Appendix A – Correspondence

Correspondence from:

United States Department of Homeland Security, United States Coast Guard

U.S. Department of Homeland Security

United States Coast Guard

Commander
Seventh Coast Guard District

909 SE 1st Ave. Ste 432
Miami, FL 33131-3028
Staff Symbol: (dpb)
Phone: (305) 415-6747
Fax: (305) 415-6763
Email: William.G.Tate@uscg.mil

16211
19 July 2007

RECEIVED
JUL 25 2007
CH2M HILL/ORL

CH2MHILL
ATTN DAVID R LEWIS
225 E ROBINSON ST STE 505
ORLANDO FL 32801-4321

Dear Mr. Lewis:

This is in response to your June 28, 2007 letter concerning the Wekiva Parkway Project Development and Environment (PD&E) Study, Wekiva River Bridge, Lake and Seminole Counties, Florida, and your completed Bridge Permit Questionnaire.

The Commandant has given his advance approval to the location and plans of bridges to be constructed across reaches of waterways navigable in law, but not actually navigated other than by rowboats, canoes, and small motorboats. In such cases, the clearances provided for high water stages are considered adequate to meet the reasonable needs of navigation (33 CFR 115.70).

Based on a previous determination of this waterway on May 28, 1992, the waterway affected is in the advance approval category. A Coast Guard bridge permit will not be required for the proposed bridge construction. Although an individual bridge permit isn't required, you still must comply with all other applicable federal, state, and local laws and regulations. When the bridge is no longer used for transportation purposes, it must be removed and you must notify us that the waterway has been cleared

If you have any questions about our approval, please call me at (305) 415-6747.

Regards,

W. GWIN TATE III
Associate Bridge Management Specialist
U.S. Coast Guard
By direction

Correspondence to/from:

United States Department of the Interior, National Park Service

CH2M HILL
225 East Robinson Street
Suite 505
Orlando FL 32801-4321
Tel 407.423.0030
Fax 407.839.5901

CH2MHILL

August 20, 2008

Ms. Jaime Doubek-Racine
National Park Service - RTCA Program
Florida Field Office
665 S. Orange Avenue, Suite H
Sarasota, FL 34236

Subject: Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study
Orange, Lake, and Seminole Counties, Florida
FDOT Financial Project Nos.: 238275 1 22 01 and 240200 1 22 01
Coordination Regarding Wekiva National Wild and Scenic River

Dear Ms. Doubek-Racine,

On behalf of the Federal Highway Administration (FHWA), District Five of the Florida Department of Transportation (FDOT) and the Orlando-Orange County Expressway Authority (Expressway Authority) are preparing an Environmental Assessment for the subject project. The proposed project would cross the Wekiva National Wild and Scenic River at the location of the existing SR 46 bridge within the corridor prescribed by the Florida legislature in the *Wekiva Parkway and Protection Act.*

An Advance Notification Package was distributed to the Florida State Clearinghouse, local and federal agencies, including the National Park Service (NPS), and other interested parties on February 23, 2005. Since that time, numerous alternative concepts in Orange, Lake, and Seminole Counties have been assessed and evaluated by the PD&E Study team for potential social, economic, and environmental impacts. Coordination activities with local and state governmental agencies, as well as many other stakeholders, and various public involvement efforts have been extensive.

The Wekiva River is both a National Wild and Scenic River and a State of Florida Aquatic Preserve. Aquatic Preserves are also considered Outstanding Florida Waters, which have been given additional protection against pollutant discharges that may lower the existing high water quality standards in their current natural state. The Wekiva River is most stringently protected by its own legislation under the *Wekiva River Protection Act* and the *Wekiva Parkway and Protection Act*, Florida Statutes, Chapter 369, Parts II and III, respectively. The Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study recommendations have been developed to adhere to the design criteria and recommendations prescribed by the above legislation. In addition to the legislation, the Wekiva Parkway will be included in the *Wekiva National Wild and Scenic River Comprehensive Management Plan* currently being updated by the NPS.

As the PD&E Study consultant to FDOT and the Expressway Authority, CH2M HILL has been coordinating with Pandion Systems, consultants to the NPS for the *Wekiva National Wild and Scenic River Comprehensive Management Plan*, since February 2007. We have provided information on and maps of the proposed project for inclusion in the updated management plan. As recently as August 11, 2008, CH2M HILL provided Pandion Systems with requested shape files of the conceptual plans for the Wekiva Parkway Recommended Preferred Alternative.

The *Draft Goals and Objectives for the Wekiva National Wild and Scenic River Comprehensive Management Plan* (Pandion Systems, Inc., 2007) are consistent with the *"Guiding Principles"* recommended by the Wekiva Basin Area Task Force, endorsed by the Wekiva River Coordinating Committee, and required by the *Wekiva Parkway and Protection Act.* These goals and objectives include:

- aggressively pursuing conservation easements and land purchases within the Wekiva Basin with priority on those parcels outlined by the *Wekiva Parkway and Protection Act;*
- ensuring that wildlife underpasses suitable for bears are constructed as planned and include fencing to encourage bear use; and
- ensuring that the new bridge constructed for the Wekiva Parkway be designed to limit visual and auditory intrusion on the Wekiva River.

The following paragraphs describe the components of the proposed expressway that meet the goals and objectives of the management plan.

Conservation Easements and Land Purchases

The portion of the study corridor in east Lake County is within the Wekiva River Protection Area and includes lands within Neighborhood Lakes, Rock Springs Run State Reserve, Seminole State Forest, and Wekiva River Mitigation Bank (formerly New Garden Coal). Both Neighborhood Lakes and the Wekiva River Mitigation Bank were identified for acquisition in the Wekiva Parkway and Protection Act. In July 2005, the state acquired a perpetual conservation easement over the mitigation bank to protect the land from future development. The agreement also addresses the required right-of-way for the Wekiva Parkway. In December 2006, Governor Jeb Bush and the Florida Cabinet approved the purchase of Neighborhood Lakes. The acquisition was completed in March 2007. This purchase secures right-of-way for Wekiva Parkway and protects against future development. The land not needed for right-of-way will become conservation lands of the State of Florida.

Wildlife Underpasses

As a part of the Preferred Alternative, FDOT proposes to replace the existing (western 52-foot wide opening and eastern 26-foot wide opening) wildlife underpasses along SR 46 with longer wildlife bridges of approximately 1,957 feet (western bridge) and 4,000 feet (eastern bridge). The existing 561-foot bridge over the Wekiva River will be replaced with a longer, higher bridge of approximately 2,150 feet in length. These longer bridges will open up the wildlife corridor between the Rock Springs Run State Reserve and the Seminole State Forest, and will enhance habitat connectivity. Many more species of wildlife will be able to safely move between the two public conservation areas. All of these bridge spans will function as wildlife crossings and will greatly improve the wildlife habitat continuity and movement corridors in the surrounding area, following construction of the Wekiva Parkway.

