

APPENDIX B

CORRESPONDENCE

SHPO CORRESPONDENCE



FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. David C. Gibbs
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, FL 32303

June 27, 2007

RE: DHR Project File Number: 2007-5191
Received by DHR: May 6, 2007
Project: *Cultural Resource Assessment Survey, Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study*
County: Orange, Lake, and Seminole

Dear Mr. Gibbs:

Our office received and reviewed the above referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended, 36 CFR Part 800: Protection of Historic Properties, and Chapter 267, Florida Statutes. It is the responsibility of the State Historic Preservation Officer to advise and assist, as appropriate, Federal and State agencies in carrying out their historic preservation responsibilities; to cooperate with agencies to ensure that historic properties are taken into consideration at all levels of planning and development; and to consult with the appropriate agencies in accordance with the National Historic Preservation Act of 1966 as amended, on undertakings that may affect historic properties and the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties.

Results of the survey identified one previously recorded historic resource (8OR7946) and 14 newly recorded historic resources (8OR6197-6198, 8OR6232, 8SE1953, 8SE1955, 8SE2191-2193, and 8LA3409-3414). One newly recorded archaeological site (8LA3353) was also identified. Our office concurs that two of the resources, the *Paul Bock House* (8OR7946) and *43 Rainey Road* (8OR6232) are potentially eligible for listing in the National Register of Historic Places. We also agree that 11 of the remaining resources (8OR6197, 8SE1953, 8SE1955, 8SE2191-2193, and 8LA3409-3413) are ineligible for listing. We request the following additional information on the remaining resources:

- **Seaboard Coast Line Railway (8LA3414).** Please provide more details and photographs regarding the integrity of the segment within the area of potential effect.
- **2424 Boch Road (8OR6198).** This building's form is consistent with an original function such as a school or church. Additional research should be conducted to determine the building's original use and to uncover any possible historical associations. Also, please submit additional photographs that show all elevations.

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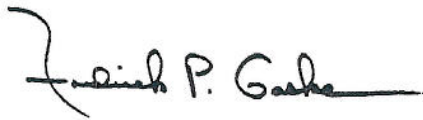
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Mr. David C. Gibbs
June 27, 2007
Page 2

- **6229 Plymouth-Sorrento Road.** Because this building is located directly within the project limits, our office should be consulted about the potential eligibility of this house when the property becomes accessible.
- **Gravestone of Anthony Frazier.** Please record this object on a Florida Master Site File.

We look forward to further consultation with your office regarding this project. If you have any questions, please contact Sherry Anderson, Architectural Historian, Transportation Compliance Review Program, by email sanderson@dos.state.fl.us, or at 850-245-6432.

Sincerely,

A handwritten signature in black ink, appearing to read "Frederick P. Gaske", with a long horizontal flourish extending to the right.

Frederick P. Gaske, Director, and
State Historic Preservation Officer

XC: Bob Gleason, FDOT, District Five
Mark Callahan, CH2M Hill
Ken Hardin, Janus Research
Marion Almy, ACI



FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. David C. Gibbs
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, FL 32303

October 10, 2007

RE: DHR Project File Number: 2007-5191 (b)
Received by DHR: May 6, 2007; additional information received September 11, 2007
Project: *Cultural Resource Assessment Survey, Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study*
County: Orange, Lake, and Seminole

Dear Mr. Gibbs:

We have received and thank you for the additional information regarding the *Seaboard Coast Line Railway* (8LA3414), *2424 Boch Road* (8OR6198), and the *Gravestone of Anthony Frazier* (8OR9251). Our office concurs that 8OR6198 and 8OR9251 are ineligible for listing in the National Register of Historic Places. It appears that there are enough intact portions of the *Seaboard Coast Line Railway*, both inside and outside the area of potential effect, to convey its significance in the areas of community planning and development and transportation. Based on the minimum criteria for listing under "Florida's Historic Railroad Resources" Multiple Property cover nomination, this resource appears to be potentially eligible.

Although surveyors could not access 6229 Plymouth-Sorrento Road, this property will need to be evaluated if it is going to be affected by the project. We look forward to further consultation with your office regarding this project. If you have any questions, please contact Sherry Anderson, Architectural Historian, Transportation Compliance Review Program, by email sanderson@dos.state.fl.us, or at 850-245-6432.

