

# Eller Drive PD&E Study



from US-1/SR-5 to McIntosh Road  
Financial Project ID No.403984-1-22-01  
Federal Project ID No.FL56-001R

## Categorical Exclusion (Type 2)

December 2003



**4. IMPACT EVALUATION**

Topical Categories	S I G N	M I N	N O N E	N O I N V	REMARKS
--------------------	------------------	-------------	------------------	-----------------------	---------

**A. SOCIAL IMPACTS**

1. Land Use Changes	[ ]	[x]	[ ]	[ ]	<u>See Attachment A-1</u>
2. Community Cohesion	[ ]	[ ]	[x]	[ ]	<u>See Attachment A-2</u>
3. Relocation Potential	[ ]	[x]	[ ]	[ ]	<u>See Attachment A-3</u>
4. Community Services	[ ]	[ ]	[x]	[ ]	<u>See Attachment A-4</u>
5. Title VI Considerations	[ ]	[ ]	[x]	[ ]	<u>See Attachment A-5</u>
6. Controversy Potential	[ ]	[ ]	[x]	[ ]	<u>See Attachment A-6</u>
7. Utilities and Railroads	[ ]	[x]	[ ]	[ ]	<u>See Attachment A-7</u>
8. Bicycles and Pedestrians	[ ]	[ ]	[x]	[ ]	<u>See Attachment A-8</u>

**B. CULTURAL IMPACTS**

1. Section 4(f) Lands	[ ]	[ ]	[ ]	[x]	
2. Historic Sites/District	[ ]	[ ]	[x]	[ ]	<u>SHPO Letter Dated 3/13/01</u>
3. Archaeological Sites	[ ]	[ ]	[x]	[ ]	<u>SHPO Letter Dated 3/13/01</u>
4. Recreation Areas	[ ]	[ ]	[x]	[ ]	<u>See Attachment B-4</u>

**C. NATURAL ENVIRONMENT**

1. Wetlands	[ ]	[x]	[ ]	[ ]	<u>See Attachment C-1</u>
2. Aquatic Preserves	[ ]	[ ]	[ ]	[x]	
3. Water Quality	[ ]	[ ]	[x]	[ ]	<u>See Attachment C-3</u>
4. Outstanding Fla. Waters	[ ]	[ ]	[ ]	[x]	
5. Wild and Scenic Rivers	[ ]	[ ]	[ ]	[x]	
6. Flood plains	[ ]	[x]	[ ]	[ ]	<u>See Attachment C-6</u>
7. Coastal Zone Consistency	[ ]	[ ]	[x]	[ ]	<u>DCA AN Response 11/28/00</u>
8. Coastal Barrier Islands	[ ]	[ ]	[ ]	[x]	
9. Wildlife and Habitat	[ ]	[x]	[ ]	[ ]	<u>See Attachment C-9</u>
10. Farmlands	[ ]	[ ]	[ ]	[x]	

**D. PHYSICAL ENVIRONMENT**

1. Noise	[ ]	[ ]	[x]	[ ]	<u>See Attachment D-1</u>
2. Air	[ ]	[ ]	[x]	[ ]	<u>See Attachment D-2</u>
3. Construction	[ ]	[x]	[ ]	[ ]	<u>See Attachment D-3</u>
4. Contamination	[ ]	[x]	[ ]	[ ]	<u>See Attachment D-4</u>
5. Navigation	[ ]	[ ]	[ ]	[x]	
a. [ ]	FHWA has determined that a Coast Guard Permit IS NOT required in accordance with 23 CFR 650, Subpart H.				
b. [ ]	FHWA has determined that a Coast Guard Permit IS required in accordance with 23 CFR 650, Subpart H.				

**E. PERMITS REQUIRED:**

- Florida Department of Environmental Protection (FDEP) - Environmental Resource Permit (ERP)

- U.S. Army Corps of Engineers (ACOE) - Environmental Resource Permit (ERP)
  - Broward County Department of Planning and Environmental Protection Tree Permit
  - Florida Department of Environmental Protection (FDEP) – National Pollution Discharge Elimination System (NPDES) Permit
- 

**7. WETLANDS FINDING (Applies to Type 2 Categorical Exclusions Only)**

Based upon the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

---

**8. COMMITMENTS AND RECOMMENDATIONS (Applies to Type 2 Categorical Exclusions Only)**

- a) Access to businesses, residences, and through traffic will be maintained to the maximum extent possible during the construction phase of the project. Two lanes of traffic will be maintained continuously in each direction during construction. Pedestrian facilities will be available at all times.
- b) To minimize the adverse effects on air and noise quality from construction activities, the contractor will adhere to air quality and noise provisions of the FDOT Standard Specifications for Road and Bridge Construction, latest edition, as well as appropriate Best Management Practices.
- c) The contractor shall dispose of all oil, chemicals, fuel, etc., in an acceptable manner according to local, state, and Federal regulations and shall not dump these contaminants on the ground or in sinkholes, canals, or borrow lakes. Appropriate Best Management Practices will be used during the construction phase for erosion control and water quality in order to obtain Chapter 62-25, F.A.C. compliance.
- d) No resources will be lost within the project boundaries with respect to the issue of “Limitation on Commitment of Resources.”
- e) A protected species survey will be conducted prior to construction.
- f) Wetland impacts which will result from the construction of this project will be mitigated pursuant to S. 373.4137 F.S. to satisfy all mitigation requirements of Part IV. Chapter 373, F.S. and 33 U.S.C.s. 1344.
- g) During the construction phase, if there are any listed species spotted within the project area, appropriate permits/measures will be taken during that time to minimize or eliminate the impacts.
- h) The following recommendations should be taken into consideration based on the status of each potential contamination site identified:
  - Status of the application and remediation activities at Fleet Transport Company Inc. should be verified prior to construction to determine if remediation has started.
  - Provisions for known contamination that could not be remediated or avoided by redesign should be addressed in the General Notes of the design plans.
  - If construction activities encounter contamination within the project limits, which this report did not identify, steps must be taken to remove or render safe the contamination prior to

continuation of construction. Standard Specifications for Areas of Unforeseen Contamination will be followed and Technical Special Provisions for Excavation in Areas of Identified Contamination will be included in the construction contract documents, as needed.

- i) The USFWS's *Standard Local Operating Procedures for Endangered Species* (SLOPES) require the applicant to replace lost foraging habitat by at least a 1 to 1 ratio to minimize adverse effects to the wood stork. In an email message dated September 16, 2003, the FDOT committed to provide wetlands mitigation for the project that complies with the USFWS's SLOPES requirement for the wood stork. Based on this commitment, the USFWS concurred with the FDOT's determination for the wood stork.
- j) No additional commitments and recommendations were defined subsequent to the Public Hearing on October 9, 2003.

## ATTACHMENT 1 – PROJECT DESCRIPTION

### A. Existing Conditions

Eller Drive, located in Exhibit 1, serves as the immediate link between I-595 and the main entrance to Port Everglades. It is also an integral connector for cruise traffic between the Airport and the Port. The existing typical section is shown in Exhibit 2.

I-595 is an east-west limited access facility with four directional through lanes that are barrier separated. Eastbound I-595 terminates at US 1 with off ramps to northbound and southbound US 1 and an eastbound connection to Port Everglades via Eller Drive. Traffic from US 1 and Eller Drive access I-595 in the westbound direction via complementary ramps.

Eller Drive is essentially an at-grade continuation of I-595, which forms the east leg of the signalized intersection of Eller Drive, I-595 and N.E. 7th Avenue. The typical section for Eller Drive consists of a four (4) lane section with a two-way left turn lane acting as a flush median. Two (2) 12 ft. wide lanes are provided in both the eastbound and westbound directions. Traffic is separated by a painted median that varies in width from a minimum of 12 ft. to a maximum of 22 ft. Shoulders are non-existent. However, adjacent to outside lanes, a type “F” curb and gutter is provided.

The existing typical section for the I-595 eastbound ramp consists of two (2) 12 ft. lanes in the eastbound direction. An 8 ft. shoulder is provided on both the inside and outside lane. The existing typical section for the I-595 westbound ramp consists of two (2) 12 ft. lanes in the westbound direction. An 8 ft. shoulder is provided on the inside lane and a shoulder varying in width from 10 ft. to 13 ft. is provided on the outside lane. A guardrail is provided on both the inside and outside lanes of the ramp along with barrier wall on the bridge section of the overpass.

The existing typical section of Front Street consists of one 15-foot lane in the northbound direction. A 4-foot inside shoulder and a 2-foot outside shoulder lane is provided.

The existing typical section of SE 14<sup>th</sup> Avenue consists of a two-lane undivided section. A 12-foot lane is provided in both the northbound and southbound direction. No paved shoulders are provided.

The existing typical section of McIntosh Road consists of a four-lane divided section. Two (2) 12-foot lanes are provided in both the northbound and southbound direction. Shoulders are non-existent, however, traffic is separated by a raised grass median, which is protected by a type “F” curb and gutter. Additionally, type “F” curb and gutters are provided adjacent to the outside lanes.

The Eller Drive corridor is operating at an acceptable LOS “A”. All of the project intersections are operating at acceptable LOS as well. The driving force behind this project deals with the future operational conditions along Eller Drive once rail service commences to the proposed Intermodal Cargo Transfer Facility.

Safety statistics have been collected and summarized from the Broward County Sheriff’s Office accident reports for the most recent 4 years (i.e. 1995 thru 1998) for this PD&E study. Data from years 1999 thru 2002 were not used due to major roadway construction and changes in roadway characteristics due to temporary security measures put in place after the terrorist attacks of September 11, 2001 (i.e. barrier walls and security checkpoints) for Eller Drive. Accident reports were not entered into the system from April 1999 to November 1999, which coincides with the reconstruction of Eller Drive. These improvements included the addition of two (2) lanes along the corridor and the realignment and signalization of SE 19<sup>th</sup> Avenue. The I-595 eastbound/Eller

Drive/NE 7<sup>th</sup> Avenue intersection was not included in the improvements to the corridor. At this location, 30% of the accidents are rear-end (most likely due to the heavy traffic volumes using the facility), signal timing, intersection spacing and roadway geometry. The proximity of the intersection to the US 1/I-595 overpass causes dangerous sight distance problems. The vehicles approaching the intersection at high speeds do not have time for sufficient braking time, therefore resulting in rear-end crashes. Numerous skid marks at this location indicate that there is a serious safety problem.

## **B. Proposed Improvements**

This project consists of the improvement of a 0.65 mi segment of Eller Drive in Broward County. The project limits are from I-595 to just east of McIntosh Road.

This project proposes the construction of an overpass on Eller Drive and the realignment of Front Street as necessary to improve or maintain the local circulation of traffic between I-595 and Eller Drive. This study focuses on providing an efficient movement to and from the Port facility, while retaining and integrating the local access and traffic movements and improving the movement of vehicles between the Port, I-595 and the Ft. Lauderdale International Airport. The proposed alternatives are shown in Exhibit 3.

The preferred alternative, 2C, provides express service between I-595 and Port Everglades, but also facilitates the Airport to Port traffic movement. The provision of an “express” Airport to Port movement is accomplished through a new elevated US 1 to Eller Drive ramp connection. It should be noted that the alternatives within this category are similar to the ones within the first category except for the provision of the new US 1 to Eller Drive elevated ramp.

### **No-Project Alternative**

The No-Project alternative consists of no improvements/changes to the existing roadway. The overpass to span over the FEC railroad spur will not be constructed. The future ICTF will not be ensured of uninterrupted freight movement to and from the Port; and a safe and efficient roadway access to the Port facilities will not be constructed. The alignment of several streets such as Front Street / NE 7th Avenue, SE 14th Avenue and Eller Drive will remain the same.

Three viable categories with five alternatives (Alternatives A - E) were evaluated. The following text describes the three categories evaluated.

### **Category 1**

Alternatives 1A through 1E within Category 1 provide express service for the I-595 to/from Port Everglades traffic. The provision of “express service” is defined in this report as an attempt to minimize or eliminate operational friction (delay) caused by the proposed rail crossing and the effect of any other at-grade intersection within the confines of the project.

### **Category 2**

Alternatives 2A through 2E within Category 2 provide express service between I-595 and Port Everglades, but also facilitate the Airport to Port traffic movement. The provision of an “express” Airport to Port movement is accomplished through a new elevated US 1 to Eller Drive ramp connection. It should be noted that the alternatives within this category are similar to the ones within the first category except for the provision of the new US 1 to Eller Drive elevated ramp.

