

CAPTIONING
AUGUST 24, 2009
CONE RANCH ENVIRONMENTAL ADVISORY PANEL

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***following meeting. It should be used for informational
***purposes only. This document has not been edited;
***therefore, there may be additions, deletions, or words
***that did not translate.

>>HEIDI McCREE: GREAT.

GOOD MORNING, EVERYBODY.

I'M GOING TO GO AHEAD AND CALL TO ORDER OUR CONE RANCH
ENVIRONMENTAL ADVISORY PANEL MEETING FOR TODAY, MONDAY,
AUGUST 24th, 2009.

AND WE DELAYED OUR BEGINNING OF THE MEETING JUST FOR A FEW
MOMENTS.

WE HAVE CHANGED THE LOCATION TODAY TO ACCOMMODATE OTHER
MEETINGS IN THE COUNTY CENTER, AND SO APPRECIATE EVERYBODY
INDULGING THE LOCATION CHANGE HERE TO THE TAMPA PORT
AUTHORITY AND WANT TO THANK THE PORT AUTHORITY FOR
PROVIDING THEIR BOARDROOM TO US FOR OUR MEETING THIS
MORNING.

I THINK WE HAVE -- WE ARE MISSING ONE MEMBER TODAY, SO WE
HAVE A SIX -- SIX-MEMBER PANEL, BUT WE DO HAVE A QUORUM,
AND OUR FIRST ORDER OF BUSINESS IS APPROVAL OF THE RECAP
FOR THE AUGUST 14th, 2009, MEETING, AND WE HAVE THE -- THE
RECAP BEFORE US.

I HAVE ACTUALLY RECEIVED A COUPLE OF TECHNICAL -- MINOR CHANGES ON THE THIRD PARAGRAPH PERTAINING TO THE NATURE CONSERVANCY, AND I CAN READ THOSE OUT LOUD FOR THOSE OF YOU WHO WOULD LIKE ME TO, AND THEN I'LL ALSO ENTERTAIN ANY OTHER CHANGES.

ON THAT THIRD PARAGRAPH, WE'RE JUST GOING TO CHANGE THE -- THE NUMBER OF ACRES TO 99,000, I BELIEVE IS THE CHANGE, AND IN THE SECOND SENTENCE WHERE IT SAYS THAT THE NATURE CONSERVANCY HAS HELPED TO PRESERVE NATIONWIDE, WE'RE GOING TO SAY STATEWIDE BY CONSERVATION EASEMENTS.

AND IN THE FINAL SENTENCE WE'RE CHANGING WOULD TO COULD BE INVOLVED WITH THE FCEG AND COUNTY, AS INSERTED, IN THIS PROPOSAL.

SO THOSE -- SO THOSE ARE THE CHANGES I RECEIVED WITH THE APPROVAL OF THE COMMITTEE.

ANY OTHER CHANGES OR DISCUSSION?

IF NOT, I'LL ENTERTAIN A MOTION FOR APPROVAL.

>> SO MOVE.

>>HEIDI McCREE: MOTION.

IS THERE A SECOND?

>> SECOND.

>>HEIDI McCREE: SECOND.

ANY FURTHER DISCUSSION?

SEEING AND HEARING NONE, ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE.

[CHORUS OF AYES]

ANY OPPOSED?

ALL RIGHT.

MOTION CARRIES.

NOW WE MOVE TO PERHAPS ONE OF THE MORE COMPLICATED ISSUES WE'RE GOING TO HAVE TO ADDRESS THIS MORNING, THE SCHEDULE OF OUR FUTURE MEETINGS.

YOU HAVE BEFORE YOU A PROPOSED SCHEDULE, AND IF I COULD JUST REMIND THE COMMITTEE THAT ONE OF THE REASONS WE ARE NOT MEETING IN THE MONTH OF SEPTEMBER PER THE PROPOSAL IS THAT AT OUR LAST MEETING WE DISCUSSED THE FACT THAT ELAPP HAS EXPRESSED AN INTEREST IN THE FUTURE OF CONE RANCH, AND THEY WILL BE ADDRESSING A WHOLE HOST OF THEIR ELAPP ISSUES AT A PUBLIC MEETING ON SEPTEMBER 15th, A PUBLIC MEETING ON SEPTEMBER 15th, SO WE DISCUSSED THAT WE MIGHT NOT WANT TO MEET AGAIN UNTIL AFTER ELAPP MEETS IN THE MIDDLE OF SEPTEMBER, AND THEN IT WAS AN ISSUE OF LOGISTICS OF FINDING ROOMS THAT WOULD BE AVAILABLE FOR US TO BE TELEVISED AS PER THE BOARD OF COUNTY COMMISSIONERS' WISHES, SO YOU SEE BEFORE YOU A PROPOSED SCHEDULE WHICH MOVES US QUITE FAR OUT INTO OCTOBER, AND I ALSO HAVE HEARD FROM ONE OR TWO BOARD MEMBERS THAT THAT OCTOBER 12th DATE MAY NOT WORK FOR THEM, SO I AM OFFERING UP A MOMENT FOR DISCUSSION ON THIS ISSUE SO WE COULD DISCUSS WHEN WE WOULD LIKE TO NEXT MEET. AGAIN THINKING THAT IT WOULD BE AFTER SEPTEMBER 15th.

HUGH.

>>HUGH GRAMLING: MADAM CHAIR, I HAVE CONFLICTS FOR THE
12th AND THE 26th.

>>HEIDI McCREE: OKAY.

IS THAT JUST PARTICULAR DAY OR THOSE WEEKS?

>>HUGH GRAMLING: YES.

>>HEIDI McCREE: OKAY.

THOSE DAYS, SO WE COULD OPEN UP THOSE WEEKS.

>> AND I HAVE CONFLICTS FOR NOVEMBER 9th.

>>HEIDI McCREE: OKAY.

GREAT.

DENISE.

>>DENISE LAYNE: I HAVE A CONFLICT THE WEEK OF OCTOBER
26th, NOT ONLY THAT DAY, THE ENTIRE WEEK.

>>HEIDI McCREE: THE ENTIRE WEEK.

OKAY.

THE WEEK OF THE 26th, LET'S --

>>DENISE LAYNE: EVERYTHING ELSE IS FINE.

>>HEIDI McCREE: -- JUST TAKE THAT OUT OF PLAY.

AND HEARING NO OTHER CONFLICTS -- WHAT I MIGHT SUGGEST,
EDITH, WAS THERE ANY OPPORTUNITY TO MEET IN THE LATTER PART
OF SEPTEMBER, EARLIER THAN MONDAY THE 12th?

AND IS THAT SOMETHING WE MIGHT WANT TO CONSIDER?

AND YOU MAY HAVE TO GET BACK TO US WITH LOGISTICS.

IF NOT, IF THE FIRST WEEK WOULD BE OCTOBER 12th, WE MAY

HAVE TO LOOK AT SOME DATES IN THE WEEK OF OCTOBER 12th AND POTENTIALLY JUST E-MAIL THE COMMITTEE AS TO THEIR AVAILABILITY, OR WE COULD MAYBE BE HERE ALL MORNING DISCUSSING OUR SCHEDULES.

JUST FOR EDITH AND THE STAFF'S ASSISTANCE, THE WEEK OF OCTOBER 12th, ARE THERE ANY OTHER DATES THAT ARE COMPLETELY OUT FOR FOLKS IF THEY COME UP WITH A -- AT THIS POINT NO? AND THEN LET'S JUST GO TO THE WEEK PRIOR TO OCTOBER 12th, AND I DON'T HAVE MY CALENDAR IN FRONT OF ME, BUT IS THERE ANYTHING THERE THAT'S -- JUST IN THE EVENT -- OKAY. JUST IN THE EVENT THAT WE CAN FIND SOMETHING.

ALL RIGHT.

WE'LL WORK WITH EDITH ON THAT, AND IF YOU DO HAVE ANY CONFLICTS THAT ARISE, PLEASE, PLEASE LET HER KNOW AS SOON AS YOU POSSIBLY CAN BECAUSE IT IS DIFFICULT TO COORDINATE SEVEN PEOPLE'S BUSY SCHEDULES, SO THANK YOU VERY MUCH.

ALL RIGHT.

WE'RE GOING TO MOVE INTO -- THE COMMITTEE REQUESTED BEFORE WE MOVE INTO OUR DISCUSSION OF ISSUES THIS MORNING THAT WE HAVE A PRESENTATION ON MITIGATION BANKING.

ON YOUR AGENDA WE HAVE BOB STETLER AND ANDREW ZODROW.

AM I SAYING THAT CORRECTLY?

>>ANDREW ZODROW: YES, ZODROW.

>>HEIDI McCREE: ANDREW'S HERE THIS MORNING FROM THE EPC, OUR ENVIRONMENTAL PROTECTION COMMISSION, TO INITIATE OUR

DISCUSSION ON MITIGATION BANKING.

WE WILL THEN HAVE CLARK HULL FROM THE WATER MANAGEMENT DISTRICT PRESENT, AND THEN WE WILL HAVE KRISTIN BENNETT FROM TETRA TECH PRESENT ON MITIGATION BANKING, SO WE WILL BE HEARING ABOUT MITIGATION BANKING FOR THE NEXT PORTION OF THE MEETING, AND FOLLOWING THAT WE MAY TAKE A BREAK, DEPENDING ON HOW LONG THIS GOES ON AND COME BACK AND DISCUSS ISSUES OF WHERE WE'VE BEEN WITH THIS ADVISORY PANEL FOR THE LAST -- THIS IS OUR FOURTH MEETING -- AND WHERE WE'D LIKE TO GO IN THE NEXT COMING MONTHS ON ADDRESSING THIS ISSUE ABOUT THE FUTURE FOR THE PROTECTION OF CONE RANCH.

SO WITH THAT I'M GOING TO TURN IT OVER TO ANDREW, AND GOOD MORNING, AND THANKS FOR BEING HERE.

>>ANDREW ZODROW: GOOD MORNING.

I'M ANDREW ZODROW AGAIN WITH THE ENVIRONMENTAL PROTECTION COMMISSION.

AT THE LAST MEETING THE PANEL HAD ASKED AGAIN A BRIEF PRESENTATION ON MITIGATION BANKING.

WE'RE GOING TO HAVE THREE PEOPLE TALK, MYSELF, CLARK HULL WITH THE WATER MANAGEMENT DISTRICT, AND KRISTIN BENNETT FROM A PRIVATE ENTERPRISE, TETRA TECH.

I'LL START OUT.

I WAS GOING TO GIVE A LITTLE BIT MORE OF AN INTRO INTO MITIGATION BANKING BECAUSE I THOUGHT CLARK HULL WAS GOING

TO BE RUNNING LATE, BUT HE'S HERE ON TIME.

I WANT TO LET MS. STEWART KNOW THAT.

SO -- BUT I'LL GIVE A -- BASICALLY A ONE-SENTENCE
DEFINITION OF WHAT MITIGATION BANKING IS JUST FOR THOSE
PEOPLE THAT DON'T KNOW.

I THINK PRETTY MUCH EVERYONE HERE DOES KNOW, BUT I'LL JUST
SAY IT.

MITIGATION BANKING IS WHERE A PRIVATE ENTERPRISE COMES IN
AND CONDUCTS MITIGATION THAT'S INTENDED TO OFFSET WETLAND
IMPACTS THAT WOULD OCCUR IN THE FUTURE.

THAT MITIGATION THEN CAN BE BANKED AND -- AND USED AS A
CREDIT THAT THEN A FUTURE DEVELOPER WOULD PAY AND OBTAIN
THAT CREDIT FOR A WETLAND IMPACT IN THE FUTURE.

SO I JUST WANTED TO, YOU KNOW, PUT THAT OUT BECAUSE
EVERYBODY'S BEEN TALKING ABOUT MITIGATION BANKING.

I'M NOT SURE IF EVERYBODY KNOWS EXACTLY WHAT THAT IS.

WHAT I DID WANT TO SAY FROM EPC'S PERSPECTIVE, LIKE I SAID
AT THE LAST MEETING, WE DON'T DO THE PERMITTING FOR BANKS;
HOWEVER, HAVING SAID THAT, THE EPC DOES SUPPORT THE
DEVELOPMENT AND USE OF MITIGATION BANKS IN HILLSBOROUGH
COUNTY.

THEY SERVE A GOOD PURPOSE.

IT'S SORT OF A TOOL IN THE TOOLBOX FOR THE APPLICANTS AND
FOR THE REGULATORS.

FOR EXAMPLE, WE PARTICULARLY LIKE MITIGATION BANKS WHERE

YOU HAVE A SITUATION LIKE SINGLE-FAMILY RESIDENCES WHERE THERE'S NOT AVAILABLE ON-SITE AREA TO DO MITIGATION FOR WETLAND IMPACTS.

THOSE TYPES OF APPLICANTS ARE PUT IN A VERY DIFFICULT POSITION BECAUSE WE TRY TO ASK THEM TO GO OFF-SITE, PURCHASE LAND, DO MITIGATION ON THAT, AND THAT'S DIFFICULT. SO THE BANKS SERVE A PRETTY GOOD PURPOSE FOR THAT BECAUSE IT ALLOWS THE APPLICANT TO JUST SIMPLY PURCHASE A CREDIT THAT THEN OFFSETS THAT WETLAND IMPACT THAT THEY'RE -- THEY'RE GOING TO HAVE PERMITTED.

ANOTHER THING I WANTED TO SAY IS -- AND I'VE SAID THIS A COUPLE TIMES, BUT THE WATER MANAGEMENT DISTRICT IS THE PERMITTING AGENCY FOR MITIGATION BANKS, SO THEY, UNDER THE STATE STATUTE -- THAT'S REQUIRED UNDER THE STATE STATUTES -- THEY WILL BE DECIDING ISSUES LIKE THE UTILIZATION OF CREDITS, WHETHER OR NOT THAT CAN BE USED IN OR OUTSIDE OF THE BASIN, THOSE -- THOSE MITIGATION CREDITS.

ANOTHER THING THAT I WANTED TO TALK ABOUT AND I THINK IS REALLY IMPORTANT TO UNDERSTAND TOO FOR THOSE PEOPLE THAT MIGHT BE CRITICS OF WETLAND MITIGATION BANKS IS THE RULES, ESPECIALLY THE EPC RULES, THE MITIGATION BANK IS ONLY A TOOL AFTER THE IMPACT HAS BEEN PERMITTED, SO YOU STILL HAVE TO GO THROUGH THE FULL REVIEW.

THE MITIGATION BANK WILL NEVER JUSTIFY A WETLAND IMPACT UNDER THE EPC RULES AND GENERALLY WILL NOT UNDER THE

OTHER -- OTHER AGENCIES.

I'LL LET THE OTHER AGENCIES SPEAK TO THEIR RULES, BUT CERTAINLY UNDER THE EPC RULES YOU'LL NEVER HAVE A SITUATION WHERE THE EXISTENCE OF A MITIGATION BANK AND THE CREDIT ASSOCIATED WITH THAT BANK WILL JUSTIFY A WETLAND IMPACT IN HILLSBOROUGH COUNTY.

ONE OF THE OTHER THINGS THAT WE LIKE IS -- WE WOULD LIKE TO BE INVOLVED WITH AT THE EPC IS -- AND WE DO THAT NOW FOR THE WATER MANAGEMENT DISTRICT.

WE DO THE COMPLIANCE AND MONITORING FOR MITIGATION.

IF THERE EVER WAS A WATER MANAGEMENT DISTRICT PERMITTED BANK SET UP, A NEW ONE, THE EPC COULD DO THE COMPLIANCE AND MONITORING OF THE BANK, SO IF THERE'S ANY CONCERNS ABOUT THAT AND THAT BEING DONE -- YOU KNOW, THERE'S BEEN A LOT OF CRITICISM OF BANKS, AND A LOT OF THE CRITICISM COMES OUT OF THE ISSUE OF ARE THEY REALLY -- IS THERE REALLY COMPLIANCE, DO THEY REALLY WORK, THOSE KIND OF THINGS, AND THE EPC IS -- IS VERY ACTIVELY INVOLVED WITH MAKING SURE THAT ALL OF THE MITIGATION IN HILLSBOROUGH COUNTY IS SUCCESSFUL.

I ALWAYS SAY THAT MITIGATION IS -- IS REALLY 100% SUCCESSFUL BECAUSE IT'S NEVER RELEASED UNTIL IT'S DEEMED SUCCESSFUL, AND SO WE WILL CONTINUE WORKING WITH AN APPLICANT TO MAKE THEM FIX WHATEVER PROBLEMS THERE ARE. THERE'S GENERALLY FINANCIAL ASSURANCE THAT -- AND THERE WOULD BE FOR MITIGATION BANKS, SO IF SOMEBODY GOES BELLY

UP, THAT FINANCIAL ASSURANCE IS AVAILABLE TO ENSURE THAT
THE MITIGATION BANK IS SUCCESSFUL IN THE FUTURE.

SO AT THAT, I'LL PASS IT OVER -- I'M NOT SURE WHO'S NEXT ON
THE --

>>HEIDI McCREE: THANK YOU, ANDREW.

CLARK IS NEXT, SO CLARK HULL, AND WE SEE CLARK --

>> HE'S RIGHT THERE.

>>HEIDI McCREE: THERE YOU ARE, CLARK.

IT'S GREAT TO SEE YOU AGAIN.

WELCOME, AND THANK YOU.

>> GOOD MORNING.

THAT'S NOT ME UP THERE, SO I'M NOT SURE WHAT I NEED TO DO
HERE.

>>HEIDI McCREE: BECAUSE YOU HAVE A POWERPOINT
PRESENTATION, CORRECT?

>> I DO.

>>HEIDI McCREE: IS THERE SOMEONE WHO CAN ASSIST CLARK WITH
THE TECHNICAL ...

THERE IT IS.

WE'RE SEEING IT ON THE TV SCREENS HERE OR THE SCREENS HERE.

>> YEAH, CLARK IS WORKING ON IT THERE.

HE'S TRYING TO MINIMIZE.

>> [INAUDIBLE]

>> RIGHT.

IF HE GOES TO THE --

>> IT'S ON THE DESK --

>> THAT'S NOT MY PRESENTATION.

>> IT'S ON THE DESKTOP, CLARK.

IF YOU CAN MINIMIZE THAT.

>> [INAUDIBLE]

>> THERE IT IS.

THERE WE GO.

>>HEIDI McCREE: THERE WE GO.

THANK YOU.

>> I APOLOGIZE FOR BEING A LITTLE BIT LATE THIS MORNING.

I HAD TWIN FIRST GRADERS STARTING THE FIRST GRADE TODAY.

>>HEIDI McCREE: CONGRATULATIONS.

>> [INAUDIBLE]

>>HEIDI McCREE: WE ALL UNDERSTAND.

>> GOOD MORNING.

MY NAME IS CLARK HULL.

I AM THE PROGRAM DIRECTOR FOR THE ENVIRONMENTAL RESOURCE PERMITTING PROGRAM AT THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, AND I'VE SORT OF BEEN THE MITIGATION BANKING GUY THERE FOR THE LAST DECADE OR SO.

I THOUGHT THAT I WOULD TRY TO COVER SOME BASICS HERE THIS MORNING, AND SOME OF THOSE MIGHT HAVE BEEN COVERED BY ANDY ALREADY, BUT I'LL QUICKLY GO OVER WHAT IS MITIGATION, WHAT IS A MITIGATION BANK, WHAT TYPE OF PERMIT IS REQUIRED TO ESTABLISH A MIT BANK FOR PERMITS, HOW DO WE DETERMINE

MITIGATION BANK CREDITS, WHO CAN USE A BANK, AND THEN WHAT IS A ROMA, WHICH IS SORT OF LIKE A BANK.

STARTING WITH STATUTES, THE ENVIRONMENTAL RESOURCE PERMITTING PROGRAM DRAWS ITS AUTHORITY PRIMARILY FROM CHAPTER 373 OF THE FLORIDA STATUTES, AND WITHIN CHAPTER 373 WE HAVE THE DEFINITION OR WE AT LEAST HAVE A LANGUAGE THAT DESCRIBES WHAT MITIGATION IS, AND MITIGATION BANKING IS JUST A FORM OF MITIGATION, AND MITIGATION IS DEFINED OR DISCUSSED VERY BROADLY IN THE STATUTE, AND BASICALLY IT'S ANY MEASURES PROPOSED BY OR ACCEPTABLE TO AN APPLICANT TO MITIGATE ADVERSE EFFECTS, AND THAT MAY BE EFFECTS ON A NUMBER OF ISSUES RELATED TO THE PUBLIC INTEREST OR WATER QUALITY OR OTHER THINGS, BUT PRIMARILY WE -- WHEN WE USE THE TERM "MITIGATION" IN THE ERP PROGRAM, WE'RE TALKING ABOUT MITIGATION FOR WETLAND IMPACTS, AND SO WHEN YOU GO TO OUR BASIS OF REVIEW IN THE ENVIRONMENTAL RESOURCE PERMITTING RULES, MITIGATION IS THEN DEFINED AS SOMETHING THAT USUALLY CONSISTS OF RESTORATION, ENHANCEMENT, CREATION, OR PRESERVATION OF WETLANDS, OTHER SURFACE WATERS, OR UPLANDS, AND THESE ARE ACTIVITIES THAT ARE UNDERTAKEN TO OFFSET WETLAND IMPACTS, WHICH IS GENERALLY THE DREDGING OR FILLING OF WETLANDS.

A MITIGATION BANK IS ALSO DEFINED IN THE ERP BASIS OF REVIEW AS A PROJECT UNDERTAKEN TO PROVIDE FOR THE WITHDRAWAL OF MITIGATION CREDITS TO OFFSET ADVERSE IMPACTS

TO WETLANDS AND SURFACE WATERS.

STATEWIDE THERE ARE SOMEWHERE IN THE NEIGHBORHOOD OF ABOUT 50 MITIGATION BANKS PERMITTED, AND THAT NUMBER KEEPS CHANGING SORT OF DAY BY DAY, BUT IT'S PRETTY CLOSE TO 50 NOW.

THE DEP HAS A WEB SITE THAT ONE CAN GO TO, AND THAT'S WHERE THIS SNAPSHOT CAME FROM, THAT SHOWS ALL OF THE MITIGATION BANKS IN THE STATE AND IDENTIFIES THEIR SERVICE AREAS AND CONTACT, ET CETERA.

AND ALTHOUGH THIS -- THIS PARTICULAR WEB SITE IS MAINTAINED BY THE DEP, AS ANDY SAID TO YOU, THE PERMITTING OF MITIGATION BANKS IS DONE BY -- PRIMARILY BY THE WATER MANAGEMENT DISTRICTS AND IS DONE IN THIS DISTRICT BY THE WATER MANAGEMENT DISTRICTS.

AS YOU GET UP IN THE SUWANNEE AND THE PANHANDLE THEY'VE GOT AGREEMENTS WITH DEP, AND DEP'S DOING SOME OF THE PERMITTING FOR THEIR BANKS UP THERE, BUT HERE SWFWMD HANDLES THEM ALL.

WE HAVE -- I THINK WE HAVE SEVEN MITIGATION BANKS NOW IN OUR DISTRICT, AND WE'VE GOT A COUPLE IN THE PEACE BASIN, WE'VE GOT IN THE UPPER COASTAL, ONE IN THE TAMPA BAY DRAINAGE BASIN, ONE IN THE MYAKKA DRAINAGE BASIN.

WHAT WE -- WHAT WE DON'T HAVE RIGHT NOW IS A MITIGATION BANK IN THE HILLSBOROUGH RIVER DRAINAGE BASIN, AND I SHOULD POINT OUT TO YOU THAT THESE WATERSHEDS OR BASINS THAT YOU SEE ON THE -- THE MAP ARE -- ARE OUR BASIS FOR PERMITTING

AND COMPLIANCE WITH THE CUMULATIVE IMPACT CRITERIA IN THE STATUTE.

THE STATUTES SAY THAT YOU CANNOT HAVE AN UNACCEPTABLE CUMULATIVE IMPACT WITHIN A DRAINAGE BASIN, AND SO WE'VE ADOPTED THIS DRAINAGE BASIN MAP BY RULE, AND BASICALLY THE WAY YOU ACHIEVE CUMULATIVE IMPACT CRITERIA IS TO HAVE THE MITIGATION LOCATED IN THE SAME DRAINAGE BASIN AS THE IMPACT AND AS WELL HAVE SUFFICIENT MITIGATION TO OFFSET THAT IMPACT, AND SO WE STICK PRETTY CLOSE TO THESE DRAINAGE BASIN MAPS, AND WHEN WE ISSUE A MITIGATION BANK PERMIT, IT HAS A SERVICE AREA THAT CORRESPONDS TO THE DRAINAGE BASIN THAT IT'S IN, SO A MIT BANK IN THE PEACE RIVER DRAINAGE BASIN GETS THE PEACE RIVER DRAINAGE BASIN.

FOR A SERVICE AREA IN HILLSBOROUGH RIVER DRAINAGE BASIN IT WOULD BE THE SAME WAY.

SO WHAT TYPE OF PERMIT IS REQUIRED?

THIS IS A LITTLE JOKE, THAT A FISHERMAN HAS A PERMIT.

BOTH THE STATE AND THE -- AND THE FEDERAL GOVERNMENT REQUIRE APPROVALS FOR A MITIGATION BANK.

THE STATE APPROVAL COMES THROUGH THE ENVIRONMENTAL RESOURCE PERMIT, AS I SAID, AND THAT'S GOING TO BE ISSUED BY THE WATER MANAGEMENT DISTRICT.

THE FEDERAL PROCESS IS DIFFERENT.

THE FEDERAL PROCESS RESULTS IN WHAT THEY CALL A MITIGATION BANKING INSTRUMENT, KIND OF LIKE A PERMIT BUT NOT EXACTLY,

AND THE CORPS WILL ISSUE THAT OR IS RESPONSIBLE FOR GENERATING THAT DOCUMENT, BUT IT'S SIGNED OFF ON BY THE OTHER -- OTHER FEDERAL AGENCIES, SO IT'S NOT JUST THE CORPS THAT'S IN THAT PROCESS.

EPA IS INVOLVED, U.S. FISH AND WILDLIFE IS INVOLVED, NATIONAL MARINE FISHERIES IS INVOLVED, AND IN SOME CASES THE NRCS, THE NATURAL RESOURCE CONSERVATION SERVICE, GETS INVOLVED IF THERE'S AN AGRICULTURAL COMPONENT TO IT.

SO -- SO IT'S A DUAL-TRACK APPROVAL.

YOU HAVE TO GET BOTH FEDERAL AND STATE APPROVAL.

HOW DO WE DETERMINE MITIGATION CREDITS?

WE USE SOMETHING CALLED UMAM, THE UNIFORM MITIGATION ASSESSMENT METHOD.

THE -- THE METHOD HAS BEEN IN EFFECT SINCE APRIL OF 2004, OVER FIVE YEARS NOW.

IT SEEMS LIKE YESTERDAY.

AND -- AND IT WAS REQUIRED BY STATUTE THAT THE STATE DEVELOP A METHOD FOR ACCOUNTING FOR IMPACTS IN MITIGATION, AND -- AND IT'S A METHOD THAT'S APPLIED NOW BY ALL OF THE WATER MANAGEMENT DISTRICTS, BY DEP, BY EPC, AND THE ARMY CORPS OF ENGINEERS HAS ALSO BEGUN TO USE UMAM AS THEIR METHOD OF DETERMINING HOW MUCH MITIGATION IS REQUIRED FOR AN IMPACT, AND SO ALTHOUGH THE STATE AND THE FEDS WOULD BE SORT OF INDEPENDENTLY GOING THROUGH THAT PERMITTING PROCESS IN ASSESSING CREDITS, YOU WOULD HOPE USING THE SAME METHOD

WE GET RELATIVELY CLOSE TO THE SAME ANSWER.

WE DON'T EXACTLY FOR VARIOUS REASONS.

IT HAS TO DO WITH THE -- THE FEDERAL JURISDICTION BEING A LITTLE DIFFERENT THAN OURS AND SOME OTHER SUBTLETIES THAT THEY'VE BUILT INTO THEIR PROCESS, BUT WE COME OUT PRETTY CLOSE GENERALLY.

SO WHO CAN USE A MITIGATION BANK?

AND ANDY SPOKE TO THIS SOME.

A MITIGATION BANK ISN'T A FREE PASS TO WETLAND IMPACT.

WHEN -- WHEN PROPOSING A WETLAND IMPACT, ONE HAS TO GO THROUGH SOME STEPS, THE FIRST OF THOSE BEING IMPACT ELIMINATION AND REDUCTION.

