

## AGREEMENT FOR COOPERATIVE MANAGEMENT

THIS MEMORANDUM OF AGREEMENT (MOA) is made between the Florida State Park Service (Park Service), the City of Key West, Florida (City) and Save The Australian Pines at Fort Zackary Taylor, Key West, Inc., a Florida Non-Profit (501C3) tax exempt organization (Save the Pines).

1. Purpose and Scope: The purpose of this Agreement is to put into place a perpetual agreement/understanding as to the continuation of the forest of mature Australian pines in a clearly defined area (See Exhibit #1) of Fort Zachary Taylor State Park. This Agreement and its provisions are primarily based upon and expands upon a Memorandum of Understanding and Amendment No. 1 between the State of Florida Department of Environmental Protection (DEP) and State Representatives, Ron Saunders dated March 19<sup>th</sup>, 2008 and April 25, 2008.

2. Provisions for Cooperative Management:

The Park Service and City agree that:

- a. Fort Zachary Taylor State Park, located at the southwest point of the Island of Key West, is a National Historic Landmark and one of the most popular of the State parks in the Florida Keys.
- b. Fort Zachary Taylor State Park contains a large civil war era fort begun in 1845 and completed shortly before the civil war. The submerged lands surrounding the fort were filled by spoil dredged from the adjacent ship channel.
- c. During the last century, a robust stand of Australian pines (*Casuarina equisetifolia*) was established on the filled land to the southwest of the fort.

- d. Since Fort Zachary Taylor State Park was acquired in 1976, the Australian pines have provided valuable shelter and shade to the many park visitors.
  - e. Although the Park Service maintains a policy of eradicating invasive exotic vegetation, (including Australian pines) from State Parks, the Park Service recognizes that the isolated location of Fort Taylor State Park makes the spread of pine seedlings to other areas of the State highly unlikely.
  - f. DEP and the City agree that this MOA shall remain in perpetuity and shall be unique and only applicable to preserving the Australian pines in the attached clearly defined area of Fort Zackary Taylor State Park.,
3. Provisions for Maintaining the Australian pines:
- a. The Park Service agrees to remove any existing Australian pines that die or are uprooted by hurricanes/wind storms and remove any Australian pines that constitute a hazard to the public. No Australian pines will be removed for building, landscaping or hardscaping purposes
  - b. In order to maintain the canopy of shade provided by the existing Australian pines, the replacement of those that are lost will be allowed by the Park Service. The Non-Profit organization, Save Our Pines, will, in cooperation with the Park Service, and in consideration of this agreement, replace dead or uprooted Australian pines. Australian pine seedlings/saplings will be held in a small plot within the park's clearly defined area and will be used to replace those that die or are removed as hazards to the public.
4. Reservation of Rights: Nothing contained in this MOA is intended, nor shall be construed, to waive or foreclose any of the Park's authority, right, interest or remedy.

5. Modification Provisions:

- a. It is the expressed intent of the Parties that any revision or addition to this MOA shall only become effective if reduced to writing and executed by all parties.
- b. It is agreed that a copy of this Memorandum of Agreement shall be included in the present Fort Zachary Taylor Historic State Park Unit Management Plan and subsequent Management plans.

6. Period: This MOA will become effective on the date of the last signature of the approving official of any party and will continue in force unless and until terminated in connection with any change in State Law specific to the Australian Pines at Fort Zachary Taylor State Park.

7. Savings Clause: All requirements of this Agreement are subject to the availability of funds of the parties. Should any disagreement arise in the interpretation or implementation of the provisions of this Agreement, (or amendments and/or revisions) that cannot be resolved at the operating level, the matter shall be forwarded to respective higher officials for appropriate resolution.

8. Execution by Counterpart: This Agreement may be executed in counterpart and deemed effective upon execution by all parties.

