



Ecological Investigation and Review
of Regulatory Approvals
Crosstown Parkway Extension, Port St. Lucie FL



In the case of
DIANE GOLDBERG
v.
THE CITY OF PORT ST. LUCIE, and
SOUTH FLORIDA WATER MANAGEMENT
DISTRICT
by
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Sustainable Ecosystems International
July, 2016

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Executive Summary

Field investigations and reviews of the permitting history for the proposed Crosstown Parkway Extension that would extend through the North Fork of the St. Lucie River Aquatic Preserve and a portion of the Savannas Preserve State Park have revealed that:

1. Detailed surveys for flora and/or fauna that are designated by the State of Florida as “Endangered” or “Threatened” do not appear to have been completed prior to the selection of Alternative 1C as the preferred Alternative for the proposed parkway extension;
2. Recent surveys for flora and/or fauna that are designated by the State of Florida as “Endangered” or “Threatened” conducted as part of this investigation have revealed that the City of Port St. Lucie’s preferred Alternative (Alternative 1C) for the Parkway Extension will destroy or adversely affect numerous individuals of plant species that are designated by the State of Florida as “Endangered” or “Threatened”, as no mention has been made of any attempts for either in-situ preservation or relocation;
3. Wetland enhancement proposed, approved by the South Florida Water Management District and conducted by the City of Port St. Lucie as mitigation for the proposed construction of the Crosstown Parkway Extension has not provided adequate compensation for impacts to the state-designated threatened and endangered species that will be destroyed if the Parkway Extension is constructed within the proposed alignment of Alternative 1C unless plant relocations are undertaken; and
4. Review of SFWMD Environmental Resources Permit #56-03461-P and the Environmental Impact Statement have revealed numerous anomalies that suggest that the permit was not fully in compliance with the Environmental Impact Statement, SFWMD’s Basis for Review and the ERP Applicant’s Handbook, at the time of its issuance by SFWMD on January 15, 2016.

Examples include issues regarding spatial and temporal control of water quality; lack of accounting for how the loss of detrital export will affect aquatic organisms, including fish; and a creative determination that the project is not one of heightened public concern.

1.0 BACKGROUND

On January 15, 2016, the South Florida Water Management District (SFWMD) issued Environmental Resource Permit # 56-03461 to the City of Port St. Lucie. The permit, including its General and Specific Conditions authorized the City to construct a multi-lane thoroughfare (Crosstown Parkway Extension) from Manth Lane on the west side of the North Fork of the St. Lucie River to U.S. Highway 1 (Federal Highway) near that road's intersection with Village Green Drive on the east. The route selected by the City and permitted by SFWMD (Alternative 1C) crosses uplands of the Savannas Preserve State Park and wetlands within the North Fork of the St. Lucie River Aquatic Preserve (NFSLR), formerly known as the North Fork Buffer Preserve.

Alternative 1C is one of several alternatives that were reviewed in an Environmental Impact Statement (EIS) that was developed by the Federal Highway Administration (FHWA). Construction of the Crosstown Parkway Extension in the alignment of Alternative 1C will adversely impact NFSLR Aquatic Preserve, and public lands within the Savannas Preserve State Park. The EIS determined that, due to the ecologically sensitive areas through which Alternative 1C traverses, it would result in more ecological impacts than other alternatives.

The public lands through which Alternative 1C traverses are areas that were purchased by the State of Florida for conservation purposes. These lands provide ecological services consistent with the reason they were acquired by the state. Additionally, they are used by the general public for the conservation purposes that were intended when they were purchased by the state.

Construction of a multi-lane transportation thoroughfare along Alternative 1C will impact naturally-occurring vegetative communities, degrade ecological conditions and adversely affect the ability of the public to enjoy recreational activities within the aquatic preserve.

Current and past recreational users of the Halpatiokee Trails portion of the SPSP have included the general public, members of the St. Lucie Audubon Society, members of the Conservation Alliance of St. Lucie County (CASLC) and other conservationists. Members of these organizations were engaged in the route evaluation process and have expressed their opposition to the selection of Alternative 1C as far back as 1999. When their opposition to the route that would affect public lands of the Halpatiokee Trails portion of the SPSP was ignored, they initiated legal proceedings, including a petition contesting the issuance of a SFWMD permit for exploratory geologic testing and SFWMD Environmental Resources Permit # 5603461-P.

Diane Goldberg, a St. Lucie County resident and member of St. Lucie Audubon and the Conservation Alliance of St. Lucie County contracted with professional ecologist Greg Braun, Sustainable Ecosystems International to provide assistance in their review of ecological and permit-related aspects of the proposed Crosstown Parkway Extension. Mr. Braun is the owner and senior ecologist at Sustainable Ecosystems International, an ecological consultancy that has extensive experience in wetland ecology, and threatened and endangered species. Mr. Braun is a

professional ecologist with over 25 years of experience in wetland and terrestrial ecology in peninsular Florida, the Bahamas and the Caribbean. He graduated from Florida Institute of Technology with a degree in the biological sciences and has had full-time and continuous employment in the ecological field since 1983. He was accepted as a Certified Environmental Professional (Registration # 0304018) in 2003 by the Academy of Board Certified Environmental Professionals, a certification which has been renewed annually upon review of evidence of on-going performance and continuing education. Mr. Braun has been engaged in ecological conservation issues in the Treasure Coast for over 25 years. He has conducted dozens of ecological investigations, conducted surveys for threatened and endangered species, and is knowledgeable about state laws and federal regulations regarding environmental protection. He is permitted by the Florida Fish and Wildlife Conservation Commission (FWC) as a Gopher Tortoise Agent (GTA), approved by the Florida Department of Environmental Protection (FDEP) as a Professional Mangrove Trimmer (PMT) and is an advocate for the protection of flora and fauna that are designated by the State of Florida and the federal government as endangered and threatened.

Mr. Braun is a member of the Board of Directors of the Treasure Coast Chapter of the Florida Association of Environmental Professionals and serves on a number of Boards, Committees and Working Groups.

2.0 PURPOSE

Mr. Braun has been asked to provide assistance in four areas:

1. Research. Obtain, read and analyze reports, aerial photographs, permits and other documents that are pertinent to the case;
2. Site Investigations. Conduct cursory field investigations of the bridge corridors to personally inspect areas that are within the Sphere of Influence of the proposed bridge;
3. Reporting. Develop a report that describes his investigations, findings and opinions; and
4. Expert Witness services. – Provide expert witness testimony (e.g., deposition(s), testimony, etc.) at legal proceedings regarding permitting of the project by the South Florida Water Management District.

3.0 DESCRIPTION OF METHODS

3.1 Research.

To complete the Research Task, Mr. Braun accessed a variety of publically accessible documents related to the project and other similar projects. Particularly notable documents that were referred to include:

- 1) Correspondence from R. Grant Gilmore, Estuarine, Coastal and Ocean Science, Inc. to Victor Mendez, Federal Highway Administration, October 28, 2013, Federal Highway Administration, PDF, 6 pp.
- 2) Endangered Species Biological Assessment Report, Florida Dept. of Transportation, Crosstown Parkway Extension, Feb. 2013, FDOT, PDF, 198 pp.
- 3) Final Environmental Impact Statement 2011-02-59F, Federal Highway Administration, November 14, 2013, FHWA & City of Port St. Lucie, PDF, including Technical Support Documents, and Appendices. 1000 + pp.
- 4) How Green Infrastructure Can Effectively Manage Stormwater Runoff from Roads and Highways, September 2011, Natural Resources Defense Council, PDF, 4 pp.
- 5) North Fork St. Lucie River Floodplain Vegetation Technical Report WR-2015-005, Coastal Ecosystem Section, Applied Sciences Bureau, Water Resources Division, SFWMD, Final Report. July 2015, SFWMD, 211 pp.
- 6) North Fork St. Lucie River Aquatic Preserve Management Plan, 2009, FDEP, 234 pp.
- 7) SFWMD Environmental Resource Permit # 56-03353-P; August 5, 2014, SFWMD, PDF file, 26 pp.
- 8) SFWMD Notice of Consolidated Intent to Issue an Environmental Resource Permit and Sovereignty Submerged Lands Public Easement Application No.: 090107-1 Crosstown Parkway Extension, St. Lucie County, January 15, 2016. SFWMD, 29 pp.
- 9) Technical Document to Support a Water Reservation Rule for the North Fork of the St. Lucie River, November 2009, SFWMD, PDF, 277 pp.
- 10) U.S. Environmental Protection Agency. Documents relating to the development of Environmental Impact Statements, including <https://www3.epa.gov/> and <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>
- 11) Wetlands Evaluation Report, Florida Dept. of Transportation, Crosstown Parkway Extension, Federal Project # 7777-087-A., February 2013, FDOT, 107 pp.

3.2 Site Investigations.

Mr. Braun conducted ecological investigations along the route of the proposed Crosstown Parkway Extension on June 7 and June 8, 2016. Inspections of waterside communities were conducted by boat on June 7, 2016 during which Evans Creek, Hogpen Slough and the North Fork of the St. Lucie River were investigated.

Inspections of landside communities along the Halpatiokee Trails unit of the Savannas Preserve State Park were conducted on June 8, 2016.

A hand-held Garmin GPSmap 78S Global Positioning System (GPS) was used to track survey routes and record the location(s) of notable flora, fauna and/or other features.

Recent (January 23, 2016), color aerial photographs from Google Earth were used for orientation and on which to plot the location of notable floral and faunal resources. Figures from the Crosstown Parkway Extension Environmental Impact Statement, including its Appendices and SFWMD Permit 5603461-P were used to determine the approximate locations of the Alternative routes.

A Nikon D3100 digital Single Lens Reflex camera with a 55mm and 100-300 mm zoom lens were used to photo-document representative and/or notable features.

3.3 Reporting.

This report identifies notable findings and opinions based on Mr. Braun's research, and will serve as the basis for his future expert witness testimony.

3.4 Expert Witness Services.

It is likely that additional pertinent information will come to light between the date of this report and Mr. Braun's subsequent testimony. Review and analysis of any such additional information after the release of this report may result in modifications of Mr. Braun's findings and opinions.

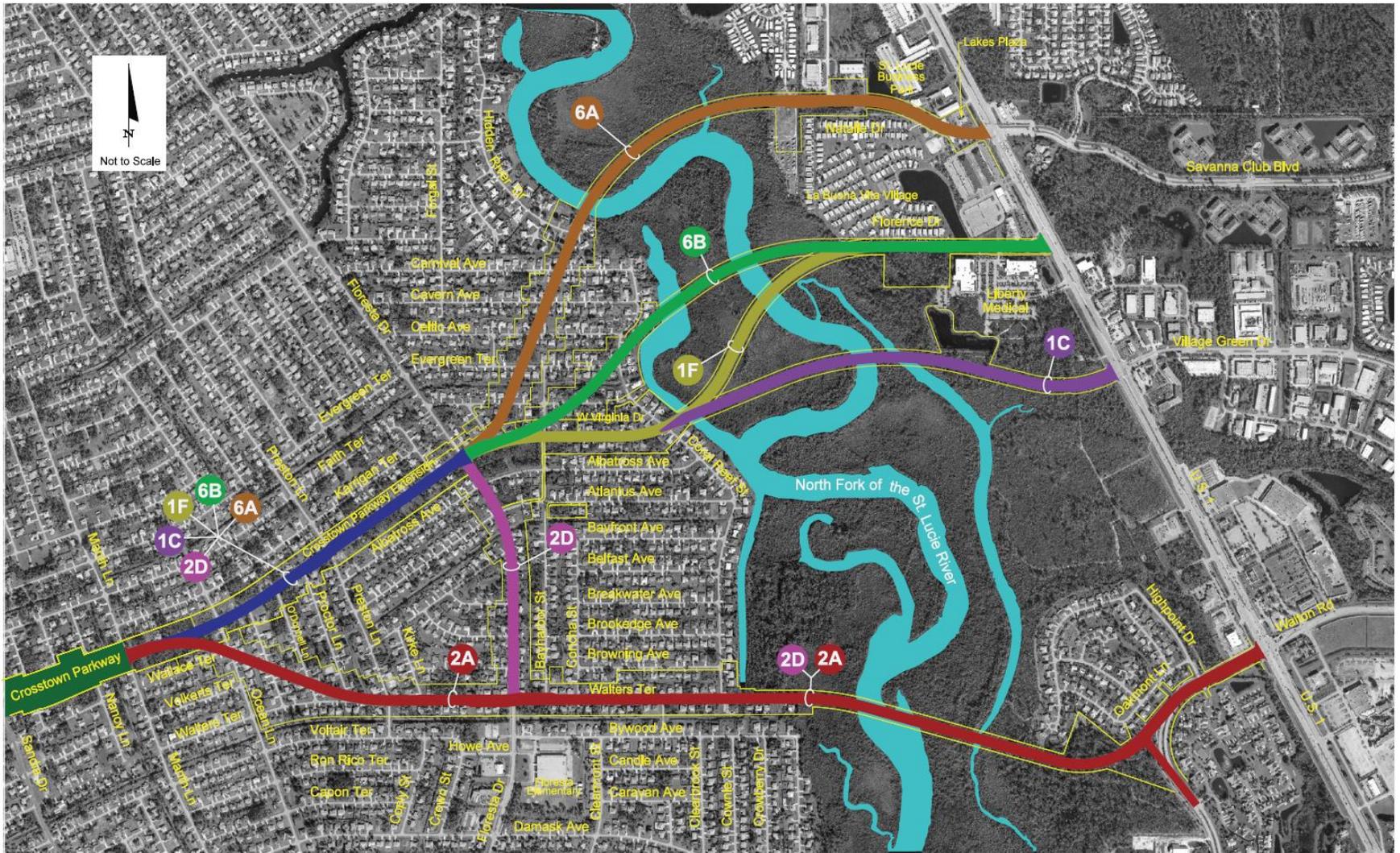
4.0 RESULTS

Summaries of the analyses of these documents are described hereafter.

4.1 Research on Alternative Alignments

The reading and analysis of the Environmental Impact Statement (EIS) for the proposed project confirmed that several different route Alternatives (Figure 1), including a no-build option were analyzed as part of the EIS process for the Crosstown Parkway Extension. Not shown on Figure 1 are several additional alternatives (e.g., tunnels, widening existing bridges, a cable-stayed bridge, a double-deck bridge, etc.) that were also evaluated but were eliminated from consideration.

EIS Table 1.1 summarizes the results of the comparison of the six primary Alternative routes on the key issues of Traffic, Social Environment, Natural Environment, Noise, Contamination, Costs and Project Length.



FM No. 410844-1-28-01
 FP No. 7777-087-A
 ETDM No. 8247

Crosstown Parkway Extension PD&E Study and
 Environmental Impact Statement
Build Alternatives

Figure 3

Figure 1

Source: Crosstown Parkway Extension Environmental Impact Statement, Figure 3

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								
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 V/C	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
Previous Residential Purchases now Vacant		0	4	33	35	35	34	33
Vacant Parcels		0	37	61	40	40	40	40
Total Residential Impacts		0	182	231	140	164	174	158
Commercial Impacts								
Commercial Relocations		0	1	0	0	12	12	10
Vacant Commercial		0	0	0	0	2	2	2
Total Commercial Impacts		0	1	0	0	14	14	12
Community Facilities Impacts								
Community Facilities (non-Section 4(f) resources) Directly Affected		0	0	0	0	0	0	0
Community Facilities Indirectly Affected		0	1	1	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
Temporary Impacts			0.09	0.09	0.24 (0.24)	0.08	0.06	0.07
Total Functional Loss (2)			7.44	7.44	11.00 (8.34)	8.67	7.37	7.64
Uplands (acres)								
Direct Impacts			7.51	7.51	3.95 (2.96)	2.99	1.80	0.15
Temporary Impacts			0.03	0.03	0.03 (0.05)	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
NFSLR Aquatic Preserve (also SSL)			0.02	0.02	0.02 (0.02)	0.01	0.01	0.01
Kiwanis Park			0.00	1.06	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
Listed Species								
Potential for Listed Species Occurrence			High	High	High	Moderate	Moderate	Moderate
Species with determinations of "May Affect, but Not Likely to Adversely Affect" (4)			4	4	4	4	4	4
Species with determinations of "Likely to Adversely Affect"			0	0	0	0	0	0
NOISE								
Residential Impacts								
Impacted Receptors			33	39	10	51	44	42
Impacted Receptors Benefited with Noise Barrier			29	24	10	40	32	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
High-risk within or near footprint			1	1	0	0	0	1
Medium-risk within or near footprint			1	1	2	1	1	1
COSTS								
Estimated Costs (millions, 2009 dollars)								
Design (10% of bridge plus roadway construction)			\$9.77	\$9.92	\$10.40	\$7.48	\$6.46	\$6.53
Right of Way			\$23.6	\$28.8	\$18.6	\$21.4	\$24.4	\$30.9
Utility Relocations			\$6.0	\$6.8	\$4.7	\$5.9	\$5.5	\$5.3
Roadway Construction			\$14.8	\$16.2	\$14.7	\$13.2	\$12.6	\$13.3
Bridge Construction			\$83.0	\$83.0	\$89.3	\$61.6	\$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
Mitigation Cost (5)			\$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
PROJECT LENGTH								
Total Project Length (miles)			2.19	2.64	1.96	1.96	1.92	2.06
Total Bridge Length (miles)			0.71	0.71	0.76	0.52	0.50	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.

Two key issues that are important during the review and permitting of the proposed project by state and federal regulatory agencies are:

- 1) That the City’s preferred alternative (Alternative 1C) crosses through state-owned conservation lands when other options exist that would not affect state-owned conservation lands; and
- 2) That the detailed analyses of the Alternative route alignments indicate that the City’s preferred alternative would have substantially more adverse ecological impacts and cost more than other routes, including Alternative 6A.

Scrutiny of EIS Table 1.1 with a focus on Alternatives 1C and 6A, reveals that, in the key areas of impact to the natural environment, and cost, the City’s preferred alternative will have considerably higher adverse ecological impacts *and* be considerably higher in cost than Alternative 6A (Table 2).

Table 2

Comparison of Natural Environment Impacts and Cost for Alternatives 1C and 6A

Issue/Alternative	1C (City’s Preferred Route)	6A (Alternative that would not affect Halpatickee Trails public lands)
Wetlands (Essential Fish Habitat: Acres)		
Direct Impacts	10.10	7.69
Temporary Impacts	0.24	0.07
Uplands (Acres)		
Direct Impacts	3.95	.015
Temporary Impacts	0.03	0.01
Section 4(f) Resources		
Savannas Preserve State Park	2.21	0.0
NFSL Aquatic Preserve	0.02	0.01
Kiwanis Park	0.0	0.0
Listed Species		
Potential for Listed Species Occurrence	High	Moderate
Species with determinations of May Affect, but Not Likely to Adversely Affect”	4	4
Species with determinations of “Likely to Adversely Affect”	0	0
Estimate Cost (millions, 2009 dollars)		
Total:	\$161.50	\$126.03

Data Source: FEIS Table 1.10

In its initial application with SFWMD requesting an Environmental Resource Permit (ERP) the City of Port St. Lucie included information on six alternative routes. The City amended the application in 2014 so that the District was required to only evaluate the Alternative 1C route.

During SFWMD permitting, the applicant provided an “Avoidance and Minimization” explanation, which described site design modifications that were considered, some of which were undertaken within the Alternative 1C alignment. While incorporating these design specifics (e.g., reducing the width of the bridge from 143 ft to 103 ft) may have reduced ecological impacts within the selected alignment, the findings of the Environmental Impact Statement confirm that selection of a different corridor would have more substantially avoided mangrove and floodplain wetland communities and more effectively minimized impacts on the wetlands that could not be entirely avoided. This determination was confirmed in the Florida February 2013 Wetlands Evaluation Report, which in Section 7.2 on p 38 states:

“Alternative 1C has the most direct and indirect functional losses while Alternative 6B has the least.”

Key Finding #1: The applicant has not selected the route that has the least ecological impact and, by reducing the scope of the permit to Alternative 1C, SFWMD has permitted a route that does not meet avoidance and minimization criteria. The EIS clearly shows that Alternative 1C has the highest area of wetland impact of any of the alternatives, and exceeds most of the other alternatives by several acres.

4.2 Threatened and Endangered Species

The federal government and the State of Florida recognize the value of native flora and fauna and biodiversity and have adopted laws and regulations that protect species that are in danger of extinction. Through the federal Endangered Species Act and the Code of Federal Regulations, the federal government has adopted lists of fauna and flora (50 CFR 17.12) that are designated as either Threatened or Endangered. Individual species undergo significant scrutiny that involve estimates of population, population trends and threats to continued survival before they are designated as either threatened or endangered. Recovery plans are developed, adopted, implemented, and modified from time to time to help prevent extinction of individual species. The federal government lists 22 threatened and endangered species that are known to occur in St. Lucie County (Appendix A). This includes three species of plants and 19 species of animals.

Similarly the State of Florida has adopted regulations that are intended to prevent the extinction of native flora and fauna. The Florida Department of Agriculture and Consumer Services (FDACS) is responsible for the review and listing of species of plants that are under threat and are vulnerable to extinction. FDACS designates species as “Endangered” (i.e., worse case), “Threatened” (not as imminently in danger of extinction) and “Commercially Exploited”, a term

for several species of ferns, orchids and other species that warrant protection from being collected from the wild because they are particularly aesthetically pleasing. Regulations and lists of state-protected plants are found in Section 5B-40 F.A.C.

The State of Florida protects its wildlife species through rules adopted and enforced by the Florida Fish and Wildlife Conservation Commission (FWC) in Chapter 68A (FAC). Lists of species designated as Endangered, Threatened and Species of Special Concern (SSC) are updated as new data become available.

The evaluation of potential impacts of the Crosstown Parkway Extension on “Listed Species” (i.e., species designated by the federal or state of Florida as threatened, endangered and species of special concern) was addressed in the “Endangered Species Biological Assessment Report” (ESBAR). Species accounts were provided in the ESBAR for each of the federally-listed and state-listed floral and faunal species that the City and the Federal Highway Administration thought had the potential to occur within one or more of the alternative routes.

It is notable that, for the Largeflower False Rosemary (*Conradina grandiflora*), the Florida Butterfly Orchid (*Encyclia tampensis*), Hand fern (*Ophioglossum palmatum*), Airplants (*Tillandsia* spp.), Florida pine snake (*Pituophis melanoleucus mugitis*), Gopher Frog (*Rana capito*) the ESBAR specifically states:

“During the permitting phase of the Preferred Alternative, a specific survey will be conducted to determine if any populations of this species will be affected.” (See pp 34 – 41, ESBAR) (Appendix B).

Because the ERP application filed by the City of the Port St. Lucie for the proposed project included all six alternative routes, SFWMD should have required that the detailed surveys for listed species be performed for all routes.

