

**ITEM XX:**

Consider whether an approximately 2.34-acre private single-family access easement within Withlacoochee State Trail and Withlacoochee State Forest is consistent with the Board of Trustees' Incompatible Use Policy.

**LOCATION:**

Hernando County, Section – 28, Township – 22S, Range – 21E

Applicant's Parcel ID Number: R28 422 21 0000 0020 0000

**APPLICANT:**

Dudley R. Cullum and Valerie B. Cullum, husband and wife (Applicants)

**DSL STAFF REMARKS:**

The Applicants have requested an ingress/egress easement on an existing dirt road, totaling approximately 2.34-acres, to access their landlocked parcel located off Croom Rital Road, for as long as the easement is used solely for the benefit of the Applicants, their successors and assigns for access to a single-family residence. The proposed easement is located within approximately 1.96-acres of the Withlacoochee State Trail (WST) currently managed by the Division of Recreation and Parks (DRP) under Uplands Lease No. 3316 and within approximately 0.38-acres of the Withlacoochee State Forest (WSF) currently managed by the Florida Forest Service (FFS) under Uplands Lease No. 3876. The DRP managed portion was acquired by the Board of Trustees of the Internal Improvement Trust Fund (BOT) in 1989 under the Rails to Trails program. The FFS managed portion was acquired by the BOT in 1995 with Preservation 2000 funding.

DRP consented to the easement in a letter dated January 13, 2021. FFS consented to the easement in a letter dated February 11, 2021. In a letter dated January 10, 2022, the Division of Historical Resources stated that the proposed undertaking is unlikely to affect historic properties. The DRP and the FFS will not be responsible for maintenance of the existing dirt road outside of their need.

*Avoidance:*

There are no other practical alternatives for this easement request. The Applicant's parcel is landlocked by BOT owned conservation land on all sides.

*Minimizing Impacts:*

The proposed easement is within an existing dirt road and is not anticipated to have any additional impacts to WST or WFS. 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:*

An easement fee will be paid to the BOT and will be based on market value of the requested easement area and per the BOT's incompatible use policy, the Applicants will provide a net positive benefit calculated at 1.5 times the market value of the easement area to the land managers land on which the use will be located.

**DSL STAFF RECOMMENDATION:**

Approve the easement.

**ARC RECOMMENDATION:**

**APPROVE**

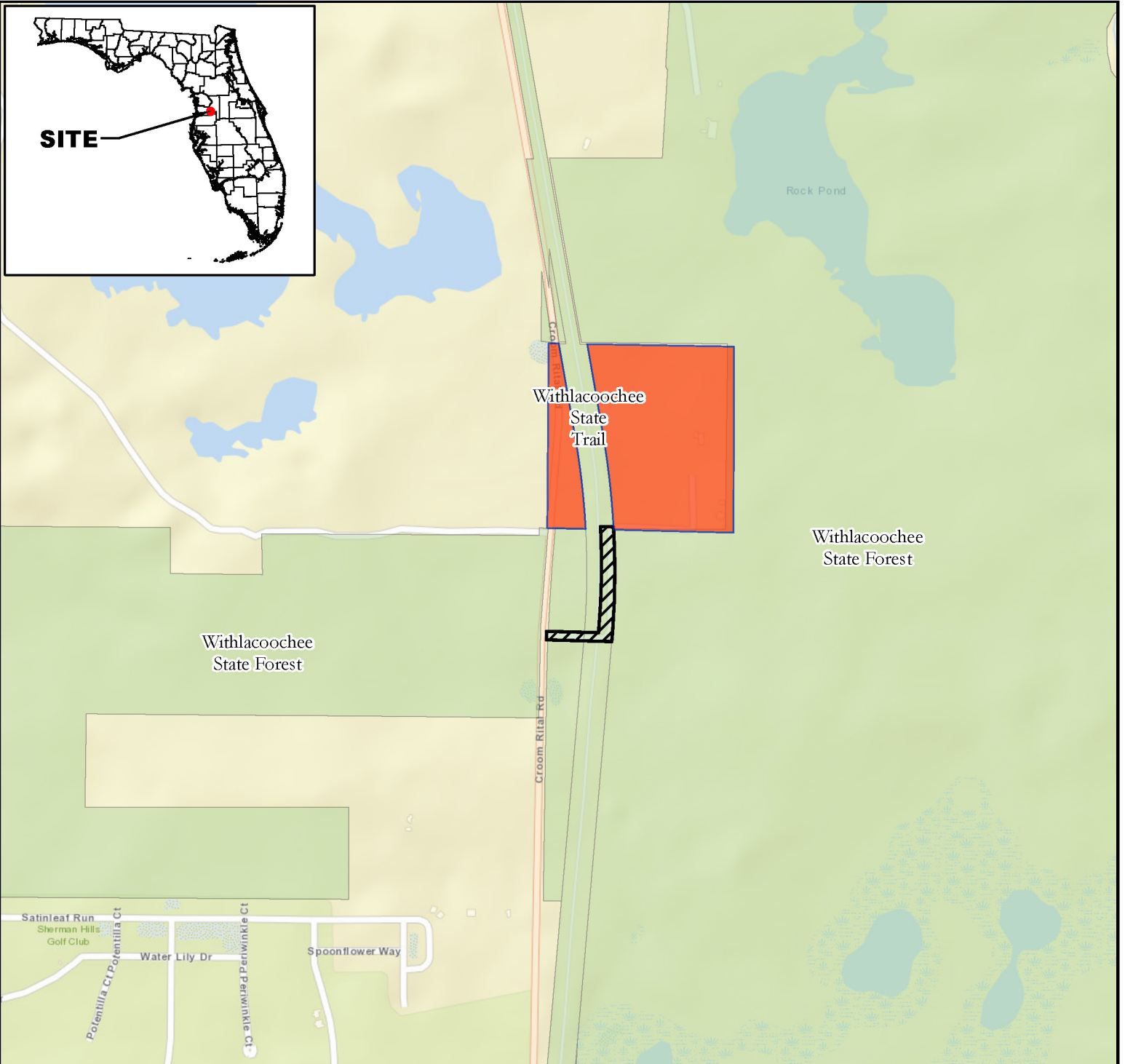
**APPROVE WITH MODIFICATIONS:** \_\_\_\_\_

