

SR 29 Immokalee PD&E Study

From Oil Well Road to SR 82

SUPPORTING DOCUMENTATION ASSESSMENT PACKAGE FOR CLASS OF ACTION REDUCTION REQUEST

**Financial ID No. 417540-1-22-01
Collier County, Florida**

January 2016

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
TABLE OF CONTENTS.....	i
1.0 RESPONSES TO FHWA OCTOBER 1, 2015 QUESTIONS	1-1
2.0 DISCUSSION OF RELEVANT ENVIRONMENTAL IMPACTS.....	2-1

LIST OF TABLES

<u>Table</u>	<u>Page</u>
1-1 Evaluation Matrix of Alternatives Recommended for Further Study.....	1-2

LIST OF FIGURES

<u>Figure</u>	<u>Page</u>
1-1 Project Study Area	1-5
1-2 Relationship of Alternatives to Existing Environmental Resources in Immokalee.....	1-6

1.0 RESPONSES TO FHWA OCTOBER 1, 2015 QUESTIONS

1. What were the issues that required an EIS?

RESPONSE: *The original study area that was screened during the ETDM Programming Screening was quite large (refer to **Figure 1-1**) and contained several potentially significant environmental resources, such as primary and secondary panther habitat, Florida scrub jay habitat, habitat for gopher tortoises and other listed species, Section 4(f) resources, Section 106 resources, wetlands, floodplains, noise sensitive sites, community resources, unique farmlands, environmental justice populations, a Native American cemetery, and a Rural Area of Critical Economic Concern (refer to **Figure 1-2**). The original study area was screened as a polygon using Land Suitability Mapping (LSM) which included all of these potentially significant environmental resources. So, without any details on specific alternative corridors or alignments for the ETAT reviewers to provide comments on at the time, the level of impact was not known. The worst case was assumed given that the overall area was large and included new alignment that would possibly have significant impacts; therefore, the only logical class of action was an EIS. Since that time, the Alternative Corridor Evaluation (or ACE) process has been implemented. If the ACE process had been available when this study began, more specific information on proposed corridors would have been available for the ETAT reviewers, and a different class of action determination would have been likely. The work on this project to date closely parallels many aspects of the ACE process.*

2. Whether the Section 4(f) impacts can be avoided with Central Alternatives 2 and 2R.

RESPONSE: *Section 4(f) impacts to Airport Park and to the Airport Conservation Easement cannot be avoided, but can be minimized and mitigated and are not considered to be significant. Thus, we believe that the Section 4(f) issues should not be a key factor in considering the request to downgrade the Class of Action (COA).*

3. If Central Alternatives 2 and 2R cannot avoid the 4(f) resources, could those impacts be considered *de minimis*?

RESPONSE: *Yes, and coordination with Collier County, the managing entity, is ongoing. In addition, the public will be offered the opportunity to comment on these impacts and proposed minimization/mitigative measures as part of the Public Hearing process and associated local coordination.*

4. Are there any other significant issues? D1 should provide a comparative matrix of the impacts (similar to Table 3-2 from the 2/16/15 Final Alternatives Technical Report) and a corresponding explanation of why each impact is or is not anticipated to be significant. Particular detail should be provided for the issues of business impacts and noise, since those impacts for Central Alt 1 appear to be higher than those for Central Alts 2 and 2R. If Central Alt 1 has significant impacts, it may not be a prudent avoidance alternative in terms of Section 4(f), so assessing the significance of the impacts of Central Alternative 1 is

important to determining whether or not it is prudent, or whether the other alternatives should still be considered.

