

Background and Policy Issues Continued: In compliance with prior BCC direction, the County's Department of Environmental Resources Management (ERM) has worked with state and federal environmental permitting agencies, a land trust, and a municipality to place conservation easements over certain County-owned Natural Areas. Each of these conservation easements provide a layer of protection over the subject Natural Area lands. However, in many cases that layer of protection is not absolute or all encompassing.

The County's Conservation Lands Protection Ordinance (CLPO, Ordinance No. 2003-052) also provides some protection to County-owned Natural Areas. The CLPO requires that the conveyance of any interest in Conservation Lands for a purpose other than what the land was originally intended "...be offset by the acquisition, transfer into the Conservation Lands Program, and preservation of higher quality land of greater acreage". Conservation Lands are defined as "...those lands acquired in whole or in part from funds obtained from the bond issues authorized by the Environmentally Sensitive Lands Referendum (March 12, 1991) or the Land Acquisition for Conservation Purposes Referendum (March 9, 1999), as well as lands donated for conservation purposes" and include certain County-owned Natural Areas. Although the CLPO reduces the chances that a County-owned Conservation Land will be converted to a non-conservation purpose, it does not prohibit such conversion. The CLPO also does not protect Natural Area lands acquired using non-bond referendum funds (for example Natural Areas funds, ARPA funds, Sunshine Loan, etc.), lands that were donated without specific requirements that the land be used for conservation purposes, or lands acquired via tax deed/escheatment processes.

Conservation Florida (CF), an accredited conservation land trust, has indicated that it is willing to accept permanent conservation easements granted by the County over County-owned Natural Area lands. A land trust (also called a "land conservancy") is a private, nonprofit organization that works with landowners to conserve land through the acceptance and defense of conservation easements. Land trusts vary greatly in scope and scale, but all of them share the common mission of working cooperatively with landowners to protect and conserve land for its natural, recreational, open space, scenic, historic, or other specified values. The granting of conservation easements to CF will:

- 1) Reaffirm the primary purposes of the County's Natural Areas – to permanently protect, restore, and actively manage remnant native ecosystems, and the associated plants and animals;
- 2) Allow compatible public passive recreational uses;
- 3) Reaffirm that County Natural Area lands cannot be used for non-environmental purposes;
- 4) Remove ambiguity related to whether the term "perpetual" as used in other conservation easements means anything other than "forever"; and
- 5) Further solidify and protect the biological, physical health, mental health, water recharge, water and air quality, and flood control benefits provided by County Natural Areas.

There is no anticipated cost to the County. Should we proceed with granting conservation easements to CF, CF will fundraise to cover all associated costs. Each CF conservation easement will be brought to the BCC for approval.



Long-Term Protection of Palm Beach County's Natural Areas

Palm Beach County Board of County Commissioners Meeting
October 22, 2024



Deborah Drum, Director, Environmental Resources Management
Michael Stahl, Deputy Director, Environmental Resources Management

Purpose of this Effort

2

To proactively and permanently protect Palm Beach County's (County) environmental legacy and its over \$500 million investment related to the acquisition, restoration and management of County Natural Areas through conservation easements held by third party conservation land trusts.



Palm Beach County's Environmental Legacy

3

The County owns and/or manages over 31,800 acres of conservation lands known as Natural Areas. These Natural Areas contain diverse ecosystems, including freshwater and estuarine wetlands, forests, herbaceous uplands and dunes/beaches, all of which provide habitat for many endangered listed species. Natural Areas also contribute to flood control, air quality, and water quality and quantity, and improved public mental health.





