February 17, 2022

STATE 404 PROGRAM PUBLIC NOTICE

Permit Application No. 50-0396532-001-SFI

TO WHOM IT MAY CONCERN: The Department of Environmental Protection has received an application for a State 404 Program permit pursuant to 62-331, Florida Administrative Code, as described below:

APPLICANT:	Florida Department of Transportation
	c/o James Poole
	3400 West Commercial Blvd.
	Fort Lauderdale, FL 33309
	954-777-4567

LOCATION: The proposed roadway improvements span the State Road (SR) 710 corridor from Northlake Boulevard (MP 17.006) to Blue Heron Boulevard (MP 20.148) and Florida's Turnpike from MM 105.19 to MM 106.74. The location of the proposed action is a section of SR 710 in Palm Beach County.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.796318°, Longitude -80.132070°

PROJECT PURPOSE:

The project purpose is to accommodate future traffic demand and enhance mobility, safety, emergency evacuation, and truck movements along the SR 710 and Turnpike corridors. This design will include construction of a joint use stormwater pond for improvements to quality of stormwater runoff.

PROPOSED WORK:

The applicant seeks authorization to reconstruct and widen SR 710 from four to six lanes, add pedestrian sidewalks/shared use path and bike lanes, install new highway lighting, modify the intersection of SR 710 and Northlake Boulevard, install new traffic signals at SR 710/Blue Heron Boulevard Intersection, create a joint use pond with the Florida's Turnpike Enterprise (FTE), construction of a new FTE bridge over SR 710, reconstruction of Florida's Turnpike from four to eight lanes and auxiliary lanes, and culvert a portion of the FTE's borrow canal between STA 13052+00 to 13071+00.

EXISTING CONDITIONS:

Presently, the SR 710 mainline consists of four, 12-foot wide travel lanes with 10-foot outside shoulders (four feet of which are paved) and 8-foot wide inside shoulders (2-feet of which are paved). The roadway is divided by a 46-foot median within the 200-foot right of way. The turnpike mainline consists of four, 12-foot wide travel lanes with 10-foot outside shoulders and eight, 10-foot wide inside shoulders. The roadway is divided by a 20-foot median within the 300-foot right-of-way (ROW). Designated pedestrian and bicycle facilities are currently not provided along SR 710. The land adjacent to the corridor is largely undeveloped. The ROW within the project area contains 7.67 acres of wetlands and 13.62 acres of surface

waters. Wetlands consist of wetland scrub, freshwater marshes, spikerush and wet prairies. Surface waters in the project area include streams and waterways, reservoirs, and canals. All wetlands and other surface waters within the project area were delineated utilizing the methodology described in Chapter 62-340, Florida Administrative Code.

AVOIDANCE AND MINIMIZATION INFORMATION:

Based on information provided by the applicant, the proposed design was selected because it minimized impacts to the environment including wetlands, and wildlife habitat while still achieving the project's purpose and need. Wetlands and surface waters are located immediately adjacent to the existing roadways so complete avoidance of wetland impacts is not possible or practicable. Direct wetland impacts along SR 710 and the Turnpike were reduced from 20.09 acres to 4.85 acres because of minimization measures including the following:

- Elimination of the overpass/SR 710 and Northlake interchange
- Elimination of the connector road between SR 710 and Northlake Boulevard through the West Palm Beach Catchment Area (SR 710)
- Design and placement of drainage structures. Barrier walls were used to minimize the project's footprint, thereby minimizing the potential wetland impacts along SR 710.
- Gravity, sheet pile, and CIP walls were incorporated into the design to minimize the horizontal project's footprint along SR 710.
- Proposed lighting only illuminates the road and not adjacent wetland and upland habitats (SR 710) thereby minimizing light trespass into adjacent natural areas and impacts to wildlife.
- The drainage system is design to treat stormwater runoff prior to discharge vs. direct discharge under the existing conditions (SR 710, Turnpike).

COMPENSATORY MITIGATION:

The proposed project includes 1.14 acres of direct and 2.3 acres of secondary impacts (3.44 acres total) to forested wetlands, 3.71 acres of direct and 5.99 acres of secondary impacts (9.7 acres total) to freshwater herbaceous wetlands, and direct impacts to 18 acres of other surface waters along the project corridor. The project location lies within the service area for the Loxahatchee Mitigation Bank (LMB) and DuPuis Regional Offsite Mitigation Area (ROMA). FDOT proposes to satisfy mitigation requirements for this project by using freshwater forested credits from the balance of credits previously purchased from the LMB on March 26, 2012 and deducting freshwater herbaceous acres from the balance of mitigation acres previously authorized from the creation of the DuPuis ROMA.

A total of 1.15 freshwater forested credits, previously purchased from LMB are proposed to offset 3.44 acres of freshwater forested wetland impacts. The Modified Wetland Rapid Assessment Procedure (M-WRAP) was used to calculate the number of LMB mitigation credits required for these impacts. A letter from the LMB was provided with the application, confirming FDOT's plan to use 1.15 freshwater forested credits from the balance originally purchased in 2012. This satisfies section a of the 404 Handbook 8.5.1 Compensatory Mitigation Hierarchy.

A total of 17.85 mitigation credits from FDOT's DuPuis ROMA are proposed to offset 9.7 acres of impacts to freshwater herbaceous wetlands. The Uniform Mitigation Assessment Method (UMAM) was used to calculate the number of mitigation credits required for these impacts. A table providing

the UMAM to DuPuis credit ratio conversions and mitigation requirement for the project were submitted with the application. This same conversion ratio has been used for determining federal mitigation credits for projects authorized by the U.S. Army Corps of Engineers. The current balance of herbaceous mitigation acres at DuPuis is 175.31 acres.

The project area also includes a total of 18.0 acres of other surface waters, which consist of 7.37 acres of man-made canals and roadway stormwater swales/ditches and 10.63 acres of man-made lakes. Mitigation is not proposed for the 18 acres of direct impacts to other surface waters.

CULTURAL RESOURCES:

The Department has requested review from the State Historic Preservation Officer (SHPO) and those federally recognized Tribes with concerns in Florida and the permit area. No comments have been received.

