

**ITEM XX:**

Consider whether an approximately 0.142-acre public utility easement within Coupon Bight/Key Deer in the Florida Keys National Wildlife Refuge, is consistent with the Board of Trustees' Linear Facilities Policy.

**LOCATION:**

Monroe County – Section 18, Township 66 South, Range 30 East  
Parcel Identification No: 00108050-000104

**APPLICANT:**

Utility Board of the City of Key West, Florida d/b/a Keys Energy Services (Applicant)

**DSL STAFF REMARKS:**

The Applicant is requesting a 20-foot easement for the installation of a utility line extension along Cat Lane on No Name Key, located on a portion of Coupon Bight/Key Deer within the National Key Deer Refuge. Public access to the parcel is available, however public use is very infrequent as it is a thick forest. The parcel abuts a right of way to a single-family home and the ingress/egress route serves only that home. The conservation land is currently managed by the United States Fish and Wildlife Service (USFWS) under lease 4144. The parcel under consideration was acquired, and is comprised of, donations from The Nature Conservancy (December 27, 2000) and Monroe County (September 20, 2001). The USFWS expressed support for the project in a letter dated September 1, 2020. In a letter dated May 6, 2020, The Division of Historical Resources (DHR) stated that a cultural resource assessment survey (CRAS) would not be required.

*Avoidance:*

The proposed utility easement is the most direct route that allows for minimal disturbance of habitat. It abuts an already existing right of way to a private home.

*Minimizing Impacts:*

Given the limited scope of this project it is the USFWS opinion that it will not impact larger areas of conservation lands that the parcel is located within. Efforts should be made to site the utility poles as close to the existing scarified roadway as possible and to minimize tree trimming to the extent possible due to the existence of federally and state listed species that may occupy the specific forested area. The Applicant will engage a qualified biologist to visually survey the staked pole location work area and adjacent work area immediately prior to proposed installation, to ensure no listed species exist. If they (listed species) do exist, the Applicant will either relocate the work or coordinate with USFWS and the qualified biologist to determine a suitable solution to avoid impacts to listed species.

*Compensation:*

No fee for public easements. Pursuant to F.S. 253.02(4), replacement lands shall be sought by the Applicant at 1.5 times the appraised value of the easement area. If replacement lands are not available or are un-obtainable, the Applicant will pay to USFWS, an amount equaling two times the appraised value of the Easement area. The applicant will satisfy the additional compensation prior to final execution of the easement by the Board of Trustees.

**DSL STAFF RECOMMENDATION:**

Approve





**ARC RECOMMENDATION:**

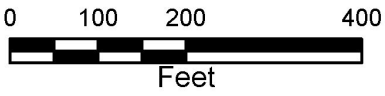
- APPROVE**
- APPROVE WITH MODIFICATIONS:** \_\_\_\_\_
- DEFER**
- WITHDRAW**
- NOT APPROVE**
- OTHER:** \_\_\_\_\_

THIS PAGE AND ANY FOLLOWING PAGES ARE ATTACHED ONLY FOR STATE OF FLORIDA TRACKING PURPOSES AND FORM NO PART OF THE INSTRUMENT AND ARE NOT TO BE RELIED ON BY ANY PARTY.



Data Sources:  
1) Sketch & Description  
2) Florida Forever Project Boundaries  
3) Florida Managed Lands  
4) NAVTEQ Roads  
5) Bing Aerials

-  Subject Parcel
-  Florida Forever Project Boundaries
-  Federal Managed Conservation Lands
-  City/County Managed Conservation Lands



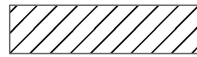
**Easement No. 33349**  
Monroe County, Florida

File Location: \\FLD\EP1\tech\_cad\Counties\_GIS\Monroe\Easement\_No\_33349\GIS\Easement\_No\_33349.mxd  
Date Saved: 5/7/2020 4:35:44 PM  
Map Created By: Kim Parson

