
5. Comments and Coordination

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A Public Involvement Program (PIP) was developed at the start of the PD&E Study and is being carried out as an integral part of this project. The Expressway Authority and FDOT, District Five recognize that the success of any transportation improvement is dependent upon a successful public outreach effort. The purpose of the PIP is to establish and maintain communication with the public at-large and individuals and agencies concerned with the project and its potential impacts.

To ensure open communication and to solicit agency and public input, an Advance Notification (AN) package was prepared and distributed to Federal, State, and local agencies and other interested persons at the onset of the project. The AN package defines the project and identifies potential issues and impacts. In an effort to resolve all issues identified, the Expressway Authority and FDOT have conducted an extensive interagency coordination and consultation effort and public participation process. This section details the Expressway Authority and FDOT program to fully identify, address, and resolve all project-related issues identified through the PIP that has been ongoing throughout the course of the PD&E Study.

5.1 Advance Notification

The Expressway Authority and FDOT initiated early project coordination on February 23, 2005, by distribution of an AN package to the Florida State Clearinghouse. Individual packages were also sent to local government officials directly. The following agencies and public officials received AN packages. An asterisk (*) indicates those agencies that responded to the package.

STATE:

- Florida Department of Community Affairs, Division of Community Planning*
- Florida Department of Environmental Protection, Office of Intergovernmental Programs*
- Florida Department of Environmental Protection, Florida State Clearinghouse Coordinator*
- Florida Department of Environmental Protection – Division of State Lands, Bureau of Submerged Lands and Preserves
- Florida Department of Environmental Protection – Office of Land Use Planning and Biological Services
- Florida Department of State, Division of Historic Resources
- Florida Fish and Wildlife Conservation Commission, Northeast Regional Office
- Florida Fish and Wildlife Conservation Commission, Office of Environmental Services
- Florida Fish and Wildlife Conservation Commission, Division of Marine Fisheries
- Florida Department of Transportation – Federal Aid Programs Coordinator
- Florida Department of Transportation – Environmental Management Office
- Florida Inland Navigation District
- Florida Marine Fisheries Commission

- Florida's Turnpike Enterprise
- Florida Department of Agriculture and Consumer Services, Division of Forestry*

FEDERAL:

- Federal Highway Administration, Division Administrator
- Federal Highway Administration, District Transportation Engineer
- Federal Emergency Management Agency
- Federal Railroad Administration
- Federal Aviation Administration*
- Federal Transit Administration
- U.S. Army Corps of Engineers - Regulatory Branch, District Engineer
- U.S. Coast Guard, Seventh District*
- U.S. Department of Agriculture - Southern Region
- U.S. Department of Health and Human Services - Centers for Disease Control*
- U.S. Department of Housing and Urban Development, Regional Environmental Officer
- U.S. Department of the Interior - Fish and Wildlife Service, Field Supervisor
- U.S. Department of the Interior - Bureau of Land Management
- U.S. Department of the Interior - Office of Environmental Policy and Compliance
- U.S. Department of the Interior - U.S. Geological Survey, Environmental Affairs Program
- U.S. Environmental Protection Agency - Region IV, Regional Administrator*
- U.S. Department of Commerce - National Marine Fisheries Service
- U.S. Department of Interior - National Park Service
- U.S. Department of Commerce - National Oceanic and Atmospheric Administration*
- U.S. Department of Interior - Bureau of Indian Affairs
- Miccosukee Tribe of Indians of Florida*
- Muscogee (Creek) Nation of Oklahoma
- Poarch Band of Creek Indians of Alabama
- Seminole Nation of Oklahoma
- Seminole Tribe of Florida

REGIONAL:

- St. Johns River Water Management District*
- East Central Florida Regional Planning Council*
- Center for Urban Transportation Research
- Central Florida MPO Alliance
- METROPLAN ORLANDO
- Seminole County Expressway Authority

ELECTED OFFICIALS:

- Governor Jeb Bush
- United States Senate
 - Senator Mel Martinez
 - Senator Bill Nelson
- United States House of Representatives
 - Congressman Corrine Brown District 3
 - Congressman John Mica District 7
 - Congressman Tom Feeney District 24
 - Congressman Ric Keller District 8
- Florida State Senate
 - Senator Daniel Webster District 9
 - Senator Gary Siplin District 19
 - Senator Carey Baker District 20
 - Senator Lee Constantine District 22
- Florida State House of Representatives:
 - Representative David Simmons District 37
 - Representative Fred Brummer District 38
 - Representative Bruce Antone District 39
 - Representative Randy Johnson District 41

LOCAL:

Orange County*

- Community and Environmental Services, Environmental Protection Division
- Growth Management Department, Planning Division
- Public Works Director
- School Board
- Mayor Richard T. Crotty
- Commissioner Teresa Jacobs District 1
- Commissioner Robert B. "Bob" Sindler District 2
- Commissioner Mildred Fernandez District 3
- Commissioner Linda Stewart District 4
- Commissioner Bill Segal District 5
- Commissioner Homer L. Hartage District 6
- Ajit Lalchandani, County Administrator

Seminole County*

- Public Works Director
- Planning and Development Director
- Jerry McCollum, P.E., County Engineer
- School Board
- Chairman Carlton D. Henley District 4
- Commissioner Bob Dallari District 1
- Commissioner Randall C. Morris District 2

- Commissioner Dick Van Der Weide District 3
- Commissioner Brenda Carey District 5
- J. Kevin Grace, County Manager

Lake County

- Public Works Director
- Planning and Development Services
- Engineer Division Director
- School Board
- Chairman Debbie Stivender District 3
- Commissioner Jennifer Hill District 1
- Commissioner Robert Pool District 2
- Commissioner Catherine Hansen District 4
- Commissioner Welton Cadwell District 5
- William Neron, County Manager

City of Apopka

- Public Services Department
- Community Development Director
- City Engineer
- Mayor John Land
- Commissioner Billie Dean
- Commissioner Marilyn Ustler-McQueen
- Commissioner Kathy Till
- Commissioner J.W. Arrowsmith
- City Administrator Jack Douglas
- City Administrator Richard Anderson

City of Sanford

- Public Works Department
- Department of Planning and Community Development
- Mayor Brady Lessard
- Commissioner Art Woodruff District 1
- Commissioner Velma Williams District 2
- Commissioner Randy Jones District 3
- Commissioner Kevin Hipes District 4
- Al Grieshaber, City Manager

City of Eustis

- Public Works Department
- Mayor Frank E. Royce Seat 1
- Vice Mayor Jonnie C. Hale Seat 5
- Commissioner Evelyn H. Smith Seat 3
- Commissioner Gwendolyn M. Manning Seat 2
- Commissioner James T. Rotella Seat 4
- Michael G. Stearman, City Manager

City of Mount Dora*

- Public Services Department
- Planning and Development Department

- Mayor James E. Yatsuk
- Vice Mayor Ryan Donovan
- Councilman Robert A. Maraiio
- Council Member Judy Smathers
- Councilman Christopher Shipley
- Councilman James Homich
- Councilman Larry Baker
- Bernice Brinson, City Manager

District 1
 District 2
 District 3
 District 4
 At Large
 At Large

City of Lake Mary*

- Public Works Department
- Community Development Department
- Mayor Thomas C. Greene
- Deputy Mayor Janet M. Jernigan
- Commissioner Gary L. Brender
- Commissioner George F. Duryea
- Commissioner Michael J. McLean
- John Litton, City Manager

At Large
 At Large
 At Large
 At Large

Listed below are the pertinent comments from the agencies which responded to the AN. Copies of letters from all agencies that responded to the AN are contained in **Appendix F**.

Florida State Clearing House

Florida Department of Environmental Protection, Office of Intergovernmental Programs

Comment: “The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the referenced advance notification.”

“Based on the information contained in the advance notification and the enclosed state agency comments, the state has determined that, at this stage, the allocation of federal funds for the above-referenced project is consistent with the Florida Coastal Management Program (FCMP). The applicant must, however, address the concerns identified by the reviewing agencies prior to project implementation. The state’s continued concurrence with the project will be based, in part, on the adequate resolution of any issues identified during this and subsequent reviews. The state’s final concurrence of the project’s consistency with the FCMP will be determined during the final environmental permitting stage.”

