

Bill Coy Preserve
Land Management Plan
FCT Project #08-014-FF8

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Prepared for
Florida Communities Trust

by
Charlotte County
Community Services Department

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Abbreviations and Acronyms

ATV	All-terrain vehicle
CHEC	Charlotte Harbor Environmental Center
DEP	Florida Department of Environmental Protection
DNR	Florida Department of Natural Resources
DOF	Fl. Dep. of Agri, And Consumer Svc. Div. of Forestry
FNAI	Fl. Natural Areas Inventory
FWC	Fl. Fish and Wildlife Conservation Commission
HCP	Habitat Conservation Plan
MP	Management Plan
Natural Resources	Charlotte County Natural Resources Division
SWFWMD	SWFL Water Management District
USGS	United States Geologic Survey
USFWS	United States Fish and Wildlife Service

1.0 INTRODUCTION

Bill Coy Preserve is an 80-acre tract of environmentally sensitive land located in west central Charlotte County adjacent to Highway 776 and on the north shore of Buck Creek, which is included in and discharges directly into the Lemon Bay Aquatic Preserve. Bill Coy Preserve is in the Township 41 South, Range 20 East, Section 21 of the United States Geological Survey (USGS) Englewood Quadrangle (**Exhibit A**). Bill Coy Preserve was acquired with grant funding from Florida Communities Trust (FCT) and the Conservation Charlotte environmentally sensitive land acquisition program. This Management Plan (MP) has been developed to ensure that the Preserve will be developed in accordance with the Grant Award Agreement and in furtherance of the purpose of the grant application (**Appendix D**).

This property was acquired to conserve approximately 80 acres of environmentally sensitive land including scrub, scrubby flatwoods, mesic pine flatwoods and wetlands adjacent to Buck Creek (**Exhibit D**). Listed species present or with the potential to be present include: nesting bald eagles (*Haliaeetus leucocephalus*), no longer listed, wood storks (*Mycteria Americana*), gopher tortoises (*Gopherus polyphemus*), tricolored herons (*Egretta tricolor*), little blue herons (*E. caerulea*), snowy egrets (*E. thula*), white ibis (*Eudocims alba*), and the American Alligator (*Alligator mississippiensis*), Eastern indigo snake (*Drymarchon couperi*), gopher frog (*Rana capita*), Florida mouse (*Podomys floridanus*), Sherman's fox squirrel (*Sciurus niger cinereus*), Florida scrub-jay (*Aphelocoma coerulescens*), southeastern American kestrel (*Falco sparverius paulus*), reddish egret (*E. rufescens*), American oystercatcher (*Haematopus palliastes*), sandhill crane (*Grus Canadensis*), roseatte spoonbill (*Ajaia ajaja*), and brown pelican (*Pelecanus occidentalis*).

The MP outlines the monitoring and management activities for the property. Key management strategies include exotic/invasive species removal and/or control and prescribed burns when possible. The property will be open to the public and passive use recreation (e.g. hiking, birdwatching, and kayaking etc..) is permitted and enjoyment of the property is encouraged. Ordinances prohibiting destructive uses such as ATV use, camping, illegal dumping, creating new trails and others are already in existence.

Adjacent land use is a mixture of residential and commercial. There are no anticipated conflicts regarding the use or management of this property. The county has other environmentally sensitive properties within 5 miles of Bill Coy Preserve, including Cedar Point Environmental Park, Oyster Creek Environmental Park and Amberjack Environmental Park and to date conflict with the use or management of those properties has been minimal.

2.0 PURPOSE

The primary purpose of the acquisition of the Bill Coy Preserve is to ensure the property will be maintained forever in natural condition and to prevent any use of the property

that will impair or interfere with the environmental value of the property. Ecosystem level functions will be restored to the property through management and will provide additional preserved lands in Western Charlotte County. The Project Site will be managed only for the conservation, protection and enhancement of natural resources, and for public outdoor recreation that is compatible with the conservation, protection and enhancement of the site.

The secondary purpose of the acquisition of the Bill Coy Preserve is to provide passive recreational opportunities and environmental education. While recreation is secondary, Charlotte County understands that conservation of natural resources can be achieved only if the land is used and appreciated. Therefore, the recreational components of this project will include hiking trails, a canoe launch, a picnic pavilion, and a wildlife observation platform (**Exhibit F**). All recreational amenities will be sited to have the lowest possible impact on the property. For example, the trails and the open-air classroom have been sited outside the regulatory buffer of the eagle nest so as not to disrupt their nesting behavior. Also, the canoe launch has been will be located to have the least impact on the mangrove fringe along Buck Creek, while still providing an accessible launch site. Visitors will be educated by interpretive signs, brochures, and programs about listed species, native communities, prescribed fire, the Lemon Bay Indians and their artifacts, Lemon Bay watershed and why conservation of native communities and ecosystems is critical in this part of Florida.

Acquisition of the property also enhances the greater Englewood community and the greater Lemon Bay ecosystem in several ways. Permanently preserving approximately 2,400 linear feet of undeveloped mangrove shore line communities along Buck Creek ensures that these areas will continue to be used by spawning and growing fish, thus protecting recreational and commercial fisheries. Additionally, because a portion of the property is within a designated storm surge zone and the entire property is within the 100-year floodplain, the future uses of this property as a designated Commercial Center subjects the community to catastrophic commercial losses by hazard mitigation. However, preservation will increase protection and buffer neighboring developed areas. Acquisition of this property furthers the goals of many government and non-government organizations including: Charlotte Harbor National Estuary Program (CHNEP), Southwest Florida Water Management District (SWFWMD), Florida Department of Environmental Protection (FDEP), United States Fish and Wildlife Service (USFWS), and Florida Fish and Wildlife Conservation Commission (FWC). Each of these organizations stresses preservation of native communities as part of their goals.

The purpose of the MP is to outline the natural resources of this area, monitoring and management objectives, and to provide a framework and estimated schedule for management activities. This MP will be modified as necessary and adaptive management principals will allow staff to change land management strategies over time as practical management applications are monitored to meet management goals for the property.

This Flatwoods community has suffered losses, fragmentation, and degradation, particularly in the coastal counties. Bill Coy Preserve 's primary habitats are mesic and scrubby pine flatwoods.

The “development” of this site will consist of a natural recreation area with several different natural communities with educational opportunities to emphasize to the community the importance of conservation. With the various habitat types present on this property recreational and educational opportunities abound. The property currently has a nesting pair of bald eagles on site and with the addition of a canoe/kayak launch furthering access to Buck Creek as well as Lemon Bay Aquatic Preserve marine and estuary habitats will be more easily accessed by enthusiasts as well as casual observers. This property has upland habitat as well as freshwater marsh and tidal stream. The open-air classroom can be utilized by various local schools as part of their scientific curriculum.

The management objectives for Bill Coy Preserve are:

- Conservation/protection of natural resources.
- Educational outreach for the protection of the watershed.
- Recreational opportunities for public enjoyment/appreciation of the property.
- Provide access to Lemon Bay Aquatic Preserve.
- Restore overgrown pine flatwoods
- Remove exotic species which threaten natural communities.

Several comprehensive plan directives will be furthered by the acquisition and management of this property. The Intergovernmental Coordination Element will be furthered by the interaction of numerous agencies in effort to successfully management this property in conjunction with the Lemon Bay Aquatic Preserve, which is managed by DEP. **Policy 1.4.4** directs use to coordinate with other government agencies on various levels from local to federal to meet the management needs Charlotte Harbor and Lemon Bay Aquatic Preserve. Given that Buck Creek empties into Charlotte Harbor and the Lemon Bay Aquatic Preserve, management of this property and watershed will be part of the health and management of both the Charlotte Harbor and the Lemon Bay Aquatic Preserve. Another directive of the comprehensive plan that will be furthered by the management of Bill Coy Preserve is the Recreation and Open Space Element, specifically addressed as **FLU Policy 1.1.1**. The directive here is to preserve open space, farmland, natural beauty and critical environmental areas. Within this objective are several policies that define or clarify the goal of encouragement of multiple use county resources, protection and restoration of natural systems and control of exotic plants. **REC Goal 1:** Parks and Open Space directs us to encourage multiple use of county resources, where appropriate to maximize the gain in the acquisition of property. **ENV Policy 2.2.7:** Environmental Acquisition and Management directs us to acquire and manage environmental lands to retain their environmental value. **ENV Policy 2.3.6** directs us to develop an exotic plant eradication program. This policy will ensure the

maximum benefit from a restored and protected natural system thereby producing long term high value of the property.

The zoning and future land use for the property were changed in 2010 to Environmentally Sensitive and Preservation respectively. In the future, all reference to Bill Coy Preserve either in literature or in advertising will be identified as acquired using "Florida Communities Trust" funding and will be operated as a natural conservation area, outdoor recreation area or other appropriate descriptive language.

3.0 NATURAL AND CULTURAL RESOURCES

Bill Coy Preserve contains upland and wetland habitats located on Lemon Bay Aquatic Preserve and Buck Creek. Natural communities that are present on Bill Coy Preserve include; Scrubby Pine Flatwoods, Mesic Pine Flatwoods, Tidal Swamp, Tidal Stream, Freshwater Marsh and Hydric Hammock. Native vegetation communities will be managed in a manner that maintains the natural, functional and or successional integrity. Staff monitors the site throughout the year, when occurrences of previously unknown protected and special plant and animal species are observed onsite these observations will be reported to FNAI utilizing the FNAI Field Report Forms or on the FNAI web site at: http://www.fnai.org/FNAI_data/RareSpeciesDataForm.cfm

3.1 Natural Communities

Scrubby pine flatwoods

Scrubby Pine Flatwoods cover most the Bill Coy Preserve at 36.91 acres. The scrubby pine flatwoods are characterized by an open canopy forest of slash pine (*Pinus elliottii*) over a sub-canopy of sand live oak (*Quercus geminate*), myrtle oak (*Q. myrtifolia*), Chapman oak (*Q. chapmanii*), live oak (*Q. virginiana*), and scattered cabbage palm (*Sabal palmetto*). The mid-story is dominated by saw palmetto (*Serenoa repens*), with rusty lyonia (*Lyonia ferruginea*), gallberry (*Ilex glabra*), tarflower (*Bejaria racemose*), and winged sumac (*Rhus copallina*). Understory plants include wire grass (*Aristida spp.*), coontie (*Zamia pumila*), lupine (*Lupinus spp.*) blueberry (*Vaccinium spp.*) and yucca (*Yucca spp.*). This is essentially a fire-maintained community. Ground vegetation is extremely sparse and leaf fall is minimal, thus reducing the chance of frequent ground fires. The challenge with maintenance of this property by fire is the proximity to occupied residential dwellings. In lieu of fire as a management tool mechanical reduction will be key to the management of this property. Charlotte County has exhibited success with this practice at other properties with a comparable situation of occupied residential homes near the site.

Management goals for this habitat type are:

- Reduction in canopy cover by 20%. 2017 assessment is canopy coverage of 60-70%.
- Reduction of palmetto understory by 30%. 2017 assessment is 70-80% understory coverage.

The mesic pine

Mesic Pine flatwoods (19.88 acres) are dominated by an over-story of slash pine. The sub-canopy includes live oak, laurel oak (*Q. laurifolia*), and cabbage palm. The mid and understory are dominated by saw palmetto, with scattered gallberry and rusty lyonia, wax myrtle (*Morella cerifera*), beauty berry (*Callicarpa Americana*), winged sumac, wire grass, and blueberry. Mesic Flatwoods (synonyms: pine flatwoods, pine savannahs, pine barrens) are characterized as an open canopy forest of widely spaced pine trees with little or no understory but a dense ground cover of herbs and shrubs. Without relatively frequent fires, Mesic Flatwoods succeed into hardwood-dominated forests whose closed canopy can essentially eliminate the ground cover herbs and shrubs.

Management goals for this habitat type are:

- Reduction of canopy cover by 20%. 2017 assessment is canopy coverage of 60-70%

Scrubby Pine Flatwoods

The scrub area (2.75 acres) is dominated by sand live oak, myrtle oak, Chapman oak, and live oak over an understory of scattered saw palmetto, rusty lyonia, and wax myrtle, and is often characterized as a closed to open canopy forest of sand pines with dense clumps or vast thickets of scrub oaks and other shrubs dominating the understory. Scrub occurs almost exclusively in Florida, although coastal scrubs extend into adjacent Alabama and Georgia. This is a fire-maintained community and without the presence of fire within this system the scrub may succeed into xeric hammock

Management goals for this habitat type are:

- Reduce largest live oaks (oaks over 3m) by 50%, approximately 30 trees.
- Increase bare sand between oak “clumps” by 20%. 2017 assessment estimates 10-20%.

Tidal Stream

The tidal stream (7.97 acres) includes areas of open water in Buck Creek. Much of the creek bed is sand/soft unconsolidated material. There are some seagrasses and oyster beds in the southwest portion of the property.

Management goals for this habitat type are:

- Continue exotic maintenance. Brazilian pepper is the dominant exotic in this habitat.

Tidal Swamp

The tidal swamp (3.29 acres) consists of mangroves located in a fringe along Buck Creek. The mangrove area is dominated by red mangrove (*Rhizophora mangle*) although black mangrove (*Avicennia marina*) also occurs.

Management goals for this habitat type are:

- Scattered Brazilian pepper (*Schinus terebinthifolius*) occurs within and just outside the mangrove fringe and will be removed.

Freshwater Marsh

Two freshwater marshes occur within the Bill Coy Preserve. The northwestern freshwater marsh consists of a 1.86-acre cattail monoculture (*Typha spp.*). A 0.19-acre freshwater marsh occurs on the central portion of the property. Vegetation includes

swamp fern (*Blechnum serrulatum*), sand cord grass (*Spartina bakeri*), slash pine, and wax myrtle.

Management goals for this habitat type are:

- Reduction of the cattail monoculture by 40%.
- Reduction of the willow density of 25%. 2017 assessment estimates are approximately 5 acres

Hydric Hammock

The hydric hammock (6.39 acres) area is located on the northern portion of the site. The hydric hammock consists of cabbage palms, laurel oaks, coastal plain willow (*Salix caroliniana*), slash pines, and wax myrtle over cordgrass, flatsedges (*Cyperus spp.*) hems, golden polyplody (*Phlebodium aureum*), and grapevine (*Vitis spp.*)

Management goals for this habitat type are:

- Continued maintenance of exotic/invasive species. Species treated to date include air-potato, Brazilian pepper, rosary pea and Ceasar weed.

The overall water quality will be enhanced because of the removal of invasive species (Brazilian pepper). This removal of invasive plants will further the growth, health and function of existing native mangrove species along Buck Creek.

3.2 Invasive/Exotic Plants and Feral Species Management

Bill Coy Preserve is in good condition with little disturbance at the site. The need for removal of exotic invasive plant species is essential for the maintenance of healthy natural Florida ecosystems. As mitigation for impacts to mangroves during the construction of the kayak/canoe launch an area along the north boundary of the property was treated for exotic/invasive vegetation. If any species are discovered on the project site that are listed on the Florida Exotic Pest Plant Council's list of Florida's Most Invasive Species (**Appendix B**), they will be removed in a timely manner to prevent the spread of these species on site.

Monitoring

The site is monitored on a regular basis, to exclusively assess the presence of invasive/exotic plant and animal species.

3.3 Restoration

The 1.86-acre cattail monoculture will be replanted with willow to increase biodiversity. The types of native species to be used for restoration of the monocultures that will be removed or reduced (in the case of the cattail monoculture) were selected for maximum potential for increased biodiversity as well as suitability to the proposed area. All management of the property will be photo documented, with both before and after management pictures.

Most natural communities on the site are primarily fire maintained. Due to the proximity to an occupied residential community prescribed burning is not a viable

maintenance option now but we will continue to pursue prescribed fire as a management goal. The alternative is mechanical reduction. Charlotte County Parks and Natural Resources has had success with mechanical reduction as a maintenance practice at other properties.

3.4 Prescribed Burning

Most of the vegetative communities within the Bill Coy Preserve are fire dependent. After consultation with Florida Department of Forestry it has been determined that prescribed burning is not a viable management option for this parcel due to the proximity to residential community bordering both the north and west boundary. In the absence of fire this property will be managed with mechanical reduction/thinning. Staff will construct "fire-wise" lines along the parameter of the preserve to provide added protection for the surrounding community. While burning is not an option now with continued mechanical fuel reduction staff will continue to explore the potential opportunities for utilization of fire as a management tool.

3.5 Feral Animal Program

At the time of drafting this document staff has observed no evidence to support the presence of a feral animal population on the property. The Bill Coy Preserve will be monitored annually for presence of feral animals. Should any evidence of habitation be discovered, Charlotte County has an active contract with USDA for the management of exotic/feral species. The contract will be modified to include Bill Coy Preserve.

3.6 Listed Species

Based on the existing cover types at least two plant species have potential to be present on the Bill Coy Preserve. Florida bonamia (*Bonamia grandiflora*) and Beautiful pawpaw (*Deeringothalamnus pulchellus*) both have potential to be found on the property based on FNAI cover types and Beautiful pawpaw has been documented within Charlotte County.

Listed species present or with the potential to be present include: nesting bald eagles (*Haliaeetus leucocephalus*), no longer listed, wood storks (*Mycteria Americana*), gopher tortoises (*Gopherus polyphemus*), tricolored herons (*Egretta tricolor*), little blue herons (*E. caerulea*), snowy egrets (*E. thula*), white ibis (*Eudocims alba*), and the American Alligator (*Alligator mississippiensis*), Eastern indigo snake (*Drymarchon couperi*), gopher frog (*Rana capita*), Florida mouse (*Podomys.floridanus*), Sherman's fox squirrel (*Sciurus niger cinereus*), Florida scrub-jay (*Aphelocoma coerulescens*), southeastern American kestrel (*Falco sparverius paulus*), reddish egret (*E. rufescens*), American oystercatcher (*Haematopus palliates*), sandhill crane (*Gms Canadensis*), roseatte spoonbill (*Ajaia ajaja*), and brown pelican (*Pelecanus occidentalis*). A significant portion of the Bill Coy Preserve contains habitat located identified by Florida Fish and Wildlife Conservation Commission(FWC) in the 2012 Statewide Wildlife Action Plan as the highest priority threatened habitat types.

Previous management techniques discussed, such as elimination of exotic/invasive and reduction of cattail monoculture will enhance existing habitat for listed species.

Mechanical reduction of the understory will enhance the habitat many of the listed species found on or with potential to be found on the property. Mechanical reduction will maximize forage diversity as well create growth opportunities for listed flora species.

3.7 Inventory of Natural Communities

The natural communities will be monitored once per year. In this routine monitoring, photo points will be taken, and any information on identified listed species will be forwarded to the Florida Natural Areas Inventory using the forms located in (**Appendix A**).

3.8 Archeological, Cultural and Historic Resource Protection

The protection and management of any discovered archaeological and historical resources on the project site will be coordinated with Division of Historical Resources. The collection of artifacts or the disturbance of archaeological and historic sites on the Project Site will be prohibited unless prior authorization has been obtained from the Department of State, Division of Historical Resources. The management of the archaeological and historic resources will comply with the provisions of Chapter 267, Florida Statutes. Specifically, Sections 267.061 2(a)and (b)."

A cultural resource assessment survey was conducted in 2012, and Bill Coy Preserve is not recognized by a local historic board or the Division of Historical Resources as being significant at the local, regional, or state level (**Appendix C**).

4.0 SITE DEVELOPMENT AND IMPROVEMENT

4.1 Acknowledgement Sign

The acknowledgment sign will be designed to "FCT" specifications, at least 3' x 4', and include the FCT logo, the date the property was acquired and with FCT funds. Signs are being created to assist the public in enjoying the features of this property. In addition to the acknowledgment sign trail signs and signs directing the public to the canoe/kayak launch site as well as other site amenities are on the property.

4.2 Existing Physical Improvements

Currently there is an existing network of sidewalks connecting Bill Coy Preserve with Oyster Creek and Amberjack Environmental Park. There is an existing trail running through the Bill Coy Preserve. Charlotte County staff have installed a kayak/canoe launch, a wildlife observation platform, and an open-air schoolhouse as well as installed bench and kiosk. The canoe/kayak launch has a driveway extending to it from the parking area. The open-air classroom is 14ft X 24ft. The observation platform is 15ft x 21.5 ft (322.5 sqft), and includes an ADA accessible ramp and a bench. Each of these

improvements have had minimal impacts on the natural resources on the project site. Parking area accommodates 6 standard sized vehicles and is enclosed with smooth wire fencing. Due to the parking lot construction, a pervious material such as shell, no adverse storm water impacts have been observed. A bike rack is located adjacent to the parking area to accommodate cyclist's arrival to Bill Coy Preserve.

4.3 Proposed Physical Improvements

The resource-based recreation improvements include: a 2-mile approximate nature walk trail, canoe/kayak launch, and an open-air classroom. The nature walk trail is foot travel only to minimize the impacts to the ecosystem. Benches have been placed at three locations along the trail to allow the public to rest when necessary. The nature trail will loop and provide access the open-air classroom and (when installed) the wildlife observation platform. Waste receptacles are provided at the parking area and the kiosk. All utility lines will be buried when possible. Because these physical improvements cause some minimal disturbance Charlotte County will monitor the improved areas; parking lot, nature trail, wildlife observation platform and canoe launch, for evidence of exotic/invasive species colonization. Prior to the construction/installation of any improvements Charlotte County will conduct surveys for listed species to insure no listed/threatened species will be impacted by any improvements made at Bill Coy Preserve.

Any proposed modification of the Management Plan and/or undertaking any site alterations or physical improvements that are not addressed in the Recipient's approved Management Plan requires prior FCT review and approval.

4.4 Wetland Buffer

A 100-foot buffer will be provided between parking lots, major facilities, and wetlands (*Exhibit E*).

4.5 Stormwater Facilities

Storm water facilities were designed to provide recreational open space or wildlife habitat in a park-like setting and are minimal along the entry road.

4.6 Hazard Mitigation

The Bill Coy Preserve is located entirely within the 100-year floodplain (*Exhibit I*). As such no major structures are planned for construction on the property. The kayak/canoe launch is located on Buck Creek and the open-air classroom, picnic pavilion and parking lot are located more than 100 feet from the creek (*Exhibit F*). Another important fact is that this property will act as a buffer for wind and storm surge associated with a storm event.

4.7 Education Program

Charlotte County provides at least 12 regularly scheduled environmental or historical educational programs per year at Bill Coy Preserve conducted by trained educators or resource professionals.

Charlotte County has a current contract with Charlotte Harbor Environmental Center. This contract provides for 12 guided walks per year. In addition to these walks county staff and volunteers from CHEC conduct some exotic/invasive flora species treatments.

4.8 Permits

Charlotte County has obtained a permit for the installation of the kayak/canoe launch. The permit, #08-0309208-002, was required by FDEP due to impacts to mangroves along the shoreline. In mitigating those impacts to mangroves Charlotte County has treated exotic flora along the north property line and reestablished native species near the wetland in the northwest corner of the preserve. The monitoring schedule to maintain compliance is included in the table in section 6. Additional local permits are anticipated for the installation of the wildlife observation platform; no impacts to mangroves or the aquatic resources are anticipated.

4.9 Easements, Concessions and Leases

There are no existing easements, concessions or leases involving this property at the time of drafting of this management plan.

Charlotte County will provide FCT 60-day prior written notice and information regarding any lease of any interest, the operation of any concession, any sale or option, the granting of any management contracts, and any use by any person other than in such person's capacity as a member of the public and no document will be executed without the prior written approval of FCT.

If fees are collected on the project site, all fees will be placed in a segregated account solely for the upkeep and maintenance of the Project Site.

5.0 MANAGEMENT NEEDS

5.1 Coordinated Management

Community Services' staff is committed to working with all interested parties in accomplishing the management goals. When appropriate, Staff works on coordination and management of these lands with various County Departments, the Parks and Recreation Advisory Board. Coordination also takes place with FFS, DEP, and FWC concerning permitting and wildlife management where necessary. The Charlotte County Sherriff's Office assist in coordinating security on the property.

Water quality monitoring within Charlotte Harbor is administered by the Charlotte Harbor National Estuary Program (CHNEP). Department staff will assist and coordinate with NEP as necessary.

5.2 Greenways and Trails

The acquisition of Bill Coy Preserve provides a connection point along the paddling trail between Oyster Creek Environmental Park, Lemon Bay Aquatic Preserve, Stump Pass Beach State Park and Don Pedro Island State Park (*Exhibit C*). The acquisition of Bill Coy Preserve protects 2,400 linear feet of riparian corridor along Buck Creek. Bill Coy Preserve will protect a riparian corridor that may serve as stopovers for listed wading birds and migrating birds as well as providing recreational opportunities such as kayaking and canoeing.

Charlotte County Parks and Natural Resources staff will coordinate with appropriate agencies in an effort protect water quality and the existing natural communities.

5.3 Staffing

Charlotte County Parks and Natural Resources Division staff will be assigned to the Bill Coy Preserve. Land Management Staff will be responsible for implementing the land management strategies and coordinating the educational sessions. Staff will coordinate with Charlotte Harbor Environmental Center, Inc staff and volunteers to provide 12 educational sessions on the property.

5.4 Public Education and Outreach

The County is committed to providing appropriate outdoor recreational opportunities and educational programming opportunities designed to facilitate a greater understanding and appreciation of the historical and natural resources. Public education and outreach at Bayshore Live Oak Park may include:

- **Interpretive signs**
 - Interpretive signs onsite educate visitors about the unique history of the site and the surrounding natural environment
- **Education Programs**
 - Charlotte County is committed to providing at least 12 regularly scheduled environmental or historical education programs at the project site
 - Currently a non-profit organization is contracted to conduct the educational programs throughout the year

5.5 Maintenance

Charlotte County Community Services has the responsibility for managing and maintaining the Park. The maintenance objectives for the Park are visitor and employee health, safety, and welfare, maintenance of aesthetic qualities, and protection of natural resource values. Structures, such as bridges and fences, are inspected during monthly site inspections for maintenance and repair needs. Exotic vegetation treatment needs are met with both habitat management and trail maintenance activities. The site will have dedicated staff to perform routine maintenance tasks, including:

- Mowing and pruning of vegetation around the entrance, parking areas, trails, and fire breaks

- Upkeep and cleaning of the facilities (including parking areas, fencing, kiosks, and signage)
- Garbage and debris removal
- Land Management (including removal of exotic species and prescribed burning)

The Division may utilize contracted and/or volunteer services as needed to assist in maintenance tasks.

5.6 Security

Charlotte County is concerned about both the safety of visitors and the protection of natural resources. Community Services staff ultimately has the responsibility for site security, including prevention of vandalism, property damage, and trespassing. A three-tiered approach to site security is employed:

- **Signage and Fencing** – Signs shall be installed to educate users against restricted or prohibited activities.
- **Staff** – Division staff monitors the park site, repairs damage by vandalism, and takes measures to clarify restricted activities to citizens with signage
- **Sheriff and Fire/EMS** – Charlotte County Sheriff's Department is often the first line of defense against vandalism by providing regular police patrols along the park boundaries

6.0 COST ESTIMATE AND FUNDING SOURCES

A portion of this Park was acquired using funds from FCT. The remainder was funded by Charlotte County Local Option Sales Tax and ad valorem County taxes. The Park will be managed using ad valorem County taxes.

