

Status of Indian Street Bridge Commitments

The following commitments were included in the FEIS approved on July 6, 2006 and the ROD approved on October 19, 2006:

1. A signal warrant analysis and access management review will be performed during the Final Design phase to evaluate the potential placement of a traffic signal at one of the following locations: Hidden Oaks Middle School, Berry Avenue, Danforth/Palm City School Avenue, and Whispering Sound.

Status: This commitment does not apply to Segment 1, FM# 230978.1, the segment with design currently underway. This commitment applies to Segment 2, FM# 230978.2, and the design phase is currently "on hold".

2. Variations from access management standard will be requested for the western most median opening for Hidden Oaks Middle School and at the intersection of Palm City School Avenue to allow all movements at these locations.

Status: This commitment is not within FM# 230978.1, the segment with design currently underway. This commitment applies to Segment 2, FM# 230978.2, and the design phase is currently "on hold".

3. The project will include sidewalks, bicycle lanes, and "green" buffer strips on both sides of the roadway throughout the project corridor. Sidewalks from the project's beginning to St. Lucie Shores Drive will be 8 ft. in width as requested by the communities bordering the project. Sidewalks along the bridge and the Indian Street portion of the project will be a minimum of 6 ft. in width. There will be signalized crosswalks at each signalized intersection. In addition, there will be consideration of a signalized crosswalk and pedestrian refuge in the vicinity of the Hidden Oaks Middle School during the Final Design phase of project development.

Status: This commitment applies to all of the design segments. This commitment will be addressed during the Design phase for Segment 1, FM# 230978.1, which is underway. Segments 2 and 3, FM# 230978.2, and FM# 230978.3 respectively, are in design which is currently "on hold".

4. FDOT shall minimize impacts to the Martin County Kiplinger site, a narrow fringed island acquired by Martin County for conservation that separates the South Fork of the St. Lucie River and Okeechobee Waterway, by examining the feasibility of designing the bridge in such a way as to reduce the number of bridge pilings that will directly impact the mangrove island. During the Final Design phase, the FDOT will evaluate the agreement reached with Martin County Parks and Recreation Department of designing the bridge with a target of only one pier within the mangrove island.

Status: This commitment only applies to Segment 1, FM# 230978.1. On February 15, 2008, the FDOT met with representatives from the Martin County Parks and Recreation Department to discuss the design for the Indian Street Bridge pier on the Kiplinger site. The Martin County representatives indicated that the County would prefer to have the design include a single bridge pier on the site, rather than piers on either side of the site.

Coordination with Martin County will continue as the design plans are developed for Segment 1.

5. During Design, a top-down construction method, use of temporary construction platform or other appropriate methods will be considered to minimize impacts to Essential Fish Habitat (EFH) and the mangrove island from the construction of the proposed bridge. A top-down construction method or other appropriate method would minimize impacts to the estuarine water column by reducing turbidity resulting from construction activities and would avoid the need for dredged access channels for barge placement. At this stage of the project design, coordination regarding construction methodology has taken place; however, the method of construction has not been determined. Turbidity will be further addressed through established permit conditions and Best Management Practices to control erosion and sedimentation.

Status: This commitment applies only to Segment 1, FM# 230978.1. Design for Segment 1 is in its early stages. As the bridge design is finalized, the construction method will be identified and will be addressed during the Design, Permitting, and Construction phases.

6. Avoidance and minimization of impacts to Essential Fish Habitat will be continually reviewed and implemented, where possible, through the Final Design and Construction phases.

Status: This commitment applies only to Segment 1, FM# 230978.1. Design for Segment 1 is in its early stages. This commitment is being addressed in the Design phase and will continue to be addressed during the Construction phase.

7. Assistance will be provided to Martin County for implementation of the elements of the FCT Management Plan as Section 4(f) compensation for impacts to the island portion of the Kiplinger site.

Status: This commitment applies only to Segment 1, FM# 230978.1. Coordination with the Martin County Parks and Recreation Department is ongoing. During the Design phase once the plans are more fully developed and prior to submittal of permits, working with Martin County and the FCT, the elements of the plan to be implemented for compensation of impacts will be determined. Implementation of these elements will take place during the construction phase of the project which is not currently funded.

