ADMINISTRATIVE ACTION
TYPE 2 CATEGORICAL EXCLUSION

Florida Department of Transportation

SR 865 (SAN CARLOS) FROM N CRESCENT ST TO N OF HURRICANE PASS BRIDGE

District: FDOT District 1

County: Lee County

ETDM Number: 14124

Financial Management Number: 433726-2-32-01

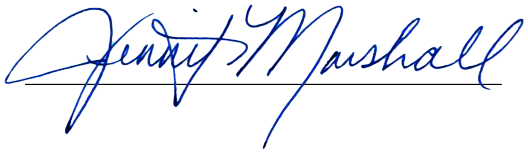
Federal-Aid Project Number: D119-051-B

Project Manager: Richard Oujevolk

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.

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

Signature below constitutes Location and Design Concept Acceptance:



June 30, 2022

Director Office of Environmental Management
Florida Department of Transportation

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Prime Consulting Firm:
Rummel, Klepper & Kahl, LLP (RK&K)

Consulting Project Manager:
Kimberly Warren

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

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

On 02/20/2015 the State of Florida determined that this project is consistent with the Florida Coastal Zone Management Program.

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Figure 1-1. SR 865 (San Carlos Boulevard) from North of Crescent Street to North of Hurricane Pass Bridge, Lee County, Florida
Project Location Map

1. Project Information

1.1 Project Description

The Florida Department of Transportation (FDOT) District One is conducting a Project Development and Environment (PD&E) Study to evaluate and document proposed improvements along Estero Boulevard and San Carlos Boulevard (SR 865). The limits of the improvements are from north of Crescent Street to north of Hurricane Pass Bridge (also known as Hurricane Bay Bridge), in the Town of Fort Myers Beach within Lee County (see **Figure 1-1**). In partnership with Lee County, LeeTran, and the Town of Fort Myers Beach, this project incorporates Lee County's Seafarers Alternative along Estero Boulevard from Crescent Street to Fifth Street. The total project length is approximately 1.2 miles.

Within the project's design plans, the Matanzas Pass Bridge will be modified to convert the existing southbound Bus/Bicycle-Only lane to a general use travel lane. The existing 5'-10" sidewalk along the east side of the bridge will be widened to a 8'-5" shared use path (see **Figure 1-2**). The northbound and outermost southbound travel lane will be 11', and there will be an additional 10' southbound travel lane. San Carlos Boulevard from Main Street to the Hurricane Bay Bridge will be milled, resurfaced and restriped to accommodate 5' bicycle lanes in each direction of travel (see **Figure 1-3**). The existing southbound Right-Turn-Only lane approaching Main Street will be converted to a general use travel lane that will continue across the Matanzas Pass Bridge (requiring slight shifting of the southbound Fisherman's Wharf Frontage Road). Travel lanes will be 11' and there will be a 12' two-way left turn lane. A new traffic signal will be constructed at Main Street. The alternating signal at Prescott Street / Buttonwood Drive will be adjusted to operate as a conventional signal. The Hurricane Bay Bridge will be modified to accommodate 5' bicycle lanes in each direction of travel and a barrier-protected 5' sidewalk along the west side of the bridge and a barrier-protected 8' shared use path along the east side of the bridge (see **Figure 1-4**).

As part of the Seafarers Alternative (see **Figure 1-5**), the reconfiguration of the SR 865 intersection at Estero Boulevard/Fifth Street will include new bus bays in the eastbound and westbound directions between Crescent Street and Fifth Street, the eastbound bus bay will result in minor impacts to Lee County's Crescent Beach Family Park. New traffic signals will be constructed at Fifth Street to replace the existing pedestrian crosswalk signals south of Fifth Street. The right-of-way (ROW) to be acquired for the project is approximately 0.94 acres, affecting three parcels, as needed for the Seafarers Alternative improvements. The reconstructed intersection will enhance public transit mobility, pedestrian safety, and provide opportunity areas for landscaping and other aesthetic features.

Figure 1-2. Typical Section of the Matanzas Pass Bridge improvements.

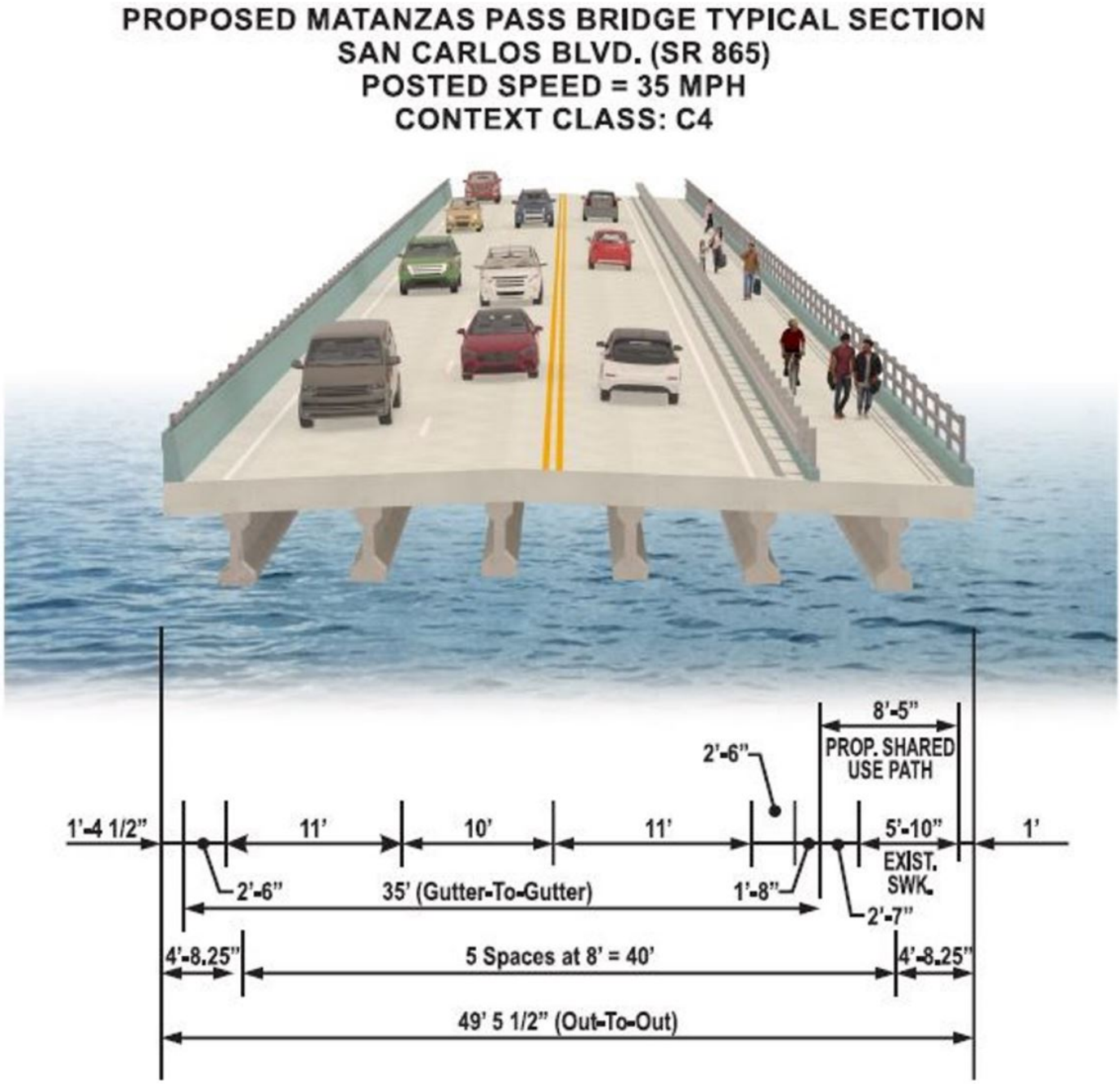


Figure 1-3. Typical Section of the SR 865 (San Carlos Boulevard) improvements from Main Street north to Hurricane Pass Bridge

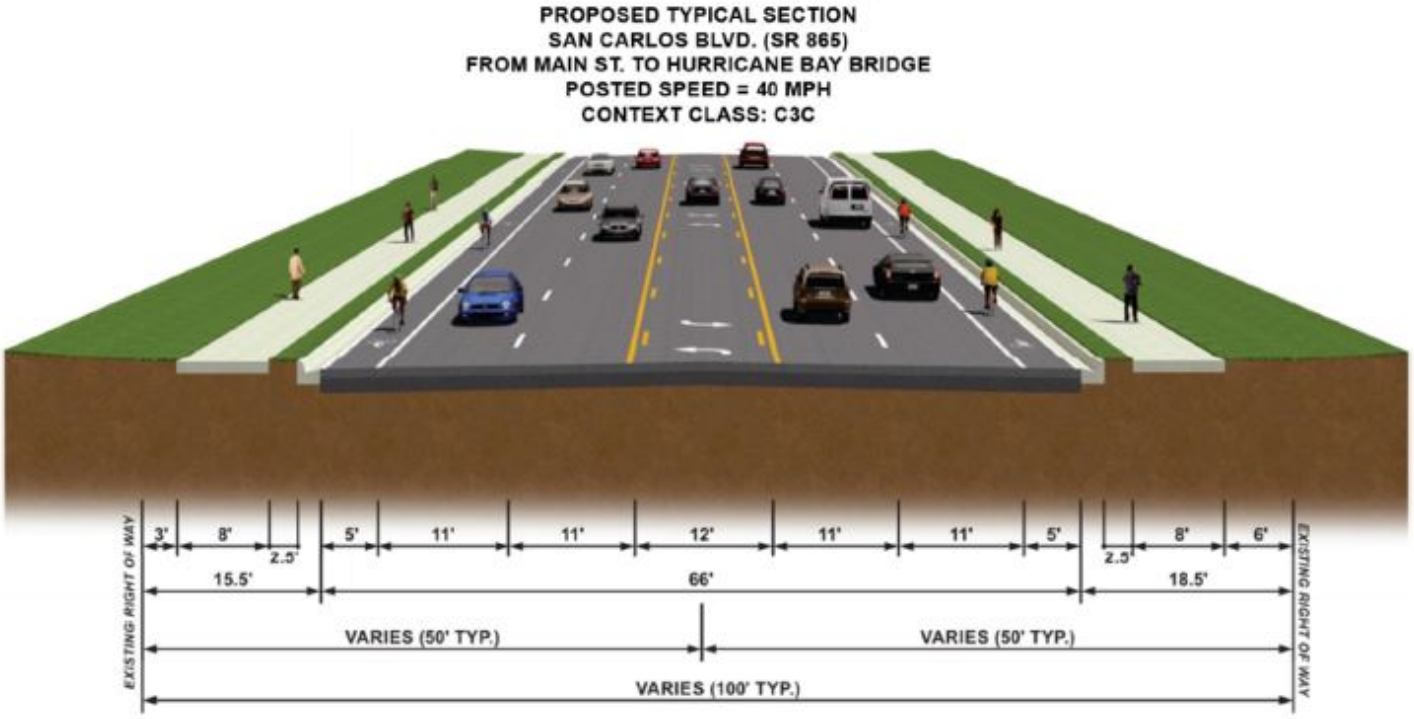


Figure 1-4. Typical Section of the proposed Hurricane Pass Bridge Improvements

Figure 1-5 Seafarers Alternative intersection improvements concept

1.2 Purpose and Need

PURPOSE

The primary purpose of the SR 865 (San Carlos Boulevard) mobility improvement project is to provide additional travel options on a congested corridor, especially during the peak tourist season (January - April). The proposed project is intended to promote emphasis for alternative transportation use and increase public transit ridership. The project will also enhance mobility and safety for vehicular and non-vehicular transportation and increase accessibility and connections between community points of interest. The need for the project is based on the following criteria:

CAPACITY/TRANSPORTATION DEMAND: **Improve Operational Performance**

The project is expected to help relieve congestion caused by high traffic volumes accessing Fort Myers Beach and other community destinations, especially during peak season timeframes, by improving mobility and enhancing alternative modes of transportation. In 2013, the peak season weekday average daily traffic (PSWADT) for the project corridor was 25,397, and the corridor had a Level of Service (LOS) of "D". By year 2035, the project corridor is anticipated to reach a PSWADT of 31,011, surpassing the 29,000 AADT maximum level of capacity. It should be noted that the 2035 volume was anticipated with a 1% growth rate. Should that rate increase in the future, the traffic volume of the corridor would certainly exceed capacity.

While the posted speed limit on SR 865 (San Carlos Boulevard) within the proposed project limits ranges from 35 mph to 45 mph, the average speed within the corridor is around 12.9 mph. Existing average travel time comparisons in the corridor:

> Automobile (northbound) - 6.3 minutes
> Automobile (southbound) - 18.3 minutes
> Trolley (northbound) - 12.4 minutes
> Trolley (southbound) - 23.3 minutes

Additionally, an average of three to four public transit vehicles travel the corridor an hour with average midday headway times around 16.7 minutes. Each public transit vehicle can accommodate 32 seated and 23 standees (total 55 riders). With the additional mobility improvements in the corridor, public transit could run more frequently per hour with reduced wait times.

SOCIAL AND ECONOMIC DEMAND: **Improve Access to Community Features**
The mobility improvement project will enhance economic viability in the area by moving people more quickly and conveniently and with additional transportation options from the mainland to businesses and recreation opportunities around Fort Myers Beach. Community facilities in Fort Myers Beach include the American Legion - Post 274, Loyal Order of Moose Lodges, Compass Rose Boat Club, Estero Island Beach Accesses, and Fort Myers Beach Chamber of Commerce.

MODAL INTERRELATIONSHIPS: **Enhance Mobility Options and Multi-Modal Access**
SR 865 (San Carlos Boulevard) is identified as a primary pedestrian/bicycle corridor in the Lee County Bicycle Pedestrian Master Plan. The project will identify opportunities for new and improved bicycle and pedestrian facilities. There are no existing dedicated bike lanes along SR 865, except on the Matanzas Bridge in the shared bus lane. Sidewalks are currently present on both sides of SR 865 (San Carlos Boulevard) from CR 869 (Summerlin Road) to Main Street. From Main Street to Estero Boulevard, sidewalks are limited to a pathway on the east side of the roadway separated from vehicular traffic by a low barrier wall. The proposed project will allow for better overall multi-modal access to retail, employment, and residences in the area.

SAFETY: **Enhance Safety for Vehicular and Non-Vehicular Transportation**
The SR 865 (San Carlos Boulevard) mobility improvements project will enhance safety for both vehicular and non-vehicular modes of transportation by identifying potential improvements at key intersections along the corridor with features such as roundabouts, improved signalization, and operational improvements. Fort Myers Beach, during the five-year period from June 1, 2010 to June 30, 2015, is in the upper 25% of all comparable cities (by population) in the state of Florida for 1) Fatalities & Injuries, 2) Impaired Drivers, 3) Bicycle Related, 4) Motorcycle Related and 5) Pedestrian Related high emphasis areas. Within this five-year crash history, there was one fatal crash within the 200' buffer of the project corridor and 36 nonfatal crashes. The corridor has a safety ratio of 1.36 (meaning that there are on average more crashes on this corridor than the State average for a similar facility type). Additionally, the project intends to address any structural capacity issues of the Matanzas Pass Bridge and Hurricane Pass Bridge.

The original SR 865 (San Carlos) Bridge (Structure No. 120088) over Matanzas Pass was constructed in 1980. Beyond typical maintenance improvements, the existing structure has not undergone any significant retrofits or operational improvements. Based on the FDOT's February 2018 bridge inspection report, used as the basis for the study, the existing Matanzas Pass structure is in good condition. The bridge NBI Sufficiency Rating was 84. The Health Index was 38.58.

In 1990, the Hurricane Pass Bridge was widened to the west 15'-9.5" and to the east 22'-0" to reach the current overall bridge width of 83'- 0.5". The April 2018 inspection report, used as the basis for the study, classifies the existing structure as scour critical. However, previously installed scour countermeasures (articulating concrete blocks) have been installed on the channel bottom from intermediate bent 5 through bent 9. The inspection report also lists the existing structure's NBI sufficiency rating of 81 and health index of 98.52.

1.3 Planning Consistency

Currently Adopted LRTP-CFP	COMMENTS
Yes	The Lee County Metropolitan Planning Organization (MPO) 2045 Long Range Transportation Plan (LRTP) was adopted in December 2020 and was last modified on May 14, 2021. This project is included in Chapter 5, Table 5-9: Cost Feasible Projects: State/Other Arterial/Federal SU Funded Road Projects ($1,000) The latest Lee MPO Transportation Improvement Program (TIP) for FY2021/22 - FY2025/26 was adopted June 18, 2021. This project is included in Section A - Highway Projects. Please see the Planning Consistency Appendix for additional documentation.

	Currently Approved	$	FY	COMMENTS
PE (Final Design)				
TIP	Y	N/A	<2021 All years	PE phase was previously approved.
STIP	Y	N/A	<2021 All years	PE phase was previously approved.
R/W				
TIP	N	N/A	N/A	N/A - No ROW phase funding. Additional ROW acquired for Seafarer's Alternative provided via donation.
STIP	N	N/A	N/A	N/A - No ROW phase funding. Additional ROW acquired for Seafarer's Alternative provided via donation.
Construction				
TIP	Y	$8,474,941 $8,474,941	2022 All years	Coordination with the Lee County MPO to update the TIP is ongoing. Correspondence with the MPO Director is attached and states that this project will become part of the adopted FY2022/23 - FY 2026/27 TIP with Construction funded in FY2023 after the roll forward report is adopted at the beginning of the new fiscal year.
STIP	Y	$21,956 $8,205,898 $8,012,119	<2022 2023 All years	See TIP note above. Planning consistency will be achieved prior to the authorization of funds for construction.

2. Environmental Analysis Summary

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

USCG Permit

☒ A USCG Permit IS NOT required.

☐ A USCG Permit IS required.

*** Impact Determination:** Yes = Significant; No = No Significant Impact; Enhance = Enhancement; NoInv = Issue absent, no involvement. Basis of decision is documented in the referenced attachment(s).

3. Social and Economic

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

3.1 Social

The project was screened through the Environmental Screening Tool (EST) as part of the Efficient Transportation Decision Making (ETDM) Programming Screen phase (ETDM #14124). Socio-economic data was generated as part of the screening event used for the *Final ETDM Programming Screen Summary Report* (published April 30, 2015), available in the project file. The April 2015 ETDM Report evaluated mobility improvements from Estero Boulevard north to County Road (CR) 869 (Summerlin Road). Following the submittal of *Operational Analysis Report* (December 2018), available in the project file, the north project limits were reduced approximately two miles from Summerlin Road to just north of the Matanzas Pass Bridge. The Seafarer's Alternative improvements at the SR 865/Fifth Street intersection were introduced in early 2020. The project's study area covers approximately 0.161 square miles.

Based on the revised project limits and the time elapsed since the prior review, updated 2015-2019 American Community Survey (ACS) data were reviewed to examine demographic data for the project. The following table depicts the demographic and socio-economic estimate comparisons for Lee County and the block groups that intersect the SR 865 project limits.

Demographic Comparison

Demographic Category	Intersecting Block Groups		Lee County	
	No.	%	No.	%
Total Population	224	100	737,468	100
RACE AND ETHNICITY				
White Alone	216	96.4	622,299	84.4
Black or African American Alone	3	1.3	63,282	8.6
American Indian or Native Alaskan	0	0	1,395	0.19
Asian Alone	0	0	11,967	1.6
Native Hawaiian/Other Pacific Islander Alone	0	0	412	0.06
Some Other Race Alone	0	0	24,959	3.4
Two or More Races	0	0	13,154	1.8
Hispanic or Latino	5	2.3	157,681	21.4
Total Minority	8	3.6	241,988	32.8
OTHER DISADVANTAGED GROUPS				
Elderly (age >65 years)	118	52.7%	207,155	28.1%
Disabled (ages 20-64 years)	10	4.5%	38,160	10%
Limited English-Speaking Household (all languages)	0	0%	38,423	5.5%
Disabled (ages 20-64 years)	10	4.5%	38,160	10%
ECONOMIC (Based on Household Data)				
Total Households	111	100%	275,965	100%
Median Household Income	$79,821	N/A	$57,832	N/A
Households Below Poverty Level	21	18.9%	31,405	11.4%
Households Receiving Public Assistance	0	0%	4,388	1.6%
Occupied Households w/ No Vehicles Available	2	1.8%	13,211	4.8%

Source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Based on the results of this evaluation, the project study area generally has a predominantly white population, with a substantially higher percentage of elderly residents than the Lee County-wide average. Populations of racial and ethnic minority groups are lower within the project study area than the county-wide average for Lee County and significant Limited English Proficiency (LEP) populations (i.e., speaking English "not well" or "not at all") are not noted to occur within the project study area. The local population of disabled adults of "working age" is lower than the county-wide average. Although the median household income within the project study area is higher than the county-wide average, the percentage of households below the poverty level is also higher. This may be a result of diminished income levels associated with a higher elderly/senior citizen population. The percentage of occupied households without vehicles (e.g., transit-dependent populations) is also lower than the county-wide average.

Within a 500-foot buffer of the project study area, various community resources are noted including: Lee County Sheriff's Office Beach Patrol, US Coast Guard (USCG) Station Fort Myers Beach, LeeTran Park and Ride facility; Lee County Wastewater Collection Pump Station #263, 3 fraternal organizations (Fort Myers Moose Lodge #964, Fort Myers Beach Shrine Club, American Legion Post #275), 5 mobile home parks (Bonair Mobile Home Park, San Carlos Lodge Mobile Home Park, Gulf Cove Mobile Home Park, Sunnyland Trailer Court, San Carlos RV Park and Island Resort), approximately 13 marinas and several public recreation facilities (discussed further in Sections 4.2 - 4.4 of this document). In addition, the Fort Myers Beach Fire Department's Station 32 and Station 31 occur approximately 1 mile north and 1.25 miles east of the project, respectively. The proposed improvements will not impact businesses or community resources known to have special characteristics, services to specialized clientele or cultural orientation.

Based on the analysis conducted, the proposed improvements will not result in high or disproportionate impacts to any minority, ethnic, elderly or handicapped groups, or low-income populations. Since the proposed improvements will use the existing SR 865 alignment, the proposed project is not expected to affect community cohesion, divide neighborhoods, or contribute to the social isolation of any minority, elderly, handicapped or transit-dependent populations.

3.2 Economic

During the Environmental Technical Advisory Team's (ETAT) review for this project, the Florida Department of Economic Opportunity (FDEO) commented that that the project is compatible with the objectives/policies and the comprehensive plans of the Town of Fort Myers Beach and Lee County. The FDEO noted that the project will support alternative mobility in the corridor as well as access to various destinations on Estero and San Carlos islands. The project study area is not located in a Rural Area of Opportunity and has low potential for attraction of new development and generation of employment opportunities. However, completion of the proposed improvements is anticipated to assist tourists and local residents traveling to commercial/retail facilities, community services and employment within the Fort Myers Beach area. The project will not result in the displacement of residences or businesses.

Access to local residences, businesses and other facilities could temporarily be affected during project construction. However, access will be maintained with minimal disruption and the project construction contractors will be required by the FDOT's *Standard Specifications for Road and Bridge Construction* to maintain access for emergency services and all adjacent properties throughout construction. Construction will be coordinated with local municipalities to minimize disruption to local communities to the greatest extent possible. The affected entities and local residents will continue to be notified regarding public involvement efforts throughout the project Design and Construction phases.

3.3 Land Use Changes

Existing and future land uses were reviewed within the study area. Existing landward uses along the project corridor (and their approximate percentages) consist of: Commercial and Services (35.1%), Fixed Single-Family Units (11.8%), Mobile Home Units (11%), Marinas and Fish Camps (7.5%), Multiple Dwelling Units/High Rise (2.6%) and Roads and Highways (2.24%). Waterward of these areas, Bays and Estuaries (27.1%) and Mangrove Swamps (4.2%) occupy much of the project study area. Within the Estero Island portion, the Town of Fort Myers Beach Future Land Use Map (revised 1999) shows Low Density Residential, Mixed Residential, Boulevard, Pedestrian Commercial, Marina, Recreation, Wetlands and Tidal Water uses within and adjacent to the project area. Within the San Carlos Island and mainland portions, the Lee County Comprehensive Plan's (*LeePlan*) Future Land Use Map (dated June 2020) shows Industrial, Urban Community, Suburban, Public Facilities, with minor portions of Open Lands and Conservation Lands within and adjacent to the project area.

The proposed improvements will use the existing alignment of SR 865 and portions of three adjacent parcels. The total ROW required for the proposed improvements is approximately 0.94 acres (discussed further in Section 3.6) in the vicinity of the SR 865 intersection with Estero Boulevard/Fifth Street to accommodate the Seafarer's Alternative improvements. Within two of these parcels (north of SR 865), currently vacant land will be converted to transportation ROW. Therefore, the proposed project will continue to support the existing and future land uses within the project and surrounding areas. Significant land use changes are not anticipated to occur along the project corridor if the proposed project is implemented.

This project is consistent with the Transportation Element and Future Land Use Element of the *Town of Fort Myers Beach Comprehensive Plan* (as amended November 2009) and *LeePlan* Future Land Use Element Chapter II and Transportation Element 4 Chapter III (as amended through June 2020). As discussed previously in Section 1.3, this project is included in the Lee County MPO's 2045 LRTP Cost Feasible Plan and FY 2021/22 - FY 2025/26 TIP and FDOT's current 2022-2025 STIP.

3.4 Mobility

The project will enhance mobility and safety for vehicular and non-vehicular transportation and increase accessibility and connections between community points of interest. With the changes/enhancements along this portion of SR 865 as discussed previously in Section 1.1, overall travel patterns are expected to remain consistent with existing patterns. Enhancements to both the mobility and safety for bicycle and pedestrian users will result from new and modified existing traffic signals and crosswalks, as well as the modification of the Hurricane Pass Bridge to accommodate bicycle lanes in each direction of travel and a barrier-protected sidewalk along the west side of the bridge.

Transit service is provided throughout the project. Although LeeTran Route 400 (Beach Park & Ride/Lovers Key) has several stops within the project limits, the project design plans do not show impacts at these stops. Therefore, service for bus facilities should not be adversely affected. Passport, LeeTran's paratransit provider, services the project limits as an advanced reservation, origin-to-destination service for persons with disabilities who are unable to use the regular fixed-route public transit service due to their disability. Passport is designed to meet the ADA service criteria established by the federal government.

The Key West Express boat ferry service departs from and arrives several times daily at their port at 1200 Main Street on San Carlos Island (outside of the project limits). The ferry travels under the Matanzas Pass Bridge on its way to/from Key West via San Carlos Bay. The project proposes no change in the vertical (65 feet) or horizontal (85 feet between fenders) clearances for navigation under the bridge. Since project construction will be limited to the existing bridge deck, the project

will not impact the Key West Express boat ferry or other navigational users.

Mobility during construction may be decreased due to temporary lane closures or detours. Non-driving and transit-dependent population groups (elderly, young, disabled and low-income) may experience temporary detour-related impacts/delays along portions of existing sidewalks associated with construction. However, these impacts are not anticipated to be high or disproportionate. It is anticipated that with the proposed SR 865 improvements, traffic congestion will be reduced and flow will improve. This project is anticipated to have a positive effect for local emergency services by potentially reducing the response times in the community. Ultimately, the proposed roadway improvements, including the addition/modification of sidewalks and bicycle lanes, will enhance local mobility and safety.

3.5 Aesthetic Effects

Through the use of the existing SR 865 corridor, the proposed improvements are not anticipated to result in the alteration or obstruction of scenic views associated with park lands or other viewshed-sensitive features within or immediately adjacent to the project study area. There are no local Florida Scenic Highways or Byways. The work proposed will be limited to the existing bridge decks at the Matanzas Pass and Hurricane Bay crossings. Aesthetic and visual impacts will be comparable to the existing condition and no special aesthetic treatments will be necessary at either bridge location. Landscaping plans have been developed for this project and show tree, shrub and bunch grass plantings in the vicinity of the SR 865/Estero Blvd./Fifth Street intersection and within the southeast infield area at the SR 865/Main Street intersection. The placement and maintenance of any landscaping will comply with roadway clear zone and sight distance requirements. The proposed typical sections include bicycle lanes, sidewalks and grassed shoulder (where possible). Several business and outdoor advertising (ODA) signs exist along the study area. As the project will generally remain within the existing ROW and not result in significant changes in horizontal or vertical geometry, no impacts are proposed. An impacted portion of landscape buffer (0.14 acres) within the northern portion of Crescent Beach Family Park will be replaced as close as possible within the park such that impacts to the remaining amenities do not result.

Visual impacts associated with clearing and grubbing, storage of construction materials and equipment, and establishment of temporary construction facilities may occur but are expected to be minimal and temporary in nature. Project work on new/additional ROW will generally occur on minor portions of previously developed/cleared properties immediately adjacent to the project. Temporarily disturbed areas will be restored to existing or better condition after the completion of construction activities.

3.6 Relocation Potential

The total ROW to be acquired for the proposed improvements is approximately 0.94 acres. All ROW needed is to accommodate the Seafarer's Alternative improvements for the SR 865 intersection at Estero Boulevard/Fifth Street. The project ROW needed is as follows: Lee County's Crescent Beach Family Park (0.14 acres), Lee County's vacant Seafarer's Parcel (0.73 acres) and one vacant parcel (0.07 acres) to be donated by the Town of Fort Myers Beach. There will be no change in ownership for the County's Seafarer's Parcel or the impacted portion of Crescent Beach Family Park.

To accommodate the Seafarer's Alternative improvements, the project's public hearing presented for public review graphics and discussion relative to a jurisdictional transfer of ROW for the portion of SR 865 (San Carlos Blvd.) between Estero Blvd. and Fifth Street. The ownership of this roadway portion will transfer from the FDOT to Lee County jurisdiction. No comments relative to the proposed jurisdictional transfer were received. Coordination among the FDOT, Lee County and Town of Fort Myers Beach is on-going to secure ROW donation/easements/agreements as necessary for project

construction. All necessary project ROW will be secured prior to construction commencement.

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

3.7 Farmland Resources

Lands within the project vicinity do not meet the definition of farmland as defined in 7 CFR § 658 and the provisions of the Farmland Protection Policy Act of 1981 do not apply because the entire project area is located in the urbanized area of Cape Coral/Fort Myers with no designated farmlands adjacent to the project corridor.

4. Cultural Resources

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

4.1 Section 106 of the National Historic Preservation Act

A Cultural Resource Assessment Survey (CRAS), conducted in accordance with 36 CFR Part 800, was performed for the project, and the resources listed below were identified within the project Area of Potential Effect (APE). FDOT found that these resources do not meet the eligibility criteria for inclusion in the National Register of Historic Places (NRHP), and State Historic Preservation Officer (SHPO) concurred with this determination on 11/17/2020. Therefore, FDOT, in consultation with SHPO, has determined that the proposed project will result in No Historic Properties Affected.

The evaluation of the project's potential involvement with historical and archaeological resources was documented in a *Cultural Resource Assessment Survey* (dated March 2020) and an *Addendum to the Cultural Resource Assessment Survey* (dated October 2020). Both documents are available within the project file.

The historical/architectural APE includes the footprint of construction within the existing ROW and immediately adjacent parcels on the west side of SR 865 as contained within 150 feet from the centerline of the roadway. In addition, historic resources located on immediately adjacent parcels in areas where new traffic signals are proposed (Estero Boulevard and Crescent Street; Estero Boulevard/SR 865/Fifth Street; Estero Boulevard and Old San Carlos Boulevard; and SR 865 and Main Street) were recorded and evaluated.

No previously recorded historic resources were located within the APE. As a result of field survey, 39 newly identified historic resources (8LL02650-8LL02684, 8LL02706-9) were recorded and evaluated. The architectural styles represented include 11 Masonry Vernacular (8LL02650, 8LL02651, 8LL02653-55; 8LL02659; 8LL02661; 8LL02672, 8LL02673, 8LL02676; 8LL02679), eight Frame Vernacular (8LL02658; 8LL02660; 8LL02666; 8LL02678; 8LL02680; 8LL02682-84), two Industrial Vernacular (8LL02677; 8LL02681), five Commercial (8LL02652, 8LL02656, 8LL02657, 8LL02674, 8LL02675), nine mobile homes (no style) (8LL02662-65; 8LL02667-71); as well as four building complex resource groups (8LL02706-9) constructed between approximately 1939 and 1972. These resources are common examples of their respective architectural styles without significant historical associations. Therefore, none appear eligible for listing in the National Register of Historic Places (NRHP), either individually or as part of a historic district.

The archaeological APE was defined as the area contained within the footprint of construction where the proposed design changes are to occur. Background research and a review of the Florida Master Site File (FMSF) and the NRHP indicated that one previously recorded archaeological site is located within the project APE. This site, 8LL00777, the San Carlos Island Site, is a shell midden recorded in 1987 as the result of an informant interview (FMSF). The State Historic Preservation Officer (SHPO) has not evaluated the site. A review of relevant site location information for environmentally similar areas within Charlotte, Hendry, and Lee Counties including the Lee County Archaeological Sensitivity Map indicated a moderate potential for prehistoric archaeological sites. However, the APE was determined to have a low to very low potential for prehistoric archaeological sites due to the tidal and partially inundated soils and infill. There was also a low potential for historic archaeological sites. The results of background research and archaeological field survey, including excavation of 41 shovel tests and surface reconnaissance found no evidence of 8LL00777 and did not identify any prehistoric or historic archaeological sites within the APE.

Based on the results of the background research and field survey, there are no significant historic properties within the APE. Therefore, the project will have no effect on any prehistoric or historic archaeological sites or historic resources that are listed, eligible, or that appear to be potentially eligible for listing in the NRHP. These findings were submitted to the State Historic Preservation Officer (SHPO) on March 24, 2020. The SHPO provided their concurrence with these findings on April 13, 2020.

The *Addendum to the Cultural Resource Assessment Survey* was subsequently prepared to include additional project area associated with the proposed Seafarer's Alternative intersection concept at Estero Boulevard and Fifth Street. This effort applied the same historical/architectural and archaeological APE buffers. As a result of the historical/architectural field survey, three historic resources (8LL02835-8LL02837) were newly identified, recorded, and evaluated within the APE. These resources included three Commercial style buildings along Estero Boulevard constructed between approximately 1947 and 1972. These resources are common examples of their respective architectural styles. Overall, the newly identified historic resources have been altered, lack sufficient architectural features, and are not significant embodiments of a type, period, or method of construction. In addition, background research did not reveal any historic associations with significant persons and/or events. Thus, the resources do not appear eligible for listing in the NRHP, either individually or as a part of a historic district. Based on the background research and survey results, including the excavation of seven shovel tests, no archaeological sites that are listed, eligible for listing, or that appear potentially eligible for listing in the NRHP were located within the APE.

Given the results of background research and field survey documented within the *Addendum to the Cultural Resource Assessment 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. These determinations were submitted to the SHPO on October 22, 2020. On November 17, 2020, the SHPO provided their determination that the proposed project will have no effect to historic properties listed, potentially eligible, or eligible for listing, on the NRHP. The CRAS, CRAS Update and SHPO coordination were submitted to the Seminole Tribe of Florida's Tribal Historic Preservation Office (THPO) for their files on March 11, 2021. Within this submittal, the THPO was provided the opportunity for comment and no response was received from the THPO. The SHPO concurrence letters are included within the **Cultural Resources Attachment** at the end of this document.

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

The following evaluation was conducted pursuant to Section 4(f) of the U.S. Department of Transportation Act of 1966, as amended, and 23 CFR Part 774.

Seven potential resources within the project limits were evaluated. Summaries for these resources are provided in the following paragraphs.

Crescent Beach Family Park

The Crescent Beach Family Park (1100 Estero Boulevard) is a 2.2-acre public recreational park within the Town of Fort Myers Beach. The park property was purchased by Lee County in 2010 and is managed by Lee County Parks and Recreation (i.e., official with jurisdiction). The park sits at the foot of the Matanzas Pass Bridge on the south side of Estero Boulevard along a 400-foot stretch of beach. The property is used for outdoor recreation and beach access by the public.

The northern half of the park property contains three covered picnic areas with two picnic tables/benches each, a pervious walking path and decorative landscaping consisting of shell/rock, numerous palm trees, shrubs, ferns and bunch grasses served by a sprinkler irrigation system. The eastern portion of the park contains a parking area with two designated handicap parking spaces, one parking space dedicated for County/police vehicles and two portable restrooms. The southern half of the park is predominantly open space with beach sand, including two sand volleyball courts. There are four beach access points at the park's southern border (including one ADA-accessible ramp), one bicycle rack and there are various trash and recycling receptacles throughout the park. Based on the amenities present, FDOT District One presumed the significance of the Crescent Beach Family Park.

Associated with the proposed Seafarer's Alternative improvements at Estero Blvd. and Fifth Street, a new bus bay is proposed within the SR 865 right-of-way to service LeeTran Route 400 (Beach Park & Ride/Lovers Key). This bus bay will require the relocation of the existing 12-foot sidewalk, roadway lighting, park signage, landscaping and irrigation along the south side of the roadway. With the reconfiguration of the Estero Boulevard/Fifth Street intersection, the proposed improvements will impact approximately 0.14 acres within the northern fringe of Crescent Beach Family Park. The improvements will require the removal and relocation of existing landscaping (approximately 23 palm trees and several miscellaneous shrubs, ferns and bunch grasses) and sprinkler irrigation systems along the northern edge of the park. Although this impact footprint comprises approximately 6.4% of the park's total acreage, the features impacted are not significant to the public recreational use/enjoyment of the overall park property. Given the urban setting of the corridor in which the park is located, there are no significant impacts to the aesthetics or viewshed associated with the impacted portion of the park property. Significant highway traffic noise impacts were not identified at/within this park.

A public hearing was held on February 3, 2022. The hearing notifications, as well as the formal presentation, included information regarding the proposed impacts to the Crescent Beach Family Park and FDOT's intent to make a *de minimis* Section 4(f) impact determination. Design plans and other project documentation depicting the project effects associated with this evaluation were available for public review and comment. Although, no public comments opposing the proposed impacts to the Crescent Beach Family Park were received, several comments were received questioning the need/expense for the bus bay relocation (i.e., which results in the proposed impact to the park). Two respondents at the hearing stated their support to convert the Crescent Beach Family Park for enhanced parking or transit opportunities.

Following the close of the post-hearing public comment period, FDOT District One followed up with Lee County representatives. This correspondence provided information regarding the public hearing and public comments received. The letter requested that the County provide a confirmation of the park's significance and their concurrence that the proposed improvements will not adversely affect the recreational activities, features, and attributes of the Crescent Beach Family Park, and reiterated the FDOT's intent to make a *de minimis* Section 4(f) determination. Via a letter signed March 29, 2022 (see **Cultural Resource Attachments**), the County provided their concurrence with the FDOT's determination that Crescent Beach Family Park is a significant resource and the proposed impacts are *de minimis* in nature.

The FDOT will coordinate further with Lee County Parks and Recreation for the removal and relocation/replacement of existing park signage, landscaping, and sprinkler irrigation system within the impacted area along the northern edge of the Crescent Beach Family Park.

Seafarer's Parcel

Preliminary research encountered geographic information system (GIS) data (i.e., the Lee County Property Appraiser GIS website and the "*Florida Parks and Recreational Facilities Boundaries in Florida - 2019*" layer maintained by the University of Florida GeoPlan Center) which labels Lee County's Seafarers parcel as a "park" resource. This parcel, owned by Lee County, is necessary for the Seafarers Alternative improvements at the intersection of Estero Boulevard and Fifth Street.

Coordination with County staff indicated that this vacant property has never been used for public recreation purposes and is not planned for future recreational purposes. A field review conducted on October 12, 2020 confirms that the entire perimeter of this parcel is fenced and the western entrance is explicitly signed with the Lee County logo as "private property" and for "official use only". As the official with jurisdiction (OWJ), Lee County provided their concurrence dated January 20, 2021 (see **Cultural Resource Attachments**) that this resource is not significant in meeting the recreational objectives of Lee County and the Fort Myers Beach area. Therefore, Section 4(f) does not apply to the Seafarer's Parcel.

