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Florida Division



ADMINISTRATIVE ACTION  
FINAL ENVIRONMENTAL IMPACT STATEMENT  
U.S. Department of Transportation  
Federal Highway Administration  
and  
Florida Department of Transportation

Financial Project Number: 251670-1-22-02  
E.T.D.M.: 7701  
Federal-Aid Project Number: NH-6182 (10)

Interstate 395 (I-395), from the I-95 Midtown Interchange (I-95/SR-836/I-395) ramps to MacArthur Causeway West Channel Bridges at Biscayne Bay, in the City of Miami, Miami-Dade County, Florida

The existing 1.4-mile corridor is elevated through the Overtown and Edgewater neighborhoods, with four through lanes and ramps for interchanges at I-95, NE 1<sup>st</sup> Avenue, NE 2<sup>nd</sup> Avenue and US-1/Biscayne Boulevard. It is linked with the East-West Expressway (SR-836), a toll road, and with the MacArthur Causeway (US-41, SR-A1A) across Biscayne Bay. Major reconstruction, including interchanges, is proposed. The four construction alternatives include two elevated designs, a tunnel and an open cut.

Submitted pursuant to 42 USC 43332(2)(c) and 49 USC 303.

\_\_\_\_/\_\_\_\_/\_\_\_\_  
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## SUMMARY



### S.1 PROPOSED ACTION

The proposed action is the reconstruction of the entire Interstate-395 (I-395) corridor, from the original terminus at the west side of the I-95/Midtown Interchange (I-95/State Road [SR]-836/I-395) to the original corridor terminus at the West Channel Bridges of US-41/MacArthur Causeway (1.4 miles). These are logical termini (Figures 1-1, 1-2, pages 1-2, 1-3). The entire I-395 project corridor lies within the City of Miami, Miami-Dade County, Florida. I-395 is an independent facility linking I-95 (to the south and north), SR-836 (to the west) and the MacArthur Causeway/US-41 (to the east) over Biscayne Bay. I-395 serves as the emergency evacuation route for the southern part of the City of Miami Beach and for Star, Hibiscus and Palm Islands.

The purpose and need for this project arise in response to the existing deficiencies in capacity, geometrics and safety. The existing I-395 has only two through lanes, and only one continuous lane, in each direction. It has both left-hand and right-hand ramps, and unexpected merges and lane drops. These deficiencies are described in Section 1 (Figure 1-3, page 1-8) and are fully analyzed in the project's Preliminary Engineering Report (PER).

The Begin Project point, the Midtown Interchange, is a major junction of the I-95 corridor. This directional interchange is located approximately one mile west of Biscayne Bay. The project's eastern end is at the West Channel Bridges of the MacArthur Causeway (Figure 2-2, page 2-3). The West Channel Bridges are high-level fixed spans over the Atlantic Intracoastal Waterway (ICWW), which replaced a mid-level drawbridge in 1999. Beyond the project's eastern terminus, the MacArthur Causeway extends eastwardly approximately three miles to Miami Beach, along the north bank of Government Cut, the Port of Miami (POM) ship channel.

Several corridor options were initially considered but after investigating the area surrounding the existing facility, it was determined that the existing corridor location offers the best potential for the fulfillment of the project's needs. Reuse of the existing corridor has the advantages of minimizing costs, community impacts, residential and commercial displacements, as well as avoiding or minimizing archaeological, historical and parkland impacts and contamination concerns. Reuse of the existing corridor with a slight alignment shift to the north of the existing facility has the advantage of limiting the impact area to only 12 acres, most of which is currently vacant land (Figure 4-1, page 4-11). The slight alignment shift to the north would provide the required additional space to accommodate the Maintenance of Traffic (MOT) Plan that would provide minimum traffic and community disruptions during construction (Figures 4-15 thru 4-21, pages 4-63 thru 4-69). This additional space would also help to address some of the project's needs (i.e., additional capacity, drainage requirements, and aesthetics considerations).

Therefore, all four of the build alternatives that were carried through the Project Development & Environment (PD&E) phase featured this northern shift. The PD&E process was developed by the Florida Department of Transportation (FDOT) to fully comply with the intent of the National Environmental Policy Act (NEPA). That intent is to evaluate a proposed action for any environmental impacts resulting from that action, to develop and compare viable alternative designs and options, and to advance to the next phase of development (Design Phase) that alternative that best meets the project objectives while causing the least amount of impact to the environment.

Government authority for the project concept is included in the 2010-2014 Metropolitan Miami-Dade County's Transportation Improvement Program (TIP) that was approved on May 28, 2009 by the Miami-Dade County Metropolitan Planning Organization (MPO). Design is funded under Financial Management (FM) Number 251688-1 in FY 2011. This project conforms to the adopted Miami-Dade County Long Range Transportation Plan (LRTP). This is a priority 2 project in the 2030 LRTP and is initiated in the Strategic Intermodal System (SIS) cost feasible plan section in the 2035 LRTP update, which is planned for adoption in October 2009. Right-of-Way and Construction Phases of this project will be funded under FM Number 251668-1. All future phases of this project are anticipated to have Federal funding. Even though construction funding is not identified in the TIP, funding generating options will be explored. The project is consistent with the goals and policies of the Regional Plan for South Florida and the City of Miami's Downtown Master Plan.

## S.2 OTHER MAJOR GOVERNMENT ACTIONS AND PERMITS REQUIRED

The project's Preliminary Engineering Report (PER), Section 2 Introduction, contains Figure 2-2 (page 2-3), Projects in Vicinity, which illustrates the locations of all related projects under construction and a legend keyed to the figure that lists the facility, location, improvement and sources of funding for 25 roadway projects. Most of these are minor. The two most important related FDOT projects located within the study area are:

- Reconstruction of SR-836 from approximately NW 17<sup>th</sup> Avenue to I-95/ Midtown Interchange (Figure 1-3, page 1-8): SR-836 links directly to I-395 from the west at the Midtown Interchange. Both SR-836 and I-395 were once included in a single PD&E study begun in 1993 and stopped in 1996. The Class of Action was an Environmental Assessment (EA). The project to reconstruct SR-836 (with collector-distributor roadways) has recently been reinitiated through a Joint Partnership Agreement (JPA) of the Miami-Dade Expressway Authority (MDX) and FDOT District Six, as an EA. Note that the action to improve I-395 is in no way dependent upon the SR-836 project, and the SR-836 project is in no way dependent upon the I-395 project. Both can be advanced independently, and each has needs clearly independent of the other.
- Port of Miami (POM) Tunnel: The project to build a tunnel under Government Cut is currently entering the Design/Build Phase. Until such time that a tunnel exists, the Port Boulevard Bridge is the only vehicular entry point to the POM.

Currently, the vast majority of truck traffic to and from the POM traverses I-395. Figure 1-3 (page 1-8) illustrates the truck routes to/from the POM entrance at Port Boulevard. At the Midtown Interchange, most of these trucks continue along SR-836 to/from points west, while a small number continue on I-95 to/from points north. Port traffic exits/enters I-395 via the existing I-395 ramps at NE 1st/NE 2<sup>nd</sup> Avenues. Port traffic currently must traverse six blocks of downtown city surface streets (NE 1st/NE 2<sup>nd</sup> Avenues or Biscayne Boulevard) between I-395 and NE 6<sup>th</sup> Street to the Port Boulevard Bridge. The Record of Decision (ROD) to construct the POM Tunnel was issued by FHWA in 2001. A Design/Build/Finance/Operate contract was let in 2006, assuming a 35 to 50 year period for concessionaire operation to recoup the \$1 billion dollar investment. The consortium headed by Bouygues Travaux Publics was selected. With the economic downturn of 2008, the consortium's financial partner was lost, and the consortium sought another financier. In December 2008, the FDOT halted the negotiations. In early April 2009, the FDOT indicated intent to reopen bidding, then on April 16, reversed this position and announced intent to reopen negotiations with the selected consortium. Should the tunnel project be realized, two tunnels, each with two lanes, would pass under the Government Cut marine channel, between the POM on Dodge Island and the MacArthur Causeway West Channel Bridges on Watson Island. With the two tunnels operational, POM traffic would use the West Channel Bridges of the MacArthur Causeway and the tunnels. The only port traffic that would be likely to continue to use the old Port Boulevard Bridge route over city streets would involve certain cargo that is prohibited from tunnels (e.g., hazardous materials). With the tunnels in operation, truck traffic from the port would traverse the entire I-395 corridor, removing most of this truck traffic from I-395 ramps and city surface streets. In the case of only the I-395 project being advanced, POM traffic would use the proposed Miami Avenue ramps and city surface streets. Note that the action to improve I-395 is in no way dependent upon the POM Tunnel project, and the POM Tunnel project is in no way dependent upon the I-395 project. In fact, the reconstruction of the I-395 project is not expected to improve the traffic patterns on surface streets within the APE and between I-395 and the POM. Both the I-395 project and the POM Tunnel can be advanced independently, and each has needs clearly independent of the other. Note that one local (city) funding source for the POM Tunnel project is an element of the Miami Megaplan, which also includes two museums, a baseball stadium and other urban elements.

Projects by others in the study area include:

- Adrienne Arsht Center for the Performing Arts (AACPA), a public facility consisting of a symphony hall and a ballet/opera hall, plus ancillary cultural facilities, is located north of I-395, straddling Biscayne Boulevard, between NE 2<sup>nd</sup> Avenue and North Bayshore Drive, and between NE 13<sup>th</sup> Street and NE 14<sup>th</sup> Street (Figure 2-7, page 2-12). This facility opened in 2007. Both buildings face toward I-395, which is located 455 ft to the south. The existing expressway is elevated on embankment and on structure in this area, with a roadway elevation of

approximately 28 ft. The proposed action would place the two I-395 bridges at 48 ft, but the westbound traffic would pass 220 ft to the south and the eastbound traffic would follow the same alignment (500 ft south) as the existing roadway.

- A Miami Streetcar project proposed by the City of Miami in coordination with FDOT, to run three routes connecting the Government Center (NW 1<sup>st</sup> Avenue, downtown), the Miami Design District (NE 40<sup>th</sup> Street) and the Civic Center/Health District (NW 10<sup>th</sup> Avenue). This project is intended to benefit City of Miami residents by improving local mass transit. Streetcar routes would pass under I-395 at NW 2<sup>nd</sup> Avenue and NE 1<sup>st</sup> Avenue.
- In 2008, a major development on Watson Island was announced by the Flagstone Property Group/ING Clarion. Elements include two hotels, residences and a marina. The proposed development of Island Gardens on Watson Island (10.5 acres) includes luxury residence condos atop the 43-story Shangri-La Hotel. Westin Hotels will manage another 29-story hotel building. The marina on the west shoreline of the island will feature two main piers with 50 slips to accommodate mega-yachts ranging from 80 ft to over 300 ft in length. The signature gardens will be developed in partnership with Fairchild Tropical Botanical Garden, and a maritime gallery will be developed in partnership with the Historical Museum of South Florida. The investment was estimated at \$600 million, and was scheduled to begin construction in 2009 (for opening in 2011); however, global financial issues appear to have delayed the project.

### S.3 ALTERNATIVES CONSIDERED

Alternative 1 is the No-Build Alternative (Section 2.2, Figures 2-1, 2-2, 2-3, pages 2-2, 2-3, 2-4). The existing corridor alignment begins in line with NW 15<sup>th</sup> Street, then curves south of NW 12<sup>th</sup> Street, then curves north of NE 13<sup>th</sup> Street to the coastline. Corridor analysis indicated that the only viable alternative corridor would involve a shift northward, to a straighter and shorter expressway alignment.

Another alternative that was explored entailed the potential provision of Transportation Systems Management (TSM) improvements. TSM options are usually generated to alleviate specific traffic congestion/safety problems, or to get the maximum utilization out of the existing facility by improving operational efficiency. A total of seven TSM concepts were considered (Table 2-1, page 2-6) but ultimately were rejected because, although they bring some beneficial effects, they still maintain the existing roadway section, and thus preclude the attainment of any significant improvement in the overall project level of service.

Alternatives 2, 3, 4 and 5 are the Build Alternatives. All Build Alternatives share the same footprint. The Build Alternatives included two elevated designs (structural bridges) and two depressed designs (a tunnel and an open-cut). The two elevated designs were entitled: Alternative 2, Elevated with Ramps at Midtown Interchange (Figures 2-4, 2-5,

pages 2-8, 2-9); and, Alternative 3, Ramps at Miami Avenue (Figures 2-6, 2-7, and 2-8, pages 2-11, 2-12, 2-13).

During project development, it was determined that Alternative 2, Elevated with Ramps at Midtown Interchange, was no longer viable, since it required construction of a related project, which was not advanced. The other project was FM No. 4107261, New Access Ramps from NW 14<sup>th</sup> Street to and from SR-9A/I-95. The cumulative impacts within Overtown associated with the combination of the NW 14<sup>th</sup> Street/I-95 ramps project and the access ramps of I-395 Build Alternative 2 (within Overtown) were not acceptable to the Overtown community. In this case, additional points of access to and from the interstate system were opposed and rejected by the affected community. Thus, through the Public Involvement process, it was determined that Alternative 2 was fatally flawed.

Build Alternative 3, Ramps at Miami Avenue, was the second elevated alternative. The proposed location of the access ramps was east of Overtown, in a generally vacant commercial area. This alternative involved considerably less right-of-way (R/W) impacts and displacement to the Overtown community (Figure 4-1, page 4-11). This alternative was the best at fulfilling the project purpose and need while minimizing the associated impacts to this minority community. It was, therefore, the best option for advancement.

The two depressed designs were Alternative 4, Tunnel, Ramps at Miami Avenue (Figures 2-9, 2-10, pages 2-14, 2-15), and Alternative 5, Open-Cut, Ramps at NE 1<sup>st</sup> and NE 2<sup>nd</sup> Avenues (Figures 2-11, 2-12, pages 2-17, 2-18). Both below-grade concepts had been promoted by local interests for several years as a way to make the expressway disappear from view. However, through four years of extensive PD&E analysis, both were determined to be not viable. The costs were approximately twice that of a surface road or bridge option. Apart from costs, the two underground designs also had major disadvantages in terms of more impacts to the Overtown community (e.g., environmental justice), as well as more involvement with contamination, flooding, and safety impacts, as compared to the elevated roadway concept.

It was determined by FHWA and FDOT through the alternatives evaluation process that the elevated Build Alternative 3 was the preferred design, and the only feasible construction option. This design features paired bridges that span nearly one mile between the Midtown Interchange and Bayshore Drive, with a partial interchange near the bridge's mid-point. The interchange at N Miami Avenue includes two westbound on-ramps and two eastbound off-ramps. The proposed geometry of the two Biscayne Boulevard ramps (slip ramps), at the eastern terminus portion of the I-395 corridor, remains very similar to the existing ramp layout.

The remaining viable alternatives were:

- Alternative 1: No-Build Alternative. This option retains the existing roadway design, but would include minor improvements for system optimization and Traffic System Management (TSM) features (as listed in Table 2-1, page 2-6).

- Alternative 3: Elevated, Ramps at N Miami Avenue. Construction of this option would begin with the westbound part of the expressway being built to the north (Figure 4-15, page 4-63), with a new N Miami Avenue Interchange replacing all the existing ramps at the NE 1<sup>st</sup> Avenue and NE 2<sup>nd</sup> Avenue Interchanges. The eastbound facility would then be built in place of the existing roadway. The mainlines forming most of the expressway would be elevated on two bridge structures, with a minimum of 17 ft and maximum of 33.5 ft clearance over street grade. Only the ramps at N Miami Avenue involve solid embankment. One street (NE 1<sup>st</sup> Court) would be closed to accommodate the ramps. Another local street, NE Miami Court, would be available for reconnection under the I-395 spans.

#### S.4 RECOMMENDED ALTERNATIVE

After the DEIS was circulated, a public hearing was held to share information with the general public about the proposed improvements, conceptual design and alternatives under study. The detailed evaluation methodology and public input showed that Alternative 3 was the preferred option from a safety, operations, cost and multimodal standpoint.

#### S.5 MAJOR ENVIRONMENTAL IMPACTS

Project implementation will include the following environmental impacts:

- Right-of-Way (Section 4.1.6, Figure 4-1, page 4-11, Table 4-1, page 4-12): Prior to the subject action, FDOT used the corridor preservation process of Advance Right-of-Way Acquisition (AR/WA) to acquire most (but not all) of the urban area needed to construct a new facility. With all build alternatives, the westbound lanes of this facility would be constructed north of the existing facility, affecting approximately 11 acres along 14 blocks. Therefore, all build options basically had the same R/W requirements. Through the first AR/WA action, FDOT acquired the eastern three blocks near the AACPA, curtailing a proposed construction of four 57-story buildings at this location (Appendix A, other project correspondence, FDOT letter dated 08-02-04). This first AR/WA was processed as a Type 2 Categorical Exclusion for acquisition of 26 parcels, and was approved by FHWA on August 30, 2004. The acquisition of this first group of parcels was completed by 2006. The second AR/WA action was processed as a Reevaluation of the CE-2 and was approved by FHWA on August 8, 2006 for acquisition of another 42 parcels along 11 blocks to the west of the first three blocks. Funding is contained in FY 2012-2013; therefore, this second group of properties has not yet been acquired. While these 68 parcels were common to all build alternatives, the individual build alternatives varied slightly in R/W needs. The specific needs of Build Alternative 3 involved an additional 10 parcels (approximately 1 acre) all located south of the existing facility, in the vicinity of the N Miami Avenue ramps. These ten parcels were not acquired through AR/WA, and do pertain to the subject EIS action. These parcels include a

warehouse, a commercial site, a partial clip of an industrial site, and several vacant parcels, but do not include residential displacements.

