

## LANDS COMMITTEE MEETING AGENDA

### OPEN TO THE PUBLIC

April 9, 2019  
Following Board Meeting

District Headquarters  
Live Oak, Florida

1. Call to Order / Committee Roll Call
2. Public Comment

#### General Discussion / Updates

3. *Governing Board Directive 19-0001 - Water Resource Guidelines for Acquisition and Surplus of Lands*
4. *Governing Board Directive 19-0002 – Conservation Easements Amendment Guidelines*

#### Land Acquisition / Property Offers

5. *No Items*

#### Conservation Easement Modification Requests

6. *No Items*

#### Surplus Lands

7. *No Items*
8. Announcements
9. Adjournment

*A person may not lobby the District until such person has registered as a lobbyist with the Contracts and Procurement Coordinator by filing a registration form.*

#### *Definitions:*

*•"Lobbies" is defined as seeking to influence a district policy or procurement decision or an attempt to obtain the goodwill of a district official or employee. (112.3261(1)(b), Florida Statutes [F.S.]*

*•"Lobbyist" is a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. (112.3215(1)(h), F.S.)*

MEMORANDUM

TO: Lands Committee

FROM: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: March 22, 2019

RE: Approval of Governing Board Directive Number 19-0001, Water Resource Guidelines for Acquisition and Surplus of Lands

RECOMMENDATION

**Staff requests that the Lands Committee recommend to the Governing Board approval of Directive Number 19-0001 providing Land Acquisition and Disposal of Surplus Lands Guidelines.**

BACKGROUND

The revised draft directive is to provide clarification to the acquisition and surplus processes and guidelines and to enhance the structure of the Directive.

The revisions include title change, adding a definition, clarifying the process for property offers and regulatory mitigation conservation easements, providing conditions for surplus lands, revising criteria for water resource evaluation guidelines for acquisition and surplus, clarifying language for land acquisition and surplus lands guidelines, and reordering sections.

This directive supersedes Directives 99-01 LA, 06-01 LA, 2009-01 LA, 2011-03LM, 2011-01LM, 2015-001, GBD17-0002, and GBD18-0003.

/sm  
Attachments

# SUWANNEE RIVER WATER MANAGEMENT DISTRICT

## GOVERNING BOARD DIRECTIVE



**Directive Number:** GBD19-0001

**Date Approved:** TBD

**Subject:** Water Resource Guidelines for Acquisition and Surplus of Lands

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**Approval:** \_\_\_\_\_  
Virginia Johns, Chair

\_\_\_\_\_  
Richard Schwab, Secretary/Treasurer

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### **1.0 Reference to Prior Policy**

Supersedes Directives 99-01 LA, 06-01 LA, 2009-01 LA, 2011-03LM, 2011-01LM, 2015-001, GBD17-0002, and GBD18-0003.

### **2.0 Purpose and Intent**

The purpose of this Directive is to provide water resource guidelines for consideration in the land acquisition and surplus processes, establish procedures for determination of surplus lands, and create procedures for revenue derived from the disposal of lands acquired with Preservation 2000 and Florida Forever funds.

### **3.0 Definitions**

- A. For the purpose of this directive, surplus lands are defined as those District-owned property interests that either need not be acquired in a proposed project or no longer need to be owned to further the District's land conservation purposes of flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes, as per section 373.016, Florida Statutes (F.S.).
- B. The term "Current appraisal" shall mean, for purposes of section 4.B.9 for properties valued at \$25,000 or less, an appraisal conducted not more than 360 days prior to submission to the District. In all other instances it shall mean an appraisal conducted not more than 180 days prior to the date of submission to the District.

### **4.0 Elements of Directive**

#### **A.) Land Acquisition Process:**

- 1. Property offers shall be in accordance with Rule 40B-9.041, Florida Administrative Code. All bona fide offers must be received by the District by February 1 for funding

- consideration in the following fiscal year commencing October 1, unless otherwise authorized by the Lands Committee and Governing Board.
2. Staff shall develop and maintain a qualified project list which shall be presented to the Lands Committee and Governing Board for approval to identify priority projects.
  3. Regulatory Mitigation Conservation Easements, property donations, and unanticipated unique property offers are excluded from the process in 4.A.1.
    - a. Regulatory Mitigation Conservation Easements for preservation of natural systems are not required to be approved by the Lands Committee or Governing Board.
    - b. Regulatory Mitigation Conservation Easements as determined by staff to be inconsistent with natural system preservation shall be considered by the Lands Committee and Governing Board.