Sincerely,

Frederick P. Gaske, Director, and
State Historic Preservation Officer

XC: Bob Gleason, FDOT, District Five
Mark Callahan, CH2MHill
Amy Streelman, Janus Research

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FLORIDA DEPARTMENT OF STATE

Kurt S. Browning

Secretary of State

DIVISION OF HISTORICAL RESOURCES

Mr. David C. Gibbs
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, FL 32303

March 6, 2008

RE: DHR Project File Number: 2008-964
Project: *Additional Information related to the Cultural Resource Assessment Survey, Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study*
Counties: Orange, Lake, and Seminole

Dear Mr. Gibbs:

According to information received and as well as a review of available records, it appears that the majority of the *Seaboard Coast Line Railway* (8LA3414) east of U.S. 441 to Sanford has lost its historic integrity. Some of the segment has been destroyed by the construction of I-4 near Sanford and some of it has been incorporated into a rails to trails project. The rails have been removed throughout most of the remaining portion east of U.S. 441. Consequently, our office concurs that this portion of the former *Sanford to Lake Eustis Railroad* is ineligible for listing in the National Register of Historic Places. The railroad west of U.S. 441 is not a part of this evaluation and additional information would be needed to assess this section. It should also be noted that there appears to be a railroad trestle over U.S. 441 located within this project's area of potential effect. It is unclear if this resource is historic but our office requests that the trestle be recorded and evaluated if over 50 years of age.

Concerning the *Paul Bock House*, it is our understanding that a case study is currently being conducted and we look forward to continuing consultation on this resource. If you have any questions, please contact Sherry Anderson, Architectural Historian, Transportation Compliance Review Program, by email sanderson@dos.state.fl.us, or at 850-245-6432.

Sincerely,

Frederick P. Gaske, Director, and
State Historic Preservation Officer

XC: Bob Gleason, FDOT, District Five
Amy Streelman, Janus Research

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U.S. Department
of Transportation

**Federal Highway
Administration**

Florida Division

545 John Knox Road, Suite 200
Tallahassee, Florida 32303

(850) 942-9650

April 10, 2008

In Reply Refer To: HPO-FL
Wekiva Parkway (SR 429)/
SR 46 Realignment PD&E
Study State # 238275

Mr. Frederick P. Gaske, Director
State Historic Preservation Officer
Division of Historical Resources
500 South Bronough Street
Tallahassee, FL 32399-0250

Dear Mr. Gaske:

Please find enclosed the response document (Memorandum) containing the additional information requested in the Wekiva Parkway (SR 429)/ SR 46 Realignment PD&E Study in Orange, Lake and Seminole Counties, Financial Project ID: 238275-1-22-01 and 240200-1-22-01, DHR # 2007-5191 (b) SHPO letter to FHWA dated October 10, 2007 (Enclosure A). The requested items include additional photographs and information regarding the significance of the following resources.

Paul Bock House (8OR7949)

Per SHPO letter dated (June 27, 2007), this resource is potentially eligible for *National Register of Historic Places (NRHP)* listing. The proposed improvement will have no direct impact to contributing structures; direct impact to non-historic outbuilding; and direct impact to land formerly citrus groves (about 10 acres). (See enclosure B for Plan Sheet). It is our intent to proceed with the preparation of the Section 106 Case Study for the Bock House.

Former Seaboard Coast Line Railroad Corridor (8LA3414)

The portion of the railroad within the Area of Potential Effect (APE) should be considered ineligible for *NRHP* listing. (See enclosure C for Plan Sheet). We would like to request concurrence from SHPO regarding the SCL Railroad Corridor.

6229 Plymouth Sorrento Road (See Attachment D for Plan Sheet)

Regarding the property at 6229 Plymouth Sorrento Road (the "Strite House"), the property owner was successfully contacted, and an evaluation of the potential resource was scheduled for February 20, 2007. It is our intent to document the evaluation for SHPO's review and determination of eligibility for *NRHP* listing, which will be submitted in a separate letter.

Please contact me at (850) 942-9650 Ext. 3041 if there are any questions.

Sincerely,

/s/ Michael Loyselle

For: James Christian
Acting Division Administrator

Enclosures

cc: Mr. Bob Gleason, FDOT District 5
**AMERICAN
ECONOMY**

Received

APR 14 2008

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of Transportation

**Federal Highway
Administration**

Florida Division

**545 John Knox Road, Suite 200
Tallahassee, Florida 32303**

(850) 942-9650

April 10, 2008

In Reply Refer To: HDA-FL
Final CRAS on Wekiva Parkway
(SR 429)/SR 46 Realignment
PD&E, # 238275 and 240200

Mr. Frederick P. Gaske, Director
State Historic Preservation Officer
Division of Historical Resources
500 South Bronough Street
Tallahassee, FL 32399-0250

Dear Mr. Gaske:

The Federal Highway Administration, Florida Division Office, in cooperation with District Five of the Florida Department of Transportation (FDOT) and the Orlando-Orange County Expressway Authority (OOCEA), herewith transmit the below listed enclosures for review and comment by the State Historic Preservation Officer (SHPO). Concerning the *Cultural Resource Assessment Survey Addendum – Final on the Wekiva Parkway* (SR 429)/SR 46 Realignment PD&E Study in Orange, Lake and Seminole Counties, Financial Project ID: 238275-1-22-01 and 240200-1-22-01, DHR Project File Numbers: 2007-5191 and 2008-964. The enclosures are:

- Cultural Resource Assessment Survey (CRAS) Addendum – 1 copy (final report)
- Digital photos for the Florida Master Site File (FMSF) – 1 CD
- Strite House digital photos for Determination of Eligibility (DOE) – 1 CD

We appreciate your review of these materials and look forward to receiving the SHPO opinion on the Strite House (8OR9844) as soon as possible. As your staff is aware, FDOT and OOCEA have started the Section 106 consultation and case study process for the Bock House (8OR7946). Based on a site survey, we presume the Strite House should be included in that process, and FDOT and OOCEA are proceeding accordingly.

Please contact me at (850) 942-9650 Ext. 3041 if there are any questions.

Sincerely,

/s/ Michael Loyselle

For: James Christian
Acting Division Administrator

Enclosures:

Cc: Mr. Bob Gleason, FDOT District Five

Received

APR 14 2008

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FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

May 19, 2008

Mr. James Christian
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, FL 32303

RE: DHR Project File Number: 2008-3009
Received by DHR: April 14, 2008
Project: *Addendum Cultural Resource Assessment Survey (CRAS) Wekiva Parkway/SR 46 Realignment*
Financial Project ID Numbers: 238275-1-22-02 and 240200-1-22-01
Counties: Orange, Lake and Seminole

Dear Mr. Christian:

Our office reviewed this project in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended, 36 CFR Part 800: Protection of Historic Properties, and Chapter 267, *Florida Statutes*. It is the responsibility of the State Historic Preservation Officer to advise and assist, as appropriate, Federal and State agencies in carrying out their historic preservation responsibilities; to cooperate with agencies to ensure that historic properties are taken into consideration at all levels of planning and development; and to consult with agencies in accordance with the National Historic Preservation Act of 1966 as amended, on undertakings that may affect historic properties and the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties.

One archaeological site (8LA3585) and nine buildings (8LA3581-3583, 8OR7943, 8OR6226-6229, and 8OR9844) were recorded as a part of this addendum. The *Strite House* (8OR9844) is considered to be potentially eligible for listing in the National Register of Historic Places. The remaining resources are ineligible. Our office concurs with these findings and looks forward to further consultation regarding the *Strite House* as well as the *Bock House*, which was identified in the original CRAS. Please note that 23 *Rainey Road* (8OR6232), also identified in the original CRAS as potentially eligible, is no longer in the project's area of potential effect. If you have any questions, please contact Sherry Anderson, Architectural Historian, Transportation Compliance Review Program, by email sanderson@dos.state.fl.us or at 850-245-6432.

Sincerely,

Frederick P. Gaske, Director, and
State Historic Preservation Officer

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Florida Division

545 John Knox Road, Suite 200
Tallahassee, Florida 32303

(850) 942-9650

August 15, 2008

In Reply Refer To: ENV-FL
Section 106 Determination of Effects Case Study Report
Wekiva Parkway (SR 429)/SR 46 Realignment
Financial Project ID: 238275 1 22 01 and 240200 1 22 01
DHR Project File Number: 2008-3009

Mr. Frederick Gaske
State Historic Preservation Officer
R. A. Gray Building,
500 S. Bronough Street
Tallahassee, FL 32399-0250

Attention: Compliance Review

Dear Mr. Gaske:

Enclosed for Florida Department of State, Division of Historical Resources review and comment are two (2) copies of the subject draft *Section 106 Documentation and Determination of Effects Case Study Report*, as required by Section 106 of the National Historic Preservation Act and in compliance with 36 CFR Part 800. The final *Cultural Resource Assessment Survey Addendum* was previously transmitted by this office to the State Historic Preservation Officer (SHPO) on April 10, 2008, and the SHPO provided a review comment letter on May 19, 2008. As a result, this case study report has been prepared for two (2) historic resources potentially eligible for listing in the *National Register of Historic Places (NRHP)*.

The Federal Highway Administration has reviewed the case study report and determined that the preferred alternative will have an adverse effect on two *NRHP* eligible resources – the Paul Bock House (8OR7946) and the Strite House (8OR9844). Pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), we look forward to working with you to continue our consultation to resolve these adverse effects.