Estero-Bonita "Trail" Segment

Per the FDOT Shared Use Nonmotorized (SUN) Trail database, the Estero-Bonita "trail" corridor is shown as an existing trail running along the northbound (east) side of SR 865 (San Carlos Boulevard/ Estero Boulevard) from approximately 250 feet south of Pine Ridge Road (north end) in Fort Myers Beach, Florida to County Road 887/Old US 41 Road in Bonita Springs. This total "trail" corridor is 18.62 miles in length. The proposed improvements from north of the Hurricane Pass Bridge to Crescent Street will affect approximately 1.2 miles of the overall corridor. This feature is a sidewalk/shared use pathway available for public use within the road existing SR 865 ROW. The primary purpose of this feature is to facilitate the movement of pedestrians over the Matanzas Pass Bridge and allow both bicycle and pedestrian users to cross the Hurricane Pass Bridge.

From the south end of the project to the Main Street intersection, the existing "trail" segment consists of a 5'-10" sidewalk used to convey pedestrian traffic across the Matanzas Pass Bridge. Due to the narrow width throughout this section, bicyclists may travel along the northbound roadway shoulder or are instructed by signage to walk their bikes along the sidewalk over the bridge. From Main Street to the north end of the project, the sidewalk width widens to 8 feet and there are no apparent restrictions for bicycle users. Neither trail markers nor designation signs are present within the project limits. There are no other amenities evident to suggest an intended recreation (i.e., non-transportation) use.

Within the project limits, the Estero-Bonita "trail" segment runs along the northbound (east) side of SR 865 (San Carlos Boulevard/Estero Boulevard) from Crescent Street to north of the Hurricane Pass Bridge. Public access is available at the SR 865 intersection at Fifth Street (in Fort Myers Beach on Estero Island), throughout most of San Carlos Island (except for bridge portions) and along SR 865 north of the Hurricane Pass Bridge.

The sidewalk and shared path facilities crossing the east side of the Matanzas Pass and Hurricane Pass bridges, respectively, are the only such features permitting pedestrian and bicycle movement from Estero Island and San Carlos Island to the mainland. There are numerous other facilities available to pedestrians and bicyclists on Estero Island. The only other bridge off Estero Island is the Big San Carlos Pass Bridge which connects to Lovers Key, approximately 5.8 miles southeast of the project study area. The Big San Carlos Pass, which is similarly under study for proposed improvements, contains substandard width sidewalks and no dedicated bicycle facilities (i.e., bicyclists must share the SR 865 travel lanes with motorists).

Although this "trail" feature appears to meet current ADA requirements at the major intersection crossings, there are no interim landing areas on the Matanzas Pass Bridge to provide rest areas for disabled users to adjust/recover on the steep uphill/downhill portions of the bridge.

As the official with jurisdiction (OWJ), Lee County provided their concurrence dated January 20, 2021 (see **Cultural Resource Attachments**) that this resource is not significant in meeting the recreational objectives of Lee County and the Fort Myers Beach area. Therefore, the provisions of Section 4(f) do not apply to the Estero-Bonita "trail" segment.

Matanzas Pass Bridge South Fishing Pier

The Matanzas Pass South Fishing Pier (1151 First Street) is a 0.03-acre recreational facility located on Estero Island just off of First Street under the south side of the SR 865 bridge over the Matanzas Pass waterway. This 7.5-foot wide pier facility extends approximately 200 feet in length from the southern seawall under the bridge to nearly the southern navigational fender within the waterway and is used for saltwater fishing. There is a paved "pay by space" parking lot at the south end (approximately 14 spaces) and the pier's amenities include a portable restroom, an information kiosk, bicycle racks and trash/recycling/fishing line receptacles. These amenities service the fishing pier but are part of a separate resource easement/lease agreement. The property is used by the public for the purposes of saltwater fishing, wildlife viewing and sight-seeing.

The fishing pier was constructed by the FDOT in conjunction with the 1980 replacement of the Matanzas Pass Bridge under FDOT Project # 12530-3614. This resource and the underlying landward portions are owned by the FDOT, while the waterward portions are Sovereign Submerged Lands (SSLs) owned by the State of Florida Trustees of the Internal Improvement Trust Fund (TIITF) and used via easement.

Access to the Matanzas Bridge South Fishing Pier is provided by First Street under the southern landward portion of Matanzas Pass/north end of Estero Island. The pier is also accessible by the small dock at the shoreline. This park serves the local land uses which are primarily commercial and services, single- and multi-family residential and vacation/rental properties. The facility uses lights under the existing bridge and appears to be open at night. There is no fee at this time.

As the proposed improvements for the Matanzas Pass Bridge will be limited to the existing bridge deck, there will be no involvement with the South Fishing Pier and Section 4(f) does not apply.

Matanzas Pass Bridge South Dinghy Dock

The Matanzas Pass Bridge South Dinghy Dock (1151 First Street) is an approximately 15 feet wide x 65 long (975 square feet) recreational facility located on Estero Island just off of First Street under the south side of the SR 865 bridge over the Matanzas Pass waterway. This feature occurs under and adjacent to the FDOT's Matanzas Pass Bridge South Fishing Pier. This dock is used by the public for the purposes of saltwater fishing and boating.

The dock includes an ADA-compliant wooden and metal walkway with handrails on both sides, along with boat fenders and tie-off rails. As allowed by an existing FDOT lease agreement, there is a paved "pay by space" parking lot (approximately 14 spaces), a portable restroom, an information kiosk, bicycle racks and trash/recycling/fishing line receptacles adjacent to the south side of the dock.

The dock, adjacent parking lot and amenities are managed by the Town of Fort Myers Beach Public Works via a 25-year "vehicle parking and landscape beautification" lease agreement with the FDOT for the construction of the parking lot just south of the pier and the dinghy dock under/adjacent to the pier. This lease began August 15, 2000 and expires August 14, 2025. The FDOT owns the underlying landward portions, while the waterward portions are SSLs owned by the State of Florida TIITF and used via easement. The lease agreement allows the Town access across the FDOT's property to construct, repair and maintain the dock, as well as access to the water to use the dock. Per coordination with the Town of Fort Myers, this facility provides a public transportation function due to the interplay of the mooring field users anchored in the Matanzas Pass waterway and downtown businesses, as well as a public recreational function.

As the proposed improvements for the Matanzas Pass Bridge will be limited to the existing bridge deck, there will be no involvement with the South Dinghy Dock and Section 4(f) does not apply.

Matanzas Pass Bridge North Fishing Pier

The Matanzas Pass Bridge North Fishing Pier (700 Fishermans Wharf Drive) is a 0.37-acre recreational facility located on San Carlos Island just off of Fishermans Wharf Drive under the north side of the SR 865 bridge over the Matanzas Pass waterway. The pier structure encompasses approximately 1,875 square feet (0.04 acre), with the remaining acreage as the parking lot. This 7.5-foot wide pier facility extends approximately 240 feet in length from the northern seawall under the bridge to nearly the northern navigational fender within the waterway and is used for saltwater fishing, wildlife viewing and sight-seeing. There is a dirt parking lot at the north end of this facility that provides limited parking for approximately 12 vehicles, an information kiosk and trash/fishing line receptacles.

The fishing pier was constructed by the FDOT in conjunction with the 1980 replacement of the Matanzas Pass Bridge under FDOT Project # 12530-3614. This resource is managed by the Lee County Parks and Recreation. The FDOT owns the underlying landward portions, while the waterward portions are SSLs owned by the State of Florida TIITF and used via easement.

Access to the Matanzas Pass Bridge North Fishing Pier is provided by Fishermans Wharf Drive at the north end of Matanzas Pass/south end of San Carlos Island. This park serves the local land uses which include single-family residential and commercial properties. The facility uses lights under the existing bridge and appears to be open at night. There is no fee at this time.

As the proposed improvements for the Matanzas Pass Bridge will be limited to the existing bridge deck, there will be no involvement with the North Fishing Pier. There will be minor project construction activities on Fishermans Wharf Drive, however, these will not encroach on the fishing pier or adjacent parking area. Construction staging will not occur at the Matanzas Pass Bridge North Fishing Pier and parking areas and pier access will remain open to the public (see Commitments Summary Section 10 of this document). Access to the pier and adjacent businesses will be maintained as required by the FDOT's Standard Specifications for Road and Bridge Construction and Section 4(f) does not apply.

Great Calusa Blueway Paddling Trail

The Great Calusa Blueway Paddling Trail occurs within Hurricane Bay, just south of the project's northern limit. The portion of the Great Calusa Blueway Paddling Trail is within Phase 1 of the overall Great Calusa Blueway network within Lee County, which includes 97 miles of marked paddling trails in Phase 1 & 2 and 90 miles of unmarked paddling trails along rivers and tributaries in Phase 3. This paddling trail is also considered as Segment 12 (Pine Island/Estero Bay segment) of the Florida Circumnavigational Paddling Trail. Lee County manages this public use trail for saltwater paddling, fishing, wildlife viewing, sightseeing and other passive recreation activities. There are no other designated paddling trails within or immediately adjacent to the project limits.

Lee County manages this public use trail. The lands underlying the Hurricane Bay waterway are owned as SSLs by the State of Florida TIITF. This trail is loosely defined and does not have a definite width or location within the Hurricane Bay waterway. There are no amenities specific to this paddling trail within or immediately adjacent to the project limits. The only in-channel features are navigational aids for motorized boats and watercraft.

All four quadrants of Hurricane Bay within the project limits are private property, so access within the project limits is limited slightly. However, given the numerous boat docks and marina within the Estero Bay area, there are extensive opportunities for public access to this paddling trail. The nearest public park access points are at Lee County's Bunche Beach and Bowditch Regional Park facilities which are 1.3 miles northwest and 0.97 miles west of the Hurricane Pass Bridge, respectively. There are no posted/known restrictions on the public's use of this paddling trail. Based on a review of

available bridge plans, the vertical clearance of the Hurricane Pass Bridge typically ranges from 6.02 to 6.62 feet above the mean high-water elevation (1.43 feet North American Vertical Datum/NAVD 1988). Usage of the paddling trail under the bridge could be limited during storm or high-water events and/or strong currents.

As the official with jurisdiction (OWJ), Lee County provided their concurrence dated January 20, 2021 (see **Cultural Resource Attachments**) for the significance of this resource in meeting the recreational objectives of Lee County and the San Carlos Island community.

The Great Calusa Blueway Paddling Trail crosses under the SR 865 Hurricane Pass Bridge. All proposed improvements on SR 865 at this location will occur on the bridge deck and construction will not interrupt access to the trail. There will be no in-water work or alterations to the horizontal or vertical geometry of the existing bridge at this location. Therefore, based on the evaluation conducted, the FDOT has determined that there will be no Section 4(f) "use" to the Great Calusa Blueway Paddling Trail. The Office of Environmental Management (OEM) concurred with this finding June 1, 2022.

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

The following evaluation was conducted pursuant to Section 6(f) of the land and water conservation fund of 1965.

The Lynn Hall Memorial Park (950 Estero Boulevard) is a prior recipient of Land and Water Conservation Funds (LWCF) from the federal National Park Service and is protected pursuant to Section 6(f) of the Land and Water Conservation Fund of 1965. However, the Lynn Hall Memorial Park facility is approximately 320 feet west of the proposed improvements at the SR 865/Estero Boulevard (Fifth Street) intersection and the proposed improvements will have no involvement with this resource.

4.4 Recreational Areas and Protected Lands

The Estero Bay Preserve State Park is a 11,383-acre state park owned by the State of Florida's TIITF and managed by the Florida Department of Environmental Protection (FDEP). This feature occurs along the east side of SR 865 (San Carlos Boulevard) north of the Hurricane Pass Bridge approximately 250 feet north of the northern project limits. This feature provides both natural resource conservation and public recreation functions. This state park and all public access points occur outside of the project limits. The proposed improvements will not impact any landward parcels or islands associated with this state park and no direct or proximal effects are anticipated from this project.

5. Natural Resources

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

5.1 Protected Species and Habitat

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

A 500-foot project study area (i.e., 250 feet east and west of the SR 865 centerline) was assessed for the presence of suitable habitat for federal- and state-listed and protected species in accordance with 50 CFR Part 402 of the Endangered Species Act (ESA) of 1973, as amended, *Chapters 5B-40: Preservation of Native Flora of Florida* and 68A-27, FAC, *Rules Relating to Endangered or Threatened Species*. The results of this evaluation were documented within the December 2020 *Natural Resource Evaluation* (NRE) prepared for the project and included in the project file.

Literature reviews, agency database searches and field reviews for these species and their suitable habitat were conducted within and adjacent to the project corridor. Sixteen (16) federal-listed species, twelve (12) state-listed species, and several protected non-listed species were determined to have a likelihood for utilization of habitats within or adjacent to the study area based on database and literature research, and field evaluations of the project area and adjacent habitats and general wildlife surveys conducted by qualified scientists in September 2019, February 2020, and November 2020. Two federally-protected species, the Florida bonneted bat and common bottlenose dolphin, were documented during corridor field survey efforts. Effects determinations for the various federal- and state-protected species are presented in the following paragraphs and the rationale for these determinations is found in the NRE document.

Federally-Listed Species

The FDOT determined findings of **may affect, not likely to adversely affect** (MANLAA) for the smalltooth sawfish, loggerhead sea turtle, Kemp's Ridley sea turtle, green sea turtle, West Indian manatee, eastern indigo snake, American alligator, American crocodile, and Florida bonneted bat.

While the study area lies within the federal designated smalltooth sawfish critical habitat, the proposed action will not result in destruction or adverse modification of critical habitat. Additionally, this species was not observed during the field reviews of the study area. To minimize potential adverse impacts to the smalltooth sawfish, the FDOT will implement the NOAA-approved Sea Turtle and Smalltooth Sawfish Construction Conditions (revised March 2006) during the proposed roadway improvements. As the project originally considered bridge widening with in-water work as part of the potential construction means and methods, the FDOT determined the project effect as *may affect, not likely to adversely affect* for the smalltooth sawfish.

The project study area lies within the USFWS Consultation Areas for the loggerhead sea turtle, Kemp's Ridley sea turtle and the West Indian manatee. Green sea turtles may also use local marine habitats. None of the alternatives considered will result in loss of habitats used by these species. Additionally, these species were observed during the field reviews of the study area. To minimize potential adverse impacts to sea turtles during construction activities, the FDOT will implement the NOAA-approved *Sea Turtle and Smalltooth Sawfish Construction Conditions* (revised March 2006) and USFWS' (2011) *Standard Manatee Conditions for In-Water Work*. As the project originally considered bridge widening with in-water work as part of the potential construction means and methods, the FDOT determined the project effect as *may affect, not likely to adversely affect* for these four species.

Although minimal suitable habitat was observed and the species not observed during field visits, it is possible (though unlikely) that eastern indigo snakes could occur along the project corridor. Therefore, the FDOT determined the project effect as *may affect, not likely to adversely affect* for the eastern indigo snake.

Although no individuals were observed during field reviews of the study area, American alligators and American crocodiles have been documented using marine habitats within portions of coastal Lee County. As the project originally considered bridge widening with in-water work as part of the potential construction means and methods, the FDOT determined the project effect as *may affect, not likely to adversely affect* for the American alligator and American crocodile.

As Florida bonneted bats were documented during acoustic surveys conducted for this project, and based on the low potential for bats to roost in the Matanzas Pass Bridge (though no evidence of roosting was observed), the FDOT determined the project effect as as *may affect, not likely to adversely affect* for the Florida bonneted bat.

FDOT made determinations of **no effect** for the Florida scrub-jay, red knot, piping plover, wood stork, Eastern black rail, aboriginal prickly-apple, and beautiful pawpaw based on a lack of suitable habitat and a lack of species observations during project field reviews.

USFWS Critical Habitat

The project is within designated Critical Habitat for two species. While the study area lies within NMFS-designated smalltooth sawfish and USFWS-designated West Indian manatee Critical Habitat, the proposed action will not result in destruction or adverse modification of critical habitat for either species. The project is outside of any local Critical Habitat polygons for the piping plover. The proposed critical habitat designation/rulemaking process for the Florida bonneted bat is in progress. However, critical habitat has not been officially designated and the entire project lies outside of any units currently being considered for critical habitat.

State-Listed Species

The FDOT made **no adverse effect anticipated** findings for the little blue heron, reddish egret, roseate spoonbill, tricolored heron, and least tern. These determinations were made considering in-water work as part of the potential construction means and methods for the bridge widening as originally proposed. Findings of **no effect anticipated** were made for the gopher tortoise, Florida sandhill crane, Florida burrowing owl, snowy plover, American oystercatcher, black skimmer and southeastern American kestrel. These determinations were made based on a lack of suitable habitat and a lack of species observations during project field reviews.

Otherwise Protected Species

There will be no impact to the following non-listed species: bald eagle (protected under the federal Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act); common bottlenose dolphin (protected under the federal Marine Mammal Protection Act); and roosting bat species (protected from take in Florida under state rules 68A-4.001 and 68A-9.010, FAC). The FWC bald eagle nest locator database does not indicate any active or inactive bald eagle nests within 660 feet of the project limits. The nearest active nest, LE084, occurs approximately 1.3 miles to the northeast of the project limits. Given that there are no documented nests within 660-feet of the project boundary and no bald eagles were observed during field visits, no impacts are anticipated. Dolphins are known to occur in Matanzas Pass and Hurricane Pass. However, based on the proposed improvements, in-water construction activities are no longer expected to be necessary and no impacts are anticipated. A visual inspection was conducted for roosting bats in February 2020 for the Hurricane Pass Bridge and Matanzas Pass Bridge deck and superstructures. These inspections resulted in no observations or evidence of roosting bats. With the absence of current and previous observations in the project area, no impacts are

anticipated.

The NRE was submitted on January 27, 2021 to the following agencies for review and concurrence with the species/habitat findings outlined in the NRE: US Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), US Army Corps of Engineers (USACE), US Environmental Protection Agency (USEPA), South Florida Water Management District (SFWMD), Florida Fish and Wildlife Conservation Commission (FWC), Florida Department of Environmental Protection (FDEP) and Florida Department of Agriculture and Consumer Services (FDACS). The USFWS, NMFS and FWC concurrence letters are included within the **Natural Resources Attachment** at the end of this document. At the time this coordination occurred, a minor widening along the western side of the Matanzas Pass Bridge was proposed. However, this widening is no longer proposed due to concerns about the structural sufficiency of the existing bridge to accommodate the potential weight of the addition to the structure. Despite this change in scope, the initial effect determinations remain unchanged except where noted below as a result from consultation.

- In their January 29, 2021 e-mail response, the NMFS stated that they were satisfied with the content of the NRE and believe that with the implementation of Best Management Practices, that any impacts to NMFS trust resources will be minimal. Based on the NRE's description of construction activities, NMFS does not believe that there are any routes of effect to smalltooth sawfish or swimming sea turtles (green, loggerhead, and Kemp's Ridley). Therefore, NMFS recommended and FDOT agreed to change the Endangered Species Act Section 7 determination for these species from **may affect, not likely to adversely affect** to **no effect**.
- In their February 17, 2021 letter response, the FWC provided their concurrence with the determinations of effect and support of the project implementation measures and commitments for protected species (provided in Section 10 of this document and in Section 7 of the NRE).
- In their February 12, 2021 response e-mail, the USFWS provided updated findings for several species. The USFWS determined that the project footprint does not provide suitable habitat for the eastern indigo snake, it has not been documented to occur on the project site, and it is not reasonably certain to occur on the project site. The USFWS also determined that the project will not affect sea turtle nesting habitat under their regulatory purview. Therefore, the USFWS recommended and FDOT agreed to revise the **may affect, but not likely to adversely affect** determinations for the loggerhead sea turtle, green sea turtle, Kemp's Ridley sea turtle, and eastern indigo snake to **no effect**. The USFWS also stated that the American alligator is not considered in their Section 7 consultations since it is listed under the Endangered Species Act of 1973 as threated by similarity of appearance. Via concurrence sticker correspondence dated April 23, 2021, the USFWS stated that the proposed action is not likely to adversely affect any federally listed species or designated critical habitat protected by the ESA of 1973, as amended.

Based on the use of the USFWS Consultation Key, the following couplets are used to reach a MANLAA-Programmatic effect determination for the Florida bonneted bat: 1a->2a->3b->6a->7b->10b->12a-MANLAA-P. In accordance with the proposed MANLAA-P determination, the FDOT commits to implementing Best Management Practices (BMPs) 1, 3, 4 and 5 for this project.

A summary table of the project's anticipated involvement with federal and state-protected species, as coordinated with the resource agencies during this study, is as follows:

Species	**Listing Status**	**Species Effect Determinations**
Smalltooth sawfish (CH)	FE/SE	***no effect***
Loggerhead sea turtle	FT	***no effect***
Kemp's Ridley sea turtle	FE	***no effect***

Green sea turtle	FE	***no effect***
Eastern indigo snake	FT	***no effect***
American alligator	FT (S/A)	***may affect, not likely to adversely affect***
American crocodile	FT	***may affect, not likely to adversely affect***
Florida scrub-jay	FT	***no effect***
Red knot	FT	***no effect***
Piping plover	FT	***no effect***
Wood stork	FT	***no effect***
Eastern black rail	FT	***no effect***
Florida bonneted bat	FE	***may affect, not likely to adversely affect***
West Indian manatee (CH)	FT	***no effect***
Aboriginal prickly-apple	FE	***no effect***
Beautiful pawpaw	FE	***no effect***
Little blue heron	ST	***no adverse effect anticipated***
Reddish egret	ST	***no adverse effect anticipated***
Roseate spoonbill	ST	***no adverse effect anticipated***
Tricolored heron	ST	***no adverse effect anticipated***
Least Tern	ST	***no adverse effect anticipated***
Gopher tortoise	FC/ST	*no effect anticipated*
Florida sandhill crane	ST	*no effect anticipated*
Florida burrowing owl	ST	*no effect anticipated*
Snowy plover	ST	*no effect anticipated*
American oystercatcher	ST	*no effect anticipated*
Black skimmer	ST	*no effect anticipated*
Southeastern American kestrel	ST	*no effect anticipated*

FE - Federally-endangered
FT - Federally-threatened
(S/A) - similarity of appearance to the American crocodile
FC - Candidate for federal listing
SE - State-endangered
ST - State-threatened
(CH) - federally-designated Critical Habitat present, but no impacts

5.2 Wetlands and Other Surface Waters

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

As documented within the December 2020 NRE for this project, the boundaries of all wetlands and other surface waters within the 500-foot study area corridor were approximated using both a desktop and field review. Jurisdictional wetlands and surface waters identified within the project study area consist of estuarine habitats common to the Matanzas Pass and Hurricane Bay waterbodies. These habitats include open water and mangrove forests; none of which will be impacted as a result of project activities. No jurisdictional delineations/determinations were conducted.

Based on the evaluation completed, the results of this PD&E study indicate that the roadway improvements and safety considerations proposed by this project are not anticipated to result in wetland or surface water impacts. Impacts to local wetlands have been avoided as a result of selection of the proposed alignment and design considerations. In their February 24, 2021 e-mail response (included in the Natural Resources Appendix), the USEPA re-stated the lack of project impacts to wetlands and other surface waters from the NRE and stated that they do not anticipate any significant impacts from the proposed improvements.

Since no impacts resulting from the proposed alignment are anticipated to wetlands or surface waters, no compensatory wetland mitigation is required. In accordance with EO 11990, the FDOT has undertaken all actions to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities.

5.3 Essential Fish Habitat (EFH)

An Essential Fish Habitat (EFH) Assessment has been prepared and consultation has been completed in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). It has been determined that this project will not have adverse effects to EFH.

Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPC) are designated by the National Oceanic and Atmospheric Administration (NOAA), NMFS and the regional fishery management councils for species managed under the Magnuson-Stevens Fishery Conservation and Management Act as amended (MSA). The MSA established eight Fishery Management Councils (FMCs) across the country that are tasked with creating and amending Fishery Management Plans (FMPs). Certain estuarine habitats within the project area are designated as EFH as identified in the 2005 generic amendment of the FMPs for the Gulf of Mexico. The generic amendment was prepared by the Gulf of Mexico FMC as required by the 1998 amendment to the MSA.

The proposed project is located within an area designated as EFH for three FMPs: Gulf of Mexico, Coastal Migratory Pelagic, and Highly Migratory Species management plans. NOAA Fisheries has identified and described EFH for 60 managed species within the project study area. These include the red drum, 43 managed reef species, 4 managed shrimp species, 3 managed coastal migratory pelagic species, and 9 managed highly migratory species. Of the sixty managed fisheries species identified, many are likely to occur nearshore at only one life stage (typically early development stages). Additional discussion of the life stage(s) and associated habitat(s) where individual species commonly occur for each EFH are provided in the NRE available in the project file.

Within the study area, EFH occurs within Matanzas Pass and Hurricane Bay. A review of designated EFH identified a single species, the royal red shrimp, as having a potential for occurrence in the project study of "none" because of the lack of suitable habitat at any life stage. Thirty-one (31) managed reef species, two managed shrimp species, one managed coastal migratory pelagic species, and four managed highly migratory species were determined to have a "low" potential for occurrence in the project study area. This determination was made based on the presence of suitable habitat within the project study area at one or more life stages. One red drum species, ten managed reef species, one managed shrimp species, two managed coastal migratory pelagic species, and five managed highly migratory species were determined to have a "moderate" potential for occurrence in the project study area. This determination was made based on the presence of suitable habitat within the project study area at one or more life stages and the species previously documented nearby. No managed species were determined to have a "high" potential for occurrence in the project study area. This determination was made based on the presence of suitable habitat within the project study area at one or more life stages

and direct observation during field visits. In their January 29, 2021 e-mail response, the NMFS stated that they were satisfied with the content of the NRE and believe that with the implementation of BMPs, that any impacts to NMFS trust resources (including EFH) will be minimal.

As all construction will take place on the existing bridge deck at both waterways, impacts to EFH are not anticipated as a result of this project.

5.4 Floodplains

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

The project is located within Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel 12071C0554F (effective August 28, 2008) in Lee County. The FIRM map shows that the project is located entirely within the 100-year floodplain within Zones AE and Zone VE. These floodplains are due to coastal storm surge potential from the Gulf of Mexico, Matanzas Pass and Hurricane Bay. On Estero Island, floodplain elevations range from approximately 16 feet NAVD 1988 along the south side of SR 865 near Crescent Beach Family Park to 10 feet NAVD 1988 along the east side of the Matanzas Pass Bridge. On San Carlos Island, floodplain elevations range from approximately 13 feet NAVD 1988 along the west side of the Matanzas Pass Bridge to 9 feet NAVD 1988 at Buttonwood Drive. North of the Hurricane Pass Bridge, the floodplain elevation is approximately 12 feet NAVD 1988.

Flooding problems have been documented along the project limits. The first flooding location involves two curb inlets that flood regularly underneath the north end of the Matanzas Pass Bridge. This is anticipated to be resolved by replacing the adverse graded 15-inch pipe with a positively graded 18-inch pipe. The second flooding location is associated with the storm drain system located along Fisherman's Wharf, just south of Main Street. Fishermans Wharf should see an improvement with the addition of inlet (S-151) located in the proposed bus bay. The proposed improvements will more effectively drain all the Matanzas Pass Bridge runoff into inlet (S-151) located within the limits of the new bus bay; this will eliminate any excess runoff from draining into Fishermans Wharf.

Although the project is anticipated to occur primarily within the existing SR 865 right-of-way, some minor floodplain encroachment may be required to accommodate the proposed mobility improvements. These encroachments will be minimal as the proposed improvements follow the existing roadway and bridges within the coastal floodplain. Flood elevations and risks will not be increased since there are no proposed improvements that will be a significant change in roadway elevation from existing conditions. Due to the broad coastal nature of the local floodplain, no floodplain compensation measures are proposed.

Replacement drainage structures for this project are limited to hydraulically equivalent structures which are not expected to increase the backwater surface elevations. The limitations to the hydraulic equivalency being proposed are basically due to restrictions imposed by the geometrics of design, existing development, cost feasibility, or practicability. An alternative encroachment location is not considered since it does not meet the project's purpose and need or is economically unfeasible. Since flooding conditions in the project area are inherent in the topography or are a result of other outside contributing sources, and there is no practical alternative to eradicate flooding problems in any significant amount, existing flooding may be improved in some areas, but may continue in other areas. However, the proposed improvements will not result in adverse flooding or floodplain impacts in the project vicinity.

Furthermore, the project will not affect existing flood heights or floodplain limits. There will be no significant change in the potential for interruption or termination of emergency service or emergency evacuation routes as the result of construction of this project. Therefore, it has been determined that this encroachment is not significant.

5.5 Sole Source Aquifer

There is no Sole Source Aquifer associated with this project.

5.6 Water Resources

An evaluation to assess and document potential water quality and stormwater runoff impacts was completed for this project in accordance with the Clean Water Act (CWA), and other related federal and state environmental laws and regulations. The results of this evaluation are documented in the *Drainage Design Documentation* (May 2020), *Drainage Design Documentation for the Intersection Improvements for SR 865* (December 2020) and *Water Quality Impact Evaluation (WQIE)* (January 2021). These documents are available in the project file.

The project crosses Matanzas Pass (a Class II waterbody) and is adjacent to the Estero Bay Aquatic Preserve (an Outstanding Florida Water) at the Hurricane Pass Bridge. The project limits occur within the Everglades West Coast/Estero Bay Watershed. Water Body ID#s (WBIDs) 2065H1 and 3258A1 occur within the project limits. WBID 2065H1 is impaired for fecal coliform/bacteria while WBID 3258A1 is impaired for nutrients (total nitrogen).

The majority of the existing stormwater management system is comprised of closed storm drain systems that collect and convey roadway runoff through a network of pipes, eventually flowing to Matanzas Pass or to a permitted stormwater pond (wet detention Pond 1) located east of San Carlos Boulevard just off of Buttonwood Drive. The Matanzas Pass Bridge is drained by a combination of scuppers and barrier wall slots over the Matanzas Pass waterway and bridge deck inlets for all bridge spans located over existing roadways. The water from all existing deck inlets are routed through the existing pier columns and into the existing storm water system that ultimately discharges runoff to Matanzas Pass. The Hurricane Bay Bridge drains runoff off the bridge towards and into roadway inlets adjacent to both ends of the bridge.

The post-construction flow patterns for stormwater runoff are not anticipated to change significantly from the existing condition and most of the existing facilities will continue to be used, with minor adjustments as needed. The proposed project improvements will not increase pollutant loadings and will not result in a loss of stormwater quality treatment.

The proposed stormwater facilities have been designed to meet state water quality and quantity requirements as required by the SFWMD in Chapter 62-330, FAC, and the SFWMD's ERP Applicant's Handbook Volumes I and II. The SFWMD issued Individual Resource Permit #36-106279-P for the project on December 22, 2021. Water quality impacts resulting from erosion and sedimentation will be controlled in accordance with SFWMD ERP and FDEP National Pollutant Discharge Elimination System Permit requirements, a Storm Water Pollution Prevention Program (SWPPP), BMPs and adherence to the FDOT's *Standard Specifications for Road and Bridge Construction* (Section 104 "Prevention, Control, and Abatement of Erosion and Water Pollution"). Water quality impacts are not anticipated as a result of this project.

5.7 Aquatic Preserves

This project is within the boundaries of Estero Bay Aquatic Preserve. After coordination with the Florida Department of Environmental Protection (FDEP), it has been determined that the project will not have an impact on the Estero Bay Aquatic Preserve.

5.8 Outstanding Florida Waters

The east side of the Hurricane Pass Bridge is adjacent to the Estero Bay Aquatic Preserve. Per 62.302.700 (2)(f), F.A.C., waters in Aquatic Preserves are included as Outstanding Florida Waters (OFW). As all work on the Hurricane Pass bridge will occur on the existing bridge deck and no new drainage outfalls are proposed, this OFW will not be impacted by the proposed improvements.

5.9 Wild and Scenic Rivers

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

5.10 Coastal Barrier Resources

The following evaluation was conducted pursuant to the Coastal Barrier Resources Act of 1982 and the Coastal Barrier Act of 1990.

The project limits are outside (east) of the limits of Coastal Barrier Resource System (CRBS) Unit FL-67 (Bunche Beach). The Hurricane Pass Bridge is the closest project location to this CBRS unit/buffer zone but is over 800 feet away from (east of) this unit. The project limits also do not occur within a location designated as an "otherwise protected area". Therefore, this unit will not be affected and CBRS coordination with the USFWS is not required.

6. Physical Resources

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

6.1 Highway Traffic Noise

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

As defined in FHWA 23 CFR 772, and adopted by FDOT's PD&E 2020 Manual, this project will result in changes in the horizontal roadway geometry and is expected to meet FHWA and FDOT's definition of a "Type I" project for which traffic noise impacts and abatement measures are to be evaluated. A Noise Study Report (NSR) was prepared in March 2021 (available in the project file) for the proposed project using methodology established by the FDOT in the Traffic Noise Modeling and Analysis Practitioners Handbook. The NSR utilized the project design plans for the proposed improvements. The objectives of the NSR were to identify noise-sensitive sites adjacent to the project corridor, to evaluate the existing and future traffic noise levels at the sites with the proposed improvements, and to evaluate the need for and effectiveness of noise abatement measures. Additional objectives include the evaluation of construction noise and vibration impacts, and the identification of noise "contours", which are provided to assist local authorities in exercising land use control over the remaining undeveloped lands, so as to avoid development of lands for use by incompatible activities adjacent to the roadways within the local jurisdictions.

Predicted 2015 Existing, 2040 Design Year No-Build, and 2040 Design Year Build condition traffic noise levels were calculated using validated Traffic Noise Model (TNMv2.5) models for discrete noise-sensitive receptors (based on land use and activity categories) throughout the project corridor. The TNM propagates sound energy, in one-third octave bands, between highways and nearby receptors, taking into account the intervening ground's acoustical characteristics and topography, and rows of buildings. The study area was divided into 76 distinct noise sensitive common noise environments (CNEs) within the project limits (see NSR Appendix B). In addition to four field measurement sites, 249 receptor locations were modeled within these 76 CNEs. Substantial noise increase impacts (i.e., a >15 db(A) increase over existing conditions) are not predicted at any of these 249 receptors. A total of 73 CNEs were found to have no noise impacts for the proposed improvements. Three (3) CNEs consisting of ten receptors (comprised of Noise Abatement Criteria (NAC) land use categories B and E) were found to be impacted by the proposed improvements. Of the three impacted CNE's, one, CNE 37 (a two-story residential building unit at the Sportsman's Cove Yacht & Racquet Club) was determined to have an isolated impacted receptor. Abatement would not be feasible at this location as FDOT policy states that noise abatement must provide a benefit at a minimum of two impacted receptors per location.

Future 2040 build-condition noise levels were modelled to approach or exceed the applicable NAC for 4 receptors at CNE 26, which represents the Sunnyland Mobile Home Park adjacent to the northeastern quadrant of the SR 865/Main Street intersection on San Carlos Island. A potential noise barrier was analyzed for this CNE. Based on preliminary findings, it was determined that a 124-foot long and 8-foot tall noise barrier is needed in order to meet the feasible noise reduction criteria and reasonable noise reduction design goal. In examining this potential noise barrier in more detail, it was determined that factors such as existing utilities, right of way acquisition, drainage, and maintenance of the noise barrier would be factors that may impact the feasibility by requiring additional costs. A more detailed cost estimate was completed of the items needed for the CNE 26 potential noise barrier that would be additional from the highway improvement project.

These items include removal and replacing of the existing sidewalk for construction purposes, drainage needs, right of way acquisition, and utility relocation, if deemed necessary.

A noise barrier 8 to 16 feet in height, located approximately 12 feet from the existing edge of pavement within the right of way, meets the feasible and reasonable insertion loss criteria. However, with these additional items, the total cost of the noise barrier is $288,501.69. Based on two benefited receptors, the reasonable cost effectiveness criteria is exceeded with a cost per benefited receptor of $144,250.84, which exceeds FDOT's cost-feasible threshold of less than $42,000 per benefited receptor.

CNE 42 represents the Maria's Smokehouse and Seafood screened dining area enclosure and is located on the southbound side of SR 865, north of Hurricane Pass. 2040 future build-condition hourly equivalent sound levels meet or exceed the applicable NAC at 5 noise-sensitive receptors within the outdoor dining area.

A noise barrier was evaluated following FDOT Special Land Use procedures. The noise barrier at heights ranging from 8-22 ft. would provide a benefit to all of the impacted area and meet the noise reduction design goal. For a 10 ft. noise barrier to be cost reasonable, 41 people need to use the facility per day for one hour. The seating capacity of the screened in dining area is about 40 persons; with about 10 tables and 40 chairs for accommodating patrons. It is assumed that the dining area has 10 persons per hour during both the lunch hours of 11 am to 1 pm and dinner hours of 5 pm to 7 pm. Therefore, it is possible for the person hours requirement to be met at every noise barrier height.

To meet safety requirements, such as access sight distance, a set back from each access point would be needed to provide horizontal sight distance of a stopped vehicle being able to view traffic on the mainline and safely proceed onto SR 865. In addition, in order to meet clear zone safety requirements, the noise barrier would need to be constructed along the backside of the sidewalk. This would place the potential noise barrier approximately 4 feet from the front of the building. The proximity to the building would require substantial impacts to the building during construction. Therefore, construction of the noise barrier would not be feasible without impacting the building. In addition, factors such as existing utilities, right of way acquisition, drainage, and maintenance of the noise barrier could impact the feasibility and would require additional costs.

Based on the noise analyses performed to date, there are no feasible and reasonable solutions available to mitigate the noise impacts at CNEs 26, 37 and 42. No noise barriers are recommended for further consideration.

The predominant construction activities associated with the SR 865 improvement project are expected to be earth removal, hauling, grading, and paving. Construction vehicles and activities such as usage of impact hammers (jack hammers, hoe rams, etc.) may create sporadic, temporary, but disruptive construction noise and/or vibration impacts to nearby sensitive receptors. Construction of the proposed project may cause temporary noise and/or vibration impacts to nearby developed land uses. If additional land uses are developed in the vicinity of the proposed project prior to construction, then additional construction noise and vibration impacts could occur. It is anticipated that application of the FDOT's *Standard Specifications for Road and Bridge Construction* will minimize potential construction noise and vibration impacts. However, should unanticipated noise or vibration concerns, issues, or impacts arise during project construction, the Project Manager, in concert with the District Noise Specialist and the Contractor, will investigate additional methods of controlling these impacts.

6.2 Air Quality

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

6.3 Contamination

A Level I contamination evaluation was conducted for the study and a *Contamination Screening Evaluation Report* (CSER) (revised January 2021) was prepared under separate cover (included in the project file) pursuant to FHWA's Technical Advisory T 6640.8A. The Level I assessment was conducted to identify and evaluate sites containing hazardous materials, petroleum products, or other sources of potential environmental contamination along the SR 865 project corridor. The CSER included standard environmental site assessment practices of reviewing records of regulatory agencies, site reconnaissance, literature review, and personal interviews of individuals and business owners within the limits of the project. For purposes of this report, the contamination study area encompasses the right of way and properties within 500 feet of the corridor, non-landfill solid waste sites within 1,000 feet, and Superfund sites within one-half mile of the project.

Based on a document and site review, a total of 17 sites were identified for potential contamination involvement within and adjacent to the project study area. Of these, 8 sites were ranked "High", 1 site was ranked "Medium", 6 sites were ranked "Low" and 2 sites were ranked "No Risk" for potential contamination. A table summarizing these sites is provided below. The below table and a map depicting these sites along with applicable information for each are included in the **Physical Resource Attachments.** More detailed information for each facility is provided in the CSER.