Response: Agency comments will be addressed during the appropriate project phases, prior to project implementation.

Florida Department of Community Affairs

Comment: “The Department of Community Affairs (DCA) has determined that this project is not inconsistent with Florida Statutes or the goals, objectives and policies of the subject local government comprehensive plans. The DCA notes, however, that the project is not currently addressed in those local plans. Prior to consideration for future advancement in the Florida Department of Transportation’s Five Year Work Program, the project should be included in each of the local government’s comprehensive plans. The DCA is currently

working with the local governments to update their comprehensive plans to include the Wekiva Parkway (SR 429) on their respective Future Transportation Maps.”

Response: No response required.

Florida Department of Environmental Protection

Comment: “The Florida Department of Environmental Protection (DEP) states that an Environmental Resource Permit (ERP) will be required for any construction in surface water, wetlands, or state lands. In accordance with the operating agreement between the DEP and water management district, DEP will process and review the application in accordance with Chapters 373 and 403 of the Florida Statutes (F.S.), Chapters 18-20 and 18-21 of the Florida Administrative Code (F.A.C.), and the applicable district MSSW handbook. The DEP notes that the proposed alignment must be based upon avoidance and minimization criteria to reduce potential impacts to resources. The DEP recommends that all mitigation funding provided to the St. Johns Water Management District (SJRWMD) be applied to mitigation activities located within the Wekiva basin.

Constructing the Wekiva Parkway will impact forested wetlands of the Wekiva River Riparian Habitat Protection Zone. The Wekiva River is an Aquatic Preserve and a National Wild and Scenic River. The information provided in the Advance Notification does not provide details regarding anticipated impacts on sovereign submerged lands. Additional details will be required regarding the type of wetlands being traversed, the type of construction, construction access, amount of dredging and filling proposed for wetlands and an explanation of how impacts to wetlands have been minimized or avoided.

The DEP notes that a public easement will be required for any portion of the roadway that crosses the Wekiva River. This proprietary authorization should be obtained from the SJRWMD.

Any water main extension or modification will require a permit from the DEP, in accordance with Chapter 62-555, F.A.C. Additionally, any water mains crossing over or under surface water bodies (rivers) must meet the requirements found in Item 8.7 of the DEP’s Recommended Standards for Water Works.

The DEP states that the Wekiva River is situated within the Middle St. Johns River, a Group 2 basin for purposes of establishing Total Maximum Daily Loads (TMDLs) for water identified as being impaired (i.e. not meeting state water quality standards). Stormwater may require greater treatment in sub-basins where surface water are impaired. Until TMDLs are developed and implemented, however, the ramifications of TMDLs on projects such as this cannot be better defined.”

Response: During the PD&E Study phase of the project, minimization of potential environmental impacts has been a key factor in the development of the alternatives. During the design and permitting phase, the Expressway Authority and FDOT will prepare a Joint Application for an Environmental Resource Permit, Authorization to use State Owned Submerged Lands, and Federal Dredge and Fill Permit. The permit application will be reviewed by the FDEP and forwarded to the U.S. Army Corps of Engineers. All permits required to comply with Florida Statutes will be submitted to the appropriate agencies.

All applicable Best Management Practices included in the FDOT *Standard Specifications for Road and Bridge Construction* will be used on this project. Specific problems will be field reviewed and alternative controls developed and provided as needed on a site specific basis.

St. Johns River Water Management District

Comment: “The submittal (AN) indicates that an Environmental Resource Permit will be required from SJRWMD. However, it is our understanding that the Florida Department of Environmental Protection will handle this permit review, not SJRWMD.

Response: A Joint Application for an Environmental Resource Permit, Authorization to use State Owned Lands, and Federal Dredge and Fill Permit will be reviewed by the FDEP and the U.S. Army Corp of Engineers.

Florida Department of Agriculture and Consumer Services, Division of Forestry

Comment: “The Florida Division of Forestry offers the following comments regarding the FDOT Wekiva Parkway Study:

Road design should not reduce the number or alter the location of access points to Seminole State Forest (SSF). Currently there are four access points along SR 46 and eight along CR 46A.

