

# STATE ENVIRONMENTAL IMPACT REPORT

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**SR 31 Project Development & Environment (PD&E) Study  
From SR 78 (Bayshore Road) to CR 78 (North River Road) and CR  
78 (North River Road) to Cook Brown Road  
Lee and Charlotte Counties, Florida**

**ETDM Numbers: 9791 & 9651  
Financial Project IDs: 428917-1-22-01 & 428917-2-21-01**

Prepared for:



**Florida Department of Transportation  
District One  
801 North Broadway Avenue  
Bartow, Florida 33830**

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding December 14, 2016 and executed by FHWA and FDOT.

**May 2021**

## STATE ENVIRONMENTAL IMPACT REPORT FORM

### 1. PROJECT DESCRIPTION AND PURPOSE AND NEED:

#### a. Project Information

**Project Name:** SR 31 PD&E Study

**Project Limits:** From SR 78 (Bayshore Road) to Cook Brown Road

**Counties:** Lee and Charlotte Counties

**ETDM Numbers:** 9791 & 9651

**Financial Management Numbers:** 428917-1-22-01 & 428917-2-21-01

**Project Manager:** Patrick Bateman, PE

#### b. Proposed Improvements:

The Florida Department of Transportation (FDOT), District One, is conducting a Project Development and Environment (PD&E) Study regarding the proposed widening of State Road (SR) 31 in Lee and Charlotte Counties, Florida. The overall project length is 5.3 miles. The project location is shown on **Figure 1** and the existing typical section is shown on **Figure 2**, below.

#### Selected Interim Improvement

The interim improvement includes construction of a new four-lane divided roadway from SR 78 to Horseshoe Road. This section is located on a new alignment east of the existing SR 31 roadway and the 50-foot wide Florida Gas Transmission pipeline easement. From Cypress Parkway to Horseshoe Road, the roadway shifts back to the west and involves widening SR 31 to the east of its existing alignment and will use a combination of the existing SR 31 roadway right-of-way and new right-of-way. The existing two-lane undivided section of SR 31 will remain in place from north of SR 78 to the Lee/Charlotte County Line and will serve as a frontage road for local access. A separate project will relocate the existing Florida Gas Transmission (FGT) easement from the east side to the west side of existing SR 31 from just north of the Lee/Charlotte County Line to just north of Horseshoe Road. From just north of Horseshoe Road, the gas line will transition back to the east side of the road and connect with the existing FGT easement.

The selected interim typical section from SR 78 to Cypress Parkway includes two, 11-foot travel lanes in each direction separated by a 44-foot median that will accommodate future inside widening with Type F curb along the inside and outside lanes. A 12-foot wide shared-

use path is proposed along both sides of the roadway. Between SR 78 and the Lee/Charlotte County Line, approximately 208 feet of right-of-way is required. It should be noted that from the Lee/Charlotte County Line northward, the shared-use path on the east side will be 10 feet wide and located outside of the proposed roadway right-of-way on the Chain of Lakes berm. Approximately 192 feet of right-of-way is needed from the Lee/Charlotte County Line to Cypress Parkway. **Figure 3** depicts the selected interim 4-lane typical section from SR 78 to the Lee/Charlotte County Line. **Figure 4** depicts the selected interim 4 lane typical section from the Lee/Charlotte County Line to Cypress Parkway.

From Cypress Parkway to Horseshoe Road, the selected typical section includes two, 11-foot travel lanes in each direction separated by a 22-foot median. Type F curb will be placed along the median and along the outside travel lanes. Approximately 107 feet of additional right-of-way is needed along the east side of SR 31 for a total width of 207 feet. Through this section, the Florida Gas Transmission gas line will be relocated to a new 50-foot wide easement along the west side of the existing SR 31 right-of-way. This typical section includes dual ditches and a 12-foot shared-use path along the west side of the road. A 10-foot shared-use path will also be provided along the east side of the road, outside the roadway right-of-way on the Chain of Lakes berm on Babcock Ranch property. **Figure 5** illustrates this selected typical section.

### **Selected Ultimate Improvement**

The ultimate 6-lane selected alternative includes widening the interim 4-lane divided SR 31 roadway to a six-lane divided roadway from SR 78 to Cypress Parkway. This will involve adding one through lane in each direction to the median. From Cypress Parkway to Horseshoe Road, the interim 4-lane divided roadway will remain. From Horseshoe Road to Cook Brown Road, the existing two-lane SR 31 roadway will be widened to a 4-lane divided roadway to the west within a combination of existing road right-of-way and proposed road right-of way.

The selected ultimate 6-lane typical section from SR 78 to Cypress Parkway includes three, 11-foot travel lanes in each direction separated by a 22-foot median with Type F curb along the inside and outside lanes. As previously mentioned, this widening will be done towards the median. **Figure 3** depicts the selected 6-lane ultimate typical section from SR 78 to the Lee/Charlotte County Line. **Figure 4** depicts the selected ultimate 6-lane typical section from the Lee/Charlotte County Line to Cypress Parkway.

From Cypress Parkway to Horseshoe Road, the selected 4-lane interim improvement will remain as the ultimate improvement and is illustrated in **Figure 5**.

Between Horseshoe Road and Cook Brown Road, the existing SR 31 roadway will be reconstructed as a 4-lane divided roadway. The alignment involves widening to the west, which will require an additional 107 feet to the west of the existing SR 31 right-of-way, for a total roadway right-of-way width of 207 feet. The selected ultimate 4-lane typical section includes two, 11-foot travel lanes in each direction separated by a 22-foot median. Type F curb will be placed along the median and along the outside travel lanes. Dual ditches will also be provided along the west side of the road. The existing Florida Gas Transmission gas line will remain within the existing 50-foot easement along the east side of SR 31. **Figure 6** shows this selected 4-lane ultimate roadway typical section.

### **c. Purpose and Need:**

The segments of SR 31 from SR 78 to CR 78 and from CR 78 to Cook Brown Road were screened in the Environmental Screening Tool (EST) separately and this purpose and need is a combination of the purpose and need statements from each screening.

#### **Purpose of the Project**

The purpose of the project is to address the deficient operational capacity of SR 31 from SR 78 to Cook Brown Road in order to accommodate the anticipated growth in traffic associated primarily with the Babcock Ranch Development of Regional Impact (DRI).

The other goals of the project are to increase emergency evacuation capabilities in northern Lee and southern Charlotte Counties by providing a facility capable of handling evacuation of future residents and workers; to enhance system linkage connecting freight and personal vehicle traffic to the roadway network in northern Lee and southern Charlotte Counties; and to improve modal interrelationships by providing bicycle and pedestrian facilities to link the Babcock Ranch development with existing development.

#### **Needs**

##### **Increase Capacity**

The proposed Babcock Ranch DRI is located in southeastern Charlotte County, north of CR 78 (North River Road) and immediately east of SR 31. Access to this development is provided exclusively from SR 31. The project will be developed within 17,800 acres of the total 91,000 acres of land encompassing the Babcock Ranch property. At full build-out, approximately 19,500 housing units and six million square feet of commercial use (retail, office) will be provided. Overall, approximately 50,000 new residents are projected to live in this development. This new mixed use residential and commercial development will significantly impact future traffic conditions on SR 31. As such, the widening will be critical in accommodating anticipated travel demands. The expansion of SR 31 is supported through a private-public partnership between the developers of Babcock Ranch and FDOT.

The existing year (2017) Average Annual Daily Traffic (AADT) volumes range from 6,900 to 11,200 vehicles per day (vpd). By the design year (2045), the AADT volumes are projected to range between 22,000 and 73,300 vpd. These future year traffic volumes will require the widening of SR 31 in order to maintain an acceptable level of service for the roadway.

### **Improve Emergency Evacuation Capabilities**

The SR 31 corridor in Lee and Charlotte Counties is part of the evacuation route network established by the Florida Division of Emergency Management. Designated as a primary evacuation route, this facility is critical in evacuating residents throughout the northern portion of Lee County and the central and eastern portions of Charlotte County. The impacts posed by the Babcock Ranch development could significantly affect future evacuation capacity and traffic circulation on SR 31. As such, the expansion of SR 31 is critical in improving emergency evacuation and response times.

### **Enhance Regional Connectivity**

SR 31 is classified by the FDOT as a rural minor arterial and an Emerging Strategic Intermodal System (SIS) facility providing access to residential homes, agricultural lands, ranches, gravel mines, and open space/conservation lands. SR 31 also serves as an important truck route for commercial vehicles shipping goods to and from Lee, Charlotte and DeSoto Counties. In addition, the Joint Regional Multimodal Transportation Systems developed by the Charlotte County-Punta Gorda Metropolitan Planning Organization (MPO) and the Sarasota/Manatee MPO and by the Charlotte County-Punta Gorda MPO and the Lee County MPO identifies SR 31 as an important regional north-south transportation corridor. Accordingly, the Transportation Element of the Charlotte County Comprehensive Plan identifies SR 31 as a potential future Critical Truck Utilization Route due to the significant growth projected to occur in the vicinity of the corridor. The Lee County MPO's 2040 Long Range Transportation Plan (LRTP) recognizes the segment of SR 31 from SR 78 to CR 78 (North River Road) as a Priority Road Segment. The widening of SR 31 is anticipated to improve overall safety, emergency access, and truck access, as well as accommodate future growth in the southeastern portion of Charlotte County and the northern portion of Lee County.

### **Improve Modal Interrelationships**

Currently, there are paved shoulders on both sides of SR 31 from SR 78 to Cook Brown Road. Bicycle and pedestrian improvements on SR 31 are not identified in the Lee County MPO's 2040 LRTP. However, according to policies within the Lee County Comprehensive Plan, Objective 39.2 Transportation and Land Use Planning, and associated policies, bicycle facilities and sidewalks should be included in the construction plans of new and expanded roadways, as well as new developments. Therefore, bicycle and pedestrian facilities will be

included in the widening of SR 31 from SR 78 to Cook Brown Road. In addition, pedestrian facility improvements will be incorporated along the majority of roads connecting to SR 31 as part of the Babcock Ranch DRI. These improvements are consistent with the Lee County Greenways Master Plan that includes the Pine Island/Hendry Trail within the limits of the study.

**d. Project Planning Consistency:**

| Currently Adopted CFP-LRTP | COMMENTS   |                         |                   |                 |          |
|----------------------------|--|-------------------------|-------------------|-----------------|----------|
| <b>Y</b><br>(See comments) | <p>Capacity improvements pertaining to SR 31 from SR 80 to the Charlotte County Line, have been identified in the Lee County Metropolitan Transportation Organization (MPO) 2040 Long Range Transportation Plan (LRTP) Cost Feasible Plan. The Lee County MPO 2040 LRTP also includes construction of privately funded improvements to SR 31 from SR 78 to the Charlotte County line.</p> <p>The Charlotte County-Punta Gorda MPO's 2040 LRTP identifies capacity improvements to SR 31 from the Lee County Line to North of Cook Brown Road in their Cost Feasible Plan Developer Funded Road Projects table.</p> |                         |                   |                 |          |
| PHASE                      | Currently Approved TIP   | Currently Approved STIP | TIP/STIP \$       | TIP/STIP FY     | COMMENTS |
| <b>PE (Final Design)</b>   | Y  | N                       | \$4,000,000 / N/A | 2024/2025 / N/A | 428917-1 |
|                            | N  | N                       | N/A / N/A         | N/A / N/A       | 428917-2 |
| <b>Right-of-Way (ROW)</b>  | N  | N                       | N/A / N/A         | N/A / N/A       | 428917-1 |
|                            | N  | N                       | N/A / N/A         | N/A / N/A       | 428917-2 |
| <b>CST</b>                 | N  | N                       | N/A / N/A         | N/A / N/A       | 428917-1 |
|                            | N  | N                       | N/A / N/A         | N/A / N/A       | 428917-2 |

Applicable LRTP, STIP, and TIP pages are included in Appendix A.

## 2. ENVIRONMENTAL ANALYSIS

### \*Substantial Impacts?

| Issues/Resources | Y | N | E | N | Supporting Information** |
|------------------|---|---|---|---|--------------------------|
|                  | e | o | h | o |                          |
|                  | s |   | a | I |                          |
|                  |   |   | n | n |                          |
|                  |   |   | c | v |                          |
|                  |   |   | e |   |                          |

#### A. SOCIAL AND ECONOMIC

|                         |     |     |     |     |                           |
|-------------------------|-----|-----|-----|-----|---------------------------|
| 1. Social               | [ ] | [X] | [ ] | [ ] | <u>See Attachment A.1</u> |
| 2. Economic             | [ ] | [ ] | [X] | [ ] | <u>See Attachment A.2</u> |
| 3. Land Use Changes     | [ ] | [X] | [ ] | [ ] | <u>See Attachment A.3</u> |
| 4. Mobility             | [ ] | [ ] | [X] | [ ] | <u>See Attachment A.4</u> |
| 5. Aesthetic Effects    | [ ] | [X] | [ ] | [ ] | <u>See Attachment A.5</u> |
| 6. Relocation Potential | [ ] | [X] | [ ] | [ ] | <u>See Attachment A.6</u> |

#### B. CULTURAL

|   |     |     |     |     |                           |
|---|-----|-----|-----|-----|---------------------------|
| 1. Historic Sites/Districts             | [ ] | [X] | [ ] | [ ] | <u>See Attachment B.1</u> |
| 2. Archaeological Sites                 | [ ] | [X] | [ ] | [ ] | <u>See Attachment B.2</u> |
| 3. Recreation Areas and Protected Lands | [ ] | [ ] | [ ] | [X] | <u>None Present</u>       |

#### C. NATURAL

|  |     |     |     |     |                           |
|--|-----|-----|-----|-----|---------------------------|
| 1. Wetlands & Other Surface Waters           | [ ] | [X] | [ ] | [ ] | <u>See Attachment C.1</u> |
| 2. Aquatic Preserves & Outstanding FL Waters | [ ] | [X] | [ ] | [ ] | <u>See Attachment C.2</u> |
| 3. Water Resources                           | [ ] | [X] | [ ] | [ ] | <u>See Attachment C.3</u> |
| 4. Wild and Scenic Rivers                    | [ ] | [ ] | [ ] | [X] | <u>None Present</u>       |
| 5. Floodplains                               | [ ] | [X] | [ ] | [ ] | <u>See Attachment C.5</u> |
| 6. Coastal Barrier Resources                 | [ ] | [ ] | [ ] | [X] | <u>None Present</u>       |
| 7. Protected Species and Habitat             | [ ] | [X] | [ ] | [ ] | <u>See Attachment C.7</u> |
| 8. Essential Fish Habitat                    | [ ] | [X] | [ ] | [ ] | <u>See Attachment C.8</u> |

#### D. PHYSICAL

|                             |     |     |     |     |                           |
|-----------------------------|-----|-----|-----|-----|---------------------------|
| 1. Highway Traffic Noise    | [ ] | [X] | [ ] | [ ] | <u>See Attachment D.1</u> |
| 2. Air Quality              | [ ] | [X] | [ ] | [ ] | <u>See Attachment D.2</u> |
| 3. Contamination            | [ ] | [X] | [ ] | [ ] | <u>See Attachment D.3</u> |
| 4. Utilities and Railroads  | [ ] | [X] | [ ] | [ ] | <u>See Attachment D.4</u> |
| 5. Construction             | [ ] | [X] | [ ] | [ ] | <u>See Attachment D.5</u> |
| 6. Bicycles and Pedestrians | [ ] | [ ] | [X] | [ ] | <u>See Attachment D.6</u> |
| 7. Navigation               | [ ] | [ ] | [ ] | [X] | <u>None Present</u>       |

\*Substantial Impacts?: Yes = Substantial Impact; No = No substantial impact; Enhance = Enhancement; NoInv = Issue absent, no involvement.

\*\*Basis of decision is documented in the referenced attachment(s).



### 3. ANTICIPATED PERMITS

- ☒ Individual State 404 Permit - FDEP
- ☐ Nationwide Permit - USACE
- ☐ Bridge Permit - USCG
- ☒ Environmental Resource Permit - SFWMD
- ☒ Other – Biological Opinion/Incidental Take Permit –USFWS

### 4. ENGINEERING ANALYSIS

Only one widening alternative was evaluated. The engineering analysis is documented in the Preliminary Engineering Report (PER) (April 2021), prepared separately.

The Babcock Ranch community consists of the Babcock Ranch Development of Regional Impact (DRI) in Charlotte County and the Babcock Ranch Master Planned Development (MPD) in Lee County, east of SR 31. The community at build out is expected to be inhabited by 50,000 residents producing nearly 250,000 daily trips. Of these nearly 250,000 trips, 84,800 are expected to be external. With the aid of the D1RPM, these trips were assigned to the 6 entrances and either northbound or southbound on SR 31, the exclusive access for the Babcock Ranch community. With most trips heading south of the community, an AADT of over 73,000 is expected on portions of SR 31 in the design year, necessitating 6 lanes. With Cypress Parkway as the main entrance for the community, volumes are expected to be lower on the northern end of the project, but still need 4 lanes.

The Babcock Ranch developer has constructed a series of lakes and is planning to construct more. This series of lakes will treat runoff from the development and included capacity for treating runoff from the expanded SR 31. The lakes are also expected to draw down the water table in the area, reducing impacts of flooding in the area. The northern end of the project is prone to frequent flooding. In addition to the lakes reducing the level of flooding, the profile of the roadway will be increased by approximately 3 feet throughout the limits of the project. On the southern end of the project, offsite ponds will be required to treat runoff. Due to proximity to the tidal portion of the Caloosahatchee River, floodplain compensation will not be required.

A major consideration for the typical section and alignment is the presence of Florida Gas Transmission's (FGT) gas pipeline that runs along the eastern edge of the FDOT right of way for the length of the project. This pipeline would cost up to \$15 million per mile to be relocated, per coordination with FGT. Several strategies were considered to avoid this relocation that were not carried forward, including leaving the pipeline in the future median or widening to the west. The median plan was eliminated due to safety and access concerns for FGT based on latest industry standards and practices. The west alignment had a high number of business and residential relocations. Based on coordination with FGT and Babcock Ranch, a new alignment to the east of the existing alignment was selected that would avoid any residential or business relocations and

limited the amount of relocation of the pipeline. This alignment ties back into the existing for the length of the project within Charlotte County.

## **5. COMMITMENTS**

FDOT has made the following commitment:

1. Conduct ESA Section 7 consultation with FWS for the eastern indigo snake, Florida bonneted bat, and Florida panther during design/permitting phase of the project prior to construction.
2. Assess access management strategies and coordinate with Department Access Management regarding the location of Suzan Drive in Charlotte County and the vicinity of 31 Produce/Lucky Lane in Lee County during the design phase of the project prior to construction.
3. Based on mutual review of Incremental Development Order 1, the Babcock Ranch developer is responsible for adhering to the *FDOT Methodology for Monitoring Traffic Demand and Calculations for Proposed Pipelining Costs of SR 31*. As outlined in the memo, the developer is responsible for the installation of 3 traffic count stations along SR 31, as part of the construction, to be used to monitor traffic growth as Babcock Ranch develops. The Babcock Ranch developer shall provide biannual monitoring reports for these 3 sites that coincide with the monitoring requirements as described in Babcock Ranch Increment 2 Transportation Methodology Report, Section 5.
4. The location of the southern terminus of the access road, informally known as Old 31, shall be coordinated with Lee County Transportation and Lee Civic Center administration, to determine whether the northeast driveway for the Lee Civic Center will connect to the access or not, during the design phase prior to construction.

## **6. FDOT SELECTED ALTERNATIVE**

As discussed in Section 4.7 of the PER, the No-Build Alternative has been evaluated. This alternative assumes that no modifications or improvements will be implemented for the mainline of SR 31. Although the no-build alternative option fails to fulfill the project's purpose and need to increase capacity, improve emergency evacuation, enhance regional connectivity, and support modal interrelationships, it remains a viable alternative throughout the PD&E study.

The Build Alternative to provide a six and four lane divided roadway has costs associated with design, right-of-way acquisition, and construction. Nonetheless, it would result in an improved facility that improves emergency evacuation and enhances regional connectivity. It would also fulfill other objectives of the project's purpose and need, providing increased capacity that functions at an acceptable level of service while safely accommodating expected future traffic growth, and supporting modal interrelationships. Therefore, the build alternative is the selected alternative.

7. **APPROVED FOR PUBLIC AVAILABILITY (BEFORE PUBLIC HEARING)**

  
Project Development Manager

02 / 12 / 2021  
Date

8. **PUBLIC INVOLVEMENT:**

1. ☐ A public hearing is not required
2. ☐ A public hearing will be held on 3/11/21. This draft document is publicly available and comments can be submitted to FDOT until 3/25/21.

District Contact Information: District Contact Name

Patrick Bateman, PE  
Florida Department of Transportation  
801 N. Broadway Avenue  
Bartow, FL 33830  
Phone: (863) 519-2792

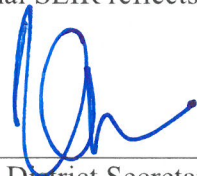
[Patrick.Bateman@dot.state.fl.us](mailto:Patrick.Bateman@dot.state.fl.us)

- ☒ A public hearing was held on 3/11/21 and the transcript is available.
3. ☐ An opportunity for a public hearing was afforded and was documented (   /    /   ).