8. Neither the Danforth Park nor Leighton Park sites will be used for staging or storage areas during the Construction phase.

Status: Segment 1, FM# 230978.1, is currently in the Design phase. This commitment will be implemented through notes in the Construction plans that identify the locations of these two parks and that they are not to be used for staging or storage during construction. These notes along with meeting with the construction contractor will ensure the contractor is aware that the parks are not to be used. Segment 2, FM# 230978.2, is in design which is currently "on hold"; however, this commitment will be addressed in the same manner for this project.

9. Prior to the Construction phase, notification and coordination will occur with the Martin County Parks and Recreation Department regarding the removal of the existing oak trees along SW 36th Street and the transportation easement along Jock Leighton Park. Any

landscaping at Jock Leighton Park that may be affected by construction will be replaced with similar material. Should the fence around the park be affected, a suitable replacement fence will be furnished and installed.

Status: This commitment applies only to Segment 1, FM# 230978.1. Coordination with the Martin County Parks and Recreation Department is ongoing. At this time the Department is making every effort to design the project so that there will be minimal to no impacts to the fencing and landscaping. The impacts that cannot be avoided will be coordinated with Martin County and will be addressed through specification of materials in the during Design in the Construction plans..

10. Opportunities for aesthetic treatments and community amenities will be evaluated and developed during the Final Design phase with input from local government entities and the community. Design of these features will be coordinated with the Palm City Community Redevelopment Agency (CRA) and the Palm City Neighborhood Advisory Committee (NAC).

Status: This commitment applies to all of the design segments. This commitment will be addressed during the Design phase for Segment 1, FM# 230978.1, which is underway. The Department will coordinate with the above entities and based upon the coordination aesthetic treatments and/or amenities will be incorporated into the construction plans and special provisions to be carried out during construction of the project. Segments 2 and 3, FM# 230978.2 and FM# 230978.3 respectively, are in design which is currently “on hold”; however, this commitment will be addressed in the same manner for these segments.

11. During the Final Design phase, there will be further consideration of noise barriers at two locations: the Martin Downs neighborhood and the Crossings at Indian Run Apartments. The traffic noise barrier evaluation for these locations will be refined using specific horizontal and vertical alignment data for Martin Highway and Indian Street. A land use review will also be implemented during the Final Design phase to identify noise sensitive sites that may have received a building permit subsequent to this noise study, but prior to the “date of public knowledge” (the date that the record of decision, granting location and design concept acceptance, was approved by the Federal Highway Administration [FHWA]). If the review identifies noise sensitive sites that have been permitted prior to the “date of public knowledge”, then those noise sensitive sites will be evaluated for traffic noise and abatement considerations. During the Final Design phase, a commitment to construct feasible and reasonable noise barriers will be contingent upon the following conditions:

- Detailed noise analysis during the Final Design process supports the need for abatement.
- Detailed noise barrier analysis indicates that the cost of the barriers will not exceed the cost reasonableness criteria.
- Community input regarding desires, types, heights, and locations of barriers is received by the FDOT and supports the construction of noise barriers.
- Preferences regarding compatibility with adjacent land uses, particularly as expressed by officials having jurisdiction over such lands, have been addressed.
- Safety and engineering aspects related to roadway users and adjacent property owners have been reviewed and any conflicts or issues resolved.
- Any other mitigating circumstances revealed during Final Design have been analyzed and resolved.

Status: There are no noise barriers within Segment 1, FM# 230978.1, which is currently in design. Segments 2 and 3, FM# 230978.2 and FM# 230978.3 respectively, are in design which is currently "on hold"; however, this commitment will be addressed in the same manner for these segments.

12. A R/W and Relocation Program will be carried out in accordance with F.S. 339.09 and the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (Public Law 91-646, as amended by Public Law 100-17). The Department has developed a plan to ensure that the properties in Palm City purchased by Martin County will comply with federally mandated criteria. After Location Design Concept Acceptance (LDCA) is granted in the ROD for this project, the Department will make all reasonable attempts to contact the seven residential homeowners/occupants and offer them full relocation benefits as mandated by the Uniform Act. These benefits shall include both financial benefits and advisory services, as needed. The financial relocation benefits may include purchase additive payments (replacement housing payments), move cost payments, incidental expense/closing cost payments, and increased interest payments as necessary. The history of these acquisitions along with the details of these commitments is outlined in Section 4.1.4 of the FEIS.

