

**ITEM 8:**

Consider whether an approximately 1.55-acre private utility easement to Lee County Electric Cooperative, Inc., within the Fred C. Babcock-Cecil M. Webb WMA (aka Yucca Pens) is consistent with the Board of Trustees' Linear Facilities Policy.

**LOCATION:**

Charlotte County, Section 33, Township 42S, Range 23E

**APPLICANT:**

Lee County Electric Cooperative, Inc. (LCEC)

**DSL STAFF REMARKS:**

The Applicant has requested a 1.55-acre easement to install, operate and maintain distribution (25kV) power lines to improve electric service to LCEC members along Burnt Store Road and US-41 by providing a looped system. A looped system is used to address reliability issues allowing for the power to be supplied to the same transformer from two different directions. Burnt Store area has been impacted by recent hurricanes and this project will allow for them to have an alternate reliable electric source. This LCEC project was submitted as a FEMA Hazard Mitigation project to address reliability issues with a power line in Burnt Store Road. FEMA approved the project, No. 4337-310-R, for partial reimbursement.

The proposed easement is located within conservation lands currently managed by the Florida Fish and Wildlife Conservation Commission (FWC) under Trustees' Lease No. 4095, known as Fred C. Babcock-Cecil M. Webb WMA (BWWMA). The property was acquired with CARL, P-2000 and Florida Forever funds for conservation and public recreational use. The natural community consists of the largest slash pine flatwoods in southwest Florida, wet and mesic flatwoods, depression marsh, shrubs and bushlands. The state threatened Florida beargrass (*Nolina atopocarpa*) is documented on the parcel. The U.S. Fish and Wildlife Service (USFWS), provided conservation recommendations for Britton's beargrass. As a precondition to construction, USFWS recommends that LCEC conduct a survey by a qualified botanist to survey for plants in the easement area where the vegetation may be disturbed. USFWS recommends avoiding the listed plants and minimize the footprint/impacts that may affect the plants and avoid the areas with the highest concentrations of plants. When destruction of listed plants cannot be avoided, LCEC should coordinate during planning with the USFWS species lead, Todd Mecklenborg for Britton's beargrass - [todd\\_mecklenborg@fws.gov](mailto:todd_mecklenborg@fws.gov). In addition, LCEC should contact a botanical garden or plant conservation professional to implement plant rescue and/or translocation efforts. Rescue should occur only after consultation with the USFWS.

FWC consented to the easement in a letter dated May 3, 2022. In a letter, dated June 9, 2022, the Division of Historical Resources stated that the proposed undertaking is unlikely to affect historic properties.

*Avoidance*

There are no other practical alternatives for this easement request. LCEC worked with FWC to compare alternate routes. There were two routes considered and the proposed route was chosen because it allows for vehicle access for construction and maintenance. The second option would

have required four miles of land clearing and road construction, resulting in increased impacts on conservation land and a higher overall project cost.

*Minimizing Impacts:*

The proposed easement route has been closely coordinated between LCEC and FWC. LCEC, with FWC's approval, has created a route that is primarily located on private lands, except for the 1.55 acres through the BWWMA. This route is not anticipated to have any additional impacts to the BWWMA.

