

ITEM 4:

Consider whether an approximately 0.57-acre private electric transmission line easement and 0.13-acre temporary construction easement within Jonathan Dickinson State Park (Park), is consistent with the Board of Trustees' Linear Facilities Policy.

LOCATION:

Martin County

APPLICANT:

Florida Power & Light (Applicant)

DSL STAFF REMARKS:

The Park was acquired by the BOT in 1947 for conservation and recreation purposes. In January 1967, easement number 9575 was issued to the Applicant. The easement was amended in May 2020, to reflect an as-built survey of the existing transmission line. The Applicant is proposing a re-alignment of the existing overhead transmissions facilities. This re-alignment will result in the release of a segment of the existing easement and convert a portion of the existing overhead transmission facilities to underground as it crosses the Loxahatchee River (River) within the Park, managed by the Department's Division of Recreation and Parks (DRP). The existing transmission line is currently supported by wood pole structures. Placing the transmission line underground would make it more resilient to potential storms. This will also allow the Applicant to upgrade the line to accommodate a larger ampacity. Upgrading facilities will help keep up with the demand on the system without having to build new facilities. In addition, these facilities would eliminate the need to have to replace the existing wood poles with concrete poles in the mangrove areas of the River. The construction footprint needed to install concrete structures is significant and would require mangrove trimming and matting to access and replace the existing structures. The proposed re-alignment will result in approximately 0.57 acres of new impacts to the Park. In addition, approximately 0.13 acres of temporary impacts are needed for construction equipment and staging to directional bore under the River.

DRP provided a letter of no objection on February 1, 2021.

The Division of Historical Resources (DHR) reviewed the project and stated that the project is unlikely to affect historic properties. However, as unexpected finds may occur during ground disturbing activities, a special condition will be added to the easement for DHR to be contacted should prehistoric or historic artifacts be found.

Avoidance:

There is no alternative route that would align with the existing easement south of the River. Moving the boring location further north was investigated but they are at their maximum span length. The Applicant has determined the best route to accomplish undergrounding these facilities would be to follow the existing distribution line and head directly south through the state park instead of keeping the existing alignment where the transmission line veers off to the west and crosses over the Park's boat launching facilities. The proposed amendment to the existing easement will benefit the Park, its visitors and the Applicant by placing overhead high wires underground out of sight of the campground, recreational facilities and the River. The existing facilities cross over the Park's boat launch facilities and through sensitive mangrove

areas. Eliminating the overhead facilities from this alignment and upgrading them with new underground facilities will reduce the number of structures on State Lands.

Minimizing Impacts:

The proposed re-alignment would limit the Applicant's underground run to a practical distance. It also allows the Applicant to terminate the underground line on their property south of the River crossing. The Applicant has minimized the footprint by eliminating the need to replace poles in mangrove areas, thus reducing impacts related to construction activities. The portion of existing overhead lines to be re-aligned will be removed from the Park by the Applicant.

The gopher tortoise is the primary species of concern within the requested easement area. The Applicant will be required to conduct a survey to identify any gopher tortoise located within the easement area and relocate any tortoise found to a different location within the Park.

Compensation:

An easement fee will be paid by the Applicant based on the appraised market value. Pursuant to F.S. 253.02(4), replacement lands shall be sought by the Applicant at 1.5 times the size of the easement area. If replacement lands are not available or are un-obtainable, the Applicant will pay to the applicable land manager an amount equaling two times the appraised value of the easement area.

DSL STAFF RECOMMENDATION:

Approve the easement.

ARC RECOMMENDATION:

☐ **APPROVE**

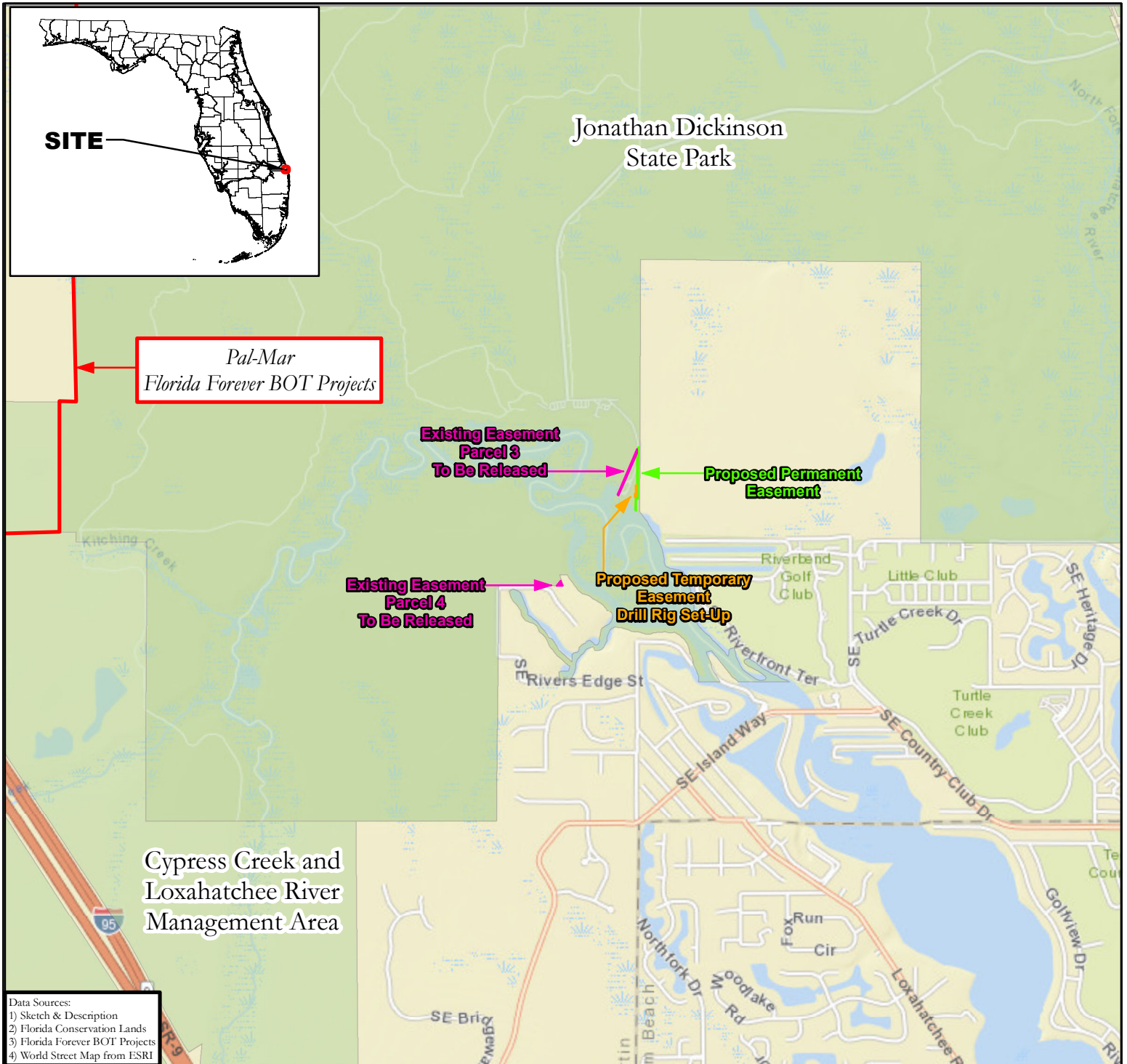
☐ **APPROVE WITH MODIFICATIONS:** _____

☐ **DEFER**

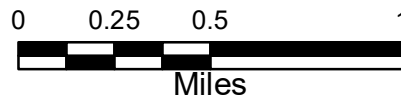
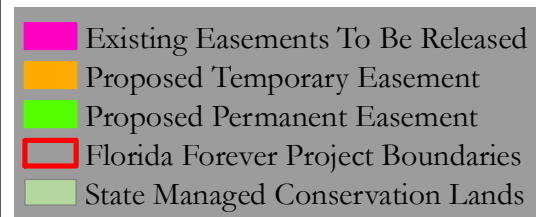
☐ **WITHDRAW**

☐ **NOT APPROVE**

☐ **OTHER** _____



Data Sources:
1) Sketch & Description
2) Florida Conservation Lands
3) Florida Forever BOT Projects
4) World Street Map from ESRI

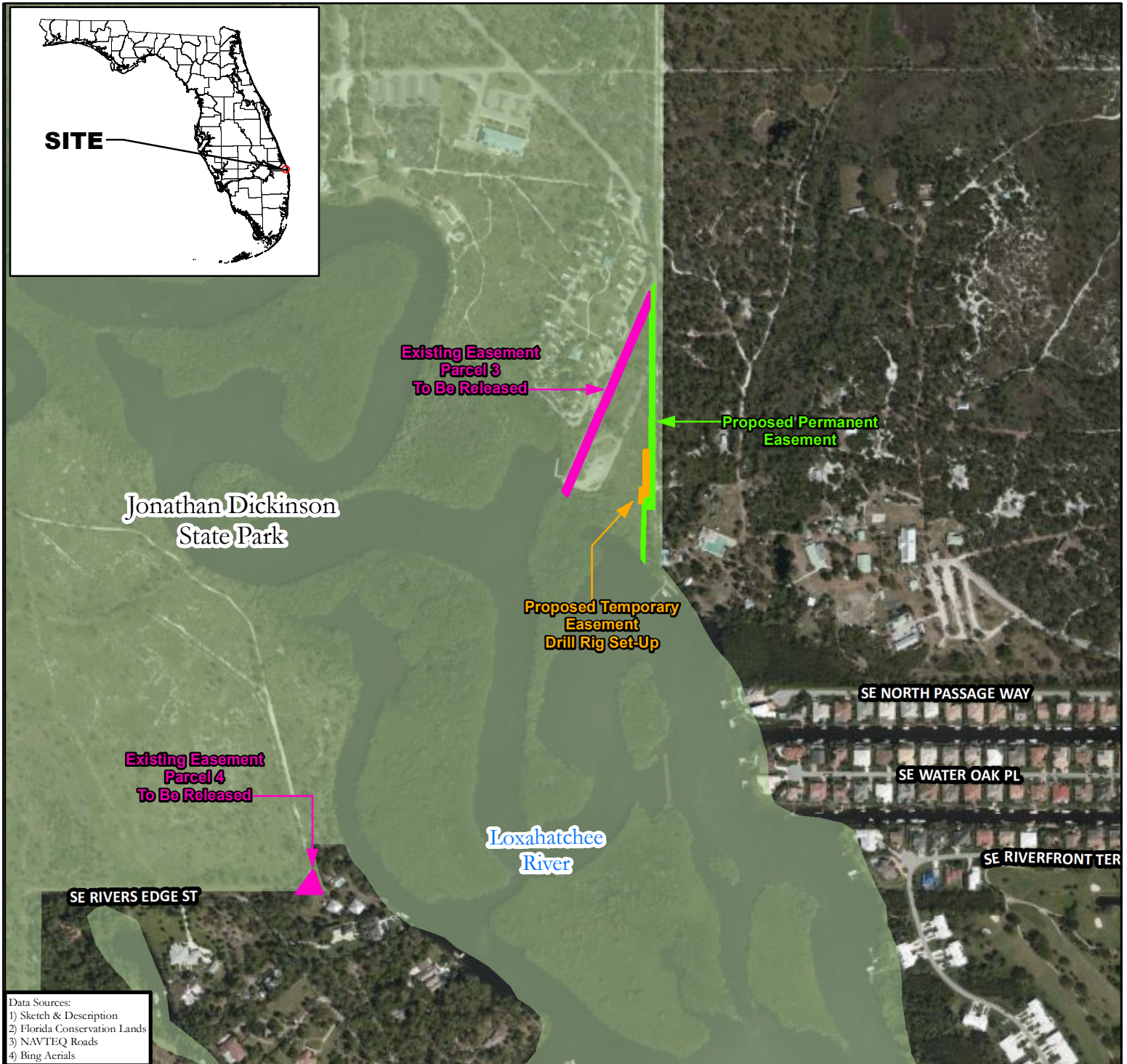


Easement No. 9575 – Amendment

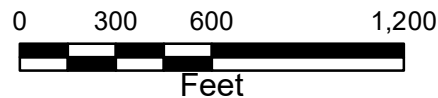
Martin County, Florida

June 2021 ARC Meeting

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- Existing Easements To Be Released
- Proposed Temporary Easement
- Proposed Permanent Easement
- State Managed Conservation Lands