RESPONSE: *The alternatives recommended for further evaluation in the PD&E Study are:*

- *No-Build Alternative,*
- *Central Alternative #1 Revised (C1R)],*
- *Central Alternative #2 (C2), and*
- *Central Alternative #2 Revised (C2R)].*

*The comparative matrix is provided in **Table 1-1** below for the three alternatives along with the No-Build Alternative and reflects the impacts and costs associated with each alternative. The corresponding explanation of the significance of each of the impacts is provided in **Section 2.0**. All impacts identified can be mitigated and have been minimized to the greatest extent possible and are not anticipated to be significant.*

TABLE 1-1
EVALUATION MATRIX OF ALTERNATIVES RECOMMENDED FOR FURTHER STUDY

Evaluation Factors	Central Alternative #1 Revised (C1R)	Central Alternative #2 (C2)	Central Alternative #2 Revised (C2R)	No-Build Alternative
Miles of New Alignment	1.61	3.34	3.59	0.00
Acres of Right of Way Required	33.1	50.9	59.5	0.0
Business Parcels Affected	78	42	40	0
Residential Parcels Affected	1	0	0	0
Other Parcels Affected	1	4	4	0
Churches	0	0	0	0
Schools	1	1	1	0
Parks / Conservation Lands [Section 4(f)]	0	2*	2*	0
National Register Potentially Eligible, Eligible or Listed Cultural Resources	1	2**	2**	4
Potential Noise Sensitive Sites	9	2	2	0
Wetlands (acres)	33.9	34.7	33.0	0.0
Floodplains (acres)	373	393.2	401.9	0
Potential Threatened & Endangered Species Involvement	Yes	Yes	Yes	No
Primary / Secondary Panther Habitat (acres)	60.6 / 41.3	67.7 / 41.3	67.7 / 379.7	0.0 / 0.0
Scrub Jay Habitat – Type I / II / III (acres)	4.3 / 4.4 / 15.3	4.3 / 4.4 / 15.3	0.0 / 0.0 / 42.8	0.0 / 0.0 / 0.0
Potential Contamination Sites (High / Medium)	5 / 10***	6 / 9***	6 / 10***	4 / 7
ESTIMATED COSTS				
Panther Mitigation Cost ¹	\$875,000 (1,345 PHUs)	\$891,000 (1,370 PHUs)	\$2,934,000 (4,514 PHUs)	\$0
Scrub Jay Mitigation Cost ²	\$1,110,000	\$1,110,000	\$1,979,500	\$0
Wetland Mitigation Cost ³	\$3,772,000	\$3,861,000	\$3,672,000	\$0
Design ⁴	\$12,200,000	\$20,150,000	\$20,270,000	\$0
Right-of-Way	\$9,300,000	\$8,990,000	\$9,855,000	\$0

Construction ⁵	\$81,500,000	\$134,320,000	\$135,120,000	\$0
Construction Engineering and Inspection ⁴	\$12,200,000	\$20,150,000	\$20,270,000	\$0
TOTAL COSTS	\$120,957,000	\$189,472,000	\$194,100,500	\$0

¹ Florida panther mitigation cost estimate based on \$650 per panther habitat unit (PHU).

² Florida scrub jay mitigation cost estimate based on \$46,250 per acre of impact.

³ Wetland mitigation cost estimate based on \$111,256 per acre of impact (F.S. 373.4137 FY 2014/15 funding level).

⁴ 15% of Construction.

⁵ Based on FDOT Long Range Estimate at present time.

* One additional resource (Airport Viewing Area) requires Determination of Section 4(f) Applicability by FHWA.

** Evaluation of one resource (Immokalee Regional Airport) is ongoing.

*** Field verification required.

5. What are the benefits of changing the class of action (i.e., public interest, accelerated production, timeline)?

RESPONSE: *All of the benefits mentioned above plus cost savings are reasons to change the class of action. The public and the County are quite frustrated with the amount of time this project is taking to complete and are quite anxious for the project to move forward to construction, particularly the most northern portion of the SR 29 study limits from Westclox Road to SR 82.*

6. What has changed to warrant making the request to downgrade the class of action at this time, and is it a logical point in the environmental review process to make this decision?

