

FEDERAL HIGHWAY ADMINISTRATION
FLORIDA DIVISION

ADMINISTRATIVE ACTION

**WILD AND SCENIC RIVER ADDENDUM TO
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

Federal Project Number(s): TCSP 025 U and TCSP 024 U

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/six-lane limited access tolled expressway to complete the Western Beltway (SR 429) around the metropolitan Orlando area from Apopka in Orange County to Sanford in Seminole County. The approximate length is 20.9 miles. The project includes a new systems interchange with the SR 46 Realignment and a modification of the existing systems interchange at SR 417/I-4; three new local access interchanges at Kelly Park Road, Neighborhood Lakes and International Parkway; major structures at the systems interchanges and four environmental/wildlife bridges. 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 and Mount Dora to provide six-lane divided controlled-access from US 441 to east of Round Lake Road. The project includes reconstruction of the existing US 441/SR 46 interchange with associated major structures. The realignment of SR 46 from east of Round Lake Road to a new 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 type, size and location of the replacement bridge over the Wekiva Wild and Scenic River; and that the proposed action includes all possible planning to minimize harm to the Section 4(f) recreation resource resulting from such use.

5 / 11 / 12
Date

for Buddy Cunill
Division Administrator
Federal Highway Administration

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1.0 Introduction

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*. This document is an *Addendum* to the previously prepared *Programmatic Section 4(f) Evaluation* (March 2012) for the Wekiva Parkway (SR 429)/SR 46 Realignment Project Development and Environment (PD&E) Study. That document addresses Section 4(f) impacts to state lands in Seminole State Forest, Rock Springs Run State Reserve, and Lower Wekiva River Preserve State Park, which are adjacent to the Wekiva River. This *Addendum* specifically addresses potential Section 4(f) impacts to the Wekiva Wild and Scenic River recreation resource.

The previously prepared *Programmatic Section 4(f) Evaluation* provides information from the Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study on project background, description, and purpose and need. It also describes the alternatives analysis conducted through the section of the project study area which traverses the Wekiva River Protection Area and the Wekiva River in Lake and Seminole Counties, Florida. The purpose and need for the project and the project description are restated below. A brief discussion of the alternatives analysis is provided in this *Addendum* to the *Programmatic Section 4(f) Evaluation* as applicable to the Wekiva Wild and Scenic River Section 4(f) recreation resource. To minimize impacts, the proposed Wekiva Parkway (SR 429) would cross the Wekiva River at the location of the existing SR 46 bridge. The project study area is depicted in **Exhibit A.1**.

1.1 Project Purpose and Need

The purpose and need for the project were originally documented in the October, 1989 state-level EIS prepared by the Florida Department of Transportation (FDOT) for the Northwest Beltway Study, Part B. In November 2002, FDOT again documented the purpose 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* prepared 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 A.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.

- **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 arterial 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 level of service "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 level of service is "F", with annual average daily traffic of 23,700.

These level of service 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 level of service "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 level of service "F".

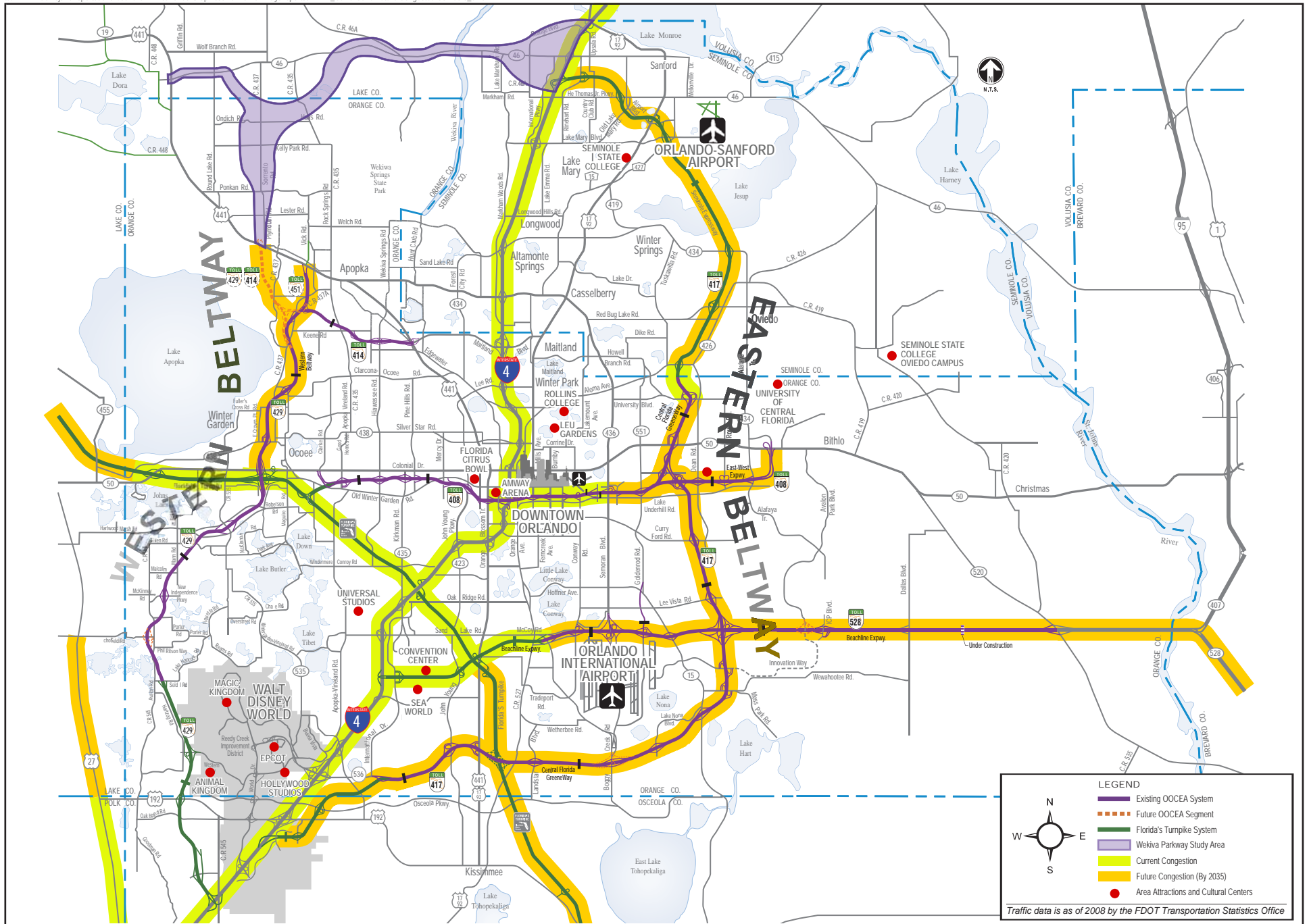


Exhibit A.2
Regional Transportation Network with Heavily Congested SIS Facilities

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 older two-lane rural 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, including the proposed replacement and service road bridges over the Wekiva River, to enhance wildlife habitat connectivity between state conservation lands, which would greatly reduce the number of vehicle-wildlife conflicts.

1.2 Project Description

In early 2005, the Orlando-Orange County Expressway Authority (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:

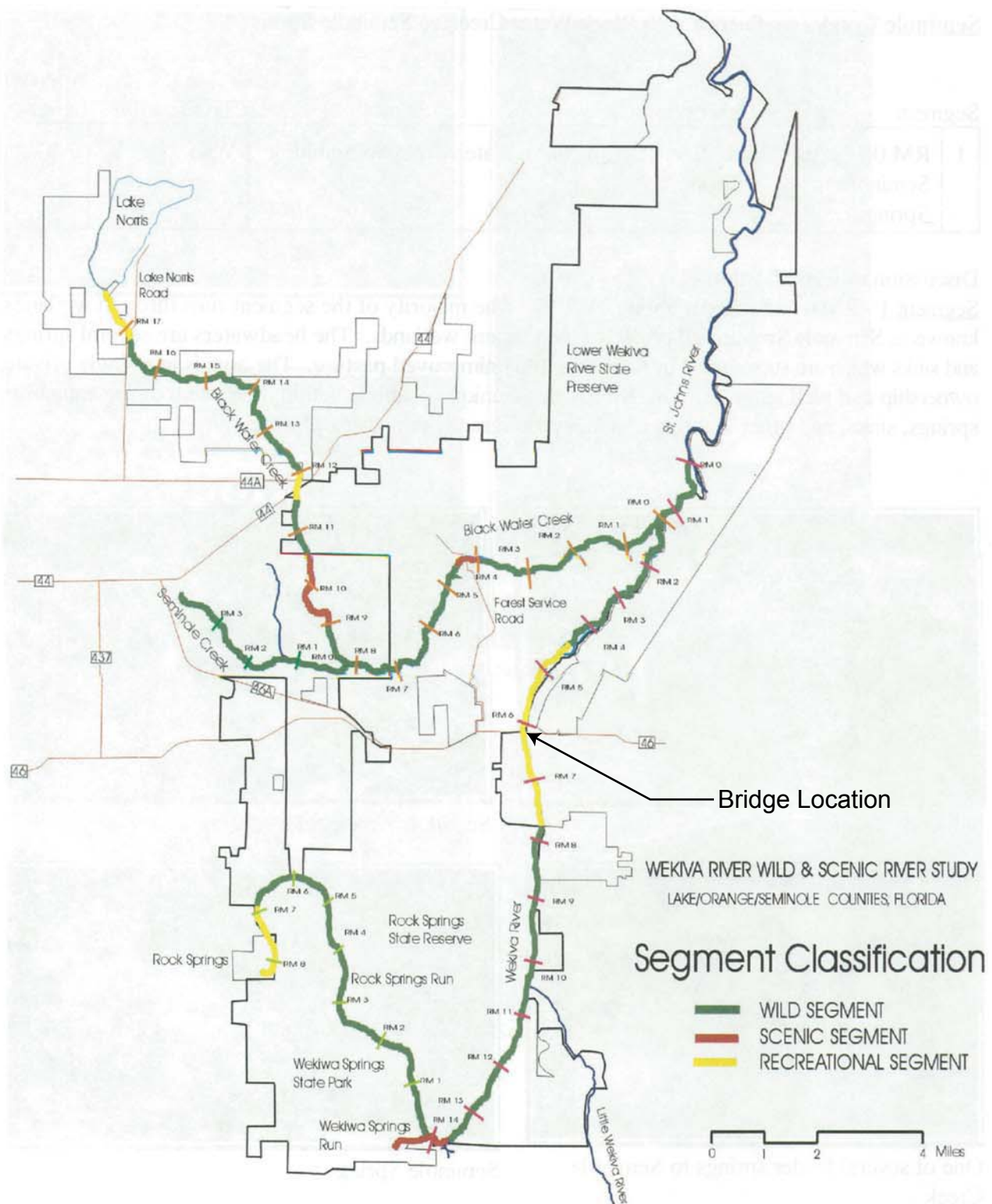
- **The Wekiva Parkway**, a four-lane divided and six-lane divided limited access toll facility, which would begin in Orange County at the terminus of the SR 429/SR 414 John Land Apopka Expressway at US 441 just west of CR 437 and extend to the north/northeast into Lake County, turning east and crossing 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.

1.3 Section 4(f) Recreation Resource

On October 13, 2000, 41.6 miles of the Wekiva River and its tributaries were included in the National Wild and Scenic Rivers System. The designated reaches of the Wekiva River include the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to its confluence with the Wekiwa Springs Run, and Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River. Of the 41.6 miles, 31.4 miles are classified as “wild”, 2.1 miles are classified as “scenic”, and 8.1 miles are classified as “recreational”. **Exhibit A.3** shows the locations of the wild, scenic, and recreational segments of the Wekiva River and its tributaries. The proposed project is within the limits of a recreational segment of the river that extends approximately one and one half miles north and south of the location of the existing SR 46 bridge, which is in the same location as the proposed replacement bridges for Wekiva Parkway (SR 429).

In October of 2008, the Federal Highway Administration (FHWA) determined that Section 4(f) is applicable to the recreation section of the Wekiva River where the proposed Wekiva Parkway replacement bridges would be located. The Wekiva Wild and Scenic River is managed by the United States Department of the Interior, National Park Service (NPS) in partnership with the Wekiva River System Advisory Management Committee (WRSAMC). The Wekiva Parkway project has been included in the draft *Wekiva National Wild and Scenic River Comprehensive Management Plan* which is currently being developed to serve as the guiding document for all management actions associated with the river’s Wild and Scenic designation. The Wekiva River is sovereign submerged land owned by the State of Florida, under the proprietary management overview of the Board of Trustees of the Internal Improvement Trust Fund.



Source: National Park Service

Exhibit A.3 Wild & Scenic River Segment Classifications

2.0 Alternatives

2.1 No Build Alternative

The No Build Alternative assumes that the proposed project is not implemented within the study area. Only those projects for which funding is committed in the Expressway Authority's 2030 Expressway Master Plan, METROPLAN ORLANDO's 2025 Long Range Transportation Plan Update, and the Lake-Sumter MPO 2025 Long Range Transportation Plan are assumed to be provided to meet the transportation need. The results of the No Build Alternative analysis form the basis of the comparative analysis with the viable Build Alternatives, which are discussed in greater detail in the *Programmatic Section 4(f) Evaluation*.

The benefits of the No Build Alternative include the absence of long term impacts such as residential displacements and natural environmental intrusion, as well as short term impacts associated with actual construction of a major new expressway.

Long term benefits associated with serving future traffic demand and improved safety will not be realized with the No Build Alternative. Furthermore, wildlife deaths due to vehicle collisions are anticipated to be higher in the No Build Alternative without the enhanced habitat connectivity provided by wildlife bridges in the proposed alternative. Some of the existing roadways within the project study area are currently operating at less than desirable service levels, and operating/safety conditions are projected to worsen in the future as congestion would increase under the No Build Alternative. Nearly all roadways in the study area would be operating at level of service E or F conditions in 2032 under the No Build Alternative. The *SR 429–Wekiva Parkway/SR 46 Realignment PD&E Study Traffic Report* states “the No Build Alternative does not meet the transportation needs within the study area. This alternative does not relieve traffic congestion along SR 46 or along US 441.”

For the above reasons, the No Build Alternative would not meet the stated purpose and need for the project. However, it remained a viable alternative throughout the PD&E Study.

2.2 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 FDOT and the Expressway Authority in April 2007. Subsequent coordination with state and local agencies, residents and other stakeholders resulted in some revisions to that alternative.

The previously prepared *Programmatic Section 4(f) Evaluation* includes a section on the proposed alternative and consideration of avoidance alternatives from the Orange/Lake County line in the Neighborhood Lakes area to east of the Wekiva River in Seminole County. That is the project area within which the Seminole State Forest, Rock Springs Run State Reserve, Lower Wekiva River Preserve State Park, and the Wekiva Wild and Scenic River are located. The following sections include excerpts from that document specific to the Wekiva River Section 4(f) recreation resource.