- Relocations (Section 4.1.6, Figure 4-1, page 4-11, Table 4-1, page 4-12): Based on the FDOT cost estimate dated July 11, 2007, ten (10) families or individuals, five (5) businesses or services, one (1) special category site (former place of worship) and four (4) personal property category items (signs, etc.) will be relocated as a result of the two previous AR/WA actions for corridor preservation and the subject EIS action. FDOT Right-of-Way Section prepared a document entitled I-395 Significant Relocation Impacts dated October 24, 2007 (Appendix A). In the report section entitled Pre-Relocation Needs Assessment Survey Plan were tables listing Business Impacts (five parcels) and Residential Impacts (three parcels). Residential impacts affect ten occupied, one-bedroom apartment units in two buildings (six-plex, four-plex), plus one vacant former apartment building. It stated that housing of last resort measures are likely to be needed for the displaced persons, but that sufficient available residential and commercial properties exist in the Overtown area. This document also listed five (5) business impacts, affecting 48 employees, and stated that none of the employees were residents of Overtown. It stated that suitable replacement commercial space was available. One enterprise is a manufacturer/distributor of batteries for hearing aids (25 employees). The other displaced businesses include: Broz International (restaurant equipment, 8 employees); Sheila Shine (cleaner of stainless steel, 10 employees); Overtown Food Market (3 employees); and, Art Gallery (2 employees). The latter three enterprises are located in Overtown. Note that the actual amount of displacements (residential and commercial) is quite small for a project of this magnitude, especially for one in an urban location. This is due in large part to the fact that 53 of the R/W acquisitions involved parcels of land listed as vacant. The displacement of ten residential units (individuals or families) is not considered a significant impact to the Overtown community. These displaced individuals will be afforded every benefit to assist in their relocation.
- Construction: The total replacement of a major expressway, including construction of two suspension bridges, involves large-scale impacts that are of a temporary nature. MOT and sequence of construction will be planned and scheduled so as to minimize traffic delays throughout the project. The preliminary MOT Plan developed in seven phases for the preferred Build Alternative 3 is illustrated in plan view and cross section (Section 4.3.17, Figures 4-15 thru 4-21, pages 4-63 thru 4-69). First, the new westbound roadway/bridge will be constructed to the north of the existing facility, followed in several stages by removal of the existing two-way facility and construction of the eastbound roadway/bridge. The MOT includes two temporary elevated roadways; a northbound ramp structure, and an eastbound detour on fill. Also, Section 4.3.1, Pedestrian/Bicycle Facilities, contains the four phases of MOT for Overtown pedestrians, with illustrations the specific locations and schemes (Figures 4-4 thru 4-11, pages 4-27 thru 4-34).

The following are statements of findings for relevant environmental impact categories:

- In accordance with Executive Order 11990, wetlands were considered in developing and evaluating alternatives for the proposed action. No freshwater or saltwater wetlands are associated with this project. The nearest freshwater bodies consist of three stormwater retention ponds located within the Midtown Interchange which will not be affected by this project. The nearest marine habitat is Biscayne Bay, at the MacArthur Bridges approaches. The subject project's eastern terminus is some 350 feet inland from the shoreline. Refer to Section 4.3.5, Wetlands for additional information.
- It has been determined through consultation with local, state and federal water resources and floodway management agencies that there is no regulatory floodway involvement on the proposed project and that the project involves no floodplain development that is incompatible with existing floodplain management. Refer to Section 4.3.11, Floodplains for more information.
- The Office of Planning and Budget, Office of the Governor has determined that this project is consistent with the Florida Coastal Zone Management Plan. Refer to Section 4.3.12, Coastal Zone Consistency for more information.

## S.6 AREAS OF CONTROVERSY

While the preferred alternative generates minimal impact to the Overtown community, this low-income, minority neighborhood remains sensitive to any large-scale action by the public sector, based on past history. The initial construction of the existing Interstate Highway System, including the I-395 expressway corridor, remains an issue of controversy among the current residents. Section 3.1, Population and Community Characteristics, contains Section 3.1.2, Historical Perspective - Overtown. The community experienced a severe, 25-year decline after World War II. A large public housing project in the late 1960's coincided with the construction of the elevated expressways (I-95, I-395, SR-836) that are linked at the Midtown Interchange. All these actions resulted in direct social, economic and cultural impacts to the minority, low-income community. Environmental Justice is covered in both Sections 3.2 and 4.1.2.

Other more recent proposals, such as the rejected proposal to add I-95 ramps at NW 14<sup>th</sup> Street, have also heightened the neighborhood sensitivity to any large-scale action.

There are current residents of Overtown who want recognition of past injustices, and have requested present day environmental justice through avoidance of any new impacts to the social, economic and cultural fabric of this Overtown neighborhood. However, after extensive community coordination, most of the social groups representing Overtown have endorsed the preferred alternative (see Appendix A [support letters], Appendix B).

## S.7 LIST OF OTHER GOVERNMENT ACTIONS REQUIRED

This is a Federal Highway Administration (FHWA) project. No other government agency is serving as a cooperating agency. Review by the U.S. Environmental Protection Agency

(EPA) under the Safe Drinking Water Act – Section 1424(e) is required. An Environmental Resource Permit (ERP) and a Water Use Permit are required from the South Florida Water Management District (SFWMD) for water quality certification and the project’s surface water management plans. Permits required from the Florida Department of Environmental Protection (FDEP) include the federally-delegated National Pollutant Discharge Elimination System (NPDES) Permit, and possibly a Class V Deep Well Permit for management of stormwater. Permits required from local regulatory agencies include Miami-Dade County Department of Environmental Resources Management (DERM) Class II Surface Water Management (Drainage) Permit, and Class V Dewatering Permit. As the corridor traverses a brownfield, other government actions may also be required.

#### S.8 PROBABLE ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

Relocation impacts associated with the proposed action affect ten (10) individuals or families (ten apartment units in two buildings located in Overtown). Additionally, relocations will affect approximately five (5) businesses or services, one (1) special category (non-profit, place of worship) and four (4) personal property category items (signs and/or other personal property). The church, grocery store and art gallery are also in Overtown. Businesses employing 33 of the 48 displaced employees are not located within Overtown.

#### S.9 IRRETRIEVABLE AND IRREVERSIBLE COMMITMENT OF RESOURCES

While the relocation of ten individuals or families will be unavoidable, relocation assistance and payments will be provided, as addressed in Section 4.1.6, Relocations. It was determined that sufficient available commercial properties exist in Overtown to facilitate the relocation of all displaced commercial entities. Residential displacements may involve relocation within or outside of the community, and last resort housing consideration will be provided, if necessary. Also, construction activities in the vicinity of existing drainage structures will be in accordance with Best Management Practices for erosion control and water quality considerations.

#### S.10 FEASIBLE MEASURES TO AVOID OR MINIMIZE POTENTIAL ADVERSE IMPACT

Relocation assistance and payments will be provided, as defined in F.S 339.09 and Public Law 91-646, as amended by Public Law 100-17. The existing drainage system is sub-standard and will be replaced to provide stormwater treatment prior to discharge into receiving waters (Section 4.3.7, Water Quality). In this case, the affected receiving waters are located in the POM turning basin (Biscayne Bay) in front of Bicentennial Park. These waters are designated Biscayne Bay Aquatic Preserve (Section 4.3.6) and Outstanding Florida Waters (Section 4.3.8). All applicable water quality requirements will be met.

## S.11 SHORT-TERM IMPACTS VERSUS LONG-TERM ENVIRONMENTAL BENEFITS

The short-term impacts associated with the project that will exist during construction operations include items such as inconvenience to motorists and neighbors related to detours and delays. The proposed MOT minimizes such inconveniences (Section 4.3.17). Detailed plans to minimize pedestrian and motorist detours are described in Section 4.3.1. Every effort will be made to minimize these impacts, which are further addressed in Section 4.3.17. Temporary air pollution from fugitive dust and of road emissions, along with noise associated with construction operations cannot be avoided.

Long-term benefits will result from the replacement of the I-395 corridor by the preferred alternative. These include the increase in capacity from two to three lanes for through traffic that will benefit Miami Beach traffic. Safety will be improved by a reduction in the weaving of traffic and better management of cars and trucks through lane continuity. Both the capacity and safety improvements will benefit emergency evacuation. With an improved flow of traffic, urban congestion will be reduced. The reduction of congestion will result in improvements in air quality and energy savings. The replacement of the 1.4-mile I-395 corridor with higher, aesthetically pleasing bridges will allow for improved utilization of land under these spans for community concepts such as street fairs, produce markets, as illustrated in Figure 2-6 (page 2-11). The project may contribute to the redevelopment of the project study area. The potential for reconnected surface streets under the corridor will contribute to easier neighborhood access and improved community connectivity.

The proposed I-395 action will provide an expressway with improved design, capacity and safety for managing increasing volumes of car and truck traffic between Miami Beach and Miami. These benefits will apply to hurricane evacuation. With an aesthetically attractive design, the corridor would improve the experience for visitors moving between the airport and resorts, as well as providing a panoramic city/port vista from the elevated spans. An improved I-395 would also provide benefits of greater safety to the POM, with or without the proposed POM Tunnel project.

## 1.0 PURPOSE AND NEED FOR ACTION

Purpose and Need for improvements is based on a combination of substandard traffic conditions, urban planning objectives and the interaction with other planned facility improvements impacting the proposed project area. Project objectives include the study of the following issues: increase capacity to prevent existing and future traffic congestion, improve safety by alleviating existing deficiencies, explore access issues and establish proper continuity.

### 1.1 SYSTEM LINKAGE

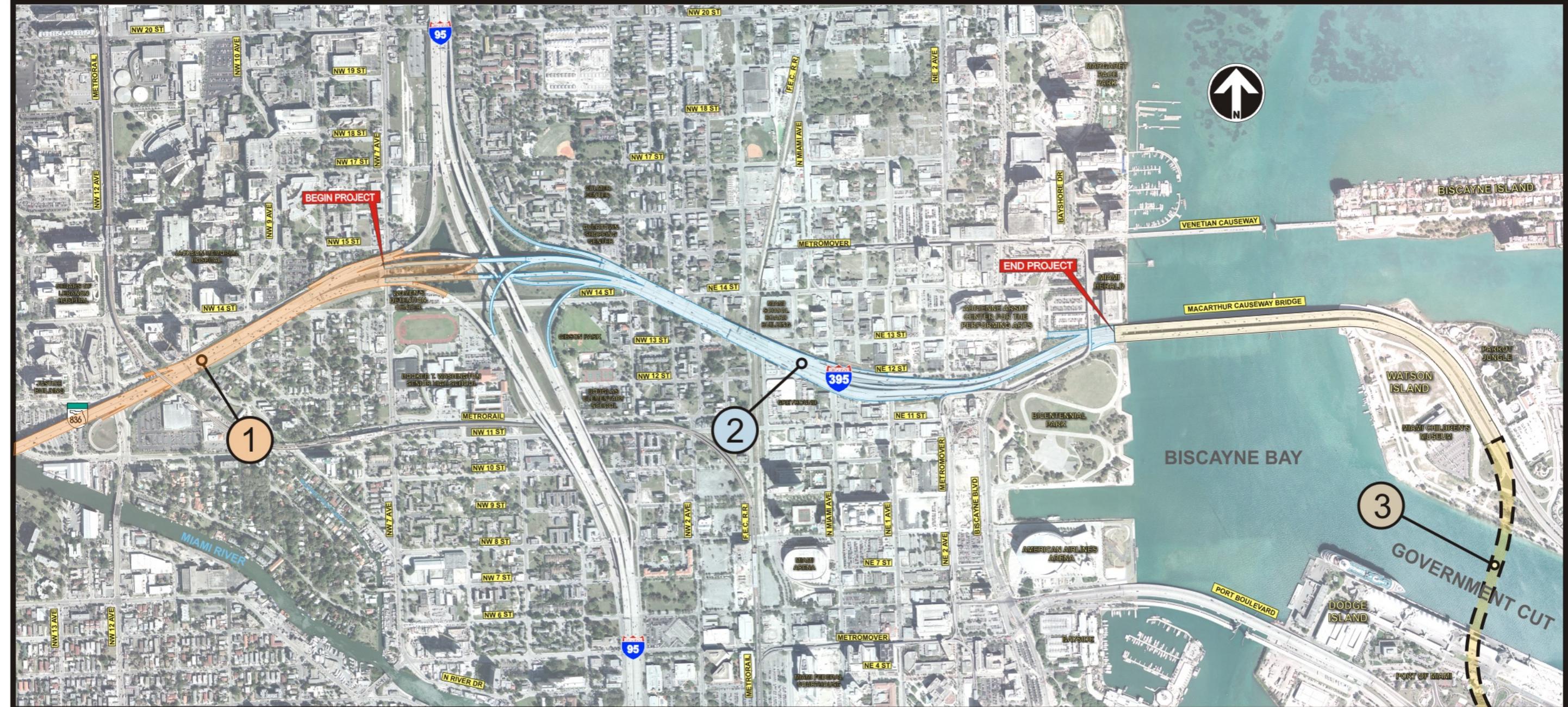
Interstate 395 (I-395) is a 1.3-mile long eastern spur element of the elevated Interstate Highway System in the City of Miami. The project length is 1.4 miles. **Figure 1-1, Project Vicinity**, illustrates the surrounding Miami area, and **Figure 1-2, Project Location Map**, which includes map and aerial images.

The western terminus of I-395 is the west side of the Midtown Interchange (over NW 7<sup>th</sup> Avenue). This major interchange links I-395 to both I-95, running north-south, and to State Road 836 (SR-836), running west. Within the Midtown Interchange, I-95 and SR-836 each feature three lanes in each direction (six-lane capacity), while I-395 features two lanes in each direction (four-lane capacity). The Midtown Interchange serves as a major hub for traffic of Miami, Miami Beach, the airport and the seaport.

The Project End point is 350 ft west of the Biscayne Bay seawall. At its eastern terminus, I-395 is linked to the West Channel Bridges of the MacArthur Causeway (US-41/SR-A1A) that crosses eastward over Biscayne Bay to Miami Beach. The MacArthur Causeway features three lanes in each direction. System linkage to the local street system consists of three sets of on and off ramps located at NE 1<sup>st</sup> Avenue, NE 2<sup>nd</sup> Avenue and Biscayne Boulevard.

I-395 has only two lanes in each direction, and has only one lane in each direction that is continuous between termini. This lack of capacity is fully described and illustrated in Section 1.6 (Capacity). The existing linkage between I-395 and three local roadways is less than ideal. The project objectives are to increase capacity, improve safety, establish proper continuity, and improve access.

The purpose of the I-395 facility is to provide an expressway link between I-95/SR-836 and the MacArthur Causeway. A secondary purpose of I-395 is to provide local access by ramps. Two of the needs for the proposed improvements are to improve capacity and geometrics. The existing design is essentially limited to two lanes, while other linking roadways ( I-95, SR-836, SR-41 ) all have at least three lanes (five lanes beyond the



**1 SR 836 PD&E Study**  
 This project extends from the NW 17 Ave. Interchange to the Midtown Interchange. The main objectives include to increase capacity, reduce accidents and improve operational conditions along this segment of SR 836.