The cost estimate was broken into five major categories:

- **Structures and Improvements**
 - Parking - \$1,000
- **Natural Resource Protection**
 - Exotic vegetation treatment - \$2,000
 - Feral animal/Exotic plant monitoring – in house
 - Listed species survey – in house or volunteer
- **Educational Program**
 - Contracted Services - \$2,100 annually
- **Maintenance**
 - Mechanical Reduction-in house
- **Staffing** – See Section 5.3

7.0 PRIORITY SCHEDULE

A priority schedule that details a timeline for major events is included in *Appendix D*. This priority schedule covers 2017-2032.

8.0 MONITORING AND REPORTING

Charlotte County Natural Resources staff will prepare and submit an Annual Stewardship Report on October 30th of each year that will outline the implementation of the management plan. If any modification of the management plan is needed, or site alterations are needed, Charlotte County will seek FCT review and approval prior to any such work.

Division staff will also prepare and submit an annual revenue report. This report will contain data on revenue earned during the previous State Fiscal Year. FCT provides a Revenue Reporting Form for this purpose.

In addition to the Annual Stewardship Report to FCT Charlotte County is required to prepare a report for permit #08-0309208-002. This permit is associated with the installation of the kayak/canoe launch.

Staff will conduct Florida Scrub Jay surveys within the preserve every 5 years. Historical data indicates no Scrub Jays are present on the property. Frequency of surveys can be altered if habitat becomes suitable for receipt of translocated Scrub Jays.

8.1 Stewardship Report

It is the Division's responsibility to provide an Annual Stewardship Report each year on or before October 30th, as required by Rule 9K-7.013 F.A.C. which evaluates the implementation of the Management Plan.

Any proposed modification of the Management Plan and/or undertaking any site alternations or physical improvements that are not addressed in the FCT-approved Management Plan requires FCT review and approval.

8.2 Revenue Report

The FCT is required annually to report on revenue earned on project sites acquired with FCT grant funds. In order to meet this requirement, by July 31 of each year, the Division will provide an annual report of revenue earned in the previous State Fiscal Year, July 1 through June 30.

8.3 Habitat Assessment Monitoring

Provisions to periodically monitor the site will insure the continued viability of vegetative communities, plant species and animals found on the site and to control invasive/exotic vegetation.

9.0 REFERENCES

FLEPPC. 2015. *List of Florida's Invasive Species*. Florida Exotic Pest Plant Council. Internet: <http://www.fleppc.org/list/2015FLEPPCLIST-LARGEFORMAT-FINAL.pdf>

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Hipes, D., D. Jackson, K. NeSmith, D. Printiss, and K. Brandt. 2001. *Field guide to the rare animals of Florida*. Florida Natural Areas Inventory.

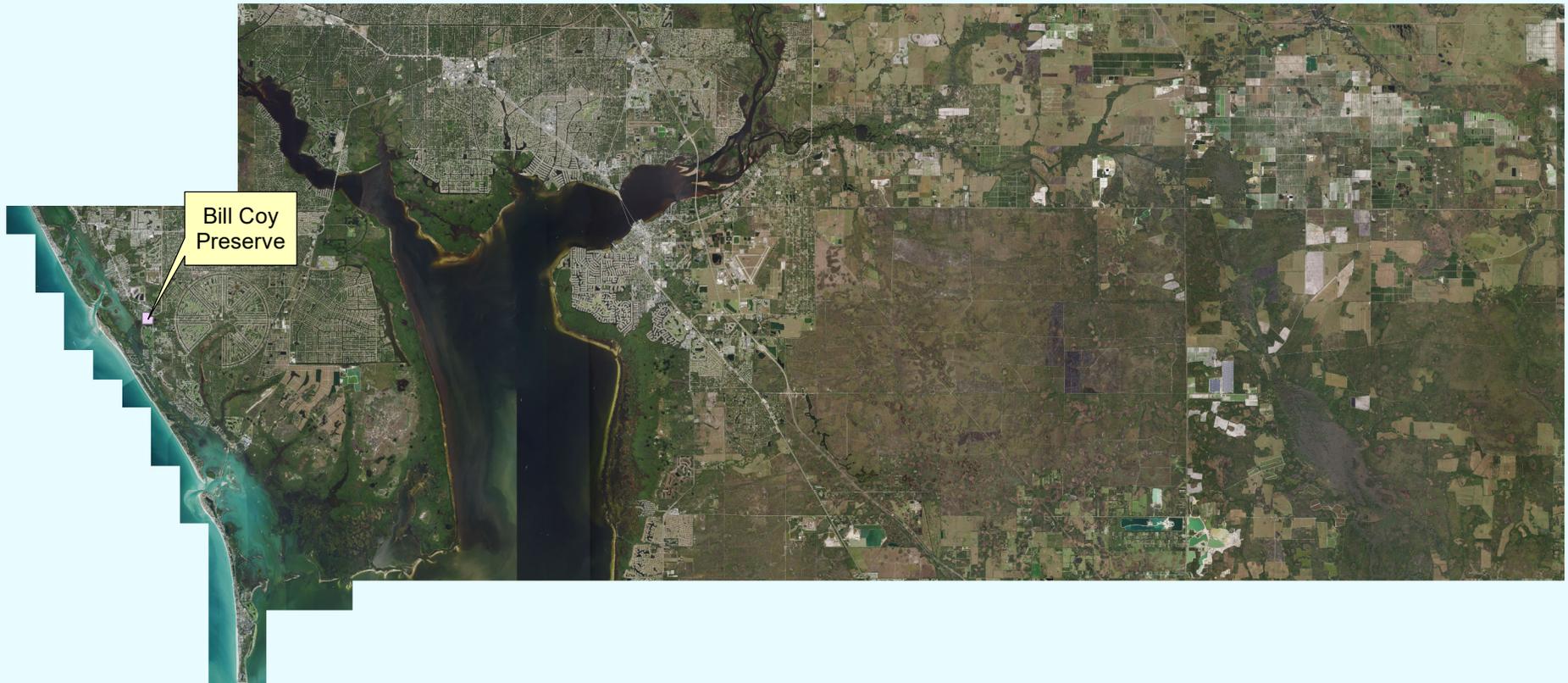
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Soil Conservation Service. 1981. *Soil survey of Charlotte County*. United States Department of Agriculture.

Wunderlin, R. P., and B. F. Hansen. 2008. Atlas of Florida Vascular Plants (<http://www.plantatlas.usf.edu/>). [S. M. Landry and K. N. Campbell (application development), Florida Center for Community Design and Research.] Institute for Systematic Botany, University of South Florida, Tampa.

CHARLOTTE COUNTY

Bill Coy Preserve
Exhibit A - Location Map



Stateplane Projection
Datum: NAD83
Units: Feet

Source: Community Development

Metadata available upon request

Park Address:
5350 Placida Rd.
Englewood, FL 34224

Directions from I-75:

- Take I-75 Exit 179 for Toledo Blade Blvd.
- Head South on Toledo Blade Blvd. for 6.4 miles
- Turn right onto FL-776 and head west for 12 miles
- Turn left onto Winchester and head south for 2.9 miles
- Turn left onto Placida Rd. and continue for .2 miles
- Turn right into the Bill Coy Preserve



(Not To Scale)

CHARLOTTE COUNTY

Bill Coy Preserve
Exhibit B - Boundary Map



CHARLOTTE COUNTY
Community Development



Stateplane Projection
Datum: NAD83
Units: Feet

Source: Community Development

Metadata available upon request

Legend

 Preserve Boundary



(Not To Scale)

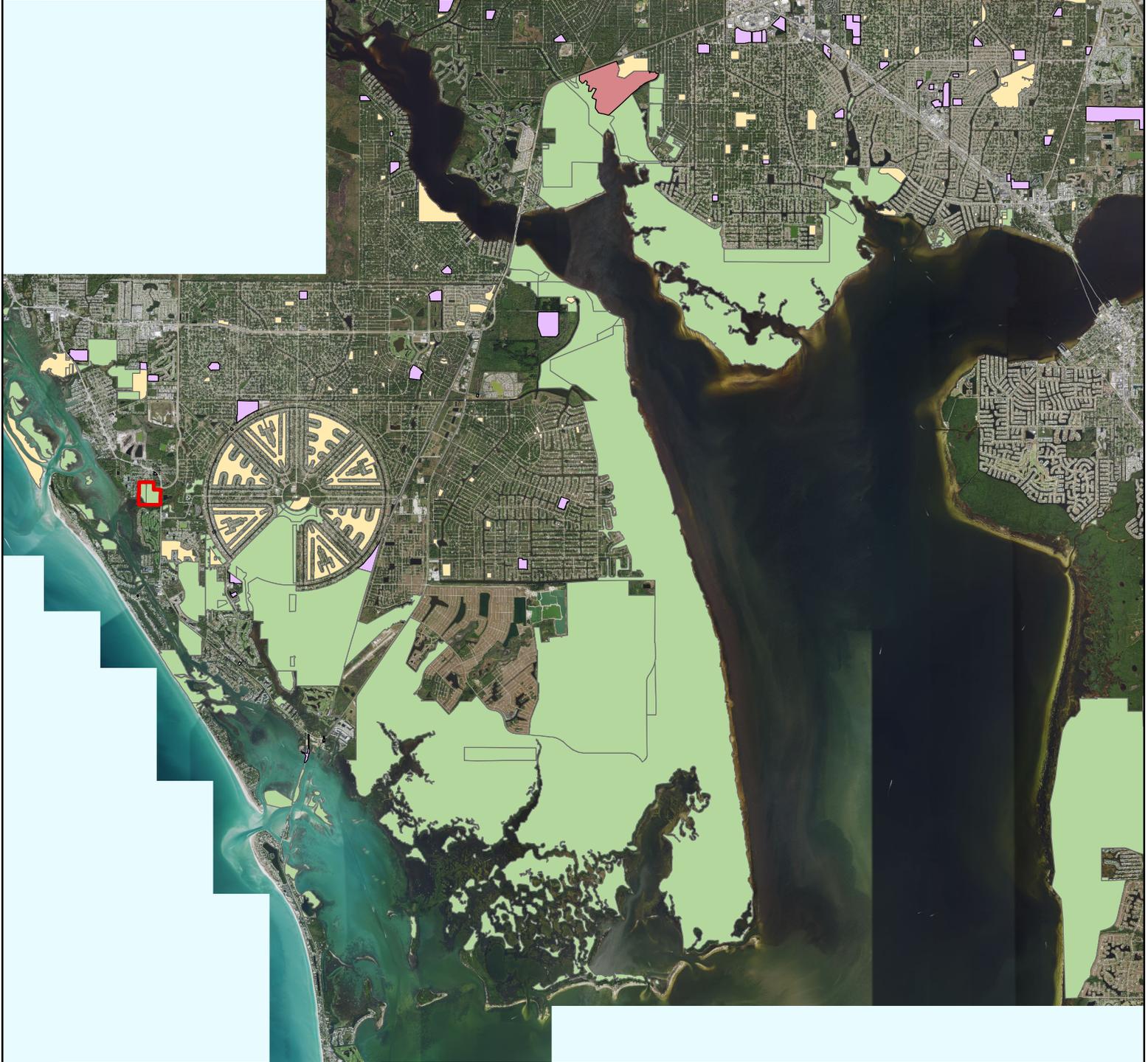
CHARLOTTE COUNTY

Bill Coy Preserve

Exhibit C - Public Lands Map



CHARLOTTE COUNTY
Community Development



Public Lands

Stateplane Projection
Datum: NAD83
Units: Feet

Source: Community Development

Metadata available upon request

-  Parks & Recreation
-  Preservation
-  Public Lands & Facilities
-  Resource Conservation
-  Preserve Boundary



(Not To Scale)

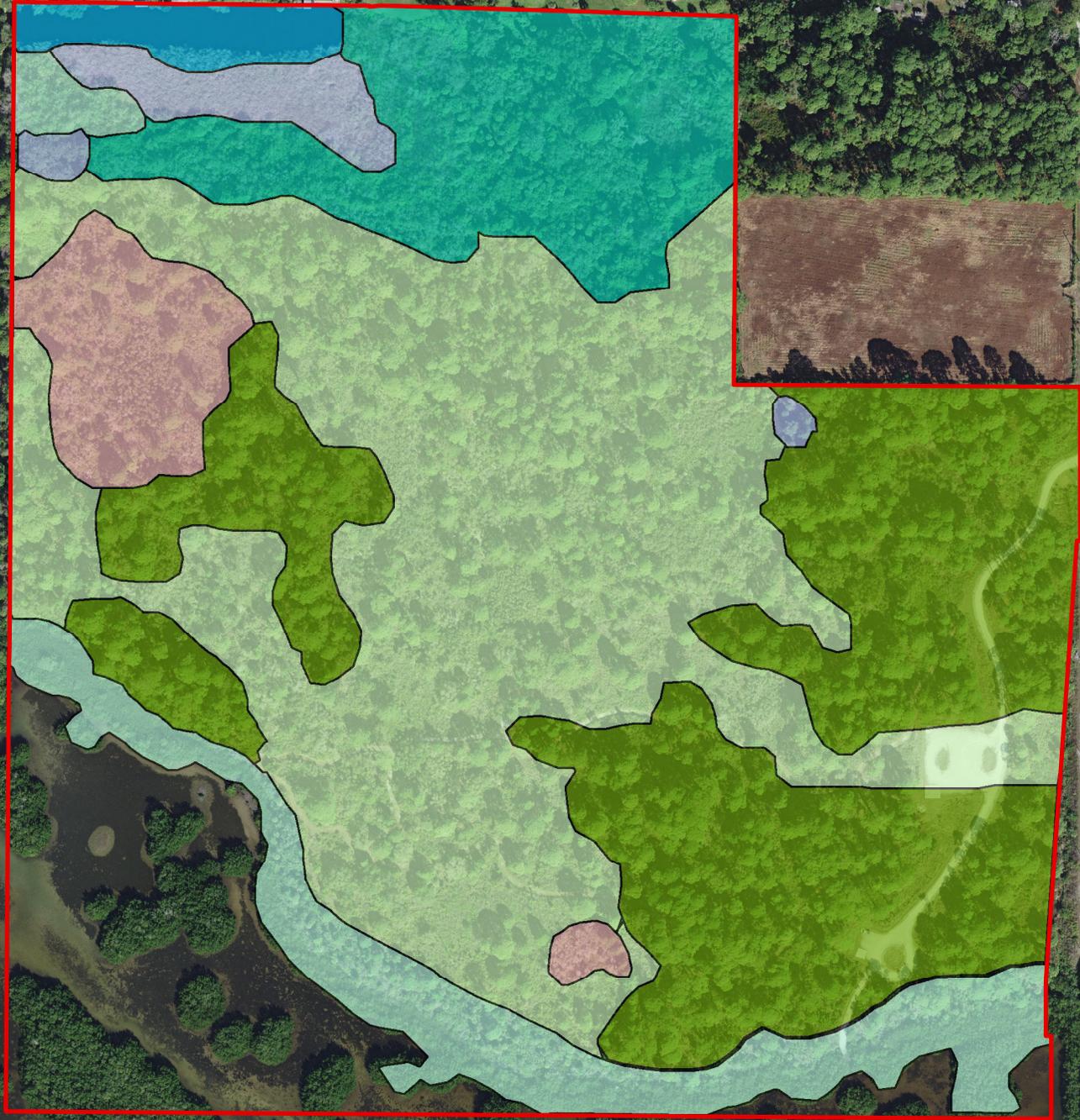
CHARLOTTE COUNTY

Bill Coy Preserve

Exhibit D - Natural Communities Map



CHARLOTTE COUNTY
Community Development



Natural Communities

Stateplane Projection
Datum: NAD83
Units: Feet

Source: Community Development

Metadata available upon request

 Borrow Pond

 Freshwater Marsh

 Hydric Hammock

 Mesic Pine Flatwoods

 Scrub

 Scrubby Pine Flatwoods

 Tidal Swamp

 Preserve Boundary



(Not To Scale)

CHARLOTTE COUNTY

Bill Coy Preserve
Exhibit E - Soils Map



CHARLOTTE COUNTY
Community Development



Legend

 Preserve Boundary

Soil Type

 Immokalee sand

 Kesson fine sand

 Matlacha gravelly fine sand

 Matlacha-Urban land complex

 Myakka fine sand

 Smyrna fine sand



(Not To Scale)

Stateplane Projection
Datum: NAD83
Units: Feet

Source: Community Development

Metadata available upon request

CHARLOTTE COUNTY

Bill Coy Preserve
Exhibit F - Master Site Plan



CHARLOTTE COUNTY
Community Development



Legend

Stateplane Projection
Datum: NAD83
Units: Feet

Source: Community Development
Metadata available upon request

Preserve Boundary

Trails
 Primary 0.57 mi

Amenities

- Bench
- Picnic Pavilion
- Kayak Launch
- Kiosk

- Outdoor Education Platform
- Parking
- Picnic Pavilion
- Platform



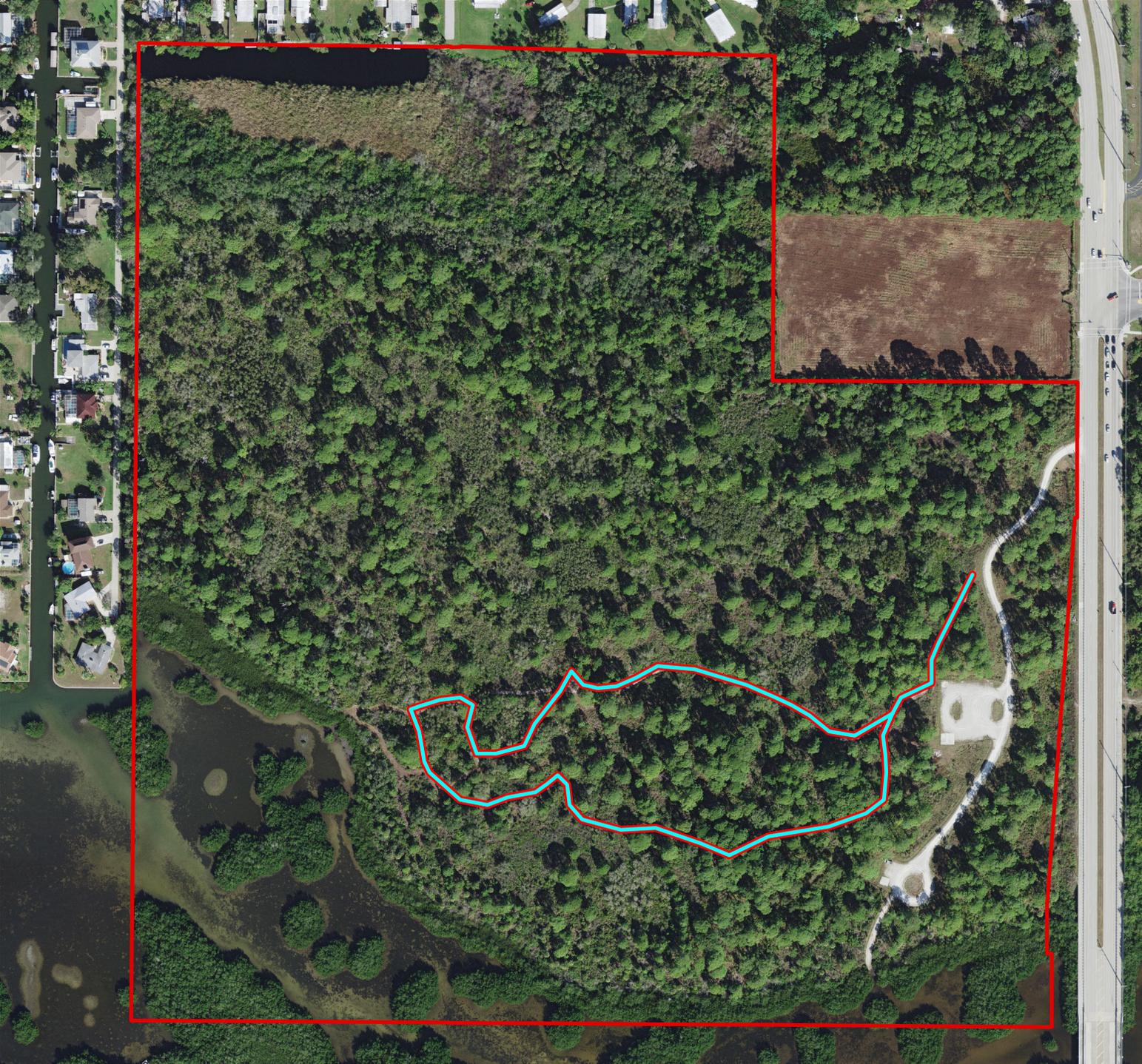
(Not To Scale)

CHARLOTTE COUNTY

Bill Coy Preserve
Exhibit G - Trails Map



CHARLOTTE COUNTY
Community Development



Stateplane Projection
Datum: NAD83
Units: Feet

Source: Community Development

Metadata available upon request

Trails

 Primary

0.57 mi  Preserve Boundary



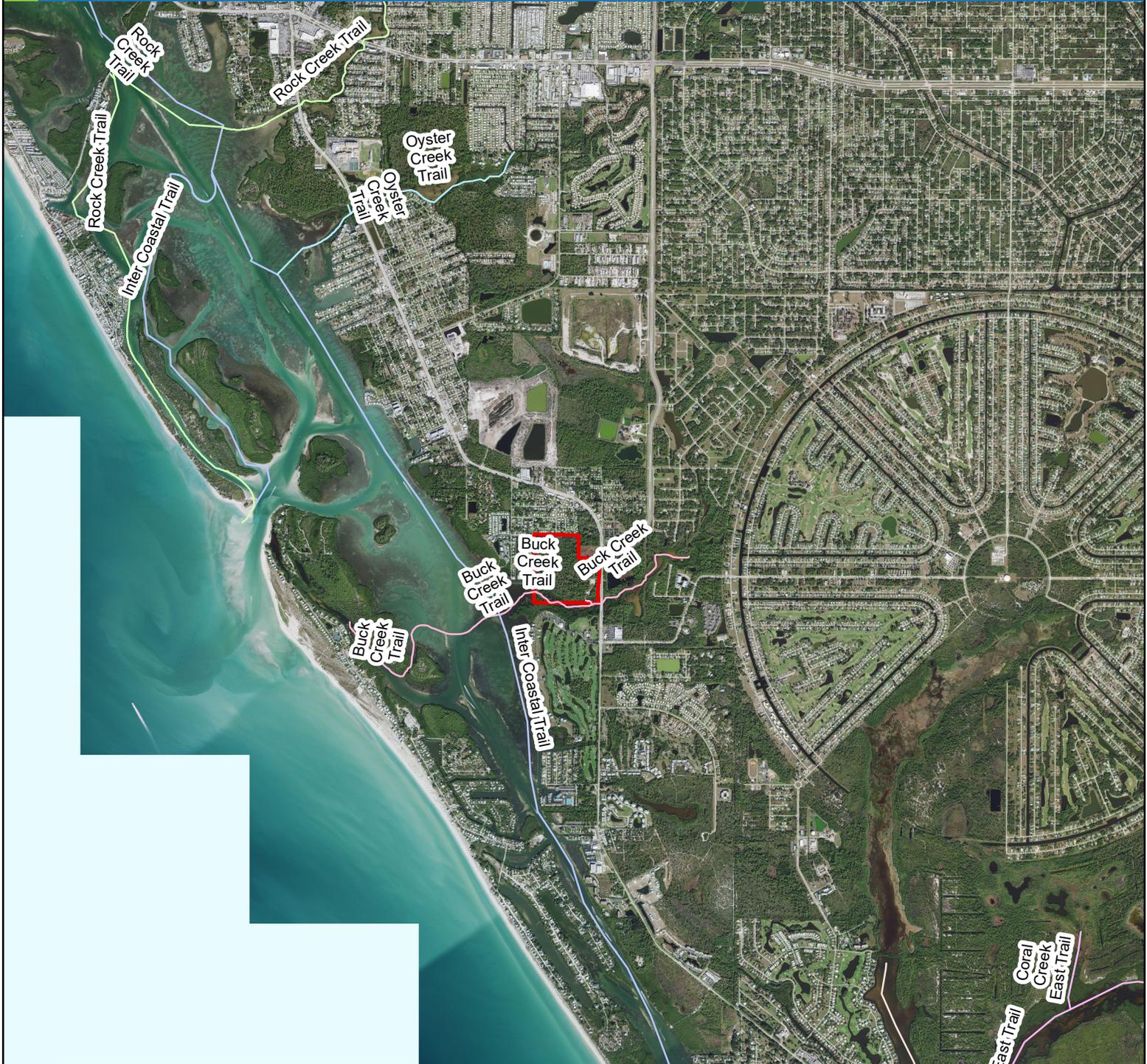
(Not To Scale)

CHARLOTTE COUNTY

Bill Coy Preserve
Exhibit H - Blueways Map



CHARLOTTE COUNTY
Community Development



Stateplane Projection
Datum: NAD83
Units: Feet

Source: Community Development

Metadata available upon request

Legend

 Preserve Boundary



(Not To Scale)

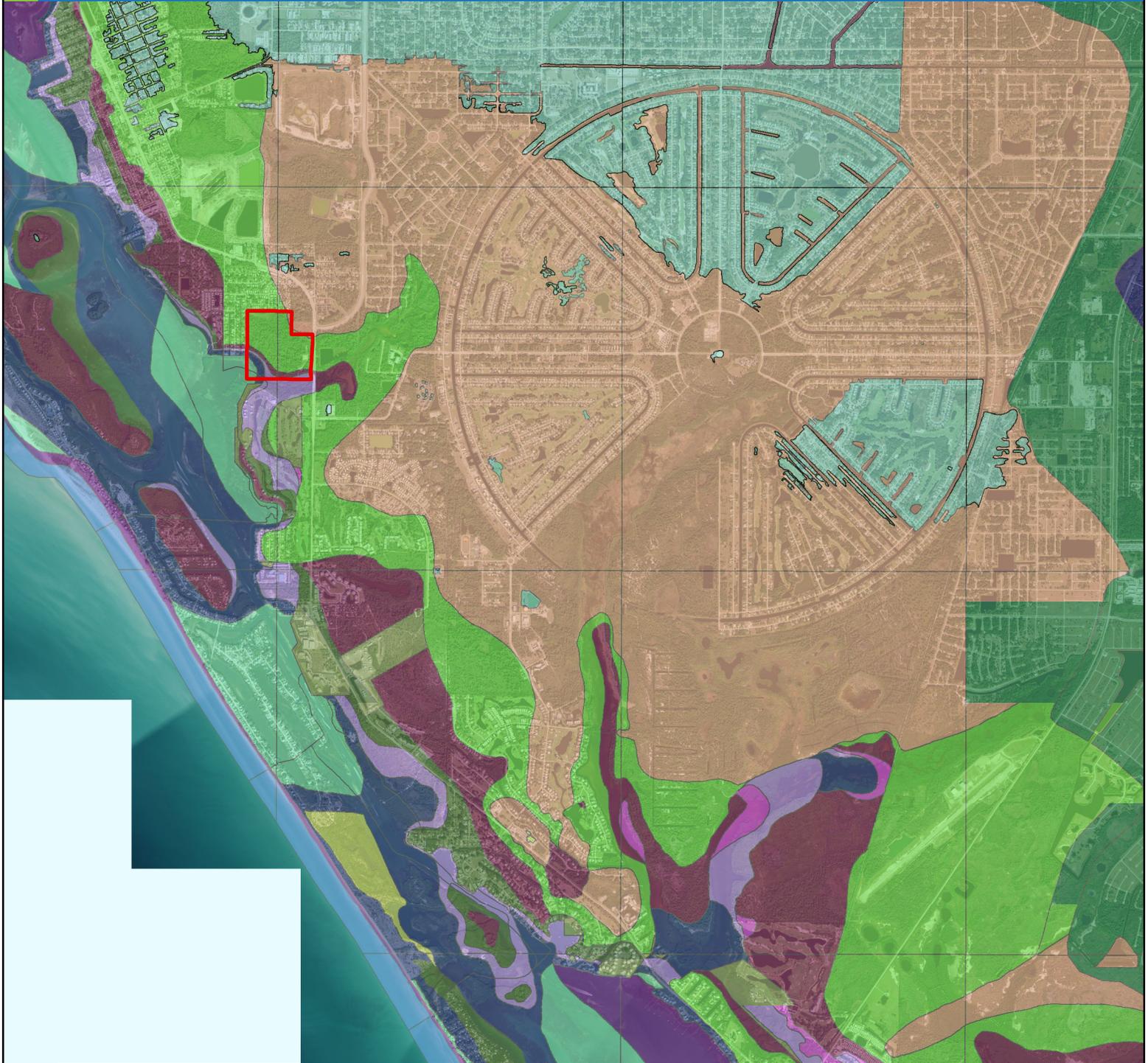
CHARLOTTE COUNTY

Bill Coy Preserve

Exhibit I - FEMA Flood Zones



CHARLOTTE COUNTY
Community Development



FEMA Flood Zones

Stateplane Projection
Datum: NAD83
Units: Feet

Source: Community Development

Metadata available upon request

	10AE		13VE		17VE		LOMA		Property Boundary
	11AE		14AE		18VE		LOMR		
	12AE		14VE		8AE		X		
	12VE		15VE		9AE		X-ST		
	13AE		16VE		A		X500		



(Not To Scale)

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.