**DEFER**

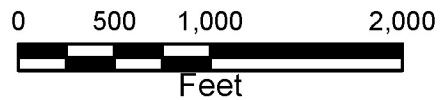
**WITHDRAW**

**NOT APPROVE**

**OTHER:** \_\_\_\_\_

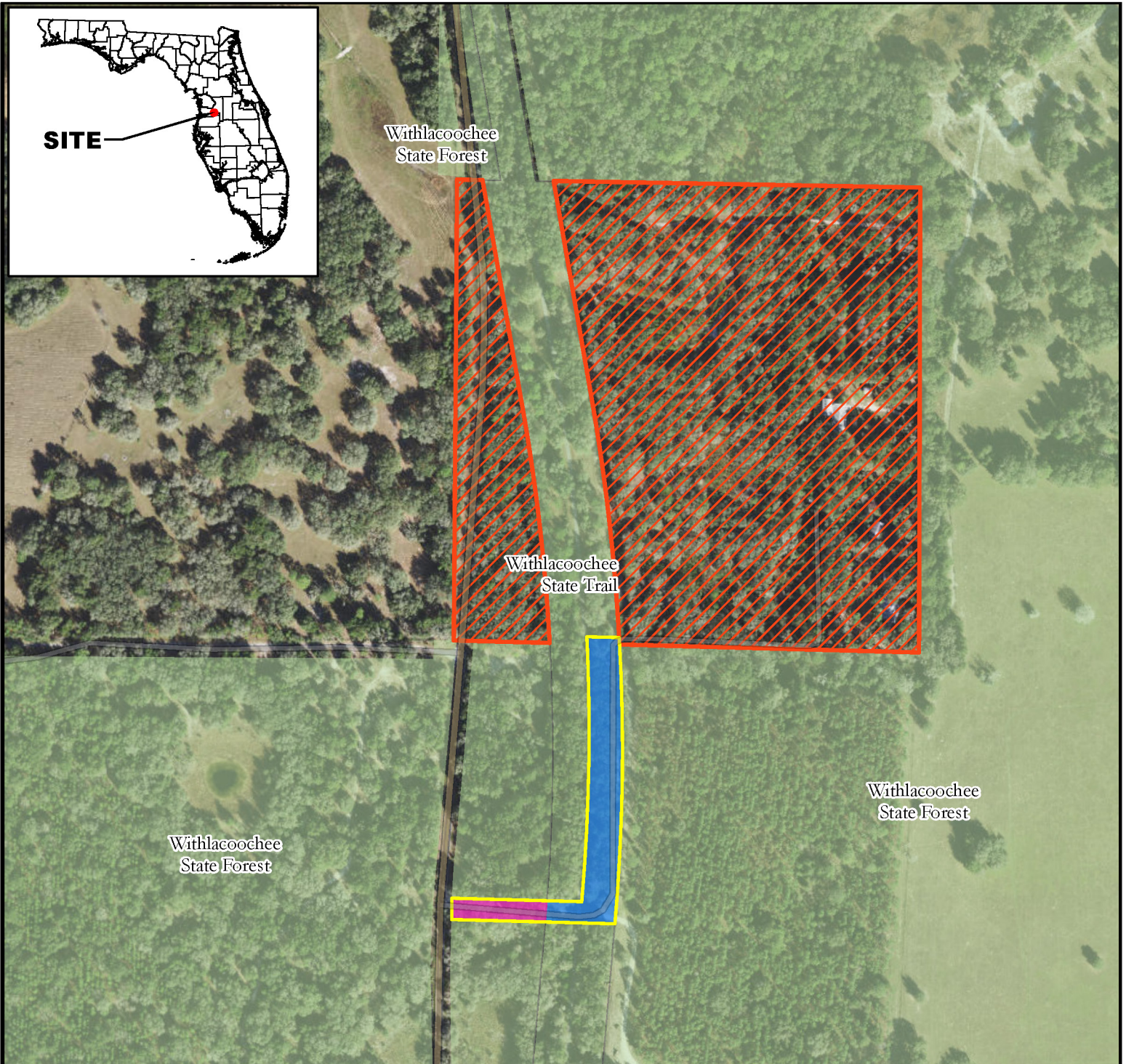


 Subject Parcel  
 Ownership Parcels  
 State Managed Conservation Lands

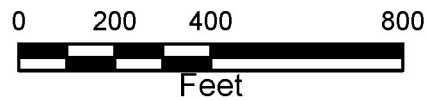


