

## SECTION 4(F) DE MINIMIS DETERMINATION FOR PARKS, RECREATION AREAS, AND WILDLIFE OR WATERFOWL REFUGES

<b>Project Name:</b>	SR 29 from Oil Well Road to SR 82				
<b>FM#:</b>	417540-1-22-01	<b>ETDM#:</b>	3752	<b>FAP#:</b>	3911 022 P
<b>Project Review Date:</b>	10/5/2018				
<b>FDOT District:</b>	1				
<b>County(ies):</b>	Collier				

### Project Description including Section 4(f) Specific Information:

SR 29 is designated as an Emerging Strategic Intermodal System (SIS) and is a major north-south corridor in Collier County. The project extends from Oil Well Road to SR 82 and is approximately 15.6 miles in length (see Attachment 3, Location Map). The project section of SR 29 specifically traverses the unincorporated community of Immokalee in eastern Collier County. SR 29 will be widened from two to four lanes from Oil Well Road to south of Farm Worker Way and from north of Westclox Street/New Market Road (CR 29A) to SR 82, as well as include the addition of a four-lane segment on new alignment from north of Seminole Crossing Trail to north of Westclox Street/New Market Road (CR 29A). Central Alternative 2, the Recommended Alternative, will require an additional 77.82 acres of right-of-way. This includes approximately 4.45 acres from the western edge of the Immokalee Regional Airport Conservation Easement, the Section 4(f) resource (see Attachment 3, Recommended Alternative Conservation Easement Impacts).

### Type of Property: Wildlife and Waterfowl Refugees

**Description of Property:** The Immokalee Airport Conservation Easement, totaling 154.28 acres, located along the western edge of the Immokalee Airport, is owned by Collier County and managed by the Florida Fish and Wildlife Conservation Commission (FWC). The Deed of Conservation Easement was dedicated by Collier County to the FWC in November of 1999 and secures the enforcement of a perpetual conservation easement. The Immokalee Airport Conservation Easement was dedicated to preserve upland habitat and is not accessible to the general public and there is no active use programmed. The Deed of Conservation Easement includes a list of prohibited activities on the site that are detrimental to drainage, flood control, water conservation, erosion control, soil conservation, and/or fish and/or wildlife habitat preservation. On April 28, 2014, FHWA found that protection under Section 4(f) of the US Transportation Act of 1966, as amended and implemented by 23 CFR 774, is applicable to the Airport Conservation Easement (see Attachment 1).

### Section 4(f) Use of the Property

Yes  No Will the project involve the "use" of the Section 4(f) resource (e.g., new right of way, intrusions into the historic boundaries, temporary occupancy)?

### Explanation of how the Section 4(f) property will be used, including any mitigation or enhancement measures related to activities, features or attributes of the property:

The Recommended Alternative, Central Alternative 2, will impact approximately 4.45 acres (2.9% of the 154.28 acres) along the western edge of the Immokalee Airport Conservation Easement. See the exhibits included in Attachment 3. This project will constitute a permanent direct impact to a portion of the Immokalee Airport Conservation Easement. Mitigation will be required to offset the impacts to the function of the conservation easement. In our coordination and through correspondence, FWC staff identified six priority parcels contiguous to the Platt Branch Wildlife and Environmental Area (WEA) in Highlands County, FL as the preferred potential site options for mitigation. FDOT has committed to further coordination with the FWC and to offset impacts to the Immokalee Airport Conservation Easement by providing compensatory land acquisition targeting six FWC-identified priority parcels. After taking this mitigation measure into account, there will not be adverse effects to the property and its activities, features, and attributes.

**SECTION 4(F) DE MINIMIS DETERMINATION FOR PARKS, RECREATION AREAS,  
AND WILDLIFE OR WATERFOWL REFUGES**

**Evaluating Section 4(f) *de minimis* Eligibility**

1.  Yes  No Was there coordination with the Official(s) with Jurisdiction to identify an opportunity for a *de minimis* finding?
2.  Yes  No Was the OWJ informed by the District of FDOT's intent to pursue a *de minimis* approval option?  
(Attach the letter to the document)
3.  Yes  No Was the public provided notice and an opportunity to review and comment on the effects of the project on the activities, features, and attributes of the property?
4.  Yes  No Was the OWJ informed in writing that their concurrence with a no adverse effect finding to the activities, features or attributes which qualify the property for protection may result in FDOT making a *de minimis* approval under Section 4(f)?
5.  Yes  No Did the OWJ concur that the proposed project, including any enhancement, mitigation and minimization of harm measures, will result in no adverse effects to the activities features or attributes of the property?
6. Identify and describe the avoidance and minimization of harm measures (if any) incorporated into the project in order to obtain a *de minimis* finding:

The Recommended Alternative, Central Alternative 2, has been located along the western edge of the Immokalee Airport Conservation Easement to avoid a division of the easement and minimize impact to the protected habitat. Additionally, FDOT will work with the FWC to provide compensatory mitigation through land acquisition at six priority parcels identified by the FWC contiguous to the Platt Branch Wildlife and Environmental Area (WEA) in Highlands County, FL.

