

**ITEM XX:**

Consider whether an approximately 0.36-acre emergency access easement within Point Washington State Forest is consistent with the Board of Trustees' Incompatible Use Policy.

**LOCATION:**

Walton County

Section – 6&31, Township – 2&3S, Range – 18&19W

**APPLICANT:**

Bristol Santa Rosa Partners, LLC

**DSL STAFF REMARKS:**

The Applicant has requested a 20-foot-wide emergency-only access easement along an existing dirt road within Point Washington State Forest (Forest) for as long as the easement is needed for emergency-only access to benefit the Applicant's parcel for a planned residential subdivision. Walton County (County) requires a secondary emergency-only access for the proposed residential development to U.S. Hwy 98. The parcel was acquired by the Board of Trustees (BOT) in 1997 with P-2000 funding for conservation and recreational activities. The requested easement area is currently managed by the Florida Forest Services (FFS) under BOT Lease number 3972.

The FFS reviewed the request and provided a letter of consent on April 11, 2023. In a letter, dated April 12, 2023, the Division of Historical Resources (DHR) stated that the proposed project is unlikely to affect historic properties. In the event unexpected finds occur during ground disturbing activities, the permitted project shall cease all activities involving surface disturbance in the vicinity of the discovery and the Applicant shall contact DHR.

The Applicant has received right-of-way consent to cross an area that is owned by Florida Power and Light Company that bisects the requested BOT owned easement area. This requested easement will complete the span needed for the County's required secondary emergency access.

*Avoidance:*

There are no other practical alternatives for this easement request.

*Minimizing Impacts:*

The proposed easement is not anticipated to have any impact the public recreational use, public access or the multi-use management activities occurring within the Forest as it follows an existing dirt road. There are no known imperiled and other wildlife species that inhabit the requested easement area.

*Compensation:*

An easement fee will be paid by the Applicant based on the appraised market value. Per the BOT's incompatible use policy, net positive benefit in the form of replacement land or goods and services, will be provided at 1.5 times the market value of the easement area.

**DSL STAFF RECOMMENDATION:**

Approve

**ARC RECOMMENDATION:**

**APPROVE**

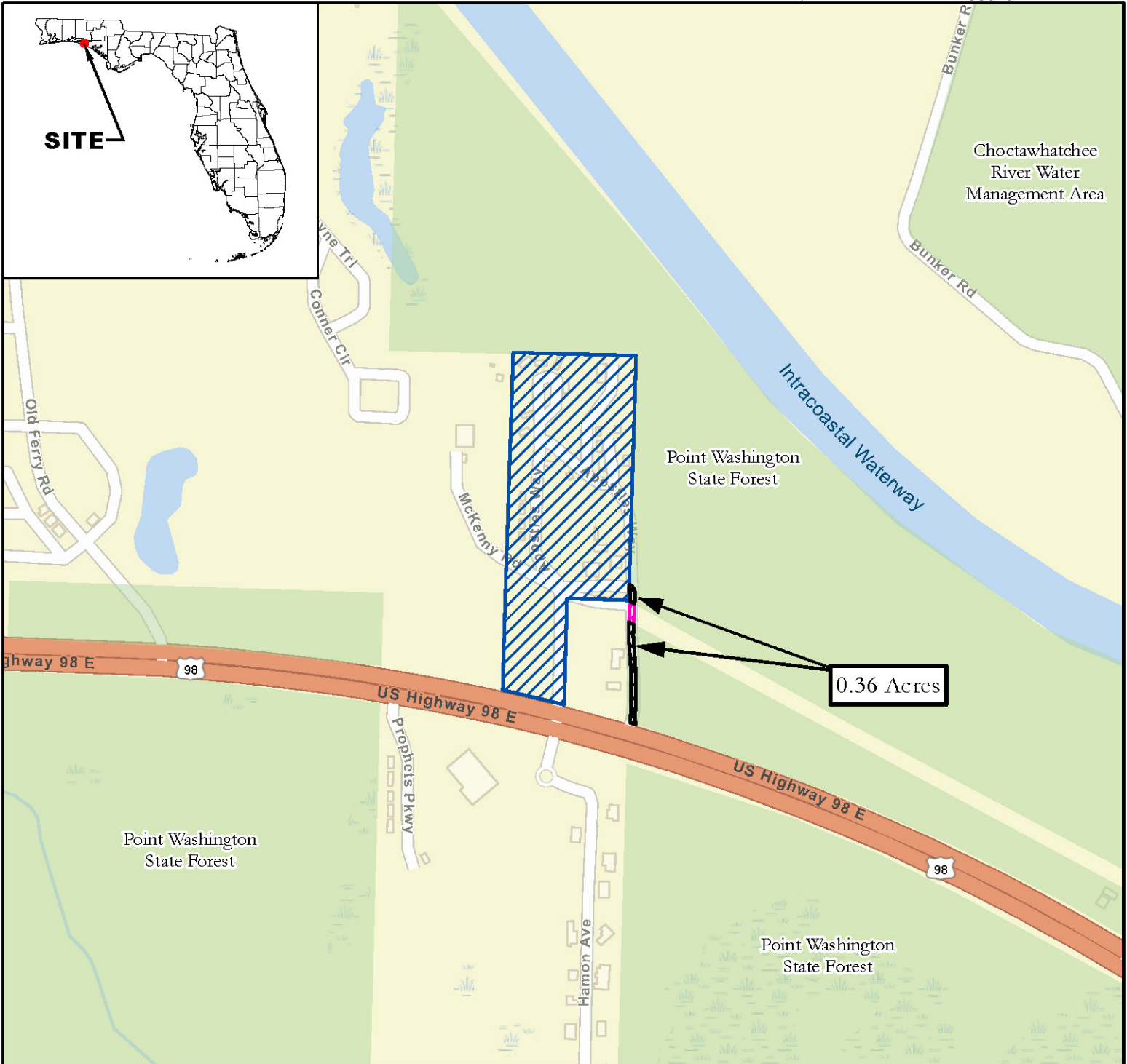
**APPROVE WITH MODIFICATIONS:** \_\_\_\_\_