It is acknowledged, however, that the City amended their ERP application so that SFWMD would only be required to consider the construction of Alternative 1C.

ERP Applicant’s Handbook Section 10.2.2 (Fish, Wildlife, Listed Species and their Habitats) specifically states that:

Pursuant to Section 10.1.1(a) an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to:

- (a) The abundance and diversity of fish, wildlife and listed species; and the bald eagle (*Haliaeetus leucocephalus*) which is protected under the Bald and Golden eagle Protection Act, 16 U.S.C. 668-668d (April 30, 20014; a copy of the Act is in Appendix F; and
- (b) The habitat of fish, wildlife and listed species.

For SFWMD to be provided these reasonable assurances, they should have required that a detailed survey for these species be conducted within the areas that would be affected by the Alternative 1C alignment. For the purposes of SFWMD, pertinent definitions include

2.0(a)36: Endangered or threatened species” means those animal species that are identified as endangered or threatened by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or the Florida Fish and Wildlife Conservation Commission, as well as those plant species identified as endangered or threatened by the U.S. Fish and Wildlife Service, when such plants are located in a wetland or other surface water.”

2.0(a)56: Listed Species means those species that are endangered or threatened species (as defined in definition 2.0(a)36, above, or species of special concern (as defined in definition 2.1(a)93 below.”

2.0(a)93: “Species of special concern” means those species identified as such by the Florida Fish and Wildlife Conservation Commission.”

An important distinction with direct relevancy to the Crosstown Parkway Extension project is that SFWMD definitions and rules do not consider state-listed threatened and endangered plant species to be “listed species”.

Cursory investigations of the areas that would be affected by construction of Alternative 1C conducted on behalf of the petitioners have confirmed the presence of floral species that are designated as “Endangered”, “Threatened” and “Commercially Exploited” by the State of Florida Department of Agriculture and Consumer Services (FDACS) (Table 3).

Table 3
FDACS-listed species observed within the Crosstown Parkway Extension Area

Scientific Name	Species ¹ Common Name	Designated Status FDACS ²
<i>Conradina grandiflora</i>	Largeflower False Rosemary	Threatened
<i>Encyclia tampensis</i>	Butterfly Orchid	Commercially Exploited
<i>Osmunda cinnamomea</i>	Cinnamon Fern	Commercially Exploited
<i>Osmunda regalis</i>	Royal Fern	Commercially Exploited
<i>Pogonia ophioglossoides</i>	Rose Pogonia Orchid	Threatened
<i>Tillandsia balbisiana</i>	Northern Needleleaf	Threatened

<i>Table 3, Continued</i>		
<i>Tillandsia fasciculata</i>	Cardinal Airplant; Common Wild Pine; Stiff-leaved Wild Pine	Endangered
<i>Tillandsia utriculata</i>	Giant Airplant; Giant Wild Pine	Endangered

¹ Species names follow Guide to the Vascular Plants of Florida, by Richard P. Wunderlin and Bruce F. Hansen.

² Status as designated by FDACS (Chapter 5B-40, F.A.C.)

Details (i.e., descriptions, locations, photographs etc.) of the threatened and endangered species observed during the June 2016 investigation follow.

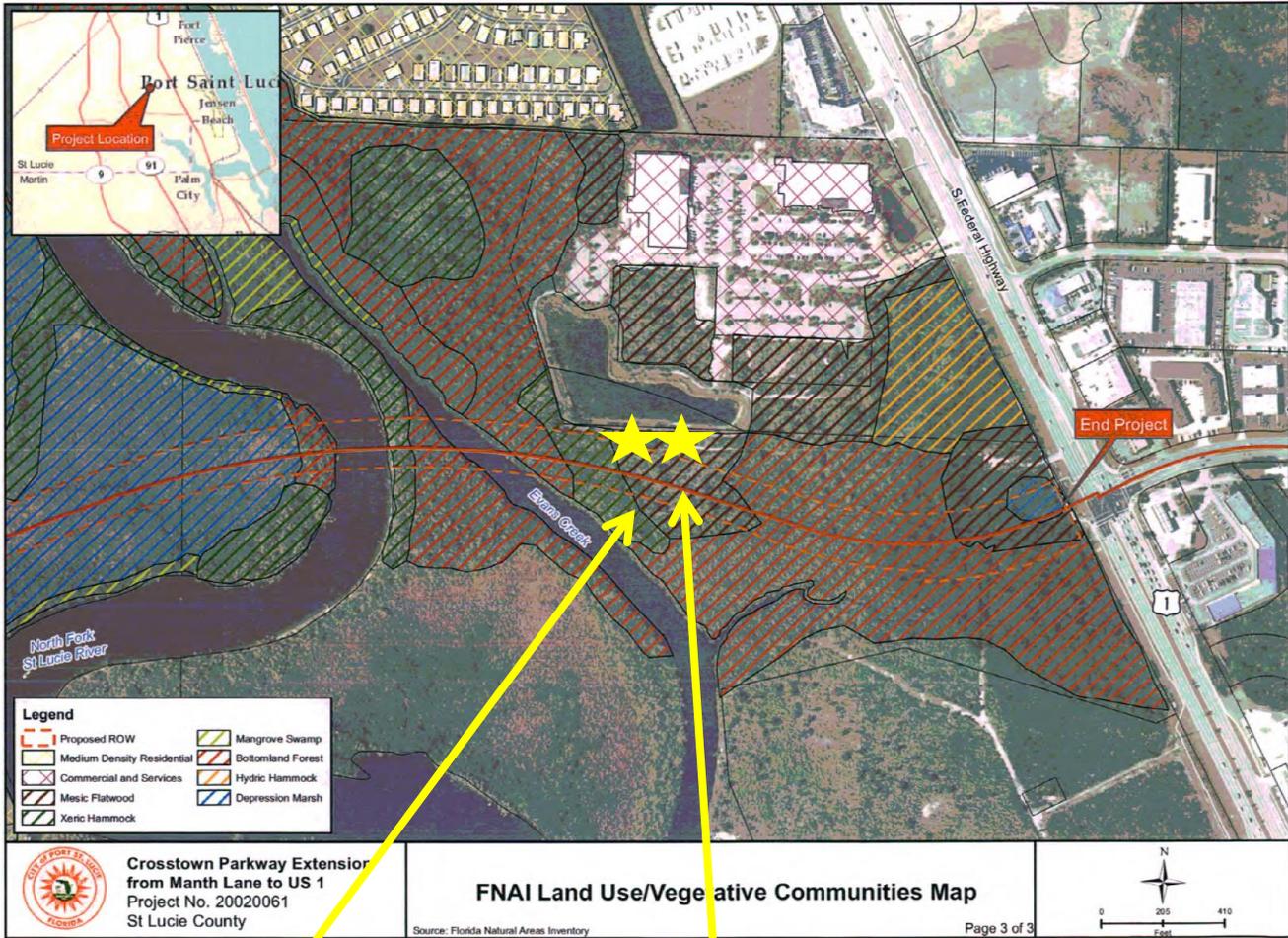
Conradina grandiflora

During an ecological investigation conducted on June 8, 2016, several individuals of this threatened species were found to be present in or near the pathway of the proposed Crosstown Parkway Extension Alternative 1C. Specifically, they were in the segment of Savannas Preserve State Park between Evans Creek and U.S. Highway 1 (Figure 2).

Two populations that included approximately 20 individuals were encountered and additional habitat for this species appears to be present within the alignment of Alternative 1C. These individuals were personally observed, identified and photo-documented by the author. Identification of this species was verified through the use of taxonomic keys and descriptions in the *Guide to the Vascular Plants of Florida*, the *Atlas of Florida Plants* by the Institute for Systematic Botany and other reference books.

Without precise boundary surveys showing the limits of construction, it is unclear whether these individuals or other individuals of this state-listed threatened species would be affected by construction and long-term presence of the Crosstown Parkway Extension.

Review of the file for SFWMD Permit #56-03461-P does not reveal that any specific field surveys for any federally-listed or state listed species were performed within the alignment of the preferred Alternative.



Two populations were found consisting of at least 20 individuals

Locations:

North 27° 18.346'; West 80° 18.744'

North 27° 18.346' ; W 80° 18.744'

Additional habitat for this species exists within Alignment 1C that was not surveyed

Date of Photo: June 8, 2016

Figure 2
Conradina grandiflora in/near the alignment of the proposed Crosstown Parkway Extension
June 18, 2016

Sustainable Ecosystems International
Jupiter, FL
(561)-575-2028
Email: dgregbraun@aol.com

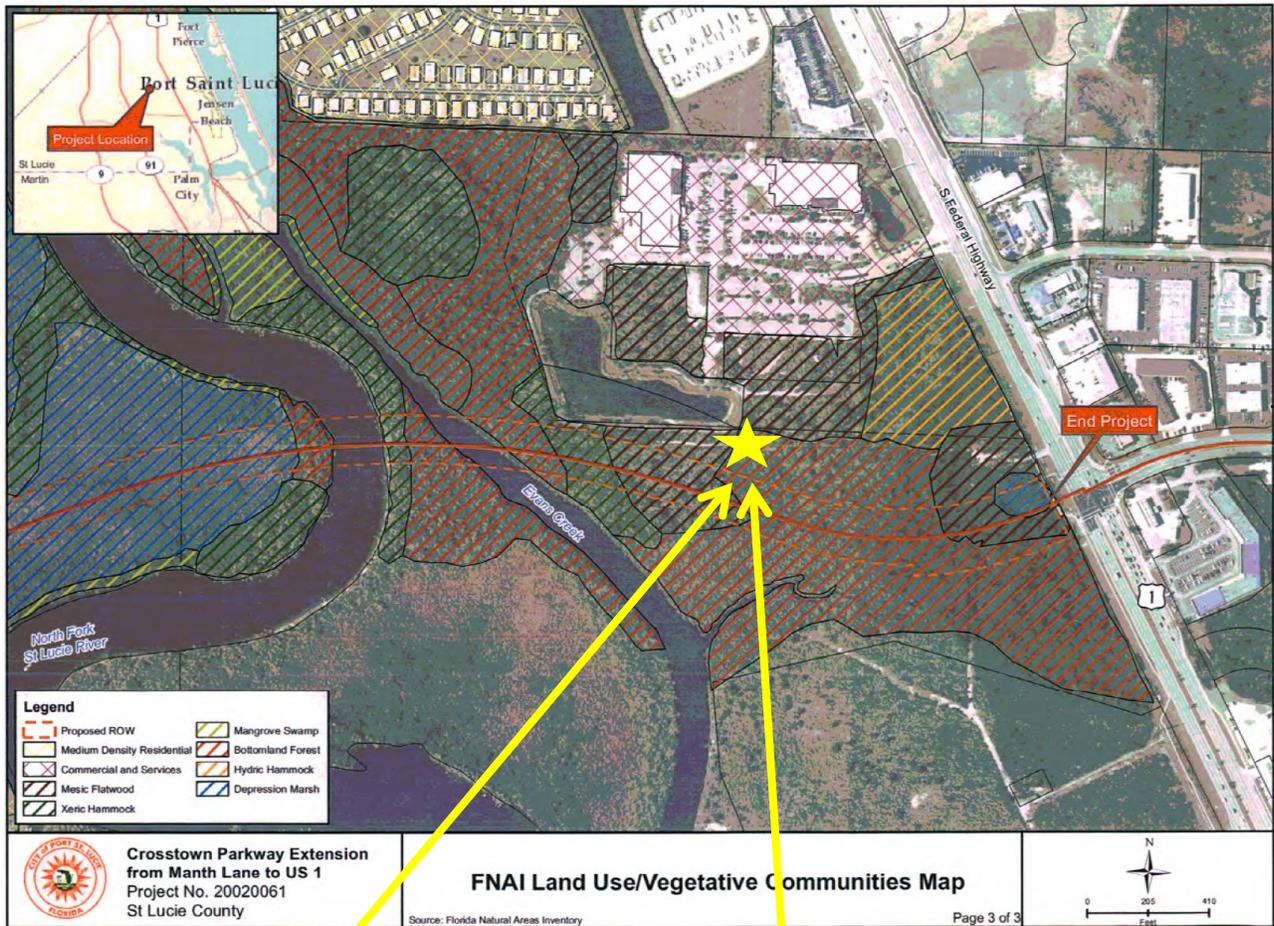
Pogonia ophioglossoides

During an ecological investigation conducted on March 23, 2013, one individual of this state-listed threatened species was found to be present in or near the pathway of the proposed Crosstown Parkway Extension Alternative 1C. Specifically, it was in the segment of Savannas Preserve State Park between Evans Creek and U.S. Highway 1 (Figure 3).

This individual was observed, identified and photo-documented by John Bradford, a naturalist, amateur taxonomist, plant enthusiast, student assistant at Palm Beach Community College and contributor to *Landscape Plants for South Florida*. Identification of this species was verified through use taxonomic keys and descriptions in the *Guide to the Vascular Plants of Florida* and the *Atlas of Florida Plants* by the Institute for Systematic Botany.

The presence of this species is particularly notable in that it was not identified in the “Endangered Species Biological Assessment Report” for the Crosstown Parkway Extension as a threatened or endangered species that would potentially be present within the sphere of potential impact for the project. Without precise boundary surveys showing the limits of construction, it is unclear whether this individual or other individuals of this state-listed threatened species would be affected by construction and long-term presence of the Crosstown Parkway Extension.

Review of the file for SFWMD Permit #56-03461-P does not reveal that any specific field surveys for any federally-listed or state listed species were performed within the alignment of the preferred Alternative.



One individual of this species was observed and photo-documented by John Bradford.

Approximate Location:
 North 27⁰ 18' 20"; West 80⁰ 18' 39"

Additional habitat for this species exists within Alignment 1C that was not surveyed

Date of Photo: March 23, 2013

Figure 3
Pogonia ophioglossoides in/near the alignment of the proposed Crosstown Parkway Extension
 June 18, 2016

Sustainable Ecosystems International
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 Email: dgregbraun@aol.com

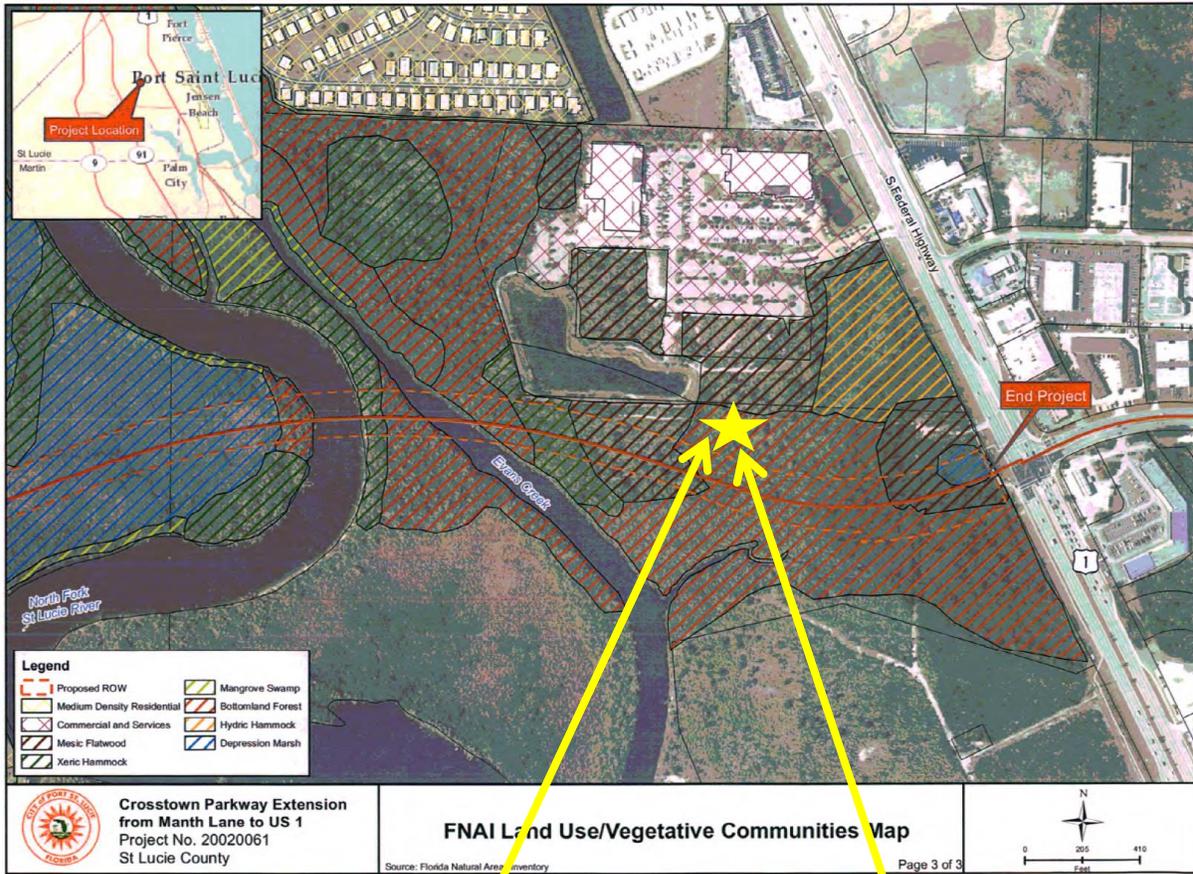
Tillandsia balbisiana

During an ecological investigation conducted on June 8, 2016, two individuals of this state-listed threatened species were found to be present in or near the pathway of the proposed Crosstown Parkway Extension Alternative 1C. Specifically, they were in the segment of Savannas Preserve State Park between Evans Creek and U.S. Highway 1 (Figure 4). Due to the life-cycle of this species, it is likely that a diligent search within the alignment of the preferred alternative would reveal the presence of additional individuals of this species.

These individuals were personally observed, identified and photo-documented by the author. Identification of this species was verified through the use of taxonomic keys and descriptions in the *Guide to the Vascular Plants of Florida*, the *Atlas of Florida Plants* by the Institute for Systematic Botany and other reference materials.

Without precise boundary surveys showing the limits of construction, it is unclear whether this individual or other individuals of this state-listed threatened species would be affected by construction and long-term presence of the Crosstown Parkway Extension.

Review of the file for SFWMD Permit #56-03461-P does not reveal that any specific field surveys for any federally-listed or state listed species were performed within the alignment of the preferred Alternative. .



One individual of this species was observed at two locations:

North 27° 18.347'; West 80° 18.643'

North 27° 18.311'; West 80° 18.720'

Additional habitat for this species exists within Alignment 1C that was not surveyed

Date of Photo: June 8, 2016

Figure 4

Tillandsia balbisiana in/near the alignment of the proposed Crosstown Parkway Extension

June 18, 2016

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Tillandsia fasciculata

During ecological investigations conducted on June 7 and June 8, 2016, individuals of this state-listed endangered species were found to be present in and near the pathway of the proposed Crosstown Parkway Extension Alternative 1C. Specifically, they were in the segments of the North Fork of the St. Lucie River Aquatic Preserve between Evans Creek and the main channel of the North Fork and in the Savannas Preserve State Park between Evans Creek and U.S. Highway 1 (Figure 5).

These individuals were personally observed, identified and photo-documented by the author. Identification of mature individuals of this species was verified through the use of taxonomic keys and descriptions in the *Guide to the Vascular Plants of Florida*, the *Atlas of Florida Plants* by the Institute for Systematic Botany and other reference materials.

Tillandsias are epiphytes, typically growing attached to other plants. Within the project site, they were most often observed on oak trees. Both *T. fasciculata* and closely-related *T. utriculata* are designated by the State of Florida as Endangered. They can be visually differentiated from one another only during and after their blooming period. Several individual plants that were in bloom at the time of the field investigation confirmed the identification that both species are present within the Crosstown Parkway Extension, but dozens of additional immature individuals of either *T. fasciculata* or *T. utriculata* were present. Precise locations were taken using a hand-held GPS for some individuals. At other locations, where these species were locally abundant, a single GPS location was recorded near the center of a population that could include dozens of individuals. Immature plants were recorded as “*Tillandsia* sp” where “sp” denotes that the species – either *T. fasciculata* or *T. utriculata* could not be determined visually. Coordinates for these state-listed endangered plants are provided in Table 4 and shown visually on Table 4.

A conservative estimate is that hundreds of individuals of *T. fasciculata* and *T. utriculata* are likely present within the footprint of the Crosstown Parkway Extension.

Without precise boundary surveys showing the limits of construction, the location of bridge support pilings and access way corridors, it is unclear how many individuals of this state-listed threatened species would be affected by construction and long-term presence of the Crosstown Parkway Extension.

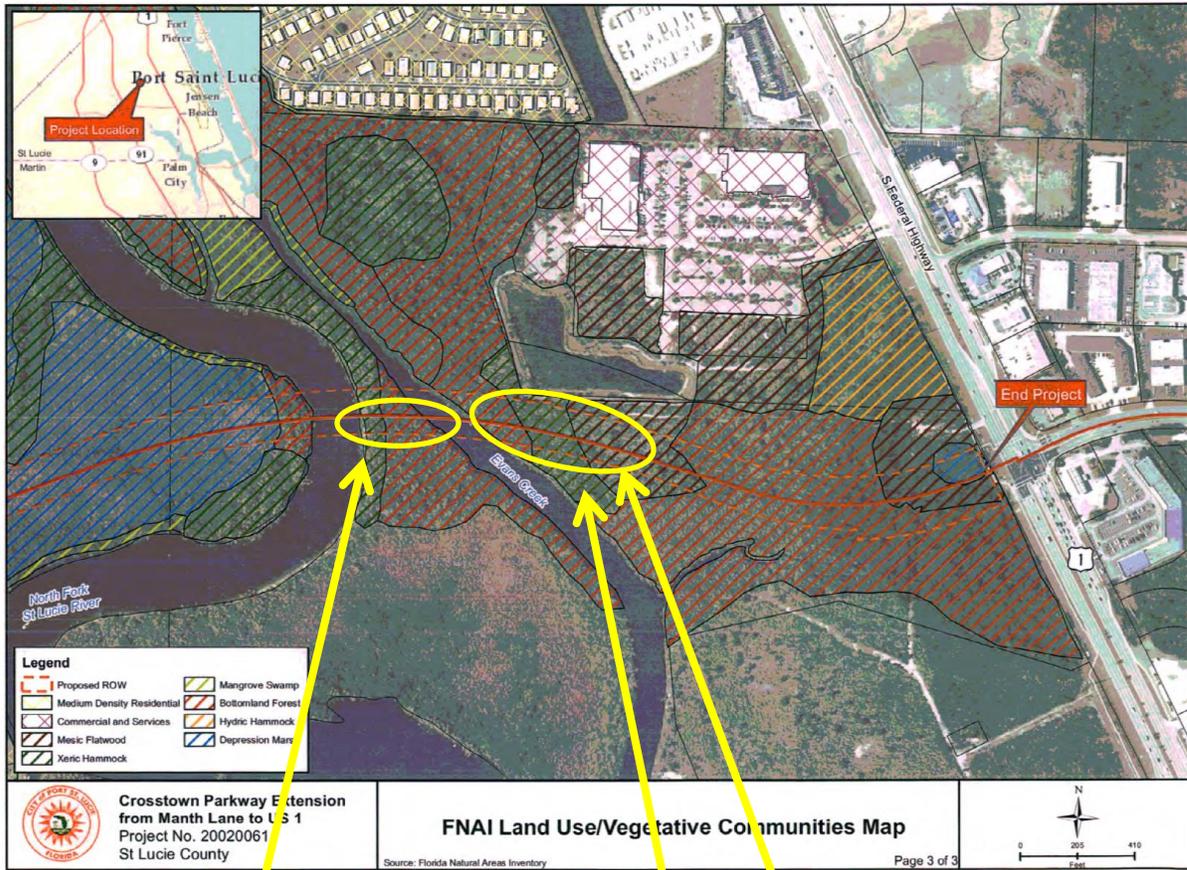
Other species of *Tillandsia* that were observed on the subject tract included *T. recurvata* (ball moss), *T. usneoides* (Spanish moss) and *T. setacea* (Southern needleleaf), none of which are designated by the state or federal government as endangered or threatened.