### **Category 3**

Alternatives 3A through 3E within Category 3 provide express service between I-595 and Port Everglades as well as between the Airport and Port Everglades. Alternatives within this category are generally similar to the ones within Category 2, except for the provision of an elevated westbound ramp from Eller Drive to the Eller Drive Extension. This ramp is intended to expedite the Port to Airport traffic movement by removing the effect of the SE 14th Avenue intersection.

The alternatives were subjected to a detailed evaluation, Alternatives 1C, 1D, 2C, 2D, 3C and 3D were superior to the other alternatives mainly due to traffic considerations. Figures 3-1 through 3-3 illustrate and explain these alternatives. Both existing and future land uses within the project limits are shown in Exhibit 4.

A benefit/cost analysis evaluation was performed on the alternatives to determine the best option with regards to benefits (increased safety, delay reduction, etc.) derived from the proposed improvements versus the cost required to produce those benefits. The results of this analysis indicated that Alternative 2C (Exhibit 5) appears to be the most effective and efficient of all the remaining alternatives based on the evaluation criteria.

## ATTACHMENT A – SOCIAL IMPACTS

### A-1. Land Use Changes

Land uses within the project limits consist of commercial / industrial facilities, utilities, vacant lands and preservation. West of the I-595 / US 1 Interchange, land use consists of commercial / industrial and preservation. East of McIntosh Road, land use consists of utilities, institutional / office, commercial / industrial, cargo and vacant lands. Eller Drive, I-595, US 1, Front Street, NE 7<sup>th</sup> Avenue, SE 14<sup>th</sup> Avenue, and McIntosh Road are all designated with a land use of transportation.

There are three municipalities within the study area that have land use designation jurisdiction: The City of Fort Lauderdale, the City of Hollywood and the City of Dania Beach. The Fort Lauderdale - Hollywood International Airport Authority and Port Everglades Authority have been incorporated into the Broward County government and have been reorganized into the Broward County Aviation Department and the Broward County Department of Port Everglades.

#### **Broward County**

Broward County's land use designations apply to the entire study area; however, other municipalities have jurisdiction within the study area. Therefore, land uses within specific jurisdictions are identified at the smallest scale (i.e. City of Dania Beach over Broward County) but those areas situated within unincorporated Broward County fall under the auspices of Broward County.

Land uses within unincorporated Broward County are limited to areas bordering the west side of US 1, as well as the Fort Lauderdale - Hollywood International Airport. In addition, a segment south of Eller Drive and west of NE 7<sup>th</sup> Avenue also falls within Broward County's jurisdiction. Along US 1 lies a mixed-use area consisting of open spaces, transportation and industrial usages.

#### **Fort Lauderdale - Hollywood International Airport**

As identified in the March 1994 Fort Lauderdale - Hollywood International Airport Master Plan, existing land use is limited to aviation activity and aviation support. Plans indicate an extension of Runway 9R / 27 L to the east beyond US 1, parking improvements, and a new entrance roadway located south of the project corridor.

#### **City of Fort Lauderdale**

A small portion of the study area falls within the City of Fort Lauderdale's jurisdiction. This area is limited to a portion north of I-595 and west of US 1. The area is predominately industrial / commercial and open space land uses.

#### **City of Dania Beach**

As designated in the City of Dania Beach Comprehensive Plan (adopted April 13, 1989) land use varies within the study area from preservation to vacant tracts and industrial / commercial uses. The area lies within the Florida Power & Light (FPL) easement and SE 14<sup>th</sup> Avenue to the east and NE 7<sup>th</sup> Avenue and US 1 to the west.

#### **City of Hollywood**

Land use within the City of Hollywood is mostly limited to Port Everglades, which lies completely within the city's political boundaries. In general terms, a mixture of utility, commercial/industrial and institutional/office uses are prevalent.

## **A-2. Community Cohesion**

The proposed roadway improvements will accommodate future traffic demands and provide efficient movement to and from the Port facility, while retaining and integrating the local access and traffic movements and improving the movement of vehicles between the Port, I-595 and the Airport. In addition, pedestrian traffic will be provided for in the proposed roadway improvements. As a result of the proposed improvements, the roadway facility will be safer, future traffic will move more effectively and the surrounding communities will be enhanced in terms of improved connectivity and capacity of the existing roadway network. The physical impact on the community will relate to probable traffic delays during construction and detours to certain destinations along the project corridor.

Economic Analysis: Without an increase in capacity and improved connectivity of the existing roadway, along with projected railroad crossings, traffic along this stretch of Eller Drive will be severely delayed. The impacts of these constraints could be translated into economic losses for the entire commercial / office / industrial land uses surrounding the project corridor.

Another economic impact of the project is the possible reduction in the number of vehicular accidents and associated economic losses incurred due to the current design. It is estimated that the provision of the new roadway improvements could result in the reduction of economic losses due to accidents of up to \$800,000 per year.

## **A-3. Relocation Potential**

Relocation: The proposed project, as presently conceived, will displace four businesses within the adjacent community. As required by law, the FDOT will carry out a right-of-way and relocation program in accordance with F.S. 339-09 and the Uniform Relocation and Real Property Acquisition Act of 1970 (Public Law 91-646 as amended by Public Law 100-17). No negative community impacts are anticipated. The small number of displacees are expected to be able to relocate in close proximity to the project due to the types of businesses being displaced.

Right-of-Way: Right-of-Way impacts appear to mainly entail the following components (see Exhibit 6). 1) A relatively small clip of the Frazer Warehouse, a commercial property presently occupying the SE corner of the NE 7<sup>th</sup> Ave./Eller Drive intersection. The NW corner of the building will be impacted as well as the existing operational area in front of the loading bays facing Eller Drive, 2). The existing access to Global Marine, another business located just south of the Frazer Warehouse and fronting NE 7<sup>th</sup> Ave. will be affected. In addition a portion of Global Marine fenced storage area along NE 7<sup>th</sup> Ave. might also be affected through the provision of a new access connection, 3) A sliver approximately 10' wide would be required on the south side of Eller Drive from just east of the NE 7<sup>th</sup> Ave. intersection to just west of the 1700 Eller Dr. Building, 4) A small sliver along Eller Dr. Extension and a portion of vacant or undeveloped land extending from the Eller Drive Extension to the existing FEC RR spur track north of Eller Drive will also be impacted. The total right-of-way necessary for this improvement is approximately 1.043 acres totaling approximately \$5,800,000.

## **A-4. Community Services**

There are no community services / facilities (e.g. schools, recreational areas, churches, social service agencies, medical facilities, community centers, etc.) within the project limits.

**A-5. Title VI Considerations**

The project is not expected to impact any distinct minority, ethnic, elderly, handicapped or other groups. This project has been developed in accordance with the *Civil Rights Act of 1964*, as amended by *the Civil Rights Act of 1968*. The project will not split or isolate any communities, thus it is in compliance with Executive Order 12898, Environmental Justice, issued on February 11, 1994.

**A-6. Controversy Potential**

To ensure open communication and public input, the FDOT provided an Advance Notification (AN) Package, dated September 20, 2000, to State and Federal Agencies and other interested parties. No adverse or negative comments were received in response to the Advance Notification.

A comprehensive Public Involvement Program was initiated with the project. Numerous coordination meetings were held between the principal sponsoring and participating agencies (i.e. FDOT, Port Everglades, and the Airport). A Public Information meeting was held on November 28, 2001 to present to the public the study alternatives. FDOT and Project Team representatives were on hand to answer questions and obtain comments from the public. A Public Hearing was conducted on October 9, 2003. No additional commitments and recommendations were defined subsequent to the Public Hearing.

**A-7. Utilities and Railroads**

Preliminary coordination has taken place between the Department and the following utility owners: Florida Power and Light (FPL), Florida Gas, Sunniland Pipeline, Port Everglades, Florida East Coast (FEC) Railway Company and Bell South.

This project will have a significant impact on the existing FPL overhead 240kv transmission lines which cross Eller Drive just east of the SE 14<sup>th</sup> Avenue intersection, which required raising of the existing FP&L crossing which also entails the provision of two new higher FPL towers located just south of Eller Drive. This was designed with the cooperation of FP&L.

Because of the proximity of this project to runway 27R of the Ft. Lauderdale-Hollywood International Airport, the potential for intrusion of the new FPL higher towers within the required glide path was investigated.

Preliminary coordination with the Federal Aviation Administration (FAA) was conducted regarding the conceptual plans for the new towers. The preliminary FAA review concluded that the proposed towers could be constructed without infringement on the runway protection zone. However, the FAA will require that a 1A survey ( $\pm 20'$  horiz.,  $\pm 3'$  vert.) of the towers location and elevation be performed during final design and permitting of the towers to verify the design's compliance and obtain final permit approval.

The utility impacts related to each of the study alternatives would be similar. Relocation of any utility line that may occur during the construction phase could create temporary inconveniences to adjacent residences and businesses. These inconveniences could include the loss of service for short, infrequent periods of time. However, no serious inconveniences are anticipated.

The Port Everglades Railway enters and exits the Port with numerous branch lines and spurs traveling through or nearby the project study area. The railway is owned by Port Everglades and

operated by the Florida East Coast Railway Company under an agreement with the Broward County Department of Port Everglades. The segment of railroad within Port Everglades traverses the project area in an east-west direction, along I-595 and Eller Drive with a spur off this segment running north west of SE 14<sup>th</sup> Avenue. This segment connects to the FEC railroad west of the project area, just north of I-595. At this point the mainline is 5 tracks wide and proceeds north and south, between Jacksonville to the north and the Hialeah Yard to the south. An average of 20 to 22 trains operate past the project area each day servicing the bulk and general cargo users, the Foreign Trade Zone, and the petroleum facilities.

Close coordination with FEC Railroad, Port Everglades, Airport, FPL and utility companies has occurred to determine impacts to their facilities. The proposed alternative alignments are the results of this close coordination.

**A-8. Bicycle & Pedestrians**

Eller Drive is an urban facility serving primarily a mixture of commercial/industrial and institutional/office land uses. Even though at the present time there are several existing commercial and office land uses abutting the south side of the project, the pedestrian activity is minimal. However in order to provide pedestrian mobility, a 6' sidewalk will be included along the new eastbound service roads between the NE 7<sup>th</sup> Avenue intersection and McIntosh Road.

At the present time there are no dedicated bicycle facilities within the project area and relatively few bicyclists traverse the area. However the Broward County Long Range Bicycle Plan presently classifies Eller Drive as a road with "potential demand for on-street bicycle usage" based on the number of recreational service areas and major traffic generators. It should be noted that since both NE 7<sup>th</sup> Avenue and portions of Eller Drive are part of Broward County's Greenways System, bike paths are being proposed on both sides of the roadway along NE 7<sup>th</sup> Avenue, Eller Drive Extension and Eller Drive within the project limits.

## ATTACHMENT B – CULTURAL IMPACTS

### **B-2. Historic Sites/District**

A Cultural Resources Assessment, conducted in accordance with the procedures contained in 36 CFR, Part 800 and including background research and a field survey coordinated with the State Historic Preservation Office (SHPO), was performed for the project. No historic sites / districts were identified, nor are any expected to be encountered during subsequent project development, within the Area of Potential Effects (APE) for the proposed action. The buildings along this portion of Eller Drive are all modern commercial structures and no pre-1955 buildings were noted. Based on the information gathered during the cultural resource assessment, none of the buildings in the area appear to meet the minimum criteria for listing in the National Register of Historic Places either individually or as a potential historic district. The proposed Eller Drive grade separation over the Florida East Coast Railroad tracks will not affect any historic resources listed or eligible for listing in the NRHP. The State Historic Preservation Officer concurred with this assessment in a letter dated March 13, 2001 (Exhibit 7).

### **B-3. Archaeological Sites**

A Cultural Resource Assessment, conducted in accordance with the procedures contained in 36 CFR, Part 800 and including background research and a field survey coordinated with SHPO, was performed for the project. No prehistoric or historic archaeological sites were identified or encountered during the cultural resource assessment. A careful surface inspection of the project corridor and limited shovel testing did not encounter any prehistoric or historic archaeological resources. Much of the area has been filled and altered during the construction of Eller Drive and the commercial surroundings of Port Everglades. The proposed Eller Drive grade separation over the Florida East Coast Railroad tracks will not affect any archaeological sites or resources eligible for listing in the NRHP, nor are any expected to be encountered during subsequent project development. The State Historic Preservation Officer concurred with this assessment in a letter dated March 13, 2001 (Exhibit 7).

### **B-4. Recreation Areas**

Marinelli Gardens, a public park maintained by the Port, located on the north side of Eller Drive just west of the FPL Discharge Canal, is outside the project limits and will not be impacted by the proposed improvements.