District Five of the Florida Department of Transportation and the Orlando-Orange County Expressway Authority have advised us that there is significant local support for advancement of this project into the implementation phases, due in part to the perhaps unprecedented coordination and public involvement effort which occurred prior to and after passage of the 2004 state statute entitled the “Wekiva Parkway and Protection Act”. That support has created impetus to move the recommended Preferred Alternative to public hearing as soon as possible while meeting all NEPA requirements. They have therefore requested an expedited review and would appreciate your opinion on this finding as soon as possible.

Please contact me at (850) 942-9650 Ext. 3012 if there are any questions.

Sincerely,

/s/ Cathy Kendall
For: David C. Gibbs
Acting Division Administrator

Enclosures

cc: Mr. George Ballo, FDOT (CEMO), MS-37
Mr. Bob Gleason, FDOT (District 5)

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AUG 19 2008

**FDOT
Environmental Management**

SEP 17 08 7:12AM



FLORIDA DEPARTMENT OF STATE

Kurt S. Browning

Secretary of State

DIVISION OF HISTORICAL RESOURCES

Mr. David C. Gibbs
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, FL 32303

September 10, 2008

RE: DHR Project File Number: 2008-5789
Project: *Section 106 Determination of Effects, Wekiva Parkway (SR 429)/SR 46 Realignment Project*
Counties: Orange, Lake, Seminole

Dear Mr. Gibbs:

Our office reviewed the above referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended, 36 CFR Part 800: Protection of Historic Properties, and Chapter 267, Florida Statutes. It is the responsibility of the State Historic Preservation Officer to advise and assist, as appropriate, Federal and State agencies in carrying out their historic preservation responsibilities; to cooperate with agencies to ensure that historic properties are taken into consideration at all levels of planning and development; and to consult with the appropriate agencies in accordance with the National Historic Preservation Act of 1966 as amended, on undertakings that may affect historic properties and the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties.

We concur that the Preferred Alternative (Alternative 1) would have an adverse effect on the *Paul Bock House* (8OR7946) and the *Strite House* (8OR9844). Please note that the *Strite House* was not identified until 2008 but the Preferred Alternative was chosen in 2007 indicating that this property was not taken into consideration during the decision making process. Alternative 2, which would effectively avoid both houses, appears to be a prudent and feasible alternative when comparing the overall impacts and costs (Exhibit B-3). Furthermore, two Section 106 alternatives, A & B, were developed but excluded because adverse effects could not be eliminated. Minimization efforts combined with mitigation *can* lessen the severity of such impacts and we would like to discuss these options further. Due to the potential impacts to two Section 4(f) properties, our office requests a meeting between the parties. If you have any questions, please contact Sherry Anderson, Architectural Historian, by email sanderson@doh.state.fl.us or at 850-245-6432.

Sincerely,

A handwritten signature in black ink, reading "Frederick P. Gaske".

Frederick P. Gaske, Director, and
State Historic Preservation Officer

XC: Roy Jackson, CEMO, FDOT

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**Federal Highway
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Florida Division

**545 John Knox Road, Suite 200
Tallahassee, Florida 32303**

(850) 942-9650

October 29, 2008

In Reply Refer To: ENV-FL

DHR Project File Number: 2008-5789

Wekiva Parkway (SR 429)/SR 46

Realignment PD&E Study

Orange, Lake, and Seminole Counties

Section 106 Determination of Effects

Mr. Frederick Gaske
State Historical Preservation Officer
Division of Historical Resources
500 South Bronough Street
Tallahassee, FL 32399-0250

Received

OCT 30 2008

FDOT
Environmental Management

Dear Mr. Gaske:

As part of the ongoing Section 106 consultation required by the National Historic Preservation Act for the Wekiva Parkway project, the Federal Highway Administration's (FHWA's) Florida Division Office received correspondence dated September 10, 2008 from the Division of Historical Resources, State Historic Preservation Officer (SHPO) after review of the *Draft Section 106 Determination of Effect Case Study Report* (July 2008). The letter concurs that the recommended Preferred Alternative would have an adverse effect on both the *Paul Bock House* (8OR7946) and the *Strite House* (8OR9844).

We would like to schedule a coordination meeting as soon as possible with the SHPO, District Five of the Florida Department of Transportation, and the Orlando-Orange County Expressway Authority to discuss the potential effects and to address your comments. The purpose of this letter is to confirm the need for additional consultation.

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Mr. Frederick P. Gaske
October 29, 2008

2

Thank you for the continued coordination that the SHPO has provided throughout the Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study. Project staff will be in contact with your office to schedule a consultation meeting and discuss the agenda.

If you have any further questions or would like additional information prior to the consultation meeting, please contact Ms. Cathy Kendall at (850) 942-9650 extension 3012, or Mr. George Hadley at extension 3011.