In addition to the above bridges, an 800-foot bridge will span a large floodplain within the recently acquired Neighborhood Lakes parcels. This bridge will also serve to maintain wildlife connectivity. Barriers or fencing to direct wildlife to these safe crossing points will be addressed during the final design phase of the project.

An exhibit depicting the proposed wildlife bridging through this area was previously provided to you by CH2M HILL. Also, we previously provided to you the proposed Wekiva River bridge plan, elevation and profile sheets, as well as a photo of the existing Wekiva River bridge and a conceptual rendering of the proposed bridge from the same vantage point.

Visual and Auditory Intrusion on the Wekiva River

The Wekiva River Basin Area Task Force envisioned the Wekiva Parkway as similar to well known scenic highways, and included promoting "a 'Parkway' look with appropriate natural buffers between the roadway and the adjacent areas" in the "Guiding Principles". FDOT and the Expressway Authority are committed to developing a landscape plan during the final design phase that will accentuate the natural environment. Consistent with the recommendations of the "Guiding Principles" to support the conservation of dark skies in the Wekiva River Protection Area, FDOT and the Expressway Authority will incorporate non-intrusive and minimal roadway and bridge lighting in the final design plans in appropriate areas for Wekiva Parkway.

There is no practical alternative to the proposed construction over the Wekiva National Wild and Scenic River and State Aquatic Preserve. The existing crossing is located at the narrowest point in the river. Any alternative alignment would necessitate filling and/or new bridges across a wider wetland reach, which could have far greater impacts. The proposed project includes all practical measures to minimize harm to the river and adjacent lands, such as lengthened and heightened channel spans over the river and lengthened bridge spans over the floodplain. In addition, the filled land supporting the existing bridge

abutment can be removed, which will restore the wildlife corridor immediately adjacent to the river.

As we have discussed, a proposed multi-use trail crossing of the river that will provide connectivity between the existing and proposed trail systems of Orange, Lake, and Seminole Counties will be accommodated. Questions regarding visual and auditory intrusion cannot be adequately addressed in a PD&E Study, but will be dealt with after preliminary engineering in the design phase.

After you have had an opportunity to review the information in this letter, as well as the materials previously sent to you, we would appreciate receiving a letter from NPS at your earliest convenience stating your opinion on, or providing a summary of, this consultation.

Sincerely,

CH2M HILL

Kathleen Jorza, E.I.

Copy: Bob Gleason, FDOT
Brian Stanger, FDOT
Joe Berenis, OOCEA
Gary Skaff, PBSJ
Mark Callahan, CH2M HILL
File 324126 - C31 W&SR

United States Department of the Interior

NATIONAL PARK SERVICE
Rivers, Trails, and Conservation Assistance
Southern Appalachian Field Office
175 Hamm Road, Suite C
Chattanooga, Tennessee 37405

IN REPLY REFER TO:

Electronic transmittal:

October 3, 2008

Kathleen Jorza
CH2M Hill
225 East Robinson Street
Suite 505
Orlando, Florida 32801-4321

Re: Early Consultation Regarding the Wekiva Parkway Realignment PD&E Study

Dear Ms. Jorza:

Thank you for your request regarding the PD&E study of the Wekiva Parkway Realignment project. We appreciate the opportunity to provide early coordination comments regarding the potential project impacts to the Wekiva Wild and Scenic River, a nationally significant resource, over which the National Park Service (NPS) has jurisdictional responsibilities.

As you know, the Wekiva Wild and Scenic River was established in 2000 under the Wild and Scenic Rivers Act (Act) (PL 90-542) as a "partnership" Wild and Scenic River, meaning that it is part of the National Wild and Scenic River System and is managed via partnership between the NPS and the Wekiva River Advisory Management Committee. Together, these entities are currently developing a Comprehensive River Management Plan (CRMP) in accordance with the Act. Once completed, the CRMP will serve as a guiding document for all management actions associated with the Wild and Scenic River designation.

The purpose for designating the Wekiva was to protect and enhance its free-flowing character, water quality, and outstandingly remarkable values (ORVs). The ORVs for the Wekiva include scenic/aesthetic values, recreational, geologic, fish and wildlife, historic (cultural and archaeological), and otherwise scientific values. Section 1, section 7, and section 10 responsibilities under the Act provide the context for evaluating potential environmental impacts to this nationally significant resource. Section 1(b) states:

> "It is hereby declared to be the policy of the United States that certain selected rivers of the Nation…shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."

Section 10(a) of the Act establishes an anti-degradation and enhancement policy that each component of the System:

> "…shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without…limiting other uses that do not substantially interfere with public use and enjoyment of these values…primary emphasis shall be given to protecting its aesthetic, scenic, historic, archaeological and scientific features."

The draft CRMP provides management objectives for the Wekiva. In addition to protecting the free-flowing nature and those values mentioned above, the plan specifically recommends protection of the riparian zone plant communities, particularly the presence of numerous invasive exotic species. It emphasizes the riparian zone's importance to the diversity of wildlife, the maintenance of water quality, and the contribution of vital open space for the use and enjoyment of present and future generations in an increasingly urbanizing area.

To help achieve the above management goals, the Act prohibits, or imposes restrictions on, developments and activities that would directly and adversely affect those values. Pursuant to section 7(a) of the Act:

> "no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration."

"Water resources projects" are defined in regulations for implementing section 7 of the Act as any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, or other construction of developments that would affect the free-flowing characteristics of a national wild and scenic river. Construction means any action carried on with Federal assistance affecting the free-flowing characteristics or the scenic or natural values of a WSR. The Act defines free-flowing as:

> "…existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway."

Most transportation crossings are considered water resource projects and could require evaluation under section 7(a) of the Act. Projects that would have a "direct and adverse" effect on the values for which a river was added to the System are prohibited. The NPS is responsible for evaluating projects and their effects on designated rivers. After such an evaluation, the Secretary of the Interior would exercise his authority to approve or deny permitting of the proposed Federal water resources project.

As a partnership Wild and Scenic River, the DOI relies on the Wekiva River Advisory Management Committee to assist in managing the Wekiva to meet the requirements of the Act,

including ensuring its ORVs are protected and enhanced, as currently being proposed in the Draft Wekiva Wild and Scenic River Management Plan. Although the NPS owns no lands or waters with the designated corridor of the Wekiva Wild and Scenic River, the NPS retains permitting responsibilities pursuant to section 7(a) of the Act.

Additionally, as a federally designated WSR, the Wekiva is a section 4(f) resource, pursuant to section 4(f) of the Department of Transportation Act of 1966. In accordance with this Act, NPS is responsible for reviewing federally funded road projects. Direct and indirect effects, including constructive use impacts to designated rivers are evaluated within the context of the Act, the river's designated ORVs, and efforts to avoid and/or mitigate harm to these resource values.