9. **APPROVAL OF FINAL DOCUMENT**

This project has been developed without regard to race, color, national origin, age, sex, religion, disability, or family status.

The final SEIR reflects consideration of the PD&E study and the public hearing.

  
District Secretary

05 / 26 / 21  
Date

**End Study**

COOK BROWN RD

LITTLE FARM RD

HORSESHOE RD

GREENWAY BLVD

EDGEWATER DR

LAKE BABCOCK DR

CYPRESS PKWY

SUZAN DR

BUSBEE LN

FOX HILL RD

SHIRLEY LN

RUDEN RD

DEAL RD

OLD RODEO DR

BAYSHORE RD

PALM BEACH BLVD

SR 75

SR 31

SR 78

SR 80

SR 82

SR 45

SR 776

CHARLOTTE

LEE

CHARLOTTE COUNTY

LEE COUNTY

428917-2-21-01

428917-1-22-01

**Begin Study**

**Legend**

Project Limit

0 0.5 1 Miles

**Project Vicinity**

**State Road 31 PD&E Study**

FPID: 428917-1-22-01:  
from SR 78 to CR 78

FPID: 428917-2-21-01:  
from CR78 to Cook Brown Road  
Lee & Charlotte Counties, Florida

**PROJECT LOCATION MAP**

**FDOT**

Florida Department of Transportation

District 1

Figure 2: Existing SR 31 Roadway Typical Section

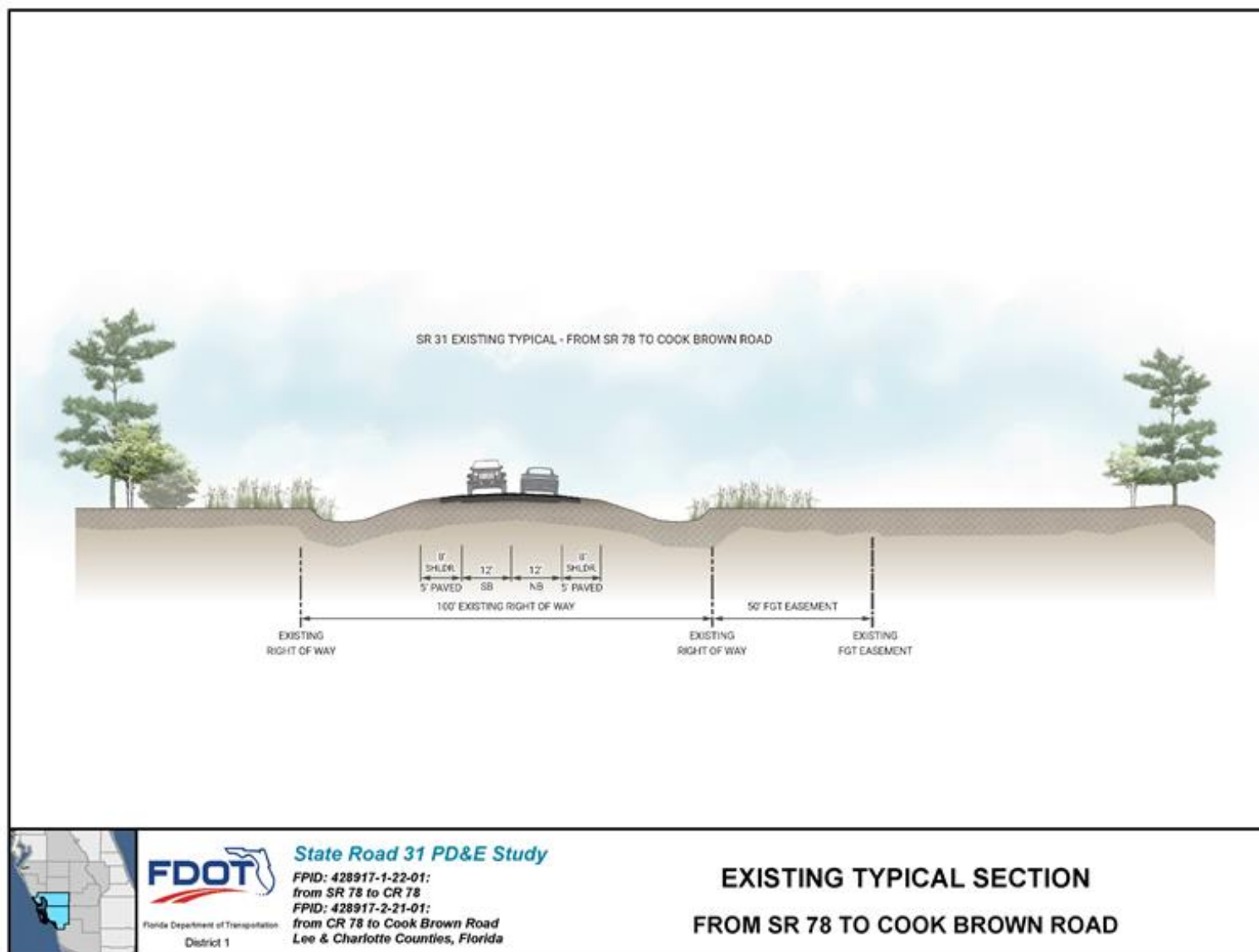




Figure 3: Selected Roadway Typical Section – SR 78 to Lee/Charlotte County Line

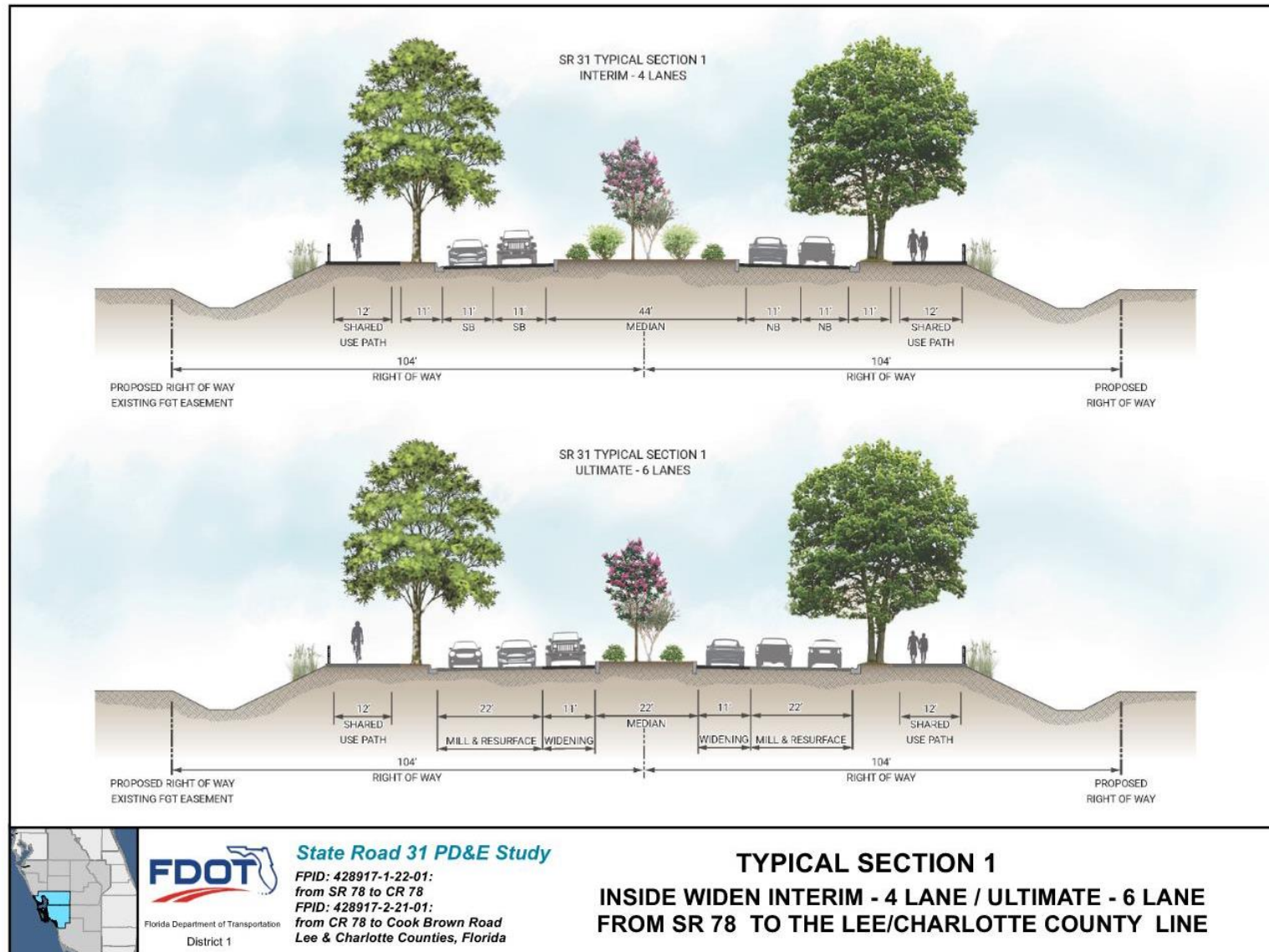


Figure 4: Selected Roadway Typical Section – Lee/Charlotte County Line to Cypress Parkway

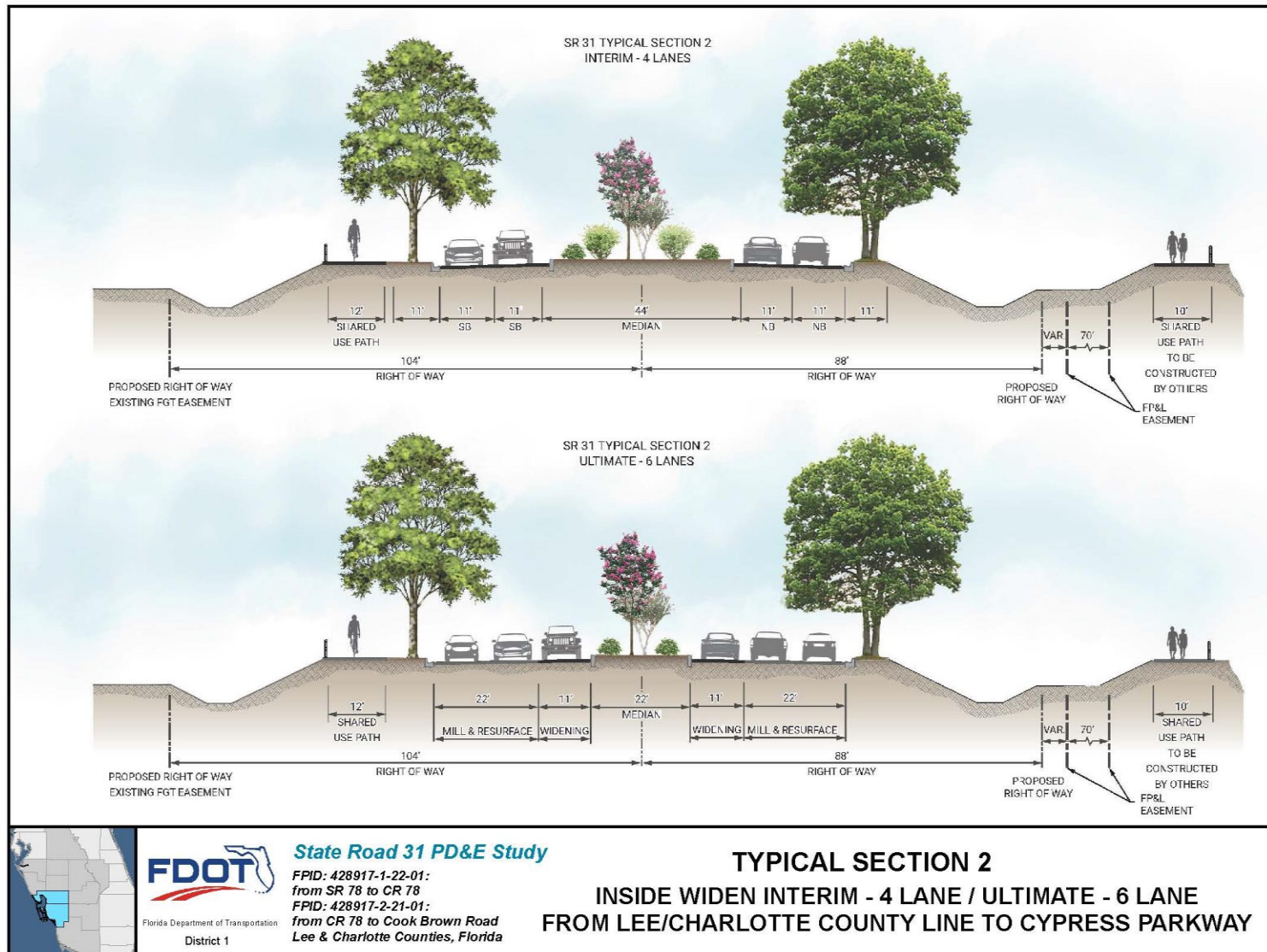


Figure 5: Selected SR 31 Roadway Typical Section – Cypress Parkway to Horseshoe Road

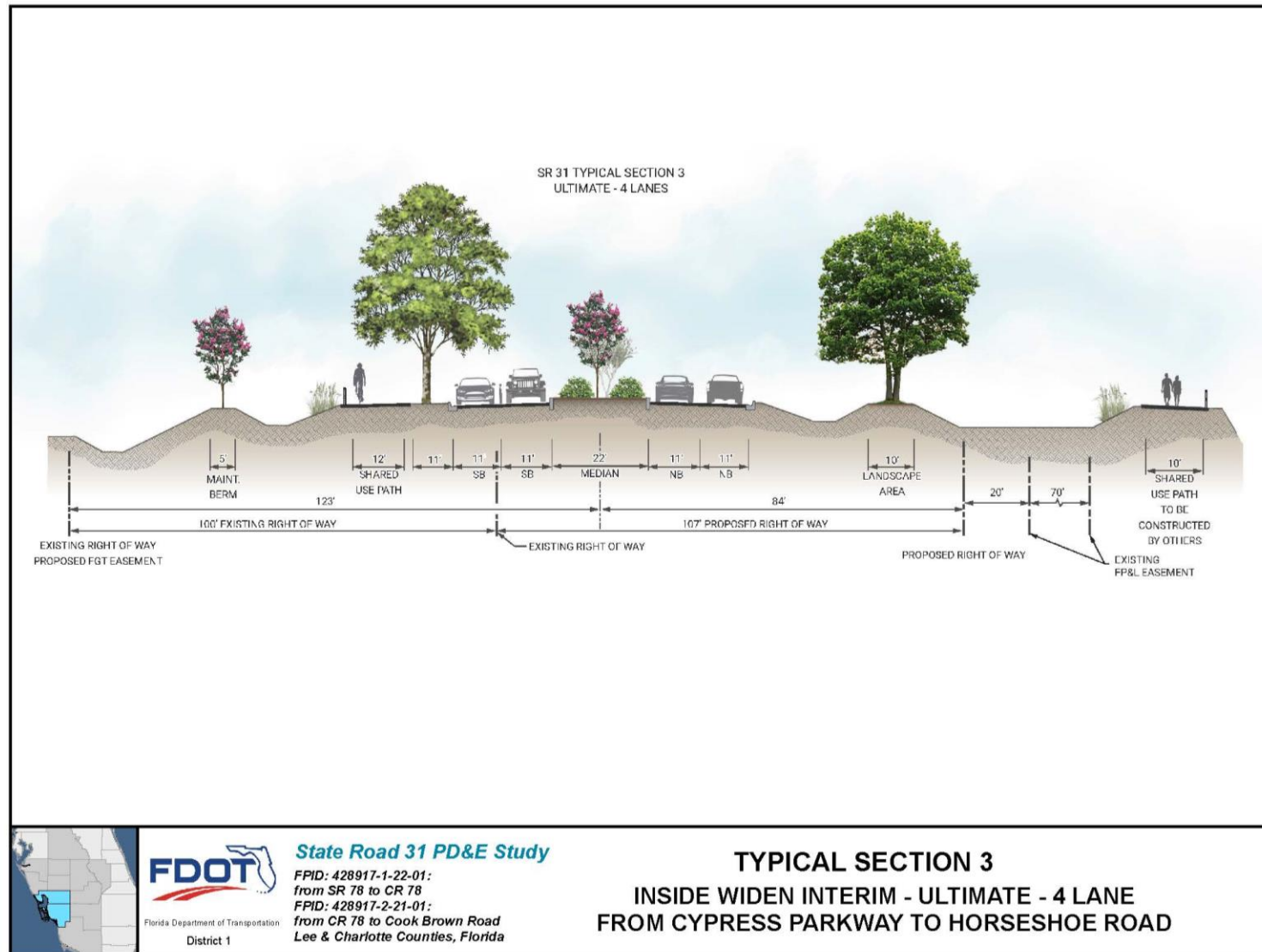
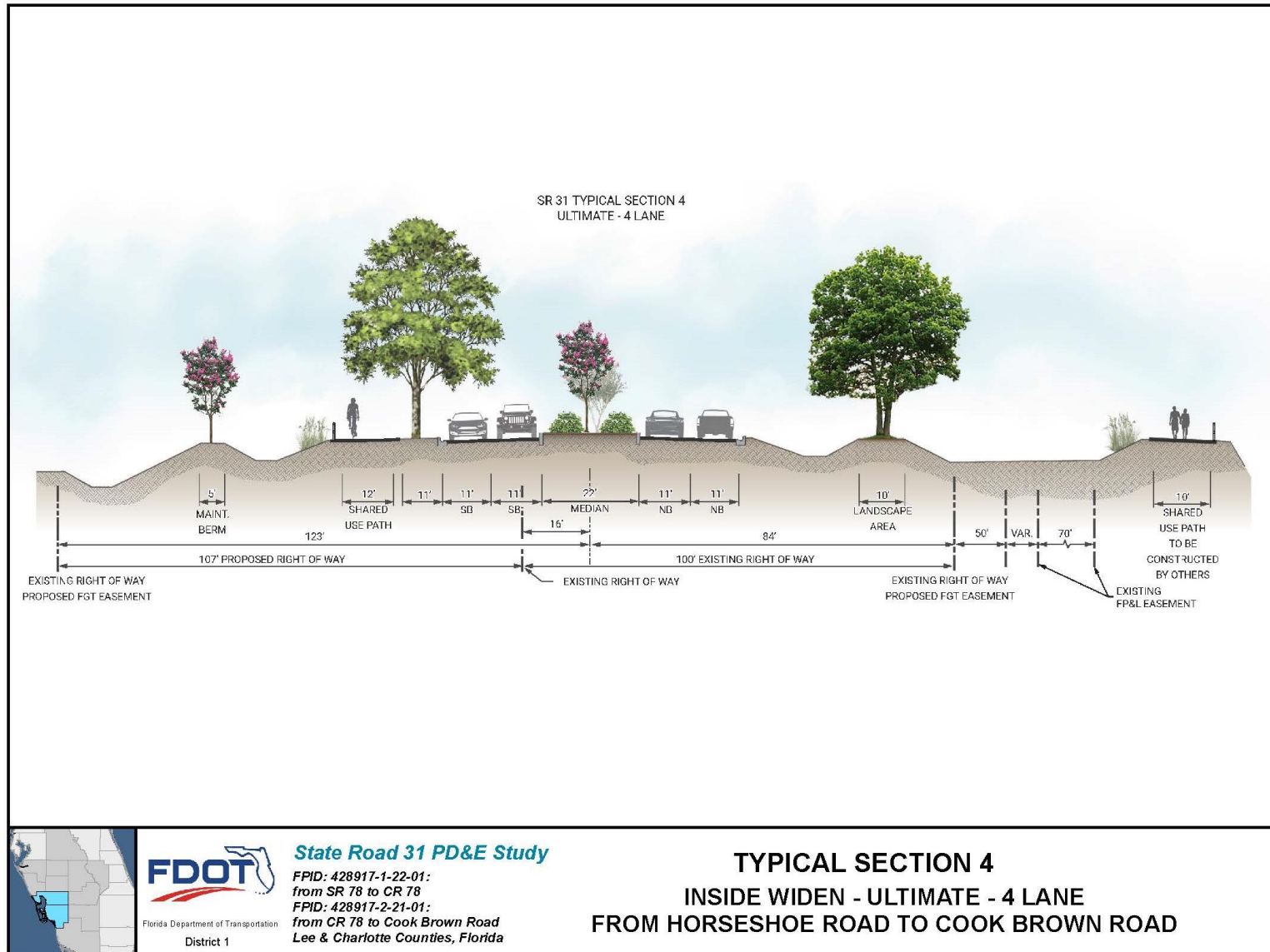




Figure 6: Selected Roadway Typical Section – Horseshoe Road to Cook Brown Road



## **10. SUPPORTING INFORMATION**

- Environmental Analysis Attachments to FDOT State Environmental Impact Report Form

# **Environmental Analysis Attachments to FDOT SEIR**

## **ATTACHMENT A SOCIAL AND ECONOMIC IMPACTS**

### **A.1. Social**

#### **Community Cohesion**

The proposed improvements to the roadway will not bisect any neighborhoods. The project will not result in any residential or business relocations. The proposed improvements include bicycle and pedestrian facilities and pedestrian facility improvements along the majority of roads connecting to SR 31 as part of the Babcock Ranch DRI and are expected to improve the safety of drivers and pedestrians.