Current Protections

Current protections include:

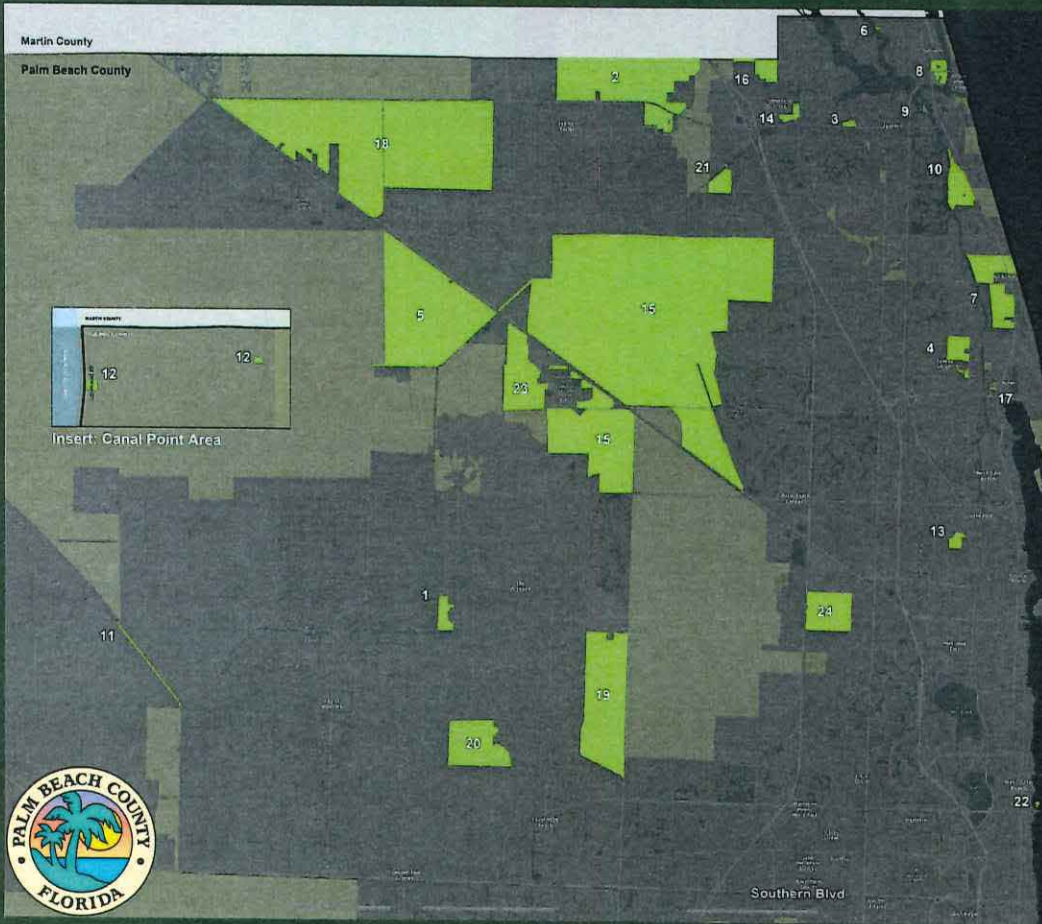
- Conservation Easements
- County Conservation Lands Protection Ordinance (CLPO Ordinance No. 2003-052)
- Grant Restrictions
- Mitigation Requirements
- Comprehensive Plan

However, these are not absolute. Not all Natural Areas are fully protected.



Map of County Natural Areas

North of Southern Blvd



- Acreage Pines 1
- Cypress Creek 2
- Delaware Scrub 3
- Frenchman's Forest 4
- Hungryland Slough 5
- Jackson Riverfront Pines 6
- Juno Dunes 7
- Jupiter Inlet @ JILONA 8
- Jupiter Mangroves 9
- Jupiter Ridge 10
- J.W. Corbett to Lox NWR Connector 11
- Lake Okeechobee Connector 12
- Lake Park Scrub 13
- Limestone Creek 14
- Loxahatchee Slough 15
- North Jupiter Flatwoods 16
- Pawpaw 17
- Pine Glades 18
- Pond Cypress 19
- Royal Palm Beach Pines 20
- Sandhill Crane Wetlands 21
- South Cove 22
- Sweetbay 23
- Winding Waters 24



Winding Waters Natural Area



Cypress Creek Natural Area

Map of County Natural Areas

South of Southern Blvd



- Delray Oaks 25
- East Conservation Area 26
- High Ridge Scrub 27
- Hypoluxo Scrub 28
- Lantana Scrub 29
- Leon M. Weekes 30
- North Ocean Ridge Mangroves 31
- Ocean Ridge 32
- Pondhawk 33
- Rosemary Scrub 34
- Seacrest Scrub 35
- Snook Islands 36
- South County Mangroves 37
- Yamato Scrub 38



Seacrest Scrub Natural Area



Delray Oaks Natural Area

What is a Conservation Land Trust?