Sincerely,

/s/Cathy Kendall
For: David C. Gibbs
Acting Division Administrator

Enclosure: SHPO Letter (September 10, 2008)

cc: Ms. Marjorie Bixby, FDOT (CEMO)
Mr. Bob Gleason, FDOT (District 5)



FLORIDA DEPARTMENT OF STATE

Dawn K. Roberts

Interim Secretary of State

DIVISION OF HISTORICAL RESOURCES

Received

JUL 14 2010

FDOT
Environmental Management

July 6, 2010

Ms. Cathy Kendall
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

RE: DHR Project File Number: 2010-2928/Received by DHR: June 11, 2010
Project: *Section 106 Documentation and Determination of Effects Case Study Report for the
Wekiva Parkway (SR 429/SR 46) Realignment Project Development and Environment
(PD&E) Study*
County: Orange, Lake, and Seminole

Dear Ms. Kendall:

This office received and reviewed the above-referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended, 36 CFR Part 800: Protection of Historic Properties, and Chapter 267, *Florida Statutes*. It is the responsibility of the State Historic Preservation Officer to advise and assist, as appropriate, Federal and State agencies in carrying out their historic preservation responsibilities; to cooperate with agencies to ensure that historic properties are taken into consideration at all levels of planning and development; and to consult with the appropriate agencies in accordance with the National Historic Preservation Act of 1966 as amended, on undertakings that may affect historic properties.

This project proposes to construct the Wekiva Parkway (SR 429) as a limited-access expressway that will complete the Western Beltway (SR 429), a regional transportation corridor around the Orlando Metropolitan area, linking I-4 (SR 400) in Osceola County to I-4 (SR 400) in Seminole County. Cultural Resource Assessment Surveys undertaken in 2007 and 2008 resulted in the identification of two significant historic properties within the project's area of potential effects (APE) – the Paul Bock House (8OR7946) and the Strite House (8OR9844). Because the project would likely have an adverse effect on the National Register of Historic Places (NRHP)-eligible Paul Bock House (8OR7946) and Strite House (8OR9844), the Florida Department of Transportation undertook an effort to develop and evaluate alternatives that could possibly avoid or minimize adverse effects to the historic properties. The submitted revised draft report outlines this effort.

In a letter dated September 10, 2008, this office concurred with the Federal Highway Administration's (FHWA) finding that project's "locally-recommended alternative" (Orange County Alternative 1) would adversely effect [as per 36 C.F.R. Part 800, § 800.5(d)(2)] the NRHP-eligible Paul Bock House and Strite House because the historic integrity of both properties would be greatly compromised as a result of the proposed improvements.

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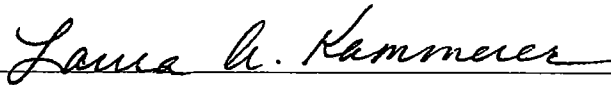
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Ms. Cathy Kendall
DHR Project File Number: 2010-2928
July 6, 2010
Page 2

This office reviewed the June 2010 revised draft case study report and we maintain concurrence with FHWA's initial finding that the locally-recommended alternative will have an adverse effect on the two historic properties within the APE. Furthermore, after a comparison of the four alternatives presented in the revised draft study report (the locally-recommended alternative, the two minimization alternatives, and the avoidance alternative) as well as the information included in Table 4-1 (Page 4-5), this office prefers that the Orange County Avoidance Alternative 2 be selected for the ultimate location of the corridor. Although the locally-recommended alternative and the two minimization alternatives would not necessarily result in the demolition of the historic buildings associated with the Bock and Strite properties, they would most certainly result in the removal of historic landscape components that are integral to the significance of both properties. The introduction of the proposed new transportation facility into this predominantly rural/agricultural setting will also negatively impact the historic/cultural landscape within the general vicinity, as the case study report notes that the area is one of the few remaining in the region that retains both historic structures and their associated agricultural land. The location of the corridor to the north of Boch Road would not only avoid the Bock and Strite properties, but would also lessen the indirect impacts that the project could have on nearby historic parcels, including the Haas Bungalow property. As required by 36 CFR Part 800.6, this office will continue consultation to develop alternatives to avoid, minimize or mitigate the adverse effects associated with the project and looks forward to future discussions to address these efforts.

If you have any questions concerning our comments, please contact Jennifer Ross, Architectural Historian, Transportation Compliance Review Program, via electronic mail at jrross@dos.state.fl.us, or at 850.245.6333.