Generally, bridge replacements within an existing corridor crossing and of a similar size/capacity of the bridge which is to be removed would be more likely to be approved provided certain mitigation measures are in place. Conversely, a new bridge crossing outside of the existing corridor would likely be found to have a "direct and adverse effect" to the river's ORVs. In the case of the proposed Wekiva Parkway bridge crossing, the proposed structure lies within the existing corridor but is of substantially largely size and capacity. Constructive use impacts associated with the use of this 4(f) resource would also likely arise. As such, we believe all transportation alternatives, including the minimizing the proposed footprint, spanning the entire corridor without bridge supports being placed within the bed and banks of the river, and mass transportation should be carried forward in the planning process and fully evaluated in an appropriate environmental analysis document. Further, aesthetics of the structure should also be evaluated. Bridge crossings from other Wild and Scenic Rivers have employed various design techniques (e.g., weathered metal, color tinting, etc.) to minimize the visual intrusion created by the span. The ability to see the river while crossing the bridge should also be a component of the aesthetic assessment. Other design issues worthy of consideration include the angle of the bridge to the extent it can minimize visual intrusiveness, footing design to minimize scour, and other factors.

Our office is available for assistance to ensure any recommendations with the PD&E Study and subsequent Environmental Assessment are compatible with the Act, the draft management plan, and Section 4(f) of the Transportation Act. NPS personnel will potentially be available for meeting attendance and associated coordination and document review activities. While we may not be able to participate in all aspects of the project planning, the NPS would like to be involved in key decisions affecting the Wekiva, including conclusions related to the degree, magnitude, and intensity of impacts to the river and selection of alternatives that will be carried forward into future planning efforts.

I look forward to working cooperatively with you and the study sponsors to protect the Wekiva Wild and Scenic River.

Sincerely,

_____/s/_____
Jeffrey R. Duncan, Ph.D.
Southeastern Rivers Program Manager

Cc: David Vela, NPS Southeast Regional Director
Jaime Doubek-Racine, NPS RTCA Sarasota

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
DeLand, FL 32720-6834

STEPHANIE C. KOPELOUSOS
SECRETARY

October 14, 2008

Mr. Jeffrey R. Duncan, Ph.D.
Southeastern Rivers Program Manager
National Park Service
175 Hamm Road, Suite C
Chattanooga, TN 37405

Re: Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study
Orange, Lake and Seminole Counties, Florida
FPID No.: 238275 1 22 01 and 240200 1 22 01
Wekiva Wild and Scenic River Consultation

Dear Mr. Duncan:

CH2M HILL, the Florida Department of Transportation consultant for the Wekiva Parkway Project Development and Environment (PD&E) Study, has forwarded to me your October 3, 2008 letter (attached) on the referenced subject. We appreciate you taking the time to respond to our request for a National Park Service (NPS) consultation letter. However, it was disappointing that your letter did not mention either the Wild and Scenic River consultation/coordination that our project team has conducted with the NPS Sarasota Office or the project design files and other information provided to the NPS consultant (Pandion Systems) for use in preparation of the Wekiva Wild and Scenic River Management Plan.

To date, the following have been provided to NPS and/or NPS consultants:

- Wekiva Parkway PD&E Study Advance Notification Package (February 23, 2005)
- Wekiva Parkway project information assistance to NPS consultant Pandion Systems (February 2007)
- Wekiva Parkway design files converted to GIS shape files for use by Pandion Systems, including roadway and pond right-of-way for the project (August 11, 2008)
- Preliminary Wekiva River bridge plans and information on proposed stormwater ponds and water quality enhancement (August 20, 2008)
- Formal Coordination Letter that included Wekiva Parkway project information particularly in regard to the Wekiva Wild and Scenic River and project consistency with legislation and management plans for the river (August 20, 2008)

Attached is a summary, based primarily on previously provided information, which addresses many of the points in your letter. Since a PD&E Study is only the preliminary engineering phase, other items in your letter will be addressed in the design phase. We believe the information provided demonstrates that the proposed Wekiva Parkway project, especially the Wekiva River bridge replacement, will be an enhancement over existing conditions. For example, the existing bridge (561 feet in length) has equal length spans of only 51 feet, whereas the proposed replacement bridge (2,150 feet in length) would have a channel span of 150 feet. This would lessen obstruction to channel flow and improve

recreational value. The longer bridge would also reduce impacts to the riparian habitat and improve connectivity for wildlife movement between state conservation lands. We would appreciate receiving your opinion on those aspects of the proposed project.

If you have any questions, please contact me at (386)943-5390. Also, I request that NPS send future project correspondence to me at:

Florida Department of Transportation
District Five, MS 501
719 S. Woodland Blvd.
DeLand, FL 32720-6834

Sincerely,

Bob Gleason
Environmental Administrator
District Five

Attachments:
NPS letter of October 3, 2008
Summary Information for NPS

Copies to:
Brian Stanger, FDOT
Mark Callahan, CH2MHILL

United States Department of the Interior

NATIONAL PARK SERVICE
Rivers, Trails, and Conservation Assistance
Southern Appalachian Field Office
175 Hamm Road, Suite C
Chattanooga, Tennessee 37405

IN REPLY REFER TO:

Via US Mail:

November 26, 2008

Bob Gleason
Environmental Administrator
District 5, MS 501
Florida Department of Transportation
719 South Woodland Blvd.
Deland, FL 32720-6834

Re: Consultation Regarding the Wekiva Parkway Realignment PD&E Study

Dear Mr. Gleason:

Thank you for your letter dated October 14, 2008 regarding the initial consultation letter we wrote pursuant to the PD&E study of the Wekiva Parkway Realignment project. Thank you also for the additional information your letter provides. Unfortunately, NPS has no record of receiving your advanced notification package in 2005 as you reference. Further, our Sarasota office reports that any consultation regarding the project was very cursory and informal in nature consisting primarily of Pandion Systems providing information to CH2M Hill regarding the development draft management plan. Please note that Pandion Systems was a direct contractor with the Wekiva River Advisory Management Committee, and does not represent the NPS.

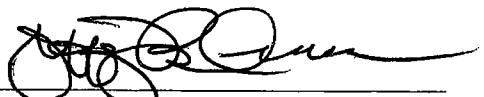
Regardless, as described in our previous letter, NPS has an obligation for determining whether any proposed federal water resources project is likely to have a direct and adverse effect on the resource values for which the river was designated. To make this determination, NPS will systematically review all relevant information concerning the project, its environmental impacts, and its environmental benefits in accordance with internal procedures. This process is typically triggered by the release of an EA or EIS by the federal agency that is providing assistance to the project. It would be helpful to know the status of and timeline related to the development of the appropriate NEPA document.

In the meantime, we would be willing to provide a preliminary Section 7 determination based on the information received to date and after conducting a site visit. The preliminary determination would be non-binding and pending a final determination based on information and environmental analysis contained within the EA or EIS. A preliminary determination can be provided to

provided to facilitate proactive communication and aid in identifying potential issues that could slow the process.

Please let me know if you would be open to conducting a site visit for the purpose of developing a preliminary Section 7 Determination. Thank you again for the additional information. It was very helpful.

