

**ITEM XX:**

Consider whether an approximately 0.009-acre public right of way easement within Board of Trustees owned conservation land is consistent with the Board of Trustees’ Linear Facilities Policy.

**LOCATION:**

Volusia, Section – 8 & 17, Township – 17S, Range – 34E  
Parcel ID Number: 7417-00-00-0021

**APPLICANT:**

Florida Department of Transportation (Applicant)

**DSL STAFF REMARKS:**

The Applicant has requested a 0.009-acre easement to install, operate and maintain a drainage line and structures associated with the replacement of the bridge located on Barracuda Boulevard in New Smyrna Beach. The proposed easement is located within conservation land known as the Mosquito Lagoon Marine Enhancement Center. The Board of Trustees (BOT) acquired the parcel in 2008 by donation from Volusia County to be use for conservation, educational, recreational and research uses. The parcel is managed by the Florida Fish and Wildlife Conservation Commission (FWC) under Upland Lease number 4568 and Subleased to the Marine Discover Center, Inc. (MDC) under Uplands Sublease 4568-01.

In a letter, dated November 6, 2019, the Division of Historical Resources (DHR) stated that the proposed undertaking is unlikely to affect historic properties. FWC consented to the easement in a letter dated February 25, 2021 and MDC consented to the easement in a letter dated February 25, 2001.

*Avoidance:*

There are no other practical alternatives, this parcel is directly adjacent to the bridge.

*Minimizing Impacts:*

The easement will not hinder the intended use of the property. 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. The proposed easement does not foresee any impact to imperiled or other wildlife species in the area.

*Compensation:*

No easement fee for Public agencies and per the BOT’s linear facilities policy, additional compensation, in the form of replacement land or goods and services, will be provided at 1.5 times the appraised value of the easement.

**DSL STAFF RECOMMENDATION:**

APPROVE

**ARC RECOMMENDATION:**


( ) APPROVE

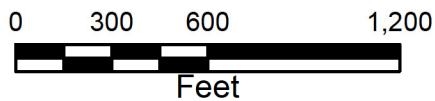
( ) APPROVE WITH MODIFICATIONS: \_\_\_\_\_

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



Data Sources:  
 1) Sketch & Description  
 2) World Street Map

 Subject Parcel



**Easement No. 33420**

Volusia County, Florida



Subject Parcel

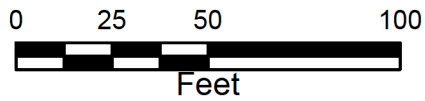
QUAY ASSISI

BARRACUDA BLVD

Canal Bradano

Data Sources:  
1) Sketch & Description  
2) NAVTEQ Roads  
3) Bing Aerials

Subject Parcel



Easement No. 33420

Volusia County, Florida



**PARCEL No. 801  
R/W EASEMENT**

EDOT Easement No. 33420  
**SECTION No. 79000  
F.P. 437935-1**

Description for a Right of Way easement to be acquired from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the use and benefit of the Florida Department of Transportation.

That part of the lands deeded to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida in Official Records Book 6231, Page 4339 of the Public Records of Volusia County, Florida and that part of Canal Bradano in unsurveyed Sections 8 and 17, Township 17 South, Range 34 East, Volusia County, Florida, less sovereignty submerged lands, lying within the following described boundary:

COMMENCE at a found 1/2-inch iron pipe with no identification marking the Southwesterly corner of Lot 30, Venezia Unit 1, Plat Book 23, Page 212 of the Public Records of Volusia County, Florida, said point being on the existing Easterly right of way line of Barracuda Boulevard (Quay Brenta per plat) an 80.00 foot right of way dedicated to the City of New Smyrna Beach per said Plat; thence run North 37°59'09"West, along the Westerly line of said Lot 30 and said existing Easterly right of way line, a distance of 183.97 feet to the Northwesterly corner of Lot 30 and the POINT OF BEGINNING; thence departing said existing Easterly right of way line, run South 52°02'30" West along the Northerly line of said Venezia Unit 1 Plat, a distance of 40.00 feet to a point on the Baseline of Survey of Barracuda Boulevard as shown on the Florida Department of Transportation Specific Purpose Survey for Barracuda Boulevard, Section 79000, Financial Project Number 437935-1, said point being a Point on Tangent at Station 12+08.97 of said Baseline of Survey; thence continue South 52°02'30"West along said Northerly line of Venezia Unit 1 Plat, a distance of 40.00 feet to the existing Westerly right of way line of said Barracuda Boulevard and the Northeasterly corner of Lot 48 of said Venezia Unit 1 Plat; thence run South 52°00'48"West along the Northerly line of said Lot 48, a distance of 0.31 feet to a point on the water side of a seawall and the Safe Upland Line of Canal Bradano; thence departing said Northerly line, run North 34°00'31" West along the water side face of the seawall and the Safe Upland Line, a distance of 4.49 feet to a point on the Northerly projection of the Easterly line of said Lot 48 and existing Westerly right of way line of said Barracuda Boulevard; thence run North 37°59'09"West along said Northerly projection of the Northerly line of said Lot 48 and existing Westerly right of way line, a distance of 69.65 feet; thence run South 52°00'51"West, a distance of 13.00 feet; thence run North 37°59'09"West parallel with said Northerly projection, a distance of 129.86 feet; thence run North 59°24'22" West, a distance of 31.16 feet; thence run North 16°34'00"West, a distance of 66.76 feet to the Westerly line of Venezia Unit 2, Plat Book 25, Page 16 of the Public Records of Volusia County, Florida, said line also being the existing Westerly right of way line of Barracuda Boulevard (Quay Brenta per plat) an 80.00 foot right of way dedicated to the City of New Smyrna Beach per said Plat; thence run South 37°59'09"East, along the said Westerly line of said Venezia Unit 2 Plat and said existing Westerly right of way line, also being the Easterly line of said lands deeded to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida as recorded in Official Records Book 6231, Page 4339 and its Southerly projection, a distance of 45.78 feet to the Southwesterly corner of said Plat of said Venezia Unit 2; thence North 52°03'13"East along the Southerly line of said Venezia Unit 2 Plat, a distance of 40.00 feet to a point on said Baseline of Survey of Barracuda Boulevard, said point being a Point on Tangent at Station 14+58.33 of said Baseline of Survey; thence continue North 52°03'13"East along said Southerly line, a distance of 40.00 feet to the Southwesterly corner of Lot 49 of said Venezia Unit 2 Plat; thence North 52°00'21" East along the Southerly line of said Lot 49, a distance of 7.82 feet to a point on the water side of a seawall and the Safe Upland Line of Canal Bradano; thence South 28°44'56" East along the water side face of the seawall and the Safe Upland Line, a distance of 44.96 feet; thence run North 52°00'51"East, a distance of 14.39 feet; thence South 37°59'09"East, parallel with the Northerly projection of the existing Westerly right of way line of said Barracuda Boulevard, a distance of 134.35 feet; thence run South 52°00'51" West, a distance of 15.00 feet to a point on the Northerly projection of the existing Easterly right of way line of said Barracuda Boulevard (Quay Brenta per plat) as shown on said Venezia Unit 1 Plat; thence South 37°59'09" East along said Northerly projection, a distance of 70.63 feet to the POINT OF BEGINNING.

CONTAINING 377 square feet, more or less. (0.009 acres, more or less)

**CERTIFICATION:**

I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE ATTACHED SKETCH AND DESCRIPTION OF PARCELS 700, 800 AND 801 IS TRUE, ACCURATE, AND PREPARED UNDER MY DIRECTION.

I FURTHER CERTIFY THAT SAID SKETCH OF DESCRIPTION IS IN COMPLIANCE WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



NICHOLAS CAMPANILE  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER NO. 4605  
FLORIDA DEPARTMENT OF TRANSPORTATION, DISTRICT FIVE  
719 S. WOODLAND BLVD.  
DELAND, FL. 32720

DATE: JANUARY 25, 2021

BSM: *Ray Lewis*

DATE: February 16, 2021

NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEY AND MAPPER



**FLORIDA DEPARTMENT OF TRANSPORTATION  
SKETCH OF DESCRIPTION - NOT A SURVEY**

**BARRACUDA BLVD. BRIDGE**

**VOLUSIA COUNTY**

REVISION		BY	DATE	CHECKED	CAMPANILE	01/13/21	F.P. NO. 437935-1	SECTION 79000	Page 5 of 16 SHEET 8 OF 8
DRAWN		W.MURPHY	01/13/21	PREPARED BY: F.D.O.T. DISTRICT FIVE SURVEYING & MAPPING 719 WOODLAND B.V.D., DELAND, FL 32720		DATA SOURCE: SEE GENERAL NOTES ON SHEET 2			