2.3 Proposed Alternative

The Wekiva Parkway & Protection Act (Chapter 369, Part III, Florida Statutes) 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. 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 conducted in 2008 estimated the total cost of construction of the project at \$1.8 billion, and with declining transportation dollars available to 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 Expressway Authority and FDOT began analyzing options to provide a non-tolled service road in east Lake County along the Wekiva Parkway route. After several meetings with area residents, local government officials, the Florida Department of Environmental Protection, and members of the environmental community, a two-lane, two-way service road concept

parallel to the Wekiva Parkway was 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 in order to minimize impacts. The alignment of the Wekiva Parkway was not 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. 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. A service road bridge over the Wekiva River will be needed for a non-tolled connection between Lake and Seminole Counties. The two-lane service road bridge would also accommodate a regional multi-use trail crossing of the river. The service road 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 overall Proposed Build Alternative (depicted in **Exhibit A.4**) was presented at three Public Hearing sessions which were held in Orange, Lake, and Seminole Counties in October 2010. During the comment period after the Public Hearing, a letter dated November 8, 2010 was received from NPS. A copy of that letter is provided in **Appendix A**. See Section 6.1 for information on consultation activities with NPS that occurred prior to and after receipt of that letter. 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.

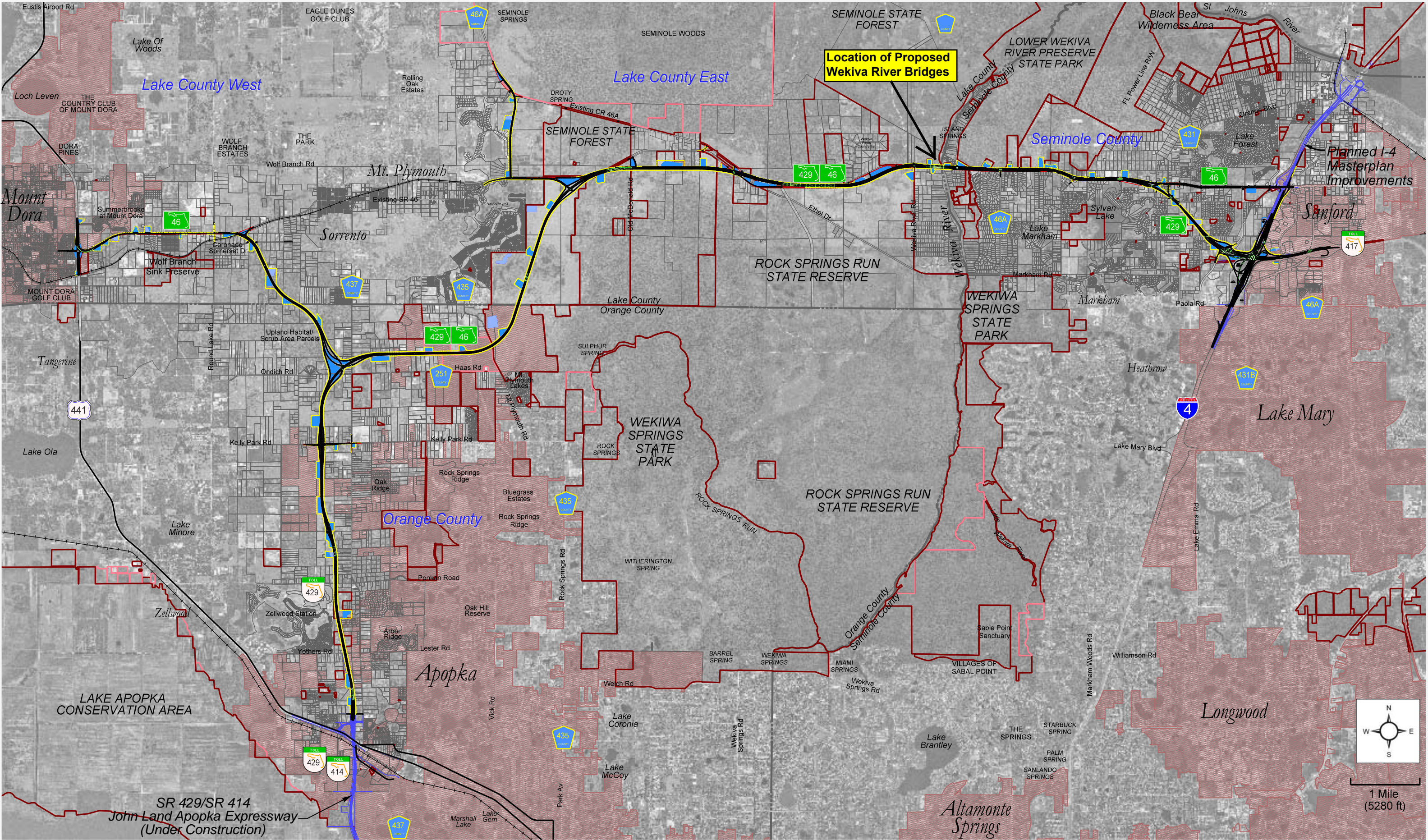
Subsequent coordination, including a conceptual bridge design charrette process, was undertaken with NPS on the proposed Wekiva River bridges after the Public Hearing. Further coordination and consultation with NPS concerning the Section 7(a) determination required by the Wild and Scenic Rivers Act will be necessary during the final design phase. This may affect the Wekiva River bridges design concept. Section 6.1 provides information on the charrette process and required coordination with NPS during final bridge design.

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 *SR 429-Wekiva Parkway/SR 46 Realignment PD&E Study Traffic Report* 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



LEGEND

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|---|---------------------------------------|-----------------------------------|
| PROPOSED BUILD ALTERNATIVE RIGHT-OF-WAY | PROPOSED BRIDGE | PUBLIC LAND |
| EXISTING RIGHT-OF-WAY | PROPOSED STORMWATER POND | POTENTIAL PUBLIC LAND ACQUISITION |
| EXISTING PARCEL LINE | PROPOSED FLOODPLAIN COMPENSATION POND | MUNICIPAL BOUNDARY |

Exhibit A.4
Overall Layout of Proposed Build Alternative

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 through the area where the Section 4(f) properties are located. To minimize impacts, the proposed Wekiva Parkway alignment alternative would cross the Wekiva River at the location of the existing SR 46 bridge; however, impacts to the 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.

Descriptions of the existing SR 46 bridge over the Wekiva River and the proposed Wekiva Parkway bridges as presented at the Public Hearing are provided in Section 3.1. Use of the existing crossing location will avoid additional impacts associated with construction of a roadway on new alignment through the remaining undeveloped, natural environment of the Wekiva Wild and Scenic River. The proposed alternative would fulfill the stated project purpose and need.

2.4 Avoidance Alternatives

Impacts to the Wekiva Wild and Scenic River and the Section 4(f) lands adjacent to the Wekiva River are unavoidable by roadway alignment shifts. In Seminole County, alternative alignments would result in substantial adverse social and economic impacts; in east Lake County, alternative alignments would require the use of even more Section 4(f) lands resulting in impacts of greater magnitude when compared to the use of Section 4(f) lands by the proposed alternative. The Wekiva River system is bordered by Section 4(f) lands for more than 17 miles north and south of the location of the existing /proposed bridge location.

Since it is on the same alignment as existing SR 46, the proposed Wekiva Parkway is generally perpendicular to the Wekiva River. The river extends approximately five and one half miles north to its confluence with the St. Johns River. To the south, the river extends approximately seven and one half miles to its headwaters at the confluence of Wekiwa Springs and Rock Spring Run. Avoidance of impacts to the Wekiva River Section 4(f) resource would require locating the alignment such that it does not cross the river. Any such alignment would not meet the purpose and need for the project, and would have significant impacts on Section 4(f) conservation lands. Therefore, there is no potential for an avoidance alternative that would meet the stated project purpose and need. Measures to minimize harm to the Wekiva River Section 4(f) recreation resource are discussed in Section 5 of this Addendum.

3.0 Consistency with Statutes and Management Plans

3.1 Consistency with Florida Statutes

The Wekiva Wild and Scenic River is a State Aquatic Preserve and Outstanding Florida Water and is most stringently protected by its own legislation under the *Wekiva River Protection Act* and the *Wekiva Parkway and Protection Act*, Florida Statutes, Chapter 369, Parts II and III, respectively. The proposed project is consistent with the 1987 *Wekiva River Aquatic Preserve Management Plan*, which identified concerns for stormwater quality and protection through preservation of habitats and living conditions in the most natural condition possible. Chapters 258 and 253, Florida Statutes establish the proprietary management overview role of the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, for the State of Florida Aquatic Preserves.

The FDEP Office of Coastal and Aquatic Managed Areas is charged with managing the state's aquatic preserves and reviewing and commenting on projects that require the use of state-owned submerged lands. FDEP's Manager of the Wekiva River Aquatic Preserve has been actively involved in the Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study as a member of the Environmental Advisory Committee since commencement of the study.

The study area for the Wekiva Parkway (SR 429) is approximately one-half mile wide as it crosses the Wekiva River at the boundary of Lake and Seminole Counties. The existing SR 46 bridge over the Wekiva River is centered within the study area corridor. The proposed alternative for the Wekiva Parkway will utilize the existing Wekiva River crossing location. Use of the existing crossing location will avoid the additional impacts associated with construction of an expressway on new alignment through the remaining undeveloped, natural environment of the Wekiva Wild and Scenic River.

Description of Existing and Proposed Wekiva River Crossing

The existing and proposed Wekiva River crossing is located in a rural, disturbed setting. The classification of this segment of the Wild and Scenic river as "recreational" reflects the disturbed nature of the setting. The river is bordered by residential parcels on the west side of the river, south of SR 46, and both north and south of SR 46 on the east side of the river. Seminole State Forest is adjacent to the north right-of-way line of SR 46 and the western boundary of Wekiva River. Small boats such as canoes and kayaks are permitted on the river and generally travel between Wekiwa Springs State Park to the south of the existing SR 46 bridge, and the former Katie's Landing in Lower Wekiva River Preserve State Park to the north. There is no public access to the river in the vicinity of the bridge crossing; however, the residential properties along the river have private access.

The channel depth at the crossing location was measured at approximately 5.5 feet in an FDOT field inspection of the existing bridge conducted in June 2005. The normal high water

elevation at the bridge location is 8 feet NGVD, and the 100-year floodplain elevation is 10 feet NGVD. The distance between the west and east banks of the river varies in width from approximately 188 feet at the location of the existing bridge to approximately 270 feet just north of the existing bridge, where an island separates the river into a main channel and tributary (see **Exhibit A.9** in Section 4). The island is privately owned, vacant residential land.

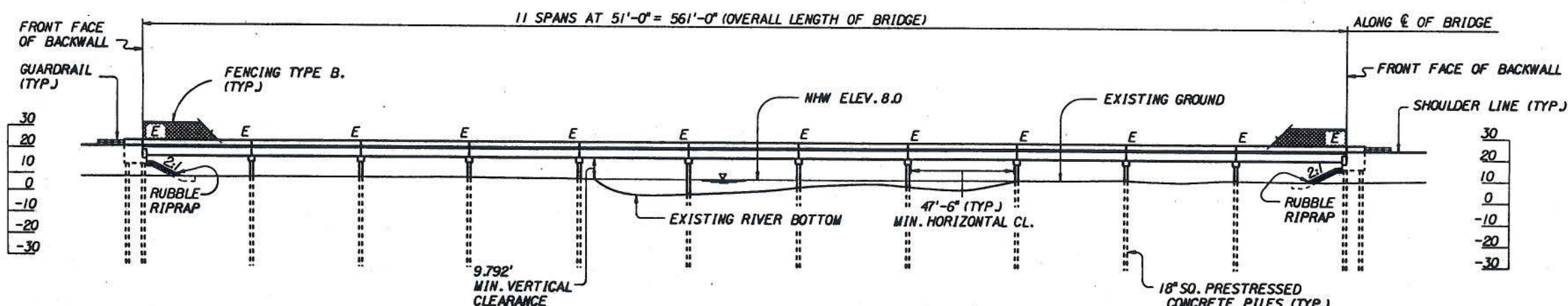
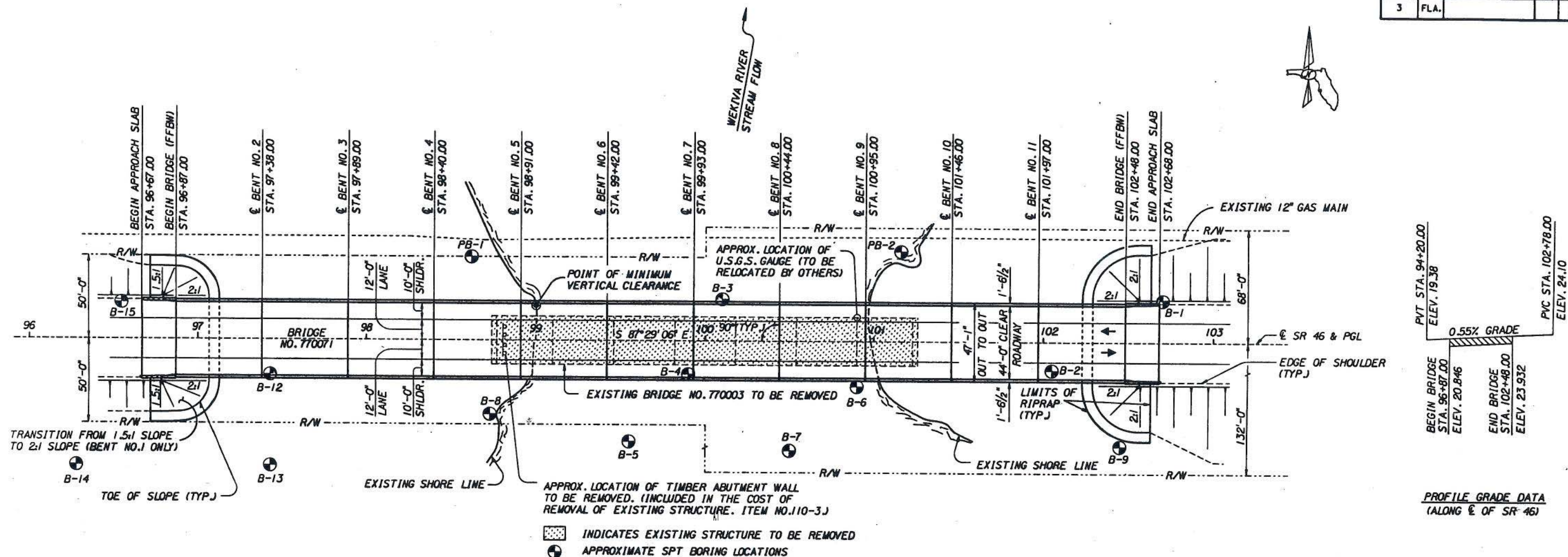
Exhibit A.5 shows the plan and elevation of the existing SR 46 bridge over Wekiva River. The existing bridge is a standard, functional pre-stressed concrete stringer/girder structure. There are no embellishments or aesthetic treatments on the structure. The bridge measures 561 feet in length and has eleven 51-foot spans. It carries two lanes of traffic, one in each direction and has no sidewalks. The total width of the bridge deck is 47 feet. The bridge has concrete traffic barriers along each side, with chain link fencing mounted on top.

As shown in Exhibit A.5, the minimum vertical clearance above the normal high water elevation for the existing bridge is 9.792 feet. The bridge generally maintains the at-grade profile of the existing roadway west and east of the structure. Exhibit A.4 also shows the placement of the existing piers within the river. Three rows of bridge piers are located within the river, with one row located in the center of the main river channel. Photographs from the June 2005 bridge inspection show heavy vegetation between the piers at the river banks and aquatic vegetation between the piers in the river. In addition, there is existing exposed drainage pipe and abandoned timber slope protection lying at the water's edge under the bridge.