Sincerely,



Jeffrey R. Duncan, Ph.D.
Southeastern Rivers Program Manager

Cc: David Vela, NPS Southeast Regional Director
Jaime Doubek-Racine, NPS RTCA Sarasota

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
DeLand, FL 32720-6834

STEPHANIE C. KOPELOUSOS
SECRETARY

December 22, 2008

Mr. Jeffrey R. Duncan, Ph.D.
Southeastern Rivers Program Manager
National Park Service
175 Hamm Road, Suite C
Chattanooga, TN 37405

Re: Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study
Orange, Lake and Seminole Counties, Florida
FPID No.: 238275 1 22 01 and 240200 1 22 01
Wekiva Wild and Scenic River Consultation

Dear Mr. Duncan:

Thank you for your reply letter dated November 26, 2008. We would be pleased to conduct a site visit for the National Park Service (NPS). Please let me know who will be attending for NPS and provide a few candidate dates; we will then coordinate to arrange a mutually agreeable date and time for the site visit.

As an item of information, the Advance Notification package for the Wekiva Parkway PD&E Study was sent on February 23, 2005 to:

Regional Director
National Park Service
U.S. Department of the Interior
Southeast Regional Office
100 Alabama Street, SW
Building 1924
Atlanta, GA 30303

While we do not view the previous coordination our project team has undertaken with the NPS Sarasota office as cursory, and in fact the information flow has actually been from our project team to the Wekiva Wild & Scenic River Management Plan consultant, that is unimportant now as we move ahead. Your assistance is appreciated. I look forward to hearing from you concerning the site visit. My email address is Bob.Gleason@dot.state.fl.us.

Sincerely,

Bob Gleason
District Five Environmental Administrator

Copy: Brian Stanger, FDOT D5
Mark Callahan, CH2MHILL

United States Department of the Interior

NATIONAL PARK SERVICE
Rivers, Trails, and Conservation Assistance
Southern Appalachian Field Office
175 Hamm Road, Suite C
Chattanooga, Tennessee 37405

IN REPLY REFER TO:

Via electronic mail:

February 24, 2009

Bob Gleason
Environmental Administrator
District 5, MS 501
Florida Department of Transportation
719 South Woodland Blvd.
Deland, FL 32720-6834

Re: Site tour of Wekiva Parkway Wekiva Wild and Scenic River Crossing

Dear Mr. Gleason:

Thank you for the opportunity to tour the proposed Wekiva Parkway crossing of the Wekiva Wild and Scenic River in the existing Highway 46 corridor. In addition to touring the site with you and your team on the morning of February 5, 2009, I also had the opportunity to view the existing bridge from the water the previous day thanks to our partners with the Florida Department of Environmental Protection. Based on these preliminary observations combined with the materials you've provided to date, it appears that the project will offer many advantages to the river compared to the existing structure. However, as we discussed, our formal review process pursuant to section 7 of the Wild and Scenic River Act will not begin until an environmental impact state or other NEPA document is released for public comment. Nothing in this preliminary review should be considered binding.

My preliminary observations indicate any potential direct and adverse impacts associated with the project will likely be limited to construction related activities and the specific design of the bridge, specifically aesthetics that could affect the scenic "outstandingly remarkable value" (ORV) described in the Act. NPS is committed to continue to work closely with you, your project team, and other stakeholders to avoid any potential impacts to the ORVs that may arise from project. Specifically, as mentioned in our October 3, 2008 letter to Kathleen Jorza of CH2MHill, bridge designs that include measures to minimize visual intrusion (e.g., weathered or tinted metal) have been used in similar settings and would appear to be appropriate for your proposed project.

Please consider this letter a preliminary Section 7 review based on the information received to

date and after conducting a site visit. This preliminary assessment is non-binding and pending a final determination based on information and environmental analysis contained within the EIS. This preliminary assessment is provided to facilitate proactive communication and aid in identifying potential issues that could otherwise slow the process.

Thank you again for hosting the site visit, and I look forward to working with you as the project progresses. In the meantime, please feel free to contact me if you have questions or need additional information.

Sincerely,

_____/s/_____
Jeffrey R. Duncan, Ph.D.
Southeastern Rivers Program Manager

Cc: David Vela, NPS Southeast Regional Director
Jaime Doubek-Racine, NPS RTCA Sarasota

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
Mail Station 501
DeLand, FL 32720

STEPHANIE KOPELOUSOS
SECRETARY

May 5, 2009

Mr. Jeffrey R. Duncan, Ph.D.
Southeastern Rivers Program Manager
National Park Service
175 Hamm Road, Suite C
Chattanooga, TN 37405

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
Section 4(f) Recreation Resource – Wekiva Wild and Scenic River

Dear Dr. Duncan:

On behalf of the Federal Highway Administration (FHWA), in consultation with the Florida Department of Transportation and the Orlando-Orange County Expressway Authority, we hereby request a concurrence letter from the National Park Service concerning the proposed Wekiva Parkway project and the subject Section 4(f) recreation resource. As you know, we have previously coordinated on this matter and you provided, at our request, an opinion letter (copy attached) dated February 24, 2009 on the minimization of impacts to the Section 4(f) recreation segment of the Wekiva Wild and Scenic River.

FHWA requires that we obtain a concurrence letter from "the officials having jurisdiction over the Section 4(f) lands" which provides the following specific information concerning the impacts of the proposed Wekiva Parkway project on the recreation segment of the Wekiva Wild and Scenic River:

1) the amount and location of the land to be used does not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose;

2) the proximity impacts of the project on the remaining Section 4(f) land shall not impair the use of such land for its intended purpose; and

3) agreement, in writing, with the assessment of the impacts of the proposed project on, and the proposed mitigation for, the Section 4(f) lands.

To assist you in preparation of the requested concurrence letter, shown below are some of the data and information that was previously provided to you, as well as some additional information (note: use of the word "land" is standard Section 4(f) language, so for this purpose the word "river" or "resource" could be substituted):

- **Impairment to Section 4(f) Resource:** The amount and location of the land used for the proposed Wekiva Parkway project does not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose. As you know, the replacement bridge over the Wekiva River is proposed to be 125 feet in width. Since the river width from bank to bank at that location varies between 200 feet and 250 feet, the average river width under the proposed bridge is estimated at 225 feet. Therefore, the area of the river from bank to bank that would be under the bridge is estimated at 28,125 square feet or approximately 0.65 of an acre. Since the recreation segment of the Wekiva Wild and Scenic River is approximately 8.1 miles long, having less than one acre of the river under the bridge would not impair the use of the remaining Section 4(f) resource, in whole or in part, for its intended purpose. Also, as you know, the wider spans of the proposed bridge would reduce flow impedance and enhance the river users' experience.

- **Proximity Impacts:** Proximity impacts, such as water runoff, visual intrusion, access and vibration, are not expected as a result of the proposed Wekiva Parkway project. It is unlikely that the proposed improvements will substantially impair the function, integrity, use, access, value or setting of this resource. Measures to reduce any noise impacts and visual intrusion are design phase activities that are to be coordinated with the National Park Service. Stormwater ponds are planned to provide treatment and to prevent the degradation of water quality due to the proposed project.