*Compensation:*

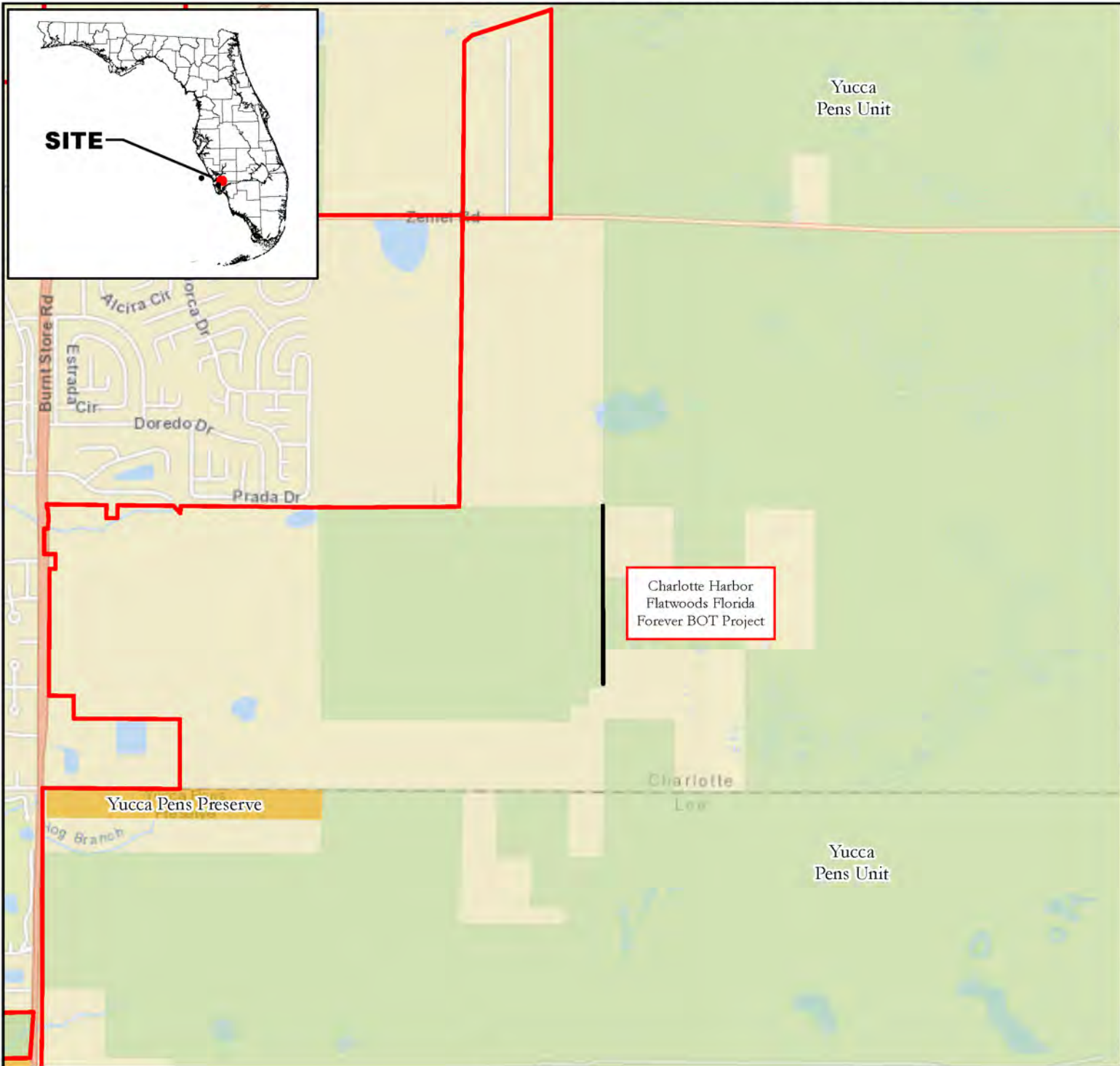
The easement fee will be paid by LCEC based on the appraised market value. Pursuant to section 253.02(4), Florida Statutes, replacement lands shall be sought by LCEC at 1.5 times the size of the easement area. If replacement lands are not available or are un-obtainable, LCEC will pay to FWC an amount equaling two times the appraised value of the easement area.





**STAFF RECOMMENDATION:**

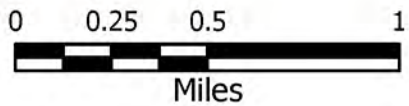
Approve the easement.

