

ADMINISTRATIVE ACTION
PROGRAMMATIC SECTION 4(f) EVALUATION
FINAL NATIONWIDE SECTION 4(f) EVALUATION AND APPROVAL FOR
FEDERALLY-AIDED HIGHWAY PROJECTS WITH MINOR
INVOLVEMENTS WITH PUBLIC PARKS, RECREATION LANDS, AND
WILDLIFE AND WATERFOWL REFUGES

U.S. Department of Transportation,
Federal Highway Administration
and
Florida Department of Transportation, District Five
in cooperation with the
Orlando-Orange County Expressway Authority

Financial Project Number(s): 238275 1 22 01 and 240200 1 22 01
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WEKIVA PARKWAY (SR 429)/SR 46 REALIGNMENT
Orange, Lake, and Seminole Counties, Florida

Wekiva Parkway (SR 429)

From US 441 (SR 500)/John Land Apopka Expressway (SR 429/SR 414) Interchange, Orange County
to SR 417/I-4 (SR 400) Interchange, Seminole County

SR 46 Realignment

From US 441 (SR 500)/SR 46 Interchange, Lake County
to Wekiva Parkway (SR 429), Orange County

Wekiva Parkway: Construction of a new four-lane, expandable to six-lane, limited access tolled expressway to complete the Western Beltway (SR 429) around the metropolitan Orlando area. The approximate length is 20.9 miles. Realignment of CR 46A in Lake County is included as part of the Wekiva Parkway project. The approximate length of the CR 46A Realignment is 2.7 miles. The realignment is proposed as a two-lane, expandable to four-lane, rural facility.

SR 46 Realignment: Reconstruction of the existing SR 46 facility in Lake County to provide six-lane divided controlled-access from US 441 to east of Round Lake Road. The realignment of SR 46 from east of Round Lake Road to a systems interchange with Wekiva Parkway near the Orange/Lake County line is proposed as a limited access tolled expressway. The approximate length of the SR 46 Realignment is 4.8 miles.

Submitted pursuant to 49 U.S.C. 303.

Based upon considerations herein, it is determined that there is no feasible and prudent alternative to the use of land from the Wekiva River Basin State Parks (Rock Springs Run State Reserve and the Lower Wekiva River Preserve State Park) and Seminole State Forest; and that the proposed action includes all possible planning to minimize harm to the Section 4(f) property resulting from such use.

5 / 11 / 12
Date

for Buddy Cunill
Division Administrator
Federal Highway Administration

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SECTION 1

Proposed Action

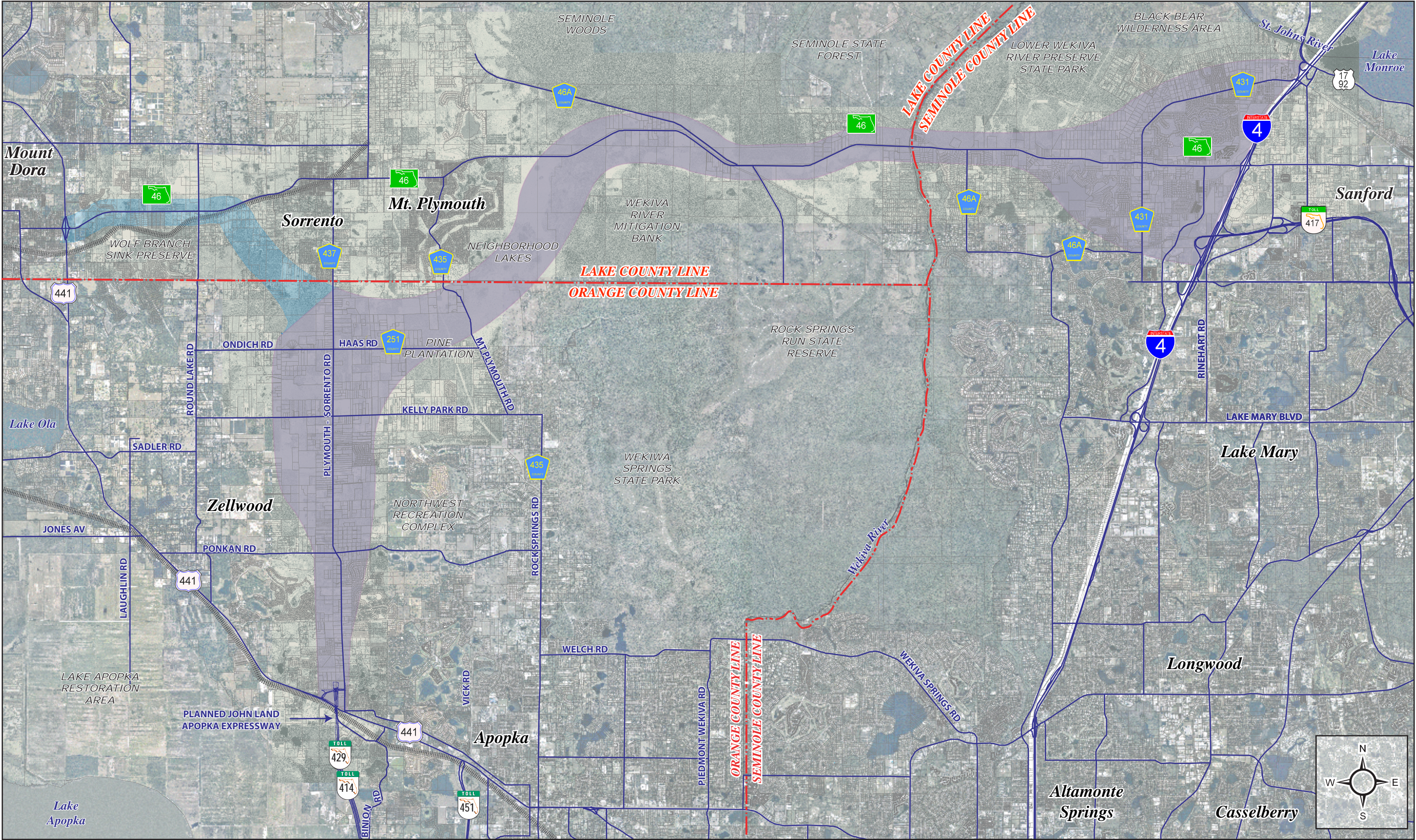
The Wekiva Parkway (SR 429)/SR 46 Realignment Project Development and Environment (PD&E) Study is jointly managed by the Florida Department of Transportation (FDOT), District Five and the Orlando-Orange County Expressway Authority (Expressway Authority). Based on preliminary engineering, the study has evaluated the potential environmental effects of the proposed improvements in Orange, Lake and Seminole Counties, Florida. The proposed project includes the Wekiva Parkway (SR 429), reconstruction and realignment of portions of SR 46, CR 46A realignment, and other project-related access modifications. These proposed improvements involve the use of public land resources protected under Section 4(f) of the U.S. Department of Transportation Act of 1966 [Title 49, USC, Section 303] and [Title 23, USC, Section 138], as amended.

This *Programmatic Section 4(f) Evaluation* is a *Final Nationwide Section 4(f) Evaluation and Approval for Federally-Aided Highway Projects with Minor Involvements with Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges*. The purpose of this document is to provide the necessary information to reach the determination that there is no feasible and prudent alternative to the use of land from the Section 4(f) resources as described in this *Programmatic Section 4(f) Evaluation*, and that the proposed improvements include measures to minimize harm. This document summarizes the proposed action, including a discussion of project purpose and need, and describes the involved Section 4(f) resources, related impacts and findings, avoidance and minimization measures, coordination with public land managers, and agency correspondence. The conclusion includes a discussion supporting the applicability of this *Programmatic Section 4(f) Evaluation* to the proposed improvements.

The Section 4(f) resources described within this document are limited to public parks, recreation areas, and wildlife and waterfowl refuges; an *Addendum* to this document under separate cover addresses the Wekiva Wild & Scenic River Section 4(f) recreation resource. Potential Section 4(f) impacts and evaluations related to Section 106 historic resources have been documented under separate cover in an *Individual Section 4(f) Evaluation*.

1.1 Project Background

In the mid and late 1980s, the Expressway Authority and FDOT conducted corridor and alignment studies for the proposed Northwest Beltway (SR 429) from US 441 near Apopka in Orange County to I-4 near Sanford in Seminole County. However, there was no funding to move the project forward. The proposed Wekiva Parkway (SR 429) is one component of a comprehensive plan developed through Executive Orders, subsequent task force and committee findings of diverse stakeholders, and the resultant 2004 State Statute entitled the *Wekiva Parkway and Protection Act*. The strategic priorities address growth management and a sustainable environment, including master stormwater management, water supply protection, land use strategies, and land acquisition for conservation. The stakeholder's findings and the subsequent legislation recognize the importance of the Wekiva Parkway since it would complete the Western Beltway (SR 429) around the Orlando metropolitan area and provide a safe, high capacity east-west travel facility between Lake County and Seminole County. A partial realignment of SR 46 in Lake County is integrated with the Wekiva Parkway project. The study area developed through the stakeholder's findings, and subsequently recommended in the legislation, is depicted in **Exhibit 1**. A copy of the *Wekiva Parkway and Protection Act* is provided in **Appendix A** of this document.



LEGEND

- Wekiva Parkway Study Area
- SR 46 Realignment Study Area

Exhibit 1
Project Study Area

1.2 Project Purpose and Need

The purpose of and need for the project were originally documented in the October, 1989 state-level EIS prepared by FDOT for the Northwest Beltway Study, Part B. In November 2002, FDOT again documented the purpose of and need for the northwest portion of the Western Beltway (SR 429) in a presentation to the Wekiva Basin Area Task Force. The *Environmental Assessment* for the proposed Wekiva Parkway (SR 429)/SR 46 Realignment project provides an updated purpose and need statement which is summarized below:

- **Complete the Western Beltway (SR 429) around metropolitan Orlando**

The Wekiva Parkway will complete the Western Beltway (SR 429) from Interstate 4 (I-4) in Osceola County to I-4 in Seminole County. SR 429 currently terminates at US 441 in Apopka. The Wekiva Parkway will provide a system to system connection for regional mobility between the Eastern Beltway (SR 417), the Western Beltway (SR 429), and I-4.

The Wekiva Parkway is designated as a planned addition to Florida's Strategic Intermodal System (SIS). Florida's SIS is an integrated transportation network consisting of statewide and regionally significant transportation facilities, services, modes of transportation and linkages. The SIS was established to focus limited state resources on transportation facilities that are critical to Florida's economy and quality of life.

The regional transportation network in the metropolitan Orlando area currently consists of I-4 (SR 400), Florida's Turnpike, SR 408 (East-West Expressway), SR 528 (Beachline Expressway), SR 417 (Eastern Beltway), and completed portions of the Western Beltway (SR 429), all of which are heavily traveled SIS facilities. The Regional Transportation Network with the current and future heavily congested corridors, based on 2008 Traffic Data by the FDOT Transportation Statistics Office, is shown in **Exhibit 2**. Heavy congestion in urban areas is considered bumper to bumper or stop and go traffic movement during peak periods (Level of Service (LOS) "E" or worse). For rural areas, passenger and truck traffic is so heavy during peak periods that changing lanes is very difficult (LOS "D" or worse). The future system includes all cost feasible improvements through 2035. All SIS facilities in the metropolitan Orlando area will be heavily congested by 2035, with the exception of portions of SR 429 (Western Beltway). The segments of SR 429 that are not projected to be heavily congested by 2035 include the recently constructed segment of SR 429 between I-4 in Osceola County and Florida's Turnpike in Orange County and the planned Wekiva Parkway.

Completion of the Western Beltway will allow regional traffic to bypass the most heavily congested segment of I-4 (from south of the Osceola/Orange County line to south of the Seminole/Volusia County line) which travels through the City of Orlando and is the main thoroughfare providing access to Walt Disney World, Sea World, Universal Studios, and other area attractions. In addition to providing relief to regional motorists, the completed Western Beltway will ease congestion on local roadways and provide a needed expressway connection between northwest Orange, eastern Lake, and western Seminole Counties.

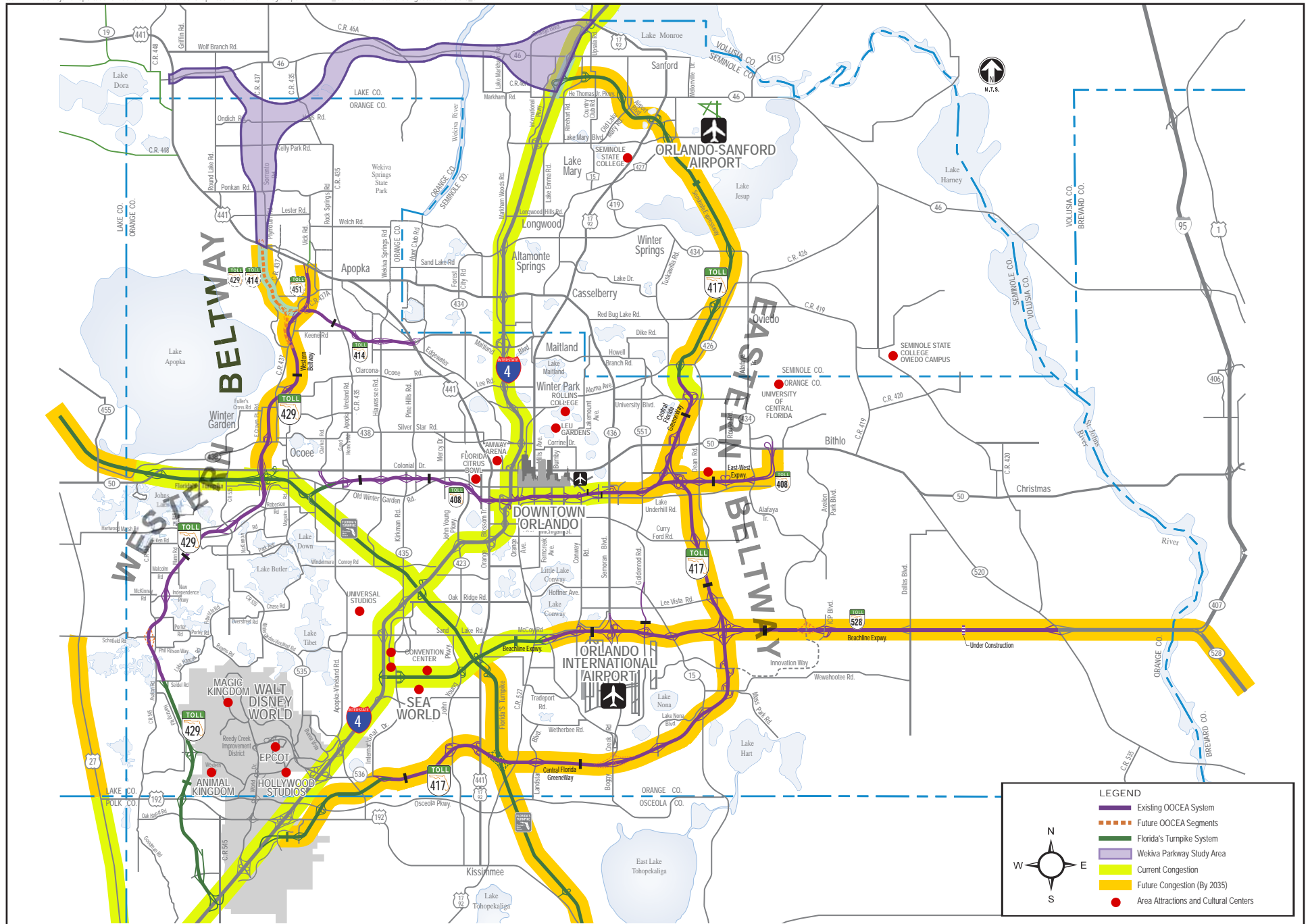


Exhibit 2
Regional Transportation Network with Heavily Congested SIS Facilities

- **Provide a higher capacity east-west travel facility in east Lake County and west Seminole County**

Most of the existing roadways within the study area consist primarily of local and collector roads. SR 46 is the only east-west connection between Lake County and Seminole County within the study area. SR 46 is a two-lane rural roadway which was constructed prior to current design standards. The majority of SR 46 through Lake and Seminole Counties consists of two 12-foot travel lanes with varying shoulder widths.

A safer, higher capacity east-west travel facility is needed. Many roads in the study area are currently operating at conditions below LOS "C". However, for SR 46 in east Lake County and west Seminole County in the area of the Section 4(f) public lands, the existing LOS is "F", with annual average daily traffic of 23,700.

These LOS conditions, especially for SR 46, are projected to worsen significantly under the No-Build scenario. Growth in residential population and employment opportunities has contributed to an increasing travel demand in northwest Orange County, northern Lake County, and western Seminole County. Population and employment projections indicate that travel demand will continue to increase in the area for the foreseeable future. In the 2032 design year for the proposed project, the projected No-Build condition for SR 46 in east Lake County and west Seminole County in the area of the Section 4(f) public lands is a further deteriorated LOS "F", with annual average daily traffic of 37,440. That would be a 58% increase in traffic on a facility that is currently operating at LOS "F".

The proposed project is a needed link between urbanized areas. Modes of transportation within the Wekiva Parkway study area are generally limited to personal vehicles and vehicles for hire. There are currently no public bus service routes within the study area. Much of the study area traverses rural residential and conservation lands; however, the corridor connects the urbanized areas of Apopka in Orange County, Mount Dora in Lake County, and Sanford in Seminole County. The proposed Wekiva Parkway project would meet increased travel demand from population growth in an environmentally sensitive and compatible manner.

- **Improve safety to reduce vehicle crash fatalities**

Many of the study area roadways are two-lane local and arterial roads that do not meet the current design standards for safety and capacity. That is a major contributing factor in the high crash and fatality rates, especially for SR 46 through Lake and Seminole Counties. According to FDOT Crash Data Reports from 2000 to 2004, there were 27 fatalities resulting from vehicle crashes on the 18.5 mile segment of SR 46 from US 441 near Mount Dora in Lake County to I-4 near Sanford in Seminole County. FDOT data indicates that in 2004 alone there were 10 fatalities and 117 injuries resulting from 95 vehicle crashes on that section of SR 46.

Public awareness of this safety issue has been raised through media attention, such as an *Orlando Sentinel* article on September 28, 2005 which described SR 46 in Lake County as "Central Florida's Deadliest Road". The *Sentinel* stated that, according to their analysis of regional crash data from FDOT and the Florida Highway Patrol, on a per mile basis the section of SR 46 through Lake County is the most dangerous roadway in Central Florida, and the section of SR 46 through Seminole County was described as the region's second most dangerous roadway. While such media reports are not the basis for decision-making,

they have heightened public interest in the need for a safer travel facility in east Lake County and west Seminole County.

As traffic volumes grow on these unimproved local roadways, it is reasonable to expect that a similar increase in traffic incidents and fatalities would continue to occur. The proposed Wekiva Parkway and the widened and realigned sections of SR 46 would be designed and constructed in accordance with all current standards and would be available to those regional motorists desiring to bypass local traffic. A modern facility, coupled with the opportunity for segregation of trip types, would help to reduce the potential for traffic incidents and fatalities when compared to existing conditions.

- **Develop a transportation facility that minimizes impacts to the Wekiva Basin Area resources and that specifically improves wildlife habitat connectivity between conservation lands and reduces vehicle-wildlife conflicts**

The recognition of the importance of the Wekiva Basin Area, its habitat, wildlife, conservation and recreation values, the associated spring systems, and the connection to the Ocala National Forest elevates the protection of this resource to a primary component of the purpose and need for the Wekiva Parkway. There are numerous publicly held conservation and recreation lands within the study area, including Rock Springs at Kelly Park, Wekiwa Springs State Park, Rock Springs Run State Reserve, Seminole State Forest, and Lower Wekiva River Preserve State Park. Vast areas of floodplains and wetlands, including the Wekiva Swamp south of SR 46 and the Seminole Swamp north of SR 46, are located west of the Wekiva River. The natural environment includes the Wekiva River Basin ecosystem, springshed, and an expansive wildlife habitat area that connects to the Ocala National Forest.

An additional safety concern in the study area is vehicle-wildlife conflict. Since much of the study area consists of sparsely populated rural residential areas and large tracts of conservation land, there have historically been many conflicts between vehicles and wildlife on roadways, particularly SR 46 in east Lake County. Over the past 20 years, more than 50 black bears have been killed by collisions with vehicles on a six mile segment of SR 46 adjacent to the Section 4(f) public lands. From 1994 to 2005 on that same section of SR 46, 23 black bears were killed by vehicles. Both the proposed Wekiva Parkway and a parallel service road in Lake County East incorporate three long wildlife bridges to enhance wildlife habitat connectivity between state conservation lands, which would greatly reduce the number of vehicle-wildlife conflicts.

1.3 Project Description

In early 2005, the Expressway Authority and FDOT began the Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study under joint management. The study addresses the following proposed project components:

- **The Wekiva Parkway**, a four-lane divided (expandable to six-lane divided) limited access toll facility, which would begin in Orange County at the planned terminus of the John Land Apopka Expressway at US 441 just west of CR 437 and extend to the north/northeast into Lake County, turning east and crossing the Wekiva River into Seminole County and terminating at I-4. The approximate length of the Wekiva

Parkway is 20.94 miles, with 8.16 miles in Orange County, 7.37 miles in Lake County and 5.41 miles in Seminole County.

- **SR 46 Reconstruction and Realignment** which would begin at the SR 46/US 441 interchange in Lake County and extend along the existing SR 46 corridor to the east, then turning southeast on a new alignment and entering Orange County with a systems interchange connection at the Wekiva Parkway. It is expected that the SR 46 improvements would provide six-lane divided controlled access along the existing alignment from US 441 to east of Round Lake Road, while the remaining alignment to the southeast is expected to be limited access. The approximate length of the SR 46 Reconstruction and Realignment is 4.79 miles, with 4.01 miles in Lake County and 0.78 mile in Orange County.
- **CR 46A Realignment**, a two-lane rural (expandable to four-lane rural) roadway, which would begin on existing CR 46A in east Lake County and extend to the south on a new alignment and tie into existing SR 46 with an access connection to the Wekiva Parkway. The approximate length of the CR 46A realignment is 2.72 miles.
- **Wekiva Parkway Access Improvements** would be required between the realignment of CR 46A in Lake County and Orange Boulevard in Seminole County to allow access to the private property along existing SR 46. A two-lane, non-tolled service road would be parallel to the Wekiva Parkway from north of the Wekiva Parkway interchange near Neighborhood Lakes to just east of the Wekiva River in Seminole County. Two-lane, one-way non-tolled frontage roads would be parallel to the Wekiva Parkway from east of the Wekiva River to Orange Boulevard in Seminole County. Those service and frontage roads would provide access to properties while also providing a non-tolled alternative for local trips.

Analysis of Alignment Alternatives

Before the PD&E Study team developed initial alignment concepts in Orange, Lake, and Seminole Counties, a comprehensive data collection effort was undertaken within and adjacent to the study area. Controlled aerial photography of the corridor was used for base mapping. Along with property parcel lines/numbers, street names, geographic features and other identifiers, the data collected on such items as the locations of community facilities, public lands, known or potential historic sites, wetlands, floodplains, wildlife habitat, potential contamination sites, and others were put on the base map. Avoidance or minimization of impact to these facilities and sensitive areas, as well as homes and businesses, to the greatest extent possible was key in the development of the alignment alternatives.

The initial alternatives were presented at three Public Workshops held in Orange, Lake, and Seminole Counties in November 2005. After the first Public Workshops and meetings with local and state governmental agencies and other stakeholders on the initial alternatives, the project team began the process of alternatives evaluation and refinement. The concepts and impact assessments developed in the initial alternatives phase of the study served as the basis for identification of potential viable alternatives. The Viable Alternatives were presented at July/ August 2006 Public Workshops held in Orange, Lake, and Seminole Counties. Two documents (*Technical Memorandum – Development and Analysis of Initial Alternatives* and *Technical Memorandum – Identification and Evaluation of Viable Alternatives*)

were prepared in December 2006 to provide information on the process that was completed during the initial and viable alternatives phases of the PD&E Study.

Based upon comparative assessment of the results of the engineering/environmental analysis and the evaluation of impacts/costs, and after extensive coordination with multiple stakeholders, the proposed alignment alternative was identified by the Expressway Authority and FDOT in April 2007. Subsequent coordination with state and local agencies resulted in some revisions to that alternative.

Following the identification of the proposed alignment alternative for the overall project, extensive discussions on funding options reached a crucial decision point. Due to declining transportation dollars available to FDOT, it was determined in early 2009 that the preliminary estimated cost of the project (\$1.8 billion) would not be financially feasible to fund without tolls on the Wekiva Parkway. In response to residents in the east Lake County area who expressed concerns over paying a toll for a local trip, FDOT and the Expressway Authority analyzed options to provide a non-tolled alternative for local trips. After several meetings during mid to late 2009 with area residents, local government officials, the Florida Department of Environmental Protection (FDEP) and members of the environmental stakeholder community, a two-lane, two-way service road concept parallel to the Wekiva Parkway was developed. To minimize impacts, the service road is proposed to be within the previously identified Wekiva Parkway right-of-way. The service road would extend from just north of the Wekiva Parkway interchange near Neighborhood Lakes to just east of the Wekiva River in Seminole County; that concept was presented at a Public Workshop in Lake County on December 17, 2009. Public comments resulting from the workshop were reviewed and incorporated into the preliminary design of the service road and the Wekiva Parkway mainline.

The proposed Wekiva Parkway alignment alternative, depicted in **Exhibit 3**, will be presented at three Public Hearings to be held in Orange, Lake, and Seminole Counties. Coordination with federal, state, and local agencies, the project advisory group, the environmental advisory committee, the public and other stakeholders has been ongoing and will continue throughout the study.

Acquisition of Conservation Lands

The *Wekiva Parkway and Protection Act* authorizes the Expressway Authority to act as a third-party acquisition agent on behalf of the State of Florida Board of Trustees of the Internal Improvement Trust Fund (Trustees) or the St. Johns River Water Management District (SJRWMD) for acquisition of conservation parcels and land needed to construct the Wekiva Parkway. The Act requires acquisition of the parcels known as Neighborhood Lakes, Pine Plantation, Seminole Woods, and Wekiva River Mitigation Bank (formerly New Garden Coal) prior to completion of the Wekiva Parkway. Florida Statutes Chapter 369.316.317(6)(b) and (c) state that “acquisition of the land described in this section is required to provide right of way for the Wekiva Parkway, a limited access roadway linking State Road 429 to Interstate 4, an essential component in meeting regional transportation needs to provide regional connectivity, improve safety, accommodate projected population and economic growth, and satisfy critical transportation requirements caused by increased traffic volume growth and travel demands. Lands acquired pursuant to this section that are needed for transportation facilities for the Wekiva Parkway shall be determined not necessary for conservation purposes pursuant to ss. 253.034(6) and 373.089(5) and shall be transferred to

or retained by the Orlando-Orange County Expressway Authority or the Department of Transportation upon reimbursement of the full purchase price and acquisition costs.”

In May 2005, FDEP, FDOT, and the Expressway Authority acquired for the state a perpetual conservation easement over the majority of the 1,553 acres of the Wekiva River Mitigation Bank, excluding the required right-of-way for Wekiva Parkway. The agreement protects the environmentally sensitive land from future development.

On December 19, 2006, the Governor and the Florida Cabinet approved the purchase of the Neighborhood Lakes parcels totaling 1,619 acres. Acquisition of those parcels was completed in March 2007 through a multi-party agreement between FDEP, SJRWMD, the Expressway Authority, Orange County, and Lake County. Approximately 192 acres of the Neighborhood Lakes property will be needed for the proposed Wekiva Parkway roadway and stormwater ponds. The remainder may be managed by FDEP and SJRWMD as part of the Wekiva River Basin State Parks, possibly Rock Springs Run State Reserve which is contiguous to Neighborhood Lakes.

The Pine Plantation property consists of approximately 628 acres located in north Orange County. On September 30, 2008, the Governor and the Cabinet approved an agreement to purchase 385 acres of Pine Plantation in partnership with the Expressway Authority and FDOT. The land acquired will serve as a buffer to protect surface water and groundwater resources within the Wekiva Study Area, including recharge within the Wekiva River spring-shed, and will protect it from future development. The remainder of Pine Plantation consists of one parcel through which the Wekiva Parkway will traverse.

Exhibit 4 shows the properties identified for acquisition in the *Wekiva Parkway and Protection Act*, along with the publicly owned lands within the study area.

1.4 Section 4(f) Resources

The Wekiva-Ocala Greenway is a continuous natural corridor spanning the north-central portion of the state from Orlando to the Ocala National Forest. The Greenway is an important refuge for the Florida black bear, as well as other wildlife such as the bald eagle, swallow-tailed kite, Florida scrub-jay, and wading birds. Located within the Wekiva and St. Johns River basins, the Greenway also serves an important water quality protection function. It provides the metro Orlando area with a large, accessible natural area to enjoy primitive, nature-based recreation opportunities. Public conservation lands currently included in the Wekiva-Ocala Greenway are the Wekiva River Buffer Conservation Area, Wekiwa Springs State Park, Rock Springs Run State Reserve, Lower Wekiva River Preserve State Park, Seminole State Forest, Black Bear Wilderness Area, Hontoon Island State Park, Blue Spring State Park, and the recently acquired Neighborhood Lakes. Although the Neighborhood Lakes property is now considered to be state conservation land, it is not subject to this Section 4(f) impact evaluation because the Wekiva Parkway project was contemplated in joint planning for acquisition of the property -- that is clearly stated in the acquisition agreement. Excerpts from both the Neighborhood Lakes purchase agreement and the Warranty Deed are provided in **Appendix B**. Also, the *Wekiva Parkway and Protection Act* states lands acquired pursuant to the Act “that are needed for transportation

facilities for the Wekiva Parkway shall be determined not necessary for conservation purposes”.

Section 4(f) resources which will be affected by the proposed Wekiva Parkway include **Rock Springs Run State Reserve** and **Seminole State Forest** in east Lake County and **Lower Wekiva River Preserve State Park** in west Seminole County. The following subsections provide a summary of each property’s location and significance. More detailed information concerning property characteristics is provided in the Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study *Determination of Section 4(f) Applicability* (October 2007). The approximate locations of these three Section 4(f) properties in relation to the proposed alignment alternative are shown on the previously referenced **Exhibit 3** on page 1-9.

1.4.1 Wekiva River Basin State Parks

Three contiguous parks in Orange, Lake, and Seminole Counties comprise the Wekiva River Basin State Parks, which are managed by the FDEP, Division of Recreation and Parks. The three parks are Wekiwa Springs State Park, Rock Springs Run State Reserve, and Lower Wekiva River Preserve State Park. The Wekiva River Basin State Park staff manages the three parks as one operational unit. The Wekiva Parkway alignment, while following the existing SR 46 alignment as closely as possible through this area, will impact Rock Springs Run State Reserve and Lower Wekiva River Preserve State Park. The proposed roadway will also impact Seminole State Forest, which is separated from Rock Springs Run State Reserve by SR 46. Seminole State Forest is managed by the Florida Department of Agriculture and Consumer Services (FDACS), Division of Forestry and is discussed in subsection 1.4.2.

The following information for Rock Springs Run State Reserve and Lower Wekiva River Preserve State Park was obtained from the FDEP, Division of Recreation and Parks *Wekiva River Basin State Parks Multi-Unit Management Plan* (April 22, 2005) and from the Statement of Significance provided by the Division of Recreation and Parks, Office of Park Planning (included in **Appendix C**).

1.4.1.1 Rock Springs Run State Reserve

Florida Department of Environmental Protection, Division of Recreation and Parks

Rock Springs Run State Reserve is located in north Orange County and east Lake County. The park is bounded on the north by State Road 46, the Wekiva River Mitigation Bank, and a small number of rural residential parcels in Lake County, and on the east by the Wekiva River up to the abandoned Seaboard Coastline Railroad, and by Wekiva River Road from the former railroad line north to SR 46. Wekiwa Springs State Park is adjacent to Rock Springs Run State Reserve on the southwestern boundary, and the recently acquired Neighborhood Lakes property is the northwestern boundary. The Seminole State Forest and Lower Wekiva River Preserve State Park are located immediately north of State Road 46.

On March 10, 1983 the Trustees obtained fee simple title to the property that became Rock Springs Run State Reserve. The Trustees conveyed management authority under the Multiple Agency Management No. 3571 (originally Lease No. 745-9008). The lead managing agency is the FDEP, Division of Recreation and Parks. Other agencies included in the management of the Reserve are the Division of Forestry, the Florida Fish and Wildlife Conservation Commission (FWC), and SJRWMD.

Rock Springs Run State Reserve is a unit of the Florida State Park system managed for the primary purpose of resource-based outdoor recreation and conservation. The Reserve is also a Type I Wildlife Management Area. The Reserve 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. The Reserve has regional, state, and national significance for the conservation and recreational values it provides. The property functions as a habitat preserve for many listed species, including Florida black bear, Florida scrub jay, striped newt and gopher tortoise, natural buffer to a National Wild and Scenic River and Florida Aquatic Preserve, and source of high-quality resource based recreational opportunities.

The Reserve provides opportunities for horseback riding, hiking, mountain biking, primitive camping, fishing, paddling, and nature observation. Limited hunting is permitted within the Wildlife Management Area and is managed by the FWC. Visitor use is focused on the Reserve trail system that includes 14 miles of hiking trails, 17 miles of equestrian trails, 15 miles of biking trails, and 32 miles of multi-use trails. A trail head kiosk is located on the main paved entrance road. Other public facilities include an equestrian concession and restroom. Support facilities include a ranger residence, a volunteer residence site, an old hunt cabin, a shop and an office. It should be noted that none of these structures or facilities are located within the project study area.

1.4.1.2 Lower Wekiva River Preserve State Park

Florida Department of Environmental Protection, Division of Recreation and Parks

Lower Wekiva River Preserve State Park is located in east Lake County and west Seminole County, and stretches north approximately 12 miles from State Road 46 up to the Ocala National Forest. The Preserve lies between State Road 44 and the Seminole State Forest to the west and the St. Johns River to the east. Rock Springs Run State Reserve and Wekiwa Springs State Park are located immediately south across State Road 46. The lower four miles of the Wekiva River and Black Water Creek cut through the southern portion of the Preserve.

On August 19, 1976, the Trustees obtained fee simple title to the property that became the Lower Wekiva River Preserve State Park. The Trustees conveyed management authority of the property to FDEP, Division of Recreation and Parks, under Lease No. 2950. This lease expires on April 4, 2076. Lower Wekiva River Preserve State Park, Rock Springs Run State Reserve and Wekiwa Springs State Park are managed collectively as one operational unit by the Division of Recreation and Parks, and are referred to as the Wekiva River Basin Parks. The basic policy and direction of management for these properties is contained in the approved *Wekiva Basin Parks Multi-Unit Management Plan* of April 22, 2005.

Lower Wekiva River Preserve State Park is a unit of the Florida State Park system managed for the primary purpose of resource-based outdoor recreation and conservation. The Preserve 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. The Preserve has regional, state and national significance for the conservation and recreational values it provides. The original purchase in 1976 of almost 5,000 acres was intended for protection of the lower Wekiva River. Additional purchases in 1994 and 1995 have formed a wildlife corridor along the Wekiva and St. Johns Rivers connecting to the Ocala National Forest. The

property functions as a habitat preserve for many listed species, including Florida black bear, Florida scrub jay, and gopher tortoise, natural buffer to a National Wild and Scenic River and Florida Aquatic Preserve, and source of high-quality resource based recreational opportunities.

The Preserve provides opportunities for horseback riding, hiking, mountain biking, primitive camping, fishing, paddling and nature observation. Visitor use is focused on the Preserve trail system that includes 23 miles of service roads and 18 miles of dedicated trails for horseback riding, hiking and biking. A portion of the Florida National Scenic Trail is located at the southern end of the Preserve and the property is a designated stop on the East Section of the Great Florida Birding Trail. A trailhead and equestrian camping area with stalls, corrals, and restroom is located at the north entrance of the park. The southern entrance provides trailhead access for hiking and a canoe/kayak launch on the Wekiva River is located at Katie's Landing. Support facilities include an office for the Wekiva River Aquatic Preserve, a ranger residence, and volunteer RV site, all located near the southern entrance. It should be noted that none of these structures or facilities are located within the project study area.

1.4.2 Seminole State Forest

Florida Department of Agriculture and Consumer Services, Division of Forestry

Seminole State Forest is located in Lake County, north of SR 46. The forest is bounded on the east by the Wekiva River and the Lower Wekiva River Preserve State Park. Seminole Woods/Swamp is located to the west of the forest, and Rock Springs Run State Reserve and the Wekiva River Mitigation Bank (formerly known as New Garden Coal) are located south of the forest, separated by SR 46 and a small cluster of rural residential and commercial parcels.

The majority of Seminole State Forest is owned by the State of Florida Board of Trustees of the Internal Improvement Trust Fund. The St. Johns River Water Management District owns 2,922 acres. The forest is managed by the FDACS, Division of Forestry. FWC is a cooperative manager and is responsible for wildlife management.

The property is designated a state forest and is managed under the multiple use concept (see Florida Statutes Chapter 253.034(1)(a) and Chapter 589.04(3)) and offers many benefits to Florida's citizens and visitors. Management of the forest promotes recreation, timber, wildlife, wildlife habitat, endangered species, watersheds, environmental education and many other values. Disturbed areas are to be restored to functioning natural communities. Recreation opportunities include hiking, horseback riding, primitive camping, canoeing, wildlife viewing, fishing and hunting. Two hiking trails (Lower Wekiva and Sulphur Island) are included in the Division of Forestry's Trailwalker Hiking Program and three horse trails are included in the Trail Trotter Program. None of these structures or facilities are located within the project study area. The Statement of Significance for Seminole State Forest from the Division of Forestry is provided in **Appendix C**.

SECTION 2

Alternatives

2.1 Project Study Area

In September of 2002, the Governor of Florida issued Executive Order No. 2002-259 creating the Wekiva Basin Area Task Force which was tasked with analyzing and recommending a study area for connecting SR 429 (the Western Beltway) in Apopka to I-4 in Seminole County. The task force consisted of 16 members representing counties, state and regional agencies, and the business and environmental communities. As part of the process of defining the study area, FDOT and the Expressway Authority assisted the Task Force by using land suitability mapping (LSM) to identify constraints and opportunities. The regulatory constraints included wetlands, floodplains, public parks and recreation areas (Section 4(f)), archaeological and historic sites (Section 106 and Section 4(f)), and threatened and endangered species. Other constraints associated with the cultural, natural, physical, and social environment were also mapped. Areas that minimized impacts to the unique environment while meeting the purpose and need for the project were identified.

The assessments for the study area were presented to the Task Force for evaluation. Other stakeholders and the public were offered numerous opportunities to provide comment and input to the purpose and need and the study area evaluations. The task force issued its final report *Recommendations for Planning and Locating the Wekiva Parkway while Preserving the Wekiva River Basin Ecosystem* in January of 2003 which included recommendations addressing the need for the Wekiva Parkway and a suggested study area.

In July of 2003, the Wekiva River Basin Coordinating Committee was created when the Governor signed Executive Order No. 2003-112. That group was charged with addressing several specific issues within the study area, including the Wekiva Parkway. The Coordinating Committee's SR 429 Working Group received input from local communities and suggested revisions to the Wekiva Parkway study area, including the SR 46 Bypass. Using the recommendations from the Wekiva Basin Area Task Force and the SR 429 Working Group, the Wekiva River Basin Coordinating Committee further refined the proposed Wekiva Parkway study area in its final report *Recommendations for Enhanced Land Use Planning Strategies and Development Standards to Protect Water Resources of the Wekiva River Basin* in March of 2004.

The *Wekiva Parkway and Protection Act*, based in large part on the recommendations of the Wekiva River Basin Coordinating Committee, was the culmination of several years of analysis and evaluation by an array of diverse stakeholders. The recommended study area for the Wekiva Parkway and the SR 46 Bypass is the study area used for the Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study. The project study area is depicted in the previously referenced **Exhibit 1** on page 1-2 of this document.

Numerous initial and viable alternative concepts in Orange, Lake, and Seminole Counties were assessed and evaluated by the PD&E Study team within and in some cases outside of, the recommended study area 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 Parkway (SR 429)/SR 46 Realignment PD&E Study *Environmental Assessment* documents in detail the No Build Alternative and describes the process whereby the alignment alternatives for the proposed Wekiva Parkway and SR 46 Realignment were developed, analyzed and evaluated by the study team. The following subsections mainly focus on the alternatives considered from the Orange/Lake County line in the Neighborhood Lakes area to east of the Wekiva River in Seminole County, which is the project area where the Section 4(f) lands addressed in this *Programmatic Section 4(f) Evaluation* are located.

2.2 No Build (Do Nothing) Alternative

The No Build Alternative assumes that a major new expressway is not provided within the project study area. Only those projects for which funding is committed in the Expressway Authority's *2030 Expressway Master Plan* (adopted March 2006) and METROPLAN ORLANDO's *2025 Long Range Transportation Plan Update* (adopted September 2004) are assumed to be provided to meet the transportation need.