Sincerely,



Laura A. Kammerer
Deputy State Historic Preservation Officer
For Review and Compliance

PC: William Walsh, FDOT District 5, Deland
Roy Jackson, FDOT CEMO, Tallahassee/#5500



FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Martin C. Knopp, P.E.
US Department of Transportation
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

July 12, 2011

Attn: Linda Anderson

Re: Memorandum of Agreement between the Federal Highway Administration and the Florida State Historic Preservation Officer in Regards to the Wekiva Parkway Project and Adverse Effects to the Bock House (8OR7946) and the Strite House (8OR9844), Orange County

Dear Mr. Knopp:

In accordance with the procedures contained in 36 CFR Part 800, this office reviewed and signed five copies of the above-referenced Memorandum of Agreement. We are returning four of the signed original copies of the Agreement, and retaining one for our files.

If there are any questions, please contact Ginny Jones, Architectural Historian, by phone at 850.245.6333, or via electronic mail at gljones@dos.state.fl.us.

Sincerely,

Laura A. Kammerer
Deputy State Historic Preservation Officer
For Review and Compliance

Enclosures (4)

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USFWS CORRESPONDENCE



United States Department of the Interior

FISH AND WILDLIFE SERVICE

6620 Southpoint Drive, South
Suite 310
Jacksonville, Florida 32216-0912

IN REPLY REFER TO:

FWS Log. No. 41910-2008-I-0090

January 15, 2008

SCANNED

Mr. Bob Gleason
District Environmental Administrator
Florida Department of Transportation
719 South Woodland Boulevard, MS 501
DeLand, FL 32720

Dear Mr. Gleason:

Our office has reviewed the *Endangered Species Biological Assessment* (ESBA) and accompanying information, dated 19 November 2007 and received in this office 29 November 2007, for the proposed SR 429 (Wekiva Parkway)/SR 46 Realignment Project. The study corridor consists of a new alignment for SR 429 and the reconstruction and realignment of SR 46.

The proposed four-lane divided limited-access SR 429 new alignment would begin in Orange County at the planned terminus of the John Land Apopka Expressway (US 441 just west of CR 437). The facility would extend north/northeast into Lake County, turn east, and traverse the Wekiva River into Seminole County. The parkway would continue eastward and terminate at Interstate 4, a total distance of approximately 20.94 miles.

SR 46 reconstruction and realignment would begin at the SR 46/US 441 interchange in Lake County and proceed eastward along the existing SR 46 alignment. The roadway would then diverge on a new alignment east of Round Lake Road to the southeast into Orange County. The new alignment would terminate at the SR 429 interchange, an approximate distance of 4.79 miles.

We submit the following comments in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*); the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c); and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*).

ENDANGERED SPECIES ACT

The federally listed threatened or endangered species potentially occurring in the study corridor identified in the October 2007 ESBA include the West Indian (Florida) manatee (*Trichechus manatus*), Audubon's crested caracara (*Polyborus plancu audubonii*), Florida scrub-jay (*Aphelocoma coerulescens*), red-cockaded woodpecker (*Picoides borealis*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*), wood stork (*Mycteria americana*), eastern indigo snake (*Drymarchon corais couperi*), and sand skink (*Neoseps reynoldsi*).

The Service concurs with the ESBA's determination that the proposed action will have no effect on the West Indian (Florida) manatee, Audubon's crested caracara, red-cockaded woodpecker, and Everglade snail kite.

As stated in the report, the preferred alternative will avoid the scrub habitat occupied by Florida scrub-jays on the Doggett, Foreman, and Stewart parcels located north of Ondich Road. The applicant also commits to surveying all scrub habitat throughout the planning, permitting, and construction phases of the project. With the avoidance of the occupied territories and continued surveying commitment, the project may affect, but is not likely to adversely affect, the Florida scrub-jay.

The project corridor lies within the 15-mile core foraging area of Mud Lake and Lake Yale wood stork colonies. Coordination with the Service, the Florida Fish and Wildlife Conservation Commission, and the St. Johns River Water Management District will continue through the final designing and permitting of this project to ensure wetland impacts by the action will be mitigated in the same basin with similar hydroperiods as those wetlands impacted. Therefore, the project may affect, but is not likely to adversely affect, the wood stork.

In regards to the eastern indigo snake, movements over large areas of fragmented habitats undoubtedly expose snakes to increased road mortality and likelihood of adverse human contact. In a recent Florida telemetry study, vehicles accounted for 40% of in-field mortality of this species. The applicant has committed to constructing four long bridge structures (SR 46 west, 1,956 feet; SR 46 east, 3,995 feet; Wekiva River, 2,140 feet; and Neighborhood Lakes, 800 feet) to increase connectivity between the Wekiva River Basin State Parks and the Seminole State Forest. In addition, the *Standard Protection Measures for the Eastern Indigo Snake* (1999) will be implemented in the construction phase of the facility and during permitted relocations of gopher tortoises (*Gopherus polyphemus*). As a result, the project may affect, but is not likely to adversely affect, the eastern indigo snake.