Potential Contamination Sites								
Map ID	Facility Name	Address	Folio No.	Risk Rating	Soil/ Groundwater	Distance from Proposed Improvements	Potential Contamination Type	Reason for Risk Rating
1	Waffle House Restaurant (Proposed)	1167 Estero Blvd	10228379	Low	Soil	225 feet east of ROW	Petroleum	FDEP issued No Further Action in September 1998
2	Exxon #6719	1113 Estero Blvd	10127298	High	Soil & Groundwater	0 ft	Petroleum	Documented groundwater plume
3	West Coast Surf Shop	1035 Estero Blvd	10127306	High	Groundwater	Adjacent	Petroleum	Documented groundwater plume
4	Matanzas Inn	414 Crescent St	10228393	Low	Soil & Groundwater	100 feet east of ROW	Kerosene/ Heating Oil	Documented groundwater plume but roadway is elevated above the contamination
5	Dockside Sports Club	1130 First St	10127274	Low	Soil & Groundwater	Adjacent	Petroleum	FDEP issued a Site Rehabilitation Completion Order (SRCO) in November 2010
6	Holiday Cleaners	441 San Carlos Blvd	10127270	Low	Unknown	200 feet west of ROW	Solvents	Uncertainty with drycleaning solvents but roadway is elevated above the potential contamination
7	Diversified Yacht Services, Inc	703 Fisherman's Wharf	10126878	Low	Soil & Groundwater	Adjacent	Petroleum	FDEP issued SRCO in December 2020
8	US Coast Guard Station	719 San Carlos Blvd	10126756	Low	Soil	300 feet west of ROW	Petroleum	FDEP issued SRCO in October 1996
9	Gulf Star Marina	708 Fisherman's Wharf	10126850	High	Soil & Groundwater	Adjacent	Petroleum	Documented groundwater plume
10	Olsen Marine	1100 Main Street	10126753	No Risk	NA	300 feet west of ROW	Petroleum	Contamination not documented
11	Lee County WW Collection Pump Station #263	806 South Street	10126817	No Risk	NA	250 feet west of ROW	Petroleum	Contamination not documented
12	Citgo San Carlos	19201 San Carlos Blvd	10126854	High	Soil & Groundwater	Adjacent	Petroleum	Documented groundwater plume
13	Texaco- AFA	19003 San Carlos Blvd	10126858/ 10126859	High	Soil & Groundwater	Adjacent	Petroleum	Documented groundwater plume
14	Deebolds Marina	18500 San Carlos Blvd	10124052	High	Soil & Groundwater	Adjacent	Petroleum	Uncertainty with nature and extent
15	Getaway Marina, LLC	18400 San Carlos Blvd	10124050	Medium	Soil	Adjacent	Petroleum	FDEP issued No Further Action in April 1992
16	Bridge 120088, SR 865 over Matanzas Pass	No street address, San Carlos Blvd	None	High	Bridge components	0 ft	Asbestos	Possible asbestos containing materials
17	Bridge 120089, SR 865 over Hurricane Bay	No street address, San Carlos Blvd	None	High	Bridge components	0 ft	Asbestos, Metals-based paint	Possible asbestos containing materials. Known metals-based paint

For the sites ranked "Low" and "No Risk" no further action is required at this time. These sites/facilities have the potential to impact the proposed project, based on select variables these have been determined to have low risk to the project at this time. Variables that may change the risk ranking include a facility's non-compliance to environmental regulations, new discharges to the soil or groundwater, and modifications to current permits. Should any of these variables change, assessment of these facilities shall be conducted during subsequent project development phases.

All High and Medium risk sites are directly adjacent to the proposed improvements. A portion of the "High"-risk parcel identified at 1113 Estero Boulevard (former Exxon #6719) will be used for the Seafarer's Alternative (reconstruction of the Estero Boulevard/Fifth Street intersection). The West Coast Surf Shop parcel (1035 Estero Boulevard) is also a "High"-risk site immediately adjacent to this intersection reconstruction. No ROW will be acquired from this parcel or any other "High" or "Medium" sites along the project limits. For those locations with a risk ranking of "High" or "Medium", the FDOT will conduct Level II screening prior to construction commencement if it is determined during the project's design that construction activities could be in their vicinity or if the site will be subject to right-of-way acquisition. Future project design plans will contain marked contamination polygons and general notes as applicable. The FDOT will oversee any remediation activities necessary.

Based on the work proposed for the Matanzas Pass and Hurricane Pass bridges, a National Emission Standards for Hazardous Air Pollutants (NESHAP) asbestos survey and screening for metals-based coatings (MBCs) were conducted for each bridge as part of this PD&E study (see Appendices A and B within the CSER included within the SWEPT project file). Although testing found no asbestos-containing materials (ACMs), bridge plans for both bridges indicate there may be asbestos-containing components that were inaccessible for testing. Although no intrusive bridge work is proposed, ACMs may be encountered during construction. No metal components with suspect metals-based coatings were identified by the survey for the SR 865 bridge over Matanzas Pass. However, the survey for the SR 865 bridge over Hurricane Bay indicated metals-based coatings were identified in the paint chip sample collected from the blue water pipeline along the west side of the bridge. With the proposed improvements remaining within the limits of the existing Hurricane Pass bridge, this water pipeline is not anticipated to be impacted.

Based on the results of these asbestos surveys, no further testing is recommended at this time. It should be noted that suspect materials, in addition to those identified during this survey could exist within the structure in areas not accessible to inspectors at the time of the survey. Should suspect materials other than those which were identified during this survey be uncovered during the renovation or demolition process, those materials should be assumed to be ACM until sampling and analysis can confirm or refute their asbestos content. Please see the attached *CSER* and *Seafarer Alternative Contamination Memorandum* for additional information.

6.4 Utilities and Railroads

Utilities

Utility identification was conducted with the use of as-built plans, field reconnaissance and Sunshine 811. Quality Level B designation of underground utilities will take place during final design. Potential locations of underground utility conflicts will be confirmed with Quality Level A test hole investigation during final design.

Roadway lighting is provided by internal conduits located within each concrete barrier and an external ITS/fiber conduit runs longitudinally along the east overhang of the bridge. However, existing sub-aqueous utilities have been identified in the vicinity to the western limits of the existing bridge. All located utilities and applicable Utility Agent Owners (UAOs) are listed below:

- 20" HDPE Force Main - Lee County Utilities
- Gas Line - TECO Peoples Gas
- 18" HDPE Water Main - Town of Fort Myers Beach
- High Voltage Cable - Florida Power & Light (FPL)
- Fiber Optic Cable - Comcast, Century Link and Summit Broadband

Due to the proposed construction only occurring within the existing Matanzas Pass Bridge deck, these utilities are not anticipated to be affected. All planned concrete barriers will include embedded conduits for the project's proposed ITS system and roadway lighting. Summit Broadband has requested a minimum of 1" - 2" diameter conduit to extend along the length of the bridge. As the project develops to final design, all conduit requests are being coordinated with FDOT and structure details will be provided as necessary to allow for adequate conduit runs.

Externally mounted utilities on the Hurricane Pass Bridge will be undisturbed. Comcast and Century Link have facilities inside conduits embedded in the bridge deck. Dowels for the proposed barrier separating the travel lanes from the new pedestrian path will not damage the existing embedded conduits.

Proposed lighting and signal mast arms will be reviewed for compliance with OSHA and NEC requirements for minimum offset from energized lines during final design. Light poles may require special design pole-arm combination to avoid overhead energized lines.

Proposed work at the Fifth Street intersection, Main Street intersection, and Prescott Street/Buttonwood Drive intersection pose the potential for underground utility conflicts with drainage installations, light pole foundations, or signal pole foundations.

With the reconfiguration of the Fifth Street intersection, Lee County requires existing PVC mains beneath new roadways, turn lanes, acceleration lanes, deceleration lanes, or driveways to be encased in split steel casing pipe with bell restraints and casing spacers. A determination on constructing the casings under a Utility Work by Highway Contractor Agreement will be made during final design.

Project design will seek to avoid and minimize impacts to existing utilities and the FDOT's coordination with potentially affected utility owners will continue throughout the Design and Construction phases. Disruptions to service and utility relocations will be minimized to the greatest extent feasible.

Railroads

There are no railroads in the vicinity of the project study area.

6.5 Construction

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.

Entrances to local residences and businesses will be maintained to the maximum extent possible during project construction. A Maintenance of Traffic (MOT) plan will be developed during final design for the implementation of the proposed improvements.

Adherence to agency applicable permit conditions and the implementation of BMPs during project construction will reduce or eliminate turbidity, erosion, and sedimentation into adjacent wetlands and surface waters found along the project corridor. The BMPs will prevent water quality degradation to surrounding or nearby waters during construction activities. The level of impact is not significant.

If additional land uses are developed in the vicinity of the proposed project prior to construction, then additional construction noise and vibration impacts could occur. It is anticipated that application of the FDOT's *Standard Specifications for Road and Bridge Construction* will minimize potential construction noise and vibration impacts. However, should unanticipated noise or vibration concerns, issues, or impacts arise during project construction, the Project Manager, in concert with the District Noise Specialist and the Contractor, will investigate additional methods of controlling these impacts.

7. Engineering Analysis Support

The engineering analysis supporting this environmental document is contained within the 433726-2-32 Final Preliminary Engineering Report.

8. Permits

The following environmental permits are anticipated for this project:

State Permit(s)	Status
DEP or WMD Environmental Resource Permit (ERP)	Permit received
DEP Coastal Construction Control Line Permit	To be acquired
DEP National Pollutant Discharge Elimination System Permit	To be acquired

Permits Comments

The SFWMD issued Individual Resource Permit #36-106279-P for the project on December 22, 2021.

The portion of the Seafarer's Alternative improvements along Estero Blvd. between Crescent Street and 10th Street will require a Coastal Construction Control Line (CCCL) Permit from the FDEP and will be obtained during the Design phase. A Sea Level Impact Projection (SLIP) Study will be completed prior to construction and posted on the FDEP website.

Matanzas Pass and Hurricane Bay are Sovereign Submerged Lands (SSLs) owned by the State of Florida's Trustees of the Internal Improvements Trust Fund and managed by the FDEP. All proposed work at both waterways will occur within the limits of the existing bridge decks and existing SSL easements. SSL easement modifications are not anticipated.

9. Public Involvement

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

Summary of Activities Other than the Public Hearing
Through the ETDM process (project #14124), FDOT informed numerous federal, state, and local agencies of the project and its scope. The ETAT provided their comments on the project's purpose and need and issued their Degree of Effect (DOE) by resource area. Upon completion of the ETDM Programming Screen review, the *Programming Screen Summary Report* was developed and published on April 30, 2015 with FDOT's response to each DOE as well as discussion about the overall project. As a result of the ETDM screening, there were no substantial comments received.

The public were engaged through the methods outlined in the *Community Awareness Plan*(CAP)(July 2019) for the project. Prior to each public meeting, newspaper advertisements and Florida Administrative Register notices were published to inform the public of upcoming opportunities for comment and review of project materials. Meeting invitations were mailed to elected and appointed officials, state, federal, and ETAT agencies, Native American Indian Tribes, non-government officials, interested persons and property owners. Press releases were also distributed. An original property owners list was developed from information in the property appraiser's website for Lee County. This list was updated as requests were received by citizens to be added to the list, either through the project website, or through meeting with citizens and business owners within the project area throughout the course of the study. Presentations were provided to the agencies listed below in accordance with the CAP.

Meeting/Presentation	**Date**
Intergovernmental Stakeholder Kickoff Meeting	July 24, 2019
Fort Myers Beach Town Council Project Update	October 29, 2019
Fort Myers Beach Town Council Project Update	March 2, 2020
Intergovernmental Stakeholder Coordination Meeting	April 10, 2020
Presentation to the CAC and TAC	May 7, 2020
Presentation to the MPO Board	May 15, 2020
Presentation to the BPCC Advisory Committee	May 26, 2020
Presentation to the TMOC Advisory Committee	June 10, 2020
Seafarer's Alternative Partnering Meeting	October 2, 2020
San Carlos Blvd. Landscape Architecture Meeting	October 30, 2020
Seafarers / Margaritaville / Times Square Coordination Meeting	January 13, 2021
Phase IIR Design Conference Meeting	March 25, 2021
Seafarers / Margaritaville / Times Square Project Coordination	August 6, 2021
Fort Myers Beach Seafarer's Landscape Coordination Meeting	August 19, 2021
Lee County Seafarer's Landscape Coordination Meeting	August 26, 2021
Fort Myers Beach Town Council - Project Update	September 16, 2021
Presentation to the MPO TAC	January 6, 2022
Presentation to the MPO CAC	January 6, 2022
Presentation to the Fort Myers Beach City Council	January 13, 2022

Presentation to the MPO Board	January 21, 2022
Presentation to the MPO BPCC	January 25, 2022
Presentation to the MPO TMOC	March 9, 2022

Additional details regarding the project's public involvement efforts are found in the December 2018 Operational Analysis Report and Comments and Coordination Report, which are available in the project file.

Date of Public Hearing: 02/03/2022

Summary of Public Hearing

A public hearing was held on February 3, 2022 from 5:00 pm to 7;00 pm at Chapel by the Sea Presbyterian Church, 100 Chapel Street, Fort Myers Beach, Florida 33931. The purpose of the hearing was to provide interested persons with information on the Preferred Alternative selected by the FDOT, and to allow the public the opportunity to comment. A total of 79 people signed into the in-person event and 20 people joined online through the GoTo Webinar. A total of thirteen attendees spoke at the hearing, with twelve speaking in-person and one speaking online. Within the formal comment period, 30 comments were submitted to the project team. Top concerns among attendees included: 1) reducing the number of proposed crosswalks within the Seafarers Alternative, 2) not removing the existing alternating signal at Buttonwood Drive, 3) requests for alternative pedestrian management solutions, 4) bicyclist/pedestrian safety; and 5) maintenance of emergency response. Additional comments addressed: 1) the proposed operational improvement at the San Carlos Blvd./Main Street intersection, 2) requests for more signage or revised locations, and 3) traffic flow and turn lane management. Several other comments addressing issues not within the project's current scope included: widening of the Matanzas Pass Bridge for added capacity; additional parking and transit opportunities, additional police-facilitated traffic control and the potential addition of tolls. As documented in the project's *Comments and Coordination Report*, the FDOT provided responses to the comments received. Each comment was evaluated and incorporated into the project to the extent feasible per FDOT's design and safety standards and other project environmental considerations. A certified public hearing transcript was prepared and is included in the **Public Involvement Attachment** at the end of the document.

10. Commitments Summary

1. The FDOT will coordinate further with Lee County Parks and Recreation for the removal and relocation/replacement of existing park signage, landscaping, and sprinkler irrigation system within the impacted area along the northern edge of the Crescent Beach Family Park.
2. Construction staging will not occur at the Matanzas Pass Bridge North Fishing Pier and parking areas and pier access will remain open to the public.
3. Based on the use of Consultation Key couplet 12b to reach a MANLAA-Programmatic effect determination, the FDOT commits to implementing Florida Bonneted Bat BMPs 1, 3, 4 and 5 for this project.

11. Technical Materials

The following technical materials have been prepared to support this environmental document.

433726-2 CulturalResourceAssessmentSurvey_March2020
433726-2 CRAS Addendum_October 2020
433726-2 Drainage Design Documentation
433726-2 WQIE_01152021
433726-2 Drainage Memo 12_2020
433726-2 Natural Resources Evaluation Report Final
433726-2 Contamination Screening Evaluation Report 2021-01-14
433726-2 Noise Study Report (NSR)
43372623201 Contamination Memorandum-Seafarer Alternative
433726-2 Matanzas Pass Final Bridge Development Report
433726-1 SR 865 Final Project Traffic Report December 2018
433726-2 BTM_Final_Hurricane Bay Bridge_120089_20200508
433726-2 Drainage Design Documentation
433726-2 Drainage Memo 12_2020
433726-2 Pavement Evaluation - February 2020
433726-2 SR 865 Preliminary Geotechnical Roadway Report
433726-2-32 Final Preliminary Engineering Report
433726-2 SR 865 Community Awareness Plan w/ Attachs
433726-2-32-01 Comments & Coordination Report

Attachments

Project Information
Attachment A_433726-1_Type 2 CE_Figures 1-2 to 1-5(V2)

Planning Consistency
433726-2 Project Plan Consistency Documentation

Cultural Resources
433726-2 SHPO Concurrence Letter_4_13_2020
433726-2 SHPO Concurrence Letter_11_17_20
433726-2 Seafarers Parcel 4f SOS_Lee Co Signed
433726-2 Estero _Bonita_Trl 4f SOS_Lee Co Signed
Section 4(f) Report

Natural Resources
433726-2 NRE_NMFS response
433726-2 NRE_FWC response
433726-2 NRE_USEPA_comments
433726-2 FBB-Programmatic Key Excerpt
433726-2 USFWS Species Concurrence Letter

Physical Resources
433726-2-32-01 Contamination Sites Map
433726-2-32-01 Contamination Table

Public Involvement
433726-2 Public Hearing Transcript
Public Hearing Certification Documentation

Project Information Appendix

Contents:

Figure 1-2. Typical Section of the Matanzas Pass Bridge improvements.

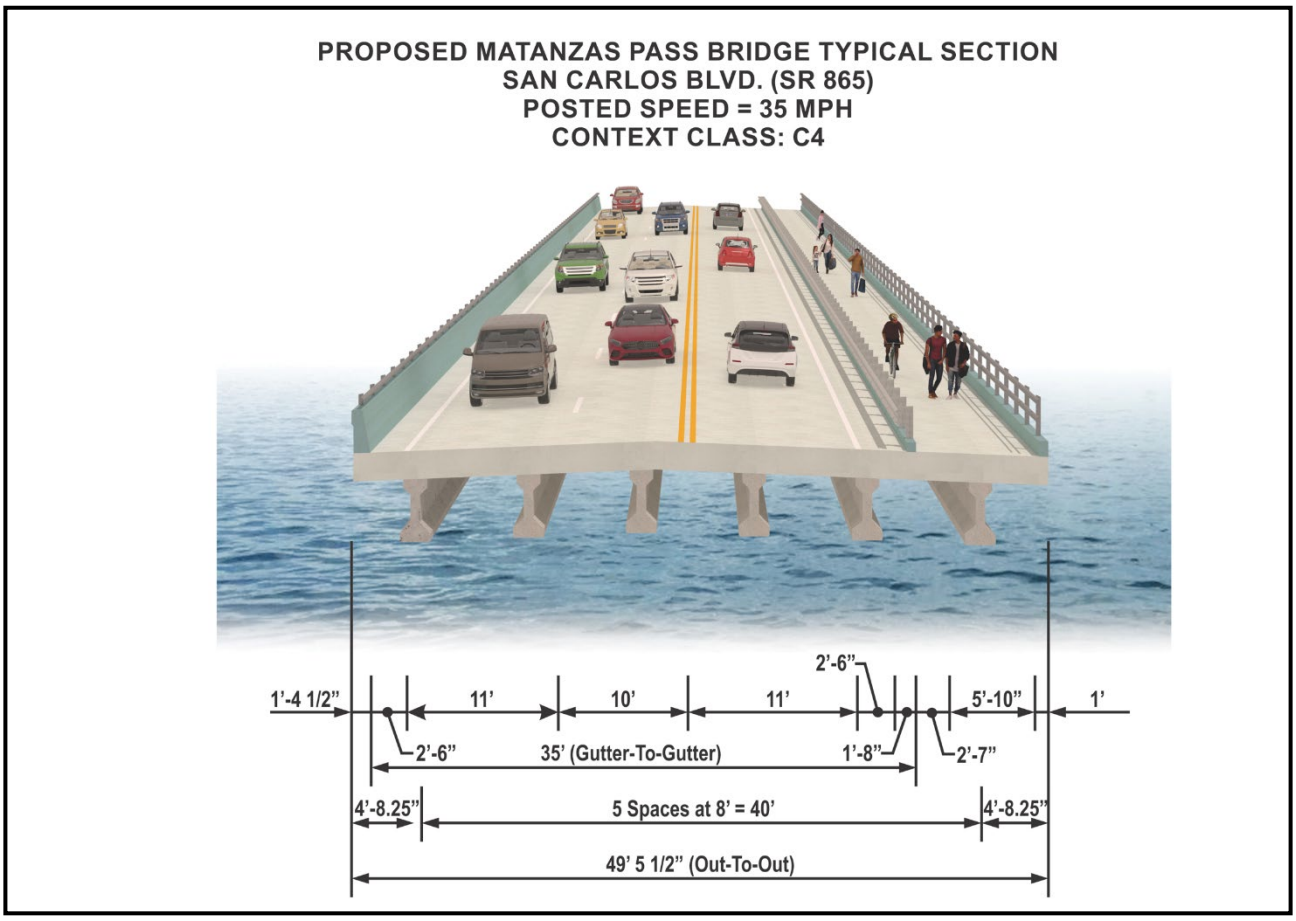


Figure 1-3. Typical Section of the SR 865 (San Carlos Boulevard) improvements from Main Street north to Hurricane Pass Bridge.

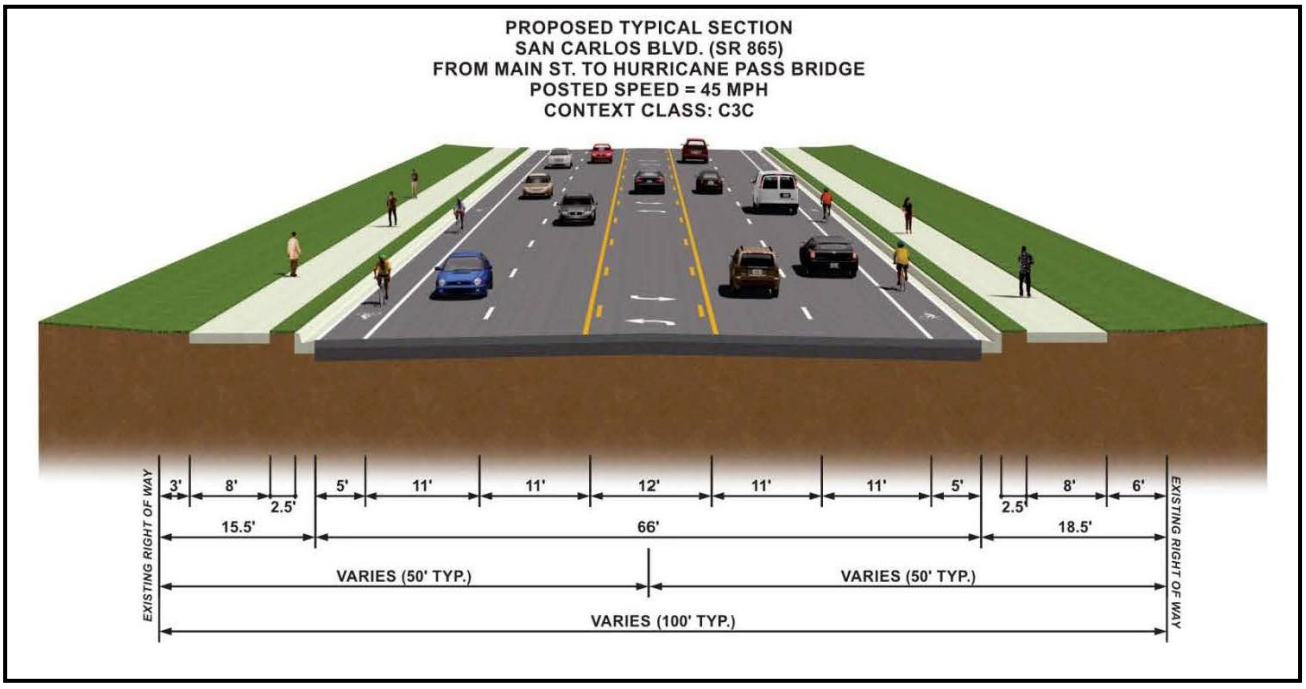


Figure 1-4. Typical Section of the proposed Hurricane Pass Bridge improvements.

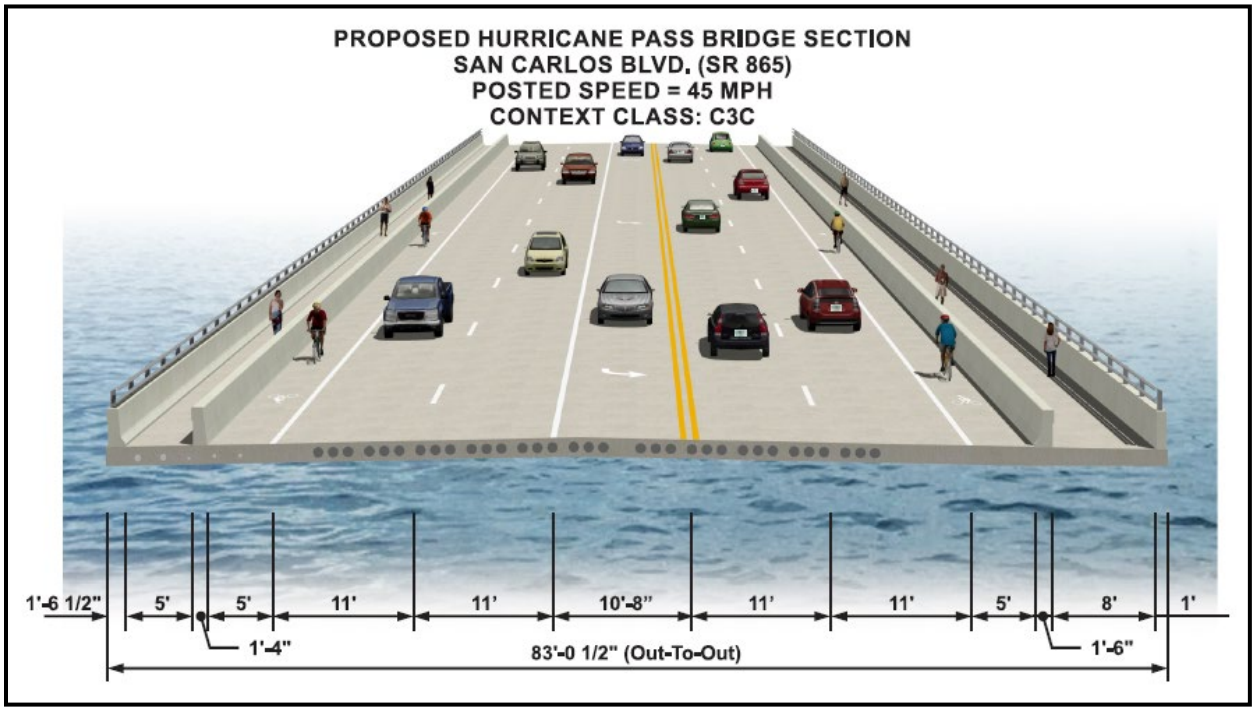
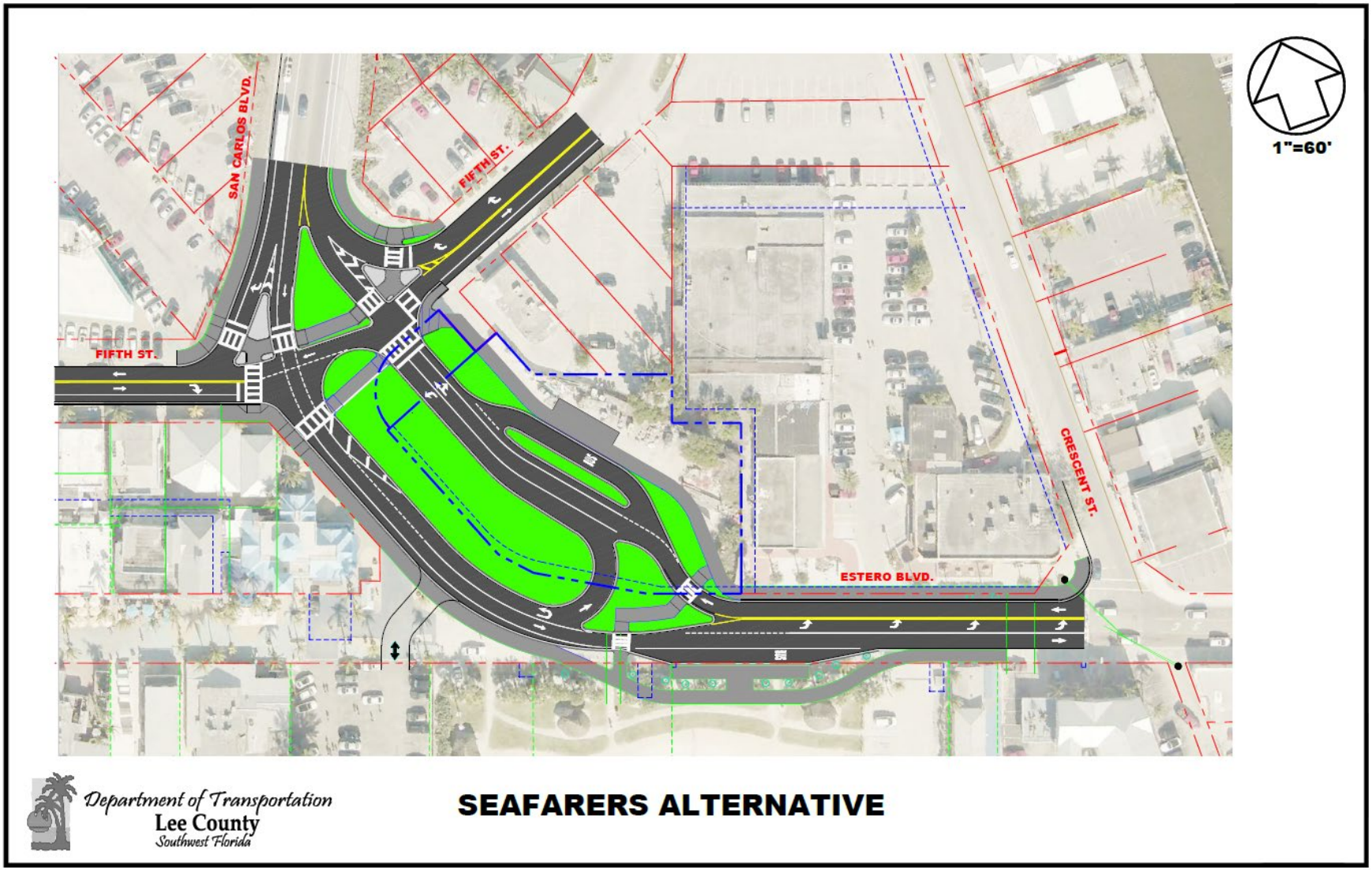


Figure 1-5. Seafarers Alternative intersection improvements concept.



Planning Consistency Appendix

Contents:

433726-2 Project Plan Consistency Documentation

LEE COUNTY MPO
METROPOLITAN PLANNING ORGANIZATION

Lee County Metropolitan Planning Organization

Long Range Transportation Plan

Adoption December 18, 2020

List of Tables

Table 5-9: Cost Feasible Projects: State/Other Arterial/ Federal SU Funded Road Projects ($1,000)

Road Name	From	To	Improvement	Phase	2021-2025	2026-2030	2031-2035	2036-2045	Total Cost (YOE)	Total Cost (PDC)	Funding Sources
Countywide Signal System Updates, Final Phase			ITS	PE		$1,500	$0	$0	$1,500	$1,200	SU, SA, DDR
Countywide Signal System Updates, Final Phase			ITS	CST		$10,730	$0	$0	$10,730	$8,000	SU, SA, DDR
Metro Parkway	South of Daniels Parkway	Winkler Avenue	Widen 4L to 6L/CFI	ROW	$18,070	$0	$0	$0	$18,070	$18,070	DDR, DS,DIH
Metro Parkway	South of Colonial Blvd	Winkler Avenue	Widen 4L to 6L/CFI	CST		$49,620	0	$0	$49,620	$37,700	OA
Metro Parkway	South of Daniels Parkway	North of Daniels Parkway	CFI	CST		$27,620	0	$0	$27,620	$20,900	OA
Metro Parkway	North of Daniels Parkway	South of Colonial Blvd.	Widen 4L to 6L	CST		$37,820	0	$0	$37,820	$28,650	OA
Big Carlos Bridge Replacement Repayment			Reconstruct Bridge	CST	$8,500	$16,500	$0	$0	$25,000	$21,000	SU/SA
San Carlos Boulevard	Estero Blvd	Summerlin Road	Intersection Improvements	CST	$5,990	$0	$0	$0	$5,990	$5,990	SU/TALU
Old US 41	Collier County Line	Bonita Beach Road	Add Lanes & Reconstruct	PE		$2,640	$0	$0	$2,640	$2,110	SU
Old US 41	Collier County Line	Bonita Beach Road	Add Lanes & Reconstruct	ROW		$5,800	$0	$0	$5,800	$4,880	SU
Old US 41	Collier County Line	Bonita Beach Road	Add Lanes & Reconstruct	CST		$0	$22,170	$0	$22,170	$14,300	SU
US 41 at Six Mile Cypress			Intersection Improvements	PE		$4,690	$0	$0	$4,690	$3,553	OA
US 41 at Six Mile Cypress			Intersection Improvements	ROW		$0	$7,560	$0	$7,560	$4,880	OA
US 41 at Six Mile Cypress			Intersection Improvements	CST		$0	$39,430	$0	$39,430	$29,870	OA
SR78	W. of Santa Barbara	24th Avenue	Widen 4L to 6L	PD&E		$0	$3,090	$0	$3,090	$2,190	OA
SR 78	W. of Santa Barbara	24th Avenue	Widen 4L to 6L	PE		$0	$9,270	$0	$9,270	$6,000	OA
SR 78	W. of Santa Barbara	24th Avenue	Widen 4L to 6L	CST		$0	$0	$81,080	$81,080	$43,710	OA
SR 78	I-75	SR 31	Widen 2L to 4L	PE		$3,080	$0	$0	$3,080	$2,330	OA
SR 78	I-75	SR 31	Widen 2L to 4L	ROW		$0	$6,770	$0	$6,770	$4,370	OA
SR 78	I-75	SR 31	Widen 2L to 4L	CST		$0	$25,860	$0	$25,860	$16,700	OA
SR 78	Old US 41	Slater Road	Widen 4L to 6L	PD&E		$0	$1,920	$0	$1,920	$1,360	OA
SR 78	Old US 41	Slater Road	Widen 4L to 6L	PE		$0	$0	$8,360	$8,360	$4,080	OA
SR 78	Old US 41	Slater Road	Widen 4L to 6L	CST		$0	$0	$50,400	$50,400	$27,200	OA

Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

KEVIN J. THIBAULT, P.E.
SECRETARY

March 26, 2021

Mr. Don Scott, Executive Director
Lee Metropolitan Planning Organization
815 Nicholas Parkway East
Cape Coral, FL 33990

RE: **Request for Modification to the Lee Metropolitan Planning Organization's Fiscal Years 2020/2021 through Fiscal Years 2024/2025 Transportation Improvement Program (TIP)**

Dear Mr. Scott:

The letter is a formal request for the Lee Metropolitan Planning Organization (MPO) to process the following Modification for FPN 433726-2 to the FY2020/21 – FY2024/25 Transportation Improvement Plan (TIP).

Additionally, please do a text modification for your 2045 LRTP to reflect these updates as well.

There have been several updates to the below project since it was originally placed into your current TIP and these updates need to be processed for planning consistency as well as transparency. The below chart exemplifies the needed funding updates and please also update the project description and project length to the following:

Updated Project Description: **SR 865 (San Carlos) from N Crescent St to N of Hurricane Pass Bridge**
Updated Project Length: **1.149**

FPN Number	Federal Project Description	Phase	Amount	Funding Type	Fiscal Year	Comments
433726-2	SR865 (San Carlos) from N Crescent St to N of Hurricane Pass Bridge	Const.	$4,951,268.	SU	**2023**	CST Funding added during our last tentative WP Cycle
433726-2	SR865 (San Carlos) from N Crescent St to N of Hurricane Pass Bridge	Const.	$367,344.	TALU	**2023**	CST Funding added during our last tentative WP Cycle

433726-2	SR865 (San Carlos) from N Crescent St to N of Hurricane Pass Bridge	Const	2,756,329	ACSU	**2023**	CST Funding added during our last tentative WP Cycle
433726-2	SR865 (San Carlos) from N Crescent St to N of Hurricane Pass Bridge	Const	$400,000	LF	**2023**	CST Funding added during our last tentative WP Cycle

you have any questions, please feel free to contact me at (239) 872-5904.

Sincerely,

DocuSigned by:
Victoria Peters
BBDEB55AB69A48A...
3/26/2021 | 4:22 PM EDT

Victoria G Peters
Planning Specialist III; Community Liaison

VGP:vgp

cc: Carlos A Gonzalez, Federal Highway Administration
Mark Reichert, Florida Department of Transportation
Denise Strickland, Florida Department of Transportation
Wayne Gaither, Florida Department of Transportation
D'Juan Harris, Florida Department of Transportation
Nicholas Reid, Florida Department of Transportation

TRANSPORTATION IMPROVEMENT PROGRAM

FISCAL YEAR 2021/22 THROUGH FISCAL YEAR 2025/26

Adopted: June 18, 2021

P.O. Box 150045
Cape Coral, Florida 33915
239-244-2220
www.leempo.com

"The preparation of this report has been financed in part through grant[s] from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the State Planning and Research Program, Section 505 [or Metropolitan Planning Program, Section 104(f)] of Title 23, U.S. Code. The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation."

Table of Contents

SR 865 (SAN CARLOS) FROM N CRESCENT ST TO N OF HURRICANE PASS BRIDGE

Project Number: 4337262 **Non-SIS**

From: N. Crescent Street **Work Summary:** INTERSECTION IMPROVEMENT

To: N. of Hurricane Pass Bridge

Lead Agency: MANAGED BY FDOT **Length:** 1.149

LRTP #: Page 5-17, Table 5-9

Phase	Fund Source	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CST	LF	400,000	0	0	0	0	**400,000**
CST	ACSU	2,756,329	0	0	0	0	**2,756,329**
CST	SU	4,951,268	0	0	0	0	**4,951,268**
CST	TALU	367,344	0	0	0	0	**367,344**
Total		**8,474,941**	**0**	**0**	**0**	**0**	**8,474,941**

Prior Cost < 2021/22: 2,950,616
Future Cost > 2025/26: 0
Total Project Cost: 11,425,557
Project Description:

Nicholas Reid

From: Peters, Victoria <Victoria.Peters@dot.state.fl.us>
Sent: Tuesday, March 29, 2022 8:22 PM
To: Nicholas Reid
Subject: FW: FPN 433726-2 SR 865 (San Carlos Blvd.) from Crescent Street to North of Hurricane Pass Bridge

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

HI Nick, FYI below for planning consistency support for FPN 433726…

Thank you always for all of your help!!

Victoria 😊

From: Don Scott <dscott@Leempo.com>
Sent: Tuesday, March 29, 2022 3:39 PM
To: Peters, Victoria <Victoria.Peters@dot.state.fl.us>
Subject: FPN 433726-2 SR 865 (San Carlos Blvd.) from Crescent Street to North of Hurricane Pass Bridge

For the Lee MPO's TIP, Project Number 433726-2-32-01, SR 865 (San Carlos Blvd.) from N. Crescent Street to N. of Hurricane Pass Bridge, will become part of the adopted TIP with Construction funded in FY 2023 after the roll forward report occurs at the beginning of the new fiscal year. Please feel free to contact me with any questions.

