

ITEM 22:

Consider (1) whether an 8-acre parcel of state-owned land currently owned by the Board of Trustees of the Internal Improvement Trust Fund (BOT) and managed by Department of Agriculture and Consumer Services/Florida Forest Service (FFS) as part of the Blackwater River State Forest is no longer needed for conservation purposes, and (2) recommend exchanging 8-acres of state-owned land for 16-acres of privately-owned land to the BOT.

LOCATION:

Okaloosa, County

APPLICANTS:

Charles Kennedy, Derrick New, and Dennis New

CONSIDERATION:

Exchange of 16-acres from Charles Kennedy, Derrick New, and Dennis New (Kennedy/New) to the BOT for 8-acres of state-owned land. The 16-acres of state-owned land will be conveyed from the BOT to cure a longstanding encroachment within the Blackwater River State Forest.

DSL STAFF REMARKS:

Department of Environmental Protection's (DEP), Division of State Lands (DSL) received a land exchange request from Kennedy/New. The request includes:

1. Recommend that an 8-acre parcel of state-owned land is no longer needed for conservation purposes.
2. Exchange an 8-acre parcel of state-owned land for 16-acres owned by Kennedy/New to settle a longstanding encroachment within the managed forest.

HISTORY:

The 8-acre parcel proposed for exchange was part of a larger parcel deeded by the United States in 1955 pursuant to the Bankhead-Jones Farm Tenant Act of 1937. The deed contains a deed restriction that requires the property be used for public purposes and if at any time said land ceases to be used for public purposes the property will revert to the United States. The conveyance by the United States included the 8-acre parcel where Kennedy/New currently own a home, mobile home and garden shed. A survey was not done when the land was deeded to the BOT. In 1984, Kennedy/New parents purchased approximately 49 acres from Lawrence W. Looney which included a 3,456 sq. ft. single family residence which was built in 1977. In 1989, a mobile home was placed on the property and in 2016 an open tin roof garden shed was built. Kennedy/New inherited the property in 2009 from their mother. In May 2020, Kennedy/New were in the process of selling the property when the encroachments of the single-family residence, mobile home, and garden shed, were discovered at the closing table based on a survey. This property is currently under lease to the FFS as part of the Blackwater River State Forest. The 8-acre parcel is difficult to manage based on the existence of the homes and related structures.

PROPOSED LAND EXCHANGE:

The exchange of the 8-acre parcel of state-owned land would legally resolve this longstanding encroachment issue within the Blackwater River State Forest. The 8-acres is currently unmanageable by the FFS due to the encroachments. The area south of the fence is pastureland and the wooded area to the south is natural woodlands consisting of a mixture of pine and hardwood. The 16-acre parcel proposed for the exchange is a combination of natural woodlands with some unimproved pasture, mostly being forested consisting of pine flatwoods with an overstory comparable to the adjacent portion of Blackwater River State Forest.

If ARC recommends approval of this land exchange, a release of deed restriction from the United States Department of Agriculture for this 8-acre portion of the Forest will be required prior to Board of Trustees approval.

STATUTORY REQUIREMENTS:

Pursuant to section 253.0341(6), F.S., and chapter 18-2.021, F.A.C., prior to any decision by the Board of Trustees to surplus conservation land, the Acquisition and Restoration Council (ARC) shall make a recommendation that the land is no longer needed for conservation purposes and that the request is compatible with the resource values and management objectives for such lands.

The state-owned land is no longer needed for conservation purposes because:

- The land currently contains a private single-family residence, mobile home, and garden shed that has been a longstanding encroachment within the Blackwater River State Forest.

Pursuant to Chapter 18-2.021, F.A.C., when ARC considers the surplus of conservation lands as part of a land exchange, Council shall also evaluate the land being offered for exchange to determine if it contains equal or greater conservation benefit than the state lands and whether the exchange and in-kind services would result in a net-positive conservation benefit, regardless of appraised value.