The benefits of the No Build Alternative include the absence of long term impacts such as community displacements and natural environmental intrusion, as well as short term operational impacts associated with actual construction of a major new expressway. However, long term benefits associated with serving future traffic demands, acquiring additional conservation lands, and providing enhanced wildlife habitat connectivity will not be realized with this alternative. Many of the existing roadways within the project study area are currently operating at less than desirable service levels. Operating conditions are projected to worsen in the future, increasing travel time from delays and vehicle crashes due to congestion. Traffic on SR 46 in the area of the Section 4(f) lands is projected to increase by 58% over the next 20 years; the facility currently operates at LOS "F". Also, improved wildlife habitat connectivity between the Section 4(f) lands will not be achieved and wildlife-vehicle conflicts will continue under the No Build scenario.

Specifically, the No Build Alternative will offer no benefits to address the existing or projected future traffic congestion on SR 46. The existing two-lane arterial road does not meet the current design standards for safety and capacity. As discussed under subsection 1.2 (Project Purpose and Need), FDOT data indicates SR 46 through Lake and Seminole Counties has a high rate of vehicle crashes and resultant deaths and injuries. In 2004 alone, 20 people died in vehicle crashes on SR 46 in Lake and Seminole Counties. On a per mile basis, the section of SR 46 through Lake County is the most dangerous roadway in Central Florida based on analysis of FDOT crash data. The section of SR 46 through Seminole County is the region's second most dangerous stretch of road.

As previously discussed in subsection 1.2 (Project Purpose and Need), over 50 Florida black bears have been killed in collisions with vehicles in the past 20 years along SR 46 in Lake County between Mt. Plymouth Road (CR 435) and the Wekiva River bridge. Two wildlife crossings, a 26-foot culvert built in 1994 and a 52-foot bridge structure built in 2004, have somewhat reduced the incidence of wildlife-vehicle conflicts; however, those existing crossings are used primarily by larger species and do not provide habitat connectivity for smaller species. The Wekiva Parkway will replace those structures, as well as the existing 561-foot Wekiva River

bridge, with a total of 7,710 feet of wildlife bridging from west of Old McDonald Road to east of the Wekiva River in immediate proximity to the Section 4(f) public lands. The proposed parallel service road also incorporates wildlife bridging of similar lengths in these locations. These long bridge spans will greatly improve wildlife habitat connectivity between Seminole State Forest and Rock Springs Run State Reserve, and further reduce the number of wildlife fatalities.

SR 46 is one of only three east-west travel options within a 25-mile envelope. The No Build Alternative will result in a higher number of wildlife-vehicle collisions as traffic increases along the existing rural roadway.

The distinct advantages and disadvantages associated with the No Build Alternative are described below.

Advantages

- No impedance to traffic flow during construction,
- No expenditure of funds for right of way acquisition, engineering, design or construction,
- No impact to the adjacent natural, physical, and human environments, and
- No disruption to existing land uses due to construction related activities.

Disadvantages

- Increase in traffic congestion, resulting in unacceptable levels of service and an increase in road user costs,
- Increase in vehicle crashes associated with increased traffic volumes on an inadequate roadway network, as well as an increase in wildlife-vehicle conflicts,
- Increase in level of wildlife habitat fragmentation in the Wekiva-Ocala Greenway,
- Increase in carbon monoxide levels and other air pollutants caused by an increase in traffic congestion,
- Increase in maintenance costs due to roadway and structure deterioration,
- Increase in emergency service response time due to heavy congestion,
- Increase in evacuation time during weather emergencies as a result of heavy congestion.
- The No Build Alternative would not meet the Purpose and Need for the project.

2.3 Initial and Viable Alignment Alternatives

During the initial and viable alternatives phases of the PD&E Study, numerous alignment alternatives were developed and evaluated. The PD&E Study team has fully evaluated and documented all potential alternatives within, or originating within, the study area.

Following the Initial Alternatives Public Workshops, the Orange County Environmental Protection Division (OCEPD) identified corridor constraints and made a request that the final alignment of the Wekiva Parkway avoid impacts to two conservation properties recently purchased by Orange County, as well as a seepage spring located on private property (refer to **Appendix C** for correspondence). Due to the OCEPD request, several initial alignment alternatives were eliminated from further evaluation through the Orange County portion of the study area in order to avoid the conservation lands. The remaining initial alignments were

further modified and refined due to design considerations and to avoid and/or minimize impacts to the following constraints: Section 4(f) lands, the OCEPD conservation lands, a historic resource that is potentially eligible for NRHP listing, floodplains, and sensitive wildlife habitat. These refined alignments through Orange County affected specific alignments into east Lake County.

An initial Lake County East alternative, farthest south of existing SR 46, passed through the northwest portion of the Rock Springs Run State Reserve and an uplands portion of Wekiva River Mitigation Bank property. This alignment was eliminated from further evaluation following the Initial Alternatives Public Workshops due to objections from the FDEP, Division of Recreation and Parks, the PD&E Study Environmental Advisory Committee, the Seminole Soil and Water Conservation Commission, and several environmental groups that compose the Wekiva Coalition. Several other alternatives closer to SR 46 with less impact to Rock Springs Run State Reserve were further developed as viable alternatives. Those alignment alternatives also had access options, including partial or full interchanges. Three alignment alternatives in Neighborhood Lakes were selected for further evaluation: one that was as far west as possible, one as far east as possible, and one through the central section of the property. This resulted in numerous viable alignment alternatives from the Orange/Lake County line to the Wekiva River that were presented at the Viable Alternatives Public Workshops. Since they were within the study area, and paralleled or followed existing SR 46, each of these alignments had unavoidable impacts to the Seminole State Forest and Rock Springs Run State Reserve.

In Seminole County just east of the Wekiva River, the initial and viable alternatives followed existing SR 46. However, an additional 70 feet of right-of way was needed for the viable alternative. The widening would have to be either to the north or to the south. On the north lies the Lower Wekiva River Preserve State Park; on the south there is significant residential development. Residents and local elected officials strongly opposed the south widening option at, and in meetings following, the Viable Alternatives Public Workshops.

Therefore, impacts to Section 4(f) lands are unavoidable by roadway alignment shifts, because in Seminole County alternative alignments would result in substantial adverse social and economic impacts, and in Lake County East alternative alignments would require the use of more Section 4(f) lands resulting in impacts of greater magnitude when compared to the proposed use of Section 4(f) lands.

2.4 Proposed Alignment Alternative

Fulfills Purpose and Need

The proposed alternative will achieve regional connectivity through implementation of the missing segment of the Western Beltway (SR 429) and provide a safe, high capacity east-west travel facility to replace portions of SR 46. The Traffic Report prepared for the PD&E Study determined that the existing roadway network is inadequate and traditional widening of SR 46 will not accommodate projected demand. The proposed improvements will meet the increased travel demand from population growth in an environmentally sensitive and compatible manner, including enhanced wildlife habitat connectivity.

Unavoidable Section 4(f) Land Impacts Due to Proximity to Existing SR 46

The existing SR 46 right-of-way width varies from approximately 66 feet to 100 feet from the Neighborhood Lakes area to west of the Wekiva River. The proposed alignment requires a 300-

foot right-of-way for a rural expressway. The two-lane, two-way service road parallel to the Wekiva Parkway would be constructed within the previously identified right-of-way for Wekiva Parkway. The existing SR 46 right-of-way for the two-lane rural arterial is not sufficient to accommodate a limited access expressway, and the existing horizontal alignment does not meet the curve criteria for an expressway typical section. In addition to requiring additional right-of-way for an expressway typical section, existing SR 46 will need to remain open during construction of Wekiva Parkway, as it is the only east-west corridor between the Mount Dora area in Lake County and the I-4/ Sanford area in Seminole County.

Seminole State Forest and Rock Springs Run State Reserve are on the north and south sides, respectively, of existing SR 46 right-of-way through east Lake County. Lower Wekiva River Preserve State Park is adjacent to the northern right-of-way of SR 46 in Seminole County, east of the Wekiva River. The proposed Wekiva Parkway is to be constructed on essentially the same alignment as SR 46 through the area where the Section 4(f) properties are located, and the Wekiva River crossing must be at approximately the same location as the existing bridge. However, impacts to these state lands are unavoidable as the geometric constraints prevent utilizing only the existing two-lane SR 46 right-of-way. Efforts to minimize environmental impacts and to balance impacts to private property and publicly owned land through this section of the project study area have been the primary focus in identifying alternative alignments and access concepts.

2.5 Improvements without using Section 4(f) Property

As previously discussed, Rock Springs Run State Reserve is south of the existing SR 46 alignment, and Seminole State Forest and Lower Wekiva River Preserve State Park are north of the roadway. The proposed Wekiva Parkway is to be constructed on essentially the same alignment as SR 46 through the area where the Section 4(f) properties are located, and the Wekiva River crossing must be at approximately the same location as the existing bridge in order to avoid even greater impacts. However, impacts to these state lands are unavoidable as the geometric constraints prevent utilizing only the existing two-lane SR 46 right-of-way. Several alternatives through this area were developed to minimize impacts to residences adjacent to SR 46, while also minimizing environmental impacts and maximizing use of the parcels identified for acquisition for Wekiva Parkway right-of-way and conservation lands in the *Wekiva Parkway and Protection Act*. A summary of the viable alternatives evaluation leading to identification of the proposed alignment alternative near the Section 4(f) lands in Lake County East and Seminole County is provided below.

2.5.1 Lake County East Alternatives

Rock Springs Run State Reserve and Seminole State Forest Area

From west of Old McDonald Road to the Wekiva River, the proposed alternative would replace the existing SR 46 two-lane roadway with a four-lane (expandable to six-lanes in the median) rural expressway within a 300-foot limited access right-of-way. As previously mentioned, a two-lane, two-way non-tolled service road would be parallel to and on the north side of the expressway, within the previously identified 300-foot right-of-way from north of the Wekiva Parkway interchange near Neighborhood Lakes to just east of the Wekiva River. The service road would provide access to and circulation between the privately owned properties west of

the Wekiva River, as well as access to Rock Springs Run State Reserve and Seminole State Forest. In addition to providing access, the service road would provide area residents with a non-tolled alternative for local trips.

Previously Proposed Alternatives

Previous access alternatives (developed for a non-tolled expressway prior to 2009) for providing access to the cluster of residential properties in the vicinity of the “hump” in SR 46 and to the residential properties west of the Wekiva River included:

Split Diamond Interchange Access Alternative

The split diamond interchange concept consists of two half-diamond interchanges with a cul de sac remnant of SR 46 remaining open for local residential traffic to access the directional interchanges:

- A half-diamond interchange in the location of the existing SR 46/CR 46A intersection would provide access to and from the west.
- A second half-diamond interchange located between Wekiva Pines Country Estates and Wekiva River Road would provide access to and from the east.

Two Full Interchanges Access Alternative

- A full interchange in the location of the existing SR 46/CR 46A intersection, and
- A full interchange located between Wekiva Pines Country Estates and Wekiva River Road.

Agency Coordination

Because of the low projected traffic demand generated by the residential enclaves, and after comparison of right-of-way and construction costs, the proposed alternative was, initially, the split diamond concept; however, the proposed alternative was modified to include two full interchanges due to the following agency consultation:

- The Wekiva River Basin Commission (June 1, 2007 meeting) requested FDOT to consider the two full interchanges concept given concerns about remnants of existing SR 46 remaining open with the split diamond alternative, which could diminish the enhanced wildlife habitat connectivity provided by the proposed bridging through the area.
- The Lake County Commission (June 5, 2007 meeting) indicated a similar preference for the two full interchanges concept.
- During a project coordination meeting in Tallahassee (July 17, 2007), FDEP senior staff emphasized that having the two full interchanges concept in the proposed alternative, to eliminate local traffic on remnants of SR 46 that would occur with the split-diamond concept, was critical to their continued support of the Wekiva Parkway project.

Currently Proposed Alternative

Due to the need for tolling for project financial feasibility identified in 2009, and the required addition of the service road with associated bridges over the wildlife corridors, the split or full interchanges are no longer required for access. In addition, the service road concept does not leave a continuous at-grade SR 46 roadway through the wildlife corridor areas. Because the service road is within the proposed right-of-way for Wekiva Parkway, impacts to the state lands

adjacent to SR 46 would be substantially less than either of the previous access alternatives. The project study team met with citizens, elected officials and members of the environmental stakeholder community in September 2009 and with FDEP senior staff in November 2009 during development and analysis of the service road concept to solicit input for the proposed preliminary design. A Public Workshop on the service road concept was held in December 2009 in the east Lake County study area.

Proposed Alternative Recommendation

- **Impacts to the Rock Springs Run State Reserve and Seminole State Forest are unavoidable as these resources are located immediately adjacent to the SR 46 right-of-way.**
- **Therefore, it is not feasible and prudent to avoid the Rock Springs Run State Reserve and Seminole State Forest Section 4(f) lands by roadway design or transportation management techniques.**

2.5.2 Seminole County Alternatives

Near Lower Wekiva River Preserve State Park

The proposed improvements in Seminole County involve placing the Wekiva Parkway mainline in the center of the right-of-way between two one-way frontage roads for local access. This concept requires approximately 270 feet of right-of-way. The existing SR 46 right-of-way is 200 feet wide. In this area east of the Wekiva River, two viable alternatives were examined along the SR 46 corridor:

South Widening Alternative

The South Widening Alternative involves acquiring approximately 70 feet of additional right-of-way to the south of SR 46, which impacts a significant number of residential parcels. The South Widening Alternative avoids use of Section 4(f) lands.

North Widening Alternative

The North Widening Alternative involves acquiring right-of-way to the north of SR 46, which impacts Section 4(f) lands of the Lower Wekiva River Preserve State Park, and requires relocation of a 26-inch natural gas pipeline within a 50-foot easement north of existing SR 46.

Comparison Evaluation

- The North Alternative requires additional costs for the gas line relocation and easement;
- However, those utility relocation costs are significantly less than the right-of-way costs for the South Alternative due to the higher land/improved property values.

Agency Coordination

- The Seminole County Expressway Authority has indicated a strong preference for the North Alternative to avoid significant impacts to the residential areas south of SR 46.
- FDEP indicated their preference for the South Alternative to avoid impacts to the Lower Wekiva River Preserve State Park. However, FDEP did acknowledge the difficulty of acceptance of the South Alternative for residents and County leaders, and indicated a willingness to work with FDOT on the North Widening Alternative.

Proposed Alternative Recommendation

- To avoid substantial adverse community impacts to adjacent residential properties and substantially increased project costs, the North Alternative was identified as the proposed alternative with impacts to the *Lower Wekiva River Preserve State Park*.
- Impacts to the *Lower Wekiva River Preserve State Park* are unavoidable as the Preserve is located immediately adjacent to the SR 46 right-of-way.
- Therefore, it is not feasible and prudent to avoid the *Lower Wekiva River Preserve State Park* Section 4(f) lands by roadway design or transportation management techniques.

2.6 Alternatives on New Location without using Section 4(f) Property

The study area for the Wekiva Parkway generally follows the existing SR 46 alignment from the Neighborhood Lakes area to east of the Wekiva River. Section 4(f) lands lie on both sides of SR 46. The intent is to follow the naturally higher ground through the Wekiva Protection Area and to utilize the existing bridge crossing location between Lake and Seminole Counties to minimize impacts to the Wekiva River, which is a Florida Aquatic Preserve, Outstanding Florida Water, and National Wild and Scenic River.

Proposed Alternative Recommendation

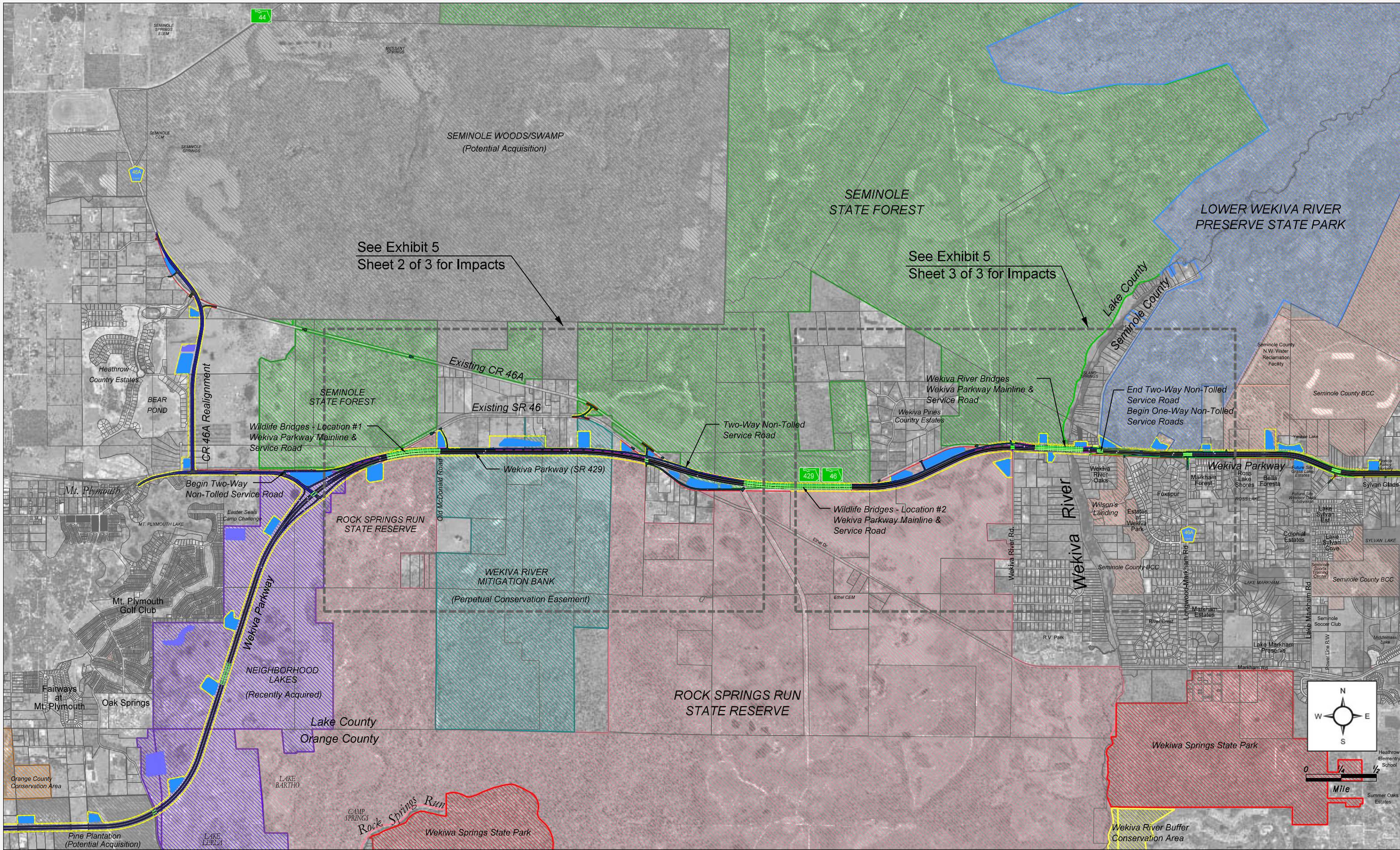
- Due to the proximity of Section 4(f) resources within the project study area, there is no alternative on new alignment that would avoid these resources entirely.
- A new alignment is not a viable alternative because it would result in greater impacts to adjacent Section 4(f) resources and it would require a new river crossing location over the Wekiva River resulting in substantial damage to wetlands or other sensitive natural areas. These impacts would be of extraordinary magnitude when compared with the proposed use of Section 4(f) lands.
- Therefore, to avoid and minimize substantial adverse social, economic, and environmental impacts to adjacent conservation lands and residential properties, the proposed alternative maximizes the use, where feasible, of existing roadway alignments through environmentally sensitive areas.
- Impacts to the Section 4(f) lands of the *Rock Springs Run State Reserve*, *Seminole State Forest* and *Lower Wekiva River Preserve State Park* are unavoidable as these resources are located immediately adjacent to the existing SR 46 right-of-way.
- Therefore, it is not feasible and prudent to avoid Section 4(f) lands by constructing on new alignment.

Rock Springs Run State Reserve

3.1 Impacts and Findings

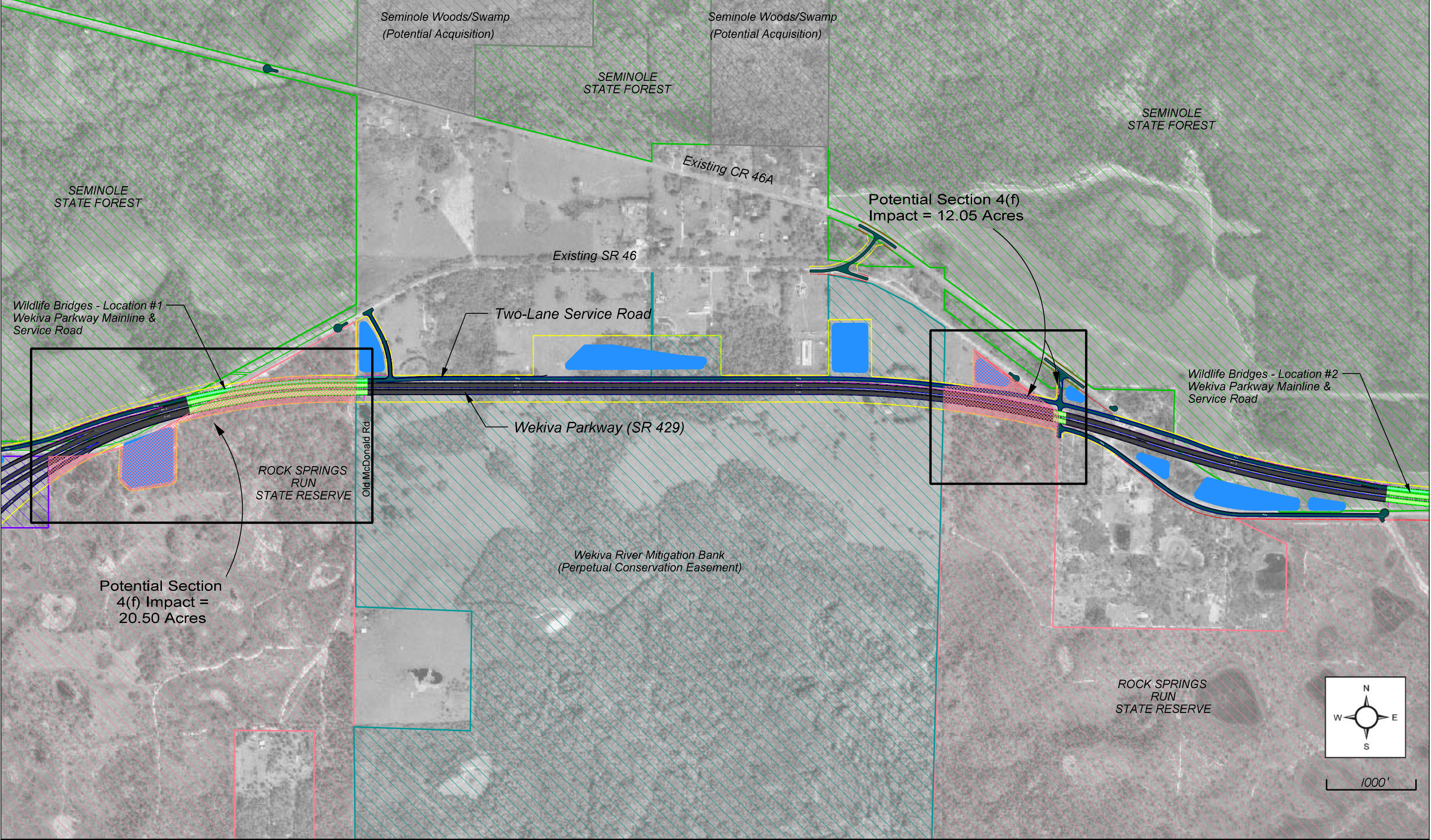
The Rock Springs Run State Reserve is part of the Wekiva River Basin, whose waterways and associated lands in central Florida comprise some of the most prized natural assets of the state. As outlined in this section, minimal impacts to Rock Springs Run State Reserve are anticipated with the proposed 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 Rock Springs Run State Reserve 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 Rock Springs Run State Reserve is located (from east of Neighborhood Lakes to west of the Wekiva River).
- 2. Abutment to Public Lands:** Rock Springs Run State Reserve is a public recreational facility, conservation area and wildlife management area. The northern boundary of the Reserve 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 Rock Springs Run State Reserve are expected to occur as a result of the proposed alternative. The proposed alignment generally impacts the northern portions of the Reserve that are contiguous with existing SR 46. Right-of-way acquisition for roadway and stormwater ponds is estimated at approximately 97 acres of the Reserve. The existing public recreational areas (hiking, biking, and canoe trails) will not be impacted by the proposed improvements. Prior to the Neighborhood Lakes acquisition, the total acreage of Rock Springs Run State Reserve was 14,011 acres. The proposed right-of-way requirement of 97 acres represents less than 0.7 percent of the total acreage of the Reserve. The impacted areas of the Wekiva River Basin State Parks, including Rock Springs Run State Reserve, are shown in **Exhibit 5**.
- 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. Noise impacts due to the proposed alternative are not anticipated to public recreational facilities, such as the campground. Stormwater treatment ponds (or flowage easements if permitted by FDEP in drainage design) are planned throughout the proposed corridor to provide treatment and to prevent the degradation of water quality due to the proposed alternative. Additionally, the primary access points to the Reserve on existing SR 46 will remain.

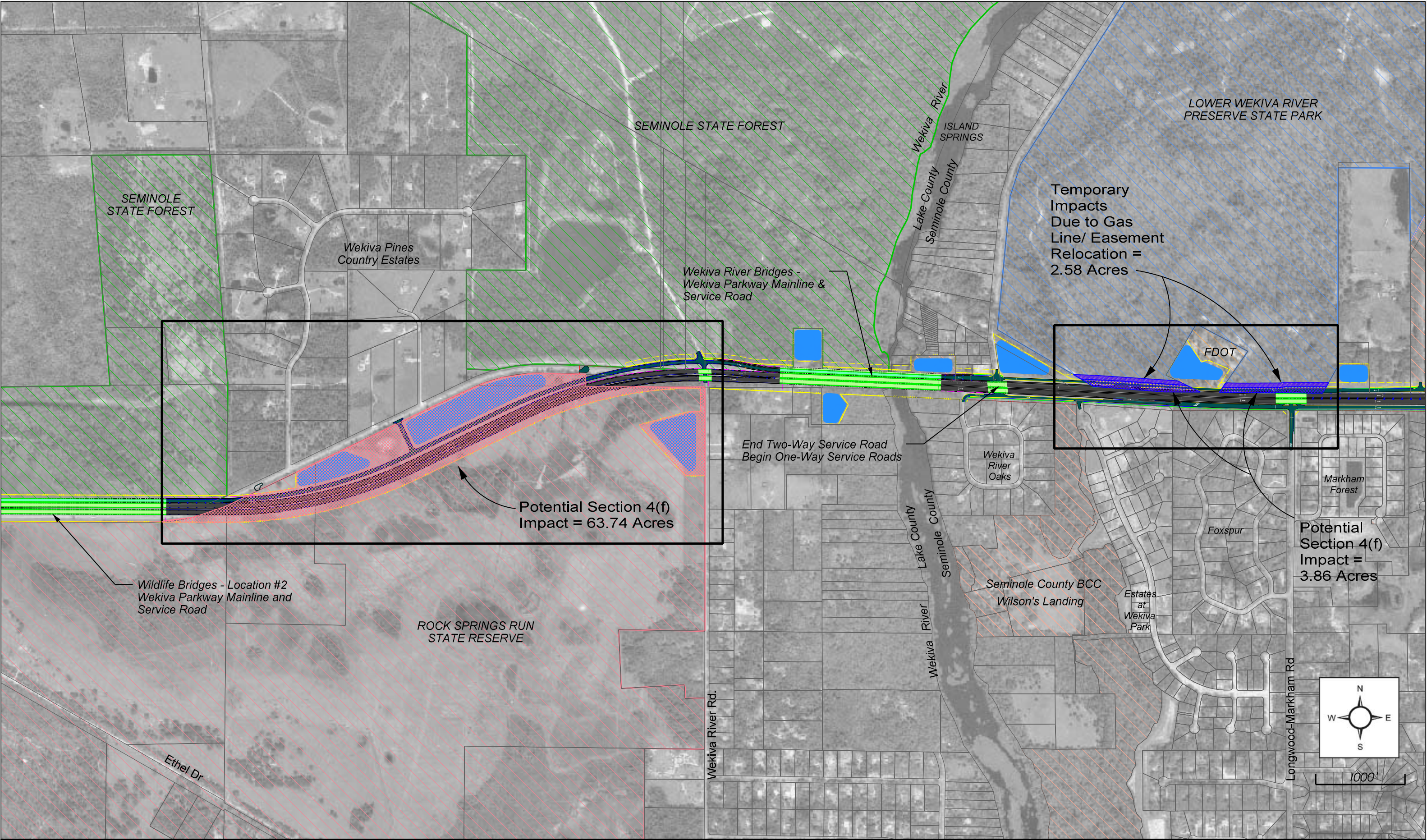


LEGEND

- | | | | |
|-------------------------------|--|--------------------------------|--------------------------|
| Stormwater Ponds | Seminole State Forest | Rock Springs Run State Reserve | Proposed Alternative R/W |
| Floodplain Compensation Ponds | Lower Wekiva River Preserve State Park | Neighborhood Lakes | Existing R/W |



LEGEND			
	Stormwater Ponds		Seminole State Forest
	Floodplain Compensation Ponds		Neighborhood Lakes
			Rock Springs Run State Reserve
			Proposed Alternative R/W
			Existing R/W



LEGEND

Stormwater Ponds

Floodplain Compensation Ponds

Seminole State Forest

Rock Springs Run State Reserve

Lower Wekiva River Preserve State Park

Proposed Alternative R/W

Existing R/W



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 Rock Springs Run State Reserve 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 Rock Springs Run State Reserve....” 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. However, later in 2009 the service road concept replaced the previous alternative and there was subsequent coordination with FDEP. A meeting on the service road concept was held in Tallahassee with the FDEP Deputy Secretary for Land and Recreation on November 3, 2009. Further information on the reduced impacts of the service road on Rock Springs Run State Reserve was provided to FDEP on February 8, 2010. 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.

3.2 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.

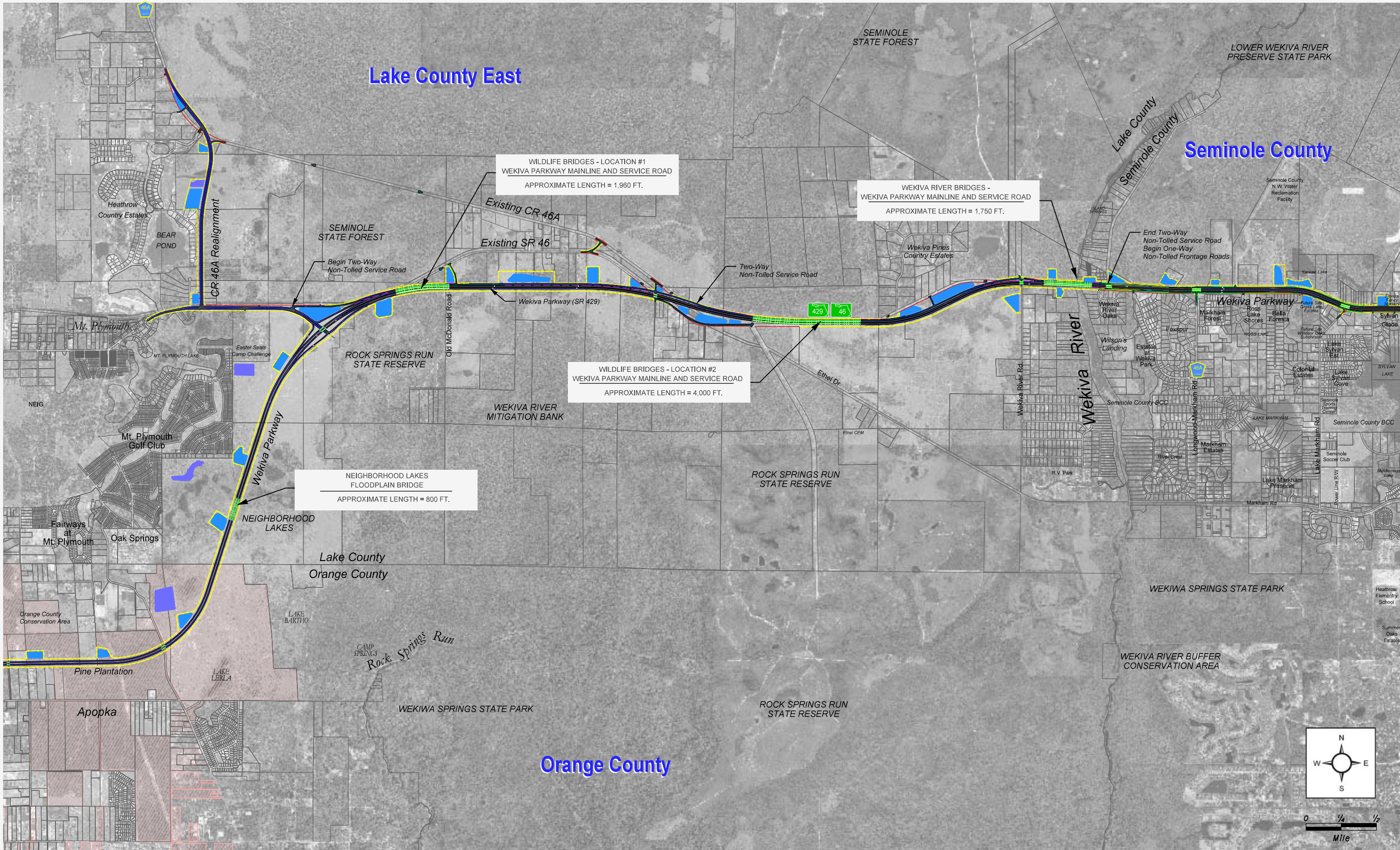
Incorporation of Design Features

- 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.
- Extensive coordination with FDEP has occurred throughout the PD&E Study to avoid, minimize and mitigate direct and indirect impacts to Rock Springs Run State Reserve to the extent feasible. At the specific request of FDEP, the proposed alignment through Neighborhood Lakes was located as far west as possible to leave the largest contiguous acreage with the Reserve.

- 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 addition, the proposed stormwater ponds are located on the west side of the alignment through Neighborhood Lakes at the specific request of FDEP. Promoting contiguous conservation lands within the Reserve was key to enhancing wildlife protection and habitat connectivity.
- The proposed alternative includes replacing two existing SR 46 wildlife structures (a 52-foot bridge west of Old McDonald Road and a 26-foot culvert east of the existing SR 46/CR46A intersection) with 1,960-foot and 4,000-foot bridges, respectively for both the expressway and the parallel service road. The existing 561-foot Wekiva River bridge will be replaced with 1,750-foot bridges for the mainline and the service road. These long bridges will enhance wildlife habitat connectivity between Seminole State Forest and Rock Springs Run State Reserve and reduce the number of wildlife-vehicle conflicts. The locations and approximate lengths of those wildlife structures are shown on **Exhibit 6**.

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, specifically the Rock Springs Run State Reserve. 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, with approximately 945 acres contiguous with the previous boundaries of the Rock Springs Run State Reserve.
- The acquisition of Neighborhood Lakes and the perpetual conservation easement obtained from the Wekiva River Mitigation Bank has resulted in an increase in the acreage of both private and state-owned conservation lands within the Wekiva River Protection Area as compared to the No-Build Alternative. Acquisition of the Neighborhood Lakes property allowed the proposed alignment to be set as far west as possible, which minimized impacts to Rock Springs Run State Reserve and maximized contiguous conservation land west of the Reserve.
- Similarly, the agreement for the perpetual conservation easement obtained within the Wekiva River Mitigation Bank provided necessary right-of-way for the proposed project and minimized impacts to the surrounding environment.
- The proposed alternative will provide wildlife habitat through the acquisition of Neighborhood Lakes which expanded the contiguous conservation corridor from Orlando to the Ocala National Forest known as the Wekiva-Ocala Greenway.



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

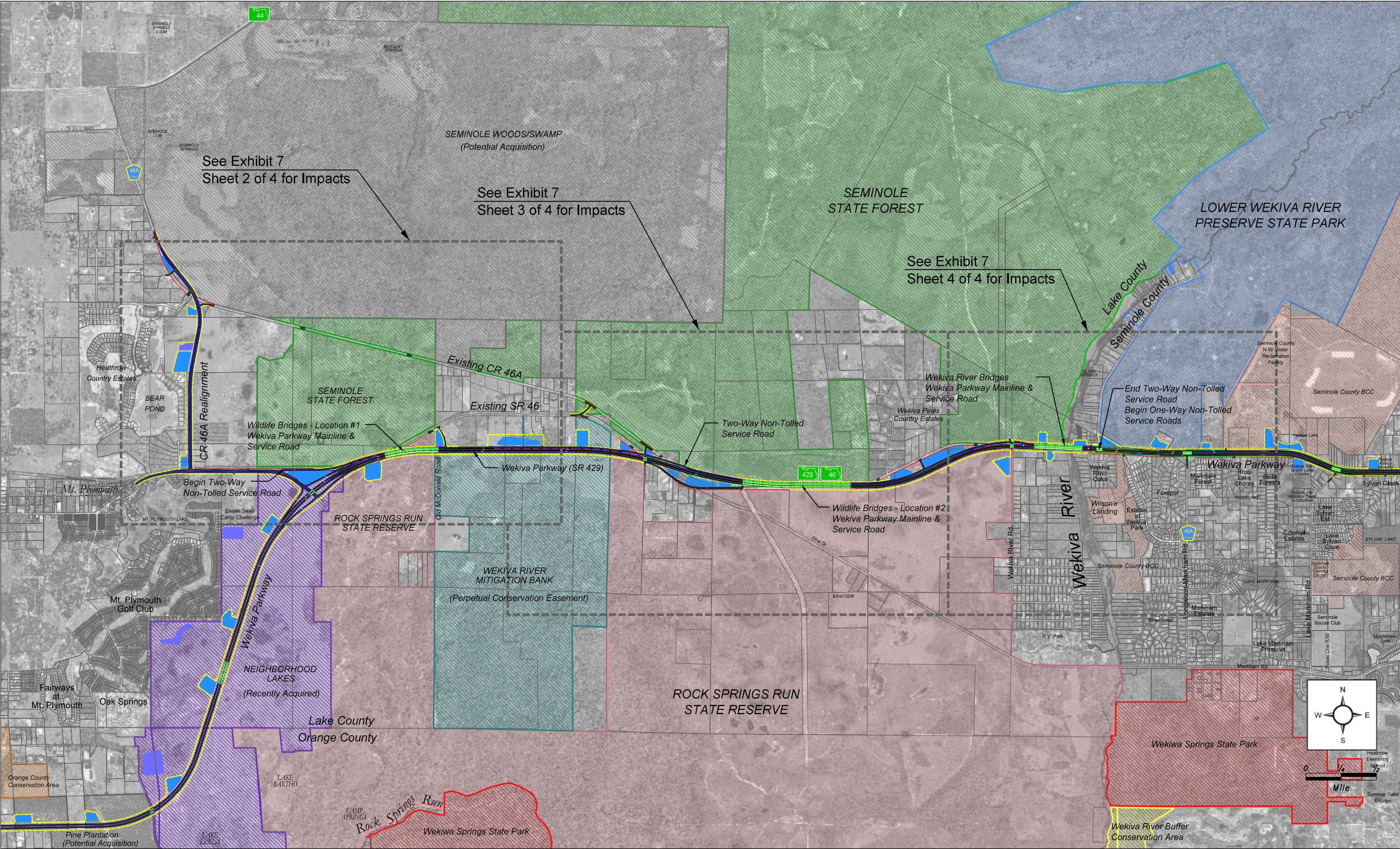
- The acquisition of the Neighborhood Lakes property was completed in March 2007 to provide necessary right-of-way for the proposed construction of the Wekiva Parkway. The acreage required for roadway and stormwater ponds through Neighborhood Lakes is estimated at 192 acres of the total 1,619 acres purchased. 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.