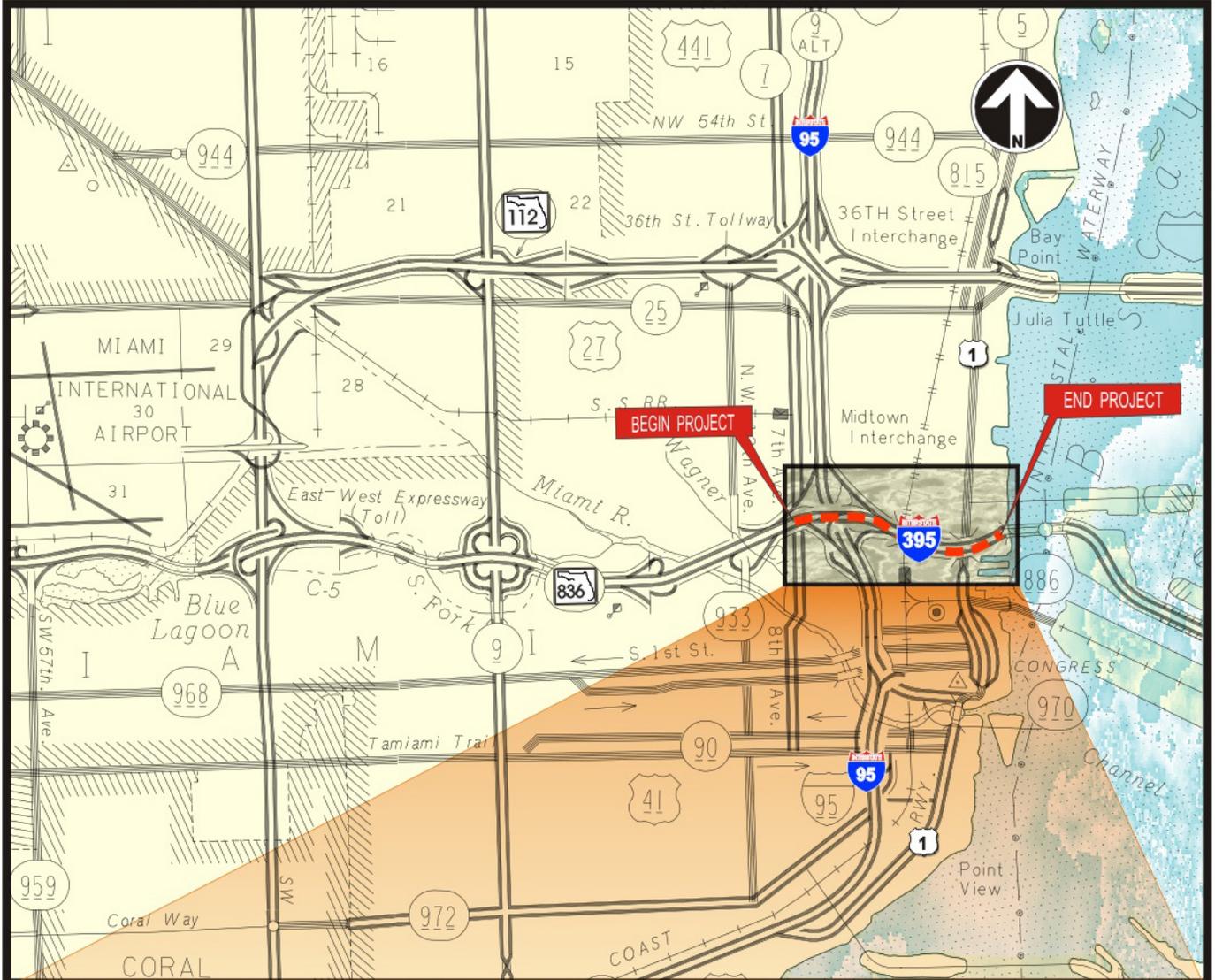
**2 I- 395 PD&E Study**  
 This project extends from the Midtown Interchange to the MacArthur Bridge. The project will address the geometric deficiencies, mobility, safety and community needs of the I-395 corridor.

**3 Port of Miami Tunnel**  
 The proposed Port of Miami Tunnel will provide direct access between the Sea Port, I-395 and I-95, will create an alternative to the Port Bridge now the only connection to the mainland, improve traffic safety in downtown Miami by removing cargo trucks and cruise line buses from already congested streets and facilitate ongoing and future development plans in and around downtown Miami.



# PROJECT VICINITY

FIGURE NO.  
**1-1**



# PROJECT LOCATION

FIGURE NO.

1-2

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Midtown Interchange). Thus, the existing I-395 lacks sufficient capacity for system linkage, and needs improvement. The poor geometrics include odd lane transitions (eastbound 2-lane to 1-lane to 2-lane, westbound 2-lane to 4-lane to 3-lane to 2-lane), as well as left-lane lane-drop off-ramps in both directions and dual (left-hand and right-hand) on-ramps. These poor geometrics reduce safety, as discussed in Section 1.7 (Safety).

The purpose of the MacArthur Causeway is to link the City of Miami with the City of Miami Beach across Biscayne Bay. The original facility was the Collins Causeway, a wooden bridge constructed across the bay in 1920. The MacArthur Causeway replaced the original Collins Bridge when Government Cut was constructed. It featured a mid-level bascule bridge over the West Channel. When I-395 was constructed (circa 1970), it linked directly to that bridge. That span was replaced in 1999 by the current high level West Channel Bridges. While the I-395 expressway and the MacArthur Causeway are linked, they are totally separate facilities, one over land and one over sea. Interstate 395 terminates on the mainland; MacArthur Causeway (SR-41) crosses Biscayne Bay.

The I-395 project corridor extends from just west of the Midtown Interchange (SR-836/I-95/I-395) to the MacArthur Causeway Bridge(s). The Midtown Interchange serves as a major hub for traffic to the Port, downtown, Miami Beach and the MIA. The Port of Miami (POM) Tunnel project limits extend from the eastern project limit of the I-395 project, which is the western terminus of the West Bridges of the MacArthur Causeway, east to Watson Island across (under) the main channel of the Miami Harbor, and terminate on Dodge Island. Although the I-395 project has independent utility from the POM Tunnel project, it does provide a network link for Port traffic traveling to and from I-95 and SR-836 via I-395. The I-395 partial interchanges, at NE 2<sup>nd</sup> Avenue/NE 1<sup>st</sup> Avenue and at Biscayne Boulevard, provide linkage between Miami and Miami Beach. I-395 also serves as a link from SR-836 and I-95 to the south Miami Beach area via the MacArthur Causeway.

The I-395 project is not dependent upon implementation of the POM Tunnel project, i.e., the proposed improvements to I-395 will benefit the region whether or not the tunnel is built, and the POM Tunnel can function whether or not improvements are made to I-395. With implementation of the I-395 project, the resulting improvements to safety, capacity and connectivity will benefit the current users of the MacArthur Causeway, as well as POM traffic, but these improvements are not essential to the POM Tunnel.

Similarly, the POM Tunnel project is not dependent upon implementation of the I-395 project. The POM Tunnel can function whether or not improvements are made to I-395. Current design plans call for the West Bridges to each have one outside ramp lane and tapers of three lanes to two lanes to match I-395. With implementation of the I-395 project, the increased capacity, geometrics and safety will benefit the current users of the MacArthur Causeway, as well as the POM traffic, but this improvement is not essential to the POM Tunnel.

## 2.0 ALTERNATIVES INCLUDING PROPOSED ACTION



### 2.1 INTRODUCTION

The I-395 project corridor crosses the City of Miami from a Begin Point at the west side of the Midtown Interchange (just east of NW 7<sup>th</sup> Avenue) and runs eastward to an End Point on the mainland shoreline near the West Channel Bridges of the MacArthur Causeway. This project corridor is 1.4 miles in length. The I-395 project corridor is a component of the east coast interstate highway system. To improve the entire system, a series of related projects, both roadway and transit, are also planned or underway.

### 2.2 NO-BUILD ALTERNATIVE (ALTERNATIVE 1)

The No-Build Alternative (Alternative 1) is the “do-nothing” or “no-action” option. The No-Build Alternative will remain a viable alternative through the public hearing phase. It is used to compare the costs and benefits of implementing the proposed improvements to those incurred by continuing to use the existing facility. The existing problems and concerns with the operational and capacity shortcomings of the roadway would remain essentially unchanged, with all of the geometric, operational and access deficiencies.

The necessary continuity is lacking in the existing facility. I-395 has only two through lanes in each direction, while the connecting expressways have at least three through lanes. It has only one lane in each direction that is continuous from end to end. It fails to effectively serve the access needs of the abutting land uses, and is inadequate in terms of existing and future capacity. **Figure 2-1**, (the No-Build) **Alternative 1** provides features of this alternative in pictures as well as a profile view, a plan view and a schematic diagram. **Figure 2-2, Alternative 1** illustrates both plan view and schematic diagrams of I-395 and SR-836, with planned improvements to SR-836 that affect the No-Build Alternative. **Figure 2-3** illustrates three **Existing Typical Sections**.

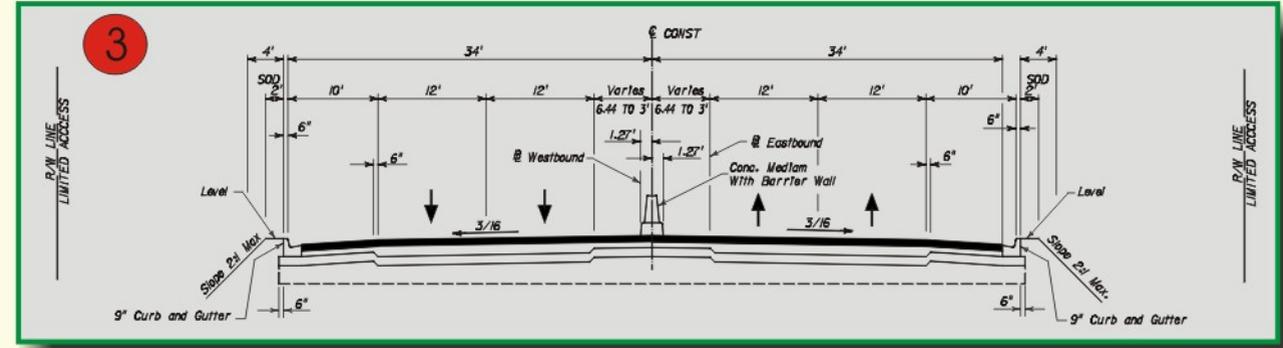
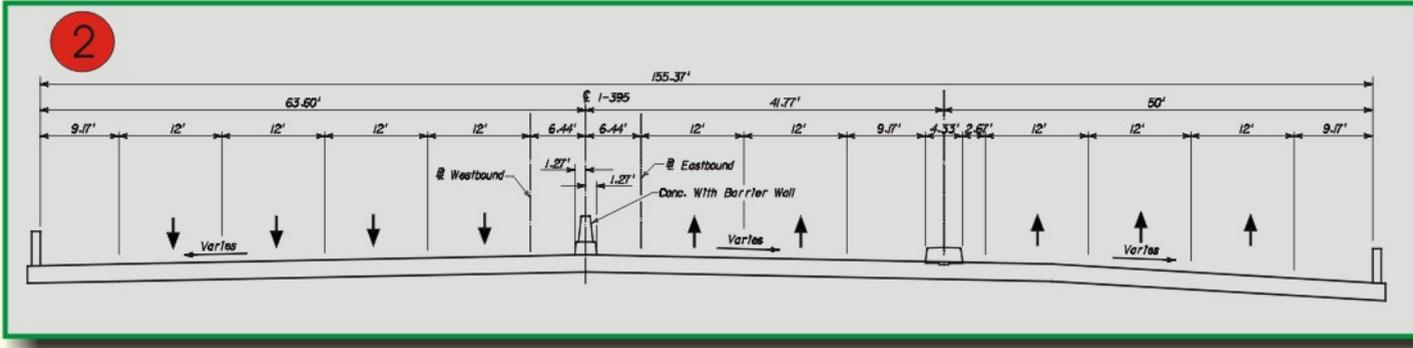
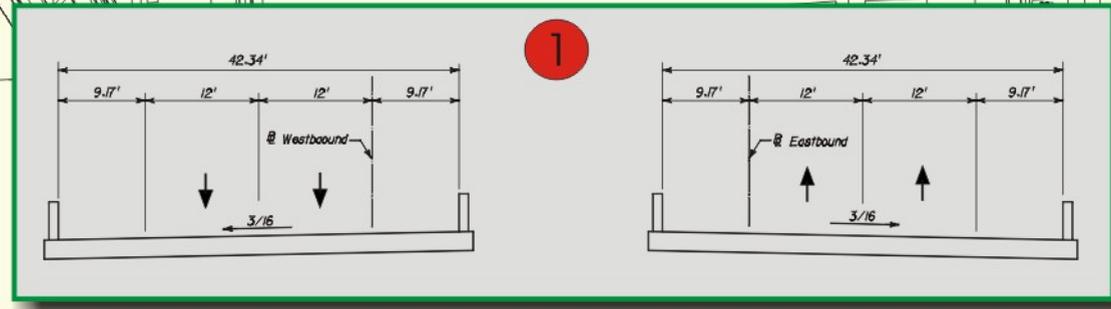
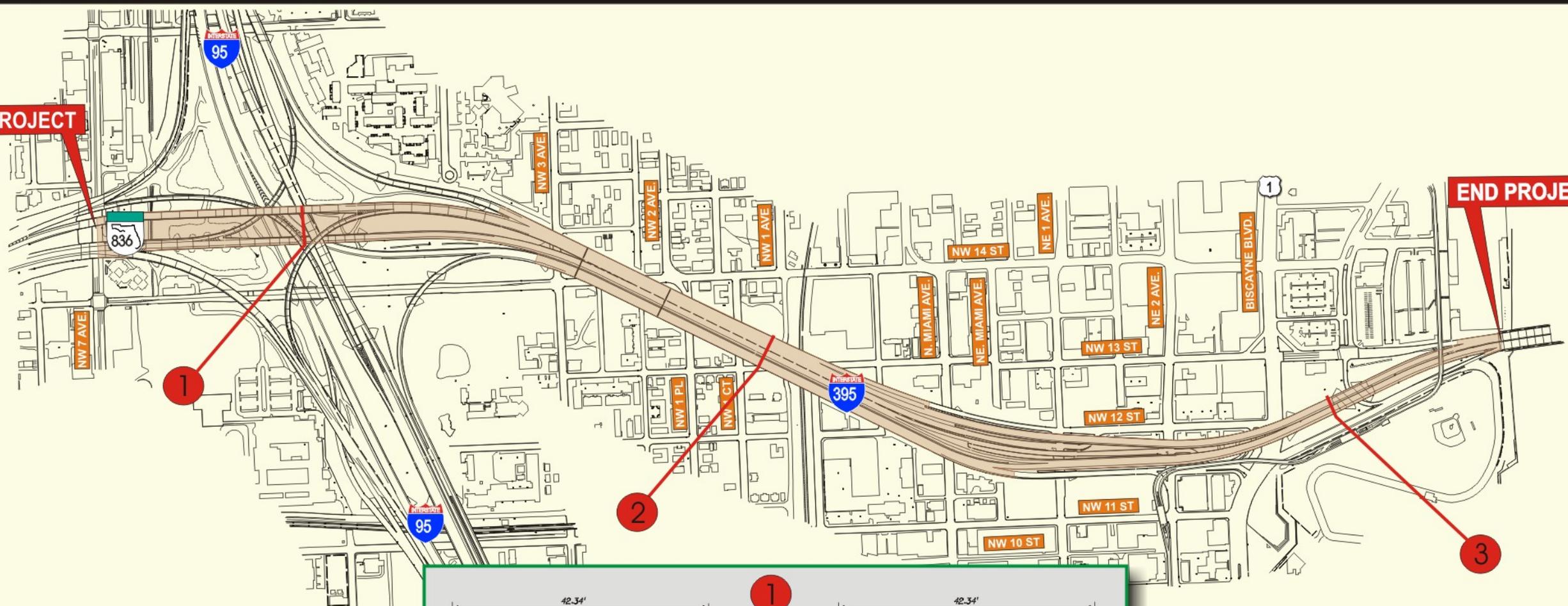
The existing expressway was constructed from 1969 to 1971. By current standards, it is substandard in numerous aspects. The project corridor was elevated to approximately 30 ft on embankment (fill) between North Miami Avenue and NE 2<sup>nd</sup> Avenue, and between Biscayne Boulevard and the Bridges of the MacArthur Causeway. The various ramps are generally constructed on fill. The remainder was elevated on structure (bridges), including the mainline from NW 3<sup>rd</sup> Avenue to North Miami Avenue, and the block between NE 2<sup>nd</sup> Avenue and Biscayne Boulevard. The existing roadway clearance over the F.E.C. Railroad tracks is 22.5 ft, and the roadway’s highest elevation, near this point, is approximately 45 ft NGVD, or 31 ft above grade. The existing roadway right-of-way (R/W) varies considerably, and ranges in general from approximately 160 ft to 440 ft, apart from the Midtown Interchange and other areas of ramps. The wide point includes recently acquired properties between the expressway and the Adrienne Arsht Center for the Performing Arts (AACPA). In the eastbound direction there are three on-ramps (one two-lane) and two off-ramps. In the westbound direction there are three on-ramps (one two-lane) and two off-ramps (one two-lane). There is a stormwater management system in the Midtown Interchange, but not in the remainder of the corridor.





**BEGIN PROJECT**

**END PROJECT**



# EXISTING TYPICAL SECTIONS ALONG I-395

FIGURE NO.  
**2-3**

### 3.0 **AFFECTED ENVIRONMENT**

#### 3.1 POPULATION AND COMMUNITY CHARACTERISTICS

##### 3.1.1 Demographics

This brief overview provides current data on population, race, ethnicity, housing, and income. Racial data describes the population as either white or black (one race only) or mixed. The ethnicity data divides the population into Hispanic and Non-Hispanic. Housing data divides the population into domicile owners and renters. The economic data describes household median income. For purposes of comparison, the same demographic profiles are provided for the larger surrounding units of the City of Miami, Miami-Dade County, the State of Florida, and the United States.

