

Lower Wekiva River Preserve State Park

4.1 Impacts and Findings

The Lower Wekiva River Preserve State Park is part of the Wekiva River Basin, whose waterways and associated lands in central Florida comprise some of the most prized natural assets of the state. As outlined in this section, minimal impacts to Lower Wekiva River Preserve State Park are anticipated with the proposed alternative; however, no adverse affects are expected. This *Programmatic Section 4(f) Evaluation* applies to this project because it proposes the use of minor amounts of the Lower Wekiva River Preserve State Park and meets the FHWA's criteria for applicability and the FDOT's *PD&E Manual* Section 13-2.4.2 criteria as follows:

- 1. Operational Characteristics:** The proposed alternative is designed to improve the operational characteristics, safety, and physical condition of the existing highway facility (SR 46) on essentially the same alignment through the area where the Lower Wekiva River Preserve State Park is located (east of both the Seminole State Forest and the Wekiva River and north of existing SR 46).
- 2. Abutment to Public Lands:** Lower Wekiva River Preserve State Park is a public recreational facility and conservation area which functions as a habitat preserve. The southern boundary of the Preserve is located adjacent to existing SR 46.
- 3. Impairment to Section 4(f) Resource:** The amount and location of the land used for the proposed alternative does not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose. Direct use impacts to Lower Wekiva River Preserve State Park are expected to occur as a result of the proposed Wekiva Parkway alignment. Right-of-way acquisition for the proposed roadway improvement is approximately 4 acres. The proposed right-of-way acquisition of 4 acres represents less than 0.1 percent of the total existing acreage (17,405 acres) of the Preserve. The impacted areas of Lower Wekiva River Preserve State Park are shown in the previously referenced **Exhibit 5**. An additional 3 acres will be temporarily required for the relocation of an existing 50-foot Florida Gas Transmission easement adjacent to the existing north right-of-way line of SR 46. Temporary impacts will occur within the 50-foot easement as a result of relocating the gas pipeline. No impacts to the existing trails, including the portion of the Florida Scenic Trail at the southern entrance, are anticipated due to the proposed alternative. Approximately 1,405 acres have been added to the Wekiva River Basin State Parks as a result of the Neighborhood Lakes purchase. As previously mentioned, a potential stormwater pond location on the Preserve was removed from consideration in response to FDEP's request to minimize impacts to the Preserve.
- 4. Proximity Impacts:** Proximity impacts, such as water runoff, visual intrusion, access and vibration, are not expected as a result of the proposed alternative. In accordance with the FHWA Memorandum dated November 12, 1985, regarding Section 4(f) Constructive Use, it is unlikely that the proposed improvements will substantially impair the

function, integrity, use, access, value or setting of this resource. Primitive horse camping facilities are only provided at the northern entrance to the park south of SR 44, which is outside the project area. Therefore, noise impacts are not expected to impact camping facilities. Stormwater treatment ponds (or flowage easements if permitted by FDEP) are planned throughout the proposed corridor to provide treatment and to prevent the degradation of water quality due to the project. The existing park access at the southern entrance on SR 46 will be maintained in the proposed condition.

5. **Assessment of Impacts Concurrence:** FDOT sent a written request on October 29, 2007 to the FDEP, Division of Recreation and Parks land managers of the Lower Wekiva River Preserve State Park to provide their opinion on the minimization of project impacts and proposed mitigation measures. The response letter from the Division of Recreation and Parks dated March 20, 2008 states “We appreciate your efforts to reduce the adverse effects of the project on ...Lower Wekiva River Preserve State Park” and “...it appears that the draft preliminary engineering drawings incorporate the main revisions that have been discussed in the past”. On April 21, 2009, FDOT sent a written request for a concurrence letter to the Division of Recreation and Parks. A coordination meeting was conducted with FDEP senior staff in Tallahassee on August 12, 2009. Thereafter, a meeting was held in Tallahassee on November 3, 2009 with the FDEP Deputy Secretary for Land and Recreation. After additional discussions and coordination, **the FDEP Deputy Secretary for Land and Recreation sent a letter to FDOT on March 30, 2010 which provides full Section 4(f) concurrence.** Copies of each of the above referenced letters are included in **Appendix C.**
6. **Federal Interest:** The property was purchased using EEL Bonds, CARL and P2000/CARL funding sources. No Land and Water Conservation Funds (LWCF) were used to purchase and/or make improvements to the Reserve.

4.2 Measures to Minimize Harm

Minimization of impacts to state park, forest and conservation lands has been a primary focus throughout the development and selection of alignment alternatives. The proposed alternative is consistent with the *Use of Natural Lands by Linear Facilities Policy as Approved by Board of Trustees of the Internal Improvement Trust Fund, January 23, 1996.* The policy states that “owners and operators of linear facilities must avoid location on natural resource lands unless no other practical and prudent alternative is available and all steps to minimize impacts...are implemented. The test of practicality and prudence will compare the social, economic, and environmental effects of the alternatives.”

The following measures are proposed to minimize harm to the Section 4(f) resources identified in this document. Furthermore, FDOT has committed to work with the resource land managers to identify other measures to minimize impacts.

Incorporation of Design features

- To minimize potential impacts, the proposed limited-access facility closely follows the existing SR 46 alignment within this section of the project study area.

- FDOT has committed to examine options to further minimize impacts as a part of the PD&E Study, as well as during final design.
- No stormwater treatment ponds currently exist along SR 46 within the study area. The proposed project includes elements intended to enhance the existing conditions in the environmentally sensitive Wekiva River Protection Area, including stormwater treatment ponds to filter pollutants from runoff which eventually drains to the Wekiva River. At the request of state land managers, the use of flowage easements as an alternative to ponds within state park, forest and conservation lands will be addressed with FDEP in the drainage design/permitting phase.
- In response to FDEP concerns, a potential stormwater pond location on the Lower Wekiva River Preserve State Park was relocated to private property.

Replacement of Lands

- The acquisition of the Neighborhood Lakes property was completed in March 2007 to provide necessary right-of-way for the proposed construction of the Wekiva Parkway. The acreage required for roadway and stormwater ponds through Neighborhood Lakes is estimated at 192 acres of the total 1,619 acres purchased. The land not needed for right-of-way for the proposed alternative can be added to the Wekiva River Basin State Parks. Lower Wekiva River Preserve State Park is a part of the Wekiva River Basin State Parks. With the addition of the Neighborhood Lakes parcels, the total acreage would be approximately 15,416 acres. Therefore, approximately 1,400 acres would be added to the Wekiva River Basin State Parks as a result of the purchase.