Seminole State Forest

5.1 Impacts and Findings

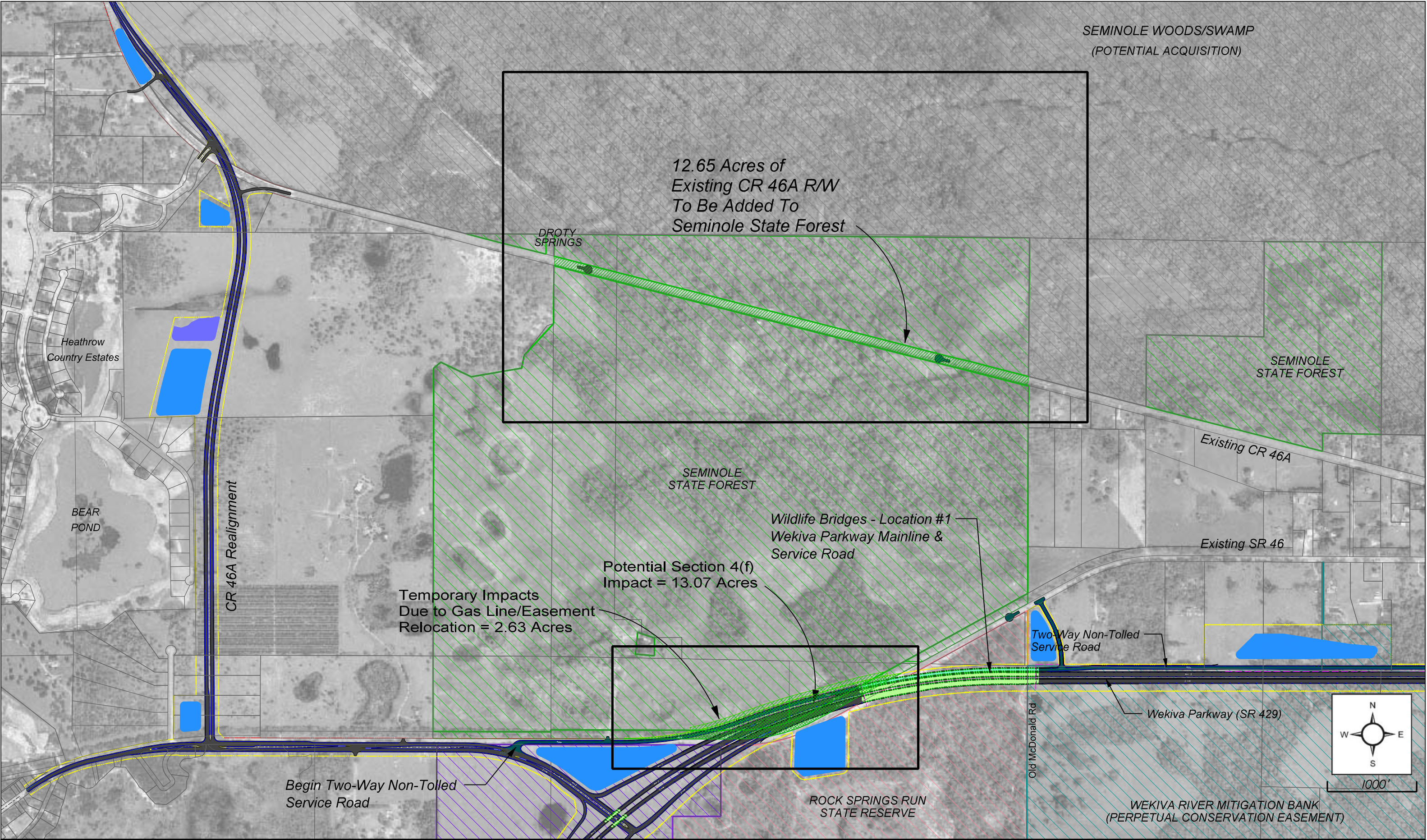
The Seminole State Forest is a designated state forest and offers many benefits to Florida's citizens and visitors. As outlined in this section, minimal impacts to Seminole State Forest are anticipated with the proposed alternative; however, no adverse affects are expected. This *Programmatic Section 4(f) Evaluation* applies to this project because it proposes the use of minor amounts of the Seminole State Forest 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 project 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 Seminole State Forest is located (west of the Wekiva River and north of existing SR 46).
- 2. Abutment to Public Lands:** Seminole State Forest is a public recreational facility and conservation area; the southern boundary 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. Approximately 58 acres of Seminole State Forest will incur direct use impacts due to right-of-way requirements for roadway and stormwater ponds. The 58 acres is about 0.21 percent of the existing 27,063 acres in Seminole State Forest. A section of existing CR 46A from the northern limits of the CR 46A realignment to just northwest of the properties in the vicinity of the "hump" in SR 46 will be removed as a part of the proposed project. As a result, approximately 13 acres of the existing CR 46A right-of-way will be added to Seminole State Forest due to the proposed improvements. The net impact on Seminole State Forest of approximately 45 acres represents 0.17 percent of the existing 27,063 acres. Approximately 5.5 acres will be required temporarily 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. The impacted areas of Seminole State Forest are shown in **Exhibit 7**.
- 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. Noise impacts are not expected to impact the existing primitive camping facilities due to the distance between the facilities and the proposed roadway. Stormwater treatment ponds are planned throughout the proposed corridor to provide treatment and to prevent the degradation of water quality due to the project. At the request of state land managers, flow easements as an alternative to ponds will be addressed with FDEP during the drainage design/permitting phase.

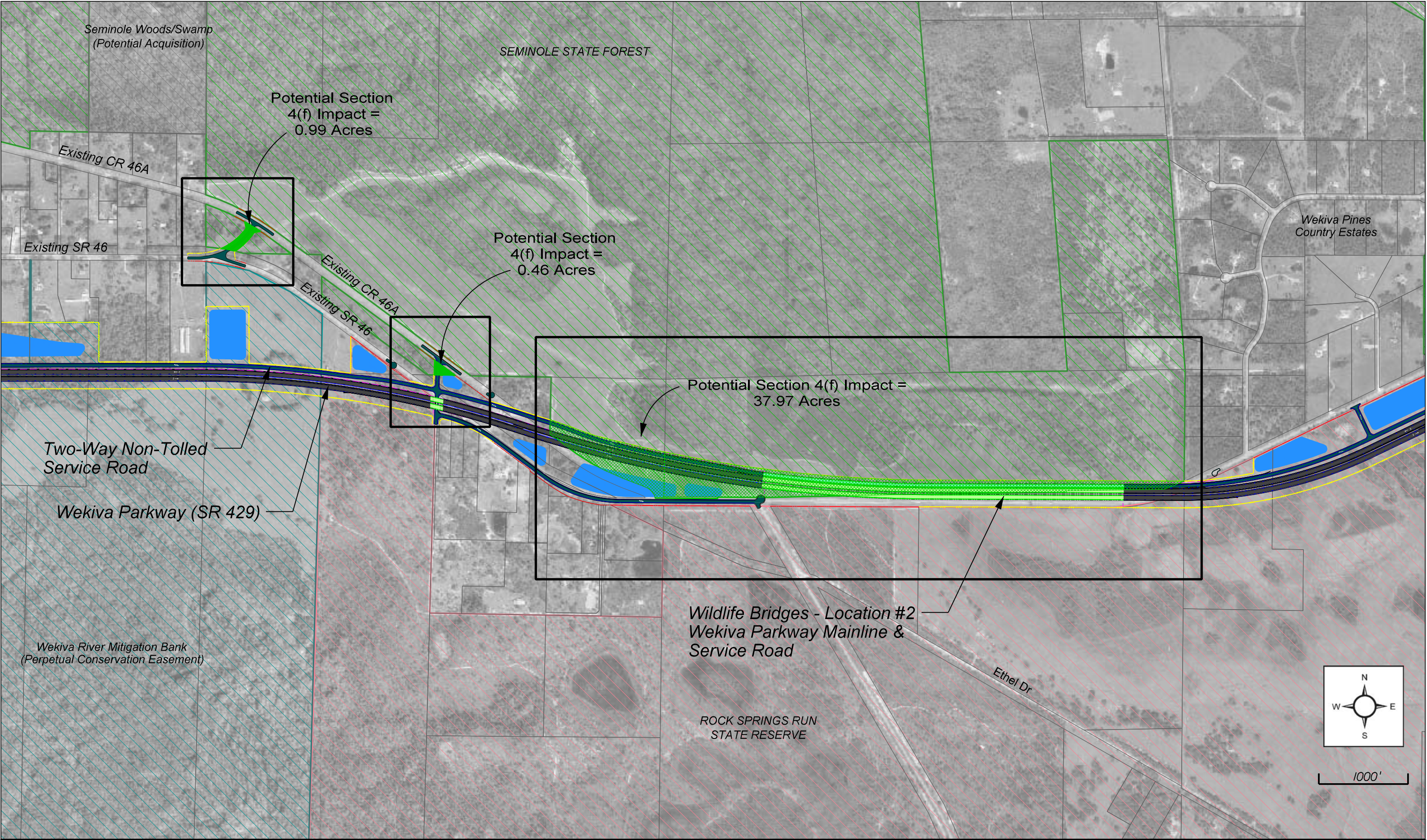









LEGEND

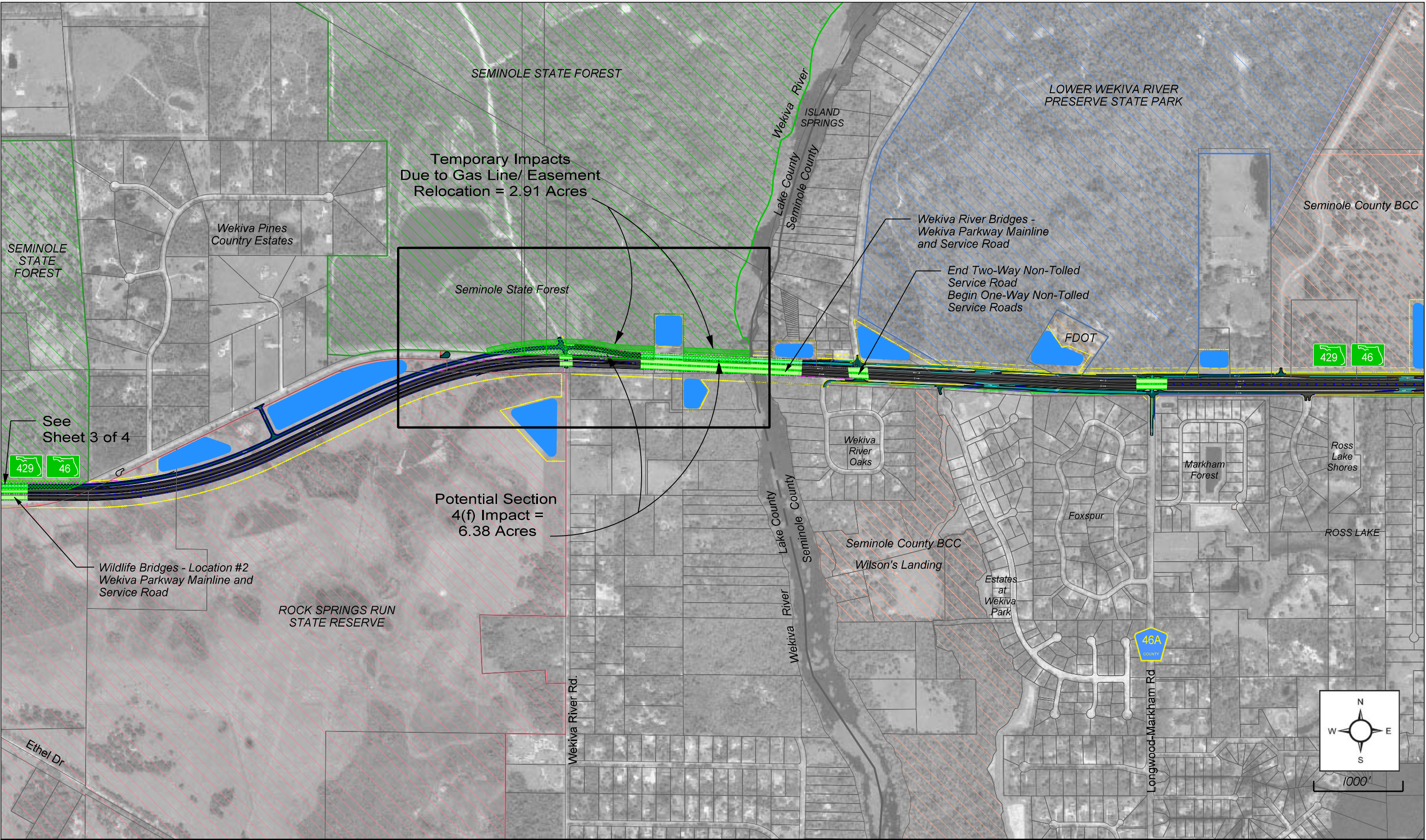
- | | | | | |
|-------------------------------|--|--------------------------------|---|--------------------------|
| Stormwater Ponds | Seminole State Forest | Rock Springs Run State Reserve | Wekiva River Mitigation Bank | Proposed Alternative R/W |
| Floodplain Compensation Ponds | Lower Wekiva River Preserve State Park | Neighborhood Lakes | Other Public and/or Conservation Lands (Various Colors) | Existing R/W |



LEGEND			
	Stormwater Ponds		Seminole State Forest
	Floodplain Compensation Ponds		Neighborhood Lakes
			Rock Springs Run State Reserve
			Proposed Alternative R/W
			Existing R/W



LEGEND			
	Stormwater Ponds		Seminole State Forest
	Floodplain Compensation Ponds		Rock Springs Run State Reserve
			Neighborhood Lakes
			Proposed Alternative R/W
			Existing R/W



LEGEND

Stormwater Ponds

Floodplain Compensation Ponds

Seminole State Forest

Rock Springs Run State Reserve

Neighborhood Lakes

Proposed Alternative R/W

Existing R/W

5. **Assessment of Impacts Concurrence:** FDOT sent a written request on October 29, 2007 to the FDACS, Division of Forestry land managers of the Seminole State Forest to provide their opinion on the minimization of project impacts and proposed mitigation measures. The response letter from the Division of Forestry dated May 30, 2008 states “We appreciate your efforts to reduce the adverse effects of the project on the Seminole State Forest (SSF), and your willingness to work with our staff and address our issues during this process”. On April 21, 2009, FDOT sent a written request for a concurrence letter to the Division of Forestry. The Division of Forestry responded with a letter on May 27, 2009 that provided partial concurrence, with full concurrence pending resolution of concerns about fire and smoke management issues. FDOT sent a reply letter to the Division of Forestry on May 29, 2009 which addressed those concerns and committed to design phase coordination. However, later in 2009 the service road concept replaced the previous alternative and there was subsequent coordination with the Division of Forestry. Information on the reduced impacts of the service road on Seminole State Forest was provided to the Division of Forestry on February 8, 2010. On March 25, 2010, FDOT and the Expressway Authority provided a letter of commitment on mitigation measures to the Director of the Division of Forestry. After additional discussions and coordination, **the Director of the Division of Forestry sent a letter to FDOT on April 9, 2010 which provides full Section 4(f) concurrence.** Copies of each of the letters referenced above are included in **Appendix C.**
6. **Federal Interest:** The property was purchased using Preservation 2000, Florida Forever and Save Our River program funding sources. No Land and Water Conservation Funds (LWCF) were used to purchase and/or make improvements to the Preserve.

5.2 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, use of flowage easements as an alternative to ponds will be addressed with FDEP in the drainage design/permitting phase.
- The proposed alternative includes replacing two existing SR 46 wildlife structures (a 52-foot bridge west of Old McDonald Road and a 26-foot culvert east of the existing SR 46/CR46A intersection) with 1,960-foot and 4,000-foot bridges, respectively. The existing 561-foot Wekiva River Bridge will be replaced with a 1,750-foot bridge. These long bridges will enhance wildlife habitat connectivity between Seminole State Forest and Rock Springs Run State Reserve and reduce the number of wildlife-vehicle conflicts. The service road parallel to the expressway will also be bridged over the wildlife corridors and over the Wekiva River with bridge lengths equivalent to the mainline. The locations and approximate lengths of the proposed wildlife structures are shown in the previously referenced **Exhibit 6** on page 3-7.
- Commitments have been made to coordinate with the Division of Forestry in the final design phase on issues related to prescribed burns and smoke management; related commitments on overhead signing for motorist smoke advisories and remote weather stations to monitor field conditions have also been made (see the previously referenced letter of March 25, 2010 from FDOT and the Expressway Authority to the Division of Forestry in Appendix C).

Replacement of Lands

- A section of existing CR 46A from the northern limits of the CR 46A realignment to just northwest of the private properties in the vicinity of the “hump” in SR 46 will be removed as a part of the proposed project. As a result, approximately 13 acres of the existing CR 46A right-of-way will be added to Seminole State Forest land due to the proposed improvements. The net impact of approximately 45 acres represents about 0.17 percent of the existing 27,063 acres in the Seminole State Forest.

SECTION 6

Coordination

Prior to commencement of the Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study in early 2005, the deliberations of the Wekiva Basin Area Task Force in 2002 and 2003 and the Wekiva River Basin Coordinating Committee in 2003 and 2004 were held in open, public meetings. Representatives of the state agencies which own/manage the public lands addressed in this Section 4(f) evaluation participated in those meetings. The work efforts and recommendations of those public-private committees were previously summarized in Sections 1.1 and 2.1 of this document. After the *Wekiva Parkway and Protection Act* was enacted in 2004, the Wekiva River Basin Commission (WRBC) was appointed by the Governor to oversee implementation of the Act. The 18 member WRBC is composed of state and local elected officials and others, including Directors of those state agencies which own/manage the public lands addressed in this Section 4(f) evaluation. 15 meetings of the WRBC, which are duly advertised and open to the public, have been held from November 2004 to January 2010. Updates on the progress and recommendations of the PD&E Study have been presented as those meetings.

Coordination activities with local and state governmental agencies, as well as many other stakeholders, and various public involvement efforts have been extensive throughout the PD&E Study. Agency coordination was achieved through the Advance Notification process, numerous meetings, update presentations, and ongoing project advisory groups. Public participation was solicited during the PD&E Study through project newsletters, invitational letters, the project website, and public meetings. The Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study *Environmental Assessment* documents in detail the coordination that occurred throughout the study whereby the alignment alternatives for the proposed Wekiva Parkway and SR 46 Realignment were developed and analyzed by the project team. Agency coordination related to the Section 4(f) public lands and the alternatives analyses is summarized in Section 2 of this document. This section describes the public involvement activities undertaken to provide opportunities for citizen and agency input, and related coordination with officials having jurisdiction over the subject Section 4(f) public lands.

Advance Notification

To ensure open communication and to solicit agency and public input, an Advance Notification (AN) package was prepared and distributed to Federal, State, and local agencies and other interested persons at the onset of the project. The AN package defines the project and identifies potential issues and impacts. The Expressway Authority and FDOT initiated early project coordination on February 23, 2005 by distribution of the AN package to the Florida State Clearinghouse. The AN package and the mailing list for distribution are provided in **Appendix D**. Responses from FDEP and the Division of Forestry to the AN package are also included in **Appendix D**.

Advisory Group Meetings

Five meetings have been held to date with the Project Advisory Group (PAG) and the Environmental Advisory Committee (EAC) during the PD&E Study to ensure open

communication and to provide a forum for issue identification and resolution with federal, state and local agencies and environmental groups. Public agency representatives and representatives from environmental groups were invited to participate in the PAG and EAC meetings to keep consistent agency focus during alternatives development and evaluation. Agency representatives from FDEP and the Division of Forestry attended both the PAG and EAC meetings.

Public Information Meetings

A total of six Public Workshops (two each in Orange, Lake, and Seminole Counties) were held during the initial and viable alternatives phases of the PD&E Study. The initial alternatives were presented at three Public Workshops held in Orange, Lake, and Seminole Counties in November 2005. After the Initial Alternatives Public Workshops and several meetings with local and state governmental agencies and other stakeholders, the PD&E Study team began the process of alternatives evaluation and refinement. The concepts and impact assessments developed in the initial alternatives phase of the study served as the basis for identification of potential viable alternatives. The Viable Alternatives were presented at July/ August 2006 Public Workshops held in Orange, Lake, and Seminole Counties.

Following the public workshops and public comment/response period, a proposed alignment alternative was identified by FDOT and the Expressway Authority. The recommendation was based on comparative assessment of the results of the engineering/environmental analysis and the evaluation of impacts/costs, and after extensive coordination with stakeholders. During 2007 and 2008, meetings were held with neighborhood groups, homeowners associations and elected officials to discuss and refine the proposed alternative in a few specific locations. In 2009, three meetings were held with residents and landowners in east Lake County to discuss the need for a toll-free roadway for local trips due to the elimination of SR 46. Subsequently, a revision of the proposed alternative within the east Lake County portion of the study area was made to incorporate the service road concept as described in prior sections of this document. As mentioned previously, a Public Workshop on that service road alternative was held in Lake County in December 2009. The proposed overall alignment alternative was presented at three Public Hearing sessions which were held in Orange, Lake, and Seminole Counties in October 2010.

Section 4(f) Coordination Meetings

Copies of correspondence with the public land owners of the Section 4(f) resources addressed in this document are provided in **Appendix C**. The following meetings were conducted early in the process specifically with the land managers of the impacted resources.

- 06/29/06 – Florida Department of Agriculture and Consumer Services, Division of Forestry Supervisor, Mr. Joe Bishop (Seminole State Forest)
- 06/05/06 – Wekiva River Basin State Parks Manager, Mr. John Fillyaw (Rock Springs Run State Reserve and Lower Wekiva River Preserve State Park)

The FDEP, Division of Recreation and Parks approved a *Multi-Unit Management Plan* for the Wekiva River Basin State Parks on April 22, 2005. The management plan includes a directive for park staff to work with the coordination agencies involved in the planning of the Wekiva

Parkway to “determine, minimize, mitigate, and monitor any negative effects of Wekiva Parkway during its planning, construction, and maintenance.” Coordination with the FDEP Parks staff has been ongoing throughout the PD&E Study.

The following meetings were conducted with FDEP senior staff during the alternatives development and evaluation process (summaries of some meetings are provided in **Appendix C**):

- 04/20/2006 – FDEP District Director, Ms. Vivian Garfein, and District Staff
- 03/20/2007 – FDEP District Director, Ms. Vivian Garfein, and District/Tallahassee Staff*
- 07/17/2007 – FDEP Senior Tallahassee and District Staff on the Proposed Alternative in Lake and Seminole Counties
- 08/12/2009 – FDEP Senior Tallahassee and District Staff on Section 4(f) concurrence letter and potential mitigation approaches for impacts to state lands
- 11/03/2009 – FDEP Deputy Secretary for Land and Recreation, Mr. Bob Ballard, in Tallahassee with District Staff on Section 4(f) mitigation approach and concurrence letter

**The Division of Forestry Supervisor for Seminole State Forest, Mr. Joe Bishop, also attended this meeting.*

Concurrence Coordination

As discussed in Sections 3, 4 and 5, the Section 4(f) concurrence letters concerning impact minimization and mitigation measures that were provided to FDOT by the FDEP Deputy Secretary for Land and Recreation, Mr. Bob Ballard, on March 30, 2010 and by the Director of the Division of Forestry, Mr. James Karels, on April 9, 2010 are included in **Appendix C**.

Continuing Coordination

Coordination with federal, state, and local agencies, the PAG and EAC, the public, and other stakeholders is ongoing and will continue throughout the PD&E Study.

Conclusion

Rock Springs Run State Reserve, Lower Wekiva River Preserve State Park, and Seminole State Forest are significant resources in meeting the conservation and recreational goals of the State of Florida. Extensive coordination with local and state agencies, including the land managers for the state conservation lands, and other stakeholders has played a key role in determining the alignment of the proposed facility. Minimization of social, environmental, and economic impacts has been the primary goal. The proposed project 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 proposed project is being submitted as a Programmatic Section 4(f) Evaluation based on the FHWA criteria for applicability as follows:

1. **Operational Characteristics:** The proposed project 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 Section 4(f) properties are located (from the Neighborhood Lakes area to east of the Wekiva River).
2. **Abutment to Public Lands:** The Section 4(f) lands are publicly owned public parks, recreation lands, or wildlife and waterfowl refuges located adjacent to the existing highway.
3. **Impairment to Section 4(f) Resource:** 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. The total acreage to be impacted by the proposed project is less than 1 percent of the total acreage for each of the Section 4(f) properties.
4. **Proximity Impacts:** The proximity impacts of the project on the remaining Section 4(f) land will not impair the use of such land for its intended purpose. The proposed project includes elements intended to enhance the existing conditions in the environmentally sensitive Wekiva River Protection Area, including long bridges to provide enhanced wildlife habitat connectivity, additional conservation lands, and stormwater treatment ponds or flowage easements to filter pollutants from runoff which eventually drains to the Wekiva River (no stormwater treatment ponds currently exist along SR 46).
5. **Assessment of Impacts Concurrence:** After extensive coordination, communication and cooperation with public land managers which began in 2006, FDOT and the Expressway Authority received full Section 4(f) concurrence for the proposed Wekiva Parkway project from FDEP and the Division of Forestry in 2010. Copies of the concurrence letters from the FDEP Deputy Secretary for Land and Recreation dated March 30, 2010 and the Director of the Division of Forestry dated April 9, 2010 are included in **Appendix C**.
6. **Federal Interest:** No Land and Water Conservation Funds (LWCF) were used to purchase and/or make improvements to the Section 4(f) properties addressed within this document.

7. **Class of Action:** An *Environmental Assessment* was prepared for the Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study based on the Class of Action Determination for the project.

Other Elements

Elements such as developing a landscape plan to accentuate the natural environment, non-intrusive and minimal roadway and bridge lighting in the Wekiva River Protection Area, flowage easements as an alternative to stormwater ponds, and safety features to promote the continuation of prescribed burning in the Wekiva River Basin, particularly in Seminole State Forest, will be addressed in the final design and construction phases. Also, access management will be further addressed during the final design phase and coordinated with the public land managers for the adjacent park, forest and conservation lands.

Appendix A

Wekiva Parkway and Protection Act

A-1 *Wekiva Parkway and Protection Act, Chapter 369, Part III, F.S.*

369.301 Short title.--This part may be cited as the "Wekiva River Protection Act."

History.--s. 1, ch. 88-121; s. 26, ch. 88-393.

369.303 Definitions.--As used in this part:

- (1) "Council" means the East Central Florida Regional Planning Council.
- (2) "Counties" means Orange, Seminole, and Lake Counties.
- (3) "Department" means the Department of Community Affairs.
- (4) "Development of regional impact" means a development which is subject to the review procedures established by s. 380.06 or s. 380.065, and s. 380.07.
- (5) "Land development regulation" means a regulation covered by the definition in s. 163.3164(23) and any of the types of regulations described in s. 163.3202.
- (6) "Local comprehensive plan" means a comprehensive plan adopted pursuant to ss. 163.3164-163.3215.
- (7) "Revised comprehensive plan" means a comprehensive plan prepared pursuant to ss. 163.3164-163.3215 which has been revised pursuant to chapters 85-55, 86-191, and 87-338, Laws of Florida, and subsequent laws amending said sections.
- (8) "Wekiva River development permit" means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Wekiva River Protection Area. "Wekiva River development permit" shall not include a building permit, certificate of occupancy, or other permit relating to the compliance of a development with applicable electrical, plumbing, or other building codes.
- (9) "Wekiva River Protection Area" means the lands within: Township 18 south range 28 east; Township 18 south range 29 east; Township 19 south range 28 east, less those lands lying west of a line formed by County Road 437, State Road 46, and County Road 435; Township 19 south range 29 east; Township 20 south range 28 east, less all lands lying west of County Road 435; and Township 20 south range 29 east, less all those lands east of Markham Woods Road.
- (10) "Wekiva River System" means the Wekiva River, the Little Wekiva River, Black Water Creek, Rock Springs Run, Sulphur Run, and Seminole Creek.

History.--s. 1, ch. 88-121; s. 26, ch. 88-393; s. 46, ch. 91-221; s. 4, ch. 93-206.

369.305 Review of local comprehensive plans, land development regulations, Wekiva River development permits, and amendments.--

(1) It is the intent of the Legislature that comprehensive plans and land development regulations of Orange, Lake, and Seminole Counties be revised to protect the Wekiva River Protection Area prior to the due dates established in ss. 163.3167(2) and 163.3202 and chapter 9J-12, Florida Administrative Code. It is also the intent of the Legislature that the counties emphasize this important state resource in their planning and regulation efforts. Therefore, each county shall, by April 1, 1989, review and amend those portions of its local comprehensive plan and its land development regulations applicable to the Wekiva River Protection Area, and, if necessary, adopt additional land development regulations which are applicable to the Wekiva River Protection Area to meet the following criteria:

(a) Each county's local comprehensive plan shall contain goals, policies, and objectives which result in the protection of the:

1. Water quantity, water quality, and hydrology of the Wekiva River System;
2. Wetlands associated with the Wekiva River System;
3. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System;
4. Habitat within the Wekiva River Protection Area of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code; and
5. Native vegetation within the Wekiva River Protection Area.

(b) The various land uses and densities and intensities of development permitted by the local comprehensive plan shall protect the resources enumerated in paragraph (a) and the rural character of the Wekiva River Protection Area. The plan shall also include:

1. Provisions to ensure the preservation of sufficient habitat for feeding, nesting, roosting, and resting so as to maintain viable populations of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, within the Wekiva River Protection Area.
2. Restrictions on the clearing of native vegetation within the 100-year flood plain.
3. Prohibition of development that is not low-density residential in nature, unless that development has less impacts on natural resources than low-density residential development.
4. Provisions for setbacks along the Wekiva River for areas that do not fall within the protection zones established pursuant to s. 373.415.
5. Restrictions on intensity of development adjacent to publicly owned lands to prevent adverse impacts to such lands.

6. Restrictions on filling and alteration of wetlands in the Wekiva River Protection Area.

7. Provisions encouraging clustering of residential development when it promotes protection of environmentally sensitive areas, and ensuring that residential development in the aggregate shall be of a rural density and character.

(c) The local comprehensive plan shall require that the density or intensity of development permitted on parcels of property adjacent to the Wekiva River System be concentrated on those portions of the parcels which are the farthest from the surface waters and wetlands of the Wekiva River System.

(d) The local comprehensive plan shall require that parcels of land adjacent to the surface waters and watercourses of the Wekiva River System not be subdivided so as to interfere with the implementation of protection zones as established pursuant to s. 373.415, any applicable setbacks from the surface waters in the Wekiva River System which are established by local governments, or the policy established in paragraph (c) of concentrating development in the Wekiva River Protection Area as far from the surface waters and wetlands of the Wekiva River System as practicable.

(e) The local land development regulations shall implement the provisions of paragraphs (a), (b), (c), and (d) and shall also include restrictions on the location of septic tanks and drainfields in the 100-year flood plain and discharges of stormwater to the Wekiva River System.

(2) Each county shall, within 10 days of adopting any necessary amendments to its local comprehensive plan and land development regulations or new land development regulations pursuant to subsection (1), submit them to the department, which shall, within 90 days, review the amendments and any new land development regulations and make a determination.

(3) If the department determines that the local comprehensive plan and land development regulations as amended or supplemented comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to confirm its determination. If the department determines that the amendments and any new land development regulations that a county has adopted do not meet the criteria established in subsection (1), or the department receives no amendments or new land development regulations and determines that the county's existing local comprehensive plan and land development regulations do not comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to order the county to adopt such amendments to its local comprehensive plan or land development regulations or such new land development regulations as it deems necessary to meet the criteria in subsection (1). A determination or petition made by the department pursuant to this subsection shall not be final agency action.

(4) The Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, shall render an order on the petition. Any local government comprehensive plan

amendments directly related to the requirements of this subsection and subsections (1), (2), and (3) may be initiated by a local planning agency and considered by the local governing body without regard to statutory or local ordinance limitations on the frequency of consideration of amendments to local comprehensive plans.

(5) During the period of time between the effective date of this act and the due date of a county's revised local government comprehensive plan as established by s. 163.3167(2) and chapter 9J-12, Florida Administrative Code, any local comprehensive plan amendment or amendment to a land development regulation, adopted or issued by a county, which applies to the Wekiva River Protection Area, or any Wekiva River development permit adopted by a county, solely within protection zones established pursuant to s. 373.415, shall be sent to the department within 10 days after its adoption or issuance by the local governing body but shall not become effective until certified by the department as being in compliance with purposes described in subsection (1). The department shall make its decision on certification within 60 days after receipt of the amendment or development permit solely within protection zones established pursuant to s. 373.415. The department's decision on certification shall be final agency action. This subsection shall not apply to any amendments or new land development regulations adopted pursuant to subsections (1)-(4) or to any development order approving, approving with conditions, or denying a development of regional impact.

(6) In its review of revised comprehensive plans after the due dates described in subsection (5), and in its review of comprehensive plan amendments after those due dates, the department shall review the local comprehensive plans, and any amendments, which are applicable to portions of the Wekiva River Protection Area for compliance with the provisions of subsection (1) in addition to its review of local comprehensive plans and amendments for compliance as defined in s. 163.3184; and all the procedures and penalties described in s. 163.3184 shall be applicable to this review.

(7) The department may adopt reasonable rules and orders to implement the provisions of this section.

History.--s. 1, ch. 88-121; s. 26, ch. 88-393; s. 14, ch. 95-146.

369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.--

(1) Notwithstanding the provisions of s. 380.06(15), the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.

(2) Notwithstanding the provisions of s. 380.0651 or any other provisions of chapter 380, the numerical standards and guidelines provided in chapter 28-24, Florida Administrative Code, shall be reduced by 50 percent as applied to proposed developments entirely or partially located within the Wekiva River Protection Area.

(3) The Wekiva River Protection Area is hereby declared to be a natural resource of state and regional importance. The East Central Florida Regional Planning Council shall adopt policies as part of its strategic regional policy plan and regional issues list which will protect the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, habitat of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, and native vegetation in the Wekiva River Protection Area. The council shall also cooperate with the department in the department's implementation of the provisions of s. 369.305.

(4) The provisions of s. 369.305 of this act shall be inapplicable to developments of regional impact in the Wekiva River Protection Area if an application for development approval was filed prior to June 1, 1988, and in the event that a development order is issued pursuant to such application on or before April 1, 1989.

(5) The Department of Environmental Protection is directed to proceed to negotiate for acquisition of conservation and recreation lands projects within the Wekiva River Protection Area provided that such projects have been deemed qualified under statutory and rule criteria for purchase and have been placed on the priority list for acquisition by the advisory council created in s. 259.035 or its successor.

History.--s. 1, ch. 88-121; s. 26, ch. 88-393; s. 14, ch. 89-116; s. 191, ch. 94-356; s. 10, ch. 95-149; s. 31, ch. 99-247.

369.309 Airboats prohibited; exceptions; penalties.--

(1) The operation of an airboat on the Wekiva River System shall be prohibited. For the purposes of this section, an airboat is any boat, sled, skiff, or swamp vessel that is pushed, pulled, or propelled by air power generated by a nondetachable motor of more than 10 horsepower.

(2) The provisions of this section shall not apply in the case of an emergency or to any employee of a municipal, county, state, or federal agency or their agents on official government business.

(3) Persons convicted for violation of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 1, ch. 90-81.

PART III

WEKIVA PARKWAY AND PROTECTION ACT

369.314 Short title.

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369.322 Coordination of land use and water supply within the Wekiva Study Area.

369.323 Compliance.

369.324 Wekiva River Basin Commission.

369.314 Short title.--This act may be cited as the "Wekiva Parkway Protection Act."

History.--s. 1, ch. 2004-384.

369.315 Intent.--

(1) The Legislature finds that, in general, Florida springs whether found in urban or rural settings, public parks, or private lands, are threatened by actual and potential flow reductions and declining water quality. As a result of climate patterns and population changes, over the past 30 years, many of Florida's springs have begun to exhibit signals of distress, including increasing nutrient loading and lowered water flow. The groundwater that feeds springs is recharged by seepage from the surface and through direct conduits such as sinkholes.

(2) The Legislature further finds that springs and groundwater once damaged by overuse can be restored through good stewardship, including effective planning strategies and best management practices to preserve and protect the spring and its springshed. Prudent land use planning decisions can protect and improve quality and quantity, as well as upland resources of a springshed. Managing land use types and their allowable densities and intensities of development, followed by specific site planning to further minimize impacts, rank as an important goal.

(3) It is the intent of the Legislature that the recommendations of the Wekiva River Basin Coordinating Committee as stated in its final report dated March 16, 2004, be taken and implemented as a whole to achieve the objective of improving and assuring protection of surface water and groundwater resources. Coordination of comprehensive plans and the Regional Water Supply Plan is important for protection of water resources and to promote the continuity of effective planning and development.

(4) It is not the intent of the Legislature to place an undue burden on local governments within the Wekiva Study Area. Any required Wekiva Study Area comprehensive plan amendments may be adopted in conjunction with other amendments not required by this part.

History.--s. 1, ch. 2004-384.

369.316 Wekiva Study Area.--The Wekiva Study Area is defined to include the following land: Begin at the northwest corner of Section 6, Township 18 South, Range 28 East, Lake County, Florida, said corner lying on the north line of Township 18 South; thence Easterly along said north line of Township 18 South to the northeast corner of Section 5, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 5 to the northeast corner of Section 8, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 8 to the northeast corner of Section 17, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 17 to the northeast corner of Section 20, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 20 to the northeast corner of Section 29, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 29 to the northeast corner of Section 32, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 32 to the southeast corner thereof, said corner lying on the south line of Township 18 South; thence Easterly along the south line of said Township 18 South to an intersection with the east line of Range 29 East; thence Southerly along the east line of said Range 29 East to the southeast corner of Section 24, Township 21 South, Range 29 East; thence Westerly along the south line of said Section 24 to the southeast corner of Section 23, Township 21 South, Range 29 East; thence Westerly along the south line of said Section 23, to an intersection with the centerline of Interstate Highway No. 4; thence generally Southerly along the centerline of Interstate Highway No. 4 to an intersection with the south line of Section 13, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 13 to the southeast corner of Section 14, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 14 to the southeast corner of Section 15, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 15 to the northeast corner of Section 21, Township 22 South, Range 29 East; thence Southerly along the east line of said Section 21 to an intersection with the centerline of State Road No. 50; thence Westerly along the centerline of said State Road No. 50 to the northeast corner of Section 30, Township 22 South, Range 28 East; thence Southerly along the east line of said Section 30 to the northeast corner of Section 31, Township 22 South, Range 28 East; thence Southerly along the east line of said Section 31 to the southeast corner thereof, said corner lying on the south line of Township 22 South; thence Westerly along said south line of Township 22 South to the northeast corner of Section 2, Township 23 South, Range 27 East; thence Southerly along the east line of said Section 2 to the northeast corner of Section 11, Township 23 South, Range 27 East; thence Southerly along the east line of said Section 11 to the southeast corner thereof; thence Westerly along the south line of said Section 11 to the southeast corner of Section 10, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 10 to the southeast corner of Section 9, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 9 to the southeast corner of Section 8, Township 23 South,

Range 27 East; thence Westerly along the south line of said Section 8 to the southeast corner of Section 7, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 7 to the southwest corner thereof, said corner lying on the line of demarcation between Orange County and Lake County; thence generally Northerly and along said county line to the northeast corner of Section 12, Township 20 South, Range 26 East, said corner lying on the east line of Range 26 East; thence generally Northerly and along said east line of Range 26 East to the southeast corner of Section 24, Township 19 South, Range 26 East; thence Westerly along the south line of said Section 24 to the southeast corner of Section 23, Township 19 South, Range 26 East; thence Westerly along the south line of said Section 23 to the southwest corner thereof; thence Northerly along the west line of said Section 23 to the southwest corner of Section 14, Township 19 South, Range 26 East; thence Northerly along the west line of said Section 14 to the southwest corner of Section 11, Township 19 South, Range 26 East; thence generally Northeasterly to the southwest corner of Section 1, Township 19 South, Range 26 East; thence generally Northeasterly to the southwest corner of Section 31, Township 18 South, Range 27 East; thence generally Northeasterly to the southwest corner of Section 29, Township 18 South, Range 27 East; thence generally Northeasterly to the northwest corner of Section 28, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 28 to the northwest corner of Section 27, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 27 to the northwest corner of Section 26, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 26 to the northwest corner of Section 25, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 25 to an intersection with the west line of Range 28 East; thence Northerly along the west line of said Range 28 East, to the northwest corner of Section 6, Township 18 South, Range 28 East, and the Point of Beginning.

History.--s. 1, ch. 2004-384.

369.317 Wekiva Parkway.--

(1) The "Wekiva Parkway" means any limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group that were adopted January 16, 2004.

(2) The Wekiva Parkway and related transportation facilities shall follow the design criteria contained in the recommendations of the Wekiva River Basin Area Task Force adopted by reference by the Wekiva River Basin Coordinating Committee in its final report of March 16, 2004, and the recommendations of the Wekiva Coordinating Committee contained in its final report of March 16, 2004, subject to reasonable environmental, economic, and engineering considerations.

(3) With the exception of the road commonly referred to as the Apopka Bypass, the construction of any other limited-access highway or expressway that is identified by the Final Recommendations of the State Road 429 Working Group adopted January 16,

2004, within the Wekiva Study Area shall adhere to transportation and conservation principles identified within the Final Report of the Wekiva River Basin Coordinating Committee dated March 16, 2004. If any other limited-access highway or expressway is considered within the Wekiva Study Area, then such a project shall adhere to the extent practicable with transportation and conservation principles identified within the Final Report of the Wekiva River Basin Coordinating Committee dated March 16, 2004.

(4) Access to properties adjacent to SR 46 shall be maintained through appropriate neighborhood streets or frontage roads integrated into the parkway design.

(5) In Seminole County, the Seminole County Expressway Authority, the Department of Transportation, and the Florida Turnpike Enterprise shall locate the precise corridor and interchanges for the Wekiva Parkway consistent with the legislative intent expressed in this act and other provisions of this act.

