UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JAN 27 2012

Colonel Alfred A. Pantano Jr.
District Engineer
Jacksonville District, Corps of Engineers
Attn: Tracy Hurst
U.S. Army Corps of Engineers
10117 Princess Palm Avenue, Suite 120
Tampa, Florida 33610

Subject: Comments on Proposed Ridge Road Extension, Public Notice SAJ-2011-00551
Pasco County Board of Commissioners and Florida Turnpike Enterprise, Applicants

Dear Colonel Pantano:

This letter serves as the comments from the U.S. Environmental Protection Agency regarding the subject public notice by the U.S. Army Corps of Engineers (Corps), for the proposed Ridge Road Extension project in central Pasco County, Florida. The same roadway alignment and location was reviewed by the Corps and the EPA through a Corps public notice (SAJ-1998-02682) published in 2000, and the preferred alignment and project alternative for the proposed roadway has remained unchanged by the applicants since that first review. The EPA commented about this proposed roadway project through five separate comment letters provided to the Corps between 2000 and 2007. These prior EPA comments focused on the project purpose definition and the Least Environmentally Damaging Project Alternatives (LEDPAs) for different roadway alignments and widenings, and our concern with these issues remains the same today with this current subject public notice published in November 2011.

This letter summarizes the EPA's position on this project, concentrating specifically on the Clean Water Act (CWA) Section 404 (b)(1) Guidelines (Guidelines) and the implementing regulations at 40 CFR Part 230. The purpose of the Guidelines is to restore and maintain the chemical, physical and biological integrity of waters of the United States. These goals are achieved, in part, by prohibiting discharges of dredged or fill material that would result in avoidable or significant adverse impacts on the aquatic environment. The burden to demonstrate compliance with the Guidelines rests with the permit applicant.

As shown in the public notice exhibits, the proposed Ridge Road Extension project is a four-lane divided roadway, extending in an east-west direction, to connect Moon Lake Road with U.S. Hwy. 41, in central Pasco County, Florida. Suncoast Parkway, a toll highway operated by Florida Turnpike Enterprise, bisects the project area in a north-south direction and would have a full interchange with the proposed roadway. Ridge Road Extension would be constructed in two phases, with the segment west of Suncoast Parkway designated as Phase I at four lanes wide and the segment east of Suncoast Parkway designated as Phase II at two lanes wide until later expanded to four lanes wide at an unspecified time in the future. Several stormwater management basins and seven access points with other local roads also are included in the proposed roadway plan.

The EPA has completed its latest review of this project from the information and mapping contained in the public notice submittal package, which includes extensive project documentation and past correspondence posted at the Corps website. We also have discussed the proposed project with Pasco County officials and public parties interested in the site. In addition to this review, we also conducted two site inspections held on July 22 and September 21, 2011, along with the Crops, representatives of Pasco County government and Florida Turnpike Enterprise, various project consultants and interested public parties. These EPA site inspections included examinations of most wetland units and surrounding open land areas within the proposed Phase I road corridor (west of Suncoast Parkway).

As indicated in the subject public notice submittal package, the proposed roadway area would directly and adversely impact more than 59 acres of wetlands, comprised mostly as cypress-dominated and bottomland hardwood swamps, wet prairie, wetland scrub and other shrub-dominated native wetland plant communities. The proposed Ridge Road Extension also would impact five stream crossings, including the main channel of Pithlachascotee River and headwaters of Anclote River, Cross Cypress Branch tributary and other unnamed headwater tributaries.

From our own recent field inspections of the Phase I segment, the EPA considers these wetland areas to exhibit high quality ecological functions, based upon their intact native plant communities, lack of any substantial invasive vegetation, relatively large stands of mature cypress (*Taxodium distichum*) trees in wetlands scattered throughout the site and field indicators of seasonally fluctuating water levels and a natural wetland hydroperiod. The Phase II section at the eastern portion of the proposed project area also appears to exhibit similarly high quality wetland functions, based upon our examination of aerial photos, various maps and views across the western boundary fence.

The proposed Ridge Road Extension Phase I corridor bisects the Serenova Tract property (6,533 acres) that is a northern addition to the larger Starkey Wilderness Preserve, owned and managed by Southwest Florida Water Management District. The Serenova Tract features a wellfield that contributes to the regional water supply system. The EPA considers wetlands of the Starkey Wilderness Preserve and the upper Pithlachascottee River and Anclote River watersheds to be Aquatic Resources of National Importance (ARNI), based upon their existing and intact wetland functions, including wildlife habitat, groundwater recharge and water quality enhancements for the nearby downstream estuaries.

Jurisdictional Determination and Wetland Functional Assessments

Although the public notice outlines wetland impacts from the proposed roadway project, these calculations of wetland areas, wetland descriptions and a Uniform Mitigation Assessment Methodology or other wetland functional assessments have not been verified by the Corps and the EPA through a current jurisdictional determination. The jurisdictional determinations in the public notice submittal package appear to be more than 10 years old. The Corps has sent several letters to the applicants during the past few years, expressing this concern that the jurisdictional determination or related reports provided by the applicants are too old to be valid or never were completed.