Easement No. 9575 – Amendment

Martin County, Florida



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

Jay Sircy
Bureau of Public Land Administration, M.S. 130
DEP-Division of State Lands
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

April 9, 2021

RE: DHR Project File No.: 2021-1919, Received by DHR: March 5, 2021
Project: AMENDMENT TO EASEMENT 9575 FPL
County: Martin

Dear Mr. Sircy:

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

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

- If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

If you have any questions, please contact Michael DuBose, Historic Sites Specialist, by email at Michael.DuBose@dos.myflorida.com or telephone at 850.245.6342.

Sincerely,


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
850.245.6300 • 850.245.6436 (Fax) • FLHeritage.com



FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

February 1, 2021

Ms. Eleanor Taft, Assistant General Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

RE: Jonathan Dickinson State Park
FP&L amendment to existing easement

Dear Ms. Taft:

The Florida Department of Environmental Protection, Division of Recreation and Parks (DRP), is issuing our managing agency review letter based on completion of our review of Florida Power & Light Company's (GRANTEE) request to utilize a certain portion of Jonathan Dickinson State Park, Lease No. 3628.

After reviewing your request, DRP finds that your proposed activity does not have any known adverse impacts on the resources of the Park. You have requested to amend your existing easement to re-route and underground the existing transmission facilities crossing the Loxahatchee River at the Park. **This letter addresses only those upland portions of the project.** DRP has determined that it has no objection to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (GRANTOR) issuing the necessary authorization to Florida Power & Light Company (GRANTEE) to use a certain portion of the Park, as depicted on the attached Exhibit "A", provided that GRANTEE agrees to employ best management practices, including, but not limited to complying with the following special conditions:

1. By issuance of this easement, DRP acknowledges that the County has fully satisfied the "Additional Compensation" obligation to provide in-kind goods to the Jonathan Dickinson State Park in the amount of \$ _____, in accordance with the Board of Trustee's Linear Facilities Policy dated January 23, 1996. **Additional Compensation will only apply to those new areas of construction.** (*amount to be determined by Division of State Lands*)

Ms. Eleanor Taft
Page Two
February 1, 2021

2. GRANTEE shall contact the Florida Department of State, Division of Historical Resources (DHR), at (850) 245-6333 to determine if a certified archaeological monitor is required to be on-site during any ground-disturbing activities. Further, GRANTEE shall provide written confirmation to the Park Manager that the aforementioned determination from DHR has been obtained. Should such a monitor be required to be on site, GRANTEE shall provide one at GRANTEE'S sole cost and expense.
3. GRANTEE shall pay maintenance, repair, and/or replacement costs for any adverse impacts the proposed activities may have on the park resources, facilities, infrastructure or other improvements should DRP determine such impacts are a result of GRANTEE'S actions pertaining to this easement.
4. GRANTEE shall coordinate all scheduled maintenance activities with the Park Manager or his/her designee and obtain his/her prior approval. At the discretion of the Park Manager or his/her designee, such coordination may require an on-site meeting. In the event of any emergency repairs or maintenance activities, GRANTEE shall inform the Park Manager or his/her designee of such emergency within an hour of addressing the emergency, if possible.
5. GRANTEE acknowledges and understands that prescribed burning is a land management practice used by the Division of Recreation and Parks to effectively manage natural resources at the Park. Prescribed burning may result in fire or smoke within or surrounding the authorized use area. GRANTEE assumes all responsibility for ensuring that the GRANTEE'S improvements within the authorized use area are designed, constructed, operated and maintained in a manner compatible with prescribed burning practices at the Park. GRANTEE agrees to cooperate fully with the Park Manager, or his/her designee, to ensure that the design, maintenance, and use of the area doesn't prevent or adversely affect the Park Manager's or his/her designee's ability to conduct periodic prescribed fires in the Park and/or within the authorized use area. This includes, but may not be limited to, all measures necessary to maximize safety such as not interfering with posted smoke signage, traffic control, and possible temporary closure of authorized area to pedestrian and vehicular traffic. The Park Manager or his/her designee will notify the GRANTEE prior to

Ms. Eleanor Taft
Page Three
February 1, 2021

any prescribed fire activity on or near the area and limit all temporary closures to the minimum duration possible for public safety.

6. GRANTEE shall undertake all work outside of park quiet hours which are between 11:00 p.m. and 7:00 a.m.
7. GRANTEE shall ensure that all gopher tortoises that are located within the park boundary, remain at the Park, and not be relocated off site.
8. GRANTEE shall place signs informing the park visitors of the construction areas and timeframes for completion. Location of the signs will be coordinated with the Park Manager.