THE RULES SAY THAT ONE MUST MAKE WHATEVER PRACTICABLE MODIFICATIONS THAT ONE CAN TO REDUCE OR ELIMINATE WETLAND IMPACTS, AND SO IF YOU CAN, YOU KNOW, MAKE THE ROAD GO AROUND THE WETLAND RATHER THAN PUTTING THE ROAD THROUGH THE WETLAND, THEN WE'RE GOING TO PROPOSE THAT AS A MODIFICATION AND ALLOW THE APPLICANT TO RESPOND AS TO WHETHER THAT'S PRACTICABLE OR NOT, BUT WE LOOK AT THOSE TYPES OF MODIFICATIONS TO A PROJECT DESIGN IN ORDER TO REDUCE OR ELIMINATE IMPACT.

SOMETIMES YOU PUT IN A RETENTION POND INSTEAD OF A SIDE SLOPE, OR SOMETIMES YOU MOVE A BUILDING OR WHATEVER IT MIGHT BE THAT -- THAT ONE CAN DO TO STILL CARRY OUT THE PROJECT WITH A LESSER LEVEL OF IMPACT.

AND SO ONE HAS TO GO THROUGH THAT PROCESS BEFORE THE IMPACT CAN BE APPROVED.

MITIGATION APPROPRIATENESS.

JUST BECAUSE THERE'S A MITIGATION BANK DOESN'T NECESSARILY MEAN IT'S THE RIGHT KIND OF MITIGATION FOR THE IMPACT THAT'S BEING PROPOSED.

IT MIGHT BE A FRESHWATER IMPACT AND A SALTWATER BANK.

IT -- IT MIGHT BE A CYPRESS SWAMP IMPACTS AND THE BANK IS A LARGE MARSH OR SOMETHING LIKE THAT.

WE'VE GOT TO LOOK AT DIFFERENT HABITAT TYPES BEING IMPACTED, THOSE TYPES OF FISH AND WILDLIFE IMPACTS WE'RE DEALING WITH,

AND WHETHER THOSE IMPACTS ARE ADEQUATELY OFFSET THROUGH THE MITIGATION BANK, AND SO HABITAT TYPE LOCATION OF THE BANK BECOME FACTORS IN MITIGATION APPROPRIATENESS, AND KIND OF -- ONE OF THOSE APPROPRIATENESS THINGS THAT I -- AND IT STANDS OUT AS THE BIG ONE AS FAR AS CUMULATIVE IMPACTS, JUST BECAUSE THERE'S A MITIGATION, IF IT'S NOT IN THE SAME BASIN AS THE IMPACT, THEN IT'S LIKELY NOT A VIABLE CONTENDER AS A MITIGATION PROJECT FOR THAT PROPOSED IMPACT, SO WE LOOK AT LOCATION VERY CAREFULLY THERE.

SOMETHING THAT'S BECOMING MORE POPULAR ARE MULTI-USE BANKS. IN ADDITION TO POSSIBLY BEING ABLE TO MITIGATE FOR WETLAND IMPACTS AND THE IMPACTS OF WETLAND-DEPENDENT FISH AND WILDLIFE, OTHER TYPES OF BANKS ARE STARTING TO -- TO -- I

CAN'T SAY YET BECOME MORE POPULAR.

I THINK THIS IS LOOKING AT THE FUTURE.

ONE OF THOSE IS WILDLIFE CONSERVATION BANKS, GOPHER TORTOISE IMPACTS, MAYBE -- MAYBE COMPENSATED FOR BY PARTICIPATION IN A CONSERVATION BANK FOR GOPHER TORTOISES. SIMILARLY FOR WOOD STORKS.

THE U.S. FISH AND WILDLIFE SERVICE SOMETIMES REQUIRES THAT ONE BUY INTO A WOOD STORK CONSERVATION BANK AS A WAY TO OFFSET IMPACTS TO WOOD STORKS.

WATER QUALITY BANKING IS SOMETHING THAT I THINK WE'RE GOING TO BE SEEING MORE OF IN THE NEAR FUTURE.

TMDLs, TOTAL MAXIMUM DAILY LOADS, AND THE RESULTANT IMPAIRED WATERS DESIGNATIONS THAT WE'VE SEEN ON A NUMBER OF THE WATER BODIES HERE IN THE STATE OF FLORIDA REQUIRE SOMETHING CALLED NET IMPROVEMENT.

YOUR STORMWATER DISCHARGE INTO AN IMPAIRED WATER HAS TO BE BETTER IN THE POST-DEVELOPMENT THAN IT IS IN THE PREDEVELOPMENT.

THAT'S SOMETIMES CHALLENGING FOR DEVELOPMENT TO DEAL WITH, AND ONE ALTERNATIVE WAY TO DEAL WITH THAT IS IF THERE'S A WATER QUALITY BANK ESTABLISHED WHERE A DEVELOPMENT CAN BUY CREDITS WHERE THE WATER QUALITY OFFSET IS COMING FROM A DIFFERENT SITE THAT'S CONTRIBUTING TO THAT SAME WATER BODY. SO WATER QUALITY BANKING IS SOMETHING THAT I THINK WE'RE IN THE NEXT FEW YEARS GOING TO SEE A GREAT DEAL MORE OF.

CARBON SEQUESTRATION BANKING, I DON'T REALLY NO ANYTHING ABOUT THAT, BUT THE BANKERS ALWAYS TALK ABOUT THAT ONE WHEN THEY TALK ABOUT DIFFERENT THINGS THEY MIGHT BE ABLE TO BANK FOR, SO WE'VE GOT THAT LISTED THERE AS WELL.

AND IN PARTICULAR WITH SOMETHING AS LARGE AS CONE RANCH, YOU KNOW, THE POSSIBILITY THAT THERE MIGHT BE, YOU KNOW, MULTIPLE WAYS TO GET CREDIT OFF OF THAT MIGHT BE APPROPRIATE, SO WE THOUGHT THAT WAS USEFUL TO BRING UP HERE.

NOW, THE TERM THAT -- THAT IS SOMETIMES APPLIED TO THIS MULTI-USE BANK CONCEPT IS CREDIT STACKING OR CREDIT BUNDLING, AND GENERALLY -- JUST IN GENERAL WHAT THAT MEANS IS YOU'VE JUST GOT MORE TYPE -- MORE THAN ONE TYPE OF CREDIT COMING OUT OF YOUR BANK, BUT WHAT IT DOESN'T MEAN IS THAT YOU CAN SELL THE SAME ACRE OUT OF YOUR BANK MORE THAN ONCE.

THAT WE CALL DOUBLE DIPPING, AND SO THIS SLIDE WAS INTENDED TO GET THAT POINT ACROSS THAT CREDIT STACKING MIGHT BE OKAY, DOUBLE DIPPING IS NOT OKAY, AND SO YOU MIGHT HAVE A SITUATION WHERE ON ONE PARCEL OF LAND CERTAIN PARTS OF IT ARE DESIGNATED WETLAND MITIGATION BANKS, CERTAIN PARTS OF IT COULD BE DESIGNATED WATER QUALITY BANK, AND YOU COULD, YOU KNOW, SORT OF HAVE MORE OF A DEPARTMENT STORE WAY -- APPROACH TO MITIGATION BANKING AND BE ABLE TO SELL MORE THAN ONE TYPE OF CREDIT, YOU KNOW, OUT OF THE BANK, BUT

AGAIN, YOU WOULDN'T SELL A WETLAND CREDIT FOR THIS ACRE HERE AND THEN TURN AROUND AND SELL THAT ACRE AGAIN AS A WATER QUALITY CREDIT.

YOU KNOW, THAT ACRE WOULD THEN HAVE BEEN TIED UP WITH -- WITH THE WETLAND MITIGATION BANK.

SO -- BUT YOU'RE ABLE TO POSSIBLY GET MORE DIVERSITY IN THE -- IN THE BANK CREDITS AND APPLY THEM IN A GREATER NUMBER OF SITUATIONS IF YOU'VE GOT THE CREDIT [INAUDIBLE] AND THEN LASTLY I WANTED TO JUST TOUCH ON A ROMA, WHICH IS A REGIONAL OFF-SITE MITIGATION AREA.

AND THE STATUTE SPEAKS TO ROMAs IN PARTICULAR AS AN ACTIVITY THAT MIGHT BE UNDERTAKEN BY A LOCAL GOVERNMENT, AND IT ESTABLISHES REQUIREMENTS FOR THE -- FOR A ROMA. BASICALLY IT MAKES A ROMA WORK JUST LIKE A MITIGATION BANK, SO YOU HAVE THE SAME TYPES OF SAFEGUARDS FOR REGIONAL OFF-SITE MITIGATION AREAS THAT YOU DO FOR MITIGATION BANKS. YOU CAN SELL CREDITS JUST LIKE YOU CAN IN A MITIGATION BANK.

WE'VE HAD A COUPLE OF SORT OF INFORMAL ROMAs ESTABLISHED IN OUR DISTRICT.

SARASOTA COUNTY'S GOT A FEW, BUT WHAT THEY'RE USING THEIR ROMAs FOR IS TO OFFSET THEIR OWN ROADWAY IMPACTS, AND SO IT'S -- YOU KNOW, IT'S SORT OF LIKE A PIGGY BANK THAN A REAL PIGGY BANK BECAUSE YOU'RE JUST USING IT FOR YOURSELF AND NOT FOR THIRD PARTIES.

ONCE THEY -- ONCE THEY HAVE MORE THAN FIVE USES OF THEIR ROMA OR IF THEY OFFSET MORE THAN 35 ACRES OF IMPACT THROUGH A ROMA, THEN THE STATUTE PUSHES THEM INTO THE CRITERIA THAT MAKE THEM OPERATE JUST LIKE A MITIGATION BANK.

MY ADVICE TO A LOCAL GOVERNMENT THAT WAS CONTEMPLATING A ROMA, IF IT WAS GOING TO HAVE ANY SIZE TO IT AT ALL AND BE USED FOR MORE THAN JUST THEIR INTERNAL USE, I WOULD JUST DO A BANK, ESPECIALLY WHEN YOU HAVE TO GO TO THE FEDS TO GET THAT SIDE OF THE APPROVAL, THEY'RE MUCH MORE COMFORTABLE PERMITTING A MITIGATION BANK THAN THEY ARE A ROMA. THEY DON'T HAVE SEPARATE CRITERIA LIKE WE DO IN THE STATE.

[INAUDIBLE]

AND SO MY ADVICE WOULD BE THAT NOT DO A ROMA AND GET A MITIGATION BANK PERMIT INSTEAD IF ONE WAS GOING TO GO THAT WAY, BUT I THOUGHT I'D BRING THIS UP JUST FOR FULL DISCLOSURE.

THAT'S ALL I HAVE.

I'D BE HAPPY TO ANSWER ANY QUESTIONS.

>>HEIDI McCREE: GREAT, CLARK.

THANK YOU VERY MUCH.

GREAT PRESENTATION.

ROSANNE.

>>ROSANNE CLEMENTI: CLARK, ISN'T IT TRUE NOW THAT THE FEDERAL GOVERNMENT REQUIRES THROUGH THE CORPS PERMITS THAT THEY WANT YOU TO GO TO A REGIONAL MITIGATION BANK FIRST AND

NOT DO ON-SITE MITIGATION?

>> WELL, THE NEW FEDERAL MITIGATION RULE DOES ESTABLISH A HIERARCHY OF PREFERENCE, AND AT THE TOP OF THAT HIERARCHY IS A MITIGATION BANK.

BUT THE WAY THAT PREFERENCE IS LAID OUT, IT PROVIDES THE -- THE CORE OF THE OPPORTUNITY TO LOOK AT ANY -- ANY TYPE OF MITIGATION AS LONG AS -- AS LONG AS THEY CAN TAKE THE BEST TYPE OF MITIGATION, SO IF ON-SITE MITIGATION WERE TO BE -- PROVIDE BETTER LIFT FOR FISH AND WILDLIFE, THE ARMY CORPS DOESN'T HAVE TO GO TO A MITIGATION BANK, BUT IT DOES ESTABLISH ALL THINGS BEING EQUAL TO MITIGATION BANK BEING THE TOP OF THAT PREFERENCE.

>>ROSANNE CLEMENTI: OKAY.

THANK YOU.

>>HEIDI McCREE: OTHER QUESTIONS FOR CLARK AT THIS POINT OR ANDREW?

WHAT WE MIGHT DO IS GO AHEAD AND LISTEN TO KRISTIN AND HER PRESENTATION AND THEN COME BACK AND HAVE A DISCUSSION WITH CLARK AND ANDREW AND KRISTIN.

ANY QUESTIONS?

SO KRISTIN BENNETT IS HERE FROM TETRA TECH TO PROVIDE THE THIRD PRONG OF OUR PRESENTATION THIS MORNING.

>> THANK YOU.

GETTING A LITTLE DIRECTION FROM CLARK ABOUT THE POWERPOINT ARROW.

MY NAME IS KRISTIN BENNETT.

I AM WITH TETRA TECH EC.

WE ARE AN ENVIRONMENTAL CONSULTING AND ENGINEERING FIRM.

WE HAVE 10,000 OFFICES -- I'M SORRY, 10,000 EMPLOYEES
WORLDWIDE, 250 OFFICES.

WE HAVE SEVERAL OFFICES IN FLORIDA.

I'M BASED IN OUR STEWART, FLORIDA, OFFICE, ALSO IN ADDITION
TO OTHER PLACES.

WE DO HAVE AN OFFICE IN TAMPA AND BARTOW FOR THIS GENERAL
GEOGRAPHIC AREA.

I WAS ASKED TO SPEAK TODAY ABOUT THE PUBLIC-PRIVATE
PARTNERSHIP ASPECT OF MITIGATION BANKING.

THE LOXAHATCHEE MITIGATION BANK IS A PUBLIC-PRIVATE
PARTNERSHIP WITH THE SOUTH FLORIDA WATER MANAGEMENT
DISTRICT.

MY PRESENTATION IS MORE GENERAL ABOUT THE CONCEPT OF THE
PUBLIC-PRIVATE PARTNERSHIP THAN THE SPECIFICS OF THE
LOXAHATCHEE MITIGATION BANK, ALTHOUGH I DO TOUCH ON THAT.

I'M GOING TO TOUCH BRIEFLY ON BENEFITS OF MITIGATION
BANKING, WHAT IS A PUBLIC-PRIVATE PARTNERSHIP, THE HISTORY
OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT PROGRAM, THE
BANKER RESPONSIBILITIES, TETRA TECH'S RESPONSIBILITIES AS
THE BANKER, AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT
RESPONSIBILITIES.

I KNOW BY HABIT I SLIP INTO USING DISTRICT INSTEAD OF

CONTINUING TO SAY SOUTH FLORIDA, BUT I'M CONCERNED OVER
HERE JUST WITH THE -- WITH SWFWMD VERSUS, SO WHEN I'M
REFERRING THE DISTRICT -- A WATER MANAGEMENT DISTRICT, I'M
REFERRING TO SOUTH FLORIDA SPECIFICALLY.

BOTH CLARK AND ANDY ADDRESSED THE STATUTE.

373.4135 ADDRESSES MITIGATION BANKING, AND THE LEGISLATURE
IN THIS SECTION RECOGNIZED THAT THERE IS AN ECOLOGICAL
VALUE WITH THE USE OF MITIGATION BANKS THROUGH THE USE --
THROUGH THE IMPROVED LIKELIHOOD OF ENVIRONMENTAL SUCCESS OF
MITIGATION BANKING.

I THINK CLARK AND ANDY BOTH TOUCHED ON ON-SITE MITIGATION
AND SUCCESS VERSUS THE USE OF A MITIGATION BANK OR IN SOME
INSTANCES A ROMA, THE REGIONAL OFF-SITE MITIGATION AREAS.
ROSANNE ASKED A QUESTION ABOUT THE CORPS RULES, AND AS
CLARK SAID, THE NEW RULES THAT HAVE BEEN IN EFFECT ABOUT A
YEAR DO -- THE CORPS HAS LABELED IT AS A SOFT PREFERENCE IN
OUR HIERARCHY FOR THE USE OF A BANK OVER OFF-SITE
MITIGATION OR PERMITEE-RESPONSIBLE MITIGATION.

AND TO EMPHASIZE AGAIN WHAT BANKS DO AND DO NOT DO, THE
MITIGATION BANK IS SIMPLY A MITIGATION ALTERNATIVE.

IT IS NOT A GUARANTEE THAT YOUR PROJECT WOULD BE
PERMITABLE.

AS CLARK SAID, THE -- ANY PERMITEE, ANY APPLICANT WOULD
HAVE TO ELIMINATE AND REDUCE IMPACTS BEFORE YOU WOULD LOOK
AT THE MITIGATION THAT'S AVAILABLE, AND THE CORPS DOES THE

SAME THING.

YOU HAVE TO AVOID THE IMPACTS, THEN MINIMIZE THE IMPACTS IF THEY'RE UNAVOIDABLE, AND THEN YOU LOOK AT THE APPROPRIATENESS OF THE MITIGATION ALTERNATIVE, THE BANKS BEING ONE.

THE OPTION OF USING A MITIGATION BANK DOES NOT INCREASE THE LIKELIHOOD THAT ANY PROJECT OR IMPACT WOULD BE PERMITTABLE, AGAIN, IT JUST STRICTLY LOOKS AT MITIGATION ALTERNATIVES THAT ARE AVAILABLE TO A PERMIT APPLICANT.

I'M GOING TO MOVE INTO THE HISTORY OF THE DEVELOPMENT OF THE SOUTH FLORIDA PROJECT, THE LOXAHATCHEE MITIGATION BANK, THROUGH THE PUBLIC-PRIVATE PARTNERSHIP.

I'M GOING TO DISCUSS THE PUBLIC-PRIVATE PARTNERSHIP GENERALLY AND THEN THE SOUTH FLORIDA ARRANGEMENT SPECIFICALLY WITH TETRA TECH.

THERE'S ACTUALLY TETRA TECH'S PREDECESSOR, FOSTER WHEELER, THAT ENTERED INTO THE -- INTO THE CONTRACT.

WHEN TETRA TECH BOUGHT FOSTER WHEELER WE KEPT THE PROJECT, SO THE ORIGINAL CONTRACT IS WITH FOSTER WHEELER, BUT IT'S NOW TETRA TECH THAT HAS THAT CONTRACT AND THE PERMITS, BOTH FEDERAL AND STATE.

PUBLIC-PRIVATE PARTNERSHIP IS EXACTLY WHAT THE NAME SUGGESTS.

IT IS A BUSINESS VENTURE FUNDED AND OPERATED THROUGH A PARTNERSHIP WITH THE GOVERNMENT AND A PRIVATE ENTITY.

PUBLIC-PRIVATE PARTNERSHIP IS ESTABLISHED THROUGH A CONTRACT BETWEEN THE PUBLIC SECTOR AND THE PRIVATE SECTOR. THE PRIVATE PARTY, IN THIS INSTANCE TETRA TECH, PROVIDES THE OWNERSHIP AND OPERATION AND RESPONSIBILITY FOR THE MITIGATION BANK, INCLUDING ASSUMING THE FINANCIAL, TECHNICAL, AND OPERATIONAL RISKS OF THE BANK.

IN THE EARLY 1990s, THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND FIVE WATER MANAGEMENT DISTRICTS WERE DIRECTED TO PARTICIPATE IN AND ENCOURAGE ESTABLISHING THE MITIGATION BANKS AND THE REGIONAL OFF-SITE MITIGATION AREAS.

THE LEGISLATION EMPHASIZED THAT THE DISTRICTS AND THE DEPARTMENT SHOULD LOOK AT THE RESTORATION OF EXISTING AREAS RATHER THAN THE CREATION OF AREAS.

SOUTH -- OR NORTHWEST FLORIDA, I THINK, CLARK, IS THE ONLY WATER MANAGEMENT DISTRICT THAT OWNS AND OPERATES ITS OWN BANK, AND TO MY KNOWLEDGE -- AND I WILL BE CORRECTED IF I'M WRONG, BUT TO MY KNOWLEDGE, SOUTH FLORIDA IS THE ONLY WATER MANAGEMENT DISTRICT THAT ENTERED INTO A PUBLIC-PRIVATE PARTNERSHIP.

I'M GETTING A NOD YES FROM --

>> I BELIEVE THAT'S RIGHT.

>> -- FROM CLARK.

I DIDN'T WANT TO GO TOO LEGALESE BUT JUST CITING CHAPTER 373.4135 IN WHICH MITIGATION BANKING IS ADDRESSED, AND I

BASICALLY COVERED THIS IN THE OTHER SLIDES, BUT AGAIN EMPHASIZING THE LIKELIHOOD OF SUCCESS THROUGH THE USE OF MITIGATION BANKING AND AGAIN EMPHASIZING THE RESTORATION OF EXISTING ECOSYSTEMS.

THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT LAUNCHED ITS PROGRAM IN 1995.

THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT HAD SET FORTH SPECIFIC OBJECTIVES.

THEY WANTED TO IDENTIFY PERMIT, RESTORE, MANAGE, AND MONITOR SITES THAT IT HAD IDENTIFIED AS HAVING ECOLOGICAL SIGNIFICANCE.

THE DISTRICT ALSO WANTED TO SUPPORT A WATERSHED APPROACH TO ECOSYSTEM RESTORATION, WHICH IS WHAT IS LOOKED AT THROUGH THE PERMITTING PROCESS, AS CLARK MENTIONED.

IT IS TRYING TO KEEP THE IMPACTS AND THE MITIGATION IN THE SAME WATERSHED, AND THAT'S THE SAME FOR BOTH FEDERAL AND STATE PERMITTING.

WATER MANAGEMENT DISTRICT ALSO WANTED TO GENERATE REVENUE FOR THE ACQUISITION, RESTORATION, AND MANAGEMENT OF OTHER SITES THROUGH THIS -- THROUGH THE FUNDING STREAM THAT WAS CREATED THROUGH THE PUBLIC-PRIVATE PARTNERSHIP.

WATER MANAGEMENT DISTRICT FELT THE SITE SELECTION CRITERIA -- THEY LOOKED AT PERMIT ACTIVITY IN THE AREA, PROPOSED IMPACTS THAT MAY OCCUR IN THE WATERSHED, THEY LOOKED AT THEIR OWN RESTORATION AND ACQUISITION OBJECTIVES.

THEY ALSO LOOKED AT THE WILDLIFE HABITAT IN THE AREA AND SPECIFIC LOCATIONS FOR BANKS.

THEY WANTED TO SEE WHAT OTHER ACTIVITIES WERE ONGOING SURROUNDING THE PROPERTY, WHAT MIGHT HAVE AN IMPACT ON PROPOSED BANK LOCATIONS.

AFTER DEVELOPING THEIR OBJECTIVES AND THEIR CRITERIA, THE DISTRICT SELECTED TWO LOCATIONS, LOXAHATCHEE MITIGATION BANK THAT'S IN SOUTHEAST FLORIDA AND THE CORKSCREW MITIGATION BANK THAT IS IN SOUTHWEST FLORIDA.

I'M NOT AS FAMILIAR WITH THE CORKSCREW BANK THAT'S OPERATED BY ANOTHER ENTITY, AND AGAIN, TETRA TECH OWNS AND OPERATES LOXAHATCHEE MITIGATION BANK.

THE LOX BANK IS LOCATED IN PALM BEACH COUNTY.

IT'S AT THE PALM BEACH COUNTY/BROWARD COUNTY BORDER ROUGHLY, WEST OF 441.

EVERYBODY'S PROBABLY NOT AS GEOGRAPHICALLY FAMILIAR WITH THAT AREA.

LOX IS A 1254-ACRE PARCEL.

IT'S LOCATED ADJACENT TO THE LOXAHATCHEE WILDLIFE REFUGE, AND AGAIN, THAT WAS AN IMPORTANT FACTOR FOR THE WATER MANAGEMENT DISTRICT WHEN THEY WERE LOOKING AT PROPOSED PROPERTIES BECAUSE OF THE ECOLOGICAL BENEFITS, THE WILDLIFE HABITAT, THAT THEY FELT IT WOULD BE A STRONGER SITE FOR THE BANK BECAUSE OF THE LOCATION ADJACENT TO THE WILDLIFE REFUGE.

THE BANK ULTIMATELY WILL RESULT IN THE RESTORATION OF DEGRADED WETLANDS.

WE ARE RESPONSIBLE FOR IMPROVING THE HYDROLOGY, WILDLIFE, REMOVING EXOTICS, INCREASING THE NATIVE -- PERCENTAGE OF THE NATIVE PLANT SPECIES, AND I'M GOING TO BLANK ON OUR FIFTH SUCCESS CRITERIA, BUT IT IS -- IT IS RESTORING THE DEGRADED WETLANDS THAT WERE ON-SITE.

TO MOVE THIS PROJECT FORWARD, SOUTH FLORIDA WATER MANAGEMENT DISTRICT -- BOTH THE LOX BANK AND THE CORKSCREW BANK, THE WATER MANAGEMENT DISTRICT ISSUED A REQUEST FOR PROPOSAL.

VIVIENNE SENT OUT A SIMILAR TYPE OF REQUEST FOR PROPOSAL THAT ST. LUCIE COUNTY DID EARLIER ON IN THIS PROCESS, I THINK JUST TO GIVE THE PANEL AN IDEA OF -- OF THE CONCEPT, SO THE WATER MANAGEMENT DISTRICT ISSUED ITS REQUEST FOR PROPOSAL.

TETRA TECH'S PREDECESSOR, FOSTER WHEELER, WAS THE SUCCESSFUL BIDDER, AND THEN WE ENTERED INTO A CONTRACT THAT SET FORTH THE TERMS OF -- OF THE AGREEMENT BETWEEN THE TWO PARTIES.

AS PART OF THAT CONTRACT, TETRA TECH IS RESPONSIBLE FOR DESIGNING, PERMITTING, AND CONSTRUCTING THE MITIGATION BANK.

THAT INCLUDE -- THAT INCLUDED ACQUIRING BOTH STATE AND FEDERAL PERMITS AND PROVIDING THE FINANCIAL ASSURANCES,

BOTH CONSTRUCTION AND IMPLEMENTATION BONDS IN OUR INSTANCE AS WELL AS THE LONG-TERM MANAGEMENT BOND.

I THINK IT WAS ANDY THAT MENTIONED FINANCIAL ASSURANCES, I MAY BE WRONG, THAT IF SOMETHING WERE TO HAPPEN TO THE BANKER, DO YOU HAVE -- IN OUR CASE IT'S BONDS.

THERE ARE OTHER FINANCIAL MECHANISMS THAT COULD BE USED TO PROVIDE FOR THE SURETY THAT THE PROJECT WOULD BE COMPLETED. TETRA TECH IS ALSO HANDLING IN THIS INSTANCE SOME PERMIT MODIFICATIONS THAT HAVE OCCURRED.

WE RECEIVED OUR PERMIT IN 1996, AND WE'RE JUST DEALING WITH SOME ADAPTIVE MANAGEMENT ISSUES RIGHT NOW.

TETRA TECH IS RESPONSIBLE FOR RESTORING THE LAND AND ECOSYSTEMS AND MAINTAINING THE LAND UNTIL FINAL SUCCESS IS REACHED, AND AGAIN, FINAL SUCCESS IS DETERMINED BY THE REQUIREMENTS OF OUR PERMIT, AND WHETHER SUCCESS IS MET IS ESTABLISHED THROUGH ONE OF OUR OTHER RESPONSIBILITIES, FILING OUR -- PERFORMING ANNUAL MONITORING AND MAINTENANCE AND FILING THOSE REPORTS.

IT'S THE PERMITTING AGENCIES THAT DETERMINE BASED UPON THE DATA AND SITE VISITS WHETHER WE'VE MET THOSE SUCCESS CRITERIA.

THE LAND WILL ULTIMATELY BE RETURNED OVER WHEN FINAL SUCCESS IS MET.

THE LAND IS OWNED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, AND THE PERPETUAL MAINTENANCE RESPONSIBILITY WILL

BE TURNED OVER TO THE DISTRICT, FUNDED BY THE LONG-TERM MAINTENANCE FUND SET UP BY TETRA TECH.

TETRA TECH'S ALSO RESPONSIBLE FOR, AS I SAID, THE REGULATORY REPORTING RESPONSIBILITIES, ANNUAL MONITORING, ANNUAL MONITORING REPORTS, SEMI-ANNUAL REPORTS, AND A MONITORING -- ANNUAL MONITORING AND MAINTENANCE PLAN THAT SETS FORTH WHAT WE PROPOSE DOING FOR THE NEXT YEAR.

WE ALSO MARKET AND SELL THE MITIGATION CREDITS.