- A land trust (also called a "land conservancy") is a private, nonprofit organization that works with landowners to conserve land through the acceptance and defense of conservation easements.
- Land trusts vary greatly in scope and scale, but all of them share the common mission of working cooperatively with landowners to protect and conserve land for its natural, recreational, open space, scenic, historic, or other specified values.



Benefits of Third-Party Conservation Easements

- Permanent Protection
- Independent Oversight
- Public Trust and Accountability
- Legal Clarity



Who is Conservation Florida?

9

- Conservation Florida (CF) is a 501(c)(3) non-profit land conservancy that protects Florida's water, wildlife, and wild places.
- Founded in 1999 by David Carr, the organization has earned a reputation for integrity and is accredited by the prestigious Land Trust Accreditation Commission.



Proposed Action & Process

- Work with Conservation Florida to accept permanent conservation easements over County Natural Areas.
- First step is to draft a template conservation easement to be used for all County Natural Area properties.
- Each County Natural Area will have a separate conservation easement that will be brought to the Board for approval.



Does this “bind future Boards”?

- Yes, this action would ensure permanent protection of the County’s Natural Areas that do not currently have such protections.
- This action would be consistent with actions of previous Boards where they voted to have Natural Areas held by a third party, or other such preservation obligations
- Currently 24,172 acres of PBC’s Natural Areas are protected by SFWMD conservation easements and 474 acres are protected by a conservation land trust (The Nature Conservancy).



What is the Cost?

There is no anticipated cost to the County. A willing conservation land trust would have to fundraise to cover the costs associated with preparing and recording the proposed conservation easements and perpetual stewardship.



Demonstration of Need ¹³



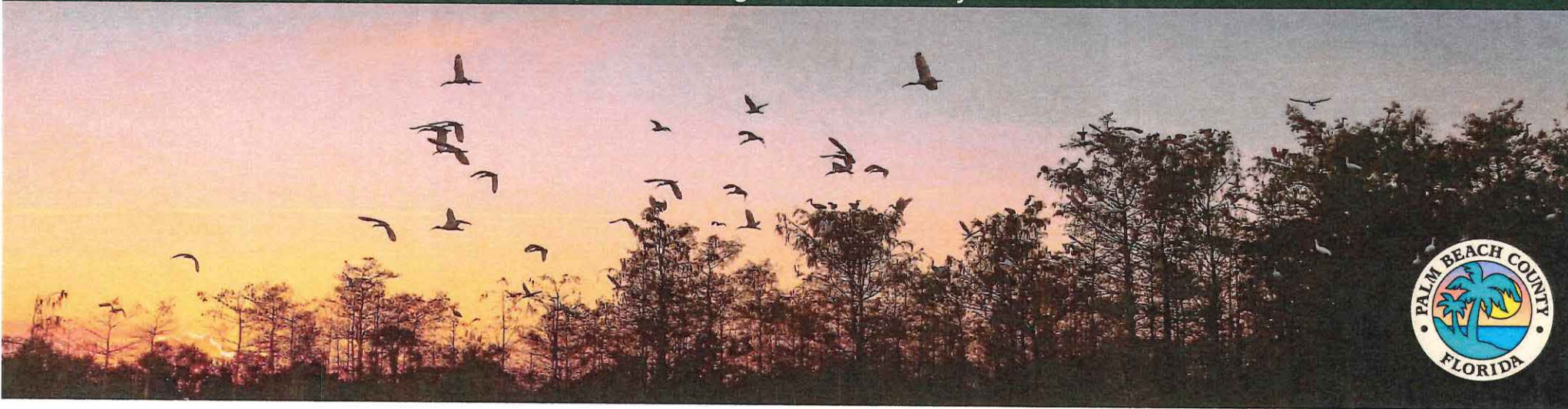
- In August 2024, the Florida Department of Environmental Protection proposed amending Jonathan Dickinson State Park's management plan to allow for the clearing of close to 1,000 acres of globally-imperiled scrub land for the construction of three golf courses.
- Incompatible uses (lodges, pickleball courts and disk golf courses) also were proposed at eight other state parks.