No sand skinks were observed during the field investigations. The applicant has committed to resurveying scrub habitat in the preferred alignment for evidence of sand skinks during the permitting phase. The project may affect, but is not likely to adversely affect, the sand skink.

Although this does not represent a biological opinion as described in section 7 of the Act, it does fulfill the requirements of the Act and no further action is required. If modifications are made to the project or additional information becomes available on listed species, re-initiation of consultation may be required.

BALD AND GOLDEN EAGLE PROTECTION ACT

No bald eagle (*Haliaeetus leucocephalus*) nests are currently reported within 1 mile of the preferred alternative. If a new bald eagle territory is established within 660 feet of the proposed activity, refer to the *National Bald Eagle Management Guidelines* (May 2007) for guidance.

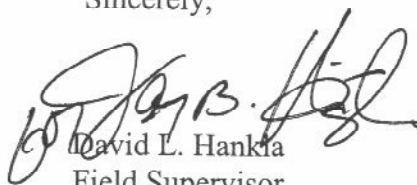
FISH AND WILDLIFE COORDINATION ACT

The applicant did not include the *Wetland Evaluation Report* prepared for this project as part of the information package to our agency. The Service would recommend that wetlands in the project area be delineated and evaluated by using a functional assessment analysis such as the Wetland Rapid Assessment Procedure (WRAP) or the Uniform Mitigation Assessment Method (UMAM). This will aid in the mitigation proposal to ensure that the wetland functions and values of the existing communities impacted will be documented and appropriate replacement is implemented in the forms of creation, restoration, enhancement, and/or preservation to achieve the "no net wetland loss" policy.

The Service recognizes that new alignments will have large impacts to the landscape and trust resources. All opportunities to avoid and or minimize impacts and fragmentation to trust resources should be explored. The Service recommends maximizing bridge structures and reducing side slope profiles to minimize additional fill in jurisdictional wetlands, especially large systems that have little to no existing impacts. The use of mechanical stabilized earth (MSE) and end walls for drainage structures to minimize the foot print would be recommended. If impacts to wetlands are unavoidable, the Service would recommend minimizing the impacts to the greatest extent practicable and that all impacts to wetlands are mitigated. Mitigation should be in-kind utilizing a watershed management approach. Such mitigation may be accomplished on-site, within an off-site permitted mitigation bank having a service area that includes the project area, or within a regional off-site mitigation area (ROMA) within the same hydrologic basin or sub-basin as the project.

With the development and approval of a mitigation plan, coupled with the type and extent of the action, the proposed project will not significantly affect other fish and wildlife resources. If you have any questions regarding this response, please contact Mr. Todd Mecklenborg at (727) 820-3705.

Sincerely,



David L. Hankla
Field Supervisor



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
Mail Station 501
DeLand, FL 32720

STEPHANIE KOPELOUSOS
SECRETARY

March 31, 2009

Mr. Todd Mecklenborg
U. S. Fish and Wildlife Service
St. Petersburg Ecological Services Field Office
600 4th Street South
St. Petersburg, FL 33701

Subject: Wekiva Parkway (SR 429)/SR 46 Realignment
Project Development and Environment (PD&E) Study
Orange, Lake, and Seminole Counties, Florida
Financial Management Nos.: 238275-1-22-01 and 240200-1-22-01
Florida Scrub Jay Habitat and Section 4(f) Avoidance Alternative

Dear Mr. Mecklenborg:

On behalf of the Federal Highway Administration, in consultation with the Florida Department of Transportation and the Orlando-Orange County Expressway Authority, **we hereby request a U.S. Fish and Wildlife Service (USFWS) letter of opinion** on a matter related to potential impacts on Florida Scrub Jay habitat in Orange County. As a part of the Wekiva Parkway PD&E Study, we are conducting an evaluation required by Section 4(f) of the U.S. Department of Transportation Act of 1966 [Title 49, U.S.C. Section 303 and Title 49, U.S.C. Section 138], as amended, concerning two (2) structures which may potentially be historically significant resources. An alternative roadway alignment (known as an avoidance alternative), which would avoid direct use of (i.e., impact to) both structures and the land parcels upon which they are located, is being evaluated.

