

ITEM 7:

Consider whether an approximately 5.199-acre public transportation easement to the Florida Department of Transportation within the Withlacoochee State Forest Whispering Pines Park is consistent with the Board of Trustees' Linear Facilities Policy.

LOCATION:

Citrus County

APPLICANT:

Florida Department of Transportation (DOT)

CONSIDERATION:

No easement fee is required for public easements.

DSL STAFF REMARKS:

The land subject to the easement request was acquired in 1982 from the United States Department of Agriculture (USDA), authorized by subsection (c), section 32, title III, Bankhead-Jones Farm Tenant Act. It is currently managed by the Florida Department of Agriculture and Consumer Services (DACS), Florida Forest Service (FFS) under Trustees' lease number 3316, and the City of Inverness under DACS sublease 3316-004, as part of Withlacoochee State Forest (Forest), Whispering Pines Park (Park). DOT is proposing roadway improvements to the U.S. Highway 41 (US 41) corridor that runs parallel to the east side of the Park from State Road 44 (SR 44) to the south side of Withlacoochee Trail Bridge. Proposed improvements adjacent to the Park include approximately 0.94 miles of roadway widening from two to four lanes. The project will include reconstruction and widening of the existing road, new stormwater features, new sidewalk, and relocation of an existing trail. During the US 41 Project Development and Environment (PD&E) Study and US 41 Design Change Re-evaluation, DOT engaged with federal, state, and local agencies, as well as the public, in identifying the preferred alternative.

Avoidance:

The purpose of the proposed project is to relieve congestion and improve safety along the US 41 corridor. This project is part of a greater effort addressing existing and future congestion and delays, improving safety and traffic flow, and allowing the US 41 corridor in Citrus County to operate at an improved level of service for all users. During design and through engagement with multiple agencies and the public, the preferred alternative was selected for the widening of US 41 from two to four lanes between SR 44 to south of Withlacoochee Trail Bridge. Alternatives for the corridor's typical section, roadway alignments and stormwater management facilities were evaluated to select a preferred alternative that meets the purpose and needs of the project and avoids and/or minimizes impacts to the Park to the greatest extent practicable. The widening from two to four lanes will satisfy the project purpose to increase capacity and improve safety.

Minimizing Impacts:

The preferred alternative was presented at a Public Hearing, and the Federal Highway Administration approved the preferred alternative for the US 41 PD&E Study as a Type 2 Categorical Exclusion that identified widening the roadway to the east of US 41 by adding two lanes to the existing two-lane facility. This would have avoided any impacts to the Park;

therefore, no resource agencies specific to the Park were engaged at that time. During the 1999 US 41 design change re-evaluation, the preferred alternative for this project was shifted to the west of US 41 by adding two lanes west of the existing two-lane facility. This was due to the greater impacts to businesses located along the east side of US 41 that would result from keeping the proposed alignment to the east and the relatively minimal right-of-way (ROW) impacts that would result in relation to the total size of the Park by moving the project to the west. DOT engaged the resource agencies and public, including the FFS and the City of Inverness and applied additional minimization measures as a result. The design is minimized as much as possible with the steepest shoulder slopes allowed by DOT (1:4) and a smaller berm (15') rather than the 20' preferred by DOT for stormwater management facility (SMF) 2D-2.

The proposed upland easement area and the permanent ROW being acquired within the Park is dominated by an upland undeveloped mixed coniferous and hardwood forest community and is anticipated to include impacts to approximately 5.199 acres of upland forested habitat. There are no wetlands or other surface waters (OSWs) within the proposed perpetual easement area. The project was permitted by the Southwest Florida Water Management District (SWFWMD), with Environmental Resource Permit (ERP) 43044638.000 issued on February 12, 2021, authorizing the construction of the stormwater management system. As approved under the issued ERP, the existing stormwater management system is being modified to a closed system with discharge to six stormwater management facilities (SMFs-ponds) providing stormwater treatment for the new impervious areas prior to draining to existing discharge points. No Florida Department of Environmental Protection (DEP) state section 404 permit was required as there were no jurisdictional wetlands or surface waters impact by the project.

A biological assessment was completed to evaluate protected species with a potential to occur within the project corridor was conducted as part of the Construction Advertisement Re-evaluation currently underway and ERP permitting process between March 31, 2020, and February 12, 2021. The FWC responded to SWFWMD with no comments or objections to the project on April 27, 2020. The USFWS programmatic effect determination keys were used to provide concurrence regarding federal protected species effect determinations made by DOT. Gopher tortoises are known to inhabit the easement area and individuals will be relocated to a permitted recipient site within the Forest, prior to construction.

Regarding the historical and archaeological resources, the DOT prepared two cultural resource documents during design in support of improvements to US 41 in Citrus County, Florida. Those documents are entitled Cultural Resource Assessment Survey (CRAS) Technical Memorandum Stormwater Management Facility (SMF) Sites and Historic Resources Survey Update (HRSU), US 41 (SR 45) from SR 44 to south of Withlacoochee Trail Bridge and CRAS Update Addendum Technical Memorandum WPP Trail and Easement and SMF 2D-2 Expansion US 41 (SR 45) from SR 44 to south of Withlacoochee State Trail Bridge. The CRAS and HRSU identified no historic properties to be affected by the project. The SHPO provided concurrence on April 10, 2020, and June 2, 2022.

As part of the acquisition and Bankhead-Jones Farm Tenant Act, the USDA requires the property be used for public purposes. The USDA provided concurrence in a letter dated June 1, 2022, that issuance of an easement to DOT would not trigger the reversionary interest in the public purpose requirement of the Act.

Compensation:

To offset the unavoidable impacts to Park, DOT will provide the following as additional compensation:

- Provide to the Trustees a total of 16.511 acres (more or less), of replacement lands located at 15377 Samons Road in Brooksville, Hernando County.
- Restore the existing boundary fence along the new western right-of-way line of US 41 adjacent to the Park.
- Reconstruct the existing jogging/maintenance trail alongside the new boundary fence, including improving the Park recreational trail connection to the Withlacoochee State Trail.
- Plant native trees and shrubs adapted to a sandhill site within the areas disturbed by construction.
- Long leaf pine survey for timber harvest by FFS within the proposed easement areas.
- Construct a new Park entrance across from the main entrance of the Inverness regional shopping center.

The replacement lands and additional measures noted above will not only offset the impacts of the requested easement but provide an overall benefit to the Forest and Park.

DSL STAFF RECOMMENDATION:

Approve the easement.