7. Describe below the basis on which the *de minimis* determination was made (e.g., consideration on why there is no adverse effects to the property and its activities, features and attributes)

Incorporation of minimization by locating the project along the western edge of the property and mitigation measures including compensatory land acquisition targeting the six priority parcels contiguous to the Platt Branch WEA that will fully replace the function of the 4.45 acres that will be directly impacted by the Recommended Alternative, Central Alternative 2. With mitigation, the total area of conservation land held by the FWC will not be decreased by the proposed action. While the provisions of Section 4(f) are applicable to the Immokalee Airport Conservation Easement, with the implementation of these measures, the project will not adversely affect the activities, features, and attributes that qualify the Immokalee Airport Conservation Easement for protection under Section 4(f). The Official With Jurisdiction supports the project and measures identified to minimize harm and is in concurrence with the *de minimis* determination (see Attachment 2).

**Documentation**

The following items **must** be attached to this form to ensure proper documentation of the Section 4(f) *de minimis*:

1. DOA form and documentation
2. Any additional communications with the OWJ (e.g. concurrence letters)

**SECTION 4(F) DE MINIMIS DETERMINATION FOR PARKS, RECREATION AREAS,  
AND WILDLIFE OR WATERFOWL REFUGES**

**Signatures**

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 dated December 14, 2016, and executed by FHWA and FDOT.

Signature: \_\_\_\_\_ : [Click here to enter a date.](#)  
Preparer Date

Signature: \_\_\_\_\_ [Click here to enter a date.](#)  
Environmental Manager, or designee Date

**OEM  
Concurrence:**

Signature: \_\_\_\_\_ [Click here to enter a date.](#)  
Director of OEM, or designee Date

**ATTACHMENT 1**  
**FHWA SECTION 4(F) DETERMINATION OF APPLICABILITY**



*Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.  
SECRETARY

March 21, 2014

Ms. Linda Anderson  
Federal Highway Administration  
545 John Knox Road, Suite 200  
Tallahassee, FL 32303

**Subject: Section 4(f) Determination of Applicability Addendum  
SR 29 Collier County PD&E Study  
From Oil Well Road to SR 82, Collier County, Florida  
Financial Project ID: 417540-1-22-01**

Ms. Anderson,

The Florida Department of Transportation (FDOT) is conducting a Project Development and Environment (PD&E) Study for the improvement of SR 29 from Oil Well Road to SR 82 in Collier County, FL.

A Section 4(f) Determination of Applicability (DOA) for this study was prepared and submitted to the Federal Highway Administration in April of 2013. Subsequent to the April 2013 submittal of the DOA, the two eastern most roadway alternatives (East Alternative #1 and East Alternative #2) were dropped from consideration, and a new central alternative was developed for study.

The removal of the two eastern alternatives eliminated the need to further examine potential impacts to Collier Rural Land Stewardship Sending Area #5. However, the newly developed central alternative (Central Alternative #2) places the proposed roadway north and east of existing SR 29, affecting the Immokalee Airport Conservation Easement, a resource potentially subject to the auspices of Section 4(f). The attached is an addendum to the original DOA, and is intended to aid FHWA in the determination of Section 4(f) applicability to the newly identified conservation easement. The FDOT believes that Section 4(f) applies to the Airport Conservation Easement.

Ms. Anderson  
Federal Highway Administration  
SR 29 Collier County PD&E Study  
From Oil Well Road to SR 82, Collier County, Florida  
Financial Project ID: 417540-1-22-01  
March 21, 2014  
Page 2

If you have any questions, or if I may be of assistance, please contact me at Gwen.Pipkin@dot.state.fl.us or (863) 519-2375. Thank you for your assistance with this request.

Sincerely,



Gwen G. Pipkin  
District Environmental Administrator  
Florida Department of Transportation

Enclosure(s)

cc: Gwen Pipkin, FDOT  
Bill Howell, HW Lochner  
Ron Gregory, URS

The Federal Highway Administration concurs with this determination.