## Easement No. 33415

Hernando County, Florida



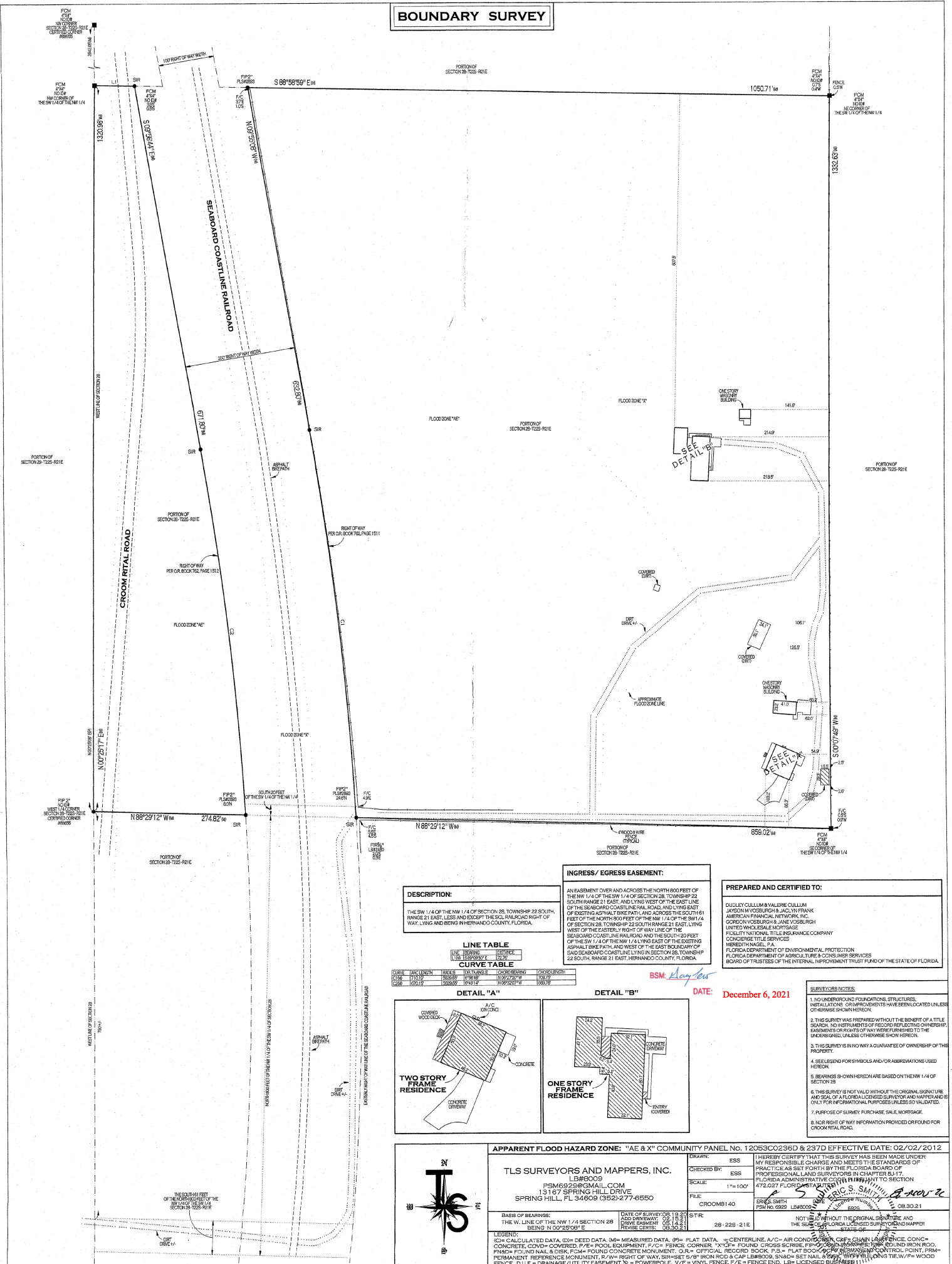
- Subject Parcel – 2.34 Acres
- Ownership Parcels – 34.37 Acres
- DRP Managed Area – 1.96 Acres
- FFS Managed Area – 0.38 Acres
- State Managed Conservation Lands