FEDERALLY AND STATE-LISTED SPECIES:

The Department has requested review from the Florida Fish and Wildlife Conservation Commission (FWC) and the US Fish and Wildlife Service (USFWS), and the below comments have been received.

FEDERALLY AND STATE-LISTED SPECIES: The project is located within the U.S. Fish and Wildlife Service's (USFWS) Consultation Area for the Everglade snail kite (Rostrhamus sociabilis plumbeus, Federally Endangered [FE]), red-cockaded woodpecker (Picoides borealis, FE), Florida bonneted bat (Eumops floridanus, FE), and Florida scrub-jay (Aphelocoma coerulescens, Federally Threatened [FT]) and USFWS Core Foraging Areas (CFA) for the wood stork (Mycteria americana, FT). The project area also includes potential habitat for the eastern indigo snake (Drymarchon corais couperi, FT), gopher tortoise (Gopherus polyphemus, State Threatened [ST]), Florida pine snake (Pituophis melanoleucus mugitus, ST), southeastern American kestrel (Falco sparverius paulus, ST), Florida sandhill crane (Antigone canadensis pratensis, ST), least tern (Sternula antillarum, ST), black skimmer (Rynchops niger, ST), roseate spoonbill (Platalea ajaja, ST), little blue heron (Egretta caerulea, ST), and tricolored heron (Egretta tricolor, ST).

Florida Fish and Wildlife Conservation Commission (FWC) staff has determined the proposed project would have no effect on the Florida bonneted bat and Florida scrub-jay and may effect but is not likely to adversely to affect the Evglade snail kite, red-cockaded woodpecker, wood stork, and eastern indigo snake.

<u>Everglade Snail Kite</u>: The Everglade snail kite foraging habitat consists of relatively shallow wetland vegetation either within extensive marsh systems or in lake litoral zones. This species nests in a variety of vegetation types, usually over open water and almost always in areas with good foraging habitat nearby. Its preferred habitat is lowland freshwater marshes mostly in the Everglades, Lakes Okeechobee and Kissimmee, and upper St. Johns River watersheds. According to the applicant's *Endangered Species and Biological Assessment Report*, nesting surveys were conducted for this species between December and July of 2007 and again in April and May of 2013. No nests or individuals were observed during these surveys and the applicant has committed to performing additional nesting surveys during the design phase of the project, coordinating annually with the adjacent Grassy Waters Preserve staff for the most current nesting data, and measures to minimize sound and light trespass onto off-site potential habitat. Based on this information, USFWS and FWC staff have determined that the proposed project "may affect but is not likely to adversely affect" the Everglade snail kite.

Red-Cockaded Woodpecker:

The red-cockaded woodpecker lives and forages in mature pine forests, specifically those with longleaf pines averaging over 80 to 120 years old and loblolly pines averaging 70 to 100 years old. Each family group needs about 200 acres of old pine forest to support its foraging and nesting needs. According to the applicant's *Endangered Species and Biological Assessment Report*, surveys were conducted for this species between January and June of 2007 and again between April and May of 2013. No nests or individuals were observed during these surveys and the applicant has committed to performing additional nesting surveys during the design phase of the project. Based on this information, USFWS and FWC staff have determined that the proposed project "may affect but is not likely to adversely affect" the red-cockaded woodpecker.

<u>Florida Bonneted Bat</u>: The Florida bonneted bat roosts in a variety of habitats including tropical hardwoods, pinelands, mangroves, and manmade habitats that include tall, mature trees or other areas in which suitable structural features for breeding and sheltering are present. Foraging habitat is comprised of relatively open areas including open fresh water, permanent or seasonal freshwater wetlands, within and above wetland and upland forests, agricultural lands, and urban and residential areas such as golf courses and parks. The applicant performed a nesting cavity survey for this species on January 22, 2021, which found no cavities or hollows in the approximately 40 trees likely to be impacted by this project and no evidence of bat presence within the project corridor. Based on this information, USFWS and FWC staff have determined that the proposed project would have "no effect" for the Florida bonneted bat.

<u>Florida Scrub-Jay</u>: The Florida scrub-jay lives only in the oak-dominated scrub or xeric oak scrub habitats of Florida. This type of habitat grows only on nearly pure, excessively well-drained sandy soils, and occurs along present coastlines in Florida, on palaeodunes of the high central ridges and other ancient shorelines of the Florida Peninsula, and inland on scattered alluvial deposits bordering several major rivers. Based on field surveys detailed within the applicant's *Endangered Species and Biological Assessment Report*, no suitable habitat for the scrub-jay is located within the project corridor. Use of the USFWS *Florida Scrub-Jay Effects Determination Key* resulted in the following sequential determination 1a>2b>3b = "no effect"

<u>Wood Stork</u>: The project lies within the 18.6-mile CFA buffer for the North County Landfill and Loxahatchee National Wildlife Refuge colony sites. The wood stork is typically found in freshwater marshes, swamps, lagoons, ponds, flooded fields, and brackish wetlands with critical foraging habitat defined by shallow water, generally six to ten inches in depth. The applicant is proposing to provide mitigation credits through a USFWS-approved mitigation bank within the appropriate CFA and of matching hydroperiod of the proposed impacts, and the project is not contrary to the Habitat Management Guidelines for the Wood Stork in the Southeast Region. Use of the USFWS *South Florida Ecological Services Office Effect Determination Key, May 2010* resulted in the following sequential determination: A>B>C>E - "not likely to adversely affect."

Eastern Indigo Snake: Over most of its range, the eastern indigo snake inhabits pine flatwoods, scrubby flatwoods, high pine, dry prairie, tropical hardwood hammocks, the edges of freshwater marshes, agricultural fields, coastal dunes, and human-altered habitats. Wherever the eastern indigo snake occurs in xeric habitat, it is often close to or within gopher tortoise burrows, the applicant indicated that pre-construction gopher tortoise burrows surveys will be performed, with potentially impacted burrows being

excavated and any incidentally captured eastern indigo snakes being released onsite. The applicant also intends to implement the USFWS Standard Protection Measures for the Eastern Indigo Snake during construction. Based on this information, USFWS and FWC staff have determined that the proposed project "may affect but is not likely to adversely affect" the eastern indigo snake.