Table 4

Coordinates for locations of Endangered *Tillandsia* plants

Identification Code	Latitude	Longitude
<i>T. fasciculata</i> - Island north	27 ⁰ 18.372'	80 ⁰ 18.952'
<i>T. fasciculata</i> - Island south	27 ⁰ 18.308'	80 ⁰ 18.940'
T. sp. 01 & 02	27 ⁰ 18.329'	80 ⁰ 18.850'
T. sp. 03 & 04	27 ⁰ 18.359'	80 ⁰ 18.917'
T. sp. 05	27 ⁰ 18.330'	80 ⁰ 18.883'
T. sp. 06	27 ⁰ 18.329'	80 ⁰ 18.881'
T. sp. 07	27 ⁰ 18.330'	80 ⁰ 18.881'
T. sp. population 08 – 11	27 ⁰ 18.322'	80 ⁰ 18.869'
T. sp. population 13 & 14	27 ⁰ 18.315'	80 ⁰ 18.866'
T. sp. population 15	27 ⁰ 18.352'	80 ⁰ 18.852'

Review of the file for SFWMD Permit #56-03461-P does not reveal that any specific field surveys for any federally-listed or state listed species were performed within the alignment of the preferred Alternative.



Many individuals of *Tillandsia fasciculata* (photo at left) and *T. utriculata* were observed within the Alternative 1C alignment and surrounding area - See Table 4.

Additional habitat for this species exists within Alignment 1C that was not surveyed

Date of Photo: June 8, 2016

Figure 5
Tillandsia fasciculata in/near the alignment of the proposed Crosstown Parkway Extension
June 18, 2016

Sustainable Ecosystems International
Jupiter, FL
(561)-575-2028
Email: dgregbraun@aol.com

Tillandsia utriculata

During ecological investigations conducted on June 7 and June 8, 2016, individuals of this state-listed endangered species were found to be present in and near the alignment of the proposed Crosstown Parkway Extension Alternative 1C. Specifically, they were in the segments of the North Fork of the St. Lucie River Aquatic Preserve between Evans Creek and the main channel of the North Fork and in the Savannas Preserve State Park between Evans Creek and U.S. Highway 1 (Figure 6).

These individuals were personally observed, identified and photo-documented by the author. Identification of mature individuals of this species was verified through the use of taxonomic keys and descriptions in the *Guide to the Vascular Plants of Florida*, the *Atlas of Florida Plants* by the Institute for Systematic Botany and other reference materials.

Tillandsias are epiphytes, typically growing attached to other plants. Within the project site, this species was confirmed to be present on Cabbage palm (*Sabal palmetto*) trees (See Figure 6).

Because they frequently grow attached to oak trees, it is likely that some of the immature individuals that were present on oaks within the proposed parkway alignment and whose locations are identified on Table 5 are *T. utriculata*.

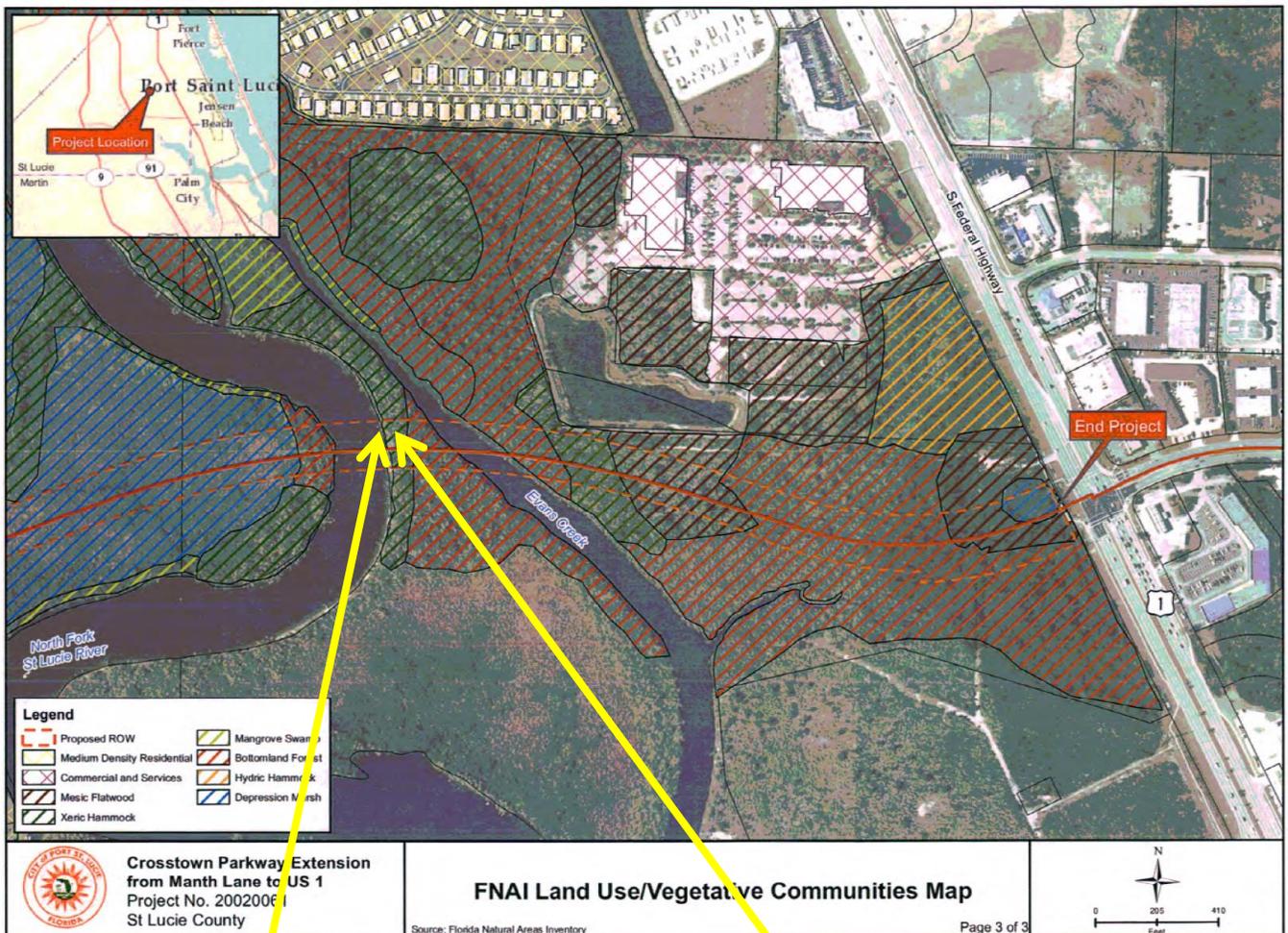
Without precise boundary surveys showing the limits of construction, the location of bridge support pilings and access way corridors, it is unclear how many individuals of this state-listed threatened species would be affected by construction and long-term presence of the Crosstown Parkway Extension. Review of the file for SFWMD Permit #56-03461-P does not reveal that any specific field surveys for any federally-listed or state listed species were performed within the alignment of the preferred Alternative



Photo 1

Endangered *Tillandsia* air plants attached to oak trees along the shore of the North Fork of the St. Lucie River in the alignment of Crosstown Parkway Extension Alternative 1C.

Date of Photo:
June 7, 2016



One mature individual of this species was observed at:

North $27^{\circ} 18.385'$; West $80^{\circ} 18.952'$

Additional immature individuals of either this species or *T. fasciculata* (from which it cannot be visually distinguished) were present at several locations along the Crosstown Parkway Extension Alternative 1C alignment.

Additional habitat for this species exists within Alignment 1C that was not surveyed

Figure 6
Tillandsia utriculata in/near the alignment of the proposed Crosstown Parkway Extension
June 18, 2016

Sustainable Ecosystems International
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Many state-listed plants that are designated by FDACS as “Commercially Exploited” were observed to be present within and adjacent to the Crosstown Parkway Extension Alternative 1C alignment. (See Table 3). These included *Osmunda cinnamomea* (Photo 2 by John Bradford), *Osmunda regalis* (Photo 3) and *Encyclia tampensis* (Photos 4 & 5).

These species are designated by FDACS due to their aesthetic appeal, which makes them particularly vulnerable to collection from the wild.

Because it does not appear that surveys for state-listed plants have been performed, secondary impacts from Parkway Extension construction that do not appear to have been considered during permit review include increasing the vulnerability of these species.



Photo 2 - *Osmunda cinnamomea*



Photo 3 - *Osmunda regalis*



Photos 4 & 5 – *Encyclia tampensis*

Key Finding #2: The Environmental Impact Statement indicates the potential presence of state-listed threatened and endangered flora and fauna and federally-listed threatened and endangered flora and fauna within the Crosstown Parkway Extension corridors. Although detailed surveys for threatened and endangered species were not conducted as part of the EIS process, the EIS indicated that detailed surveys for threatened and endangered species would be conducted as part of the permitting process. It is logical to assume that potential impacts to species that are designated by the federal government as threatened and endangered would be determined and analyzed as part of the federal permitting process (i.e., U.S. Army Corps of Engineers), and that impacts to species that are designated by the State of Florida as threatened and endangered would be determined and analyzed as part of the state permitting process (i.e., SFWMD).

No evidence has been found that indicates that surveys for state-listed threatened and endangered flora and fauna have been conducted as part of the permitting process, although the EIS indicated that such surveys were to be completed. State-designated threatened and endangered flora are documented in this report to be present within the Alternative 1C alignment for the Crosstown Parkway Extension.

Some of the state-designated threatened and endangered plants are epiphytes that exist in the canopy of trees within the alignment of Alternative 1C. The *Wetlands and Other Surface Waters* portion of SFWMD Permit #56-03461 (page 4 of 24) states:

“However, the low level of the bridge will result in canopy removal within forested wetlands and deep shading of vegetation beneath the structure.”

Because some of the state-designated threatened and endangered plants occur in the canopy, removal of the canopy will likely result in destruction of state-designated threatened and endangered species. Individual state-designated threatened and endangered species that are not destroyed during the canopy removal of the bridge construction will also likely be destroyed, either by shading, or through deprivation of water, as collection of rainwater is critical to the survival of *Tillandsia fasciculata* and *T. utriculata*. The state permit for the project does not contain any General Conditions or Special Conditions that require that state-listed endangered and threatened species of flora and fauna be protected, either in-situ or preserved through relocation.

Because no evidence has been found that indicates that detailed surveys for federally-designated threatened and endangered flora and fauna have been conducted within the Alternative 1C corridor, it is possible that federally-designated threatened and endangered flora and fauna are also present within the corridor and that they have the potential to be adversely impacted by the construction and long-term impacts associated with the presence of the bridge.

Absent such conditions in the state permit, and the knowledge that any subsequent federal permit will not include conditions requiring the protection of *state-listed* species of threatened and

endangered flora and fauna, there is a high likelihood that flora and fauna designated by the State of Florida will be destroyed as a result of the construction of the Crosstown Parkway Extension.

5.0 Anomalies within the Permitting Process

Several aspects of SFWMD Permit #56-03461-P which authorizes the construction of the Crosstown Parkway Extension leave considerable doubt that the project will be constructed in a manner that is consistent with state requirements. Aspects that are identified and described in this section include: 1) Water quality compliance with applicable state rules for spatial and temporal impacts; 2) The Districts' interpretation of temporary vs. permanent impacts; 3) Inconsistencies regarding the determination that the project does not have heightened public concern; and 4) Suitability of the package of mitigation projects to adequately compensate for the impacts to the floodplain wetlands of the North Fork.

5.1 Water Quality – Spatial Impacts

The area where Alternative 1C crosses the open water and floodplain wetlands of the North Fork ecosystem (i.e., Evans Creek, the North Fork of the t. Lucie River and the Coral Reef Waterway) are 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 F.A.C.). 62-302.700(1) states that:

“It shall be the Department policy to afford the highest protection to Outstanding Florida Waters and Outstanding National Resource Waters. No degradation of water quality, other than that allowed in subsections 62-4.242(2) and (3), F.A.C., is to be permitted in Outstanding Florida Waters and Outstanding National Resource Waters, respectively, notwithstanding any other Department rules that allow water quality lowering.”

The NFSLR has been determined by FDEP to be an impaired waterway. Even without potential new adverse impacts that may occur as a result of construction and the long-term presence of the Crosstown Parkway Extension, the NFSLR has been identified as impaired for dissolved oxygen, nutrients and fecal coliform(citation?).

At the location where the proposed Crosstown Parkway Extension will cross the NFSLR, the width of the bridge varies for 103 ft to 107 ft. (Figure 7). The City has requested and is being granted a Sovereignty Submerged Lands Easement that is 157 feet wide at the locations where it crosses the North Fork, Evans Creek and the Coral Reef Waterway (See Sovereignty Submerged Lands section of SFWMD Permit #56-03461-P (page 11 of 24). Special Condition #20 of SFWMD Permit #56-03461-P (page 21 of 24) requires that, for turbidity monitoring, “Compliance samples shall be taken 200 ft downstream”.

While the State of Florida's *no-degradation* standard of 0 Nephelometric Turbidity Units (NTU's) above natural background does apply, SFWMD's allowance of a 200 ft mixing zone within a maximum 107 ft wide bridge corridor allows there to be water quality degradation outside the easement in violation of Rule 62-302.700.

Key Finding #3: Special Condition #20 of SFWMD Permit 56-03461-P allows degradation of water quality outside the boundary of the Sovereignty Submerged Lands easement.

5.2 Water Quality – Temporal Impacts

Paragraph 3 of SFWMD Permit #56-03461-P Special Condition 20 (page 21 of 24) states:

“ Monitoring shall begin on the first day of construction for all activities within or adjacent to surface waters. The monitoring data must demonstrate that turbidity 200 feet downstream and 200 feet upstream of all proposed activities is less than or equal to 0 NTU's above natural background turbidity to meet OFW standards for a period of 7 consecutive days after completion of construction.”

This condition appears to allow the project to create any level of turbidity while the construction is underway, and only requires that the 0 NTU anti-degradation standard be applied during a period of seven days after the completion of project construction. Such an allowance is in violation of 62-302.700 F.A.C.

Key Finding #4: Special Condition #20 of SFWMD Permit 56-03461-P allows degradation of water quality throughout the period of project construction. This allowance is in violation of state water quality standards for areas designated as Outstanding Florida Waters (Section 62-302.700 F.A.C.).

5.3. Temporary or Permanent Nature.

The Districts' determination that “This factor is neutral” is erroneous.

The permanency of a 91.53 acre stormwater management system that includes a six-lane, 1.96 mile-long bridge that consumes 14.202 acres of land owned by the Trustees of the Internal Improvement Trust Fund as Savannas Preserve State Park and 2.134 acres of sovereign submerged lands that are part of the North Fork of the St. Lucie River Aquatic Preserve far exceed the temporary impact associated with construction of the bridge.

Key Finding #5: Because the proposed project is within areas designated as Outstanding Florida Waters, the applicant must provide reasonable assurance that the project is clearly in the public

interest (Chap 373.414(1)(a) F.S. and Rule 62-330.302(1)(a) F.A.C.). SFWMD's determination that the temporary impacts associated with construction are equal to the permanent impacts that result from the permanent presence of a bridge through part of a State Park and an Aquatic Preserve is not supported by any facts presented in the permit or permit file.

5.4 Detrital Export

Section 10.2.3.4 of the ERP Applicant's Handbook Volume 1 and the former Section 4.2.3.4 of the Basis of Review for Environmental Resource Permits requires that adverse impacts to sport or commercial fisheries or marine productivity be considered as part of the permit review. One of the specific examples of activities which may adversely affect fisheries or marine productivity that is cited in 10.2.3.4 (a) and the BOR is any reduction in detrital export that could change nutrient levels or otherwise cause adverse effects on populations of native aquatic organisms.

In the Wetlands section of the staff report (Page 4 or 24), there is an acknowledgment that "the project will result in impacts to 7.9 acres of wetlands" and that "the impact area for the bridge does not include the entire width of the proposed submerged lands public easement, which is 157 feet wide". Sentence five of the second paragraph of the Wetland section states:

However, the low level of the bridge will result in canopy removal within forested wetlands and deep shading of vegetation beneath the structure. Conservatively, the district considered all wetlands underneath the bridge as fully impacted, although some function may remain beneath the bridge."

While this explanation of wetland impacts does indeed appear to suitably describe a conservative methodology for addressing (and ultimately mitigating for) direct wetland impacts, no explanation is provided quantifying the adverse secondary impacts on fisheries that will occur as a result of the reduction in detrital export that will accompany the loss of canopy below the bridge.

On this topic, Section 7.1 of the Wetlands Evaluation Report (p 38) describes that

Information is scarce regarding bridge shading impacts on forested or wetland habitats. Struck et al. (2001 and 2004) and SanClements (2003) examined the effects of bridge shading on ground dwelling small invertebrates and salt marsh vegetation (North Carolina). These studies did not examine the effects of bridge shading on shrub or tree communities and no other studies that examined these communities were found (the literature is vast regarding light/shade levels for a number of tropical and temperate plant communities, including seedling survival. Nevertheless, it is anticipated that the bridge would cause moderate to deep shading conditions in the wetland communities directly under the bridge."

Key Finding #6: Information is presented in the Staff report indicating that the District considered the adverse effects of shading on wetland vegetation that occurs below the bridge. No explanation is provided describing the extent to which sun angle affects shading. Additionally, no explanation is provided that quantifies the effects of reduced detrital export that will result as a result of the construction and the permanent future presence of the bridge on populations of native aquatic organisms, including fishes.

This preliminary finding may be modified or expanded upon if published articles on this topic in addition to those cited can be obtained prior to the date of the author's deposition and/or testimony.

5.5 Inconsistencies regarding determination of the project having heightened public concern.

Rule 18-21.0051 F.A.C. delegates the state's authority to review and take final agency on applications to use sovereignty submerged lands if certain conditions are met. 18-21.0051 F.A.C. specifically excludes delegation if a water management district determines that the application for the use of sovereignty submerged lands is "Reasonably expected to result in heightened public concern because of its potential effect on the environment, natural resources or controversial nature or location."

The proposed construction of the Crosstown Parkway Extension over the NFSLR Aquatic Preserve and through a portion of SPSP has been a lightning rod for heightened public concern for many years. As long ago as 1999, (Appendix C) conservation advocates have been engaged in protecting sovereignty submerged lands and adjacent state preserve lands from the short-term, acute, construction-related impacts and adverse long-term, chronic impacts that will occur as the result of creating a major transportation corridor through existing properties that were purchased for conservation purposes many decades ago.

It has been said that one can fight for a swamp 100 times, but only lose it once.

In a real life application of this philosophy, conservationists have been advocating for the North Fork of the St. Lucie River and the Savannas Preserve State Park for decades. Having been initially successful in getting the North Fork designated as an aquatic preserve and achieving acquisition of the Halpatiokee Trails unit of SPSP, conservationists have been engaged in the development and implementation of management plans that are intended to protect the ecological and aesthetic values of these properties.

Although it is disappointing that advocacy is needed just to prevent impacts on existing state-owned lands, the reality is that the habitat needs to be intact to serve the purpose of cleansing runoff.

Opposition to the impacts that will occur due to the construction and permanent presence of the proposed parkway has come from residents, local conservation organizations (e.g., the St. Lucie Conservation Alliance, the St. Lucie Audubon Society, the Martin County Chapter of the Florida Native Plant Society, the Indian Riverkeeper) and statewide organizations including the Florida Native Plant Society, the Everglades Law Center, the Florida Wildlife Federation, Florida Audubon, the Loxahatchee chapter of the Sierra Club, the Martin County Conservation Alliance and others. Examples of letters of objection, excerpts from newspaper articles, letters to the editor, links to videos and other examples that show the project clearly has had heightened interest for many years are included in Appendix C.

As an additional example of the broad-based opposition to the construction of the Crosstown Parkway Extension at the location proposed, the following MoveOn petition has over 500 signatures: <http://petitions.moveon.org/sign/save-our-florida-state?source=em&r?by=15303153>.

With concern about the potential adverse impacts to sovereign submerged lands, landside terrestrial communities and wetland communities, the CASLC objected to the SFWMD issuance Permit # # 56-03353-P, which could have authorized exploratory geotechnical testing in the footprint of the proposed parkway extension. Certainly the City of Port St. Lucie's resulting withdrawal of their SFWMD Permit application for this testing demonstrated to the District that this project had heightened public concern. Additionally, Both the CASLC and the Indian Riverkeeper are plaintiffs in a lawsuit against the FHWA and the DOT for violation of the Dept. of Transportation Act of 1996, with special reference to the protection of 4(f) resources. Defending these public lands from adverse impacts is requiring extraordinary efforts.

Dozens of people have visited Evans Creek, the North Fork and the Halpatiokee trails portion of the project in recent years to see first-hand the natural resources that would be impacted if the proposed parkway extension would be constructed in the Alternative 1C alignment. A key destination of these site visits is the existing dock from which one can look out over the sovereignty submerged lands that are proposed to be impacted through the potential issuance of a submerged lands easement from the State to the City of Port St. Lucie.

There has been television news coverage of protests against the taking of state lands for the Crosstown Parkway Extension. SFWMD's internal memorandum to file dated January 15, 2016 attempting to substantiate that the issuance of the sovereignty submerged lands easement is a mis-representation of the dedication and tenacity of the individuals and organization that have voiced in the past and continue to voice their opposition to the construction of this project at this location.

