

ADMINISTRATIVE ACTION
TYPE 2 CATEGORICAL EXCLUSION

Florida Department of Transportation

SR 70 FROM CR 29 TO LONESOME ISLAND ROAD

District: FDOT District 1

County: Highlands County

ETDM Number: 14364

Financial Management Number: 414506-5-22-01

Federal-Aid Project Number: N/A

Project Manager: David C. Turley

The Environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding (MOU) dated May 26, 2022 and executed by the Federal Highway Administration and FDOT.

This action has been determined to be a Categorical Exclusion, which meets the definition contained in 40 CFR 1508.4, and based on past experience with similar actions and supported by this analysis, does not involve significant environmental impacts.

Signature below constitutes Location and Design Concept Acceptance:

Director Office of Environmental Management
Florida Department of Transportation

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This document was prepared in accordance with the FDOT PD&E Manual.

This project has been developed without regard to race, color or national origin, age, sex, religion, disability or family status (Title VI of the Civil Rights Act of 1964, as amended).

On 05/31/2019 the State of Florida determined that this project is consistent with the Florida Coastal Zone Management Program.

Table of Contents

| | |
|--|----|
| 1. Project Information | 1 |
| 1.1 Project Description | 1 |
| 1.2 Purpose and Need | 4 |
| 1.3 Planning Consistency | 6 |
| 2. Environmental Analysis Summary | 7 |
| 3. Social and Economic | 8 |
| 3.1 Social | 8 |
| 3.2 Economic | 9 |
| 3.3 Land Use Changes | 9 |
| 3.4 Mobility | 10 |
| 3.5 Aesthetic Effects | 11 |
| 3.6 Relocation Potential | 11 |
| 3.7 Farmland Resources | 11 |
| 4. Cultural Resources | 13 |
| 4.1 Section 106 of the National Historic Preservation Act | 13 |
| 4.2 Section 4(f) of the USDOT Act of 1966, as amended | 13 |
| 4.3 Section 6(f) of the Land and Water Conservation Fund Act of 1965 | 13 |
| 4.4 Recreational Areas and Protected Lands | 13 |
| 5. Natural Resources | 14 |
| 5.1 Protected Species and Habitat | 14 |
| 5.2 Wetlands and Other Surface Waters | 16 |
| 5.3 Essential Fish Habitat (EFH) | 17 |
| 5.4 Floodplains | 17 |
| 5.5 Sole Source Aquifer | 18 |
| 5.6 Water Resources | 18 |
| 5.7 Aquatic Preserves | 19 |
| 5.8 Outstanding Florida Waters | 19 |
| 5.9 Wild and Scenic Rivers | 19 |

5.10 Coastal Barrier Resources 19

6. Physical Resources 20

6.1 Highway Traffic Noise 20

6.2 Air Quality 20

6.3 Contamination 20

6.4 Utilities and Railroads 21

6.5 Construction 22

7. Engineering Analysis Support 23

8. Permits 24

9. Public Involvement 25

10. Commitments Summary 26

11. Technical Materials 27

Attachments 28

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1. Project Information

1.1 Project Description

The Florida Department of Transportation (FDOT), District One, is conducting a Project Development and Environment (PD&E) study to evaluate widening State Road 70 (SR 70) from County Road 29 (CR 29) to Lonesome Island Road in Lake Placid, Highlands County. The project is approximately 4.3 miles in length. The Project Location Map is shown in **Figure 1-1**. The PD&E study is evaluating widening the existing two-lane undivided roadway to a four-lane divided roadway.

SR 70 is a designated hurricane evacuation route and part of Florida's Strategic Intermodal System (SIS). Facilities on the SIS are subject to special standards and criteria for design speed, level of service and other requirements. The existing SR 70 does not meet SIS facility criteria. The roadway is located between two agricultural canals (one located on each side, north and south, of the roadway).

The study is evaluating the need for capacity improvements within the project limits and provides engineering and environmental analysis and documentation along with public involvement.

The project was evaluated through FDOT's Efficient Transportation Decision Making (ETDM) process as project #14364. An ETDM Programming Screen Summary Report containing comments from the Environmental Technical Advisory Team (ETAT) was published on September 24, 2019. The ETAT evaluated the project's effects on various natural, physical and social resources.

Upon completion, the study will meet all requirements of the National Environmental Policy Act (NEPA) of 1969, as amended, as administered by the Federal Highway Administration (FHWA) and the requirements of other federal and state laws so as to qualify the proposed project for federal-aid funding.

Existing Facility:

SR 70 is part of FDOT's SIS and is a designed hurricane evacuation route. FDOT's functional classification for SR 70 is a Rural Principal Arterial Other.

Within the entire project limits, the existing facility typical section (**Figure 1-2**) consists of a two-lane undivided roadway with a varying right-of-way width of 50-feet to 100-feet with two 10-foot travel lanes and 8-foot shoulders. There are no existing sidewalks or shared use paths. Adjacent to the existing right-of-way and on both sides of SR 70 are agricultural canals.

Proposed Facility:

Within the entire project limits, the proposed facility typical section (**Figure 1-3**) consists of a four-lane divided roadway with a median width of 40-feet with four 12-foot travel lanes, 8-foot (westbound) and 10-foot (eastbound) inside shoulders, and 10-foot outside shoulders. Based on the anticipated long construction time to construct the westbound lanes, the future eastbound inside and outside shoulders are to be built 10-foot (5-foot paved) wide to provide the minimum shoulder width per FDOT Design Manual criteria. A 12-foot shared use path is located on the eastbound side of SR 70. There are no proposed sidewalks. The adjacent canal on the north side of SR 70 will remain in place and the canal on the south side of SR 70 will be relocated south of the proposed right-of-way. The Preferred Alternative four-lane facility will provide additional roadway capacity and safety improvements for vehicles, pedestrians, and bicyclists. The proposed improvements will require 156.81 acres of right-of-way and the construction year is to be determined.

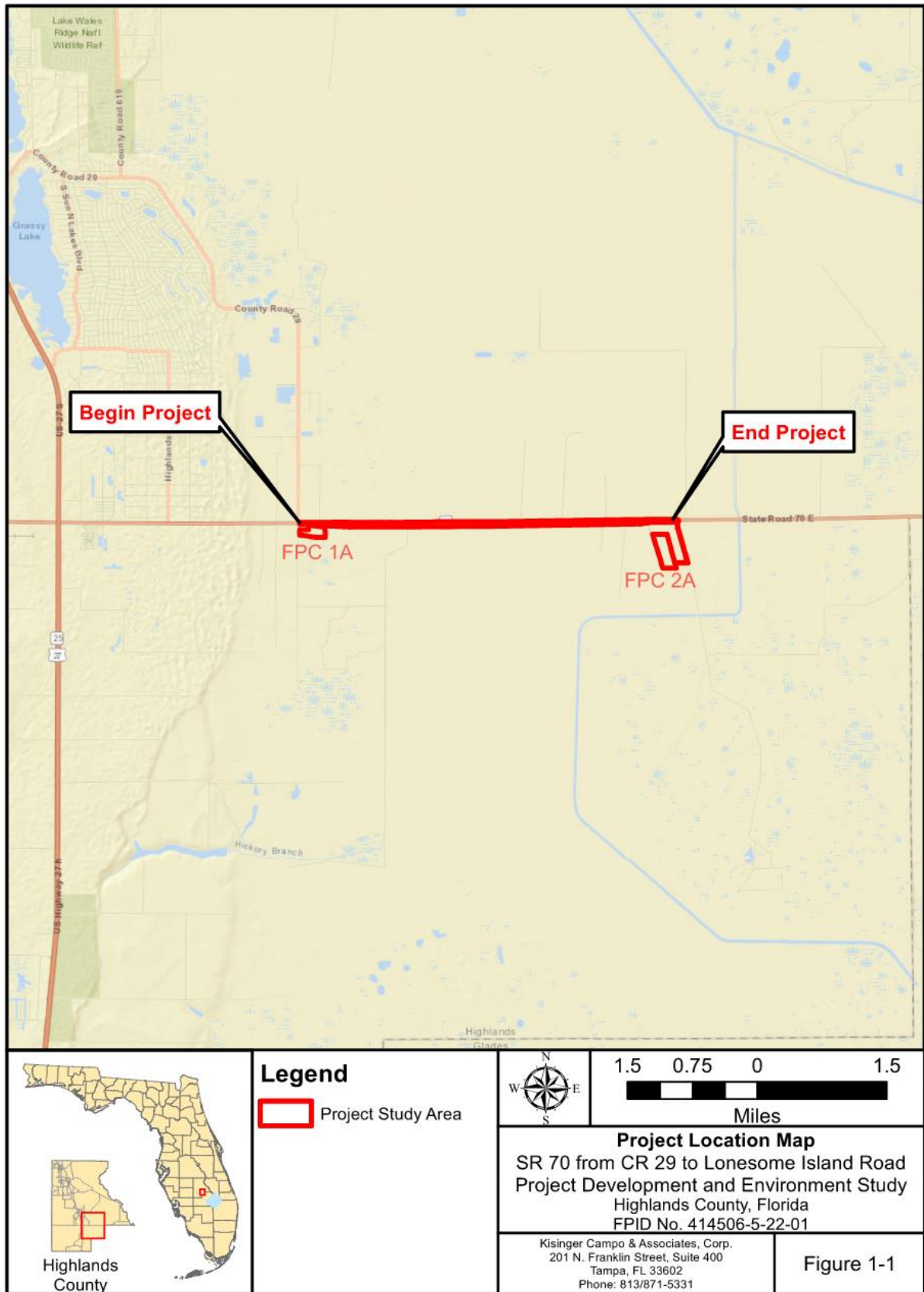


Figure 1-1: Project Location Map

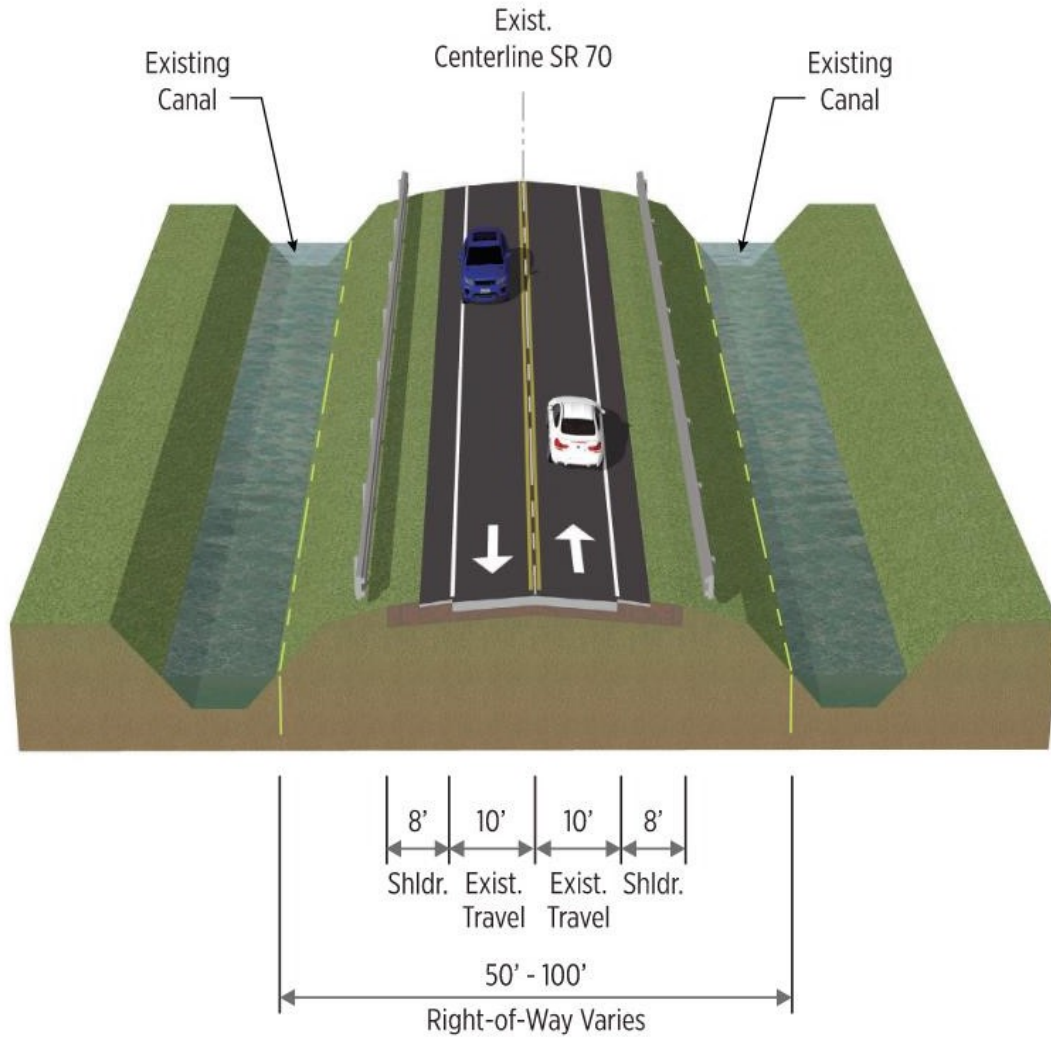


Figure 1-2: Existing Typical Section

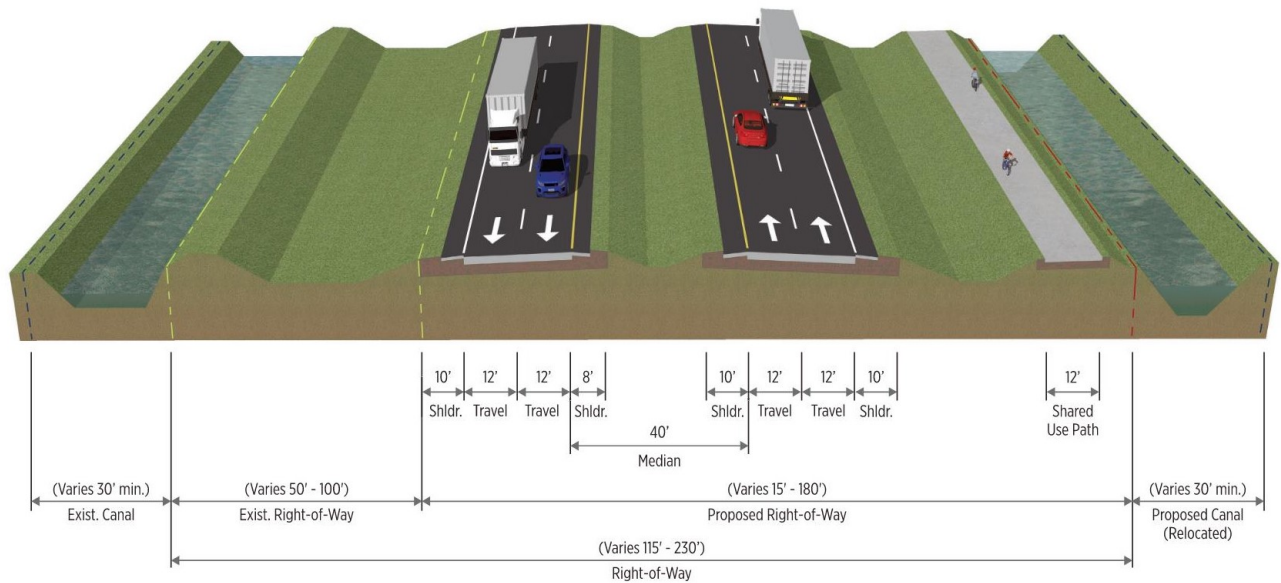


Figure 1-3: Preferred Alternative Typical Section

1.2 Purpose and Need

The purpose of this project is to improve roadway deficiencies along SR 70 from CR 29 to Lonesome Island Road. Additionally, the project will enhance operational capacity of the corridor, thereby improving vehicle safety and emergency evacuation/response times as well as access for standard roadway maintenance.

The need for the project is based on existing roadway deficiencies, operational conditions, vehicle safety conditions, area wide network/system linkage, and to support economic development, discussed below.

Roadway Deficiencies

Existing sections of the project segment contain pavement distresses (such as severe cracking, rutting, and potholes) as well as failing roadway slopes. The project is additionally located within the 100-year floodplain and prone to flooding. Furthermore, SR 70 is part of Florida's SIS. Facilities on the SIS are subject to special standards and criteria for number of lanes, design speed, access, level of service and other requirements. The existing SR 70 cross-section and geometrics do not meet SIS facility criteria. The potential future widening of the project segment will be built to meet the SIS facility standards and criteria.

Operational Conditions

SR 70 is part of the emergency evacuation route network designated by the Florida Division of Emergency Management (FDEM), as well as the network established by Highlands County. This roadway is critical in facilitating east-west traffic movement and evacuating residents of southern Highlands County. The project segment of SR 70 was deemed critical through the FDEM's Statewide Regional Evacuation Study Program due to vehicle queues lasting among the longest in

the Central Florida region under various evacuation scenarios for different storm events.

Clearance time is also critical in emergency response situations. The narrow shoulders along the project corridor, in conjunction with the substandard setback of the guardrails from the roadway and adjacent canals, provide limited space for an emergency service vehicle to pass in response to a situation during periods of congestion. Likewise, inadequate space is provided to accommodate a disabled vehicle to prevent it from obstructing traffic flow.

Accessing the roadway to perform standard maintenance is additionally challenging due to the narrow width of the project corridor. During a maintenance event, a portion of one of the roadway's travel lanes must be closed to accommodate the maintenance vehicle, leading to vehicle queues and increased delays and clearance times.

Safety

Crash data collected within the project limits indicated 23 crashes for the three-year period from 2014 through 2016. The majority of the crashes were classified as "other" crashes (35%) and off road crashes (22%), with most occurring in clear conditions (65%) and during daylight hours (69%). These crash types could be attributed to the substandard geometric elements of the roadway and deficient operational conditions. In addition, most of the crashes along the project segment occurred at the intersections of CR 29 and Lonesome Island Road. Further, the actual crash rate reported for the project corridor for the three year period 2014-2016 (1.13) was above the statewide average crash rate reported for similar facilities (a rural undivided facility with 2 - 3 lanes) 0.69.

The improvements proposed along SR 70 are needed to enhance safety conditions of the corridor by:

- Correcting substandard roadway design elements (including adding auxiliary lanes for turning movements) and
- Dispersing traffic/enhancing traffic flow through the future widening.

