAT JUST THE PRIVATE SECTOR'S GOING TO BE ABLE TO, YOU KNOW, GRAB THE RUG OUT FROM UNDER.

IT STILL HAS THE GOVERNMENT INVOLVED IN THE -- THE ENFORCEMENT OF THE EASEMENT, STILL HAS TAMPA BAY -- OR THE CONSERVANCY -- NATURE CONSERVANCY INVOLVED.

IF YOU WANT TO HAND OVER THE MANAGEMENT PART TO THEM.

I JUST THINK THAT'S A POSSIBILITY I WANT YOU-ALL TO THINK ABOUT AND THROW OUT THERE IS IF YOU WOULD BE WILLING TO PUT THE COUNTY -- AND IF THE COUNTY'S WILLING TO HAVE ITS NAME ON THE CONSERVATION EASEMENT IF ELAPP -- AGAIN, IF IT'S YOU -- IF ELAPP -- WE DON'T KNOW WHAT ELAPP'S GOING TO DO. WE'RE GOING TO HEAR FROM THEM, BUT WE DON'T KNOW THEIR FINANCIAL SITUATION, WE DON'T KNOW WHAT ELSE THEY'RE LOOKING AT.

WE DON'T KNOW HOW MUCH, YOU KNOW, IS -- WOULD THEY BUY THE WHOLE 12, ARE THEY BACK TO THE 7500?

WE WANT THE WHOLE 12 PRESERVED, SO, YOU KNOW, THERE'S JUST -- AGAIN, WE'VE GOT TO SOMEHOW KEEP THE COUNTY'S FACE IN THIS FOR THE PROTECTION OF THE CITIZENS BECAUSE THE CITIZENS OWN IT NOW.

THEY DON'T WANT TO GIVE IT UP.

>> AND I -- YEAH, SURE.

I THINK THE MORE -- YOU KNOW, AGAIN, YOU GET TO THE POINT OF DO YOU WANT 20 ENTITIES HOLDING THE EASEMENT?

PROBABLY NOT.

IS TWO -- IS TWO TOO MANY, IS THREE TOO MANY?

AGAIN, I THINK IT'S SOMEWHAT AT THE PLEASURE OF WHAT THE COUNTY WANTS TO DO ALSO.

WOULD THEY BE WILLING TO HOLD THE EASEMENT?

I DON'T THINK THERE'S ANY PROBLEM WITH THEM HOLDING THE EASEMENT.

I THINK IT'S A MATTER OF THEIR WANTING TO DO IT, INTERACTING WITH THE TRUST, AS WELL AS MAYBE POSSIBLY A THIRD PARTY, BUT I THINK ON THE TRUST IDEA, IF YOU'VE GOT NINE MEMBERS OR SEVEN, WHOEVER IT IS, YOU WANT TO HAVE SOME CITIZENS ON THERE TOO.

I THINK THAT'S REALLY YOUR ULTIMATE PROTECTION AS LONG AS YOU'VE GOT THE RIGHT CITIZENS ON THERE BECAUSE THEY'RE THE TAXPAYERS THAT OWN THE PROPERTY, SO I THINK YOU WANT TO HAVE A GOOD CROSS-SECTION OF PEOPLE IF IT IS, IN FACT, THE TRUST THAT ENDS UP HOLDING THE EASEMENT.

LANDSCAPE LANE WELL, I AGREE WITH THAT, BUT AGAIN, I THINK THE BIGGEST ANGST I'M HEARING OUT THERE IS THE FACT THAT THE COUNTY'S NOT GOING TO HAVE ANY DIRECT, YOU KNOW, RESPONSIBILITY FOR THAT LAND ANYMORE, AND IT'S THE FEAR OF THE UNKNOWN, AND AGAIN, WHO ARE THOSE NINE PEOPLE?

WHO PICKS THOSE NINE PEOPLE, AND ARE THOSE NINE PEOPLE -- YOU KNOW, YOU WOULD HOPE ALL THE RIGHT PEOPLE ARE SITTING ON THIS, BUT TO ADD THAT EXTRA LAYER OF SECURITY FOR THE PUBLIC TO KNOW THAT IT'S GOT TO GO BEFORE THE BOCC BEFORE ANY KIND OF CONSERVATION EASEMENT AMENDMENT GETS CHANGED AT ALL IS A GOOD THING.

>>HEIDI McCREE: AND I WOULD THINK THAT THAT'S SOMETHING THAT THIS COMMITTEE COULD RECOMMEND BACK TO THE BOARD.

>>DENISE LAYNE: I JUST WANTED TO MAKE SURE IT WAS LEGAL.

>>HEIDI McCREE: I THINK YOU'RE RIGHT.

WE CAN TALK ABOUT IT, BUT WHATEVER ENTITY -- THE BOARD ULTIMATELY IS GOING TO MAKE A DECISION ON THIS AS WELL, AND, YOU KNOW, THEY -- WE COULD RECOMMEND, AND MAYBE IT IS SOMETHING THAT THEY AUTHORIZE AND THEY HELP CREATE. ONE OF THE QUESTIONS, IF I MAY, SEEING A FOLLOW-UP, IS ASK KEITH MAYBE WITH YOUR EXPERIENCE WITH THE NATURE CONSERVANCY.

YOU TALKED ABOUT THE COURT CASE AND THE REMEDY SECTION AND PENALTIES, BUT CLEARLY WE COULD SUGGEST PENALTIES THAT MIGHT RESULT IF THERE IS AN ENFORCEMENT ACTION OR WHAT HAVE YOU.

IF ALL OF A SUDDEN IT'S IDENTIFIED THAT THESE CONSERVATION BUYERS ARE NOT ACTING IN CONSERVATION-MINDED WAYS OUT THERE AND THERE'S AN ENFORCEMENT ACTION THAT'S TAKEN, IS THERE AN OPPORTUNITY TO HAVE WRITTEN IN TO THE -- THE EASEMENT DOCUMENT THAT, YOU KNOW, CERTAIN -- THERE'S A REVERTER, IF YOU WILL, OR THERE'S A PENALTY, AND I JUST WONDER, YOU KNOW, TO GIVE COMFORT TO THE PUBLIC THAT THE COUNTY -- ULTIMATELY IT COULD REVERT TO THE PUBLIC AT SOME POINT IF THIS AGREEMENT TO GO FORWARD IS NOT ADHERED TO, AND I JUST WONDER WHAT YOUR EXPERIENCE IS IN THAT.

>> YOU KNOW, IN MY PRESENTATION YOU SAW WHERE THE LEGAL REMEDIES ARE BROAD.

I'VE HEARD THE REVERTER QUESTION COME UP BEFORE.

I HAVEN'T SEEN IT.

ANY LAWYERS IN THE ROOM WILL UNDERSTAND ALSO THAT WHEN A REVERTER ACTUALLY TRIGGERS, IT USUALLY GETS LITIGATED ALSO, SO YOU'RE IN THE SAME FORUM.

TRYING TO ESTABLISH FINANCIAL PENALTIES UP FRONT.

I THINK THE VARIETY OF WAYS IN WHICH A LANDOWNER COULD DEFAULT ON THE TERMS AND CONDITIONS ARE SO VARIED THAT I DON'T SEE HOW YOU WOULD DO THAT.

I THINK YOU'RE BASICALLY RELYING ON THE LEGAL AND EQUITABLE RELIEF THAT YOU'VE GOT IN THE INSTRUMENT.

BACK REAL QUICKLY TO YOUR QUESTION ALSO, NOT ONLY COULD YOU HAVE THE COUNTY AS A HOLDER OF THE EASEMENT, BUT THERE'S ANOTHER CONCEPT OUT THERE, AND THEY COULD BE A PRIVATE PARTY THAT HAS A THIRD-PARTY RIGHT OF ENFORCEMENT.

AS A MATTER OF FACT, VIVIENNE'S PROBABLY FAMILIAR WITH THIS. ON CONSERVATION BANKS WHICH ARE A TYPE OF MITIGATION PERMITTED THROUGH THE U.S. FISH AND WILDLIFE SERVICE, THEY DO NOT HOLD THE EASEMENTS.

THEY LOOK TO SOMEBODY ELSE LIKE THE NATURE CONSERVANCY OR OTHER NONPROFITS TO HOLD THE EASEMENT, BUT THOSE EASEMENTS PROVIDE THAT THEY HAVE A RIGHT ALSO TO COME IN AND ENFORCE THE TERMS OF THAT EASEMENT, SO AGAIN, I THINK THE CONCERNS ABOUT WANTING THE COUNTY TO BE ENGAGED, THE COUNTY MAY NOT WANT TO MONITOR IT EVERY YEAR, BUT THERE IS A WAY FOR THEM TO HAVE A HAMMER HERE SO TO SAY.

>>HEIDI McCREE: WELL, I GUESS THAT'S THE POINT, THAT IF THERE'S A WAY FOR US TO GO BACK AND RECOMMEND THAT THE COUNTY HAS THE, YOU KNOW -- AND I THINK -- AND WE CAN TAKE SOME OTHER QUESTIONS.

WE DO WANT TO GIVE PETE -- AND I KNOW WILL'S HERE FROM THE ELAPP COMMITTEE.

AGAIN, WHEN WE SAY THE COUNTY, MAYBE THERE'S A ROLE FOR ELAPP HERE, WHICH IS SOMETHING THAT THE CITIZENS HAVE BEEN EXPRESSING AND WE ALL KNOW, SO LET'S HEAR WHERE ELAPP IS. THERE'S BEEN RENEWED INTEREST, AND COULD YOU JUST SHARE WITH US THE PROCESS THAT'S UNDERWAY SO THAT WE CAN UNDERSTAND HOW TO ADDRESS THAT SITUATION.

>>HUGH GRAMLING: MADAM CHAIR, BEFORE WE GET TO THAT, JUST A POINT OF CLARIFICATION.

I AM AS POSITIVE AS I CAN BE THE CITY OF PLANT CITY HAS NO INTEREST IN ANY WATER RIGHTS ON THAT PROPERTY, AND THERE ISN'T A SUFFICIENT SURFACE WATER VOLUME FOR A MUNICIPAL SUPPLY THAT'S AVAILABLE ON THAT PROPERTY.

>>HEIDI McCREE: THANK YOU.

THANK YOU VERY MUCH.

APPRECIATE THAT.

OKAY.

PETE.

>> WELL, THE ELAPP GENERAL COMMITTEE MET ON AUGUST 3rd, AND THEIR RECOMMENDATION WAS THAT THE CONE RANCH NOMINATION BE REEVALUATED.

FORTUNATELY, WE'RE RIGHT IN THE REVIEW PROCESS, AND THE SITE REVIEW COMMITTEE HAS LOOKED AT IT.

AND THEN WE HAD A SITE SELECTION TEAM MEETING ON THE 12th, THIS PAST WEEK, AND THEY WERE PRESENTED A BRIEFING BY STAFF.

SO IT WILL BE REEVALUATED.

I DON'T -- IT WAS NOMINATED IN '96.

I THINK THIS WAS PRIOR TO SOME ACTIVITIES OUT THERE AND OBVIOUSLY PRIOR TO THE CURRENT EVENTS, SO THAT WILL BE TAKEN INTO CONSIDERATION, AND WE HAVE SCHEDULED A -- THE PUBLIC MEETING -- PUBLIC -- WE'LL TAKE PUBLIC COMMENT ON THE 15th OF SEPTEMBER.

WE'VE SECURED THE ROOM, AND I -- I'M QUITE SURE THAT'S A -- THAT'S A TENTATIVE DATE, BUT IT LOOKS PRETTY POSITIVE THAT WE'LL BE MEETING, SITE SELECTION TEAM WILL BE MEETING ON THAT DATE, WHICH WOULD MEAN THAT WE WOULD TAKE TO THE PARK BOARD IN OCTOBER AND THEN PRESENT THE ANNUAL REPORT TO THE BOARD OF COUNTY COMMISSIONERS IN DECEMBER, WHICH IS OUR -- OUR NORMAL SCHEDULE.

AND THEN --

>>HEIDI McCREE: OKAY.

>> -- ONCE THAT OCCURS, THEN THE COUNTY WOULD BE ABLE TO NEGOTIATE THE ACQUISITION, PRESERVATION OF THE PROPERTY.