To dispel the possible notion that this opposition is based on a Not In My Backyard (NIMBY) philosophy, one needs only look at the reality that many of those who are opposed to the Alternative 1C do not live within the corridor alignment, they do recognize the need for a new bridge over the North Fork, they have been involved in conservation issues for decades and have

voiced support for other alternative routes that do not affect the NFSLR Aquatic Preserve and SPSP.

In addition to the public comment letters that were addressed directly to SFWMD, the District was also copied on letters of objection that were addressed directly to a variety of other federal and state entities, including the U.S. Army Corps of Engineers, the U.S. Department of Transportation, the U.S. Coast Guard , the U.S Fish and Wildlife Service, Governor Scott, the Florida Department of Transportation, the Florida Park Service, the Florida Fish and Wildlife Conservation Commission, the Treasure Coast Regional Planning Council, St. Lucie County Commissioners, the City of Port St. Lucie

Included in Appendix C is a copy of 2008 correspondence between the City of Port St. Lucie and FDOT that refers to “the amount and level of controversy and the involvement of the Administrator’s Office ...”.

Key Finding #7: The proposal to construct the Crosstown Parkway Extension in the Alternative 1C alignment requires issuance of sovereignty submerged lands easement from the State of Florida to the City of Port St. Lucie. The SFWMD is authorized to grant such an easement on behalf of the State of Florida unless a project is reasonably expected to result in heightened public concern, because of its potential effect on the environment , natural resources or controversial nature or location. The proposed project at this location has generated long-term, steadfast, unwavering opposition from interested individuals, local conservation organizations and state-wide organizations. A January 2016 attempt by SFWMD to dismiss this decades-old opposition by determining that issuance of the submerged lands easement is not a project of heightened public concern is disingenuous and not based on fact.

5.6 Mitigation

Regarding mitigation, Paragraph four of the Mitigation Plan section of the Staff Report (Last line on page 5 of 24 and first two line on page 6 of 24) states:

“All of the proposed mitigation is located within the same basin as the impacts, therefore ...”

The proposed Crosstown Parkway Extension project is west of U.S. Highway 1 crossing the North Fork of the St. Lucie River.

Mitigation for the proposed project consists of the restoration/creation of hydric hammock, floodplain forest and freshwater marsh in Platt’s Creek and the purchase of credits from the Bear Point Mitigation Bank. Bear Point is located on the east side of the Indian River Lagoon on Hutchinson Island.

Figure 4.4-1 of SFWMD's ERP Basis of Review (P 31) is a map showing the boundaries of drainage basins within the District's geographic territory. While the scale and legend of SFWMD's Figure 4.4-1 is poor, it appears that the project is not in the same basin as all the mitigation. Appendix D of the ERP Applicant's Handbook provides a new figure that, for the purposes of Cumulative Impact Assessments and Mitigation Bank Service Areas, suggests that the District believes that the Indian River Lagoon is within the St. Lucie Basin.

Additionally, the extent to which mitigation was provided for the adverse impacts that resulted from the construction of the road to the new canoe/kayak launch is unclear. Construction of that feature required the replacement of approximately five acres of native state-park habitat with bahia-lined asphalt. Although the goal of providing increased access to the water may be commendable, if scrub and other high-quality native vegetative communities were to be taken as part of the Crosstown Parkway Extension project, those impacts should have been considered during the evaluation of the Alternative routes and environmental mitigation provided to offset the impacts to those habitats. Fragmentation of habitat, including disruption of home-range territories for gopher tortoises and the introduction of non-native vegetation (i.e., bahia grass) should have been considered.

Key Finding #8: The proposed Crosstown Parkway Extension is in the North Fork of the St. Lucie River basin. The Bear Point Mitigation Bank is located on Hutchinson Island and is connected to the Indian River Lagoon. The staff report is inaccurate in its statement that "All of the proposed mitigation is located within the same basin as the impacts."

Ecological impacts associated with the construction of the access road to the new canoe launch should have been considered during the evaluation of the alternative parkway extension routes.

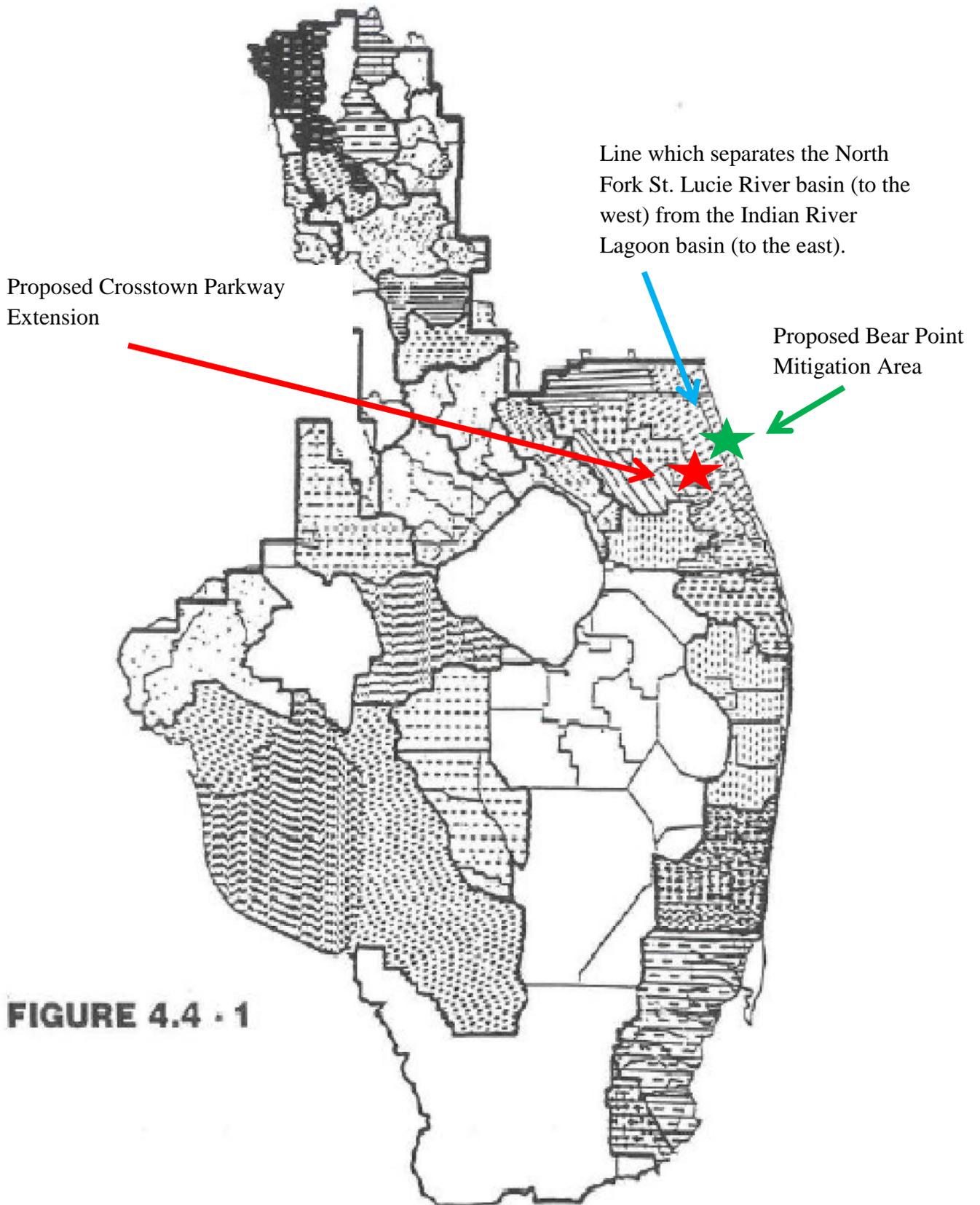
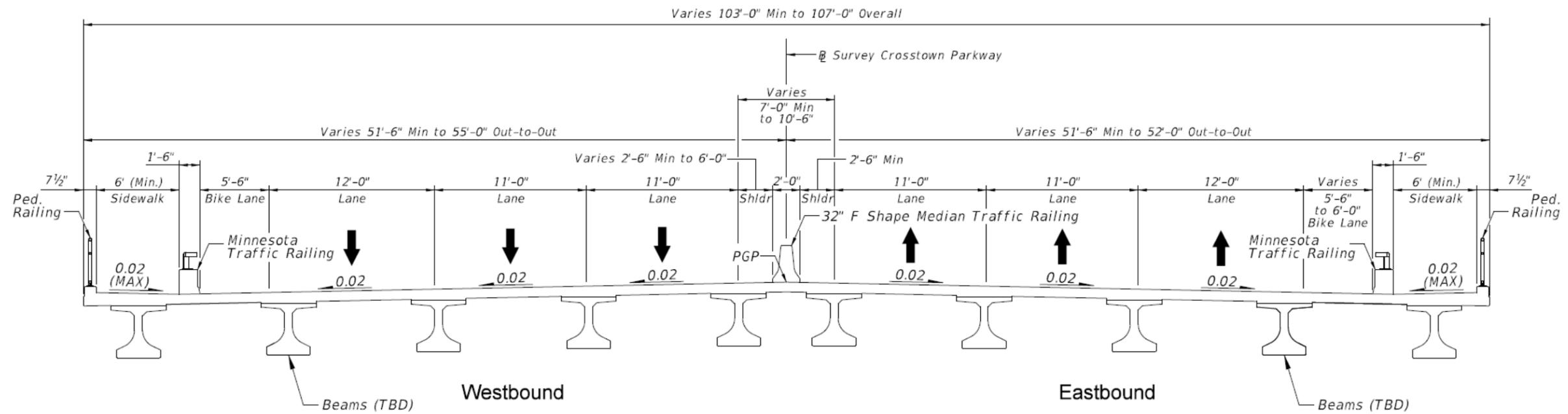


FIGURE 4.4 - 1



**TYPICAL SECTION
CROSTOWN PARKWAY**
STA. 92+48.57 TO STA. 121+79.56 (PT Curve CONST-4)
Design Speed = 45 mph

REVISIONS						CITY OF PORT ST. LUCIE 121 S.W. PORT ST. LUCIE BLVD. PORT ST. LUCIE, FL 34984		<p style="font-size: 1.2em; font-weight: bold;">TYPICAL SECTION</p>	SHEET NO.
DATE	DESCRIPTION	DATE	DESCRIPTION			ROAD	COUNTY		9
					CROSTOWN PARKWAY	ST. LUCIE			

Figure 7

6.0 Opinions and Summary of Findings

Based on analysis of the documents described above, it is my professional opinion that:

Key Finding #1: The applicant has not selected the route that has the least ecological impact and, by reducing the scope of the project to Alternative 1C, SFWMD has permitted a route that does not meet avoidance and minimization criteria. The EIS clearly shows that Alternative 1C has the highest area of wetland impact of any of the alternatives, and exceeds most of the other alternatives by several acres.

Key Finding #2: Absent conditions in the state permit that require in-situ preservation or relocation of state-designated threatened and endangered flora and fauna, and the knowledge that any subsequent federal permit will not include conditions requiring the protection of *state-listed* species of threatened and endangered flora and fauna, there is a high likelihood that flora and fauna designated by the State of Florida as threatened and endangered will be destroyed as a result of the construction of the Crosstown Parkway Extension.

Key Finding #3: Special Condition #20 of SFWMD Permit 56-03461-P allows degradation of water quality outside the boundary of the Sovereignty Submerged Lands easement.

Key Finding #4: Special Condition #20 of SFWMD Permit 56-03461-P allows degradation of water quality throughout the period of project construction. This allowance is in violation of state water quality standards for areas designated as Outstanding Florida Waters (Section 62-302.700 F.A.C.).

Key Finding #5: Because the proposed project is within areas designated as Outstanding Florida Waters, the applicant must provide reasonable assurance that the project is clearly in the public interest (Chap 373.414(1)(a) F.S. and Rule 62-330.302(1)(a) F.A.C.). SFWMD's determination that the temporary impacts associated with construction are equal to the permanent impacts that result from the permanent presence of a bridge through part of a State Park and an Aquatic Preserve is not supported by any facts presented in the permit or permit file.

Key Finding #6: Information is presented in the Staff report indicating that the District considered the adverse effects of shading on wetland vegetation that presently occurs below the bridge. No explanation is provided describing the extent to which sun angle affects shading. Additionally, no explanation is provided that quantifies the effects of reduced detrital export that will result as a result of the construction and the permanent future presence of the bridge on populations of native aquatic organisms, including fishes.

Key Finding #7: The proposal to construct the Crosstown Parkway Extension in the Alternative 1C alignment requires issuance of sovereignty submerged lands easement from the State of Florida to the City of Port St. Lucie. The SFWMD is authorized to grant such an easement on behalf of the State of Florida unless a projects is reasonably expected to result in heightened public concern, because if its potential effect on the environment , natural resources or controversial nature or location. The proposed project at this location has generated long-term, steadfast, unwavering opposition from interested individuals, local conservation organizations and state-wide organizations. Attempts by SFWMD to dismiss this opposition by determining that issuance of the submerged lands easement are disingenuous and ill-founded.

Key Finding #8: The proposed Crosstown Parkway Extension is in the North Fork of the St. Lucie River. The Bear Point Mitigation Bank is located on Hutchinson Island in the Indian River Lagoon watershed. The staff report is inaccurate in its statement that “All of the proposed mitigation is located within the same basin as the impacts.

References and Literature Cited

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South Florida Water Management District Environmental Resource Permit # 56-03353-P. 2016. 26 pp.

South Florida Water Management District SFWMD Notice of Consolidated Intent to Issue an Environmental Resource Permit and Sovereignty Submerged Lands Public Easement Application No.: 090107-1 Crosstown Parkway Extension, St. Lucie County, January 15, 2016. SFWMD, 29 pp.

South Florida Water Management District Technical Document to Support a Water Reservation Rule for the North Fork of the St. Lucie River. 2009. SFWMD, PDF, 277 pp.

U.S. Environmental Protection Agency. Documents relating to the development of Environmental Impact Statements, including <https://www3.epa.gov/> and <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>

Appendix A

Threatened and Endangered Species that are known to occur in St. Lucie County

**Table 1
Federal and State Listed Species Reported or Recorded in St. Lucie County, Florida**

Species		Potential Occurrence in Project Area ¹	Designated Status ²	
Scientific Name	Common Name		Federal	State
INSECTS				
<i>Cyclargus thomasi bethunebakeri</i>	Miami blue butterfly	Low	E	T
FISHES				
<i>Acipenser brevirostrum</i>	Shortnose sturgeon	Low	E	E
<i>Microphis brachyurus</i>	Opossum pipefish	Low	SC	
<i>Pristis pectinata</i>	Smalltooth sawfish	Moderate	E	Prohibited ³
<i>Rivulus marmoratus</i>	Mangrove rivulus	Moderate	SC	SSC
AMPHIBIANS				
<i>Rana capito</i>	Gopher frog	High		SSC
REPTILES				
<i>Alligator mississippiensis</i>	American alligator	High	T/SA	SSC
<i>Caretta caretta</i>	Loggerhead sea turtle	Low	T	T
<i>Chelonia mydas</i>	Green sea turtle	Low	E	E
<i>Crocodylus acutus</i>	American crocodile	Low	T	E
<i>Dermochelys coriacea</i>	Leatherback sea turtle	Low	E	E
<i>Drymarchon corais couperi</i>	Eastern indigo snake	High	T	T
<i>Eretmochelys imbricata</i>	Hawksbill sea turtle	Low	E	E
<i>Gopherus polyphemus</i>	Gopher tortoise	High		T
<i>Lepidochelys kempii</i>	Kemp's ridley sea turtle	Low	E	E
<i>Pituophis melanoleucus mugitus</i>	Florida pine snake	High		SSC
BIRDS				
<i>Ajaia ajaja</i>	Roseate spoonbill	Moderate		SSC
<i>Aphelocoma coerulescens</i>	Florida scrub jay	Low	T	T
<i>Aramus guaranauna</i>	Limpkin	High		SSC
<i>Athene cunicularia floridana</i>	Florida burrowing owl	Low		SSC
<i>Campephilus principalis</i>	Ivory-billed woodpecker	May be Extinct	E	
<i>Charadrius melodus</i>	Piping plover	Low	T	T
<i>Egretta caerulea</i>	Little blue heron	High		SSC
<i>Egretta rufescens</i>	Reddish egret	High		SSC
<i>Egretta thula</i>	Snowy egret	High		SSC

¹ Potential Occurrence is an estimate of the likelihood of occurrence for a particular species within the project area, based on existing habitats, the habitat requirements of the particular species, and/or actual documentation of occurrence through field evaluations.

² T = threatened, E = endangered, SA = similarity of appearance, SSC = species of special concern, SC = Species of Concern, CH = critical habitat, C = Candidate, CE = Commercially Exploited. The FWC is conducting biological reviews on all state listed species. If any designations change resulting from the reviews, this table will be revised accordingly.

³ The smalltooth sawfish is protected by FAC Rule 68B-44.008 as a species prohibited from harvest, possession, landing, purchase, sale, or exchange.

⁴ Critical habitats for Everglades snail kite, West Indian manatee, and Johnson's seagrass are not present in the project area (although they are present in other parts of St. Lucie County).

Table 1
Federal and State Listed Species Reported or Recorded in St. Lucie County, Florida (continued)

Species		Potential Occurrence in Project Area ¹	Designated Status ²	
Scientific Name	Common Name		Federal	State
<i>Egretta tricolor</i>	Tricolored heron	High		SSC
<i>Eudocimus albus</i>	White ibis	High		SSC
<i>Falco peregrinus tundrius</i>	Arctic peregrine falcon	Moderate		E
<i>Falco sparverius paulus</i>	Southeastern American kestrel	Moderate		T
<i>Grus canadensis pratensis</i>	Florida sandhill crane	Moderate		T
<i>Haematopus palliatus</i>	American oystercatcher	Low		SSC
<i>Haliaeetus leucocephalus</i>	Bald eagle	High	Delisted	Delisted
<i>Mycteria americana</i>	Wood stork	High	E	E
<i>Pelecanus occidentalis</i>	Brown pelican	Low		SSC
<i>Picoides borealis</i>	Red-cockaded woodpecker	Low	E	T
<i>Polyborus plancus audubonii</i>	Audubon's crested caracara	Low	T	T
<i>Rostrhamus sociabilis plumbeus</i>	Everglade snail kite	Low	E, CH ⁴	E
<i>Rynchops niger</i>	Black skimmer	Low		SSC
<i>Sterna antillarum</i>	Least tern	Low		T
MAMMALS				
<i>Peromyscus polionotus niveiventris</i>	Southeastern beach mouse	Low	T	T
<i>Podomys floridanus</i>	Florida mouse	Moderate		SSC
<i>Puma concolor coryi</i>	Florida panther	Low	E	E
<i>Sciurus niger shermani</i>	Sherman's fox squirrel	Low		SSC
<i>Trichechus manatus</i>	West Indian manatee	High	E, CH ⁴	E
PLANTS				
<i>Asimina tetramera</i>	Fourpetal pawpaw	Low	E	E
<i>Calopogon multiflorus</i>	Many-flowered grasspink	Low		E
<i>Conradina grandiflora</i>	Largeflower false rosemary	High		T
<i>Diceranda immaculata</i>	Lakela's mint	Low	E	E
<i>Encyclia tampensis</i>	Florida butterfly orchid	High		CE
<i>Halophila johnsonii</i>	Johnson's seagrass	Not Present	T, CH ⁴	
<i>Harrisia fragrans</i>	Fragrant prickly-apple	Low	E	E
<i>Lechea cernua</i>	Nodding Pinweed	Low		T
<i>Ophioglossum palmatum</i>	Hand fern	Moderate		E

¹ Potential Occurrence is an estimate of the likelihood of occurrence for a particular species within the project area, based on existing habitats, the habitat requirements of the particular species, and/or actual documentation of occurrence through field evaluations.

² T = threatened, E = endangered, SA = similarity of appearance, SSC = species of special concern, SC = Species of Concern, CH = critical habitat, C = Candidate, CE = Commercially Exploited. The FWC is conducting biological reviews on all state listed species. If any designations change resulting from the reviews, this table will be revised accordingly.

³ The smalltooth sawfish is protected by FAC Rule 68B-44.008 as a species prohibited from harvest, possession, landing, purchase, sale, or exchange.

⁴ Critical habitats for Everglades snail kite, West Indian manatee, and Johnson's seagrass are not present in the project area (although they are present in other parts of St. Lucie County).

Table 1
Federal and State Listed Species Reported or Recorded in St. Lucie County, Florida (continued)

<i>Opuntia stricta</i>	Erect prickly pear	Low		T
<i>Peperomia humilis</i>	Low peperomia	Low		E
<i>Peperomia obtusifolia</i>	Florida peperomia	Low		E
<i>Polygala smallii</i>	Tiny polygala	Low	E	E
<i>Schizachyrium niveum</i>	Scrub bluestem	Low		E
<i>Tillandsia balbisiiana</i>	Bartram's airplant	Moderate		T
<i>Tillandsia fasciculata</i>	Cardinal airplant	High		E
<i>Tillandsia flexuosa</i>	Twisted airplant	Moderate		T
<i>Tillandsia utriculata</i>	Giant airplant	High		E
<i>Tillandsia variabilis</i>	Leatherleaf airplant	Moderate		T

¹ Potential Occurrence is an estimate of the likelihood of occurrence for a particular species within the project area, based on existing habitats, the habitat requirements of the particular species, and/or actual documentation of occurrence through field evaluations.

² T = threatened, E = endangered, SA = similarity of appearance, SSC = species of special concern, SC = Species of Concern, CH = critical habitat, C = Candidate, CE = Commercially Exploited. The FWC is conducting biological reviews on all state listed species. If any designations change resulting from the reviews, this table will be revised accordingly.

³ The smalltooth sawfish is protected by FAC Rule 68B-44.008 as a species prohibited from harvest, possession, landing, purchase, sale, or exchange.

⁴ Critical habitats for Everglades snail kite, West Indian manatee, and Johnson's seagrass are not present in the project area (although they are present in other parts of St. Lucie County).

Source: Endangered Species Biological Assessment Report

Appendix B

Commitments in the Endangered Species Biological Assessment Report portion of the Environmental Impact Statement to conduct detailed surveys for threatened and endangered species as part of the permitting phase of the project.

freshwater sources are sought by manatees (for drinking), especially those that spend time in estuarine and brackish waters (USFWS 1999). Manatees are opportunistic herbivores and feed on a variety of aquatic plant species, they prefer submerged aquatic vegetation, especially seagrasses. As stated in the habitat descriptions above, submerged aquatic vegetation is absent in the project area although some emergent vegetation is located along the river shores. Manatees are known to forage on a variety of shoreline vegetation including red mangrove leaves and cordgrass (*Spartina* spp.; USFWS 1999), both of which are abundant in the project area.