Areawide Network/System Linkage

SR 70 is a designated SIS highway corridor providing important east-west access within the central portion of the state. This facility extends from US 41 in Manatee County (west coast) to US 1 in St. Lucie County (east coast) connecting to several major north-south transportation facilities of the state (most of which are also part of the SIS) including: US 41, I-75, US 17, US 27, US 441, Florida's Turnpike, I-95, and US 1.

The improvements proposed along the project section of SR 70 are needed to:

- Complement planned improvements identified in the 2029 - 2045 SIS Long Range Cost Feasible Plan to widen SR 70 up to four lanes from CR 675 in Manatee County to US 98 in Okeechobee County and
- Provide a continuous four-lane, east-west connection and up-to-standards SIS facility between major transportation facilities, employment centers, agricultural lands, and residential areas across the state.

Economic

The Governor of the State of Florida issued Executive Order 11-81, pursuant to Florida Statute Section 228.0656, which identified the six-county South Central Rural Area of Opportunity (RAO); this RAO includes Highlands County. The RAO designation establishes the region as a priority for implementation of the Florida Department of Economic Opportunity's (FDEO) Rural Economic Development Initiative (REDI). Through this initiative, FDEO leads and coordinates efforts of state and regional agencies to better serve Florida's economically distressed rural communities.

The proposed reconstruction and widening of SR 70 from CR 29 to Lonesome Island Road will enhance the corridor's ability to function as a SIS highway and accomplish SIS objectives for interregional transportation linked to economic development.

1.3 Planning Consistency

The project is not in the Heartland Regional Transportation Planning Organization (TPO) Transportation Improvement Program (TIP) Fiscal Years 2023/24 - 2027/28 or FDOT State Transportation Improvement Program (STIP) with funding for Preliminary Engineering, Right-of-Way, or Construction.

| Currently Adopted LRTP-CFP | COMMENTS | | | |
|----------------------------|---|----|----|---|
| Yes | The project is included on page 9.9 Strategic Intermodal System Facilities list for projects funded with Other Arterials funds and lists Preliminary Engineering, Right-of-Way, and Construction as Funded Phases. Also, the project is included on page 10.3 Cost Feasible Plan of the Heartland Regional TPO Long Range Transportation Plan (LRTP) adopted March 10, 2021, and includes Future Funding in 2026-2030 for Design, Future Funding 2031-2035 for Right-of-Way, and Future Funding 2036-2045 for Construction. | | | |
| | Currently Approved | \$ | FY | COMMENTS |
| PE (Final Design) | | | | |
| TIP | N | | | The project is not in the Heartland Regional Transportation Planning Organization (TPO) Transportation Improvement Program (TIP) Fiscal Years 2023/24 - 2027/28 adopted on June 21, 2023. |
| STIP | N | | | The project is not in the FDOT State Transportation Improvement Program (STIP). |
| R/W | | | | |
| TIP | N | | | The project is not in the Heartland Regional Transportation Planning Organization (TPO) Transportation Improvement Program (TIP) Fiscal Years 2023/24 - 2027/28 adopted on June 21, 2023. |
| STIP | N | | | The project is not in the FDOT State Transportation Improvement Program (STIP). |
| Construction | | | | |
| TIP | N | | | The project is not in the Heartland Regional Transportation Planning Organization (TPO) Transportation Improvement Program (TIP) Fiscal Years 2023/24 - 2027/28 adopted on June 21, 2023. |
| STIP | N | | | The project is not in the FDOT State Transportation Improvement Program (STIP). |

2. Environmental Analysis Summary

| Issues/Resources | Significant Impacts?* | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| | Yes | No | Enhance | NoInv |
| 3. Social and Economic | | | | |
| 1. Social | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Economic | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Land Use Changes | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Mobility | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Aesthetic Effects | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Relocation Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Farmland Resources | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Cultural Resources | | | | |
| 1. Section 106 of the National Historic Preservation Act | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Section 4(f) of the USDOT Act of 1966, as amended | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Section 6(f) of the Land and Water Conservation Fund | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Recreational Areas and Protected Lands | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Natural Resources | | | | |
| 1. Protected Species and Habitat | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Wetlands and Other Surface Waters | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Essential Fish Habitat (EFH) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Floodplains | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Sole Source Aquifer | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Water Resources | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Aquatic Preserves | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Outstanding Florida Waters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Wild and Scenic Rivers | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Coastal Barrier Resources | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Physical Resources | | | | |
| 1. Highway Traffic Noise | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Air Quality | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Contamination | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Utilities and Railroads | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Construction | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

USCG Permit

- A USCG Permit IS NOT required.
- A USCG Permit IS required.

* **Impact Determination:** Yes = Significant; No = No Significant Impact; Enhance = Enhancement; NoInv = Issue absent, no involvement. Basis of decision is documented in the following sections.

3. Social and Economic

The project will not have significant social and economic impacts. Below is a summary of the evaluation performed.

3.1 Social

A Sociocultural Effects Technical Memorandum (May 2023) has been prepared for the project and is included in the project file. The project is located in the Lake Placid area within unincorporated southern Highlands County. The project area primarily consists of agricultural operations, including sod and cattle farms as well as field crops. The Everglades Headwaters National Wildlife Refuge and Conservation Area is located on the north side of the corridor adjacent to existing right-of-way; the refuge protects the natural resources of and rural way of life in the Kissimmee River Valley through conservation easements. One Office of Greenways and Trails multi-use trail opportunity (Manatee to Highlands Corridor) is located within the 500-foot project buffer. No other community features (such as schools, religious centers, healthcare facilities, etc.) are reported within the vicinity of the project.

The SR 70 Preferred Alternative utilizes existing FDOT right-of-way and requires 98.0 acres of additional right-of-way for the roadway widening and 58.81 acres for two Floodplain Compensation Sites. The additional right-of-way is approximately 156.81 acres and involves 13 parcels. Residential and business relocations are not required or proposed with the Preferred Alternative.

Additionally, the impacts to parcels resulting from the Preferred Alternative will not impact community cohesion, community characteristics, special community designations, community goals, or quality of life as surrounding agricultural activities and land uses will remain in locations surrounding the project area. Therefore, right-of-way impacts will not prevent community features from continuing to service the community.

The demographics of the project study area were obtained through a Sociocultural Data Report (SDR) analysis and included in the Sociocultural Effects Technical Memorandum (May 2023). Because of the rural project area and surrounding area, the SDR evaluated demographics within 500-feet of the study area. **Table 3-1** summarizes the demographics of the study area and Highlands County based on the 2010 Census data and the 2017-2021 American Community Survey data from the SDR 500-foot buffer clip along the project area.

There will be no adverse or disproportionate impacts to minority populations, low-income communities or other protected population groups in accordance with the provisions of Executive Order 12898 and Federal Highway Administration (FHWA) 6640.23A.

| Category | 2010 Census within Study Area | ACS 2017 - 2021 within Study Area | ACS 2017 - 2021 within Highlands County |
|-----------------------------|-------------------------------|-----------------------------------|---|
| Total Population | 12 | 1 | 101,174 |
| Age, Race, Ethnicity | | | |
| Median Age | 44 | 45 | 53.7 |
| % Age 65+ | 8.33% | 0.00% | 35.26% |
| White | 7 | 1 | 78,750 |
| Hispanic/Latino (Any Race) | 6 | 1 | 21,391 |
| Black or African American | 0 | 0 | 9,070 |
| % Other | 4 | 0 | 5,904 |

| | | | |
|---|----------|--------------|----------|
| % Asian Alone | 0 | 0 | 1,581 |
| % Speaks English Well or not at all | 9.09% | 0.00% | 3.13% |
| Income, Housing and Disability Trends | | | |
| Median Household Income | \$34,949 | \$0 | \$46,895 |
| % Occupied Housing Units with No Vehicle | 0.00% | 0.00% | 4.92% |
| % Households Below Poverty Level | 33.33% | Not Reported | 15.26% |
| % Population 20 to 64 Years with a Disability | NA | 0.00% | 16.28% |

Table 3-1: Demographics in Study Area and Highlands County

3.2 Economic

SR 70 is part of the SIS highway network, providing regional access to employment centers, agricultural lands, and residential areas across the state as well as facilitating the movement of significant truck traffic. The project segment of SR 70 currently supports a number of agricultural operations. The project corridor is also located within Highlands County, which is part of the six-county South Central Rural Area of Opportunity (RAO), a program defined under State of Florida legislature to encourage and facilitate the location and expansion of economic development projects of significant scale in rural communities to spur job creation (particularly high skill and high wage jobs). In addition, the Everglades Headwaters National Wildlife Refuge and Conservation Area is located on the north side of the project corridor adjacent to existing right-of-way. A key goal of the refuge is to preserve the rural way of life in the Kissimmee River Valley, which in turn, protects the right of landowners to work the land of the refuge to raise cattle or produce crops. According to the Highlands County 2030 Future Land Use Map, the area encompassing the project segment will remain designated for agricultural uses. As such, the proposed project improvements will continue to support agricultural activities as well as the initiatives of both the RAO and Everglades Headwaters National Wildlife Refuge and Conservation Area by improving overall access to/from the area. However, due to the fact that proximate businesses along the corridor (primarily farms) may be affected temporarily during project construction, minimal economic impacts are anticipated as a result of the project.

3.3 Land Use Changes

The project is located in the Lake Placid area within unincorporated southern Highlands County. The 200-foot project buffer primarily consists of agricultural activities (pasturelands, citrus groves, field crops, and sod fields) with less than one acre designated for rural residential use. Wetlands are also prevalent within the area. The Everglades Headwaters National Wildlife Refuge and Conservation Area, protected under conservation easements purchased from willing sellers through the Natural Resources Conservation Service's Wetlands Reserve Program, is located on the north side of the project corridor adjacent to existing right-of-way. The refuge protects the natural resources of and rural way of life in the Kissimmee River Valley; with easements, private landowners retain ownership of their land, as well as the right to work the land to raise cattle or produce crops. The easements ensure the land cannot be developed. Additionally, uplands exist along the western portion of the project segment.

According to the Highlands County 2030 Future Land Use Map and shown on **Figure 3-1**, the area encompassing the project corridor will continue to support agricultural activities. Based on the future land use map and proposed improvements, the Preferred Alternative is not anticipated to change existing land use patterns or induce secondary development.

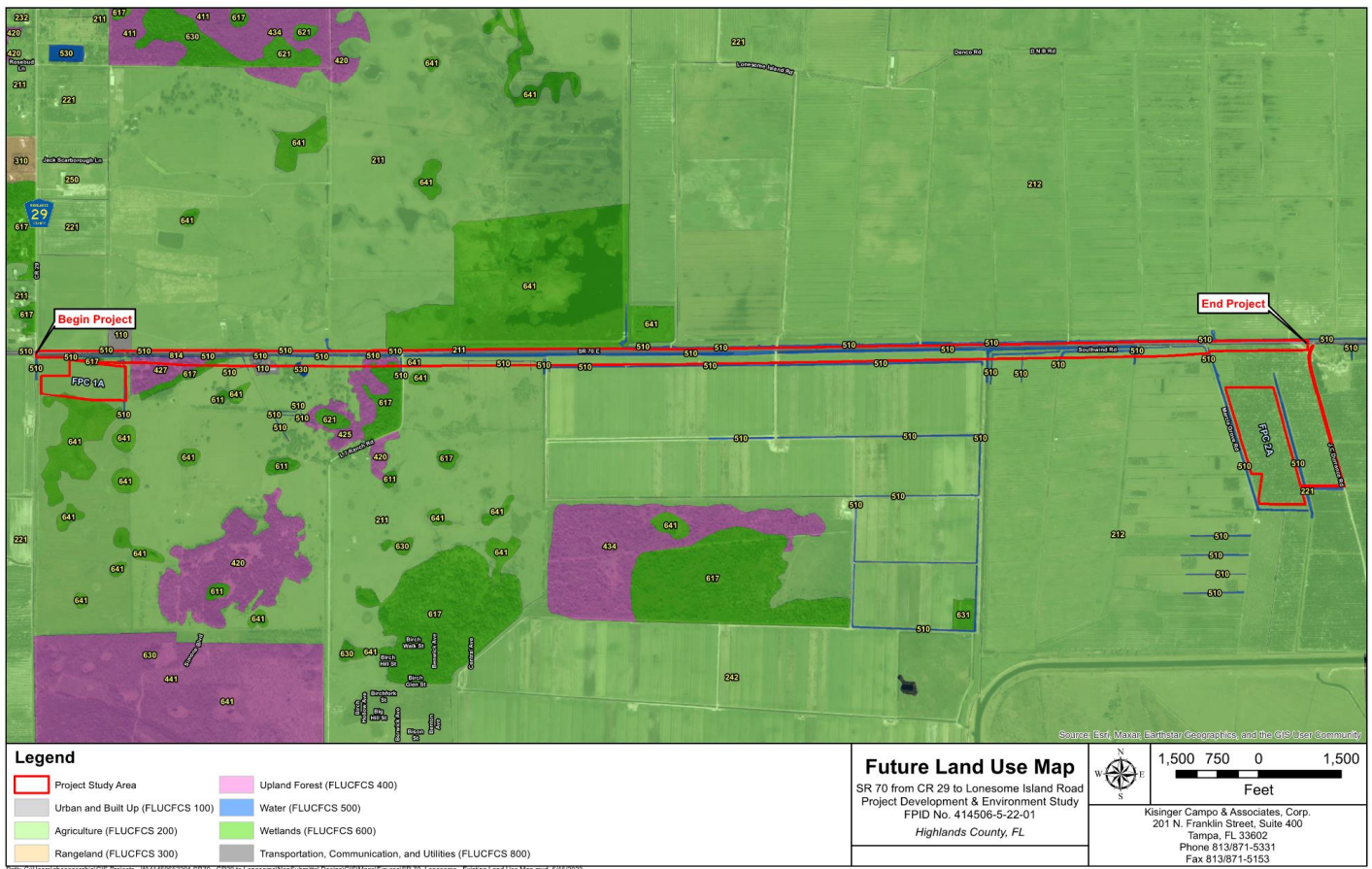


Figure 3-1: Future Land Use Map

3.4 Mobility

SR 70 is part of the SIS highway network, providing regional access to employment centers, agricultural lands, and residential areas across the state. Serving as one of two major east-west roadways within central/southern Florida (SR 60 serving as the second) and connecting to other regional transportation network facilities (such as I-75 and I-95), SR 70 is critical in facilitating the movement of local and regional traffic (including significant truck traffic). In addition, SR 70 is a designated state and county emergency evacuation route.

It should be noted that the project corridor is located within one Transportation Disadvantaged Service Provider Area and within the vicinity of One Office of Greenways and Trails multi-use trail opportunity (Manatee to Highlands Corridor). The reconstruction of the roadway's two existing travel lanes in the location of the Preferred Alternative is intended to correct the existing substandard geometry and inadequate cross-section of the SR 70 corridor and bring the roadway up to SIS facility standards. Additionally, the Preferred Alternative will enhance mobility with widening of the SR 70 corridor to four lanes by 1) enhancing operational capacity of the corridor, thereby improving emergency evacuation/response times as well as access for standard roadway maintenance; 2) improving safety conditions by dispersing traffic; 3) providing a continuous four-lane connection and up-to-standards SIS highway corridor across the state by complementing other sections of SR 70 to be widened up to four lanes; and 4) supporting initiatives of the South Central Rural Area of

Opportunity. Therefore, the Preferred Alternative is anticipated to enhance mobility within the project study area.

3.5 Aesthetic Effects

The project area primarily consists of agricultural activities (pasturelands, citrus groves, field crops, and sod fields) with less than one acre designated for rural residential use. The Everglades Headwaters National Wildlife Refuge and Conservation Area is located on the north side of the project corridor adjacent to existing right-of-way. A key goal of the refuge is to protect the rural way of life in the Kissimmee River Valley, which in turn, preserves the rural character of the area and ultimately the viewshed along the SR 70 corridor. According to the Highlands County 2030 Future Land Use Map, the area encompassing the project segment will continue to support agricultural activities and objectives of the Everglades Headwaters National Wildlife Refuge and Conservation Area. The proposed improvements to SR 70 are intended to support the agricultural operations of the area and Rural Area of Economic Opportunity initiatives. As such, the project appears to be consistent with the future land use vision and aesthetic character of the corridor.

3.6 Relocation Potential

The Preferred Alternative will require a total of 156.81 acres of right-of-way for the proposed roadway improvements and stormwater management facilities. Included in the total right-of-way required for the project is 98.00 acres for the mainline roadway improvements and 58.81 acres for the floodplain compensation sites. Right-of-way takes are from 13 parcels but these takes will result in no residential or business relocations. The proposed right-of-way takes do not result in any significant impacts to low income, minority or other protected populations.

| Alternative | Number of Parcels Impacted | Acres Required | Number of Business Relocations | Number of Residential Relocations |
|-----------------------|----------------------------|----------------|--------------------------------|-----------------------------------|
| Preferred Alternative | 13 | 156.81 | 0 | 0 |

Table 3-2: Right-of-Way Impacts

The proposed project, as presently conceived, will not displace any residences or businesses within the community. Should this change over the course of the project, a Right of Way and Relocation Assistance Program will be carried out in accordance with Florida Statute 421.55, Relocation of displaced persons, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646 as amended by Public Law 100-17).

3.7 Farmland Resources

A Farmland Memorandum (August 2023) was compiled, under separate cover, for this project and is included in the project file. During the ETDM comment period in September 2019, National Resources Conservation Service (NRCS) reported that soils designated as Farmlands of Unique Importance were present in the project study area, and there were also areas currently used for agricultural production. According to the Highlands County 2030 Future Land Use Map, the area encompassing the project corridor will continue to support agricultural activities.

A Farmlands Conversion Impact Rating Form [NRCS-CPA-106] was completed in coordination with NRCS and is attached. The points total was 111.7, which is considered a low level of significance (less than 160 points) for impacted

farmlands within and adjacent to the proposed project study area. Therefore, the project will have no significant impacts to farmland resources.

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4. Cultural Resources

The project will not have significant impacts to cultural resources. Below is a summary of the evaluation performed.