**ARC RECOMMENDATION:**

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

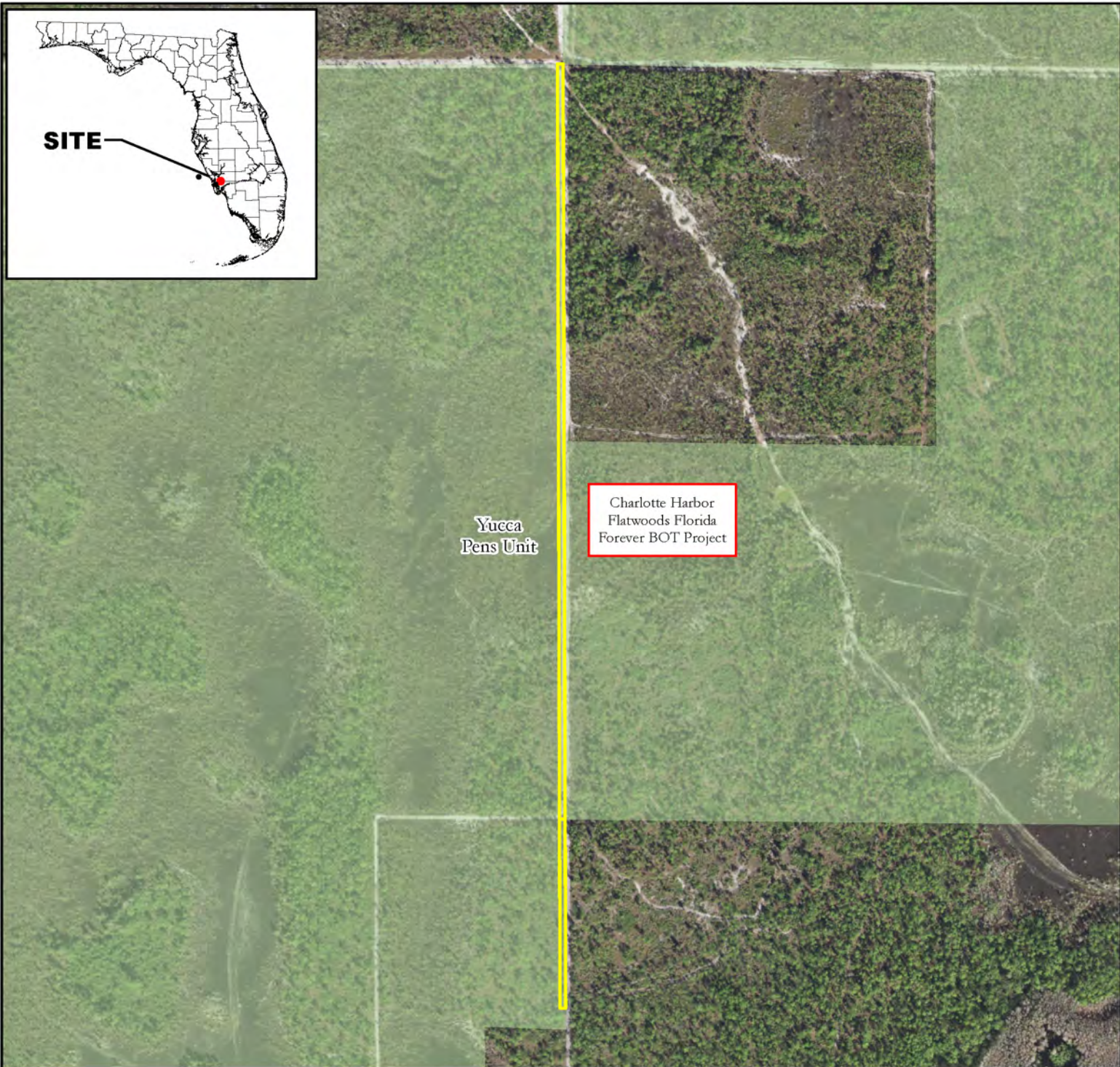


-  Subject Parcels
-  Florida Forever Project Boundaries
-  State Managed Conservation Lands
-  City/County Managed Conservation Lands






### Easement No. 33482

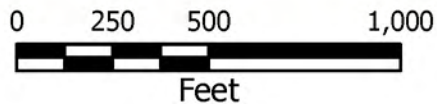
Charlotte County, Florida



Yucca  
Pens Unit

Charlotte Harbor  
Flatwoods Florida  
Forever BOT Project

-  Subject Parcels
-  Florida Forever Project Boundaries
-  State Managed Conservation Lands

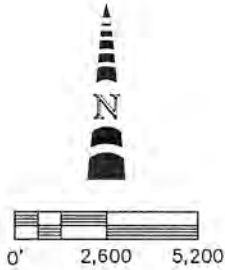


**Easement No. 33482**

Charlotte County, Florida

# LEGAL DESCRIPTION

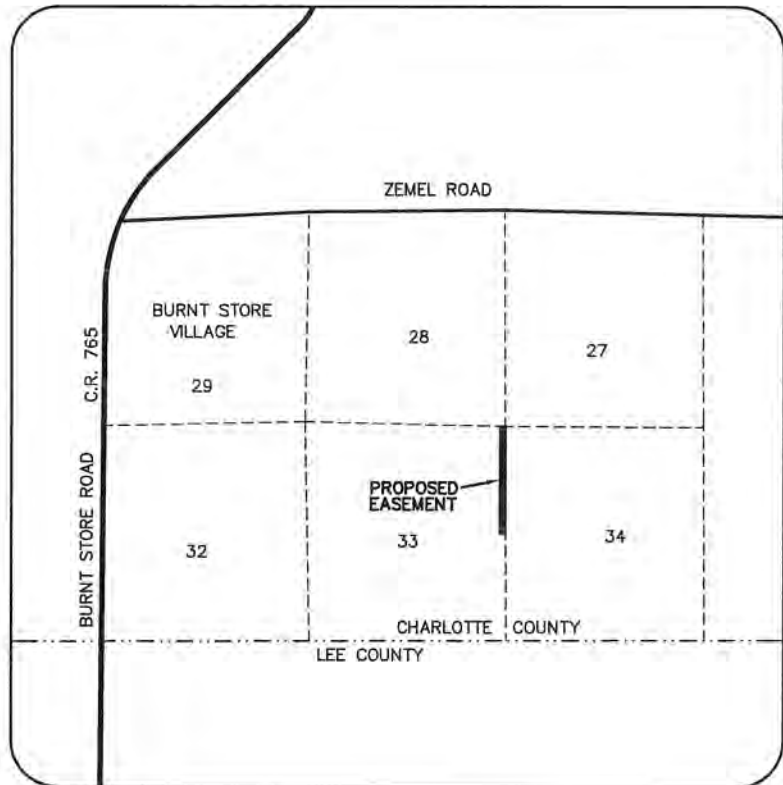
OF A PARCEL OF LAND LYING IN  
SECTION 33, TOWNSHIP 42 SOUTH, RANGE 23 EAST,  
CHARLOTTE COUNTY, FLORIDA