## ATTACHMENT C – NATURAL ENVIRONMENT

### C-1. Wetlands

A Wetland Evaluation Report was completed in accordance with the Florida Department of Transportation's Project Development and Environment Manual, Part 2, Chapter 18 (rev. 4-14-99). Preliminary assessments of the wetland areas indicate some involvement with jurisdictional wetlands. The total proposed impacted area is 1.05 acres of mostly mangrove wetlands.

There are very distinct wetland communities within this project study area. An extensive analysis of the wetland areas was performed based on permitting Agency criteria. The analysis has shown that although the wetlands contain a quantifiable amount of wetland value and provide expected wetland function, they are of very low overall quality and have been severely impacted due to the surrounding land uses.

Every effort was made with the alternative selection process to avoid impacts to these wetland areas. However, the engineering constraints of the project do not allow for complete avoidance – there will be some wetland impacts. These impacts have been minimized to the extent practicable by utilizing a typical section of minimum practicable width in the wetland areas. The wetlands will not be impacted entirely and post-construction wetland function and value should be retained.

Based upon the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

The mitigation analysis is currently ongoing with the Broward County Department of Planning and Environmental Protection (DPEP) and the FDEP. Because the FDEP will be issuing the Environmental Resource Permit, and because Broward County requires mitigation for wetland impacts to be performed within the County, mitigation for impacts to these areas must be approved by these agencies. Wetland impacts which will result from the construction of this project will be mitigated pursuant to S. 373.4137 F.S. to satisfy all mitigation requirements of Part IV, Chapter 373, F.S. and 33 U.S.C.s. 1344.

The USFWS's *Standard Local Operating Procedures for Endangered Species* (SLOPES) require the applicant to replace lost foraging habitat by at least a 1 to 1 ratio to minimize adverse effects to the wood stork. In an email message dated September 16, 2003, the FDOT committed to provide wetlands mitigation for the project that complies with the USFWS's SLOPES requirement for the wood stork. Based on this commitment, the USFWS concurred with the FDOT's determination for the wood stork.

### C-3. Water Quality

The proposed roadway improvements were identified as having potential involvement with the Biscayne Aquifer, a sole source aquifer, as part of the AN Package. The U.S. Environmental Protection Agency (EPA) responded to the AN Package, in accordance with Section 1424(e) of the Safe Drinking Water Act. EPA concluded that the proposed project will have no significant, adverse impacts on the aquifer based on the understanding that all necessary precautions, permits, contingency plans for spills, best management practices to prevent contamination and stormwater management plans will be followed during and after construction. A Water Quality Impact Evaluation (WQIE) Checklist was prepared in accordance with Part 2, Ch. 20 of the

PD&E Manual and is included in Exhibit 8. The proposed stormwater facility will include, at a minimum, the water quality requirements for water quality impacts as required by the SFWMD in Chapter 17-302, FAC and Rules, Chapter 40E, Part B, 5.2.1, a.1. Therefore, no further mitigation for water quality will be needed.

**C-6. Floodplains**

In accordance with Executive Order 11988 "Floodplain Management," USFDOT Order 5650.2, "Floodplain Management and Protection," and Chapter 23, Code of Federal Regulations Part 650A, impacts to floodplains from the construction of the proposed project were considered.

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), Panel 12011C0307F, dated August 18, 1992 the project limits of this study are predominantly located within the 500-year floodplain, Zone "X" is an area that is determined to be located outside the 100-year and 500-year floodplains. Just east of SE 6<sup>th</sup> Avenue and west of SE 14<sup>th</sup> Avenue, and to the north of Eller Drive the floodplain designation is Zone AE - "*Base flood elevations determined, special flood hazard areas inundated by 100-year flood*". South of Eller Drive, just east of SE 6<sup>th</sup> Avenue and west of McIntosh, the floodplain designation is also Zone AE. Since the entire area that surrounds the project is tidally influenced, any filling would have minimal impact on the floodplain elevation. This determination of "minimal" was agreed upon at the Floodplain Determination Meeting for this project held on June 18, 2001 by FHWA.

It has been determined, through consultation with local, state, and federal water resources and floodplain management agencies that there is no regulatory floodway involvement on the limits of the proposed project and that the project will not support base floodplain development that is incompatible with existing floodplain management programs.

**C-7. Coastal Zone Consistency**

In accordance with Section 307 of the Coastal Zone Management Act (CZMA) and Chapter 15, Code of Federal Regulations, Part 930, Federal Consistency with Approved Coastal Management Programs, this project was reviewed for Coastal Zone Consistency. The Department of Community Affairs has determined that this project is consistent with the Florida Coastal Zone Management Plan in their response to the AN on November 28, 2000 (Exhibit 9).

**C-9. Wildlife and Habitat**

An Endangered Species Biological Assessment was prepared in accordance with the Florida Department of Transportation's PD&E Manual, Part 2, and Chapter 27 to identify and evaluate known or potential listed threatened or endangered species and their habitat within and / or adjacent to existing and proposed right of way.

This project has been evaluated for impacts on threatened and endangered species. A literature review was conducted to determine those possible threatened or endangered species, which may inhabit the project area. This search resulted in findings that no listed species would be affected by the proposed action. This determination was made after review of the AN responses and field survey of the project area by a biologist. Furthermore, the potential for impacts to critical habitat was assessed as to the relationship of the project to the Fish and Wildlife's designated "Critical Habitat."

Potential utilization of corridor habitats by wetland-dependent bird species including wood stork, little blue heron, tri-colored heron, snowy egret, white ibis, and Everglades snail kite is limited to potential foraging within existing wetlands and roadside ditches. No listed wetland

dependent bird species were observed during field surveys. However, the wetlands found along the corridor, including man-made ditches and swales, represent potential foraging habitat for a number of these species. The protected species with a high potential to utilize these man-made wetland habitats within the project corridor include wood stork, white ibis, little blue heron, tri-colored heron, and snowy egret.

No known wading bird rookeries occur within the study corridor. Research of the wading bird colony locator web site indicated that two inactive rookeries are located within ten miles of the project corridor. The two rookeries (#619001 and #619003) are listed as inactive since 1980's. The project does lie within the Core Foraging Area (CFA) of the wood stork. Impacts to potential foraging areas along the corridor will be limited to minor impacts to roadside ditches and swales. These unavoidable wetland impacts will be mitigated as appropriate. The USFWS's *Standard Local Operating Procedures for Endangered Species* (SLOPES) require the applicant to replace lost foraging habitat by at least a 1 to 1 ratio to minimize adverse effects to the wood stork. In an email message dated September 16, 2003, the FDOT committed to provide wetlands mitigation for the project that complies with the USFWS's SLOPES requirement for the wood stork. Based on this commitment, the USFWS concurred with the FDOT's determination for the wood stork. Based upon the above collected data and clearance letters from the US Fish and Wildlife Service (Exhibit 10) and the Florida Fish and Wildlife Conservation Commission (Exhibit 11), it was determined that the above referenced project is not likely to adversely affect state or federally listed species.

Based on the criteria detailed in the Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1801), the proposed action will impact Essential Fish Habitat. The existing habitat within the study area is not unique to the area and is of poor quality with respect to providing actual fisheries habitat. After consultation with National Marine Fisheries Service, it was determined that any impacts to this habitat will be successfully mitigated for with the required mitigation for project impacts to the mangrove system (at this time a mitigation plan is being created under coordination with Broward County DPEP). There will be no additional mitigation requirements for this habitat.

## ATTACHMENT D – PHYSICAL IMPACTS

### D-1. Noise

In accordance with 23 CFR 772 directives and the procedures outlined in the Florida Department of Transportation Project Development and Environment Manual, Part 2, Chapter 17 (rev. 11-20-01), the above referenced project was evaluated to assess noise impacts of the proposed project. The objective of this assessment was to identify the types and locations of noise sensitive sites along the project limits. Results of the assessment were:

- Land uses within the project limits consist of commercial / industrial facilities, utilities, vacant lands and preservation. West of the I-595 / US 1 Interchange land uses consist of commercial / industrial and preservation. East of McIntosh Road land uses consist of utilities, institutional / office, commercial / industrial, cargo and vacant lands. Eller Drive, I-595, US 1, Front Street, NE 7<sup>th</sup> Avenue, SE 14<sup>th</sup> Avenue, and McIntosh Road are all designated with a land use of transportation.
- The land uses along the project corridor are not considered noise sensitive receptors.

Based upon the above collected data, it was decided that the above referenced project does not contain noise sensitive areas and will not require a noise study analysis. As such, a Noise Impact Technical Memorandum will serve as compliance with 23 CFR 772.

### D-2. Air

In accordance with Chapter 23, Code of Federal Regulations, Part 770, Air Quality Guidelines, an air quality analysis was conducted for the Eller Drive corridor. The I-595/NE 7<sup>th</sup> Ave/Eller Drive intersection was subjected to COSCREEN98 screening test for the years 2003 (existing), 2008 (interim), 2018 (interim) and 2028 (design). The results of the COSCREEN98 screening test revealed the carbon monoxide concentrations for the No-Build and Build Alternatives for the years analyzed (existing year 2003, interim years 2008 and 2018 and the design year 2028). As receptors located within the project limits are projected to experience carbon monoxide levels less than NAAQS maximum one-hour and eight-hour concentrations, this project passed the screening test and will not have a significant impact on air quality. Please see Table 5.1 and Appendix A for results of the screening test. Due to a technical limitation of the COSCREEN98 test, the data for design year 2028 was run under design year 2020 standards. The emission factors for vehicles have improved each year with improvements to vehicles, resulting in an analysis that is considered conservative as factors that were used are likely to exceed the design year 2028 factors.

Construction activities will cause minor short-term air quality impacts in the form of dust from the earthwork. These impacts will be minimized by adherence to all state and local regulations and to the FDOT Standard Specifications for Road and Bridge Construction.

All state and local agencies were provided with an opportunity to comment on this project through the advance notification process. There were no adverse comments regarding air quality.

The project is in an area, which has been designated as “maintenance” for the ozone standards under the criteria provided in the Clean Air Act Amendments of 1990. This project is included in the Broward County Metropolitan Planning Organization’s (MPO) 2000/01 – 2004/05 Transportation Improvement Program (TIP) which was signed by the Secretary of the Florida Department of Transportation on September 29, 2000. This project is included in the area’s conforming long-range plan. This project is included in the area’s Conformity Determination

report, which was approved by the Broward County MPO on June 8, 2000 and FHWA/FTA on September 29, 2000. This project's design concept and scope are the same as that which is found in the conforming plan and TIP (please refer to the Air Quality Report – Appendix C).

### **D-3. Construction**

Construction activities for the proposed project will have minimal, temporary, yet unavoidable air, noise, traffic flow and visual impacts for those residents and travelers within the immediate vicinity of the project.

The air quality impact will be temporary and will primarily be in the form of emissions from diesel-powered construction equipment and dust from clearing and grubbing. Air pollution associated with the creation of airborne particles will be effectively controlled through the use of watering or the application of other controlled materials in accordance with FDOT Standard Specifications for Road and Bridge Construction as directed by the FDOT Project Engineer.

Maintenance of traffic and sequence of construction will be planned and scheduled so as to minimize traffic delays throughout the project. Signs will be used as appropriate to provide notice of road closures and other pertinent information to the traveling public. The local news media will be notified in advance of road closings and other construction-related activities, which could excessively inconvenience the community so that motorists, residents and business persons can plan travel routes in advance.

A sign providing the name, address, and telephone of a Department contact person will be displayed on-site to assist the public in obtaining immediate answers to questions and logging complaints about project activity.

Access to all businesses and residences will be maintained to the extent practical through controlled construction scheduling. Traffic congestion may become worse during stages of construction where narrow lanes may be necessary within the project corridor. Traffic delays will be controlled to the extent possible where many construction operations are in progress at the same time. The contractor will be required to maintain one lane of traffic in each direction of Eller Drive at all times and to comply with the Best Management Practices of FDOT.

### **D-4. Contamination**

In accordance with FHWA Technical Advisory T 6640.8A dated October 30, 1987, a Contamination Screening Evaluation Report (CSER) was prepared for this corridor. A brief summary overview of information presented in the CSER is provided below.

Field reviews were performed on this project in order to obtain information relating to potentially contaminated sites along the project corridor. Eleven (11) sites were identified within the project limits with potential contamination involvement. Table 1 below lists the sites and gives an assessment of potential contamination risk (i.e., risk rating) for each site based on the procedures outlined in the FDOT PD&E Manual, Part 2, Chapter 22. This risk rating is a subjective categorization and includes an evaluation of the proximity to the proposed right of way, physical land use history; current on-site conditions; storage of hazardous materials, hazardous wastes, or pollutants; and violation records. Table 2 compares contamination potential for the three alternatives.