ARC RECOMMENDATION:

APPROVE

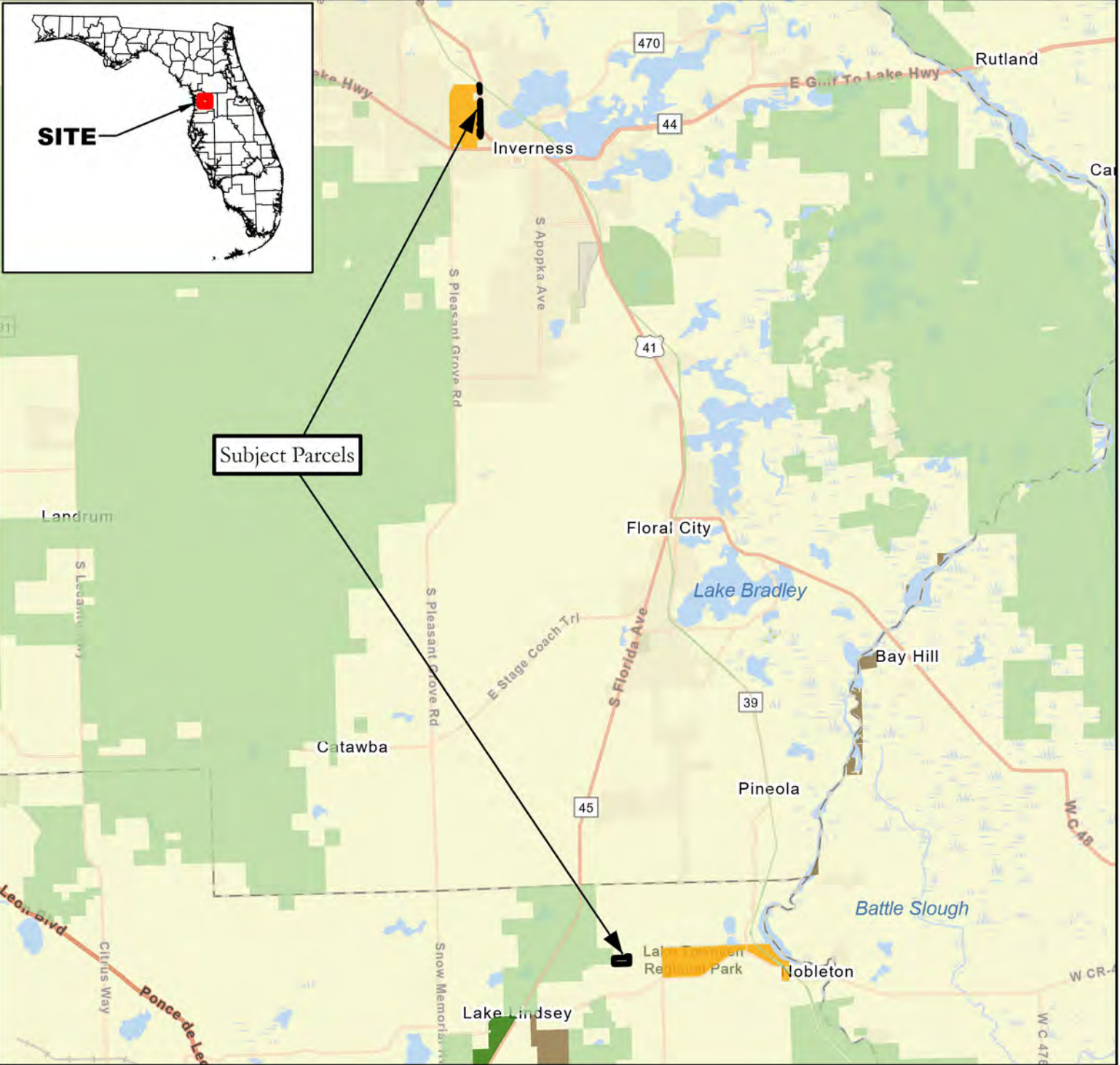
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DEFER

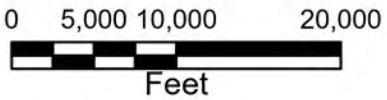
WITHDRAW

NOT APPROVE

OTHER _____

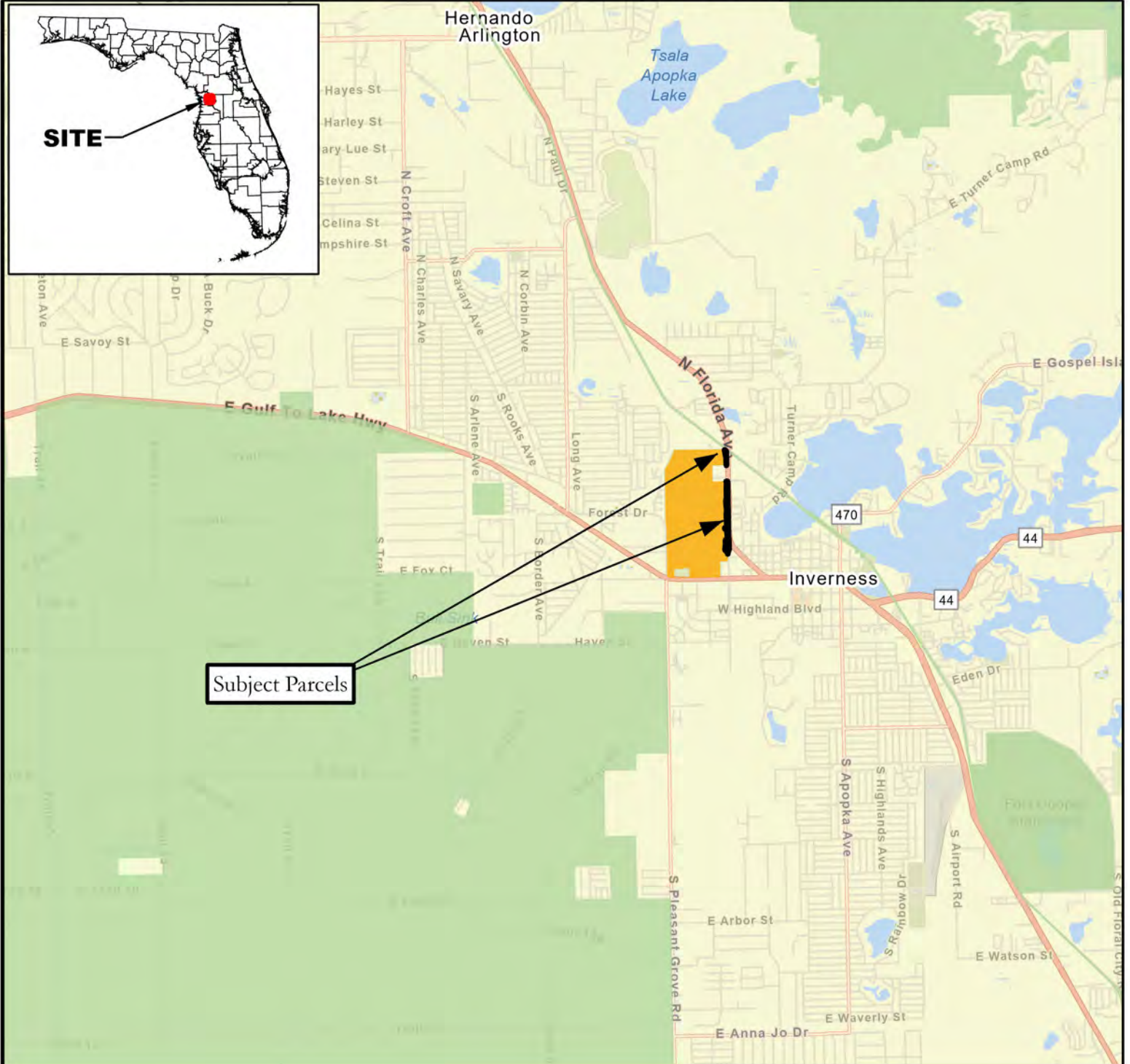


- Subject Parcels
- Federal Managed Conservation Lands
- City/County Managed Conservation Lands
- Private Managed Conservation Lands
- State Managed Conservation Lands