**DEFER**

**WITHDRAW**

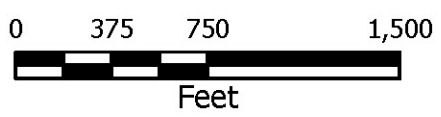
**NOT APPROVE**

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

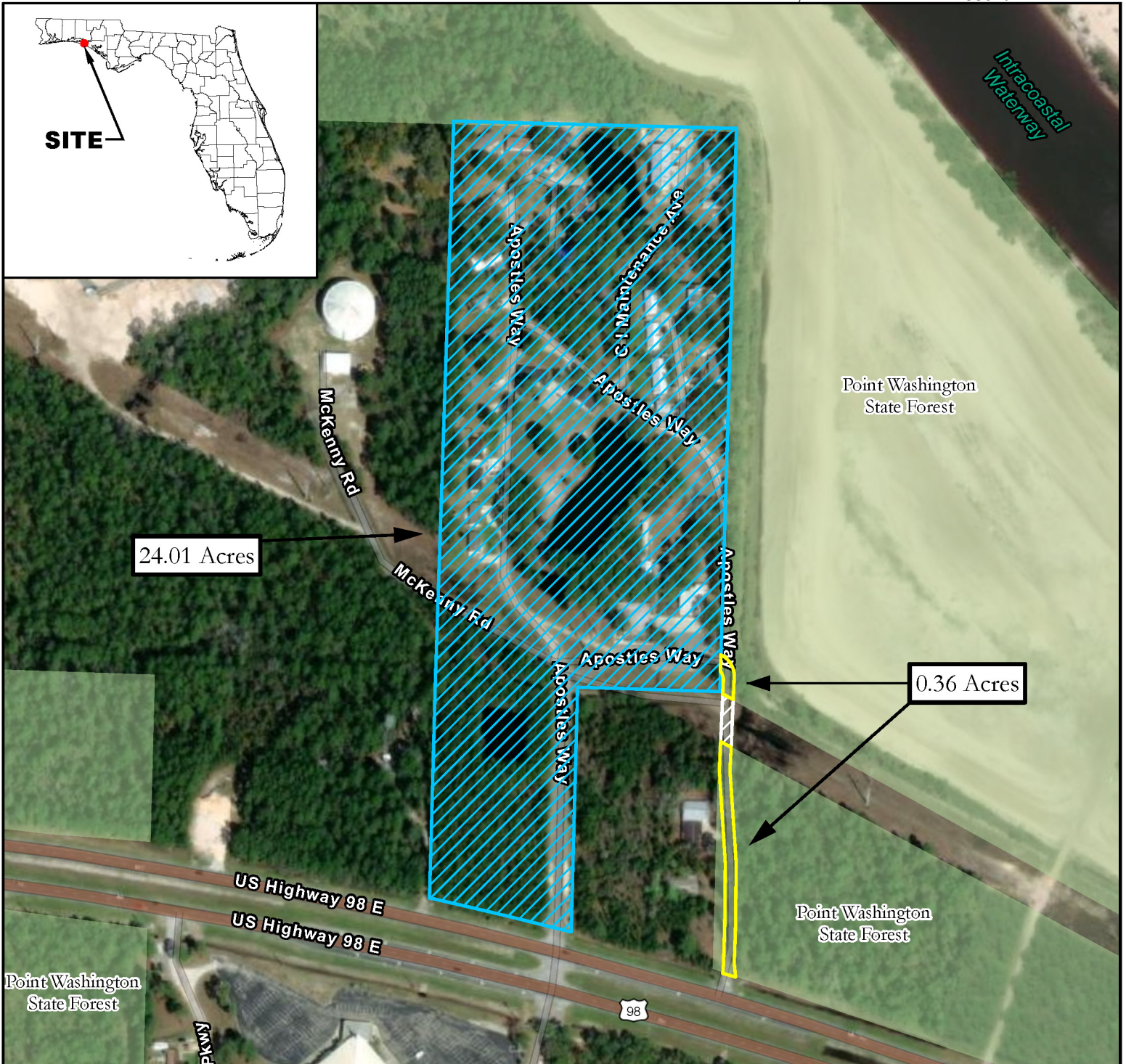


Legend:

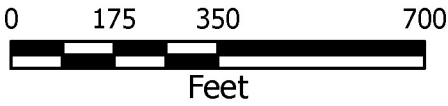
- Subject Parcel
- FPL Parcel
- BOT Owned Land



**Easement 33529**  
Walton County, Florida



- Subject Parcel
- Bristol Santa Rosa Partners LLC, Parcel
- FPL Parcel
- BOT Owned Land



### Easement 33529

Walton County, Florida



FLORIDA FOREST SERVICE  
(850) 681-5800



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

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
COMMISSIONER WILTON SIMPSON

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April 11, 2023

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 emergency access easement, to the Bristol Development Group property, on a portion of Point Washington State Forest (PWSF) in Walton County (see attached survey). 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 and (2) in addition to FFS use, the easement shall be non-exclusive and for emergency ingress/egress to the Bristol Development Group property 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.

The proposed grantee should also 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, Land Planning Coordinator, at [Alan.Davis@FDACS.gov](mailto:Alan.Davis@FDACS.gov) or (850) 681-5816.

Sincerely,

Rick Dolan, Director  
Florida Forest Service

RD/ad

Attachment

## 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 Point Washington 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 install a gate to the Florida Forest Service’s specifications on McKenny Road.
3. GRANTEE shall make no improvements or alterations to the access easement without the prior written approval of the Florida Forest Service. Should GRANTEE directly or indirectly damage the existing roadway, GRANTEE shall repair at its sole cost and expense.
4. Neither GRANTOR nor managing agency shall be responsible for maintaining the easement area.
5. GRANTEE acknowledges that managing agency utilizes prescribed burning within the easement area and the adjoining parcel of land managed by the managing agency and that smoke and other fire-related conditions from such burning may impact the easement area from time to time.



**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

April 12, 2023

Re: DHR Project File No.: 2023-2064  