## Easement No. 33415

Hernando County, Florida

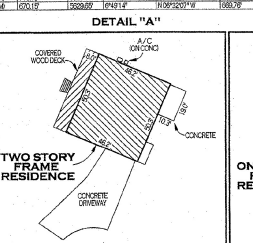
# BOUNDARY SURVEY



**DESCRIPTION:**  
 THE SW 1/4 OF THE NW 1/4 OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 21 EAST, LESS AND EXCEPT THE SCL AND ROAD RIGHT OF WAY LINE AND BEING IN HERNANDO COUNTY, FLORIDA.

**LINE TABLE**

LINE	BEARING	LENGTH	START POINT	END POINT
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100	N 88° 29' 12\"/>			



**INGRESS/ EGRESS EASEMENT:**  
 AN EASEMENT OVER AND ACROSS THE NORTH 800 FEET OF THE NW 1/4 OF THE SW 1/4 OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 21 EAST, AND LYING WEST OF THE EAST LINE OF THE SEABOARD COASTLINE RAILROAD, AND LYING EAST OF THE EXISTING ASPHALT DRIVE PATH, AND ACROSS THE SOUTH 61 FEET OF THE NORTH 800 FEET OF THE NW 1/4 OF THE SW 1/4 OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 21 EAST, LYING WEST OF THE EAST LINE OF THE SEABOARD COASTLINE RAILROAD AND THE SOUTH 20 FEET OF THE SW 1/4 OF THE NW 1/4 LYING EAST OF THE EXISTING ASPHALT DRIVE PATH, AND WEST OF THE EAST BOUNDARY OF SAID SEABOARD COASTLINE LYING IN SECTION 28, TOWNSHIP 22 SOUTH, RANGE 21 EAST, HERNANDO COUNTY, FLORIDA.

**PREPARED AND CERTIFIED TO:**  
 DUCILEY CULLUM A VALERIE CULLUM  
 JAYSON M VOUGBURGH JACK N FRANK  
 AMERICAN FINANCIAL NETWORK INC  
 GORDON VOUGBURGH & JANE VOUGBURGH  
 UNITED WIDOWS MORTGAGE  
 FIDELITY NATIONAL TITLE INSURANCE COMPANY  
 CONDUIT TITLE SERVICES  
 HERBERT WAGNER, P.A.  
 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES  
 BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

**APPARENT FLOOD HAZARD ZONE: "AE & X" COMMUNITY PANEL NO. 12053C0236D & 237D EFFECTIVE DATE: 02/02/2012**

**TLS SURVEYORS AND MAPPERS, INC.**  
 LB#8009  
 PSM692@GMAIL.COM  
 13167 SPRING HILL DRIVE  
 SPRING HILL, FL 34809 (352) 277-6550