  
Linda Anderson, FHWA

4-28-14  
Date

**ATTACHMENT 2**  
**FWC DE MINIMIS CONCURRENCE LETTER and**  
**FWC POST PUBLIC HEARING COORDINATION**



*Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

801 North Broadway  
Bartow, FL 33830

MICHAEL J. DEW  
SECRETARY

September 5, 2018

David B. Johnson, Leader  
Wildlife and Habitat Management Section  
Habitat and Species Conservation  
Florida Fish and Wildlife Conservation Commission  
620 South Meridian Street  
Tallahassee, FL 32399-1600

**SUBJECT: Immokalee Airport Conservation Easement  
SR 29 Immokalee Project Development and Environment (PD&E) Study  
From Oil Well Road to SR 82  
Collier County, Florida  
Financial Management No.: 417540-1-22-01**

Dear Mr. Johnson:

In follow-up to our meeting on April 11, 2018 with Florida Fish and Wildlife Conservation Commission (FWC) staff, this letter is submitted to solicit written concurrence from the FWC with the Florida Department of Transportation's (FDOT) intent to pursue a Section 4(f) *de minimis* finding for the proposed impacts to the Immokalee Airport Conservation Easement that will result from proposed improvement to SR 29. In correspondence dated April 28, 2014, the Federal Highway Administration (FHWA) determined that the Immokalee Airport Conservation Easement is a publicly held land and a Section 4(f) resource according to the Department of Transportation Act of 1966 and meets the Section 4(f) definition of a significant facility. The current identified purpose of the Immokalee Airport Conservation Easement is upland habitat preservation.

At the April 11, 2018 meeting, the FDOT presented two alternatives that were being considered for the proposed improvements to SR 29 (Central Alternative #1 Revised and Central Alternative #2) along with the No-Build Alternative. Since our meeting and upon further review, the FDOT has dropped Central Alternative #1 Revised from further consideration and determined that Central Alternative #2 is the Recommended Alternative since this alternative avoids the commercial/industrial areas of Immokalee and the State Farmer's Market to the west. Central Alternative #2 also has fewer business relocations (one relocation) and no residential relocations or impacts in comparison to Central Alternative #1 Revised which has nine business relocations and three residential relocations.

Central Alternative #2 provides a 4-lane divided typical section and follows the existing SR 29 corridor from the start of the project at Oil Well Road to north of 13th Street. From 13th Street, Central Alternative #2 travels north from SR 29 on new alignment along the west side of the Immokalee Regional Airport traversing a small portion of the western perimeter of the Immokalee Airport Conservation Easement. **Exhibit A** (enclosed for reference) depicts the footprint of Central Alternative #2 in relation to the Immokalee Airport Conservation Easement. As illustrated, Central Alternative #2 will result in approximately 4.45 acres of direct impact to the Immokalee Airport Conservation Easement (2.9% of the total 154.28 acres). Mitigation would be required to offset these impacts. In our coordination and through correspondence dated April 20, 2018, FWC staff identified six priority parcels



Mr. David B. Johnson  
Immokalee Airport Conservation Easement  
Page 2 of 2  
September 5, 2018

contiguous to the Platt Branch Wildlife and Environmental Area (WEA) in Highlands County, FL as the preferred potential site options for mitigation. Therefore, the FDOT commits to further coordination with the FWC and compensatory land acquisition targeting the six priority parcels identified by FWC to offset impacts resulting from the improvement of SR 29.


Based upon the above information and because the impacts to the site will be mitigated, we believe that there will be no adverse effects to the activities, features and attributes that qualify the Immokalee Airport Conservation Easement for protection under Section 4(f).

If the FWC concurs with the FDOT's findings that after mitigation there will be no adverse effects to the activities, features, and attributes to the Immokalee Airport Conservation Easement, please sign and date the concurrence block at the end of this letter and return it to me at the address below. If the FWC concurs with this finding, then the FDOT may determine the impacts to be *de minimis* per 23 CFR Part 774.

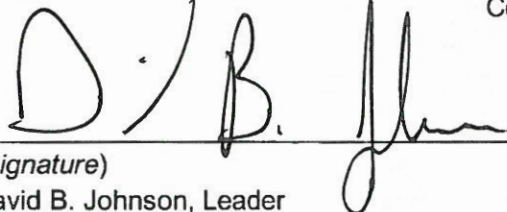
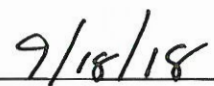
P.O. Box 1249  
Bartow, Florida 33831

If you have any questions, please contact me by phone at (863) 519-2375 or by email at [gwen.pipkin@dot.state.fl.us](mailto:gwen.pipkin@dot.state.fl.us). Thank you for your assistance with this request.

