



AECOM
315 East Robinson Street
Orlando
FL, 32901
USA
aecom.com

Project name:
SR 46 Project Development & Environment
(PD&E) Study

Project ref:
240216-4-28-01

From:
Chris Rizzolo, PE

Date:
May 26, 2017

To:
Project File

CC:
Dustin Perkins, PE

Memorandum

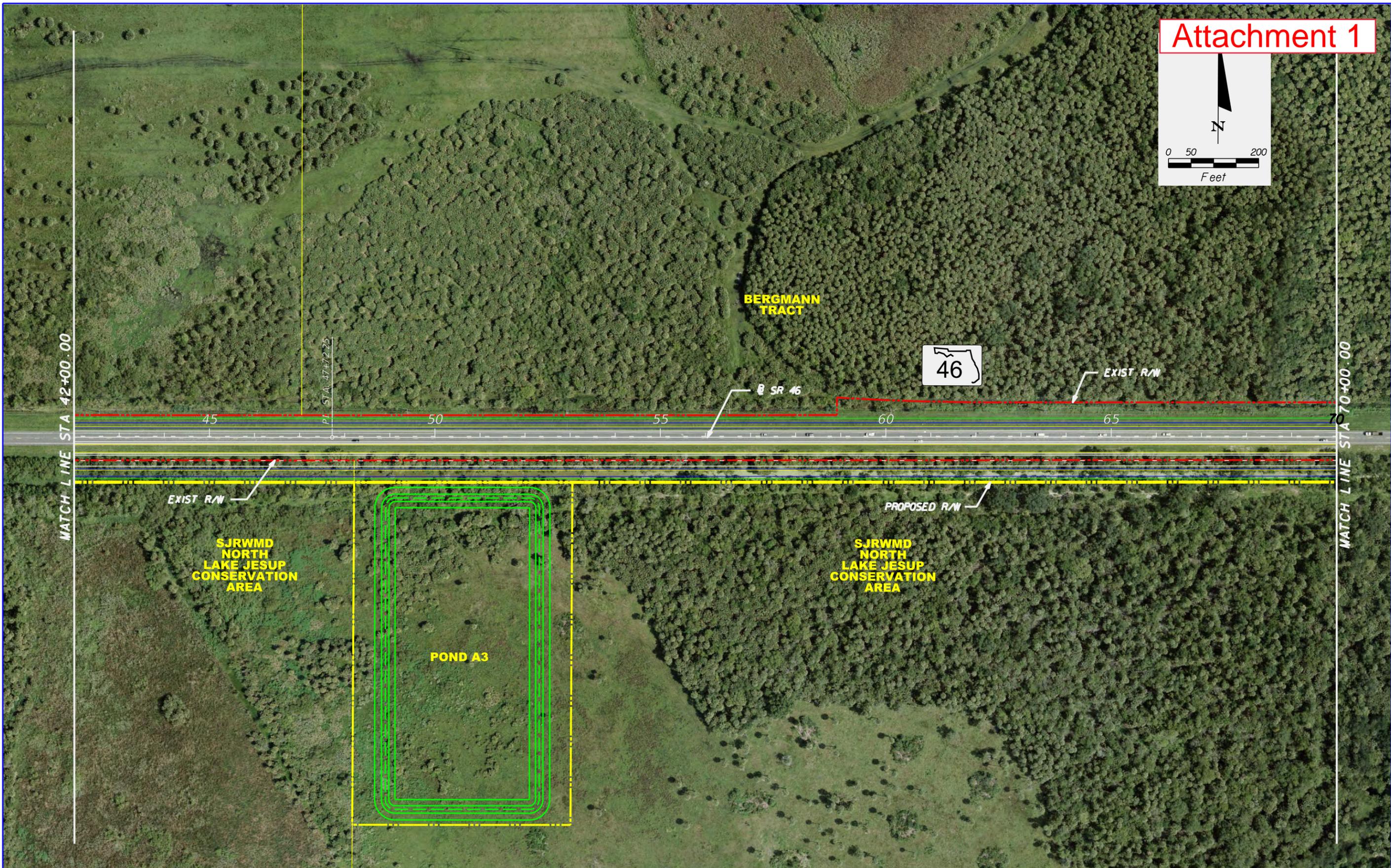
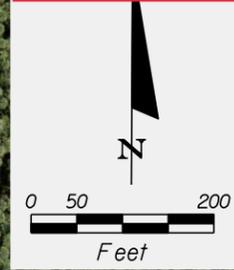
Subject: Pond Siting Report Addendum