Sincerely,

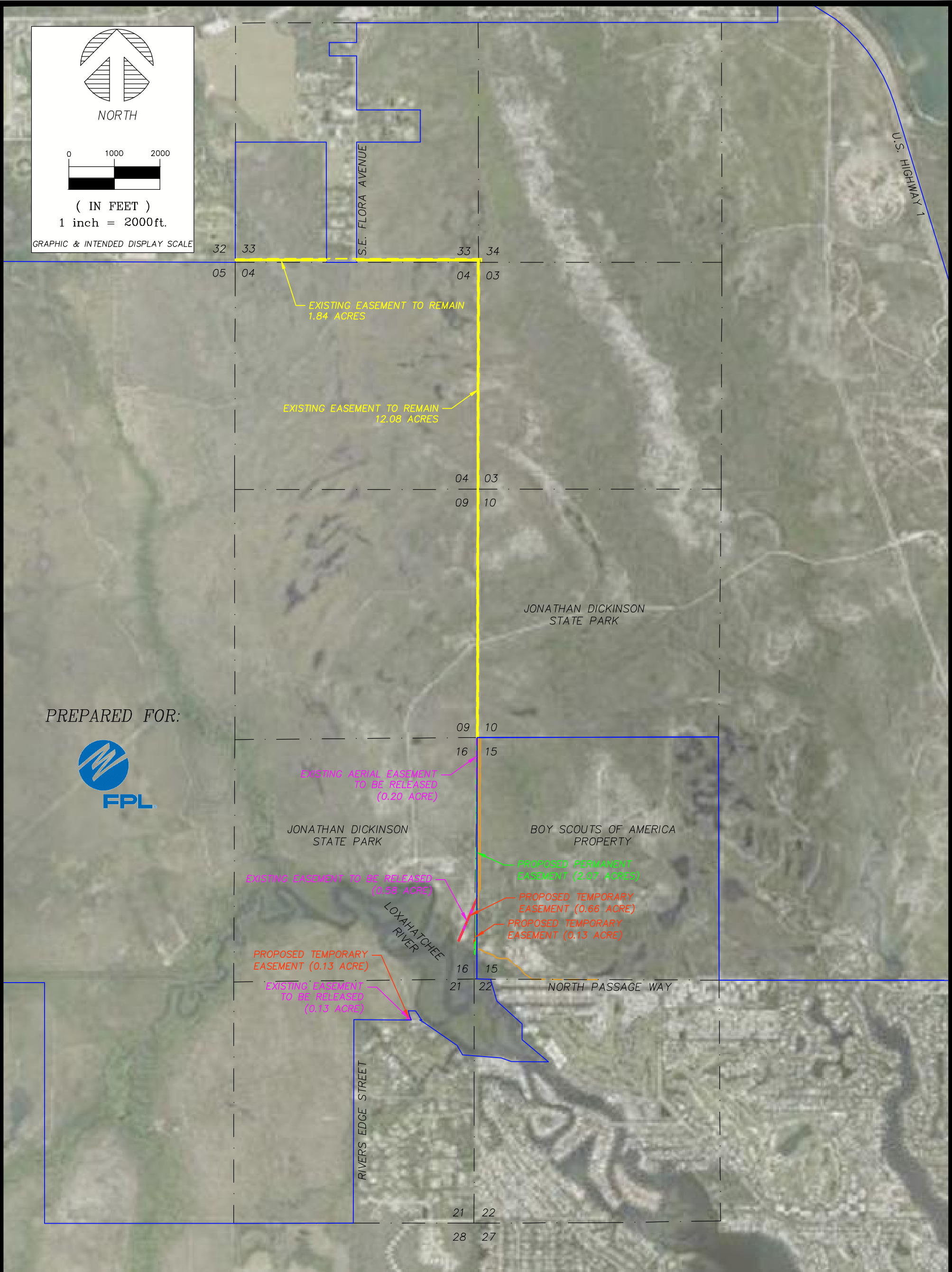


Diane Martin
Planning Manager
Office of Park Planning

DM/gd

attachments

cc: Steven Cutshaw
Kevin Jones
Ernest Cowan
John Lakich
Jill Watson
Michelle Stevens



LEGEND	
	PARK BOUNDARY
	SECTION LINES
	EXISTING EASEMENT (BOY SCOUTS)
	PROPOSED PERMANENT EASEMENT (2.07 ACRES)
	PROPOSED TEMPORARY EASEMENT (0.92 ACRE TOTAL)
	EXISTING EASEMENTS TO BE RELEASED (0.91 ACRE TOTAL)
	EXISTING EASEMENTS TO REMAIN (13.92 ACRES TOTAL)

