

POLICY FOR THE ACCEPTANCE OF CONSERVATION LANDS

Palm Beach County (“County”) will consider the acceptance of conservation lands to be donated to the County for management by the Department of Environmental Resources Management (“ERM”) on a case-by-case basis. In order to donate conservation lands to the county, the party or parties owning the conservation lands must send a written request to ERM for evaluation. The written request must include proof of ownership of the property and authority to convey an interest in the property to the County. ERM will review the request, using the following considerations as guidelines to determine if acceptance of the private preserve would further the goals of ERM and the County’s Natural Areas Program:

- 1) Will the conservation lands be conveyed to the County by way of a long-term non-revocable lease and management agreement (i.e., agreement for more than fifty (50) years) or deeded fee simple to the County?; and
- 2) Is the conservation land a) immediately adjacent to and contiguous with an existing natural area managed by ERM and is it configured such that its inclusion into the adjacent natural area will provide an exceptional benefit to the management of the natural area by adding desirable habitat for listed species or evening-out or squaring-off the natural area’s boundaries; or b) not immediately adjacent to an existing natural area, but consisting of at least 15 acres of scrub or scrubby flatwoods habitats, or 50 acres or more of other wetland/upland habitat type?; and
- 3) Is the conservation land a continuous piece of property that is not affected by roads, structures, irregular boundaries or other configurations that would make management of the preserve more difficult or costly?; and
- 4) Is the conservation land free of nonnative or invasive vegetation (less than 5% coverage)?; and
- 5) Is the conservation land currently in compliance with any and all permit requirements associated with the property, including but not limited to any monitoring, reporting, and survivorship requirements specified in all applicable permits?; and
- 6) Is the conservation land clear of restrictions, such that it can be included into the adjacent natural area and managed subject to both the County’s Natural Areas Ordinance (94-13) and other land management activities that ERM deems necessary to maintain or restore native vegetation communities within the conservation land, such as prescribed burns?; and
- 7) Is the conservation land clear of restrictions such that public access on the property is allowed for passive resource-based recreational and educational activities?; and
- 8) Will the conservation lands donation be accompanied by a financial commitment from the donating entity (e.g., a developer or a homeowners’ association) to fund the management and maintenance cost (as determined by ERM) to preserve land in perpetuity, either through an endowment trust fund or an annual assessment fee that will be adjusted annually, based on the inflation rate as tied to the consumer price index?; and
- 9) Will the party/entity donating the conservation lands pay all costs associated with the donation, including but not limited to title commitment, surveys, recording fees, and taxes?

If during the evaluation by ERM, the considerations numbered 1-9 are all answered in the affirmative, ERM will recommend to the Board of County Commissioners (“BCC”) that the conservation lands be accepted by the County for management by ERM. If the answer to any of

the above cited 9 considerations is negative, ERM will recommend approval or denial of the management request based on the given circumstances and overall environmental benefit of accepting the conservation lands. ERM may also look at additional factors, including but not limited to, the following:

1. Does the conservation land contain storm water retention areas that perform primary stormwater treatment?; and
2. Does the conservation land contain water control structures that will need to be operated and maintained by ERM?; and
3. Will the donating entity agree that it will not object to the County's future land management activities, including but not limited to prescribed fire, vegetation removal by mechanical methods or herbicide treatments, and hydrologic alterations (unless they adversely affect drainage on the adjacent parcels) within the conservation land and/or natural area?

After evaluation of all of the above cited considerations, ERM will then make a recommendation to the BCC. The recommendation will include the rationale for the recommendation and identification of any potential impacts to the County, such as costs for the land management activities or the need for increased staffing to manage the conservation lands. If the recommendation is to accept the conservation lands donation, ERM will work with the County Attorney's Office ("CAO") and the Property and Real Estate Management Division ("PREM") to prepare the necessary agenda item for the BCC to consider accepting the conservation lands for management by ERM. If the BCC votes to accept the conservation lands donation and the associated land management responsibilities, ERM will work with the CAO and PREM to close any necessary real estate transactions and establish any needed funding mechanisms for the management activities. If the recommendation is to not accept the donation or long term lease and management agreement, the requesting party or parties will be notified of the decision in writing and thanked for the opportunity to consider the donation.