>>HEIDI McCREE: SO WHAT -- THERE'S INFORMATION THAT THIS COMMITTEE'S BEEN SORT OF ASKING FOR OR QUERYING ABOUT.

ARE THERE -- THROUGH THAT PROCESS, IS THERE SOME INFORMATION THAT'S GOING TO START TO COME OUT, I.E., AN APPRAISAL OR LAND MANAGEMENT PLAN OR ANY OF THAT TYPE OF INFORMATION?

>> NO, THAT'S NOT PART OF THE ELAPP PROCESS.

>>HEIDI McCREE: OKAY.

>> AND WOULD NOT BE -- WE WOULDN'T START THAT UNTIL THE BOARD ACTUALLY APPROVES IT IN DECEMBER.

>>HEIDI McCREE: UH-HUH.

>> AND THEN WE'D BE GOING THROUGH THE REAL ESTATE DEPARTMENT AND THE ADVISORY COMMITTEE.

>>HEIDI McCREE: SO IT JUST BEGS THE QUESTION TO ME, MAYBE NOT TO ANYBODY ELSE, BUT HERE WE ARE SITTING, AND THE BOARD WILL BE ADDRESSING SOMETHING IN DECEMBER -- THIS ISSUE IN DECEMBER PER THAT PROCESS, SO I THINK WE NEED TO BE AWARE OF THAT PROCESS AND HOW WE WOULD WANT TO ENGAGE

ACCORDINGLY.

AND WILL, YOU HAD YOUR HAND UP.

I WANT TO GIVE YOU SOME TIME.

>> YEAH.

WELL, AS A FOLLOW-UP TO THAT -- I THINK PETE'S PRETTY WELL COVERED IT.

IT DOESN'T COME TO THE ACQUISITION TEAM, THE CITIZENS ACQUISITION TEAM FOR ELAPP UNTIL IT GOES THROUGH THIS ENTIRE PROCESS, SO IT WOULDN'T OFFICIALLY COME TO US UNTIL AFTER THE BOARD HAS APPROVED IT TO MOVE FORWARD.

>>HEIDI McCREE: OKAY.

>> AND THEY DON'T -- THEY DON'T APPROVE -- AT THAT POINT THEY DON'T APPROVE THE PURCHASE OR THE PRICE OR ANYTHING ELSE.

IT HAS TO GO THROUGH THE NEXT STEP, BUT I -- AS A FOLLOW-UP, I HAD ONE QUESTION REAL QUICKLY ON THE ACQUISITION OF THE PROJECT BY KEN.

WILL YOU BE RESELLING THESE PARCELS AT IDENTICALLY THE SAME PRICE YOU PAY FOR THEM?

>> TO THE SUBSEQUENT BUYER?

>> YES.

>> WELL, IT REALLY IS GOING TO DEPEND ON THE MARKET I GUESS.

I CAN'T IMAGINE IN THIS ENVIRONMENT YOU CAN MAKE MONEY IN REAL ESTATE.

I JUST -- IF SOMEBODY'S FIGURED IT OUT, I WISH -- I'D GIVE THEM MY PHONE NUMBER, THEY CAN CALL ME.

I DON'T KNOW HOW YOU COULD REALLY RAISE THE PRICE IN THIS ENVIRONMENT.

I GUESS IT REALLY DEPENDS ON WHO THE BUYER IS, BUT NO, WE HAVE NEVER FACTORED IN THAT WE WERE GOING TO BUY CONE RANCH FOR A DOLLAR AND SELL IT FOR \$2.

IF SOMEBODY CAN FIGURE OUT, LIKE I SAID, A WAY TO DO THAT, LET ME KNOW.

>> THAT'S A FUNCTION OF THE MARKET, AND I GUESS MY QUESTION IS IF YOU HAD THE OPPORTUNITY TO DO THAT, YOU COULD OR WOULD?

>> I DON'T THINK WE'RE GOING TO HAVE THE OPPORTUNITY.

AGAIN, WE HADN'T REALLY THOUGHT ABOUT IT IN THAT WAY.

YOU KNOW, I DON'T THINK YOU'RE GOING TO END UP RESELLING THESE PARCELS FOR MORE THAN YOU PAID FOR THEM BECAUSE --

NO, OUR PLAN WAS NOT TO DO THAT.

IF A SUBSEQUENT BUYER WANTS TO TAKE THAT PROPERTY AND SELL IT, THEY CAN DO THAT.

AGAIN, I DON'T THINK THAT -- ON THIS TYPE OF PROPERTY, TOO, YOU DON'T GET -- IT'S NOT -- YOU KNOW, THE WAY IT'S

ENTITLED OR THE WAY IT WOULD BE ENTITLED, THE WAY IT WOULD BE SUBJECT TO THE EASEMENT, I DON'T ANTICIPATE THE VALUE

GOING UP AT ALL, SO IT'S NOT SOMETHING WE EVER BUILT INTO OUR PLAN TO SAY WE'RE GOING TO -- WE'RE GOING TO RESELL

THIS PROPERTY AND MAKE A BUNCH OF MONEY.

THAT'S -- NO, THAT'S -- NO.

>> THE OTHER LAST QUESTION I HAD WAS FOR MIKE AS A PROCEDURAL THING.

I'VE BEEN INVOLVED WITH BUSINESS FOR 40 YEARS, AND I HAVE DEALT WITH COUNTY SURPLUS PROPERTY AND OTHER SURPLUS

PROPERTIES, AND THERE WAS ALWAYS A PROCEDURE YOU WENT THROUGH, THE APPRAISAL PROCESS AND SO FORTH, AND THEN IT

WAS SENT OUT AS A REQUEST FOR PROPOSALS, SEALED BIDS CAME IN EXCLUDING ALL COMMISSIONS AND BROKERS BECAUSE THEY

DIDN'T PAY THEM.

WOULD THAT PROCESS -- WOULD -- DECLARING THIS SURPLUS PROPERTY, WOULD THAT TRIGGER THAT PROCESS, AND IF IT -- IF

IT DIDN'T, WOULD THEY REQUIRE REQUESTS FOR PROPOSALS FOR PURCHASE OR REQUESTS FOR PROPOSALS FROM BROKERAGE OPERATIONS, OR HOW WOULD WE -- HOW WOULD WE SKIP THAT PROCESS?

>> YES.

I'M STILL TRYING TO UNDERSTAND THE PROPOSAL.

ONE OF THE -- AND THAT'S A VERY GOOD QUESTION, WILL. ONE OF THE QUESTIONS I HAVE, THE WAY I SEE THE PROPOSAL BEING OUTLINED, THE COUNTY WOULD DEED PROPERTY TO THE TRUST.

THE TRUST WOULD HAVE TO BE ESTABLISHED AS A 501(C) AS YOU HEARD SUSAN FERNANDEZ SAY FOR US TO DEAL DIRECT, AND THEY WOULD HAVE A PUBLIC -- IT BE IN THE PUBLIC'S BEST INTEREST, SO IT APPEARS TO ME THE ROLE OF FCEG IS ESSENTIALLY AS A REAL ESTATE BROKER MARKETING PARTY, AND I'M NOT SURE LEGALLY WHETHER WE CAN DEAL DIRECTLY WITH THEM IN THAT CAPACITY WITHOUT GOING THROUGH A COMPETITIVE PROCESS TO SELECT THEM AS A MARKETING FIRM.

SO I WOULD ASK THAT THE COMMITTEE DIRECT US TO RESEARCH THAT QUESTION.

>>HEIDI McCREE: PLEASE DO SO.

[LAUGHTER]

>> THESE GUYS HAVE GOT A LOT AT STAKE.

>>HEIDI McCREE: IF THAT'S ALL RIGHT WITH THE REST OF THE COMMITTEE.

SOUNDS LIKE IT.

WILL, WERE YOU -- VERY ILLUMINATING QUESTIONS.

THANK YOU.

DEE.

>>DENISE LAYNE: PETE, WAS THAT THE WHOLE 12,800 ACRES THAT ELAPP WAS LOOKING AT JUST THE 75?

THE WHOLE --

>> YES, I THINK THEY'LL LOOK AT THE ENTIRE AREA, BUT THEY'RE CORRECT IN THAT ONLY 7500 ACRES OF THE 12 WERE CONSIDERED AT THE LAST GO-ROUND, AND ONE OTHER THING I WANT TO CLARIFY OR CORRECT IS THAT ELAPP HAS NOT, AS OF THIS DATE, MOVED IT UP IN ANY CAPACITY.

THAT MIGHT HAPPEN AS A RESULT OF THE REVIEW, BUT AT THIS POINT IT'S -- THE -- THE ELAPP GENERAL COMMITTEE ASKED THAT IT BE REEVALUATED IN CASE IT MIGHT --

>> DEE, THE REASON REALLY IS THAT -- IS THAT WE'RE -- WE'RE NOT -- 20 YEARS AGO IT WAS JUST PRISTINE LAND THAT ELAPP WAS PURCHASING, AND NOW WITH RESTORATION PROJECTS, ELAPP IS -- IS PURCHASING -- HAS EXPANDED THE TYPES OF LAND THAT IT'S LOOKING AT TO PURCHASE.

WE ALSO -- IN THE LATEST BOND THAT WAS JUST APPROVED, WE HAVE LESSER ACTIVITIES THAT WE CAN EVEN -- NO LONGER DOES IT SAY PARKS, I BELIEVE, ON THERE, SO THE RULES HAVE CHANGED A LITTLE BIT SINCE THE 1996 LOOK, AND THAT'S WHY WE -- THE ELAPP COMMITTEE ASKED THAT STAFF GO BACK AND REVIEW THE -- AND BRING IT BACK TO THE FULL COMMITTEE IN SEPTEMBER.

>>DENISE LAYNE: AND IT'S THE FULL 12,000 ACRES --

>> YES.

>>DENISE LAYNE: -- OR ANY PIECE THEREOF, THOUGH?

DO THEY HAVE THE ABILITY TO SAY, HEY, WE DON'T WANT THE WHOLE 12, WE THINK 75 ACTUALLY IS STILL PRISTINE ENOUGH TO BUY AND DUMP -- I JUST --

>> THAT COULD HAPPEN.

>>DENISE LAYNE: YOU KNOW, IT JUST SEEMS TO ME WITH ALL OF THIS I'M GETTING A HUGE PICTURE HERE THAT WE ARE GOING TO HAVE TO MAKE DIFFERENT LEVELS OF RECOMMENDATIONS AT DIFFERENT TIMES TO THE BOARD.

THERE'S NO ONE RECOMMENDATION WE CAN MAKE UNTIL THE RESTORATION PLAN, WHAT ARE WE GOING TO DO WITH LAND MANAGEMENT, WHAT IS THE APPRAISAL, WHAT IS ELAPP'S PART IN THIS?

THANK YOU, KEN, BY THE WAY, AND KEITH FOR YOUR PRESENTATION BECAUSE IT'S VERY INFORMATIVE, AND THERE'S A LOT OF OPTIONS OUT THERE, AND UNTIL SOME OF THOSE QUESTIONS -- MAYBE THAT'S WHAT WE NEED TO DO, AND WE CAN DO IT ANOTHER MEETING.

OBVIOUSLY WE'RE RUNNING OUT OF TIME TODAY, BUT I THINK WE NEED TO DISCUSS OUR FIRST LAYER OF RECOMMENDATIONS, SIT BACK AND LET PROCESSES, IF THEY TAKE FOUR OR FIVE MONTHS, RUN ITS COURSE, DON'T KILL OURSELVES WITH MEETINGS, YOU KNOW, EVERY TWO WEEKS FOR THE NEXT FIVE MONTHS WHEN WE NEED MORE INFORMATION, AND THEN COME BACK.

>>HEIDI McCREE: THAT'S WHAT I WANT TO TALK ABOUT IN JUST A MINUTE, BUT ROSANNE AND KEN WANT TO SAY SOMETHING, AND TAKE ANY OTHER QUESTIONS.

I DO -- THERE ARE SOME PUBLIC COMMENT. WE NEED TO HEAR FROM THE PUBLIC.

WHAT I'D LIKE TO DO IS IN A MOMENT -- SO BE THINKING, COMMITTEE MEMBERS, WHAT YOU WOULD LIKE TO HAVE ON YOUR NEXT AGENDA, AND WE CAN TALK ABOUT WHEN WE WANT TO HAVE OUR NEXT MEETING, BUT THAT'S CRITICAL AT THIS POINT IN TIME, AND THEN WE CAN START BUILDING FORWARD.