FLORIDA NATURAL AREAS INVENTORY

Field Report Form for Occurrences of Rare Plants, Animals, and Natural Communities

Report original field observations regarding a single species or community, at one location, and for (preferably) a single date. Use the back of the form or other sheets as necessary, and if you have any questions please call FNAI at 850-224-8207.

Please send completed form to: Florida Natural Areas Inventory, 1018 Thomasville Rd., Suite 200-C, Tallahassee, FL 32303

THANK YOU!

REQUIRED DATA

Your name: _____ Phone: _____ E-mail: _____

Address: _____ Date Submitted: _____

Name of observer(s): _____

Date of observation (m/d/yyyy): _____

Scientific name: _____ Common name: _____

Basis for identification: Personal knowledge Reference key Field guide Museum specimen Expert Other method

Name of reference key/guide/museum/expert: _____ Other ID method _____

County: _____

Latitude _____ N Longitude _____ W (if unknown, please attach a map or detailed description of the location)

Quantity seen (number of individuals, nests, burrows, or clumps, etc., or area occupied) _____

FNAI will include the location of this occurrence in publicly available data products unless you specifically request that we do not. If you want to make this request, please provide your reason for regarding the data "sensitive" (e.g. species subject to collection) _____

OPTIONAL DATA (all of the information below is optional – enter as time and data resources permit)

IDENTIFICATION

Photograph taken? Yes No (If possible, please attach a copy of the photo)

Specimen collected? Yes No Deposited at museum/herbarium? Yes No Repository _____ Collection # _____

Do you think your identification requires confirmation? Yes No

LOCATION

Site or place name (if known): _____

Precise directions to the occurrence that use a readily locatable and relatively permanent landmark on or near the site (such as a road intersection, bridge, or natural landform) as the starting point. Include distances and directions from landmarks, as appropriate. Please note – neither the directions nor the coordinate information will be provided to the general public if the data are to be considered sensitive, as indicated above.

For latitude/longitude only: Datum: NAD27 WGS84/NAD83 Unknown

Source of latitude/longitude coordinates? GPS Other If other, describe _____

If GPS: Make _____ model _____ accuracy _____ m DGPS? Yes No Unknown WAAS? Yes No Unknown

If possible, mark the site on a copy of a DOQQ photograph or a USGS 7.5' topographic map and attach to this form. Otherwise, using the back side of the form, please provide a sketch of the vicinity showing the occurrence in relation to towns, roads, landforms, water bodies, and other natural features, including ecological communities. Please include also an indication of scale and a North arrow.

OBSERVATION INFORMATION

Time of day _____ Estimate of total area observed _____m² or _____ acres. Percent of this area actually occupied by the population or community: _____%. Approximate dimensions of the area occupied: length _____m width _____m

How did you collect the data? (e. g., visually observed from road, trap or capture methods, walking a path through community, formal survey, etc.)

Is there other suitable habitat (unobserved) in the vicinity? Yes No Don't know Extent? (e.g., acres, miles) _____

Have you been to this location before? Yes No If so, when? _____

Did you previously observe this species or community? Yes No Did not look for it If you have previously seen the population or community, do you think there is now more? less? about the same amount as before? or no way to compare .

General description. Please provide a description or "word picture" of the area where this occurrence is located (i.e., the physical setting and ecological context), including habitat, dominant plant species, topography, hydrology, soils, adjacent communities, and surrounding land use.

For animals: Estimated total no. of individuals in population: _____ Basis? _____ Age structure _____

Ecological & behavioral notes (e.g. reproductive stage, activity type [feeding, flying, nesting, etc.]): _____

For plants: Flowering? Yes No Fruiting? Yes No In bud? Yes No In leaf? Yes No Dormant? Yes No

For communities: For each of three strata (tree, shrub, and ground layers), please list the dominant species comprising the stratum, together with an estimate of the height and percent cover for each stratum. (use the back of this form or another sheet, if necessary, to list additional species)

Stratum height % cover Species

Stratum	height	% cover	Species
Tree			
Shrub			
Ground			

Describe species dominance relationships, vegetation heterogeneity, succession stage/dynamics, and any other unique aspects of the community or additional noteworthy species (including animals).

MANAGEMENT

Owner of site (if known): _____

Is the owner or manager protecting or managing the property for this species or community? Yes No Don't know

Are there disturbances or threats (e. g., urban development, agriculture, vehicle use, forestry, logging, fire suppression, ditching/drainage, impoundment, exotic species, and natural disturbance) in the vicinity of the site? Yes No Don't know

If so, please describe type and severity: _____

Is there evidence (e.g., fire breaks, scorching) of the use of fire at the site? Yes No Don't know Describe and give dates of recent fires, if known _____

Comments on management history or needs: _____

OTHER

Additional comments concerning the population or community, its ecological conditions, contact information for other knowledgeable people, etc.:

CATEGORY II (continued)

Scientific Name**	Common Name	Gov. List	Zone
<i>Tradescantia spathacea</i> (<i>Rhoeo spathacea</i> , <i>Rhoeo discolor</i>)	oyster plant		C, S
<i>Tribulus cistoides</i>	puncture vine, burr-nut		N, C, S
<i>Vitex trifolia</i>	simple-leaf chaste tree		C, S
<i>Washingtonia robusta</i>	Washington fan palm		C, S
<i>Wisteria sinensis</i>	Chinese wisteria		N, C
<i>Xanthosoma sagittifolium</i>	malanga, elephant ear		N, C, S

Recent changes to plant names

Old Name	New Name
<i>Aleurites fordii</i>	<i>Vernicia fordii</i>
<i>Aristolochia littoralis</i>	<i>Aristolochia elegans</i>
<i>Brachiaria mutica</i>	<i>Urochloa mutica</i>
<i>Hibiscus tiliaceus</i>	<i>Talipariti tiliaceus</i>
<i>Macfadyena unguis-cati</i>	<i>Dolichandra unguis-cati</i>
<i>Melaleuca viminialis</i>	<i>Callistemon viminialis</i>
<i>Panicum maximum</i>	<i>Urochloa maxima</i>
<i>Phymatosorus scolopendria</i>	<i>Microsorium grossum</i>
<i>Sapium sebiferum</i>	<i>Triadica sebifera</i>
<i>Wedelia trilobata</i>	<i>Sphagneticola trilobata</i>

Current nomenclature can be found at
florida.plantatlas.usf.edu

**Plant names are those published in "Guide to Vascular Plants of Florida Third Edition." Richard P. Wunderlin and Bruce F. Hansen. University of Florida Press. 2011. Plant names in parentheses are synonyms or misapplied names that have commonly occurred in the literature and/or indicate a recent name change. Not all synonyms are listed.

For more information on invasive exotic plants, including links to related web pages, visit
www.fleppc.org

FLEPPC List Definitions: **Exotic** – a species introduced to Florida, purposefully or accidentally, from a natural range outside of Florida. **Native** – a species whose natural range includes Florida. **Naturalized exotic** – an exotic that sustains itself outside cultivation (it is still exotic; it has not "become" native). **Invasive exotic** – an exotic that not only has naturalized, but is expanding on its own in Florida native plant communities.

Abbreviations: Government List (Gov. List): Possession, propagation, sale, and/or transport of these plants is regulated by: F=Florida Department of Agriculture and Consumer Services; U=United States Department of Agriculture

Zone: N = north, **C** = central, **S** = south, referring to each species' general distribution in regions of Florida (not its potential range in the state). Please refer to the adjacent map.



Citation example

FLEPPC. 2017. List of Invasive Plant Species. Florida Exotic Pest Plant Council. Internet: www.fleppc.org

Daniel F. Austin and Daniel B. Ward

Daniel F. Austin (2015) and Daniel B. Ward (2016) recently passed away. Both Dans were instrumental in maintaining, managing, and providing insight into Florida's many invasive plants. They first volunteered for this effort before it was even formalized as the FLEPPC, participating from that beginning through retirement. Their sage comments and wit are missed.

The 2017 list was prepared by the FLEPPC Plant List Committee

Patricia L. Howell, Chair 2012-2017, Broward County Parks, Natural Resources and Land Management Section, phowell@broward.org

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Kenneth A. Langeland, Interim Chair, 2017, Professor Emeritus, University of Florida / IFAS, Center for Aquatic and Invasive Plants, gator8@ufl.edu

Chris Lockhart, Habitats Specialist, Inc., chris@lockharts.org

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Jessica Spencer, US Army Corp of Engineers, jessica.e.spencer@usace.army.mil

Arthur Stiles, Florida Park Service, Florida Department of Environmental Protection, arthur.stiles@dep.state.fl.us

Daniel B. Ward, Professor Emeritus, University of Florida Department of Botany (Deceased)

Richard P. Wunderlin, Professor Emeritus, University of South Florida, Institute for Systematic Botany, rwunder@usf.edu

Florida Exotic Pest Plant Council's 2017 List of Invasive Plant Species

The mission of the **Florida Exotic Pest Plant Council** is to support the management of invasive exotic plants in Florida's natural areas by providing a forum for the exchange of scientific, educational and technical information.
www.fleppc.org

Note: The FLEPPC List of Invasive Plant Species is not a regulatory list. Only those plants listed as Federal Noxious Weeds, Florida Noxious Weeds, Florida Prohibited Aquatics Plants, or in local ordinances are regulated by law.

Purpose of the List

To provide a list of plants determined by the Florida Exotic Pest Plant Council to be invasive in natural areas of Florida and to routinely update the list based on information of newly identified occurrences and changes in distribution over time. Also, to focus attention on –

- the adverse effects exotic pest plants have on Florida's biodiversity and native plant communities,
- the habitat losses in natural areas from exotic pest plant infestations,
- the impacts on endangered species via habitat loss and alteration,
- the need for pest-plant management,
- the socio-economic impacts of these plants (e.g., increased wildfires or flooding in certain areas),
- changes in the severity of different pest plant infestations over time,
- providing information to help managers set priorities for research and control programs.



www.fleppc.org

CATEGORY I

Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. *This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.*

Scientific Name**	Common Name	Gov. List	Zone	Scientific Name**	Common Name	Gov. List	Zone
<i>Abrus precatorius</i>	rosary pea	F	C, S	<i>Melinis repens</i>	Natal grass	N, C, S	
<i>Acacia auriculiformis</i>	earleaf acacia		C, S	<i>(Rhynchelytrum repens)</i>			
<i>Albizia julibrissin</i>	mimosa, silk tree		N, C	<i>Microstegium vimineum*</i>	Japanese stiltgrass,		N
<i>Albizia lebbek</i>	woman’s tongue		C, S	<i>Mimosa pigra</i>	catclaw mimosa	F, U	C, S
<i>Ardisia crenata</i>	coral ardisia	F	N, C, S	<i>Nandina domestica</i>	nandina, heavenly bamboo		N, C
<i>Ardisia elliptica</i>	shoebutton ardisia	F	C, S	<i>Nephrolepis brownii</i>	Asian sword fern		C, S
<i>Asparagus aethiopicus</i> (<i>A. sprengeri</i> , <i>A. densiflorus</i>)	asparagus-fern		N, C, S	<i>(N. multiflora)</i>			
<i>Bauhinia variegata</i>	orchid tree		C, S	<i>Nephrolepis cordifolia</i>	sword fern		N, C, S
<i>Bischofia javanica</i>	bishopwood		C, S	<i>Neyraudia reynaudiana</i>	Burma reed	F	S
<i>Calophyllum antillanum</i> (<i>C. calaba</i>)	Santa Maria, mast wood		S	<i>Nymphoides cristata</i>	crested floating heart	F	C, S
<i>Casuarina equisetifolia</i>	Australian-pine	F	N, C, S	<i>Paederia cruddasiana</i>	sewer vine	F	S
<i>Casuarina glauca</i>	suckering Australian-pine	F	C, S	<i>Paederia foetida</i>	skunk vine	F	N, C, S
<i>Cinnamomum camphora</i>	camphor tree		N, C, S	<i>Panicum repens</i>	torpedo grass		N, C, S
<i>Colocasia esculenta</i>	wild taro		N, C, S	<i>Pennisetum purpureum</i>	Napier grass, elephant grass		N, C, S
<i>Colubrina asiatica</i>	lather leaf	F	S	<i>Phymatosorus scolopendria</i> (<i>Microsorium grossum</i>)	serpent fern, wart fern		S
<i>Cupaniopsis anacardioides</i>	carrotwood	F	C, S	<i>Pistia stratiotes</i>	water-lettuce	F	N, C, S
<i>Deparia petersenii</i>	Japanese false spleenwort		N, C	<i>Psidium cattleianum</i> (<i>P. littorale</i>)	strawberry guava		C, S
<i>Dioscorea alata</i>	winged yam	F	N, C, S	<i>Psidium guajava</i>	guava		C, S
<i>Dioscorea bulbifera</i>	air-potato	F	N, C, S	<i>Pueraria montana</i> var. <i>lobata</i>	kudzu	F	N, C, S
<i>Eichhornia crassipes</i>	water-hyacinth	F	N, C, S	<i>Rhodomyrtus tomentosa</i>	downy rose-myrtle		C, S
<i>Eugenia uniflora</i>	Surinam cherry		C, S	<i>Ruellia simplex</i> ²	Mexican-petunia		N, C, S
<i>Ficus microcarpa</i> (<i>F. nitida</i> and <i>F. retusa</i> var. <i>nitida</i>) ¹	laurel fig		C, S	<i>Salvinia minima</i>	water spangles		N, C, S
<i>Hydrilla verticillata</i>	hydrilla	F, U	N, C, S	<i>Sapium sebiferum</i> (<i>Triadica sebifera</i>)	popcorn tree, Chinese tallow tree		N, C, S
<i>Hygrophila polysperma</i>	green hygro	F, U	N, C, S	<i>Scaevola taccada</i> (<i>S. sericea</i> , <i>S. frutescens</i>)	half-flower, beach naupaka		N, C, S
<i>Hymenachne amplexicaulis</i>	West Indian marsh grass		N, C, S	<i>Schefflera actinophylla</i> (<i>Brassaia actinophylla</i>)	schefflera, Queensland umbrella tree		C, S
<i>Imperata cylindrica</i>	cogon grass	F, U	N, C, S	<i>Schinus terebinthifolius</i>	Brazilian-pepper	F	N, C, S
<i>Ipomoea aquatica</i>	water-spinach	F, U	C	<i>Scleria lacustris</i>	Wright’s nutrush		C, S
<i>Jasminum dichotomum</i>	Gold Coast jasmine		C, S	<i>Senna pendula</i> var. <i>glabrata</i>	Christmas cassia, Christmas senna		C, S
<i>Jasminum fluminense</i>	Brazilian jasmine		C, S	<i>Solanum tampicense</i>	wetland nightshade	F, U	C, S
<i>Lantana camara</i> (<i>L. strigocamara</i>)	lantana, shrub verbena		N, C, S	<i>Solanum viarum</i>	tropical soda apple	F, U	N, C, S
<i>Ligustrum lucidum</i>	glossy privet		N, C	<i>Sporobolus jacquemontii</i> (<i>S. indicus</i> var. <i>pyramidalis</i>)	West Indian dropseed		C, S
<i>Ligustrum sinense</i>	Chinese privet	F ³	N, C, S	<i>Syngonium podophyllum</i>	arrowhead vine		N, C, S
<i>Lonicera japonica</i>	Japanese honeysuckle		N, C, S	<i>Syzygium cumini</i>	Java-plum		C, S
<i>Ludwigia hexapetala</i>	Uruguay waterprimrose		N, C	<i>Tectaria incisa</i>	incised halberd fern		S
<i>Ludwigia peruviana</i>	Peruvian primrosewillow		N, C, S	<i>Thelypteris opulenta*</i>	jeweled maiden fern		S
<i>Lumnitzera racemosa</i>	black mangrove		S	<i>Thespesia populnea</i>	seaside mahoe		C, S
<i>Luziola subintegra</i>	tropical American watergrass		S	<i>Tradescantia fluminensis</i>	small-leaf spiderwort		N, C
<i>Lygodium japonicum</i>	Japanese climbing fern	F	N, C, S	<i>Urena lobata</i>	Caesar’s weed		N, C, S
<i>Lygodium microphyllum</i>	Old World climbing fern	F, U	N, C, S	<i>Urochloa mutica</i> (<i>Brachiaria mutica</i>)	para grass		N, C, S
<i>Macfadyena unguis-cati</i> (<i>Dolichandra unguis-cati</i>)	catclawvine		N, C, S	<i>Vitex rotundifolia</i>	beach vitex		N
<i>Manilkara zapota</i>	sapodilla		S				
<i>Melaleuca quinquenervia</i>	melaleuca, paper bark	F, U	C, S				

¹Does not include *Ficus microcarpa* subsp. *fuyuensis*, which is sold as “Green Island Ficus”

²Many names are applied to this species in Florida because of a complicated taxonomic and nomenclatural history. Plants cultivated in Florida, all representing the same invasive species, have in the past been referred to as *Ruellia brittoniana*, *R. tweediana*, *R. caerulea*, and *R. simplex*.

³Chinese privet is a FLDACS Noxious Weed except for the cultivar ‘Variegatum’

**Added to the FLEPPC List of Invasive Plant Species in 2017

*Plant names are those published in “Guide to Vascular Plants of Florida Third Edition.” Richard P. Wunderlin and Bruce F. Hansen. University of Florida Press. 2011. Plant names in parentheses are synonyms or misapplied names that have commonly occurred in the literature or indicate a recent name change. Not all synonyms are listed.

CATEGORY II

Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species. *These species may become ranked Category I if ecological damage is demonstrated.*

Scientific Name**	Common Name	Gov. List	Zone	Scientific Name**	Common Name	Gov. List	Zone
<i>Adenanthera pavonina</i>	red sandalwood		S	<i>Landoltia punctata</i>	spotted duckweed		N, C, S
<i>Agave sisalana</i>	sisal hemp		C, S	<i>Leucaena leucocephala</i>	lead tree	F	N, C, S
<i>Aleurites fordii</i> (<i>Vernicia fordii</i>)	tung-oil tree		N, C	<i>Limnophila sessiliflora</i>	Asian marshweed	F, U	N, C, S
<i>Alstonia macrophylla</i>	devil tree		S	<i>Livistona chinensis</i>	Chinese fan palm		C, S
<i>Alternanthera philoxeroides</i>	alligator-weed	F	N, C, S	<i>Macroptilium lathyroides</i>	phasey bean		N, C, S
<i>Antigonon leptopus</i>	coral vine		N, C, S	<i>Melia azedarach</i>	Chinaberry		N, C, S
<i>Ardisia japonica</i>	Japanese ardisia		N	<i>Melinis minutiflora</i>	molasses grass		C, S
<i>Aristolochia littoralis</i> (<i>A. elegans</i>)	elegant Dutchman’s pipe, calico flower		N, C, S	<i>Merremia tuberosa</i>	wood-rose		C, S
<i>Asystasia gangetica</i>	Ganges primrose		C, S	<i>Mikania micrantha</i>	mile-a-minute vine	F, U	S
<i>Begonia cucullata</i>	wax begonia		N, C, S	<i>Momordica charantia</i>	balsam apple		N, C, S
<i>Broussonetia papyrifera</i>	paper mulberry		N, C, S	<i>Murraya paniculata</i>	orange-jessamine		S
<i>Bruguiera gymnorhiza</i>	large-leaved mangrove		S	<i>Myriophyllum spicatum</i>	Eurasian water-milfoil	F	N, C, S
<i>Callistemon viminalis</i> (<i>Melaleuca viminalis</i>)	bottlebrush		C, S	<i>Panicum maximum</i> (<i>Urochloa maxima</i>)	Guinea grass		N, C, S
<i>Callisia fragrans</i>	inch plant, spironema		C, S	<i>Passiflora biflora</i>	two-flowered passion vine		S
<i>Casuarina cunninghamiana</i>	Australian-pine	F	C, S	<i>Pennisetum setaceum</i>	green fountain grass		S
<i>Cecropia palmata</i>	trumpet tree		S	<i>Pennisetum polystachion*</i> (<i>Cenchrus polystachos</i>)	mission grass, West Indian Pennisetum		C, S
<i>Cestrum diurnum</i>	day jessamine		C, S	<i>Phoenix reclinata</i>	Senegal date palm		C, S
<i>Chamaedorea seifrizii</i>	bamboo palm		S	<i>Phyllostachys aurea</i>	golden bamboo		N, C
<i>Clematis terniflora</i>	Japanese clematis		N, C	<i>Pittosporum pentandrum</i>	Taiwanese cheesewood		S
<i>Cocos nucifera</i>	coconut palm		S	<i>Platyserium bifurcatum*</i>	common staghorn fern		S
<i>Crassocephalum crepidioides</i>	redflower ragleaf, Okinawa spinach		C, S	<i>Praxelis clematidea</i>	praxelis		C
<i>Cryptostegia madagascariensis</i>	rubber vine		C, S	<i>Pteris vittata</i>	Chinese brake fern		N, C, S
<i>Cyperus involucratus</i> (<i>C. alternifolius</i>)	umbrella plant		C, S	<i>Ptychosperma elegans</i>	solitaire palm		S
<i>Cyperus prolifer</i>	dwarf papyrus		C, S	<i>Richardia grandiflora</i>	large flower Mexican clover		N, C, S
<i>Dactyloctenium aegyptium</i>	Durban crowfoot grass		N, C, S	<i>Ricinus communis</i>	castor bean		N, C, S
<i>Dalbergia sissoo</i>	Indian rosewood, sissoo		C, S	<i>Rotala rotundifolia</i>	roundleaf toothcup, dwarf Rotala, redweed		S
<i>Elaeagnus pungens</i>	silverthorn, thorny olive		N, C	<i>Ruellia blechum</i> (<i>Blechum brownei</i>)	green shrimp plant, Browne’s blechum		N, C, S
<i>Elaeagnus umbellata</i>	silverberry, autumn olive		N	<i>Sansevieria hyacinthoides</i>	bowstring hemp		C, S
<i>Epipremnum pinnatum</i> cv. <i>Aureum</i>	pothos		C, S	<i>Sesbania punicea</i>	rattlebox		N, C, S
<i>Eulophia graminea</i>	Chinese crown orchid		C, S	<i>Sida planicaulis*</i>	mata-pasto		C, S
<i>Ficus altissima</i>	false banyan, council tree		S	<i>Solanum diphyllum</i>	two-leaf nightshade		N, C, S
<i>Flacourtia indica</i>	governor’s plum		S	<i>Solanum torvum</i>	turkeyberry	F, U	N, C, S
<i>Hemarthria altissima</i>	limpo grass		C, S	<i>Spermocoe verticillata</i>	shrubby false buttonweed		C, S
<i>Heteropterys brachiata</i>	red wing, Beechey’s withe		S	<i>Sphagnetocola trilobata</i> (<i>Wedelia trilobata</i>)	wedelia, creeping oxeye		N, C, S
<i>Hyparrhenia rufa</i>	jaragua		N, C, S	<i>Stachytarpheta cayennensis</i> (<i>S. urticifolia</i>)	nettle-leaf porterweed		S
<i>Ipomoea carnea</i> ssp. <i>fistulosa</i> (<i>I. fistulosa</i>)	shrub morning-glory	F	C, S	<i>Syagrus romanzoffiana</i> (<i>Arecastrum romanzoffianum</i>)	queen palm		C, S
<i>Kalanchoe x houghtonii*</i>	mother-of-millions		N, C, S	<i>Syzygium jambos</i>	Malabar plum, rose-apple		N, C, S
<i>Kalanchoe pinnata</i> (<i>Bryophyllum pinnatum</i>)	life plant		C, S	<i>Talipariti tiliaceum</i> (<i>Hibiscus tiliaceus</i>)	mahoe, sea hibiscus		C, S
<i>Koelreuteria elegans</i>	flamegold tree		C, S	<i>Terminalia catappa</i>	tropical-almond		C, S
				<i>Terminalia muelleri</i>	Australian-almond		C, S

continued

**CULTURAL RESOURCE ASSESSMENT SURVEY
DR. WILLARD "BILL" COY PRESERVE ON BUCK CREEK
CHARLOTTE COUNTY, FLORIDA**

Prepared for:

**American Environmental Engineering of Florida, Inc.
1701 Hillsboro Boulevard, Suite 209
Deerfield Beach, Florida 33442**

On behalf of:

**Charlotte County Board of County Commissioners
18500 Murdock Circle
Port Charlotte, Florida 33948-1094**

Prepared by:



Florida's First Choice in Cultural Resource Management

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Toll Free: 1-800-735-9906**

July 2012

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July 2012

EXECUTIVE SUMMARY

A cultural resource assessment survey (CRAS) of Dr. Willard “Bill” Coy Preserve on Buck Creek in Charlotte County was conducted by Archaeological Consultants, Inc. (ACI) in June 2012 for American Environmental Engineering of Florida, Inc. on behalf of the Charlotte County Board of County Commissioners (CCBOCC). The project area is an 88-acre environmentally sensitive tract located on the Cape Haze Peninsula. The property was purchased with a grant from the Florida Communities Trust program, which required that an archaeological survey be conducted prior to substantial impacts. The County is preparing to install passive recreation amenities (CCBOCC 2011).

The purpose of the CRAS was to locate and identify any cultural resources within the project area and to assess their significance in terms of eligibility for listing in the National Register of Historic Places (NRHP). The survey was conducted in accordance with Charlotte County Land Management Plans (Charlotte County 1997) and the Florida Division of Historical Resources’ (FDHR) *Cultural Resource Management Standards and Operational Manual* (FDHR 2003); the report meets the standards of Chapter 1A-46, *Florida Administrative Code*.

Background research and a review of the Florida Master Site File (FMSF), and the NRHP, indicated that no archaeological sites have been recorded previously within the project area. A review of relevant site location information for environmentally similar areas within Charlotte County and the surrounding region indicated a moderate to high potential for archaeological sites (Austin et al. 2008; Handley et al. 2008). Surface reconnaissance combined with judgmental and systematic subsurface testing resulted in the discovery of no archaeological sites.