The final Pond Siting Report for the SR 46 PD&E Study was approved in April 2014 with Pond A3 as the recommendation for stormwater treatment in Basin A (see Attachment 1). Pond A3 is located on the south side of SR 46 at approximately Sta. 50+00 and directly outfalls to an existing ditch that flows into Lake Jesup. The area of the project west of the St. Johns River Bridge traverses wetlands associated with the Lake Jesup floodplain. The North Lake Jesup Tract of the Lake Jesup Conservation Area (LJCA), formerly known as the Futch property, is located south of and adjacent to SR 46. The LJCA was acquired as mitigation for impacts resulting from construction of SR 417 and is managed by the St. Johns River Water Management District (SJRWMD). North of SR 46 is the Rolf Bergmann Mitigation Tract, a private mitigation bank with multiple conservation easements.

As part of the PD&E Study, the study team prepared a Section 4(f) Determination of Applicability (DOA) for the Lake Jesup Conservation Area (LJCA). Through coordination with SJWMD, the Project Team agreed to move the recommended pond site across SR 46 to Pond A1 in order to avoid additional impacts to the LJCA (see Attachments 2, 3 and 4). Pond A1 is on the north side of SR 46 at approximately Sta. 45+00. Although this pond is located within the Bergmann Tract, it appears that the site is within a single easement purchased by the City of Maitland (see Attachment 5). Pond A1 would outfall to the north within a proposed 25-foot drainage easement used to provide positive drainage to an ultimate outfall at the St. Johns River.

Potential impacts related to the construction of Ponds A1 and A3 are similar and listed in Attachment 6. As a result of coordination with SJRWMD and analysis of potential impacts, the recommended alternative for stormwater management in Basin A is **Pond A1**. Additional information regarding each pond can be found in the SR 46 PD&E Study *Pond Siting Report* (April 2014).

Attachments



REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

CHRISTOPHER RIZZOLO, P.E.
 P.E. LICENSE NO. 54078
 URS CORPORATION
 315 E. ROBINSON STREET, SUITE 245
 ORLANDO, FL 32801-1949
 PH (407) 422-0353 FAX (407) 423-2695
 CERTIFICATE OF AUTHORIZATION NO. 000002

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 46	SEMINOLE	240216-4-28-01

PLAN SR 46 WEST
SUBURBAN WIDEN SOUTH
PREFERRED ALTERNATIVE

SHEET NO.
11

From: [Steven R Miller](#)
To: [Rizzolo, Chris](#)
Cc: [Everett, Jan](#); [Shad Smith \(SSmith@seminolecountyfl.gov\)](mailto:SSmith@seminolecountyfl.gov); [Woody Boynton](#); [Ray Bunton](#); [Lee Kissick](#); [Robert Christianson](#)
Subject: RE: 240216-4 SR 46 Widening - Lake Jesup Conservation Area
Date: Friday, November 21, 2014 12:07:09 PM

With the pond moved, it appears to meet the minimization expectations. I will prepare a letter.
Thanks

Steve

From: Rizzolo, Chris [mailto:chris.rizzolo@urs.com]
Sent: Friday, November 21, 2014 11:04 AM
To: Steven R Miller
Cc: Everett, Jan; Shad Smith (SSmith@seminolecountyfl.gov); Woody Boynton; Ray Bunton; Lee Kissick; Robert Christianson
Subject: RE: 240216-4 SR 46 Widening - Lake Jesup Conservation Area

Steve,

I apologize for my late reply but I have been out of the office. Per your request I have attached minutes documenting meetings with SJRWMD and FDEP regarding the proposed widening of SR 46 from CR 415 to CR 426 in Seminole County. In order to minimize impacts to the Lake Jesup Conservation Area (LJCA), which has been identified as publicly held and a potential Section 4(f) resource according to the United States Department of Transportation Act of 1966 (49 USC 303), we agree to move the Pond proposed for Basin A to the north side of the roadway. However, we propose to widen SR 46 to the south in between SR 415 and Lake Jesup in order to avoid impacts to multiple conservation easements placed over the Bergman Tract north of SR 46. It is our opinion that any proposed improvements to SR 46 requiring acquisition of property from the LJCA for roadway widening only should not directly or indirectly affect the public uses allowed within the LJCA, nor will they affect the original intent of the LJCA as restoration of the natural lands surrounding Lake Jesup to improve the lake's water quality as long as proper mitigation strategies are implemented.

