



Florida Department of Transportation

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SECRETARY

MEMORANDUM

Date: October 14, 2024

To: Steven Andrews – Project Manager

From: Jeffrey W. James – Environmental Manager

Copies: Kevin Ingle, Amy Alfonso-Perez, Greg Bowne, Jon Sands, Brian Blair, Sara Stevenson, Megan Arp, Emily Barnett, Michael Sherron, Brent Setchell, Edith Perez, Nicole Monies, Nikki Gilmer, Kristin Caruso-Scalar, Brooke Feagle-Atkins, Leah Paulsen-Atkins, Catie Neal-KCA, Nicole Selly-KCA, Michelle Rutishauser-Earth Resources, Julia Holtzhausen-HNTB, Katherine Lawlor-HNTB, Brett Berube-RK&K, EMO file

Subject: Financial Project ID: 435391-1-22-01
Federal Project ID: D117-054-B
County/Section No: Polk/16000000
Description: NEPA documentation for federally-funded project
Old Dixie Trail from Auburndale to Haines City

This is a class of action determination for the subject project.

This project is a Type 1 Categorical Exclusion under 23 CFR 771.117(c), effective October 28, 2018, for the following type of project action:

3. Construction of bicycle and pedestrian lanes, paths and facilities.

It has been determined that the project will not cause significant adverse impacts to local traffic patterns, property access, community cohesiveness, planned community growth, wetlands, land use patterns, air quality, noise, water quality, navigation, or National System of Wild and Scenic Rivers. The project will not cause significant impacts to floodplains and will not have significant contamination involvement.

A Contamination Screening Evaluation Report (CSER) was prepared in September 2024 to present the findings of a Level I screening in accordance with the FDOT PD&E Manual. The purpose of this report is to identify, review, and evaluate known or potential contamination issues; provide risk ratings for properties, facilities, or sites that have the potential for contamination involvement with the proposed improvements; and to present recommendations for further evaluation when needed. A total of fifty-six contamination sites were evaluated. Fourteen Medium rated sites will be considered for a Level II assessment (none were rated High) in coordination with the District Contamination Impact Coordinator. For the locations rated No or Low, no further action is required as these locations have been determined not to have any contamination risk to the study area at this time. Once final design plans are available, additional review is recommended in consideration of dewatering operations that may be necessary under the NPDES Generic Permit for Stormwater Discharges from Large and Small Construction Activities. Verification testing may be warranted for contamination issues within 500 feet of the dewatering area.

The project is located within the U.S. Fish and Wildlife Service Consultation Areas for the Audubon's crested caracara, Everglade snail kite, Florida bonneted bat (FBB), Florida grasshopper sparrow, Florida scrub-jay, blue-tailed mole skink, sand skink and Lake Wales Ridge plants. The project is also within potential habitat for the eastern indigo snake, the core foraging areas of five (5) wood stork colonies and the Occasional range of the Florida black bear. The Natural Resources Evaluation (NRE) report is attached and provides additional detail as to the 36 protected species that were evaluated with this study. No designated Critical Habitat occurs in the project area, therefore, no involvement with Critical Habitat for any listed species is anticipated. It is anticipated that the project will have "no effect" on the Florida scrub-jay, the Florida grasshopper sparrow, and Lake Wales Ridge plants due to a lack of suitable habitat in the project study area.

It is anticipated that the project "may affect, not likely to adversely affect" the eastern black rail, Everglade snail kite, eastern indigo snake, and the wood stork. Although the project is within the "range" of the eastern black rail, there are no documented occurrences of this species within one mile of the project, and the habitat that could be suitable for the black rail (freshwater marsh with dense herbaceous vegetation) was found to be marginal within the project area. Similarly, there are no documented occurrences for the snail kite within the project area and no observations or evidence of the species in during the field reviews. Pedestrian surveys to locate gopher tortoises were conducted during field reviews which revealed no identification of potentially occupied gopher tortoise burrows. However, potential gopher tortoise habitat consisting of upland hardwood/coniferous mixed occur within the Preferred Alternative. Therefore, a 100% survey will be conducted no more than 90 days prior to construction as defined in the FWC guidelines, and the most recent version of the USFWS Standard Protection Measures for the Eastern Indigo Snake will be implemented during construction. Depending on the results of the survey, an FWC relocation permit may be required. Based on these factors, it is anticipated that the proposed project will have "no adverse impact anticipated" on the gopher tortoise. Following the USFWS August 2017 revised Eastern Indigo Snake Key, it is anticipated that the project "may affect, not likely to adversely affect" the Eastern indigo snake as protection measures will be in place to ensure this species is not harmed during construction. The project is not within 0.47 miles of an active wood stork colony site, and project impacts to suitable foraging habitat are less than one-half acre. The wood stork effect determination key was followed and results in a "may affect, not likely to adversely affect" for the wood stork and no further action is required for this species.

