

ITEM XX:

Consider whether an approximately 0.21-acre private single-family access easement within Blackwater River State Forest (BRSF) is consistent with the Board of Trustees’ Linear Facilities Policy.

LOCATION:

Santa Rosa County, Section – 31, Township – 05N, Range – 27W

Applicant’s Parcel ID Number: 31-5N-27-0000-00501-0000

APPLICANT:

Deborah K. Foster (Applicant)

DSL STAFF REMARKS:

The Applicant has requested a 25-foot-wide single-family ingress/egress access easement, totaling 0.21 acres, for private access to the landlocked property owned by the Applicant located off James Jernigan Road. The proposed easement is located within conservation land currently managed by the Florida Forest Service (FFS) under Uplands Lease No. 3686. Title to BRSF was transferred from the Florida Board of Forestry to the Board of Trustees of the Internal Improvement Trust Fund for the use and benefit of the state, pursuant to F.S. 253.03 (6), laws of 1967.

FFS consented to the easement in a letter dated January 31, 2020 and, in a letter, dated March 5, 2020, the Division of Historical Resources stated that the proposed undertaking is unlikely to affect historic properties.

Avoidance:

There are no other practical alternatives to access the Applicants landlocked parcel.

Minimizing Impacts:

The proposed easement is an existing dirt road and is not anticipated to have any additional impacts to the Forest. The applicant will make contingency plans, per DHR requirements, in the case of fortuitous finds or unexpected discoveries during ground disturbing activities within the easement area. There are no known imperiled or other wildlife species that occupy the requested area.

Compensation:

The easement fee will be based on market value and per the BOT’s linear facilities policy, additional compensation, in the form of replacement land or goods and services, will be provided to FFS at 1.5 times the appraised value of the easement.

DSL STAFF RECOMMENDATION: APPROVE

ARC RECOMMENDATION:

- () **APPROVE**
- () **APPROVE WITH MODIFICATIONS:** _____
- () **DEFER**
- () **WITHDRAW**
- () **NOT APPROVE**
- () **OTHER:** _____



SITE



Blackwater River State Forest

Blackwater River State Forest




HALES LOOP

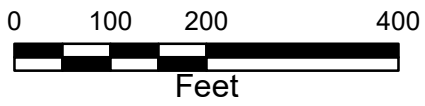
JAMES JERNIGAN RD

Subject Parcel

JAMES JERNIGAN RD

- Data Sources:
- 1) Sketch & Description
 - 2) Cadastral 2018 Data
 - 3) Florida Managed Areas
 - 4) NAVTIEQ Roads
 - 5) ESRI Aerials

-  Subject Parcel
-  D.K. Foster (#31-5N-27-0000-00501-0000)
-  State Managed Conservation Lands



Ingress/Egress Easement
Deborah K. Foster
 Santa Rosa County, Florida



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

January 31, 2020

Callie DeHaven, Director
Division of State Lands
Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Subject: Proposed Ingress/Egress Easement – Blackwater River State Forest (BRSF)

Ms. DeHaven:

The Florida Forest Service (FFS) reviewed Deborah Foster's proposal (attached), regarding the proposed easement located on a portion of BRSF in Santa Rosa County. The FFS has no objection to this request, and recommends the proposed grantee provide additional compensation to the lead manager (FFS) of the state-owned lands, per Chapter 253.02 (2)(b)4 Florida Statute. BRSF is managed by the FFS under Lease Number 3686.

The FFS will look to the Department of Environmental Protection's Division of State Lands to negotiate the terms and conditions of the easement and an agreeable net positive benefit for the state forest. FFS staff will provide input regarding impacted resources and necessary mitigation to ensure the success of this transaction.

We also suggest the proposed grantee be made aware that the FFS utilizes prescribed fire to manage natural communities, and smoke may impact the area from time to time. Please keep us apprised of the progress. Should you need further assistance please contact Alan Davis at (850) 681-5816.

Sincerely,

Jim Karels, Director
Florida Forest Service

JRK/ad

cc: Erin Albury, Assistant Director, FFS
Keith Rowell, Land Programs Administrator, FFS
Mike Hudson, Center Manager, FFS

Attachment



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

Mr. Jay Sircy
Bureau of Public Land Administration, MS 130
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

March 5, 2020

RE: DHR Project File No.: 2020-0490
Project: Debbie Foster Easement No. 33338
Ingress / Egress Easement, Blackwater River State Forest, Santa Rosa County

Dear Mr. Sircy:

In accordance with this agency's responsibilities under Section 267.061, *Florida Statutes*, we reviewed the referenced easement request.

It is the opinion of this office that the proposed undertaking is unlikely to affect historic properties, provided that the applicant makes contingency plans in the case of fortuitous finds or unexpected discoveries during ground disturbing activities within the easement area:

- If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the easement area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850) 245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

For any questions concerning our comments, please contact Robin Jackson, Historic Preservationist, by electronic mail at robin.jackson@dos.myflorida.com, or at 850.245.6496, or 800.847.7278.