**TABLE 1**  
**Potentially Contaminated Sites**

Site ID #	Property Description	Permit or ID Numbers	Type of Business	Contamination Concerns (Dist. from ROW)	Storage Tanks (Present)	FDOT Risk Rating
1	<b>999 Eller Drive</b> Ft Lauderdale FL 33335	FL00002465086 (Brady Marine Repair Co.) HAZMAT ID: 3599 DPEP ID: 063EDM4127 (Port Everglades Machine Works) HM License in Review (Turbo Diesel)	Automotive Repair & Maintenance	Hazardous Materials (+/-117' N of ROW)	N/A	<b>MEDIUM</b> for All Alternatives
2	<b>Site 129 – Phillips Petroleum</b> Ft Lauderdale FL 33335	(former occupant) FLD000654210 (Phillips Petroleum Port Everglades)	Storage Tanks	Petroleum spill (+/- 750' N of ROW)	N/A (closed)	<b>MEDIUM</b> for All Alternatives
3	<b>950 Eller Drive</b> Ft Lauderdale FL 33335	(former occupant) FLD984177063 (Personal Design Custom Cabinets Inc.)	Warehouse & storage	Hazardous Materials (Adj. to South ROW)	N/A	<b>LOW</b> for All Alternatives
4	<b>940 Eller Drive</b> Ft Lauderdale FL 33316	(former occupants) FLD984220368 (General Offshore Corp.) FLD991275066 FL0000205930 (GLS Southern)	Warehouse & storage	Hazardous Materials (+/-375' S of ROW)	N/A	<b>LOW</b> for All Alternatives
5	<b>1300 Eller Dr</b> Ft Lauderdale FL 33316	(former occupants) FLD071294177 (Penn Tank Lines) FDEP ID: 068501971 (Fleet Transport Company)	Warehouse & storage	Hazardous Materials and Petroleum (Adj to South ROW)	N/A	<b>HIGH</b> for All Alternatives
6	<b>3391 SE 14<sup>th</sup> Ave</b> Ft Lauderdale FL 33316	FLD013567110 (Jupiter Marine International Inc.)  (former occupant) FLD013567110 (Blackfin Yacht Corp)	Boat Building	Hazardous Materials (+/-85' N of ROW)	1,000-gal AST	<b>HIGH</b> for All Alternatives
7	<b>3399 SE 14<sup>th</sup> Ave</b> Ft Lauderdale FL 33316	FLD08961176 (Bulk Distribution)	Specialized Freight Trucking	Hazardous Materials (+/-85' N of ROW)	N/A	<b>MEDIUM</b> for All Alternatives

Site ID #	Property Description	Permit or ID Numbers	Type of Business	Contamination Concerns (Dist. from ROW)	Storage Tanks (Present)	FDOT Risk Rating
8	8100 Eisenhower Blvd Ft Lauderdale FL 33316	FLD000807800 (FPL Port Everglades Substation)	Electric Power Generation, Transmission and Generation	Petroleum (+/-30' N of ROW)	11 AST's	LOW for All Alternatives
9	1700 Eller Dr Ft Lauderdale FL 33316	FLD984251413 (Sea Land Service)  (former occupants) FDEP #068627975 (Universal Maritime) FLD042562173 (Crowley Caribbean Transport)	Coastal Transportation	Hazardous Materials/Petroleum (Adj. to South ROW)	4 AST's 8 UST's	LOW for All Alternatives
10	McIntosh Rd and Eller Dr. Ft Lauderdale	ID #5006P00080 (Port Everglades Central Disposal)	Solid Waste Facility	Untreated Leachate (Possibly w/in ROW)	N/A	HIGH for All Alternatives
11	1800 Eller Dr Ft Lauderdale FL 33316	FDEP #069502666 (Broward County Port Everglades Department)  (former occupant) FDEP #069601074 (Gerald Stevens, Inc.)	Management of Companies and Enterprises	Petroleum (Adj. to South ROW)	450-gal AST (emergency generator)	LOW for all Alternatives

Notes: "+" indicates within proposed right of way line

UST – Underground Storage Tank

"-" indicates outside proposed right of way line

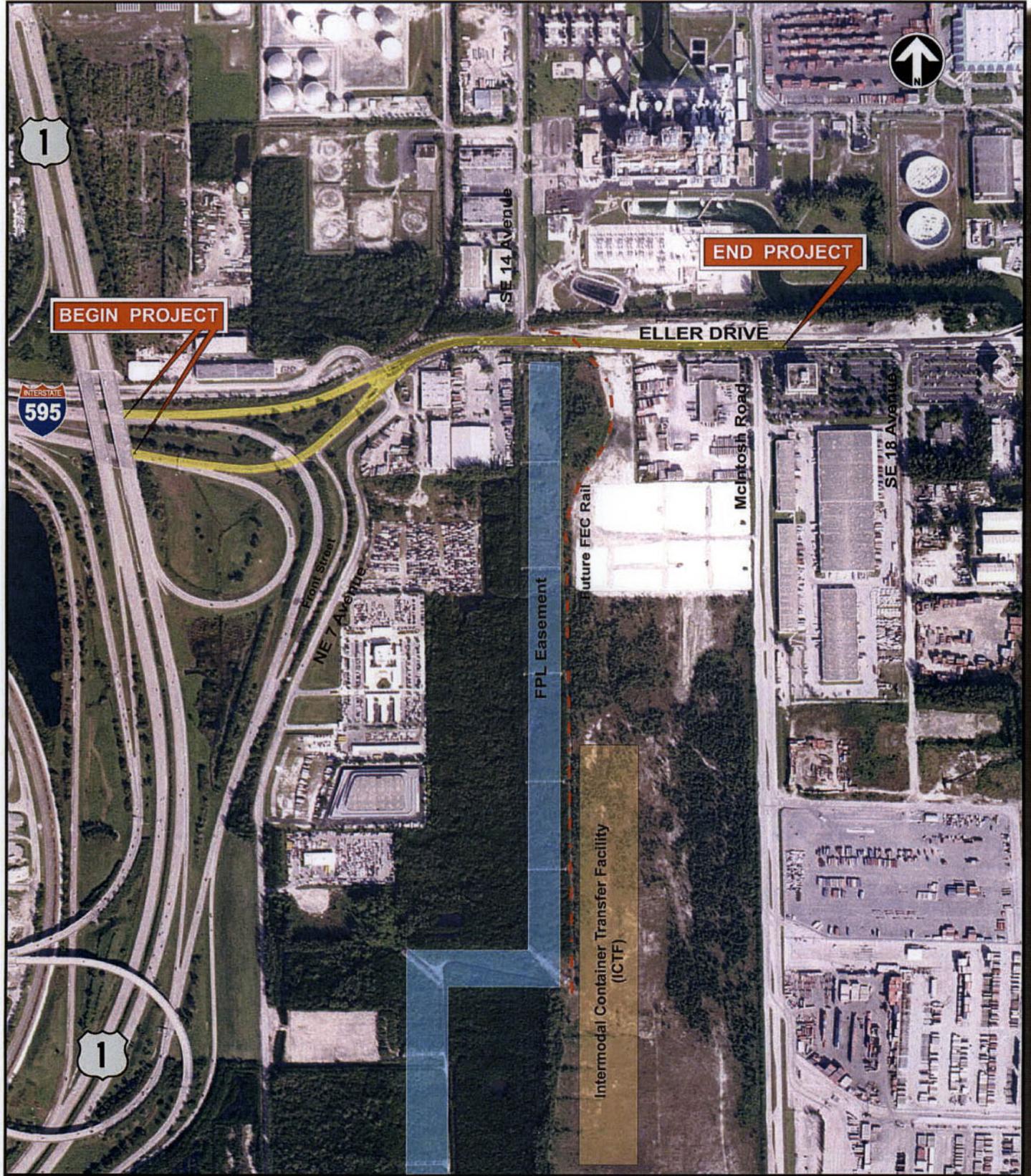
AST – Aboveground Storage Tank

**TABLE 2**  
**Contamination Potential Alternative Comparison**

Risk	Potentially Contaminated Locations in Each Alternative			
	Category 1	Category 2	Category 3	No-Build
High	3	3	3	3
Medium	3	3	3	3
Low	5	5	5	5
None	0	0	0	0

This hazard rating is a subjective categorization and includes an evaluation of the proximity to the proposed right of way; physical land use history; current on-site conditions; storage of hazardous materials, hazardous wastes, or pollutants; and violation records.

**Exhibit 1**  
**Project Location Map**



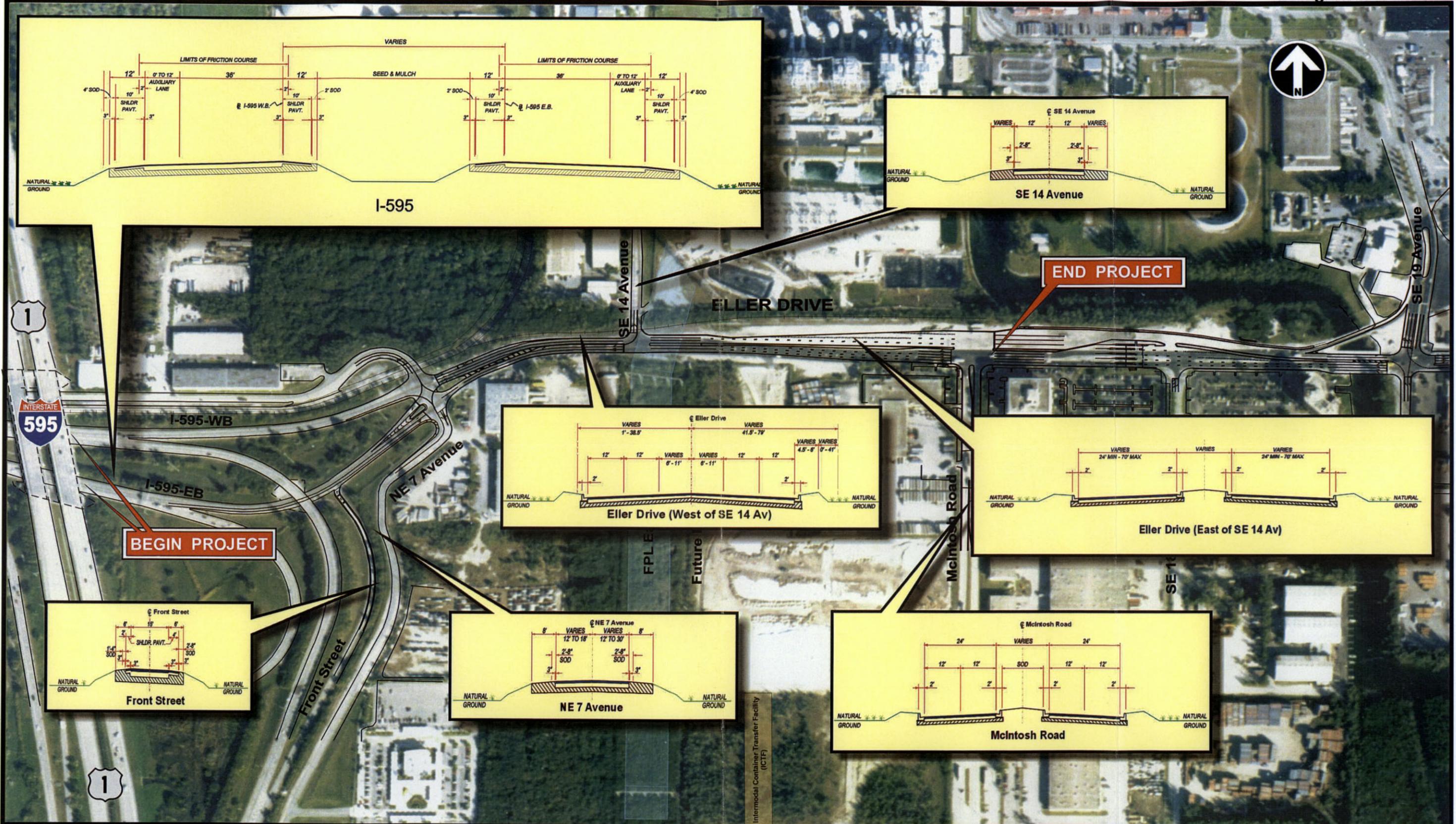
N:\Planning\1\_1455\Reports\Loc.Hydraulics