<u>Gopher Tortoise</u>: Gopher tortoises are found in dry, sandy soils in habitats such as sandhills, xeric oak, and dry pine flatwoods. Field surveys performed by the applicant resulted in the observation of several potentially occupied gopher tortoise burrows onsite. Gopher tortoises have been observed onsite during field surveys and the applicant has committed to performing a pre-construction survey for gopher tortoise burrows, providing any identified burrows with the FWC-recommended buffer where practicable, and excavating burrows and relocating tortoises to an FWC-approved recipient site when buffers are not practicable. FWC staff will work with the applicant to establish any necessary permit conditions for the State 404 permit based on these commitments.

<u>Florida Pine Snake</u>: Florida pine snakes are naturally secretive and can spend up to 80 percent of their lives in underground refuges like stump holes and the burrows formed by gopher tortoises, armadillos, and mice. They traditionally occupy habitats with open canopies and dry, sandy soils. Florida pine snakes have historically occurred in this area, and suitable habitat may occur onsite. Field surveys performed by the applicant did not result in any observations of this species and no documented observation of the species has occurred within 1 mile of the project corridor. The applicant indicated that pre-construction gopher tortoise burrow surveys will be performed, with potentially impacted burrows being excavated and any incidentally captured pine snakes being released onsite. FWC staff will work with the applicant to establish any necessary permit conditions for the State 404 permit based on these commitments.

<u>Southeastern American Kestrel</u>: The Southeastern American kestrel nest in cavities excavated by woodpeckers in dead, standing longleaf pine trees as well as transmission poles. Foraging habitat is composed of open woodlands, sandhill, fire -maintained savannah pine, pasture, and open field habitats. Field surveys performed by the applicant identified kestrels present within the project corridor, through no nests were identified during cavity searches. FWC staff will work with the applicant to establish any necessary permit conditions for the State 404 permit.

<u>Florida Sandhill Crane:</u> The Florida sandhill crane can be found in freshwater ponds and marshes, as well as pastures and prairies. As detailed in the applicant *Endangered Species and Biological Assessment Report*, nesting surveys were performed between May and June of 2007, with no nests observed onsite. However, sandhill cranes have been regularly observed foraging along the project corridor and the applicant has committed to avoiding any sandhill crane nests identified onsite. FWC staff will work with the applicant to establish any necessary permit conditions for the State 404 permit based on this commitment.

<u>State-Listed Shorebirds</u>: While the existing conditions likely do not support shorebird nesting activity, clearing associated with construction may create conditions conducive for beach-nesting state-listed shorebirds, specifically the least tern and black skimmer. Beach-nesting birds have been documented on a variety of disturbed sites, including construction sites and surface scraping and other clearing activities that precede construction may attract these species. The applicant's *Endangered Species and Biological Assessment Report* indicated that no shorebird nests were observed during nesting surveys performed

between May and June of 2007. FWC staff will work with the applicant to establish any necessary permit conditions for the State 404 permit.

<u>State-Listed Wading Birds</u>: The multiple wetland land covers that will be impacted as a result of this project represent potential habitat for state-listed wading birds, specifically the roseate spoonbill, little blue heron, and tricolored heron. Nesting surveys performed by the applicant between May and June 2007 resulted in no identified nests but did result in observations of little blue herons and tricolored herons foraging onsite. As all wetland impacts will be mitigated for through the purchase of mitigation bank credits and much of the foraging habitat onsite will remain unimpacted, the applicant does not anticipate significant adverse impacts to these species. FWC staff will work with the applicant to establish any necessary permit conditions for the State 404 permit.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to Jacquelyn DeAngelo at 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406, or by electronic mail at Jacquelyn.DeAngelo@FloridaDEP.gov, with a copy to SED_404@FloridaDEP.gov, within 30 days from the date of this notice. Written comments will be made part of the record and should reference the above permit application number. Objections must be factual, specific, and fully describe the reasons upon which any objection is founded. Any comments received will be considered by the Department to determine whether to issue, modify, condition, or deny a permit for this proposal. Unless a written request is filed with the Department within the 30-day public comment period, the Department may decide on the application without a public meeting.

EVALUATION: The determination as to whether a permit will be issued, or a public meeting held, will be based on an evaluation of all relevant factors, including the public comments received and the effect of the proposed work on the public interest, including, but not limited to, fish, wildlife, historical resources, and pollution. The specific permit decision criteria can be found in Chapter 62-331, Florida Administrative Code.

The Department is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. To make this consideration, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and other public interest factors. Comments are also used to determine the need for a public meeting and to determine the overall public interest of the proposed activity.

FOR FURTHER INFORMATION regarding this application, contact the project manager, Jacquelyn DeAngelo, in writing at 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406; by electronic mail at Jacquelyn.DeAngelo@FloridaDEP.gov; or by telephone at 561-681-6679. Please include the permit application number referenced at the top of this page in any correspondence.

REQUEST FOR PUBLIC MEETING: Any person may request a public meeting. The request must be submitted to Jacquelyn DeAngelo within the designated comment period of the notice and must state the specific reasons for requesting the public meeting.