February 25, 2021

**Florida Fish and Wildlife Conservation Commission**

**Commissioners**

**Rodney Barreto**  
Chairman  
Coral Gables

**Michael W. Sole**  
Vice Chairman  
Tequesta

**Steven Hudson**  
Fort Lauderdale

**Gary Lester**  
Oxford

**Gary Nicklaus**  
Jupiter

**Sonya Rood**  
St. Augustine

**Robert A. Spottwood**  
Key West

**Executive Staff**

**Eric Sutton**  
Executive Director

**Thomas H. Eason, Ph.D.**  
Assistant Executive Director

**Jennifer Fitzwater**  
Chief of Staff

**Fish and Wildlife Research Institute**

**Gil McRae**  
Director

727-896-8626  
727-823-0166 FAX

*Managing fish and wildlife resources for their long-term well-being and the benefit of people.*

**Fish and Wildlife Research Institute**

100 Eighth Avenue SE  
St. Petersburg, Florida  
33701-5020  
Voice: (727) 896-8626  
Fax: (727) 823-0166  
Hearing/speech-impaired:  
(800) 955-8771 (T)  
(800) 955-8770 (V)  
MyFWC.com/Research

Mr. Brad Richardson  
Department of Environmental Protection  
Division of State Lands  
Bureau of Public Land Administration  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000

Re: Upland Easement Request from Florida Department of Transportation (FDOT), on behalf of the City of New Smyrna Beach, to the Florida Fish and Wildlife Conservation Commission (Volusia County Parcel ID #741700000021)

Dear Mr. Richardson:

The FDOT, on behalf of the City of New Smyrna Beach, has requested a 377 square feet upland easement for construction of a new drainage line and structures associated with the replacement of a bridge on Barracuda Blvd in New Smyrna Beach. The parcel lies within the Mosquito Lagoon Marine Enhancement Center, leased to the Florida Fish and Wildlife Conservation Commission (FWC) from the Board of Trustees of the Internal Improvement Trust Fund (Trustees) under Lease #4568. This land is also subleased to the Marine Discovery Center under Sublease #4568-01.

The FWC has reviewed the easement request and supports it under the following conditions, subject to Florida Department of Environmental Protection, Division of State Lands (DSL), Acquisition and Restoration Council (ARC) and Trustees review and approval pursuant to the State of Florida's Incompatible Use Policy (IUP):

1. The access easement is no larger than 377 square feet as outlined on page 3 and 4 of this letter.
2. The easement shall only be for the benefit of the City of New Smyrna Beach in support of the Barracuda Bridge.
3. The City of New Smyrna Beach shall be responsible for repairing the structures on the easement of any damage at their sole cost. The FWC will not be responsible for improving and/or maintaining the easement area.
4. The FDOT, working on behalf of the City of New Smyrna Beach, shall obtain any and all permits for construction of planned drainage line and structures.
5. Clearing and/or removal of native vegetation within or along the access easement area shall only include removal of vegetation that is essential to develop the necessary structures in support of the bridge.
6. The FDOT and the City of New Smyrna Beach shall not plant any vegetation along or within the easement area. If revegetation becomes necessary within

the easement area, plant species shall be approved in advance by the FWC and shall not include any plants considered invasive by the State of Florida.

7. The FWC receives net positive benefit acceptable to FWC pursuant to the IUP.

Please contact Dylan Haase at (850) 487-9102 or [Dylan.Haase@MyFWC.com](mailto:Dylan.Haase@MyFWC.com) should there be any questions regarding this matter.

Sincerely,



Digitally signed by Gil  
DN: cn=Gil, o=FWRI, ou=FWC,  
email=Gil.McRae@MyFWC.co  
m, c=US  
Date: 2021.02.25 13:06:12  
-05'00'

Gil McRae, Director  
Fish and Wildlife Research Institute

GM/HN/DH











To protect and restore the Florida coastal and Indian River Lagoon ecosystems through education, research and community stewardship.

EDOT Easement No. 33420  
520 Barracuda Blvd.  
New Smyrna Beach, FL 32169  
P: 386.428.4828 F: 386.428.4825  
MarineDiscoveryCenter.org

February 25, 2021

Mr. Brad Richardson  
Department of Environmental Protection  
Division of State Lands  
Bureau of Public Land Administration  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000

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MDC has reviewed the easement request and supports it as long as the request meets all applicable requirements set forth by our lease holder, FWC.

Please contact me at (386) 679-3622 or [chad@marinediscoverycenter.org](mailto:chad@marinediscoverycenter.org) should there be any questions regarding this matter.