Status: For Segment 1, FM# 230978.1, the Department has contacted the seven residential owner/occupants and is in the process of offering them relocation benefits to bring the parcels in compliance with the Uniform Act. Additionally, FDOT reviewed the appraisal reports for properties purchased by Martin County and determined that the property owners of four vacant parcels did not receive just compensation. These owners were contacted and the additional compensation has been paid. Segments 2 and 3 do not include properties previously purchased by Martin County. Segments 2 and 3, FM# 230978.2 and FM# 230978.3 respectively, are in design which is currently "on hold"; however, this commitment will be addressed during the Right of Way phase of these segments when funded.

13. Seven identified potential petroleum contamination sites will be investigated prior to any construction and any necessary cleanup plans will be developed. Actual cleanup will take place during construction. Special provisions for handling unexpected contamination discovered during construction will be included in the construction plans package.

Status: This commitment applies to all of the design segments. This commitment will be addressed during the Design phase for Segment 1, FM# 230978.1, which is underway. The information on the potential contamination sites was field reviewed in April 2008 and the information was updated. This commitment will continue to be addressed during the design for Segment 1. Segments 2 and 3, FM# 230978.2, and FM# 230978.3 respectively, are in design which is currently "on hold".

14. Every effort will be made to mitigate any wetland impacts within the project corridor if possible, and if not, other areas within Martin County will be explored for restoration options. Freshwater and estuarine wetland impacts, which would result from the construction of this project, are proposed for mitigation through the following options: pursuant to S. 373.4137 F.S. (Senate Bill 1986), through available established banks within Martin County, or through on-site mitigation. Senate Bill 1986 will be pursued as the first option to satisfy all mitigation requirements of Part IV, Chapter 373, F.S. and 33 U.S.C. 1344. Details of this commitment

are outlined in Section 4.3.5 of the FEIS.

Status: Coordination with the USACE, SFWMD, USFWS, and NMFS regarding wetland impacts and mitigation is ongoing. An agency meeting is being scheduled for the end of July 2008. Most recently, proposed pond sites have been field reviewed in April and May 2008. This commitment will continue to be addressed coordination with the agencies and the identification of the method of compensation for wetland impacts for Segment 1, FM# 230978.1. Segments 2 and 3, FM# 230978.2, and FM# 230978.3 respectively, are in design which is currently "on hold". However, mitigation for these segments may be covered in the mitigation method established during the coordination for Segment 1.

15. During the project's Final Design/Permitting phase, when more specific design information is available, the FDOT will re-evaluate fresh water wetlands affected by the project using the Unified Mitigation Assessment Method (UMAM). This investigation will determine if wetlands within the Wood Storks' Core Foraging Area (CFA) will be impacted and if those wetlands support suitable hydroperiods of foraging habitat. The Department will coordinate with the U.S. Fish and Wildlife Service (USFWS). Mitigation for any potential losses to fresh water wetlands used by the Wood Stork will be located within the Wood Stork CFA to the maximum extent possible, thereby resulting in a "may affect, but is not likely to adversely affect" finding for this species.

Status: This commitment will be addressed during the Design/Permitting phase for Segment 1, FM# 230978.1, which is underway. As part of the meeting being scheduled for the end of July 2008, the timing of this additional work will be discussed as well as the documentation of the findings to the agencies. Segments 2 and 3, FM# 230978.2 and FM# 230978.3, respectively, are in design which is currently "on hold".

16. Standard construction provisions for the Eastern Indigo Snake and West Indian Manatee will be incorporated into the Specification Package, thereby resulting in a "may affect, not likely to adversely affect" finding for these species. Also, further coordination with National Marine Fisheries Service (NMFS) will occur during the Final Design phase to establish a determination of effect for the recently listed federally protected endangered Smalltooth sawfish and any potential protection measures will be implemented based upon the determination.

Status: This commitment will be addressed through including the construction provision in the Specifications Package of the Construction Plans. This will be addressed during the Design phase for Segment 1, FM# 230978.1, which is currently in design. As part of the agency coordination that is ongoing, the Smalltooth sawfish will be addressed and a determination will be made of whether the protection measures need to be implemented for Segment 1. The Eastern indigo snake construction provisions will need to be included in the Specifications Package of the Construction Plans for Segments 2 and 3, FM#s 230978.2, and FM# 230978.3 respectively, are in design which is currently "on hold".