Sincerely,



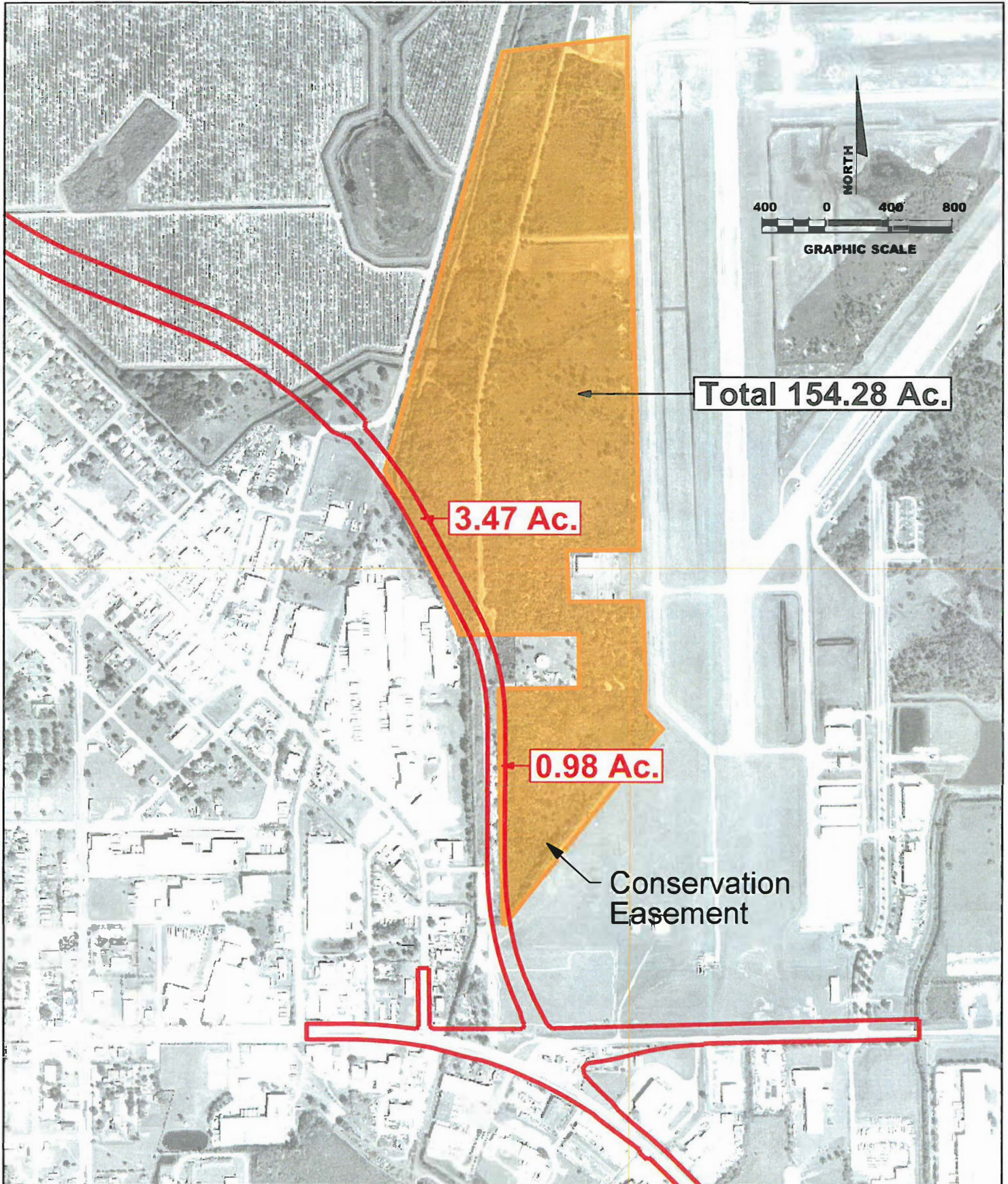
Gwen G. Pipkin  
District Environmental Manager

Concurrence	
	
(Signature)	(Date)
David B. Johnson, Leader Wildlife and Habitat Management Section Habitat and Species Conservation Florida Fish and Wildlife Conservation Commission	