In the Proposed Build Alternative presented at the Public Hearing, Wekiva Parkway (SR 429) would bridge the Wekiva River and its adjacent 1,200-foot wide forested wetland. The proposed 1,750-foot long bridge is an expressway structure capable of carrying six lanes of traffic (three lanes in each direction) within a 300-foot limited access right-of-way. A 1,750-foot long service road bridge would be built within the 300-foot limited access right-of-way, adjacent to the Wekiva Parkway bridge on the north side. In addition to carrying the non-tolled two-lane rural roadway over the river, the service road bridge would include a ten-foot wide trail on the north side of the bridge to provide a connection between Seminole and Lake Counties for a planned regional multi-use trail. The service road bridge would span the majority of the wetlands abutting the Wekiva River; however, in order to bring the profile down to existing grade prior to its intersection with Wekiva Park Drive and the frontage roads in Seminole County, the service road would impact 0.13 acres of forested wetlands on the east side of the river. This represents less than 3% of the total 4.45 acres of forested wetlands located within the proposed 300-foot right-of-way.

In the Proposed Build Alternative presented at the Public Hearing, the 1750-foot expressway and service road bridges would each have 17 spans. The channel span would be 150 feet and the remaining 16 spans would be 100 feet each. The additional width at the river channel would provide less obstruction to channel flow. Both bridges would be approximately thirty feet higher than the existing bridge profile. **Exhibit A.6** (two sheets) shows the plan and elevation of the proposed Wekiva River bridge structures as presented at the Public Hearing. **Exhibit A.7** depicts in plan and profile view the proposed Wekiva River bridges concept shown at the Public Hearing.

FED. ROAD DIST. NO.	STATE	PROJECT NO.	FISCAL YEAR	SHEET NO.
3	FLA.			B-9



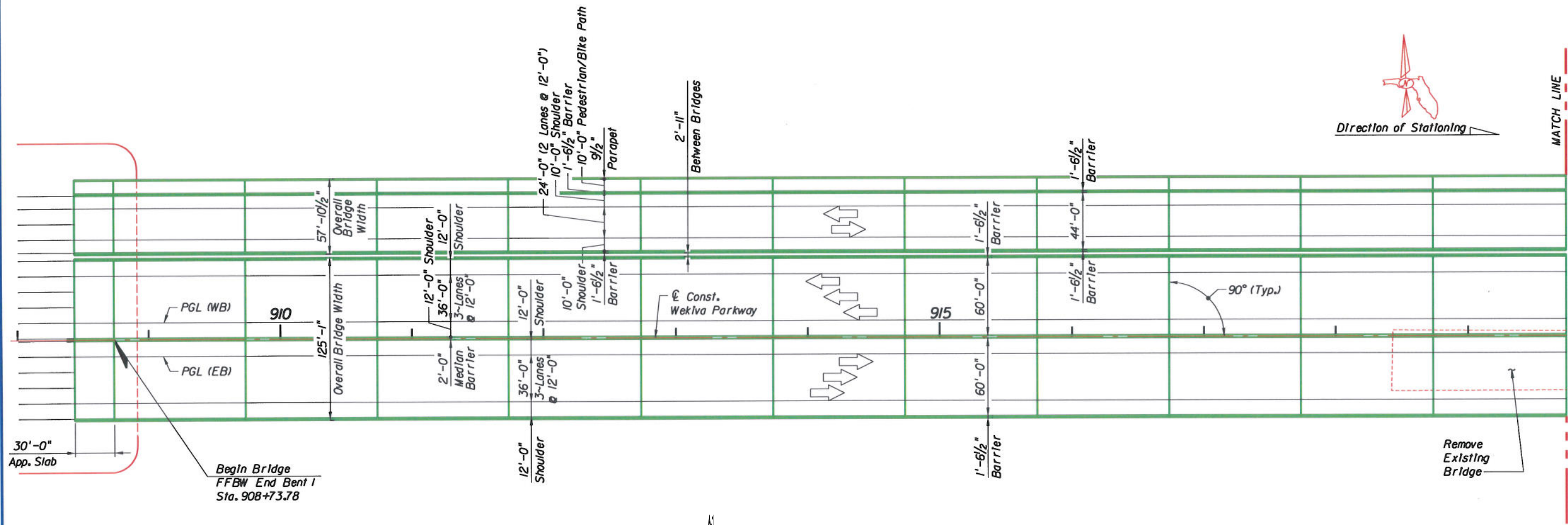
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EST. 2014 A.D.T. = 19,800
DESIGN SPEED = 65 M.P.H.
T = 14.3 %
K = 12.6 %
D = 57.1 %

Exhibit A.5

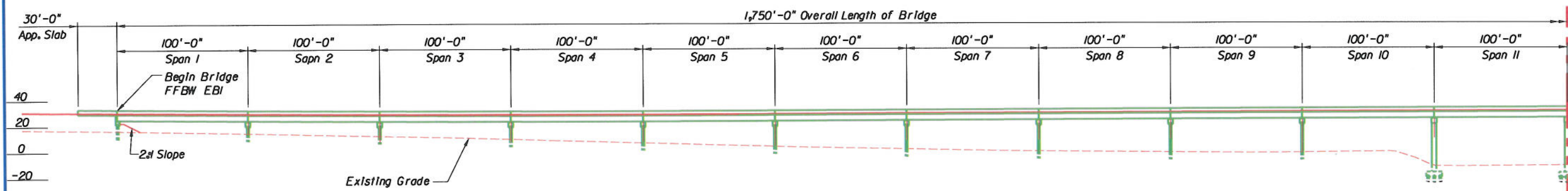
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Date	By	Description	Date	By	Description	Drawn by	Checked by	Designed by	Checked by	Approved by																
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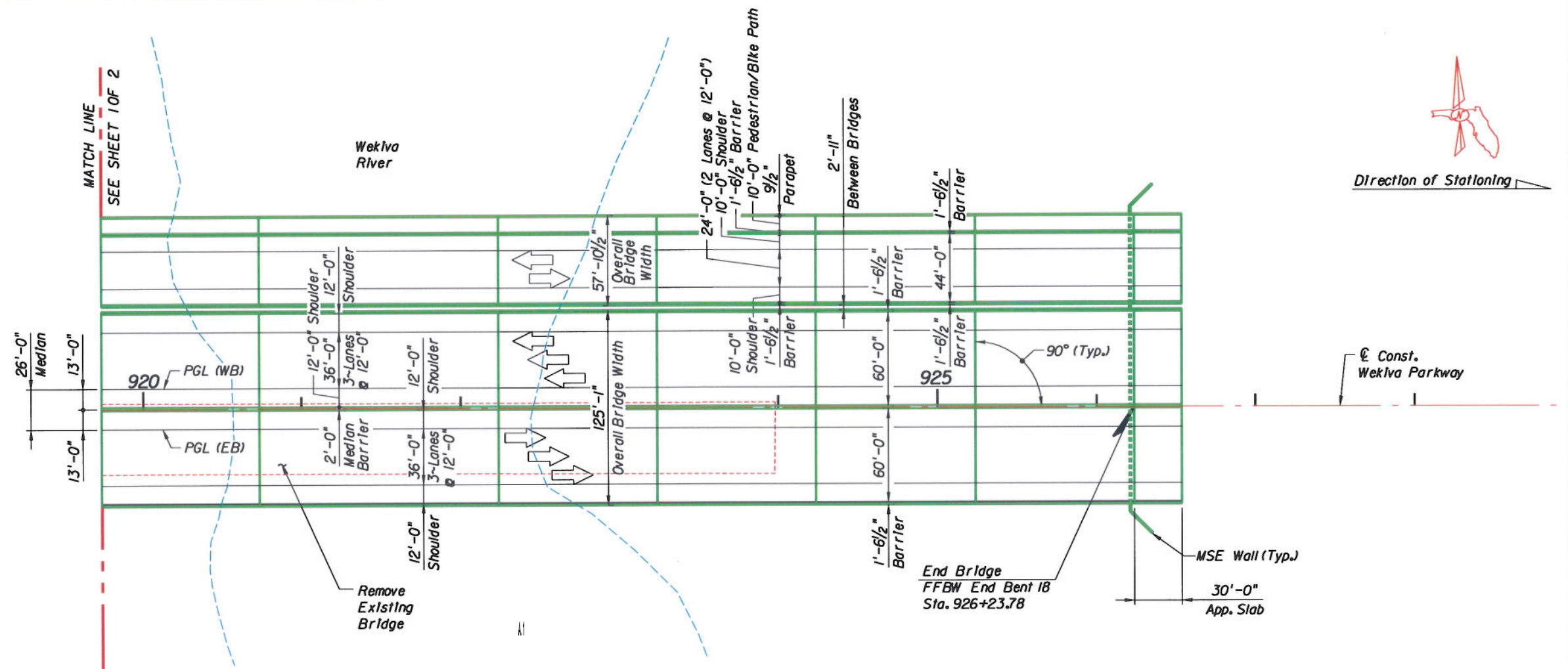


PLAN

Please reference Section 6.1 National Park Service Consultation and Coordination for additional information on the proposed bridge replacement



ELEVATION



Please reference Section 6.1 National Park Service Consultation and Coordination for additional information on the proposed bridge replacement

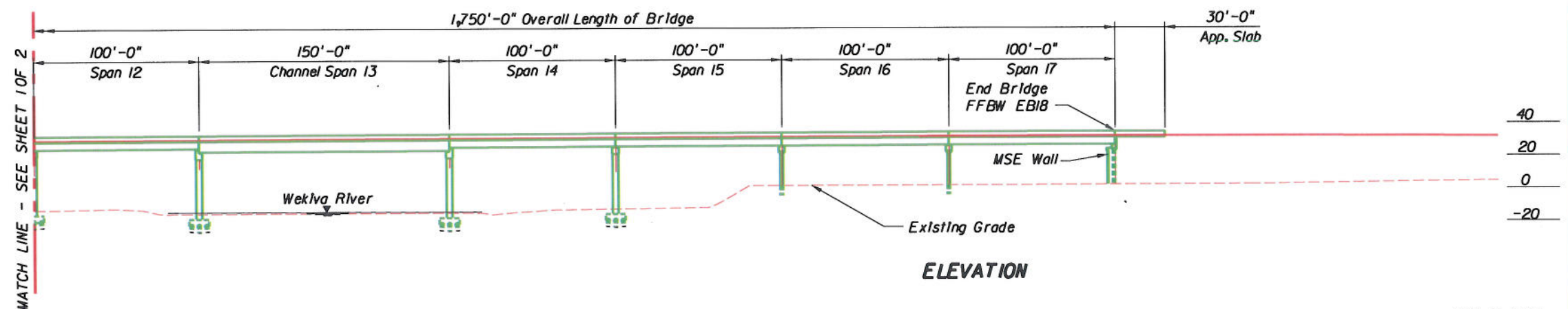
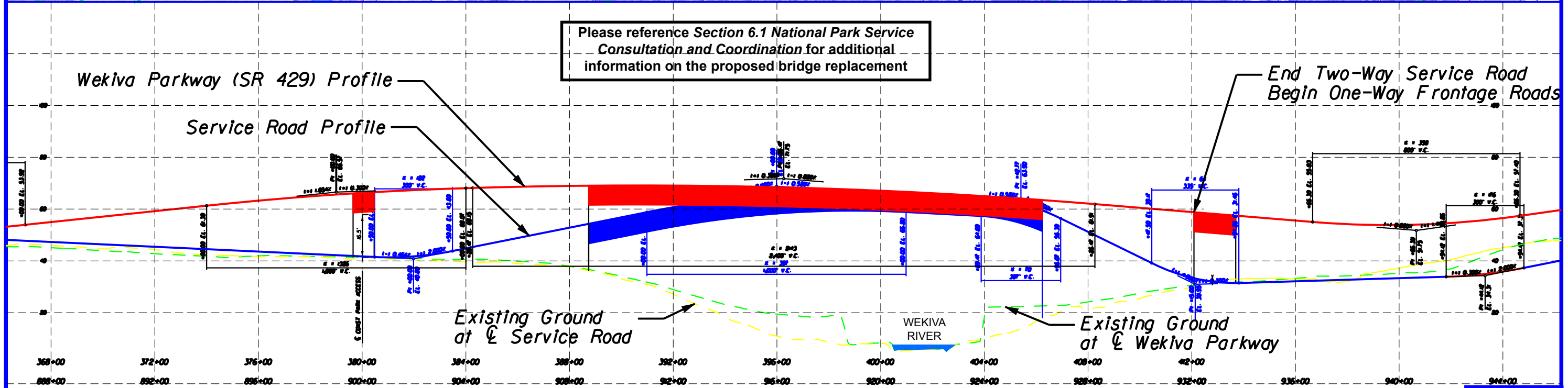
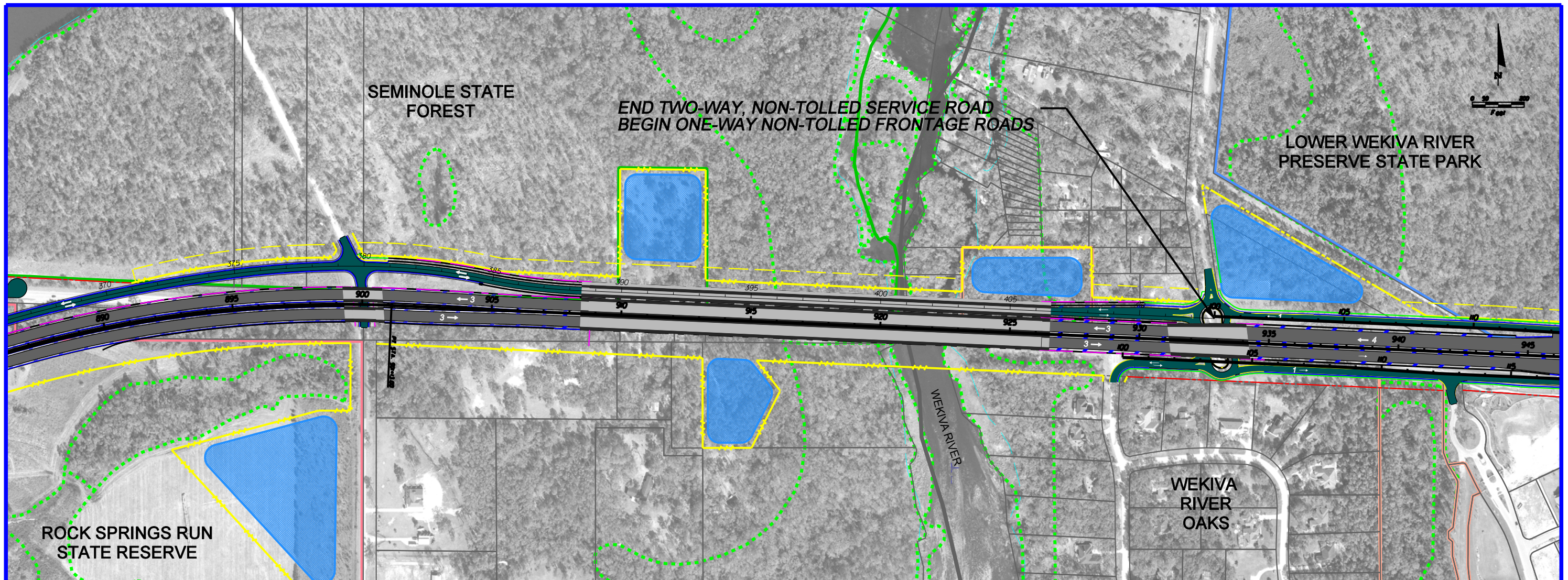