I KNOW, KEN, YOU HAD -- ROSANNE HAS A QUESTION.

LET ME TAKE HER QUESTION, AND THEN MAYBE WE CAN TAKE YOUR -

-

>> SURE.

>> DEE BROUGHT IT UP.

IF ELAPP IS NOT GOING TO HAVE A FINAL RECOMMENDATION TO GO BEFORE THE BOARD UNTIL DECEMBER, YOU KNOW, WITH THAT KIND OF -- WHAT, PETE?

>> WELL, THE RECOMMENDATION SHOULD BE SET ON THE 15th OF SEPTEMBER.

>> OKAY.

THAT'S YOUR PUBLIC MEETING.

>> THAT'S THE PUBLIC MEETING, AND RIGHT AFTER THAT MEETING, THE SITE SELECTION COMMITTEE WILL DO THEIR RANKING, SO WE'LL KNOW IF IT MOVES UP FROM A CLASS "B" SITE TO A CLASS "A" SITE, IF IT GOES FROM 75 TO 12, AND THEN THOSE RECOMMENDATIONS JUST GO TO THE PARK BOARD IN OCTOBER, NOVEMBER, AND THEN TO THE BOCC.

>> SO WE WOULD AT LEAST WANT TO KNOW THE OUTCOME OF ELAPP'S ANALYSES.

>> AND HOPEFULLY YOU'LL KNOW THAT AFTER THE 15th.

>> OKAY.

MY OTHER QUESTION WAS -- I KNOW I'M JUST A BIOLOGIST, SO HELP ME OUT.

SOMEBODY'S GOING TO -- YOU'RE GOING TO FIND BRIDGE FINANCING TO PURCHASE THIS LAND AND THEN -- BUT YOU MAY NOT SELL EACH OF THESE PARCELS OFF THAT MIGHT EVEN MAKE THE -- THE VALUE THAT YOU BOUGHT IT AT, SO HOW IS ANYBODY GOING TO FINANCE THIS PIECE OF PROPERTY WHEN THE -- THERE'S NOT AN ANTICIPATION THAT IT WILL BE PAID BACK?

>> WELL, IT'S -- OKAY.

LET ME -- IF I MIGHT, I'LL ANSWER THE QUESTION.

I THINK I GAVE A PRETTY INCOMPLETE ANSWER TO THE -- LET ME GET BACK UP TO THE MIKE.

I GAVE SORT OF AN INCOMPLETE ANSWER ON THE OTHER QUESTION ABOUT WOULD WE MAKE A PROFIT, AND I HADN'T THOUGHT ABOUT THAT IN TERMS OF RESELLING, AND APPARENTLY ONE OF MY PARTNERS DID, AND I GOT A NOTE.

AND THE ANSWER IS ALL OF THE MONEY --  
>> THE QUESTION IS WHY ARE YOU-ALL DOING THIS?  
[LAUGHTER]  
>> WELL, AGAIN, I THINK IF YOU TALK ABOUT THE FEE THAT WE  
TALKED ABOUT, THAT'S ONE REASON, BUT WE WANT ELAPP --  
EXCUSE ME -- WE WANT THE ENVIRONMENT OF CONE RANCH TO BE  
PRESERVED, BUT TO YOUR QUESTION ABOUT IF THERE'S -- IF  
THERE'S PROFIT, THAT WOULD ALL GO BACK TO THE TRUST.  
THAT WOULD ALL BE DONATED BACK TO THE TRUST IS THE ANSWER.  
>> OKAY.  
CAN WE HEAR THAT AGAIN?  
THAT'S INTERESTING BECAUSE IF -- YOU'RE SAYING THAT IF YOU  
PROFIT, THAT SOMEHOW WE WOULD KNOW THAT --  
>> IF THERE'S A PROFIT ON THE RESALE --  
>> -- THAT WOULD GO BACK INTO THE TRUST?  
>> IT WOULD GO BACK INTO THE TRUST.  
>> WHICH WOULD GO TO ENVIRONMENTAL PURPOSES --  
>> YES.  
>> -- FOR THE CONE RANCH, AND --  
>> YES.  
>> -- IF THE TRUST DECIDES TO USE IT FOR ENVIRONMENTAL  
PURPOSES ELSE, ELAPP OR WHATEVER --  
>> I MEAN, YEAH.  
THERE'S NO PROFIT THAT'S GOING TO GET SUCKED OUT AND SENT  
TO A THIRD PARTY.  
BUT AGAIN, THAT SAID, I DON'T REALLY SEE HOW IN THIS --  
REALLY, ON THIS TYPE OF LAND IN GENERAL, THE -- THESE ARE  
NOT YOUR TRADITIONAL COMMERCIAL REAL ESTATE INVESTMENTS.  
YOU KNOW, THERE'S NO SPIKE IN THE CHART OF RETURN ON  
INVESTMENTS, SO IT'S GOING TO BE VERY MINIMAL, BUT ANY  
PROFIT THAT WOULD BE MADE FROM RESALE WOULD GO BACK INTO  
THE TRUST.  
>> BUT MY QUESTION WAS HOW CAN YOU SELL A PARCEL AT A LOSS  
AND NOT AT LEAST MAKE WHAT YOU BORROWED THE MONEY FOR TO  
BUY THE LAND?  
>> WELL, THE TYPE OF BRIDGE FINANCING THAT WE MAY SEEK IF  
WE HAVE TO ARE GOING TO BE PARTIES THAT -- WE'LL JUST SAY  
WE'VE GOT A LOT OF DIFFERENT SOURCES OF FINANCING THAT  
WE'VE USED OVER THE YEARS FROM SPECIALTY CONSERVATION  
GROUPS AND TRUSTS ALL OVER -- ALL OVER THE COUNTRY, SO FOR  
ME TO SIT HERE AND TELL YOU -- ANTICIPATE, OKAY, WHO IS THE  
PERSON OR THE ENTITY OR THE GROUP THAT'S GOING TO PROVIDE  
THAT FINANCING, I CAN'T -- I CAN'T DO THAT TODAY, BUT  
AGAIN, IT'S GOING TO BE SOMEBODY THAT HAS A CONSERVATION-  
MINDED ETHIC.  
IT'S NOT GOING TO BE, YOU KNOW -- A GE COMMERCIAL FINANCE  
ISN'T GOING TO COME IN AND FINANCE THIS LAND.  
IT'S GOING TO BE A DIFFERENT TYPE OF FINANCIER WHO PROVIDES  
THE FINANCING WHO UNDERSTANDS THE RISK THAT THIS IS AN  
ENVIRONMENTAL CONSERVATION DEAL, SO IT DOES REQUIRE A VERY  
SPECIAL TYPE OF FINANCING, AND THAT'S SOMETHING THAT  
FRANKLY WE'RE SUITED TO VERY WELL.  
YOU KNOW, WE'VE DONE -- LIKE I SAID, WE'VE DONE \$40-BILLION  
WORTH OF TRANSACTIONS SINCE 1973.  
THERE HAVE BEEN TRANSACTIONS WHERE PEOPLE HAVE SAID IT  
CAN'T BE DONE.  
WE'VE DONE THEM.  
SO I DON'T THINK THAT'S AN IMPEDIMENT.  
I THINK IT'S A CHALLENGE IN THIS ENVIRONMENT TO GET  
FINANCING FOR ANY TYPE OF PROPERTY, BUT WE THINK WE CAN  
OVERCOME THAT.  
>> SO IT'S POSSIBLE THAT A FOUNDATION WHOSE MISSION IS  
ENVIRONMENTAL RESTORATION MIGHT EVEN -- WOULD DONATE THE

MONEY AS OPPOSED TO LEND YOU THE MONEY.  
IS THAT -- IS THAT HOW IT MIGHT WORK?  
>> I DON'T KNOW.  
I THINK EVERY OPTION WOULD BE ON THE TABLE.  
EVERY POTENTIAL FINANCING OPTION WOULD BE ON THE TABLE, AND  
WE'RE GOING TO EXPLORE A CREATIVE WAY TO MAKE SURE IT  
WORKS.  
>> SO, EXCUSE ME.  
WHERE DOES THE 5% TO 9% PER SALE COME FROM?  
HOW IS THAT GENERATED?  
>> HOW IS IT -- YEAH, I'M GLAD YOU ASKED THE QUESTION.  
NO TAXPAYER MONEY, NO GOVERNMENT MONEY IS SPENT TO PAY FCEG  
EVER.  
WE HAVEN'T TAKE A DIME OF GOVERNMENT MONEY TO THIS DATE.  
WE DON'T INTEND TO.  
THE ONLY MONEY THAT WE'RE PAID ON A TRANSACTION IS -- COMES  
FROM THE BUYER.  
IT COMES FROM THE BUYER.  
>> SO THEY WOULD PAY YOU LIKE AS A BROKER?  
>> WELL, AGAIN, I SORT OF WANT TO STAY AWAY FROM THE BROKER  
TERMINOLOGY BECAUSE I THINK AS I'VE DEMONSTRATED TODAY AND  
AS WE'VE DEMONSTRATED FOR THE LAST YEAR, WE'RE NOT SIMPLY  
STICKING A FOR SALE SIGN ON HIGHWAY 39 AND COLLECTING A  
FEE.  
THAT'S NOT WHAT WE'RE DOING OBVIOUSLY.  
THERE IS A -- THERE IS A TRANSACTIONAL COMPONENT TO IT, AND  
FRANKLY WHAT WE'RE TAKING AS A FEE, THIS 5% TO 9%, IS IN  
LINE WITH WHAT JUST THE GUY WHO DOES PUT THE SIGN IN THE  
GROUND AND SELL A PIECE OF PROPERTY WOULD GET IN THE  
COMMERCIAL REAL ESTATE WORLD, BUT WE'RE PROVIDING A WHOLE  
LOT MORE THAN JUST SALES SERVICE.  
>> RIGHT, BUT THAT'S HOW YOU'LL MAKE YOUR MONEY?  
>> YES.  
>> THEY'LL PAY "X" DOLLARS FOR THE -- TO BUY THE  
CONSERVATION EASEMENT, LET'S SAY, AND THEN --  
>> THE LAND.  
>> THE LAND, OKAY, WITH THE CE, AND THEN THEY'LL PAY YOU  
THE 5% TO 9% ON TOP OF THAT?  
>> WELL --  
>> THAT'S YOUR FEE?  
YOU GET A FEE.  
>> IT'S A FEE ON THE GROSS PROCEEDS OF THE SALE, SO THE  
MONEY NEVER GOES INTO THE GOVERNMENT AND THE GOVERNMENT  
PAYS US.  
IT COMES FROM THE PRIVATE BUYER.  
>> OKAY.  
>> HEIDI McCREE: DEE.  
>> DENISE LAYNE: KEN, IS THERE ANY TIME IS OF THE ESSENCE  
ISSUES FOR YOU ON THIS?  
I MEAN, COULD YOU WAIT FOUR MONTHS FOR THE APPRAISAL, FOUR  
MONTHS FOR THE -- A RE -- YOU KNOW, THE LAND RESTORATION OR  
MANAGEMENT PLAN?  
I MEAN, WE'RE NOT REINVENTING THE WHEEL WITH THE PLAN,  
OBVIOUSLY.  
THERE WAS ONE DONE.  
THEY NEED TO GO OUT AND THERE'S BEEN SOME MORE OBVIOUSLY  
COW PONDS DONE AND SOME MORE WETLAND, BUT IS THERE A TIME  
FRAME WHERE YOU JUST SAY YOU'VE GOT -- YOU KNOW, WE'VE GOT  
"X" AMOUNT UNTIL DECEMBER OR JANUARY NEXT YEAR, OR ARE YOU  
JUST RIDING IT OUT WITH THE REST OF US?  
[LAUGHTER]  
>> YOU KNOW, WE'VE PUT TOGETHER OUR TIMETABLE THAT YOU'LL  
GET.