The design phase of the project, which is not currently funded, will determine the mitigation requirements during the permitting process. We are available to meet with you at your convenience to discuss the project further. I appreciate you working with us to issue a Statement of Significance for the LJCA for this project.

Thanks,

Chris

From: Steven R Miller [mailto:srmiller@sjrwmd.com]
Sent: Thursday, November 06, 2014 11:58 AM
To: Rizzolo, Chris
Cc: Everett, Jan; Shad Smith (SSmith@seminolecountyfl.gov); Woody Boynton; Ray Bunton; Lee Kissick; Robert Christianson

Subject: RE: 240216-4 SR 46 Widening - Lake Jesup Conservation Area

Mr Rizzolo

SJRWMD staff have done some research regarding your request. The following is an attempt to summarize several issues identified.

The attachment labeled "SR 46 Pond Siting CE Locations" shows the approximate locations of the conservation easements recorded in favor of SJRWMD on portions of what you refer to as the Bergman Tract. That may help you resolve the locations of at least some of the easements you referred to in the blue highlighted section below. I can forward you copies of the documents associated with these easements if they will help you.

The attachment titled "SR46 Pond Siting" identifies the pond location you propose in purple, and an alternative that affects neither easements, nor fee ownership, held by the District as mitigation for impacts elsewhere. Please identify why the location identified by the pink rectangle cannot serve as an alternative.

The base map I used, includes a data layer produced by the Florida Fish and Wildlife Conservation Commission that ranks the integrated wildlife habitat. The rank of the land within the pink option is lower than the land within your proposed footprint. This would support using the alternative I have proposed on the north side.

During our phone call, you indicated you had already met with SJRWMD permitting staff regarding this project. I have been unable to locate anyone who remembers that meeting. Please identify who from SJRWMD you met with, so I can coordinate with them.

In your email below (portion highlighted in green), you indicate you met with DEP staff regarding this project. Please identify who they are, so that I can coordinate my response in order to avoid giving you conflicting instructions regarding pond location.

In the yellow highlighted section, you indicate that the A3 location is preferred because it "results in less right-of-way acquisition and wetland impacts". Please understand that 4(f) requirements do not consider expense or convenience, they only consider acreage of impacts to wildlife and conservation lands. The requirement is, that the footprint has the minimum impact to conservation and wildlife lands possible. Before I can write a letter stating the footprint has been minimized, I need to know that the footprint is in fact the smallest possible.

Regarding your statement about the regional significance of the Bergman Tract (highlighted in grey), the exact same conditions exist on the Lake Jesup Conservation Area, so it is no help in steering the pond to one side of the road or the other.

In closing, I will be happy to prepare a letter meeting the 4(f) requirements of the USDOT, but I cannot prepare that letter, until I can emphatically state that the project is designed in to minimize the impact to wildlife and conservation lands. The information I have requested above is necessary

before I can comply with your request.

If you have questions, please contact me via email or telephone.

Steven R. Miller, Chief
Land Management Bureau
St Johns River Water Management District
386-329-4399

From: Rizzolo, Chris [<mailto:chris.rizzolo@urs.com>]
Sent: Thursday, October 30, 2014 3:02 PM
To: Steven R Miller; Robert Christianson
Cc: Everett, Jan; Shad Smith (SSmith@seminolecountyfl.gov); Woody Boynton; Ray Bunton; Lee Kissick
Subject: RE: 240216-4 SR 46 Widening - Lake Jesup Conservation Area

Hi Steve,

Thank you for working with us on this. Regarding the location of Pond A3, three alternative locations for stormwater treatment were identified for this particular basin – two ponds (Ponds A1 and A2) to the north of SR 46 and one pond (Pond A3) to the south. Following are descriptions of each alternative pond site.