Exhibit A.6 (Sheet 2 of 2) 17A & 17B



LEGEND PROPOSED L/A RIGHT OF WAY PROPOSED RIGHT OF WAY POTENTIAL POND WETLAND BOUNDARY PARCEL LINES PARCEL CODES 255		PUBLIC LANDS NEW/RECONSTRUCTED PAVEMENT NEW/RECONSTRUCTED PAVEMENT - SERVICE ROAD NEW BRIDGE OR REPLACEMENT/WIDENING	KEY MAP 	 EXPRESSWAY AUTHORITY	 STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT FIVE	 WEKIVA PARKWAY Project Development and Environment Study Orange, Lake & Seminole Counties	WEKIVA PARKWAY (SR 429) / SR 46 REALIGNMENT PROPOSED BUILD ALTERNATIVE PRESENTED AT PUBLIC HEARING PLAN AND PROFILE	Exhibit A.7 SHEET NO.
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The Proposed Build Alternative presented at the Public Hearing would hold the existing south SR 46 right-of-way line, widening to the north as it crosses the Wekiva River. The additional right-of-way width required north of the existing FDOT right-of-way will impact Seminole State Forest. The impact assessment presented in the previously prepared *Programmatic Section 4(f) Evaluation* includes the portion of Seminole State Forest adjacent to the Wekiva River. The Section 4(f) impact evaluation was coordinated with FDEP, Division of Recreation and Parks and the Florida Department of Agriculture and Consumer Services (FDACS), Division of Forestry. Coordination with FDEP, Division of Recreation and Parks and FDACS, Division of Forestry -- particularly regarding the development of alignment alternatives through Neighborhood Lakes, Seminole State Forest, Rock Springs Run State Reserve, and Lower Wekiva River Preserve State Park -- has been ongoing throughout the PD&E Study as documented in the previously prepared *Programmatic Section 4(f) Evaluation*. Full Section 4(f) concurrence for project impacts to public lands was provided by the FDACS, Division of Forestry and the FDEP, Division of Recreation and Parks in 2010. The concurrence letters are included in the previously prepared *Programmatic Section 4(f) Evaluation*.

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

Results of Conceptual Bridge Design Charette Process

After the Public Hearing on the Proposed Build Alternative in October 2010, the project sponsors coordinated extensively with FHWA and NPS on development of a conceptual bridge design charette process (for background information on why the charette process was implemented see Section 6.1 – National Park Service Consultation and Coordination). The purpose of the charette process was to provide NPS with more detailed information on the proposed Wekiva River bridges in order to obtain full Section 4(f) concurrence.

Conceptual bridge design charette meetings were held in March, April and July, 2011, with FHWA, NPS, the WRSAMC, local residents, and other stakeholders. Alternative bridge types and alignment/profile concepts were developed for and analyzed by the stakeholders at the charettes. Site viewshed photos/graphics, noise analyses, and color bridge renderings in the river location setting were prepared for and reviewed by the stakeholders during the charettes. An "advisory" bridge type and profile for the Wekiva River bridges was identified by a majority of the stakeholders. However, NPS representatives said they had no opinion yet on a preferred bridge type. NPS suggested that the advisory bridge type preference (Segmental Concrete Box Girder) could be noted, but the other bridge type alternatives should not be dismissed yet given that several variables remained dynamic and

more evaluations were needed before a decision was possible. It was agreed among all parties that the venue for continued coordination with NPS on the Wekiva River bridges would be at regularly scheduled WRSAMC meetings.

Therefore, in this *Wild and Scenic River Addendum to the Programmatic Section 4(f) Evaluation* the bridge concept shown in previously referenced exhibits is the Proposed Build Alternative presented at the Public Hearing, since no alternative was accepted by NPS at the conclusion of the charette process. NPS gave full Section 4(f) concurrence in October 2011 not based on a bridge planning concept, but rather on the following commitments from the project sponsors. FDOT and the Expressway Authority have committed to NPS to clear span the waters of the Wekiva River with the proposed bridges and to obtain the Wild and Scenic Rivers Act Section 7(a) determination from NPS prior to approving the final design documents for the Wekiva Parkway mainline and service road bridges.

3.2 Consistency with Wild and Scenic River Management Plan

The draft *Goals and Objectives for the Wekiva National Wild and Scenic River Comprehensive Management Plan* (Pandion Systems, Inc., 2007) prepared for the Wekiva River System Advisory Management Committee and the NPS are consistent with the requirements of the *Wekiva Parkway and Protection Act*. Those management plan goals and objectives include:

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

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

Conservation Easements and Land Purchases

The portion of the study area in east Lake County is within the Wekiva River Protection Area and includes lands within Neighborhood Lakes, Rock Springs Run State Reserve, Seminole State Forest, and the Wekiva River Mitigation Bank (formerly New Garden Coal). Neighborhood Lakes in Orange and Lake Counties, the Wekiva River Mitigation Bank in Lake County, and Pine Plantation in Orange County are three of four parcels identified for acquisition in the *Wekiva Parkway and Protection Act*. The lands not needed for right-of-way for the Wekiva Parkway will become conservation lands of the State of Florida. More detailed information on this and on the discussions below is provided in the previously prepared *Programmatic Section 4(f) Evaluation*.

In July 2005, the state acquired a perpetual conservation easement over the majority of the 1,553-acre mitigation bank property to protect the land from future development. The agreement also addresses the required right-of-way for the Wekiva Parkway.

In December 2006, the Governor and the Cabinet approved the purchase of the 1,619 acre Neighborhood Lakes property. The acquisition was completed in March 2007 in partnership with the Orlando-Orange County Expressway Authority. This purchase secures right-of-way for Wekiva Parkway and protects against future development. It is anticipated that the land not needed for right-of-way will be added to Rock Springs Run State Reserve; discussions are still ongoing with Lake County, Orange County, SJRWMD, and the Board of Trustees of the Internal Improvement Trust Fund regarding a management lease for the property.

The property known as Pine Plantation consists of approximately 628 acres, located north and south of Haas Road (CR 251) in 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 Orlando-Orange County Expressway Authority. The land acquired will serve as a buffer to protect the 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.

Wildlife Underpasses

As a part of the proposed alternative, FDOT plans to replace the existing western (52-foot wide opening) and eastern (26-foot wide opening) wildlife underpasses along SR 46 in east Lake County with longer wildlife bridges of approximately 1,960 feet (western bridge) and 4,000 feet (eastern bridge). The existing 561-foot bridge over the Wekiva River will be replaced with a longer, higher bridge of approximately 1,750 feet in length. The adjacent service road bridge will also be 1,750 feet in length and will match the profile of the expressway bridge over the river. The locations of the proposed wildlife structures are depicted in **Exhibit A.8**. These longer bridges will open up the wildlife corridor between the Rock Springs Run State Reserve and the Seminole State Forest and will enhance habitat connectivity. This will allow wildlife to be able to safely move between the two public conservation areas. All of these bridge spans will function as wildlife crossings and will greatly improve the wildlife habitat continuity and movement corridors in the surrounding area, following construction of the Wekiva Parkway. In addition to the above bridges, an 800-foot bridge will span a large floodplain within the recently acquired Neighborhood Lakes parcels. This bridge will also serve to maintain wildlife habitat connectivity. Barriers or fencing to direct wildlife to these safe crossing points will be addressed during the final design phase of the project.

Visual and Auditory Intrusion on the Wekiva River

The proposed project has a potential for visual and auditory impacts from the perspective of the recreational boater or canoeist at the location of the Wekiva Wild & Scenic River crossing. The Wekiva River is a small, shallow river bordered by state lands and residential properties in a rural setting. Small boats such as canoes and kayaks are permitted on the river and generally travel between Wekiwa Springs State Park to the south of the existing SR 46 bridge, and the former Katie's Landing in Lower Wekiva River Preserve State Park to the north.

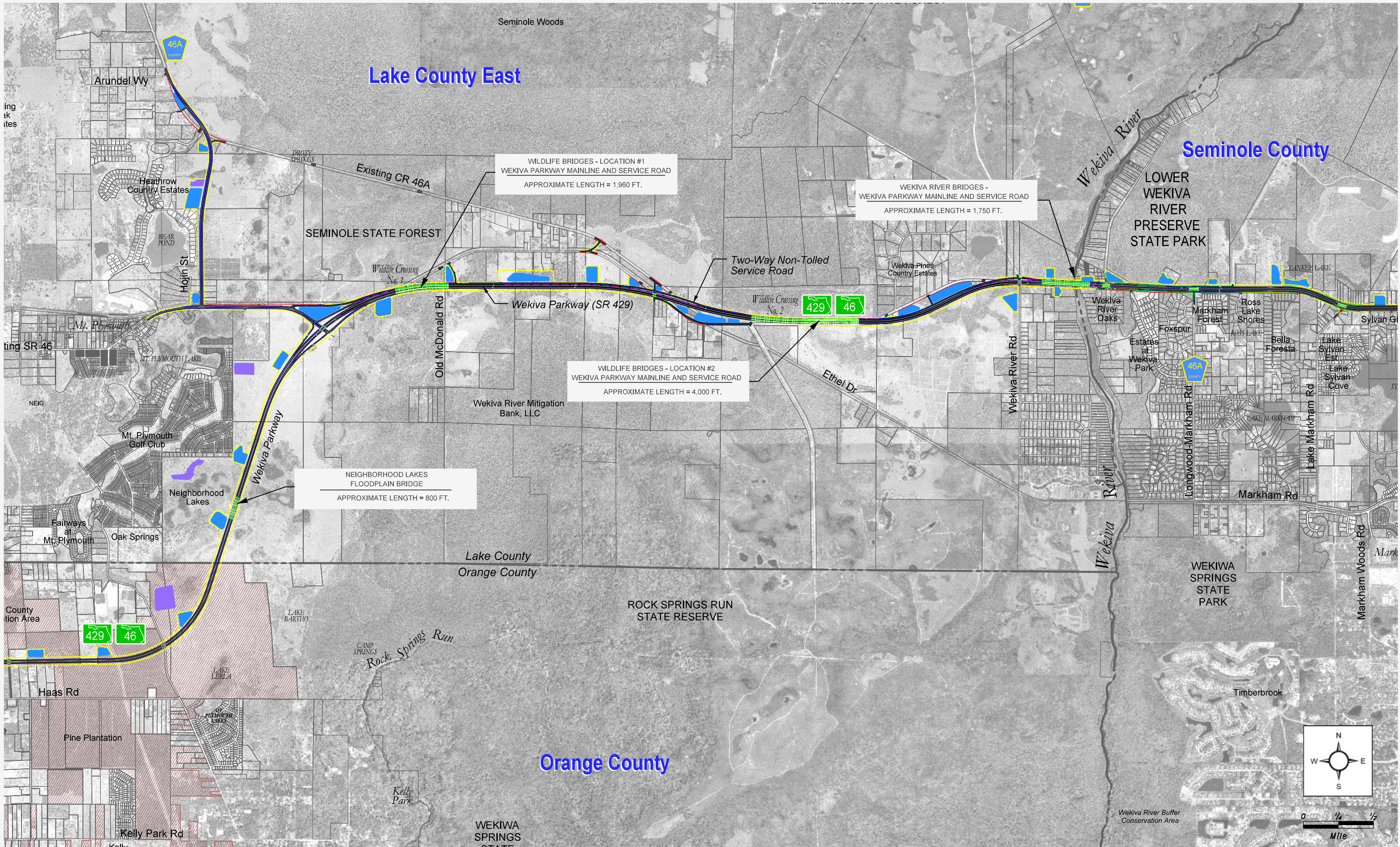


Exhibit A.8
Locations and Approximate Lengths
of Proposed Wildlife Structures

The existing 561-foot bridge at this location generally maintains the at-grade profile of the existing roadway and has eleven 51-foot spans. For the Proposed Build Alternative presented at the Public Hearing, the Wekiva Parkway (SR 429) mainline expressway bridge and the adjacent service road bridge would be approximately 30 feet higher than the existing bridge profile. Both bridges would be 1,750 feet in length and would have sixteen 100-foot spans and a 150-foot channel span. The additional span widths, particularly at the channel, should have a positive effect on the visual attributes of the river. However, in the clear span bridge design committed to by the project sponsors there would be no piers in the river. The additional height of the bridges would further open up the view, but the elevated bridges may be viewed as a negative feature by some users. The bridge profile and related aesthetics will also be determined in the cooperative bridge design process with NPS and the WSAMC.

The proposed profile of the expressway bridge is the result of an evaluation of the geometric, hydraulic, and environmental constraints between Wekiva River Road on the west side of the river in Lake County and Wekiva Park Drive on the east side of the river in Seminole County. The expressway will bridge both of those existing roadways. The geometric criteria for expressway vertical curves does not allow for the opportunity to lower the profile back to existing grade between those bridge locations, but a sag curve between the bridges is desirable for hydraulic, aesthetic, and cost purposes.

Also, the Wekiva Wild and Scenic River has the additional State of Florida designations of Aquatic Preserve and Outstanding Florida Water and has stringent water quality, water quantity, and riparian habitat criteria that must be met to protect the valued resource. Direct discharge of stormwater runoff to the river, resulting from a sag in the bridge profile, is not permitted. Stormwater pipes will be required on these long bridges but will be generally hidden from view; however, stormwater pipes originating from a sag point in the profile may be visible beneath the girders of the bridge. In order to avoid a sag in the bridge profile over the river, the profile will have a low point on the west side of the river, where the bridge runoff will be routed to two adjacent ponds, and will rise in elevation as it crosses the river and bridges Wekiva Park Drive. The benefit to elevating the expressway and elongating the bridges is that the wetland and floodplain impacts will be substantially minimized and the additional area of river bank will open up the corridor for wetland dependent species.

The service road concept was developed to provide a non-tolled alternative for local trips for area residents and businesses. The service road is primarily an at-grade, two-lane rural roadway adjacent to the expressway from Neighborhood Lakes to just east of the Wekiva River; however, the service road will be bridged through the two wildlife crossing locations between Neighborhood Lakes and the Wekiva River, as well as over the Wekiva River. In order to minimize the visual intrusion of a second bridge, the bridge profile for the service road will generally match the expressway bridge profile over the river. The bridge elevations will diverge east of the river so the service road can be brought back down to grade for intersection with Wekiva Park Drive and the one-way directional frontage roads in Seminole County; likewise, the bridge elevations will diverge west of the river so the service road can be brought back down to grade for intersection with Wekiva River Road in Lake County (see profiles in previously referenced Exhibit A.7).

Consistent with promoting a “Parkway” look with appropriate natural buffers between the roadway and adjacent areas, FDOT and the Expressway Authority are committed to developing a landscape plan during the final design phase that will accentuate the natural environment. Consistent with recommendations to support the conservation of dark skies in the Wekiva River Protection Area, FDOT and the Expressway Authority will incorporate non-intrusive and minimal roadway and bridge lighting in the final design plans in appropriate areas for Wekiva Parkway.