Data compiled through the Florida Oceanographic Society during 1990-1992, indicated that manatees are present within the channels of the NFSLR during all months of the year; they are also year-round residents in the Indian River Lagoon (Ecological Associates, Inc. 2002). During cold water months (December through February), they are commonly found in the warm water discharges of the Fort Pierce Utility Authority's H.D. King Power Plant and FPL's St. Lucie Plant on Hutchinson Island. Portions of the NFSLR and the Indian River Lagoon have been designated as critical manatee habitat. However, the project area is not located within designated critical habitat for the manatee. Manatees have been observed in the project area. However, as described in Section 9.0 (Avoidance, Minimization and Compensatory Mitigation), the Preferred Alternative will have minimal effects on river hydraulics, the river floodplain, or flow patterns. In addition, standard manatee protection measures will be enforced during bridge construction and the top down bridge construction method or construction from temporary trestles will limit any work from the water. The "West Indian Manatee Effect Determination Key"¹⁸ was used to assess the project and its potential to affect manatee habitat. The key determined the Preferred Alternative "May Affect but Not Likely to Adversely Affect" the West Indian manatee. However, the project will not affect West Indian manatee critical habitat.

7.0 STATE LISTED SPECIES

The primary purpose of this report is to address potential impacts to species protected by the Endangered Species Act. This section will discuss the species that are protected by the laws and regulations of the state of Florida. Table 1 lists those species that are federal and state listed and the sections above discuss those species that are protected by both federal and state regulations. This section will discuss those species that are state listed only.

7.1 State Listed Plants

7.1.1 Many-Flowered Grasspink (*Calopogon multiflorus*)

The many-flowered grasspink is state listed as an endangered species. It is a ground-dwelling orchid found in dry to moist flatwoods associated with longleaf pine, wiregrass, and saw palmetto. It is adapted to fire. This type of habitat is marginally present in the project area and the species has not been reported in the project area (FDEP 2009). It was not observed during the various site investigations. The Preferred Alternative will not affect the many-flowered grasspink.

¹⁸ Effects determination keys are available at www.fws.gov/verobeach.

7.1.2 *Largeflower False Rosemary (Conradina grandiflora)*

The largeflower false rosemary is state listed as a threatened species. This species is found on deep, fine sandy soils, often in association with sand pines and scrub oaks. This habitat is present in the project area and a scattered population was observed along the northern nature trail in the SPSP and the population extended northward onto the Liberty Medical property. Another scattered population is present south of Oakmont Lane. It appears to prefer disturbed, open sands since all occurrences were adjacent to open, disturbed sands, such as those adjacent to trails. None were observed in the dense scrub oaks or saw palmetto areas within the project area. The Preferred Alternative passes close to the observed populations and the stormwater management system that is located on the Liberty Medical property could affect the population there. During the permitting phase of the Preferred Alternative, a specific survey will be conducted to determine the level of impact on this local population.

7.1.3 *Florida Butterfly Orchid (Encyclia tampensis)*

The Florida butterfly orchid is a fairly common orchid but it is state listed as a commercially exploited species. It is an epiphytic¹⁹ species that is found on several tree and palm species in forests and hammocks. It was observed in the project area during the site investigations, commonly on live oaks that were overhanging the river. During the permitting phase of the Preferred Alternative, a specific survey will be conducted to determine if any populations of this species will be affected.

7.1.4 *Nodding Pinweed (Lechea cernua)*

The nodding pinweed is state listed as a threatened species. It is found on bare, well-drained soils of white sand communities. This type of habitat is not present in the project area and this species was not observed during the site investigations. The Preferred Alternative will not affect the nodding pinweed.

7.1.5 *Hand Fern (Ophioglossum palmatum)*

Hand fern is a state listed endangered species. It can be found on the old leaf bases of cabbage palms found in wet hammocks. Cabbage palms are common in the project area and hand fern has been reported within the state park (FDEP 2009). However, no hand ferns were observed during the various site investigations, especially in the rights of way. During the permitting phase of the Preferred Alternative, a specific survey will be conducted to determine if any populations of this species will be affected.

7.1.6 *Erect Prickly Pear (Opuntia stricta)*

The erect prickly pear is state listed as a threatened species. It is an erect or sprawling cactus that is found on calcareous shell mounds, dunes, and coastal hammocks. This habitat is not found in the project area and this species was not observed during the site investigations. The Preferred Alternative will not affect the erect prickly pear.

¹⁹ epiphyte – a plant that lives independently but depends only on the physical support of another living plant.

7.1.7 Low Peperomia and Florida Peperomia (*Peperomia humilis* and *P. obtusifolia*)

The low and the Florida peperomia are state listed endangered species. The low peperomia is found on the ground or rarely on tree trunks and tree branches, while the Florida peperomia is most often found growing on trees and fallen logs. Both can be found in mesic to wet hammocks and swamps. Neither species has been reported in the state park (FDEP 2009) nor were they observed during the various site investigations. The Preferred Alternative will not affect these peperomia species.

7.1.8 Scrub Bluestem (*Schizachyrium niveum*)

Scrub bluestem is a state listed endangered species. It is a small tufted grass found in the open white sand patches of rosemary scrub. This habitat is not present in the project area and the species was not observed during the various site investigations. The Preferred Alternative will not affect the scrub bluestem.

7.1.9 Airplants (*Tillandsia* spp.)

Five state listed species of airplants (*Tillandsia* spp.) can be found in St. Lucie County and they are either state listed as threatened or endangered species. All are epiphytic although some species may sometimes be found growing terrestrially (*Tillandsia utriculata* and *Tillandsia fasciculata*). They prefer rough-barked trees with adequate humidity in the canopy. They are state listed because of habitat destruction, collecting, and recently, due to the attack by the Mexican bromeliad weevil (*Metamasius callizona*). All five listed species of bromeliads have been reported in the SPSP (FDEP 2009), although only *T. utriculata* and *T. fasciculata* have been observed in the project area. Local populations could be affected by the Preferred Alternative. During the permitting phase of the Preferred Alternative, a specific survey will be conducted to determine if any populations of airplants will be affected.

7.2 State Listed Animals

7.2.1 Gopher Tortoise

The gopher tortoise is state listed as a threatened species. Several commensal species²⁰ that use gopher tortoise burrows are also listed and each are discussed below, including the gopher frog (*Rana capito*), Florida pine snake (*Pituophis melanoleucus mugitis*), Florida mouse (*Podomys floridanus*), and the eastern indigo snake (*Drymarchon corais couperi*). The preferred habitat of the gopher tortoise is predominantly dry land-cover types with open areas of sand with sparse vegetation, including sandhill, oak scrub, and sand pine scrub. To determine the possible occurrence of gopher tortoises (and their possible burrow commensals) within suitable upland habitat in the project area, an on-site gopher tortoise survey was conducted on June 16-18, 2003 (Appendix 6). The survey was not repeated for this report because the upland habitats did not change since the 2003 survey. However, burrow locations observed during the October 2008 field investigations were recorded and it was confirmed that gopher tortoises were located in the same habitats identified in the 2003 survey. In addition, all undeveloped or vacant lots in the project area along the routes of the build alternatives were examined for the presence of gopher tortoises. Several

²⁰ Commensal - an organism living with another in which one species derives some benefit while the other is unaffected.

potentially occupied or abandoned burrows have been observed within the study area, including vacant residential parcels (Figure 12). Since gopher tortoise habitat is present in the project area, it is likely that this species could be affected. During the permitting phase for the Preferred Alternative, a specific survey will be conducted to determine if any gopher tortoise burrows are present within 25 feet of the construction zone/right of way and within 25 feet of any other construction-related activity (i.e., ponds, staging areas, etc.). A relocation permit will be obtained from the FWC if the Preferred Alternative will have unavoidable impacts to the gopher tortoise.

7.2.2 Florida Pine Snake (*Pituophis melanoleucus mugitis*)

The Florida pine snake is state listed as a species of special concern and it inhabits areas with open canopies and dry sandy soils of sandhills, pine scrub, scrubby flatwoods, and oldfields. Its pointed conical head is well adapted to burrowing. It often co-exists in the burrows of pocket gophers or gopher tortoises. Most of its time is spent below ground with occasional surface activity in the spring and fall. It has become rare due to collecting and habitat loss (Hipes et al. 2001). This species has been reported in the state park lands (FDEP 2009). Because suitable habitat and gopher tortoises are present in the project area, it is possible that this species could be affected by the Preferred Alternative. During the permitting phase of the Preferred Alternative, a specific survey will be conducted to determine if any Florida pine snakes will be affected by the Preferred Alternative.

7.2.3 Gopher Frog (*Rana capito*)

Gopher frogs are state listed as a species of special concern and inhabit dry, sandy uplands, typically preferring sandhill and scrub habitats. Nearby isolated wetlands or ponds are required for reproduction. They are nocturnal, spending daytimes hidden in shallow depressions or in the burrows of pocket gophers or gopher tortoises (Hipes et al. 2001). This species has been reported in the state park lands (FDEP 2009). Because suitable habitat as well as gopher tortoises and pocket gophers are present in the project area, it is possible that this species could be affected, depending on the chosen alternative. During the permitting phase of the Preferred Alternative, a specific survey will be conducted to determine if any gopher frogs will be affected by the Preferred Alternative.

7.2.4 Roseate Spoonbill (*Ajaia ajaja*)

The roseate spoonbill is state listed as a species of special concern. It forages in the shallow water of marshes, mangrove inlets and pools, and mudflats. It nests in coastal areas near suitable foraging habitat. Abundant suitable habitat (except for mudflats) is present throughout the project area for foraging and possible nesting. It is possible that the roseate spoonbill could forage or roost in the freshwater marshes in the project area, although the dense vegetation and limited open water area may limit this use. At the time the field surveys were conducted, no roseate spoonbills were observed in the project area and none have been documented within the SPSP (FDEP 2009). Thus, the Preferred Alternative will not affect the roseate spoonbill.

Appendix C

Evidence of Heightened Public Concern

June 17, 1999

To: David B. Struhs, Secretary
3900 Commonwealth Blvd M.S.
Tallahassee, FL 32399-3000



Re: Bridge right-of-way over Halpatiokee, North Fork Buffer Preserve

The Martin County Chapter of the Florida Native Plant Society recently had a most pleasant tour of the aquatic buffer preserve along the North Fork of the St Lucie River, known as Halpatiokee. [on US Hwy #1 at Village green Drive, PSL] Many thanks to Jeff Beal for his time and expertise.

We have learned that Port St Lucie has applied to the DEP for a bridge "right of way" directly over this beautifully pristine and widely diverse habitat. These few acres alone yield seven separate ecological habitats. Of the 125 plant species identified, 19 are endangered, threatened or a species of special concern. Among the 101 animal species noted so far, 16 are on those lists.

PLEASE DON'T DESTROY THIS SPECIAL PLACE!

We understand that Port St Lucie needs to relieve traffic problems, we believe this is the wrong path. We respectfully request that DEP steer PSL to consider alternate sites, already impacted, to the north.

We are highly concerned, as well, that precedents would be set allowing the degradation of lands purchased through environmental land acquisition programs (CARL, specifically).

Another issue, but related, would be the hope of some PSL people to construct a bridge over the Indian River Lagoon, crossing state preserve lands known as the Savannas. Both the savannas and the sea grasses of the Indian River Lagoon are special, as you may be aware.

We strongly object to the impact that these projects would bring to these native plant habitats.

Sincerely,

Joan Bausch
for the Board of Directors, Martin County Chapter, Florida Native Plant Society

cc: Larry Nall, DEP Div. Marine Resources, 3900 Commonwealth Blvd MS 10,
Tallahassee, FL 32399-3000;
Jeff Beal, Southeast District Branch Office, 1801 SE Hillmoor Drive, Suite C204, Port
St. Lucie, FL 34952

Post Office Box 801, Jensen Beach, Florida 34958-0801



April 16, 2012

Everglades
Law Center, Inc.
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Northern Everglades Office

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Ray LaHood
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Victor M. Mendez
Federal Highway Administrator
Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary LaHood and Administrator Mendez:

I am writing on behalf of the Conservation Alliance of St. Lucie County and the Indian Riverkeeper to express our concern about the proposed Crosstown Parkway Extension in Port St. Lucie, Florida and its impacts to state park lands.

The Conservation Alliance of St. Lucie County was established in 1972 by local citizens concerned about increasing threats to the area's natural resources and environment. A significant portion of the Alliance's advocacy over the years has focused on the protection of the Savannas Preserve State Park as well as the area's coastal environment.

The mission of the Indian River Keeper is to protect and restore the waters of North America's most diverse estuary-the Indian River Lagoon, its tributaries, fisheries and habitats through advocacy, enforcement and citizen action. Indian Riverkeeper is one of nearly 200 member organizations of the Waterkeeper Alliance.

We believe FHWA has not adequately analyzed the impacts to resources protected under section 4(f) of the Highway Transportation Act. The agency's Draft Environmental Impact Statement (DEIS) and preliminary 4(f) determination improperly dismisses a feasible and prudent alternative (Alternative 6A) that would avoid impacting state park lands. We urge FHWA to reexamine the preferred alternative identified in the DEIS and pursue an alternative that avoids all impacts to state lands.

Section 4f of the Transportation Act prohibits the Secretary of Transportation from approving a federal highway project that uses the land of a public park, recreation area, wildlife refuge, or history site unless:

- (1) there is no prudent and feasible alternative to using that land; and
- (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use. 49 U.S.C. § 303(c).

An alternative is “feasible” “if it can be built as a matter of sound engineering” and prudent “unless there are truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached *extraordinary magnitudes*” or the alternative routes present “unique problems.” *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 411-413 (1971) (emphasis added).

FHWA has promulgated regulations interpreting 4(f)’s mandate. The regulations set forth in 23 C.F.R. § 774.17 provide that an alternative is not prudent if:

- (i) It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;
- (ii) It results in unacceptable safety or operational problems;
- (iii) After reasonable mitigation, it still causes:
 - (A) Severe social, economic, or environmental impacts;
 - (B) Severe disruption to established communities;
 - (C) Severe disproportionate impacts to minority or low income populations; or
 - (D) Severe impacts to environmental resources protected under other Federal statutes;
- (iv) It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;
- (v) It causes other unique problems or unusual factors; or
- (vi) It involves multiple factors in paragraphs (3)(i) through (3)(v) of this definition, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

In September 2011, FHWA released its DEIS for the “Crosstown Parkway Extension” project—a proposed two mile road and bridge project that would extend the existing Crosstown Parkway across the North Fork of the St. Lucie River to U.S.1 on the east. DEIS at 1.1. The DEIS identifies a no build alternative, a transportation system management (TSM) alternative, a multimodal alternative, and six build alternatives. Of

impacts.”¹ These characterizations, coupled with incomplete and even erroneous information and analysis,² exaggerate the true scope of Alternative 6A’s impacts.

As the DEIS notes, numerous roadway modifications (between 18-27) are unavoidable and will be required to implement any one of the six build alternatives. The agency’s decision to scrap the only build alternative that would avoid using 4f resources because of the potential impacts certain roadway modifications may have on one community is unconvincing, particularly in view of the agency’s position that all build alternatives would actually *enhance* regional cohesion, mobility, and safety/emergency response by providing a connection across the St. Lucie River. Moreover, FHWA’s substantial reliance on inherently subjective criteria for rendering an alternative not prudent (i.e. social impacts, and specifically “community cohesion”),³ in the face of numerous quantifiable impacts that the preferred alternative would pose to protected 4f resources, is particularly problematic and unavailing in the absence of a reasoned explanation for the agency’s decision.

In enacting section 4f of the Transportation Act, Congress determined that the protection of parkland should be given paramount importance. *Overton Park*, at 412-13. As the Supreme Court explained: “The few green havens that are public parks are not to be lost unless there are truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of park land unless he finds that alternative routes present unique problems.” *Id.* at 413. The Secretary’s 4(f) determination is subject to a thorough, probing, in-depth review of whether the Secretary reasonably believed there are no feasible and prudent alternatives based on all relevant factors. *Id.* at 415-16.

The National Environmental Policy Act (NEPA) similarly requires a detailed statement of alternatives to the proposed action. 42 U.S.C. § 4332(2)(C)(iii). The alternatives section is the heart of the EIS. 40 C.F.R. § 1502.14. Federal agencies must go beyond mere assertions and “rigorously explore and objectively evaluate all reasonable alternatives.” 40 C.F.R. § 1502.14(a), (b).

¹ See Table 6.6 wherein access impacts to the La Buona Vita community are identified as triggering three different prudency factors.

² The Preliminary 4f determination erroneously states that Alternative 6A would have substantial and collective visual impacts despite a finding in the DEIS that this alternative would have “minimal” visual impacts. See DEIS at 5.40. In addition, while the DEIS finds the noise impacts of Alternative 6A would be “substantial” because half of the impacted receivers would not receive the benefit of noise abatement, the DEIS does not articulate how these unabated impacts (noise levels) would be so substantial that they would render Alternative 6A not prudent. See Section 5.3.4, DEIS.

³ FHWA appears to acknowledge this much on page 5.2 of the DEIS: “The relative magnitude of social and economic effects can vary across communities, neighborhoods, and stakeholder groups due to differing degrees of sensitivity toward a particular issue or impact. An impact that is perceived by one community as adverse might be tolerated or even desirable by another. Guidance for social and economic impacts have been established by the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA [40 Code of Federal Regulations (CFR) 1508.7 and 1508.8].”

In this instance, we do not believe that the DEIS and preliminary 4f determination provides a reasoned explanation as to why Alternative 6A is not prudent. The analysis fails to adequately explain how in its totality this alternative “reaches extraordinary magnitudes” or “presents problems that are otherwise unique to this one alternative” which prohibit it from being the preferred alternative. We therefore urge FHWA to reexamine its analysis of Alternative 6A and its tentative selection of Alternative 1C as the preferred alternative and choose an alignment that avoids the use of Savannas State Park and all other 4f resources.

Sincerely,



Jason Totoiu

Cc: Secretary Ananth Prasad
Florida Department of Transportation
605 Suwannee Street
Tallahassee, Florida 32399-0450

Clay Smallwood
Florida Department of Environmental Protection
State Lands
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

Donald Forgione
Director
Florida Park Service
3900 Commonwealth Blvd
Tallahassee, Florida 32399

Florida Park Service
Bureau Chief
Southeast Region
District 5 Administration
13798 SE Federal Highway
Hobe Sound, Florida 33455

Park Manager
Savannas Preserve State Park
2541 Walton Road
Port St. Lucie, Florida 34952



The mission of the Florida Native Plant Society is to promote the preservation, conservation, and restoration of the native plants and native plant communities of Florida.

May 18, 2016

Mayor Gregory J. Oravec
City of Port St. Lucie
121 Southwest Port St. Lucie Blvd.
Port St. Lucie, FL 34984-5099

Subject: Impacts to Conservation Lands Resulting From Crosstown Parkway Extension

Dear Mayor Oravec:

The Florida Native Plant Society (FNPS) has long been an advocate for the conservation of lands that have significant natural resource values. The protection of such lands advances our mission to conserve native plants while also providing places where Floridians and visitors alike can experience nature and enjoy a respite from the hustle and bustle of the “real” world. We place an especially high value on the continued protection of such lands after the public has invested in conserving them. As such, we are greatly disturbed by the City of Port St. Lucie’s plan to build a bridge across the North Fork of the St. Lucie River without doing everything possible to avoid impacts to publicly owned conservation land.

It has been well documented in the assessment of alternative routes for the Crosstown Parkway Extension that your preferred alternative (Alternative 1C) is the one that will produce the most extensive environmental impacts to conservation land. While we do not dispute your responsibility to address a pressing transportation need within your community, we believe the protection of important natural areas and recreational green spaces is just as fundamental to meeting the quality-of-life needs of your residents. The portions of the Savannas Preserve State Park and North Fork of the St. Lucie River Aquatic Preserve that would be affected by the City’s preferred alternative support an amazing diversity of habitats and native species. The area’s status as an island-of-green within a highly urbanized landscape only increases the emphasis that should be placed on avoiding any impacts that would degrade it. The Halpatiokee Trail is a recreational gem that will only increase in value over time, provided you recognize its value and protect it judiciously. The choice of Alternative 1C does not reflect such recognition.

Publicly owned natural areas are increasingly viewed as the “path of least resistance” when local governments must address infrastructure needs. That is why FNPS is so disturbed by this project and stands in support of those individuals and organizations that have mounted legal challenges against it. Florida’s explosive growth rate and attractiveness to new residents make it more important than ever that our investments in natural resource conservation be protected rather than eroded.

Florida Native Plant Society
Post Office Box 278, Melbourne, FL 32902-0278
Telephone: 321.271.6702

Obviously, we are late entering this debate, although local members from our Cocoplum (Mart County) and Lakela's Mint (St. Lucie County) Chapters have been vocal opponents of this project. We hope the challengers prevail; and in the event of that outcome, we hope the City will be open to viewing both environmental protection and transportation planning as compellir and important public responsibilities, rather than as competing interests or mutually exclusive outcomes. Thank you for considering our comments.

Respectfully,



Anne C. Cox, PhD, President
Florida Native Plant Society

cc: Governor Rick Scott
Secretary Jonathan Steverson, Florida Department of Environmental Protection
Councilwoman Linda Bartz
Councilwoman Michelle Lee Burger
Councilwoman Shannon M. Martin
Councilman Ron Brown
Jim Bremer, City Manager, City of Port St. Lucie
David Clark, Office of Cabinet Affairs, Florida Department of Environmental Protection
Gary Clark, Deputy Secretary FDEP & Chair of the Acquisition and Restoration Council
Hank Vinson, Staff Director FDEP and Liaison for Acquisition and Restoration Council
Anthony Waterhouse, South Florida Water Management District
Alisa Zarbo, U.S. Army Corps of Engineers
Darayl Tompkins, United States Coast Guard
Shari Anker, President, Conservation Alliance of St. Lucie County
Joan Bausch, Martin County (Cocoplum) Chapter of FNPS
Diane Goldberg, St. Lucie County (Lakela's Mint) Chapter of FNPS



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November 12, 2013

VIA U.S. MAIL, RETURN RECEIPT REQUESTED

David C. Hawk
Acting Division Administrator
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Victor M. Mendez
Federal Highway Administrator
Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Route 1C of the Crosstown Parkway Bridge proposed by the City Port St. Lucie, Florida

Dear Sirs,

By way of introduction, my name is Robert Hartsell and I represent the Conservation Alliance of St. Lucie County; the Indian Riverkeeper; Florida Wildlife Federation; St. Lucie Audubon; St. Lucie Chapter – Florida Native Plant Society; Martin County Chapter – Florida Native Plant Society; Martin County Conservation Alliance; Florida Audubon and the Sierra Club, Loxahatchee Group in a legal capacity regarding concerns over the Route 1C alternative of the Crosstown Parkway Bridge proposed and favored by the City of Port St. Lucie (“City”), Florida. It is our understanding that the Federal Highway Administration (“FHWA”) is undertaking the preparation of final Environmental Impact Statement (“EIS”) and record of decision (“ROD”) for the federal funding assistance for the Crosstown Parkway Extension project. Specifically, my clients ask that you deny any funding that would assist the City in the development of the Crosstown Parkway Bridge project through two state parks and an aquatic preserve when more reasonable alternatives exist.