The proposed exchange will provide a net positive conservation benefit because:

- The 16-acres of land proposed in the exchange is forested unimproved lands immediately adjacent to the Blackwater River State Forest. This 16-acres is natural woodlands with some unimproved pasture, mostly being forested consisting of pine flatwoods with an overstory comparable to the adjacent portion of the Blackwater River State Forest

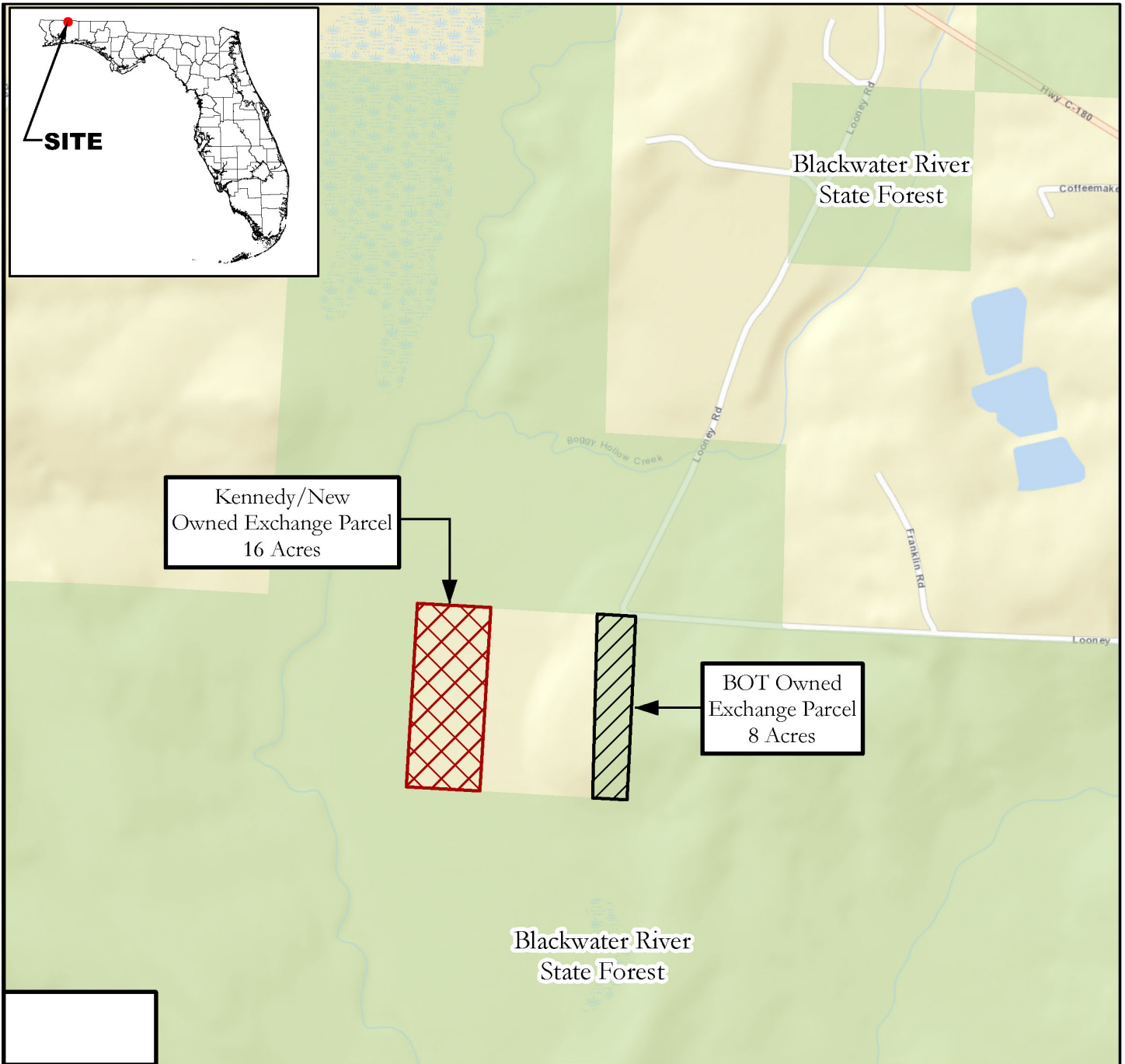
This request is subject to BOT approval.

DSL STAFF RECOMMENDATION:

Approve exchange request.