For the I-395 study area, a 117-block area was defined. The most current demographic data available on a block-by-block basis were obtained from the U.S. Census Bureau. These consist of the three Census 2000 summary files (SF-1, SF-2, and SF-3) and any subsequent updates. Some elements of the summary files are updated between the ten-year census events. Other on-line public data sources were also reviewed.

The demographics study area boundaries, or the project study area's limits for demographics consist of portions of three Census Tracts: CT 34, CT 31 and CT 37.02. The western portion of the project study area, from the western limits at the I-95 Midtown Interchange (centerline) eastward to the midpoint at the Florida East Coast Railway (FEC) corridor (or NW 1<sup>st</sup> Avenue), are contained in CT 34 and CT 31. The Census Tract 34 unit (the project study area's southwest quadrant) runs from NW 10<sup>th</sup> Street to NW 14<sup>th</sup> Street and includes 32 blocks (# 1000 thru 1023, 2000 thru 2003, 4000, and 4011 thru 4013). Census Tract 31 (the project study area's northwest quadrant) runs from NW 14<sup>th</sup> Street to NW 17<sup>th</sup> Street and includes 22 blocks (# 1014 thru 1025, 2007, and 2015 thru 2023). Census Tract 37.02 covers the eastern half of the study area, from the FEC corridor east to Biscayne Bay, and from NW/NE 9<sup>th</sup> Street north to NE 15<sup>th</sup> Street. It includes 63 blocks (# 1013 thru 1075). As defined, this study area covers an area approximately 0.5 mile wide and centered on the I-395 project corridor's centerline. The footprint of the existing I-395 facility is quite wide, and the footprints of the various proposed alternatives involve alignment shifts. However, the study area extends sufficiently to include the potentially affected areas of nearby neighborhoods.

By this definition, the demographic study area encompasses a total of 117 census block units, and includes portions (not all) of two Miami neighborhoods, Overtown (west) and Edgewater (east). The neighborhood common boundary is the FEC railroad corridor.

One outstanding feature of this urban study area is the high number of city blocks that, according to the 2000 census, had no inhabitants. Vacant blocks numbered 69, while only 48 of the 117 blocks in the study area had any residents. The majority of the study area population resided in the 54-block Overtown portion of the study area. Fully half of the population in the Overtown portion of the study area was concentrated in just 4 blocks

(the Town Park project). Over two-thirds of the Overtown population (68%) was concentrated in only 10 blocks. In the Overtown portion of the study area (54 blocks), there were 18 blocks that had no residents at all. Regarding the Edgewater portion of the study area, approximately three-fourths of the Edgewater resident population in 2000 was concentrated in a single block (containing the Park Place hi-rise, 778 N. Miami Avenue). Of the 63 city blocks in the Edgewater portion of the study area, only 12 had any residents, while 51 blocks had no residents at all.

The total population of the defined study area (Overtown/Edgewater) was 4,147 persons, which represents 1.1% of the City of Miami. The majority reside in Overtown. The demographic characteristics of the year 2000 population are as follows:

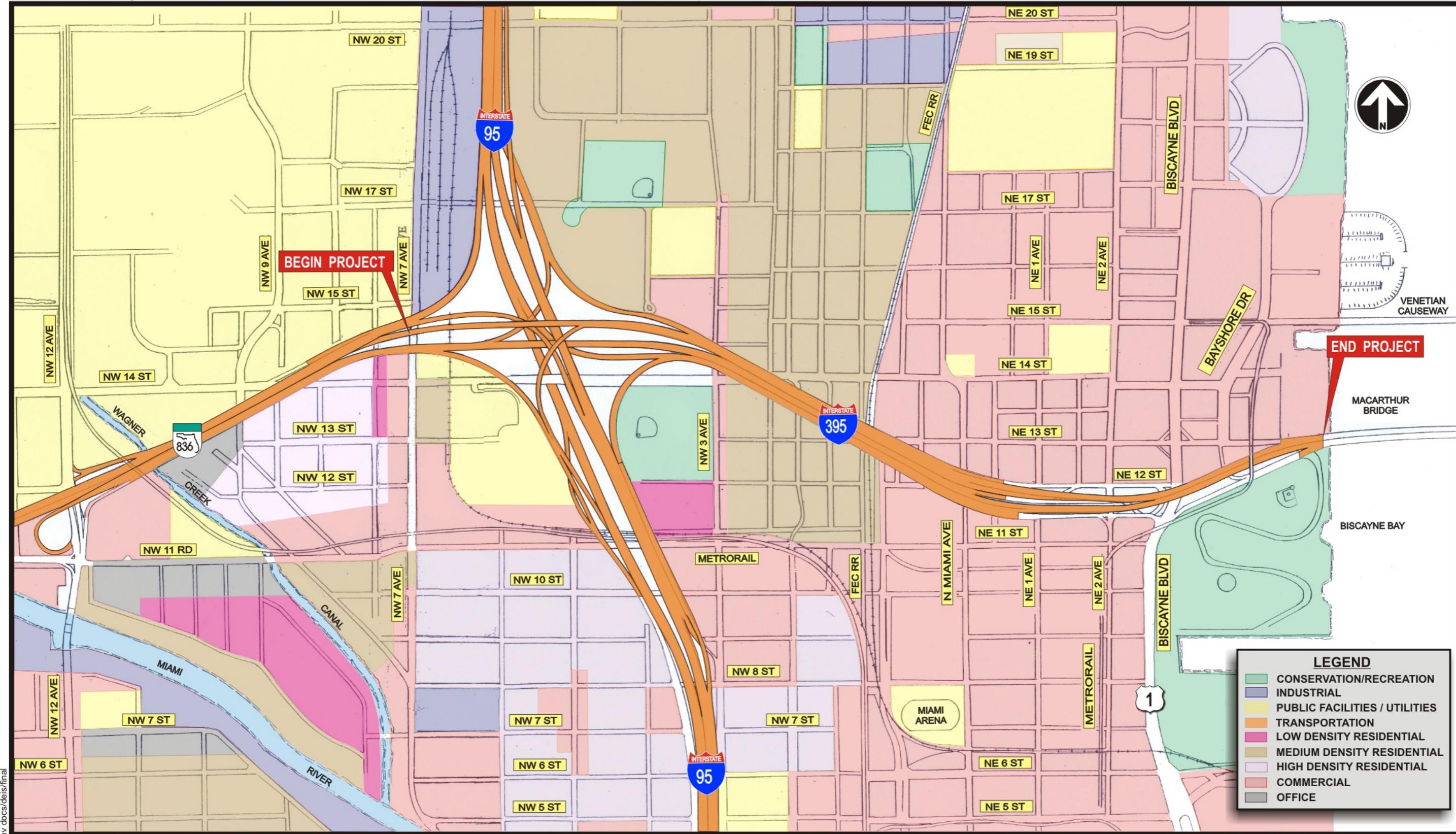
- Race - Black (one race only, number, %): 3,281, 79.1%;
- Race - White (one race only, number, %): 206, 5%;
- Race - two or more (number, %): 660, 15.9%
- Ethnicity - Non-Hispanic (number, %): 3,645, 87.9%;
- Ethnicity - Hispanic (number, %): 537, 12.9%;
- Owner-occupancy rate (%): 3.0%;
- Renter-occupancy rate (%): 97.0%; and,
- Median household income (in 1999 dollars): \$13,340.

For comparison, demographics for these same factors in the same year for the City of Miami, Miami-Dade County, State of Florida and United States, respectively, were:

- Population: 362,470; 2,253,362; 15,982,378; and, 281,421,906
- Race - White (one race only, %): 66.6%; 69.7%; 78%; and, 77.1%
- Race - Black (one race only, %): 22.3%; 20.3%; 17.6%; and, 12.9%
- Ethnicity - Non-Hispanic (%): 34.2%; 42.7%; 83.2%; and, 87.5%;
- Ethnicity - Hispanic (%): 65.8%; 57.3%; 16.8%; and, 12.5%
- Owner-occupancy rate (%): 34.9%; 57.8%; 70.1%; and, 66.2%
- Renter-occupancy rate (%): 65.1%; 42.2%; 29.9%; and, 33.8%
- Median household income (1999 \$): \$ 23,483; \$33,035; \$38,985; and, \$43,318.

In summary, the demographic characteristics of this project study area with an overall population of 4,147 in 2000 were as follows: a racial make-up of 79.1% black or African-American, plus 15.9% of at least two races, or 95.0% non-white. Owner-occupied housing in this study area was 3.0%. Therefore, the study area is strongly characterized as an African-American minority neighborhood with low median household income and minimal home ownership. Approximately half of the population was below the poverty level in 2000. Hispanic influence was minimal. The study area's 12.9% ethnic Hispanic element contrasts with the 65.8% ethnic Hispanic element for all of the City of Miami.

Land uses are illustrated in **Figure 3-1, Existing & Future Land Use Map**. Land uses of the study area include commercial, residential and institutional, with the residential population concentrated in the western portion of the project corridor. Proposed land use changes are generally limited to the area north of the existing I-395 corridor, plus a narrow four-block strip to the south. Land use changes are described in Section 4,



# EXISTING & FUTURE LAND USE MAP

FIGURE NO.  
**3-1**

Environmental Consequences. A noteworthy aspect of the land uses in the affected environment is the large number of vacant parcels bordering the project corridor. Apart from the areas proposed for conversion to transportation land use, any recent land use changes generally relate to the new Adrienne Arsht Center for the Performing Arts (AACPA), which was constructed over the old Sears, Roebuck & Company flagship store on Biscayne Boulevard and NW 14<sup>th</sup> Street.

Study Area Neighborhoods: The Overtown neighborhood surrounds the western half of the project corridor. The boundaries of the Overtown neighborhood, as defined by the Overtown Partnership civic organization, are as follows:

- NW 5<sup>th</sup> Street on the south
- NW 7<sup>th</sup> Avenue on the west
- NW 20<sup>th</sup> Street on the north (except NW 22<sup>nd</sup> Street at I-95 to Dunbar School)
- NW 1<sup>st</sup> Avenue/FEC RR corridor on the east.

The Overtown area, as defined by the City of Miami, has slightly different boundaries, as follows:

- NW 5<sup>th</sup> Street on the south to the Miami River and west to NW 11<sup>th</sup> Street
- NW 14<sup>th</sup> Avenue on the west (at the Miami River)
- SR 836 on the north (west of I-95), and
- NW 21<sup>st</sup> Terrace/NW 22<sup>nd</sup> Street/NW 22<sup>nd</sup> Street on the north (east of I-95)
- NW 1<sup>st</sup> Avenue/FEC RR corridor on the east.

The project study area does not coincide with the entirety of Overtown, by either of these neighborhood definitions. Overtown includes locations on both sides of the I-395/SR-836 corridor and on both sides of the I-95 corridor. Conversely, all four legs of the Midtown Interchange are located within Overtown. Overtown extends in all directions beyond the subject study area, that is, beyond the area of influence of the proposed action. The triangular area to the west, south of SR-836 and north of the Miami River, has a population of over 3,000, and is beyond the study area. The northeast portion of Overtown, outside of the project study area, has a population of approximately 2,400.

### 3.1.2 Historical Perspective - Overtown

Historically, when the City of Miami was incorporated in 1896, Overtown was already the established neighborhood of African-American city residents. During the several decades of forced racial segregation, Overtown provided housing for the “service sector” north of, or “over” downtown Miami. Through the period encompassing World War I to World War II, Overtown was the region’s largest and most important African-American community, was nearly autonomous, and was a center of ethnic culture and enterprise.

Overtown originally occupied 468 acres (0.73 sq. mi). The main commercial corridor of Overtown was NW 3<sup>rd</sup> Avenue. A segment of NW 2<sup>nd</sup> Avenue was the entertainment district. NW 7<sup>th</sup> Avenue/SR-7/ US-441 was another important north-south element in commerce, traffic circulation and access. The most important cross (east-west) street was



## 4.0 ENVIRONMENTAL CONSEQUENCES

The environmental consequences section of the EIS describes in detail the impacts associated with the single remaining viable design alternative of the proposed action (Alternative 3, Elevated, Ramps at Miami Avenue), with relevant references to the three other alternative designs, as needed. Included in the introduction to each of the following topics are summaries of the comments received from reviewing agencies through the Efficient Transportation Decision Making (ETDM) process.

### 4.1 SOCIAL AND ECONOMIC IMPACTS

Most of the social and economic impacts to the study area arise from the requirements for additional R/W associated with the proposed action, and apply to all build alternatives. The ETDM comments on social and economic impacts included ratings of enhanced, none, and moderate. The differences in R/W needs of the four build alternatives were minimal, as all alternatives would require land use changes along most of the north side of the project corridor, as well as along a four-block section on the south side.

A large number of properties affected by R/W acquisition are currently vacant or contain unused or defunct commercial facilities. The amount of proposed residential impact is relatively low, considering the urban setting of the corridor and the area to be acquired. Within the entire study area in recent decades, only a few blocks have contained any residential population, and these are located at the west end of the project corridor in Overtown. The four new condo towers under construction on Biscayne Boulevard will add more than a thousand new residential units.

Section 4.1.6, Relocations, contains a description of corridor preservation through the Advance R/W Acquisition (AR/WA) process that began in 2004 in preparation for the subject project. The Type-2 Categorical Exclusion (CE-2) and Reevaluation for AR/WA are provided on the attached CD. The table of impacted properties, while quite lengthy, actually impacts few residential and commercial properties that are currently in use. Approximately two-thirds of the acquisitions involve vacant parcels and empty or under-utilized commercial spaces.

Apart from the displaced persons and businesses, the short-term effects of the proposed action will be felt by those that reside nearby during the period of construction, as well as by the commuter. In comparison, the long-term effects of a reconstructed I-395 corridor will provide benefits to both the adjacent neighborhoods and businesses, and the motorist user of the interstate system, whether commuter or tourist. The savings in time and fuel provided by the increased capacity, the increase in motorist safety through improved design, improved aesthetics, as seen from both the surrounding streets and from on-board the elevated roadway, will all contribute to the health of the community at large. Together with the Adrienne Arsht Center for the Performing Arts (AACPA) and multiple high-rise developments, the roadway improvements will contribute to the economic impetus of the urban area directly north of downtown Miami.

Port of Miami (POM) truck traffic currently uses the I-395 corridor, ramps and city streets for port access. Those city streets include Biscayne Boulevard, NE 2<sup>nd</sup> Avenue and NE 1<sup>st</sup> Avenue to access Port Boulevard. In a future scenario without the POM Tunnel project, port-bound traffic

will continue to use these routes, except that Miami Avenue will replace the NE 2<sup>nd</sup> Avenue and NE 1<sup>st</sup> Avenue ramps and routes. In a future scenario with the POM Tunnel project, this port traffic will travel through the entire project corridor and over the bridges to/from the POM Tunnels. The volume of POM truck traffic on the eastern half of I-395 will be essentially the same with or without the POM Tunnel project, the difference being in the amount of truck traffic using the ramps. The POM Tunnel project includes widening of the two West Channel Bridges of the MacArthur Causeway from three to four lanes. A pair of tunnels under Government Cut will connect the MacArthur Causeway on Watson Island with the seaport on Dodge Island.

Currently, I-395 offers only two through lanes in each direction along the eastern portion of the project corridor, between NE 1<sup>st</sup> Avenue and the MacArthur Causeway bridges, and only one continuous lane due to left-hand and right-hand lane drops. The proposed improvements to the subject I-395 project corridor will provide three through lanes between the ramps at N Miami Avenue and the eastern project terminus at the bridges. This should benefit both truck traffic to/from the POM Tunnel and general motorists.

The POM is a major regional economic engine. POM cargo generally moves between the port and several warehouse districts located west of the I-395 corridor. Most of the truck traffic related to the seaport continues on SR-836 to/from these destinations.

Access to the Miami International Airport (MIA) is also via this (SR-836/I-395) route. Cruise ship passengers use this route between air and sea transport. The airport is of high economic importance to the regional economy. This route also serves the region's civic/judicial center, and the region's medical/health center, both centered around NW 12<sup>th</sup> Avenue and SR-836.

I-395/MacArthur Causeway is one of the two hurricane evacuation routes for Miami Beach (population 88,000 in 2000). The other is I-195/Julia Tuttle Causeway. While the MacArthur Causeway has three lanes westbound, I-395 currently has only two lanes (see schematic diagrams of Alternative 1 in Figures 2-1, 2-2, and 2-3). Hurricane evacuation will be improved by the proposed lane additions.

#### 4.1.1 Community Cohesion

The original construction of the above-grade I-395 expressway impacted the surface street network, but most surface connections were maintained under the expressway by use of overpasses. The only truncated roadway was NE Miami Court. With the preferred Build Alternative 3, NE Miami Court can be re-connected, but NW Miami Court will be truncated to accommodate new expressway ramps at Miami Avenue. Currently, NW Miami Court ends at the Greyhound Bus maintenance yard and links only westward to NW 13<sup>th</sup> Street. Closure of this roadway will have minimal, if any, effect on the bus maintenance facility operations. Also, neither location is in Overtown. Thus, the proposed action maintains the surface roadway linkage by closing one minor roadway and opening (restoring) another. The higher clearances under the proposed design will improve appearances and utilization of the surface areas under the facility. Overall, the proposed access ramp design benefits community cohesion by improving mobility. This design has minimal impact on community cohesion in Overtown, as the Miami Avenue ramps are located completely east of, and not within, Overtown.