Please include this letter and its attachments in the administrative record of the above referenced final EIS and the ROD. It is our opinion that the attachments provide local expertise

and on the ground knowledge of the adverse environmental impacts that Route 1C will have on the area.

EISs Prepared Under NEPA Provide a Critical Review of Proposed Actions

The National Environmental Policy Act (“NEPA”) is America’s “basic national charter for protection of the environment¹.” NEPA ensures that federal agencies “will have available, and will carefully consider, detailed information concerning significant environmental impacts” and that such information “will be made available to the larger [public] audience².”

The policy of NEPA as expressed in the preamble to the statute makes the commitment to the protection of the environment the overriding concern, saying:

The purposes of this chapter are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man³

President Nixon, himself, emphasized protection of the environment in his Executive Order 11514 of March 5, 1970⁴. He said:

The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals.

To this end, NEPA requires federal agencies to prepare a detailed EIS for any “major federal action significantly affecting the quality of the human environment⁵.” NEPA requires the federal agency to “consider every significant aspect of the environmental impact of a proposed action,” and to ensure “that the agency will inform the public that it has indeed considered environmental concerns in its decision making process⁶.” The Eleventh Circuit has explained that:

The court will overturn an agency's decision as arbitrary and capricious under [NEPA] “hard look” review if it suffers from one of the following: (1) the decision does not rely on the factors that Congress intended the agency to consider; (2) the agency failed entirely to consider an important aspect of the problem; (3) the agency offers an explanation which

¹ 40 C.F.R. § 1500.1(a).

² Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349 (1989).

³ 42 U.S.C. § 4321.

⁴ 35 Fed.Reg. 4247 (1970)

⁵ 42 U.S.C. § 4332(2)(C). The issuance of a Section 404 permit by the Corps is a “federal action” to which NEPA applies. United States v. South Florida Water Management District, 28 F.3d 1563 (11th Cir. 1994); Sierra Club v. Sigler, 695 F.2d 957, 964 (5th Cir. 1983); Fla. Wildlife Fed’n v. Army Corps of Eng’rs, 401 F.Supp.2d 1298 (S.D. Fla. 2005).

⁶ Baltimore Gas and Electric Company v. NRDC, 462 U.S. 87, 97 (1983) (citations omitted).

runs counter to the evidence; or (4) the decision is so implausible that it cannot be the result of differing viewpoints or the result of agency expertise⁷.

The Eleventh Circuit Court of Appeals specified that an agency's failure to "adequately consider all relevant environmental factors" during the NEPA process is arbitrary and capricious⁸. This particular case involved the Army Corps of Engineers' approval of a reservoir. The Court held that the agency's action was arbitrary and capricious because the Corps "did not identify the environmental concerns related to the pipeline remaining underneath the proposed reservoir, [and] did not take a "hard look" at the potential adverse consequences of such a pipeline⁹."

The attached letters present the opinions of local and national experts in the environmental field and they share their respective concerns over the proposed Route 1C. Exhibits A-F. We believe that these documents are essential for the record of decision regarding the denial or approval of funding for proposed Route 1C. These expert letters detail the comprehensive adverse impacts on the larger aquatic system of the St. Lucie Estuary, listed animal species, listed plant species, seagrasses, wetland and upland habitat, water quality, and critical state park resources (which Section 4F of the Transportation Act of 1966, 49 U.S.C. Section 303 and 23 U.S.C. Section 138 prohibits in this scenario).

Therefore, given the magnitude of the proposed Route 1C of the Crosstown Parkway Bridge proposed by the City, the sensitivity and significance of these natural resources in this area and the ongoing ecological collapse of the Indian River Lagoon and the potential cumulative impacts from this project, the selection of an alternative route is appropriate for the protection of these areas. It is within the FHWA's and the people of St. Lucie County's best interest to consider all relevant factors, including all 'environmental factors' or key 'aspects of the problem' in its EIS review. EISs prepared that exclude significant impacts are insufficient to truly evaluate the effects of Route 1C of the Crosstown Parkway Bridge on the environment.

Conclusion

"NEPA emphasizes the importance of coherent and comprehensive up-front environmental analysis to ensure informed decision making to the end that the agency will not act on incomplete information, only to regret its decision after it is too late to correct¹⁰." As the Court in Kern v. United States Bureau of Land Mgmt.¹¹ articulated, "NEPA is not designed to postpone analysis of an environmental consequence to the last possible moment. Rather it is designed to require such analysis as soon as it can reasonably be done¹²." Clearly, the time is now. For all the above-stated reasons, we request that you review these attached documents and deny the funding for the proposed Route 1C.

Please make these comments and the attached documents part of the official record for these projects. Also, please send a copy of all future notices, announcements of final EISs, decision notices and announcements, and correspondence for these projects to me at the above

⁷ Sierra Club v Corps, 295 F.3d at 1216 (emphasis added).

⁸ Hill v. Boy, 144 F.3d 1446, 1451 (11th Cir. 1998) (emphasis added).

⁹ Id.

¹⁰ Marsh v. Oregon Natural Resources Council, 490 U.S. 360, 371 (1989).

¹¹ 284 F.3d 1062, 1072 (9th Cir. 2002).

¹² 284 F. 3d at 1072.

address. Thank you for the opportunity and the opportunity for the experts to comment on this EIS. Please feel free to contact the primary authors of our collective comments, or Robert Hartsell at (954) 778-1052, if you have any questions about our letter.

Respectfully submitted on this 12th day of November, 2013,



Robert N. Hartsell, Esq.
Robert N. Hartsell, P.A.
Federal Tower Building
1600 N. Federal Hwy, Suite 921
Pompano Beach, Florida 33062

CC: Colonel Allen M. Dodd, United States Army Corps of Engineers District Commander
P.O. Box 4970 Jacksonville, Florida 32232-0019;

Darayl Tompkins, Commander (dpb), U. S. Coast Guard, Bridge Branch Federal Permitting
Agent, 909 SE 1st Ave. Ste. 432, Miami, Florida 33131-3028;

Larry Williams, Field Supervisor, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach,
Florida 32960-3559;

Cathy Kendall, Environmental Specialist, FDOT District 4, 3400 West Commercial Boulevard,
Fort Lauderdale, Florida 33309;

Beatriz Caicedo, FDOT project manager, FDOT District 4, 3400 West Commercial Boulevard,
Fort Lauderdale, Florida 33309;

Secretary Hershel T. Vineyard, Jr., Florida Department of Environmental Protection, 3900
Commonwealth Boulevard M.S. 49, Tallahassee, Florida 32399;

Blake C. Guillory, P.E., Executive Director, South Florida Water Management District, 3301
Gun Club Road, West Palm Beach, Florida 33406;

Nick Wiley, Executive Director, Florida Fish and Wildlife Commission, Farris Bryant Building,
620 S. Meridian St., Tallahassee, Florida 32399-1600;

Chairman Tod Mowery, Chairman, St. Lucie Board of County Commissioners, 2300 Virginia
Avenue, Fort Pierce, Florida 34982.

JoAnn M. Faiella, Mayor, City of Port St. Lucie, City Hall, 121 S.W. Port St. Lucie Blvd., Port St. Lucie, Florida 34984-5099;

-and-

Conservation Alliance of St. Lucie County

Indian Riverkeeper

Florida Wildlife Federation

St. Lucie Audubon

St. Lucie Chapter – Florida Native Plant Society

Martin County Chapter – Florida Native Plant Society

Sierra Club of St. Lucie County

Audubon of Florida

Martin County Conservation Alliance

Comments on the Final Environmental Impact Statement

The EIS was approved for circulation on November 14, 2013 and the notice of its availability was published in the Federal Register on November 29, 2013, with a request that comments be postmarked by December 30, 2013. The FHWA, in coordination with the FDOT, has taken into consideration all pertinent correspondence, documents, and technical reports postmarked through December 30, 2013. FDOT and FHWA have adequately responded to all substantive comments received from interested parties regarding the content and accuracy of the EIS and supporting studies for the selection of Alternative 1C as the Preferred Alternative.

Summary of Comments and Responses Concerning the EIS

Four comments/questions were received from local, State and Federal agencies, including USEPA; State Historic Preservation Office; St. Lucie Public School Board; and the Treasure Coast Regional Planning Council (TCRPC). None of the agencies expressed opposition to the project. The State Historic Preservation Officer stated that cultural resources have been adequately addressed. The St. Lucie Public School Board expressed their support for Alternative 1C, the TCRPC commented that, while the project will have significant environmental impacts, the overall plans to avoid, minimize, and mitigate impacts provide adequate compensation to make the project consistent with their Strategic Regional Policy Plan (SRPP). They further noted that the project furthers Strategy 7.1.1 of the SRPP which is to develop a balanced, complete and fully integrated transportation system; and that the project will benefit and promote livability in the region. The USEPA stated that the FEIS addresses the majority of their concerns and had two remaining questions regarding mitigation costs among the alternatives, and whether one of the sidewalks could be eliminated.

There were 44 comments received from the public. Of those, 33 stated their opposition to the Preferred Alternative (1C) due to the impacts it would cause primarily to the natural environment. This included three that referred to "letters to the editor" they had written which expressed their opposition. Specifically, comments noted that the project would result in considerable impacts to the Savannas Preserve State Park, North Fork St. Lucie River Aquatic Preserve, wetlands, and habitat, and Halpatiokee Canoe Trail. In addition, some comments stated that the project should not be built in an area that was purchased by the State through Conservation Land Funds to be set aside for preservation. Many of the individuals who opposed the selection of Alternative 1C, noted that one of the other five build alternatives be considered since there would be a lesser degree of impacts to the natural environment.

There were 4 public comments received that favored the project noting that the project should be built as soon as possible and that the other bridges have benefited the community and environment in a number of positive ways. There were 6 public comments that asked specific questions about the project. There was 1 public comment received from a former City official who provided information about an early 1990's study that discussed the future of an East-West road over the St. Lucie River.

The agency and public comments are summarized in the matrix below. Agency comments are presented first, followed by the public comments. Copies of the agency and public comments are included in **Appendices A and B**, respectively, of this Record of Decision.



FLORIDA WILDLIFE FEDERATION

Affiliated With National Wildlife Federation

Manley K. Fuller, III, President
2545 Blairstone Pines Drive, Tallahassee, FL 32301
Post Office Box 6870, Tallahassee, FL 32314-6870

Phone: (850) 656-7113
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website: www.fwfonline.org

Secretary Ray LaHood
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

Administrator Victor Mendez
Federal Highway Administration
1200 New Jersey Ave., SE
Washington, DC 20590

RE: Crosstown Parkway Extension, Port St. Lucie, Florida

Dear Secretary LaHood and Administrator Mendez:

On behalf of the Florida Wildlife Federation, which has worked since 1937 to conserve the natural resources of the state, please note our concerns over the extension of the Crosstown Parkway in St. Lucie County, Florida. In particular, one of the considered options of this road will bisect existing and much-used public land (Savannas Preserve State Park). Please ensure that the Federal Highway Administration examines all alternatives to this road, and pursuant to Section 4(f) of the Highway Transportation Act, avoids the state park lands.

I have attached an April 16, 2012 letter from the Everglades Law Center which further outlines our concerns.

Thank you for your consideration.

Sincerely,

Preston T. Robertson
Vice-President/General Counsel

Cathy.Kendall@dot.gov

December 27, 2013

Via Email

Re: Crosstown Parkway/St. Lucie River crossing
Financial Project # 410844-AB-1-01; Federal Aid Project # 7777-087-A

Dear Ms. Kendall:

My name is Onno Robert (Bob) Post. My family and I have resided in Port St Lucie, FL, for 45 years, and are in our 34th year at 1175 SE Coral Reef Street. I provide this information so that you know a bit about who we are. Obviously, I have a personal interest in the choice of location 1-C, which must cross two bodies of water and a large wetland peninsula, and through the Halpatiokee State Preserve.

I doubt that there is anyone who is more aware of the environmental damage to animal life that will be caused by the construction of this bridge at this location. I am a native Floridian, an avid fisherman, and a serious amateur photographer. I have spent thousands of hours on the North Fork of the St. Lucie.

The North Coral Reef waterway passes our home, and terminates into a small lake-like body. The waters are separated from the main river channel by a large peninsula, comprised mainly of mangroves, cabbage palms, oak trees, huge ferns, wild orchids, and other native plant species.

With the continuous growth of Port St Lucie, animal species have been squeezed into smaller and smaller spaces. Raccoons, opossums, alligators, and many, many bird species have come to occupy the peninsula, fleeing the never-ending development.

West Indian Manatees cruise up and down the waterway, munching on low-hanging mangrove leaves. Calves sometimes accompany their mothers. Usually traveling in groups of 3 or 4, they enjoy the safety of this area, away from the terror of fast-moving boats on the main river. Playful River Otters show up, sometimes coming up with a fish.

There seems to be no limit to the variety of both fresh and saltwater fish that move in and out of these waters, depending on the salinity. Over the years, porpoises have visited, as have spinner sharks, in schools. During my many years of fishing both off our dock and around the mangroves to the north, I have caught mangrove snapper, redfish, sheepshead, jack crevalle, small grouper, snook, tarpon, mullet, pilchards, sand perch, majorra, redfish, trout, both hard-head and gaff topsail catfish, whiting, blue crabs and river shrimp. During drier times its not unusual to catch largemouth bass, crappie, freshwater catfish, bream, garfish, mudfish, and freshwater eels, to name a few. I have never found another area of the St Lucie that offers such a variety.

I have no doubt that several saltwater species use this brackish water as a spawning ground. I've seen mullet and snook as small as 3", 4" mangrove snapper, and tiny blue crabs. The mangroves and protected waterway provide the perfect environment for their life cycle.

*Lady Fish
ruby string
rays*

(2)

By selecting 1-C, the environmental impact will be disastrous. I do not agree with the limited studies provided by the engineering firms with all their charts and computers. Lights will burn all night, and the traffic noise and vibration will carry a great distance both north and south.

In 1989, the City spent \$300,000 of taxpayer dollars on a study by Keith & Schnars on this issue. NOT ONE STATE OR FEDERAL AGENCY SUPPORTED THE WEST VIRGINIA CROSSING; this included the US Fish and Wildlife Service, US EPA, Army Corps of Engineers, Florida DEP, and the Treasure Coast Regional Planning Council. Serious environmental damage concerns far outweighed the possible need for the project. Most predictions were that Port St Lucie would grow to the west, across I-95, and needs for an additional river crossing would not justify environmental impact or the expense. Those predictions have proven true, with the development of Tradition and St. Lucie West. A more recent study by Keith & Schnars, (attached) continues to show that the 1-C route is clearly the most environmentally damaging as well as the most costly.

And speaking of costs-- the City spent \$40,000 on an ad campaign, with a special referendum, to determine the "will of the people". Misinformation as to the results was published in the *News Tribune*, stating that 89% of the population had voted in support of the bridge. Some quick research showed that only about 12% of the registered voters at that time even voted! Unfortunately, this misinformation may have found its way into documents justifying the bridge as to the people's will. I attach a copy of my rebuttal of August 23, 2010~~7~~, correcting the erroneous reporting.

No other area of the North Fork of the St Lucie River provides such a habitat for plants, animals, birds and fish. This is an environmental disaster on a fast track. Mitigation has been proposed as the solution. Not possible! Not possible to re-create or replace this unique place along our precious St Lucie River.

It is not possible to interview the plants and animals involved. When they do provide answers to a project like this, it is years, or even decades later...way too late!

Sincerely,

Bob Post

cc: Beatriz.Caicedo@dot.state.fl

cc: Info@consalliancslc.org

From: Lampley, Paul
To: DeTizio, Nahir; Hadley, George; Kendall, Cathy
CC: Caicedo, Beatriz
Sent: 3/6/2008 11:36:28 AM
Subject: FW: Palm Beach Post- Crosstown article - Thanks!

Nahir, George and Kathy: Thanks for all your help in getting the EIS approved in the ETDM screen his week. Your assistance and expertise is truly appreciated. Paul

Paul A. Lampley, P.E. FDOT District Four, Project Development Engineer
3400 W. Commercial Blvd.
Ft. Lauderdale , FI 33309
954-777-4345, paul.lampley@dot.state.fl.us

From: Caicedo, Beatriz
Sent: Thursday, March 06, 2008 8:36 AM
To: Wolfe, James
Cc: Lampley, Paul; Schmidt, Gus; Miller, Stacy
Subject: Palm Beach Post- Crosstown article

6-year delay possible for Port St. Lucie bridge project

By [TERESA LANE](#)

Palm Beach Post Staff Writer

Thursday, March 06, 2008

PORT ST. LUCIE — Six months after the city completed its review of how three potential bridge routes on the Crosstown Parkway will affect recreational lands along the St. Lucie River, federal officials have instructed the city to widen its study area and consider effects of three discarded routes.

The decision deals yet another blow to the beleaguered bridge, and state officials have warned the city it could take another six years to settle on a route over the environmentally sensitive North Fork of the St. Lucie River.

 "An environmental impact statement is the highest level of documentation" in the city's project review, said Beatriz Caicedo-Maddison, senior project manager for the Florida Department of Transportation.

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In a letter to Mayor Patricia Christensen this week, Stacy Miller of the DOT warned, "Based on the department's past experience, we have found the EIS process to be quite lengthy and as such would typically schedule a minimum of six years to receive final approval in a record of decision."

The Federal Highway Administration, which oversees the city's effort to choose a bridge route between Manth Lane and U.S. 1, has completed its review of how the three potential finalists would affect public

parks and recreational lands.

Not surprisingly, the agency found all potential routes have one strike against them because they cross the St. Lucie River Aquatic Preserve.

The city's preferred route, linking West Virginia and Village Green drives, has an additional strike because it crosses state land bought as a preserve - the St. Lucie River Preserve State Park, home of nature trails and a canoe launch.

Under the U.S. Department of Transportation Act of 1966, the federal highway authority will not approve any project that requires using a public park, recreation area, wildlife preserve or historic site unless there is no feasible alternative and the project minimizes impacts.

In a December letter to state DOT officials, David Gibbs of the Federal Highway Administration asked to widen the study by including three discarded routes outlined in a December 2006 analysis to determine which least affects sensitive lands.

That expanded study can take place simultaneously with the long-awaited environmental impact statement, Florida DOT's Caicedo-Maddison said.

Christensen, who met with state transportation officials and legislators in Tallahassee last month to lobby for an expedited bridge review five years into the process, said she's confident Port St. Lucie will secure a bridge route earlier than 2014.

"I can assure you we will overcome all of those hurdles," Christensen said. "The people in Tallahassee were shocked when we showed them that the rest of Crosstown (Parkway) has already been built or is under construction.

"If they don't want to give us a route, we're going to continue with the South Florida Water Management District process and hope we get a better determination out of them."

While the city continues to seek approval for its preferred route through state DOT and federal officials, it is pursuing a parallel permit from the water district in an attempt to span land the city sold to the state in 1994.

Approval rests with the governor and Cabinet.

Voters in 2005 agreed to pay \$1 per \$1,000 of taxable property value to expedite construction of the parkway to relieve gridlock for east-west travelers.

Since then, some have claimed the city tricked them into supporting the measure by failing to disclose the lack of a bridge permit.

More on palmbeachpost.com

From: DeTizio, Nahir
To: Kendall, Cathy; Hadley, George
CC: Richter, Chris; Williams, Marvin
Sent: 3/6/2008 11:42:06 AM
Subject: FW: Palm Beach Post- Crosstown article - Thanks!

"If they don't want to give us a route, we're going to continue with the South Florida Water Management District process and hope we get a better determination out of them."

While the city continues to seek approval for its preferred route through state DOT and federal officials, it is pursuing a parallel permit from the water district in an attempt to span land the city sold to the state in 1994.

From: Hadley, George
To: Gibbs, David; Christian, James; Brunelle, Karen; Fields, Lori; Richter, Chris
CC: Kendall, Cathy; DeTizio, Nahir; Anderson, Linda
Sent: 3/6/2008 12:19:05 PM
Subject: FW: Palm Beach Post- Crosstown article - Thanks!

I am forwarding this for your information. We have a local project sponsor acting like they do not understand NEPA. We have provided guidance after guidance after guidance. We have been as flexible as possible. We have explained that Section 4(f) may have FHWA to issue a ROD for an alternative other than the one they want. This is the proposed project that involved Michael Davis visiting Rick Kapka on several occasions. I am not sure, but I don't think we have filed a notice of intent yet. Because of the locals continued involvement of headquarters, we made this a prior concurrence EIS.

Subject: **INFORMATION:** Prior Concurrence:
City of Port St. Lucie:
The Third East West River Crossing EIS

From: Frederick Skaer, Director **Original signed by Fred Skaer** In Reply Refer To:
Office of Project Development and Environmental Review HEPE

To: Mr. David Gibbs
Division Administrator (HDA-FA)
Tallahassee, FL

Based on the ongoing discussions with your office, the amount and of level of controversy, and the involvement of the Administrator's office, we have concluded that the City of Port St. Lucie: The Third East West River Crossing Project Environmental Impact Statement (EIS) will be a Prior Concurrence project in accordance with procedures specified in 23 CFR 771.125 (c). Prior concurrence was determined to be appropriate based on the following:

- (1) discussions and debates between the City, the State, and FHWA regarding the logical termini for the project,
- (2) elimination by the City of various corridors in the "Revised Corridor Report",
- (3) potential impacts to sensitive natural resource areas,
- (4) high potential of litigation, and
- (5) the strong possibility of political involvement.

The Office of Project Development and Environmental Review (HEPE) welcomes this opportunity to cooperatively work with your staff in addressing the above items and any other major issues that arise during the NEPA project development process for the Port St. Lucie project.

From: Lampley, Paul [mailto:Paul.Lampley@dot.state.fl.us]
Sent: Thursday, March 06, 2008 11:36 AM
To: DeTizio, Nahir; Hadley, George; Kendall, Cathy
Cc: Caicedo, Beatriz
Subject: FW: Palm Beach Post- Crosstown article - Thanks!

Nahir, George and Kathy: Thanks for all your help in getting the EIS approved in the ETDM screen his week. Your assistance and expertise is truly appreciated. Paul

Paul A. Lampley, P.E. FDOT District Four, Project Development Engineer
3400 W. Commercial Blvd.
Ft. Lauderdale , FL 33309



Audubon FLORIDA

October 29, 2013

Victor M. Mendez
Administrator,
Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

1101 Audubon Way
Maitland, Florida 32751
Tel: (407) 539-5700
Cell (407) 620-5178
email: Chlee2@earthlink.net

RE: Crosstown Parkway Bridge, City of Port St. Lucie

Dear Administrator Mendez:

Audubon Florida, the state's oldest and largest conservation organization, comments on the EIS and the proposed project and requests action by FHWA to abandon and withdraw federal funding from this project.