IT'S AT THE BACK OF OUR PLAN.  
AND AGAIN, IT'S JUST AN ESTIMATION, SO IF IT TAKES THIS COMMITTEE THREE MONTHS OR FOUR MONTHS, SURE, WE'D ALWAYS LIKE THINGS TO GO AS QUICKLY AND AS EFFICIENTLY AS POSSIBLE, BUT WITH THAT SAID, YOU KNOW, WE STARTED THIS PROCESS A WHILE BACK, AND FRANKLY, I THOUGHT WE'D BE FURTHER ALONG, BUT AGAIN, IT'S A COMPLICATED ISSUE, SO NO, I GUESS THE ANSWER IS IF IT TAKES "X" NUMBER OF DAYS TO GET THE APPRAISAL DONE AND TO EVALUATE WHATEVER NEEDS TO GET EVALUATED, WELL, YOU KNOW, THAT'S ANSWER.

>>HEIDI McCREE: WELL, AND WHAT I THINK NEEDS TO HAPPEN FROM HERE -- AND I'D LIKE TO HEAR FROM THE COMMITTEE MEMBERS AS TO WHAT AND WHEN WE WANT TO -- AND KEN, THANK YOU.

I WILL THANK YOU ALL IN JUST A MOMENT, BUT WE MAY HAVE SOME MORE QUESTIONS.

THERE'S A PARALLEL PROCESS UNDERWAY NOW.

WHEN THE BOARD OF COUNTY COMMISSIONERS CREATED THIS GROUP, ELAPP HAD NOT DECIDED TO REEVALUATE THE PROPERTY, SO WE NEED TO BE WORKING CLOSELY COMMUNICATING WITH EACH OTHER, AND OBVIOUSLY, PETE YOU'VE BEEN GREAT TO TELL US SEPTEMBER-OCTOBER TIME FRAME WE SHOULD KNOW MORE FROM ELAPP'S PERSPECTIVE AS TO THE INTEREST OF ELAPP ON THIS PROPERTY.

>> WELL, I CAN TELL YOU THAT, YOU KNOW, THE 75 ACRES HAS -- HAS QUALIFIED.

>>HEIDI McCREE: 7500.

>> 7500 ACRES HAS QUALIFIED AND IS AN APPROVED SITE UNDER THE ELAPP RIGHT NOW.

>>HEIDI McCREE: OKAY.

SO WE NEED -- WE KNOW THAT.

THEN WE'VE GOT THIS PROPOSAL THAT'S COME IN, AND TODAY -- AND AGAIN, THANK YOU FOR LAYING IT OUT TODAY.

I KNOW WE'VE MADE YOU WAIT FOR TWO MEETINGS SO THAT WE CAN AS A COMMITTEE BETTER UNDERSTAND THE -- THE PLAYING FIELD WE'RE ALL ON.

APPRECIATE YOUR PROPOSAL TODAY, AND KEITH, THANK YOU FOR THE NATURE CONSERVANCY'S EXPERTISE ON THIS, AND I'M SURE THAT WE WILL HAVE MORE QUESTIONS GOING FORWARD.

WITH ALL DUE RESPECT TO EVERYONE'S SCHEDULES, I THINK WE'RE GOING TO HAVE TO TAKE OUR PUBLIC COMMENT, TAKE SOME MORE QUESTIONS, BUT I DO KIND OF WANT TO GET TO WRAPPING UP SO THAT WE CAN MEET AGAIN.

I'LL TAKE YOUR QUESTION, AND APPRECIATE THAT.

>> AS WE'RE IN TO BUILDING THE AGENDA, WHERE DO WE GO FROM HERE?

I REALLY THINK WE NEED TO HEAR FROM THE COUNTY ATTORNEY'S OFFICE ON WHAT IS THE LEGAL PROCEDURE IN -- IN COUNTY ORDINANCES OR WHATEVER ABOUT WHAT WE HAVE TO FOLLOW IN ORDER -- IF WE'RE GOING TO SELL THIS LAND, THAT WAS THE QUESTION THAT SOME OF US ASKED THE FIRST MEETING, AND I THINK MAYBE IT'S -- WE'RE COMING BACK TO IT NOW NOW THAT WE HAVE A LOT MORE KNOWLEDGE AND A LOT MORE INFORMATION.

CAN WE TALK TO FCEG, CAN WE -- COULD WE SELL IT TO THEM OUTRIGHT RIGHT NOW?

MY EXPERIENCE OVER 30 YEARS IN PUBLIC ADMINISTRATION SAYS PROBABLY NOT, PROBABLY WE HAVE TO GO THROUGH AN RFP PROCESS TO GIVE MULTIPLE POTENTIAL BUYERS A CHANCE TO BID ON IT AS WE'VE TALKED ABOUT.

>> I DON'T WANT TO INTERRUPT YOU, BUT I DO WANT TO MAKE THE POINT THAT SUSAN FERNANDEZ DID SPEAK AT THE LAST MEETING AND DID SAY THE WAY WE'VE PROPOSED THE TRANSACTION -- I DON'T KNOW IF SUSAN IS HERE TODAY, BUT THE WAY WE'VE PROPOSED IT AT SETTING UP A TRUST UNDER SECTION 125, THERE

IS THAT PROVISION THAT THE COUNTY CAN SEND -- SORRY -- SELL LAND OR TRANSFER LAND OR CONVEY IT TO A NOT-FOR-PROFIT ENTITY, WHETHER IT'S A TRUST OR C-3, OR THE ALPHABET SOUP OF 501 OF THE INTERNAL REVENUE CODE, SHE GOT UP HERE AND SAID IT'S POSSIBLE TO RESTRUCTURE IT WITHOUT GOING THROUGH THE PROCESS YOU'RE TALKING ABOUT, SO I THINK OUR TRANSACTIONAL STRUCTURE HASN'T CHANGED SINCE THE LAST MEETING.

>> WE CAN, BUT SHOULD WE?

>>HEIDI McCREE: WELL, AND THAT'S WHAT WE NEED TO DECIDE.

>> BUT I GUESS FROM THE LEGAL PERSPECTIVE, I GUESS THE QUESTION WAS CAN YOU LEGALLY DO IT.

>> RIGHT.

RIGHT.

>> OUR ATTORNEYS AND IN OUR CONVERSATION WITH [INAUDIBLE] SAID YES, YOU CAN.

>>HEIDI McCREE: SO WE NEED TO HAVE THAT INFORMATION SUSAN PROVIDED.

MIKE JUST -- YOU MADE A COMMENT ABOUT THAT WE NEED TO HAVE YOU GO BACK AND RESEARCH AND COME BACK TO US FROM THE REAL ESTATE DEPARTMENT ABOUT THE ULTIMATE TRANSACTION, SO WE NEED TO GET THAT INFORMATION, SO YOUR -- THAT'S ONE ISSUE THAT'S OUT THERE WE NEED TO RESOLVE AS A COMMITTEE.

I'M HEARING THAT WE ABSOLUTELY NEED MORE INFORMATION ABOUT THE LAND MANAGEMENT PLAN AND HOW THAT WOULD -- THE PROCESS FOR THAT.

WE NEED TO DUST THAT OFF AND UPDATE IT AND GET THAT INFORMATION TO THIS COMMITTEE SO THAT WE CAN MOVE FORWARD. OTHER ISSUES, ITEMS THAT YOU-ALL WANT ON THE NEXT AGENDA? AND I'M TRYING TO BUILD TO -- WE HAVE A DATE CERTAIN SET FOR AUGUST 24th.

I WANT TO KNOW WHETHER OR NOT WE WANT TO MEET ON AUGUST 24th OR BUILD A CALENDAR OF MEETINGS THAT WE CAN HAVE ON OUR CALENDAR AND PREPARE TO MEET ON THOSE MONDAYS OR WHAT HAVE YOU AS A PROCESS RIGHT NOW.

KEN, THANK YOU.

YES.

>>DENISE LAYNE: HEIDI, I'D LIKE TO SEE US MEET ON THE 24th BECAUSE WE STILL HAVE A LOT OF QUESTION ISSUES THAT I THINK WE CAN GET INFORMATION, YOU KNOW, WHEN WE -- WHEN WE HIT AN ACTUAL WALL, THEN WE SHOULD STOP.

I THINK AFTER THE 24th, THOUGH, WE'RE GOING TO GET OUR LEGAL QUESTIONS ANSWERED AND SOME OTHER AT LEAST BASIC IDEAS, AND AGAIN, IF WE'RE GOING TO OUTLINE THE AGENDA, WHEN -- DO WE NEED TO DIRECT OR ASK STAFF -- I GUESS STAFF NEEDS TO BE DIRECTED, NOT NECESSARILY BY US, BY THE BOARD, TO DO AN APPRAISAL, OR IS THAT SOMETHING -- AN INITIATIVE YOU CAN TAKE OF YOUR OWN TO REAPPRAISE IT?

IT'S GOT TO BE BOCC?

>> [INAUDIBLE]

>>DENISE LAYNE: OKAY.

WHEN YOU DO IT?

OKAY.

SO THE -- ALL RIGHT.

SO I THINK WE NEED TO GET INTO A POSITION WHERE WE CAN MAKE SOME INTERIM RECOMMENDATIONS AND WHATEVER INFORMATION WE NEED NEXT WEEK TO START FORMULATING THAT INITIAL RECOMMENDATION BECAUSE NONE OF US CAN SAY WHAT ULTIMATELY SHOULD HAPPEN TO THAT PROPERTY UNTIL WE FIND OUT ELAPP, RESTORATION.

>>HEIDI McCREE: RIGHT.

THAT'S THE THING.

>>DENISE LAYNE: WE MIGHT NEED TO TAKE A BREAK FOR TWO

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MONTHS, YOU KNOW, JUST WAITING ON THE NEW INFORMATION.

>>HEIDI McCREE: AS -- NOT THAT WE ARE THE BOARD OF COUNTY COMMISSIONERS, BUT IF THE BOARD IS TO HEAR FROM ELAPP BY DECEMBER, THERE NEEDS TO BE A COORDINATED COMMUNICATION APPROACH TO THE BOARD OF COUNTY COMMISSIONERS BETWEEN THE TWO ENTITIES.

HUGH AND THEN ROSANNE.

>>HUGH GRAMLING: OKAY.

I THINK WE'RE GETTING OUT OF OUR CHARGE HERE.

I DON'T THINK THE PURCHASE PRICE IS EVEN A CONSIDERATION OF THIS COMMITTEE.

THE -- WE WERE CHARGED TO MAKE A RECOMMENDATION TO THE COUNTY COMMISSION OR SHOULD THEY OR SHOULD THEY NOT CONSIDER THIS PROPOSAL, NUMBER ONE, AND NUMBER TWO IS WHAT KIND OF PARAMETERS THAT SALE SHOULD ENCOMPASS WAS THE SECOND CHARGE, AND THE APPRAISAL IS IRRELEVANT TO ANY OF THIS DISCUSSION.

AND I THINK WE NEED TO KEEP THAT IN MIND WHEN WE START ASKING FOR THESE DIFFERENT THINGS.

EVEN THE QUESTION OF WHERE WE CAN DEAL DIRECTLY WITH FCEG IS NOT PART OF THE CHARGE.

WHAT WE'RE SUPPOSED TO DO IS TO TELL THE COMMISSION THAT THIS PROPOSAL IS A REASONABLE ONE, AND IT'S UP TO THE COMMISSION TO DETERMINE WHAT THEY WANT TO DO, NOT US.

>>DENISE LAYNE: HUGH, I TOTALLY DISAGREE WITH THAT.

OUR CHARGE IS THE BEST PRESERVATION, HOW BEST DO WE PRESERVE -- READ KEN'S QUOTE UP THERE.

WHAT -- THAT WAS THE CHARGE.

ORIGINALLY WHEN -- BEFORE THEY SET UP THE COMMITTEE IT WAS TO LOOK AT THE PROPOSAL ALONE, LET'S SET IT UP AND LOOK.

WHEN THEY SET UP THIS COMMITTEE AND SET THE CHARGE TO THIS COMMITTEE, GO BACK AND READ THE MINUTES, IT SAYS HOW BEST DO WE PRESERVE THIS LAND, AND AGAIN, THE PURCHASE PRICE DOES MATTER BECAUSE ELAPP HAS TO PAY THAT, AND IF ELAPP DOESN'T HAVE THE MONEY, THEY NEED TO KNOW.

I MEAN, THAT'S THE PROBLEM.