GRAPHIC SCALE

**LEGEND:**

- P.O.B. = POINT OF BEGINNING
- O.R. = OFFICAL RECORDS BOOK
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## INDEX

SHEET NO.	DESCRIPTION
1	COVER SHEET/VICINITY SKETCH
2	LEGAL DESCRIPTION
3	SKETCH OF DESCRIPTION

**NOTE:**

THE STATE PLANE COORDINATES SHOWN HEREON ARE IN FEET, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT) BASED UPON CONTINUOUSLY OPERATING FLORIDA PERMANENT REFERENCE NETWORK (FPRN) STATIONS MAINTAINED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.

BSM: *Andy Lewis*

DATE: May 19, 2022

**NOTES:**

1. BEARINGS ARE BASED ON THE EAST LINE OF NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA AS BEING N.00°09'08"W.
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).
4. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF CHARLOTTE COUNTY.

## 17192 BURNT STORE ROAD CHARLOTTE COUNTY, FLORIDA

TITLE: <b>LEGAL DESCRIPTION</b>			
	<b>METRON</b> SURVEYING & MAPPING, LLC LAND SURVEYORS · PLANNERS LB# 7071	10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457  www.metronfl.com	
FILE NAME: 13910SK-2 TIITF	FIELD BOOK/PAGE: 584-52	PROJECT NO.: 2150-6037	SHEET: 1 OF 3
EXHIBIT DATE: 2/18/2022	DRAWN BY: BUD	SCALE: 1" = 5,200'	CHECKED BY: TLM
		FILE NO. (S-T-R) 33-42-23	


**LEGAL DESCRIPTION**  
**OF A PARCEL OF LAND LYING IN**  
**SECTION 33, TOWNSHIP 42 SOUTH, RANGE 23 EAST,**  
**CHARLOTTE COUNTY, FLORIDA**


UTILITY EASEMENT

A 20' WIDE UTILITY EASEMENT SITUATED IN THE STATE OF FLORIDA, CHARLOTTE COUNTY, BEING A PORTION OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 23 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 33; THENCE S.00°09'08"E., ALONG THE EAST LINE OF SAID SECTION FOR A DISTANCE OF 2702.38 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE S.89°53'10"W., ALONG SAID SOUTH LINE, FOR A DISTANCE OF 20.00 FEET; THENCE N.00°09'08"W., ALONG A LINE THAT IS 20 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 33, FOR A DISTANCE OF 2702.28 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 33; THENCE N.89°35'48"E., ALONG SAID NORTH LINE, FOR A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 54,047 SQUARE FEET, MORE OR LESS

BY:   
 TIMOTHY LEE MANN  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. LS# 5838

BSM: 

DATE: May 19, 2022


DATE SIGNED: Feb 24, 2022

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTES:

1. BEARINGS ARE BASED ON THE EAST LINE OF NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA AS BEING N.00°09'08"W.
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 CHARLOTTE COUNTY, FLORIDA

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LAND SURVEYORS · PLANNERS		www.metronfl.com	
LB# 7071			
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13910SK-2 TITF	584-52	2150-6037	2 OF 3
EXHIBIT DATE:	DRAWN BY:	SCALE:	CHECKED BY:
2/18/2022	BUD	1" = 60'	TLM
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		33-42-23	

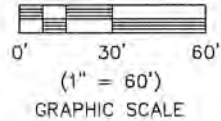
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## OF A PARCEL OF LAND LYING IN

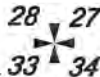
### SECTION 33, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA

MARK L LINDNER, TRUSTEE  
PAR# 422328200001  
O.R. 3199, PG 1502

TIITF  
PAR# 422327100001  
O.R. 1403, PG 533



**P.O.B.**  
FCM AT NE CORNER  
SEC 33, TWP 42S,  
RNG 23E  
N: 891052.18  
E: 654356.90



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°53'10" W	20.00'
L2	N 89°35'48" E	20.00'

NORTH LINE OF SEC 33 L2

**NOTES:**

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PROPOSED  
20.0' UTILITY  
EASEMENT

TIITF  
PAR# 422333200003  
O.R. 1693, PG 2164

2702.28'

2702.38'