This proposed facility would occupy lands that are part of the Halpatokee Trails section of Savannas State Preserve, the North Fork of the St. Luce River which comprises a State Aquatic Preserve, including Evans Creek.

A federal highway facility, or federally funded highway project that crosses these parklands and destroys natural resources within them presents conflicts with Section 4F of the Transportation Act of 1966, 49 U.S.C. §303 and 23 U.S.C. §138.

The project also crosses the St. Lucie River at a location immediately adjacent to an important wildlife sanctuary owned by the Florida Audubon Society, Inc. The natural areas that would be impacted by this highway are of vital importance to a large number of species of migratory birds which transit the Eastern Flyway.

Numerous species are listed as Species of Special Concern, Threatened, or Endangered. Please see the complete list of protected species catalogued for the lands to be impacted by this project, which can be found at:

http://www.dep.state.fl.us/coastal/sites/northfork/pub/NF_Listed_Species.pdf

Audubon Florida objects to this project and urges you to decline further federal funding.

Sincerely,

Charles Lee
Director of Advocacy

October 28, 2013

Victor M. Mendez
Federal Highway Administrator
Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Route 1C of the Crosstown Parkway Bridge proposed by Port St. Lucie, Florida

Dear Mr. Mendez:

This letter is to put into the FHWA's record my profound concern for the ecological impacts that will occur if the City of Port St. Lucie's proposed construction of the Crosstown Parkway Extension (CTPE) Bridge, Route 1C, is permitted by the FHWA. My focus here will be on the aquatic impacts to that section of Evans Creek and the North Fork of the St. Lucie River Aquatic Preserve. Prior to that discussion I will relate my comments to the larger aquatic ecosystem to which this section belongs and include contemporaneous events. Both should be given full consideration before any affirmative decision is granted.

I am currently the Senior Scientist with Estuarine, Coastal, and Ocean Science, Inc., an organization that I founded in Vero Beach, Florida. My Ph.D. in biology is from the Florida Institute of Technology. For thirty-two years I worked with Harbor Branch Oceanographic Institution in Fort Pierce, Florida, and with the Dynamac Corporation at the Kennedy Space Center. I have over 43 years research experience in studying a variety of fish communities and ecologies throughout Florida and the Caribbean Sea. I have published over 70 technical and 30 popular papers on fish ecology. This work includes a comprehensive regional fish species list for the 1995 Indian River Lagoon Biodiversity Conference for the *Bulletin Of Marine Science* publication demonstrating that this Lagoon contains the most diverse fish fauna in U.S. waters. (The list is now found at the Fort Pierce Smithsonian Marine Specie Center's website.) I have appeared on programs for the Discovery Channel, and was part of the first American research expedition into Cuban waters since the revolution for a Discovery Channel documentary.

1. The Larger Aquatic Ecosystem

I write this letter today because I have devoted a great deal of my life to studying the Indian River Lagoon (IRL) and its largest tributary, the St. Lucie River Estuary (SLRE). I cannot emphasize too strongly how unique and extraordinary this aquatic area is, in comparison to other aquatic areas in Florida, and the United States. The unique indigenous aquatic fauna and high biodiversity of this particular location has made me an advocate for its conservation.

The epicenter of our country's aquatic biodiversity is the St. Lucie River Estuary. Due to the interplay of unique coral reefs, extensive submerged Anastasia rock formations and the proximity of the Continental shelf and tropical ocean currents in the near shore, and the convergence of ecotones in salinity and water temperature as well as ecological characteristics associated with prevailing winds, sea grass species diversity, tropical macro-algal flora, and mangrove forest wetlands the St. Lucie River Estuary, its watershed, the Indian River Lagoon, and adjacent continental shelf, can boast 800 fish species, nearly 2/3 of Florida's 1300 fish species.

Key to understanding my discussion below is that this setting supports maximum diversity in a relatively small area. Therefore, any anthropogenic changes, however small, will have a magnified impact.

2. Contemporaneous Events

We are now at risk of losing a national treasure, this unique estuary and the biodiversity it supports. It is well-documented that when Lake Okeechobee waters, and other tributaries discharge their load of nitrogen, phosphorous, heavy metals etc. into the SLRE, that toxic cyanobacteria, toxic dinoflagellates and fungal growth cause fish disease and reduce fish diversity. These discharges have a more catastrophic impact on this estuary than they would have on any other estuary in the U.S. Combining this year's prolonged and substantial discharges from Lake Okeechobee, with the sudden disappearance of the majority of sea grass (a keystone species) in much of the IRL, this very special area is under enormous stress. (At other locations within the IRL unprecedented increased mortality rates are occurring in indigenous marine mammals: manatees and bottle-nosed dolphin; and marine birds: pelicans) This aquatic system is presently at risk of collapse unless prompt corrective action is taken.

A public outcry over these diseased and declining ecosystems, the SLRE and IRL has resulted in national media coverage. Local press covers the issue daily. Fishing, environmental and civic interests are examining the option of legal action. A Congressional Briefing, initiated by U.S. Representative Patrick Murphy, on the state

of our local waters was recently held in Washington, DC, on October 3rd. On September 9th, I presented my scientific analysis of the problem to a six-County Commissioner task force. The Martin and St. Lucie County Commissions are asking Florida's governor to declare a state of emergency for our waterways. Rep. Murphy, along with U.S. Reps. Troy Radel and Steny Hoyer, and Florida's governor, Rick Scott, have requested President Obama to tour the area.

3. The CTPE Bridge and the NFSLR-AP and Evans Creek

Situated just a few miles north and upstream of the St. Lucie River Estuary, within this center of Florida's fish diversity, is the North Fork of the St. Lucie River Aquatic Preserve (NFSLR-AP), and its tributary, Evans Creek, in which the CTPE Bridge is proposed. This is a high value area precisely because of the extensive area of intact and undisturbed native vegetation, and because it is some distance upstream from the Lake Okeechobee discharges and some distance downstream from storm water treatment discharges, effectively providing opportunity for cleaner water. Evans Creek, a 7-mile long oxbow of the NFSLR, is a narrow, shallow, and thoroughly vegetated channel that provides valuable protective fish habitat. For these reasons this particular portion of the SLRE is extremely valuable in providing nursery habitat and organism refugia in an ecosystem that is under considerable stress at this time.

I recommend any environmental impact statement for the Bridge must include the stressed larger aquatic system in which the NFSLR-AP and Evans Creek are located. It must take into account the likely probability that this aquatic area is a vital refuge for numerous species during ecological crisis.

I am also a strong proponent of mapping species distributions and their critical micro-habitats. The key indicator on how to protect fish comes from observation of fish behavior and micro-habitat preferences in the wild. **I recommend that species micro-habitat mapping of this area be performed both during the present water crisis and after the discharges have abated. These data should be included in any EIS.**

Two research observations help clarify my recommendations. Fish such as snook and tarpon seek out very specific protected and abundantly vegetated micro-habitats within wetlands during their critical early developmental stages. My quantitative observations made over several decades demonstrated that these preferred nursery areas are not ubiquitous, and can be some distance apart. In Jack Island Preserve State Park, alongside the IRL in St. Lucie County, during a 3-hour set period, over 1,500 juvenile common snook were caught in a trap set in a mangrove forest tributary. Other adjacent mangrove tributary sites sampled with the same techniques at the same time did not produce juvenile snook. The common snook is

a valuable recreational fishery species under considerable legal management in south Florida and is another protected species documented in the NFSLR-AP. Tarpon, another valuable sport fishery species, were observed to prefer isolated ponds and upstream habitats. Adult and larval tarpon have been routinely captured migrating up the north fork of the St. Lucie River. We have documented tarpon abandoning critical habitats when they are modified or disturbed by dredging and construction activities. We are instructed here that once disturbed tarpon did not return to their previously favored site.

These documented observations demonstrate that possibly irreversible impacts could occur due to the construction of a large 6-lane bridge in these critical fish habitats in the St. Lucie River and Evans Creek.

Another listed species, and a species of special concern according to NOAA, the National Marine Fisheries Service, the **Opossum pipefish** (*Microphis brachyurus lineatus*), has been documented in the NFSLR-AP. The only demonstrated and predictable breeding habitat for this species in the United States are the freshwater tributaries to the southern Indian River Lagoon, the St. Sebastian, St. Lucie and Loxahatchee rivers. It is a species I have had extensive experience with, and have highlighted it in several publications, including my chapter, in C. R. Gilbert, ed. *Rare and Endangered Biota of Florida, Vol. II Fishes* (1992). The pipefish travel far upstream in the St. Lucie River. The very same threats to the SLRE and the IRL threaten the very small numbers of remaining opossum pipefish, along with habitat destruction.

Breeding pairs of opossum pipefish require specific *Panicum* spp and *Polygonum* spp. of vegetation, a microhabitat that emerges sporadically in patches and clumps underwater. This grass species is especially vulnerable to herbicides and other anthropogenic impacts. (A preliminary plant species survey of the abutting Halpatiokee Trails section of the Savannas State Preserve Park lists three *Panicum* species. This diverse terrestrial complement to this aquatic area is also at risk of irreversible negative impacts caused by the bridge's construction.) Dense vegetation is also required for the crustacean and small prey fish of their diet. The bridge's construction, shading, and indirect run-off will either destroy or degrade the vegetation on which the pipefish depend for survival.

Because the pipefish are poor swimmers, protected enclaves like that found in Evans Creek would insure a protected haven from the increased water discharges from Lake Okeechobee from the south, and storm water discharges from the north. As I have stated elsewhere, the remaining natural portions of creeks and streams the pipefish need to survive, and their unique sympatric tropical associates, and the various gobies listed below should be preserved in the NFSLR-AP.

Besides the opossum pipefish, other members of this unique group of tropical peripheral fishes are also documented inhabitants of the NFSLR-AP, and they, too, are considered rare and/or threatened. They are: **Bigmouth sleeper** (*Gobiomorus dormitor*); the **Slashcheek goby** (*Gobionellus pseudofasciatus*); and the **River goby** (*Awaous banana*); whitemouth croaker, (*Micropogonias furnieri*); mountain mullet, (*Agonostomus monticola*); burro grunt, (*Pomadasys crocro*); swordspine snook, (*Centropomus ensiferus*); largescale fat snook, (*C. mexicanus*). Within the United States, these species are only known to reproduce and have predictable resident populations in the St. Lucie River and its tributaries. It is highly likely that the present degradation of the St. Lucie River has placed these species in a more tenable condition for survival.

As I briefly explained above, absolutely essential to fish ecology is native vegetation, whether it be submerged vegetation like sea grass or the *Panicum* or *Polygonum* species, or mangroves along the banks, or inshore wetlands. Because so much biodiversity comes from a small aquatic area in the STLRE, every acre counts. When compared to wetland and seagrass acreage in other Florida estuaries, the IRL and STLRE have very little available fish habitat. For example, ninety-six percent of the tropical mangrove forest habitat is on the west coast of Florida, while the other four percent are in the IRL and its tributaries, like the St. Lucie River. (As its name suggests, the **Mangrove rivulus** (*Rivulus marmoratus*), a species of special concern that is a documented inhabitant of NFSLR-AP, requires mangrove habitat.) Every acre of inshore wetlands is precious because they support our near ocean, estuarine and riverine fisheries. Larvae and juveniles of our valuable offshore grouper and snapper bottom fisheries also depend on healthy Lagoon wetland and seagrass habitat to complete their life cycle.

Due to local urban and suburban growth, accompanied with seawalls, dredge and fill operations, wetland drainage or impounding, herbicide and fertilizer applications we are losing the very vegetative structure that insures the survival of this extraordinary fish diversity. This aquatic area can ill-afford additional loss and alteration of aquatic habitat, submerged vegetation, mangroves, and wetlands that will occur with the construction of a bridge though one of the healthiest, largest and least disturbed area of the Florida Aquatic Preserve, Evans Creek, and the wetlands of the Halpatokee Trails section of Savannas State Preserve.

The NFSLR-AP was created to conserve and protect essential habitat for native flora and fauna in perpetuity. I urge continued protection of this ecologically vital area, and ask the City, State, and Federal governments and agencies to pursue other options with far less ecological impact. If a bridge is to be built preference should be given to those areas already impacted and degraded by human construction. In my

Mr. Victor M. Mendez

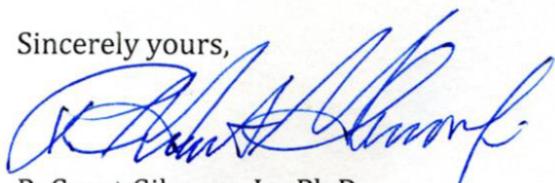
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opinion, Route 1C is the most deleterious and harmful selection relative to aquatic impacts and impacts on a unique, indigenous and localized fauna.

Water connects all uplands with tributaries and estuaries. All coastal zone activities are interconnected through water. What we do to one part of our watershed ends up affecting other parts. That is why exceptional due diligence must be performed well in advance of any bridge construction, because it will, with no doubt, affect the aquatic health of the aquatic ecosystems surrounding the bridge and downstream.

If I can be of any further assistance, please contact me. I look forward to your reply.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "R. Grant Gilmore, Jr.", is written over a light blue rectangular background.

R. Grant Gilmore, Jr., Ph.D.

Senior Scientist

Estuarine, Coastal and Ocean Science, Inc.

5920 First St. SW

Vero Beach, FL 32968

772-562-5611

772-562-9156

cc: via email

Robert Hartsell, Esq.

Robert@Hartsell-Law.com



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

Name of Project: Crosstown Parkway - Bridge over the North Fork of the St. Lucie River

Date: March 25, 2015

To: Joe Chapman, Acting Deputy Secretary, FDEP
Land and Recreation

Through: David Clark, Director
Office of Cabinet Affairs, FDEP

From: Lennart J. Lindahl, Assistant Executive Director
South Florida Water Management District

Re: Heightened Public Concern Project for Review and
Request for formal finding regarding compatibility with the purposes of
Chapter 258, F.S., and Chapter 18-20, F.A.C.

Applicant: City of Port. St. Lucie

BOT File No.: 560238426
Easement No.: 41730
Application No.: 090107-1

County: St. Lucie

Location: S33,34,35 T,36 R40
From Manth Lane to US Highway 1
North Fork of the St. Lucie River
Aquatic Preserve: **Yes - North Fork of the St. Lucie River**
Designated Manatee County: **Yes**

Time Clock: An RAI was sent on November 20, 2014. The file is not complete,
pending action on the application filed with DEP for a proprietary
authorization to utilize 14.413 acres of state park land.

Action/Ask

This memo makes two requests. The first request is for review by the State of Florida Board of Trustees of the Internal Improvement Trust Fund ("TIITF" or "Board of Trustees") of the proposed public easements over state-owned lands, pursuant to the heightened public concern (HPC) provisions in Rule 18-21.0051(5), F.A.C.

Second, pursuant to the requirements of Rule 18-20.004(1)(I), F.A.C., the South Florida Water Management District (SFWMD) requests from the Board of Trustees a "formal finding" regarding the project's "compatibility with the purposes of Chapter 258, Florida Statutes" and Chapter 18-20, F.A.C.

Project Description

The applicant proposes to construct a road and bridge over/on an aquatic preserve and the North Fork of the St. Lucie River (NFSLR), and through lands that are a part of Savannas Preserve State Park, specifically within an area known as the Halpatiokee Nature Trails. The project involves a permanently constructed roadway over 2.178 acres of sovereignty submerged lands and over 14.413 acres of state-owned non-submerged lands within the Park. These lands are managed by the Florida Department of Environmental Protection (DEP), as part of Savannas Preserve State Park.

The applicant for the proposed project seeks proprietary authorization in the form of a public easement over the sovereignty submerged lands in the North Fork of the St. Lucie River and within state park lands adjacent to the river.

History

In 2006, state and federal regulatory and wildlife agencies reviewed the project as part of the Florida Department of Transportation's Efficient Transportation Decision Making Process. Several reviewing agencies, including DEP, "red flagged" the City of Port St. Lucie's (City) proposed bridge crossing, due to impacts to the state park, wetlands, and wildlife. A "red flag" signifies that dispute resolution is needed for the project to move forward.

To help resolve the "red flags," then DEP Secretary Mike Sole sent a memo to then Senator Ken Pruitt directing the City to apply for a conceptual permit from SFWMD, in hopes that many of the issues could be resolved. On January 7, 2009, the City applied for a conceptual environmental resource permit.

The Acquisition and Lands Council approved a Memorandum of Understanding (MOU) in 2010, as modified in 2014, between the DEP and the City addressing water quality improvements, land acquisition, recreational opportunities and mitigation. A copy of the MOU, with amendments, is attached. The City started construction on all of the projects required by the MOU. This MOU acknowledges that the City "must obtain easements from the Governor and Cabinet who sit as the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida . . . for the use of the state-owned uplands and sovereignty lands prior to the City's commencement of construction."

In the meantime, the City went forward with the federal Environmental Impact Statement (EIS) process under the National Environmental Policy Act, where 6 project alternatives, and a no build alternative, were considered. In 2013, the City selected Alternative 1C, the alternative with the highest acreage of wetland impacts and changed the environmental resource permit application to a construction application. The EIS has been challenged by The Conservation Alliance of St. Lucie County.

In 2014, a permit was issued to the City and DEP (as the property owner) by the SFWMD to conduct geotechnical borings within the area of the proposed bridge. Public protests occurred at the site. The Conservation Alliance of St. Lucie County filed a petition for an administrative hearing on August 19, 2014 in response to that permit. The issues alleged in the petition reflect the concerns about the overall bridge project, including the alignment chosen, the public interest test, and impacts to the river and its associated habitats. The City subsequently withdrew the application.

Jurisdiction to Review Sovereignty Lands

The SFWMD has not been delegated any authority to review applications for proprietary authorizations to use state-owned lands which are which are not submerged. Therefore, the authorization to utilize 14.413 acres of non-submerged state owned lands is being processed by DEP.

Since, pursuant to Rule 62-330.060(3), F.A.C., an applicant must demonstrate that it has sufficient real property interest over the land upon which the activities will be conducted, the application being processed by the SFWMD cannot be considered complete until action is taken on the application filed with DEP.

Heightened Public Concern

Rule 18-21.0051, F.A.C., provides that DEP and the water management districts are delegated the authority to review and take final agency action on applications to use sovereignty submerged lands, when the agency has the permitting authority, except for a list of excluded activities. Pursuant to 18-21.0051(5), F.A.C., delegation is specifically excluded for requests to use sovereignty submerged lands where TIITF, DEP, the Department of Agriculture, or a **water management district** determines that the application is "reasonably expected to result in heightened public concern, because of its potential effect on the environment, natural resources or controversial nature or location."

As indicated above, in January 7, 2009, the City applied for an environmental resource permit. In 2010, the SFWMD placed this application on its list of "Projects of Heightened Public Concern." This project has remained on that published Heightened Public Concern list, on a monthly basis, from 2010 to today.

Since the application was submitted, numerous objections to the project and its location have been made. The parties expressing public concern include the Conservation Alliance of St. Lucie County, the Indian River Keeper, the St. Lucie County Audubon Society, the Sierra Club, the Florida Wildlife Federation, and several concerned citizens. The majority of the public concerns voiced relate to the use of state land purchased with conservation funds for a road and bridge, and impacts to the Halpatiokee Nature Trails recreation area, a part of the state park lands adjacent to the river. Public protests also occurred at the proposed intersection with US Highway 1 on August 20, 2014. The most recent public concern raised was by the Sierra Club at the District's monthly Regulatory Public meeting on February 18, 2015.

Public concerns expressed regarding the project and its location include:

- The lands were purchased by the state with conservation funds and use of the land for a road and bridge is not consistent with that purpose. Objectors consider this to be a bad precedent for the state.
- The objectors believe that the Environmental Impact Statement process resulted in the selection of an alternative with unacceptable impacts to state lands. Objectors contend that, in the MOU, DEP should have required the City to use the least environmentally damaging alternative.
- The bridge/road will eliminate the Halpatiokee Nature Trails recreation area along the river that consists of hiking trails and a small dock. These lands are high quality upland and wetland habitat. The trails and recreation access will be eliminated, and objectors contend that the proposed replacements are not similar.
- The resulting impacts to fish and wildlife and their habitats are unacceptable.

Necessity for a Determination Regarding Aquatic Preserve Compatibility

Rule 18-20.004(1)(e), F.A.C., lists ten types of activities which can be authorized in an aquatic preserve. This project does not fall into any of those categories. Subsection 258.43(2), F.S., and Rule 18-20.004(1)(l) F.A.C., requires the TIITF to make a “formal finding of compatibility with the purposes” of Chapter 258, F.S., and Chapter 18-20, F.A.C., before other non-enumerated activities or uses of the preserve may be allowed. Any proprietary authorization to utilize the sovereignty submerged aquatic preserve granted under delegated powers to water management districts cannot be issued without a “formal finding of compatibility” by the TIITF.

Exclusive Authority to Review an Authorization is with TIITF

It is important to note, that pursuant to subparagraph 373.4275(1)(b)1., F.S., the TIITF has the “exclusive authority to review the order” that is the result of a concurrent water management district environmental resource permit and a proprietary authorization under Chapter 253, F.S., or Chapter 258, F.S., to use sovereignty submerged lands. Therefore, the exclusive authority to review an action taken by the SFWMD in granting a concurrent ERP and proprietary authorization to use sovereignty submerged land is TIITF and FLWAC.

The SFWMD expects a formal challenge to be filed to any notice of intent for this project, due to the controversial location, previously filed permit challenge (which was withdrawn when then application was withdrawn), federal challenge, and the extent of public concern expressed about the project and related applications. DEP will be a party based on the ownership issues discussed above.

It is also very likely that any final agency action taken by DEP, on the non-submerged state owned lands, will be challenged. This assumption is based, in part, on the fact that most of the concerns in the suit filed by the Conservation Alliance against the Federal Highway Administration for the alignment chosen in the EIS relate to matters concerning the request to use the state park land (which will be considered by DEP), not the proposed use of sovereign submerged lands that is consolidated for review with the Environmental Resource Permit application.

Noticing

Notice was provided to thirty-three adjacent property owners on July 14, 2014. However, the notice was not done in accordance with Florida Statutes, so the City re-sent the notice, following the statutory requirements on September 17, 2014.