4.1 Section 106 of the National Historic Preservation Act

A Cultural Resource Assessment Survey (CRAS), conducted in accordance with 36 CFR Part 800, was performed for the project, and the resources listed below were identified within the project Area of Potential Effect (APE). FDOT found that these resources do not meet the eligibility criteria for inclusion in the National Register of Historic Places (NRHP), and State Historic Preservation Officer (SHPO) concurred with this determination on 02/06/2023. Therefore, FDOT, in consultation with SHPO, has determined that the proposed project will result in No Historic Properties Affected.

A CRAS (January 2023), prepared under separate cover and included in the project file. The archaeological survey of the existing and proposed right-of-way identified no archaeological sites or archaeological occurrences. The CRAS identified and evaluated four historic resources within the Area of Potential Effect (APE). No previously recorded resources were found. The four newly recorded historic resources include one Frame Vernacular style building (8HG01577) constructed in circa (ca.) 1977, one pre-cast concrete bridge culvert (8HG01578) constructed ca. 1970, and two linear resources; segment of SR 70 (8HG01579) constructed ca. 1926 and segments of the SR 70 Drainage Canals (8HG01580) within the APE were constructed in ca. 1943. The newly identified historic resources have been altered, lack sufficient architectural or engineering features, and background research did not reveal any historical associations with significant persons and/or events. Thus, the resources are not eligible for listing in the NRHP, either individually or as a part of a historic district.

In compliance with Section 106 of the National Historic Preservation Act of 1966, SHPO has found the CRAS complete and sufficient and provided concurrence on February 6, 2023, with the CRAS recommendations and findings. The SHPO concurrence letter is attached.

4.2 Section 4(f) of the USDOT Act of 1966, as amended

There are no properties in the project area that are protected pursuant to Section 4(f) of the USDOT Act of 1966.

4.3 Section 6(f) of the Land and Water Conservation Fund Act of 1965

There are no properties in the project area that are protected pursuant to Section 6(f) of the Land and Water Conservation Fund of 1965.

4.4 Recreational Areas and Protected Lands

There are no other protected public lands in the project area.

5. Natural Resources

The project will not have significant impacts to natural resources. Below is a summary of the evaluation performed:

5.1 Protected Species and Habitat

The following evaluation was conducted pursuant to Section 7 of the Endangered Species Act of 1973 as amended as well as other applicable federal and state laws protecting wildlife and habitat.

The Natural Resources Evaluation (NRE) Report (October 2020) and NRE Addendum (July 2021) were produced under separate cover and included in the project file. The project study area and preferred pond sites were evaluated for the presence of federal- and state-listed and protected species and their suitable habitat pursuant to the PD&E Manual.

Literature review, database searches, field assessments, and species-specific surveys of the study area were completed to identify the potential occurrence of protected species and/or presence of federally-designated critical habitat. The NRE and NRE Addendum documented current environmental conditions along the corridor and assessed the potential for impacts to habitat or protected species. The NRE identified current environmental permitting and regulatory agency requirements for the project. Finally, the NRE was sent for review and comments from regulatory agencies with jurisdiction over the project study area.

The Preferred Alternative is located within the U.S. Fish and Wildlife Service (USFWS) Consultation Area (CA) for the bluetailed mole skink (*Plestiodon egregius lividus*), sand skink (*Plestiodon reynoldsi*), Audubon's crested caracara (*Caracara cheriway*), Everglade snail kite (*Rostrhamus sociabilis*), Florida grasshopper sparrow (*Ammodramus savannarum floridanus*), Florida scrub-jay (*Aphelocoma coerulescens*), Florida bonneted bat (*Eumops floridanus*) and Lake Wales Ridge plants. Species-specific surveys were conducted for the Audubon's crested caracara and Everglade snail kite in December 2018 through May 2019, and Florida bonneted bat acoustic and roost surveys were completed in May and August 2020; the surveys documented a crested caracara nest south of SR 70 and Florida bonneted bats foraging within the study area. Also, there are historical documented occurrences of eastern indigo snake within the project study area. The project area was also surveyed for presence of applicable state protected species. It is noted that gopher tortoise (*Gopherus polyphemus*) burrows were found in the project study area which may require a gopher tortoise relocation permit to be obtained prior to construction.

Table 5-1 and **Table 5-2** summarize the effect determinations that have been made for each federal the state listed species based upon their potential for occurrence, results of species-specific surveys, and the use of implementation measures and/or commitments to offset any potential impacts to each species. Coordination with USFWS was completed first due to an effect determination of "may affect, and likely to adversely affect" for the eastern indigo snake. FDOT Office of Environmental Management (OEM) initiated formal Section 7 Consultation with USFWS, and a Biological Opinion was issued on May 28, 2021. The Biological Opinion concluded that the project is not likely to jeopardize the continued existence of the eastern indigo snake based on the FDOT commitment to implement eastern indigo snake standard protection measures during construction and FDOT has agreed to provide sufficient credits at the Platt Branch Mitigation Bank (PBMB) in Highlands County, Florida to provide at least 75.87 acres of land cover type that provide habitat for the species. The FDOT has agreed not to commence construction of the Project until they provide USFWS with a letter or email from the PBMB stating the credit ledger from the bank has been revised to reflect the deduction of the credits and the FDOT and their consultant receives and email or letter from the Service indicating that we have received this document. Additionally due to documented Audubon's crested caracara and foraging Florida bonneted bats along the

project corridor, FDOT has made project commits for these species. FDOT has committed to conduct Audubon's crested caracara surveys of the project area during design and permitting phase of the project. Also, FDOT has committed to Florida bonneted bat best management practices to survey potential Florida bonneted bat roost trees or structures with 30 days of removal, avoid or limit widespread application of insecticides, avoid and minimize use of artificial lighting, and incorporate engineering design to discourage bats from using buildings or structures.

The NRE, NRE Addendum and Biological Opinion were sent to Florida Fish and Wildlife Conservation Commission (FWC) and other agencies on December 13, 2022, in order to obtain comments from each agency. FWC provided a response letter on January 5, 2023, stating FWC agrees with the determinations of effect and supports the project implementation measures and commitments for protected species. Review comments from National Marine Fisheries Service (NMFS), Florida Department of Environmental Protection (FDEP), South Florida Water Management District (SFWMD), and U.S. Environmental Protection Agency (EPA) were received and are included in the project file.

| Project Effect Determination | Federal Listed Species |
|---|---|
| "No effect" | Florida bonamia (<i>Bonamia grandiflora</i>) |
| | Pygmy fringe tree (<i>Chionanthus pygmaeus</i>) |
| | Perforate reindeer lichen (<i>Cladonia perforata</i>) |
| | Scrub pigeon wings (<i>Clitoria fragrans</i>) |
| | Short-leaved rosemary (<i>Conradina brevifolia</i>) |
| | Avon park harebells (<i>Crotalaria avonensis</i>) |
| | Garrett's scrub balm (<i>Dicerandra christmanii</i>) |
| | Scrub mint (<i>Dicerandra frutescens</i>) |
| | Scrub buckwheat (<i>Eriogonum longifolium</i> var. <i>gnaphalifolium</i>) |
| | Snakeroot (<i>Eryngium cuneifolium</i>) |
| | Highlands scrub hypericum (<i>Hypericum cumulicola</i>) |
| | Scrub blazingstar (<i>Liatris ohlingerae</i>) |
| | Britton's beargrass (<i>Nolina brittoniana</i>) |
| | Paper nailwort (<i>Paronychia chartacea</i>) |
| | Lewton's polygala (<i>Polygala lewtonii</i>) |
| | Sandlace (<i>Polygonella myriophylla</i>) |
| | Florida jointweed (<i>Polygonum basiramia</i>) |
| | Scrub plum (<i>Prunus geniculata</i>) |
| | Scrub ziziphus (<i>Pseudoziziphus celata</i>) |
| | Carter's mustard (<i>Warea carteri</i>) |
| | Florida grasshopper sparrow (<i>Ammodramus savannarum floridanus</i>) |
| Florida scrub-jay (<i>Aphelocoma coerulescens</i>) | |
| Blue-tailed mole skink (<i>Plestiodon egregius lividus</i>) | |
| Sand skink (<i>Plestiodon reynoldsi</i>) | |
| Florida panther (<i>Puma concolor cougar</i>) | |
| "May affect, but is not likely to adversely affect" | American alligator (<i>Alligator mississippiensis</i>) |
| | Audubon's crested caracara (<i>Caracara cheriway</i>) |
| | Everglade snail kite (<i>Rostrhamus sociabilis</i>) |
| | Florida bonneted bat (<i>Eumops floridanus</i>) |

| | |
|---|--|
| | Wood stork (<i>Mycteria americana</i>) |
| "May affect, and is likely to adversely affect" | Eastern indigo snake (<i>Drymarchon couperi</i>) |

Table 5-1: Federal Listed Species Effect Determinations

| Project Effect Determination | State Listed Species |
|---|--|
| "No adverse effect anticipated" | Curtiss' milkweed (<i>Asclepias curtissii</i>) |
| | Ashe's savory (<i>Calamintha ashei</i>) |
| | Piedmont jointgrass (<i>Coelorachis tuberculosa</i>) |
| | Hartwrightia (<i>Hartwrightia floridana</i>) |
| | Edison's ascyrum (<i>Hypericum edisonianum</i>) |
| | Narrowleaf naiad (<i>Najas filifolia</i>) |
| | Cutthroat grass (<i>Coleataenia abscissa</i>) |
| | Yellow fringeless orchid (<i>Platanthera integra</i>) |
| | Northern needleleaf (<i>Tillandsia balbisiana</i>) |
| | Spreading airplant (<i>Tillandsia fasciculata</i>) |
| | Giant airplant (<i>Tillandsia utriculata</i>) |
| | Redmargin zephyrlily (<i>Zephyranthes simpsonii</i>) |
| | Gopher tortoise (<i>Gopherus polyphemus</i>) |
| | Short-tailed snake (<i>Lampropeltis extenuata</i>) |
| | Florida pine snake (<i>Pituophis melanoleucus mugitus</i>) |
| | Florida sandhill crane (<i>Antigone canadensis pratensis</i>) |
| | Florida burrowing owl (<i>Athene cunicularia floridana</i>) |
| | Little blue heron (<i>Egretta caerulea</i>) |
| | Tricolored heron (<i>Egretta tricolor</i>) |
| | Southeastern American kestrel (<i>Falco sparverius paulus</i>) |
| Roseate spoonbill (<i>Platalea ajaja</i>) | |

Table 5-2: State Listed Species Effect Determinations

5.2 Wetlands and Other Surface Waters

The following evaluation was conducted pursuant to Presidential Executive Order 11990 of 1977 as amended, Protection of Wetlands and the USDOT Order 5660.1A, Preservation of the Nation's Wetlands.

A NRE (October 2020) and a NRE Addendum (July 2021) were prepared under separate cover.

The No-Build Alternative would result in no impacts to wetlands or surface waters. The Preferred Alternative will result in 3.67 acres of permanent and secondary wetland impacts and 32.87 acres of permanent impacts to other surface waters. Approximately 21.4 acres of other surface waters will be replaced with the relocation of the existing canal located on the south side of SR 70. Although unavoidable wetland impacts will occur as a result of the Preferred Alternative, these wetlands are located adjacent to, and/or within, the existing road right-of-way and were previously disturbed by agricultural

and residential development, roadway construction, maintenance activities and the invasion of nuisance and exotic species. Wetlands to be impacted by the proposed improvements include Mixed Wetlands Hardwoods and Freshwater Marshes. A description of land use, dominant vegetation, soil type and other descriptors regarding these communities is provided in the NRE and NRE Addendum.

The Uniform Mitigation Assessment Methodology (UMAM) analysis was performed on representative wetland impact areas and resulted in a functional loss of 1.84 units. Currently, there are no state or federally approved wetland mitigation banks with a service area covering the project limits. Therefore, wetland impacts resulting from the construction of this project will be mitigated pursuant to Section 373.4137, F.S., to satisfy all mitigation requirements of Part IV of Chapter 373, F.S., and 33 U.S.C. 1344. If wetland impacts cannot be mitigated in basin, then a cumulative impact analysis will be completed and coordinated with permitting agencies for review and approval of the project's required wetland mitigation. Wetlands and surface waters are located within the jurisdictional boundaries of SFWMD and FDEP 404 Program.

The NRE and NRE addendum were provided on December 13, 2022, and agency responses are included in the project file.

5.3 Essential Fish Habitat (EFH)

There is no Essential Fish Habitat (EFH) in the project area.

5.4 Floodplains

Floodplain impacts resulting from the project were evaluated pursuant to Executive Order 11988 of 1977, Floodplain Management.

A Pond Siting Report (PSR) (April 2023) and a Location Hydraulics Report (LHR) (April 2023) were prepared under separate cover.

The proposed roadway and associated drainage improvements do not increase the 100-year/24-hour floodplain existing stages, due to the relocation and widening of the existing canals, addition of Floodplain Compensation Areas (FPC 1A and FPC 2A), and modification of existing cross drains (CD-1 and CD-2).

The relocated canal will be widened to provide an additional 22.9 acre-feet of floodplain compensation in 1.5 feet of depth and 35 feet of added base width.

Located adjacent to the proposed SR 70 right-of-way, FPC 1A is a 19-acre pond site located on the south side of SR 70 from near the beginning of the project (Figure 1-1). This site will provide 19.10 acre-feet of floodplain compensation in 1-foot of depth of excavation. The south side of the project area drains into a series of interconnected irrigation canals spanning the entire watershed. Therefore, with FPC 1A attached to the canals, it will be directly hydraulically connected to the canals to the west and east. FPC 1A can connect directly to this canal using a swale.

FPC 2A is a 31.5-acre pond site located on the south side of SR 70 near the end of the project (Figure 1-1). This site will provide approximately 30 acre-feet of floodplain compensation in 1.0-foot of depth of excavation. It would require an easement for access. The south side of the project area drains into a series of interconnected irrigation canals spanning the entire watershed prior to out falling into C-41 Harney Pond Canal. With FPC 2A attached to an offsite agricultural

canal, it will be directly hydraulically connected to the canals on the East end of the project. FPC 2A can connect directly to this canal using a swale or an equalizer pipe.

5.5 Sole Source Aquifer

Biscayne Aquifer

The proposed project is located in a recharge area for the Biscayne Aquifer, a designated sole source aquifer. Pursuant to the Safe Drinking Water Act, as amended, 40 C.F.R. 149, the proposed project requires a sole source aquifer impact review and concurrence to ensure there is no potential for contamination. A Sole Source Aquifer Checklist was completed under separate cover. The FDOT has determined that through the implementation of stormwater treatment facilities and best management practices, the proposed project will not impact the sole source aquifer.

A Sole Source Aquifer Checklist and Coordination Letter was sent to the U.S. Environmental Protection Agency (EPA) on May 16, 2023, for review and concurrence. The EPA responded with a Sole Source Aquifer Review/Concurrence letter on July 12, 2023. With proper implementation of Best Management Practices for the installation of bridge foundations and/or dewatering operations, the EPA finds that the project should have no significant impact to the aquifer system. Therefore, the FDOT commits to utilizing Best Management Practices for the installation of bridge foundations and/or dewatering operations.

5.6 Water Resources

A Pond Siting Report (PSR) (April 2023) and a Location Hydraulics Report (LHR) (April 2023) were prepared to address the stormwater management needs resulting from the Preferred Alternative. In addition, a Water Quality Impact Evaluation (WQIE) (July 2023) was prepared under separate cover for the project. The PSR, LHR and WQIE are located in the project file.

There is one (1) existing basin within the project study area which ultimately outfalls to waterbody identification number (WBID) 3204, Harney Pond Canal, and is impaired for nutrients. Nutrient loading calculations were performed and show a net reduction for the recommended stormwater treatment alternative which is linear treatment ponds. The preferred pond sites were selected based on hydraulic and environmental considerations as well as preliminary right-of-way costs. Water quality treatment for the linear ponds will operate as dry retention ponds and provide treatment for 50% of 1-inch over the contributing basin, or 50% of 2.5-inches over the impervious area, whichever is greater. The 2.5-inches (or 50% for dry retention) will be applied to the greater of the new impervious area or the directly connected impervious area. During initial coordination with SFWMD, they requested FDOT provide an additional 50% treatment volume since the project discharges to an impaired waterbody. However, in November 2020, SFWMD confirmed that FDOT is to provide the presumptive water quality treatment criteria, plus nutrient loading calculations demonstrating the project's net improvement but the additional 50% of the required water quality treatment volume is not needed for the project.

The WQIE checklist resulted in a determination that water quality regulatory requirements apply to this project. Therefore, water quality and stormwater issues will be mitigated through compliance with the design requirements of authorized regulatory agencies, and the project will require an Individual Environmental Resource Permit (ERP) to obtain the project's water quality certification.

A National Pollutant Discharge Elimination System (NPDES) Permit will be required for the project prior to constructions and will include a Stormwater Pollution Prevention Plan. Additionally, Best Management Practices (BMP's) will be utilized

during construction to minimize erosion and sediment transport. BMPs may include the use of siltation barriers, dewatering structures, and containment devices that will minimize adverse effects to water quality during construction by controlling turbid water discharges outside construction limits.

5.7 Aquatic Preserves

There are no aquatic preserves in the project area.

5.8 Outstanding Florida Waters

There are no Outstanding Florida Waters (OFW) in the project area.

5.9 Wild and Scenic Rivers

There are no designated Wild and Scenic Rivers or other protected rivers in the project area.

5.10 Coastal Barrier Resources

There are no Coastal Barrier Resources in the project area.

6. Physical Resources

The project will not have significant impacts to physical resources. Below is a summary of the evaluation performed for these resources.

6.1 Highway Traffic Noise

The following evaluation was conducted pursuant to 23 CFR 772 Procedures for Abatement of Highway Traffic Noise and Construction Noise, and Section 335.17, F.S., State highway construction; means of noise abatement.

A Noise Study Report (July 2023) was prepared under separate cover for this project, since the project is a Type I Project pursuant to 23 CFR 772 and Section 335.17, F.S. A total of four receptors (all residential properties) were evaluated along the project corridor. Two of the four total receptors are predicted to be impacted by traffic noise in the future with the Preferred Alternative. For the two impacted residences, traffic management measures, alignment modifications, and buffer zones were determined to be unreasonable traffic noise abatement measures. Therefore, a noise barrier was also evaluated. The results of the noise barrier evaluation indicate that a noise barrier, although feasible, was not cost reasonable. Based on the results of the evaluation, there appear to be no reasonable solutions to abate the predicted traffic noise impacts at the residences.