As noted in greater detail below under “Title VI Considerations”, the selected alternative has been developed without regard to race, color, national origin, age, sex, religion, disability, or family status, and no comments have been received regarding conflicts with Title VI or related statutes.

Therefore, it is expected that the selected alternative will have no substantial impacts to community cohesion.

#### **Community Services**

Community services typically serve the needs of the surrounding area and provide a focal point for adjacent neighborhoods and communities. Community services include churches, cemeteries, schools, parks, recreational facilities, and public buildings and facilities.

During the Programming Screen (2008) for the segment of SR 31 from CR 78 to Cook Brown Road (FPID 428917-2, ETDM No. 9651), the Florida Department of Community Affairs (FDCA) commented that the SR 31 proposed roadway widening is a needed improvement intended to service the Babcock Ranch DRI. The following resources were identified during the ETDM within a 100-foot buffer of the project limits: Cultural Resource Assessment Field Survey Area; Girl Scout Camp Caloosa; Charlotte County Fire Station #9; and two Greenway Ecological Priority Linkages.

No substantial impacts to community services are expected as a result of the selected alternative.

#### **Title VI Considerations**

In February 1994, the President of the United States issued Executive Order 12898 (Environmental Justice) requiring federal agencies to analyze and address, as appropriate, disproportionately high adverse human health and environmental effects of federal actions on

ethnic and cultural minority populations and low income populations, when such analysis is required by the National Environmental Policy Act of 1969 (NEPA). An adverse effect on minority and/or low-income populations occurs when: (1) the adverse effect occurs primarily to a minority and/or low-income population; or, (2) the adverse effect suffered by the minority and/or low-income population is more severe or greater in magnitude than the adverse effect suffered by the non-minority and/or non-low-income populations. An evaluation of environmental, public health and interrelated social and economic effects of proposed projects on minority and/or low-income populations is required. All proposed projects should include measures to avoid, minimize, and/or mitigate disproportionately high and adverse impacts and provide off-setting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by these activities.

The 17 Environmental Justice criteria identified in Executive Order 12898 are: (1) air pollution; (2) noise; (3) water pollution; (4) soil contamination; (5) destruction of manmade resources; (6) destruction of natural resources; (7) diminution of aesthetic values; (8) detriment to community cohesion; (9) diminution of economic viability; (10) detriment to facilities access - public and private; (11) detriment to services access - public and private; (12) vibration; (13) diminution of employment opportunities; (14) displacement; (15) traffic congestion and impairment to mobility; (16) exclusion, isolation, or separation; and, (17) diminution of US Department of Transportation (USDOT) benefits.

In addition to compliance with Executive Order 12898, any proposed federal project must comply with the provisions of Title VI of the Civil Rights Act of 1964, as amended by Title VIII of the Civil Rights Act of 1968. Title VI and related nondiscrimination regulations provide that no person shall, on the grounds of race, color, religion, sex, national origin, marital status, disability, or family composition be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program of the federal, state, or local government. Title VIII guarantees each person equal opportunity in housing.

In August 2000, the President of the United States issued Executive Order 13166 (*Improving Access to Service for Persons with Limited English Proficiency*), to clarify Title VI of the Civil Rights Act of 1964. Its purpose was to ensure accessibility to programs and services to eligible persons who are not proficient in the English language.

The purpose of this project is to provide enhancements to the mobility and safety for vehicle traffic on SR 31 (regardless of status or classification). Right-of-way acquisition for the project will be minimal and not directly affect any existing residences, businesses or institutional properties. Therefore, FDOT does not anticipate that the proposed project will result in any disproportionate adverse impacts to any minority, ethnic, elderly or handicapped groups, and/or low-income populations in accordance with the provisions of ***Executive Order 12898*** and ***FHWA Order***

**6640.23a.** No further Environmental Justice analysis is required. Title VI information was made available at the Public Hearing.

This project has been developed in accordance with Title VI of the Civil Rights Act of 1964, as amended by Title VIII of the Civil Rights Act of 1968, and in accordance with Executive Order 12898 (*Environmental Justice*). This project has been developed without regard to race, color, national origin, age, sex, religion, disability, or family status. Title VI provides that no person shall be, on the grounds of race, color, religion, sex, age, national origin, disability or family status, be excluded from participating in, be denied the benefits of, or be otherwise subject to discrimination under any program of the federal, state or local government. No comments have been received during this study regarding conflicts with Title VI or related statutes. Furthermore, the project is not anticipated to negatively affect community resources important to elderly persons, disabled individuals, non-drivers, transit-dependent individuals, or minorities.

### **Controversy Potential**

FDOT conducted a Public Involvement Program for this project's PD&E study. The program is in compliance with the FDOT *Project Development and Environment Manual*, Section 339.155, Florida Statutes; Executive Orders 11990 and 11988; Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA); and 23 CFR 771.

The project has received the expected level of controversy for a project of this nature related to a large, planned development. A hybrid public hearing was held for the project. The in-person portion of the hearing was held at the Lee Civic Center on March 11, 2021. The public was also given the opportunity to attend and make comments virtually via GoTo Webinar. There were 44 attendees at the in-person venue and 30 attendees via GoTo Webinar. Eight comments were given verbally, and four comment forms were received at the in-person venue. Dozens of comments were received via mail or email during the public hearing period that lasted until March 25, 2021. Less than 10 comments received expressed opposition to the project and Babcock Ranch Development and more than 30 comments expressed support of the proposed improvements.

The project will have a minimal effect on surrounding properties and will provide improved mobility in the corridor with improved operations during evacuation events. Emergency response will be improved. As the project will not affect community cohesion or community services, the selected alternative is **not** expected to result in **substantial** social impacts.

## A.2. Economic

The SR 31 corridor serves as the primary north-south connection through predominantly rural areas of Charlotte and Lee Counties and acts as a significant freight route. According to the ETDM Programming Screen Summary Report (2020) for the segment of SR 31 from SR 78 to CR 78 (FPID 428917-1, ETDM No. 9791) and for the segment of SR 31 from CR 78 to Cook Brown Road (FPID 428917-2, ETDM No. 9651) (2020), economic resources located within the 500-foot buffer include borrow areas, agricultural cropland and pastureland, as well as the Babcock Ranch DRI. The expansion of SR 31 is anticipated to accommodate future travel demand triggered mainly as a result of the Babcock Ranch DRI. The expansion of SR 31 will be critical in facilitating new growth within northern Lee County and southern Charlotte County, as well as enhancing the movement of goods between Lee, Charlotte, and DeSoto Counties. With the projected increase in population and employment along the corridor and in the region as a result of the Babcock Ranch community, this project is likely to serve as a stimulus for additional economic activity within Charlotte and Lee Counties.

No adverse impacts are anticipated to commercial properties. By facilitating access to goods and services through a safer and more efficient movement of vehicular traffic through this portion of Lee and Charlotte Counties, a net economic **enhancement** is expected from the selected alternative.

## A.3. Land Use Changes

### Existing Land Use

Existing land use is primarily rural residential and commercial south of CR 78. North of CR 78, it is primarily undeveloped land, residential development, and conservation along the east side of SR 31 and a mix of single-family homes and sporadic commercial development along the west side throughout the project area. Development of the Babcock Ranch community has begun with some residential development.

### Future Land Use

The Future land use map for Lee County shows the land use from SR 78 to CR 78 remaining the same. North of CR 78, future land use maps for Lee and Charlotte Counties show the land use will begin transitioning to residential and commercial developments associated with the Babcock Ranch development along the east side of SR 31. The west side of SR 31 is expected to remain largely unchanged from the existing land uses.

### **Changes in Land Use Patterns**

The widening of SR 31 from SR 78 to the Charlotte County Line is not anticipated to impact land use patterns within Lee County. The proposed widening is anticipated to enhance land use from the County line to Cook Brown Road within Charlotte County consistent with commercial and residential development associated with the Babcock Ranch DRI.

The selected alternative is **not** expected to result in **substantial** changes in land use.

#### **A.4. Mobility**

Currently, there are no existing sidewalks or designated bicycle facilities along SR 31 within the project limits. There are paved shoulders along SR 31 that could accommodate bicyclists, however, due to the speed of vehicles and the large percentage of heavy trucks along SR 31, the paved shoulders are not conducive for use by cyclists.

The selected alternative includes the addition of a 12-foot wide shared-use path along the west side of the road and a 10-12 foot wide shared-use path along the east side of the road to accommodate pedestrian and bicyclists. The shared-use path on the east side of the road, from the Lee/Charlotte County line to Cook Brown Road within Charlotte County, is proposed to be placed on the berm of the Chain of Lakes system. Pedestrian features will be designed and constructed in accordance with current ADA standards.

There is no existing or planned transit service along this section of SR 31.

SR 31 is designated as a hurricane evacuation route by the Florida Division of Emergency Management and it is also designated as an Emerging Strategic Intermodal System roadway.

The selected alternative will result in improved accessibility for bicyclists and pedestrians. Therefore, mobility is expected to be **enhanced**.

#### **A.5. Aesthetic Effects**

The proposed improvements to SR 31 will include the addition of landscaping and pedestrian amenities along the roadway that will enhance the aesthetics of the roadway corridor. The initial construction of a four-lane SR 31 will include roundabouts at CR 78, Shirley Lane, Fox Hill Road, Busbee Lane and Horseshoe Road. The roundabouts will also include landscaping, pedestrian amenities, and lighting.

Based on the selected alternative, aesthetics along the SR 31 corridor will be **enhanced**.



## A.6. Relocation Potential

The selected alternative from SR 78 to Cypress Parkway is located on a new alignment to the east of the current SR 31 roadway. This new alignment will require the acquisition of right-of-way for the roadway and for stormwater ponds. As the alignment transitions back to the existing SR 31 alignment north of Cypress Parkway to just north of Horseshoe Road, additional right-of-way will be required along the west side of the existing SR 31 right-of-way for the relocation of the Florida Gas Transmission easement (separate project). From just north of Horseshoe Road to Cook Brown Road, additional right-of-way will be required from the west side of SR 31 for the proposed four-lane widening. It is estimated that the selected alternative will require approximately 80.4 acres of new right-of-way which includes 22.5 acres of right-of-way from Babcock Ranch.

The selected alternative will not displace any residences or businesses within the community. Should this change over the course of the project, the Florida Department of Transportation will carry out a Right of Way and Relocation Assistance Program in accordance with Florida Statute 421.55, Relocation of displaced persons.

There are no residential or business relocations anticipated. This section considers ROW acquisition and the impacts with this acquisition are **not** expected to be **substantial**.

## ATTACHMENT B CULTURAL IMPACTS

### B.1. Historic Sites/Districts

#### SR 78 to CR 78 (FPID 428917-1)

A *Cultural Resource Assessment Survey (CRAS)* for SR 31 from SR 80 to north of CR 78, Lee County, Florida was completed in July 2012. Six historic resources (8LL01898 and 8LL02582–8LL02586) were recorded within the APE. One of these resources (8LL01898, Seaboard Air Line Railroad Grade) was previously recorded, while the remaining five resources (8LL02582–8LL02586) were newly identified during the current survey. All six historic resources were evaluated as to their potential for listing in the National Register of Historic Places (NRHP). One previously recorded historic structure (8LL01596) was determined by the map review and fieldwork to have been misplotted by the Florida Master Site File (FMSF) GIS database; 8LL01596 is not located within the SR 31 APE and for this reason was not updated by the present survey.

The identified resources lack architectural distinction or significant historical associations necessary to be considered for listing in the NRHP and are considered ineligible. Also, no potential NRHP districts were identified due to the lack of concentration of historic structures. The SHPO concurred with these findings in a letter dated October 4, 2012.

This segment of the project was re-screened in the ETDM in December 2020. The Florida Department of State (FDOS) commented that the project area has the potential for unrecorded resources and that a CRAS should be conducted.

A Technical Memorandum to update the original July 2012 CRAS was prepared in November 2020 to cover areas outside the original APE associated with the new alignment of SR 31 to the east of the Florida Gas Transmission easement and associated pond sites. No NRHP-eligible or listed resources were identified within the APE. Based on the results of the background research and field survey, the proposed project will have no effect on any historic resources that are listed, determined eligible, or which appear to be potentially eligible for listing in the NRHP. Therefore, the proposed undertaking will have **no involvement** with cultural resources. The SHPO concurred with these findings on December 29, 2020.

#### CR 78 to Cook Brown Road (FPID 428917-2)

A separate Cultural Resource Assessment Survey (CRAS) update was performed to the *Cultural Resource Assessment Survey SR 31 from the Lee County Line to CR 74, Charlotte County, Florida* prepared in May 2004. No historic resources were identified within the APE and the

SHPO concurred with the findings on July 12, 2004. The purpose of this survey was to locate and identify any cultural resources within the APE associated with the new SR 31 proposed alignment and to assess their significance in terms of eligibility for listing in the NRHP. The historic APE includes the existing ROW and immediately adjacent parcels as contained within 400-feet from the edge of existing and proposed ROW.

During the ETDM Programming Screen performed in 2008, the Florida Department of State (FDOS) commented that the project corridor was subjected to a CRAS in 2004 and no archeological sites or historic resources were identified. Based on the results of the 2004 survey, the FDOS stated that no additional cultural resource work is necessary for this project unless parameters change. The Miccosukee Tribe stated that while no recorded archaeological sites were reported near the project, a CRAS will need to be completed to determine if there are any archaeological sites within the project boundaries.

A Technical Memorandum to update the original May 2004 CRAS was prepared in December 2020 to evaluate the area outside the original APE associated with the new alignment of SR 31. The archaeological and historical/architectural field surveys for this update were conducted in October 2020.

Historic background research included a review of the FMSF and the NRHP indicated that four historic resources (8LL02582, 8LL02583, 8LL02584, 8CH02159) were previously recorded within the project APE. These include one Frame Vernacular style building (8LL02582) and two Ranch style buildings (8LL02583 and 8LL02584) that were determined as ineligible for listing in the NRHP by the SHPO. In addition, one linear resource, SR 31 (8CH02159), was previously recorded within the APE in Charlotte County and has not been evaluated by the SHPO; however, the segment within Lee County has not been previously recorded.

The historical/architectural field survey resulted in the identification and evaluation of six new historic resources (8LL02845, 8LL02728, 8LL02729, 8LL02730, 8CH02720, 8CH02721); and the identification and reevaluation of one previously recorded historic resource (8CH02159) within the APE. These include three Masonry Vernacular style buildings (8CH02728, 8CH02729, 8CH02730), one building with no style (8CH02721), and one Industrial Vernacular style (8CH02720) building, as well as linear resource, SR 31 in Lee and Charlotte Counties (8LL02845 and 8CH02159, respectively). These resources are common examples of their respective architectural styles without significant historical associations; therefore, none appear eligible for listing in the NRHP, either individually or as part of a historic district.

Based on the background research and results of the field survey, no cultural resources that are listed, eligible for listing, or that appear potentially eligible for listing in the NRHP were located

within the APE. Therefore, the proposed undertaking will have **no involvement** with cultural resources. The SHPO concurred with these findings in a letter dated January 5, 2021.

## **B.2. Archaeological Sites**

### **SR 78 to CR 78 (FPID 428917-1)**

A *Cultural Resource Assessment Survey (CRAS) for SR 31 from SR 80 to north of CR 78, Lee County, Florida* was completed in July 2012. Fifty-eight shovel tests were excavated within the existing and proposed right-of-way along the three-mile-long project corridor. Numerous shovel tests noted clay and limestone fill material. No artifacts were recovered from any of the 58 shovel tests, and no archaeological sites or occurrences were identified within the SR 31 project Area of Potential Effect (APE).

A Technical Memorandum to update the original July 2012 CRAS was prepared in November 2020 to cover areas outside the original APE associated with the new alignment of SR 31 to the east of the Florida Gas Transmission easement and associated pond sites. No artifacts were recovered and no archaeological sites or occurrences were identified within the SR 31 CRAS Update APE.

### **CR 78 to Cook Brown Road (FPID 428917-2)**

A separate Cultural Resource Assessment Survey (CRAS) update was performed to the *Cultural Resource Assessment Survey SR 31 from the Lee County Line to CR 74, Charlotte County, Florida* prepared in May 2004 (Survey No. 10179). The archaeological APE is defined as the footprint of the existing and proposed SR 31 right-of-way (ROW).

A Technical Memorandum to update the original May 2004 CRAS was prepared in December 2020 to evaluate area outside the original APE associated with the new alignment of SR 31. The archaeological and historical/architectural field surveys for this update were conducted in October 2020.

Based on the background research, results of the field survey, and shovel testing, no archaeological sites that are listed, eligible for listing, or that appear potentially eligible for listing in the NRHP were located within the APE.

As a result of the field survey, including subsurface shovel testing, no historic or prehistoric archaeological sites were recovered within the archaeological APE. It is anticipated that the proposed improvements to SR 31 will have **no effect** on any archaeological sites that are listed, determined eligible, or which appear to be potentially eligible for listing in the NRHP.

## **ATTACHMENT C**

### **NATURAL ENVIRONMENT**

#### **C.1. Wetlands and Other Surface Waters**

Presidential Executive Order 11990 (42 FR 26961), “Protection of Wetlands”, and the US Department of Transportation Order 5660.1A, “Preservation of the Nations Wetlands”, highlight the important functions and values inherent to and provided by wetlands. Both orders direct policy to ensure the protection, preservation, and enhancement of the nation’s wetlands to the fullest extent practicable during planning, construction, and operation of transportation projects and facilities. Persons familiar with natural communities in Florida identified, delineated, and evaluated wetlands and surface waters in the project area. This effort was conducted per Part 2, Chapter 9: Wetlands and Other Surface Waters, of the PD&E Manual (Department 2020).

A Programming Screen was performed for the segment of SR 31 from SR 78 to CR 78 (FPID 428917-1, ETDM No. 9791) in December 2020. The United States Fish and Wildlife Service (FWS) commented that wetlands may occur within and near the project site. FWS noted that if impacts to wetlands are unavoidable, mitigation be provided that fully compensates for the loss of important resources. The South Florida Water Management District (SFWMD) noted that an Environmental Resource Permit would be required from them and that impacts to wetlands and surface waters must meet the criteria is Section 10 of the Applicant’s Handbook, Volume 1, including elimination and reduction as well as mitigation. The Florida Department of Environmental Protection (FDEP) stated that in addition to an Environmental Resource Permit from the SFWMD, the applicant must also provide reasonable assurance that the construction and operation of the proposed facility will comply with the ERP provisions of Part IV, Chapter 373, F.S., and the rules adopted thereunder. The United States Army Corps of Engineers (USACE) recommended that a continued emphasis on wetland avoidance and minimization opportunities remain throughout the planning process and that a wetland survey using Corps methodology should be conducted to identify wetlands and jurisdictional determination. The United States Environmental Protection Agency (USEPA) noted that, consistent with Section 404 of the Clean Water Act, the selected site should avoid and minimize to the maximum extent practicable, placement of fill into jurisdictional waters of the United States which include wetlands and streams. The USEPA recommended that the design is developed to avoid and minimize adverse impacts to the Caloosahatchee River Watershed. The National Marine Fisheries Service (NMFS) stated that more coordination with be required regarding compensatory mitigation for any wetland impacts. NMFS also included that the resources of concern are located within the nearby Caloosahatchee River and downstream in San Carlos Bay which both contain estuarine habitats used by federally managed fish species and their prey.

During the Programming Screen (2008) for the segment of SR 31 from CR 78 to Cook Brown Road (FPID 428917-2, ETDM No. 9651), the Florida Department of Environmental Protection

noted that the project will require an ERP from the SFWMD, and that the ERP applicant will be required to eliminate or reduce the proposed wetland resource impacts due to the roadway widening to the greatest extent possible. The National Marine Fisheries Service (NMFS) conducted a site inspection of the project to assess potential concerns to living marine resources. The NMFS stated that the resources likely to be affected are not ones for which the NMFS is responsible for; therefore, the NMFS did not provide comment regarding project impacts. The United States Army Corps of Engineers (USACE) commented that the majority of wetlands in the project area are considered freshwater herbaceous and have been previously disturbed as a result of the existing roadway alignment and mining activities within the area. The USACE and the United States Environmental Protection Agency (USEPA) recommended minimizing impacts to the greatest extent practicable and mitigating all impacts to wetlands. Additionally, the United States Fish and Wildlife Service (USFWS) reported that the project has the potential to impact uplands and wetlands that provide valuable habitat for a variety of fish and wildlife species. The USFWS recommended that the project be designed to avoid and minimize impacts to these resources to the greatest extent practicable.