Sincerely,

Chad Truxall, Executive Director  
Marine Discovery Center



**FLORIDA DEPARTMENT *of* STATE**

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

Jay Sircy  
Bureau of Public Land Administration, M.S. 130  
DEP-Division of State Lands  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

March 1, 2021

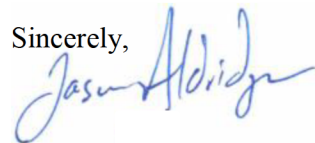
RE: DHR Project File No.: 2021-973, Received by DHR: March 1, 2021  
Project: 43307, Easement 33420 Florida Department of Transportation  
Volusia County

Dear Mr. Sircy:

Our office reviewed the referenced project in accordance with Chapter 267, Florida Statutes, and implementing state regulations, for possible effects on historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) or otherwise of historical, architectural or archaeological value.

The proposed easement is within a larger area that was subjected to a cultural resources assessment survey (CRAS) by the Florida Department of Transportation. The CRAS identified no significant historic properties within the proposed easement. Therefore, it is the opinion of this office that the proposed easement will have no effect to historic properties listed, or eligible for listing, in the NRHP.

If you have any questions, please contact me by email at [Jason.Aldridge@dos.myflorida.com](mailto:Jason.Aldridge@dos.myflorida.com) or by telephone at 850-245-6344.

Sincerely,  


Jason Aldridge  
Deputy State Historic Preservation Officer  
for Compliance and Review



ARC Questionnaire

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.

*The Mosquito Lagoon Marine Enhancement Center (MLMEC) was acquired by the Board of Trustees through a donation from the School Board of Volusia County, in May 2008.*

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.

*In May 2008, the School Board of Volusia County deeded the 33.86-acre property, then known as the "New Smyrna Beach High School", to the Board of Trustees. The purpose of the donation was for the area to be used for educational, research, and recreational uses. One deed restriction was outline in the agreement which requires the property to be return to the State of Florida if no longer utilized for educational purposes.*

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

*The MLMEC as a whole is managed under a low intensity, multiple-use concept that includes providing opportunities for fish- and wildlife-based public outdoor recreation and education. The recreational activities offered on the MLMEC include hiking, fishing, paddle sports, archery, wildlife viewing, exercising and nature play. The educational activities offered on the MLMEC include walking trails and paddle tours, special events, public lectures, school field trips, day camps, workshops, professional development, citizen science and other community programming.*

*Authorized recreational and educational uses are managed consistent with the purposes for acquiring the MLMEC, including promoting habitat conditions critical to meeting the life history requirements of the gopher tortoise, smalltooth sawfish, Atlantic salt marsh snake, West Indian manatee, and ensuring the conservation and ecological integrity of the area while managing for low intensity, multiple-uses, thus providing fish and wildlife based public outdoor recreational opportunities for Florida's citizens and visitors. The specific parcel in relation to this project is currently a parking lot, but current future plans for the area include, but not limited to, native landscaping, parking, a fishing pier, dock, and tour boat.*

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

*The natural communities for the MLMEC were mapped using the Florida Cooperative Land Cover Map (CLC). The CLC is a cooperative effort between the FWC and the Florida Natural Areas Inventory (FNAI) to develop ecologically-based statewide land*



cover from existing sources and expert review of aerial photography. The CLC describes six natural and anthropogenic community types existing on the MLMEC. The FWC biologists have also documented a variety of native plant species and one invasive exotic plant species, Brazilian pepper (*Schinus terebinthifolia*), as occurring on the MLMEC.

The predominant native landscapes occurring on the proposed parcel of the MLMEC is ruderal/developed, with a small portion of the parcel as classified as estuarine, which is defined as subtidal, intertidal, and supratidal zones of the sea.

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

Below is a table indicating observations or potential species to occur on the subject parcel. Additionally, several bird, invertebrates, fish, reptile, mammal and amphibian species have the potential to occur in the area. However, the proposed project does not foresee having impact any of the area's species' habitat.