Historical background research, including reviews of the FMSF, the NRHP, and archival resources including maps, manuscripts, and photographs indicated that there are no historic structures recorded within the project area, and there was a very low potential for historic resources. As result of the fieldwork, no historic (50 years of age or older) structures were recorded.

Based on the background research and field investigations, it is the opinion of ACI that the installation of passive recreation facilities at the Dr. Willard “Bill” Coy Preserve will have no effect on any resources listed, determined eligible, or considered potentially eligible for listing in the NRHP. No further work is recommended.

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1.0 INTRODUCTION

A cultural resource assessment survey (CRAS) of Dr. Willard “Bill” Coy Preserve on Buck Creek (hereinafter referred to as the Preserve) in Charlotte County was conducted by Archaeological Consultants, Inc. (ACI) in June 2012 for American Environmental Engineering of Florida, Inc. on behalf of the Charlotte County Board of County Commissioners (CCBOCC). The Preserve is an 88-acre environmentally sensitive area located on the Cape Haze Peninsula (Figure 1.1). The property was purchased with a grant from the Florida Communities Trust program, which required that an archaeological survey be conducted prior to substantial impacts. The County will be installing passive recreation amenities (CCBOCC 2011).

The project was conducted in accordance with Charlotte County Land Management Plans (Charlotte County 1997) and follows the guidelines set forth in the Florida Division of Historical Resources’ (FDHR) *Cultural Resource Management Standards and Operational Manual* (FDHR 2003). This report meets specifications set forth in Chapter 1A-46, *Florida Administrative Code*.

The purpose of the CRAS was to locate and identify any cultural resources within the project area and to assess their significance in terms of eligibility for listing in the National Register of Historic Places (NRHP). Field survey was preceded by background research. Such work served to provide an informed set of expectations concerning the kinds of cultural resources that might be anticipated to occur within the project area, as well as a basis for evaluating any newly discovered sites.

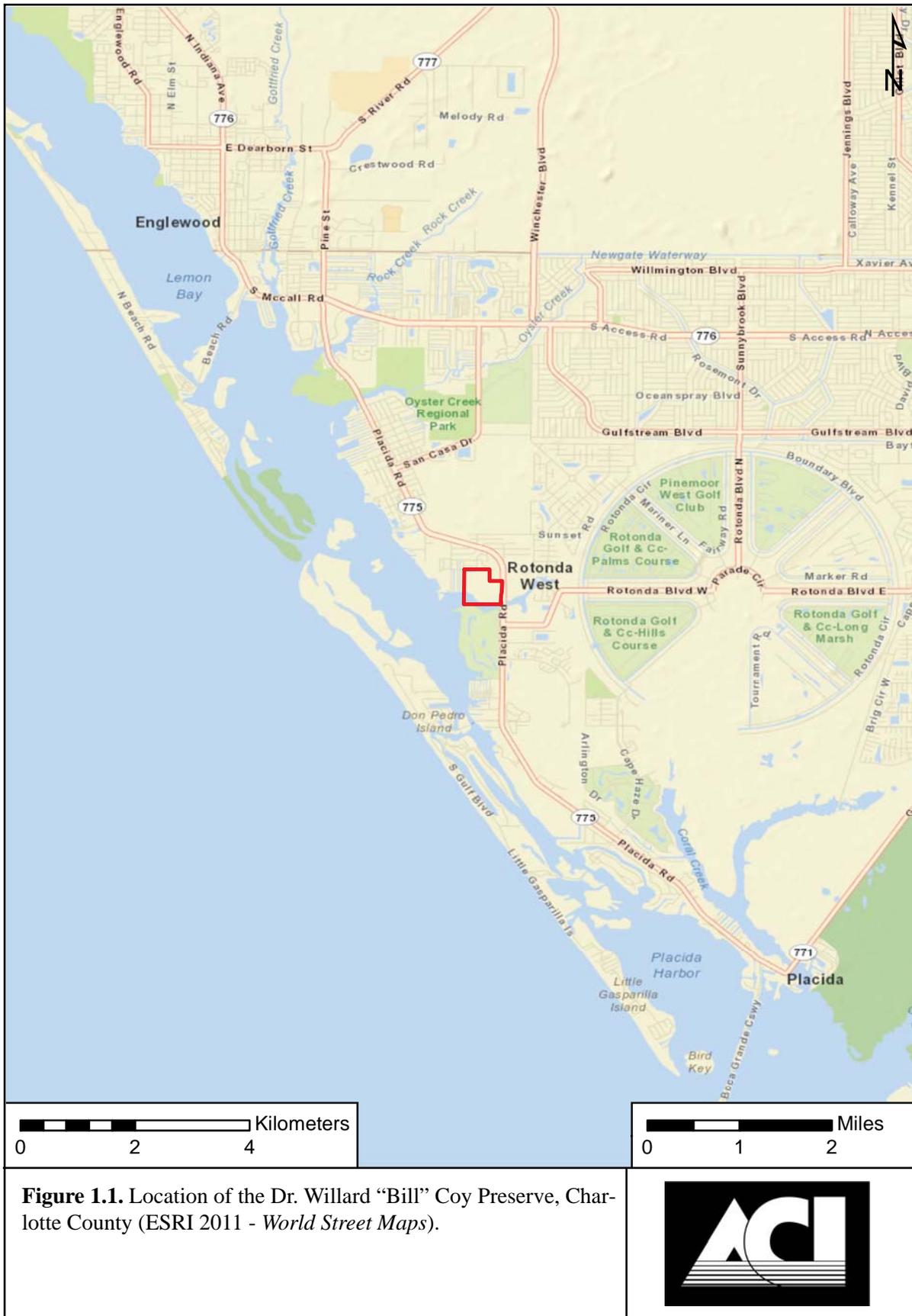


Figure 1.1. Location of the Dr. Willard “Bill” Coy Preserve, Charlotte County (ESRI 2011 - *World Street Maps*).



2.0 ENVIRONMENTAL OVERVIEW

Environmental factors such as geology, topography, relative elevation, soils, vegetation, and water resources are important in determining where archaeological sites are likely to be located. These variables influenced what types of resources were available for utilization in a given area. This in turn influenced decisions regarding settlement location and land-use patterns. Because of the influence of the local environmental factors upon the local inhabitants, a discussion of the effective environment is included.

2.1 Project Location and Setting

The Preserve is located in Section 21 of Township 41 South, Range 20 East in Charlotte County (United States Geological Survey [USGS] Englewood) (Figure 2.1). The project area is located on the north shore of Buck Creek and west of Placida Road. The tract can be described as pine flatwoods with mangrove swamps along the creek (Photos 2.1 and 2.2). Elevation is low, ranging between sea level and two meters (m) (five feet [ft]) above mean sea level.



Photo 2.1. Pine flatwoods of the Preserve.

2.2 Geology and Physiography

The project area lies within the Gulf Coastal Lowlands of the Florida Peninsula (White 1970) which is characterized by very poorly drained to somewhat poorly drained soils interspersed with occasional moderately well-drained sandy soils. The area is underlain by shelly sediments of the Plio-Pleistocene, which is evidenced by surficial deposits of shelly sand and clay (Knapp 1980; Scott 2001; Scott et al. 2001).

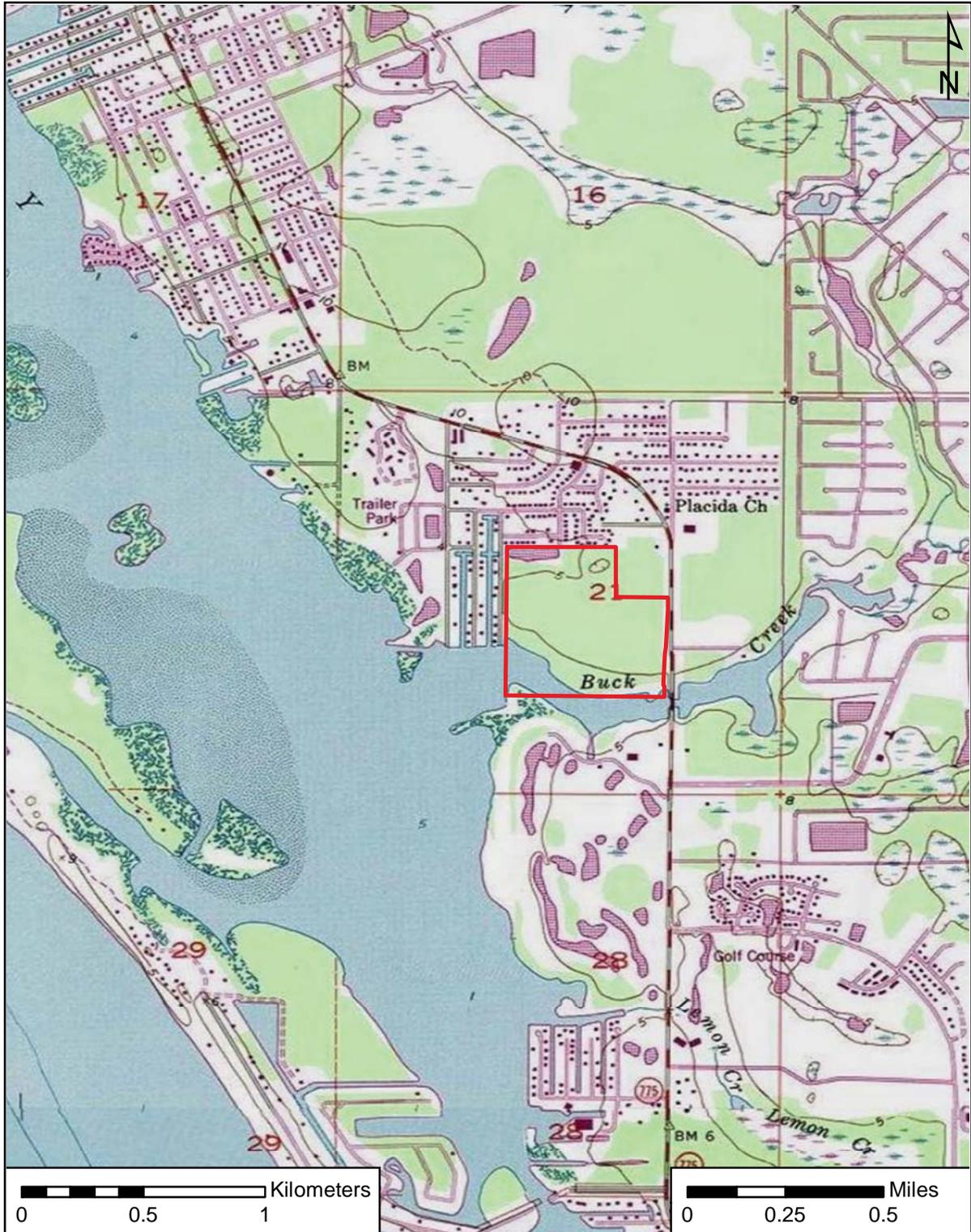


Figure 2.1. Environmental setting of the Dr. Willard “Bill” Coy Preserve, Township 41 South, Range 20 East, Section 21, USGS Englewood (National Geographic Society 2011 - *USA Topo Maps*).





Photo 2.2. Buck Creek and the associated mangrove swamp.

2.3 Soils and Vegetation

Soils of the project area are part of the Immokalee-Myakka association (United States Department of Agriculture [USDA] 1984). These soils are characteristic of flatwoods and sloughs and consist of nearly level, poorly drained, deep sandy soils (USDA 1984). The native vegetation included pine flatwoods and mangrove swamp forests (Davis 1980). The flatwoods vegetation consists of South Florida slash pine, sawpalmetto, waxmyrtle, inkberry, dwarf huckleberry, fetterbush, and pineland threeawn. The native vegetation associated with the mangrove swamp includes black mangrove, oxeye daisy, and American mangrove. Soil types specific to the Preserve are listed in Table 2.1 (USDA 2010).

Table 2.1. Soils types, drainage, and environmental setting within the project area.

Soil Type	Drainage	Environment
Immokalee sand	Poor	Flatwoods
Kesson fine sand	Very poor	Broad tidal swamps
Matlacha gravelly fine sand	Somewhat poor	Formed by fill and earthmoving activities
Myakka fine sand	Poor	Broad flatwoods
Smyrna fine sand	Poor	Flatwoods

2.4 Paleo-Environment

The early environment of the region was different from that seen today. Sea levels were lower, the climate was arid, and fresh water was scarce. An understanding of human ecology during the earliest periods of human occupation in Florida cannot be based on observations of the modern environment because of changes in water availability, botanical communities, and faunal resources. Aboriginal inhabitants would have developed cultural adaptations in response to the environmental changes taking place, which were then reflected in settlement patterns, site types, artifact forms, and subsistence economies.

Due to the arid conditions between 16,500 and 12,500 years ago, the perched water aquifer and potable water supplies were absent (Dunbar 1981:95). Palynological studies conducted in Florida and Georgia suggest that between 13,000 and 5000 years ago, this area was covered with an upland vegetation community of scrub oak and prairie (Watts 1969, 1971, 1975). However, the environment was not static. Evidence recovered from the inundated Page-Ladson Site in north Florida has clearly demonstrated that there were two periods of low water tables and dry climatic conditions and two episodes of elevated water tables and wet conditions (Dunbar 2006c). The rise of sea level reduced xeric habitats over the next several millennia.

By 5000 years ago, a climatic event marking a brief return to Pleistocene climatic conditions induced a change toward more open vegetation. Southern pine forests replaced the oak savannahs. Extensive marshes and swamps developed along the coasts and subtropical hardwood forests became established along the southern tip of Florida (Delcourt and Delcourt 1981). Northern Florida saw an increase in oak species, grasses, and sedges (Carbone 1983). At Lake Annie, in south central Florida, pollen cores were dominated by wax myrtle and pine. The assemblage suggests that by this time, a forest dominated by longleaf pine along with cypress swamps and bayheads existed in the area (Watts 1971, 1975). About 5000 years ago, surface water was plentiful in karst terrains and the level of the Floridan aquifer rose to 1.5 m (5 ft) above present levels. With the establishment of warmer winters and cooler summers than in the preceding early Holocene, the fire-adapted pine communities prevailed. These depend on the high summer precipitation caused by the thunderstorms and the accompanying lightning strikes to spark the fires (Watts et al. 1996; Watts and Hansen 1994). The increased precipitation also resulted in the formation of the large swamp systems such as the Okefenokee and Everglades (Gleason and Stone 1994). After this time, modern floral, climatic, and environmental conditions began to be established.

3.0 CULTURAL HISTORY

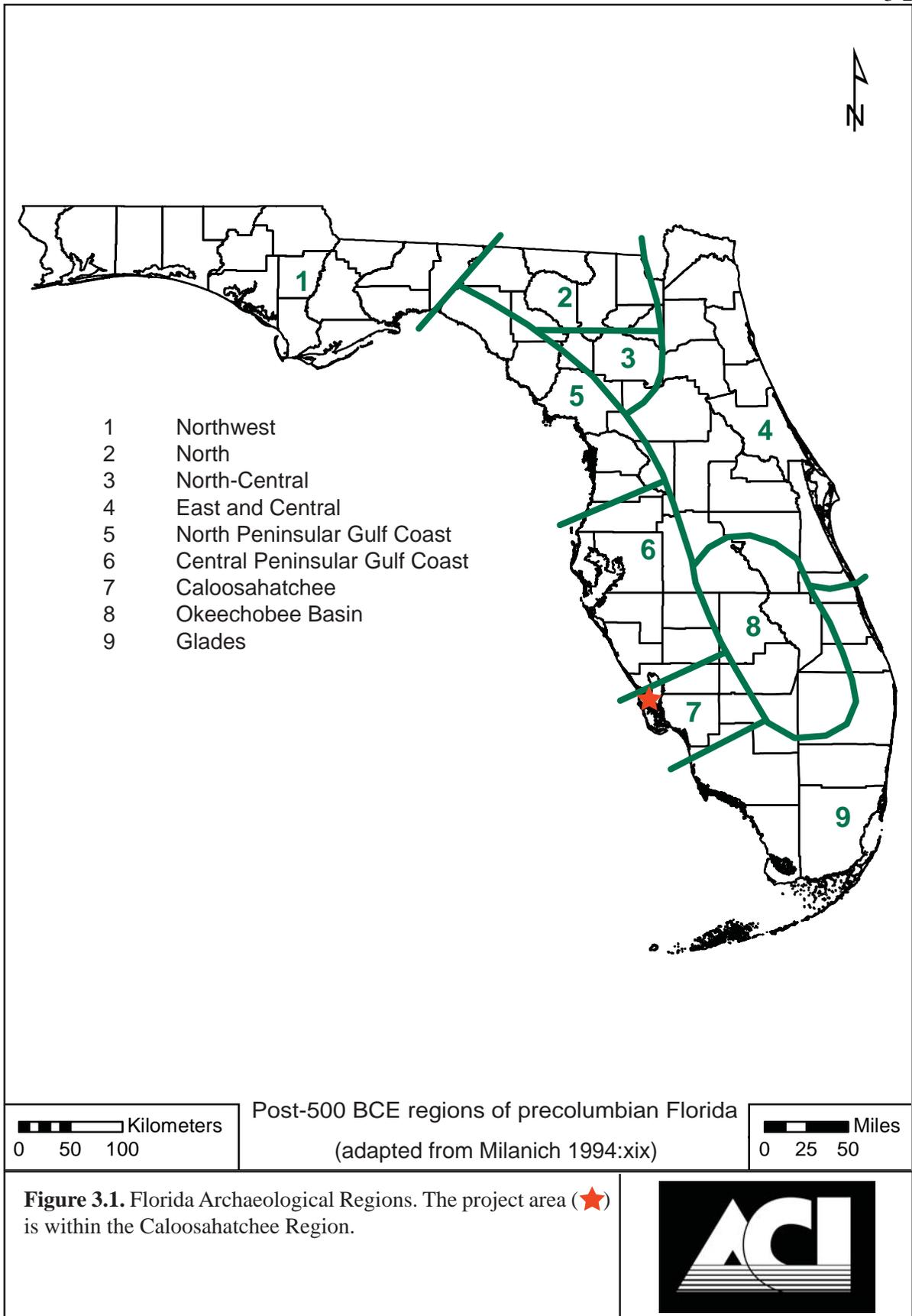
A discussion of the culture history of a specific geographic region provides a framework within which the local archaeological and historic record can be examined. Archaeological and historic sites are not individual entities, but are the remains of once dynamic cultural systems. As a result, they cannot be adequately examined or interpreted without reference to other sites and resources within the general area. In general, archaeologists summarize the culture history of an area (i.e., an archaeological region) by outlining the sequence of archaeological cultures through time. These cultures are defined largely in geographical terms but also reflect shared environmental and cultural factors. The project area is situated within the Caloosahatchee archaeological region of south Florida (Griffin 2002; Milanich 1994) (Figure 3.1). Geographically, it extends from Charlotte Harbor on the north to the northern border of the Ten Thousand Islands on the south and inland about 54 miles (mi) (Carr and Beriault 1984:4, 12).

As with all Florida archaeological regions, the Caloosahatchee region is better understood after the introduction of pottery (ca. 500 BCE [Before Common Era]). Prior to this, regional characteristics of native populations are not easily identified, as malleable materials such as textiles and basketry, which lend themselves to cultural expression, are typically destroyed by environmental processes. With the arrival of pottery, the clay medium provided both a means of cultural expression and an archaeologically durable artifact. Thus, the use of pottery as a marker of cultural diversity probably post-dates the inception of distinct Florida cultures by many centuries. The aceramic Paleo-Indian and Archaic periods are followed by the Caloosahatchee cultural sequence (500 BCE to 1500 CE [Common Era]) at which point the bearers of the Caloosahatchee culture enter into the ethnographic record as the historically known Calusa Indians. The following overview is based on data from Griffin (1988, 2002), Widmer (1988), and Milanich (1994).

The local history of the region is divided into four broad periods based initially upon the major governmental powers. The first period, Colonialism, occurred during the exploration and control of Florida by the Spanish and British from around 1513 until 1821. At that time, Florida became a territory of the United States and 21 years later became a State (Territorial and Statehood). The Civil War and Aftermath (1861-1899) period deals with the Civil War, the period of Reconstruction following the war, and the late 1800s, when the transportation systems were dramatically increased and development throughout the state expanded. The 20th Century period has subperiods defined by important historic events such as the World Wars, the Boom of the 1920s, and the Depression. Each of these periods evidenced differential development and utilization of the region, thus effecting the historic archeological site distribution across the land.

3.1 Paleo-Indian

The Paleo-Indian stage is the earliest known cultural manifestation in Florida, dating from roughly 12,000 to 7500 BCE (Milanich 1994). Archaeological evidence for Paleo-Indians consists primarily of scattered finds of diagnostic lanceolate-shaped projectile points. The Florida peninsula at this time was quite different than today. In general, the climate was cooler and drier with vegetation typified by xerophytic species with scrub oak, pine, open grassy prairies, and savannas being the most common (Milanich 1994:40). When human populations were arriving in Florida, the sea levels were still as much as 40 to 60 m (130-200 ft) below present levels and coastal regions of Florida extended miles beyond present-day shorelines (Faught 2004). Thus, many of these sites have been inundated (cf., Faught and Donoghue 1997).



The Paleo-Indian period has been sub-divided into three horizons based upon characteristic tool forms (Austin 2001). Traditionally, it is believed that the Clovis Horizon (10,500-9000 BCE) represents the initial occupation of Florida and is defined based upon the presence of the fluted Clovis points. These are somewhat more common in north Florida, although Robinson (1979) does illustrate a few points from the central Gulf Coast area. However, recent work, may indicate that Suwannee and Simpson points are contemporary with or predate Clovis (Dunbar 2006a; Stanford 1991). The Suwannee Horizon (9000-8500 BCE) is the best known of the Paleo-Indian horizons. The lanceolate-shaped, unfluted Simpson and Suwannee projectile points are diagnostic of this period (Bullen 1975; Daniel and Wisenbaker 1987; Purdy 1981). The Suwannee tool kit includes a variety of scrapers, adzes, spokeshaves, unifacially retouched flakes, flakes with beaked projections, and blade-like flakes as well as bone and ivory foreshafts, pins, awls, daggers, anvils, and abraders (Austin 2001:23). Following the Suwannee Horizon is the Late Paleo-Indian Horizon (8500-8000 BCE). The smaller Tallahassee, Santa Fe, and Beaver Lake projectile points have traditionally been attributed to this horizon (Milanich 1994). However, many of these points have been recovered stratigraphically from late Archaic and early Woodland period components and thus, may not date to this time period at all (Austin 2001; Farr 2006). Florida notched or pseudo-notched points, including the Union, Greenbriar, and Hardaway-like points may represent late Paleo-Indian types, but these types have not been recovered from datable contexts and their temporal placement remains uncertain (Dunbar 2006a:410).

Archaeologists hypothesize that Paleo-Indians lived in migratory bands and subsisted by gathering and hunting, including the now-extinct Pleistocene megafauna. Since it was cooler and much drier, it is likely that these nomadic hunters traveled between permanent and semi-permanent sources of water, such as artesian springs, exploiting the available resources. These watering holes would have attracted the animals that the Indians hunted, thus providing both food and drink. In addition to being “tethered” to water sources, most of the Paleo-Indian sites are also proximate to sources of good quality lithic resources. This settlement pattern is considered logistical, i.e. the establishment of semi-permanent habitation areas and the movement of the resources from their sources of procurement to the residential locale by specialized task groups (Austin 2001:25).

Although the Paleo-Indian period is generally considered to have been cooler and drier, there were major variations in the inland water tables resulting from large-scale environmental fluctuations. There have been two major theories as to why most Paleo-Indian materials have been recovered from inundated sites. The “Oasis” theory, put forth by Wilfred T. Neill, was that due to low water tables and scarcity of potable water, the Paleo-Indians and their associated game resources clustered around the few available water holes that were associated with sinkholes (Neill 1964). Whereas, Ben Waller postulated that the Paleo-Indians gathered around “river-crossings” to ambush the large Pleistocene animals as they crossed the rivers (Waller 1970). This implies periods of elevated water levels. Based on the research along the Aucilla and Wacissa Rivers, it appears that both theories are correct, depending upon what the local environmental conditions were at that time (Dunbar 2006b). As such, during the wetter periods, populations became more dispersed because the water resources were abundant and the animals they relied on could roam over a wider range.

Some of the information about this period has been derived from the underwater excavations at two inland spring sites in Sarasota County: Little Salt Spring and Warm Mineral Springs (Clausen et al. 1979). Excavation at the Harney Flats Site in Hillsborough County has provided a rich body of data concerning Paleo-Indian life ways. Analysis indicates that this site was used as a quarry-related base camp with special use activity areas (Daniel and Wisenbaker 1987). It has been suggested that Paleo-Indian settlement may not have been related as much to seasonal changes as generally postulated for the succeeding Archaic period, but instead movement was perhaps related to the scheduling of tool-kit replacement, social needs, and the availability of water, among other factors (Daniel and Wisenbaker 1987:175). Investigations along the Aucilla and Wacissa Rivers, as well as

other sites within the north Florida rivers have provided important information on the Paleo-Indian period and how the aboriginals adapted to their environmental setting (Webb 2006). Studies of the Pleistocene faunal remains from these sites clearly demonstrate the importance of these animals not for food alone, but as the raw material for their bone tool industry (Dunbar and Webb 1996).

3.2 Archaic

As the Paleo-Indian period gradually ended, climatic changes occurred and the Pleistocene megafauna disappeared. The disappearance of the mammoths and mastodons resulted in a reduction of open grazing lands, and thus, the subsequent disappearance of grazers such as horse, bison, and camels. With the reduction of open habitat, the herd animals were replaced by the more solitary, woodland browser: the white-tailed deer (Dunbar 2006a:426). The intertwined data of megafauna extinction and cultural change suggests a rapid and significant disruption in both faunal and floral assemblages and the Bolen people represent the first culture adapted to the Holocene environment (Carter and Dunbar 2006). This included a more specialized toolkit and the introduction of chipped-stone woodworking implements.

However, because of a lack of excavated collections and the poor preservation of bone and other organic materials in the upland sites, our knowledge of the Early Archaic tool assemblage is limited (Carter and Dunbar 2006; Milanich 1994). Discoveries at the Page-Ladson, Little Salt Spring, and Windover sites indicate that bone and wood tools were also used (Clausen et al. 1979; Doran 2002; Webb 2006). The archaeological record suggests a diffuse, yet well-scheduled, pattern of exploiting both coastal and interior resources. Because water sources were much more numerous and larger than previously, it was possible to sustain larger populations, occupy sites for longer periods, and perform activities that required longer occupation at specific locales (Milanich 1994:67).

By approximately 6500 years ago marked environmental changes, which had profound influence upon human settlement and subsistence practices, occurred. Humans adapted to this changing environment and regional and local differences are reflected in the archaeological record (Russo 1994a, 1994b; Sassaman 2008). Among the landscape alterations were rises in sea and water table levels that resulted in the creation of more available surface water. It was during this period that Lake Okeechobee, the Everglades, the Big Cypress, and the Caloosahatchee and Peace Rivers developed. In addition to changed hydrological conditions, this period is characterized by the spread of mesic forests and the beginnings of modern vegetation communities including pine forests and cypress swamps (Griffin 1988; Widmer 1988).