Attachments:

Location Map Project Plans

File Name: SR-710 Northlake to Blue Heron & Turnpike MM105.19 To 106.74 FDEP File No.: 50-0396532-001-SFI Page 6 of 6

ERP PERMIT SKETCHES

SR-91 / FLORIDA'S TURNPIKE FROM M.P. 31.999 (M.M. 105.187) TO M.P. 33.553 (M.M. 106.741)



REVISIONS

DATE

DESCRIPTION

DATE

JURISDICTIONAL WETLAN	ID AND OTHER SURFA	CE WATER (OSW)	IMPACTS
FLUCFCS (Habitat)	Direct Wetland Impact Ac.	OSW Impact Ac.	Secondary Wetland /OSW Impact Ac.
740 – Disturbed Lands		N/ / A	
814 – Roads and Highways	N/A	N/A	N/A
510 – Streams and Waterways		2.99	
511 - Swale			
530 – Reservoirs		10.63	
618 – Willow			
619 – Exotic Wetland Hardwoods			
621 - Cypress			
624 - Cypress, Pine, Cabbage Palm			
631 – Wetland Scrub	1.33		
631/6411 – Wetland Scrub/Sawgrass			
641 – Freshwater Marshes	0.71		5.13
6411 – Sawgrass			
6412 – Cattail			
6413 - Spikerush	0.31		
643 – Wet Prairies	0.19		
IMPACT TOTALS	2.54	13.62	5.13

NOTE: JURISDICTIONAL BOUNDARIES WERE DETERMINED BY CYRIACKS ENVIRONMENTAL CONSULTING SERVICES

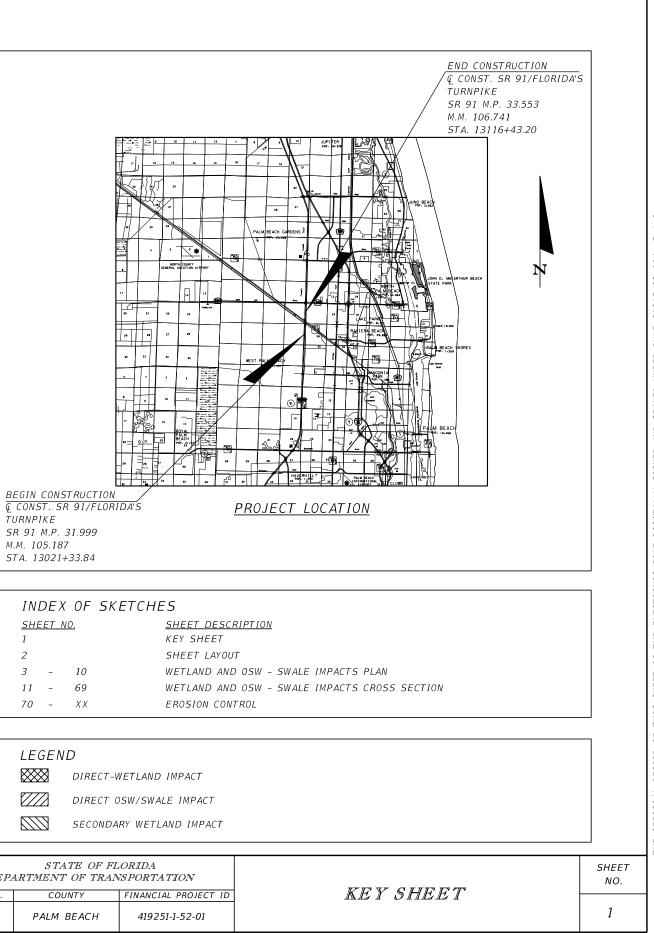
DESCRIPTION

PAOLA RIVEROS, P.E.