As previously stated, the project sponsors’ commitment that the Wekiva River bridges will clear span the waters of the river will enhance the view of the river from the perspective of the recreational user and will avoid the build-up of aquatic vegetation and sediment that occurs with the existing closely-spaced bridge piers. Additional design features related to the aesthetics of the structure, such as weathered metal or color tinting, will be evaluated by FDOT and the Expressway Authority during the final design phase of the project. Measures to reduce visual intrusion or substantial noise impacts are final design phase activities that are to be coordinated with the NPS, the WRSAMC and the FDEP, Office of Coastal and Aquatic Managed Areas.

During the conceptual bridge design charrette process, a traffic noise assessment was completed for the existing SR 46 bridge, the Proposed Build Alternative bridges presented at the Public Hearing, and two of the alternative bridge concepts developed during the charrettes. The FHWA TNM Version 2.5 noise model was used in the assessment. The model was validated to field measurements. Model inputs included: worst-case noise traffic conditions (Level of Service C conditions); vehicle mix of autos and trucks from the PD&E Study Traffic Report, and the river was coded as water (hard surface).

Predicted noise levels were modeled north and south of the existing bridge at distances of 100 feet out to 1,600 feet. The model results indicated: 1) close to the bridge, the existing SR 46 bridge will have higher noise levels than the three alternatives; 2) noise levels on the three alternative bridge profiles are similar to the existing noise level out to approximately 400 feet, and 3) noise levels on the three alternative profiles generally exceed the existing noise level at 400 feet and out, with increased levels of 2 dB(A) up to 8 dB(A). None of the predicted noise levels for any of the three bridge alternatives approached or exceeded the FHWA and FDOT noise abatement criteria levels of 67 dB(A) and 66 dB(A), respectively, for recreation areas and Section 4(f) sites, and none of the predicted noise levels for any of the three bridge alternatives is considered a substantial increase under FDOT criteria. Therefore, the noise assessment findings indicated predicted traffic noise would not rise to the level of a constructive impact.

On-Going Coordination

Several members of the WRSAMC, which assists the NPS on Wekiva Wild and Scenic River issues, have been actively involved in the Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study as members of the Environmental Advisory Committee since commencement of the study. That coordination with the WRSAMC, NPS and other stakeholders will continue into the final design phase.

4.0 Potential Impacts

4.1 Potential Impacts to Recreational Uses of the Wekiva River

The portion of the Wekiva River in the vicinity of the existing bridge crossing is classified as a recreational segment of the Wild and Scenic River. There is no public access to the river within the existing or proposed FDOT right-of-way; however, canoes and other small recreational watercraft travel between the piers of the existing bridge as they navigate along the river. In a July 19, 2007 letter that stated a permit will not be required for the proposed bridge replacement, the United States Coast Guard (USCG) indicated the river is considered to be navigable only by canoes and small boats (a copy of the letter is included in **Appendix A**). In a subsequent email to FDOT dated November 15, 2010, USCG indicated that although a bridge permit will not be required from them, the Wekiva River is navigable for purposes of general USCG jurisdiction and the Seventh USCG District Bridge Office must be contacted at the completion of design regarding construction, approval of lights and other signals that may be required (a copy of the email is included in **Appendix A**).

The proposed Wekiva Parkway bridges will not create a barrier to small recreational watercraft passage. With the commitment to clear span the waters of the river and with increased bridge height, there will be improvements to navigation for canoes and small boats. Therefore, no impacts to existing recreational activities on the river are anticipated as a result of the proposed project.

4.2 Potential Impacts to Water Quality

No adverse impacts to water quality are expected as a result of this project. The stormwater treatment system will be designed to satisfy current stormwater management criteria, including special basin criteria developed for the Wekiva River hydrologic basin, pursuant to the *Wekiva River Protection Act*. Water quality treatment will be improved over the existing conditions in the area of the Wekiva River and adjacent wetlands, where the proposed alternative follows the existing SR 46 alignment. SR 46 was constructed before stringent drainage criteria were developed; consequently, there is currently no treatment of the pollutant runoff for most of the existing roadway. In 1997, FDOT constructed ditch blocks and a sand filter box to treat runoff from the bridge and approach slabs when the deficient two-lane bridge structure was replaced with the current structure. Prior to the bridge replacement, surface water runoff discharged directly to the Wekiva River.

The proposed project will provide stormwater treatment that will provide enhanced filtration of the pollutant runoff from the roadway and bridge prior to discharge to the abutting wetlands of the Wekiva River. The possibility of creating wood stork feeding areas at the pond sites near the Wekiva River has been discussed between members of the PD&E Study team and representatives of FDEP. This option may be further explored during the final design phase of the project.

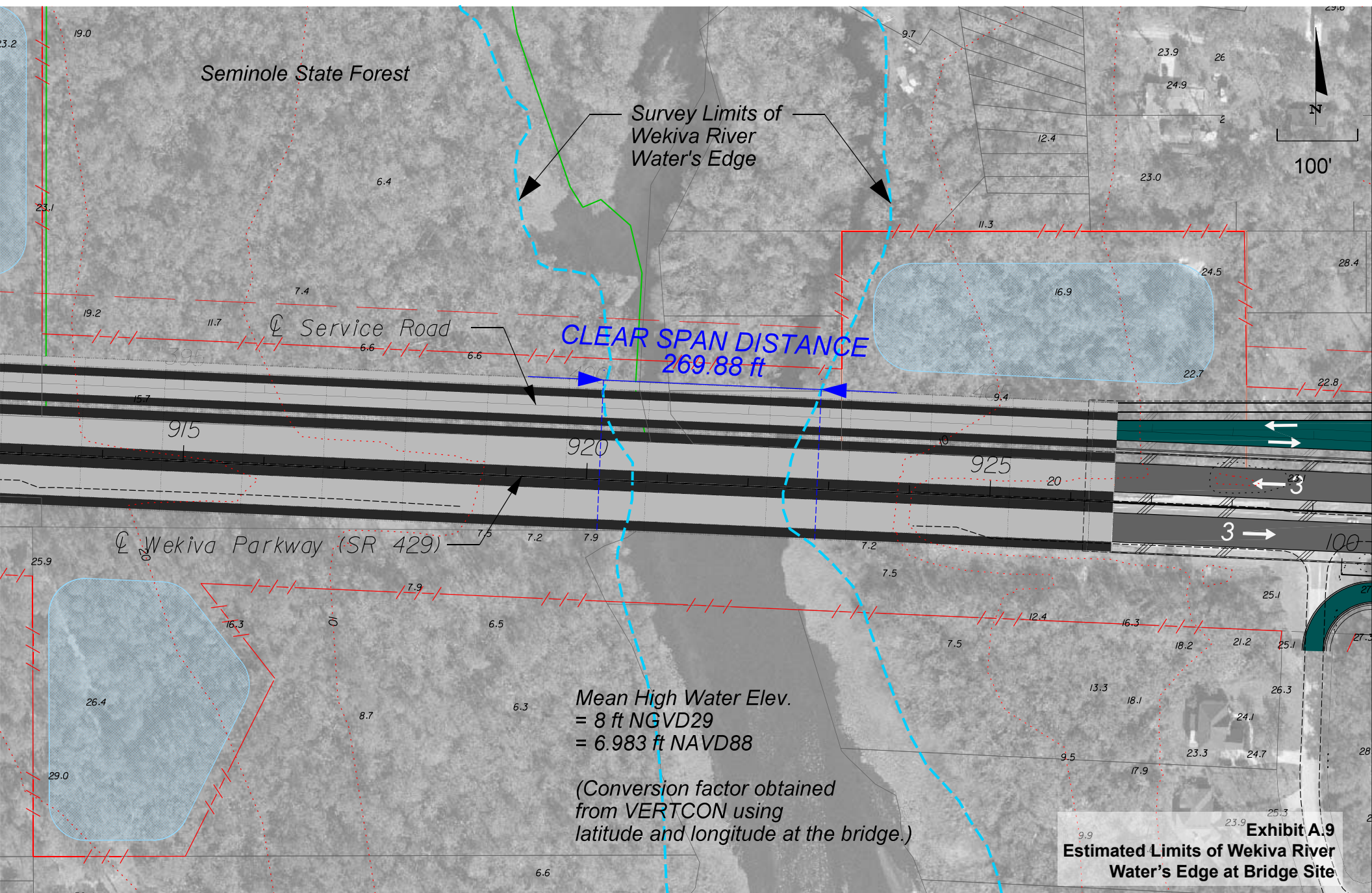
4.3 Potential Construction Impacts

Temporary construction impacts from the bridge replacement over the Wekiva River will be quantified during the final design phase of the project once the final roadway, bridge, and maintenance of traffic design plans are completed. FDOT replaced the SR 46 bridge over the Wekiva River in 1997. Based on FDOT's design and construction plans and the mitigation plans, the SJRWMD determined that the bridge replacement project would not result in unacceptable adverse cumulative impacts to water quality or wetland functions, and would not result in unacceptable secondary impacts to the wetlands, water quality, and uplands that provide habitat to "listed" wetland dependent species, such as the Florida Black Bear. The SJRWMD viewed the project as a benefit to the Florida Black Bear by providing additional area for the species to cross under SR 46 while moving between the Wekiva State Geo Park region and the Ocala National Forest. SJRWMD further believed the project to be in the public's interest and subsequently recommended approval of the project. As with the previous bridge replacement, FDOT and the Expressway Authority will employ all possible measures to minimize harm with the proposed project. This includes adherence to the *FDOT Standard Specifications for Road and Bridge Construction*. In addition, the proposed project will entirely bridge the wetlands and riparian habitat abutting the Wekiva River on the west side. Unavoidable impacts within the wetlands and riparian habitat on the east side of the river due to the wider footprint of the proposed alternative will be mitigated. FDOT previously conducted a survey of tree diversity and density to provide a guide for the type of species to replant in the disturbed areas. This information will be used for the proposed project to revegetate the disturbed and reclaimed wetland and upland areas.

4.4 Impairment to Use of Section 4(f) Resource

In the Proposed Build Alternative presented at the Public Hearing, the replacement bridge over the Wekiva River is proposed to be 125'-1" in width and the service road bridge is proposed to be 54'-6.5". The total width of the two bridges, including the 2'-11" spacing between them is 182'-6.5". Since the river width from bank to bank at that location varies between 200 feet and 250 feet (see **Exhibit A.9**), the average river width under the proposed bridges is estimated at 225 feet. Therefore, the area of the river from bank to bank that would be under the bridges is estimated at 42,412 square feet or approximately 0.96 acre. Since the recreational segment of the Wekiva Wild and Scenic River is approximately 8.1 miles in length, having less than one acre of the river under the bridge would not impair the use of the remaining Section 4(f) resource, in whole or in part, for its intended purpose. Furthermore, the area under the existing SR 46 bridge over the Wekiva River is 0.24 acre. The additional river area that would be under the new bridges is, therefore, 0.73 acre.

The clear span bridges committed to by the project sponsors will have essentially the same width dimensions as shown above with perhaps more separation between the bridges for light penetration. However, the river area under the new bridges should remain at less than 1 acre. For planning purposes in the charettes, 300 feet was assumed to be more than adequate for clear spanning the waters of the river, and clear span bridges will entirely eliminate the flow impedance that results from the piers at the existing bridge. There will be no impairment to the use of the river at the bridge site and, in fact, use conditions will be improved with the new bridges.



4.5 Assessment of Impacts Concurrence

National Park Service

On August 26, 2011, FHWA sent a letter to NPS requesting full Section 4(f) concurrence along with certain commitments from the project sponsors. In a reply letter dated October 7, 2011, NPS provided full Section 4(f) concurrence, subject to an ultimate Section 7(a) Evaluation and Determination by NPS. Copies of these two letters are provided in **Appendix A**. See Section 6.1 for more detailed information on extensive coordination and consultation with NPS prior to receiving Section 4(f) concurrence.

FDEP, Office of Coastal and Aquatic Managed Areas

FDEP determined that gaining Section 4(f) concurrence for potential impacts to the Wekiva River recreation resource was a matter for consultation between FDOT and NPS. FDEP indicated they recognize that a portion of the Wekiva River Aquatic Preserve is within a designated recreation segment of the Wekiva Wild and Scenic River and is, therefore, a Section 4(f) resource. As such, FDEP indicated it is under the auspices of the U.S. Department of the Interior, National Park Service as the designated federal agency for oversight of the Wekiva National Wild and Scenic River. See Section 6.2 for more detailed information on coordination with FDEP.

4.6 Federal Interest

Section 6(f) of the Land and Water Conservation Fund Act (LWCFA) concerns those transportation projects that propose impacts to, or the permanent conversion of, any outdoor recreation property or resource that was acquired or developed with LWCFA grant assistance. Owned by the State of Florida, the Wekiva River is composed of sovereign submerged lands lying waterward of the ordinary high-water mark of the river. As sovereign submerged land the river did not have to be acquired by the State. Section 6(f) does not apply as LWCFA funds have not been used for purchase, development or improvement of the Wekiva River.

5.0 Measures to Minimize Harm

The proposed 1,750-foot long Wekiva Parkway mainline and service road bridges will replace the existing 561-foot long SR 46 structure. They will bridge the Wekiva River and its adjacent 1,200-foot wide forested wetland. The proposed bridges will clear span the waters of the Wekiva River. The existing bridge has eleven 51-foot spans with piers in the river. The clear span bridges will remove pier obstruction to channel flow and will also be an enhancement for the recreational user.

The proposed project will entirely bridge the wetlands and riparian habitat abutting the Wekiva River. The longer bridges will help to open the wildlife corridor between Rock Springs Run State Reserve and the Seminole State Forest, and will enhance habitat connectivity. Wildlife will be able to safely move between the two public conservation areas.

Water quality treatment will be improved over the existing conditions in the area of the Wekiva River and adjacent wetlands. SR 46 was constructed before stringent drainage criteria were developed; consequently, there is currently no treatment of the pollutant runoff for most of the existing roadway. The proposed project will include stormwater treatment ponds that will provide enhanced filtration of the pollutant runoff from the roadway and the bridges prior to discharge to the abutting wetlands of the Wekiva River.

FDOT is committed to the development of a landscape plan during the final design phase with appropriate buffers that will accentuate the natural environment. FDOT previously conducted a survey of tree/plant diversity and density to provide a guide for the type of species to replant in disturbed areas; that information will be used for the proposed project to revegetate the disturbed and reclaimed wetland and upland areas.

FDOT will incorporate non-intrusive and minimal roadway and bridge lighting in the final design plans in appropriate areas to support the conservation of dark skies in the Wekiva River Protection Area. Additional design features related to the aesthetics of the Wekiva River bridges, such as weathered metal or color tinting, will be evaluated by FDOT during the final design phase of the project. Measures to reduce visual intrusion or substantial noise impacts are final design phase activities that will be coordinated with the NPS, the WRSAMC and the FDEP, Office of Coastal and Aquatic Managed Areas. The noise assessment conducted for the bridge replacement project indicated predicted traffic noise would not rise to the level of a constructive impact.

In cooperation with permitting and review agencies during final design and construction, FDOT will employ all possible measures to minimize harm to the Wekiva River. In the final design process, FDOT and the Expressway Authority have committed to clear span the waters of the Wekiva River; they have also committed to obtain a Section 7(a) determination from NPS before approving the final bridge plans.