# LOCATION MAP

EXHIBIT 1

**Exhibit 2**  
**Existing Typical Section**



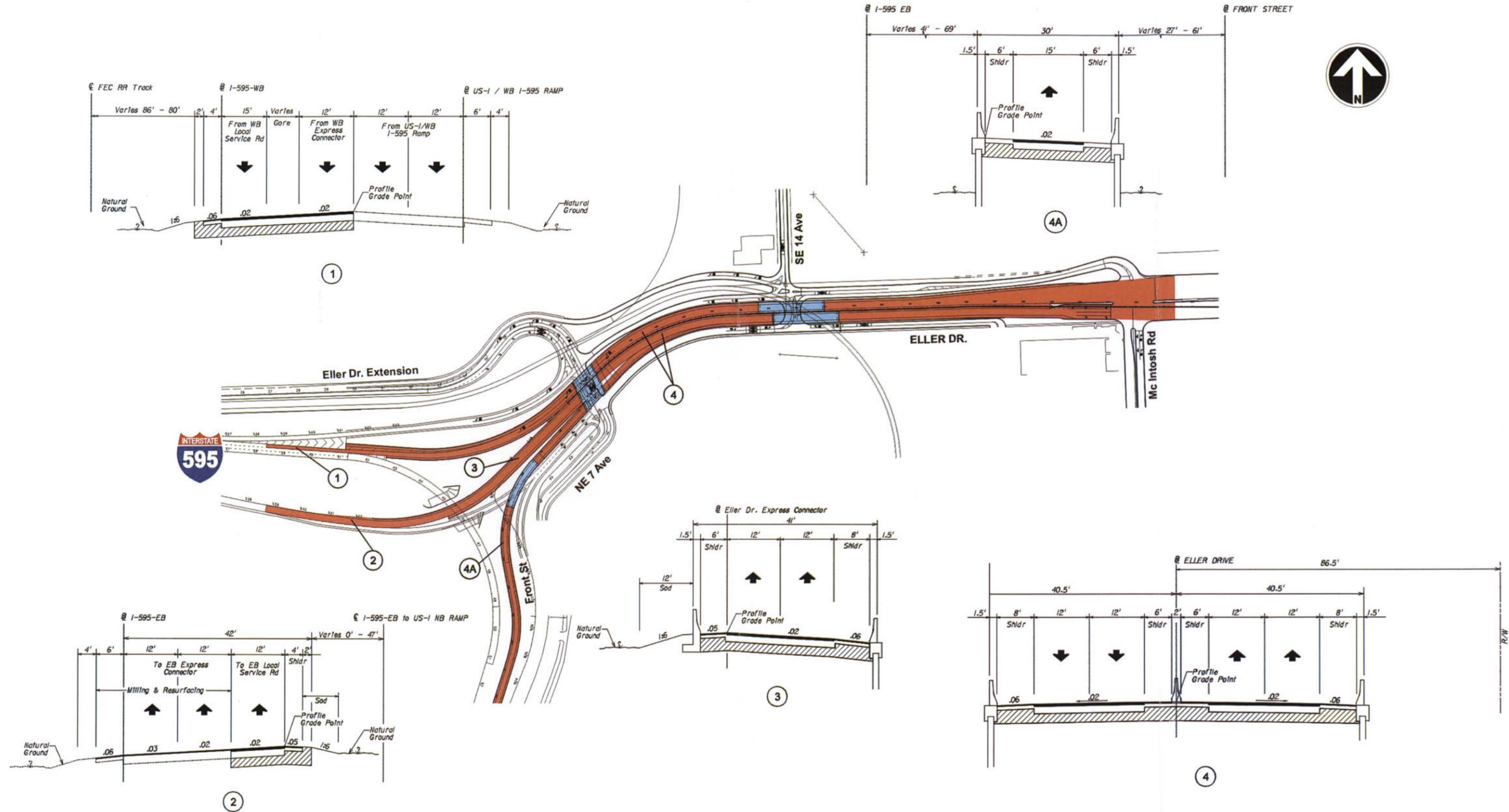
F:\Planning\pde\EllerD\New8-02-02Modif\Original