Florida Department of

TRANSPORTATION

Web Application

Federal Aid Management Cynthia Lorenzo - Manager

STIP Project Detail and Summaries Online Report

**** Repayment Phases are not included in the Totals ****

Selection Criteria	
Current STIP **Financial Project:**433726 _ **As Of:**3/3/2022	**Detail** **Related Items Shown**

Item Number: 433726 2 **Project Description:** SR 865 (SAN CARLOS) FROM N CRESCENT ST TO N OF HURRICANE PASS BRIDGE

District: 01 **County:** LEE **Type of Work:** INTERSECTION IMPROVEMENT **Project Length:** 1.149MI

		Fiscal Year						
Phase / Responsible Agency		**<2022**	**2022**	**2023**	**2024**	**2025**	**>2025**	**All Years**
PRELIMINARY ENGINEERING / MANAGED BY FDOT								
Fund Code:	ACSU-ADVANCE CONSTRUCTION (SU)	98,248	786					**99,034**
	DDR-DISTRICT DEDICATED REVENUE	53,142						**53,142**
	DS-STATE PRIMARY HIGHWAYS & PTO	241,925						**241,925**
	SU-STP, URBAN AREAS > 200K	2,579,260	49,869					**2,629,129**
	Phase: PRELIMINARY ENGINEERING Totals	**2,972,575**	**50,655**					**3,023,230**
CONSTRUCTION / MANAGED BY FDOT								
Fund Code:	ACSU-ADVANCE CONSTRUCTION (SU)			4,175,667				**4,175,667**
	DS-STATE PRIMARY HIGHWAYS & PTO	21,956						**21,956**
	LF-LOCAL FUNDS			410,800				**410,800**
	SU-STP, URBAN AREAS > 200K			3,255,399				**3,255,399**
	TALU-TRANSPORTATION ALTS->200K			364,032				**364,032**
	Phase: CONSTRUCTION Totals	**21,956**		**8,205,898**				**8,227,854**
	Item: 433726 2 Totals	**2,994,531**	**50,655**	**8,205,898**				**11,251,084**
	Project Totals	**4,306,790**	**90,154**	**8,205,898**				**12,602,842**
	Grand Total	**4,306,790**	**90,154**	**8,205,898**				**12,602,842**

Cultural Resources Appendix

Contents:

433726-2 SHPO Concurrence Letter_4_13_2020
433726-2 SHPO Concurrence Letter_11_17_20
433726-2 Seafarers Parcel 4f SOS_Lee Co Signed
433726-2 Estero _Bonita_Trl 4f SOS_Lee Co Signed
Section 4(f) Report

Florida Department of Transportation

RON DESANTIS
GOVERNOR

801 North Broadway Avenue
Bartow, FL 33830

KEVIN J. THIBAULT, P.E.
SECRETARY

March 24, 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
SR 865 (San Carlos Boulevard) from Estero Boulevard to North of Hurricane Bay Bridge
Lee County, Florida
FPID: 433726-1-22-01; FAP: D119 051 B; ETDM: 14124

Dear Dr. Parsons:

The Florida Department of Transportation (FDOT) is conducting a Project Development and Environment (PD&E) study to evaluate options that will increase accessibility and enhancement of mobility and safety for vehicle and non-vehicular transportation in Lee County. A Cultural Resource Assessment Survey (CRAS) was performed within the area of potential effect (APE) SR 865 (San Carlos Boulevard) from Estero Boulevard to north of Hurricane Bay Bridge. The total project length is approximately one mile. The proposed improvements include widening the Matanzas Pass Bridge to accommodate a new shared-use path along the west side of the bridge, milling and resurfacing, new and modification to existing traffic signals and crosswalks, and the Hurricane Bay Bridge will be modified to accommodate bicycle lanes in each direction of travel and a barrier-protected sidewalk along the west side of the bridge.

The archaeological APE was defined as the area contained within the footprint of construction where the proposed design changes are to occur. The historical/architectural APE includes the footprint of construction within the existing ROW and immediately adjacent parcels on the west side of SR 865 as contained within 150-feet from the centerline of the roadway. In addition, historic resources located on immediately adjacent parcels in areas where new traffic signals are proposed (Estero Boulevard and Crescent Street; Estero Boulevard/SR 865/Fifth Street; Estero Boulevard and Old San Carlos Boulevard; and SR 865 and Main Street) will be recorded and evaluated.

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 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 and a review of the Florida Master Site File (FMSF) and the National Register of Historic Places (NRHP) indicated that one previously recorded archaeological site is located within the project APE. This site, 8LL00777, the San Carlos Island Site, is a shell midden recorded in 1987 as the result of an informant interview (FMSF). The State Historic Preservation Officer (SHPO) has not evaluated the site. Although a review of relevant site locational information for environmentally similar areas within Charlotte, Hendry, and Lee Counties including the Lee County Archaeological Sensitivity Map indicated a moderate potential for prehistoric archaeological sites, the APE was determined to have a low to very low potential for prehistoric archaeological sites due to the tidal and partially inundated soils and infill. There was also a low potential for historic archaeological sites. As a result of visual reconnaissance and subsurface testing, no evidence of 8LL00777 was located and no previously unrecorded prehistoric or historic archaeological sites were found.

No previously recorded historic resources were located within the APE. As a result of field survey, 39 newly identified historic resources (8LL02650-8LL02684, 8LL02706-9) were recorded and evaluated. The architectural styles represented include 11 Masonry Vernacular (8LL02650, 8LL02651, 8LL02653-55; 8LL02659; 8LL02661; 8LL02672, 8LL02673, 8LL02676; 8LL02679), eight Frame Vernacular (8LL02658; 8LL02660; 8LL02666; 8LL02678; 8LL02680; 8LL02682-84), two Industrial Vernacular (8LL02677; 8LL02681), five Commercial (8LL02652, 8LL02656, 8LL02657, 8LL02674, 8LL02675), nine mobile homes (no style) (8LL02662-65; 8LL02667-71); as well as four building complex resource groups (8LL02706-9) constructed between ca. 1939 and 1972. 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 properties within the APE. Therefore, the project will have no effect on any prehistoric or historic archaeological sites or historic resources that are listed, eligible, or that appear to be potentially eligible for listing in the NRHP.

The CRAS Report is provided for your review and comment. If you have any questions, please do not hesitate to call me at 863.519.2805 or vivianne.cross@dot.state.fl.us

Gwen G. Pipkin

Gwen G. Pipkin, CPM
Environmental Manager

Enclosures: One original copy of the CRAS (March 2020); 40 FMSF Forms, One Completed Survey Log

CC: Henri Belrose, WGI
Joel Johnson, WGI
Marion Almy, ACI

Dr. Timothy Parsons, Director
Lee County, Florida
FPID: 433726-1-22-01; FAP: D119 051 B; ETDM: 14124
March 24, 2020

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 2015-0962-B. Or, the SHPO finds the attached document contains _____ insufficient information.

SHPO Comments:
_____
_____
_____
_____
_____
_____

Jason Aldridge DSHPO
Dr. Timothy Parsons, Director
State Historic Preservation Officer
Florida Division of Historical Resources

April 13, 2020
Date

Florida Department of Transportation

RON DESANTIS
GOVERNOR

801 North Broadway Avenue
Bartow, FL 33830

KEVIN J. THIBAULT, P.E.
SECRETARY

October 22, 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
SR 865 (San Carlos Boulevard) from North of Crescent Street to North of Hurricane Bay Bridge
Lee County, Florida
FPID: 433726-1-22-01; FAP: D119 051 B; ETDM: 14124

Dear Dr. Parsons:

The Florida Department of Transportation (FDOT) is conducting a Project Development and Environment (PD&E) study to evaluate proposed improvements to SR 865 (San Carlos Boulevard) from north of Crescent Street to north of Hurricane Bay Bridge in Lee County. This survey is an addendum to the March 2020 Cultural Resource Assessment Survey (CRAS) of SR 865 (San Carlos Boulevard) from Estero Boulevard to north of Hurricane Bay Bridge that focuses on additional intersection improvements at Estero Boulevard and Fifth Street. The March CRAS document was approved by the State Historic Preservation Officer (SHPO) in April 2020 under FDHR Project File No. 2015-0962-B.

The proposed improvements will incorporate Lee County's Seafarers Alternative at the intersection of Estero Boulevard and Fifth Street and new traffic signals will be constructed at Fifth Street to replace the existing pedestrian crosswalk signals. A Cultural Resource Assessment Survey (CRAS) was performed within the area of potential effect (APE) SR 865 (San Carlos Boulevard) from Estero Boulevard to north of Hurricane Bay Bridge. The archaeological APE was defined as the area contained within the footprint of construction where the proposed design changes are to occur. The historic/architectural APE includes the footprint of construction and immediately adjacent parcels.

This CRAS was conducted to comply with Section 106 of the *National Historic Preservation Act* of 1966, as amended by Public Law 89-665; the *Archaeological and Historic Preservation Act*, as amended by Public Law 93-291; Executive Order 11593; and Chapter 267, *Florida Statutes (FS)*. All work was carried out in conformity with Part 2, Chapter 8 ("Archaeological and Historical Resources") of the FDOT's *Project Development and Environment (PD&E) Manual* (FDOT 2020), and the FDHR standards contained in the *Cultural Resource Management Standards and Operational Manual* (FDHR 2003), as well as with the provisions contained in the Chapter 1A-46, *Florida Administrative Code* (*FAC*). Principal Investigators meet the *Secretary of the Interior's*

Historic Preservation Professional Qualification Standards (48 FR 44716) for archaeology, history, architecture, architectural history, or historic architecture.

Background research and a review of the Florida Master Site File (FMSF) and the National Register of Historic Places (NRHP) indicated that no previously recorded archaeological site is located within the project APE. Although a review of relevant site locational information for environmentally similar areas within Charlotte, Hendry, and Lee Counties including the Lee County Archaeological Sensitivity Map indicated a moderate potential for prehistoric archaeological sites, the APE was determined to have a low to very low potential for prehistoric archaeological sites due to the tidal and partially inundated soils and infill. There was also a low potential for historic archaeological sites. The background research indicated that prehistoric sites, if found would be small middens or campsites; historic sites might include evidence of the nineteenth century activity. As a result of visual reconnaissance and subsurface testing, no previously unrecorded prehistoric or historic archaeological sites were found.

The March 2020 survey identified six historic resources (8LL02650-8LL02655 within the APE. These include five Masonry Vernacular (8LL02650, 8LL02651, 8LL02653-55) and one Commercial (8LL02652) style buildings constructed between c. 1947 and c. 1967. These resources were determined ineligible for listing in the NRHP by the SHPO in 2020. As a result of the historical/architectural field survey, three historic resources (8LL02835-8LL02837) were newly identified, recorded, and evaluated within the APE. 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 survey results, including the excavation of seven shovel tests, no archaeological sites or historic 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 CRAS Report is provided for your review and comment. If you have any questions, please do not hesitate to call me at 863.519.2375 or Gwen.Pipkin@dot.state.fl.us.

DocuSigned by:
Gwen Pipkin
029796638AA840F...

Gwen G. Pipkin, CPM
District Environmental Manager

Enclosures: One original copy of the CRAS Addendum (October 2020); 3 FMSF Forms, One Completed Survey Log

CC: Henri Belrose, WGI
Kimberly Warren, RK&K
Marion Almy, ACI

The Florida State Historic Preservation Officer (SHPO) finds the attached Cultural Resources

Dr. Timothy Parsons, Director
SR 865 (San Carlos Boulevard)
FPID No.: 433726-1-22-01; FAP: D119 051 B
October 2020

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 2015-0962-C. Or, the SHPO finds the attached document contains _____ insufficient information.

SHPO Comments:
Based on the information provided, our office concurs that the proposed project will have no effect to historic properties listed, potentially eligible, or eligible for listing, on the NRHP.

Jason Aldridge DSHPO
Dr. Timothy Parsons, Director
State Historic Preservation Officer
Florida Division of Historical Resources

November 17, 2020
Date

Gordon Mullen

From: Welton, Katie <KWelton@leegov.com>
Sent: Wednesday, January 20, 2021 3:42 PM
To: Gordon Mullen
Cc: Cerchie, Randy; Lavender, Jesse
Subject: RE: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) Statement of Significance Letters - Determination Requests
Attachments: 20210120152513037.pdf

Good afternoon Mr. Mullen,

I've mailed the original signed letters to your attention at RK&K. The scanned copies are attached.

Best,
Katie

Katie (Meckley) Welton
Executive Assistant
Office of the County Manager
Lee County Government
Office:239.533.2282 Mobile:239.848.5308
Fax:239.485.2262
New email address: kwelton@leegov.com

From: Lavender, Jesse <JLavender@leegov.com>
Sent: Thursday, January 14, 2021 10:42 AM
To: Harner, David <DHarner@leegov.com>
Cc: Welton, Katie <KWelton@leegov.com>
Subject: FW: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) Statement of Significance Letters - Determination Requests

Dave,

Per your request, see attached and below. Thanks,

Jesse Lavender
Director
Lee County Parks & Recreation
3410 Palm Beach Blvd.
Fort Myers, FL 33916
Phone: 239-533-7443
Fax: 239-485-2300
www.leeparks.org .....the Natural Place to Learn & Play.....

From: Kimberly Warren <kwarren@rkk.com>
Sent: Friday, December 18, 2020 12:49 PM
To: Harner, David <DHarner@leegov.com>; gwen.pipkin@dot.state.fl.us

Cc: Lavender, Jesse <JLavender@leegov.com>; Marshall, Jennifer <Jennifer.Marshall@dot.state.fl.us>; Harris, D'Juan <D'Juan.Harris@dot.state.fl.us>; Warren, Kimberly <Kimberly.Warren@dot.state.fl.us>
Subject: [EXTERNAL] Re: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) Statement of Significance Letters - Determination Requests

This is information is transmitted on behalf of Gwen Pipkin

Mr. Harner,
Good afternoon. This e-mail is in follow up to prior discussions that FDOT District One and their consultants had in October with Jesse Lavender (see e-mails below). This coordination was regarding the proposed improvements to SR 865 (San Carlos Boulevard) from Crescent Street to just north of the Hurricane Bay Bridge. The purpose of the discussions was the potential involvement with three resources (Calusa Blueway Paddling Trail; Seafarers Parcel; Estero-Bonita Trail) that are or may be interpreted as public recreational use. As discussed in the three attached letters, in order to complete our coordination and federal Section 4(f) process documentation for the subject project, we are required to coordinate with Lee County as the Official with Jurisdiction and to obtain the County's determination of significance and anticipated impacts (or lack thereof) for each of these resources.

We want to note that we also had discussion in October regarding the Crescent Beach Family Park. As a result of our discussions, we have confirmed with your staff that this resource is considered significant. We will continue to coordinate with you prior to and after the public hearing for your concurrence regarding this resource and our findings.
We ask that you acknowledge receipt of this information, review the FDOT's determinations provided and provide the County's concurrence based on the discussion herein. Please respond via e-mail or in writing to me at the address below. If you have any questions or need additional information, you can reach me by email or at the number below. You can also contact our Consultant Project Manager, Kim Warren via email or by phone at (863) 528-9685.
Thank you in advance for your time. We look forward to receiving your concurrence.

Gwen G. Pipkin, CPM
District Environmental Manager
Office – 863.519.2375
Cell – 863-280-5850
gwen.pipkin@dot.state.fl.us

From: Lavender, Jesse
Sent: Thursday, October 22, 2020 10:31 AM
To: Gordon Mullen
Cc: Marshall, Jennifer ; Kimberly Warren
Subject: RE: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) sample Statement of Significance Letter

Gordon,
Please send the letters to Dave Harner Deputy County Manager, address P.O. Box 398 Fort Myers, Florida 33902. His email is Dharner@leegov.com . He will also be the one signing them.
Thanks,

Jesse Lavender
Director
Lee County Parks & Recreation

Florida Department of Transportation

RON DESANTIS
GOVERNOR

801 N. Broadway Avenue
Bartow, FL 33830

KEVIN J. THIBAULT, P.E.
SECRETARY

December 18, 2020

David Harner
Deputy County Manager
Lee County
P.O. Box 398
Fort Myers, Florida 33902

RE: Statement of Significance Determination Request – Seafarer's Parcel
State Road 865 (San Carlos Boulevard) from Crescent Street to N. of Hurricane Bay Bridge
Lee County, Florida
Financial Project ID 433726-1-22-01

Dear Mr. Harner:

The Florida Department of Transportation (FDOT), District One, is conducting a Project Development and Environment (PD&E) Study to evaluate proposed improvements to SR 865 (San Carlos Boulevard), including Estero Boulevard, from Crescent Street to north of Hurricane Bay Bridge, in Lee County, Florida (see **Attachment 1**). The purpose of the project is to increase accessibility and enhancement of mobility and safety for vehicular and non-vehicular transportation. In partnership with Lee County, LeeTran, and Town of Fort Myers Beach, this project will incorporate Lee County's Seafarers Alternative from Crescent Street to the intersection of Estero Boulevard and Fifth Street.

FDOT has identified Lee County's Seafarers parcel (1113 Estero Boulevard) as publicly owned, officially designated as a "park" by your agency, Lee County Parks and Recreation. During an October 8, 2020 call with Jesse Lavender (Lee County), FDOT's environmental consultant discussed the SR 865 project's proposed improvements and anticipated involvement with local public recreation resources. The FDOT's project consultant indicated that their research encountered geographic information system (GIS) data (i.e., the Lee County Property Appraiser GIS website and the "*Florida Parks and Recreational Facilities Boundaries in Florida - 2019*" layer maintained by the University of Florida GeoPlan Center) which labels Lee County's Seafarers parcel (1113 Estero Boulevard, see **Attachment 1**) as a "park" resource. As discussed, this parcel is necessary for the Seafarers Alternative improvements at the intersection of Estero Boulevard and Fifth Street. County staff indicated that this vacant property has never been used for public recreation purposes and is not planned for future recreational purposes. A field review conducted on October 12, 2020 confirms that the entire perimeter of this parcel is fenced and the western entrance is explicitly signed with the Lee

County logo as "private property" and for "official use only". Attachment 1 provides maps and photos showing the parcel and its relationship to the proposed improvements.

Section 4(f) of the Department of Transportation Act of 1966 requires USDOT agencies (and their legally authorized designees) to make specific findings when a USDOT-funded or approved transportation project requires the use of land from a Section 4(f) protected property. These properties typically include publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic or archeological site of national, State, or local significance. As part of the use of federal funds for this project, the FDOT's Office of Environmental Management (OEM) requires a statement of significance from an official with jurisdiction over publicly held recreation facilities. Significance means that in comparing the availability and function of the Seafarers Parcel with the recreational, park and trail objectives of Lee County and the Fort Myers Beach community, the parcel plays and important role in meeting those objectives. We believe that the Seafarers Parcel is not a significant public recreation resource.

With this letter, the FDOT is seeking to confirm that: 1) the Seafarer's parcel is not currently available for use a public recreation resource, 2) the County has no future plans for use of this parcel as such, and 3) this parcel does not meet the Section 4(f) definition of a significant resource. With the County's affirmation of these items, the provisions of Section 4(f) of the Department of Transportation Act of 1966 will not apply to this resource. If you concur, please sign and date the concurrence block below and return it to me at the address shown in the letterhead or preferably by e-mail to Gwen.pipkin@dot.state.fl.us as soon as possible, or by January 6, 2021.

If you have any questions or concerns regarding the findings of this letter, please contact me at (863) 519-2375 or at the email address listed above. Thank you for your assistance with this request.

Sincerely,

DocuSigned by:
Gwen Pipkin
029796638AA840F...

Gwen G. Pipkin, CPM
District Environmental Manager
Florida Department of Transportation, District One

GP/gsm

CC: Jennifer Marshall, FDOT D1
D'Juan Harris, FDOT D1
Kimberly Warren, FDOT D1 (Consultant PM)
Henri Belrose, WGI

Concurrence for **Seafarer's Parcel**

1/20/21

(*Signature*) (*Date*)

Lee County Manager (or designee)

Enclosures: Project Location Map, Seafarer's Parcel map and photo excerpts

ATTACHMENT 1.

SR 865 (SAN CARLOS BLVD.) PROJECT LOCATION MAP

SEAFARER'S PARCEL MAP AND PHOTO EXCERPTS

Figure 1-2. Public Recreational Resources within the Vicinity of the SR 865 (San Carlos) Project Study Area, Lee County, Florida
Note: Resource name with owning/managing agency in parentheses.

Photo 1. Looking north at eastern half of Seafarers Parcel along north side of SR 865 opposite Crescent Beach Family Park.

Photo 2. Looking north at western half of Seafarers Parcel along north side of SR 865 opposite Crescent Beach Family Park.

Photo 3. Looking across the Seafarers Parcel from the southwest corner of property

Photo 4. Looking southeast at Seafarers Parcel access gate at northwest corner of property

Gordon Mullen

From: Welton, Katie <KWelton@leegov.com>
Sent: Wednesday, January 20, 2021 3:42 PM
To: Gordon Mullen
Cc: Cerchie, Randy; Lavender, Jesse
Subject: RE: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) Statement of Significance Letters - Determination Requests
Attachments: 20210120152513037.pdf

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I've mailed the original signed letters to your attention at RK&K. The scanned copies are attached.

Best,
Katie

Katie (Meckley) Welton
Executive Assistant
Office of the County Manager
Lee County Government
Office:239.533.2282 Mobile:239.848.5308
Fax:239.485.2262
New email address: kwelton@leegov.com

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Cc: Welton, Katie <KWelton@leegov.com>
Subject: FW: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) Statement of Significance Letters - Determination Requests

Dave,

Per your request, see attached and below. Thanks,

Jesse Lavender
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To: Harner, David <DHarner@leegov.com>; gwen.pipkin@dot.state.fl.us

Cc: Lavender, Jesse <JLavender@leegov.com>; Marshall, Jennifer <Jennifer.Marshall@dot.state.fl.us>; Harris, D'Juan <D'Juan.Harris@dot.state.fl.us>; Warren, Kimberly <Kimberly.Warren@dot.state.fl.us>
Subject: [EXTERNAL] Re: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) Statement of Significance Letters - Determination Requests

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We want to note that we also had discussion in October regarding the Crescent Beach Family Park. As a result of our discussions, we have confirmed with your staff that this resource is considered significant. We will continue to coordinate with you prior to and after the public hearing for your concurrence regarding this resource and our findings.
We ask that you acknowledge receipt of this information, review the FDOT's determinations provided and provide the County's concurrence based on the discussion herein. Please respond via e-mail or in writing to me at the address below. If you have any questions or need additional information, you can reach me by email or at the number below. You can also contact our Consultant Project Manager, Kim Warren via email or by phone at (863) 528-9685.
Thank you in advance for your time. We look forward to receiving your concurrence.

Gwen G. Pipkin, CPM
District Environmental Manager
Office – 863.519.2375
Cell – 863-280-5850
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Subject: RE: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) sample Statement of Significance Letter

Gordon,
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Thanks,

Jesse Lavender
Director
Lee County Parks & Recreation

FDOT
Florida Department of Transportation
RON DESANTIS
GOVERNOR
801 N. Broadway Avenue
Bartow, FL 33830
KEVIN J. THIBAULT, P.E.
SECRETARY

December 18, 2020

David Harner
Deputy County Manager
Lee County
P.O. Box 398
Fort Myers, Florida 33902

RE: Statement of Significance Determination Request – Estero-Bonita "Trail" Segment
State Road 865 (San Carlos Boulevard) from Crescent Street to N. of Hurricane Bay Bridge
Lee County, Florida
Financial Project ID 433726-1-22-01

Dear Mr. Harner:

The Florida Department of Transportation (FDOT), District One, is conducting a Project Development and Environment (PD&E) Study to evaluate proposed improvements to SR 865 (San Carlos Boulevard), including Estero Boulevard, from Crescent Street to north of Hurricane Bay Bridge, in Lee County, Florida (see **Attachment 1**). The purpose of the project is to increase accessibility and enhancement of mobility and safety for vehicular and non-vehicular transportation. In partnership with Lee County, LeeTran, and Town of Fort Myers Beach, this project will incorporate Lee County's Seafarers Alternative from Crescent Street to the intersection of Estero Boulevard and Fifth Street.

FDOT identified the Estero-Bonita "trail" segment as a potential recreational Section 4(f) resource. From the south end of the project to the Main Street intersection, the existing "trail" segment consists of a 5'-10" sidewalk used to convey pedestrian traffic across the Matanzas Pass Bridge. From Main Street to the north end of the project, the sidewalk width widens to 8 feet and there are no apparent restrictions for bicycle users. **Attachment 1** provides maps and photos showing the existing "trail" segment and its relationship to the proposed improvements. **Attachment 1** provides maps and photos showing the existing "trail" segment and its relationship to the proposed improvements.

Section 4(f) of the Department of Transportation Act of 1966 requires USDOT agencies (and their legally authorized designees) to make specific findings when a USDOT-funded or approved transportation project requires the use of land from a Section 4(f) protected property. These properties typically include publicly owned land of a public park, recreation area, or wildlife and

waterfowl refuge of national, state, or local significance, or land of an historic or archeological site of national, State, or local significance. As part of the use of federal funds for this project, the FDOT's Office of Environmental Management (OEM) requires a statement of significance from an official with jurisdiction over publicly held recreation facilities. The FDOT reviewed the Estero-Bonita "trail" segment for significance. Significance means that in comparing the availability and function of the Estero-Bonita "trail" segment with the recreational, park and trail objectives of Lee County and the Fort Myers Beach community, the resource in question plays an important role in meeting those objectives. The FDOT understands that the Estero-Bonita "trail" segment is not considered a significant public recreational resource.

During an October 8, 2020 call with Jesse Lavender (Lee County), FDOT's environmental consultant discussed the SR 865 project's proposed improvements and anticipated involvement with local public recreation resources. The FDOT's consultant discussed geographic information system (GIS) data (i.e., FDOT Shared-Use Nonmotorized (SUN) Trail database and the "*Priority Land Trail Opportunities in Florida - 2018-2022*" layer maintained by the Florida Department of Environmental Protection's Office of Trails and Greenways) which labels the Estero-Bonita "trail" segment as a potential public recreational resource. This "trail" is shown as an existing feature running along the northbound (east) side of SR 865 (San Carlos Boulevard/Estero Boulevard) from approximately 250 feet south of Pine Ridge Road (north end) in Fort Myers Beach, Florida to County Road 887/Old US 41 Road in Bonita Springs. The total "trail" corridor is 18.62 miles in length. The proposed improvements from Crescent Street to north of the Hurricane Bay Bridge will affect approximately 1.2 miles of the overall corridor (see **Attachment 1**).

The Estero-Bonita "trail" segment is only listed at the "priority" level and is not shown in the FDEP's "*Existing Recreational Trails in Florida-March 2019*" data layer. There is no reference to the Estero-Bonita "trail" segment on the County's parks/trails website. Neither trail markers nor designation signs are present within the project limits. There are no other amenities evident to suggest an intended recreation (i.e., non-transportation) use and the Matanzas Pass bridge portion does not meet full ADA requirements. We are unable to find any bike/ped/trail projects for this portion of SR 865 or the Estero-Bonita "trail" segment programmed in either the Lee MPO's 2040 Long Range Transportation Plan or 2020/21-2024/25 Transportation Improvement Program. No prior-year funds have been spent on this "trail" segment under the FDOT's SUN Trail program and no future projects are shown along this segment the FDOT's SUN Trail Adopted Work Program for FY 2020/21-2024/25.

Prior to making a determination of whether Section 4(f) applies, the FDOT OEM requires a statement of significance from the official who has jurisdiction over the subject resource. We are requesting Lee County's concurrence with the determination that the Estero-Bonita "trail" segment within the project limits is <u>not</u> significant in meeting the recreational, park and trail objectives of Lee County and the Fort Myers Beach community. If you concur, please sign and date the concurrence block below and return it to me at the address shown in the letterhead or preferably by e-mail to

gwen.pipkin@dot.state.fl.us as soon as possible, or by January 6, 2021. With the County's concurrence, the provisions of Section 4(f) of the Department of Transportation Act of 1966 will not apply to this feature.

If you have any questions or concerns regarding the findings of this letter, please contact me at (863) 519-2375 or at the email address listed above. Thank you for your assistance with this request.

Sincerely,

DocuSigned by:
Gwen Pipkin
029796638AA840F...

Gwen G. Pipkin CPM
District Environmental Manager
Florida Department of Transportation, District One

GP/gsm

CC: Jennifer Marshall, FDOT D1
D'Juan Harris, FDOT D1
Kimberly Warren, FDOT D1 (Consultant PM)
Henri Belrose, WGI

Concurrence for **Estero-Bonita "trail" segment**

1/20/21

(*Signature*) (*Date*)
Lee County Manager (or designee)

Enclosures: Project Location Map, Estero-Bonita "trail" segment map and photo excerpts

ATTACHMENT 1.

SR 865 (SAN CARLOS BLVD.) PROJECT LOCATION MAP

ESTERO-BONITA "TRAIL" SEGMENT MAP AND PHOTO EXCERPTS

Figure 1-2. Public Recreational Resources within the Vicinity of the SR 865 (San Carlos) Project Study Area, Lee County, Florida
Note: Resource name with owning/managing agency in parentheses. Estero-Bonita "Trail" Segment is pink line.

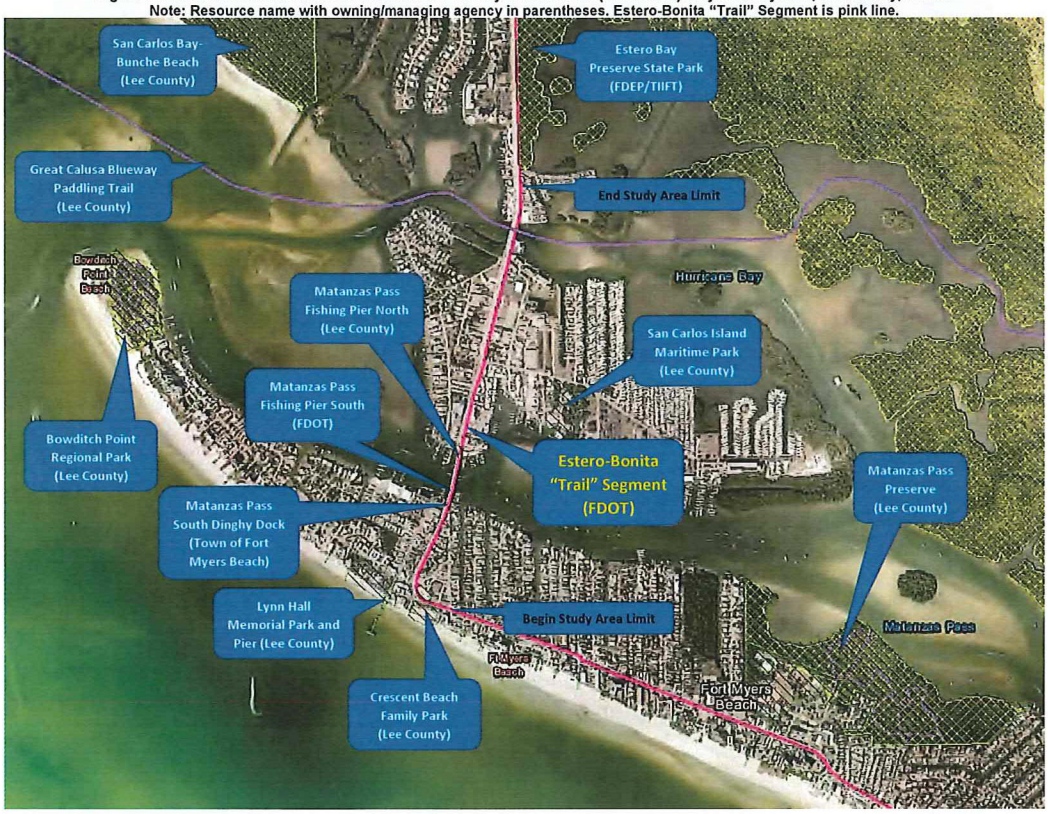

Photo 1. Looking north at sidewalk (Estero-Bonita "trail") along black vertical fence along north side of SR 865 opposite Crescent Beach Family Park.

Photo 2. Looking north at sidewalk (Estero-Bonita "trail") crossing at SR 865/Fifth Street intersection

Photo 3. Pavement marking on sidewalk (Estero-Bonita "trail") at the south end of the Matanzas Pass Bridge

Photo 4. Looking northeast sidewalk (Estero-Bonita "trail") at south end of the Matanzas Pass Bridge

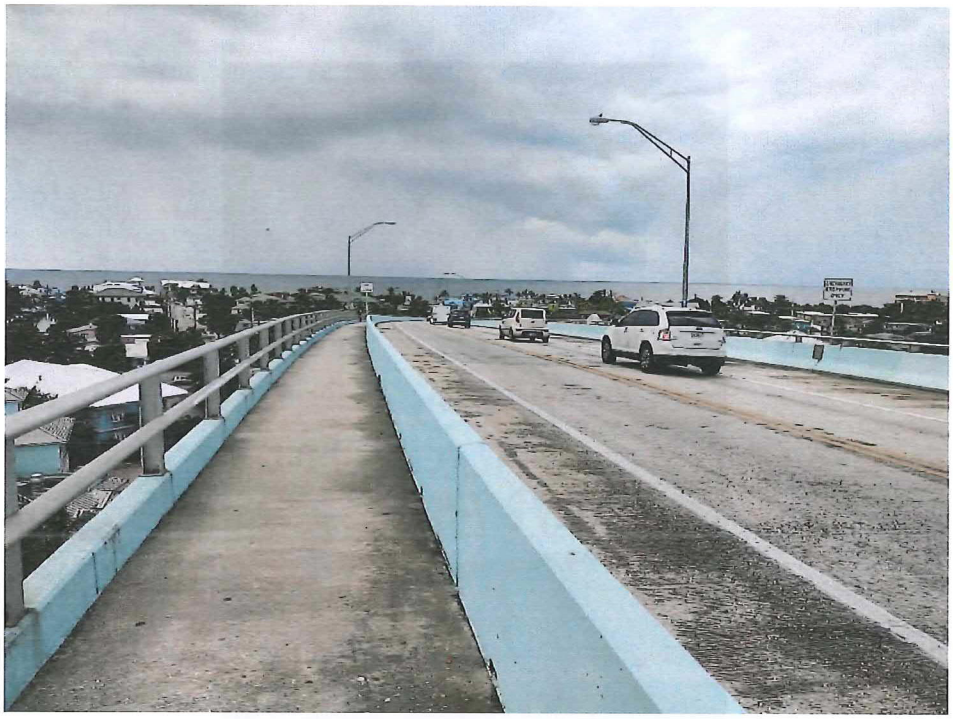

Photo 5. Looking south along sidewalk (Estero-Bonita "trail") on the Matanzas Pass Bridge toward Estero Island.

Photo 6. Looking north along sidewalk (Estero-Bonita "trail") on the Matanzas Pass Bridge toward San Carlos Island.

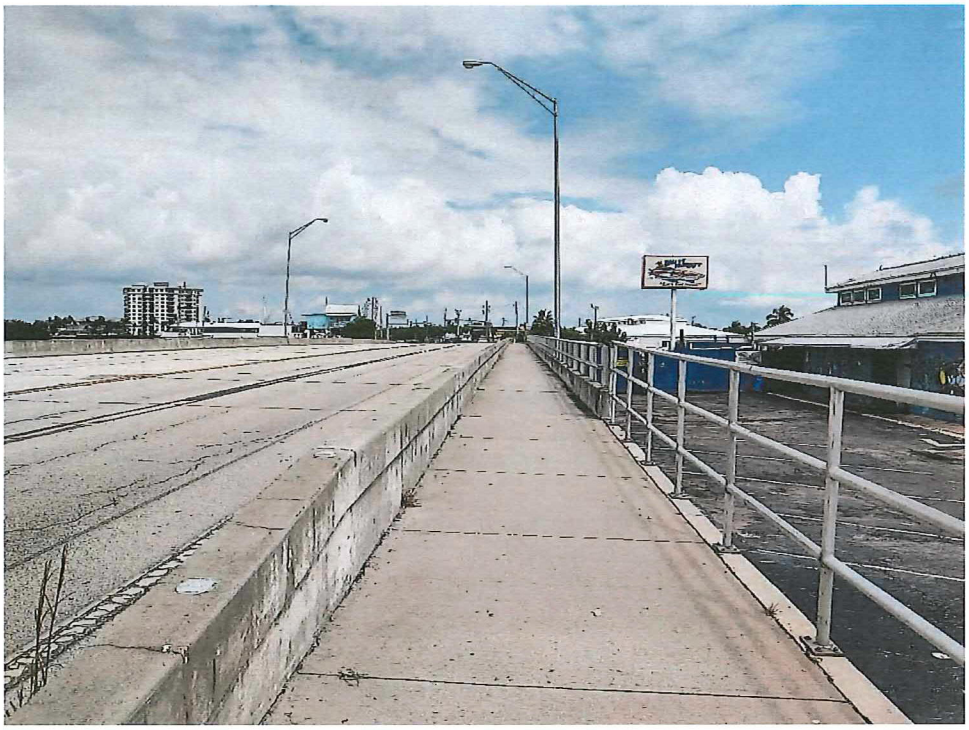

Photo 7. Looking north along sidewalk (Estero-Bonita "trail") approaching the south side of the Hurricane Bay Bridge

Photo 8. Looking south along sidewalk (Estero-Bonita "trail") approaching the north side of the Hurricane Bay Bridge

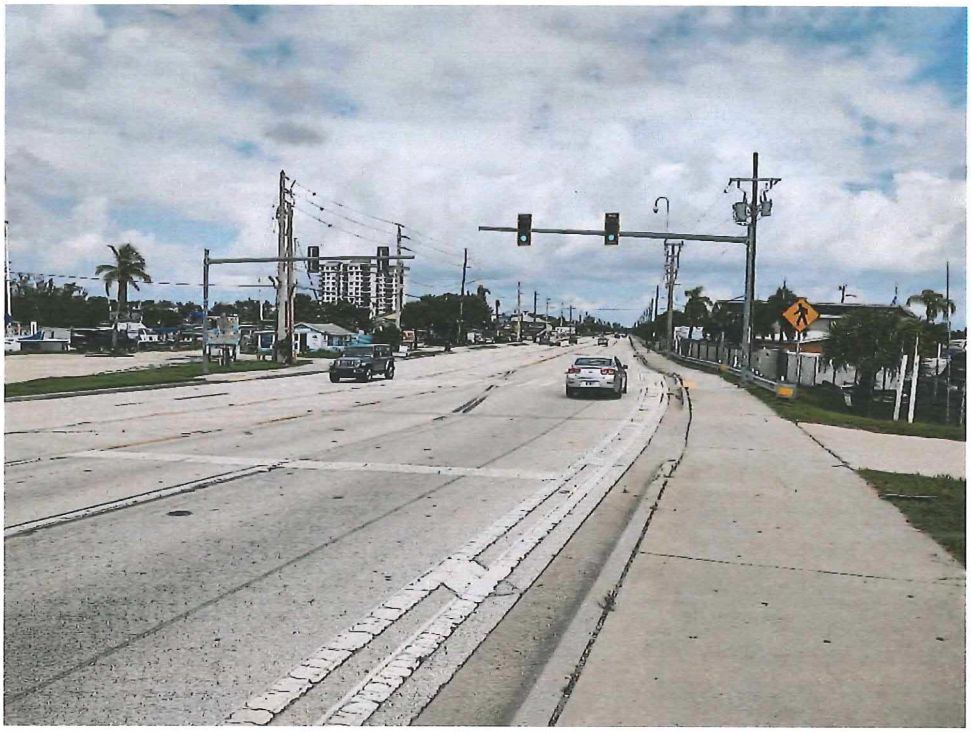

Photo 9. Looking north along sidewalk (Estero-Bonita "trail") north of the Hurricane Bay Bridge

Photo 10. Looking north along sidewalk (Estero-Bonita "trail") at northern SR 865 project limit.

Section 4(f) Resources

Florida Department of Transportation

SR 865 (SAN CARLOS) FROM N CRESCENT ST TO N OF HURRICANE PASS BRIDGE

District: FDOT District 1

County: Lee County

ETDM Number: 14124

Financial Management Number: 433726-2-32-01

Federal-Aid Project Number: D119-051-B

Project Manager: Richard Oujevolk

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 December 14, 2016 and executed by the Federal Highway Administration and FDOT. Submitted pursuant 49 U.S.C. § 303.