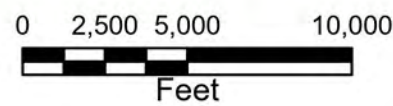
FDOT Exchange

Citrus County and Hernando County, Florida



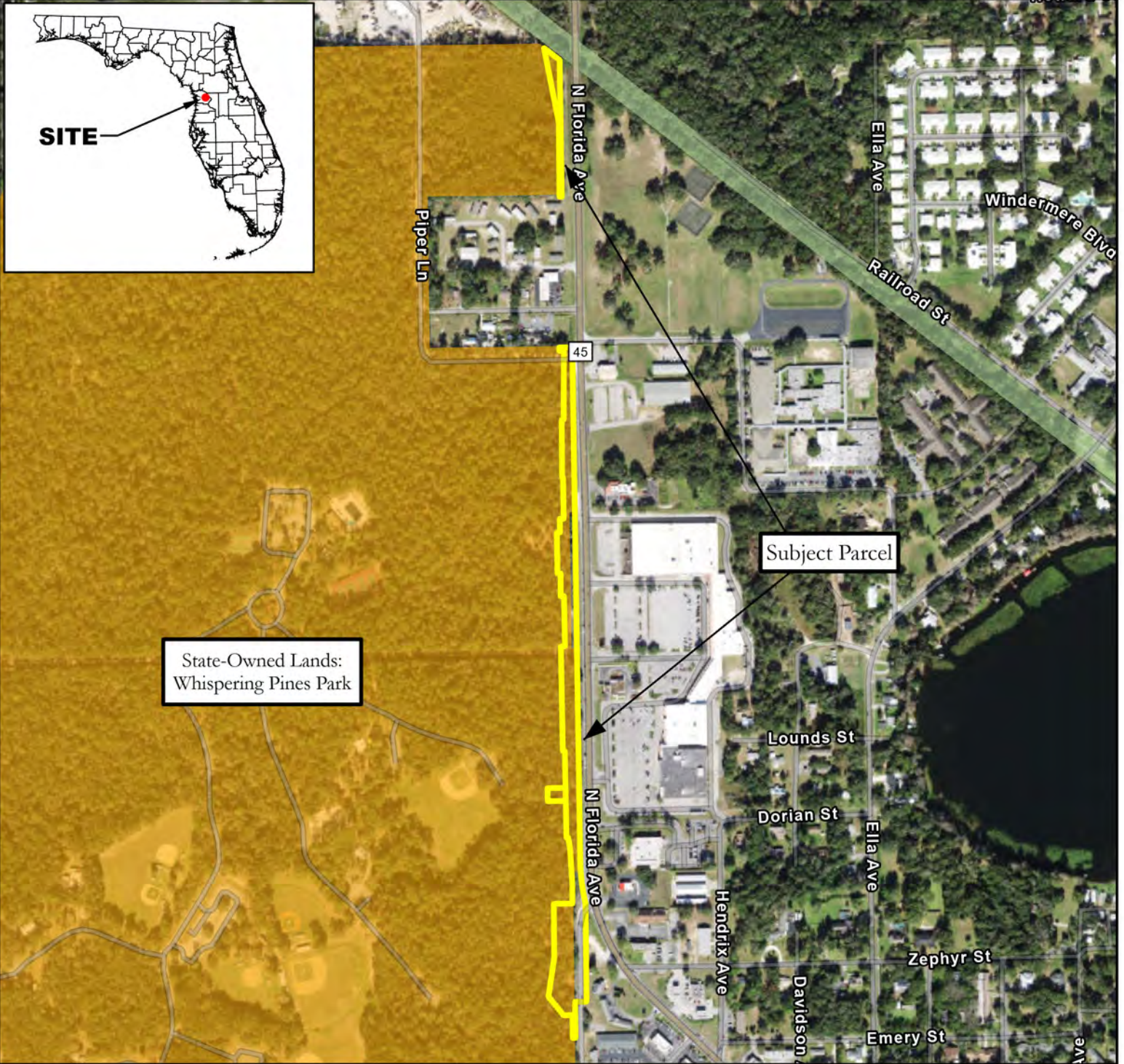
Legend

- Subject Parcels
- City/County Managed Conservation Lands
- State Managed Conservation Lands