A "may affect, likely to adversely affect" determination is anticipated for the caracara, FBB and skinks until methodology-based surveys are conducted in design. Potential FBB roosting habitat exists within the project area. Following the 2019 USFWS Consultation Key for the Florida bonneted bat and based on the project size/footprint, a Full Acoustic/Roost Survey will need to occur during the design phase of the project to determine if FBB roosting is likely. Portions of the project area are located at an elevation of 80 feet or above and are mapped within USFWS-designated suitable skink soil types and the Preferred Alternative has the potential to impact approximately 24.85 acres of suitable soils. A coverboard survey will be conducted within these suitable soils during the design phase of the project. Coordination with USFWS will take place as necessary. FDOT commits to re-initiating consultation during design and permitting with the USFWS for these species.

Section 7-1.4: Compliance with Federal Endangered Species Act and other Wildlife Regulations of the *Standard Specifications for Road and Bridge Construction* manual should be adhered to for wildlife involvement during construction. If work is conducted outside of the existing right-of-way, or if staging areas are located outside of the existing right-of-way, please contact the Environmental Management Office.

The FDOT has made the following commitments for the subject project to be carried forward and re-evaluated at subsequent project phases:

- FDOT will require contractors to remove garbage daily from the construction site or use bear proof containers for securing of food and other debris from the project work area to prevent these items from becoming an attractant for the Florida black bear. Any interaction with nuisance bears will be reported to the FWC Wildlife Alert hotline 888-404-FWCC (3922).
- The most recent version of the USFWS Standard Protection Measures for the Eastern Indigo Snake will be utilized during construction.
- If the tricolored bat is listed by the USFWS as Threatened or Endangered and the project may affect the species, FDOT commits to re-initiating consultation with USFWS to determine appropriate avoidance and minimization measures for protection of the newly listed species.
- FDOT commits to reinitiating consultation during design and permitting with USFWS for the sand skink and blue-tailed mole skink and providing the information necessary to determine the type, degree, and extent of impacts to this species potentially adversely impacted by the proposed project. FDOT will develop mitigation measures in consultation with the USFWS to offset unavoidable impacts. Completion of consultation and documentation of the project's compliance with the avoidance, minimization and mitigation requirements for the impacted resources will be provided by FDOT in a subsequent project reevaluation prior to each segment advancing to construction.
- FDOT commits to reinitiating consultation during design and permitting with USFWS for the caracara and providing the information necessary to determine the type, degree, and extent of impacts to this species potentially adversely impacted by the proposed project. If applicable, FDOT will develop mitigation measures in consultation with the USFWS to offset unavoidable impacts. Completion of consultation and documentation of the project's compliance with the avoidance, minimization and mitigation requirements for the impacted resources will be provided by FDOT in a subsequent project reevaluation prior to each segment advancing to construction.
- FDOT commits to reinitiating consultation during design and permitting with USFWS for the FBB and providing the information necessary to determine the type, degree, and extent of impacts to this species potentially adversely impacted by the proposed project. FDOT will develop mitigation measures in consultation with the USFWS to offset unavoidable impacts. Completion of consultation and documentation of the project's compliance with the avoidance, minimization and mitigation requirements for the impacted resources will be provided by FDOT in a subsequent project reevaluation prior to each segment advancing to construction.

Several public recreation resources, designated as Section 4(f) resources, are located within or adjacent to the project limits and are listed on the following table. It is advised that no construction staging occur within these resources.

Resource Name	Facility Type	Property Classification	Owner/Official with Jurisdiction	Recommended Outcome	OEM SME Action
Shared Use Non-motorized (SUN) Trail Network	Transportation corridor with existing and proposed segments	Park/Rec Area	Cities of Auburndale, Lake Alfred, Haines City and FDOT	Exception/Exemption	Determination Pending
Lake Ariana Park	Existing public park	Park/Rec Area	City of Auburndale	Exception/Exemption	Determination Pending
Downtown City Park	Existing public park	Park/Rec Area	City of Auburndale	Exception/Exemption	Determination Pending
Lake Stella Gazebo and Park	Existing public park	Park/Rec Area, Historic Site	City of Auburndale	No Use	Determination Pending
Spivey Little League Sports Complex	Existing public athletic fields	Park/Rec Area	City of Auburndale / Polk County School Board	No Use	Determination Pending
Frank C. Gardner Park / Veterans Memorial	Existing public park	Park/Rec Area	City of Lake Alfred	<i>de minimis</i>	Concurrence Pending
Ember Dog Park	Existing public dog park	Park/Rec Area	City of Haines City	No Use	Determination Pending