LOCATION MAP - NOT TO SCALE



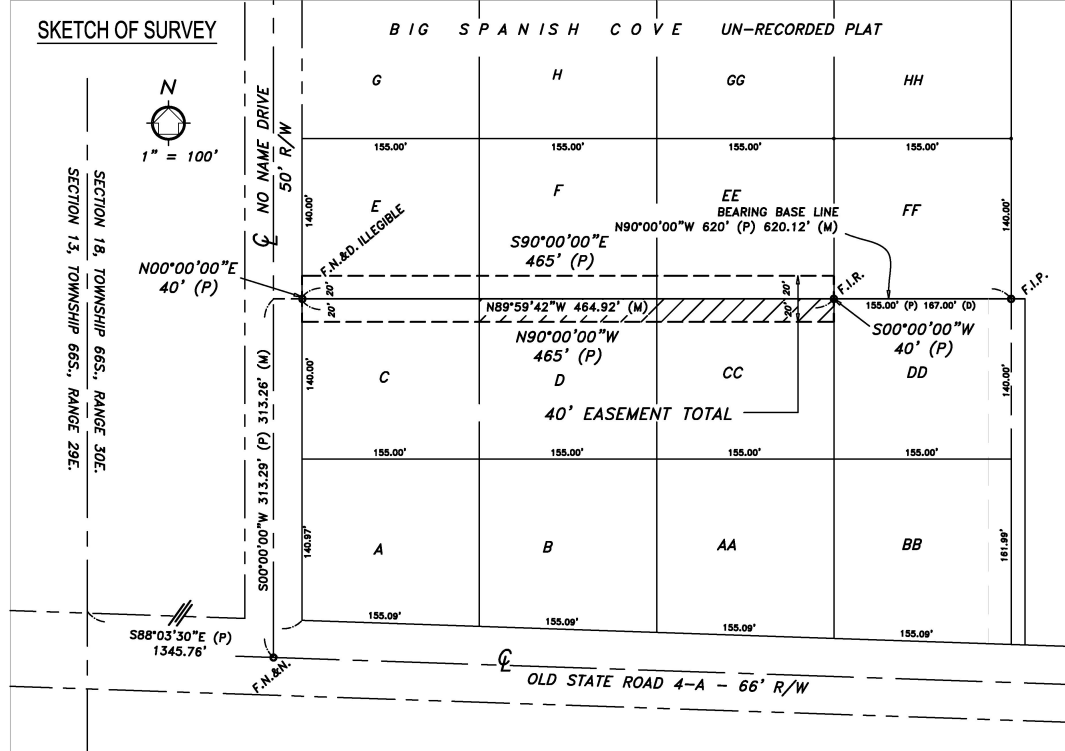
DENOTES PROPOSED  
EASEMENT SEE SKETCH  
& DESCRIPTION ON SHEET 2 OF 2



SURVEYORS NOTES:

1. THE SURVEY DATE IS MARCH 17, 2020.
2. THIS IS A BOUNDARY SURVEY, AS DEFINED IN CHAPTER 5J-17.050(10)(A)-(K) OF THE FLORIDA ADMINISTRATIVE CODE.
3. THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. UNDERGROUND IMPROVEMENTS, IF ANY, WERE NOT LOCATED.
6. ALL DEED REFERENCES ARE TO THE PUBLIC RECORDS OF MONROE COUNTY FLORIDA.
7. ABBREVIATIONS: CL = CENTERLINE; CONC = CONCRETE; F.I.P. = FOUND 3/4" IRON PIPE; F.I.R. = FOUND 1/2" IRON ROD; F.N.&N. = FOUND NAIL AND NUT; F.N.&D. = FOUND NAIL AND DISK; (M) = MEASURED; NTS = NOT TO SCALE; O.R.B. = OFFICIAL RECORDS BOOK; PG. = PAGE; (P) = PLAT; SCO = SANITARY CLEAN-OUT; R/W = RIGHT-OF-WAY.

