

March 28, 2017



Dear Commander Tompkins,

We are writing on behalf of the Conservation Alliance of St. Lucie County, the Indian Riverkeeper and a consortium of other groups, to request that you deny the permit request submitted by the City of Port St. Lucie for construction of the cross-town parkway bridge (route 1C) as outlined in Public Notice (03-17).

The Conservation Alliance and the Indian Riverkeeper contest the validity of the Environmental Impact Statement (EIS) for this bridge. As such, this project is in violation of NEPA and does not fulfill the Environmental Documentation Requirements outlined in the Coast Guards Bridge Permitting Requirements.

Validity of the Environmental Impact Statement

- The wetlands alternatives analysis and NEPA documents clearly show a viable alternative route for the cross-town parkway bridge, route 6A, that would not impact the park and would result in lower wetland and upland habitat impacts.
- In 2012 the U.S. Army Corp of Engineers stated: This (Route 1C) is the “MOST ecologically damaging route of all alternatives . . . in terms of Section 404 of the Clean Water Act. It would impact the most acreage of the highest functioning and quality wetlands, and mangrove vegetation in the area that is almost pristine.”
- Permitting for route 1C has been done without following the stepwise Clean Water Act Section 404(b)(1) guidelines, since **avoidance and minimization were not properly addressed** before accepting compensatory mitigation. Of the six alternative routes addressed in the EIS and alternatives analysis, route 1C clearly impacts the most wetlands (both direct and indirect acreage) See Attachments 1 & 2 for map and route comparison.
- Analysis of county tax records demonstrates that the city of Port St. Lucie began pursuing route 1C at least a decade prior to starting the NEPA procedures, despite knowing the route would require taking State Preserve Park land.
 - o The Halpatiokee unit of Savannas Preserve State Park was acquired in 1994.
 - o Acquisition of lots along route 1C started as early as 1996.
 - o The alternatives analysis and development of the NEPA Environmental Impact Statement did not start until 2006.
 - o Attachment 3 shows the purchase history of parcels along route 1C.
 - o Attachment 4 provides a map of these city land purchases.
 - o The acquisition of these lots and the commitment of these public funds were not disclosed in the EIS.
 - o These prior financial commitments strongly suggest that the selection of route 1C, the most impacting alternative, was highly biased.
 - o They also explain why the city has been relentless in pursuing a bridge route estimated to cost millions more than alternative routes.

USCG BPAG July 2016 - Section 3 - B. 4. - Wetlands

- Executive Order 11990, Protection of wetlands, states that . . . the Coast Guard must ensure that the project design includes all practical measures to minimize wetland impacts.
- Route 1C maximizes wetland impacts and the City does not meet the “avoidance and minimization criteria”. The Coast Guard should require the City to utilize the least damaging route. (See Attachments 1 & 2)
 - o During the South Florida Water Management District permitting process, the City provided an “Avoidance and Minimization” explanation, which described site modifications that were considered, some of which were undertaken within the Alternative 1C route. While incorporating these design specifics (e.g., reducing the width of the bridge from 143 feet to 103 feet) may have reduced the ecological impacts within the 1C route, the findings of the Environmental Impact Statement confirm that the selection of a different route would have more substantially avoided mangrove and floodplain wetland communities and more effectively minimized impacts on the wetlands.
 - o Further, applying these same site modifications to the other alternatives would have reduced impacts of alternatives even further.

USCG BPAG July 2016 - Section 3 - B. 12 & 13 - Fish & Wildlife

- The National Marine Fisheries stated that Bridge route 1C will cause the highest impact to Essential Fish habitat, more than any of the other routes.
- Bridge route 1C will result in the destruction of the majority of the Savannas Halpatiokee Buffer Preserve, which means the destruction of its 7 ecosystems, critical habitat for 19 listed species and critical game fish nursery.
- Recognized fish scientist, Dr. Grant Gilmore, Jr., Ph.D., has charted the area, documenting a rare backwater nursery in Hogpen Slough for state listed and recreationally important tarpon and snook species. In addition, he has documented that this area is key to other rare subtropical fishes found only in the St. Lucie River and its tributaries. They are: Bigmouth sleeper, Slashcheek goby, River goby, Whitemouth croaker, Mountain mullet, Burro grunt, Swordspine snook, Largescale fat snook.
- Despite the above facts, detailed surveys for threatened or endangered species were not conducted as part of the EIS or permitting process for route 1C, nor was there an assessment of the impact on essential fish habitat. As such the mitigation package cannot and does not account for these losses.