\_\_\_\_\_  
ERIC DRAPER                      Date:  
Director Florida State Parks

\_\_\_\_\_  
TERI JOHNSTON                      Date:  
Mayor, City of Key West

\_\_\_\_\_  
Helen Harrison                      Date:  
Chairperson/President  
Save the Australian Pines at Ft. Zachary  
Taylor Key West, Inc.

## **EXHIBIT #1**

### **Legal Description of mature Australian Pine Forest at Fort Zachary Taylor State Park.**

On the Island of Key West commencing at a point on the Southwest corner of the Island at 24.54° North Latitude and 81.80° West Longitude, the point of beginning, thence proceed east along the shoreline of the Gulf of Mexico a distance of approximately 1,356 feet, thence proceed at a 90° angle to the North a distance of 300 feet, thence proceed at a 90° angle to the West a distance of approximately 1,445 feet to the rock breakwater adjacent to the main ship channel, thence proceed south along the rock breakwater a distance of approximately 320 feet to the point of beginning.





*city 2000*

RESOLUTION NO. 04-229

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, URGING THE STATE OF FLORIDA TO SPARE THE AUSTRALIAN PINES AT FORT ZACHARY TAYLOR STATE PARK; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Fort Zachary Taylor State Park in Key West has a towering canopy -- a cathedral -- of old Australian Pine trees; and

WHEREAS, these Australian Pines, approximately 1,000 in number, have become a local landmark and a cherished part of the park's natural landscape, providing shade to beach visitors and a beautiful vista; and

WHEREAS, this forest is drought-tolerant, salt-tolerant, energy efficient and unique; and

WHEREAS, the Australian Pines at Ft. Taylor neither threaten native species nor disrupt established plant communities, but do provide a habitat for migrating birds; and

WHEREAS, Park management has announced an intention to remove the Australian Pines due to their status as invasive exotics; and

WHEREAS, the City Commission wishes to lend its voice to the many local citizens, snowbirds, tourists and community of artists who have objected to the loss of the Australian Pines;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the State of Florida is hereby urged to spare the Australian Pines at Fort Zachary Taylor State Park.

Section 2: That in the event the State of Florida determines to remove the Australian Pines, then it shall do so gradually and only as the trees become a safety hazard or die naturally.

Section 3: That the Park Service is hereby urged to work with a small, representative group of citizens regarding Australian Pine preservation issues; and

Section 4: That the Park Service is hereby urged to replace any removed Australian Pine with a fully grown shade tree in order to preserve the park's existing tranquil environment.

Section 5: That the Park Service is hereby urged to use GPS technology to map native and non-native trees in Fort Zachary Taylor State park.



Section 6: That the City Clerk is hereby authorized to transmit certified copies of this Resolution to Florida Department of Environmental Protection Secretary Castille, Senator Bullard and Representative Sorensen.

Section 7: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 15 day of June, 2004.

Authenticated by the presiding officer and Clerk of the Commission on June 16, 2004.

Filed with the Clerk June 16, 2004.

ATTEST:

Cheryl Smith  
CHERYL SMITH, CITY CLERK

Jimmy Weekley  
JIMMY WEEKLEY, MAYOR



**RESOLUTION NO. 271-2006**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, URGING THE STATE OF FLORIDA TO DESIGNATE THE CANOPY OF AUSTRALIAN PINES IN FT. ZACHARY TAYLOR STATE PARK AS AN EXCEPTION TO ANY EXOTIC AND INVASIVE REMOVAL PROGRAMS AND TO INITIATE MAINTENANCE AND CONTROLLED GROWTH REPLACEMENT PROGRAMS.**

**WHEREAS, Ft. Zachary Taylor State Park is a National Historic Landmark in Key West that has a towering canopy - a cathedral - of old Australian Pine trees; and**

**WHEREAS, these Australian Pines have become a cherished part of the park's natural landscape, providing shade to beach visitors and a feeling of spaciousness in a simple and elegant manner; and offer immeasurable social, community, environmental and economic benefits; and**

**WHEREAS, the pines are first growth on submerged land that was filled in the 1960s and, therefore, have never been a threat to native vegetation; and**