Project: 47377 Easement 33529

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.

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 project 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 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 Jennifer Tobias, Historic Sites Specialist, by email at [Jennifer.Tobias@dos.myflorida.com](mailto:Jennifer.Tobias@dos.myflorida.com).

Sincerely,

Handwritten signature of Kelly L. Chase in blue ink, with the word "For" written below it.

Alissa S. Lotane  
Director, Division of Historical Resources and State Historic Preservation Officer



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.

Response: The property was purchased with Preservation 2000 funds.

**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: The South Walton County Ecosystem project is located where the Gulf of Mexico meets the coast of Walton County. It's a line of some of the most beautiful beaches and dunes in the world, backed by sparkling freshwater lakes and pine flatwoods and marshes spreading to Choctawhatchee Bay — one of the largest natural areas on the northern Gulf coast. The South Walton County Ecosystem project will conserve a part of this unique coast and the forests behind it, linking three state parks; protecting several rare plants and rare animals such as the Choctawhatchee beach mouse and red-cockaded woodpecker; and providing residents and tourists a scenic area in which to enjoy many recreational activities, ranging from hunting and fishing to hiking, picnicking, and sunbathing.

**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 proposal easement area is a 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 proposed 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 known to occupy the proposed 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.

**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 proposed easement is not anticipated to have any of these impacts within the proposed 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 Point Washington State Forest (PWSF), nor will it impact 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 will look to the Division of State Lands in determining the compensation for this project, including the net positive benefit. PWSF is managed by the FFS under Lease Number 3972.

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.