SKETCH OF SURVEY



**REECE & ASSOCIATES**  
 PROFESSIONAL SURVEYOR AND MAPPER, LB 7848  
 127 INDUSTRIAL ROAD, BIG PINE KEY, FL 33043  
 OFFICE (305) 872 - 1348  
 EMAIL info@recedeandassociates.com

|                                    |                 |              |
|------------------------------------|-----------------|--------------|
| ADD SHEET 2 SKETCH AND DESCRIPTION | 03/31/2020      | SHEET 1 OF 2 |
| OFF                                | DATE 03/17/2020 |              |
| CHK                                | DATE 03/17/2020 |              |

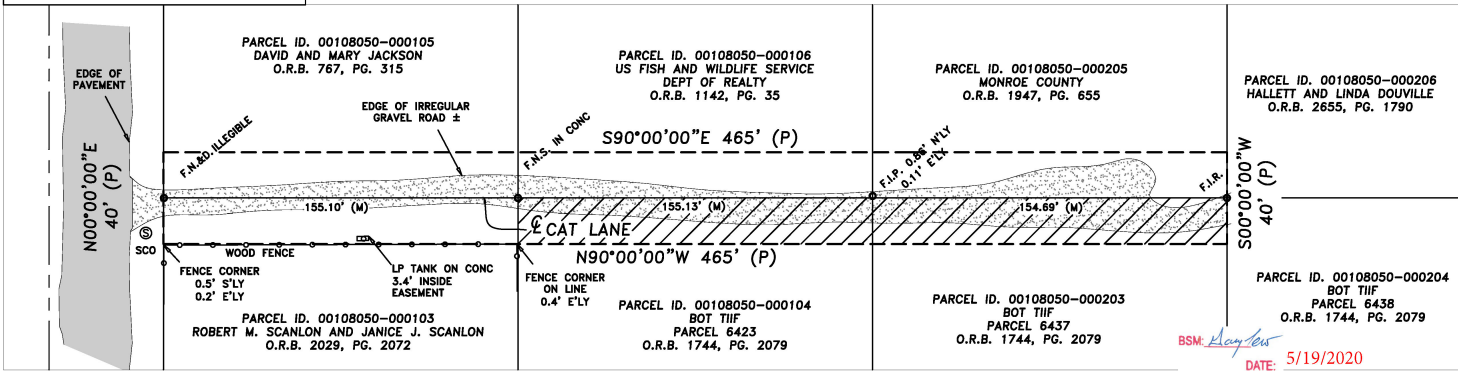
EXHIBIT "A"

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARD OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