Recommended Action: Motion and Title

Staff recommends motion to adopt a Resolution that:

- Continues current conservation easement policy with government entities and/or environmental nonprofit organizations;
- Supports the permanent protection of County Natural Areas through the granting of conservation easements to conservation land trusts; and
- Promotes environmental stewardship and management of County Natural Areas.



Questions/Discussion



PALM BEACH COUNTY
**NATURAL
AREAS**

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SUPPORTING THE PERMANENT PROTECTION OF COUNTY-OWNED NATURAL AREAS THROUGH CONTINUATION OF CURRENT CONSERVATION EASEMENT POLICY; THE GRANTING OF CONSERVATION EASEMENTS TO CONSERVATION LAND TRUSTS; PROMOTING ENVIRONMENTAL STEWARDSHIP AND MANAGEMENT OF COUNTY-OWNED NATURAL AREAS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Palm Beach County (County) is home to diverse natural ecosystems, including freshwater, estuarine and marine wetlands, forests, herbaceous uplands and habitats for listed species, which contribute to biodiversity, environmental health, and public well-being; and

WHEREAS, the County has acquired over 29,000 acres, and manages 31,800 acres, of native lands known as Natural Areas for long-term conservation: and

WHEREAS, the preservation of these Natural Areas is essential to ensuring long-term environmental sustainability, flood control, air quality, water quality and quantity, and public recreational opportunities within the County; and

WHEREAS, conservation easements are a legal tool that allows landowners to voluntarily restrict certain types of development and land use on their property while maintaining ownership, thereby ensuring the perpetual conservation of the lands; and

WHEREAS, it is in the public's interest to encourage the use of conservation easements on County-owned Natural Areas and to promote partnerships with conservation land trust organizations to further protect these vital areas; and

WHEREAS, the County's Board of County Commissioners (BCC) recognizes the need to provide additional protections for its Natural Areas in the face of increasing development pressures and environmental challenges; and

WHEREAS, by adopting this resolution, the BCC reaffirms its commitment to protecting its Natural Areas for future generations through the responsible use of conservation easements.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

1. Continuation of Current Conservation Easement Policy: Palm Beach County shall continue to grant perpetual conservation easements to other governmental entities, environmental permitting agencies and/or environmental nonprofit organizations to provide additional protections for County-owned Natural Areas, ensuring that they remain undeveloped and managed for conservation purposes forever.

2. Partnerships and Collaboration with Conservation Land Trusts: The County shall actively pursue partnerships with conservation land trust organizations to establish conservation easements held by those organizations over County-owned Natural Areas for the purpose of perpetually maintaining the Natural Areas in their natural, scenic, open or wooded condition, and retaining County-owned Natural Areas as suitable habitat for native plants and wildlife, while allowing compatible, non-destructive, passive public recreation.

3. Stewardship and Management: Palm Beach County shall ensure that all County-owned Natural Area lands are protected, managed and maintained in a manner that promotes sustainable conservation land uses and ecosystem health.


4. Effective Date: This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Maria Sachs, Mayor	_____
Commissioner Maria G. Marino, Vice Mayor	_____
Commissioner Gregg K. Weiss	_____
Commissioner Michael A. Barnett	_____
Commissioner Marci Woodward	_____
Commissioner Sara Baxter	_____
Commissioner Mack Bernard	_____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2024.

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: 

Darren Leiser
Assistant County Attorney

**PALM BEACH COUNTY, FLORIDA, BY
BOARD OF COUNTY COMMISSIONERS**

JOSEPH ABRUZZO,
Clerk of the Circuit Court & Comptroller

By: _____
Deputy Clerk