Table of Contents

Summary and Approval

Resource Name	Facility Type	Property Classification	Owner/Official with Jurisdiction	Recommended Outcome	OEM SME Action
Crescent Beach Family Park	Public park	Park/Rec Area	Lee County	*de minimis*	Concurrence 06-01-2022
Great Calusa Blueway Paddling Trail	Public saltwater paddling trail	Park/Rec Area	FDEP/TIIFT (owner) / Lee County (OWJ)	No Use	Determination 06-01-2022

June 30, 2022

Director of the Office of Environmental Management
Florida Department of Transportation

Crescent Beach Family Park

Facility Type: Public park

Property Classification: Park/Rec Area

Address and Coordinates:
Address: 1100 Estero Blvd, Fort Myers Beach, FL, 33931, USA
Latitude: 26.45229 Longitude: -81.95487

Description of Property:
The Crescent Beach Family Park (1100 Estero Boulevard) is a 2.2-acre public recreational park within the Town of Fort Myers Beach (see **Attachment 1, Figures 1-1 & 1-2**). The park property was purchased by Lee County in 2010 and is managed by Lee County Parks and Recreation. The park is located between Crescent Street and Fifth Street on the south side of Estero Boulevard along a 400-foot stretch of beach. The property is used by the public for outdoor recreation and beach access.

The northern half of the park property contains three covered picnic areas with two picnic tables/benches each, a pervious walking path and decorative landscaping consisting of shell/rock, numerous palm trees, shrubs, ferns and bunch grasses served by a sprinkler irrigation system. The eastern portion of the park contains a parking area with two designated handicap parking spaces, one parking space dedicated for County/police vehicles and two portable restrooms. The southern half of the park is predominantly open space with beach sand, including two sand volleyball courts. There are four beach access points at the park's southern border (including one Americans With Disabilities Act-accessible ramp), one bicycle rack and there are various trash and recycling receptacles throughout the park. The park's existing facilities are shown in **Attachment 1, Figure 1-3**. Site photos are also provided.

The park is adjacent to the south side of Estero Boulevard, a public roadway that connects Estero Island (Including the Town of Fort Myers Beach) to Fort Myers and other mainland areas in Lee County, as well as barrier island beachfront areas in southwestern Lee County and northwestern Collier County. This park serves the local land uses which are primarily commercial and services, single- and multi-family residential and vacation/rental properties. Due to the limited parking facilities available, access to the park is provided via pedestrian, bicycle and transit access from the SR 865 right-of-way and Fort Myers Beach. The park is open from dawn to dusk. Signed restrictions include no pets, no alcohol, no overnight parking and no lifeguard and or live shelling within the beach.

There are several public parks on Estero Island within a one-mile radius of Crescent Beach Family Park. These are discussed by resource name, acreage and owning/managing entity and include: Bowditch Point Regional Park (50 Estero Blvd., 17.92 acres, Lee County); Lynn Hall Memorial Park and Pier (950 Estero Blvd., 5 acres, Lee County); Bay Oaks Community Park (2731 Oak Street, 15.56 acres, Town of Fort Myers Beach); and Matanzas Pass Preserve (199 Bay Road, 64.81 acres, Lee County). There are approximately 18 additional "sliver" parks along the south side of Estero Blvd. owned by the Town of Fort Myers Beach which serve to provide the public beach access between private properties.

The availability of public restrooms enhances the value of Crescent Beach Family Park. However, the park is immediately adjacent to the SR 865. Additionally, parking facilities at the park are extremely limited. Users wishing to use Crescent Beach Family Park must park at the nearby Lynn Hall Memorial Park (paid parking fee with limited availability of spaces during community events and peak tourist season) or use additional public-access pay-per-hour parking areas north and west of the park.

Lee County has confirmed the significance of this resource in meeting the recreational objectives of Lee County and the Fort Myers Beach area.

Owner/Official with Jurisdiction: Lee County

Recommended Outcome: *de minimis*

Yes	No	
☒	☐	Was there coordination with the Official(s) with Jurisdiction to identify an opportunity for a *de minimis* finding?
☒	☐	Was the OWJ informed by the District of FDOT s intent to pursue a *de minimis* approval option?
☒	☐	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)?
☒	☐	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?

Basis on Which the Determination was Made

Associated with the reconfiguration of the Estero Boulevard/Fifth Street intersection, the new bus bay and sidewalk relocation improvements require approximately 0.14 acres within the northern fringe of Crescent Beach Family Park (see **Attachment 1, Figure 1-4**). The impact footprint for the proposed improvements within the park comprises approximately 6.4% of the park's total acreage. The proposed improvements will require the removal and relocation of existing landscaping (approximately 23 palm trees and several miscellaneous shrubs, ferns and bunch grasses) and sprinkler irrigation system along the northern edge of the park. However, the FDOT understands that the features proposed for impact are not significant to the public recreational use/enjoyment of the overall park property. Access to the park will not be affected by the proposed project improvements. Given the urban setting of the corridor in which the park is located, there are no significant impacts to the aesthetics or viewshed associated with the impacted portion of the park property.

The minimization of impacts to this Section 4(f)-eligible resource has been achieved by adjusting the geometry of the SR 865/Fifth Street intersection improvements (i.e., the Seafarer's Alternative) to utilize approximately 0.07 acres of Town of Fort Myers Beach-acquired ROW and 0.73 acres of existing County-owned ROW along the north side of SR 865. The major roadway/transportation functions remain within the SR 865 and Estero Boulevard ROW. Without the use of the County's Seafarers parcel and adjacent parcel on the north side of Estero Boulevard, impacts to Crescent Beach Family Park may be closer to 50% of the park. These additional impacts would have resulted in adverse impacts to public recreation usage through the additional removal of one or both sand volleyball courts, all three picnic pavilions, as well as restroom and parking facilities. Additionally, impacts would result to several adjacent private parcels (not proposed for impact).

The new bus bay and relocated sidewalk will provide enhanced opportunity for public access to/use of the park. The impacted landscape and irrigation elements will be replaced nearby within the park, so the aesthetic attributes, amenities and function should not be affected by the proposed improvements. Based upon the above information and the measures to minimize harm, there will be no significant effects to the activities, features and attributes that qualify the Crescent Beach Family Park for protection under Section 4(f).

Public Involvement Activities:

A public hearing was held on February 3, 2022. The hearing notifications, as well as the formal presentation, included information regarding the proposed impacts to the Crescent Beach Family Park and FDOT's intent to make a *de minimis* Section 4(f) impact determination. Design plans and other project documentation depicting the project effects associated with this evaluation were available for public review and comment. Although, no public comments opposing the proposed impacts to the Crescent Beach Family Park were received, several comments were received questioning the need/expense for the bus bay relocation (i.e., which results in the proposed impact to the park). Two respondents at the hearing stated their support to convert the Crescent Beach Family Park for enhanced parking or transit opportunities. Public comments provided are available within the certified public hearing transcript and the Comments and Coordination Report (available in the project file).

Following the close of the post-hearing public comment period, FDOT District One followed up with Lee County representatives. This correspondence provided information regarding the public hearing and public comments received. The letter requested that the County provide a confirmation of the park's significance and their concurrence that the proposed improvements will not adversely affect the recreational activities, features, and attributes of the Crescent Beach Family Park, and reiterated the FDOT's intent to make a *de minimis* Section 4(f) determination. Via a letter signed March 29, 2022, the County provided their concurrence with the FDOT's determination that Crescent Beach Family Park is a significant resource and the proposed impacts are *de minimis* in nature.

OEM SME Concurrence Date: 06-01-2022

Great Calusa Blueway Paddling Trail

Facility Type: Public saltwater paddling trail

Property Classification: Park/Rec Area

Address and Coordinates:
Address: 18950 San Carlos Blvd, Fort Myers Beach, FL, 33931, USA
Latitude: 26.46686 Longitude: -81.95216

Description of Property:
The Great Calusa Blueway Paddling Trail occurs within Hurricane Pass, just south of the project's northern limit (see **Attachment 1, Figure 1-2**). The portion of the Great Calusa Blueway Paddling Trial is within Phase 1 of the overall Great Calusa Blueway network within Lee County, which includes 97 miles of marked paddling trails in Phase 1 & 2 and 90 miles of unmarked paddling trails along rivers and tributaries in Phase 3 (see **Attachment 1, Figure 1-9**). This paddling tail is also considered as Segment 12 (Pine Island/Estero Bay segment) of the Florida Circumnavigational Paddling Trail. Site photos are also provided.

Lee County manages this public use trail for saltwater paddling, fishing, wildlife viewing, sightseeing and other passive recreation activities. There are no other designated paddling trails within or immediately adjacent to the project limits. The lands underlying the Hurricane Bay waterway are owned as Sovereign Submerged Lands by the State of Florida Trustees of the Internal Improvement Trust Fund (TIIFT) under Florida Statute 253.03 and Chapter 18-21 Florida Administrative Code. This trail is loosely defined and does not have a definite width or location within the Hurricane Bay waterway. There are no amenities specific to this paddling trail within or immediately adjacent to the project limits. The only in-channel features are navigational aids for motorized boats and watercraft.

All four quadrants of Hurricane Bay within the project limits are private property, so access within the project limits is limited slightly. However, given the numerous boat docks and marinas within the Estero Bay area, there are extensive opportunities for public access to this paddling trail. The nearest public park access points are at Lee County's Bunche Beach and Bowditch Regional Park facilities which are 1.3 miles northwest and 0.97 miles west of the Hurricane Bay Bridge, respectively.

There are no posted/known restrictions on the public's use of this paddling trail. Based on a review of available bridge plans, the vertical clearance of the Hurricane Bay Bridge typically ranges from 6.02 to 6.62 feet above the mean high-water elevation (1.43 feet NAVD 1988). Usage of the paddling trail under the bridge could be limited during storm or high-water events and/or strong currents.

Lee County (the OWJ) has confirmed in writing on January 20, 2021 the significance of this resource in meeting the recreational objectives of Lee County and the San Carlos Island community. Lee County also concurred that the proposed improvements will not result in a "use" of this resource.

Owner/Official with Jurisdiction: FDEP/TIIFT (owner) / Lee County (OWJ)

Relationship Between the Property and the Project
The Great Calusa Blueway Paddling Trail crosses under the SR 865 Hurricane Pass Bridge. All proposed improvements on SR 865 at this location will occur on the bridge deck. There will be no in-water work resulting in an alteration of the

horizontal geometry. There will be no changes to the vertical clearance. There will be no "use" of the trail. Public access to this resource will not be interrupted during construction or after project construction is complete.

Yes	No	
☐	☒	Will the property be "used" within the meaning of Section 4(f)?

Recommended Outcome: No Use

OEM SME Determination Date: 06-01-2022

Project-Level Attachments

Project Location Map

Figure 1-1. SR 865 (San Carlos Boulevard) from North of Crescent Street to North of Hurricane Pass Bridge, Lee County, Florida
Project Location Map

Resource Attachments

Crescent Beach Family Park

Crescent Beach Park DOA Attachments
Crescent Beach Family Park_de minimis_Lee County concurrence

Great Calusa Blueway Paddling Trail

Grt Calusa Blueway DOA Attachments_Rev_5_11_21
433726-1 Calusa Blueway 4f SOS Lee Co Signed

Crescent Beach Family Park

Contents:

Crescent Beach Park DOA Attachments

Crescent Beach Family Park_de minimis_Lee County concurrence

Figure 1-2. Public Recreational Resources within the Vicinity of the SR 865 (San Carlos) Project Study Area, Lee County, Florida
Note: Resource name with owning/managing agency in parentheses.

Figure 1-3. Crescent Beach Family Park/Facilities Overview Graphic

Figure 1-4. Proposed Section 4(f) Impacts to Crescent Beach Family Park
Note: Impacts are gray-shaded sidewalk facilites

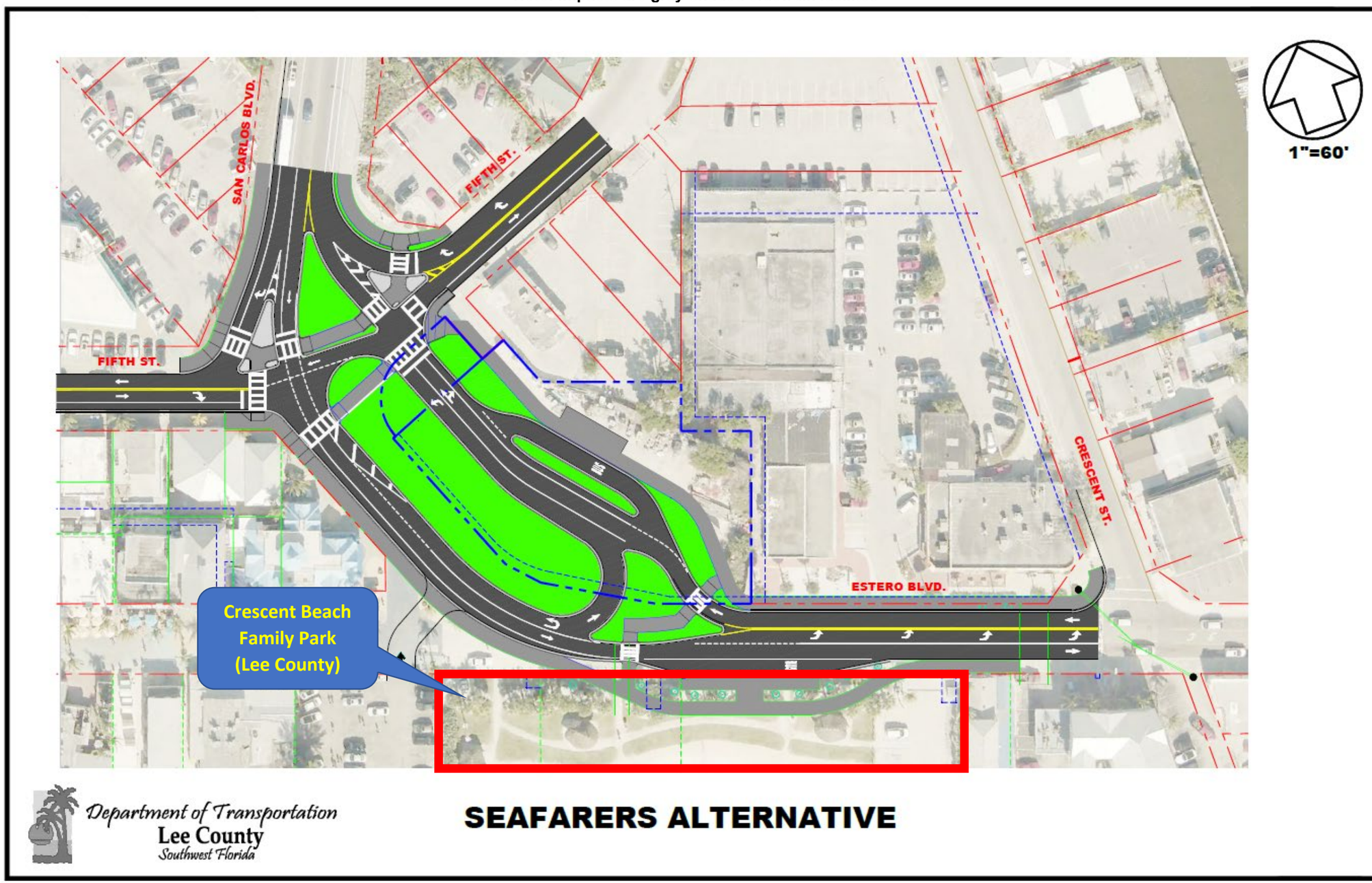

Photo 1. Looking west along north side of Crescent Beach Family Park northern landscape buffer proposed for impact

Photo 2. Looking east along south side of Crescent Beach Family Park northern landscape buffer proposed for impact

Photo 3. Looking west down ADA beach access ramp at southern portion of Crescent Beach Family Park

Photo 4. Looking west across volleyball courts in central portion of Crescent Beach Family Park

Photo 5. Looking north at Crescent Beach Family Park northern landscape buffer proposed for impact (between picnic pavilion structure and SR 865)

Florida Department of Transportation

RON DESANTIS
GOVERNOR

801 N. Broadway Avenue
Bartow, FL 33830

KEVIN J. THIBAULT, P.E.
SECRETARY

March 14, 2022

David Harner
Deputy County Manager
Lee County
P.O. Box 398
Fort Myers, Florida 33902

RE: Crescent Beach Family Park Section 4(f) *de minimis* Impact Determination
State Road 865 (San Carlos Boulevard) from N. of Crescent Street to N. of Hurricane Pass Bridge (a.k.a. Hurricane Bay Bridge)
Lee County, Florida
Financial Project ID 433726-2-32-01

Dear Mr. Harner:

The Florida Department of Transportation (FDOT), District One, is completing a Project Development and Environment (PD&E) Study to evaluate proposed improvements to SR 865 (San Carlos Boulevard), including Estero Boulevard, from Crescent Street to north of Hurricane Bay Bridge, in Lee County, Florida (see **Attachment 1**). The purpose of the project is to increase accessibility and enhancement of mobility and safety for vehicular and non-vehicular transportation. In partnership with Lee County, LeeTran, and Town of Fort Myers Beach, this project will incorporate Lee County's Seafarers Alternative from Crescent Street to the intersection of Estero Boulevard and Fifth Street.

Section 4(f) of the Department of Transportation Act of 1966 requires USDOT agencies (and their legally authorized designees) to make specific findings when a USDOT-funded or approved transportation project requires the use of land from a Section 4(f) protected property. These properties typically include publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic or archeological site of national, State, or local significance. Section 4(f) applies through the use of Federal funding for the subject project.

The FDOT has identified the Crescent Beach Family Park (1100 Estero Boulevard) as publicly owned, officially designated, and managed by your agency, Lee County Parks and Recreation as a Section 4(f) resource. Crescent Beach Family Park provides various public outdoor recreation functions including picnic facilities, volleyball courts, public beach access for swimming, fishing,

shelling, wildlife viewing and sight-seeing. **Attachment 1** provides maps and photos showing the park and its relationship to the proposed improvements.

Based on the FDOT's prior coordination with Lee County regarding the Crescent Beach Family Park and the County's clear investment of resources acquiring and maintaining the park property and its amenities, the FDOT understands that the Crescent Beach Family Park is a significant recreational resource. In this context, "significance" means that in comparing the availability and function of the Crescent Beach Family Park with the recreational, park and trail objectives of Lee County, the park plays and important role in meeting those objectives. Prior to making a determination of whether Section 4(f) applies, the FDOT's Office of Environmental Management (OEM) requires a statement of significance from the official who has jurisdiction over the subject resource. As such, we are requesting Lee County's concurrence with the determination that the Crescent Beach Family Park meets the Section 4(f) definition of a significant resource.

During an October 8, 2020, call with Jesse Lavender (Lee County), FDOT's environmental consultant discussed the proposed new bus bay design and construction that is included in the Seafarers Alternative improvements. Associated with the proposed Seafarers Alternative improvements at Estero Blvd. and Fifth Street, a new bus bay is proposed within the SR 865 right-of-way to service LeeTran Route 400 (Beach Park & Ride/Lovers Key). This bus bay will require the relocation of the existing 12-foot sidewalk, roadway lighting, park signage, landscaping and irrigation along the south side of the roadway. With the reconfiguration of the Estero Boulevard/Fifth Street intersection, the proposed improvements will impact approximately 0.14 acres within the northern fringe of Crescent Beach Family Park. The improvements will require the removal and relocation of existing landscaping (approximately 23 palm trees and several miscellaneous shrubs, ferns and bunch grasses) and sprinkler irrigation systems along the northern edge of the park. Although this impact footprint comprises approximately 6.4% of the park's total acreage, the amenities or portions of amenities impacted are not significant to the overall public recreational use/enjoyment of the overall park property. Given the urban setting of the corridor in which the park is located, there are no significant impacts to the aesthetics or viewshed associated with the park property. Significant highway traffic noise impacts were not identified at/within the park.

Access to the park will not be affected by the proposed project improvements. The new bus bay and relocated sidewalk will provide enhanced opportunity for public access to/use of the park. The FDOT will coordinate further with Lee County Parks and Recreation for the removal and relocation/ replacement of existing park signage, landscaping, and sprinkler irrigation systems within the impacted area along the northern edge of the Crescent Beach Family Park. The impacted landscape and irrigation elements are anticipated to be replaced nearby within the park, so the aesthetic attributes, amenities and function should not be affected by the proposed improvements. 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 Crescent Beach Family Park for protection under Section 4(f).

The FDOT is proposing to make a Section 4(f) *de minimis* determination per 23 Code of Federal Regulations Part 774. A *de minimis* impact is one that is minimal, and the use of the protected property is one that will not adversely affect the features, attributes or activities qualifying the property for protection under Section 4(f) and the Official With Jurisdiction (OWJ) has concurred with the finding. As part of the requirements, the FDOT is required to provide opportunity for the public to comment on the effects of the proposed action. Notifications which included this proposed Section 4(f) *de minimis* determination were completed and the proposed impacts and determination were subsequently presented at a public hearing held on February 3, 2022, at the Chapel by the Sea Presbyterian Church in Fort Myers Beach. Although, no public comments opposing the proposed impacts to the Crescent Beach Family Park were received, several comments were received questioning the need/expense for the bus bay relocation (i.e., which results in the proposed impact to the park). Two respondents at the hearing stated their support to convert the Crescent Beach Family Park for enhanced parking or transit opportunities. A summary of the public comments received is included as **Attachment 2**.

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 Crescent Beach Family Park for protection under Section 4(f). Therefore, we are requesting your concurrence with the FDOT's findings that, after mitigation, there will be no adverse effects to the activities, features and attributes to the Crescent Beach Family Park. If the County concurs with these findings, then FDOT District One will seek a *de minimis* impacts determination from the FDOT OEM. If you concur, please sign and date the concurrence block (next page) and return it to me at the address shown in the letterhead or preferably by e-mail to Jonathon.Bennett@dot.state.fl.us as soon as possible, or by March 31, 2022.

If you have any questions or concerns regarding the findings of this letter, please contact me at (863) 519-2495 or at the email address listed above. Thank you in advance for your review and assistance with this request.

Sincerely,

Jonathon B. Bennett

Jonathon Bennett
Environmental Project Manager
Florida Department of Transportation, District One

JAB/gsm

CC: Jeffrey James, FDOT D1
Chris Speese, FDOT D1
Kimberly Warren, RK&K (Consultant PM)

Concurrence for **Crescent Beach Family Park**

3/29/22

(*Signature*) (*Date*)

Lee County Manager (or designee)

Attachments: 1) Project Location Map, Crescent Beach Family Park map and photo excerpts
2) Summary of public comments received for the February 3, 2022 public hearing and associated public comment period

Great Calusa Blueway Paddling Trail

Contents:

Grt Calusa Blueway DOA Attachments_Rev_5_11_21

433726-1 Calusa Blueway 4f SOS Lee Co Signed

Figure 1-2. Great Calusa Blueway Paddling Trail within the Vicinity of the SR 865 (San Carlos) Project Study Area, Lee County, Florida
Note: Resource name with owning/managing agency in parentheses.

Figure 1-9. Great Calusa Blueway Paddling Trail Map

Photo 1. Looking southeast from Hurricane Bay Bridge along Great Calusa Blueway Paddling Trail alignment.

Photo 2. Looking south along the west side of the Hurricane Bay Bridge at Great Calusa Blueway Paddling Trail crossing location under bridge.

Photo 3. Looking west from Hurricane Bay Bridge along Great Calusa Blueway Paddling Trail alignment.

Gordon Mullen

From: Welton, Katie <KWelton@leegov.com>
Sent: Wednesday, January 20, 2021 3:42 PM
To: Gordon Mullen
Cc: Cerchie, Randy; Lavender, Jesse
Subject: RE: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) Statement of Significance Letters - Determination Requests
Attachments: 20210120152513037.pdf

Good afternoon Mr. Mullen,

I've mailed the original signed letters to your attention at RK&K. The scanned copies are attached.

Best,
Katie

Katie (Meckley) Welton
Executive Assistant
Office of the County Manager
Lee County Government
Office:239.533.2282 Mobile:239.848.5308
Fax:239.485.2262
New email address: kwelton@leegov.com

From: Lavender, Jesse <JLavender@leegov.com>
Sent: Thursday, January 14, 2021 10:42 AM
To: Harner, David <DHarner@leegov.com>
Cc: Welton, Katie <KWelton@leegov.com>
Subject: FW: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) Statement of Significance Letters - Determination Requests

Dave,

Per your request, see attached and below. Thanks,

Jesse Lavender
Director
Lee County Parks & Recreation
3410 Palm Beach Blvd.
Fort Myers, FL 33916
Phone: 239-533-7443
Fax: 239-485-2300
www.leeparks.org .....the Natural Place to Learn & Play.....

From: Kimberly Warren <kwarren@rkk.com>
Sent: Friday, December 18, 2020 12:49 PM
To: Harner, David <DHarner@leegov.com>; gwen.pipkin@dot.state.fl.us

Cc: Lavender, Jesse <JLavender@leegov.com>; Marshall, Jennifer <Jennifer.Marshall@dot.state.fl.us>; Harris, D'Juan <D'Juan.Harris@dot.state.fl.us>; Warren, Kimberly <Kimberly.Warren@dot.state.fl.us>
Subject: [EXTERNAL] Re: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) Statement of Significance Letters - Determination Requests

This is information is transmitted on behalf of Gwen Pipkin

Mr. Harner,
Good afternoon. This e-mail is in follow up to prior discussions that FDOT District One and their consultants had in October with Jesse Lavender (see e-mails below). This coordination was regarding the proposed improvements to SR 865 (San Carlos Boulevard) from Crescent Street to just north of the Hurricane Bay Bridge. The purpose of the discussions was the potential involvement with three resources (Calusa Blueway Paddling Trail; Seafarers Parcel; Estero-Bonita Trail) that are or may be interpreted as public recreational use. As discussed in the three attached letters, in order to complete our coordination and federal Section 4(f) process documentation for the subject project, we are required to coordinate with Lee County as the Official with Jurisdiction and to obtain the County's determination of significance and anticipated impacts (or lack thereof) for each of these resources.

We want to note that we also had discussion in October regarding the Crescent Beach Family Park. As a result of our discussions, we have confirmed with your staff that this resource is considered significant. We will continue to coordinate with you prior to and after the public hearing for your concurrence regarding this resource and our findings.
We ask that you acknowledge receipt of this information, review the FDOT's determinations provided and provide the County's concurrence based on the discussion herein. Please respond via e-mail or in writing to me at the address below. If you have any questions or need additional information, you can reach me by email or at the number below. You can also contact our Consultant Project Manager, Kim Warren via email or by phone at (863) 528-9685.
Thank you in advance for your time. We look forward to receiving your concurrence.

Gwen G. Pipkin, CPM
District Environmental Manager
Office – 863.519.2375
Cell – 863-280-5850
gwen.pipkin@dot.state.fl.us

From: Lavender, Jesse
Sent: Thursday, October 22, 2020 10:31 AM
To: Gordon Mullen
Cc: Marshall, Jennifer ; Kimberly Warren
Subject: RE: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) sample Statement of Significance Letter

Gordon,
Please send the letters to Dave Harner Deputy County Manager, address P.O. Box 398 Fort Myers, Florida 33902. His email is Dharner@leegov.com . He will also be the one signing them.
Thanks,

Jesse Lavender
Director
Lee County Parks & Recreation

Florida Department of Transportation

RON DESANTIS
GOVERNOR

801 N. Broadway Avenue
Bartow, FL 33830

KEVIN J. THIBAULT, P.E.
SECRETARY

December 18, 2020

David Harner
Deputy County Manager
Lee County
P.O. Box 398
Fort Myers, Florida 33902

RE: Statement of Significance Determination Request – Great Calusa Blueway Paddling Trail
State Road 865 (San Carlos Boulevard) from Crescent Street to N. of Hurricane Bay Bridge
Lee County, Florida
Financial Project ID 433726-1-22-01

Dear Mr. Harner:

The Florida Department of Transportation (FDOT), District One, is conducting a Project Development and Environment (PD&E) Study to evaluate proposed improvements to SR 865 (San Carlos Boulevard), including Estero Boulevard, from Crescent Street to north of Hurricane Bay Bridge, in Lee County, Florida (see **Attachment 1**). The purpose of the project is to increase accessibility and enhancement of mobility and safety for vehicular and non-vehicular transportation. In partnership with Lee County, LeeTran, and Town of Fort Myers Beach, this project will incorporate Lee County's Seafarers Alternative from Crescent Street to the intersection of Estero Boulevard and Fifth Street.

FDOT has identified the Great Calusa Blueway Paddling Trail (under the Hurricane Bay Bridge) as publicly owned, officially designated, and managed by your agency, Lee County Parks and Recreation. Great Calusa Blueway Paddling Trail is a potential Section 4(f) resource. This recreational resource provides various public outdoor recreation functions including kayak/ canoeing, fishing, wildlife viewing and sight-seeing. **Attachment 1** provides maps and photos showing the paddling trail and its relationship to the proposed improvements.

Section 4(f) of the Department of Transportation Act of 1966 requires USDOT agencies (and their legally authorized designees) to make specific findings when a USDOT-funded or approved transportation project requires the use of land from a Section 4(f) protected property. These properties typically include publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic or archeological site of national, State, or local significance. As part of the use of federal funds for this project, the

FDOT's Office of Environmental Management (OEM) requires a statement of significance from an official with jurisdiction over publicly held recreation facilities. Significance means that in comparing the availability and function of the Great Calusa Blueway Paddling Trail with the recreational, park and trail objectives of Lee County, this facility plays and important role in meeting those objectives. We believe that the Great Calusa Blueway Paddling Trail is a significant public recreation resource.

During an October 8, 2020 call with Jesse Lavender (Lee County), FDOT's environmental consultant discussed the SR 865 project's proposed modifications to the Hurricane Bay Bridge, which can be accommodated within the existing SR 865 right-of-way (ROW) and within the existing bridge footprint. The project's design requires no right-of-way from the Great Calusa Blueway Paddling Trail. Access to the paddling trail will not be affected by the proposed project improvements. No changes in the vertical or horizontal navigation clearances underneath the bridge are proposed. All project work activities on the Hurricane Bay bridge will occur on the existing bridge deck, with no in-water work required. Therefore, the aesthetic attributes, amenities and function should not be affected by the proposed improvements. Based upon the above information, we believe that there will be no significant impacts to the activities, features and attributes that qualify the Great Calusa Blueway Paddling Trail for protection under Section 4(f).

Prior to making a determination of whether Section 4(f) applies, the FDOT OEM requires a statement of significance from the official who has jurisdiction over the subject resource. We are requesting Lee County's concurrence with the determination that the Great Calusa Blueway Paddling Trail meets the Section 4(f) definition of a significant resource. We are also requesting your concurrence with the FDOT's findings that the proposed improvements will not result in a "use" (impact) of the Great Calusa Blueway Paddling Trail. If the County concurs with these findings, then the FDOT may seek a No Use determination per 23 CFR Part 774 from OEM. If you concur, please sign and date the concurrence block (see next page) and return it to me at the address shown in the letterhead or preferably by e-mail to gwen.pipkin@dot.state.fl.us as soon as possible, or by January 6, 2021.

If you have any questions or concerns regarding the findings of this letter, please contact me at (863) 519-2375 or at the email address listed above. Thank you for your assistance with this request.

Sincerely,

DocuSigned by:
Gwen Pipkin
029796638AA840F...

Gwen G. Pipkin, CPM
District Environmental Manager
Florida Department of Transportation, District One

GP/gsm

CC: Jennifer Marshall, FDOT D1
D'Juan Harris, FDOT D1
Kimberly Warren, FDOT D1 (Consultant PM)
Henri Belrose, WGI

Concurrence for **Great Calusa Blueway Paddling Trail**

D. W. 17 II 1/20/21

(*Signature*) (*Date*)
Lee County Manager (or designee)

Enclosures: Project Location Map, Great Calusa Blueway Paddling Trail guide/map and photo excerpts

ATTACHMENT 1.

SR 865 (SAN CARLOS BLVD.) PROJECT LOCATION MAP

GREAT CALUSA BLUEWAY PADDLING TRAIL GUIDE/MAP AND PHOTO EXCERPTS

Figure 1-2. Public Recreational Resources within the Vicinity of the SR 865 (San Carlos Boulevard) Project Study Area, Lee County, Florida
Note: Resource name with owning/managing agency in parentheses.

Figure 1-3. Great Calusa Blueway Paddling Trail Map

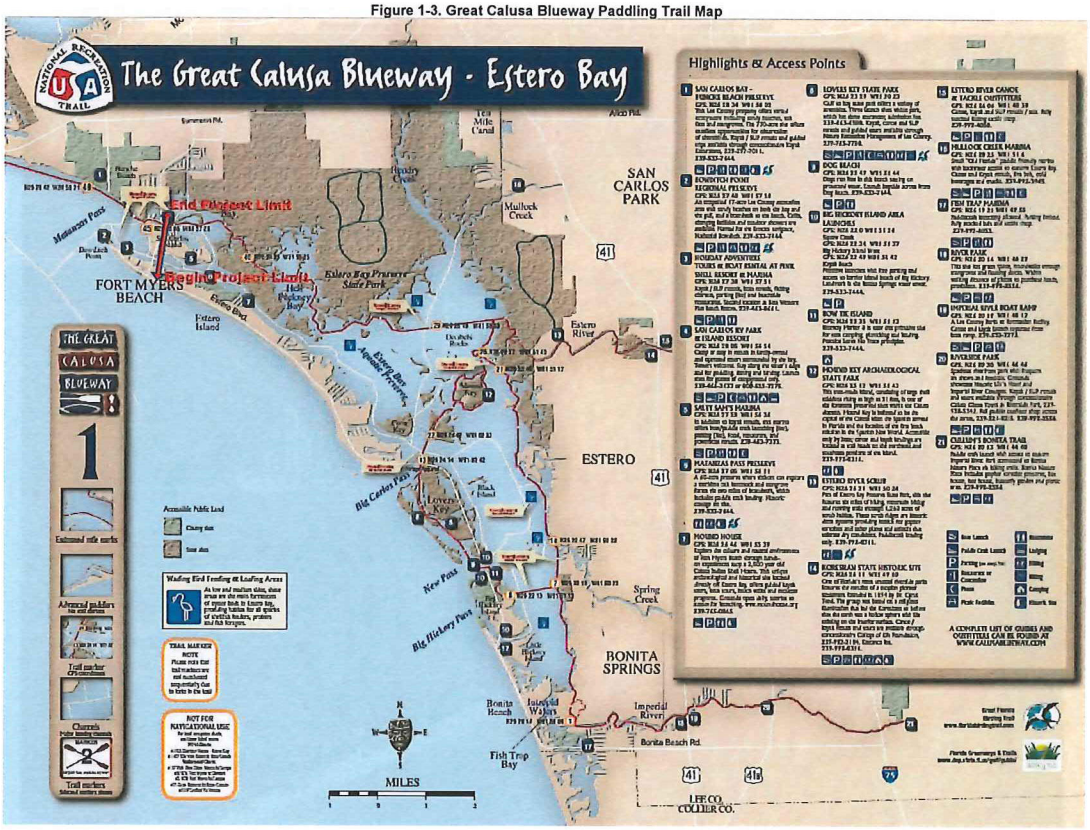

Photo 1. Looking southeast from Hurricane Bay Bridge along Great Calusa Blueway Paddling Trail alignment.

Photo 2. Looking south along the west side of the Hurricane Bay Bridge at Great Calusa Blueway Paddling Trail crossing location under bridge.

Photo 3. Looking west from Hurricane Bay Bridge along Great Calusa Blueway Paddling Trail alignment.

Harner, David

From: Lavender, Jesse
Sent: Thursday, January 14, 2021 10:42 AM
To: Harner, David
Cc: Welton, Katie
Subject: FW: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) Statement of Significance Letters - Determination Requests
Attachments: 433726-1 Calusa Blueway Trl_SOS ltr_12_18_20.pdf; 433726-1 Seafarer's Parcel_SOS ltr_12_18_20.pdf; 433726-1 SR 865 Estero_Bonita Trl_SOS letter_12_18_20.pdf

Dave,

Per your request, see attached and below. Thanks,

Jesse Lavender
Director
Lee County Parks & Recreation
3410 Palm Beach Blvd.
Fort Myers, FL 33916
Phone: 239-533-7443
Fax: 239-485-2300
www.leeparks.org .....the Natural Place to Learn & Play.....

From: Kimberly Warren <kwarren@rkk.com>
Sent: Friday, December 18, 2020 12:49 PM
To: Harner, David <DHarner@leegov.com>; gwen.pipkin@dot.state.fl.us
Cc: Lavender, Jesse <JLavender@leegov.com>; Marshall, Jennifer <Jennifer.Marshall@dot.state.fl.us>; Harris, D'Juan <D'Juan.Harris@dot.state.fl.us>; Warren, Kimberly <Kimberly.Warren@dot.state.fl.us>
Subject: [EXTERNAL] Re: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) Statement of Significance Letters - Determination Requests

This is information is transmitted on behalf of Gwen Pipkin

Mr. Harner,
Good afternoon. This e-mail is in follow up to prior discussions that FDOT District One and their consultants had in October with Jesse Lavender (see e-mails below). This coordination was regarding the proposed improvements to SR 865 (San Carlos Boulevard) from Crescent Street to just north of the Hurricane Bay Bridge. The purpose of the discussions was the potential involvement with three resources (Calusa Blueway Paddling Trail; Seafarers Parcel; Estero-Bonita Trail) that are or may be interpreted as public recreational use. As discussed in the three attached letters, in order to complete our coordination and federal Section 4(f) process documentation for the subject project, we are required to coordinate with Lee County as the Official with Jurisdiction and to obtain the County's determination of significance and anticipated impacts (or lack thereof) for each of these resources.

We want to note that we also had discussion in October regarding the Crescent Beach Family Park. As a result of our discussions, we have confirmed with your staff that this resource is considered significant. We will continue to coordinate with you prior to and after the public hearing for your concurrence regarding this resource and our findings.

We ask that you acknowledge receipt of this information, review the FDOT's determinations provided and provide the County's concurrence based on the discussion herein. Please respond via e-mail or in writing to me at the address below. If you have any questions or need additional information, you can reach me by email or at the number below. You can also contact our Consultant Project Manager, Kim Warren via email or by phone at (863) 528-9685.

Thank you in advance for your time. We look forward to receiving your concurrence.

Gwen G. Pipkin, CPM
District Environmental Manager
Office – 863.519.2375
Cell – 863-280-5850
gwen.pipkin@dot.state.fl.us

From: Lavender, Jesse
Sent: Thursday, October 22, 2020 10:31 AM
To: Gordon Mullen
Cc: Marshall, Jennifer ; Kimberly Warren
Subject: RE: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) sample Statement of Significance Letter

Gordon,

Please send the letters to Dave Harner Deputy County Manager, address P.O. Box 398 Fort Myers, Florida 33902. His email is Dharner@leegov.com . He will also be the one signing them.

Thanks,

Jesse Lavender
Director
Lee County Parks & Recreation
3410 Palm Beach Blvd.
Fort Myers, FL 33916
Phone: 239-533-7443
Fax: 239-485-2300
www.leeparks.org .....the Natural Place to Learn & Play.....

From: Gordon Mullen <gmullen@rkk.com>
Sent: Friday, October 16, 2020 9:05 AM
To: Lavender, Jesse <JLavender@leegov.com>
Cc: Marshall, Jennifer <Jennifer.Marshall@dot.state.fl.us>; Kimberly Warren <kwarren@rkk.com>
Subject: [EXTERNAL] RE: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) sample Statement of Significance Letter

Jesse,

Good morning. I wanted to follow up on your prior e-mail below to see if you had an update on the applicable County signature authority for the recreational resource letters we discussed last week? Please let us know at your earliest opportunity, thanks again.

GORDON MULLEN

Senior Planner
RK&K
402 South Kentucky Avenue, Suite 400
Lakeland, FL 33801

863.682.4081 P | 863.333.4582 D
www.rkk.com
Responsive People | Creative Solutions

From: Lavender, Jesse <JLavender@leegov.com>
Sent: Friday, October 9, 2020 1:24 PM
To: Gordon Mullen <gmullen@rkk.com>
Cc: Marshall, Jennifer <Jennifer.Marshall@dot.state.fl.us>; Kimberly Warren <kwarren@rkk.com>
Subject: RE: FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) sample Statement of Significance Letter

Gordon,
Thank you for sending. The letters will need authorization from either the County Manager or the Board. I'll follow-up with you on that.
Also the southern pier we spoke about is under the management of the Town of Ft. Myers Beach.
Have a good weekend,

Jesse Lavender
Director
Lee County Parks & Recreation
3410 Palm Beach Blvd.
Fort Myers, FL 33916
Phone: 239-533-7443
Fax: 239-485-2300
www.leeparks.org .....the Natural Place to Learn & Play.....