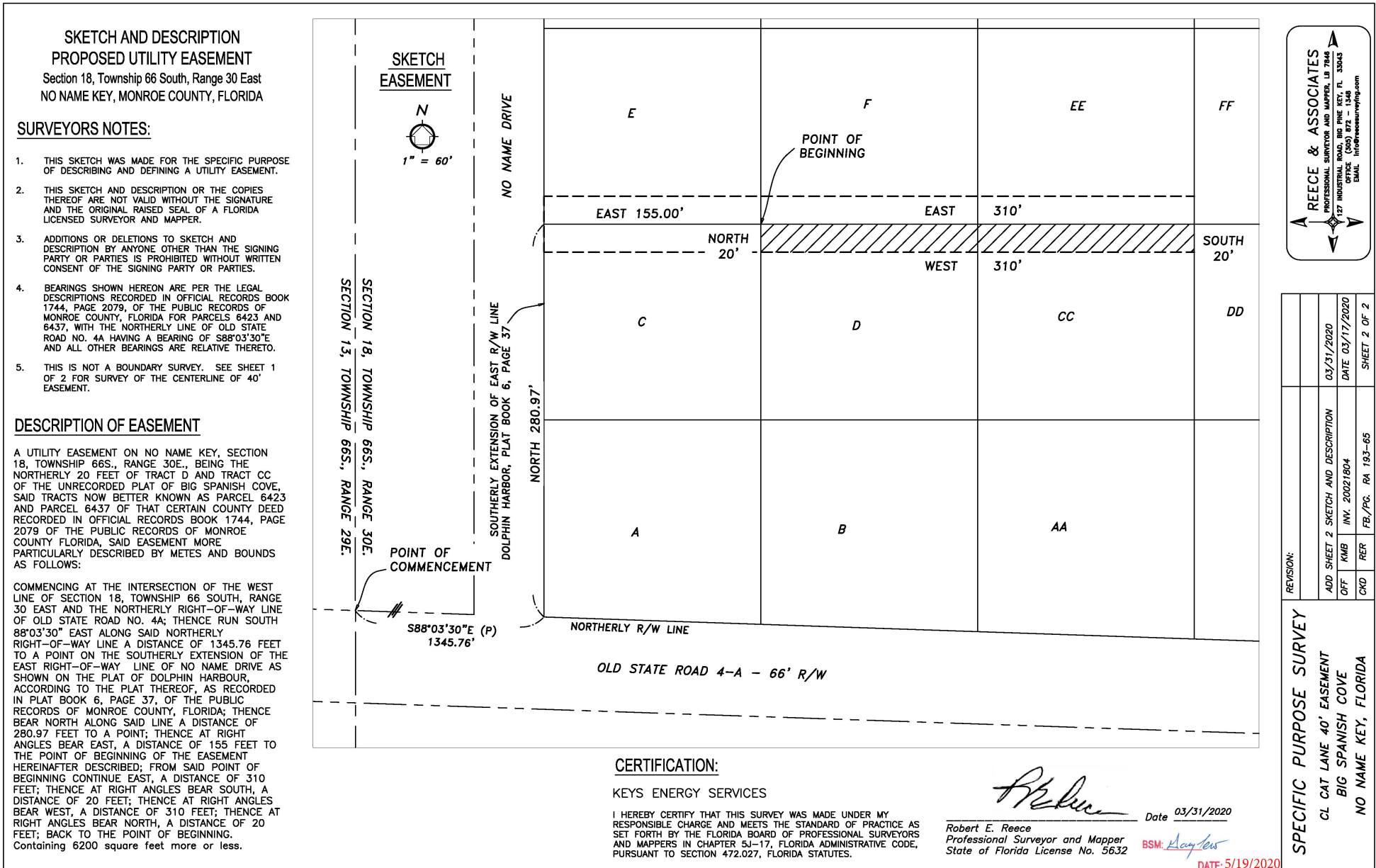
*Robert E. Reece*  
 Robert E. Reece  
 Professional Surveyor and Mapper  
 State of Florida License No. 5632  
 Date 03/17/2020

DETAIL SKETCH: 1"=50'



**SPECIFIC PURPOSE SURVEY**  
 CL CAT LANE 40' EASEMENT  
 BIG SPANISH COVE  
 NO NAME KEY, FLORIDA

BSM: *Ray Lewis*  
 DATE: 5/19/2020



**SKETCH AND DESCRIPTION  
PROPOSED UTILITY EASEMENT**

Section 18, Township 66 South, Range 30 East  
NO NAME KEY, MONROE COUNTY, FLORIDA

**SURVEYORS NOTES:**

1. THIS SKETCH WAS MADE FOR THE SPECIFIC PURPOSE OF DESCRIBING AND DEFINING A UTILITY EASEMENT.
2. THIS SKETCH AND DESCRIPTION OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. ADDITIONS OR DELETIONS TO SKETCH AND DESCRIPTION BY ANYONE OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
4. BEARINGS SHOWN HEREON ARE PER THE LEGAL DESCRIPTIONS RECORDED IN OFFICIAL RECORDS BOOK 1744, PAGE 2079, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA FOR PARCELS 6423 AND 6437, WITH THE NORTHERLY LINE OF OLD STATE ROAD NO. 4A HAVING A BEARING OF S88°03'30"E AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
5. THIS IS NOT A BOUNDARY SURVEY. SEE SHEET 1 OF 2 FOR SURVEY OF THE CENTERLINE OF 40' EASEMENT.