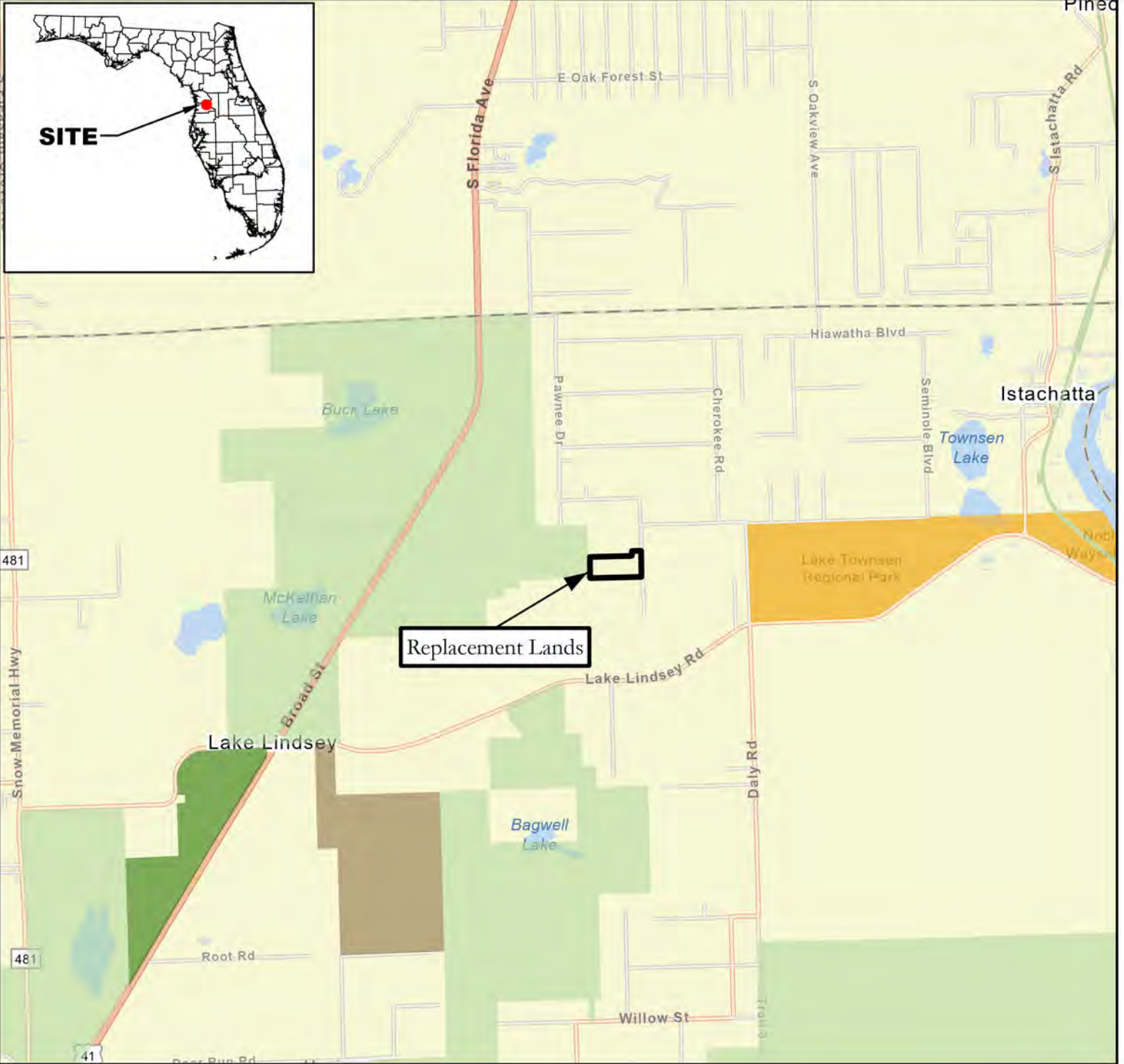
FDOT Right-of-Way Easement






Citrus County, Florida

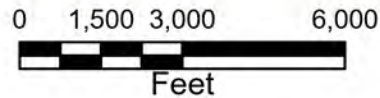


FDOT Right-of-Way Easement

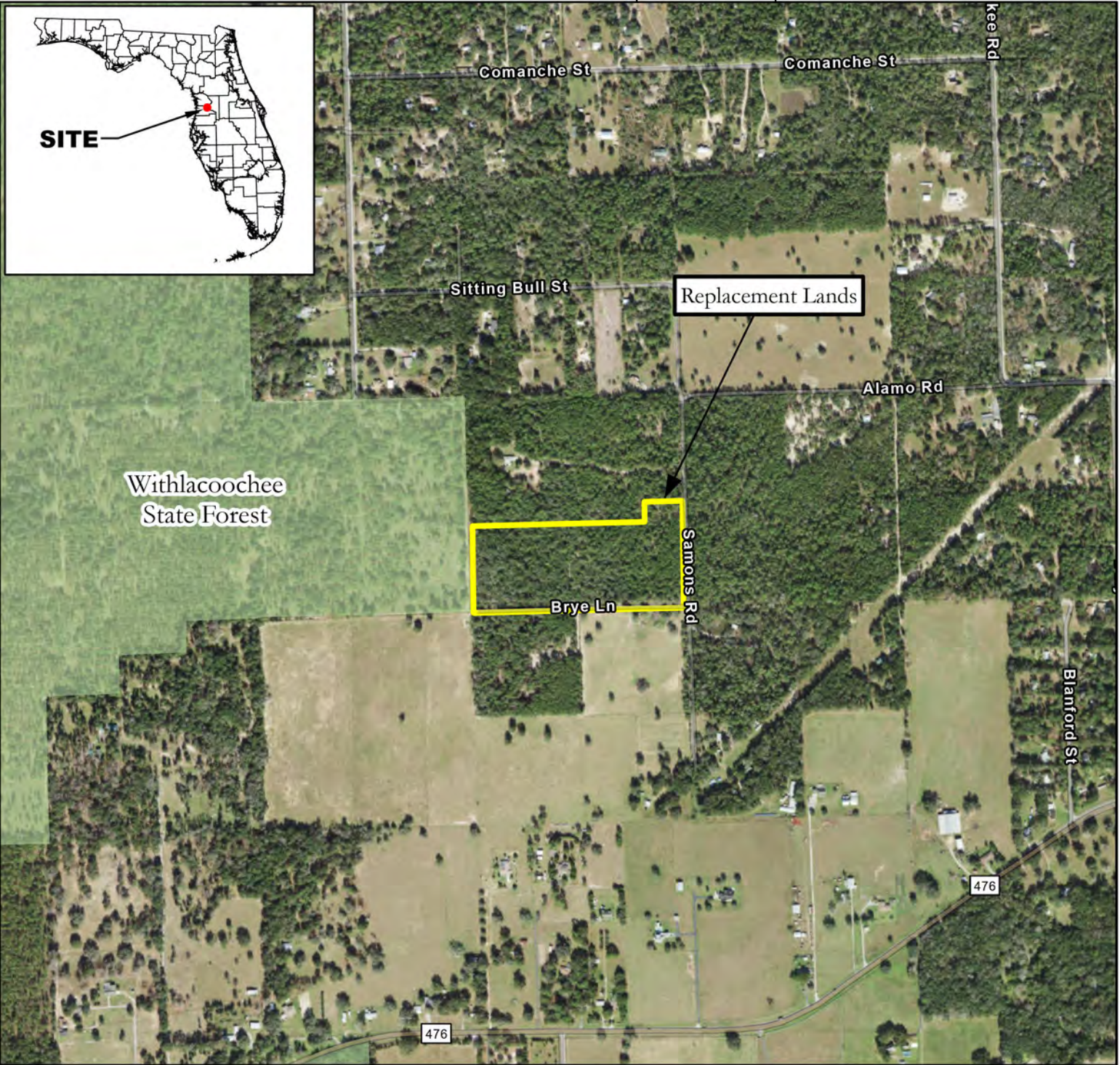
Citrus County, Florida



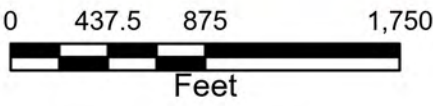
-  Replacement Lands
-  Federal Managed Conservation Lands
-  City/County Managed Conservation Lands
-  Private Managed Conservation Lands
-  State Managed Conservation Lands