6.2 Air Quality

This project is not expected to create adverse impacts on air quality because the project area is in attainment for all National Ambient Air Quality Standards (NAAQS) and because the project is expected to improve the Level of Service (LOS) and reduce delay and congestion on all facilities within the study area.

Construction activities may cause short-term air quality impacts in the form of dust from earthwork and unpaved roads. These impacts will be minimized by adherence to applicable state regulations and to applicable FDOT Standard Specifications for Road and Bridge Construction.

The subject project is located in Highlands County, an area currently designated by the EPA as being an attainment area for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone (O₃), particulate matter less than or equal to 2.5 and 10 micrometers (PM_{2.5} and PM₁₀), and sulfur dioxide (SO₂). Because the project is in an attainment area and would reduce congestion, it is not likely that the proposed improvements will have an impact on local or regional totals of air pollutants or pollutant precursor emissions, or on concentrations of the pollutants in the ambient air. Notably, because the SR 70 project is in an area that is designated attainment for all the NAAQS, the conformity requirements of the Clean Air Act (CAA) do not apply.

Construction Activities may cause short-term air quality impacts in the form of dust from earthwork and unpaved roads. These impacts will be minimized by adherence to applicable state regulations and to the FDOT Standard Specifications for Road and Bridge Construction.

6.3 Contamination

A Contamination Screening Evaluation Report (CSER) (June 2023) was prepared for the project, under separate cover, to document potential contamination concern along the project mainline and preferred drainage sites. Each contamination site documented within the mainline and preferred drainage sites were assigned a Contamination Risk Rating. The CSER was prepared pursuant to the PD&E Manual.

Based on the methodologies performed as part of this study, 15 potential contamination sites (**Table 6-1**) were identified as having the potential for hazardous material or petroleum impacts. Of these 15 sites, nine received an initial risk rating of Medium for the mainline and preferred drainage sites. These sites operate as, or formerly operated as agricultural row crops, tree nursery or cattle ranching. No sites were risk rated as High. Therefore, the Preferred Alternative avoids High risk rated contamination sites.

For the Medium risk rated sites, Level II testing is required to verify or determine the extent of impacts. For the Medium rated sites, soil and groundwater samples are recommended to evaluate petroleum, arsenic, pesticide, and herbicide contamination within the existing or proposed right-of-way.

| Site Number | Site | Contamination Risk Rating |
|-------------|------------------------------------|---------------------------|
| 1 | Groves Row/Crops | Medium |
| 2 | Kelly Bulb Farm K-W Farms | Medium |
| 3 | Maintenance/Storage Building | Low |
| 4 | Scarborough Farms | No |
| 5 | Linda Dee Ranch and Cattle Co. LLC | Low |
| 6 | Miami Tropical Nursery | Medium |
| 7 | South Wind Grove | Medium |
| 8 | Former Pump Houses | Medium |
| 9 | Smith Estate Dosia C / Groves | Medium |
| 10 | Suspected Cattle Dip Vat | Medium |
| 11 | Premier Citrus - Sunray Groves | Medium |
| 12 | Cattle Pen | No |
| 13 | Aboveground Storage Tank | No |
| FPC 1A | N/A | Low |
| FPC 2A | N/A | Medium |

Table 6-1: Contamination Sites within Project Study Area

6.4 Utilities and Railroads

An Utility Assessment Report (August 2023) was prepared under separate cover.

There are no railroads within the project limits.

The utility owners (**Table 6-2**) were contacted to identify the locations and types of utilities within the project limits. Plan sheets were sent to the utility companies with a request to identify the locations and types of utility conflicts within the existing facility and the planned facility. The utility information used in the Utility Assessment Report was obtained from field reviews, as-build plan information from previous projects in the area, as well as information provided by the utility

companies.

| Utility Agency/Owner | Type of Facility |
|---------------------------------------|-----------------------------|
| Century Link | Telecommunications Line |
| Florida Gas Transmission Company, LLC | Gas Line |
| Glades Electric | Overhead Distribution Lines |

Table 6-2: Utility Owners and Facility Types

Depending on the location and depth of the utilities, construction of the proposed project will likely require adjustments or relocation of some facilities.

6.5 Construction

Entrances to all businesses, agricultural properties, and residences will be maintained to the maximum extent possible during project construction. A Temporary Traffic Control Plan to maintain traffic during construction will be developed during the final design phase for the implementation of the Preferred Alternative.

Construction activities for the Preferred Alternative will have temporary air, noise, water quality, traffic flow, and visual effects for the businesses, agricultural properties, residents and travelers within the immediate vicinity of the project. These effects will be minimized through the application of FDOT's Standard Specifications for Road and Bridge Construction.

7. Engineering Analysis Support

The engineering analysis supporting this environmental document is contained within the Preliminary Engineering Report.

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8. Permits

The following environmental permits are anticipated for this project:

State Permit(s)

DEP or WMD Environmental Resource Permit (ERP)
DEP National Pollutant Discharge Elimination System Permit
FWC Gopher Tortoise Relocation Permit
State 404 Permit

Status

To be acquired
To be acquired
To be acquired
To be acquired

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9. Public Involvement

The following is a summary of public involvement activities conducted for this project:

Summary of Activities Other than the Public Hearing

Public involvement activities include a June 2018 letter to property owners to inform them of the project and to give notice of project team members being on site to conduct land surveys, gather utility information, and conduct geotechnical surveys and environmental surveys. Additionally, Newsletter #1 was sent to residents and stakeholders in March 2019. The newsletter provided, in English and Spanish languages, with information on the need for the project and information about the PD&E study process.

A project kickoff meeting and public information meeting were not held for the project.

Prior to the projects' public hearing, project was presented to the Heartland Regional Transportation Planning Organization (HRTPO), staff and committees in August and September 2023, to explain the study process and proposed alignment.

Presentations included:

- August 16, 2023 - HRTPO Technical Advisory Committee
- August 24, 2023 - HRTPO Citizen Advisory Committee
- September 20, 2023 - HRTPO Board

Date of Public Hearing: 09/28/2023

Summary of Public Hearing

The Public hearing is scheduled to be held on Thursday, September 28, 2023, at the Lake Placid Camp and Conference.

10. Commitments Summary

1. To reduce the likelihood that construction of the Project will result in injuries or mortalities of eastern indigo snakes, the FDOT has agreed to have its contractor follow the Service's Standard Protection Measures for the Eastern Indigo Snake (USFWS 2013) during construction.
2. To support the survival and recovery of the eastern indigo snake, the FDOT has agreed to provide sufficient credits at the Platt Branch Mitigation Bank (PBMB) in Highlands County, Florida to provide at least 75.87 acres of land cover type that provide habitat for the species. The FDOT has agreed not to commence construction of the Project until they provide USFWS with a letter or email from the PBMB stating the credit ledger from the bank has been revised to reflect the deduction of the credits and the FDOT and their consultant receives and email or letter from the Service indicating that we have received this document.
3. The FDOT will perform Audubon's crested caracara surveys of the project area during design and permitting phase of the project.
4. If potential Florida bonneted bat roost trees or structures need to be removed, check cavities for bats within 30 days prior to removal of trees, snags, or structures. When possible, remove structure outside of breeding season (e.g., January 1 - April 15). If evidence of use by any bat species is observed, discontinue removal efforts in that area and coordinate with USFWS on how to proceed.
5. Avoid or limit widespread application of insecticides (e.g., mosquito control, agricultural pest control) in areas where Florida bonneted bats are known or expected to forage or roost.
6. Avoid and minimize the use of artificial lighting, retain natural light conditions, and install wildlife friendly lighting (i.e., downward facing and lowest lumens possible). Avoid permanent night-time lighting to the greatest extent practicable.
7. Incorporate engineering designs that discourage bats from using buildings or structures. If Florida bonneted bats take residence within a structure, contact USFWS and FWC prior to attempting removal or when conducting maintenance activities on the structure.
8. To avoid potential impacts to the Biscayne Sole Source Aquifer associated with construction of bridge foundation and/or construction dewatering, FDOT will implement the following Best Management Practices: FDOT Design Manual Chapter 320 Stormwater Pollution Prevention Plan (SWPPP) FDOT Standard Specifications for Road and Bridge Construction, Section 6 - Control of Materials, Section 104 - Prevention Control, And Abatement of Erosion and Water Pollution, and Section 455 - Structures Foundations U.S. Bureau of Reclamation Engineering Geology Field Manual - Chapter 20 Water Control.
<https://www.usbr.gov/tsc/techreferences/mands/geologyfieldmanual-vol2/Chapter20.pdf>
9. The FDOT is committed to the construction of feasible and reasonable noise abatement measures at noise impacted locations contingent on the following:
Detailed noise analyses during the final design process support the need, feasibility, and reasonableness of providing abatement; Cost analysis indicates that the cost of the noise barrier(s) will not exceed the cost reasonable criterion; Community input supporting types, heights, and locations of the noise barrier(s) is provided to the District Office; and Safety and engineering aspects as related to the roadway user and the adjacent property owner have been reviewed and any conflicts or issues resolved.

11. Technical Materials

The following technical materials have been prepared to support this environmental document and are included in the Project File.

Farmland Memo
Sociocultural Effects Technical Memorandum
Cultural Resource Assessment Survey
EPA SSA Letter and Attachments
Water Quality Impact Evaluation (WQIE)
Natural Resources Evaluation (NRE)
Natural Resource Evaluation Addendum
Contamination Screening Evaluation Report
Draft Noise Study Report
Utilities Assessment Report
Pond Siting Report
Preliminary Roadway Soil Survey
Preliminary Engineering Report
Location Hydraulics Report
Traffic Analysis Methodology Technical Memorandum
Public Involvement Plan

Attachments

Planning Consistency

HRTPO LRTP 2045 pages

Social and Economic

Farmland Conversion Impact Rating Form Unsigned

Cultural Resources

SHPO Concurrence Letter

Natural Resources

USFWS Biological Opinion

NMFS NRE Correspondence

FWC Coordination Letter

SFWMD Comments on NRE

FDEP Comment on NRE

EPA Coordination

EPA Sole Source Aquifer Concurrence Letter

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Planning Consistency Appendix

Contents:

HRTPO LRTP 2045 pages

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Strategic Intermodal System

In the six county Heartland region, the Regional Roadway Network is made up of primarily US and SR routes designated as part of the Strategic Intermodal system (SIS). The State of Florida Department of Transportation (FDOT) programs SIS projects and available revenue for SIS funding. Because SIS projects represent virtually all of the needed transportation capacity projects identified as over capacity for 2045 in the Heartland, the Strategic Intermodal System Funding Strategy, Long Range Cost Feasible Plan 2029-2045, 2018 Edition was used to determine the cost feasible projects shown in the following section on below. Funded improvements have identified construction funding by 2045. Partially funded improvements do not have identified construction funding with the timeframe of the plan.

Strategic Intermodal System Facilities on the Regional Roadway Network

**US 17 • US 27 • SR 29 • SR 31 • SR 64 • SR 70 • SR 80
SR 82 • SR 91 (Florida's Turnpike) • US 441 • SR 710**

| Funded SIS Improvements | | | |
|--|---|--|-----------------------|
| Facility | From | To | Description |
| SR 29 | CR 80A (Cowboy Way) | CR 731 (Whidden Road) | Widen to 4 lanes |
| SR 70 | Jefferson Ave | US 27 | Widen to 4 lanes |
| SR 710 | US 441 | L-63 Canal | New Roadway (4 lanes) |
| SR 710 | E. of L-63 Canal | Sherman Woods Ranches | Widen to 4 lanes |
| SR 710 | Sherman Woods Ranches | Okeechobee / Martin County Line | Widen to 4 lanes |
| Partially Funded SIS Improvements Identified for PD&E and Design in the SIS Long Range Cost Feasible Plan 2029-2045 | | | |
| Facility | From | To | Description |
| SR 70 | Manatee County Line | West of Peace River (American Legion Rd) | Widen to 4 lanes |
| US 17 | Palmetto St | SR 70/Hickory St | Highway Capacity |
| US 17 | SR 70/Hickory St | SR 35/DeSoto Ave | Highway Capacity |
| SR 70 | East of SR 31 | Jefferson Avenue | Widen to 4 lanes |
| SR 64 | US 17 | SR 636 | Widen to 4 lanes |
| SR 64 | Old Town Creek Rd. / CR 671 / Parnell Rd. | Hardee / Highlands County Line | Widen to 4 lanes |
| US 27 | Palm Beach / Hendry County Line | SR 80 | Freight Capacity |
| SR 64 | Hardee / Highlands County Line | US 27 | Widen to 4 lanes |
| US 27 | Glades / Highlands County Line | SR 70 | Widen to 6 lanes |
| US 27 | South of Skipper Rd. | US 98 | Widen to 6 lanes |
| SR 70 | NW 38th Terrace | US 98 | Widen to 4 lanes |
| US 98 / US 441 | 18th Terrace | 38th Ave. | Widen to 4 lanes |

Although SIS designated roadways are typically prioritized through the Florida SIS Plan, the 2045 L RTP looks to advance improvements on SR 70 with available Other Arterials (OA) funding. The HRTPO, it's committees, and many community stakeholders have expressed that SR 70 is the highest priority in the region.

| SR 70 Improvements Funded With OA Funds | | | | |
|---|----------------------------|--------------------|---------------------------------|---------------|
| Facility | From | To | Description | Funded Phases |
| SR 70 | US 27 | CR 29 | Widen to 4 lanes | PE, ROW, CST |
| SR 70 | CR 29 | Lonesome Island Rd | Widen to 4 lanes | PE, ROW, CST |
| SR 70 | East of Lonesome Island Rd | 38th Terrace | Safety Improvements and/or PD&E | Safety/PD&E |

HRTPO 2045 Cost Feasible Plan

| | | | | | | | Project Cost in Year of Expenditures (in thousands) | | | | | | | | | | | |
|---|--------------------------------|-----------------------|------------------------|---------------------------|--------------------------|-------------------|---|---------|---------|--------------------------|---------|----------|--------------------------|----------|----------|--------------------------|-----|-----------|
| | | | | | | | Committed Funding 2021-2025 | | | Future Funding 2026-2030 | | | Future Funding 2031-2035 | | | Future Funding 2036-2045 | | |
| County | Facility | From | To | Description | Full Project Cost in PDC | Funding Source | Design | ROW | CST | Design | ROW | CST | Design | ROW | CST | Design | ROW | CST |
| Other Arterials (OA) Funded Projects (Now known as Other Roads Construction & ROW) | | | | | | | | | | | | | | | | | | |
| DeSoto | CR 769 (Kings Hwy) | Charlotte CL | Peace River Street | Widen to 4 lanes | \$39,717 | State and Federal | \$3,250 | | | | \$3,945 | \$41,555 | | | | | | |
| DeSoto | SR 31 | SR 70 | US 17 | New Roadway (2 lanes) | \$33,218 | State and Federal | \$4,350 | | | | \$7,280 | | | | \$31,479 | | | |
| Highlands | SR 70 ¹ | US 27 | CR 29 | Widen to 4 lanes | \$28,009 | State and Federal | | | | \$5,940 | | | | \$6,200 | | | | \$37,925 |
| Highlands | SR 70 ¹ | CR 29 | Lonesome Island Rd | Widen to 4 lanes | \$45,798 | State and Federal | | | | \$6,600 | | | | \$6,200 | | | | \$71,750 |
| Highlands | US 98 | US 27 | Airport Rd | Widen to 4 lanes | \$53,219 | State and Federal | | \$8,340 | | | \$7,176 | \$47,509 | | | | | | |
| Highlands | W College Dr | Memorial Dr | US 27 | Add Lanes and Reconstruct | \$7,851 | State and Federal | | | \$7,851 | | | | | | | | | |
| Okeechobee | SR 710 | US 98 | US 441 | New Roadway (4 lanes) | \$47,390 | State and Federal | \$2,080 | | | \$9,082 | | | | \$9,424 | \$53,367 | | | |
| Okeechobee | SR 710 | US 70 | SR 98 | New Roadway (4 lanes) | \$51,130 | State and Federal | | | | \$8,908 | | | | \$11,284 | | | | \$74,743 |
| Okeechobee | CR 714/Martin Hwy ² | E of SR 710 | Okeechobee County | Roadway Realignment | \$9,332 | State and Federal | | | | \$4,145 | \$5,987 | \$3,592 | | | | | | |
| Set aside for Congestion Management | | | | | \$12,000 | State and Federal | | | | \$1,320 | | | \$1,550 | | | | | \$20,500 |
| Set aside for Complete Streets & Trails | | | | | \$12,000 | State and Federal | | | | \$1,320 | | | \$1,550 | | | | | \$20,500 |
| Set aside for SR 70 E of Lonesome Island to NW 38th Terrace Safety and/or PD&E in Select Locations ³ | | | | | \$4,000 | State and Federal | | | | | | | \$6,200 | | | | | |
| Fully Funded Strategic Intermodal System (SIS) Projects | | | | | | | | | | | | | | | | | | |
| Hendry | SR 29 | CR 80A (Cowboy Way) | CR 731 (Whidden Rd) | Widen to 4 lanes | \$138,108 | State and Federal | | \$9,812 | | | | | | | | | | \$232,540 |
| Highlands | SR 70 | Jefferson Ave | US 27 | Widen to 4 lanes | \$36,509 | State and Federal | | | | \$8,580 | | | | \$6,200 | | | | \$39,588 |
| Okeechobee | SR 710 | US 441 | L-63 Canal | New Roadway (4 lanes) | \$62,326 | State and Federal | | \$7,055 | | | \$9,313 | | | | \$77,674 | | | |
| Okeechobee | SR 710 | E. of L-63 Canal | Sherman Woods Ranches | Widen to 4 lanes | \$33,288 | State and Federal | \$50 | | | | \$9,313 | | | | \$39,588 | | | |
| Okeechobee | SR 710 | Sherman Woods Ranches | Okeechobee / Martin CL | Widen to 4 lanes | \$57,974 | State and Federal | \$6,550 | | | | | | | \$13,831 | | | | \$85,811 |

PDC: Present Day Cost
YOE: Year of Expenditure
Design: Includes Project Development and Environment (PD&E) and Preliminary Engineering (PE)
ROW: Right-of-Way
CST: Construction
CL: County Line

| Full Investment Costs in Year of Expenditure Dollars in the Heartland Region (in thousands) | | | | |
|---|-----------------|------------------|------------------|------------------|
| Other Arterials (OA) Total | \$25,871 | \$155,916 | \$127,408 | \$225,418 |
| Allocated Transit Total | \$25,500 | \$32,220 | \$35,220 | \$73,300 |
| Strategic Intermodal System (SIS) Total | \$23,467 | \$27,205 | \$137,293 | \$369,600 |
| Total | \$74,838 | \$215,341 | \$299,921 | \$668,318 |

| Other Arterials (OA) Revenue Forecast and LRTP Funded Projects | | | | | |
|--|-----------------|------------------|-------------------|----------------|-----------------|
| | 2021-2025 | 2026-2030 | 2031-2035 | 2036-2045 | All Years |
| OA ROW and CST LRTP Funded Phases⁴ | \$16,191 | \$111,531 | \$121,208 | \$225,418 | \$527,880 |
| OA ROW and CST Revenue Forecast⁵ | \$84,430 | \$102,560 | \$110,650 | \$230,240 | \$474,348 |
| Balance | \$68,239 | (\$8,971) | (\$10,558) | \$4,822 | \$53,532 |

¹The HRTPO will use OA funds to ensure the continued funding of priority SR 70 projects. If SIS funds become available in a future SIS plan for these priority projects, the HRTPO will reprogram the OA funds.