- **Assessment of Impacts Concurrence:** After National Park Service review of project documentation and a site visit to the Wekiva River, FDOT requested that the National Park Service provide their opinion on the minimization of project impacts and proposed mitigation measures. The response letter from the National Park Service dated February 24, 2009 states "Based on these preliminary observations combined with the materials you've provided to date, it appears that the project will offer many advantages to the river compared to the existing structure".

We look forward to receipt of the requested concurrence letter from the National Park Service, which specifically addresses items 1, 2 and 3 above, at your earliest convenience. If you have any questions or require further information, please contact me at (386) 943-5390 or Mr. Dave Lewis of CH2MHILL at (407) 423-0030.

Sincerely,

Bob Gleason
District Environmental Administrator

Copy: Mike Snyder, Executive Director, Orlando-Orange County Expressway Authority
Brian Stanger, District Environmental Management Engineer, FDOT District 5
Mark Callahan, Wekiva Parkway Project Manager, CH2MHILL
File: 324126 (C31)

Attachment: National Park Service letter dated February 24, 2009

United States Department of the Interior

NATIONAL PARK SERVICE
Rivers, Trails, and Conservation Assistance
Southern Appalachian Field Office
175 Hamm Road, Suite C
Chattanooga, Tennessee 37405

IN REPLY REFER TO:

Via electronic and US Mail:

June 9, 2009

Bob Gleason
Environmental Administrator
District 5, MS 501
Florida Department of Transportation
719 South Woodland Blvd.
Deland, FL 32720-6834

Re: Wekiva Parkway, Wekiva Wild and Scenic River Crossing Request for Concurrence regarding 4(f) lands

Dear Mr. Gleason:

Thank you for your letter dated May 5, 2009 seeking concurrence from the National Park Service (NPS) regarding the subject of 4(f) recreational resources as they relate to the Wekiva Wild and Scenic River. As you know, the Wekiva River was designated as part of the National Wild and Scenic River System in 2000 pursuant to the Wild and Scenic Rivers Act (PL 90-542; 16 U.S.C. 1271 et seq). As such, the Wekiva is considered a 4(f) resource under the US Department of Transportation Act (Title 49 U.S.C Section 303 and Title 23 U.S.C. Section 138). Specifically, your letter requests concurrence in three areas related to Section 4(f): 1) that the amount and location of land does not impair the use of the remaining Section 4(f) lands; 2) that the proximity impacts of the project shall not impair the use of such land for its intended purpose; and 3) agreement, in writing, with the assessment of impacts of the proposed project and the proposed mitigation.

Regarding the amount and location of land, we concur that the proposed project is not likely to impair the use of remaining Section 4(f) lands. The proposed project lies within the corridor of the existing highway crossing, and although the project, as proposed, will have a larger footprint than the existing structure, the fact that the new structure will span more of the river channel and floodplain is of benefit to the protection of free flow as specified by the Wild and Scenic Rivers Act.

Regarding the notion that proximity impacts of the project on remaining 4(f) lands shall not impair the use of such lands for its intended purpose, we are not able to concur at this time. The

information provided to date by FDOT and CH2MHill provides no thorough evaluation of the potential project-related impacts associated with visual or auditory intrusions within the river corridor. The noise study conducted as a component of the PD&E study does not consider the proposed Wekiva River crossing as a sensitive site. Instead, your letter states that "Measures to reduce any noise impacts and visual intrusion are design phase activities that are to be coordinated with the National Park Service." Although we welcome the opportunity to coordinate on this matter, it must be understood that these conditions represent important protected features and attributes that contribute to the Wekiva being a resource of national significance. Pursuant to Section 7(a) of the Wild and Scenic Rivers Act, "no department or agency of the United States shall assist by loan, grant, licenses, or otherwise in the construction of any water resources project that would have a direct and adverse effect of the values for which such river was established." Further, aesthetics and auditory intrusions are listed as factors within the Draft Wekiva Wild and Scenic River Management Plan that may affect the "Outstandingly Remarkable Values" (ORVs) for which the river was designated by Congress. The aesthetics of the bridge as experienced from within the river corridor, an increase in noise and/or vibrations associated with the proposed project, and the increased traffic flow volume has the potential pose substantial impairment to one or more ORVs. Until such time as the proposed project is evaluated with respect to these potential impacts, we are unable to determine whether the project will "impair the use of such lands for its intended purpose."

Finally, your letter requests agreement, in writing, with "the assessment of impacts" and "proposed mitigation" for impacts associated with the project. Again, for the reasons stated above, we cannot concur at this time. Until the potential for impacts to the Wekiva's ORVs have been thoroughly evaluated and environmental commitments and mitigation with respect to these impacts have been clearly stated, we are unable to determine whether concurrence is warranted.

As stated in our February 24, 2009 letter, our comments to date with respect to project impacts are preliminary and based on information received to date. We look forward to continuing to work with FDOT and your consultants toward a final determination of impacts and adequacy of environmental commitments based on information and environmental analysis, typically contained within the EIS, pursuant to Section 7 of the Wild and Scenic Rivers Act and in accordance with procedures set forth by the Interagency Wild and Scenic Rivers Council.

Thank you again for consulting with the National Park Service. Please feel free to contact me if you have questions or need additional information.

Sincerely,

_____/s/_____
Jeffrey R. Duncan, Ph.D.
Southeastern Rivers Program Manager

Cc: David Vela, NPS Southeast Regional Director
Jaime Doubek-Racine, NPS RTCA Sarasota

Florida Department of Transportation

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GOVERNOR

719 South Woodland Boulevard
Mail Station 501
DeLand, FL 32720

STEPHANIE KOPELOUSOS
SECRETARY

June 15, 2009

Mr. Jeffrey R. Duncan, Ph.D.
Southeastern Rivers Program Manager
National Park Service
175 Hamm Road, Suite C
Chattanooga, TN 37405

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
Section 4(f) Recreation Resource – Wekiva Wild and Scenic River

Dear Dr. Duncan:

We appreciate your response to our May 5, 2009 request for a concurrence letter from the National Park Service (NPS) concerning the proposed Wekiva Parkway project and the subject Section 4(f) recreation resource. In your letter of June 9, 2009 (copy attached), you provided NPS concurrence that the proposed project is not likely to impair the use of the remaining Section 4(f) resource. However, your letter states that the NPS is unable to concur at this time on proximity impacts, assessment of impacts or proposed mitigation until factors related to bridge aesthetics and potential auditory intrusion are more thoroughly evaluated.

The current PD&E Study is based on preliminary engineering of conceptual alignments; therefore, we have not yet developed information on specific design features of the proposed Wekiva Parkway bridge over the Wekiva River. However, as you mentioned in your letter, we have committed to coordinate with the NPS during the design phase on measures that will minimize the bridge's visual intrusion. With regard to that commitment, below is an excerpt from the "Measures to Minimize Harm" section of the Programmatic Section 4(f) Evaluation we are preparing for the Federal Highway Administration which addresses evaluation and minimization of visual and noise intrusion:

"FDOT will incorporate non-intrusive and minimal roadway and bridge lighting in the final design plans in appropriate areas to support the conservation of dark skies in the Wekiva River Protection Area. Additional design features related to the aesthetics of the Wekiva River bridge, such as

weathered metal or color tinting, will be evaluated by FDOT during the final design phase of the project. Measures to reduce visual intrusion or substantial noise impacts are design phase activities that will be coordinated with the National Park Service and the FDEP, Office of Coastal and Aquatic Managed Areas. In cooperation with permitting and review agencies during final design and construction, FDOT will employ all possible measures to minimize harm to the Wekiva River."