Sincerely,

Timothy A. Parsons, Ph.D.
Director, Division of Historical Resources &
State Historic Preservation Officer



TEN QUESTIONS

Project Name:	Easement – Blackwater River State Forest (BRSF)	
Managing Agency:	Florida Forest Service (FFS)	
Submitted by:	Alan Davis	Date: 3/2/2020
Applicant:	Debbie Foster	

- Description of when and under what program or fund the parcel under consideration was acquired (EEL, LATF, CARL, P-2000, Florida Forever, etc.) or donated.**
Response: BRSF was acquired as a land-use project by the U.S. Government in the mid-1930s. Shortly after the U.S. Government acquired the property, it was turned over to the Soil Conservation Service (SCS) for management. In 1954, title to the property was transferred from the SCS to the U.S. Forest Service (USFS) which, in 1955, deeded the property to the State of Florida, Board of Forestry.
- Description of the purpose for the parcel’s acquisition (P-2000 or Florida Forever goals and criteria or similar purpose descriptions) or donation and any restrictions or conditions of use that apply to the parcel, if any.**
Response: The property was acquired by the Federal Government to revegetate, resettle, and protect the area following extensive deforestation by land and timber companies in the early 1900s, as well as, to preserve undeveloped land around Naval satellite airfields to enhance military training by preventing encroachment on military reservations.
- Description of the current level of public recreational use or public access of the parcel.**
Response: There are no impacts to recreational uses or public access anticipated within the proposed easement area.
- Description of the natural resources, land cover, vegetation, habitat or natural community, if any, that are currently present on the parcel.**
Response: The proposed easement area is an existing dirt driveway.
- Description and list of the imperiled and other wildlife species, if any, that occurs on or use the parcel.**
Response: There are no known imperiled or other wildlife species that occupy the proposed easement area.
- Description and list of historical or archaeological resources, if any, that occurs or has the potential of occurring on the site.**
Response: There are no known historical archaeological resources known to occupy the proposed easement area.
- Formal alternative site analysis that includes a description and assessment of other potential alternative sites and why they are not feasible or practicable alternatives.**
Response: There are no feasible or practicable alternatives than the recommended easement route (see the application).

8. Assessment of the impacts the proposed alternative use will have on the natural/historical/archaeological/recreational resources, if any, as well as on the current public use and purpose for the site or parcel.

Response: The proposed easement is not anticipated to have any of these impacts within the proposed easement area.

9. Assessment of the potential impacts on the larger area of conservation lands the parcel is located within (park, wildlife management area, forest trail, etc.) and on any surrounding conservation lands, if any.

Response: The proposed easement will not negatively impact the surrounding BRSF nor the multiple-use management activities occurring on the forest.

10. Assessment of how the proposed package of consideration and net positive benefit for the requested alternative use of the parcel, such as the generally standard requirement for replacement land (depending on the parcel's size), will offset the impacts and benefit the larger area of conservation lands (park, forest, wildlife management area, trail system, etc.) the parcel is within and particularly how it will offset the impacts or benefit the natural/historical/ archaeological resources, habitat and public recreational uses of the public conservation area the parcel is located within.

Response: The Florida Forest Service (FFS) will look to the Division of State Lands in determining the compensation for this project, including the net positive benefit, however, recommends the proposed grantee provide additional compensation to the lead manager FFS of the state-owned lands, per Chapter 253.02 (2)(b)4. Florida Statute. BRSF is managed by the FFS under Lease Number 3686.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
TITLE AND LAND RECORDS SECTION
BOARD OF TRUSTEES LAND DATABASE SYSTEM
WORKSHEET SHORT FORM (FOR INTERNAL DEP USE ONLY)

WORKSHEET ID: 117172
COUNTY: Santa Rosa
FILE NUMBER: 57-41657 - DEBBIE FOSTER EASEMENT NO. 33338
APPLICANT: DEBORAH K FOSTER
COMPANY: OWNER
SITE: 4101 JAMES JERNIGAN RD., JAY FL. 32565; PARCEL ID: 31-5N-27-0000-00501-0000;
COM NW COR OF SW4 OF NW4 TH E243.42 FT TO POB TH S 0*14'W210 FT TH E 206.58
FT TH N 210FT TH W 206.58 FT TO POBAS DES IN OR 3033 PG 720
TYPE OF ACTIVITY: TITLE DETERMINATION, EASEMENT
PROJECT LOCATION: 31 05N 27W
AQUATIC PRESERVE:
WATER BODY:

DETERMINATION STATEMENT: OUR RECORDS INDICATE THAT THE DRIVEWAY ACCESS TO THE PERSONAL
HOMESTEAD RESIDENCE LANDS WERE CONVEYED INTO TITF OWNERSHIP AND
IS MANAGED BY FLORIDA BOARD OF FORESTRY SERVICES. AT THIS POINT THERE
ARE NOT ANY KNOWN INCUMBRANCES, REVERTERS OR RESTRICTIONS.
HOWEVER, THIS PROPOSED LOCATION IS SUBJECT TO LEASE NUMBER 3686.

TO JAY SIRCY
MG 02/12/2020

PREPARER: GORDON_M
DATE APPROVED: 02/13/2020
APPROVED BY: ASHMAN_M
WORKSHEET STATUS: Approved