THEY MIGHT PUT IT WAY UP ON THE -- THE TOP END, BUT UNTIL THE WATER DEPARTMENT'S READY TO -- SOMEBODY DO AN APPRAISAL ON THE THING AND THAT APPRAISAL DOESN'T COME FROM JUST ELAPP, OR MAYBE THAT IS THE WAY WE DO IT AND -- JUST TO FIND OUT, BUT, I MEAN, WE'VE GOT -- AGAIN, WE DON'T HAVE TO GET INTO THE NITTY-GRITTY OF WE THINK YOU SHOULD OFFER THIS AMOUNT AND THIS AND THIS AND THIS AND THIS AND THIS, BUT THE BOTTOM LINE IS AT THIS POINT, HUGH, WE CAN'T EVEN SAY IF ELAPP SHOULD BUY THE WHOLE THING, IF THIS IS -- THE PRIVATE SECTOR HAS GOT A GOOD PROPOSAL, LET'S WORK WITH PARTNERS ON THEM AND SET UP MAYBE A SUBCOMMITTEE TO SIT AND FLUSH OUT SOME OF THESE CONSERVATION EASEMENTS, BUT UNTIL WE GET THE BASIC THREE QUESTIONS THAT WE'VE BEEN ASKING IN THIS MEETING DONE, WE CAN'T MOVE FORWARD WITH A RECOMMENDATION OTHER THAN THROW IT BACK IN THE BOCC LAP, WHICH IS GOING TO BE THROWN BACK INTO STAFF'S LAP, AND THAT'S WHERE IT SAT FOR TEN YEARS.

WHEN THE BOCC -- I MEAN, YOU KNOW, THEY HAVEN'T GONE TO STAFF AND SAY, OKAY, GUYS, EVERYBODY PUT THEIR HEADS TOGETHER AND FIGURE OUT THE BEST WAY TO PRESERVE THIS LAND. THEY CAME TO US TO DO THAT.

SO AGAIN, I -- I THINK -- WE DON'T HAVE TO GET INTO THE NITTY-GRITTY OF HOW MUCH, BUT I THINK THE -- THE VALUE OF THAT LAND IS VERY IMPORTANT FOR ELAPP AND THE PRIVATE SECTOR.

THEY MIGHT WALK.

WE COULD SAY, HEY, YEAH, RUN WITH IT.

>>HEIDI McCREE: LET ME JUST ASK A QUESTION OF KEN.  
HAVE YOU -- YOU SAID -- KEN, YOU SAID YOU WERE OPEN TO A  
HYBRID APPROACH TOO.  
HAVE YOU HAD ANY DISCUSSIONS, IF I MIGHT ASK, WITH ELAPP AT  
ALL?

I MEAN, ARE YOU-ALL TALKING TO THE ELAPP COMMITTEE ALSO?  
AND THE ONLY REASON I'M ASKING THAT IS TO BE TRANSPARENT.  
WE'RE ALL WORKING ON THESE -- ON THIS -- THE FUTURE  
PERMANENT PROTECTION OF CONE RANCH AND HOW BEST DO WE GET  
THERE, AND WE'VE ALL GOT TO GO BACK TO THE BOARD OF COUNTY  
COMMISSIONERS, AND THIS COMMITTEE, GETTING BACK TO HUGH'S  
POINT, IS EITHER GOING TO SAY GO, NO GO.  
ELAPP'S OUT THERE ONE WAY OR THE OTHER, BUT IF WE SAY GO,  
THERE MAY BE, AS DEE AND OTHERS HAVE SAID, A MYRIAD OF  
OPTIONS OUT THERE FOR THE COMMISSION TO CONSIDER, SO I JUST  
QUERY FROM THAT PERSPECTIVE.

>> WELL, I GUESS KIND OF MAYBE BY ACCIDENT WHEN WE STARTED  
LOOKING AT THIS A LONG TIME AGO -- I'VE TALKED TO SOME OF  
YOU OUT IN THE GROUP HERE, PETE, STEVE BALSCHKA, JAN SMITH  
WAS OUT THERE.

I KNOW HEIDI WAS FAMILIAR WITH IT.  
SO WE ENDED UP GETTING A GROUP TOGETHER JUST TO BOUNCE THIS  
IDEA.

IT WAS NOT NEARLY AS FULLY BAKED AS IT IS TODAY WAY BACK  
WHEN.

I MEAN, WE'VE HAD TWO OR THREE OF THOSE MEETINGS, AND THERE  
WERE SOME ELAPP FOLKS IN THE ROOM.

AND WE ALWAYS POSITED THE IDEA THAT IF WE COULD PARTNER  
WITH ELAPP TO GET THIS DONE, WE WOULD DO THAT.

I GUESS A REAL THRESHOLD QUESTION, THOUGH, IS -- AND I  
GUESS FOR YOU TO CONSIDER AS BOARD MEMBERS, IS IT A WISE  
USE TO TAKE ON ADDITIONAL DEBT TO ESSENTIALLY -- I LOOK AT  
IT FROM A -- AS A FINANCE CONTINUUM.

YOU'VE GOT HILLSBOROUGH COUNTY THAT OWNED IT.  
THEY TRANSFERRED IT TO THE WATER DEPARTMENT.

THEY SOLD BONDS TO DO THAT TO GET PAID.

NOW YOU'RE GOING TO TAKE ADDITIONAL DEBT SO ELAPP CAN BUY  
IT BACK FROM THE COUNTY.

I'M NOT REALLY SURE THAT THAT MAKES A LOT OF SENSE.

IS THAT A GOOD USE OF ADDITIONAL DEBT?

BECAUSE REALLY WHAT YOU'RE DOING IS ELAPP IS ISSUING  
ADDITIONAL DEBT, WHICH MEANS YOU'VE GOT CARRYING COSTS ON  
THE DEBT.

THEY'RE TAKING THAT DEBT AND THEN BUYING THE LAND FROM  
ANOTHER SUBDIVISION WITHIN HILLSBOROUGH COUNTY.

SO THAT'S -- IT'S -- AGAIN, I JUST -- I THROW IT OUT THERE  
NOT TO ADVOCATE ONE WAY OR THE OTHER BUT JUST TO ASK YOU TO  
PONDER ON IT.

YOU'RE REALLY JUST PERPETUATING THE BALANCE SHEET DEBT FROM  
THE BOTTOM TO THE TOP OR THE LEFT TO THE RIGHT.

YOU'RE NOT REALLY DOING ANYTHING TO IMPROVE THE FINANCIAL  
CONDITION OF THE COUNTY BESIDES TAKING ON MORE DEBT.

SO TO ANSWER THE QUESTION, YES, WE WOULD PARTNER WITH  
ELAPP.

WE'VE TALKED TO SOME ELAPP FOLKS.

IF THERE'S A WAY TO DO THIS, AS I THINK KEN HAGAN SAID, A  
HYBRID, SURE, WE ABSOLUTELY WOULD DO THAT.

>>HEIDI McCREE: ALL RIGHT.

SO THAT'S OUT THERE.

ROSANNE HAS A QUESTION, COMMENT, AND --

>> NO, I REALLY -- I DO AGREE WITH YOU THAT I DON'T THINK  
WE NEED TO SPEND COUNTY MONEY TO DO AN APPRAISAL, BUT A  
MANAGEMENT PLAN WILL HAVE TO BE -- I THINK HAS TO BE DONE,

AND THAT'S GOING TO COST MONEY, AND THE COUNTY HAS TO PUT THAT OUT TO BID.

AND I DO BELIEVE IN PUBLIC-PRIVATE PARTNERSHIPS, AND ONCE WE KNOW WHAT REALLY NEEDS TO BE DONE WITH THAT -- THAT RANCH AND HOW IT SHOULD BE MANAGED, THERE MAY BE AN OPPORTUNITY FOR THIS PUBLIC-PRIVATE PARTNERSHIP, BUT I WOULDN'T WANT TO HAZARD A GUESS AT WHAT IT MIGHT BE, HOW IT MIGHT COME OUT OF THIS SYSTEM OR THIS PROCESS.

>> I SORT OF AGREE WITH HUGH THAT I THINK WE'RE GETTING OUT OF OUR PARAMETERS A LITTLE BIT HERE AND WE DON'T NEED TO GET INTO THE NITTY-GRITTY DETAIL BECAUSE I THINK THAT, YOU KNOW, IT'S PROBABLY TIME FOR US TO HAVE A SESSION WHERE WE CAN TALK AS A COMMITTEE, YOU KNOW, IN A -- IN A PUBLIC MEETING ABOUT WHAT WE'VE LEARNED AND, YOU KNOW, GET DOWN TO FORMULATING A RECOMMENDATION FOR THE BOARD OF COUNTY COMMISSIONERS, AND YOU KNOW, BETWEEN NOW AND WHEN WE MIGHT HAVE THAT MEETING, WHICH, YOU KNOW, COULD OCCUR AT OUR NEXT MEETING, I THINK WE COULD HAVE THAT DISCUSSION, AT LEAST GET STARTED ON FORMULATING A RECOMMENDATION.

YOU KNOW, IF WE WERE TO, FOR EXAMPLE, RECOMMEND TO THE BOARD THAT -- NUMBER ONE, THAT WE ALL PROBABLY ARE ON THE CONSENSUS THAT THE PROPERTY NEEDS TO BE, YOU KNOW, PRESERVED AND CONSERVED AND RESTORED, THEN HOW IS THE BEST WAY TO DO THAT?

IF WE WERE, YOU KNOW, TO SAY, WELL, MAYBE WE SHOULD HAVE A PLAN "A" AND A PLAN "B," MAYBE A PLAN "C," AND PLAN "A" WOULD BE OUR FIRST PREFERENCE, MAYBE THAT PREFERENCE IS FOR ELAPP TO ACQUIRE THE LAND, WELL, THEN, THE COUNTY COMMISSIONERS HAVE TO GO DOWN THAT ROAD AND SEE IF THAT'S FEASIBLE.

PLAN "B" MIGHT BE TO, IF THAT'S NOT FEASIBLE, CONSIDER A PROPOSAL LIKE THIS, AND IF NOT THIS PROPOSAL, A SIMILAR PROPOSAL.

WOULD THAT BE FEASIBLE?

WELL, THEN THEY GO DOWN THAT ROAD.

IF THEY GO DOWN THAT ROAD, WHAT IF FCEG DECIDES THIS IS NOT FEASIBLE BECAUSE THEN THEY HAVE TO DO THOSE STUDIES.

THAT'S WHERE THE APPRAISAL COMES IN AND THAT'S WHERE ALL THOSE NITTY-GRITTY QUESTIONS COME IN, AND, YOU KNOW, FCEG MAY FIND THIS IS NOT EVEN FEASIBLE FOR THEM, SO IF THAT THEN FALLS THROUGH, WE'RE BACK TO SQUARE ONE WHERE WE ARE TODAY, AND WE AREN'T HAPPY WITH WHERE WE ARE TODAY BECAUSE WE KNOW THE PROPERTY ISN'T PROTECTED.

SO THEN DO WE GO BACK TO PLAN "A," ELAPP LOOKS AT IT AGAIN, OR DO WE -- IS THIS GOING TO BE A RECOMMENDATION WITH MAYBE THREE PARTS, COMMISSIONERS, THIS IS PLAN "A" WE WOULD LIKE TO SEE, THIS IS PLAN "B" WE WOULD LIKE TO SEE, AND OUR THIRD RECOMMENDATION WOULD BE SOMETHING ELSE, I DON'T KNOW, WHATEVER, BUT I THINK THAT MAYBE IT'S TIME FOR THE COMMITTEE TO DISCUSS THAT AND WHAT THE RECOMMENDATION MIGHT BOIL DOWN TO.

>>HEIDI McCREE: FELIX.

THANK YOU.

>>FELIX HAYNES: I APPRECIATE MY FRIEND, HUGH, RAISING THIS QUESTION, AND I THINK WE PROBABLY ALL NEED TO GO BACK AND REVIEW THE CHARGE AGAIN BECAUSE IT'S AN IMPORTANT QUESTION AND WE NEED TO BE ON THE SAME SHEET OF MUSIC WITH REGARD TO IT, BUT MY SENSE WHERE WE ARE IS THAT THE REASON WE WERE CREATED WAS -- WAS BECAUSE THE COUNTY COMMISSION WANTED A RECOMMENDATION FROM US ON WHAT SHOULD WE SAY BACK TO FCEG. FCEG HAS MADE A PROPOSAL, WHAT SHOULD WE SAY BACK?

BUT THEN WHEN THE COUNTY COMMISSION VOTED TO CREATE THIS PANEL, THEY ADDED ANOTHER CHARGE, WHICH WAS WHAT SHOULD WE

DO WITH CONE RANCH?