PROPOSED EASEMENTS

JONATHAN DICKINSON STATE PARK

PREPARED FOR: FLORIDA POWER & LIGHT

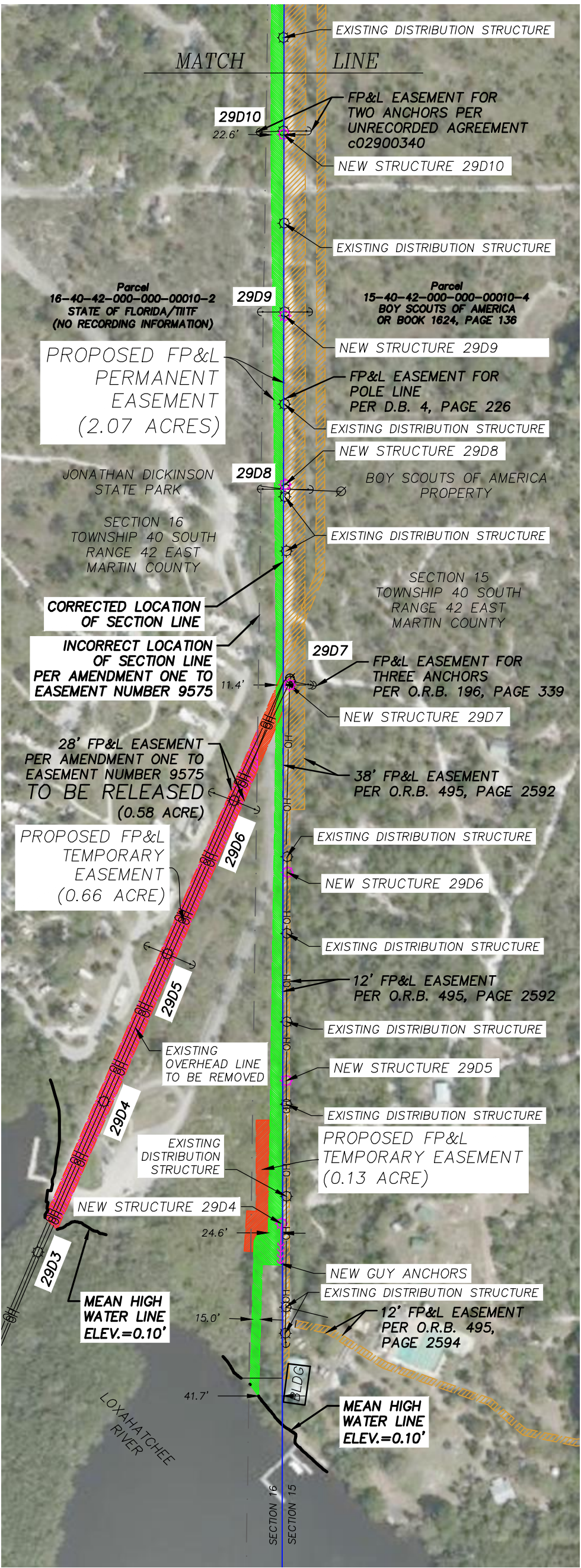
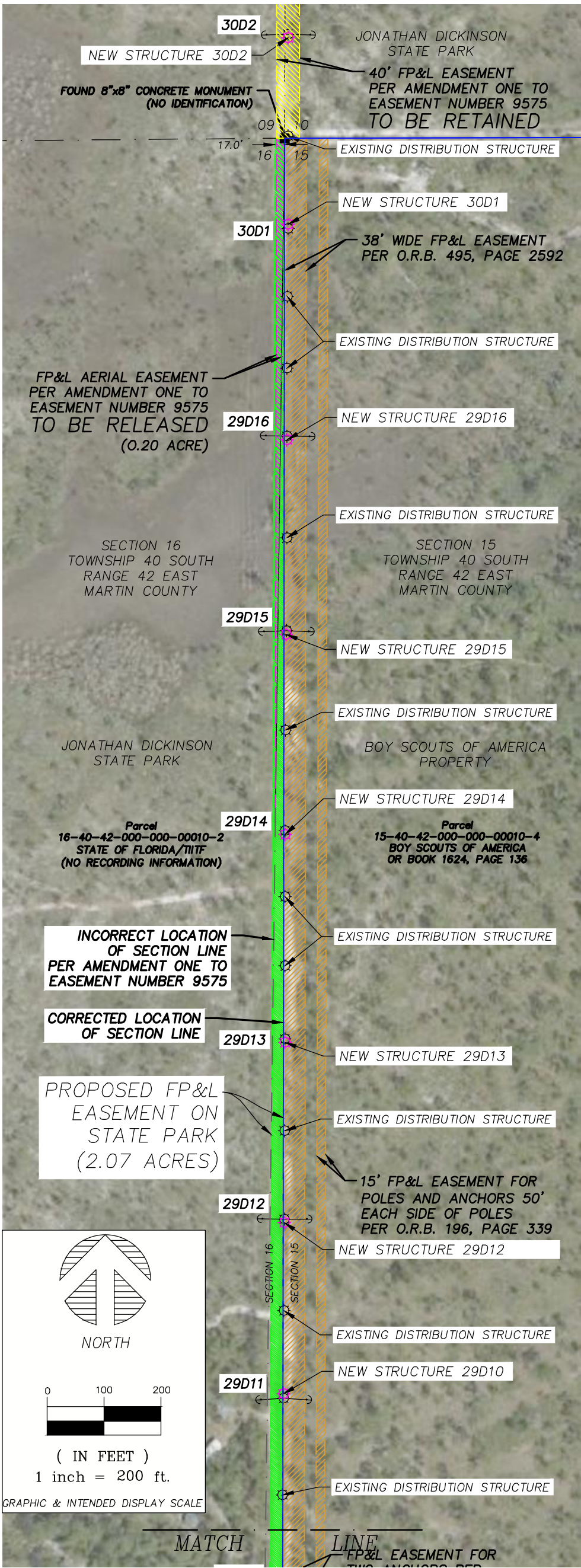
PICKETT
SURVEYING • ENGINEERING

PICKETT AND ASSOCIATES, INC.
475 SOUTH FIRST AVENUE
BARTOW, FLORIDA 33830
PHONE: (863)-533-9095
FAX: (863)-534-1464
LICENSED BUSINESS No. LB364

Sheet No. 1 of 1	Project No.: 18502	Horiz. Scale: 1" = 2000'	Drawing Name: 18502-PE6
Drawn by: ND	Drawing No.: SD 5590	Field Book N/A, Page N/A	

CONCEPTUAL
PLAN

THIS IS NOT A
SURVEY



LEGEND

- PARK BOUNDARY
- SECTION LINES
- EXISTING EASEMENT (BOY SCOUTS)
- PROPOSED PERMANENT EASEMENT (2.05 ACRES)
- PROPOSED TEMPORARY EASEMENT (0.80 ACRE TOTAL)
- EXISTING EASEMENTS TO BE RELEASED (0.91 ACRE TOTAL)
- EXISTING EASEMENTS TO REMAIN (13.92 ACRES TOTAL)

