

Appendix D

Correspondence



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

May 23, 2005

Ms. Anne Brewer, P.E.
District Project Development & Environment Engineer
Florida Dept. of Transportation, District V
719 Woodland Boulevard, MS 501
DeLand, Florida 32720-6834

Receive
MAY 26 2005
FDOT
Environmental Manager

Post-It [®] Fax Note	7671	Date	S-1-06	# of pages	6
To	MARK CALLEMAN	From	Tony Percival		
Co/Dept.	CHSTM HILL	Co.	FDOT		
Phone #		Phone #	386 943-5404		
Fax #	407 839-5901	Fax #			

RE: Department of Transportation -- Advance Notification -- Wekiva Parkway PD&E Study --
Financial Project ID Nos. 238275-1-22-01 and 240200-1-22-01 -- Orange, Lake and
Seminole Counties, Florida

SAI # FL200503210609C

Dear Ms. Brewer:

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.

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 governments' comprehensive plans. The DCA is currently working with the local governments to update their comprehensive plans to include the Wekiva Parkway on their respective Future Transportation Maps. Please refer to the enclosed DCA comments for additional information.

The Florida Department of Agriculture's Division of Forestry (DOF) has several recommendations regarding the PD&E Study. Please find those suggestions in the enclosed DOF comments.

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

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Ms. Anne Brewer
May 23, 2005
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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 River 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 types 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 applicant is advised to contact Mr. Aaron Watkins of the DEP Central District at (407) 893-7870 for further information.

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 acquired from the SJRWMD. The applicant is advised to contact Mr. Wilbert Holliday of the DEP Central District at (407) 893-3997 for further information.

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 applicant is advised to contact Mr. Richard Lott of the DEP Central District at (407) 893-3325 for further information.

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 waters identified as being impaired (i.e. not meeting state water quality standards). Stormwater may require greater treatment in sub-basins where surface waters are impaired. Until TMDLs are developed and implemented, however, the ramifications of TMDLs on projects such as this cannot be better defined. The applicant is advised to contact Ms. Barbara Bess of the DEP Central District (407) 893-3984 for additional information.

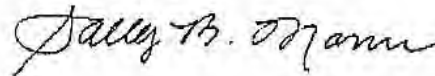
Based on the information contained in the advance notification and the enclosed state agency comments, the state has determined that, at this stage, the allocation of federal funds for the above-referenced project is consistent with the Florida Coastal Management Program (FCMP). The applicant must, however, address the concerns identified by the reviewing

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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 environmental permitting stage.

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact Ms. Suzanne E. Ray at (850) 245-2172.

Yours sincerely,



Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/ser

Enclosures

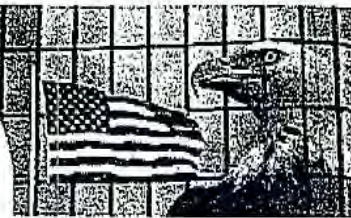
cc: Geoffrey Sample, SJRWMD
Barb Bess, DEP Central District
Forrest Watson, DACS Div. of Forestry
Ray Eubanks, DCA



Florida

Department of Environmental Protection

"More Protection, Less Process"



Categories

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Project Information	
Project:	FL200503210609C
Comments Due:	04/20/2005
Vote Due:	05/20/2005
Description:	DEPARTMENT OF TRANSPORTATION - ADVANCE NOTIFICATION - WEKIVA PARKWAY PD&E STUDY - FINANCIAL PROJECT ID NOS. 238275-1-22-01 AND 240200-1-22-01 - ORANGE, LAKE, AND SEMINOLE COUNTIES, FLORIDA.
Keywords:	DOT - WEKIVA PARKWAY PD&E STUDY - ORANGE, LAKE, AND SEMINOLE CO.
CFDA:	20.205
Agency Comments	
E. CENTRAL FL RPC - EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL	
The proposed project, as presented for review and when considered in its entirety, is consistent with the adopted Goals, Policies and Objectives of the East Central Florida Regional Planning Council.	
LAKE - LAKE COUNTY	
ORANGE - ORANGE COUNTY	
SEMINOLE -	
ENVIRONMENTAL POLICY UNIT - OFFICE OF POLICY AND BUDGET, ENVIRONMENTAL POLICY UNIT	
No Comment	
AGRICULTURE - FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES	
Comments were e-mailed to Lauren Milligan. Among other comments included with e-mail, 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.	
COMMUNITY AFFAIRS - FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS	
Based on the information contained within the advance notification package, DCA has determined that this project is not inconsistent with Florida Statutes or the goals, objectives and policies of the plans. However, this project is not currently addressed in the local governments' comprehensive plan. For future advancement in the FDOT's Five Year Work Program, this project should be included in each of the local governments' comprehensive plans. DCA is currently working with the local governments to update their comprehensive plans to include the Wekiva Parkway on the Future Transportation Map.	
FISH and WILDLIFE COMMISSION - FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION	
No comment by Steve Lau 4-27-05	
STATE - FLORIDA DEPARTMENT OF STATE	
No comment/Consistent	
ENVIRONMENTAL PROTECTION - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	
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 River 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 types of wetlands being traversed, the type of construction, construction access, amount of dredging

State Secures Land for Preservation of Wekiva River Basin

- Acquisition of first parcel targeted for conservation through Wekiva Parkway and Protection Act finalized-

ORLANDO – Acting on behalf of the State of Florida, the Orlando-Orange County Expressway Authority finalized acquisition of the first land parcel identified for protection in the Wekiva Parkway and Protection Act signed by Governor Jeb Bush in June 2004. A perpetual conservation easement over more than 1,500 acres will protect environmentally sensitive land from future development in the New Garden Coal parcel located within the Wekiva River Basin.

