



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
10117 PRINCESS PALM AVENUE, SUITE 120
TAMPA, FLORIDA 33610

January 14, 2013

REPLY TO
ATTENTION OF

Tampa Permits Section
SAJ-2011-00551 (IP-TEH)

Ms. Michele Baker
Pasco County Board of County Commissioners
7530 Little Road, Suite 320
New Port Richey, Florida 34654

Mr. John Post, Jr.
Florida Department of Transportation
Florida's Turnpike Enterprise
Post Office Box 613069
Ocoee, Florida 34761

Dear Ms. Baker and Mr. Post:

This is in reference to your permit application requesting authorization from the U.S. Army Corps of Engineers (Corps) to impact waters of the United States in association with a project known as "Ridge Road Extension" (SAJ-2011-00551 (IP-TEH)).

The Public Notice for this application, released November 28, 2011, describes the overall project purpose as follows:

To improve east-west roadway capacity between US-19 and US-41 and enhance overall mobility in both west and central Pasco County in accordance with the County's current Comprehensive Plan and the Metropolitan Planning Organization's Long Range Transportation Plan. The project will also provide additional roadway capacity and improved routing away from coastal hazard areas and improve hurricane evacuation clearance times in the event of a hurricane or other major weather-related occurrence in accordance with State of Florida requirements and the County's current Comprehensive Plan.

The Corps requested information pertaining to the alternatives analysis for this project in a Request for Additional Information (RAI) letter dated July 23, 2012. The Corps clarified in this RAI that the western boundary for the alternatives analysis should not be US-19, as featured in the public notice. The preferred alternative provides increased roadway capacity east of the Moon Lake Road – Starkey Boulevard north-south corridor. Therefore, the Corps stated that an appropriate analysis will examine similar gains in capacity along SR-52 and SR-54 east of the

Moon Lake Road – Starkey Boulevard north-south corridor. This refinement of the project purpose was discussed in meetings between the Corps, Pasco County and Florida Department of Transportation (FDOT) on August 21, 2012 and November 15, 2012.

On December 17, 2012, the Corps received a letter from Pasco County requesting that the project purpose be revised to limit the location of the roadway to a “centrally located arterial roadway.” By letter dated December 18, 2012, the Corps rejected the redefinition of the project purpose and responded that redefining the project purpose in this way would effectively eliminate the consideration of any alternative other than the Ridge Road Extension alignment alternatives, which would eliminate alternatives that could otherwise meet the project purpose. Accordingly, the Corps requested that Pasco County and FDOT provide an outline of alternatives that meet the project purpose as refined in our July 23, 2012 correspondence, as follows:

To improve east-west roadway capacity and enhance overall mobility within the area bounded by SR-52 to the north, SR-54 to the south, US-41 to the east, and Moon Lake Road / DeCubellis Road / Starkey Boulevard to the west in accordance with the County's current Comprehensive Plan and the Metropolitan Planning Organization's Long Range Transportation Plan. The project will also provide additional roadway capacity and improved routing away from coastal hazard areas and improve hurricane evacuation clearance times in the event of a hurricane or other major weather-related occurrence in accordance with State of Florida requirements and the County's current Comprehensive Plan.

The Corps asked that this submittal include any information Pasco County and FDOT would like the Corps to consider regarding the elimination of alternatives and be provided no later than January 17, 2013. In response to this, the Corps received a letter from Pasco County's counsel, Steve Lewis, on January 4, 2013, that disagreed with the Corps's definition of the overall project purpose and reiterated that the Corps should revise the project purpose to limit it to a centrally located arterial roadway.

According to Corps Regulations, 33 C.F.R. § 325 Appendix B, Paragraph 9.b.(4), the Corps must independently define the project purpose for both National Environmental Policy Act (NEPA) and Clean Water Act (CWA) with input from the applicant, the public, and other Federal Agencies. On November 28, 2011 the Corps released the public notice for this project. The Corps solicited comments from the public, other Federal Agencies, and both FDOT and Pasco County throughout the public comment period. Prior to releasing the public notice, Pasco County and FDOT were involved in ensuring that the public notice accurately reflected

information pertaining to the project and made suggestions and revisions to ensure that accuracy. Significantly, Pasco County and FDOT did not suggest that the project purpose be revised to only consider a "centrally located arterial roadway."