(6) The Orlando-Orange County Expressway Authority is hereby granted the authority to act as a third-party acquisition agent, pursuant to s. 259.041 on behalf of the Board of Trustees or chapter 373 on behalf of the governing board of the St. Johns River Water Management District, for the acquisition of all necessary lands, property and all interests in property identified herein, including fee simple or less-than-fee simple interests. The lands subject to this authority are identified in paragraph 10.a., State of Florida, Office of the Governor, Executive Order 03-112 of July 1, 2003, and in Recommendation 16 of the Wekiva Basin Area Task Force created by Executive Order 2002-259, such lands otherwise known as Neighborhood Lakes, a 1,587+/- acre parcel located in Orange and Lake Counties within Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake County within Section 37, Township 19 South, Range 28 East; New Garden Coal; a 1,605+/- acre parcel in Lake County within Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28 East; Pine Plantation, a 617+/- acre tract consisting of eight individual parcels within the Apopka City limits. The Department of Transportation, the Department of Environmental Protection, the St. Johns River Water Management District, and other land acquisition entities shall participate and cooperate in providing information and support to the third-party acquisition agent. The land acquisition process authorized by this paragraph shall begin no later than December 31, 2004. Acquisition of the properties identified as Neighborhood Lakes, Pine Plantation, and New Garden Coal, or approval as a mitigation bank shall be concluded no later than December 31, 2010. Department of Transportation and Orlando-Orange County Expressway Authority funds expended to purchase an interest in those lands identified in this subsection shall be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area.

(a) Acquisition of the land described in this section is required to provide right of way for the Wekiva Parkway, a limited access roadway linking State Road 429 to Interstate 4, an essential component in meeting regional transportation needs to provide regional connectivity, improve safety, accommodate projected population and economic growth,

and satisfy critical transportation requirements caused by increased traffic volume growth and travel demands.

(b) Acquisition of the lands described in this section is also required to protect the surface water and groundwater resources of Lake, Orange, and Seminole counties, otherwise known as the Wekiva Study Area, including recharge within the springshed that provides for the Wekiva River system. Protection of this area is crucial to the long term viability of the Wekiva River and springs and the central Florida region's water supply. Acquisition of the lands described in this section is also necessary to alleviate pressure from growth and development affecting the surface and groundwater resources within the recharge area.

(c) Lands acquired pursuant to this section that are needed for transportation facilities for the Wekiva Parkway shall be determined not necessary for conservation purposes pursuant to ss. 253.034(6) and 373.089(5) and shall be transferred to or retained by the Orlando-Orange County Expressway Authority or the Department of Transportation upon reimbursement of the full purchase price and acquisition costs.

(7) The Department of Transportation, the Department of Environmental Protection, the St. Johns River Water Management District, Orlando-Orange County Expressway Authority, and other land acquisition entities shall cooperate and establish funding responsibilities and partnerships by agreement to the extent funds are available to the various entities. Properties acquired with Florida Forever funds shall be in accordance with s. 259.041 or chapter 373. The Orlando-Orange County Expressway Authority shall acquire land in accordance with this section of law to the extent funds are available from the various funding partners, but shall not be required nor assumed to fund the land acquisition beyond the agreement and funding provided by the various land acquisition entities.

(8) The Department of Environmental Protection and the St. Johns River Water Management District shall give the highest priority to the acquisition of the lands described and identified in subsection (6) for Florida Forever purchases.

History.--s. 1, ch. 2004-384.

369.318 Studies.--

(1) The Department of Environmental Protection shall study the efficacy and applicability of water quality and wastewater treatment standards needed to achieve nitrogen reductions protective of surface and groundwater quality within the Wekiva Study Area and report to the Governor and the Department of Community Affairs no later than December 1, 2004. Based on the December 2004 report, the Department of Environmental Protection shall, if appropriate, by March 1, 2005, initiate rulemaking to achieve nitrogen reductions protective of surface and groundwater quality or recommend any additional statutory authority needed to implement the report recommendations.

(2) The Department of Health, in coordination with the Department of Environmental Protection, shall study the efficacy and applicability of onsite disposal system standards needed to achieve nitrogen reductions protective of groundwater quality within the Wekiva Study Area including publicly owned lands and report to the Governor and the Department of Community Affairs no later than December 1, 2004. Based on the December 2004 report, the Department of Health shall, if appropriate, by March 1, 2005, initiate rulemaking to achieve nitrogen reductions protective of water quality or recommend legislation for any additional statutory authority needed to implement the report recommendations. The study shall consider:

(a) For new developments within the Wekiva Study Area and any existing development within the Wekiva River Protection Area using onsite disposal systems, a more stringent level of wastewater treatment, including, but not limited to, the use of multiple tanks to combine aerobic and anaerobic treatment to reduce the level of nitrates.

(b) The implementation of a septic tank maintenance and inspection program which includes upgrading certain onsite disposal systems permitted prior to 1982 to meet minimum Department of Health standards; replacement of failing systems and systems not meeting current standards; and providing funding mechanisms for supporting a septic tank inspection and maintenance program.

(3) The St. Johns River Water Management District shall initiate rulemaking to:

(a) Amend the recharge criteria in rule 40C-41.063(3), Florida Administrative Code, to apply to all recharge lands within the Wekiva Study Area.

(b) Adopt a consolidated environmental resources permit/consumptive use permit for projects that require both an environmental resource permit and a consumptive use permit that involve irrigation of urban landscape, golf course, or recreational areas.

(4) By March 1, 2005, the St. Johns River Water Management District in conjunction with the Department of Environmental Protection, shall initiate rulemaking to amend the recharge criteria in rule 40C-41.063(3), Florida Administrative Code, to provide that the postdevelopment recharge volume conditions within the Wekiva Study Area approximate predevelopment recharge volume conditions. The district shall study and undertake this rulemaking to accomplish this standard on a development-specific basis. The rule shall permit the utilization of existing permitted municipal master stormwater systems with adequate capacity to meet the new standards in lieu of onsite retention and shall provide applicants with the ability to submit appropriate geotechnical information demonstrating that a specific site is not within a most effective recharge area of the Wekiva springshed.

(5) The St. Johns River Water Management District shall complete an assessment of the significance of water uses below the current consumptive use permit thresholds in the Wekiva Study Area to determine if rulemaking should be initiated to lower consumptive use permit thresholds.

(6) The St. Johns River Water Management District shall conduct an analysis of the impact of redevelopment projects in the Wekiva River basin upon aquifer recharge and shall consider whether to adopt a rule amendment to require those redevelopment projects exceeding a specified threshold to meet the Wekiva Basin recharge criteria. The effect of redevelopment upon aquifer recharge shall be analyzed, and then the costs of regulation shall be analyzed.

(7) By December 1, 2007, the St. Johns River Water Management District shall update the minimum flows and levels standards for Rock Springs and Wekiva Springs. Further, the district shall revise the consumptive use permit thresholds in the Wekiva Study Area to address proposed water withdrawals above 50,000 gallons per day. Revisions to the consumptive use thresholds shall provide for a general permit, if possible, and include a transition period that allows continued access to water supply for users that were not previously subject to the permitting process.

(8) By December 1, 2005, the St. Johns River Water Management District shall establish pollution load reduction goals for the Wekiva Study Area to assist the Department of Environmental Protection in adopting total maximum daily loads for impaired waters within the Wekiva Study Area by December 1, 2006.

(9) The Department of Agriculture and Consumer Services shall be the lead agency in coordinating the reduction of agricultural nonpoint sources of pollution. The Department of Agriculture and Consumer Services shall study, and if necessary, initiate rulemaking to implement new or revised best management practices for improving and protecting water bodies, including those basins with impaired water bodies addressed by the Total Maximum Daily Loads Program.

History.--s. 1, ch. 2004-384.

369.319 Master stormwater management plan.--Each local government within the Wekiva Study Area shall develop a master stormwater management plan that: assesses existing problems and deficiencies in the community; identifies projects to meet long-range needs; establishes priorities to address existing deficiencies; establishes measures to address redevelopment; establishes a schedule to complete needed improvements; evaluates the feasibility of stormwater reuse; and includes requirements for inspection and maintenance of facilities. The plan shall also identify a funding source, such as a stormwater utility fee, to fund implementation of the plan and maintenance program. In addition, the local government shall establish a water reuse and irrigation program that allows for reuse of stormwater on a site basis for development over a size threshold to be determined by the local government or on a jurisdiction-wide basis to minimize pumpage of groundwater for nonpotable usage.

History.--s. 1, ch. 2004-384.

369.320 Wastewater facility plan.--

(1) Local governments within the Wekiva Study Area shall develop a wastewater facility plan for joint planning areas and utility service areas where central wastewater systems are not readily available. The facility plan shall include: the delineation of areas within the utility service area that are to be served by central facilities within 5 years; a financially feasible schedule of improvements; an infrastructure work plan to build the facilities needed to implement the facility plan, including those needed to meet enhanced treatment standards adopted by the Department of Environmental Protection; and a phase-out of existing onsite septic tank systems where central facilities are available. The term available shall be interpreted consistent with the definition of s. 381.0065(2)(a). The facility plan shall also include a long-range component addressing service of the joint planning area or utility service area. In addition, local governments shall establish a water reuse program that allows for reuse of reclaimed water on a site-by-site basis for development over a size threshold to be determined by the local government or on a jurisdiction-wide basis to minimize pumpage of groundwater for nonpotable usage.

(2) Local governments shall update their wastewater facility plans required in subsection (1) where the Total Maximum Daily Loads Program requires reductions in point source pollutants for a basin or as required by legislation for enhanced treatment standards.

History.--s. 1, ch. 2004-384.

369.321 Comprehensive plan amendments.--By January 1, 2006, each local government within the Wekiva Study Area shall amend its local government comprehensive plan to include the following:

(1) Local governments hosting an interchange on the Wekiva Parkway shall adopt an interchange land use plan into their comprehensive plans. Each interchange land use plan shall address: appropriate land uses and compatible development; secondary road access; access management; right-of-way protection; vegetation protection and water conserving landscaping; and the height and appearance of structures and signage. Local governments within which the Wekiva Parkway is planned shall amend their local government comprehensive plan to include the Wekiva Parkway.

(2) Local governments shall amend the appropriate elements of the comprehensive plan, including the capital improvements element, to ensure implementation of the master stormwater management plan.

(3) Local governments shall amend their comprehensive plans to establish land use strategies that optimize open space and promote a pattern of development on a jurisdiction-wide basis that protects the most effective recharge areas, karst features, and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub. Such strategies shall recognize property rights and the varying circumstances within the Wekiva Study Area, including rural and urban land use patterns. Local comprehensive plans shall map, using best available data from the St. Johns River Water Management District and the Fish and Wildlife Conservation Commission, recharge areas and sensitive upland habitats for this purpose. Local governments shall have

flexibility to achieve this objective through comprehensive plan strategies that may include, but are not limited to:

- (a) Coordinated greenway plans;
- (b) Dedication of conservation easements;
- (c) Land acquisition;
- (d) Clustering of development;
- (e) Density credits and density incentives which result in permanent protection of open space; and
- (f) Low to very low density development.

(4) An up-to-date 10-year water supply facility work plan for building potable water facilities necessary to serve existing and new development and for which the local government is responsible as required by s. 163.3177(6)(c).

(5) Comprehensive plans and comprehensive plan amendments adopted by the local governments to implement this section shall be reviewed by the Department of Community Affairs pursuant to s. 163.3184, and shall be exempt from the provisions of s. 163.3187(1).

(6) Implementing land development regulations shall be adopted no later than January 1, 2007.

(7) During the period prior to the adoption of the comprehensive plan amendments required by this act, any local comprehensive plan amendment adopted by a city or county that applies to land located within the Wekiva Study Area shall protect surface and groundwater resources and be reviewed by the Department of Community Affairs, pursuant to chapter 9J-5, Florida Administrative Code, using best available data, including the information presented to the Wekiva River Basin Coordinating Committee.

History.--s. 1, ch. 2004-384.

369.322 Coordination of land use and water supply within the Wekiva Study Area.-

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(1) In their review of local government comprehensive plan amendments for property located within the Wekiva Study Area pursuant to s. 163.3184, the Department of Community Affairs and the St. Johns River Water Management District shall assure that amendments that increase development potential demonstrate that adequate potable water consumptive use permit capacity is available.

(2) Local governments located within the Wekiva Study Area shall coordinate with the St. Johns River Water Management District and other public and private utilities, on a countywide or multicounty basis, to implement cooperative solutions for development of alternative water sources necessary to supplement groundwater supplies consistent with the St. Johns River Water Management District Regional Water Supply Plan.

(3) In recognition of the need to balance resource protection, existing infrastructure and improvements planned or committed as part of approved development, consistent with existing municipal or county comprehensive plans and economic development opportunities, planned community development initiatives that assure protection of surface and groundwater resources while promoting compact, ecologically and economically sustainable growth should be encouraged. Small area studies, sector plans, or similar planning tools should support these community development initiatives. In addition, the Department of Community Affairs may make available best practice guides that demonstrate how to balance resource protection and economic development opportunities.

History.--s. 1, ch. 2004-384.

369.323 Compliance.--Comprehensive plans and plan amendments adopted by the local governments within the Wekiva Study Area to implement this act shall be reviewed for compliance by the Department of Community Affairs.

History.--s. 1, ch. 2004-384.

369.324 Wekiva River Basin Commission.--

(1) The Wekiva River Basin Commission is created to monitor and ensure the implementation of the recommendations of the Wekiva River Basin Coordinating Committee for the Wekiva Study Area. The East Central Florida Regional Planning Council shall provide staff support to the commission with funding assistance from the Department of Community Affairs. The commission shall be comprised of a total of 19 members appointed by the Governor, 9 of whom shall be voting members and 10 shall be ad hoc nonvoting members. The voting members shall include:

(a) One member of each of the Boards of County Commissioners for Lake, Orange, and Seminole Counties.

(b) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Lake County.

(c) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Orange County.

(d) One municipal elected official to serve as a representative of the municipalities located within the Wekiva Study Area of Seminole County.

(e) One citizen representing an environmental or conservation organization, one citizen representing a local property owner, a land developer, or an agricultural entity, and one at-large citizen who shall serve as chairman of the council.

(f) The ad hoc nonvoting members shall include one representative from each of the following entities:

1. St. Johns River Management District.
2. Department of Community Affairs.
3. Department of Environmental Protection.
4. Department of Health.
5. Department of Agriculture and Consumer Services.
6. Fish and Wildlife Conservation Commission.
7. Department of Transportation.
8. MetroPlan Orlando.
9. Orlando-Orange County Expressway Authority.
10. Seminole County Expressway Authority.

(2) Voting members shall serve 3-year, staggered terms, and shall serve without compensation but shall serve at the expense of the entity they represent.

(3) Meetings of the commission shall be held in Lake, Orange, or Seminole county at the call of the chairman, but shall meet at least twice a year.

(4) To assist the commission in its mission, the East Coast Regional Planning Council, in coordination with the applicable regional and state agencies, shall serve as a clearinghouse of baseline or specialized studies through modeling and simulation, including collecting and disseminating data on the demographics, economics, and the environment of the Wekiva Study Area including the changing conditions of the Wekiva River surface and groundwater basin and associated influence on the Wekiva River and the Wekiva Springs.

(5) The commission shall report annually, no later than December 31 of each year, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Community Affairs on implementation progress.

History.--s. 1, ch. 2004-384.

Appendix B

Excerpts from Neighborhood Lakes Purchase Agreement and Warranty Deed

- B-1 Neighborhood Lakes Purchase Agreement (excerpts)
- B-2 Warranty Deed (excerpts)

Neighborhood Lakes Agreement

Project Name: _____

Folio/Tax ID No.: _____

OPTION AGREEMENT FOR SALE AND PURCHASE

THIS AGREEMENT is made this 17 day of December, 2006 between BARN, LLP, a Florida limited partnership, whose address is 6355 Metrowest Blvd., Ste 330, Orlando, Florida 32835 as "Seller" and the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA ("Trustees"), whose address is c/o Florida Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Blvd., Mail Station 115, Tallahassee, Florida 32399-3000, ST JOHNS RIVER WATER MANAGEMENT DISTRICT ("District") whose address is 4049 Reid Street, Palatka, Florida 32177, and the ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY ("Authority"), whose address is 525 South Magnolia Avenue, Orlando, Florida 32801. Trustees, District and Authority are sometimes collectively referred to herein as "Buyer". The Trustees' agent in all matters shall be the Division of State Lands of the Florida Department of Environmental Protection ("DSL")

1. GRANT OF OPTION

(a) Seller hereby grants to Buyer the exclusive option to purchase the real property located in Lake County, Florida, and Orange County, Florida as described in Exhibit "A", together with all timber, transferable development rights ("TDRs"), improvements, easements, appurtenances, hereditaments, and riparian and littoral rights, if any (the "Property"), in accordance with the provisions of this Agreement. This Option Agreement becomes legally binding on execution of this Agreement, but exercise of the option is subject to approval by Buyer and is effective only if DSL gives written notice of exercise to Seller on or before the Option Expiration Date. In addition to the TDRs attributed to the Property in the appraisal referenced in paragraph 2.(a), the Seller and the Buyer hereby acknowledge and agree that sale of the Property includes all the TDRs owned by Seller pursuant to the Lake County Land Development Regulations regarding the Wekiva Protection Zone. The Seller hereby agrees all TDRs owned by Seller or attributable to the Property shall be conveyed to Buyer together with the Property and shall cooperate with Buyer as may be reasonably necessary to terminate and evidence the termination of such TDRs.

(b) A portion of the Property shall be conveyed and used by the Authority and/or the Florida Department of Transportation ("FDOT") as right of way for planned the Wekiva Parkway limited-access expressway project, which shall be more particularly determined and described as provided in Paragraph 9(c) below (the "Right of Way Property"). The parties acknowledge that Sellers have agreed to sell the Parkway Corridor property under threat of condemnation by the Authority. It is understood and agreed by all of the Parties that the Right of Way Property shall be used for a limited-access expressway project and appurtenant improvements and there shall be no right of access from abutting lands except as provided by Authority and/or FDOT at such interchange(s) and except for access to and from the District Property, the Trustees' Property and the Remainder Property under the expressway

Handwritten signature

attached hereto as Exhibit "B" (the "District Property Deed"), conveying marketable title to the District Property, in fee simple free and clear of all liens, reservations, restrictions, easements, leases, tenancies and other encumbrances, except for those items not objected to under paragraph 8; provided, however, that it is expressly agreed that the District Property Deed Property shall be subject to the restrictive covenant as set forth in Paragraph 31 below.

b) At closing, Seller shall execute and deliver to Authority a statutory warranty deed in accordance with the provisions of Section 689.02 Florida Statutes as attached hereto as Exhibit "C" (the "Parkway Corridor Deed"), conveying marketable title to the Parkway Corridor, in fee simple free and clear of all liens, reservations, restrictions, easements, leases, tenancies and other encumbrances, except for those items not objected to under paragraph 8; provided, however, that it is expressly agreed that the Parkway Corridor Deed shall be subject to the restrictive covenant as set forth in Paragraph 31 below.

c) At closing, Seller shall execute and deliver to Trustees a statutory warranty deed in accordance with the provisions of Section 689.02, Florida Statutes as attached hereto as Exhibit "D" (the "Trustees' Property Deed"), conveying marketable title to the Trustees' Property, in fee simple free and clear of all liens, reservations, restrictions, easements, leases, tenancies and other encumbrances, items not objected to under paragraph 8; provided, however, that it is expressly agreed that the Trustees' Property Deed shall be subject to the restrictive covenant as set forth in Paragraph 31 below. As between the Authority and Trustees it is acknowledged and agreed that as soon as possible after the legal descriptions for the Right of Way Property and the Remainder Property have been approved by DSL and Authority and upon reimbursement by Trustees to Authority of the Advance Payment, the Authority shall deliver a Special Warranty Deed as attached hereto as Exhibit "E" (the "Remainder Property Deed") to the Trustees conveying the Remainder Property, in fee simple free and clear of all liens, reservations, restrictions, easements, leases, tenancies and other encumbrances, except for those that were previously approved by Trustees prior to closing together with a title, possession, and lien affidavit acceptable in form and content to DSL. Notwithstanding the foregoing, it is understood and agreed by the District, the Trustees and the Authority that the Right of Way Property shall be used for a limited-access expressway project and appurtenant improvements and there shall be no right of access from abutting lands except as provided by Authority and/or FDOT and no rights to, on, over, upon or across the Right of Way Property shall be conveyed by the District Property Deed, Trustees' Property Deed or the Remainder Property Deed. The Remainder Deed and Right of Way Property Deed shall be subject to the restrictive covenant as set forth in Paragraph 31 below.

d) The Trustees, the District, and the Authority agree that for the purposes of determining the location and the acreage of the parcels referenced in this paragraph 9, all of the acreage located within the property shall be deemed to be of equal value.

10. PREPARATION OF CLOSING DOCUMENTS. Upon execution of this Agreement, Seller shall submit to Buyer a properly completed and executed beneficial interest affidavit and disclosure statement as required by Sections 286.23, 375.031(1) and 380.08(2), Florida Statutes. Buyer shall prepare the deeds described in paragraph 9. of this Agreement, Buyer's and Seller's closing statements and the title, possession and lien affidavit certified to Buyer and title insurer and an environmental affidavit on DSL form provided by DSL. The affidavits shall be substantially in form attached as Composite Exhibit "F".

LAB

SELLER

BARN, LLP

By: Seminole Investors as its General Partner

By: NRP, Ltd. as its General Partner

By: North American Capital Corporation as its
General Partner

Karen M. Eaton
Witness as to Seller

Karen M. Eaton
Witness as to Seller

By: Nancy A. Rossman
Nancy A. Rossman as President

59-3764528
Social Security No. or F.E.I.N.

12/07/06
Date signed by Seller

Phone No: 4075232323

STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 7 day of Dec., 2006 by Nancy A. Rossman as President of North American Capital Corporation as general partner of NRP, Ltd., as general partner of Seminole Investors, as general partner of BARN, LLP. Such person(s) (Notary Public must check applicable box):

- ☒ is/are personally known to me
☐ produced a current driver license(s)
☐ produced _____ as identification.

(NOTARY PUBLIC SEAL)

Karen M. Eaton
Notary Public



SELLER

BARN, LLP

By: C & G INVESTMENT PROPERTIES, LLP

A Florida limited partnership, General Partner

By:

William W. Cole, Jr.,
as Co General Partner

12.6.06

Date signed by Seller

Phone No: 407-629-4168

By:

Allan N. Goldberg,
as Co General Partner

12/6/06

Date signed by Seller

Phone No: 407-629-4168

F.E.I.N. 59-376452E

Karen A. Shipp
Witness as to Seller

Karen A. Shipp
Witness as to Seller

Karen A. Shipp
Witness as to Seller

Karen A. Shipp
Witness as to Seller

STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 6th day of Dec., 2006 by William W. Cole, Jr. and Allan N. Goldberg as Co-general partners C & G Investment Properties, LLP, a general partner of BARN, LLP. Such person(s) (Notary Public must check applicable box):

- ☒ is/are personally known to me
☐ produced a current driver license(s)
☐ produced _____ as identification.

{NOTARY PUBLIC SEAL}

Karen A. Shipp
Notary Public



BUYER

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA

BY DIVISION OF STATE LANDS OF THE
FLORIDA DEPARTEMENT OF
ENVIRONMENTAL PROTECTION

[Signature]
Witness as to Buyer

Avis G. Lockett
Witness as to Buyer

By: [Signature]
Name: Director
As Its: EVA ARMSTRONG

12-7-06
Date signed by Buyer

Approved as to Form and Legality

By: _____

Date: _____

Approved for Agenda
Purposes Only

By: William C. Robinson
DEP Attorney

Date: 12-7-06

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this 8th day of December, 2006, by Eva Armstrong, Bureau of Land Acquisition, Division of State Lands, Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. Such person(s) (Notary Public must check applicable box).

- ☒ is/are personally known to me
☐ produced a current driver license(s)
☐ produced _____ as identification

(NOTARY PUBLIC SEAL)

Avis G. Lockett
Notary Public



Avis G. Lockett
Commission # DD341437
Expires September 19, 2008
Beneath Tree Farm - Insurance, Inc. 800-385-7019

hac

Randy B. Bandy
Witness as to Buyer

Kathy F. Breed
Witness as to Buyer

STATE OF Florida

COUNTY OF Holman

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT

By: [Signature]

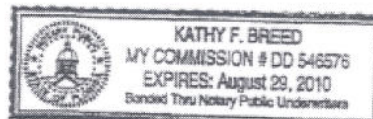
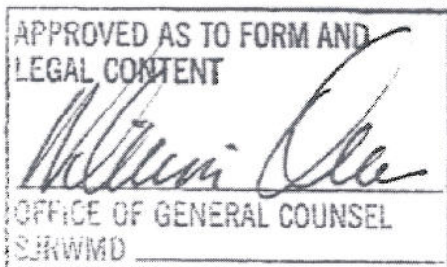
Date: 12/8/06

The foregoing instrument was acknowledged before me this 8th day of December
2006, by David J. [Signature], St. Johns River Water Management District. Such person(s)
(Notary Public must check applicable box):

- ☒ is/are personally known to me
☐ produced a current driver license(s)
☐ produced _____ as identification.

(NOTARY PUBLIC SEAL)

Kathy F. Breed
Notary Public



Ignacio P. Delaguer
 Witness as to Buyer

Shirley Gibson
 Witness as to Buyer

ORLANDO-ORANGE COUNTY
 EXPRESSWAY AUTHORITY

By [Signature]

Date 12/8/06

APPROVED AS TO FORM FOR
 EXECUTION BY A SIGNATORY
 OF THE ORLANDO-ORANGE COUNTY
 EXPRESSWAY AUTHORITY

Legal Counsel: Broad and Cassel

By _____

Date _____

STATE OF FLORIDA

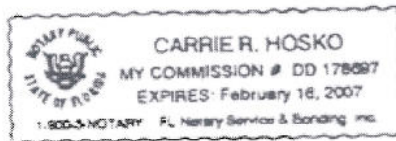
COUNTY OF DRAKE

The foregoing instrument was acknowledged before me this 8 day of DECEMBER, 2006, by MIKE SNYDER, Orlando-Orange County Expressway Authority. Such person(s) (Notary Public must check applicable box):

- ☒ is/are personally known to me
☐ produced a current driver license(s)
☐ produced _____ as identification

(NOTARY PUBLIC SEAL)

[Signature]
 Notary Public



CFN 2007032138
Bk 03384 Pgs 2174 - 2180; (7pgs)
DATE: 03/08/2007 09:44:42 AM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 61.00



INSTR 20070147717
OR BK 09147 PG 1851 PGS=7
MARTHA O. HAYNIE, COMPTROLLER
ORANGE COUNTY, FL
03/08/2007 07:43:26 AM
REC FEE 61.00


Prepared By and Return To:



Wendi McAleese
American Government Services
3812 W. Linebaugh Avenue
Tampa, Florida 33618

This deed has been executed and delivered under the threat of condemnation and/or in settlement of condemnation proceedings affecting the property described herein, and is therefore not subject to documentary stamp tax. See, Department of Revenue Rules 12B-4.013(4) and 12B-4.014(13), F.A.C.; and see, Florida Department of Revenue v. Orange County, 620 So.2d 991 (Fla. 1993)

State of FLORIDA, County of ORANGE
I hereby certify that this is a true copy of
the document as reflected in the Official Records.
MARTHA O. HAYNIE, COUNTY COMPTROLLER

By:  Deputy Comptroller

Dated: 3-8-7



For Recording Purposes Only

AUTHORITY DEED
WARRANTY DEED

THIS INDENTURE, made and executed the 28 day of Feb., 2007 by **BARN LLP**, a Florida limited liability partnership, whose post office address is 6355 Metrowest Blvd., Suite 330, Orlando, Florida 32835 ("Grantor"), to **ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY**, a body politic and corporate, and an agency of the state, under the laws of the State of Florida, whose post office address is 525 South Magnolia Avenue, Orlando, Florida 32801-4414 ("Grantee").

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee all that certain land situate in Lake and Orange Counties, Florida, to-wit:

**SEE EXHIBIT "A" ATTACHED HERETO
AND INCORPORATED HEREIN BY THIS REFERENCE**

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

SUBJECT TO those exceptions listed on Exhibit "B," attached hereto and incorporated herein by this reference, as well as the lien of County taxes and assessments for the year of closing and subsequent years.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby fully warrants the title to said land and will defend the same

against the lawful claims of all persons whatsoever; and that said land is free of all encumbrances except those matters set forth on Exhibit "B", but the reference thereto shall not serve to reimpose same; and the following restrictive covenant:

Grantor understands that a portion of the Property conveyed herein shall be used by the Grantee and/or the Florida Department of Transportation ("FDOT") as right of way for the planned Wekiva Parkway limited-access expressway project including 300-foot-wide mainline right of way, plus additional area for interchange, stormwater drainage and other improvements appurtenant to the Wekiva Parkway (the "Right of Way Property") lying within the Property and to be more particularly described at a later date pursuant to the terms and conditions of that certain Option Agreement for Sale and Purchase dated December 17, 2006 by and among, Grantor, Grantee, the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and the St. Johns River Water Management District. In accordance with said Option Agreement, the excavation of any dirt on the Property for commercial purposes is prohibited; provided, however, that the foregoing restriction shall not prohibit the excavation and movement of dirt from the Right of Way Property that is required solely for the limited use of the construction of that segment of the Wekiva Parkway to be built on the Property (the "Expressway Project"), nor the limited excavation that may be needed by the state for roads, cabins, other structures and other incidental uses connected with the management of the property owned by the Trustees. Dirt excavated from the Property shall not be made available for any other use, by any person or entity, including but not limited to the State of Florida or any governmental or quasi-governmental agency, for any purpose including but not limited to other segments of the Wekiva Parkway and that specifically no sale of excavated material from the Property conveyed in this deed shall be allowed. The restriction herein described may only be released by a recorded instrument signed by the Grantor or its principals. Should this restriction be breached, Grantor shall be entitled to all remedies available at law and in equity and the parties acknowledge and agree that injunctive relief would be appropriate in the event of a breach of the restriction.

AND Grantor hereby covenants that the Property is not now, nor has it ever been, during the period of Grantors ownership, homestead property, and that neither Grantor nor any person for whose support Grantor are responsible, resides on or adjacent to the Property.

AND by execution and delivery of this deed, Grantor hereby remises, releases, acquits, satisfies, and forever discharges Grantee, of and from all, and all manner of actions, causes of action, suits, claims, demands and damages whatsoever, in law or in equity (collectively "Claims"), which Grantor ever had, now has, or which any personal representative, successor, heir or assign of Grantor, hereafter can, shall or may have, against Grantee, for, upon or by reason of any matter, cause or thing whatsoever, arising solely out of Grantor's conveyance of the subject property to Grantee, including, without limitation, any claim for loss of access to Grantor's remaining property, severance damages to Grantor's remaining property, business damages or any other damages, both before and after the date of this instrument relating solely to the property herein being conveyed and specifically excluding any claims relating to a violation or breach of the restrictive covenant set forth in this Deed.

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered

BARN, LLP, a Florida limited liability partnership

By: Seminole Investors, a Florida general partnership, as its General Partner


By: NRP, Ltd., a Florida limited partnership, as its General Partner

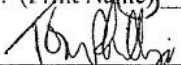
By: North American Capital Corporation, a Florida corporation, as its General Partner

By: 

Nancy A. Rossman, as President

Date: 2-28-07


Witness: (Print Name) KAREN E. EDWARDS


Witness: (Print Name) TOM PHILLIPS

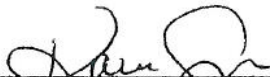
And By: C & G Investment

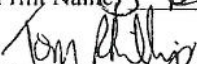
Properties, LLP, a Florida limited liability partnership, as its General Partner


By: 


William W. Cole, Jr., Co-General Partner

Date: 2-28-07


Witness: (Print Name) KAREN E. EDWARDS


Witness: (Print Name) TOM PHILLIPS


Witness: (Print Name) KAREN E. EDWARDS


Witness: (Print Name) TOM PHILLIPS

And By: 

Allan N. Goldberg, Co-General Partner

Date: 2-28-07

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 28 day of Feb., 2007, by Nancy A. Rossman, as President of North American Capital Corporation, a Florida corporation, in its capacity as general partner of NRP, Ltd., a Florida limited partnership, in its capacity as general partner of Seminole Investors, a Florida general partnership, in its capacity as general partner of Barn, LLP, a Florida limited liability partnership, on behalf of said limited liability partnership. She is personally known to me or has produced _____ as identification and who did/did not take an oath.



[Signature]
(Signature of Notary Public)

(Typed name of Notary Public)
Notary Public, State of _____
Commission No.: _____
My commission expires: _____

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 28 day of Feb., 2007, by William W. Cole, Jr., as Co-General Partner of C & G Investment Properties, LLP, a Florida limited liability partnership, in its capacity as general partner of Barn, LLP, a Florida limited liability partnership, on behalf of said limited liability partnership. He is personally known to me or has produced _____ as identification and who did/did not take an oath.



[Signature]
(Signature of Notary Public)

(Typed name of Notary Public)
Notary Public, State of _____
Commission No.: _____
My commission expires: _____

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 28 day of Feb., 2007, by Allan N. Goldberg, as Co-General Partner of C & G Investment Properties, LLP, a Florida limited liability partnership, in its capacity as general partner of Barn, LLP, a Florida limited liability partnership, on behalf of said limited liability partnership. He is personally known to me or has produced _____ as identification and who did/did not take an oath.



[Signature]
(Signature of Notary Public)

(Typed name of Notary Public)
Notary Public, State of _____
Commission No.: _____
My commission expires: _____

Appendix C

Agency Coordination and Correspondence

-
- C-1 Florida Department of Environmental Protection (FDEP), Division of Recreation and Parks letter dated December 13, 2005
 - C-2 Orange County Environmental Protection Division letter dated December 28, 2005
 - C-3 Summary of FDEP Coordination Meeting on April 20, 2006
 - C-4 Summary of FDEP Coordination Meeting on March 20, 2007*
*The FDACS, Division of Forestry Supervisor for Seminole State Forest also attended
 - C-5 Florida Department of Agriculture and Consumer Services (FDACS), Division of Forestry letter dated July 9, 2007, with clarification email dated July 24, 2007
 - C-6 Summary of FDEP Coordination Meeting on July 17, 2007
 - C-7 FDEP, Division of Recreation and Parks letter dated September 6, 2007
 - C-8 FDACS, Division of Forestry letter dated September 23, 2007
 - C-9 Florida Department of Transportation (FDOT) letter to FDACS, Division of Forestry dated October 29, 2007
 - C-10 FDOT letter to FDEP, Division of Recreation and Parks letter dated October 29, 2007
 - C-11 FDEP, Division of Recreation and Parks letter to FDOT dated March 20, 2008
 - C-12 FDACS, Division of Forestry letter to FDOT dated May 30, 2008
 - C-13 FDOT letter to FDEP, Division of Recreation and Parks dated April 21, 2009
 - C-14 FDOT letter to FDACS, Division of Forestry dated April 21, 2009
 - C-15 FDACS, Division of Forestry letter to FDOT dated May 27, 2009
 - C-16 FDOT letter to FDACS, Division of Forestry dated May 29, 2009
 - C-17 Information on Service Road Concept provided to FDACS, Division of Forestry by FDOT on February 8, 2010
 - C-18 Information on Service Road Concept provided to FDEP, Division of Recreation and Parks by FDOT on February 8, 2010
 - C-19 FDOT/Orlando-Orange County Expressway Authority commitment letter to FDACS, Division of Forestry dated March 25, 2010
 - C-20 FDEP Deputy Secretary for Lands and Recreation letter to FDOT District Five Secretary providing Section 4(f) concurrence dated March 30, 2010
 - C-21 Director of FDACS, Division of Forestry letter to FDOT District Five Secretary providing Section 4(f) concurrence dated April 9, 2010



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

Handwritten signature: Mark Castille

December 13, 2005

Mr. Mike Snyder, Executive Director
Orlando-Orange County Expressway Authority
525 South Magnolia Avenue
Orlando, Florida 32801

00000 00500000 000000

Dear Mr. Snyder:

The Florida Department of Environmental Protection's Division of Recreation and Parks manages more than 39,100 acres of public lands within the Wekiva River Basin as part of Florida's state park system. These parks were acquired as part of a dedicated effort by State government to conserve lands for public outdoor recreation, wildlife habitat and watershed protection. We appreciate the work of the Orlando-Orange County Expressway Authority to further the protection of these areas while designing the Wekiva Parkway.

The Division would like to ensure that the Wekiva Parkway is constructed without harming the state parks of the Wekiva Basin. We are concerned that some of the proposed Parkway alignments and interchange locations could require the use of state park lands or have other direct or indirect effects on the parks. To prevent impacts to the parks, we request that the alignment of the Parkway follow the existing route of State Road 46 to the greatest extent possible. We also request that the location of the primary interchange with State Road 46 is thoughtfully selected to minimize any direct and indirect effects on the park. Finally, we support the elevation of the Parkway as much as possible through the State Road 46 corridor to prevent impacts on wildlife and enhance the management of public lands within the basin. At a minimum, elevations should be incorporated in the Parkway's design wherever public lands exist on both sides.

We believe that these modifications to the plan will protect Florida's valuable state parks while meeting the transportation needs of central Florida. We welcome the opportunity to discuss our concerns with you and look forward to working with your organization as this important project progresses.

Sincerely,

Mike Bullock
Director
Florida Park Service

MB/agw

cc: Vivian Garfein, Director
DEP Central District

"More Protection, Less Process"

Printed on recycled paper.



ENVIRONMENTAL PROTECTION DIVISION

Lori Cunniff, Manager

Leeds Commerce Center
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896
407-836-1400 • Fax 407-836-1499
www.OrangeCountyFL.net

December 28, 2005

Mr. Mark Callahan, Vice President
CH2M Hill, Inc.
225 East Robinson Street, Suite 505
Orlando Florida 32801-4321

Subject: Proposed Alignment of Wekiva Parkway

Dear Mr. Callahan:

Thank you for meeting with Beth Jackson, Elizabeth Johnson, and me on December 1, 2005. The purpose of the meeting was to review the general aspects of the proposed alignments of the Wekiva Parkway and the potential impacts to Orange County Green PLACE properties.

The following outlines the Orange County Environmental Protection Division's (Division) opinion on the alignments:

- The Division prefers that the final alignment of the Wekiva Parkway completely avoid impacting two Green Place properties known as the Fazio Property and Strite Property.
- If the alignment is unable to avoid either of these parcels, the Division requests that the alignment avoid fragmenting the parcels.
- If the alignment is unable to avoid the Fazio Property, the Division requests that the alignment avoid impacting the onsite portion of Lake Lucie.
- The Division requests that the road alignment avoids impacts to the seepage springs located on the parcel north of the Strite Property that is currently owned by the Strite Family.
- The Division requests that the alignment through the Neighborhood Lakes parcel should be located to a more westerly alignment in order to avoid impacts to the Rock Springs Preserve.
- The Division would like to go on record that the preferred alignment is Green OC 17.

We hope this information is helpful to you during the planning and preliminary design phases of this project. If you have any specific questions, please contact me at (407) 836-1405 or Beth Jackson at (407) 836-1481.

Sincerely,

Lori Cunniff, CEP
Manager

BJ/ERJ/LC: rb

c: Elizabeth R. Johnson, Environmental Supervisor, Environmental Protection Division
Beth Jackson, Program Manager, Environmental Protection Division



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800
www.doacs.state.fl.us

Please Respond to:

Division of Forestry
Forest Management Bureau
3125 Conner Blvd. C-25
Tallahassee, FL 32399-1650
Telephone: (850) 488-6611
Fax: (850) 921-6724

July 9, 2007

George Lovett
Director of Transportation Development
Florida Department of Transportation, District V
719 South Woodland Boulevard MS 503
Deland, Florida 32720-6834

RECEIVED

JUL 13 2007

CH2M HILL/ORL

Dear Mr. Lovett,

The Division of Forestry (Division) has reviewed the alignment alternatives for the Wekiva Parkway that were presented for public preview in the Summer of 2006 and at the Environmental Advisory Committee meeting in February 2007. Seminole State Forest (SSF), which is managed by the Division, will be impacted by the Wekiva Parkway as indicated in the current alternatives. The following comments are provided to indicate the Division's preferred alternatives, note any concerns and to address potential mitigation or land exchanges.

Lake County East CR46A Realignment

Preferred alternative for the Lake County East CR46A Realignment is Alternative 2. This realignment does not directly impact SSF other than to change the route used to access existing gates. The Division recommends the closure of the portions of CR46A that are not needed for local access. The Division does not support Alternative 1C that crosses the western portion of SSF or Alternative 1D which leaves in place a significant impediment to the western wildlife corridor.

Lake County East Local Access

Of the five Alternatives provided for the Lake County East Local Access, Alternative 5 is preferred. This alternative is desirable as it closely follows the footprint of the existing SR46. The two full diamond interchanges of Alternative 5 allow for the closure of SR46 adjacent to the central bridged area. This central bridged area is in the location of the first wildlife crossing installed on SR46 and represents the most frequently used wildlife corridor between SSF and Rock Springs Run State Reserve. The Division recommends the closure and removal of the portions of the existing SR46 that would no longer be needed for local access, in order to facilitate wildlife crossing.