RESPONSE: *FHWA has concurred on February 16, 2015 with the three alternative alignments along with the No-Build alternative to be evaluated further in this PD&E study and has also concurred with eliminating all other previously developed alternatives. The environmental impacts associated with the remaining three alternatives have been drastically reduced or present avoidance of impacts from many of the earlier preliminary alternatives that were evaluated during this study. In addition, approximately 15 miles of new alignment has been eliminated from the alternatives with the majority of the project remaining within the existing right of way with the exception of the new alignment to the north of Immokalee. Most importantly, the impacts associated with the three alternative alignments can be offset through mitigation measures and are not considered significant. The three remaining alternatives are the result of extensive coordination with local residents, regulatory agencies, local governments and large property owners. There is widespread support for the project and a pressing public desire to move this project forward to construction. Lowering the COA from an EIS to an EA now will save both time and money in completing the project and fulfill the public's desire to expedite this project.*

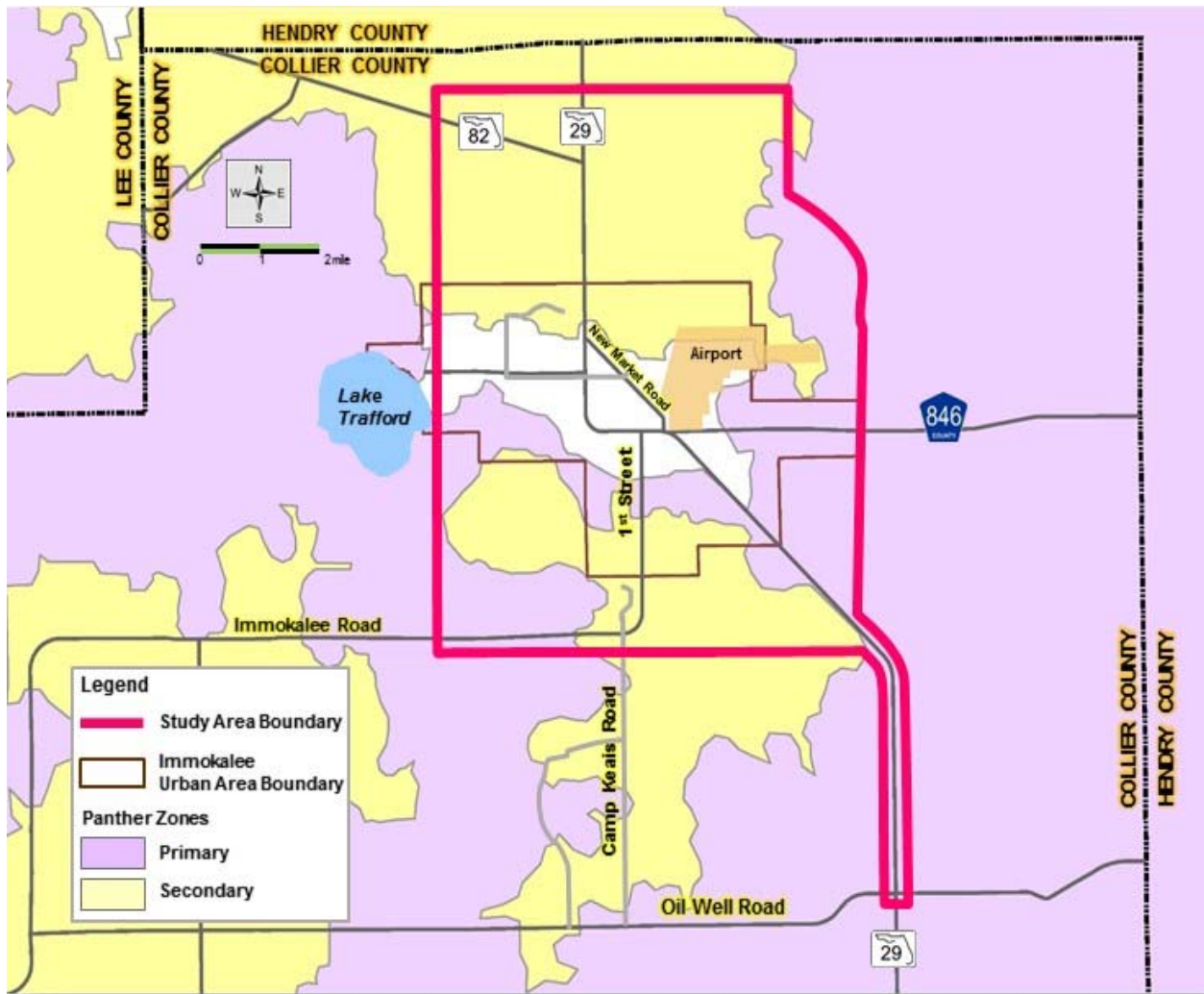
7. Why is a class of action change needed rather than simply proceeding with the EIS?