AND THAT JUST BROADENS THE HECK OUT OF -- OUT OF OUR CHARGE AND EVERYTHING, AND THAT'S PROBABLY WHY IT'S GOING TO TAKE A LOT LONGER FOR US TO -- FOR US TO DO OUR JOB.

>>HEIDI McCREE: EXACTLY, AND WE HAVE TO LET THE ELAPP PROCESS PLAY ITSELF OUT TOO.

SO WHAT I'M HEARING IS WE DEFINITELY WANT TO MEET ON MONDAY, AUGUST 24th, AND THOSE OF YOU IN THE PUBLIC, I'M CALLING YOU RIGHT NOW.

WESLEY BAILEY'S GOING TO BE FIRST, JOYCE NEWMAN, AND PAM CLOUSTON, AND JUST I'LL CALL ON YOU IN A MINUTE, BUT I JUST WANTED TO LET YOU KNOW.

WE'LL KEEP THAT MEETING.

I LIKE YOUR IDEA OF -- WE'VE HEARD A LOT OF PRESENTATIONS FROM VARIOUS EXPERTS.

I WOULD ENCOURAGE THOSE EXPERTS TO BE -- THE TECHNICAL COMMITTEE AND OTHERS TO BE IN THE ROOM AS WE DISCUSS THE ISSUE, BUT WE PROBABLY NEED TO GO BACK AND REFLECT UPON WHAT WE'VE HEARD TODAY.

WHAT I'M ALSO HEARING FROM THE COMMITTEE IS THAT WE'VE HEARD A VERY INTERESTING PRESENTATION TODAY, AND I'M NOT HEARING ANYBODY SAY ANYTHING ONE WAY OR THE OTHER YET ON THAT, SO WE'RE NOT SAYING, THANK YOU VERY MUCH, WE DON'T WANT TO HEAR FROM FCEG AGAIN, SO I WOULD INVITE FCEG AND THEIR FOLKS TO BE BACK HERE ON THE 24th TO BE A PART OF THE CONVERSATION AS WELL.

KEITH, IF YOU CAN BE HERE, THAT WOULD BE -- YOU KNOW, THE NATURE CONSERVANCY JUST SO WE CAN CONTINUE TO DISCUSS.

I WOULD LIKE TO HAVE THE LAND MANAGEMENT PLAN THAT IS IN EXISTENCE THAT SCOTT PRESENTED, SCOTT EMERY PRESENTED AT THE LAST MEETING, BE AVAILABLE.

I THINK WE ALL SHOULD RE-REVIEW THAT IF WE COULD AND BE AWARE OF IT, AND THEN MAYBE WE AS A COMMITTEE CAN -- THAT'S GOING TO TAKE A WHILE TO UPDATE PROBABLY, BUT I DON'T THINK ANY OF US WANTS TO SEND THE FOLKS WHO WOULD WORK ON UPDATING A MANAGEMENT PLAN DOWN THE WRONG PATH, YOU KNOW.

WE DON'T WANT TO WASTE TAXPAYER DOLLARS AND TIME AND ALL OF THAT, SO WE NEED TO TALK ABOUT THAT NEXT TIME, AND WHATEVER -- MAYBE WE CAN MAKE SOME PROGRESS WITH WHAT'S IN EXISTENCE IN THAT LAND MANAGEMENT PLAN.

AND ALSO, JUST TO HEAR COMMITTEE DISCUSSION ON IF AN EASEMENT PROPOSAL WENT FORWARD, WHAT WOULD THE CONDITIONS WE WOULD LIKE TO SEE IN THAT EASEMENT BE?

I THINK WE HEARD ENOUGH TODAY FROM THE NATURE CONSERVANCY ABOUT PROHIBITED USES AND ALLOWED USES, AND LET'S TALK ABOUT SOME OF THOSE AND FIND OUT WHAT WE THINK BECAUSE THOSE ARE GOING TO BE PERHAPS -- MAYBE THE COMMITTEE DISAGREES, BUT I WOULD THINK THAT WE COULD PROVIDE SOME OF THAT TEETH BACK TO THE BOARD OF COUNTY COMMISSIONERS ULTIMATELY IF NEED BE.

SO THAT MAY TAKE UP TWO HOURS.

WE'RE OBVIOUSLY TAKING UP THREE.

I'M GOING TO ASK IF WE WANT TO SCHEDULE OUR MEETING FROM 9:00 TO 12:00 ANYWAY JUST TO BE ON THE SAFE SIDE.

I DON'T KNOW IF THAT'S OKAY, BUT WE'VE BEEN RUNNING OVER THE LAST TWO MEETINGS, AND THAT'S PROBABLY MY FAULT AS THE CHAIR, BUT -- I APOLOGIZE FOR THAT.

>> [INAUDIBLE]

>>HEIDI McCREE: YEAH.

WE COULD TAKE A TEN-MINUTE BREAK.

OKAY.

LET ME TAKE MR. BAILEY'S COMMENT AND --

>>DENISE LAYNE: AT THE VERY FIRST MEETING I HAD ASKED IF

THE PUBLIC HAS QUESTIONS OF ANY OF THE PRESENTERS.  
THIS IS ONE I THINK ANY OF YOU SPEAKERS WHO HAVE SIGNED UP,  
IF YOU'VE GOT SPECIFIC QUESTIONS TO KEN OR TO KEITH, PLEASE  
ASK THEM, AND MADAM CHAIR, WOULD YOU PLEASE ALLOW SOME  
INTERACTION?

>>HEIDI McCREE: YES.

>>DENISE LAYNE: I THINK THIS IS THE TIME TO DO THAT, AND  
THEY MIGHT THINK OF SOMETHING WE HAVE NOT.

>>HEIDI McCREE: OKAY.

WOULD THE BOARD MEMBERS -- THE COMMITTEE MEMBERS -- OKAY.  
MR. BAILEY.

GOOD MORNING, AND THANK YOU FOR BEING SO PATIENT.

>> THAT'S ALL RIGHT.

I CAME HERE TODAY EXCITED TO HEAR THE DETAILS OF THE CONE  
RANCH DEAL.

MAYBE YOU GUYS GOT IT.

I STILL DON'T KNOW EXACTLY WHAT IT IS WE'RE DISCUSSING HERE  
AS FAR AS -- AS FAR AS CONE RANCH.

ONE THING IS CLEAR.

ENVIRONMENTALLY CONE RANCH IS BROKEN, AND THE QUESTION, ONE  
FACING THIS PANEL IS HOW DO WE FIX IT?

I LOOKED A LITTLE BIT INTO THESE CONSERVATION EASEMENTS.

I'M GOING TO READ SOME OF THE THINGS THAT I FOUND, AND I'M  
GOING TO MAKE THESE MATERIALS AVAILABLE TO THE PANEL  
MEMBERS.

ABOUT THE MONEY -- ISN'T IT ALWAYS?

HOW DO THESE CONSERVATION EASEMENTS WORK?

AS AN OWNER FINDS A NONPROFIT LAND TRUST OR GOVERNMENT  
AGENCY WILLING TO TAKE THE EASEMENT AS A GIFT?

BY ACCEPTING THE GIFT, THE LAND TRUST IN EFFECT CERTIFIES  
THAT THE RESTRICTIONS ARE MEANINGFUL AND OF BENEFIT TO THE  
PUBLIC.

THIS ALLOWS THE DONOR TO SEEK FEDERAL INCOME TAX DEDUCTIONS  
AND LOCAL PROPERTY TAX REDUCTIONS.

THE LAND TRUST BECOMES THE SOLE ENTITY RESPONSIBLE FOR  
MONITORING THE SITE.

EASEMENT DONORS THEN CAN SEEK FURTHER TAX DEDUCTIONS FOR  
THE DIMINISHED VALUE OF THEIR PROPERTY BASED ON THE  
GRANTING OF THE -- OF THE CONSERVATION EASEMENT, THE  
RESTRICTIONS THEREIN.

MIKE KAHN, K-A-H-N -- I HOPE I'M NOT MISPRONOUNCING HIS  
NAME -- A FLORIDA BUSINESS CONSULTANT, SAID, YOU MAKE  
VIRTUALLY RISK-FREE EASY MONEY.

HE CITED ONE UNNAMED INVESTOR WHO PAID \$2.4 MILLION FOR A  
GOLF COURSE AND THEN REAPED A \$4.8-MILLION PURE TAX  
SAVINGS.

IT'S COMPLETE SMOKE AND MIRRORS SAID JOHN ECHEVERRIA,  
FORMER GENERAL COUNSEL OF THE NATIONAL AUDUBON SOCIETY.  
DONATIONS OF CONSERVATION EASEMENTS GENERALLY DO NOT REALLY  
GIVE AWAY ANY VALUE.

ECHEVERRIA NOW DIRECTS THE GEORGETOWN ENVIRONMENTAL LAW AND  
POLICY INSTITUTE.

INSTEAD HE FAVORS PRESERVING LAND THROUGH MORE TIME-TESTED  
PROCESSES SUCH AS RESTRICTIVE ZONING IN THE ISSUING OF  
BUILDING PERMITS, EASEMENTS HE SAYS -- SPEAKING OF  
CONSERVATION EASEMENTS, HAVE THE POTENTIAL TO UNDERMINE THE  
CAUSE OF THE ENVIRONMENTAL PROTECTION ITSELF.

AGAIN, HE IS CURRENTLY GEORGETOWN ENVIRONMENTAL LAW AND  
POLICY INSTITUTE, FORMALLY FROM THE AUDUBON SOCIETY.

A VOLUNTARY SURVEY OF NEW ENGLAND CONSERVATION GROUPS AND  
PUBLIC AGENCIES BY THE LAND TRUST ALLIANCE IN 2000 FOUND  
THAT ONE-THIRD OF THEM KEPT NO RECORDS.

I'M SURE THAT DIDN'T APPLY TO THE NATURE CONSERVANCY.

AND HAD NO RECORDS OF INSPECTIONS OF THE LAND PROTECTED BY THEIR EASEMENTS.

OF 18 ORGANIZATIONS PARTICIPATING, 11 HAD ADMITTED TO AMENDING ONE OR MORE OF THE EASEMENTS THAT -- THAT THEY WERE SUPERVISING.

AND THERE WAS A QUESTION EARLIER.

ANY ONE OF THE SIX PRIVATE OWNERS OF THESE PARCELS, THESE PROPOSED PARCELS, CAN APPLY FOR AMENDED -- AMENDMENTS TO THOSE RESTRICTIONS.

YOU'RE GOING TO HAVE SIX DIFFERENT PEOPLE OUT THERE, AND THEY CAN LITIGATE FOR THAT, BY THE WAY.

NOW, I'M A FAN OF THE NATURE CONSERVANCY.

I HAVE -- I HAVE DONATED TO THE NATURE CONSERVANCY.

BUT I DID DISCOVER JUNE 8th, 2005, WASHINGTON POST ARTICLE.

THE SENATE'S FINANCE COMMITTEE ISSUED A REPORT YESTERDAY RAISING QUESTIONS ABOUT A RANGE OF FINANCIAL PRACTICES AT THE ARLINGTON BASED NATURE CONSERVANCY AND RECOMMENDING REGULATORY CHANGES.

THE REPORT, THE RESULT OF A TWO-YEAR INVESTIGATION INTO THE

WORLD'S LARGEST ENVIRONMENTAL ORGANIZATION, QUESTIONS

WHETHER THE CHARITY'S ACTIONS AT TIMES MAY HAVE BEEN INCONSISTENT WITH THE POLICY UNDERLYING FEDERAL TAX LAWS.

THE COMMITTEE RAISES CONCERN ABOUT THE SIZE OF THE TAX BREAKS CLAIMED BY THE CONSERVANCY'S SUPPORTERS AND ABOUT THE CONSERVANCY'S SHORTCOMINGS IN MONITORING DEVELOPMENT RESTRICTIONS ON SOME LAND UNDER ITS SUPERVISION AND ABOUT PRIVATE SIDE DEALS WITH CONSERVANCY INSIDERS.

A FORMER HEAD -- SEPARATE ISSUE.

THIS IS NOT FROM THE WASHINGTON POST.