The construction of the 10-foot shared use path, as currently proposed, will impact the northern edge of the City of Lake Alfred’s existing Frank C. Gardner Park property. Impacts will total approximately 0.053 acres (2,309 square feet) of park property, including landscaping, irrigation, and the root balls of approximately five (5) mature oak trees. There will be no impacts to any portion of the existing Veterans Memorial. These impacts have been reviewed with the City of Lake Alfred. As part of the Section 4(f) notification process, the FDOT is including specific language regarding these impacts and their intent to make a *de minimis* finding in the official notifications and public advertisements for public meetings to be held on October 17th and October 24th, 2024, as well as specific materials being displayed during each meeting. Following the completion of the public meetings, FDOT’s project team will compile and review any public comments received relative to the park impacts. The FDOT will send the City a Section 4(f) letter summarizing the public comments received. If no significant controversy is evident, the FDOT’s letter will request the City’s concurrence with 1) the FDOT’s determination that the park is a significant resource (as defined under the federal Section 4(f) regulation), and 2) that the proposed improvements will not adversely affect the features, attributes, or activities qualifying the park for protection under Section 4(f).

A Cultural Resource Assessment Survey (CRAS) was prepared in April 2023 for the project. As a result of the CRAS, it was found that the proposed undertaking will have *no adverse effect* to the eight historic resources within the Area of Potential Effect (APE) (8PO04723, 8PO04728, 8PO04997, 8PO07219, 8PO09868, 8PO09909, 8PO09910, and 8PO09911) that have been determined eligible for listing in the National Register of Historic Places (NRHP), that appear potentially eligible for listing in the NRHP, or have insufficient information for determining the NRHP eligibility. The CRAS was reviewed by the State Historic Preservation Officer (SHPO) and concurrence was received on July 24, 2023. A CRAS Addendum (July 2024) was prepared to include two previously recorded resources (8PO02880 and 8PO02881) that were not included in the previous CRAS and to correct a duplicate recordation of the Growers’ Commercial Bank of Haines City (8PO08349), which was assigned a new FMSF number, 8PO09909. These corrections occur within Segment 10 of the project, within Haines City. The historic APE remains in keeping with the 2023 CRAS as described above. An archaeological survey was not required as part of this addendum. The historic/architectural field survey was conducted in June 2024. It was found that the project will have *no adverse effect* to the two historic resources (8PO02880 and 8PO02881) within the APE that are contributing to the Downtown Haines City

Commercial District (8PO04032) and the Growers' Commercial Bank of Haines City (8PO08349/8PO09909) that was determined eligible for listing in the NRHP. FDOT District One notified the SHPO of this finding on September 17, 2024, and SHPO concurrence was received on October 14, 2024.

It was concluded that no significant impacts would result from this project. No public hearing is required.

The project total for proposed right-of-way acquisition is approximately 7.95 acres (approximately 0.61 acre/mile). This will be re-evaluated as needed during the future Design phase. Although additional right-of-way will be required, there will be no residential or business relocations or displacements. If project work activities or staging areas are needed outside of the existing and proposed right-of-way shown for project construction, please contact the Environmental Management Office.

The following is a list of any supporting activities (e.g., field reviews, as appropriate, etc.), reports, or technical studies that were prepared to support the determination reached on the checklist.

- ETDM Environmental Screening Tool (EST)
- Google Earth Streetview
- FEMA Floodplain Map review

The following documents are included as attachments to the Type 1 CE checklist:

- Contamination Screening Evaluation Report (September 2024)
- Natural Resources Evaluation (May 2024)
- Species Determination of Effect Keys – Florida bonneted bat, Eastern indigo snake, and wood stork (various dates)
- Section 4(f) Report (7 resources) (date TBD)
- Cultural Resources Assessment Survey (April 2024), Cultural Resources Assessment Survey Addendum (July 2024) and coordination with SHPO (July 24, 2023 and September 17, 2024)
- NRCS Prime Farmlands Evaluation (date TBD)

The following documents are provided as additional supporting documents in the project file:

- ETDM Programming Screen Summary Report (October 2019)
- Location Hydraulics Report (date TBD)
- Water Quality Impact Evaluation (August 2024)
- Project Traffic Analysis Report (date TBD)
- Preliminary Engineering Report (date TBD)
- Bicycle/Pedestrian Safety Technical Memorandum (August 2024)

Please note that projects which are determined to be Type 1 Categorical Exclusions are determined to have general Location and Design Concept Acceptance as described in 23 CFR 771.117(c).

This office requests notification if the scope of the project changes at a later date. A copy of this Environmental Determination is available in the project files.

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 Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated May 26, 2022, and executed by the Federal Highway Administration and FDOT.

JWJ/jh

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