FDOT Exchange
Hernando County, Florida



Replacement Lands
 State Managed Conservation Lands



FDOT Exchange

Hernando County, Florida



Florida Department of Transportation

RON DESANTIS
GOVERNOR

11201 N. McKinley Drive
Tampa, Florida 33612-6456

KEVIN J. THIBAUT, P.E.
SECRETARY

020 MAR 30 A 10:21

March 26, 2020

Timothy A. Parsons, Ph.D., Director
State Historic Preservation Officer
Florida Division of Historical Resources
500 South Bronough Street
Tallahassee, FL 32399-0250

Attention: Alyssa McManus, Transportation Compliance Review Program

**Re: Cultural Resource Assessment Survey Technical Memorandum
Stormwater Management Facility (SMF) Sites and Historic Resources Survey
Update (HRSU), US 41 (SR 45) from SR 44 to South of Withlacoochee Trail Bridge
Citrus County, Florida
Financial Project Identification (FPID) No.: 257165-3-52-01
Federal Aid Project No.: 3321 014 P**

Dear Dr. Parsons:

The Florida Department of Transportation (FDOT), District Seven, is proposing to construct six stormwater management facilities (SMFs) and associated easements as part of the federally-funded US 41 (SR 45) widening from SR 44 to south of Withlacoochee Trail Bridge in Inverness, Citrus County, Florida.

Enclosed is one copy of the Cultural Resource Assessment Survey (CRAS) Technical Memorandum (March 2020) that was prepared for the above referenced project, selected Phase II Plan sheets (dated August 2019), Archaeological Field Maps, 27 Florida Master Site File (FMSF) Historic Structure Forms, a Survey Log Sheet, and a CD containing an electronic version of these files.

On behalf of the FDOT District Seven, Atkins conducted a CRAS Technical Memorandum for the project. The purpose of the CRAS Technical Memorandum was to identify the presence of resources listed in or considered eligible for listing in the National Register of Historic Places (NRHP) according to the criteria set forth in 36 CFR 60.4 and if applicable, to apply the Criteria of Adverse Effect, as set forth in 36 CFR 800.5(a)(1) to the project. Principal Investigators meet the *Secretary of the Interior's Professional Qualification Standards* (48 FR 44716).

Based upon the scale and nature of the activities, the archaeological APE has been limited to the footprint of each SMF site, easement, or remnant. Archaeological testing of the mainline ROW was conducted in a previous CRAS for this project (FMSF Survey No. 4137 [1995]) and

Timothy A. Parsons, Ph.D., Director
Stormwater Management Facility (SMF) Sites and Historic Resources Survey Update (HRSU),
US 41 (SR 45) from SR 44 to South of Withlacoochee Trail Bridge
Citrus County, Florida
FPID No.: 257165-3-52-01
FAP No.: 3321 014 P
March 26, 2020
Page 2 of 3

was therefore not surveyed again. The historic resources APE for all SMF sites is the archaeological APE and adjacent parcels not obstructed from view by surrounding vegetation or other buildings. The Historic Resource Survey Update (HRSU) APE is the corridor and adjacent parcels.

Background research did not identify any previously recorded archeological sites within the APE. A Cultural Resource Assessment (CRA) Probability Analysis Technical Memorandum (Atkins 2019) was developed to determine the area's archaeological potential prior to initiating field work. Preliminary areas of archaeological probability were developed for the APE based on cultural and environmental data. These data suggested that the APE possessed a low archaeological site probability. The archaeological field assessment included a full-coverage pedestrian survey and the excavation of five negative shovel tests within the archaeological APE. The field assessment of the project area revealed no presence of archaeological material.

The CRA was also developed to identify any previously recorded historic resources, assess the potential for unrecorded historic resources, and to review the location of the proposed improvements in relation to these cultural resources. As part of the survey methodology, historic resources were identified/evaluated as any resource 50 years of age or older by the time the project starts construction (i.e. constructed in 1973 or earlier). A historic resources field survey resulted in the identification of five previously recorded resources and 22 unrecorded resources within or adjacent to the historic resources APE and HRSU APE.

Based on the results of background research and field survey, there are no cultural resources located within the project APE that are listed, determined eligible, or considered potentially eligible for listing in the NRHP. Therefore, it is the opinion of Atkins and the FDOT District Seven that the **US 41 (SR 45) from SR 44 to South of Withlacoochee Trail Bridge** project will have *no historic properties affected*.

This information is being provided in accordance with the provisions of the National Historic Preservation Act of 1966 (as amended), which are implemented by the procedures contained in 36 CFR, Part 800, as well as in accordance with the provisions contained in the revised Chapter 267, *Florida Statutes*.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by the FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016, and executed by the FHWA and FDOT.

Timothy A. Parsons, Ph.D., Director
Stormwater Management Facility (SMF) Sites and Historic Resources Survey Update (HRSU),
US 41 (SR 45) from SR 44 to South of Withlacoochee Trail Bridge
Citrus County, Florida
FPID No.: 257165-3-52-01
FAP No.: 3321 014 P
March 26, 2020
Page 3 of 3

If you have any questions, or if I may be of assistance, please contact me at (813) 975-6637
or crystal.geiger@dot.state.fl.us.

Sincerely,



Crystal Geiger
Environmental Specialist III
Cultural Resource Coordinator

Enclosures


cc: Robin Rhinesmith, FDOT
Tim O'Brien, FDOT

Joe Feaster, FDOT
Roy Jackson, FDOT, OEM

The State Historic Preservation Officer finds the attached Cultural Resources Assessment Survey (CRAS) Technical Memorandum complete and sufficient and concurs / does not concur with the recommendations and findings in this letter for SHPO / FDHR Project File Number 2020-1408. Or, the SHPO finds the attached document contains _____ insufficient information.

In accordance with the Programmatic Agreement among the FHWA, ACHP, FDHR, SHPO, and FDOT Regarding Implementation of the Federal-Aid Highway Program in Florida, if providing concurrence with a finding of No Historic Properties Affected for a project as a whole, or to No Adverse Effect on a specific historic property, SHPO shall proceed with a *de minimis* Section 4(f) finding at its discretion for the use of land from the historic property.

SHPO Comments:


Timothy A. Parsons, Ph.D., Director
Florida Division of Historical Resources

April 10, 2020

Date

FLORIDA FOREST SERVICE
(850) 681-5800



THE CONNER BUILDING
3125 CONNER BOULEVARD
TALLAHASSEE, FLORIDA 32399-1650

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

May 19, 2022

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 reviewed the proposal for construction and additional easement for expansion of the State Road 45 corridor from State Road 44 to south of Withlacoochee Trail Bridge, specifically in relation to impacts to Withlacoochee State Forest. The Florida Department of Transportation will be providing the Board of Trustees (BOT) approximately 11.30 acres of replacement lands to satisfy the requirements of Chapter 253, F.S., which is approximately 2.2 times the size of the perpetual easement area (5.199 acres) necessary to support this roadway improvement project. An additional 5.20 acres (approximately) will be conveyed to BOT to satisfy the requirements of 23 Code of Federal Regulations (CFR) 774 thereby mitigating for impacts to Section 4(f) resources. The total acreage of the mitigation parcel to be conveyed to the BOT is 16.511 acres, more or less (see attached survey).