WE ESTABLISH THE LONG-TERM MANAGEMENT FUND, AND THROUGH THE SALE OF THE CREDITS, WE PROVIDE A REVENUE STREAM TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

THE DISTRICT SIDE OF THE PLAN, THE DISTRICT IDENTIFIED THE LAND -- AND AGAIN, IT WAS -- THEY ACQUIRED THE LAND AND HANDLED THE -- MOVING SOME OF THE EASEMENTS AND ENCUMBRANCES THAT WERE ON THE LAND.

THERE WERE SOME FLORIDA POWER AND LIGHT ENCUMBRANCES, AN AREA DRAINAGE DISTRICT, AND A FEW OTHERS.

SO THE DISTRICT HANDLED THAT AND FILED THE CONSERVATION EASEMENT.

THEY -- THE DISTRICT HELPED US WITH THE INITIAL PERMITTING PROCESS, AND THEY REMAIN INVOLVED WITH US.

THEY A VERY ACTIVE TEAM MEMBER.

THERE'S A PROJECT MANAGER FROM THE WATER MANAGEMENT DISTRICT THAT WORKS WITH US ON A REGULAR BASIS.

THEY -- THE WATER MANAGEMENT DISTRICT GOES WITH US ON THE

SITE VISITS AND THEY HAVE SAT IN ON THE REGULATORY MEETINGS WITH US.

WE HAVE AN EQUALLY VESTED INTEREST IN THE SUCCESS OF THIS PROJECT, SO WE DO COMMUNICATE QUITE -- QUITE FREQUENTLY WITH THE WATER MANAGEMENT DISTRICT TO ASSURE WE'RE BOTH MOVING ALONG THE PATH THAT THEY WANT US TO.

AND AGAIN, THE DISTRICT WILL ASSUME THE LONG-TERM MANAGEMENT, WHICH WILL BE FUNDED BY THE LONG-TERM MANAGEMENT FUND ESTABLISHED BY THE WATER -- BY TETRA TECH. AGAIN, JUST TOUCHING ON THE BENEFITS OF THE MITIGATION BANKING, THERE IS A STRONGER LIKELIHOOD OF SUCCESSFUL MITIGATION.

THE MITIGATION OCCURS PRIOR TO THE IMPACTS BEING OFFSET.

CLARK HAD TALKED ABOUT THE MITIGATION CREDITS.

THOSE CREDITS HAVE TO BE EARNED THROUGH THE RESTORATION OF THE PROPERTY, SO WHEN SOMEBODY'S BUYING THE CREDITS, THEIR IMPACTS ARE COMING AFTER THE MITIGATION HAS ALREADY OCCURRED, SO THERE IS ANOTHER ECOLOGICAL BENEFIT TO THAT ASPECT, AND THE ECOSYSTEM IS RESTORED, HABITAT IS CREATED, AND THE LAND IS PROTECTED.

THE BANKER -- ONE OF THE BENEFITS IS THAT THE BANKER ASSUMES FINANCIAL, TECHNICAL, AND OPERATIONAL RISKS OF THE PROJECT.

THAT RISK IS NOT ON THE WATER MANAGEMENT DISTRICT.

IN OUR CASE, SHOULD SOMETHING HAPPEN TO SOME OTHER BANKER,

NOT TETRA TECH, THE -- THE FUNDS WOULD PROTECT THE WATER MANAGEMENT DISTRICT OR WHATEVER OTHER GOVERNMENTAL ENTITY MAY BE INVOLVED THROUGH -- AGAIN, THERE'S A CONSTRUCTION AND IMPLEMENTATION, FINANCIAL ASSURANCE, AND THE LONG-TERM MAINTENANCE.

THE PUBLIC ENTITY RECEIVES A RESTORED HABITAT AND THE FUND AS WELL AS RECEIVING A REVENUE STREAM THROUGH THE SALE OF THE CREDITS.

SO THAT'S KIND OF JUST TOUCHING ON THE PUBLIC-PRIVATE PARTNERSHIP, AND I'M HAPPY TO ANSWER QUESTIONS.

>>HEIDI McCREE: GREAT, KRISTIN.

THANK YOU, AND THANKS FOR BEING HERE TODAY.

DEE.

>>DENISE LAYNE: KRISTIN, WHAT IS THE FINANCIAL BENEFIT TO THE PRIVATE PARTNERSHIP, TETRA TECH?

HOW DO YOU MAKE YOUR MONEY?

OBVIOUSLY YOU'RE NOT DOING IT JUST OUT OF THE KINDNESS OF YOUR HEART.

THERE'S SOME FINANCIAL BENEFIT.

>> THROUGH THE SALE OF THE MITIGATION CREDITS.

TETRA TECH RECEIVES PROCEEDS.

>>DENISE LAYNE: YOU GET A PERCENTAGE PER SE OR --

>> YES.

IT'S ESTABLISHED BY THE CONTRACT WITH WHAT THE WATER MANAGEMENT DISTRICT RECEIVES AND WHAT TETRA TECH RECEIVES.

>>DENISE LAYNE: AND THEN THE EXTRA GOES INTO THAT FUND THAT ENDS UP BECOMING A PART OF THE LARGER RESTORATION AND THE LONG-TERM MANAGEMENT FUND THAT GOES BACK TO THE OWNER? >> A SIGNIFICANT AMOUNT OF THE MONEY HAS GONE BACK INTO THE RESTORATION OF THE LAND.

THE LONG-TERM MANAGEMENT FUND IS ESTABLISHED -- WE'LL DO THAT IN AGREEMENT WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

CLARK IS ACCURATE IN WHAT HE SAID, THAT MOST PERMITS ARE THROUGH THE WATER MANAGEMENT DISTRICTS.

BECAUSE OF THE PUBLIC-PRIVATE PARTNERSHIP, OUR BANK IS PERMITTED THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

THEY WILL -- WE WILL DETERMINE TOGETHER WHAT THE APPROPRIATE AMOUNT IS FOR THE LONG-TERM MANAGEMENT.

IT'S GENERALLY BASED UPON THE -- THE COST OF THE LAST YEAR OF THE MAINTENANCE OF THE BANK.

>>DENISE LAYNE: GIVE ME SOME REAL NUMBERS THAT YOU'RE WORKING ON WITH THIS LOXAHATCHEE PROJECT AS FAR AS WHAT ARE YOU SELLING WETLAND CREDIT FOR, MITIGATION CREDITS RIGHT NOW?

>> THE SALE OF THE CREDITS -- THE PRICE OF THE CREDITS VARIES AS CLARK SAID THROUGH THE 50 BANKS THAT ARE PERMITTED OR ARE IN THE PROCESS OF BEING PERMITTED. MITIGATION CREDITS, I'VE SEEN PRICES MARKETED ANYWHERE FROM

\$35,000 OF CREDIT TO 200 AND SOME ODD THOUSAND OF CREDIT.
THE LOXAHATCHEE MITIGATION BANK HAS HERBACEOUS AND FORESTED
CREDITS FOR SALE RIGHT NOW, AND THOSE ARE 90,000 AND
100,000 PER CREDIT.

>>DENISE LAYNE: CREDIT.

AND WHAT IS A CREDIT?

>> A CREDIT IS ESTABLISHED -- DO YOU WANT TO ANSWER THAT
QUESTION FROM THE PERMITTING SIDE OF IT, MR. KNOW-IT-ALL?

>> WELL, A CREDIT WOULD BE THE AMOUNT THAT ONE WOULD NEED
TO OFFSET THE LOSS OF ONE ACRE OF PERFECT WETLAND.

WE -- USING UMAM WE SCORE WETLANDS ON A ONE TO TEN SCALE,
AND SO IF THE WETLAND YOU IMPACTED WAS A TEN, ONE ACRE OF
THAT LOSS WOULD BE OFFSET BY ONE CREDIT FROM A MITIGATION
BANK.

NOW, IF THAT WETLAND SCORED FIVE OUT OF TEN, YOU'D ONLY
NEED A HALF A CREDIT FROM THE BANK TO OFFSET THAT ACRE, SO
IT'S BASED ON -- ON FULL UNITS.

>>DENISE LAYNE: OKAY.

>> DID I SAY THAT CLEAR ENOUGH?

>> I UNDERSTAND WHAT YOU'RE TALKING ABOUT.

>>HEIDI McCREE: OTHER QUESTIONS?

YES, VIVIENNE, AND THEN --

>>VIVIENNE HANDY: KRISTIN, CAN YOU TELL US HOW MANY
CREDITS WERE ISSUED TO THE LOX BANK?

>> THE LOX BANK RECEIVED 641 POINT SOMETHING.

IT WAS 641 FEDERAL AND STATE CREDITS.

WE ALSO HAVE THE MITIGATION BANKING INSTRUMENT THAT CLARK REFERRED TO, SO ABOUT 641.

>>VIVIENNE HANDY: SAME NUMBER FOR FEDERAL AND STATE?

>> FEDERAL AND STATE WAS THE SAME NUMBER.

>>VIVIENNE HANDY: OKAY.

THANK YOU.

>> WE WORK AS MUCH AS WE CAN TO HAVE CONSISTENCY BETWEEN THE STATE AND FEDERAL PERMIT.

THAT'S -- FOR THOSE OF YOU THAT DO PERMITTING, THAT'S NOT ALWAYS POSSIBLE, BUT WE TRY TO KEEP THINGS AS CONSISTENT AS POSSIBLE BETWEEN THE TWO PERMITS.

>>HEIDI McCREE: PAMELA AND THEN ROSANNE.

>>PAMELA JO HATLEY: OKAY.

I HAVE SEVERAL QUESTIONS.

ONE, THIS SPECIFIC LAND, THE CONE RANCH PROPERTY, WHAT POTENTIAL DOES IT HAVE FOR MITIGATION BANKING?

AND OF COURSE, THAT WOULD INCLUDE NOT ONLY FOR WETLANDS BUT FOR WILDLIFE AND, YOU KNOW, THE WHOLE GAMUT OF MITIGATION. HAVE WE LOOKED AT THAT?

>>HEIDI McCREE: CLARK, DO YOU WANT TO RESPOND TO THAT, PLEASE.

>> CAREFULLY AND IN A QUALIFIED MANNER BECAUSE I REALLY DON'T HAVE THE -- THE KNOWLEDGE OF THE CONE RANCH PARCEL.

I HAVE BEEN ON IT A FEW TIMES, BUT I DON'T KNOW THAT I

COULD ANSWER THAT QUESTION.

I THINK POTENTIALLY IT -- IT -- IT CERTAINLY COULD BE USED FOR THAT PURPOSE, BUT I'M UNCOMFORTABLE GOING BEYOND THAT. MAYBE ONE OF THE COUNTY FOLKS COULD BETTER ANSWER THAT.

>>HEIDI McCREE: OKAY.

AND ANDREW, DO YOU HAVE A RESPONSE TO THAT?

AND JUST AS A -- IF I MAY ASK JUST TO HELP, I THINK GETTING IT OUT ON THE TABLE, SOMEWHERE IF ELAPP FOLKS OR WHOMEVER COULD JUST RESPOND TO WHETHER OR NOT HILLSBOROUGH COUNTY'S EVER REGARDED CONE RANCH AS A MITIGATION BANK OPPORTUNITY.

>>ANDREW ZODROW: I COULD [INAUDIBLE]

>>HEIDI McCREE: DOES ANYBODY HAVE THAT INFORMATION?

PETE.

>>PETER FOWLER: NO, WE HAVEN'T REVIEWED THAT, ALTHOUGH CONCEPTUALLY WE'VE CONSIDERED IT.

>>HEIDI McCREE: HAVE THE ELAPP FOLKS QUERIED ABOUT THAT OR IS THAT SOMETHING THAT -- OKAY.

>>PETER FOWLER: NO, NOT OFFICIALLY.

>>HEIDI McCREE: OKAY.

I'LL LET YOU --

>>PAMELA JO HATLEY: OKAY.

SO WE THINK THAT ELAPP -- THAT THE CONE RANCH PROPERTY IS POTENTIAL -- HAS POTENTIAL FOR A MITIGATION BANK, BUT WE DON'T KNOW THAT FOR SURE THEN.

THEN MY OTHER QUESTIONS KIND OF GO TO THE PROCESS, AND I

KNOW THAT THERE'S A PUBLIC-PRIVATE PARTNERSHIP WITH -- WITH THE WATER MANAGEMENT DISTRICT IN SOUTH FLORIDA, BUT WHAT ABOUT, YOU KNOW, THIS SPECIFIC LAND?

IT'S OWNED BY HILLSBOROUGH COUNTY.

COULD THAT BE DONE?

WOULD HILLSBOROUGH COUNTY BE THE -- CONTINUE TO BE THE PRIVATE OWNER AND ENTER INTO A PARTNERSHIP THEN WITH A MITIGATION BANKER?

IS THAT HOW THAT WOULD WORK, OR -- YOU KNOW, AND IF THAT'S TRUE, THEN WOULD IT CONTINUE TO BE OWNED BY THE WATER ENTERPRISE OR WOULD WE HAVE TO TRANSFER IT TO SOME OTHER AGENCY OF HILLSBOROUGH COUNTY LIKE ELAPP?

WOULD ELAPP DO THAT?

SO THERE'S -- YOU KNOW, THERE'S -- WE'VE BEEN TOLD THAT THE WATER ENTERPRISE IS NOT INTERESTED -- INTERESTED AT ALL IN RESTORING THE LAND BECAUSE THAT WOULD BE AGAINST THEIR BUSINESS MODEL, SO WHAT'S THE LOGISTICAL -- YOU KNOW, HOW WOULD THAT BE WORKED OUT?

>> I WOULDN'T -- I'LL ANSWER FROM THE -- FROM THE PRIVATE SIDE OF IT.

>>PAMELA JO HATLEY: RIGHT.

>> MY COMPANY -- AND OTHER COMPANIES MAY BE DIFFERENT.

THERE ARE DIFFERENT FORMATS FOR MITIGATION BANKINGS AND MITIGATION BANKING COMPANIES THAT DO THIS.

MY COMPANY IS NOT INTERESTED IN THE LONG-TERM OWNERSHIP OF

LAND.

THAT'S NOT OUR BUSINESS MODEL.

IN THE INSTANCE OF THE SOUTH FLORIDA -- THE LOXAHATCHEE
MITIGATION BANK, THEY OWN THE UNDERLYING LAND.

THEY ARE THE CONSERVATION EASEMENT HOLDER, AND THE LAND
WOULD BE TURNED -- THE MAINTENANCE OF THE LAND WILL BE --
THAT RESPONSIBILITY WILL BE TURNED OVER TO THE DISTRICT,
BUT THEY CONTINUE TO OWN THE LAND.

AS FAR AS WHAT HILLSBOROUGH COUNTY WOULD DO, I'D DEFER TO
HILLSBOROUGH COUNTY.

>>PAMELA JO HATLEY: OKAY.

MAYBE OUR OTHER TECHNICAL ADVISORS.

>> IF I MAY, THE MITIGATION BANKING RULES REQUIRE THAT A
CONSERVATION EASEMENT BE CONVEYED TO THE WATER MANAGEMENT
DISTRICT AS PART OF THE -- THE ISSUANCE OF THAT BANK
PERMIT.

THE COUNTY COULD -- COULD STILL MAINTAIN OWNERSHIP.

JUST LIKE IN A PRIVATE MITIGATION BANK, THE PRIVATE OWNER
STILL MAINTAINS OWNERSHIP, BUT THE DISTRICT HAS AN INTEREST
THROUGH THE CONSERVATION EASEMENT.

>>PAMELA JO HATLEY: OKAY.

SO THEN --

>>HEIDI McCREE: JUST TO HELP YOU, WAS THERE A COMMENT OVER
HERE AT ALL ABOUT THAT?

PETE, DID YOU WANT TO COMMENT JUST ON THAT POINT?

>>PETER FOWLER: WELL, ANDREW AND I HAVE MET JUST TO DISCUSS THE CONCEPT OF MITIGATION BANKING, AND I THINK ONE OF THE ISSUES IS IF ELAPP OWNS THE LAND, THEN IT'S CONSIDERED PRESERVED.

>>HEIDI McCREE: OKAY.

>> WELL, AND THAT'S TRUE.

THERE'S STILL A POTENTIAL, THOUGH, TO GET THOSE CREDITS -- PRESERVATION CREDITS AND THEN HAVE ELAPP DO THE LONG -- LONG-TERM OWNERSHIP, BUT THAT'S TRUE, IF ELAPP OWNED THAT PROPERTY TODAY, THERE WOULD BE VERY LIMITED ABILITY TO GET PRESERVATION CREDIT BECAUSE IT'S ALREADY PROTECTED, SO THAT'S SORT OF ONE OF THE FUNDAMENTAL QUESTIONS IS HOW PROTECTED IS IT RIGHT NOW, AND, YOU KNOW, TO ME IT'S SORT OF A CLEAN SLATE.

I MEAN, THERE'S ALL DIFFERENT KINDS OF OPTIONS FOR THIS PROPERTY, AND, YOU KNOW, IT'S -- I GUESS WE JUST FIGURE OUT WHAT THE BEST ONE IS.

>>PAMELA JO HATLEY: I WOULD LIKE TO HEAR FROM MR. MERRILL ON THAT QUESTION.

>>MIKE MERRILL: WELL, THE FIRST THING WE'D HAVE TO DO IS DETERMINE WHETHER WE WANT TO SURPLUS THE PROPERTY, WHETHER IT IS SURPLUS, AND LET'S ASSUME THAT THAT'S THE CASE. THE SECOND THING WOULD BE AGAIN WHAT CONFIGURATION CREATES THE HIGHEST, BEST -- OR THE HIGHEST VALUE FOR THE UTILITY SYSTEM, AND SO WHETHER THAT'S TO SELL THE LAND OUTRIGHT TO

SOMEBODY OR WHETHER IT'S TO RETAIN THE LAND AND ENGAGE IN SOME SORT OF MITIGATION BANKING PROCESS IS ANOTHER POSSIBILITY, BUT, YOU KNOW, WE HAVEN'T GOTTEN TO THE POINT YET WHERE WE'VE HAD A STUDY DONE OR DETERMINED, YOU KNOW, PURELY FROM THE UTILITY SYSTEM'S POINT OF VIEW WHAT'S THE BEST WAY TO DISPOSE OF IT.

>>PAMELA JO HATLEY: SO YOU CAN'T REALLY SAY WHETHER IT WOULD BE FEASIBLE AT ALL IF THE UTILITY -- IF THE UTILITY ENTERPRISE DETERMINES THAT IT WOULD BE -- IT WOULD FIT WITHIN YOUR BUSINESS MODEL TO SELL THIS -- YOU KNOW, MITIGATION CREDITS FROM THIS LAND AND HOLD ON TO IT, THEN THAT WOULD WORK, BUT IN THE LONG-TERM, THEN, ONCE THE MITIGATION BANK HAS REACHED ITS FINAL SUCCESS STATE, STILL THE QUESTION THEN IS WHAT WOULD THE WATER ENTERPRISE -- THE UTILITY ENTERPRISE DO WITH THIS PROPERTY?

>>MIKE MERRILL: RIGHT, BECAUSE LET'S ASSUME JUST FOR PURPOSE OF DISCUSSION THAT NOW IS NOT THE TIME TO SELL LAND AS A GENERAL PRINCIPLE, NOT NECESSARILY THIS PARTICULAR BUT JUST THE MARKET BEING WHAT IT IS.

IF WE COULD IN THE MEANTIME ENGAGE IN MITIGATION BANKING WHICH CREATES SOME VALUE, YOU KNOW, WITHOUT DEGRADING THE OVERALL ULTIMATE VALUE OF THE PROPERTY, THAT POTENTIALLY I GUESS COULD BE A POSSIBILITY, AND THEN AT SOME POINT IN THE FUTURE ACTUALLY SELL THE PROPERTY.

>>PAMELA JO HATLEY: WOULDN'T THE CONSERVATION EASEMENT

THAT WOULD HAVE TO BE SOLD TO THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT IN ORDER TO -- OR ISSUED TO THE WATER MANAGEMENT DISTRICT -- WOULDN'T THAT DEVALUE THE LAND? WOULDN'T THAT BE A PROBLEM?

>>MIKE MERRILL: WELL, I GUESS IT WOULD DEPEND, AND THAT'S WHY WE WANT TO DO AN APPRAISAL AND AN EVALUATION.

I MEAN, IF -- IF THE HIGHEST AND BEST USE IS TO PRESERVE THE PROPERTY, THEN I DON'T -- I DON'T KNOW, BUT I DON'T THINK THAT IT WOULD PARTICULARLY MATTER.

I THINK THE LAND USE DESIGNATION RIGHT NOW IS "P" FOR PRESERVATION.

IF -- IF AN APPRAISER IN A STUDY SAID YEAH, THAT IS THE HIGHEST AND BEST USE FOR THIS PROPERTY, THEN YOU'RE STARTING FROM THAT POINT AND DECIDING HOW DO WE THEN MAXIMIZE THE VALUE.

>>PAMELA JO HATLEY: ALL RIGHT.

LET ME JUST LOOK OVER MY LIST OF QUESTIONS.

>>HEIDI McCREE: NO, THOSE ARE GREAT.

>>PAMELA JO HATLEY: OKAY.

SO THEN I GUESS MY -- MY REAL CONCERN IS IN THE LONG RUN, IF THIS LAND WERE MITIGATION BANKED, YOU KNOW, AND CONTINUED TO BE OWNED BY THE ENTERPRISE -- BECAUSE IF IT'S OWNED BY ELAPP, MITIGATION MAY NOT EVEN BE POSSIBLE BECAUSE IT WOULD BE PRESERVED ANYWAY, SO IF IT'S CONTINUED TO BE OWNED BY THE ENTERPRISE, THEN IN THE LONG-TERM WHAT'S GOING

TO PROTECT IT?

AND I ASSUME IT WOULD BE THE CONSERVATION EASEMENT THAT'S OWNED BY THE WATER MANAGEMENT DISTRICT, AND THEN I GUESS WE'RE DOWN TO, WELL, COMPARE THAT CONSERVATION EASEMENT TO A PRIVATE CONSERVATION EASEMENT THAT -- THAT IS BEING, YOU KNOW, PROPOSED BY THE PRIVATE ENTITY, AND THAT'S KIND OF WHERE WE COME BACK TO.

THAT'S ALL MY QUESTIONS.

>>MIKE MERRILL: I GUESS THAT -- JUST SORT OF AS AN OBSERVATION, I MEAN, WE HAVE A LOT OF KNOWLEDGEABLE PEOPLE IN THE ROOM, AND I'M CERTAINLY NOT AN EXPERT IN THIS AREA, BUT WE JUST NEED TO REMEMBER WE REALLY HAVEN'T HAD ANYBODY COME IN FROM THEIR DIFFERENT PERSPECTIVES OF EXPERTISE AND LOOK AT AND ACTUALLY PREPARE A DISCIPLINED STUDY ABOUT, YOU KNOW, HOW COULD ANY NUMBER OF THESE OPTIONS BE DONE.

I MEAN, I'LL, YOU KNOW, DEFER TO THE COMMENT THAT SAID, WELL, IF IT'S ELAPP, THAT FORECLOSES ANY POSSIBILITY OF BANKING, BUT I DON'T THINK WE'VE ACTUALLY GONE THROUGH THAT ANALYSIS, SO THAT WE DON'T WANT TO JUMP TO CONCLUSIONS WITHOUT HAVING GONE TO -- THERE MAY BE WAYS TO DO THAT. THERE MAY BE WAYS TO, IN FACT, ACHIEVE THE OBJECTIVES OF ALL PARTIES, OF THE ENVIRONMENTAL PRESERVATION, THE UTILITY SYSTEM, MAXIMIZING ITS VALUE.

I MEAN, WE JUST HAVEN'T DONE THAT SORT OF DISCIPLINED ANALYSIS YET, AND THAT'S PROBABLY SOMETHING THAT NEEDS TO

BE DONE RIGHT UP FRONT.

>>HEIDI McCREE: AND JUST -- I'VE GOT ROSANNE AND THEN
VIVIENNE IF THAT'S ALL RIGHT.

ROSANNE.

I KNOW WE HAVE A LOT OF QUESTIONS, SO --

>>ROSANNE CLEMENTI: OKAY.

KRISTIN, CAN YOU ENVISION JUST OFF THE TOP OF YOUR HEAD
THAT THE WATER UTILITY COULD PUT OUT A REQUEST FOR PROPOSAL
FOR A PUBLIC-PRIVATE PARTNERSHIP FOR A BANK WITH REALLY --
OTHER THAN THE EXPENDITURE OF SPENDING THE MONEY TO WRITE
THE PROPOSAL OF NOT REALLY HAVING TO SPEND ANY MONEY ON THE
LAND AFTER THAT, AFTER PICKING A SUCCESSFUL PROPOSER?
COULD THAT BE PART OF THE MITIGATION BANKING PROPOSAL THAT,
YOU KNOW, WHATEVER THE BANKER THINKS IS THE VALUABLE PART
TO ACTUALLY PUT IN A BANK PLUS A LONG-TERM MANAGEMENT PLAN
FOR THE REST OF THE LAND?

>> I WANT TO REPEAT WHAT I HEARD TO MAKE SURE THAT I WOULD
ANSWER -- THAT I UNDERSTOOD YOUR QUESTION.

COULD THE WATER -- COULD THE WATER DEPARTMENT JUST PUT OUT
THE RFP FOR A MITIGATION BANK, THE RESPONDENTS WOULD THEN
PROVIDE OR -- AND I WOULD ASSUME A SUCCESSFUL BIDDER
PERHAPS PROVIDE THE RESTORATION PLAN IDENTIFYING THE
SPECIFIC PARCELS OR PARCEL WITHIN CONE RANCH, SO IS IT THE
ONLY EXPENSE THE -- THE -- PUTTING TOGETHER THE RFP?

>>ROSANNE CLEMENTI: YES.

>> YEAH, I'M A LITTLE HESITANT TO ANSWER FROM WHAT THE COUNTY WOULD DO.

YES -- YES, THE MITIGATION BANKER, THE RESPONDENTS TO THE RFP COULD DO THE PLAN.

IT -- IN OUR -- IN THE INSTANCE WITH THE LOXAHATCHEE MITIGATION BANK, THE WATER MANAGEMENT DISTRICT DESIGNED THE RESTORATION PLAN.

THAT WAS AN EXPENSE THAT THEY INCURRED.

THAT DOES NOT HAVE TO BE DONE, SO IT'S JUST A MATTER OF HOW THE UTILITY WOULD CHOOSE TO -- TO MOVE FORWARD WITH THE RESPONSIBILITIES.

I -- I CAN SEE PROS AND CONS ON BOTH SIDES.

WE'RE ADDRESSING SOME OF THE RESTORATION PLANS THAT WERE PUT FORWARD BY THE WATER MANAGEMENT DISTRICT IN OUR INSTANCE WE WOULD NOT NECESSARILY HAVE DONE, SO THERE'S SOME PROS AND CONS TO IT, BUT THE SHORT ANSWER WOULD BE YES, IT COULD BE JUST THE EXPENSE OF PUTTING THE PROPOSAL TOGETHER.

>>ROSANNE CLEMENTI: I JUST WANT TO REMIND THE REST OF THE PANEL THAT THERE IS -- EVERY MITIGATION BANK PERMIT, RIGHT, REQUIRES THAT A LONG-TERM MITIGATION FUND BE ESTABLISHED SO THAT WHEN THE CONTRACTOR'S FINISHED AND TURNS THE LAND BACK TO THE FEE SIMPLE OWNER, THERE'S MONEY IN A BANK ACCOUNT FOR THEM TO CONTINUE THE LONG-TERM MAINTENANCE OF THE PROPERTY?

>> YES, THAT'S PROVIDED BY BOTH -- THE STATE AND THE ARMY CORPS PERMIT BOTH REQUIRE THAT LONG-TERM MANAGEMENT FUND TO BE ESTABLISHED.

>>ROSANNE CLEMENTI: OKAY.

THANK YOU.

>>HEIDI McCREE: OKAY.

AND VIVIENNE, I KNOW YOU'VE GOT THE FLOOR.

LET ME JUST CLARIFY SOMETHING HERE.

WHEN YOU'RE TALKING ABOUT -- YOUR QUESTION -- THERE'S -- WE HAVE BEFORE US A LAND MANAGEMENT PLAN WHICH WAS PREPARED AND REVIEWED BY THE BOARD OF COUNTY COMMISSIONERS.

WE'RE NOT SURE, I DON'T THINK, IF IT EVER WAS ACTUALLY ADOPTED, BUT IS THAT WHAT YOU'RE REFERRING TO?

>>ROSANNE CLEMENTI: YES.