USCG BPAG July 2016 - Section 3 - B. 7 - Wild & Scenic Rivers

- The area where route 1C crosses open water and the floodplain wetlands of the North Fork ecosystem (i.e. Evans Creek, the North Fork of the St. Lucie River and the Coral Reef Waterway) is within the North Fork of the St. Lucie River Aquatic Preserve (NFSLR) and part of the Savannas Preserve State Park (SPSP).
- The NFSLR and waters within the SPSP are Outstanding Florida Waters (62-302. 700 Florida Administrative Code [F.A.C.]). By law, these waters are to be afforded the highest protection.
 - o Yet SFWMD Permit 56-03461-P allows degradation of water quality throughout the period of project construction, in violation of 62-302. 700 F.A.C.
 - o It also allows degradation of water quality outside the boundary of the Sovereignty Submerged Lands easement.

We also contest that the mitigation package offsets the impact of the bridge on the floodplain, wetlands and listed species habitat. Some of the rationale is included in our summary above. In addition we have included a link in attachment 5 to an independent investigation and review of the regulatory approvals for this project. This review details additional deficits in the mitigation package and many anomalies in the permitting process. If you would like to discuss our challenges, please do not hesitate to let me know.

Sincerely,

Shari Anker, President
with Pam Harting (co-author & member)
Conservation Alliance of St. Lucie County
slcconservationalliance@gmail.com

Marty Baum
Indian Riverkeeper

Consortium of Groups Supporting the Protection of the Halpatiokee Buffer Preserve to date:
Audubon Florida
Florida Native Plant Society
Florida Wildlife Federation
Florida Conservation Coalition
Florida Conservation Voters Education Fund
Sierra Club
Wild Earth Guardians
Bonefish & Tarpon Trust
Martin County Conservation Alliance
Martin County Native Plant Society
St. Lucie County Audubon
St. Lucie County Native Plant Society

cc: Robert N. Hartsell, Esq. of Hartsell Law Firm
Jason Totoiu, Esq. of the Everglades Law Center