The EPA concurs with these stated concerns by the Corps and we point out that a jurisdictional determination under the Clean Water Act is valid no more than 5 years. This 5-year limitation is affirmed under Regulatory Guidance Letters nos. 05-02 and 08-02 by the Corps, which also indicate that the Corps District Engineer may require a jurisdictional determination to be conducted more often than 5 years when field conditions warrant, such as with altered surface and groundwater levels.

For the Serenova Tract, where the western Phase I segment of the proposed Ridge Road Extension would be constructed, a current wetland jurisdictional determination especially needs to be completed carefully, consistent with these Corps Regional Guidance Letters and supported by recent scientific research that shows complex hydrogeologic conditions that may be leading to recovery and expansion of the existing wetlands of the site. Groundwater levels recently have risen since the local utility, Tampa Bay Water, has steadily reduced groundwater pumping since 2007, and has shifted to other water supply sources, including surface water reservoirs and ocean water desalination, since 2002.

Recent groundwater and wetland water levels of the Serenova Tract site were examined for a 2011 research publication by the U.S. Geological Survey (report 2011-5127, "Factors that Influence the Hydrologic Recovery of Wetlands in the Northern Tampa Bay Area"). That research also indicates a complex of variables, such as topographic setting, underlying sediment permeability, recent karst activity (sinkholes) and depth to the Upper Floridan aquifer, all will influence wetland hydrology and may be occurring at the Serenova Tract site. All of these interrelated hydrogeologic factors indicate that a current jurisdictional determination should be conducted for the proposed Ridge Road Extension project, including alternative project road routes, before the Corps can assess wetland impacts and substantially review any permit application for the proposed project.

Alternatives Analysis

Another major concern the EPA has with the Ridge Road Extension project lies in its location or alignment as proposed by the applicants to be the preferred project alternative to meet the project purpose. In brief, the two-fold project purpose as stated in the public notice is: (1) to provide additional roadway capacity and circulation in an east-west direction for central Pasco County and (2) to improve routing away from coastal hazard areas and improve hurricane evacuation times.

While the alternatives analysis provided by the applicants does conclude that the proposed Ridge Road Extension alignment is the preferred project as determined through an unspecified transportation planning method that emphasizes impacts to urbanized and developed properties, that same alternatives analysis provided by the applicants also acknowledges that the proposed Ridge Road Extension route also would yield the most total wetland impacts. As described in a recent letter from the Corps, addressed to Michele Baker of Pasco County and dated September 9, 2010, that alternatives analysis provided by the applicants is too incomplete on site-specific details and does not represent an adequate analysis to determine the LEDPA under the Guidelines, which the Corps must follow for permit decisions with joint oversight by the EPA.

The Corps still must make a finding about which roadway alternative route meets the LEDPA standard to be selected. The EPA recommends the consideration of multiple alternatives in the LEDPA determination process, including an alternative that would widen the existing State Route 52. This route is an east-west highway that spans the project area and already connects Moon Lake Road with U.S. Hwy. 41.

Another alternative road project that should be evaluated and may help to meet the project purpose more quickly and efficiently and result in far less wetland impacts, would be to initiate the existing project already identified in local plans and funded to widen Moon Lake Road from 2 to 4 lanes (and eliminate the proposed Ridge Road Extension), thereby improving traffic circulation in a north-south direction and thus more readily allowing traffic access to the existing State Routes 52 and 54 that extend in an east-

west direction. To address hurricane evacuation needs as stated in the project purpose, options for temporary reverse-directional lane configurations on State Routes 52 and 54 also should be analyzed, which was not done conclusively in any analysis in the public notice submittal package of documents and reports. Additionally, other combinations of local roadway and highway widenings and other infrastructure improvements should be considered in the alternatives analysis and LEDPA determination process. Additionally, an assessment of direct, secondary and cumulative impacts of alternatives have not been sufficiently addressed to support issuance of a permit at this time.

Traffic Modeling

The LEDPA analysis and any National Environmental Policy Act review process by the Corps should include a focused traffic modeling study as part of any Environmental Impact Statement. This review process should evaluate options for hurricane evacuation and associated public safety options, such local shelter facilities or shelter-in-place options. The Tampa Bay Regional Planning Council also should be consulted as the expert agency for local hurricane evacuation issues and predictive modeling on traffic congestion points during an evacuation, with and without various potential road projects as alternatives to the proposed Ridge Road Extension.