>>HEIDI McCREE: WE COULD BUILD ON THAT AND YOU COULD TAKE THAT, AND THEN JUST TO MAKE THE NEXT STEP, CLARK, IN YOUR PRESENTATION, WHEN YOU WERE TALKING ABOUT MULTI-USE BANKING, THERE WOULD HAVE TO BE A PLAN THAT MAYBE WOULD -- THAT WOULD BE PUT TOGETHER IF THAT WERE A POTENTIAL OUT THERE ON CONE RANCH WHERE YOU WOULD IDENTIFY AREAS OF THE RANCH FOR PARTICULAR MULTI-USE BANKING IF THAT WERE TO OCCUR, SO YOU COULD BUILD ON WHAT'S ALREADY OUT THERE? IS THAT WHAT YOU WERE SORT OF --

>>ROSANNE CLEMENTI: YES.

>>HEIDI McCREE: OKAY.

THANK YOU.

I JUST NEEDED TO UNDERSTAND THAT MYSELF.

I APOLOGIZE FOR TAKING THE TIME FROM VIVIENNE.

VIVIENNE AND THEN DEE.

>>VIVIENNE HANDY: BASED ON MY UNDERSTANDING AND ONE OF THE THINGS CLARK MENTIONED WAS THAT THERE ARE CURRENTLY NO BANKS PERMITTED IN THE HILLSBOROUGH WATERSHED.

>> I SHOULD HAVE SAID ONE MORE THING BEYOND THAT.

>>VIVIENNE HANDY: GO AHEAD.

>> IF I MAY, WE HAVE -- AND I'M SORRY.

THERE'S ONE OF THOSE THINGS WHERE YOU SIT DOWN AND GO I SHOULD HAVE SAID ONE MORE THING.

WE HAVE NO BANKS IN THE HILLSBOROUGH BASIN NOW.

WE ACTUALLY HAVE TWO APPLICATIONS IN-HOUSE UNDER REVIEW AT THIS TIME, AND I'M NOT SURE WHERE EITHER ONE WILL GO AND HOW LONG IT'LL TAKE AND WHETHER THEY BOTH MAKE IT TO THE OTHER END OR NOT, I DON'T KNOW, BUT WE DO HAVE TWO IN-HOUSE RIGHT NOW.

>>HEIDI McCREE: AND WHAT JUST WOULD BE THE TIMING OF THAT PROCESS, JUST TO --

>> PROBABLY THE -- THE SHORTEST TIME FRAME I'VE SEEN FOR A MITIGATION BANK PERMIT TO BE ISSUED IS SIX MONTHS.

>>HEIDI McCREE: OKAY.

NO, THAT'S FINE.

I'M JUST ASKING THE QUESTION FROM A SHEER LOGISTICS

STANDPOINT FOR THIS COMMITTEE TO KIND OF BE AWARE OF THAT
AND WHAT THE TIMING WOULD BE.

OKAY.

SO --

>> THE FEDERAL SIDE COULD TAKE SUBSTANTIALLY LONGER THAN
SIX MONTHS.

THE WATER MANAGEMENT DISTRICT HAS TIME LIMITS WITHIN THEIR
RULES THAT THEY ACTUALLY HAVE TO ADHERE TO OR THERE IS A
RAMIFICATION TO THAT.

THE CORPS, MUCH LIKE THEIR SOFT PREFERENCE FOR THE
[INAUDIBLE] MITIGATION, THE NEW MITIGATION RULES DO HAVE
TIME FRAMES INCLUDED, BUT THE CORPS HAS REFERRED TO THOSE
AS GUIDANCE MORE THAN -- THERE'S NO RAMIFICATIONS, SO THE
CORPS PROCESS CAN TAKE A SIGNIFICANTLY LONGER PERIOD OF
TIME.

>>HEIDI McCREE: OKAY.

VIVIENNE OR CLARK.

>> COULD I -- JUST TO MAKE THIS PART CLEAR, AND MAYBE I'LL
SEE THIS ALREADY, BUT YOU DON'T HAVE TO PUT THE ENTIRE CONE
RANCH INTO A MITIGATION BANK.

I MEAN, YOU COULD BE LOOKING AT PART OF IT THAT WAS BEST
SUITED FOR A MITIGATION BANK, AND THE REST MIGHT BE BEST
SUITED FOR SOMETHING ELSE.

>>VIVIENNE HANDY: AND JUST TO ADD ON TO THAT, I WOULD
SUGGEST THAT THAT WOULD BE AN EXCELLENT PIECE OF THE RFP IF

THIS WERE TO BE PURSUED WAS THE WHOLE PLANNING OF WHAT PORTION OF THE RANCH COULD BE BANKING VERSUS SOMETHING ELSE.

BUT TO FOLLOW UP, BECAUSE THERE CURRENTLY ARE NO BANKS IN THE HILLSBOROUGH WATERSHED, THERE ACTUALLY IS A DEMAND, AND CLARK MIGHT BE ABLE TO RESPOND TO THAT A LITTLE BIT, BUT IT'S MY UNDERSTANDING THAT WE COULD USE ONE.

NOW, I'M NOT FAMILIAR ENTIRELY WITH THE TOTAL NUMBER OF CREDITS THAT MAY END UP BEING ISSUED WITH THE TWO BANKS.

I KNOW ABOUT ONE, BUT THE OTHER ONE I DON'T KNOW ABOUT THE CREDITS THAT COULD BE AVAILABLE, BUT MY OTHER UNDERSTANDING FROM WORKING WITH CLARK ON THIS TYPE OF THING IS THAT IF -- IF WE -- IF THERE WAS AN OPPORTUNITY TO RESTORE WETLANDS WITHIN THE HILLSBOROUGH WATERSHED BY PLUGGING DITCHES AND ACTUALLY DOING SOME BASIC WETLAND RESTORATION WORK VERSUS PRESERVATION THAT THAT WOULD BE AN EXCELLENT OPPORTUNITY, AND IF -- IF THE PROPERTY WERE UNDER ELAPP OWNERSHIP AT THE TIME OF ESTABLISHING THE BANK, ALL THAT WOULD DO WOULD PRECLUDE PRESERVATION CREDITS, NOT RESTORATION CREDITS.

THE OTHER THING I'D LIKE TO MENTION IS THAT THERE ARE PLENTY OF EXAMPLES OF PRIVATE BANKS THAT AFTER SALE OF THE CREDITS HAVE BEEN COMPLETED THAT PARCEL IS THEN CONVEYED TO A PUBLIC ENTITY AS FAR AS OWNERSHIP.

CONSERVATION EASEMENT IS HELD BY THE DISTRICT OR WHOEVER, BUT I'VE SEEN CONSERVATION BANKS WHERE THEY CONVEY THE

PROPERTY OVER TO FISH AND WILDLIFE COMMISSION OR NATURE CONSERVANCY OR ANY -- THERE'S A NUMBER OF PUBLIC OR PRIVATE ENTITIES THAT CAN THEN TAKE OVER, WHICH DOES SET IT APART A LITTLE BIT FROM THE FCEG PROPOSAL BECAUSE THE OPPORTUNITY WOULD BE TO TURN IT OVER TO ELAPP, FOR EXAMPLE, WHICH WOULD BE TO ME THE IDEAL SITUATION BECAUSE THEN ELAPP WOULD HAVE THE RESPONSIBILITY AND DOES HAVE THE EXPERIENCE FOR MAINTAINING AND MANAGING THAT PROPERTY IN PERPETUITY USING THE FUNDS THAT HAVE BEEN ESTABLISHED AND ONCE ALL THE CREDITS HAVE BEEN SOLD.

SO I GUESS THE QUESTION THEN BECOMES WHETHER OR NOT THAT'S -- GOING BACK TO MIKE'S CONVERSATION ON WHETHER OR NOT IT WOULD BE IN THE BEST INTERESTS OF THE WATER DEPARTMENT TO -- IN THE INTERIM UNTIL SALE -- THE CREDITS ARE SOLD THAT IT WOULD BE SORT OF A JOINT VENTURE BANKER UNDER THIS TYPE OF SCENARIO.

>>HEIDI McCREE: CAN I ASK A QUESTION OF CLARK.

IF THERE ARE TWO PERMITS ALREADY IN-HOUSE AND YOU EVALUATE THOSE AND THEN THIS -- SOMETHING ELSE CAME ALONG, I MEAN, THERE IS AN ISSUE THERE THAT WE NEED TO BE AWARE OF PROBABLY IN TERMS OF TIMING AND WHO'S IN FIRST, AND IF -- BECAUSE YOU'RE TALKING ABOUT WITHIN THE DRAINAGE BASIN. I MEAN, HOW MANY MITIGATION BANKS CAN YOU HAVE IN THE SAME WATERSHED?

>> WELL --

>>HEIDI McCREE: OR IS THAT AN ISSUE?

>> IF YOU'RE THE FIRST BANK IN, YOU'RE IN A GOOD SPOT IN TERMS OF COMPETITION, BUT I WOULD -- I BELIEVE THAT THE HILLSBOROUGH DRAINAGE BASIN COULD SUPPORT MORE THAN ONE BANK.

THERE'S A LOT OF DEVELOPMENT ACTIVITY THAT GOES ON IN THE BASIN, AND THERE'S A LOT OF WETLANDS IN THE HILLSBOROUGH BASIN, AND SO IT'S KIND OF HARD, YOU KNOW, WIDEN A ROAD AND NOT HIT A WETLAND, ET CETERA, SO, YOU KNOW, THERE'S A FAIR AMOUNT OF NEED.

THE -- THE -- THE TWO BANKS THAT WE'RE REVIEWING NOW AREN'T REALLY OF THE SCALE OF CONE RANCH, AND SO CERTAINLY THIS WOULD BE THE -- YOU KNOW, THE 800-POUND GORILLA, IF YOU WILL, IN TERMS OF A MITIGATION BANK IF CONE RANCH WAS TO -- TO TURN INTO A BANK.

>>HEIDI McCREE: OKAY.

THANK YOU.

DEE.

>>DENISE LAYNE: I KNOW ONE OF THE TOOLS THAT ELAPP HAS GOT BESIDES BUYING THE LAND IS CONSERVATION.

THEY CAN BUY A CONSERVATION EASEMENT VERSUS ACTUALLY BUYING THE OUTRIGHT LAND.

HILLSBOROUGH COUNTY OWNS THE LAND.

IF ELAPP WERE TO BUY THE LAND, HILLSBOROUGH COUNTY WOULD STILL OWN THE LAND, AND WE JUST PAID LAND PRICES FOR THE

PROPERTY VERSUS A CONSERVATION EASEMENT WHICH WE HAVE HEARD IS A LESSER AMOUNT TO PAY.

SO I THINK WHAT WE'RE TALKING ABOUT HERE IS TRYING TO -- AND THEN I ASKED -- I ASKED MR. VANDERPLOOG AFTER THE MEETING COULD THE COUNTY PUT A CONSERVATION EASEMENT ON THIS PROPERTY WHILE THE WATER DEPARTMENT OWNED IT AND THE MONEY GO INTO MITIGATION, INTO RESTORATION, AND HE SAID NO, WE'RE BACK TO THAT POT -- THAT WHATEVER IS UNDER THE PURVIEW OF THE WATER DEPARTMENT GOES INTO THE FUTURE PROJECTS POT, THEY CANNOT TARGET SPECIFICALLY THAT, SO NUMBER ONE, I THINK THAT SOMEHOW WE HAVE TO GET THE CONTROL.

OWNERSHIP IS ALREADY WITH THE COUNTY.

ELAPP WILL NOT CHANGE OWNERSHIP, IT'S THE CONTROL OF THE PROPERTY, SO HERE'S MY QUESTION.

IF ELAPP BUYS THE CONSERVATION EASEMENT, THE COUNTY MAINTAINS CONTROL, HOW DO WE WORK THEN WITH SWFWMD ON A CONSERVATION EASEMENT FOR A MITIGATION BANK?

DO YOU TAKE PARTNERS?

WOULD ELAPP BE A PARTNER IN THAT -- IN THE CONSERVATION EASEMENT?

WOULD THERE BE A CONSERVATION EASEMENT WITHIN A CONSERVATION EASEMENT?

>> I'M NOT A LAWYER, AND -- AND SO I'M GOING TO KIND OF BRANCH OUT INTO THAT AREA THAT THE LAWYERS GET

UNCOMFORTABLE WITH, BUT I -- YOU CAN HAVE TWO EASEMENTS ON A PIECE OF PROPERTY, AND OUR RULES WOULD -- WOULD -- I DON'T THINK IT WOULD PRECLUDE DOING A BANK IF ELAPP HELD A CONSERVATION EASEMENT, BUT THE DISTRICT WOULD STILL LOOK FOR A CONSERVATION EASEMENT TO PROTECT THE PEOPLE'S INTERESTS UNDER THE -- UNDER THE PROSECUTE.

HOW EXACTLY THAT WORKS WOULD PROBABLY TAKE A ROOM FULL OF LAWYERS TO FIGURE THAT OUT, BUT THAT COULD BE DONE.

>>DENISE LAYNE: OKAY.

I MEAN, THAT'S PART OF THE POINT.

MY VERY FIRST QUESTION AT THE FIRST MEETING WAS CAN WE PULL -- THIS BOND ISSUE SEEMS TO BE THE 800-POUND GORILLA. WE'RE ALWAYS SEEMING TO HAVE TO WORK AROUND THE BOND REQUIREMENTS.

CAN WE PULL THIS PROPERTY OUT OF THE BOND IN YOUR NEXT ROLLOVER, WHICH IS COMING UP IN THE NEXT FEW MONTHS, AND I WAS TOLD YES, IT WOULD BE EXPENSIVE, BUT WE KEEP SHOWING IN THAT BOND THAT THIS PROPERTY HAS GOT \$11.5 MILLION IN THE BOND, AND WE'VE SHOWN THAT FOR 20 YEARS.

WE CANNOT POSSIBLY OWE \$11.5 MILLION AFTER 20 YEARS OF PAYING DOWN THAT BOND, SO WHAT IN REALITY IS WHAT'S LEFT OF CONE RANCH WITHIN THAT BOND WHERE ELAPP MIGHT BE ABLE TO BUY -- PAY OFF THE BOND ISSUE FOR YOU BECAUSE, AGAIN, THE 11.5, WHAT HAVE WE BEEN DOING FOR 20 YEARS IF NOT PAYING DOWN THAT AMOUNT, AND HOW MUCH IS -- WHAT IS LEFT?

>>MIKE MERRILL: I THINK I ANSWERED THIS FOR SOMEONE RECENTLY, BUT THE -- THE PARTICULAR -- THE CONE RANCH FINANCING IS PART OF A LARGER BOND ISSUE, BUT INITIALLY WHEN IT WAS ON ITS OWN, THE -- THE PRINCIPAL WAS DUE IN 30 YEARS. IT WAS A BULLET MATURITY, SO THERE WAS NO PRINCIPAL BEING AMORTIZED OVER THAT PERIOD OF TIME.

WHEN THE CONE RANCH WAS THEN BROUGHT IN AND REFUNDED A COUPLE TIMES BY UTILITY BONDS, WE PRESERVED THAT CHARACTER OF THAT BULLET MATURITY WITHIN THE LARGER BOND ISSUE, SO I GUESS IN A NUTSHELL THERE HASN'T BEEN ANY PRINCIPAL RETIRED BECAUSE IT'S -- IT'S A MATURITY THAT HAPPENS IN THE FUTURE, AND SO THAT'S WHY WE -- THERE STILL IS AN OUTSTANDING BALANCE OF ABOUT \$11 MILLION.

AND I -- IT'S NOT LIKE A MORTGAGE, AND THAT'S THE HARD THING TO EXPLAIN.

WITH A MORTGAGE THERE'S ALWAYS AMORTIZATION OVER 30 YEARS. A MUNICIPAL BOND ISSUE, THERE'S A WHOLE RANGE OF MATURITIES, FROM ONE YEAR TO 30 YEARS.

EACH OF THEM STANDS ON THEIR OWN.

THE CONE RANCH WAS A 30-YEAR MATURITY.

IT SITS OUT THERE BY ITSELF.

IT DOESN'T GET AMORTIZED.

IT FALLS WITHIN A DIFFERENT RANGE OF MATURITIES THAT EVENTUALLY MAKE UP THE DEBT SERVICE, BUT IT DOESN'T BY ITSELF GET AMORTIZED.

IT SITS OUT ON ITS OWN AND GETS REPAID AT THAT DATE IN THE FUTURE, AND THAT'S THE WAY IT'S ACCOUNTED FOR RIGHT NOW IN THE SYSTEM.

>>DENISE LAYNE: WELL, IT SEEMS TO ME THAT AGAIN SOMEHOW WE NEED TO GET THE CONTROL OF THIS PROPERTY -- NOT THE OWNERSHIP BUT THE CONTROL TO DO WHAT WE WANT AS FAR AS MITIGATION, RESTORATION AWAY FROM THE WATER DEPARTMENT. YOUR BOND RESTRICTIONS ARE STOPPING THINGS THAT WE WOULD WANT TO DO, AND THE COUNTY GAVE THAT TO YOU-ALL.

>>MIKE MERRILL: NO, THE UTILITY SYSTEM PURCHASED IT.

>>DENISE LAYNE: OKAY.

>>HEIDI McCREE: EXCUSE ME JUST A MINUTE, BECAUSE THERE IS A REALLY IMPORTANT LINE OF DISCUSSION, AND I THINK WE NEED TO PICK IT UP.

WHAT I'D LIKE TO DO IS GET JUST WITH KRISTIN HERE AND CLARK AND ANDREW IF WE WANT TO ASK THEM ANY QUESTIONS ABOUT THE -
- THE MITIGATION BANK SPECIFICALLY, AND THEN MAYBE WE'LL TAKE A BREAK AND WE NEED TO COME BACK AND START DISCUSSING SOME OF THESE ISSUES ON HOW WE MIGHT WANT TO MOVE FORWARD, SO PLEASE --

>>DENISE LAYNE: THE BIG ONE WAS CONSERVATION EASEMENT WITHIN A CONSERVATION EASEMENT.

>>HEIDI McCREE: OKAY.

>>DENISE LAYNE: AND AGAIN, WE WOULDN'T WANT THE WHOLE OF CONE RANCH TO BE IN A MITIGATION BANK.

THERE'S GOING TO BE CERTAIN AREAS.

LIKE NOW THEY'VE GOT GOPHER RESTORATION ON-SITE, SO THERE'S ALREADY AN AREA BEING USED FOR WILDLIFE MITIGATION OBVIOUSLY, AND SWFWMD, ARE YOU IN ON THAT?

>> NO, MA'AM, NOT THAT I'M AWARE OF.

>>HEIDI McCREE: WELL, AND CLEARLY WHAT'S JUMPING OUT A LITTLE BIT HERE IS --

>>DENISE LAYNE: THAT'S A FOLLOW-UP QUESTION.

OBVIOUSLY THERE'S SOME NONPROFIT ENTITY THAT'S ALLOWED TO BYPASS THE MITIGATION BANKING SYSTEM WITH SWFWMD AND DEAL DIRECTLY WITH THE WATER DEPARTMENT.

>> LET ME JUMP IN BECAUSE I DO THIS KIND OF PERMITTING. THE GOPHER TORTOISE HABITAT THAT WAS PRESERVED THERE AND USED FOR ANOTHER COUNTY PROJECT HAS NOTHING TO DO WITH SWFWMD.

IT WAS WITH THE GAME COMMISSION, AND WHATEVER EASEMENTS ARE THERE, IT'S NOT A MITIGATION BANK, OKAY, IT'S A TOTALLY DIFFERENT ISSUE.

>>DENISE LAYNE: IT'S NOT SET UP AS A BANK?

>>ROSANNE CLEMENTI: NO, IT'S NOT.

>>HEIDI McCREE: AND I THINK WE ACTUALLY HAVE A COPY OF THAT DOCUMENT IN THE MATERIALS.

YOU MAY WANT TO REVIEW THAT, BUT I THINK THAT'S CORRECT, SO -- HOWEVER, MOVING FORWARD, CLEARLY THIS CONCEPT OF A MITIGATION BANK IS OUT THERE FOR US TO ADDRESS AND

EVALUATE, AND I THINK WE HAVE TO ASK SOME SPECIFIC QUESTIONS ABOUT WHETHER OR NOT IT'S VIABLE IN THE MIX, AND I APPRECIATE THE QUESTIONS THAT HAVE BEEN ASKED TODAY. CLARK, JUST WHILE YOU'RE HERE, AND NOT TO PUT YOU ON THE SPOT, BUT KNOWING WHAT THIS COMMITTEE'S BEEN ESTABLISHED TO ADDRESS, WHICH IS THE -- THE PERMANENT PROTECTION OF CONE RANCH BUT THE CATALYST BEING THIS PRIVATE GROUP COMING IN AND WANTING TO PURCHASE THE LAND FROM THE COUNTY AND THEN GO FORWARD AND RESTORE -- AND I HAVE NO IDEA WHAT THEIR OPINION IS ON MITIGATION BANKING, BUT I'M JUST CURIOUS WHETHER OR NOT THERE ARE ANY EXAMPLES OUT THERE OF WORKING WITH PRIVATE LANDOWNERS AS PARTNERS IN SUCH A SITUATION? AND I'M JUST THROWING THAT OUT THERE TO SEE WHETHER OR NOT THERE'S ANY HYBRID OPPORTUNITY WHERE -- WE TALKED ABOUT THAT LAST TIME WITH SOME OF THE ELAPP CONCEPTS, AND WE'VE GOT THE FCEG PROPOSAL, WE'VE GOT ELAPP'S INTEREST, WE'VE GOT THE WATER DEPARTMENT SITUATION THAT THE COUNTY HAS TO ADDRESS, AND NOW WE'VE GOT A MITIGATION BANKING CONCEPT OUT THERE FOR THIS COMMITTEE TO ADDRESS AND ASSESS, SO I'M JUST WONDERING WHAT YOUR EXPERTISE CAN PROVIDE TO US SO THAT WE CAN GO FORTH AND EVALUATE THAT.

>> I DON'T KNOW A GREAT DEAL OF THE OTHER PROPOSAL. I'VE READ A LITTLE BIT ABOUT IT IN THE PAPER, BUT THAT -- THE -- WE'VE PERMITTED A NUMBER OF BANKS ACROSS THE STATE THAT ARE ENTIRELY PRIVATELY OWNED BANKS, A RANCHER OR

SOMETHING THAT GETS INTO THE MITIGATION BANKING BUSINESS, STILL OWNS THE PROPERTY, YOU KNOW, AFTER THE -- AFTER THE FACT, NOW IT'S A BANK.

THERE'S NOTHING THAT WOULD PRECLUDE ESTABLISHING A BANK ON PROPERTY THAT HAD SOME OTHER LEVEL OF PRIVATE OWNERSHIP OR PUBLIC-PRIVATE OWNERSHIP OR HOWEVER.

I MEAN, THE RULES ARE -- DON'T REALLY SPEAK DIRECTLY TO THAT LEVEL OF OWNERSHIP.

THE DISTRICT WOULD JUST LOOK TO -- TO BE SURE THAT THERE WAS A -- THAT THE ENTITY GETTING THE PERMIT HAD OWNERSHIP AND CONTROL AND THAT THERE BE A RESPONSIBLE ENTITY FOR LONG-TERM MANAGEMENT.

AND HOWEVER WE -- WE GET THERE, I THINK THERE'S PROBABLY A NUMBER OF DIFFERENT MODELS TO GET THERE.

>>HEIDI McCREE: OKAY.

GREAT.

FOR KRISTIN, ANDREW, AND CLARK ARE THERE ANY OTHER QUESTIONS?

IF NOT, WHY DON'T WE -- REALLY, THANK YOU ALL THREE FOR BEING HERE.

I THINK IT'S BEEN VERY HELPFUL TO THE PANEL.

WHY DON'T WE TAKE A FIVE-MINUTE BREAK, IF THAT'S ALL RIGHT, AND COME BACK AND RECONVENE RIGHT AROUND 10:29, AND WE'LL GO INTO THE BOARD DISCUSSION.

THANK YOU.

THANKS, CLARK.

[RECESS TAKEN]

>>HEIDI McCREE: WELCOME BACK.

WHAT I'D LIKE TO SHARE WITH THE PANEL MEMBERS IS WE DO HAVE A GOOD GROUP OF FOLKS FROM THE PUBLIC TODAY, AND WE APPRECIATE THAT.

WE HAVE ABOUT SEVEN OR EIGHT SPEAKERS, SO I JUST WANT TO FROM A TIME MANAGEMENT PERSPECTIVE ENSURE THAT WE GIVE THOSE FOLKS THEIR TIME IN THE PODIUM -- ON THE -- BEFORE THE -- TO SPEAK.

WE WOULD NOW LIKE TO MOVE TO THE DISCUSSION OF ISSUES, WHICH IS HOW IT'S EXPRESSED ON THE AGENDA.

WE'VE HEARD FROM THE FOLKS THIS MORNING ABOUT MITIGATION BANKING, AND WE'VE MET THREE PREVIOUS TIMES, AND I THINK IT'S TIME -- I THINK THE COMMITTEE FEELS LIKE IT'S TIME TO HAVE SOME DISCUSSION ABOUT WHERE WE ARE AND WHERE WE'RE HEADED.

AS YOU KNOW, WE'RE NOT GOING TO MEET AGAIN UNTIL PROBABLY THE LATTER PART OF SEPTEMBER AT THE VERY EARLIEST, EARLY OCTOBER, SO IN THE ENSUING SIX WEEKS OR SO WHAT I'D LIKE TO GET OUT OF TODAY'S DISCUSSION IS WHERE WE FEEL WE ARE AS A COMMITTEE AND WHAT WE'D LIKE TO HAVE PURSUED BEFORE WE MEET AGAIN.

SO I'M GOING TO TURN TO DEE, AND WHAT I'D LIKE TO DO IS JUST IF WE COULD JUST MAYBE MAKE SOME VERY SIMPLE

STATEMENTS.

ONE OF THE QUESTIONS THAT CAME UP LAST TIME -- AND NOT TO GO DOWN THIS PATH TOO MUCH -- IS, YOU KNOW, THE COUNTY COMMISSION CHARGED US WITH MEETING TO ADDRESS THE PROPOSAL THAT WAS PRESENTED BY FCEG BUT ALSO TO DISCUSS WHAT WOULD BE THE BEST WAY TO PERMANENTLY PROTECT CONE RANCH IF I MAY EXPRESS THEIR WORDS, AND I HAVE A COPY OF THEIR JUNE 3rd TRANSCRIPT WHERE THEY MET, SO WE CAN TALK ABOUT THAT IF WE NEED TO, BUT I THINK WE NEED TO SORT OF PUT TOGETHER WHAT WE AS A COMMITTEE ARE FEELING WHERE WE ARE WITH CONSENSUS RIGHT NOW IF WE NEED TO GO BACK TO THE BOARD AT ANY PARTICULAR TIME, AND ELAPP'S WORKING IN PARALLEL TIME FRAME WHERE THEY HAVE THEIR SEPTEMBER MEETING AND THEN THEY'RE HOPING TO GO TO THE BOARD BY DECEMBER, SO JUST TO THROW THAT OUT AS A TIMELINE.

DEE.

>>DENISE LAYNE: FIRST OF ALL, I HAVE A COUPLE QUESTIONS FOR KEN JONES.

CAN YOU GO TO THE MICROPHONE.

AM I ALLOWED TO DO THAT?

>>HEIDI McCREE: OKAY.

AND KEN JONES IS WITH FCEG.

SURE.

I THINK THAT'S FINE.

AND KEN IS THE PERSON WHO PRESENTED FROM FCEG, THE

PRINCIPAL, AT OUR LAST MEETING.

>> GOOD MORNING.

>>DENISE LAYNE: GOOD MORNING, KEN.

I DID SOME RESEARCH ON YOUR LLC, AND YOU'VE MENTIONED NAMES BEFORE THE BOARD, DICK MANDT'S NAME.

I SEE IT NOWHERE IN YOUR CORPORATE STRUCTURE OR YOUR COMPANY STRUCTURE, OTHER NAMES, I DON'T SEE THEM ANYWHERE IN THE STRUCTURE.

FIRST OF ALL, WHO ARE THEY AND WHAT ARE THEY?

THEY'RE NOT PART OF YOUR ACTUAL LLC; CORRECT?

>> WELL, THEY'RE PARTNERS IN OUR GROUP.

WHETHER OR NOT THEY'RE FILED AS OFFICERS WITH THE SECRETARY OF STATE FILING, THAT'S A WHOLE -- A WHOLE 'NOTHER MATTER.

I MEAN, YES, THEY ARE PART OF OUR GROUP.

>>DENISE LAYNE: WHO IS JOHN WILSON, KIMBERLY WILSON, AND DEBORAH HUTCHINSON?