We look forward to continued coordination with the NPS as the project progresses. If you have any further questions at this time, please contact me at (386) 943-5390 or by email.

Sincerely,

Bob Gleason
District Environmental Administrator

Copy: Mike Snyder, Executive Director, Orlando-Orange County Expressway Authority
Brian Stanger, District Environmental Management Engineer, FDOT District 5
Mark Callahan, Wekiva Parkway Project Manager, CH2MHILL
File: 324126 (C31)

Attachment: National Park Service letter dated June 9, 2009

Correspondence to/from:

Florida Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
DeLand, FL 32720

STEPHANIE C. KOPELOUSOS
SECRETARY

September 12, 2008

Ms. Ellen McCarron, Acting Director
Office of Coastal and Aquatic Managed Areas
Florida Department of Environmental Protection
3900 Commonwealth Blvd
Mail Station 235
Tallahassee, Florida 32399-3000

Subject: Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study
Orange, Lake, and Seminole Counties, Florida
Financial Project Nos.: 238275 1 22 01 and 240200 1 22 01
Wekiva River Aquatic Preserve

Dear Ms. McCarron:

On behalf of the Federal Highway Administration (FHWA), District Five of the Florida Department of Transportation (FDOT) and the Orlando-Orange County Expressway Authority (Expressway Authority) are preparing an Environmental Assessment for the Wekiva Parkway (SR 429)/SR 46 Realignment project. The Overall Layout for the Preferred Alternative is provided as ***Attachment 1***. The proposed project traverses the Wekiva River Aquatic Preserve, as defined by Florida Statute 258.39 (30), within the corridor prescribed by the legislature in the *Wekiva Parkway and Protection Act.*

The Wekiva River Aquatic Preserve generally includes all state-owned sovereignty lands lying waterward of the ordinary high-water mark of the Wekiva River and the Little Wekiva River and their tributaries in Orange, Lake, and Seminole Counties. The prescribed corridor for the Wekiva Parkway (SR 429) is approximately one-half mile wide through the Preserve, at the boundary of Lake and Seminole Counties, with the existing SR 46 Wekiva River Bridge centered within the prescribed corridor. The Preferred Alternative for the Wekiva Parkway (SR 429) will utilize the existing Wekiva River crossing location within that corridor. Use of the existing crossing location will avoid additional impacts associated with construction of a new expressway through the remaining undeveloped, natural environment of the Wekiva River Aquatic Preserve.

The Preferred Alternative will bridge the entire width of the Wekiva River Aquatic Preserve and its adjacent 1,200-foot wide forested wetland. The proposed 2,150-foot long bridge is an expressway structure capable of carrying six lanes of traffic (three lanes in each direction) within a 300-foot limited access right-of-way. The bridge will replace the existing 561-foot long Wekiva River Bridge located within the existing FDOT SR 46 right-of-way, which varies in width from 180 feet on the Lake County side of the river to 200 feet on the

Seminole County side. A plan sheet depicting the proposed alignment and lengthened bridge is provided as ***Attachment 2***.

The Preferred Altenative will hold the existing south SR 46 right-of-way line, widening to the north through the Aquatic Preserve. Lands adjacent to the existing FDOT SR 46 right-of-way through the Aquatic Preserve include Seminole State Forest adjacent to the north right-of-way line of SR 46 west of the Wekiva River, a parcel owned by Seminole County adjacent to the north right-of-way line of SR 46 east of the river, and 4 privately owned vacant parcels.

The additional right-of-way width required north of the existing FDOT right-of-way will impact Seminole State Forest, the Seminole County parcel, and 2 privately owned parcels located on the island within the river. A Programmatic Section 4(f) Evaluation document detailing the impacts to Seminole State Forest, Rock Springs Run State Reserve, and Lower Wekiva River Preserve State Park was submitted to FHWA as part of this study. The Section 4(f) impact evaluation was coordinated with FDEP Division of Recreation and Parks, and FDACS, Division of Forestry. The impact assessment presented in that document includes the portion of Seminole State Forest located within the Wekiva River Aquatic Preserve. Coordination with FDEP, particularly regarding the development of alignment alternatives through Neighborhood Lakes, Rock Springs Run State Reserve, and Lower Wekiva River Preserve State Park, has been ongoing throughout the PD&E Study. Letters from FDEP and the Division of Forestry documenting the results of the coordination efforts are provided as ***Attachments 3 and 4***, respectively.

The additional right-of–way width required for the proposed project will also necessitate relocation of an existing Sovereign Submerged Lands (SSL) easement adjacent to the existing north SR 46 right-of-way line. The SSL easement was granted to Florida Gas Transmission for a 26" gas pipeline located 48.6 feet below the bottom of the Wekiva River. Both the directionally drilled pipeline and the encompassing easement will be relocated as a result of this project; however, the directional drilling send and receive locations will be located outside of the limits of the Aquatic Preserve and adjacent Riparian Habitat Protection Zone. In addition, the depth of the pipeline relative to the river bottom will be at least the depth of the existing pipeline. For these reasons, relocation of the pipeline will not impact the Wekiva River Aquatic Preserve.

Aquatic Preserves are also considered Outstanding Florida Waters, which have been given additional protection against pollutant discharges that may lower the existing high water quality standards in their current natural state. The Wekiva River is most stringently protected by its own legislation under the *Wekiva River Protection Act* and the *Wekiva Parkway and Protection Act*, Florida Statutes, Chapter 369, Parts II and III, respectively. The Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study recommendations have been developed to adhere to the design criteria and recommendations prescribed by the above legislation. The proposed project is consistent with the 1987 *Wekiva River Aquatic Preserve*

Management Plan, which identified concerns for stormwater quality and protection through preservation of habitats and living conditions in the most natural condition possible.

No adverse impacts to water quality are expected as a result of this project. The stormwater treatment system will be designed to satisfy current stormwater management criteria, including special basin criteria developed for the Wekiva River hydrologic basin. Water quality treatment will be improved over the existing conditions through the Aquatic Preserve and adjacent wetlands, where the Preferred Alternative follows the existing SR 46 alignment. SR 46 was constructed before stringent drainage criteria were developed. Consequently, there is currently no treatment of the pollutant runoff from the roadway and bridge. This project will provide stormwater treatment ponds located outside the Preserve boundaries that will provide filtration of the pollutant runoff prior to discharge to the abutting wetlands of the Wekiva River. The possibility of creating wood stork feeding areas at the pond sites near the Wekiva River has been discussed between members of the PD&E Study team and representatives of FDEP and NPS. This option will be further explored during the final design phase of the project.