**DESCRIPTION OF EASEMENT**

A UTILITY EASEMENT ON NO NAME KEY, SECTION 18, TOWNSHIP 66S., RANGE 30E., BEING THE NORTHERLY 20 FEET OF TRACT D AND TRACT CC OF THE UNRECORDED PLAT OF BIG SPANISH COVE, SAID TRACTS NOW BETTER KNOWN AS PARCEL 6423 AND PARCEL 6437 OF THAT CERTAIN COUNTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1744, PAGE 2079 OF THE PUBLIC RECORDS OF MONROE COUNTY FLORIDA, SAID EASEMENT MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF SECTION 18, TOWNSHIP 66 SOUTH, RANGE 30 EAST AND THE NORTHERLY RIGHT-OF-WAY LINE OF OLD STATE ROAD NO. 4A; THENCE RUN SOUTH 88°03'30" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 1345.76 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF NO NAME DRIVE AS SHOWN ON THE PLAT OF DOLPHIN HARBOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 37, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE BEAR NORTH ALONG SAID LINE A DISTANCE OF 280.97 FEET TO A POINT; THENCE AT RIGHT ANGLES BEAR EAST, A DISTANCE OF 155 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREINAFTER DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE EAST, A DISTANCE OF 310 FEET; THENCE AT RIGHT ANGLES BEAR SOUTH, A DISTANCE OF 20 FEET; THENCE AT RIGHT ANGLES BEAR WEST, A DISTANCE OF 310 FEET; THENCE AT RIGHT ANGLES BEAR NORTH, A DISTANCE OF 20 FEET; BACK TO THE POINT OF BEGINNING.  
Containing 6200 square feet more or less.

**SKETCH  
EASEMENT**



SECTION 18, TOWNSHIP 66S., RANGE 30E.  
SECTION 13, TOWNSHIP 66S., RANGE 29E.

NO NAME DRIVE

SOUTHERLY EXTENSION OF EAST R/W LINE  
DOLPHIN HARBOR, PLAT BOOK 6, PAGE 37

POINT OF COMMENCEMENT  
S88°03'30"E (P)  
1345.76'

NORTHERLY R/W LINE

OLD STATE ROAD 4-A - 66' R/W

**CERTIFICATION:**

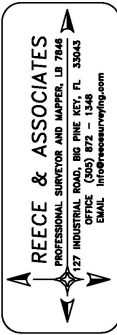
KEYS ENERGY SERVICES

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARD OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER SJ-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

*Robert E. Reece* Date 03/31/2020  
Robert E. Reece  
Professional Surveyor and Mapper  
State of Florida License No. 5632

BSM: *Acay/BS*

DATE: 5/19/2020



|                                    |            |         |            |
|------------------------------------|------------|---------|------------|
| REVISION:                          |            |         |            |
| ADD SHEET 2 SKETCH AND DESCRIPTION | 03/31/2020 | DATE    | 03/17/2020 |
| OFF                                | KMB        | INV.    | 20021804   |
| CKD                                | REK        | FB./PG. | RA 193-65  |

**SPECIFIC PURPOSE SURVEY**  
CL CAT LANE 40' EASEMENT  
BIG SPANISH COVE  
NO NAME KEY, FLORIDA

SHHEET 2 OF 2



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

### Florida Keys National Wildlife Refuges

30587 Watson Blvd  
Big Pine Key, Florida 33043  
(305) 872-2239, (305) 872-3675 FAX

Brad Richardson, Chief  
Bureau of Public Land Administration  
Division of State Lands  
3800 Commonwealth Blvd., MS 125  
Tallahassee, FL 32399

September 1, 2020

Mr. Richardson:

The US Fish and Wildlife Service (FWS) reviewed Hallett Douville's proposal regarding the proposed easement located on a portion of National Key Deer Refuge in Monroe County, Florida. The USFWS has no objection to this request, and recommends approval of the proposal. Although, as the managing agency of the lease, we would require that Keys Energy Service provide our office with the proposed dates of any work to erect power transmission poles on the easement.

The USFWS will look to the Bureau of Public Land Administration to negotiate the terms and conditions of the easement and an agreeable net positive or neutral benefit for the National Key Deer Refuge. USFWS staff will provide input regarding impacted resources and if necessary, mitigation to ensure the success of this transaction.