Understanding that no suitable alternative easement area exists, the FFS will look to the Department of Environmental Protection, Division of State Lands, to coordinate the terms and conditions of the easement subject to FFS review and approval. FFS staff will assist by providing input into the resources involved and any mitigation that is deemed necessary for making this a successful transaction.

Please keep us apprised of the progress as this request moves through the process. Should we be of further assistance, please contact Alan Davis, FFS Land Planning Coordinator, at Alan.Davis@FDACS.gov or (850) 681-5816.

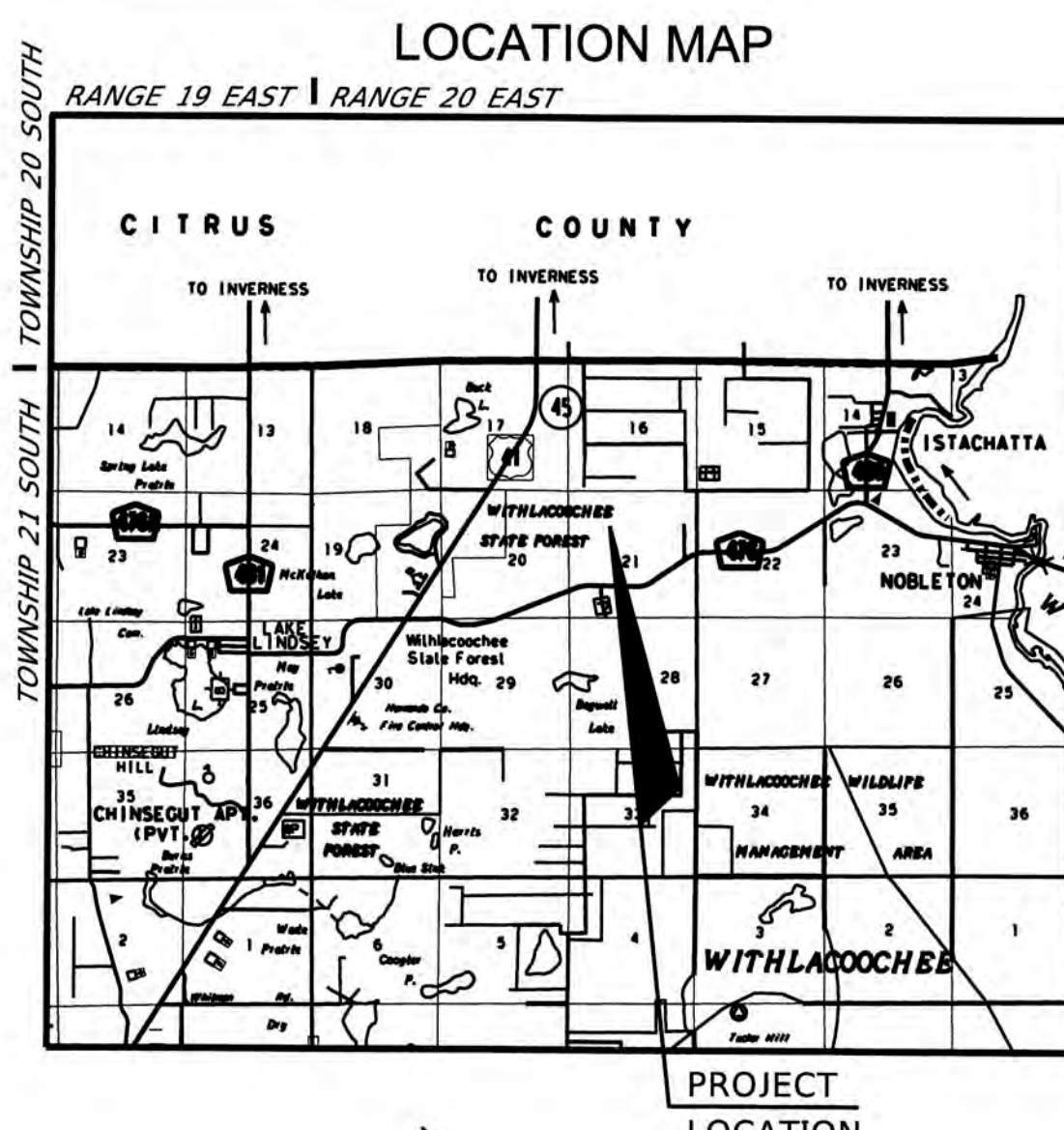
Sincerely,

Erin Albury, Director
Florida Forest Service

EA/ad

Attachments: (3)

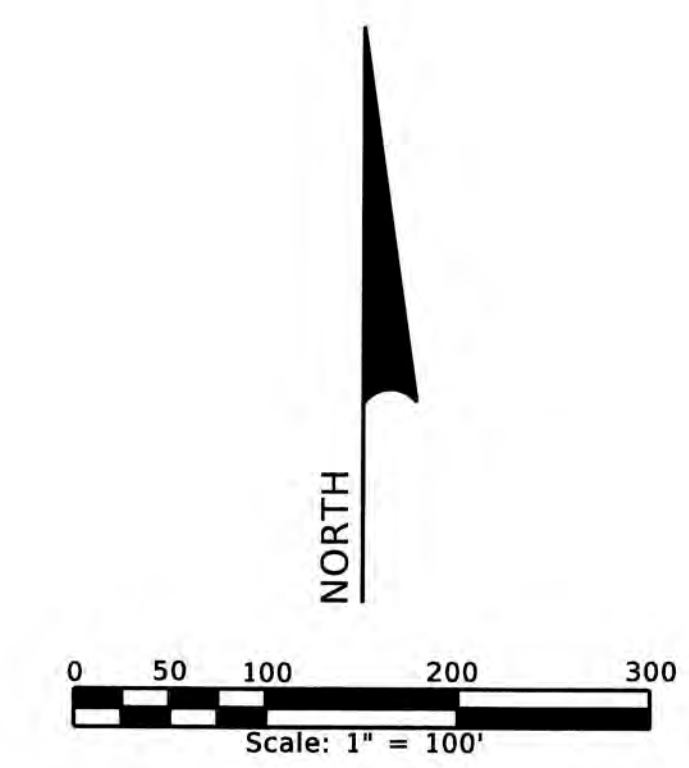
cc: John Sabo, Assistant Director, FFS
Keith Rowell, PSM, Land Programs Administrator, FFS
Keith Mousel, Center Manager, FFS