A FORMER HEAD OF LAND ACQUISITION FOR THE NATURE CONSERVANCY, DAVID MORINE, TOLD THE WASHINGTON POST, IT WAS THE WRONG DECISION TO GET SO CLOSE TO INDUSTRY.

BUSINESS GOT IN UNDER THE TENT, AND WE ARE THE ONES WHO INVITED THEM.

THESE CORPORATE EXECUTIVES ARE CARNIVOROUS.

YOU BRING THEM IN AND THEY JUST TAKE OVER.

THAT POLICY WAS THE BIGGEST MISTAKE OF MY LIFE.

HOW DO WE FIX CONE RANCH?

>>HEIDI McCREE: AND MR. BAILEY, I JUST WANT TO -- SO YOU KNOW, THE TIME IS TICKING, SO --

>> THANK YOU VERY MUCH.

>>HEIDI McCREE: WELL, NO, NO, NO.

IF YOU HAVE ANY OTHER QUICK COMMENTS, WE'D LOVE TO HEAR THEM.

>> OH, YES.

>>HEIDI McCREE: I JUST WANT TO LET YOU KNOW YOUR TIME --

>> JUST ONE.

>>HEIDI McCREE: OKAY.

THANK YOU.

>> THE GRAY HAIRS IN THE ROOM WILL REMEMBER BACK ABOUT 40 YEARS AGO A VERY TRAGIC COMMENT.

WE HAD TO DESTROY THE HAMLET IN ORDER TO PROTECT IT.

LET'S -- LET'S NOT MAKE THAT SAME MISTAKE WITH CONE RANCH, OKAY.

THESE CONSERVATION EASEMENTS ARE ALL ABOUT TAXES, TAX MONEY.

IT'S ABOUT THE MONEY.

YOU ASK YOURSELF HOW ARE THEY GOING TO FINANCE THIS, HOW ARE THEY GOING TO PAY FOR IT, WHO'S GOING TO CONTRIBUTE?

IT'S ABOUT THE MONEY.

IT'S ALWAYS THE MONEY.

>>HEIDI McCREE: THANK YOU.

APPRECIATE YOUR TIME.

ALL RIGHT.

MS. NEWMAN, JOYCE NEWMAN.

>> GOOD MORNING.

>>HEIDI McCREE: NOONAM, I APOLOGIZE.

>> I COME TO YOU TODAY AS A CHILD OR AT LEAST MY INNER CHILD INTACT, AND I ASK YOU ABOUT BAMBI AND THUMPER AND THE BALD EAGLES, AND ALL THE OTHER ANIMALS THAT MAKE CONE RANCH THEIR HOME, THE DEER.

THEY DON'T WANT HUNT CLUBS.

I DON'T EITHER.

I DON'T WANT GOLF COURSES.

AND THE BALD EAGLES MAKE THEIR NEST THERE.

THE OLD GROVE TREES LOOK MUCH BETTER THAN A SHOPPING MALL OR -- WHICH -- AS WE KNOW -- AS I'VE LEARNED TODAY, THERE IS NO SUCH THING AS AN IRONCLAD EASEMENT, ENVIRONMENTAL EASEMENT, AND SO -- SO WE'LL HAVE GOLF COURSE, WE'LL HAVE HUNT CLUBS, AND PLEASE REALIZE THE URGENCY IN PRESERVING OUR VALUABLE ECOSYSTEM AROUND TWO RIVERS RANCH, BLACK CREEK -- BLACKWATER CREEK, AND THE MIGHTY HILLSBOROUGH RIVER.

WE NEED WATER FOR IMPORTANT THINGS LIKE LIVING.

I GUESS MANY OF YOU DID SEE THE -- THE CITY COUNCIL LETTER THAT WAS WRITTEN IN JUNE ADDRESSED TO KEN HAGAN FROM THOMAS SCOTT, CHAIRMAN OF TAMPA CITY COUNCIL, URGING THE BOCC TO NOT SELL CONE RANCH AND TO PRESERVE IT.

THE CONE RANCH PROPERTY IS LOCATED IN THE WATERSHED OF BLACKWATER CREEK, WHICH IS A MAJOR TRIBUTARY OF THE HILLSBOROUGH RIVER.

THEREFORE, THE PROTECTION OF THE PROPERTY IS CRITICAL TO THE CONTINUED HEALTH OF THE HILLSBOROUGH RIVER, BOTH ECOLOGICALLY AND AS A WATER SUPPLY SOURCE.

YOU ARE A PANEL OF INTELLIGENT EXPERTS, AND I APPRECIATE YOUR -- YOUR TAKING THE TIME AND SERIOUSNESS OF THIS ISSUE, BUT I ASK YOU TO TAKE THE KISS THEORY, KEEP IT SIMPLE, STUPID.

THE NATIVE AMERICANS WHO LIVED AROUND BLACKWATER CREEK AND THE HILLSBOROUGH RIVER COULD NEVER IMAGINE SELLING THE LAND.

IT BELONGS TO NATURE.

IT CAN'T BE SOLD, JUST AS THE SPARKLE ON THE HILLSBOROUGH RIVER CAN'T BE -- DOES NOT HAVE ANY MONETARY VALUE.

I KNOW PEOPLE WHO HAVE FOUND ARROWHEADS AND FLINT ROCK AND ARTIFACTS OF NATIVE AMERICANS IN THIS AREA THAT WE'RE TALKING ABOUT, AND I'VE BEEN IN TOUCH WITH TALLAHASSEE, THE PRESERVATION HISTORICAL SOCIETY, AND I HAVE TOLD THEM ABOUT THIS POTENTIAL SALE, AND DO YOU REMEMBER WHAT HAPPENED IN DOWNTOWN MIAMI WHEN THEY WERE BUILDING THIS BIG CONDO AND THEY FOUND A MEDICINE CIRCLE AND ALL -- ALL CONSTRUCTION WAS HALTED?

AND I HOPE AND I PRAY THAT SOMETHING LIKE THAT WILL PREVENT DEVELOPMENT IN THIS AREA.

I TRUST MY INNER CHILD AND GUT FEELING ABOUT THE SALE OF CONE RANCH TO FC&EG.

IT DOESN'T FEEL RIGHT.

I HAVE DONE MY RESEARCH ON FC&EG OR AT LEAST PRINCIPLES OF THEM, AND I HOPE YOU HAVE TOO.

THEY DON'T HAVE GOOD INTENTIONS FOR THE COUNTY AND THE WELL-BEING OF OUR COUNTY AND THE FUTURE OF WHAT THEY'RE LEAVING FOR OUR CHILDREN.

THEY ARE IN IT AS GREENWASHING PROPERTY DEVELOPERS TRYING TO DUPE US WITH THEIR NAME.

WHAT A SHAME.

WHAT A SHAM.

ELAPP AND HILLSBOROUGH COUNTY SHOULD PAIR UP AS OWNERS AND PROTECTORS OF THE LAND.

I REALIZE FROM AERIAL VIEWS THE LAND IS A MESS OF DRAINAGE DITCHES AND CLEARINGS OF PASTURELAND.

IT WILL TAKE TIME AND MONEY TO RETURN THE LAND AND WATER BACK TO ITS ORIGINAL CONDITION.

THIS COULD BE A PROJECT CREATING JOBS, AND I'M CERTAIN ENVIRONMENTALISTS COULD COME TOGETHER AND VOLUNTEER THEIR TIME TO HELP.

THEY COME TOGETHER WHEN THERE'S TRASH TO COLLECT AROUND BEACHES AND STUFF.

THEY CARE THAT MUCH, AND THEY WILL VOLUNTEER.

THANK YOU FOR FEELING THIS IMPORTANT COMMONSENSE SOLUTION, AND I'D LIKE TO QUOTE CHIEF SEATTLE.

LAND DOES NOT BELONG TO MAN, MAN BELONGS TO NATURE.

THANK YOU.

>>HEIDI McCREE: THANK YOU VERY MUCH.

APPRECIATE IT.

AND PAM.

GOOD MORNING.

>> GOOD MORNING.

PAM CLOUSTON, 1621 THOMPSON ROAD IN LITHIA.

I HAVE THE 22 QUESTIONS.

I DIDN'T COUNT THEM, SOMEONE ELSE DID.

I'VE GOT TO TELL YOU, A LOT OF THE QUESTIONS THAT I ASKED HAVE BEEN ANSWERED.

SOME WERE INCOMPLETE, SOME REALLY COULD HAVE BEEN ANSWERED WITH YES OR NO, BUT WE GOT SOME LONGER EXPLANATIONS.

ONE QUESTION THAT DIDN'T GET ANSWERED FOR ME EXCEPT I'VE ANSWERED IT AND I'M GOING TO GIVE YOU THE ANSWER, WHAT'S THIS PROPERTY WORTH?

AND I'M TELLING YOU IT'S PRICELESS.

I WAS THERE.

IT WAS, YOU KNOW, ONE OF THE BEST DAYS OF MY LIFE TO HAVE THE OPPORTUNITY TO GO WITH SCOTT EMERY OUT THERE AND LOOK AT THIS PROPERTY AND SEE WHAT VALUE THERE IS.

I WANT TO TELL YOU THIS PROPERTY -- SOMEBODY TALKED ABOUT HOW THIS BELONGS TO THE TAXPAYERS.

IT BELONGS TO THE TAXPAYERS, AND IT DOES.

AND LET ME TELL YOU WHAT.

80% OF THE TAXPAYERS IN THIS COUNTY IN THE LAST ELECTION VOTED FOR FURTHER FUNDING FOR ELAPP IN ORDER TO SAVE PLACES JUST LIKE THIS.

WHY COULDN'T -- IF ELAPP THOUGHT THEY MIGHT RUN OUT OF MONEY OR WHATEVER, COULDN'T THEY HOLD THE CONSERVATION RIGHTS?

THERE IS A PLAN THAT'S BEEN DEVELOPED TO PRESERVE THIS.

ACCORDING TO THE SCOTT, IT WOULDN'T BE THAT EXPENSIVE.

YOU GO OUT THERE AND THERE'S DITCHING, OKAY.

WELL, THAT'S CAUSED SOME -- SOME DAMAGE TO THE WETLANDS, WHICH, BY THE WAY, IT'S 62% WETLANDS OUT THERE, SO THAT'S REALLY GOT TO BE TAKEN INTO CONSIDERATION IN ANY

CONSERVATION EASEMENT, WHICH I THINK WE NEED TO BE A LITTLE SKEPTICAL OF.

REMEMBER WE HAD ONE OUT AT FISHHAWK, CONSERVATION EASEMENT? THEY SAID, OOH, WAIT, THAT'S BETTER LAND TO BUILD ON, SO

WE'LL JUST MOVE THE GOPHER TORTOISE HABITAT OVER THERE, AND I JUST SAW THOSE LITTLE TORTOISES WALKING WITH THEIR LITTLE

SUITCASES ON THEIR BACKS TO ANOTHER PLACE BECAUSE THEY DECIDED THIS WILL BE THE EASEMENT INSTEAD OF THAT.

WE REALLY AND TRULY NEED TO LOOK AT KEEPING THIS IN THE PUBLIC'S HANDS.