6.0 Coordination

An Advance Notification Package, as provided in the previously prepared *Programmatic Section 4(f) Evaluation*, was distributed to local, state and federal agencies, including the NPS and FDEP, and other interested parties on February 23, 2005. Since that time, numerous alternative concepts have been assessed and evaluated by the PD&E Study team for potential social, economic, and environmental impacts. Coordination activities with local, state and federal governmental agencies, as well as many other stakeholders, and various public involvement efforts have been extensive.

6.1 National Park Service Consultation and Coordination

Under Section 7(a) of the Wild and Scenic Rivers Act, a federally funded water resource project triggers NPS involvement in the construction plans and permit application review process; however, the NPS reviews and provides comments on projects during the planning phase to ensure that the planned project does not impair or degrade the free-flowing character, water quality, riparian zone plant communities, and the Outstandingly Remarkable Values (ORVs) of a Wild and Scenic River. According to NPS, the ORVs for the Wekiva River include scenic and aesthetic values, acoustics/noise, recreation, fish and wildlife, historic (cultural/archaeological), and other values.

As mentioned previously, several members of the WRSAMC, which assists the NPS on Wild and Scenic River issues for the Wekiva River, have been actively involved in the Wekiva Parkway (SR 429)/SR 46 Realignment PD&E Study as members of the Environmental Advisory Committee since commencement of the study. In February 2007, the PD&E Study team began coordinating with the consultant to the WRSAMC during their preparation of the draft *Wekiva National Wild and Scenic River Comprehensive Management Plan*. In August 2008, the Wekiva Parkway project roadway and right-of-way maps and GIS based shape files were provided at the request of the WRSAMC consultant for inclusion in the comprehensive management plan. Preliminary concept plans for the Wekiva River bridges, exhibits of the proposed wildlife structures through the Wekiva River Protection Area, and information on existing and proposed stormwater treatment were also provided to NPS.

Additional detailed information was provided by the PD&E Study team to NPS in a letter dated August 20, 2008. The purpose of the letter was to request an opinion on, or a summary of, the Wild and Scenic River Section 4(f) coordination/consultation efforts to date. The NPS provided a response letter dated October 3, 2008 to which the Environmental Administrator of FDOT District Five sent a reply letter on October 14, 2008. NPS sent a response letter on November 26, 2008 requesting a site visit, and FDOT sent a reply letter on December 22, 2008 offering to arrange and conduct the site visit.

After FDOT conducted the site visit to the existing Wekiva River bridge with the NPS Southeastern Rivers Program Manager on February 5, 2009, NPS provided a letter dated February 24, 2009 which stated...“Based on these preliminary observations combined with

the materials you've provided to date, it appears that the project will offer many advantages to the river compared to the existing structure". On May 5, 2009, FDOT sent a letter to NPS requesting a Section 4(f) concurrence letter. NPS responded in a letter dated June 9, 2009 which provided concurrence that the proposed project would not impair the use of the remaining Section 4(f) resource; however, NPS indicated that concurrence on impacts and mitigation would require more extensive evaluation under the Section 7(a) requirements of the Wild and Scenic Rivers Act. FDOT sent a reply letter to NPS on June 15, 2009 with a commitment that specific bridge design features to address minimization of visual and noise intrusion would be coordinated with NPS in the final design phase.

Thereafter, FHWA, FDOT and the Expressway Authority coordinated extensively with NPS to identify an approach to meet both Section 4(f) and Section 7(a) requirements in order to allow completion of the Wekiva Wild and Scenic River *Addendum to the Programmatic Section 4(f) Evaluation*. A mutually acceptable approach was needed because NPS indicated a formal Section 7(a) determination would require evaluation of the bridge design plans, but Section 4(f) concurrence from NPS was needed by FHWA during the environmental assessment phase of the proposed project well before final bridge plans could be prepared.

During a conference call with FHWA and the project sponsors in March of 2010, NPS said they had come to the conclusion after discussions with FHWA that there are procedural difficulties between the FHWA requirements under Section 4(f) of the USDOT Act of 1966 and the NPS requirements under Section 7(a) of the Wild & Scenic Rivers Act of 1968. At a meeting with FHWA and NPS in April 2010, FDOT and the Expressway Authority suggested a conceptual bridge design charrette could be held with FHWA, NPS, the WRSAMC and other stakeholders. The purpose of the charrette would be to provide NPS with more detailed information on the proposed bridges. FDOT and the Expressway Authority also committed to seek a Section 7(a) determination from NPS during the final design phase. On June 28, 2010, FDOT and the Expressway Authority provided a signed commitment letter to FHWA for inclusion in a package of materials FHWA sent to NPS on July 16, 2010.

Project sponsor coordination with FHWA and NPS on development of the conceptual bridge design charrette process began in November 2010 and continued through January 2011. Thereafter, conceptual design charrette meetings 1, 2 and 3 were held in March, April and July, 2011, respectively, with FHWA, NPS, the WRSAMC, local residents, and other stakeholders. Alternative bridge types and alignment/profile concepts were developed for and analyzed by the stakeholders at the charrettes. Site viewshed photos/graphics, noise analyses, and color bridge renderings in the river location setting were prepared for and reviewed by the stakeholders during the charrettes. An "advisory" bridge type and profile for the Wekiva River bridges was selected at the July 2011 charrette, but NPS indicated they needed more information since several variables remained dynamic. It was determined that future Section 7(a) coordination with NPS on bridge design would be through the WRSAMC at their regularly scheduled meetings. A Technical Memorandum entitled *Concept Level Studies for the Proposed Wekiva River Bridges* (August 8, 2011) was prepared to document the conceptual bridge design process and includes summaries of the three charrette meetings.

FDOT and the Expressway Authority have committed to NPS to clear span the waters of the Wekiva River with the proposed bridges and to obtain the Section 7(a) determination from

NPS prior to approving the final design documents for the Wekiva Parkway mainline and service road bridges. No impacts to recreational activities on the Wekiva River are anticipated as a result of this project. On August 26, 2011, FHWA sent a letter to NPS requesting full Section 4(f) concurrence along with certain commitments from the project sponsors. In a reply letter dated October 7, 2011, NPS provided full Section 4(f) concurrence, subject to an ultimate Section 7(a) Evaluation and Determination by NPS.

Copies of each of the letters referenced in the section above are provided in **Appendix A**.

6.2 Coordination with FDEP, Office of Coastal and Aquatic Managed Areas

FDOT provided detailed information on the proposed Wekiva Parkway bridges over the Wekiva River in a letter to the FDEP, Office of Coastal and Aquatic Managed Areas on September 12, 2008. The letter requested comments or questions, but none were received. That was not unexpected since the FDEP's Manager of the Wekiva River Aquatic Preserve serves on the PD&E Study Environmental Advisory Committee, as well as the WRSAMC, and is well-informed on the proposed project. On May 11, 2009, FDOT sent correspondence to the FDEP, Office of Coastal and Aquatic Managed Areas requesting a Section 4(f) concurrence letter since the Wekiva River is sovereign submerged land owned by the State of Florida. A partial concurrence letter dated May 22, 2009 was provided which contained questions about minimizing potential visual intrusion. FDOT sent a reply letter to the FDEP, Office of Coastal and Aquatic Managed Areas on May 27, 2009 committing to coordinate on bridge design features to minimize visual intrusion. Copies of each of the letters referenced above are included in **Appendix A**.

Subsequently, FDEP determined that gaining Section 4(f) concurrence for potential impacts to the Wekiva River recreation resource was a matter for consultation between FDOT and NPS. FDEP indicated they recognize that a portion of the Wekiva River Aquatic Preserve is within a designated recreation segment of the Wekiva Wild and Scenic River and is, therefore, a Section 4(f) resource. As such, FDEP indicated it is under the auspices of the U.S. Department of the Interior, National Park Service as the designated federal agency for oversight of the Wekiva National Wild and Scenic River.

7.0 Conclusion

There is no prudent and feasible alternative to the proposed construction over the Section 4(f) recreational segment of the Wekiva Wild and Scenic River. Utilizing the existing river crossing location at the narrowest point in the river would cause the least harm to the Wekiva River and the surrounding environment. Any other alternative alignment would necessitate filling and/or new bridges across a wider wetland reach which would have far greater impacts. In addition, any shift in the alignment in the area of the Wekiva River would incur additional impacts to Section 4(f) public conservation and park lands, the spring-shed and ground water recharge areas, and would cause far greater impacts to existing neighborhoods and residential communities. The proposed project includes all practical measures to minimize harm to the river and adjacent lands, such as a clear span at a heightened profile over the river, spanning the adjacent wetlands and floodplain, and removal of the filled land supporting the existing bridge abutment which will restore the wildlife corridor adjacent to the river. In addition, improvements to water quality through treatment of pollutant runoff, and improvements to channel flow and recreational values due to the wider channel span, will serve to enhance the existing characteristics of the Wekiva Wild and Scenic River.

As noted previously, FDOT and the Expressway Authority have committed to NPS to clear span the waters of the Wekiva River with the proposed bridges and to obtain the Section 7(a) determination from NPS prior to approving the final design documents for the Wekiva Parkway mainline and service road bridges. FHWA made a determination of Section 4(f) impacts to the recreational use of the Wekiva Wild and Scenic River in 2008 under the assumption that the supporting members of the bridge would touch down in the river. Consultation between FHWA, NPS, FDOT and OOCEA, as described in earlier sections of this document, has resulted in the conceptual design of a bridge that avoids direct Section 4(f) impacts to recreational use of the river by clear spanning the river. Removal of the filled land supporting the existing bridge abutment is a temporary construction impact and meets the criteria for exemption from Section 4(f). Minimization of noise and visual intrusion from the proposed bridge has resulted from the coordination/conceptual design activities of the charettes and will be revisited in the final design process, preventing both from rising to the level of constructive impacts. No impacts to recreational activities on the Wekiva River are anticipated as a result of this project.

Appendix A – Correspondence

United States Department of Homeland Security, United States Coast Guard

- A-1 July 19, 2007 Letter to CH2MHILL from United States Coast Guard
- A-2 November 15, 2010 E-mail to FDOT from United States Coast Guard

United States Department of the Interior, National Park Service

- A-3 August 20, 2008 Letter to National Park Service from CH2MHILL
- A-4 October 3, 2008 Letter to CH2MHILL from National Park Service
- A-5 October 14, 2008 Letter to National Park Service from FDOT
- A-6 November 26, 2008 Letter to FDOT from National Park Service
- A-7 December 22, 2008 Letter to National Park Service from FDOT
- A-8 February 24, 2009 Letter to FDOT from National Park Service
- A-9 May 5, 2009 Letter to National Park Service from FDOT
- A-10 June 9, 2009 Letter to FDOT from National Park Service
- A-11 June 15, 2009 Letter to National Park Service from FDOT
- A-12 February 8, 2010 Information E-mail to National Park Service from FDOT
- A-13 July 16, 2010 Letter to National Park Service from FHWA (includes June 26, 2010 Commitment Letter to FHWA from FDOT/OOCEA)
- A-14 November 8, 2010 Letter to Project Information Officer from National Park Service
- A-15 August 26, 2011 Letter to National Park Service from FHWA
- A-16 October 7, 2011 Sec. 4(f) Concurrence Letter to FHWA from National Park Service

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

- A-17 September 12, 2008 Letter to Office of Coastal and Aquatic Managed Areas from FDOT
- A-18 May 11, 2009 Letter to Office of Coastal and Aquatic Managed Areas from FDOT
- A-19 May 22, 2009 Letter to FDOT from Office of Coastal and Aquatic Managed Areas
- A-20 May 27, 2009 Letter to Office of Coastal and Aquatic Managed Areas from FDOT

Correspondence from:

**United States Department of Homeland Security,
United States Coast Guard**

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Seventh Coast Guard District

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

16211
19 July 2007

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

RECEIVED
JUL 25 2007
CH2M HILL/ORL

Dear Mr. Lewis:

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

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

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

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

Regards,

A handwritten signature in blue ink, appearing to read "W. Gwin Tate III".

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

From: Stanger, Brian [Brian.Stanger@dot.state.fl.us]
Sent: Tuesday, November 16, 2010 1:21 PM
To: Lewis, David/ORL
Subject: FW: Weki va Parkway (S.R. 429)/S.R. 46 Across the Weki va River

Brian M. Stanger, P.E.
District Environmental Management Engineer District Five Florida Department of
Transportation
386-943-5391

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

From: Evelyn.Smart@uscg.mil [mailto:Evelyn.Smart@uscg.mil]
Sent: Monday, November 15, 2010 12:35 PM
To: Stanger, Brian
Cc: Fowler, Richard; Lieberum, Michael
Subject: RE: Weki va Parkway (S.R. 429)/S.R. 46 Across the Weki va River

Correction, Michael Lieberum can be reached at 305-415-6744.

EVELYN SMART
Environmental Protection Specialist
Seventh Coast Guard District
Bridge Administration Branch

Tel: (305) 415-6989

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

From: Smart, Evelyn
Sent: Monday, November 15, 2010 11:12 AM
To: 'Brian.Stanger@dot.state.fl.us'
Cc: 'richard.fowler@dot.state.fl.us'; Lieberum, Michael
Subject: Weki va Parkway (S.R. 429)/S.R. 46 Across the Weki va River

Good morning Brian, on July 19, 2007 W. Gwin Tate III of this office forwarded a letter to your consultants CH2MHILL regarding the subject project and stated that the proposed project is a candidate for the Advance Approval category. This was sent in error. Advance Approval applies to tidal waterways used only by small motor boats, rowboats and canoes.

Our examination indicates that there is sufficient factual support for concluding that the Weki va River is navigable waters of the United States for purposes of general Coast Guard jurisdiction. However, we have found that the waterway at the proposed project location falls under the Coast Guard Authorization Act of 1982. A formal Coast Guard bridge permit will not be required for the proposed bridge across the Weki va River.

Although the proposed project will not require a bridge permit, other areas of Coast Guard jurisdiction apply. The following stipulation must be met:

a. Upon completion of design and finalization of the location, Michael Lieberum at the Seventh Coast Guard District Bridge Office shall be contacted regarding construction, approval of lights and other signals that may be required under 33 CFR 118. Approval of said lighting or waiver of it shall be obtained prior to construction. He can be reached at 305-415-6766 or by email Michael.B.Lieberum@uscg.mil

Thank you,

EVELYN SMART

F-18_USCG_email_to D5_Nov 15 2010.txt
Environmental Protection Specialist
Seventh Coast Guard District
Bridge Administration Branch

Tel : (305) 415-6989

Correspondence to/from:

**United States Department of the Interior,
National Park Service**



August 20, 2008

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

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

Dear Ms. Doubek-Racine,

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

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

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

Ms. Jaime Doubek-Racine
National Park Service
August 20, 2008
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As the PD&E Study consultant to FDOT and the Expressway Authority, CH2M HILL has been coordinating with Pandion Systems, consultants to the NPS for the *Wekiva National Wild and Scenic River Comprehensive Management Plan*, since February 2007. We have provided information on and maps of the proposed project for inclusion in the updated management plan. As recently as August 11, 2008, CH2M HILL provided Pandion Systems with requested shape files of the conceptual plans for the Wekiva Parkway Recommended Preferred Alternative.

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

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

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

Conservation Easements and Land Purchases

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

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August 20, 2008
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Wildlife Underpasses

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

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

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

Visual and Auditory Intrusion on the Wekiva River

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

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

Ms. Jaime Doubek-Racine
National Park Service
August 20, 2008
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abutment can be removed, which will restore the wildlife corridor immediately adjacent to the river.