In early 2020, persons familiar with natural communities in Florida delineated the extent of wetlands and surface waters in the project area per the Corps Wetland Delineation Manual (Corps 1987) and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0) (Corps 2010); the Florida Wetlands Delineation Manual (FDEP 1995); and, Ch. 62-340, FAC: Delineation of the Landward Extent of Wetlands and Surface Waters. They classified wetlands and surface waters per the Department (1999) and the Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979), that latter of which is used for the National Wetlands Inventory (NWI). Notably, many wetlands and surface waters in the project area are identified in and authorized for clearing by existing environmental permits.

The No-Build Alternative will not result in direct or indirect impacts to wetlands or surface waters in the project area; however, this alternative is not consistent with existing long-range transportation plans for the roadway or region and does not meet the stated purpose and need for this study.

The selected alternative will result in 68.26 acres of new direct impacts to wetlands and surface waters (**Table 1**), including 3.04 acres in estuarine mangrove habitat, 6.81 acres in freshwater forested wetlands, and 4.50 acres in freshwater herbaceous wetlands. Notably, existing environmental permits for the “Chain of Lakes” authorized clearing of 18.46 acres of freshwater herbaceous wetlands not identified in this study because compensatory mitigation has been approved for those impacts.

The selected alternative may create indirect impacts to wetlands and surface waters. Indirect impacts may include but are not limited to increasing prevalence and spread of nuisance or exotic plants and debris; and an increase in light and noise pollution from vehicular traffic and light posts, all of which may disrupt wildlife behaviors along the roadway corridor. Indirect impacts can be addressed by a variety of measures. Additionally, the potential loss in functional value outside of the direct impact areas may be addressed by the Uniform Mitigation Assessment Method (UMAM) and compensatory mitigation during the design/permitting phase of the project.

Table 1: Potential Direct Wetland Impacts in the Project Area, Excluding the “Chain of Lakes”

| Wetland ID                          | FLUCCS Code | NWI Code           | Impact Type           | Impact Area (ac.) |
|-------------------------------------|-------------|--------------------|-----------------------|-------------------|
| WL 1                                | 6120        | E2SS3Pd            | Proposed R/W          | 0.99              |
|                                     |             |                    | Existing R/W          | 1.04              |
|                                     |             |                    | Pond 2                | 0.92              |
| WL 2                                | 6120        | E2SS3Pd            | Proposed R/W          | 0.09              |
| WL 3                                | 6410        | PEM1Cd             | Proposed R/W          | 0.38              |
|                                     |             |                    | Existing R/W          | 0.60              |
|                                     |             |                    | Existing Gas Easement | 0.05              |
| WL 4                                | 6170        | PSS1/3Cd or PFO1Ad | Proposed R/W          | 1.30              |
|                                     |             |                    | Existing R/W          | 0.23              |
|                                     |             |                    | Pond 3                | 0.13              |
| WL 5                                | 6170        | PSS1/3Cd or PFO1Ad | Proposed R/W          | 4.59              |
|                                     |             |                    | Existing R/W          | 0.45              |
|                                     |             |                    | Pond 3                | 0.11              |
| WL 6                                | 6410        | PEM1Cd             | Proposed R/W          | 1.53              |
|                                     |             |                    | Existing R/W          | 0.25              |
|                                     |             |                    | Existing Gas Easement | 0.03              |
| WL 7                                | 6410        | PEM1Cd             | Proposed Gas Easement | 1.45              |
| WL 8                                | 6410        | PEM1Cd             | Proposed Gas Easement | 0.21              |
| SW 1                                | 510         | PUBHx              | Existing Pond         | 0.21              |
| SW 2                                | 510         | PUBHx              | Existing Pond         | 0.60              |
| DRI                                 | 510         | PUBHx              | Chain of Lakes        | 53.10             |
| Estuarine Mangrove Habitat Total    |             |                    |                       | 3.04              |
| Freshwater Forested Habitat Total   |             |                    |                       | 6.81              |
| Freshwater Herbaceous Habitat Total |             |                    |                       | 4.50              |

The Department tried to avoid and minimize wetland and surface water impacts to the greatest extent practicable. This was accomplished by using the existing right-of-way when practicable and locating the proposed roadway corridor over wetland and surface water areas that were previously authorized for impact by environmental permit. Additionally, the selected design team may offer to change the proposed typical section and/or drainage design so long as it meets design and permitting criteria. During the construction phase, the Department and/or contractor may further minimize temporary impacts by following the Standard Specifications for Road and Bridge Construction (Department 2020b) and the Erosion and Sediment Control Manual (Department 2013), including best management practices therein.

Based on the proposed impact footprint for the selected alternative, there is no practicable alternative to construction in wetlands. However, the selected alternative will have no significant short-term or long-term adverse impacts to wetlands. Measures to minimize and avoid these impacts to the greatest extent practicable have been implemented in the project design and will be implemented through adherence to the FDOT's *Standard Specifications for Road and Bridge Construction* and applicable agency permit conditions during project construction.

Unavoidable wetland impacts will be mitigated pursuant to Section 373.4137, FS, to satisfy all mitigation requirements of Part IV of Ch. 373, FS and 33 USC § 1344. The project area is located within the service area but not the 8-digit Hydrologic Unit Code of the Little Pine Island Mitigation Bank (LPIMB); LPIMB is part of the Pine Island Sound Aquatic Preserve with a direct hydrologic connection to the Caloosahatchee River and provides habitat for many of the same species that may occur in the project area for this study. LPIMB provides estuarine and palustrine credits to satisfy “like-for-like” mitigation requirements, particularly with respect to estuarine mangrove swamp habitat. Alternatively, environmental permits for the Babcock Ranch DRI established a 12,917-acre regional mitigation area for the creation, enhancement, restoration, and preservation of freshwater wetland and various upland habitats. Portions of the mitigation area have been used to provide compensatory mitigation for previous permits related to SR 31 and could provide freshwater wetland mitigation for impacts associated with this study.

The proposed project was evaluated for potential wetland impacts in accordance with Executive Order 11990, Protection of Wetlands. Based upon the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and the proposed action includes all practicable measures to minimize impacts to wetlands which may result from such use. The selected alternative is **not** expected to result in **substantial** impacts to wetlands or surface waters.

## **C.2. Aquatic Preserves and Outstanding Florida Waters**

The effects of the SR 31 project on Aquatic Preserves and Outstanding Florida Waters (OFW) were considered as required under Part 2, Chapter 11 of the FDOT *Project Development and*



*Environment Manual.* The Florida Legislature, through the Florida Aquatic Preserve Act of 1975 (Chapter 258, Florida Statutes), set aside state-owned submerged lands with exceptional biological, aesthetic and scientific value as aquatic preserves. Generally, designated aquatic preserves are also considered Outstanding Florida Waters (OFWs). Florida Statutes Section 403.061 (27) grants the FDEP the authority to designate OFWs statewide. Most OFWs are open water areas managed by the state or federal government as parks, wildlife refuges, preserves, marine sanctuaries, estuarine research reserves, aquatic preserves, etc.

No Aquatic Preserves or Outstanding Florida Waters were identified during the Programming Screen (2008) for the segment of SR 31 from CR 78 to Cook Brown Road (FPID 428917-2, ETDM No. 9651) or during the Programming Screen (2020) for the segment of SR 31 from SR 78 to CR 78 (FPID 428917-1, ETDM No. 9791).

The SR 31 project does not have any involvement with Aquatic Preserves or Outstanding Florida Waters. As a result, the selected alternative will have **no involvement** with Aquatic Preserves or Outstanding Florida Waters.

### **C.3. Water Quality**

The effects of the project on water quality were considered per part 2 Chapter 11 of the FDOT *Project Development and Environment Manual* to ensure compliance with the Clean Water Act, particularly the National Pollution Discharge Elimination System (NPDES) program administered by DEP under Section 403, Florida Statutes, and state water quality regulations under Chapter 62 of the Florida Administrative Code.

The Florida Department of Environmental Protection (FDEP) commented during the Programming Screen (2020) for the segment of SR 31 from SR 78 to CR 78 (FPID 428917-1, ETDM No. 9791), that the positive recreational, ecological, and commercial impacts of the Caloosahatchee River and Matlacha Pass Aquatic Preserve system on West Central Florida make them regionally significant environmental resources. The effects of development, stormwater runoff, recreational overuse, and industrial discharge or accidents are the greatest threats to their quality. Stormwater runoff from the road/bridge surface may alter adjacent wetlands and surface waters through increased pollutant loading. Every effort should be made to maximize the treatment of stormwater runoff from the proposed project. The FDEP recommends that the PD&E study include an evaluation of existing stormwater treatment adequacy and details on future stormwater treatment facilities. The United States Environmental Protection Agency (USEPA) stated that the impacts on water quality due to stormwater runoff should be assessed; in addition, stormwater treatment should be maximized. The South Florida Water Management District (SFWMD) commented during the Programming Screen (2020) for the segment of SR 31 from SR 78 to CR 78 (FPID 428917-1, ETDM No. 9791) that the project segment is located

within the impaired water bodies of Palm Creek (WBID 3240C1) and Owl Creek (WBID 3240N), both impaired for bacteria and fecal coliform.

The FDEP commented during the Programming Screen (2008) for the segment of SR 31 from CR 78 to Cook Brown Road (FPID 428917-2, ETDM No. 9651) that the project is located within the watershed boundaries of the Caloosahatchee River and a minor tributary known as Owl Creek. The FDEP recommended that the PD&E Study include an evaluation of existing stormwater treatment adequacy and details on future stormwater treatment facilities. Additionally, the USEPA noted that the proposed project will increase impervious surface and stormwater runoff, which, in turn, will impact groundwater and surface water quality flow. The USEPA also stated that significant indirect impacts could occur from changes in land use and development facilitated from the roadway widening.

The proposed improvements to SR 31 will include construction of a stormwater treatment system that will improve water quality that is eventually discharged to Owl Creek and eventually to the Caloosahatchee River.

Construction of the proposed roadway improvements will utilize best management practices necessary to ensure that there is no degradation to surface waters or wetlands. Water quality concerns are also addressed through evaluations documented in the Pond Siting Report, Location Hydraulics Report, and Natural Resource Evaluation Report located in the project file. In addition, a Water Quality Impact Evaluation checklist has been completed for this project and is also included in the project file.

The selected alternative is **not** expected to result in **substantial** impacts to water quality.

### **C.5. Floodplains**

Protection of floodplains and floodways is required by Executive Order 11988, Floodplain Management; USDOT Order 5650.2, Floodplain Management and Protection; and Federal-Aid Policy Guide 23 CFR § 650A. The discussion that follows is consistent with part 2 Chapter 13 of the FDOT *Project Development and Environment Manual*.

The Federal Emergency Management Agency (FEMA) has developed a Flood Insurance Rate Map (FIRM) for the study area. The relevant FIRM panel numbers are 12071C0119F, 12071C0282F, and 12071C0284F, for Lee County, Florida dated August 28, 2008 and panel number 12015C0475F for Charlotte County, Florida. There is also a FEMA map revision LOMR 18-04-3990P dated 12/31/2019 in Lee and Charlotte Counties. The majority of the project between SR 78 to CR 78 is designated Zone AE with the 100-yr flood stage at elevation 7 ft North American Vertical Datum (NAVD). Another portion of the study area is designated Zone AE with the 100-yr flood stage at elevation 8 ft NAVD. The floodplain associated with Owl Creek is designated Zone AE, with 100-yr flood stages ranging from elevation 15 ft to 20 ft

NAVD, with a regulatory floodway designated as Zone AE with the 100-yr stage at elevation 17 ft NAVD crossing SR 31 at Owl Creek. Between CR 78 to Cook Brown Road, the study corridor is within Zone X, areas outside of the 100-year floodplain, Zone A, areas with no base flood elevations determined, or Zone AE, areas which were updated by the FEMA LOMR with 100-yr flood stages ranging from elevation 14 ft to 20 ft NAVD. Since Owl Creek is a regulatory floodway as defined by FEMA, a No-Rise certification is required for any impacts associated to the creek.

The tidal portion of the Caloosahatchee River reaches the Franklin Lock which is located approximately 33.2 miles upstream from the Gulf of Mexico and east of the study location. Per the coordination meeting with SFWMD in September 2011 and June 2020, floodplain compensation (FPC) sites will not be required for the project because the floodplain is in the Tidal Caloosahatchee River Basin, which encompasses the study area. However, Floodplain encroachment areas due to the roadway improvements are documented in the SR 31 Location Hydraulic Report.

In a site visit with FDOT maintenance staff in December 2011, FDOT indicated that SR 31 has experienced overtopping and drainage problems within the project limits. A copy of the meeting minutes can be found in Appendix 5 of the SR 31 Location Hydraulic Report. FDOT maintenance staff confirmed that there is a large amount of offsite drainage from the west between Owl Creek (CD-04) and CD-03, and that a closed basin exists west of SR 31 within the Bayshore community. The following summarizes the drainage concerns from FDOT:

Old Bayshore Road - Old Bayshore Road overtops west of SR 31, where the existing ditch flow on SR 31 goes west on Old Bayshore to an existing cross drain and then back east to SR 31. FDOT was investigating adding a side drain at Old Bayshore Road to provide positive relief at this location. The improvements had not yet been implemented at the time of this report.

CD-03/Bayshore - Across from the 31 Produce stand, FDOT recently installed riprap adjacent to a driveway where a large amount of offsite area to the west flows to the Right-of-Way. FDOT mentioned that the road overtops in this area and needs a positive outfall. FDOT maintenance staff recommended raising the road two to three feet and/or installing double pipes in the side drains in this area. They noted that the first two to three side drains south of Old Bayshore Road have double pipes, and then they reduce to single pipe side drains as the ditch flows south to CD-03. They also noted that the properties adjacent to CD-03 get flooded. North of Old Rodeo Drive, a closed basin exists adjacent to the roadway within the Bayshore community. Carl Spirio, FDOT District One Drainage Engineer at the time this PD&E originally started, intended to coordinate with the County and SFWMD to potentially have a joint use of the Lee County Civic Center pond to provide an outfall for the closed basin, and provide flushing of the County's pond which has become stagnant. However, this does not appear to have been done, therefore, further discussions are warranted with the County and FDOT.

North of Cook Brown Road – The Owl Creek basin north of Cook-Brown Road has a limited outfall and experiences flooding and has overtopped SR 31. Proposed improvements to alleviate these flooding concerns have been permitted under SFWMD Permit No. 08-00004-S-6, but have not yet been constructed at the time of this report.

The United States Environmental Protection Agency (USEPA) commented during the Programming Screen (2008) for the segment of SR 31 from SR 80 to CR 78 (FPID 428917-1, ETDM No. 9791), that the project corridor is located within the 100-year floodplain. The ETDM GIS analysis results indicate that 132.7 acres (100%) of the project's 100-foot buffer is classified as FEMA Flood Zone AE (1996 data) - an area inundated by 100-year flooding for which base flood elevations have been determined.

The South Florida Water Management District (SFWMD) commented during the Programming Screen (2020) for the segment of SR 31 from SR 78 to CR 78 (FPID 428917-1, ETDM No. 9791) that the project segment is within Flood Zone AE and Zone X and recommended avoidance, minimization and mitigation.

Within the limits of FM No. 428917-2-21-01 the study corridor is within Zone X, areas outside of the 100 year floodplain, or Zone A, areas with no base flood elevations determined. During the ETDM Programming Screen for this segment, the United States Environmental Protection Agency (USEPA) stated that about 30 acres of flood plain (A and AE) were identified to be within the 200-foot buffer and that impacts on flood plains must be avoided. Unavoidable impacts to flood plains must be minimized.

Floodplain encroachment areas resulting from roadway widening and proposed alternative stormwater ponds were quantified. It was determined that impacts will occur to the floodplain associated with the selected alternative and the extension or construction of new cross drains at the locations of CD-03, CD-04, CD-05, CD-06, and CD-07.

The 100-year base flood stage was available within the project area based on the FEMA flood maps. It was concluded that the project will impact approximately 64.97 ac. of floodplain area based on the most conservative roadway alternative and the recommended pond sites. Floodplain compensation for impacts will not be required because of the tidal nature of the floodplain associated with the Caloosahatchee River.

It was determined that the floodplain encroachment is classified as “minimal”. Minimal encroachments on a floodplain occur when there is a floodplain involvement, but the impacts on human life, transportation facilities, and natural and beneficial floodplain values are not significant and can be resolved with minimal efforts. The selected alternative is **not** expected to result in **substantial** impacts to existing floodplains.

## C.7. Protected Species and Habitat

This project was evaluated for potential impacts to wildlife and habitat resources, including protected species in accordance with 50 CFR Part 402 of the Endangered Species Act of 1973, as amended; 50 CFR 17 (federal animal list); 379.2291 F.S., Endangered and Threatened Species Act; Chapter 68A-27.003 F.A.C. (Endangered and Threatened species list); 68A-27.005 F.A.C. (Species of Special Concern list), and Part 2, Chapter 16 of the FDOT's *Project Development and Environment Manual*, Protected Species and Habitat.

The United States Fish and Wildlife Service (FWS) noted during the ETDM Programming Screen (2020) for the segment of SR 31 from SR 78 to CR 78 (FPID 428917-1, ETDM No. 9791) that the project corridor is located in the geographic range of the threatened Audubon's crested caracara, within the CFA of two active nesting colonies of the endangered wood stork, and within the geographic range and the FWS consultation area for the endangered Florida bonneted bat. The FWS commented that Audubon's crested caracara, the Eastern indigo snake, Florida bonneted bat, and Federally listed plant species have the potential to occur in or near the project site. The South Florida Water Management District (SFWMD) commented that an Environmental Resource Permit would be required from them and that management plans for affected species should be implemented during construction. Additionally, the Florida Department of Agriculture and Consumer Services (FDACS) noted that the Environmental Resource Permit standard requires that activities not adversely impact the value of functions provided to fish and wildlife and listed species by wetlands and other surface waters. The Florida Fish and Wildlife Conservation Commission (FWC) stated that primary wildlife issues associated with the project include: potential loss of wildlife habitat from expanded roadway and stormwater pond construction; potential adverse effects to a moderate number of species listed by the Federal Endangered Species Act as Endangered or Threatened, or by the State of Florida as Threatened; and potential water quality degradation as a result of additional stormwater runoff from the new roadway surface draining into nearby wetlands and the Caloosahatchee River.

ETDM comments were received from the Florida Fish and Wildlife Conservation Commission (FWC) on the segment of SR 31 from CR 78 to Cook Brown Road (FPID 428917-2, ETDM No. 9651) (2008) stating that the project's 500-foot buffer contains over 160 acres of native upland habitat and over 90 acres of wetlands rated as good to excellent. The FWC noted that based on the known range and preferred habitat types, several threatened or endangered species listed by the FWC may either potentially occur within the project area or be affected in offsite areas. FWC also noted that the Fred C. Babcock- Cecil M. Webb Wildlife Management Area, which is managed by the FWC, is located north of the project. The United States Fish and Wildlife Service (FWS) commented during the ETDM that FWS believes a number of listed species to have the potential to occur in or near the project site. The FWS state that the project is located in the CFA of an active breeding colony of the endangered wood stork and portions of the project

are located within the Primary Dispersal/Expansion Area of the Service's Focus Area for the endangered Florida panther.

A Natural Resources Evaluation (NRE) was prepared for this project to document current environmental conditions along the corridor and potential impacts to wildlife, habitat, or listed species; evaluate the project area's current potential to support species listed as endangered, threatened or of special concern; identify current permitting and regulatory agency coordination requirements for the project; and request comments from regulatory agencies with jurisdiction over the study.

The selected alternative is located within the following US Fish and Wildlife Service (FWS) Consultation Areas: Audubon's crested caracara (*Caracara cheriway*), Florida bonneted bat (*Eumops floridanus*), Florida grasshopper sparrow (*Ammodramus savannarum floridanus*), Florida scrub-jay (*Aphelocoma coerulescens*), Florida panther (*Puma concolor coryi*), and red-cockaded woodpecker (*Dryobates borealis*). Additionally, the selected alternative falls within core foraging areas for two wood stork (*Mycteria americana*) nesting colonies: No. 619012 and 619041. The selected alternative project area may also provide suitable habitats for many state listed species, particularly wading birds. Based on existing information and both general and species-specific surveys, the selected alternative will not to jeopardize the continued existence of a listed species and/or result in the destruction or adverse modification of critical habitat. The effect determinations for listed species are included in **Table 2**. However, additional coordination with wildlife agencies will be required during the design/permitting phase and additional wildlife surveys may be required prior to or during construction.

The NRE was submitted to the US Fish and Wildlife Service, for technical assistance, and they have indicated that the Eastern Indigo Snake will not be adversely affected by the project. In a letter dated January 12, 2021, the Service recommends a \$100,000 donation to the Fish and Wildlife Foundation of Florida for impacts to the Florida Bonneted Bat, a panther habitat unit loss ratio of 1 for impacts to the Florida panther, and to coordinate with the Service in the permitting phase of the project to complete consultation. The effect determination for the state-listed species was concurred with by the FFWCC in a letter dated January 21, 2021.