Florida Agriculture and Forest Products
\$87 Billion for Florida's Economy

George Lovett
Director of Transportation Development
Florida Department of Transportation
July 9, 2007
Page 2

Alternative 5 depicts a retention pond on approximately five acres just to the west of the Wekiva River. This parcel is surrounded by Seminole State Forest with ownership being approximately half private (Smialek) and half DOT. This parcel would be valuable to acquire as part of SSF to smooth out the southern boundary. The Division does not support the location of a retention pond on this parcel or on any adjacent public lands but would favor the use of natural flow conveyances.

Seminole staff members have worked with the representatives from the consultant CH2MHILL regarding maintaining current access to SSF. Lake County East Local Access Alternative 5 will not alter current access points. All of the alternatives being considered will allow safer public access to the south entrance of the forest. The Division requests that appropriate signage be installed to direct the public to the main south forest entrance currently located on the north side of SR46, opposite the intersection with Wekiva River Road.

Mitigation

The Division suggests that replacement acreage be provided for any portions of SSF that are used for Wekiva Parkway construction. This suggested replacement acreage should be within the Wekiva-Ocala Connector area and within the optimal boundary established for SSF. There are two small parcels of Seminole State Forest that are situated between CR46A and SR46 that would be impacted by nearly all of the alternatives. The Division recommends that DOT work with the Division of State Lands within the Department of Environmental Protection to replace the acres impacted from this project and add acres back to SSF.

All roadway designs should consider minimizing the necessity to move the gas line easement that parallels the existing SR46 further into the adjacent public lands.

If portions of CR46A and SR46 are closed, it is recommended that management of the closed sections be assigned to the adjacent public lands. Where practical, mitigating the restoration of the abandoned right-of-way to natural grade and replacement of vegetation along the closed road section would greatly improve wildlife movement.

George Lovett
Director of Transportation Development
Florida Department of Transportation
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Given the potential for dangerous wildfires in this area and the difficulties that an elevated and non-elevated high-speed highway will cause for prescribed burning, mitigation should include permanent electronic warning signs equipped with remote sensing weather stations to be located at strategic points along the parkway route that passes through or adjacent to the public lands.

The location of the signs needs to be accessible by the Division of Forestry or other emergency management agencies for warning of smoke on the highway and lowering of the speed limit during severe events in order to protect public safety. This suggested mitigation would be the minimum acceptable since the department of Environmental Protection and/or the Board of Trustees may have additional mitigation criteria associated with the impacts to conservation lands.

The Division of Forestry supports the recommendations from the Wekiva Coalition as it relates to this project. The Division welcomes the opportunity to continue to work with the Orlando-Orange County Expressway Authority throughout the parkway planning and construction phases to ensure that impacts to Seminole State Forest are minimized. The Forest is a fundamental link for the wildlife corridor between the Wekiva Basin and the Ocala National Forest. Every effort should be taken to preserve this link and to reduce barriers to wildlife movement.

Sincerely,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

A handwritten signature in black ink that reads "Mike Long". The signature is fluid and cursive, with the first name "Mike" and last name "Long" clearly distinguishable.

Mike Long, Director
Division of Forestry

cc Mike Snyder, Orlando – Orange County Expressway Authority
Mark Callahan, CH2MHILL
Winnie Schreiber, Withlacoochee Forestry Center Manager
Joe Bishop, Forestry Supervisor II, SSF
Dennis Hardin, Forest Ecologist

From: Callahan, Mark/ORL
Sent: Tuesday, July 24, 2007 6:17 PM
To: Stewart, Linda
Cc: Stivender, Jim - Lake County; brian.stanger@dot.state.fl.us; Lewis, David/ORL
Subject: FW: CR 46A

Attachments: C-5 CR46A All Align Graphic.pdf; M Long Ltr 7-9-07.pdf
[Clarification from Division of Forestry.](#)

From: Lewis, David/ORL
Sent: Tuesday, July 24, 2007 6:12 PM
To: Callahan, Mark/ORL
Subject: FW: CR 46A

[For your response to Comm. Stewart.](#)

From: Bishop, Joe [mailto:bishopj@doacs.state.fl.us]
Sent: Tuesday, July 24, 2007 6:07 PM
To: Lewis, David/ORL
Cc: Long, Mike; Hardin, Dennis; Schreiber, Winnie; Mousel, Keith; Lovett, Ray
Subject: RE: CR 46A

Dave,

The reference to CR46A Realignment Alternative 2 in Mike Long's letter should have indicated Alternative 1A. The reference to Alternative 2 was from the older concept. The desire of the Division is to have the CR46A realignment are far to the west of the forest as possible and for the south widening of SR46.

Joe Bishop
 Forestry Supervisor II
 Seminole State Forest
 Division of Forestry
 9610 CR44
 Leesburg, FL 34788
 Office) 352-360-6677
 Suncom) 668-6677
 Fax) 352-315-4488

-----Original Message-----

From: David.Lewis2@CH2M.com [mailto:David.Lewis2@CH2M.com]
Sent: Tuesday, July 24, 2007 5:27 PM
To: Bishop, Joe
Cc: mark.callahan@ch2m.com
Subject: CR 46A

Joe:

In Mike Long's July 9, 2007 letter to George Lovett, his reference to CR 46A Realignment **Alternative 2** (highlighted in the attachment) has created some confusion among other stakeholders. That is an older alternative concept which would widen SR 46 to the south in the area of the CR 46A intersection. With the acquisition of Neighborhood Lakes, all concepts for some time now have shown the south widening of SR 46 under Alternative 1; you will recall as you review the attached graphic that we have been evaluating and discussing options for the realignment of Alternative 1 over the past months. Indeed, Mr. Long's letter indicates the Division of Forestry opposes Alternatives 1C and 1D, so I think what he meant to say is Alternative 1A or other similar alignment further to the west away from the Seminole State Forest would be preferable. See the excerpt below from the March 20, 2007 meeting with you and FDEP*.

Please confirm, at your earliest convenience, that the reference in the letter to the older Alternative 2 was actually meant to indicate the Division of Forestry's preference for a CR 46A realignment alternative further to the west, such as Alternative 1A, with SR 46 widening to the south.

Thank you,

Dave

*Lake County: CR 46A Realignment

Mr. Callahan, referring to aerial based concept display boards, discussed the CR 46A Realignment alternatives. He said the west right-of-way line for Alternative 1 is on the property line of Scott Taylor's land and the Heathrow County Estates development. Other alternatives developed at the request of the Heathrow Country Estates Homeowners Association include: Alternative 1A - 50 feet east of the property line; Alternative 1B - 800 feet east of the property line; Alternative 1C - 2,700 feet east of the property line and into the Seminole State Forest; and Alternative 1D - along the existing CR 46A alignment through the Seminole State Forest. Mr. Callahan indicated he had told the Homeowners Association that Alternatives 1C and 1D are inconsistent with the Wekiva Parkway and Protection Act and he could not recommend either of them. Otherwise, Alternatives 1, 1A and 1B are acceptable and the landowners will be asked to decide which one is mutually agreeable. Someone on the phone from Tallahassee indicated FDEP would prefer Alternative 1 in light of acquisition discussions with landowner Scott Taylor for property to the north. The FDEP representatives and Joe Bishop indicated a letter would be prepared strongly objecting to Alternatives 1C and 1D.



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

September 6, 2007

Mr. Brian Stanger
Florida Department of Transportation – District 5
719 South Woodland Boulevard, MS 501
DeLand, Florida 32720

Dear Mr. Stanger:

The Division of Recreation and Parks has been working with the coordination agencies involved in the planning of the Wekiva Parkway/State Road 46 Realignment to identify, minimize, mitigate, and monitor any negative effects of this project. Significant resources managed by the Division are within the planning boundary of the project and include Lower Wekiva River Preserve State Park (LWRPSP) and Rock Springs Run State Reserve (RSRSP). This letter provides a context to understand their significance and the role they play in providing outdoor recreational opportunities and protecting the environmentally and ecologically sensitive Wekiva River Basin.

LWRPSP and RSRPSP are managed along with Wekiwa Springs State Park, as one operational unit and collectively referred to as the Wekiva River Basin State Parks. Title to the parks is held by the Board of Trustees of the Internal Improvement Trust Fund (Trustees) of the State of Florida. The parks were purchased using EEL Bonds and P2000/CARL funding sources. LWRPSP is managed by the Division of Recreation and Parks under lease number 2950. RSRSP is managed under multiple agency management lease number 3571, with the Division of Recreation and Parks as lead agency. Other agencies involved in the management of this property include the Fish and Wildlife Conservation Commission, Division of Forestry and St. Johns River Water Management District. The basic policy and direction of management for both properties is contained in the approved *Wekiva Basin Parks Multi-Unit Management Plan* of April 22, 2005. The primary purpose of both parks is resource-based outdoor recreation and conservation.

The Wekiva River Basin State Parks are an important component of the Florida state park system. The parks are also part of a regional network of conservation lands known as the Wekiva-Ocala Greenway, a continuous natural corridor spanning from Orlando to the Ocala National Forest, and comprise the major portion of the Wekiva River Protection Area as defined by Chapter 369, Part II, Florida Statutes. Lands within this area provide essential wildlife habitat and critical water recharge and water quality functions within the rapidly growing Orlando metropolitan area.

The significance of park resources is reflected in a number of state and national designations associated with both LWRPSP and RSRPSP. The Wekiva River and portions of its tributaries,

including Rock Springs Run, were designated a National Wild and Scenic River by the U.S. Department of Interior in October 2000. Park waters are designated Outstanding Florida Waters pursuant to Chapter 62-302 F.A.C., due to their special natural attributes. Wekiwa Springs Run, Wekiva River and portions of Blackwater Creek are a Florida Aquatic Preserve under the Florida Aquatic Preserve Act of 1975, section 258.35, Florida Statutes. RSRSR is established as a Type I Wildlife Management Area as defined by 39-14.002, Florida Administrative Code. The parks are also a component of the Florida Greenways and Trails System.

Lower Wekiva River Preserve State Park is located in Lake and Seminole Counties and stretches north approximately 12 miles from State Road 46 up to the Ocala National Forest. The Preserve lies between State Road 44 and the Seminole State Forest to the west and the St. Johns River to the east. The lower four miles of the Wekiva River and Black Water Creek cut through the southern portion of the park.

LWRPSP is comprised of approximately 17,405 acres and includes the state-imperiled floodplain marsh, scrub and sandhill natural communities. The latter is located along the State Road 46 frontage. Listed animal species recorded at the park include the Florida black bear, gopher tortoise, and Florida scrub-jay. The park also includes 10 cultural sites included in the Florida State Master Site File.

Public access to LWRPSP is provided at three locations. The northern entrance to the park is located off State Road 44 in Pine Lakes and provides access to equestrian facilities. The southern entrance is located on State Road 46, east of the Wekiva River Bridge and provides access to the Sand Hill Nature Trail. Katie's Landing is located on Wekiva Park Drive, one mile north of State Road 46 and provides access to the Wekiva River.

LWRPSP provides opportunities for horseback riding, hiking, mountain biking, primitive camping, fishing, paddling and nature observation. Visitor use is focused on the trail system that includes 23 miles of service roads and 18 miles of dedicated trails for horseback riding, hiking and biking. A portion of the Florida National Scenic Trail is located at the southern end of the park and the property is a designated stop on the East Section of the Great Florida Birding Trail. A trailhead and equestrian camping area with stalls, corrals and restroom is located at the north entrance of the park. The southern entrance provides trailhead access for hiking and a canoe/kayak launch on the Wekiva River is located at Katie's Landing.

Rock Springs Run State Reserve is located in Orange and Lake Counties. The park is bounded on the north by State Road 46, the Wekiva River Mitigation Bank, and a small number of rural residential parcels in Lake County, and on the east by the Wekiva River up to the abandoned Seaboard Coastline Railroad, and by Wekiva River Road from the former railroad line north to State Road 46. Wekiwa Springs State Park is adjacent to the Reserve on the southwestern boundary, separated by Rock Springs Run, and the recently acquired Neighborhood Lakes property forms the northwestern boundary. The Seminole State Forest and LWRPSP are located immediately north of State Road 46. The entrance to RSRSR is located on State Road 46 at the beginning of the road formerly known as County Road 433, approximately 3 miles west of the Wekiva River.

RSRPSP is comprised of approximately 14,011 acres and includes the state-imperiled floodplain marsh, sandhill, sandhill upland lake and scrub natural communities. Both scrub and sandhill are located along the State Road 46 frontage. Listed animal species recorded at the park include the Florida black bear, Florida scrub-jay, striped newt and gopher tortoise. The park also

Mr. Brian Stanger

Page 3

September 6, 2004

contains 17 cultural sites listed in the Florida State Master Site File, including a National Register site, Twin Mounds Archaeological District, and a historic cemetery, Ethel, the oldest known cemetery in Lake County.

RSRPSP provides opportunities for horseback riding, hiking, mountain biking, primitive camping, fishing, paddling and nature observation. Limited hunting is permitted within the Wildlife Management Area and is managed by the Fish and Wildlife Conservation Commission. Visitor use is focused on the trail system that includes 14 miles of hiking trails, 17 miles of equestrian trails, 15 miles of biking trails, and 32 miles of multi-use trails. A trail head kiosk is located on the main paved entrance road. Other public facilities include an equestrian concession and restroom.

As one can see, both LWRPSP and RSRSR provide numerous ecological and recreation benefits on a local, regional, state and even national level. The parks are truly significant in the conservation benefits and the resource-based recreation opportunities they provide. The Wekiva River Basin State Parks are important assets of the Florida state park system. It is imperative that their resource values are not diminished for future generations to enjoy.

This letter, as requested, has been provided for documentation required for the evaluation and Determination of Section 4(f) Applicability on the Wekiva Parkway/SR 46 Realignment PD&E Study. Please let me know should you have any questions or need any additional information.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Kinnison". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Kinnison, GOC II
Office of Park Planning
Division of Recreation and Parks

cc: Larry Fooks
Cliff Maxwell
John Fillyaw

Wekiva Parkway Project Development and Environment (PD&E) Study
Potential Section 4(f) Resource Questionnaire

Attn:

John Fillyaw
Park Manager,
Rock Springs Run State Reserve

Sir,

The Florida Department of Transportation (FDOT) and the Orlando-Orange County Expressway Authority are conducting a Project Development and Environment (PD&E) Study for the Wekiva Parkway/SR 46 Bypass project. The project includes the following components:

- ***The Wekiva Parkway***, a 4-lane divided (expandable to 6-lane divided) limited access facility, which would begin in Orange County at US 441 just west of CR 437 and extend to the north/northeast into Lake County, turning east and crossing the Wekiva River into Seminole County and terminating at I-4.
- ***SR 46 Reconstruction and Realignment*** which would begin at the SR 46/US 441 interchange in Lake County and extend east to the vicinity of Round Lake Road, then turning southeast on a new alignment entering Orange County with an interchange connection at the Wekiva Parkway. It is expected that the SR 46 improvements would provide 4-lane divided (expandable to 6-lane divided) controlled access along the existing alignment from US 441 to the vicinity of Round Lake Road, while the remaining alignment to the southeast is expected to be limited access.
- ***CR 46A Realignment***, a 2 lane rural (expandable to 4 lane rural) roadway, which would begin on CR 46A in Lake County near the Heathrow Gatwick development area and extend to the south-southeast on a new alignment and tie into existing SR 46 with an access connection to the Wekiva Parkway. The approximate length of the CR 46A realignment is 2.72 miles.
- ***Wekiva Parkway Access Improvements*** would be required in Lake County between the realignment of CR 46A and the Wekiva River to allow access to the private property along existing SR 46. It is proposed that the Wekiva Parkway would carry all traffic crossing between Seminole and Lake Counties and provisions for access would be required for several properties in this area of Lake County.

As part of this study, we need your help in obtaining some information regarding the publicly-owned facilities within the study corridor, in this case, Rock Springs Run State Reserve. It would be very helpful if you could provide us with the answers to the following questions regarding the above-mentioned property.

1. What is the location and size of the property?

Rock Springs Run State Reserve is located in Orange and Lake Counties. The Reserve is bounded on the north by State Road 46, the Wekiva River Mitigation Bank, and a small number of rural residential parcels in Lake County, and on the east by the Wekiva River up to the abandoned Seaboard Coastline Railroad, and by Wekiva River Road from the former railroad line north to State Road 46. Wekiwa Springs State Park is adjacent to the Reserve on the southwestern boundary, separated by Rock Springs Run, and the recently acquired Neighborhood Lakes property forms the northwestern boundary. The Seminole State Forest and Lower Wekiva River Preserve State Park are located immediately north of State Road 46.

2. What is the current and undeveloped acreage of the property?

The Reserve is currently comprised of approximately 14,011 acres. Roughly 15 acres have been developed with facilities. This does not include portions of the property that may contain improved pasture.

3. Who owns the property and who is responsible for maintenance?

On March 10, 1983 the Board of Trustees of the Internal Improvement Trust Fund (Trustees) obtained fee simple title to the property that became Rock Springs Run State Reserve. The Trustees conveyed management authority under the Multiple Agency Management No. 3571 (originally Lease No. 745-9008). The lead managing agency is FDEP Division of Recreation and Parks (Division). Other agencies included in the management of the Reserve are the Division of Forestry, the Fish and Wildlife Conservation Commission, and St. Johns River Water Management District.

Rock Springs Run State Reserve, Lower Wekiva River Preserve State Park, and Wekiwa Springs State Park are managed collectively as one operational unit by the Division and referred to as the Wekiva River Basin Parks. The basic policy and direction of management for these properties is contained in the approved *Wekiva Basin Parks Multi-Unit Management Plan* of April 22, 2005.

4. What type of facility is it and what is the overall function of or the available activities (i.e., ball playing, swimming, boating, etc.) on the property?

Rock Springs Run State Reserve is a unit of the Florida State Park system managed for the primary purpose of resource-based outdoor recreation and conservation. The Reserve is also a Type I Wildlife Management Area. The Reserve 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. The Reserve has regional, state and national significance for the conservation and recreational values it provides. The property functions as a habitat preserve for many listed species, including Florida black bear, Florida scrub-jay, striped newt and gopher tortoise, natural buffer to a National Wild and Scenic River and Florida Aquatic Preserve, and source of high-quality resource based recreational opportunities.

The Reserve provides opportunities for horseback riding, hiking, mountain biking, primitive camping, fishing, paddling and nature observation. Limited hunting is permitted within the Wildlife Management Area and is managed by the Fish and Wildlife Conservation Commission. Visitor use is focused on the Reserve trail system that includes 14 miles of hiking trails, 17 miles of equestrian trails, 15 miles of biking trails, and 32 miles of multi-use trails. A trail head kiosk is located on the main paved entrance road. Other public facilities include an equestrian concession and restroom.

Support facilities include a ranger residence, a volunteer residence site, an old hunt cabin, shop and an office.

5. Is parking provided? If so, how many spaces are allocated?

Parking is provided at three trailheads, the restroom and the horse barn facility. With the exception of the restroom, which contains two accessible parking spots, all parking is in grassed, hard packed areas but is not formally marked. Each area can hold ten to twelve vehicles.

6. Are there any plans for proposed facilities? Are there any descriptions and/or maps of the facility available?

The River House, a former residence with stables located on the Wekiva River, is planned to be used for a bed and breakfast. Improvements to the house are complete, a concessionaire under contract and permits are being pursued. The house is located about 1.5 miles south of the Wekiva River Bridge on State Road 46.

7. What type of access (pedestrian and vehicular) is provided to the facility? What is the approximate number of visitors to the property per year?

Vehicular access to Rock Springs Run State Reserve is located on State Road 46 at the beginning of the road formerly known as County Road 433, approximately 3 miles west of the Wekiva River.

Reserve visitation for the last three years has averaged 15,000 visitors per year.

8. What is the relationship to other similarly used lands in the vicinity?

Rock Springs Run State Reserve is part of the Wekiva-Ocala Greenway, a continuous natural corridor spanning from Orlando to the Ocala National Forest. The Greenway is an important refuge for the Florida black bear, as well as other wildlife such as the bald eagle, swallow-tailed kite, Florida scrub-jay and wading birds. Located within the Wekiva and St. Johns River basins, the Greenway also serves an important water quality protection function. Importantly, it provides the metro-Orlando area with a large, accessible natural area to enjoy an abundance of outdoor recreation opportunities. Public conservation lands currently included in the Wekiva-Ocala Greenway are the Wekiva River Buffer Conservation Area, Wekiwa Springs State Park, Lower Wekiva River Preserve State Park, Seminole State Forest, Black Bear Wilderness Area, Hontoon Island State Park, Blue Spring State Park, and most recently Neighborhood Lakes.

9. Are there any utility crossings?

None that we are aware of.

10. Are there any known clauses that affect the ownership or jurisdiction of this property (i.e., lease, easement, covenants, restrictions, etc.)?

Special Conditions on Use: Rock Springs Run State Reserve must be managed in accordance with the Multiple Agency Management's lease agreement with the Trustees.

Following is a list of outstanding rights, reservations, and encumbrances that apply to Rock Springs Run State Reserve, as described in the *Multi-use Management Plan*.

Instrument: Quit-Claim Deed
Instrument Holder: STS Land Associates, L.P.
Beginning Date: October 24, 1991
Ending Date: Indefinite
Outstanding Rights, Uses, Etc.:

Exhibit "A":

1. Railroad right-of-way of a parcel of land lying in Sections 29, 30, 32, and 33, Township 19 South, Range 29 East, Lake County, Florida, being more particularly described in the quit-claim deed.
2. Right-of-way as shown on a Replate of Alexandrian Park as recorded in Plat Book 9, page 28, Public Records of Lake County, Florida.

Exhibit "B":

1. Title to any part of the subject property lying below the ordinary water line of the Wekiva River is not warranted.
2. Rights of upper and lower riparian owners in and to the natural flow and use of the waters of the Wekiva River.
3. Rights of Way of Wekiva River Road 4-4298 and McDonald Road 4-4397.
4. Riparian rights incident to the land.
5. Matters shown on the boundary survey of the land prepared by Donald W. Macintosh Associates, Inc., Job Number 91091.0005, originally dated June 7, 1991, and last revised September 25, 1991, as follows:
 - a. Fences do not coincide with the property lines.
 - b. Utility lines, utility poles and guy wires.
 - c. Possible burial sites.
 - d. Road rights-of-way.
6. Non-exclusive utility easements granted to Progress Energy (formerly Florida Power Corporation) by instruments recorded in Official Record Book 353, Page 766, Official 1 Record Book 387, page 165,

Official Record Book 555, page 637, and Official Record Book 645, page 1666, Public Records of Lake County, Florida, and in Official Record Book 1862, page 303, Public Records of Orange County, Florida.

7. Existing cemetery (Ethel Cemetery) or burial lots and rights applicable thereto as recited in Corrective Warranty Deed recorded in Official Record Book 931, page 1282, Public Records of Lake County, Florida, which cemetery or burial lots (headstones) are indicated on the boundary survey prepared by Donald W. Macintosh Associated, Inc., Job Number 91091.0005, originally dated June 7, 1991, and last revised September 25, 1991, being located in the Northwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 31, Township 19 South, Range 29 East, in Lake County, Florida.
8. Restriction limiting use of a portion of the land to streets contained in deeds recorded in the Public Records of Lake County, Florida, as follows: Deed Book 25, page 563, Deed Book 42, page 169, Deed Book 42, page 217, and Deed Book 47, page 250.
9. Terms, conditions, provisions and restrictions pertaining to development rights as imposed by Lake County Department of Planning and Development Certification of Granting of Vester Right in the Wekiva River Protection Area dated December 5, 1990 and recorded in Official Record Book 1086, page 1550, Public Records of Lake County, Florida.

11. Are there any unusual characteristics of the property (i.e., flooding problems, terrain conditions, or other features, etc.) that either reduce or enhance the value of all or part of the property?

The position of the Reserve among a regional network of conservation lands enhances its conservation and recreation values. The significance of the resources comprising the Reserve is reflected in a number of national and state designations. A portion of Rock Springs Run and all of the Wekiva River are protected as part of the Wekiva Aquatic Preserve as designated under the Florida Aquatic Preserve Act of 1975, section 258.35, Florida Statutes. Reserve waters are Outstanding Florida Waters (OFW), pursuant to Chapter 62-302 F.A.C., due to their special natural attributes. The degradation of water quality of an OFW is prohibited, other than that allowed in subsections 62-4.242(2) and (3), F.A.C. The Wekiva River, Rock Springs Run, and Seminole Creek were designated by the U.S. Department of the Interior as the Wekiva National Wild and Scenic River in October 2000. In addition, the Reserve is a component of the Florida Greenways and Trails System and contains a portion of the Wekiva River-Rock Springs Run State Canoe Trail. This 27-mile canoe trail begins at Rock Springs and follows Rock Springs Run to the Wekiva River, then north to its confluence with the St. Johns River.

The Reserve includes the state-imperiled floodplain marsh, sandhill, sandhill upland lake and scrub natural communities. Both scrub and sandhill are located along the State Road 46 frontage. Listed animal species recorded at the park include

the Florida black bear, Florida scrub-jay, striped newt and gopher tortoise. The park also contains 17 cultural sites listed in the Florida State Master Site File, including a National Register site, Twin Mounds Archaeological District, and a historic cemetery, Ethel, the oldest known cemetery in Lake County.

12. Were any Land and Water Conservation Funds (LWCF) used to purchase and/or make improvements to this property?

No. The property was purchased using EEL Bonds, CARL and P2000/Carl funding sources.

The responses to this questionnaire will be used to draft the Statement of Significance (SOS) for the entire property. The draft SOS will then be returned to the official who has final jurisdiction over the property for final revision and approval. At this point we request that the SOS be printed in letterhead and signed by the appropriate authority. The SOS letter is generally appended to the *Determination of Section 4(f) Applicability Package* and is then forwarded to the Federal Highway Administration (FHWA) for their final determination.

Wekiva Parkway Project Development and Environment (PD&E) Study
Potential Section 4(f) Resource Questionnaire

Attn:

John Fillyaw
Park Manager,
Lower Wekiva River Preserve State Park

Sir,

The Florida Department of Transportation (FDOT) and the Orlando-Orange County Expressway Authority are conducting a Project Development and Environment (PD&E) Study for the Wekiva Parkway/SR 46 Bypass project. The project includes the following components:

- ***The Wekiva Parkway***, a 4-lane divided (expandable to 6-lane divided) limited access facility, which would begin in Orange County at US 441 just west of CR 437 and extend to the north/northeast into Lake County, turning east and crossing the Wekiva River into Seminole County and terminating at I-4.
- ***SR 46 Reconstruction and Realignment*** which would begin at the SR 46/US 441 interchange in Lake County and extend east to the vicinity of Round Lake Road, then turning southeast on a new alignment entering Orange County with an interchange connection at the Wekiva Parkway. It is expected that the SR 46 improvements would provide 4-lane divided (expandable to 6-lane divided) controlled access along the existing alignment from US 441 to the vicinity of Round Lake Road, while the remaining alignment to the southeast is expected to be limited access.
- ***CR 46A Realignment***, a 2 lane rural (expandable to 4 lane rural) roadway, which would begin on CR 46A in Lake County near the Heathrow Gatwick development area and extend to the south-southeast on a new alignment and tie into existing SR 46 with an access connection to the Wekiva Parkway. The approximate length of the CR 46A realignment is 2.72 miles.
- ***Wekiva Parkway Access Improvements*** would be required in Lake County between the realignment of CR 46A and the Wekiva River to allow access to the private property along existing SR 46. It is proposed that the Wekiva Parkway would carry all traffic crossing between Seminole and Lake Counties and provisions for access would be required for several properties in this area of Lake County.

As part of this study, we need your help in obtaining some information regarding the publicly-owned facilities within the study corridor, in this case, Lower Wekiva River Preserve State Park. It would be very helpful if you could provide us with the answers to the following questions regarding the above-mentioned property.

1. What is the location and size of the property?

Lower Wekiva River Preserve State Park is located in Lake and Seminole Counties and stretches north approximately 12 miles from State Road 46 up to the Ocala National Forest. The Preserve lies between State Road 44 and the Seminole State Forest to the west and the St. Johns River to the east. Rock Springs Run State Reserve and Wekiwa Springs State Park are located immediately south across State Road 46. The lower four miles of the Wekiva River and Black Water Creek cut through the southern portion of the Preserve.

2. What is the current and undeveloped acreage of the property?

The Preserve is approximately 17,405 acres in size. Roughly 5 acres have been developed with facilities. This does not include portions of the property that may contain improved pasture.

3. Who owns the property and who is responsible for maintenance?

On August 19, 1976, the Board of Trustees of the Internal Improvement Trust Fund (Trustees) obtained fee simple title to the property that became the Lower Wekiva River Preserve State Park. The Trustees conveyed management authority of the property to the Department of Environmental Protection, Division of Recreation and Parks, under Lease No. 2950. This lease expires on April 4, 2076. Lower Wekiva River Preserve State Park, Rock Springs Run State Reserve and Wekiwa Springs State Park are managed collectively as one operational unit by the Division and referred to as the Wekiva River Basin Parks. The basic policy and direction of management for these properties is contained in the approved *Wekiva Basin Parks Multi-Unit Management Plan* of April 22, 2005.

4. What type of facility is it and what is the overall function of or the available activities (i.e., ball playing, swimming, boating, etc.) on the property?

Lower Wekiva River Preserve State Park is a unit of the Florida State Park system managed for the primary purpose of resource-based outdoor recreation and conservation. The Preserve 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. The Preserve has regional, state and national significance for the conservation and recreational values it provides. The original purchase in 1976 of almost 5,000 acres was intended for protection of the lower Wekiva River. Additional purchases in 1994 and 1995 have formed a wildlife corridor along the Wekiva and St. Johns Rivers connecting to the Ocala National Forest. The property functions as a habitat preserve for many listed species, including Florida black bear, Florida scrub-jay, and gopher tortoise, natural buffer to a National Wild and Scenic River and Florida Aquatic Preserve, and source of high-quality resource based recreational opportunities.

The Preserve provides opportunities for horseback riding, hiking, mountain biking, primitive camping, fishing, paddling and nature observation. Visitor use is focused on the Preserve trail system that includes 23 miles of service roads and 18 miles of

dedicated trails for horseback riding, hiking and biking. A portion of the Florida National Scenic Trail is located at the southern end of the Preserve and the property is a designated stop on the East Section of the Great Florida Birding Trail. A trailhead and equestrian camping area with stalls, corrals and restroom is located at the north entrance of the park. The southern entrance provides trailhead access for hiking and a canoe/kayak launch on the Wekiva River is located at Katie's Landing.

Support facilities include an office for the Wekiva River Aquatic Preserve, a ranger residence, and volunteer RV site, all located near the southern entrance.

5. Is parking provided? If so, how many spaces are allocated?

Parking at the southern entrance accommodates approximately 12 vehicles. At the northern entrance, parking is provided in a grassed, hard packed area that can accommodate over 50 vehicles. Limited parking is provided at Katie's Landing for the launching of canoes/kayaks.

6. Are there any plans for proposed facilities? Are there any descriptions and/or maps of the facility available?

Currently, plans are underway to provide additional facilities at Katie's Landing. Plans call for a canoe/kayak concession, restrooms, parking for 50-70 vehicles and picnic facilities. The site is located about one mile north of the Wekiva River Bridge on State Road 46.

7. What type of access (pedestrian and vehicular) is provided to the facility? What is the approximate number of visitors to the property per year?

Vehicular access is available at three locations. The northern entrance to the park is located off State Road 44 in Pine Lakes and provides access to equestrian facilities. The southern entrance is located on State Road 46, east of the Wekiva River Bridge and provides access to the Sand Hill Nature Trail. Katie's Landing is located on Wekiva Park Drive, one mile north of State Road 46 and provides paddling access to the Wekiva River.

Preserve visitation for the last three years has averaged 8,500 visitors per year.

8. What is the relationship to other similarly used lands in the vicinity?

Lower Wekiva River Preserve State Park is part of the Wekiva-Ocala Greenway, a continuous natural corridor spanning from Orlando to the Ocala National Forest. The Greenway is an important refuge for the Florida black bear, as well as other wildlife such as the bald eagle, swallow-tailed kite, Florida scrub-jay and wading birds. Located within the Wekiva and St. Johns River basins, the Greenway also serves an important water quality protection function. Importantly, it provides the metro-Orlando area with a large, accessible natural area to enjoy an abundance of outdoor recreation opportunities. Public conservation lands currently included in the Wekiva-Ocala Greenway are the Wekiva River Buffer Conservation Area, Wekiwa Springs State Park, Rock Springs Run State Reserve, Seminole State Forest, Black Bear Wilderness Area, Hontoon Island State Park, Blue Spring State Park, and most recently Neighborhood Lakes.

9. Are there any utility crossings?

Florida Gas Transmission Pipeline along front of property, paralleling S.R. 46.

10. Are there any known clauses that affect the ownership or jurisdiction of this property (i.e., lease, easement, covenants, restrictions, etc.)?

There are no outstanding rights, reservations, and encumbrances on Lower Wekiva River Preserve State Park.

11. Are there any unusual characteristics of the property (i.e., flooding problems, terrain conditions, or other features, etc.) that either reduce or enhance the value of all or part of the property?

The position of the Preserve among a regional network of conservation lands enhances its conservation and recreation values. The significance of the resources comprising the Preserve is reflected in a number of national and state designations. The Wekiva River is protected as part of the Wekiva Aquatic Preserve as designated under the Florida Aquatic Preserve Act of 1975, section 258.35, Florida Statutes. Preserve waters are Outstanding Florida Waters (OFW), pursuant to Chapter 62-302 F.A.C., due to their special natural attributes. The degradation of water quality of an OFW is prohibited, other than that allowed in subsections 62-4.242(2) and (3), F.A.C. The Wekiva River, Rock Springs Run and Seminole Creek were designated by the U.S. Department of the Interior as the Wekiva National Wild and Scenic River in October 2000. In addition, the preserve is a component of the Florida Greenways and Trails System and provides access to the Wekiva River-Rock Springs Run State Canoe Trail. This 27-mile canoe trail begins at Rock Springs and follows Rock Springs Run to the Wekiva River, then north to its confluence with the St. Johns River.

The Preserve includes the state-imperiled floodplain marsh, scrub and sandhill natural communities. The latter is located along the State Road 46 frontage. Listed animal species recorded at the park include the Florida black bear, gopher tortoise, and Florida scrub-jay. The park also includes 10 cultural sites included in the Florida State Master Site File.

Approximately 74 percent of the Preserve is floodplain swamp located along the Wekiva and St. Johns Rivers, which renders much of the park inaccessible. Selected logging tram roads that interrupted the natural water flow are being removed to restore the natural communities and enhance the natural values of the Preserve.

12. Were any Land and Water Conservation Funds (LWCF) used to purchase and/or make improvements to this property?

No. The property was purchased using EEL Bonds and P2000/Carl funding sources.

The responses to this questionnaire will be used to draft the Statement of Significance (SOS) for the entire property. The draft SOS will be then returned to the official who has final jurisdiction over the property for final revision and approval. At this point we request that

the SOS be printed in letterhead and signed by the appropriate authority. The SOS letter is generally appended to the *Determination of Section 4(f) Applicability Package* and is then forwarded to the Federal Highway Administration (FHWA) for their final determination.



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800
www.doacs.state.fl.us

Please Respond to:
Division of Forestry
3125 Conner Blvd
Tallahassee, FL
32399-1650

September 23, 2007

Mr. Brian Stanger
Florida Department of Transportation – District 5
719 South Woodland Boulevard, MS 542
DeLand, Florida 32720

Subject: Statement of Significance Seminole State Forest
Wekiva Parkway/SR 46 Realignment PD&E Study
Financial Project ID.: 238275 1 22 01 and 240200 1 22 01
Lake and Seminole Counties, Florida

Dear Mr. Stanger:

Attached are answers to the questionnaire supplied Ms. Kathleen Jorza of CH2M Hill and designed to facilitate the Determination of Applicability for Section 4(f) lands for the Wekiva Parkway PD&E Study. We believe the Seminole State Forest is very important to wildlife and public recreation and that development of the Wekiva Parkway may have significant impacts to recreation, access, wildlife and prescribed burning.

The Seminole State Forest contains 27,063 acres located north of SR 46 in Lake County, within the Wekiva River Protection Area. The forest was purchased with State Conservation and Recreation Land (CARL), Florida Forever and Save Our Rivers Funds, and is managed by the Florida Department of Agriculture and Consumer Services, Division of Forestry. The Florida Game and Fresh Water Fish Commission is a cooperating agency responsible for wildlife management within the forest. The Trustees of the Internal Improvement Trust Fund of the State of Florida hold title to the majority of the forest. The St. Johns River Water Management Authority owns 2,922 acres.

The Seminole State Forest is managed under the multiple use concept (see Florida Statutes Chapter 253.034(1)(a) and Chapter 589.04(3)) and offers many benefits to Florida's citizens and visitors. Management of the forest promotes recreation, timber, wildlife, wildlife



Florida Agriculture and Forest Products
\$97 Billion for Florida's Economy

Mr. Brian Sanger
September 23, 2007
Page 2


habitat, endangered species, watersheds, environmental education and many other values. Recreation opportunities include hiking, horseback riding, primitive camping, canoeing, wildlife viewing, fishing and hunting. Two hiking trails (Lower Wekiva and Sulphur Island) are included in the Florida Division of Forestry's Trailwalker Hiking Program and three horse trails are included in the Trail Trotter Program. Public parking areas and trailheads are located at the entrance on SR46 just west of the Wekiva River and on Brantley Branch Road in Cassia. In addition, five service entrances are located along SR 46 and nine service entrances are located along CR 46A.

Seminole State Forest is a component of the Wekiva-Ocala Greenway. The forest is located within the Wekiva River Protection Area as defined by Chapter 369, Part II, Florida Statutes. The Wekiva River and portions of its tributaries are designated as a National Wild and Scenic River, an Outstanding Florida Water, and an Aquatic Preserve. Management of the forest's natural resources has a significant role in the protection of the environmentally and ecologically sensitive Wekiva River Basin.

Seminole State Forest is a significant resource in meeting the conservation and recreational goals and objectives of the State of Florida due to the above mentioned natural resources and resource-based recreational opportunities. This letter as requested has been provided for documentation required for the evaluation and Determination of Section 4(f) Applicability on the Wekiva Parkway/SR 46 Realignment PD&E Study. Please let me know should you have any questions or need any additional information pertaining to our facility.

Sincerely,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE



Mike Long, Director,
Division of Forestry

Attachment

MCL/jb/edh

Cc: Winnie Schreiber, Withlacoochee Forestry Center Manager
Ray Lovett, Lake Forest Area Supervisor
Kathleen Jorza, CH2M Hill



Florida Agriculture and Forest Products
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1. What is the location and size of the property?

Seminole State Forest is located in Lake County, north of SR 46. The forest is bounded on the east by the Wekiva River and the Lower Wekiva River Preserve State Park. Seminole Woods/Swamp is located to the west of the forest, and Rock Springs Run State Reserve and the Wekiva River Mitigation Bank (formerly known as New Garden Coal) are located south of the forest, separated by SR 46 and a small cluster of rural residential and commercial parcels.

2. What is the current and undeveloped acreage of the property?

Seminole State Forest is 10,952 hectares (27,063 acres) in size. Almost all of the property is undeveloped with the exception of a few management and recreational facilities.

3. Who owns the property and who is responsible for maintenance?

The majority of Seminole State Forest is owned by the State of Florida Board of Trustees of the Internal Improvement Trust Fund. The St. Johns River Water Management Authority owns 2,922 acres. The forest is managed by the Florida Department of Agriculture and Consumer Services, Division of Forestry. The Florida Game and Fresh Water Fish Commission is a cooperative manager and is responsible for wildlife management.

4. What type of facility is it and what is the overall function of or the available activities (i.e., ball playing, swimming, boating, etc.) on the property?

The property is designated a state forest and is managed under the multiple use concept (see Florida Statutes Chapter 253.034(1)(a) and Chapter 589.04(3)) and offers many benefits to Florida's citizens and visitors. Management of the forest promotes recreation, timber, wildlife, wildlife habitat, endangered species, watersheds, environmental education and many other values. Disturbed areas are to be restored to functioning natural communities. Recreation opportunities include hiking, horse back riding, primitive camping, canoeing, wildlife viewing, fishing and hunting. Two hiking trails (Lower Wekiva and Sulphur Island) are included in the Florida Division of Forestry's Trailwalker Hiking Program and three horse trails are included in the Trail Trotter Program.

5. Is parking provided? If so, how many spaces are allocated?

Twenty parking spaces are provided at the north entrance and twenty parking spaces are provide at the south entrance.

6. Are there any plans for proposed facilities? Are there any descriptions and/or maps of the facility available?

An upgrade to the restroom facilities is planned for the south parking area and the installation of a composting toilet is planned for the north parking area.

7. What type of access (pedestrian and vehicular) is provided to the facility? What is the approximate number of visitors to the property per year?

Two primary access points on the north and south end of the forest provide parking for dispersed recreation and access for pedestrians, motor vehicles, equestrians and bicycles. Approximately 55,000 visitors enter the forest each year.

8. What is the relationship to other similarly used lands in the vicinity?

The surrounding land uses are conservation and agricultural and include the Wekiva River Basin State Parks (Wekiwa Springs State Park, Rock Springs Run State Reserve, and Lower Wekiva River Preserve State Park) and three of four parcels identified for acquisition in the Wekiva Parkway and Protection Act (Seminole Woods, Wekiva River Mitigation Bank, and Neighborhood Lakes). These lands are existing and proposed components of the Wekiva-Ocala Greenway.