There is no practical alternative to the proposed bridge construction in the Wekiva River Aquatic Preserve. Any alternative alignment would necessitate filling and/or new bridges across a wider wetland reach which could have far greater impacts. Temporary impacts due to construction will be assessed during the final design phase of the project. The proposed project includes all practical measures to minimize harm to the Wekiva River Aquatic Preserve such as a lengthened and heightened channel span over the river and a lengthened bridge span over the floodplain. The existing bridge does not span the entire length of the Aquatic Preserve or the wetlands abutting the Wekiva River, whereas the proposed bridge will span both. In addition, the filled land supporting the existing bridge abutment located within the Preserve boundaries can be removed, which will restore the wildife corridor adjacent to the river.

The Wekiva River is also a National Wild and Scenic River. The Wekiva Parkway (SR 429) will be included in the *Wekiva National Wild and Scenic River Comprehensive Management Plan* currently being updated by the National Park Service (NPS). The PD&E Study team has been coordinating with the NPS for the management plan, providing information on and maps of the proposed project for inclusion in the updated management plan. The segment of the Wekiva River in the vicinity of the existing bridge crossing is classified as a recreational segment of the Wild and Scenic River. No impacts to the permitted recreational activities (canoeing and kayaking) are anticipated as a result of this project.

FDEP will be the permitting agency for the Environmental Resource Permit (ERP) which will be completed during the final design phase of the project. In addition to the ERP, a Federal Dredge and Fill Permit, a National Pollution Discharge Prevention and Elimination System Permit, and a Sovereign Submerged State Lands Public Easement will be required during the final design phase.

If you have any comments or questions on the information provided, please address them to me at:

Florida Department of Transportation - District Five
719 South Woodland Boulevard, MS 501
DeLand, Florida 32720

Sincerely,

for Bob Gleason
District Environmental Administrator

Attachments:
1 – Exhibit – Overall Preferred Alternative
2 – Concept Plan Sheet of proposed Wekiva River Bridge
3 – FDEP Letter
4 – FDACS Division of Forestry Letter

cc: Brian Stanger/FDOT
Mark Callahan/CH2M HILL
Vivian Garfein/FDEP (w/Attachment)

Florida Department of Transportation

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719 South Woodland Boulevard
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STEPHANIE KOPELOUSOS
SECRETARY

May 11, 2009

Mr. Lee Edmiston, Director
Office of Coastal and Aquatic Managed Areas
Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Mail Station 235
Tallahassee, Florida 32399-3000

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
Section 4(f) Public Lands – Wekiva Wild & Scenic River

Dear Mr. Edmiston:

On behalf of the Federal Highway Administration (FHWA), in consultation with the Florida Department of Transportation and the Orlando-Orange County Expressway Authority, we hereby request a concurrence letter from the Florida Department of Environmental Protection (FDEP), Office of Coastal and Aquatic Managed Areas concerning the proposed Wekiva Parkway project and the subject Section 4(f) public lands. We have previously coordinated on this matter with Assistant Director Ellen McCarron when she was in the Acting Director capacity; a copy of correspondence to her dated September 12, 2008 is attached. That previous correspondence was in regard to the minimization of impacts to the Wekiva River Aquatic Preserve. This request concerns the Wekiva Wild & Scenic River, 8.1 miles of which is a Section 4(f) recreation resource (please see attached graphic). We have completed Section 4(f) consultation on the Wekiva Wild & Scenic River with the National Park Service (NPS); a copy of correspondence from the NPS Southeastern Rivers Program Manager dated February 24, 2009 is attached. As you know, NPS assists in management of the river, but the sovereign submerged land is in state ownership and FDEP has jurisdiction.

FHWA requires that we obtain a concurrence letter from "the officials having jurisdiction over the Section 4(f) lands" which provides the following specific information concerning the impacts of the proposed Wekiva Parkway project on the recreation segment of the Wekiva Wild & Scenic River:

1) the amount and location of the land to be used does not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose;

2) the proximity impacts of the project on the remaining Section 4(f) land shall not impair the use of such land for its intended purpose; and

3) agreement, in writing, with the assessment of the impacts of the proposed project on, and the proposed mitigation for, the Section 4(f) lands.

To assist you in preparation of the requested concurrence letter, information provided to the FDEP, Office of Coastal and Aquatic Managed Areas in the previously referenced letter of September 12, 2008 and to the NPS, Southeastern Rivers Program Manager is restated below (note: use of the word "land" is standard Section 4(f) language, so for this purpose the word "river" or "resource" could be substituted):

- **Impairment to Section 4(f) Resource:** The amount and location of the land used for the proposed Wekiva Parkway project does not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose. The replacement bridge over the Wekiva River is proposed to be 125 feet in width. Since the river width from bank to bank at that location varies between 200 feet and 250 feet, the average river width under the proposed bridge is estimated at 225 feet. Therefore, the area of the river from bank to bank that would be under the bridge is estimated at 28,125 square feet or approximately 0.65 of an acre. Since the recreation segment of the Wekiva Wild and Scenic River is approximately 8.1 miles long, having less than one acre of the river under the bridge would not impair the use of the remaining Section 4(f) resource, in whole or in part, for its intended purpose. Also, the wider spans of the proposed bridge would reduce flow impedance and enhance the river users' experience.

- **Proximity Impacts:** Proximity impacts, such as water runoff, visual intrusion, access and vibration, are not expected as a result of the proposed Wekiva Parkway project. It is unlikely that the proposed improvements will substantially impair the function, integrity, use, access, value or setting of this resource. Measures to reduce any noise impacts and visual intrusion are design phase activities that are to be coordinated with the FDEP, Office of Coastal and Aquatic Managed Areas and the NPS. Stormwater ponds are planned to provide treatment and to prevent the degradation of water quality due to the proposed project.

- **Assessment of Impacts Concurrence:** After NPS review of project documentation and a site visit to the Wekiva River, FDOT requested that the NPS provide their opinion on the minimization of project impacts and proposed mitigation measures. The attached response letter from the NPS dated February 24, 2009 states "Based on these preliminary observations combined with the materials you've provided to date, it appears that the project will offer many advantages to the river compared to the existing structure".

We look forward to receipt of the requested concurrence letter from the FDEP Office of Coastal and Aquatic Managed Areas, which specifically addresses items 1, 2 and 3 above, at your earliest convenience. If you have any questions or require further information, please contact me at (386) 943-5391 or Mr. Dave Lewis of CH2MHILL at (407) 423-0030.