From: Gordon Mullen <gmullen@rkk.com>
Sent: Thursday, October 8, 2020 3:14 PM
To: Lavender, Jesse <JLavender@leegov.com>
Cc: Marshall, Jennifer <Jennifer.Marshall@dot.state.fl.us>; Kimberly Warren <kwarren@rkk.com>
Subject: [EXTERNAL] FPID 433726-2 / SR 865 San Carlos Blvd / Section 4(f) sample Statement of Significance Letter

Jesse,
Thanks again for being available to discuss this project's involvement with existing recreational resources with Kim and myself this afternoon. We appreciate it.
As mentioned during our discussion, I have attached an example "Statement of Significance" letter that FDOT District One sends to the official with jurisdiction over a specific resource. The letters we will be sending you for the various resources we discussed this afternoon will generally be similar in format and content to the attached letter. However, there will be differences in the project description and resource-specific discussion/preliminary determinations.

I will be preparing a set of minutes/notes summarizing this afternoon's discussion, which will likely be sent out early next week. In the meantime, please let us now when you hear back as to whether the southern pier under the Matanzas Pass Bridge is considered within the County's park resource. Also, please let us know if there is someone else that we should show as Lee County's signatory representative for the aforementioned letters .

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Natural Resources Appendix

Contents:

From: David Rydene - NOAA Federal
To: Bennett, Jonathon
Cc: Marshall, Jennifer; Gordon Mullen; Kimberly Warren; Pipkin, Gwen G; Harris, D"Juan; Henri Belrose; Jessie Griffith
Subject: Re: 433726-1 SR 865 (SAN CARLOS) FROM ESTERO BLVD TO CR 869 (SUMMERLIN RD) - NRE
Date: Friday, January 29, 2021 10:09:24 AM

National Marine Fisheries Service (NMFS) staff has reviewed the Natural Resources Evaluation (NRE) for improvements to SR 865 (San Carlos Boulevard) from Estero Boulevard to CR 869 (Summerlin Road) in Lee County, Florida (Financial Management Numbers 433726-1-22-01; ETDM 14124). NMFS is satisfied with the content of the NRE and believes that with the implementation of Best Management Practices, that any impacts to NMFS trust resources will be minimal. However, based on the NRE's description of construction and demolition activities, NMFS does not believe that there are any routes of effect to smalltooth sawfish or swimming sea turtles (green, loggerhead, and Kemp's ridley). Therefore, NMFS recommends changing the Endangered Species Act Section 7 determination for these species from "May affect, not likely to adversely affect" to "No effect". Thank you for the opportunity to review the project's NRE and provide comments.

On Thu, Jan 28, 2021 at 9:01 AM David Rydene - NOAA Federal <david.rydene@noaa.gov> wrote:

> Received, thank you.
>
> On Wed, Jan 27, 2021 at 11:29 AM Bennett, Jonathon <Jonathon.Bennett@dot.state.fl.us> wrote:
>
> > (Second attempt first file was too large)
> >
> > Good morning.
> >
> > 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 to State Road (SR) 865 / San Carlos Boulevard from Crescent Street to North of Hurricane Bay Bridge in Lee County, a distance of approximately 1.2 miles. The purpose of the project is to increase accessibility and enhancement of mobility and safety for vehicular and non-vehicular transportation. The project does not include capacity improvements.
> >
> > The proposed improvements include widening the Matanzas Pass Bridge to accommodate a new shared-use path along the west side of the bridge, milling and resurfacing, new and modification to existing traffic signals and crosswalks. The Hurricane Bay Bridge will be restriped to accommodate bicycle lanes in each direction of travel and a barrier-separated shared use path along the west side of the bridge. The Estero Blvd. and Fifth St. intersection will be reconstructed, which will enhance public transit mobility, pedestrian safety, and provide opportunity areas for landscaping and other aesthetic features. The intersection will be reconfigured to include two bus-bay turnouts and a new traffic signal

at Estero Blvd. and Fifth St. The project area is located in Sections 7 and 18 of Township 46 South, Range 24 East, and Sections 12, 13, and 24 of Township 46 South, Range 23 East.

This Natural Resources Evaluation (NRE) was prepared as part of this PD&E study to document the natural resources analysis which was performed to support decisions related to the evaluation of the project build alternative and to summarize potential impacts to federal and state protected species, protected habitats, wetlands and Essential Fish Habitat (EFH). A 500-foot project study area consisting of a 250-foot buffer from the existing roadway centerline was created to assess these impacts. Measures considered to avoid, minimize, and mitigate for potential natural resource impacts resulting from the proposed project are also discussed.

Agency coordination to obtain species and habitat-related information has previously occurred through the Efficient Transportation Decision Making (ETDM) Program Screening (ETDM No. 14124) and the Advance Notification (AN) process. Based on the use of federal funding, the project's class of action is expected to be a Type 2 Categorical Exclusion (CE). 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.

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* and Chapter 5B-40 FAC, *Preservation of Native Flora of Florida*, the project build alternative was evaluated for potential occurrences of federally and state-protected plant and animal species. The project build alternative is located within the following US Fish and Wildlife Service (USFWS) Consultation Areas: American crocodile (*Crocodylus acutus*), Florida scrub-jay (*Aphelocoma coerulescens*), piping plover (*Charadrius melodus*), Florida bonneted bat (*Eumops floridanus*) and West Indian manatee (*Trichechus manatus*). Additionally, portions of the project build alternative are adjacent to potential habitat for the eastern indigo snake (*Drymarchon corais couperi*) and fall within core foraging areas for two wood stork (*Mycteria americana*) nesting colonies (Nos. 619041 and 619040). Federally-designated Critical Habitat occurs for the smalltooth sawfish (*Pristis pectinata*) and West Indian manatee within Matanzas Pass and Hurricane Bay. Lands within and adjacent to the project study area may also provide suitable habitats for various state-protected 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			Likelihood	Effect

Name	Scientific Name	Status	of Occurrence	Determination
Fish				
Smalltooth sawfish	*Pristis pectinata*	FE	Moderate	MANLAA
Reptiles				
Loggerhead Sea Turtle	*Caretta caretta*	FT	Moderate	MANLAA
Kemp's Ridley sea turtle	*Lepidochelys kempii*	FE	Moderate	MANLAA
Green sea turtle	*Chelonia mydas*	FE	Moderate	MANLAA
Eastern indigo snake	*Drymarchon couperi*	FT	Low	MANLAA
American alligator	*Alligator mississippiensis*	FT (S/A)	Low	MANLAA
American crocodile	*Crocodylus acutus*	FT	Low	MANLAA
Gopher tortoise	*Gopherus polyphemus*	C/ST	Low	NEA
Birds				
Florida scrub-jay	*Aphelocoma coerulescens*	FT	None	No effect
Red knot	*Calidris canutus*	FT	Low	No effect
Piping plover	*Charadrius melodus*	FT	Low	No effect
Wood stork	*Mycteria americana*	FT	Low	No effect
Eastern black rail	*Laterallus jamaicensis*	FT	Low	No effect
Florida sandhill crane	*Antigone canadensis pratensis*	ST	Low	NEA
Florida burrowing owl	*Athene cunicularia floridana*	ST	Low	NEA
Snowy plover	*Charadrius nivosus*	ST	Low	NEA
American oystercatcher	*Haematopus palliatus*	ST	Low	NEA
Black skimmer	*Rynchops niger*	ST	Low	NEA
Little blue heron	*Egretta caerulea*	ST	Low	NAEA
Reddish egret	*Egretta rufescens*	ST	Low	NAEA
Roseate spoonbill	*Platalea ajaja*	ST	Low	NAEA
Tricolored heron	*Egretta tricolor*	ST	Low	NAEA
Least tern	*Sternula antillarum*	ST	Low	NAEA
SE American kestrel	*Falco sparverius paulus*	ST	Low	NEA
	Haliaeetus	M/NL		

Bald eagle	*leucocephalus*	(BGEPA/MBTA)	Low	NAEA
Mammals				
Florida bonneted bat	*Eumops floridanus*	FE	High (Recorded Calls)	MANLAA-P
West Indian manatee	*Trichechus manatus*	FT	High	MANLAA
Common bottlenose dolphin	*Tursiops truncatus*	M/NL (MMPA)	High (Observed)	NAEA
Various roosting bat species	*Tadarida brasiliensis, et al.*	M/NL (68A-4.001 and 68A-9.010, FAC)	Moderate	NAEA
Plants				
Aboriginal prickly-apple	*Harrisia aboriginum*	FE	Low	No effect
Beautiful pawpaw	*Deeringothamnus pulchellus*	FE	None	No effect

(S/A) = Federally Listed, Similarity of Appearance;

SE = State Listed, Endangered, ST = State Listed, Threatened; C = Candidate for Federal Listing; M/NL = Managed/Not Listed;

BGEPA = Bald and Golden Eagle Protection Act; MBTA = Migratory Bird Treaty Act; MMPA = Marine Mammal Protection Act;

MANLAA = May Affect, Not Likely to Adversely Affect

MANLAA-P = May Affect, Not Likely to Adversely Affect – Programmatic (FL bonneted bat only)

NEA = No Effect Anticipated; NAEA = No Adverse Effect Anticipated

Matanzas Pass and Hurricane Bay provide Critical Habitat for the smalltooth sawfish and water column habitat for swimming Loggerhead, Kemp's Ridley and green sea turtles. No sea turtle beachfront nesting habitat occurs within the project footprint. These species were not observed during field reviews of the project study area. As discussed in NRE Section 1.2.1, there will be no underwater work and only minimal in-water work (restricted to slow-moving, non-anchored barges). Project construction activities will not result in destruction or adverse modification of sawfish Critical Habitat. The FDOT commits to adhere to the NMFS' *Sea Turtle and Smalltooth Sawfish Construction Conditions* (revised March 23, 2006) during project construction.

Minimal suitable eastern indigo snake habitat (grassed lots and mangrove wetlands) occurs adjacent to the project build alternative. Eastern indigo snakes were not were not

observed during field reviews of the project study area. Per the USFWS' *Eastern Indigo Snake Effect Determination Key* (dated August 1, 2017), the FDOT's effect determination sequence resulted in A > B > C > D = NLAA. This determination was based on the lack of observed holes, cavities, gopher tortoise burrows or underground refugia where a snake could be buried, trapped and/or injured during project activities. To avoid and minimize impacts during construction, the FDOT's construction contractor will follow Standard Specification 7-1.4: *Compliance with Federal Endangered Species Act and other Wildlife Regulations*. Additionally, the FDOT commits to adhere to the USFWS' *Standard Protection Measures for the Eastern Indigo Snake* (USFWS 2013).

The project build alternative occurs within the USFWS Consultation Area and contains suitable foraging habitat for the Florida bonneted bat. No potential roost trees were identified during the roost survey. Bridges were assessed; however, expansion joints observed appeared filled and did not exhibit adequate space required for roosting bats. No signs of roosting, such as guano or staining, were observed on any other areas of the bridges. Following the USFWS' Florida Bonneted Bat Consultation Key (dated October 22, 2019), a species-specific acoustical survey for the bonneted bat was conducted from October 28 - November 1, 2020. The survey recorded 3,122 total call sequences from seven different bat species over 20 detector nights. Kpro evaluation software identified Florida bonneted bats at three of four detector locations (71 call files). However, these calls were vetted by a qualified acoustic analyst and one single diagnostic call of the Florida bonneted bat was identified within the project study area at Detector ID D-03 (hanging from the north side of the Matanzas Pass Bridge) on October 30, 2020. This single call was not recorded at emergence indicating the bat entered the project area from adjacent habitat. Per the Consultation Key, the FDOT's effect determination sequence resulted in 1a > 2a > 3b > 6a > 7b > 10b > 12b = MANLAA-P (provided Best Management Practices/BMPs are used and survey reports are submitted). The survey report is included herein as NRE Appendix F. Based on the use of Consultation Key couplet 12b to reach a MANLAA effect determination, the FDOT commits to implementing BMPs 1, 3, 4 and 5 for this project.

Matanzas Pass and Hurricane Bay provide Critical Habitat for the West Indian manatee. The species was not observed during field reviews of the project study area but is expected to occur on a regular basis. As discussed in Section 1.2.1, there will be no underwater work and only minimal in-water work (restricted to slow-moving, non-anchored barges). Project construction activities will not result in destruction or adverse modification of manatee Critical Habitat. The FDOT commits to adhere to the USFWS'/FWC's 2011 *Standard Manatee Conditions for In-Water Work* during project construction.

As discussed in NRE Section 4.0, no wetland impacts will result from the construction of this project and no compensatory mitigation is required. The project alignment and construction limits have been located to avoid any direct or indirect impacts to area wetlands. In accordance with federal Executive Order 11990, the FDOT has undertaken all actions to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's

responsibilities. Although environmental permitting for the modification of existing stormwater management systems will be needed, wetland dredge/fill permitting is not anticipated to be necessary.

As discussed in NRE Section 5.2, impacts to EFH are not anticipated as a result of this project. All construction at the Matanzas Pass Bridge will take place above the waterline. There will be minimal use of barges during the limited demolition of this bridge. All vessels will follow marked channels and follow standard BMPs. The use of standard BMPs and adherence to programmatic conditions for protected species is anticipated to minimize the potential disturbance to all aquatic resources and EFH. Based on the height of the existing SR 865 bridge above the Matanzas Pass waterway (i.e., 65 feet) and the minor deck overhang widening proposed (approx. 3.5 feet), the proposed improvements are not anticipated to result in shading/light extinction for seagrass/SAV in the waterway. All work at the Hurricane Bay Bridge will be completed on the existing bridge deck with no in-water work required.

FDOT District One respectfully requests informal Endangered Species Act Section 7 consultation with the USFWS and NMFS, as well as coordination with other applicable federal and state regulatory/resource agencies to review and comment on the proposed action. Agency review comments are requested within 30 days. If you have any questions or require additional information, please feel free to contact me at (863) 519-2495 or via email.

Thank you in advance for your review and reply.

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

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David Rydene, Ph.D.
Fish Biologist
National Marine Fisheries Service
Habitat Conservation Division
263 13th Avenue South
St. Petersburg, FL 33701
Office (727) 824-5379
Cell (813) 992-5730
Fax (727) 824-5300

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David Rydene, Ph.D.
Fish Biologist
National Marine Fisheries Service
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263 13th Avenue South
St. Petersburg, FL 33701
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Fax (727) 824-5300

February 17, 2021

Jonathon A. Bennett
Environmental Project Manager
Florida Department of Transportation District 1
801 N. Broadway Avenue
Bartow, FL 33830
Jonathon.Bennett@dot.state.fl.us

Re: SR 865 (San Carlos Boulevard) from Estero Boulevard to CR 869 (Summerlin Road), Lee 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 February 2015 via the Efficient Transportation Decision Making (ETDM) process as ETDM 14124, and 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. All other inquiries may be directed to ConservationPlanningServices@MyFWC.com.

Sincerely,

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

jh/bb
SR 865 from Estero Blvd to CR 869_NRE_43496_02172021

From: Bennett, Jonathon
To: Gordon Mullen; Kimberly Warren
Subject: FW: U.S. EPA"s Comments RE: 433726-1 SR 865 (SAN CARLOS) FROM ESTERO BLVD TO CR 869 (SUMMERLIN RD) - NRE
Date: Thursday, February 25, 2021 9:04:31 AM

EPA's response below.

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

From: White, Roshanna <White.Roshanna@epa.gov>
Sent: Thursday, February 25, 2021 8:47 AM
To: Bennett, Jonathon <Jonathon.Bennett@dot.state.fl.us>
Cc: Kajumba, Ntale <Kajumba.Ntale@epa.gov>; Buskey, Traci P. <Buskey.Traci@epa.gov>
Subject: U.S. EPA's Comments RE: 433726-1 SR 865 (SAN CARLOS) FROM ESTERO BLVD TO CR 869 (SUMMERLIN RD) - NRE

Dear Mr. Jonathon Bennett:

The Environmental Protection Agency (EPA) reviewed the Natural Resource Evaluation (NRE) report, dated December 2020, on the federal action for the approximately 1.2-mile operational improvement project along State Road (SR) 865 (San Carlos Boulevard) from North of Crescent Street to North of the Hurricane Bay Bridge, in Lee County, Florida. The purpose of the project is to increase accessibility and enhance mobility and safety for vehicle and nonvehicular transportation. The proposed improvements include widening the Matanzas Pass Bridge to accommodate a new shared-use path along the west side of the bridge, milling and resurfacing, traffic signals and crosswalks, and the Hurricane Bay Bridge modification to accommodate bicycle lanes in each direction and a barrier-protected sidewalk along the west side of the bridge.

According to the NRE report, jurisdictional wetlands and surface waters were identified within the project study area and they consist of estuarine habitats (open water and mangrove forests) common to Hurricane Bay and Matanzas Pass waterbodies. Although, mangroves are in close proximity to the Hurricane Bay Bridge, all road improvements along the bridge will be completed within the footprint of the existing bridge to avoid any direct or indirect impacts. The project alignment and construction limits have been located to avoid any direct or indirect impacts to area

wetlands. Additionally, proposed improvements to SR-865 and the anticipated construction method are not anticipated to result in direct or secondary impacts to wetlands or other surface waters. The Florida Department of Transportation does not anticipate that wetland impacts will result from the construction of this project and no compensatory mitigation will be required.

In addition to wetland and surface water impacts, the NRE examines potential impacts to federal and state protected species, summarizes the results of these assessments, and identifies measures to avoid, minimize and mitigate potential impacts. The Florida Department of Transportation expects the project's class of action to be a Type 2 Categorical Exclusion. Based on the EPA's review of the NRE report, we do not anticipate any significant impacts.

The EPA appreciates the opportunity to provide preliminary comments on the proposed project. If you have any questions regarding the EPA's comments, please contact me by phone at 404-562-9035 or via email at white.roshanna@epa.gov.

Sincerely,

Roshanna White │Life Scientist
National Environmental Policy Act (NEPA) Section│Strategic Programs Office
U.S. Environmental Protection Agency│Region IV
Voice: 404-562-9035 │Email: **white.roshanna@epa.gov**

From: Bennett, Jonathon <Jonathon.Bennett@dot.state.fl.us>
Sent: Wednesday, January 27, 2021 11:22 AM
To: White, Roshanna <White.Roshanna@epa.gov>
Cc: Marshall, Jennifer <Jennifer.Marshall@dot.state.fl.us>; Gordon Mullen <gmullen@rkk.com>; Kimberly Warren <kwarren@rkk.com>; Pipkin, Gwen G <Gwen.Pipkin@dot.state.fl.us>; Harris, D'Juan <D'Juan.Harris@dot.state.fl.us>; Henri Belrose <Henri.Belrose@wginc.com>; Jessie Griffith <Jessie.Griffith@wginc.com>
Subject: 433726-1 SR 865 (SAN CARLOS) FROM ESTERO BLVD TO CR 869 (SUMMERLIN RD) - NRE

Good morning.

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 to State Road (SR) 865 / San Carlos Boulevard from Crescent Street to North of Hurricane Bay Bridge in Lee County, a distance of approximately 1.2 miles. The purpose of the project is to increase accessibility and enhancement of mobility and safety for vehicular and non-vehicular transportation. The project does not include capacity improvements.

The proposed improvements include widening the Matanzas Pass Bridge to accommodate a new

shared-use path along the west side of the bridge, milling and resurfacing, new and modification to existing traffic signals and crosswalks. The Hurricane Bay Bridge will be restriped to accommodate bicycle lanes in each direction of travel and a barrier-separated shared use path along the west side of the bridge. The Estero Blvd. and Fifth St. intersection will be reconstructed, which will enhance public transit mobility, pedestrian safety, and provide opportunity areas for landscaping and other aesthetic features. The intersection will be reconfigured to include two bus-bay turnouts and a new traffic signal at Estero Blvd. and Fifth St. The project area is located in Sections 7 and 18 of Township 46 South, Range 24 East, and Sections 12, 13, and 24 of Township 46 South, Range 23 East.

This Natural Resources Evaluation (NRE) was prepared as part of this PD&E study to document the natural resources analysis which was performed to support decisions related to the evaluation of the project build alternative and to summarize potential impacts to federal and state protected species, protected habitats, wetlands and Essential Fish Habitat (EFH). A 500-foot project study area consisting of a 250-foot buffer from the existing roadway centerline was created to assess these impacts. Measures considered to avoid, minimize, and mitigate for potential natural resource impacts resulting from the proposed project are also discussed.

Agency coordination to obtain species and habitat-related information has previously occurred through the Efficient Transportation Decision Making (ETDM) Program Screening (ETDM No. 14124) and the Advance Notification (AN) process. Based on the use of federal funding, the project's class of action is expected to be a Type 2 Categorical Exclusion (CE). 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.

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* and Chapter 5B-40 FAC, *Preservation of Native Flora of Florida*, the project build alternative was evaluated for potential occurrences of federally and state-protected plant and animal species. The project build alternative is located within the following US Fish and Wildlife Service (USFWS) Consultation Areas: American crocodile (*Crocodylus acutus*), Florida scrub-jay (*Aphelocoma coerulescens*), piping plover (*Charadrius melodus*), Florida bonneted bat (*Eumops floridanus*) and West Indian manatee (*Trichechus manatus*). Additionally, portions of the project build alternative are adjacent to potential habitat for the eastern indigo snake (*Drymarchon corais couperi*) and fall within core foraging areas for two wood stork (*Mycteria americana*) nesting colonies (Nos. 619041 and 619040). Federally-designated Critical Habitat occurs for the smalltooth sawfish (*Pristis pectinata*) and West Indian manatee within Matanzas Pass and Hurricane Bay. Lands within and adjacent to the project study area may also provide suitable habitats for various state-protected 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
Fish				
Smalltooth sawfish	*Pristis pectinata*	FE	Moderate	MANLAA

Reptiles				
Loggerhead Sea Turtle	*Caretta caretta*	FT	Moderate	MANLAA
Kemp's Ridley sea turtle	*Lepidochelys kempii*	FE	Moderate	MANLAA
Green sea turtle	*Chelonia mydas*	FE	Moderate	MANLAA
Eastern indigo snake	*Drymarchon couperi*	FT	Low	MANLAA
American alligator	*Alligator mississippiensis*	FT (S/A)	Low	MANLAA
American crocodile	*Crocodylus acutus*	FT	Low	MANLAA
Gopher tortoise	*Gopherus polyphemus*	C/ST	Low	NEA
Birds				
Florida scrub-jay	*Aphelocoma coerulescens*	FT	None	No effect
Red knot	*Calidris canutus*	FT	Low	No effect
Piping plover	*Charadrius melodus*	FT	Low	No effect
Wood stork	*Mycteria americana*	FT	Low	No effect
Eastern black rail	*Laterallus jamaicensis*	FT	Low	No effect
Florida sandhill crane	*Antigone canadensis pratensis*	ST	Low	NEA
Florida burrowing owl	*Athene cunicularia floridana*	ST	Low	NEA
Snowy plover	*Charadrius nivosus*	ST	Low	NEA
American oystercatcher	*Haematopus palliatus*	ST	Low	NEA
Black skimmer	*Rynchops niger*	ST	Low	NEA
Little blue heron	*Egretta caerulea*	ST	Low	NAEA
Reddish egret	*Egretta rufescens*	ST	Low	NAEA
Roseate spoonbill	*Platalea ajaja*	ST	Low	NAEA
Tricolored heron	*Egretta tricolor*	ST	Low	NAEA
Least tern	*Sternula antillarum*	ST	Low	NAEA
SE American kestrel	*Falco sparverius paulus*	ST	Low	NEA
Bald eagle	*Haliaeetus leucocephalus*	M/NL (BGEPA/MBTA)	Low	NAEA
Mammals				
Florida bonneted bat	*Eumops floridanus*	FE	High (Recorded Calls)	MANLAA-P
West Indian manatee	*Trichechus manatus*	FT	High	MANLAA
Common bottlenose dolphin	*Tursiops truncatus*	M/NL (MMPA)	High (Observed)	NAEA
Various roosting bat species	*Tadarida brasiliensis, et al.*	M/NL (68A-4.001 and 68A-9.010, FAC)	Moderate	NAEA
Plants				
Aboriginal prickly-apple	*Harrisia aboriginum*	FE	Low	No effect
Beautiful pawpaw	*Deeringothamnus pulchellus*	FE	None	No effect

(S/A) = Federally Listed, Similarity of Appearance;
SE = State Listed, Endangered, ST = State Listed, Threatened; C = Candidate for Federal Listing; M/NL = Managed/Not Listed;

BGEPA = Bald and Golden Eagle Protection Act; MBTA = Migratory Bird Treaty Act; MMPA = Marine Mammal Protection Act;
MANLAA = May Affect, Not Likely to Adversely Affect
MANLAA-P = May Affect, Not Likely to Adversely Affect – Programmatic (FL bonneted bat only)
NEA = No Effect Anticipated; NAEA = No Adverse Effect Anticipated

Matanzas Pass and Hurricane Bay provide Critical Habitat for the smalltooth sawfish and water column habitat for swimming Loggerhead, Kemp's Ridley and green sea turtles. No sea turtle beachfront nesting habitat occurs within the project footprint. These species were not observed during field reviews of the project study area. As discussed in NRE Section 1.2.1, there will be no underwater work and only minimal in-water work (restricted to slow-moving, non-anchored barges). Project construction activities will not result in destruction or adverse modification of sawfish Critical Habitat. The FDOT commits to adhere to the NMFS' *Sea Turtle and Smalltooth Sawfish Construction Conditions* (revised March 23, 2006) during project construction.

Minimal suitable eastern indigo snake habitat (grassed lots and mangrove wetlands) occurs adjacent to the project build alternative. Eastern indigo snakes were not were not observed during field reviews of the project study area. Per the USFWS' *Eastern Indigo Snake Effect Determination Key* (dated August 1, 2017), the FDOT's effect determination sequence resulted in A > B > C > D = NLAA. This determination was based on the lack of observed holes, cavities, gopher tortoise burrows or underground refugia where a snake could be buried, trapped and/or injured during project activities. To avoid and minimize impacts during construction, the FDOT's construction contractor will follow Standard Specification 7-1.4: *Compliance with Federal Endangered Species Act and other Wildlife Regulations*. Additionally, the FDOT commits to adhere to the USFWS' *Standard Protection Measures for the Eastern Indigo Snake* (USFWS 2013).

The project build alternative occurs within the USFWS Consultation Area and contains suitable foraging habitat for the Florida bonneted bat. No potential roost trees were identified during the roost survey. Bridges were assessed; however, expansion joints observed appeared filled and did not exhibit adequate space required for roosting bats. No signs of roosting, such as guano or staining, were observed on any other areas of the bridges. Following the USFWS' Florida Bonneted Bat Consultation Key (dated October 22, 2019), a species-specific acoustical survey for the bonneted bat was conducted from October 28 - November 1, 2020. The survey recorded 3,122 total call sequences from seven different bat species over 20 detector nights. Kpro evaluation software identified Florida bonneted bats at three of four detector locations (71 call files). However, these calls were vetted by a qualified acoustic analyst and one single diagnostic call of the Florida bonneted bat was identified within the project study area at Detector ID D-03 (hanging from the north side of the Matanzas Pass Bridge) on October 30, 2020. This single call was not recorded at emergence indicating the bat entered the project area from adjacent habitat. Per the Consultation Key, the FDOT's effect determination sequence resulted in 1a > 2a > 3b > 6a > 7b > 10b > 12b = MANLAA-P (provided Best Management Practices/BMPs are used and survey reports are submitted). The survey report is included herein as NRE Appendix F. Based on the use of Consultation Key couplet 12b to reach a MANLAA effect determination, the FDOT commits to implementing BMPs 1, 3, 4 and 5 for this project.

Matanzas Pass and Hurricane Bay provide Critical Habitat for the West Indian manatee. The species was not observed during field reviews of the project study area but is expected to occur on a regular basis. As discussed in Section 1.2.1, there will be no underwater work and only minimal in-water work (restricted to slow-moving, non-anchored barges). Project construction activities will not result in destruction or adverse modification of manatee Critical Habitat. The FDOT commits to adhere to the USFWS'/FWC's 2011 *Standard Manatee Conditions for In-Water Work* during project construction.

As discussed in NRE Section 4.0, no wetland impacts will result from the construction of this project and no compensatory mitigation is required. The project alignment and construction limits have been located to avoid any direct or indirect impacts to area wetlands. In accordance with federal Executive Order 11990, the FDOT has undertaken all actions to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities. Although environmental permitting for the modification of existing stormwater management systems will be needed, wetland dredge/fill permitting is not anticipated to be necessary.

As discussed in NRE Section 5.2, impacts to EFH are not anticipated as a result of this project. All construction at the Matanzas Pass Bridge will take place above the waterline. There will be minimal use of barges during the limited demolition of this bridge. All vessels will follow marked channels and follow standard BMPs. The use of standard BMPs and adherence to programmatic conditions for protected species is anticipated to minimize the potential disturbance to all aquatic resources and EFH. Based on the height of the existing SR 865 bridge above the Matanzas Pass waterway (i.e., 65 feet) and the minor deck overhang widening proposed (approx. 3.5 feet), the proposed improvements are not anticipated to result in shading/light extinction for seagrass/SAV in the waterway. All work at the Hurricane Bay Bridge will be completed on the existing bridge deck with no in-water work required.

FDOT District One respectfully requests informal Endangered Species Act Section 7 consultation with the USFWS and NMFS, as well as coordination with other applicable federal and state regulatory/resource agencies to review and comment on the proposed action. Agency review comments are requested within 30 days. If you have any questions or require additional information, please feel free to contact me at (863) 519-2495 or via email.

Thank you in advance for your review and reply.

Jonathon A. Bennett
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Florida Department of Transportation District One
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United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960
October 22, 2019

Shawn Zinszer
U.S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

Subject: Consultation Key for the Florida bonneted bat; 04EF2000-2014-I-0320-R001

Dear Mr. Zinszer:

This letter replaces the December 2013, Florida bonneted bat guidelines provided to the U.S. Army Corps of Engineers (Corps) to assist your agency with effect determinations within the range of the Florida bonneted bat (*Eumops floridanus*). This October 2019 revision supersedes all prior versions. The enclosed *Florida Bonneted Bat Consultation Guidelines* and incorporated *Florida Bonneted Bat Consultation Key* (Key) are provided pursuant to the U.S. Fish and Wildlife Service's (Service) authorities under the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C.1531 *et seq.*). This letter, guidelines, and Key have been assigned Service Consultation Code: 41420- 04EF2000-2014-I-0320-R001.

The purpose of the guidelines and Key is to aid the Corps (or other Federal action agency) in making appropriate effect determinations for the Florida bonneted bat under section 7 of the Act, and streamline informal consultation with the Service for the Florida bonneted bat when the proposed action is consistent with the Key. There is no requirement to use the Key. There will be cases when the use of the Key is not appropriate. These include, but are not limited to: where project specific information is outside of the scope of the Key, applicants do not wish to implement the identified survey or best management practices, or if there is new biological information about the species. In these cases, we recommend the Corps (or other Federal action agency) initiate traditional consultation pursuant to section 7 of the Act, and identify that consultation is being requested outside of the Key.

This Key uses type of habitat (*i.e*, roosting or foraging), survey results, and project size as the basis for making determinations of "may affect, but is not likely to adversely affect" (MANLAA) and "may affect, and is likely to adversely affect" (LAA). The Key is structured to focus on the type(s) of habitat that will be affected by a project. When proposed project areas provide features that could support roosting of Florida bonneted bats, it is considered roosting habitat. If evaluation of roosting habitat determines that roosting is not likely, then the area is subsequently evaluated for its value to the species as foraging habitat.

https://www.fws.gov/verobeach/ProgrammaticPDFs/20191022_letter_Servicetot"orps_FBB-ProgrammaticKey.pdf

Roosting habitat

The guidelines describe the features of roosting habitat. When a project is proposed in roosting habitat, the likelihood that roosting is occurring is evaluated through surveys (*i.e.*, full acoustic or limited roost). When a roost is expected and the proposed activity will affect that roost, formal consultation is required. This is because the proposed activity is expected to take individuals through the destruction of the roost and the appropriate determination is that the project may affect, and is likely to adversely affect (LAA) the species. When roosting is expected, but all impacts to the roost can be avoided, and only foraging habitat (without roost structure) will be affected, the Service finds that it is reasonable to conclude that the proposed action is not likely to impair feeding, breeding, or sheltering. Thus, the proposed project may affect, but is not likely to affect the Florida bonneted bat (MANLAA).

The exception to this logic path is if the proposed action will affect more than 50 acres of foraging habitat in proximity to the roost. Under this scenario, we anticipate that the loss of the larger amount of foraging habitat near the roost could significantly impair feeding of young and overall breeding (*i.e.*, LAA). Consequently, these projects would require formal consultation to analyze the effect of the incidental take.

If the roost surveys demonstrate that roosting is not likely, the project is then evaluated for its effects to foraging habitat. Our evaluation of these actions is described below. The exception is for projects less than or equal to 5 acres if a limited roost survey is conducted. Limited roost surveys rely on peeping and visual surveys to determine whether roosting is likely. On these small projects, this survey strategy is believed to be more economical and is considered a reasonable effort to evaluate the potential for roosting. The Service acknowledges that this approach is less reliable in evaluating the likelihood of roosting when it is not combined with acoustic surveys. Therefore, when limited roost surveys are conducted for projects that are less than or equal to 5 acres in size and the determination is that roosting is not likely, we conclude that the proposed project may affect, but is not likely to adversely affect the species (MANLAA).

Foraging habitat

The guidelines describe the features of foraging habitat. Data informing the home range size of the Florida bonneted bats is limited. Global Positioning System (GPS) and radio-telemetry data for Florida bonneted bats documents that they move large distances and likely have large home ranges. Data from recovered GPS satellite tags on Florida bonneted bats tagged at Babcock-Webb Wildlife Management Area (BWWMA) found the maximum distance detected from a capture site was 24.2 mi (38.9 km); the greatest path length travelled in a single night was 56.3 mi (90.6 km) (Ober 2016; Webb 2018a-b). At BWWMA, researchers found that most individual locations were within one mile of the roost (point of capture) (Ober 2015). Additional data collected during the month of December documented the mean maximum distance Florida bonneted bats (n=8) with tags traveled from the roost was 9.5 mi (Webb 2018b).

The Service recognizes that the movement information comes from only one site (BWWMA and vicinity), and data are from small numbers (n=20) of tagged individuals for only short periods of time (Webb 2018a-b). We expect that across the Florida bonneted bat's range differences in

habitat quality, prey availability, and other factors will result in variable habitat use and home range sizes between locations. Foraging distances and home range sizes in high quality habitats are expected to be smaller while foraging distances and home range sizes in low quality habitat would be expected to be larger. Regardless, we use these studies as our best available information to evaluate when changes to foraging habitat may have an effect on the species ability to feed, breed, and shelter and subsequently result in incidental take. When considering where most of the nightly activity was observed, we calculate a foraging area centered on a roost with a 1 mile radius would include approximately 2,000 acres, and a foraging area centered on a 9.5 mile radius would encompass approximately 181,000 acres, on any given night.

Given the Service's limited understanding of how the Florida bonneted bat moves throughout its home range and selects foraging areas, we choose to use 50 acres of habitat as a conservative estimate to when loss of foraging habitat may affect the fitness of an individual to the extent that it would impair feeding and breeding. Projects that would remove, destroy or convert less than 50 acres of Florida bonneted bat foraging habitat are expected to result in a loss of foraging opportunities; however, this decrease is not expected to significantly impair the ability of the individual to feed and breed. Consequently, projects impacting less than 50 acres of foraging habitat that implement the identified best management practices in the Key would be expected to avoid take, and the appropriate determination is that the project may affect, but is not likely to adversely affect the species (MANLAA).

Next, the Service incorporated the level of bat activity into our Key to evaluate when a foraging area may have greater value to the species. When surveys document high bat activity, we deduce that this area has increased value and importance to the species. Thus, when high bat activity is detected in parcels with greater than 50 acres of foraging habitat, we anticipate that the loss, destruction, or conversion of this habitat could significantly impair the ability of an individual to feed and breed (*i.e.*, LAA); thus formal consultation is warranted.

If surveys do not indicate high bat activity, we anticipate that loss of this additional foraging habitat may affect, but is not likely to adversely affect the species (MANLAA). This is because although the acreage is large, the area does not appear to be important at the landscape scale of nightly foraging. Therefore, its loss is not anticipated to significantly impair the ability of an individual to feed or breed.

The exception to this approach is for projects greater than 50 acres when they occur in potential roosting habitat that is not found to support roosting or high bat activity. Under this scenario, the Service concludes that the loss of the large acreage of suitable roosting habitat has the potential to significantly impair the ability of an individual to breed or shelter (*i.e.*, LAA) because the species is cavities for roosting are expected to be limited range wide and the project will impair these limited opportunities for roosting.

Determinations

The Corps (or other Federal action agency) may reach one of several determinations when using this Key. Regardless of the determination, when acoustic bat surveys have been conducted, the Service requests that these survey results are provided to our office to increase our knowledge of

the species and improve our consultation process. Surveys results and reports should be transmitted to the Service at FBBsurveyreport@fws.gov or mail electronic file to U.S. Fish and Wildlife Service, Attention Florida bonneted bat surveys, 1339 20th Street, Vero Beach, Florida 32960. When formal consultation is requested, survey results and reports should be submitted with the consultation request to verobeach@fws.gov.

No effect: If the use of the Key results in a determination of "no effect," no further consultation is necessary with the Service. The Service recommends that the Corps (or other Federal action agency) documents the pathway used to reach the determination in the project record and proceeds with other species analyses as warranted.

May Affect, Not Likely to Adversely Affect (MANLAA): In this Key we have identified two ways that consultation can conclude informally, MANLAA-P and MANLAA-C.

> **MANLAA-P**: If the use of the Key results in a determination of "MANLAA- P," the Service concurs with this determination based on the rationale provide above, and no further consultation is necessary for the effects of the proposed action on the Florida bonneted bat. The Service recommends that the Corps (or other Federal action agency) documents the pathway used to reach the determination in the project record and proceeds with other species analyses as warranted.
>
> **MANLAA-C**: If the use of the Key results in a determination of MANLAA-C, further consultation with the Service is required to confirm that the Key has been used properly, and the Service concurs with the evaluation of the survey results. Survey results should be submitted with the consultation request.

May Affect, Likely to Adversely Affect (LAA) - When the determination in the Key is "LAA" technical assistance with the Service and modifications to the proposed action may enable the project to be reevaluated and conclude with a MANLAA-C determination. Under other circumstance, "LAA" determinations will require formal consultation.

Working with the Fish and Wildlife Foundation of Florida, the Service has established a fund to support conservation and recovery for the Florida bonneted bat. Any project that has the potential to affect the Florida bonneted bat and/or its habitat is encouraged to make a voluntary contribution to this fund. If you would like additional information about how to make a contribution and how these monies are used to support Florida bonneted bat recovery please contact Ashleigh Blackford, Connie Cassler, or José Rivera at 772-562-3909.

This revised Key is effective immediately upon receipt by the Corps. Should circumstances change or new information become available regarding the Florida bonneted bat and/or implementation of the Key, the determinations herein may be reconsidered and this Key further revised or amended. We have established an email address to collect comments on the Key and the survey protocols at: FBBguidelines@fws.gov.

Thank you for your continued cooperation in the effort to conserve fish and wildlife resources. If you have any questions regarding this Key, please contact the South Florida Ecological Services Office at 772-562-3909.

Sincerely,

Roxanna Hinzman
Field Supervisor
South Florida Ecological Services

Enclosure

Cc: electronic only
Corps, Jacksonville, Florida (Dale Beter, Muriel Blaisdell, Ingrid Gilbert, Alisa Zarbo, Melinda Charles-Hogan, Susan Kaynor, Krista Sabin, John Fellows)

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Webb, E.N. 2018a. Email to Paula Halupa *et al.* University of Florida, Department of Wildlife Ecology and Conservation. Gainesville, Florida. April 1, 2018.