PROPOSED EASEMENTS

JONATHAN DICKINSON STATE PARK

PREPARED FOR: FLORIDA POWER & LIGHT



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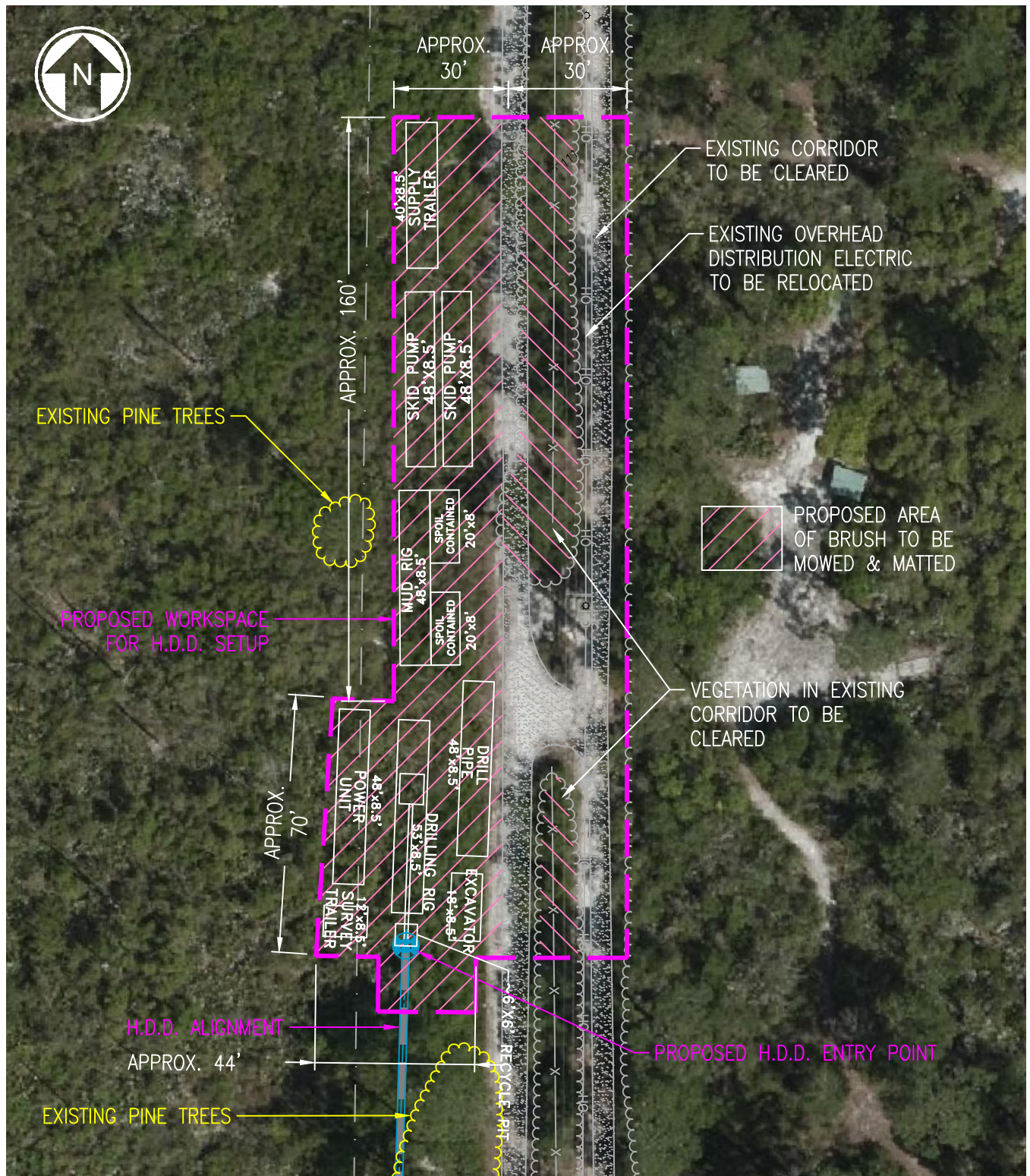
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Drawn by: ND	Drawing No.: SD 5590	Field Book N/A, Page N/A	

CONCEPTUAL
PLAN

THIS IS NOT A
SURVEY

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0	ISSUED FOR CONSTRUCTION	12/03/2020	GAS	KMM	MRM	
REV	REVISIONS	DATE	DRN	DSGN	CKD	APPD



0 40 FEET
HORIZONTAL SCALE 1" = 40'