#### 4.1.2 Environmental Justice

In accordance with the 1994 Executive Order (EO) 12898, any disproportionate adverse effect on minority and low-income populations that results from an action by any government agency must be identified and addressed. The identified problems are to be addressed through solutions that mitigate (reduce) or eliminate the negative effects of the action. The prime concerns of the minority, low-income Overtown community, and their potential solutions, are described herein.

Per EO 12898, environmental justice is to be achieved through consistent strategies that ensure meaningful participation by the affected community in the decision-making process. Public participation is needed to find successful mitigation concepts that address the perceived problems of that affected population. With transportation projects, recommended mitigation and enhancement measures include dealing with issues affecting the community that are outside of transportation, such as safe housing, commerce and employment. Section 5.4 of this document provides full documentation of how public involvement was a key component of the project.

EO 12898 encourages any efforts to go above and beyond traditional methods of public involvement. To this end, since May 2006, the I-395 project team developed an active Project Advisory Group, held more than 76 meetings with community stakeholders, public entities, and public officials. These are described in Section 5.4. Also, the I-395 project team established and staffed a Community Outreach Office at 939 NW 3<sup>rd</sup> Avenue in Overtown, and provided a terminal for public use and an internet website (<http://www.I395miami.com>) that links to the ETDM website (<http://etdmpub.fl-a-etat.org/est/>) where project information and documents can be viewed.

The I-395 Community Outreach Office staff has provided the community with project understanding, as well as guidance on computer use and internet access, helping neighbors to review on-line listings of state employment opportunities, to compose resumes and to prepare job applications. The I-395 Community Outreach Office staff has been instrumental in job placement of Overtown residents.

Efforts to identify disproportionate impacts require an historical perspective. A full century has been summarized above in Section 3.1.2, Historical Perspective – Overtown Neighborhood. Indirect impacts and cumulative effects (which are defined as past, present or future actions by others) are to be assessed both for the community at large and for the affected population. Indirect and cumulative impact assessments for this project are contained in Section 4.4.

In 1997 the U.S. Department of Transportation (US DOT) issued guidance to public agencies on compliance with EO 12898 on planning, impact assessment and public involvement issues. The guidance outlined processes for assessing community impacts, for developing alternatives, and for incorporating mitigation measures to alleviate any negative consequences.

Environmental justice requires that the project need be well substantiated. Project need is established in Section 1. It also requires that some agreement be reached with the potentially affected population on impacts and proposed mitigation measures. Coordination is documented in Section 5 and appendices. The 1997 US DOT guidance indicates that a proposed action should

#### 4.4 **INDIRECT AND CUMULATIVE EFFECTS**

The assessment area for indirect and cumulative effects (ICE) encompasses the “service area” of the project corridor, which includes destinations well beyond the project limits. In this case, the City of Miami Beach forms the easternmost limit of destinations, and the prime destination of most I-395 trips, along with the bay islands. Another destination of traffic (cargo trucks) that travel on the I-395 project corridor is the POM. The City of Miami neighborhoods of Overtown and Edgewater surround the corridor. To the west are the Civic Center, Medical Center, MIA, numerous residential communities and warehouse districts. The linked interstate highways (I-95 and SR-836) are also elements of the I-395 “service area”.

Indirect (or secondary) effects are defined by FDOT as reasonably foreseeable effects that occur as a result of an action, but occur later in time or are removed from the action location. Indirect effects include temporary (short-term) and permanent (long-term) effects.

According to the definition in the Council of Environmental Quality (CEQ) Regulations (40 CFR 1508.7), “cumulative impact is the impact on the environment, which results from the incremental impacts of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions.”

The subject project is consistent with the goals and policies of the Miami-Dade County Comprehensive Development Master Plan (CDMP) and has been programmed in the Gubernatorially-approved 2008 Miami-Dade County MPO’s Transportation Improvement Program (TIP) and Long Range Transportation Plan (LRTP), as defined in Section 1.3. Therefore, this action has the requisite governmental authority as required for federal actions.

The possible short-term indirect effects to land resources adjacent to any project corridor include: construction activities associated with the use of heavy equipment, and sedimentation resulting from increased erosion associated with soil disturbance. All Best Management Practices (BMPs) typically associated with road construction projects will be properly implemented and maintained throughout all construction activities. Construction activities will be designed to minimize impacts to adjacent lands while allowing construction to occur as well as to maintain traffic flow. Silt fences/curtains will be used as needed to contain turbidity or sediments generated by any soil disturbance. The urban nature of this project corridor minimizes this class of impacts.

With any project, the possible long-term indirect effects to adjacent lands include: interruption of surface water flow (flooding), alterations to vegetative communities outside of the final roadway footprint, and effects to wildlife in the vicinity of the corridor. None of these impacts apply to this urban project. However, it should be noted that currently, there is no treatment of stormwater runoff in the portion of the I-395 corridor east of the Midtown Interchange. A single outfall of untreated stormwater serves both the expressway and the local City of Miami surface streets. The existing condition is sub-standard. Project implementation will include construction of a stormwater treatment system in accordance with SFWMD standards. This will result in a significant improvement in water quality and provide a benefit to Biscayne Bay.

The proposed action, with the long and high bridge across the City of Miami and increased lanes for the POM Tunnel, is likely to be attractive and induce an increase in tourist traffic across MacArthur Causeway, to and from the City of Miami Beach. This may have an indirect result of a minor increase in traffic volume on Miami Beach roadways. However, no natural resources are anticipated to be affected, directly or indirectly.

The I-395 project corridor extends from just west of the Midtown Interchange (SR-836/I-95/I-395) to the MacArthur Causeway Bridge(s). The Midtown Interchange serves as a major hub for traffic to the Port, downtown, Miami Beach and the MIA. The POM Tunnel project limits extend from the eastern project limit of the I-395 project, which is the western terminus of the MacArthur Causeway Bridges, east to Watson Island across the main channel of the Miami Harbor, and terminate on Dodge Island. Although the I-395 project has independent utility from the POM Tunnel project, it does provide a network link for Port traffic traveling to and from I-95 and SR-836 via I-395 and the I-395 interchanges at NE 2<sup>nd</sup> Avenue/NE 1<sup>st</sup> Avenue and at Biscayne Boulevard. I-395 also serves as a link from SR-836 and I-95 to the south Miami Beach area via the MacArthur Causeway.

The I-395 project is not dependent upon implementation of the POM Tunnel project, i.e., the proposed improvements to I-395 will benefit the region whether or not the tunnel is built, and the POM Tunnel can function whether or not improvements are made to I-395. With implementation of the I-395 project, the resulting improvements to safety, capacity and connectivity will benefit the current users of the MacArthur Causeway, as well as Port of Miami traffic, but these improvements are not essential to the POM Tunnel. Essentially, whether the Port-bound trucks on I-395 use the proposed Miami Avenue ramps and existing Biscayne Boulevard ramps, or continue across the MacArthur Causeway Bridges, the I-395 corridor is being proposed for improvements to accommodate the safety, capacity and connectivity needs of the region, including the POM, with or without the proposed tunnel project.

Another important project is the PD&E project to the west of the I-395 corridor, a major reconstruction of the SR-836 corridor (Figure 1-3, Freeway Analysis). In the early 1990's, when both SR-836 and I-395 were FDOT roadways, the FDOT began a project that included reconstruction of both roadways. For various reasons, that project was halted before completion of the PD&E Phase. Subsequently, SR-836 ownership was transferred to the Miami-Dade Expressway Authority (MDX). Recently, the SR-836 corridor study has been re-initiated as an MDX-FDOT Joint Partnership Agreement. The SR-836 project corridor extends from the NW 17<sup>th</sup> Avenue Interchange to the Midtown Interchange (west side). A key component of this project is to provide Connector-Distributor roadways between the Civic/Medical Center with the I-95 corridor (Figure 1-3, Freeway Analysis). While the proposed actions for SR-836 are complementary to the I-395 proposed action, both projects have their independent utility and their own logical termini.

Cumulative impacts from actions other than roadway actions may include community development and urban infrastructure development projects, such as the recently completed AACPA. Also, cumulative impacts may include the recently formulated City of Miami Megaplan that includes a proposed art museum project in Bicentennial Park, a sports stadium, and major redevelopment all around the I-395 study area (Omni, Watson Island, POM, etc.).

## 4.5 CONCLUSIONS

The socio-economic, cultural, natural and physical resources within the study area have been documented and reviewed for both the negative effects (impacts) and positive effects (benefits) of the preferred Build Alternative 3, with comparative references to the No-Build Alternative and the other three Build Alternatives.

The need for the action is provided in Section 1. Section 2 outlines the step-by-step reasoning underlying the process that resulted in a preference for Build Alternative 3 and the elimination of Alternatives 2, 4 and 5. Alternative 2 had a fatal flaw related to ramps at NW 14<sup>th</sup> Street, within the Midtown Interchange. Alternative 4 (Open-Cut) and Alternative 5 (Tunnel) both featured subterranean designs that were both cost-prohibitive and contained fatal flaws intrinsic in the below-grade concepts (flooding, contamination, etc.).

The adverse environmental impacts associated with the proposed action include:

**Relocations/Displacements:** All of the Build Alternatives analyzed would require approximately 12 or more acres of R/W to construct a new expressway within the selected corridor (along the north side of the existing alignment), while maintaining traffic on I-395. Most of the needed R/W was acquired or designated for acquisition by FDOT through corridor preservation actions completed in 2004 and in 2006. The corridor preservation action included the area common to all four alternatives, or approximately 11 of the 12 acres needed. Fortunately, this required minimal displacements (ten dwellings, five businesses), due to the large number of vacant or unused properties in the corridor. The particular R/W needs of Alternative 3 related to the four ramps of the N Miami Avenue Interchange, and required approximately one (1) acre of R/W along four blocks. In comparison, the three other build alternatives each involved more R/W and considerably more displacements in Overtown.

**Contamination Sites:** Six sites were rated as High Risk and two sites were rated as Medium Risk to the project. Two High Risk sites are currently being subjected to Level 2 evaluations. Other sites are currently in the 'monitoring only' phase of remediation. It is anticipated that the risk to the project from most of these eight sites can be further reduced prior to commencement of the construction phase. However, the likelihood of contamination impacts to construction will remain high in the eastern area where deep excavation is needed with any build alternative. Also, brownfields are present in the study area.

**Local Traffic:** A major benefit of the straight-line design is the ability to construct much of the elevated westbound roadway with only minor interruption of traffic on the existing expressway facility, and with minimal impact on local traffic patterns at street level. Construction of the western portion of the facility entails more phased actions and more short-term interruptions of local traffic patterns. The proposed detours for pedestrians, bicyclists and vehicles in the Overtown (western) portion of the project corridor (four phases of MOT) are described and illustrated in Section 4.3.1, while the seven phases of the project MOT plan are described and illustrated in Section 4.3.17. Unavoidable detours and delays will be kept to a minimum.

Cultural Resources: Five NRHP-listed/eligible historic resources (structures) are present. St. John's Baptist Church is located 320 ft south of I-395, where the expressway will be raised slightly (4 ft). It was determined by FHWA that this elevation shift did not constitute an adverse effect to the church. Fire Station No. 2 remains vacant, replaced in 1973 by new station five blocks to the north. The old station is 480 ft north of the construction limits. The Sears Tower has been incorporated into the AACPA as a ticket window and administrative offices at the northwest corner of Biscayne Boulevard, between the two concert halls. The Sears Tower will be 200 ft north of the new I-395. Rio Mar Apartments and Citizens Bank are both located on N Miami Avenue, south of the fire station. The new westbound lanes of I-395 will be 270 ft closer to these structures. It was determined by FHWA that this northward shift did not constitute an adverse effect on any of the properties. In a letter dated June 16, 2008, the FHWA determined that the project did not constitute an adverse effect on these Section 106 resources, and in a letter dated August 8, 2008, the SHPO concurred (Appendix A, Other Project Correspondence).

Noise/Vibration: Based on TNM analysis of 335 noise sensitive receiver locations, the existing noise levels range from 53.7 to 73.1 dBA, and the noise levels with Alternative 3 in the design year are predicted to range from 55.3 to 74.8 dBA. With Alternative 3 in the design year, noise levels are predicted to range from 54.3 to 71.9 dBA. Of the 335 noise sensitive receivers modeled, 132 sites are predicted to be impacted by traffic noise with project implementation. Almost all of these sites are currently experiencing noise levels exceeding FDOT's NAAC and would continue to do so under the Design Year No-Build scenario. The worst-case Build Alternative noise levels are predicted to be no more than 1.2 dBA greater than those of the No-Build Alternative. None of the normal solutions to mitigate noise impacts appear to be applicable to this project.

Beneficial environmental consequences potentially associated with the preferred Alternative 3, and compared with other Build Alternatives, include the following:

Environmental Justice: Alternative 3 involves considerably less direct impacts to Overtown than any of the other three Build Alternatives. Residential displacements are limited to ten apartment units in Overtown. Commercial displacements are few (five) and replacement commercial space is readily available. The preferred design is the result of considerable coordination with the Overtown community in the planning process during four years in the PD&E Phase.

Community and Economic Redevelopment: The preferred design has the support of the community and has the potential for improved utilization of the covered space under the higher elevated expressway structures. The potential is great for aesthetic improvements at street level in relation to the two large spans in the eastern half of the project corridor.

Water Quality: Improved stormwater treatment will be an intrinsic element of any proposed roadway improvement.

Air Quality: No impact to air quality is anticipated with implementation of Alternative 3. The resultant improvement in Level of Service (LOS) is anticipated to minimize stationary queues of vehicles, which form the main source of emissions. The project alternative may result in increased exposure to MSAT emissions in certain locations, although the concentrations and

duration of exposures are uncertain, and because of this uncertainty, the health effects from these emissions cannot be estimated.

**Transportation Mobility:** The addition of ramps at N Miami Avenue requires the blockage of NW Miami Court. In balance, the existing blockage by I-395 of NE Miami Court can be eliminated and the existing partial blockage of NE 2<sup>nd</sup> Avenue on the north side of NE 14<sup>th</sup> Street in Overtown can also be eliminated. Both NE Miami Court and NW Miami Court are located outside (east) of Overtown. It is anticipated that new opportunities will be found to use the street-level space along I-395, after the higher and more open overpasses are constructed. These features should contribute to a safer urban environment.

**Safety:** The four new ramps of the N Miami Avenue Interchange represent a major safety improvement over the ramps they replace. On the I-395 mainline, all of the existing left-hand ramps and drop lanes will be eliminated, and more through lanes will be provided. Weaving will be reduced. These features will contribute to a safer roadway system.

## 5.0 COMMENTS AND COORDINATION

### 5.1 INTRODUCTION

A Public Involvement Program (PIP) has been developed and is being carried out as an integral part of the project. The purpose of this program is to establish and maintain communication with the public at-large and individuals and agencies concerned with the project and its potential impacts. To ensure open communication and agency and public input, the Department has provided early in the project process an Advance Notification (AN) package to 79 federal, state and local agencies and other interested parties defining the project and, in cursory terms, describing anticipated issues and impacts. In addition, in order to expedite the project development processes, eliminate unnecessary work, and provide a substantial issue identification / problem solving effort, the Department has carried out the scoping process as required by the Council on Environmental Quality (CEQ) Guidelines. Finally, in an effort to resolve all issues identified, the Department has conducted an extensive interagency coordination and consultation effort, and public participation process. This section of the document details the Department's program to fully identify, address, and resolve all project-related issues identified through the PIP.

This project was initiated in accordance with the PD&E Manual. Meanwhile, the Department developed the Efficient Transportation Decision Making process, or ETDM, a collaboration of 23 federal and state agencies with a commitment to improve early coordination in the transportation planning process. This major change-over to ETDM has been phased in by the Department, and was incorporated into the project on December 6, 2006, 20 months after project initiation. The subject project is one of many conducted during the transition, and has been developed in accordance with this process. This project was screened through the ETDM Programming Screen on September 27, 2007 as ETDM #7701 in accordance with SAFETEA-LU. The ETDM Summary Report is included in **Appendix C**. The project website (<http://www.I395miami.com>) redirects the user to the ETDM public access website.

### 5.2 ADVANCE NOTIFICATION

The Department, through the Advance Notification (AN) process, informed federal, state, autonomous regional and local agencies and other interested parties of the existence of this project and its scope. The Department initiated early project coordination on April 06, 2005, by distribution of an AN package to the Florida State Clearinghouse (SCH) in the Florida Department of Environmental Protection. The SCH response package of state agency responses was dated June 7, 2005, and summarized responses of six state agencies, including determination of consistency with the Florida Coastal Management Program (FCMP) and objectives of the Department of State's Bureau of Historic Preservation and Office of Environmental Policy. Individual AN packages were also sent directly by the District Six office to 74 federal, state, autonomous regional and local agencies and other interested parties. The following agencies / parties received AN packages. An asterisk (\*) indicates those agencies that responded, either through the SCH

or directly to the Department's District Six office, and the date of the response letter is also provided following the asterisk.