JAN THOMAS FIFER  
PAR# 422334100001  
O.R. 1035, PG 1171

N 00°09'08" W

EAST LINE OF SEC 33

S 00°09'08" E

TIITF  
PAR# 422334100002  
O.R. 4611, PG 1942

BSM: *Acry/Seis*

DATE: May 19, 2022

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## 17192 BURNT STORE ROAD CHARLOTTE COUNTY, FLORIDA

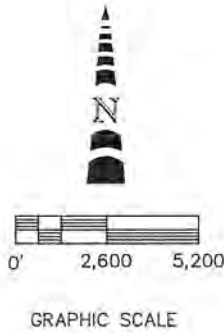
SOUTH LINE OF  
NE 1/4 SEC 33,  
TWP 42S, RNG 23E

33 34  
33 34  
FCM AT  
1/4 CORNER  
N: 888349.81  
E: 654364.08

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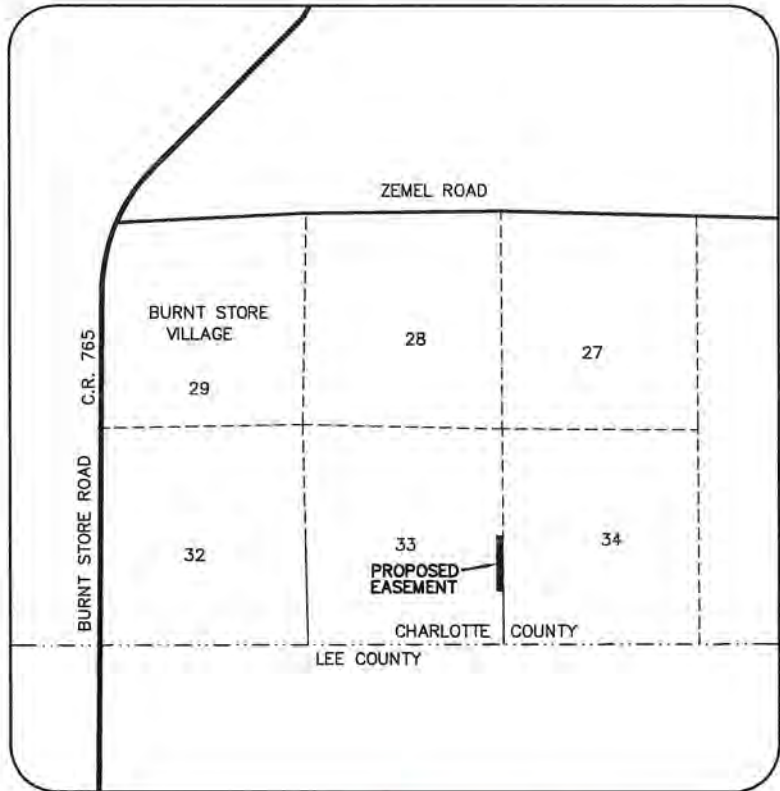
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BSM: *May 19, 2022*

DATE: May 19, 2022

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## 17380 BURNT STORE ROAD CHARLOTTE COUNTY, FLORIDA

TITLE: <b>LEGAL DESCRIPTION</b>			
	<h1 style="margin: 0;">METRON</h1> <h2 style="margin: 0;">SURVEYING &amp; MAPPING, LLC</h2> <p style="margin: 0;">LAND SURVEYORS · PLANNERS</p> <p style="margin: 0;">LB# 7071</p>		10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457  <a href="http://www.metronfl.com">www.metronfl.com</a>
	FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:
13910SK-3 TITF	584-52	2150-6037	1 OF 3
EXHIBIT DATE:	DRAWN BY:	SCALE:	CHECKED BY:
2/18/2022	BUD	1" = 5,200'	TLM
FILE NO. (S-T-R)			33-42-23



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PARCEL CONTAINS 13,509 SQUARE FEET, MORE OR LESS

BSM: *Hayden*

DATE: May 19, 2022

BY:   
 TIMOTHY LEE MANN  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. LS# 5838

DATE SIGNED: *Feb 21, 2022*

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTES:

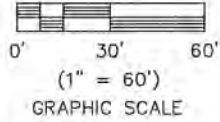
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17380 BURNT STORE ROAD  
 CHARLOTTE COUNTY, FLORIDA

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FILE NAME: 13910SK-3 TITF	FIELD BOOK/PAGE: 584-52	PROJECT NO.: 2150-6037	SHEET: 2 OF 3
EXHIBIT DATE: 2/18/2022	DRAWN BY: BUD	SCALE: 1" = 60'	CHECKED BY: TLM
		FILE NO. (S-T-R)	33-42-23

# LEGAL DESCRIPTION

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SECTION 33, TOWNSHIP 42 SOUTH, RANGE 23 EAST,  
CHARLOTTE COUNTY, FLORIDA