²CR-714/Martin Highway realignment project to enhance safety is one of top priority projects (Tier 1) for Martin MPO and shown as funded in 2026-2030 in the Martin in Motion, 2045 LRTP.

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Social and Economic Appendix

Contents:

Farmland Conversion Impact Rating Form Unsigned

DRAFT

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

| | | | |
|--|---|---|---|
| PART I (To be completed by Federal Agency) | | 3. Date of Land Evaluation Request 5/16/23 | 4. Sheet 1 of 1 |
| 1. Name of Project SR 70 from CR 29 to Lonesome Island Rd. FPA | | 5. Federal Agency Involved FDOT per 23 U.S.C. §327 and the FDOT/FPA | |
| 2. Type of Project Transportation - Roadway Widening | | 6. County and State Highlands County, Florida | |
| PART II (To be completed by NRCS) | | 1. Date Request Received by NRCS 5/16/23 | 2. Person Completing Form Isabelle Giuliani |
| 3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | | 4. Acres Irrigated 61785 | Average Farm Size 506 |
| 5. Major Crop(s) citrus | 6. Farmable Land in Government Jurisdiction Acres: 145,792 % 22.15 | 7. Amount of Farmland As Defined in FPPA Acres: 85,417 % .15 | |
| 8. Name Of Land Evaluation System Used none | 9. Name of Local Site Assessment System soil potential rating | 10. Date Land Evaluation Returned by NRCS 5/26/23 | |

| PART III (To be completed by Federal Agency) | Alternative Corridor For Segment | | | |
|---|---|----------------------------|----------------------------|-------------------|
| | Corridor A (Alt. 1) | Corridor B (Alt. 2) | Corridor C (Alt. 3) | Corridor D |
| A. Total Acres To Be Converted Directly | 131.68 | | | |
| B. Total Acres To Be Converted Indirectly, Or To Receive Services | 0 | | | |
| C. Total Acres In Corridor | 199.80 | | | |

| PART IV (To be completed by NRCS) Land Evaluation Information | |
|--|-------------------|
| A. Total Acres Prime And Unique Farmland | 131.68 |
| B. Total Acres Statewide And Local Important Farmland | |
| C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted | 0.00090266 |
| D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value | 82.6 |

| PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points) | |
|--|-------------|
| | 42.7 |

| PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c)) | Maximum Points | | | |
|--|----------------|-----------|----------|----------|
| 1. Area in Nonurban Use | 15 | 15 | | |
| 2. Perimeter in Nonurban Use | 10 | 10 | | |
| 3. Percent Of Corridor Being Farmed | 20 | 15 | | |
| 4. Protection Provided By State And Local Government | 20 | 0 | | |
| 5. Size of Present Farm Unit Compared To Average | 10 | 4 | | |
| 6. Creation Of Nonfarmable Farmland | 25 | 0 | | |
| 7. Availability Of Farm Support Services | 5 | 5 | | |
| 8. On-Farm Investments | 20 | 20 | | |
| 9. Effects Of Conversion On Farm Support Services | 25 | 0 | | |
| 10. Compatibility With Existing Agricultural Use | 10 | 0 | | |
| TOTAL CORRIDOR ASSESSMENT POINTS | 160 | 69 | 0 | 0 |

| PART VII (To be completed by Federal Agency) | | | | |
|---|------------|--------------|----------|----------|
| Relative Value Of Farmland (From Part V) | 100 | 42.7 | 0 | 0 |
| Total Corridor Assessment (From Part VI above or a local site assessment) | 160 | 69 | 0 | 0 |
| TOTAL POINTS (Total of above 2 lines) | 260 | 111.7 | 0 | 0 |

| | | | |
|---|--|---|---|
| 1. Corridor Selected: Corridor A (Alt. 1) | 2. Total Acres of Farmlands to be Converted by Project: 131.68 | 3. Date Of Selection: 5/29/23 | 4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
|---|--|---|---|

5. Reason For Selection:
Corridor A (Alt. 1) was selected due to minimal impacts and low level of significance (less than 160 points) for impacted farmlands within and adjacent to the proposed corridor.

Signature of Person Completing this Part: _____ DATE _____

NOTE: Complete a form for each segment with more than one Alternate Corridor

Cultural Resources Appendix

Contents:

SHPO Concurrence Letter

DRAFT



Florida Department of Transportation

RON DESANTIS
GOVERNOR

801 North Broadway Avenue
Bartow, FL 33830

JARED W. PERDUE
SECRETARY

January 25, 2023

Ms. Alissa S. Lotane
Director and State Historic Preservation Officer
Florida Division of Historical Resources
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Attn: Transportation Compliance Review Program

**RE: Cultural Resource Assessment Survey
Project Development and Environment (PD&E) Study
State (SR) 70 from County Road (CR) 29 to Lonesome Island Road
Highlands County, Florida
FPID No.: 414506-5-22-01; ETDM: 14364**

Dear Ms. Lotane:

The Florida Department of Transportation (FDOT) District One is conducting a Project Development and Environment (PD&E) Study along State Road (SR) 70 from County Road (CR) 29 to Lonesome Island Road in Highlands County, Florida. The purpose of this project is to improve roadway deficiencies of the SR 70 corridor from CR 29 to Lonesome Island Road. In addition, the project intends to enhance operational capacity of the corridor, thereby improving emergency evacuation/response times as well as access for standard roadway maintenance (FDOT 2022). The study is approximately 4.3-miles long and proposed improvements include realigning the two-lane undivided segment of SR 70 by reconstructing the two existing travel lanes on new alignment; the widening of this segment up to four lanes is also being considered. The realignment will occur on the south side of SR 70 where new right-of-way (ROW) is proposed and the existing canal that runs parallel to SR 70 will be rerouted; no additional ROW is required on the north side of the roadway. In addition, linear ponds will be constructed within the new ROW and two Floodplain Compensation (FPC) sites will be developed at the eastern and western limits of the project.

The archaeological APE is limited to the footprint of proposed activities within the existing boundaries of the project. The historical/architectural APE includes immediately adjacent parcels where resources within 200-feet (ft) of the existing ROW were surveyed along the north side of SR 70 and resources within 500-ft from edge of proposed ROW were surveyed on the south where new ROW will be acquired. In addition, the historical/architectural APE for the two FPC sites includes the footprint of construction and immediately adjacent parcels as contained within 100-ft.

This CRAS was conducted in accordance with the requirements set forth in the National Historic Preservation Act of 1966 (as amended), which are implemented by the procedures contained in 36 CFR, Part 800, as well as the provisions contained in the revised Chapter 267, *Florida*

www.fdot.gov

Ms. Alissa S. Lotanc, Director
SR 70, Highlands County
FPID No.: 414506-5-22-01; ETDM: 14364
January 25, 2023
Page 2 of 3

Statutes. The investigations were carried out in accordance with Part 2, Chapter 8 (Archaeological and Historical Resources) of the FDOT's PD&E Manual, FDOT's Cultural Resources Manual, and the standards contained in the Florida Division of Historical Resources (FDHR) Cultural Resource Management Standards and Operations Manual (FDHR 2003). In addition, this survey meets the specifications set forth in Chapter 1A-46, Florida Administrative Code.

Archaeological background research indicated that four sites have been recorded within one mile of the APE, and all are dated to the Belle Glades period (BCE 700–700 CE). 8HG00627 was considered ineligible for listing in the National Register for Historic Places (NRHP) by the State Historic Preservation Officer (SHPO). Two precontact sand mounds were recorded and include 8HG00629, a prehistoric burial mound with human remains that was deemed eligible for listing in the NRHP by the SHPO, while 8HG00630, another precontact sand mound, was not evaluated by the SHPO. A precontact campsite (8HG00632), was determined to have insufficient information for an eligibility determination by the SHPO. The corridor has environmental features which indicate additional sites may be found, thus requiring archaeological testing. A review of relevant site locational information for environmentally similar areas within Highlands County and the surrounding region indicated a low to moderate probability for prehistoric archaeological sites within the APE. As a result of the field survey, no archaeological sites were discovered.

Historic background research indicated that no historic resources were previously recorded within the APE. Historic/architectural field survey resulted in the identification and evaluation of four historic resources (8HG01577, 8HG01578, 8HG01579, and 8HG01580) within the APE. These include one building (8HG01577), one bridge culvert (8HG01578), and two linear resources (8HG01579 and 8HG01580). The Frame Vernacular style building (8HG01577) is located at 2121 SR 70 E and was constructed in circa (ca.) 1977. Overall, the building lacks sufficient architectural features and is not a significant embodiment of a type, period, or method of construction. The SR 70 Cross Drain Culvert (8HG01578) is a pre-cast concrete culvert constructed in ca. 1970 in order to carry SR 70 over an unnamed cross drain which provides a connection between the drainage canals running parallel to SR 70. The resource is a typical example of a common post- 1945 concrete bridge culvert found throughout Florida and does not possess any notable engineering features or design elements. As such, this type of bridge culvert is excluded from Section 106 consideration by the Program Comment for Common Post- 1945 Concrete and Steel Bridges (Federal Register 2012:68793). The 4.3-mile segment of SR 70 (8HG01579) within the APE is a two-lane undivided roadway was historically known as Florida State Road 8 and was constructed by ca. 1926. Overall, the segment of SR 70 within the APE is a common two-lane roadway that lacks specific design or engineering features or characteristics that would differentiate it from other similar roads. The 3.8-mile-long and 4.3-mile-long segments of the SR 70 Drainage Canals (8HG01580) within the APE were constructed in ca. 1943. The drainage canals are not associated with surrounding major drainage projects. Overall, the SR 70 Drainage Canals are a common example of early twentieth century drainage canals found throughout Highlands County and lack unique design or engineering features. The newly identified historic resources have been altered, lack sufficient architectural or engineering features, and background research did not reveal any historical associations with significant persons and/or events. Thus, the resources do not appear eligible for listing in the NRHP, either individually or as a part of a historic district.

Ms. Alissa S. Lotane, Director
SR 70, Highlands County
FPID No.: 414506-5-22-01; ETDM: 14364
January 25, 2023
Page 3 of 3

Based on the results of the background research and field survey, there are no significant historic or prehistoric archaeological sites or historic resources within the APE. Thus, it appears that the proposed undertaking will result in no historic properties affected and have no effect on any NRHP listed, determined eligible, or potentially eligible resources within the APE.

The CRAS Report is provided for your review and comment. If you have any questions, please do not hesitate to call me at (863) 519-2515 or email at lauren.peters@dot.state.fl.us.

DocuSigned by:
Lauren Peters
50252A479EEF47F...

Lauren Peters
Environmental Project Manager
Florida Department of Transportation, District One
801 North Broadway Avenue
Bartow, Florida 33830

Enclosures: One original copy of the CRAS Report (January 2023), Four FMSF forms, One Completed Survey Log

CC: Martin Horwitz, KCA
Maranda Kles (ACI)

The Florida State Historic Preservation Officer (SHPO) finds the attached Cultural Resources Assessment Survey Report complete and sufficient and concurs/ does not concur with the recommendations and findings provided in this cover letter for SHPO/FDHR Project File Number 202300445. Or the SHPO finds the attached document contains insufficient information.

SHPO Comments:

Kelly L Chase for
Alissa S. Lotane, Director
State Historic Preservation Officer
Florida Division of Historical Resources

2.6.2023
Date

Natural Resources Appendix

Contents:

USFWS Biological Opinion

NMFS NRE Correspondence

FWC Coordination Letter

SFWMD Comments on NRE

FDEP Comment on NRE

EPA Coordination

EPA Sole Source Aquifer Concurrence Letter

DRAFT



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Florida Ecological Services Field Office



May 28, 2020

Harrison Garrett
Florida Department of Transportation
605 Suwanee Street, MS-37
Tallahassee, Florida 32399-0450

Service Consultation Code: 04EF2000-2019-F-0187
Date Received: October 22, 2020
Consultation Initiation Date: April 20, 2021
Project: State Road 70 from County
Road 29 to Lonesome Island
Road
County: Highlands

Dear Mr. Garrett:

The U.S. Fish and Wildlife Service (Service) has received a request for formal consultation from the Florida Department of Transportation (FDOT), dated October 22, 2020, for the widening of State Road (SR) 70 from County Road (CR) 29 to Lonesome Island Road (Project). This request was made on behalf of the Federal Highway Administration (FHWA). The FDOT has assumed FHWA's consultation responsibilities with the Service per agreement with the FHWA dated December 14, 2016. This document transmits the Service's Biological Opinion (BO) based on our review of the proposed Project located in Highlands County, Florida, and its effects on the threatened eastern indigo snake (*Drymarchon corais couperi* = *Drymarchon couperi*). It also includes and summarizes our concurrences for the FDOT's determinations for the Audubon's crested caracara (*Polyborus plancus* = *Caracara cheriway*; ACC), Everglade Snail Kite (*Rostrhamus sociabilis*; ESK), Florida bonneted bat (*Eumops floridanus*; FBB) and wood stork (*Mycteria americana*). This document is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

This biological opinion is based on information provided in the FDOT's Natural Resource Evaluation for the Project dated October 1, 2020, correspondence, telephone conversations, emails, and other sources of information. A complete record of this consultation is on file at the South Florida Ecological Services Office in Vero Beach, Florida

Consultation History

In an email to the Service dated October 22, 2020, the FDOT determined that the Project may affect, and is likely to adversely affect the eastern indigo snake and the FBB, and requested that

NORTH FLORIDA OFFICE
7915 BAYMEADOWS WAY, #200
JACKSONVILLE, FL 32256
904-731-3336

PANAMA CITY OFFICE
1601 BALBOA AVENUE
PANAMA CITY, FL 32405
850-769-0552

SOUTH FLORIDA OFFICE
1339 20TH STREET
VERO BEACH, FL 32960
772-562-3909

the Service initiate formal consultation on the Project. The FDOT also determined that the Project may affect, but is not likely to adversely affect the ACC, ESK, Florida panther (*Puma concolor coryi*), Florida scrub-jay (*Aphelocoma coerulescens*), and wood stork, and requested the Service's concurrence for these determinations.

In an email to the FDOT dated December 3, 2020, the Service noted that the Project site did not contain suitable habitat for the Florida scrub-jay, and the Project was not located in the Service's focus area for the Florida panther. Consequently, these species were not reasonably certain to occur on or near the Project site. The Service recommended that the FDOT change its determination for these species from may affect, but is not likely to adversely affect to no effect. The Service also requested additional information on the Project design and conservation measures proposed to benefit the eastern indigo snake.

In an email to the Service dated April 20, 2021, the FDOT noted that during the acoustic survey conducted at the Project site by their consultant in May 2020, a total of 20 bat calls were identified as those of the FBB. However, none of those calls were recorded within 90 minutes of sunset or sunrise and based on the timing of these calls it is not likely that FBBs roost on the Project site. In addition, no FBB roosts were documented on the Project site during roosting survey conducted by FDOT's consultant in August 2020. Based on this information, the FDOT changed its determination for the FBB from may affect, and is likely to adversely affect to may affect, but is not likely to adversely affect, and requested concurrence for this determination. The FDOT also changed its determinations for the Florida panther and the Florida scrub-jay from may affect, but is not likely to adversely affect to no effect. Finally, the FDOT provided additional information regarding the Project design and conservation measures associated with the Project as discussed above.

BIOLOGICAL OPINION

This BO provides the Service's opinion as to whether the proposed Project is likely to jeopardize the continued existence of the eastern indigo snake. Critical habitat has not been designated for the eastern indigo snake. Therefore, this BO will not address destruction or adverse modification of critical habitat.

Jeopardy Determination

Section 7(a)(2) of the Act requires that Federal agencies ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of listed species. "Jeopardize the continued existence of" means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species (50 Code of Federal Regulations 402.02).

The jeopardy analysis in this biological opinion relies on four components: (1) the Status of the Species a description of the range-wide condition of the species, the factors responsible for that condition, and the species survival and recovery needs; (2) the Environmental Baseline an analysis of the condition of the species in the action area, the factors responsible for that

condition, and the relationship of the action area to the survival and recovery of the species; (3) the Effects of the Action on the species, including the direct and indirect effects of the proposed Federal action and the effects of any interrelated or interdependent activities; and (4) the Cumulative Effects an evaluation of the effects of future, non-federal activities in the action area on the species.

In accordance with policy and regulation, the jeopardy determination is made by evaluating the effects of the proposed federal action in the context of the current status of the species, taking into account any cumulative effects, to determine if implementation of the proposed action is likely to cause an appreciable reduction in the likelihood of both the survival and recovery of the species in the wild.