Federal Highway Administration - Division Administrator  
Federal Aviation Administration - Airports District Office  
Federal Emergency Management Agency - Natural Hazards Branch, Chief  
Federal Emergency Management Agency - Region IV, Mitigation Division, Chief  
Federal Railroad Administration – Region III Office, Office of Economic Analysis, Director  
U.S. Army Corps of Engineers - Regulatory Branch, District Engineer, Jacksonville  
U.S. Army Corps of Engineers - Regulatory Branch, District Engineer, Miami  
U.S. Coast Guard - Seventh District - Commander (oan) \*04/20/05  
U.S. Department of Commerce - National Marine Fisheries Service, Habitat Conservation Division, Southeast Regional Office, Area Supervisor, Panama City \*05/06/05  
U.S. Department of Commerce - National Marine Fisheries Service, Habitat Conservation Division, Miami Branch Office \*05/06/05  
U.S. Department of Commerce - National Oceanic and Atmospheric Administration, Ecology & Conservation Office, Director  
U.S. Department of Health and Human Services - Centers for Disease Control and Prevention  
U.S. Department of Housing and Urban Development - Regional Environmental Officer  
U.S. Department of Interior - Bureau of Indian Affairs, Office of Trust Responsibilities, Environmental Services Staff, Chief  
U.S. Department of Interior - Bureau of Land Management, Eastern States Office, Director  
U.S. Department of Interior – U.S. Fish and Wildlife Service, Field Supervisor \*04/21/05  
U.S. Department of Interior - National Park Service, Southeast Regional Office  
U.S. Department of Interior - U.S. Geological Survey, Environmental Affairs Program, Chief  
U.S. Environmental Protection Agency - Region IV, Regional Administrator  
U.S. Environmental Protection Agency - Region IV, Groundwater Technology and Management Section  
U. S. Senate - Hon. Senator Mel Martinez  
U. S. Senate - Hon. Senator Bill Nelson  
U. S. House of Representatives, District 17 - Hon. Kendrick Meek  
U. S. House of Representatives, District 18 - Hon. Ileana Ros-Lehtinen  
Florida House of Representatives, District 109 - Hon. Dorothy Bendross-Mindingall  
Florida Senate, District 35 - Hon. Gwen Margolis  
Florida Department of Community Affairs - Division of Resource Planning and Management, Director  
Florida Department of Community Affairs - Division of Growth Management, Director  
Florida Department of Environmental Protection - Southeast District Office, Director \*05/25/05  
Florida Fish and Wildlife Conservation Commission – South Region, Director \*04/15/05

Florida Fish and Wildlife Conservation Commission - Office of Environmental Services, Director  
 Florida Department of Transportation - Central Environmental Management Office, Manager  
 Florida Department of Transportation - District VI, Planning and Programs, Director  
 Florida Department of Transportation - District VI, Planning and Programs, Planning Manager  
 Florida Department of Transportation - Federal Aid Programs, Federal Aid Manager  
 South Florida Water Management District, Executive Director \* (referenced within SCH response dated 06/07/05)(7-8-05 placed call to Sylvia Cohen for letter, not received)  
 South Florida Regional Planning Council, Executive Director \*05/06/05  
 Miami-Dade County Aviation Department, Airport Engineer  
 Miami-Dade County Community and Economic Development Department, Director  
 Miami-Dade County Community and Economic Development Department, Historic Preservation Division  
 Miami-Dade County Department of Environmental Resources Management, Director  
 Miami-Dade County Expressway Authority, Executive Director  
 Miami-Dade County Fire and Rescue, Director  
 Miami-Dade County Metropolitan Planning Organization, Director  
 Miami-Dade County Office of Emergency Management, Director \*04/12/05  
 Miami-Dade County Office of Public Transportation Management, Executive Director  
 Miami-Dade County Citizens Independent Transportation Trust, Director  
 Miami-Dade County Parks and Recreation Department, Director  
 Miami-Dade County Planning and Zoning Department, Director \* 08/02/05  
 Miami-Dade County Police Department, Director  
 Miami-Dade County Public Schools, Chief Business Officer  
 Miami-Dade County Public Works Department, Director  
 Miami-Dade County Transit Agency, Director  
 Miami-Dade County Water and Sewer Department, Director  
 Miami-Dade County, Office of the Mayor - Hon. Carlos A. Alvarez  
 Miami-Dade County Manager - George M. Burgess  
 Miami-Dade County Commission, District 3 - Hon. Barbara Carey-Schuler  
 City of Miami, Office of the Mayor - Hon. Manuel A. Diaz  
 City of Miami, City Manager's Office – City Manager Joe Arriola  
 City of Miami, Commissioner - Hon. Johnny L. Winton  
 City of Miami, Fire Rescue, Fire Chief  
 City of Miami, Historic Preservation, Preservation Officer  
 City of Miami, Community Development, Director  
 City of Miami, Economic Development, Director  
 City of Miami, Parking Authority, Director  
 City of Miami, Parks & Recreation Department, Interim Director  
 City of Miami, Public Works Department, Director  
 City of Miami, Police Department, Chief of Police  
 Neighborhood Enhancement Team (N.E.T.), Downtown / Brickell Office  
 Community Redevelopment Agency (CRA), Chair  
 Downtown Development Authority (DDA), Director

Performing Arts Center Foundation of Greater Miami, Executive Director

Stated below are the pertinent comments from the agencies which responded to the Advance Notification. The letters of these agencies are contained in **Appendix A**.

1.) **U.S. Coast Guard** - Seventh District - Commander (oan)  
(AN response letter dated April 20, 2005)

COMMENT: Based on the project description, no navigable waterway crossings are involved. "If the project is federally funded, no USCG permit would be required, regardless." If no federal funding is involved, and a navigable waterway crossing is involved, then a USCG permit would be required. Permit applications are available on-line, and a contact was provided.

RESPONSE: No navigable waterway crossings are involved. The project ties into the West Channel Bridges of the MacArthur Causeway (fixed, 56 ft vertical clearance). The project's eastern terminus is on land.

2.) **U.S. Department of Commerce - National Marine Fisheries Service**, Habitat Conservation Division, Southeast Regional Office, Area Supervisor, Panama City (AN response letter dated May 6, 2005)

COMMENT: Federally listed species under NMFS jurisdiction may occur within the proposed project area (Biscayne Bay). Six sea turtle species, one fish and one seagrass (with Critical Habitat) were listed. Concern was expressed that untreated stormwater runoff into Biscayne Bay may occur, impacting the marine environment. Coordination on the proposed stormwater management system will be required. The NMFS may require a biological assessment / evaluation (BA/BE) including an effects analysis and final effects determinations on listed species. Ms. Madelyn T. Martinez is the assigned consulting biologist for both endangered species assessment (ESA) and EFH.

RESPONSE: The project is located over urbanized uplands, not over marine habitat. The existing elevated expressway is proposed to be replaced in essentially the same location, and the proposed stormwater management system will be designed to meet or exceed federal, state and local standards of water quality. This represents an improvement over the existing design. An on-site meeting was held (FDOT-NMFS) to clarify the project scope and location, and to resolve prior agency concerns for endangered species and seagrass Critical Habitat.

3.) **U.S. Department of Commerce - National Marine Fisheries Service**, Habitat Conservation Division, Miami Branch Office (AN response letter dated May 6, 2005)

COMMENT: Concern was expressed that untreated stormwater runoff may flow into areas of Biscayne Bay that are designated by the South Atlantic Fishery Management Council (SAFMC) as Essential Fish Habitat (EFH) and a habitat area of particular

concern (HAPC), impacting the marine environment. NMFS requests for review a stormwater management plan that meets NPDES standards and an EFH assessment. Ms. Madelyn T. Martinez was the assigned consulting biologist for both ESA and EFH at that time (later replaced by Mr. Brandon Howard).

RESPONSE: The project is located over urbanized uplands, not over marine habitat. The existing elevated expressway is proposed to be replaced in essentially the same location, and the proposed stormwater management system will be designed to meet or exceed federal, state and local standards of water quality. This represents an improvement over the existing design. An on-site meeting was held (FDOT-NMFS) to clarify the project scope and location, and to resolve prior agency concerns for EFH and HAPC.

**4.) U.S. Department of Interior – U.S. Fish and Wildlife Service, Field Supervisor**  
(AN response letter dated April 21, 2005)

COMMENT: Based on a review of the USFWS GIS database, federally listed species were not identified on the subject project site. Computer links to lists (by county) of endangered and threatened species, and to lists of migratory birds were provided. For questions, contact Mr. John Wrublik at 772-562-3909, extension 282. As no state-listed species were listed in the AN, contact with the Florida FWCC (at 772-778-5094) was recommended by USFWS.

RESPONSE: Based on agency coordination and other sources, the FDOT determined that it was not appropriate to include the eastern indigo snake, or any other federally protected species, as potentially inhabiting or passing through the project corridor study area. In this case, agency coordination included the related I-395 Advance Parcel Acquisition (AR/WA), with letters dated May 14, 2004 and June 3, 2004 (USFWS Service Log No.: 4-1-04-TA-7544). Also, see BA concurrence letter dated March 23, 2009 from USFWS in Appendix A. As described in Section 4.3.14, coordination with the FWCC confirmed that it was not necessary to include either of the two state-protected birds as being potentially affected by the proposed action. The peregrine falcon was subsequently delisted.

**5.) Florida Department of Environmental Protection – Office of Intergovernmental Programs, Florida State Clearinghouse, Director** (Cover letter dated June 7, 2005) and,

**6.) Florida Department of Environmental Protection Southeast District Office, Director** (AN response memorandum dated May 25, 2005)

COMMENT 1: The Florida Department of Environmental Protection (FDEP) Office of Intergovernmental Programs determined the project to be consistent with the Florida Coastal Zone Management Plan and the local comprehensive plan. This office further noted that their earlier comments provided on July 9, 2004 for the I-395 Advance Parcel Acquisition (SAI# FL200405186252C) would also apply to this project.

RESPONSE: The FDEP, Office of Intergovernmental Programs, has reiterated that the project was consistent with the Florida Coastal Zone Management Plan and the local comprehensive plan. Concern for potentially contaminated materials was noted, and the old petroleum tank farm (Belcher Oil Company) was specifically referenced. This letter was dated July 12, 2004 and contained all the State Clearinghouse interagency correspondence. The tank farm was evaluated as part of the Contamination Screening Evaluation Report for that project, and is again evaluated for the subject project.

COMMENT 2: “Tunnel construction would require extensive permitting that should be evaluated by the appropriate DEP section.” The project corridor traverses a designated “Brownfields” area. Contacts were provided for FDEP and Miami-Dade County Department of Environmental Resources Management (DERM) Brownfields Coordinators and two Brownfields websites were listed.

RESPONSE: Contamination concerns related to the two depressed alternatives (tunnel, open cut) were factored into the fatal flaw analysis that resulted in the decision to terminate further evaluation of these two design concepts. The risks associated with elevated concepts, including the one remaining concept under consideration, are far less than with depressed, or tunnel, concepts. Foundations for the east end of the paired spans would be located near North Bayshore Drive in a Brownfields area. The existing ramps of the Biscayne Boulevard Interchange would remain essentially unchanged, and the mainline roadways between these ramps would nearly match the existing horizontal and vertical alignments, limiting potential involvement with the former Belcher Oil Company site.

COMMENT 3: A Contamination Screening Evaluation Report (CSER) will be performed. Reference was made to Section 120, Subarticle 120 -1.2 of the SSRBC. Copies of the CSER should be supplied to the DEP, SE Region, Waste Cleanup Section. “In addition, please be advised that records show that the Belcher Oil Company operated a petroleum bulk terminal facility from 1920 until 1967 at the southeast corner of the MacArthur Causeway and Biscayne Boulevard, apparently where much of I-395 and its ramps exist today. (see attachment). Therefore, special coordination needs to occur between the Miami-Dade County Department of Environmental Resources Management and the FDOT to address the contamination issues.”

RESPONSE: A CSER was prepared in conjunction with the related I-395 Advance Parcel Acquisition (Categorical Exclusion Type 2) and subsequently updated in relation to the Reevaluation of that Advance Parcel Acquisition. As stated in the response to comment 2, the existing ramps of the Biscayne Boulevard Interchange would remain essentially unchanged, and the mainline roadways between these ramps would nearly match the existing horizontal and vertical alignments, limiting potential involvement with the former Belcher Oil Company site. However, the foundations for the east end of the paired spans would be located near North Bayshore Drive in a

table summarizing the comments from the 29 speakers as well as the 17 written comments are recorded in **Appendix E**.

## **5.8 AGENCY COMMENTS ON DEIS**

Stated below are the pertinent comments from the agency that responded to the DEIS. The letter from the U.S. EPA is contained in **Appendix A**.

### **1.) U.S. Environmental Protection Agency** (DEIS comments letter dated September 8, 2009)

**COMMENT 1:** *Concern was expressed regarding the shortage of comparable rental units within the immediate area for the residential relocates.*

**RESPONSE:** The Pre-Relocation Needs Assessment Survey Plan was recently updated to reflect the current market conditions. The plan determined that there are sufficient affordable housing options available for the ten (10) residential units to be displaced.

**COMMENT 2:** *A recommendation was made to continue the on-going public involvement program throughout the planning, design and construction phases of the project.*

**RESPONSE:** This ongoing public involvement program will continue to occur throughout the subsequent project phases.

**COMMENT 3:** *The DEIS did not include an adequate evaluation of the impacts of air toxics (MSAT) emissions on nearby population centers and sensitive populations given the magnitude of the existing and proposed project and the proximity to local schools.*

**RESPONSE:** Miami-Dade County is currently in attainment for all of the pollutants for which National Ambient Air Quality Standards have been promulgated. The FHWA mandated air quality analysis for the project demonstrated that no potential adverse air quality impacts would be caused by construction of the Build Alternative. While project level analysis of MSATs is not required under the NEPA process as currently administered by FHWA, the FDOT has provided a qualitative assessment of MSATs in Section 4.3.3.2 of the FEIS. For informational purposes we have also included in this section a listing of nearby sites potentially sensitive to MSATs. A more detailed quantitative analysis of potential project related environmental and health impacts due to MSATs is encumbered by significant technical shortcomings and/or uncertain science that prevents a meaningful determination of project level MSAT levels and impacts.

**COMMENT 4:** *EPA recommends that the Final EIS include a detailed inventory of air toxics emissions (including diesel emissions) from both stationary and mobile*

**FEDERAL HIGHWAY ADMINISTRATION**

Greg Williams, P.E. District Transportation Engineer	B.S. degree in Civil Engineering 20 years experience
Monica Gourdine Program Operations Team Leader Acting District Transportation Engineer	B.S. degree in Civil Engineering 16 years experience in Civil Engineering, design and programming
George B. Hadley Environmental Programs Coordinator	B.S. degree in Civil Engineering 27 years experience in environmental analysis and documentation
Linda Anderson Environmental Specialist	B.S. and M.S. degrees in Biology 3 years experience with FHWA in environmental analysis and documentation
Cathy Kendall, A.I.C.P. Environmental Specialist	B.S. and M.S. degrees in Urban and Regional Planning 17 years experience in environmental analysis and documentation

**FLORIDA DEPARTMENT OF TRANSPORTATION**

Vilma Croft, P.E. Engineering Project Manager	B.S. degree in Civil Engineering 24 years experience in transportation engineering analysis and engineering document preparation
Catherine Owen Environmental Manager	B.S. and M.S. degrees in Biology 17 years experience in environmental analysis and environmental document preparation
Xavier Pagan Environmental Specialist	B.S. and M.S. degrees in Biology 7 years experience in environmental analysis and environmental document preparation

## **CONSULTANT FIRMS**

### **METRIC ENGINEERING**

Robert Linares, P.E.  
Project Manager

B.S. degree in Civil Engineering  
9 years experience

Raul Driggs, P.E.  
Engineering Quality Control

B.S., M.S., Ph.D. degrees in Civil  
Engineering  
41 years experience

Carlos Rodriguez, E.I.  
Project Engineer

B.S. degree in Civil Engineering  
4 years experience

Julieta Rivero, E.I.  
Project Engineer

B.S. degree in Civil Engineering  
2 years experience

### **CONSULTING ENGINEERING & SCIENCE**

Jeffrey H. Marcus, V.P.  
Quality Control, Administration

B.A., Ph.D. degrees in Biology  
31 years experience in environmental  
analysis and environmental document  
preparation

Kevin Mullen  
Environmental Scientist

B.S., M.S. degrees in Biology  
28 years experience in environmental  
analysis and environmental document  
preparation

Tim Ogle  
Noise Specialist  
Air Quality Specialist

B.S., M.S. degrees in Env. Engineering  
18 years experience in noise and air quality  
analysis and environmental document  
preparation

Nicole Carter  
Environmental Scientist

B.S., M.S. degrees in Marine Biology  
11 years experience in environmental  
analysis and environmental document  
preparation

Daniel Dmiczak  
Contamination Specialist

B.A. degree in Environmental Studies  
8 years experience in contamination  
analysis and environmental document  
preparation