Commitments to mitigate impacts on protected species include the following:

1. Conduct ESA Section 7 consultation with the FWS for the eastern indigo snake, Florida bonneted bat, and Florida panther during design/permitting phase of the project prior to construction.

Through adherence to these commitments, the selected alternative is **not** expected to result in **substantial** impacts to protected species or their habitats.

## **C.8. Essential Fish Habitat**

The project area is located in the jurisdiction of the Gulf of Mexico Fishery Management Council (FMC), which has prepared 7 fisheries management plans (shrimp, red drum, reef fish, coastal migratory pelagic species, stone crab, spiny lobster, and coral) covering more than 450 species. EFH is defined as estuarine waters and substrates (mud, sand, shell, rock and associated biological communities) including the sub-tidal vegetation (seagrasses and algae) and adjacent inter-tidal vegetation (marshes and mangroves). EFH is identified in the mangrove swamp near the beginning of the project area. Per the NMFS, this EFH may support shrimp (juvenile and sub-adult); red drum (juvenile, sub-adult, and adult); goliath and yellowmouth grouper and scamp (juvenile); dog, yellowtail, cubera, mutton, and lane snapper, and schoolmaster (juvenile); and gray snapper (juvenile and adult).

Table 2: Effect Determinations for Listed Species

| Common Name                   | Scientific Name                         | Status       | Effect Determination |
|-------------------------------|---|--------------|----------------------|
| <b>Reptiles</b>               |   |              |                      |
| American alligator            | <i>Alligator mississippiensis</i>       | FT (S/A)     | MANLAA               |
| Eastern indigo snake          | <i>Drymarchon couperi</i>               | FT           | May Affect           |
| Gopher tortoise               | <i>Gopherus polyphemus</i>              | C / ST       | MANLAA               |
| Florida pine snake            | <i>Pituophis melanoleucus</i>           | ST           | NAEA                 |
| <b>Birds</b>                  |   |              |                      |
| Audubon's crested caracara    | <i>Caracara cheriway</i>                | FT           | MANLAA               |
| Bald eagle                    | <i>Haliaeetus leucocephalus</i>         | BGEPA / MBTA | No Effect            |
| Florida burrowing owl         | <i>Athene cunicularia floridana</i>     | ST           | NAEA                 |
| Florida grasshopper sparrow   | <i>Ammodramus savannarum floridanus</i> | FE           | No Effect            |
| Florida sandhill crane        | <i>Antigone canadensis pratensis</i>    | ST           | NAEA                 |
| Florida scrub-jay             | <i>Aphelocoma coerulescens</i>          | FT           | No Effect            |
| Little blue heron             | <i>Egretta caerulea</i>                 | ST           | NAEA                 |
| Red-cockaded woodpecker       | <i>Dryobates borealis</i>               | FE           | No Effect            |
| Reddish egret                 | <i>Egretta rufescens</i>                | ST           | NAEA                 |
| Roseate spoonbill             | <i>Platalea ajaja</i>                   | ST           | NAEA                 |
| Southeastern American kestrel | <i>Falco sparverius Paulus</i>          | ST           | NAEA                 |
| Tricolored heron              | <i>Egretta tricolor</i>                 | ST           | NAEA                 |
| Wood stork                    | <i>Mycteria americana</i>               | FT           | NLAA                 |
| <b>Mammals</b>                |   |              |                      |
| Big Cypress fox squirrel      | <i>Sciurus niger avicennia</i>          | ST           | NEA                  |
| Florida bonneted bat          | <i>Eumops floridanus</i>                | FE           | May Affect+          |
| Florida black bear            | <i>Ursus americanus floridanus</i>      | M            | NAEA                 |
| Florida panther               | <i>Puma concolor coryi</i>              | FE           | May Affect           |
| <b>Plants</b>                 |   |              |                      |
| Beautiful pawpaw              | <i>Deeringothamnus pulchellus</i>       | FE           | No Effect            |
| Ghost orchid                  | <i>Dendrophylax lindenii</i>            | SE           | NEA                  |
| Tampa vervain                 | <i>Glandularia tampensis</i>            | SE           | NEA                  |
| Nodding pinweed               | <i>Lechea cernua</i>                    | ST           | NEA                  |
| Pine pinweed                  | <i>Lechea divaricate</i>                | SE           | NEA                  |
| Lowland loosestrife           | <i>Lythrum flagellare</i>               | SE           | NEA                  |
| Florida beargrass             | <i>Nolina atopocarpa</i>                | ST           | NEA                  |
| Hand fern                     | <i>Ophioglossum palmatum</i>            | SE           | NEA                  |
| Many-flowered grass pink      | <i>Calopogon multiflorus</i>            | ST           | NAEA                 |
| Northern needleleaf           | <i>Tillandsia balbisiana</i>            | ST           | NEA                  |
| Cardinal airplant             | <i>Tillandsia fasciculata</i>           | SE           | NAEA                 |
| Giant airplant                | <i>Tillandsia utriculate</i>            | SE           | NAEA                 |

MANLAA = May Affect, Not Likely to Adversely Affect, May Affect+ = May Affect + Additional Coordination, NEA = No Effect Anticipated, NAEA = No Adverse Effect Anticipated



A Habitat Area of Particular Concern (HAPC) is defined as a subset of EFH exhibiting one or more of the following traits:

- the importance of the ecological function provided by the habitat,
- its sensitivity to human-induced environmental degradation,
- the extent of threats posed by development to the habitat, or
- the rarity of the habitat type

Per the NMFS's EFH Mapper, the project area is not located in a designated HAPC but the mangrove swamp near the beginning of the project may exhibit similar traits to HAPC.

The above-referenced fisheries are not estuarine resident species, instead using inter-tidal mangrove swamps on a seasonal basis mostly during warmer spring and summer months. During the summer months the mangrove swamps are utilized by juvenile and sub-adult fisheries for foraging and refugia from predators.

The proposed in-water work in the mangrove swamp is situated close to existing infrastructure – meaning it will avoid higher functioning habitat towards the Caloosahatchee River. Further, the proposed work is located on land situated above the Caloosahatchee River which may only receive waters that support managed fisheries during the rainy season or highest high tide events. The in-water work can be completed at times when most of the above-referenced species are not expected to be present. Thus, the expectation is that the proposed construction will not directly impact managed species and may cause them to temporarily avoid areas of disturbance for one season.

Unavoidable wetland impacts will be mitigated pursuant to Section 373.4137, FS, to satisfy all mitigation requirements of Part IV of Ch. 373, FS and 33 USC § 1344. The project is located within the service area but not the 8-digit Hydrologic Unit Code of the LPIMB, which is part of the Pine Island Sound Aquatic Preserve and provides estuarine habitat and long-term protection for many of the same managed fisheries noted above. Based on the selected alternative, short-term and seasonal impacts to EFH, and proposed compensatory mitigation, the Department has determined that the selected alternative “**may affect, but is not likely to adversely affect**” essential fish habitat.

The National Marine Fisheries Service (NMFS) concurred with the findings of the NRE in an email dated January 20, 2021.

The selected alternative is **not** expected to result in **substantial** impacts to essential fish habitat.

## ATTACHMENT D PHYSICAL ENVIRONMENT

### D.1. Highway Traffic Noise

A traffic noise study was performed in accordance with the Code of Federal Regulations Title 23 Part 772 (23 CFR 772), *Procedures for Abatement of Highway Traffic Noise and Construction Noise* and Florida Statute 335.17, *State Highway Construction; Means of Noise Abatement*, following methodology and policy established by FDOT in the *Project Development and Environment Manual*, Part 2, Chapter 18. The purpose of the noise study is to identify noise sensitive sites that would be impacted with the proposed project and evaluate abatement measures at impacted noise sensitive sites if applicable.

The Federal Highway Administration (FHWA) approved Traffic Noise Model (TNM) was used to predict traffic noise levels at 56 noise sensitive sites located adjacent to SR 31 for the existing (2017) and future year (2045) conditions with and without the selected realignment improvements. The existing condition traffic noise levels are predicted to range from 42.2 to 68.7 dB(A) for Activity Category B and C of FHWA's Noise Abatement Criteria (NAC), 39.7 dB(A) for the single receptor in Category D, and 62.3 dB(A) for the single receptor in Category E. The No Build condition traffic noise levels are predicted to range from 43.6 to 70.6 dB(A) for Activity Category B and C, 41.4 dB(A) for the single receptor in Category D, and 63.8 dB(A) for the single receptor in Category E. The proposed build alternative is predicted to result in traffic noise levels ranging from 49.3 to 64.1 dB(A) for Activity Category B and C, 35.3 dB(A) for the single receptor in Category D, and there is no predicted noise level for the single receptor in Category E since it will be directly impacted by the new road and it will need to be relocated on-site or to another location. None of the 56 noise sensitive sites evaluated are predicted to experience future noise levels with the proposed improvements to SR 31 that approach, meet, or exceed the NAC for their respective Activity Category.

Additionally, none of the evaluated sites are predicted to experience a substantial increase [15 dB(A) or more] of traffic noise as a result of the selected improvements.

Final recommendations on the construction of barriers will occur only if changes to the noise environment during the project's final design warrant a re-analysis of which the results predict feasible and reasonable noise barriers. The Florida Department of Transportation is committed to the construction of feasible and reasonable noise abatement measures at noise-impacted locations contingent on the following:

1. Detailed noise analyses during the final design process support the need, feasibility, and reasonableness of providing abatement.
2. Cost analysis indicates that the cost of the noise barrier(s) will not exceed the cost reasonable criterion.

3. Community input supporting types, heights, and locations of the noise barrier(s) is provided to the District Office; and
4. Safety and engineering aspects as related to the roadway user and the adjacent property owner have been reviewed and any conflicts or issues resolved.

### **Noise Abatement Considerations**

Noise abatement measures were not considered at any noise sensitive sites identified adjacent to SR 31 because the predicted noise levels do not approach, meet or exceed the residential Noise Abatement Criteria for the land uses present in the corridor, nor are they expected to substantially increase above existing conditions as a direct result of the transportation improvement project. Therefore, the FDOT does not recommend the construction of noise barriers in conjunction with the SR 31 improvements.

### **Construction Noise and Vibration Impacts**

Construction of the proposed roadway improvements is not expected to have any significant noise and vibration impact. If sensitive land uses develop adjacent to the roadway prior to construction, increased potential for noise and vibration impacts could result. It is anticipated that the application of the FDOT Standard Specifications for Road and Bridge Construction will minimize or eliminate potential construction noise and vibration impacts. However, should unanticipated noise and vibration issues arise during the construction process, the Project Engineer, in coordination with the District Noise Specialist and the Contractor, will investigate additional methods of controlling these impacts.

### **Date of Public Knowledge**

The date that the State Environmental Impact Report is approved will be the “Date of Public Knowledge.” Under FDOT policy, a land use review will be performed during the project’s final design to determine if any sites received a building permit or were constructed after the time the noise study report was performed but prior to the Date of Public Knowledge. If any new sensitive receptors are identified, they will be assessed for noise impacts at that time.

As no impacts were identified and no noise abatement is proposed, the selected alternative is **not** expected to result in **substantial** impacts associated with highway traffic noise; therefore, noise barriers are not included in conjunction with the SR 31 improvements.

## **D.2. Air Quality**

The discussion on air quality that follows is consistent with the requirements of Part 2 Chapter 19 of the FDOT *Project Development and Environment Manual*. Under the Clean Air Act as amended (40 CFR 50), the United States Environmental Protection Agency (EPA) has established National Ambient Air Quality Standards (NAAQS) for six pollutants: ozone, nitrogen dioxide, particulate matter, sulfur dioxide, carbon monoxide and lead. Virtually all of the state of Florida, including Lee and Charlotte Counties is designated as in attainment of the NAAQS for these six pollutants.

The United States Environmental Protection Agency (USEPA) commented during the ETDM Programming Screen for the segment of SR 31 from SR 80 to CR 78 (FPID 428917-1, ETDM No. 9791) that Charlotte and Lee Counties are not air quality non-attainment or maintenance areas and as a result, the project is consistent with air quality conformity. An Air Quality Report is not required for this project.

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.

Because of improved traffic operations and reduced delay along SR 31, the selected alternative is **not** expected to result in **substantial** impacts to air quality.

### **D.3. Contamination**

During the ETDM Programming Screen (2020) for the segment of SR 31 from SR 78 to CR 78 (FPID 428917-1, ETDM No. 9791) the Florida Department of Environmental Protection (FDEP) stated the proposed project is not expected to significantly affect potential contamination sites. The FDEP noted that a Contamination Screening Evaluation similar to Phase I and Phase II Audits may need to be performed along the bridge/road right-of-way considering the proximity to petroleum and hazardous material handling facilities. The South Florida Water Management District (SFWMD) commented that if dewatering is necessary, a Water Use Permit from them may be required.

The FDEP commented during the ETDM Programming Screen (2008) for the segment of SR 31 from SR 80 to CR 78 (FPID 428917-1, ETDM No. 9791) that a Contamination Screening Evaluation may need to be conducted to determine the project's proximity to existing petroleum tanks.

A Level I contamination evaluation was conducted and documented in a *Contamination Screening Evaluation Report (November 2020)* in accordance with the FDOT *Project Development and Environment Manual*, Part 2, Chapter 20 and based on comments received by the FDEP during the ETDM Programming Screens for both segments of SR 31 to determine potential contamination concerns from properties or operations located within and proximate to the SR 31 project area.

The environmental screening has resulted in identification of twenty sites that may present the potential for petroleum contamination or hazardous materials. Of the twenty sites identified, none

have been given a “High” ranking, four sites have been given a “Medium” ranking, and sixteen sites have been given a “Low/No” ranking. The four Medium ranked sites are:

**SITE 9: 7-ELEVEN STORE #38285**

This site is located in the southwest quadrant of the intersection of SR 31 and North River Road. This is an open/active fuel facility and a registered fuel user/non-retail facility with five registered storage tanks. As an active retail fuel facility and proximity to the proposed project, the site is ranked as a MEDIUM risk of involvement with contamination.

**SITE 10: SR-31 SHELL**

This site is located in the northwest quadrant of the intersection of SR 31 and North River Road and is an open retail fuel facility with two registered storage tanks. There have been documented petroleum related impacts to this site adjacent to the proposed FDOT right-of-way (ROW). As an active retail fuel facility, the site is ranked as a MEDIUM risk of involvement with contamination.

**SITE 11: CIRCLE K #7399/ SUNOCO MART**

This site is located southwest of the intersection of SR 31 and Shirley Lane and is an open retail fuel facility with seven registered storage tanks. There are documented petroleum related impacts to this site’s soil and groundwater, but assessment data did not reveal soil contamination within the FDOT ROW; however, groundwater impacts have been documented adjacent to the FDOT ROW. Given the documented occurrence of petroleum contamination adjacent to the existing FDOT ROW and the ongoing monitoring activities, and as an active retail fuel facility, the site is ranked as a MEDIUM risk of involvement with contamination.

**SITE 12: BABCOCK RANCH PROP-KITSON PARCEL**

A discharge notification was reported for 7 sites on the Babcock Ranch property and for 6 sites on the Babcock Ranch Area 6-Kitson Parcel. There were documented petroleum related impacts to this site’s soil and groundwater and assessment data indicated petroleum contamination within the proposed FDOT ROW. Given the documented occurrence of petroleum contamination within the proposed FDOT ROW, the site is ranked as a MEDIUM risk of involvement with contamination.

Further Level 2 evaluation will be performed at the medium rated sites prior to construction. The District Contamination Assessment and Remediation contractor will support construction as needed to properly remediate or dispose of contaminated media during construction. The selected alternative involves widening to the east side of the existing SR 31 alignment which avoids direct impacts to three of the four potential contamination sites.

Based on the contamination evaluation of the sites identified above, no substantial impacts are anticipated.

#### **D.4. Utilities and Railroads**

The effects of the selected improvements to SR 31 on utilities and railroads were considered in accordance with Part 2, Chapter 21 of the FDOT *Project Development and Environment Manual*.

##### **Utilities**

In order to evaluate potential surface and subsurface utility conflicts associated with the selected project, information was collected concerning the location and characteristics of the existing utilities within the study area. Base maps were sent to utility providers with a request to provide information on existing and planned utilities. Maps that were returned by each utility provider, showing specific locations of each utility, are included in the project files and documented in the *Utility Assessment Package (UAP)*, December 2020.

**Table 3** summarizes the affected utilities and anticipated costs of the utility relocations on the project.

Table 3: Existing Utilities and Estimated Relocation Cost

| Company                                | Description   | Relocation Cost  |
|--|---|--|
| AT&T Corp.                             | <ul style="list-style-type: none"> <li>1 -2" HDPE duct runs north to south along west side of SR 31 through the project</li> <li>At the intersections there are 2-2" HDPE ducts</li> <li>AT&amp;T Transmission has approximately 450 meters of 1-51mm. PVC pipe on east side of US 31 going across SR 78 (N. River Rd)</li> <li>AT&amp;T Transmission has abandoned direct buried cable running north to south along east side of SR 31 through the project</li> <li>1-2" HDPE duct with fiber along the west side of SR 31 for the limits of the project.</li> </ul> | \$50,000<br>Non-reimbursable                                   |
| City of Fort Myers                     | <ul style="list-style-type: none"> <li>No Response Provided</li> </ul>  | TBD  |
| Comcast                                | <ul style="list-style-type: none"> <li>Fiber at the intersection of Bayshore Rd. and SR31</li> <li>Aerial facilities attached to Lee County Electric Cooperative pole line located in an easement along the east side of SR 31.</li> </ul>  | \$35,000<br>Non-reimbursable                                   |
| Florida Gas Transmission               | <ul style="list-style-type: none"> <li>26" natural gas pipeline located in an easement along the east side of SR 31 from the marina to the end of the project.</li> </ul>   | \$22,750,000<br>TBD  |
| FGUA/N Ft. Myers Utility               | <ul style="list-style-type: none"> <li>No Response Provided</li> </ul>  | TBD  |
| Florida Power and Light - Transmission | <ul style="list-style-type: none"> <li>2-230-kV transmission lines in an easement along the south side of Cook Brown Rd. heading east, where the transmission line crosses SR 31 and turns north on the east side of the road in an easement.</li> </ul>  | \$0  |
| Level 3 Communications                 | <ul style="list-style-type: none"> <li>12 x 1.25" way duct bank along the east side of SR 31 for limits of the project.</li> <li>2 x 1.25" &amp; 2 x 1.5" conduits also along the east side of SR 31 for the limits of the project.</li> </ul>  | \$125,000<br>Non-reimbursable                                  |
| Lee County Electric Coop               | <ul style="list-style-type: none"> <li>Primary overhead electric east side of SR 31</li> <li>Secondary overhead electric on west side of SR 31</li> <li>Primary underground electric on east side of SR 31 north of Saint Vincent Ave. to south of Little Farm Rd.</li> <li>Distribution electric pole line located within an easement along the east side of SR 31 for the limits of the project.</li> </ul>   | \$425,000<br>Reimbursable<br><br>\$100,000<br>Non-reimbursable |
| Lee County Utilities                   | <ul style="list-style-type: none"> <li>Sewage force main leaving the Civic Center at SRs 78 &amp; 31 and heading south over the Caloosahatchee River to Palm Beach Blvd.</li> </ul>   | \$25,000<br>Non-reimbursable                                   |

| Company          | Description   | Relocation Cost  |
|------------------|---|--|
| TECO Peoples Gas | <ul style="list-style-type: none"> <li>6" steel gas main on the east side of SR 31 until north of River Rd where it crosses to the west side</li> <li>6" steel gas main located on the west side of SR 31 for the limits of the project.</li> </ul>   | \$25,000<br>Non-reimbursable                                 |
| Century Link     | <ul style="list-style-type: none"> <li>Buried telephone on west side of SR 31</li> <li>Overhead telephone starts at N. River Road on west side of SR 31</li> <li>Overhead fiber optic starts at N. River Road on west side of SR 31</li> <li>Overhead telephone, buried telephone, and buried fiber optic at the intersection of N. River Road and SR 31</li> <li>Buried fiber optic at intersection of Horseshoe Rd and SR 31</li> <li>Overhead telephone and buried telephone intersection of Cook Brown Rd and SR 31</li> <li>Aerial fiber and copper facilities on a Century Link pole line along the west side of SR 31 from CR 78 to a terminal site located approximately 635 feet north of Little Farm Rd.</li> </ul> | \$60,000<br>Non-reimbursable<br><br>\$20,000<br>Reimbursable |

Notes:

1. Information contained in this table is based on best available information and should be considered preliminary until verified through design survey during the design phase.
2. There is ongoing negotiation between Babcock Ranch/Kitson and FGT regarding the relocation of the FGT gas line that will be completed as a separate project.

The FDOT's coordination with potentially affected utility owners will continue as necessary throughout the project Design and Construction phases. Project design will seek to avoid and minimize impacts to existing utilities to the extent feasible within FDOT's ROW. Any unavoidable relocation of utilities will be done in accordance with the respective ROW/easement agreements for all applicable parties.