Ponds A1 & A2 are within the Bergmann Tract, a private mitigation bank under various conservation easements. There may be many small unrecorded easements that have been purchased for a variety of developments, but the existing records are incomplete. Ponds A1 & A2 are each completely within the 100-year floodplain boundary and wetland system located on the north side of SR 46. Either pond would outfall to the north within a proposed 25-foot drainage easement used to provide positive drainage to the ultimate outfall at the St. Johns River.

Pond A3 is within a single conservation easement over the Futch property in the LJCA. The Futch property was purchased as mitigation for the construction of the Eastern Beltway and permitted through FDEP. Pond A3 is completely within the 100-year floodplain boundary and wetland system located on the south side of SR 46. The pond would outfall to the southwest into an existing drainage ditch that flows into Lake Jesup before ultimately discharging into the St. Johns River.

Pond A3 is selected as the preferred alternative. **Pond A3 does not require a proposed drainage easement for the pond outfall location, which results in less right-of-way acquisition and wetland impacts.** Preliminary pond sizing calculations indicate that this pond is approximately 8.42 acres.

Regarding the Bergman Tract, it has been recognized as being of “regional ecological significance” due to its geophysical location and hydrologic importance to the St. Johns River as well as the Lake Jesup watershed and floodplain. **There are portions of this mitigation bank where a recorded conservation easement and SJRWMD permit number could not be identified and the PD&E team does not have a record of all the acreage that has been placed within the various conservation**

easements or information on whether or not all easements within Seminole County have been recorded. There may be many very small easements that have been purchased for a variety of developments, but there are no records of these easements. Potential impacts to the LJCA and mitigation strategies were discussed with FDEP at a meeting on August 28, 2012. Continued coordination throughout the design and permitting phase of the project will be necessary to identify and implement all required mitigation strategies for any impacts to District lands.

Please let me know if you need any additional information or have any further questions.

Thanks,

Chris

Chris Rizzolo, P.E.

URS Corporation

315 E. Robinson St., Ste. 245

Orlando, FL 32801

(407) 992-5794

(407) 423-2695 *fax*



Please consider the environment before printing this email

From: Steven R Miller [<mailto:srmiller@sjrwmd.com>]

Sent: Tuesday, October 28, 2014 10:39 AM

To: Rizzolo, Chris; Robert Christianson

Cc: Everett, Jan; Shad Smith (SSmith@seminolecountyfl.gov); Woody Boynton; Ray Bunton; Lee Kissick

Subject: RE: 240216-4 SR 46 Widening - Lake Jesup Conservation Area

Mr Rizzolo

As I described over the phone, I serve the St Johns River Water Management District as the Chief of the Land Management Bureau. As such, my involvement in this project represents the District's proprietary interest only. I have no involvement with the regulatory responsibilities of the District

I will be the person drafting the statement of significance for this project.

According to the documents you submitted, this project will impact the Lake Jesup Conservation Area (LJCA). As we discussed on the phone, the portion of the LJCA that will be impacted was acquired by the District as mitigation for the Seminole County Expressway. Please consider that as you develop plans.

SJRWMD has a rule (40C-9) that directs land management and provides a process for the surplus of lands associated with requests for rights-of-way. That rule states the following:

40C-9.380 Right of Way Easements.

(1) The District does not encourage the use of District Lands for utility right-of-way easements or other similar purposes. However, the District will grant right-of-way easements if the following criteria are met in the sequence listed below:

(a) First, an analysis is performed by the person or entity requesting the right-of-way demonstrating why the right-of-way cannot be located in a manner which will avoid the District Lands;

(b) Second, to the greatest extent possible, the proposed right-of-way must be located within an existing utility right-of-way easement, along the District Land boundary, or within an existing fireline or roadway;

(c) Third, the proposed right-of-way does not fragment wetland or other functioning habitat; and

(d) Fourth, the proposed right-of-way is not located on or under environmentally sensitive lands as defined by the District in the land management plan

(2) The District must be compensated for the loss of intended use of the land within the proposed right-of-way.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New 1-16-94. Amended 5-11-94.

I believe the information you provided, can in general, answer clauses a-d above with one exception. The design plans you submitted indicate pond A3 will be constructed on District lands. Further documentation is required to demonstrate why this pond cannot be located in a manner which will avoid District lands.