TIITF  
PAR# 422333200003  
O.R. 1693, PG 2164

TIITF  
PAR# 422334100002  
O.R. 4611, PG 1942

### LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°58'42" W	20.00'
L2	N 89°53'10" E	20.00'



**P.O.B.**  
FCM AT NE CORNER  
OF SE 1/4 SEC 33,  
TWP 42S, RNG 23E  
N: 888349.81  
E: 654364.08

### NOTES:

1. BEARINGS ARE BASED ON THE EAST LINE OF SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA AS BEING S.00°09'22"E.
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BSM: *May 19*

DATE: May 19, 2022

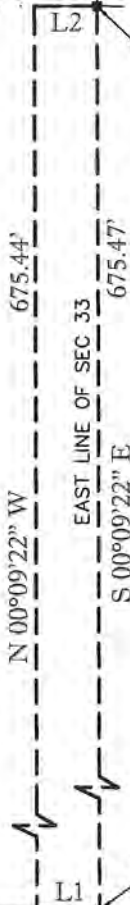
**17380 BURNT STORE ROAD  
CHARLOTTE COUNTY, FLORIDA**

HEBESTREIT  
PAR# 422333400004  
O.R. 525, PG 822

TIITF  
PAR# 422333400003  
O.R. 4531, PG 199

TIITF  
PAR# 422334300001  
O.R. 4902, PG 194

N: 887674.34  
E: 654365.92



TITLE: LEGAL DESCRIPTION			
		<b>METRON</b> SURVEYING & MAPPING, LLC LAND SURVEYORS · PLANNERS LB# 7071	
10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457		www.metronfi.com	
FILE NAME: 13910SK-3 TIITF	FIELD BOOK/PAGE: 584-52	PROJECT NO.:	SHEET:
EXHIBIT DATE: 2/18/2022	DRAWN BY: BUD	SCALE: 1" = 60'	CHECKED BY: TLM
		FILE NO. (S-T-R)	3 OF 3
		FILE NO. (S-T-R)	33-42-23



## FLORIDA DEPARTMENT *of* STATE

RON DESANTIS  
Governor

CORD BYRD  
Secretary of State

Department of Environmental Protection  
Bureau of Public Lands Administration  
3800 Commonwealth Blvd.  
Tallahassee, FL 32399

June 9, 2022

Re: DHR Project File No.: 2022-2938  
Project: Easement #33486

To Whom It May Concern:

Our office reviewed the referenced projects 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, or otherwise of historical, architectural or archaeological value.

Based on the information provided, it is the opinion of this agency that ground-disturbing activities for the above project should be monitored by someone who has completed our Archaeological Resource Management (ARM) training program. Once the project is complete, the monitor should submit the appropriate monitoring forms to this agency. 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, *Florida Statutes*.

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

Sincerely,

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



**Florida Fish  
and Wildlife  
Conservation  
Commission**

Commissioners  
**Rodney Barreto**  
Chairman  
Coral Gables

**Steven Hudson**  
Fort Lauderdale

**Gary Lester**  
Oxford

**Albert Maury**  
Coral Gables

**Gary Nicklaus**  
Jupiter

**Sonya Rood**  
St. Augustine

**Robert A. Spottswood**  
Key West

Office of the  
Executive Director  
**Eric Sutton**  
Executive Director

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

**Jennifer Fitzwater**  
Chief of Staff

Division of Habitat and  
Species Conservation  
Melissa Tucker  
Director

850-487-3796  
850-921-5786 FAX

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

620 South Meridian Street  
Tallahassee, Florida  
32399-1600  
Voice: 850-488-4676

Hearing/speech-impaired:  
800-955-8771 (T)  
800 955-8770 (V)

MyFWC.com

May 3, 2022

Mr. Brad Richardson  
Department of Environmental Protection  
Division of State Lands  
Bureau of Public Land Administration  
3800 Commonwealth Boulevard  
Tallahassee, FL 32399-3000

Re: Lee County Electric Cooperative (LCEC) electric utility easement as part of the LCEC feeder line running from Burnt Store Road to Tamiami Trail within the Fred C. Babcock-Cecil M. Webb WMA (BWWMA), Yucca Pens Unit of Charlotte County, Florida.

Dear Mr. Richardson,

The Florida Fish and Wildlife Conservation Commission (FWC), as managing agency under the Board of Trustees of the Internal Improvement Trust Fund (BOT) Lease No. 4095, as amended, is working with the LCEC who requests consent for a proposed transmission line on a portion of the BWWMA, to upgrade electric service to the customers along the Burnt Store Road to Tamiami Trail utility feeder line. Attached, please find the legal description and sketch for the proposed easement on BOT owned lands.

The FWC is the managing agency for the BWWMA, and legislation mandates that state-owned conservation land is to be held in perpetuity. Additionally, the State's Linear Facilities Policy requires an applicant to seek alternative routes where possible and to minimize the effects on state-owned conservation land. Further, legislation states that state agencies are to work with linear facility providers where linear facilities are in the public interest. Under these guidelines and to balance the need for alternative uses of state-owned conservation lands, FWC strives to analyze the potential impacts to the resources, to the operational management, and to the public's use for each wildlife conservation area affected by such applications.