The NEPA requires an examination of all reasonable alternatives to be considered during an agency's analysis of a project. Reasonable alternatives are those that are practicable or feasible from a technical and economic standpoint, not those that are simply desirable from the standpoint of an applicant. Similarly, the CWA 404(b)(1) Guidelines state that "[a]n alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes."

Because the project purpose forms the basis of the alternatives analysis, the same level of scrutiny that would be applied in conducting the alternatives analysis should apply in the definition of the project purpose. Since the degree of scrutiny applied in conducting the alternatives analysis should be commensurate with the significance and complexity of the proposed discharge activity, the degree of scrutiny in considering the applicant's project purpose should also be commensurate with the significance and complexity of the proposed discharge activity. In this instance, the preferred alternative proposes to impact approximately 59 acres of aquatic resources, bisect 18,000 acres of contiguous native habitat within the Jay B. Starkey Wilderness Preserve, and potentially impact listed endangered species. An indication that an applicant's proposed project purpose is not significantly rigorous is that its geographic scope does not contain off-site alternatives that appear to otherwise satisfy the project purpose. By proposing to limit the geographical scope of the project purpose to a centrally located arterial roadway, Pasco County and FDOT are eliminating the need to evaluate off-site alternatives that could otherwise satisfy the original project purpose. If the project purpose remains the same as the one released in the public notice (with modification of the western boundary as noted above) alternatives remain available that meet the project purpose. Accordingly, the Corps considers the project purpose as written in the public notice and modified in the December 18, 2012 correspondence to meet the requirements of Corps regulations, CWA, and NEPA.

In the Corps's August 20, 2012 meeting with Pasco County and FDOT, the Corps requested that Pasco County and FDOT provide an outline of alternatives, including any information that Pasco County and FDOT would like the Corps to consider regarding the elimination of alternatives. This was also requested in our November 16, 2012 correspondence and in our December 18, 2012 correspondence. In our December 18, 2012 correspondence, we requested that this information be provided to the Corps no later than January 17, 2013. Pasco County's responses on December 17, 2012 and through counsel on January 4, 2013, did not provide an outline of alternatives, as requested.

In order to facilitate the completion of the alternatives analysis, the Corps has determined that the alternatives that must be evaluated include: 1) the no-action alternative; 2) the Ridge Road Extension alignments (6B, 6D-6G); 3) improvements to (or construction of) SR-52, SR-54, Tower Road, and Ridge Road Extension that combine to provide 4 additional/new lanes¹; 4) the construction of 4 elevated lanes on SR-52 and SR-54; and 5) a fully elevated Ridge Road Extension through the Serenova Tract.

The contents of this letter and recent discussion render your response to Items 1-6 of our July 23, 2012 RAI unnecessary. At this time, we ask that you provide a full response to the remaining items listed in the July 23, 2012 RAI, including but not limited to the completed alternatives analysis. Please provide this information no later than February 13, 2013. If you do not respond with the requested information or a justification why additional time is necessary, then your application will be considered withdrawn or a final decision will be made, whichever is appropriate. If additional time is requested, the district engineer will either grant the time, make a final decision, or consider the application withdrawn.

Should you have any questions or comments regarding this letter, please contact Tracy Hurst of my staff at the letterhead address, by phone at 813-769-7063, or by electronic mail at Tracy.E.Hurst@usace.army.mil.

Sincerely,



Kevin D. O'Kane
Chief, Tampa Permits Section

cc:

Mr. Ron Meidema
Wetlands and Marine Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St.
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Mr. Steve Lewis
Lewis, Longman & Walker, P.A.
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Tallahassee, FL 32301

¹ e.g., adding 2 lanes to SR-52 and 2 lanes to SR-54, for a total of 4 lanes, etc.