SECTION 21, TOWNSHIP 21 SOUTH, RANGE 20 EAST HERNANDO COUNTY, FLORIDA BOUNDARY SURVEY PARCEL 115

LEGEND

- | | |
|-------------------------------|--|
| CCR = CERTIFIED CORNER RECORD | O/A = OVERALL |
| COR = CORNER | ORB = OFFICIAL RECORDS BOOK |
| (D) = DEED DATA | PG = PAGE |
| (F) = FIELD DATA | PAR = PARCEL |
| FB = FIELD BOOK | POB = POINT OF BEGINNING |
| FCM = FOUND CONCRETE MONUMENT | POC = POINT OF COMMENCEMENT |
| FIRC = FOUND IRON ROD AND CAP | R/W = RIGHT-OF-WAY |
| FN&D = FOUND NAIL AND DISK | SEC = SECTION |
| F.P. = FINANCIAL PROJECT | SIRC = SET IRON ROD CAPPED |
| ID = IDENTIFICATION | TITF = TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND |
| LB = LICENSED BUSINESS | ↑ = GUY ANCHOR |
| N/A = NOT APPLICABLE | • = POST |
| NCF = NO CORNER FOUND | ⊕ = POWER POLE |
| NO. = NUMBER | ⊕ = POWER POLE WITH TRANSFORMER |
| | ⊕ = WIRING PULL BOX |



LEGAL DESCRIPTION

A PORTION OF LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1413, PAGES 484-491 OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, LYING IN SECTION 21, TOWNSHIP 21 SOUTH, RANGE 20 EAST, HERNANDO COUNTY, FLORIDA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 4"x4" CONCRETE MONUMENT STAMPED "PCP LB 3704" MARKING THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 20 EAST; THENCE SOUTH 00°46'22" EAST, ALONG THE EAST LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 660.47 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE SOUTH 89°47'20" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°46'22" EAST, ALONG A LINE 15.00 FEET WEST OF AND PARALLEL TO THE AFOREMENTIONED EAST LINE OF THE NORTHWEST 1/4, A DISTANCE OF 645.50 FEET TO A POINT 15.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE SOUTH 89°47'28" WEST, ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL TO SAID SOUTH LINE, A DISTANCE OF 1317.20 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE NORTH 00°41'38" WEST, ALONG SAID WEST LINE, A DISTANCE OF 524.21 FEET; THENCE NORTH 89°47'22" EAST, A DISTANCE OF 1078.08 FEET; THENCE NORTH 00°45'28" WEST, A DISTANCE OF 121.24 FEET TO THE AFOREMENTIONED NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE NORTH 89°47'20" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 238.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.511 ACRES, MORE OR LESS.

GENERAL NOTES

1. THE ADDRESS OF SUBJECT PROPERTY IS 15377 SAMONS ROAD, BROOKSVILLE, FLORIDA 34601-4244 AND CONTAINS 16.511 ACRES, MORE OR LESS.
2. THE BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, WEST ZONE (0902), 1983 NORTH AMERICAN DATUM, 2011 ADJUSTMENT, AS ESTABLISHED FROM THE FLORIDA PERMANENT REFERENCE NETWORK (FPRN) STATIONS DESIGNATED "BROOKSVILLE", "HOMOSASSA" AND "WYSONG DAM" THUS DERIVING A BEARING OF S 00°46'22" E ALONG THE EAST LINE OF THE NW 1/4 OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 20 EAST.
3. UNLESS OTHERWISE NOTED ALL DATA SHOWN HEREON IS THE RESULT OF DIRECT FIELD MEASUREMENTS, CALCULATED FROM A CLOSED FIELD TRAVERSE, OR CALCULATED FROM REDUNDANT FIELD MEASUREMENTS.
4. THIS BOUNDARY SURVEY IS SUPPORTED BY A TITLE SEARCH REPORT PERFORMED BY AMERICAN GOVERNMENT SERVICES CORPORATION, SEARCH NUMBER 30349-115 DATED OCTOBER 16, 2020. ALL EASEMENTS AND ENCUMBRANCES SHOWN HEREON ARE BASED ON SAID REPORT. THE UNDERSIGNED SURVEYOR DID NOT PERFORM AN INDEPENDENT SEARCH OF THE PUBLIC RECORDS.
5. ALL REFERENCED OFFICIAL RECORDS AND PLATS SHOWN HEREON ARE RECORDED IN THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.
6. UNDERGROUND ENCROACHMENTS (IF ANY), SUCH AS FOUNDATIONS AND BURIED UTILITIES HAVE NOT BEEN LOCATED.
7. THIS SURVEY OR ANY PART THEREOF SHALL NOT BE REPRODUCED WITHOUT THE WRITTEN CONSENT OF ELEMENT ENGINEERING GROUP, LLC.
8. ATTENTION IS DIRECTED TO THE FACT THAT THIS MAP MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.
9. MONUMENTS HAVE BEEN SET OR FOUND AT ALL CORNERS OF THE SUBJECT PROPERTY, SIZE AND TYPE AS NOTED AND SHOWN ON THE SURVEY.
10. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE OF ITS PREPARATION.