# EXISTING ROADWAY TYPICAL SECTIONS

FIGURE NO.  
EXHIBIT 2

**Exhibit 3**  
**Proposed Typical Sections**

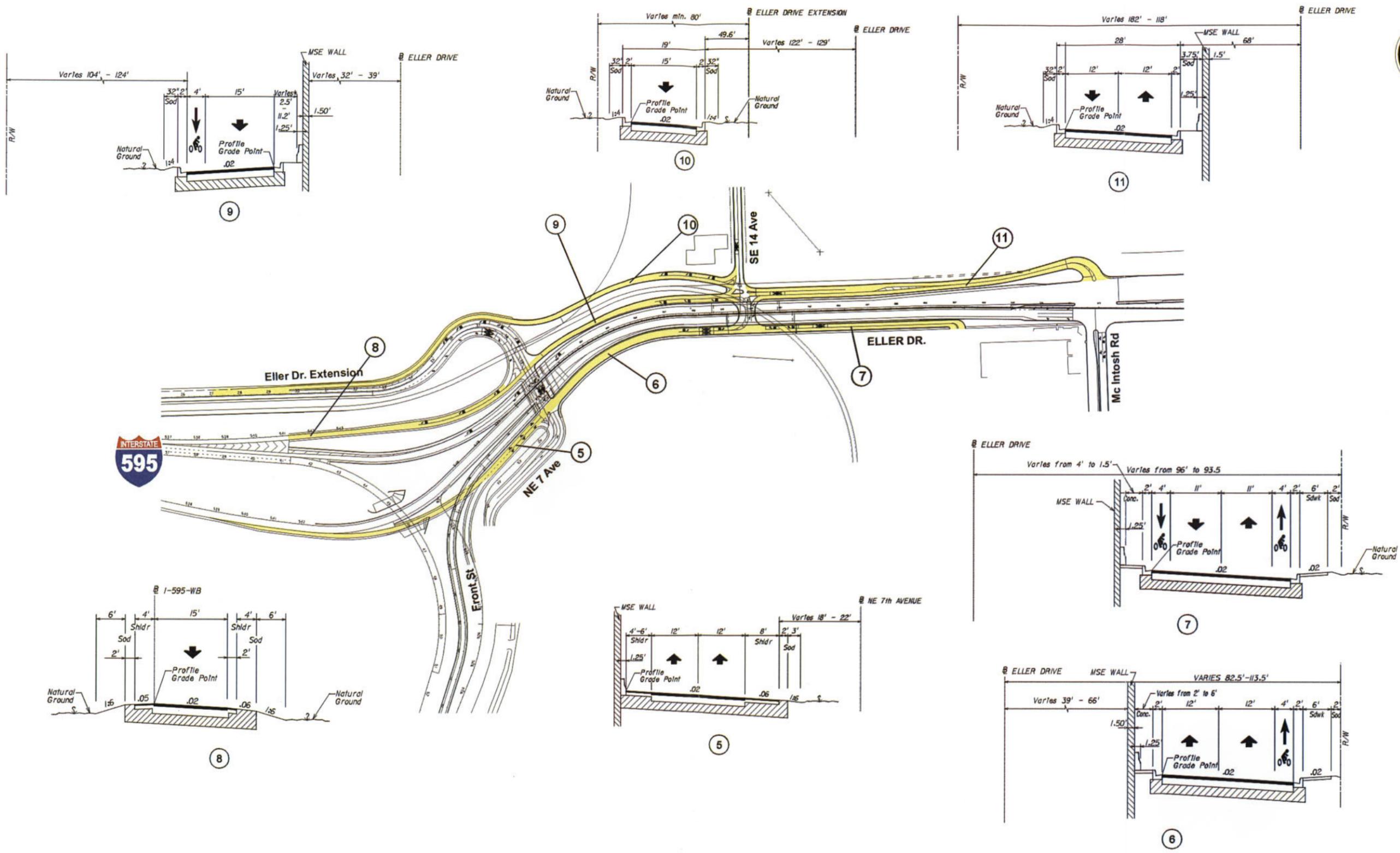


N:\job\planning\1\_1455\reports\PER\Sec9



# CATEGORY 1 ALTERNATIVES

FIGURE NO.  
**EXHIBIT 3**

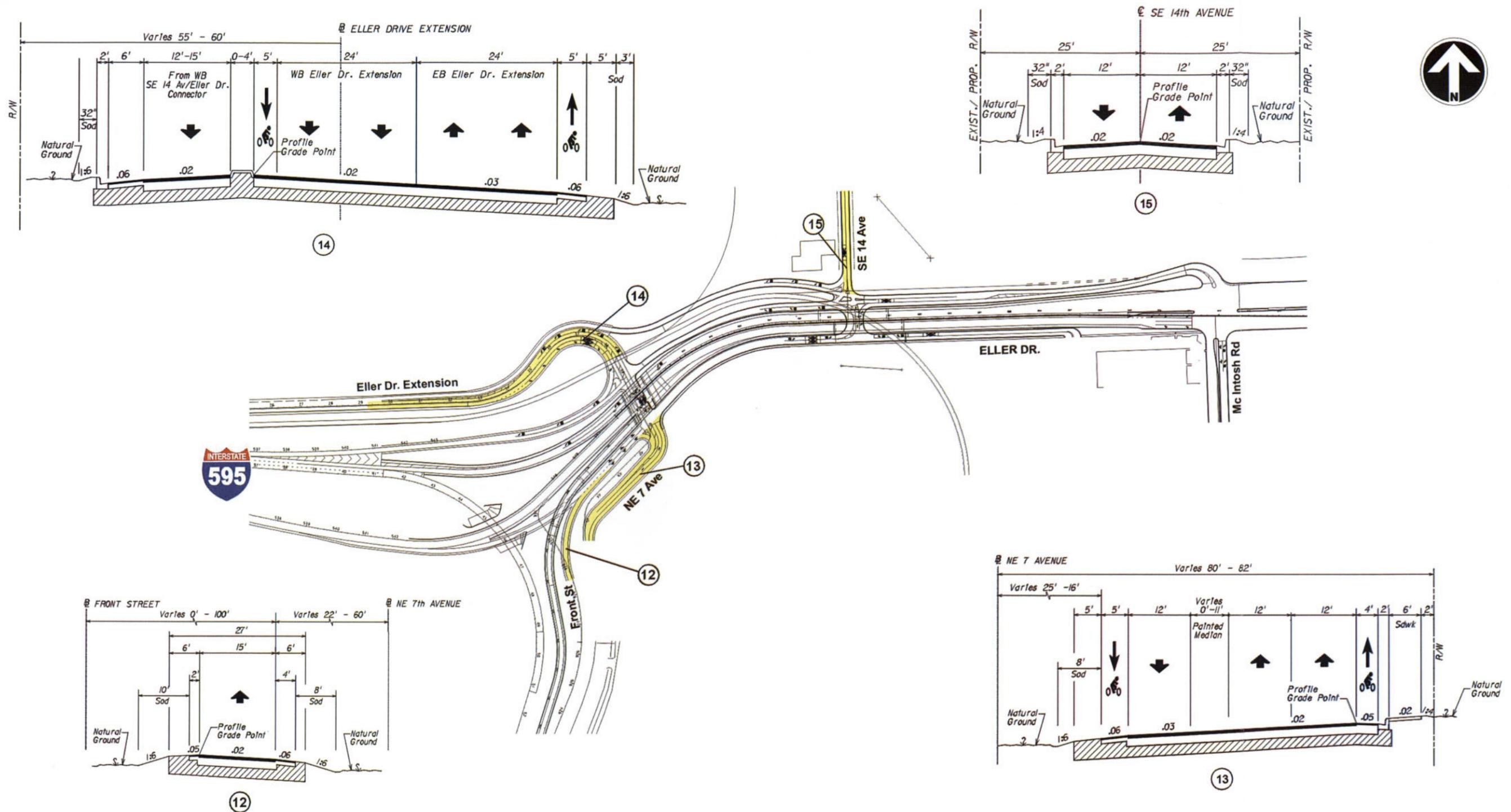


# CATEGORY 2 ALTERNATIVES

FIGURE NO.  
**EXHIBIT 3**

M:\job\planning\1.1455\reports\PER\Sec9





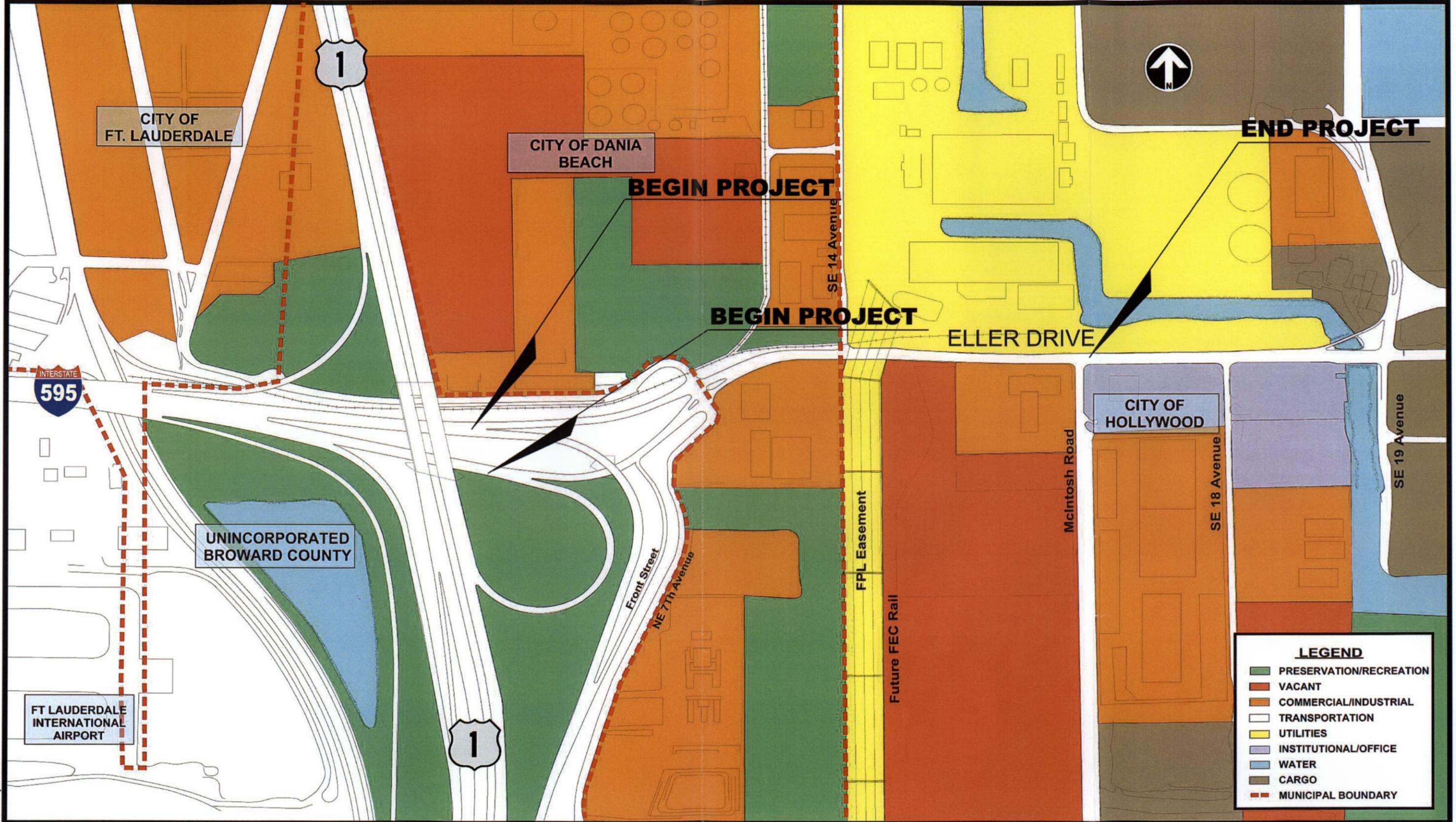
N:\job\planning\1.1455\reports\PER\Sec9



# CATEGORY 3 ALTERNATIVES

FIGURE NO.  
**EXHIBIT 3**

**Exhibit 4**  
**Land Use**



**LEGEND**

	PRESERVATION/RECREATION
	VACANT
	COMMERCIAL/INDUSTRIAL
	TRANSPORTATION
	UTILITIES
	INSTITUTIONAL/OFFICE
	WATER
	CARGO
	MUNICIPAL BOUNDARY

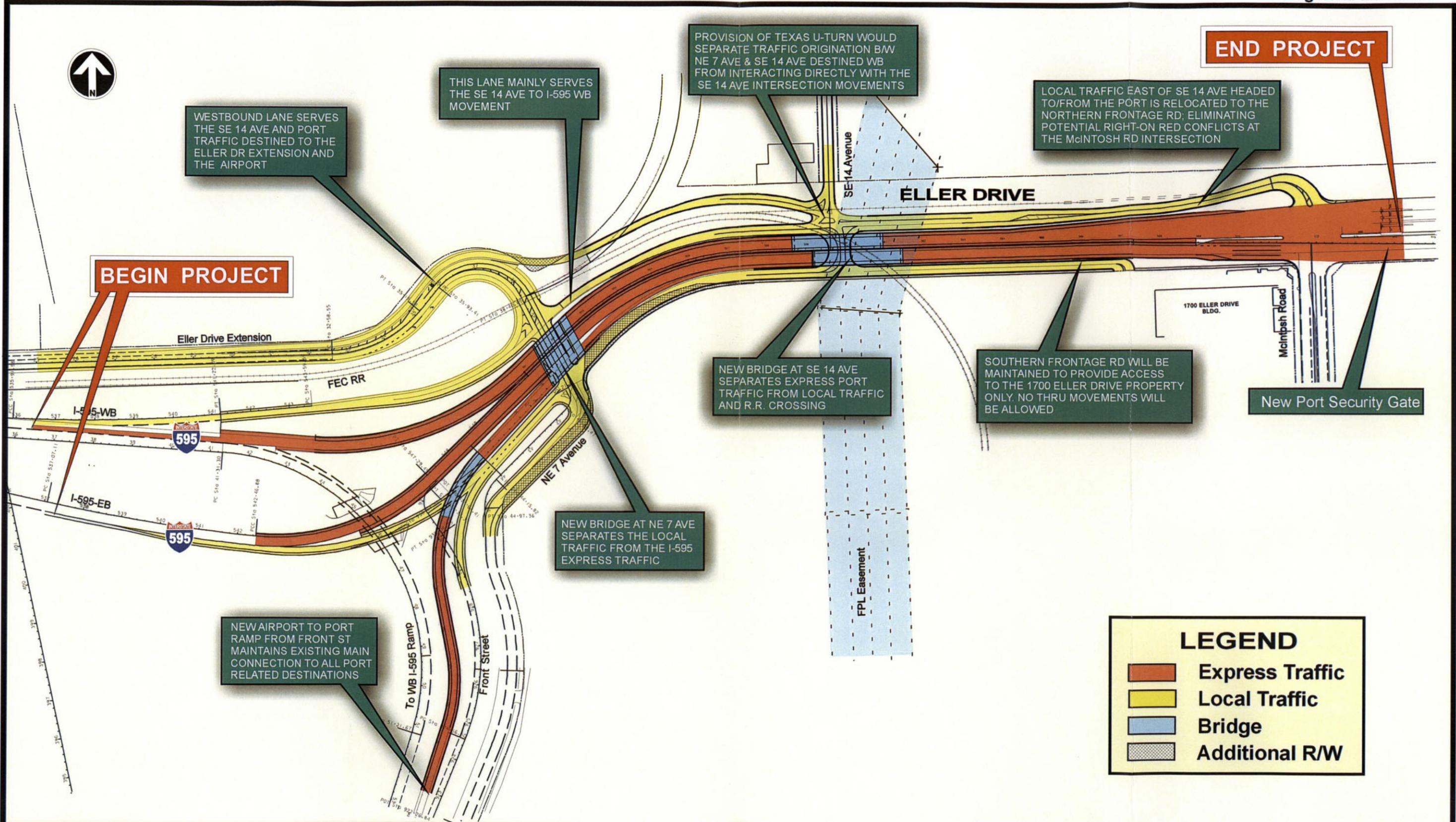
# EXISTING/FUTURE LAND USE PLAN

EXHIBIT 4

N:\Planning\1.1455\Reports\Loc.Hydraulics



**Exhibit 5**  
**Alternative 2-C**



**END PROJECT**

**BEGIN PROJECT**

**LEGEND**

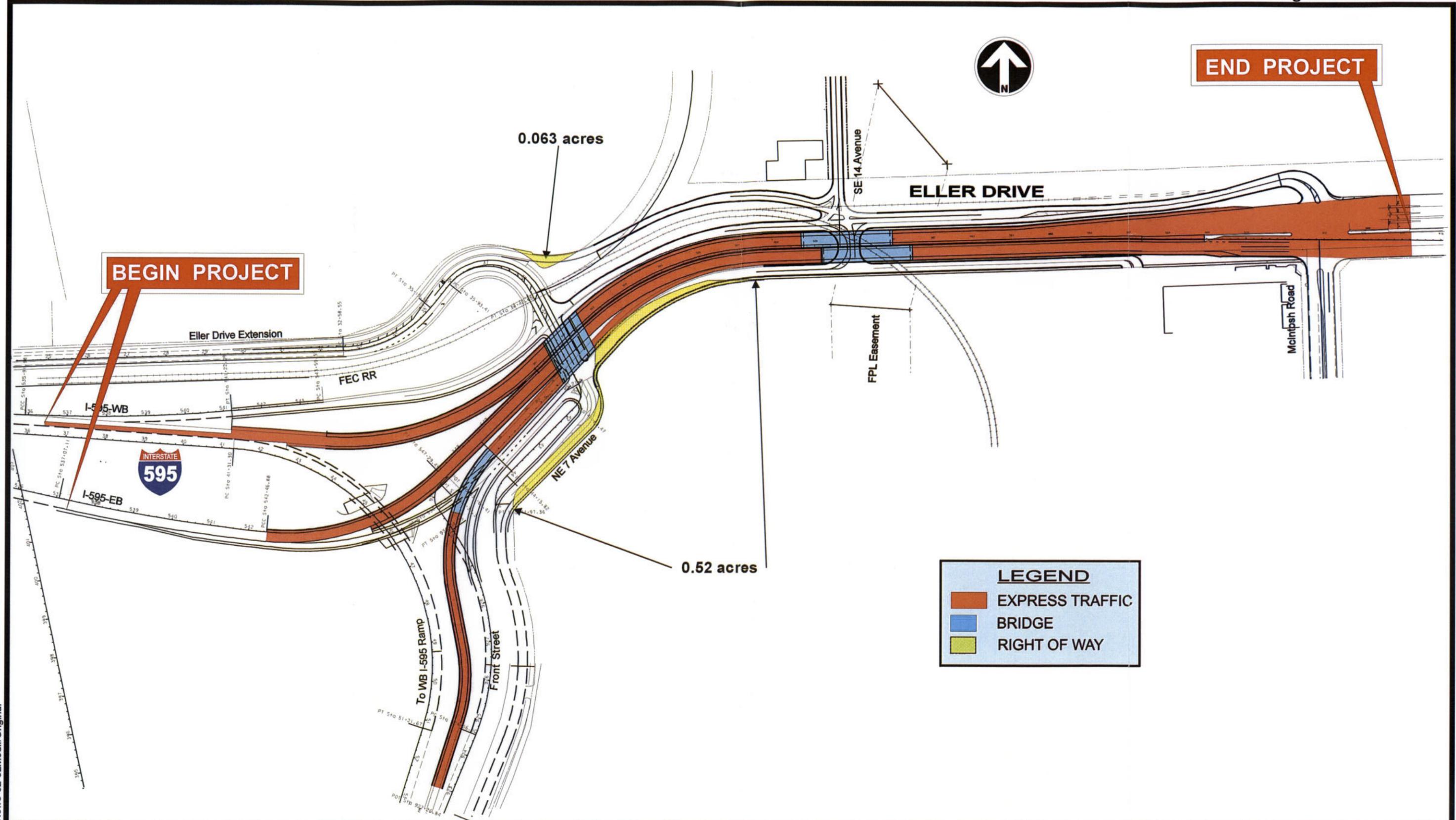
- Express Traffic
- Local Traffic
- Bridge
- Additional R/W



# ALTERNATIVE 2-C

Exhibit NO.  
**5**

**Exhibit 6**  
**Required Additional Right of Way**



**LEGEND**

- EXPRESS TRAFFIC
- BRIDGE
- RIGHT OF WAY

# REQUIRED ADDITIONAL RIGHT OF WAY

Exhibit NO.