RESPONSE: *Usually an EIS is warranted when there is the probability of significant environmental impacts and/or there is a heightened level of controversy anticipated. Based upon the analysis completed to date, along with the extensive public outreach and agency coordination on this project, there will be no significant environmental impacts or heightened controversy on this project. Given that the DEIS has not been produced, this would be a logical point to downgrade the COA, saving both time and money.*

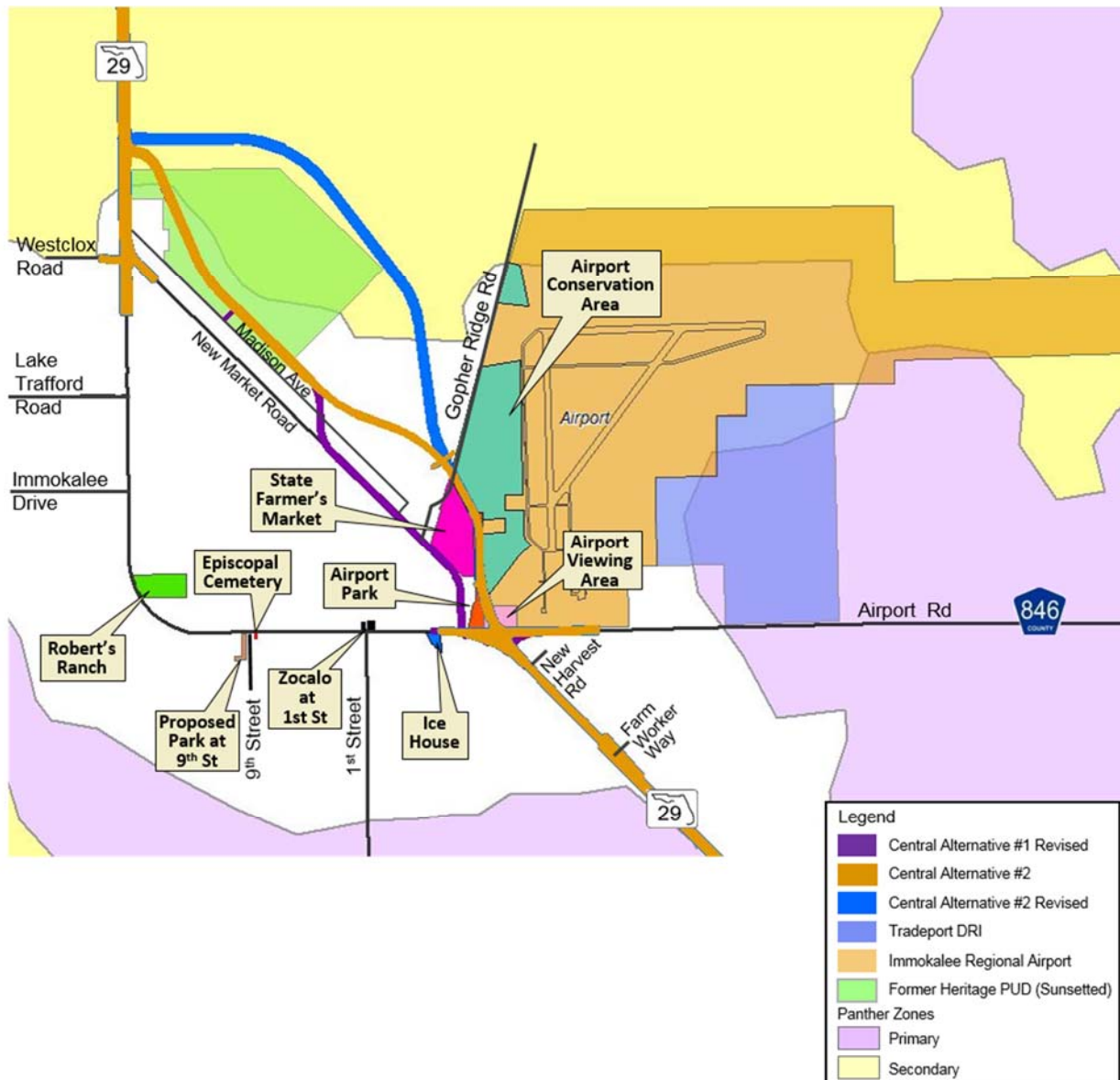
8. Does the project meet planning consistency with next phase funded to warrant action from FHWA to issue an NOI notice to withdraw the preparation of an EIS?