P.E. LICENSE NUMBER 74249

R. J. BEHAR & COMPANY, INC.

6861 SW 196th AVENUE, SUITE 302 PEMBROKE PINES, FL 33332

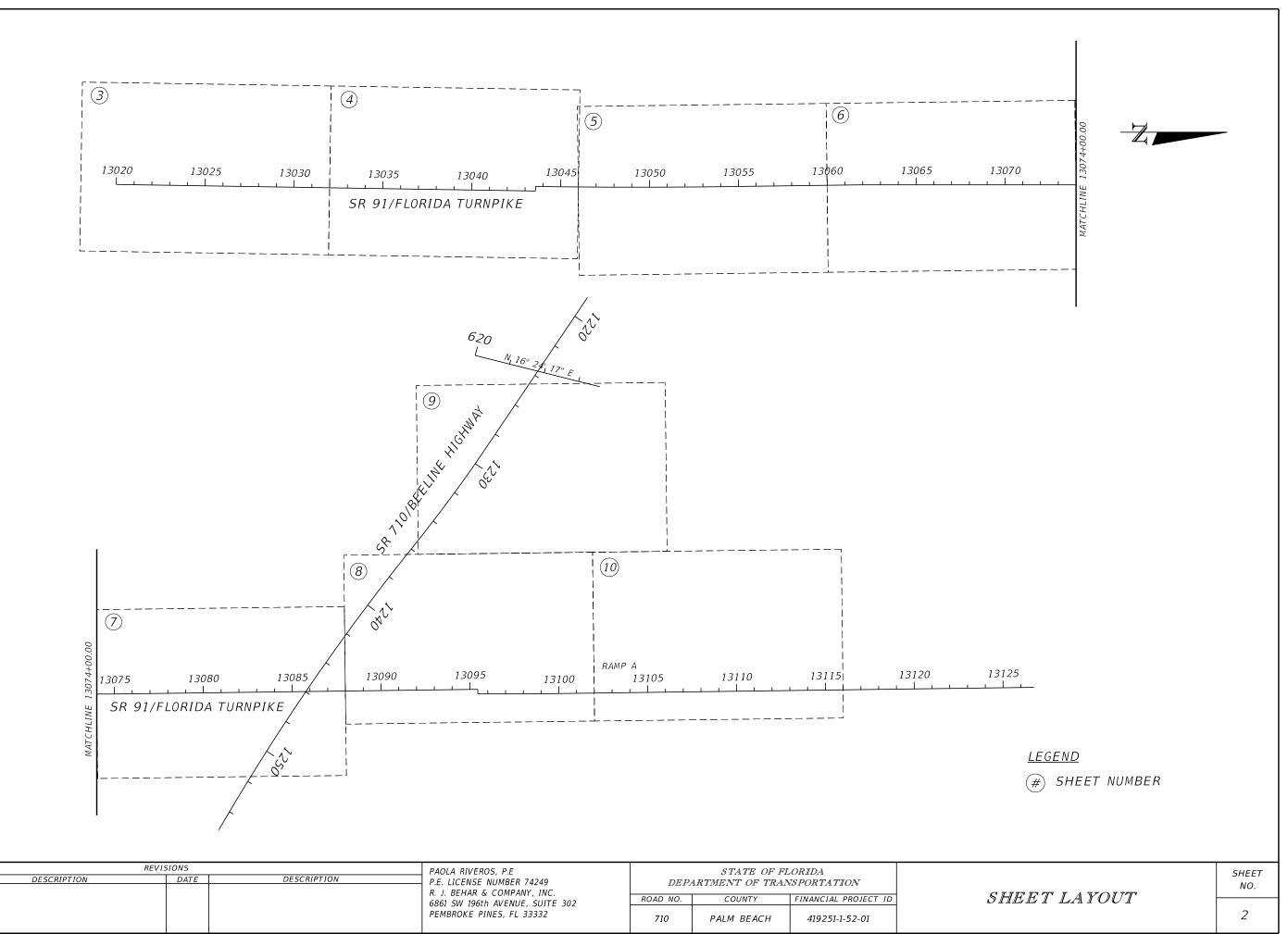


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2			SHEET LAYOUT
3	-	10	WETLAND AND OSW - SWALE
11	-	69	WETLAND AND OSW - SWALE
70	-	XX	EROSION CONTROL

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	DIRECT OSW/SWALE IMPACT
	SECONDARY WETLAND IMPACT

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SR 710	PALM BEACH	419251-1-52-01