Sincerely,

Bob Gleason
District Environmental Administrator

Copy: Vivian Garfein, Director, FDEP Central District
Deborah Shelley, Manager, FDEP Wekiva River Aquatic Preserve
Mike Snyder, Executive Director, Orlando-Orange County Expressway Authority
Brian Stanger, District Environmental Management Engineer, FDOT District 5
Mark Callahan, Wekiva Parkway Project Manager, CH2MHILL
File: 324126 (C2, C31)

Attachments: 1) FDOT letter to FDEP, Office of Coastal and Aquatic Managed Areas dated September 12, 2008
2) Graphic of Wekiva Wild & Scenic River Segment Classifications
3) National Park Service, Southeastern Rivers Program Manager letter to FDOT dated February 24, 2009

Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

May 22, 2009

Via Electronic Mail

Mr. Bob Gleason, District Environmental Administrator
Florida Department of Transportation
719 South Woodland Boulevard
Mail Station 301
DeLand, Florida 32720

RE: Wekiva Parkway (SR 429)/SR 46 Realignment
Section 4(f) Public Lands – Wekiva Wild and Scenic River Crossing

Dear Mr. Gleason:

This letter is in response to your correspondence of May 11, 2009, requesting a concurrence letter from the Department on the impacts of the proposed Wekiva Parkway bridge across the 8.1-mile recreational segment of the Wekiva Wild and Scenic River – Section 4(f) Public Lands. Based on the information you provided, we offer the following response and request for additional information.

The FDEP Division of State Lands' Bureau of Survey and Mapping has initiated a title determination to ascertain whether the bridge location is subject to an easement, conveyance or other interest held by the Board of Trustees of the Internal Improvement Trust Fund. The results of the Bureau's determination will be reflected in a future response.

Impairment to Section 4(f) Resource: Your assessment that the amount and location of land (river) beneath the proposed Wekiva Parkway bridge (.65 acre) will not impair the use of the remaining Section 4(f) lands (approximately 8.1miles) appears valid. It is our understanding that the project's final design will include spanning approximately 2,150 feet across the Wekiva River. Your statement that "the wider spans of the proposed bridge would reduce flow impedance" would be correct if the existing SR 46 bridge is removed, as it currently spans less than 2,150 feet.

It is our understanding that the closure of SR 46, with no remnants remaining, is included in the major mitigation commitments made by the Florida Department of Transportation (FDOT) and the Orlando-Orange County Expressway Authority (OOCEA) for construction the Wekiva Parkway. It is also our understanding that it has not yet been determined whether the existing SR 46 bridge will be removed, due to its potential for use as part of the local trail system.

Proximity Impacts: Your letter references correspondence from the National Park Service (NPS) Southeastern Rivers Program Manager dated February 24, 2009, regarding the referenced bridge crossing. That letter references a previous NPS letter dated October 3, 2008. Both NPS letters mention that "measures to minimize visual intrusion . . . would appear to be appropriate for your proposed project." We understand that these measures are design phase activities that will be coordinated with FDEP, CAMA, and the NPS at a future time. To more adequately assess strategies that could offset anticipated noise impacts and visual intrusion, however, the Department would appreciate an opportunity to review any preliminary considerations.

Assessment of Impacts Concurrence: Your request for the Department's concurrence on FDOT's assessment of impacts specifically addresses the 8.1-mile recreational segment of the Wekiva Wild and Scenic River – Section 4(f) Public Lands. Your request references NPS correspondence dated February 24, 2009, which states that the NPS assessment is preliminary, pending review of additional "information and environmental analysis." As stated in the February 24th letter, NPS is concerned that the bridge's visual intrusion could affect the "outstandingly remarkable value" of the river, yet the agency believes that impacts could be mitigated through design measures. Without knowing the specific design features, however, the Department cannot concur that mitigation will offset impacts. Please provide us with additional information on the design strategies that will be used to minimize visual impacts of the new bridge.

We understand that the environmental impact statement required by the National Environmental Policy Act has not yet been completed or submitted for review. In addition, the environmental permitting process will include an analysis of impacts on wetlands, other surface waters and habitat and the mitigation necessary to offset direct and secondary impacts associated with the Wekiva Parkway bridge.

The FDOT and OOCEA are to be commended for their demonstrated commitment and adherence to the tenets of the Wekiva Parkway and Protection Act and the recommendations contained in the Wekiva River Basin Coordinating Committee Final Report. The Office of Coastal and Aquatic Managed Areas remains committed to working with and assisting FDOT and OOCEA in support of the recommendations for constructing the Wekiva Parkway and protecting the resources of the Wekiva River Basin.

Sincerely,

Ellen McCarron

for Lee Edmiston, Director
Office of Coastal and Aquatic Managed Areas

LE/drs
cc: Ellen McCarron, FDEP/CAMA Assistant Director
Brian Stanger, District Environmental Management Engineer, FDOT District 5
William Howell, FDEP/Division of State Lands
Vivian Garfein, Director, Central District Office

Florida Department of Transportation

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719 South Woodland Boulevard
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DeLand, FL 32720

STEPHANIE KOPELOUSOS
SECRETARY

May 27, 2009

Mr. Lee Edmiston, Director
Office of Coastal and Aquatic Managed Areas
Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Mail Station 235
Tallahassee, Florida 32399-3000

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
Section 4(f) Public Lands – Wekiva Wild & Scenic River

Dear Mr. Edmiston:

We very much appreciate the expeditious response from you and Assistant Director McCarron regarding our request for a concurrence letter. In the attached May 22, 2009 response letter from the Florida Department of Environmental Protection (FDEP), Office of Coastal and Aquatic Managed Areas (CAMA), you requested information on measures to minimize visual intrusion of the proposed Wekiva Parkway bridge over the Wekiva River.

The current PD&E Study is based on preliminary engineering of conceptual alignments; therefore, we have not yet developed specific information on the bridge design features you requested. However, as you mentioned in your letter, we have committed to coordinate with FDEP, CAMA and the National Park Service during the design phase on measures that will minimize the bridge's visual intrusion. With regard to that commitment, below is an excerpt from the "Measures to Minimize Harm" section of the Programmatic Section 4(f) Evaluation we are preparing for the Federal Highway Administration:

"FDOT will incorporate non-intrusive and minimal roadway and bridge lighting in the final design plans in appropriate areas to support the conservation of dark skies in the Wekiva River Protection Area. Additional design features related to the aesthetics of the Wekiva River bridge, such as weathered metal or color tinting, will be evaluated by FDOT during the final design phase of the project. Measures to reduce visual intrusion or substantial noise impacts are design phase activities that will be coordinated with the National Park Service and the FDEP, Office of Coastal and Aquatic Managed Areas. In cooperation with permitting and review agencies during final design and construction, FDOT will employ all possible measures to minimize harm to the Wekiva River."

We appreciate your expression of CAMA's commitment to work with and assist FDOT on this important project, and we look forward to continued coordination with your office as the project progresses. If you have any further questions at this time, please contact me at (386) 943-5390 or by email.

Sincerely,

Bob Gleason
District Environmental Administrator

Copy: Vivian Garfein, Director, FDEP Central District
Deborah Shelley, Manager, FDEP Wekiva River Aquatic Preserve
Mike Snyder, Executive Director, Orlando-Orange County Expressway Authority
Brian Stanger, District Environmental Management Engineer, FDOT District 5
Mark Callahan, Wekiva Parkway Project Manager, CH2MHILL
File: 324126 (C2, C31)

Attachment: FDEP, CAMA letter to FDOT, District Five dated May 22, 2009