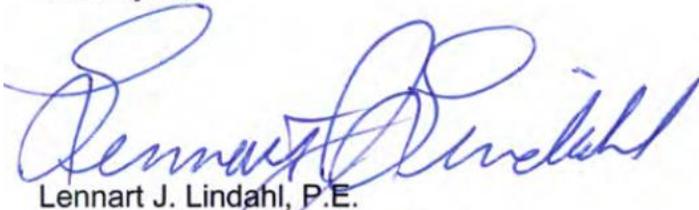
Commenting Agencies

Florida Fish and Wildlife Conservation Commission has not provided specific comments on this application. Several agencies provided comments during review of the EIS, including the United States Army Corps of Engineers, United States Coast Guard, US Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission and the National Marine Fisheries Service. The US Coast Guard was consulted by the applicant and determined that the bridge should be as least as high as, and no wider than, the existing bridges upstream and downstream of the project. The applicant has indicated that the manatee/sea turtle/ sawfish standard conditions for in-water work will be followed during construction.

Contacts

If you have any questions or need further information, please contact Mindy Parrott at (561) 682-6324 (mparrott@sfwmd.gov).

Thank you,



Lennart J. Lindahl, P.E.
Assistant Executive Director
South Florida Water Management District

ATTACHMENTS:

- Project maps
- Proposed SSL easement
- Proposed "upland" easement
- Halpatiokee Nature Trails Map

[MOU between City of PSL and DEP](#)
[Amendment to MOU](#)

Construction plans are available at the following links to SFWMD ePermitting:
http://my.sfwmd.gov/entsb/docdownload?object_id=0900eeeea88233105
http://my.sfwmd.gov/entsb/docdownload?object_id=0900eeeea88233123

Links to written comments received are below. In addition to written comments, groups and individuals have expressed their objections to the project at SFWMD's monthly meeting on regulatory matters.

[Conservation Alliance and Riverkeeper 12-29-14](#)

[Kevin Stinnette 12-27-14](#)

[Email from Beverly Yoshioka 12-20-14](#)

[Email from Diane Goldberg 9-17-14](#)

[Petition for Admin Hearing on Geotech Permit 8-19-14](#)

[Letter from Robert Hartsell re Notice 7-22-14](#)

[Hartsell Letter to FHWA 11-19-13](#)

[Email between City and Conservation Alliance 7-23-13](#)

[Letter from Conservation Alliance 6-28-13](#)

[Response letter to Florida Wildlife Federation 4-19-12](#)

[Letter from Suzan Eovaldi 8-22-10](#)

[Note from S Eovaldi 3-11-10](#)

[Second report prepared by S Eovaldi 6-9-09](#)

[Note and news article 2009](#)

[First Report from S Eovaldi 2-9-09](#)

[http://cityofpsl.com/public-works/crosstown_parkway/project_development/resource.html.](http://cityofpsl.com/public-works/crosstown_parkway/project_development/resource.html)

Copy: Timothy.Rach@dep.state.fl.us (OSLER)
Thomas.Sawyer@dep.state.fl.us (OGC)
Connie.Byrd@dep.state.fl.us (Office of Cabinet Affairs)
Marjorie.Karter@dep.state.fl.us (Office of Cabinet Affairs)
Ann.Lazar@dep.state.fl.us (Florida Coastal Office)
Cheryl.McCall@dep.state.fl.us (DSL)
Brad.Richardson@dep.state.fl.us (DSL)
James.Kipp@dep.state.fl.us (DSL)
FKnott@cityofpsl.com (City)
patr@cityofpsl.com (City)



MEMORANDUM

TO: File

FROM: Lennart J. Lindahl, P.E., Assistant Executive Director
Tony Waterhouse, P.E., Assistant Director, Regulation Division

DATE: January 15, 2016

SUBJECT: Crosstown Parkway Extension

This memorandum is written to internally update the District's position on whether the authorization for a sovereignty submerged lands easement for Crosstown Parkway is of "heightened public concern" as set forth in Rule 18-21.0051, F.A.C.

Rule 18-21.0051, F.A.C., states that water management districts are delegated the authority to review and take final agency action on the application to use sovereignty submerged lands, when the agency has the permitting authority, except for a list of excluded activities. Rule 18-21.0051, F.A.C., delegation is excluded if a water management district determines that the application for the use of the sovereignty submerged land is "reasonably expected to result in heightened public concern, because of its potential effect on the environment, natural resources or controversial nature or location."

It is important to remember that this Rule pertains only to sovereignty submerged lands, not the entire project area. The total area sought to be permitted by the City of Port St. Lucie, the applicant for this project ("City"), is 91.53 acres; the request to use sovereignty submerged lands is for an easement of 2.134 acres. Of this, the bridge will be in, on, or over 1.44 acres of the submerged lands. Permanent activities consist of 0.01 acres of fill for pilings, bridge fenders, and other Coast Guard-required aids to navigation, and shading by the bridge structure. The remainder of the easement is only to accommodate temporary activities for construction or maintenance. Therefore, only 0.01 percent of the total project deals with permanent activities in sovereignty submerged lands. This project includes a request to Florida Department of Environmental Protection (FDEP) for authorization to utilize 14.413 acres of non-submerged state owned lands. The District has no jurisdiction over state lands that are not submerged. Therefore, these lands are not subject to the provisions of Rule 18-21.0051, F.A.C.

In addition to considering the nominal quantity of sovereignty submerged lands to be pre-empted or impacted, when amending the District's determination of "heightened public concern," I also considered the following factors:

1. While the Halpatiokee Nature Trails canoe dock will be displaced by the submerged lands easement for the bridge, the canoe dock has already been replaced with a new ADA-accessible facility with a paved access road and parking. Additionally, the District was advised by the City that public access at Halpatiokee Nature Trail would have been eliminated regardless of the location of the sovereignty submerged lands easement in favor of the new and improved access area provided by the City.

2. All of the projects listed in the Memorandum of Understanding entered into in 2010, and modified in 2014, between the FDEP and the City, including improvements to water quality and public access within the North Fork of the St. Lucie River Aquatic Preserve, are complete.

3. There are no unmitigated impacts to fish and wildlife and their habitats within the area where the sovereignty submerged lands easement is to be granted. The direct, secondary, and cumulative impacts proposed to be caused by the City due to fill and shading within sovereignty submerged lands are offset by regulatory mitigation at Platt's Creek Mitigation Area. This mitigation is in excess of the regulatory requirement to offset the actual impacts.

Reconsideration of the above factors, along with proper application of the rules regarding the scope of the activities occurring solely within sovereignty submerged lands, results in a conclusion that there is a nominal effect on the environment and natural resources in the St. Lucie River and that this project is not, therefore, of "heightened public concern" as set forth in the Rule.

The overall project itself and the location has been controversial. However, the controversy focused on the project as a whole, rather than the .01 acres of permanent impact to sovereignty submerged lands or the 2.134 acre easement. As indicated above, the provision in Rule 18.21.0051, F.A.C., pertains solely to the authorization to use sovereignty submerged land, not the project as a whole. In the United States District Court, objectors challenged the Federal Highway Administration and United States Department of Transportation's (Defendants) decision on the location of the chosen alignment. Concern was expressed to the District that permitting should not proceed during the pendency of the federal challenge. This concern has been addressed because an Order was issued on November 5, 2015, in favor of the Defendants. While this federal law suit made the project controversial, it is not a proper item for consideration or delay by a state agency. (Section 373.4141(4), Fla. Stat.)

This project was placed on the District's permitting list of "Projects of Heightened Public Concern" in 2010. The projects that were included on this list appeared because of the language in Rule 40E-1.5095, F.A.C., pertaining to publication requirements for permits. It did not pertain to Rule 18-21.0051, F.A.C. Thereafter, Rule 1.5095, F.A.C., was repealed on December 1, 2011. However, despite the fact that the rule was repealed, the District continued to maintain its list of "Projects of Heightened Public Concern."

That list was finally eliminated in December of 2015. A list is currently maintained of "Applications of Public Interest" to distinguish those applications from issues related to sovereignty submerged lands.

The March 25, 2015, District memorandum to FDEP was based, in part, on a misapplication of Department rules by the District, leading to the conclusion that such a memo was necessary due to the project's inclusion on the permitting list of "Projects of Heightened Public Concern."

In conclusion, the sovereignty submerged lands authorization is not a project of heightened public concern pursuant to Rule 18-21.0051, F.A.C. and this determination is consistent with the determination FDEP has made associated with the adjacent upland easement.

Crosstown bridge breaks promise to preserve Halpatiokee wilderness

by Sally Swartz March 29, 2013



Tall slash pines and bushy saw palmetto shade the “Savannas Preserve State Park” sign. It’s on the west side of U.S. 1, just north of Village Green Drive and Port St. Lucie’s City Center, which officials once believed would be the downtown residents wanted.

This 732-acre Halpatiokee Preserve section, managed by the larger Savannas park, includes the oxbow of Evans Creek and portions of the St. Lucie River’s North Fork — land Florida bought from Port St. Lucie to save forever under the Preservation 2000 land-buying program.

An island of wilderness in a sea of civilization, the preserve has a small parking area and a trail that leads across uplands and wetlands to a canoe dock beside the river. Steps from U.S. 1, silence.

The land is home to the bald eagle, osprey, great horned owl, and the Florida scrub jay. The river otter, manatee, red fox, gopher tortoise, bobcats and the indigo snake live there. Giant leather fern, snow fungus and wild orchids grow in the woods. See Halpatiokee’s spring wildflowers and more at [this web site](#).

Now is a good time to visit the preserve, because the state is getting ready to break its promise to save this wilderness forever. Turns out, “forever” means until a city wants the land for a six-lane bridge and paved roads.

After years of plotting with state and federal agencies, Port St. Lucie is poised to finish the Crosstown Parkway, until now a road to nowhere, with the last stretch, linking to the bridge route it always has wanted.

That route crosses the preserve to link the Parkway and West Virginia Drive with Village Green Drive, just north of City Center. Of two other possible routes, one north and one south of the city’s favorite, the northern route disturbs fewer wetlands but would affect a mobile home park.

The favored route would be a straight shot from Interstate 95 to City Center. It still would be a road to nowhere.

Finished just as the economic downturn hit, the City Center was supposed to be a public-private venture. The city built recreation facilities, a hotel-like convention center, public concert areas and parking. The private sector was supposed to add restaurants, stores, maybe a movie theatre. The city did its part but the rest never happened

Only two hurdles remain, project manager Frank Knott said, before the bridge can be built across the preserve: Final approval from the Federal Highway Administration and an easement to cross state lands from the Governor and Cabinet if “we can get on the agenda this spring.”

The Department of Transportation’s Beatriz Caicedo-Maddison said she expects the feds will approve the plan in the next five months. In 2009, the DEP agreed to recommend the Governor and Cabinet approve the bridge no matter which of the potential crossing routes is chosen.

The state has negotiated a long list projects with Port St. Lucie to reduce the bridge’s impact, including \$2 million in water quality improvements along the river, buying 110 acres of wetlands and uplands elsewhere and giving title to the state, and providing \$700,000 in maintenance for five years. Other projects: Build a paved road to the river and 19-space paved parking at the Halpatiokee Preserve, and build a 3,000 square foot new wing and wetlands viewing area at the Savannas Education Center.

Also, the city will build a trail from Midway Road Campground to Heathcote Botanical Garden.

The bridge over the Halpatiokee Preserve, Mr. Knott said, has no other buildings and only pilings going across the wilderness areas. Water runoff from the bridge goes to holding ponds and not into the river.

Quite a list. But is it enough to offset the loss of a pristine wilderness, trading bird songs for traffic noise and views of unspoiled native woodlands for bridge pilings?

The Conservation Alliance of St. Lucie County and the Audubon Society’s St. Lucie chapter don’t think so. But the city, the state and the feds have done little to allow public comment.

Still, said Ms. Caicedo-Maddison, it’s not a done deal until it’s built. “One of our jobs is to determine if it is crucial and needed and the majority of the public supports it.”

A city web site [allows comments](#).

Or, she suggests, opponents can write the Port St. Lucie mayor or city manager. But considering all the drama in city administration over the last few months, that seems a dead end.

The feds and the state, she said, may decide to invite public comment at other points in the process.

Allowing a bridge route over a state preserve sets a terrible precedent. The state used public money to buy the land to save it. To allow a bridge across a wilderness to link the Crosstown Parkway with a non-existent downtown is short-sighted and irresponsible.

If the state won’t protect land it bought to save, all state preserves are fair game for future development schemes.

Sally Swartz is a former member of The Post Editorial Board. Her e-mail address is sdswartz42@comcast.net.

<http://blogs.palmbeachpost.com/opinionzone/2013/03/29/crosstown-bridge-breaks-promise-to-preserve-halpatiokee-wilderness/#comments>

Protesters rally against Crosstown Parkway Bridge



Aug. 21, 2014

By Meghan Mcroberts, Wptv

PORT ST. LUCIE -- Environmentalists in Port St. Lucie consider it the pathway to destruction.

Dozens of people rallied in front of Halpatiokee Park on Wednesday along U.S 1 where they say the proposed Crosstown Parkway Bridge will cause irreversible damage.

Protesters say the expansion would cut through and damage parts of the Savannas Preserve, one of the last remaining wetlands in the North Fork of the St. Lucie River.

The Conservation Alliance is now fighting to delay pre-construction testing that is scheduled to begin Monday of next week.

Protesters argue even the testing can cause damage.

"They will be sending in ATV's. ... There won't be any concern for any of whatever they're going to have to cut and run over," Anker said.

President of the Conservation Alliance, Shari Anker, says the organization has already filed a federal lawsuit against the project.

Monday, Anker says the organization filed a second lawsuit against the South Florida Water Management District, which approved permits for the city of Port St. Lucie and the Florida Department of Environmental Protection to conduct pre-construction testing.

Anker hopes both of the lawsuits will delay the testing and the entire project as a whole.

Protesters are also calling for Gov. Rick Scott to make the city pause its progress with the project.

Anker wants the construction to stop until the federal lawsuit is settled.

"It's gorgeous back there. It's a treasure here and once it's gone, it will never be again," Anker said.

"The fact that they're willing to build a bridge over a park while there is an active federal lawsuit is concerning to us." said protester Ryan Abrams.

Abrams traveled all the way from Ft. Lauderdale to rally for preserving the park. "In Ft. Lauderdale, we have the New River. There are no mangroves left on the new river. That's going to be what happens here," Abrams said.

Supporters of the project say it will decrease drive times across the city and bring more traffic to business along U.S 1.

Protesters are urging project organizers to find a different route.

The city has also spent the summer appraising homes that would have to be demolished to make room for the expansion project.

The Conservation Alliance continues to urge homeowners to wait for the federal lawsuit to be settled until they sell their homes to the city, should the project be re-routed.

Links to videos and blogs::

https://drive.google.com/open?id=0B2QtgWUE_ZUWZ1IMNFRZVWU3SDQ

<https://www.youtube.com/watch?v=hM8yqzACXeA>

<https://halpatiokee.wordpress.com/author/cyperaceae/>

Link to petition signed by over 500 individuals:

<http://petitions.moveon.org/sign/save-our-florida-state?source=em&r?by=15303153>

SIERRA TurtleTracks

Newsletter of the Sierra Club Loxahatchee Group
Representing Palm Beach, Martin, St. Lucie and Okeechobee Counties

Troubled Bridge over Troubled Waters

BY SHARI ANKER, CONSERVATION ALLIANCE OF ST. LUCIE COUNTY

What does a City do if it's determined to build a six-lane bridge through state preserved land, and over the most pristine area of an ecologically troubled river?

It plots with state officials; it proactively condemns land for roads that would lead to the bridge; it segments the environmental impact statement for easier approval; it organizes the design-and-build projects into phases that can be launched before final federal approval; and it attempts to reassure environmentalists with mitigation projects.

But the most important thing the City does is to act as if it's a done deal.

It's not. The City of Port St. Lucie has relentlessly pursued its dream of what is now called the Crosstown Parkway that would connect I95 to A1A in Hutchinson Island. To do that, the Parkway would go over the North Fork of the St. Lucie River, through the Savannas Preserve marshland on Walton Road, over the Indian River Lagoon to the Island. Kevin Stinnette of the Alliance was one of the leaders of the first citizen fight against the corridor being built on 950 acres of environmentally sensitive land and rivers. Environmental groups banded together along with support from the U.S. Army Corps of Engineers, the Florida Department of Natural Resources, and the U.S. Department of the Interior. (A charette held in 1997 voted for the no-build alternative for the Walton Road bridge.) Statements were submitted that the City's preferred route over the St. Lucie River was the least ecologically sound selection the City could make. (Historical documents at: www.angelfire.com/ri/verhouse/.)

That remains true today. The Halpatiokee Trail section of the Savannas Preserve on US1, (or as the City calls it, Route 1C for the Bridge over the St. Lucie River), retains excellent ecosystem diversity: wetlands, pine scrub, one of the last sand ridge habitats in Port St. Lucie, creek lands, and estuary. The Bridge would

cross the widest part of the aquatic buffer for the river. Several endangered species will be put at risk according to a Department of Interior letter of June 1990, found at the angelfire website. Visit this blog to walk along the Halpatiokee Trail and delight in pictures of its native Florida beauty: <http://halpatiokee.wordpress.com>.

According to existing law, if other viable bridge options exist, (and the City proposed five other alternatives) preserved land must not be taken. Unless, of course, a City has a well-executed plan to circumvent the law, and an environmental community that does not speak up.

Let us make certain this precedent-setting taking does not happen. (What other preserved area will be next up for grabs?) The Alliance is again actively opposing the Halpatiokee Bridge, as we call it, and have sought legal counsel. We are again forming alliances with local and state environmental groups. We would like to issue a joint press release no later than May 15th. Final approval from the Federal Highway Administration is expected in November. Direct appeals should be made to: Administrator of the FHA, Victor Mendez; and Herschel Vinyard, Jr., Secretary, FL DEP, 850-245-2011, herschel.vinyard@dep.state.fl.us; Ananth Prasad of the FL Dept. of Transportation 850-414-4100; and DEP Parks Director Don Forgiione 850-245-3029, Donald.forgione@dep.state.fl.us.

Make sure to ask that the mitigation money for water quality improvements and the state's purchase of wetlands and uplands remain part of the deal for the other bridge alternatives. After all, the troubled St. Lucie River will no doubt be adversely impacted by any six-lane bridge.



Welcome to Turtle Tracks – Want to Keep Receiving It? Let Us Know.

BY RON HAINES

This notice is for NEW MEMBERS and any OTHER MEMBERS WHO ARE RECEIVING A TURTLE TRACKS FOR THE FIRST TIME. If you have already told us how you want to receive *Turtle Tracks*, you can ignore this notice. To keep receiving *Turtle Tracks* simply write, call or e-mail: Ron Haines, 2551 Gertrude Drive, Lantana, FL 33462; 561-315-0528; ronaldhaines@bellsouth.net. We need your full name, address, phone and e-mail address. Tell us MAIL or E-MAIL. If we don't hear from you, you won't hear from us!

Summer Solstice Social - June 21

SHEILA CALDERON, INNER CITY OUTINGS CHAIR

Join us for 'HAPPY HOUR' at E.R. Bradley's on Friday, June 21 from 5-7 pm. Come out for a fun evening of socializing with new and old Sierra friends and celebrate the Summer Solstice. The Happy Hour will include an appetizer buffet and one drink. The charge will be \$10 per person. Invite friends and family to join us as well.

The social will be held in the Bar Room at E.R. Bradley's (corner of Datura St. and Flagler Dr. in West Palm Beach – private parking lot).

Please RSVP by June 18th to Sheila Calderon at (561) 968-4166, or loxahatchee@florida.sierraclub.org.

Everglades National Park	2
Everglades Gen.Management Plan	3
General Meetings	4
Group Director	2
Holiday Party Needs Volunteers	3
Inner City Outing	3
Marjory Stoneman Douglas birthday	2

Appendix D

Excerpt from Savannas Preserve State Park Plant List

SAVANNAS PRESERVE STATE PARK

UNIT MANAGEMENT PLAN

APPROVED

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Recreation and Parks

June 6, 2003

Savannas Preserve State Park

Plants

Common Name	Scientific Name	Primary Habitat (For Designated Species)
Bantum buttons	<i>Snygonanthus flavidulus</i>	
Red root	<i>Lachnanthes caroliniana</i>	
Yellow stargrass	<i>Hypoxis juncea</i>	
Blue-eyed grass	<i>Sisyrinchium solstitiale</i>	
Rush	<i>Juncus marginatus</i>	
	<i>Juncus megacephalus</i>	
	<i>Juncus polycephalus</i>	
	<i>Juncus scirpoides</i>	
	Lemnaceae	
Duckweed	<i>Spirodela punctata</i>	
Asparagus-fern*	<i>Asparagus densiflorus</i>	
Pine lily	<i>Lilium catesbaei</i>	41
Sunnybell	<i>Schoenolirion albiflorum</i>	
Grass pink	<i>Calopogon barbatus</i>	42
	<i>Calopogon pallidus</i>	
	<i>Calopogon tuberosus</i>	
Butterfly orchid	<i>Encyclia tampensis</i>	33,39
Wild coco	<i>Eulophia alba</i>	42
Water spider orchid	<i>Habenaria repens</i>	
Snowy orchid	<i>Platanthera nivea</i>	42
Rose Pogonia	<i>Pogonia ophioglossoides</i>	42
Ladies'-tresses	<i>Spiranthes laciniata</i>	42
Ladies'-tresses	<i>Spiranthes vernalis</i>	
----	<i>Zuexine strateumatica</i>	
Blue maidencane	<i>Amphicarpum muhlenbergianum</i>	
Shortspike bluestem	<i>Andropogon brachystachyus</i>	
Florida bluestem	<i>Andropogon floridanus</i>	
Bushy bluestem	<i>Andropogon glomeratus</i>	
Bluestem	<i>Andropogon gyrans</i>	
Bluestem	<i>Andropogon longiberbis</i>	
Splitbeard bluestem	<i>Andropogon ternarius</i>	
Broomsedge	<i>Andropogon virginicus</i>	
Corkscrew threeawn	<i>Aristida gyrans</i>	
Longleaf threeawn	<i>Aristida lanosa</i>	
Tall threeawn	<i>Aristida patula</i>	
Arrowfeather	<i>Aristida purpurascens</i>	
Threeawn grass	<i>Aristida rhizomophora</i>	41
	<i>Aristida spiciformis</i>	
Wire grass	<i>Aristida stricta</i>	
Big carpetgrass	<i>Axonopus furcatus</i>	
----	<i>Brachiaria subquadripara</i>	
Slender sandspur	<i>Cenchrus gracillimus</i>	
Coast sandspur	<i>Cenchrus incertus</i>	
Florida Jointtail grass	<i>Coelorachis tuberculosa</i>	29,42
	<i>Ctenium aromaticum</i>	
Panic grass	<i>Dichantheium erectifolium</i>	
Panic grass	<i>Dichantheium sabulorum</i>	

* Non-native Species