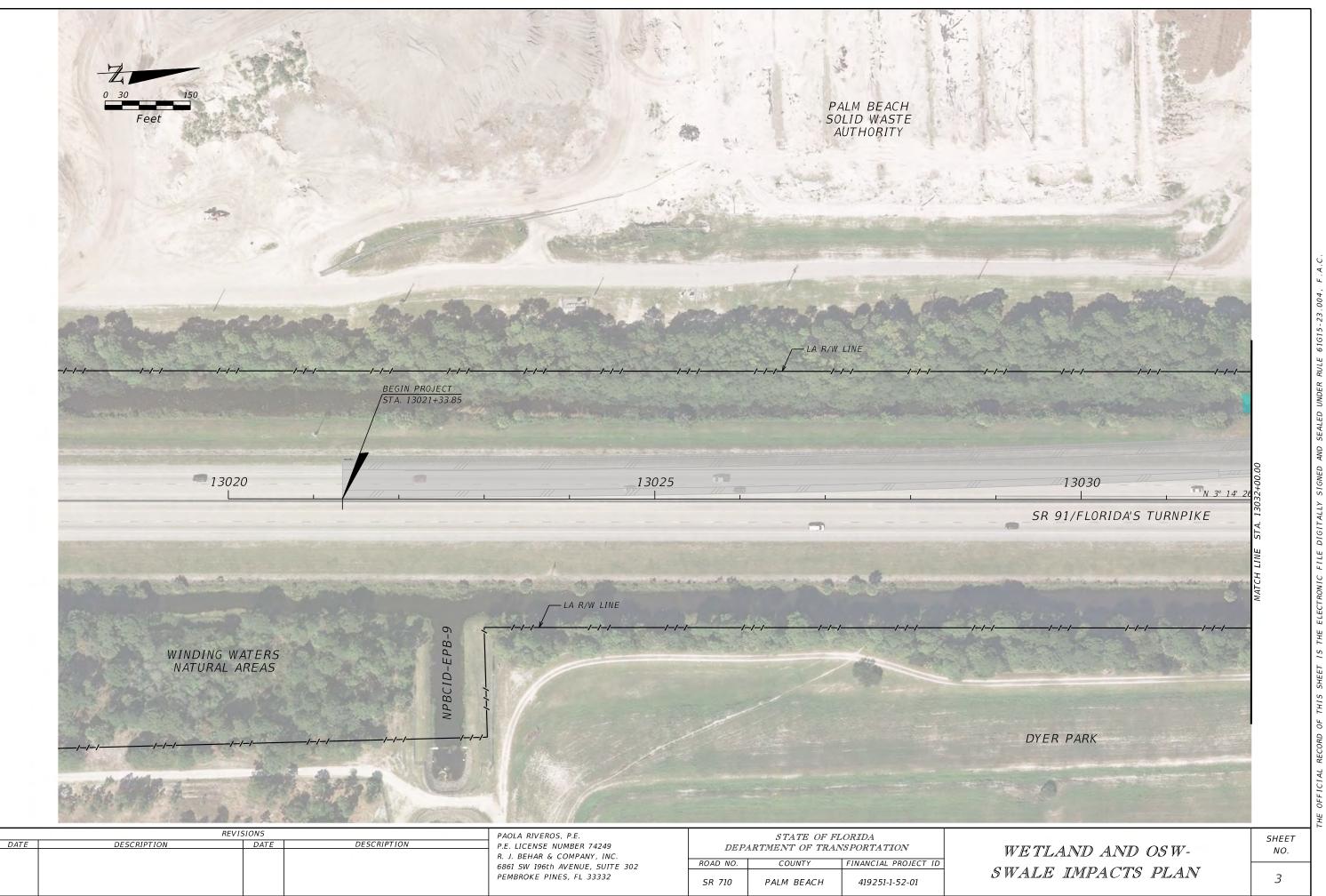
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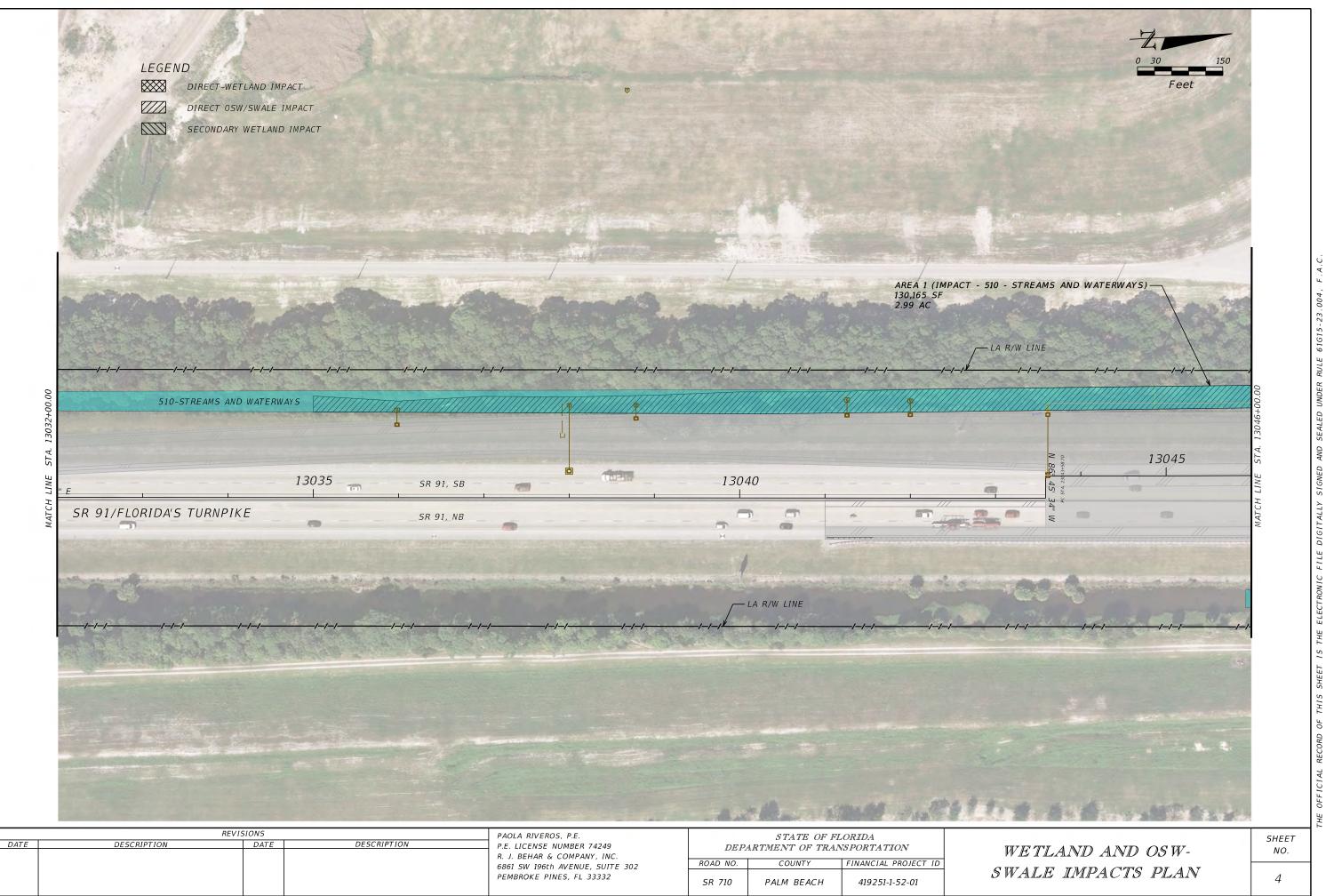
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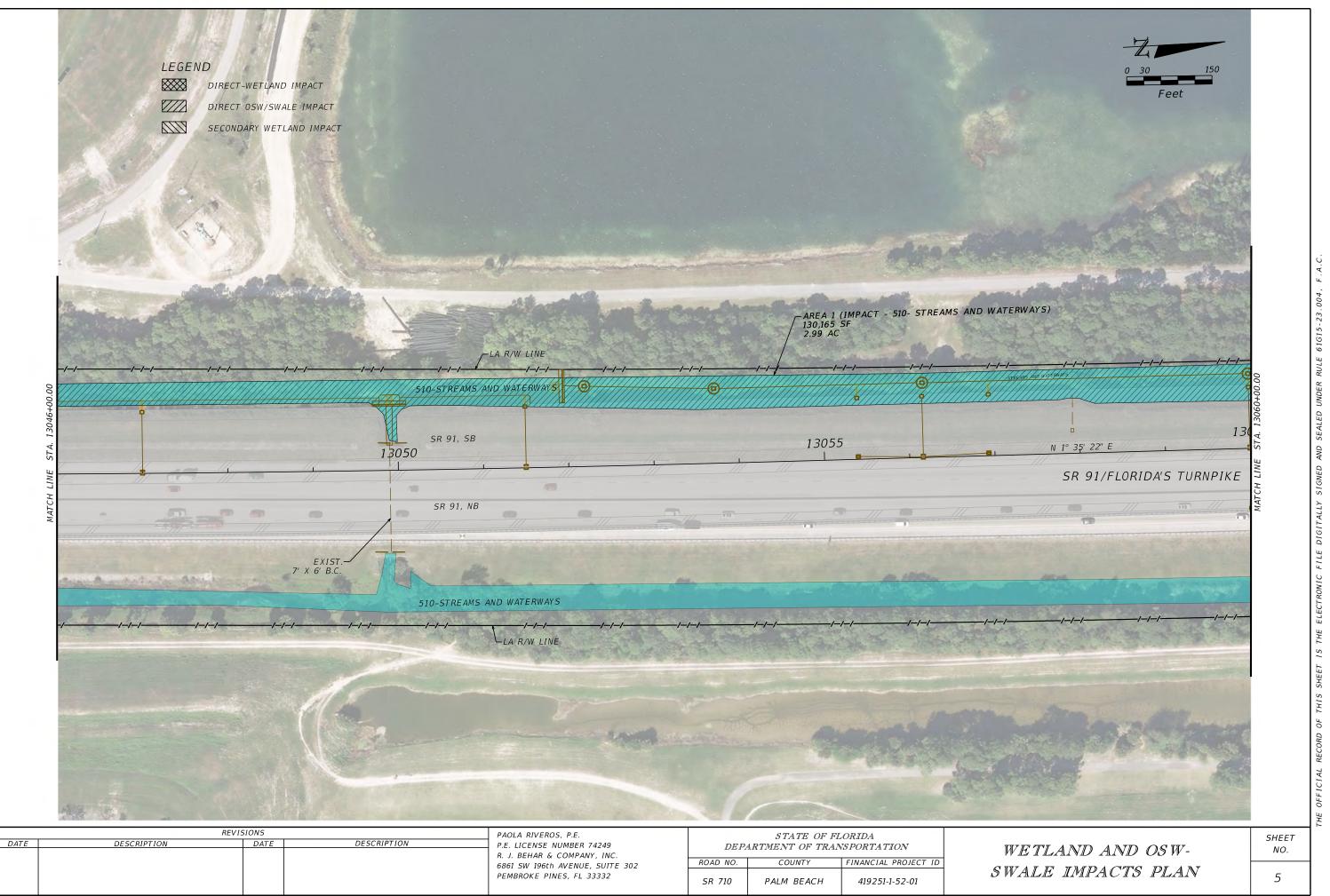
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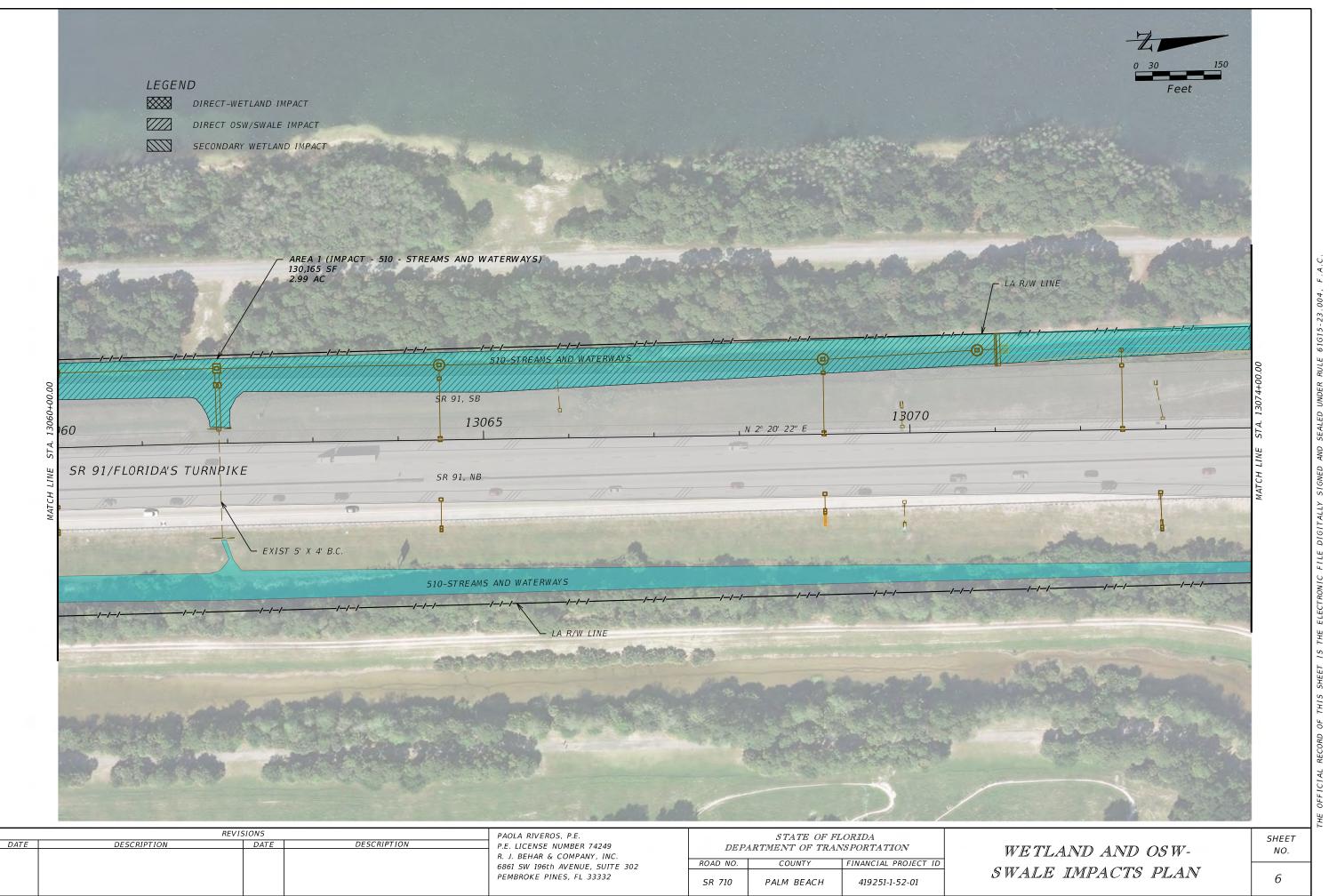