**WHEREAS, this canopy is drought-tolerant, salt-tolerant, low maintenance, energy efficient and provides a beautiful unique vista; and**

**WHEREAS, the pines provide a filtering protection from the damaging rays of the sun; and**

**WHEREAS, the Park management has agreed that the existing Australian Pines will remain unless a hazard to life and property; and**

**WHEREAS, Florida Statute 380.0552 (f) directs the state "To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys;" and**

**WHEREAS, the County Commission, understanding that this governing statute provides exemption, wishes to lend its voice to the many local citizens, snowbirds, tourists and the community of artists and writers who have objected to the loss of the Australian Pines; now, therefore,**

**BE IT RESOLVED BY THE COUNTY COMMISSION OF MONROE COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1: That the State of Florida is hereby urged to designate the canopy of Australian Pines at Ft. Zachary Taylor Historic State Park as an exception to any and all exotic and invasive removal programs.**

Section 2: That the State of Florida is hereby urged to initiate a professional maintenance program to nurture and protect the pines and to institute a policy of "controlled growth" for replacement of any pines lost to natural disaster or man, so that Ft. Zachary Taylor will always have a canopy of Australian Pines.

Section 3: That the County clerk is hereby authorized to transmit certified copies of this Resolution to Florida Department of Environmental Protection Secretary Castille, Senator Bullard and Representative Sorensen.

Section 4: That this Resolution shall go into effect immediately upon its passage, adoption and authentication by the signature of the presiding officer and the County Commission.

**PASSED AND ADOPTED**, by the Board of County Commissioners of Monroe County, Florida at a regular meeting on said Board on the 19<sup>th</sup> day of July, A.D., 2006.

Mayor Charles "Sonny" McCoy	<u>YES</u>
Mayor Pro Tem Dixie M. Spehar	<u>YES</u>
Commissioner George Neugent	<u>YES</u>
Commissioner Glenn Patton	<u>YES</u>
Commissioner David Rice	<u>YES</u>

(SEAL)

ATTEST: Danny L. Kolhage, CLERK

By: *Danny L. Kolhage*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By: *[Signature]*  
Mayor Charles "Sonny" McCoy

FILED FOR RECORD  
2006 AUG -3 AM 10:15  
DANNY L. KOLHAGE  
CLK. CIR. CT.  
MONROE COUNTY, FLA.

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
*[Signature]*  
SUZANNE A. HUTTON  
COUNTY ATTORNEY  
Date 7/05/06



## PROCLAMATION

- WHEREAS, Fort Zachary Taylor Historic State Park in Key West has a towering canopy of mature Australian Pine trees; and
- WHEREAS, green space is very limited on our island and these pines impart a feeling of spaciousness and are the closest thing we have to a forest area; and
- WHEREAS, the pine forest is drought tolerant, salt tolerant, energy efficient and constitutes the largest green space on the island; and
- WHEREAS, the Australian Pines at Ft. Taylor neither threaten native species nor disrupt established plant communities; and
- WHEREAS, the Australian Pines stand as a refuge from harsh sun and wind while providing shelter and nourishment for a myriad of native and migratory birds, and other creatures; and
- WHEREAS, the Australian Pines are sun filtering shade trees that establish the overall ambiance of the park for both visitors and residents; and
- WHEREAS, attrition and the lack of a plan to replenish lost pines are causing the Australian Pine population to decline; and
- WHEREAS, perpetuating the Australian Pine canopy will ensure that the park's tranquil environment will remain for future generations.

NOW, THEREFORE, I, Craig Cates, Mayor of the City of Key West, State of Florida, do hereby proclaim the third Sunday of March, this year being the day of March 15, 2015, as

## SAVE OUR PINES DAY

in the "Southernmost City of the Continental United States". I would like to urge all citizens, residents and visitors of our Southernmost City to participate fittingly in the observation.

WITNESS my hand and seal of the City of Key West, Florida, this 3<sup>rd</sup> day of March 2015.



  
Craig Cates, MAYOR