The archaeological record for the Middle Archaic is better understood than the Early Archaic. Among the material culture inventory are several varieties of stemmed, broad blade projectile points including those of the Newnan, Levy, Marion, and Putnam types (Bullen 1975). At sites where preservation is good, such as sinkholes and ponds, an elaborate bone tool assemblage is recognized along with shell tools and complicated weaving (Beriault et al. 1981; Wheeler 1994). In addition, artifacts have been found in the surrounding upland areas, as exhibited in the projectile points found in the upland palmetto and pine flatwoods surrounding the Bay West Site (Beriault et al. 1981). Along the coast, excavations on both Horr's Island in Collier County and Useppa Island in Lee County (Milanich et al. 1984; Russo 1991) have uncovered pre-ceramic shell middens that date to the Middle Archaic period. The Horr's Island shell ring is accompanied by at least three ceremonial mounds. Large architectural features such as these were designed to divide, separate, and elevate above other physical positions within the settlement as a reflection and reinforcement of the social segmentation of the society (Russo 2008:21)

Mortuary sites, characterized by interments in shallow ponds and sloughs as discovered at the Little Salt Springs Site in Sarasota County (Clausen et al. 1979) and the Bay West Site in Collier County (Beriault et al. 1981), are also distinctive of the Middle Archaic. Population growth, as evidenced by the increased number of Middle Archaic sites and accompanied by increased socio-cultural complexity, is also assumed for this time (Russo 1994b, 2008; Widmer 1988).

The beginning of the Late (or Ceramic) Archaic is similar in many respects to the Middle Archaic but includes the addition of ceramics. The earliest pottery in the south Florida region is fiber-tempered (Orange Plain and Orange Incised). Orange series ceramics have been recovered from a number of sites in southwest Florida (Bullen and Bullen 1956; Cockrell 1970; Luer 1989c, 1999a; Marquardt 1992b, 1999; Russo 1991; Widmer 1974). Although semi-fiber-tempered are generally attributed to the late Orange period, analysis of such sherds from a number of sites indicates that this type of ceramic occurred throughout the Orange period (Cordell 2004). Projectile points of the Late Archaic are primarily stemmed and corner-notched, and include those of the Culbreath, Clay, and Lafayette types (Bullen 1975). Other lithic tools of the Late Archaic include hafted scrapers and ovate and triangular-shaped knives (Milanich and Fairbanks 1980). Archaeological evidence indicates that south Florida was sparsely settled during this time with only a few sites recorded.

3.3 Glades

The termination of the Late or Ceramic Archaic corresponds to a time of environmental change. The maturing of productive estuarine systems was accompanied by cultural changes leading to the establishment of what John Goggin defined as the “Glades Tradition” (Griffin 1988:133). It was characterized by “the exploitation of the food resources of the tropical coastal waters, with secondary dependence on game and some use of wild plant foods. Agriculture was apparently never practiced, but pottery was extensively used” (Goggin 1949:28). Unlike much of peninsular Florida, the region does not contain deposits of chert, and as such stone artifacts are rare. Instead of stone, shell and bone were used as raw materials for tools (Milanich 1994:302).

Most information concerning the post-500 BCE aboriginal populations is derived from coastal sites where the subsistence patterns are typified by the extensive exploitation of fish and shellfish, wild plants, and inland game, like deer. Inland sites show a greater, if not exclusive reliance on interior resources. Known inland sites often consist of sand burial mounds and shell and dirt middens along major water courses, and small dirt middens containing animal bone and ceramic sherds in oak/palm hammocks, or palm tree islands associated with freshwater marshes (Griffin 1988). These islands of dry ground provided space for settlements (Carr 2002). Widmer (1988) has described a series of post-500 BCE culture periods for the Caloosahatchee Area, based on differences in the frequencies of certain ceramic types.

The settlement pattern of the Caloosahatchee people at this time consisted of large villages (10 hectares [ha] in size with about 400 people), small villages (3-4 ha / 50 people), and fishing hamlets and/or collection stations (< 1 ha, temporary, task specific site) (Widmer 1988). The larger sites are located in the coastal areas, whereas most of the interior sites are seen as short-term hunting stations occupied by special task groups from the permanent coastal villages (Widmer 1988:226).

Caloosahatchee I ca. 500 BCE to 700 CE) is characterized by thick, sand-tempered plain sherds with rounded lips, some St. Johns Plain ceramics, the appearance of Pineland Plain ceramics (tempered with sponge spicules and medium to fine quartz sand), and the absence of Belle Glade ceramics (Marquardt 1999:85). Based on the faunal analysis from Useppa Island, fish was the primary meat source with whelks and conchs being the primary shellfish food. Botanical materials

utilized include chenopod, panic grass, talinum, mallow, red mangrove, waxmyrtle, pine, buttonwood, and seagrape (Marquardt 1999:87). Data on burial customs for this time have not been obtained.

From 700 to 1200 CE, the Caloosahatchee II period is marked by a dramatic increase of Belle Glade ceramics in the area (Widmer 1988:84). Cordell (1992) has divided the Caloosahatchee II period into IIA and IIB based on the appearance of Belle Glade Red ceramics at about 800 CE. These changes in ceramics may also indicate the resurgence of ceremonial mound use, a characteristic of the period. Burials occurred in sand mounds and in natural sand ridges with both primary flexed and secondary bundle burials. The number of shell middens or village sites increased (Milanich 1994:319) and evidence of ranked societies in southwest Florida is present at this time (Widmer 1988:93). The Wightman Site has three non-mortuary ceremonial mounds connected by shell causeways (Fradkin 1976). In addition, the large Pineland Canal appears to have been constructed at this time (Luer 1989a, 1989b). It is possible that the large Pineland complex served as the center of Calusa society at this time (cf. Milanich 1995:44). During this time, it had been postulated that sea levels were higher than during the Caloosahatchee I period, or that the coastal area was under greater influence from nearby ocean inlets. This is based on the higher diversity of faunal remains and the increased number higher salinity based food stuffs (Walker 1992). The number of shell midden or village sites increased, and shell tools became more diverse (Milanich 1994:319). Hafted whelk and conch hammers and cutting edged tools were common (Marquardt 1992a:429).

The Caloosahatchee III period, from 1200 to 1400 is identified by the appearance of both St. Johns trade wares, notably St. Johns Check Stamped, and Englewood period ceramics. Belle Glade Plain ceramics continue to be the dominant type, with sand tempered plain and Pineland Plain wares as well. Marquardt (1992a:430) notes that there were no obvious changes in the settlement and subsistence patterns based upon the archaeological evidence. Sand burial mounds continued to be utilized, often containing Englewood and Safety Harbor vessels. A number of mounds from this period have had radially placed extended burials within the mounds (Luer and Almy 1987).

From 1400 to 1513, the Caloosahatchee IV period is characterized by the appearance of numerous trade wares from all adjoining regions of Florida (Widmer 1988:86). These types include Glades Tooled and pottery of the Safety Harbor series, including Pinellas Plain. There was also a decrease in popularity of Belle Glade Plain ceramics (Milanich 1994:321). Sand tempered plain pottery, with square and flattened lips, is the most common (Cordell 1992:168). There is also an increase in Pineland Plain ceramics. Around 1400, the use of incising on ceramics in the Glades and Caloosahatchee regions ceased and the ceramic assemblages of the two areas were very homogeneous (Marquardt 1992a:431). Some have suggested that this represents an expansion of the Calusa within this area (Griffin 1988; McGregor 1974).

3.4 Colonialism

The Caloosahatchee V period, ca. 1513 to 1750, is coterminous with the period of European contact. The Caloosahatchee area was the home territory of the Calusa, a sedentary, non-agricultural, highly stratified and politically complex chiefdom (Milanich 1998). Calusa villages along the coast are marked by extensive shellworks and earthworks. Sites are marked by the appearance of European artifacts associated with aboriginal artifacts. It was also at this time that metal pendants were being manufactured by aboriginal metal smiths (Allerton et al. 1984). In addition, cultural materials from the Leon-Jefferson Mission Period in north Florida have also been recovered (Widmer 1988:86). This may be evidence of Indians fleeing Spanish missionaries and moving into southwest Florida. Spanish missionaries and European explorers found areas of large population on the southwest Florida coast, through there were interior occupations as well (Hann 1991). During the historic period, there was no

reason to doubt that the Indians of southwest Florida continued to subsist mainly on resources of the sea, through they are said to have been fond of Spanish food and drink (Marquardt 1992a:431). Burial patterns also remained similar to the earlier periods, but included some European goods. The most striking feature of the Caloosahatchee mortuary pattern, to the extent it is known, is its continuity through time and general lack of grave goods (Walker et al. 1996:23).

Prior to the settlement of St. Augustine in 1565, European contact with the indigenous peoples was sporadic and brief; however, the repercussions were devastating. The southeastern Native American population of 1500 has been estimated at 1.5 to 2 million (Dobyns 1983). Following exposure to Old World diseases such as bubonic plague, dysentery, influenza, and smallpox, to which they had no immunity, the Native American population was reduced by as much as 90% (Ramenofsky 1987). The social consequences of such a swift depopulation were staggering. Within 87 years of Ponce de Leon's landing, the cultures of the Southeast had collapsed (Smith 1987).

In northern Florida, much of the surviving Native American population was converted by Jesuit and Franciscan missions (McEwan 1993). However similar efforts in peninsular Florida were unsuccessful, not for a lack of effort, but because the remaining populations were intractable (Hann 1991). In time, some of the missionized Indians fled south along the Gulf Coast (Luer 1999b). Historic documents mention various activities along the Gulf Coast south of Tampa Bay in the 1600s and early 1700s, as refugees fleeing mission sites probably joined indigenous Indians (Luer 1999b).

As the Calusa disappeared, fishing communities, or "ranchos," were established by Cuban and Spanish fisherfolk on various islands and along the coast between Charlotte Harbor and Tampa Bay. The earliest recorded ranchos may have been at Useppa Island and San Carlos Bay in Charlotte Harbor around 1765 (Hammond 1973). However, there is some evidence that remnants of the once powerful Calusa joined the Cuban-Spanish fisherfolk at the ranchos in Charlotte Harbor during the early 18th century (Almy 2001; Hann 1991; Neill 1968). The ranchos supplied dried fish to Cuban and northern markets until the mid-1830s, when onset of the Seminole Indian Wars and customs control ruined the industry.

During the political machinations between 1763 and 1819 among the English, Spanish, French, and the United States, Native Americans continued to move into the unchartered lands of Florida. These migrating groups became known to English speakers as Seminoles. They had an agriculturally based society, focusing upon cultivation of crops and the raising of horses and cattle. The material culture of the Seminoles remained similar to the Creeks, the dominant aboriginal pottery type being Chattahoochee Brushed. European trade goods, especially British, were common. The Creek settlement pattern included large villages located near rich agricultural fields and grazing lands.

Their early history can be divided into two basic periods: *colonization* (1716-1767) when the initial movement of Creek towns into Florida occurred and *enterprise* (1767-1821) which was an era of prosperity under the British and Spanish rule prior to the American presence (Mahon and Weisman 1996). The Seminoles formed at various times loose confederacies for mutual protection against the new American Nation to the north (Tebeau 1980:72). The Seminoles crossed back and forth into Georgia and Alabama conducting raids and welcoming escaped slaves. This resulted in General Andrew Jackson's invasion of Florida in 1818, which became known as the First Seminole War.

3.5 Territorial and Statehood

Because of the First Seminole War and the Adams-Onis Treaty of 1819, Florida became a United States territory in 1821, but settlement was slow and scattered during the early years. Andrew Jackson, named provisional governor, divided the territory into St. Johns and Escambia Counties. At that time, St. Johns County encompassed all of Florida lying east of the Suwannee River, and Escambia County included the land lying to the west. In the first territorial census in 1825, some 317 persons reportedly lived in South Florida; by 1830 that number had risen to 517 (Tebeau 1980:134). Although the project area in present-day Charlotte County was initially included in St. Johns County, the area transferred to Mosquito County when it was created in 1824 and then to Hillsborough County when it was established in 1834 (Grismer 1946).

Even though the First Seminole War was fought in north Florida, the Treaty of Moultrie Creek in 1823, at the end of the war, was to affect the settlement of all of south Florida. The Seminoles relinquished their claim to the whole peninsula in return for an approximately four million acre reservation south of Ocala and north of Charlotte Harbor (Covington 1958; Mahon 1985:50). The treaty satisfied neither the Indians nor the settlers. The inadequacy of the reservation and desperate situation of the Seminoles living there, plus the mounting demand of the settlers for their removal, soon produced another conflict.

By 1835, the Second Seminole War was underway. As part of the effort to subdue Indian hostilities in southwest Florida, military patrols moved into the unchartered and unmapped wilderness in search of Seminole populations outside the reservation. As the Second Seminole War escalated, attacks on isolated settlers and communities in southwest Florida became more common. To combat this, the combined service units of the U.S. Army and Navy converged on southwest Florida. This joint effort attempted to isolate the southern portion of the Florida peninsula against the estimated 300 Seminoles remaining in the Big Cypress Swamp and Everglades (Covington 1958; Tebeau 1966). The federal government ended the conflict by withdrawing troops from Florida. At the war's end, some of the battle-weary Seminoles were persuaded to emigrate to the Oklahoma Indian Reservation where the federal government had set aside land for the Native Americans. However, those who wished to remain in Florida were allowed to do so, but were pushed further south into the Everglades and Big Cypress Swamp, which became the final Seminole stronghold (Mahon 1985).

Encouraged by the passage of the Armed Occupation Act in 1842, which was designed to promote settlement and protect the Florida frontier, settlers moved south through Florida. The Act made available 200,000 acres south of Gainesville to the Peace River, barring coastal lands and those within a two-mile radius of a fort. It stipulated that any family or single man over 18 years of age able to bear arms could earn title to 160 acres by erecting a habitable dwelling, cultivating at least five acres of land, and living on it for five years. During the nine month period the law was in effect, 1184 permits were issued totaling some 189,440 acres (Covington 1961:48).

Following the second Seminole War, incoming settlers registered stock cattle purchased in north Florida and drove them south to open ranges near Indian territory (Matthews 1989). In 1845, the Union admitted the State of Florida with Tallahassee as the state capitol. Ten years later, Manatee County, which at that time included the project area, was carved from portions of Hillsborough and Mosquito Counties; the village of Manatee became the county seat (Marth 1973). In 1849, John M. Irwin surveyed the interior section lines of Township 41 South, Range 20 East; no historic features were depicted on the Plat (State of Florida 1850). In general, the area was described as third rate pine and the unnamed Buck Creek was described as a rivulet (State of Florida 1849:233-242).

In December of 1855, the Third Seminole War started when Seminole Chief Billy Bowlegs and 30 warriors attacked an army camp, killing four soldiers and wounding four others. The attack was in retaliation for damage done by several artillerymen to property belonging to Billy Bowlegs. This hostile action renewed state and federal interest in the final elimination of the Seminoles from Florida. Despite this effort, military action was not decisive during the war. Therefore, in 1858 the U.S. government resorted to monetary persuasion to induce the remaining Seminoles to migrate west. Chief Billy Bowlegs accepted \$5000 for himself, \$2500 for his lost cattle, each warrior received \$500, and \$100 was given to each woman and child. On May 8, 1858, the Third Seminole War was declared officially over (Covington 1982).

Cattle ranching served as one of the earliest important economic activities reported in Manatee County. Mavericks left by early Spanish explorers such as DeSoto and Narvaéz provided the stock for the herds raised by the mid-eighteenth century “Cowkeeper” Seminoles. As the Seminoles were pushed further south during the Seminole Wars and their cattle were either sold or left to roam, settlers captured or bought the cattle. By the late 1850s, the cattle industry of southwestern Florida was developing on a significant scale. Hillsborough and Manatee Counties constituted Florida’s leading cattle producing region. By 1860, cattlemen from all over Florida drove their herds to Fort Brooke (Tampa) and Punta Rassa (south of Ft. Myers) for shipment to Cuba, at a considerable profit. During this period, Jacob Summerlin became the first cattle baron of southwestern Florida. Known as the “King of the Crackers,” Summerlin herds ranged from Ft. Meade to Ft. Myers (Covington 1957).

3.6 Civil War and Aftermath

In 1861, Florida followed South Carolina's lead and seceded from the Union as a prelude to the American Civil War. Florida had much at stake in this war as evidenced in a report released from Tallahassee in June of 1861. It listed the value of land in Florida’s 35 counties as \$35,127,721 and the value of the slaves in the state at \$29,024,513 (Dunn 1989:59). Although the Union blockaded the coast of Florida during the war, the interior of the state saw very little military action. Florida became one of the major contributors of beef to the Confederate government (Shofner 1995:72). Summerlin originally had a contract with the Confederate government to market thousands of head a year at eight dollars per head. However, by driving his cattle to Punta Rassa and shipping them to Cuba, he received 25 dollars per head (Grismer 1946:83). In an attempt to limit the supply of beef transported to the Confederate government, Union troops stationed at Ft. Myers conducted several raids into the Peace River Valley to seize cattle and destroy ranches. In response, Confederate supporters formed the Cattle Guard Battalion, consisting of nine companies under the command of Colonel Charles J. Mannerlyn (Akerman 1976).

The lack of railway transport to other states, the federal embargo, and the enclaves of Union supporters and Union troops holding key areas such as Jacksonville and Ft. Myers prevented an influx of finished materials. As a result, settlement remained limited until after the Civil War.

Immediately following the war, the South underwent a period of “Reconstruction” to prepare the Confederate States for readmission to the Union. The program was administered by the U.S. Congress, and on July 25, 1868, Florida officially returned to the Union (Tebeau 1980). In most of the early settlements, development followed the earlier pattern with few settlers, one or two stores, and a lack of available overland transportation. Those communities along the coast developed a little faster due to the accessibility of coastal transportation.

The State of Florida faced a financial crisis involving title to public lands in the early 1880s. By an 1850 Act of Congress, the federal government turned over to the states for drainage and

reclamation all “swamp and overflow land.” In 1855, the legislature established the actual fund (the Florida Internal Improvement Fund), in which state lands were to be held. The fund became mired in debt after the Civil War and, under state law, no land could be sold until the debt was cleared. In 1881, the Trustees started searching for a buyer capable of purchasing enough acreage to pay off the fund’s debt and permit the sale of the remaining millions of acres that it controlled. Hamilton Disston entered into agreement with the State of Florida to purchase four million acres of swamp and overflowed land for one million dollars. In exchange, he promised to drain and improve the land. This was done through such companies as the Florida Land and Improvement Company (FLIC) and the Atlantic and Gulf Coast Canal and Okeechobee Land Company. This purchase also enabled the distribution of large land subsidies to railroad companies, inducing them to begin extensive construction programs for new lines throughout the state. The FLIC purchased all of Section 21 in 1883 (State of Florida n.d.:220). Disston and the railroad companies, in turn, sold smaller parcels of land to developers and private investors (Tebeau and Carson 1965).

Punta Gorda was founded in 1879 by Isaac Trabue of Louisville, Kentucky. He purchased and platted a 30-acre tract that had previously been inhabited by Cuban anglers. The extension of the Florida Southern Railroad into Punta Gorda in 1886 resulted in the expansion of the local fishing industry (Covington 1957). Mullet fishing was an especially important industry (Gatewood 1939). In addition, the Florida Southern Railway’s 4200-foot pier gave Charlotte Harbor a deep-water port. As the southernmost rail terminus in the U.S., it then became an important transportation hub.

Also in the late 1880s, phosphate was discovered along the Peace River. Many mines were located north of Charlotte Harbor, but apparently only the Gulf Phosphate Mining Company, located in Cleveland, was the only such firm operating in Charlotte County. The Company, capitalized at \$250,000, mined river pebble phosphate over an area of roughly 5200 acres (Tebeau 1980).

3.7 Twentieth Century.

From 1900 through the 1920s, Charlotte County experienced some growth due to Florida’s recognition as a recreation and tourist haven, reclamation projects, and the beginning of the Florida road systems around 1916 (HPA 1989). In 1921, Charlotte County was formed out of DeSoto County, and Punta Gorda became the county seat (Fernald and Purdum 1996).

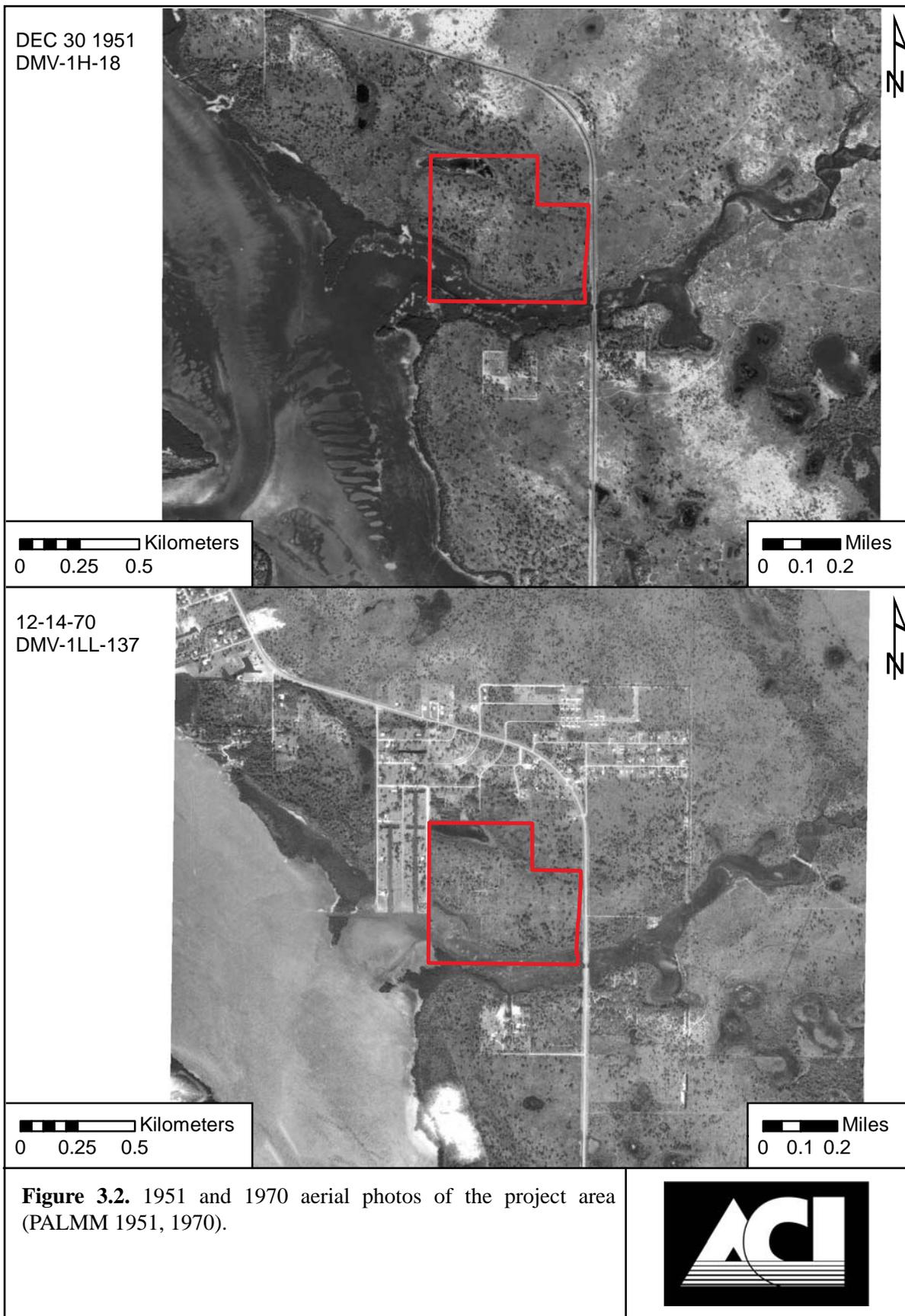
During this time the automobile, telephone, and electricity introduced a state and national perspective into the small communities of southwest Florida. The construction of U.S. Highway 41, or the Tamiami Trail, played a significant role in this development. Prior to its inception in 1915, portions of the Tamiami Trail existed in the form of county roads. When the Florida State Road Department began joining these disparate roadways, traffic increased and southwest Florida’s tourist industry was born. At its completion in 1928, the Tamiami Trail connected Tampa to Miami via Bradenton, Sarasota, Venice, and Englewood (Scupholm 1997). As a result, new residents and tourists arrived by automobile as well as by boat. Developers used propaganda promoting Florida as the eternal garden to attract tourists and new residents. Osprey, Laurel and Nokomis, the small towns west of I-75, were described in 1920s promotional literature as thriving communities within easy motoring distance of Sarasota (Sarasota Chamber of Commerce n.d.). The area of North Port and Warm Mineral Springs and islands near Englewood remained undeveloped.

These halcyon days were short-lived, however, and during 1926-27, the bottom fell out of the Florida real estate market. Massive freight car congestion from hundreds of loaded cars sitting in railroad yards caused the Florida East Coast Railway to embargo all but perishable goods in August

of 1925 (Curl 1986). The embargo spread to other railroads throughout the state, and, as a result, most construction halted. The 1926 real estate economy in Florida was based upon such wild land speculations that banks could not keep track of loans or property values.

During the Depression Era, Charlotte County experienced a decrease in population. In 1930, only 4,013 people were living in the county. Many of these residents lived in farm settlements at Sancassa, Charlotte Harbor, Cleveland, and Burdock, and commercial fishing villages such as Placida and McCall. Throughout the 1940s, Charlotte County's population remained stable, increasing slightly. A review of the aerial photographs available from Publication of Archival Library & Museum Materials (PALMM) revealed little in the way of development for this part of the state (PALMM 1951, 1970). The 1951 aerial reveals the presence of Placida Road, but no other constructed features were evident. The 1970 aerial indicated that development was starting on the communities to the north and west of the Preserve, but no evidence of development was noted within the project area (Figure 3.2).

The construction of suburbs and malls changed the character of Florida's cities creating a string of development along coastal areas. Development and settlement patterns over the latter half of the twentieth century have pushed outward and through the center of the state along the Interstate 4 corridor. In southwest Florida, development has concentrated along the coast with the completion of I-75 generating a spurt of activity that has continued today. Since 1960, this area, along with the rest of Florida, has benefited from an influx of retirees and tourists, making Florida one of the fastest growing states in the nation. During the 1970s, Charlotte County became one of Florida's fastest growing counties. By 1990, Charlotte County's population had risen to 110,975 (U.S. Census Bureau [USCB] 1995), and 90% of Charlotte County's residents lived in unincorporated areas (Purdum 1994). Charlotte County is still experiencing growth today because of increased tourism, and residential development, though it is slower than the rest of the state. The 2010 census lists Charlotte County as 29th in population with 159,978, an increase of 13.0% over the past decade (USCB 2012).



4.0 ARCHAEOLOGICAL AND HISTORICAL CONSIDERATIONS

4.1 Background Research and Literature Review

A review of archaeological and historical literature, records and other documents and data pertaining to the project area was conducted. The focus of this research was to ascertain the types of cultural resources known in the vicinity, their temporal/cultural affiliations, site location information, and other relevant data. This included a review of sites listed in the NRHP, the FMSF, cultural resource survey reports, published books and articles, unpublished manuscripts, and maps. No one was located who had information on the history of the project area.

It should be noted that FMSF data used in this report was obtained in April 2012. According to FMSF staff, input may be a month or more behind receipt of reports and site files and the GIS data are updated quarterly. Thus, these findings may not be current with actual work performed in the area.