“The Wekiva Parkway strikes a delicate balance between environmental protection and economic growth, providing relief for motorists and protection for Florida’s land and waters,” said Department of Environmental Protection Secretary Colleen M. Castille. “This agreement provides the first installment for safeguarding black bear habitat and natural freshwater springs while meeting regional transportation needs.”

In 2004, the Florida Legislature approved the landmark Wekiva Parkway and Protection Act to build an expressway through the Wekiva River basin adopting recommendations of a task force appointed by Governor Bush. The Wekiva Parkway, which connects State Road 429 in Apopka to Interstate 4 in Sanford, includes a host of environmental safeguards, including the preservation of nearly 10,000 acres of wetlands and wildlife habitat and elevating the road across environmentally sensitive areas.

The Expressway Authority reached an agreement with the Wekiva River Mitigation Bank LLC to protect land within the New Garden Coal parcel in May 2005. The parcel was recently established as a Mitigation Bank with a conservation easement over a majority of the 1,553 acres, excluding a required right-of-way for the Wekiva Parkway.

The New Garden Coal land will adjoin the Wekiva-Ocala Greenway, which will form a continuous 75,000-acre conservation corridor linking the Wekiva Springs State Park, Rock Springs Run State Reserve, Lower Wekiva River Aquatic Preserve, Hontoon Island State Park and the Ocala National Forest when complete. The State of Florida began acquiring property in the Wekiva-Ocala Greenway in the 1960s. For more information, visit www.dep.state.fl.us.



“The Wekiva Parkway strikes a delicate balance between environmental protection and economic growth, providing relief for motorists and protection for Florida’s land and waters.”

***~ Colleen M. Castille
Secretary***



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
Regulatory Division
P.O. Box 4970
Jacksonville, FL 32232-0019

CECW-LRD

JUN 22 2007

PUBLIC NOTICE

Availability of the Draft Atlantic & Gulf Coastal Plain Regional Supplement to the 1987 Wetland Delineation Manual

The U.S. Army Corps of Engineers, Jacksonville District, announces the availability of the Draft Atlantic & Gulf Coastal Plain Regional Supplement to the 1987 Wetland Delineation Manual (Environmental Laboratory 1987). This draft was developed by regional expert delineators with input from state and Federal agencies, academia and other local experts. It is being peer reviewed by a panel of independent scientists, the report from which will be available upon request. This draft is also being field tested by interagency teams of state and Federal agencies to determine the clarity and ease of use of the document and whether its use will result in any spatial changes in wetland jurisdiction for Clean Water Act Section 404 purposes

We are specifically seeking public input, including scientific information/data, on the proposed hydrology, soils and vegetation indicators and data collection procedures in this draft document. Reviewers may wish to field test this manual as part of the public comment procedure. The protocol for this testing is to perform wetland delineations using both the 1987 Wetland Delineation Manual and this draft regional supplement on the same data points. Reviewers should include data sheets from both the manual and the draft supplement, maps indicating data collection points (upland and wetland), and a completed questionnaire for each delineation point. The draft, along with the testing protocol and questionnaire, may be located at: http://www.usace.army.mil/cw/cecwo/reg/reg_supp.htm

Comments must be submitted by August 22, 2007, to Ms. Katherine Trott (CECW-LRD), U.S. Army Corps of Engineers, 441 G. Street, NW, Washington DC 20314-1000 or by e-mail to 1987Manual@usace.army.mil. Another public notice will be issued by this district announcing the publication of the final supplement and the implementation date of this supplement. All comments shall be sent to the address above, but if you need further information or clarification, you may contact Stuart L. Santos at the letterhead address or by telephone at 904-232-2018.

PARCEL NO. _____
FOLIO/TAX I.D. NO. _____
PROJECT NAME: Wekiva Parkway

MULTI-PARTY SETTLEMENT AGREEMENT

This **MULTI-PARTY SETTLEMENT AGREEMENT** ("Agreement") is made and entered into this 20th day of May, 2005, by and among **WEKIVA RIVER MITIGATION BANK, L.L.C.**, a Florida limited liability company, whose address is P.O. Box 540285, Orlando, Florida 32854 ("Owner"), the **DIVISION OF STATE OF LANDS** as agent for the **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA** ("BOT"), the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION** ("FDOT"), and **ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY** ("OOCEA") (BOT, FDOT and OOCEA are hereinafter sometimes individually hereafter referred to as an "Agency" and collectively referred to as the "Agencies"; Owner and the Agencies are sometimes collectively referred to as the "Parties").