>> THEY'RE MEMBERS OF FCEG.

>>DENISE LAYNE: I MEAN, I UNDERSTAND THAT.

I MEAN, THEY LIVE IN DADE CITY, ALL THREE OF THEM, AT THE SAME ADDRESS -- OR EXCUSE ME -- YES, THEY DO, AT THE SAME ADDRESS, AND THEN OLD PORT CAPITAL IS AN LTD WITHIN THE LLC, AND I TRACED THAT BACK, AND THEN I HAD TO GO BACK A STEP FURTHER, AND I FOUND OUT THAT THE WILSONS AND HUTCHINSONS WERE ROLLED INTO THAT AS WELL, SO IT'S -- EXPLAIN YOUR STATE STRUCTURE TO ME.

>> OUR STATE STRUCTURE?

>>DENISE LAYNE: I MEAN, HOW -- THE LLC IS COMPRISED OF THREE INDIVIDUALS AND AN LTD, AND THEN WHEN THE LTD YOU'VE GOT DIFFERENT INDIVIDUALS AND ANOTHER I DON'T REMEMBER IF IT WAS AN LLC BUT ANOTHER CORPORATION, SO WE'RE KIND OF ROLLING, AND IT ALL ENDS UP BACK WITH THE WILSONS AND THE HUTCHINSONS.

I'M TRYING TO FIGURE OUT IF SOMETHING WERE TO HAPPEN LEGALWISE, I'M SEEING 60 VEILS OF COVERAGE SO NOBODY GETS TOUCHED IN THIS.

NOT 60, I'M -- IT'S AN EXAGGERATION BUT THREE OR FOUR LEVELS.

>> WELL, YOU KNOW, WITHOUT GETTING INTO WHY PEOPLE SET UP STRUCTURES THE WAY THEY DO, I'LL GIVE YOU A RUNDOWN OF WHO THE PEOPLE ARE.

AGAIN, WE'VE MADE NO SECRETS ABOUT IT.

JOHN AND KIM WILSON, THEY'RE HUSBAND AND WIFE.

KIM WILSON IS RICK MICHAELS' DAUGHTER.

THEY'RE ALL PARTNERS IN FCEG.

RICK MICHAELS AND DICK MANDT ARE PARTNERS IN FCEG.

DEBORAH HUTCHINSON IS ONE OF OUR ACCOUNTANTS WHO HANDLES SOME OF OUR TAX FILINGS AND PAPERWORK.

THE REASON WHY THEY ARE THERE A'S A DADE CITY ADDRESS IS THAT'S WHERE WE HAVE A CORPORATE OFFICE, SO IT'S NOT A -- I DON'T THINK THERE'S ANY INTENT TO MASK OR HAVE ANY

SECRECY ABOUT IT.

WE'VE BEEN VERY UP FRONT.

WE'VE BEEN ASKED BY THE TAMPA TRIBUNE, THE ST. PETE TIMES.

WE'VE ALWAYS GIVEN THEM EVERY ANSWER WHICH IS THE PEOPLE

YOU NAMED ARE THE PARTNERS IN OUR GROUP, SO --

>>DENISE LAYNE: OKAY.

I'M NOT INSINUATING ANYTHING.

I JUST -- I COULDN'T -- I WAS TRYING TO FOLLOW THIS AND

FIGURE IT OUT, AND I DIDN'T SEE DICK'S NAME ANYWHERE, AND I

WAS JUST TRYING TO FIGURE OUT WHAT THIS RELATIONSHIP IS.

AND YOU ARE A FOR-PROFIT CORPORATION, NOT A NONPROFIT;

CORRECT?

>> AN LLC IS NOT A NOT-FOR-PROFIT.

>>DENISE LAYNE: RIGHT.

I THINK BY TAX LAW YOU CAN'T BE.

OKAY.

ONE LAST QUESTION.

IF WE WERE TO PROHIBIT HUNTING AS ONE OF THE CONSERVATION

EASEMENT'S REQUIREMENTS OTHER THAN SAY WILD HOG, TRYING TO

FERRET OUT SOME OF THE WILD ANIMAL STUFF THAT IS ACTUALLY

HARMING, WOULD YOU EVEN BE INTERESTED ANYMORE?

>> OH, OF COURSE.

YOU KNOW, IF YOU DECIDE AS A PANEL THAT HUNTING IS NOT

SOMETHING THAT YOU WISH TO DO, THEN THAT'S CERTAINLY --

IT'S CERTAINLY AN OPTION.

I THINK YOU CANNOT RULE OUT THE POSSIBILITY OF POPULATION CONTROL WITH CERTAIN SPECIES, HOGS, DEER, AMONG OTHERS, SO IF YOU-ALL DECIDE THAT THERE'S GOING TO BE A VERY STRICT CONSERVATION TENET THAT SAYS YOU CAN'T HUNT ANYTHING, WELL, THEN THAT'S SOMETHING YOU CAN CERTAINLY DO AS A PANEL. AGAIN, I'M NOT AN EXPERT ON HUNTING TENETS IN CONSERVATION EASEMENTS.

I KNOW WE'VE GOT SOME OTHER FOLKS HERE TODAY THAT PROBABLY KNOW A LOT MORE ABOUT THAT THAN I DO, INCLUDING KEITH FOUNTAIN FROM THE NATURE CONSERVANCY COULD PROBABLY GIVE YOU A LITTLE BETTER PERSPECTIVE ON WHAT THE CONSERVANCY'S EASEMENTS LOOK LIKE AND WHAT THE USUAL TENETS ARE WITH RESPECT TO HUNTING, ABOUT YOU IF YOU WANT TO BAN ALL HUNTING, CERTAIN YOU CAN DO THAT AS A PANEL AND CERTAINLY WE'D STILL BE INTERESTED IN LOOKING AT THIS DEAL.

>>DENISE LAYNE: OKAY.

THANK YOU, KEN.

>>HEIDI McCREE: DO YOU HAVE OTHER QUESTIONS?

>>DENISE LAYNE: NO, NOT FOR KEN.

>>HEIDI McCREE: OKAY.

THANKS, KEN.

>>DENISE LAYNE: NOW YOU WANT US TO KIND OF RUN OUR MIND?

>>HEIDI McCREE: WELL, WITHIN --

>>DENISE LAYNE: I KNOW.

I HEAR YOU.

I HEAR YOU.

I WAS JUST KIDDING.

>>HEIDI McCREE: ONE OF THE THINGS I'D LIKE US TO DISCUSS IS, YOU KNOW, CLEARLY I THINK THE BOARD OF COUNTY COMMISSION WHEN THEY SET THIS UP IN REVIEWING THEIR TRANSCRIPT, THEY WERE -- WITHOUT PUTTING WORDS INTO EACH OF THEM, AND I DON'T KNOW -- THEY WERE VERY INTERESTED IN THE PERMANENT PROTECTION OF CONE RANCH, SO I THINK, YOU KNOW, UNLESS ANYBODY HAS ANY INTEREST HERE OTHERWISE, YOU KNOW, WE CAN STIPULATE THAT WE ARE ALL HERE TO SEEK THE PERMANENT PROTECTION OF CONE RANCH, AND FROM WHAT WE'VE UNDERSTOOD TODAY, UNLESS I MISUNDERSTOOD, IS THAT IT IS CURRENTLY NOT PERMANENTLY PROTECTED, SO THEREFORE, WE HAVE TO WALK DOWN A SERIES OF STEPS OF HOW WE WOULD GO BACK TO THE BOARD WITH A RECOMMENDATION OF HOW THEY COULD ENABLE THE PERMANENT PROTECTION OF CONE RANCH WHETHER OR NOT IT IS IN THE COUNTY OWNERSHIP OR NOT.

SO IF WE COULD MAYBE TAILOR OUR REMARKS TO HOW WE GET THERE AND HOW DO WE GO BACK TO OUR BOARD OF COUNTY COMMISSION WITH A RECOMMENDATION ONE WAY OR THE OTHER, THAT MIGHT BE HELPFUL, AND WE HAVE A SERIES OF WAYS WE COULD DO THAT. SO LET ME TAKE ROSANNE'S COMMENT AND THEN MAYBE WE CAN GO BACK AND LET EVERYONE SPEAK.

ROSANNE.

>>ROSANNE CLEMENTI: I THINK THE ONE THING THAT'S BOTHERED

MOST EVERYONE ON THE PANEL IS THE RELATIONSHIP THAT THE WATER DEPARTMENT HAS AND WHAT THEY CAN AND CAN'T DO WITH THE LAND, AND I THINK THE -- I THINK REALLY WHAT WE NEED TO DO IS TO WORK WITH THEM AND SHOW THEM HOW THEY CAN DO THINGS WITH THE LAND SO THAT THEY DON'T DIRECTLY SPEND MONEY ON IT AND STILL ACHIEVE THE GOALS OF THE PANEL, THE COUNTY COMMISSION, AND THE CITIZENS OF HILLSBOROUGH COUNTY. I DON'T REALLY THINK -- AND IT'S MY OPINION -- THAT THEIR OWNERSHIP OF IT PRECLUDES THE COUNTY OR THEM FROM DOING A NUMBER OF THINGS WITH IT.

THEY JUST CAN'T SPEND MONEY ON THE LAND FOR THE PURE RESTORATION OR IMPROVEMENT OF THE LAND.

THAT'S NOT THEIR CHARGE.

THAT DOESN'T MEAN THEY CAN'T ENTER INTO OTHER RELATIONSHIPS AND GO DOWN PATHS THAT WILL PROVIDE THEM A REVENUE STREAM FROM THAT LAND AND STILL ACHIEVE RESTORATION AND CONSERVATION GOALS.

>>HEIDI McCREE: OKAY.

SO I'M GOING TO CONSIDER -- THAT'S AN OPTION OUT THERE.

WE COULD GO BACK TO THE BOARD AND SAY ONE OF YOUR OPTIONS IS RETAIN OWNERSHIP AS IS.

IT'S IN THE WATER DEPARTMENT.

RETAIN IT.

AS IT IS, IT'S NOT PERMANENTLY PROTECTED, SO -- AND TO DATE THE WATER DEPARTMENT PER THEIR PRESENTATIONS TO US AND

THEIR ACTIONS, WITH ALL DUE RESPECT, THEY HAVE DECIDED IT DOESN'T INURE TO THEIR BENEFIT TO PERFORM SOME OF THE RESTORATION AND ENVIRONMENTAL PRESERVATION ACTIVITIES OUT THERE, SO GETTING TO YOUR POINT, IF IT DOES STAY IN THE WATER DEPARTMENT, WATER RESOURCES DEPARTMENT, HOW DO WE THEN ENABLE PERMANENT PROTECTION?

AND THAT'S JUST SOMETHING I THINK WE SHOULD -- THAT'S MAYBE ONE ARENA.

THE OTHER ARENA WOULD BE THE WHOLE ELAPP SCENARIO, AND WE NEED TO LET THAT PLAY OUT PER THE ELAPP COMMITTEE AND ADDRESS THAT AS THAT MOVES FORWARD, SO DEE, I'LL -- YOU WERE NEXT ON THE -- WITH YOUR HAND UP, AND THEN I THINK PAMELA AND VIVIENNE.

>>DENISE LAYNE: WELL, OUR CHARGE HAS BEEN WHAT IS THE BEST WAY TO PROTECT THE LAND FOREVER, AND OF COURSE, HAVING A GOVERNMENT OWN IT AND THEN CONTROL IT IN THE RIGHT WAY IS THE OPTIMUM OF PROTECTION BECAUSE THERE'S NO QUESTIONS THERE OR NOT AS MANY QUESTIONS.

THE PEOPLE -- IT'S THE TAX DOLLARS.

IT'S GOT TO BE MORE OF A TRANSPARENT PROCESS.

I PERSONALLY THINK WE NEED TO EXPLORE AN -- AGAIN, THERE'S -- I CAN'T GET THE LEGAL QUESTIONS ANSWERED THAT I'VE BEEN ASKING ALL ALONG.

CAN THE WATER DEPARTMENT MAINTAIN OWNERSHIP, KEEP IT WITHIN THE BOND, ALLOW ELAPP TO BUY A CONSERVATION EASEMENT OVER

THAT LAND?

BECAUSE WHEN I ASKED MR. VANDERPLOOG LAST WEEK, AND I THINK YOU WERE STANDING THERE, MIKE, CAN THE WATER DEPARTMENT -- OR CAN BOCC JUST PUT A CONSERVATION EASEMENT ON YOUR WATER PROPERTY BECAUSE THEY ACTUALLY HAVE A LOT OF CONTROL OVER THAT WATER PROPERTY MORE THAN WE REALIZE.

THEY COULD HAVE YEARS AGO SAID WE WANT IT RESTORED AND DIDN'T KNOW THEY HAD THAT POWER.

CAN THAT BE DONE WITHOUT -- WHEN -- WHEN YOU PUT THAT PROPERTY INTO THE BOND, ITS PURPOSE WAS PRESERVATION.

THAT WAS THE HIGHEST AND BEST USE THROUGH YOUR OWN APPRAISALS OR THROUGH OUR OWN COUNTY'S APPRAISALS.

THAT HAS NOT CHANGED.

IT'S ZONED FOR PRESERVATION.

SO IT SEEMS TO ME RATHER THAN SPENDING, LIKE I SAID, THE MEGA DOLLARS, CAN WE DO THAT OR DO WE HAVE TO SOMEHOW GET ABSOLUTELY AWAY FROM THE WATER DEPARTMENT THE LAND?

DO WE ACTUALLY HAVE TO HAVE ELAPP BUY IT AWAY AND THEN WE LOOK AT IT, OR CAN WE CONTINUE AND -- TO SAVE SOME TAX DOLLARS HERE, TO LET THE WATER DEPARTMENT USE IT IN THEIR BOND, TO ALLOW IT TO STAY WITH THEM AS AN ASSET, BUT TO ALLOW ELAPP TO BUY A CONSERVATION EASEMENT AND THEN MAYBE PUT ANOTHER EASEMENT ON TOP OF IT FOR MITIGATION BANKING ON PARTS THAT WE WANT?

>>MIKE MERRILL: I THINK -- I THINK THERE ARE A LOT OF

OPTIONS THERE THAT MAY WORK.

I THINK PROBABLY WHAT I WOULD SUGGEST IS BETWEEN NOW AND --
I GUESS YOUR NEXT MEETING IS OCTOBER, IS THAT RIGHT?

>>HEIDI McCREE: PROBABLY SO, YES.

>>MIKE MERRILL: THAT WE -- WE GO BACK AND LOOK AT HOW DO
WE, IN FACT, DO WHAT YOU'RE SUGGESTING, BRING ALL OF THE
LEGAL, BRING ALL THE OF THE TECHNICAL RESOURCES TO BEAR,
AND SEE IF THERE IS, IN FACT, A WAY TO GET THERE.

I MEAN, INTUITIVELY I THINK THERE IS, BUT I ALWAYS THINK
INTUITIVELY THERE ARE WAYS TO GET THINGS DONE AND THEN
THERE'S SOMETHING THAT COMES UP, BUT I THINK CREATIVELY
THERE MAY BE A WAY TO GET EXACTLY TO WHAT YOU'RE TRYING TO
DO, AND IT'S JUST WE'VE NEVER LOOKED AT IT THAT WAY BEFORE.
I MEAN, THIS IS -- BECAUSE THIS PANEL NOW HAS BEEN -- HAS
BEEN ESTABLISHED, WE'RE LOOKING AT IT DIFFERENTLY.

IT'S JUST WE'VE NEVER THOUGHT OF IT IN THOSE -- IN THOSE --
IN THOSE WAYS BEFORE BECAUSE IT WAS A SYSTEM ASSET AND IT
WAS ORIGINALLY PURCHASED BECAUSE WE THOUGHT WE MAY USE --
NEED IT FOR WATER USE, I MEAN, AT SOME POINT.

NOW THAT'S REALLY NOT THE CASE, SO IF THAT'S SOMETHING YOU
WOULD LIKE US TO DO, BRING YOU BACK BEFORE YOUR OCTOBER
MEETING AND SORT OF LAY OUT A ROAD MAP OF HOW COULD WE GET
THERE --

>>HEIDI McCREE: I THINK THAT IF WE COULD --

>> I WOULD LIKE TO --

>>HEIDI McCREE: WITHOUT A WHOLE LOT OF -- I THINK YOUR POINT ABOUT -- WE DON'T -- CERTAINLY I DON'T THINK ANYBODY ON THIS PANEL WANTS TO CREATE A LOT OF ADDITIONAL RESOURCE EXPENSE, TIME, ET CETERA.

WITH CREATIVE MINDS COMING TOGETHER TO ADDRESS THESE ISSUES, THAT COULD BE HOPEFULLY LOW COST AND JUST PROVIDING US SOME GUIDANCE GOING FORWARD FROM THE COUNTY PERSPECTIVE BECAUSE IT IS -- I THINK ONE OF THE THINGS WE'RE ALL STRUGGLING WITH IS IT'S JUST HERE WE HAVE COUNTY GOVERNMENT AND TWO DIVISIONS WITHIN COUNTY GOVERNMENT, AND IT JUST -- YOU KNOW, IT SEEMS LIKE WE OUGHT TO BE ABLE TO COME TOGETHER AND TRY TO WORK SOME OF THOSE ISSUES OUT.

ONE OF THE OTHER QUESTIONS I THINK YOU BROUGHT ABOUT THE BOND REISSUANCE -- AND KNOWING THIS IS OUT THERE WITH CONE RANCH -- AND I DON'T RECALL EXACTLY THE TIMING, BUT I THINK YOU WERE SAYING SOMETIME EARLY IN 2010 THERE WOULD BE A REISSUANCE OF THIS SERIES WHICH INCLUDES THE CONE RANCH ASSET, SO IS THERE ANYTHING THAT WE NEED TO BE CONCERNED ABOUT IN TERMS OF A TIMING OR A PREPARATION OF THAT THAT --

>>MIKE MERRILL: NO, THOSE WILL ACTUALLY BE A NEW SERIES OF BONDS FOR NEW PROJECTS.

>>HEIDI McCREE: OKAY.

>>MIKE MERRILL: THE EXISTING BONDS WILL MATURE IN 2015, I BELIEVE.

IS THAT RIGHT, JOHN, 2015?

>> THAT'S CORRECT, 2015.

>>MIKE MERRILL: AND SO THOSE BONDS WILL GO AWAY IN 2015,
AND THE NEW BOND WILL BE FOR NEW PROJECTS.

WHAT WE'RE TRYING -- WHAT WE'RE STRUGGLING WITH HERE IS THE
WAY THAT -- THE WAY THE SYSTEM WORKS IS THAT ANY ASSET OF
THE SYSTEM GETS CAUGHT UP IN THE BOND COVENANTS, SO AS LONG
AS THERE'S BONDS OUTSTANDING, IT DOESN'T EVEN REALLY MATTER
WHETHER THAT ASSET IS BEING FINANCED BY A BOND ISSUE.

IF IT'S AN ASSET OF THE SYSTEM, IT GETS CAUGHT UP WITH ALL
OTHER ASSETS UNDER THE BOND COVENANT, SO WHAT WE'RE
STRUGGLING WITH, IS THERE A WAY THAT WE CAN SOMEHOW
STRUCTURE THIS TO -- TO SORT OF SLICE CONE RANCH OUT OF
THAT -- THAT POT OF ASSETS THAT ARE SUBJECT TO THE BOND
COVENANTS?

CAN WE DO THAT LEGALLY, CAN WE DO THAT IN A WAY THAT
DOESN'T DESTROY THE VALUE FROM -- FROM THE BUSINESS POINT
OF VIEW?

AND I JUST THINK WE NEED SOME TIME TO NOODLE THAT THROUGH
BECAUSE LIKE I SAY, WE'VE NEVER THOUGHT ABOUT IT THAT WAY
BEFORE.

>>HEIDI McCREE: OKAY.

DO YOU THINK SIX WEEKS IS TIME ENOUGH OR IS THAT -- WHO
KNOWS?

I MEAN, QUESTIONS COULD ARISE IN THE DISCUSSION, BUT THAT
WOULD BE GREAT, SO WE COULD MAYBE PLAN FOR SOMETHING.

AND THEN, YOU KNOW, WHEN -- WE'LL TALK ABOUT THE FCEG PROPOSAL IN A MOMENT, BUT IN -- IN THAT DISCUSSION THERE WERE SOME PROPOSALS THAT THEY BROUGHT FORTH WHERE IF THEY RECEIVED OVER THE PROFIT OR SOME OF THE PROCEEDS FROM THAT PROPOSAL THEY WOULD LIKE TO HAVE GO BACK INTO ELAPP OR ENVIRONMENTAL RESTORATION FUND, ET CETERA, ET CETERA, THE ISSUE AROSE THAT -- WHETHER OR NOT THEY COULD EVEN DO THAT BECAUSE THE MONEY MIGHT HAVE TO GO BACK INTO THE R&R FUND, SO I DON'T KNOW IF -- REGARDLESS OF THAT PROPOSAL FOR THE SAKE OF THIS DISCUSSION, THAT ISSUE IS INTERESTING, AT LEAST I THINK FOR THIS PANEL BECAUSE IF THERE IS GOING TO BE ADDITIONAL MONIES THAT MIGHT COME OUT OF THAT PROPOSAL OR OTHERS AND THEY CAN GO BACK INTO THE ENVIRONMENTAL ARENA, THAT MIGHT BE SOMETHING THAT WE WOULD WANT TO CONSIDER ADDRESSING, SO IN YOUR NOODLING OF THIS ISSUE, THAT MIGHT BE HELPFUL FOR US TO KNOW MORE ABOUT.

>>DENISE LAYNE: WHEN YOU-ALL PUT THAT 11.5 AND BOUGHT THAT PROPERTY FOR 11.5 AND GOT IT BONDED, DID IT HAVE THAT PRESERVATION UNDERLYING LAND USE ON IT ALREADY?

SEEMS TO ME THAT WAS DONE AFTER THE FACT, SO YOUR APPRAISAL WAS BASED ON POTENTIAL DEVELOPMENT RIGHTS, POTENTIAL USE OF IT, IN THE PRIVATE -- FOR THE PRIVATE SECTOR, AND THEN IT ENDED UP INTO THE PRESERVATION, OR HAS THAT ALWAYS BEEN THERE?

>>MIKE MERRILL: I DON'T REALLY REMEMBER, AND I THINK WE'D

HAVE TO GO BACK AND LOOK.

>>DENISE LAYNE: BECAUSE YOUR APPRAISAL BACK A FEW YEARS AGO AFTER YOUR BONDING, OBVIOUSLY, BECAUSE IT WAS LESS THAN TEN YEARS AGO, HAS PUT THAT AS PRESERVATION IS THE HIGHEST AND BEST USE.

>>MIKE MERRILL: UH-HUH.

>>DENISE LAYNE: AND ELAPP -- AND I'M DOING THIS BECAUSE I KNOW ELAPP IS TRYING TO GET THIS AND WORK IT OUT AS WELL. IF THE HIGHEST AND BEST USE ACCORDING TO THE COUNTY IS PRESERVATION, THEN WE DON'T LOOK AT IT AS A NORMAL REAL ESTATE POTENTIAL --

>>MIKE MERRILL: RIGHT.

>>DENISE LAYNE: -- SUBDIVISION DEVELOPMENT LAND.

WHAT IS ITS VALUE AS PRESERVATION?

>>MIKE MERRILL: EXACTLY.

>>DENISE LAYNE: WHAT IS ITS VALUE?

I'M SITTING ON THIS COMMITTEE BECAUSE OF WATER, PURE AND SIMPLE, WATER.

I'VE BEEN PROTECTING CONE RANCH FOR 15 YEARS BECAUSE OF WATER, AND I WOULD LIKE US -- AND WE HAVEN'T EVEN TALKED ABOUT THIS, BUT WHERE THIS PROPERTY IS, POLK COUNTY HAS GOT A HUGE INTEREST IN THIS, PASCO COUNTY HAS GOT A HUGE INTEREST IN THIS.

I DON'T WANT CONTROL GOING OUT OF THE COUNTY.

>>MIKE MERRILL: UH-HUH.

>>DENISE LAYNE: BUT MAYBE THERE IS SOME FINANCING OPPORTUNITIES, SOME MONEY, SOME CONTRIBUTION BECAUSE THIS IS DIRECTLY CONNECTED TO THE GREEN SWAMP.

>>MIKE MERRILL: UH-HUH.

>>DENISE LAYNE: SO I THINK WE'VE GOT SOME OPTIONS OUT THERE THAT WE HAVEN'T EVEN DISCUSSED YET, AND I DON'T KNOW HOW WE WOULD EVEN GO -- I DON'T WANT TO MUDDY THIS UP, AND I DO THINK OUT OF FAIRNESS TO FCEG TODAY, WE NEED TO DISCUSS WHETHER THEY'RE IN THE MIX OR NOT.

IT'S NOT FAIR TO DRAG THEM DOWN HERE WEEK AFTER WEEK AFTER WEEK AFTER WEEK, AND WE NEED TO HEAR FROM THE COMMITTEE, I THINK.

AND AGAIN, I DON'T WANT TO WRITE THEM TOTALLY OFF, BUT THE HIGHEST AND BEST USE IS WITH THE COUNTY, GUYS.

IT'S THE TAXPAYERS MAINTAINING CONTROL OF THIS, THE TAXPAYERS HAVING A SAY, AND THAT'S A PROBLEM I THINK THAT BOTHERS ME THE MOST IS THE TAXPAYERS WOULD NO LONGER HAVE THAT SAY.

>>HEIDI McCREE: SO WE'VE GOT -- ONE OPTION IS TO --

>>DENISE LAYNE: I'D LIKE TO HEAR FROM EVERYBODY ELSE.

>>HEIDI McCREE: -- KEEP IT IN THE WATER DEPARTMENT, THE OTHER ONE, ELAPP'S LOOKING AT THEIRS.

DEE, YOU'VE RAISED YOUR ISSUES.

MIKE, APPRECIATE YOUR WILLINGNESS TO CONVENE THE FOLKS IN THE COUNTY TO ADDRESS THESE ISSUES AND AT OUR NEXT MEETING

COME BACK, AND PAMELA, I THINK YOU HAD YOUR HAND UP NEXT.
HUGH.

>>HUGH GRAMLING: SHE DID.

>>HEIDI McCREE: OKAY.

PAMELA, VIVIANNE, THEN HUGH.

>>PAMELA JO HATLEY: WELL, A COUPLE OF THINGS, AND FIRST OF ALL, I JUST WANT TO SAY, YOU KNOW, IT'S BEEN MENTIONED THAT THE PROPERTY IS ALREADY IN PRESERVATION OR THAT ITS FUTURE LAND USE DESIGNATION IS PRESERVATION, AND I LOOKED IT UP ON THE PLANNING COMMISSION WEB SITE.

I HAVEN'T SPOKEN TO THEM ABOUT IT, BUT IT SAYS THAT IT'S DESIGNATED "N," WHICH IS NATURAL -- AND HOLD ON A SECOND. NATURAL PRESERVATION.

AND THE SPECIFIC INTENT OF THAT CATEGORY IS TO RECOGNIZE PUBLIC OR PRIVATELY OWNED LANDS OF SIGNIFICANT ENVIRONMENTAL IMPORTANCE SET ASIDE PRIMARILY FOR CONSERVATION PURPOSES.

IF LAND IS PRIVATELY OWNED, THE OWNER AND ALL OTHER PERSONS HAVING AN INTEREST IN SUCH LAND SHALL EXECUTE AN EASEMENT, DECLARATION, OR RESTRICTIONS OR SIMILAR INSTRUMENT RESTRICTING THE USES OF SUCH LAND TO THOSE WHICH ARE CONSISTENT WITH THIS LAND USE CATEGORY.

THE APPLICABLE INSTRUMENT SHALL BE RECORDED IN THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

NO RESIDENTIAL IS PERMITTED EXCEPT FOR FACILITIES

DETERMINED NECESSARY TO SERVE A CARETAKER OF THE RECREATIONAL OR ENVIRONMENTAL PROPERTY, AND ALL OTHER DEVELOPMENT -- ALL OTHER DEVELOPMENT WOULD BE PROHIBITED. SO REALLY THE PROPOSAL THAT HAS COME FORTH FROM FCEG IS CONSISTENT WITH, YOU KNOW, THE EXISTING LAND USE DESIGNATION ON THE PROPERTY NOW, AND IT ALREADY, YOU KNOW, REQUIRES THERE TO BE AN EASEMENT OR SOMETHING RESTRICTING THE USES OF THE LAND AND ALREADY WOULD ALLOW FOR, YOU KNOW, JUST A CARETAKER FACILITY.

SO I WANTED TO POINT THAT OUT.