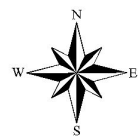
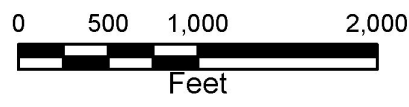
ARC RECOMMENDATION:

- APPROVE**
- APPROVE WITH MODIFICATIONS:** _____
- DEFER**
- WITHDRAW**
- NOT APPROVE**
- OTHER:** _____



Legend:

-  BOT Owned Exchange Parcel
-  Kennedy/New Owned Exchange Parcel
-  State Managed Conservation Lands

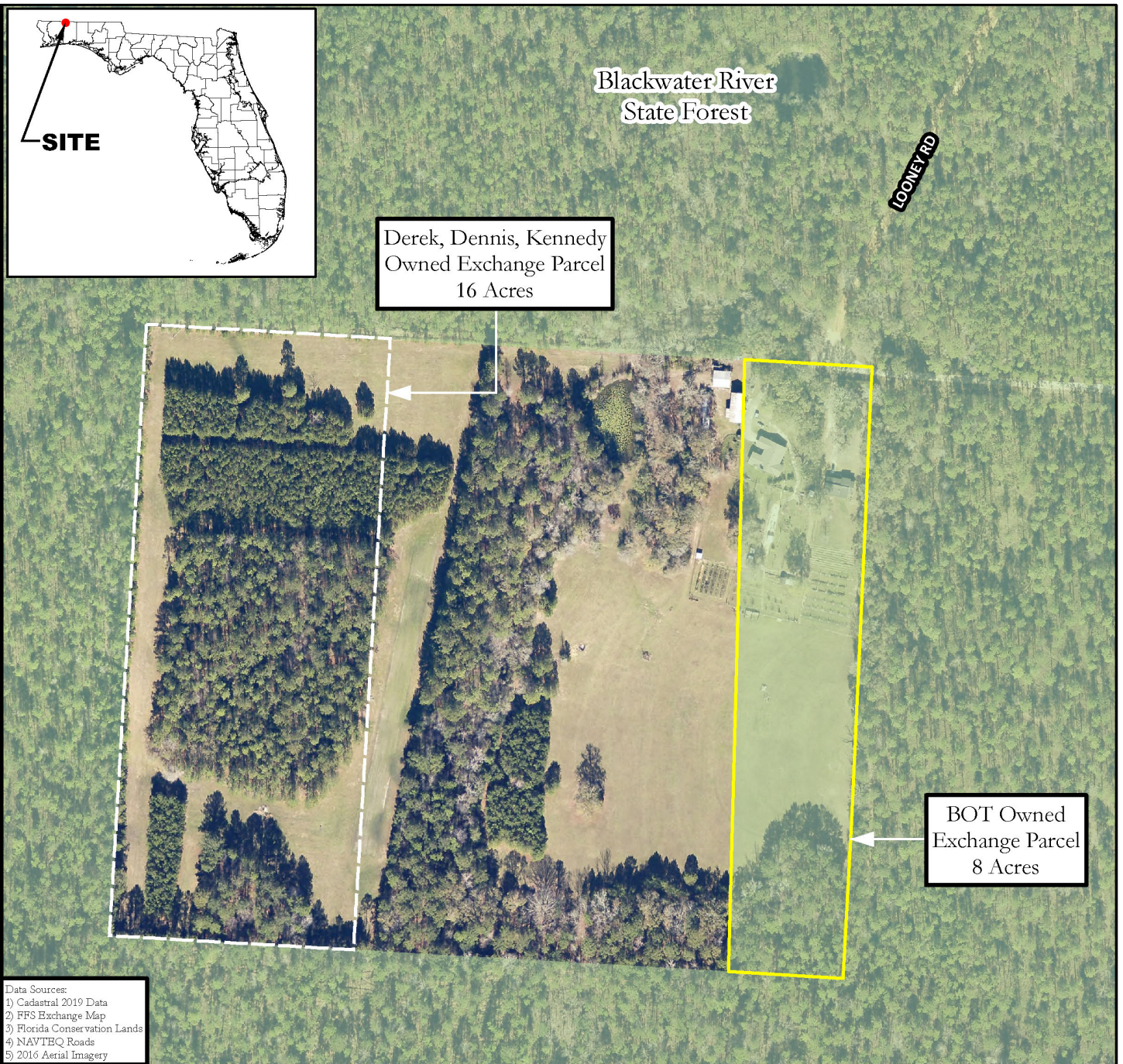





Blackwater River State Forest – Exchange

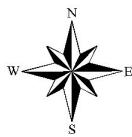
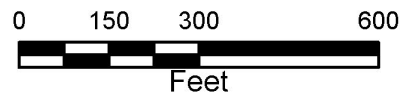
Owner: Kennedy/New