RESPONSE: *All segments, with the exception of the segment of SR 29 from Oil Well Road to Sunniland Nursery Road are funded through Design at this time. Planning consistency will be achieved prior to submittal of the final environmental document to FHWA and issuance of LDCA.*

**FIGURE 1-1
PROJECT STUDY AREA**



**FIGURE 1-2
RELATIONSHIP OF ALTERNATIVES TO EXISTING ENVIRONMENTAL RESOURCES IN
IMMOKALEE**



2.0 DISCUSSION OF RELEVANT ENVIRONMENTAL IMPACTS (SUPPORTING RESPONSE TO COMMENT 4 ABOVE)

Business Parcels Affected

C1R – This alternative requires small amounts of right of way (ROW) from 78 businesses in the form of strips off the front of the parcel and corner clips. Four of the businesses would have impacts to structures and may require relocations.

C2 – This alternative requires small amounts of ROW from 42 businesses in the form of strips off the front of the parcel and corner clips. Three of the businesses would have impacts to structures and may require relocations.

C2R – This alternative requires small amounts of ROW from 40 businesses in the form of strips off the front of the parcel and corner clips. Three of the businesses would have impacts to structures and may require relocations.

These ROW impacts will be properly compensated to the owners through 49 CFR, Subtitle A, Part 24, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. There are comparable properties in the vicinity to accommodate these relocations. Hence, no significant impacts are anticipated.

Residential Parcels Affected

C1R – A very small amount of ROW (0.11 acres) is needed from a 1.85 acre residential mobile home park due to the widening of the roadway. One of the mobile homes is within the ROW to be acquired and would need to be relocated to another vacant site within the mobile home park. These ROW impacts will be properly compensated to the owners through 49 CFR, Subtitle A, Part 24, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Hence, there will be no significant impacts to any residential parcels. Hence, no significant impacts are anticipated.

C2 & C2R – No residential parcels impacted.

Other Parcels Affected

C1R – A very small amount of ROW (0.066 acres) is needed from the Village Oaks Elementary School parcel that is 19.89 acres in size. The ROW needed is located immediately adjacent to SR 29 and is needed for one end of a replacement pedestrian overpass bridge at this location. These ROW impacts will be properly compensated to the owners through 49 CFR, Subtitle A, Part 24, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The ROW acquisition does not affect any of the facilities of the school. Hence, no significant impacts are anticipated.