I THINK IT'S, YOU KNOW, IMPORTANT, ALTHOUGH WE KNOW OF COURSE THAT, YOU KNOW, FUTURE LAND USE DESIGNATIONS IN COMPREHENSIVE PLANS CAN BE CHANGED AND AMENDED, BUT I THINK THAT'S JUST AN IMPORTANT POINT.

I ALSO WANTED TO ADDRESS -- I HAVE A LOT OF CONCERN WITH THIS PROPERTY REMAINING UNDER THE CONTROL OF THE WATER ENTERPRISE, AND THE REASON I DO IS IN PART BECAUSE OF THIS MEMORANDUM WE RECEIVED DATED MARCH 6th, 1998, FROM MICHAEL McWEENY TO PAT BEAN, AND IN THAT MEMORANDUM HE'S DISCUSSING THE REHYDRATION PILOT PROJECT THAT WAS GOING ON AT THAT TIME TO RESTORE SOME OF THE WETLANDS ON THE PROPERTY, AND IT -- IT -- YOU KNOW, THE NATURE OF THIS MEMORANDUM IS THAT HE WAS NOT HAPPY WITH THAT PROJECT AT ALL BECAUSE AS HE SAYS, EVEN THOUGH IT MIGHT HAVE BEEN ENVIRONMENTALLY SOUND AND BENEFIT SOME SEGMENTS OF THE COUNTY'S POPULATION, IT

WOULD POTENTIALLY REDUCE THE SALES VALUE OF THE PROPERTY BY DECREASING THE EXISTING AMOUNT OF UPLANDS.

SO BY RESTORING SOME WETLANDS, WE'RE ACTUALLY, YOU KNOW, DAMAGING THE VALUE OF THE PROPERTY FROM THE -- FROM THE PERSPECTIVE OF THE WATER ENTERPRISE, WHICH, OF COURSE, THAT OUT -- THAT PERSPECTIVE IS CONSISTENT WITH THEIR BUSINESS MODEL.

BUT HE ALSO SAID IN THIS MEMORANDUM THAT IT'S IN CONFLICT WITH THE BOND COVENANT BECAUSE THE BOND COVENANT -- THE USE OF PROPERTY PRIMARILY FOR THE BENEFIT OF SOMEONE OTHER THAN THE WATER ENTERPRISE SYSTEM WAS, YOU KNOW, AGAINST THE BOND COVENANT, AND IT MIGHT FALL UNDER SOME -- SOME RESTRICTIONS OF THE -- OF THE BONDS.

IT -- HE SAYS IN HIS MEMORANDUM, IT'S NOT PROPER OR RIGHT FOR THE COUNTY WATER CUSTOMERS TO HAVE TO SUBSIDIZE AN ENVIRONMENTAL IMPROVEMENT ON THE LAND.

SO I HAVE SOME CONCERNS ABOUT THE LAND STAYING WITH THE WATER ENTERPRISE.

I JUST DON'T THINK THAT PRESERVATION OF THIS LAND, WHICH IS APPARENTLY WHAT WE ALL WANT, IS CONSISTENT WITH, YOU KNOW, THE WATER ENTERPRISE OWNING IT.

AND I THINK THAT IN -- THAT WE DO WANT TO CONSERVE AND PRESERVE THE LAND.

I THINK THAT TO DO THAT WE -- WE PROBABLY OUGHT TO LOOK AT THE MOST EFFICIENT AND SIMPLEST WAY TO DO IT FIRST, TO

PRESERVE THE ENTIRE PARCEL, THE WHOLE 12,800 ACRES.

IF, FOR EXAMPLE, THERE'S NO OTHER CHOICE BUT TO LET THE PROPERTY REMAIN WITH THE WATER DEPARTMENT AND LOOK INTO THIS MITIGATION, THE PROBLEMS I SEE THERE ARE THAT -- AND WE HEARD TODAY -- THAT -- THAT THE ENTIRE PROPERTY MIGHT NOT BE SUITABLE FOR MITIGATION, SO THEREFORE, WE MAY NOT BE PROTECTING ALL OF THE LAND IF WE GO WITH MITIGATION.

WE MAY ONLY BE PROTECTING, YOU KNOW, THE PARTS THAT ARE SUITABLE FOR WETLANDS, MAYBE SOME OF THE UPLANDS, BUT WE WOULDN'T GET THE WHOLE THING; WHEREAS, IF WE WENT WITH ANOTHER OPTION -- AND THE NEXT OPTION MIGHT BE ELAPP -- YOU KNOW, IF ELAPP COULD ACQUIRE CONTROL OF THE LAND, THEN WE COULD POSSIBLY PROTECT THE WHOLE THING; THAT IS, IF ELAPP DETERMINES THAT THE WHOLE THING IS WORTHY OF ITS, YOU KNOW, GAINING CONTROL OF.

THE OTHER OPTION WOULD BE FOR, YOU KNOW, A PRIVATE ENTITY LIKE THE PROPOSAL WE HAVE BEFORE US, AND THEY'RE PROPOSING, OF COURSE, FOR CONSERVATION EASEMENTS THAT WOULD COVER THE ENTIRE PARCEL, AND WE HEARD FROM THE NATURE CONSERVANCY, WHICH IS, YOU KNOW, A NATIONALLY RECOGNIZED SOLID ENTITY THAT -- YOU KNOW, IF YOU'RE TALKING ABOUT A CONSERVATION EASEMENT ON PROPERTY, THEIRS IS PROBABLY THE BEST ONE TO DO.

AND THEN IN CONJUNCTION WITH THE NATURE CONSERVANCY THERE WOULD BE THIS CONSERVATION TRUST SET UP WHERE THE PUBLIC

WOULD HAVE SOME CONTROL ON THE BOARD BY A MEMBER OF THE BOCC, A MEMBER OF SOME COMMUNITY MEMBERS BEING ACTUALLY ON THE BOARD TO OVERSEE THIS THING.

SO THOSE ARE SORT OF THE OPTIONS THAT ARE BEFORE US, AND I THINK THE BIG QUESTION IS -- SINCE I THINK WE'RE PROBABLY ALL ONBOARD ABOUT PROTECTING AND CONSERVING THIS LAND, THE BIG QUESTION IS HOW TO DO IT AND WHAT'S THE BEST WAY TO DO IT, AND SO IN MY MIND, YOU KNOW, I THINK THE BEST WAY TO DO IT IS TO PRESERVE ALL OF IT BECAUSE I THINK THE UPLANDS ARE JUST AS VALUABLE AS THE WETLANDS IN VARIOUS WAYS FOR HABITAT AND SO FORTH, SO HOW BEST TO PRESERVE IT ALL AND, YOU KNOW, HOW TO DO IT EFFICIENTLY AND SOLIDLY SO THAT WE HAVE, YOU KNOW, THIS IN PERPETUITY.

AND THOSE ARE MY THOUGHTS.

>>HEIDI McCREE: GREAT THOUGHTS.

THANK YOU.

VIVIENNE.

>>VIVIENNE HANDY: OKAY.

SIMILAR TO PAMELA JO, I'VE JUST GOT SORT OF A STREAM OF CONSCIOUSNESS COMMENTS TO PROVIDE HERE.

FIRST OF ALL, I AGREE WITH DEE ABOUT -- A LITTLE BIT ABOUT DRAGGING ON FCEG, AND EVERYTHING THAT I'VE HEARD THAT THEY HAVE PROPOSED IS SOMETHING THAT THE COUNTY COULD DO THEMSELVES.

WHETHER OR NOT THAT'S, FOR LACK OF A BETTER TERM, BROKERING

TO CONSERVATION BUYERS OR ANYTHING -- WELL -- OR PUTTING IT UNDER A CONSERVATION EASEMENT, PUTTING -- GIVING IT TO A TRUST -- ONE OF THE THINGS I HAVE SOME HEARTBURN WITH IS THAT IF THIS DEAL WERE TO GO THROUGH, THE WAY I UNDERSTAND IT IS THAT IT WOULD BE TURNED OVER TO THIS TRUST THAT IS FORMED, AND GRANTED A CONSERVATION EASEMENT WOULD BE PUT ON THE LAND, BUT THERE WOULD BE NO EXCHANGE OF MONEY UNTIL IT IS THEN SOLD TO CONSERVATION BUYERS.

I SEE KEN SHAKING HIS HEAD, SO MAYBE I'VE GOT THAT WRONG.

>>HEIDI McCREE: DO YOU WANT TO SPEAK TO THAT SO WE CAN JUST CLARIFY THAT?

IS THAT CORRECT OR NOT?

>> WELL, I THINK WE DISCUSSED LAST WEEK --

>>HEIDI McCREE: DO YOU MIND COMING TO THE PODIUM?

I DON'T MEAN TO MAKE YOU MOVE, BUT WHILE WE'RE ALL HERE --

>> SURE.

WHAT WE DISCUSSED LAST WEEK WAS THAT THERE WOULD BE A SCENARIO UNDER WHICH IN THE EVENT BUYERS WERE NOT READILY AVAILABLE ON THE FIRST DAY THAT WE WOULD ARRANGE A SORT OF BRIDGE FINANCING TO MAKE SURE MONEY CHANGED HANDS ON THE FRONT END, AND WE WOULD ANTICIPATE GOING DOWN THAT PATH TO SECURE THAT FINANCING.

>>VIVIANNE HANDY: OH, OKAY.

THANKS FOR THAT CLARIFICATION.

APPRECIATE THAT.

OKAY.

THAT HAVING BEEN SAID -- OKAY.

SO THAT CONCERN IS PERHAPS ALLEVIATED, BUT I STILL THINK THAT ANYTHING THAT FCEG IS PROPOSING IS SOMETHING THAT THE COUNTY COULD DO ON THEIR OWN.

AND IF WE DID GO THROUGH WITH THE FCEG PROPOSAL, THERE'S NO GUARANTEE THAT THE RESTORATION THAT WE'VE ALL TALKED ABOUT WOULD BE VERY BENEFICIAL TO THIS PROPERTY WOULD ACTUALLY TAKE PLACE.

NOW, HAVING SAID THAT, IF I WERE ONE OF THESE CONSERVATION BUYERS, FIRST THING I WOULD DO IS BUY UP AS MUCH AS I COULD AND TURN IT INTO A MITIGATION BANK, SO GOING BACK TO THIS MITIGATION BANK DISCUSSION, I THINK JUST FOR GENERAL INFORMATION, IT'S GOOD FOR EVERYONE TO KNOW THAT THE TWO BANKS THAT CLARK DISCUSSED, ONE IS VERY SMALL, I'M VERY FAMILIAR WITH IT, AND WE'RE TALKING ABOUT A TOTAL -- A MAXIMUM OF 12 CREDITS.

THE LIKELIHOOD IS THAT THOSE CREDITS WILL BE SOLD BEFORE THE PERMITS ARE EVEN ISSUED.

THE OTHER BANK THAT'S BEING REVIEWED IN THIS -- IN THE HILLSBOROUGH BASIN IS NOT EVEN IN HILLSBOROUGH COUNTY SO WOULD NOT QUALIFY FOR EPC MITIGATION.

SO THERE IS -- THERE TRULY IS A BIG MARKET, AND IT'S A -- I SEE IT AS A -- AS A WIN-WIN SITUATION AND AN EXCELLENT POTENTIAL FOR THE COUNTY TO GENERATE REVENUE, TO GET THE

RESTORATION WE NEED, AND TO ALSO MAINTAIN OWNERSHIP AND CONTROL, WHETHER THE UTILITY ACT AS THE BANKER INITIALLY AND THEN CONVEY TO EPC -- OR I'M SORRY -- ELAPP.

THE PROBLEM I SEE WITH THAT IS THE REVENUE STREAM FROM THE CREDITS WOULD THEN STAY WITH THE UTILITY VERSUS BEING AVAILABLE TO THE GENERAL FUND FOR HILLSBOROUGH COUNTY. I GUESS THAT'S SOMETHING THAT WOULD HAVE TO BE UP FOR DISCUSSION.

THE -- THE CREDITS ARE EXTREMELY VALUABLE BECAUSE OF THE -- THE LACK OF THEM IN THIS WATERSHED.

WE'RE TALKING UP TO \$200,000 PER CREDIT.

THERE IS AN ENORMOUS NEED BY THE D.O.T. DISTRICT 7.

WE COULD CONSULT WITH THE D.O.T. FOLKS.

I'M SURE THEY WOULD SUPPORT THAT.

BUT THE FGT PIPELINE EXPANSION, AND AS CLARK HAD MENTIONED, WE'RE JUST TALKING ABOUT WIDENING PROJECTS.

WE'RE NOT EVEN TALKING ABOUT NEW FACILITIES, IN WHICH CASE THE DEMAND WOULD BE THAT MUCH HIGHER.

ANOTHER -- ANOTHER THOUGHT IS THAT I -- I AGREE WITH WHAT DEE SAID ABOUT PUBLIC OWNERSHIP IS PROBABLY THE SAFEST WAY.

I THINK WE NEED TO GO JUST A LITTLE BIT BEYOND THAT, THOUGH, BECAUSE I WOULD HATE TO SEE PROPOSAL COME UP THAT WE WANT TO TURN THIS INTO SOME BIG BALL FIELD TYPE SITUATION, AND I THINK THERE'S ALWAYS THE DANGER OF THAT IF THERE'S NOT A LITTLE BIT STRONGER CONSERVATION GUARANTEE,

THEN WILL IT CONVERT TO SOME SORT OF OPEN -- OTHER
ALTERNATIVE OPEN SPACE, GREENSPACE, SCHOOLS, RECREATIONAL
AREAS, BALLPARK, ET CETERA.

AND THEN PHILOSOPHICALLY, I PERSONALLY THINK THAT IT'S JUST
A -- A REALLY BAD MOVE TO TURN PUBLIC LANDS OVER TO PRIVATE
ENTITIES AND OUT OF ACCESS.

WE'VE DONE IT ALL OVER THE STATE OF FLORIDA TO OUR BEACHES
AND OUR WATERWAYS ON OUR COASTLINES TO WHERE THERE'S NO
PUBLIC ACCESS ANYMORE, AND I THINK THAT THE COMMUNITY
THOUGHT PROCESS MIGHT BE, HEY, HOW COME -- HOW COME SIX
RICH GUYS GET ACCESS TO OUR PROPERTY TO GO AND HUNT AND
HIKE AND PLAY AND, ONCE AGAIN, SOME BEAUTIFUL, VALUABLE,
ENVIRONMENTALLY SOUND PROPERTY GETS TAKEN AWAY FROM US.

>>HEIDI McCREE: OKAY.

AND PAMELA, YOU HAD A COMMENT?

>>PAMELA JO HATLEY: I JUST WANTED TO ADDRESS SOME OF
THOSE, AND I AGREE WITH YOU, IT DOESN'T SMELL GOOD TO TURN
PUBLIC LANDS OVER TO PRIVATE OWNERSHIP, BUT IF WE HAD, AS
WE HEARD THE OTHER WEEK FROM KEITH FOUNTAIN, A -- A
CONSERVATION EASEMENT OVER THE WHOLE PARCEL THAT ALREADY
REQUIRES RESTORATION -- NOW, THE CONSERVATION EASEMENT WILL
REQUIRE RESTORATION AND PRESERVATION.

I'M NOT SURE THAT YOU COULD HAVE MITIGATION CREDITS FOR
THOSE TWO THINGS WHEN THEY'RE ALREADY REQUIRED IN A
CONSERVATION EASEMENT THAT EXISTS.

AND THE OTHER POINT WAS EVEN THOUGH WE DON'T LIKE THE THOUGHT OF TURNING PUBLIC LANDS OVER TO PRIVATE OWNERSHIP, THE PUBLIC HAS NO ACCESS TODAY, ABSOLUTELY NONE, AND UNDER THE CURRENT LEASE ARRANGEMENT WITH THIS RANCH, THEY WILL NEVER HAVE ANY.

ON THE OTHER HAND, IF THIS PROPOSAL WERE TO BE ENTERTAINED AND GONE THROUGH WITH, THE PUBLIC WOULD HAVE ACCESS TO 800 ACRES IN THE FORM OF A PASSIVE RECREATION AREA.

>>HEIDI McCREE: OKAY.

EXCUSE ME.

WHAT I'D LIKE TO DO NOW IS -- MIKE, I DON'T KNOW IF I'D DIRECT THESE TO EDITH OR YOU, BUT HOPEFULLY YOU'VE BEEN TAKING NOTES WITH THE COMMENTS ABOUT THE COUNTY.

I KNOW A COUPLE COMMENTS ABOUT EVERYTHING IN THE FCEG PROPOSAL THE COUNTY COULD ALSO DO THEMSELVES, SO AS YOU-ALL ARE TALKING THIS THROUGH, I THINK, YOU KNOW, COME BACK AND TALK TO US ABOUT HOW THAT WOULD HAPPEN AND WHAT THE -- YOU KNOW, THE PROS AND CONS ARE THERE.

WE DID SPEND A GOOD AMOUNT OF TIME AT OUR LAST MEETING HEARING FROM FCEG, AND WE'VE JUST HEARD SOME OF THE GENERAL COMMENTS ABOUT PRO/CON ON THAT, BUT LET'S SPEND A LITTLE BIT OF TIME TALKING ABOUT IF THEIR PROPOSAL WENT FORWARD -- AT LEAST AT THE LAST MEETING WE TALKED ABOUT HOW WE WANTED TO EVALUATE THE HANDOUTS THAT THEY PROVIDED, THE PROHIBITED AND ALLOWABLE CONSERVATION EASEMENT CONDITIONS, AND I WAS

CURIOUS IF WE COULD PROVIDE THEM ANY SENSE OF DIRECTION AS TO WHERE WE'RE HEADED AS A COMMITTEE AT THIS POINT.

I DON'T KNOW IF TODAY IS THE DAY WE SAY GO/NO GO TO FCEG BECAUSE WE'RE STILL TRYING TO FIND OUT FROM THE COUNTY WHETHER OR NOT THERE'S A GO/NO GO IN TERMS OF PERMANENT PROTECTION OF THE RANCH, SO I THINK WE'RE, YOU KNOW, SIX WEEKS AT LEAST OUT IN THAT DISCUSSION WHEN WE MEET AGAIN OR THEREAFTER, PENDING THE INFORMATION THAT YOU-ALL ARE GOING TO PROVIDE BACK TO US.

HOWEVER, LET'S TAKE A LITTLE BIT OF TIME AND MAYBE TALK ABOUT SOME OF THE, YOU KNOW, HYPOTHETICALLY SPEAKING, WHAT WOULD WE ACCEPT FROM FCEG IF IT WERE TO MOVE FORWARD OR ARE THERE THINGS THAT WE ABSOLUTELY WOULDN'T ACCEPT THAT ARE IN THEIR PROPOSAL AND ARE THERE ANY THOUGHTS ABOUT THAT?

DEE.

>>DENISE LAYNE: HEIDI, NUMBER ONE, I THINK WHAT YOU'RE ASKING IS UNFAIR.

>>HEIDI McCREE: OKAY.

I'M JUST TRYING -- YOU ASKED TO TALK ABOUT FCEG.

>>DENISE LAYNE: I KNOW.

>>HEIDI McCREE: SO I DON'T KNOW WHERE WE ARE HEADED, BUT I FEEL LIKE WE NEED TO KIND OF RESPOND TO THAT SPECIFICALLY, SO --

>>DENISE LAYNE: ELAPP IS SAYING THEY'RE LOOKING AT THE 12,800 ACRES, BUT I'M LOOKING AT AN APPROVED AREA MAP FROM

ELAPP, AND IT REALLY WANTS ONLY 10,985 ACRES, SO WE ALREADY HAVE A COUPLE OF THOUSAND ACRES OUT THERE THAT WHAT DO WE DO WITH?

IF ELAPP ONLY WANTS THAT -- -- WE WANT THE WHOLE THING PRESERVED, AND THAT'S WHY I ASKED AT THE LAST MEETING WOULD THEY TAKE PART -- YOU KNOW, IT DEPENDS ON WHAT PART WE'RE -- AND I'M LOOKING AT SUPPOSEDLY WHAT IT IS THAT ELAPP ISN'T REAL EXCITED OR DOESN'T CONSIDER PART OF THEIR REVIEW, AND THAT'S ABOUT WHERE THE PARK WAS GOING TO GO, OKAY, UNDER THE FCEG PROPOSAL.

I JUST THINK -- AGAIN, IT SOUNDS LIKE -- WE TALKED ABOUT A WILDLIFE CORRIDOR, AND WHEN I WENT OUT WITH SCOTT EMERY LAST MONTH, I SPENT SEVEN HOURS ON THE PROPERTY, AND I SAID, DROP-DEAD, IF WE HAD ONLY ENOUGH MONEY, ELAPP COULD ONLY PRESERVE HALF OF THIS AND -- OR A LITTLE OVER HALF, WHERE WOULD THE HALF BE?

WHAT IS THE MOST VALUABLE TO THIS COUNTY FOR WATER AND FOR WILDLIFE?

THAT WAS MY QUESTION.

AND BASICALLY THE NORTHERN HALF.

AND I KNOW WHEN I WAS OUT THERE IT HADN'T RAINED FOR A COUPLE DAYS, BUT THE SOUTHERN HALF WAS PRETTY DRY.

AS SOON AS WE CROSSED THAT MIDDLE POINT, EVEN THE PASTURELAND WAS WET AND MUCKY, AND I WAS UP TO MY ANKLES IN MUCK.

SO IT'S DEFINITELY A RECHARGE AREA, THE NORTHERN HALF, AND I'M HAVING A REAL PROBLEM WITH SETTING UP A WILDLIFE CORRIDOR -- AND I WON'T REPEAT EXACTLY WHAT YOU SAID ABOUT WHERE THE LITTLE ANIMALS ARE RUNNING TO TEMPLE TERRACE AND RUNNING BACK BUT THEN TURNING OR ALLOWING ANY KIND OF HUNTING ON IT FOR RECREATIONAL PURPOSES.

HUNTING PERMITS FOR SAFETY PURPOSES, FOR WILD HOGS, FOR THINGS THAT WE NEED TO CONTROL SPECIES IS ANOTHER ISSUE, BUT I PERSONALLY AM NOT COMFORTABLE SETTING UP THESE CRITTERS TO RUN THROUGH A CORRIDOR WITH RIFLES AIMED AT THEM, AND WE DID SEE WOOD STORK OUT THERE.

THAT WAS THE FIRST ONE IN THIS COUNTY I HAVE SEEN SITTING ON -- SITTING OUT IN A FIELD.

I SAW AT LEAST TEN DEER, HUGE DEER WITH HUGE RACKS ON THEM, SO THERE'S -- THERE'S A -- THERE'S AN ENORMOUS VALUE THAT I HAVE NOT SEEN ON THIS PROPERTY, BUT AGAIN, WHAT HAPPENS TO THE OTHER TWO ACRES I GUESS IS WHAT I'M ASKING?

YOU KNOW, THE WATER DEPARTMENT ISN'T GOING TO SAY OKAY, ELAPP, WE'LL SELL YOU THIS PART AND WE'RE GOING TO KEEP THIS ITTY BITTY BITTY -- I THINK IT'S ALL OR NOTHING.

I GUESS THAT'S A QUESTION.

IS THAT EVEN A POSSIBILITY OR CAN YOU BRING THAT BACK --

>>MIKE MERRILL: [INAUDIBLE]

>>DENISE LAYNE: -- THE ALL OR NOTHING BECAUSE OF THE BOND ISSUE?

BECAUSE IF WE'VE GOT SOME OF THIS THAT THE COUNTY DOESN'T WANT AND THE WATER DEPARTMENT -- AND DEPENDING WHERE IT IS -- AGAIN, THAT'S WHAT I'M TRYING TO -- WHAT IS IT EXACTLY, THEN --

>>HEIDI McCREE: WELL, I THINK ONE OF THE ISSUES AND WE HAVEN'T EVEN DISCUSSED IT AND WE DISCUSSED IT AT THE LAST MEETING AND IT WAS GETTING TO -- YOU'VE RAISED IT ESSENTIALLY THROUGH WHAT ELAPP MIGHT BE INTERESTED IN, BUT WE DO HAVE -- EXCUSE ME -- THE LAND MANAGEMENT PLAN THAT IS OUT THERE, SO AGAIN, I THINK ONE OF THE THINGS WE WERE RAISING THE QUESTION OF LAST TIME IF THERE WERE NO MORE THAN BUT AT LEAST POTENTIALLY SIX PARCELS OUT THERE AND YOU'VE GOT A LAND MANAGEMENT PLAN AND SIX DIFFERENT CONSERVATION BUYERS, HOW DO YOU, YOU KNOW, PROPERLY MANAGE THAT LAND, RESTORE THAT LAND, ET CETERA, AND ALL OF THE THINGS WE SORT OF TOUCHED ON TODAY WITH THAT, SO MAYBE WHAT WE NEED TO DO IS AGAIN -- AND I THINK WE ASKED THE STAFF TO DO THIS, AGAIN, NOT SPENDING A LOT OF TIME ON THIS, BUT WE NEED TO REVIEW THAT LAND MANAGEMENT PLAN AND HAVE AN OVERLAY, IF YOU WILL, OF ELAPP'S AREAS OF INTEREST. WE'VE GOT THAT, BUT THEN IF FCEG CAME IN AND HAD THEIR PARCELS AND THEN -- YOU KNOW, THAT GOES DIRECTLY TO WHAT'S ALLOWABLE AND NOT ALLOWABLE OUT THERE WITH THE CONSERVATION EASEMENT ON THAT LAND, SO IF WE SAY WE DON'T WANT HUNTING, THAT'S PROHIBITED, BUT THEN WE MAY HEAR FROM SOME OF THE

FOLKS OUT THERE THAT THERE'S SOME SORT OF MANAGEMENT PRACTICES THAT NEED TO GO ON OUT THERE THAT ARE, YOU KNOW, GOOD FOR THE RESOURCE.

ROSANNE.

>>DENISE LAYNE: YOU KNOW, AS PAM SAID -- AND I TALKED TO COMMISSIONER HAGAN ABOUT THIS, AND HE SAID, YOU-ALL DON'T UNDERSTAND HOW MANY PROPOSALS HAVE COME BEFORE US BEHIND THE SCENES, PEOPLE WANTING TO PUT HOTELS, MOTELS, PARKS, AMUSEMENT PARKS, I MEAN, THINGS THAT -- I MEAN, WE THOUGHT THAT THE CHAMPIONSHIP PARK WAS RAISING OUR HAIR ON END. THERE'S BEEN WORSE PROPOSALS.

FCEG IS PROBABLY THE BEST OF ALL THE PRIVATE PROPOSALS THAT HAVE COME FORWARD, AND I THINK THAT'S WHY WE'RE SITTING HERE.

IT ISN'T A TURN IT INTO A HUGE DEVELOPMENT KIND OF THING, BUT STAYING WITH THE WATER DEPARTMENT, AGAIN THIS WATER MANAGEMENT PLAN IS BASED ON THAT BECOMING A WELLFIELD AT ONE POINT.

AND ANOTHER THING WE DIDN'T ASK, WE HAVE NEVER GONE BACK TO TAMPA BAY WATER TO SAY, HEY, GUYS, THIS ISN'T PROBABLY EVEN IN YOUR RADAR ANYMORE, CAN WE HAVE THE WATER RIGHTS BACK? I MEAN, THAT'S THE -- AN UNDERLYING THING HERE THAT NO MATTER WHO OWNS IT, IF TAMPA BAY WATER DECIDES THEY WANT TO GO PUT A WELLFIELD ON THERE, BE IT A MILLION GALLONS A DAY VERSUS 20 MILLION THEY ORIGINALLY PROPOSED, IT WAS HOW DO

WE BEST PRESERVE AND RESTORE.

THAT'S WHAT THAT LAND MANAGEMENT PLAN WAS BASED ON WAS A WELLFIELD GOING IN AND THEN PROTECTING THE LAND.

IS THAT EVEN A POSSIBILITY?

AND IF THAT'S THE CASE, WE REALLY DO NEED AN UPDATED PLAN. NOT BEFORE WE MAKE A DECISION.

IT WOULD BE PART OF OUR RECOMMENDATION OBVIOUSLY TO UPDATE THAT, BUT SOMEBODY I WOULD THINK -- CAN WE PICK UP THE PHONE WITH TAMPA BAY WATER, CAN WE ASK THEM, WOULD YOU BE WILLING TO RELINQUISH THE WATER RIGHTS AT THIS POINT AND SEE WHAT THEY SAY.

I MEAN, THEY MIGHT SAY NO AND WE HAVE WHAT WE HAVE.

IT'S BEEN TEN YEARS SINCE WE ASKED.

>>HEIDI McCREE: ROSANNE, DID YOU HAVE A COMMENT?