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

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

Sincerely,

CH2M HILL

Kathleen Jorza, E.I.

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



United States Department of the Interior



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

IN REPLY REFER TO:

Electronic transmittal:

October 3, 2008

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

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

Dear Ms. Jorza:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

October 14, 2008

719 South Woodland Boulevard
DeLand, FL 32720-6834

STEPHANIE C. KOPELOUSOS
SECRETARY

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

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

Dear Mr. Duncan:

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

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

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

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

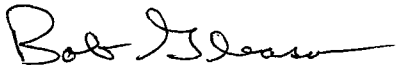
Mr. Jeffrey Duncan
National Park Service
October 13, 2008
Page 2

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

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

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

Sincerely,



Bob Gleason
Environmental Administrator
District Five

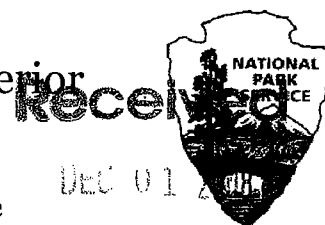
Attachments:
NPS letter of October 3, 2008
Summary Information for NPS

Copies to:
Brian Stanger, FDOT
Mark Callahan, CH2MHILL



United States Department of the Interior

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



FDOT
Environmental Management

IN REPLY REFER TO:

Via US Mail:

November 26, 2008

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

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

Dear Mr. Gleason:

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

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

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



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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey R. Duncan', written over a horizontal line.

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

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



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
DeLand, FL 32720-6834

STEPHANIE C. KOPELOUSOS
SECRETARY

December 22, 2008

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

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

Dear Mr. Duncan:

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

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

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

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

Sincerely,

Bob Gleason
District Five Environmental Administrator

Copy: Brian Stanger, FDOT D5
Mark Callahan, CH2MHILL



United States Department of the Interior



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

IN REPLY REFER TO:

Via electronic mail:

February 24, 2009

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

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

Dear Mr. Gleason:

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

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

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



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

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

Sincerely,

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

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



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
Mail Station 501
DeLand, FL 32720

STEPHANIE KOPELOUSOS
SECRETARY

May 5, 2009

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

Subject: Wekiva Parkway (SR 429)/SR 46 Realignment
Project Development and Environment (PD&E) Study
Orange, Lake, and Seminole Counties, Florida
Financial Management Nos.: 238275-1-22-01 and 240200-1-22-01
Section 4(f) Recreation Resource – Wekiva Wild and Scenic River

Dear Dr. Duncan:

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

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

- 1) the amount and location of the land to be used does not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose;
- 2) the proximity impacts of the project on the remaining Section 4(f) land shall not impair the use of such land for its intended purpose; and
- 3) agreement, in writing, with the assessment of the impacts of the proposed project on, and the proposed mitigation for, the Section 4(f) lands.

Mr. Jeffrey R. Duncan, Ph.D.
May 5, 2009
Page 2

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

- **Impairment to Section 4(f) Resource:** The amount and location of the land used for the proposed Wekiva Parkway project does not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose. As you know, the replacement bridge over the Wekiva River is proposed to be 125 feet in width. Since the river width from bank to bank at that location varies between 200 feet and 250 feet, the average river width under the proposed bridge is estimated at 225 feet. Therefore, the area of the river from bank to bank that would be under the bridge is estimated at 28,125 square feet or approximately 0.65 of an acre. Since the recreation segment of the Wekiva Wild and Scenic River is approximately 8.1 miles long, having less than one acre of the river under the bridge would not impair the use of the remaining Section 4(f) resource, in whole or in part, for its intended purpose. Also, as you know, the wider spans of the proposed bridge would reduce flow impedance and enhance the river users' experience.
- **Proximity Impacts:** Proximity impacts, such as water runoff, visual intrusion, access and vibration, are not expected as a result of the proposed Wekiva Parkway project. It is unlikely that the proposed improvements will substantially impair the function, integrity, use, access, value or setting of this resource. Measures to reduce any noise impacts and visual intrusion are design phase activities that are to be coordinated with the National Park Service. Stormwater ponds are planned to provide treatment and to prevent the degradation of water quality due to the proposed project.
- **Assessment of Impacts Concurrence:** After National Park Service review of project documentation and a site visit to the Wekiva River, FDOT requested that the National Park Service provide their opinion on the minimization of project impacts and proposed mitigation measures. The response letter from the National Park Service dated February 24, 2009 states "Based on these preliminary observations combined with the materials you've provided to date, it appears that the project will offer many advantages to the river compared to the existing structure".

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

Mr. Jeffrey R. Duncan, Ph.D.
May 5, 2009
Page 3

Sincerely,

A handwritten signature in black ink that reads "Bob Gleason". The signature is fluid and cursive, with the first name "Bob" and last name "Gleason" clearly legible.

Bob Gleason
District Environmental Administrator

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

Attachment: National Park Service letter dated February 24, 2009



United States Department of the Interior



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

IN REPLY REFER TO:

Via electronic and US Mail:

June 9, 2009

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

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

Dear Mr. Gleason:

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

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

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



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

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

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

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

Sincerely,

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

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



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
Mail Station 501
DeLand, FL 32720

STEPHANIE KOPELOUSOS
SECRETARY

June 15, 2009

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

Subject: Wekiva Parkway (SR 429)/SR 46 Realignment
Project Development and Environment (PD&E) Study
Orange, Lake, and Seminole Counties, Florida
Financial Management Nos.: 238275-1-22-01 and 240200-1-22-01
Section 4(f) Recreation Resource – Wekiva Wild and Scenic River

Dear Dr. Duncan:

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

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

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

Mr. Jefferey R. Duncan, Ph.D.
June 15, 2009
Page Two

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

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

Sincerely,



Bob Gleason
District Environmental Administrator

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

Attachment: National Park Service letter dated June 9, 2009

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 National Park Service (NPS) 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. However, a service road bridge over the Wekiva River will be needed for a non-tolled connection between Lake and Seminole Counties. The width of this 2 lane service road bridge would also accommodate a regional trail crossing of the river. The total area of bridge deck over the river, which may be viewed as a potential Wild & Scenic River impact, would increase slightly by approximately 0.31 acre, as shown below.

Estimated Potential Impact on Wekiva River

Wekiva Parkway Alternative with Service Road	0.96 acre
Previous Wekiva Parkway Alternative	<u>0.65 acre</u>
Estimated Increase in Potential Impact	0.31 acre

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 the Wekiva Wild & Scenic River, including our previous interaction with NPS. After you have had an opportunity to review this information on the service road and the resultant increased area of bridge deck over the Wekiva River, FHWA has indicated they would like to meet or teleconference with NPS, FDOT and OOCEA to discuss resolving the outstanding NPS 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/teleconference with FHWA. In the meantime, if NPS has any questions about the service road concept, please contact Mr. Dave Lewis of CH2M HILL at (407)423-0001 Ext. 281.

Information sent by Bob Gleason, FDOT D5 on February 8, 2010 to Jeff Duncan, NPS



U.S. Department
of Transportation

**Federal Highway
Administration**

Florida Division

July 16, 2010

A-13
Page 1 of 5

545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Phone: (850) 942-9650
Fax: (850) 942-9691 / 942-8308

www.fhwa.dot.gov/fldiv

In Reply Refer To:
HPR-FL

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

Subject: Wekiva Parkway Project

Dear Dr. Duncan,

We would like to thank you for meeting with the Orlando-Orange County Expressway Authority (OOCEA), District 5 of the Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA) on April 7, 2010, to assist in addressing possible impacts to the Wekiva Wild and Scenic River which may result from development of the proposed Wekiva Parkway (SR 429)/SR 46 Realignment project. This effort represents a critical part of the Project Development and Environment (PD&E) Study concerning the proposed project.

At this time, we are seeking NPS opinions and further concurrence concerning the Wekiva Parkway Project and its potential impacts to the Wekiva Wild and Scenic River recreational property. These actions are being requested pursuant to two laws, Section 4(f) of the USDOT Act and Section 7 of the Wild and Scenic Rivers Act.

Although there is substantial overlap between Section 7 and Section 4(f) requirements, they are not identical and compliance with one does not automatically constitute compliance with the other. This applies to both the substance and the timing of the findings. Satisfying Section 4(f) requirements generally occurs earlier in the process.

In order to streamline the Section 4(f) process, FHWA is seeking to apply the *Programmatic Section 4(f) Evaluation and Approval for Federally-Aided Highway Projects with Minor Involvements with Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges* to this project rather than an Individual Section 4(f) Evaluation. In order to meet the applicability criteria for the Programmatic Section 4(f) Evaluation, FHWA requires specific opinions from the NPS, the Official with Jurisdiction, on the three criteria before determining if a programmatic evaluation is acceptable:

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



Mr. Jeffrey R. Duncan, Ph.D.
July 16, 2010

2

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

In previous correspondence (see Enclosures 1 and 2, dated February 24, 2009 and June 9, 2009), NPS concurred with Item 1 of the applicability criteria. However, the correspondence indicated that NPS could not concur with items 2 or 3 until after review of the Environmental Assessment, mitigation commitments, and certain aspects of bridge design. In order for FHWA, FDOT and OOCEA to receive the "non-binding preliminary Section 7 determination" and concurrence with items 2 and 3 for the Programmatic Section 4(f) Evaluation, NPS has stated that the avoidance of impairment of the Outstandingly Remarkable Values (ORVs) of the Wekiva River must be addressed through commitments to evaluate and mitigate potential impacts.

Preparation of the type of design information needed to satisfy this NPS request is typically undertaken after the environmental process is completed. However, the Section 4(f) determination must be completed prior to the signature of the final environmental document. Because of the timing of information available to complete these dependent, yet separate, consultation actions, we are proposing the below strategy be considered by the NPS.

FDOT and OOCEA are committed to providing and ensuring the appropriate commitments are made now to ensure receiving the non-binding preliminary Section 7 determination, including the implementation of a bridge design charrette process and any resulting mitigation measures (see Enclosure 3, dated June 28, 2010). Furthermore, OOCEA, FDOT, and FHWA will obtain the Section 7 determination from NPS prior to approving the final design documents for the Wekiva Parkway bridges over the Wekiva River. Please note that the commitments made to NPS by OOCEA and FDOT will still be applicable to the proposed project should FHWA Federal-aid funds not be used to further develop and build this project and should Section 7 still apply.

NPS can be assured that concurrence with the Section 4(f) criteria will not impact the application of the Section 7 requirement and FHWA can be assured that the selection of the build alternative and mitigations will not occur prior to the required feasible and prudent alternative analysis required by Section 4(f). For your ready reference, a detailed background document is provided in Enclosures 4 and 5 which supports this additional request for concurrence.

If the commitments outlined above and detailed in the enclosures assure NPS that the resulting information could provide what is needed to comply with Section 4(f) requirements, and ultimately Section 7, then we request a letter indicating that finding. If these commitments do not adequately serve the intended purpose, please let us know that as well. If they do not, we would request a meeting to see if the Programmatic Section 4(f) Evaluation can be used and/or develop another methodology for compliance with Section 7.

Mr. Jeffrey R. Duncan, Ph.D.
July 16, 2010

We look forward to receipt of your responses on these matters and we appreciate your cooperation with the development of this project in a manner that fulfills the environmental and transportation needs for the State of Florida. If you believe it would be helpful to meet with OOCEA, FHWA and FDOT prior to deciding on your response, please feel free to contact George Hadley at 850-942-9650 x3011 or george.hadley@dot.gov to schedule a discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin C. Knopp". The signature is fluid and cursive, with the first name "Martin" being more prominent.

For: Martin C. Knopp, P. E.
Division Administrator
Federal Highway Administration

Enclosures: 1) NPS letter, dated February 24, 2009
2) NPS letter, dated June 9, 2009
3) FDOT/OOCEA Commitment letter, dated June 28, 2010
4) Background Information for Section 4(f) Concurrence, June 2010
5) FDOT Email with selected attachment on revised Wekiva Parkway alternative in east Lake County provided to NPS, dated February 8, 2010

cc: George Hadley, FHWA-FLDIV
George Lovett, FDOT D5 (MS-503)
Brian Stanger, FDOT D5
Mike Snyder, OOCEA
Roy Jackson, FDOT CEMO (MS-37)



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
Mail Station 503
DeLand, FL 32720

STEPHANIE KOPELOUSOS
SECRETARY

June 28, 2010

Mr. Martin Knopp
Florida Division Administrator
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Subject: Wekiva Parkway (SR 429)/SR 46 Realignment
Project Development and Environment (PD&E) Study
Section 4(f) Recreation Resource - Wekiva Wild & Scenic River
Commitments to National Park Service

Dear Mr. Knopp:

As you know, the Florida Division of the Federal Highway Administration (FHWA), the Florida Department of Transportation (FDOT) and the Orlando-Orange County Expressway Authority (OOCEA) have been coordinating with the National Park Service (NPS) over the past few years regarding the proposed Wekiva Parkway project. That coordination and consultation with NPS has been focused on identifying any potential impacts to the Wekiva Wild & Scenic River. Based upon discussions between FHWA, FDOT and OOCEA on June 10, 2010, FDOT and/or OOCEA hereby make the following commitments:

- To sponsor and conduct a bridge design charette process for the purpose of addressing and satisfactorily resolving the NPS concerns with regard to potential impacts of the proposed Wekiva River bridges on the Outstandingly Remarkable Values (ORVs) of the river. At a minimum, the parties invited to participate shall include NPS, the Wekiva River System Advisory Management Committee, FHWA and other stakeholders such as the Florida Department of Environmental Protection.
- To implement those mitigation measures identified in the design coordination process which are necessary to avoid or ameliorate impacts to the Wekiva River ORVs.
- To obtain the Section 7 determination from NPS prior to approving the final design documents for the Wekiva Parkway bridges over the Wekiva River.

These commitments will remain applicable for the proposed project should FHWA Federal-aid funds not be used to further develop and build the project and should Section 7 still apply.


Mr. Martin Knopp
FHWA
June 28, 2010
Page 2 of 2

We request that FHWA send a letter to NPS stating these commitments in order to assist all involved parties in moving forward toward completion of the Section 4(f) evaluation process for the Wekiva Wild & Scenic River. We appreciate FHWA's assistance and cooperation in this matter. Please let us know if there are any questions.

Sincerely,



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



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

Copy: George Lovett, FDOT D5
Brian Stanger, FDOT D5
Joe Berenis, OOCEA
Mark Callahan, CH2MHILL



United States Department of the Interior



NATIONAL PARK SERVICE
Southeast Region
Wild and Scenic Rivers Program
535 Chestnut Street, Suite 207
Chattanooga, Tennessee 37402

IN REPLY REFER TO:

Via electronic and US Mail:

November 8, 2010

Mr. Brian Hutchings
Public Information Officer
4974 ORL Tower Road
Orlando, FL 32807

Re: Wekiva Parkway (S.R. 429)/S.R. 46 Realignment Project Development & Environment Study

Dear Mr. Hutchings:

Thank you for the opportunity to review the environmental assessment associated with the Wekiva Parkway PD&E Study. As you know, the Wekiva River was designated by Congress in 2000 as part of the National Wild and Scenic River System in 2000 in accordance with the Wild and Scenic Rivers Act (PL 90-542; 16 U.S.C. 1271 et seq). Specifically, the Section 7(a) of the Wild and Scenic Rivers Act requires that “no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect of the values for which such river was established.” Further, the Act requires that any federally-assisted water resources project will not adversely affect the river’s free flowing characteristics, water quality, or its “outstandingly remarkable values (ORVs).