Webb, E.N. 2018b. Presentation given at Florida bonneted bat working group meeting at The Conservancy of Southwest Florida. University of Florida, Department of Wildlife Ecology and Conservation. Gainesville, Florida. May 24, 2016.

U.S. Fish and Wildlife Service
South Florida Ecological Services Office

FLORIDA BONNETED BAT CONSULTATION GUIDELINES

October - 2019

The U.S. Fish and Wildlife Service's South Florida Ecological Services Field Office (Service) developed the Florida Bonneted Bat Consultation Guidelines (Guidelines) to assist in avoiding and minimizing potential negative effects to roosting and foraging habitat, and assessing effects to the Florida bonneted bat (*Eumops floridanus*) from proposed projects. The Consultation Key within the Guidelines assists applicants in evaluating their proposed projects and identifying the appropriate consultation paths under sections 7 and 10 of the Endangered Species Act of 1973 (Act), as amended (87 Stat. 884; 16 U.S.C. 1531 *et seq.*). These Guidelines are primarily for use in evaluating regulatory projects where development and land conversions are anticipated. These Guidelines focus on conserving roosting structures in natural and semi-natural environments. The following Consultation Area map (Figure 1 and Figure 2, Appendix A), Consultation Flowchart (Figure 3), Consultation Key, Survey Framework (Appendices B-C), and **Best Management Practices (BMPs)** (Appendix D) are based upon the best available scientific information. As more information is obtained, these Guidelines will be revised as appropriate. If you have comments, or suggestions on these Guidelines or the Survey Protocols (Appendix B and C), please email your comments to FBBguidelines@fws.gov. These comments will be reviewed and incorporated in an annual review.

Terms in **bold** are further defined in the Glossary.

Wherever possible, proposed development projects within the Consultation Area should be designed to avoid and minimize take of Florida bonneted bats and to retain their habitat. Applicants are encouraged to enter into early technical assistance/consultation with the Service so we may provide recommendations for avoiding and minimizing adverse effects. Although these Guidelines focus on the effects of a proposed action (*e.g.*, development) on natural habitat, (*i.e.*, non-urban), Appendix E also provides Best Management Practices for Land Management Projects.

If you are renovating an existing artificial structure (*e.g.*, building) within the urban environment with or without additional ground disturbing activities, these Guidelines do not apply. The Service is developing separate guidelines for consultation in these situations. Until the urban guidelines are complete, please contact the Service for additional guidance.

The final listing rule for the Florida bonneted bat (Service 2013) describes threats identified for the species. Habitat loss and degradation, as well as habitat modification, have historically affected the species. Florida bonneted bats are different from most other Florida bat species because they are reproductively active through most of the year, and their large size makes them capable of foraging long distances from their roost (Ober *et al.* 2016). Consequently, this species is vulnerable to disturbances around the roost during a greater portion of the year and considerations about foraging habitat extend further than the localized roost.

Use of Consultation Area, Flowchart, and Key

Figure 1 shows the Consultation Area for the Florida bonneted bat where this consultation guidance applies. For information on how the Consultation Area was delineated see Appendix A. The Consultation Flowchart (Figure 3) and Consultation Key direct project proponents through a series of couplets that will provide a conclusion or determination for potential effects to the Florida bonneted bat. *Please Note: If additional listed species, or candidate or proposed species, or designated or proposed critical habitat may be affected, a separate evaluation will be needed for these species/critical habitats.*

Currently, the Consultation Flowchart (Figure 3) and Consultation Key cannot be used for actions proposed within the urban development boundary in Miami-Dade and Broward County. The urban development boundary is part of the Consultation Area, but it is excluded from these Guidelines because Florida bonneted bats use this area differently (roosting largely in artificial structures), and small natural foraging areas are expected to be important. Applicants with projects in this area should contact the Service for further guidance and individual consultation.

Determinations may be either "no effect," "may affect, but is not likely to adversely affect" (**MANLAA**), or "may affect, and is likely to adversely affect" (**LAA**). An applicant's willingness and ability to alter project designs could sufficiently minimize effects to Florida bonneted bats and allow for a **MANLAA** determination for this species (informal consultation). The Service is available for early technical assistance/consultation to offer recommendations to assist in project design that will minimize effects. When take cannot be avoided, applicants and action agencies are encouraged to incorporate compensation to offset adverse effects. The Service can assist with identifying compensation options (*e.g.*, conservation on site, conservation off-site, contributions to the Service's Florida bonneted bat conservation fund, *etc*.).

Using the Key and Consultation Flowchart

- "No effect" determinations do not need Service concurrence.
- "May affect, but is not likely to adversely affect" **MANLAA**. Applicants will be expected to incorporate the appropriate BMPs to reach a **MANLAA** determination.
    - **MANLAA-P** (in blue in Consultation Flowchart) have programmatic concurrence through the transmittal letter of these Guidelines, and therefore no further consultation with the Service is necessary unless assistance is needed in interpreting survey results.
    - **MANLAA-C** (in black in Consultation Flowchart) determinations require further consultation with the Service.
- "May affect, and is likely to adversely affect" (**LAA**) determinations require consultation with the Service. Project modifications could change the **LAA** determinations in numbers 5, 8, 9, 11, 12, and 17 to **MANLAA**. When take cannot be avoided, **LAA** determinations will require a biological opinion.
- The Service requests copies of surveys used to support all determinations. If a survey is required by the Consultation Key and the final determination is "no effect" or "MANLAA-P", send the survey to FBBsurveyreport@fws.gov , or mail electronic file to U.S. Fish and Wildlife Service, Attention Florida bonneted bat surveys, 1339 20th Street, Vero Beach, Florida 32960. If a survey is required by the Consultation Key and the determination is "MANLAA-C" or "LAA", submit the survey in the consultation request.

For the purpose of making a decision at Couplet 2: If any potential roosting structure is present, then the habitat is classified as **potential roosting habitat**, and the left half of the flowchart should be followed (see Figure 3). We recognize that roosting habitat may also be used by Florida bonneted bats for foraging. If the project site only consists of **foraging habitat** (*i.e.*, no suitable roosting structures), then the right side of the flowchart should be followed beginning at step 13.

For couplets 11 and 12: **Potential roosting habitat** is considered **Florida bonneted bat foraging habitat** when a determination is made that roosting is not likely.

Florida Bonneted Bat Consultation Key#

Use the following key to evaluate potential effects to the Florida bonneted bat (FBB) from the proposed project. Refer to the Glossary as needed.

1a. Proposed project or land use change is partially or wholly within the Consultation Area (Figure 1)..... **Go to 2**
1b. Proposed project or land use change is wholly outside of the Consultation Area (Figure 1)..... **No Effect**

2a. Potential FBB roosting habitat exists within the project area..... **Go to 3**
2b. No potential FBB roosting habitat exists within the project area..... **Go to 13**

3a. Project size/footprint* ≤ 5 acres (2 hectares)..... **Conduct Limited Roost Survey (Appendix C)** then **Go to 4**
3b. Project size/footprint* > 5 acres (2 hectares)..... **Conduct Full Acoustic/Roost Surveys (Appendix B)** then **Go to 6**

4a. Results show FBB roosting is likely ..... **Go to 5**
4b. Results do not show FBB roosting is likely..... **MANLAA-P if BMPs (Appendix D) used and survey reports are submitted. Programmatic concurrence.**

5a. Project will affect roosting habitat..... **LAA+ Further consultation with the Service required.**
5b. Project will not affect roosting habitat..... **MANLAA-C with required BMPs (Appendix D). Further consultation with the Service required.**

6a. Results show some FBB activity..... **Go to 7**
6b. Results show no FBB activity..... **No Effect**

7a. Results show FBB roosting is likely..... **Go to 8**
7b. Results do not show FBB roosting is likely..... **Go to 10**

8a. Project will not affect roosting habitat..... **Go to 9**
8b. Project will affect roosting habitat..... **LAA+ Further consultation with the Service required.**

9a. Project will affect* > 50 acres (20 hectares) (wetlands and uplands) of foraging habitat..... **LAA+ Further consultation with the Service required.**
9b. Project will affect* ≤ 50 acres (20 hectares) (wetlands and uplands) of foraging habitat..... **MANLAA-C with required BMPs (Appendix D). Further consultation with the Service required.**

10a. Results show high FBB activity/use..... **Go to 11**
10b. Results do not show high FBB activity/use..... **Go to 12**

11a. Project will affect* > 50 acres (20 hectares) (wetlands and uplands) of FBB habitat (roosting and/or foraging)..... **LAA+ Further consultation with the Service required.**
11b. Project will affect* ≤ 50 acres (20 hectares) (wetlands and uplands) of FBB habitat (roosting and/or foraging)..... **MANLAA-C with required BMPs (Appendix D). Further consultation with the Service required.**

12a. Project will affect* > 50 acres (20 hectares) (wetlands and uplands) of FBB habitat..... **LAA+ Further consultation with the Service required.**
12b. Project will affect* ≤ 50 acres (20 hectares) (wetlands and uplands) of FBB habitat..... **MANLAA-P if BMPs (Appendix D) used and survey reports are submitted. Programmatic concurrence.**

13a. FBB foraging habitat exists within the project area and foraging habitat will be affected…..……..**Go to 14**

13b. FBB foraging habitat exists within the project area and foraging habitat will not be affected **OR** no FBB foraging habitat exists within the project area…..……..**No Effect**

14a. Project size* > 50 acres (20 hectares) (wetlands and uplands) ……..…….....**Go to 15**

14b. Project size* ≤ 50 acres (20 hectares) (wetlands and uplands) ……...….. **MANLAA-P if BMPs (Appendix D) used. Programmatic concurrence.**

15a. Project is within 8 miles (12.9 kilometers) of high quality potential roosting areas^……..……**Conduct Full Acoustic Survey (Appendix B) and Go to 16**

15b. Project is not within 8 miles (12.9 kilometers) of high quality potential roosting area^…….....….**MANLAA-P if BMPs (Appendix D) used. Programmatic concurrence.**

16a. Results show some FBB activity……...…….....**Go to 17**

16b. Results show no FBB activity……..…….…....**No Effect**

17a. Results show high FBB activity/use……...…...…....**LAA[+] Further consultation with the Service required.**

17b. Results do not show high FBB activity/use……..... **MANLAA-P if BMPs (Appendix D) used and survey reports submitted. Programmatic concurrence.**

[#] If you are within the urban environment and you are renovating an existing artificial structure (with or without additional ground disturbing activities), these Guidelines do not apply. The Service is developing separate guidelines for consultation in these situations. Until the urban guidelines are complete, please contact the Service for additional guidance

*****Includes wetlands and uplands that are going to be altered along with a 250- foot (76.2- meter) buffer around these areas if the parcel is larger than the altered area.

[+]Project modifications could change the **LAA** determinations in numbers 5, 8, 9, 11, 12, and 17 to **MANLAA** determinations.

^Determining if **high quality potential roosting areas** are within 8 mi (12.9 km) of a project is intended to be a desk-top exercise looking at most recent aerial imagery, not a field exercise.

Appendix D: Best Management Practices (BMPs) for Development Projects

Ongoing research and monitoring will continue to increase the understanding of the Florida bonneted bat and its habitat needs and will continue to inform habitat and species management recommendations. These BMPs incorporate what is known about the species and also include recommendations that are beneficial to all bat species in Florida. These BMPs are intended to provide recommendations for improving conditions for use by Florida bonneted bats, and to help conserve Florida bonneted bats that may be foraging or roosting in an area.

The BMPs required to reach a "may affect, but is not likely to adversely affect" (MANLAA) determination vary depending on the couplet from the Consultation Key used to reach that particular MANLAA. The requirements for each couplet are provided below followed by the list of BMPs. If the applicant is unable or does not want to do the required BMPs, then the Corps (or other Action Agency) will not be able to use this Guidance and formal consultation with the Service is required.

Couplet Number for MANLAA from Consultation Key	Required BMPs
4b	BMP number 1 if more than 3 months has occurred between the survey and start of the project, and any 3 BMPs out of BMPs 4 through 13
5b	BMP number 2, and any 3 BMPs out of BMPs 3 through 13
9b	BMPs number 2 and 3, and any 4 BMPs out of BMPs 5 through 13
11b	BMPs number 1 and 4, and any 4 BMPs out of BMPs 5 through 13
12b	BMP number 1, and any 3 BMPs out of BMPs 3 through 13
14b	Any 2 BMPs out of BMPs 3 through 13
15b	Any 3 BMPs out of BMPs 3 through 13
17b	Any 4 BMPs out of BMPs 3 through 13

BMPs for development, construction, and other general activities:

1. If potential roost trees or structures need to be removed, check cavities for bats within 30 days prior to removal of trees, snags, or structures. When possible, remove structure outside of breeding season (*e.g.*, January 1 – April 15). If evidence of use by any bat species is observed, discontinue removal efforts in that area and coordinate with the Service on how to proceed.
2. When using heavy equipment, establish a 250 foot (76 m) buffer around known or suspected roosts to limit disturbance to roosting bats.
3. For every 5 acres of impact, retain a minimum of 1.0 acre of native vegetation. If upland habitat is impacted, then upland habitat with native vegetation should be retained.
4. For every 5 acres of impact, retain a minimum of 0.25 acre of native vegetation. If upland habitat is impacted, then upland habitat with native vegetation should be retained..
5. Conserve open freshwater and wetland habitats to promote foraging opportunities and avoid impacting water quality. Created/restored habitat should be designed to replace the function of native habitat.

6. Conserve and/or enhance riparian habitat. A 50-ft (15.2 m) buffer is recommended around water bodies and stream edges. In cases where artificial water bodies (*i.e.,* stormwater ponds) are created, enhance edges with native plantings especially in cases in which wetland habitat was affected.
7. Avoid or limit widespread application of insecticides (*e.g.,* mosquito control, agricultural pest control) in areas where Florida bonneted bats are known or expected to forage or roost.
8. Conserve natural vegetation to promote insect diversity, availability, and abundance. For example, retain or restore 25% of the parcel in native contiguous vegetation.
9. Retain mature trees and snags that could provide roosting habitat. These may include live trees of various sizes and dead or dying trees with cavities, hollows, crevices, and loose bark. See "Roosting Habitat" in "Background" above.
10. Protect known Florida bonneted bat roost trees, snags or structures and trees or snags that have been historically used by Florida bonneted bats for roosting, even if not currently occupied, by retaining a 250 foot (76 m) disturbance buffer around the roost tree, snag, or structure to ensure that roost sites remain suitable for use in the future.
11. Avoid and minimize the use of artificial lighting, retain natural light conditions, and install wildlife friendly lighting (*i.e.*, downward facing and lowest lumens possible). Avoid permanent night-time lighting to the greatest extent practicable.
12. Incorporate engineering designs that discourage bats from using buildings or structures. If Florida bonneted bats take residence within a structure, contact the Service and Florida Fish and Wildlife Conservation Commission prior to attempting removal or when conducting maintenance activities on the structure.
13. Use or allow prescribed fire to promote foraging habitat.

[EXTERNAL] 433726-1 SR 865 (SAN CARLOS) FROM ESTERO BLVD TO CR 869 (SUMMERLIN RD) - NRE

Bennett, Jonathon <Jonathon.Bennett@dot.state.fl.us>

Wed 1/27/2021 11:38 AM

To: Wrublik, John <john_wrublik@fws.gov>
Cc: Marshall, Jennifer <Jennifer.Marshall@dot.state.f
<kwarren@rkk.com>; Pipkin, Gwen G <Gwen.Pipkin@
Belrose <Henri.Belrose@wginc.com>; Jessie Griffith

1 attachments (22 MB)
21-01-25_433726-1_NRE.pdf;

U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
772-562-3909 Fax 772-562-4288

FWS Log No. 2015-CPA-0119

The U.S. Fish and Wildlife Service has reviewed the information provided and finds that the proposed action is not likely to adversely affect any federally listed species or designated critical habitat protected by the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et. seq.). A record of this consultation is on file at the South Florida Ecological Service Office.

This fulfills the requirements of section 7 of the Act and further action is not required. If modifications are made to the project, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

Roxanna Hinzman, Field Supervisor — 4/23/2021 Date

Good morning.

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 to State Road (SR) 865 / San Carlos Boulevard from Crescent Street to North of Hurricane Bay Bridge in Lee County, a distance of approximately 1.2 miles. The purpose of the project is to increase accessibility and enhancement of mobility and safety for vehicular and non-vehicular transportation. The project does not include capacity improvements.

The proposed improvements include widening the Matanzas Pass Bridge to accommodate a new shared-use path along the west side of the bridge, milling and resurfacing, new and modification to existing traffic signals and crosswalks. The Hurricane Bay Bridge will be restriped to accommodate bicycle lanes in each direction of travel and a barrier-separated shared use path along the west side of the bridge. The Estero Blvd. and Fifth St. intersection will be reconstructed, which will enhance public transit mobility, pedestrian safety, and provide opportunity areas for landscaping and other aesthetic features. The intersection will be reconfigured to include two bus-bay turnouts and a new traffic signal at Estero Blvd. and Fifth St. The project area is located in Sections 7 and 18 of Township 46 South, Range 24 East, and Sections 12, 13, and 24 of Township 46 South, Range 23 East.

This Natural Resources Evaluation (NRE) was prepared as part of this PD&E study to document the natural resources analysis which was performed to support decisions related to the evaluation of the project build alternative and to summarize potential impacts to federal and state protected species, protected habitats, wetlands and Essential Fish Habitat (EFH). A 500-foot project study area consisting of a 250-foot buffer from the existing roadway centerline was created to assess these impacts. Measures considered to avoid, minimize, and mitigate for potential natural resource impacts resulting from the proposed project are also discussed.

Agency coordination to obtain species and habitat-related information has previously occurred through the Efficient Transportation Decision Making (ETDM) Program Screening (ETDM No. 14124) and the Advance Notification (AN) process. Based on the use of federal funding, the project's class of action is expected to be a Type 2 Categorical Exclusion (CE). The environmental review, consultation, and other actions required by

Bennett, Jonathon

From: Bennett, Jonathon
Sent: Wednesday, January 27, 2021 11:21 AM
To: Wrublik, John
Cc: Jennifer Marshall (Jennifer.Marshall@dot.state.fl.us); Gordon Mullen; Kimberly Warren; Pipkin, Gwen G; Harris, D'Juan; Henri Belrose; Jessie Griffith
Subject: 433726-1 SR 865 (SAN CARLOS) FROM ESTERO BLVD TO CR 869 (SUMMERLIN RD) - NRE
Attachments: 21-01-25_433726-1_NRE.pdf

Good morning.

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 to State Road (SR) 865 / San Carlos Boulevard from Crescent Street to North of Hurricane Bay Bridge in Lee County, a distance of approximately 1.2 miles. The purpose of the project is to increase accessibility and enhancement of mobility and safety for vehicular and non-vehicular transportation. The project does not include capacity improvements.

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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* and Chapter 5B-40 FAC, *Preservation of Native Flora of Florida*, the project build alternative was evaluated for potential occurrences of federally and state-protected plant and animal species. The project build alternative is located within the following US Fish and Wildlife Service (USFWS) Consultation Areas: American crocodile (*Crocodylus acutus*), Florida scrub-jay (*Aphelocoma coerulescens*), piping plover (*Charadrius melodus*), Florida bonneted bat (*Eumops floridanus*) and West Indian manatee (*Trichechus manatus*). Additionally, portions of the project build alternative are adjacent to potential habitat for the eastern indigo snake (*Drymarchon corais couperi*) and fall within core foraging areas for two wood stork (*Mycteria*

americana) nesting colonies (Nos. 619041 and 619040). Federally-designated Critical Habitat occurs for the smalltooth sawfish (*Pristis pectinata*) and West Indian manatee within Matanzas Pass and Hurricane Bay. Lands within and adjacent to the project study area may also provide suitable habitats for various state-protected 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
Fish				
Smalltooth sawfish	*Pristis pectinata*	FE	Moderate	MANLAA
Reptiles				
Loggerhead Sea Turtle	*Caretta caretta*	FT	Moderate	MANLAA
Kemp's Ridley sea turtle	*Lepidochelys kempii*	FE	Moderate	MANLAA
Green sea turtle	*Chelonia mydas*	FE	Moderate	MANLAA
Eastern indigo snake	*Drymarchon couperi*	FT	Low	MANLAA
American alligator	*Alligator mississippiensis*	FT (S/A)	Low	MANLAA
American crocodile	*Crocodylus acutus*	FT	Low	MANLAA
Gopher tortoise	*Gopherus polyphemus*	C/ST	Low	NEA
Birds				
Florida scrub-jay	*Aphelocoma coerulescens*	FT	None	No effect
Red knot	*Calidris canutus*	FT	Low	No effect
Piping plover	*Charadrius melodus*	FT	Low	No effect
Wood stork	*Mycteria americana*	FT	Low	No effect
Eastern black rail	*Laterallus jamaicensis*	FT	Low	No effect
Florida sandhill crane	*Antigone canadensis pratensis*	ST	Low	NEA
Florida burrowing owl	*Athene cunicularia floridana*	ST	Low	NEA
Snowy plover	*Charadrius nivosus*	ST	Low	NEA
American oystercatcher	*Haematopus palliatus*	ST	Low	NEA
Black skimmer	*Rynchops niger*	ST	Low	NEA
Little blue heron	*Egretta caerulea*	ST	Low	NAEA
Reddish egret	*Egretta rufescens*	ST	Low	NAEA
Roseate spoonbill	*Platalea ajaja*	ST	Low	NAEA
Tricolored heron	*Egretta tricolor*	ST	Low	NAEA
Least tern	*Sternula antillarum*	ST	Low	NAEA
SE American kestrel	*Falco sparverius paulus*	ST	Low	NEA
Bald eagle	*Haliaeetus leucocephalus*	M/NL (BGEPA/MBTA)	Low	NAEA
Mammals				
Florida bonneted bat	*Eumops floridanus*	FE	High (Recorded Calls)	MANLAA-P
West Indian manatee	*Trichechus manatus*	FT	High	MANLAA

Common bottlenose dolphin	*Tursiops truncatus*	M/NL (MMPA)	High (Observed)	NAEA
Various roosting bat species	*Tadarida brasiliensis, et al.*	M/NL (68A-4.001 and 68A-9.010, FAC)	Moderate	NAEA
Plants				
Aboriginal prickly-apple	*Harrisia aboriginum*	FE	Low	No effect
Beautiful pawpaw	*Deeringothamnus pulchellus*	FE	None	No effect

(S/A) = Federally Listed, Similarity of Appearance;
SE = State Listed, Endangered, ST = State Listed, Threatened; C = Candidate for Federal Listing; M/NL = Managed/Not Listed;
BGEPA = Bald and Golden Eagle Protection Act; MBTA = Migratory Bird Treaty Act; MMPA = Marine Mammal Protection Act;
MANLAA = May Affect, Not Likely to Adversely Affect
MANLAA-P = May Affect, Not Likely to Adversely Affect – Programmatic (FL bonneted bat only)
NEA = No Effect Anticipated; NAEA = No Adverse Effect Anticipated

Matanzas Pass and Hurricane Bay provide Critical Habitat for the smalltooth sawfish and water column habitat for swimming Loggerhead, Kemp's Ridley and green sea turtles. No sea turtle beachfront nesting habitat occurs within the project footprint. These species were not observed during field reviews of the project study area. As discussed in NRE Section 1.2.1, there will be no underwater work and only minimal in-water work (restricted to slow-moving, non-anchored barges). Project construction activities will not result in destruction or adverse modification of sawfish Critical Habitat. The FDOT commits to adhere to the NMFS' *Sea Turtle and Smalltooth Sawfish Construction Conditions* (revised March 23, 2006) during project construction.

Minimal suitable eastern indigo snake habitat (grassed lots and mangrove wetlands) occurs adjacent to the project build alternative. Eastern indigo snakes were not were not observed during field reviews of the project study area. Per the USFWS' *Eastern Indigo Snake Effect Determination Key* (dated August 1, 2017), the FDOT's effect determination sequence resulted in A > B > C > D = NLAA. This determination was based on the lack of observed holes, cavities, gopher tortoise burrows or underground refugia where a snake could be buried, trapped and/or injured during project activities. To avoid and minimize impacts during construction, the FDOT's construction contractor will follow Standard Specification 7-1.4: *Compliance with Federal Endangered Species Act and other Wildlife Regulations*. Additionally, the FDOT commits to adhere to the USFWS' *Standard Protection Measures for the Eastern Indigo Snake* (USFWS 2013).

The project build alternative occurs within the USFWS Consultation Area and contains suitable foraging habitat for the Florida bonneted bat. No potential roost trees were identified during the roost survey. Bridges were assessed; however, expansion joints observed appeared filled and did not exhibit adequate space required for roosting bats. No signs of roosting, such as guano or staining, were observed on any other areas of the bridges. Following the USFWS' Florida Bonneted Bat Consultation Key (dated October 22, 2019), a species-specific acoustical survey for the bonneted bat was conducted from October 28 - November 1, 2020. The survey recorded 3,122 total call sequences from seven different bat species over 20 detector nights. Kpro evaluation software identified Florida bonneted bats at three of four detector locations (71 call files). However, these calls were vetted by a qualified acoustic analyst and one single diagnostic call of the Florida bonneted bat was identified within the project study area at Detector ID D-03 (hanging from the north side of the Matanzas Pass Bridge) on October 30, 2020. This single call was not recorded at emergence indicating the bat entered the project area from adjacent habitat. Per the Consultation Key, the FDOT's effect determination sequence resulted in 1a > 2a > 3b > 6a > 7b > 10b > 12b = MANLAA-P (provided Best Management Practices/BMPs are used and survey reports are submitted). The survey report is included herein as NRE Appendix F. Based on the use of Consultation

Key couplet 12b to reach a MANLAA effect determination, the FDOT commits to implementing BMPs 1, 3, 4 and 5 for this project.

Matanzas Pass and Hurricane Bay provide Critical Habitat for the West Indian manatee. The species was not observed during field reviews of the project study area but is expected to occur on a regular basis. As discussed in Section 1.2.1, there will be no underwater work and only minimal in-water work (restricted to slow-moving, non-anchored barges). Project construction activities will not result in destruction or adverse modification of manatee Critical Habitat. The FDOT commits to adhere to the USFWS'/FWC's 2011 *Standard Manatee Conditions for In-Water Work* during project construction.

As discussed in NRE Section 4.0, no wetland impacts will result from the construction of this project and no compensatory mitigation is required. The project alignment and construction limits have been located to avoid any direct or indirect impacts to area wetlands. In accordance with federal Executive Order 11990, the FDOT has undertaken all actions to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities. Although environmental permitting for the modification of existing stormwater management systems will be needed, wetland dredge/fill permitting is not anticipated to be necessary.

As discussed in NRE Section 5.2, impacts to EFH are not anticipated as a result of this project. All construction at the Matanzas Pass Bridge will take place above the waterline. There will be minimal use of barges during the limited demolition of this bridge. All vessels will follow marked channels and follow standard BMPs. The use of standard BMPs and adherence to programmatic conditions for protected species is anticipated to minimize the potential disturbance to all aquatic resources and EFH. Based on the height of the existing SR 865 bridge above the Matanzas Pass waterway (i.e., 65 feet) and the minor deck overhang widening proposed (approx. 3.5 feet), the proposed improvements are not anticipated to result in shading/light extinction for seagrass/SAV in the waterway. All work at the Hurricane Bay Bridge will be completed on the existing bridge deck with no in-water work required.

FDOT District One respectfully requests informal Endangered Species Act Section 7 consultation with the USFWS and NMFS, as well as coordination with other applicable federal and state regulatory/resource agencies to review and comment on the proposed action. Agency review comments are requested within 30 days. If you have any questions or require additional information, please feel free to contact me at (863) 519-2495 or via email.

Thank you in advance for your review and reply.

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

Physical Resources Appendix

Contents:

SR 865 (San Carlos Boulevard) PD&E Study
From North of Crescent Street to North of Hurricane Bay Bridge
FM Number: 433726-1-22-01

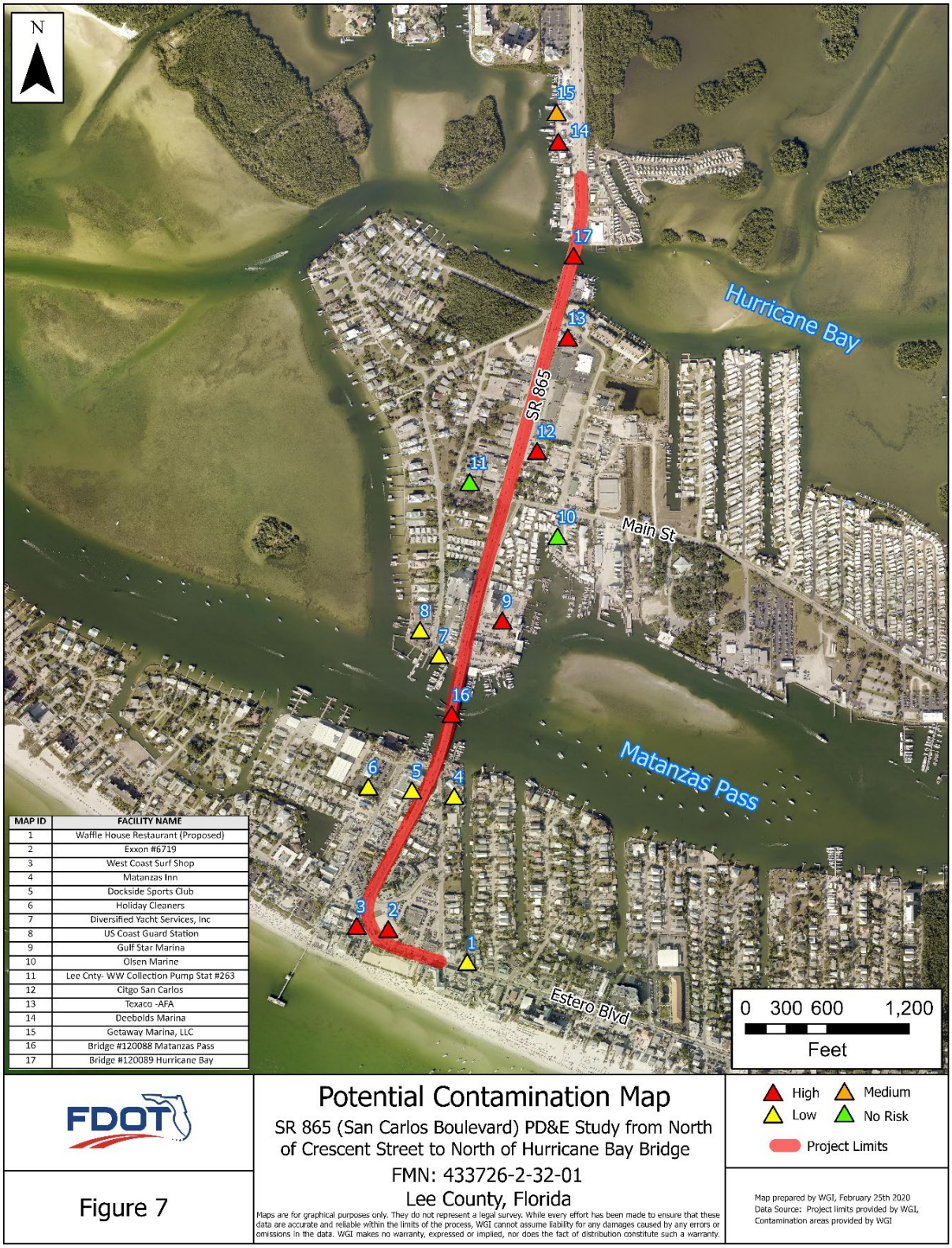

Figure 7. Potential Contamination Map

Table 2
Potential Contamination Sites

Map ID	Facility Name	Address	Folio No.	Risk Rating	Soil/ Groundwater	Distance from Proposed Improvements	Potential Contamination Type	Reason for Risk Rating
1	Waffle House Restaurant (Proposed)	1167 Estero Blvd	10228379	Low	Soil	225 feet east of ROW	Petroleum	FDEP issued No Further Action in September 1998
2	Exxon #6719	1113 Estero Blvd	10127298	High	Soil & Groundwater	0 ft	Petroleum	Documented groundwater plume
3	West Coast Surf Shop	1035 Estero Blvd	10127306	High	Groundwater	Adjacent	Petroleum	Documented groundwater plume
4	Matanzas Inn	414 Crescent St	10228393	Low	Soil & Groundwater	100 feet east of ROW	Kerosene/ Heating Oil	Documented groundwater plume but roadway is elevated above the contamination
5	Dockside Sports Club	1130 First St	10127274	Low	Soil & Groundwater	Adjacent	Petroleum	FDEP issued a Site Rehabilitation Completion Order (SRCO) in November 2010
6	Holiday Cleaners	441 San Carlos Blvd	10127270	Low	Unknown	200 feet west of ROW	Solvents	Uncertainty with drycleaning solvents but roadway is elevated above the potential contamination
7	Diversified Yacht Services, Inc	703 Fisherman's Wharf	10126878	Low	Soil & Groundwater	Adjacent	Petroleum	FDEP issued SRCO in December 2020
8	US Coast Guard Station	719 San Carlos Blvd	10126756	Low	Soil	300 feet west of ROW	Petroleum	FDEP issued SRCO in October 1996
9	Gulf Star Marina	708 Fisherman's Wharf	10126850	High	Soil & Groundwater	Adjacent	Petroleum	Documented groundwater plume
10	Olsen Marine	1100 Main Street	10126753	No Risk	NA	300 feet west of ROW	Petroleum	Contamination not documented
11	Lee County WW Collection Pump Station #263	806 South Street	10126817	No Risk	NA	250 feet west of ROW	Petroleum	Contamination not documented
12	Citgo San Carlos	19201 San Carlos Blvd	10126854	High	Soil & Groundwater	Adjacent	Petroleum	Documented groundwater plume
13	Texaco- AFA	19003 San Carlos Blvd	10126858/ 10126859	High	Soil & Groundwater	Adjacent	Petroleum	Documented groundwater plume
14	Deebolds Marina	18500 San Carlos Blvd	10124052	High	Soil & Groundwater	Adjacent	Petroleum	Uncertainty with nature and extent
15	Getaway Marina, LLC	18400 San Carlos Blvd	10124050	Medium	Soil	Adjacent	Petroleum	FDEP issued No Further Action in April 1992
16	Bridge 120088, SR 865 over Matanzas Pass	No street address, San Carlos Blvd	None	High	Bridge components	0 ft	Asbestos	Possible asbestos containing materials
17	Bridge 120089, SR 865 over Hurricane Bay	No street address, San Carlos Blvd	None	High	Bridge components	0 ft	Asbestos, Metals-based paint	Possible asbestos containing materials. Known metals-based paint

Public Involvement Appendix

Contents:

433726-2 Public Hearing Transcript

Public Hearing Certification Documentation

TRANSCRIPT

PUBLIC HEARING OF SAN CARLOS BOULEVARD (STATE ROAD 865) PD&E STUDY FROM N. CRESCENT STREET TO N. OF HURRICANE PASS BRIDGE
LEE COUNTY

FPID 433726-2-32-01

February 3, 2022

REPORTED BY: Gerard "Bo" Kriegshauser, RPR

FORT MYERS COURT REPORTING
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MR. OUJEVOLK: Hello. Hello, everybody. Can we -- we would like to get started please. Hi, we would like to try to get started if you would please -- turn it up.

All right. Before we officially get started, I would like to introduce Mayor Ray Murphy who would like to come up and say a few words, and then after that we'll get started with the presentation and the formal part of the presentation.

MAYOR MURPHY: Thank you. Thank you very much.

First of all, I would like to welcome everybody from FDOT that's here this evening. We look forward to working with you through this project, and I'm going to reserve my comments tonight, as I presume everyone else will, because we've already seen the presentation at a council meeting, and we're looking forward to what your comments are going to be this evening. All of you folks that came out tonight. So we're going to take -- whatever you say tonight we're going to take back to our council meeting, maybe on Monday, and rehash it, and then FDOT will be hearing from us again. So that's the plan.

And again, welcome everybody. It's a great turnout. We're glad you're all here, and I look

forward to a live -- an interesting discussion this evening. Thanks to such.

MR. OUJEVOLK: Thank you, sir.

All right. Ready to go. Good evening and thank you all for joining us tonight. Before we get started, I want to just remind all the attendees that in order for comments to be entered in the public hearing record, they must be provided to DOT staff. Raise your hands if you're collecting comment cards -- everybody look around -- comment cards to be provided directly to the DOT staff, or they'll be at numerous acrylic clear buckets are things that you can put your comments in. Please, please, please give us all of your comments and anything you want to relay to us in those comment boxes or to the DOT staff. So also you can, you know, you can give it to in person. You can do it by mail. Or you can do it via email through the project website. The deadline for that is February 17th, 2022. More information on these methods can be found on the hearing handout and later on in our presentation. And then thank you all for the great interest you're showing in the public hearing tonight.

The Florida Department of Transportation welcomes you all to the public hearing for San Carlos

Boulevard, State Road 865, project development and environment study, or PD&E as we commonly refer to it here in Fort Myers Beach and Lee County.

I'm Richard Oujevolk. Everybody just calls me OJ. Just a nickname I got stuck with growing up in Sebring back in the '60s. I'm the FDOT project manager for the PD&E on this study. And thank you all for attending both the hybrid and coming out here, taking your time out to come out here tonight.

Representatives -- FDOT representatives, as well as members of the consultant project team hopefully have been here and they will answer your questions and they'll continue to be here to answer all of your questions as best as we can. All right.

This is formal, so I've got to read it. We would like to thank any and all elective officials for your attendance and participation in this hearing. We encourage you to sign in with your name. Please do, everybody. And office representatives will help for the project record. We need as many of you all to sign in as possible.

The purpose for tonight's hearing is to present the proposed improvements and share engineering environmental analysis information that was conducted to date. The public hearing is also an

official forum for members of the public to express their opinions regarding the project recommendations. The public may comment verbally during the hearing tonight, or may submit written comments at the hearing by email, by mail or through the project website. If you would like -- by February 17th, 2022.

If you would like to speak tonight, please fill out a speaker card and also hand it to one of the representatives here. The public hearing is using both an in-person and online format. All hearing materials detailing and documenting project analysis and recommendations, such as the project video, environmental and engineering documents, and informational graphics have been available to the public online since January 27th, 2022. These materials are also available for viewing at the venue hear tonight. Additionally, project engineering and environmental documents are available for review at the FDOT Southwest Area Office at 10041 Daniels Parkway, Fort Myers, Florida, 33913, and the city -- or excuse me. I'm not going to -- I used to live in Nevada and said Nevada -- that the town of Fort Myers Beach Public Library at 2755 Estero Boulevard, Fort Myers Beach, Florida, 33931, as well as all of these materials are available on our project website.

In just a moment we we'll present the project video for both in-person and online attendees. The project video can also be viewed on the project website listed in your handout.

All right. Now, I will read the following information for the record. This is the public hearing for San Carlos Boulevard State Road 865 PD&E Study from north of Crescent Street to north of Hurricane Pass Bridge, also known as Hurricane Bay Bridge, in Lee County, Florida. Financial project ID number is 433726-2-32-01. This public hearing is being conducted by the Florida Department of Transportation with Tallahassee as the approving authority. It is being held at the Chapel By The Sea Presbyterian Church at 100 Chapel Street, Fort Myers Beach, Florida, 33931 on Thursday, February 3rd, 2022, at 6:00 p.m.

All right. We're good. We're close to being on time.

The project is described as the PD&E Study to evaluate and document proposed improvements along Estero Boulevard and San Carlos Boulevard. The limits of the improvements are from north of Crescent Beach to North of Hurricane Pass Bridge, also known as Hurricane Bay Bridge, in Lee County.