C2 – The impacts to the school parcel mentioned above are identical to C1R. ROW is also needed from the County-owned Airport Park and Immokalee Regional Airport property. The ROW needed from Airport Park (4.89 acres) is for the new alignment and Single Point Urban Interchange (SPUI) of SR 29 and accounts for 34% of the 14.39 acre parcel. The ROW needed from

Immokalee Regional Airport's Airport Viewing Area (2.30 acres) and Airport Conservation Easement (3.92 acres) is also for the new alignment and Single Point Urban Interchange (SPUI) of SR 29 and accounts for 25.67% of the 8.96 acre Airport Viewing Area and 2.95% of the 133.03 acre Airport Conservation Easement. Finally, ROW is needed from the back of a vacant Habitat for Humanity parcel (0.77 acres) next to a drainage canal to provide a new access road to replace access to this and adjacent commercial properties that will be severed by the new alignment portion of SR 29. The Habitat for Humanity parcel is 2.63 acres in size. All of these ROW impacts will be properly compensated to the owners through 49 CFR, Subtitle A, Part 24, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The impacts to the Section 4(f) resources will be appropriately minimized and mitigated based on coordination with FHWA, Collier County and the public. For Section 4(f) impacts, based upon the ongoing coordination to date, the impacts are anticipated to be *de minimis*. Hence, no significant impacts are anticipated for any of these parcels.

C2R – The impacts described above for C2 are almost identical to the impacts for C2R. The only difference is with the Airport Conservation Easement. The ROW needed with this alternative from the Airport Conservation Easement (4.04 acres) accounts for 3.04% of the 133.03 acre Airport Conservation Easement. All of these ROW impacts will be properly compensated to the owners through 49 CFR, Subtitle A, Part 24, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Hence, no significant impacts are anticipated for any of these parcels.

Parks / Conservation Lands [Section 4(f)]

C1R – No impacts.

C2 & C2R – These alternatives impact two resources for which FHWA has previously determined that Section 4(f) applies: Airport Park and the Airport Conservation Easement. The impacts to these two Section 4(f) resources are anticipated to be *de minimis* based upon the ongoing coordination to date. A Determination of Applicability will be submitted in the future to FHWA for a determination if Section 4(f) applies to the Airport Viewing Area adjacent to Airport Park. The impacts to these resources will be appropriately minimized and mitigated based on coordination with FHWA, Collier County and the public. The appropriate Section 4(f) documentation will be processed through FHWA. Hence, no significant impacts are anticipated for any of these parcels.

National Register Potentially Eligible, Eligible or Listed Cultural Resources

C1R – This alternative is immediately adjacent to, but does not directly impact, the potentially National Register-eligible Immokalee Ice Plant (CR642). A Cultural Resource Assessment Survey (CRAS) will be prepared and submitted to FHWA / SHPO in the future to determine the Ice Plant's eligibility for listing on the National Register of Historic Places. If determined to be eligible, then a Section 106 Case Study will be prepared and submitted to FHWA/SHPO to determine if there are any adverse effects on the resource as a result of the proposed improvements. No adverse effects are anticipated.

C2 & C2R – These alternatives are also immediately adjacent to, but do not directly impact, the Immokalee Ice Plant (refer to discussion above). Again, no adverse effects are anticipated as a

result of the proposed improvements. In addition, these alternatives will impact small portions of the Immokalee Regional Airport. The eligibility of the Airport has yet to be determined by FHWA/SHPO. A Cultural Resource Assessment Survey (CRAS) will be prepared and submitted to FHWA / SHPO in the future to determine the Airport's eligibility for listing on the National Register of Historic Places. If determined to be eligible, then a Section 106 Case Study will be prepared and submitted to FHWA/SHPO to determine if there are any adverse effects on the resource as a result of the proposed improvements. No adverse effects are anticipated.