The documentation of why pond A3 must be constructed on District lands is necessary before I can prepare a letter stating that the impacts to the LJCA, as a result of the project, have been minimized.

Steven R. Miller, Chief
Land Management Bureau
St Johns River Water Management District
386-329-4399

From: Rizzolo, Chris [<mailto:chris.rizzolo@urs.com>]
Sent: Wednesday, October 15, 2014 9:22 AM
To: landmgmt
Cc: Everett, Jan; Shad Smith (SSmith@seminolecountyfl.gov)
Subject: 240216-4 SR 46 Widening - Lake Jesup COnservation Area

Seminole County is conducting a Project Development and Environment (PD&E) Study for the widening of SR 46 from SR 415 to CR 426 in Seminole County, Florida as displayed in the attached location map. A description of the project may also be found at www.sr46geneva.com. The **Lake Jesup Conservation Area** (LJCA) has been identified as publicly held and a potential Section 4(f) resource according to the United States Department of Transportation Act of 1966 (49 USC 303). As part of this PD&E study, the Federal Highway Administration requires a statement of significance from an official who has jurisdiction over the subject parcel. Significance means that in comparing the availability and function of the subject property to all properties within your jurisdiction, the land in question plays an important role in meeting the overall objective of such resources.

Attached are aerial photographs detailing the proposed improvements to SR 46 in the area of the LJCA. The project team met with SJRWMD at the Maitland Service Center on August 22, 2012 and the Florida Department of Environmental Protection (FDEP) on August 28, 2012 to discuss the proposed improvements, potential impacts, conservation easement on the LJCA as well as potential mitigation strategies. It is our opinion that any proposed improvements to SR 46 requiring acquisition of property from the LJCA should not directly or indirectly affect the public uses allowed within the LJCA, nor will they affect the original intent of the LJCA as restoration of the natural lands surrounding Lake Jesup to improve the lake's water quality as long as proper mitigation strategies are implemented.

If you have any questions or concerns, please contact me at (407) 992-5794 or chris.rizzolo@urs.com.

Sincerely,

Chris Rizzolo, P.E.

URS Corporation

315 E. Robinson St., Ste. 245

Orlando, FL 32801

(407) 992-5794

(407) 423-2695 *fax*



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lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://floridaswater.com/lobbyist>.



St. Johns River Water Management District

Hans G. Tanzler III, Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at floridaswater.com.

December 2, 2014

Chris Rizzolo, P.E.
URS Corporation
315 E. Robinson St., Ste. 245
Orlando, FL 32801

Dear Mr. Rizzolo:

This letter is in response to your email requesting a letter including a statement of significance to the Lake Jesup Conservation Area (LJCA) resulting from the proposed widening of SR 46 from SR 415 to CR 426 in Seminole County, Florida. Please realize this letter reflects the District's proprietary interest only, and in no way affects our regulatory responsibility.

I need to point out that the Futch parcel within the Lake Jesup Conservation Area was acquired as mitigation for impacts resulting from the construction of the Seminole County Expressway, so any impacts to the parcel, which includes the footprint of the proposed widening of SR 46, will need to consider the previous mitigation.

Your email dated 11/21/2014, indicates that the pond for basin A has been relocated from the south side of SR 46 to the north side, thereby minimizing the impacts to the LJCA. The remaining impacts to the LJCA are the minimum necessary to facilitate widening an existing corridor. Therefore, the St Johns River Water Management District has determined that the project will not adversely affect the activities, features, and conservation attributes for which the property was purchased and is managed.

With over 5,592 acres of property, the LJCA is managed for a variety of uses. These uses include cattle grazing, silviculture, and a range of recreation and conservation goals with varying degrees of intensity throughout the property.

While the entire LJCA property is available for passive recreation, the area proposed for incorporation into the SR 46 widening project is intended for multiple uses and not designated, managed or planned for a specific recreational use. Further, the LJCA property is managed for the preservation of habitat and for general conservation purposes. However, the area proposed for incorporation into the SR 46 project is not designated by statute or identified in the official management plan as an area managed as a wildlife refuge.

GOVERNING BOARD

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ORLANDO

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ORLANDO

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George W. Robbins
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There are no constructed features that function primarily for recreational use being impacted by the proposed widening.

