

4. Conceptual Mitigation

An ERP applicant is required to provide reasonable assurance that the project will not result in a net adverse affect to water resources, which include wetland dependent fish and wildlife (per 40C-4.301(1)(f), F.A.C.).

4.1 Avoidance and Minimization

Avoidance and minimization of wetland impacts have been, and continue to be, an important objective during the project development and planning process. Wetland impacts avoidance was balanced with impact avoidance of historic structures, valuable upland habitats, natural resources, and public conservation property.

The larger picture of conservation at the landscape level was a major factor in the Preferred Alternative selection. Enhancing the connectivity of a meaningful wildlife corridor and maintaining contiguous wildlife habitat was a primary objective throughout the alternative alignment analysis process. Long bridges are proposed in locations that should improve wildlife movement corridor connectivity and effectiveness. As the preliminary design is completed, impacts to wetlands will be minimized to the maximum extent practicable.

Further impact minimization efforts shall be considered during the final design phase following the PD&E study. Where avoiding wetlands is not possible, proposed impacts to wetlands will be minimized to the maximum extent practicable, based on safe and sound engineering practices and construction constraints.

The use of floating turbidity barriers, silt screens, upland setbacks, and other discharge prevention measures during construction will minimize impacts to remaining wetlands within the vicinity of the project. The proper erosion and turbidity control will be identified during final design, including that needed to meet the Wekiva River Basin special protection requirements. "A Water Quality Protection Zone shall extend one half mile from the Wekiva River, Little Wekiva River north of State Road 436, Black Water Creek, Rock Springs Run, Seminole Creek, and Sulphur Run, and shall also extend one quarter mile from any wetland abutting an Outstanding Florida Water", per *Applicant's Handbook* subsections 11.3.3 (SJRWMD, 2006).

The Preferred Alternative and related pond sites evaluated during the PD&E Study phase will be reexamined during the final design phase of the project using more detailed surveying and geotechnical information that will be available at that time. Any modifications that are warranted, such as the use of steeper front slopes with or

without guard rails through wetland areas, will be considered during the final design phase to further reduce wetland impacts.

4.2 Compensatory Mitigation

Freshwater wetland impacts (direct and secondary) that are unavoidable in the construction of this project will be mitigated in part through the use of funding mechanisms established by the state legislature, and in part through the purchase of mitigation bank credits from a permitted bank adjacent to existing SR 46 right-of-way in east Lake County. Also, the *Wekiva Parkway and Protection Act* states that funds expended by FDOT and the Expressway Authority for conservation lands identified in the Act, such as Neighborhood Lakes and the Wekiva River Mitigation Bank (formerly known as New Garden Coal), “shall be eligible as environmental mitigation”.

A short excerpt from the executed Multi-Party Settlement Agreement between FDEP (Division of State Lands), FDOT, the Expressway Authority, and the Wekiva River Mitigation Bank, L.L.C. is provided in **Appendix D**. The agreement stipulates that both FDOT and the Expressway Authority shall purchase credits from the mitigation bank in an amount equal to fifty percent (50%) of the wetland mitigation needed by each entity in connection with the construction of their portion of the Wekiva Parkway (SR 429)/SR 46 Realignment project. The agreement also addresses right-of-way for the Wekiva Parkway and provides for a perpetual conservation easement over the mitigation bank property.

The FDOT portion of the Wekiva Parkway (SR 429) project in Lake and Seminole Counties (approximately 73.12 acres of direct wetland impact) could be mitigated under the Central Florida Beltway Mitigation Trust Fund (F.S. 338.250), but the related CR 46A Realignment in Lake County East and the SR 46 Reconstruction and Realignment in Lake County West, as well as the SR 46 widening in Seminole County, are likely to require mitigation (approximately 19.48 acres of direct wetland impact) under Senate Bill 1986, pursuant to Section 373.4137 F.S.

For mitigation of the Expressway Authority portion of Wekiva Parkway (SR 429) in Orange County (approximately 4.96 acres of direct wetland impact), use of the Central Florida Beltway Mitigation Trust Fund (F.S. 338.250) is authorized. The Beltway Trust Fund establishes the collection of environmental mitigation fees for the acquisition of lands and for environmental restoration, or creation of projects, of corresponding regional environmental benefit.

Discussions on the mitigation details for this project will need to be coordinated between the signatory parties to the Multi-Party Settlement Agreement and the permitting agencies. Also, how the environmental mitigation credits available to FDOT and the Expressway Authority (as provided for in the *Wekiva Parkway and Protection Act*) are determined and applied must be discussed and agreed upon.

Coordination with regulatory agencies will continue throughout the permitting phases of the project to further define the impact minimization efforts. The amount of mitigation acreage required for the secondary impact is determined during the permitting process. Wetland mitigation concepts for impacts along the corridor will be discussed through pre-application meetings with the USACE, FDEP and SJRWMD.