As part of this hearing there is also a proposed jurisdictional transfer of the portion of State Road 865, also known as San Carlos Boulevard, from north of Estero Boulevard to Fifth Street. The ownership of this roadway will transfer from the state of Florida to Lee County jurisdiction.

Throughout the study, the no-build alternative is also considered and assumes no improvements be made to San Carlos Boulevard through the year 2045, except for routine maintenance. The advantages and disadvantages for the no-build alternative are discussed in detail in the project video.

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 14th, 2016, and executed by the Federal Highway Administration and the Florida Department of Transportation.

As proposed, the project will impact approximately 0.14 acres of property from Lee County's Crescent Beach Family Park. As part of the project development process and in accordance Section 4(f) of

the Department of Transportation Act of 1966, the FDOT is seeking comments from the public concerning the effects of the project on activities, features, and attributes of this park. The FDOT intends to make a de minimis impact determination for this resource. Staff are available tonight to answer any and all questions on that issue.

The project will not cause relocation of families or businesses. FDOT right-of-way staff are here also tonight to answer your questions.

The hearing is being conducted in accordance with all state and federal laws, as well as the American with Disabilities Act of 1990 and the Title VI Act -- Title VI of the Civil Rights Act of 1964 and related statutes. It is also being conducted to meet all applicable executive orders. For a listing of these regulations, please see the hearing display boards here tonight or on your project website.

If anyone here feels that they have been discriminated against, they may complete one of the forms located at the sign-in table and mail the completed form to the address listed on the display board. This information is also available online.

If you would like to make a verbal comment here tonight, fill out a speaker card and hand it to a

project team member if you have not already done so. If you are attending virtually and would like to make a comment, send a message in the questions pane of the online meeting. We will call your name in the order received, starting with all speakers attending in person, followed by all speakers attending virtually. Please limit your comments to three minutes. If you have filled out a speaker's card, please, please give it to a project team member during the intermission.

And at this time we are going to take a short 15-minute intermission and -- or the video. Whoops. Sorry. The video goes first. Sorry. I tried to rehearse this.

(Video playing)

MODERATOR: The Florida Department of Transportation, or FDOT, has created this video to help explain the San Carlos Boulevard, State Road 865, project development and environment, or PD&E Study process, and the preferred alternatives available for review and comment during the public hearing for the San Carlos Boulevard, State Road 865 PD&E Study, from north of Crescent Street to north of Hurricane Pass Bridge, also known as Hurricane Bay Bridge.

The study begins north of Crescent Street and extends approximately 1.2 miles in Lee County to

north of Hurricane Pass Bridge. The Department proposes to provide mobility improvements by increasing the travel options along San Carlos Boulevard.

The land use along San Carlos Boulevard is a mix of commercial, vacant and residential development. The project goals of this study are to improve safety and operational conditions and relieve congestion by enhancing multimodal access along San Carlos Boulevard for pedestrian, cyclists, motorists and transit riders.

The need for proposed improvements for San Carlos Boulevard is indicated by a lack of pedestrian facilities and frequent congestion as vehicles access Fort Myers Beach, especially during peak season.

Within the project limits, San Carlos Boulevard from north of Crescent Street to the intersection of Fifth Street is a two-lane undivided roadway with six-foot to ten-foot sidewalks on both sides of the roadway, and a signalized pedestrian crossing. There are also left-turn lanes on Crescent Street and Fifth Street.

From Fifth Street to Main Street San Carlos Boulevard is primarily an elevated two-lane undivided

urban minor arterial roadway with a dedicated southbound bus and bicycle only and a barrier protected sidewalk on the east side of the bridge.

From Main Street to Hurricane Pass Bridge the roadway transitions to a four-lane divided minor arterial roadway with a two-lane left-turn lane and sidewalks on both sides of the roadway.

At Hurricane Pass Bridge, the roadway transitions to a four-lane divided roadway with a designated southbound left-turn lane, and a barrier protected sidewalk on the east side of the bridge. The existing speed limit within project limits varies from 25 miles per hour to 45 miles per hour.

Throughout this PD&E study process, FDOT has looked at many different projects to provide mobility and operational improvements on San Carlos Boulevard. At the alternatives meeting on February 27th, 2018 as part of the operations analysis study we asked for your input on proposed improvements to San Carlos Boulevard. Based on your comments and additional environmental and engineering analyses a preferred alternative was selected for San Carlos Boulevard.

The preferred alternative for San Carlos Boulevard results in three typical sections throughout the corridor. The first section will convert the

existing bus-and-bicycle-only lane to a general use lane providing motorists three lanes along the Matanzas Pass Bridge, two southbound lanes and one northbound travel lane. The outer-most southbound lane will be an 11-foot wide travel lane, while the inner-most southbound travel will be ten feet wide. The northbound lane will be an 11-foot wide travel lane. The five-foot ten-inch barrier protected sidewalk will be expanded to an approximately eight-foot five-inch shared use pass to accommodate both pedestrian and bicyclists along the eastern side of the Matanzas Pass Bridge. San Carlos Boulevard will be widened to the west to accommodate two southbound lanes onto the Matanzas Pass Bridge south of Main Street.

The improvements of the Main Street intersection include a new signal, crosswalks with pedestrian signals and push buttons on all four legs of the intersection. This new signal will provide a safe crossing environment for pedestrians and cyclists to access the sidewalk on the east side of the Matanzas Pass Bridge.

In coordination with LeeTran, FDOT will construct a new bus lane on the southwest corner of the intersection. New sidewalks will connect the bus

bay with the existing Main Street Park and Ride lot. The existing southbound right-turn only lane that drops into Main Street will be converted to a through lane. Minor widening of this intersection will allow for two southbound general use travel lanes across the Matanzas Pass Bridge. And southbound Fisherman's Wharf frontage road will be shifted to accommodate a through lane.

The second section will include resurfacing and restriping San Carlos Boulevard between Main Street and Hurricane Pass Bridge to accommodate bike lanes in each direction of travel. The existing signal at Prescott Street and Buttonwood Drive will be converted to a conventional signal operation. The existing alternating signal mode will be converted to a conventional signal operation once the two southbound travel lanes are able to cross Matanzas Pass Bridge. Additionally, the FDOT is conducting a speed study along this portion of the San Carlos Boulevard. To promote a safer travel environment for bicyclists, FDOT is planning to reduce the posted speed limit from 45 miles per hour to 40 miles per hour on San Carlos Island.

The third and final section will modify Hurricane Pass Bridge to accommodate bicycle lanes in

each direction of travel, as well as add a five-foot barrier protected sidewalk along the western side of the bridge. There will be two 11-foot travel lanes in each direction and a ten-foot eight-inch dedicated left-turn lane in the southbound direction.

Additionally, in partnership with Lee County and the town of Fort Myers Beach, FDOT incorporated Lee County seafarer's alternative for the Fifth Street intersection as part of this project. A new signal will be installed at the Fifth Street intersection to replace the existing pedestrian crosswalk signal. New bus bays will be constructed near the Margaritaville Resort and at Crescent Beach Family Park. The reconstructed intersection will enhance public transit access, pedestrian safety, and provide opportunities for landscaping and other aesthetic features.

The seafarer's alternative will include a jurisdictional transfer. As part of this hearing, the FDOT is accepting comments on the proposed jurisdictional transfer of a portion of State Road 865, also known as San Carlos Boulevard, from north of the Estero Boulevard to Fifth Street. The ownership of this roadway would transfer from the state to county jurisdiction.

Throughout this study, a no-build

alternative has also been considered. The no-build alternative assumes that improvements are made to San Carlos Boulevard through the year 2045, except for routine maintenance.

Advantages of the no-build alternative include no right-of-way needed. No design right-of-way or construction costs. No delays to motorists or inconveniences to property owners along the project corridor during construction. No construction impacts to the natural, physical, cultural and social environment. Disadvantages include, does not meet the purpose and need for the project. Incompatible with the Lee County MPO long-range transportation plan, increases risk of crashes involving pedestrians or bicyclists as traffic volume increases on San Carlos Boulevard over time, and not provide multimodal transportation opportunities for the community.

The no-build alternative remains a valid option and will continue to be evaluated until the completion of the study.

FDOT evaluated environmental and socioeconomic factors relating to the proposed improvements in accordance with the National Environmental Policy Act of 1969 as amended, and other

federal requirements. The evaluation considered the effects of mobility improvements on San Carlos Boulevard, unthreatened and endangered species, wetlands and floodplains, contamination, Section 4(f), water quality, air quality, highway traffic noise, cultural and historic resources, land use, aesthetics, construction effects, and right-of-way requirements and relocations. Please refer to your handout and display boards for more details on these factors. Threatened and endangered species are allowed special protection under the Endangered Species Act of 1973 as amended, and Florida statutes. FDOT assessed species within the project limits and through ongoing coordination with U.S. Fish and Wildlife Service has determined that the proposed project may affect, but is not likely adversely effect, the existence of federally listed threatened or endangered species. The animal species include the green sea turtle, American crocodile, American alligator, Florida bonneted bat, and the West Indian Manatee.

In addition, the project may affect, but is not likely to adversely affect, the following state listed threatened or endangered species. The Eurasian spoonbill, the little blue heron, reddish egret, tri-colored heron, and the least tern.

Coordination with U.S. Fish and Wildlife Service regarding the final status has been completed. The U.S. Fish and Wildlife Service concurs with the determinations of effect and supports the project implementation measures and commitments for protected species. If the preferred alternative is approved by the Office of Environmental Management, FDOT District 1 will continue to work closely with environmental agencies in the future phases of the improvements to meet all environmental permitting requirements.

FDOT evaluated wetlands within the project limits in accordance with Executive Order 11990, Protection of Wetlands. The proposed improvements are not anticipated to directly or indirectly impact wetlands or surface waters.

The project has been evaluated for potential floodplain involvement in accordance with Executive Order 11988 Floodplain Management. The entire project is located within 100-year floodplain zone AE and VE and will involve minimal encroachment within the coastal floodplain. There is no significant change of flood risk, and the proposed improvements will not result in adverse flooding or floodplain impact in the project's vicinity. There will be no significant

change of the potential for interruption or termination of emergency services or emergency evacuation routes as a result of project construction.

Results of the environmental contamination screening show that seven sites were ranked high for potential contamination, one site was ranked medium for potential contamination, and five sites were ranked low for potential contamination. For sites that are low for contamination, no further action is required at this time. For sites with a risk ranking of high or medium, the FDOT project manager and the District Contamination and Impact Coordinator will coordinate on further actions during the design phase that must be taken to address contamination issues. Before construction, specially trained crews will address contamination in these areas as required. Locations of these sites are shown in the concept plans.

Section 4(f) of the Department of Transportation Act of 1966 requires agencies using U.S. DOT funds to consider impacts to public parks, recreation areas, wildlife refuges, and historic or archeological sites of national, state or local significance.

Proposed improvements include a bus stop

located along Crescent Beach Family Park's northern landscape buffer. As proposed, the project will impact approximately .14 acres of property from Lee County Crescent Beach Family Park. As part of the development process in accordance with Section 4(f) of the Department of Transportation Act of 1966, the FDOT is seeking comments from the public concerning the effects of the project on the activities, features and attributes of the park. The FDOT intends to make a de minimus impact determination for this resource. A de minimus finding confirms that the impacts to the activities, features and attributes of the park are minimal.

The total right-of-way to be acquired for the proposed improvements is approximately .94 acres. The project right-of-way needed is as follows. .14 acres from Lee County to Crescent Beach Family Park. .73 acres from Lee County seafarer's parcel, and .07 acres from the town of Fort Myers Beach vacant parcel. All right-of-way is to be donated by Lee County and the town of Fort Myers Beach. There will be no change in ownership to the impacted portion of Crescent Beach Family Park. No residential or business relocations will result from proposed improvements. All right-of-way acquisitions will be

conducted in accordance with Florida statute 339.19, and the Federal Uniform Relocation Assistance and Real Property Acquisition Act of 1970, commonly known as the Uniform Act. The right-of-way specialists who are supervising this program are here tonight and will be happy to answer your questions.

There is no significant impact anticipated for water quality, air quality, highway traffic noise, land use, or aesthetics. Minimal construction effects are anticipated.

This matrix shows a detailed comparison of the preferred alternative and the no-build alternative, including potential effects to the social, cultural, natural and physical environment. It also identifies preliminary costs. The Department's preliminary estimate of the total project cost is approximately $9.9 million.

The Department anticipates completion of this PD&E study by Spring, 2022. The detailed study schedule is available in the display documents and in the handout.

At this time, FDOT five years work program includes funding for the ongoing PD&E and design phases. The construction phase will be funded in the fiscal year 2023. Construction cost is estimated at

$7.9 million.

We encourage you to review project information and provide comments at the virtual or in-person event through the project website, by email, or by mail postmarked or sent by February 17th, 2022, to Richard Oujevolk, Florida Department of Transportation at 801 North Broadway Avenue, Bartow, Florida, 33830. You may also visit the project website at www.swflroads.com/SR865/sancarlosboulevarddesign to view the project documents on the website. Comments may be submitted at anytime, but in order to be included in the hearing record comments must be submitted or postmarked by February 17th, 2022.

Technical documents for project information are also available for review at the town of Fort Myers Beach Public Library at 2755 Estero Boulevard, Fort Myers Beach, Florida 33931, and at the FDOT Southwest Area Office at 10041 Daniels Parkway, Fort Myers, Florida, 33913, until February 17th, 2022.

The purpose of this PD&E study is to evaluate engineering and environmental data and document information that will aid FDOT District 1, and the FDOT Office of Environmental Management, or OEM, in determining the type, preliminary design, and

location of the proposed improvements. This hearing follows all federal and state rules and regulations. Please see the hearing display boards for specific information.

The environmental review, consultation and other actions required by applicable federal environmental laws for this project or being or have been carried out by the Florida Department of Transportation, FDOT, pursuant to 23 United States Code, Section 327, and a Memorandum of Understanding dated December 14th, 2016, and executed by the Federal Highway Administration and FDOT.

Thank you for your interest and participation in this San Carlos Boulevard Project Development and Environment Study public hearing and taking the time to watch this project video.

MR. OUJEVOLK: Okay. Right now it's 6:28. I strongly encourage -- after watching the videotape we're going to take a 15-minute intermission and be back at 6:45. 6:43 exactly, but 6:45. We'll call it even at that.

I encourage you to fill out a comment -- or if you want to speak, fill out cards, hand them to any of the staff members that you saw. And then also please ask questions, and then we're going to enter --

at 6:45 we're going to enter into the formal comment period. I'm sorry. Mayor?

MAYOR MURPHY: I just wanted to make one more comment.

MR. OUJEVOLK: Yes, sir. Go ahead. Mayor Murphy.

MAYOR MURPHY: I'm sorry everybody. I was remiss in my opening comments. I wanted to recognize the other elected officials that are here with me this evening. I have fellow council members Dan Allers here. Dan, put your hand up there. Councilman Bill Veach is here. Our district county commissioner Ray Sandelli is here. We also have a couple members from the fire commissioner. Excuse me. Jim Atterholt. Councilman Jim Atterholt is here. I didn't know you were here, Jim. Sorry. A couple of fire commissioners, Jacki Liszak is here. Jim Knickle is here. If I'm leaving anybody else out, please raise their hand. Plus we're represented by, of course, the members from the fire department and several committee members here and chair people of those committees. So I just wanted to get that on the record. Thank you very much.

MR. OUJEVOLK: So again we will resume with the formal -- the -- something in about 15

minutes. No. The formal testimony here about 6:45. So please ask questions and do something. Sorry.

(A break was held.)

MR. OUJEVOLK: All right, everybody. We're going to start the public testimony, if you don't mind. So if you can have a seat again. All right. All right. If you don't mind, I'd like to go ahead and get started public -- begin the public testimony portion of the hearing.

All right. The comment period for this hearing will remain open 14 days after this live event, until February 17th, 2022. Anyone wishing to submit written statements or other exhibits in place of, or in addition to, oral statements, may feel free to do so. You have until February 17th, 2022 to postmark or submit comments to become part of the official hearing transcript. All comment methods will be considered equal. Please see your handout and the display boards or the project website for contact and mailing information.

We will not be responding to questions or comment during oral testimony. Our focus tonight is to record your verbal comments. However, we will post summary of comments received and their responses on the project website approximately 30 days following

the close of the comment period.

If you would like to have additional discussions regarding the project following the oral testimony, our staff will be available in person tonight, or you may contact the FDOT Project Manager, me, Richard Oujevolk. The FDOT Project Manager -- oops, sorry -- at the information listed in your handout and on the website.

In-person speakers, please direct all comments clearly into the microphone toward the hearing moderator at all times. This will ensure your comments are captured accurately for the project record. And please, please limit your comment to three minutes. A project staff member will be -- have a signal when you have a minute left, and they will raise it a second time to signal when your time is up.

Once again we are not responding to questions or comments during testimony.

We will now call on those who have registered to speak in person here, and we will start with Steve Duello. And then following Steve Duello will be C.J. Lopau. And if I mess up your name, remember my last name is Oujevolk and I'm trying my best. No, I'm kidding. All right.

STEVE DUELLO: My name is Steve Duello. And

first of all I'd like to thank you for the opportunity to speak with the -- the opportunity to speak to the team.

The first thing I would like to say is the overall entry onto the island is pretty impressive. The traffic flow, the green space in between the divided roadways, I think that's -- that's got to be a win for the island. There are some concerns, and I'll speak for myself, but I think I echo the concerns of many people on the island that we're scared to death of more crosswalks and more traffic lights. And really no one here tonight knows how it's going to turn out. This plan might be the most beautiful thing that's ever happened to the island and traffic flow is improved. We definitely don't need it to be worse. Those of us who have been here for years and years, the traffic really hasn't changed since the late '60s, early '70s. Traffic backed up then. It backs up now. No worse. But we don't need to see it worse than that. Traffic today coming onto the island this morning at 10:30 in the morning was backed up past Summerlin, past Walmart. And I say backed up, I mean stopped. The traffic coming up here just now for the meeting was backed up well south of Publix, coming north -- or I call it north on the island. So, you

know, we hope for the best and we don't need -- we don't need it to be worse.

One concern I have and just wondering, I wonder if anybody from the state actually came down here and sat in that traffic to see what affects the traffic. I think if they did they would see that pedestrian crossings are I think one of the big -- a number of vehicles, but pedestrian crossings are one of the biggest problems. So obviously, you know, getting people up and over the traffic would be great. Elevated walkways, and less crosswalks, and less opportunity for people to go across. Maybe it's possible to put fencing -- a stainless steel fencing similar to what's down on the south end of the island by CVS drugstore where you have a nice attractive fencing to restrict people, or at least slow them down from crossing Estero Boulevard, and channel them toward the crosswalks where there's a lighted -- you know, a light or a crosswalk where they can cross and stop the random crossing that goes across Estero right and left. That area between Hooter's and Times Square is the worst. You have people crossing there all the time. It's a bottleneck and it slows everybody down. Once you're past Times Square it opens up like an open ocean and you're flying across the bridge and you're

gone. But that stretch between Hooter's and Times Square is awful, and it's because of pedestrian crossings.

The other concern -- the other concern, real quick, is that taking up that alternating Buttonwood scares me to death. I remember before that light, road rage incidents and arguments and fist fights and everything else that went on there, I don't know that it's going to happen again, but that was a bad spot, that was a real bad spot and I'd hate to return back to that. And that's it. Thank you.

MR. OUJEVOLK: Thank you, sir.

Next person is C.J. C.J. Lopau.

C.J. LOPAU: I agree, thank you very much for coming here and allowing us to speak. As you know, I've been very passionate with you talking. So here I go again.

No. 1 for me is keep the alternating lights. As he said, it's been a nightmare for the last 22 years and it's improved a lot. And one reason to keep it, since with the new design, you want two lanes coming on, it gives the people the chance to, when they come through go, oh, I need to be in the right lane to go north on the island. I need to be in the left lane to go south on the island. So it's very

important that people have that opportunity to have that opportunity to have that 30 second leeway so they can crisscross around, because otherwise it's going to be stuck at the top of the bridge and people are going to fight to try to get into that -- those -- either of those other lanes. So it gives them that 30 second pause to go into those two -- to the appropriate lane, either if you're going north or south on the island.

The next thing is the crosswalks. We have one crosswalk with one light now that basically backs up as he said to Summerlin and beyond. And now, according this drawing, we have six more crosswalks. As I was talking to people tonight, Henry I believe is the one that designed, and he says the reason why we have those crosswalks is because of the Fifth Street light. If we don't have the Fifth Street light we don't need any of those crosswalks. We want a continuous roundabout to continuously keep going. There is no reason for any pedestrian to be stopped in crossing right there. We are already funneling everybody down as you sit at that pink -- that pink light to the one -- you know, to the one side, the bikers, the people, whether it's Main Street or down farther where that is, we're already on that one side of the street. So instead of trying to cross there,

people like me, we have a couple extra LBs on us, we can take a left at Fifth Street -- I need to do that -- take a left, walk down Fifth Street and take a right on Crescent and go over the overpass of the new -- the new hotel that's going up, Margaritaville, or walk across down there and you're not even close to that area where everybody is going around. And if you need the light to have the people take a left that are going northbound, that are coming -- that want to go north like down to the Pink Shell, they can take a right at Crescent and go down to Third Street or Fourth Street. Go down to Old San Carlos, take a left and then continue. There is no reason that anybody needs to ever cross there. And we can have either the railings that are down near CVS, or you have can beautiful, beautiful flower pots that are tall. Tall. And you can have beautiful flowers put in there once a month or however you want to do it, and still have it be beautiful. So no one ever has to cross there and they can't crawl underneath like at the CVS, and a have a beautiful spot there and just have a continuance, continuous road that goes through there.

Let me see. Is there anything else? I think that's it. Thank you.

MR. OUJEVOLK: The next folks up for our

public comment are Mr. Bill Shenko and then Cheryl Heintz.

BILL SHENKO: Hi. My name is Bill Shenko. I'm a 40-year resident of the beach and newly retired. A couple things. Save the old lights. Absolutely save the cooling off period between what I call the wooden bridge and the existing bridge, which instead of having the people changing lanes quickly into the left lane, we now have an area where that can occur before they get down to where all the pedestrians are.

Secondly, when you came on the island tonight you probably noticed we have a crosswalk, a traffic light, and a police officer; sheriff's deputy. Why? Because the sheriff's deputy works a lot better than the traffic light does in moving traffic and making sure the pedestrians go through the crosswalk. It's very valuable. It works. It's fantastic. Here is the problem. We got one crosswalk and one deputy. What happens when we have eight crosswalks. Do we hire eight deputies that have to coordinate with each other. Eliminate as many as these crosswalks as you can. It's -- it's -- it's going to be extremely dangerous.

Third, talk about dangerous, 15, 16 years ago I was serving my sentence with a couple of other

people in a building right over here, and we were looking at an alternating traffic lane on the bridge. Where we could have two lanes off in the afternoon, two lanes in in the morning. We had committee reports. We had some early feasibility studies done. That was all put to a screeching halt when we got a letter from FDOT, I don't have the letter, I wish I did, it was read to us by the then acting town manager, that the bridge would not support the weight of three lanes of traffic. That is in writing. It exists. The town manager told us about it at a town council meeting. Please look into that. Thank you.

MR. OUJEVOLK: Next up Ms. Cheryl Heintz.

CHERYL HEINTZ: I'll probably repeat a lot of what C.J. just said.

I think it's a great idea to have the two lanes coming southbound onto the island because it's a definite need for that. However, that doesn't change the bottleneck that will still happen once they get to the bottom. And if the lanes are forcing the traffic, the right lane to turn right, and the left lane to go straight, which veers left, then that would alleviate the crisscrossing down there at the bottom. And then for the northbound traffic that's leaving the island,

they either need to leave the island, there should not be any option to turn left right there. Or they would have to turn right and they would have to go around and go underneath the bridge to get downtown or to Times Square.

There is -- and as far as the pedestrians go, then there would be no pedestrians there either because you would have that lined off so everybody has to go where they're supposed to go. That's it.

MR. OUJEVOLK: Thank you.

The next two speakers are Dawn Thomas and Dan Allers. Dawn.

DAWN THOMAS: I wasn't going to be redundant, but I read that you wanted to get as much feedback as possible, but I'm going to agree with everything that everybody said.

I am the chair of the Safety Committee on the island and we work hand in hand with the town council. They gave us all of your plans from FDOT, and the first thing we did notice was the amount of crosswalks at the base of the bridge. One of the things that we always say is our heavy pedestrian flow has only increased during the pandemic. We've got more guests here. We don't have an off-season anymore. And on top of it, we're encouraging everyone

to ride a bike. Now those bikes and pedestrians are sharing the sidewalk. Add that to the base of our bridge -- currently you come over the bridge, if you have never been here, you look up. You're looking at the beautiful scene. You're not watching who is in front of you. You see a car, but really that you're not paying attention. Once the lights are flashing it's late at night, sometimes that happens because there is not a lot of traffic, you're not going to be paying attention to anybody crossing that street, and more than likely those people have had a few cocktails on this island and they're not going to be paying attention to you either. So we recommend to eliminate many of the crosswalks.

Again also I agree with C.J. we've been funneling these people to try to get them to cross in these crosswalks. We've conditioned them that they can cross whenever they want. We let them, you know, stop traffic. They stop in the middle of the road. We stop and nobody moves. There is no don't walk or walk. That's one of the things that we have to stop, is that teach people you have to funnel these spots and cross, again going with either landscaping or with some kind of fence. That's it.

MR. OUJEVOLK: Thank you. Next up Dan

Allers.

DAN ALLERS: Thank you FDOT for being here tonight to listen to many of the comments that I'm sure you're going to hear several times, myself included. This is a great example of when you get entities like FDOT, Lee County and the town of Fort Myers Beach come together, you can get a project like this that will be very beneficial to the island, although it may need, in my opinion, some tweaks. I think it will be a beneficial thing for everyone involved.

My comments come to you based on one of the primary issues that you said that this project started, and that's public safety. As you just heard from Dawn, our Public Safety Commitment spent a long time, countless hours looking at this and coming up with solutions and so ideas. These are people that are volunteers. These are people that live on this island that traverse the island and see the habits and the things that go on. And as they mentioned, the crosswalks are a huge issue. Public safety, adding the crosswalks at the base of the bridge is probably arguably the most traversed part of the island with cars and pedestrians, seems a little risky. The removal of the guardrails that are down in front of

the tiki hut there, as many people that live here know that seems to get hit as least twice a year. Putting pedestrians there without any kind of protection doesn't seem to be in the best interest of public safety. I think the comments made by the Public Safety Committee to funnel people to the new light at San Carlos makes sense. Funnel them to Crescent Street makes sense. The least amount of traffic going through that green space, in my opinion, makes the most sense as far as liability, as far as someone getting hurt. You know, we all want someone to come down here and have a good time on vacation but we don't want them to leave other than the way they came down here.

So my other concern is being someone from Minnesota that was very closely involved or really involved the bridge that collapsed there. My concern is what was brought up earlier, is the weight of the bridge, and if indeed there was a study done and made to former council members that there is an issue with that weight, I strongly hope that you would look at that and then take that into consideration. Thank you.

MR. OUJEVOLK: Thank you, sir.

The next two folks are Ken Feldi and Karen

Woodson. Mr. Feldi? Going once. Mr. Feldi.

All right. Next Karen Woodson. Ms. Karen Woodson.

KAREN WOODSON: Hi. Thank you so much for being here and showing us all of this information. It's been fabulous. I'm a resident of the beach. I agree with basically everything that has been said. What I hadn't heard a lot about when we talk about crosswalks, what about crossovers? you know, reduce the number of crosswalks, but every place that we do have a crosswalk, make it a crossover and have guardrails, fencing in those key areas from Hooter's all the way up to Times Square that people can't randomly just run out into the street. I mean you do in heavily populated areas. You do it in Vegas. You do it everywhere where there is a lot of activity at night and I think it would be an option for us.

Other than that, everyone that has spoken I'm in total agreement.

MR. OUJEVOLK: Thank you.

All right. The next two folks are Christy Hennessy and Gail Mason s. Ms. Hennessy.

CHRISTY HENNESSY: I echo what everyone else has said, but I won't take up more of your time because I know you want to hear more people speaking.

The light street -- the light at Main Street is absolutely necessary. I wanted to say that. Crosswalks and pedestrians crossing stop the traffic once you go over the bridge. You can be coming on to -- on San Carlos Boulevard and you're approaching the bridge and you didn't have any backup at the double light at Prescott/Buttonwood, and then you stop at the base of the bridge because when you get to the bottom of the bridge there is a crosswalk, and that stops everybody. So if you can move any crosswalks away from that base of the bridge, I think you've got a real winner there. I love the rerouting and that. That all looks great.

Double light at Buttonwood, I agree with the same thing. I thought, oh, great, two lanes going over that will work. But, yeah, you're going to end up in that problem. I like that term cooling off period. You know, that where you have room to move.

And then Hurricane Pass. I just wanted to make sure that hopefully the bridge at Hurricane Pass, that there is going to be a sidewalk added so that you can walk on both sides because we want to encourage bikes and pedestrians. But at this point now you have to cross San Carlos Boulevard to walk, and then you cross back over so that you can -- you can get there.

No one uses Crescent Beach Family Park. So have at it, you know, with that. Oh, my gosh, that will be a beautiful place for the trolley. I think people coming over the bridge it's front and center. It's an opportunity to make it be something beautifully landscaped and benches, but you have to separate it so that it's only one person per, rather than having people sleeping on them as we have sometimes here. But really you can take up more than what you said. And it's -- it's a beautiful vista, too. So embellish that even more. And -- okay. I'm done.

MR. OUJEVOLK: Thank you. You've still got another minute. She's good.

Next up -- I guess the next two, Ms. Gail Mason, and then Jim Atterholt.

GAIL MASON: I would also like to thank you for giving us this opportunity to take our input. I know a lot of people did design this, built it, don't see what happens, so maybe a little input is good.

I agree with pretty much everything everybody said before me. I want to try not to repeat that other than please, please, please keep the alternating light. We talk about crosswalks, and all of the problems, if there is a God in heaven, you can

find a way to put a sidewalk on both sides of the Matanzas Bridge like you're doing to the Hurricane bridge. As far as I'm concerned, there is a sidewalk on the Hurricane Bridge, we no longer need that pedestrian light that's screws up traffic.

Nobody has addressed signage. A lot of the cars going back -- there is one little teeny tiny sign that says alternating light ahead. They need big overhead signs that say alternating light ahead, this lane south, this lane north, way back near Walmart, and then again so that people can plan.

I had originally thought that -- this little seafarer's du-dad is kind of new to me so I haven't looked at it, but I think you would eliminate a lot of the problems if there was no cross traffic. So if you want to go from north to south or south to north and you don't want to go under the bridge, use the Crescent Fifth Loop and be done with it. Because sitting on the bridge for 20 minutes several times a week, with cops stopping traffic for the crosswalk every time one person looks like they want to cross, and the people trying to cut in this way and the people trying to cut in that way, it's a mess and nobody wants to let anybody in. They stop when -- to let people across -- when the cops have got traffic

flowing, and then it stops. Those are my thoughts. Thank you.

MR. OUJEVOLK: Mr. Atterholt. How are you doing, sir?

JIM ATTERHOLT: Good evening. My name is Jim Atterholt. I have the privilege of serving on the town council here in Fort Myers Beach.

First I want to thank you, everyone from the state being here tonight. I see our county partners are here today. I saw Mr. Sandelli. And I also want to thank you for investing in Fort Myers Beach. This is a huge investment by the state. The county has been involved. It's a tremendous investment by the state. We've seen the fruits of that with the Estero Boulevard project, and soon to be the south bridge on the island which we'll have incredibly advanced pedestrian and bike capacity, which is tremendous. So we're very thankful for that.

In my previous life I chaired the Utility Commission in Indiana and I had the privilege of chairing field hearings just like this all over the state of Indiana, dozens of hearings, and I know there's quite a bit of cynicism in the public right now towards government, and I also know these field hearings because of the format, because you can't

respond to questions, because you can't comment, publicly in the hearing, there is -- there is a feeling that this is kind of a pro form exercise, just checking the box because of federal regulations that you've got to have this hearing. I hope, and you seem very sincere, and everyone here seems very sincere, I hope you hear the folks tonight. These are folks would lived on this island many, many years, and have a lot of experience in this area, but you can't always capture a traffic study or an engineering study, I hope you listen to what you hear tonight. I hope you go back -- again you have great appreciation from the island what you're doing, but go back, make the appropriate tweaks that have been reflected tonight and let's make this project a home run, a project that we can all agree on.

And I would be remiss personally if I didn't say I am a huge fan of these pedestrian overpasses. We're seeing with Margaritaville, that can be a model for Estero Boulevard. That's a longer term solution that can really have an immediate impact. And at a minium if we can't do the overpasses, we've got to focus on these pedestrian barriers that channel people toward the crosswalks. Ideally it would be best to have less crosswalks, but in a less perfect world it

would be great to have these barriers that keep people from crossing inappropriately outside the crosswalks that really slows the traffic flow.

Again thank you for being here and thank you for your time.

MR. OUJEVOLK: Thank you, sir. All right. The last one on the list is Tom Chattel. (Phonetic)

MR. CHATTEL: Tim.

MR. OUJEVOLK: Oh, Tim. Sorry.

MR. CHATTEL: Thank you for allowing me to speak. I think pretty much everything that I'm going to say has been said, but there is -- I think there are few things that our town and the county has to do in order to improve traffic here on the island. And from what I see in this plan, it's a great plan. It's going to help in ways, but I don't think it's going to solve our traffic problem. I think two things that should be looked by our town and county is parking. We really need additional parking. And I know that's not a part of this project, but it's something critical that we need to solve in order to get the traffic moving because people need a place to go to park, and then it -- it will all work together. And we've got to figure out a way to get traffic on and off the island during the peak times, and I think

those alternating lanes should be considered. I think two lanes coming on during peak time, two lanes going off at peak time and it can be done. It's done in many places, and I think that should be really looked at, or possibly a roundabout. Because when you add more lights it's definitely going to slow down traffic. And if lights are going to be used, I hope there is a way that they can be timed as well as on motion detectors because there is nothing more I hate than when I'm sitting at a light in bumper-to-bumper traffic and cross-streets when there is nobody there. And I'll be honest, I've run them a few times because it's just annoying. So, I mean, there has got to be, with technology, a way to do that I would think.

And the crosswalks. There should be, I think, crossovers as well in certain areas. I think that's critical to keep traffic moving. Obviously the weight limit definitely needs to be researched if that is an issue. And I guess the only other thing I would like to say is maybe a comment that was echoed, it has nothing to do with you, but Crescent Park should really be utilized for something better than what it is today.

MR. OUJEVOLK: Thank you. All right.

I'm going to ask again for Mr. Ken Feldi,

F-E-L-D. I'm not sure if that's an I or a D. Going once. Twice. Mr. Feldi?

MS. HEINTZ: Can I take Christy's minute?

MR. OUJEVOLK: Sure, if you want Christy's minute. Sure.

MS. HEINTZ: Thank you. Again I loved Christy's idea about utilizing Crescent Beach Park more, and obviously a couple other people. And I the idea of funneling everybody down, taking a left on Fifth and then at Crescent. And since you're going to have the bus top there or the trolley stop there, use that whole park for everybody to flow onto the beach right there. Use that park other than just funneling everybody to that sidewalk. You already have the trolley coming in there, use that whole beach area where the volleyball courts are so they're not funneled there. Use that beach park to get them onto the beach.

MR. OUJEVOLK: Thank you. With that, let me get back to my script.

Is there anyone else attending who has not spoken who would like to speak?

All right. Seeing no one, we are going to move to our speakers that are joining us online.

UNIDENTIFIED: No one online has signed up

to speak.

Is there anyone attending virtually who would like to speak?

Terri Lewis has raised a hand. Terri, go ahead and unmute yourself, and you have three minutes. Terri Lewis, if you would like to speak, please unmute yourself now.

All right. With no other comments, we will move back to our in-person moderator.

MR. OUJEVOLK: All right. Sorry about that. Let's see. Okay. I'm sorry. Oh, closing. Okay. Going once, twice. Anyone? Last time, besides -- your going to try to let -- we're going to get her somehow or another, but we will find her.

All right. Once again, written statements and exhibits in place of or in addition to oral statements will be accepted and recorded as part of this hearing of postmarked or sent by 14 days after this hearing, or by February 17th, 2022.

After the comment period closes, the project team will compile all comments, and together with the engineering and environmental work that has been done to date, make a final recommendation that will be submitted to the DOT office of Environmental Management for approval. We will publish the approval

of the preferred alternative in The News Press and post the approval on the project website.

The verbatim transcript of this hearing's oral proceedings, together with all written statements or exhibits received and all studies, displays, and informational material present with this hearing, will be made available for public inspection, and copying at the Florida Department of Transportation FDOT Southwest Area Office, 10041 Daniels Parkway in Fort Myers, Florida, 33913.

I want to thank everybody for attending this public hearing and for providing your input into this project. It is now --

MS. LONG: 7:19 but I think we have Terri.

MR. OUJEVOLK: Oh, I'm going to hold up and allow Ms. -- or Terri to speak. Hopefully.

MS. LEWIS: Hello, can you hear me? Hello?

MR. OUJEVOLK: Yes, ma'am.

MS. LEWIS: Can you hear me?

MR. OUJEVOLK: Yes, ma'am.

MS. LEWIS: I just had a question. I think overall the project looks -- it's great, and there are obviously some concerns still about vehicle traffic and pedestrians. My comment was just asking you to look at the opportunity to separate the physical

separation between the cyclists and cars on the bridges. It's -- you know, if the goal -- there are a lot of families that come over and the vast majority of cyclists do not feel comfortable riding even in a lane next to cars that while it might be posted 40 miles an hour if it's not congested, they will be going quicker. So I'd just ask you to take that into consideration, the physical separation from bike paths.

MR. OUJEVOLK: All right. Any more comments, ma'am?

MS. LEWIS: Nope, that's it.

MR. OUJEVOLK: All right. Thank you very much.

All right. I hereby officially close the public hearing at 7:20 for San Carlos Boulevard State Road 865 PD&E Study from north of Crescent Street to north of Hurricane Pass, and I want to thank everybody for showing up and being so nice. Thank you very much.

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

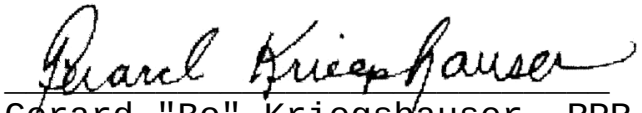
COUNTY OF LEE)

I, Gerard "Bo" Kriegshauser, Registered Professional Reporter, certify that I was authorized to and did stenographically report the aforementioned public hearing on February 3, 2022; that the foregoing transcript inclusive is a true and complete record of my stenographic notes, and that this computer-assisted transcript was prepared under my supervision.

I further certify that I am not a relative, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action.

DATED this 14th day of February, 2022.

(This certificate has been digitally signed.)



Gerard "Bo" Kriegshauser, RPR
Notary Pubic, State of
Florida at Large
Notary #GG 210260
My commission expires 4/23/2022

PUBLIC HEARING CERTIFICATION

650-050-56
ENVIRONMENTAL MANAGEMENT
08/17

SR 865 (SAN CARLOS) FROM N CRESCENT ST TO N OF HURRICANE PASS BRIDGE

Project Developmentand Environment (PD&E) Study

from N. of Crescent Steeet to N. of Hurricane Bay Bridge

Lee County, Florida

Financial Management No.: 433726-2-32-01

I certify that a public hearing was conducted on 02/03/2022, beginning at 05:00 PM for the above project. A transcript was made and the document attached is a full, true, and complete transcript of what was said at the hearing.

Richard Oujevolk	June 10, 2022
(Name)	Date
Richard M. Oujevolk, District 1 PD&E Project Development Manager	
(Title of FDOT Representative)	

Electronically signed within SWEPT
on June 10, 2022 11:57:02 AM EDT
(electronic signature on file)

Link to Public Hearing Transcript

1 - 43372623201-CE2-D1-433726-2_Certified_Pub_Hrng_Transcript-2022-0214.pdf