## **B. MUMFORD & COMPANY**

Bobbie Mumford, President  
Public Involvement

B.A. degree in English, certifications  
18 years experience in public involvement  
as principal of this consulting firm

Alonzo B. Mumford, Assistant P. Mgr  
Public Involvement

M.S. degree in Public Administration  
B.S. degree in History Education  
30 years experience in public involvement

Jodi M. Porter, V.P.  
Public Involvement

M.Ed. degree in Education  
B.S. degree in Accounting  
10 years experience in public involvement

Martha G. Miller  
Outreach Office Manager

B.S. degree in Political Science  
10 years experience in public involvement

Betty Hall  
Outreach Office Staff

High School diploma  
4 years experience in public involvement

## 7.0 LIST OF AGENCIES, ORGANIZATIONS, AND PERSONS TO WHOM COPIES OF THE STATEMENT ARE SENT



### FEDERAL AGENCIES

Advisory Council on Historic Preservation - Office of Cultural Resources Preservation  
Colorado State University - The Libraries, Documents Librarian  
Federal Aviation Administration - Airports District Office  
Federal Aviation Administration - Regional Director  
Federal Emergency Management Agency - Associate General Counsel for Insurance and Mitigation  
Federal Emergency Management Agency - Natural Hazards Branch, Chief  
Federal Railroad Administration - Office of Economic Analysis, Director  
U.S. Army Corps of Engineers - Regulatory Branch, District Engineer  
U.S. Coast Guard - Commander (obr) - Eighth District  
U.S. Coast Guard - Commander (oan) - Seventh District  
U.S. Department of Agriculture - Natural Resources Conservation Service, State Conservationist  
U.S. Department of Commerce - National Marine Fisheries Service - Habitat Conservation Division  
U.S. Department of Commerce - National Marine Fisheries Service - Southeast Regional Office  
U.S. Department of Commerce - National Oceanic and Atmospheric Administration  
U.S. Department of Health and Human Services - Center for Environmental Health and Injury Control  
U.S. Department of Housing and Urban Development - Regional Environmental Officer  
U.S. Department of Interior - Bureau of Indian Affairs - Office of Trust Responsibilities  
U.S. Department of Interior - Bureau of Land Management - Eastern States Office  
U.S. Department of Interior - Fish and Wildlife Service, Jacksonville Ecological Services Office, Field Supervisor  
U.S. Department of Interior - Fish and Wildlife Service, Panama City Ecological Services Office, Field Supervisor  
U.S. Department of Interior - Fish and Wildlife Service, South Florida Ecological Services Office, Field Supervisor  
U.S. Department of Interior - National Park Service - Southeast Regional Office  
U.S. Department of Interior - Office of Environmental Policy and Compliance, Director  
U.S. Department of Interior - U.S. Geological Survey Chief  
U.S. Department of State - Office of Environment, Health and Natural Resources  
U.S. Environmental Protection Agency - Office of Federal Activities, NEPA Compliance  
U.S. Environmental Protection Agency - Region IV, Regional Administrator  
U.S. Environmental Protection Agency - Region IV, Ground Water Drinking Water Board

## **STATE AGENCIES**

Florida Department of Environmental Protection – Florida State Clearinghouse  
Florida Department of Community Affairs  
Florida Department of Health  
Florida Department of State - Division of Historical Resources  
Florida Fish and Wildlife Conservation Commission

## **LOCAL AGENCIES**

City of Miami Police Department  
Miami-Dade County Planning Department  
Miami-Dade County Metropolitan Planning Organization  
South Florida Regional Planning Council  
South Florida Water Management District, Executive Director

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# **APPENDIX A**

# **CORRESPONDENCE**

## **APPENDIX A**

### **CORRESPONDENCE**

- **ADVANCE NOTIFICATION**
- **ADVANCE NOTIFICATION CORRESPONDENCE**
- **OTHER PROJECT CORRESPONDENCE**

ADVANCE  
NOTIFICATION



AN

## Florida Department of Transportation

JEB BUSH  
GOVERNOR

1000 Northwest 111th Avenue  
Miami, Florida 33172-5800

JOSE ABREU  
SECRETARY

District Six Environmental Management Office  
1000 N.W. 111th Avenue, Room 6111  
Miami, Florida 33172

April 6, 2005

Lauren P. Milligan, Environmental Consultant  
Florida State Clearinghouse  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard, Mail Station 47  
Tallahassee, Florida 32399-3000

Dear Ms. Milligan:

**Subject: Advance Notification**  
Interstate 395 (I-395)  
From: I-95 (Midtown Interchange)  
To: MacArthur Causeway West Channel Bridges at Biscayne Bay  
Financial Management No.: 251670-1-22-02  
Federal Aid Project No.: NH-6182 (10)  
County: Miami-Dade

The attached Advance Notification package is forwarded to your office for processing through appropriate State agencies in accordance with Executive Order 95-359. Distribution to local and Federal agencies is being made as noted.

Although more specific comments will be solicited during the permit coordination process, we request that permitting and permit reviewing agencies review the attached information and furnish us with whatever general comments they consider pertinent at this time.

This is a Federal-aid action and the Florida Department of Transportation, in consultation with the Federal Highway Administration, will determine what degree of environmental documentation will be necessary. The determination will be based upon in-house environmental evaluations and comments received through coordination with other agencies. Please provide a consistency review for this project in accordance with the State's Coastal Zone Management Program.

In addition, please review this improvement's consistency, to the maximum extent feasible, with the approved Comprehensive Plan of the local government jurisdictions pursuant to Chapter 163, Florida Statutes.

Florida State Clearinghouse  
April 6, 2005  
Page 2

We are looking forward to receiving your comments on the project within 45 days. Should additional review time be required, a written request for an extension of time must be submitted to our office within the initial ~~45~~<sup>60</sup>-day comment period.

Your comments should be addressed to:

Alice N. Bravo, P.E.  
District Environmental Management Engineer  
Florida Department of Transportation  
District Environmental Management Office  
1000 N.W. 111th Avenue, Room 6111,  
Miami, Florida 33172

Your expeditious handling of this notice will be appreciated.

Sincerely,

*Slonica Duj for ANB*

Alice N. Bravo, P.E.  
District Environmental Management Engineer

Attachment

cc:

- 1 Federal Highway Administration - Division Administrator
- 2 Federal Aviation Administration - Airports District Office
- 3 Federal Emergency Management Agency - Natural Hazards Branch, Chief
- 4 Federal Emergency Management Agency - Region IV, Mitigation Division, Chief
- 5 Federal Railroad Administration - Region III Office, Office of Economic Analysis, Director
- 6 U.S. Army Corps of Engineers - Regulatory Branch, District Engineer, Jacksonville
- 7 U.S. Army Corps of Engineers - Regulatory Branch, District Engineer, Miami
- 8 U.S. Coast Guard - Seventh District - Commander (oan)
- 9 U.S. Department of Commerce - National Marine Fisheries Service, Habitat Conservation Division, Southeast Regional Office, Area Supervisor, Panama City
- 10 U.S. Department of Commerce - National Marine Fisheries Service, Habitat Conservation Division, Miami Branch Office
- 11 U.S. Department of Commerce - National Oceanic and Atmospheric Administration, Ecology & Conservation Office, Director
- 12 U.S. Department of Health and Human Services - Centers for Disease Control and Prevention
- 13 U.S. Department of Housing and Urban Development - Regional Environmental Officer

## ADVANCE NOTIFICATION CORRESPONDENCE

Advance Notification (AN) for I-395 was circulated to 75 entities by FDOT on April 6, 2005.. The 15 AN Responses are listed below and scanned copies of the correspondence are contained on an enclosed CD.

Responses (Date, Number of Pages, Format)

### Federal Agencies

1. U.S. Coast Guard, Seventh District, Commander (oan) (04/20/05, 1 page letter)
2. U.S. Department of Commerce, National Marine Fisheries Service, Habitat Conservation Division, Southeast Regional Office, Area Supervisor, Panama City (05/06/05, 2 page letter)
3. U.S. Department of Commerce, National Marine Fisheries Service, Habitat Conservation Division, Miami Branch Office (05/06/05, 2 page letter)
4. U.S. Department of Interior, U.S. Fish and Wildlife Service, Field Supervisor (04/21/05, 2 page draft letter)

### State Agencies

5. Florida Department of Environmental Protection, Office of Intergovernmental Programs, Florida State Clearinghouse, Director (06/07/05, 10 pages) including 2 page cover letter, letters, interoffice memoranda, or dated references on checklist to AN responses from:
  - Florida Department of Environmental Protection, Southeast District Office, Director (05/25/05, 3 page letter)
  - Florida Fish and Wildlife Conservation Commission, South Region, Director (04/15/05, referenced within SCH response)
  - South Florida Water Management District, Executive Director (Note: letter not received, only referenced within SCH response dated 06/07/05, follow-up request made on 7/08/05 to Sylvia Cohen, SFWMD for this letter, no response received)
  - South Florida Regional Planning Council, Executive Director (05/06/05, 3 page letter)
  - Department of State, Bureau of Historic Preservation, Deputy SHPO for Survey and Registration (04/14/05, referenced within SCH response)

### Local Agencies

6. Miami-Dade County Department of Planning and Zoning, Director (08/02/05) as County Clearinghouse (4 page letter)
7. Miami-Dade County Office of Emergency Management, Director (04/12/05, 1 page letter)
8. Miami-Dade County Department of Environmental Resources Management, Assistant Director (05/18/05, 2 page memo)
9. Miami-Dade County Park and Recreation Department, Planning and Development, Assistant Director (07/20/05, 1 page memo)

10. Miami-Dade County MPO, Bicycle/Pedestrian Coordinator (07/28/05, 1 page memo)
11. Miami-Dade County Aviation Department, Noise and Environmental Planning, Manager (07/28/05, 1 page memo, not applicable)
12. Miami-Dade County Fire Rescue Department, Supervisor (07/28/05, 1 page memo)
13. Miami-Dade County Public Works Department, Highway Division, Chief (07/29/05, 1 page memo)
14. Miami-Dade County Water and Sewer Department, Assistant Director for Planning, Innovation & Compliance (07/29/05, 2 page email memo)
15. Miami-Dade County Transit (MDT), no signature, (08/05/05, 2 page memo)

U.S. Department of  
Homeland Security  
  
United States  
Coast Guard

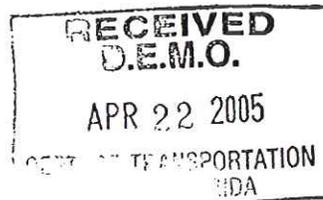


Commander  
Seventh Coast Guard District

909 SE 1<sup>st</sup> Ave. Ste 432  
Miami, FL 33131-3050  
Staff Symbol: (obr)  
Phone: (305) 415-6747  
Fax: (305) 415-6763  
Email: wtate@d7.uscg.mil

16591  
April 20, 2005

Ms. Alice N. Bravo, P.E.  
District Environmental Management Engineer  
Florida Department of Transportation  
District Environmental Management Office  
1000 NW 111<sup>th</sup> Ave. Room 6111  
Miami, FL 33172



Dear Ms. Bravo:

I am responding to your Advance Notification Interstate 395 (I-395) from I-95 to MacArthur Causeway dated April 6, 2005.

If this project is federally funded, the Federal Highway Administration (FHA), as outlined in 23 CFR 650.805, has the responsibility to determine if a USCG permit is required. Based on your letter which indicates no navigable waterway crossings are involved, no USCG permit would be required, regardless.

If federal funds are not utilized in this project, and the project crossed navigable waters of the United States, then a Coast Guard bridge permit is required for the project. The Coast Guard Bridge Permit Application Guide is available at <http://www.uscg.mil/hq/g-o/g-opt/g-opt.htm>. Please submit permit application as outlined in enclosure (1) with original 8 1/2" X 11" permit plans showing the project vicinity, and existing and proposed bridge structures, in plan, elevation and section views.

If you have any questions regarding this matter, please call Mr. Gwin Tate at (305) 415-6747.

Regards,

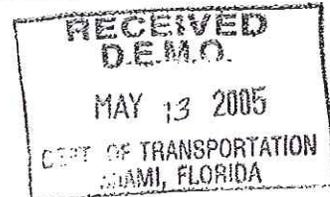
W. GWIN TATE III  
Associate Bridge Management Specialist  
U.S. Coast Guard  
By direction



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office  
263 13<sup>th</sup> Avenue, South  
St. Petersburg, Florida 33701  
(727) 824-5317 FAX 824-5300  
<http://sero.nmfs.noaa.gov>

May 6, 2005 F/SER47:MM



Ms. Alice Bravo, P.E.  
District Project Development and Environment Engineer  
Florida Department of Transportation, District 6  
District Environmental Management Office  
1000 NW 111<sup>th</sup> Avenue, Room 6111  
Miami, Florida 33172

Dear Ms. Bravo:

This is in response to the Florida Department of Transportation (FDOT) advance notification letter dated April 6, 2005, requesting comments and agency coordination regarding the proposed I-395 Road Improvement Project from I-95 to the MacArthur Causeway West Channel Bridges at Biscayne Bay (FIN: 251670-1-22-02) in Miami-Dade County, Florida. This response is provided as informal technical assistance and coordination with FDOT and is not intended to take the place of formal comments or consultation as required under the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 et seq).

Based on the information provided in your letter, our site visit on April 29, 2005, and available information, the following federally listed species, that are under purview of the National Marine Fisheries Service (NMFS) may occur within the proposed project area:

*Turtles*

green sea turtle (*Chelonia mydas*) – threatened  
green sea turtle breeding population in Florida (*C. mydas*) -endangered  
hawksbill sea turtle (*Eretmochelys imbricate*) - endangered  
Kemp's ridley sea turtle (*Lepidochelys kempii*) - endangered  
leatherback sea turtle (*Derochelys coriacea*) – endangered  
loggerhead sea turtle (*Caretta caretta*) – threatened  
olive ridley (*Lepidochelys olivacea*) – threatened

*Fish*

smalltooth sawfish (*Pristis pectinata*) –endangered

*Seagrasses*

Johnson's seagrass (*Halophila johnsonii*) – threatened



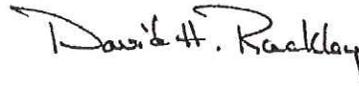
In addition, designated critical habitat for Johnson's seagrass (*H. johnsonii*) (65 FR 17786) occurs within the project area.

Since indirect impacts of the project (e.g., discharge of untreated stormwater runoff into Biscayne Bay) may potentially affect federally listed species, continued informal discussion of technical issues or initiation of informal consultation, pursuant to section 7 of the ESA, may be needed during the Project Development and Environment Study and permitting stage. This will ensure that resource protection and conservation measures that are needed to avoid and minimize impacts to federally listed species in the project area are implemented.

Finally, you should be aware that the proposed project may need to undergo biological assessment/evaluation (BA/BE) once the lead federal action agency is determined. The BA/BE should include a complete detailed project description of the purpose, construction activities, resource conservation and protected measures, and information on federally listed species (i.e., biological surveys, maps, relevant data from scientific journals, etc.). In addition, an effects analysis should be included in the BA/BE, which identifies the direct and indirect effects of the proposed project as well as the final effects determination on listed species (i.e., no effect, may affect; but not likely to adversely affect; or may adversely affect).

Thank you for the opportunity to provide these comments. If you have any questions regarding this response or if additional information is needed, please contact Ms. Madelyn T. Martinez at the above address, telephone number (727) 824-5329, FAX number (727) 824-5300, or by email [Madelyn.Martinez@noaa.gov](mailto:Madelyn.Martinez@noaa.gov). She is also the EFH consulting biologist for this project.