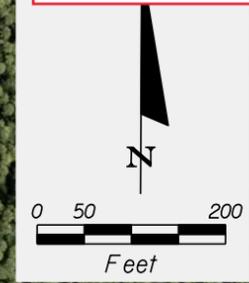
I hope that this letter answers your concerns. If you have any questions, please contact me at (386) 329-4399.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven R. Miller". The signature is fluid and cursive, with the first name "Steven" and last name "Miller" clearly distinguishable.

Steven R. Miller, Director
Division of Land Management

c: Robert Christianson
Ray Bunton
William Bossuot
Travis Richardson

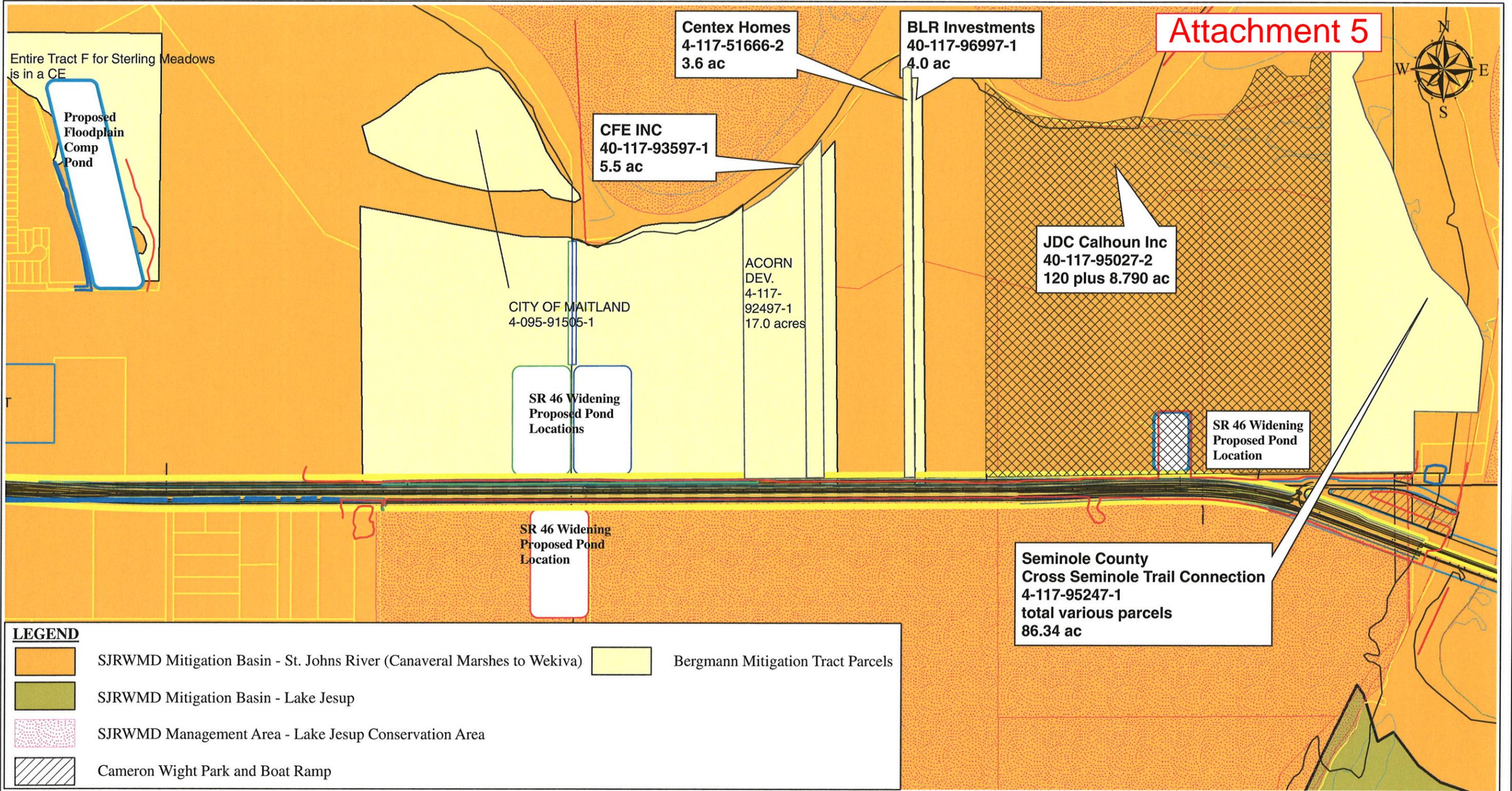


REVISIONS									
DATE	DESCRIPTION	DATE	DESCRIPTION	ROAD NO.	COUNTY	FINANCIAL PROJECT ID	PLAN SR 46 WEST SUBURBAN WIDEN SOUTH PREFERRED ALTERNATIVE		SHEET NO.
				SR 46	SEMINOLE	240216-4-28-01			11