4.1.1 Archaeological Considerations

For archaeological survey projects of this kind, research designs are formulated prior to initiating fieldwork to delineate project goals and strategies. Of primary importance is an attempt to understand, based prior investigations, the spatial distribution of known resources. Such knowledge serves not only to generate an informed set of expectations concerning the kinds of sites which might be anticipated to occur within the project area, but also provides a valuable regional perspective, and thus, a basis for evaluating any new sites discovered.

A search of the FMSF indicated that no archaeological sites are located within the Preserve, but there are four previously recorded sites located within about 1.6 km (1 mi) of the project area (Figure 4.1). 8CH56 is a shell mound located on the shore of Lemon Bay. It was initially recorded by William Plowden in 1953, and has since been re-examined during the archaeological surveys of Charlotte County and the Grande Preserve (Austin et al. 2008; FMSF ; Luer 2002). The site has been considered potentially eligible for listing in the NRHP, but it has not been evaluated by the State Historic Preservation Officer (SHPO). The Grande Preserve survey also located 8CH513, a submerged shell midden a meter deep in the tidal flats. Luer considered the site potentially eligible for listing in the NRHP, but the SHPO concluded that there was insufficient data available to make a determination (FMSF; Luer 2002). The final two sites, 8CH365 and 8CH366, were discovered during the first Charlotte County historic resources survey (HPA 1989). Both sites were listed as shell middens, but neither was evaluated in terms of NRHP-eligibility by the researchers or the SHPO.

There have been three other surveys conducted within a mile of the project area, SR 775 (Morrell 1979) and Placida Plaza, and Winchester Boulevard (ACI 2008, 2009). No sites were discovered during these surveys. In addition to these surveys, archaeological surveys of environmentally similar areas in southwest Florida have found small, shallow shell scatter/midden sites situated above creeks or creek terraces on slightly elevated land relative to the surrounding terrain. Sand mounds, often containing burials, have also been recorded along the major creeks. Such environments are similar to that along Buck Creek. Within pine flatwoods, what few sites are recorded, are generally situated on the slightly elevated areas along slough and wetland margins.

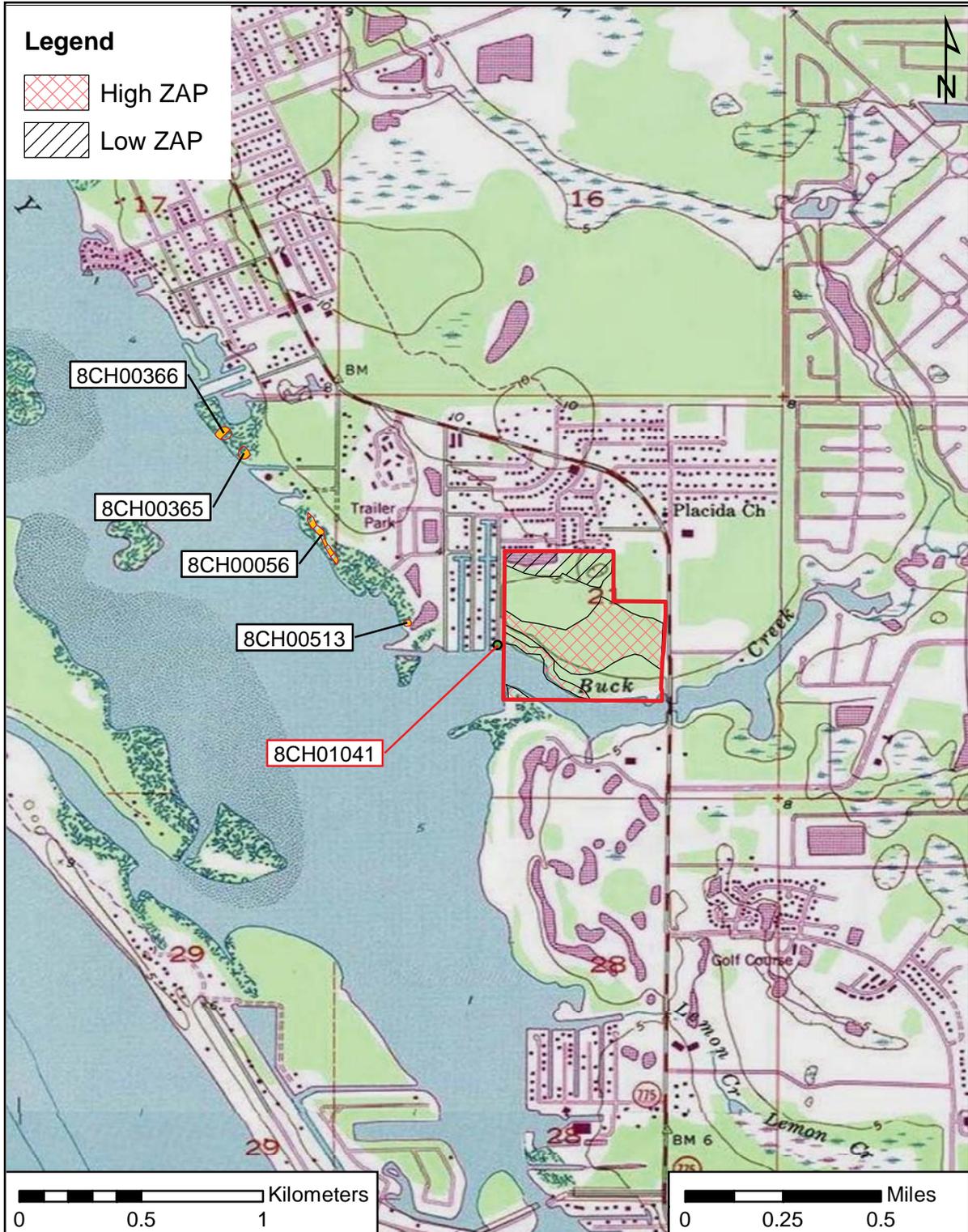


Figure 4.1. Location of the previously recorded cultural resources proximate to the Preserve and the zones of archaeological potential (the Moderate ZAPs are unshaded) (National Geographic Society 2011 - USA Topo Maps).



A review of the archaeological predictive model maps for Charlotte County indicates that the Preserve has variable archaeological potential (Handley et al. 2008). It has zones of high, medium, and low potential; the lowest potential is along the northern portion of the project area, well away from coastal resources (Figure 4.1). Based on the historic overview, there is a low potential for historic period archaeological sites.

4.1.2 Historical Considerations

A review of the FMSF revealed that no historic structures have been recorded within the Preserve, although there is one adjacent to the west. 8CH1041 is a Masonry Vernacular style residence. It was not considered significant by the recorders, but it has not been evaluated by the SHPO (Austin et al. 2008). Additionally, an examination of the Plat (State of Florida 1850), the aerial photographs (PALMM 1951, 1970), and the Property Appraiser's web site (Desguin 2012) indicated little possibility of historic buildings within the project area.

4.2 Field Methodology

Archaeological field methodology included ground surface inspection as well as subsurface shovel testing, to locate sites not exposed on the ground. Subsurface testing was systematically carried out at staggered 50 m (164 ft) intervals as well as judgmentally. Shovel test pits were circular and measured approximately 50 cm (20 in) in diameter by at least 1 m (3.3 ft) in depth. All soil removed from the tests was screened through 0.64 cm (0.25 in) mesh hardware cloth to maximize the recovery of artifacts. The locations of all shovel tests were plotted on the aerial map, and, following recording of relevant data such as stratigraphic profile and artifact finds, all test pits were refilled.

Historical field methodology consisted of a visual reconnaissance of the project area to determine the location of all historic resources believed to be 50 years of age or older, and to ascertain if any resources within the property could be eligible for listing in the NRHP.

4.3 Unexpected Discoveries

If human burial sites such as Indian mounds, lost historic and prehistoric cemeteries, or other unmarked burials or associated artifacts were found, then the provisions and guidelines set forth in Chapter 872.05, *Florida Statutes* (Florida's Unmarked Burial Law) will be followed. Although burial mounds have been recorded in the general region, it was not anticipated that such sites would be found within the project area.

4.4 Laboratory Methods and Curation

No artifacts were recovered, thus no laboratory methods were utilized.

All project related material (including field notes, maps, and photographs) will be maintained at ACI in Sarasota, unless client requests otherwise.

5.0 RESULTS AND CONCLUSIONS

5.1 Archaeological

In total, 53 shovel tests were excavated within the Preserve. The tests were placed at staggered 50 m (164 ft) intervals within the high and medium probability areas (N=44) and judgmentally in the lower probability areas (N=9) (Figure 5.1). None of the shovel tests produced cultural materials. The general stratigraphy along the shore consisted of 0-20 cm (0-8 in) gray sand, 20-60 cm (8-24 in) light gray sand, and 60-100 cm (24-40 in) dark brown muck. Within the pine flatwoods, the soil stratigraphy consisted of 0-40 cm (0-16 in) gray sand underlain by 60 cm (24 in) of brown sand.

5.2 Historical/Architectural

The background research revealed a low potential for historic structures within the project area. The historical resource survey of the project area revealed an absence of historic structures or features (50 years of age or older).

5.3 Conclusions

In conclusion, background research and field survey indicated an absence of cultural resources within the Dr. Willard “Bill” Coy Preserve at Buck Creek. Thus, no archaeological sites or historic structures which are listed, determined eligible, or considered potentially eligible for listing in the NRHP will be affected by this project. No additional work is recommended.

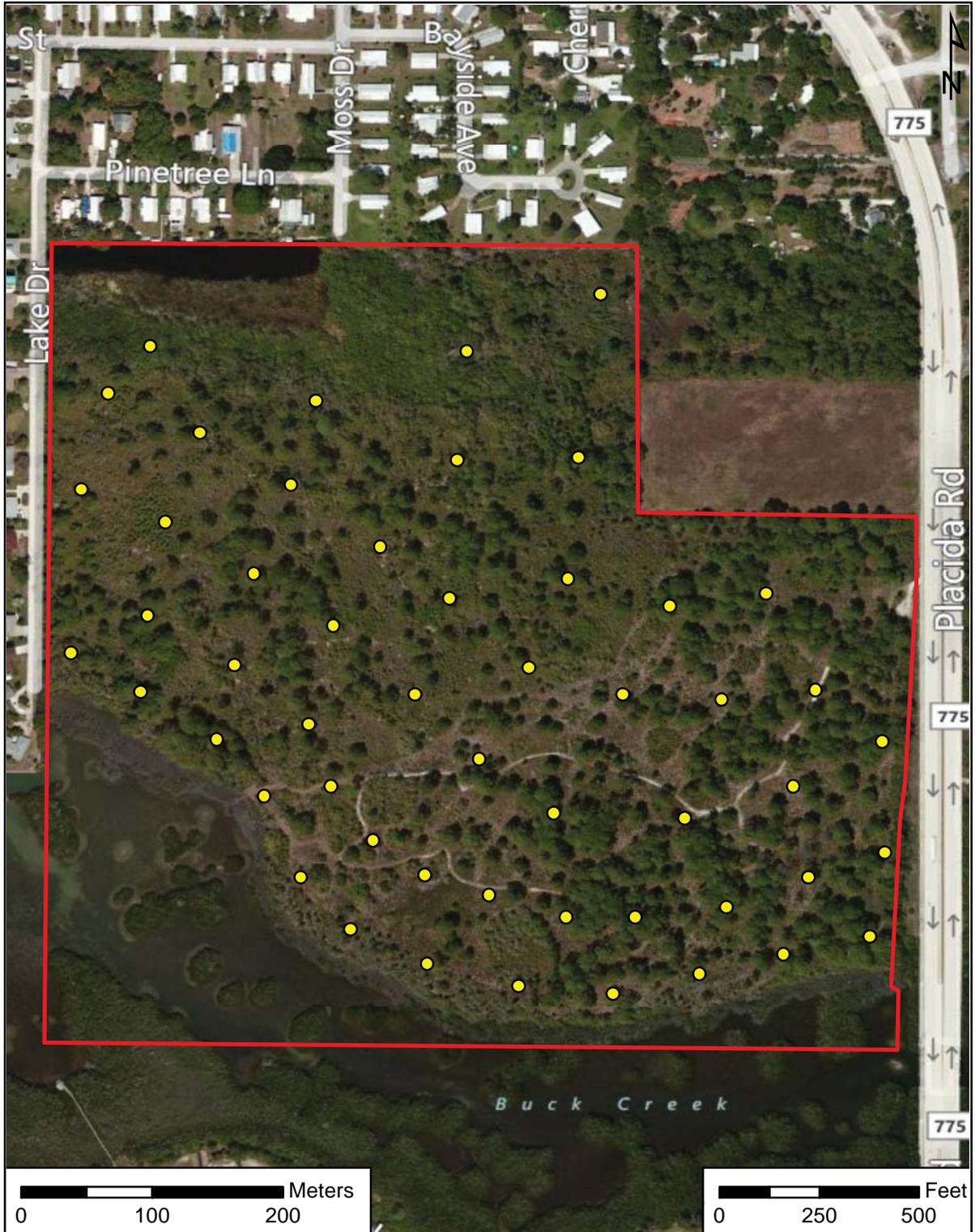


Figure 5.1. Approximate location of the shovel tests within the Preserve (Microsoft 2010 - *Bing Maps Hybrid*). Shovel tests not to scale.



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APPENDIX Survey Log

Ent D (FMSF only) _____



Survey Log Sheet

Florida Master Site File
Version 4.1 1/07

Survey # (FMSF only) _____

Consult *Guide to the Survey Log Sheet* for detailed instructions.

Identification and Bibliographic Information

Survey Project (name and project phase) CRAS Dr. Willard "Bill" Coy Preserve on Buck Creek, Charlotte Co.

Report Title (exactly as on title page) Cultural Resource Assessment Survey Dr. Willard "Bill" Coy Preserve on Buck Creek Charlotte County, Florida

Report Authors (as on title page, last names first) 1. ACI 3. _____
2. _____ 4. _____

Publication Date (year) 2012 Total Number of Pages in Report (count text, figures, tables, not site forms) 35

Publication Information (Give series, number in series, publisher and city. For article or chapter, cite page numbers. Use the style of *American Antiquity*.)
Conducted for American Environmental Engineering of Florida, Inc, Deerfield Beach on behalf of the Charlotte County Board of County Commissioners, Port Charlotte, by ACI, Sarasota

Supervisors of Fieldwork (even if same as author) Names Almy, Marion

Affiliation of Fieldworkers: Organization Archaeological Consultants Inc City Sarasota

Key Words/Phrases (Don't use county name, or common words like *archaeology, structure, survey, architecture, etc.*)
1. _____ 3. _____ 5. _____ 7. _____
2. _____ 4. _____ 6. _____ 8. _____

Survey Sponsors (corporation, government unit, organization or person directly funding fieldwork)
Name American Environmental Engineering of FL Organization _____
Address/Phone/E-mail 1701 Hillsboro Blvd., Suite 209, Deerfield Beach, FL 33442

Recorder of Log Sheet Horvath, Elizabeth A. Date Log Sheet Completed 6-8-2012

Is this survey or project a continuation of a previous project? No Yes: Previous survey #s (FMSF only) _____

Mapping

Counties (List each one in which field survey was done; attach additional sheet if necessary)
1. Charlotte 3. _____ 5. _____
2. _____ 4. _____ 6. _____

USGS 1:24,000 Map Names/Year of Latest Revision (attach additional sheet if necessary)

1. Name <u>ENGLEWOOD</u> Year _____	4. Name _____ Year _____
2. Name _____ Year _____	5. Name _____ Year _____
3. Name _____ Year _____	6. Name _____ Year _____

Description of Survey Area

Dates for Fieldwork: Start 6-5-2012 End 6-7-2012 Total Area Surveyed (fill in one) _____ hectares 88 acres

Number of Distinct Tracts or Areas Surveyed 1

If Corridor (fill in one for each) Width: _____ meters _____ feet Length: _____ kilometers _____ miles

Research and Field Methods

Types of Survey (check all that apply): archaeological architectural historical/archival underwater
damage assessment monitoring report other(describe): _____

Scope/Intensity/Procedures background research, systematic & judgmental subsurface testing, 1 m deep, 50 cm diameter, 6.4 mm mesh screen; 44 @ 50 m, 9 judg,mental; all sterile

Preliminary Methods (check as many as apply to the project as a whole)

Florida Archives (Gray Building) library research- local public local property or tax records other historic maps
Florida Photo Archives (Gray Building) library-special collection - nonlocal newspaper files soils maps or data
Site File property search Public Lands Survey (maps at DEP) literature search windshield survey
Site File survey search local informant(s) Sanborn Insurance maps aerial photography
other (describe): _____

Archaeological Methods (check as many as apply to the project as a whole)

Check here if NO archaeological methods were used.
surface collection, controlled shovel test-other screen size block excavation (at least 2x2 m)
surface collection, uncontrolled water screen soil resistivity
shovel test-1/4" screen posthole tests magnetometer
shovel test-1/8" screen auger tests side scan sonar
shovel test 1/16" screen coring pedestrian survey
shovel test-unscreened test excavation (at least 1x2 m) unknown
other (describe): _____

Historical/Architectural Methods (check as many as apply to the project as a whole)

Check here if NO historical/architectural methods were used.
building permits demolition permits neighbor interview subdivision maps
commercial permits exposed ground inspected occupant interview tax records
interior documentation local property records occupation permits unknown
other (describe): _____

Survey Results (cultural resources recorded)

Site Significance Evaluated? Yes No

Count of Previously Recorded Sites 0 Count of Newly Recorded Sites 0

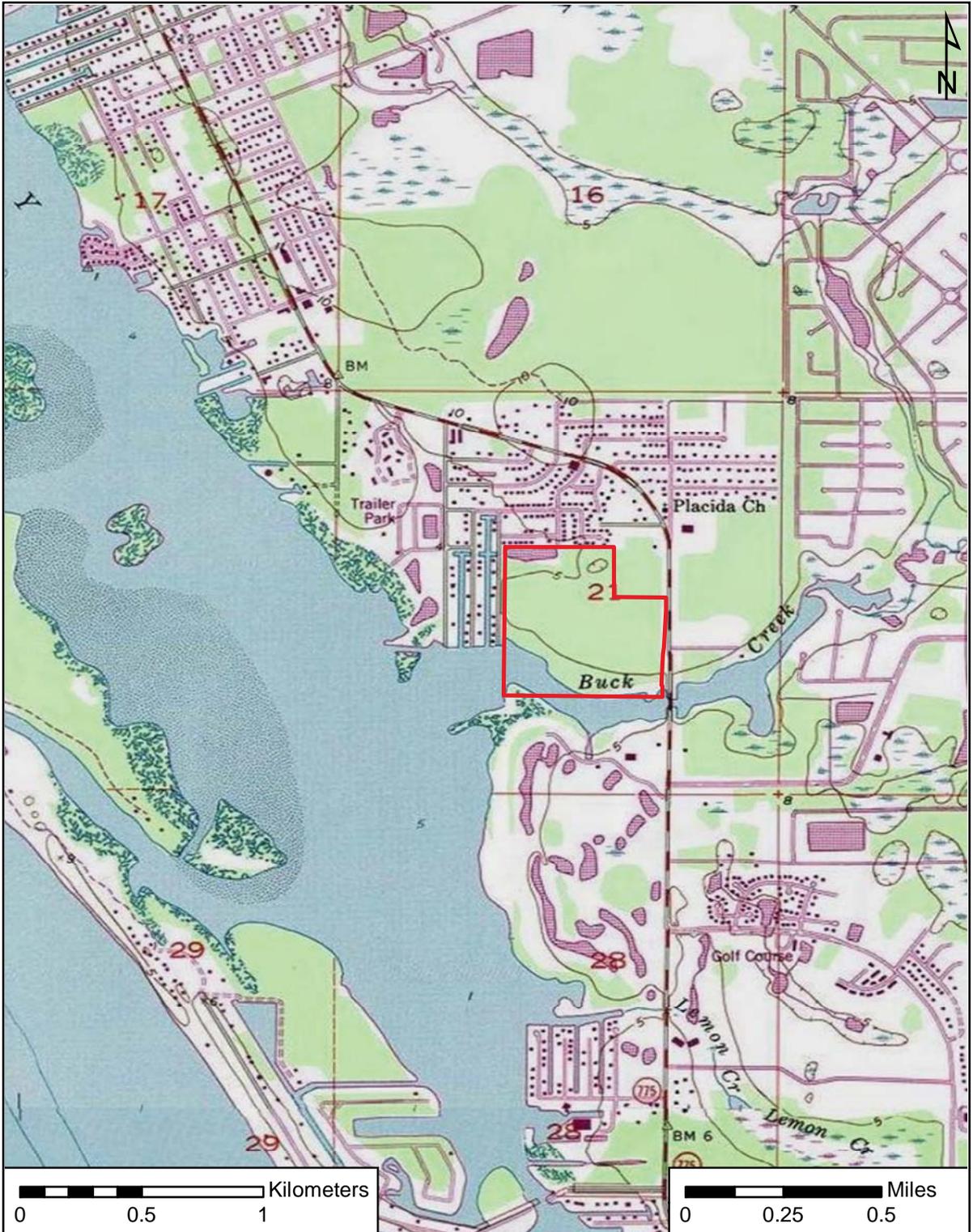
Previously Recorded Site #'s with Site File Update Forms (List site #'s without "8". Attach additional pages if necessary.) _____

Newly Recorded Site #'s (Are all originals and not updates? List site #'s without "8". Attach additional pages if necessary.) _____

Site Forms Used: Site File Paper Form Site File Electronic Recording Form

REQUIRED: ATTACH PLOT OF SURVEY AREA ON PHOTOCOPY OF USGS 1:24,000 MAP(S)

SHPO USE ONLY SHPO USE ONLY SHPO USE ONLY
Origin of Report: 872 CARL UW 1A32 # _____ Academic Contract Avocational
Grant Project # _____ Compliance Review: CRAT # _____
Type of Document: Archaeological Survey Historical/Architectural Survey Marine Survey Cell Tower CRAS Monitoring Report
Overview Excavation Report Multi-Site Excavation Report Structure Detailed Report Library, Hist. or Archival Doc
MPS MRA TG Other: _____
Document Destination: _____ Plotability: _____



Dr. Willard "Bill" Coy Preserve
 Township 41 South, Range 20 East, Section 21
 USGS Englewood
 Charlotte County
 National Geographic Society 2011 - USA Topo Maps



FCT Contract Number 09-CT-N-08-FB-A1-014
FLORIDA COMMUNITIES TRUST
08-014-FF8
BUCK CREEK PRESERVE
CSFA # 52002

GRANT CONTRACT

THIS AGREEMENT is entered into by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a non-regulatory agency within the State of Florida Department of Community Affairs, and CHARLOTTE COUNTY, a political subdivision of the State of Florida ("Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING FACTS:

WHEREAS, the intent of this Agreement is to impose terms and conditions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds ("Project Site"), that are necessary to ensure compliance with applicable Florida law and federal income tax law and to otherwise implement the provisions of Sections 259.105, 259.1051 and Chapter 380, Part III, Florida Statutes;

WHEREAS, Chapter 380, Part III, Fla. Stat., the Florida Communities Trust Act, creates a non-regulatory agency within the Department of Community Affairs ("Department") which will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, FCT is funded through either Section 259.105(3)(c), Fla. Stat. of the Florida Forever Act, which provides for the distribution of twenty-one percent (21%), less certain reductions, of the net Florida Forever Revenue Bond proceeds to the Department, or any other revenue source designated by the Florida Legislature to provide land acquisition grants to local governments and nonprofit environmental organizations for the acquisition of community-based projects, urban open spaces, parks and greenways to implement local comprehensive plans;

WHEREAS, the Florida Forever Revenue Bonds are issued as tax-exempt bonds, meaning the interest on the bonds is excluded from the gross income of bondholders for federal income tax purposes;

WHEREAS, Rule 9K-7, Florida Administrative Code ("F.A.C.") sets forth the procedures for the evaluation and selection of lands proposed for acquisition and Rule 9K-8, F.A.C. sets forth the acquisition procedures;

WHEREAS, on September 4, 2008 the FCT Governing Board scored, ranked and selected projects to receive approval for funding;

08-014-FF8
October 7, 2008
Pre-acquisition

WHEREAS, the Recipient's project, described in an application submitted for evaluation, was selected for funding in accordance with Rule 9K-7, F.A.C., and by executing this Agreement the Recipient reaffirms the representations made in its application;

WHEREAS, Rule 9K-7.009, F.A.C. authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding;

WHEREAS, Rule 9K-7.003(8) F.A.C., recognizes real property owned by the Recipient and included in the application as part of the Project Site as an eligible source of Match, provided that the real property owned was acquired by the Recipient within 24 months prior to the application deadline for which the application was made. The date of this application deadline was May 7, 2008;

WHEREAS, the Recipient acquired fee simple title to the entire Project Site on March 2, 2007 (*Insert date[s]*) from William E. Dunwoody, III, et al as co-trustees of Trust # 97-001 (*Insert Seller name[s]*);

WHEREAS, the Recipient will request disbursement of FCT Florida Forever Bond proceeds for the reimbursement of Project Costs expended by the Recipient for the acquisition of the Project Site; and

WHEREAS, the purpose of this Agreement is to set forth the conditions that must be satisfied by the Recipient prior to the disbursement of any FCT Florida Forever funds awarded, as well as the restrictions that are imposed on the Project Site subsequent to reimbursing the Recipient for Project Costs.

NOW THEREFORE, FCT and the Recipient mutually agree as follows:

I. PERIOD OF AGREEMENT

1. This Agreement shall begin upon the Recipient's project being selected for funding and shall end **March 3, 2009** ("Expiration Date"), unless extended as set forth below or unless terminated earlier in accordance with the provisions of Article XIII of this Agreement.

2. FCT may extend this Agreement beyond the Expiration Date if the Recipient demonstrates that significant progress is being made toward Project Plan approval or that extenuating circumstances warrant an extension of time. A request for an extension shall fully explain the reason for the delay and why the extension is necessary and shall be provided to FCT in accordance with paragraph V.1. prior to the Expiration Date. If the Recipient does not request an extension, or if a requested extension is not granted by FCT, the Recipient's award shall be rescinded and this Agreement shall terminate.

II. MODIFICATION OF AGREEMENT

1. Either party may request modification of the provisions of this Agreement at any time. Changes which are mutually agreed upon shall be valid only when reduced to writing and duly signed by each of the parties hereto. Such amendments shall be incorporated into this Agreement.

III. DEADLINES

1. At least two original copies of this Agreement shall be executed by the Recipient and returned to the FCT office at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, as soon as possible and before **November 14, 2008**. If the Recipient requires more than one original document, the Recipient shall photocopy the number of additional copies needed and then execute each as an original document. Upon receipt of the signed Agreements, FCT shall execute the Agreements, retain one original copy and return all other copies that have been executed to the Recipient.

2. The Recipient and its representatives shall know of and adhere to all project deadlines and devise a method of monitoring the project. Deadlines stated in this Agreement, as well as deadlines associated with any FCT activity relating to the project, shall be strictly enforced. Failure to adhere to deadlines may result in delays in the project, allocation of time or resources to other recipients that respond timely or the termination of this Agreement by FCT.

3. The Recipient shall submit the documentation required by this Agreement to FCT as soon as possible so that the Project Costs may be reimbursed in an expeditious manner.

4. The Recipient shall provide a monthly status report to FCT of its progress towards reimbursement of the Project Costs.