LCEC, to provide electrical service more efficiently to its area customers, requests to thread a feeder electrical line from its Burnt Store Road Substation to its North Trail Substation near Tamiami Trail. Providing the feeder line would relieve the Burnt Store Road Substation and provide a second power feed improving reliability year-round. Initially, the proposed LCEC route was planned to traverse almost entirely through the Yucca Pens Unit. Upon expressing to LCEC its obligation to minimize impacts upon state conservation land, if it could not be avoided, LCEC re-examined its options and was able to create a new route almost exclusively on private land with the exception of the 1.55 +/- acres through Yucca Pens.

FWC appreciates LCEC efforts to minimize the impact to conservation lands and has no objection to its easement application under the following terms and conditions:

1. LCEC indicates it will access the proposed permanent easement by way of current FWC-managed forest roads. LCEC's access to their permanent easement will need to be addressed to ensure LCEC has non-exclusive legal access. Whether those forest roads are within the permanent easement or used to provide legal access to LCEC, those roads would still need to be available in FWC's various land management activities. LCEC shall be responsible for any gates or fencing that become necessary per FWC. Furthermore, FWC shall create fire lanes/breaks, where needed, within the permanent easement for prescribed fire protection within BWWMA.
2. LCEC would need to agree to work with FWC in the management and control of vegetation along and within the permanent easement. This shall include, but not be limited to, prescribed burns, mechanical and herbicide treatments, and plantings. Furthermore, LCEC shall be required to restore the permanent easement to its natural state to FWC's satisfaction should LCEC ever no longer need the permanent easement.
3. LCEC and FWC shall agree to terms and conditions concerning LCEC's expected request concerning trimming/removal of tree/vegetation outside the easement area prior to the commencement of referenced activities. Additional mitigation compensation may be owed to the FWC as part of this secondary right.
4. LCEC shall pay the fair market value for the easement in accordance with the State's Linear Facilities Policy.
5. In accordance with the State's Linear Facilities Policy, FWC prefers replacement land be acquired as net positive benefit, subject to the Division of State Lands' (DSL) and BOT concurrence.
6. FWC reserves the right to analyze any proposed replacement land for its suitability and acceptance per the Linear Facilities Policy.
7. LCEC shall pay all costs required to complete the acquisition of replacement land.
8. DSL and FWC will review and approve due diligence documents associated with any land transaction pursuant to state standards.
9. LCEC shall convey replacement land proposed for net positive benefit to the BOT free and clear of any encumbrance.

Additionally, it is understood that agreeing to cooperate with LCEC would also include all of DSL's standard conditions that would be expected with other parties working on state-owned conservation lands.

Richardson  
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May 3, 2022

Should there be any questions regarding this matter, please contact Tim Canavan at (850) 617 - 9533 or by email at [timothy.canavan@MyFWC.com](mailto:timothy.canavan@MyFWC.com).

Thank you for your assistance on this matter.

Sincerely,

**James C Conner**

**III**

Digitally signed by James C  
Conner III

Date: 2022.05.03 13:42:05 -04'00'

James C. Conner III, Leader  
Wildlife and Habitat Management Section  
Florida Fish and Wildlife Conservation Commission

JC/tfc

## Conservation Recommendations for Britton's beargrass (*Nolina brittoniana*)

### Precondition

Conduct surveys. A qualified botanist should survey for plants in areas that may be impacted by the action. Include all areas where vegetation may be disturbed by the project footprint, staging areas, and site access.

The recommended survey period for Britton's beargrass flowers is March to May.

*If using another provider, not listed on this document, please contact [todd\\_mecklenborg@fws.gov](mailto:todd_mecklenborg@fws.gov) and supply the provider's contact information.*

### Recommendations

1. Avoid all listed plants.
  - A. Avoid placing staging areas, access routes, fill material, cleared vegetation, and other disturbances within or near listed plant populations.
  - B. Avoid alterations of site hydrology and other habitat features that contribute to suitable microclimate – such as surrounding vegetation that provides shading, ground-stabilizing properties, and wind protection.
2. Minimize footprint/impacts that may affect plants and/or avoid areas with the highest concentrations of plants.
  - A. Identify and mark individual plants, areas with plants, and surrounding vegetation, using flagging tape, temporary fencing, and signage, as appropriate, so they can be avoided. A botanist or similarly qualified professional should perform this task.
  - B. Provide specific guidance to staff, contractors, and others who will be on-site so they are aware of listed species presence and avoidance/minimization measures.
3. When destruction of listed plants cannot be avoided, adhere to the following:
  - A. Coordinate during planning with the Service species lead.  
Britton's beargrass - [todd\\_mecklenborg@fws.gov](mailto:todd_mecklenborg@fws.gov)
  - B. Contact a botanical garden or plant conservation professional to implement plant rescue and/or translocation efforts.  
Rescue should occur only after consultation with the Service.