**DATE:** December 6, 2021

**SURVEYOR NOTES:**

- NO UNDERGROUND FOUNDATIONS, STRUCTURES, INSTALLATIONS, OR IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP, EASEMENTS OR RIGHTS OF WAY WERE FURNISHED TO THE UNDERSIGNED UNLESS OTHERWISE SHOWN HEREON.
- THIS SURVEY IS IN NO WAY A GUARANTEE OF OWNERSHIP OF THE PROPERTY.
- SEE LEGEND FOR SYMBOLS AND/OR ABBREVIATIONS USED HEREON.
- BEARINGS & ORNAMENTATIONS ARE BASED ON THE NW 1/4 OF SECTION 28.
- THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A LICENSED SURVEYOR AND MAPPER AND IS ONLY FOR INFORMATIONAL PURPOSES UNLESS SO VALIDATED.
- PURPOSE OF SURVEY: PURCHASE, SALE, MORTGAGE.
- NOR RIGHT OF WAY INFORMATION PROVIDED OR FOUND FOR CROOM RETAIL ROAD.

**LEGEND:**  
 (C)= CALCULATED DATA, (D)= DEED DATA, (M)= MEASURED DATA, (P)= PLAT DATA, (S)= CENTERLINE, A/C= AIR CONDITIONER, C/P= CHAIN LINK FENCE, CONC= CONCRETE, CONW= CONCRETE, P/F= POOL EQUIPMENT, F/C= FENCE CORNER, X/C= FOUND CROSS CURB, FPM= FOUND PERMANENT MONUMENT, F/L= FOUND IRON ROD, F/M= FOUND NAIL & DISK, FCM= FOUND CONCRETE MONUMENT, O.R.= OFFICIAL RECORD BOOK, P.B.= PLAT BOOK, P.M.= PERMANENT MONUMENT, P.M.P.= PERMANENT REFERENCE MONUMENT, R/W= RIGHT OF WAY, SR= SET 5/8\"/>



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

Jay Sircy  
Division of State Lands  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399

January 10, 2022

RE: DHR Project File No.: 2021-7361, Received by DHR: December 13, 2021  
Project: 43270 Easement 33415 Withlacoochee S.F. and Withlacoochee S.T.  
County: Hernando

Dear Jay Sircy:

Our office reviewed the referenced project in accordance with Chapters 267.061 and 373.414, *Florida Statutes*, and implementing state regulations, for possible effects on historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value.

It is the opinion of this office that the proposed project is unlikely to affect historic properties. However, unexpected finds may occur during ground disturbing activities, and we request that the permit, if issued, should include the following special condition regarding inadvertent discoveries:

- 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 project site 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 and 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*.

If you have any questions, please contact Daniel Vasquez, Historic Sites Specialist, by email at [Daniel.Vasquez@dos.myflorida.com](mailto:Daniel.Vasquez@dos.myflorida.com).

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



# 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

January 13, 2021

Dudley and Valerie Cullum  
8130 & 8140 Croom Rital Road  
Brooksville, Florida 34602

RE: Request for Access Easement- Lease No. 3876

Dear Mr. and Mrs. Cullum:

The Division of Recreation and Parks (DRP), leaseholder of the Withlacoochee State Trail, (Park) has no objection to an access easement as depicted in Exhibit "A" attached. Additionally, DRP has determined that this easement is not inconsistent with the goals of the Park's approved management plan.

Please be aware, however, that DRP's consent is contingent upon two factors: (1) the applicant must first obtain an easement for a complete access route by the Department of Agriculture, Division of Forestry (FFS), for that portion of access road within the FFS management boundary and under Lease No. 3316 issued by the Board of Trustees; and (2) no improvements are to be made to the access easement over Park lands and the access road will remain in its current unpaved condition.

Should the Acquisition and Restoration Council (ARC) recommend approval of the proposed easement, followed by final approval by the Board of Trustees, DRP requests that these Special Conditions, attached as Exhibit "B", be included in the easement.

If you have any questions, please feel free to contact me at 850-245-2080.

Sincerely,

A handwritten signature in blue ink that reads "Diane Martin".