**B.) Surplus Lands Process:**

Determination of surplus lands shall be as follows:

1. A review shall be conducted of all potential surplus lands.
2. Potential surplus lands for consideration shall be presented to the Lands Committee at a regular-scheduled Committee meeting in which public comment will be received.
3. The Lands Committee approved list potential surplus lands shall be posted on the District website to inform the public of the next meeting in which the Governing Board will consider the proposed lands for surplus.
4. No lands shall be recommended to the Lands Committee or Governing Board for consideration as surplus unless an on-site inspection has been conducted by District staff within the four months prior to the recommendation.
5. At a regular-scheduled Governing Board meeting of which notice was given, the Governing Board shall receive public comment with regards to the lands considered for surplus. For lands acquired for conservation purposes as specified in sections 373.089(6)(c) and (d), F.S., including all lands in which the title was vested in the District prior to July 1, 1999, the Governing Board must determine the lands are no longer needed for conservation purposes by an affirmative vote of two-thirds of the Governing Board membership (six Board members) consistent with Article X, Section 18 of the Florida Constitution. All other lands may be designated as surplus and approved for disposal by a simple majority vote of the Governing Board.
6. At the time of the Governing Board's determination of lands as surplus, the Governing Board may also consider retention of a conservation easement over the property as a condition of the ultimate sale or exchange of the District's fee interest in the property.
7. At the time of the Governing Board's determination of lands as surplus, the Governing Board may also consider reservation of rights that may be needed for implementation of projects (restoration or water resource development) as a condition of the ultimate sale or exchange of the District's fee interest in the property.
8. A bona fide offer to purchase surplus lands shall consist of a written offer and a monetary deposit to be determined by the Lands Committee.
9. Upon receipt of a bona fide offer to purchase, an appraisal shall be initiated for surplus properties without a current appraisal.
10. Appraisals anticipating to cost more than \$15,000 shall be presented to the Lands Committee for consideration.
11. Requests for undeclared lands to be surplus shall be initiated only upon receipt of a current appraisal performed by an appraiser from the District's approved appraisal list or payment to the District to perform an appraisal.
12. Request for undeclared lands to be surplus and subdivided shall initiated only upon receipt of payment for a survey and appraisal.

**C.) Disposal of Surplus Lands:**

The District will follow the procedures in sections 373.056 and 373.089, F.S., when selling, conveying, and/or disposing of interests in real property as surplus lands.

**D.) Revenue Derived from the Proceeds of Surplus Lands:**

1. Revenue derived from the sale of Preservation 2000 lands shall be deposited into the Florida Forever Trust Fund within the Florida Department of Environmental Protection in accordance with section 259.101(5)(c), F.S.
2. Revenue derived from the sale of Florida Forever lands shall be deposited into a Florida Forever restricted fund which shall be used to implement the District's Florida Forever Work Plan.
3. Florida Forever Program funds that are unencumbered shall be managed pursuant to section 259.105, F.S.
4. The District's lands database shall be used to track and monitor sales of surplus lands and disclosed within the Annual Florida Forever Work Plan updates.

**E.) Water Resource Evaluation Guidelines for Acquisition and Surplus:**

The following water resource guidelines shall be used to screen voluntary property offers to sell lands for potential acquisition and to screen lands for potential surplus. Screening for water resources guidelines shall use the best available data. Staff shall present the screening results to the Lands Committee and Governing Board.

1. The extent to which the lands provide protection of Outstanding Florida Springs and Priority Focus Areas;
2. The extent to which the lands provide protection for Outstanding Florida Springs, Priority Focus Areas, and other springs (either directly or indirectly);
3. The extent to which the lands provide protection of surface waters (wetlands, lakes, springs, and streams);
4. The extent to which the lands provide flood protection;
5. The extent to which the lands are needed for implementation of water resource development projects, restoration, or other projects; and
6. The extent to which the lands provide conservation and protection of water resource values consistent with the objectives of the District's Florida Forever Work Plan.
7. The extent to which the lands benefit existing acquisition holdings.
8. The extent to which the lands enhance land management objectives.

**F.) Land Acquisition Guidelines:**

The detailed assessment of an owner's voluntary offer to sell lands shall seek to minimize the potential acquisition of surplus lands by employing the following practices prior to acquisition:

1. Project objectives shall be clearly stated;
2. Delineate project boundaries to meet project objectives;
3. Keep acquisitions within the project boundaries during negotiations whenever possible by offering alternatives such as the purchase of a conservation easement over lands adjacent to the project area; and
4. An analysis of potential surplus lands within an acquisition project when recommending an acquisition for approval to the Lands Committee and Governing Board.

**G.) Surplus Lands Guidelines:**

The following factors shall be considered in the analysis of the District's land holdings for determining which lands are no longer needed for conservation and make a recommendation for potential surplus.

1. The results of the screening as defined by the Water Resource Evaluation Guidelines for Acquisition and Surplus.
2. The extent to which disposing of the lands will adversely affect management effectiveness and efficiency.
3. The extent to which the lands are currently used by the public for recreational purposes.
4. Whether disposal of the lands would result in a net loss of lands open to public hunting.
5. The extent to which the lands provide other significant archaeological, historical, or ecological value.
6. The extent to which the lands provide a valuable linkage to conservation property owned by the District or other publicly owned conservation lands.
7. The extent to which the lands would be accessible to a future owner without causing adverse impacts to natural resources or hindering the District's management of the property (including prescribed fire management).
8. The extent to which the lands are marketable.
9. The extent to which concerns of other public conservation land managers or members of the public have been addressed.
10. The extent to which disposing of the lands will adversely affect potential future water resource development projects.
11. The extent to which lands are more suitable for management by others due to size or location with the District retaining a conservation easement.
12. The extent to which lands acquired for projects are no longer being pursued or the project is completed and the land or a portion thereof is no longer needed.
13. The extent to which lands acquired with Preservation 2000 or Florida Forever funds, the intent of the Act as prescribed in section 259.101(6), F.S.
14. For lands with merchantable timber, the extent to which disposing of the land would reduce timber revenue available to the District.
15. Access to public or private water and/or wastewater utilities.
16. Additional tools and data that become available.