### Additional Recommendations

- Do not install sod or plant non-native seed mixes. Instead, use native materials sourced from the rescue operation.
- Regulate mowing frequency and height. For Florida scrub species, the Service recommends mowing not more than twice per year, and to a height of no less than 4 inches.

- Use precautions to avoid herbicide spray drift contact with listed plants (train applicators to identify target and listed plant species, apply as close to ground level as possible, adjust spray nozzles to increase droplet size, avoid applications when winds are greater than 5 miles per hour). Mix herbicides off-site.
- Thoroughly pressure wash large equipment prior to moving them to the project area. This will help reduce the spread of non-native species.
- Place signage that identifies no-spray zones and mowing recommendations.



**List of Plant Rescue Providers and qualified botanists in Florida**

Central Florida and Florida scrub species

Cheryl L. Peterson  
Manager, Rare Plant Conservation Program  
Bok Tower Gardens  
1151 Tower Blvd  
Lake Wales, Florida 33853  
(863) 734-1220  
[cpeterson@boktower.org](mailto:cpeterson@boktower.org)  
[www.boktowergardens.org](http://www.boktowergardens.org)

Dr. Aaron David  
Plant Lab Director  
Archbold Biological Station  
123 Main Drive  
Venus, FL 33960  
(863) 465-2571 x345  
[emenges@archbold-station.org](mailto:emenges@archbold-station.org)  
[www.archbold-station.org](http://www.archbold-station.org)

Nancy Bisset  
Owner, Operator  
The Natives  
2929 J. B. Carter Road  
Davenport, FL 33837  
(863) 422-6664  
[natives@gate.net](mailto:natives@gate.net)

*Project proponents are not required to use the providers for which we list contact information. The list is provided only to assist the public in locating an entity to work with on their project.*

## 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.**

Lands within the Yucca Pens Unit of the Babcock/Webb Wildlife Management Area (WMA) were acquired by the state (CARL, P-2000, and Florida Forever). The property is within the Charlotte Harbor Flatwoods Florida Forever project.

- 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.**

The purpose of the acquisition was to protect the native natural communities and associated wildlife habitat, including the largest slash pine flatwoods left in southwest Florida. The area was also acquired to establish a corridor of interconnected conservation lands connecting the Babcock/Webb WMA with the Charlotte Harbor State Buffer Preserve, and to aid in the protection of the watershed of Gasparilla Sound-Charlotte Harbor Aquatic Preserve.

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

The area is open year-round to public access. Opportunities offered include hunting, wildlife viewing, hiking, bicycling, and more. The easement will not impact access.

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

The affected parcels are predominantly wet and mesic flatwoods. Also present nearby are depression marsh, shrub and brushlands.

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

The state Threatened Florida beargrass (*Nolina atopocarpa*) is documented on the parcel.

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

FWC requested the Division of Historical Resources (DHR) review and are awaiting their response. This will be provided to DEP once available. DHR has indicated most of the property appears to have low probability of holding any potentially significant archaeological or historic sites (as in the [Babcock/Webb WMA Management Plan](#)).

**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.**

Lee County Electric Cooperation (LCEC) is proposing a new 25kV distribution line going through a portion of the Yucca Pens Unit of the Babcock/Webb WMA. LCEC considered two routes, as follows:

Option 1:



Option 2:



Option 1 was chosen over Option 2 because of the following reasons:

- (1) Existing pathways along option 1 would provide vehicle access for construction and maintenance. Option 2 would require about 4 miles of land clearing and road construction.
- (2) Option 2: road construction would have a larger impact on conservation land.
- (3) Option 2: road construction would result in a higher overall project cost.

**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.**

FWC strives to analyze the potential impacts to the resources, to the operational management and to the public's use for each wildlife conservation area affected by such requests. After close coordination between the parties, LCEC re-examined its options and was able to create a route almost exclusively on private lands, except for the 1.55 acres through the Yucca Pens Unit. FWC appreciates LCEC efforts to minimize the impact to conservation lands.

**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.**

No significant impacts are expected to occur on the Babcock/Webb WMA. FWC has outlined terms and conditions in the letter provided on May 3, 2022.

**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.**

An easement fee will be paid by the Applicant based on the appraised market value, pursuant to F.S. 253.02(4). Replacement lands are preferred to be sought by the Applicant at least 1.5 times the size of the easement area. The replacement land will be titled to the BOT and managed by FWC. Important inholdings and addition properties located within or adjacent to the Babcock/Webb WMA were provided to LCEC as potential replacement lands. These lands could either remove inholdings, improve hydrological flows, or square the boundary for management purposes.