In carrying out the Act, the National Park Service (NPS) is responsible for ensuring that these requirements are met. To this end, the NPS has been in ongoing informal consultation with the Florida Department of Transportation, the Orlando-Orange County Expressway Authority, the Federal Highway Administration (FHWA) and others for more than two years. On April 7, 2010, these parties met at the Florida Department of Transportation District 5 offices in Deland, FL to discuss interagency coordination as the project planning moves forward. A key outcome of that meeting was that FDOT and OOCEA will convene a design charette involving the Wekiva Wild and Scenic River System Advisory Management Committee, FHWA, Florida Department of Environmental Protection, NPS, and other interested stakeholders.

As noted in previous correspondence, the NPS is particularly concerned with various design aspects of the span as they relate to aesthetics and scenic, auditory intrusion within the Wekiva River corridor, night skies, and instream flow characteristics associated with the bridge supports. The



proposal for a secondary non-tolled span, while modestly increasing the overall footprint of the project, does not by itself create any additional design concerns; however design commitments will be needed for both spans collectively before NPS can issue a Section 7(a) Determination.

| Following the design charrette, it was agreed that FDOT and OOCEA will provide NPS with a tentative design upon which the Section 7(a) will be based. Only upon completion of the Section 7(a) Determination with a finding of no direct and adverse effect will NPS be able to provide a Section 4(f) concurrence letter to the FHWA allowing the project to proceed.

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

Sincerely,

_____/s/_____
Jeffrey R. Duncan, Ph.D.
Southeastern Wild and Scenic River Coordinator

Cc: D. Vela, NPS Southeast Regional Director
J. Doubek-Racine, NPS ,Wekiva Wild and Scenic River System, DFO
G. Hadley, FHWA
B. FDOT
D. Shelley, FDEP, Wekiva Aquatic Preserve

|



U.S. Department
of Transportation

**Federal Highway
Administration**

Florida Division

August 26, 2011

A-15
Page 1 of 3

545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Phone: (850) 553-2200
Fax: (850) 942-9691 / 942-8308

www.fhwa.dot.gov/fldiv

In Reply Refer To:
HPR-FL

Mr. Jeffrey R. Duncan, Ph.D.
Southeastern Rivers Program Manager
National Park Service
535 Chestnut Street, Suite 207
Chattanooga, TN 37402

Subject: NPS Concurrence for Section 4(f) Impacts to Wekiva Wild and Scenic River

Dear Dr. Duncan:

We have been working in conjunction with your agency, the Florida Department of Transportation (FDOT), and Orlando-Orange County Expressway Authority (OOCEA) for some months now on the development of an environmental document for the proposed project known as Wekiva Parkway. Pursuant to Section 4(f) of the USDOT Act, FHWA is seeking NPS opinion and concurrence concerning the Wekiva Parkway Project Section 4(f) impacts to and proposed mitigation for the Wekiva Wild and Scenic River recreational property.

In a November 8, 2010 letter, the National Park Service (NPS) stated that "only upon completion of the Section 7(a) Determination with a finding of no direct and adverse effect will NPS be able to provide a Section 4(f) concurrence letter to the FHWA allowing the project to proceed." As a result of your noted concerns and the request of the NPS, FDOT and OOCEA committed to several bridge design charettes.

Subsequently, FDOT and OOCEA have conducted three design charettes with all stakeholders present. These meetings produced a consensus on the general design for the bridge and features of the bridge approaches in order to avoid adversely impacting the Wild and Scenic Wekiva River. This design spans the river, and appears to include no acquisition of property from the designated recreational area of this Wild and Scenic River. In order to further minimize and mitigate its aesthetic impacts to the River and to the designated recreational area, bi-monthly meetings of the Wekiva River System Advisory Management Committee (WRSAMC) will be held which may produce additional revisions of the proposed bridge design. In addition, a new noise study of the auditory effects of the proposed bridge upon the recreational users of the Wild and Scenic River has been conducted, and its results described for the NPS at charrette #3.

FHWA is seeking to apply the *Programmatic Section 4(f) Evaluation and Approval for Federally-Aided Highway Projects with Minor Involvements with Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges* to this project rather than an Individual Section 4(f) Evaluation. In order to meet the applicability criteria for the Programmatic Section 4(f) Evaluation, FHWA requires concurrence from the NPS, the Official with Jurisdiction, on three specific criteria before determining if a programmatic Section 4(f) evaluation is appropriate.

These criteria are:

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, from the Official with Jurisdiction with the assessment of the impacts of the proposed project on, and the proposed mitigation for, the Section 4(f) lands.

In previous correspondence (dated February 24, 2009 and June 9, 2009), NPS concurred with Item 1 of the above applicability criteria. We believe that the requested charrette process demonstrates to the NPS that the commitment and intent of the FDOT and OOCEA is to avoid impairment of the Outstandingly Remarkable Values (ORVs) of the Wekiva River or of the recreational functions of the designated recreational area located in the vicinity of the proposed project. We believe that these efforts as well as FHWA's, FDOT's and OOCEA's commitment to comply with the provisions of Section 7(a) of the Wild and Scenic Rivers Act provide the assurances needed for NPS to concur with Items 2 and 3 above.

FHWA, FDOT, and OOCEA pledge to the NPS that concurrence with the Section 4(f) criteria will not compromise any additional approvals or consultations associated with the Section 7(a) compliance requirement. As a result of the requested NPS concurrence at this time, the FHWA can then make certain that the selection of the build alternative and mitigations will not occur prior to the required feasible and prudent alternative analysis required by Section 4(f).

If the process and commitments described above do indeed assure NPS that it can concur with the Section 4(f) requirements outlined earlier, we request a letter indicating that finding. The letter should address the remaining two requirements. If these commitments do not adequately serve the intended purpose, please let us know that as well.

Mr. Jeffrey R. Duncan, Ph.D.
August 26, 2011

We look forward to receipt of your responses on these matters and we appreciate your cooperation with the development of this project. If you believe it would be helpful to meet with OOCEA, FHWA and FDOT prior to deciding on your response, please feel free to contact Ms. Linda Anderson, FHWA, at 850-553-2226 or linda.anderson@dot.gov to schedule a discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin C. Knopp". The signature is fluid and cursive, with the first name "Martin" being more prominent.

For: Martin C. Knopp
Division Administrator

cc: Ms. Linda Anderson, FHWA-FLDIV
Mr. Brian Stanger, FDOT D5
Mr. Roy Jackson, FDOT CEMO (MS-37)



United States Department of the Interior



NATIONAL PARK SERVICE
Science and Natural Resources Division
Wild and Scenic Rivers Program
535 Chestnut Street, Suite 207
Chattanooga, Tennessee 37405

October 7, 2011

Martin Knopp
Division Administrator
US Department of Transportation
Federal Highway Administration
545 John Know Rd. Suite 200
Tallahassee, FL 32303

Re: Request for NPS Concurrence for Section 4(f) Impacts to Wekiva Wild and Scenic River

Dear Mr. Knopp,

Thank you for your letter dated August 26, 2011 regarding National Park Service (NPS) concurrence on Section 4(f) impacts associated with the proposed Wekiva Parkway crossing of the Wekiva Wild and Scenic River. Based on the conditions proposed within your letter, particularly that NPS obligations and authorities under Section 7(a) of the Wild and Scenic Rivers Act will continue to be recognized as the project moves forward, the NPS does concur with all three Section 4(f) criteria as articulated in your letter, subject to an ultimate Section 7(a) Evaluation and Determination by the NPS.

To further clarify the process moving forward with respect to Section 7(a), the NPS would like to acknowledge and commend the efforts of the Orlando-Orange County Expressway Authority (OOCEA) in hosting the recent series of design charettes for the proposed Wekiva Parkway crossing of the Wekiva Wild and Scenic River. We believe the charrette process succeeded in identifying a suite of issues important to stakeholders surrounding the project as well as some potential solutions. Although the charrette stopped short of creating a set of design alternatives with the specificity needed for the NPS to conduct a formal Section 7(a) Determination, the process did move the project substantially in that direction.

As per verbal agreement during July's final charrette meeting between me, Linda Anderson of FHWA, and Mike Snyder of OOCEA, we look forward to continuing the bridge design discussions within the forum of regularly scheduled Wekiva River Advisory Management Committee (WRAMC) meetings. Alternatively, it may be more efficient for OOCEA and their consultants to consider working with the WRAMC to identify a subcommittee that could work directly with them to further refine the conceptual designs. I believe such a forum can be highly



advantageous to further refining the designs such that the final design does not adversely affect the river's free flow characteristics, water quality, or outstandingly remarkable values (ORVs). As previously stated, such an arrangement does not and cannot defer the authority of the Secretary, as delegated to the NPS, for making a final determination. Rather, it simply offers a means of continued stakeholder input and dialogue toward a suitable design outcome sufficient for the NPS to conduct a formal Section 7(a) Review and Determination. To that end, the NPS remains eager to continue informal consultation with FHWA and OOCEA to develop a design suitable for Section 7 analysis.

Specifically, we would encourage the OOCEA team and the WRAMC to consider addressing the issues as outlined on our decision support document distributed at the last charrette meeting. To reiterate the essence of that document, the replacement bridge should clearly demonstrate how conceptual design options address scenery and preserve or enhance that ORV. Effects on scenic values will be determined based on a visual contrast rating process that will evaluate how well the design and associated modifications repeat the surrounding landscape's fundamental visual elements of form, line, color, and texture as well as incorporate appropriate design principles and strategies to minimize visual contrasts between the proposed action and the characteristic with the surrounding environment. Bridge designs should provide specific provisions that describe how the recreational experience is enhanced by not adversely disrupting river users and by providing safe and appropriate multimodal transportation options on the structure itself. They should describe how wildlife passage both beneath the bridge and within the general vicinity is optimized without creating potentially adverse or hazardous conditions for wildlife and humans. Sound and light intrusions can adversely affect both humans and wildlife, and these features should also be explicitly addressed in the design. Finally, designs moving forward should document how free flow and water quality are optimized through the application of innovative stormwater capture, retention and treatment designs that meet state and federal regulations while improving water quality, free flow, wildlife, and recreational values.

The NPS is committed to further coordination with FHWA as we seek a mutually beneficial design that ultimately meets or exceeds the requirements of Section 7(a). In the meantime, please do not hesitate to contact me if I can be of assistance. I can be reached at (423) 987-6127, or by email at jeff_duncan@nps.gov. We look forward to continuing to work with you toward the ultimate goal of protecting and enhancing the Wekiva Wild and Scenic River.

Respectfully,

/s/

Jeffrey R. Duncan
Wild and Scenic Rivers Coordinator
Southeast Region

CC: David Vela, Regional Director, NPS
Gayle Hazelwood, Deputy Regional Director, NPS
Linda Anderson, FHWA
Mike Snyder, OOCEA
Brian Stanger, FDOT
Deborah Shelley, FDEP
Wekiva River Advisory Management Committee

Correspondence to/from:

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



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
DeLand, FL 32720

STEPHANIE C. KOPELOUSOS
SECRETARY

September 12, 2008

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

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

Dear Ms. McCarron:

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

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

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

Ms. McCarron
Page 2 of 4
September 12, 2008

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

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

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

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

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

Ms. McCarron
Page 3 of 4
September 12, 2008

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

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

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

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

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

Ms. McCarron
Page 4 of 4
September 12, 2008

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

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

Sincerely,



for Bob Gleason
District Environmental Administrator

Attachments:

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

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



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
Mail Station 501
DeLand, FL 32720

STEPHANIE KOPELOUSOS
SECRETARY

May 11, 2009

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

Subject: Wekiva Parkway (SR 429)/SR 46 Realignment
Project Development and Environment (PD&E) Study
Orange, Lake, and Seminole Counties, Florida
Financial Management Nos.: 238275-1-22-01 and 240200-1-22-01
Section 4(f) Public Lands – Wekiva Wild & Scenic River

Dear Mr. Edmiston:

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

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

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

Mr. Lee Edmiston
May 11, 2009
Page 2

- 2) the proximity impacts of the project on the remaining Section 4(f) land shall not impair the use of such land for its intended purpose; and
- 3) agreement, in writing, with the assessment of the impacts of the proposed project on, and the proposed mitigation for, the Section 4(f) lands.

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

- **Impairment to Section 4(f) Resource:** The amount and location of the land used for the proposed Wekiva Parkway project does not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose. The replacement bridge over the Wekiva River is proposed to be 125 feet in width. Since the river width from bank to bank at that location varies between 200 feet and 250 feet, the average river width under the proposed bridge is estimated at 225 feet. Therefore, the area of the river from bank to bank that would be under the bridge is estimated at 28,125 square feet or approximately 0.65 of an acre. Since the recreation segment of the Wekiva Wild and Scenic River is approximately 8.1 miles long, having less than one acre of the river under the bridge would not impair the use of the remaining Section 4(f) resource, in whole or in part, for its intended purpose. Also, the wider spans of the proposed bridge would reduce flow impedance and enhance the river users' experience.
- **Proximity Impacts:** Proximity impacts, such as water runoff, visual intrusion, access and vibration, are not expected as a result of the proposed Wekiva Parkway project. It is unlikely that the proposed improvements will substantially impair the function, integrity, use, access, value or setting of this resource. Measures to reduce any noise impacts and visual intrusion are design phase activities that are to be coordinated with the FDEP, Office of Coastal and Aquatic Managed Areas and the NPS. Stormwater ponds are planned to provide treatment and to prevent the degradation of water quality due to the proposed project.
- **Assessment of Impacts Concurrence:** After NPS review of project documentation and a site visit to the Wekiva River, FDOT requested that the NPS provide their opinion on the minimization of project impacts and proposed mitigation measures. The attached response letter from the NPS dated February 24, 2009 states "Based on these preliminary observations combined with the materials you've provided to date, it appears that the project will offer many advantages to the river compared to the existing structure".

Mr. Lee Edmiston
May 11, 2009
Page 3

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

Sincerely,



Bob Gleason
District Environmental Administrator

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

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary



Florida Department of Environmental Protection

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

May 22, 2009

Via Electronic Mail

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

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

Dear Mr. Gleason:

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

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

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

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


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

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

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

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

Sincerely,


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

LE/drs

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



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

719 South Woodland Boulevard
Mail Station 501
DeLand, FL 32720

STEPHANIE KOPELOUSOS
SECRETARY

May 27, 2009

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

Subject: Wekiva Parkway (SR 429)/SR 46 Realignment
Project Development and Environment (PD&E) Study
Orange, Lake, and Seminole Counties, Florida
Financial Management Nos.: 238275-1-22-01 and 240200-1-22-01
Section 4(f) Public Lands – Wekiva Wild & Scenic River

Dear Mr. Edmiston:

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

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

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

Mr. Lee Edmiston
May 27, 2009
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We appreciate your expression of CAMA's commitment to work with and assist FDOT on this important project, and we look forward to continued coordination with your office as the project progresses. If you have any further questions at this time, please contact me at (386) 943-5390 or by email.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Gleason", with a long horizontal flourish extending to the right.

Bob Gleason
District Environmental Administrator

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

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