157707 Jupiter-Olympia T23119 EX-1 2020-11-30.dwg

DSGN	KMM	12/03/2020
DRN	GAS	12/03/2020
CKD	MRM	12/03/2020
SCALE: 1"=40'		
FOR 8.5x11 DWG ONLY		

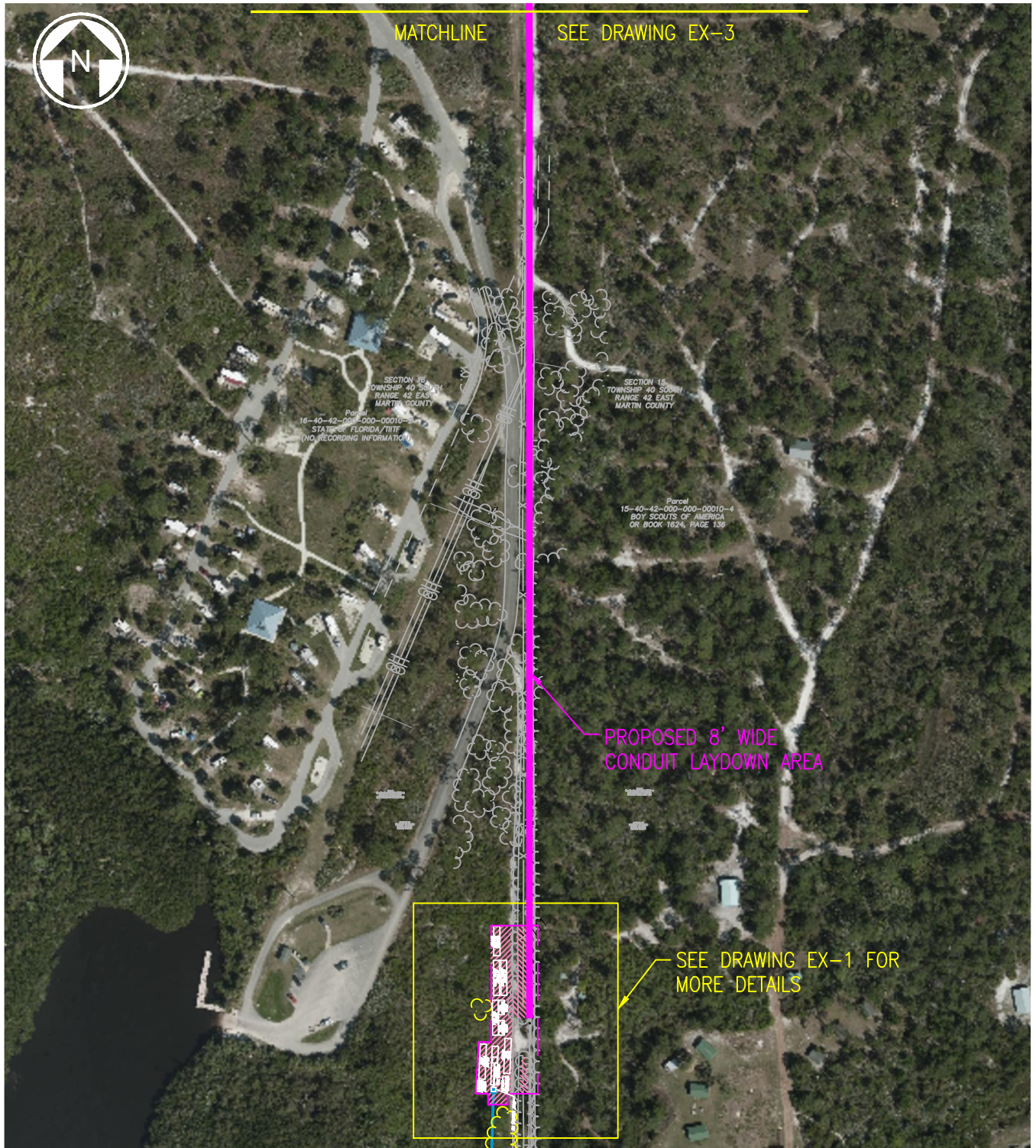


FLORIDA POWER & LIGHT
138kV UNDERGROUND TRANSMISSION LINE
JUPITER TO OLYMPIA - T23119
CLEARING EXHIBIT

JOB NUMBER	REV
157707	0
DRAWING NUMBER	
EX-1	

THIS DRAWING WAS PREPARED BY POWER ENGINEERS, INC. FOR A SPECIFIC PROJECT, TAKING INTO CONSIDERATION THE SPECIFIC AND UNIQUE REQUIREMENTS OF THE PROJECT. REUSE OF THIS DRAWING OR ANY INFORMATION CONTAINED IN THIS DRAWING FOR ANY PURPOSE IS PROHIBITED UNLESS WRITTEN PERMISSION FROM BOTH POWER AND POWER'S CLIENT IS GRANTED.

A	ISSUED FOR REVIEW	12/04/2020	KMM	KMM	MRM
REV	REVISIONS	DATE	DRN	DSGN	CKD
					APPD



Know what's below.
Call before you dig.

0 200 FEET



HORIZONTAL SCALE 1"= 200'