>>ROSANNE CLEMENTI: I THINK THERE'S MINUTIA THAT WE DON'T REALLY NEED TO GET INTO, HUNTING VERSUS NO HUNTING.

WHAT WE NEED IS A RECOMMENDATION TO THE BOARD.

I THINK THE WATER DEPARTMENT RESEARCHING AND LOOKING AT THESE ALTERNATIVES THAT THEY NEVER THOUGHT ABOUT WOULD BE GREAT FOR THEM TO COME BACK WITH, BUT AT SOME POINT WE NEED TO SAY NO -- YES OR NO ON FCEG'S PROPOSAL AND ARE WE WILLING TO SAY THAT TODAY?

I MEAN, ARE WE WILLING TO GIVE THEM -- TELL THEM WHETHER OR NOT WE WOULD RECOMMEND THEIR PROPOSAL?

>>HEIDI McCREE: WELL, AND I THINK IT GETS BACK TO SOME OF

WHAT WE WERE SAYING.

I THINK OUR -- THE SIMPLE PLACE WHERE WE ARE IS THAT WE HAVE, YOU KNOW -- PERMANENT PROTECTION OF CONE RANCH IS THE INTEREST OF THE BOARD AND THEN OF THIS COMMITTEE AND HOW DO WE GET THERE, AND SO WE REALLY DO NEED TO HEAR BACK FROM THE COUNTY ON HOW DOES THE COUNTY GET THERE BECAUSE IT'S NOT THERE NOW, SO WE NEED TO HEAR BACK FROM THE COUNTY ON THAT.

AND I JUST THOUGHT MAYBE THERE WAS -- IF YOU-ALL HAD ANY -- AT THE END OF THE LAST MEETING -- ONCE AGAIN, HERE WE ARE, DUE TO TIME CONSTRAINTS, THERE SEEMED TO BE OTHER QUESTIONS YOU-ALL HAD OR ISSUES YOU WANTED TO RAISE REGARDING THE FCEG PROPOSAL.

ONE OF THE ONES THAT CAME UP -- AND THE COUNTY MAY NOT BE ABLE TO ADDRESS THIS -- IS THE WHOLE ISSUE OF THE PROCESS BY WHICH YOU WOULD EVEN GO FORTH AND NEGOTIATE WITH A PRIVATE ENTITY, AND SO AGAIN, THAT IS SOMETHING WE PROBABLY WOULD LIKE TO HAVE YOU-ALL COME BACK AND RESOLVE BECAUSE THERE SEEMED TO BE A LITTLE BIT OF A DISCONNECT BETWEEN I THINK THE REAL ESTATE DEPARTMENT AND THE ATTORNEY'S PRESENTATION FROM THE PRIOR MEETING, SO THAT'S AN ISSUE OUT THERE IF WE DECIDE TO GO DOWN THAT PATH, AND WHAT I'M TRYING TO GET AT IS IF WE GO BACK TO THE BOARD AND SAY, YOU KNOW, OUR PREFERENCE IS THIS, WE NEED TO HAVE NOT MINUTIA, BUT WE NEED TO HAVE SOME GENERAL RESPONSES AND PARAMETERS

BY WHICH WE MAY WANT TO SUGGEST THEY WALK DOWN A CERTAIN PATH, SO IF WE'RE HAVING A SIX-WEEK HIATUS TO LET SOME WORK BE DONE, YOU KNOW, NOW IS OUR TIME TO MAYBE GET SOME GENERAL QUESTIONS OUT ON THE TABLE.

MIKE, DID YOU HAVE A COMMENT YOU -- NO.

OKAY.

>>DENISE LAYNE: WELL, I SEE A LEGAL ISSUE HERE BECAUSE ACCORDING TO WHAT SUSAN TOLD US A COUPLE MEETINGS BACK, IF IT IS A NONPROFIT THAT THEY ARE DEALING WITH, THEY MIGHT BE ABLE TO BYPASS THE RFP.

THAT NONPROFIT HAS NOT BEEN SET UP YET WITH FCEG, OKAY, AND I DON'T BLAME THEM.

I MEAN, THAT'S GOING TO TAKE MONEY, IT'S GOING TO TAKE TIME, AND IT'S GOING TO TAKE A COMMITMENT TO SAY, YEAH, THIS IS HOW WE WANT THE TRUST SET UP AND SO FORTH, BUT THE PROBLEM IS I DON'T SEE HOW WE CAN --

>> RIGHT.

>>DENISE LAYNE: -- EVEN NEGOTIATE -- YOU'RE A FOR-PROFIT RIGHT NOW AS I SIT.

THE NONPROFIT HAS NOT BEEN SET UP, AND I DON'T KNOW HOW THE COUNTY UNDER THAT ONE LAW -- THEY WOULD ALMOST HAVE TO DO AN RFP UNTIL A NONPROFIT IS SET UP BECAUSE YOUR -- OKAY.

IF YOU'VE GOT SOME INFORMATION OR SOMETHING, I WOULD LIKE TO HEAR ON THAT BECAUSE THAT -- THAT WAS MY -- ONE OF MY CONCERNS, NOT TRYING TO SAY YOU-ALL ARE PULLING ANYTHING ON

US, IT'S JUST -- IT WAS THAT LEGAL END ABOUT THE COUNTY --
IF -- IT SAYS IF IT IS A NONPROFIT.

DOES IT HAVE TO BE WHEN YOU'RE TALKING AND NEGOTIATING WITH
THEM OR CAN YOU KNOW THERE'S GOING TO BE A NONPROFIT SET
UP?

YOU SEE WHERE I'M GOING, SUSAN?

WOULD YOU PLEASE?

I NEED A LEGAL OPINION IF YOU CAN.

>>SUSAN FERNANDEZ: SUSAN FERNANDEZ WITH THE COUNTY
ATTORNEY'S OFFICE.

THE ISSUE THAT I ADDRESSED BEFORE WAS RELATED TO THE
STATUTE FOR CONVEYANCES OF REAL PROPERTY AS WE TALKED ABOUT
BEFORE.

AS A GENERAL MATTER, WE DO PUBLICLY BID, BUT THERE IS A
SPECIFIC STATUTE, 125.38, THAT ALLOWS THE COUNTY TO CONVEY
TO A NONPROFIT.

IN OTHER WORDS, WE CAN WORK DIRECTLY WITH A NONPROFIT
ORGANIZATION IF THERE'S A COMMUNITY BENEFIT THERE.

THIS ORGANIZATION IS A FOR-PROFIT, BUT THEIR PROPOSAL DID
NOT -- THE WAY IT WAS SET UP DID NOT INCLUDE ENTERING INTO
A CONTRACT WITH FCEG FOR THE CONVEYANCE OF THE PROPERTY.

I MEAN, WE DO NEED TO TALK THROUGH SOME OTHER ISSUES.

YOU'RE RIGHT, THE NONPROFIT IS NOT SET UP AT THIS TIME.

I'M NOT SURE WHAT FCEG'S ROLE IS GOING TO BE ENTIRELY, SO
WE'LL TAKE THE NEXT SIX WEEKS TO TALK THAT THROUGH AND COME

BACK WITH SOME FIRMER ANSWERS FOR YOU.

>>DENISE LAYNE: I THINK THAT'S THE BIG DILEMMA WE'VE GOT IS THERE'S JUST A LOT OF UNANSWERED QUESTIONS.

WE NEED STAFF'S HELP ON JUST SOME BASIC STUFF BECAUSE WE CAN RECOMMEND ALL DAY LONG, OH, YEAH, LET'S KEEP IT WITH ELAPP, AND OH -- WELL, WHAT IF ELAPP CAN'T DO IT AND WHAT IF ELAPP -- THEY CAN'T DO IT ALL, AND AGAIN --

>>HEIDI McCREE: RIGHT.

>>DENISE LAYNE: SO WE'VE GOT TO KIND OF JUST LAY OUT -- AND I DON'T WANT TO WRITE ANYBODY OFF JUST YET, BUT THEN AGAIN, I'M TELLING YOU RIGHT NOW THE HIGHEST AND BEST USE IS KEEPING IT WITH THE COUNTY AND GETTING IT OUT OF THE CONTROL -- CONTROL OF THE WATER DEPARTMENT.

WHETHER IT STAYS AS AN ASSET IS ANOTHER ISSUE, BUT IF ELAPP CAN CONTROL, THEN YOU'VE GOT ANOTHER ENTITY WE'RE DEALING WITH.

>>HEIDI McCREE: I HAVE SEVEN OR EIGHT FOLKS IN THE PUBLIC WHO WOULD LIKE TO SPEAK TO US, SO IF -- IF IT'S ALL RIGHT WITH THE REST OF THE BOARD MEMBERS, UNLESS ANYBODY ELSE HAS ANYTHING, LET'S GO WITH PAM CLOUSTON FOR THE FIRST PERSON, AND PAM'S HERE THIS MORNING AGAIN.

MR. WESLEY BAILEY WILL BE NEXT, SO GOOD MORNING, PAM.

AND AGAIN, THREE MINUTES UNLESS YOU NEED LONGER, BUT WE'D APPRECIATE YOUR RESPECT FOR THAT THREE-MINUTE TIME FRAME. THANK YOU.

>> THANKS.

I DON'T THINK I'LL NEED --

>>HEIDI McCREE: THANKS.

>> DEE BROUGHT UP ABOUT ELAPP AND THE 10,985 ACRES OF THE
12,800.

I THINK THAT LEAVES ABOUT 1900, AND THOSE ARE ALREADY BEING
PRESERVED BETWEEN SWFWMD AND MOSAIC OR WHATEVER THE --

>>HEIDI McCREE: CF INDUSTRIES?

>> YES, I'M SORRY.

SO THERE'S SOME THAT'S ALREADY THERE, SO I THINK WHEN YOU
SUBTRACT OUT THE 10,985 THAT ELAPP'S TALKING ABOUT, THAT'S
KIND OF WHAT THEY'RE TALKING ABOUT HAVING TO PRESERVE OR
WHATEVER.

I'M STILL NOT SURE ABOUT THIS BOND THING, HOW THIS ACTUALLY
WORKS.

IT KIND OF SEEMS TO ME THAT IT'S -- WE HAVEN'T PAID
ANYTHING DOWN ON OUR MORTGAGE, SO IT'S LIKE PAYING INTEREST
ONLY FOR ALL THESE YEARS, WHICH SEEMS IN MY OPINION AS A
PRIVATE PERSON CRAZY LAND.

AND I DON'T QUITE UNDERSTAND, IF ELAPP CAN'T WRITE A CHECK
AND RETIRE THE BOND OBLIGATION OR WHATEVER IT IS -- AND I -
- YOU KNOW, I'M NOT A FINANCE PERSON, I -- EXCEPT FOR MY
ONLY LITTLE FAMILY HERE, BUT IF THEY CAN'T DO THAT, IF
THAT'S SO HARD FOR ELAPP TO DO THAT, BEING THAT THE COUNTY
ACTUALLY OWNS THE PROPERTY, HOW CAN FC&EG OR THE CONE RANCH

TRUST THAT IS NOT EVEN SET UP YET -- HOW CAN THEY DO THAT?
SO IF THE TAXPAYERS OF HILLSBOROUGH COUNTY CAN'T GET
CONTROL AWAY FROM THE WATER DEPARTMENT, HOW CAN THEY?
SO I'M -- THAT'S STILL SOMETHING THAT WE -- I THINK WE NEED
TO FIGURE OUT.

ALSO, IF THE LAND USE DESIGNATION ON THIS IS PRESERVATION
AND THAT'S CONSIDERED THE HIGHEST AND BEST USE, UNLESS -- I
THINK UNLESS WE GO THROUGH A COMP PLAN AMENDMENT TO CHANGE
THE LAND USE DESIGNATION, I WOULD THINK IT WOULD HAVE TO BE
VALUED AT PRESERVATION LAND.

AND I ALSO WANTED TO ADD THAT COMMISSIONER FERLITA'S
WORKING ON A GREEN INITIATIVE WITH HILLSBOROUGH COUNTY, AND
THEY'VE BOUGHT A LITTLE COMPRESSED NATURAL GAS CAR AND
THINGS LIKE THAT AND LOOKED THROUGH A WHOLE BUNCH OF OTHER
THINGS, AND ONE OF THE THINGS TO CONSIDER WITH THE CAP AND
TRADE OR CAP AND TAX, WHATEVER YOU WANT TO CALL IT, THE --
WITH THE GREEN INITIATIVES, THERE IS POSSIBILITY THAT OUR
COUNTY COULD GET CARBON CREDITS FOR ELAPP LAND.

THEY'RE LOOKING INTO THAT, SO THAT'S SOMETHING TO CONSIDER
AS A BENEFIT TO THE TAXPAYERS AS WELL.

AND THANK YOU ALL SO MUCH AGAIN.

>>HEIDI McCREE: THANK YOU, PAM.

APPRECIATE YOU BEING HERE AGAIN THIS MORNING.

MR. BAILEY.

AND JOYCE NOONAM IS NEXT.

>> THANK YOU.

I JUST WANT TO TAKE A MINUTE BEFORE I BEGIN.

SOME OF THE PANEL MEMBERS HAVE BEEN VERY CONSISTENT AND CAREFUL USING THE TERMS "PRESERVED," "RESTORED," "CREATED" AS IT RELATES TO WETLANDS, WHERE OTHER MEMBERS SEEM NOT TO DRAW SUCH A CLEAR DISTINCTION.

IT MAKES ALL THE DIFFERENCE IN THE WORLD WHETHER WE'RE TALKING ABOUT PRESERVING THE WETLANDS ON CONE RANCH OR RESTORING THE WETLANDS ON CONE RANCH OR CREATING WETLANDS ON CONE RANCH.

THOSE ARE THREE SEPARATE AND DISTINCT THINGS, AND RELATING TO OTHER HUNTING AND OTHER CONCERNS IN THESE CONSERVATION EASEMENTS, I WILL SAY ONE MORE TIME, AS I THINK I'VE SAID TWO OR THREE TIMES, THE TERMS IN A CONSERVATION EASEMENT CAN BE MODIFIED WITH THE CONSENT OF THE PARTIES INVOLVED AT ANY TIME.

THOSE CONSERVATION EASEMENTS ARE NOT PERMANENT IN THEIR DETAIL.

HUNTING CAN BE PROHIBITED AS YOU GO IN, A CLRT, A PRIVATE LANDOWNER LATER ON CAN CHANGE THAT.

THE HIGHEST AND BEST USE OF CONE RANCH CLEARLY IS THE CREATION OF A 12,800-ACRE WETLAND RESTORATION PROJECT, WILDLIFE REFUGE OPEN TO PASSIVE RECREATION AND ECOTOURISM FOR THE CITIZENS OF HILLSBOROUGH COUNTY AND OTHERS WHO WOULD LIKE TO COME HERE AND FIND OUT WHAT FLORIDA WAS

BEFORE IT BECAME DISNEYFIDE.

COMPREHENSIVE RESTORATION IS ONLY POSSIBLE IF THE CONE RANCH PROPERTY REMAINS WHOLE.

THERE ARE 17 BILLION, WITH A "B," GALLONS OF RAINWATER A YEAR THAT DRAIN OFF ALMOST AS QUICKLY AS IT FALLS DOWN THE BLACKWATER CREEK INTO THE HILLSBOROUGH RIVER AND INTO TAMPA'S CITY RESERVOIR.

ONCE THAT RESERVOIR'S FULL, WHICH HAPPENS VERY QUICKLY THIS TIME OF YEAR, AND THE BYPASS CANAL REACHES ITS CAPACITY THAT IS KEPT LOW DURING THE HURRICANE SEASON, THE REST OF THAT WATER GOES OFF INTO THE BAY.

RESTORING AND ENHANCING THE WETLANDS ON CONE RANCH TO SLOW THE RAINY SEASON WATERS AS THEY FLOW OFF WILL PROVIDE THE BLACKWATER CREEK AND THE HILLSBOROUGH RIVER WITH A STEADY YEAR-ROUND WATER SUPPLY LONG AFTER THE RAINY SEASON HAS PASSED, JUST AS NATURE INTENDED, JUST AS IT WAS BEFORE CONE RANCH WAS DITCHED AND DRAINED.

AND LASTLY, AGAIN, KEEP IN MIND THE PROCEEDS OF THIS SALE IF IT HAPPENS WILL GO INTO A RESTRICTED ACCOUNT WITHIN THE WATER ENTERPRISE.

IT WILL NOT HIRE A SINGLE TEACHER FOR HILLSBOROUGH COUNTY, IT WILL NOT PAY THE SALARY OF A SINGLE FIREMAN OR LAW ENFORCEMENT OFFICER, IT WILL NOT FILL A SINGLE POTHOLE, IT WILL NOT PAY ONE PENNY AGAINST HILLSBOROUGH COUNTY'S BUDGET SHORTFALL.

THE FC&EG DEAL IS A LOSE-LOSE PROPOSITION FOR THE TAXPAYERS
OF HILLSBOROUGH COUNTY.

THANK YOU.

>>HEIDI McCREE: THANK YOU.

JOYCE NOONAM.

>> GOOD MORNING.

LAST -- WELL, THE 14th I DID MENTION THAT THERE WAS A
LETTER FROM THE CITY COUNCIL, AND I WONDERED IF ANY OF YOU
DID RECEIVE THAT COPY OF THAT LETTER BECAUSE I'D LIKE IT
FOR THE RECORD.

>>HEIDI McCREE: WHAT'S THE DATE OF THE LETTER AGAIN?

>> IT IS FROM CITY COUNCIL DATED JUNE 24th TO KEN HAGAN,
CHAIRMAN, AND I'LL READ IT TO YOU.

DEAR COMMISSIONER HAGAN, THE TAMPA CITY COUNCIL BY MOTION
AND VOTE ON JUNE 18th, 2009, WISHES TO EXPRESS ITS CONCERN
TO THE BOARD OF COUNTY COMMISSIONERS THAT CONE RANCH BE
RETAINED IN ITS ENTIRETY BY HILLSBOROUGH COUNTY AND BE
PRESERVED.

THE CONE RANCH PROPERTY IS LOCATED IN THE WATERSHED OF
BLACKWATER CREEK, WHICH IS A MAJOR TRIBUTARY OF THE
HILLSBOROUGH RIVER.

THEREFORE, THE PROTECTION AND THE PROPERTY -- OF THE
PROPERTY IS CRITICAL TO THE CONTINUED HEALTH OF THE
HILLSBOROUGH RIVER, BOTH ECOLOGICALLY AND AS A WATER SUPPLY
SOURCE.

WE RESPECTFULLY ENCOURAGE HILLSBOROUGH COUNTY TO PRESERVE
THE PROPERTY AND PROTECT IT FOR THE GOOD OF THE COMMUNITY.
THANK YOU FOR GIVING THIS REQUEST SERIOUS CONSIDERATION.
SINCERELY, THOMAS SCOTT, CHAIRMAN OF TAMPA CITY COUNCIL.
IT WAS COPIED BOARD OF COUNTY COMMISSIONERS, ALL OF THEM
GOT THAT, AND TAMPA MAYOR PAM IORIO GOT ONE, AND CHIP
FLETCHER, CITY ATTORNEY; SHIRLEY FOX KNOWLES, CITY CLERK;
MARTIN SHELBY, CITY COUNCIL ATTORNEY; AND THE TAMPA CITY
COUNCIL MEMBERS.

I JUST --

>>HEIDI McCREE: I BELIEVE, EDITH, WE HAVE THAT.

DOES EVERYBODY HAVE A COPY OF THAT JUST TO MAKE SURE?

OKAY.

SO YES, WE DO.

THANK YOU.

>> OKAY.

AND ON AUGUST 14th WE DID LEARN FROM KEN HAGAN AND KEITH
FOUNTAIN ABOUT THE CREATION OF YET ANOTHER PANEL TO GOVERN
A PUBLIC TRUST CHARGED WITH OVERSEEING SIX CONSERVATION
EASEMENTS AND SIX PRIVATE OWNERS, ANY ONE OF WHICH CAN AT
ANY TIME PETITION THE PANEL TO MODIFY OR REVOKE THE
CONDITIONS OF THEIR CONSERVATION EASEMENT.

THE CREATION OF A DEATH PANEL THAT CAN PULL THE PLUG ON THE
CONSERVATION EASEMENTS WHENEVER THEY WISH MEANS THAT PUBLIC
CONCERNS ABOUT CONE RANCH CAN NEVER BE PUT TO REST.

CONE RANCH WILL DIE THE DEATH OF A THOUSAND CUTS AS PRIVATE OWNERS FORM MODIFICATION UPON MODIFICATION UNTIL THE CONSERVATION EASEMENTS ARE MEANINGLESS.

I LIVE IN BRANDON AND AM CONSTANTLY REMINDED OF WHAT WAS THERE PRIOR TO THE GROSSLY UNPLANNED OVERDEVELOPMENT.

I SEE AROUND THE MALL THE WILDLIFE CROSSING SIGNS, I SEE THE GREAT SANDHILL CRANES AND OTHER FOWL AN THE WILDLIFE WALKING IN THE PARKING LOTS AND ROADS.

THERE'S CONFUSED AND THEY'RE WANDERING AROUND THE CONCRETE AND PAVEMENT WHERE THEY HAVE A CELLULAR MEMORY OF LIFE BEFORE WETLANDS WERE DESTROYED IN THAT AREA.

I CAN FORESEE AND FEAR THE FATE OF THIS 12,800 ACRES OF ECOLOGICALLY AND ENVIRONMENTALLY IMPORTANT LAND KNOWN AS CONE RANCH IF FCEG HAS THEIR WAY.

I BEG YOU TO STOP DELIBERATING AND WEIGHING THE BENEFITS, WASTING YOUR TIME AND OURS AND EVERYBODY'S, WHICH IS VALUABLE ON THE SALE RANCH OF FLORIDA CONSERVATION AND ENVIRONMENTAL GROUP.

THEIR ONLY ENVIRONMENTAL -- THE ONLY ENVIRONMENT THAT THEY ARE EXPOSED TO IS ONE OF A CORPORATE BOARDROOM.

PLEASE CONSIDER SERIOUSLY SELLING CONE RANCH TO ELAPP AND KEEPING IT IN -- THE VITAL WATER RESOURCES IN THE CITIZENS' OWNERSHIP FOR THE SAKE OF PERPETUITY.

THANK YOU.

>>HEIDI McCREE: THANK YOU VERY MUCH, JOYCE.

ALL RIGHT.

AND -- EXCUSE ME.

EDWIN ERCIDE -- ERCISO.

EXCUSE ME.

SORRY ABOUT THAT.

THANK YOU.

AND THEN ELIZABETH BELCHER WILL BE NEXT.

>> THANK YOU, AND GOOD MORNING.

I REALLY JUST WANT TO SPEAK TO THE ABSENCE OF THE ELAPP PROPOSAL AND THE IMPORTANCE OF REALLY DRIVING TOWARDS SO MANY OF THE QUESTIONS THAT SO MANY OF THE COMMITTEE MEMBERS HERE HAVE ALREADY POSED.

I REALLY HOPE THAT AS THAT INFORMATION BECOMES AVAILABLE IT IS POSTED ON YOUR WEB SITE SO THAT THE CITIZENRY CAN READ IT, BECOME AWARE OF IT, AND COME BETTER PREPARED TO THE NEXT MEETING TO UNDERSTAND, YOU KNOW, ALL THE RAMIFICATIONS OF WHAT THE ANSWERS TO THESE QUESTIONS ARE.

AND AGAIN, THANK YOU FOR YOUR TIME.

>>HEIDI McCREE: GREAT.

THANK YOU, AND THANK YOU FOR BEING HERE THIS MORNING.

MS. BELCHER.

>> GOOD MORNING.

>>HEIDI McCREE: GOOD MORNING.

>> ON REVIEWING THE PERMANENT PRESERVATION PLAN FOR CONE RANCH PRESENTED BY FCEG -- AND I'LL JUST REFER IT TO FC --

ONE STATEMENT STOOD OUT.

THE PURPOSE OF FC IS TO MARRY SECTOR SOLUTIONS WITH GOVERNMENT.

THIS CAUSES ME TO ASK WHY WOULD A COMPANY THAT IS IN BUSINESS TO MAKE A PROFIT PARTICIPATE IN THE SALE OF CONE RANCH WHEN THE MAJOR SELLING POINT SEEMS TO BE THAT THE PROPERTY WILL BE PROTECTED FOREVER FOR THE CITIZENS OF HILLSBOROUGH COUNTY AND THE BUYERS WILL BE PEOPLE WHO PURCHASE THIS LAND WITH RESTRICTIONS SO BURDENSOME TO MAKE IT ALMOST IMPOSSIBLE TO USE?

TAX BREAKS SPRINGS TO MIND IN THE FORM OF SOMETHING CALLED CONSERVATION EASEMENTS.

PER THE IRS CODE SECTION 170(A)(1) ALLOWS A DEDUCTION FOR CERTAIN CHARITABLE CONTRIBUTIONS.

SECTION 170(H)(2)(C) DISCUSSES CONSERVATION EASEMENTS.

THE CODE DEFINES CONSERVATION EASEMENTS AS: THE PRESERVATION OF LAND AREAS FOR OUTDOOR RECREATION BY OR THE EDUCATION OF THE GENERAL PUBLIC.

THE PROTECTION OF A RELATIVELY NATURAL HABITAT OF FISH, WILDLIFE, OR PLANTS, OR SIMILAR ECOSYSTEM.

THE PRESERVATION OF OPEN SPACE, INCLUDING FARMLAND AND FOREST LAND WHERE SUCH PRESERVATION IS, "A," FOR THE SCENIC ENJOYMENT OF THE GENERAL PUBLIC, OR "B," PURSUANT TO A CLEARLY DELINEATED FEDERAL, STATE, OR LOCAL GOVERNMENT CONSERVATION POLICY AND WILL YIELD SIGNIFICANT PUBLIC

BENEFIT.

ON THE READING OF THE DEFINITION, I WOULD THINK THAT THE PUBLIC WOULD HAVE AN ACCESS TO THE PROPERTY THAT IS DONATED FOR CONSERVATION EASEMENT.

THE THRUST OF THE DISCUSSIONS IN FRONT OF THIS PANEL HAVE ALWAYS APPEARED THAT AT MOST ONLY SIX PRIVATE OWNERS WOULD HAVE THE ENJOYMENT OF THE CONSERVATION EASEMENTS, NOT THE PUBLIC.

IN ADDITION, MUCH DISCUSSION HAS BEEN HEARD REGARDING HOW CONE RANCH IS BROKEN.

IT DOES NOT EVEN MEET THE CRITERIA OF A NATURAL HABITAT.

SO THE FIRST QUESTION BECOMES DOES CONE RANCH EVEN MEET THE CRITERIA OF A CONSERVATION EASEMENT?

I HAVE ALSO REVIEWED THE TAX COURT CASES, WHOSE OPINIONS HAVE BEEN PUBLISHED, AND JUST AS A FOOTNOTE EXPLANATION, WHEN A PERSON HAS BEEN AUDITED AND ASSESSED ADDITIONAL TAXES AND THEY DON'T AGREE WITH IT, THEY MAY APPEAL IT.

THERE ARE SEVERAL LAYERS OF APPEALS, BUT ESSENTIALLY THE LAST ONE IS THE TAX COURT, AND FOR LACK OF A BETTER EXAMPLE, THE SUPREME COURT -- IT'S KIND OF LIKE A SUPREME COURT FOR TAX -- CIVIL TAX ASSESSMENTS.

I FOUND EIGHT CASES.

ALL OF THE CASES, THE TAXPAYERS/DONORS GAVE THE CONSERVATION EASEMENTS TO ESTABLISH 501(C) NONPROFIT ORGANIZATIONS.

IF I UNDERSTAND WHAT FC IS PROPOSING IS TO HAVE EASEMENTS GIFTED TO A LAND TRUST THAT WILL BE ESTABLISHED WITH A NINE-MEMBER BOARD WITH NO ASSURANCES LET ALONE GUARANTEES THAT THE BOARD WILL BE A NEUTRAL THIRD PARTY, AND NOTHING HAS BEEN SAID REGARDING A 501(C) STATUS.

ANOTHER ITEM THAT I DISCOVERED WHILE READING THESE COURT CASES WAS HOW THE CONSERVATION EASEMENT IS VALUED.

>>HEIDI McCREE: MS. BELCHER, I'M SORRY TO INTERRUPT, BUT I JUST WANTED TO LET YOU KNOW YOUR THREE MINUTES HAS COME AND GONE, SO FEEL FREE TO JUST MAYBE WRAP UP IN A FEW MOMENTS, PLEASE.

THAT WOULD BE GREAT.