Due to the nature of the existing conditions throughout the project corridor, it is anticipated that the widening of SR 31 will impact a large number of the existing utility facilities on the project. The extent of the widening and related improvements are shown on the selected alternative concept plans included under a separate cover. Mitigation measures would be taken during the design phase of the project to minimize impacts to the existing utilities to the fullest extent possible. If impacts are unavoidable, design alternatives would be reviewed to allow for relocation of impacted facilities in a manner that minimizes cost to the UAO and disruption to their customers.

Since relocation of facilities located in easements would likely be eligible for reimbursement, all measures will be taken to avoid impacting facilities identified in lands of compensable interest.



Utility coordination should be performed during the design phase of the project to clearly identify all utility easements and potential reimbursable relocations on the project.

### **Railroads**

No railroads or railroad crossings are present in the study area.

## **D.5. Construction**

The effects of construction impacts from the SR 31 improvements were considered as required under Part 2, Chapter 3 of the FDOT *Project Development and Environment Manual*.

Construction activities for the selected alternative will have minimal, temporary, yet unavoidable, air, noise, water quality, traffic flow, and visual impacts for those residents and travelers within the immediate vicinity of the project.

The air quality effect will be temporary and will primarily be in the form of emissions from diesel-powered construction equipment and dust from construction activities. Air pollution associated with the creation of airborne particles will be effectively controlled through the use of watering or the application of other control materials in accordance with FDOT's *Standard Specifications for Road and Bridge Construction*.

Water quality effects resulting from erosion and sedimentation during construction will be controlled in accordance with FDOT's *Standard Specifications for Road and Bridge Construction*, implementation of regulatory permit conditions and through the use of industry-standard Best Management Practices (BMPs).

Short term construction-related wetland impacts will be minimized during project construction by adherence to FDOT's *Standard Specifications for Road and Bridge Construction Measures* and applicable agency permit conditions. These specifications include, but are not limited to the use of siltation barriers, dewatering structures, and containment devices that will be implemented for controlling turbid water discharges outside of construction limits.

Maintenance of Traffic (MOT) and sequencing of construction will be planned and scheduled to minimize traffic delays throughout the project. Signs will be used to provide notice of road closures and other pertinent information to the traveling public. The local news media will be notified in advance of construction-related activities so that motorists, residents, and business persons can make accommodations. All provisions of FDOT's *Standard Specifications for Road and Bridge Construction* will be followed.

Construction of the project may require excavation of unsuitable material (muck), placement of embankments, and use of materials, such as limerock, asphaltic concrete, and Portland cement concrete. Demucking, if needed, will be controlled by Section 120 of FDOT's *Standard*

*Specifications for Road and Bridge Construction.* The removal of structures and debris will be in accordance with state regulatory agencies permitting this operation. The contractor is responsible for his methods of controlling pollution on haul roads and in areas used for disposal of waste materials from the project. Temporary erosion control features, as specified in FDOT's *Standard Specifications for Road and Bridge Construction*, could consist of temporary grassing, sodding, mulching, sandbagging, slope drains, sediment basins, sediment checks, artificial coverings, and berms.

For the residents living in the project area, some of the materials stored for the project may be displeasing visually; however, this will be a temporary condition and should pose no substantial, long term problem. Therefore, construction impacts are **not** expected to be **substantial**.

#### **D.6. Bicycles and Pedestrians**

The existing roadway does not include any bicycle or pedestrian facilities, other than the paved shoulder along both sides of SR 31. The proposed roadway improvements will include the construction of shared-use paths along both sides of the road to accommodate bicyclists and pedestrians.

By providing improved bicycle and pedestrian facilities, a net **enhancement** is expected.

**APPENDIX A**  
**PAGES FROM CURRENT TIP/STIP/LRTP**

|               |       |               |                |     |  |             |          |          |          |           |
|---------------|-------|---------------|----------------|-----|--|-------------|----------|----------|----------|-----------|
| Hanson Street | US 41 | Fowler Street | Widen 2L to 4L | ROW |  | \$0         | \$6,430  | \$0      | \$6,430  | \$3,500   |
| Hanson Street | US 41 | Fowler Street | Widen 2L to 4L | CST |  | \$0         | \$6,320  | \$8,040  | \$6,320  | \$4,210   |
| Edison Avenue | US 41 | Fowler Street | Widen 2L to 4L | PE  |  | \$0         | \$0      | \$1,410  | \$1,410  | \$900     |
| Edison Avenue | US 41 | Fowler Street | Widen 2L to 4L | ROW |  | \$0         | \$0      | \$9,620  | \$9,620  | \$4,100   |
| Edison Avenue | US 41 | Fowler Street | Widen 2L to 4L | CST |  | \$0         | \$0      | \$11,480 | \$11,480 | \$6,010   |
|               |       |               |                |     |  | Total Cost: | \$17,510 | \$22,500 | \$62,910 | \$96,250  |
|               |       |               |                |     |  | Revenues:   | \$17,600 | \$22,500 | \$64,300 | \$104,400 |
|               |       |               |                |     |  |             |          |          |          | N/A       |

Project Phases - PD&E: Project Development and Environment; PE: Project Engineering and Design; ROW: Right-of-way Acquisition; CST: Project Construction

Table B-6: Cost Feasible Projects: Private/Grant Funded Projects

| Road Name  | From                  | To                    | Improvement             | Phase   | 2016-2020               | 2021-2025   | 2026-2030 | 2031-2040 | Total Cost<br>( YOE) | Total Cost<br>(PDC) |
|------------|-----------------------|-----------------------|-------------------------|---------|-------------------------|-------------|-----------|-----------|----------------------|---------------------|
| SR 31      | SR 78                 | Charlotte County Line | Widen 2L to 4L          | CST     |                         | \$34,990    |           | \$0       | \$34,990             | \$27,550            |
| SR 31      | SR 80                 | SR 78                 | Replace Bridge 2L to 4L | ROW/CST | In State/OA/SU<br>table | \$52,860    | \$0       | \$0       | \$52,860             | \$41,710            |
| Logan Blvd | Collier County Line   | Bonita Beach Road     | New 2L                  | CST     | \$5,000                 |             |           |           | \$5,000              | \$5,000             |
| East West  | Ben Hill Griffin Pkwy | Alico Road            | Interchange Imp.        | ROW     |                         | \$0         | \$46,110  | \$0       | \$46,110             | \$31,070            |
|            |                       |                       |                         |         |                         | Total Cost: | \$5,000   | \$87,850  | \$46,110             | \$0                 |
|            |                       |                       |                         |         |                         | Revenues:   | \$5,000   | 87,850    | \$46,110             | \$0                 |
|            |                       |                       |                         |         |                         |             |           |           | \$138,960            | \$105,330           |
|            |                       |                       |                         |         |                         |             |           |           | \$138,960            | N/A                 |

Project Phases - PD&E: Project Development and Environment; PE: Project Engineering and Design; ROW: Right-of-way Acquisition; CST: Project Construction

Table B-7: Cost Feasible Projects: Strategic Intermodal System Projects

| Road Name | From                  | To                 | Improvement                | Phase   | 2016-2020 | 2021-2025   | 2026-2030 | 2031-2040 | Total Cost<br>( YOE) | Total Cost<br>(PDC) |
|-----------|-----------------------|--------------------|----------------------------|---------|-----------|-------------|-----------|-----------|----------------------|---------------------|
| SR 82     | Shawnee Road          | Alabama Road       | Widen 2L to 6L             | CST     | \$34,800  | \$0         | \$0       | \$0       | \$34,800             | \$34,800            |
| SR 82     | Alabama Road          | Homestead Road     | Widen 2L to 4L             | CST     | \$41,322  | \$0         | \$0       | \$0       | \$41,322             | \$41,322            |
| I-75      | at Colonial Boulevard |                    | Interchange<br>Improvement | ROW/CST | \$51,756  | \$0         | \$0       | \$0       | \$51,756             | \$51,756            |
| SR 82     | Homestead Road        | Hendry County Line | Widen 2L to 4L             | CST     | \$24,577  | \$0         | \$0       | \$0       | \$24,577             | \$24,577            |
|           |                       |                    |                            |         |           | Total Cost: | \$152,455 | \$0       | \$0                  | \$0                 |
|           |                       |                    |                            |         |           | Revenues:   | \$152,455 | \$0       | \$0                  | \$0                 |
|           |                       |                    |                            |         |           |             |           |           | \$152,455            | \$152,455           |

Project Phases - PD&E: Project Development and Environment; PE: Project Engineering and Design; ROW: Right-of-way Acquisition; CST: Project Construction

(in \$1,000)

Table B-8: Cost Feasible Projects: Federal Urban Area Allocation Projects

| Project Name                  | 2016-2020 | 2021-2025 | 2026-2030 | 2031-2040 | Total Cost (YOE) | Total Cost (PDC) |
|-------------------------------|-----------|-----------|-----------|-----------|------------------|------------------|
| Traffic Operations Center Op. | \$ 1,500  | \$ 1,500  | \$ 1,500  | \$ 3,000  | \$ 6,000         | \$ 3,640         |
| Bus Replacements              | \$ 7,500  | \$ 7,500  | \$ 7,500  | \$ 15,000 | \$ 30,000        | \$ 18,080        |
| Transportation Enhancement B  | \$ 16,000 | \$ 16,000 | \$ 16,000 | \$ 32,000 | \$ 64,000        | \$ 38,580        |
| Total Cost                    | \$ 25,000 | \$ 25,000 | \$ 25,000 | \$ 50,000 | \$ 100,000       | \$ 60,300        |

|                       |                        |                         |                       |     |     |             |           |           |           |           |             |           |
|-----------------------|------------------------|-------------------------|-----------------------|-----|-----|-------------|-----------|-----------|-----------|-----------|-------------|-----------|
| Bonita Beach Road     | I-75                   | Bonita Grande Drive     | Widen 4L to 6L        | PE  |     | \$0         | \$1,710   | \$0       | \$1,710   | \$1,240   |             |           |
| Bonita Beach Road     | I-75                   | Bonita Grande Drive     | Widen 4L to 6L        | CST |     | \$0         | \$0       | \$15,810  | \$15,810  | \$8,275   |             |           |
| Colonial Bouelvard    | McGregor Bouelvard     | US 41                   | Major Intersections   | TBD | 350 | \$0         | \$0       | \$0       | \$350     | \$350     |             |           |
| NE 24th Avenue        | SR 78                  | Del Prado Boulevard Ext | Widen 2L to 4L/New 4L | CST |     | \$0         | \$0       | \$15,000  | \$15,000  | \$8,480   |             |           |
| 40th Street Extension | east end of 4th Street | Alabama Road            | New 2L                | PE  |     | \$0         | \$440     | \$0       | \$440     | \$320     |             |           |
| 40th Street Extension | east end of 4th Street | Alabama Road            | New 2L                | ROW |     | \$0         | \$0       | \$4,850   | \$4,850   | \$2,070   |             |           |
| 40th Street Extension | east end of 4th Street | Alabama Road            | New 2L                | CST |     | \$0         | \$0       | \$4,050   | \$4,050   | \$2,120   |             |           |
|                       |                        |                         |                       |     |     | Total Cost: | \$173,006 | \$175,591 | \$265,231 | \$866,930 | \$1,481,826 | \$970,332 |
|                       |                        |                         |                       |     |     | Revenues:   | \$173,006 | \$178,800 | \$267,600 | \$871,000 | \$1,490,406 | N/A       |

Project Phases - PD&E: Project Development and Environment; PE: Project Engineering and Design; ROW: Right-of-way Acquisition; CST: Project Construction

Table B-2: Cost Feasible Projects: State/Other Arterial/ Federal SU Funded Road Projects

| Road Name                                     | From                                   | To                                 | Improvement               | Phase    | 2016-2020   | 2021-2025 | 2026-2030 | 2031-2040 | Total Cost<br>( YOE) | Total Cost<br>(PDC) | Funding<br>Sources |
|---|--|------------------------------------|---------------------------|----------|-------------|-----------|-----------|-----------|----------------------|---------------------|--------------------|
| Countywide Signal System Updates, Phase II    |  |                                    | ITS                       | CST      | \$11,809    | \$0       | \$0       | \$0       | \$11,809             | \$11,809            | SU, SA, DDR        |
| Countywide Signal System Updates, Final Phase |  |                                    | ITS                       | CST      | \$0         | \$10,160  | \$0       | \$0       | \$10,160             | \$8,000             | SU                 |
| Metro Parkway                                 | Daniels Parkway                        | South of Winkler Avenue            | Widen 4L to 6L            | ROW      | \$0         | \$3,420   | \$0       | \$0       | \$3,420              | \$3,420             | OA                 |
| Metro Parkway                                 | Daniels Parkway                        | South of Winkler Avenue            | Widen 4L to 6L            | CST      | \$0         | \$0       | 57,000    | \$15,100  | \$72,100             | \$44,920            | OA                 |
| Big Carlos Bridge Replacement                 |  |                                    | Reconstruct Bridge        | PD&E/PE  | \$7,885     | \$0       | \$0       | \$0       | \$7,885              | \$7,885             | LF, DIH            |
| Big Carlos Bridge Replacement                 |  |                                    | Reconstruct Bridge        | CST      | \$0         | \$32,260  | \$0       | \$0       | \$32,260             | \$25,000            | SU, SA, LF         |
| I-75/Corkscrew Road Interchange               | Interim Interchange Improvements       |                                    | Interchange               | PE/CST   | \$7,057     | \$0       | \$0       | \$0       | \$7,057              | \$4,270             | REPE, TIMP, SA     |
| San Carlos Boulevard                          | Summerlin Road                         | Crescent Street                    | Intersection Improvements | PD&E/PE  | \$3,527     | \$0       | \$0       | \$0       | \$3,527              | \$3,527             | SU                 |
| San Carlos Boulevard                          | Summerlin Road                         | Crescent Street                    | Intersection Improvements | ROW      | \$0         | \$10,000  | \$0       | \$0       | \$10,000             | \$8,200             | SU                 |
| San Carlos Boulevard                          | Summerlin Road                         | Crescent Street                    | Intersection Improvements | CST      | \$0         | \$10,000  | \$0       | \$0       | \$10,000             | \$8,200             | SU, TALU           |
| Old US 41                                     | Collier County Line                    | Bonita Beach Road                  | Add Lanes & Reconstruct   | PD&E     | \$2,010     | \$0       | \$0       | \$0       | \$2,010              | \$2,000             | SU                 |
| Old US 41                                     | Collier County Line                    | Bonita Beach Road                  | Add Lanes & Reconstruct   | PE       | \$0         | \$2,160   | \$0       | \$0       | \$2,160              | \$1,770             | SU                 |
| Old US 41                                     | Collier County Line                    | Bonita Beach Road                  | Add Lanes & Reconstruct   | ROW      | \$0         | \$0       | \$8,820   | \$0       | \$8,820              | \$4,800             | SU                 |
| Old US 41                                     | Collier County Line                    | Bonita Beach Road                  | Add Lanes & Reconstruct   | CST      | \$0         | \$0       | \$17,730  | \$0       | \$17,730             | \$11,820            | SU                 |
| SR 78   | Santa Barbara Boulevard                | East of Pondella                   | Widen 4L to 6L            | PE       | \$0         | \$0       | \$0       | \$7,490   | \$6,620              | \$4,800             | OA                 |
| SR 78   | Santa Barbara Boulevard                | East of Pondella                   | Widen 4L to 6L            | CST      | \$0         | \$0       | \$0       | \$61,130  | \$61,130             | \$32,000            | OA                 |
| Burnt Store Road                              | Van Buren Parkway                      | Charlotte County Line              | Widen 2L to 4L            | PD&E     | \$2,475     | \$0       | \$0       | \$0       | \$2,475              | \$2,475             | SU                 |
| Burnt Store Road                              | Van Buren Parkway                      | Charlotte County Line              | Widen 2L to 4L            | PE       | \$0         | \$11,480  | \$0       | \$0       | \$11,480             | \$8,320             | SU                 |
| Burnt Store Road                              | Van Buren Parkway                      | Charlotte County Line              | Widen 2L to 4L            | ROW/CST  | \$0         | \$0       | \$0       | \$70,000  | \$70,000             | \$46,500            | SU, LF             |
| First and Second Streets                      | Fowler Street                          | Seaboard Street                    | 1 way to 2 way            | PD&E/PE  | \$0         | \$1,820   | \$0       | \$0       | \$1,820              | \$1,500             | OA                 |
| First and Second Streets                      | Fowler Street                          | Seaboard Street                    | 1 way to 2 way            | CST      | \$0         | \$0       | \$3,000   | \$0       | \$3,000              | \$2,000             | OA                 |
| Fowler Street                                 | Metro Parkway/Fowler Street Cross-over | Dr Martin Luther King Jr Boulevard | 4LUD to 4LD               | PD&E     | \$0         | \$2,440   | \$0       | \$0       | \$2,440              | \$2,000             | OA                 |
| Fowler Street                                 | Metro Parkway/Fowler Street Cross-over | Dr Martin Luther King Jr Boulevard | 4LUD to 4LD               | PE       | \$0         | \$0       | \$4,830   | \$0       | \$4,830              | \$3,500             | OA                 |
| SR 31   | SR 80                                  | SR 78                              | Widen 2L to 4L            | PD&E     | \$2,600     | \$0       | \$0       | \$0       | \$2,600              | \$1,640             | OA                 |
| SR 31   | SR 80                                  | SR 78                              | Widen 2L to 4L            | PE       | \$0         | \$2,660   | \$0       | \$0       | \$2,660              | \$2,180             | OA                 |
| Cape Coral Evacuation Study                   |  |                                    | Access                    | Planning | \$300       | \$0       | \$0       | \$0       | \$300                | \$250               | SU, LF             |
| Del Prado Boulevard Interchange               |  |                                    | New Interchange           | IJR      | \$0         | \$1,250   | \$0       | \$0       | \$1,250              | \$1,020             | SU                 |
| US 41/Bonita Beach Road                       | Intersection                           |                                    | Intersection              | PD&E     | \$1,110     | \$0       | \$0       | \$0       | \$1,110              | \$1,110             | LF                 |
| US 41/Bonita Beach Road                       | Intersection                           |                                    | Intersection              | PE       | \$0         | \$1,300   | \$0       | \$0       | 1,300                | 1,060               | SU                 |
| US 41/Bonita Beach Road                       | Intersection                           |                                    | Intersection              | ROW/CST  | \$0         | \$10,000  | \$0       | \$0       | 9320                 | 8,160               | SU, OA, LF         |
| Major Intersections                           |  |                                    | Operational Studies       | P/R/CST  | \$0         | \$1,150   | \$2,680   | \$52,500  | \$58,830             | \$37,055            | SU                 |
|   |  |                                    |                           |          | Total Cost: | \$38,773  | \$100,100 | \$94,060  | \$206,220            | \$440,103           | \$264,136          |
|   |  |                                    |                           |          | Revenues:   | \$38,773  | \$100,200 | \$95,400  | \$206,640            | \$441,013           | N/A                |

**Project Phases** - PD&E: Project Developent and Environment; PE: Project Engineering and Design; ROW: Right-of-Way; CST: Construction

**Funding Sources** - SU: Federal Surface Transportation Program Urban Area funds >200,00; SA: Federal Surface Transportation Program any area; OA: State Other Arterial funding; DDR: State Districy Dedicated Revenu; LF: Local Funding; DIH: State District In-house

## STP AND STATE FUNDED PRIORITIES FOR FY 2024/2025

Adopted by Lee County MPO on June 21, 2019

| Staff Recommend | 2018 Priority | FM #    | Project   | From                | To                   | Improvement Type           | Length (miles) | Next Phase | PDC Estimate (in \$1,000) |
|-----------------|---------------|---------|---|---------------------|----------------------|----------------------------|----------------|------------|---------------------------|
| 1               | 1             | 4299601 | Partial Funding for County Traffic Operations Center <sup>1</sup> |                     |                      |                            |                |            | \$43.5                    |
| 2               | 2             | 1957641 | Multi-Modal Enhancement Box <sup>1</sup>                          |                     |                      |                            |                |            | \$4,956.5                 |
| 3               | 3             |         | Big Carlos Bridge Replacement                                     |                     |                      | Bridge                     | 0.4            | CST        | \$5,000                   |
| 4               | 5             | 4443281 | US 41/Six Mile Operational Study                                  |                     |                      | Intersection               | 1.0            | PE         | \$2,000                   |
| 5               | 6             | 4443214 | US 41 at Bonita Beach Road  |                     |                      | Bypass/Intersection        | 1.0            | PE         | \$1,110                   |
| 6               |               | 4369281 | Burnt Store Road  | Van Buren Pkwy      | Charlotte Co/I       | 2L to 4L                   | 5.5            | PE         | \$8,320                   |
| 7               |               |         | Corkscrew Road  | Along the Lee and C | Collier Co/L         | Safety                     | 1.0            | CST        | \$600                     |
| 8               | 9             | 4419421 | SR 31   | SR 80               | SR 78                | 2L to 4L                   | 1.4            | PE         | \$4,000                   |
| 9               | 7             | 4337261 | San Carlos  | Main Street         | Summerlin Rd         | From Operations/PD&E Study | 2.479          | ROW/CST    | \$8,200                   |
| 10              |               | 4449371 | SR 78   | I-75                | SR 31                | 2L to 4L                   | 3.3            | PE         | \$4,500                   |
| 11              | 8             | 4353471 | Old US 41   | US 41               | Bonita Beach Road    | Add lanes/reconstruct      | 2.7            | PE         | \$1,770                   |
| 12              |               |         | West Terry Street/Pine Avenue Round-a-bout                        |                     |                      |                            | 0.5            | PE         | \$200                     |
| 13              | 10            | 4126363 | Countywide ATMS   |                     |                      | Phase III Implementation   |                | PE         | TBD                       |
| 14              | 11            | 4313341 | SR 730 (Metro Pkwy)   | Daniels Pkwy        | South of Winkler Ave | 4L to 6L                   | 4.6            | CST        | \$44,920                  |

### Notes:

<sup>1</sup>The top two priorities are set asides that the Lee County MPO request annually from off the top of SU funds allocated to the Lee County urbanized area. The multi-modal box funds include \$1.5 million annually for bus replacements, .95 million in congestion management funding and \$2.5 million in bicycle pedestrian projects consistent with the LRTP.