DESCRIPTION OF THE PROPOSED ACTION

The FDOT proposes to widen a 4.3-mile (mi) segment of the SR 70 from CR 29 to Lonesome Island Road. The existing 2 lane paved roadway will be enlarged to 4, 12-foot wide paved lanes (2 eastbound and 2 westbound) with 5-foot wide paved shoulders, and a 40-foot wide grassed center median. The Project will also include a 12-foot wide paved shared use path, three stormwater treatment ponds and two floodplain compensation ponds. The need for the Project is based on addressing structural deficiencies of the existing roadway (*e.g.*, pavement cracking, potholes, rutting, failing roadway slopes), improving motor vehicle operational efficiency and hurricane evacuation capability, improving safety for motorists, and enhancing economic development in the region. The Project is located at latitude 27.29410, longitude 81.24591, in Section 36, Township 37 South, Range 30 East, Sections 31-34, Township 37 South, Range 31 East; Section 1, Township 38 South, Range 30 East; and Sections 3-6, Township 38 South, Range 31 East in Highlands County, Florida (Figure 1).

The 199.80-acre (ac) Project site contains 75.87 ac of land cover types that provide habitat for the eastern indigo snake including 33.46 ac of improved and unimproved pasture, 5.01 ac of citrus groves, 29.15 ac of sod farms, 1.83 ac of temperate hardwood, 4.23 ac of live oak, 1.96 ac of mixed-wetland hardwoods, and 0.23 ac of freshwater marsh. Lands within the two proposed Floodplain Compensation areas will not be converted into paved roadway and are expected to maintain vegetation that provides suitable habitat for the eastern indigo snake following completion of the Project.

The Project will impact 32.87 ac of surface waters and 2.86 ac of wetlands. To compensate for impacts to wetlands, the FDOT has proposed to develop a conceptual wetland mitigation plan at the time of permitting.

Minimization and conservation measures

To benefit the survival and recovery of the eastern indigo snake, the FDOT has agreed to implement the following minimization and conservation measures in association with the Project:

- 1) To reduce the likelihood that construction of the Project will result in injuries or mortalities of eastern indigo snakes, the FDOT has agreed to have its contractor follow the Service's *Standard Protection Measures for the Eastern Indigo Snake* (SPM; Service 2013) during construction.
- 2) To support the survival and recovery of the eastern indigo snake, the FDOT has agreed to provide sufficient credits at the Platt Branch Mitigation Bank (PBMB) in Highlands County, Florida to provide at least 75.87 ac of land cover types that provide habitat for the species. The FDOT has agreed not to commence construction of the Project until they provide the Service with a letter or email from the PBMB stating the credit ledger from the bank has been revised to reflect the deduction of the credits and the FDOT and their consultant receives an email or letter from the Service indicating that we have received this document.

Action area

The action area is defined as all areas to be directly or indirectly affected by the Federal action and not merely the immediate area involved in the action. For this Project the Service defines the action area as the Project footprint and all lands within 1,000 feet of the Project footprint. Construction activities and subsequent use of the new widened roadway by motor vehicles will produce noise, vibrations and light that will extend outward from the Project footprint. The distance that disturbance from these sources will extend from the Project footprint is not exactly known. However, based on our knowledge of noise and light that occur at other paved roadways in Florida, and in lieu of any other available information to the contrary, we estimate that noise will extend up to 1,000 feet from the Project footprint.

SPECIES NOT LIKELY TO BE ADVERSELY AFFECTED BY THE PROPOSED ACTION

Audubon's crested caracara

The Project occurs within the geographic range of the ACC. The ACC was observed in the Project area during field inspections conducted by the FDOT's consultant. Surveys for active nests of the ACC, following the Service's survey guidance, were conducted by the FDOT's consultant from January through April 2019. Active nests were not observed on the Project footprint or within 1,000 feet of the Project footprint. Therefore, the Project is not expected to affect nesting of the ACC. The Project will result in the minor loss of potential foraging habitat for the ACC (75.87 ac). However, thousands of acres of potential foraging habitat remain in the Project area and this loss is not expected to affect foraging of the ACC. The Service acknowledges that the collective loss of foraging habitat range wide has the potential to adversely affect the ACC. As such, we continue to monitor the loss of ACC foraging habitat throughout the species range. The Service finds that this Project is not expected to result in adverse impacts to the ACC. The FDOT has determined that the Project may affect, but is not likely to adversely affect the ACC. Based on the information provided, the Service concurs with this determination.

Everglade Snail Kite

The Project is in the geographic range of the ESK. The ESK was observed in the Project area during field inspections conducted by the FDOT's consultant. Surveys for active nests of the ESK, following the Service's survey guidance, were conducted by the FDOT's consultant during six separate events from December 2018 through May 2019. Active nests of the ESK were not observed on or near the Project footprint. Therefore, the Project is not expected to affect nesting of the ESK. The Project will result in the loss in the small amount of potential foraging habitat for the ESK (32.87 ac of surface waters and 2.86 ac of wetlands). However, thousands of ac of potential foraging habitat remain in the Project area and this loss is not expected to affect foraging of the ESK. The Service acknowledges that the collective loss of foraging habitat range wide has the potential to adversely affect the ESK. As such, we continue to monitor the loss of ESK foraging habitat throughout the species range. The Service finds that this Project is not expected to result in adverse impacts to the ESK. The FDOT has determined that the Project may affect, but is not likely to adversely affect the ESK. Based on the information provided, the Service concurs with this determination.

Florida bonneted bat

The Project occurs within the Service's consultation area for the FBB. The FDOT's consultant conducted roosting and acoustic surveys for the FBB based on the Service's guidance at the Project site in 2020. Roosting FBBs were not observed on the Project site. A total of 20 bat calls identified as the FBB were recorded during the acoustic survey. However, none of these calls were recorded within 90 minutes of sunset or sunrise. Therefore, these calls likely represent transient individuals travelling or foraging over the Project footprint and not FBBs that roost on the Project site. The FDOT has determined that the Project may affect, but is not likely to adversely affect the FBB. Based on the information provided, the Service concurs with this determination.

Wood stork

The Project is in the geographic range of the wood stork and within the Core Foraging Area (CFA) (*i.e.*, all lands within 18.6 mi) of an active nesting colony. The Project will result in the minor loss of potential foraging habitat for the wood stork associated with the loss of 2.86 ac of wetlands. However, thousands of acres of suitable potential foraging habitat remain in the CFA, including emergent wetlands in or adjacent to Lake Okeechobee, and this minor loss is not expected to affect foraging wood stork foraging in the CFA. The Service acknowledges that the collective loss of foraging habitat range wide has the potential to adversely affect the wood stork. As such, we continue to monitor the loss of wood stork foraging habitat throughout the species range. The Service finds that the Project is not expected to result in adverse impacts to the wood stork. The FDOT has determined that the Project may affect, but is not likely to adversely affect the wood stork. Based on the information provided, the Service concurs with this determination.

STATUS OF THE SPECIES RANGEWIDE

The status of the species range wide for the eastern indigo snake can be found at: <https://ecos.fws.gov/ServCat/DownloadFile/165512> (Service 2019).

Summary of threats to the species

The principal threat to the eastern indigo snake is the loss of habitat due commercial and residential development. Fire suppression and the lack of habitat management (*i.e.*, prescribed fire) in some areas has also resulted in the overgrowth of vegetation and the degradation and loss of habitat. Additional potential threats to the eastern indigo snake include: injuries and mortalities due to collisions with motor vehicles when attempting to cross roadways, malicious killing, occasional illegal collection of snakes for pets or the pet trade, and the reduction of gopher tortoise (*Gopherus polyphemus*) burrows available to eastern indigo snakes as shelters due to the decline of the gopher tortoise throughout its range.

ENVIRONMENTAL BASELINE

Status of the species within the action area

The action area (*i.e.*, the Project site and all lands within 1,000 feet) contains habitat suitable for the eastern indigo snake, and the majority of this habitat is unfragmented. A total of 75.87 ac of land cover types that provide suitable habitat for the eastern indigo snake occur in the Project footprint and will be lost due to the Project. Suitable habitat (roughly 850 ac) consisting of pasture, other agricultural lands, and forested lands also occurs within the remainder of the action area.

The Project site occurs within the known geographic range of the eastern indigo snake. This species was not observed by the FDOT's consultant during recent pedestrian surveys of the Project site. However, the Service has three records of the eastern indigo snake in our database occurring on the Project site. One individual was observed near the intersection of SR 70 and Lonesome Island Road in 2007 and two individuals were observed immediately adjacent to the intersection of SR 70 at its current intersection with CR 29 in 1974 (Figure 2). The Service also has two records of eastern indigo snakes (documented in 1982 and 1944, respectively) occurring approximately 0.25 mi west of the Project footprint (Figure 2). These records are located within 0.62 mi and 0.30 mi of the Project footprint. This distance corresponds to diameter of the home range of male and female indigo snake in South Florida based on estimated mean home range sizes of 184 ac and 46 ac respectively (as described in Layne and Steiner 1996). The habitat in the action area remains largely in a natural or agricultural state which would allow this species to persist in the action area after the observations were made. Based on this evidence, the Service concludes that the eastern indigo snake is reasonably certain to occur on the Project site.

It is difficult to determine the number of eastern indigo snakes that occur in the action area and within the Project footprint due to lack of existing data on the species abundance and an easily applied and reliable survey method. Therefore, we used the records in our database described above to estimate these metrics assuming each record represents a single male and a single

female eastern indigo snake. We further assumed that eastern indigo snakes identified by our database records would represent individuals likely to occur within the Project footprint or the action area if the records were located in these areas or within either 0.62 mi of these areas for male eastern indigo snakes or 0.30 mi for female eastern indigo snakes (as discussed above these distances represent the mean diameter of the home range for male and female snakes, respectively). Based on the number and location of the eastern indigo snake records described above and denoted in Figure 2, the Services estimates that up to ten eastern indigo snakes (five males and five females) could occur in the action area and that up to ten eastern indigo snakes (five males and five females) could occur in the Project footprint. In association with the five female eastern indigo snakes, the Service also estimates that up to five clutches of eggs could be present either in the action area or Project footprint during a breeding season.

Factors affecting the species environment within the action area

Currently, the greatest factor affecting the eastern indigo snake's environment within the action area is the presence of existing roadways (*i.e.*, SR 70, CR 29, and Lonesome Island Road). Motor vehicle traffic using these roadways increases the likelihood that eastern indigo snakes will be struck by these vehicles and injured or killed. The Service does not have any records of eastern indigo snakes being killed on these sections of roads. However, we do not have a reliable method of monitoring road-killed animals on public roadways. Moreover, scavengers quickly remove road-killed animals from roadways reducing the likelihood of detection.

Climate change

Our analyses under the Act include consideration of observed or likely environmental effects related to ongoing and projected changes in climate. As defined by the Intergovernmental Panel on Climate Change (IPCC), "climate" refers to average weather, typically measured in terms of the mean and variability of temperature, precipitation, or other relevant properties over time; thus, "climate change" refers to a change in such a measure which persists for an extended period, typically decades or longer, due to natural conditions (*e.g.*, solar cycles) or human-caused changes in the composition of the atmosphere or in land use (IPCC 2013, p. 1450). Because observed and projected changes in climate at regional and local levels vary from global average conditions, rather than using global scale projections, we use "downscaled" projections when they are available. In our analysis, we use our expert judgment to weigh the best scientific and commercial data available in our consideration of relevant aspects of climate change and related effects. Based on the observed trends in the climate record gathered from thousands of temperature and precipitation recording stations around the world and changes observed in physical and biological systems, the scientific community is certain that the earth's climate is changing and a warming trend in the climate is occurring (USGS 2019).

Florida is vulnerable to pulse events and sea level rise as well as to changes in rainfall and temperatures expected due to changes in environmental trends. Recent model simulations conducted by the National Oceanic and Atmospheric Administration (NOAA) during its Coupled Model Intercomparison Phase 5 Project (NOAA 2017) predict seasonal changes in precipitation for South Florida with increases in dry season rainfall up to 20 percent and decreases in wet season rainfall up to 30 percent. The change in timing of rainfall will likely stress ecosystems

and cause changes in vegetation types. A potential outcome of the change in vegetation could be a reduction in the prey productivity and the availability of prey to the eastern indigo snake.

EFFECTS OF THE ACTION

Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action (50 CFR 402.02).

Construction activities

The construction activities associated with the widening of SR 70 in the Project footprint have the potential to adversely affect eastern indigo snakes. For example, the use of heavy equipment in the Project footprint during land clearing and grading could incidentally injure or kill this species. The Service notes that the contractor for FDOT will be required to follow the SPM (Service 2013) during land clearing and construction activities. The SPM require that all construction workers be informed about eastern indigo snakes, their protected status, and potential occurrence on the Project site. The SPM further require the posting of speed limit signs on all roadways during Project construction and onsite signs explaining the penalties of intentionally running over snakes. Finally, the SPM require that construction cease if eastern indigo snakes are observed on the Project site during construction. Through the implementation of the SPM, the Service finds it unlikely that eastern indigo snakes will be injured or killed the part during construction activities.

As indicated above, the Service expects that up to five clutches of eastern indigo snakes could occur in the Project footprint during the breeding season. Unfortunately, egg clutches are located underground and difficult to detect. Consequently, if construction activities occur during the breeding season, they are likely to crush eastern indigo snake eggs and result in the loss of any egg clutch deposited in the Project footprint prior to the commencement of construction activities.

The construction of the new roadway lanes and associated infrastructure will directly result in the permanent loss of at least 75.87 ac of lands that provide habitat for the eastern indigo snakes. This acreage will be permanently lost to the species and will result in a minor reduction in the geographic range of the species and additional fragmentation of the species habitat in the region. The installation of the Project will also reduce the size of each existing home range of the eastern indigo snakes located in the Project footprint. Consequently, this loss of habitat could cause any eastern indigo snakes present to readjust its home range and potentially result in intraspecific competition for a territory, or in the worst case scenario reduce the size of the home range whereby it is no longer suitable for the species and result in the loss of the home range. The habitat lost due to the Project will adversely affect the eastern indigo snake by reducing the amount of habitat available for breeding, feeding, and sheltering of the species. As a conservation measure to benefit the survival and recovery of the eastern indigo snake and

compensate for the loss of eastern indigo snake habitat, the FDOT will provide sufficient credits from the PBMB in Highlands County, Florida to provide at least 75.87 ac of eastern indigo snake habitat. Lands within the PBMB are protected and managed in perpetuity to provide habitat for eastern indigo snake and other federally listed species.

Roadway operation following project completion

Motor vehicles present a threat to Eastern indigo snakes attempting to cross roadways. Injuries and mortalities of eastern indigo snakes resulting from motor vehicle strikes have been documented in other portions of the species range (Service 2019). The Service does not have any reports of injuries or mortalities of eastern indigo snakes resulting from collisions from motor vehicles in the action area. However, as discussed above, we acknowledge that little information about the frequency of road-related injuries and mortalities exists.

The Service finds it logical to expect that the widening of the SR 70 roadway will increase the risk that eastern indigo snakes will be struck by motor vehicles when attempting to cross the roadway. This will result from the increased width of paved roadway, containing cars and trucks moving at high speeds, that eastern indigo snakes must traverse when crossing the roadway, and the increase in the number of motor vehicles that the widened roadway can accommodate. The number of motor vehicles using the SR 70 roadway following widening is anticipated to increase, but not because of the widening itself. Rather, the number of motor vehicles using this section of roadway is expected to increase due to the projected future increase in human population growth and development in the region and the associated increase in motor vehicle use. Because the frequency of road crossings made by eastern indigo snakes in the action area is unknown and a reliable method to monitor road-related injuries and mortalities of eastern indigo snakes is not available, the Service finds it is not practicable to quantify the increased risk of road-related injuries and mortalities of eastern indigo snakes that may occur due the widening of the SR 70 roadway as the number of individuals injured or killed. Although the Project is likely to increase the potential for take associated with vehicular strikes, we find that the increased risk to eastern indigo snakes from vehicle strikes is likely to be small because the additional width of paved lanes containing motor vehicle traffic resulting from the Project is relatively small (ca. 24 feet of paved travel lanes within the 4.3-mi roadway segment).

Operation of the widened roadway (*i.e.*, motor vehicle use) is expected to increase disturbance to eastern indigo snakes in the Project area. Eastern indigo snakes are already exposed to significant disturbance in the Project corridor from motor vehicles using the existing SR 70 two-laned roadway (*i.e.*, the visual presence of motor vehicles and human activity on the roadway and vibrations due to motor vehicle operation). However, the addition of two new paved lanes will expand the extent of disturbance from motor vehicle use. The expected increase in the number of vehicles using the roadway resulting from future development in the region will also increase the magnitude of the disturbance. Disturbance resulting from motor vehicle use of the Project corridor could affect the movements of eastern indigo snakes. Consequently, eastern indigo snakes may be more likely to avoid the SR 70 roadway and alter or reduce the size of their home range. Based on our knowledge of the eastern indigo snake's behavior, we believe that they will adjust their home range to account for the increased level of disturbance resulting from the Project. Consequently, the increase in disturbance resulting from roadway operation

may result in minor changes in eastern indigo snake use patterns in the Project area. However, we don't expect these minor changes to result in the loss of an eastern indigo snake home range in the action area.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, Tribal, local or private actions that are reasonably certain to occur in the action area considered in this Biological Opinion. Future Federal actions unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act. The Service notes that future development in the action area will likely require a permit to fill wetlands either from the U.S. Army Corps of Engineers (Corps) or the Florida Department of Environmental Protection (FDEP) through their recent assumption of the Corps wetlands permitting process pursuant to Section 404 of the Clean Water Act. Therefore, a Federal nexus will exist and the Service will be able to consult on these actions, or the Service will be able to provide comments to the FDEP on these actions as a result of the Service's programmatic consultation with the Environmental Protection Agency on FDEP's assumption of the permitting process that has already occurred. Consequently, cumulative effects are not expected to occur in the action area.