CHRISTOPHER RIZZOLO, P.E.
 P.E. LICENSE NO. 54078
 URS CORPORATION
 315 E. ROBINSON STREET, SUITE 245
 ORLANDO, FL 32801-1949
 PH (407) 422-0353 FAX (407) 423-2695
 CERTIFICATE OF AUTHORIZATION NO. 000002

SEMINOLE COUNTY
 FLORIDA'S NATURAL CHOICE

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**Proposed State Road 46 Widening &
Locations of Bergmann and Seminole County Expressway Authority
Conservation Easements**

State Road 46 Widening from Station Road 415 to County Road 426

FIGURE: 1

SCALE: 1" = 600 feet

JOB NO.: 10.20

DATE: 08/15/12



Table 1-2 - Pond Alternatives Evaluation Matrix

Pond Site Alternative	Pond Size Required including easements & access (acres)	Total Parcel Required (acres)	FEMA Flood Zone	Wetland Impacts (acres)	Arch. / Historical Impact Potential	Environmental Impact Risk	Threatened or Endangered Species Impacts	Hazardous Materials & Contamination Potential	Social Impact	Major Utility Conflict Potential (Y/N)	Existing Land Use	Future Land Use	Total Pond Costs	Rankings
Pond A1	8.84	8.84	AE	8.84	Low	High	Medium	None	Low	N	Wet Prairies	Preservation/Managed Lands	\$1,586,017.29	2
Pond A2	8.84	8.84	AE	8.84	Low	High	Medium	None	Low	N	Mixed Scrub - Shrub Wetland	Preservation/Managed Lands	\$1,743,571.63	3
Pond A3	8.42	8.42	AE	8.42	Low	High	Medium	None	Low	N	Wet Prairies	Preservation/Managed Lands	\$1,664,589.66	1
Pond B1	6.00	6.00	X	1.37	Low	Medium	Medium	None	Low	N	Wetland Forested Mixed	Rural/5	\$858,560.89	1
Pond B2	5.96	5.96	X	0.00	Low	Low	Low	None	Low	N	Improved Pastures	Public/Quasi-Public	\$697,272.20	2
Pond B3	6.12	6.12	A	0.50	Low	High	High	None	Low	N	Pine Flatwoods	Rural/5	\$1,146,396.40	3
Pond C1	4.08	4.08	X	0.29	Low	Medium	Low	None	Low	N	Woodland Pastures	Rural/5	\$2,734,136.29	1
Pond C2	4.16	4.16	X	0.00	Low	Low	Low	None	Low	N	Woodland Pastures	Rural/5	\$822,139.57	2
Pond C3	4.16	4.16	A	4.16	Low	High	Medium	None	Low	N	Freshwater Marshes	Public/Quasi-Public	\$847,860.66	3
Pond D1	2.00	2.00	A	0.00	Medium	Low	Low	None	Low	N	Residential, Rural	Rural/5	\$440,880.39	1
Pond D2	1.99	1.99	X	0.00	Medium	Low	Low	None	Low	N	Improved Pastures	Rural/5	\$316,184.05	2
Pond D3	1.99	1.99	A	0.00	Medium	Low	Low	None	Low	N	Freshwater Marshes	Rural/5	\$429,489.97	3
Pond E2	2.07	2.07	AE	0.10	Medium	Medium	Low	Low	Low	N	Rural Land in Transition	Rural/5	\$309,210.32	1
Pond E3	1.97	1.97	A	0.02	Medium	Medium	Medium	None	Low	N	Wetland Forested Mixed	Rural/5	\$274,889.26	2
Pond F2	1.54	1.54	X	0.03	High	Low	Low	Low	Low	N	Rural Land in Transition	Rural/5	\$233,810.84	1