Attachment 2 – Bridge Route Comparison

Crosstown Parkway Extension PD&E Study and Environmental Impact Statement

Table 1.1 Alternatives Evaluation Matrix

	2008 BASE YEAR	2037 NO BUILD	BUILD ALTERNATIVES					
			2A	2D	1C (Preferred Alternative)	1F	6B	6A
TRAFFIC								
Daily Traffic Crossing the River			DESIGN YEAR (2037)					
Prima Vista Blvd	38,350	48,400	27,300	27,700	23,000	17,000	17,000	22,300
Crosstown Pkwy	N/A	N/A	59,700	57,100	62,300	64,600	64,600	59,700
Port St. Lucie Blvd	66,330	89,600	68,600	70,200	71,000	73,700	73,700	75,300
Total Daily Volumes (V)	104,680	138,000	155,600	155,000	156,300	155,300	155,300	157,300
Total Capacity (C)	89,200	89,200	142,700	142,700	142,700	142,700	142,700	142,700
Total VIC	1.17	1.55	1.09	1.09	1.10	1.09	1.09	1.10
Traffic Volume Exceeding Capacity	15,480	48,800	12,900	12,300	13,600	12,600	12,600	14,600
Travel Time (min) to St. Lucie Medical Center								
From Prima Vista Blvd and Bayshore Blvd	12.6	17.6	14.2	14.1	14.2	13.8	13.8	14.2
From Crosstown Pkwy and Bayshore Blvd	N/A	19.5	12.9	14.4	12.9	9.9	9.9	12.4
From Port St. Lucie Blvd and Bayshore Blvd	8.3	14.0	9.0	9.0	9.1	9.3	9.3	9.5
Alternatives Operation Analysis Issues								
Crosstown Parkway segments at LOS E or F	N/A	N/A	Yes	Yes	No	No	No	No
U.S. 1 segments at LOS E or F	N/A	Yes	Yes	No	No	Yes	Yes	No
U.S. 1 traffic progression negatively impacted	N/A	Yes	Yes	No	No	Yes	Yes	No
Negatively impacted travel time to Medical Center	N/A	Yes	No	No	No	No	No	No
Prima Vista Blvd and U.S. 1 intersection at LOS E or F	N/A	Yes	No	No	No	No	No	No
Crosstown Parkway and U.S. 1 intersection at LOS E or F	N/A	N/A	Yes	Yes	No	No	No	No
Port St. Lucie and U.S. 1 intersection at LOS E or F	N/A	Yes	No	No	No	Yes	Yes	Yes
Alternatives Access Management Issue								
U.S. 1 signal spacing and coordination with vacant properties	N/A	No	No	No	No	Yes	Yes	No
Number of Negative Operational Issues Identified	N/A	5	4	2	0	4	4	1
SOCIAL ENVIRONMENT								
Direct Residential Property Impacts								
Residential Relocations	0	141	137	65	89	100	85	85
Previous Residential Purchases now Vacant	0	4	33	35	35	34	33	33
Vacant Parcels	0	37	61	40	40	40	40	40
Total Residential Impacts	0	182	231	140	164	174	158	158
Commercial Impacts								
Commercial Relocations	0	1	0	0	12	12	10	10
Vacant Commercial	0	0	0	0	2	2	2	2
Total Commercial Impacts	0	1	0	0	14	14	12	12
Community Facilities Impacts								
Community Facilities (non-Section 4(f) resources) Directly Affected	0	0	0	0	0	0	0	0
Community Facilities Indirectly Affected	0	1	1	0	0	0	0	0
NATURAL ENVIRONMENT (EXCLUDES RESIDENTIAL LOTS)								
Wetlands (Essential Fish Habitat, acres)								
Direct Impacts (1)	7.64	7.64	10.10 (6.83)	9.02	8.0	7.69	7.69	7.69
Temporary Impacts	0.09	0.09	0.24 (0.24)	0.08	0.06	0.07	0.07	0.07
Total Functional Loss (2)	7.44	7.44	11.00 (8.34)	8.67	7.37	7.64	7.64	7.64
Uplands (acres)								
Direct Impacts	7.51	7.51	3.96 (2.96)	2.99	1.80	0.15	0.15	0.15
Temporary Impacts	0.03	0.03	0.03 (0.05)	0.01	0.01	0.01	0.01	0.01
Section 4(f) Resources (use, acres) (3)								
Savannas Preserve State Park	5.33	5.33	2.21 (2.14)	4.27	2.83	0.00	0.00	0.00
NFSLR Aquatic Preserve (also SGL)	0.02	0.02	0.02 (0.02)	0.01	0.01	0.01	0.01	0.01
Kiwanis Park	0.00	1.06	0.00	0.00	0.00	0.00	0.00	0.00
Total Section 4(f) Resources	5.35	6.41	2.23 (2.16)	4.28	2.84	0.01	0.01	0.01
Listed Species								
Potential for Listed Species Occurrence	High	High	High	Moderate	Moderate	Moderate	Moderate	Moderate
Species with determinations of "May Affect, but Not Likely to Adversely Affect" (4)	4	4	4	4	4	4	4	4
Species with determinations of "Likely to Adversely Affect"	0	0	0	0	0	0	0	0
NOISE								
Residential Impacts								
Impacted Receptors	33	39	10	51	44	42	42	42
Impacted Receptors Benefitted with Noise Barrier	29	24	10	40	32	18	18	18
CONTAMINATION (Risk level indicators degree to which contamination is likely to affect project design, cost or schedule)								
Number of Sites								
Known Contamination Sites within Footprint	0	0	0	0	0	0	0	0
High-risk within or near footprint	1	1	0	0	0	0	0	0
Medium-risk within or near footprint	1	1	2	1	1	1	1	1
CDISTS								
Estimated Costs (millions, 2009 dollars)								
Design (10% of bridge plus roadway construction)	\$9.77	\$9.92	\$10.40	\$7.48	\$6.46	\$6.53	\$6.53	\$6.53
Right of Way	\$23.6	\$28.8	\$18.6	\$21.4	\$24.4	\$30.9	\$30.9	\$30.9
Utility Relocations	\$6.0	\$6.8	\$4.7	\$5.9	\$5.5	\$5.3	\$5.3	\$5.3
Roadway Construction	\$14.8	\$16.2	\$14.7	\$13.2	\$12.6	\$13.3	\$13.3	\$13.3
Bridge Construction	\$83.0	\$83.0	\$89.3	\$61.6	\$52.0	\$52.0	\$52.0	\$52.0
Construction Engineering Inspection (CEI) (15% of bridge plus roadway construction)	\$14.66	\$14.88	\$15.60	\$11.22	\$9.69	\$9.80	\$9.80	\$9.80
Mitigation Cost (5)	\$8.2	\$8.2	\$8.2	\$8.2	\$8.2	\$8.2	\$8.2	\$8.2
Total Estimated Cost	\$160.03	\$167.80	\$161.50	\$129.00	\$118.85	\$126.03	\$126.03	\$126.03
PROJECT LENGTH								
Total Project Length (miles)	2.19	2.64	1.96	1.96	1.92	2.06	2.06	2.06
Total Bridge Length (miles)	0.71	0.71	0.76	0.52	0.50	0.44	0.44	0.44