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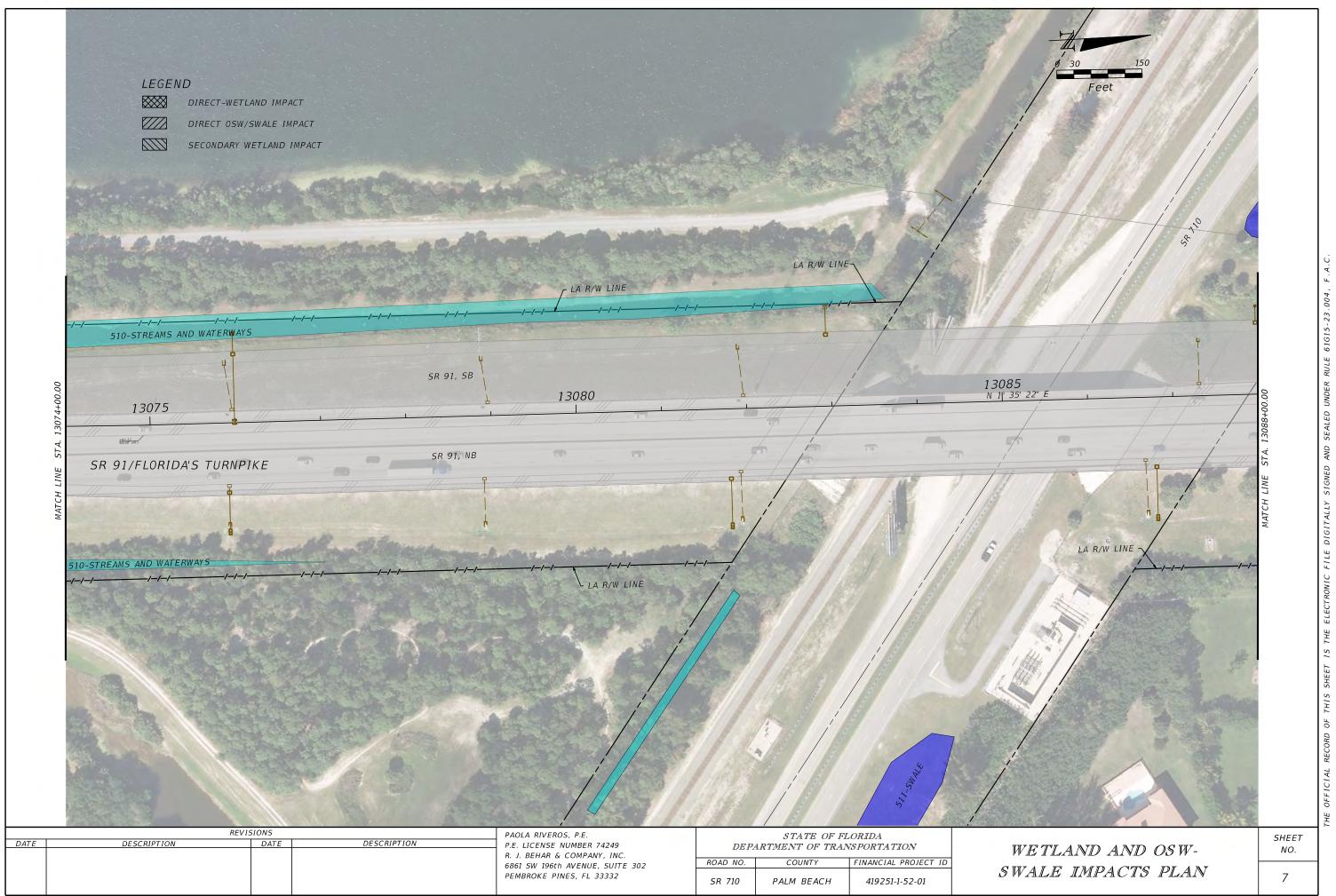