17. Further coordination with the NMFS will be conducted during the Final Design and Permitting phases to assess impacts to EFH. An Addendum to the EFH Assessment will be prepared during the Final Design phase to document in detail the impacts and mitigation for EFH. Coordination will be initiated with the NMFS for their review of the Addendum.

Status: This commitment applies only to Segment 1, FM# 230978.1. Design for Segment 1 is in its early stages. The NMFS will be kept apprised of the results and prior to permitting the Department will prepare the Addendum to the EFH Assessment prepared during the PD&E Study that will document the findings and any agreed upon mitigation for any identified impacts.

18. Over the next three years, the Department will conduct Submerged Aquatic Vegetation (SAV) surveys according to the NMFS monitoring protocol outlined in *The Johnson's Seagrass Recovery Plan*. This information shall be documented and coordination with the NMFS conducted as part of the Addendum to the EFH Assessment.

Status: This commitment applies only to Segment 1, FM# 230978.1. The first year SAV survey was conducted in June 2007. The second year SAV survey was conducted in May 2008 and no SAV was documented. This commitment will continue to be addressed in 2009 with additional seagrass surveys. The NMFS will be kept apprised of the results and prior to permitting the Department will prepare the Addendum to the EFH Assessment prepared during the PD&E Study that will document the findings and any agreed upon mitigation for any identified impacts.

19. Although not observed during field surveys of the corridor, foraging and nesting habitat for the Florida sandhill crane exists within and adjacent to the project. Resurveys in areas that may support nesting habitat will be conducted and the type of protective measures for this species will be determined during the Final Design and Permitting phases. If nests are identified, the Florida Fish and Wildlife Conservation Commission (FFWCC) will be contacted immediately. Protective measures implemented during construction are determined on a case-by-case basis and will depend upon site factors.

Status: This commitment applies to all of the design segments. As part of the agency coordination that is ongoing, the Department will coordinate with the FFWCC. Those area(s) that may support nesting habitat will be resurveyed and the findings will be used to determine what protection measures needed. The findings will be coordinated with the FFWCC. Segments 2 and 3, FM#s 230978.2, and FM# 230978.3 respectively, are in design which is currently "on hold".

20. During the field surveys, gopher tortoise burrows were observed immediately adjacent to and within 200 ft. of the existing roadway. A comprehensive resurvey will be conducted during Final Design and prior to construction. If tortoises or burrows are found within proposed impact areas, coordination with the FFWCC will be initiated to determine the appropriate mitigation and to acquire the necessary incidental take or relocation permits.

Status: This commitment applies to all of the design segments. For Segment 1, FM# 230978.1, a resurvey if those areas as identified in the commitment will be conducted later in the design phase and prior to construction. If the resurveys identify gopher tortoises or burrows, the FFWCC will be coordinated with to determine the best method to address their presence. Segments 2 and 3, FM#s 230978.2, and FM# 230978.3 respectively, are in design which is currently "on hold".

21. The bridge design, if required, will consider the use of viable, non-harmful deterrent mechanisms to discourage birds, such as the brown pelican, from perching on the bridge. Should such treatments be required, the details will be developed during subsequent phases of project development.

Status: This commitment applies only to Segment 1, FM# 230978.1. Design for Segment 1 is in its early stages. As the bridge is designed and further coordination occurs with the agencies, it will be determined if these treatments are required. If required they will be included in the construction plans for the bridge.

22. Coordination with the United States Coast Guard (USCG) will take place during the Final Design phases with regard to permitting of the bridge over the Okeechobee Waterway and determination of any navigational aids required.

Status: This commitment applies only to Segment 1, FM# 230978.1. Design for Segment 1 is in its early stages. However, as part of the meeting being scheduled for early July 2008, the coordination with the USCG will be initiated and will be ongoing.

23. During construction, all provisions of the FDOT's most recent version of the *Standard Specifications for Road and Bridge Construction* will be followed.

Status: This commitment will be addressed through provisions included in the construction plans during the Construction phase for each of the three segments.