		DSGN	KMM	12/04/2020
		DRN	KMM	12/04/2020
		CKD	MRM	12/04/2020
		SCALE: 1"=200'		
REFERENCE DRAWINGS		FOR 8.5x11 DWG ONLY		

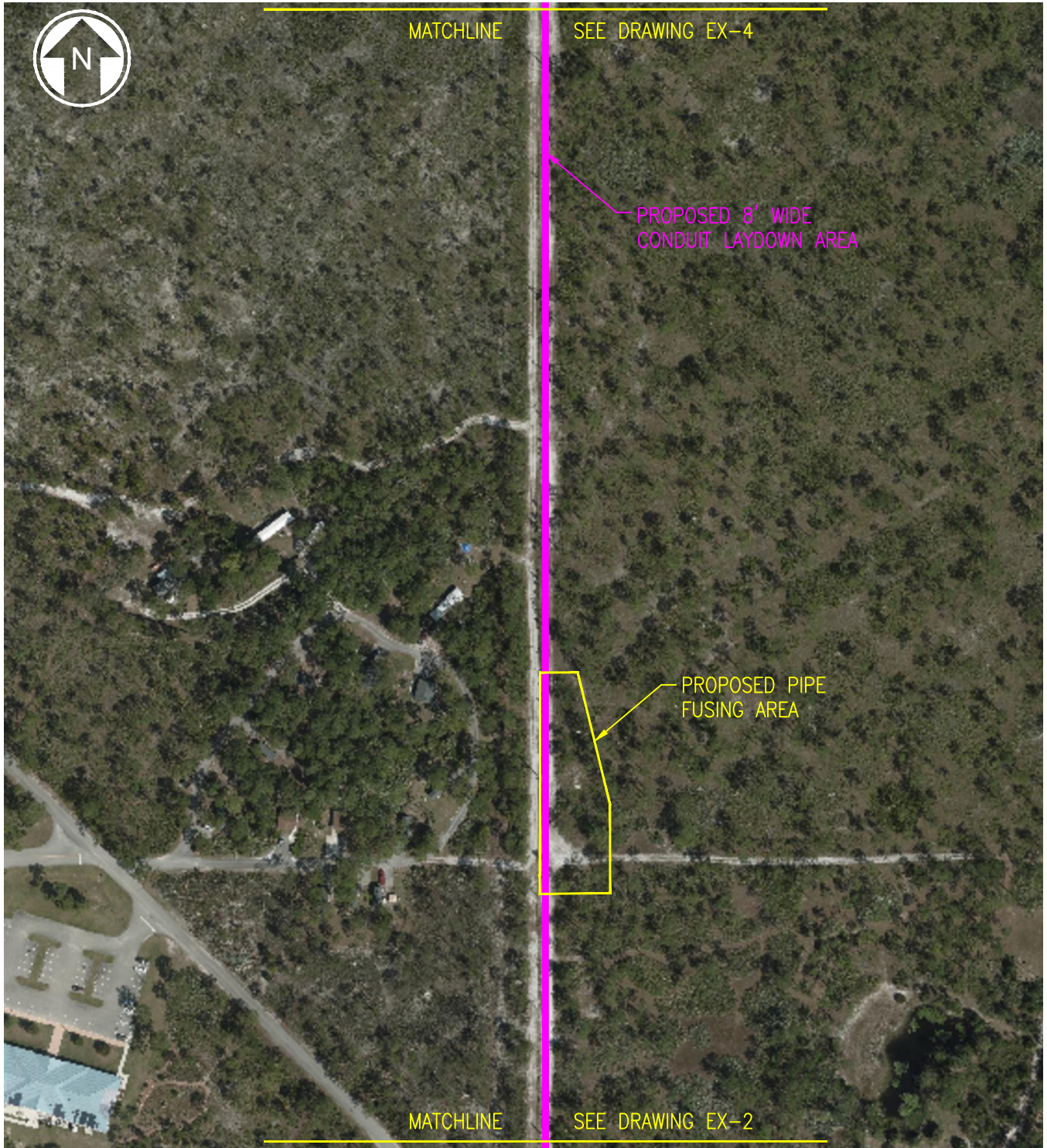


FLORIDA POWER & LIGHT		JOB NUMBER	REV
138kV UNDERGROUND TRANSMISSION LINE		157707	A
JUPITER TO OLYMPIA - T23119 PIPE LAYDOWN EXHIBIT		DRAWING NUMBER	
		EX-2	

Pipe Laydown Exhibit.dwg

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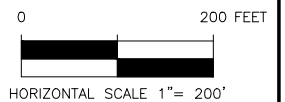
A	ISSUED FOR REVIEW	12/04/2020	KMM	KMM	MRM	
REV	REVISIONS	DATE	DRN	DSGN	CKD	APPD




Pipe Laydown Exhibit.dwg



Know what's below.
Call before you dig.



		DSGN	KMM	12/04/2020		FLORIDA POWER & LIGHT	JOB NUMBER	REV
		DRN	KMM	12/04/2020		138kV UNDERGROUND TRANSMISSION LINE	157707	<div>A</div>
		CKD	MRM	12/04/2020		JUPITER TO OLYMPIA – T23119 PIPE LAYDOWN EXHIBIT	DRAWING NUMBER	
REFERENCE DRAWINGS		SCALE: 1"=200'		FOR 8.5x11 DWG ONLY		EX-3		

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A	ISSUED FOR REVIEW	12/04/2020	KMM	KMM	MRM	
REV	REVISIONS	DATE	DRN	DSGN	CKD	APPD




Know what's below.
Call before you dig.

0 200 FEET



HORIZONTAL SCALE 1"= 200'

		DSGN	KMM	12/04/2020		FLORIDA POWER & LIGHT	JOB NUMBER	REV
		DRN	KMM	12/04/2020		138kV UNDERGROUND TRANSMISSION LINE	157707	A
		CKD	MRM	12/04/2020		JUPITER TO OLYMPIA - T23119 PIPE LAYDOWN EXHIBIT	DRAWING NUMBER	
		SCALE: 1"=200'					EX-4	
REFERENCE DRAWINGS		FOR 8.5x11 DWG ONLY						

Pipe Laydown Exhibit.dwg

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.

Jonathan Dickinson State Park was acquired in 1947 with "Old money", project is within original acquisition boundary.

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.

Public outdoor recreation and related purposes.

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

Full-service resource-based recreation. Project area is near the park boat ramp, river campground, and cabin loop. Project area is along the park boundary with Camp Tanah-Keetah (Boy Scouts of America)

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

Project is located on or adjacent to mesic and scrubby flatwoods. The construction area is small but is part of a larger 2.3 acre parcel of flatwoods that is bounded by the property boundary to the east (Boy Scout Camp), the river boat ramp parking lot to the west, and to the south by the floodplain of the Loxahatchee River. Generally, the larger area around impact is semi-developed because it is adjacent to the River Campground, boat ramp, and the Boy Scout's boat house and main use area.

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

Primary species of concern is the gopher tortoise. It's possible that gopher frogs are living commensally in the burrows. Gopher tortoises and commensals will be relocated onsite either by backhoe or bucket trap removal. A small amount (several individuals) of the state threatened scrub mint, *Conradina grandiflora* was found onsite in a walk through.

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

No recorded sites in proposed project area, however, proximity to the Loxahatchee River would rank as high probability. DHR was consulted and a 1A-32 has been issued to FPL's archaeological contractor for survey and monitoring of the project area.

- 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 is no alternative route that would align with the FPL easement south of the River. Moving the boring location further north was investigated but they are at their maximum span length. Status quo would leave high-lines over Loxahatchee River which are more susceptible to storm damage, difficult to access, and unsightly for Wild and Scenic designation.

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.

Temporary impacts to flora and fauna in project layout area. Temporary impacts to recreation include increased noise adjacent to river campground and cabins, and increased truck traffic on park drive. Long term benefit to viewshed with removal of high-lines over the Loxahatchee River.

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.

Minimal. This is a realignment. There will be temporary impacts to flora and fauna during and after construction.

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.

This is a realignment of the FPL transmission line. The overhead high wires will be placed underground and away from River Campground and recreational facilities. This will be beneficial for hardening during tropical events and it will visually enhance the viewshed on the Wild and Scenic Loxahatchee River by removing the powerlines that cross overhead. The overhead powerlines will be removed adjacent to the River Campground and the FPL easement there will be abandoned back to the park.

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.