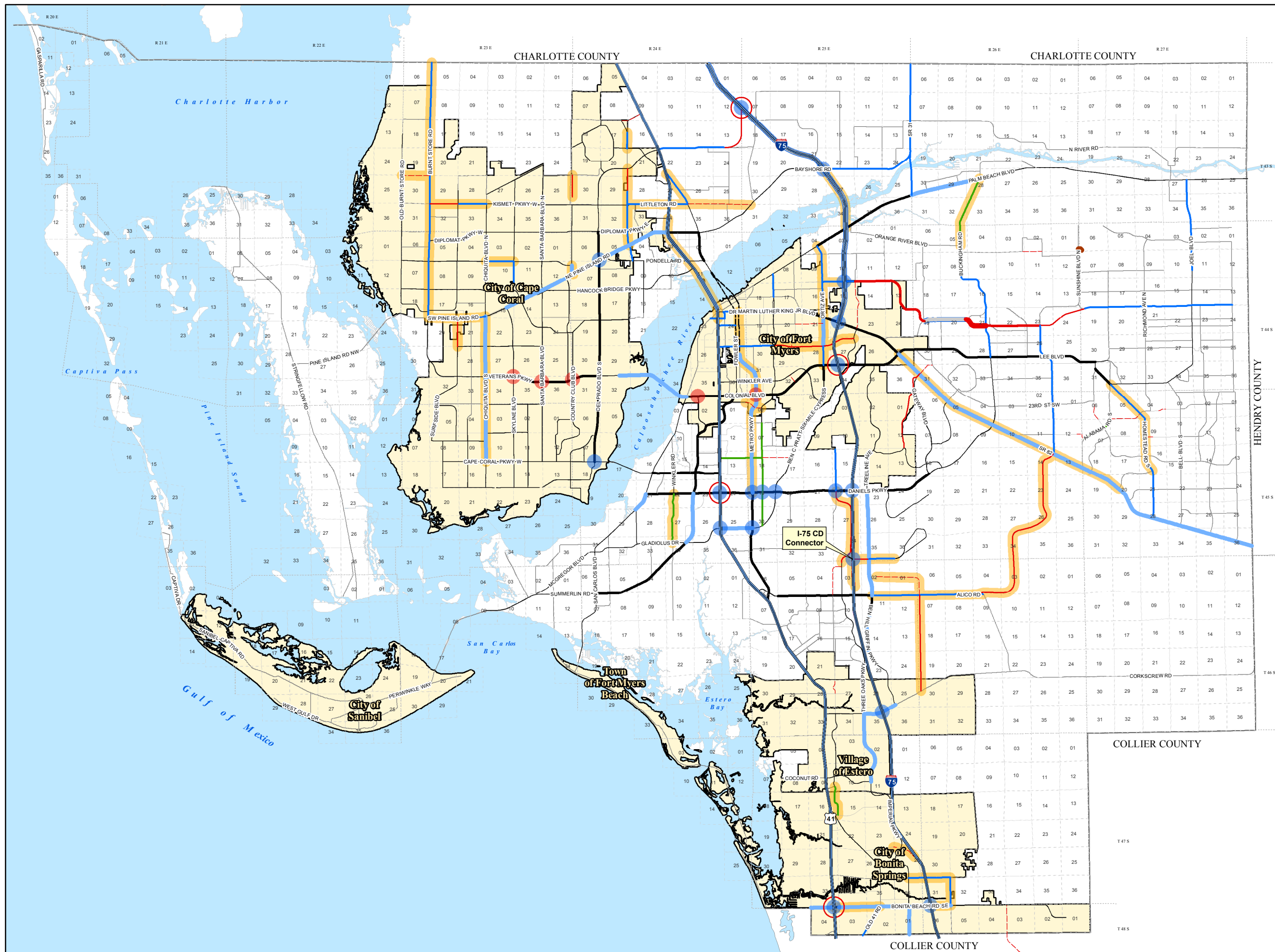
PL = Planning phase

PE = Design phase

ROW = Right-of-way phase

PD&E = Project Development & Environment phase

CST = Construction phase



# 2030 FINANCIALLY FEASIBLE HIGHWAY PLAN

Critical Intersection

Intersection Improvement

Partial Funding for Interchange

Proposed Cost Feasible Projects

## MPO Needs Plan

2 Lanes Divided

New 2 Lane Road

New 4 Lane Road

New 6 Lane Road

New 8 Lane Road

Road Connections

Widen to 4 Lanes

Widen to 6 Lanes

6 + 4 Lanes

Widen to 8 Lanes

## Existing Road Network Lanes

1

2

4

6

County Line

City Limits

N

W

E

S

0

0.5

1

2

3

4

5

Miles

Map Generated: May 2019  
City limits current to date of map generation  
Ordinance No. 07-11, 14-09

Lee Plan Map 3A

## **APPENDIX B**

### **AGENCY COORDINATION**





## *Florida Department of Transportation*

RON DESANTIS  
GOVERNOR

801 N. Broadway Avenue  
Bartow, Florida 33830-3809

KEVIN J. THIBAUT, P.E.  
SECRETARY

December 9, 2020

Timothy A. Parsons, Ph.D.,  
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 Update  
Project Development and Environment (PD&E) Study  
State Road 31 from State Road 78 to County Road 78  
Lee County, Florida  
Financial Management No.: 428917-1-22-1  
ETDM No.: 9791

Dear Dr. Parsons,

Enclosed please find one copy of the technical memorandum titled *Cultural Resource Assessment Survey [CRAS] Update for the Project Development and Environment Study of State Road 31 from State Road 78 to County Road 78, Lee County, Florida*. This report presents the findings of a CRAS update for a newly proposed alternate alignment associated with the planned improvements to State Road (SR) 31 in Lee County, Florida. The Florida Department of Transportation (FDOT), District 1, is conducting a Project Development and Environment (PD&E) Study for proposed improvements to SR 31 from south of SR 78/Bayshore Road to County Road (CR) 78. This technical memorandum serves as an addendum to the 2012 SEARCH report titled *Cultural Resource Survey of State Road 31 from State Road 80 (Palm Beach Boulevard) to North of County Road 78 (North River Road), Lee County, Florida* (Florida Master Site File [FMSF] Survey No. 20161).

At the time of the previous survey, project plans involved widening the existing SR 31 corridor. However, the presence of a Florida Gas Transmission (FGT) easement running parallel to the east side of SR 31 impeded the acquisition of right-of-way. As a result, plans were altered to develop a new roadway corridor east of the FGT line. The new roadway ties back into existing SR 31 at Suzan Drive, north of the present project segment in Charlotte County. As the previous CRAS did not include proposed right-of-way east of the FGT easement, this addendum was prepared to

address the proposed new roadway corridor. The project also includes three proposed ponds, all of which were subjected to testing during the original CRAS. Thus, the Area of Potential Effects (APE) for this survey update was limited to two previously untested segments of a new alignment right-of-way.

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 FDOT pursuant to 23 U.S.C. §327 and a Memorandum of Understanding (MOU) dated December 14, 2016 and executed by the Federal Highway Administration (FHWA) and FDOT.

This CRAS was conducted in accordance with the requirements set forth in Section 106 of the *National Historic Preservation Act* of 1966, as amended, found in 36 CFR Part 800 (*Protection of Historic Properties*). The studies also comply with Chapter 267 of the Florida Statutes and Rule Chapter 1A-46, Florida Administrative Code and Section 267.12, Florida Statutes, Chapter 1A-32. All work was performed in accordance with Part 2, Chapter 8 of FDOT's PD&E Manual (revised June 2020), FDOT's Cultural Resources Management Handbook, and the standards stipulated in the Florida Division of Historical Resources' (FDHR) *Cultural Resource Management Standards & Operations Manual, Module Three: Guidelines for Use by Historic Preservation Professionals*. The Principal Investigator for this project meets the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716-42). This study also complies with Public Law 113-287 (Title 54 U.S.C.), which incorporates the provisions of the *National Historic Preservation Act* of 1966, as amended, and the *Archeological and Historic Preservation Act* of 1979, as amended.

Due to the low-lying landform, poorly drained soils, and the lack of archaeological resources documented by previous and nearby surveys, the APE was determined to have low potential for containing archaeological sites. The archaeological survey included the excavation of 18 shovel tests within the proposed new alignment, all of which were negative for cultural material. No sites or occurrences were identified, and no further archaeological survey is recommended.

No historic resources are located within the project APE, and no architectural history survey or documentation was conducted during the present survey update.

Based on the results of this study, it is the opinion of the District that the proposed undertaking will have no effect on NRHP-listed or -eligible historic properties. No further work is recommended.

I respectfully request your concurrence with the findings of the enclosed report.

Dr. Parsons, SHPO  
FM # 428917-1  
December 9, 2020  
Page 3

If you have any questions or need further assistance, please contact Jonathon Bennett at 863-519-2495 or Jonathon.Bennett@dot.state.fl.us.

Sincerely,




Jonathon A. Bennett  
Environmental Project Manager

The Florida State Historic Preservation Officer finds the attached Cultural Resource 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 2020-6813-B. Or, the SHPO finds the attached document contains \_\_\_\_\_ insufficient information.

In accordance with the Programmatic Agreement among the ACHP, SHPO and FDOT Regarding Implementation of the Federal-Aid Highway Program in Florida, if providing concurrence with a finding of No Historic Properties Affected for a project as a whole, or to No Adverse Effect on a specific historic property, SHPO shall presume that FDOT may approve the project as de minimis use under Section 4(f) under 23 CFR 774.

SHPO Comments:

|  |
|--|
|  |
|  |
|  |
|  |

  
\_\_\_\_\_  
Timothy A. Parsons, PhD, Director  
Florida Division of Historical Resources

December 29, 2020  
Date



## *Florida Department of Transportation*

RON DESANTIS  
GOVERNOR

801 N. Broadway Avenue  
Bartow, FL 33830

KEVIN J. THIBAUT, P.E.  
SECRETARY

December 17, 2020

Dr. Timothy Parsons, Director  
Florida Division of Historical Resources  
Department of State, R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399-0250

Attn: Transportation Compliance Review Program

RE: **Cultural Resource Assessment Survey Technical Memorandum  
SR 31 State Environmental Impact Report (SIER)  
From CR 78 to North of Cook Brown Road  
Lee and Charlotte Counties, Florida  
FPID No.: 428917-2-21-01**

Dear Dr. Parsons:

A Cultural Resource Assessment Survey (CRAS) was performed within the area of potential effect (APE) for SR 31 from CR 78 (N River Road) to Cook Brown Road in Lee and Charlotte Counties. This is an update to the Cultural Resource Assessment Survey (CRAS) performed by Archaeological Consultants, Inc. (ACI) in 2004 (Survey No. 10179). The preferred alternative includes construction of a new six-lane divided roadway from CR 78 (N River Road) to Cypress Parkway. This section is located on a new alignment east of the existing SR 31 roadway and the 50-foot-wide Florida Gas Transmission pipeline easement. From Cypress Parkway to Cook Brown Road, the roadway shifts back to the west and is reduced to a four-lane divided facility. The four-lane divided roadway will use a combination of the existing SR 31 roadway right-of-way (ROW) and new ROW. The existing two-lane undivided section of SR 31 will remain in place from north of CR 78 (N River Road) to south of Cypress Parkway and will serve as a frontage road for local access. A separate project will relocate the existing Florida Gas Transmission easement from the east side to the west side of SR 31 from just north of the Lee/Charlotte County Line to just north of Horseshoe Road. From just north of Horseshoe Road, the gas line will transition back to the east side of the road and connect with the existing easement.

The archaeological APE is defined as the footprint of the existing and proposed SR 31 ROW. The historic APE includes the existing ROW and immediately adjacent parcels as contained within 400-feet from the edge of existing and proposed ROW.

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 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

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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.

Background research revealed that no archaeological sites were previously recorded within or adjacent to the APE. The background research also suggested the project had a very low potential for aboriginal site occurrence due to the amount of disturbance that has occurred along the corridor. The archaeological field survey resulted in negative results.

Historical/architectural background research indicated that four historic resources (8LL02582, 8LL02583, 8LL02584, 8CH02159) were previously recorded within the project APE. These include one Frame Vernacular style building (8LL02582) and two Ranch style buildings (8LL02583 and 8LL02584). In 2012, they were determined ineligible for listing in the NRHP by the SHPO. In addition, one linear resource, SR 31 (8CH02159), was recorded. The segment within the APE has not been evaluated by the SHPO. Furthermore, the segment within Lee County has not been previously recorded. The historical/architectural field survey resulted in the identification and evaluation of six new historic resources (8LL02845, 8LL02728, 8LL02729, 8LL02730, 8CH02720, 8CH02721); and the identification and reevaluation of one previously recorded historic resource (8CH02159) within the APE. These include three Masonry Vernacular style buildings (8CH02728, 8CH02729, 8CH02730), one building with no style (8CH02721), and one Industrial Vernacular style (8CH02720) building, as well as linear resource, SR 31 in Lee and Charlotte Counties (8LL02845 and 8CH02159, respectively). These resources are common examples of their respective architectural styles without significant historical associations; therefore, none appear eligible for listing in the NRHP, either individually or as part of a historic district.

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 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 863.519.2495 or [Jonathon.Bennett@dot.state.fl.us](mailto:Jonathon.Bennett@dot.state.fl.us).



Jonathon A. Bennett  
Environmental Project Manager

Enclosures: One original copy of the CRAS (December 2020); Seven FMSF Forms, One Completed Survey Log

CC: David Dangel, Inwood  
Marion Almy, 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 2020-6813-C. Or, the SHPO finds the attached document contains        insufficient information.

SHPO Comments:

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Digitally signed by Alissa Lotane  
DN: cn=Alissa Lotane, ou=Florida Division of Historical Resources,  
email=Alissa.Lotane@fdhr.state.fl.us, c=US  
Date: 2021.01.05 11:00:33 -0500  
Alissa Lotane, Deputy SHPO

1/5/2021

for Dr. Timothy Parsons, Director  
State Historic Preservation Officer  
Florida Division of Historical Resources

Date

NMFS staff has reviewed the Natural Resources Evaluation (NRE) for the widening of SR 31 from SR 78 (Bayshore Road) to Cook Brown Road in Lee County and Charlotte County, Florida (Financial Management Numbers 428917-1-22-01 and 428917-2-21-01; ETDM 9791/9651). NMFS is satisfied with the content of the NRE and believes that with the implementation of Best Management Practices and appropriate stormwater treatment systems (as described in the NRE), that any impacts to NMFS trust resources downstream of the project will be minimal.

## Bennett, Jonathon

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**From:** Wrublik, John <john\_wrublik@fws.gov>  
**Sent:** Tuesday, January 12, 2021 7:38 AM  
**To:** Bennett, Jonathon  
**Subject:** Re: [EXTERNAL] 428917-1 & -2 - SR 31 from SR 78 to North of cook Brown Road PD&E - NRE

Sorry about the error, I meant one hundred thousand for each. I just went and checked in the NRE and the closest active caracara nest observed near the project was located 974 meters (3,196 feet) from the project footprint. Based on the nest survey results, the project will not result in adverse effects to the caracara. So, a contribution to the caracara fund is not needed.

John

**John M. Wrublik**  
**U.S. Fish and Wildlife Service**  
**1339 20th Street**  
**Vero Beach, Florida 32960**  
**Office: (772) 469-4282**  
**Fax: (772) 562-4288**  
**email: [John.Wrublik@fws.gov](mailto:John.Wrublik@fws.gov)**

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---

**From:** Bennett, Jonathon <Jonathon.Bennett@dot.state.fl.us>  
**Sent:** Tuesday, January 12, 2021 7:04 AM  
**To:** Wrublik, John <john\_wrublik@fws.gov>  
**Subject:** RE: [EXTERNAL] 428917-1 & -2 - SR 31 from SR 78 to North of cook Brown Road PD&E - NRE

I meant the comma appears to make them \$100,000.00 but they are written in your email as only \$10,000.00, I was wondering if a zero was missed. Thanks



---

**From:** Wrublik, John <john\_wrublik@fws.gov>  
**Sent:** Tuesday, January 12, 2021 6:49 AM  
**To:** Bennett, Jonathon <Jonathon.Bennett@dot.state.fl.us>  
**Cc:** Bateman, Patrick <Patrick.Bateman@dot.state.fl.us>; Oujevolk, Richard <Richard.Oujevolk@dot.state.fl.us>; Pipkin, Gwen G <Gwen.Pipkin@dot.state.fl.us>; Jason Houck <jhouck@inwoodinc.com>; David Dangel <ddangel@inwoodinc.com>  
**Subject:** Re: [EXTERNAL] 428917-1 & -2 - SR 31 from SR 78 to North of cook Brown Road PD&E - NRE

Jonathan,



The funds requested are conservation measures to aid in the survival and recovery of the Florida bonneted bat and Audubon's caracara, and go toward actions that benefit the species (e.g., habitat acquisition, management, research studies etc.). These are conservation measures that we have requested in the past for adverse impacts to these species from development projects. The amounts are consistent with the amount that Service has requested for past FDOT projects that have adversely affected the caracara. Please be aware that the Service would only ask for a contribution for the caracara fund if the project footprint is located within the primary zone or 985 feet on an active nest or nests of the caracara ( and that was not indicated in your email). The results of the bat acoustic survey conducted for the project found calls of the Florida bonneted bat and indicate that the species is reasonably certain to occur on the project site and will be adversely affected by the project.

**John M. Wrublik**  
**U.S. Fish and Wildlife Service**  
**1339 20th Street**  
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**From:** Bennett, Jonathon <[Jonathon.Bennett@dot.state.fl.us](mailto:Jonathon.Bennett@dot.state.fl.us)>  
**Sent:** Monday, January 11, 2021 4:12 PM  
**To:** Wrublik, John <[john\\_wrublik@fws.gov](mailto:john_wrublik@fws.gov)>  
**Cc:** Bateman, Patrick <[Patrick.Bateman@dot.state.fl.us](mailto:Patrick.Bateman@dot.state.fl.us)>; Oujevolk, Richard <[Richard.Oujevolk@dot.state.fl.us](mailto:Richard.Oujevolk@dot.state.fl.us)>; Pipkin, Gwen G <[Gwen.Pipkin@dot.state.fl.us](mailto:Gwen.Pipkin@dot.state.fl.us)>; Jason Houck <[jhouck@inwoodinc.com](mailto:jhouck@inwoodinc.com)>; David Dangel <[ddangel@inwoodinc.com](mailto:ddangel@inwoodinc.com)>  
**Subject:** RE: [EXTERNAL] 428917-1 & -2 - SR 31 from SR 78 to North of cook Brown Road PD&E - NRE

John,

Can you please clarify the recommended amount highlighted below.

As you noted the current project path is close consultation during the permitting phase.

Thank you,

**Jonathon A. Bennett**  
**Environmental Project Manager**  
**ETDM Coordinator**  
Florida Department of Transportation District One  
801 North Broadway Avenue | Bartow, Florida 33830  
PH: (863) 519-2495 EMAIL: [Jonathon.Bennett@dot.state.fl.us](mailto:Jonathon.Bennett@dot.state.fl.us)



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**From:** Wrublik, John <[john\\_wrublik@fws.gov](mailto:john_wrublik@fws.gov)>  
**Sent:** Monday, January 11, 2021 9:42 AM  
**To:** Bennett, Jonathon <[Jonathon.Bennett@dot.state.fl.us](mailto:Jonathon.Bennett@dot.state.fl.us)>

Cc: Pipkin, Gwen G <[Gwen.Pipkin@dot.state.fl.us](mailto:Gwen.Pipkin@dot.state.fl.us)>; Oujevolk, Richard <[Richard.Oujevolk@dot.state.fl.us](mailto:Richard.Oujevolk@dot.state.fl.us)>; Bateman, Patrick <[Patrick.Bateman@dot.state.fl.us](mailto:Patrick.Bateman@dot.state.fl.us)>; Peters, Lauren <[Lauren.Peters@dot.state.fl.us](mailto:Lauren.Peters@dot.state.fl.us)>; David Dangel <[ddangel@inwoodinc.com](mailto:ddangel@inwoodinc.com)>; Jason Houck <[jhouck@inwoodinc.com](mailto:jhouck@inwoodinc.com)>  
**Subject:** Re: [EXTERNAL] 428917-1 & -2 - SR 31 from SR 78 to North of cook Brown Road PD&E - NRE

**EXTERNAL SENDER: Use caution with links and attachments.**

Jonathan,

I have reviewed your email on this project and offer the following comments.