**H.) Surplus of Lands to Governmental Entities Guidelines:**

The following criteria shall be considered in addition to the surplus lands guidelines for determining surplus potential:

1. Whether the community is designated as a REDI (Rural Economic Development Initiative) eligible community pursuant to section 288.0656, F.S.
2. Whether a long-term lease would accomplish the goals of the local governmental entity.

**I.) Surplus of Parcels Valued at \$25,000 or Less Guidelines:**

The following criteria shall be considered in addition to the surplus lands guidelines for determining surplus potential:

1. The proximity to District or other public conservation lands.
2. The ability of District to manage parcel.

# SUWANNEE RIVER WATER MANAGEMENT DISTRICT

## GOVERNING BOARD DIRECTIVE



Policy Number: GBD ~~18-0003~~19-0001

Date Approved: July 10, 2018 ~~April 9, 2019~~

Subject: **Water Resource Guidelines for Acquisition and Surplus of Lands ~~and Procedures for Determination and Disposal of Surplus Lands~~**

\_\_\_\_\_  
Virginia Johns, Chair

Approval:

\_\_\_\_\_  
~~Alphonas Alexander, Vice Chair~~ Richard Schwab,  
Secretary/Treasurer

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4. No lands shall be recommended to the Lands Committee or Governing Board for consideration as surplus unless an on-site inspection has been conducted by District staff within the four months prior to the recommendation
5. At a regular-scheduled Governing Board meeting of which notice was given, the Governing Board shall receive public comment with regards to the lands considered for surplus. For lands acquired for conservation purposes as specified in sections 373.089(6)(c) and (d), F.S., including all lands in which the title was vested in the District prior to July 1, 1999, the Governing Board must determine the lands are no longer needed for conservation purposes by an affirmative vote of two-thirds of the Governing Board membership (six Board members) consistent with Article X, Section 18 of the Florida Constitution. All other lands may be designated as surplus and approved for disposal by a simple majority vote of the Governing Board.
6. At the time of the Governing Board's determination of lands as surplus, the Governing Board may also consider retention of a conservation easement over the property as a condition of the ultimate sale or exchange of the District's fee interest in the property.
7. At the time of the Governing Board's determination of lands as surplus, the Governing Board may also consider reservation of rights that may be needed for implementation of

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projects (restoration or water resource development) as a condition of the ultimate sale or exchange of the District's fee interest in the property.

8. A bona fide offer to purchase surplus lands shall consist of a written offer and a monetary deposit to be determined by the Lands Committee.

9. Upon receipt of a bona fide offer to purchase, an appraisal shall be initiated for surplus properties without a current appraisal.

10. Appraisals anticipating to cost more than \$15,000 shall be presented to the Lands Committee for consideration.

11. Requests for undeclared lands to be surplusd shall be initiated only upon receipt of a current appraisal performed by an appraiser from the District's approved appraisal list or payment to the District to perform an appraisal.

12. Request for undeclared lands to be surplusd and subdivided shall initiated only upon receipt of payment for a survey and appraisal.

#### **C) Disposal of Surplus Lands:**

The District will follow the procedures in sections 373.056 and 373.089, F.S., when selling, conveying, and/or disposing of interests in real property as surplus lands.

#### **D) Revenue Derived from the Proceeds of Surplus Lands:**

1. Revenue derived from the sale of Preservation 2000 lands shall be deposited into the Florida Forever Trust Fund within the Florida Department of Environmental Protection in accordance with section 259.101(5)(c), F.S.

2. Revenue derived from the sale of Florida Forever lands shall be deposited into a Florida Forever restricted fund which shall be used to implement the District's Florida Forever Work Plan.

3. Florida Forever Program funds that are unencumbered shall be managed pursuant to section 259.105, F.S.

4. The District's lands database shall be used to track and monitor sales of surplus lands and disclosed within the Annual Florida Forever Work Plan updates.

#### **E) Water Resource Evaluation Guidelines for Acquisition and Surplus:**

Staff shall use the following water resource guidelines shall be used to screen voluntary property offers to sell lands for suitability for potential acquisition and to screen lands for suitability for potential surplus. -Screening for water resources guidelines shall use the best available data. Staff shall present the screening results to the Lands Committee and Governing Board.

