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## **Conservation Land & Mangrove Trimming Historical Summary**

February, 1995: The District granted an easement through the coastal parcels south of the pier to the developer, Fru-Con, allowing for Fru-Con to construct the boardwalk. At that date, however, Fru-Con owned the coastal parcels, not the District. Also on that same date, the Florida Department of Environmental Protection (FDEP) issued a permit to Fru-Con for construction of the boardwalk.

October, 1995: Fru-Con conveyed the coastal parcels south of the pier to the District by warranty deed.

December, 1995: At the request of Fru-Con, the FDEP amended the boardwalk permit to include trimming of mangroves within the section of coastal lands adjacent to The Estuaries. In consideration for this, the FDEP required Fru-Con to grant a conservation easement across all of the coastal parcels north and south of the pier to the FDEP (14 acres). As of October, however, the District was the legal owner of the coastal parcels south of the pier, not Fru-Con. The FDEP terms also included removal of brazilian pepper trees from within the conservation land by Fru-Con and the conveyance of approximately 13 acres of submerged land by Fru-Con to the state.

January, 1996: Two new conservation easements were granted to the FDEP across the same coastal lands that were already encumbered by the conservation easement granted in December of 1995; one granted by the District across the parcels it owned to the south of the pier and the second by Fru-Con across the parcel it owned north of the pier.

October 1998: As part of turn-over of The Estuaries Association by Fru-Con to the owners, Fru-Con requested FDEP transfer the mangrove trimming permit from that of being in Fru-Con's name to that being in the name of The Estuaries Condominium Association. FDEP approved the permit transfer a month later.

May, 2000: The Estuaries Association, having been the permittee for mangrove trimming since 10/98, applied to the FDEP to modify the mangrove trimming configuration.

December, 2000: The FDEP granted Estuaries' modification request and in doing so, required Estuaries to augment the native habitat with the planting of three-hundred indigenous grasses. The new permit terms also required The Estuaries Association to grant yet another conservation easement across the lands south of the pier. Not only was Estuaries not the owner of the conservation lands, but the lands were already encumbered by the previous conservation easements.

April, 2004: The mangrove trimming permit was again modified to transfer the permittee from being The Estuaries to the Community Development District.

June, 2004: The District applied to FDEP to again modify the permit to change the trimming configuration from that which was all behind The Estuaries to the present-day configuration of four eighty-foot wide corridors; one each behind the two Bay Club buildings, one behind The Estuaries and one behind Bay Pointe.

June, 2005: FDEP granted a new permit in accordance with the District's request; which permit required the District to further augment the lands by planting approximately 1.4 acres of native buttonwoods and mangroves and the installation of conservation easement signage.

July, 2005: A new conservation easement across lands south of the pier was granted to the FDEP by the District. This easement, which is in-place today, required discontinuation of trimming mangroves that were being trimmed in accordance with previous permits. Any mangroves that were trimmed previously, but are not located within the four new "view corridors", were left alone to re-grow to a natural state.

Present-Day: The extent of mangrove trimming has been reduced from the maximum amount of 546 linear feet in 2000 for the benefit of the 24 units of The Estuaries to 320 linear feet for the benefit of 160 units of The Estuaries, Bay Pointe and Bay Club condominiums. Residents who once had a view of Terra Ceia Bay from their condo no longer have a view. Some units have a view while others in the same building and on the same floor do not.

### **The Mangrove Trimming & Preservation Act**

- Professional trimming has potential to maintain beneficial attributes of mangroves.
- Mangrove trimming for the benefit of multifamily residential units should equitably distributed.
- "Riparian mangrove fringe" includes mangroves growing within property owned by a governmental entity and set aside for conservation if the conservation documents include a provision for mangrove trimming.
- Maintenance trimming of mangroves having been previously trimmed in accordance with a permit is exempt from requiring a new permit if such trimming is consistent with previous permit(s).
- Mangrove trimming in riparian mangrove fringe areas to reestablish or maintain previously trimmed mangroves is exempt from requiring a permit.
- Historically established maintenance trimming is grandfathered in all respects, notwithstanding any other provisions of law.