

From: Vivienne Handy [mailto:Vivienne@questecology.com]
Sent: Friday, November 06, 2009 4:59 PM
To: Stewart, Edith
Subject: Cone Ranch Recommendations

Ms. Stewart,

Below are my recommendations as requested at the October 23 Panel meeting.

Thank you.

Recommendations for Cone Ranch

Although I fully support the idea of Public/Private Partnerships under the right circumstances, I am not in favor of the FCEG proposal to purchase Cone Ranch. They appear to me to be a “middle man” for acquisition/sale and activities that the County is capable of undertaking. In addition, I feel it is important to consider public sentiment, and there is an obvious feeling of discomfort and distrust over the sale of public lands to private, for-profit interests. The overwhelming public response has been to keep Cone Ranch in County ownership.

Ultimately, I would like to see Cone Ranch under the management of ELAPP, and there are several ways to achieve this, including outright sale of the land or the development rights to ELAPP.

My first choice is to pursue what I feel is an excellent opportunity for the County to generate much-needed funds through the development of a mitigation bank on Cone Ranch. Under the current structure, the proceeds from credit sales would go to the Water Enterprise, vs. the County general funds, which would not be my preference, nor that of members of the public that have provided comments. It is my understanding that the Water Enterprise ownership and obligations are governed by the bonds, but these can be “retired” and any new bonds issued can exclude Cone Ranch. The WE may then transfer/sell the land to the County, who could then pursue a mitigation bank that would generate general revenue funds. After all credits have been sold, the “bank” lands could be transferred to ELAPP to be managed in perpetuity.

I like the idea of the public/private partnership, similar to the situation presented by TetraTech in which they have partnered with the SFWMD. This would involve no costs to the County to conduct the required studies, permitting and implementation of restoration activities, yet would ensure that maximum restoration would take place. The County would then share in the profits of the credit sales. The contract with the private firm should include an initial assessment of which portions of Cone Ranch are suitable for mitigation banking. Those portions deemed unsuitable could be acquired by ELAPP or retained by the County for development of a passive use park, or to continue to be leased for compatible agricultural uses, as long as appropriate County oversight is maintained.

Additional options would be for ELAPP to acquire Cone Ranch and pursue mitigation opportunities as they have done in the past. This may be dependent upon available funds to conduct the mitigation, but other sources such as FDOT mitigation funds could be available.

Regarding the existing water rights, this appears to be a clouded issue, but based on what I have gleaned from others' research, should not pose an obstacle to either ELAPP acquisition or development of a mitigation bank. According to research conducted by Ms. Vivian Bacca:

Document # 88-186 -- Original Interlocal Agreement/Purchase
Page 2, Paragraph 1 says:

"...WHEREAS, the development of the northeast Hillsborough County wellfield (hereinafter referred to as the "Wellfield") is a critical component of the regional drinking water system to be constructed during the next fifteen (15) years in order to meet the potable water demands of the residents of Hillsborough Count to the year 2020; and..."

The 15 year period expired in 2003 without a wellfield being constructed. Failure to construct the wellfield within the prescribed period would appear to abrogate the contract unless that contract was amended by the agreement of both parties.

There also appears to be some question as to the actual value of the water rights based on current rules that apply to withdrawals and whether a wellfield could be cost-effectively developed.

I look forward to discussing all of these options with the other members of the Panel.

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