6



**Exhibit 7**  
**Response letter from**  
**State Historic Preservation Office**

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

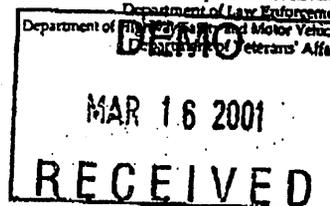
- Office of the Secretary
- Office of International Relations
- Division of Elections
- Division of Corporations
- Division of Cultural Affairs
- Division of Historical Resources
- Division of Library and Information Services
- Division of Licensing
- Division of Administrative Services



MEMBER OF THE FLORIDA CABINET

- State Board of Education
- Trustees of the Internal Improvement Trust Fund
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Siting Board
- Department of Revenue
- Department of Law Enforcement
- Department of Transportation and Motor Vehicles
- Department of Banking and Finance
- Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE  
 Katherine Harris  
 Secretary of State  
 DIVISION OF HISTORICAL RESOURCES



Mr. Ken Campbell, Ph.D.  
 Florida Department of Transportation  
 District Environmental Management Office  
 3400 West Commercial Boulevard  
 Fort Lauderdale, FL 33309

March 13, 2001

RE: DHR Project File No. 2001-01286  
*A Cultural Resource Assessment of the Proposed Grade Separation along Eller Drive over the Florida East Coast Railroad Tracks from US 1 to McIntosh Road, Broward County, Florida. By PanAmerican Consultants, Inc., January 2001*

Dear Mr. Campbell:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), as well as the provisions contained in Chapter 267.061, *Florida Statutes*, implemented through 1A-46, *Florida Administrative Code*, we reviewed the results of the field survey of the above referenced project and find them to be complete and sufficient.

Based on the information contained in the above report, we note that no archaeological sites or historic structures were located as a result of the field survey. We concur with the findings and determinations in the report. It is therefore the opinion of this agency that no historic properties are likely to be located within the proposed project area.

If you have any questions concerning our comments, please contact Ms. Robin Jackson, Historic Sites Specialist at (850) 487-2333 or (800) 847-7278. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Janet Snyder Matthews, Ph.D., Director  
 Division of Historical Resources  
 State Historic Preservation Officer

JSM/Jrj

**Exhibit 8**  
**Water Quality Impact**  
**Evaluation Checklist**

WQIE CHECKLIST

Project Name: Eller Drive PD&E Study

County: Broward

FIN (Financial Number): 403984-1-22-01

Federal Aid Project No.: 56-001R

Short project description: The proposed project begins at the SR 862 (I-595) / SR 5 (US 1) Interchange located within the City of Dania Beach, extends along Eller Drive for approximately 0.65 mile throughout unincorporated sections of Broward County and ends immediately east of McIntosh Road intersection within the City of Hollywood limits. The project includes an overpass to span over the Florida East Coast (FEC) railroad spur, which will serve the future Intermodal Container Transfer Facility (I.C.T.F.) and ensure uninterrupted freight movement to and from Port Everglades, while providing safe and efficient roadway access to the Port facilities. This project proposes the construction of an overpass on Eller Drive and the realignment of Front Street as necessary to improve or maintain the local circulation of traffic between I-595 and Eller Drive. Alternatives will be evaluated to improve the connection between the Port and the Fort Lauderdale Airport and take into consideration proposed developments within the project vicinity. The project corridor is in Range 42 E, Township 50 S, and Sections 22 and 23.

PART 1: DETERMINATION OF WQIE SCOPE

Does project increase impermeable surface area?  Yes  No

Does project alter the drainage system?  Yes  No

If the answer to both questions is no, complete the WQIE by checking Box A in Part 4.

Do environmental regulatory requirements apply?  Yes  No

If no, proceed to Part 4 and check Box B.

PART 2: PROJECT CHARACTERISTICS

20-year design ADT: 19,200. Expected speed limit: 35 mph/hr Drainage area 10.97 hectares 61 %

Impervious 39 % Pervious

Land Use: 0 % Residential 40 % Commercial 50 % Industrial 0 %

Agricultural 8 % Wetlands 2 % Other Natural

Potential large sources of pollution (identify): None

Groundwater receptor (name of aquifer or N/A): Biscayne Aquifer

Designated well head protection area:  Yes  No Name: \_\_\_\_\_

Sole source aquifer:  Yes  No Name: Biscayne Aquifer

Groundwater recharge mechanism: Groundwater recharge of this area is through direct infiltration of rainfall  
(Notify district Drainage Engineer if karst expected)

Surface water receptor (name of N/A):

Classification:  I  II  III  IV  V

Special designation (check all that apply):

ONRW  OFW  Aquatic Preserve  Wild & Scenic River

Special Water  SWIM Area  Local Comp Plan  MS4 Area

Other (specify):

Conceptual storm water conveyances & system (check all that apply):

- Swales       Curb & Gutter       Scuppers       Pipe       French Drains  
 Retention/Detention Ponds       Other

**PART 3: ENVIRONMENTAL REGULATORY REQUIREMENTS**

Regulatory Agency (check all that apply)	Reference citation for regulatory criteria ( <b>attach copy of pertinent pages</b> )	Most stringent criteria (check all that apply)
USEPA <input checked="" type="checkbox"/> NPDES	Federal Register (pt 3), Vol. 57, No 187	<input checked="" type="checkbox"/>
FDEP <input type="checkbox"/>		<input type="checkbox"/>
WMD <input checked="" type="checkbox"/> (South Florida Water Management District)	Chapter 17-302, FAC and Rules, Chapter 40E, Part B, 5.2.1.a.1	<input checked="" type="checkbox"/>
OTHER <input checked="" type="checkbox"/> Broward County Planning & Environmental Protection (DPEP)	Broward County Code, Article V., Sec. 27-200, (b).5 (a-d)	<input checked="" type="checkbox"/>

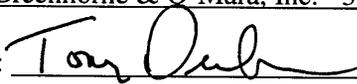
Proceed to Part 4 and check Box C.

**PART 4: WQIE DOCUMENTATION**

- A.     Water quality is not an issue.
- B.     No regulatory requirements apply to water quality issues.  
(Document by checking the "none" box for water quality in Section 6.C.3 of the Environmental Determination Form or Section 5.C.3 of the SEIR.)
- C.     Regulatory requirements applies to water quality issues. Water quality issues will be mitigated through compliance with the quantity design requirements placed by Broward County DPEP an authorized regulatory agency.  
(Document by checking the "none" box for water quality in section 6.C.3 of the Environmental Determination Form or Section 5.C.3 of the SEIR.)

Evaluator Name (print): Tony Drescher, P.E.

Office: Greenhorne & O'Mara, Inc. 3223 Commerce Place, Suite 100, West Palm Beach, Florida 33407

Signature: 

Date: December 10, 2003

**Exhibit 9**  
**Response letter from**  
**Department of Community Affairs**



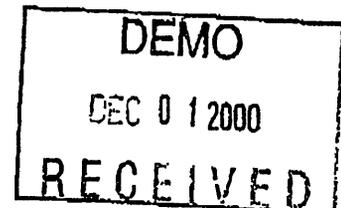
STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

JEB BUSH  
 Governor

STEVEN M. SEIBERT  
 Secretary

November 28, 2000



Mr. Steve Moore, P.E.  
 Department of Transportation - District IV  
 District Environmental Management Office  
 3400 West Commercial Boulevard  
 Fort Lauderdale, Florida 33309-3421

RE: U.S. Department of Transportation - Highway Planning and Construction -  
 Advance Notification - Eller Drive Overpass Bridge from SR 862 (I-595) to  
 McIntosh Road - Financial Project ID No: 403984-1-22-01 - W.P.I. No. (Old):  
 N/A - State Job No. (Old): N/A - Federal Project ID No.: FL56-001-R - Cities of  
 Port Everglades, Hollywood, Dania Beach, and Ft. Lauderdale, Broward County,  
 Florida  
 SAI: FL200010030666C

Dear Mr. Moore:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372,  
 Gubernatorial Executive Order 95-359, Section 216.212, Florida Statutes, the Coastal Zone  
 Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy  
 Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the  
 above-referenced project.

The Department of Environmental Protection (DEP) offers comments and  
 recommendations regarding the proposed project. DEP recommends that the applicant conduct  
 an evaluation of potential impacts to mangroves and other environmental resources within the  
 project area. Efforts to avoid and minimize impacts to these resources should be enumerated.  
 Relevant portions of the mangrove conservation easement should be included in subsequent  
 documentation. DEP will provide a consistency review of the project when the proposed PD&E  
 assessment has been completed and submitted for review. Please refer to the enclosed DEP  
 comments.

The Department of State (DOS) notes that the proposed project will have a cultural  
 resource survey performed. Provided that the applicant completes the survey and appropriately

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
 Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
 Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
 2796 Overseas Highway, Suite 212  
 Marathon, FL 33050-2227  
 (305) 289-2402

COMMUNITY PLANNING  
 2555 Shumard Oak Boulevard  
 Tallahassee, FL 32399-2100  
 (850) 488-2356

EMERGENCY MANAGEMENT  
 2555 Shumard Oak Boulevard  
 Tallahassee, FL 32399-2100  
 (850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT  
 2555 Shumard Oak Boulevard  
 Tallahassee, FL 32399-2100  
 (850) 488-7956

Mr. Steve Moore  
November 28, 2000  
Page Two

avoids, minimizes, or mitigates impacts to any significant archaeological or historic sites identified in the survey, the above project will have no adverse effect. Please refer to the enclosed DOS comments.

The South Florida Water Management District (SFWMD) notes that, under the operating agreement between DEP and the SFWMD, port-related development activities will be reviewed by DEP. Please refer to the enclosed SFWMD comments.

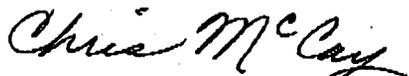
Based on the information contained in the application and the enclosed comments provided by our reviewing agencies, the state has determined that, at this stage, the allocation of federal funds for the above-referenced project is consistent with the Florida Coastal Management Program (FCMP). All subsequent environmental documents prepared for this project must be reviewed to determine the project's continued consistency with the FCMP. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews.

The Department of Community Affairs (Department), pursuant to its role as the state's land planning agency, has reviewed the referenced project for consistency with the relevant local government comprehensive plan. Based on the information contained in the application, the Department has determined that the project is consistent, to the maximum extent feasible, with the applicable comprehensive plan.

In addition, the South Florida Regional Planning Council (SFRPC) has identified the policies and goals of its Strategic Regional Policy Plan which may apply to the proposed activity. The comments provided by the SFRPC are enclosed for your review and consideration.

Thank you for the opportunity to review the advance notification. If you have any questions regarding this letter, please contact Ms. Cherie Trainor, Clearinghouse Coordinator, at (850) 414-5495.

Sincerely,



*for*  
Ralph Cantral, Executive Director  
Florida Coastal Management Program

RC/cc  
Enclosures

cc: Robert Hall, Department of Environmental Protection  
Janet Snyder Matthews, Department of State  
Jim Golden, South Florida Water Management District  
Eric Silva, South Florida Regional Planning Council

**Exhibit 10**  
**Concurrence Letter from**  
**U.S. Fish and Wildlife Service**

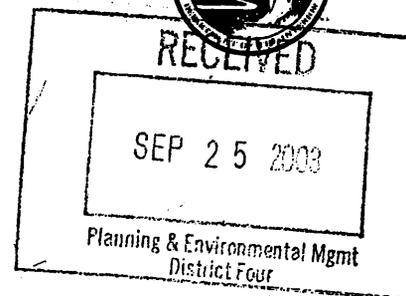


# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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

September 22, 2003



Richard Young  
Florida Department of Transportation  
Planning and Environmental Management  
3400 West Commercial Boulevard  
Fort Lauderdale, Florida 33309-3421

Service Log No.: 4-1-03-I-3984

Project Name: Roadway improvements to Eller Drive  
from Interstate 595/ U.S. Highway 1  
Interchange to McIntosh Road

County: Broward

Dear Mr. Young:

The Fish and Wildlife Service (Service) has received your letter and Endangered Species Biological Assessment, dated September 2, 2003, submitted by the Florida Department of Transportation (FDOT) on behalf of the Federal Highways Administration. The FDOT proposes to construct improvements to Eller Drive. This letter represents the Service's view on the effects of the proposed action on threatened and endangered species in accordance with section 7 of the Endangered Species Act of 1973, as amended (87 Stat. 884; 16 U.S.C. 1531 *et seq.*).

### PROJECT DESCRIPTION

The FDOT proposes to improve a 0.65-mile segment of Eller Drive from the Interstate 595/U. S. Highway 1 interchange to McIntosh Road. Improvements to Eller Drive would consist of the construction an overpass over a segment of Florida East Coast (FEC) railroad tracks proposed to serve the Port Everglades Harbor. The project would also include the realignment of Front Street, N.E. 7<sup>th</sup> Avenue, and S.E. 14<sup>th</sup> Avenue. The purpose of the project is to maintain local traffic movement in the project area. The project site is located in Sections 22 and 23, Township 50 South, Range 42 East in Broward County, Florida.

## THREATENED AND ENDANGERED SPECIES

### Wood Stork

The ESBA indicates that active nesting colonies of the endangered wood stork (*Mycteria americana*) colonies do not occur within 18.6 miles of the project site. Consequently, the FDOT has determined that the project "may affect, but is not likely to adversely affect" the wood stork. However, we have queried our database and found that an active wood stork colony occurs within the Core Foraging Area (CFA) (*i.e.*, within 18.6 miles) of an active wood stork nesting colony (see enclosure). The wood stork colony is located approximately 14.3 miles northwest of the project site in Water Conservation Area 2B. Based on the information provided in the ESBA, it appears that the project will impact wetlands. The Service considers these wetlands to be wood stork foraging habitat.