Enclosures

Cc: Brian Barnett (FWC)  
Bill Howell (Lochner)  
Adam Purcell (AECOM)

EXHIBIT A



URS Corporation Southern  
 7650 West Courtney  
 Campbell Causeway  
 Tampa, FL 33607-1462  
 C.A. No. 00000002

STATE OF FLORIDA  
 DEPARTMENT OF TRANSPORTATION

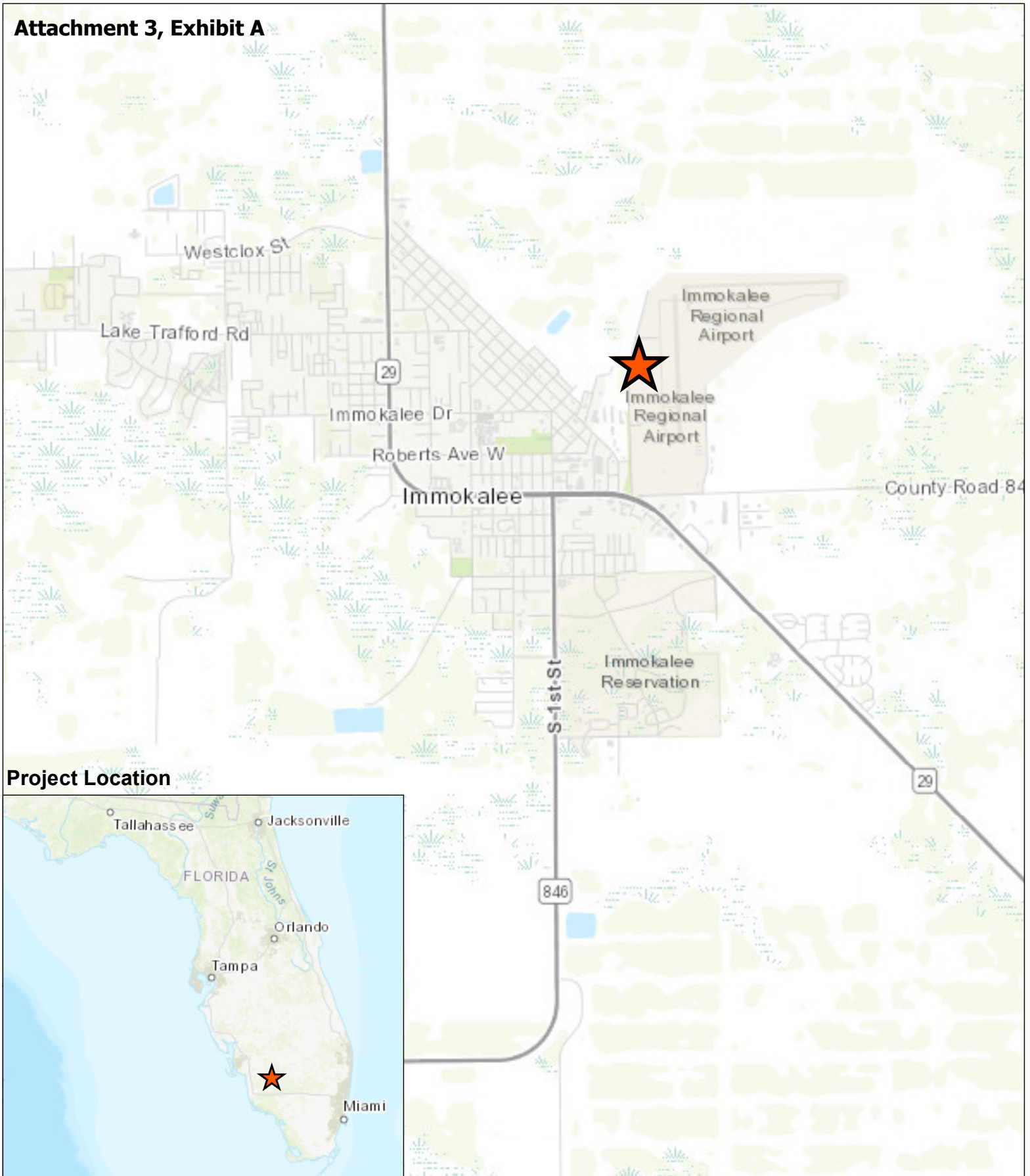
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 29	COLLIER	417540-1-22-01

SR 29 Immokalee  
 ALTERNATIVE C2

SHEET  
 NO.