CONCLUSION

After reviewing the current status of the eastern indigo snake, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is the Service's biological opinion that the Project, as proposed, is not likely to jeopardize the continued existence of the eastern indigo snake. We have reached this conclusion because:

1. The FDOT will follow the Service's SPM for the eastern indigo snake during construction of the Project and it is unlikely that eastern indigo snakes will be injured or killed during construction activities. Egg clutches could be crushed and destroyed during construction activities, although the number of clutches that could be lost is expected to be small and not exceed five clutches during one breeding season.
2. The Project will result in the loss of a small amount of lands (75.87 ac) that currently provide habitat for eastern indigo snake, and result in a minor decrease in the spatial extent of this habitat and the geographic range of the species. The Service notes that thousands of acres of eastern indigo snake habitat remain throughout the range of the eastern indigo snake and we don't expect this minor loss of habitat resulting from the Project to significantly reduce the range-wide population of the species. We acknowledge that collectively habitat loss from development projects could ultimately result in jeopardy to the species. Therefore, we continue to monitor the adverse effects of habitat loss of development projects to the eastern indigo snake throughout its range.
3. The number of eastern indigo snakes taken due to the Project will be small. Based on records of eastern indigo snakes in the Service's database and the home range size estimates provided by Layne and Steiner (1996; 46 ac and 184 ac respectively, for female and male eastern indigo snakes), the incidental take of up to five female and five male eastern indigo snakes and five

clutches of eastern indigo snake eggs within the Project footprint could occur. We don't expect this minor loss of individuals and reproductive effort to significantly reduce the range wide population of the species. We acknowledge that collectively the incidental take of eastern indigo snakes resulting from development projects could ultimately result in jeopardy to the species. Therefore, we continue to monitor the adverse effects of incidental take to the eastern indigo snake due to development projects throughout its range.

4. The potential for eastern indigo snake mortality and injury due to collisions with motor vehicles is expected to increase within the section of SR 70 associated with the Project due to the increase in paved roadway containing motor vehicle traffic, and the expected increase in motor vehicle traffic from future population growth and development in the action area. However, this increase is expected to be small.

5. The widening of SR 70 will increase disturbance to eastern indigo snakes resulting from roadway operation. The increase in disturbance may result in minor changes in eastern indigo snake use patterns in the Project area, but the Service does not expect these minor changes to result in the loss of an eastern indigo snake home range in the action area.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. "Take" is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct." "Harm" is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. "Harass" is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns that include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking, that is incidental to and not intended as part of the agency action, is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

The terms and conditions described below are nondiscretionary and must be undertaken by the FDOT for the exemption in section 7(o)(2) to apply. The FDOT has a continuing duty to regulate the activity covered by this incidental take statement. If the FDOT fails to assume and implement the terms and conditions, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, the FDOT must report the progress of the action and its impact on the species to the Service as specified in the Incidental Take Statement [50 CFR § 402.14(i)(3)].

AMOUNT OR EXTENT OF TAKE

The Service has reviewed the biological information for the eastern indigo snake, information presented by the FDOT and their consultant, and other available information relevant to this action. The Project is expected to incidentally result in take of the eastern indigo snake in the form of harm from the direct loss of habitat in the Project footprint (75.87 ac) and construction activities (with respect to the loss of egg clutches of eastern indigo snakes). The Service expects that habitat loss due to the Project will result in the incidental take of no more than five female and five male eastern indigo snake and that construction activities will result in the incidental take of no more than five clutches of eastern indigo snake eggs.

As indicated above, the Service finds it not practicable to quantify the number of injuries or mortalities of eastern indigo snakes resulting from the increased risk in motor vehicle strikes expected to result from operation of the widened roadway. However, we find that our estimate of incidental take related to habitat loss (up to five female and five male eastern indigo snakes) sufficiently encompasses the increased risk of take from vehicles strikes because the likelihood of these events is small.

The Service has chosen to use habitat loss as a surrogate for monitoring the number of eastern indigo snakes expected to be taken incidentally from the Project. We note that it is not practicable to monitor take of eastern indigo snakes directly for the following reasons: (1) the eastern indigo snake is secretive species that spends much of its time in underground refugia making it difficult to detect; 2) egg clutches of eastern indigo snakes are laid underground and difficult to detect; and (3) it is difficult to document the adverse effects of habitat loss from the Project on survival and reproduction of an individual eastern indigo snake. The Service notes that habitat loss is easily measured and monitored. Therefore, we will monitor the amount of incidental take from the Project by monitoring the loss of 75.87 ac of eastern indigo snake habitat.

If more than 75.87 ac of eastern indigo snake habitat is lost, immediate reinitiation of consultation is required, to the extent discretionary Federal agency involvement or control over the action has been retained or is authorized by law. While we do not expect to observe harm or death of eastern indigo snakes, if more five male eastern indigo snakes or five female eastern indigo snakes or five clutches of eastern indigo snake eggs are harmed or killed, then take is exceeded and immediate reinitiation of consultation is required, to the extent discretionary Federal agency involvement or control over the action has been retained or is authorized by law.

EFFECT OF TAKE

In the accompanying BO, the Service determined this level of anticipated take is not likely to result in jeopardy to the eastern indigo snake. Critical habitat has not been designated for the eastern indigo snake and will not be affected.

REASONABLE AND PRUDENT MEASURES

When providing an incidental take statement, the Service is required to provide: 1) reasonable and prudent measures it considers necessary or appropriate to minimize the take; 2) terms and conditions that must be complied with to implement the reasonable and prudent measures; and 3) procedures to be followed if any federally listed species are injured or killed. The Service finds the FDOT has already designed the Project to minimize take resulting from the action as described in the “Description of the Proposed Action” section of this BO. Therefore, additional reasonable and prudent measures and their implementing terms and conditions are not necessary to reduce take of the eastern indigo snake resulting from the action and will not be provided.

MONITORING AND REPORTING REQUIREMENTS

Pursuant to 50 Code of Federal Regulations 402.14(i)(3), the FDOT must provide adequate monitoring and reporting to determine if the amount or extent of take is approached or exceeded. Following land clearing associated with the Project, the FDOT must provide a report notifying the Service as to the acreage of each habitat type cleared by the Project within the Project footprint.

DISPOSITION OF DEAD OR INJURED SPECIMENS

Upon locating a dead, injured, or sick threatened or endangered species, initial notification must be made to the nearest Service Law Enforcement Office, 20501 Independence Blvd., Groveland, Florida, 34736, (352)429-1037, as well as the Florida Fish and Wildlife Conservation Commission’s Wildlife Alert number, (888)404-3922. Secondary notification should be made to the biologist identified below at the South Florida Ecological Service Office, (772)562-3909. Care should be taken in handling sick or injured specimens to ensure effective treatment and in the handling of dead specimens to preserve biological material in the best possible state for later analysis as to the cause of death. In conjunction with the care of sick or injured specimens, or preservation of biological materials from a dead animal, the finder has the responsibility to carry out instructions provided by Law Enforcement to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. The Service is not proposing any conservation recommendations at this time.

REINITIATION NOTICE

This concludes formal consultation on the Project. As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control

over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded (see below); (2) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (3) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. The amount of incidental take authorized by this consultation may be exceeded should impacts from the proposed Project increase beyond the loss of 75.87 ac of eastern indigo snake habitat and would be exceeded if more than five male eastern indigo snakes or five female eastern indigo snakes or five clutches of eggs are harmed or destroyed, as reported in this BO. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Thank you for your cooperation in the effort to protect fish and wildlife resources. If you have any questions regarding this project, please contact John Wrublik at (772)469-4282.

Sincerely yours,

Roxanna Hinzman
Field Supervisor
Florida Ecological Services Office

cc: electronic only

FDOT, Bartow, Florida (Jonathon Bennett, Gwen Pipkin)
FWC, Tallahassee, Florida (FWC-CPS)
NOAA Fisheries, St. Petersburg, Florida (David Rydene)

LITERATURE CITED

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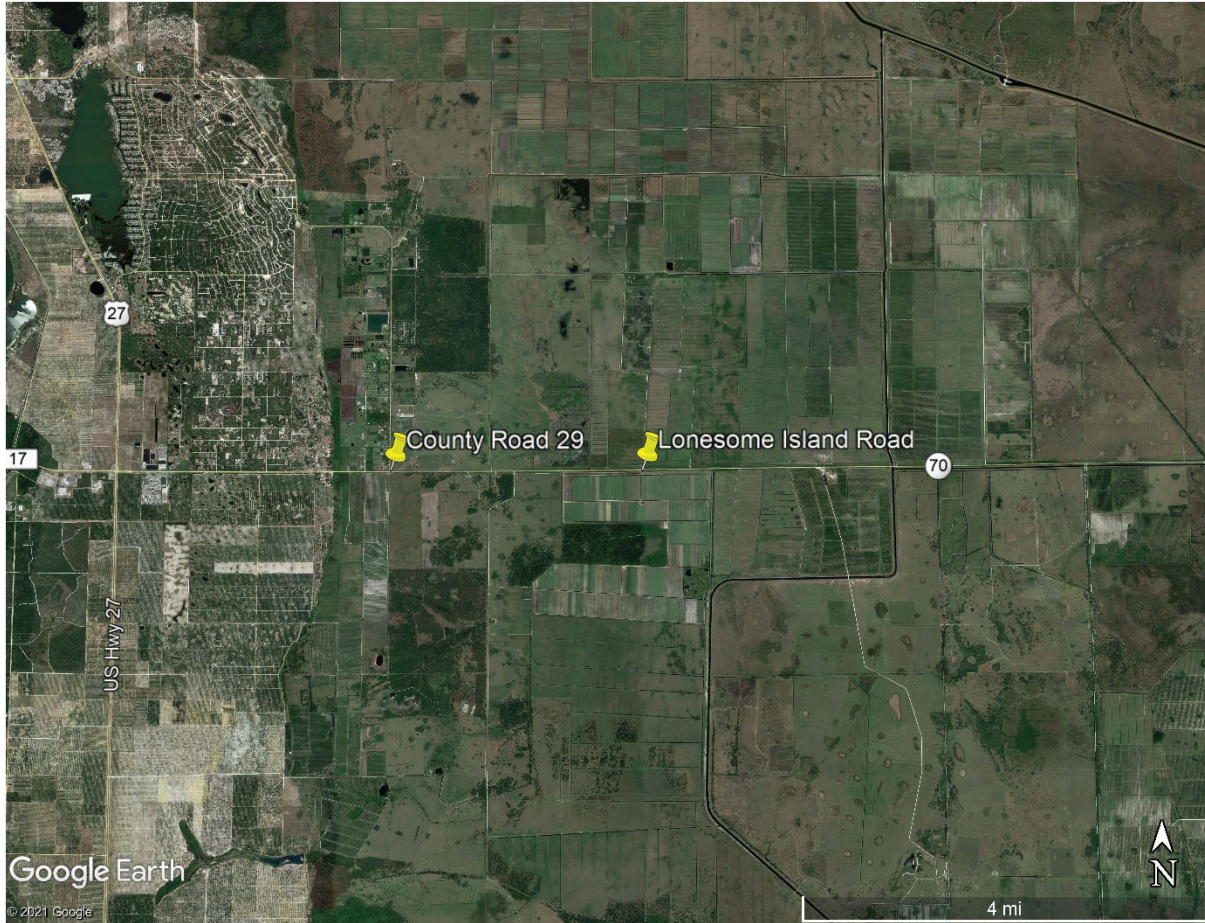


Figure 1. Location map for SR 70 from CR 29 to Lonesome Island Road widening project in Highlands County, Florida.

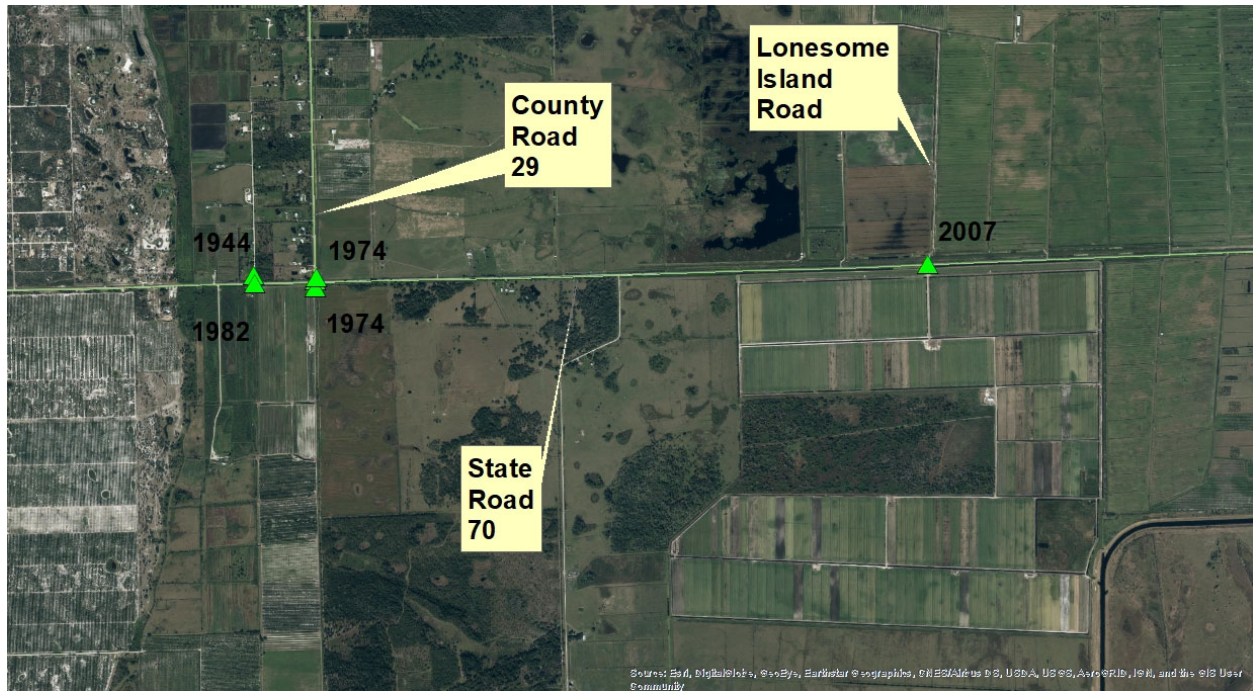


Figure 2. Location map of eastern indigo snake records in the Service’s database (as indicated by green triangles) for SR 70 from CR 29 to Lonesome Island Road widening project in Highlands County, Florida

DRAFT

Martin Horwitz

From: Peters, Lauren <Lauren.Peters@dot.state.fl.us>
Sent: Monday, December 19, 2022 8:14 AM
To: Martin Horwitz
Cc: Turley, David
Subject: FW: Document Review Confirmation for 414506-5 SR 70 from CR 29 to Lonesome Island NRE

Caution: External email.

Martin,

Please keep a copy of NMFS comments on the NRE for the project file in SWEPT.

Lauren Peters

Environmental Project Manager
Florida Department of Transportation District One
801 North Broadway Avenue
Bartow, Florida 33830
Main – (863) 519-2515
lauren.peters@dot.state.fl.us



<https://drivesoberfl.com>

From: admin@fla-etat.org <admin@fla-etat.org>
Sent: Thursday, December 15, 2022 2:59 PM
To: David.Rydene@noaa.gov
Cc: Peters, Lauren <Lauren.Peters@dot.state.fl.us>; dave.rydene@verizon.net
Subject: Document Review Confirmation for 414506-5 SR 70 from CR 29 to Lonesome Island NRE

EXTERNAL SENDER: Use caution with links and attachments.

A review was received for the following:

Event: 414506-5 SR 70 from CR 29 to Lonesome Island NRE

Document: 414506-5 SR 70 from CR 29 to Lonesome Island NRE

Submitted By: David Rydene

Global: Yes

Comments:

NMFS staff has reviewed the Natural Resource Evaluation (NRE) Report for the widening of SR70 from CR 29 to Lonesome Island Road (FMN 414506-5-22-01; ETDM 14364) in Highlands County, Florida, as part of the project's Project Development and Environment (PD&E) Study. It does not appear that there will be any direct or indirect impacts to NMFS trust resources, including Essential Fish Habitat and species and habitat under NMFS's purview covered by the Endangered Species Act. Since the resources affected are not ones for which NMFS is responsible, we have no comment to provide regarding the NRE.

DRAFT



January 5, 2023

Florida Fish and Wildlife Conservation Commission

Jonathon A. Bennett
Environmental Project Manager
Florida Department of Transportation District One
801 North Broadway Avenue
Bartow, Florida 33830
Jonathon.Bennett@dot.state.fl.us

Re: SR 70 from CR 29 to Lonesome Island Road Natural Resources Evaluation and Addendum, Highlands County

Commissioners

Rodney Barreto
Chairman
Coral Gables

Steven Hudson
Vice Chairman
Fort Lauderdale

Gary Lester
Oxford

Albert Maury
Coral Gables

Gary Nicklaus
Jupiter

Sonya Road
St. Augustine

Robert A. Spottswood
Key West

Office of the
Executive Director

Thomas H. Eason, Ph.D.
Acting Executive Director

Jessica Crawford
Chief of Staff

Division of Habitat and
Species Conservation
Melissa Tucker
Director

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resources for their long-term
well-being and the benefit
of people.*

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Tallahassee, Florida
32399-1600
Voice: 850-488-4676

Hearing/speech-impaired:
800-955-8771 (T)
800 955-8770 (V)

MyFWC.com

Dear Mr. Bennett:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the above-referenced Natural Resources Evaluation (NRE) and NRE Addendum in accordance with FWC's authorities under Chapter 379, Florida Statutes, and Chapter 68A-27, Florida Administrative Code.

The Florida Department of Transportation District One (FDOT D1) is studying the potential environmental effects for the proposed widening of SR 70 from CR 29 to Lonesome Island Road in Highlands County, a distance of 4.3 miles. The proposed action involves widening SR 70 from the existing two-lane undivided arterial roadway to a divided four-lane arterial roadway, creation of two new stormwater management facilities, and relocation of part of the canal that runs parallel to the roadway.

The NRE and NRE Addendum were prepared as part of the Project Development and Environment (PD&E) Study (ETDM Number 14364) to document the natural resources analysis and to summarize potential impacts to wetlands, federal and state protected species, and protected habitats within existing and new proposed right-of-way for the proposed roadway project. FWC staff agrees with the determinations of effect and supports the project implementation measures and commitments for protected species.

For specific technical questions regarding the content of this letter, please contact Kristee Booth at (850) 363-6298 or KristeeBooth@MyFWC.com. All other inquiries may be directed to ConservationPlanningServices@MyFWC.com.

Sincerely,

For Jason Hight, Director
Office of Conservation Planning Services

jh/kb

SR 70 from CR 29 to Lonesome Island Road _NRE and NRE Addendum_52773_01052023

Martin Horwitz

From: Peters, Lauren <Lauren.Peters@dot.state.fl.us>
Sent: Wednesday, January 4, 2023 3:16 PM
To: Martin Horwitz
Cc: Turley, David
Subject: FW: Document Review Confirmation for 414506-5 SR 70 from CR 29 to Lonesome Island NRE

Caution: External email.