9. Are there any utility crossings?

Florida Gas Transmission operates two gas lines that traverse the southern portion of the forest just north of the SR46. Embark telephone and Sumter Electric COOP provides service to management facilities and residential facilities on the forest and crosses small portions of the forest to provide service to adjacent landowners.

10. Are there any known clauses that affect the ownership or jurisdiction of this property (i.e., lease, easement, covenants, restrictions, etc.)?

The majority of the property is operated under Lease/Management Agreement No.: 3936 with the Florida Department of Environmental Protection. A separate management lease agreement with St. Johns River Water Management District applies to 2,922 acres. St. Johns River Water Management District has a conservation easement. Some areas have outstanding mineral rights. The forest has no surplus acres. Various utility and ingress/egress easements are in effect for adjacent or landlocked landowners.

11. Are there any unusual characteristics of the property (i.e., flooding problems, terrain conditions, or other features, etc.) that either reduce or enhance the value of all or part of the property?

The property has significant ecological diversity which includes almost all of the naturally occurring vegetative communities found in Central Florida. The forest has over 5000 acres of scrub and has a scrub jay population of approximately 130 birds. Historically, the area in and around Seminole State Forest has had a high potential for wildfires. Prescribed fires on the state forests and other adjacent public lands can reduce the threat of wildfires but, as long as fuel levels remain high, the area will continue to be prone to large wildfires.

12. Were any Land and Water Conservation Funds (LWCF) used to purchase and/or make improvements to this property?

No. The forest was purchased with Preservation 2000, Florida Forever and Save Our River program funds.



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
DeLand, FL 32720-6834

STEPHANIE C. KOPELOUSOS
SECRETARY

October 29, 2007

Mr. Joe Bishop, Forestry Supervisor II
Florida Department of Agriculture and
Consumer Services, Division of Forestry
9610 County Road 44
Leesburg, FL 34788

Re: Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study;
Request for Opinion on Minimization of Impacts to Potential
Section 4(f) Lands (Seminole State Forest)

Dear Mr. Bishop:

Thank you for the Statement of Significance letter provided by the Florida Department of Agricultural and Consumer Services, Division of Forestry (FDACS, Forestry) for inclusion in the Determination of Section 4(f) Applicability document which was prepared for the Federal Highway Administration (FHWA). A copy of that document is enclosed for review by FDACS, Forestry.

We now ask that you send a letter to me at the Florida Department of Transportation (FDOT), District Five providing the opinion of FDACS, Forestry on the findings and conclusions in the enclosed document, especially with regard to minimization of impacts to the above referenced state lands. As you know, our project consultants have met with you several times during the course of the referenced PD&E Study to discuss alternative alignment and access concepts for the proposed Wekiva Parkway. We have modified those concepts in response to requests from FDACS, Forestry and the Florida Department of Environmental Protection, Division of Parks in order to further minimize impacts to potential Section 4(f) lands and to maximize wildlife habitat connectivity. We would, therefore, appreciate receiving a letter providing the opinion of FDACS, Forestry on that impact minimization effort in the PD&E Study.

We need to provide the requested FDACS, Forestry opinion letter to FHWA as soon as possible, so a response at your earliest convenience will be appreciated.

Sincerely,

Brian Stanger, P.E.
District Environmental Management Engineer

Enclosure: Section 4(f) DOA

Copy: Bob Gleason, FDOT District Five
Mark Callahan, P.E. CH2MHILL



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
DeLand, FL 32720-6834

STEPHANIE C. KOPELOUSOS
SECRETARY

October 29, 2007

Mr. John Fillyaw, Park Manager
Florida Department of Environmental Protection
Division of Recreation and Parks
Wekiva River Basin State Parks
1800 Wekiwa Circle
Apopka, FL 32712

Re: Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study;
Request for Opinion on Minimization of Impacts to Potential Section 4(f) Lands
(Rock Springs Run State Reserve and Lower Wekiva River Preserve State Park)

Dear Mr. Fillyaw:

Thank you for the Statement of Significance letter provided by the Florida Department of Environmental Protection, Division of Recreation and Parks (FDEP, Parks) for inclusion in the Determination of Section 4(f) Applicability document which was prepared for the Federal Highway Administration (FHWA). A copy of that document is enclosed for review by FDEP, Parks.

We now ask that you send a letter to me at the Florida Department of Transportation (FDOT), District Five providing the opinion of FDEP, Parks on the findings and conclusions in the enclosed document, especially with regard to minimization of impacts to the above referenced state lands. As you know, FDOT and our project consultants have met with you and other FDEP, Parks personnel several times during the course of the referenced PD&E Study to discuss alternative alignment and access concepts for the proposed Wekiva Parkway. We have modified those concepts in response to requests from FDEP, Parks in order to further minimize impacts to potential Section 4(f) lands and to maximize wildlife habitat connectivity. We would, therefore, appreciate receiving a letter providing the opinion of FDEP, Parks on that impact minimization effort in the PD&E Study.

We need to provide the requested FDEP, Parks opinion letter to FHWA as soon as possible, so a response at your earliest convenience will be appreciated.

Sincerely,

Brian Stanger, P.E.
District Environmental Management Engineer

Enclosure: Section 4(f) DOA

Copy: Bob Gleason, FDOT District Five
Mark Callahan, P.E. CH2MHILL

Wekiva Parkway PD&E Study Update - Viable Alternatives Meeting with Florida Dept. of Environmental Protection

ATTENDEES: Vivian Garfein, FDEP District Director
Mike Snyder, OOCEA Executive Director
Lisa Prather, FDEP
Aaron Watkins, FDEP
Debra Laisure, FDEP
David Herbster, FDEP
Mark Callahan, CH2MHILL
Dave Lewis, CH2MHILL

COPIES: File - 324126

FROM: Dave Lewis

DATE: April 25, 2006

On April 20, 2006 at 1:30 p.m., the above listed attendees met in the Florida Department of Environmental Protection (FDEP) District Office at 3319 Maguire Blvd. in Orlando for an update on the Wekiva Parkway PD&E Study and a discussion of viable alternatives.

Mark provided an update on the refinement of alternatives in Orange, Lake and Seminole Counties and displayed an aerial based plot of the overall alignment alternatives. He then displayed aerial based concept plots by county, including Orange County, the Wekiva Parkway/SR 46 Bypass systems interchange, west Lake County to US 441, Neighborhood Lakes alignment alternatives, CR 46A realignment, east Lake County access alternatives, and Seminole County. He also discussed traffic projections.

District Director Garfein said FDEP doesn't want remnants of SR 46 used as in the split diamond concept for east Lake County access. With regard to the Seminole County concepts, she said the alternative connecting to the SR 417/I-4 interchange "is the only way to go". Dave mentioned if widening in the SR 46 corridor in Seminole County is to the north of the existing right-of-way, that would impact approximately 6.5 acres of the Lower Wekiva River State Park.

It was discussed that there needs to be coordination with FDEP on Wekiva Parkway mitigation and permitting activities.

This summary is the writer's recollection of discussions at the meeting.

**Subject: Wekiva Parkway PD&E Study -
Coordination with FDEP**

Attendees: See Attachment A

Agenda/Handouts: See Attachment B

Date/Time: March 20, 2007 1:30 pm

Location: CH2MHILL, Orlando Office

Mark Callahan began the meeting by asking the attendees and those on teleconference to introduce themselves. He then provided background on Wekiva Parkway and an overview of the PD&E Study to date.

Mike Snyder gave a brief update on the the acquisition of conservation lands identified in the *Wekiva Parkway and Protection Act*. He outlined the agreement pertaining to the Wekiva River Mitigation Bank property (formerly New Garden Coal). Mr. Snyder said the last parcel of Neighborhood Lakes property in Orange County had just closed and all of Neighborhood Lakes was now in state ownership. He said there had not been much interest shown in acquiring the Seminole Woods or Pine Plantation properties. Mr. Snyder indicated the Expressway Authority had acquired the Silvestri upland scrub property in northwest Orange County, the majority of which could be used for conservation minus the portion needed for Wekiva Parkway right-of-way.

Mr. Callahan mentioned that it could be a long meeting, so in the interest of time he had been asked to cover the most difficult issues first.

Lake County East Alignment and Access Alternatives

Referring to aerial based concept display boards, Mr. Callahan discussed each of the five alternative alignment/access concepts (those on teleconference were referred to the appropriate exhibit numbers on the FTP site for these alternatives and others discussed later during the meeting). He explained the alignment and interchange configuration for each of the five alternatives, and he said all of the alternatives have two long bridges for wildlife habitat connectivity. Mr. Callahan indicated design year (2032) traffic modeling showed less than 3,000 daily trips from the residential enclaves north and south of the SR 46 corridor. He said this low volume would not warrant full interchanges, and that Alternatives 1 and 4 with split diamond interchanges would require a short section of existing SR 46 to remain open for local access and a connection between the directional interchanges. Vivian Garfein asked John Fillyaw which alternative FDEP would prefer and he said Alternative 5 would be the first choice, with Alternative 2 being the second choice. Both of those concepts would have full interchanges with no portion of existing SR 46 remaining except for park access. FDEP prefers that none of existing SR 46 in this area would remain open to avoid any potential conflicts with the wildlife corridors.

Mr. Callahan indicated Alternative 1 was under consideration as the preliminary consultant recommendation based on the assessment of costs and impacts. Mr. Stanger asked what the estimated difference in construction and right-of-way costs was between Alternative 1 and Alternatives 2/5. Mr. Callahan answered that Alternative 1 was \$29M to \$33M less than Alternatives 2/5. He directed attention to the handouts attached to the agenda, which were highlighted excerpts from the *Wekiva Parkway and Protection Act*, the *Wekiva River Basin Coordinating Committee Final Report*, and the *Wekiva Basin Area Task Force Final Report*. These design criteria and adopted recommendations indicate that sections of SR 46 could remain open to provide local access to private properties, and that where at-grade portions of existing SR 46 remain in place to provide local access there will be no need to provide wildlife passages on this low-volume, low-speed service road. Mr. Callahan said the split diamond interchange concept with a short section of SR 46 remaining open for local access is in conformance with that. Mr. Fillyaw said he feels full interchanges with no portions of SR 46 open for local access is also in conformance.

Bill Howell (via teleconference) said if all of the land and residences in that area of east Lake County were acquired the interchange access concepts would not be an issue. Mr. Callahan indicated that FDOT is prohibited from buying land beyond what is needed for a specific transportation improvement and attendant drainage facilities. George Lovett concurred with that statement. Mr. Howell said the land west of the Wekiva River was important to Florida Forever and had been looked at but no FDEP funds were available. He said perhaps FDOT could acquire it. He said maybe the cost of the land would be less than the cost of the interchanges. Mr. Lovett indicated this is already a very expensive project and he doubted such an acquisition could occur, however, he asked Mr. Howell to send FDOT the land valuation information FDEP had previously developed.

There was discussion on the comparison of estimated right-of-way costs for the southern alignment (Alternatives 1 and 2) versus the northern alignment (Alternatives 4 and 5). Mr. Callahan indicated FDOT will relook at the northern alignment to verify impacts and costs.

Mr. Callahan suggested that, with regard to the Lake County East Alignment and Access Alternatives, we have further internal discussions on both sides of this issue to detail and clarify our positions, and then meet again in the near future to seek resolution. That course of action was agreed to by those present.

Seminole County: North or South Widening of SR 46 Corridor

Mr. Callahan, referring to aerial based concept display boards, said the current SR 46 right-of-way width east of the Wekiva River is 200 feet, and that approximately 270 feet would be needed for Wekiva Parkway and frontage roads. He said the widening could be to the north (which would impact the Lower Wekiva River State Preserve and require relocation of a 26 inch gas pipeline and it's 50 foot easement) or to the south (which would impact many existing and planned residential developments). Mr. Callahan indicated FDOT's right-of-way consultant had estimated widening to the south would cost approximately \$30M more than widening to the north. The cost of relocating the gas pipeline is estimated at \$14M to \$20M, so widening to the north would still cost approximately \$10M to \$16M less than widening to the south. He said the local elected officials and the potentially impacted residents have indicated strong opposition to widening to the south. John Fillyaw asked if the frontage roads on the north side of Wekiva Parkway along the Lower Wekiva River

State Preserve could be eliminated and have a two-way two lane road on the south side. Mr. Callahan explained how that would create some access issues, affect the slip ramps to/from Wekiva Parkway, and present operational problems. Mr. Fillyaw asked if the frontage roads in this area on the north and south sides could be reduced to one lane. Mr. Callahan said the slip ramps would have to move to the east and sufficient pavement width beyond one lane to meet Seminole County emergency vehicle access requirements would have to be provided, but CH2MHILL will look at that concept and lay it out. There will be follow up discussions on this at the next meeting.

Lake County: Neighborhood Lakes Alignment

Referring to aerial based concept display boards, Mr. Callahan indicated there are three alternative alignments through the Neighborhood Lakes property in Lake and Orange Counties. He said these are the west alignment (Alternative 1), the central alignment (Alternative 2), and the east alignment (Alternative 3). Mr. Callahan indicated the impacts and costs of each alternative are similar so any of them would be acceptable, but he assumed FDEP would prefer the west alignment since it would provide more land contiguous to Rock Springs Run State Reserve. The FDEP representatives indicated that was correct, they preferred Alternative 1. With the west alignment, Mr. Callahan asked FDEP to consider approval of shortening the long bridges over the expansive floodplain area to be offset by more floodplain compensation on the west side of the Wekiva Parkway alignment. Mr. Howell asked if the stormwater ponds could also be located west of the alignment and if a section of the bridge could allow underpass by park management vehicles through the floodplains and wetlands. Mr. Callahan said CH2MHILL would look at accommodating that suggestion.

Lake County: CR 46A Realignment

Mr. Callahan, referring to aerial based concept display boards, discussed the CR 46A Realignment alternatives. He said the west right-of-way line for Alternative 1 is on the property line of Scott Taylor's land and the Heathrow County Estates development. Other alternatives developed at the request of the Heathrow Country Estates Homeowners Association include: Alternative 1A - 50 feet east of the property line; Alternative 1B - 800 feet east of the property line; Alternative 1C - 2,700 feet east of the property line and into the Seminole State Forest; and Alternative 1D - along the existing CR 46A alignment through the Seminole State Forest. Mr. Callahan indicated he had told the Homeowners Association that Alternatives 1C and 1D are inconsistent with the *Wekiva Parkway and Protection Act* and he could not recommend either of them. Otherwise, Alternatives 1, 1A and 1B are acceptable and the landowners will be asked to decide which one is mutually agreeable. Someone on the phone from Tallahassee indicated FDEP would prefer Alternative 1 in light of acquisition discussions with landowner Scott Taylor for property to the north. The FDEP representatives and Joe Bishop indicated a letter would be prepared strongly objecting to Alternatives 1C and 1D.

Drainage and Permitting

Mr. Callahan indicated, consistent with the *Wekiva Parkway and Protection Act*, CH2MHILL would like to coordinate with FDEP on ideas for integrating Wekiva Parkway stormwater drainage into the adjacent lands to fit better in the surrounding environment instead of

formal stormwater ponds. An FDEP representative suggested perhaps separating treatment from attenuation or storage. It was agreed that CH2MHILL will work with FDEP on this approach and the permitting of it. Amy Stewart said some consideration must be given to pond requirements/locations necessitated by the stormwater drainage from the very long wildlife bridges.

The meeting adjourned at approximately 3:45 pm.

ACTION ITEMS

- **FDEP** to provide to **FDOT** the previously developed land valuation information for the east Lake County area west of the Wekiva River.
- **FDOT** to reexamine the right-of-way cost estimates for Alternatives 4 and 5 in east Lake County.
- In addition to shortening floodplain bridges and increasing floodplain compensation on the west side of Alternative 1 through Neighborhood Lakes, **FDOT** to evaluate placing all stormwater ponds on the west side of the alignment and providing vehicle access under those floodplain/wetland bridges for park management.
- In an effort to further reduce right-of-way requirements for widening to the north in Seminole County along the Lower Wekiva River State Preserve, **FDOT** to develop and evaluate additional frontage road concepts.
- After internal discussions, **FDEP and FDOT** will document their positions on the Lake County East Alignment and Access Issues prior to the next meeting.

Meeting Summary - Wekiva Parkway 3/20/07
Attachment A



Charlie Crist
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Department of Environmental Protection

on phone: Bill Howell, FDEP
Greg Brock, FDEP
Connie Bersok, FDEP
Leo Anglerio, FDEP
Vicki Tauxe, FDEP
Mike Sole
Secretary

MEETING ATTENDANCE RECORD

Joc Bishop
Joc, a Sem. State Forest. Doc
Doc

Purpose: Wekiva Parkway Date: 3-26-07

NAME	AFFILIATION	10 DIGIT PHONE NUMBER	E-MAIL ADDRESS &/OR FAX NUMBER
Lisa Plather	FDEP	407-893-7869	<u>lisa.plather@dep.state.fl.us</u>
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Meeting Summary - Wekiva Parkway 3/20/07
Attachment B

AGENDA

Wekiva Parkway Alignment and Access Issues Concerning State Lands in Lake and Seminole Counties

CH2MHILL Orlando Office, Main Conference Room

March 20, 2007

1:30 pm

- Background on the Wekiva Parkway
- Update on Acquisition of Conservation Lands Identified in the *Wekiva Parkway and Protection Act*
- Overview of the Preliminary Consultant Recommendation within the Overall Study Area
- Areas of Focus at this Meeting:
 - Lake County
 - Neighborhood Lakes Alignment
 - CR 46A Realignment
 - Lake County East Alignment and Access Alternatives
 - Seminole County
 - North or South Widening of SR 46 Corridor
- Next Steps

Range 27 East; thence Westerly along the south line of said Section 8 to the southeast corner of Section 7, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 7 to the southwest corner thereof, said corner lying on the line of demarcation between Orange County and Lake County; thence generally Northerly and along said county line to the northeast corner of Section 12, Township 20 South, Range 26 East, said corner lying on the east line of Range 26 East; thence generally Northerly and along said east line of Range 26 East to the southeast corner of Section 24, Township 19 South, Range 26 East; thence Westerly along the south line of said Section 24 to the southeast corner of Section 23, Township 19 South, Range 26 East; thence Westerly along the south line of said Section 23 to the southwest corner thereof; thence Northerly along the west line of said Section 23 to the southwest corner of Section 14, Township 19 South, Range 26 East; thence Northerly along the west line of said Section 14 to the southwest corner of Section 11, Township 19 South, Range 26 East; thence generally Northeasterly to the southwest corner of Section 1, Township 19 South, Range 26 East; thence generally Northeasterly to the southwest corner of Section 31, Township 18 South, Range 27 East; thence generally Northeasterly to the southwest corner of Section 29, Township 18 South, Range 27 East; thence generally Northeasterly to the northwest corner of Section 28, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 28 to the northwest corner of Section 27, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 27 to the northwest corner of Section 26, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 26 to the northwest corner of Section 25, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 25 to an intersection with the west line of Range 28 East; thence Northerly along the west line of said Range 28 East, to the northwest corner of Section 6, Township 18 South, Range 28 East, and the Point of Beginning.

History.--s. 1, ch. 2004-384.

369.317 Wekiva Parkway.--

(1) The "Wekiva Parkway" means any limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group that were adopted January 16, 2004.

(2) The Wekiva Parkway and related transportation facilities shall follow the design criteria contained in the recommendations of the Wekiva River Basin Area Task Force adopted by reference by the Wekiva River Basin Coordinating Committee in its final report of March 16, 2004, and the recommendations of the Wekiva Coordinating Committee contained in its final report of March 16, 2004, subject to reasonable environmental, economic, and engineering considerations.

(3) With the exception of the road commonly referred to as the Apopka Bypass, the construction of any other limited-access highway or expressway that is identified by the Final Recommendations of the State Road 429 Working Group adopted January 16,

2004, within the Wekiva Study Area shall adhere to transportation and conservation principles identified within the Final Report of the Wekiva River Basin Coordinating Committee dated March 16, 2004. If any other limited-access highway or expressway is considered within the Wekiva Study Area, then such a project shall adhere to the extent practicable with transportation and conservation principles identified within the Final Report of the Wekiva River Basin Coordinating Committee dated March 16, 2004.

(4) Access to properties adjacent to SR 46 shall be maintained through appropriate neighborhood streets or frontage roads integrated into the parkway design.

(5) In Seminole County, the Seminole County Expressway Authority, the Department of Transportation, and the Florida Turnpike Enterprise shall locate the precise corridor and interchanges for the Wekiva Parkway consistent with the legislative intent expressed in this act and other provisions of this act.

(6) The Orlando-Orange County Expressway Authority is hereby granted the authority to act as a third-party acquisition agent, pursuant to s. 259.041 on behalf of the Board of Trustees or chapter 373 on behalf of the governing board of the St. Johns River Water Management District, for the acquisition of all necessary lands, property and all interests in property identified herein, including fee simple or less-than-fee simple interests. The lands subject to this authority are identified in paragraph 10.a., State of Florida, Office of the Governor, Executive Order 03-112 of July 1, 2003, and in Recommendation 16 of the Wekiva Basin Area Task Force created by Executive Order 2002-259, such lands otherwise known as Neighborhood Lakes, a 1,587+/- acre parcel located in Orange and Lake Counties within Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake County within Section 37, Township 19 South, Range 28 East; New Garden Coal; a 1,605+/- acre parcel in Lake County within Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28 East; Pine Plantation, a 617+/- acre tract consisting of eight individual parcels within the Apopka City limits. The Department of Transportation, the Department of Environmental Protection, the St. Johns River Water Management District, and other land acquisition entities shall participate and cooperate in providing information and support to the third-party acquisition agent. The land acquisition process authorized by this paragraph shall begin no later than December 31, 2004. Acquisition of the properties identified as Neighborhood Lakes, Pine Plantation, and New Garden Coal, or approval as a mitigation bank shall be concluded no later than December 31, 2010. Department of Transportation and Orlando-Orange County Expressway Authority funds expended to purchase an interest in those lands identified in this subsection shall be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area.

(a) Acquisition of the land described in this section is required to provide right of way for the Wekiva Parkway, a limited access roadway linking State Road 429 to Interstate 4, an essential component in meeting regional transportation needs to provide regional connectivity, improve safety, accommodate projected population and economic growth,



WEKIVA RIVER BASIN COORDINATING COMMITTEE FINAL REPORT

*Recommendations for Enhanced
Land Use Planning Strategies
and Development Standards to
Protect Water Resources of the
Wekiva River Basin*



MARCH 16, 2004

Maitland Boulevard west to link to SR 429 and US 441— and a partial realignment of SR 46 to be known as the SR 46 Bypass around the communities of Mt. Plymouth and Sorrento. The SR 46 Bypass will be integrated with the Wekiva Parkway. The SR 429 Working Group's final recommendations, adopted January 16, 2004, and map are included in *Appendix C*.

Wekiva Parkway Location and Design

Recommendation 1: The Committee supports development of the Wekiva Parkway and endorses the following recommendations of the Wekiva Basin Area Task Force, *Appendix D*:

- **Task Force Recommendation 2:** Recommended Corridor for the Wekiva Parkway, *Figure 3*, incorporating the corridor alignment recommended by the SR 429 Working Group, *Figure 4*;
- **Task Force Recommendations 3 and 4:** Guiding Principles for the Wekiva Parkway Design Features and Construction;
- **Task Force Recommendation 7:** Interchanges Along the Wekiva Parkway;
- **Task Force Recommendation 9:** Local Government Review of Long-Range Transportation Plans; and,
- **Task Force Recommendation 10:** Application of Guiding Principles to State Road 44.

Implementation Strategy: Consistent with Recommendation 4 below, the Committee recommends initiation of legislative action and amendment of the Metropolitan Planning Organization's Long-Range Plans to initiate feasibility studies, planning and project development for the Wekiva Parkway. The federal process will need to be followed to maintain the Wekiva Parkway's eligibility for federal funding. Local government comprehensive plans should be amended to include the Wekiva Parkway.

Interchange Land Use Plans

Recommendation 2: Consistent with Recommendation 13 of the Wekiva Basin Area Task Force, *Appendix D*, the Committee recommends local governments hosting an interchange on the Wekiva Parkway adopt into their comprehensive plans interchange land use plans (excluding the interchange with Interstate 4) to address the following: appropriate land uses and compatible development; secondary road access; access management; right-of-way protection; vegetation protection and water conserving landscaping; and the height and appearance of structures and signage. The major objectives of the interchange land use plans are to allow for development which is appropriate in scale and intensity given the land uses in the area, to assure development is compatible with the surrounding area, and to assure protection of surface water and groundwater resources and important wildlife habitat.

Implementation Strategy: The Committee recommends implementation of legislation to direct planning for interchanges by local governments.

Land Acquisition

In addition to the recommendations made above, the Committee endorsed the Department of Transportation's strategy for legislative action to expedite land acquisition to purchase conservation land surrounding or adjacent to Wekiva Parkway. The Department of Transportation presented its recommendations and the *Wekiva Parkway Land Acquisition and Feasibility Study* to Governor Bush in a final report dated January 14, 2004. Executive Order 03-112 directed the Department of Transportation to:

10. The Department of Transportation, using existing authority under Florida Statutes, Chapters 334, 335, and 338, including, but not limited to, sections 334.03, 334.044, 335.02, 335.18, 338.001 and related rules, shall:

APPENDIX D

WEKIVA BASIN AREA TASK FORCE RECOMMENDATIONS (EXCERPTS)

Recommendation 2: The Task Force recommends that the appropriate transportation agency(ies) use the corridor that is depicted on Figure 3, “Recommended Corridor for the Wekiva Parkway” to undertake the environmental and engineering studies to determine the precise alignment. In addition to the studies, the appropriate transportation agency(ies) shall also apply the “Guiding Principles for Corridor Location” listed herein in selecting the final roadway alignment. The final alignment within Seminole County shall be subject to the approval of the Seminole County Expressway Authority. The Wekiva Parkway must be planned in its entirety, rather than in phases.

Recommendation 3: The Task Force recommends that the appropriate transportation agency(ies) use the following “Guiding Principles for the Wekiva Parkway Design Features and Construction.” The guiding principles should also be applied to the construction of new expressways and the expansion of existing expressways, as applicable. When the design of any new expressway facility is completed it should:

- a. Provide that all new expressways be fully limited access, with interchanges;
- b. Promote a “Parkway” look with appropriate natural buffers between the roadways and the adjacent areas;
- c. Include the maximum provision for bridging through strategically important wetlands;
- d. Elevate (bridge) identified functionally significant wildlife corridors, and provide appropriate wildlife bridges with barriers to direct wildlife to safe crossing points;

e. Design storm water treatment facilities to minimize habitat loss and promote restoration of impacted sites and assure capture and treatment of runoff from bridges over Outstanding Florida Waters to Outstanding Florida Waters standards;

f. Offer opportunities to view, understand, and access the environmental uniqueness of the Wekiva River ecosystem;

g. Provide non-intrusive and minimal roadway and bridge lighting in the Wekiva River Protection Area to support the conservation of dark skies in the basin; and

h. Incorporate safety and access design features to promote the continuation of prescribed burning in the basin.

Recommendation 4: The Task Force further recommends that when the design and construction of the Wekiva Parkway is completed it should:

a. Reduce hazards to wildlife by relocating CR 46-A to tie into SR 46 at the proposed SR 46 interchange;

b. Close the portions of CR 46-A that parallel and duplicate SR 46 (east of the recommended relocation) and serve only the traffic necessary to provide access to local property;

c. Elevate the Wekiva Parkway through the Wekiva River Protection Area to the maximum extent feasible, and have bridges and adequate barriers as often as practical to provide for adequate wildlife passages;

d. Bridge Wekiva River wetlands and floodplains on publicly owned lands that are adjacent to the Wekiva Parkway where known wildlife crossings exist;

e. Close existing SR 46 at an appropriate location west of the Lake-Seminole County line so that the remaining sections of SR 46 continue to be open only to provide local access to private properties and recreational and conservation lands, and prevent through traffic; and

f. Where the at-grade portions of the existing SR 46 remain in place to provide local access, there will be no need to provide wildlife passages on this low-volume, low-speed service road.

Recommendation 5: The Task Force recommends that the Florida Department of Transportation, the Orlando-Orange County Expressway Authority, and the Seminole County Expressway Authority consider the recommendations of the Task Force and prepare a report to the Governor and Legislature of their joint recommendations for the appropriate transportation entity(ies) to operate the Wekiva Parkway. The report shall also include joint recommendations on the following:

- a. A funding plan that addresses the Task Force recommendations, including those related to wider rights of way to promote the parkway concept, preserve rural character, buffer interchanges, and other design features; and
- b. Any legislation needed to secure the authority needed to acquire private lands or development rights within the Wekiva River Protection Area and the proposed Wekiva River Springshed Protection Area in excess of that which is required for right-of-way and associated roadway construction.

Recommendation 6: The Task Force recommends that the plan for mitigating impacts of the construction of the Wekiva Parkway shall assure that to the maximum extent feasible, land acquisition and mitigation occur prior to roadway construction, and mitigation must occur only within the Wekiva River Protection Area, Wekiva River Basin, or Wekiva River Springshed.

Recommendation 7: The Task Force recommends that the number of interchanges located along the Wekiva Parkway not exceed five, and be located as follows:

- a. SR 429, south of US 441. The most southerly interchange would occur south of US 441 and serve as a junction with the current SR 429 to allow a continuation of the route to the northwest and then north and also to serve as a future connection to the proposed extension to Maitland Boulevard (the Apopka Bypass).

b. US 441 - An interchange would be located where SR 429 reaches US 441.

c. Between US 441 and SR 46 – A single interchange, at an appropriate location, between US 441 and SR 46 and a potential system connection to the proposed US 441 bypass to be determined by the appropriate transportation agencies, in cooperation with local governments, consistent with the guiding principles for corridor location, as applicable. The ultimate location of the interchange will be reflected in the transportation component of the sector plan developed pursuant to Recommendation 11.

d. SR 46 – An interchange would be located at SR 46 near the area where CR 46-A should be relocated.

e. Interstate 4 – An interchange would be located where the Wekiva Parkway reaches I-4 in Seminole County no farther north than the St. John's River Bridge and no farther south than the SR 417 interchange on I-4.

Recommendation 8: The Task Force recommends creation of a working group of stakeholders of applicable local governments, transportation agencies, environmental groups, citizen representatives, and state and regional agencies to study the corridor for a new, limited access facility — the US 441 Bypass — to link the Wekiva Parkway south of SR 46 and west of the Wekiva River Protection Area, to US 441 to Lake and northwest Orange Counties. As recommended above, the "Guiding Principles for Corridor Location and the Guiding Principles for the Wekiva Parkway Design and Construction," as applicable, shall also be applied to the corridor selection, design, and construction of the US 441 Bypass. The US 441 Bypass shall be planned in its entirety, rather than in phases. This working group shall also consider, evaluate, and make recommendations concerning the potential capacity expansion of the other roadways listed in Table 1, as identified in Recommendation 9 in light of the creation of a US 441 Bypass and the Wekiva Parkway.

Recommendation 9: The Task Force recommends that all affected local governments review their long-range transportation improvement plans in light of the Task Force's recommendations. Transportation agencies and local governments in the Wekiva Basin area have plans to increase the number of travel lanes on certain roadways located within the Wekiva River Protection Area and within the recharge area for the Wekiva River springshed. The Task Force anticipates that the Wekiva Parkway and the US 441 Bypass should replace the need to widen many of the existing

RECOMMENDATIONS

Recommendation 4: The Task Force further recommends that when the design and construction of the Wekiva Parkway is completed it should:

- a. Reduce hazards to wildlife by relocating CR 46-A to tie into SR 46 at the proposed SR 46 interchange;
- b. Close the portions of CR 46-A that parallel and duplicate SR 46 (east of the recommended relocation) and serve only the traffic necessary to provide access to local property;
- c. Elevate the Wekiva Parkway through the Wekiva River Protection Area to the maximum extent feasible, and have bridges and adequate barriers as often as practical to provide for adequate wildlife passages;
- d. Bridge Wekiva River wetlands and floodplains on publicly owned lands that are adjacent to the Wekiva Parkway where known wildlife crossings exist;

- e. Close existing SR 46 at an appropriate location west of the Lake-Seminole County line so that the remaining sections of SR 46 continue to be open only to provide local access to private properties and recreational and conservation lands, and prevent through traffic; and
- f. Where the at-grade portions of the existing SR 46 remain in place to provide local access, there will be no need to provide wildlife passages on this low-volume, low-speed service road.

In addition to the recommendations made above, and in keeping with the concept of creating a scenic roadway through the Wekiva Basin Area, the Task Force expressed its desire to maximize the natural attributes of the area, including maintaining the native forested landscape to minimize mowed landscapes and preclude the need to plant potentially invasive exotic species for groundcover. Further, because the Wekiva Basin Area hosts several recreational trails and the Wekiva National Wild

and Scenic River, the Task Force recognized the potential to co-locate other linear facilities within the corridor. The special nature of federal and state conservation and recreational designations require that the planning and construction of the Wekiva Parkway abide by parameters outlined in regulations and legislation making those designations.

Recommendation 5: The Task Force recommends that the Florida Department of Transportation, the Orlando-Orange County Expressway Authority, and the Seminole County Expressway Authority consider the recommendations of the Task Force and prepare a report to the Governor and Legislature of their joint recommendations for the appropriate transportation entity(ies) to operate the Wekiva Parkway. The report shall also include joint recommendations on the following:

- a. A funding plan that addresses the Task Force recommendations, including those related to wider rights of way to promote the parkway

Wekiva Parkway Alignment and Access Issues Concerning State Lands in Lake and Seminole Counties

ATTENDEES: See Attached Sign In Sheet

FROM: Mark Callahan, P.E.

DATE: July 31, 2007

A meeting was conducted on July 17, 2007 at Florida Department of Environmental Protection (FDEP) offices in Tallahassee, FL. The purpose of the meeting was for the Florida Department of Transportation (FDOT) and the Orlando-Orange County Expressway Authority (OOCEA) to provide a briefing to Senior FDEP staff and to specifically discuss outstanding key issues that have been identified during the course of the Wekiva Parkway Project Development and Environment (PD&E) Study.

The agenda for the meeting and the sign in sheet are attached to this meeting summary.

The meeting started with introductions of attendees. Mark Callahan of CH2M HILL, the consultant project manager for the PD&E Study, provided a history and overview of the Wekiva Parkway including the original studies in the late-1980s and the deliberations of the Wekiva Basin Area Task Force and Coordinating Committee. These efforts prompted the passage of the Wekiva Parkway and Protection Act in 2004.

A review of the purpose and need of the project followed with emphasis on the growing congestion in the SR 46 corridor and the high number of crashes resulting in a significant number of fatalities. In addition, given the unique area the corridor traverses there are a notable number of wildlife/vehicle collisions resulting in animal mortality including the Florida Black Bear and other species.

A brief discussion of current land use and land use control measures outlined in the Wekiva Parkway and Protection Act was undertaken.

Wayne Rich of Broad and Cassel, representing the Orlando-Orange County Expressway, briefed the group on the land acquisition status. The Wekiva River Mitigation Bank property is the subject of an agreement between FDEP, OOCEA and FDOT for a conservation agreement for the property. The Neighborhood Lakes Property has been acquired through a funding agreement including FDEP, FDOT, St. Johns River Water Management District, OOCEA, Orange County, and Lake County. The Seminole Woods/Swamp parcels are owned by a family which has indicated/shown no interest in selling the property or providing for a conservation easement. The Pine Plantation parcels may be partially impacted by the Wekiva Parkway alignment but no other land acquisition funds are available for purchase of this property.

At this point a review of the initial consultant recommendations along with briefing on additional input was reviewed for several key areas. The following provides a summary of the discussion.

Alignment of Wekiva Parkway through the Neighborhood Lakes Property (Orange and Lake Counties)

Three alignments were assessed (Alternative 1 (west), Alternative 2 (center), and Alternative 3 (east)). Assessments of the three alignments indicated similar impacts with Alternative 3 impacting

a small neck of the Rock Springs Run. Alternative 1 is the closest option to the Mt. Plymouth neighborhood and there would be some moderate noise impacts. The Consultant Recommendation was for Alternative 1 given the similar impacts for the alignments and based on FDEP indicating their preference for Alternative 1 (west) since it provided the greatest contiguous holding with Rock Springs Run State Reserve. FDOT has requested that as the project moves forward more detailed floodplain boundaries will be defined and it is requested that FDEP work with FDOT on floodplain compensation in an effort to maximize cost efficiencies.

CR 46A Realignment (Lake County)

A single viable alternative (Alternative 1) for the CR 46A realignment was presented to the public in 2006. Concerns regarding the alignment were raised by residents of Heathrow Country Estates, a neighborhood to the west adjacent to the proposed alignment. Based on the input from the residents four additional alternatives were examined (Alternatives 1A, 1B, 1C, and 1D). Based on assessments of these additional alternatives it was noted that Alt. 1D does not appear to be consistent with the Wekiva Parkway and Protection Act. Alt. 1C impacts the western portions of the Seminole State Forest and it also impacts a karst area with a large floodplain. Alt. 1B is approximately 800 feet east of the original alignment and it bisects the private property it traverses. Alt. 1A is 50 feet east of the original alignment. Alternative 1A was the Consultant Recommendation for this area.

Additional feedback was provided by the residents of Country Estates who suggest the alignment should be located in the Seminole Forest or 800 feet east of the original alignment. The Lake County Commission has requested the study team to look at an alignment located 100 feet east of the original alignment allowing for some existing vegetation and buffering to remain. Florida Department of Agriculture and Consumer Affairs have stated their concern about impacts to the Seminole State Forest. At this point FDOT is evaluating the Lake County request and is comfortable with that alignment or Alt 1A.

FDEP indicated their preference as the westernmost options (Alternative 1, 1A or new option as per Lake County).

Lake County East Access Alternatives

A key issue for the portion of the Wekiva Parkway east of Neighborhood Lakes is how to provide access to private and State-owned lands while providing the desired habitat connectivity in this important area. Two basic schemes were developed: First a "split diamond interchange" concept and a "two full interchanges" concept. The split diamond provides a balance solution based on the projected traffic for this area representing less costs and right-of-way. The split diamond concept did require local traffic to use existing portions of SR 46 roughly between CR 46A and Wekiva River Road. The two full interchanges concept provided a high level of capacity not consistent with the land uses but did allow for closure of SR 46 between the two interchanges. The split diamond interchange was the consultant recommendation for access in this area. The Wekiva Commission (June 1, 2007 meeting) requested FDOT to consider the two full interchange concept given concerns about the existing portions of SR 46 remaining open with the split diamond alternative. In addition, the Lake County Commission (June 5, 2007 meeting) indicated a similar preference for the two full interchange concept.

Discussion with FDEP mirrored concerns raised by the Wekiva Commission and the Lake County Commission. Essentially the continued use of portions of SR 46 will incrementally diminish with wildlife and habitat. FDEP emphasized that having the two interchanges concept and eliminating travel on the referenced segment of SR 46 was critical to their support of the Wekiva Parkway.

Lake County East Alignment Alternatives

In the same area of the project where the access issue is located there are three alternative alignments under consideration. The alignment alternatives in the "hump" area of SR 46 include the Red, Blue and Green Alternatives. The Red and Blue Options are very similar with locations approximately 1,400 feet south of the hump on SR 46. The Blue Alt. has slightly higher impacts than the Red. The Green alignment is located just south, and in some areas within, the existing SR 46 right-of-way. The basic impact trade-offs are the higher wetland, floodplain, and public land impacts for the Red and Blue Alts. and greater impacts to residents and higher costs for the Green alignment. The Consultant recommendation suggested elimination of the Blue Alternative and recommended the Red Alternative due to its lower cost and impacts to residents in the area. Furthermore the Green Alternative left property to the south with no access.

FDEP indicated a preference for the Green Alignment because it provided more contiguous habitat in the area and had less impacts to public lands.

Environmental Bridges (Lake County)

The Guiding Principles established for the Wekiva Parkway included provisions for significant bridge structures to enhance habitat connectivity and to reduce wildlife collisions. The existing corridor has a bridge at the Wekiva River and two wildlife underpasses to the west. The total existing length of bridged area is approximately 600 feet. Original concepts for the bridges provided more extensive bridging in the same areas where there are structures today with the total bridged area at approximately 14,000 feet. FDOT remains concerned with the costs of this project recognizing it is an important transportation improvement which will also provide a significant environmental benefit when implemented. A value engineering study was performed for the project which brought forth several issues regarding bridge areas in the early concepts. These issues suggested pulling bridge limits off of interchange ramp and auxiliary lane areas and to reduce bridging in curve locations. By minimizing the amount of bridge structure it was recognized that the project would be more affordable and could possibly be implemented earlier. With this input adjustments have been undertaken with the bridge limits which brings the three bridge areas to a total of approximately 9,000 feet. Wildlife fencing will be installed to direct wildlife to the bridge locations.

FDEP acknowledged that the proposed change although less than the early concept remains a significant enhancement to connectivity. A question was raised regarding funding of the project and it was indicated that FDOT does not reasonably foresee funds available for the project. That said FDOT will be exploring all options for funding which may include tolling on additional portions of the project and/or public/private partnerships.