IF IT NEEDS TO STAY PROPERTY THAT IS STILL OWNED BY THE

WATER DEPARTMENT, THAT'S GREAT.  
LET IT BE THERE.  
ALLOW ELAPP TO HAVE THE CONSERVATION EASEMENT ON IT.  
MONEY CAN BE USED FOR RESTORATION.  
THERE'S A PLAN OUT THERE.  
SOME OF THAT DITCHING THAT WAS DONE, YOU CAN SEE WHERE THEY  
DITCHED IT AND THE DIRT THAT THEY USED TO DITCH IT IS STILL  
PILED UP THERE.  
A BULLDOZER.  
PUBLIC WORKS HAS THOSE AND THEY HAVE PEOPLE THAT OPERATE  
THEM.  
YOU KNOW, JUST PLUG UP THE LITTLE CHANNELS THAT THEY DUG.  
THAT'S GOING TO REFLOOD AND REHYDRATE SOME OF THOSE  
ENDANGERED WETLANDS.  
IT IS NOT PRISTINE, BUT I'M GUARANTEEING YOU, THERE IS NO  
PLACE PRISTINE.  
MAYBE WAY BACK IN THE MIDDLE OF THE FACAHATCHEE THEY MISSED  
ONE OR TWO OF THOSE OLD GROVE CYPRESS, BUT EVERY PART OF  
FLORIDA HAS BEEN IMPACTED BY HUMAN ACTIVITY.  
WHERE YOU WALK OUT AND LOOK AND SAY, WOW, THAT'S PRISTINE,  
NEVER BEEN TOUCHED, IT'S NOT TRUE.  
IT WAS TOUCHED JUST A COUPLE HUNDRED YEARS AGO, AND I DO  
WANT TO -- I KNOW YOUR TIME IS PRECIOUS, AND I'M SO SORRY,  
BUT THIS IS SOMETHING THAT'S VERY DEAR TO ME, SO I WANT TO  
MAKE SURE THAT -- THAT YOU HEAR.  
I WANTED TO KNOW, COULD THE BOCC ASK FOR -- YOU KNOW HOW  
WE -- PLAN "A," "B," "C" ?  
COULD THE BOCC ASK FOR A REFERENDUM TO BE PUT ON THE BALLOT  
IN 2010 TO ASK THE VOTERS IN THIS COUNTY WHETHER THEY WOULD  
LIKE TO SELL THIS INTO PRIVATE HANDS OR WHETHER THEY WOULD  
LIKE TO KEEP IT FOR THE COUNTY?  
I DON'T KNOW ALL THE INS AND OUTS OF THAT.  
ALSO, HAVE ANY ARCHEOLOGY STUDIES BEEN DONE AT ALL ON THIS  
PROPERTY?  
AND I DO THINK THAT ONE OF YOUR RECOMMENDATIONS WOULD BE  
DON'T DO ANYTHING UNTIL WE HEAR WHAT ELAPP HAS TO SAY.  
THANK YOU ALL SO MUCH FOR YOUR TIME.  
I REALIZE IT'S A HARDSHIP FOR YOU-ALL TO BE HERE.  
THANKS.  
>>HEIDI McCREE: THANK YOU VERY MUCH.  
APPRECIATE YOUR TIME AS WELL.  
THANK YOU.  
ALL RIGHT.  
THOSE ARE THE PUBLIC COMMENTS WE HAVE.  
ANY OTHERS?  
SEEING NONE, COMMITTEE MEMBERS, ARE YOU FEELING COMFORTABLE  
ABOUT WHAT WE'VE TALKED ABOUT FOR OUR NEXT MEETING AND IT  
WILL BE AUGUST 24th?  
WE'LL TRY TO GO 9:00 TO 11:00, BUT JUST PLAN YOUR SCHEDULES  
ACCORDINGLY.  
DEE.  
>>DENISE LAYNE: ONE OF THE THINGS WE TALKED ABOUT ACTUALLY  
FIRST AND SECOND MEETING WAS THE POSSIBILITY OF THIS LAND  
BEING USED FOR MITIGATION BANKING.  
WE HAVE NOT HEARD ABOUT MITIGATION BANKING.  
THERE ARE GOOD AND THERE ARE BAD MITIGATION BANKS.  
IF THEY'RE DONE RIGHT, THEY CAN BE VERY POSITIVE, THEY CAN  
BE A WAY OF MAKING MONEY.  
I KNOW THAT RICK -- I'M GOING ABSOLUTELY BRAIN DEAD HERE.  
I LOVE IT.  
>> GARRITY.  
>>DENISE LAYNE: YEAH, GARRITY.  
JEEZ.

SORRY, RICK.

HAS TALKED ABOUT THIS FOR YEARS, HAS TALKED AT ONE POINT ABOUT PUTTING A COMMITTEE TOGETHER TO FIND OUT DO WE WANT TO BANK IN HILLSBOROUGH COUNTY, DO WE WANT IT TO BE HERE? I WOULD THINK IF WE COULD GET A PRESENTATION AND MAYBE ASK RICK TO COME TO THE NEXT MEETING -- WE DON'T NEED A TWO-HOUR EDUCATION.

I THINK WITHIN 15 OR 20 MINUTES HE COULD TELL US EVERYTHING WE NEED TO KNOW ABOUT MITIGATION BANKING AND HOW HE WOULD SEE IT SET UP TO SEE IF THIS IS A POSSIBILITY WE WANT TO INCLUDE INTO ANY KIND OF RECOMMENDATION, SO --

>>HEIDI McCREE: LET'S ADD THAT MAYBE AS ONE OF OUR FIRST PRESENTATIONS.

YES, VIVIENNE.

>> I'M SURE YOU ALL RECEIVED THE E-MAIL, BUT THERE WAS A PRIVATE CONSULTANT THAT OFFERED TO COME IN AND DO A PRESENTATION ON A PUBLIC-PRIVATE MITIGATION BANKING PARTNERSHIP.

>> [INAUDIBLE]

>> USING ONE THAT THEY'RE DOING RIGHT NOW IN SOUTH FLORIDA AS AN EXAMPLE.

I THINK THAT WOULD BE AN EXCELLENT ALTERNATIVE FOR US TO HAVE A LOOK AT IT.

>>HEIDI McCREE: IT MIGHT BE GOOD TO HAVE A COUNTY STAFFPERSON MAYBE OVERVIEW, AND IF YOU WOULD LOOK INTO THAT.

I DON'T WANT TO GET INTO, YOU KNOW, INVITING ONE -- I DON'T KNOW ENOUGH ABOUT THAT, BUT I JUST THINK WE NEED TO KEEP IT IMPARTIAL.

>> I WOULD SUGGEST, HOWEVER, THAT SOMEONE FROM SWFWMD PROBABLY BE A BETTER CANDIDATE TO SPEAK TO THAT ISSUE.

>>HEIDI McCREE: YES.

>> ANDY ZODROW STANDING IN FOR BOB STETLER.

I WOULD RECOMMEND THAT BOB PROBABLY BE THE ONE WHO GIVES THAT PRESENTATION ON MITIGATION BANKING, BUT I ALSO WANTED TO POINT OUT THAT UNDER THE CURRENT STATE LAW, THE WATER MANAGEMENT DISTRICT WOULD BE THE ENTITY THAT WOULD DO ANY OF THE PERMITTING FOR A MITIGATION BANK, SO THE EPC COULD GIVE OUR OPINION, AND WE COULD TALK ABOUT OUR RULE AND OUR WETLAND RULE AND HOW WE DO EVERYTHING, BUT ULTIMATELY YOU'RE PROBABLY GOING TO NEED TO SPEAK WITH SOMEBODY FROM THE WATER MANAGEMENT DISTRICT ABOUT THE -- THE BANKING ASPECT.

>>HEIDI McCREE: DO YOU HAVE A RECOMMENDATION, LIKE A CLARK HALL OR STEVE --

>> CLARK HALL.

>>HEIDI McCREE: SOMEONE LIKE THAT MAYBE COME BACK?

>> CLARK HALL.

>>HEIDI McCREE: AND I HAVE NO -- I'M NOT SAYING WE DON'T WANT TO MAYBE HAVE THAT PERSON ALSO BE HERE TO ANSWER SOME QUESTIONS ABOUT THE PRACTICALITIES OF IT, BUT WE MIGHT WANT TO PUT TOGETHER SOME OF THOSE, YOU KNOW, KIND OF PUBLIC-PRIVATE PARTNERSHIP FOLKS.

>> I REALLY WANT TO ENCOURAGE YOU TO ALLOW THIS PERSON TO MAKE A PRESENTATION BECAUSE IT EXPLAINS THE PROCESS AND HOW IT CAN WORK, AND I DON'T THINK UNLESS YOU HEAR A GOOD BIT OF IT THAT YOU -- YOU KNOW, YOU CAN GET A FEEL FOR HOW A MITIGATION BANK MIGHT BE USEFUL.

>>HEIDI McCREE: ALL RIGHT.

LET'S DO -- IF WE COULD, YOU KNOW, INVITE -- KIND OF GET BOTH SIDES -- YOU KNOW, THE FOLKS WHO REGULATE AND THE FOLKS WHO IMPLEMENT OR HOWEVER YOU WANT TO EXPRESS IT.

>> KRISTIN WITH TETRA TECH.

>> YES.  
>> KRISTIN WAS THE ONE WHO MADE THE OFFER TO MAKE THE PRESENTATION.  
>>HEIDI McCREE: I THINK SHE WAS ON THE AGENDA FOR TODAY, OBVIOUSLY NOT THE FINAL AGENDA, BUT THANK GOODNESS. WITH ALL DUE RESPECT, HERE WE ARE, IT'S 12:00, SO --  
>> [INAUDIBLE]  
>>HEIDI McCREE: IF YOU COULD MAYBE BE AVAILABLE, THAT WOULD BE GREAT.  
SO -- ALL RIGHT.  
OTHER AGENDA ITEMS FOR AUGUST 24th.  
>> DO WE WANT TO SET MORE DATES IN SEPTEMBER OR JUST GO THROUGH THE 24th?  
>>HEIDI McCREE: SINCE WE HAD SUCH AN ERRATIC SCHEDULE IN THE MONTHS OF AUGUST, I WOULD ENCOURAGE US TO -- MAYBE, EDITH, YOU COULD SEND OUT AN E-MAIL TO LOOK AT EVERY OTHER MONDAY OR HOWEVER THE COMMITTEE WANTS TO GO. WE WERE MEETING ON MONDAY MORNINGS. THAT WAS WORKING UNTIL I THINK TRAVEL SCHEDULES INTERVENED, SO I DON'T KNOW IF MONDAY MORNINGS ARE STILL GOOD FOR FOLKS, BUT LET'S HAVE THAT CONVERSATION REAL QUICKLY. IS THAT A GOOD IDEA TO PUT A -- MAYBE A SEPTEMBER SCHEDULE TOGETHER?  
WE MAY OR MAY NOT NEED ALL THOSE.  
>>DENISE LAYNE: TOWARD THE END OF SEPTEMBER WE START BECAUSE AGAIN, I THINK OUR FIRST IMPRESSION OF WHAT ELAPP CAN DO IS GOING TO BE SEPTEMBER 15th --  
>>HEIDI McCREE: THAT'S A GOOD POINT.  
>> -- WHETHER IT'S GOING TO BE HOW MANY ACRES OR NOT --  
>>HEIDI McCREE: RIGHT.  
>> -- SO IF YOU WOULD START --  
>>HEIDI McCREE: MAYBE AFTER SEPTEMBER 15th.  
>>DENISE LAYNE: THEN START YOUR ROUTINE.  
>>HEIDI McCREE: WE'LL MEET ON THE 24th, AND THEN IF WE COULD CHOOSE -- I DON'T HAVE MY CALENDAR -- THE MONDAY FOLLOWING THE 15th OF SEPTEMBER.  
>>HUGH GRAMLING: [INAUDIBLE]  
>>HEIDI McCREE: OKAY.  
THAT'S NOT GOING TO WORK.  
HOW ABOUT THE --  
>>HUGH GRAMLING: [INAUDIBLE]  
>>HEIDI McCREE: SO THE 28th WOULD WORK?  
>> I'LL BE OUT THE 28th.  
>>HEIDI McCREE: OKAY.  
ALL RIGHT.  
I'M NOT GOING TO PLAY THIS GAME.  
EDITH, LET'S WORK ON THIS.  
WE'LL WORK ON THIS.  
BUT I THINK I'M HEARING CONCURRENCE THAT WE WAIT UNTIL AFTER SEPTEMBER 15th FOR OUR MEETING AFTER THE 24th OF AUGUST, AND WE'LL FIGURE THAT OUT AND HOPEFULLY WORK THAT OUT.  
OTHER COMMENTS, QUESTIONS FROM THE COMMITTEE MEMBERS AT THIS POINT?  
AGAIN, THANK YOU ALL FOR YOUR TIME.  
FCEG, THANK YOU FOR YOUR PRESENTATION.  
CLEARLY VERY INTERESTING FOR US TO GO BACK AND PONDER. AND WE'LL SEE EACH OTHER ON THE 24th OF AUGUST.  
>> AND HEIDI, WE'VE GOT COPIES OF THAT WHICH I CAN GIVE YOU.  
>>HEIDI McCREE: THANK YOU.  
THAT'S RIGHT.  
YEAH.

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DO YOU WANT TO JUST DISTRIBUTE THAT TO COMMITTEE MEMBERS,  
COME AROUND AND DO THAT?  
THAT WOULD BE GREAT.  
THANK YOU, KEN.  
APPRECIATE IT VERY MUCH.  
MEETING ADJOURNED.

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