1. The extent to which the lands contain areas of high aquifer recharge as determined by analysis of the best available data sources;

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1. The extent to which the lands provide protection of Outstanding Florida Springs and Priority Focus Areas;
2. The extent to which the lands provide protection for Outstanding Florida Springs, Priority Focus Areas, and other springs (either directly or indirectly) ~~as determined by analysis of Upper Floridan aquifer potentiometric surface elevations, springs conduit maps, riverine aquifer discharge zones, light detection and ranging (LiDAR) data, dye trace studies, and any other relevant information;~~
3. The extent to which the lands provide protection of surface waters (wetlands, lakes, springs, and streams);
- ~~4. The extent to which the lands provide protection of Outstanding Florida Springs;~~
- ~~5.4.~~ The extent to which the lands provide flood protection as determined by analysis of horizontal flooding extent and inundation depth with the Federal Emergency Management Agency (FEMA) one percent annual chance (100-year) flood event (AE flood zones);
- ~~6.5.~~ The extent to which the lands are needed for implementation of water resource development projects, restoration, or other projects; and
6. The extent to which the lands provide conservation and protection of water resource values consistent with the objectives of the District's Florida Forever Work Plan
7. The extent to which the lands benefit existing acquisition holdings.
8. The extent to which the lands enhance land management objectives.

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**F). Policy Direction for Land Acquisition of Lands Guidelines:**

~~During t~~The detailed assessment of an owner's voluntary offer to sell lands, staff shall seek to minimize the potential acquisition of surplus lands by employing the following practices prior to acquisition:

- ~~1. Staff shall state p~~Project objectives shall be clearly stated;
- ~~2. and d~~Delineate project boundaries to meet these project objectives as tightly as possible;
- ~~3. During negotiations, staff shall work with the voluntary seller to k~~Keep acquisitions within the project boundaries during negotiations whenever possible by offering alternatives such as the purchase of a conservation easement over lands adjacent to the project area; and-
- ~~4. Staff will present to the Lands Committee and Governing Board a~~An analysis of potential surplus lands within an acquisition project when recommending an acquisition for approval to the Lands Committee and Governing Board.

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**G). Policy Direction for Surplus of Lands Guidelines:**

~~Staff shall consider t~~The following factors shall be considered in the analysis of the District's land holdings for determining which lands are no longer needed for conservation and make a recommendation for potential surplus.

- 1. The results of the screening as defined by the Water Resource Evaluation Guidelines for Acquisition and Surplus Water Resource Guidelines section above;
- 2. The extent to which disposing of the lands will adversely affect management effectiveness and efficiency;

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- 3. The extent to which the lands are currently used by the public for recreational purposes.
- 4. Whether disposal of the lands would result in a net loss of lands open to public hunting.
- 5. The extent to which the lands provide other significant archaeological, historical, or ecological value.
- 6. The extent to which the lands provide a valuable linkage to conservation property owned by the District or other publicly owned conservation lands.
- 7. The extent to which the lands would be accessible to a future owner without causing adverse impacts to natural resources or hindering the District's management of the property (including prescribed fire management).
- 8. The extent to which the lands are marketable.
- 9. The extent to which concerns of other public conservation land managers or members of the public have been addressed.
- 10. The extent to which disposing of the lands will adversely affect potential future water resource development projects.
- 11. The extent to which lands are more suitable for management by others due to size or location with the District retaining a conservation easement.
- 12. The extent to which lands acquired for projects are no longer being pursued or the project is completed and the land or a portion thereof is no longer needed.
- 13. The extent to which lands acquired with Preservation 2000 or Florida Forever funds, the intent of the Act as prescribed in section 259.101(6), F.S.
- 14. For lands with merchantable timber, the extent to which disposing of the land would reduce timber revenue available to the District.
- 15. Access to public or private water and/or wastewater utilities. **and**
- 16. Additional tools and data that become available.

**H) Policy Direction for Conveyance Surplus of Lands to Governmental Entities**

**Guidelines:**

The following criteria shall be considered in addition to the surplus lands guidelines for determining surplus potential: ~~In addition to the policy direction for surplus lands factors used to determine surplus potential include:~~

- 1. Whether the community is designated as a REDI (Rural Economic Development Initiative) eligible community pursuant to section 288.0656, F.S.
- 2. Whether a long-term lease would accomplish the goals of the local governmental entity.

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**I) Policy Direction for Conveyance Surplus of Parcels Valued at \$25,000 or Less**

**Guidelines:**

The following criteria shall be considered in addition to the surplus lands guidelines for determining surplus potential: ~~In addition to the policy direction for surplus lands factors used to determine surplus potential include:~~

- 1. The proximity to District or other public conservation lands. **and**
- 2. The Ability of District to manage parcel.

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**J) Procedure for Determining Surplus Lands:**

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The procedure for determination of surplus lands shall be as follows:

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1. Staff will conduct a review shall be conducted of all potential surplus lands prior to presentation to the Lands Committee.
2. Staff will present potential surplus lands for consideration shall be presented to by the Lands Committee at a regularly scheduled Committee meeting in which public comment will be received.
3. The Lands Committee approved If the Committee approves the list potential surplus lands for consideration by the Governing Board, then staff will shall be posted post notice of consideration of the lands for surplus on the District website to inform the public of the next meeting in which the Governing Board will consider the proposed lands for surplus.
4. At the a regularly scheduled Governing Board meeting of which notice was given, the Governing Board will shall receive public comment with regards to the lands considered for surplus. For lands acquired for conservation purposes as specified in sections 373.089(6)(c) and (d), F.S., the Governing Board must determine the lands are no longer needed for conservation purposes by an affirmative vote of two-thirds of the Governing Board membership (six Board members) consistent with Article X, Section 18 of the Florida Constitution. All other lands may be designated as surplus and approved for disposal by a simple majority vote of the Governing Board.