You made a site visit to the subject Florida Scrub Jay habitat area on January 16, 2007 with Ms. Rosanne Prager, CH2M HILL Environmental Scientist. After the site visit and your review of the *Endangered Species Biological Assessment* for the Wekiva Parkway, USFWS provided a concurrence letter dated January 15, 2008 (see Attachment A). That assessment, with regard to the subject Florida Scrub Jay habitat area, was for the alignment concept referred to as Alternative 1 (see Attachment B). The avoidance alternative, referred to as Alternative 2 (see Attachment C), is aligned further west and would impact an additional 24.4 acres of the subject Florida Scrub Jay habitat area. The locations of Florida Scrub Jay sightings in the habitat area are shown in Attachment D.

The USFWS concurrence letter indicates that since the Alternative 1 alignment had been shifted to the east as a "Minimizing Measure" to avoid scrub habitat occupied by Florida Scrub Jays, the project may affect, but is not likely to adversely affect, the Florida Scrub

Mr. Todd Mecklenborg
U. S. Fish and Wildlife Service
March 31, 2009
Page 2

Jay. We would appreciate receiving the opinion of USFWS on the significance of the potential impact of Alternative 2 (the avoidance alternative) on the functionality of the subject Florida Scrub Jay habitat area.

If you have any questions or require further information, please contact me at (386) 943-5390 or Ms. Rosanne Prager of CH2MHILL at (352) 384-7156.

Sincerely,

A handwritten signature in black ink that reads "Bob Gleason". The signature is written in a cursive, flowing style.

Bob Gleason
Environmental Administrator
District Five

Copy: Mike Snyder/OOCEA
Brian Stanger/FDOT, District 5
Mark Callahan/CH2MHILL
Rosanne Prager/CH2MHILL
File: 324126 (C27)

Attachments: A – USFWS Concurrence Letter, January 15, 2008
B – Alternative 1 Alignment Graphic
C – Alternative 2 (Avoidance Alternative) Graphic
D – Locations of Scrub Jay Sightings



United States Department of the Interior

U. S. FISH AND WILDLIFE SERVICE

7915 BAYMEADOWS WAY, SUITE 200
JACKSONVILLE, FLORIDA 32256-7517

IN REPLY REFER TO:

FWS Log. No. 41910-2008-I-0090

April 24, 2009

Received

MAY 04 2009

**FDOT
Environmental Management**

Mr. Bob Gleason
District Environmental Administrator
Florida Department of Transportation
719 South Woodland Boulevard, MS 501
DeLand, FL 32720

Dear Mr. Gleason:

Our office has reviewed the *Florida Scrub-jay Habitat and Section 4(f) Avoidance Alternative* dated 31 March 2009 for the proposed SR 429 (Wekiva Parkway)/SR 46 Realignment Project. The study corridor consists of a new alignment for SR 429 and the reconstruction and realignment of SR 46 in Orange, Lake, and Seminole Counties.

The correspondence from the Department requested an opinion on the potential effects a new alternative alignment would have on the Florida scrub-jay (*Aphelocoma coerulescens*). The Service concurred in January 2008 with a may affect, but is not likely to adversely affect, the Florida scrub-jay based on the commitment the preferred alternative will avoid the scrub habitat occupied by Florida scrub-jays on the Doggett, Foreman, and Stewart parcels located north of Ondich Road by shifting the highway to the east of these territories. The Department also committed to surveying all scrub habitat throughout the planning, permitting, and construction phases of the project.

The new alternative would be located west of the previous alternative, which may encroach on scrub-jay foraging opportunities. The Service has not been provided adequate details to make this determination. In addition, roadsides often provide attractive habitat for scrub-jays to hunt insects and cache acorns (Brenniger and Smith, pers. obs.). Road mortality can be significant for small populations where it may contribute to the extirpation of small local populations (Cox 1984). Often, mortality exceeds reproduction in territories located along roads, suggesting scrub-jays can not maintain stable populations where there is high speed traffic (Woolfenden and Fitzpatrick, in press). Ronald Mumme (Life and Death in the Fast Lane: Demographic Consequences of Road Mortality in the Florida Scrub-Jay, 2000) documented roadside territories therefore are sinks that can maintain populations of scrub-jays only via

immigration. Because scrub-jays do not avoid roadside habitats and may even be attracted to them, road mortality presents a difficult challenge for the management and conservation of this threatened and declining species.

The previous concurrence included the following statement: "Although this does not represent a biological opinion as described in section 7 of the Act, it does fulfill the requirements of the Act and no further action is required. If modifications are made to the project or additional information becomes available on listed species, re-initiation of consultation may be required."

If the Department selects the *Florida Scrub-jay Habitat and Section 4(f) Avoidance Alternative*, re-initiating consultation will be required because the project has been modified. If you have any questions regarding this response, please contact Mr. Todd Mecklenborg at (727) 820-3705.

Sincerely,


David L. Hankla
Field Supervisor