Please keep us apprised of the progress. Should you need further assistance please contact Justin Dewey, Realty Specialist with the U.S. Fish and Wildlife Service at 404/679-7200.

Sincerely,

Greg Boling

Deputy Project Leader

Florida Keys National Wildlife Refuge Complex



# FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

## USFWS ARC Memo Response

### ARC Questionnaire

(Attach additional sheets if necessary.)

1. 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.

Based on DEP Title and Lands Records , the Parcel was donated to the State of Florida by Monroe County, FL.

2. 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.

Based on FL DEP Title and Lands records, the property was donated. Based on correspondence with FL DEP, there are no reverters, restrictions or special conditions associated with the property. The FL DEP document associated with the parcel does allow for utility ingress/egress easements.

3. Description of the current level of public recreational use or public access of the parcel.

Parcel is managed by USFWS as part of the National Key Deer Refuge. Public access to the parcel is available, however public use is very infrequent as it is a thick forest. The parcel abuts a right of way to a single family home and the ingress/egress route serves only that home.

4. Description of the natural resources, land cover, vegetation, habitat or natural community, if any, that are currently present on the parcel.

Parcel is primarily comprised of hardwood hammock habitat, and the plant and wildlife community that comprises this particular habitat. It is undeveloped.

5. Description and list of the imperiled and other wildlife species, if any, that occur on or use the parcel.

Federally listed: Endangered Key deer, Endangered Lower Keys marsh rabbit, Threatened Stock Island tree snail, Threatened Eastern Indigo Snake.

State listed: Threatened White-crowned pigeon.

A variety of native wildlife use this habitat, including American alligator, FL box turtle, striped mud turtle, black racer snakes, rosy rat snakes and an abundance of resident and migratory birds.

Florida tree snail and other tree snails.



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Secretary

6. Description and list of historical or archaeological resources, if any, that occur or have the potential of occurring on the site.  
 USFWS is recommending that the utility company follow the guidance outlined by the State in a letter from Dr. Timothy Parsons, Director, Florida Division of Historical Resources & State Historic Preservation Officer to Ms. Angel Granger May 6, 2020, Bureau of Public Land Administration—  
 “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.
  
7. Formal alternative siting analysis that includes a description and assessment of other potential alternative sites and why they are not feasible or practicable alternatives.  
 The proposed utility easement is the most direct route that allows for minimal disturbance of habitat. It abuts an already existing right of way to a private home.
  
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.  

There is no proposed alternative.
  
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.  

Given the limited scope of this project it is the USFWS opinion that it will not impact larger areas of conservation lands that the parcel is located within.





# FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

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.

Due to the limited scope of the project, there is no request by USFWS for replacement lands. Efforts should be made to site the utility poles as close to the existing scarified roadway as possible and to minimize tree trimming to the extent possible due to the existence of federally and state listed species that may occupy the specific forested area.

Please return completed questionnaire to:

Angel Granger, Government Operations Consultant III  
Florida Department of Environmental Protection  
State Lands/Bureau of Public Land Administration  
3800 Commonwealth Blvd., MS 130  
Tallahassee, Florida 32399  
[Angel.Granger@FloridaDEP.gov](mailto:Angel.Granger@FloridaDEP.gov)  
Office: 850-245-2696



**FLORIDA DEPARTMENT of STATE**

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

Ms. Angel Granger  
Bureau of Public Land Administration, MS 130  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

May 6, 2020

RE: DHR Project File No.: 2020-2357  
G-42038-NDB Easement 33349 – Douville-Keys Energy Service  
Parcel ID Numbers: 108050-000104 & 108050-000203  
No Name Key, Monroe County

Dear Ms. Granger:

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](mailto:robin.jackson@dos.myflorida.com), or at 850.245.6496, or 800.847.7278.

Sincerely,

A handwritten signature in blue ink that reads "Jason Aldridge" with "For" written below it.

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

**Division of Historical Resources**  
**R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399**  
**850.245.6300 • 850.245.6436 (Fax) • FLHeritage.com**