(1) Acres of impact shown in parentheses for the Preferred Alternative are those impacts after the bridge typical section was reduced to 103 feet wide.
(2) Total wetland functional loss includes direct and indirect (secondary) impacts.
(3) Impacts are considered differently depending on the regulation or permitting guidance (NEPA, Section 401(b)(1) Guidelines, or Section 4(f)). A "use" defined under Section 4(f) is not necessarily the same as an impact evaluated under NEPA (for example, only lands permanently incorporated into a transportation facility are considered a "use" under Section 4(f); shading of wetland and/or upland resources is not. This table presents the quantified use (acres) as defined under Section 4(f), which may include placement of fill for the bridge approaches, right of way to be acquired, placement of fill at the locations of the bridge piers, and construction and excavation of stormwater pond sites. Temporary occupancies have been determined to be so minimal as to not constitute a use and are not included.
(4) The USFWS and the NMFS have concurred with the "effects determinations" for the species under their respective jurisdictions.
(5) Mitigation costs have been negotiated to be the same for each build alternative.

Attachment 3 – Port St. Lucie Land Purchases in Route 1C Path Prior NEPA EIS Process

Table shows lots purchased by Port St. Lucie in the Route 1C path prior to 2007. Acquisitions are grouped into two sections: from the river to Floresta Drive; and from Floresta Drive to the Crosstown Parkway Terminus, as of December 2014. Information is from the County Tax Assessor Website.

Block	Lot	Date Purchased	Purchase\$
Riverfront to Floresta			
431	1	1997	\$165,000.00
	2	1996	\$71,500.00
410	11	1999	\$9,000.00
	12	1999	\$80,000.00
	14	1998	\$9,600.00
430	11	1998	\$9,300.00
411	3	2001	\$100.00
429	8	1998	\$89,000.00
	9	1998	\$89,000.00
	10	1998	\$89,000.00
	11	1998	\$89,000.00
	12	1998	\$26,100.00
	14	1998	\$26,100.00
	15	1998	\$26,100.00
412	6	1999	\$71,600.00
Sum			\$850,400.00
Floresta to existing Crosstown			
407	24&25	2003	\$130,000.00
419	21	2005	\$50,000.00
	22	2003	\$116,000.00
	25	2003	\$135,500.00
	26&27	2003	\$183,500.00
	28&29	2005	\$165,500.00
	30	2003	\$7,500.00
	31	2003	\$12,500.00
	33	2003	\$123,500.00
	34	2003	\$140,000.00
	36	2003	\$135,000.00
414	2	2004	\$123,500.00
	3	2003	\$121,800.00
	4	2003	\$121,800.00
	7	2003	\$130,400.00
	9&10	2004	\$400,000.00

	11	2003	\$127,000.00
	12	2003	\$83,400.00
	13	2004	\$130,000.00
	14	2003	\$22,000.00
415	10	2006	\$154,000.00
	11	2004	\$32,300.00
416	12	2004	\$35,000.00
	13	2008	\$274,000.00
417	14	2003	\$141,000.00
418	14	2003	\$27,000.00
	15	2003	\$168,000.00
317	1	2003	\$126,000.00
	2	2006	\$200,000.00
	6	2003	\$125,000.00
	7	2004	\$149,000.00
	11	2003	\$102,000.00
	12	2003	\$115,000.00
	13	2003	\$130,000.00
318	1	2004	\$150,000.00
	2	2003	\$11,500.00
	3	2004	\$115,000.00
	6	2004	\$35,000.00
	7	2004	\$27,000.00
	8	2004	\$35,000.00
	9	2003	\$240,000.00
	10	2003	\$199,800.00
364	5&6	2003	\$44,000.00
	7	2003	\$9,000.00
	8	2004	\$46,000.00
	9	2003	\$147,900.00
	22	2003	\$202,500.00
Sum			\$5,499,900.00
Total			\$6,350,300.00

Attachment 5

Link to Ecological Investigation and Review of Regulatory Approvals Crosstown Parkway
Extention, Port St. Lucie Florida

http://www.conservationallianceslc.org/uploads/5/0/3/6/50361177/gbraun_xtp_expert_witness_report_rev_7-4-16.pdf