Martin,

Please see below for SFWMD's comment and keep a copy for the project file.

Lauren Peters

Environmental Project Manager
Florida Department of Transportation District One
801 North Broadway Avenue
Bartow, Florida 33830
Main – (863) 519-2515
lauren.peters@dot.state.fl.us



<https://drivesoberfl.com>

From: admin@fla-etat.org <admin@fla-etat.org>
Sent: Wednesday, January 4, 2023 2:57 PM
To: cwesterf@sfwmd.gov
Cc: Peters, Lauren <Lauren.Peters@dot.state.fl.us>
Subject: Document Review Confirmation for 414506-5 SR 70 from CR 29 to Lonesome Island NRE

EXTERNAL SENDER: Use caution with links and attachments.

A review was received for the following:

Event: 414506-5 SR 70 from CR 29 to Lonesome Island NRE

Document: 414506-5 SR 70 from CR 29 to Lonesome Island NRE

Submitted By: Caitlin Westerfield

Global: Yes

Comments:

An ERP would be required for the proposed work. A pre-application meeting is recommended.

It does not appear there are any coastal and marine resources affected by the proposed project.

The project shall be designed to meet state water quality and quantity requirements, and best management practices, including turbidity curtains, will be utilized during project activities to prevent impacts. The project will be required to meet the criteria of ERP Applicant's Handbook, Vol II with respect to water quality and quantity. A determination of the effect of the project on water quality and quantity will be made at that time that an ERP application is submitted.

Meeting ERP requirements on accordance with the ERP Applicant's Handbook, Volumes I and II will presume no effect on surface waters resources in regard to water quality and quantity. To ensure that proposed construction activities do not degrade adjacent preserved wetlands and other surface waters, some of which are designated Outstanding Florida Waters, temporary turbidity control would need to be implemented around the limits of construction in accordance with AH I, 11.0. In addition, water quality monitoring may be required, in accordance with AH I, 11.0.

Compensating storage will be required for any additional encroachment within a floodplain under the 100-year evaluation. A determination of the effect of the project on the floodplain will be made at that time that an ERP application is submitted. Meeting ERP requirements in accordance with the ERP Applicant's Handbook, Volumes I and II will presume no effect on surface water resources in regard to the floodplain.

The applicant must demonstrate that the project (is not contrary to/is clearly in) the public interest pursuant to Rule 62-330.302(1), F.A.C. and Section 373.414(1), F.S., using the following criteria:

1. whether the activity will adversely affect the public health, safety or welfare or property of others;
2. whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species or their habitats;
3. whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
4. whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
5. whether the activity will be of temporary or permanent nature;
6. whether the activity will adversely affect or will enhance significant historical and archeological resources under the provision of Sec. 267.061; and
7. the current condition and relative value of the functions being performed by areas affected by the proposed activity.

At the time of application for an ERP, wetland and other surface water impacts will be evaluated. Impacts to wetlands and other surface waters must meet the criteria in Section 10 of the Applicant's Handbook, Vol. I, including Elimination and Reduction, as well as mitigation. A detailed environmental evaluation which identifies the locations and describes the wetland and surface water resource types (FLUCCS) and quality will be required. Further, the evaluation will need to quantify and qualify the proposed direct and secondary impacts to these resources, in accordance with AH I, 10.2. If wetland, surface water, and/or submerged aquatic resource impacts are proposed, a pre-application meeting is recommended to discuss elimination and reduction and potential mitigation plans, as well as the requirements for impacts to wetlands and surface waters. Practicable design modifications to reduce and eliminate direct and secondary impacts would be required in accordance with AH I, 10.2.1. A mitigation plan to offset any proposed direct, secondary, or unacceptable cumulative impacts to wetlands and surface waters would be required, in accordance with AH I, 10.2.8. Information demonstrating adverse impacts to remaining wetland hydrology will not occur. This information may

include pre/post development modeling of wetland recovery and peak stages. A site visit with District staff will be required to verify wetland and other surface water boundaries, impacts, mitigation, fill out 62-340, FAC data forms, etc.

If the Division of State Lands determines that any portion of the project is located on/over sovereignty submerged lands, the project may require proprietary authorization to use sovereignty submerged lands.

Based on the submitted information, it appears that dewatering operations may be performed as part of this project. Chapter 373, Florida Statutes (F.S.) indicates that a Water Use Permit may be required for dewatering activities. Because of the inseparable nature of water use and surface water management, and in accordance with Subsection 2.3(b), Environmental Resource Permit Applicant's Handbook Volume II, District staff will review the water use and ERP applications concurrently and final agency action will be taken once both applications are deemed complete

DRAFT

Martin Horwitz

From: Peters, Lauren <Lauren.Peters@dot.state.fl.us>
Sent: Wednesday, January 4, 2023 11:19 AM
To: Martin Horwitz
Cc: Turley, David
Subject: FW: Document Review Confirmation for 414506-5 SR 70 from CR 29 to Lonesome Island NRE

Caution: External email.

Martin,

FDEP has no comments. Please see the response below and add to the project file.

Lauren Peters

Environmental Project Manager
Florida Department of Transportation District One
801 North Broadway Avenue
Bartow, Florida 33830
Main – (863) 519-2515
lauren.peters@dot.state.fl.us



<https://drivesoberfl.com>

From: admin@fla-etat.org <admin@fla-etat.org>
Sent: Wednesday, January 4, 2023 11:06 AM
To: Chris.Stahl@FloridaDEP.gov
Cc: Peters, Lauren <Lauren.Peters@dot.state.fl.us>; state.clearinghouse@dep.state.fl.us
Subject: Document Review Confirmation for 414506-5 SR 70 from CR 29 to Lonesome Island NRE

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A review was received for the following:

Event: 414506-5 SR 70 from CR 29 to Lonesome Island NRE

Document: 414506-5 SR 70 from CR 29 to Lonesome Island NRE

Submitted By: Chris Stahl

Global: Yes

Comments:

None at this time

DRAFT

Martin Horwitz

From: Peters, Lauren <Lauren.Peters@dot.state.fl.us>
Sent: Monday, March 20, 2023 1:06 PM
To: Adelsbach.Terrence@epa.gov
Cc: Martin Horwitz; Turley, David
Subject: RE: Document Review Confirmation for 414506-5 SR 70 from CR 29 to Lonesome Island NRE

Caution: External email.

The project study area was assessed for the presence of wetlands and other surface waters that may be impacted by proposed project activities. Prior to completing the NRE Addendum, the project's Pond Siting Report was completed to identify the preferred pond sites for the project. The pond sites include Linear Treatment Ponds and Floodplain Compensation (FPC) Sites, FPC 1A and FPC 2A. A Regional Pond is not needed for the project due to the proposed use of Linear Treatment Ponds. Based on the NRE Addendum which includes only the preferred pond sites (Linear Treatment Ponds, FPC 1A and FPC 2A), the evaluation of this project results in a total impact to 3.67 acres of wetlands and 32.87 acres of other surface waters within the existing and proposed right-of-way that have potential to be affected by the Build Alternative or Preferred Alternative. The Uniform Mitigation Assessment Method (UMAM) delta scores assigned for each applicable wetland habitat type, e.g., freshwater marshes, in Table 3-4 of the NRE were utilized with the revised direct and secondary wetland impact acreage to calculate the proposed total UMAM functional loss. The totals are shown in Table 2-5 of the NRE Addendum. The UMAM functional loss was not included for impacts to other surface waters since the project proposes to re-create other surface waters within the basin associated with the proposed construction of linear treatment ponds, FPC sites, and relocated farm canals in order to offset the project's other surface water impacts. Potential impacts to federal and state-jurisdictional wetlands and other surface waters, as identified in the NRE Addendum, resulting from the proposed PD&E Study's Preferred Alternative include:

- 2.86 acres of direct wetland impacts
- 32.87 acres of direct surface water impacts
- 0.81 acres of secondary wetland impacts

The wetland jurisdictional boundaries were informally reviewed and approved by South Florida Water Management District (SFWMD) on November 26, 2018. The wetland and surface water boundaries will be delineated during the Design Phase and reviewed for approval by SFWMD and Florida Department of Environmental Protection (FDEP) State 404 Program during the environmental permitting process. Currently there is no programmed funding for design or construction phases in the FDOT adopted five year work program.

Mitigation to compensate for impacts to wetlands and surface waters, will be obtained in accordance with 373.4137, Florida Statutes (F.S.) to satisfy requirements of Part IV, Chapter 373, F.S. and 33 US Code (U.S.C) Section 1344. Based on the NRE Addendum, the anticipated mitigation requirements to offset adverse impacts resulting from the proposed project construction include a total of 1.84 UMAM credits (1.43 freshwater forested wetland credits; 0.41 freshwater herbaceous wetland credits) within the South Kissimmee Mitigation Basin. Currently, this mitigation basin has no federal or state approved mitigation banks with credits available for both freshwater forested or herbaceous wetland mitigation. During the Design and Permitting Phase, if there is still no federal and state approved wetland mitigation banks within the South Kissimmee Mitigation Basin, FDOT will work with SFWMD per 373.4137(3)(a) to create a mitigation site or FDOT will conduct its' own mitigation in-basin to meet federal and state requirements. Any created or enhanced wetland mitigation completed by SFWMD or FDOT will be evaluated using UMAM in order to determine the UMAM functional gain is equal to or greater than the project's UMAM functional loss. This will meet the intent of the "no net loss" standard described in Executive Order 11990 and meet the SFWMD Environmental Resource Permit and State 404 Program Permit requirements for the project's required wetland mitigation.

Lastly, as requested, FDOT will provide any future project revisions or updates to the Natural Resources Evaluation.

Lauren Peters

Environmental Project Manager
Florida Department of Transportation District One
801 North Broadway Avenue
Bartow, Florida 33830
Main – (863) 519-2515
lauren.peters@dot.state.fl.us



From: admin@fla-etat.org <admin@fla-etat.org>
Sent: Thursday, January 12, 2023 10:56 AM
To: Adelsbach.Terrence@epa.gov
Cc: Peters, Lauren <Lauren.Peters@dot.state.fl.us>
Subject: Document Review Confirmation for 414506-5 SR 70 from CR 29 to Lonesome Island NRE

EXTERNAL SENDER: Use caution with links and attachments.

A review was received for the following:

Event: 414506-5 SR 70 from CR 29 to Lonesome Island NRE
Document: 414506-5 SR 70 from CR 29 to Lonesome Island NRE
Submitted By: Terry Adelsbach
Global: Yes
Comments:

The U.S. Environmental Protection Agency reviewed the Natural Resource Evaluation (NRE) and NRE Addendum for a Project Development and Environment (PD&E) Study that evaluated engineering and environmental data and document information for Highlands County and the Florida Department of Transportation (FDOT) in determining anticipated environmental impacts associated with the proposed project. The proposed action involves widening SR 70 from the existing two-lane undivided arterial roadway to a divided four-lane arterial roadway to improve existing roadway deficiencies, operational conditions, emergency evacuation/response times, vehicle safety conditions, and regional transportation connectivity in the project study area. The SR 70 study limits extend from County Road 29 (CR 29) to

Lonesome Island Road in Lake Placid, Highlands County, Florida. The total project length is approximately 4.3 miles. This project was previously reviewed by federal and state resource agencies during the Efficient Transportation Decision Making (ETDM) screening process (Project #14364).

Wetland and surface water communities comprise 69.35 acres (14.10%) of the 491.85-acre project study area and include 47.54 acres of streams and waterways, 0.39 acre of reservoirs, 12.96 acres of freshwater marshes, 4.84 acres of wetland scrub, and 3.62 acres of mixed wetland hardwoods totaling 21.42 acres of wetlands. The project includes impacts to 17.71 acres of wetlands and 13.15 acres of surface waters. Any unavoidable impacts to wetlands will be mitigated to achieve no net loss of wetland function. The proposed project is not located within a mitigation service area for an approved mitigation bank. If at the time of permitting, the use of an in-lieu fee program is not available, a conceptual mitigation plan will be created to offset the unavoidable impacts to wetlands that would result from construction of the proposed project. The conceptual mitigation plan may include restoring, enhancing, or creating wetland/surface water habitats of similar type and quality (on-site or off-site) within the same drainage basin as the proposed project. Compensatory mitigation will be completed within the same drainage basin as proposed impacts. The exact amount and type of mitigation used to offset wetland impacts from the proposed SR 70 roadway improvements will be coordinated with state and federal regulatory agencies.

There are eight (8) potential pond sites associated with the Preferred Build Alternative described above. Of those eight (8) sites, there are four (4) proposed floodplain compensation (FPC) ponds, three (3) proposed stormwater management facilities (SMF) and one (1) proposed regional pond. Additional drainage engineering analysis is being conducted to identify one (1) FPC and one (1) SMF per basin for the Preferred Build Alternative. Therefore, a total of two (2) FPC ponds and a total of three (3) SMF ponds, or linear treatment ponds, will be constructed for the Preferred Build Alternative. The linear treatment ponds will be constructed parallel to SR 70 within the proposed ROW. The regional pond will be incorporated and constructed in the Preferred Build Alternative regardless of the additional drainage analysis results and selected FPC and SMF locations.

Pursuant to Executive Order 11990 entitled "*Protection of Wetlands*" (May 1977), the U.S. Department of Transportation (USDOT) developed a policy, *Preservation of the Nation's Wetlands* (USDOT Order 5660.1A), dated August 24, 1978, which requires all federally funded highway projects to fully protect wetlands possible. In accordance with this policy, as well as PD&E Manual *Wetlands and Other Surface Waters*, the Preferred Alternative was assessed to determine potential wetland and surface water impacts associated with project implementation. The presence of wetlands and other surface waters within the study area was reviewed using both desktop and field reviews. No jurisdictional delineations/determinations were conducted. Based on the evaluations completed, FDOT proposes to mitigate for 13.09 acres of functional wetland loss based on the Uniform Mitigation Assessment Methodology (UMAM). Losses of surface waters are proposed to be mitigated by construction of ponds and basins. The EPA requests additional justification and discussion regarding how the UMAM assessment supports proposed mitigation of 13.09 acres for 22.44 acres of direct wetland loss and how the proposed mitigation meets the "not net loss" standard described in E.O. 11990. The EPA also requests review of any future project revisions or updates of environmental documents for the proposed project.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

Ms. Lauren Peters
Environmental Project Manager
Florida Department of Transportation, District 1
801 North Broadway
Bartow, FL 33830

Subject: Sole Source Aquifer Review/Concurrence SR 70 Project Development and Environment (PD&E) Study from CR 29 to Lonesome Island Road in Highlands County, Florida, Financial Project ID: 414506-5-22-01.

Dear Ms. Peters:

The U.S. Environmental Protection Agency, Region 4 received the Florida Department of Transportation's (FDOT) request on May 16, 2023, to review the above referenced project pursuant to Section 1424(e) of the Safe Drinking Water Act (SDWA), [42 U.S.C. § 300h-3](#). The objective of the EPA's review is to determine if the project lies within the boundaries, including recharge and streamflow source zones, of an EPA designated Sole Source Aquifer (SSA), and to determine if the project poses potential adverse health or environmental impacts. A SSA is the sole or principal water source for a designated area.

The SR 70 Project Development and Environment (PD&E) Study from CR 29 to Lonesome Island Road (Project) has been determined to lie inside the designated boundaries of the Biscayne Sole Source Aquifer and based on the information provided, may cause a significant impact to the aquifer system when the Project's bridge foundations are installed and/or construction dewatering is undertaken. However, with proper implementation of best management practices (BMPs), these potential impacts can be adequately reduced or properly mitigated. To that effect, when installing bridge foundations, the FDOT must adhere to the list of BMPs provided as items 1 and 2 below. The dewatering operation BMPs are listed in item 3 below:

1. FDOT Design Manual Chapter 320 Stormwater Pollution Prevention Plan (SWPPP)
2. FDOT Standard Specification for Road and Bridge Construction,
 - a. Section 6 – Control of Materials
 - b. Section 104 – Prevention, Control, And Abatement of Erosion and Water Pollution
 - c. Section 455 – Structures Foundations
3. U.S. Bureau of Reclamation Engineering Geology Field Manual – Chapter 20 Water Control. <https://www.usbr.gov/tsc/techreferences/mands/geologyfieldmanual-vol2/Chapter20.pdf>

Furthermore, all debris from any demolition of the existing structures must be properly contained and removed from the site prior to construction of the new structure. If applicable, all county flood plain management plans and public notification processes must be followed. During construction, it is the EPA's understanding and expectation that those responsible for the project will strictly adhere to all Federal, State, and local government permits, ordinances, planning designs, construction codes, operation, maintenance, and engineering requirements, and any contaminant mitigation recommendations outlined by federal and state agency reviews. All best management practices for erosion and sedimentation control must also be followed and State and local environmental offices must be contacted to address proper drainage and storm water designs. Additionally, the project manager should contact State and local environmental officials to obtain a copy of any local Wellhead Protection Plans. The following website provides information regarding the Florida Department of Environmental Protection's Source Water Assessment and Protection Program. <http://www.dep.state.fl.us/swapp/Default.html>.

The EPA finds that, if the conditions outlined above are adhered to, this Project should have no significant impact to the aquifer system. Please note that this "no significant impact" finding has been determined based on compliance with the requirements outlined above and, on the information provided. Further, this finding only relates to Section 1424(e) of the SDWA, [42 U.S.C. § 300h-3](#). If there are any significant changes to the project, the EPA Region 4 office should be notified for further review. Other regulatory groups within the EPA responsible for administering other programs may, at their own discretion and under separate cover, provide additional comments.

Thank you for your concern with the environmental impacts of this project. If you have any questions, please contact Mr. Manuel López Sánchez at 404-562-8259 or LopezSanchez.Manuel@epa.gov or Mr. Larry Cole at 404-562-9474 or Cole.Larry@epa.gov.

Sincerely,

**KHURRAM
RAFI**

Digitally signed by
KHURRAM RAFI
Date: 2023.07.12
13:22:43 -04'00'

Khurram Rafi, Manager
Groundwater and GIS Section
Safe Drinking Water Branch
EPA, Region 4, Atlanta, GA