Updated and thorough traffic modeling for future analyses also is needed for the evaluation of how the project purpose may be attained under different project alternatives identified, especially considering how the public notice submittal package by the applicant seems to be based upon an analysis from 2001 for traffic conditions projected for 2020 and 2025. That analysis from September 2001 concludes that the proposed Ridge Road Extension in 2020 would yield traffic Levels of Service (LoS, a measurement of congestion) at level C (moderate) for the Phase I (western) segment and level E/F (unstable or jammed congestion) for the Phase II (eastern) segment of the proposed roadway. Concurrently, the same analysis in the 2001 report predicts that congestion in 2020 would be less (LoS at B/C) for the existing State Routes 52 and 54 as other alternatives. This traffic modeling report in the public notice package implies that a Ridge Road Extension alternative would be congested with traffic as soon as it is built in 2020, exceeding congestion at the alternative routes identified as State Routes 52 and 54. Also, as the applicant-preferred project alternative, it would not be fulfilling the stated project purpose or at least a goal to improve traffic congestion.

In the LEDPA determination process, the EPA recommends that the Corps clarify how practicability is defined for this proposed project. Submittal reports by the applicants declare that project financial cost is the sole basis for their practicability determination and that cost is a "fatal flaw" and a justification for why the proposed Ridge Road Extension project alternative is the only practicable option. The applicants further contend that other potential project alternatives, such as widening of existing highways, are considered to have this financial "fatal flaw" because their cost estimates exceed the amount of funding already secured or anticipated several years ago for the Ridge Road Extension alternative. The EPA recommends that the Corps require an updated cost estimate be determined for all of the proposed project alternatives given the marked changes in the economy and heightened competitive bidding during the past few years, post-Recession.

Wetland Mitigation

Wetland mitigation proposals are included as lengthy reports with the public notice submittal package. In general, these proposals identify several tracts of nearby open space lands (cumulatively several thousand acres in size) that in various combinations could be acquired and preserved as off-setting

mitigation, with some additional but unspecified enhancement or restoration of existing wetlands once site management plans are developed. The mitigation plan presented by co-applicant Pasco County, to offset unavoidable impacts to 48 acres of aquatic resources associated with Phases I and II of the proposed Ridge Road Extension roadway, includes options for preservation, under unspecified conservation easements, of the River Ridge site coupled with the preservation of the 4G Ranch Critical Linkage Corridor, the Crockett Lake site, or the Starkey Ranch site, all of which presently are privately owned lands with cattle ranches.

The mitigation plan presented by co-applicant Florida Turnpike Enterprise proposes a suite of options that the applicants propose will offset the proposed impacts to 12 acres of aquatic resources associated with the proposed Suncoast Parkway interchange with Ridge Road Extension. The three wetland mitigation options proposed include preservation of Cone Borrow Pit property, purchase of mitigation credits from Southwest Florida Water Management District to develop a project at their nearby Conner Preserve site and a proposed calculation of "excess mitigation credit" provided at the existing Serenova Tract site from when Suncoast Parkway was constructed almost 10 years ago.

While many of these proposed wetland mitigation-as-preservation sites and scenarios may be meritorious from a broader land and habitat conservation perspective outside of a regulatory context, none of these proposed mitigation actions are consistent with the CWA, Guidelines, including the 2008 Mitigation Rule that the Corps and the EPA must follow when evaluating a permit application. Under the Guidelines including the 2008 Mitigation Rule, the LEDPA first must be selected and then a sequence of wetland impact avoidance, minimization and lastly compensation must be demonstrated by the proposed project before the various kinds of mitigation activities proposed by the applicants can be considered.

The wetland mitigation options proposed by the applicants consist almost entirely of land preservation actions, which would be the lowest priority under the compensatory mitigation sequencing approach specified in the 2008 Mitigation Rule. As existing agricultural or highway corridor lands, the land preservation sites proposed as mitigation also do not appear to be under threat of urban development or other disturbances, also making them lower priority for the EPA to consider these sites as appropriate mitigation. A portion or the entire 4G Ranch site also lies outside the watersheds where the wetland impacts are proposed, further making that site ineligible as compensatory mitigation under the 2008 Mitigation Rule.

Because wetland impact avoidance and minimization have not been adequately demonstrated, it is premature for the EPA to consider any type of mitigation plan and details of any conservation easements. A detailed review and comment by the EPA regarding the specific offsetting mitigation proposed also would be premature and would be inappropriately speculative at this time until the LEDPA is selected by the Corps.

Conclusion

Based on the above observations, the EPA has determined that the project, as currently proposed, does not comply with the Guidelines and may have substantial and unacceptable adverse impacts on an ARNI. Therefore, we recommend denial of the project, as currently proposed. This letter follows the field-level procedures outlined in the August 1992 Memorandum of Agreement between the EPA and the Department of the Army, Part IV, paragraph 3(a) regarding Section 404(q) of the CWA.

Thank you for the opportunity to comment on the subject public notice for the proposed Ridge Road Extension project. We are available to continue any further coordination with the Corps and other interested parties. If you have any questions, please contact David Pritchett at telephone (404) 562-8004 or email pritchett.davida@epa.gov.

Sincerely,

for James D. Giattina
Director
Water Protection Division