Wekiva River Mitigation Bank (Lake County)

A discussion on the Wekiva River Mitigation Bank ensued wherein Mr. Rich provided some background on the agreement regarding the conservation easements. Part of the agreement includes language regarding the impact of the Wekiva Parkway to the number of mitigation credits approved for the entire property. Through this discussion FDEP indicated that the Green Alternative would have less impacts to the mitigation credits as compared to the Red Alternative.

North or South Widening of SR 46 (Seminole County)

East of the Wekiva River two alternatives were examined along the SR 46 corridor. The proposed improvement in Seminole County involve putting the Wekiva Parkway in the center of the right-of-way between two one-way frontage roads. This concept requires approximately 270 feet of right-of-way. The existing right-of-way is 200 feet. The South Alternative involves acquiring right-of-way (approx. 70 feet) to the south which impacts a significant number of residential parcels. The North Alternative

involves acquiring right-of-way to the north which impacts Lower Wekiva State Preserve and also impacts a major gas line within a 50 foot easement north of existing SR 46. Evaluations indicated that the North Alignment requires additional costs for the gas line relocation and easement. However, these costs are offset by the higher land values for the South Alternative. The Consultant identified the North Alternative as the Recommendation. The Seminole County Expressway Authority has indicated their preference for the North Alternative due to the potential impacts to the south. FDOT has committed to examine options to minimize impacts to the Lower Wekiva State Preserve as a part of the study as well as during design. Furthermore FDOT will work with FDEP Land Managers to identify other measures to minimize impacts to the preserve.

FDEP indicated their preference for the South Alternative due to the impacts to Lower Wekiva State Preserve. FDEP did also acknowledge the difficulty of acceptance of the South Alternative to residents and County leaders.

At this point in the meeting Bob Ballard of FDEP reviewed the agency's concerns as summarized above. He specifically emphasized the importance of the Two Interchanges in East Lake County and indicated a willingness to work with FDOT on the other issues.

FDOT committed to re-examine the access and alignment alternatives in East Lake County. Also FDOT emphasized their commitment to work with FDEP to minimize the impacts to Lower Wekiva State Preserve.

Attachments: Meeting Agenda
Sign In Sheet

Wekiva Parkway Meeting
at FDEP Tallahassee
July 17, 2007 - 2:30 p.m.
SIGN-IN SHEET

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Michael W. Sole
Secretary

March 20, 2008

Brian Stanger, Environmental Engineer
Fifth District Office
Department of Transportation
719 South Woodland Boulevard
Deland, Florida 32720

Dear Mr. Stanger:

We have reviewed the materials you provided to John Fillyaw regarding the Wekiva Parkway/State Road 46 realignment project.

We appreciate your efforts to reduce the adverse effects of the project on Rock Springs Run State Reserve and Lower Wekiva River Preserve State Park. Based on the supplemental information we received from Mr. Mark Callahan, it appears that the draft preliminary engineering drawings incorporate the main revisions that have been discussed in the past. Our understanding is that the project's final design will include (1) bridging across the Wekiva River spanning approximately 2,150 feet, (2) an eastern wildlife bridge spanning approximately 4,000 feet, (3) a western wildlife bridge spanning approximately 1,957 feet, and (4) a bridge on the Neighborhood Lakes property spanning approximately 800 feet. In our opinion, these bridge lengths represent the bare minimum needed to ensure adequate connectivity between the major tracts of public land. They should not be reduced further in subsequent design stages.

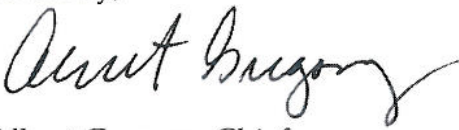
Just as a factual comment, the Neighborhood Lakes property that was acquired in March 2007 has not yet been added to Rock Springs Run State Reserve, as is stated in the Section 4(f) report. Discussions are still ongoing with Lake County, Orange County, the St. Johns River Water Management District, and the Board of Trustees of the Internal Improvement Trust Fund regarding a management lease for the property. We expect the lease to be completed soon.

Mr. Brian Stanger
Page Two
March 20, 2008

This letter does not serve as authorization from the Division of Recreation and Parks to begin construction on the project. Prior to any construction activities, an easement from the Board of Trustees of the Internal Improvement Trust Fund will be required. The easement will address project details such as access to park lands, coordination with park staff, and location of staging areas, among other matters.

I hope this information will be helpful. Please contact me at (850) 245-3051, or Albert.Gregory@dep.state.fl.us if you would like to discuss this further.

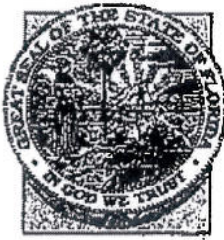
Sincerely,



Albert Gregory, Chief
Office of Park Planning
Division of Recreation and Parks

AG/agf

cc: Vivian Garfein, Director, Central District Office
Mike Bullock, Director, Florida Park Service
Scott Robinson, Assistant Director, Florida Park Service
Larry Fooks, Chief, Bureau of Parks District 3
Parks Small, Chief, Bureau of Natural and Cultural Resources
Warren Poplin, Manager, Lower Wekiva River Preserve State Park



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800

Please Respond to:
Division of Forestry
Forest Management Bureau
3125 Conner Blvd. / C25
Tallahassee, FL 32399-1658

May 30, 2008

Brian Stanger, Environmental Engineer
Fifth District Office
Department of Transportation
719 South Woodland Boulevard
Deland, Florida 32720

Dear Mr. Stanger:

The Division of Forestry (DOF) has reviewed the information provided in the Determination of Section 4(f) Applicability for the Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study, October 2007. We appreciate your efforts to reduce the adverse effects of the project on the Seminole State Forest (SSF), and on your willingness to work with our staff and address our issues during this process. We appreciate your consideration and selection of an alternative that provides two full interchanges between CR46A and the Wekiva River, closes the existing section of SR46 between these points, and re-aligns CR46A to the west of the SSF.

Our understanding is that the preferred alternative includes a bridge across the Wekiva River spanning approximately 2,150 feet, an eastern wildlife bridge spanning approximately 4,000 feet, a western wildlife bridge spanning approximately 1,957 feet, and a bridge on the Neighborhood Lakes property spanning approximately 800 feet. We believe these lengths represent the minimum needed to ensure adequate connectivity and do not support any further reductions in the bridged spans.

The DOF does not support the location of the retention pond on the north side of the Parkway immediately to the west of the Wekiva River. Instead, it would be favorable for the property to become part of the SSF and to be used to offset other areas directly impacted by the Parkway. Two small parcels of SSF that lie between CR46A and SR46 should be considered for retention ponds to reduce impacts elsewhere. These small parcels cannot be effectively managed as State Forest land now, or with the current Parkway design. The Cabanas property to the north of CR46A will be partially affected by the Parkway. The unaffected portion of the property should be considered as replacement acreage for areas impacted on Seminole State Forest.



Florida Agriculture and Forest Products
\$97 Billion for Florida's Economy

Mr. Brian Stanger
May 30, 2008
Page Two

On page 18, item number 7, "Access and Approximate Number of Visitors Per Year" the number of visitors to SSF should be changed from 55,000 to 32,000 per year.

Although the Determination document and the coordination thus far are an important effort toward minimizing and mitigating the impacts of the project to the land base and to wildlife, we continue to believe the most significant impact will be to fire management of the public land in the vicinity of this project. We believe this impact will be more important than the small percentage of public land that is directly impacted, and is arguably more important than the potential impacts to wildlife. Without active and effective fire management on the tens of thousands of acres of public land that occur in the Wekiva Basin Ecosystem, these lands will lose significant wildlife and recreational value. On the SSF alone, our long-term goal is to prescribe burn between 3200 and 8900 acres per year. Without an effective prescribed fire program on these lands to reduce fuels and maintain appropriate wildlife habitat, the potential for catastrophic wildfire increases with a resulting increase in the potential for serious accidents and road closures. We believe that permanent lighted signs that can be used to caution drivers and to reduce speed limits during smoke events, and remote weather stations that can be accessed by the agencies to obtain immediate and highly localized weather information are some of the solutions that must be implemented. While we agree that many important steps have been taken to minimize and mitigate the effects of this project, we are very concerned that the impact to fire management, which is the most important and long-lasting impact on wildlife, recreation and driver safety have been put off to the final design and construction phases. We can only hope that the Department of Transportation and its agents will recognize the serious nature of this concern and show the same willingness to consider this issue work with our staff as they have on the other issues.

Please contact me or Dr. Dennis Hardin (hardind@doacs.state.fl.us) or 850/414-8293 if you have additional questions or would like to discuss this further.

Sincerely,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE



Mike Long, Director
Division of Forestry

MCL/edh

Cc: Winnie Schreiber, Withlacoochee Center Manager
Joe Bishop, Forestry Sup. II, Seminole State Forest



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
Mail Station 501
DeLand, FL 32720

STEPHANIE KOPELOUSOS
SECRETARY

April 21, 2009

Mr. Albert Gregory, Chief
Office of Park Planning
Division of Recreation and Parks
Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, FL 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 – Rock Springs Run State Reserve and
Lower Wekiva River Preserve State Park*

Dear Mr. Gregory:

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), Division of Recreation and Parks concerning the proposed Wekiva Parkway project and the subject Section 4(f) public lands. As you will recall, we have previously coordinated on this matter and you provided, at our request, an opinion letter (copy attached) dated March 20, 2008 on the minimization of impacts to the subject Section 4(f) lands.

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 on Rock Springs Run State Reserve and Lower Wekiva River Preserve State Park:

- 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 previously provided to FDEP, Division of Recreation and Parks in October 2007 in the *Determination of Section 4(f) Applicability* document is restated below:

Rock Springs Run State Reserve

- **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. Direct use impacts to Rock Springs Run State Reserve are expected to occur as a result of the proposed improvements. The proposed alignment generally impacts the northern portions of Rock Springs Run State Reserve that are contiguous with existing SR 46. Right-of-way acquisition for roadway and stormwater ponds is estimated at approximately 124 acres of Rock Springs Run State Reserve. The existing public recreational areas (hiking, biking, and canoe trails) will not be impacted by the proposed improvements. The proposed right-of-way requirement of 124 acres represents less than 0.9 of one percent of the total existing 14,011 acres of Rock Springs Run State Reserve.
- **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. Noise impacts due to the proposed project are not anticipated to impact public recreational facilities, such as the campground. Stormwater treatment ponds are planned throughout the proposed corridor to provide treatment and to prevent the degradation of water quality due to the proposed project. Additionally, the primary access points to Rock Springs Run State Reserve on existing SR 46 will remain.
- **Assessment of Impacts Concurrence:** FDOT, District Five sent a written request on October 29, 2007 to the FDEP, Division of Recreation and Parks land managers of the Rock Springs Run State Reserve to provide their opinion on the minimization of project impacts and proposed mitigation measures. The response letter from the FDEP, Division of Recreation and Parks dated March 20, 2008 states "We appreciate your efforts to reduce the adverse effects of the project on Rock Springs Run State Reserve...." and "...it appears that the draft preliminary engineering drawings incorporate the main revisions that have been discussed in the past".

Lower Wekiva River Preserve State Park

- **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. Direct use impacts to Lower Wekiva

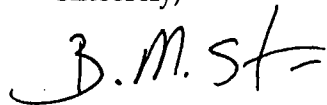
River Preserve State Park are expected to occur as a result of the proposed Wekiva Parkway alignment. Right-of-way acquisition for the proposed roadway improvement is approximately 4 acres. The proposed right-of-way acquisition of 4 acres represents less than 0.1 of one percent of the total existing 17,405 acres of the Lower Wekiva River Preserve State Park. An additional 3 acres will be required for the relocation of the existing 50-foot Florida Gas Transmission easement adjacent to the existing north right-of-way line for SR 46. Temporary impacts will occur within the 50-foot easement as a result of relocating the gas pipeline.

- **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. 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 are planned throughout the proposed corridor to provide treatment and to prevent the degradation of water quality due to the proposed project. A potential stormwater pond location on the Lower Wekiva River Preserve State Park was removed from consideration in response to FDEP's request to minimize impacts. The existing park access at the southern entrance on SR 46 will be maintained in the proposed condition.
- **Assessment of Impacts Concurrence:** FDOT, District Five 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 FDEP, Division of Recreation and Parks dated March 20, 2008 states "We appreciate your efforts to reduce the adverse effects of the project onLower 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".

We look forward to receipt of the requested concurrence letter from the FDEP Division of Recreation and Parks, 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. Mark Callahan of CH2MHILL at (407) 423-0030.

Mr. Albert Gregory
April 13, 2009
Page 4

Sincerely,

A handwritten signature in black ink, appearing to read "B.M. Stanger". The signature is fluid and cursive, with the first name "B.M." and the last name "Stanger" clearly distinguishable.

Brian Stanger, P.E.
District Environmental Management Engineer

Copy: Vivian Garfein, Director, FDEP Central District
Mike Bullock, Director, Florida Park Service
Warren Poplin, Manager, Wekiva River Basin State Parks
Mike Snyder, Executive Director, Orlando-Orange County Expressway Authority
Bob Gleason, Environmental Administrator, FDOT District 5
Mark Callahan, Wekiva Parkway Project Manager, CH2MHILL
File: 324126 (C19)

Attachments: FDEP, Division of Recreation and Parks letter dated March 20, 2008



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
Mail Station 501
DeLand, FL 32720

STEPHANIE KOPELOUSOS
SECRETARY

April 21, 2009

Mr. James R. Karels, Director
Division of Forestry
Florida Department of Agriculture and Consumer Services
3125 Conner Boulevard/C25
Tallahassee, Florida 32399-1650

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 – Seminole State Forest

Dear Mr. Karels:

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 Agriculture and Consumer Services (FDACS), Division of Forestry concerning the proposed Wekiva Parkway project and the subject Section 4(f) public lands. We have previously coordinated on this matter with your predecessor Mr. Mike Long, and he provided, at our request, an opinion letter (copy attached) dated May 30, 2008 on the minimization of impacts to the subject Section 4(f) lands.

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 Seminole State Forest:

- 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.

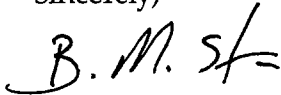
To assist you in preparation of the requested concurrence letter, information previously provided to the Division of Forestry in October 2007 in the *Determination of Section 4(f) Applicability* document is restated below:

- **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. Approximately 65 acres of Seminole State Forest will incur direct use impacts due to right-of-way requirements for roadway and stormwater ponds. A section of existing CR 46A from the northern limits of the CR 46A realignment to just northwest of the properties in the vicinity of the "hump" in SR 46 will be removed. As a result, approximately 13 acres of the existing CR 46A right-of-way will be added to Seminole State Forest due to the proposed improvements. The net impacts of approximately 42 acres represent less than 0.2 of one percent of the existing 27,063 acres. Approximately 4 acres will be required for the relocation of the 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.
- **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. Noise impacts are not expected to impact the existing primitive camping facilities due to the distance between the facilities and the proposed roadway. Stormwater treatment ponds are planned throughout the proposed corridor to provide treatment and to prevent the degradation of water quality due to the proposed project.
- **Assessment of Impacts Concurrence:** FDOT sent a written request on October 29, 2007 to the Division of Forestry land managers of the Seminole State Forest to provide their opinion on the minimization of project impacts and proposed mitigation measures. The response letter from the Division of Forestry dated May 30, 2008 states "We appreciate your efforts to reduce the adverse effects of the project on the Seminole State Forest and your willingness to work with our staff and address our issues during this process".

We look forward to receipt of the requested concurrence letter from the Division of Forestry, 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. Mark Callahan of CH2MHILL at (407) 423-0030.

Mr. James R. Karels
April 13, 2009
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read "B. M. Stanger".

Brian Stanger, P.E.
District Environmental Management Engineer

Copy: Joe Bishop, Forestry Supervisor II, Seminole State Forest
Mike Snyder, Executive Director, Orlando-Orange County Expressway Authority
Bob Gleason, Environmental Administrator, FDOT District 5
Mark Callahan, Wekiva Parkway Project Manager, CH2MHILL
File: 324126 (C19)

Attachments: FDACS, Division of Forestry letter dated May 30, 2008



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800
www.doacs.state.fl.us

Please Respond to:
Florida Division of Forestry
3125 Conner Boulevard
Tallahassee, Florida 32399-1650
Phone: 850-488-4274

May 27, 2009

Mr. Brian Stanger, P.E.
District Environmental Management Engineer
Florida Department of Transportation
719 South Woodland Boulevard
Mail Station 501
DeLand, Florida 32720

Subject: Section 4(f) Public Lands – Seminole State Forest
Wekiva Parkway (SR 429)/SR 46 Realignment
Financial Management Nos.: 238275-1-22-01 and 240200-1-22-01

Dear Mr. Stanger:

This is in response to your letter of April 21, 2009, requesting a concurrence letter from the Florida Department of Agriculture and Consumer Services, Division of Forestry (DOF) concerning the subject referenced above. We appreciate your continued coordination with DOF on this project and, as stated previously, your efforts to reduce the adverse effects of the project on Seminole State Forest. As we stated in our letter to you of May 30, 2008, we believe the most significant impact will be to fire management of the public land in the vicinity of this project. Impacts on fire management seriously impair the use of the Section 4(f) land for its intended use. Because this issue has not been specifically addressed, we are unable to issue a full concurrence letter at this time.

The inhibitory impacts on prescribed burning programs by transportation facilities are well-demonstrated. Inhibitions to prescribed burning often result in the accumulation of fuels to dangerous levels that then result in wildfires. Smoke on the highway from either source is a safety hazard for motorists. Successional changes in vegetation due to declines in prescribed fire decrease the habitat suitability for many wildlife species known to inhabit Seminole State Forest, such as the Florida scrub jay. Wildfires cause serious damage to forests and impair their use for recreation and silvicultural management. We would rather not postpone the address of this issue until later in the design effort and believe it needs to be addressed by commitments sooner rather than later.



Mr. Brian Stanger, P.E.
May 27, 2009
Page Two

As referenced in our May 30, 2008, letter, we recommended installation of permanent, overarching, lighted, variable message signs at each end of the segment through public lands. Possible locations for these are west of the interchange that is west of Wildlife Crossing 1, and east of the Wekiva River Crossing. We believe these signs are essential to notify motorists of dangerous smoke conditions on the Parkway and to reduce speed or even to reroute traffic under the most severe conditions. A protocol for accessing the signs should be developed that involves the DOF, Division of Recreation and Parks in the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Florida Highway Patrol, DOT and local law enforcement agencies. Also, as stated in our May 30 letter, we believe one or more remote weather stations should be placed in this segment. The data from these stations should be accessible by agencies that conduct prescribed burning and that fight wildfires in order to obtain localized weather information that can be used in conducting burns or fighting wildfires.

Referring to our May 30, 2008, letter, we agree that many important steps have been taken to minimize and mitigate the effects of this project. We are very concerned that the impact to fire management has not been addressed at all and is not even mentioned in Endangered Species Biological Assessment. As previously stated, we believe that impacts to fire management are the most important and long-lasting impacts to wildlife, recreation and driver safety. These impacts are not mitigated by land acquisition.

We can concur that the amount and location of the land to be used does not impair the use of the remaining Section 4(f) land. The approximately 65 acres of direct use impacts due to right-of-way requirements for roadway and stormwater ponds are probably the minimum that could be impacted and still construct a road that balances the interests of these conservation lands and transportation requirements. Approximately 13 acres of the existing CR 46A right-of-way will be removed and added to the Seminole State Forest. An additional 4 acres will be required for the relocation of the existing Florida Gas Transmission easement.

Pertinent to this point, we would like to have further discussion concerning the stormwater treatment pond located just west of the Wekiva River crossing and north of the Parkway. Our preference would be to relocate this pond and make the parcel part of the State Forest. Alternatively, we believe the area should be evaluated for the potential to use a flowage easement similar to what is being engineered for the widening of Interstate 75 through the Croom Tract of the Withlacoochee State Forest. This alternative uses flowage easements to direct stormwater to existing wetlands and depressions and negates the need for massive and unsightly dry holding areas. If there is no feasible solution but to construct the holding area, we would like to see the pond engineered to look as natural as possible to maintain visual quality objectives. Doing so would involve construction of a firebreak and fencing only along the southern boundary with the Parkway and would allow burning up to the edge of the holding area on the north, west and east boundaries.

Mr. Brian Stanger, P.E.
May 27, 2009
Page Three

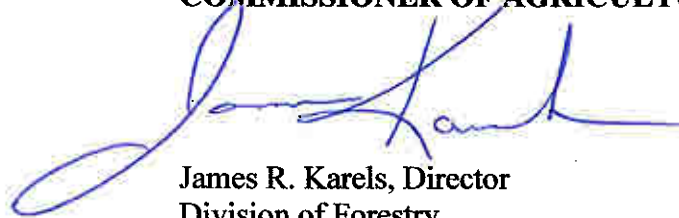
We cannot fully concur that the proximity impacts of the project on the remaining Section 4(f) land will not impair the use of such land for its intended purpose because the issue of smoke management has not been addressed, as described above. We can concur that proximity impacts, such as water runoff, noise, access and vibration, are not expected as a result of the proposed Wekiva Parkway Project. Unless the issue of smoke management is addressed, we believe the proposed project will substantially impair the function, integrity, use, value and setting of this resource.

This project in its current form will inhibit our ability to conduct prescribed burning. Without prescribed fire, fuels will accumulate and an area already known for its wildfire severity will suffer increased wildfire frequency. Smoke events from wildfires are very likely to affect the safety of motorists on this highway.

We would be happy to have further discussions with you on this subject. If you have any questions, please contact me or Dr. Dennis Hardin, Forest Ecologist (850/414-8293; hardind@doacs.state.fl.us) or Mr. Joe Bishop, SSF Forestry Supervisor II (352/360-6677; bishopj@doacs.state.fl.us).

Sincerely,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

A handwritten signature in blue ink, appearing to read 'James R. Karels', is written over the printed name and title.

James R. Karels, Director
Division of Forestry

JRK/edh

cc: Dennis Hardin, Forest Ecologist, DOF
Joe Bishop, Forestry Supervisor II, Seminole State Forest
Winnie Schreiber, Withlacoochee Forestry Center Manager
Bob Gleason, Environmental Administrator, FDOT District 5
Mark Callahan, Wekiva Parkway Project Manager, CH2MHILL
Tim Breault, Director, Division of Habitat & Species Conservation, FFWCC
Albert Gregory, Division of Recreation & Parks, FDEP/ DSL
David Hankla, USFWS



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
Mail Station 501
DeLand, FL 32720

STEPHANIE KOPELOUSOS
SECRETARY

May 29, 2009

Mr. James R. Karels, Director
Division of Forestry
Florida Department of Agriculture and Consumer Services
3125 Conner Boulevard/C-25
Tallahassee, Florida 32399-1650

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 - Seminole State Forest

Dear Mr. Karels:

Thank you for your correspondence of May 27, 2009 (copy attached) in response to our request for a concurrence letter from the Florida Department of Agriculture and Consumer Services, Division of Forestry (DOF) concerning the proposed Wekiva Parkway project and the subject Section 4(f) public lands. We appreciate the concurrence provided by DOF on certain specific items. This letter is meant to address the concerns you expressed, especially in regard to fire management.

Over the past three years, we have coordinated with Mr. Joe Bishop, Forestry Supervisor II for Seminole State Forest, during the development of Wekiva Parkway alignment and access alternatives. We have discussed maintaining existing access points to Seminole State Forest and the provision of additional or replacement access, as appropriate. We have coordinated with Mr. Bishop, as well as the Florida Department of Environmental Protection (FDEP) Division of Recreation and Parks, to make certain that proposed project bridges will provide sufficient vertical clearance to accommodate fire management vehicles and equipment. Mr. Bishop has made it clear, as has DOF in the letter of May 30, 2008 and in your letter of May 27, 2009, that prescribed burns and smoke management are of paramount importance. That is understood and the significance to DOF is recognized by FDOT.

Since PD&E Studies are based on preliminary engineering of conceptual alternatives, specific items such as the two variable message signs suggested by DOF are usually not addressed until the final design phase. However, we will certainly commit to address that issue, in close coordination with DOF, early in the development of project design and construction plans. At FDOT, as at DOF, safety is always the primary consideration.

Mr. James R. Karels
May 29, 2009
Page 2

With regard to the stormwater pond and your suggested alternative for a flowage easement, we have previously discussed that type of approach in this portion of the project area with FDEP Central District staff. It may be a viable option, particularly in the vicinity of state conservation and park lands, for more compatibility with the natural environment. FDEP has indicated that approach should be further detailed and discussed during final drainage design, in order to adequately address any related permitting issues.

We hope this correspondence is responsive to your expressed concerns. We look forward to continued coordination with DOF as this important project progresses. If you have any questions or require further information, please contact me at (386) 943-5391 or by email at Brian.Stanger@dot.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "B. M. Stanger", with a stylized flourish at the end.

Brian Stanger, P.E.
District Environmental Management Engineer

Copy: Joe Bishop, Forestry Supervisor II, Seminole State Forest
Dennis Hardin, Forest Ecologist, Division of Forestry
Mike Snyder, Executive Director, Orlando-Orange County Expressway Authority
Bob Gleason, Environmental Administrator, FDOT District 5
Mark Callahan, Wekiva Parkway Project Manager, CH2MHILL
File: 324126 (C19)

Attachment: Division of Forestry letter dated May 27, 2009

Information on Revision of the Wekiva Parkway Alternative in East Lake County*

The Wekiva Parkway & Protection Act (Florida Statutes, 2004) required that SR 46 in east Lake County west of the Wekiva River not be a continuous roadway for environmental reasons. As recommended by the Lake County Commission, the Wekiva River Basin Commission, and the Florida Department of Environmental Protection (in keeping with the mandates of the Act), the plans for Wekiva Parkway in east Lake County eliminated SR 46 as a through road from the Neighborhood Lakes area eastward to the Wekiva River. Those are the Wekiva Parkway plans that the Division of Forestry (DOF) has seen previously in our Section 4(f) coordination. At the time the Act was passed, it was assumed the Wekiva Parkway would not be a tolled roadway. However, after an extensive financial analysis estimated the total cost of construction of the project at \$1.8 billion, and with declining transportation dollars available to the Florida Department of Transportation (FDOT), it became evident that the Wekiva Parkway from SR 429 near Apopka in northwest Orange County through east Lake County to I-4 near Sanford in west Seminole County would not be financially feasible without tolls.

Citizens in the east Lake County area who live and work along existing SR 46 expressed concerns over having to pay a toll for a local trip. Local and state elected officials also expressed those concerns on behalf of their constituents. In mid 2009, the Orlando-Orange County Expressway Authority (OOCEA) and FDOT began analyzing options to provide a non-tolled service road in east Lake County along the Wekiva Parkway route. In response to those citizen and elected official concerns, a service road concept has been developed. The service road, which would be parallel to and on the north side of the Wekiva Parkway in east Lake County, is within the 300 foot right-of-way previously identified for the Wekiva Parkway (attached are two graphics which depict the alignment and the typical section; please zoom in on the PDF of the alignment for greater detail). The alignment of the Wekiva Parkway has not been changed. The previous Wekiva Parkway alternative had two local access interchanges west of the Wekiva River in east Lake County due to the elimination of SR 46. With the service road, those interchanges are no longer needed and impacts to Seminole State Forest lands have been reduced by approximately 8.2 acres, as shown below.

Estimated Impact on Seminole State Forest Land

Previous Wekiva Parkway Alternative	64.7 acres
Wekiva Parkway Alternative with Service Road	<u>56.5 acres</u>
Estimated Impact Reduction	8.2 acres

A Public Workshop on the service road alternative was held in Sorrento, Florida on December 17, 2009. FDOT and OOCEA are now moving ahead to revise the previous recommended Preferred Alternative for Wekiva Parkway in east Lake County to include the service road. We have been coordinating with Federal Highway Administration (FHWA) on the programmatic Section 4(f) evaluation for public lands, which includes Seminole State Forest. After you have had an opportunity to review this information on the service road and the resultant reduced impacts to Seminole State Forest, FHWA has indicated they would like to meet with DOF, FDOT and OOCEA in Tallahassee to discuss resolving the outstanding DOF concerns so we may reach agreement on Section 4(f) concurrence for potential proximity impacts and mitigation.

I will contact you about the scheduling of and arrangements for that meeting with FHWA. In the meantime, if DOF has any questions about the service road concept, please contact Mr. Dave Lewis of CH2M HILL at (407)423-0001 Ext. 281.

**** Information provided by Bob Gleason, FDOT District 5 to James Karels, DOF Director and Joe Bishop, Seminole State Forest Supervisor on February 8, 2010.***

Information on Revision of the Wekiva Parkway Alternative in East Lake County*

The Wekiva Parkway & Protection Act (Florida Statutes, 2004) required that SR 46 in east Lake County west of the Wekiva River not be a continuous roadway for environmental reasons. As recommended by the Lake County Commission, the Wekiva River Basin Commission, and the Florida Department of Environmental Protection (in keeping with the mandates of the Act), the plans for Wekiva Parkway in east Lake County eliminated SR 46 as a through road from the Neighborhood Lakes area eastward to the Wekiva River. Those are the Wekiva Parkway plans that Wekiva River Basin State Parks management has seen previously in our Section 4(f) coordination. At the time the Act was passed, it was assumed the Wekiva Parkway would not be a tolled roadway. However, after an extensive financial analysis estimated the total cost of construction of the project at \$1.8 billion, and with declining transportation dollars available to the Florida Department of Transportation (FDOT), it became evident that the Wekiva Parkway from SR 429 near Apopka in northwest Orange County through east Lake County to I-4 near Sanford in west Seminole County would not be financially feasible without tolls.

Citizens in the east Lake County area who live and work along existing SR 46 expressed concerns over having to pay a toll for a local trip. Local and state elected officials also expressed those concerns on behalf of their constituents. In mid 2009, the Orlando-Orange County Expressway Authority (OOCEA) and FDOT began analyzing options to provide a non-tolled service road in east Lake County along the Wekiva Parkway route. In response to those citizen and elected official concerns, a service road concept has been developed. The service road, which would be parallel to and on the north side of the Wekiva Parkway in east Lake County, is within the 300 foot right-of-way previously identified for the Wekiva Parkway (attached are two graphics which depict the alignment and the typical section; please zoom in on the PDF of the alignment for greater detail). The alignment of the Wekiva Parkway has not been changed. The previous Wekiva Parkway alternative had two local access interchanges west of the Wekiva River in east Lake County due to the elimination of SR 46. With the service road, those interchanges are no longer needed and impacts to Rock Springs Run State Reserve (RSRSR) lands have been reduced by approximately 29 acres, as shown below.

Estimated Impact on RSRSR Land

Previous Wekiva Parkway Alternative	124.8 acres
Wekiva Parkway Alternative with Service Road	<u>95.8 acres</u>
Estimated Impact Reduction	29.0 acres

A Public Workshop on the service road alternative was held in Sorrento, Florida on December 17, 2009. FDOT and OOCEA are now moving ahead to revise the previous recommended Preferred Alternative for Wekiva Parkway in east Lake County to include the service road. With regard to this revision, FDOT and OOCEA have been coordinating with the Federal Highway Administration on the programmatic Section 4(f) evaluation for public lands, which includes RSRSR. There has been recent coordination in Tallahassee between FDOT, OOCEA and FDEP Deputy Secretary Ballard on the service road concept and the resultant reduced impacts to RSRSR. Also, FDOT and OOCEA have been discussing with Deputy Secretary Ballard and FDEP legal counsel a letter agreement on Section 4(f) concurrence for potential proximity impacts and mitigation.

This information is meant to provide an update on activities to the Wekiva River Basin State Parks management team. If you have any questions about the service road concept, please contact Mr. Dave Lewis of CH2M HILL at (407)423-0001 Ext. 281 or by email at David.Lewis2@ch2m.com.

****Information provided to FDEP, Division of Recreation and Parks (Wekiva River Basin State Parks Manager Warren Poplin) on February 8, 2010.***



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
Mail Station 503
DeLand, FL 32720

STEPHANIE KOPELOUSOS
SECRETARY

March 25, 2010

Mr. James R. Karels, Director
Division of Forestry
Florida Department of Agriculture and Consumer Services
3125 Conner Boulevard/C25
Tallahassee, Florida 32399-1650

Subject: Wekiva Parkway (SR 429)/SR 46 Realignment
Project Development and Environment (PD&E) Study
*Letter of Commitment Concerning Potential Impacts
to Section 4(f) Public Lands - Seminole State Forest*

Dear Mr. Karels:

As you know from previous coordination and correspondence, District Five of the Florida Department of Transportation (FDOT) and the Orlando-Orange County Expressway Authority (OOCEA) are jointly conducting the subject PD&E Study for the proposed Wekiva Parkway project. As an integral part of that process, FDOT and OOCEA have coordinated on preliminary engineering over the past several years with Mr. Joe Bishop, the Division of Forestry (DOF) Supervisor for the Seminole State Forest, in order to minimize the potential impacts of the project on Seminole State Forest lands. We recently provided to DOF the attached information on the revised alternative in east Lake County which includes a service road for local trips. The service road allows the removal of two previously proposed local access interchanges which, along with the estimated 13 acres of existing CR 46A right-of-way that will be added to SSF as a result of the proposed project, further reduces the potential impact to Seminole State Forest to a net of approximately 45 acres. We have also communicated with you and Mr. Bishop during the on-going programmatic Section 4(f) evaluation process, in which you indicated in previous correspondence (please see attached letter of May 27, 2009) that certain specific commitments must be made by FDOT and/or OOCEA in order to gain DOF's full Section 4(f) concurrence.

As previously discussed with DOF, the Federal Highway Administration (FHWA) requires that officials with jurisdiction over Section 4(f) lands must fully concur with the following three items concerning potential impacts:

- 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.

In your letter of May 27, 2009, you stated that DOF fully concurs with Item 1 above. However, you indicated that DOF could not fully concur with Item 2 or Item 3 above. In order to gain DOF concurrence your letter listed the following concerns to be resolved:

- Smoke management to avoid impairment of intended use
- Avoid impairment of ability to conduct prescribed burning
- Relocation of a stormwater treatment pond or use of a flowage easement instead

Your letter requested that FDOT and/or OOCEA commit to the following specific items prior to the design and construction phases of the proposed project:

- Installation of permanent, overarching, lighted, variable message signs at each end of the segment through public lands to notify motorists of dangerous smoke conditions;
- Placement of one or more remote weather stations in this segment to obtain localized weather information that can be used in conducting prescribed burns or fighting wildfires; and
- Relocation of a proposed stormwater treatment pond located just west of the Wekiva River and north of the Wekiva Parkway, or as an alternative, evaluation of the potential for use of a flowage easement to direct stormwater to wetlands and depressions to avoid the need for an unsightly holding area.

We have recently had further discussions with Mr. Bishop concerning the requested commitments. As a result of that coordination, FDOT and OOCEA agree to make those commitments. In return we request a letter from DOF signed by you which provides full Section 4(f) concurrence with each of the three above-listed items required by FHWA. We request that DOF specifically states in the concurrence letter that these FDOT and OOCEA commitments are adequate mitigation for the impacts of the Wekiva Parkway project on Seminole State Forest lands.

FDOT and OOCEA hereby formally commit to DOF that the following will be provided for and/or addressed in the design and construction phases of the proposed Wekiva Parkway project:

- Installation of two permanent overhead variable message signs that can be utilized to notify motorists of dangerous smoke conditions;
- Assistance to DOF in the provision of one remote weather station to obtain data that can be used in conducting prescribed burns or fighting wildfires;

- Addressing with the Florida Department of Environmental Protection during the drainage design/permitting phase the usage of flowage easements in state forest, park and conservation lands, and;
- Actively supporting involvement of a designated DOF representative in the design and construction phases of those portions of the proposed project in the Seminole State Forest area to avoid or ameliorate any proximity impacts.

We look forward to receipt of your concurrence letter.

If there are any questions, please contact either Noranne Downs at (386)943-5474 or by email at noranne.downs@dot.state.fl.us or Mike Snyder at 407-690-5311 or by email at snyderm@oocea.com.

Sincerely,



Noranne B. Downs, P.E.
Secretary, District Five
Florida Department of Transportation



Mike Snyder, P.E.
Executive Director
Orlando-Orange County Expressway Authority

Attachments: 1) Information on revised Wekiva Parkway alternative in east Lake County
provided to DOF on February 8, 2010
2) DOF letter dated May 27, 2009

Copy: George Lovett, FDOT D5
Brian Stanger, FDOT D5
Joseph Berenis, OOCEA
Joe Bishop, DOF
Dennis Hardin, DOF
Mark Callahan, CH2M HILL
File - PN 324126

Information on Revision of the Wekiva Parkway Alternative in East Lake County*

The Wekiva Parkway & Protection Act (Florida Statutes, 2004) required that SR 46 in east Lake County west of the Wekiva River not be a continuous roadway for environmental reasons. As recommended by the Lake County Commission, the Wekiva River Basin Commission, and the Florida Department of Environmental Protection (in keeping with the mandates of the Act), the plans for Wekiva Parkway in east Lake County eliminated SR 46 as a through road from the Neighborhood Lakes area eastward to the Wekiva River. Those are the Wekiva Parkway plans that the Division of Forestry (DOF) has seen previously in our Section 4(f) coordination. At the time the Act was passed, it was assumed the Wekiva Parkway would not be a tolled roadway. However, after an extensive financial analysis estimated the total cost of construction of the project at \$1.8 billion, and with declining transportation dollars available to the Florida Department of Transportation (FDOT), it became evident that the Wekiva Parkway from SR 429 near Apopka in northwest Orange County through east Lake County to I-4 near Sanford in west Seminole County would not be financially feasible without tolls.

Citizens in the east Lake County area who live and work along existing SR 46 expressed concerns over having to pay a toll for a local trip. Local and state elected officials also expressed those concerns on behalf of their constituents. In mid 2009, the Orlando-Orange County Expressway Authority (OOCEA) and FDOT began analyzing options to provide a non-tolled service road in east Lake County along the Wekiva Parkway route. In response to those citizen and elected official concerns, a service road concept has been developed. The service road, which would be parallel to and on the north side of the Wekiva Parkway in east Lake County, is within the 300 foot right-of-way previously identified for the Wekiva Parkway (attached are two graphics which depict the alignment and the typical section; please zoom in on the PDF of the alignment for greater detail). The alignment of the Wekiva Parkway has not been changed. The previous Wekiva Parkway alternative had two local access interchanges west of the Wekiva River in east Lake County due to the elimination of SR 46. With the service road, those interchanges are no longer needed and impacts to Seminole State Forest lands have been reduced by approximately 8.2 acres, as shown below.

<u>Estimated Impact on Seminole State Forest Land</u>	
Previous Wekiva Parkway Alternative	64.7 acres
Wekiva Parkway Alternative with Service Road	<u>56.5 acres</u>
Estimated Impact Reduction	8.2 acres

A Public Workshop on the service road alternative was held in Sorrento, Florida on December 17, 2009. FDOT and OOCEA are now moving ahead to revise the previous recommended Preferred Alternative for Wekiva Parkway in east Lake County to include the service road. We have been coordinating with Federal Highway Administration (FHWA) on the programmatic Section 4(f) evaluation for public lands, which includes Seminole State Forest. After you have had an opportunity to review this information on the service road and the resultant reduced impacts to Seminole State Forest, FHWA has indicated they would like to meet with DOF, FDOT and OOCEA in Tallahassee to discuss resolving the outstanding DOF concerns so we may reach agreement on Section 4(f) concurrence for potential proximity impacts and mitigation.

I will contact you about the scheduling of and arrangements for that meeting with FHWA. In the meantime, if DOF has any questions about the service road concept, please contact Mr. Dave Lewis of CH2M HILL at (407)423-0001 Ext. 281.

*** Information provided in an email from Bob Gleason, FDOT District 5 to James Karels, DOF Director and Joe Bishop, Seminole State Forest Supervisor on February 8, 2010.**



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800
www.doacs.state.fl.us

Please Respond to:
Florida Division of Forestry
3125 Conner Boulevard
Tallahassee, Florida 32399-1650
Phone: 850-488-4274

May 27, 2009

Mr. Brian Stanger, P.E.
District Environmental Management Engineer
Florida Department of Transportation
719 South Woodland Boulevard
Mail Station 501
DeLand, Florida 32720

Subject: Section 4(f) Public Lands – Seminole State Forest
Wekiva Parkway (SR 429)/SR 46 Realignment
Financial Management Nos.: 238275-1-22-01 and 240200-1-22-01

Dear Mr. Stanger:

This is in response to your letter of April 21, 2009, requesting a concurrence letter from the Florida Department of Agriculture and Consumer Services, Division of Forestry (DOF) concerning the subject referenced above. We appreciate your continued coordination with DOF on this project and, as stated previously, your efforts to reduce the adverse effects of the project on Seminole State Forest. As we stated in our letter to you of May 30, 2008, we believe the most significant impact will be to fire management of the public land in the vicinity of this project. Impacts on fire management seriously impair the use of the Section 4(f) land for its intended use. Because this issue has not been specifically addressed, we are unable to issue a full concurrence letter at this time.