**ATTACHMENT 3**  
**LOCATION MAP and RECOMMENDED ALTERNATIVE (C2) with**  
**IMMOKALEE REGIONAL AIRPORT CONSERVATION EASEMENT IMPACTS**

# Attachment 3, Exhibit A

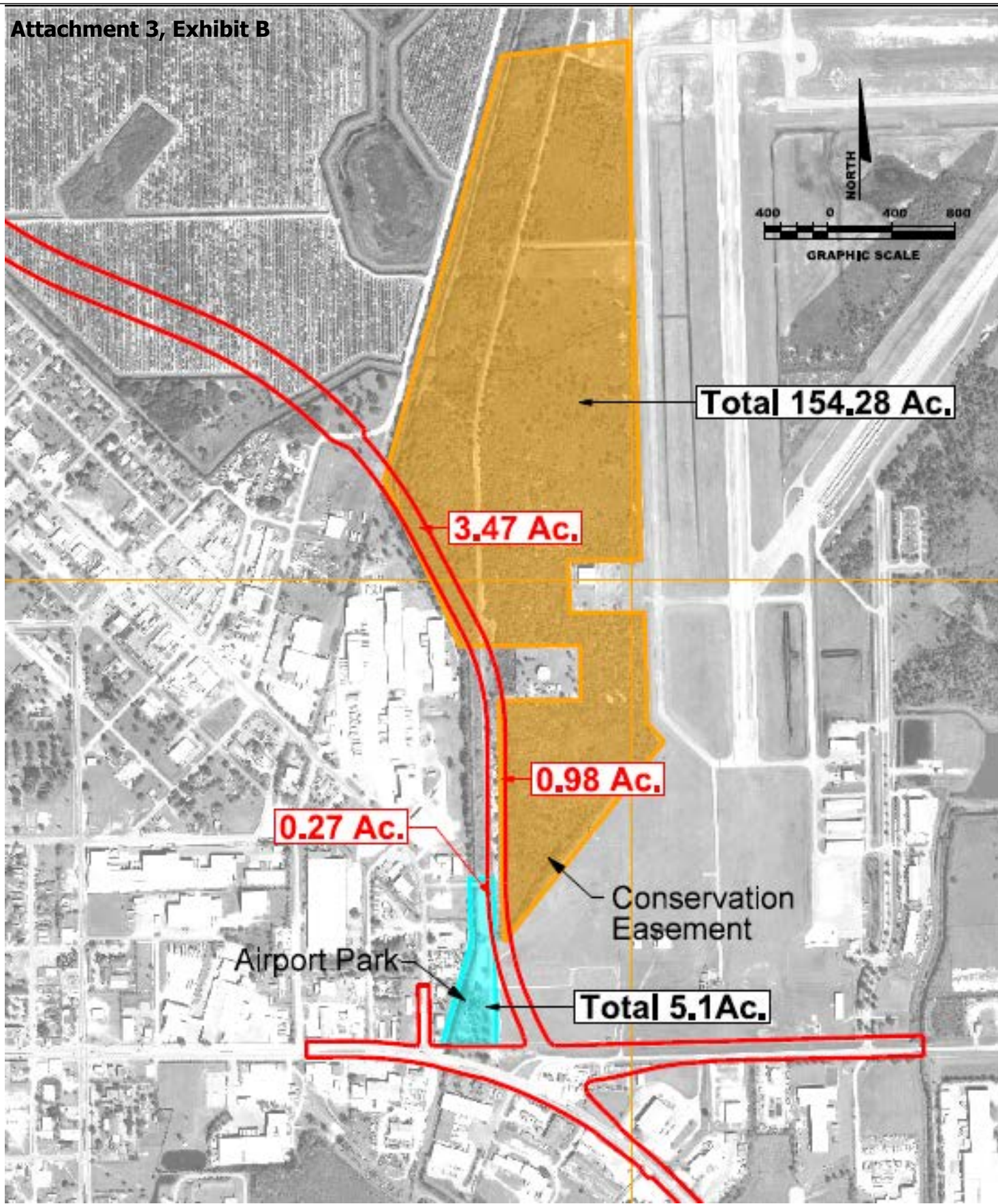


## Project Location

# Immokalee Regional Airport Conservation Easement

## Legend








# Immokalee Regional Airport Impacts to the Airport Conservation Easement

Recommended Alternative (Central 2)

### Legend

-  Airport Conservation Easement
-  Airport Park
-  Proposed Right-of-Way