SURVEYOR'S CERTIFICATION

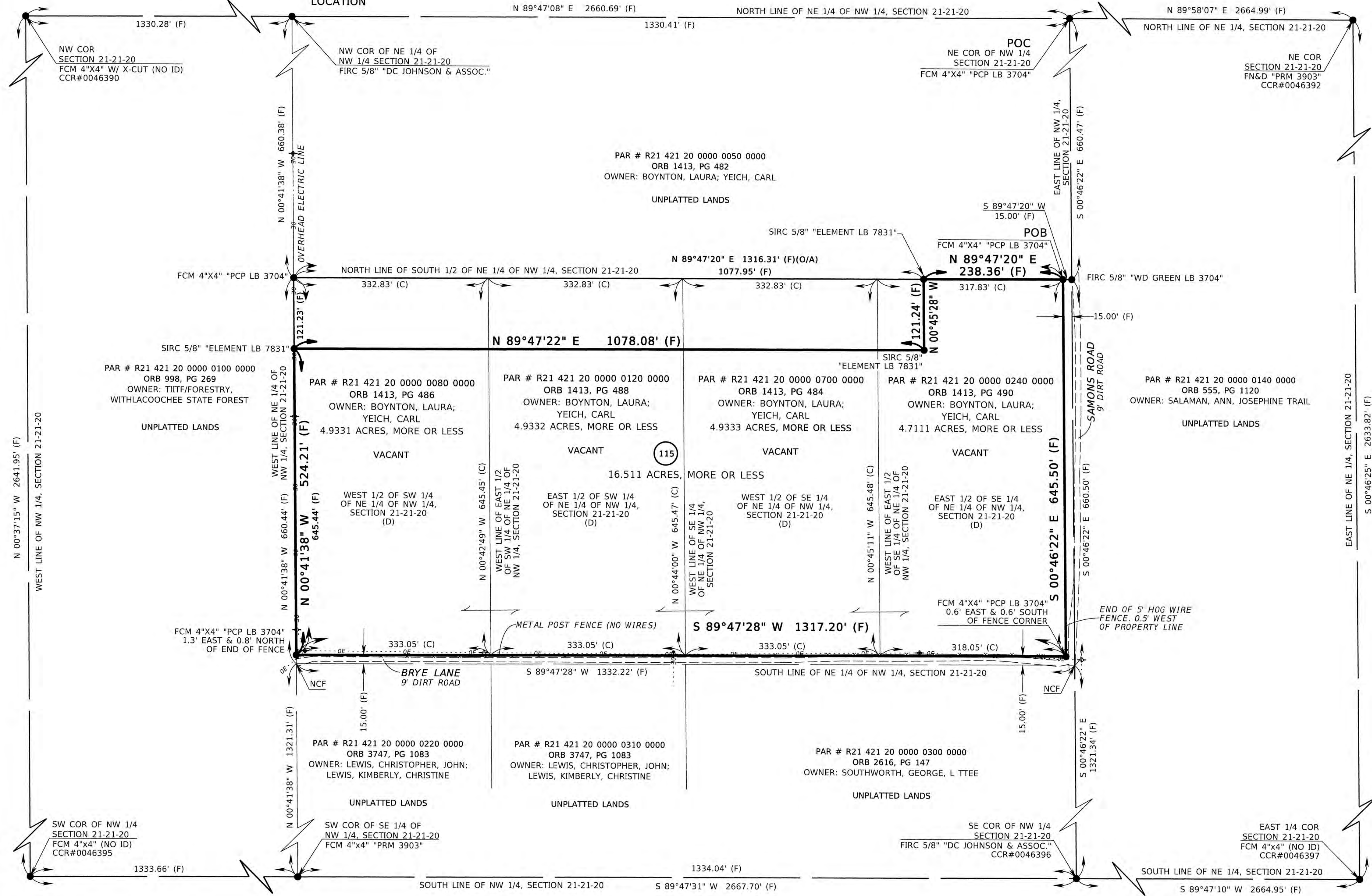
I HEREBY CERTIFY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION THAT THIS BOUNDARY SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 51-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THIS DRAWING, CONSISTING OF SHEETS 1 THROUGH 1 IS A TRUE, ACCURATE AND COMPLETE DEPICTION OF A FIELD SURVEY PERFORMED UNDER MY DIRECTION AND COMPLETED ON JUNE 16, 2021.

Peter J. Mattson
PETER J. MATTSO, PSM
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER NO. 6290

ELEMENT ENGINEERING GROUP, LLC
1713 E. 9TH AVENUE
TAMPA, FLORIDA 33605
TELEPHONE: (813) 386-2101
LB NO. 7831
DATE: 07-09-2021

NOT VALID UNLESS SIGNED WITH ORIGINAL SURVEYOR'S SEAL



BOUNDARY SURVEY PARCEL 115	FLORIDA DEPARTMENT OF TRANSPORTATION SURVEYING AND MAPPING	REVISION				BY	DATE	FED. PROJ. N/A	SECTION N/A	MAPS PREPARED BY: ELEMENT ENGINEERING GROUP, LLC 1713 E 9TH AVE, TAMPA, FL 33605	DATA SOURCE: FB # 0038312 SCALE: 1" = 100'			
		REVISION	BY	DATE	REVISION	BY	DATE					PRELIM	LMM	07/08/2021
STATE ROAD NO. N/A								HERNANDO COUNTY		F.P. NO. 442835-1-32-01	SHEET 1 OF 1			



United States
Department of
Agriculture

Forest
Service

Southern Region

1720 Peachtree Road NW
Atlanta, Georgia 30309

File Code: 5590

Date: June 1, 2022

Mr. Brad Richardson, Chief
Florida Department of Environmental Protection
Bureau of Public Land Administration
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

RE: Federal Deed Restriction for Public Purposes Review in Citrus County to Facilitate the Construction of State Road 41 Widening

Dear Chief Richardson:

Thank you for corresponding with the Forest Service on April 14, 2022, when you advised of the need for granting an easement to Florida's Department of Transportation (FDOT).

This letter concurs with the Department of Environmental Protection's issuance of this easement to FDOT for the public purpose identified within your letter. Granting this easement will not trigger the deed's reversionary interest clause based upon the "public purpose" requirement of the Bankhead-Jones Farm Tenant Act.

Should you need additional information, please contact me at alton.foster@usda.gov, or at 404-347-7629.

Sincerely,

ALTON FOSTER Digitally signed by ALTON FOSTER
Date: 2022.06.01 11:10:08 -04'00'

ALTON FOSTER
Acting Director, Lands, Minerals and Uses

cc: Steve Bott, Atlanta Office of General Counsel





Department of Public Works

212 W. Main Street
Inverness, FL 34450
(352) 726-2321 Phone

March 30, 2022

By email only: Timothy R. O'Brien, P.E., Tim.OBrien@dot.state.fl.us

Timothy R. O'Brien, P.E.
FDOT, District 7, Senior Project Manager
11201 N. Malcolm McKinley Drive
Tampa, Florida 33612-6403

Re: 257165-3 US 41, SR 44 to Withlacoochee Trail, Citrus County

Mr. O'Brien,

Thank you for the informative FDOT presentation by Jo Elyn Guthrie, received at our February 1, 2022, City Council meeting. We are pleased to offer this letter of support for the US 41 widening project and utility relocation plan. We have received notification that Utility Work by Highway Contractor Agreement (UWHCA), is currently being drafted for consideration of the Inverness City Council. This agreement will address obtaining a Temporary Construction Easement (TCE) for the Whispering Pines Park to relocate utilities within the existing park boundary.

We look forward to this project starting.

Sincerely,

A handwritten signature in blue ink that reads "Cory Dilmore". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Cory D. Dilmore, P.E., Director of Public Works
City of Inverness

cc:

Michael Kidde, FDOT, Michael.kidde@dot.state.fl.us
Claudia Coll, Sr Project Manager, Atkins Engineering Claudia.coll@atkinglobal.com
Tracy Hood, FDOT, Tracy.hood@dot.state.fl.us
Christine Crespo, Christine.crespo@wginc.com
Randall Worley, Parks & Rec Director, wworley@inverness.gov
Eric C. Williams, GISP, City Manager, ewilliams@inverness-fl.gov



ARC TEN QUESTIONS

Project Name:	Easement – Withlacoochee State Forest (WSF)	
Managing Agency:	Florida Forest Service	
Submitted by:	Alan Davis	Date: 7/11/2022
Applicant:	Florida Department of Transportation	

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 land subject to the easement request was acquired in 1982 from the United States Department of Agriculture (USDA), authorized by Subsection (c), Section 32, Title III, Bankhead-Jones Farm Tenant Act.

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, and recreation 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 adjacent to an existing paved road.

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

Response: There are gopher tortoises that inhabit the easement area. No other known imperiled or other wildlife species exist within the easement area. Any tortoises inhabiting the area will be relocated to a permitted recipient site within the State Forest.

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 May 19, 2022 for additional FFS approval contingencies. WSF is managed by the FFS under Lease Number 3316.