5. The Recipient shall provide the appraisal(s) required by 9K-8.007, F.A.C. to FCT for review by a date not to exceed ninety (90) days after the Recipient's project is selected for funding. The appraisals shall be reviewed and, upon approval, the Maximum Approved Purchase Price ("MAPP"), as provided in Rule 9K-8.007(5) and (6), F.A.C., shall be determined.

IV. FUNDING PROVISIONS

1. The FCT Florida Forever award granted to the Recipient ("FCT Award") will in no event exceed the lesser of Forty Percent (40%) of the final Project Costs, as defined in Rule 9K-7.002(32), F.A.C., or Three Million Four Hundred Thousand Dollars And Zero Cents (\$3,400,000.00), unless FCT approves a different amount after determination of the MAPP, which shall be reflected in an addendum to this Agreement.

The FCT Award is based on the Recipient's estimate of final Project Costs in its application, as well as the Limitation of Award provided in Rule 9K-7.003(6), F.A.C. and advertised in the Notice of Application. When disbursing the FCT Award, FCT shall recognize only those Project Costs consistent with the definition in Rule 9K-7.002(32), F.A.C. FCT shall participate in the land cost at either the actual purchase price or the MAPP, whichever is less, multiplied by the percent stated in the above paragraph.

2. The FCT Governing Board selected the Recipient's application for funding in order to acquire the entire Project Site identified in the Application. FCT reserves the right to withdraw or adjust the FCT Award if the acreage that comprises the Project Site is reduced or the project design is changed so that the objectives of the acquisition cannot be achieved. FCT shall consider any request for Project Site boundary modification in accordance with the procedures set forth in Rule 9K-7.010, F.A.C.

3. The FCT Award shall be delivered either in the form of Project Costs prepaid by FCT to vendors or in the form of a State of Florida warrant to the Recipient. The FCT Award shall only be delivered after FCT approval of the Project Plan and Project Site acquisition terms. FCT shall prepare a grant reconciliation statement prior to the reimbursement that evidences the amount of Match provided by the Recipient, if any is required, and the amount of the FCT Award. Funds expended by FCT for Project Costs shall be recognized as part of FCT Award on the grant reconciliation statement.

4. If a Match is required, it shall be delivered in an approved form as provided in Rule 9K-7.002(24), F.A.C. If the value of Pre-acquired land, as defined by Rule 9K-7.002(31), F.A.C., or donated land is the source of the Match, the MAPP shall determine the value of the Match. Funds expended by the Recipient for Project Costs shall be recognized as part of the Match on the grant reconciliation statement.

5. By executing this Agreement, the Recipient affirms that it is ready, willing and able to provide a Match, if any is required.

6. FCT's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Florida Legislature, and is subject to any modification in accordance with Chapter 216, Fla. Stat. or the Florida Constitution.

V. NOTICE AND CONTACT

1. All notices provided under or pursuant to this Agreement shall be in writing and delivered either by hand delivery or first class, certified mail, return receipt requested, to:

Florida Communities Trust
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

2. All contact and correspondence from FCT to the Recipient shall be through the key contact. Recipient hereby notifies FCT that the following administrator, officer or employee is the authorized key contact on behalf of the Recipient for purposes of coordinating project activities for the duration of the project:

Name: Anthony W. Stevens

Title: Natural Resources Manager

Address: 25550 Harbor View Road
Port Charlotte, FL 33980

Phone: 941-764-4383 Fax: 941-764-4399

E-mail: andy.stevens@charlottefl.com

3. The Recipient authorizes the administrator, employee, officer or representative named in this paragraph to execute all documents in connection with this project on behalf of the Recipient, including, but not limited to, the Grant Contract or any addenda thereto, grant reconciliation statement, statements submitted as a part of the Project Plan and Declaration of Restrictive Covenants.

Name: Janette S. Knowlton

Title: County Attorney

Address: 18500 Murdock Circle, Ste 573
Port Charlotte, FL 33948

Phone: 941-743-1330 Fax: 941-743-1550

Email: janette.knowlton@charlottefl.com

4. In the event that different representatives or addresses are designated for either paragraph 2. or 3. above after execution of this Agreement, notice of the changes shall be rendered to FCT as provided in paragraph 1. above.

5. The Recipient hereby notifies FCT that the Recipient's Federal Employer Identification Number(s) is 59-6000541.

VI. PROJECT PLAN APPROVAL; PRE-CLOSING REQUIREMENTS

1. Prior to the final disbursement of the FCT Award, the Recipient shall submit to FCT and have approved a Project Plan that complies with Rule 9K-8.011, F.A.C. The Project Plan shall

not be considered by FCT unless it is organized with a table of contents and includes all of the following documents to ensure that the interest of the State of Florida will be protected:

- a. Closing documents associated with the parcel(s):
 - (1) A copy of the Purchase Agreement(s) for sale and purchase of the parcel(s) between the Recipient and William E. Dunwoody, III, et al as co-trustees of Trust # 97-001 (Insert name[s] of Seller[s]).
 - (2) A copy of closing statements from Buyer(s) and Seller(s) for the purchase of the parcel(s).
 - (3) A copy of the recorded deed(s) evidencing conveyance of title to the parcel(s) to the Recipient.
 - (4) Certified survey(s) of the parcel(s) that meets the requirements of Rule 9K-8.006, F.A.C., and is dated within ninety (90) days of the date of acquisition of the parcel(s) by the Recipient.
 - (5) A copy of the title insurance policy(s) evidencing marketable title in Recipient to the parcel(s) and effective the date of acquisition of the parcel(s) by the Recipient, including a statement from the title insurer as to the minimum promulgated rate if premium was paid by Recipient, and all documents referenced in the title policy(s).
 - (6) Environmental site assessment(s) of the parcel(s) certified to the Recipient, which meets the standards and requirements of ASTM Practice E 1527, and with a date of certification within ninety (90) days of the date of acquisition of the parcel(s) by Recipient, together with the statement required by Rule 9K-8.012(4), F.A.C.
- b. A letter from FCT indicating approval of the Management Plan written in accordance with Rule 9K-7.011, F.A.C., and as described in Article VII below.
- c. A statement of the Project Costs.
- d. A statement of the amount of the award being requested from FCT.
- e. Supporting documentation that the conditions imposed as part of this Agreement have been satisfied.

- f. A signed statement by the Recipient that the Recipient is not aware of any pending criminal, civil or regulatory violations imposed on the Project Site by any governmental agency or body.
- g. A signed statement by the Recipient that all activities under this Agreement comply will all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the applicable adopted and approved comprehensive plan.
- h. Additional documentation as may be requested by FCT to provide Reasonable Assurance, as set forth in paragraph VII.4. below.

2. FCT shall approve the terms under which the interest in land is acquired pursuant to Section 380.510(3), Fla. Stat. Such approval is deemed given when FCT approves the Project Plan containing a copy of the document(s) vesting title to the Project Site in the Recipient.

3. **All real property shall be obtained through a Voluntarily-Negotiated Transaction, as defined in Rule 9K-7.002(46). The use of or threat of condemnation is not considered a Voluntarily-Negotiated Transaction.**

4. All invoices for Project Costs, with proof of payment, shall be submitted to FCT and be in a detail sufficient for a proper audit thereof.

5. Rule 9K-7.002(32) states that "reasonable real estate fees or commissions paid by the Recipient for Acquisition" are eligible Project Costs. In an effort to maximize the Florida Forever funds for land acquisition, FCT will conservatively review each request for real estate fees or commissions with close scrutiny to determine if the fee or commission is reasonable. FCT will not reimburse the portion of real estate fees or commissions that are determined by FCT to be unreasonable. Recipient will be financially responsible for the portion of the real estate fee or commission not reimbursed by FCT.

6. The Recipient may, and is strongly encouraged to, request a courtesy review of its Project Plan prior to its submission for approval.

7. Reimbursement for Project Costs shall not occur until after FCT approval of the Project Plan.

VII. MANAGEMENT PLAN; ANNUAL STEWARDSHIP REPORT

1. Prior to approval of the Project Plan and final disbursement of the FCT Award, the Recipient shall submit to FCT and have approved a Management Plan that complies with Rule 9K-7.011, F.A.C. and addresses the criteria and conditions set forth in Articles VII, VIII, IX, X, and XI herein.

2. The Management Plan explains how the Project Site will be managed to further the purposes of the project and meet the terms and conditions of this Agreement. The Management Plan shall include the following:

- a. An introduction containing the project name, location and other background information relevant to management.
- b. The stated purpose for acquiring the Project Site as proposed in the application and a prioritized list of management objectives.
- c. The identification of known natural resources including natural communities, listed plant and animal species, soil types, and surface and groundwater characteristics.
- d. A detailed description of all proposed uses including existing and proposed physical improvements and the impact on natural resources.
- e. A detailed description of proposed restoration or enhancement activities, if any, including the objective of the effort and the techniques to be used.
- f. A scaled site plan drawing showing the Project Site boundary, existing and proposed physical improvements and any natural resource restoration or enhancement areas.
- g. The identification and protection of known cultural or historical resources and a commitment to conduct surveys prior to any ground disturbing activity, if applicable.
- h. A description of proposed educational displays and programs to be offered, if applicable.
- i. A description of how the management will be coordinated with other agencies and public lands, if applicable.
- j. A schedule for implementing the development and management activities of the Management Plan.
- k. Cost estimates and funding sources to implement the Management Plan.

3. If the Recipient is not the proposed managing entity, the Management Plan shall include a signed agreement between the Recipient and the managing entity stating the managing entity's willingness to manage the site, the manner in which the site will be managed to further the purpose(s) of the project and the identification of the source of funding for management.

In the event that the Recipient is a partnership, the Recipient shall also provide FCT with the interlocal agreement that sets forth the relationship among the partners and the fiscal and management responsibilities and obligations incurred by each partner for the Project Site as a part of its Project Plan.

4. To ensure that future management funds will be available for the management of the site in perpetuity pursuant to Section 259.105 and Chapter 380, Part III, Fla. Stat., the Recipient(s) shall be required to provide FCT with Reasonable Assurance, pursuant to Rule 9K-7.002(35), F.A.C., that it has the financial resources, background, qualifications and competence to manage the Project Site in perpetuity in a reasonable and professional manner. Where the Recipient does not include at least one Local Government, FCT may require the Recipient to do one, or more, of the following: post a performance or other bond in an amount sufficient to ensure that the Project Site shall be reasonably and professionally managed in perpetuity; establish an endowment or other fund in an amount sufficient to ensure performance; provide a guaranty or pledge by the Local Government, in whose jurisdiction the Project Site is located, which shall require the Local Government to take over the responsibility for management of the Project Site in the event the Recipient is unable to, and may require the Local Government to be a named co-signer on the Declaration of Restrictive Covenants; or provide such other assurances as the Governing Board may deem necessary to adequately protect the public interest.

5. The Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the Management Plan approved by FCT.

6. All buildings, structures, improvements and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably withheld upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. FCT's approval of the Recipient's Management Plan addressing the items mentioned herein shall be considered written approval from FCT.

7. As required by Rule 9K-7.013, F.A.C., each year after FCT reimbursement of Project Costs the Recipient shall prepare and submit to FCT an annual stewardship report that documents the progress made on implementing the Management Plan.

VIII. SPECIAL MANAGEMENT CONDITIONS

In addition to the Management Plan conditions already described in this Agreement, which apply to all sites acquired with FCT funds, the Management Plan shall address the following conditions that are particular to the Project Site and result from either commitments made in the application that received scoring points or observations made by FCT staff during the site visit described in Rule 9K-7.009, F.A.C.:

1. The future land use and zoning designations of the project site shall be changed to conservation, outdoor recreation, open space, or other similar category.

2. A permanent recognition sign, at a minimum size of 3' x 4', shall be maintained at the entrance area of the project site. The sign shall acknowledge that the project site was purchased with funds from the Florida Communities Trust Program and the Recipient.

3. At least four recreational facilities such as a wildlife observation platform, canoe launch, outdoor open air classroom with seating, and picnic pavilion shall be provided. The facilities shall be developed in a manner that allows the general public reasonable access for observation and appreciation of the natural resources on the project site without causing harm to those resources.

4. The location and design of any parking facility shall be designed to have minimal impacts on natural resources. The parking area shall incorporate pervious materials wherever feasible.

5. Sidewalk connection shall be provided that provides a safe pedestrian sidewalk connection shall be provided between the project site and the sidewalk network in the adjacent neighborhood.

6. Bike racks shall be installed to provide an alternative to automobile transportation to the project site.

7. The project shall provide an access facility to Buck Creek, such as a canoe launch.

8. Interpretive signs or kiosks shall be provided on the project site to educate visitors about the natural environment or history of the area.

9. At least 12 regularly scheduled educational classes or programs shall be provided at the project site per year. These programs shall promote the protection of environmental resources.

10. The natural communities that occur on the project site shall be preserved and appropriately managed to ensure the long-term viability of these communities.

11. The project site shall be managed in a manner that protects and enhances the listed and non-listed native wildlife species and their habitat. Periodic surveys shall be conducted of listed species using the project site.

12. A prescribed burn plan shall be implemented for pine flatwoods natural communities. A vegetation analysis of the remainder of the project site shall be performed to determine which areas need a prescribed burning regime implemented to maintain natural fire-dependent vegetative communities. The development of a prescribed burn plan shall be coordinated with the Division of Forestry. A fire line shall be developed between the adjacent development and the project site.

13. Exotic vegetation shall be removed from the project site.
14. An ongoing monitoring and control program for invasive vegetation including exotic (non-native) and nuisance native plant species shall be implemented at the project site. The objective of the control program shall be the elimination of invasive exotic plant species and the maintenance of a diverse association of native vegetation. The management plan shall reference the Exotic Pest Plant Council's List of Florida's Most Invasive Species to assist in identifying invasive exotics on the project site.
15. A feral animal removal program shall be developed and implemented for the project site.
16. Any proposed stormwater facility for the project site shall be designed to provide recreation open space or wildlife habitat.
17. An archaeological survey shall be performed for any area within the project site proposed for development prior to the commencement of proposed development activities in that area. All planned activities involving known archaeological sites or identified site areas shall be closely coordinated with the Department of State, Division of Historical Resources in order to prevent the disturbance of significant sites. A protection plan shall be developed and implemented in conjunction with the Division of Historical Resources for the protection of known historic sites located on the project site.
18. A nature trail of at least ¼ mile shall be provided on the project site.
19. The project site shall be protected and managed as part of an ecological corridor.
20. The development and management of the project site shall enhance the designated Segment 11 of the Florida Circumnavigational Saltwater Paddling Trail by providing a paddling trail sign, canoe/kayak launch, and restrooms.

IX. DECLARATION OF RESTRICTIVE COVENANTS REQUIREMENTS IMPOSED BY CHAPTER 259 AND CHAPTER 380, PART III, FLA. STAT.

1. Each parcel in the Project Site to which the Recipient acquires title shall be subject to a Declaration of Restrictive Covenants describing the parcel and containing such covenants and restrictions as are, at a minimum, sufficient to ensure that the use of the Project Site at all times complies with Sections 375.051 and 380.510, Fla. Stat.; Section 11(e), Article VII of the Florida Constitution; the applicable bond indenture under which the Bonds were issued; and any provision of the Internal Revenue Code or the regulations promulgated thereunder that pertain to tax exempt bonds. The Declaration of Restrictive Covenants shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund ("Trustees"), or a nonprofit environmental organization or government entity, upon failure to comply with any of the covenants and restrictions, as further described in paragraph 3. below.

2. The Declaration of Restrictive Covenants shall also restate the conditions that were placed on the Project Site at the time of project selection and initial grant approval. The Declaration of Restrictive Covenants shall be executed by FCT and the Recipient at the time of reimbursement of Project Costs and shall be recorded by the Recipient in the county(s) in which the Project Site is located.

3. If any essential term or condition of the Declaration of Restrictive Covenants is violated by the Recipient or by some third party with the knowledge of the Recipient, the Recipient shall be notified of the violation by written notice given by personal delivery, registered mail or registered expedited service. The recipient shall diligently commence to cure the violation or complete curing activities within thirty (30) days after receipt of notice of the violation. If the curing activities can not be reasonably completed within the specified thirty (30) day time frame, the Recipient shall submit a timely written request to the FCT Program Manager that includes the status of the current activity, the reasons for the delay and a time frame for the completion of the curing activities. FCT shall submit a written response within thirty (30) days of receipt of the request and approval shall not be unreasonably withheld. It is FCT's position that all curing activities shall be completed within one hundred twenty (120) days of the Recipient's notification of the violation. However, if the Recipient can demonstrate extenuating circumstances exist to justify a greater extension of time to complete the activities, FCT shall give the request due consideration. If the Recipient fails to correct the violation within either (a) the initial thirty (30) day time frame or (b) the time frame approved by FCT pursuant to the Recipient's request, fee simple title to all interest in the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District, who agrees to accept title and manage the Project Site. FCT shall treat such property in accordance with Section 380.508(4)(e), Fla. Stat.

X. GENERAL OBLIGATIONS OF THE RECIPIENT AS A CONDITION OF PROJECT FUNDING

1. The interest acquired by the Recipient in the Project Site shall not serve as security for any debt of the Recipient.

2. If the existence of the Recipient terminates for any reason, title to the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District who agrees to accept title and manage the Project Site.

3. Following the reimbursement of Project Costs, the Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation or outdoor recreation uses, as appropriate. If an amendment to the applicable comprehensive plan is required, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the Recipient subsequent to the reimbursement of Project Costs.

4. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the Recipient at the Project Site.

5. The Project Site shall permanently contain one sign, provided by FCT, recognizing FCT's role in the acquisition of the Project Site. The cost of shipping the sign shall be deducted from the FCT Award, as reflected on the grant reconciliation statement. For a Project Site where the FCT Award is divided into more than one closing, the cost of the sign shall be deducted from the grant reconciliation statement containing the first parcel to close. The sign shall be displayed at the Project Site within ninety (90) days of the final disbursement of the FCT award. A photograph of the sign installed at the Project Site shall be provided to FCT within the same ninety (90) day timeframe.

XI. OBLIGATIONS OF THE RECIPIENT RELATING TO THE USE OF BOND PROCEEDS

1. FCT is authorized by Section 380.510, Fla. Stat. to impose conditions for funding on the Recipient in order to ensure that the project complies with the requirements for the use of Florida Forever Bond proceeds including, without limitation, the provisions of the Internal Revenue Code and the regulations promulgated thereunder as the same pertain to tax exempt bonds.

2. The Recipient agrees and acknowledges that the below listed transactions, events, and circumstances, collectively referred to as the "disallowable activities," may be disallowed on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law. The Recipient further agrees and acknowledges that these disallowable activities may be allowed up to a certain extent based on guidelines or tests outlined in the Federal Private Activity regulations of the Internal Revenue Service:

- a. any sale or lease of any interest in the Project Site to a non-governmental person or organization;
- b. the operation of any concession on the Project Site by a non-governmental person or organization;
- c. any sales contract or option to buy or sell things attached to the Project Site to be severed from the Project Site with a non-governmental person or organization;
- d. any use of the Project Site by a non-governmental person other than in such person's capacity as a member of the general public;
- e. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of Bonds from which the disbursement is to be made;

- f. a management contract for the Project Site with a non-governmental person or organization; or
- g. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

3. If the Project Site, after its acquisition by the Recipient and/or the Trustees, is to remain subject to any of the disallowable activities, the Recipient shall provide notice to FCT, as provided for in paragraph V.1., at least sixty (60) calendar days in advance of any such transactions, events or circumstances, and shall provide to FCT such information as FCT reasonably requests in order to evaluate for approval the legal and tax consequences of such disallowable activities.

4. In the event that FCT determines at any time that the Recipient is engaging, or allowing others to engage, in disallowable activities on the Project Site, the Recipient shall immediately cease or cause the cessation of the disallowable activities upon receipt of written notice from FCT. In addition to all other rights and remedies at law or in equity, FCT shall have the right to seek temporary and permanent injunctions against the Recipient for any disallowable activities on the Project Site.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE RECIPIENT AND OTHER GOVERNMENTAL BODIES, NONPROFIT ENTITIES OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

XII. RECORDKEEPING; AUDIT REQUIREMENTS

1. The Recipient shall maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure of funds under this Agreement. These records shall be available at all reasonable times for inspection, review or audit by state personnel, FCT and other personnel duly authorized by FCT. "Reasonable" shall be construed according to the circumstances, but ordinarily shall mean the normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

2. If the Recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year of such Recipient, the Recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Fla. Stat., the applicable rules of the Executive Office of the Governor and the Comptroller and Chapter 10.550 (local government entities) or Chapter 10.650 (nonprofit organizations), Rules of the Auditor General. In determining the State financial assistance expended in its fiscal year, the Recipient shall consider all sources of State financial assistance, including State funds received from FCT, other state agencies and other non-state entities. State financial assistance does not include Federal direct

or pass-through awards and resources received by a non-state entity for Federal program matching requirements. The funding for this Agreement was received by FCT as a grant appropriation.

In connection with the audit requirements addressed above, the Recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Fla. Stat. This includes submission of a reporting package as defined by Section 215.97(2)(d), Fla. Stat. and Chapter 10.550 (local government entities) or 10.650 (nonprofit organizations), Rules of the Auditor General.

3. If the Recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat. is not required. If the Recipient elects to have an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat., the cost of the audit must be paid from non-State funds (i.e., the cost of such an audit must be paid from Recipient funds not obtained from a State entity).

4. The annual financial audit report shall include all management letters, the Recipient's response to all findings, including corrective actions to be taken, and a schedule of financial assistance specifically identifying all Agreement and other revenue by sponsoring agency and agreement number. Copies of financial reporting packages required under this Article shall be submitted by or on behalf of the Recipient directly to each of the following:

Department of Community Affairs (at each of the following addresses):

Office of Audit Services
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

and

Florida Communities Trust
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

State of Florida Auditor General at the following address:

Auditor General's Office
Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32302-1450

5. If the audit shows that any portion of the funds disbursed hereunder were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to FCT of all funds not spent in accordance with the applicable regulations and Agreement provisions within thirty (30) days after FCT has notified the Recipient of such non-compliance.

6. The Recipient shall retain all financial records, supporting documents, statistical records and any other documents pertinent to this Agreement for a period of five (5) years after the

date of submission of the final expenditures report. However, if litigation or an audit has been initiated prior to the expiration of the five-year period, the records shall be retained until the litigation or audit findings have been resolved.

7. The Recipient shall have all audits completed in accordance with Section 215.97, Fla. Stat. performed by an independent certified public accountant ("IPA") who shall either be a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The IPA shall state that the audit complied with the applicable provisions noted above.

XIII. DEFAULT; REMEDIES; TERMINATION

1. If the necessary funds are not available to fund this Agreement as a result of action by the Florida Legislature or the Office of the Comptroller, or if any of the events below occur ("Events of Default"), all obligations on the part of FCT to make any further payment of funds hereunder shall, if FCT so elects, terminate and FCT may, at its option, exercise any of its remedies set forth herein, but FCT may make any payments or parts of payments after the happening of any Events of Default without thereby waiving the right to exercise such remedies, and without becoming liable to make any further payment. The following constitute Events of Default:

- a. If any warranty or representation made by the Recipient in this Agreement, any previous agreement with FCT or in any document provided to FCT shall at any time be false or misleading in any respect, or if the Recipient shall fail to keep, observe or perform any of the terms or covenants contained in this Agreement or any previous agreement with FCT and has not cured such in timely fashion, or is unable or unwilling to meet its obligations thereunder;
- b. If any material adverse change shall occur in the financial condition of the Recipient at any time during the term of this Agreement from the financial condition revealed in any reports filed or to be filed with FCT, and the Recipient fails to cure said material adverse change within thirty (30) days from the date written notice is sent to the Recipient by FCT;
- c. If any reports or documents required by this Agreement have not been timely submitted to FCT or have been submitted with incorrect, incomplete or insufficient information; or
- d. If the Recipient fails to perform and complete in timely fashion any of its obligations under this Agreement.

2. Upon the happening of an Event of Default, FCT may, at its option, upon thirty (30) calendar days from the date written notice is sent to the Recipient by FCT and upon the Recipient's failure to timely cure, exercise any one or more of the following remedies, either concurrently or consecutively, and the pursuit of any one of the following remedies shall not preclude FCT from pursuing any other remedies contained herein or otherwise provided at law or in equity:

- a. Terminate this Agreement, provided the Recipient is given at least thirty (30) days prior written notice of such termination. The notice shall be effective when placed in the United States mail, first class mail, postage prepaid, by registered or certified mail-return receipt requested, to the address set forth in paragraph V.2. herein;
- b. Commence an appropriate legal or equitable action to enforce performance of this Agreement;
- c. Withhold or suspend payment of all or any part of the FCT Award;
- d. Exercise any corrective or remedial actions, including, but not limited to, requesting additional information from the Recipient to determine the reasons for or the extent of non-compliance or lack of performance or issuing a written warning to advise that more serious measures may be taken if the situation is not corrected; or
- e. Exercise any other rights or remedies which may be otherwise available under law, including, but not limited to, those described in paragraph IX.3.

3. FCT may terminate this Agreement for cause upon written notice to the Recipient. Cause shall include, but is not limited to: fraud; lack of compliance with applicable rules, laws and regulations; failure to perform in a timely manner; failure to make significant progress toward Project Plan and Management Plan approval; and refusal by the Recipient to permit public access to any document, paper, letter, or other material subject to disclosure under Chapter 119, Fla.Stat., as amended. Appraisals, and any other reports relating to value, offers and counteroffers are not available for public disclosure or inspection and are exempt from the provisions of Section 119.07(1), Fla. Stat. until a Purchase Agreement is executed by the Owner(s) and Recipient and conditionally accepted by FCT, or if no Purchase Agreement is executed, then as provided for in Sections 125.355(1)(a) and 166.045(1)(a), Fla. Stat.

4. FCT may terminate this Agreement when it determines, in its sole discretion, that the continuation of the Agreement would not produce beneficial results commensurate with the further expenditure of funds by providing the Recipient with thirty (30) calendar days prior written notice.

5. The Recipient may request termination of this Agreement before its Expiration Date by a written request fully describing the circumstances that compel the Recipient to terminate the project. A request for termination shall be provided to FCT in a manner described in paragraph V.1.

XIV. LEGAL AUTHORIZATION

1. The Recipient certifies with respect to this Agreement that it possesses the legal authority to receive funds to be provided under this Agreement and that, if applicable, its governing body has authorized, by resolution or otherwise, the execution and acceptance of this Agreement with all covenants and assurances contained herein. The Recipient also certifies that the

undersigned possesses the authority to legally execute and bind the Recipient to the terms of this Agreement.

XV. STANDARD CONDITIONS

1. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in Leon County. If any provision hereof is in conflict with any applicable statute or rule, or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict and shall be severable, but shall not invalidate any other provision of this Agreement.

2. No waiver by FCT of any right or remedy granted hereunder or failure to insist on strict performance by the Recipient shall affect or extend or act as a waiver of any other right or remedy of FCT hereunder, or affect the subsequent exercise of the same right or remedy by FCT for any further or subsequent default by the Recipient. Any power of approval or disapproval granted to FCT under the terms of this Agreement shall survive the terms and life of this Agreement as a whole.

3. The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), if applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications.

4. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit lease bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of Category Two for a period of thirty-six (36) months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

5. No funds or other resources received from FCT in connection with this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

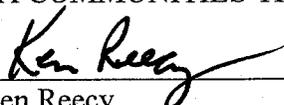
This Agreement embodies the entire agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

CHARLOTTE COUNTY
BOARD OF COUNTY COMMISSIONERS

By: 
Print Name: Thomas C. D'Aprile

FLORIDA COMMUNITIES TRUST

By: 
Ken Reecy

08-014-FE8
October 7, 2008
Pre-acquisition

Title: Chairman

Community Program Manager

Date: 10-28-08

Date: 11-18-08

Approved as to Form and Legality:

By: Janette S. Knowlton

Print Name: **Janette S. Knowlton, County Attorney**

LR-2008-647

Approved as to Form and Legality:

By: Matthew Davis

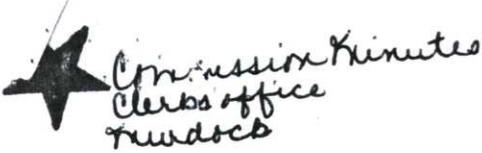
Matthew Davis, Trust Counsel

ATTEST:

**BARBARA T. SCOTT, CLERK OF CIRCUIT
COURT AND EX-OFFICIO CLERK OF THE
BOARD OF COUNTY COMMISSIONERS**

BY: Barbara T. Scott

10-28-08 **DEPUTY CLERK** GRT 2008-034



CRT 2008-034

This document prepared by:
Kristen L. Coons, Esq.
Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3350, PGS 981-994 14 pg(s)
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Florida Communities Trust
Department of Community Affairs

FLORIDA COMMUNITIES TRUST
FF8 AWARD #08-014-FF8
FCT Contract #: 09-CT-D1-08-F8-11-014
PROJECT NAME: Buck Creek Preserve

DECLARATION OF RESTRICTIVE COVENANTS

THIS AGREEMENT is entered into by and between **FLORIDA COMMUNITIES TRUST** ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and **CHARLOTTE COUNTY**, a political subdivision of the State of Florida ("Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING FACTS:

WHEREAS, the intent of this Agreement is to impose terms and conditions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds, as described in Exhibit "A" attached hereto and made a part hereof ("Project Site"), that are necessary to ensure compliance with applicable Florida law and federal income tax law and to otherwise implement the provisions of Sections 259.105, 259.1051 and Chapter 380, Part III, Florida Statutes;

WHEREAS, Chapter 380, Part III, Fla. Stat., the Florida Communities Trust Act, creates a non-regulatory agency within the Department of Community Affairs ("Department") that will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans or in conserving natural resources and resolving land use conflicts by providing financial assistance to local governments and nonprofit environmental organizations to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, FCT is funded through either Section 259.105(3)(c), Fla. Stat. of the Florida Forever Act, which provides for the distribution of twenty-two percent (22%), less certain reductions, of the net Florida Forever Revenue Bond proceeds to the Department, or any other revenue source designated by the Florida Legislature, to provide land acquisition grants to local governments and nonprofit environmental organizations for the acquisition of community-based projects, urban open spaces, parks and greenways to implement local comprehensive plans;

WHEREAS, the Florida Forever Revenue Bonds are issued as tax-exempt bonds, meaning the interest on the Bonds is excluded from the gross income of bondholders for federal income tax

14

purposes;

WHEREAS, Rule 9K-7.009(1), Florida Administrative Code ("F.A.C."), authorizes FCT to impose conditions for funding on those FCT applicants whose projects have been selected for funding;

WHEREAS, FCT has approved the terms under which the Project Site was acquired and the deed whereby the Recipient acquired title to the Project Site. The deed shall contain such covenants and restrictions as are sufficient to ensure that the use of the Project Site at all times complies with Section 375.051, Florida Statutes and Section 9, Article XII of the State Constitution and it shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund ("Trustees") upon the failure of the Recipient to use the Project Site acquired thereby for such purposes; and

WHEREAS, the purpose of this Agreement is to set forth the covenants and restrictions that are imposed on the Project Site subsequent to disbursing FCT Florida Forever funds to the Recipient for Project Costs.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and the Recipient do hereby contract and agree as follows:

I. PERIOD OF AGREEMENT

1. This Agreement shall begin upon execution by both parties. The covenants and restrictions contained herein shall run with the Project Site and shall bind, and the benefit shall inure to, FCT and the Recipient and their respective successors and assigns.

II. MODIFICATION OF AGREEMENT

1. Either party may request modification of the provisions of this Agreement at any time. Changes which are mutually agreed upon shall be valid only when reduced to writing and duly signed by each of the parties hereto. Such amendments shall be incorporated into this Agreement.

III. RECORDING AND APPROVAL OF DECLARATION OF RESTRICTIVE COVENANTS

1. Upon execution by the parties hereto, the Recipient shall cause this Agreement to be recorded and filed in the official public records of **Charlotte County, Florida**, and in such manner and in such other places as FCT may reasonably request. The Recipient shall pay all fees and charges incurred in connection therewith.

2. The Recipient and FCT agree that the State of Florida Department of Environmental Protection shall forward this Agreement to the Department of Environmental Protection Bond Counsel for review. In the event Bond Counsel opines that an amendment is required to this Agreement so that the tax-exempt status of the Florida Forever Bonds is not jeopardized, FCT and the Recipient shall amend the Agreement accordingly.

IV. NOTICE AND CONTACT

1. All notices provided under or pursuant to this Agreement shall be in writing and delivered either by hand delivery or first class, certified mail, return receipt requested, to the addresses specified below. Any such notice shall be deemed received on the date of delivery if by personal delivery or upon actual receipt if sent by registered mail.

FCT: Florida Communities Trust
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
ATTN: Program Manager

Recipient: Charlotte County Administration
18500 Murdock Circle, 5th floor Administration
Port Charlotte, Florida 33948
ATTN: Robert Hebert

2. In the event that a different representative or address is designated for paragraph 1. above after execution of this Agreement, notice of the change shall be rendered to FCT as provided in paragraph 1. above.

V. PROJECT SITE TITLE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375 AND CHAPTER 380, PART III, FLA. STAT.

1. Any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee containing such covenants, clauses or other restrictions as are sufficient to protect the interest of the State of Florida.

2. The interest acquired by the Recipient in the Project Site shall not serve as security for any debt of the Recipient.

3. If the existence of the Recipient terminates for any reason, title to the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish

and Wildlife Conservation Commission, the Department of Environmental Protection or a Water Management District who agrees to accept title and manage the Project Site.

4. In the event that the Project Site is damaged or destroyed or title to the Project Site, or any part thereof, is taken by any governmental body through the exercise or the threat of the exercise of the power of eminent domain, the Recipient shall deposit with FCT any insurance proceeds or any condemnation award and shall promptly commence to rebuild, replace, repair or restore the Project Site in such manner as is consistent with the Agreement. FCT shall make any such insurance proceeds or condemnation award moneys available to provide funds for such restoration work. In the event that the Recipient fails to commence or to complete the rebuilding, repair, replacement or restoration of the Project Site after notice from FCT, FCT shall have the right, in addition to any other remedies at law or in equity, to repair, restore, rebuild or replace the Project Site so as to prevent the occurrence of a default hereunder.

Notwithstanding any of the foregoing, FCT shall have the right to seek specific performance of any of the covenants and restrictions of this Agreement concerning the construction and operation of the Project Site.

VI. MANAGEMENT OF PROJECT SITE

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for compatible passive, natural resource-based public outdoor recreation, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Management Plan approved by FCT.

2. The Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation or outdoor recreation uses, as appropriate. If an amendment to the applicable comprehensive plan is required, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the Recipient.

3. The Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction, as applicable. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

4. The Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the Management Plan approved by FCT.

5. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the Recipient at the Project Site.

6. All buildings, structures, improvements and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably withheld by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. FCT's approval of the Recipient's Management Plan addressing the items mentioned herein shall be considered written approval from FCT.

7. If archaeological and historic sites are located on the Project Site, the Recipient shall comply with Chapter 267, Fla. Stat. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site shall be prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

8. As required by Rule 9K-7.013, F.A.C., each year after FCT reimbursement of Project Costs the Recipient shall prepare and submit to FCT an annual stewardship report that documents the progress made on implementing the Management Plan.

VII. SPECIAL MANAGEMENT CONDITIONS

The Management Plan for the project site is mentioned throughout this Agreement, and is particularly described in Section IV. above. In addition to the various conditions already described in this Agreement, which apply to all sites acquired with FCT funds, the Management Plan shall address the following conditions that are particular to the project site and result from either representations made in the application that received scoring points or observations made by the FCT staff during the site visit described in Rule 9K-7.009(1), F.A.C.:

1. The future land use and zoning designations of the project site shall be changed to conservation, outdoor recreation, open space, or other similar category.
2. A permanent recognition sign, at a minimum size of 3' x 4', shall be maintained at the entrance area of the project site. The sign shall acknowledge that the project site was purchased with funds from the Florida Communities Trust Program and the Recipient.
3. At least four recreational facilities such as a wildlife observation platform, canoe launch, outdoor open air classroom with seating, and picnic pavilion shall be provided. The facilities shall be developed in a manner that allows the general public reasonable access for observation and appreciation of the natural resources on the project site without causing harm to those resources.
4. The location and design of any parking facility shall be designed to have minimal impacts on natural resources. The parking area shall incorporate pervious materials wherever feasible.

5. Sidewalk connection shall be provided that provides a safe pedestrian sidewalk connection shall be provided between the project site and the sidewalk network in the adjacent neighborhood.
6. Bike racks shall be installed to provide an alternative to automobile transportation to the project site.
7. The project shall provide an access facility to Buck Creek, such as a canoe launch.
8. Interpretive signs or kiosks shall be provided on the project site to educate visitors about the natural environment or history of the area.
9. At least 12 regularly scheduled educational classes or programs shall be provided at the project site per year. These programs shall promote the protection of environmental resources.
10. The natural communities that occur on the project site shall be preserved and appropriately managed to ensure the long-term viability of these communities.
11. The project site shall be managed in a manner that protects and enhances the listed and non-listed native wildlife species and their habitat. Periodic surveys shall be conducted of listed species using the project site.
12. A prescribed burn plan shall be implemented for pine flatwoods natural communities. A vegetation analysis of the remainder of the project site shall be performed to determine which areas need a prescribed burning regime implemented to maintain natural fire-dependent vegetative communities. The development of a prescribed burn plan shall be coordinated with the Division of Forestry. A fire line shall be developed between the adjacent development and the project site.
13. Exotic vegetation shall be removed from the project site.
14. An ongoing monitoring and control program for invasive vegetation including exotic (non-native) and nuisance native plant species shall be implemented at the project site. The objective of the control program shall be the elimination of invasive exotic plant species and the maintenance of a diverse association of native vegetation. The management plan shall reference the Exotic Pest Plant Council's List of Florida's Most Invasive Species to assist in identifying invasive exotics on the project site.
15. A feral animal removal program shall be developed and implemented for the project site.
16. Any proposed stormwater facility for the project site shall be designed to provide recreation open space or wildlife habitat.

17. An archaeological survey shall be preformed for any area within the project site proposed for development prior to the commencement of proposed development activities in that area. All planned activities involving known archaeological sites or identified site areas shall be closely coordinated with the Department of State, Division of Historical Resources in order to prevent the disturbance of significant sites. A protection plan shall be developed and implemented in conjunction with the Division of Historical Resources for the protection of known historic sites located on the project site.

18. A nature trail of at least ¼ mile shall be provided on the project site.

19. The project site shall be protected and managed as part of an ecological corridor.

20. The development and management of the project site shall enhance the designated Segment 11 of the Florida Circumnavigational Saltwater Paddling Trail by providing a paddling trail sign, canoe/kayak launch, and restrooms.

VIII. OBLIGATIONS OF THE RECIPIENT RELATING TO THE USE OF BOND PROCEEDS

1. FCT is authorized by Section 380.510, Fla. Stat. to impose conditions for funding on the Recipient in order to ensure that the project complies with the requirements for the use of Florida Forever Bond proceeds including, without limitation, the provisions of the Internal Revenue Code and the regulations promulgated thereunder as the same pertain to tax exempt bonds.

2. The Recipient agrees and acknowledges that the below listed transactions, events, and circumstances, collectively referred to as the “disallowable activities,” may be disallowed on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law. The Recipient further agrees and acknowledges that these disallowable activities may be allowed up to a certain extent based on guidelines or tests outlined in the Federal Private Activity regulations of the Internal Revenue Service:

- a. any sale or lease of any interest in the Project Site to a governmental agency or a non-governmental person or organization;
- b. the operation of any concession on the Project Site by a non-governmental person or organization;
- c. any sales contract or option to buy or sell things attached to the Project Site to be severed from the Project Site with a non-governmental person or organization;

- d. any use of the Project Site by a non-governmental person other than in such person's capacity as a member of the general public;
- e. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of Bonds from which the disbursement is to be made;
- f. a management contract for the Project Site with a non-governmental person or organization; or
- g. such other activity or interest as may be specified from time to time in writing by FCT to the Recipient.

3. If the Project Site, after its acquisition by the Recipient and/or the Trustees, is to remain subject to any of the disallowable activities, the Recipient shall provide notice to FCT, as provided for in paragraph III.1. above, at least sixty (60) calendar days in advance of any such transactions, events or circumstances, and shall provide FCT such information as FCT reasonably requests in order to evaluate for approval the legal and tax consequences of such disallowable activities.

4. In the event that FCT determines at any time that the Recipient is engaging, or allowing others to engage, in disallowable activities on the Project Site, the Recipient shall immediately cease or cause the cessation of the disallowable activities upon receipt of written notice from FCT. In addition to all other rights and remedies at law or in equity, FCT shall have the right to seek temporary and permanent injunctions against the Recipient for any disallowable activities on the Project Site.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE RECIPIENT AND OTHER GOVERNMENTAL BODIES, NONPROFIT ENTITIES OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

IX. RECORDKEEPING; AUDIT REQUIREMENTS

1. The Recipient shall maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure of funds under this Agreement. These records shall be available at all reasonable times for inspection, review or audit by state personnel, FCT and other personnel duly authorized by FCT. "Reasonable" shall be construed according to the circumstances, but ordinarily shall mean the normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

2. If the Recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year of such Recipient, the Recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Fla. Stat., the applicable rules of the Executive Office of the Governor and the Comptroller and Chapter 10.550 (local government entities) or Chapter 10.650 (nonprofit organizations), Rules of the Auditor General. In determining the State financial assistance expended in its fiscal year, the Recipient shall consider all sources of State financial assistance, including State funds received from FCT, other state agencies and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements. The funding for this Agreement was received by FCT as a grant appropriation.

In connection with the audit requirements addressed herein, the Recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Fla. Stat. This includes submission of a reporting package as defined by Section 215.97(2)(d), Fla. Stat. and Chapter 10.550 (local government entities) or 10.650 (nonprofit organizations), Rules of the Auditor General.

3. If the Recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat. is not required. If the Recipient elects to have an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat., the cost of the audit must be paid from non-State funds (i.e., the cost of such an audit must be paid from Recipient funds not obtained from a State entity).

4. The annual financial audit report shall include all management letters, the Recipient's response to all findings, including corrective actions to be taken, and a schedule of financial assistance specifically identifying all Agreement and other revenue by sponsoring agency and agreement number. Copies of financial reporting packages required under this Article shall be submitted by or on behalf of the Recipient directly to each of the following:

Department of Community Affairs (at each of the following addresses):

Office of Audit Services
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

and

Florida Communities Trust
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

State of Florida Auditor General at the following address:
Auditor General's Office

Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32302-1450

5. If the audit shows that any portion of the funds disbursed hereunder were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to FCT of all funds not spent in accordance with the applicable regulations and Agreement provisions within thirty (30) days after FCT has notified the Recipient of such non-compliance.

6. The Recipient shall retain all financial records, supporting documents, statistical records and any other documents pertinent to this Agreement for a period of five years after the date of submission of the final expenditures report. However, if litigation or an audit has been initiated prior to the expiration of the five-year period, the records shall be retained until the litigation or audit findings have been resolved.

7. The Recipient shall have all audits completed in accordance with Section 215.97, Fla. Stat. performed by an independent certified public accountant ("IPA") who shall either be a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The IPA shall state that the audit complied with the applicable provisions noted above.

X. DEFAULT; REMEDIES; TERMINATION

1. If any essential term or condition of the Declaration of Restrictive Covenants is violated by the Recipient or by some third party with the knowledge of the Recipient, the Recipient shall be notified of the violation by written notice given by personal delivery, registered mail or registered expedited service. The recipient shall diligently commence to cure the violation or complete curing activities within thirty (30) days after receipt of notice of the violation. If the curing activities can not be reasonably completed within the specified thirty (30) day time frame, the Recipient shall submit a timely written request to the FCT Program Manager that includes the status of the current activity, the reasons for the delay and a time frame for the completion of the curing activities. FCT shall submit a written response within thirty (30) days of receipt of the request and approval shall not be unreasonably withheld. It is FCT's position that all curing activities shall be completed within one hundred twenty (120) days of the Recipient's notification of the violation. However, if the Recipient can demonstrate extenuating circumstances exist to justify a greater extension of time to complete the activities, FCT shall give the request due consideration. If the Recipient fails to correct the violation within either (a) the initial thirty (30) day time frame or (b) the time frame approved by FCT pursuant to the Recipient's request, fee simple title to all interest in the Project Site shall be conveyed to the Trustees unless FCT negotiates an agreement with another local government, nonprofit environmental organization, the Florida Division of Forestry, the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection or a Water

Management District, who agrees to accept title and manage the Project Site. FCT shall treat such property in accordance with Section 380.508(4)(e), Fla. Stat.

XI. STANDARD CONDITIONS

1. This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall lie in Leon County. If any provision hereof is in conflict with any applicable statute or rule, or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict and shall be severable, but shall not invalidate any other provision of this Agreement.

2. No waiver by FCT of any right or remedy granted hereunder or failure to insist on strict performance by the Recipient shall affect or extend or act as a waiver of any other right or remedy of FCT hereunder, or affect the subsequent exercise of the same right or remedy by FCT for any further or subsequent default by the Recipient.

3. The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), if applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications.

4. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit lease bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of Category Two for a period of 36 months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

5. No funds or other resources received from FCT in connection with this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

This Agreement including Exhibit "A" embodies the entire agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, a political
subdivision of the State of Florida

By: Patricia M. Duff
Patricia M. Duff, Chairman

Date: 12/15/08



ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-officio Clerk
to the Board of County Commissioners

By: Barbara T. Scott
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney LR 2008-759
RB

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this ____ day of _____,
2008, by _____, as _____ of Charlotte County, on
behalf of the Local Government, and who is personally known to me.

Notary Public
Print Name: _____
Commission No. _____
My Commission Expires: _____

Witness:

FLORIDA COMMUNITIES TRUST

Gayle H. Brett
Print Name: GAYLE H. BRETT

By: Ken Reecy
Ken Reecy, Community Program Manager,
Florida Communities Trust

John T. Siray
Print Name: John T. Siray

Date: ~~12-29-08~~ 1-7-09

Approved as to Form and Legality:

By: Kristen L. Coons
Kristen L. Coons,, Trust Counsel

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 7th day of January, 2008, by **Ken Reecy**, Community Program Manager, Florida Communities Trust, who is personally known to me.

Gayle H. Brett

Notary Public

Print Name:

Commission No.

My Commission Expires:

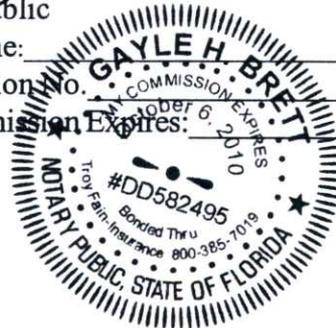


EXHIBIT "A"

Lots 1, 4, 26, 27, 32, 33, 37, 38 and 39, GROVE CITY LAND COMPANY'S SUBDIVISION, lying in Section 21, Township 41 South, Range 20 East, a subdivision according to the plat thereof, recorded in Plat Book 1, Page 11, and also shown on Plat Book 1, Page 18, of the Public Records of Charlotte County, Florida less and except road right-of-way according to the Order of Taking Recorded in Official Records Book 520, Page 532, of the Public Records of Charlotte County, Florida.

END OF LEGAL DESCRIPTION

Return to: **Robert H. Berntsson**
Name: **McKinley, Ittersagen, Gunderson & Berntsson, P.A.**
Address: **21175 Olean Blvd.**
Port Charlotte, Florida 33952

#34
NL



This Instrument Prepared:
Robert H. Berntsson
McKinley, Ittersagen, Gunderson & Berntsson, P.A.
21175 Olean Blvd.
Port Charlotte, Florida 33952

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):

MULTIPLE

Grantee(s) S.S.#(s):

File No:**20061332**

CORRECTIVE WARRANTY DEED

This Warranty Deed Made the 15th day of September, 2006, by JAMES ELLIOTT MESSER, W.E. DUNWODY, III, REBA CAROLYN GATES, DALE JETER and HARRIET GOLDSMITH, Individually and as Co-Trustees of TRUST NO. 97-001 dated October 15, 1997, hereinafter called the Grantor, whose post office address is: 1867 Cullsaja Drive, Apt. 129, Highlands, North Carolina 28741

to **CHARLOTTE COUNTY, a Political Subdivision of the State of Florida**, whose post office address is: **18500 MURDOCK CIRCLE, PORT CHARLOTTE, Florida 33948**, hereinafter called the Grantee,

WITNESSETH: That said Grantor, for and in consideration of the sum of \$10.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Charlotte County, Florida, viz:

Lots 1, 4, 26, 27, 32, 33, 37, 38 and 39, GROVE CITY LAND COMPANY'S SUBDIVISION, lying in Section 21, Township 41 South, Range 20 East, a subdivision according to the plat thereof, recorded in Plat Book 1, Page 11, and also shown on Plat Book 1, Page 18, of the Public Records of Charlotte County, Florida, less and except road right-of-way according to Order of Taking recorded in Official Records Book 520, Page 532, of the Public Records of Charlotte County, Florida

Subject to restrictions, reservations and easements of record, if any, and taxes for the year 2006 and subsequent years.

Grantor herein covenants that the above-described property is vacant, unimproved land and is not contiguous to Grantor's homestead or residence.

Grantor covenants that said trust is still in full force and effect and has not been revoked or amended.

The property is **not** the homestead of the Grantor(s).

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to, reservations, restrictions and easements of record, if any.

(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

This Corrective Warranty Deed is being rerecorded to correct how the trustees were signing, and inserting the trust clause. Doc Stamps have been previously paid.

Signed, sealed and delivered in our presence:

Witness Signature: [Signature]
Printed Name: DEE L. EMERY

[Signature]
JAMES ELLIOTT MESSER, individually and as Co-Trustee of TRUST NO. 97-001 dated October 15, 1997.

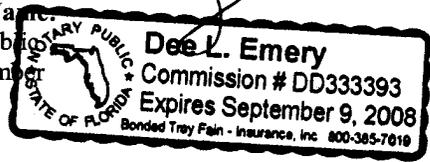
Witness Signature: [Signature]
Printed Name: B.J. Morton

STATE OF FLORIDA
COUNTY OF Leon

The foregoing instrument was acknowledged before me this 1st day of November, 2006, by JAMES ELLIOTT MESSER, Individually and as Co-Trustee of TRUST NO. 97-001 dated October 15, 1997, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires:

SEAL

[Signature]
Printed Name: Dee L. Emery
Notary Public
Serial Number


Signed, sealed and delivered in our presence:

Witness Signature: [Signature]
Printed Name: _____

Wendy DeNoon
WENDY DENOON

[Signature]
W. E. DUNWODY, III, individually and as Co-Trustee
of TRUST NO. 97-001 dated October 15, 1997.

Witness Signature: [Signature]
Printed Name: _____

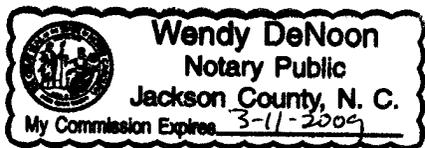
David C. [Signature]
DAVID C. [Signature]

STATE OF North Carolina
COUNTY OF MACON

The foregoing instrument was acknowledged before me this 3 day of November, 2006, by **W.E. DUNWODY, III, Individually and as Co-Trustee of TRUST NO. 97-001 dated October 15, 1997**, who is/are [] personally known to me or [] who has/have produced driver license(s) as identification.

My Commission Expires: 3-11-2009

SEAL



[Signature]
Printed Name: WENDY DENOON
Notary Public
Serial Number _____

Signed, sealed and delivered in our presence:

Witness Signature: Donna Fulde
Printed Name: DONNA FULDE

Reba Carolyn Gates
REBA CAROLYN GATES, individually and as Co-Trustee of TRUST NO. 97-001 dated October 15, 1997.

Witness Signature: [Signature]
Printed Name: ABU KIBRIA

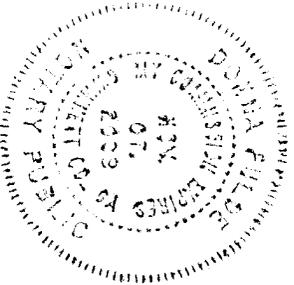
STATE OF Georgia
COUNTY OF Gwinnett

The foregoing instrument was acknowledged before me this 6th day of November, 2006, by REBA CAROLYN GATES, Individually and as Co-Trustee of TRUST NO. 97-001 dated October 15, 1997, who are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires: 11-7-09

Donna Fulde
Printed Name: DONNA FULDE
Notary Public
Serial Number exp. 11-7-09

SEAL



Signed, sealed and delivered in our presence:

Witness Signature: [Signature]
Printed Name:

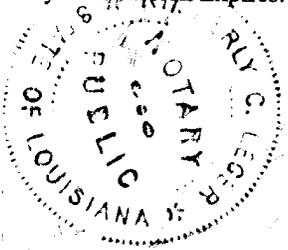
[Signature]
DALE JETER, Individually and as co-Trustee of TRUST NO. 97-001 dated October 15, 1997

Witness Signature: [Signature]
Printed Name:

STATE OF LA
COUNTY OF Caddo

The foregoing instrument was acknowledged before me this 7th day of November 2006 by **Dale Jeter, individually and as Co-Trustee of TRUST NO. 97-001 dated October 15, 1997**, who is/are [] personally known to me or [] who has/have produced driver license(s) as identification.

My Commission Expires: at death



SEAL

[Signature]
Printed Name: Kimberly Christine Leger
Notary Public ID# 061659
Serial Number

**NOTARY PUBLIC, CADDO PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE**

Signed, sealed and delivered in our presence:

Witness Signature: Tonya B. Gramann
Printed Name: Tonya B. Gramann

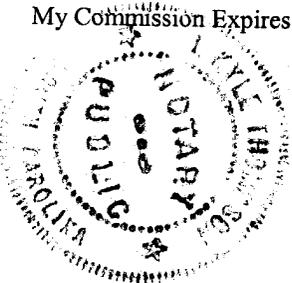
Harriet Goldsmith
HARRIET GOLDSMITH, individually and as Co-Trustee of TRUST NO. 97-001 dated October 15, 1997.

Witness Signature: Hastings Blumer
Printed Name: Hastings Blumer

STATE OF South Carolina
COUNTY OF Greenville

The foregoing instrument was acknowledged before me this 8th day of November, 2006, by HARRIET GOLDSMITH, Individually and as Co-Trustee of TRUST NO. 97-001 dated October 15, 1997, who is/are [] personally known to me or [] who has/have produced driver license(s) as identification.

My Commission Expires: 3/28/13



SEAL

M. Kyle Thompson
Printed Name: M. Kyle Thompson
Notary Public
~~Serial Number~~
SC Does NOT use a serial number.