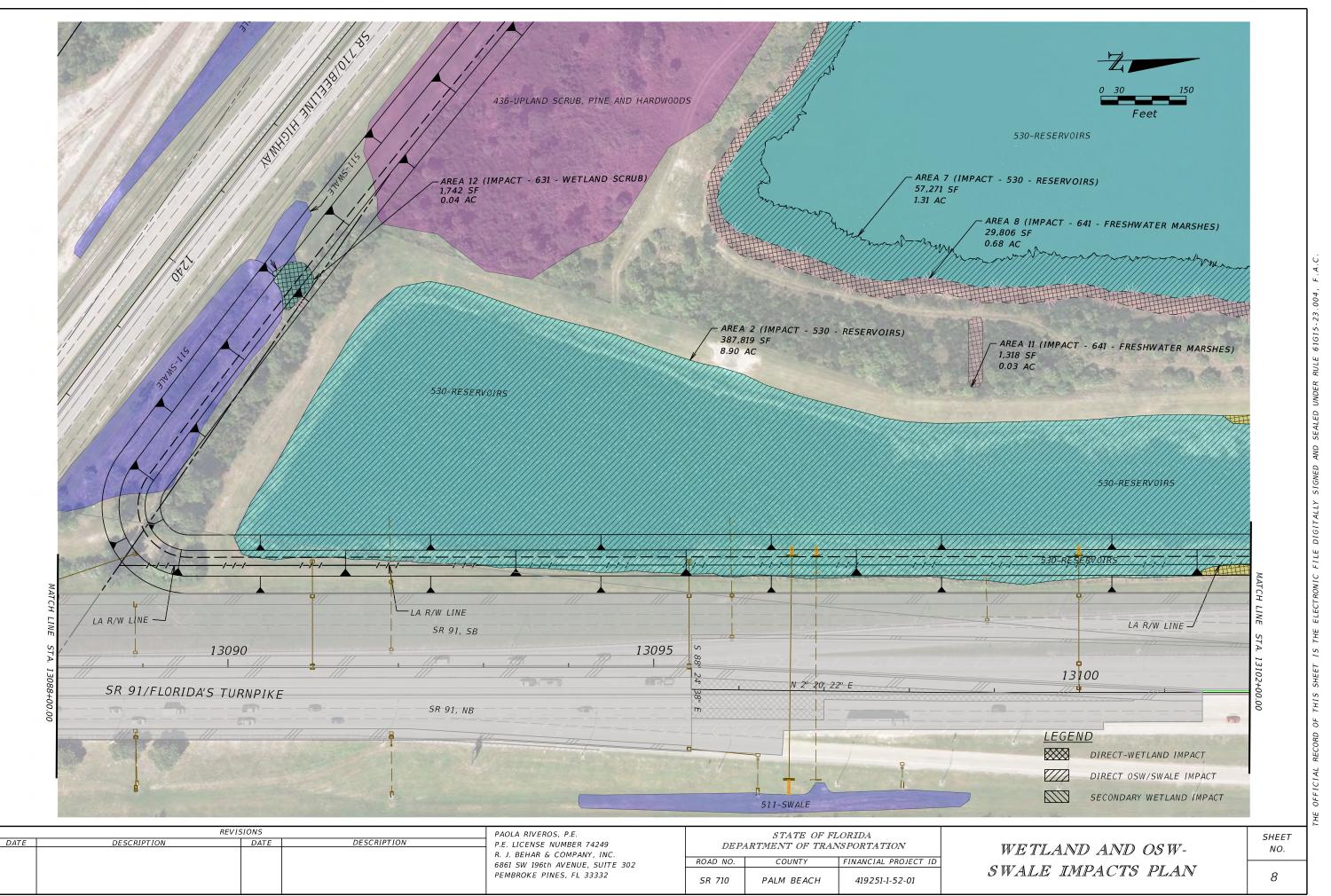
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