Diane Martin, Planning Manager  
Office of Park Planning

DM/dp

attachments

cc: Steven Cutshaw  
Clif Maxwell  
Chris Raby

### EXHIBIT "A"

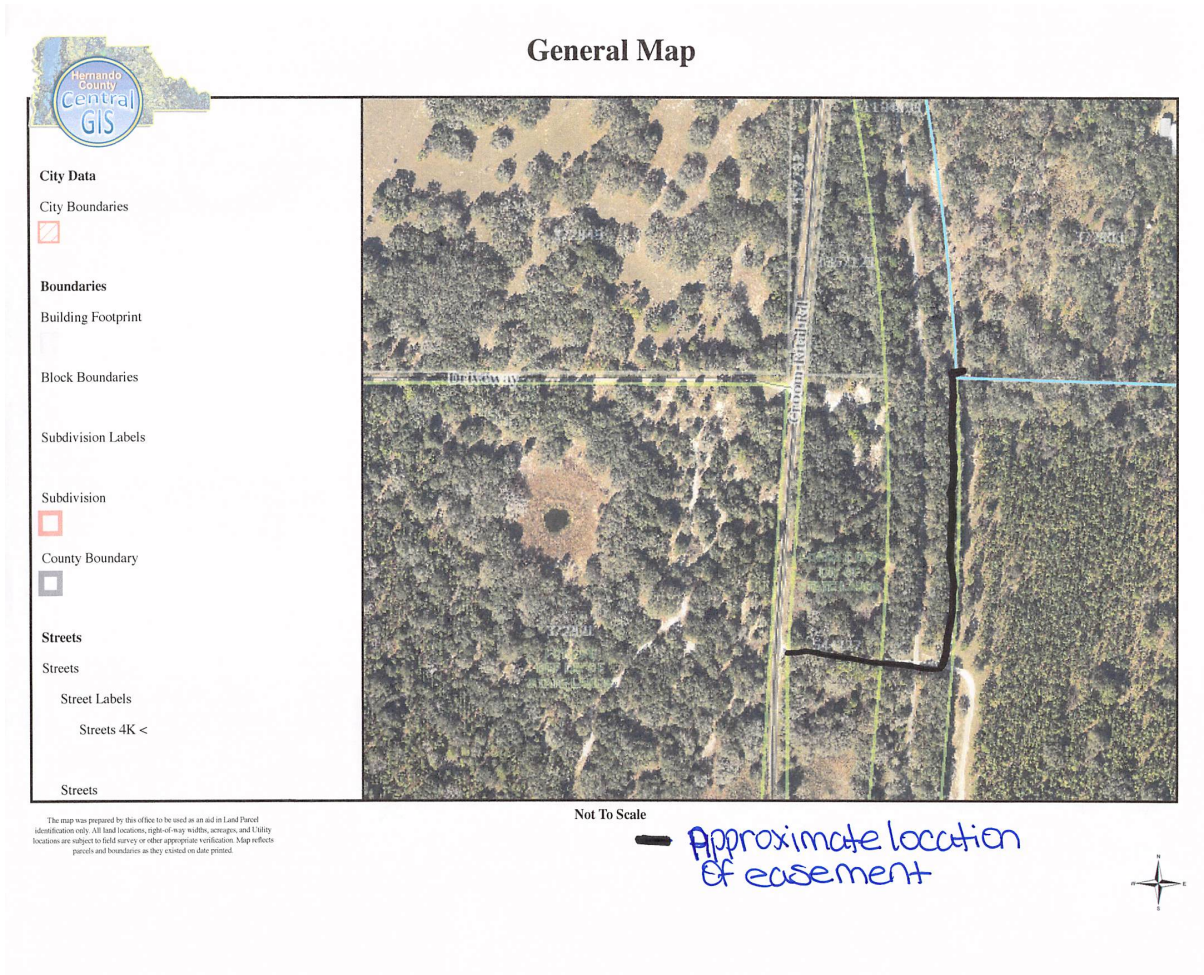
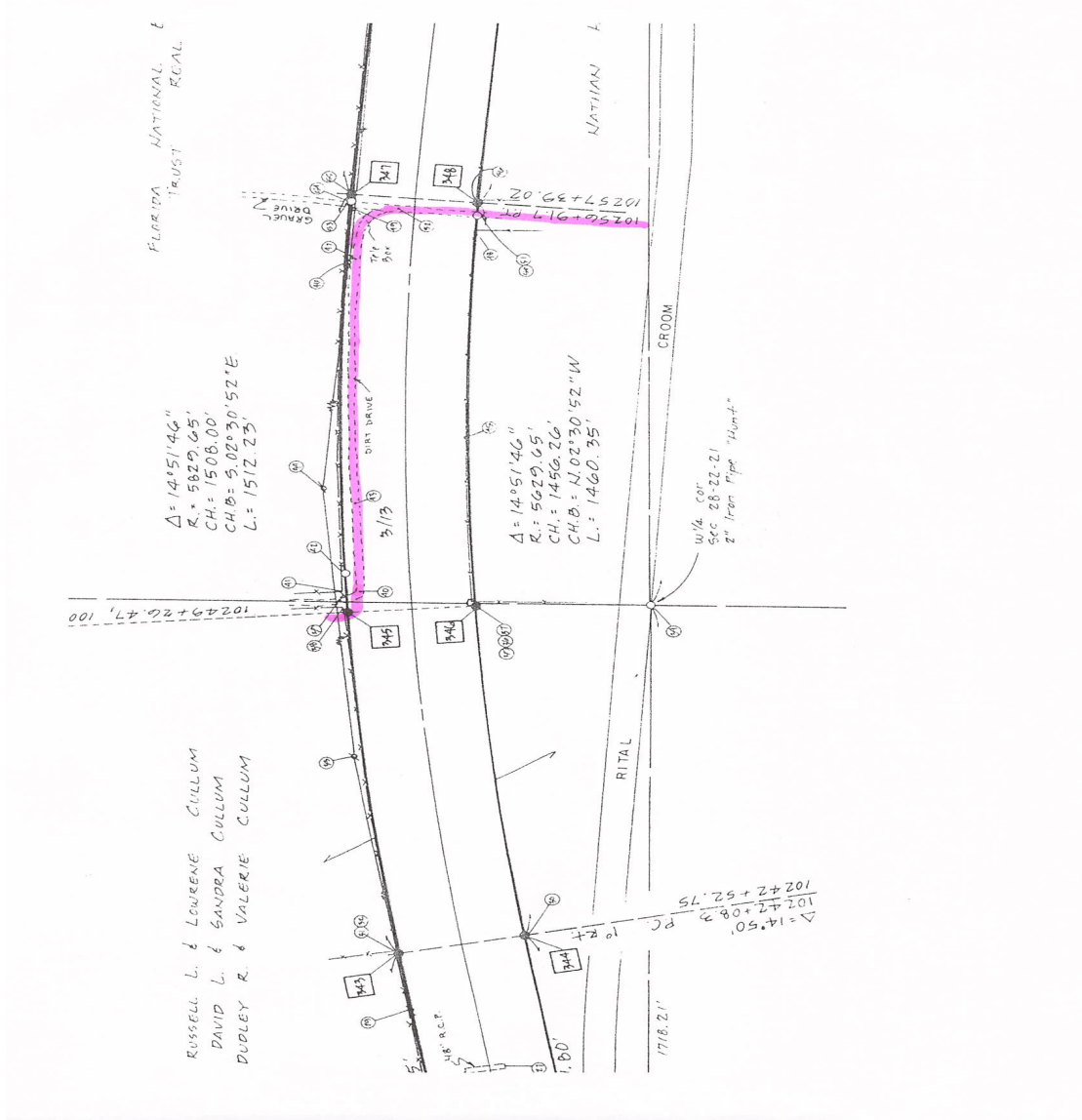