RECITALS:

The Wekiva Parkway and Protection Act, Sections 369.314-369.322, Florida Statutes (the "Act"), contemplates the acquisition of right-of-way for and development of the Wekiva Parkway, defined in the Act as a limited-access roadway linking State Road 429 to Interstate 4 and being an essential component in meeting regional transportation needs. FDOT and OOCEA are authorized under the Act to obtain right of way for the Wekiva Parkway. Pursuant to Section 369.317(6), Florida Statutes, OOCEA has been authorized to acquire certain lands described therein for right-of-way for the Wekiva Parkway and related roadway improvements and right of way, and further authorized to act as the third-party agent to acquire certain lands described therein on behalf of BOT, the Florida Department of Environmental Protection ("FDEP") and St. Johns River Water Management District ("SJRWMD") for the conservation and protection of resources within the Wekiva River Study area, which includes property owned by Owner located in Lake County, Florida, being more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference (the "Property"). The Act also specifically allows the Property to be considered for a mitigation bank as defined in section 373.403(19), Florida Statutes. The Act further provides that the Agencies shall cooperate in the acquisition and funding of activities to accomplish the purpose and goals of the Act. Under the terms and conditions set forth below, the Agencies desire to obtain certain right-of-way and ponds for storm water retention ("right-of-way") and that a conservation easement be placed on the Property, and the owner desires to place a conservation easement on the Property, to operate a mitigation bank, which will require the grant of a conservation easement on the Property, and to grant certain right-of-way. This agreement for the grant of right-of-way has been reached in lieu of eminent domain proceedings.

NOW, THEREFORE, for and in consideration of mutual promises and covenants contained herein, the Parties hereby agree as follows:

the Right of Way area and such additional areas as may be so adversely impacted by the removal of the right of way area that they are rendered unsuitable for mitigation banking (but any such additional areas removed from the permit shall remain subject to the terms of the conservation easement; only the right of way shall be released from the terms of the conservation easement). The parties expect FDEP will issue Owner a modified Environmental Resource/Mitigation Bank permit granting less than 390.12 Credits, in which case OOCEA and/or FDOT shall pay Owner the amount of \$105,000 per credit, for each credit below 390.12 within 30 days of the date FDEP takes final agency action on such modified permit. In the event the permit modification results in a reduction exceeding 20 credits, OOCEA/FDOT may apply such additional credits to offset any wetland impacts associated with the Wekiva Parkway Project. OOCEA/FDOT will not reduce its obligation under paragraph 5 below by such additional credits. The price of \$105,000 per credit shall be adjusted by the percentage charged in the Consumer Price Index in the same manner as described in Paragraph 5 below. This obligation shall survive Closing.

The parties acknowledge that a permit issued by the Army Corps of Engineers ("Corps") pursuant to section 404 of the Clean Water Act ("404 permit") and a Mitigation Banking Instrument ("MBI") issued pursuant to the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks, 60 Fed. Reg. 58605 is required for the mitigation bank on the Property. The parties will cooperate with their best efforts to expedite the issuance of a satisfactory 404 permit and MBI. Owners have received a Letter of Appropriateness from the Corps indicating that the mitigation bank is appropriately sited.

5 **Mitigation Purchase by FDOT and OOCEA.** OOCEA shall purchase Credits from Owner's mitigation bank in an amount equal to fifty percent (50%) of the wetland mitigation needed by OOCEA in connection with the construction of its portion of the Wekiva Parkway and FDOT shall purchase Credits from Owner's mitigation bank in an amount equal to 50% of the wetland mitigation needed by FDOT in connection with the construction of its portion of the Wekiva Parkway/State Road 46 improvements. OOCEA and/or FDOT shall purchase such Credits at the time the need for such credits is determined and neither OOCEA nor FDOT shall be obligated to purchase any minimum number of Credits in excess of 50% of their respective actual mitigation needs as established by environmental permits for the projects, nor shall OOCEA nor FDOT be obligated to purchase Credits in excess of Credits then available in the Owner's mitigation bank on the Property. OOCEA shall pay Owner an amount equal to \$105,000 per Credit if such Credits are purchase within one (1) year after closing. For any credits purchase after that initial one year period through the date that is seven (7) years after Closing, the per Credit price shall be adjusted each year by the percentage change of the Consumer Price Index All Urban Consumers, Southeast Region (Bureau of Labor Statistics of the U. S. Department of Labor) from the date of Closing to the effective date of the purchase of the credits. Should the foregoing indices cease to be published, OOCEA and/or FDOT shall designate a substitute that reasonably reflects similar data for similar purposes. The price per Credit shall not be further increased for any credits acquired more than seven (7) years after Closing. The purchase of any credits pursuant to this Agreement is part of a settlement and not in contravention of any other applicable Florida Statutes regarding mitigation by OOCEA/FDOT.

6 **Transferable Development Rights.** The Owner and the OOCEA/FDOT hereby acknowledge that Owner's Property has 326 entitlements known as "Transferable Development