According to the email, the project is state funded only. As such, it will not receive funding from the Federal Highway Administration (FHWA), and I assume that it will not require authorization from the FHWA. If that is the case, the Florida Department of Transportation (FDOT) cannot consult with U. S. Fish and Wildlife Service (Service) on this project representing the FHWA (per its agreement with the FHWA) pursuant to Section of the Endangered Species Act of 1973 (Act) because there will be no nexus with FHWA. Consequently, the Service would not be able to complete the consultation procedures such as providing concurrences for may affect, not likely to adversely affect determinations for Federally listed species or the preparation of a biological opinion (if it is determined that take of a Federally listed species would occur in association with the project), because we cannot consult with the FDOT, on behalf of the FHWA, on the project.

I am assuming that the project will need a permit to fill wetlands that will be impacted by the project. In the past, the FDOT would acquire a permit from the U.S. Army Corps of Engineers (Corps), and this would provide a nexus for the Corps to consult with the Service on the project pursuant to section 7 of the Act. As you may be aware, the State of Florida is taking over wetland permitting from the Corps and the Environmental Protection Agency (EPA). The Service has consulted with the EPA on the transference of permitting responsibilities to the State of Florida (Department of Environmental Protection). However, the issuance of individual wetland permits for projects by the State of Florida does not provide a federal nexus and is not an action that the Service can consult on pursuant to Section 7 of the Act. The Service is currently working on developing a process to comment on these individual permitting actions with the state of Florida. Although this process would not consist of the procedures we currently use for section 7 consultations, I have been told that we will be able to provide comments on each project receiving a permit. Therefore, we still would be able to request the minimization and conservation measures for Federally listed species (e.g, habitat compensation or acquisition of credits from a conservation bank, contributions to Federally listed species funds established with the Fish and Wildlife Foundation of Florida etc.) adversely affected by the project that we have requested in the past.

As such, I recommend that the FDOT wait and have the Service review the project during the wetlands permitting process conducted by the State of Florida. I noticed that the information provided in your email indicates that the project may result in the take of the Florida panther, the Florida bonneted bat, and potentially Audubon's crested caracara. Please be aware that if the FDOT does not choose to have the Service review the project during wetlands permitting by the state of Florida, or if wetland impacts are not associated with the project and a permit from the state is not needed (which is unlikely), that the FDOT will be legally liable for take of the Federally listed species described above. In this case, to authorize the take resulting from the project I recommend that the FDOT apply for an incidental take permit pursuant to Section 10 of the Act (as you are probably aware, this is a lengthy process). This would require the preparation of a Habitat Conservation Plan to mitigate impacts to the listed species. The Service cannot require that the FDOT apply for an incidental take permit, that is completely up to the FDOT, but we would strongly encourage you to do so. Of course, obtaining an incidental permit per section 10 of the Act, will not be necessary if the FDOT needs a permit from the State of Florida in association with the project, and the Service can review the project during the permitting process. I just wanted to let you know of this option.

Finally, as it appears that the project will result in adverse impacts to the Florida panther, Florida bonneted bat, and Audubon's crested caracara, I offer the following with respect to conservation measures the FDOT should employ to benefit the survival and recovery of these species.

Florida panther - The Service requests that habitat compensation be provided to compensate for the loss of panther habitat resulting from the project. The number of panther habitat units (PHUs) provided by the project footprint and the needed to offset the loss of panther habitat from the project can be determined with the Service's Panther Habitat Assessment methodology. Please note since a portion of the project footprint is located in the Primary Dispersal Expansion Area of Service's panther focus area for the panther, the Base Ratio for the calculations of PHUs would be 1 instead of 1.98, and the Landscape multiplier for the Primary Dispersal Expansion Area is 1. I realize that the FDOT has proposed to install wildlife underpasses in association with the project, and the Service appreciates this action. Please be aware that the wildlife crossings would compensate for impacts of the project related to motor-vehicle related injuries and mortalities of panthers, but not compensate for the loss of panther habitat. That is reason we ask for habitat compensation as well.

Florida bonneted bat - Based on the results of the acoustic survey conducted on the the project site, it appears that the Florida bonneted bat occurs on the project site and will be adversely affected by the project. As a conservation measure to benefit the survival and recovery of the bat, the Service recommends that the FDOT provide **\$100,00.00** to the Service's Florida bonneted bat fund administered by the Fish and Wildlife Foundation of Florida.

Audubon's crested caracara - You indicated that an active nest of the caracara was observed within 1,500 meters of the project footprint. Please note that the Service finds that development projects result in adverse effects to nesting caracaras when they are located within 985 feet of the project footprint. If the nest or nests you have identified do not occur within 985 feet of the project footprint then we wouldn't consider the SR 31 project to adversely affect the caracara. However, if a nest (or nests) of the caracara found during the survey is located within 985 feet of the SR 31 project footprint, then we would request that the FDOT provide **\$100,00.00** to the Service's Florida Audubon crested caracara fund administered by the Fish and Wildlife Foundation of Florida as a conservation measure for the species.

Eastern indigo snake - Please note that the Service does not have any records of eastern indigo snakes occurring on or within 0.62 miles of the project footprint. As such, the Service finds that based on the current information provided, the Eastern indigo snake is not reasonably certain to occur within the project footprint, and will not be adversely affected by the project.

If you have any questions, and need any clarification regarding my comments, please let me know.

John

**John M. Wrublik**  
**U.S. Fish and Wildlife Service**  
**1339 20th Street**  
**Vero Beach, Florida 32960**  
**Office: (772) 469-4282**  
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**From:** [Jonathon.bennett@dot.state.fl.us](mailto:Jonathon.bennett@dot.state.fl.us) <[Jonathon.Bennett@dot.state.fl.us](mailto:Jonathon.Bennett@dot.state.fl.us)>  
**Sent:** Thursday, January 7, 2021 3:14 PM  
**To:** Wrublik, John <[john\\_wrublik@fws.gov](mailto:john_wrublik@fws.gov)>  
**Cc:** [gwen.pipkin@dot.state.fl.us](mailto:gwen.pipkin@dot.state.fl.us) <[gwen.pipkin@dot.state.fl.us](mailto:gwen.pipkin@dot.state.fl.us)>; [Richard.Oujevolk@dot.state.fl.us](mailto:Richard.Oujevolk@dot.state.fl.us) <[Richard.Oujevolk@dot.state.fl.us](mailto:Richard.Oujevolk@dot.state.fl.us)>; [Patrick.Bateman@dot.state.fl.us](mailto:Patrick.Bateman@dot.state.fl.us) <[Patrick.Bateman@dot.state.fl.us](mailto:Patrick.Bateman@dot.state.fl.us)>; [Lauren.Peters@dot.state.fl.us](mailto:Lauren.Peters@dot.state.fl.us) <[Lauren.Peters@dot.state.fl.us](mailto:Lauren.Peters@dot.state.fl.us)>; [ddangel@inwoodinc.com](mailto:ddangel@inwoodinc.com) <[ddangel@inwoodinc.com](mailto:ddangel@inwoodinc.com)>; [jhouck@inwoodinc.com](mailto:jhouck@inwoodinc.com) <[jhouck@inwoodinc.com](mailto:jhouck@inwoodinc.com)>  
**Subject:** [EXTERNAL] 428917-1 & -2 - SR 31 from SR 78 to North of cook Brown Road PD&E - NRE

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You have received 1 secure file from [Jonathon.Bennett@dot.state.fl.us](mailto:Jonathon.Bennett@dot.state.fl.us).

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Mr. Wrublik,

The Florida Department of Transportation, District One (Department) is currently conducting a Project Development and Environment (PD&E) Study meant to evaluate potential roadway improvements on State Road (SR) 31 from south of SR 78 (Bayshore Road) in Lee County to Cook Brown Road in Charlotte County, a distance of approximately 5.3 miles. The potential roadway improvements being evaluated are to provide 6-lanes on SR 31 from SR 78 to Cypress Parkway and 4-lanes from Cypress Parkway to Cook Brown Road. The project occurs within Sections 12, 13, 24 and 25 of Township 43 South, and Range 25 East; and Sections 7, 18, 19, and 30 of Township 43 South, and Range 26 East.

Agency coordination to obtain species and habitat related information has occurred through the Efficient Transportation Decision Making (ETDM) Program Screening (ETDM No's. 9791 & 9651) and the AdvanceNotification (AN) process. The project's class of action is a **State Environmental Impact Report (SEIR)** and the project is **only State funded**.

In accordance with Section 7(c) of the Endangered Species Act of 1973, as amended, and Chapter 68A-27, Florida Administrative Code (FAC), Rules Pertaining to Endangered and Threatened Species, the "Build" alternative was evaluated for potential occurrences of federally and state-listed plant and animal species. The Preferred Alternative is located within the following US Fish and Wildlife Service (FWS) Consultation Areas: Audubon's crested caracara (*Caracara cheriway*), Florida bonneted bat. (*Eumops floridanus*), Florida grasshopper sparrow (*Ammodramus savannarum floridanus*), Florida scrub-jay (*Aphelocoma coerulescens*), Florida panther (*Puma concolor coryi*), and red-cockaded woodpecker (*Dryobates borealis*). Additionally, the Preferred Alternative falls within core foraging areas for two wood stork (*Mycteria americana*) nesting colonies: No. 619012 and 619041. The Preferred Alternative project area may also provide suitable habitats for many state listed species, particularly wading birds. Table 1 below summarizes the listed species with potential to occur within the project area along with their proposed effect determination.

Table 1

|                      | Common Name                       |
|----------------------|-----------------------------------|
|                      | Scientific Name                   |
|                      | Status                            |
|                      | Likelihood of Occurrence          |
|                      | Effect Determination              |
|                      | Reptiles                          |
| American Alligator   | <i>Alligator mississippiensis</i> |
|                      | FT (S/A)                          |
|                      | High                              |
|                      | MANLAA                            |
| Eastern indigo snake | <i>Drymarchon couperi</i>         |
|                      | FT                                |

|                             |  |
|-----------------------------|--|
| Gopher tortoise             | Moderate<br>May Affect<br><i>Gopherus polyphemus</i><br>C/ST<br>Moderate<br>MANLAA |
| Florida pine snake          | <i>Pituophis melanoleucus</i><br>ST<br>Low<br>NAEA                                 |
| Audubon's crested caracara  | <b>Birds</b><br><i>Caracara cheriway</i><br>FT<br>Observed<br>MANLAA               |
| Bald eagle                  | <i>Haliaeetus leucocephalus</i><br>BGEPA/MBTA<br>Moderate<br>No effect             |
| Florida burrowing owl       | <i>Athene cunicularia floridana</i><br>ST<br>Low<br>NAEA                           |
| Florida grasshopper sparrow | <i>Ammodramus savannarum</i><br><i>floridanus</i><br>FE<br>Low<br>No Effect        |
| Florida sandhill crane      | <i>Antigone canadensis pratensis</i><br>ST<br>Observed<br>NAEA                     |
| Florida scrub-jay           | <i>Aphelocoma coerulescens</i><br>FT<br>Low<br>No effect                           |
| Little blue heron           | <i>Egretta caerulea</i><br>ST<br>Observed<br>NAEA                                  |
| Red-cockaded woodpecker     | <i>Dryobates borealis</i><br>FE<br>Low<br>No effect                                |
| Reddish egret               | <i>Egretta rufescens</i><br>ST<br>Low<br>NAEA                                      |
| Roseate spoonbill           | <i>Platalea ajaja</i>  |

|                          |  |
|--------------------------|--|
|                          | ST<br>Low<br>NAEA                              |
| SE American kestrel      | <i>Falco sparverius</i> Paulus                 |
|                          | ST<br>Moderate<br>NAEA                         |
| Tricolored heron         | <i>Egretta tricolor</i>                        |
|                          | ST<br>High<br>NAEA                             |
| Wood stork               | <i>Mycteria americana</i>                      |
|                          | FT<br>Observed<br>NAEA                         |
| Big Cypress fox squirrel | <b>Mammals</b>                                 |
|                          | <i>Sciurus niger avicennia</i>                 |
|                          | ST<br>Low<br>NEA                               |
| Florida bonneted bat     | <i>Eumops floridanus</i>                       |
|                          | FE<br>Observed (Recorded Calls)<br>May Affect+ |
| Florida black bear       | <i>Ursus americanus floridanus</i>             |
|                          | M<br>Low<br>NAEA                               |
| Florida panther          | <i>Puma concolor coryi</i>                     |
|                          | FE<br>Observed<br>May Affect                   |
| Beautiful pawpaw         | <b>Plants</b>                                  |
|                          | <i>Deeringothamnus pulchellus</i>              |
|                          | FE<br>Low<br>No effect                         |
| Ghost orchid             | <i>Dendrophylax lindenii</i>                   |
|                          | SE<br>Low<br>NEA                               |
| Tampa vervain            | <i>Glandularia tampensis</i>                   |
|                          | SE<br>Low<br>NEA                               |
| Nodding pinweed          | <i>Lechea cernua</i>                           |
|                          | ST<br>Low<br>NEA                               |
| Pine pinweed             |  |

|                          |                               |
|--------------------------|-------------------------------|
| Lowland loosestrife      | <i>Lechea divaricate</i>      |
|                          | SE                            |
|                          | Low                           |
|                          | NEA                           |
| Florida beargrass        | <i>Lythrum flagellare</i>     |
|                          | SE                            |
|                          | Low                           |
|                          | NEA                           |
| Hand fern                | <i>Nolina atopocarpa</i>      |
|                          | ST                            |
|                          | Low                           |
|                          | NEA                           |
| Many-flowered grass pink | <i>Ophioglossum palmatum</i>  |
|                          | SE                            |
|                          | Low                           |
|                          | NEA                           |
| Northern needleleaf      | <i>Calopogon multiflorus</i>  |
|                          | ST                            |
|                          | Low                           |
|                          | NEA                           |
| Cardinal airplant        | <i>Tillandsia balbisiana</i>  |
|                          | ST                            |
|                          | Low                           |
|                          | NEA                           |
| Giant airplant           | <i>Tillandsia fasciculata</i> |
|                          | SE                            |
|                          | Low                           |
|                          | NEA                           |
|                          | <i>Tillandsia utriculate</i>  |
|                          | SE                            |
|                          | Low                           |
|                          | NEA                           |

FE = Federally Listed, Endangered; FT = Federally Listed, Threatened, FT (S/A) = Federally Listed, Similarity of Appearance; SE = State Listed, Endangered, ST = State Listed, Threatened; C = Candidate for Federal Listing; M = Managed; BGEPA = Bald and Golden Eagle Protection Act; MBTA = Migratory Bird Treaty Act  
MANLAA = May Affect, Not Likely to Adversely Affect; May Affect+ = May Affect + Additional Coordination; NEA = No Effect Anticipated; NAEA = No Adverse Effect Anticipated

Suitable indigo snake habitat occurs within the Preferred Alternative, particularly improved pastures and pine flatwoods. Eastern indigo snakes were not documented during recent wildlife surveys; however, FWS indicated that eastern indigo snakes could occur in the project area and that they have been observed on the Babcock Ranch Preserve. Per the Eastern Indigo Snake Effect Determination Key (dated August 1, 2017), the Department's determination sequence resulted in A > B > C = "**may affect**". The determination was based on the potential to impact 25 acres or more of suitable habitat for eastern indigo snakes. To avoid and minimize impacts during construction, the Department and/or contractor will follow Standard Specification 7-1.4: Compliance with Federal Endangered Species Act and other Wildlife Regulations. Additionally, the Department commits to follow the Standard Protection Measures for the Eastern Indigo Snake (FWS 2013) and conduct a pre-construction survey for gopher tortoises, and any permitting thereafter. Based on the information provided above, the Department will request formal consultation with the FWS during the design/permitting phase of the project.

A caracara survey was conducted during the 2020 nesting season. The survey documented caracara exhibiting territorial defense and nesting behavior within 1,500 meters (4,920 feet) of the existing roadway. To avoid and minimize impacts to the caracara, the new roadway will not be constructed closer to the potential nest. Additionally, the Department and/or contractor will follow Standard Specification 7-1.4: Compliance with Federal Endangered Species Act and other Wildlife Regulations. The Department and/or contractor may choose to avoid construction within 1,500 meters of the potential nest during the nesting season (May to October), when practicable, or provide a

qualified monitor to observe caracara behavior if construction must occur within 1,500 meters of the potential nest during the nesting season. Lastly, compensatory wetland mitigation will provide the long-term protection for a variety of habitat types, including some that may be used by the caracara.

The Preferred Alternative occurs within the FWS Consultation Area and contains suitable habitat for the Florida bonneted bat. A species-specific acoustical survey for the bonneted bat was conducted in Spring 2020. The survey recorded 38,728 call sequences from seven different bat species over 100 detector nights, including 244 call sequences manually identified as bonneted bats or potential bonneted bats. 21 of the 244 call sequences occurred within 90 minutes of sunset. The acoustic data was submitted via external hard drive to the FWS on August 25, 2020. Subsequently, the survey identified potential roosting locations and conducted a roost survey in the project area. It did not identify roosting activity by bonneted bats. Per the Florida Bonneted Bat Consultation Key (dated October 22, 2019), the Department's determination sequence resulted in 1a > 2a > 3b > 6a > 7a > 8a > 9a = **"likely to adversely affect + further consultation"**. The determination was based on the potential or extent of impacts to suitable habitat for the Florida bonneted bat. Based on the information provided above, the Department will request formal consultation with the FWS during the design/permitting phase of the project to identify best management practices that will minimize impacts to and the degree of effect on the Florida bonneted bat.

The Preferred Alternative occurs within the FWS Consultation Area and Primary Dispersal – Expansion Focus Area for the Florida panther. During their species-specific surveys for Audubon's crested caracaras, Johnson Engineering observed a Florida panther in the project area near SR 31 and N. River Road. Additionally, FWC confirmed that Florida panthers have occupied the Babcock Ranch Preserve. Per the Florida Panther Effect Determination Key (dated February 19, 2007), the Department's determination sequence resulted in A > B = **"may affect"**. The determination was based on the project area and proposed net increase and/or change in vehicle traffic patterns due to the project. To minimize impacts during construction, the Department and/or contractor will follow Standard Specification 7-1.4: Compliance with Federal Endangered Species Act and other Wildlife Regulations. To minimize long-term impacts to the Florida panther, Babcock Ranch DRI proponents agreed to fund the construction of two wildlife crossings and associated fencing on SR 31 in order to promote wildlife movement between the Babcock Ranch Preserve and the Babcock-Webb WMA. Based on the information noted above, the Department will request formal consultation with the FWS during the design/permitting phase of the project. The Department respectfully requests Technical Assistance from the USFWS to review and comment on the proposed action for the above-mentioned listed species and their habitat in the attached NRE within 30 days. If you have any questions, please feel free to contact me at (863)519-2495 or via email at

[jonathon.bennett@dot.state.fl.us](mailto:jonathon.bennett@dot.state.fl.us).

Thank you in advance,

**Jonathon A. Bennett**

**Environmental Project Manager**

**ETDM Coordinator**

Florida Department of Transportation District One

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## Secure File Downloads:

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January 21, 2021

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[Jonathon.Bennett@dot.state.fl.us](mailto:Jonathon.Bennett@dot.state.fl.us)

Re: SR 31 from SR 78 to North of Cook Brown Road, Charlotte County, Natural  
Resources Evaluation

Dear Mr. Bennett:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the Natural Resources Evaluation (NRE) for the above-referenced project in accordance with Chapter 379, Florida Statutes and Rule 68A-27, Florida Administrative Code. The NRE was prepared as part of the Project Development and Environment Study for the proposed project.

FWC staff reviewed this project in November 2007 and December 2020 via the Efficient Transportation Decision Making (ETDM) process as ETDM 9651 and 9791, respectively, and FWC's comments and recommendations were uploaded to the ETDM Environmental Screening Tool. FWC staff agrees with the determinations of effect and supports the project implementation measures and commitments for protected species.

If you have specific technical questions regarding the content of this letter, please contact Brian Barnett at (772) 579-9746 or email [Brian.Barnett@MyFWC.com](mailto:Brian.Barnett@MyFWC.com). All other inquiries may be directed to [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com).

Sincerely,

Jason Hight  
Land Use Planning Program Administrator  
Office of Conservation Planning Services

jh/bb

SR 31 from SR 78 to N of Cook Brown Road\_NRE\_43250\_01212021

cc: Jason Houck [jhouck@inwoodinc.com](mailto:jhouck@inwoodinc.com)