The inhibitory impacts on prescribed burning programs by transportation facilities are well-demonstrated. Inhibitions to prescribed burning often result in the accumulation of fuels to dangerous levels that then result in wildfires. Smoke on the highway from either source is a safety hazard for motorists. Successional changes in vegetation due to declines in prescribed fire decrease the habitat suitability for many wildlife species known to inhabit Seminole State Forest, such as the Florida scrub jay. Wildfires cause serious damage to forests and impair their use for recreation and silvicultural management. We would rather not postpone the address of this issue until later in the design effort and believe it needs to be addressed by commitments sooner rather than later.



Florida Agriculture and Forest Products
\$97 Billion for Florida's Economy

Mr. Brian Stanger, P.E.
May 27, 2009
Page Two

As referenced in our May 30, 2008, letter, we recommended installation of permanent, overarching, lighted, variable message signs at each end of the segment through public lands. Possible locations for these are west of the interchange that is west of Wildlife Crossing 1, and east of the Wekiva River Crossing. We believe these signs are essential to notify motorists of dangerous smoke conditions on the Parkway and to reduce speed or even to reroute traffic under the most severe conditions. A protocol for accessing the signs should be developed that involves the DOF, Division of Recreation and Parks in the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Florida Highway Patrol, DOT and local law enforcement agencies. Also, as stated in our May 30 letter, we believe one or more remote weather stations should be placed in this segment. The data from these stations should be accessible by agencies that conduct prescribed burning and that fight wildfires in order to obtain localized weather information that can be used in conducting burns or fighting wildfires.

Referring to our May 30, 2008, letter, we agree that many important steps have been taken to minimize and mitigate the effects of this project. We are very concerned that the impact to fire management has not been addressed at all and is not even mentioned in Endangered Species Biological Assessment. As previously stated, we believe that impacts to fire management are the most important and long-lasting impacts to wildlife, recreation and driver safety. These impacts are not mitigated by land acquisition.

We can concur that the amount and location of the land to be used does not impair the use of the remaining Section 4(f) land. The approximately 65 acres of direct use impacts due to right-of-way requirements for roadway and stormwater ponds are probably the minimum that could be impacted and still construct a road that balances the interests of these conservation lands and transportation requirements. Approximately 13 acres of the existing CR 46A right-of-way will be removed and added to the Seminole State Forest. An additional 4 acres will be required for the relocation of the existing Florida Gas Transmission easement.

Pertinent to this point, we would like to have further discussion concerning the stormwater treatment pond located just west of the Wekiva River crossing and north of the Parkway. Our preference would be to relocate this pond and make the parcel part of the State Forest. Alternatively, we believe the area should be evaluated for the potential to use a flowage easement similar to what is being engineered for the widening of Interstate 75 through the Croom Tract of the Withlacoochee State Forest. This alternative uses flowage easements to direct stormwater to existing wetlands and depressions and negates the need for massive and unsightly dry holding areas. If there is no feasible solution but to construct the holding area, we would like to see the pond engineered to look as natural as possible to maintain visual quality objectives. Doing so would involve construction of a firebreak and fencing only along the southern boundary with the Parkway and would allow burning up to the edge of the holding area on the north, west and east boundaries.

Mr. Brian Stanger, P.E.
May 27, 2009
Page Three

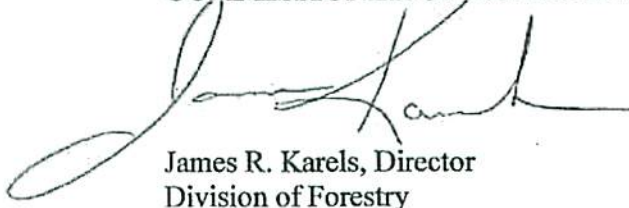
We cannot fully concur that the proximity impacts of the project on the remaining Section 4(f) land will not impair the use of such land for its intended purpose because the issue of smoke management has not been addressed, as described above. We can concur that proximity impacts, such as water runoff, noise, access and vibration, are not expected as a result of the proposed Wekiva Parkway Project. Unless the issue of smoke management is addressed, we believe the proposed project will substantially impair the function, integrity, use, value and setting of this resource.

This project in its current form will inhibit our ability to conduct prescribed burning. Without prescribed fire, fuels will accumulate and an area already known for its wildfire severity will suffer increased wildfire frequency. Smoke events from wildfires are very likely to affect the safety of motorists on this highway.

We would be happy to have further discussions with you on this subject. If you have any questions, please contact me or Dr. Dennis Hardin, Forest Ecologist (850/414-8293; hardind@doacs.state.fl.us) or Mr. Joe Bishop, SSF Forestry Supervisor II (352/360-6677; bishopj@doacs.state.fl.us).

Sincerely,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE



James R. Karels, Director
Division of Forestry

JRK/edh

cc: Dennis Hardin, Forest Ecologist, DOF
Joe Bishop, Forestry Supervisor II, Seminole State Forest
Winnie Schreiber, Withlacoochee Forestry Center Manager
Bob Gleason, Environmental Administrator, FDOT District 5
Mark Callahan, Wekiva Parkway Project Manager, CH2MHILL
Tim Breault, Director, Division of Habitat & Species Conservation, FFWCC
Albert Gregory, Division of Recreation & Parks, FDEP/ DSL
David Hankla, USFWS

For your convenience and consideration, we are providing this draft example concurrence letter. FHWA has indicated that a concurrence letter from DOF, worded like this draft example, would meet their Section 4(f) requirements for full concurrence by the officials with jurisdiction.

DRAFT EXAMPLE SECTION 4(f) CONCURRENCE LETTER

(On DOF Letterhead)

Month/Day, 2010

Ms. Noranne B. Downs, P.E.
Secretary, District Five
Florida Department of Transportation
Mail Station 503
719 South Woodland Boulevard
DeLand, FL 32720-6834

**Subject: Wekiva Parkway (SR 429)/SR 46 Realignment Impacts
on Section 4(f) Lands – Seminole State Forest**

Dear Ms. Downs:

The Florida Department of Agriculture and Consumer Services, Division of Forestry (DOF) has received and reviewed your letter dated March 25, 2010 which provides specific commitments and requests our full concurrence related to the subject impacts. We understand for the programmatic evaluation the Federal Highway Administration requires that officials with jurisdiction over Section 4(f) lands must fully concur with each of the following items concerning the impacts of the proposed Wekiva Parkway project:

- 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.

We have reviewed the information and commitments that the Florida Department of Transportation (FDOT) and the Orlando-Orange County Expressway Authority (OOCEA) provided to us regarding the subject impacts. In summary, the proposed Wekiva Parkway project would require approximately 58 acres of Seminole State Forest (SSF) lands. The 58 acres is about 0.21 percent of the total acreage of SSF. We agree that the amount and location of the land to be used in SSF will not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose. Therefore, DOF fully concurs with Item 1 above.

With regard to Item 2 above, FDOT and OOCEA have committed to the avoidance of any proximity impacts, particularly smoke management issues, which might impair the use of SSF for its intended purpose. Also, FDOT and OOCEA have committed to actively support the involvement of DOF in the proposed project during the final design and

Ms. Noranne Downs
Secretary, District Five
Florida Dept. of Transportation
Month/Day, 2010

construction phases to coordinate on ensuring the avoidance or amelioration of any such proximity impacts. Therefore, DOF fully concurs with Item 2 above.

With regard to Item 3 above, DOF recognizes that FDOT and OOCEA have accommodated our requests during the preliminary engineering phase to avoid or minimize impacts to SSF, and we agree with the assessment of the impacts on the subject Section 4(f) lands. Furthermore, FDOT and OOCEA have made firm commitments to DOF to install two permanent overhead variable message signs that can be used to notify motorists of dangerous smoke conditions, to assist DOF in the provision of a remote weather station to obtain data that can be used in conducting prescribed burns or fighting wildfires, and to address the usage of flowage easements during the drainage design/permitting phase. DOF hereby confirms that these commitments are adequate mitigation for the impacts of the Wekiva Parkway project on SSF. Therefore, DOF fully concurs with Item 3 above.

Please contact me if you have any questions. I can be reached at (850)414-8293 or via email at karelsj@doacs.state.fl.us.

Sincerely,

James R. Karels, Director
Division of Forestry



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

March 30, 2010

Ms. Noranne B. Downs, P.E.
Secretary, District Five
Florida Department of Transportation
Mail Station 503
719 South Woodland Boulevard
DeLand, FL 32720-6834

DOCEA 10APR 2 AM 10:07

**Subject: Wekiva Parkway (SR 429)/SR 46 Realignment Impacts on
Section 4(f) Lands - Rock Springs Run State Reserve and
Lower Wekiva River Preserve State Park**

Dear Ms. Downs:

The Florida Department of Environmental Protection (FDEP) has reviewed the information on the subject impacts provided in previous coordination and discussions with you, including your related request for concurrence. We understand for the programmatic evaluation the Federal Highway Administration requires that officials with jurisdiction over Section 4(f) lands must fully concur with each of the following items concerning the impacts of the proposed Wekiva Parkway project:

- 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.

We have reviewed the information provided and the commitments made to us by the Florida Department of Transportation (FDOT) regarding the subject impacts. In summary, the proposed Wekiva Parkway project would require approximately 97 acres of the Rock Springs Run State Reserve (RSRSR) and approximately 4 acres of the Lower Wekiva River Preserve State Park (LWRPSP). The 97 acres is less than 0.7 percent of the total acreage of RSRSR, and the 4 acres is less than 0.1 percent of the total acreage of LWRPSP. We agree that the amount and location of the land to be used in RSRSR and LWRPSP will not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose. Therefore, FDEP fully concurs with Item 1 above.

Ms. Noranne B. Downs
March 30, 2010
Page 2

With regard to Item 2 above, FDOT has committed to the avoidance of any proximity impacts which might impair the use of RSRSR and LWRPSP for their intended purpose. Also, FDOT has committed to actively support the involvement of FDEP in the proposed project during the final design and construction phases to coordinate on ensuring the avoidance or amelioration of any such proximity impacts. Therefore, FDEP fully concurs with Item 2 above.

With regard to Item 3 above, FDEP recognizes that FDOT has accommodated our requests during the preliminary engineering phase to avoid or minimize impacts to RSRSR and LWRPSP, and we agree with the assessment of the impacts on the subject Section 4(f) lands. FDEP appreciates that FDOT has included a total of approximately 8,500 feet of wildlife bridging in the proposed project to enhance habitat connectivity and the natural resource value of state lands in the Wekiva River Basin. Furthermore, FDEP recognizes that FDOT and the Orlando-Orange County Expressway Authority have made substantial contributions toward acquisition of conservation lands as a part of the Wekiva Parkway project. FDEP hereby confirms that the acquisition of those conservation lands within the Wekiva-Ocala Greenway area is, on an acre-for-acre, value-for-value basis, accepted as adequate mitigation for the impacts of the Wekiva Parkway project on RSRSR and LWRPSP. FDEP is prepared to strongly recommend to the Acquisition and Restoration Council that the acquisition of such conservation lands in the project area on an acre-for-acre, value-for-value basis be accepted by them as adequate mitigation for the impacts of the Preferred Alternative for the Wekiva Parkway. With their concurrence of the staff recommendation FDEP can fully concur with Item 3 above.

Please contact me if you have any questions. I can be reached at (850)245-2043 or via email at bob.g.ballard@dep.state.fl.us.

Sincerely,



Bob Ballard
Deputy Secretary
Land and Recreation

Cc: ☒ Mr. Mike Snyder, Executive Director, OOCEA
Mr. George Lovett, Director of Transportation Development, FDOT, District 5
Ms. Deborah Poppell, Director, Division of State Lands, FDEP
Mr. Mike Bullock, Director, Division of Recreation and Parks, FDEP
Mr. Lee Edmiston, Director, Office of Coastal and Aquatic Managed Areas, FDEP



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800
www.doacs.state.fl.us

Please Respond to:
Florida Division of Forestry
3125 Conner Boulevard
Tallahassee, Florida 32399-1650
Telephone: 850-488-4274

April 9, 2010

Ms. Noranne B. Downs, P.E.
Secretary, District Five
Florida Department of Transportation
Mail Station 503
719 South Woodland Boulevard
Deland, Florida 32720-6834

Subject: Wekiva Parkway (SR 429)/SR 46 Realignment Impacts Section 4(f) Lands –
Seminole State Forest

Dear Ms. Downs:

The Florida Department of Agriculture and Consumer Services, Division of Forestry (DOF) has received and reviewed your letter dated March 25, 2010 which provides specific commitments and requests our full concurrence related to the subject impacts. We understand for the programmatic evaluation the Federal Highway Administration requires that officials with jurisdiction over Section 4(f) lands must fully concur with each of the following items concerning the impacts of the proposed Wekiva Parkway project:

- 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.

We have reviewed the information and commitments that the Florida Department of Transportation (FDOT) and the Orlando-Orange County Expressway Authority (OOCEA) provided to us regarding the subject impacts. In summary, the proposed Wekiva Parkway project would require approximately 58 acres of Seminole State Forest (SSF) lands. The 58 acres is about 0.21 percent of the total acreage of SSF. We agree that the amount and location of the land to be used in SSF will not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose. Therefore, DOF fully concurs with Item 1 above.



Ms. Noranne Downs
April 9, 2010
Page Two

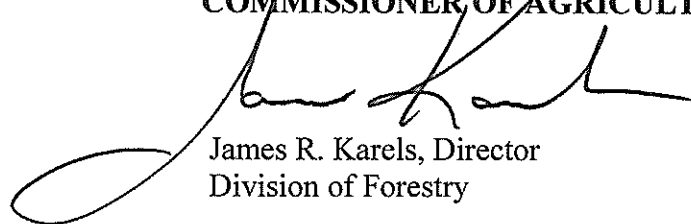
With regard to Item 2, FDOT and/or OOCEA have committed to the avoidance of any proximity impacts, particularly smoke management issues, which might impair the use of SSF for its intended purpose. Also, FDOT and/or OOCEA have committed to actively support the involvement of DOF in the proposed project during the final design and construction phases to coordinate on ensuring the avoidance or amelioration of any such proximity impacts. We believe the potential acreage impacts of the Wekiva Parkway to our prescribed fire program and to smoke management of both prescribed fires and wildfires are more significant to the impairment of use of these Section 4f lands than the impacts that will occur as result of the actual foot print of the facility. The information and general commitments made by FDOT and OOCEA, and the processes of developing trust, communication and involvement we are establishing show that all parties are committed to developing specific mitigation for these impacts as the project proceeds. General mitigation approaches are addressed in the paragraph below. Therefore, DOF fully concurs with Item 2 above.

With regard to Item 3, DOF recognizes that FDOT and OOCEA have made important efforts to accommodate our requests during the preliminary engineering phase to avoid or minimize impacts to SSF, and we agree with the assessment of the impacts on the subject Section 4(f) lands. Furthermore, FDOT and/or OOCEA have made commitments in a letter of March 25, 2010, to Mr. James R. Karels, Director of DOF, and in both prior and subsequent conversations. These commitments are to install two permanent overhead variable message signs that can be used to notify motorists of dangerous smoke conditions, to provide funding up to \$75,000 (in 2010 dollars) either as advance or reimbursement to assist DOF in the provision of one or more remote weather stations to obtain data that can be used in conducting prescribed burns or fighting wildfires, and to address the usage of flowage easements during the drainage design/permitting phase. DOF hereby confirms that these commitments are adequate mitigation for the impacts of the Wekiva Parkway project on SSF. Therefore, DOF fully concurs with Item 3 above.

Please contact me if you have any questions. I may be reached at (850) 922-0135 or via email, karelsj@doacs.state.fl.us.

Sincerely,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE



James R. Karels, Director
Division of Forestry

JRK/edh

cc: Winnie Schreiber, Withlacoochee Center Manager
Joe Bishop, Seminole State Forest Forestry Supervisor
Dr. Dennis Hardin, Forest Ecologist

Appendix D

Advance Notification

- D-1 Advance Notification (AN) dated February 23, 2005
- D-2 AN Response from Florida Department of Agriculture and Consumer Services,
Division of Forestry dated April 28, 2005
- D-3 AN Response from Florida Department of Environmental Protection dated May 23,
2005



Florida Department of Transportation

JEB BUSH
GOVERNOR

719 South Woodland Boulevard
Deland, FL 32720-6834
Mail Station 501

JOSÉ ABREU
SECRETARY

February 23, 2005

Florida State Clearinghouse
Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, FL 32399-3000

ATTN: Lauren P. Milligan, Environmental Consultant

Subject: Advance Notification for Wekiva Parkway Project Development and
Environment Study
Orange, Seminole and Lake Counties, Florida
Financial Project ID: 238275 1 22 01 (FDOT Only)
240200 1 22 01 (FDOT Only)

The attached Advance Notification Package is forwarded to your office for processing through appropriate State agencies in accordance with Executive Order 95-359. Distribution to local and Federal agencies is being made as noted.

Although more specific comments will be solicited during the permit coordination process, we request that permitting and permit reviewing agencies review the attached information and furnish us with whatever general comments they consider pertinent at this time.

This is a Federal aid action and the Florida Department of Transportation and the Orlando-Orange County Expressway Authority, with input from the Federal Highway Administration, will determine what degree of environmental documentation will be necessary. The determination will be based upon in-house environmental evaluations and comments received through coordination with other agencies. Please provide a consistency review for this project in accordance with the State's Coastal Zone Management Program. In addition, please review this improvement's consistency, to the maximum extent feasible, with the approved Comprehensive Plan of the local government jurisdictions pursuant to Chapter 163, Florida Statutes.

We are looking forward to receiving your comments on the project within 45 days. Should additional review time be required, a written request for an extension of time must be submitted to our office within the initial 45-day comment period.

Your comments should be addressed to:

Ms. Anne Brewer, P.E.
District Project Development and Environment Engineer
Florida Department of Transportation, District 5
719 S. Woodland Boulevard, MS 501
Deland, FL 32720

Your expeditious handling of this notice will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne Brewer', followed by a long horizontal flourish.

Anne Brewer, P.E.
District Project Development and Environment Engineer
Florida Department of Transportation, District 5

Attachments:

Advance Notification Fact Sheet
Mailing List
Application for Federal Assistance

C:

Mailing List (Attached)

**FLORIDA DEPARTMENT OF TRANSPORTATION
ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY**

**WEKIVA PARKWAY PROJECT DEVELOPMENT AND ENVIRONMENT STUDY
ADVANCE NOTIFICATION FACT SHEET**

1. Need for Project

The central Florida region has experienced tremendous growth over the past few decades that has resulted in increasing demands on the region's transportation system and rising development pressures on the land surrounding the Wekiva River Protection Area. The combined growth rate in Orange County, Seminole County and Lake County exceeded 30 percent between 1990 and 2000, compared to approximately 24 percent for the state. The growth rate in the tri-county area is expected to slow over the next two decades to 18 percent between 2000 and 2010 (4 percent higher than the state rate) and 24 percent between 2010 and 2020 (8 percent higher than the state rate). Population growth projections in Orange, Lake, and Seminole Counties indicate that travel demand will continue to increase beyond the year 2020.

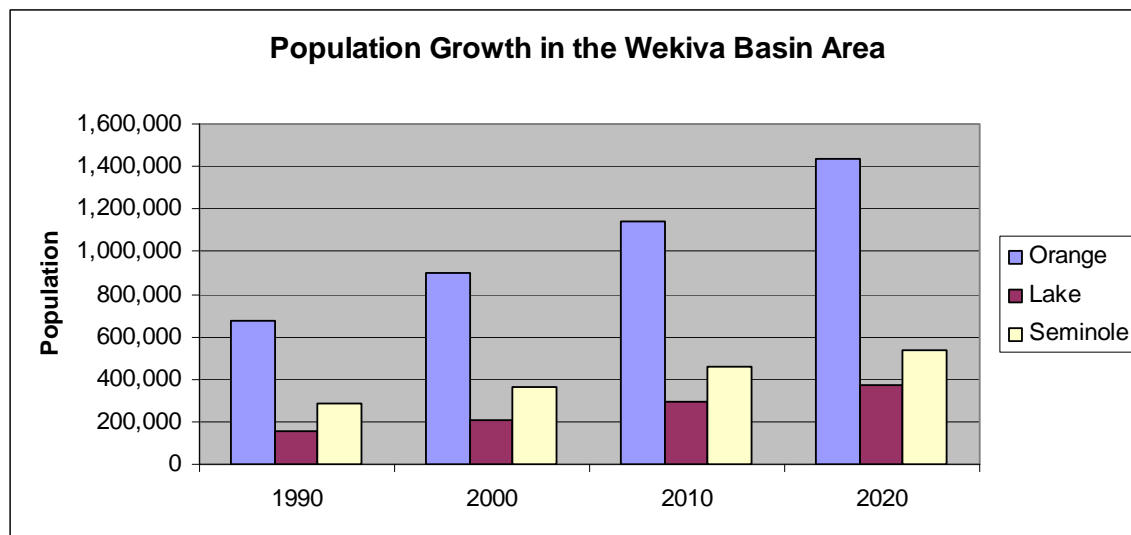


Figure 1. Population Growth in the Wekiva Basin Area

The region is currently served by Florida's Turnpike and Interstate 4, both of which are heavily traveled. A primary component of the regional transportation system is an eastern beltway around Orlando and a portion of a western beltway located between Interstate 4 on the south and US 441 in Apopka, which serve as bypasses for Interstate 4. Completing the beltway connector is an essential component of meeting the growing regional transportation demand.

Previous plans to complete the northwest portion of the beltway were deferred in response to both environmental and community concerns. Alternate plans to address the connector – including widening State Road 46 and building a northwest arterial –have been studied, however stalled due to environmental and community concerns. Existing transportation studies also document that the traditional widening of SR 46 will not alleviate the constrained traffic on Interstate 4 and that the existing roadway network is inadequate to serve travel demand.

The Wekiva Parkway is necessary to:

- Improve regional connectivity – only three east-west travel options exist in a 25-mile envelope;
- Improve safety – From 1997 to 2001, SR 46 has been the location of 14 traffic fatalities and more than 30 bear kills;
- Address increased growth – both population and economic growth as forecasted in local comprehensive plans; and
- Address increased travel demands – the capacity for SR 46 is 24,900 vehicles per day; with historical traffic volume growth exceeding seven percent per year, by 2025, SR 46 would have to support more than 33,000 vehicles per day.

2. Description of Project

The purpose of the Wekiva Parkway Project Development and Environment (PD&E) Study is to determine the most appropriate alignment for the Wekiva Parkway that serves the community while minimizing costs and potential impacts to surrounding homes, businesses and the environment. The study area includes the following components:

- **The Wekiva Parkway** which begins in Orange County at US 441 just west of CR 437 and extends to the north/northeast into Lake County, turning east and crossing the Wekiva River into Seminole County and terminating at I-4. The approximate length of the Wekiva Parkway is approximately 21 miles, with approximately 9 miles in Orange County, 7 miles in Lake County and 5 miles in Seminole County.
- **SR 46 Reconstruction and Realignment** which begins at the SR 46/US 441 interchange in Lake County extending east to a point just east of Round Lake Road then turning southeast on a new alignment entering Orange County with an interchange connection at the Wekiva Parkway. It is expected that the SR 46 improvements will provide controlled-access along the existing alignment from US 441 to the point east of Round Lake Road, while the remaining alignment is expected to be limited-access. The approximate length of the SR 46 Reconstruction and Realignment is approximately 5 miles, with 4 miles in Lake County and 1 mile in Orange County.

- **CR 46A Realignment** which begins on CR 46A in Lake County near the new Heathrow Gatwick Development and extends to the south-southeast on a new alignment and ties into existing SR 46 with an access connection to the Wekiva Parkway. The approximate length of the CR 46A realignment is approximately 3 miles.
- **Wekiva Parkway Access Improvements** are required in Lake County between the realignment of CR 46A and the Wekiva River to allow access to the private property along existing SR 46. It is proposed that the Wekiva Parkway will carry all traffic crossing between Seminole and Lake Counties and provisions for access are required for several properties in this area of Lake County.

The Wekiva Parkway has been the focus of significant community attention within the State of Florida. The Governor of Florida assembled the Wekiva Basin Task Force (Task Force) and the Wekiva River Basin Coordinating Committee (Coordinating Committee) through Executive Orders. These committees considered a full array of issues associated with the Wekiva River Basin. One of the key recommendations that resulted from these significant efforts was the support for development of the Wekiva Parkway. Through the efforts of the Task Force and Coordinating Committee, the Wekiva Parkway Protection Act was signed into law on June 29, 2004. The PD&E study efforts shall take into consideration the legislative direction of the Wekiva Parkway Protection Act, including consideration and implementation of the Guiding Principles referenced in the Act.

The Orlando-Orange County Expressway Authority (OOCEA) and the Florida Department of Transportation – District 5 (FDOT) are providing management services for the PD&E study. FDOT is the lead agency for the Lake County and Seminole County portions of the study. OOCEA is the lead agency for the Orange County portion of the study. The PD&E study is fully funded by OOCEA and FDOT. Funding for the final design, right-of-way acquisition, and construction phases of the Wekiva Parkway project has not been programmed. The project will follow NEPA requirements in anticipation of federal funding assistance.

The Wekiva Parkway will be designed as a four-lane limited-access divided expressway, and be expandable to six-lanes. The preferred alignment and location of interchanges will be determined during the PD&E study. A portion of the Wekiva Parkway is expected to be tolled.

The project is located in quadrangles F5 (Apopka), G3 (Sanford), G4 (Sanford), G5 (Sorrento) and G6 (Eustis). Figure 2, located at the end of the fact sheet, presents the study corridor.

3. Environmental Information

a. Land Uses

The majority of the study area falls within unincorporated portions of Orange, Seminole and Lake Counties. The Cities of Apopka, Mt. Dora, Eustis, Lake Mary and Sanford are within or adjacent to the study area. Other unincorporated communities and/or major developments include: Plymouth, Tangerine, Sorrento, Mt. Plymouth, Zellwood Station, Errol Estates, Spring Hollow, and Rock Springs Ridge.

The predominate land uses currently within the study area include rural/agricultural land uses interspersed by numerous suburban land uses. The Task Force and Coordinating Committee realized that the proposed Wekiva Parkway, associated interchanges, and other roadways in the area will improve access and thereby increase development pressure in the project study area. The protection of groundwater recharge to springs in and around the project study area that feed the Wekiva River is crucial to the long-term health of the Wekiva Basin Ecosystem. To balance the objectives of improving the highway corridors while protecting the Wekiva Basin Ecosystem, the Task Force and Coordinating Committee formulated recommendations to protect the springshed, along with the wildlife and habitat, while preserving the rural character of the area.

b. Wetlands

The project study area includes a number of wetland areas ranging from open water lakes to forested systems. The Wekiva River Basin and the Lake Apopka Conservation Area are located in the study area. The Wekiva River Protection Act was enacted by the Florida Legislature in 1988 to protect the resources of the Wekiva River Basin. The Act declared the Wekiva River a natural resource of state and regional importance and delineated an area comprising portions of Lake, Seminole and Orange Counties as the Wekiva River Protection Area. The Lake Apopka Conservation Area contains land that has been acquired by the state as part of the Lake Apopka Restoration Project. The land is primarily old muck farms that will be converted into filter marshes to improve water quality in Lake Apopka.

The study area lies within the Lake Harris and Lake Apopka planning units of the Ocklawaha River Basin, and within the Wekiva River and Lake Monroe planning units of the Middle St. Johns River Basin, as defined by the St. Johns River Management District. The St. Johns River Management District requires that special standards and criteria be met before construction within the Lake Apopka and Wekiva River Basins.

A wetland evaluation will be conducted for the project. Potential wetland impacts are anticipated and will be evaluated during the study. Impacts to wetlands and critical uplands will be avoided and minimized where possible based on safe and sound engineering and construction practices. The U.S. Army Corps of Engineers and the St. John's River Water Management District have regulatory jurisdiction of the wetlands in the study area.

The amount and type of mitigation required for the project related wetland impacts will be based on further analysis of the wetlands' functional values during subsequent project development phases and the permitting process.

c. Floodplains

According to the Flood Insurance Rate Maps, the proposed project will involve work in areas of the 100-year floodplain. The proposed study will evaluate any impacts to the floodplains. The proposed improvements are not anticipated to impact any regulated floodways.

d. Wildlife and Habitat

A complete wildlife and habitat assessment will be conducted to evaluate the potential for any adverse impacts to listed species during the PD&E study. The assessment will include measures necessary to mitigate for any impacts to listed species. The Orlando-Orange County Expressway Authority and the Florida Department of Transportation will coordinate with the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC) during the Wekiva Parkway PD&E study.

A list of species, listed by the USFWS as endangered (E) or threatened (T), and believed to potentially inhabit or migrate within the study area is listed in Table 1.

TABLE 1. PROTECTED WILDLIFE SPECIES IN THE WEKIVA PARKWAY STUDY CORRIDOR

Protected Wildlife Species known to occur, or have the potential to occur in the project area based on known ranges and habitat preferences. List is not all-inclusive.

			Status	
			Federal	State
Mammals	Florida Black Bear	<i>Ursus americanus floridanus</i>		T
	Sherman's Fox Squirrel	<i>Sciurus niger shermani</i>		SSC
	Florida Mouse	<i>Podomys floridanus</i>		SSC
Birds	Bald Eagle	<i>Haliaeetus leucocephalus</i>	T	T
	White Ibis	<i>Eudocimus albus</i>		SSC
	Little Blue Heron	<i>Egretta caerulea</i>		SSC
	Snowy Egret	<i>Egretta thula</i>		SSC
	Tricolored Heron	<i>Egretta tricolor</i>		SSC
	Florida Sandhill Crane	<i>Grus canadensis</i>		T
	Crested Caracara	<i>Caracara cheriway</i>	T	T
	Red-cockaded Woodpecker	<i>Picoides borealis</i>	E	SSC
	SE American Kestrel	<i>Falco sparverius paulus</i>		T
	Burrowing Owl	<i>Speotyto cunicularia</i>		SSC
	Scrub Jay	<i>Aphelocoma coerulescens</i>	T	T
	Limpkin	<i>Aramus guarauna</i>		SSC
Amphibian	Gopher Frog	<i>Rana capito</i>		SSC
Reptiles	Eastern Indigo Snake	<i>Dymarchon corais couperi</i>	T	T
	Sand Skink	<i>Neoseps reynoldsi</i>	T	T
	Short-tailed Snake	<i>Stilosoma extenuatum</i>		T
	Florida Pine Snake	<i>Pituophis melanoleucus mugitus</i>		SSC
	Gopher Tortoise	<i>Gopherus polyphemus</i>		SSC
	American Alligator	<i>Alligator mississippiensis</i>	T (S/A)	SSC
Plants	Florida Bonamia	<i>Bonamia grandiflora</i>	T	E
	Hand Fern	<i>Cheiroglossa palmata</i>		E
	Beautiful Pawpaw	<i>Deeringothamnus pulchellus</i>	E	E
	Scrub Buckwheat	<i>Eriogonum longifolium</i> var. <i>gnaphalifolium</i>	T	E
	Scrub Lupine	<i>Lupinus westianus</i> var. <i>aridorum</i>	E	E
	Britton's Beargrass	<i>Nolina brittoniana</i>	E	E

TABLE 1. PROTECTED WILDLIFE SPECIES IN THE WEKIVA PARKWAY STUDY CORRIDOR

Protected Wildlife Species known to occur, or have the potential to occur in the project area based on known ranges and habitat preferences. List is not all-inclusive.

			Status	
	Common Name	Scientific Name	Federal	State
	Paper-like Nailwort	<i>Paronychia chartacea</i> ssp. <i>chartacea</i>	T	E
	Lewton's Polygala	<i>Polygala lewtonii</i>	E	E
	Small's Jointweed	<i>Polygonella myriophylla</i>	E	E
	Scrub Plum	<i>Prunus geniculata</i>	E	E
	Clasping Warea	<i>Warea amplexifolia</i>	E	E

Federal = US Fish and Wildlife Service

State = Florida Fish and Wildlife Conservation Commission

E = Endangered

T = Threatened

T(S/A) = Threatened due to similarity of appearance

SSC = Species of Special Concern

Note: No known Wood Stork Colony within 18 miles of project.

e. **Outstanding Florida Waters**

The Wekiva River is an Outstanding Florida Water and is located in the project study area. Special precautions will be taken to avoid and/or minimize impacts to any areas within the special designations of the Outstanding Florida Water.

f. **Aquatic Preserves**

The Wekiva River is an Aquatic Preserve and is located in the project study area. Special precautions will be taken to avoid and/or minimize impacts to any areas within the special designations of the Aquatic Preserve.

g. **Coastal Consistency Determination**

This project is not located in or near a coastal barrier resource as defined by the Governor's Executive Order 81-105 and the Federal Coastal Barrier Resources Act (CBRA).

h. **Cultural Resources**

As part of the study, a cultural resource survey will be conducted to identify all historic and archaeological sites that are eligible for listing on the National Register of Historic Places. FDOT and the Expressway Authority will seek to minimize any impacts to cultural resources within the project vicinity.

A Section 4(f) evaluation will be conducted to identify any parks, public recreation areas, and wildlife and waterfowl areas located within the project study area. FDOT and the Expressway Authority will seek to minimize any impacts to Section 4(f) resources within the project vicinity.

There are numerous public and private schools, community centers, churches, and cemeteries in the study area. In addition, there are several parks and conservation areas located in or near the study area. The Wekiva River and its tributaries, along with the St. Johns River and associated lands in Central Florida, have been recognized as one of the state's most valuable assets. The Wekiva Basin ecosystem is an outstanding natural resource: the Wekiva River and its tributaries have been designated an Outstanding Florida Water, a National Wild and Scenic River, a Florida Wild and Scenic River and a Florida Aquatic Preserve. Other parks in the study area include the Lake Apopka Conservation Area, Kelly Park/Rock Springs Park, Roosevelt Nichols Park, and the Oklawaha Basin Recreation and Water Conservation area in Lake County.

i. Coastal Barrier Resources

There are no Coastal Barrier Resources in the study area.

j. Contamination

The proposed project improvements are not expected to significantly impact contaminated properties within the project study area. A Contamination Screening Evaluation Report (CSER) will be prepared for the project. The CSER will rank each site with regard to the risk of contamination per the methodology identified in Chapter 22 of the FDOT *PD&E Manual*.

k. Sole Source Aquifer

There are no sole source aquifers located within or near the project study area.

l. Noise

There are several potential noise sensitive receivers along the project. These include single-family residences and churches. A detailed Noise Analysis Report will be completed during the PD&E Study.

m. Other Comments

An air quality evaluation will be conducted during the project study. It is not anticipated that the project will have any significant impacts to the air quality.

The study area contains two regional watersheds, the Ocklawaha River Basin and the Wekiva River Hydrologic Basin, as defined by the SJRWMD. Approximately one-third of the study area is within the Ocklawaha River Basin. SJRWMD requires special standards and criteria be met before construction within these Basins.

4. **Navigable Waterway Crossing?** Y X N

5. **Permits Required (and associated Agency)**

Federal Dredge and Fill Permit (filed jointly with ERP)	U.S. Army Corps of Engineers (USACOE)
National Pollutant Discharge Elimination System (NPDES) General Permit	U.S. Environmental Protection Agency (USEPA)
Environmental Resource Permit (ERP)	St. Johns River Water Management District (SJRWMD)
Incidental Take Permit (State)	Florida Fish and Wildlife Conservation Commission (FFWCC)
Incidental Take Permit (Federal)	U.S. Fish and Wildlife Service (USFWS)



Wekiva Parkway Project Development and Environment Study Advance Notification Mailing List

Orange, Lake and Seminole Counties

STATE:

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

FEDERAL:

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

- Florida's Turnpike Enterprise

REGIONAL:

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

PUBLIC OFFICIALS:

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

LOCAL:

Orange County

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

Seminole County

- Public Works Director
- Planning and Development Director
- Jerry McCollum, P.E., County Engineer
- School Board
- Chairman Carlton D. Henley District 4
- Commissioner Bob Dallari District 1
- Commissioner Randall C. Morris District 2
- Commissioner Dick Van Der Weide District 3
- Commissioner Brenda Carey District 5
- J. Kevin Grace, County Manager

Lake County

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

City of Apopka

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

City of Sanford

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

City of Eustis

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

City of Mt. Dora

- Public Services Department
 - Planning and Development Department
 - Mayor – James E. Yatsuk
 - Vice Mayor Ryan Donovan
 - Councilman Robert A. Maraio
 - Council Member Judy Smathers
 - Councilman Christopher Shipley
 - Councilman James Homich
 - Councilman Larry Baker
 - Bernice Brinson, City Manager
- District 1
District 2
District 3
District 4
At Large
At Large

City of Lake Mary

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

OMB Approval No. 0348-0043

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Florida Department of Agriculture and Consumer Services
Division of Forestry

Memorandum

TO: Florida State Clearinghouse

FROM: Forrest Watson

DATE: April 28, 2005

SUBJECT: 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

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

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

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

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

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

POLICY

Use of Natural Resource Lands by Linear Facilities

As Approved By

Board of Trustees of the Internal Improvement Trust Fund

on January 23, 1996

(A) Purpose and Scope.

(1) This policy applies only to linear facilities, including electric transmission and distribution facilities, telecommunications transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances.

(2) While it is appropriate to discourage and prohibit most kinds of intrusions on natural resource lands, the Trustees recognize that the expanding ownership of lands by the state and the need to provide services to a growing population through linear facilities and related appurtenances will from time to time require crossings and location on such lands. The goal of this policy is to avoid and minimize conflicts between the acquisition and management of natural resource lands for conservation, recreation, and preservation and activities necessary for the construction, operation and maintenance of linear facilities and related appurtenances.

(B) Definitions.

(1) "Natural Resources" include but are not limited to wetlands, lakes, rivers, streams, estuaries and other surface and ground water resources, flora, fauna, fish and wildlife, natural communities, historical and archaeological resources, scenic vistas and aesthetic values.

(3) "Natural Resource Lands" are those lands owned by the Trustees and which: were acquired with funds from the P2000 or Save Our Coast Bond Program; or were acquired with funds from the CARL or LATF Trust Fund; or are managed for natural resources by the Division of Recreation and Parks, Division of Marine Resources, Game and Fresh Water Fish Commission, Division of Forestry, or Secretary of State.

(3) "Related Appurtenances" include those support facilities necessary to the operation of linear facilities. (Examples include but are not limited to substations and pump-stations.)

(4) "Trustees" means the Board of Trustees of the Internal Improvement Trust Fund.

(C) Avoidance.

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 as set forth below are implemented. The test of practicality and prudence will compare the social, economic, and environmental effects of the alternatives.

(D) Minimizing Impacts.

Applicants must minimize adverse impacts to natural resource lands through reasonable measures where applicable: locating the project in areas where less adverse impacts are expected, such as areas which have already been impacted and are less sensitive than other areas; avoiding significant wildlife habitats, natural aquatic areas, wetlands, or other valuable natural resources; selecting areas to minimize damage to existing aesthetically-pleasing features of the lands; employing best management practices in construction and operation activities; designing access roads and site preparation to avoid interference with hydrologic conditions that benefit natural resources and reduce impacts on other natural resources and public use and enjoyment; and; generally selecting areas that will not increase undesirable human activities on the natural resource lands; and generally, not adversely impacting the management of such lands. However, human activities may be encouraged where linear facility corridors are designated as part of a greenway or trail.

(E) Compensation.

(1) The applicant will pay the Trustees an amount not to exceed the fair market value of the interest acquired in the parcel on which the linear facility and related appurtenances will be located.

(2) In addition to the amount in (E) (1) above, the applicant will provide to the managing agency that measure of additional money, land, or services necessary to offset the actual adverse impacts reasonably expected to be caused by the construction, operation and maintenance of the linear facility and related appurtenances. Such impact compensation will be calculated from the land managing agency's timely presentation of documented costs which will result from the impacts of the proposed project.



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

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

Received

MAY 26 2005

FDOT
Environmental Management

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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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.

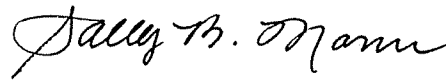
Based on the information contained in the advance notification and the enclosed state agency comments, the state has determined that, at this stage, the allocation of federal funds for the above-referenced project is consistent with the Florida Coastal Management Program (FCMP). The applicant must, however,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

Ms. Anne Brewer
May 23, 2005
Page 3 of 3

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,

A handwritten signature in cursive script that reads "Sally B. Mann".

Sally B. Mann, Director
Office of Intergovernmental Programs

SBM/ser

Enclosures

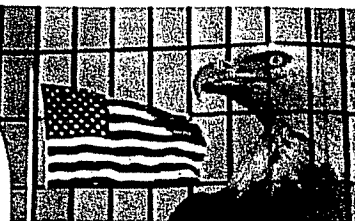
cc: Geoffrey Sample, SJRWMD
Barb Bess, DEP Central District
Forrest Watson, DACS Div. of Forestry
Ray Eubanks, DCA



Florida

Department of Environmental Protection

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Project Information	
Project:	FL200503210609C
Comments Due:	04/20/2005
Letter 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.
CEQA #:	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	

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ST. JOHNS RIVER WMD - ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

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

For more information please contact the Clearinghouse Office at:

3900 COMMONWEALTH BOULEVARD MS-47
TALLAHASSEE, FLORIDA 32399-3000
TELEPHONE: (850) 245-2161
FAX: (850) 245-2190

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