Potential Noise Sensitive Sites

C1R – This alternative has nine potential noise sensitive sites sporadically located along SR 29 and New Market Road. A detailed noise impact analysis will be conducted and any noise abatement measures which are reasonable and feasible, if any, will be identified and a commitment to evaluate further in final design will be made. Hence, there will be no significant noise impacts.

C2 & C2R – The two potential noise sensitive sites for these alternatives are a single residence at the south end of Farm Workers Village near SR 29 and the picnic pavilion at Airport Park. A detailed noise impact analysis will be conducted and any noise abatement measures which are reasonable and feasible, if any, will be identified and a commitment to evaluate further in final design will be made. Hence, there will be no significant noise impacts.

Wetlands (acres)

Wetland impacts range from 33.0 to 34.7 acres out of a total of approximately 9,200 acres of wetlands within the project study area for the three alternatives. These wetland impacts will be mitigated per F.S. 373.4137. Hence, these impacts are not considered significant.

Floodplains (acres)

Floodplain impacts range from 373.0 to 401.9 acres out of a total of approximately 41,000 acres of floodplains within the project study area for the three alternatives. The proposed drainage systems will perform hydraulically in a manner equal to or greater than the existing conveyance systems, and surface water elevations are not expected to increase upstream or downstream of the project limits. This project will have a minimal impact on the existing floodplains within and adjacent to this roadway improvement project. As a result, there will be no significant adverse impacts on natural and beneficial floodplain values. There will be no significant change in flood risk, and there will not be a significant change in the potential for interruption or termination of emergency service or emergency evacuation routes. Therefore, this encroachment is not significant.

Primary / Secondary Panther Habitat (acres)

For the three alternatives, impacts range from 60.6 to 97.7 acres out of total of approximately 15,000 acres of primary panther habitat and 41.3 to 379.9 acres out of total of approximately 23,000 acres of secondary panther habitat within the project study area. Much of the secondary panther habitat being impacted is active orange groves. Species-specific field surveys will be conducted at the appropriate time(s) of year. Following these surveys and the preparation of an Endangered Species Biological Assessment, a Formal Section 7 Consultation will be initiated with US Fish and Wildlife Service. It is anticipated that these panther habitat impacts will be mitigated

by purchasing panther habitat units from a local mitigation bank as approved by US Fish and Wildlife Service. Hence, these impacts are not considered significant.

Scrub Jay Habitat – Type I / II / III (acres)

C1R & C2 – These alternatives will impact 4.3 acres of total of Type I scrub jay habitat, 4.4 acres of Type II scrub jay habitat, and 15.3 acres of total of Type III scrub jay habitat within the project study area. **C2R** - This alternative will impact 42.8 acres of total of Type III scrub jay habitat within the project study area. Species-specific field surveys will be conducted at the appropriate time(s) of year. Following these surveys and the preparation of an Endangered Species Biological Assessment, a Formal Section 7 Consultation will be initiated with US Fish and Wildlife Service. It is anticipated that these scrub jay habitat impacts will be mitigated by purchasing credits from a local scrub jay mitigation bank or other approved mitigation measure as approved by US Fish and Wildlife Service. Hence, these impacts are not considered significant.

Potential Contamination Sites (High / Medium)

C1R – Contamination impacts for the three alternatives range from 5 to 6 potential contamination sites ranked as High and 9 to 10 ranked as Medium, consisting predominantly of existing and former retail gas stations, bulk storage facilities, auto towing storage and salvage yards, auto service facilities, and sites associated with agricultural chemicals. Further evaluation including field verification and analysis will be conducted for each of these sites. Results of this evaluation will be utilized in the selection of a recommended alternative. When a specific alternative is selected for implementation, a site assessment will be performed to the degree necessary to determine levels of contamination and, if necessary, evaluate the options to remediate along with the associated costs. Resolution of problems associated with contamination will be coordinated with appropriate regulatory agencies and, prior to ROW acquisition, appropriate action will be taken, where applicable. Hence, no significant impacts are anticipated.