No lands shall be recommended to the Governing Board for consideration as surplus unless an on-site inspection has been conducted by District staff within the four months prior to the recommendation.

At the time of the Governing Board's determination of lands as surplus, the Governing Board may also consider retention of a conservation easement over the property as a condition of the ultimate sale or exchange of the District's fee interest in the property.

At the time of the Governing Board's determination of lands as surplus, the Governing Board may also consider reservation of rights that may be needed for implementation of projects (restoration or water resource development) as a condition of the ultimate sale or exchange of the District's fee interest in the property.

#### **Procedure for Disposal of Surplus Lands:**

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The District will follow the procedures in sections 373.056 and 373.089, F.S., when selling, conveying, and disposing of interests in real property as surplus lands.

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#### **Procedure for Revenue Derived from the Proceeds of Surplus Lands:**

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Revenue derived from the sale of Preservation 2000 lands shall be deposited into the Florida Forever Trust Fund within the Florida Department of Environmental Protection in accordance with section 259.101(5)(c), F.S.

Revenue derived from the sale of Florida Forever lands shall be deposited into a Florida Forever restricted fund which shall be used to implement the District's Florida Forever Work Plan.

Florida Forever Program funds that are unencumbered shall be managed pursuant to section 259.105, F.S.

The District's lands database shall be used to track and monitor sales of surplus lands and disclosed within the Annual Florida Forever Work Plan updates.

MEMORANDUM

TO: Lands Committee

FROM: Steve Minnis, Deputy Executive Director, Business and Community Services

DATE: March 22, 2019

RE: Approval of Governing Board Directive Number 19-0002, Conservation Easements Amendment Guidelines

RECOMMENDATION

**Staff requests that the Lands Committee recommend to the Governing Board approval of Directive Number 19-0002 providing Conservation Easements Amendment Guidelines.**

BACKGROUND

The revised draft directive is to provide clarification to the acquisition and surplus processes and guidelines and to enhance the structure of the Directive.

The revisions include title change, creating definitions, clarifying the policy elements, providing and clarifying conditions pertaining to amendments, and reordering sections.

This directive supersedes Directives GBD15-0002 and GBD18-0001.

/sm  
Attachments

SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
GOVERNING BOARD DIRECTIVE



**Directive Number:** GBD19-0002  
**Date Approved:** TBD  
**Subject:** Conservation Easements Amendment Guidelines  
**Approval:** \_\_\_\_\_  
Virginia Johns, Chair  
\_\_\_\_\_  
Richard Schwab, Secretary/Treasurer

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**1.0 Reference to Prior Directive**

Supersedes Directives GBD15-0002 and GBD18-0001.

**2.0 Purpose and Intent**

It is the intent of this Directive to outline the policy and procedures approved for responding to requests from landowners to modify the terms of the conservation easements on their properties held by the Suwannee River Water Management District (District).

The Governing Board has purchased substantial real-estate rights through the use of conservation easements, as provided in sections 373.139 and 704.06, Florida Statutes (F.S.), to protect water and other resources on approximately 126,000 acres of property located in the District. These conservation easements were the product of negotiation and were purchased based upon the appraised value of the rights obtained. The terms of each conservation easement were approved by the Governing Board after conducting a public hearing thereon. All conservation easements owned by the District are valid in perpetuity.

**3.0 Definitions**

- A. Conservation Value Amendments means amendments in which the landowner or grantee requests the return of rights purchased by the District under the terms of the conservation easement.
- B. Mutually Beneficial Amendments means amendments initiated by the Landowner or District for which there are no substantive changes to the conservation easement and both parties benefit from the modification such as but not limited to, map revisions, or clarifications of language, or improves natural resource protection.

**4.0 Elements of Policy**

It is the policy of the Governing Board that modifications of the terms of existing conservation easements shall be minimized to protect the rights and resources that were purchased for public benefit. Any proposals that are submitted shall be for the most limited manner to achieve the stated request. The request must not conflict with the protection of the resources intended in the conservation easement. The request must be consistent with protection of the rights listed in section 704.06(1), F.S. If there is no other option to avoid

adverse effects to these rights, then a plan to mitigate for the impacts must be presented. In all cases, the public must receive a net-positive benefit for the request to be considered. After staff review to determine a request is complete, a staff report will be provided to the Lands Committee of the Governing Board. The Lands Committee will review the application and either request more information, reject the request, or move the request to the full Governing Board for consideration.

All requests for an amendment must be in writing. Any amendment must provide additional protection for water resources on the easement property, or nearby water resources. District expenses required to process the request shall be received prior to processing an amendment request for amendments proposed by landowner or grantee of the conservation easement.

Upon a completed request, a staff report will be provided to the Lands Committee. The Lands Committee will review the application and either request more information, reject the request, or move the request to the full Governing Board for consideration.