**Imperiled Species Documented or Possibly Occurring at the MLMEC**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Status</b>
Atlantic saltmarsh snake	<i>Nerodia clarkii taeniata</i>	FT
Least tern	<i>Sternula antillarum</i>	ST
Little blue heron	<i>Egretta caerulea</i>	ST
Piping Plover	<i>Charadrius melodus</i>	FT
Reddish egret	<i>Egretta rufescens</i>	ST
Smalltooth sawfish	<i>Pristis pectinate</i>	FE
Tricolored heron	<i>Egretta tricolor</i>	ST
West Indian manatee	<i>Trichechus manatus</i>	FT

<i>Abbreviation</i>	<i>Status</i>
FE	Federal Endangered
FT	Federal Threatened
ST	State Threatened

6. Description and list of historical or archaeological resources, if any, that occur or have the potential of occurring on the site.

The DHR Master Site File indicates that there are no recorded archaeological sites within the boundaries of the MLMEC. Upon acquisition of the property, the DHR determined that no historical sites were located on the property.

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.

*This project is a Categorical Exclusion under 23 C.F.R. 771.117, A Type 1 Categorical Exclusion, as determined on June 15, 2020. It will not induce significant impacts to planned growth or land use for the area; travel patterns; involve significant air or water quality impacts; or cause substantial controversy on environmental grounds.*

*This project is to replace FDOT Bridge No. 795700, which carries Barracuda Boulevard over Bradano Canal, with newly constructed FDOT Bridge No. 795702. Additional improvements include reconstruction of the existing pavement, installation of riprap, construction of paved pedestrian pathway along the northwest and southwest side of Barracuda Boulevard, drainage pipe installation, and milling and resurfacing of Barracuda Boulevard.*

*Due to the nature of the project, there were no viable corridor alternatives. A No-build alternative was not an option as the City of New Smyrna Beach has a local ordinance requiring two ingress/egress points for each subdivision for emergency services. Larger designs would have impacted private properties. However, several bridge alternatives within the limited footprint were evaluated for viability for this project. Factors that were considered during evaluation are construction cost, constructability, durability, past performance of similar structures, overall structure depth, hydraulic impacts, preservation of the existing bulkhead wall and impacts to adjacent residential properties.*

*After evaluating each of the superstructure alternatives, the 85'-0" single span Florida Standard Plans-36 alternative is recommended to be advanced into the final design phase of the project. This recommendation is based on the following benefits that are provided by this alternative:*

- *Minimizes changes to roadway profile*
- *Minimize impacts to adjacent properties*
- *Increases hydraulic opening and preserves existing clear channel*
- *Optimal preservation of existing bulkhead wall*

*After evaluating each of the substructure alternatives, the use of 18" precast prestressed square concrete piles with Carbon Fiber Reinforced Polyester strands in pile bents is recommended to be advanced forward into the final design phase of the project. This recommendation is based on the following benefits that are provided by this alternative:*

- *Most economical substructure*
- *Increased durability for harsh environmental classification leading to a longer bridge service life*
- *Optimized structural capacity*
- *Minimizes vibration*

*The preferred alternative is recommended based on the given site conditions, geotechnical and hydraulic requirements, profile grade limitations, constructability, durability and economic feasibility.*

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.

*The proposed activity does not foresee any impacts on the resources or current uses of the property.*

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.

*The proposed activity does not foresee any impacts on the conservation land or any surrounding conservation land*

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.

*FDOT, on behalf of the City of New Smyrna Beach has committed to providing a net positive benefit in the form of payment of 1.5 times the market value of the easement as directed by the Florida Fish and Wildlife Commission. In addition:*

- *FDOT is committed to partnering with the Marine Discovery Center to relocate oysters that are in the construction area. The selected design avoids wetland impacts.*
- *Manatee and swimming sea turtle protection measures will be observed during construction.*
- *As a part of this project, an 8'-0" clear pedestrian pathway is provided along the west side of the bridge. The pedestrian pathway will become part of a future trail project originating at the Marine Discovery Center trail head.*
- *The new riprap as part of the new Barracuda bridge will act as a safe haven for aquatic species due to the voids in the riprap rocks. Currently, there is no riprap at the existing Barracuda bridge.*
- *The existing Barracuda Bridge will be removed and the debris will be made part of the Volusia County Artificial Reef Program to be deposited three to four miles off the coast of Daytona Beach to an established reef site. Beneficial uses of the bridge demolition debris include shore erosion control or stabilization, ecosystem restoration, and marine habitat restoration.*

It will be the responsibility of the managing agency on whose property a non-conservation or non-public recreation use is proposed to have staff at ARC meetings who will be able to answer questions about the effect of that proposed use on the lands that they manage and about their justification for agreeing to allow it. BPLA staff will continue to present the items, but managing agency staff should be ready to answer any questions related to the resources and recreation on the site and the effects of proposed uses.