>> I HAVE SEVERAL THINGS THAT ARE VERY IMPORTANT, AND I BELIEVE THAT SINCE FC HAS BEEN ALLOWED UNLIMITED TIME BEFORE THE PANEL TO DISCUSS THEIR PROPOSAL, I BELIEVE THAT SOMEBODY WHO IS AGAINST THE PROPOSAL SHOULD ALSO HAVE EQUAL --

>>HEIDI McCREE: THAT'S FINE.

I JUST WANTED TO LET YOU KNOW WITH ALL DUE RESPECT TO EVERYONE ELSE WHO'S HAS HAD THEIR THREE MINUTES JUST TO LET YOU KNOW WHERE YOU WERE ON IN YOUR TIME, SO IF YOU COULD WRAP UP, PLEASE.

>> A CONSERVATION EASEMENT IS VALUED AT -- THE FAIR MARKET VALUE OF THE EASEMENT SHOULD BE BASED ON THE HIGHEST AND BEST USE OF PROPERTY OWNERS AT THE VALUATION TIME,

INCLUDING POTENTIAL DEVELOPMENT.

AS I WAS READING THE PROPOSAL PRESENTED, FC ALSO INCLUDES A STATEMENT THAT IT RESERVES THE RIGHT TO ENGAGE [INAUDIBLE] AND PROVIDE ALL --

>>HEIDI McCREE: MS. BELCHER, HOW MUCH LONGER DO YOU THINK YOU HAVE?

>> TWO OR THREE MORE MINUTES.

>>HEIDI McCREE: TWO OR THREE MORE MINUTES?

AT THIS POINT I NEED TO TALK TO THE PANEL ABOUT THAT BECAUSE I JUST -- WE HAVE ESTABLISHED SORT OF A SET OF PARAMETERS FOR HOW WE WOULD LIKE TO SEE --

>>DENISE LAYNE: DO YOU HAVE ANYTHING YOU CAN PUT IN WRITING AND CAN GET TO ALL THE MEMBERS THAT WE CAN READ BECAUSE WE ARE DEFINITELY READING -- I'M READING EVERYTHING.

I'M HOPING THE REST OF THE PANEL IS AS WELL.

>>HEIDI McCREE: THAT'S GREAT, AND WE'LL MAKE COPIES OF THAT FOR THE ENTIRE PANEL, AND APPRECIATE THAT VERY MUCH.

>>DENISE LAYNE: THANK YOU VERY MUCH FOR YOUR RESEARCH.

I KNOW THAT TAKES ENORMOUS --

>>HEIDI McCREE: I KNOW.

WE APPRECIATE YOUR TIME.

THANK YOU SO MUCH.

>> MAY I SAY ONE MORE THING.

>>HEIDI McCREE: YES, PLEASE.

>> TAX SHELTERS.

WE'RE TALKING A LOT OF PROFIT UNDER TAX SHELTERS.

>>HEIDI McCREE: THANK YOU VERY MUCH, MS. BELCHER.

MARILYN SMITH, AND THEN FOLLOWED BY NEIL COSENTINO.

EXCUSE ME.

>> WELL, GOOD MORNING.

>>HEIDI McCREE: GOOD MORNING.

>> MARILYN SMITH, GRANDMOTHER-AT-LARGE.

THIS IS REALLY A LONG SUBJECT, AND I'VE WATCHED YOU GUYS
TREADING BACK AND FORTH, AND I DIDN'T BOTHER TO COME UNTIL
NOW, BUT MAYBE I SHOULD HAVE EVEN WAITED NOW BECAUSE YOU
REALLY HAVE NO ANSWERS.

A CONTRACT IS A CONTRACT.

AN EASEMENT IS AN EASEMENT WITH THE TWO PARTIES.

REMEMBER, NOTHING IS FOREVER, AND THAT PERPETUITY, THAT
DOESN'T MEAN ANYTHING.

ALL YOU NEED TO DO IS HAVE THOSE TWO PARTIES AGREE TO
CHANGE IT, AND IT'S NO LONGER PERPETUAL.

AIN'T THAT RIGHT, ANDY?

IT'S TRUE.

NOTHING IS FOREVER WHEN YOU'RE TALKING ABOUT LAND AND REAL
ESTATE.

WHY DO WE NEED A MIDDLE MAN TO EVEN BE BOTHERED WITH THIS?
IT'S GOT TO BE PROFITABLE FOR THEM.

THE FC AND WHATEVER THE REST OF THEIR ACRONYM IS, THEY'RE

NOT DOING THIS FOR FUN AND RECREATION OR TO HELP THE PEOPLE OF THIS COUNTY OR PRESERVE ANY OF OUR VERY VITAL ENVIRONMENT, AND HERE YOU -- HERE LIKE EVERYBODY ELSE IN THE STATE OF FLORIDA WE WERE WORRIED ABOUT THE INVASIVE SPECIES, THE PYTHON.

WELL, LET ME GIVE YOU A LITTLE HINT, FOLKS.

THE INVASIVE SPECIES IS ALREADY HERE AND IT'S FC AND -- ENVIRONMENTAL GROUP.

THEY'RE NOT HERE FOR OUR BENEFIT.

I CAN'T TALK MUCH LONGER BECAUSE YOU'VE ALREADY LOST A LOT OF MY TIME.

I WAS SUPPOSED TO BE SOMEWHERE AT 10:30, SO IT WAS INDEED AN INTERESTING THING.

AND BY THE WAY, THE CONTROL IS WHERE IT IS, DEE, AND THE WATER DEPARTMENT IS NEVER GOING TO DO ANYTHING BENEFICIAL FOR US.

THEY DON'T HAVE TO.

ALL THAT IS IS A LITTLE VEHICLE TO ROLL SOME MORE BONDS THAT WILL NEVER BE PAID, AND YOU NEED TO MAKE MIKE COME UP WITH SOME ANSWERS.

THANK YOU.

>>HEIDI McCREE: THANK YOU VERY MUCH.

AND MR. COSENTINO.

AND I DON'T HAVE ANY OTHER PUBLIC COMMENT CARDS, SO IF ANYONE ELSE IS INTERESTED IN SPEAKING, IF YOU COULD FILL

ONE OUT AND JUST HAVE THAT PASSED ALONG.

THANKS.

>> GOOD MORNING.

>>HEIDI McCREE: GOOD MORNING.

>> MY NAME IS NEIL COSENTINO, AND I'M REPRESENTING A PUBLIC INTEREST THINK TANK CALLED CAMELOT FLORIDA.

OUR -- IT'S PRO BONO, AND OUR VISION, MISSION, AND GOAL IS FLORIDA FIRST IN QUALITY OF LIFE.

WE'VE LOOKED AT CONE RANCH.

I LIVE HERE IN TAMPA, SO I HAVE A -- A LOCAL PERSPECTIVE AS WELL AS OUR THINK TANK DOES.

THE NATURE OF THE SALE OF THAT LAND OR THE PURCHASE OF THAT LAND WAS BY -- I THINK BY COMMON AGREEMENT AND UNDERSTANDING THAT THE PEOPLE, THE TAXPAYERS WERE BUYING THAT LAND SOMEWHAT LIKE YOU WOULD A PARK, CREATING A PARK. IT WAS LAND SET ASIDE, AND THERE WAS NO EVEN INKLING THAT IT WOULD BE USED SOME OTHER WAY THAN THAT.

SO I THINK ANY OTHER USE OF THAT LAND WOULD FAIL THE SPIRIT OF HOW THAT LAND WAS PURCHASED.

IT'S A VERY COMPLICATED SALE OR THE WHOLE PROJECT, AS WE ALL KNOW.

THEREFORE, IT SEEMS WHEN YOU GO AFTER THE -- THE KEY POINT, THE NEXUS IS THE BONDS, AND IF THE BONDS ARE COMING UP FOR SALE IN 2015, THEN I WOULD SAY HOLD OFF.

THAT DOESN'T MEAN STUDY THE ISSUES, THAT DOESN'T MEAN FIND

THE RIGHT SOLUTION, BUT IT MEANS THAT WAIT UNTIL THOSE BOND ARE RESTRUCTURED BECAUSE THAT'S THE KEYSTONE TO THIS WHOLE PROJECT.

BY THAT TIME, I THINK EVERYONE WILL HAVE A TRUE UNDERSTANDING OF THE VALUE OF THE PROPERTY AND HOW BEST TO TAKE CARE OF IT.

I THINK OUR ECONOMY IS IN AN UNBALANCED SITUATION, AND I THINK THERE IS THE CONSENSUS THAT WE WANT TO PRESERVE THAT LAND, AND ONCE AGAIN, WE DON'T EVEN KNOW WHAT THE TRUE VALUE OF THAT LAND IS BY THE FACT THAT SOMEONE WILL PURCHASE THE RIGHTS TO IT AND THEN PARCEL IT OUT AND SELL IT FOR FAR MORE THAN WHAT IT'S WORTH THAT WE, YOU MIGHT SAY, HANDED IT TO THEM BECAUSE WE DIDN'T DO DUE DILIGENCE. SO YOU CAN'T SELL SOMETHING UNTIL YOU REALLY UNDERSTAND ITS TRUE VALUE, AND THE TRUE VALUE IS IMPLICATED OR YOU MIGHT SAY INFERRED IN THE LADY WHO STOOD HERE AND SAID WE DON'T KNOW ANYTHING ABOUT HOW YOU'RE LEVERAGING PROPERTY TODAY IN THE IRS AND AS FAR AS TAX CREDITS AND SO FORTH. SO IN SUMMARY I SAY HOLD -- DO DUE DILIGENCE, WORK ON THIS PROJECT, BUT DON'T DO ANYTHING UNTIL WE RESTRUCTURE THE SALE OF THE BONDS.

THANK YOU VERY MUCH.

>>HEIDI McCREE: AND THANK YOU VERY MUCH.

APPRECIATE THAT.

ALL RIGHT.

THOSE ARE OUR PUBLIC COMMENTS FOR THIS MORNING, UNLESS THERE ARE ANY OTHERS.

AND WITH RESPECT TO THE COMMITTEE MEMBERS' TIME, WE'RE NEARING OUR TIME FOR ADJOURNMENT.

I THINK WHAT WE'VE DISCUSSED TODAY IS WEAVE AVENUE GOT -- THE COUNTY HAS A LIST OF ISSUES AND QUESTIONS THAT THEY'RE GOING TO RETURN TO US IN ABOUT SIX WEEKS WHEN WE SCHEDULE OUR NEXT MEETING TO RESPOND TO COMMITTEE MEMBER QUESTIONS, AND WE WILL THEN KNOW MORE ABOUT WHERE ELAPP IS IN THEIR PROCESS AS WELL, WHICH I THINK WILL HELP US MOVE FORWARD IN OUR WORK.

YES, WILL.

>> IF I COULD JUST ADD A COMMENT ON THE ELAPP QUESTION THAT DENISE BROUGHT UP, AND THAT IS THE FACT THAT WE'VE ONLY IDENTIFIED 12 -- 10,000-SOME-ODD ACRES AND THERE'S 12,800. AS A MATTER OF FACT, WE HAVE IN THE PAST BOUGHT LANDS MORE THAN WHAT WE WANTED.

I MEAN, THE ENVIRONMENTAL COMMITTEE SETS ASIDE YEAH, WE WANT THIS 10,000 ACRES, BUT IN MANY TIMES THAT COMES TO THE ACQUISITION SIDE, AND THE ACQUISITION SIDE HAS TO MAKE A DECISION BECAUSE THE SELLER WON'T SELL JUST THE 10,000 ACRES.

IT'S EITHER ALL OR NOTHING.

AND SO THERE HAVE BEEN TIMES THAT THE ELAPP COMMITTEE HAS BOUGHT LAND THAT WE DIDN'T REALLY WANT ALL OF IT, BUT

BECAUSE OF THE NATURE OF THE OWNERSHIP AND THE -- AND THE CONFIGURATION OF THE LAND REQUIRED US TO BUY SOMETHING MORE THAN JUST WHAT WE WERE LOOKING FOR, SO WE HAVE THE CAPACITY AND WE HAVE DONE THAT IN THE PAST.

I'M NOT SAYING THAT WOULD BE THE CASE HERE, BUT IT IS POSSIBLE.

IT'S NOT JUST THAT ELAPP GETS TO GO OUT AND GRAB JUST WHAT THEY WANT BECAUSE THE OWNERS OFTENTIMES AREN'T WILLING TO DO THAT.

>>HEIDI McCREE: GREAT POINT.
DEE.

>>DENISE LAYNE: I'M PROBABLY GOING TO SURPRISE EVERYBODY HERE, BUT I JUST THINK IT'S UNFAIR TO FCEG TO KEEP THEM COMING BACK ANOTHER SIX WEEKS, ANOTHER TWO MONTHS, AND I'VE BEEN HEARING FROM THE PUBLIC, I'VE BEEN READING, I'VE BEEN DOING A LOT OF THINGS, AND GUYS, I'M SORRY, I JUST THINK IT NEEDS TO STAY IN COUNTY OWNERSHIP, AND I AM READY TO PROPOSE A MOTION THAT WE FIND A CREATIVE WAY TO KEEP THIS IN COUNTY OWNERSHIP WHERE WE CAN PRESERVE, RESTORE, AND CREATE IF WE NEED TO A MITIGATION BANK.

I THINK IT'S -- IT'S TIME.

WE GAVE YOU CAREFUL CONSIDERATION.

I READ EVERY WORD YOU GAVE ME IN YOUR PACKET LAST WEEK, AND THERE'S JUST TOO MUCH UNKNOWN, AND I THINK THERE'S TOO MUCH ANGST, AND THIS PROPERTY HAS BEEN A HUGE, CONTENTIOUS PIECE

OF PROPERTY FOR DECADES.

IT'S TOO VALUABLE AS A WATER RESOURCE AND A WILDLIFE CONNECTION TO TAKE CHANCES -- ANY CHANCES, AND THE FAITH IN ELECTED OFFICIALS AREN'T ALWAYS THERE BY THE TAXPAYER, BUT THE FACT THAT THEY OWN IT NOW, WE HAVE SOME CONTROL AS TAXPAYERS AND AS SOMEBODY THAT CAN DO SOMETHING.

SO I AM MAKING A MOTION THAT WE RETAIN -- THAT CONE RANCH BE RETAINED -- I'M NOT GOING TO SAY WATER DEPARTMENT -- COUNTY OWNERSHIP AND TO GET THE CONTROL IN THE RIGHT PLACE AND TO HAVE OUR STAFF LOOK IN THE RIGHT PLACE TO MAKE SURE IT IS PRESERVED AND RESTORED AND NEW WETLANDS IF WE HAVE.

>>HEIDI McCREE: AND I THINK THAT'S -- OH, EXCUSE ME.

IS THERE A SECOND TO THE MOTION?

>>HUGH GRAMLING: MADAM CHAIR, AS A POINT OF ORDER, WE DON'T HAVE THE AUTHORITY TO DO THAT.

IF SHE WILL MAKE HER MOTION AS A RECOMMENDATION TO THE COUNTY COMMISSION, THEN THAT CERTAINLY WOULD BE THE APPROPRIATE THING TO DO.

>>DENISE LAYNE: SO AMENDED, ABSOLUTELY.

YOU'RE CORRECT, HUGH.

>>HEIDI McCREE: AND IS THAT A SECOND?

>>DENISE LAYNE: THAT'S THE RECOMMENDATION I WOULD MAKE TO -- NOT THE ONLY RECOMMENDATION.

I WANT TO MAKE THAT CLEAR BECAUSE THEY WANT GUIDANCE FROM US ON HOW TO PROCEED.

>>HEIDI McCREE: RIGHT.

>>DENISE LAYNE: BUT FOR PURPOSES RIGHT NOW OF HAVING THE COMMITTEE -- LET'S LOOK AT THIS REALISTICALLY.

I WOULD LIKE TO MAKE THAT RECOMMENDATION AND THEN CONTINUE LOOKING AT CREATIVE WAYS TO GET ACCOMPLISHED WHAT WE WANT.

>>HEIDI McCREE: AND I THINK THAT'S WHAT WE HAD ASKED THE COUNTY TO COME BACK IN SIX WEEKS TO DO, SO THERE'S A MOTION ON THE TABLE.

IS THERE A SECOND?

ALL RIGHT.

DO YOU WANT TO --

>> I'LL SECOND IT.

>>HEIDI McCREE: THERE'S A SECOND.

THE THOUGHT I'M HAVING IS -- WE'VE ASKED THE COUNTY TO COME BACK WITH ALL OF THOSE -- THAT INFORMATION SO THAT WE CAN EVALUATE HOW WE GO FORWARD TO THE BOARD OF COUNTY COMMISSIONERS, SO --

>>DENISE LAYNE: AND THAT'S FINE.

THAT'S THE SECOND PART OF THIS.

>> HEIDI.

>>DENISE LAYNE: AGAIN, I JUST -- DO WE WANT FCEG -- AND I THINK WE NEED TO DISCUSS THIS AS A COMMITTEE -- EVEN IF YOU-ALL DON'T SECOND THE MOTION OR WANT IT TO GO FORWARD -- I THINK ROSANNE DID SECOND IT, THOUGH.

>>HEIDI McCREE: YEAH, SHE DID.

>>DENISE LAYNE: ARE WE GOING TO KEEP THEM HANGING ON WHILE WE'RE LOOKING -- LISTEN, IF THE GOVERNMENT WANTS TO DO IT, THE GOVERNMENT CAN DO IT, AND THERE'S GOT TO BE CREATIVE WAYS TO DO THAT, EVEN IF IT MEANS PULLING OUT OF THE CURRENT BOND, SETTING IT, AND NOT LETTING IT KEEP ROLLING. WHAT IS -- WE'VE GOT --

>>HEIDI McCREE: FCEG WENT TO THE BOARD OF COUNTY COMMISSIONERS AND PROPOSED THEIR OFFER, IF YOU WILL, AND WE'RE IN EXISTENCE.

I WOULD SAY WITH ALL DUE RESPECT, THEY CAN COME TO OUR MEETINGS AS OFTEN AS THEY WANT OR NOT AT THIS POINT.

>>DENISE LAYNE: I DON'T WANT THEM HANGING OUT THERE THINKING --

>>HEIDI McCREE: CLEARLY OUR NEXT -- WHAT I'M HEARING IS CLEARLY OUR NEXT -- WE'VE GOT TO ABSORB A LOT OF INFORMATION BACK FROM OUR COUNTY FOLKS WHO CAN PROVIDE US AN ANSWER TO HOW DOES THE COUNTY PERMANENTLY PROTECT CONE RANCH AND HOW DO WE TAKE THAT BACK TO THE BOARD.

NOW, IF -- IF THE COUNTY ENTITIES CAN COME BACK AND SHOW US WHERE THERE'S PERMANENT PROTECTION AND THEN WE CAN ADDRESS THAT ISSUE WITH RESPECT TO FCEG, AND, YOU KNOW, THEY -- LET'S TAKE DISCUSSION.

PAMELA.

>>PAMELA JO HATLEY: THANK YOU.

AND I THINK IT'S STILL TOO EARLY TO ADOPT THAT RESOLUTION

AND MAKE A RECOMMENDATION TO THE BOARD.

WE STILL DON'T HAVE ALL THE FACTS.

WE HAVE ASKED FOR THE COUNTY TO COME BACK WITH SOME INFORMATION, AND NOT ONLY THAT, I BELIEVE IT WAS -- LAST TIME WE LEARNED THAT ELAPP -- AREN'T YOU-ALL MEETING ON SEPTEMBER 15th OR SOMETHING?

SO THERE'S A PROCESS THAT THEY'RE GOING THROUGH AS WELL THAT WE NEED TO LEARN SOME MORE ABOUT.

I STILL THINK WE NEED TO TAKE OUR TIME ON THIS AND GET ALL THE FACTS BEFORE US BEFORE WE MAKE A RECOMMENDATION, AND I'M NOT CONCERNED ABOUT WHETHER FC&G COMES TO THE MEETINGS OR DOESN'T WANT TO COME TO THE MEETING OR IF THEY'RE INCONVENIENCED.

THEY DID START THIS BALL RUNNING, AND I THINK, YOU KNOW, IF THEY WANT TO COME TO EVERY MEETING UNTIL WE FINISH GATHERING INFORMATION, THEY WILL.

THAT'S NOT OUR CONCERN.

OUR CONCERN IS TO GATHER ALL THE INFORMATION AND MAKE A SOLID RECOMMENDATION TO THE BOARD.

>>DENISE LAYNE: WELL, AGAIN, I THINK THAT THE RECOMMENDATION CAN BE OVER TIME TOO.

IT ISN'T LIKE WE'RE GOING TO MAKE A RECOMMENDATION TODAY AND THEN WALK AWAY AND NEVER SEE THIS AGAIN.

I'M JUST TRYING TO -- AND BOARD, IF YOU DON'T THINK IT'S READY, THAT'S FINE, BUT I WOULD LIKE TO HEAR.

I'VE BEEN HEARING -- AND I WOULD HAVE BEEN THE FOURTH VOTE TO SAY YEAH, GIVE IT TO THE COUNTY TWO MEETINGS AGO, AND MAYBE THE OTHER THREE HAVE CHANGED THEIR MIND NOW.

THAT'S FINE, AND I'LL DO WHAT THE COMMITTEE WANTS, BUT I THINK FROM WHAT I HAVE BEEN HEARING FROM THIS BOARD ALMOST UNANIMOUSLY IS THAT WE REALLY WANT IT TO STAY WITH THE COUNTY, AND WE'RE STRUGGLING LIKE THE DICKENS TRYING TO FIGURE OUT HOW TO GET WHERE WE WANT THE THING PRESERVED, RESTORED, AND THAT WITHIN THE COUNTY STRUCTURE, SO IF THAT'S WHERE WE'RE HEADING MENTALLY, AGAIN, WHY ARE WE -- AGAIN, THEY CAN COME TO ALL THE MEETINGS, FCEG, THAT'S FINE, BUT IF WE KNOW IN OUR HEART OF HEARTS WE'RE JUST DELAYING THIS AND WE REALLY WANT IT TO STAY WITH THE COUNTY, THEN I THINK WE NEED TO RECOMMEND TO THE BOARD WE WANT IT TO STAY WITH THE COUNTY, BUT WE WANT SOME CREATIVITY TO MAKE HAPPEN YOUR GOAL, AND THAT'S WHAT'S GOING TO TAKE SOME TIME FOR PART TWO OF OUR RECOMMENDATION, SO THAT'S THE ONLY REASON I DID THAT.

>>HEIDI McCREE: THAT'S A GOOD POINT, AND I THINK WE HAVE THE TIME.

I THINK PERSONALLY I'M NOT READY TO DECIDE ONE WAY OR THE OTHER BECAUSE I WANT TO HEAR HOW THE COUNTY CAN PERMANENTLY PROTECT CONE RANCH.

I MEAN, I THINK THE BOARD'S GOING TO WANT TO KNOW THAT TOO. IF WE GO BACK AND SAY WE ALL AGREE THAT CONE RANCH SHOULD

BE PERMANENTLY PROTECTED AND THERE ARE AREAS TO RESTORE AND BLAH, BLAH, BLAH, BLAH, BLAH, HOW ARE WE GOING TO GET THERE, AND I THINK THE COUNTY STAFF HAVE BEEN EVALUATING THIS IN THEIR MINDS TOO THROUGH THIS PROCESS AND ARE WILLING TO TAKE SOME TIME TO WORK WITH US AND RESPOND TO SOME OF OUR ISSUES AND QUESTIONS WE'VE ASKED, AND WITH ALL DUE RESPECT TO THE COUNTY STAFF WHO MAY NOT HAVE FULLY EVALUATED ALL THE ANSWERS TO OUR QUESTIONS YET, I WOULD LIKE TO WAIT AND GET THOSE ANSWERS FROM THE COUNTY AND FIND OUT WHERE ELAPP'S HEADED AND THEN ACTUALLY TALK ABOUT WHETHER OR NOT -- YOU KNOW, WE MAY -- THE TIMING MAY BE RIPE FOR ELAPP TO PURSUE SOMETHING AND WE TAKE A STEP BACK AND THEN SEE WHERE THAT GOES AND IF THAT WORKS, SO I THINK WE HAVE THE TIME TO MOVE FORWARD.

I HAVEN'T HEARD -- AND MAYBE YOU SOME HAVE AS -- HAVE.

I HAVEN'T HEARD FROM THE COMMISSIONERS THAT THEY'RE ON A TIGHT TIME SCHEDULE FOR THIS, SO UNLESS WE HEAR THAT THE BOARD WANTS TO HEAR BACK FROM US, MAYBE WE SHOULD TAKE ADVANTAGE OF ABSORBING A LITTLE BIT MORE INFORMATION AND -- AND THEN PROVIDING SOME MORE INFORMATION BACK TO FCEG.

I AGREE.

I THINK IT WOULD BE DISRESPECTFUL AND JUST NOT IN ANYONE'S BEST INTEREST TO CONTINUE TO LEAVE FCEG OUT THERE, BUT I DON'T KNOW IF THIS IS THE RIGHT TIME FOR THAT.

BUT --

>>ROSANNE CLEMENTI: WELL, A VOTE, MADAM CHAIR, WOULD LET EVERYBODY EXPRESS THEIR OPINION ON WHETHER OR NOT --

>>HEIDI McCREE: ARE YOU CALLING THE QUESTION?

>>ROSANNE CLEMENTI: YES, PLEASE.

>>HEIDI McCREE: I'VE LEARNED IN MY PAST HISTORY THAT WE HAVE TO VOTE ON CALLING THE QUESTION, SO ALL IN FAVOR OF CALLING THE QUESTION SIGNIFY BY AYE.

[CHORUS OF AYES]

ANY OPPOSED?

WE'RE GOING TO VOTE ON THE MOTION.

DEE, DO YOU WANT TO RESTATE YOUR MOTION?

>> BEFORE YOU VOTE, IS IT OKAY IF I WERE TO SAY SOMETHING BEFORE YOU TAKE A FINAL VOTE?

>> NO, I DON'T THINK SO.

[AUDIENCE YELLING]

>>HEIDI McCREE: NO, NO, NO, NO, NO.

PLEASE, WITH ALL -- LET'S ALL REMAIN CIVIL, PLEASE.

I -- WE HAVE HAD OUR PERIOD OF PUBLIC COMMENT.

I WOULD JUST -- YOU KNOW WHAT, HERE'S HOW I'M GOING TO HAVE TO RESPOND TO THAT, KEN.

WE'VE CALLED THE QUESTION.

WE HAVE TO VOTE, SO WE HAVE TO VOTE.

THAT'S MY UNDERSTANDING OF ROBERT'S RULES, BUT I MAY BE TAKEN UP LATER ON THAT ONE.

SO DEE HAS PUT IN -- DEE HAS PROPOSED A MOTION TO --

>>DENISE LAYNE: RECOMMEND --

>>HEIDI McCREE: -- GO FORWARD TO RECOMMEND THAT THE CONE RANCH REMAIN IN COUNTY OWNERSHIP AND TO HAVE THE COUNTY STAFF WORK --

>>DENISE LAYNE: CONTROL AND TO FIND A CREATIVE WAY TO PRESERVE, RESTORE, AND/OR CREATE WETLANDS OR MITIGATION BANKS OR WHATEVER TO DO THAT.

>>HEIDI McCREE: OKAY.

THAT'S THE MOTION ON THE TABLE AT THIS TIME FOR US TO VOTE ON.

ALL IN FAVOR OF THE MOTION SIGNIFY BY SAYING AYE.

[CHORUS OF AYES]

YOU WANT TO RAISE YOUR HANDS, RAISE YOUR RIGHT HANDS.

ONE, TWO, THREE.

ALL OPPOSED.

ONE, TWO, THREE, AND WE DON'T HAVE OUR --

>>ROSANNE CLEMENTI: THEN THE MOTION FALSE.

>>HUGH GRAMLING: THE MOTION FAILED.

>>HEIDI McCREE: ALL RIGHT.

WITH THAT SAID -- AND I APPRECIATE EVERYONE'S INDULGENCE OF THAT DISCUSSION -- WE ARE GOING TO MOVE FORWARD TO OUR NEXT MEETING.

WE'LL HEAR FROM THE COUNTY IN RESPONSE TO THE QUESTIONS WE'VE ASKED THEM, AND WE WOULD APPRECIATE AND BE INTERESTED IN HEARING FROM ANYONE ELSE WHO WOULD LIKE TO BE A PART OF

THIS PROCESS, OF COURSE, AND LOOK FORWARD TO HEARING FROM
YOU IN THE INTERIM VIA YOUR E-MAILS AND LETTERS AND
THOUGHTS.

THANK YOU SO MUCH, AND MEETING ADJOURNED.