EXHIBIT "A"



**EXHIBIT “B”**

- A. By issuance of this easement, GRANTOR acknowledges that GRANTEE has fully satisfied the “Net Positive Benefit” obligation to provide in-kind goods to the Withlacoochee State Trail (Trail) in the amount of \$\_\_\_\_\_, in accordance with the Board of Trustee’s Policy for Incompatible Use of Natural Resource Lands dated August 9, 1988. (*amount to be determined by Division of State Lands*)
- B. GRANTEE shall make no other improvements or alterations to the access easement without the prior approval of the Park Manager. Should GRANTEE damage the existing roadway, GRANTEE shall repair at its sole cost and expense.



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

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April 9, 2021

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

Ms. DeHaven:

The Florida Forest Service (FFS) has no objection to granting the proposed easement, to the Cullum property, on a portion of Withlacoochee State Forest (WSF) in Hernando County (see Exhibit "A"). However, the FFS will not be responsible for maintenance of the road other than required for FFS management. FFS consent is contingent upon: (1) FFS approval of the final survey of the proposed easement, (2) the Division of Recreation and Parks approval of this proposal, and (3) the easement shall be 20 feet in width and for ingress/egress only.

Should the Acquisition and Restoration Council recommend approval of the proposed easement, FFS requests that these Special Conditions, attached as Exhibit "B", be included in the easement.

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,

Erin Albury, Director  
Florida Forest Service

EA/ad

Attachment

cc: John Sabo, Assistant Director, FFS  
Keith Rowell, Land Programs Administrator, FFS  
Keith Mousel, Center Manager, FFS



## EXHIBIT "B"

1. By issuance of this easement, GRANTOR acknowledges that GRANTEE has fully satisfied the "Net Positive Benefit" obligation to provide in-kind goods to the Withlacoochee State Forest in the amount of \$ \_\_\_\_\_, in accordance with the Board of Trustee's Policy for Incompatible Use of Natural Resource Lands dated August 9, 1988. (*amount determined by Division of State Lands*)
2. GRANTEE shall make no other improvements or alterations to the access easement without the prior approval of the Florida Forest Service. Should GRANTEE damage the existing roadway, GRANTEE shall repair at its sole cost and expense.

# General Map



## City Data

City Boundaries



## Boundaries

Building Footprint

Block Boundaries

Subdivision Labels

Subdivision



County Boundary



## Streets

Streets


Street Labels

Streets 4K <

Streets



Not To Scale

 Approximate location of easement

FFS portion of the proposal is highlighted

The map was prepared by this office to be used as an aid in Land Parcel identification only. All land locations, right-of-way widths, acreages, and Utility locations are subject to field survey or other appropriate verification. Map reflects parcels and boundaries as they existed on date printed.





# ARC TEN QUESTIONS

<b>Project Name:</b>	Withlacochee State Trail and Withlacochee State Forest	
<b>Managing Agency:</b>	DRP	
<b>Submitted by:</b>		<b>Date:</b>
<b>Applicant:</b>	Cullum	

(Attach Additional Sheets if Necessary)

- 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.**  
**---Purchased under the Rails to Trails Program utilizing State Infrastructure Funds.**
- 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.**  
**---The WST is designated single-use to provide public outdoor recreation and multimodal transportation opportunities. There are no legislative or executive directives that constrain the use of this property.**
- Description of the current level of public recreational use or public access of the parcel.**  
**---This Trail is a multi-use trail that bikers, walkers, runners and skateboarders currently use.**
- Description of the natural resources, land cover, vegetation, habitat or natural community, if any, that are currently present on the parcel.**  
**---The area that they will be using is an already existing road.**
- Description and list of the imperiled and other wildlife species, if any, that occurs on or use the parcel.** **---Gopher Tortoise may occur in this area.**
- Description and list of historical or archaeological resources, if any, that occurs or has the potential of occurring on the site.** **---There is an old railroad bed so there may be some old relics of the railroad that they find along their easement road.**

7. **Formal alternative site analysis that includes a description and assessment of other potential alternative sites and why they are not feasible or practicable alternatives.**  
**---None, the road is already existing and other alternatives would damage the resources by putting in another road.**
  
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.** **---None**
  
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.** **---None**
  
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.**

**---The impacts will be minimal to the area since this is an existing road. Net Positive Benefit will be satisfied prior to execution of said easement – Applicant will work directly with Park Manager to satisfy NPB.**





# ARC TEN QUESTIONS

<b>Project Name:</b>	Easement – Withlacoochee State Forest (WSF)	
<b>Managing Agency:</b>	Florida Forest Service	
<b>Submitted by:</b>	Alan Davis	<b>Date:</b> 6/23/2021
<b>Applicant:</b>	Dudley Cullum and Valerie Cullum	

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.

**Response: The property was purchased on March 16, 1995 using Preservation 2000 funding.**

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.

**Response: This parcel is managed in conjunction with WSF for conservation purposes.**

3. 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.**

4. 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 road.**

5. 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 easement area.**

6. 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 that occupy the easement area.**

7. 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 easement request is not anticipated to have any of these impacts with the 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 WSF 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 to determine compensation for this project, including the net positive benefit. Additionally, FFS recommends the proposed grantee provide compensation to FFS as the lead manager of the state-owned lands, per Chapter 253.02 (2)(b)4. Florida Statute. Please see the FFS letter dated April 9, 2021 for additional FFS approval contingencies. WSF is managed by the FFS under Lease Number 3316.**