The Lands Committee and Governing Board will consider whether to allow a modification to a conservation easement based on general resource benefits which may or may not be subject to clear measurement in the real estate market, or otherwise.

Notwithstanding anything else herein to the contrary, the Governing Board shall not be required to take any action on any request.

**A. Types of Amendments:**

The types of amendments requested are generally divided into two different types (1) Mutually Beneficial Amendments and (2) Conservation Value Amendments.

**B. Mutually Beneficial Amendments:**

1. Landowner initiated amendments must provide the following:

- a. Amendments must result in equal or net increase in conservation values.
- b. Information including, but not limited to, completing necessary field reviews, submitting amended language, completing ArcGIS analyses, maps and delivering all data to the District, or a combination of providing District information and paying for District staff time.
- c. Landowner and District will share (usually shared equally) the expenses associated with the amendment such as staff time, legal fees, surveying fees, appraisal fees, recording costs, and other pertinent expenses. The expenses shall be documented by both parties and retained at District Headquarters. If the District's expenses exceed the Landowners expenses the Landowner shall pay its share so that the expenses are balanced in advance of processing the amendment by the District.
- d. The District shall provide an estimate of the Landowner's share of the expenses to Landowner. Landowner shall pay its share of the estimated expenses prior to District beginning evaluation of proposed amendment. If the actual expenses are less than the estimated expenses, the District will refund the overpayment to the Landowner. If the actual expenses are greater than the estimated expenses, the Landowner shall pay the balance in advance of the execution of the amendment by the District. Landowners' applications for amendments must result in equal or net increase in conservation values.

2. District initiated amendments must provide the following:
  - a. Written consent of the landowner or grantee.
  - b. Cost estimate of amendment.
3. District initiated amendments do not require a sharing of the expenses by the landowner or grantee.
4. Provided that the Executive Director finds a request for a Mutually Beneficial Amendment which does not seek a substantive change in the Conservation Easement and that the District will benefit from the requested modification (only map revisions or the clarification of language), the Executive Director may bypass the Lands Committee and have the request placed directly on the Governing Board meeting agenda for consideration.

**C. Conservation Value Amendments:**

1. Landowner must pay all the expenses associated with the amendment such as staff time, legal fees, surveying fees, appraisal fees, recording costs, and other pertinent expenses.
  - a. The District shall provide an estimate of such expenses to Landowner.
  - b. Landowner shall pay the estimated expenses to the District prior to District beginning evaluation of proposed amendment. If the actual expenses are less than the estimated expenses, the District shall refund the overpayment to the Landowner. If the actual expenses are greater than the estimated expenses, the Landowner shall pay the balance in advance of the execution of the amendment by the District.
2. Landowner must provide the District with a complete request before the District will process the request.
  - a. Information may include, but is not limited to, completing necessary field reviews, preparing amended language, completing ArcGIS analyses, survey, appraisal, maps, and other pertinent data as appropriate.
  - b. Upon staff's determination that the information is complete, it will be submitted for Lands Committee consideration and, if approved, Governing Board consideration.
3. District staff may have proposed changes in conservation values of the easements appraised or professionally valued at the landowner's cost, if applicable.
4. Landowner requests for amendments must result in a net increase in conservation value, and landowners may propose measures to offset losses in conservation values. Offsets in losses to conservation values must occur on the land encumbered by the conservation easement.
5. Landowner may be required to pay to the District the value of the rights returned under the modified conservation easement.

**D. District Sponsored Water Resource Projects Amendments:**

1. Landowner and District may find improvements that can be made to the easement property which will provide significant public and water resource benefit.
2. The parties will negotiate an equitable share of the expenses associated with projects on conservation easements.
3. District shall provide an estimate of the Landowner's share of the expenses to Landowner, where appropriate. Landowner shall pay its share of the estimated expenses prior to District beginning evaluation of proposed amendment. If the actual expenses are less than the estimated expenses, the District will refund the overpayment to the Landowner. If the actual expenses are greater than the estimated expenses, the Landowner shall pay the balance in advance of the execution of the amendment by the District.

**E. Amendment Information Requirements:**

The following information must be provided, where appropriate. Additional information may be requested by District staff during the evaluation of the amendment.

1. Specify the terms of the easement to be modified, and why the terms are no longer acceptable.
2. Identify the proposed modified terms and map revisions.
3. Provide a professional assessment of the impact to natural resources on the easement property.
4. Provide an estimate of the value of the modification to the whole easement developed by a real estate appraiser or other professional.
5. Provide a brief explanation as to how the proposed modifications are mutually beneficial or provide resolution for changes in conservation values.
6. Identify how the landowner plans to share the cost and responsibility of the mutually beneficial amendments.
7. Provide an appraisal to determine conservation value modifications by a qualified appraiser who is registered, licensed or certified under Part II, Chapter 475, F.S.;
8. Provide information to support the appraisal.
9. Identify proposed public resource impacts, positive or negative, of the proposed amendment.;
10. Provide a survey that meets District standards with legal description of requested changes.