Okaloosa County, Florida

File Location: \\FLDEP1\tech_cad\Counties_GIS\Okaloosa\BWRSF_Derek_Dennis_Kennedy_Exchange\GIS\Agenda_Vicinity_BWRSF_Derek_Dennis_Kennedy_Exchange.mxd
Date Saved: 10/5/2020 10:19:21 AM
Map Created By: GW Stelter



 BOT Owned Exchange Parcel
 Derek, Dennis, & Kennedy Owned Exchange Parcel
 State Managed Conservation Lands



Blackwater River State Forest – Exchange

Owner: Derek, Dennis, & Kennedy

Okaloosa County, Florida

File Location: \\FLDEP1\tech_cad\Countries_GIS\Okaloosa\BWRSP_Derek_Dennis_Kennedy_Exchange\GIS\Agenda_Aerial_BWRSP_Derek_Dennis_Kennedy_Exchange.mxd
 Date Saved: 8/24/2020 2:06:35 PM
 Map Created By: GW Stelter



FLORIDA DEPARTMENT OF STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

Mr. Jim Leftheris
FDEP-Division of State Lands
3800 Commonwealth Blvd.
Tallahassee, Florida 32399

October 1, 2020

RE: DHR Project File No.: 2020-5842
Project: Proposed Land Exchange
Charles Kennedy, Derrick New, and Dennis New (Kennedy/New) request for
8+/- acre parcel in exchange for 16 acres of privately owned lands
Blackwater River State Forest, Okaloosa County,

Dear Mr. Leftheris:

In accordance with this agency's responsibilities under Section 267.061, Florida Statutes, we reviewed the referenced easement request 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.

We note that the proposed land exchange will involve 8 acres of a BOT Owned Parcel in exchange for a 16 Acre parcel owned by Derek, Dennis, Kennedy. This will resolve a longstanding encroachment which their parents assumed when they purchased the property in 1984 from the prior owner. It is the opinion of this office that the proposed land exchange will have no effect on historic properties.

For any questions concerning our comments, please contact Robin Jackson, Historic Preservationist, by electronic mail at robin.jackson@dos.myflorida.com, or at 850.245.6496, or 800.847.7278.

Sincerely,

A handwritten signature in blue ink that reads "Timothy A. Parsons" with the word "For" written below it.

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

Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
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ARC Questionnaire – Blackwater River State Forest (BRSF) – Kennedy Exchange

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 parcel under consideration was acquired as a land-use project by the U.S. Government in the mid-1930s. Shortly after the U.S. Government acquired the property, it was turned over to the Soil Conservation Service (SCS) for management. In 1954, title to the property was transferred from the SCS to the U.S. Forest Service (USFS) which, in 1955, deeded the property to the State of Florida, Board of Forestry, now the Florida Forest Service (FFS).

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 property was acquired by the Federal Government to revegetate, resettle, and protect the area following extensive deforestation by land and timber companies in the early 1900s, as well as, to preserve undeveloped land around Naval satellite airfields to enhance military training by preventing encroachment on military reservations.

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

The parcel is within the Blackwater Wildlife Management Area on the forest. Approved recreational activities on the parcel include hunting and nature viewing; with hiking, and biking, allowed on roads/firelines. However, the parcel is currently disturbed and encroached upon by a house and other improvements which precludes recreational use and public access.

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 found on or near the parcel include sandhill, basin swamp, mesic flatwoods, upland pine, baygall, and bottomland hardwood forest.

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

There are no known imperiled species on this site.

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

There are no known archaeological resources on this site.

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.

There are no feasible or practicable alternatives than the recommended exchange (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.