As the FDOT noted in the ESBA, the Service's *Standard Local Operating Procedures for Endangered Species* (SLOPES) require the applicant to replace lost foraging habitat by at least a 1 to 1 ratio to minimize adverse effects to the wood stork. The compensation plan should include a temporal lag factor, if necessary, to ensure that wetlands provided as compensation are functioning at the same level as impacted wetlands. Moreover, wetlands offered as compensation should be of the same type and hydroperiod, and located within the CFA of the affected wood stork colony. The amount of wetland impacts resulting from the project, and a mitigation plan to compensate for wetland impacts was not provided in the ESBA. However, in an email message dated September 16, 2003, the FDOT committed to provide wetlands mitigation for this project that complies with our SLOPES requirements for the wood stork. Based on this commitment, the Service concurs with the FDOT's determination for the wood stork.

### Bald Eagle

Information provided by the FDOT indicate that nests of the threatened bald eagle (*Haliaeetus leucocephalus*) do not occur within or near the project area. The FDOT has determined that the project may affect, but is not likely to adversely affect the bald eagle. The Service concurs with this determination.

### West Indian Manatee

The project occurs within the geographic range of the endangered West Indian manatee (*Trichechus manatus*). The project will not impact any waters accessible to the manatee. Therefore, the FDOT has determined the project may affect, but is not likely to adversely affect the manatee. The Service concurs with this determination.

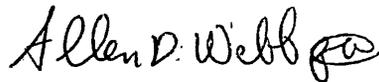
Richard Young  
September 22, 2003  
Page 3

### FISH AND WILDLIFE RESOURCES

The ESBA indicates that the project will result in impacts to wetlands. However, the amount of wetlands impacted and a mitigation plan to compensate for wetland impacts was not provided. We note that some of the wetlands in the project corridor contain mangrove wetlands, a vegetation type that provides valuable habitat for a variety of fish and wildlife species. Accordingly, we recommend that the FDOT develop a mitigation plan that provides type for type mitigation, and that fully compensates for wetland impacts resulting from the project.

Thank you for your cooperation and effort in protecting federally listed species. If you have any questions please contact John Wrublik at 772-562-3909, extension 282.

Sincerely yours,



Linda S. Ferrell  
Assistant Field Supervisor  
South Florida Ecological Services Office

Enclosure

cc:  
FWC, Vero Beach, Florida  
SFWMD, West Palm Beach, Florida  
DEP, West Palm Beach, Florida  
EPA, West Palm Beach, Florida



Wood Stork  
Nesting Colony

Wood Stork  
Core Foraging Area

Project Site

0 20 Miles

# Map of Eller Avenue Improvements Project Area



**From:** richard.young@dot.state.fl.us  
**Sent:** Tuesday, September 16, 2003 3:31 PM  
**To:** john\_wrublik@fws.gov  
**Cc:** ana.gannon@dot.state.fl.us; patrick.webster@dot.state.fl.us; PGOODMAN@G-and-O.com  
**Subject:** Eller Drive Overpass/Wood Stork Core Foraging Area

This e-mail is in response to your request made during our telephone conversation of last week regarding the Eller Drive Overpass PD&E Study #403984-1-22-01.

Based on the fact that the project site lies within the Core Foraging Area (CFA) of the wood stork, the FDOT commits to ensure that there is no net loss of wetlands within the CFA. The replacement of drainage ditches, swales, and retention ponds will be at a 1:1 or greater ratio resulting in no net loss of these areas used for foraging. Impacts to mangrove wetlands and any indirect impacts to adjacent wetlands will be mitigated by adherence to wetland permitting requirements of the FDEP and the USACOE. The FDOT commits to ensure that any wood stork habitat alteration is mitigated within the CFA of known rookeries in the project area. Based on the incorporation of these protection measures, we seek your concurrence that this project "may affect, but is not likely to adversely affect" the wood stork.

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

Richard A. Young, P.E.  
FDOT District Four  
Planning and Environmental Management  
3400 West Commercial Blvd.  
Fort Lauderdale, FL 33309-3421  
richard.young@dot.state.fl.us  
(954) 777-4323 Fax (954) 777-4310



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
South Florida Ecological Services Office  
P.O. Box 2676  
Vero Beach, Florida 32961-2676



July 21, 2000

Andrew E. Sentgeorge  
Florida Environmental Services  
Greenhorne & O'Mara, Inc.  
701 Northpoint Parkway, Suite 100  
West Palm Beach, Florida 33407

Subject: Threatened and Endangered Species - Technical Assistance, Eller Drive  
Expansion PD&E Study

Thank you for your June 7, 2000, letter to the Fish and Wildlife Service (Service) requesting technical assistance on the identification of federally threatened and endangered species in and around a proposed Eller Drive Expansion. This letter provides technical assistance on the protection and conservation of fish and wildlife resources in accordance with section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the provisions of the Fish and Wildlife Coordination Act of 1958 (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*).

## PROJECT DESCRIPTION

The Florida Department of Transportation proposes the expansion of Eller Drive in association with the expansion of the Ft. Lauderdale International Airport and Interstate 595 improvements. The lands along Eller Drive support light industry uses. Wildlife habitat in the general vicinity includes primarily emergent and scrub-shrub wetlands and disturbed Brazilian pepper dominated uplands. The wetlands consist of drainage sloughs within the ramps and roadside drainage ditches. Lands to the east of the intersection of Eller Drive and McIntosh Road support tidally influenced mangrove wetlands.

## THREATENED AND ENDANGERED SPECIES

The Service reviewed our Geographic Information Systems (GIS) database for recorded locations of federally listed threatened and endangered species in or adjacent to the proposed roadway expansion area. The GIS database is a compilation of data received from several sources. No occurrences of federally listed species were identified. The water of the adjacent Florida Intra coastal Waterway support the West Indian manatee (*Trichechus manatus*). The adjacent mangrove wetlands are commonly used by a variety of wetland species of birds including the endangered wood stork (*Mycteria americana*) and many species of migratory birds.

Listed species may be present in suitable ecological communities even if no known locations are recorded in our GIS database. We assume that listed species occur in suitable ecological communities and recommend site surveys to determine the presence or absence of listed species. Ecological communities suitable for listed species can be found in the species accounts in the *South Florida multi-species recovery plan* (1999). This document is available on the internet at [www.fws.gov/r4eao/wildlife/esvb.html](http://www.fws.gov/r4eao/wildlife/esvb.html). No critical habitat has been designated on or adjacent to the project area.

We have also provided for your consideration a table of species by county that are protected as either threatened or endangered under the ESA for counties in south Florida. Because this matrix does not include State-listed species, contact the Florida Fish and Wildlife Conservation Commission to identify those species potentially present in the vicinity.

### FISH AND WILDLIFE RESOURCES

We are also providing you with a list of species that we would consider during our review of any proposal associated with this project. This list represents species that the Service is required to protect and conserve under other authorities, such as the Fish and Wildlife Coordination Act and the Migratory Bird Treaty Act (16 U.S.C. 701 *et seq.*). A variety of habitats in Broward County occasionally provide resting, feeding, and nesting sites for a variety of migratory bird species. As a public trust resource, migratory birds must be taken into consideration during project planning and design.

Thank you for the opportunity to comment. We look forward to working with you in the future. If you have any questions, please contact Allen Webb at (561) 562-3909, extension 246.

Sincerely yours,



for James J. Slack  
Project Leader

South Florida Ecological Services Office

Enclosures

cc:(w/o enclosures)

FWC, West Palm Beach, FL

Broward County Natural Resources Department, Ft. Lauderdale, FL

EPA, West Palm Beach, FL

SFWMD, ERP Permits, West Palm Beach, FL

Date: 7/28/00 7:36 PM  
Sender: Chuck\_Sultzman@fws.gov  
To: ANDREW SENTGEORGE  
Priority: Normal  
Subject: PD&E Study, Eller Drive, Broward County

---

Author: Chuck\_Sultzman@fws.gov at INTERNET  
Date: 7/28/00 3:36:17 PM  
Priority: Normal  
To: ANDREW SENTGEORGE  
Subject: PD&E Study, Eller Drive, Broward County

---

Dear Mr Sentgeorge:

The Fish and Wildlife Service has reviewed the information in your letter and examined the information available to us on the presence of threatened and endangered species in the vicinity of the site. Based on this review, we find no recorded location of federally listed species either on or near the project site. This information has not been verified by a site inspection. No critical habitat has been designated in the vicinity of the site.

Known locations of threatened and endangered species in or adjacent to the proposed project site are based on a review of GIS data maintained by the Service's South Florida Restoration office. The GIS database is a compilation of data received from several sources and is updated as new data is received and resources are available. Listed species may be present in suitable habitat even if no known locations are identified in our database. The Service assumes suitable habitat supports listed species and recommends site surveys to determine the presence or absence of listed species. If you provide information on vegetative communities present on the proposed project site, we could better assist you in determining if your project might impact suitable habitat for listed species.



ENVELOPE.TXT

**Exhibit 11**  
**Concurrence Letter from**  
**Florida Fish & Wildlife Conservation**  
**Commission**

# FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



EDWIN P. ROBERTS, DC  
Pensacola

RODNEY BARRETO  
Miami

SANDRA T. KAUPE  
Palm Beach

H.A. "HERKY" HUFFMAN  
Enterprise

DAVID K. MEEHAN  
St. Petersburg

JOHN D. ROOD  
Jacksonville

RICHARD A. CORBETT  
Tampa

KENNETH D. HADDAD, Executive Director  
VICTOR J. HELLER, Assistant Executive Director

OFFICE OF ENVIRONMENTAL SERVICES  
255 154th Avenue  
Vero Beach, FL 32968  
(772) 778-5094 SunCom 240-5094  
FAX (772) 778-7227 SunCom 240-7227

November 5, 2003

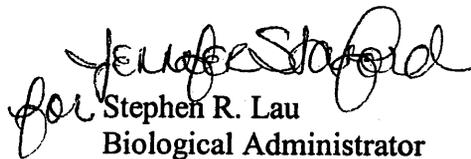
Richard Young  
Florida Department of Transportation  
Planning and Environmental Management  
3400 West Commercial Blvd.  
Ft. Lauderdale, FL 33309-3421

Re: Eller Drive Roadway Improvements  
from US 1 to McIntosh Road,  
Broward County

Dear Mr. Young:

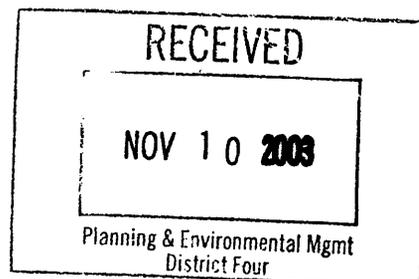
The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission has reviewed the referenced project. Based on the information provided we do not anticipate any significant impacts to fish and wildlife resources from this project. However, the project will impact an unknown amount of wetlands which should be fully mitigated, type for type.

Sincerely,

  
for Stephen R. Lau  
Biological Administrator

ENV 1-13-2

SRL/js



# FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



JAMES L. "JAMIE" ADAMS, JR.  
Bushnell

BARBARA C. BARSH  
Jacksonville

QUINTON L. HEDGEPEETH, DDS  
Miami

H.A. "HERKY" HUFFMAN  
Deltona

DAVID K. MEEHAN  
St. Petersburg

JULIE K. MORRIS  
Sarasota

TONY MOSS  
Miami

EDWIN P. ROBERTS, DC  
Pensacola

JOHN D. ROOD  
Jacksonville

JAN L. EGHEKI, Ph.D., Executive Director  
TOR J. HELLER, Assistant Executive Director

OFFICE OF ENVIRONMENTAL SERVICES  
255 154<sup>TH</sup> Avenue  
Vero Beach, FL 32968  
(561) 778-5094 SunCom 240-5094  
FAX (561) 778-7227 SunCom 240-7227

October 6, 2000

Andrew E. Sentgeorge  
Florida Environmental Services  
Greenhorne & O'Mara, Inc.  
701 Northpoint Parkway, Suite 100  
West Palm Beach, Florida 33407

Re: Eller Drive P, D & E Study,  
Broward County

Dear Mr. Sentgeorge:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission has reviewed and concurs with your list of potential listed species for the referenced project.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen R. Lau".

Stephen R. Lau

SRL/js

ENV 1-13-2

OCT 10 2000