DRAFT

# SUWANNEE RIVER WATER MANAGEMENT DISTRICT

## GOVERNING BOARD DIRECTIVE



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**Directive Number:** GBD198-000X4  
**Date Approved:** September 19, 2018  
**Subject:** Applications for the Amendment of Terms of Conservation Easements Amendment Guidelines

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**Approval:** \_\_\_\_\_  
Virginia Johns, Chair  
  
\_\_\_\_\_  
Richard Schwab, Secretary/Treasurer

### 1.0 Reference to Prior Directive

Supersedes Directives This Directive supersedes and replaces GBD15-0002 and GBD18-0001.

### 2.0 Purpose and Intent

It is the intent of this Directive to outline the policy and procedures approved for responding to requests from landowners to modify the terms of the conservation easements on their properties held by the Suwannee River Water Management District (~~the~~ "District").

**Background:** The Governing Board has purchased substantial real-estate rights through the use of conservation easements, as provided in Sections 373.139 and 704.06, Florida Statutes (F.S.), to protect water and other resources on approximately 126,000 acres of property located in the District. These conservation easements were the product of negotiation and were purchased based upon the appraised value of the rights obtained. -The terms of each conservation easement were approved by the Governing Board after conducting a public hearing thereon. All conservation easements owned by the District are valid in perpetuity.

### 3.0 Definitions

A. Conservation Value Amendments means amendments in which the landowner or grantee requests the return of rights purchased by the District under the terms of the conservation easement.

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B. Mutually Beneficial Amendments means amendments initiated by the Landowner or District for which there are no substantive changes to the conservation easement and both parties benefit from the modification such as but not limited to, map revisions, or clarifications of language, or improves natural resource protection. None

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### 4.0 Elements of Policy

It is the policy of the Governing Board that modifications of the terms of existing conservation easements ~~should shall~~ be minimized to protect the rights and resources that were purchased for public benefit. Any proposals that are submitted ~~should shall~~ be for the most limited manner to achieve the stated request. -The request must not conflict with the protection of the

resources intended in the conservation easement. The request must be consistent with protection of the rights listed in ~~Section~~ Section 704.06(1), Florida Statutes F.S. If there is no other option to avoid adverse effects to these rights, then a plan to mitigate for the impacts must be presented. In all cases, the public must receive a net-positive benefit for the request to be considered.

All requests for an amendment must be in writing. Any amendment must provide additional protection for water resources on the easement property, or nearby water resources. District expenses required to process the request shall be received prior to processing an amendment request for amendments proposed by landowner or grantee of the conservation easement.

Upon a completed request, ~~After staff review to determine the request is complete,~~ a staff report will be provided to the Lands Committee of the Governing Board. The Lands Committee will review the application and either request more information, reject the request, or move the request to the full Governing Board for consideration.

The Lands Committee and Governing Board will consider whether to allow a modification to a conservation easement based on general resource benefits which may or may not be subject to clear measurement in the real estate market, or otherwise. ~~It shall be the decision of the Governing Board as to what the final consideration will be for the amendment after review of applicant's request, staff recommendations and public comment.~~

Notwithstanding anything else herein to the contrary, the Governing Board shall not be required to take any action on any request.

**A. Types of Amendments:**

The types of amendments requested are generally divided into two different types (1) Mutually Beneficial Amendments and (2) Conservation Value Amendments. ~~Mutually Beneficial Amendments are those amendments initiated by the Landowner or District for which there are no substantive changes to the Conservation Easement and both parties benefit from the modification such as map revisions, or clarifications of language or improves natural resource protection. Conservation Value Amendments are those amendments in which the landowner requests the return of rights purchased by the District under the terms of the conservation easement.~~

**Amendment Application Procedure:**

Any application ~~All requests~~ for an amendment must be in writing. -Any amendment must provide additional protection for water resources on the easement property, or nearby water resources ~~lands,~~ in addition to compensation for the modified terms and any District expenses required to process the request ~~shall be received prior to processing an amendment request for amendments proposed by landowner or grantee of the conservation easement.~~

**B. Mutually Beneficial Amendments:**

- 1. Landowner ~~initiated amendments~~ must provide the following:
  - a. ~~Amendments must result in equal or net increase in conservation values.~~
  - ~~Payment of shared expenses associated with the amendment.~~

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- ~~b. Landowner provides information to the District for the amendment.~~ Information may include including, but is not limited to, completing necessary field reviews, preparing submitting amended language following District standards, completing ArcGIS analyses, maps and delivering all data to the District, or a combination of providing District information and paying for District staff time.
- ~~c. Landowner and District will share (usually shared equally) the expenses (i.e. staff time, legal fees, surveying fees and recording costs) associated with the amendment such as staff time, attorney's legal fees, fees, surveying fees, appraisal fees, cost of recording costs, and other pertinent expenses. The expenses shall be documented by both parties and retained at District Headquarters. If the District's expenses exceed the Landowners expenses the Landowner shall pay its share so that the expenses are balanced in advance of the execution processing of the amendment by the District.~~
- ~~d. The District shall provide an estimate of the Landowner's share of the expenses to Landowner. Landowner shall pay its share of the estimated expenses prior to District beginning evaluation of proposed amendment. If the actual expenses are less than the estimated expenses, the District will refund the overpayment to the Landowner. If the actual expenses are greater than the estimated expenses, the Landowner shall pay the balance in advance of the execution of the amendment by the District. Landowners' applications for amendments must result in equal or net increase in conservation values.~~

2. District initiated amendments must provide the following:

a. Written consent of the landowner or grantee.