The proposed exchange is not anticipated to have any of these impacts within the proposed exchange 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.

The proposed exchange will not negatively impact the surrounding BRSF nor the multiple-use management activities occurring on the state 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.

The FFS will look to the Division of State Lands in determining the compensation for this project. BRSF is managed by the FFS under Lease Number 3686.

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.

Leftheris, James

From: Bott, Steven - OGC, Atlanta, GA <steven.bott@usda.gov>
Sent: Wednesday, September 16, 2020 10:21 AM
To: Leftheris, James
Cc: Foster, Alton -FS; Davis, Alan
Subject: RE: Proposed Land Exchange - Blackwater River State Forest

Jim,

The FS has informed me that they are agreeable to moving forward with this proposed exchange.

Steve



Steven Bott
Senior Counsel
Eastern Region
Office of the General Counsel
U.S. Department of Agriculture
1718 Peachtree Street, N.W.; Suite 576
Atlanta, GA 30309-2437
☎ 404.347.1088 (Direct)
☎ 404.347.1060 (Office)
☎ 844.217.8320 (Fax)
✉ steven.bott@usda.gov

From: Bott, Steven - OGC, Atlanta, GA
Sent: Wednesday, September 16, 2020 9:53 AM
To: Leftheris, James <James.Leftheris@dep.state.fl.us>
Cc: Foster, Alton -FS <alton.foster@usda.gov>; Davis, Alan <Alan.Davis@fdacs.gov>
Subject: RE: Proposed Land Exchange - Blackwater River State Forest

Jim,

I just followed up with Al Foster and learned that he was sent out west on a FS fire detail. I'll follow-up with the Director of Region 8 Lands.

Apologize for the delay.

Steve



Steven Bott
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Atlanta, GA 30309-2437
☎ 404.347.1088 (Direct)
☎ 404.347.1060 (Office)

From: [Davis, Alan](#)
To: [Leftheris, James](#)
Cc: [Rowell, Keith](#)
Subject: FW: Kennedy/New BWRSF Land Exchange
Date: Tuesday, August 25, 2020 5:16:27 PM
Attachments: [Agenda Aerial BWRSF Derek Dennis Kennedy Exchange.pdf](#)
[Agenda Vicinity BWRSF Derek Dennis Kennedy Exchange.pdf](#)

Jim,

Yes, this proposal is acceptable to the FFS.

The 16-acres of land proposed in the exchange is a combination of natural woodlands with some unimproved pasture, mostly being forested consisting of pine flatwoods with an overstory comparable to the adjacent portion of Blackwater River State Forest.

On the 8 acres, the area south of the fence is pastureland and the wooded area to the south is natural woodlands consisting of a mixture of pine and hardwood.

Alan Davis
Land Planning Coordinator
Florida Forest Service
Florida Department of Agriculture and Consumer Services
(850)-681-5816
(850)-681-5801 Fax
Alan.Davis@FDACS.gov

The Conner Building
3125 Conner Boulevard, Room 238
Tallahassee, FL 32399-1650

Please note that Florida has a broad public records law (Chapter 119, Florida Statutes). Most written communications to or from state employees are public records obtainable by the public upon request. Emails sent to me at this email address may be considered public and will only be withheld from disclosure if deemed confidential pursuant to the laws of the State of Florida.

From: Leftheris, James <James.Leftheris@dep.state.fl.us>
Sent: Tuesday, August 25, 2020 9:26 AM
To: Davis, Alan <Alan.Davis@fdacs.gov>
Subject: Kennedy/New BWRSF Land Exchange

Alan,

Here are the new maps with better acreage estimates etc. Please let me know if they are still acceptable to FFS asap.

I am drafting the ARC item and need this confirmation. Also, can you please confirm with your staff

in the field that the 16 acres shown on the attached map description of the property is accurate for the item.

- **The 16-acres of land proposed in the exchange is forested unimproved lands immediately adjacent to the remaining lands of Blackwater River State Forest. This 16-acres is upland sand hill with pine understory comparable with the adjacent managed forest land.**

This language was in the Clopton Exchange ARC item so even though in the BWRSF, not sure if applicable for these lands, if not please provide the correct description asap.

Thanks

Jim