Sincerely,



Roy E. Crabtree, Ph.D.  
Southeast Regional Administrator

cc:  
COE, Miami  
EPA, Region IV  
FHWA  
FWS, Vero Beach  
SFWMD  
F/SER3 Norton/Hawk  
F/SER47 Livergood  
F/SER47 Martinez

OTHER  
PROJECT  
CORRESPONDENCE

## OTHER PROJECT CORRESPONDENCE

Letters of support of the project from citizens and groups. Five (5) letters are contained herein and on CD in one file entitled "I395\_Support Letters.pdf":

The Historic Mount Zion Missionary Baptist Church

Miami-Dade College, Wolfson Campus

Overtown Church of Christ

Overtown Chamber of Commerce

Miami-Dade Empowerment Trust, Overtown Neighborhood Assembly

The Honorable Larcenia J. Bullard, Florida Senate, project support letter dated October 13, 2008 (1 p.) (I395\_support\_Senator\_Bullard\_101308.pdf)

FDOT District Six request to (3) Secretaries for R/W funding (08/02/04) (1 page)

FDOT Significant Relocation Impacts (report), Pre-Relocation Needs Assessment Survey Plan (10/24/07) (report cover plus 2-page plan)

USEPA Sole Source Aquifer response letter (02/07/08) (2 pages)

FHWA effects letter to SHPO (06/16/08) (3 pages) (FHWA effects to SHPO junes08.pdf)

SHPO effects concurrence letter (08/08/08) (1 page) (SHPO no adverse effects 080808.pdf)

USFWS wildlife concurrence letter to FDOT (03/23/09) (2 pages)

NMFS wildlife concurrence letter to FDOT (04/01/09) (2 pages)

USEPA comments on DEIS (09/08/09)

FDOT responses to USEPA comments on DEIS (11/18/09)



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
South Florida Ecological Services Office  
1339 20<sup>th</sup> Street  
Vero Beach, Florida 32960



March 23, 2009

Xavier Pagan  
Florida Department of Transportation  
1000 Northwest 111<sup>th</sup> Avenue, Room 6111A  
Miami, Florida 33172



Service Federal Activity Code: 41420-2009-FA-0277  
Service Consultation Code: 41420-2009-I-0197  
Date Received: March 10, 2009  
Project: Interstate 395 from Interstate 95 to  
MacArthur Causeway  
County: Miami-Dade

Dear Mr. Pagan:

The Fish and Wildlife Service (Service) has reviewed your email dated March 10, 2009, and other information submitted by the Florida Department of Transportation (FDOT), on behalf of the Federal Highway Administration, for the project referenced above. This letter is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

### PROJECT DESCRIPTION

The FDOT is proposing improvements to Interstate 395 from Interstate 95 to the west channel bridges of MacArthur Causeway. The improvements will include: construction of three new elevated lanes on paired spans within the center of the corridor; the closure of the existing ramps at Northeast 2nd Avenue and at NE 1st Avenue; the construction of a new interchange at North Miami Avenue; and construction of a new two-lane collector-distributor road to link westbound Interstate 395 traffic to Interstate 95. All work will occur within the existing road right-of-way and wetlands will not be impacted. The project site is located in Miami-Dade County, Florida.

### THREATENED AND ENDANGERED SPECIES

The FDOT has determined the project will "not affect" federally-listed species. The Service notes the project footprint occurs in highly urbanized areas, and the project will not impact wetlands or habitat suitable for federally-listed species. The Service supports this determination.

This letter fulfills the requirements of section 7 of the Act and further action is not required. If modifications are made to the project, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

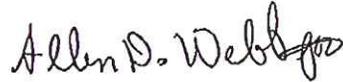
**TAKE PRIDE<sup>®</sup>  
IN AMERICA** 

Xavier Pagan

Page 2

Thank you for allowing us to provide these comments and for your cooperation and effort in protecting federally listed species. If you have any questions regarding this project, please contact John Wrublik at 772-562-3909, extension 282.

Sincerely yours,

A handwritten signature in black ink that reads "Allen D. Webb" with a stylized flourish at the end.

Paul Souza  
Field Supervisor  
South Florida Ecological Services Office

cc:

FWC, Tallahassee, Florida (Mary Ann Poole, Jane Chabre, Traci Wallace) electronic only



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office  
263 13<sup>th</sup> Avenue South  
St. Petersburg, Florida 33701-5505  
(727) 824-5317; FAX (727) 824-5300  
<http://sero.nmfs.noaa.gov/>

April 1, 2009

F/SER4:BH/pw

(Sent via Electronic Mail)

Jeffrey Marcus, Vice President  
Consulting Engineering & Science, Inc.  
10700 North Kendall Drive, Suite 400  
Miami, Florida 33176

Dear Mr. Marcus:

NOAA's National Marine Fisheries Service (NMFS) reviewed the environmental documentation submitted to us via email on March 5, 2009. The Florida Department of Transportation (FDOT) is evaluating capacity improvements to Interstate 395 from its intersection with Interstate 95 (Mid-town Interchange) to the MacArthur Causeway stopping 340 feet west of the seawall at Biscayne Bay.

On May 6, 2005, NMFS provided comments about this project after attending the Agency Kick-Off Meeting (FIN 251670-1-22-02), and on June 27, 2006, NMFS provided comments through FDOT's Environmental Screening Tool (ETDM-7701). At the time, one of the project alternatives would involve in-water work – specifically, a tunnel under Biscayne Bay – and this tunnel was the focus of our comments. Your correspondence indicates that the project would no longer involve in-water work, no improvements to the MacArthur Causeway, and no construction of a tunnel. Based on the new information, we find that the proposed work would not directly impact essential fish habitat (EFH) or federally managed fishery species. Accordingly, we have no comments or recommendations to provide under the Magnuson-Stevens Fishery Conservation and Management Act (P.L. 104-297). However, should additional information or subsequent project modifications indicate that impacts to NOAA trust resources would occur, we may elect to provide EFH conservation recommendations to address those changes.

We are not aware of any threatened or endangered species or critical habitat under the purview of NMFS that occur within the project area. However, it should be noted that a "no effect" determination must be made by the action agency and the reasoning underlying the determination should be documented in a project file. Please coordinate closely with the U.S. Fish and Wildlife Service for other species listed under the Endangered Species Act that may require consultation.

We appreciate the opportunity to provide these comments. Questions should be directed to the attention of Mr. Brandon Howard in our West Palm Beach Field Office, which is co-located with the US Environmental Protection Agency at USEPA, 400 North Congress Avenue, Suite 120,



West Palm Beach, FL 33401. He also may be reached by telephone at (561) 616-8880 extension 210, or by email at [Brandon.Howard@noaa.gov](mailto:Brandon.Howard@noaa.gov).

Sincerely,



/ for

Miles M. Croom  
Assistant Regional Administrator  
Habitat Conservation Division

cc:

CES, Miami ([jmarcus@cesmiami.com](mailto:jmarcus@cesmiami.com))  
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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September 8, 2009

Mr. George B. Hadley  
Environmental Programs Coordinator  
Federal Highway Administration  
545 John Knox Road, Suite 200  
Tallahassee, FL 32303

Subject: Interstate 395, Miami-Dade County, Draft Environmental Impact Statement (DEIS)  
Federal Aid Project No. NH-6182 (10)  
Financial Project Number: 251670-1-22-02  
FHWA-FL-EIS-09-01-D  
CEQ#: 20090245; ERP#: FHW-E40828-FL

Dear Mr. Hadley:

Thank you for your interagency coordination efforts on a proposed project. The U.S. Environmental Protection Agency (EPA) participated in a site visit on August 14, 2009, provided agency sole source aquifer scoping comments on February 7, 2008. Pursuant to Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act (NEPA), EPA Region 4 has evaluated the consequences of the Federal Highway Administration (FHWA) and Florida Department of Transportation (FDOT) proposal to upgrade and reconstruct Interstate 395 (I-395), in Miami-Dade County, Florida. The project involves major upgrades to the existing interstate that include new ramps. The interstate is linked with the East-West Expressway (SR 832), a toll road, and with the MacArthur Causeway across the Biscayne Bay.

The proposed project examines five alternatives, including a no build, two elevated bridges, a tunnel and an open cut. The two elevated designs: Alternative 2, Elevated with Ramps at Midtown Interchange; and, Alternative 3, Ramps at Miami Avenue. The two depressed designs were Alternative 4, Tunnel, Ramps at Miami Avenue; and Alternative 5, Open-Cut, Ramps at NE 1st and NE 2<sup>nd</sup> Avenues. The elevated Build Alternative 3 was identified as the preferred alternative. This design features paired bridges that span nearly one mile between the Midtown Interchange and Bayshore Drive, with a partial interchange near the bridge's mid-point. The interchange at N Miami Avenue includes two westbound on-ramps and two eastbound off-ramps. The proposed geometry of the two Biscayne Boulevard ramps (slip ramps), at the eastern terminus portion of the I-395 corridor, are similar to the existing ramp layout.

Enclosed are comments on the DEIS. EPA commends FDOT's public involvement efforts. However, given the magnitude of the historical adverse impacts to minority and/or low-income communities within the project area (e.g. Overtown), public outreach should be continued and additional efforts should be made to mitigate for localized project impacts. Based on our review of the DEIS, EPA assigned a rating of "EC-2" to the document. Our review has identified a number of environmental concerns (e.g., air quality and children's health) with the need for some additional information.

Thank you for the opportunity to comment on the DEIS. If you have questions on our comments or need further assistance, please do not hesitate to contact Maher Budeir at (404) 562-9514 or [budeir.maher@epa.gov](mailto:budeir.maher@epa.gov) or Ntale Kajumba for environmental justice concerns at (404) 562-9620 or [kajumba.ntale@epa.gov](mailto:kajumba.ntale@epa.gov).

Sincerely,

  
Heinz J. Mueller, Chief  
NEPA Program Office  
Office of Policy and Management

Enclosure 1: Comments on the I-395 DEIS

cc: Aileen Boucle, A.I.C.P., FDOT, District 6

## **Enclosure 1: EPA Detailed Comments**

### **Interstate 395, Miami-Dade County, Draft Environmental Impact Statement (DEIS)**

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Based on our review of the DEIS, EPA's primary environmental concerns are related to mobile source air toxics, noise, and relocation impacts to low income and minority populations. In addition, EPA has concerns regarding the potential for impacts to children's health due to the close proximity to several schools along the proposed alignment.

#### ***Environmental Justice and Community Impacts:***

The Interstate 395 study area includes demographic information from portions of three Census Tracts: CT 34, CT 31 and CT 37.02 and 117 census blocks. The study area is approximately 0.5 mile wide and contains portions of two Miami neighborhoods: Overtown (west) and Edgewater (east). Residents occupy 48 of the 117 blocks examined in the DEIS. The project area predominately includes environmental justice populations (low-income and minority populations). According to the DEIS, demographic characteristics of the study area (Overtown/Edgewater) from Census 2000 are as follows:

- Population: 4,147 persons
- 95% minority population
  - 79.1% black or African-American
  - 15.9% at least two races
- Median household income: \$13,340
  - Approx. half of the population lives below poverty
- Renter-occupancy rate: 97.0%
  - Minimal home ownership

The existing corridor is elevated through the Overtown and Edgewater neighborhoods, with four through lanes and ramps for interchanges at I-95, NE 1<sup>st</sup> Avenue, NE 2<sup>nd</sup> Avenue and US-1 Biscayne Boulevard. EPA commends FDOT's efforts to conduct a robust socioeconomic analysis that includes a historical examination of the Overtown neighborhood and the devastating impacts that various policies and development projects have had on this community. The traditional African-American community was established prior to the incorporation of the City of Miami in 1896, and between the 1930's and 1950 contained a population of about 30,000 people. This area contained about two-thirds of the entire African-American population in Miami-Dade. According to the DEIS, these numbers declined significantly after this period for several reasons including:

- Better housing opportunities
- building code enforcements
- loss of economic base

- construction of Interstate highway corridors
- public housing projects and urban renewal
- integration and school desegregation

The proposed project displaces two apartment complexes (a four-plex and a six-plex) with a total of ten (10) residential units, displacing ten individuals or families. Five businesses will also be displaced which employ a total of 48 persons and one church –the Overtown Church of Christ. According to the DEIS, there is a shortage of comparable rental units within the immediate area (page 4-4). EPA notes that if needed, last resort assistance will be provided for residential relocatees. On the other hand, commercial space is readily available for the businesses that will be displaced, and the congregation that attended the church has already vacated the property.

EPA is concerned about traffic noise impacts and potential abatement measures (see children's health section below reduction strategies) for the area neighborhoods, particularly local schools. According to the DEIS, the primary source of noise within the project area is vehicular traffic on I-395, I-95 and the local roadway network. FDOT conducted a noise study and targeted sensitive land uses within the project area such as single-family homes, small to medium sized apartment buildings and condominiums. There are also two parks in the area the Miami-Dade Theodore Gibson Park and Bicentennial Park, and three churches.

FDOT current bridge design may improve conditions for the community associated with the existing bridge structure. The current bridge structure is expansive and its vertical clearance within Overtown is very low resulting in large areas of dark unusable space. The new bridge structures are more elevated and superior aesthetically. The vertical clearances in the corridor segment within Overtown will range from 20 ft at NW 3rd Avenue to 25 ft at the Florida East Coast Railway (FEC) overpass. It is anticipated that street-level redevelopment in areas around the spans may improve the socio-economic conditions for local residents. Improving the physical appearance and safety underneath the I-395 structures was one of the key recommendations of the 1998 report "Final Report – The Historical Impacts of Transportation Projects on the Overtown Community", by Florida International University (FIU) for the Miami-Dade County Metropolitan Planning Organization (MPO).

### ***Public Involvement:***

EPA notes and commends FDOT and FHWA's efforts to ensure that an effective public involvement strategy was implemented on this project. Recently, projects proposed in this area have not been supported by area residents due to the level of community impacts and mistrust from the impacts of historical policies and projects. According to the DEIS, initially public officials and community representatives generally supported the alternative with the least right-of-way impacts, the no build or Alternative 3. However, following an effective outreach strategy that included public workshops, the formation and implementation of a public advisory group for I-395, the opening of the FDOT Community Outreach Office in an Overtown storefront, and establishment of a telephone hotline and project website, most public officials and community representatives appear to support the preferred alternative. EPA

participated in a site visit that included the Community Outreach center. Information regarding the project description, large aerial maps of the project area and proposed design, public comment logs, videos and brochures about the project, public meetings, and local jobs postings and a computer are available to both visitors and local residents. EPA recommends that these efforts should continue throughout the planning, design and construction of the project.

### ***Mobile Source Air Toxics:***

While EPA understands that the project is located near the Biscayne Bay and Atlantic Ocean which helps to reduce air quality issues and the area is currently in attainment of the National Ambient Air Quality Standards. The DEIS did not include an adequate evaluation of the impacts of air toxics (MSAT) emissions on nearby population centers and sensitive populations given the magnitude of the existing and proposed project and the proximity to local schools. EPA recommends that the Final EIS include a detailed inventory of air toxics emissions (including diesel emissions) from both stationary and mobile sources that serve the facility, including the locomotives, switchers, tractors, and support equipment, etc. It should also include a screening level evaluation of the potential impacts of these emissions on neighboring populations. The screening level evaluation could be conducted using the approach described in EPA's Air Toxics Risk Assessment Reference Library (ATRA Library). We refer FDOT to the ATRA Library, Volume 1 Section 3.3.3 for further details ([http://epa.gov/ttn/fera/risk\\_atra\\_main.html](http://epa.gov/ttn/fera/risk_atra_main.html)). The evaluation should include a description of the recent literature concerning the impact of air toxics emissions on near-roadway receptors, including sensitive receptors such as children. The evaluation should also describe the methods that will be used to mitigate any unavoidable emissions and impacts.

### ***Children's Health/Air Quality and Noise:***

There are fourteen schools or training centers in the project area including two postsecondary units (Miami-Dade College Mitchell Wolfson New World Center Campus and New World School of the Arts), seven (7) Miami-Dade County Public Schools (MDCPS) and five (5) private schools. Most of the student schools are located in Overtown.

According to the DEIS, the construction activities may temporarily affect traffic circulation patterns and/or access in the service areas of the educational institutions, but maintenance of traffic phasing will be closely coordinated with these schools to minimize construction activities during drop-off and pick-up times. Noise and MSAT emissions from heavy truck and vehicular traffic are areas of environmental and public health concern, particularly in close proximity of school zones. The existing facility already adversely impacts these two areas and the proposed upgrades to the facility may exacerbate these issues.

In recognition of these concerns, EPA recommends that FDOT employ air monitors to monitor pollutant levels near school grounds during construction and post construction. Monitoring may help to identify any potential issues. Heavy diesel traffic near schools is likely to increase diesel emissions in the immediate area of the school, and thereby

increase the students' exposure to diesel particulate matter. In addition, noise from the vehicular traffic can impede learning if the noise penetrates into the classrooms. Section 3.1.4 of the DEIS states that the project will not directly impact any of the area schools. However, it is unclear what the localized MSAT impacts are for children and whether truck and vehicular traffic and noise associated with I-395 impact school classes. If so, how will these impacts be mitigated? EPA recommends that the final EIS consider the following strategies to minimize these impacts including:

- Providing or installing soundproof materials for the classrooms
- Working with schools to schedule outdoor activities at the school when vehicular traffic is lowest
- Examining where fresh air intakes for the school are located, and filtering air intake to the extent feasible to minimize intake of these particulates into the school's heating and air conditioning systems, as well as filtering within the HVAC system (should MSAT's pose an issue).

### ***Indirect and Cumulative Effects:***

The DEIS mentions existing transit systems. However, other future planned transit studies such as the South Florida East Cost Corridor can potentially impact the area of study in terms of traffic flow and level of service. These potential projects will impact the effectiveness of this proposed project. EPA recommends that the final EIS consider the indirect impacts of any future mass transit projects that may impact the project area.

### ***Water Quality and Contaminated Sites:***

Section 4.3.7 states that stormwater facility design will include the water quality requirements as required by Miami-Dade Department of Environmental Management. In Section 4.3.9, several sites of high risk and medium risk for subsurface contamination were identified with groundwater plumes of different contaminants. It needs to be demonstrated that the stormwater system can manage the flow of the runoff effectively without adversely impacting the contaminant transport in the subsurface and without further mobilizing contaminants to further degrade groundwater quality. This should be addressed in the final EIS.

# **APPENDIX B**

## **PUBLIC INVOLVEMENT**