• b. Cost estimate of amendment.

3. District initiated amendments do not require a sharing of the expenses by the landowner or grantee.

4. Provided that the Executive Director finds a request for a Mutually Beneficial Amendment which does not seek a substantive change in the Conservation Easement and that the District will benefit from the requested modification (only map revisions or the clarification of language), the Executive Director may bypass the Lands Committee and have the request placed directly on the Governing Board meeting agenda for consideration.

**C. Conservation Value Amendments:**

1. Landowner must pay all the expenses (associated with the amendment such as staff time, legal fees, surveying fees, appraisal fees, recording costs, and other pertinent expenses, i.e. staff time, legal fees, surveying fees, and recording costs) associated with the amendment.

a. The District shall provide an estimate of such expenses to Landowner. Landowner b.

• b. Landowner shall pay the estimated expenses to the District prior to District beginning evaluation of proposed amendment. If the actual expenses are less than the estimated expenses, the District will shall refund the overpayment to the Landowner. If the actual expenses are greater than the estimated expenses, the Landowner shall pay the balance in advance of the execution of the amendment by the District.

• 2. Landowner must provide the District with a complete request before the District will process the request. Landowner provides information to the District for the amendment.

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o a. Information may include, but is not limited to, completing necessary field reviews, preparing amended language following District standards, completing ArcGIS analyses, survey, appraisal, maps, and delivering all data to the District other pertinent data as appropriate.

o b. Upon staff's determination that the information is complete, it will be submitted for Lands Committee consideration and, if approved, Governing Board consideration.

- 3. District staff may have proposed changes in conservation values of the easements appraised or professionally valued at the landowners landowner's cost, if applicable.
- 4. Landowner requests for amendments must result in a net increase in conservation value, and landowners may propose measures to offset losses in conservation values. Offsets in losses to conservation values must occur on the land encumbered by the conservation easement.
- 5. Landowner may be required to pay to the District the value of the rights returned under the modified conservation easement.

**D. District Sponsored Water Resource Projects on Conservation Easements Amendments:**

- 1. Landowner and District may find improvements that can be made to the easement property which will provide significant public and water resource benefit.
- 2. The parties will negotiate an equitable share of the expenses associated with projects on conservation easements.
- 3. District shall provide an estimate of the Landowner's share of the expenses to Landowner, where appropriate. Landowner shall pay its share of the estimated expenses prior to District beginning evaluation of proposed amendment. -If the actual expenses are less than the estimated expenses, the District will refund the overpayment to the Landowner. -If the actual expenses are greater than the estimated expenses, the Landowner shall pay the balance in advance of the execution of the amendment by the District.

**E. An Applicant may be required to provide the following items in writing depending on request Amendment Information Requirements:**

The following information must be provided, where appropriate. Additional information may be requested by District staff during the evaluation of the amendment.

- 1. Specify the terms of the easement to be modified, and why the terms are no longer acceptable.
- 2. Identify the proposed modified terms and map revisions.
- 3. Provide a professional assessment of the impact to natural resources on the easement property.
- 4. Provide an estimate of the value of the modification to the whole easement developed by a real estate appraiser or other professional.
- 5. Provide a brief explanation as to how the proposed modifications are mutually beneficial or provide resolution for changes in conservation values.
- 6. Identify how the landowner plans to share the cost and responsibility of the mutually beneficial amendments.
- 7. Provide an appraisal to determine conservation value modifications by a qualified appraiser who is registered, licensed or certified under Part II, Chapter 475, F.S.;
- 8. Provide information to support the appraisal.

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- ▲ 9. Identify proposed public resource impacts, positive or negative, of the proposed amendment. ~~and/or;~~
- ▲ 10. Provide a survey that meets District standards with legal description of requested changes.

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**Consideration of the Amendment Request:**

~~After staff review to determine the request is complete, a staff report will be provided to the Lands Committee of the Governing Board. The Lands Committee will review the application and either request more information, reject the request, or move the request to the full Governing Board for consideration.~~

~~The Governing Board will consider whether to allow a modification to a conservation easement based on general resource benefits which may or may not be subject to clear measurement in the real estate market, or otherwise. It shall be the decision of the Governing Board as to what the final consideration will be for the amendment after review of applicant's request, staff recommendations and public comment.~~

~~Provided that the Executive Director finds a request for a Mutually Beneficial Amendment which does not seek a substantive change in the Conservation Easement and that the District will benefit from the requested modification (only map revisions or the clarification of language), the Executive Director may bypass the Lands Committee and have the request placed directly on the Governing Board meeting agenda for consideration.~~

~~Notwithstanding anything else herein to the contrary, the Governing Board shall not be required to take any particular action on any particular request.~~