It is our understanding regarding the current road design that portions of SR 46 would be elevated adjacent to SSF to provide wildlife crossings. It is important that any road design increase the area for safe wildlife crossings.

We suggest that this project comply with the Florida Board of Trustees of the Internal Improvement Trust Fund Linear Facilities Policy on natural resource lands, which addresses avoidance, minimization of impacts, and compensation for impacts to natural resources, natural resource lands, and related appurtenances. Road and construction area footprints should be minimized on SSF. Any impacts should be mitigated directly on SSF. The proposed parkway route appears to only affect the existing SR 46 right-of-way or areas immediately adjacent to the right-of-way.

The CR 46A realignment should tie the existing CR 46A to SR 46, west of the Design Homes Parcel of SSF. Limiting traffic on the existing CR 46A, east of the Design Homes Parcel, to local use would aid forest management and provide improved wildlife crossing areas.

Response: The proposed alignment does not reduce the number or alter the location of access points to SSF. The alignment was developed based on the “Guiding Principles for Corridor Location” and the “Guiding Principles for the Wekiva Parkway Design Features and Construction” as defined by the Wekiva Basin Area Task Force, and incorporated into the *Wekiva Parkway and Protection Act*, which addresses the concerns of the Division of Forestry with regard to SSF lands. Coordination with the Division of Forestry has been ongoing throughout the study.

Federal Aviation Administration

Comment: “The FAA interposes no objection with the proposed development from an airspace standpoint. Any use of construction equipment that exceed FAR Part 77 will need to be coordinated and reviewed by the FAA.”

Response: All applicable Best Management Practices included in the FDOT *Standard Specifications for Road and Bridge Construction* will be used on this project. Specific problems will be field reviewed and alternative controls developed and provided as needed on a site specific basis.

United States Coast Guard

Comment: “Enclosed is a Bridge Project Questionnaire (BPQ) for your Advance Notification for Wekiva Parkway Development and Environment Study. Please complete the BPQ and return it to this office with required photographs at your earliest convenience. Completion of this report will facilitate a Coast Guard jurisdictional determination for this waterway and determine whether a Coast Guard bridge permit is required.”

Response: The BPQ form and required attachments were transmitted to the Coast Guard for processing. On July 19, 2007 the Coast Guard sent a response letter which stated “A Coast Guard bridge permit will not be required for the proposed bridge construction”. A copy of that letter is included in **Appendix F**.

Miccosukee Tribe of Indians of Florida

Comment: “We have no direct knowledge of any cultural, religious, or traditional sites at the proposed project location. We suggest that a cultural resources survey be conducted of the project area. We further request that we be kept informed of this project and receive a copy of the cultural resources survey.”

Response: A Cultural Resource Assessment Survey (CRAS) was performed as part of the PD&E Study to comply with Section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665), as amended, and the implementing regulations 36 CFR 800 (revised May 1999), as well as the provisions contained in Chapter 267, F.S. Upon completion, a copy of the final CRAS report will be provided as requested.

United States Environmental Protection Agency

Comment: “The U.S. Environmental Protection Agency (EPA) has received your request to review the above-referenced project, and it has been reviewed pursuant to Section 1424(e) of the Safe Drinking Water Act.

The project is determined to lie within the boundaries of the Volusia Floridan Regional Aquifer, which is a designated Sole Source Aquifer (SSA), i.e., it is the sole or principal water source for an area which, if contaminated, would create a significant hazard to the public.

After review of the information provided for this project, I conclude that the necessary precautions to prevent contamination of the underlying aquifer will be taken. It is my understanding that plans for storm water, accidental hazardous spills, and best management practices for erosion control will be adhered to along with state and local permits. It is also requested that EPA, and other permitting agencies, be notified prior to any project changes or alternative plans.”

Response: The project study area does not lie within the boundary of the Volusia Floridan Regional Aquifer. Several requests were made to the EPA between February 2005 and August 2008 to revisit the determination. The EPA revised their determination in a letter dated September 5, 2008. The letter states: “The project has been determined to **lie outside of** the designated boundaries of all sole source aquifers in Region 4. A sole source aquifer review for this project is not required.” Copies of both letters are included in **Appendix F**.